

**UCLA**

**UCLA Previously Published Works**

**Title**

The concept of work for moving image materials

**Permalink**

<https://escholarship.org/uc/item/6hk8h9vp>

**Journal**

Cataloging & Classification Quarterly, 18(2)

**Author**

Yee, Martha M

**Publication Date**

1993

Peer reviewed

# The Concept of *Work* for Moving Image Materials

Martha M. Yee

**ABSTRACT.** In a series of articles to appear soon in this publication, the general concept of *work* as it applies to all materials will be discussed. In a well-designed catalog, two items treated as the same work will display together and be represented as manifestations (editions) or copies of the same work to the user interested in a particular work. In this article, the concepts of *work* and *related work* as they apply to moving image works will be discussed, and recommendations made for their application to moving image works.

## ***INTRODUCTION: THE NATURE OF FILM***

A moving image work differs from a textual work in that it is essentially a pictorial work. There are two parts to most films: (1) the visual part, or the picture, a moving image, and (2) the textual part, either the sound track, or, on a silent film, the intertitles.<sup>1</sup> The sound track or intertitles have a textual aspect; sound track or intertitles are written by someone in a particular language and can be translated, rewritten, etc., for different manifestations. However, these "written" aspects do not have the primacy they have in a textual work: the picture can exist without the sound track or intertitles, and still be a film, as in completely silent films; without the picture, however, there is no film. Perhaps, therefore, the picture should be regarded as the essence of a film work.

In this article, the types of alteration to a moving image work that could be considered to create a new related work, rather than a manifestation of a work, will be considered. Four types of alteration

will be considered: change in the footage (the actual shot film used to make up the work); change in the continuity (the sequence in which the footage is edited together); change in the textual aspect of the film, either sound track or intertitles; and change in performance in those numerous moving image works that embody dramatic performances.

The final form of a film work is determined both by the form of the raw footage, i.e., the framing of shots, the camera angles and movements, the lighting, and the activity of the performers or composition of the scenes before the camera, and by the editing of this footage. Once the footage is shot, it has a permanence that text does not have; it cannot be revised subsequently; it captures the infinite detail of a few moments of a world in flux, and those moments can never return to be reshot in exactly the same way.<sup>2</sup> Because of the primacy of the pictorial aspect of a film work, two films that do not share the same footage are not considered the same work. A moving image work is created by the editing together in a particular way of particular film footage. The result of "editing together in a particular way" is a "continuity." The same raw footage given two different continuities by means of two primary acts of editing creates two different works. Secondary editing of an already edited continuity creates only a new manifestation, as does a change in the textual aspect, e.g., change in language. If no such changes take place, two items with the same continuity and the same sound track or intertitles and the same appended material are considered to be near-equivalents of the same manifestation of the same work.

### CHANGE IN THE FOOTAGE

A remake of the same script, even when done by some of the same people, as when Hitchcock remade *The Man Who Knew Too Much* (1934 and 1956), should be considered a new, but related, work, because it contains none of the same footage as the earlier work.

When two films have been made from different footage, but all the footage was shot at the same time and has been edited together by the same people, or following the pattern set by the same people, the two should be considered to be two different manifestations of

the same work. Examples of such works are *Rules of the Game* (1939) which exists only in a manifestation partially made up of alternate takes to those used in the original release,<sup>3</sup> and the manifestation of *Die Niebelungen* (1924) composed entirely of out-takes and alternate shots, discovered in an Eastern European archive by Enno Patalas, the archivist from Munich.<sup>4</sup> Gunning mentions a 16 millimeter print of *Way Down East* (1920) assembled by Griffith from alternate takes.<sup>5</sup>

In the 1930s and 1940s the American studios sometimes made foreign-language manifestations of their current releases; when this was done, they often kept the same production credits and used the same sets, but reshot the film with Spanish-speaking or German-speaking, etc., actors and actresses. Sometimes the same footage would be used in scenes with little or no dialogue. Laurel and Hardy made several of their films in both English and Spanish, speaking Spanish themselves in the Spanish manifestations. Since these films were not subject to the American censorship laws of the time, the foreign language manifestations often contained racier versions of the scenes.<sup>6</sup> Two films were made in Germany in 1954, *Rummelplatz der Liebe* and *Carnival Story*. They were both based on the same story and made by the same production company, but the first was made for the German market and the second for the American market; the casts were different, although some of the leading performers in the American version, e.g., Anne Baxter, Steve Cochran, and others, appeared as extras in the German film, and Berber played Groppo in both films.<sup>7</sup> The Spanish-language *Dracula* (1931) presents the extreme case in which none of the cast is the same as in the English language manifestation.<sup>8</sup> In these film works with foreign-language manifestations, most of the footage in one manifestation, if not all, is different from that in the other. However, these films were made in order to serve as surrogates for each other. The Spanish manifestation of the U.S. film was designed to enable Spanish audiences to enjoy the same film that was being watched in the U.S. The English manifestation of the German film was made for U.S. audiences. Because of the intent to create a surrogate, it would be useful to treat these as manifestations of the same work.

