

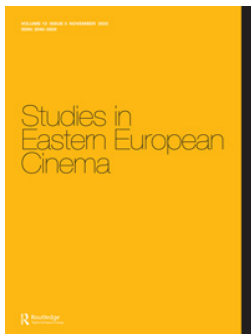
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## Roman Polanski (and Others) on Trial

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### ABSTRACT

This article engages with arguments in recent discussions about Polanski's personal conduct, and the effect of these discussions on the reception of his films. It also uses these debates to shed light on the changing attitudes toward cinema and art at large, pointing to the growing importance of the artists' personal conduct, especially sexual conduct, in the assessment of their work, including making spotless behaviour a condition to reach the audience. It does so from a position which is critical of censorship. The article draws on Polanski's biography, especially the part describing his encounter with Samantha Gailer (now Samantha Geimer) and recent journalistic discourse about his conduct and films, following the rise of the #MeToo movement. It is informed by debates about authorship in film and art and the relationship between moral and aesthetic values.

### KEYWORDS

Roman Polanski; Samantha Geimer; MeToo; censorship; cancel culture; film authorship

Roman Polanski's life has attracted more attention than the life of any other filmmaker and critics writing about his films tend to mention his life. There are two principal reasons for this interest in his biography. One is that his life feels out of the ordinary; another is that his films appear to reflect his life. Initially Polanski probably benefited from considering his work through a biographical lens. His experience as a Holocaust survivor, his escape from the drab communist regime of Władysław Gomułka, and the loss of his second wife, Sharon Tate, in a brutal murder by the Manson gang added to critics' interest in his films and garnered sympathy from fellow filmmakers and audiences. Even his escape from the United States in 1978, when faced with a lengthy prison sentence after admitting to a statutory rape committed the previous year, attracted sympathy from the filmmaking community. However, in the last few years we witnessed the opposite phenomenon – Polanski's life is used to condemn him as an artist and to demand cancelling his films, namely preventing them from reaching the public domain.

In this article I consider arguments in recent discussions about Polanski's personal conduct, and the effect of these discussions on the reception of his films. I also use these debates to throw light on the changing attitudes toward cinema and art at large; what I call here a 'moral turn' in the history of cinema and art. My article draws on Polanski's biography, especially the part describing his encounter with Samantha Gailer (now Samantha Geimer) and recent journalistic discourse about his conduct and films, following the rise of the

#MeToo movement. My study is informed by debates about authorship in film and art and the relationship between moral and aesthetic values. Because of the importance of the authorship question, I devote to it the first part of my study.

## From the Death to the Rebirth of the Author

In the history of art we can identify two basic approaches to the issue of authorship. One emphasises the role of a talented individual as the sole creator of the work of art. The other approach tries to break the link between an artist and his work by pointing to political, social, economic and other circumstances affecting production of the work of art. The first approach, which can be ascribed as Romantic, as it derives from the Romantic cult of the artist (Weber 2004, 19–21), dominates in popular biographies of famous artists, including in biographical films. The second approach can be linked to Marxism. According to Marx and Marxist thinkers, the work of art expresses the dominant ideology (Munro 1960; Pollock 1980). In the extreme version of this approach, which is, however, rare, the writer, the painter or the musician does not create his art – it is just the vehicle conveying the interests of the dominant groups or classes, be it the royal court, the aristocracy, the Church or the bourgeoisie, who are the real authors (Munro 1960, 430–431).

Some authors do not deny agency to an artist, but argue that what the artist creates and what the reader reads is not the same thing. The realisation that the object which the consumer of art<sup>1</sup> (re)creates might be different from that which the artist had in mind and the material work s/he created, was at the core of the phenomenological aesthetics. Polish philosopher Roman Ingarden considered the work of art as a link in the chain of communication, from the intention of the artist to the experience of art consumer. He differentiated between a work of art which exists independently of being viewed, read or listened to, from an ‘aesthetic object’ which exists in people’s consciousness. Ingarden also admitted that the ‘intentional reception of the work of art is not spontaneous and naive but a cultural reaction that needs both sensibility and training’ (Brunius 1970, 593). This means that the consumer of art might create a different aesthetic object from that envisaged by the author of the artwork. While for Ingarden, however, this was a problem which had to be overcome, Roland Barthes saw it as a good thing, granting the art consumer agency in furnishing art with a meaning, even being its ultimate author. As he put it in his seminal essay, ‘The Death of the Author’, published originally in 1967, in order to liberate the reader, we must (metaphorically) destroy the author (Barthes 1977, 148). Barthes also claimed that even the original meaning (the one intended by its author) is not truly original, because it is affected by plethora of influences:

We know now that a text is not a line of words releasing a single ‘theological’ meaning (the ‘message’ of the Author God) but a multi-dimensional space in which a variety of writings, none of them original, blend and clash. The text is a tissue of quotations drawn from the innumerable centres of culture. (Barthes 1977, 146)

The status of film complicates these divisions between the work of art and its phenomenological incarnations, because it is a product of communal work to a much greater extent than music and literature normally are. As Frank Tomasulo puts it, ‘Feature films are never made by a single person. From the writer to the director to the studio executives, many

ideas and hours of hard work go into collaborating on a film production' (Tomasulo 1997, 114). This also means that the intent of the author is more difficult to reconstruct in this case or attribute it to specific individuals.

