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Alisa Perren

Georgia State University, aperren@gsu.edu

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Alisa Perren

sex, lies and marketing

Miramax and the Development of the Quality Indie Blockbuster

The origins of an *American Beauty* are in 1989 with Steven Soderbergh doing that kind of movie.

—Harvey Weinstein, 2000¹

In 1989, the world of independent distribution was in disarray. While the appearance of the video market in the 1980s had helped spur the emergence and expansion of a number of independent distributors, by the end of the decade several of these same companies—including Vestron, Island, and Cinecom—had overextended themselves by investing heavily in larger budget, in-house productions. Consequently, by 1989, many within the industry were predicting the death of the independent distributor. However, what seemed to be the decline of independent distribution was actually an “independent shakedown,” a label presciently attached to the period by *Los Angeles Times* writer Daniel Cerone in June 1989.² Cerone saw that it was a transitional time within the independent world. While the vast majority of independent distributors who had thrived in the 80s were forced to declare bankruptcy by the end of the decade, a few companies were positioned to make a significant mark on the industrial structure and aesthetics of low-budget filmmaking in the 90s. At the head of the pack was Miramax.

The August 1989 release of *sex, lies and videotape* by Miramax marked a turning point in American independent cinema. In fact, the film should be per-

ceived as central to the development of New Hollywood aesthetics, economics, and structure.³ *sex, lies and videotape* ushered in the era of the “indie blockbusters”—films that, on a smaller scale, replicate the exploitation marketing and box-office performance of the major studio high-concept event pictures.⁴ On a cost-to-earning ratio, Steven Soderbergh’s creation—with its \$1.1 million dollar budget and \$24 million plus in North American box office—was a better investment than *Batman*, which—at an investment of \$50 million—returned \$250 million in domestic box office.⁵

These figures begin to suggest how *sex, lies and videotape* helped to set the standard for low-budget, niche-based distribution in the 90s and to lay the groundwork for a bifurcation within the entertainment industry.⁶ In the ten years following the release of *sex, lies and videotape*, each major studio or media conglomerate created or purchased at least one specialty division. These divisions generally operated relatively autonomously from the studio in terms of production and distribution. In the wake of Disney’s April 1993 purchase of Miramax, a number of studio-based niche operations emerged, including Universal Focus, Para-

mount Classics, and Fox Searchlight. The studios focused predominantly on the distribution of big-budget spectacles, while studio-based subsidiaries (which Miramax became in 1993, when Disney purchased the company) focused predominantly on smaller-scale quality pictures that centered on the foibles of well-developed characters.⁷ While the majors favored projects such as *The Rock* (1996), *Con Air* (1997), and *Enemy of the State* (1998), studio subsidiaries developed such films as *Shine* (1996), *Good Will Hunting* (1997), and *The Cider House Rules* (1999). But it was *sex, lies and videotape*, in the skillful hands of Miramax, that redefined the label of “independence” as it was used by the press and the entertainment industry. During the years that followed its release, a number of films would replicate its financial success and media attention. And the vast majority of these would be theatrically distributed in the U.S. by Miramax.

