



Together against the Mafia: Godard, Scorsese, Bit Torrent

I

1. It begins with why, or how, I happened to come to the 'Future of Celluloid' event:

Pirate Cinema¹, then 0xdb², then Pad.ma³.

One of the main theses of Pirate Cinema would be that the most interesting thing that has happened in cinema in the last ten years is not a film, or a director, or a school of filmmaking, or a visual invention or aesthetic shift of paradigm - but BitTorrent.

2. We're all familiar with the scheme of 'Production - Distribution - Consumption'. We talk a lot about how digital film has transformed the spheres of production and consumption. But the real game changer is in distribution, is the fact that cinema, today, can be distributed a. world-wide, b. instantaneously, c. at negligible cost, and d., maybe most importantly, spontaneously (i.e. you want it or not).

3. The other part of the thesis would be that cinema, as an industry, as an art form, as a space, has no future as long as it reacts to that promise of networked, peer-based distribution the way it has chosen to do: by re-

introducing artificial scarcity into a domain that is, by definition, one of abundance, by inventing protection schemes to assure that films are not seen, by trying to suspend the fundamental laws of information. (Second Law of Thermodynamics for Digital Film: Over time, everything tends to leak.)

4. One would expect cinema to simply give up. But instead of abandoning the images altogether, which would be simple, cinema today presents to us what it claims to be its rights: infinite copyrights that will never expire, and that it threatens to not only protect, but to digitally manage. The copyright industries present us with a world where every song you sing, every image you remember, every cake you bake, every dancing step you make, will never be yours, but a matter of “intellectual property”, for centuries to come.

5. Which brings us to the question of the Mafia. For our ‘One Year of Pirate Cinema’ birthday screening, we picked two films: *A Journey with Martin Scorsese Through American Movies*, on the big screen, and Godard’s *Histoire(s) du cinéma*, on smaller screens. Of course, back then, we didn’t know how long Pirate Cinema would turn out to last. So that, for our ‘Three Years of Pirate Cinema’ birthday screening, we picked the same two films again, but this time the *Histoire(s)* on the big screen, and the *Journey* on smaller screens. The following is based on what was written for that occasion.

I.I.

Against the Mafia

6. It is actually quite simple. But since the term “Mafia” is so often used metaphorically, no-one may notice when it is meant for once literally, like here. And to be taken seriously, one has to begin with Godard, who is also never taken seriously, and who claims, in the *Histoire(s) du cinéma*, in the part “Fatale beauté”, that script, after a long period during which cinema was doing rather well without it was invented by a small Mafia accountant, as to establish some order in the minds of the filmmakers.

7. Godard explains this point in an interview: “Regarding the invention of the script, I claim it was a Mafia accountant ... That’s just intuition, but I think one could prove it ... Since the invention of the script is all about control ... And we know that the Mafia, just when Hollywood was born, moved from New York to Los Angeles.”⁴

8. So the Mafia we’re dealing with is not metaphorical, but concrete,

and what's left to show would be not only when and how one of their accountants invented the script (and why, which is easier to explain: because cinema is more profitable if story and cast depend on contracts, rather than on the moods of a director, like David Lynch, who may be the only contemporary mainstream filmmaker in the US who does not only explain the Mafia's obsession with script in a few interviews, something that Martin Scorsese could probably do better, but who actually makes this obsession appear as an image in some of his films), but also from when on, and to what ends, the Mafia began to bribe politicians dealing with copyright, or how, and this would be easier again, since it's more recent, the idea was born to collect protection money from manufacturers of VCRs, or, even more recently, hard drives.

9. Bollywood and the Bombay Mafia. The Gütersloh Mafia (Bertelsmann). Similarities and differences. Drugs and Prostitution. Buying up public libraries and universities. Mafia Studies. How private organizations take over formerly common zones, or matters of the state. Why early mafias (local, drugs, prostitution) may seem more sympathetic than late mafias (global, business, finance) to most observers, and if that is what Scorsese means, whenever he says that he's unable to do even one more film in Hollywood.

10. When Pirate Cinema had turned one year old, the argument for that particular constellation of films (big Scorsese, small Godard) had been one of particular preference: for a specific, American type of pragmatism (Scorsese, when he does manage to make one more film in Hollywood), and against a specific, European kind of resentment (Godard, when he calls for more bad Indian films ("I'll only watch television the day it doesn't only show bad American movies, but bad Bangladeshi, Burmese, [whatever] movies").

11. Actually though, this was only a bogus argument. In fact, that particular constellation of films was mostly due to the fact that the copy of the *Journey* looked so much better than the copy of the *Histoire(s)*, since the Mafia, in this case Gaumont, had kept any version of the *Histoire(s)* that would have had a higher resolution than 320 x 240 pixels out of circulation - instead of distributing it properly, or even widely, which, one would assume, should constitute their core business. This is just to show that the Mafia doesn't always follow a business logic, that it often puts principles first, and profits second.

