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The Questionable Morality of Colourising Movies

In his article *In Defence of Colorization*, James O. Young argues, "colorization does not interfere with artists' prerogatives. There are no moral objections to color conversion."¹ Both Jerrold Levinson² and Flo Leibowitz³ took issue with Young's arguments to which Young gave reply in his "Still More in Defence of Colorization."⁴ Young's defence rests on two primary points. His first argument is on one of instantiation and his second argument is one of consensus in art practice. This paper will look at Young's two arguments, the issues brought against them, and his subsequent rebuttal. This paper will itself address Young's two defences and also give its own analysis of the moral argument against colourisation.

Colourisation is a computer process invented by Wilson Markle to add colour to black and white television programs and motion pictures.⁵ It was initially used in 1970 to add colour to footage of the moon from the Apollo mission. The process begins with a videotape of the original film to which the computer process is applied. The colour choices can be purely subjective.

Colourisation became an issue in the late 1980's with the threat of such film classics as *Citizen Kane*, *Casablanca*, *The Maltese Falcon*, and *It's a Wonderful World* being colourised. At the heart of the controversy was the fact that, unlike most other countries, the rights of artists had no standing in American law. Preference in American law went to the property rights of copyright holders who were generally large studios and production companies. Colourisation's most outspoken advocate was Ted Turner, who owns hundreds of MGM, Warner Bros., and RKO movie titles.

In his first article, Young made the distinction between two types of art: works embodied in a single instance and works instantiated many times. Paintings, sculptures, and architectural works fall into the first category and novels, poems, and musical compositions fall into the second. Young gives the example of his hypothetical purchase of Leonardo da Vinci's painting of *Ginervra de' Benci*. Even though he would own the painting, most people would be offended if he were to draw a moustache on the painting and that it would still be wrong even if the moustache improved the painting. His point concerning instantiation was that neither the master print nor any film copy of the movie is altered in colourisation, therefore the act is not the same in kind as the defacement of the painting. The original work of the artist(s) still exists for all to see. Young, therefore, makes the distinction that there is a difference between drawing a moustache on an original painting and drawing a moustache on a print of it. He claims that movies fall into the second class of instantiated art and there is nothing objectionable to the alteration of it. Indeed he goes further, that to ban the ability to colourise movies would prevent other art works from being created.

Leibowitz takes exception to this argument and elaborates on an art-theory claim developed by Levinson that colourisation, by altering its mood, interferes with the expressiveness built into a movie by its maker and thereby interferes with the artist's freedom of expression. To Young's claim that an altered movie can produce a new work of art she argues that a colourised movie is not a new work of art. It is just the old movie with different visual information, information that the moviemaker had not intended when it was originally made.

In his reply, Young concedes to Leibowitz that a colourised movie does result in a product that no longer conveys the maker's original expression and that the mood of a film can be dramatically altered by colourisation. However, he maintains his stance on colourisation on the basis that it was questionable whether or not this inability of a colourised movie to express what was originally intended was enough to make its alteration morally objectionable. He defends this with the analogy of transcribing musical compositions. Musical transcriptions, he argues, can be so little that there is no pretension that it is not the same piece of music (which, he claims, is not objectionable). Young also makes use of the analogy of music written for antique instruments that are transcribed for modern instruments or other instruments altogether, (which, he says, is also not objectionable). Whether it is the theme for a painting, a plot to a play, a musical motif, or an actual physical work, it is the consensus that it is not morally objectionable for one artist to work off the work of another artist.