Initially film was seen merely as low-class entertainment rather than art. Metaphorically speaking, in cinema the reader was the king, not the author. For these reasons, authorship in cinema was first of little interest to scholars. The situation changed in the 1950s, when a group of journalists from *Cahiers du cinéma*, soon to be directors themselves (such as Eric Rohmer and Claude Chabrol) bestowed on some film directors, such as Alfred Hitchcock, Orson Welles and Howard Hawks, the honour of being regarded the authors of films they directed: those which revealed a personal stamp, even when working in conditions not conducive to reveal it, most importantly in Hollywood (Stam 2000, 2). However, André Bazin 'warned against any aesthetic "cult of personality" which would erect favoured directors into infallible masters' (Stam 2000, 2). Subsequently, a longer list of authors was drawn and the concept of authorship was in the 1960s adopted to American scholarship, via the work of Andrew Sarris (Sarris 1968, 1971). Hence, paradoxically, when Barthes tried to play down the importance of the author, Sarris played it up, romanticizing some film directors, such as John Ford and Orson Welles.

The concept of authorship in cinema has been questioned during the period of post-modernism, which in cinema began in the early 1980s. On one hand, it resulted from assimilating the views of authors such as the previously mentioned Barthes, as well as Michel Foucault and Jacques Derrida, who pointed to problems with establishing authorship in literature, offering such ideas as 'author as function', 'providing models of analysis that supported close readings of specific texts without resorting to self-expression, intentionality, or individual moral and legal accountability' (Elseasser 2016, 21). On the other hand, we could observe a growing concern with factors affecting the filmic text which are beyond the director's control. They have to do with the budget or working in a particular studio, as well as contribution of other members of the film crew, such as cinematographers and editors, in creating a specific style of films, as well as entire film movements.

However, with a certain demise of postmodernism in the last decade or so, which coincided with the demise of a Marxist approach to culture, came a renewed interest in auteurism in literary and art history, as well as in film studies (Maule 2008; Jeong and Szaniawski 2016). As Thomas Elseasser puts it: 'As the director as auteur increasingly became a fixture of the popular media's general personality cult, the author began doing duty not only as the (imaginary or real) anchor for presumed, perceived, or projected coherence, but was actively deployed as a brand name and marketing tool, for the commercial film industry as well as in the realm of independent and art cinema' (Elseasser 2016, 21).

The renewal of the concept of the author also results in the restored interest in the artist biography and the link between his life and works. There are few critics and historians who these days will argue that Van Gogh's art is all about his madness but, at the same time, his madness won't be so easily dismissed as a factor in his work as it was done by Barthes. In part this is also because many people still choose to watch films on the basis of their directors, especially in Europe. The rise of festival cinema is an additional booster to this concept, because festivals are special sites where auteurism is celebrated through retrospectives of famous directors who receive their honorary prizes for their service to industry.

Polanski can be compared to Van Gogh, because his life is so out of the ordinary and his films seem to reflect his life, due to focusing on being a nomad, persecution of the innocent

and, recently, treatment of Jews in the Western world. Not surprisingly, historians writing about his films also mention his life (for example Stachówna 1994; Hirsch 2004, 115, 184; Ostrowska 2006; Mazierska 2005, 2007). Following the Russian semiotician, Boris Tomashevsky, Grażyna Stachówna, the leading Polish expert on Polanski's films, describes him as an 'artist with a biography', along with Erich von Stroheim, Federico Fellini and Woody Allen (Stachówna 1994, 28). According to Tomashevsky, the artist with a biography inscribes it into his art (consciously or not) and the audience searches for signs in an attempt to re-create his biography (Stachówna 1994, 28–29; Saunders 2017, 91–96). The knowledge of the artist's life is in this case regarded as an important condition for comprehending their work. The viewers of Polanski's films understand this and often treat his films as puzzles which hide clues about his life and vice versa – treat his life as a way to understand his films, which adds to the attractiveness of them. One could argue that Polanski has deliberately played into and benefited from the entanglement of his life and work, largely through following the 'prosecuted Jew' trope.

Polanski also benefited from the 'festivalisation' of cinema, because he is one of the last living auteurs from the New Wave generation (even though he did not identify himself with this movement). As such, he was granted retrospectives at many festivals, until this was halted due to the recognition that his personal conduct should exclude him from enjoying such privileges.

It is possible to acknowledge the influence of the artist's life on his work, but still treat them as separated 'moral entities,' so to speak, and the bulk of scholarship on Polanski pursues this view. However, the more we see an artist in his work, the more tempted we are to judge the morality of this work as reflecting the moral worth of its creator. If his worth as a person is perceived as low, it seeps into the artwork and brings a temptation to censor it. This is what, in a nutshell, has happened to Polanski's films. In the next parts of this article, I want to examine how attitudes about Polanski the man changed over the years and how the new assessment of his personal conduct started to be used to prevent his films from reaching the audience.

## Polanski's Crime and (the Lack of) Punishment

Following the 1 death of Polanski's second wife Sharon Tate, who was eight months pregnant, in 1969 and four of Polanski's friends who were murdered by the Manson Family, Polanski was an object of sympathy from fellow filmmakers and ordinary viewers. It was recognized that losing his wife and child in such a gruesome way, on top of losing his mother who perished during the Holocaust (also while pregnant), was more than one life could endure. Subsequently, he was also seen as a heroic figure thanks to his ability to overcome his misfortune and carry on making films, including directing *Chinatown* in 1974, regarded as his masterpiece, which surpassed everything he did by this point.