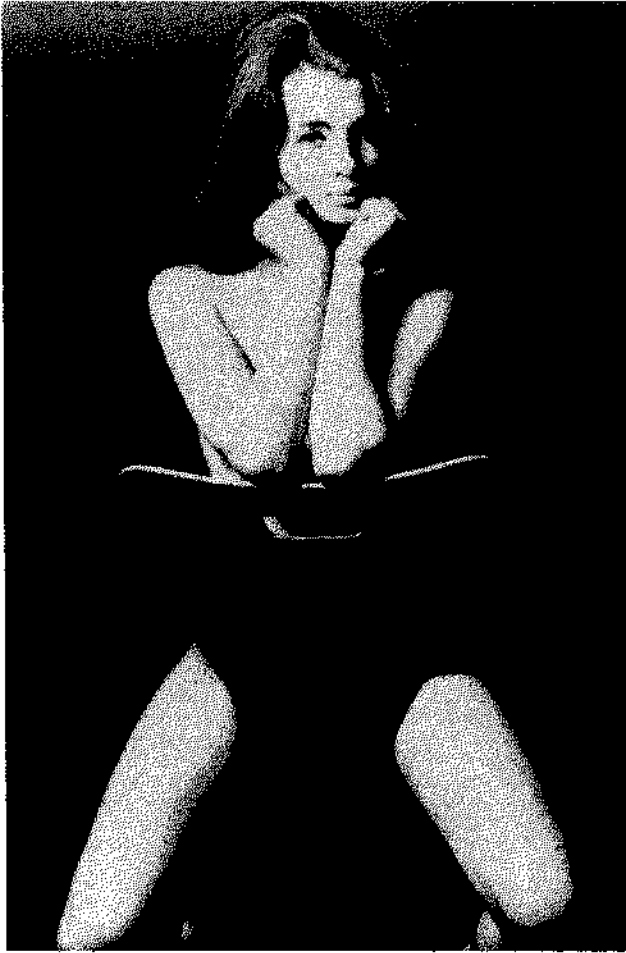
Miramax in the 1980s

Founded in downtown Buffalo, New York, in 1979 by brothers Harvey and Robert (Bob) Weinstein, Miramax began, like many low-budget distributors of the late 70s and early 80s, by booking live rock-and-roll acts as well as exhibiting classic films and concert movies. But the Weinsteins soon branched out, first with film festivals that screened cult favorites and foreign-language films, and then by moving into production and distribution. They made the kinds of movies that the studios weren't interested in but that had developed into profitable ventures by virtue of the emergence of the home video market. As they slowly expanded during the course of the 80s, the Weinsteins and their staff grew increasingly adept at selling positive images of themselves and their company along with their films. They became known for employing exploitation marketing tactics to promote their movies, with publicity stunts ranging from encouraging *Erendira* (1983) actress Claudia Ohana to pose for *Playboy* to setting up actor Daniel Day-Lewis, who portrayed cerebral palsy sufferer Christy Brown in *My Left Foot* (1989), to testify before Congress on behalf of the Americans With Disabilities Act.

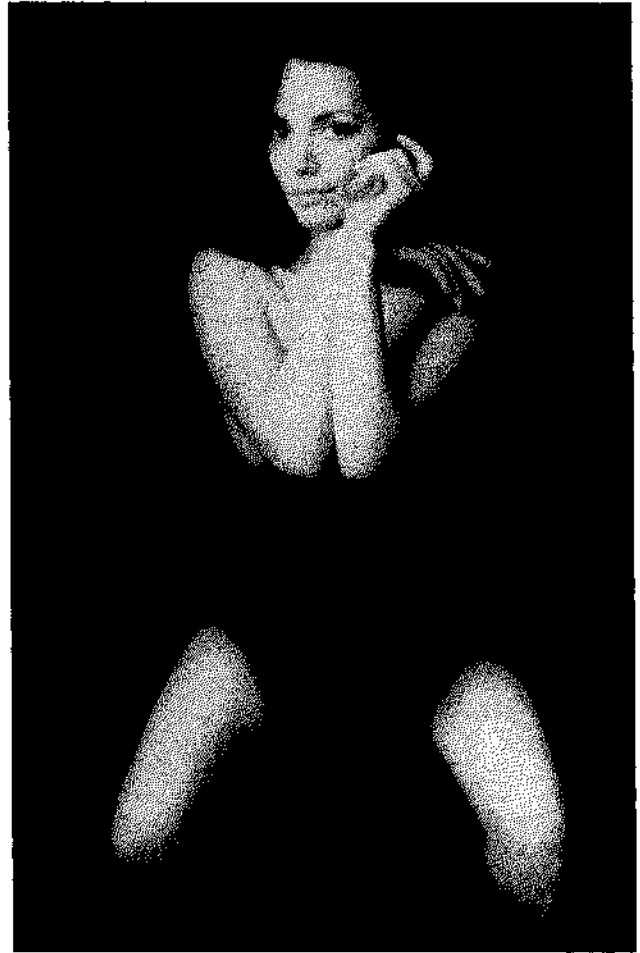
Because the company's executives were so skilled at selling positive images of themselves and their films (including *sex, lies and videotape*), reconstructing a history of Miramax becomes a complicated task. It is often hard to distinguish legitimate claims from exaggeration. Yet in spite of Miramax's effective integration of myth and fact, a number of details about the contours of the company's development can be untangled from the mix.

During the 80s, Miramax consistently released three to four films per year. Except for a few failed efforts in production, including the 1986 co-directorial effort *Playing for Keeps* (released through Universal), the company focused mainly on acquiring and distributing films produced by outside companies. Miramax was interested in a range of documentary, foreign-language, and art house-oriented films, basing their choices on three criteria. First, they selected movies that could be promoted as quality pictures—films that aspired to the status of “art” in terms of style and narrative construction. These movies were often promoted at least in part on the merits of their director's unique vision. Such films—examples are Lizzie Borden's *Working Girls* (1987), Bille August's *Pelle the Conquerer* (1987), and Errol Morris's *The Thin Blue Line* (1988)—had the potential for garnering critical support from the outset, a crucial component for distributors working with limited advertising budgets. Second, Miramax selected nonclassical films that focused on unconventional subjects and styles: *Working Girls* was a hard-edged critique of prostitution, while *The Thin Blue Line* was a documentary about a man on death row whom Morris proved to be wrongly accused. Both films' documentary aesthetic also set them apart from most slick, glossy Hollywood product. Third, Miramax found marketing hooks that could help the films transition from the art house to the multiplex. With *Working Girls*, for example, the Weinsteins “determined how to sell the sex in a film that was utterly, demonstrably unsexy,” while with *The Thin Blue Line* Harvey Weinstein pledged, “Never has Miramax had a movie where a man's life hangs in the balance.”⁸

Thus, by appealing to multiple niches and using sex, violence, and controversy as sales strategies, the



