Wall Street and Vine: Hollywood’s View of Business

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Abstract

American films have long presented a negative view of business. This article is the first comprehensive and in-depth analysis of filmmakers' attitude toward business. It shows that it is not business that filmmakers dislike, but rather the control of firms by profit-maximizing capitalists. The article argues that this dislike stems from filmmakers' resentment of capitalists' constraints on their artistic vision. Filmmakers' portrayal of business is significant because films have persuasive power that tips the political balance toward business regulation.

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1. INTRODUCTION

Erin Brockovich tells of an unemployed single mother working as a legal researcher who learns that Pacific Gas & Electric Company is trying to cover up evidence that it was illegally dumping the chemical hexavalent chromium. Her lawyer boss, Ed Masry, decides to take on the multi-billion dollar company and Ms. Brockovich’s research eventually wins hundreds of millions of dollars from the evil PG & E for the residents who were supposedly poisoned by the chemical. Erin Brockovich was hugely popular and was nominated for several Academy Awards, including for best picture of 2000. Julia Roberts won the best actress Oscar for playing the spunky Erin.

Although Erin Brockovich purports to be based on a true story, it is no more than a selective version of reality. The suspect chemical may not have caused the harm the plaintiffs recovered for, and the crusading Masry and Brockovich on closer examination had flaws of their own. We would expect to see filmmakers creating entertaining heroes and villains out of a duller and murkier reality. More interesting for present purposes is that the villain is the same as in so many other movies—a large corporation.

Why does business look bad in movies? One writer explained that “[i]t is about money. And corporations have more money than everyone else. They can pay their attorneys more and last longer and usually win; certainly when they are dragged into court, kicking and screaming, by the powerless.”

But this general anti-corporate position seems an unlikely explanation for films’ anti-business tone. Capitalism has brought vast wealth to a broad segment of
U.S society, including most moviegoers and films’ writers, directors and stars. One would not be surprised to see films occasionally criticize capitalism, or to see moviemakers use the drama inherent in the oppression and eventual triumph of economic underdogs. But why should capital always be the heavy? Why should filmmakers so rarely exploit the dramatic potential of business triumph, or of underdog businesspeople struggling against government tyranny? The ultimate irony and quandary is that film, itself, is a big business. Why would film companies attack themselves?

I seek to explain films’ bias against capital. In brief, it is not business itself that filmmakers do not like, but the capitalists who control it. But this is not the classic struggle between capital and labor. Filmmakers display little concern with workers’ problems and only rarely blame firms’ social irresponsibility on the fact that capital rather than labor is in control. Filmmakers’ main problem with capital being in control seems to be that the filmmakers are not.

I take an economic approach to art criticism. Because filmmakers are products of their time and culture, one would expect their films also to reflect background social and economic forces. This background includes the inherent economics of the film industry. Films’ themes do not merely reflect the preoccupations of society as a whole. In other words, the medium shapes the message not only directly, as Marshall McLuhan pointed out, but through its effect on the artists.

Part 2 discusses some of the films that give business a bad name. Although these films make clear that business does evil, they are often not clear about exactly who should be blamed. Part 3 shows precisely where filmmakers cast the blame – not on the firms themselves, but on oppressive capitalists and the bosses who do their bidding.

Part 4 is the theoretical heart of the paper. It discusses what motivates filmmakers to take this slant on business, and why film companies let them express this message.

Part 5 shows that this explanation of films' anti-business slant works better than other possible explanations under which films simply reflect general social attitudes. One alternative theory is that events such as the rise and fall of Communism in Hollywood or ebbs and flows in the popular perception of business might affect films.
message over time. But films’ anti-capital bias has remained fairly constant. Nor can the bias entirely be explained as an appeal to the ordinary people who buy tickets, the anonymous nature of the corporation, or the simplifying nature of the medium.

Part 6 shows that the portrayal of business in film cannot be explained away as a realistic critique. Contrary to the image presented in film, businesses cannot make money by hurting people. Also, businesses create social wealth, and do so through skill and work rather than luck.

Part 7 discusses the potential political effect of films’ anti-capital bias. Films present ideas to a mass audience in a particularly forceful and simplified way. Films therefore are able to create a popular fictional image of business that contrasts with a more realistic view of business firms’ role in society. Hollywood’s view of business accordingly may have done much to feed a populist anti-business tendency in American politics. The result is legislation that hurts both business and society.

Part 8 discusses implications of this analysis for the future. Filmmakers’ anti-capitalist bias and political effects ultimately may diminish because of changes in how films are financed, made and delivered to audiences. As films become cheaper and capital more available, filmmakers may become less dependent on, and therefore less resentful of, the capital markets. Also, as films increasingly are delivered to consumers at home in forms the audience can manipulate, the filmmakers may lose control of their message.

This work is only a first step in exploring how artists’ economic incentives may shape their message. It has important limitations that I hope researchers will remedy. First, I discuss films rather than other works of art. Although other media deal with similar themes, this article shows that filmmakers, because of their professional circumstances, have a particular attitude toward business that results in a particular type of message.

Second, as the title implies, I discuss only American movies. I attribute American filmmakers’ resentment of capitalists to the American method of financing films, which may differ across countries. If different countries finance films differently, then it would follow from my analysis that non-US films would depict capitalists differently from US films.
Third, I focus on films made for presentation in theatres rather than on television. The economics of television movies and the way they reach audiences materially affect the message and influence of these films. However, Part 8 briefly discusses television films, as well as business and technological trends that are tending to merge these categories.

Fourth, I discuss dramatic films rather than documentaries. The tension between capital and worker that is at the heart of my analysis is most likely to arise in projects where the need for capital impinges on the artists’ vision. Documentaries are likely to be relatively low-budget works that do not involve a similar tension. Although many documentaries, such as those by Michael Moore, are anti-business, this likely motivates the work rather than being a byproduct of the process and artists’ general economic incentives. Also, I study how filmmakers’ incentives affect the content and structure of the work. In documentaries, this is (or should be) shaped by what the artist sees.

Fifth, I do not assume, as under the so-called “auteur” theory, that film directors are primarily responsible for films’ ideas. In any event, it is often difficult to isolate the precise source of a film’s ideas, particularly when screenwriting is increasingly becoming a kind of production line.3 It is enough for present purposes to assume that films result from a collaboration between capitalists and creative people in which the former constrains the latter. The dependence on capital fuels the resentment that the artists express in their films.

Sixth, many of the films discussed below were drawn from other media, including plays, novels and non-fiction. I do not analyze differences between the film and the original. Whether or not the anti-capitalist elements were in the original material, the critical point for present purposes is that the filmmakers chose to bring the material to the screen.

Finally, a word about how I selected the films discussed below. I have tried to discuss all Hollywood films that deal directly or indirectly with business. In other words, while of course I do not purport to have found and seen all potentially relevant films, my omissions are not biased. For example, I do not limit the discussion to the best

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3 Tad Friend, Credit Grab, New Yorker, October 20, 2003 at 160.
or most representative films about business.⁴

2. THE EVIL CORPORATION

Works about corporate social irresponsibility antedate even the modern corporation. Henrik Ibsen's, *Enemy of the People* (1882) may be a model for the genre. In this play, a town's public baths, which support the local tourist industry, may be contaminated. A local doctor discovers the problem and sounds the alarm but becomes a pariah. Stephen Spielberg's *Jaws* (1975), which was based on the book by Peter Benchley, is a modern version of this tale in which a big shark terrorizes a beach resort. Many films present variations on the theme of a large dangerous corporation that is ultimately thwarted by a frumpy Everyman, often a journalist, lawyer or employee of the offending company.

*Erin Brockovich* is a prominent recent example. The film involves the supposed pollution of a local water supply by a large corporation, PG & E. The title character (Julia Roberts) is a spunky single mother who foists herself on lawyer Ed Masry (Albert Finney) after he fails to get her damages in an auto accident. Following a routine contact with a client whose property PG & E is buying, Erin eventually uncovers what she believes is evidence of the pollution and PG & E's attempt to cover it up. The movie shows Erin's tireless devotion to the investigation, eventual lawsuit and arbitration, close relationships with suffering plaintiffs and personal sacrifices, including strain on her relationships with her saintly boyfriend and children.

The movie leaves no doubt about the company's guilt. Erin describes her battle between "right and wrong," "kinda like David and what's his name," like "getting medicine for the sick." Erin finds a credibly frumpy toxicologist who tells her, and the audience, that the chemical in dispute is "toxic," "carcinogenic," could cause plaintiffs' various diseases and can get into their DNA. Erin hints that PG & E will destroy documents to cover this up.

The film makes its case against PG & E with some expert touches by noted director Steven Soderbergh. The crusading legal team and the hapless victims appear

literally in the best possible light and sound: Erin's scenes with plaintiffs are softly lit from the back and sides and Erin does her work with Sheryl Crow's raspy, sincere voice playing on the sound track. Erin's artless directness and femininity contrast with the corporation's severe female attorney, with tight hair, shifty eyes, formidable glasses and masculine suit and tie. Ed Masry is no mere greedy trial lawyer, but humanized by his frumpiness and life of illness and woes and by the fine way he treats Erin. The company and its case are cast in the worst light. The words of a supposedly incriminating abatement order Erin finds are dramatically blown up on the screen. PG & E's own lawyers refuse to drink the supposedly contaminated water. Erin meets in a bar with an informant in dramatic shadows, suggesting the secrecy with which the informant's information had been shrouded. Finally, when Erin tells one of the more sympathetic plaintiffs about her five million dollar award, it is an obvious victory for justice. Erin had already stirringly defended Masry's 40% cut.

As convincing as all this looks on screen, much of it is misleading or incomplete, overlooking evidence and arguments that would have cast doubt on whether PG & E actually hurt anybody. The huge settlement may have been less an admission of guilt by PG & E than a concern for more practical realities, including possibly biased arbitrators. Michael Fumento describes a party thrown by some of the plaintiff lawyers for the arbitrators and others that gave “decadence a bad name.” He also reports allegations that Masry's firm mishandled the settlement.

So the film is not the “truth,” but at best one of many versions of it. The plaintiffs' lawyers might alternatively have been portrayed as the bad guys, going after blameless corporation, as in The Sweet Hereafter (1997), in which a lawyer who tries to leverage a school bus accident into a big verdict sees his clients blow up the case so they can get on with their lives.

Many other films portray business as the enemy of the people. Examples include A Civil Action (1998), in which sympathetic star John Travolta handles a case in which an unusual number of childhood leukemia cases seem to be associated with a water supply that may be contaminated

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6 See Fumento, supra note 5.
by something Grace dumps in it; The Insider (1999), in which sympathetic star Russell Crowe exposes his tobacco company employer for hiding evidence that cigarettes hurt people; The China Syndrome (1979), in which sympathetic Jack Lemmon plays a company insider who, along with a television reporter played by sympathetic star Jane Fonda, exposes a cover-up of safety problems in a nuclear power plant; Silkwood (1983), in which Karen Silkwood, portrayed by the sympathetic Meryl Streep, may or may not have been killed for uncovering dangerous practices at nuclear power plant.

The pervasiveness of this theme in films is indicated by the sometimes odd and incidental ways in which it appears. For example: the evil drug company in Mission Impossible II (2000) creates a virus in order to sell the cure. The Fugitive (1993) added to the television series on which it was based the spin that the one-armed man who killed the fugitive’s wife worked for a drug company that sought to cover forged test results in pursuit of enormous profits. The protagonist in Fight Club (1999) struck out against, among other things, the corporate irresponsibility he saw in his job handling recalls for an automobile company.

Unlike in Enemy of the People, whose villains clearly sought to save the town’s tourist business, films about corporate evil often do not present a coherent explanation of the corporation’s motives. As Philip Lopate has observed, movies have presented corporations as a “fantasy villain,” failing to “give us an intelligent working model of corporate life.” Interestingly, the corporation’s employees, except for the crusading insider, generally present a unified front supporting the evildoing. Firms that endanger society generally seem to get along well with their employees.

One possible theory of motivation is simply that making money is inherently bad, so no one should be surprised when it occasionally summons such evils as nuclear outlaws and polluters. In Star Trek: First Contact (1996), Captain Picard says that “the economics of the 24th century are different” – people are no longer motivated by money, but rather by the good of mankind.” Back in the 21st century, the inventor of the warp drive chafes at being cast as a hero, saying he was just doing it for money. But films do not suggest that it is evil to make money. Erin Brockovich and Ed Masry obviously were not working for

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free. Nor, of course, are the filmmakers.

Despite the some films’ failure to articulate motive, the next Part shows that Hollywood does have an explanation for corporate evil. But since this explanation gets into messy details of corporate governance, films often do not try carefully to connect cause and effect. Instead, the films provide dramatic tension by focusing on the lawyers, newspaper reporters, television anchors or Everyman employees who uncover the corporation’s evil. As discussed in Part 5, this is not merely a plot device, but part of the film’s point to demonstrate the value of conscientious observers, including the filmmakers themselves.

3. FINDING THE BAD GUY: THE CAPITALISTS

This Part looks inside the corporation to identify the real villain in films about business. Even Hollywood must admit that firms produce wealth and well-being, not incidentally including the industry in which filmmakers toil. The villain is not the business itself or those (including the filmmakers) who work for firms, but the capitalists in charge.

As discussed in Subpart A, filmmakers’ disparage capitalists’ cold focus on the bottom line. Although many films seem to identify other villains, the remainder of this Part shows that they are not where the evil lies. Subpart B shows that, while workers and managers may make the wrong moral choice to submit to the capitalists’ values, they are not inherently evil. As discussed in Subpart C, the shareholders, though arguably the real capitalists, are somehow not implicated in corporate evil. Subpart D contrasts the portrayal of capitalist-controlled firms with “good” firms controlled by workers and creative types.

A. THE COLD-HEARTED CAPITALIST

Capitalists in films are villains because they see businesses as simply fungible sources of monetary gain, not places where people work, live and create. The Hudsucker Proxy (1994) created a potent image – a stock ticker runs all through the company’s headquarters to remind everybody in the building of their enslavement to the stock market.

Executive Suite (1954) provides a more elaborate illustration of filmmakers’ views. The film concerns an internal battle for control among executives following the
powerful president's death. Don Walling (William Holden) is the clear protagonist, the hands-on factory man. He is opposed by several unsavory types on the board, but most formidably by Loren Shaw (Frederic March), a green-eyeshade numbers man. Walling asks Shaw: "Would you regard your life as a success if you raised the dividend?" Shaw says it is enough that the customer gets what he pays for, while Walling thinks workmen should be proud of what they produce. The two views clash at a critical confrontation, a board meeting in which the company's new chief executive will be chosen. Walling wins by easily smashing one of the company's new, and cheaper, chairs and convincing Barbara Stanwyck, who holds the deciding vote, that the company's financial success lies in producing smash-proof chairs. Capitalism and contentment can coexist, leaving no room for Loren Shaw and his fellow heartless capitalists.

The following sections discuss notable films or categories of films in which this theme is prominent.

1. Takeover artists

Many films show capitalists taking control of a firm and tearing its heart out, disrupting workers' lives and leaving only the financial shell. These films present the capitalists' villainy most starkly. In normal times workers and managers can come to terms with the demands of the capital markets because dispersed and anonymous shareholders cannot easily coordinate to pressure managers to deliver profits. But a takeover provides a powerful way for the capital markets to exert force on the managers, who in turn then have a strong incentive to squeeze more profits out of the other parties to the firm. This might be viewed as a way to ensure that the managers work on behalf of the owners rather than for themselves. But filmmakers are inclined to see this as a way to elevate pursuit of profit over human or artistic values.