In 1977, Polanski was arrested and charged with drugging and raping a 13-year-old girl, Samantha Gailey (later Geimer) in the house of Polanski's friend Jack Nicholson. As a result of a plea bargain, he pleaded guilty to a lesser offence of unlawful sex with a minor, known as 'statutory rape.' In 1978, after learning that the judge planned to reject his plea deal and impose a long prison term instead of probation, as was initially agreed, he fled to Paris, which makes him a fugitive from the U.S. criminal justice system (Figures 1 and 2).



**Figure 1.** Roman Polanski at the time of his arrest.



**Figure 2.** Samantha Geimer.

The basic facts about what happened on the night Polanski met Samantha Geimer have not changed, not least because Polanski admitted to having sex with her, including in his autobiography, *Roman by Polanski*, describing her there as Sandra (Polanski 1984, 329–341). What has changed is the interpretation of their encounter during this period and especially



in the last few years. The change reflected accusations of Hollywood producer Harvey Weinstein sexually abusing a stream of actresses and the rise of the #MeToo movement in 2017, largely thanks to social media, which encouraged uncovering 'Weinstein-like behaviour' among other filmmakers. This also led to more women accusing Polanski of sexual harassment and rape (Grady 2017), although none of the accusations have been proven 'at time of writing'. Another factor in resurfacing interest in Polanski's case was the release of Marina Zenovich's documentary, *Roman Polanski: Wanted and Desired* (2008), in which she argued that Polanski was a victim of the failure of the US justice system and, given the circumstances, he made the right decision in fleeing prosecution. This claim might have made viewers more sympathetic to Polanski. However, it was probably also a factor, as Zenovich argues in her next film about Polanski, *Odd Man Out* (2012), of the American authorities trying to close this embarrassing case by putting pressure on Swiss authorities to arrest Polanski in Switzerland in 2009 and an unsuccessful attempt to extradite him to the United States to stand trial. Ironically, Polanski's arrest took place during a festival in Zurich, which presented a retrospective of his films, pointing to the entanglement between the private and artistic in Polanski's life.

Following his escape from Hollywood, Polanski experienced widespread sympathy from fellow filmmakers and actors and not only men, but also women, such as Meryl Streep, Whoopi Goldberg and Debra Winger (Massie 2009; Freeman 2018). One reason for this sympathy was a sense that he was unlucky, having gotten caught doing something that was regarded as normal behaviour in Hollywood of the 1960s and 1970s, as well as in Western Europe: directors and producers sleeping with young actresses or models in exchange for a promise to help them in their career.<sup>2</sup> Polanski had sex with a girl who looked much older than her real age and could be even taken for an adult woman and, according to Polanski, had some sexual experience prior to meeting him. He was thus not an ordinary paedophile who preys on children, but someone who had not been careful in checking the age of his sexual partners. This was also proven by a psychological examination to which he was subjected in prison, which concluded that he posed no threat to children, as claimed in Zenovich's documentary. Moreover, Polanski's act was viewed not as an actual rape, because his victim consented to having sex with him (although this claim was later contested by her) and he did not use physical force. His perceived bad luck also pertained to what happened during his trial. He was permitted to travel to Europe to work on his new film, produced by Dino De Laurentiis. During this time he went to Munich to see a friend. With him, he went to the Oktoberfest where he was photographed in the company of young women. This photo was published by Los Angeles newspapers, leading to moral outrage in California, that rather than paying for his behaviour behind bars, Polanski was enjoying himself abroad and was doing in Germany what he was accused of doing in the States: targeting young, vulnerable girls and women. This photo put the judge on his case, Laurence Rittenband, regarded as somebody ultra-sensitive to the opinion of the media, in a difficult position. If he gave Polanski probation, as was already agreed with the director's attorney, rather than a custodial sentence, he would receive bad publicity. Rittenband decided to please the media rather than to keep his promise to Polanski's attorney and this information was passed on to the director. Polanski thus suffered a dilemma: wait for his sentence, which could be a long custodial sentence or escape justice and live free, although as a fugitive in Europe. He chose the latter, which was subsequently regarded as the right thing to do even by his then prosecutor, Roger Gunsen, who admitted this in Zenovich's *Wanted and Desired*.



Polanski's decision to flee prosecution, rather than waiting for the law to take its course, can be also linked to his history of being effectively on the run during a large part of his life. This included escaping France before the Second World War with his parents, when the situation confronting Jews in this country worsened due to the rise of antisemitism, hiding from the Nazis in Poland during the war and then escaping from the communist regime, whose leader Władysław Gomułka singled out his film *Nóż w wodzie/Knife in the Water* (1962) as having the potential to corrupt young people. Such experiences most likely resulted in his distrusting authorities to a greater degree than somebody who was never a refugee.

