

# Kristy Guevara-Flanagan

Director, producer and writer



*What Happened to Her* (2016)

**Kristy Guevara-Flanagan** has made award-winning documentary films focusing on gender and representation for two decades, including feature docs *Going on 13* (2009), *Wonder Women! The Untold Story of American Superheroines* (2013), *Body Parts* (2022) and *What Happened to Her* (2016), a forensic exploration of our cultural obsession with images of the dead woman on screen. She is Associate Professor at UCLA's School of Theatre, Film and Television.

Interview 19/11/20 KGF=Kristy Guevara-Flanagan, CW=Charlotte Waelde, GR=Graham Rawle

**GR** *How did you source the clips that you used to make *It Happened to Her* and did you initially foresee any problems with copyright?*

**KGF** With my previous feature, *Wonder Women*, which was far more commercial, I had to deal with copyright quite a bit so I had a lot of familiarity with what would fly in the US in terms of copyright and Fair Use. So, copyright wasn't top of my mind, but I felt very strongly that this was going to be a very clear critique of the media so I just went about gathering the material, somewhat illegally, in the Pirate Bay torrents and I also bought a lot of DVDs and Blu-rays to try and get the highest quality rip.

**GR** *Did anyone who knew what you were doing try to stop you using bits from their film?*

**KGF** No, nobody reached out whatsoever, so it was very different from my previous film where I was in conversation with DC, who owned *Wonder Woman* as intellectual property material and they were very clear that they were never going to license that to us no matter what, so in some way that made a good case for Fair Use and they never came after me. I was a little careful when the film first came out to make sure it wasn't online anywhere. One, I didn't want it to exist online for free, that's just bad business as a filmmaker, but two, this project with its copyright concerns

and with its exploitative content, you know... I didn't want people to take it and do weird and creepy things with it. I didn't even put it in the credits. People have different views about Fair Use and whether it should be in the credits, and I didn't. I don't know that I had an intellectual thought process around that, I just didn't.

**GR** *Did you use whatever you thought you needed?*

**KGF** Yeah. I really wanted it to be composite and not rely on any one existing film or filmmaker.

**GR** *Christian Marclay [The Clock] didn't get clearance on anything. He always said that if he had asked, people would have said no.*

**KGF** Certainly, with my film too, it would have been the same thing. I mean, nobody wants to give their dead mutilated women over to my hands.

**GR** *I was wondering with It Happened to Her whether any of the 'creatives', you know, the director or the writer, felt that being included as part of your film tarred them with being exploitative to women.*

**KGF** You know, it hasn't come back to me. I was concerned with the women, the actors, and whether they would find it creepy or disturbing, but again you know I was interviewing one of the actors. None of the big directors or writers I think have seen it. I think with one film, the screenwriter saw it and didn't have any problem with it, but not the director. But that's partly because it doesn't just exist out there on the internet so people would have to have seen it at a festival or in a classroom – it's used in classes now a lot. I'm doing educational distribution, so they were pretty comfortable. I said, I never got a legal opinion, but I feel pretty confident that it's Fair Use and it always is helpful when you can say that you're distributing it educationally. So, if it were to be on some other kind of money-making stream, that would maybe be a different conversation.

**CW** *So, would you never make a pastiche work that you intended to make money from?*

**KGF** No, I would just hire a lawyer. I mean, I'm working on a feature right now that is more commercial, but it's still a critique of the media and we expect to work with a lawyer and we expect to try and 'Fair Use' everything, so I might have to make some editorial decisions based on that, which I did have to do with the Wonder Women film.

**CW** *I wondered how you as a pastiche filmmaker could make a living if you were always saying, well I could always do a pastiche film as long as I don't make money from it.*

**KGF** That's why I'm a professor (laughs). I guess it's for me calculated in what will get their attention, where will they notice me? Also, they'll notice me if I enter into this commercial space, perhaps, whereas now they're not really paying attention.

**CW** *Does it shape the message you want to portray through your work as well?*

**KGF** It probably does in a less conscious way, but many things come into that in terms of shaping the project – just the process of fundraising a co-production.

**GR** *Were you negotiating with DC about usage or not?*

**KGF** Maybe we had 2 or 3 conversations that didn't lead anywhere –my lawyer was present, and they were sort of like, 'We won't come after you if you don't put her name in the title, you don't put her image on the poster and don't animate any of the comics'. So, I have a version I showed at festivals where the early comics are kind of animated in a wonderful primitive style.



*Wonder Women! The Untold Story of American Superheroines (2013)*

**GR** *Did you have to consider what you were doing with regard to the original drawings; did you feel responsible or question whether that was something that was appropriate or ethical?*

**KGF** I would say that I quite loved them and was charmed by them and I guess I wasn't necessarily critiquing them, but that's interesting. I don't know that I consciously drew some kind of line, but the goal of the animation was probably not to transform it and it was in the spirit of the original artwork and not trying to make it say something else, if that makes sense. One thing I felt with the Wonder Women film that if you claim Fair Use, and this was already years ago and I think people keep pushing the Fair Use further and further, but my lawyer kept saying, 'In order to use this shot, somebody needs to say something about it,' and that made it a little more didactic than I was hoping for, and so I think that's influencing my current project. In the end I needed to get errors and omissions insurance for PBS, but I wasn't overly concerned for the festival run, but at that point he needed to put a binder together of why he was saying it was Fair Use. That's when it got really like, three seconds here, five seconds there.

**CW** *That's very interesting that you went for insurance because that will shape quite a lot of what you do because if the insurance company is not happy with what you're doing, it will either be excruciatingly expensive, or they won't insure you. So, that's another layer that I assume was shaping what you were doing?*

**KGF** I would say so, yeah. I think it's beginning to shape how it's coming together even though I'm not yet making a list of what I'm using and not using. I think also since this one is about sex and nudity, I am even more concerned about the actors, the female actors. So, we are doing

some animation, which will be transformative and it's a question of how much we do and what we can afford. The biggest goal with animation is not just to re-exploit women that might have been exploited in the first place. And that is probably a bigger concern.

**CW** *If you didn't know anything about copyright, how different would the work that you make look?*

**KGF** I don't know. I think with my short film I wasn't thinking about it so much. I'm sure there would be a subtle difference; I'm not sure it would be tremendous. I think about it as an artist with just a little bit of caution because how would I want other people to treat my work? And I perhaps don't want them doing whatever they want with my work. So, I think that dialogue is an influence as well.

**CW** *It's not just using somebody else's work for the sake of it or doing anything with it, but it is using it for a specific purpose?*

**KGF** Yeah. I think that's why I'm going there in the first place. Because there's something affecting me in these images and I wish to communicate that 'affect' to a larger audience and seeing accumulative effect. I think there could also be passion for the images and objects, more of a kind of fan fiction. If I was a folk artist doing pastiche, who knows what the limits would be?