This argument is based on the long established practice of manipulating existing art works in order to add some dimension or to create an entirely new work. The moral defence of this practice is based on consensus and artistic merit. Young's intimation here is that anything goes, which is not the case. For example, in 1928 an American record company, wanting to commemorate the death of the composer Franz Schubert, offered a prize to the composer who would do the best job of completing his "unfinished" Symphony No.8 in B minor. Musicians around the world screamed in protest and the project was dropped.⁶ An example of a different kind is George Harrison being sued for copyright infringement with his song *My Sweet Lord* and ordered to pay \$587,000 for "subconscious plagiarism" of the 1963 Chiffon song *He's So Fine*.⁷ In the case of Schubert, historians once thought that he left his work unfinished because he did not want to spoil the work that he had done. Now the consensus of opinion is that he had in fact finished it as far as he was concerned and that the piece as we have it is the whole of what he intended. In the case of Harrison, he had no intention to build upon the work of another composer, but he just got too close to it anyway.

In his argument concerning instantiated art, Young has confused art with its medium. No one looks at a movie in the can. Like vinyl records, magnetic tape, and digital compact disc, film represents the mechanical recording of a performance, which must be run through a sound projector for the art to be experienced. The performance, like all performances, is ephemeral and it is the only performance that the audience sees no matter how many other copies of the film exists. Films, unlike musical scores, are not made with the expectation by the maker that its performance relies on an interpretative artist to be seen as it was intended.

Young's position supports the legal claim of the American copyright holders that their property rights prevail over the intellectual property rights of the artist and their right to freedom of expression. What is morally reprehensible in this debate is not the merits of the practice of altering art works, it is the merit of altering art works over the vehement objections of the artists that created them. In his first article Young says, "The fact that most colorization is done for mercenary reasons and without aesthetic justification must be particularly galling."⁸ Young states in his second article that if the reputations of filmmakers are harmed in the process of colourisation, it is not the colourisers who harm them. The real culprit is the "entertainment industry." Ted Turner is a mogul of the "entertainment industry" and this whole discussion is about the harm done to filmmakers by the entertainment industry. Even though Young, Levinson, and Leibowitz were all in agreement concerning the role and motivation of film colourisers, none of them raised any moral objections to them.

Colourisation is no longer a hot issue. Ted Turner has stopped releasing colourised movies. The advent of films and television programs heavily enhanced with special effects has killed demand for

both black and white "classic" movies and their colourised versions. The legal legacy is that in 1988, in response to the controversy, the U.S. Congress established the National Film Registry, which is a list of films expanded annually that, if colourised, would have to be labelled with a disclaimer. Some claim the money for this would have been better spent on actual film and television preservation.

The concern over allowing artists to create upon the works of other artists is a distraction. Colourisation is not about that issue nor has its articulation morally defended colourisation. The argument concerning instantiation is not an argument in like kind nor has it morally defended colourisation. The real moral issue here is about the financial exploitation of works of art through their alteration against the objections of the artist, an issue that no one here has addressed.

Notes

1 James O. Young, "In Defence of Colorization," *Arguing about Art: Contemporary Philosophical Debates*, Ed. Alex Neill and Aaron Ridley, (New York: McGraw-Hill, 1995) 38

2 Jerrold Levinson, "Colorization III-Defended," *Arguing about Art: Contemporary Philosophical Debates*, Ed. Alex Neill and Aaron Ridley, (New York, McGraw-Hill, 1995) 42

3 Flo Leibowitz, "Movie Colorization and the Expression of Mood," *Arguing about Art: Contemporary Philosophical Debates*, Ed. Alex Neill and Aaron Ridley, (New York, McGraw-Hill, 1995) 48

4 James O. Young, "Still More in Defence of Colorization," *Arguing about Art: Contemporary Philosophical Debates*, Ed. Alex Neill and Aaron Ridley, (New York: McGraw-Hill, 1995)

5 Gary Burns, "Colorization," www.mbcnet.org/ETV/htmlC/colorization/colorization.htm, 1995

6 Phil G. Goulding, *Classical Music: The 50 Greatest Composers and Their 1,000 Greatest Works*, (New York: Fawcett Columbine, 1992) 182

7 Phil Kloer, "Bye George" Times-Colonist, (Victoria: Times-Colonist Group Inc., December 1, 2001) F7

8 James O. Young, "In Defence of Colorization" 41