An early example is Dinner at Eight (1933), a follow-up to Grand Hotel in which the correlating device is a dinner party. The most important subplot concerns Dan Packard's (Wallace Beery) attempt to seize control of Oliver Jordan's (Lionel Barrymore) fine old shipping company. Jordan epitomizes social grace and class, while Packard is
obnoxious and uncouth. Packard underhandedly buys up shares in Jordan's company while enthusiastically accepting the invitation to Jordan's party as the path to social acceptance. Packard's wife Kitty (Jean Harlow), the whore with the heart of gold, eventually stops her evil husband, previewing Julia Roberts' role in the more recent Pretty Woman, discussed immediately below.

The golden era of anti-capitalist films was the late 1980's, during the peak of the hostile takeover. Oliver Stone's Wall Street (1987) has a sort of iconic status within this genre. Gordon Gekko (Michael Douglas) is a heartless capitalist who is taking over an old-line airline. Gekko's name indicates the subtlety of his character. Gekko is described at one point as having had "an ethical bypass at birth." He is seen as all negative greed, the winner of life's zero sum game. The film clearly separates the lizard Gekko from the humans connected with the firm. Opposing Gekko is the honest union leader, Carl (Martin Sheen). Ultimately his protégé, stockbroker Bud Fox (Charlie Sheen, Martin's son), finds Gekko morally wanting, accepting instead his father Carl's humanistic anti-capitalist worldview. Stockbroker Lou Mannheim (Hal Holbrook) believes in researching stock fundamentals rather than in Gekko-type zero sum games. There is even a competing "good" takeover specialist, Wildman (Terence Stamp), who seeks to preserve the company rather than destroy it, and ultimately wins control. But Wildman is British, and therefore a separate breed from the cold-hearted American variety.

Pretty Woman (1990) may be the clearest film condemnation of the cold-hearted capitalist. Edward Lewis (Richard Gere) starts the film as a takeover specialist in the Gordon Gekko mold. Edward describes his profession as not actually making or building anything, just buying property and selling it — like stealing cars and selling them for parts. He has no time for his girlfriend, or even to wait for the valet to get his own car, so he takes his lawyer-partner's Lotus, and gets lost on Hollywood Blvd. There he tries to get directions from Vivian Ward (Julia Roberts), a hooker who charges even for this service. But Vivian is no cold-hearted capitalist. She

9 For example, in Boiler Room (2000), which portrays greedy young brokers caught up in a fraudulent brokerage firm, a broker lip syncs a scene from Wall Street, which is playing on a television behind him.

10 Mannheim appears to be modeled on Oliver Stone's father Lou, to whom Stone dedicates the movie.
really needs the money because her roommate spent the rent on drugs, and is trying to preserve her independence from pimps. Edward rents Vivian for the night, and then for the week as he seeks to fill a female slot in his life without the complications of a volunteer girlfriend or wife. So while Vivian wants to be an independent contractor rather than an employee, Edward, true to his capitalist tendencies, wants to buy her like he buys his companies. They negotiate this like the business transaction it is – she offers $4,000, he counters with $2,000, and they settle for $3,000 (the film’s original working title).

During this week, Edward tries to buy a piece of Long Beach from its owner, Jim Morse (Ralph Bellamy) to turn into a residential development. The property has a shipbuilding factory whose with employees would be thrown out of work. Edward, being a cold-hearted capitalist, doesn’t care about the employees. Morse is hoping to get a Navy ship order from the government, but Edward has used a political contact to find out that this is buried in committee. At dinner with Morse and his grandson Edward lays out his liquidation plan, to their chagrin and strong opposition. Morse observes that Edward’s father, though also a capitalist, was a better person.

The film characters, like those in Wall Street, are evaluated according to their obedience to the capitalist creed. Edward and Phil are cold-hearted capitalists, as are the pimps that Vivian refuses to entangle herself with. Morse and his grandson are business owners of the hands-on, worker-friendly sort, who see firms as more than just fungible ways to make money. Some characters are workers who must slave for the capitalists – Vivian and her roommate and fellow prostitute; Barney Thompson (Hector Elizondo), the hotel manager who must keep his prized guest and his guest’s whore happy; and the sales people in the dress shop where Edward buys clothes for Vivian. (Edward says “stores are never nice to people, they’re nice to credit cards.”) Edward tells Vivian, “you and I are such similar creatures – we both screw people for money;” tells Phil that Vivian is “in sales,” and describes Vivian’s turf on Hollywood Blvd as her “office.” But they are actually very different, since one is the capitalist and the other is the worker.

Vivian ultimately remakes Edward into a good worker-friendly capitalist. After a few days with Vivian Edward is remembering his creative self – playing the piano, playing with blocks. He tells Phil, “you know what’s
wrong with us – we don’t make anything.” Phil responds that they make money, but that is obviously not good enough for the reformed Edward.

Edward even confronts the issue of how he acquired the capitalist disease: he hated his father, who left Edward’s mother. Edward bought his first company in order to fire his father, and went on getting back at his father by destroying other companies and jobs. Then he was estranged from his father, and his father died. Now he sees old Morse as his father, and an opportunity to make up for all the bad things he did in his life. This catharsis leads him to offer a real romantic relationship to Vivian, and to help Morse get his defense contract to build ships. Vivian commends his decision as “good,” and Edward agrees that “it felt good.” Phil, though, remains unreconstructed. He continues to believe that money is an end in itself. Demonstrating his lack of humanity, Phil tries to rape Vivian in Edward’s hotel room, before Edward arrives to throw him out.

*Other People’s Money* (1991) is the most nuanced film in this group. It concerns the takeover of a prosaic family-controlled wire and cable manufacturer by the obnoxious money-hungry Wall Street takeover artist Larry “the Liquidator” Garfield (Danny DeVito). Garfield begins as a caricature of a man for whom money has replaced love. In his opening monologue he says money is the only thing other than dogs and doughnuts that gives you “unconditional acceptance.” In other words, capital implies ownership and therefore enslavement, just as Edward seeks to buy Vivian in *Pretty Woman*. While Garfield coos to his financial computer, Carmen, he grunts in response to the greeting from his receptionist “I’m not paying you to be polite.”

Garfield suffers by comparison with his antagonist Jorgenson (Gregory Peck), the patrician manager of the target company. Garfield arrives at their initial confrontation hunched over and complaining about the elevator. He begins the conversation by telling Jorgenson his company is worth more dead than alive. Jorgenson towers over what he contemptuously characterizes as the “little weasel.” As the factory furnace rages with hellish fires, Garfield declares that he’s “not a long term player.” Jorgenson always takes the long and “moral” view, refusing to reincorporate in Delaware, pay greenmail (which he refers to as “terrorism”) or borrow money. Garfield, on the other hand, describes “the law of free enterprise” as
“survival of the fittest,” adding, "since when do you have to be nice to be right?" For Garfield, laws are just rules of the game to which the players adapt without changing their basic behavior.

This movie's showdown between the capitalists and the humans is the shareholders' meeting, with the company's fate hanging on a shareholder vote. Jorgenson, dripping sincerity and with a catch in his voice, bemoans the impending demise of his company. He describes Garfield as "the entrepreneur of post industrial America, playing God with other people's money. . . .He creates nothing, builds nothing, runs nothing and in his wake leaves nothing but a blizzard of paper to cover the pain.” Garfield, the self-described short-term player, would destroy a company that is worth saving because its product (wire and cable) will be sought after again when the country rebuilds its infrastructure. Jorgenson gets a rousing ovation when he decries "murder in the name of maximizing shareholder value, substituting dollar bills where a conscience should be. . . .A company is more than money. Here we build, we care about people.”

So Other People's Money presents the usual contrast between the inhuman capitalists and the humans in firms. But it is exceptional among business films in also preserving the capitalists' perspective. Garfield may be the enemy of old-line business management, but he is the shareholders' friend. Even before the final face-off at the shareholders' meeting, he turns down a greenmail offer from Jorgenson's wife, echoing Jorgenson's own approach by describing greenmail as immoral because it hurts the shareholders. He says, "I take from the rich and give to the . . . upper middle class."

The crucial debate is presented at the shareholders' meeting. Responding to Jorgenson's plea to save the company, Garfield implicitly invokes Schumpeter's principle of "creative destruction," discussed below in subpart 6.C.1. He describes Jorgenson's speech as a funeral oration. "This company is dead. I didn't kill it; it was dead when I got here.” Fiber optics made the firm's product obsolete, just as the automobile put buggy whip companies out of business. "This business is dead, let's have the decency to sign the death certificate and invest in the future.” As for the employees, "Who cares? They didn't care about you. . . . Employee wages went up way more than stock. Who cares? Me. I'm your only friend. I'm making you money; that's the only reason you became shareholders."
You want to make money, invest somewhere else, create new jobs... At my funeral you'll leave with a smile on your face and a few bucks in your pocket – that's a funeral worth having."

This speech convinces the shareholders to give Garfield control of the company. Unlike Executive Suite and all the other films discussed above, it seems that even the unattractively ruthless capitalist can do well for the shareholders while doing social good because clearing away the ashes of the past can create a brighter future for everybody.

Other People’s Money does not, however, stray too far from the Hollywood path. Near the end, the employees are seen walking away from the desolate company in the late autumn. Garfield has fallen in love with Kate, Jorgenson’s daughter, but seems to have lost her by winning the company. The lovelorn Garfield then even loses his enthusiasm for money. But Kate offers a solution (that, interestingly, is not in the play on which the movie is based): sell the company to the employees, and retool it to make airbags rather than destroying it. So the film ultimately refuses to take its creative destruction lesson seriously. Order is restored in the Hollywood universe: Capitalism is acceptable only if it has a heart.

2. The capitalist-controlled society

In Paul Verhoeven’s Robocop (1987) wonders what would happen if the capitalists achieved ascendancy in society. In this film, society is breaking down, and business is at least partly to blame. It abandoned Motor City, leaving an empty hulk of an automobile plant and a vat of vile sludge. It created a mindless commercial culture. News anchor-androids smilingly tell of horrible catastrophes (Star Wars lasers run amuck, killing a hundred people in Santa Barbara, home of two ex-presidents). A grotesque vaudeville character seems always to be on the television delivering his “laugh” line “I’ll buy that for a dollar,” to canned laughers. Commercials hawk the latest ugly American car, the subtly named SUX 6000 (which looks like a current version of the Chevrolet Monte Carlo). It is a world only P.K. Dick could love (and in fact he wrote the story for Total Recall, Verhoeven’s next movie, with similar anti-consumerist images).

In Robocop’s world, criminals run amok, freed by
sleazy lawyers and an undermanned police force. Government needs to call in the same evil corporations that helped create the situation. Omni Consumer Products (OCP) operates the Detroit police department. Its CEO is the Old Man (Dan O’Herlihy), an older, more traditional, businessman who still cares a little about humans. But the real boss is Dick Jones (Ronny Cox), a ruthless modern capitalist. Jones plans to replace the human element in law enforcement with a really scary robot, the ED 209. ED has to be sidelined when it suffers a glitch and turns a junior executive into smoking rubble in the boardroom. Bob Morton (Miguel Ferrer), a slimy up-and-comer, has his own plan to turn a dead human cop into a cyborg. The Old Man gives Morton’s project the nod and kills ED 209. So just as the corporations run society, the capitalists are taking over the corporations, and the police are devolving from humans to cyborgs, with a completely nonhuman machine waiting in the wings.

Things are about to get even worse. As we later learn, Jones has partnered with evil mobster Boddicker (Kurtwood Smith). Jones and OCP will create a huge construction project, Boddicker will supply vice to the workforce, and ED 209 will keep order. So corporations will have vertically integrated from enforcement to crime. But first Jones must kill the cyborg project.

Come to save mankind is good cop Murphy (Peter Weller). Boddicker tortures and kills him, even crucifying the suffering cop with a bullet in his hand. Pursuant to Morton’s plan, OCP resurrects Murphy as software in shiny Robocop. Though OCP would prefer to submerge Murphy’s humanity, Murphy’s former partner, Officer Anne Lewis (Nancy Allen), combining Mary Magdalene and Vivian from Pretty Woman, helps Robocop rediscover his human side. Robocop takes his helmet and visor off and becomes Murphy again. Murphy then restores the Old Man, OCP’s humanity, to power. In the climax, the Old Man helps Robocop overcome the programming that prevents him from harming an officer of OCP by the simple mechanism of firing Jones so Robocop can kill him – a sort of benignly hostile takeover. So mankind survives by expelling the evil capitalists from the temple.

3. Capitalists and criminals

Many films explicitly make a moral comparison between capitalists and criminals. Some of these are
westerns. For example, in *The Tall T* (1957) the ruthless outlaw Usher (Richard Boone) may have ordered several murders, but he can see himself as morally superior to the mine owner’s son-in-law, Mims, who ransoms his wife to save his skin.

Other examples are from the 1940’s, in which the cynical capitalists could be contrasted with the idealism of the war. For example, in *This Gun for Hire* (1942) even a hired killer (Alan Ladd) looked good compared to the cold-blooded capitalists who were selling their country’s secrets to the enemy.

The “film noir” of the late 1940’s presented the plight of soldiers returning from the camaraderie of war to the bleak capitalist struggle of civilian life. These films were previewed by *The Best Years of Our Lives* (1946), in which Al Stephenson (Frederic March) tries to put his bank’s capital to good use helping war veterans, only to meet resistance from his bottom-line-focused superiors.

Many of the films in this genre put the capitalists in the criminal milieu. For example, in *Force of Evil* (1948) Joe Morse (John Garfield), a slick mob lawyer, wants to turn the numbers racket into a big business from one dominated by small players. Morse’s brother Leo (Thomas Gomez), one of these small operators, is a good guy who despises Joe’s immorality although Joe is in the same racket and tries to protect his brother. Also, in *I Walk Alone* (1948) Frankie Madison (Burt Lancaster) leaves jail after 14 years to find that his former bootlegging partner Noll Turner (Kirk Douglas) has become a wealthy nightclub manager. Noll refuses to honor the verbal 50/50 agreement he and Frankie made when Frankie was caught and Noll got away. Dave the accountant (Wendell Corey, playing a role similar to his Smiley Coy in *The Big Knife*, discussed below) is the accountant-type who gives Frankie the cold facts of money. Burt Lancaster played a role similar to Frankie more than thirty years later in Louis Malle’s *Atlantic City* (1980), again a small time gangster battling the mob, while big money was reshaping the title town.

The most prominent films in the capitalist-as-criminal genre are *The Godfather* (1972), and *Godfather II* (1974). These films seem to tell of Michael Corleone’s unsuccessful struggle to turn his family into a legitimate business. This suggests that there is, in fact, a significant difference between legitimate and illegitimate business. Michael and his associates often are parodies of ruthless
businessmen, using literal rather than merely figurative “cut-throat” tactics – “an offer he can’t refuse.” After Robert Duvall pays a businesslike visit to a film executive, briefcase in hand, the executive finds his horse’s head in his bed.

On another level, however, the director Francis Ford Coppola apparently sought to use Michael’s journey from innocent young man home from the service to cold-blooded murderer as a symbol of the corruption of American capitalism. The Corleone family’s corruption ironically signified its evolution into a “legitimate” American business. Under the senior Vito Corleone (Marlin Brando), the family has a kind of idealized honor that the coldly efficient Michael lacks. For example, Robert Duvall, playing the family’s consigliore, seems a better and more honest person than the legitimate, but bigoted and ultimately cowardly, film executive whose horse is beheaded. Michael’s firing of his consigliore signifies the family’s devolution into the modern, corrupt, firm.

