

WEBSTER UNIVERSITY
School of Business and Technology

Doctoral Project Committee
James M. Brasfield, PhD, Chairperson
Robert T. Dixon, MA
James W. Evans, PhD
Vetta L. Sanders-Thompson, PhD

MIRAMAX FILMS FROM 1979 TO 2005:
A STUDY OF STRATEGIC FILM CHOICES AND EFFECTIVE MARKETING

by

ROSALIND REGINE NORMAN

A doctoral project presented to
the School of Business and Technology at
Webster University
in partial fulfillment of the requirements for the degree
Doctor of Management

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2009

WEBSTER UNIVERSITY
DOCTOR OF MANAGEMENT

Doctoral Project Approval

To: John Patrick Orr, Ph.D.
Director
Doctor of Management Program

From: Doctoral Project Committee

Chair: James Brasfield, Ph.D.

Member: Robert T. Dixon, M.A.

Member: James Evan, Ph.D.

Member: Vetta L. Sanders-Thompson, Ph.D.

We, the Doctoral Project Committee, do certify that the Doctor of Management candidate:

Rosalind Regine Norman

has satisfactorily completed all requirements for the degree of Doctor of Management in the Doctoral Program at Webster University, and do, therefore recommend that this candidate be awarded the degree of Doctor of Management.

Chair: 
James Brasfield, Ph.D.

Date: 5-13-09

Member: 
Robert T. Dixon, M.A.

Date: 3/13/09

Member: 
James Evans, Ph.D.

Date: 5/13/2009

Member: 
Vetta L. Sanders-Thompson, Ph.D.

Date: 05-13-09

CONCURRENCE:

I do concur with the recommendations of the Doctoral Project Committee as stated above.


John Patrick Orr, Ph.D.

Director
Doctor of Management Program

DEDICATION

I dedicate this research project to
emerging, lesser known filmmakers who see visual storytelling
more as art for enlightenment
than only as commodity for commerce;
individuals of lesser chances
who dream of images and messages
that influence constructive changes of perceptions and actions;
and lesser recognized role models
who encourage people like me to give something of value
that can be shared, in spite of disappointments, discouragement, and defeats
when trying to do so.

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ABSTRACT OF THE DOCTORAL PROJECT

Miramax Films from 1979 to 2005:

A Study of Strategic Film Choices and Effective Marketing

by

Rosalind Regine Norman

Doctor of Management

Webster University in St. Louis, 2009

James M. Brasfield, PhD, Chair

The purpose of the case study is to explain the relationship between strategically selected, award-winning films and aggressive marketing for mainstream audience development. At a time when changing social, economic, and technological conditions seemed to favor independently produced films, less emphasis was placed on broadening audience appeal. Through a two-phase historical reconstruction, using multiple sources of information and evidence, this qualitative study described how Bob and Harvey Weinstein of Miramax Films used different strategies and marketing tactics for films chosen to receive favorable film-critic reviews, prominent industry-recognized awards, such as those from film festivals and the Academy of Motion Picture Arts and Sciences, along with the potential to increase box-office revenue. Unlike Hollywood movie studios of the time, Miramax's strategy revolved around aggressive marketing tactics to broaden exposure for independent films, increase attendance and box-office revenue, obtain critical acclaim, and develop mainstream audiences. These findings have implications for film studies, independent filmmakers, and others interested in filmmaking as a business.

**Miramax Films from 1979 to 2005:
A Study of Strategic Film Choices and Effective Marketing**

CHAPTER I: INTRODUCTION

Art-house and foreign language films, such as *Les Quatre Cents Coups* or *400 Blows* (1959) by French writer/director Francois Truffaut, influenced Bob and Harvey Weinstein as adolescents. Their passion for French New Wave and Italian films grew to encompass American independent cinema (Brody, 2008; Lyman, 2001). By 1979, they formed Miramax Films to distribute independently produced films. Later, during the Weinstein brothers' tenure with The Walt Disney Company from 1994 to 2005, Miramax Films experienced phenomenal success.

According to Lacayo (1997), Bob and Harvey Weinstein's fondness for smart scripts and challenging images without bloated or sky-high budgets turned oddball, artsy films, such as *The Crying Game*, *Like Water for Chocolate*, and *Pulp Fiction* into hits. Harvey Weinstein affirmed this by saying that "special effects in Miramax movies are words" (p. 49).

Problem Statement

At a time when changing social, economic, and technological conditions seemed to favor independently produced films, less emphasis was placed on broadening audience appeal. In this study, two phenomena will be examined to explain the relationship between strategically selected, award-winning films and aggressive marketing for audience development: First, how major Hollywood studios seemed to restrict entry of

lesser-known filmmakers and authentic, culturally diverse content; and second, how Bob and Harvey Weinstein helped Miramax Films develop and implement processes to overcome entry barriers imposed by the Hollywood movie-making industry and thrust art-house or independently created films into mainstream movie-going experiences.

Primary Research Question

This study used an explanatory process based on the primary research question: *How did Bob and Harvey Weinstein of Miramax Films succeed in developing mainstream audiences for independent films?*

Propositions

Propositions served as a “starting point and primary determinant” (Maxwell, 2005, p. 65). Yin (2003) contended that questions to “develop pertinent hypotheses and propositions for further inquiry” (p. 6) and “provide an opportunity for practicing different techniques” (p. 101) should be used to “clarify precisely the nature of your study” (p.22). To determine whether Bob and Harvey Weinstein, through Miramax Films, had developed and implemented processes that differed from the major film studios of Hollywood and if their approach is applicable for others, the following two propositions related to the primary question:

1. Unlike major Hollywood studios at the time, Bob and Harvey Weinstein used different strategies and aggressive marketing tactics for handling independent films.

2. Miramax Films targeted mainstream moviegoers during a time of social, economic, and technological changes.

Conceptual Diagram

A conceptual diagram helped to sharpen the focus for researching the subject matter. The diagram illustrated how Bob and Harvey Weinstein through the formation of Miramax Films selected independent films moderated by different strategies and aggressive marketing tactics to develop broader audiences during a time of social, economic, and technological changes.

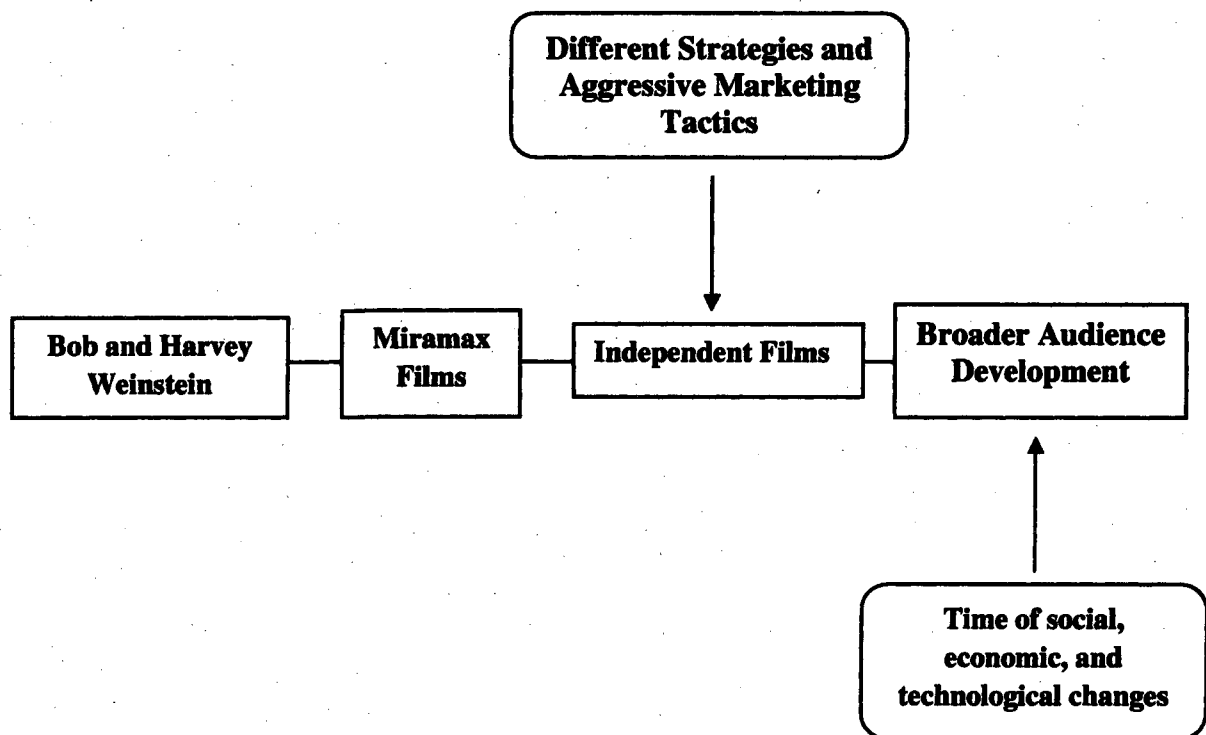


Illustration 1. Conceptual Diagram.

One of the key elements presented in the diagram, marketing has been described as the heart of the independent film business (Biskind, 2004; Marich, 2005; Squire,

1992). Distinct from studio marketing, independent films rely on free publicity, good reviews, and word of mouth to gradually build an audience. Harvey Weinstein summed up the business philosophy of Miramax by saying, “The marketing toss is the most crucial element in distribution. It’s all a matter of personal taste: what we think is provocative, entertaining and profitable” (Thompson, 1989, p. 75).

Comparison with Rival Explanations

Yin (2003) claimed that “the findings can be interpreted in terms of comparing at least two rival propositions” (p. 27). He also explained, “With a single case, the successful matching of the pattern to one of the rival explanations would be evidence for concluding that this explanation was the correct one (and that the other explanations were incorrect)” (p. 119). Because this is a single-case study, threats to validity, therefore, were countered with pattern matching for rival explanations. The most significant rival explanation was based on the following question:

How did social, economic, and technological changes after World War II affect independent filmmaking?

Overview of Research Study

Yin (2003) wrote that a case study is appropriate when there is “the desire to understand complex social phenomena”, and it addressed “the holistic and meaningful characteristics of real-life events—such as individual life cycles, organizational and managerial processes, neighborhood change, international relations, and the maturation of industries” (p. 2). Because this case involved more than one unit of analysis, an

embedded design was used. As a result, “an embedded design can serve as an important device for focusing a case study inquiry” (p. 45) and “add significant opportunity for analysis”, in addition to “enhancing the insights into the single case” (p. 46) even though the case is rare or consists of unique circumstances.

Questions of how and why Miramax Films succeeded, especially during a time period when Hollywood battled maturity issues, are examples of a complex social phenomenon which occurred during a rare or unique circumstance.

Two brothers, Bob and Harvey Weinstein established Miramax Films and reshaped how the U.S. film industry viewed independent films. As brothers, they are like opposite sides of the same coin. Harvey is perceived as gregarious and a cineaste that genuinely loves movies, while Bob is perceived as aloof and focused on the bottom line. Yet, they complement each other through their different strengths, which provide a certain kind of stability in their business partnership especially in the unpredictable business of making movies.

Besides the conflicts within the company due to the coercive management style of the Weinstein brothers, controversy about their re-editing of films cost them in the loss of talented filmmakers over the years. Nonetheless, Robert Redford summarized the accomplishments of Miramax Films since 1989, particularly attributed to Harvey Weinstein, when he said, “This is a man who is truly a pioneer and has spirited the entire independent film movement for the last ten years—fighting as hard as possible so that independent films get seen” (Levy, 1999, p. 51). Harvey Weinstein acknowledged that Miramax Films was responsible for making art-house films palatable to America’s

mainstream moviegoers. He claimed that “we’ve taken films out of the art house ghetto and brought quirky new sensibilities to mass America” (p. 51). The organization’s strategy revolved around aggressive marketing tactics to broaden exposure for independent films, increase attendance and box-office revenue, obtain critical acclaim, and develop mainstream audiences.

From its startup as a privately-owned, distribution company for low-budget, art-house films exemplified this. As an independent film distributor, Miramax learned to acquire art-house films; keep expenses low; increase profits; and obtain venues for widespread distribution. They also formed partnerships and alliances to share expenses of production and distribution. Miramax Films purposely selected films that would be likely contenders for Oscar nominations as a major part of a deliberate strategy, described by Mintzberg and McHugh (1985). From 1994 to 2005, when Miramax Films functioned as a subsidiary of Disney and learned that Oscar nominations boost box-office revenue, a record-breaking number of films earned Oscar nominations.

Then, on September 30, 2005 and having generated more than \$4.5 billion, along with an unprecedented number of Oscar nominations and awards, Bob and Harvey Weinstein left Disney. They relinquished the name of Miramax Films and a library of approximately 800 films worth \$2 billion (Marr, 2005; Schein, 2006). Afterward, on October 5, 2005, Bob and Harvey Weinstein started The Weinstein Company as an American-based, independent film studio.

Summary of U. S. Film Industry Background

Long before the Weinstein brothers' independent filmmaking accomplishments, major Hollywood studios built what became known as the U.S. film industry. After the 1948 Paramount Consent Decree, the industry faced challenges of growing uncertainty about movie choices and unpredictable revenue streams for decades (Biskind, 2004; Levy, 1999; Marich, 2005; Robins, 1993). By the 1970s, the Hollywood studios entered a second Golden Age of American Cinema. During the 1980s and 1990s, Bob and Harvey Weinstein positioned Miramax Films to take advantage of an environment conducive for independent film acquisitions and distribution. Following is a summary of the historical, economic, social, and technological background of the U. S. film industry.

Historical Context

Dirks (2008) labeled the 1930s as The Golden Age of Hollywood and the 1970s as The Last Golden Age of American Cinema. Miller and Shamsie (1996) wrote that the early 1930s to the 1940s were considered the Golden Years of the major studios, such as Metro Goldwyn Mayer, Twentieth Century Fox, Warner Brothers, Paramount, United Artists, Universal, Columbia, and RKO (pp. 528-529). By 1936 the U.S. film industry had become an oligopoly, known as the studio system (p. 529). The studio system catered to "stable customer preferences" (p. 529) and developed specifically selected actors, directors, and film genres.

By the 1940s and into the 1950s, government impositions especially targeted the Hollywood motion-picture industry. During the pre-war and war years, the Office of War

Information and the Office of Censorship restricted creative expression and alternative viewpoints. The House Un-American Activities Committee (HUAC) initiated anti-Communist blacklisting as a way to stop subversive activities within the United States. For example, the HUAC blacklisted close to 300 individuals who worked in Hollywood between 1947 and 1951 (Dirks, 2008). Careers of promising and established screen writers, directors, and actors were destroyed due to the blacklisting.

Additional changes in the U.S. film industry during post-World War II led to restructuring how films were produced and distributed internally through a “project-level organization” (Robins, 1993, p. 104) and externally through alternative sources. Likewise, Miller and Shamsie’s (1996) findings showed a shift from vertical integration to project-level or lateral organization, consisting of strategy mediated by tasks which affected lateral organizational capability as theorized by Galbraith (1994).

Miller and Shamsie (1996) also reported how major U.S. film studios, from 1936 to 1965, underwent transformation in property-based and knowledge-based resources. They examined property-based resources in the form of exclusive long-term contracts with stars and theaters in contrast to knowledge-based resources in the form of production and coordinative talent and budgets (1996, p. 519). In contrast, Ravid (2005) expressed skepticism about how knowledge-based resources, such as the star system influenced economic success or showed a significant return on investment (pp. 36-37).

Because so many changes persisted in the U.S. film industry—internally and externally—an unpredictable environment developed after World War II. With the growing uncertainty of a movie’s success being based on unpredictable box-office

revenue, the movie-making business increasingly became risky. DeVany (2004) wrote that “pure luck” seems to be the basis for operation (p. 275). In other words, the business of generating box-office revenue is a crapshoot (DeVany, 2004; Ravid, 2005; Squire, 1992).