Scandal: Christine Keeler in 1963



Scandal: Joanne Whalley-Kilmer as Christine Keeler

Weinsteins gained a foothold in an increasingly competitive marketplace and attracted the attention of producers and financiers looking for a distributor. As much as Miramax's success can be interpreted as an accident or side effect of a more broadly shifting industrial structure, such an interpretation must be balanced by attention to the business savvy and acute judgment of Miramax executives, led by the Weinstein brothers. Other strategies developed by the Weinsteins throughout the late 80s further aided the company's growth even as most other independent distributors failed. The Weinsteins limited their spending, opted for continuing in acquisitions rather than producing their own films, and restricted their release schedule. The factor that finally motivated the brothers to go into production was an infusion of money in 1988 from Midland Montague Ventures, an arm of the London-based Midland Bank. With a \$25 million debt/equity package, the brothers moved from acquiring and distributing films to

producing them. Their first in-house production through this arrangement was the aptly titled *Scandal* (1989), a film about British defense minister John Profumo's affair with teenager Christine Keeler. The controversy, with its rumors of the betrayal of state secrets, may have contributed to the fall of the Conservative government in 1963, but it helped Miramax produce a hit. Costing \$7 million in a co-venture with Britain's Palace Pictures, the film grossed \$30 million worldwide, in part due to a poster that featured a nude Joanne Whalley-Kilmer as Keeler provocatively straddling a chair, and in part due to a promotional/talk-show tour by Keeler herself.

With the success of *Scandal* and the help of good reviews, shrewd marketing, strong festival screenings, and extensive promotions, Miramax began a string of hits that peaked with *Cinema Paradiso*, *My Left Foot*, and, of course, *sex, lies and videotape*, which played a particularly important role in redefining low-budget

filmmaking and marketing. The company rapidly rose from being a mid-level independent distributor to become one of the few surviving independent distributors of the 80s. Even as companies such as Orion, MCEG, and Vestron disappeared from the film scene, Miramax thrived, turning the very label of independent into a sign of distinction. In this process of differentiation, independent films earned more money—and gained more interest from the studios.

sex, lies and videotape:

The Beginning of the Indie Boom

It is notable that Miramax played no role in the initial development of *sex, lies and videotape*. In fact, the company did not have any involvement with the movie until it premiered at the U.S. Film Festival (later renamed the Sundance Film Festival) in 1989. The film was co-financed by RCA/Columbia Home Video and Virgin; RCA/Columbia obtained domestic video rights while Virgin retained foreign video. The producers were free to seek a theatrical distributor if RCA/Columbia rejected it upon “first look.” This expectation of earning the investment back by video sales and rentals was a holdover from the early 80s, before the consolidation of the video rental industry.

Although the financiers expected to make back their money through rentals, this did not imply that they approved of the presence of the word “videotape” in the film’s title. Even before they saw it, according to Soderbergh, the marketing people at RCA/Columbia had asked for a change, believing that “the vendors would *say* that the buying public would *think* that the film was shot on videotape.”¹⁹ The film’s marketers—even before Miramax—obviously believed that an independent movie carried connotations bearing specific “qualities,” but although these qualities may have included the more controversial (and hence salable) elements of sex and lies, they did not include the suggested “low-quality” appearance of videotape. The use of the word in the title was, however, probably more of a boon than a bane. As producer John Pierson explains, the word resonated symbolically: “By using videotape in the title . . . and in the film itself, Soderbergh almost literally ushered in the new era of the video-educated filmmaker.”¹⁰ Thus a film in which women confess their sexual histories and anxieties on videotape to help a central male character satisfy himself sexually was marked as timely and distinct for both technological and social reasons. The themes of im-

potence and sexual paranoia rang true in the late 80s, when AIDS panics were leading the news.

The film gained in popularity throughout the festival (which at this time had 30,000 visitors and was a much more low-profile event than would be the case in later years), screening in front of sold-out audiences and receiving rave reviews. Soderbergh more modestly observed that the “praise is getting out of hand,”¹¹ but *sex, lies and videotape* left the festival with the Dramatic Competition Audience Award and theatrical distribution offers from several independent distributors as well as one major studio. Yet in spite of extensive praise lavished on the film by the press and festival-goers alike, North American theatrical rights for *sex, lies and videotape* were not sold until a few weeks later, when Miramax purchased them at the American Film Market in Los Angeles. According to Soderbergh, Harvey Weinstein said that he would not go back to New York until he had the movie.¹² By 1989, Miramax had already established a reputation for outbidding the rest of the independent distributors. Yet when Miramax later reflected on how they “won” the rights to *sex, lies and videotape*, “the Weinsteins maintain[ed] that their marketing plan was as crucial as their cash advance.”¹³

It is because marketing is as significant as content in the building of the quality independent blockbuster that Miramax’s role can be seen as crucial in determining the film’s box-office success. Ultimately, the interest created in the film as a result of Miramax’s skillful distribution cannot be distinguished from the interest created in it by virtue of its subject matter and storyline. The company played up *sex, lies and videotape* to the press in ways that helped the film move out of the so-called art-house ghetto. In the process of marketing *sex, lies and videotape* as a quality independent as opposed to an art-house entity, Miramax also played itself up to the press in ways that helped to construct the company as the primary force in the film’s development and financial success.