Sympathy for Polanski was also based on the conviction that the director had suffered enough, losing two women closest to him in horrific circumstances. Especially the death of his wife was seen, if not as an extenuating circumstance, then as a 'surplus of suffering' which would balance any suffering he might cause, in the 'economy of human life.' This idea was suggested by Mia Farrow, the star of Polanski's *Rosemary's Baby*, whose testimony is used in Zenovich's film. There was also a sense that Polanski, literally and metaphorically repaid for his act by reaching a financial agreement with Geimer, paying her 500,000 USD. Geimer subsequently publicly forgave Polanski and expressed some sympathy for him. Like Gunsen, she agreed that given the prospect of 'rotting in jail' Polanski chose the right course of action (Keegan 2013). She also responded to the accusation that her act of forgiveness was a consequence of him bribing her with money by replying that it was not, but even if it was, it was her right to forgive Polanski (or not) on her own terms, rather than those imposed by the media. Financial compensation was a way for Polanski to recognize Geimer's side of the story and atone for his crime, even though, as I will argue, he did not see having sex with her as a crime. Geimer claimed that what she described as the 'victim industry,' which included the lawyers and journalists who sensationalized her case for their own advantage, was worse than her fateful encounter with the director (Geimer 2013; Keegan 2013; Freeman 2018). About judge Rittenband, she wrote: 'Well, this *was* Hollywood. Judge Rittenband had cast himself as writer-director-producer-actor and was orchestrating every beat of this production, thinking only about what was best for his own image' (Geimer 2013, 150).

For Geimer and Polanski's defenders, Polanski repaid for his crime, because his life and career were nearly destroyed following his imprisonment and his professional opportunities shrunk due to his inability to return to the USA. Moreover, she forgave him. However, his critics disagree, claiming that he avoided punishment by refusing to stand trial and face conviction. The sense that Polanski avoided justice has also to do with his lack of remorse. For decades he seemed to be clueless as to the fact that what he did to Geimer was wrong. It was only after watching Zenovich's 2008 documentary that he wrote Geimer a letter, including the sentence 'I know how sorry I am for having so affected your life' (quoted in Geimer 2013, 246). This sentence, however, is not really an admission of being guilty of having sex with her, but rather of triggering an avalanche of events which had a negative effect on Geimer's life.

Polanski's detractors interpret his lack of remorse as proof of his misogyny and a sense of entitlement, characteristic of powerful men, especially in the film industry. Without dismissing this explanation, I would argue, however, that it also points to his hippie attitude toward sex, which was common in the late 1960s and the 1970s, especially in the milieu of filmmakers and artists, in which he operated. According to this attitude, which owes much

to Wilhelm Reich's *The Sexual Revolution* (Turner 2011), first published in English in 1945, sex is a good, liberating experience, in which people should participate irrespective of their age. Reich himself wrote in the preface to the fourth edition of his book:

When I founded the Socialist Society for Sexual Advice and Study in Vienna in 1928, the genital rights of children and young people were forbidden. It was unthinkable for parents to tolerate the genital play of children – let alone look upon it as the expression of a natural, healthy development. The very thought that young people should satisfy their need for love in natural embrace was horrifying. Anyone who as much as mentioned these rights was vilified. In the fight against the first efforts to ensure the love-life of children and young people, groups that were usually sworn enemies of one another banded together: churchgoers of all faiths, socialists, communists, psychologists, doctors, psychoanalysts etc. (Reich 1972, xiii)

As we see from this quote, according to Reich and his followers, teenagers and even children are entitled to sexual exploration. Consequently, what from the current perspective is regarded as rape, fifty years or so ago was widely seen in artistic circles as an act of liberation. This is how Polanski saw his sex with the teenage Geimer, writing: 'There was no doubt about Sandra's experience and lack of inhibition. She spread herself and I entered her. She wasn't unresponsive' (Polanski 1984, 339). From his perspective, he awakened her (natural) sexuality. That Polanski was a believer in free sex, can be derived from the fact that he did not expect faithfulness from women with whom he went to bed with and he hoped to provide them with as much sexual pleasure as he himself received from them, as we can learn from his biography. Stubborn adherence to the 1960s ideal of free love might be stronger in him than in other directors working in Hollywood for two reasons. First, for filmmakers coming from Eastern Europe, engaging in free sex was a form of rebellion against the puritan political regimes from which they escaped. In this respect, Polanski was not different from the Yugoslav director Dušan Makavejev, who – although was believed to lead a monogamous life – included in his film *Sweet Movie* (1974) scenes which would be deemed unacceptable from the current perspective, such as seduction of two children aged about ten by a much older, naked woman.<sup>3</sup> Second, Polanski and Makavejev showed interest in psychoanalysis, which also maintains that a child is entitled to having a sexual life of his/her own, with Makavejev even dedicating one of his films, *W.R.: Mysteries of the Organism* (1971) to Reich.

There is thus a mismatch between Polanski's perception of his sexual encounter with Geimer, which is rooted in the 1960s and 1970s 'Reichian perspective' on one hand and that of his accusers, who look at it from the current perspective, on the other. For Polanski, he suffered too much, living a life of exile for over 40 years. For his accusers, his crime remains unpunished. Who is right? While I cannot answer this question categorically, I will try next to propose possible answers in the context of the current sexual morality.