Today’s independent films, according to Squire (1992) and Biskind (2004), seem to be a mixture of art and commerce as a result of the ever-changing, unpredictable climate of the U.S. film industry. Miramax Films, through strategies and marketing tactics different than major Hollywood studios, exploited independent films to develop mainstream audiences and a revenue stream. For example, Miramax received 249 Academy Award nominations and won 60 Oscars; garnered numerous film festival awards; and earned more than \$4.5 billion in gross box-office revenue.

Economic Context

In the foreword to Wasko’s (1982) book, Thomas Guback described how commercial banks, investment bankers, venture capitalists, and insurance companies funded motion picture projects and helped to condition and shape the U.S. film industry. He further claimed that banks served as lenders who provided debt capital, but often exercised control over a company’s plan for future operations. For instance, individual banks or consortia of banks that acted as suppliers of loan capital exercised significant powers when they reviewed scripts for production projects; placed limitations on production budgets and money spent to acquire films made by outside producers; regulated the amount of dividends a company pays stockowners.

In the same manner, Wasko (1982) showed how the American film industry continues to be influenced through various banking relationships. For example, Bank of America, founded as Bank of Italy in 1904 by Amadeo Peter Giannini for immigrant and working class communities in the North Beach area of San Francisco, California, “pioneered bank financing of motion picture production and contributed to the growth of the movie industry to the extent of loans estimated at over \$300 million” by the 1940s (pp. 119 and 136). She also reported that Bank of America built a reputation as “the movie bank” because of its early and continuous association with the U.S. film industry (p. 120).

By looking at the transitional period of the late 1940s and 1950s, in addition to film financing patterns in the 1960s and 1970s, Wasko (1982) contended that structural and policy changes in the film industry were influenced by commercial banks. The process of conglomeration or bringing together unrelated business activities with production and distribution under one corporate umbrella seemed to be related to corporate financing activities. She gave examples of self-conglomeration of film companies, such as Columbia, Disney, and Twentieth Century Fox; mergers with closely related companies, for example MCA/Universal and Warner Communications; and submersion of film companies into already existing conglomerates, such as Gulf & Western/Paramount and Transamerica/United Artists (pp. 149 -150). Because of the unpredictability of box-office revenue, commercial banks insisted on increasing stability through centralized accounting functions and diversification through formation of conglomerates.

However, by the 1990s, more than half of major American film studios had non-American owners. Squire (1992) reported that Columbia and TriStar belong to Matsushita Electric Industrial Company of Japan, known later as Sony Corporation; the parent company of Twentieth Century Fox is News Corporation of Australia; MGM-Pathé belongs to an overseas bank, Credit Lyonnais of France. Remaining American-owned companies consisted of The Walt Disney Company, Paramount Communications, and Time Warner. Like DeVany (2004) and Ravid (2005), Squire (1992) he contended that the erratic, unpredictable nature of the feature film business requires more cash-predictable enterprises, such as theme parks (Disney and MCA Universal), cable TV and publishing (Disney, MCA Universal, Paramount, and Time Warner), to offset long periods of cash-flow uncertainty (p. 28).

As a result of complicated financing arrangements with major film studios, today's independent filmmaking is "judged by its commercial success, not by its aesthetic daring or narrative quality" as Budreckyte (2006) quoted Emanuel Levy. Instead, he said that the focus is on financing, distribution and audience development. Because diversified revenue streams are so important to stabilizing the U.S. film industry, the economics of filmmaking appeared to prevent funding of lesser-known filmmakers or independent film projects created outside of the Hollywood system. *Black Enterprise* writer Nicole Marie Richardson argued that "lack of financing, lack of distribution outlets for content and Hollywood heavyweights who don't see the value of diversity" presented barriers for African American filmmaking (2006, p. 107). Denzin (2005) also acknowledged this in his article, *Selling Images of Inequality: Hollywood Cinema and the Reproduction of Racial and Gender Stereotypes*.

Similarly, independent filmmaker Lance Weiler, who was one of the first to make a film for \$900 on a computer, argued that “the real struggle” happens after the film is completed and distribution challenges arise (University of Pennsylvania, 2007). Weiler further proposed that a creative approach for using technology to tell stories along with an idea to generate revenue and ways to become sustainable is possible through a new economic model for independent cinema.

In the case of Miramax Films, the Weinstein brothers used their banking connections and investment partners to provide funding. For example, they sold a stake in their business to British bank Midland Montague for \$3.5 million and secured a \$10 million loan from Chase Manhattan in 1988. These funds permitted Miramax to acquire more independent films at the time.

Social Context

By 1979 when Miramax Films started as an independent film distribution company in Buffalo, New York, conditions had ripened for the development of the new American independent cinema. For instance, Sundance Institute started in 1981 when actor/director Robert Redford assembled a group of his friends and colleagues at a meeting in the Wasatch Mountains of Utah. Then in 1985, Sundance took over the U.S. Film Festival and renamed it as The Sundance Film Festival, which takes place each January in Park City, Utah. Biskind (2004) described the impact of this time period through quotes by Redford who said that Sundance is for the “filmmaker who spends two years making his film, and then another two years distributing it, only to find out he can’t make any money on it, and four years of his life are gone. I thought, *that’s* who needs

help” (p. 11). It appeared that the time was right for “the twin towers of the indie world”, namely Sundance and Miramax Films (p. 15).

Before Miramax Films and Sundance, the social impact of the 1940s through the 1970s also laid the groundwork for changes in the 1980s. These changes reduced barriers during the last Golden Age of the U.S. film industry for the new wave of American independent filmmakers of the 1990s. To summarize these happenings, actor Edward Norton is quoted as saying:

In the late ‘60s and early ‘70s, the studios didn’t know how to market films for the youth culture, and they turned to new young filmmakers to figure it out for them. The exact same thing happened across the ‘90s, and when this generation came of age, it put out very original, distinctive, mature work. They revitalized American films....It was the first real American New Wave since the late ‘60s. (Biskind, 2004, p. 8)

Furthermore, according to Levy (1999), the tag “independent” usually meant low-budget pictures that played for a week in the local art house, but things changed in the 1990s (p. 3). He described ten forces that shaped an alternative system to Hollywood (pp. 20-21).

1. The need for self-expression.
2. Hollywood’s move away from serious, middle-range films.
3. Increased opportunities and capital in financing indies.
4. Greater demand for visual media, driven by an increase in the number of theaters and the adoption of home video as a dominant form of entertainment in the United States.
5. Supportive audiences: the Baby-Boom generation.

6. The decline of foreign-language films in the American market.
7. The proliferation of film schools across the country.
8. The emergence of the Sundance Film Festival as the primary showcase for indies and the rise of regional festivals.
9. The development of new organizational networks.
10. Commercial success—the realization that there's money to be made in indies.

As an example, Levy (1999) claimed that mainstream and independent film companies viewed film schools as a source for developing feature filmmakers. He identified the top five U. S. film schools of the 1990s: (1) The University of Southern California, (2) New York University, (3) American Film Institute, (4) The University of California at Los Angeles, and (5) The California Institute of the Arts (p. 35). Even though there was a proliferation of film schools, the cost of attending a film school at that time exceeded \$100,000 for a three year-stint, without a guarantee of employment in the film industry (pp. 36-38).

Nonetheless, Biskind (2004) reported that the Sundance Film Festival became the “foremost showcase for indie films” (p. 2). He further described Sundance as “the finishing school that teaches young filmmakers how to dress for success” (p. 26). Related to this, Levy (1999) concluded that the social and economic contexts of the American independent cinema still stood out, particularly “when contrasted with Hollywood’s formulas, remakes, sequels and spin-offs” (p. 514).

At the same time, Miramax offered independent films based on “sex, controversy, and prestige” (Biskind, 2004, p. 48). They targeted the Baby-Boom generation and other niche audiences. As a Disney subsidiary, Miramax employed extensive market research

to determine which films attracted audiences. Then Bob and Harvey Weinstein customized their marketing tactics to target specific audiences.

Technological Context

American independent cinema grew during the last two decades of the 20th century due to the impact of video, DVD, and creative financing. Indies continued to define filmmaking that occurs outside of the Hollywood studio system although major studios established in-house units to produce, market, and distribute low-budget films as corporate indies. After Miramax's success, every major studio wanted its own indie division to become the "new Miramax", such as Universal's Gramercy, Fox Searchlight, and Paramount Classic (Biskind, 2004, p. 193).

As stated in Robins' (1993) study, "changing patterns of market demand" (p. 115) and technological conditions in the 1950s, like the infringement of television on the film industry, created an environment "to differentiate films from television" (p. 107). Studios, such as Warner Brothers, contracted production to independent producers to develop different and more marketable films than those internally produced (Robins, 1993, p. 115).

Miller and Shamsie (1996) further described the changing technological landscape of American filmmaking. With the advent of television in the 1950s, coupled with declining cinema attendance from 1949 to 1953 and "a ruling by the U.S. Justice Department in 1948" (p. 530) that forced major studios to sell off their theaters, technical and creative skills became even more important to the survival of U.S. filmmaking. By

the late 1960s, the studio system was replaced with a structure dominated by independent producers and directors (pp. 529-530).

With rapidly increasing technological changes in today's global marketplace, managing or shaping these changes became equally important. Anderson and Tushman (1991) claimed that, "Discontinuities are breakthrough innovations that advance by an order of magnitude the technological state-of-art which characterizes an industry" (pp. 26-27). When considering how the impact of digital technology and the Internet affect filmmaking, independent filmmakers seemed to have more opportunities to produce and distribute films. However, those same innovations increased competition by reducing entry barriers for distribution through the Internet. This implied yet another challenge for industry restructuring.

Similarly, a major challenge facing the film industry involved an issue of maintaining the status quo in the face of technological changes. According to Kirsner (2008), the influence of Wall Street investors on major studios created an environment where film executives were "terrified of risk" (p. 194). For example, Sony Corporation, the manufacturer of digital cameras for cinematographers, 4K digital projectors for cinema owners, high-definition televisions, Blu-ray disc players, the PlayStation video game console, Vaio laptop computers, portable audio and video Walkman players, in addition to ownership of Sony Pictures, succumbed to risk-aversion through formula-based movies—movies that often lacked originality or edgy subject matter, despite its technological capabilities (pp. 193-194).

In contrast, Miramax offered stories well told through great writing. They promoted original and edgy independent films to audiences seeking an alternative to formulaic movies.

Anderson (2004) and Kirsner (2008) further recommended that filmmakers devise strategies that take advantage of niche marketing through the Internet. For instance, when Miramax Films carved out a niche for production and distribution of art-house and independently-created films during the 1980s and 1990s, downloading films to the Internet was in its infancy. By the 21st century, Internet technology had made it a lot easier to download films to cell phones with built-in cameras, or Apple's iPhone, and YouTube.

Today, YouTube offers full-length features, such as television episodes of *Star Trek*, and approved material from CBS, HBO, Showtime, Sony Television, and Lions Gate. In addition, this Internet source has expanded from homemade video clips to a platform for advertisers. "YouTube has gone totally traditional, offering old-fashioned pre-rolls that can't be paused, fast-forwarded or even muted," says Jordan Hoffner, the director of content partnerships. Pre-rolls refer to TV-like commercials, which complement different television episodes and video clips, and run uninterrupted before these shows (Graham, 2008, p. 12B).

Polon (1992) added that high-definition video systems, which originated in aerospace and military video research, would become standard for studio production. He argued that the issue for the feature-film industry surrounds its handling of "attendant hardware with electronic high-definition television (HDTV) and associated electronics at

all levels of the feature process: production, postproduction, distribution, and exhibition” (p. 459). To sum up, he said that videos and computers will dominate innovations for displaying information and methods, creating, controlling and capturing entertainment (p. 466). For the film industry, this means adapting to a new era of integrated, cooperative efforts in production, distribution and exhibition.

In similar manner, Kirsner (2008) claimed that new technologies are making it possible for movies to be watched anywhere. Therefore, ideas of innovators, who are inside and outside of Hollywood, might seem disruptive at first, but are essential to the continuation and evolution of the film industry (p. 201). As an example, Bob and Harvey Weinstein again appeared to be at the forefront of U. S. filmmaking in 2006 when they invested in emerging platforms for a nationwide network of retailers.

Equally important, Wasser (2001) speculated that digital technology and the breakup of the mass audience promise diversity and democratic access. He also illustrated how marketing remains crucial to getting a film to an audience as follow:

Studio heads may spend a good part of their day meeting with stars and directors and agents who represent these glamorous, creative people. They say yes, they say no, and the results are hashed over in the magazines, newspapers, and TV talk shows. Nonetheless, these meetings are far less important than their meeting with the marketing executives. It is those meetings [with marketing executives] that form *the framework for why studios decide to make movies, which movie, and how many* [italics for emphasis]. (p. 15)

Significance of the Research

Maxwell (2005) wrote that practical goals are “particularly important for *justifying* your research” (p. 21). The practical goals associated with the case related to (1) explaining how the Weinstein brothers used aggressive marketing tactics to broaden the exposure of films by lesser-known filmmakers; (2) exploring how to develop an audience and niche for films with authentic, culturally diverse content; and (3) sharing what could be helpful information for film students and teachers, independent filmmakers, and other individuals interested in the business of making movies.

After realizing the practical goals of the case study, implications and potential benefits were taken from the research. For example, what are the implications or benefits of the research that could help culturally and ethnically diverse filmmakers? When African-Americans such as actor-director-producer Denzel Washington and producer Oprah Winfrey sought distribution of their film *The Great Debaters* (Leavy, 2008), Harvey Weinstein remarked, “They understand what it takes to make a film successful, and that includes marketing” (p. 64). In this situation, The Weinstein Company, a new multi-media company established by Bob and Harvey Weinstein, and MGM (Metro Goldwyn Mayer) co-distributed the Washington-Winfrey film (p. 64).

Another example pertained to the Weinstein brothers’ knack for picking films that possess the potential to receive industry-recognized awards from film festivals and the Academy of Motion Picture Arts and Sciences (AMPAS). For instance, between 1988 and 2005, Miramax Films with its unprecedented Oscar awards and numerous film releases reshaped how the U.S. film industry viewed indies. Hernandez (2005) and a

theatrical trailer from Miramax Collector's Series (2007) pointed out Miramax Films' astonishing feat that accounted for more than 229 Oscar nominations, 54 wins, and 14 Best Picture Awards. On another interesting note, in a news release from the Writers Guild of America, it reported that Miramax Films during the Weinsteins' 25-year tenure received 249 Academy Award nominations and won 60 Oscars (Mitchell & Frankel, 2008).

As published in the *International Directory of Company Histories* (Uhle, 2004), Miramax Films evolved from a small independent distributor into a mini-major, producing films with budgets that occasionally exceed \$100 million, while continuing to release a wide range of smaller films independently produced that included foreign art-house titles such as those which it had first found success.

Definitions of Relevant Terms

To help with the explanatory process and data analysis, definitions of several relevant terms are listed below:

Ancillary markets consist of video, DVD, television, cable, and emerging media.

Audience refers to moviegoers or consumers who decide to see a specific movie in a theater or watch one at home.

Cineaste is an ardent follower or enthusiast of motion pictures.

Distributors are part salesmen and part magicians who get a film or movie into theaters, while weighing the outlay of advertising dollars with marketing executives against box-office revenue.

First Look Deal involves an exchange between a small production company, producer, director, actor and financial support of a production entity that has first crack at a project in its developmental stage.

Gross participation refers to a percentage of the distributor's gross.

P&A is an acronym for prints and advertising. Prints refer to the cost of making copies of a film for distribution and exhibition. Advertising costs are associated with paid space in media outlets.

Theatrical exhibitors or **theatre owners** are the first retailers in the movie business to have earliest direct contact with customers.

CHAPTER II: CONCEPTUAL FRAMEWORK

Restructuring and development of a project-level organization created a movement away from vertical integration. Robins (1993) reported that “organizational form had an important effect on performance and that restructuring of the studios may have played a fundamental part in the economic strategy of the post-war film industry” (p. 114). He also illustrated how disaggregation and formation of project-level organizational choices added “new types of products’ in the form of independent films (p.115). This demonstrated how project-level organizational choices served as a strategy to direct tasks and accomplished lateral organizational capability.