4. The pervasive capitalist

Hollywood’s obsession with the evil capitalist can be seen in his casual appearance in many films that have little to do with business. For example, in James Cameron’s Aliens (1986), Burke, the company man, wants to make money off of the title monster, not destroy the repulsive thing. In Cameron’s Titanic (1997), the boat crashes into the iceberg because profits demand speed over caution. Coma (1978) has the inhuman Jefferson Institute turning people into organ farms, hanging their bodies from the ceiling tended by uncaring employees. The relatives of the endangered crew in The Perfect Storm (2000) vilify the owner of the boat that is tossed around in the title event for making money from others' lives, and his insufficiently human response that "that's the game." In The Cooler

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11 This is how Robert Evans, Godfather I’s producer, describes Coppola’s intentions in The Kid Stays in the Picture (2002). Coppola’s also presents his views of innocent and corrupted American capitalism in Tucker, discussed below.

12 Coppola elsewhere seems to view unfettered competition, as seen in the Cuba scenes in Godfather I and II, the building of the automobile company in Tucker, and Kurtz’s defense of unfettered war in Apocalypse Now, as a kind of state of nature.

13 This film echoes the classic French movie, The Wages of Fear (1953), in which a cold-hearted capitalist sends workers down a rough mountain road with a truckload of nitroglycerin. However, Wages of Fear seems to support rather than being skeptical about the capitalist’s self-defense. The truck drivers are shown as desperately competing for the terrible job – one even hanged himself when he wasn’t selected. To be sure, the American oil company that hires the drivers is callous. But the point seems more the general...
traditional casino manager Alec Baldwin is pushed aside by a cold capitalist from Harvard. And *Twister* (1996) portrays the “corporate” tornado-chasers as the bad guys.

5. The evil capitalist as cinematic art

Capitalists’ inhumanity appears not just in film’s stories, but also in their visual language. Philip Lopate notes that recent anti-corporate movies have emphasized chilling steel and glass corporate décor and depersonalized bureaucratic executives. This can also be seen even in older films. For example, in *Sabrina*, the corporate CEO’s office is sterile and starkly modern, adorned only by a wispy Calder-type mobile.

B. EMPLOYEES AND MANAGERS

The lesson so far is that business can do evil and that the evil-doers within firms are the cold-hearted capitalists, but evil done by firms does not necessarily connect with the evil within them. Unlike Marxists, the capitalists who make movies do not see the problems in business as the inevitable results of the system, but rather as indications that the system is not working as intended. Many films show that business is kept on track by employees who make the right decisions, sometimes by resisting their bosses, the capitalists’ agents. Workers can either submit to the dehumanizing money-oriented, values, uniformity and conformity of the corporate system, or act according to their personal moral code.

1. Factory floor and office cubicle

The moral dilemma of employees usually is relevant to those who work in offices. Relatively few films portray employees on the factory floor. This emphasis on white-collar workers reflects filmmakers' main concern, discussed in Part 4, with the higher-level creative types who chafe under the capitalists' direction.

Factory workers are sometimes seen as helpless cogs in a big machine. The most graphic illustration is Charlie Chaplin’s *Modern Times* (1936), in which a worker literally becomes part of the machine – the weakest part at that. The beginning of *The Hudsucker Proxy* (1994) echoes this with a nightmarish view of employees slaving in the bowels of the world than capitalists’ control of business.
of a big corporation. *Norma Rae* (1979), a film about textile workers, begins with a shot of the textile machinery. But filmmakers seem to have trouble imagining even factory workers as lacking independence. In *Norma Rae*, union organizers empower the workers. In *Executive Suite*, Don Walling’s employees on the factory floor have satisfying jobs making quality products under a concerned boss.

To be sure, the distinction between office and factory workers may not always be clear. In *Office Space* (1999), white collar workers in a high-tech firm work in little cubicles, without privacy, with machines that do not work, creating a mind-numbing product (fixing the Y2K problem), under incompetent bosses who repeatedly demand senseless tasks, such as cover sheets on useless forms. One employee, Milton, gradually loses his remaining shreds of humanity – his cubicle moved to the basement, his job cancelled, and even his red stapler taken away. The waitress at a franchise restaurant is told to wear at least 15 buttons, then reprimanded for not exercising her “creativity” by wearing more.

2. Historical trends

Although the dominance and evil of the capitalists is pervasive in films, the roles of the subordinate corporate actors have varied over time.

In the film noir of the late 1940’s, the evils of the firm were those of the era, and the helplessness of the worker reflected that of the typical film noir protagonists. For example, *The Big Clock* (1948), centers on the murder of the fascist boss of a big newspaper company, Earl Janoth (Charles Laughton), and the star reporter George Stroud (Ray Milland), who tries to escape the trap his boss has laid for him.

Films of the 1950’s focused on the workers’ battles with high-powered bosses rather than heavier or bleaker moral choices. For example, in *The Man in the Gray Flannel Suit* (1956), Tom Rath (Gregory Peck), trying to make it in big business, must choose between becoming chained to the company like his boss and mentor, Ralph Hopkins (Frederick March, again, as in *Executive Suite* playing the bottom line company man) or finding time for his family and the important things in life. Rath ultimately chooses family and self over company. *How to Succeed in Business Without Really Trying* (1967), based on a
Broadway play, later parodied the genre in the story of rise of the office boy J. Pierpont Finch (Robert Morse). *Patterns* (1956), shows the evil boss Walter Ramsey (Everett Sloane) driving company man Briggs (Ed Begley) into the ground, while the more independent type, Staples (Van Heflin), manages to rise on his own terms.

The most vivid example of this genre is the film industry version, *The Big Knife* (1955). Charles Castle (Jack Palance) is a big star in a big studio who tries to get out from under the overbearing studio chief, Stanley Hoff (Rod Steiger), urged on by his good ex-wife, Marion (Ida Lupino). Based on a play written by the blacklisted Clifford Odets, the movie sets up a dichotomy between the people who sell their souls and those who remain pure and follow their art. Castle's decision to renew his contract with Hoff clearly represents a sellout. In stark contrast is the pure Hank Teagle (Wesley Addy) who is planning to take Marion to New York so that he can follow his art (and Odets' example). People are commodities in the big firm, a point emphasized by Smiley Coy (Wendell Corey), Hoff's assistant and self-described "memo pad." Coy orchestrates the company's nefarious dealings, including a plan to get rid of Dixie Evans (Shelley Winters), the aspiring starlet and self-described "tax deduction" who is being paid to keep quiet about Castle's incriminating accident. Personal relationships mean nothing, as shown by Castle's poor treatment of his loyal agent, Nat Danzinger (Everett Sloane).

Films of the 1990's tended to show workers in moral dilemmas rather than in conflict with specific people. In *The Insider* (1999), a gray flannel man struggles to do the right thing in a large evil tobacco company. In *Disclosure* (1994), Tom Sanders (Michael Douglas) must choose whether to have extramarital sex with his boss, Meredith Johnson (Demi Moore), or risk having his career in a software company derailed. Like Baxter, he makes the wrong choice at first (although the film presents it as not much of a choice) but then repents and regains his self-respect.

*Quiz Show* (1994) explicitly presents the employee's choice between honor and the bottom line. The film portrayed the television producers' real-life fixing of the television game show, *21*, by feeding questions and answers to contestants. The drama focused on the downfall of nerd Herbie Stempel (John Turturro), and the rise and eventual fall of Charles Van Doren (Ralph Fiennes). The show's
producers sought to ensure the continuity of the players who most resonated with the audience and thereby increased ratings and sold more Geritol. Heroic Congressional investigator Richard Goodwin (Rob Morrow) uncovered the scheme (and then became a speechwriter for Robert Kennedy and wrote this film and the book on which it was based).

*Quiz Show* leaves no doubt as to the dilemma the contestants faced and how they should have responded. The producers Enright and Freedman protest that their fraud was a “victimless” crime. They were, after all, selling entertainment rather than reality. But they breached faith with their audience, personified by Herbie’s wife and Charles’ father. More importantly, the contestants compromised their integrity by playing along with the scheme. The biggest loser was Van Doren, who had so far to fall from his Brahmin position as an eastern intellectual. The film’s music encapsulates the whole story. The film begins with the bouncy Bobby Darin version of “Mack the Knife,” and ends with the somber Lyle Lovett version of the same song, with its emphasis on the refrain, “Mackie, how much did you charge?”

3. Filmmakers and stars

The interpersonal dilemmas of the people in the firm vary with the unique perspectives of individual filmmakers as well as over time. Perhaps the most striking example is Billy Wilder, whose films best present the choices employees in big firms must make between their human selves and absorption into the corporate enterprise.

The most important Wilder film in this regard is *The Apartment* (1960), which can be seen as a transition point between the boss-conflict films of the 1950’s and the morality plays of the more modern films. The film depicts employees stuck in drab bureaucratic anonymity, sitting in rows of identical desks in a big insurance company, Consolidated Life, in a high-rise office building. Junior executives compete for the ultimate prize – the key to the executive bathroom (also the prize in *Will Success Spoil Rock Hunter* (1957)). Baxter (Jack Lemmon) finds he can achieve this prize only by trading in his morality by loaning the key to his apartment to philandering executives. These include Baxter’s boss in the personnel department, Sheldrake (Fred MacMurray), whose mistress Fran Kubelik (Shirley MacLaine) becomes the object of Baxter’s purer
desire. Miss Kubelik presses the buttons in the elevator that takes everybody up and down.

Though Baxter does nothing illegal or even shockingly bad, he immorally accepts and facilitates others’ moral decay, including Sheldrake’s and Kubelick’s adultery, in exchange for cash or personal advancement. The movie implies that Baxter has to turn into Sheldrake in order to move up the corporate ladder. We see the moral equivalence between these alternatives by viewing Baxter through the eyes of his upright traditional neighbors, Dr. & Mrs. Dreyfuss (Jack Kruschen and Naomi Stevens) as a philandering bachelor rather than merely a facilitator. In the end, like the other protagonists discussed above, Baxter makes the right choice and trades the key to the executive bathroom back for the key to his apartment.

Wilder presented workers’ choices in another of his great films, Double Indemnity (1944). Fred MacMurray again appears, this time as the conflicted employee, Walter Neff, again working as a salesman for a big insurance company located in a big anonymous office. Now the employee and not the boss is corrupt, using his expertise to plan a murder in order to collect on an insurance policy. He is not driven by his bosses, but by sex, in the person of Phyllis Dietrichson (Barbara Stanwyck). By contrast, higher up the corporate ladder is the movie's only good person, the investigator Barton Keyes (Edward G. Robinson), who uncovers the crime.

Wilder later made The Big Carnival aka Ace in the Hole, 1951) in which the employee, reporter Charles Tatum (Kirk Douglas), was again the grasping immoral character, this time in going after the big story, while the voice of morality was Tatum's boss at the newspaper.

Wilder's films say that firms are not necessarily corrupt at the core, or even at the top. Rather, they present workers with bad choices that must be resisted. This is at least better than the fascist German society Wilder fled. In One, Two, Three, made the year after The Apartment, the protagonist was C.R. MacNamara (James Cagney), Berlin branch manager of that symbol of American capitalism, Coca Cola. Whatever the flaws of the large, impersonal U.S. corporation, they pale compared to the fundamental absurdity of the Communist system, in the person of Otto Ludwig Piffl (Horst Bucholz), the Communist whom MacNamara must keep the boss's daughter from marrying.
Similarly, in Wilder’s *Sabrina* (1954), the capitalist Linus Larrabee (Humphrey Bogart) points out that the company’s new plastic, for which his brother David’s marriage will provide the ingredients, will improve mankind, and the factory that will make the product will bring wealth to the poor. The opportunities and choices presented by a capitalist society contrast with the sclerotic old society that it replaces. Sabrina (Audrey Hepburn)’s father tells her that life is like “a limousine... though we are all riding together we must remember our places, there is a front seat and a back seat and a window in between.”

Business themes also appear in the films of powerful and intelligent stars who can choose their scripts. Wilder's moderate view of business contrasts with the darker view portrayed by Jack Lemmon in business-related movies he made under other directors, in which he portrayed workers on the verge of being overwhelmed by the corporate system. These include, in addition to *The Apartment, Save the Tiger, The China Syndrome,* and *Glengarry Glen Ross,* all discussed below. In these films, as in *The Apartment,* Lemmon agonized over moral choices, reflected in a face that lent itself to this sort of angst. But even in these films, the worker has choices. In *The China Syndrome,* Lemmon played the weak but ultimately heroic corporate employee who surmounts his fear of his murderous bosses to expose the danger they are creating.

Lemmon’s most personal project was as Harry Stoner in *Save the Tiger* (1973), a part that Lemmon played without a salary and for which he won an Academy Award (and which Kevin Spacey acknowledged as the model for his performance in *American Beauty* in accepting his own Academy Award). Lemmon sees little choice but to torch his business for the insurance money. The extent of his personal depravity is indicated by the fact that he stoops to offering a hippie money for sex. Stoner thinks his sad state reflects something general about the decline of America since the great days of World War II, baseball, and jazz. Yet since he is seemingly alone in his fall, his musings about the lost past resemble Lear’s pathetic fallacy. His partner, Phil Greene (Jack Gilford), opposes the insurance scam, having lived within his means and not being so desperate for money. As in *The Man in the Gray Flannel Suit,* Stoner’s problem seems to be that he longs for the days when a heavily constrained world offered only the choice to fight the Nazis.

In contrast to Jack Lemmon’s angst, Tom Hanks has
portrayed the more exuberant and optimistic side of business in most of his films (even including Sherman McCoy in *Bonfire of the Vanities* (1990) until McCoy's downfall). For example, in *Big* (1988) Hanks plays Josh Barkin, a kid who is transported into an adult body and capitalizes on his childlike innocence and enthusiasm to become a successful toy executive. The message is muted in *Big*, because Barkin is contrasted with the adult Paul (John Heard). But in *Cast Away* and *You've Got Mail*, discussed below, Hanks plays adults who still manage to have innocent enthusiasm for doing business.

4. **An alternative vision: Glengarry Glen Ross**

The brightness of Hanks' view of business contrasts with David Mamet's flamboyantly anti-business *Glengarry Glen Ross* (1993). This film deserves extended discussion because of the comparison it invites with the typical American film.

Lemmon again stars, this time as Shelley "the Machine" Levene, a salesman in a high-pressure real estate firm. He is a pathetic wreck, desperate for valuable "leads" -- suckers who will buy the overpriced vacant lots the firm sells. In one scene a rained-on Shelley pleads with Williamson the office manager (Kevin Spacey), who offers to sell the leads for an immediate $50 kickback, which Shelley cannot afford. Shelley's desperation for money finally leads him beyond cheating to burglarizing the leads and selling them to a competitor. The pathos extends to how Levene practices his trade. He does not seem to rise even to the Willy Loman level. This is no tragic hero, "riding a smile and a shoeshine," a man to whom "attention must be paid." He sells a worthless product that nobody should want, who rarely smiles, and cannot find any sane person to pay attention. He is shown getting his shoe in the door of one Mr. Spannel with a phony free prize, patronizing and wheedling and finally being pushed back through the door. He calls another mark from a payphone pretending he's in an office shouting orders to his secretary. When he finally makes this sale, his triumph is soured when he finds the mark is a loser who likes talking to salesmen.