## **Sexual Morality in the Time of #MeToo**

Times have changed considerably since Reich's book was adopted by western hippies and bohemians. We seem to have returned to pre-Reichian times, when groups which were sworn enemies, such as feminists and religious fundamentalists, come together to condemn men who have sex with teenagers, as well as denounce any form of sex, where there is no equality between partners. The #MeToo movement, existing from 2006, but gaining significant traction by revelations about the conduct of Harvey Weinstein in 2017, played a crucial

role in this transformation. However, even before 2017 the attitudes toward ('free') sex started to change in the western world, particularly in the United States. This resulted largely from a re-evaluation of the 1960s and 1970s, when women who lived in communes, which proclaimed 'making love, rather than peace' admitted that 'free' promiscuous sex was more to the advantage of men than women (Gowda 2018). Priorities of mainstream feminism also have shifted since the 1960s, as we observe a move away from fighting for equal pay, which was privileged in the 1960s and 1970s, to issues concerning sexual harassment in the workplace (Craven 2020), as well as sexual equality in marriage and other types of erotic relationships. We can also observe a return to a more puritanical attitude to sex, largely resulting from the AIDS epidemic in the 1980s. The #MeToo movement can be seen as a culmination of these two trends.

The ideology of #MeToo is based on several assumptions. First, sex and work should be kept separate. This is because in the workplace men tend to occupy positions of power which they are likely to use and abuse for sexual gratification. Second, sexual relations, involving significant difference in age and economic status, are highly suspect and should be discouraged, if they cannot be outright forbidden. Third, rape does not happen only when force is used; it happens always when there is no explicit consent for sex or even when there is consent, but it is given in a situation of gender inequality (Chaplin 2018). According to these ideas, Polanski is a criminal of the highest order. Even his post-1978 life, marked by his marrying Emmanuelle Seigner and having two children with her, provides no redemption. On the contrary, it only confirms he is a sinner of the worst sort, because he married a woman much younger than him (merely 18 when he met her), who was working with him as an actress, hence was in a subordinate position toward him (Freeman 2018).

The #MeToo movement demands, however, are themselves problematic within certain strands of feminism, as demonstrated by the backlash against this movement, coming especially from older feminists who have fond memories of the sexual freedom of the 1960s and 1970s. These feminists argue that the #MeToo movement treats women as if they were 'as frail as Victorian housewives' (Gowda 2018) or 'cringing wallflowers terrified of the advances of men' (Chaplin 2018), without ability to enjoy a sexually liberated existence with all of its benefits and drawbacks. This backlash was expressed in an open letter to *Le Monde*, signed by 100 French women, including Catherine Deneuve, which challenged some of the basic assumptions and aims of the #MeToo campaign, claiming that the movement represents a 'puritanical ... wave of purification' driven by a growing 'hatred of men and of sexuality' ('Full Translation Of French Anti-#MeToo Manifesto Signed By Catherine Deneuve' 2018; Poirier 2018). In the same spirit, Michelle Perrot, professor emeritus of contemporary history at the Paris Diderot University, describes the #MeToo movement as a 'new moral order that introduces a new censorship against the free movement of desire' (quoted in Poirier 2018).

What women like Deneuve and others of her generation suggest is that #MeToo supporters, who demand that women do not sleep with their bosses or men much older than them, position women as victims lacking agency, unable to make their own choices. In reality, some women might choose to have such relationships out of love. It can also be argued that other women choose to use their physical allure or what Catherine Hakim describes as 'erotic capital' (2012) for economic and social advantages. This is especially the case in professions in which attractive appearance is part of the job, such as prostitution,

as well as modelling, singing and acting. Erotic capital can be regarded as a means to balance the power of money by those who lack these forms of capital, hence a corrective of capitalism. This fact was, on occasion, acknowledged not only off-screen, but also on-screen. For example, in Jean-Luc Godard's classic, *À bout de souffle/Breathless* (1960), a young woman visited by Michel Poiccard in Paris confessed to him that she gave up on playing in films because this requires 'sleeping with filmmakers'. Godard knew it first-hand, as he slept 12 with and married two actresses who performed in his films, Anna Karina and Anne Wiazemsky. They consented to his advances and never accused him of sexual harassment, but from the #MeToo perspective, Godard's pursuit of sex with his actresses would these days be seen as inappropriate, if not utterly exploitative.

### Cancelling of Polanski (and Others)

Although #MeToo refers to the workforce at large or even to all forms of male-female interactions, its main target is the entertainment industry, especially Hollywood (De Benedictis et al. De Benedictis, Orgad, and Rottenber 2019). It is also the #MeToo movement which has the biggest effect on the standing of Polanski and a growing number of filmmakers accused of sexual misconduct.

Irrespective of whether we see Polanski as a paedophile or somebody who had mistaken an under-age girl for a young woman, a rapist or merely a 'statutory rapist' and how severely we assess his decision to flee from prosecution, the question remains whether his conduct should affect moral and aesthetic evaluation of his films and their right to reach the audience. There are two principal arguments for 'cancelling' films of directors accused of sexual misconduct and other objectionable behaviour. One is a simple conviction that they should be punished. Forbidding them to sell their work, effectively making them unemployable (given that the lack of or limited distribution leads to producers withdrawing funding for their future projects), is seen as fair punishment for their crimes. Such punishment can be compared to imposing economic sanctions on countries which do not follow international protocols, such as, in the past, South Africa and recently, Belarus.