Robins (1993) added that box office performances varied due to “uncertainties associated with filmmaking” (1993, p. 114) and audiences’ preferences for different kinds of movies. Even though the first stage of independent filmmaking started in the 1940s, Robins’ study showed how organizational restructuring and strategy at Warner Brothers studio affected economic performance through the introduction of studio-produced independent films (1993, p. 115).

The context created by organizational restructuring and strategy changes in the film industry related to Galbraith’s (1994) theory of lateral organizational capability, which built upon Chandler’s (1962) theory of strategy and structure in addition to processes and changes of managers’ mindsets as identified by Miles, Snow, Meyer, and Coleman (2003).

Thorelli's (1986) network paradigm of market politics explained how positions occupied by firms or strategic business units linked positions to obtain resources or enhance a company's value chain. Snow, Miles and Coleman's (1986) descriptions of network organizations as new organizational forms and Staber's (2004) project organization also exemplified the kind of organizational restructuring taking place in Hollywood studios.

Nonetheless, other researchers DeFillippi and Arthur (1998), Ferriani, Corrado, and Boshetti (2005), Lampel and Shamsie (2003), along with Staber (2004), pointed out how new forms of organizations, such as transient or project firms which operate similar to a dynamic network, encounter organizational impermanence. These organizational forms create a paradox for organizational learning due to their transient nature, especially at times when expertise is needed but not available.

Key Existing Theories

Pyrzczak (2008) pointed out that a theory might not be the initial focus of qualitative research because this kind of research usually develops new theories, models, and other generalizations through data collection and analysis (p. 37). On the other hand, Maxwell (2005) wrote that the conceptual framework consists of concepts, assumptions, expectations, beliefs, and theories that support a study (p. 33). The purpose of the study was to examine the connection between strategically selected, award-winning films and aggressive marketing for mainstream audience development. If the findings indicated that the topic and preliminary questions are relevant for further research, assumptions about the case's merit and emerging or existing theories could be useful. To validate the study,

expectations and beliefs were examined through documentation, electronic artifacts which included previously videotaped interviews, and a limited number of live interviews.

Three key existing theories, such as *organizational learning* (Argyris, 2005; Argyris & Schon, 1978), *the network paradigm of market politics* (Miles & Snow, 1986; Miles & Snow, 1994; Snow, Miles, & Coleman, 1992; Snow & Thomas, 1993; Thorelli, 1986), and *strategy formation* (Cassiman & Ghemawat, 2006; Chandler, 1962; Miles, Snow, Meyer, & Coleman, 2003; Mintzberg & McHugh, 1985) provided linkages for the study and served as a conceptual or theoretical framework. According to Maxwell (2005), a “theoretical framework” or “idea context” forms the basis for use of existing theories (p.33).

Organizational Learning

An example of existing theory for a theoretical framework involved organizational learning. The way that Miramax Films learned from its startup as a privately-owned, distribution company for low-budget, art-house films exemplified this. As an independent film distributor, Miramax learned to acquire art-house films; keep expenses low; increase profits; and obtain venues for widespread distribution. However, in the beginning when Bob and Harvey Weinstein started the company, they knew nothing about the filmmaking business.

To paraphrase Argyris and Schon’s (1978) theory of organizational learning, single-loop learning takes place when actions are modified according to the gap between

expected and actual outcomes; double-loop learning makes the connection as to why certain actions are considered and which actions were modified (p. 22). Miramax Films appeared to use both single-loop learning and double-loop learning when Bob and Harvey Weinstein developed the company between 1979 and 2005.

For instance, Miramax Films demonstrated single-loop learning when they formed partnerships and alliances to share expenses of production and distribution. Double-loop learning happened when Miramax Films devised a strategy to choose film content that possessed potential to receive favorable film-critic reviews; garner prestigious industry-recognized awards; and generate box-office revenue.

In addition, Biskind (2004), Levy (1999), Marich (2005), and Ravid (2005) pointed out how Oscar nominations increased box-office revenue. To demonstrate how this related to double-loop learning, Miramax Films purposely selected films that would be likely contenders for Oscar nominations as a major part of a deliberate strategy, described by Mintzberg and McHugh (1985). From 1994 to 2005, when Miramax Films functioned as a subsidiary of Disney and learned that Oscar nominations boost box-office revenue, a record-breaking number of films earned Oscar nominations. This reflected a form of organizational learning (Arygris, 2005; Arygris & Schon, 1978) and collaborative know-how (Hagel & Brown, 2005; Kanter, 1989, 1994; Simonin, 1997).

Network Paradigm of Market Politics

Thorelli's (1986) network paradigm of market politics is another example of an existing theory that added to the theoretical framework for the case study. He proposed

that “a network may be viewed as consisting of ‘nodes’ or *positions* (occupied by firms, households, strategic business units inside a diversified concern, trade associations and other types of organizations) and *links* manifested by interaction between the positions” (p. 38). In other words, some positions within an organization interact to form a linkage for a specific purpose. Given this description, Miles and Snow (1986) described how a unique combination of strategy, structure, and management processes make up a dynamic network (p. 62).

Three common network organizations described by Snow, Miles, and Coleman (1992) consisted of (1) internal network, (2) stable network, and (3) dynamic network. An internal network captures entrepreneurial and market benefits without having to engage in a lot of outsourcing (p. 11). Whereas, a stable network employs partial outsourcing as a way to be flexible, and at the same time, spreads asset ownership and risk across its independent firms (pp. 13-14). A dynamic network occurs in faster-paced or discontinuous competitive environments that require or allow firms to outsource extensively (p. 14). Needless to say, each network has limitations. For example, “internal networks may sometimes fall victim to corporate politics” (Snow, Miles, & Coleman, 1992, p. 13).

In the case of Miramax Films, two different types of network organizations seemed to apply. First, as a startup organization in 1979, it operated as a dynamic network. The organization mostly outsourced film acquisitions, marketing, and related services. Second, after Disney acquired Miramax in 1993, the company functioned within the stable network of the world’s second largest media conglomerate. As a subsidiary of

Disney, Miramax Films experienced a considerable amount of flexibility due to its specialization in adult content.

Strategy Formation

As a third and last example of existing theory, strategy formation further enhanced the theoretical framework for this study. When Chandler (1962) published *Strategy and Structure: Chapters in the History of the Industrial Enterprise*, he explained how strategy determines an organization's structure as follows:

The thesis that different organizational forms result from different types of growth can be stated more precisely if the planning and carrying out of such growth is considered a *strategy*, and the organization devised to administer these enlarged activities and resources, a *structure*. (p. 13)

Equally important, Mintzberg and McHugh's (1985) study showed how strategies form in a variety of different ways. This differed from Chandler's view of strategy making. Their research identified and defined two strategic processes: (1) how *deliberate* strategies are intentions realized; and (2) how *emergent* strategies consist of patterns realized in the absence of intentions (p. 161).

In the case of Miramax Films, the organization employed both deliberate and emergent strategies for marketing tactics that appealed to mainstream moviegoers. From 1979 to 1993, Miramax Films used an emergent strategy. It acquired and distributed trend-setting independent films, such as *sex, lies, and videotape* (1989), *The Crying Game* (1992), and *Like Water for Chocolate* (1993).

As an example of a deliberate strategy to increase critical acclaim and box-office revenue, Biskind (2004) reported how Disney's capitalized on Miramax as a brand name and expanded adult programming through an astounding number of Oscar nominations and winners, from 1994 to 2005.

However, Lampel and Shamsie's (2000) study provided another perspective about strategy formation. They contended that certain products generated momentum for a critical push strategy, which also described Miramax's campaigns for Oscar nominations.

On another note, Cassiman and Ghemawat (2006) argued that strategy and game theory focused on incentives under conditions of competition. As a Disney subsidiary, Miramax received budgetary support to increase film acquisitions and distribution, which allowed the company to release approximately 40 films per year, more than all the other indie distributors combined (Biskind, 2004; Marich, 2005). Because of the Weinstein brothers' fierce competitiveness and passion to reach larger numbers of people for films that exuded "the indie spirit but played like Hollywood movies", Miramax "stepped up to the next level to compete with the majors" (Biskind, 2004, pp. 470-471).

CHAPTER III: METHODOLOGY

Overview of Plan and Methodology for the Study

A case study protocol, multiple data sources, and different perspectives from a limited number of live and previously videotaped interviews were used for organizing research. The study used an explanatory process by focusing on the research question: *How did Bob and Harvey Weinstein of Miramax Films succeed in developing mainstream audiences for independent films?* Based on Snow and Thomas' (1994) matrix, an explanatory approach is described as part of theory building and qualitative research. The research question addressed the importance of having a "starting point and primary determinant" (Maxwell, 2005, p. 65). It showed how questions "clarify precisely the nature of your study" (Yin, 2003, p. 22). Hence, the emphasis was placed on the central role of questions in a study.

Case Study Protocol

Yin (2003) recommended a case study protocol to increase the reliability of the overall process (p. 67). An outline of the case study protocol consisted of the following:

1. An overview of the case study, such as goals, issues, and relevant readings about the research;
2. Field procedures, such as related credentials, access to case study site, procedural reminders;
3. Interview questions; and

4. A guide for the case study report that includes project outline, format for the data, use and presentation of other documentation, and bibliographical information.

Goals

The New International Webster Pocket Dictionary (2002) defined a goal as an objective toward which one strives (p. 214). For the purpose of the study, three different kinds of goals were identified: (1) personal goals, (2) practical goals, and (3) intellectual or scholarly goals.

Personal. Maxwell (2005) claimed that a research topic based on personal interest and/or experience creates motivation (p. 16). Given that, my rationale for exploring the research topic related to a personal passion and experience in arts and media program development and management. Having worked with performing and visual artists in addition to several independent filmmakers, I wanted to uncover an approach or series of processes that would increase content diversity and the number of culturally and ethnically diverse entrants in film production and distribution.

Practical. Practical goals associated with designing a case study related to (1) explaining how the Weinstein brothers overcame entry barriers for lesser-known filmmakers; (2) discovering how to develop an audience or niche for films with authentic, culturally diverse content; and (3) sharing what could be helpful information for film students, independent filmmakers, and other individuals interested in the business of making movies. According to Maxwell (2005), practical goals are “particularly important for justifying” research (p. 21).

Intellectual. As for intellectual or scholarly goals, Maxwell (2005) described five that pertain to a single-case study. First, “understanding the meaning, for participants in the study, of the events, situations, experiences, and actions they are involved with or engage in” (p. 22) entailed creating an environment for participants to understand why their perspective is invaluable to the accomplishment of the study.

Second, “understanding the particular context within which the participants act and the influence that this context has on their actions” (p. 22) meant that the study needed to fulfill specific goals and create a research setting which would be conducive for individuals to participate.

Third, “identifying unanticipated phenomena and influences, and generating new, “grounded” theories about the latter” (p. 22) referred to being able to cope with changes while exhibiting flexibility and openness to new discoveries and relationships that enhanced this kind of research.

Fourth, “understanding the process by which events and actions take place” (p. 23) encouraged participation of both the interviewee and researcher to connect the topic with the goals of the research. And lastly, “developing causal explanations” (p. 23) through qualitative research, as in this case study, involved finding out how the process of conducting research interfaced with the study’s outcome “fundamental to realist views of causation” (p. 23). It also demonstrated the interactive quality of the overall learning process, which Maxwell (2005) described in his approach to research design. When all of these intellectual or scholarly goals converged, the collected data, participants and

researcher appeared to have collaborated in developing a process for conducting the study and contributing to its findings.

Field Procedures

Because the sample consisted of a limited number of strategically selected interviews, the sampling plan was purposive. Purposive sampling is “characterized by the use of judgment and a deliberate effort to obtain representative samples by including presumably typical areas or groups in the sample” (Kerlinger & Lee, 2000, p. 179). This particular sampling also is a form of “nonprobability sampling” (pp. 178-179).

For this study, the purposive sample targeted film industry chief executive officers, marketing and distribution executives, talent agents, independent filmmakers, producers, theater owners and managers, entertainment media journalists, film critics, film studies college professors, film students and/or cineaste. Based on their individual experience, expertise, and knowledge of Miramax Films or Bob and Harvey Weinstein, the combination of different perspectives, through live and previously videotaped interviews in addition to multiple data sources, improved the likelihood of data triangulation.

Interview Questions

In order to obtain different points of view, interview questions varied according to expertise and knowledge of the interviewee. For instance, a film company executive likely would have a different perspective of the company than a film producer or independent filmmaker who worked on a single film project or for a limited time period.

Hence, the questions were based on distinct aspects pertinent to the experiences or knowledge of an interviewee.

Semi-structured, open-ended questions guided the process for the interviews.

Sample interview questions were comprised of the following:

- How did the demise of the Hollywood studio system after the 1948 Paramount Consent Decree change the way movies were made?
- How did social, economic, and technological changes after World War II affect independent filmmaking?
- How did Bob and Harvey Weinstein's background as rock-and-roll concert promoters influence strategy formation and marketing tactics for Miramax Films?
- Would you say that strategic marketing rather than choice of films made Miramax successful?
- How can culturally and ethnically diverse filmmakers learn from the example of Miramax Films?
- How can the results of this study help or benefit today's independent filmmakers and film studies students?

Anonymity and Confidentiality

As Jones and Pringle (2008) addressed in their study, the filmmaking business consists of social networks. Because of these social networks, most filmmakers place considerable value on maintaining favorable relationships within the film industry. Therefore, anonymity and confidentiality were used to protect the identity of participants and to encourage candor.

Guide for Case Study Report

As Yin (2003) suggested, a guide was developed and included a project outline, description of sources for collected data, and bibliography. A binder served as a repository for the guide, interview questions, and notes of each interview.

Methods of Data Collection

Yin (2003) identified six sources of evidence, such as (1) documentation, (2) archival records, (3) interviews, (4) direct observation, (5) participant-observation, and (6) physical artifacts (pp. 85-96). Mintzberg and McHugh (1985), however, suggested that historical reconstruction is more feasible to track strategies. Therefore, the following plan combined both approaches for methodology.

Step 1: Start Up Process

An introduction provided description of the overall plan for researching the subject matter. For instance, articles, books, aggregate data, films, photographs, and electronic artifacts or previously videotaped interviews were collected to form the basis

for the study. A scheduling outline was established for a limited number of participants as live interviewees. Plans were made to conduct interviews between September 1, 2008 and December 30, 2008. Forty individuals of the purposive sample were contacted; only six agreed to participate. Six previously videotaped interviews of others from the sample were used to supplement the live interviews.

Appendices display samples used for the interview process and information from electronic artifacts. For example, appendices A1 through A9 present a consent form, scheduling outline for interviews, interview scheduling request form, interview questions, contact summary sheet, analytic memos, letters of introduction and follow up, and thank you note. Appendix A10 contains general descriptions of each participant and how they specifically related to the research topic.

Interviews took place at the interviewee's office or a conveniently located site. Phone interview and mailed responses were included. The length of time of an interview depended on an interviewee's responses, usually between 30 minutes and one hour. Anonymity and confidentiality were maintained for each live interviewee. Each participant, live and previously videotaped, was assigned a code. The assigned code for live interviewees protected their identity and encouraged candor. Brief general descriptions of participants and the assigned coding follow:

The letter A was assigned to participants who were directly involved with Miramax Films and/or the Weinstein brothers during the time period covered for study. Six previously videotaped interviews were taken from electronic artifacts of the following: A group of six British participants, two male Oscar-nominated film producers

(Stephen Woolley and Nik Powell), one male Oscar-winning writer/director (Neil Jordan, one male Oscar-nominated actor (Stephen Rea), and two film experts (one female, Jane Giles, and one male, Angus Finney); one homosexual European American, Oscar-nominated filmmaker Todd Haynes; one lesbian European American, award-winning film producer Christine Vachon; two Danish participants, one male film critic Morten Phil and one female, Oscar-nominated writer/director Susanne Bier; one European American PBS talk show host Charlie Rose and one male New Zealander, Oscar-winning writer/director/producer Peter Jackson; and one European American male, Oscar-winning documentary filmmaker Michael Moore and one Jewish American male, Oscar-winning co-founder of Miramax Films, Harvey Weinstein.