Shelley is not the only loser in this office. The men are in cutthroat competition in this zero-sum world in which the "leads" materialize like manna (apparently from phony prizes like the one the Spannels "win") and then are doled out to the salesmen. In other words, the firm and its
bosses completely control the means of production on which salesmen can unleash their creative forces. The salesmen are reduced to animals that must kill or be killed. Roma (Al Pacino) and Levene disparage Williamson, the office manager because he does not sell, and cannot discipline those who do – he's not a real man because he does not actually kill the animals and bring home the meat. Roma is the only character who approaches Loman-like status, and then only because he is better at his dismal task than the others. He is shown selling a drunk and bleary prospect with a philosophical spiel about the shortness of life.

This film is not merely bleaker than the others discussed in this section, but its characters, unlike those in the others discussed above, do not seem to have a viable choice. In the other films the corporation offers freedom rather than constraint -- a chance to make the right choice as well as the wrong one. But here, Shelley must have the money to pay his daughter's hospital bills. In order to make the money he must work for a dehumanizing firm. In other words, more than just the context for his choice, the firm takes the choice away.

*Glengarry's* message is graphically conveyed in the film's most memorable scene -- one that was not in the stage play. Alec Baldwin appears as Blake who is there on behalf of "Mitch and Murray" from "downtown" to motivate the salesmen:

I'm here on a mission of mercy. . . . [T]he good news is you're fired. The bad news is: you've got, all you've got just one week to regain your jobs starting with tonight. Starting with tonight's sit. Oh, have I got your attention now? Good. 'Cause we're adding a little something to this month's sales contest. As you all know, first prize is a Cadillac Eldorado. Anybody want to see second prize? Second prize is a set of steak knives. Third prize is you're fired. Do you get the picture? You laughing now? You've got leads. Mitch and Murray paid good money. Get their names to sell them. . . . If you can't play in the man's game, you can't close them, you go home and tell your wife your troubles. Because only one thing counts in this life: get them to sign on the line which is dotted. . . . 'A,' always, 'B,' be, 'C,' closing, always be closing. . . . [My] watch cost more than your car. I made $970,000 last year, how much you make? You see pal, that's who I am and you're nothing. . . . Good father . . . go home and play with your kids. You want to
work here, close! . . . You don't like it? Leave. . . . You know what it takes to sell real estate? It takes brass balls to sell real estate. . . . You want to go out on those sits tonight and close, close it's yours. If not, you're going to be shinin' my shoes. And you know what you'll be saying, a bunch of losers sittin' around in a bar: 'oh yeah I used to be a salesman, it's a tough racket."

But as noted above the darkness of *Glengarry Glen Ross* is atypical. Consider the difference between *Glengarry* and *Boiler Room* (2000), which explicitly evokes *Glengarry* in its portrayal of young brokers using the firm’s leads to hype stock. Yet the hero of this film is able ultimately to rise above the dismal ethics of his workplace and not only turn his bosses over to the law, but also get compensation for a defrauded client.

### C. SHAREHOLDERS VS. MANAGERS

Employees are not the only ones who make important decisions in firms. Shareholders also are supposed to be running things, at least in the background. They are, after all, the real providers of capital. The obvious trouble with blaming the shareholders for corporate evil is that the shareholders are everywhere, including in the movie audience. If corporations are poisoning us, they are doing it to maximize the price of our shares, which is not a message the audience wants to hear. Although ubiquitous share ownership is a relatively recent phenomenon, for much of this century, ownership of large American corporations has extended far beyond the wealthy few.

Films that get past portraying corporations as shadowy entities and closer to how they operate must deal with this thorny problem. As in many of the stories about employees, the problem is wayward bosses who are supposed to be the shareholders' agents but are really their antagonists out for their own good. If the shareholders can take control and replace the evil bosses, then they can maximize profits and help society at the same time.

But this just raises another problem – how do the shareholders get control? Shareholders are many but not mighty because they do not understand the corporate machinery, do not find it worthwhile to obtain and analyze corporate information, and cannot easily coordinate to take
Given these problems, it is no wonder that Hollywood has so rarely dealt with the messy details of corporate governance. We know from newspapers and films about manipulators like Gordon Gekko and Larry Garfield, and from films and real life about bosses who run things day to day, but ordinary shareholders generally are invisible.

The few films that deal with the details of corporate governance tell a fairy tale about the shareholders’ ability and willingness to take control. The most notable example is *Other People’s Money*, in which Garfield and Jorgenson leave the decision up to the shareholders, the shareholders gather in a room, listen to dramatic speeches, and vote in a way that ends up making everybody happy.

Another famous fairy tale about corporate governance is *Solid Gold Cadillac* (1956). Here the good and wise CEO and founder Mr. McKeiver (Paul Douglas) decides to go into government, leaving his company in the hands of dishonest incompetents. Among other things, they hire a director’s brother-in-law who promptly puts one of the company’s subsidiaries out of business. Laura Partridge (Judy Holliday) is a small shareholder who shows up at a shareholders meeting acting like present-day real-life corporate gadfly Evelyn Davis, making a nuisance and asking questions. The board tries to co-opt her by giving her what is supposed to be a meaningless job in charge of shareholder relations. When she refuses to cooperate, the bosses try to get rid of her. But Laura ends up rounding up the shareholders’ proxies to bring Mr. McKiever back as CEO. They ride off together in a well-deserved solid gold Cadillac.

Hollywood finds a villain within the corporation, but predictably it is not the capitalist system itself. Indeed, the film deliberately compares corporations and government in which corporations come out ahead. The film refers to Judy Holliday’s earlier movie, *Born Yesterday* (1950), in which she played a similar role in bringing down a dishonest businessman (Broderick Crawford) who is in Washington corrupting politicians. There the Judy Holliday character befriends the good newspaper reporter played by William Holden (whom Laura in *Solid Gold Cadillac* compared to that film’s protagonist, Mr. McKiever). The government

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14 The classic work on the shareholders’ helplessness in large corporations is Berle & Means, THE MODERN CORPORATION AND PRIVATE PROPERTY (1932).
comes out right in *Born Yesterday* just as the corporation does in *Solid Gold Cadillac*, but in the only direct comparison, the good Mr. McKiever decides that he is frustrated in Washington's bureaucracy and would rather work in his corporation.

The broader lesson of *Solid Gold Cadillac*, discussed below, concerns the role of the watchdogs like Judy Holliday (or William Holden, the newspaper reporter in *Born Yesterday*), society needs to keep an eye on government and corporations. In a sly comparison with filmmakers, Laura reacts to hearing about the directors' high pay by saying "directors shouldn't make that much money unless they happen to be movie directors, like Cecil B. DeMille."

*The Hudsucker Proxy* presents a darker variation on *Solid Gold Cadillac*. Again, the founder leaves the company (this time by jumping out a skyscraper window) and nefarious Paul Newman takes over. He thinks (mistakenly it turns out) that he needs to depress the stock so the board can buy it cheaply and maintain control. So he hires imbecile Tim Robbins to run the company into the ground. Instead the eager beaver invents the hula hoop and the company becomes successful. So this time luck saves the shareholders from the evil managers.

**D. GOOD FIRMS: WITHOUT EVIL CAPITALISTS**

One indication that Hollywood is not anti-business is that many films portray examples of good firms. In Hollywood's fairy tale, such firms are organized around The Hollywood view that good management does well by doing good. Films, however, are not really concerned with firms' interests, but rather with how well these firms would serve artists' interests. Consider some specific Hollywood principles of good management.

1. **Employees in charge**

The good firm is controlled by labor rather than by capitalists, or at least run in a way that is compatible with workers' interest. For example, *Erin Brockovich* contrasts the evil Pacific Gas & Electric with Erin's worker-friendly labor-controlled law firm that brings the company to justice. In *Jerry Maguire* (1996), the title character (Tom Cruise) has a vision that turns him from a crass sports agent in a big heartless sports management firm to sole proprietorship with one devoted employee and one devoted client and who
eventually acquires a soul.

Filmmakers do not seem to mind that the good worker-controlled firm often happens to be engaged in a criminal enterprise. This suggests that the good firm is not good because it is socially responsible, but rather because it empowers individuals (unless they happen to be crime victims). For example, in Don Siegel's *Charley Varrick* (1973), Walter Matthau’s title character is “the last of the independents” (the working title of the movie). Varrick can’t make crop-dusting pay in the age of the combines, so he decides to rob small banks. This pits him against another combine, the mob, whose money he accidentally steals. The mob sends Molly (Joe Don Baker) after Varrick. Varrick is obviously a better person than Molly in every way, including how he treats women. The implication is that sole proprietorship breeds more socially responsible criminals.

*Charley Varrick* is one of many Don Siegel movies in which a loner bucks the system – most notably the classic *Invasion of the Body Snatchers* (1956), and films Siegel made with Clint Eastwood, including *Dirty Harry* (1971) and *Escape from Alcatraz* (1979). Yet the loner motif probably reflects to some extent Siegel’s view of business, and more specifically the film business. Siegel created a distinctive hard-nosed style, yet he worked for studios rather than as an independent. Siegel’s ambivalence about business is expressed in two quotes attributed to him on the Internet Movie Database: "Because I'm a whore. I work for money. It's the American way." "I once told Godard that he had something I wanted - freedom. He said: 'You have something I want - money'."

Cowboys in westerns are classic sole proprietors. For example, in *The Tall T*, Randolph Scott plays a cowboy, Brennan, who will not work as a hired hand for Tenvoorde, but rather insists on struggling with his own spread. The stage driver also balks at marching to the orders of the wealthy Mims. The nostalgia inherent in all westerns is explicit in *Lonely are the Brave* (1962), with a screenplay by the leftist writer Dalton Trumbo, which portrays the sad death of the independent cowboy in the modern world of highways and fences.

The family firm is the epitome of the worker-friendly company. Here the firm provides the same continuity between the community and the individual that the family itself does, rather than a capitalist barrier. This, of course, includes the mob family firm portrayed in the *Godfather*.
films. Another example is Spike Lee’s *Do the Right Thing* (1989), where Sal’s Pizzeria feeds everybody and is an important binding force for the neighborhood. A boycott against the restaurant at first stalls because everybody needs the food, and Mookie (Lee) needs the job. The restaurant is ultimately brought down, not because it is a capitalist entity, but because it is so closely identified with its owner, whose attitudes and heroes plastered on his “wall of fame” are out of synch with those of the neighborhood. Similarly, in *Sometimes a Great Notion* (1971), based on Ken Kesey’s novel, the family firm ends up at odds with its community because of the attitudes of the founders.

In a few films, even large capital-controlled firms are portrayed as good firms that are not inimical to worker interests. This is particularly true in Tom Hanks’ films, whose boyish optimism easily conveys a favorable view of business. In *Big*, Hanks plays a kid, Josh Baskin, who gets his wish to grow up and winds up in a 30-year-old body. He lands a job at a toy company where the boss, kindred spirit Macmillan (Robert Loggia), lets Josh succeed by, of course, designing toys.

In *You’ve Got Mail* (1998), a remake of *Shop Around the Corner*, Hanks is now a real adult, Joe Fox, who owns a big chain bookstore, Fox Books. Although the big capitalist chain puts Meg Ryan’s little children’s bookstore out of business, this has the good effect of releasing Meg to a better life, unleashed from the claims of her past.  

In *Cast Away* (2000) Hanks’ character, Chuck Noland, works for a real capitalist firm, Federal Express. He is committed to and evangelizes for his work of delivering packages on time. After being marooned on an island, Noland eventually gives up his quest for complete control. In the last scene he finds his package’s addressee by abandoning himself to fate and guessing the right fork in the road. But whatever defects in his character need to be cured, they are portrayed as the problems of modern life, not those of firms or their employees.

### 2. Socially responsible management

In Hollywood, good businesses seek to benefit society. Some film businesses are so good that they exist only for society’s benefit. In *Schindler’s List* (1993), the owner

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15 This “creative destruction” aspect of the film is discussed below.
destroys his business to save the workers. In *Heaven Can Wait* (1978), a remake of *Here Comes Mr. Jordan*, co-directed and starring Warren Beatty, the star is a quarterback who is killed prematurely and allowed to come back as a business executive. He makes the most of his opportunity through corporate social responsibility. In a board meeting the reborn executive presents his business ideas to the audience as if it is logical that any goodhearted person would give corporate assets to the poor if he could.

Other film businesses serve both society and the owners. For example, in *Executive Suite*, discussed above, William Holden plays the good executive, the manly McDonald Walling, who manages to do right by the consumers by giving them better chairs, the workers by giving them more satisfying jobs, and the controlling shareholder, played by Barbara Stanwyck, who ultimately decides to let Holden take over. Holden gets the job over the sweaty-palmed Loren Shaw (Frederick March), the short-sighted bottom-line man. More recently, in *Two Weeks Notice* (2002), Hugh Grant plays a developer who learns to be socially responsible under lawyer Sandra Bullock’s guidance.

Frank Capra’s films featured the attitude that firms do well by doing good. According to Joseph McBride’s biography of Frank Capra, Capra was politically rather conservative (he voted for Coolidge and hated Roosevelt) and thought he could reconcile wealth and social responsibility. McBride observes that Capra had an “economic perspective that proposes a method of getting rich without gouging the workingman.” In *That Certain Thing* (1928) Capra’s heroine says the secret of her success in the lunch business was to “cut the ham thick,” mocking the evil businessman villain who bragged that the secret to his success was to “slice the ham thin.” And in Capra’s most famous film, *It’s a Wonderful Life* (1946), George Bailey (Jimmy Stewart) is a banker who relives his life of helping the town and his customers, in competition with the evil banker Potter. It is unclear how much of this philosophy should be attributed to Capra’s left-leaning writers Jo Swerldling and Robert Riskin. Riskin’s influence was probably strongest in *Mr. Deeds Goes to Town* (1936), where Longfellow Deeds does not stop at merely socially responsible business practices but simply gives his money away.

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Even if a film business is not entirely good, it should at least be ethical. For example, in John Huston’s *Treasure of the Sierra Madre* (1948), the old prospector is the socially responsible partner in the gold mining business. Although he is profit-motivated enough to kill the stranger who wants a share of their claim, at least he insists on restoring the mountain, helping the Indians with a sick child, and giving a share to the stranger’s widow because the man helped the prospectors. In many of these decisions he battles the all-out profit-maximizing partner, played by Humphrey Bogart.

3. The businessman as artist

The good businessman is often a kind of artist, and often one who works in the industry filmmakers know best. In other films, business is clearly a creative force freed from capitalists’ narrow vision and the businessman is a mighty creator, engaged in the noblest form of work – filmmaking, or something analogous to it.

An early example is *Skyscraper Souls* (1932), about a ruthless tycoon who builds a skyscraper and then stops at nothing to save it from his creditors. In this film, unlike *Dinner at Eight* of the same era, the tycoon has a soul. In one scene he explains the difference between a man who makes money for its own sake and a man who achieves something worthwhile with it.

The most notable example of this genre is *Citizen Kane* (1941), where the protagonist creates a mighty news empire. Orson Welles surely saw something of himself in Kane. Later he depicted an entrepreneur helping to create the automobile industry in *The Magnificent Ambersons* (1942).

Francis Ford Coppola also turned to the automobile industry in *Tucker: The Man and His Dream* (1988). Like Welles, Coppola notoriously chafed against the cramped little capitalists who funded his films, and probably saw himself in the title character. Preston Tucker (Jeff Bridges) wants to make the world’s best cars. He finds a capitalist with vision, Abe Karatz (Martin Landau), who helps him build his factory and begin producing cars. But the Big Three automakers, lacking the “good” firm’s creative spark, ally with government to crush Tucker and his car.

