The Arts and Humanities in Public Life

The Pursuit of Happiness:
Making an Art of Marketing an Explosive Film

By James Schamus

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Pitching the film Happiness to potential financiers and distributors should have been an easy task. The film's writer and director, Todd Solondz, was something of a hot commodity after his previous feature, Welcome to the Dollhouse, won the Grand Jury Prize at the Sundance Film Festival. A darkly comic look at suburban angst, Dollhouse, which had cost a little over a million dollars to produce, had gone on to gross more than $4.5 million at the domestic box office for its American distributor, Sony Pictures Classics.

So when Solondz came to Good Machine, the company I co-run with my partners, Ted Hoe and David Linde, with the Happiness script, we were thrilled. Todd wanted Ted and Killer Film's Christine Vachon to produce, with GM's in-house international sales company set to finance and sell the film to foreign distributors. But we still needed to make a deal with an American distributor to insure that the film made it into theaters here.

When we circulated the screenplay, with a $2.8 million budget attached, most American distributors, including Sony, passed. They were apparently scared off by the film's content, which included subplots that involved, among other things, pedophilia and suicide. Casting was also difficult, as the key role of Bill Maplewood, the suburban dad and psychiatrist secretly consumed by his pedophilic passions, appeared to be presented, as agents often pointed out to us, "too sympathetically." One Hollywood talent agency found the script so offensive that they all but openly boycotted the casting process, steering its entire client list away from the film.

In our pitches we tried to emphasize its ensemble nature, letting potential buyers know that pedophilia was one among many topics the film tackled. But the sheer number of characters and plots in the script made it difficult to find any particular "hook" that would counter its more taboo elements. At last we decided to take a more "theoretical" sales approach. Rather than sell the film's stories and characters, we sold its "philosophy."
The film, we said, was about the crisis of overproduction in America today. "Overproduction?" the perplexed film executive would ask. "Yes, the overproduction of desire," we would explain. "You see, each year America spends about one-third of its gross national product on advertising and marketing, in a frantic attempt to create and sustain enough desire in people that they'll want to buy all the crap we and the Chinese and everyone else is producing so that we can continue to despoil the environment and hasten our demise through global warming. Now, it takes an enormous industrial effort to produce that much desire, so that the old boundaries and limits for its expense-monogamous hetero marriage, etc., etc., just aren't cutting it anymore. The average American has too much desire to know what to do with, and it is in the disposition of this excess desire, in the inability of the social structure to absorb it properly, that trouble starts on suburbia. And that's what Happiness is about."

We took off for the Cannes Film Festival, where our film The Ice Storm was playing in competition, and set up scores of meetings with international distributors with the script, the budget and the pitch in hand. There, we were eventually able to convince October Films to distribute and put up the cash for the film after we had closed substantial pre-sales deals in Germany and Italy. These sales convinced October that its domestic risk would be minimal.

And we at Good Machine had the additional benefit of controlling the international distribution with a US theatrical partner, October, already in place, thus assuring other buyers that the film was worthy of theatrical release in their countries.

The film went into production in the summer of 1997 and was finished in time for its international premiere at Cannes in 1998, where it received the International Critic’s Prize for Best Film. October, in the meantime, was readying the film for a fall release when executives of October's parent company, Universal Studios (which is itself owned by the Montreal-based Seagram Company), asked to screen the film in Los Angeles.

While Universal executives were pleased with the overwhelmingly positive response to Happiness at Cannes, word of the films potentially controversial subject matter was causing concern. Seagram is a publicly traded corporation whose primary business at the time of the screening was in the "consumer goods" sector—in this case, the tricky alcoholic beverage market. With significant regulatory legislation pending in the United States, and with a stock share price deflated by worries on Wall Street about the wisdom of the company's entry into the entertainment business (Seagram had partially financed its purchase of MCA/Universal with the sale of stock in DuPont-stock that subsequently skyrocketed in value while Universal's value stayed relatively flat), executives were feeling vulnerable to the possibility that right-wing and
Christian organizations might target the company's products for a consumer boycott should the film incite much controversy. The negative publicity generated by such a situation could have far-reaching consequences for many of Seagram's core businesses; companies such as Disney had come under fire in recent years for art-house films produced by its subsidiaries. Time Warner, for example, had faced a sticky problem with Interscope Records, whose management bought back Time Warner's share of the company after controversy over the lyrics of some of its "gangsta" rap groups.

