

FROM SACRED TO DEMONIC

by James Reston, Jr.

Amid the recent year-end reports about the best and the worst of 1997, the film "Devil's Advocate" was deservedly featured as one of the ten worst movies of the year. As the tale of the devil dressed out as a sleazy New York attorney, the movie was replete with the standard episodes of sado-masochism and a forgettable performance by Al Pacino.

But Devil's Advocate may end up redeeming itself with some unintended social value, though its dollar value to the producer, Time Warner, now put at something over \$55 million, may be reduced considerably as a result. Through oversight or sheer wanton theft of an artist's original work without permission, the film finds itself in a lawsuit over two fundamental principles: the protection of an artist's creative work against unauthorized use under the Copyright Laws and the sanctity of sacred art. In this case it is the exquisite tympanum of the Washington's National Cathedral that has been sullied.

In the climactic scene of the movie, we are ushered into the devil's chamber, decorated as if it were a skyscraper penthouse, with cathedral ceilings, heavy wood paneling, panoramic windows, and a huge platform desk which later becomes the palate for a crude sex scene and a gory suicide. Behind this desk there is a huge white frieze, with naturalistic naked, marblesque figures, frozen in the maw, the maw of creation. As the action gets hot and heavy when the Devil tries to force his son to have sex with the temptress of the film---her name is Christa Bella, a play on the words, beautiful Christ-- in order to create the Antichrist, the naked figures in the frieze come alive and begin to grope erotically after one another.

The problem is that the Devil's artwork is nearly a dead ringer for the frieze of the sculptor, Frederick Hart, which now graces the prominent West Entrance of Washington's

National Cathedral. Hart's sculpture is called *Ex Nihilo, Creation of Mankind out of Nothing, as Narrated in the Book of Genesis*. For this most important gateway to the nation's Episcopal cathedral, Hart's design won a hotly contested international competition, by invitation only, between well-known acclaimed artists in 1975. Once his original design won, it took Hart another ten years to bring his master work to its splendid realization.

Now as the school buses from around the nation arrive daily for the obligatory tour of the cathedral, teenagers jostle one another to be photographed in front of the "devil's decoration." Is it any wonder that the National Cathedral has joined with Hart in the lawsuit against Time Warner. "The cathedral considers all objects of art and iconography depicted on or in the Cathedral as sacred objects intended to convey God's immanence and presence in the world," the Dean of the Cathedral, Nathan D. Baxter, has commented. In short, the sacred entrance of his cathedral has been debased and demonized, and it will be hard for the sculpture ever to recapture its beauty and the cathedral entrance ever to recapture its sacredness for the generation which have seen its perversion in strip-mall cineplexes.

Of course, the set in the movie is not exactly, precisely, literally the same as Hart's *Ex Nihilo*. Hart's design seems to have been split into two halves as if it were the back of a chicken. Arms and legs and postures are changed around as if the first draft for the movie set were simply a mirror image of the Hart piece.

What we have here seems to be the triumph of the animation stand or the computer program which can take an image, change a detail here or there, shift it around, reverse it, and then pass it off as original work. In the literary world, we know this phenomenon very well as plagiarism. And in the magazine world both Time and Newsweek have now been stung by altering images for good and for evil effect. (Time with its sinister shadings of an O.J. Simpson cover; Newsweek by its computer-driven dental improvements on the teeth of the Iowa mother of septuplets.)

I can not predict what the courts will do in the Hart-Washington Cathedral suit against

Time Warner. Apparently, the movie makers are poised to argue that they borrowed not only from Hart's *Ex Nihilo* but also Rodin's *Gates of Hell* in Paris. Perhaps the case will turn on the technical legal question in American law of "literal similarity" vs. "substantial similarity." Or perhaps the giant entertainment company will simply make it too expensive for the individual artist or the National Cathedral to continue a lengthy legal fight. An artist's pocketbook and a cathedral's collection plate are no match for Hollywood's coffers.

We clearly need to move closer to the legal philosophy in French law known as "moral rights," especially in this new age when the lines between the authentic and the fake is so easily blurred. When the computer can put *Forrest Gump* into Lyndon Johnson's Oval Office or Woody Allen at Calvin Coolidge's inauguration, how can we ever be sure that an image is real and untouched by the computer enhancers.

The danger of unauthorized appropriation is an equal threat to writers. The standard language in a movie maker's contract with a writer whose book is being considered for adaptation, reads: "Your (the film maker's) use of other material containing elements similar to or identical with those contained in my (the author's) material shall not obligate you to negotiate with me." To sign such a contract is the precondition for consideration.

Under the French system the legal sympathy always rests with the artist where he or she is always accorded absolute protection against commercial exploitation of original work.

Ironically, if the arguments over artistic protection and demonization of sacred art should fail on a technicality, the plaintiffs can fall back on blocking the movie's distribution in France. Perhaps they could then feel as if, at least, they had won a moral victory.

Identification: James Reston, Jr.'s new book, *The Last Apocalypse: Europe at the Year 1000 A.D.* will be published next month.