Films that contain excerpts from earlier films should not be considered to be manifestations of the earlier work. An example would

be *The Rains of Ranchipur*, a 1955 remake of the 1939 film *The Rains Came*, which included a little bit of footage from the earlier film, but was a true remake with a completely different cast. Theodore Huff mentions another example: a Chaplin film released by Essanay in 1918 after Chaplin had left the company, called *Triple Trouble*, and billed by the company as "'a new Chaplin comedy,' held back by them. Actually, it was patched together from bits extracted from *Police, Work*, and an unfinished feature titled *Life* (which Chaplin abandoned because of the demand for short comedies) and non-Chaplin scenes directed by Leo White, in 1918. The patchwork was pulled into some unity by ingenious cutting, the use of doubles, and subtitles to give it a 1918 flavor."<sup>9</sup>

### CHANGE IN THE CONTINUITY

It has been noted above that footage has a kind of permanence in that it can never be reshot in exactly the same way. However, the editing of the footage can vary over the life of a film; editing consists essentially of taking a *shot*, that is a piece of film that runs from the time the camera was turned on to the time it was turned off, either shortening it or using it as is, and positioning it between two other shots. The same film footage can be edited by different people to produce quite different films. For example, several films were made from the footage taken on Captain Scott's expedition. Depending on the editing decisions made, and the narrative track or titles, the story can vary considerably; when this happens, the films are not really manifestations of the same work simply because they were created from the same raw material. Editing of the same raw material by different people (authors) with the intent of creating two films has the effect of producing two different film works. Other examples of creative editing are the Republic serials mentioned by McElwee that were built out of stock footage from earlier released serials.<sup>10</sup> This kind of editing could be called primary editing. On the other hand, some editing changes are minor and secondary and result in only change in manifestation. Examples are editing to create short manifestations, manifestations censored or edited for television broadcast, for showing on airlines or for showing in different parts of the country, adding new footage to informational

films to update them, restoring films, and releasing films with several different endings. Editing of a previously existing edited work generally results in another manifestation of the same work.

Orson Welles' *Don Quixote* presents an interesting case. Welles began the project as a thirty minute television drama in 1955 which was never broadcast. During the next fourteen years, Welles continued to shoot footage for the film, but it was never completed or shown. Costa-Gavras later edited the footage into a forty minute version under the auspices of the Cinémathèque Française. Then, in 1990, Patxi Irigoyen began work on assembling a 116 minute film edited from about 328,000 feet of footage; this footage did not include all the footage Welles had shot.<sup>11</sup> Since both Costa-Gavras' and Irigoyen's versions are intended to help viewers imagine what Welles' film would have been like if it had been completed, both act as surrogates for the unfinished work, and should probably be treated as manifestations of it.

#### *CHANGE IN THE TEXTUAL ASPECT OF THE FILM*

Most films are written; that is, part of the process of creating most films is writing a screenplay that includes dialogue and/or narration. If the textual aspect of a film changes completely, rather than being revised, the result is a new work. An example is *What's Up Tiger Lily* (1966). Woody Allen took a 1964 Japanese James-Bond-like spy film, *Kagi No Kag*, or *Key of Keys*, and redubbed it completely, also adding new footage at the beginning, middle and end, turning it into a satire of itself.