The letter **B** was assigned to participants who were or is associated with Miramax Films and/or the Weinstein brothers or independent filmmaking. Two interviews were conducted: One by phone with a European American male, independent theater owner, and one in-person with a European American male manager of an independently-owned upscale theater.

The letter **C** was assigned to participants who have specific expertise or knowledge of Miramax Films and/or the Weinstein brothers or independent filmmaking. Four interviews, three face-to-face and one by phone, involved the following participants: A face-to-face interview with one European American female, Emmy Award-winning documentary filmmaker, who also teaches film studies at a major university; a face-to-face interview with one African American male independent filmmaker; a face-to-face interview with one African American female college student, who also is a

knowledgeable movie consumer; and a phone interview with one Jewish American male independent filmmaker, who has participated in various film festivals.

Step 2: Collection of Basic Data

Information was collected from documentation, such as articles, books, aggregate data, films, and photographs on Miramax Films. Gaps within live interviews were supplemented with information from electronic artifacts, which included previously videotaped interviews. After information was collected from multiple data sources and different perspectives, analysis determined if data triangulation occurred.

Both Yin (2003) and Pyrczak (2008) defined data triangulation as the use of multiple data sources within a single method to corroborate the same facts. For example, Pyrczak (2008) explained how “multiple interviews or data collected at different times, at different places, and with different people” create data triangulation (p. 143-144).

Step 3: Inference of Strategic Film Choices

Films nominated and awarded an Oscar for Best Picture were arranged in chronological order. Each film’s gross box-office revenue and other major industry-recognized awards were cross-referenced to infer patterns for these films.

Step 4: Analysis of Two Phases

Through historical reconstruction or a chronological narrative, three units of analysis, multiple data sources, and different perspectives about Bob and Harvey

Weinstein's tenure at Miramax Films were examined. Two distinct time periods were covered:

Phase 1: Oscar-nominated films for Best Picture between 1979 and 1993 were examined.

Phase 2: Oscar-nominated films for Best Picture between 1994 and 2005 were examined.

Step 5: Use of Recurring Themes, Insightful Quotes, Emerging or Related Theories

Each interview, whether live or previously videotaped, was recorded in written form and on audio tape. A contact summary sheet was used to describe the setting, attitude, demeanor of participant, and context or ambience. Analytic memos captured themes and useful quotes, whether negative or positive in nature, and identified emerging or related theories. Recurring themes, insightful quotes, and emerging or related theories from the interviews and multiple data sources aided the analytic process.

Step 6: Role of Independent Reviewers

Resulting from a preliminary focus group session, unpaid participants provided a sense of direction and focus for this study. It also was noted that occasional dialogue sessions between the principal investigator and independent reviewers would increase the study's validity.

Three independent reviewers were chosen. One reviewer has international business experience and works in London, England. The other two reviewers live in St.

Louis, Missouri: One is a retired newspaper journalist, and one is a retired administrator. The reviewers represented different cultural and ethnic backgrounds and were not associated with the film industry or academia. At different intervals during the study, each reviewer furnished an outsider's perspective about the subject matter and the readability of subsequent printed materials.

To encourage unbiased communications between the principal investigator and reviewers, training was not given.

Step 7: Summary Process

Through historical reconstruction, the chronological narrative covered what was learned through the study. In the conclusion, emerging issues were identified for future research.

Summary

By including a case study protocol, multiple data sources, and different perspectives from live and previously videotaped interviews, in addition to historical reconstruction of Miramax Films during two different time periods, 1979 to 1993 and 1994 to 2005, it became possible to track strategies and obtain data triangulation. Through data triangulation, internal validity was strengthened. Yin (2003) reinforced this assertion when he argued that "a major strength of case study data collection is the opportunity to use many different sources or evidence" (p. 97) in an embedded design which "add significant opportunity for analysis" and "insights into the single case" (p.46).

CHAPTER IV: FINDINGS IN THE CASE OF MIRAMAX FILMS

Introduction

This case used an embedded design as “an important device for focusing” the study (Yin, 2003, pp. 45-46). It also added significant opportunity for analysis and insights. By selecting an embedded design, three units of analysis were studied:

1. Background of Miramax Films’ co-founders, Bob and Harvey Weinstein,
2. Development of Miramax Films as an organization, and
3. Key accomplishments based on strategic film selections which attracted mainstream audiences and earned award-winning acclaim.

Through historical reconstruction or a chronological narrative, multiple data sources and different perspectives covered the three units of analysis. Two distinct phases covered Miramax Films’ development during Bob and Harvey Weinstein’s 25-year tenure. The first phase encompassed 1979 to 1993 when the company distributed low-budget independent films. The second phase, from 1994 to 2005, depicted how Disney financed Miramax as a subsidiary to increase film acquisitions and production of diverse adult content.

Key accomplishments, based on strategically selected films that attracted mainstream moviegoers and earned critical acclaim, covered both phases of Miramax’s development.

A summary, however, restated how the Weinstein brothers' achieved the development of a unique independent film company during a 25-year period.

Background of Miramax's Co-Founders

Personal Background of Bob and Harvey Weinstein

Harvey Weinstein was first to be born in Queens, New York to Jewish parents, Max and Miriam, on March 19, 1952. Bob Weinstein was born on October 18, 1954. Max Weinstein was a diamond cutter in New York City, and Miriam worked as a secretary (Biskind, 2004; Uhle, 2004).

During an interview and special private screening of *Exodus* in 2001 with journalist Rick Lyman, Harvey Weinstein talked about the impact Leon Uris's bestseller and film on his background. He recalled how his father, Max Weinstein, endured anti-Semitism as a supply sergeant in the U.S. Army when stationed in the Middle East. After World War II, Max Weinstein joined the Haganah, the Jewish underground military organization in Palestine. With deaths of some relatives in concentration camps, Harvey Weinstein further explained how he especially admired the heroism of Israeli soldiers in the face of overwhelming odds as the "underdog" (Uhle, 2004).

The small groups of guerrilla soldiers who fought for Israel in the film, *Exodus*, served as a symbol of resourcefulness, ruthlessness, and resiliency for the Weinsteins. For instance, Harvey Weinstein described actor Paul Newman's character, Commander Ari Ben Canaan, as "our first Jewish hero" (Lyman, 2001). To him, the Israeli soldiers had to be tough and ruthless. He compared the strategy and tactics of Israeli soldiers to a

quote of Kurt Vonnegut, "There is no reason goodness cannot triumph over evil, so long as the angels are as organized as the Mafia." The quote also served as a motto for Bob and Harvey Weinstein. More relevant to filmmaking, Harvey Weinstein said, "You can beat the mighty, you can go against the majors, and you can win" (Lyman, 2001).

Against the Odds

Sometime in 1969 while a student at the State University of New York in Buffalo, Harvey Weinstein and a friend Corky Burger formed a rock concert promotion company. In 1973, Harvey Weinstein dropped out of college to assume full time management of the company. Not too long afterwards, Bob and Harvey Weinstein took over the dilapidated Century Theater in Buffalo for their rock concerts and to show films—some foreign language and some X-rated. Then, in 1979, Harvey Weinstein sold his part of the concert promotion business, and along with Bob, they moved back to New York City and started a movie distribution company. Their new company was named Miramax in honor of Miriam and Max Weinstein (Biskind, 2004; Levy, 1999; Thompson, 1989; Uhle, 2004).

Miramax distributed low-budget films to small theaters and drive-ins. By doing this, the company paid a fee to get exclusive U.S. distribution rights for a foreign language film, which they promoted and placed in theaters. Miramax received a percentage of the box-office gross and deducted expenses before royalties were paid to a film's copyright owner. Even so, the first several years did not produce enough funds to operate sufficiently. The Weinstein brothers had to work out of Harvey's apartment on Broadway. For Bob and Harvey Weinstein, this time period illustrated what Jones and Pringle (2008) described as the downside of the filmmaking business. They said that

many people view filmmaking as glamorous and cool, but “pay can be low, work precarious, and conditions tough” (p. 1).

Years later after the business had grown, Harvey Weinstein described their business style as similar to “the old mogul seat-of-your-pants mold” with a disdain for “market research and corporate doublethink” (Thompson, 1989, p. 72). In other words, they conducted business like Hollywood’s earlier movie moguls: **William Fox** who started the Fox Film Corporation; **Adolf Zukor** of Paramount Pictures; **Samuel Goldwyn**, founding contributor of Metro-Goldwyn-Mayer, Paramount, and Samuel Goldwyn Studio; **Carl Laemmle, Sr.** who established Universal Studios; **Louis B. Mayer**, co-founder of Metro-Goldwyn-Mayer; **Jack Warner** and his brothers who co-founded Warner Bros. Studios; and **Marcus Loew** who formed a chain of Loew Theatres and co-founded Metro-Goldwyn-Mayer [boldface for emphasis]. Wasko (1982) portrayed these legendary movie moguls as “innovative, aggressive, and ruthless, demonstrating an endless capacity for hard work” (p. 12).

Wasko (1982) also wrote how Ben Seligman argued in *Economics of Dissent* that most of the Jewish movie moguls were an “accident of history” and demonstrated an “intense drive to prove themselves in a new, undeveloped business” of making movies (p. 12). Because of these entrepreneurs, many of whom were immigrants, the foundation was laid for the U.S. film industry and for Bob and Harvey Weinstein to follow in their footsteps (Biskind, 2004; Kirsner, 2008; Wasko, 1982).

Developing the Business of Miramax Films

Phase 1: 1979 to 1993

When starting Miramax Films in 1979, Bob and Harvey Weinstein entered the motion picture industry at a time of change, which appeared to favor filmmaking as a business. According to the *International Motion Picture Almanac* (1981), 60 percent of U.S. moviegoers went to neighborhood theaters; 70 percent preferred American film to foreign language films; 74 percent of the audience consisted of moviegoers under 30 years old; and the weekend (Friday through Sunday) attracted more moviegoers than weekdays at a average admission price of \$2.56, up from \$2.34 in 1978 (p. 34A).

By 1984, according to Biskind (2004), Miramax was “small enough to be free of the hierarchical pecking order that characterized most companies” (p. 63). Bob and Harvey Weinstein were inseparable and used an authoritarian management style. They knew how to buy space for advertising but had to learn about publicity, such as pitching stories. Nonetheless, they “took a portfolio approach” to handling independent films (Marich, 2005, p. 249). He further claimed that they provided additional advertising support for profitable films and avoided losses of others by cutting their support.

Over time, they had become consummate negotiators too (Biskind, 2004, p. 111). They obtained first look deals which gave them the opportunity to make a preemptive bid. Along with that arrangement, the Weinsteins also received opportunities to make final bids to allow them to match or exceed a competitor’s bid. Another example of their persuasive skills involved arrangements that required actors, writers, directors, and

technical crews to defer payment of their salaries to contain costs for low-budget films.

While at the same time, Bob and Harvey Weinstein maximized their profits.

With the 1988 release of *Pelle erobreren* or *Pelle the Conqueror* (1987), a Swedish boy's tale of immigration struggles, harsh servitude in Denmark, and dream for a better life, Miramax positioned the film as an action genre for distribution to multiplexes. The film succeeded and earned an Oscar for Best Foreign Language Film, the first major award for Miramax (Biskind, 2004, pp. 57-58).

Having gained higher visibility, the Weinsteins sold a stake in their business to British bank Midland Montague for \$3.5 million and secured a \$10 million loan from Chase Manhattan. With these funds, Miramax acquired rights to *My Left Foot: The Story of Christy Brown*, a British drama; *Cinema Paradiso*, an Italian language film; and *sex, lies, and videotape*, Steven Soderbergh's hit at Sundance Film Festival (Uhle, 2004).

My Left Foot: The Story of Christy Brown dealt with the courage, determination and support of a poor Irish mother for her son, a young man afflicted with cerebral palsy. The film became Miramax's first Best Picture nomination in addition to four other nominations in 1989. Even though the film did not win an Oscar for Best Picture, it won two—one for Actor in a Leading Role (Daniel Day Lewis) and the second Oscar for Actress in a Supporting Role (Brenda Fricker). Several different film industry associations and the Montreal World Film Festival awarded the film too. At the box office, *My Left Foot* generated \$14,041,353 gross revenue, according to the Academy Awards database and the Internet Movie database (IMDb, 2008).

Subsequent releases, such as *The Cook, The Thief, His Wife and Her Lover* (1989) and *Tie Me Up! Tie Me Down!* (1990), initially rated X but released unrated, fared well at art houses. By this time, the Weinstein brothers had become adept at “an unabashed willingness to sell” films that offer a “mix of sex, controversy, and prestige” (Biskind, 2004, p. 48).

Driven by greater demand for visual media and the video market during the 1980s, the film industry became a \$5 billion business by 1989 (Levy, 1999, p. 27). According to Marich (2005), the major studios typically released 12 to 25 films each year out of 150 films in development (p. 215). Wes Craven said that a theatrical release “is the toughest, most costly and most labor intensive market” (p. 234). Nevertheless, in 1991, Miramax released nearly 40 films, mostly through limited distribution. Because the company experienced tremendous growth between 1989 and 1992, it also moved Miramax’s headquarters to Robert DeNiro’s Tribeca Film Center in Manhattan and employed 50 employees.

In 1992, Miramax launched international sales and home video units. Then later in the summer, Bob Weinstein established Dimension Films as a new theatrical film division (Uhle, 2004).

Biskind (2004) wrote that the major studios seemed to still overlook the market potential for independent films during this period. Subsequently, in 1992, Miramax sought a partnership with Paramount as a way to increase its distribution clout and create a “niche-oriented operation” (p. 500). The arrangement only resulted in a single-film deal

for *Bob Roberts*, which led Harvey Weinstein to declare that “the studios are in the movie business; we’re in the film business” (p. 500).

On an interesting note, Uhle (2004) reported how Miramax was strapped for cash during an extended dry spell at the box office and missed payments to filmmakers during this same period. One major lawsuit filed against Miramax by one of the filmmakers also received nationwide attention in the news media.

Combined with increasing controversy about the Weinsteins overwhelming debts, Harvey earned the nickname “Harvey Scissorhands” because of his propensity to cut and re-edit films (Biskind, 2004; Marich, 2005; Uhle, 2004). Frequently film school students were used to re-cut or re-edit selected films and save post-production costs.

With bankruptcy looming and Miramax having spent \$4 million for the American rights to *The Crying Game* (1992), a story about how some members of the Irish Republican Army bungled the kidnapping of a British soldier who had a secret with unusual implications, proved to be the turning point for the company. The film received six nominations, and writer/director Neil Jordan won an Oscar for Writing (Screenplay written Directly for the Screen) in addition to numerous other awards from different film industry associations. According to The Numbers-Box Office Performance database, *The Crying Game* generated \$62,546,695 in gross box-office receipts.

In a previously videotaped interview entitled *The Marketing of An American Independent*, Oscar-nominated producers Nik Powell and Stephen Woolley, Oscar-winning writer/director Neil Jordan, Oscar-nominated actor Stephen Rea, and other

participants, such as Angus Finney and Jane Giles, share their perspectives of how Miramax effectively marketed *The Crying Game*.

Stephen Woolley: "Harvey really trusted Bob's taste in terms of what is populist and what could go wide....Bob could see the exploitation value of *The Crying Game*; Harvey could see it as a good movie."

Angus Finney: "The story is such an interesting love affair and so well told." With Harvey's absolute passion to find an audience for this film and develop an "underdog campaign" made the story travel and be universal.

Jane Giles: "Miramax came up with the first sexy campaign." The campaign showed actress Miranda Richardson with a smoking gun against a solid black background and words, "Sex. Murder. Betrayal", printed above the image on a poster advertisement. **Note:** Years later, according to Harvey Weinstein during an interview with Lyman (2001), this kind of design started with Saul Bass during the 1950s and early 1960s when he revolutionized film marketing with a series of title sequences that used a recognizable logo. In this case, the logo is the smoking gun of the lead female character portrayed by actress Miranda Richardson.