The marketing of the film began months before its August opening. According to Bob Weinstein, Miramax started to develop the pre-release buzz for *sex, lies and videotape* at the Cannes Film Festival in May 1989.¹⁴ The film was initially screened for the main competition, but it was rejected and subsequently placed in the Director’s Fortnight, the venue for new films from up-and-coming directors. However, a last-minute cancellation from another American film placed *sex, lies and videotape* back in the main competition. Soderbergh worried about the movie being lost in the shuffle, particularly as it was competing against Spike

Lee's high-profile *Do the Right Thing*. Yet his film ended up playing to standing ovations and shutting out Lee's film for awards. By the conclusion of the Cannes festival, *sex, lies and videotape* had won the prestigious Palme d'Or, given Soderbergh and his film enormous free publicity, and added to the cachet of festivals as valuable sites for building word of mouth.

Cannes marked just the beginning of the summer marketing blitz initiated by Miramax. The original 1989 press kit for *sex, lies and videotape* hints at the image the company tried to craft to the press and public: "The Weinstein brothers built their company with an aggressive marketing and distribution strategy, individually tailoring each film's release to suit its particular strengths." The very notion of "tailoring" a film on the basis of its strengths reveals the company's dependence on niche marketing. "Marketing is not a dirty word," Harvey Weinstein told the *Los Angeles Times* in May 1989. He continued, in what may be seen as a shorthand manifesto for Miramax as well as a more emphatic articulation of previous conceptions of quality independents:

Although we market artistic films, we don't use the starving-artist mentality in our releases. Other distributors slap out a movie, put an ad in the newspaper—usually not a very good one—and hope that the audience will find it by a miracle. And most often they don't. It's the distributors' responsibility to find the audience.¹⁵

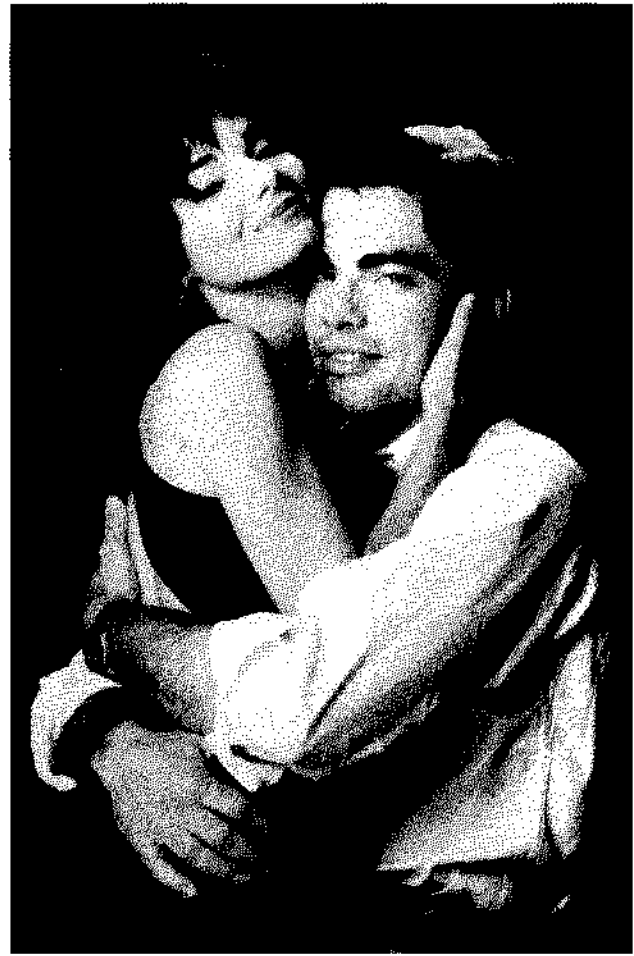
For *sex, lies and videotape*, this amounted to an attempt to give the film the specialized attention that Soderbergh so desired, packaged as if it was a major studio release. Just one of the means by which Miramax accomplished this was by tapping into the high concept in even the lowest-budgeted film.¹⁶ Thus when Soderbergh developed his own trailer, Miramax quickly rejected it, telling him it was "arthouse death." Although Soderbergh saw his trailer containing "a mood perfectly emulat[ing] the mood of the film . . . [and] not like any other trailer [he'd] ever seen," Miramax demurred. Soderbergh finally reached a compromise with Miramax in which the company used its own trailer, but also filled in some additional footage shot by Soderbergh as a transitional device.

All this suggests that although Miramax may have sold each film on its merits, the company nonetheless had certain ideas about what worked in promoting niche films. Clearly avant-garde trailers were not part of the company's conception of good marketing. An analysis of one of the print advertisements for *sex, lies*

and videotape reveals several characteristics of Miramax marketing. In the one-sheet for the film's domestic theatrical distribution, Miramax tried to appeal to several markets simultaneously. First they pursued the art-house audience—a group consisting of cine-literate baby boomers who had grown up on a blend of international art cinema and New American Cinema. This niche, which was presumed to be knowledgeable of the status of festivals as sites for the celebration of global cinema, was sought through the text of the advertisement. At the top of the one-sheet, the most significant festival honors bestowed on the film were listed. Below the list of awards, a number of positive press responses were listed, including opinions from some of the best-known reviewers from the *New York Times*, the *Chicago Sun-Times*, and *Time* magazine.

