[FR] Production of the opera ‘Les Dialogues des Carmélites’ banned on television

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On 13 October 2015 the Paris Court of Appeal delivered a judgment which will prevent opera lovers seeing a screen version of ‘Les Dialogues des Carmélites’ produced by Russian artiste Dimitri Tcherniakov, as staged in 2010 and 2011 at the Munich opera house and recorded on DVD and Blu-ray. The judgment raises the question of the limits to freedom of adaptation and creation. The beneficiaries of the rights of Francis Poulenc, who composed the music, and Georges Bernanos, who wrote the libretto, felt that this production completely transformed and distorted the end of the work, and therefore applied to the courts for a ban on it being performed and on the videogram of it being shown. When the Paris court refused their application, they lodged an appeal.

As France Musique recalls, “The action [of the work] takes place during the French Revolution, centring on the character of Blanche de la Force, a young women who decides to enter a convent. During the period of the Reign of Terror, the nuns refuse to renounce their faith and are condemned to death by a revolutionary tribunal. The work culminates in the finale […]: singing the Salve Regina, the nuns go to the scaffold one by one and are guillotined. Blanche, who questions her own faith, finally joins them and is in turn executed”. In support of their applications, the rightsholders claimed that the raison d’être and significance of ‘Les Dialogues des Carmélites’ lies in this finale. In the disputed production, however, in which the action is transposed into the contemporary world and almost all the religious references have been deleted, the scenery comprises a wooden hut surrounded by the crowd, held back by security tape. Blanche arrives to the sound of recorded religious chants and frees the nuns from the hut, bringing them out one by one, choking as if on the point of suffocating; once they are all out, she shuts herself in the hut on her own, and a few moments later the hut explodes. The Court of Appeal recalled the principle according to which “while it may be agreed that directors have a certain degree of liberty in carrying out their work, that liberty is limited by the moral right of authors to respect for their works, in terms of both integrity and spirit, which should not be distorted”. In the light of the various literary documents produced, the Court found that the end of the story as produced and as described by the director, Tcherniakov, adhered to the themes (hope, martyrdom, grace, etc) which were dear to the authors of the original work. Nevertheless, and contrary to the findings of the original court, the Court of Appeal found that despite its brevity and regardless of any appreciation of its

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merit, the staging of the final act modified the work of both Bernanos and Poulenc at a crucial point in the opera, changing the meaning and consequently distorting the spirit of the work.

The original judgment was therefore overturned, and the Court of Appeal upheld the application brought by the applicant parties regarding a ban on marketing the disputed DVD and broadcasting it on television, in all countries. On the other hand, their application for a ban on performing the opera was declared inadmissible because this came up against the principle of res judicata, as the Regional Court in Paris declared itself incompetent in 2012 to deliberate on applications regarding such performances of the opera outside France.

Cour d'appel de Paris (pôle 5 ; ch. 1), 13 octobre 2015 - G. Bernanos et a. c/ D. Tcherniakov, Bel Air Media, Mezzo et a.

Paris Court of Appeal (Centre 5, Chamber 1), 13 October 2015 - G. Bernanos and others vs. D. Tcherniakov, Bel Air Media, Mezzo and others

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