*The Bad and the Beautiful* (1952) illustrates the
businessman with a heart in (for filmmakers) the most important business of all. Director (Barry Sullivan), actress (Lana Turner) and writer (Dick Powell) explain why they never again want to work with producer Jonathan Shields (Kirk Douglas). Their stories sketch a man who rose from making B-movies to become one of Hollywood’s biggest producers by using to climb to the top. But as unattractive a person as Shields is, he at least is someone who cares about his art – more in the mold of Orson Welles than David O. Selznick.

Steven Spielberg created a memorable example of the visionary businessman in John Hammond (Richard Attenborough), the wealthy developer of *Jurassic Park* (1993). There is a sense of wonder about Hammond’s project, even if he was guilty of hubris in thinking he could control the natural forces he had set loose.

And Martin Scorsese’s *The Aviator* (2004) drew from the classic example of the artist-businessman, Howard Hughes, who was not only a charismatic maverick and innovator in the airline industry, but who literally entered the artistic realm by dabbling in the film industry.

There are a few other cases where filmmakers see the potential in stories of creating impressive firms, including Jett Rink (James Dean) in *Giant* (1956) and Scarlett O’Hara (Vivien Leigh) in *Gone With the Wind* (1939). In *Sabrina*, Linus Larrabee (Humphrey Bogart) revels in the social good his company will do in creating its new kind of plastic and building factories in the third world. Although the entrepreneur is sometimes seen as losing his soul as he builds his empire, all of these films derive some of their appeal from the exhilaration of building an empire and helping to build America. That there are relatively few such films indicates what filmmakers have lost by focusing on what they see as the dark side of business success.

4. WHY FILMMAKERS DISLIKE CAPITALISTS

Part 3 makes clear that Hollywood is not anti-business. Philip Lopate notes that there is “no socialist alternative being put forth in the political discussion.” Rather, filmmakers do not like one specific element of corporations – the control exercised by the capitalists. Films do not condemn their audiences who own and work in

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corporations, or the “good” corporations that are controlled by workers or artistic types.

This Part explains why Hollywood condemns capitalists. Subpart A discusses the heart of the problem—filmmakers’ resentment of how capitalists force them to compromise their art. Subpart B shows how filmmakers differ from other artists in this respect. Subpart C discusses the tension evident in film between what filmmakers view as artistic integrity and selling out to the capitalists.

A. CAPITAL’S CONSTRAINTS ON ARTISTS

The portrayal of business in film reflects the tension between filmmakers and those who provide the large sums of money necessary to make and distribute films. As Tyler Cowen has noted, in comparison with other art forms, “most movies... must cover their high capital costs by appealing to a larger number of viewers.”18 The capitalists who fund films demand a return on their investment. In other words, they must ensure that the movie ultimately will succeed by market rather than artistic standards when the two conflict.

In order successfully to compete for capital, filmmakers therefore must offer expected profits in line with comparably risky investments and not just artistic merit. This involves both crimping the artists’ vision to cut costs and slanting it to sell more tickets. As Cowen observes, “the movie spectacular with expensive special effects is likely to have a happy ending.” “Ars gratia artis” is a prescription for business failure. As discussed above, Preston Sturges satirizes the conflict between artist and studio in Sullivan’s Travels. The artists’ plight in having to deal with capitalists is dramatized in Glengarry Glen Ross, where the salesmen must grovel for customer “leads” in order to be able to spin their tales about overpriced Arizona land.

Artists can be expected to bridle at these constraints. Their training and instincts make them more sensitive to the nuances of their art than the general public, and therefore cause them to judge themselves and other artists by different standards than the public does. Artists therefore derive less job satisfaction from maximizing profits than do other commercial actors. Filmmakers who

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seek money for their projects accordingly must make a kind of Faustian deal in which they agree to compromise their artistic “soul” where this interferes too much with profitability.

The anti-capitalist bias in films can be seen, at least in part, as artists’ expression of their frustration with the compromise of their art. As Philip Lopate says, “. . . one often has the sense that filmmakers, seeing themselves as mavericks, smuggle into these projects their resentment against the studio bean counters who oversee them."

But it is not clear why the capitalists let artists express their resentment in their films. Why should capitalist movie companies remind their paying customers about the evils of capital? The reason is that, while artists’ may feel burdened by constraints, the constraints are too weak to prevent artists from expressing their resentment.

Artists’ incentive to smuggle their anti-capitalist bias into their films, as well as their ability to do so, reflects the economic problem of “agency costs.” In general, these costs result when an owner of property, whom economists refer to generally as the “principal,” hires another person, or “agent,” to maximize the value of the principal’s property. In this framework, the filmmaker would be the agent and the financier the principal. Capitalists hire agents because they lack the skills to employ their capital profitably – in this case, by making movies. But since the agent does not own the property in the sense of reaping all of the gains from its use, he lacks the incentive to squeeze as much value out of the property as the owner would.

The principal can address the incentive problem by watching over, or “monitoring,” the agent. Alternatively, the agent can encourage the principal to deal with him by offering a “bond” that the agent forfeits when he disregards the principal’s interests. It usually will not be worthwhile for the principal and agent to do enough monitoring and bonding to make the agent behave as if he were managing his own property. In other words, the parties usually will find it more cost-effective to tolerate self-interested behavior by the agent. Thus, even if film companies know that the artists will “smuggle in” an anti-capitalist

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19 See Lopate, supra note 7.
20 The classic work on these costs of hiring agents is Michael C. Jensen & William H. Meckling, Theory of the Firm: Managerial Behavior, Agency Costs and Ownership Structure, 3 J. FIN. ECON. 305 (1976).
message, since this message is unlikely to do much harm to the film, tolerating the message is usually preferable to incurring the potentially high costs of filtering it out, choosing other filmmakers or taking control of the creative process.

The problem of slack can be significant where large amounts of money and significant risk are involved, as in the movie industry. “Risk” refers to the “variance” or “spread” between the good and bad results the financiers expect when investing in their projects. Most people are “risk-averse” in the sense that, other things being equal, they would prefer getting a sure dollar to a 50% chance of getting $2.00 and a 50% chance of getting nothing. By diversifying their portfolios, investors can balance the risk that one investment will fail against the possibility that another will succeed. Film companies, or usually their parent companies, therefore often obtain financing by raising money from many investors, each holding a bit of the film company or its parent as part of a diversified portfolio. The drawback to the financier’s reducing risk through diversification is that holding many stocks in a diversified portfolio makes it harder for the owners to monitor each one. This separates control even more sharply from ownership than would be the case in the absence of risk diversification.

In short, even if capitalists do not particularly like filmmakers’ message, they cannot hold a tight enough rein to prevent the resentment from being expressed in their films. Moreover, filmmakers themselves can work within the confines of slack. For example, as discussed in section 3.C, filmmakers minimize the damage to movie companies by refraining from blaming firms’ shareholders, who are a significant portion of the audience.

Even if the expression of anti-capitalist bias in films clearly is an agency cost problem, the relevant agents may not be only the filmmakers, but also the managers of the film companies. In this version of the agency story, the managers do not mind promoting the view that capitalists are bad as long as the managers are entrusted with ensuring that business, including the film business, is socially responsible. This idea is pursued below in subpart 5.A. Thus, all of the firms’ agents - the managers and the filmmakers – align against the owners, their mutual principals.

Finally, it is possible that the artists’ expression of
anti-capitalist sentiment does not indicate agency slack in the sense that filmmakers' anti-capital message damages the film companies. In one scenario, film producers might, in fact, demand, and artists accept, less compensation or other perks in return for having more freedom to denigrate capital or express other personal views in their films. Alternatively, film companies may have no reason to care about the anti-business message because it does not affect their revenues, even if it politically damages business generally, as discussed below in Part 7. In this case, anti-business messages in films could be expected to decline as film companies are increasingly combined with non-film businesses, as discussed below in subpart 8.B.

B. FILMMAKERS VS. OTHER ARTISTS

A strong argument can be made that all artists share an anti-capital bias. Authors, painters and other artists have reason to resent the lack of money because otherwise they could pursue their art without concern for market pressures. For example, George Gissing wrote in *New Grub Street* (1891) about the tensions between art and money long before movies. Moreover, all artists see themselves as searching for the true meaning of things rather than for wealth. For the artist, success is measured by the inherent quality of perception or expression rather than, like the typical capitalist, accumulation of wealth.

However, the analysis in subpart A suggests that filmmakers' attitude toward capital would differ from that of other artists because they face problems that other artists do not share. Because of the significant amounts of money that modern filmmaking requires, capital constraints impinge everywhere. Other artists, by contrast, can succeed by being independently wealthy, by being willing to live modestly, by having initial artistic success, or by doing their art as a sideline to another career. While the artists might prefer to devote more time to their art, at least they can produce their art without tailoring their message to sell their books or pictures.

Filmmakers, including directors, writers, photographers and others who are responsible for films' intellectual content, react to the decision-making hierarchy in filmmaking that tends to subjugate art to business

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21 In other words, the film companies' tolerance of anti-capital messages in their films might, ironically, be profit-maximizing but socially harmful.

http://law.bepress.com/alea/15th/bazaar/art13
considerations. Every filmmaker to some extent makes a Faustian deal in order to produce her art. Even filmmakers like Woody Allen who have secured significant independence from major studios still rely on outside financing and so must be conscious of monetary constraints. Since the constraints are so central to their ability to function as artists, it is not surprising that the resulting frustration or resentment emerges in their work. Filmmakers therefore are likely to feel more resentment against capitalists than other artists, all else, including personality, being equal. By contrast, other artists would not necessarily be resentful merely because they are truth-seekers. They are as likely to feel privileged as they are to feel oppressed.

There might seem to be a countervailing force in capital-intensive art that counteracts artists’ resentment. Specifically, a filmmaker looking for capital might seem to understand and sympathize with capitalists more than other artists who rarely have to deal with the business world. Understanding might at least counterbalance resentment, leaving filmmakers no more opposed to capitalists than those working in less capital-intensive arts. But if filmmakers see themselves as fundamentally different from capitalists, then they might not sympathize with them even if they must deal with and understand them.

Movies are not unique in the amount of capital they require. Artists could not necessarily indulge their own tastes if commissioned to cover the walls of a cathedral or a palace. But movies are unique in the sense that it has never before been feasible to finance art on the large scale of modern movies in an impersonal market with money from those who are indifferent to the artistic process. This contrasts with the traditional relationship between artists and their art-loving patrons. Individual wealthy supporters, such as the Medici or government foundations, may have their own ideas about art, but they are serious about artistic merit. An artist in pursuit of a patron is not, like a filmmaker, producing for the masses but looking for one person who appreciates his particular form of expression. While impersonal capital markets may facilitate funding of a broader range of ideas than is possible from matching individual artists and patrons, there is clearly a set of ideas that is outside the range – that is, those that do not sell.

Another type of contrast between filmmakers and
other artists focuses not on the need for capital but on the revenues that finance films – that is, ticket and video sales. As discussed above, this market is relatively indifferent to films’ message. By contrast, broadcast television producers must care about content in order to attract advertisers. This suggests that television’s approach to business and capital might differ from that of films. Indeed, a casual glance at television suggests that it is harder to identify a particular approach to business in television shows than in movies. Even where a business is at center stage, as it is in The Simpsons, it is not the threatening monolith that it is in film. The nuclear power plant might have evil boss Mr. Burns, but Homer seems often to bumble his way into getting the upper hand. In other words, while films’ anti-capital message is a reaction to control by capitalists, the message is more prominent in films than in other media precisely because the markets impinge less on filmmakers than on those working in other media.

It might be interesting, and beyond the scope of this paper, to compare the content of cable television shows that depend on audience subscription to that of broadcast television, which depends on advertising. A rough indication is provided by the popular and influential cable show, The Sopranos, where cable television mimics Hollywood’s Godfather films in showing parallels between business and crime.

C. ARTISTS AS SELLOUTS

The previous subparts explained films’ treatment of business as the product of the tension filmmakers face between their artistic ambitions and money constraints. This tension surfaces in many films where artists must choose whether to sell out to the capitalists. These films show that filmmakers chafe at MGM’s famous corporate slogan, “ars gratia artis.” Society needs them to tell us stories like Erin Brockovich, free from the studio bean counters.

1. Filmmakers

Many films explicitly present the tension between capital and art in the form of a standard plot in which a filmmaker must choose whether to compromise his art for money. For example, in The Big Knife, the studio executive Hoff caricatures the crass, domineering and evil boss to which artists must humble themselves if they want to make
money. According to filmmakers, this obeisance to the moneyman was a problem even for Shakespeare, as seen in *Shakespeare in Love* (1998).

The commercial pressure on artists who work in film is most explicitly presented in Robert Altman’s, *The Player* (1996). Griffin Mill (Tim Robbins) is a movie executive known as “the writers’ producer” who personifies the studio’s dealings with writers. Writers swarm around Mill, making their “25 word” pitches. Mill says film companies hear 50,000 of these pitches every year, of which his company can only turn 12 into films. Another executive, Larry Levy (Peter Gallagher) suggests that it would be “an interesting concept . . . to eliminate the writer from the artistic process” and get scripts from newspaper stories. The artist is just an anonymous cog in the film production machine.22

The writers in *The Player* are not wholly innocent, since they cave into the pressures. A subplot in *The Player* concerns a writer who zealously pitches a pure vision of a non-commercial prison movie with no-name actors that ends with an execution. This becomes a silly film-within-a-film called “Habeus Corpus” in which Bruce Willis rescues Julia Roberts from the gas chamber. The once pure writer, when criticized for forsaking reality, points to the “reality” of the preview testing badly with the downbeat ending. Mills kills a writer he thinks is threatening him after finding him at a screening of *Bicycle Thieves*. In that film a son watches his father turn into a bicycle thief after having his own bicycle stolen, just as financial necessity forces Joe Gillis into prostitution in *Sunset Blvd*. Mills carries in his drawer a card of Busby Berkeley’s *They Made Me a Criminal* (1939). Notably, *Bicycle Thieves*, a cinema masterpiece, was playing to an empty theatre.

Some films actually parody the sell-out theme, thereby pointing out its prevalence in films. For example, in *Adaptation* (2002), the protagonist novelist struggles throughout the film with his less creative but more enjoyable commercial side. Most notably, Preston Sturges effectively satirized filmmakers’ attitude in *Sullivan’s Travel* (1941). The film starts with the ending of Sully Sullivan’s (Joel McCrea) latest movie symbolically depicting

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22 Filmmakers’ anonymity is spoofed at one point when a delivery boy bumps into Alan Rudolph, who the boy thinks is Martin Scorsese. The director says “no, but I know Harvey Keitel” and the boy says he loved “Cape Fear,” a film *remade* by Scorsese. Alan Rudolph’s *Welcome to L.A.* (1976), a film similar to *The Player*, co-starred Keitel.
capital’s fighting labor to the death. Sully’s studio now wants a comedy or a musical, while Sullivan wants to do the socially conscious “Oh Brother Where Art Thou” (a title the Coen brothers later borrowed). Sully’s last movie was big in New York but died in Pittsburgh. He says, “what do people know; if they knew anything they wouldn’t live in Pittsburgh.” Sully then hits the road to learn what people want, and learns that the studio was right all along – they want comedy. Of course, by this time the studio has changed its mind and wants to seize on the publicity and public demand for “Oh Brother Where Art Thou” created by Sully’s odyssey. But Sully, like a true artist, insists on giving the public the comedy he has now decided the public actually wants.