The second niche targeted by Miramax was the youth audience—college students and twentysomethings. The largest print in the ad, aside from the film's title, came from two critics' statements that constructed two different visions of the film. The first comment, "One of the Best of 1989," associated the movie with the kinds of films that usually receive kudos, such as dramas. Meanwhile, the second comment, "An Edgy, Intense Comedy," suggested a lighter movie well suited for the August release date. The movie was thus differentiated as being more serious than its summer blockbuster counterparts even as it was drawn closer to studio product by its association with comedy. Meanwhile, the images depicted in the advertisement—of multiple couples embracing and kissing—contributed to the film's edgy mystique. Along with the film's title, these images conveyed raciness, excitement, something more adult—and not coincidentally, something more commercial. These images also conformed to the "exploitation" marketing tactics so characteristic of the company at this point in its development. As one reporter observed of Miramax's effective print ads, the company eagerly hinted at sexual desires that were not necessarily apparent in the films themselves.¹⁷

To many within the industry, Miramax's attempts to find the high concept in low-budget films—while still targeting specific niches in the market—was a welcome approach to a then-struggling independent film scene. As one public relations spokesman stated, in a manner that summed up the sentiments of many, "The marketers of quality independent films aren't doing as effective a job as they might be doing."¹⁸ Hence the logic of Bob Weinstein declaring that "Some guys run from controversy, we run toward it."¹⁹ By establishing this renegade image, Miramax differentiated itself within the marketplace.



Exploitation marketing for *sex, lies and videotape*: James Spader with Andie MacDowell (left) and Peter Gallagher with Laura San Giacomo—posed to pump up the film's sexuality.

The Weinsteins may have penetrated multiplexes in 1989, but they nonetheless remained aware of their position relative to the studios. Specifically, they recognized that their films had to complement rather than compete with the studios' product. They had no illusions that they could match the studios in terms of either financial investment or marketing scale. Thus they relied heavily on free publicity, word of mouth, and counter-programming strategies.²⁰ While they eventually released *sex, lies and videotape* on about 350 screens, they opened it slowly and let it build on positive reviews and reactions over more than six months. They scheduled a platform release for the film, opening it first only in Los Angeles and New York, and then later moving it into nationwide release by the end of the month. Thus *sex, lies and videotape* had its broadest opening in the time period when the studio blockbusters were fading and quality product was in short supply.

Press and Industry Discourse on *sex, lies and videotape*

To Steven Soderbergh, the overall impact of his film was jarring. In 1990, he returned to Sundance to find a far different scene, one to which he responded negatively. "I'm a little concerned by what *sex, lies* might have wrought here," Soderbergh told the Associated Press, adding, "this can become more of a film market than a film festival." Soderbergh's opinion seemed to be in the minority, however. Many more of those working for independents, as well as those writing about them, looked favorably at the mutually beneficial relationship developing between independents and festivals. Few could have anticipated that this relationship would evolve to the point where the pervasive attitude at Sundance 2000 would be described as "Buy low, *but buy, dammit*. Fail to snap up a certain movie and you might miss out on the next \$140 million dollar cash

cow. Turn up your nose at a trend and the future might pass you by.”²¹

What is apparent in retrospect is that the “small is beautiful” mentality that was beginning to become omnipresent at festivals as well as for promotional purposes was, in fact, the beginning of a larger industrial shift. Rather than *Batman* and *sex, lies and videotape* representing anomalies at both the mass-market and niche levels respectively, they were signals of broader structural and aesthetic changes afoot in New Hollywood. Even as the studios were reviving the same high-concept formulas with such 1990 releases as *Rocky V*, *Predator 2*, *Back to the Future III*, and *Days of Thunder*, the independents seemed comparatively fresh and cutting-edge with such films as *Longtime Companion*, *Pump Up the Volume*, *Henry V*, and *The Grifters*. The dichotomy between these two types of films indicates the widening split in the kinds of films being produced. The movies that were starting to return the most profits with the smallest risks were either the high-budget, high-concept franchises that had broad international appeal, or low-budget independents that could be targeted to a number of audiences and promoted relatively inexpensively through festivals, word of mouth, and positive critical response.

Thus, although independent releases were down 15 percent in 1989 from the previous year, and box-office receipts were down 7 percent, the slump was short-lived. The continuing global expansion of the industry, rather than contributing to what many predicted would be the demise of independent and/or low-budget filmmaking, actually contributed to their growth. The conditions of social diversity, along with a post-Fordist market structure, similarly led to the development of niche markets as byproducts of the film industry’s ever-expanding global orientation. At the same time that many industry analysts predicted the inevitable demise of all but the high-concept blockbuster, then-Cinecom president Amir Malin explained more precisely why niche films would remain attractive culturally and economically:

Just because someone sees *Indiana Jones* doesn’t mean they won’t want to see a sophisticated film like *sex, lies and videotape* or *Scenes from the Class Struggle [of Beverly Hills]*. The fallout will occur with the standard studio fare that cannot compete with the *Raiders*, *Ghostbusters* and *Batmans*.²²

Malin’s comments were prescient for two reasons. First, on the level of industrial structure, he suggests

why standard studio fare (or the so-called middle-class films) would be the least cost-effective. Such movies, which at the time of *sex, lies and videotape* included thrillers such as *Pacific Heights* (1990) and romances such as *Joe Versus the Volcano* (1990), based their appeal primarily on their stories or their stars. The studios’ event films, conversely, based their appeal on action, special effects, superstars, and simple marketing hooks.²³ Event pictures drove up the marketing, production, and distribution costs of all studio films. However, from the mid-70s onward, the studios increasingly viewed them as worthwhile because of their broader international appeal and synergistic potential.