Stephen Woolley: The marketing strategy, "Do not under any circumstances tell people the twist that is in the movie" became an interactive gimmick that got audience buy-in. And no one revealed it.

Stephen Rea: "In America, they do not care about the politics—the Irish politics. They cared about the sexual politics—the gritty."

Angus Finney: "This film became the turning point for Miramax." It enticed Disney to take financial interest in the company's future.

Following the success of *The Crying Game*, Miramax distributed *The Piano* in 1993. This film received eight nominations, including one for Best Picture, and three Oscars: (1) Actress in a Leading Role, Holly Hunter; (2) Actress in a Supporting Role, Anna Paquin; and (3) Writing-Screenplay Written Directly for the Screen, Jane Campion. The film earned \$40,157,856 in gross box-office receipts, according to The Numbers-Box Office Performance database. Also the Oscar-winning writer/director Jane Campion garnered several other awards from different film industry associations, the Cannes Film Festival, and the Vancouver International Film Festival. *The Piano* depicted how a mute female in an arranged marriage and her daughter were affected when their piano was taken away and a relationship evolved with a male neighbor (IMDb, 2008).

According to the *San Diego Union-Tribune* (2007), Miramax sent expensive parchment booklets "to tout its 1993 best picture nominee *The Piano*", which started extravagant Oscar ad campaigns for independent films. Biskind (2004) quoted Harvey Weinstein who said, "In those days the studios had a lock on the Oscars, because none of the indies campaigned aggressively" (p. 99). Miramax changed that.

The Academy of Motion Picture Arts and Sciences (AMPAS) database noted how the Best Picture category is deemed the most important accomplishment for film companies and producers. This unique Academy Award carries tremendous influence throughout the film industry worldwide. Several researchers, journalists, and practitioners, such as Biskind (2004), Levy (1999), Marich (2005), and Ravid (2005),

pointed out how Oscar nominations increase box-office revenue. Marich (2005) emphasized how the Best Picture Oscar “adds somewhere between \$15 and \$40 million to domestic box office” (p. 153) and provided “a big boost in international box office” (p. 154).

To demonstrate how to get Oscar nominations and earn the coveted Best Picture Award, Miramax used a deliberate strategy to purposely select films that would be likely contenders. Once their chosen films received nominations, Bob and Harvey Weinstein would launch a guerrilla marketing campaign to obtain support of AMPAS voting members who ultimately selected the Best Picture winner.

Marich (2005) wrote that it takes a year of pre-planning for the “six to eight films” to have a shot at the five Best Picture nominations (p. 157). He further explained how the cost of Oscar campaigns range from \$200,000 to \$3 million and were managed usually by an independent public relations firm (p. 151). These campaigns included private screenings for AMPAS members, cocktail parties with filmmakers and cast, direct mail (both e-mail and postal service), ad campaigns in trade magazines, and parallel campaigns for other film industry awards to create momentum in Oscar voting. Inasmuch, edgy and serious independent films, in later years, seemed to resonate more with AMPAS voters and increasingly became box office hits, as well as favorites of film critics (p. 154).

In addition, Oscar nominations affected careers and salaries of Hollywood’s creative personnel or contractors. Oscar winners can “double, triple, or quadruple their

salaries with the next film because these winners were considered hot and appealing to audiences” (p. 153).

Given Miramax’s drive for Oscar nominations and awards, *The Crying Game* and *The Piano*, along with John Sayle’s *Passion Fish*, Baz Luhrmann’s *Strictly Ballroom*, and the foreign language film *Like Water for Chocolate*, Miramax attracted the attention of Jeffrey Katzenberg at The Walt Disney Company. Being impressed with Miramax’s track record for Oscar-nominated and award-winning independent films, Katzenberg convinced other Disney executives to acquire Miramax (Biskind, 2004; Levy, 1999).

According to Biskind (2004), Disney’s Chief Financial Officer Chris McGurk endorsed Katzenberg’s proposal. He then encouraged key executives to “piggyback on the studio [deal]” (p. 149) by putting Miramax Films into television and video deals, which could increase Disney’s revenues by 30 to 40 percent. Michael Eisner, one of the key executives, also realized the importance of Miramax as a brand name. Because of these advantages, a strategy was devised to help Miramax take over the independent film world, while at the same time, extend Disney’s “reach in terms of content” (p. 150). Although Disney already had Touchstone and Hollywood Pictures to handle adult content, Buena Vista would distribute Miramax’s films (Uhle, 2004).

Phase 2: 1994 to 2005

In 1994, filmmaker Quentin Tarantino’s *Pulp Fiction* became the first independent film to earn more than \$100 million (Biskind, 2004; Levy, 1999; Marich,

2005; Uhle, 2004). According to The Numbers-Box Office Performance database, the film generated \$107,928,762 in box-office receipts.

Pulp Fiction also became the first to use nonlinear storytelling. For example, the film focused on details and used digressions that seemed to move away from the plot. Through witty dialogue, screenwriters Quentin Tarantino and Roger Avary allowed their main characters to describe observations about human behavior. The plot involved three different stories (one with two assassins, one with two thieves, and one with an aging prizefighter) which appeared to be unrelated to each other, but the stories become connected through a series of bizarre incidents (IMDb, 2008).

The unique form of *Pulp Fiction*'s visual storytelling appealed to many film industry associations and festivals. It received seven nominations, including one for Best Picture, and won an Oscar for Writing-Screenplay Written Directly for the Screen. At the Cannes Film Festival, director Quentin Tarantino won the prestigious Golden Palm. And the Weinstein brothers were the first to promote an independent filmmaker, such as Tarantino, like a rock star (Biskind, 2004). During this same period, Miramax formed book and record divisions too (Uhle, 2004).

In 1995, while in the midst of controversy surrounding two films—*Priest*, a story about homosexual Catholic clergy, and the NC-17 rated *Kids* which depicted sexually-active, drug-abusing teenagers—Miramax released an Italian language film entitled *Il Postino* (*The Postman*). This film received five nominations, including one for Best Picture, several other film industry association awards, and the Sao Paulo International Film Festival's Audience Award. The film's music won an Oscar for Original Dramatic

Score by Luis Enrique Bacalov. Its box-office gross was \$21,812,813. However, the Oscar-nominated lead actor and screenwriter, Massimo Troisi, died from a fatal heart condition within 12 hours after completing principal photography (IMDb, 2008).

In May 1996, the Weinstein brothers renewed their contract with Disney for a seven-year period, despite previous controversies about films, *Kids* and *Priest*. That year, Miramax released 37 films, including its first Oscar-winning Best Picture, *The English Patient*, a film rejected by Fox Studio. It also became the first digitally-edited film by Walter Murch, who won an Oscar, which was in addition to seven other Academy Awards, totaling nine out of 12 nominations. Additional awards from film industry associations, the Berlin International Film Festival, and Cabourg Romantic Film Festival recognized this film's achievements. It cost approximately \$27 million to produce and generated \$231,761,374 in worldwide box-office receipts. The film's story revolved around the entwined relationships and identity issues of a Hungarian map maker as the burn victim, a Canadian nurse, an American thief, and a Sikh sapper (Academy Awards database; IMDb, 2008; Uhle, 2004).

In 1997, Miramax acted more like a major studio than a corporate indie. It paid \$3.6 million for the rights to *Total Recall* and *Rambo* sequels from bankrupt studio Carolco Pictures; released two big budget movies at \$30 million each: *Cop Land* with Sylvester Stallone, and *Mimic*, a horror film from their Dimension Films unit. Miramax produced 33 percent of its releases, up from 10 percent when first acquired by Disney (Uhle, 2004).

That same year, *Good Will Hunting* received nine nominations, including one for Best Picture, and won two Oscars, along with several awards from different film industry associations and the Berlin International Film Festival. The film's worldwide box-office gross was \$203,315,097, according to The Numbers-Box Office Performance database. One of the taglines, "Some people can never believe in themselves, until someone believes in them", summed up the storyline for this film about a young adult mathematical genius who was severely abused as a child (IMDb, 2008).

In 1998, Miramax continued its expansion with *Talk Media*, a venture that involved film, television, book projects, and publication of a monthly magazine titled *Talk*. The venture would be coordinated by former New Yorker Magazine editor Tina Brown (Biskind, 2004; Uhle, 2004).

Having released two Oscar-winning films *Life Is Beautiful* and *Shakespeare in Love* that year, Miramax's staff also showed an increased to 300. *Life Is Beautiful*, an Italian language film, received seven nominations, including one for Foreign Language Film and one for Best Picture, a rare occurrence for the Academy of Motion Picture Arts and Sciences and a testament to Miramax's remarkable marketing campaign. In Biskind's (2004) words, he wrote the film "so witlessly mimics the realities of the movie business" (p. 360). It won two Oscars: (1) Foreign Language Film and (2) Actor in a Leading Role. In addition to this, the writer/director Roberto Benigni became the second filmmaker since Sir Laurence Olivier to direct himself in an Oscar-winning performance (IMDb, 2008). According to The Numbers-Box Office Performance database, the worldwide gross box-office receipts totaled \$229,400,000.

Another big winner in 1998 was *Shakespeare in Love*—"a comedy about the greatest love story almost never told" (IMDb, 2008). The film received 13 nominations and won seven Oscars, including one for Best Picture, several awards from film industry associations, in addition to the Berlin International Film Festival. Biskind (2004) cited film journalist Nikki Finke who reported that Miramax spent an estimated \$5 million on the Oscar campaign for this film (p. 369). According to The Numbers-Box Office Performance database, the worldwide gross box-office receipts totaled \$279,500,000. Co-produced with Universal Pictures and Bedford Falls Productions, the film cost approximately \$25 million to make.

In 1999, Miramax and New Line Cinema had become the two front-running independent film distributors. However, Miramax's *Talk* magazine failed after its debut; the television division experienced trouble with its debut program *Wasteland*; and the Dimension Films unit produced 40 percent of the company's box-office revenue. Despite that, Miramax co-produced Tom Stoppard's play *The Real Thing* on Broadway (Levy, 1999).

During this period, *The Cider House Rules* received seven nominations, including one for Best Picture, several awards from different film industry associations, and a nomination from the Venice Film Festival. The film earned two Oscars: one for Actor in a Supporting Role (Michael Caine) and one for Writing-Screenplay Based on Material Previously Produced or Published (John Irving). Gross box-office receipts totaled \$57,547,209, according to The Numbers-Box Office Performance database.

In 2000, Bob and Harvey Weinstein accepted another contract with Disney. The new contract increased their production budget which allowed the Weinsteins to approve more productions, and it guaranteed a percentage of the profits from Miramax's film library. Besides this, they increasingly co-produced with outside studios, such as Columbia, Universal, and MGM (Metro-Goldwyn-Mayer).

Chocolat became that year's hit, based on a story about a single mother as an owner of a chocolate confectionary shop and her efforts to grapple with prejudices of a rural French township during the 1960s (IMDb, 2008). The film generated \$71,309,760 in gross box-office revenue, according to The Numbers-Box Office Performance database. It also received five nominations, including one for Best Picture, several awards from different film industry associations and a nomination from the Berlin International Film Festival although it did not win any Oscars.

In 2001, Uhle (2004) reported that almost 70 percent of Miramax's profits came from its Dimension Films unit. Meanwhile, direct-to-video releases matched the number of their theatrical releases. That year, *In the Bedroom* obtained success at art houses and earned five nominations, including one for Best Picture. Even though the film did not win any Oscars, it collected awards from several different film industry associations and festivals, such as the London Film Festival, the Montreal World Film Festival, and the Sundance Film Festival. Worldwide box-office receipts totaled \$43,430,640, according to The Numbers-Box Office Performance database.

In 2002, Miramax experienced declining advertising sales that resulted from the lingering effects of the terrorist attacks from September 11, 2001. *Talk* magazine lost

more than \$27 million, causing the Weinsteins to suspend publication and buyout Tina Brown's contract for \$1 million. In March, Miramax laid off 75 of its 500 workforce.

By December 2002, Miramax released three Academy Award contenders: (1) an adapted version of the Broadway musical, *Chicago*; (2) director Martin Scorsese's *Gangs of New York*; and (3) *The Hours*, an adaptation of a play about controversial British novelist, Virginia Woolf. Miramax received 40 Oscar nominations, which included three of the five Best Picture nominations. The *Los Angeles Times* dubbed the Academy Awards ceremony "the Harveys" (Biskind, 2004, p. 468).

Although it cost approximately \$120 million to produce *Gangs of New York* and its worldwide box-office receipts generated \$190,400,000, the film failed to get any Oscars out of its ten nominations. To not receive an Oscar for veteran director Martin Scorsese, seemed to blemish Harvey Weinstein's personal campaigning efforts and appeared embarrassing for Scorsese (Biskind, 2004; Marich, 2005; Uhle, 2004).

In spite of the disappointment associated with *Gangs of New York*, the film *Chicago* won six Oscars, including the Best Picture Award, along with other awards from different film industry associations and worldwide gross box-office receipts of \$305,287,518. It cost approximately \$45 million to make in co-production with three other companies, which did not include major studios this time (IMDb, 2008).

As for *The Hours*, Nicole Kidman received the only Oscar—Actress in a Leading Role. Even though the film received nine nominations, it collected several major awards from different film industry associations and the Berlin International Film Festival

(IMDb, 2008). According to The Numbers-Box Office Performance database, worldwide gross box-office receipts totaled \$108,775,994.

In 2003, *Master and Commander: The Far Side of the World* received ten nominations, including one for Best Picture, and won two Oscars—one for Sound Editing and one for Cinematography. Its worldwide box-office gross totaled \$209,486,484, according to The Numbers-Box Office Performance database. However, Miramax did not do as well with *Cold Mountain*, which cost \$80 million to produce and generated \$95 million in gross box-office receipts (Biskind, 2004; Marich, 2005; Uhle, 2004).

In 2004, Miramax released two Oscar contenders for Best Picture: (1) *The Aviator* which featured Leonardo DiCaprio in the title role as Howard Hughes, and (2) *Finding Neverland* which featured Johnny Depp as the *Peter Pan* author Sir James Matthew Barrie. *The Aviator* received 11 nominations and won five Oscars which did not include Best Picture. Even so, the film received major awards from other film industry associations and generated \$214,608,827 in worldwide box-office receipts as recorded by The Numbers-Box Office Performance database.

Finding Neverland received seven nominations, including one for Best Picture, and won only one for Music-Original Score by Jan A. P. Kaczmarek. The film collected several awards from different film industry associations and an award from the Venice Film Festival for director Marc Forster (IMDb, 2008). The Numbers-Box Office Performance database showed that it earned \$118,676,606 in worldwide box-office receipts.

Midway through 2004, Miramax became embroiled again in controversy. This time it involved documentary filmmaker Michael Moore's *Fahrenheit 9/11*, a scorching treatment of President George W. Bush's war on Iraq, which Disney did not allow Miramax to distribute. Resulting from unfavorable publicity for Disney, the controversy pushed the film into the international spotlight. *Fahrenheit 9/11* won the prestigious Golden Palm at the Cannes Film Festival, earned \$119 million in domestic box-office receipts and millions more worldwide (Biskind, 2004; Marich, 2005; Uhle, 2004). It also became the first documentary to earn more than \$100 million even though it only cost \$6 million to make (Marich, 2005, p. 245).

In 2005, after being in the filmmaking business for a quarter-century, Uhle (2004) noted how the Weinstein brothers had developed its own subsidiaries: Dimension Films, Miramax International, Miramax Television, and Talk Miramax Books. In addition, Biskind (2004) described how they introduced through independent films a new generation of actors, writers, and directors, such as Steven Soderbergh, Quentin Tarantino, Ben Affleck, Matt Damon, Steve Buscemi, John Turturro, Tim Roth, Joaquin Phoenix, Gwyneth Paltrow, Uma Thurman, and Renee Zellweger.

Also by this time, Miramax's competitors included DreamWorks, Fine Line Features, Lions Gate Entertainment, New Line Cinema, Newmarket Films, Paramount Classics, United Artists Corporation, and Sony Pictures Classics (Uhle, 2004).