Underscoring this situation is the extraordinary concentration and conglomerization that has occurred in the media industries, beginning in the Reagan/Bush era and accelerating substantially during the Clinton years. The vertical integration of the film production and exhibition business, temporarily halted by the 1948 Paramount consent decree, and the regulatory control of the agency and TV business that reached its zenith with the Justice Department's breakup of MCA's first incarnation in the early sixties, were virtually swept aside in the eighties and nineties, as huge multinational conglomerates solidified market shares across the entire range of the so-called copyright industries, Today, Time Warner, Viacom, Sony, Disney, Bertelsmann and News Corporation together control most publishing, music, television, film and theme-park entertainment throughout the developed world.

But their dominant market positions and ability to "synergize" also leave these corporate behemoths particularly vulnerable to political pressure. Think of Japan's Sony Corporation, which owns Columbia Pictures (on the theory that "hardware" should own "software"), which financed the pro-Tibet movie Seven Years in Tibet—much to the annoyance of the Chinese government, which has since pointedly placed restrictions on some of Sony's trade there. Sony sells some $5 billion worth of consumer electronics a year in China. Oops.

So, if you were an executive at Universal watching Happiness in a studio screening room, what would your reaction have been? Probably some combination of fear and panic. And so the business transactions regarding Happiness suddenly became much more interesting.

Upon seeing the film, Universal executives began negotiations with us that were, to put it mildly, delicate. While they would have liked the film simply to disappear, any hint on their part that they were "censoring" Happiness would have caused an immediate and dangerous backlash in what Hollywood calls "the creative community." On the other hand, they were determined that Seagram not become enmeshed in a political controversy over what could be an explosively received film. And to top it off, they certainly couldn't allow the film to go to one of their ruthless competitors, as anyone who took the film off their hands would make hay of them in the press for moral cowardice and
business idiocy, especially if the film, aided no doubt, by the attendant controversy, did well at the box office.

If we insisted on October handling the film, backing them against the wall through moral outrage and contractual strict construction, Universal could simply bury it by forcing October to do a bad job—something the executives at October, who loved the film, didn't want to do. Universal also had another card in its hands: While contractually they couldn't force us to cut the film for censorship purposes, they could force us to cut it for length. (Todd was supposed to have delivered a film under two hours, but the cut he preferred, and which had screened at Cannes, was two hours and sixteen minutes long.)

But from our point of view, the situation was not without real opportunities. Clearly, they didn't want the film to be sold to another distributor, and we didn't want it retained by Universal. But Good Machine could distribute it. And if Universal wanted to be seen as morally good and true, it would have to cut a deal with us that would enable us to support the film's release appropriately. I can't speak to the confidential financing and banking agreements that allowed for all this, but at the end of the day, we had a film that benefited in the marketplace by being both suppressed and promoted by one and the same system. The film is still in theatrical distribution, topping the $3 million box-office mark, and video, pay TV and cable rights have all been sold for handsome prices. And we got to do what few filmmakers ever have the chance to do—control the distribution of our own film from beginning to end.

Each step of the way, the logic of the marketplace informed, often in contradictory ways, the decisions and transactions that brought the film to life. Artists, producers and consumers played roles as political agents, and the profit motive worked both for and against the extension of the boundaries of artistic expression, while artistic freedom both drove the marketplace and threatened it. This is the case with many films that take aesthetic and political risks. Sometimes the story has a happy ending, as in Happiness, but more often than not it is never told.

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