To a growing number of industry executives, middle-level films did not offer the same global opportunities as event films. If event films failed at home, they could still make money abroad; a Stallone film—typically an event due to his superstar presence—could easily be translated across the globe, guaranteeing international box-office success even if its fate was uncertain in the U.S. If middle-level films failed at home, they were not likely to perform any better abroad, since they had neither the effects and action nor the simple marketing hooks that were the high-concept foundations of the globally oriented Hollywood product. With Disney estimating that by 1996, 60 percent of studio revenues were coming from abroad, and with many executives predicting that the international box office could increase to 80 percent of total entertainment revenues by the first decade of the millennium, event films continued to become more desirable. Meanwhile, middle-level star-genre vehicles—the types of films that were the staple of the Hollywood studio era—continued to lose value.

The second reason for the foresight in Malin’s comments comes from his exploitation of the rhetoric of quality. In using the label “sophisticated” to describe *sex, lies and videotape*, Malin employed language in a manner similar to the Weinsteins. In other words, he depicted these movies as special films rather than as industry products. More important than the actual industrial circumstances within which a movie such as *sex, lies and videotape* was produced is the manner in which it was constructed by its marketing team and the press. Companies such as Miramax could take terms such as “independent,” “quality,” “specialty,” and “sophisticated” and use them as points of distinction, helped by the fact that in the late 80s the studios were frequently portrayed in the media as ever-expanding monoliths cranking out cookie-cutter sequels with excessive action and minimal plots.

Miramax's rapid growth stemmed largely from making itself and its films favorites of the press with its emphasis on how films such as *sex, lies and videotape* were different from Hollywood product. Yet at the same time, the company broadened the audience of these same movies by portraying them as what Hollywood had to offer *and more*: full of sex, violence, and risky content.²⁴ This marketing sleight of hand, in which the films were at once similar and different from Hollywood, helped Miramax and other low-budget distributors carve out an often financially lucrative and aesthetically viable space for independent cinema from the late 80s and into the 90s.

The \$24 million earned by *sex, lies and videotape* in its U.S. theatrical release was, however, a small sum compared to the \$80 million-plus earned by the quality indie blockbuster hits released later in the decade—movies that included *Pulp Fiction* (1994), *Good Will Hunting*, and *The Talented Mr. Ripley* (1999). Artisan's *The Blair Witch Project*, released almost exactly ten years after *sex, lies and videotape*, represented the culmination of the 1990s independent blockbuster trend. In its cost-to-profit ratio, its application of exploitation marketing tactics, its cinéma-vérité aesthetic, and its use of the discourse of independence to differentiate itself, *The Blair Witch Project* could be considered the cinematic descendant of Soderbergh's 1989 film.

If a strict structural definition of quality indie blockbusters were to apply, then very few independent films would qualify for it. Clearly, from an industrial standpoint, *Pulp Fiction*, *Good Will Hunting*, and *The Talented Mr. Ripley* are not independent; aesthetically, their independence is also questionable. In the New Hollywood as it evolved in the age of Miramax, indie films increasingly employed established stars and featured classical filmmaking and scripts from established talent. In other words, 1990s indies—if such Miramax movies as *Citizen Ruth* (1996), *Copland* (1997), and *Rounders* (1998) are included—could be considered a hybrid of the studio system's A picture and the post-studio-era exploitation film. This suggests the extent to which "independence" (or its hip offspring, "indie") served as a discursive tool employed by the press and the industry. In addition, such indie examples provide further proof that, by the late 90s, the industry's focus was divided between two types of films: niche-targeted and high-concept. Within this context, the niche arena functioned as the key site in which new styles and modes of storytelling were blended to varying degrees; all the while, established talent merged with newer, up-and-coming actors, writers, and directors.

Thus a term that was introduced by the press during the late 80s as a descriptive label to explain structural and aesthetic changes afoot in the New Hollywood morphed in the next decade into a publicity tool for Miramax and its many imitators. The surprising fact was that even though by the mid-90s the label no longer held any definitional value, the press continued to celebrate the companies and the films as if they were guerrillas and renegades fighting Evil Hollywood. The most blatant example of this came from the consistent declaration by the mainstream press that "Independents Day" was afoot during the 1995 Oscar nominations. In this oft-titled "Year of the Independents," four low-budget indies—*The English Patient* (Miramax/Disney), *Breaking the Waves* (October/Universal), *Fargo* (Gramercy/Polygram), and *Shine* (Fine Line/Time Warner)—allegedly trounced the studios, which could only muster up one nominee, *Jerry Maguire* (Columbia). The irony was that all of these independents were released by subsidiaries owned by major media corporations. Yet attention to this shift came much more slowly. During most of the 90s, the mainstream press continued to depict the relationship between independents and majors in terms of conflict and opposition. It was not until Miramax tried to promote *Shakespeare in Love* (1998) as an independent that the tide truly started to turn. It was at this point that a significant portion of the press began to question the use of the label of independence by specialty divisions—and by themselves.