The Coen brothers (who later actually made O Brother Where Art Thou (2000)), did their own version of the sell-out parody in Barton Fink (1991). The film begins with a stage play about the squalid lives of fishmongers. The playwright Fink (John Turturro), at first says he does not care about reviews and is looking for real success, trying to create “new living theatre of and about and for the common man.” But, true to his name, he goes to Hollywood to work for Capital Pictures. When he checks into the Hotel Earle (slogan: “a day or a lifetime”) the desk clerk asks whether he is a transient or resident. Fink thinks about water breaking over the rock – will Hollywood break him?

The antagonism between capital and art is personified in the portrayal of the Louis B. Mayer-type movie mogul Jack Lipnick, reminiscent of Hoff in The Big Knife reminds Fink that “we own your mind,” that he won’t “let the lunatics run the asylum,” that anything Fink writes “is the property of Capital Pictures,” that “I got 20 writers under contract.” Barton chafes, “I'm a creator -- I create for a living; this is how I serve the common man.” Artistically, Lipnick says: “We're only interested in one thing, Bart. Can you tell a story? Can you make us laugh?

23 Barton’s dream of writing about the “common man” leads him to Charlie Meadows (John Goodman) who says, “I’ll show you the life of the mind” and reveals himself to be a dangerous psychotic.

24 The related theme of business' ownership of the human soul appears in films based on stories by Philip K. Dick. These include Paycheck (2003), in which a corporate spy contracts away his memory of his work for his employer, Blade Runner (1982) (based on Do Androids Dream Electric Sheep and AI (2001) (based on Supertoys Last All Summer Long), both dealing with irresponsible corporate control of human-like robots, and Total Recall (1990) (based on We Can Remember It For You Wholesale), in which a corporation sells artificial experiences.
Can you make us cry? Can you make us want to break out in joyous song?” Lipnick’s henchman says, “the contents of your head are the property of Capital Pictures.”

2. Professional athletes

Several films portray professional athletes who must choose whether to compromise their sport for money. For example, in *The Replacements* (2000), strikebreakers replace the big money players who lack heart. In Oliver Stone’s *Any Given Sunday* (1999) a coach struggles against control by the moneymen. John Sayles’ *Eight Men Out* (1988) presents the 1919 “Black Sox” cheating scandal as the players being forced by economic hardship (team owners and gamblers get all the money) to sell out to the gamblers. The plot reflects the sentiments of Sayles, an independent filmmaker. So does the film’s length: the studios wanted film that was less than two hours, and Sayles gave them one hour, fifty-nine minutes and forty-eight seconds.

3. Journalists

Sometimes the artists are journalists. Billy Wilder created two memorable examples. In *Sunset Blvd.* (1950), which was cited in *The Player*, Gillis (William Holden) is a reporter willing to literally prostitute himself for Gloria Swanson. In *Ace in the Hole* (1951) Kirk Douglas plays a reporter who will do anything for money, including turning dying miners into a circus attraction. More recently, in *The Insider* (1999), the journalists who work for 60 Minutes betray their profession by pulling a cigarette story to mollify the sponsor. Conversely, in *Network* (1976), the hero is a television news anchorman who rebels against corporate control of the medium.

4. Gunfighters

The sellout issue often appears in the standard western plot of the hired gunman who decides to ply his trade for the benefit of mankind. The classic examples are Clint Eastwood’s films with director Sergio Leone, *Fistful of Dollars* (1964), *For a Few Dollars More* (1965), and *The Good, the Bad and the Ugly* (1966). The Man with No Name is a kind of hired artist who tries to maintain a sense of honor in a Hobbesian world. In the first film the MWNN begins with merely financial motives but has a change of heart when he assists a family caught between the town’s warring factions. In the later films, other characters, played
by Lee Van Cleef and Eli Wallach, help provide the contrast between principle and money.

The western theme crosses into Akira Kurosawa's epic *The Seven Samurai* (1954), in which hired guns sell their services for below market value in order to rescue a Mexican town from bandits, and *Yojimbo* (1961). It then crosses back into the American version of *The Seven Samurai*, *The Magnificent Seven* (1960) and, of course, the MWNN films, for which *Yojimbo* was a model.

5. Other contexts

Some films illustrate the variety of contexts in which the sellout theme can appear. *Quiz Show* (1994) presents the sellout of the cheating contestant Charles Van Doren (Ralph Fiennes), a college professor and author whose culture and intellectual pretensions, and those of his illustrious family, are showcased in the film. The film sees Van Doren's willingness to compromise his art for fame and fortune on a television quiz show as a tragedy on the scale of Hamlet or Oedipus.

In *Big Night* (1996), a film about two brothers who own a restaurant, Primo is the true artist. Segundo (Stanley Tucci, who also co-directed and co-wrote) is seduced by America and the need for a Cadillac and frustrated by his brother's perfectionism. Pascal is the pragmatic restaurant owner across the street who sells spaghetti and meatballs. Pascal explains himself to Segundo as “a businessman; I am whatever I need to be – but you're nothing” – that is, neither an artist nor a businessman. Pascal persuades Segundo to dupe Primo into making a blowout meal in order to get a review in the paper. The dinner is an artistic success but fails to reach its financial goal. In the last scene Segundo quietly and carefully makes eggs for his brother and helper and you sense what is lost when artists sell out.

And in *Sideways* (2004), a wine connoisseur touring California vineyards must bear the tacky tastelessness of big wineries that have forsaken their art.

D. ARTISTS AS HEROES.

The reverse side of the sell-out is the artist who fights the capitalists and emerges as a hero. Philip Lopate observes the pattern of a hero cracking the case through
hard work. He says that the films expound a new "American ethos" – not that you might become rich through hard work, but "if you pound the pavements and scan the computer records long enough [like Erin Brockovich], you might nail a millionaire."\textsuperscript{25}

The artist-as-hero theme serves the additional purpose of reinforcing the primacy of art over money both for the audience and for the artists themselves. For the artists, the hero theme establishes artistic independence as a kind of "norm." In order to fight their own and their fellow artists’ temptation to submit to short-term financial interests, filmmakers need to reinforce the norm not only by "shaming" as sellouts those who do not adhere to it,\textsuperscript{26} but also glorifying those who do.

With respect to the audience, the anti-capital bias gains public favor if it is portrayed as more than merely artists' pursuit of independence. Movie audiences might wonder why the artists are entitled to freedom while they must report for work the next morning. To make their case, filmmakers have to show that movies not only entertain, but also serve a higher purpose. In other words, the artists have to reject "ars gratia artis." That purpose is often fighting powerful business interests to reveal the truth to ordinary people.

1. Journalists

The most obvious truth-revealing artist is the journalist. Examples include post-Watergate movies such as \textit{All the President's Men} (1976) and \textit{The China Syndrome}. In the latter movie, Michael Douglas's freelance television cameraman gets employees of a power company and a television station to see that they need to expose the danger of nuclear power. Jane Fonda's character makes the theme unmistakable by citing the example of Woodward and Bernstein. Also, the writer Richard Goodwin cast himself as the hero of \textit{Quiz Show} who refuses to be seduced by the lustrous Van Dorens as his investigation exposes Charles' sell-out. Guy Hamilton (Mel Gibson), the journalist in \textit{The Year of Living Dangerously} (1982), got the story even if it meant risking death and betraying a friend.

\footnote{Lopate, \textit{supra} note 7.}

2. Lawyers

In some films, such as Civil Action and Erin Brockovich, trial lawyers rather than journalists are the heroes. Lopate says, concerning the latter film, “[s]uing the big bad corporation for its misdeeds, you might say, is the old Kurosawa revenge plot with a non-violent twist: instead of laying waste to the castle for ruining the villagers, the hero invades it in order to bring them back an indemnification check.”

The heroic lawyers, like the filmmakers, stand outside the system, saving the victims from the corporate perversion of justice. For example, Erin Brockovich opens with a Jaguar-driving doctor colliding with Erin and then beating her in court with his spiffy lawyer. Erin’s ultimate victory is won outside of this dysfunctional system. Erin presents the arbitrator’s decision, not in a formal office or court but in the plaintiff’s home, saintly boyfriend at her side.

3. Westerns

Sometimes, as in the wild west, lawyers are not enough, and the hero must make his own law. For example, in some westerns, such as Clint Eastwood’s Pale Rider (1985), a version of Shane, or the more recent Open Range (2003) the "marshal" is a lampoon of law, supporting the highest bidder – the evil mine-owner or the evil rancher. Justice depends on the film heroes, liberated from the capitalists.27

5. OTHER REASONS FOR FILMS’ PORTRAYAL OF BUSINESS

The above analysis explains the negative treatment of business in film in terms of the antagonism between artists and capitalists. Here I consider alternative possible explanations. The explanations discussed in subparts A through D raise the question whether films reflect rather than create social attitudes. Subpart E presents an explanation based on the nature of the filmmaking industry. I show that these explanations are less satisfying than the one proposed in Parts 3 and 4.

27 The message in Open Range is more ambiguous, however. Both the hero, a cattle driver played by Robert Duvall, and the villain, the rancher played by Michael Gambon, are relics being replaced by law-abiding merchants and traders.
A. PREVAILING POPULAR ATTITUDES

The filmmakers’ views of capital might seem to reflect the widely-held view of the corporation as a “soulless” behemoth, whose managers are bound to maximize profits regardless of social cost on behalf of remote, morally disengaged owners. This is the message of Joel Bakan’s popular book, *The Corporation*, and a documentary film based on the book. Filmmakers might, then, simply be catering to, or at least reflecting, audience stereotypes and expectations of how corporations and their employees behave.

One problem with this theory is that, even if the popular view of the corporation matches the film view, the causal sequence is unclear. In other words, the long history of anti-capitalist bias in film might have contributed to the creation of the popular attitude.

More importantly, the popular view does not match the film view, despite superficial similarities. As discussed Part 3, filmmakers do not oppose capitalism, only capitalists. Business, even large business, is not inherently evil in films. Employees can make moral choices to struggle against immoral bosses. The shareholders, profit-obsessed villains in the anti-business literature, can be the saviors in the rare films in which they play a role, such as *Solid Gold Cadillac*.

Moreover, while the anti-business view of *The Corporation* focuses on the publicly held corporation, filmmakers are indifferent to the details of business structure. A business does not need remote, disengaged owners to be evil – even a closely held, owner-managed firm can be bad if its owner acts selfishly, as in *Save the Tiger* or *Do the Right Thing*. Filmmakers also believe that there can be good firms, in which the employees are in charge or the managers are socially responsible, or are at least artistic types with whom the filmmakers can empathize.

Thus, in a way, anti-corporate commentators like Bakan are struggling against the film view of business just as much as the capitalists are. According to the filmmakers, business can be saved if only business people would act like, or show more consideration to, the creative types.

While this is a more moderate view of business than in the anti-corporate literature, it may be more important
in shaping a political environment that is antagonistic to business, as discussed more fully below in Part 7. Moviegoers who are unwilling to accept the radical restructuring of business are likely to be more receptive to the view that business can be reformed if only business people, particularly managers, would be better people. Indeed, this suits the view promoted by corporate managers that they should be trusted to manage “responsibly.”

B. SIDING WITH THE LITTLE GUY

Vilifying big business might just be a convenient way to present the popular battle between underdog and bully. In other words, business is not bad, just big.

This theme would mesh with the nature of the film medium, and the types of stories films are best suited to portraying. Films must boil down issues to sell them. It is much easier to get dramatic tension out of an individual’s confrontation with an institution than to examine society’s overall gain or loss. By contrast, the case for the corporation depends on recognizing society’s gain from the production of wealth. In order to present a dramatically effective story, films have to remove the good that corporations accomplish from the frame.

The story of triumph over adversity also has strong appeal to audiences, who want to see hope in their own struggles. While the adversity could be ideological, psychological or cultural rather than economic, the latter type of adversity resonates more widely with audiences and is easiest to portray in film – particularly the younger demographic that filmmakers seek to appeal to (see subpart D, below). Lopate observed that audiences failed to identify with the story in A Civil Action about a successful lawyer who was willing to incur financial hardship for an ideological goal. It follows, according to Lopate, that a cinematically satisfying story will have an outsider have-not like Erin Brockovich battling the fancy corporate suits. Thus, the corporation may be simply the most convenient Goliath to use in the classic and compelling David vs. Goliath narrative.

Whatever the story, Lopate argues that it is hard for a corporation to be the protagonist because it is a thing
rather than a person. A person working for the firm may be sympathetic, like Tom Hanks in *Cast Away*, but he must have his own motives because the "corporation's" aims are hard to present cinematically. For example, it is never clear precisely what Tom Hanks' character does for Federal Express.

These narrative considerations cannot, however, fully explain films' portrayal of business. With respect to the David vs. Goliath story, big business is not the only possible villain. Why not government? Films only occasionally have made government the villain. Perhaps in a democracy the audience would only be blaming itself. But the same might be said of anti-business films, since the audience owns the publicly held firms that are the main targets. To be sure, as this article has shown, films' focus on "capitalists" spares the shareholders and workers. But films might analogously focus on the president or other high government officials, as in *All the President's Men*. Instead, most films about the president portray him favorably, as in *Air Force One*.

Nor is it impossible to personify the corporation. Filmmakers could portray firms' objectives through the characters. Indeed, corporate employees in films often do negatively personify their firms, as did the employees and lawyers in *Erin Brockovich*. The characters could have been used to portray the firm more positively. For example, firms might be shown as struggling to create more prosperity against opposition by government, venal trial lawyers, or more powerful firms. This, in fact, is close to the storyline in *Tucker*. It is not clear why filmmakers do not make more such films.

This paper explains why films show that business is usually the bad guy in a David and Goliath story. Filmmakers focus on the power that most affects them – those who control the money they need to do their art. Just as attention to the bottom line is the artist's enemy, the government's inattention to profits can be the artist's friend. As paranormal researcher Raymond Stantz (Dan Ackroyd) says in *Ghost Busters* (1984), "[p]ersonally, I liked the university. They gave us money and facilities, we didn't have to produce anything. You've never been in the private sector. They expect results." No wonder the grant-funded tornado-chasers in *Twister* look down on their private-sector counterparts.

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29 *Id.*
C. HISTORICAL TRENDS

Another theory is that business is the villain only during certain periods in history, reflecting cycles in popular views. A historical cycle might weaken this article’s explanation based on the intrinsic relationship between artists and capitalists.

Several historical periods might have been expected to produce the most anti-business films. For example, during the labor strife in (and outside of) the film industry during the Depression, as discussed in Hollywood Party (1998), many filmmakers probably were Communists. Labor unrest was exacerbated by studios’ cutbacks in the 1930’s, which led to distrust of the AMPAS and the founding of the guilds.30

As discussed in section 3.A.3, the disillusionment of soldiers returning from World War II helped produce the “film noir” genre. At the same time, Congress turned to searching out and destroying Communists in Hollywood. For example, the negative attitude toward capital displayed in Force of Evil arguably reflects the backgrounds of the people who worked on it – star John Garfield was a liberal activist and director Abraham Polonsky, making his first movie, later famously refused to cooperate with the House Un-American Activities Committee.

From around 1950 to 1980, increased prosperity and the rise of the modern firm31 created a more business-friendly atmosphere. In the 1950’s and 1960’s, films such as The Man in the Gray Flannel Suit, Executive Suite, and The Apartment focused on the internal problems of the firm rather than the supposed problems caused by business.

