

FILM HERITAGE AS CULTURAL PATRIMONY

For me, spreading culture through cinematheques means creating the future, since a cinematheque is the museum for a living art, a museum not only for the past, but for the future.

*Henri Langlois
September 1962*

By widespread consensus, the cinema phenomenon has a twofold significance. On the one hand, it is a form of entertainment, a matter of industry and business. It is logical that the commercial aspect of this form of expression should be protected by copyright laws.

On the other hand, cinema is one of the main manifestations of the art and history of the Twentieth century; as such, it is the object of scholarly study. Because of its cultural value, there are legislative tools (such as the "fair use" principle and some exceptions to copyright laws) aimed at fostering free access to the film heritage.

Broadly speaking, this second principle is not promoted as the first, despite all the formal statements by international bodies such as UNESCO and the European Union. In this respect, there is a striking difference between what happens with film and, say, with books: there is virtually no country without a national library where the printed word is made available for access, loan, and – within specific limits – reproduction for bona fide study.

THE PARADOX

With cinema, things are not quite the same, despite the fact that modern technology now enables people to experience theatrical films individually, as they do with books. National and international legislation protects the commercial rights of producers and filmmakers; unfortunately, cultural rights such as access to archival holdings are left in limbo, somewhere between a plethora of restrictive provisions and an awkward silence surrounding archive practices, often tolerated but not formally legitimized. In some countries, the very act of preserving a film may be defined as illegal according to the letter of the law.

In other words, the same copyright laws regulating the commercial exploitation of films available in cinemas, television, cable and home video are *de facto* preventing public access to that part of the moving image heritage where financial profit is no longer a realistic option. According to a rough estimate, 97% of the films produced in the world are not available to the public.

THE RISKS

As a consequence, films held by archives and museums remain basically unseen, thus marginalizing a major section of film culture (and of modern culture in general) developed in the course of the past century. The risk involved in this is that the public becomes oblivious to the importance of cinema as a historical phenomenon and to the intrinsic value of the cinematic experience. A film is more than a mere narrative sequence of images and sounds (what is defined in today's corporate language as "content"): it is also, and primarily, a relationship between the moving images, the sounds, and their interpretation by a collective audience. This audience operates in a context based on specific spaces and rituals of vision, with all their technological and psychological implications (the "context" also includes materials and devices used for documenting and promoting films). A film experience reflects the degree of historical awareness shared by the members of the public, their conscious or unconscious knowledge of genres, styles and modes of production, the social and cultural environment in which they live. The loss of the notion of "film experience" deprives cinema of this context, diminishing its status to the level of an "item" with no identity.

In practical terms, a limited access to the film heritage has two additional consequences:

- it prevents students and educators from seeking legal ways to experience cinema and its history, thus encouraging to access films by illegal means;
- it endangers the quality of the film experience by forcing the public to see cinema in substandard versions, formats, and spaces where the original intent of the artists is ignored or undervalued.

MUSEUMS FOR THE FUTURE

It is imperative to stress the distinction between the two aspects of film as outlined above, both in terms of legislation and access practices. In a nutshell, this means that all films which are no longer treated as commercial, profit-making entities should be treated as cultural entities, resources for scholarly research

and public enjoyment under the responsibility of moving image archives and museums, as in the case of other forms of cultural expression.

This means that archival principles should endorse and integrate the principles of museum practice. This should be achieved in places where the film experience can find its fullest expression through retrospectives, permanent exhibitions of historical artefacts, facilitated access to documentation, educational activities. While these activities are already taking place in many institutions, their development is severely hampered by laws designed to protect exclusively the commercial aspects of cinema. A different approach would have the advantage of cultivating new audience, therefore helping the commercial sector as well.

These cultural activities should occur in exhibition spaces functioning as extra-territorial areas, independently from (but not in conflict with) the commercial circuit. Non-profit endeavors in film archives and museums should be encouraged and supported as they have been for a very long time in fine arts museums and performing arts centers. By presenting the film experience as a cultural event, film archives would be enabled to fulfill their core mission: to preserve, restore, and show according to the highest curatorial and museum standards.

Drafted by Luca Giuliani, June 2008