sex, lies and videotape: The Template for the Distribution of the 90s Niche Film

The critical and financial success of *sex, lies and videotape* not only served as an initial step in Miramax's ascendance to the status of top specialty distributor of the 90s, it was also an indication of a changing industry. The bifurcation of the industry came with some repercussions. First, the two Hollywoods each developed interrelated but fundamentally distinct aesthetics. While superstars and super explosions defined the high-concept films, quality independents became defined by well-known actors working for scale because of their belief in the script's explosive subject matter. If high-concept films became known primarily for their glossy look and high production values, quality independents were distinguished by virtue of their gritty look or edgy content. Following in the tradition established by *sex, lies and videotape*, independents of the

90s often stood out either because of an excessiveness in style, sex, and violence, or because of a minimalist aesthetic that emphasizes dialogue over camerawork.

Second, as these films developed in the hands of studio-based specialty divisions, they needed to have a clearly defined niche—whether it was teens, African-Americans, Latinos, women, or the art-house audience. In the process, there was a decline not only in the types of low-budget films that attained distribution, but also in the production of the so-called middle-range product—the standard star-genre formulations that were the bread and butter of the studio system. By the late 90s, such films were typically only placed into production based on the influence wielded by such powerful stars as Jim Carrey, Tom Hanks, and Julia Roberts.

At the beginning of the new millennium, Miramax—as well as the independent scene that it fostered—has changed dramatically. After years of financial support from Disney, the company has grown from an independent to an industry powerhouse in its own right. Miramax regularly releases more than 25 films a year. Films like *Scary Movie*, *Scream*, and *Chocolat* help the company bring in over \$500,000,000 at the box office annually. Occasionally Miramax acquires smaller, independently produced pictures like *Human Traffic* and *Committed*; however, such films are no longer a priority for the company's executives, nor are they the focus of its marketing muscle. Miramax now focuses on developing its own stable of talent—writers, producers, and filmmakers with whom the company had nurtured relationships during the 1990s. Many of these people, including Quentin Tarantino, Kevin Williamson, Robert Rodriguez, Wes Craven, Anthony Minghella, and John Madden, have seen their careers blossom in large part due to Miramax's support.

The company, as well as much of the talent it has supported, has long since moved beyond the boundaries of the independent film world. The styles, subjects, and talent that defined the quality indie scene of the early 90s have now been incorporated into the Hollywood system. Films that earlier might have been labeled quality indies are now regularly produced by studio subsidiaries such as Fox Searchlight, Fine Line Pictures, and of course, Miramax. The content and distribution of *Boys Don't Cry*, *Dancer in the Dark*, and Soderbergh's own *Traffic* replicate that of *sex, lies and videotape*. And, as Harvey Weinstein observes, *American Beauty* is a direct cinematic descendant of *sex, lies and videotape*. These films continue the tradition

established by Miramax in the late 80s and early 90s: aesthetically and topically challenging films can be commercially successful with skillful marketing.

The future, however, does not seem quite so bright for many newer filmmakers and independent distributors struggling to find a space in today's marketplace. With the industry now dominated by a combination of studios releasing big-budget films and specialty distributors handling niche films, independent distributors such as Cowboy Booking International, Winstar, and New Yorker Films are fighting to acquire films and secure available screens. Meanwhile, several of the most influential independent distributors, including Trimark and The Shooting Gallery, have succumbed to today's market pressures and ceased to exist. All of this translates into a much more competitive and uncertain terrain for filmmakers working outside of the studio environment. While Miramax led the way in transforming Hollywood aesthetics, economics, and structure during the 90s, the company has now become a crucial part of the system. It remains to be seen what the next *sex, lies and videotape* will be—and what as yet unidentified company will help drive its success.

Alisa Perren is a doctoral candidate in the Department of Radio-Television-Film at the University of Texas at Austin.

Notes

1. Jeff Gordinier, "Defy and Conquer," *Entertainment Weekly Special Edition: Our 10th Anniversary*, Spring 2000, p. 31.
2. Daniel Cerone, "Independent Film Makers, Marketers, Confront Box-Office Crisis," *Los Angeles Times*, 15 September, 1989, sec. 6, p. 4.
3. I employ the New Hollywood label as it is used by Thomas Schatz, "The New Hollywood," in *Film Theory Goes to the Movies*, ed. Jim Collins, Hillary Radner, and Ava Preacher Collins (New York: Routledge, 1998), pp. 25-32. For an extensive discussion of the intersection of aesthetics and marketing of big-budget Hollywood films, see Justin Wyatt, *High Concept: Movies and Marketing in Hollywood* (Austin, TX: University of Texas Press, 1994).
4. The term "indie" has been widely used by trade journalists to include films from studio specialty and niche subsidiaries such as Miramax, Fine Line, and Paramount Classics.
5. Paul D. Colford, "Movies Are Their Game; Miramax Steers Small Films into the Public Consciousness," *Newsday*, 20 February, 1990, part II, p. 8.
6. Scholars and journalists have acknowledged that there has been a split within the industry in recent years between low-budget niche films and high-concept event films, but in general, scholarly work on the emergence of indepen-