12. But when Pirate Cinema turned three years old, the *Histoire(s)*, twenty

years after they had been begun and ten years after they had been finished, had finally been released to the market, and around the market to the Internet - so that today, everyone can see with their own eyes why the Mafia didn't feel such an urge to distribute them. (The *Histoire(s)*, and not just the bit we quoted earlier, deal with the historie(s) of the Film Mafia, not with the Book Mafia or the Music Mafia, so that they became one of the rare films which, for a decade, were available as a book (script) and as a CD (soundtrack), but not as a DVD.)

13. Still, "Against the Mafia" does not mean that Pirate Cinema would just call for a way of doing business, a framework for the distribution of cultural commodities, that would be just a little less irrational and mafia-like, and just a little more geared towards the actual demands of the customers. It rather means that Pirate Cinema can't stand the specific types of stupidity, idiocy, agony, in producers and consumers alike, that start to spread whenever, in a certain segment of society, the Mafia takes over.

14. But the one thing that is even more frightening than the moment when the Mafia comes to power, and one can see this quite precisely in Scorsese's movies (*Goodfellas*, or even more so in *Casino*), is the moment when the Mafia loses power. And that's what we're dealing with today, when we're talking about the failing, panic-driven war that the music and film industry associations have begun to wage against their own customers. (Interestingly, Music And Film Industry Associations, as an acronym, spell MAFIA.)

15. Historical excursion. The battle of the horse carriage mafia against the railways. "Traveling fast is bad for the economy". "We're only protecting the horses".

16. After all, 'Against the Mafia' would mean to stick with a series of basic banalities: that it is possible to make a film without a script, that digital data can always be (and has always already been) reproduced, or that dead authors do not have a right to fictitious posthumous intellectual property claims (just as dead authors don't have a right to vote). And to defend these banalities against the machineries of stupidity, idiocy, agony, run by small accountants, mid-level lawyers and big businessmen, in order to maintain forms of profit maximization that are, in fact, unmaintainable.

17. A welcome side-effect of the film industry's crisis is the emergence of more and better cinema. If people continue to think the *Histoire(s)* - in which they can see not only the one, actual history of cinema, but also several others that were not, because of national socialism, "real socialism",

free markets or mafia regimes - were difficult to watch, then that's just because they're not— and how could they be, given the state of the film business— used to seeing things in images, and in between.

I.II.

Together

18. Together should be even simpler. Especially if it is about the demise of the movie industry, driven by the decentralized exchange of digital data, since in the case of file-sharing networks, the moment in which the collective dimension of individual acts, as a technologically mediated form of community, becomes a practical, shared experience with immediately recognizable pleasures and benefits, is rather crisp and clear.

19. And this experience isn't entirely irrelevant in a context - 'Against the Mafia' - where romantic ideas of lone fighters seem to prevail, and more intelligent forms of organization are only rarely being considered. And thus the Pirate Cinema screening in question was not only, as a film projection, the reversal of a screening that had taken place two years earlier, but also, in its title, the reversal of the title of a text by Klaus Theweleit...

20. ... More about Klaus Theweleit and his text⁵...

21. ... which, both in its title and in its conclusion, proposes an organizational model for the fight against the Mafia - namely: 'Alone Against the Mafia' - that Pirate Cinema regards as symptomatic for a certain pre-BitTorrent mentality in dealing with cinema: one that only knows the worship of lonely heroes, one that lacks any concept of progress in the historie(s) of cinema that wouldn't depend on the foreseeable fate of single author subjects.

22. Furthermore, 'Alone Against the Mafia' is also a wrong observation, since it fails to recognize how, under the regime of a Mafia, it can still be possible to work against it, which is never by fighting alone, but always in collaboration with some sort of godfather (see Coppola, and, again, Scorsese), who is, for some particular, always very specific reasons, interested in an alliance.

23. Regarding the history of cinema and the Film Mafia, this could be demonstrated with Debord and Lebovici.

24. But the *Histoire(s)*, Godard and Gaumont, are a good example too. The initial producer of the *Histoire(s)* was Canal Plus. They stopped the project after two of the eight parts, and years later, Gaumont stepped in to provide additional financing. And then, years later again, Gaumont sent a

small accountant to Godard's house, to find out what he was actually doing with their money.

25. This must have been during the time when Godard was supposed to make the film *2 x 50 Years of French Cinema* for the British Film Institute, who had added a clause to their contract, stating that a third of the budget was reserved for the clearance of copyrights and thus had to remain untouched by Godard, who, in return, at some point told his patrons that he would, for "purely aesthetic reasons", leave out certain copyrighted materials and spend the money otherwise - with the result that in the *2 x 50 Years*, whenever a scene would have shown that Godard decided was too expensive all that would appear on the screen is the insert 'No Copyright'.