The second argument has wider consequences for the film industry and art at large. It is based on the assumption, made by the 'politics of authorship', as discussed earlier, that the film is an emanation of its director's character or personality. This means that a good director ('good' in a moral sense) would produce a morally satisfactory film, while a 'bad' director will make a film which is morally deficient. This line of thinking informed the behaviour of feminist filmmakers, who condemned the jury awarding the Césars, the French equivalent of the Oscars, for giving most of these honours to Polanski's *J'Accuse/An Officer and a Spy* (2019) at the 2020 ceremony, and largely ignoring the feminist costume drama *Portrait de la jeune fille en feu/Portrait of a Lady on Fire* (2019), directed by lesbian director Céline Sciamma. It was Sciamma and the actress playing the main role in her film, Adèle Haenel, who left the ceremony saying 'Shame' and 'Bravo, paedophilia!' (Phillips 2020), thus explicitly equating rewarding the work of a morally problematic artist with condoning, even awarding his crime, which most likely was not what the jurors wanted to do.<sup>4</sup> On the occasion of handing out the Césars, not only was Polanski at fault, according to his accusers, but also the jury and the audience, who preferred a film of a 'convicted paedophile' over a work which was made by artists more deserving our respect and sympathy due to belonging to the LGBT community, viewed more positively on account of its perceived marginalization and victimhood.

Polanski is among those filmmakers who suffer most from this approach because he is still active as a filmmaker and lives under constant threat of being deported. Moreover, he is only modestly affluent by Hollywood standards, in part due to huge legal bills he had to pay, several projects he was unable to complete due to his incarceration in Hollywood, as well as losing access to production and distribution facilities enjoyed by those working in Hollywood. In fact, in *Odd Man Out* one of his friends calls him 'poor'. Given these circumstances, he cannot afford to stop working and lose the financial backing of his producers. This results in him being one of the most active directors despite his advanced age of nearly ninety, which delights his fans but most likely comes at a significant personal cost.

Polanski, although emblematic of the perceived rot in the film industry, is not the only filmmaker whose reputation suffered following #MeToo and what I describe as a 'moral turn' in the history of cinema, demanding spotless conduct from filmmakers. He is accompanied by such giants of cinema as Alfred Hitchcock, Luis Buñuel, Bernardo Bertolucci, Quentin Tarantino, Michael Haneke and Terry Gilliam. Hitchcock is on this list because he was accused by Tippi Hedren of sexually assaulting and intimidating her while they were working on this films *The Birds* and *Marnie* (Evans 2016); Bertolucci due to allowing Maria Schneider to be humiliated and traumatized in front of the camera during the shooting of a scene showing anal sex in *The Last Tango in Paris* (Izadi 2018); Buñuel for directing *Belle de Jour*, which according to #MeToo orthodoxy is a rape apologist film (Gilbey 2018; Poirier 2018). Tarantino, Haneke and Gilliam were not caught sexually abusing their actresses or making films which condone rape, but by saying 'wrong' things and showing support for men accused of such behaviour. Tarantino was accused of insinuating that Geimer wanted to have sex with Polanski and hence his 'statutory rape' was not a real rape (Khatchatourian 2018). Haneke experienced a dent in his reputation when he decried the #MeToo movement as a 'witch-hunt and an example of man-hating puritanism'; Gilliam was accused of repeating Tarantino's claim in relation to Geimer by maintaining that some of the women who found themselves alone with Weinstein 'knew what they were doing' (Gilbey 2018). Condemnation of these filmmakers extends to their audiences, including prominent critics who were blind to their vices and rewarded their work at festivals, most importantly the advocates of auteur theory, whose favourites turned out to be morally reprehensible.

There is an argument that although the directors of certain films might be objectionable individuals on moral grounds, their films should not be cancelled because they are not a product of their individual work, but collaboration with 'innocent people.' This line of argument was adopted by an eminent film historian and theoretician, Kristin Thompson, who said that she 'completely sympathizes with the women who walked out at the Césars on Friday. What bothers me, is that a lot of other people besides Polanski worked on Polanski's film. Hundreds of people. I don't see how you can condemn the entire film on the basis of the director' (quoted in Phillips 2020). However, this contention can be dismissed on the grounds that the collaborators of these sexual predators and condoners of their abuse should know better, as it was argued by the *Guardian* journalist Hadley Freeman.<sup>5</sup> Her article, poignantly titled 'What does Hollywood's reverence for child rapist Roman Polanski tell us?', is in large part devoted to naming and shaming Polanski's collaborators, especially those who did not repent for their sin of working with Polanski and other

objectionable directors, such as Woody Allen. Freeman also shames those who repented, such as Kate Winslet, writing:

On Sunday night, at the London Critics Circle awards, only months after defending Polanski and Allen, Winslet spoke tearfully about 'bitter regrets I have at poor decisions to work with individuals with whom I wish I had not. Sexual abuse is a crime, it lies with all of us to listen to the smallest of voices.' Yes, if only there had been some way Winslet could have known about these decades-old cases before signing on to work with two directors accused of sex crimes! This kind of hypocrisy about Polanski makes you wonder how serious the industry really is about dealing with this problem, as it claims to be. (Freeman 2018)

The pressure put on actors to explain themselves for working with alleged sexual predators raises a question about how many of them repent out of a genuine change of heart, and how many are motivated by fear that refusing to toe the line of zero tolerance toward those who have a 'dark side' might result in losing possible future work.