Nevertheless, on September 30, 2005 after a phenomenal period of successes, which consisted of an unprecedented number of Oscar nominations and awards in addition to more than \$4.5 billion of gross box-office revenue, Bob and Harvey

Weinstein opted out of their contract with Disney. They relinquished the brand name Miramax Films and a library of approximately 800 films worth \$2 billion (Kelly & Steinberg, 2005; Marr, 2005; Orlando, 2005; Schein, 2006). Shortly thereafter on October 5, 2005, the Weinstein brothers formed The Weinstein Company as an American independent film studio.

Key Accomplishments

Some of the key accomplishments pertained to films nominated and awarded the Best Picture Oscar. There were 18 nominations, of which three received the Academy Award for Best Picture during the Weinstein's 25-year tenure at Miramax (AMPAS database, 2009). All of these films also earned awards from different film industry associations and film festivals. The Oscar-nominated films are listed in chronological order for each of the two phases, Phase 1 (1979 to 1993) and Phase 2 (1994 to 2005).

Phase 1: 1979 to 1993

The following three Oscar-nominated films for Best Picture cover the period when Miramax was a privately-held company before Disney's buyout on May 1, 1993.

1989: *My Left Foot: The Story of Christy Brown*

1992: *The Crying Game*

1993: *The Piano*

Phase 2: 1994 to 2005

The following 15 Oscar-nominated films for Best Picture cover the period when Miramax functioned as a subsidiary of The Walt Disney Company.

1994: *Pulp Fiction*

1995: *Il Postino (The Postman)*

1996: *The English Patient*

1997: *Good Will Hunting*

1998: *Life Is Beautiful*

Shakespeare in Love

1999: *The Cider House Rules*

2000: *Chocolat*

2001: *In the Bedroom*

2002: *Chicago*

Gangs of New York

The Hours

2003: *Master and Commander: The Far Side of the World*

2004: *The Aviator*

Finding Neverland

Even though the Weinsteins received credit as executive producers for *Lord of the Rings: Fellowship of the Ring* (2001), Miramax Films earned three Best Picture Academy Awards for (1) *The English Patient* (1996), a drama; (2) *Shakespeare in Love* (1998), a romantic comedy; and (3) *Chicago* (2002), an adapted musical. All three Oscar-winning Best Pictures occurred when Miramax was a Disney subsidiary.

Additional Perspectives about Miramax's Success

Other accomplishments involved Miramax as a trailblazer in the independent filmmaking business. Through several live and previously videotaped interviews, additional perspectives about Miramax's success encompassed three recurring themes:

1. Miramax's films consisted of stories well told through great writing and exceptional visual execution.
2. Bob and Harvey Weinstein provided brilliant strategy for taking independent films out of the art houses and into mainstream theaters and multiplexes.
3. Through a demonstrated passion for films, the Weinstein brothers showed a knack for picking films and finding the right audience by niche marketing.

In addition to these common themes, Bob and Harvey Weinstein affected filmmakers in different ways. For example, an American, Oscar-winning documentary filmmaker Michael Moore, during a videotaped interview on May 30, 2007, viewed Harvey Weinstein as a film executive who "respected me as a filmmaker" even though they disagreed about a segment in *Sicko* (2008). Similarly, in a broadcast interview with Charlie Rose on February 22, 2002, Oscar-winning writer/director/producer Peter Jackson, a New Zealander, described how Harvey Weinstein contributed \$20 million to develop the *Lord of the Rings* trilogy after Disney denied Miramax funding for the estimated \$300 million three-picture deal.

As for the Weinstein brothers' ability to select stories well told through great writing and exceptional visual execution, a Danish, Oscar-nominated writer/director Susanne Bier gave her perspective in an interview with Morten Phil (2006). She discussed how important it was for her to "stay true to the story" and maintain a "natural length" of time for telling it, especially via the visual medium of film. Bier further

explained that “the cinemas wouldn’t have liked it...if films are too long”. Therefore, a well told story should also consider how long moviegoers are willing to watch a film.

In regard to examples of how Bob and Harvey Weinstein provided brilliant strategy for delivering independent films to theaters, two interviewees offer an insider perspective as exhibitors. The first interviewee, a European American male independent theater owner, expressed how Miramax consistently released more quality-driven films than any of the other distributors. They “out hustled” their competitors. The second interviewee, a European American male theater manager, emphasized that the Weinsteins were “on the cutting edge” and had a “real eye for what might work” to attract an audience. In other words, Bob and Harvey Weinstein seemed to know what audiences wanted to see.

In similar manner, a Jewish American male independent filmmaker and interviewee explained how “they nailed it” by acquiring the best independent films at a low rate and developing niche markets for them. He also talked about the Weinsteins’ ability to build brand recognition for Miramax by marketing an extensive collection of specialty market films—films that connected with different kinds of audiences.

To illustrate another point related to Miramax Films as a brand name, a European American female, Emmy Award-winning documentary filmmaker and interviewee, who also teaches film studies at a major university, stated that “Every film has its own destiny”. With the Weinstein brothers, they understood how “to position a movie” and “customize its marketing approach” to fit a specific audience.

Then, from a perspective as moviegoer or consumer of films, an African American female college student as an interviewee observed how many independent films, similar to urban music, have more realistic content than most films produced by major studios. She said that independent films appear to be “keeping it real” for compelling storylines, unlike major studio which seem to produce formulaic, less complicated or intellectually unchallenging films. Also she stressed how getting indies to larger audience required “breaking the rules” because the films were so different and needed something other than Hollywood’s marketing machine.

In other words, “breaking the rules” to strategically select and handle independent films through guerrilla marketing seemed to best describe the strategy for the Weinsteins’ success with Miramax Films.

Summary

In the *International Motion Picture Almanac* (2007), changes transforming the U.S. film industry after World War II involved television and new distribution technologies, such as cable, home video, DVD, satellite and wireless. In a maturing industry of making motion pictures, the Almanac emphasized attention to the basics. It further recommended that great films can be segmented to target specific niches—some aimed at broad audiences and some for diverse ones—in order to attract movie consumers.

Also the Almanac reported that the average admission prices increased to \$6.41 in 2005. Four theater chains dominated the market: (1) Regal Entertainment Group, (2)

AMC Entertainment, Inc., (3) Carmike Cinemas, and (4) Cinemark USA, Inc. Out of 931 films rated, 549 were released. The average production cost \$60 million with an additional \$36.1 million allocated for print and advertising. Additionally, Marich (2005) reported that the top-ranking genres were comedy, drama, action, animation/fantasy, and sci-fi/fantasy films. Of the top-ranking genres, two film categories surpassed in box-office revenue: (1) sci-fi/fantasy averaged worldwide revenue of \$300 million and (2) animation/fantasy averaged worldwide revenue of \$236.1 million (p. 236). Even though fantasy films averaged more worldwide revenue than each of the other genres, the cost of special effects would decrease the likelihood of these films being made by low-budget independent filmmakers.

Nonetheless, when Bob and Harvey Weinstein started Miramax as an independent film distribution business, they entered a hypercompetitive and inventive environment. They broke down entry barriers and attracted the attention of the world's second largest conglomerate, The Walt Disney Company. With the support of Disney, Miramax Films dominated the independent film business. By 2004, Miramax as Disney's corporate indie ranked tenth among U.S. movie studios with a significant share of box-office gross receipts (Stanley, 2005, p. S-10). In addition, Levy (1999) claimed that Miramax had "strong financial backing, vigorous leadership, and aggressive marketing" skills (p. 510). With these attributes, the company also proved to be agile in a hypercompetitive industry.

Because of Miramax's unusual success during the Weinstein's tenure as a Disney subsidiary, bankable stars—actors who earn millions of dollars due to their talents or

box-office draw—appeared in their films. Since then, many Oscar-nominated and award-winning actors viewed it as hip and cool to work on an independent film.

Inasmuch, Biskind (2004) wrote that “it takes a certain kind of personality to fashion a Miramax, a ruthlessness, a willingness to take scissors to films, to shelve them, ‘bury’ them, as Harvey so often put it. The Weinsteins’ methods ran counter to the way indie companies had historically conducted themselves” (p. 476). He continued by citing a quote by African American filmmaker, Spike Lee, who said, “Miramax has been great. They do what they gotta do, above the table and below the table, to get those nominations” (p. 470).

Bob and Harvey Weinstein “built a viable infrastructure”, though erratically managed (Biskind, 2004, p. 471). Their bullying and belittling behavior toward employees and some filmmakers created a love-hate relationship. Still many actors and filmmakers worked with them. Sometimes it appeared that the Weinsteins’ background in “the rough-and-tumble world of rock and roll promotion” (Biskind, 2004, p. 13), which was in contrast to their peer independent film distributors, seemed to serve as a double-edge sword. They were ruthlessly aggressive in marketing campaigns, using one-upmanship tactics to undercut and decimate their competitors. Nevertheless, Miramax received critical acclaim and earned billions in box-office revenue during the 25 years with the Weinstein brothers. Illustrated below are some key accomplishments of Miramax Films between 1979 and 2005, according to Biskind (2004) and Mitchell and Frankel (2008):

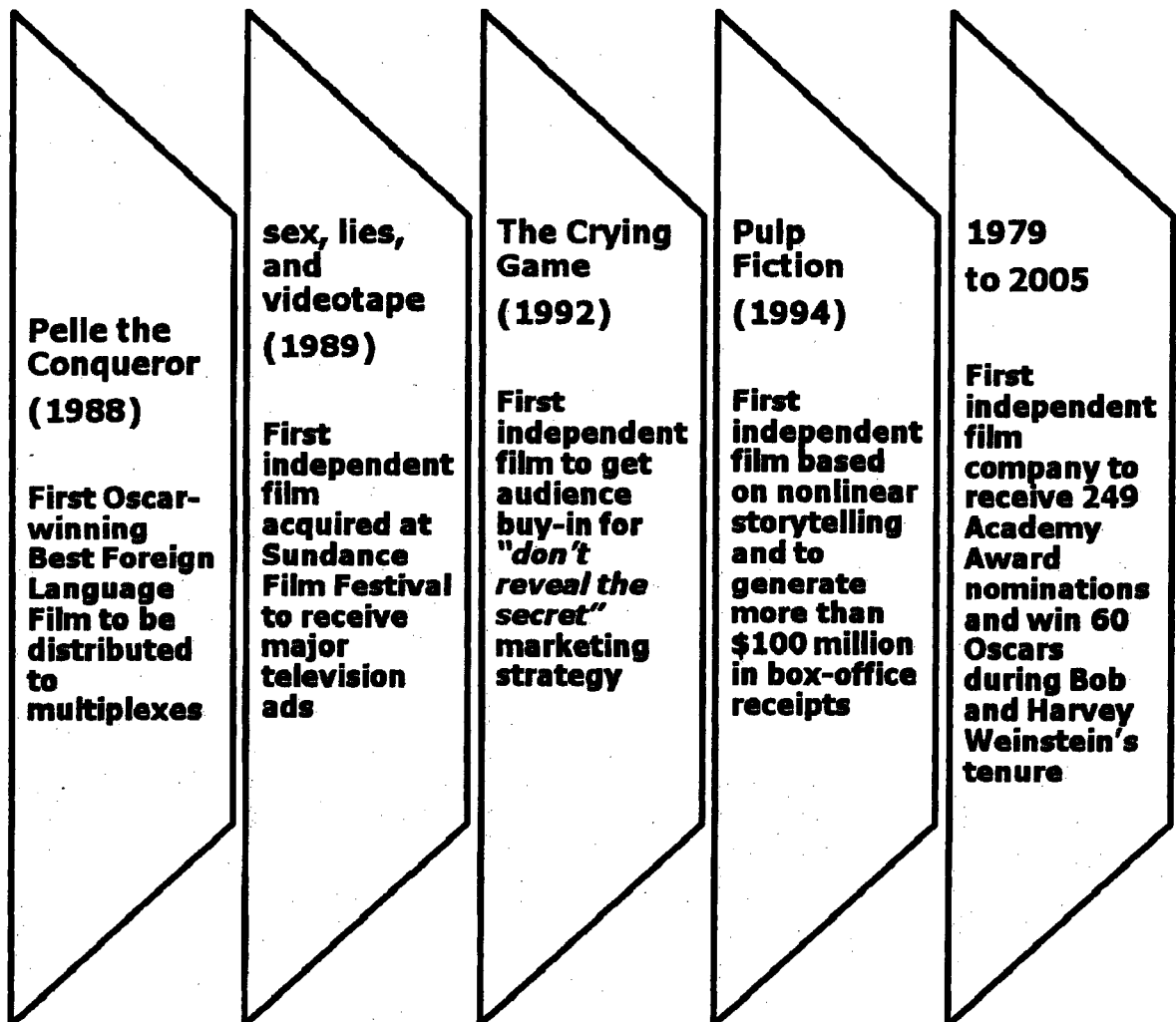


Illustration 2. Key Accomplishments of Miramax Films.

CHAPTER V: CONCLUSIONS

Introduction

How did Bob and Harvey Weinstein of Miramax Films succeed in developing mainstream audiences for independent films?

Through a two-phase historical reconstruction or chronological narrative, in addition to multiple sources of information and evidence, the findings suggested a relationship between different strategies and aggressive marketing tactics for handling independent films, unlike those of major Hollywood studios at the time. For instance, the organization's strategy focused on marketing tactics to broaden exposure for independent films, increase attendance and box-office revenue, obtain critical acclaim, and develop mainstream audiences.

In addition, two propositions reinforced the primary research question. Following is the first of the two propositions: *Unlike major Hollywood studios at the time, Bob and Harvey Weinstein used different strategies and aggressive marketing tactics for handling independent films.* Through willingness to offer a "mix of sex, controversy, and prestige" (Biskind, 2004, p. 48), Miramax devised different strategies and marketing tactics for independent films.

Miramax was first to place an Oscar-winning foreign film, *Pelle the Conqueror*, in multiplexes during 1988. The organization purchased major television ads for *sex, lies, and videotape*, a hit of the Sundance Film Festival in 1989. Then in 1992, *The Crying Game* became the first independent film to obtain audience buy-in for the "don't

reveal the secret” marketing strategy. *Pulp Fiction* in 1994 became the first independent film to generate more than \$100 million in box-office receipts by promoting the director, Quentin Tarantino, as a rock star.

The Weinstein brothers’ strategy to provide additional advertising support for profitable films and to cut support for lesser revenue-producing ones worked to enhance already successful films. Between 1989 and 2004, Miramax earned 18 Oscar-nominated films for Best Picture.

Regarding the second proposition, *Miramax Films targeted mainstream moviegoers during a time of social, economic, and technological changes*. Levy (1999) identified how ten forces shaped an alternative system to Hollywood, especially after the 1970s. With the impact of cable, video, and DVD during the 1980s and 1990s, which occurred as Miramax developed as a premier independent film company, fragmented audiences demanded more content. As one of the primary audiences, the Baby-Boom generation seemed attracted to serious or edgy films.

Unlike the major studios, the Weinstein brothers recognized a potential revenue stream of low-cost, independent films. For example, Miramax paid \$4 million for the American rights to *The Crying Game*. In 1992, this film generated more than \$62.5 million in gross box-office receipts and earned six Academy Award nominations.

After Miramax’s financial success and critical acclaim for *The Crying Game*, Disney’s top executives recognized the potential for television and video deals by acquiring this company. The executives also realized the importance of Miramax as a

brand name and capitalized on it. For example, Disney devised a strategy to help Miramax acquire, distribute, and produce more independent films than any competitor, while at the same time, expand offerings of adult programming or content for broader audiences.