26. What Gaumont's accountant found out was that what Godard was working on - this time he had, in fact, collected a monumental amount of copyrighted movie clips - would never be possible to clear, or even publish. But only to then accept the argument that Gaumont is, after all, Gaumont, and that every plaintiff will think a moment before suing anyone.

27. Until here, this is all relatively well-documented anecdotal knowledge. Whatever happened in the following ten to twelve years in whatever legal department remains largely unknown. The quality of the VHS version of the *Histoire(s)*, quietly released by Gaumont in 1999 - Godard himself said he was shocked - hints at major problems, if not serious trouble.

28. But the reason to bring up this tale is only to demonstrate that the two most important undertakings against the Mafia in the last 50 years of French Cinema (be it *Against Cinema*, Debord, or *Historie(s) du cinéma*, Godard) were not made alone, but each on the basis of a relatively opaque if not mysterious pact. Not to claim that, in the meantime, no better models for working against the mafia has been developed.

29. Better models, interestingly, are no longer individual strategies of survival in today's world of cinema, but technical protocols for the radical redistribution of 2 x 50 years of cinema history. Not only to make sure that nothing gets lost, but even more so to make sure that something can still be added. In other words, a shared (technically speaking, massively parallel) bet on the 3rd 50 years of cinema, the ones that were not foreseen. At least not at the funeral ceremony that was the celebration of cinema's 100th birthday.

30. When Pirate Cinema says BitTorrent, and it says BitTorrent quite often, it doesn't mean that this is the end of the story. But the significance of BitTorrent - both as a part of the history of technical reproduction and its

social consequences and as a motor of possible future historie(s) of cinema - still seems to be drastically underestimated. If it is correct that photography is truth, and cinema is truth 24 times per second, then BitTorrent is truth at 24 megabit per second.

II.

Footnote on 'The Future of Hard Drives'

31. It may be a useful simplification to claim that the digital future of film archives, and thus the material history of cinema, is governed by two conflicting laws: Moore's Law and Murphy's Law.

32. Moore's Law, coined by the co-founder of Intel in 1965, states that the number of transistors on a microchip doubles every eighteen to twenty-four months. There are many 'vulgar' versions of this law: that our computers get twice as fast every two years (or twice as cheap), or our hard drives get twice as big (or twice as cheap), our internets get twice as fast, our cameras will have twice as many pixels, and so on. If anything is killing celluloid cinema, then Moore's Law says what it is.

33. Murphy's Law— the story of attribution is a bit longer here— states, in its most simple form, that everything that can go wrong will eventually go wrong. There are, of course, numerous variations or suggested additions (will go wrong at the worst moment, will go wrong in the worst possible way, etc). There is even a Muphry's Law stating that every act of proofreading will introduce new mistakes.

34. While Murphy's Law is widely, and intuitively, understood, Moore's Law, or, more precisely, the fact that it still continues to apply, remains a technological mystery. While scientists have proposed a wide range of models to show that the trend described by Moore's Law is here to stay for the foreseeable future, Moore himself has recently voiced his skepticism: "It can't continue forever. The nature of exponentials is that you push them out and eventually disaster happens." Which seems to bring us back to Murphy.

35. But the relation between Moore's Law and Murphy's Law is dialectical, and it's precisely this dialectics that is the digital future of cinema.

36. The dialectics of Moore's Law and Murphy's Law can be resolved in two opposite directions, can be formulated in two different forms: as good news and as bad news.

37. The bad news is: Even though our digital tools keep on getting better and better, faster and faster, cheaper and cheaper, there will always be a

catastrophe in the end: data loss, systemic failure, digital meltdown.

38. The good news though - and Pirate Cinema's suggestion would be to invest in this reading - would be that even though we can safely assume that everything digital will go wrong, the explosion of technological advancement is going to save us in the end. For every broken hard drive there is already a better, faster, cheaper model in store. And whatever restrictions have been built into our tools, they have already been obsoleted by the next generation of equipment.

39. Most importantly, technology will continue to be misused, in the most unforeseen ways. Again, this may invite all kinds of dystopian thoughts, but as long as what surrounds us as 'criticism of technology' fails to reach the critical mass of a truly and deeply dystopian vision, but remains mere nostalgia for the lives, arts and business models of the past, we'd rather keep the door open.

References:

¹ <<http://www.piratecinema.org>>

² <<http://www.0xdb.org>>

³ <<http://www.pad.ma>>

⁴ Jean-Luc Godard, Youssef Ishaghpour, *Archéologie du cinéma et mémoire du siècle*, Tours, 2000

⁵ <http://www.piratecinema.org/textz/klaus_theweleit_allein_gegen_die_mafia.html>