The calls to 'cancel Polanski' bring tangible results. One concerns Polanski's off-screen behaviour. Since his arrest in Switzerland in 2009 and especially the advent of the #MeToo movement, the director has kept a low profile, avoiding publicity and not turning up at events where his films are celebrated, as if he wanted to send a message: 'Look at my films, not at me.' The second consequence which is more important for his international standing is preventing distribution of his films or doing it without promotion. His new and arguably one of his best films, *An Officer and a Spy* received neither theatrical nor streaming distribution in the UK, the United States and Canada, resulting in some critics watching it secretly and comparing this experience to reading samizdat literature in Eastern Europe (MacArthur 2020). This decision, as I mentioned, can be motivated by a desire to punish Polanski, but it is also a form of punishment toward viewers, as it deprives them of a chance to create their own aesthetic object on the basis of an artwork. Such censorship (as any censorship) leads to foreclosing the travelling of art and hindering development of viewers' sensitivity. Such punishment of filmmakers and film audiences is, ultimately, based on a view that morality trumps aesthetics, to which I devote the last section of this article.

## The Moral Turn

There are two basic approaches to moral and aesthetic values. According to one, they are objective, universal and absolute. According to the second approach, they are subjective or at best intersubjective: products of specific societies and cultures (Beebe 2010; Gowans 2021). Supporters of moral and aesthetic relativism claim that when we travel from one country to the next, and in time, we encounter different moral and aesthetic 'landscapes.' In religious societies moral and aesthetic values tend to be seen as objective, due to God being their source. By contrast, secular societies lean toward relativism, by acknowledging that people themselves are the source and arbiters of values and different groups of people have different value systems, used as a means to adapt to specific geographical and demographic circumstances and ensure social cohesion. However, even moral relativists agree that there is a common denominator beneath all moral codes existing in different cultures, for example rejection of killing (Beebe 2010). Yet, the interpretation of these values differ, as reflected by different attitudes to abortion, euthanasia and capital punishment, in different societies. Cultural studies are concerned with identifying and describing these different value systems (Gowans 2021) and making wider populations aware of their implications



by, for example, pointing to the problems with applying current moral criteria to past events and to our ancestors, as well as current aesthetic criteria to old works of art.

There are also different approaches to the relationship between art and morality. Some people regard the sphere of art as autonomous, as proclaimed by the French slogan from the early 19th century, 'art for art's sake,' while others demand from art to be subordinated to or at least compatible with morality, as captured by the ancient Greek ideal of *kalokagathos* (beautiful and virtuous). Meaningfully, it is always the autonomy of art, versus its subordination to morality, which is problematic, not the other way round – nobody seriously requires moral behaviour to adjust to aesthetic norms. The history of art can be viewed as the history of it gaining autonomy – from morality, religion and social duties. The most important period in this road to art's gaining autonomy was Romanticism, which proclaimed an artist-genius as free from any social duties, a law to himself due to his talent (Weber 2004). Such genius was worshiped even if he (as it was always a man) had moral flaws, as exemplified by Mozart, Chopin and Byron. When the first *auteurs* of cinema were celebrated by critics of *Cahiers*, their moral conduct was also not scrutinized by those who bestowed on them this position, similarly as nobody was checking the moral conduct of the said critics when they themselves became established *auteurs*. At the time their political views were also of little importance. They were mostly left-leaning, but right-wing Eric Rohmer enjoyed almost equal renown as the avid Marxist Jean-Luc Godard, simply because of the quality of his work. Recognition of the power and autonomy of art is a reason that some of the art produced under Hitler's regime is celebrated, most importantly *Triumph des Willens/Triumph of the Will* (1935) by Leni Riefenstahl (one of the handful of female directors regarded as *auteurs*), despite its author being a supporter of Hitler and her film being a model example of Nazi propaganda.<sup>6</sup>

Polanski made his debut at the time when *politique des auteurs* was flourishing, especially in Europe, and he benefited from it in many ways. His early work was celebrated as a Polish equivalent of the French New Wave. When he moved to the United States, he was seen as a descendant of Hitchcock: somebody who was able to retain a distinct style, despite working in the environment in which the producer was more important than the director and profit more important than artistic expression. After Polanski fled the States, his standing as an artist in this country suffered, while in Europe for many years, it was practically intact. This is recognized in Zenovich's *Wanted and Desired*, in which Polanski's friend says at the end of the film that in the States he is wanted, while in Europe he is desired. His position remained particularly high in the two countries whose citizenship he holds: France and Poland. One reason is simply that he is connected to these countries due to his place of birth and family ties and they have more allegiance to their 'sons' than the United States, where he was just one of many foreigners allowed to work there. In Poland, which, on one hand, has a very strong Romantic tradition and, on the other hand, suffers from a 'genius famine', namely a small number of artists (as well as scientists) who are recognized internationally, the importance of Polanski lies in belonging to this exclusive club of internationally celebrated artists, along with Frédéric Chopin. In France (and some other European countries), a largely positive attitude to Polanski might reflect a more liberal approach to male-female relationships, with the age of consent being lower than in the USA and a large part of the national literature and art celebrating sexuality of under-age boys and girls, such as Proust's novel and Gauguin's paintings. Here it is worth mentioning that although in countries such as Britain a child is defined as somebody who is younger than 18, girls as



young as 13 can receive contraceptives without parental consent, yet if they have sex with someone before the age of 16, they are being raped according to the law. There is thus a lot of inconsistency in defining a 'child' for different purposes.