- dents and specialty houses has been limited. The majority of attention has been on the evolution of the high-concept blockbuster and big-budget product of the major studios. For examples, see Tino Balio, "'A Major Presence in All the World's Important Markets,' The Globalization of Hollywood in the 1990s," in *Contemporary Hollywood Cinema*, ed. Steve Neale and Murray Smith (London: Routledge, 1993), pp. 8-36, and Schatz, "The Return of the Hollywood Studio System," in *Conglomerates and the Media*, ed. Erik Barnouw (New York: The New York Press, 1997), pp. 73-106. While Balio, Schatz, and others have addressed the growth of specialty houses to an extent, Justin Wyatt has done the majority of work on low-budget product. For examples, see his discussions of Miramax and New Line in "Economic Constraints/Economic Opportunities: Robert Altman as Auteur," *The Velvet Light Trap* 38 (Fall 1996): pp. 51-67; "The Formation of the 'Major Independent'" Miramax, New Line and the New Hollywood," in *Contemporary Hollywood Cinema*, pp. 74-90; and "From Roadshowing to Saturation Release: Majors, Independents and Marketing/Distribution Innovations," in *The New American Cinema*, ed. Jon Lewis (Durham, N.C.: Duke University Press, 1998), pp. 64-86.
7. I use the word "quality" throughout in much the same way it is used by Jane Feuer, Paul Kerr, and Tise Vahimagi in *MTM 'Quality Television'* (London: BFI, 1984). In "The MTM Style," Feuer, for example, writes that "The very concept of 'quality' is itself ideological. In interpreting an MTM programme as a quality programme, the quality audience is permitted to enjoy a form of television which is seen as more literate, more stylistically complex and more psychologically 'deep' than ordinary fare. The quality audience gets to separate itself from the mass audience and can watch TV without guilt, and without realising that the double-edged discourse that they are getting is also ordinary TV" (56). Quality independent films functioned in a similar sense for theatrical features released in the hands of Miramax.
 8. John Pierson, *Spike, Mike, Slackers and Dykes: A Guided Tour Across a Decade of Independent American Cinema* (New York: Hyperion/Miramax Books, 1995), pp. 84, 87.
 9. Steven Soderbergh, *sex, lies and videotape* (New York: Harper & Row, 1990), p. 21. In the decade between the release of *sex, lies and videotape* and *The Blair Witch Project* (1999), this attitude shifted to a certain extent. By the end of the 1990s, it often became a means of product differentiation that a movie was shot on digital video.
 10. Pierson, p. 131.
 11. Aljean Harmetz, "Independent Films Get Bigger but Go Begging," *New York Times*, 1 February, 1989, p. C17.
 12. Soderbergh, p. 225.
 13. Colford, p. 8.
 14. Ibid.
 15. Cerone, "Taking an Independent Path," *Los Angeles Times*, 3 May, 1989, part 6, p. 1.
 16. I apply the label "high concept" in much the same manner as it is applied by Wyatt in *High Concept*. He writes: "High concept can be conceived . . . as a product differentiated through the emphasis on style in production and through the integration of the film with their marketing" (23).
 17. Colford, p. 8.
 18. Cerone, "Independent Film Makers, Marketers Confront Box-Office Crisis," p. 4.
 19. Cerone, "Taking an Independent Path," p. 1.
 20. These tactics would change significantly by the late 90s as Miramax became the prominent studio subsidiary with a solid stable of prominent talent such as Quentin Tarantino, Wes Craven, and Kevin Williamson. At this point, both their product as well as their financial output altered somewhat, as vast sums of money were directed at marketing more commercially viable genre films such as *Scream* (1996), *Jackie Brown* (1997), and *The Faculty* (1998). Yet in terms of quality independents, Miramax's strategies remained remarkably stable during the 90s, altering only to the extent that the company had more capital to invest in production and marketing.
 21. Jeff Gordinier and Chris Nashawaty, "Film's Next Frontier," *Entertainment Weekly*, 11 February, 2000, p. 20.
 22. Cerone, "Smaller Films Seek a Summer Place," p. 1.
 23. See Wyatt, *High Concept*, chapter 1.
 24. The tension between presenting something "different" from the majors—and yet also more of the same—was a crucial element in Miramax's rise and its attractiveness to Disney. Yet paradoxically, it has also been the source of much consternation between Disney and Miramax as well as between Miramax and the press. The subsidiary and its parent have been repeatedly forced to test the threshold of what the public could handle in terms of risky and controversial subject matter on numerous occasions, including most dramatically *Kids* (1994), *Dogma* (1999), and *O* (2001). With both *Kids* and *Dogma*, the public outcry over Disney's relationship to these films compelled Miramax to sell the rights to both projects. With *O*, which portrayed racial conflict and violence in an American high school, Miramax kept the project shelved in the wake of the Columbine incident. There was scarcely any media outcry about Miramax handling this film; rather, the company pre-empted any such public conversation by continually pushing the film's release back until finally independent distributor Lion's Gate took over the film's theatrical distribution. This is just one further example of the way that a corporate parent has played a role in shifting the content and marketing strategies of Miramax in recent years. The same story could easily be told with other studio subsidiaries as well.