Most Significant Rival Explanation

In addition to the propositions, Yin (2003) claimed that “the findings can be interpreted in terms of comparing at least two rival propositions” (p. 27). He also explained, “With a single case, the successful matching of the pattern to one of the rival explanations would be evidence for concluding that this explanation was the correct one (and that the other explanations were incorrect)” (p. 119). This study’s most significant rival explanation was based on the following question: *How did social, economic, and technological changes after World War II affect independent filmmaking?*

Levy (1999) wrote that the demise of the studio system and fragmentation of Hollywood allowed alternatives to be created through independent cinema. He further claimed that greater opportunities developed for niche movies because Hollywood ignored homosexuals, African Americans, females, and ideologies different than the dominant values defined by middle-class white men (pp. 498-499). Additional changes in the U.S. film industry during post-World War II also led to restructuring how films were produced and distributed internally through a “project-level organization” (Robins, 1993, p. 104).

By 1979 when Bob and Harvey Weinstein started Miramax Films, the social context for American cinema had ripened for a new wave of independent filmmaking. According to Levy (1999), ten major social, economic, and technological changes shaped an alternative system to Hollywood. Although the impact of these changes was significant, it was not a sufficient reason for the Weinstein brothers' success.

Most live and previously videotaped interviewees identified three recurring themes that related to attributes of Bob and Harvey Weinstein. These themes are:

1. Miramax's films consisted of stories well told through great writing and exceptional visual execution.
2. Bob and Harvey Weinstein provided brilliant strategy for taking independent films out of the art houses and into mainstream theaters and multiplexes.
3. Through a demonstrated passion for films, the Weinstein brothers showed a knack for picking films and finding the right audience by niche marketing.

Equally important, Miramax succeeded because Bob and Harvey Weinstein were first to recognize the convergence of changes that favored different strategies and marketing tactics for independent films. In fact, Biskind (2004) described them as "anomalies in the world of distribution" (p. 13). They came up through "the rough-and-tumble world of rock and roll promotion", which was in contrast to their peer distributors who began their careers running college film societies in the 1970s (p. 13). Tom Bernard, co-president of Sony Classics, confirmed this when he said, "We all reflect where we came from. The rock promotion business is cutthroat. You're fighting for your territory

and using intimidating tactics” (p. 13). Given the Weinstein brothers reputation for bullying and belittling their clients and their employees, a love-hate relationship existed. They were ruthlessly aggressive in marketing campaigns, using one-upmanship tactics to undercut and decimate their competitors.

For example, Miramax released more films than all independent film distributors and a couple of major studios combined. By 1991, Miramax released nearly 40 films through limited distribution mostly. At the same time, major studios usually released 12 to 25 films. Bob and Harvey Weinstein positioned Miramax to take advantage of fragmented audiences and the increasing visual demand for content. They also utilized their banking connections and negotiated deals for independent film acquisitions and deferred payments or reduced salaries of writers, actors, and directors for film productions.

According to Biskind (2004), “it takes a certain kind of personality to fashion a Miramax, a ruthlessness, a willingness to take scissors to films, to shelve them, ‘bury’ them, as Harvey so often put it. The Weinsteins’ methods ran counter to the way indie companies had historically conducted themselves” (p. 476). For example, Miramax received 40 Oscar nominations, which included three of the five Best Picture nominations in 2002. The *Los Angeles Times* dubbed the Academy Awards ceremony “the Harveys” as a way to reflect Harvey Weinstein’s knack for award-winning film selections and marketing acumen.

Lessons Learned

Based on their past success of marketing independent films, the Weinstein brothers have a solid foundation to build upon. In 2006, The Weinstein Company invested in Genius Products, a leading independent home-entertainment distribution company which produces, licenses, and distributes a valuable library of motion pictures, television programming, lifestyle and trends entertainment on DVD and other emerging platforms through its expansive network of retailers throughout the U.S., according to Bogatin (2006). By applying what they have learned about handling independent films, Bob and Harvey Weinstein once more seemed to be first to recognize the advantages associated with film production, distribution, marketing, and audience development in the Digital Age.

Implications

As a member of the community council of the Black Harvest International Festival of Film and Video, Jacqueline P. Cox said, "Movies are an excellent window into other cultures" (Myers, 2004, p. 3). Directors, actors, investors, distributors and moviegoers contribute to the images finally selected for a movie of a specific community and its cultural experiences. However, making money from a film presentation is just as much a part of doing business in the filmmaking industry as it is for surviving in a market-driven society.

Although Miramax handled more realistic culturally and ethnically diverse films, such as *Ba wang bie ji* (1993) which translated means *Farewell, My Concubine*, a story

of two performers in the Beijing Opera and the woman who comes between them; *Fresh* (1994), involved a 12 year old African American male who maneuvers in a culture of danger, mistrust, and urban decay; *Smoke Signals* (1998), depicted the story of differing perceptions about a Native American Indian father-son relationship; and *Frida* (2002), portrayed the personal and career challenges of Mexican female painter Frida Kahlo, most movie-making moguls in the U.S. misrepresented culturally and ethnically diverse people (IMDb, 2009). Consequently, implications and benefits seemed fitting for under-represented groups of people, particularly African American filmmakers who also were identified in previous research (Norman, 2005).

Limitations, Validity Issues, and Generalizability

Limitations

There are, at least, three limitations for a study base on a case, such as this one. First, a single case study is limited because of what some researchers view as having insufficient precision or quantification, objectivity, or rigor for academic purposes (Yin, 2003). Second, because a case study is part of qualitative research, threats of bias and reactivity can hamper it (Maxwell, 2005). Lastly, a single case and its particularity or complexity lacks scientific or statistical generalization for populations or universes (Yin, 2003, p. 10).

Validity Issues

In this study, data triangulation countered threats to construct, internal, and external validity issues because of multiple data sources and different perspectives within

a single method to corroborate similar facts (Pyrzczak, 2008; Yin, 2003). Likewise, Maxwell (2005) and Stake (1995) recommended use of multiple evidence and protocols or procedures to deliberately find triangulation which also lessened validity threats.

Generalizability

Through a theoretical framework of existing theories, along with emerging ones in the study, an analytic generalization is achieved. For example, serving as a theoretical framework, three key concepts involved the following:

1. *Organizational learning* (Argyris, 2005; Argyris & Schon, 1978);
2. *Network paradigm of market politics* (Miles & Snow, 1986; Miles & Snow, 1994; Snow, Miles, & Coleman, 1992; Snow & Thomas, 1993; Thorelli, 1986); and
3. *Strategy formation* (Cassiman & Ghemawat, 2006; Chandler, 1962; Miles, Snow, Meyer, & Coleman, 2003; Mintzberg & McHugh, 1985) served as a theoretical framework.

By showing linkages to these key concepts, similarity of dynamics and constraints are not unlike other situations in rapidly changing, hypercompetitive industries, such as computer and software technologies, fashion design, and publishing. According to Lampel and Shamsie (2000), "Competitive advantage tends to be ephemeral in hypercompetitive environments. Firms may enjoy a temporary edge, which can be exploited for a while, but this edge must be continuously recreated in the face of competitive pressures from rivals" (p. 252).

Future Research

Several issues emerged as possibilities for future research. For example, Robins (1993) pointed out that the experience of Warner Bros. provided valuable evidence about restructuring based on organizational choices as a basic tool of strategy (p. 115). However, how can choices of modern-day independent contractors, actors, directors, writers, and technical crews, affect strategy of network organizations?

Another idea, based on a case study of the New Zealand film industry (Jones, Barlow, Finlay, & Savage, 2003), involved potential units of analysis for industry research related to (1) film development processes for emerging technologies; (2) industry issues, human resource issues, and marketing issues for filmmaking in the Digital Age; and (3) relationships among government policies, economics, and cultural outcomes when faced with rapidly changing technologies.

In addition, Jones and Pringle (2008) noted how recruitment for film projects often are based on social networks that reproduce existing patterns of social exclusion and entry barriers. Therefore, how will culturally and ethnically diverse executives and filmmakers obtain authority to approve budgets and to guarantee development and release of their film, if major movie studio executives and producers, who control all facets of filmmaking, are socially connected in a network of people with similar ethnic or racial backgrounds?

Finally, given the potential of computer technology as an equalizer, how does digitalization of films and immediate access to different audiences affect

democratization? Also will emerging technologies actually level the playing field and make it possible for authentic cultural and ethnic portrayals in filmmaking? Although these issues pose interesting challenges in the film industry, implications for other hypercompetitive industries could be examined.

Benefits to Theory and Practice

In addition to linkages of *organizational learning* (Argyris, 2005; Argyris & Schon, 1978), *the network paradigm of market politics* (Miles & Snow, 1986; Miles & Snow, 1994; Snow, Miles, & Coleman, 1992; Snow & Thomas, 1993; Thorelli, 1986), and *strategy formation* (Cassiman & Ghemawat, 2006; Chandler, 1962; Miles, Snow, Meyer, & Coleman, 2003; Mintzberg & McHugh, 1985), there are other theoretical benefits. For example, Kanter's (1989; 1994) collaborative advantage encompassed pooling, allying, and linking resources across companies. In this case, most film projects involved collaborative ventures.

As for Hagel and Brown's (2005) productive friction theory which addressed creative problem-solving of tensions or disagreements, filmmakers and studio executives frequently resolved issues regarding who should act in starring roles and the length of a finished film.

Lastly, Kirsner's (2008) push for innovation emphasized how emerging technologies, such as digital filmmaking, continued to threaten the status quo of filmmaking at major film studios. For example, Sony Corporation manufactured digital cameras for cinematographers, 4K digital projectors for cinema owners, high-definition

televisions, Blu-ray disc players, and other film industry technological tools. Yet, as the parent company for Sony Pictures, cutting-edge filmmaking seemed to be avoided due to risk-aversion.

In reference to practical benefits, European American award-winning film producer Christine Vachon, during a previously videotaped interview in October 2008, claimed that smaller films if “done right” can compete with studio movies. She further suggested that filmmakers embrace change, adapt the way stories are to be told, and understand which medium to use. In similar manner, African American filmmaker Ernest R. Dickerson, who directed digitally-made *Never Die Alone* (2004), declared “Not every film is going to be finished in a digital suite because each project defines its own look and needs” (Fisher, 2004, p. 70). With choices to use different media and emerging technologies, visual storytelling now depends on the needs and available resources of each individual project.

Summary

McFarland (2008) pointed out how a survey conducted by Columbia University professor Amar Bhide found that 12 percent of growth in companies is attributed to an “unusual or extraordinary idea” and 88 percent to the “exceptional execution of an ordinary idea” (p. 6). In this case, the Weinstein brothers took an unusual idea and exceptionally implemented it. For instance, they used marketing skills acquired through concert promotions to aggressively showcase their films and directors.

Even though they had to learn the filmmaking business, Bob and Harvey Weinstein's passion for films helped them strategically select and effectively market independent films that offered stories well told through great writing and exceptional visual execution. Their idea to take independent films out of the art houses and place them in mainstream theaters and multiplexes was unique at the time. Hence, they demonstrated exceptional execution of an extraordinary idea, which made this a unique phenomenon of interest.

APPENDICES

Appendix A1
Sample Consent Form

Consent to Participate in a Doctoral Research Study

for

Webster University

Title of Study

Participant # _____

Miramax Films from 1979 to 2005: A Study of Strategic Film Choices and Effective Marketing

Who is doing the study? Principal Investigator

Rosalind R. Norman, Doctoral Student

2578 Westfall Lane

St. Louis, Missouri 63136

314.867.8459

Why am I invited to participate in this research? You are invited to participate in this research project because of your expertise or association with Miramax Films.

What is the purpose of the study? The purpose of the case study is to examine the connection between strategically selected, award-winning films and audience development through aggressive marketing.

Where is the study taking place and how long will it last? An interview can take place at the interviewee's office or by phone or via mailed responses, including e-mail. If in-person or on the phone, an interview's length of time depends on an interviewee's responses.

What will I be asked to do? You will be asked to respond to questions that tap into your experience and/or perspective of Miramax Films for the specified time period.

Do I have to take part in the study? Your participation in this research is voluntary. If you decide to *not* participate in the study, you may withdraw your consent and stop participating at any time.

Who will see the information that I give? This study is anonymous. Only the principal investigator/interviewer will know that you have participated. Your interview will be coded for identification purposes.

What are the possible risks and discomforts? First, there are no known risks associated with the research project. Second, it is not possible to identify all potential risks in research procedures. Third, the researcher has taken reasonable safeguards to minimize any known and potential risks.

Side 1 of 2 Participant's initials _____ Date _____

What will it cost me to participate? No costs will be involved for your participation.

Will I receive any compensation for taking part in this study? No compensation will be given for participating in this study.

Are there any benefits from taking part in this study? There are no known benefits from taking part in this study, other than you may find the experience interesting and even helpful. If you like, a summary of the research can be provided free of charge.

What happens if I am injured because of the research? Research projects can be categorized into various levels of subject involvement. This study is considered Level II research, with minimum risk to human subjects. The study proposal has been examined and approved by the Institutional Review Board for Webster University.

What if I have questions? Before or after you decide to accept this invitation or take part in the study, please ask any questions that might come to mind. You can contact the principal investigator, **Rosalind R. Norman** at **314.867.8459**. Or if you have any questions about your rights as a volunteer in the research study, call **Stephanie Schroeder, Ph.D.**, Chair of the Institutional Review Board for Webster University at **314.961.2660, extension 7518**.

Audio Consent for Face-to-Face Interview Only

I agree to audio taping on date of interview.

I have the right to hear the audio tape(s) before they are used. I have decided:

_____ I want to hear the tape(s).

_____ I do not want to hear the tape(s).

Acknowledgment and Signature

Your signature below acknowledges that you have read the information as stated and willingly consent to participate. Please note that a copy of this document can be made for your records.

Signature and printed name of person agreeing to take part in the study

Date

Signature of Principal Investigator: _____

Appendix A2

Scheduling Outline for Interviews

***Miramax Films from 1979 to 2005:
A Study of Strategic Film Choices and Effective Marketing***

Purposive sample consists of film industry chief executive officers, marketing and distribution executives, talent agents, independent filmmakers, producers, theater owners and managers, entertainment media journalists, film critics, film studies college professors, and film students or cineaste.

SCHEDULING OUTLINE FOR INTERVIEWS

Interview Schedule

- 1st Round: October 1 – 15, 2008 (local)
- 2nd Round: October 15 – November 15, 2008 (West Coast/L.A.)
- 3rd Round: November 15 – December 15, 2008 (East Coast/NYC)
- 4th Round: December 15 – 30, 2008 (remainder)

Mailing Schedule

- 1st Round: Week of September 21, 2008
- 2nd Round: Week of September 28, 2008
- 3rd Round: October 1 – 31, 2008
- 4th Round: November 1 – December 15, 2008

Breakdown of Coding for Participants

- A – Direct involvement
- B – Association/Affiliation
- C – Outsider perspective or relevant expertise and/or knowledge

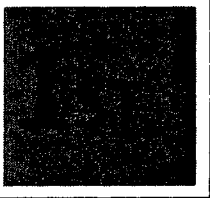
LIST OF ELECTRONIC ARTIFACTS/PREVIOUSLY TAPED INTERVIEWS

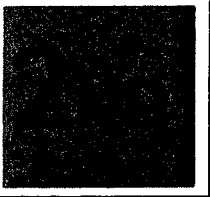
1. "The Marketing of An Independent" special feature of *The Crying Game*
2. Morten Phil interviews Danish filmmaker Susanne Bier
3. Elizabeth Dahmen interviews film producer Christine Vachon
4. Charlie Rose interviews writer/director/producer Peter Jackson
5. Online interviews of Harvey Weinstein

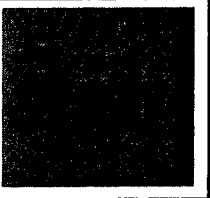
Appendix A3
Interview Scheduling Request Form

INTERVIEW SCHEDULING REQUEST**DOCTORAL PROJECT*****Miramax Films from 1979 to 2005: A Study of Strategic Film Choices and Effective Marketing***

Please provide three tentative dates and time periods of one hour duration when you will be available between October 15 and November 15, 2008 in the space below:

	Day of Week:	
	Month and Date:	
	To and From Time:	

	Day of Week:	
	Month and Date:	
	To and From Time:	

	Day of Week:	
	Month and Date:	
	To and From Time:	

Full name: _____

Phone number with area code: _____

E-mail address: _____

Appendix A4
Samples of Interview Questions

INTERVIEW QUESTIONS FOR FILMMAKER

(directly involved with Miramax Films and/or the Weinsteins)

- 1. How did the demise of the Hollywood studio system after the 1948 Paramount Consent Decree change the way movies were made?**
- 2. How did social, economic, and technological changes after World War II affect independent filmmaking?**
- 3. How did Bob and Harvey Weinstein's background as rock-and-roll concert promoters influence strategy formation and marketing tactics for Miramax Films?**
- 4. What other conditions allowed Miramax Films to flourish?**
- 5. Would you please describe what you perceived as the purpose or marketing strategy for your films? For example, how was (list films) handled by Miramax?**
- 6. What other thoughts or insight would you like to share about the strategy behind film selections or the marketing approach of Miramax Films?**
- 7. How would you describe the development or stages of growth, including failures and successes, of Miramax Films?**
- 8. How can the results of this study help or benefit today's independent filmmakers and film studies students?**

INTERVIEW QUESTIONS FOR BUSINESS-RELATED INDIVIDUALS

(executives, producers, theater owners and managers associated with Miramax Films and/or the Weinsteins)

1. How did the demise of the Hollywood studio system after the 1948 Paramount Consent Decree change the way movies were made?
2. How did social, economic, and technological changes after World War II affect independent filmmaking and the growth of film studies, especially in the U.S.?
3. How did the success of Miramax Films initially as an independent film distribution company and after becoming a subsidiary of Disney, in addition to the Sundance Film Festival, stimulate the increase of film festivals?
4. How did Bob and Harvey Weinstein's background as rock-and-roll concert promoters influence strategy formation and marketing tactics for Miramax Films?
5. Would you say that strategic marketing rather than choice of films made Miramax successful?
6. How can culturally diverse filmmakers learn from the example of Miramax Films?
7. Would you like to add something else that was not covered, yet relates to the research topic?