However, the tide is changing in relation to assessment of the status of moral values and the relationship between art and morality. The supporters of #MeToo are absolutists rather than relativists. They claim that Polanski's guilt is not contingent on the historical period, place or circumstances under which it was committed; sex with somebody who is younger than 18 was, is and always will be paedophilia and deserves punishment (Freeman 2018). The new attitude started to be felt also in Poland, where we increasingly hear voices that Polanski should be punished for his sexual crimes as everybody else and his works should be cancelled. This new hostility to Polanski is reflected in cancelling meetings with him, for example in his Alma Mater, the Film School in Lodz and vandalizing his 'hand' on the pavement commemorating the greatest Polish filmmakers (Szlachetka 2019). We shall also add that academic interest on Polanski has been significantly reduced in recent years, while it was flourishing by the time *The Pianist* was made.

The new attitude put on the defensive one of Polanski's defenders from the feminist circles, sociologist and moral philosopher Magdalena Środa. Drawing on moral relativism, Środa first argued that Polanski's crime was nothing special in the context of Hollywood sexual morality, as well as history at large, writing that most likely among rapists (in the way this term is understood today) were also Mieszko (the first Polish king) and Napoleon, and suggested that the director largely repaid for his crime by leading his life as a fugitive (Środa 2019a). However, she backtracked on her defence when it attracted widespread condemnation, both from the left and the right ('Magdalena Środa: jakiś kretyn napisał, że wziąłem w obronę Polańskiego' 2019b, 2019c), bringing to mind the changing views of actors defending Polanski, such as Emma Thompson and Kate Winslet, when threatened with damage to their professional standing. Also, in Poland, condemnation of Polanski the man leads to calls to cancel his work, although such calls are still rare in comparison with those in the Anglo-American world.

Polanski's situation is, here, again, emblematic of a wider trend of using sexual behaviour by an artist as a yardstick to measure his art, namely the 'moral turn'. According to this approach, art created by those who do not pass a 'morality test' should not be presented to the public. An example of this attitude is a call to boycott exhibitions of Paul Gauguin, who committed the double offence of sexism and racism by sleeping with under-age Tahitians (Nayeri 2019) and cancelling the biography of Philip Roth, written by Blake Bailey, accused of sexual harassment (Miller 2021). This new attitude is also reflected in suggestions to 'correct', whenever possible, 'bad art' by, for example, adding a feminist twist to misogynist stories. 'Morality' means in this context almost exclusively 'sexual morality', which gives the new philistinism a particularly puritanical inflection. One paradox of this censoring of men behaving badly and their work is that the work of Polanski, who is a Holocaust survivor, might suffer more from censorship than a filmmaker who praised the Nazi regime such as Leni Riefenstahl. Another consequence of moral purification of cinema and art is that, even if the art of morally objectionable authors survives, namely reaches the audience, the discourse about it has changed from form to content and especially content as an expression of biography. This shift can be observed in relation to Gauguin, where the question of his style is overshadowed by his biography, seen as a reflection of his sexist and colonialist mindset (Nayeri 2019). It can be suggested that Polanski himself assimilated this mindset

and since *The Pianist* made films which could be used in his defence as a prosecuted Jew, with *The Pianist* and *A Officer and a Spy* fitting the bill. A biographical reading, as I argued earlier, is a valid way of interpreting films and other works of art. However, art history limited to sorting artworks according to those made by morally good and bad artists and searching in them for signs of morally problematic behaviour, is a very impoverished art history.

## Conclusions

In this article I tried to account for different assessments of Polanski's sexual encounter with Samantha Geimer in different periods, in the light of different moral systems. I have also looked at the implications of adopting an absolutist moral perspective on the assessment of his films and those of other filmmakers accused of similar crimes. They include a high level of censorship and rendering aesthetic debates practically redundant. This does not mean that the believers in #MeToo justice are wrong, as it is not possible to prove that any values or value systems are true or false, but the price of the moral purification they advocate is aesthetic hell, which would devour not only Polanski, but a large part of cinema masterpieces, their authors and critics.

## Notes

1. I use the term 'consumer of art' for the lack of a better term, as 'reader', favoured by Roland Barthes, does not account for those who listen to music, watch films or admire architecture. However, I am aware that 'consumer' connotes passivity, which is at odds with claims made by Barthes, granting consumers of art agency in creating meanings.
2. For example, Klaus Kinski writes that in the film business the road to success is paved with having to give sexual favours and giving empty promises. To progress, one has to sleep with useful people (quoted in Szarlat 2019, 208).
3. When I talked to Makavejev several years before his death, he was still proud of his exploration of children's sexuality in his films.
4. Ironically, Sciamma could be accused of some of the sins of which Polanski was accused, namely using her position for sexual gratification, given that Haenel was her lover at the time of shooting *Portrait of a Lady on Fire*. Although their relationship was consensual, it can be argued that this consent was an effect of power, given that Sciamma is 11 years Haenel's senior and being a director put her in a position of authority.
5. Geimer herself was very critical about Freeman's article, saying in an interview that 'She cherry-picked facts to suit her own opinions and her depiction of my rape is a pornographic mischaracterization' (quoted in Palmer 2018).
6. On the other hand, *The Birth of a Nation* (1915) by D.W. Griffith appears to suffer more opprobrium than *Triumph of the Will*, despite sharing a similar ideology.

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No potential conflict of interest was reported by the author.

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