In the 1970’s, Viet Nam created widespread distrust of government in general and the military in particular, reducing business’ role as villain. This was intensified by Watergate, which brought in the era of the investigative reporter, and its connotations of the artist as hero discussed in section 3.D.1.

The pendulum swung against business beginning with the Reagan era in the 1980’s. With deregulation, the

villain became greedy businessmen who were threatening the jobs of ordinary workers, typified by films like *Wall Street* and *Other People’s Money*. This reflects the potent role of takeovers in helping capitalists overcome barriers to exercising close control over managers that otherwise exist.\(^3\)\(^2\)

While these historical developments may have affected the intensity of artists’ views toward capitalists, it is significant for present purposes that their basic attitude transcends these influences. Filmmakers’ resentment of capital appears in the Depression-era *Dinner at Eight, Executive Suite*, made during the relatively business-friendly 1950’s, as well as in *Wall Street*, made during the “decade of greed.”

**D. AUDIENCE POLITICS**

Filmmakers cater to their audience, which now especially includes relatively young people with the disposable income to spend on tickets, and no children at home that need babysitters or attention. These filmgoers arguably are relatively liberal politically and have not yet been socialized into the workforce. Under these assumptions, they would be especially likely to distrust capitalists. This, and not filmmakers’ own resentment, might explain films’ anti-capital slant.

Although this explanation seems plausible, it does not explain why films’ attitude toward capitalists has remained relatively constant despite the changing demographics of film audiences. The trends identified in this article existed before television kept older audiences at home, when film audiences better represented the population as a whole.

A more plausible audience-related theory is that, like the artists who make films, film audiences include more workers than bosses or capitalists. They may own stock, but in this capacity they have no real power unless they are enabled by a Judy Holiday in *Solid Gold Cadillac*. So capitalists are convenient villains. But the same could be said of government or other powerful institutions. Thus, this theory does not fully explain why the particular anti-capital message this article describes is prevalent in films.

\(^3\) See supra text accompanying note 8.
E. THE NATURE OF FILMMAKING

Although filmmakers’ attitude toward business may largely inhere in the relationship between artists and capitalists, other aspects of the film industry – the only industry most filmmakers know – might dispose filmmakers toward an unfavorable view of business.

First, it is arguably significant that the film industry rests on the interaction of talented people. Because talent is a scarce resource, talented people can extract “rents,” or monopoly profits, from the people they deal with, just as a landowner or intellectual property owner can extract profits from property at a particular location or a valuable invention. These rents may take the form of forcing people to tolerate abusive and dishonest behavior that they would not tolerate in other settings.

It follows that, while the need to get along greases the wheels of business generally, the movie industry might be a particularly nasty setting in which people take advantage of their partners for personal gain. While talent exists in many other industries, only the film industry combines talent and artistic temperament to produce a potentially toxic mixture of business venality, unpleasant personalities, and absence of effective constraints. This would explain why business is portrayed so darkly in films like *Glengarry Glen Ross*.

The peculiar nastiness of the film industry would not, however, explain the specific criticism that filmmakers have of capitalists. The dishonesty or abusiveness of the talent suggests a problem with workers, not with owners. Indeed, the capitalists would be the victims of the artistic temperament.

Another possible explanation for filmmakers’ attitude toward capital focuses on the one-shot nature of the film business. Because each film redeployes physical assets and human capital, the parties need not deal with each other over the long term.

This explanation would not apply to the traditional film industry in which artists were bound in long-term contracts to particular studios, as discussed below in subpart 8.B. Moreover, the conclusion is suspect even as applied to the modern film business. A general reputation for trustworthiness would seem to be more rather than less
important in the absence of formal long-term contracts. Moreover, such a reputation is particularly vulnerable in a relatively small community of very talented people.\textsuperscript{33}

6. IS FILMMAKERS' VIEW OF BUSINESS REALISTIC?

It is worth considering whether, apart from filmmakers' reasons to suspect business, they might actually be right. In other words, have filmmakers correctly portrayed business in film? If so, filmmakers cannot be blamed for the negative image of business or capitalists in film or, if they are responsible, they have educated rather than misled the public. However, this Part casts doubt on this explanation by presenting a more realistic view of firms' role in society.

A. CAN FIRMS PROSPER BY HURTING SOCIETY?

Filmmakers often portray firms as inhumane, soul-destroying places, like the real estate boiler room in \textit{Glengarry Glen Ross}. They attribute this to the heartless capitalists who control the means of production.

The question is whether to blame the firms, or the small and venal people who sometimes work in them. In other words, is there anything about a firm, or the profit motive, that produces or encourages such behavior? Since the capitalists would want to make money, the question is whether firms with bad people make more money than those with good ones.

In fact, the opposite may be the case. Firms have powerful incentives to build reputations as good corporate citizens in order to encourage people to buy their products, work for them, and trust them in other ways.\textsuperscript{34} There are many market devices for encouraging socially responsible corporate behavior, including mutual funds that appeal to socially responsible investors, the ethical consumer movement, and non-governmental organizations that gather information, and publicize corporate miscreants and

\textsuperscript{33} See Debra Myerson et al., \textit{Swift Trust and Temporary Groups}, in TRUST IN ORGANIZATIONS 166 (Roderick M. Kramer & Tom R. Tyler, eds., 1996). For a recent detailed analysis of the film industry showing how it is closely rooted in a particular community based in Hollywood, see Allen J. Scott, ON HOLLYWOOD (2005).

organize actions by shareholders, consumers, workers and others. These devices help ensure that unethical behavior will hurt a firm’s reputation and reduce its profits.

It follows that real firms will not invite, and in fact will try to prevent, the unethical or irresponsible corporate behavior films portray. In other words, unpleasant employees are likely acting in their own selfish interests and contrary to those of the firm. This is a form of “agency costs” discussed above in subpart 4.A. Firms can minimize these costs by designing incentives and monitoring that rewards agents who foster profitable relationships with customers and employees.

Worker inhumanity as an agency cost is illustrated by Disclosure (1994), where employee Michael Douglas plays the victim of sexual harassment by his immediate boss, played by Demi Moore. The dysfunctional workplace in this film is replete with scheming. Moore undercuts Douglas, who is then saved by another employee’s undercutting Moore. The agency cost problem is made salient in a scene in which Douglas complains to the chief executive, played by Donald Southerland. The boss reminds Douglas that he is working for him, Sutherland, and not Moore’s character. In short, sexual harassment is a problem in this film only because workers and not capital are in control. Sutherland rectifies the situation by asserting control on behalf of the capitalists.

Similarly, the film version of The Fugitive assumes that a pharmaceutical company would want so desperately to protect false test results that its executive would kill to do so. Yet since the truth will likely eventually be forced out by competitive markets, with results that are much worse than if the firm had disclosed the test results in the first place, it is not clear why the firm would want to engage in a cover-up.

Inefficient inhumanity is evident not only in employees’ acting contrary to corporate interests, but also in their being too weak or cowardly to act. Lopate observes that corporate employees often appear, as in Erin Brokovich, as an undifferentiated “wall of Suits,” incapable of making their own decisions or speaking out.35 Yet it is not clear why a corporation would want a workforce of vapid automatons. Similarly, in The China Syndrome, it is

35 See Lopate, supra note 7.
never explained why, if the bosses really believe that plant is vulnerable, they would not want to expose and fix the problem.

The problem that films portray in firms may be that employees tend to be self-interested in promoting short-term solutions that fit their personal perspectives but that are socially inefficient in the long run. For example, an employee may want to delay discovery of a problem until he has been able to retire or sell his stock, or may seek to deflect blame to a co-worker.

Ironically, the solution to this problem is the very capitalists that films tend to condemn. Participants in impersonal capital markets do not care about particular employees or even particular firms. Moreover, the capital markets thrive on the truth, and would have no interest in cover-ups. Even if stock market prices do not perfectly reflect long-term value of firms’ underlying assets, they are likely to be better aligned with this long term value than the interests of any individuals associated with the firm. Thus, in the situation in The Fugitive, the capitalists, with their diversified portfolios, would prefer full disclosure and speedy resolution of the problem to a cover-up designed to save a particular employee.

The capitalists films disparage can solve other problems in firms that are created by, or associated with, workers and others with whom filmmakers tend to favor. Markets penalize the antisocial and bigoted, and reward people who are able to get along. For example, as noted in section 3.D.1, Sal’s Pizzeria in Do the Right Thing is seen as a “good” family-owned business. Yet for the same reason the business becomes an extension of Sal’s prejudices, manifested in his stubborn retention of the Italian “wall of fame” that his customers despise. If Sal had owned or managed a Pizza Hut, the impersonal brand-owning corporation would have forced Sal to cater to his customers’ wishes in order to protect its reputation. In other words, competitive firms are great social levelers that bypass entrenched classes, castes and ranks.

B. DO MARKETS REWARD LUCK?

Films tend to view business success as attributable to chance. This message plays into filmmakers’ resentment of capitalists. If, like other business, the financial success or failure of a film depends on luck, or worse, it makes no
sense for capitalists to force filmmakers to compromise their art to attract an audience. And when films fail financially, this cannot be the artists’ fault. Thus, in films the market sometimes rewards fools like the lead actor in State and Main and the employee who invents the hula hoop in The Hudsucker Proxy, rather than true genius, like the local townsperson who does the real writing in State and Main.

The securities and commodities markets are a frequent venue for this theme. That is not surprising since, as discussed in subpart 3.A., neither filmmakers nor the audience really understand how the market works. Like a perverse god, markets seem to go up and down randomly, elevating the bad and crushing the good.

For example, in Trading Places (1983), the commodities markets are represented as the center of what Ackroyd’s character describes as “pure capitalism.” Two eccentric commodities traders (Don Ameche and Ralph Bellamy) destroy Ackroyd and elevate Eddie Murphy in a bet on whether the characters’ success is determined by their background and breeding or by the fortuity of their circumstances. Skill and determination do matter, but only in the ability to game the system. Ameche and Bellamy try to get richer by stealing government crop data, while Ackroyd and Murphy prevail by stealing the data from the would-be thieves.

The more recent Rogue Trader (1999) presents a similar image of business in more dramatic form. This film is based on the story of Nick Leeson, the Singapore currency trader who broke Barings Bank. Like the traders in Trading Places, Leeson is simply a gambler rather than a creator of business opportunities. Though his bosses see him as a brilliant businessman, the core of their business plan to expand into Far East markets, Leeson knows he is no such thing. The film’s title is ironic: Leeson’s may have exceeded his trading authority, but the firm created his job and incentives and set him up to do exactly what he did. The message is that even business people cannot distinguish luck and business skill.

An extension of this message is that there is little or no difference between legitimate and criminal businesses: As Lewis the financier says to his whore in Pretty Woman: we both screw people for a living. This partly explains Coppola’s ambivalence about criminals and capitalists in The Godfather films.
In the real world, by contrast, firms create wealth in the long run by inventing and selling better products rather than by chance. While firms, like people, get lucky breaks, consistent long-term business success is much more likely attributable to management and sales skill and science than to an improbably long run of passes at the craps table. Yet audiences rarely see this side of business. As Philip Lopate has observed, “[t]hough millions of Americans work for corporations, it's curious how reluctant movies are to show the corporate world from inside.”

Moreover, the stock markets, far from the perverse gods of film fiction, fairly accurately reflect firms’ value. The “efficient capital markets hypothesis” holds that share prices move in relation to available information about the firms whose shares are trading. Market prices reflect not only what the firms publicly disclose, but also a significant amount of inside information that is revealed through trading. Prices also aggregate many educated and uneducated guesses into a formidable collective wisdom. It follows that takeover artists like Gordon Gekko or Larry Garfield cannot make money on the stock they buy unless they can make the company more valuable. Indeed, speculators perform a service because their trades assist the market in pricing the securities it trades.

The film version of business is, however, closest to reality in the one industry filmmakers know best. Because filmmakers must depend on their muses and must cater to fickle tastes, luck is an important component in success. Filmmakers therefore might underestimate the expertise and hard work that contribute to success in firms outside the film industry. For example, the creative genius in the Coen brothers’ The Hudsucker Proxy is a fool who happens to come up with the hula hoop. In David Mamet’s Glengarry Glen Ross, the artists are salesmen whose creativity lies in their ability to extract money from suckers.

C. DOES TRADE PRODUCE GAINS?

Filmmakers often see business, or “pure capitalism,” as a “zero sum game,” in which, as with the commodities traders in Trading Places and Rogue Trader, money moves from one pocket to another. Firms’ commitment to the
This view, however, is inherently implausible for several reasons. First, no firm can stay in business without conferring some benefits on those with whom they deal – that is, buyers’ or sellers’ surplus. If no one received such benefits, why would the dealings continue?

Second, the easiest way for businesses to be irresponsible is to try to be altruistic. When managers give corporate money away, society relies on executives’ sense of what is good. Yet the executives may be wrong – the firm might produce more social wealth than if it hands its profits over to the needy. Moreover, even if corporate charity does not affect the total pie, it is not clear that executives know best how to distribute it. Thus, the winners and losers might differ, but the result is not necessarily more “just.”

Third, even where markets destroy, it is often a positive, or “creative,” destruction, to borrow a phrase from Schumpeter. The inexorable push of markets produces losses for individuals but gains for society as a whole. A prominent film illustration of this principle is Other People’s Money, in which Garfield seeks to liquidate an outmoded cable manufacturer. As he tells the shareholders, “[t]his business is dead, let’s have the decency to sign the death certificate and invest in the future.”

The only happy ending the filmmakers can see is one in which the company and its employees continue. Oliver Williams says this honors the “implied contract” between the company and its community, and that liquidation would be "totally foreign to [Adam] Smith" [referring to The Theory of Moral Sentiments]. He says the Garfields of our time "would be the downfall of capitalism as Smith envisioned it."

Yet the film’s resolution of continuing the company under employee ownership to make healthy airbags

38 See Milton Friedman, CAPITALISM AND FREEDOM (1962); Henry N. Butler & Fred S. McChesney, Why They Give at the Office: Shareholder Welfare and Corporate Philanthropy in the Contractual Theory of the Corporation, 84 CORNELL L. REV. 1195 (1999); Ribstein, supra note 34;
depends on a *deus ex machina*. More likely, the old factory had to be destroyed to make way for a higher-valued use. The world is not better off just because the particular better use depended on continuation of the incumbent employees rather than creating jobs and reducing unemployment in another sector of the economy, or even another part of the world.

*Pretty Woman* might have, but did not, make the same point. We might ask whether the original Edward and Phil really were such bad people. The property’s value depends significantly on its *social* utility. If the Long Beach property is worth more as a residential development than as a shipyard, then this tells us whether society is better off if Edward buys it. Indeed, this seems even more obvious here than in *Wall Street* and *Other People’s Money*, since the competing use isn’t even provided by the market, but rather by the government. *Pretty Woman* regresses in industrial history from cable (*Other People’s Money*) and airplanes (*Wall Street*) to boats. During this late-80’s period, Hollywood sees the government as better than business even when it is building destroyers.

Fourth, even if business is avaricious, and even if this does not obviously involve a creative process, the constant demand for goods and services still contributes to social wealth. To be sure, avarice and competition might not satisfy the soul. But this is a different indictment of business than that it fails to add to material wealth.