Appendix A5
Sample Contact Summary Sheet

CONTACT SUMMARY SHEET**DATE:** _____**TIME:** _____**SITE:** _____**Participant Description****#** _____ **Male/Female** **Race:** _____**Grade Level:** _____**Major/Emphasis:** _____**Background:** _____

Attitude/Demeanor: _____

Other observations/Insights: _____

Appendix A6
Analytic Memo Samples

ANALYTIC MEMO FOR INDIVIDUAL INTERVIEW # _____**DATE:** _____**TIME:** _____**SITE:** _____**Key words**

Implicit theory

Explicit theory

Key ideas

How do these things relate to the research topic?

ANALYTIC MEMO FOR OTHER DATA SOURCES

APA STYLE CITATION: _____

DATE ISSUED: _____ **DATE RETRIEVED:** _____

KEY WORDS

IMPLICIT THEORY

EXPLICIT THEORY

KEY IDEAS

HOW DO THESE THINGS RELATE TO THE RESEARCH TOPIC?

Appendix A7
Introduction Letter Samples

LETTER TO FILMMAKER DIRECTLY INVOLVED WITH MIRAMAX

Dear :

Because of your experiences with Miramax Films and the Weinstein brothers (Bob and Harvey), I am writing to you to obtain your perspective about how the company and/or the Weinsteins managed some of your films. I am trying to conclude research pertaining to *Miramax Films from 1979 to 2005: A Study of Strategic Film Choices and Effective Marketing* as a candidate for a Doctor of Management degree at Webster University in St. Louis, Missouri. However, due to a rapidly approaching deadline, your reply is needed as soon as possible or no later than December 15, 2008.

If you are interested, I have eight questions for your consideration and response. These questions are:

1. How did the demise of the Hollywood studio system change the way movies were made?
2. How did social, economic, and technological changes after World War II affect independent filmmaking?
3. How did Bob and Harvey Weinstein's background as rock-and-roll concert promoters influence strategy formation and marketing tactics for Miramax Films?
4. What other conditions allowed Miramax Films to flourish?
5. Would you please describe what you perceived as the purpose or marketing strategy for your films? For example, how was (list films) handled by Miramax?
6. What other thoughts or insight would you like to share about the strategy behind film selections or the marketing approach of Miramax Films?

7. How would you describe the development or stages of growth, including failures and successes, of Miramax Films?
8. How can the results of this study help or benefit today's independent filmmakers and film studies students?

In compliance with the University's requirements for academic research, anonymity and confidentiality will be maintained. Your responses will be coded to protect your identity and encourage candor. Once the study is completed, I will be glad to give you a summary of it.

If you have questions related to the study, please contact me at 314.867.8459 or by e-mail roznor2001@yahoo.com Also, if you would like to confirm the University's authorization for the research, please call Stephanie Schroeder, Ph.D., Chair of the Webster University Institutional Review Board, at 314.961.2660 extension 7518.

In the meantime, I beg you to please participate by responding to the questions via e-mail or regular correspondence to the address below. Or if you would like to give me a direct telephone number along with a specific date and time, I can conduct a phone interview.

With gratitude,

LETTER TO FILM COMPANY REPRESENTATIVE

Dear _____ :

When we talked on (date), you advised me to send to you an e-mail regarding my doctoral research study so that you can forward it to (name of film executive name). As discussed, I am a candidate for a Doctor of Management degree at Webster University in St. Louis, Missouri. After several attempts and a rapidly approaching deadline, I am contacting you for further assistance. Because my research topic is *Miramax Films from 1979 to 2005: A Study of Strategic Film Choices and Effective Marketing*, the perspective of Bob and Harvey Weinstein as co-founders of Miramax Films is needed.

To me, the Weinstein brothers pioneered a phenomenally successful independent film movement, yet to be matched. Their strategy for marketing independent films to mainstream audiences is a model which should be studied. Now that I have reviewed numerous articles, books, scholarly journals, and database information, in addition to having conducted a series of interviews with different individuals related to the filmmaking business, I would like to interview either or both brothers by phone or video conferencing if that is convenient for them. My preference, however, is an interview face-to-face.

Anonymity and confidentiality will be maintained in compliance with the University's requirements for academic research. The interview will be coded to protect identity and encourage candor. A consent form has been attached for your consideration. Also, if you would like to confirm that the study is legitimate and associated with an accredited institution for higher learning, please call Stephanie Schroeder, Ph.D., Chair of the Institutional Review Board for Webster University, at 314.961.2660 extension 7518.

In the meantime, I have listed below seven questions prepared specifically for an interview with Bob and/or Harvey Weinstein:

1. How did your background as a rock-and-roll concert promoter help you in the development of Miramax Films?
2. How did the success of Miramax Films, initially as an independent film distribution company then later as a subsidiary of Disney, influence the increase of independent films in mainstream movie theaters?

3. Reflecting on the history of U.S. cinema and its impact on contemporary filmmaking, how did the demise of the Hollywood studio system set the stage for independent film production and distribution, particularly as it pertained to Miramax Films?
4. How did Arthur Manson and Marty Zeidman affect the way you marketed and distributed independent films?
5. Would you say that strategic marketing rather than choice of films made Miramax successful?
6. How can culturally and ethnically diverse filmmakers and film students learn from your example?
7. Would you like to add something that was not covered, but relates to the research topic?

Please contact me (Rosalind Norman) at 314.867.8459 or via e-mail roznor2001@yahoo.com, if you and/or (name of film company executive) need more information.

With sincere gratitude,

Appendix A8

Sample Follow-Up Letter

FOLLOW-UP LETTER TO MARKETING CONSULTANT

Dear :

Recently, I wrote to you regarding an academic research topic, *Miramax Films from 1979 to 2005: A Study of Strategic Film Choices and Effective Marketing*. Because of your expertise and association with Miramax Films, I again am writing to you to obtain your perspective about the strategy and marketing tactics for several award-winning Miramax Films. As a doctoral candidate, I am trying to complete research that examines the connection between strategically selected, award-winning films and various marketing tactics used for audience development.

Questions for the study have been enclosed. If you are interested, you can submit your answers in the stamped envelope or e-mail via roznor2001@yahoo.com

As stated in my earlier correspondence, anonymity and confidentiality will be maintained. Your responses will be coded for identification purposes.

Due to time constraints for this study, your reply will be needed as soon as possible or no later than **December 15, 2008**. If you have questions related to the study, please contact me at 314.867.8459 and/or by e-mail at roznor2001@yahoo.com. Or if you would like to confirm the University's authorization for this kind of research, please call Stephanie Schroeder, Ph.D., Chair of the Webster University Institutional Review Board, at 314.961.2660 extension 7518.

After the study has been completed, I will be glad to give you a summary of it.

In closing, I urge you to please participate in the study by mailing your responses in the stamped envelope or via e-mail.

Gratefully yours,

Appendix A9

Sample Thank You Note to Participant

THANK YOU NOTE TO PARTICIPANT

Dear

:

Thanks so much for taking time on (date) to participate in research related to Miramax Films between 1979 and 2005. Your expertise and perspective about the historical contributions of this company are insightful and invaluable to the project. I especially appreciated how you connected the European filmmaking influence and growth of independent films in the U.S. In addition, I enjoyed how you described the bold, risk-taking practices of Bob and Harvey Weinstein and their strategic selections of films.

Again, I sincerely thank you for your participation and suggestions.

Gratefully yours,

Appendix A10

General Description of Participants

GENERAL DESCRIPTION OF PARTICIPANTS

Because the purposive sample targeted film industry chief executive officers, marketing and distribution executives, independent filmmakers, producers, theater owners and managers, entertainment media journalists, film critics, film studies college professors, and film students or cineaste, the following coding identified their association or knowledge of Miramax Films and/or Bob and Harvey Weinstein:

Breakdown of Coding for Participants

A – Direct involvement

B – Association/Affiliation

C – Outsider perspective or relevant expertise and/or knowledge

PARTICIPANTS DIRECTLY INVOLVED PREVIOUSLY TAPED INTERVIEWS

A1.

Group of British participants consisted of two male Oscar-nominated producers (Stephen Woolley and Nik Powell), a male Oscar-winning writer/director (Neil Jordan), a male Oscar-nominated lead actor (Stephen Rea), and two guest film experts (one female, Jane Giles, and one male, Angus Finney). They discussed how the collaboration with Bob and Harvey Weinstein resulted in an effective marketing campaign for *The Crying Game* (1992), which Miramax Films distributed in the U.S. and received an Oscar for Best Screenplay. This particular film also is attributed with saving Miramax Films from bankruptcy and launching a successful turnaround for the company, making it attractive to Disney for future acquisition.

A2.

Homosexual European American, Oscar-nominated filmmaker Todd Haynes revealed how independent films rely on the ability “to package” their work appropriately. The filmmaker also described the importance of being passionate about your ideas for stories that become film content. He worked with film producer, Christine Vachon, and the Weinsteins on his breakthrough film, *Velvet Goldmine* (1998).

A3.

Lesbian European American, award-winning film producer Christine Vachon emphasized the need to embrace change and adapt the way stories are to be told. Her film achievements derived from small films, “financed with lunch money” and “done right”, which frequently competed with major studio movies. When this is combined with a written interview, she further expressed the importance of “people who have a real sense of how to find material, put it together with the right people, and locomote a project—which in independent film often is 90 percent of what you’re doing”. One of her earlier films, *Kids* (1995), broke new ground as an unrated film which caused controversy before

the Weinsteins' straw company, Shining Excalibur Films, distributed it.

A4.

Danish male film critic Morten Phil and Danish female, Oscar-nominated filmmaker Susanne Bier covered the significance of staying true to the story and to observe the natural length of time for it. Her Oscar-nominated Best Foreign Film, *After the Wedding* (2006), involved a collaborative distribution deal that involved the Weinsteins new company, The Weinstein Company.

A5.

European American male, PBS talk show host Charlie Rose interviewed a male Oscar-winning writer/director/producer Peter Jackson, who worked initially with Harvey Weinstein on *The Lord of the Rings* (2001, 2002, and 2003) trilogy. This uniquely filmed trilogy became one of the highest-grossing series based on a classic story. The filmmaker discussed how Harvey Weinstein provided the first \$20 million to develop the project and received credit as an executive producer for *The Lord of the Rings: The Fellowship of the Ring* (2001).

A6.

European American male, Oscar-winning documentary filmmaker Michael Moore discussed how he handled dissension with Harvey Weinstein. Even though Harvey Weinstein showed restraint during the interview, he initially appeared uneasy. Nonetheless, Harvey Weinstein supported the filmmaker's decision "to tell the whole story" without cutting the questionable segment in the film, *Sicko* (2007). Before this film, the filmmaker had worked with the Weinstein brothers at Miramax on *The Big One* (1998). Because of the political uproar about the filmmaker's *Fahrenheit 9/11* (2004), Disney forced the Weinsteins to not distribute this one through Miramax.

PARTICIPANTS ASSOCIATED WITH MIRAMAX FILMS

B1.

Phone interview with a European American independent theater owner provided a perspective as an exhibitor—the relationship between the film distributor as frontline retailer and the distributor. One of his personal experiences involved the release of *Priest* (1995), which Miramax Films distributed. He pointed out how this particular film was marketed and its impact within his community, as an example. He further described how the Weinsteins' consistency affected their marketing and distribution strategies, which differentiated films according to market segmentation or mainstream appeal.

B2.

In a face-to-face interview with a European American male manager of an independently-owned upscale theater, he shared insights as a former graduate of film studies and exhibitor. He explained how Miramax Films through the work of Bob and Harvey Weinstein were “on the cutting edge” due to their selection of breakthrough films. It appeared that they had a knack for matching the right kind of film with the right kind of marketing tactics for the right kind of audience. Even though some apprehension existed about the increasing influence of digital technology in the film industry, including exhibition, he contended that more opportunities are possible for novice filmmakers to develop niche markets for their films.

PARTICIPANTS WITH OUTSIDER PERSPECTIVE AND KNOWLEDGE**C1.**

Face-to-face interview with a European American female, Emmy Award-winning documentary filmmaker, who also teaches film studies at a major university, covered the history of independent filmmaking and Miramax Films. She spoke about how Bob and Harvey Weinstein, while at Miramax, took risks in selecting films—some classics and some edgy, controversial content. Nevertheless, the Weinsteins demonstrated an unsurpassed passion for films, superb taste, and had their “finger on the pulse” of what appealed to different audiences. She depicted the Weinstein brothers as champions of lesser known filmmakers.

C2.

Face-to-face interview with an African American male independent filmmaker introduced the technological implications of filmmaking. With the advent of digital technology and emerging media, such as Apple’s iPhone and YouTube, filmmaking is becoming more accessible to new filmmakers. Digital cameras are becoming more affordable too. He envisioned an unprecedented growth of “underground” or alternate access to different audiences. Yet, he expressed concern about the negative impact social networks which thrive in project-based organizations—organizations that often exclude significant numbers of African Americans in key positions, especially in the U. S. film industry conglomerates.

C3.

Face-to-face interview with African American female college student, who is also a knowledgeable movie consumer, covered how independent filmmaking filled a gap between major studio films that frequently lack creativity and the need for counterculture ideas. Given the rise of conglomerates in the U.S. film industry, formula-driven blockbuster films seem to keep marketers driven toward commercialism—selling the hype instead of quality content. Miramax Films promoted groundbreaking independent films which generated box office revenue and critical acclaim. She regarded the

Weinstein brothers' guerilla marketing tactics as a form of "break the rules" for handling independent films.

C4.

Phone interview with Jewish American male independent filmmaker, who also manages a film series, examined films as products of marketing. He discussed how specialty market films became the basis of branding independent cinema; how independent cinema, a cinema for and by people outside of mainstream, increased; and how specific companies, such as Miramax Films, became brands to cultivate audiences. He made reference to the quantity and quality of films handled by Bob and Harvey Weinstein. He explained how "they nailed it" by making previously identified art-house films more palatable to mass audiences. Through Miramax and the Sundance Film Festival, it became hip to be associated with independent filmmaking. As a filmmaker who participated in several film festivals, he knew firsthand how independent cinema had developed as a brand.

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