By way of contrast, consider the following case: Beatrice Trainor quotes as follows from an article by John Gillett in *Sight and Sound* (Summer 1958). Apparently, Mr. Gillett had just visited a North London cinema advertising a showing of *Armoured Attack*, formerly *North Star* (1943):

*North Star* . . . had undergone a remarkable and unhappy metamorphosis. Suspicions aroused by some additional photography and music credits at the beginning were confirmed by the appearance of a glib commentator over the opening scenes: 'Somewhere in Eastern Europe, a people betrayed by

their leaders were preparing to fight. . . .’ Produced by Sam Goldwyn, directed by Lewis Milestone . . . in 1943, when the American-Soviet alliance was at its height, *North Star* described how various peasant families combined to fight the German invaders. . . . Now, as *Armoured Attack*, the film makes recognition of the defending army as difficult as possible; also, the word ‘Russian’ is excised at least once from the sound track. Cut from 106 to 75 minutes, Milestone’s film survives as little more than a confused action picture, with the inevitable commentator bridging the gaps. The biggest shock though, was reserved for the end. A new epilogue has been added, in which, over stock shots of marching Red Army troops, the commentator warns that the Nazi menace has now been replaced by the Communist threat and that we must always be on our guard.<sup>12</sup>

Radical though these changes may be, since much of the original textual material remains and most of the original footage remains in roughly the same continuity, however abridged, these are two manifestations of the same work. The example does demonstrate the importance of the textual aspect of film.

Consider another example. Charles Solomon describes a computer animated commercial, originally designed to advertise a precious metal exchange in Malaysia, which had its music and ending changed so that it now advertises the KTWV-FM Radio Station.<sup>13</sup> Since the purpose of a commercial is to sell a particular product, a change in the product advertised must be considered a major change in the textual aspect of the work. Thus a new work is created.

### CHANGE IN PERFORMANCE

If the primacy of footage and continuity argued for above is granted, it will have to be accepted that each performance of a work meant to be performed is a new work, for each performance will be recorded on completely new footage. For example, each film of Shakespeare’s play *Macbeth* would have to be treated as a new work, rather than as an edition of the play. It has been recommended above that an exception be made to this treatment in the case of

other language manifestations of films filmed with different casts, and intended as surrogates for the original films. Steven Spielberg suggests an intriguing future development when he says, "The technology is such today, and will be even more quantum in 10 years, that they will truly be able to replace actors in existing movies, continue the backgrounds and all the action and all the shots, and put other actors in their places."<sup>14</sup> If this ever happens, a work that replaced all the actors (and presumably the director as well?) would probably be considered as a new work; however, if only one actor were replaced it would probably be considered a new manifestation. A grey area would exist between these two extremes, undoubtedly.

### SUMMARY

The following approach is recommended for determining whether two items represent the same moving image work, or two different but related works. Two items with different footage should be treated as different works unless one has been made as a foreign-language surrogate for the other. Primary editing, the editing of raw footage, should be held to create a new work; secondary editing, the editing of previously edited footage, should be held to create a new manifestation of a previous work. Complete rewriting of the textual aspect should be held to create a new work.

Of course, if it is decided to treat two items as two different but related works, the relationship should be expressed in the catalog by means of added entries.

### NOTES

1. The intertitles consisted of textual matter intercut with the visuals; frequently intertitles gave the dialogue that could not be spoken in a silent film, or provided transitions between scenes. Some might argue that the music and sound effects constitute a third part, so important are they in the overall impact of the film on the viewer.

2. Animation is an exception, since the image is completely controlled by the animator.

3. Alexander Sesonske, *Jean Renoir, the French Films, 1924-1939* (Cambridge, Mass.: Harvard University Press, 1980), 438-440.



4. Michael Friend, letter to author, 1989.
5. Tom Gunning, "Rebirth of a Movie," *American Film* 10, no. 1 (Oct. 1984): 19.
6. S. Torgov, "Hardy Har Har!" *American Film* 12, no. 1 (Oct. 1986): 10-11.
7. Beatrice Trainor, *The Canadian Film Institute: the Cataloging and Classification in its Library and Information Service* (Ottawa: Canadian Library Association, 1960), 12.
8. Turan, Kenneth, "The Missing Dracula," *Los Angeles Times*, 31 Oct. 1992, Calendar: 1, 8.
9. Theodore Huff, *Charlie Chaplin* (New York: Pyramid Books, 1964), 49.
10. John P. McElwee, "Theatrical Re-issues, Part 3," *Films in Review* 41, no. 3 (March 1990): 139.
11. Kiku Iwata, "A *Don Quixote* Crusade," *Los Angeles Times*, 30 June 1992, Calendar.
12. Trainor, *The Canadian Film Institute*, 31.
13. Charles Solomon, "Old Commercial Reworked to Push a Different Product," *L.A. Times*, 17 Oct. 1988, Part 6.
14. David Robb, "Spielberg Says Technology Poses Artistic Threat," *Daily Variety* 227, no. 54 (May 21, 1990): 1, 19.