In general, films implicitly espouse what welfare economists would call “Pareto” efficiency – that is, modes of behavior that make some better off and none worse off. By comparison, “Kaldor Hicks” efficiency lines up with “creative destruction”: even if business progress leaves some people behind, winners’ gains outweigh losers’ losses. Pareto efficiency is often an unreasonable goal. Accordingly, demanding that firms make everybody better off or simply cease functioning would make society poorer than letting firms maximize the bottom line.

Finally, as in the previous section, filmmakers’ views of the zero-sum nature of business may reflect their own industry. Films compete for the same audience, often at the same peak vacation times, and successful films siphon sales from losers. Thus, filmmakers might assume that business

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generally does not create social wealth, but transfers wealth from one pocket to another. Although this may not explain why filmmakers dislike capitalists, it helps satisfy them at least that their plots are plausible.

D. SHOULD WORKERS CONTROL FIRMS?

Hollywood’s ideal firm is closely held and worker-controlled. It eschews the impersonal capital markets as involving a slavish devotion to profits.

But Hollywood’s view would create a poorer society. First, impersonal markets allow people to hold their wealth in diversified portfolios of shares. This, in turn, lets them be indifferent to the risks presented by individual firms. Thus, for example, Hollywood can afford to make big bets on expensive films because each investor bears only a small part of the risk, and can balance risks in the film industry against risks elsewhere in his portfolio. By contrast, worker-owned firms would have less ability to bear risk, and commensurately less opportunity to gain.

Second, worker-owned firms would not be the utopias of harmoniousness that films often make them seem. Different types of workers make for different goals and needs that may conflict. By contrast, capitalists can readily agree on a single objective – maximizing profits. The capitalists can then contract with workers and others to accomplish this objective in ways the different groups find acceptable. Hollywood’s fantasy of the worker’s paradise exists only in small-scale firms like Charley Varrick’s crop-dusting/bank-robbing operation. For the sort of large-scale firms that fuel a prosperous economy, the capitalists have to be in charge.

E. IS GOVERNMENT THE GOOD GUY?

If firms and markets have bad effects on society, then it seems to follow that regulators should fix them. Yet films often neglect the problems with this alternative. For example, *Tucker: The Man and His Dream* (1988) portrays Tucker’s destruction by his competitors, the evil big carmakers. But the film makes clear that Big Auto needed government to destroy Tucker. Indeed, Big Auto acted because it was worried about Tucker’s products winning in competitive markets. So business would seem to be part of the solution rather than most of the problem.
Even when regulators do not blatantly ally with the devil, regulation is a doubtful solution to many of the evils of business portrayed on screen. Regulation can only address past ills. Yet markets also can adapt swiftly both to remedy identified ills and anticipate new potential ones. As Hayek taught us, a coercive solution precludes all alternatives while a market solution permits experimentation and recognizes the limits of human knowledge.42

7. THE POLITICAL IMPACT OF FILM

Filmmakers’ attitude toward business is a way to understand not merely films, but also society’s treatment of business. That is because film does not merely reflect social attitudes, but also helps create them. Yet film’s impact on society has been largely overlooked by the emerging but amorphous “law-and-film” literature.

Law-and-film can be roughly divided into three broad categories. First, teachers and scholars sometimes use films as pedagogical devices to encourage a dialogue about social and legal issues.43 In other words, films are used somewhat like a blackboard or textbook. The difference is that, rather than being written by amateur storytellers and laid on the written page, filmed hypotheticals are constructed by expert screenwriters, and presented with the vividness of the filmmaker’s art. This is not a theory of film, but rather uses film as a lens through which to view society.

Second, some law-and-film work shows how lawyers’ arguments to juries have followed the structure of cinematic narrative.44 This is a theory about how film technique influences law.

Third, and closer to the present work, some writers show how various topics, particularly including gender, race and lawyers, have been portrayed in film.45 Most of this

42 Friedrich Hayek, KNOWLEDGE, EVOLUTION AND SOCIETY (1983).
45 On portrayals of women and race, see Margaret M. Russell, Race and the Dominant Gaze: Narratives of Law and Inequality in Popular Film, 15 Legal Stud. F. 243 (1991). With respect to portrayals of law and lawyers, see Bergman and Asimow, Reel Justice: The Courtroom Goes To The Movies (1996); The Lawyer In Popular Culture: A
work shows that social attitudes appear in film, as they do in other art forms. This use of film has a political agenda in that it shows how legal rules are based on social constructs, and therefore can be disregarded in favor of rules the authors view as more just.

The law-and-film literature generally does not clarify whether film only mirrors, or instead creates, social attitudes. If the law-and-film writers did seek to analyze film’s role in creating social constructs they would face an inherent problem. Much of this literature eliminates the filmmaker, leaving only the film as an autonomous artistic entity. It is not clear how such entities can coordinate around a message that is coherent enough to be influential.

By contrast, under my theory, filmmakers are real people with real incentives. They can be influential because, as I argue, they share an attitude toward the specific subject of the business firm.

Moreover, as Hitler recognized, filmmakers clearly have the capacity to bring their message home to their audiences. As Michael Dirda of the Washington Post has observed, “a new George Lucas or Robert Zemeckis or James Cameron blockbuster opens, and within a week everyone has seen it, is eager to argue about its plot and dissect favorite scenes.” Films are powerful, at least in their traditional theatrical presentation, because they can create a persuasive illusion on a large screen that dominates the audience’s minds for two hours or more. Unlike television, the audience must leave home, sit in a darkened theater, and participate in a communal response.


46 An exception is the work by Michael Asimow, id., who shows through a systematic survey how film has helped to create particular images of lawyers, law firms and the adversarial system. However, Asimow does not explain why filmmakers in general would choose to take such an approach, although he does provide a glimpse of such an explanation in his contrast between television and film, discussed below.

47 From a political perspective, this article represents an ironic reversal of the law-and-film genre. While much of that genre seeks to demonstrate how oppression is based on social constructs, this article shows how film creates a misleading impression of a supposed oppressor, the large corporation. In other words, this article might be seen as the beginning of a “critical legal studies” for the right.

48 With respect to the general influence of the media on public policy, see Alexander Dyck and Luigi Zingales, The Corporate Governance Role of the Media, NBER working paper 9309, October 2002 (showing that the diffusion of the press in a country correlates with environmental responsiveness and diversion of resources to controlling shareholders).


50 The effect of the increasing display of film on television is discussed below.
to the film with the other strangers in the audience. Unlike with books and home video, the images reel forward relentlessly, giving the audience little opportunity to analyze what they are seeing.

Apart from the general setting, filmmakers can employ a vast array of techniques to get their point across. First, film stars have the power to evoke particular reactions in the audience. In *The Moviegoer*, Walker Percy contrasts the “resplendent reality” of William Holden, observed walking through the French Quarter in New Orleans, with the “shadowy and precarious existence” of the fans he interacts with in his journey. Filmmakers can capitalize on the “resplendent reality” of the actors they cast in particular parts. If Julia Roberts, William Holden or Gregory Peck advocates corporate responsibility, contrary approaches to corporate governance stand little chance of winning audiences’ hearts and minds. For example, *Pretty Woman* contrasts the reformed corporate raider, played by elegantly handsome Richard Gere (Tibetan activist, once voted “Sexiest Man Alive”) with his unreconstructed capitalist partner, Phil, played by bald, short Jason Alexander, who went on to play nerdy George on *Seinfeld*. Nor does Richard Gere’s character have a real choice about whether to eschew unbridled capitalism once perky Julia Roberts goes to work on him. Although Julia Roberts was not yet a star (she became one as a result of this film), the filmmakers constructed her persona by posing her in front of televisions playing Audrey Hepburn in *Charade* and Lucille Ball in *I Love Lucy*.

Second, more technical aspects of filmmaking play a potentially powerful role. Backlighting and shadows create suspense and suspicion, while bright lighting suggests the glare of truth. Camera angles dictate whether the audience is looking up at, and feeling dominated by, a character, or down and empowered. Alec Wilkinson notes that “the way the cameraman lights and films an actor conveys to the audience an impression of the character.” The cameraman creates a character’s “signature look” in various ways, as by viewing the character from below “if he is meant to be a looming and threatening presence.” Wilkinson notes that “[e]ven an astute observer is not likely to register the change for what it is, a technical matter, but the effect it conveys will still be felt by the audience.” These techniques

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51 See Asimow, supra.
52 *Your Face in Lights: The Secrets of Cinematography*, New Yorker, October 20, 2003, 126, 134.
have obvious implications for the way films can convey ideas about corporate agents and their victims.

The attitudes films create, in turn, can filter into politics. The competition between interest groups is fairly evenly matched on most contentious issues. Films therefore can significantly affect that competition by even slightly altering the balance. *Individual* films might at least temporarily accomplish this if they are popular enough. Certainly unions’ cause was helped by Sally Field’s spunky performance in *Norma Rae*, people were more likely to care about corporate pollution after *Erin Brockovich* and *A Civil Action*, and takeover and insider trading regulation got more sympathy after *Wall Street*.

More importantly, films *generally* can alter the political equilibrium if they consistently express a coherent political position. I have shown that filmmakers do consistently express distrust of capitalists and support for workers and worker-owned firms. In other words, films implicitly take the side of those who advocate bringing non-shareholder “stakeholders” into corporate governance and calling on managers to be more socially responsible. By instilling such communitarian attitudes in audiences of voters, films lower the lobbying costs of stakeholder groups and commensurately raise those of groups favoring shareholder wealth maximization.

This analysis of the role of film in politics meshes with Mark Roe’s theory of American corporate finance, in which he suggests that populism contributed to diluting the strength of institutional investors in U.S. corporate governance. Although this trend began in the 19th century when populism was particularly strong, it is not clear why it has persisted today. Roe suggests “path dependence” as a possible explanation—it is costly to change institutions once they are created. But the institutions would change if the benefits were high enough unless political support for weak ownership persists. My theory of the anti-capital bias of the politically influential film medium suggests why this might be the case.

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8. THE FUTURE OF FILMS’ VIEW OF FIRMS

Film and other media are constantly changing, both technologically and financially. This makes it likely that the role and attitudes of filmmakers, as well as films’ effect on audiences, will change enough to alter the above analysis. This Part discusses some theoretically possible futures for films and filmmakers’ attitude toward firms.

A. HOME VIDEO

Movies on television, including big screen television, may replace theatrical presentation. This could alter the relationship between audiences and films in several ways. First, being able to see films at home, in casual surroundings, and on the same screen that displays situation comedies and talk shows, may reduce the attention audiences give to movies, and therefore films’ influence on audiences.

Second, audiences can, in effect, read home video like books, repeating scenes at will. Most DVDs come with commentary that turns films into a sort of Talmudic text. The Internet provides an additional dimension in which viewers can add commentary. Many of the comments are from viewers who have engaged in the analytical process, and invite other viewers to do the same. Most importantly for present purposes, audiences might become aware of, and question, filmmakers’ attitude toward business.

B. CHANGING INDUSTRY STRUCTURE

Films’ anti-capitalist message might shift with the economic structure of the film industry. Films once were made by standalone companies that did not produce or sell anything else. The studios once made films on their own lots with performers, directors and other personnel working for them full-time, often under long-term contracts. Films now are made by conglomerates, and contract for resources rather than owning or employing them fulltime.

Although these changes are significant, their effects on films’ message are unclear. Conglomerates might more tightly control their artists by introducing another level of purely financial discipline over the studio chiefs, who might identify more closely with the artists. This might constrain artists’ ability to convey an anti-capital message. On the other hand, transferring control from film executives to
capitalists might increase artists’ resentment and therefore their desire to express anti-capitalist sentiments.

The death of the studio system, in which artists were legally bound to and had their careers managed by film companies,\(^5\) has similar countervailing effects. On the one hand, it freed artists from dependence on and long-term contracts with studios. This may have reduced artists’ resentment of capitalists’ control. On the other hand, weaker constraints freed artists to express their resentment.

The main effect of the shift away from stand-alone companies is that film executives who work for these companies will have to pay more attention to the impact of their films’ message on the conglomerate’s non-film products. The managers of film companies may no longer be so willing to tolerate anti-capitalist themes even if these themes do not affect ticket sales.

Apart from direct ownership of film companies, business can influence attitudes through films just as it has in other ways. As films become more expensive and theatrical film audiences decline, film companies and distributors will have to look for non-ticket forms of revenue. Advertising is, of course, one possibility. As discussed above, dependence on advertising may have induced television producers to be more capital-friendly than their colleagues in the film industry. While theatrical movie audiences are likely to resist direct advertising during films, there may be room for an increased role for prominent product placements, such as AOL in You’ve Got Mail, and Federal Express in Cast Away. For example, Saks reportedly obtained a major placement for the forthcoming film of Steve Martin’s book Shopgirl, with the possible result that the store as portrayed in the film will be a friendlier place than the Nieman-Marcus store in Martin’s book.\(^6\) Although these placements focus on favorable portrayal of particular products, the image and general sensitivity to business can extend beyond these specific products.

\(^5\) The studio system was chronicled in Thomas Schatz, The Genius of the System (1988).
C. MAKING AND FINANCING OF FILMS

Artists may become less dependent on capital as filmmaking becomes less costly because of digital production and Internet distribution. As filmmakers’ dependence on capital decreases, so might their resentment of capitalists.

Even if films remain costly to produce and distribute, films may be getting easier to finance. In particular, venture capital markets are becoming more developed and sophisticated as financiers learn more about how to use contracts to protect against risk and agency costs. As capital for filmmaking becomes more readily available, filmmakers’ attitudes, and the bias of their films, may change. But these developments will not necessarily make films more capital-friendly. Filmmakers may discover that the new boss, if not the same as the old boss, is just as constraining.

D. GOVERNMENT’S ROLE IN FILM PRODUCTION

Some may find it tempting to use government to correct the “market failure” that has led to an imbalance in films’ attitude toward business. One approach might be firms’ use of traditional legal remedies such as product defamation. But even if these remedies are legally acceptable, introducing excessive filmmaker timidity in portraying business is questionable policy.

Another approach might be government financing of film. One might expect that government-financed movies would be anti-government for the same reason that capital-financed movies are anti-capital – filmmakers’ rebellion against their masters. But filmmakers’ attitudes depend not just on what they think but on whether they have enough “slack” to express themselves. If government monopolized filmmaking or provided a subsidy that reduced market competition, it could exercise tighter control over filmmakers than can the film industry. A pro-government bias is not inherently better than one that is anti-business, as Hitler’s use of the German film industry made clear.

The best government policy to fight filmmakers’ anti-business bias is to educate the public as to the value of free markets and capital, and the tradeoffs involved in government regulation of business and markets. Business itself can provide this education if it is given the same freedom of expression that non-business speakers have. This suggests the need to eliminate or revise the “commercial speech” doctrine, which gives business and commercial speakers less First Amendment protection than non-commercial speakers.58

9. CONCLUDING REMARKS

Generations of filmgoers have sat in darkened theatres regaled by larger-than-life images of the evils of capital. This consistent message is not mere happenstance. Films are made by people who work for and have particular attitudes about business firms. Moreover, the fantasy about business that audiences see presented in films has real world political effects in government regulation of business. The trial lawyer as hero becomes the trial lawyer as vice presidential candidate. Filmmakers’ attitude toward business may change as the medium evolves. In the meantime, the best way to counteract films’ misleading message about business is to let business speak for itself.

58 This issue was raised in *Nike, Inc. v. Kasky*, 27 Cal.4th 939, 45 P.3d 243, 119 Cal.Rptr.2d 296 (2002), in which the Supreme Court granted certiorari but then dismissed the writ as improvidently granted.
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