The limits of Appropriation. Subjectivist Accounts of the Fiction/Nonfiction Film Distinction

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In film studies in the recent past, Lacanian/Althusserian film theory assumed that films carried significant psychological power over the spectator: power to bind the viewer into the film's discourse through suturing, to determine the viewer's unconscious psychic processes, and to control her or his subjectivity for the purpose of fostering the bourgeois and patriarchal subject. With the declining influence of subject positioning theories, the energies of the field have swung toward the study of the reception of film texts and also to a presumption on the part of many scholars that psychic power rests in the viewer rather than in the film.

This move toward subjectivist theories is common to many film studies methodologies. Within cognitive film theory, for example, we have heard that rather than position anybody, films instead cue a series of mental activities. Using these cues, the spectator is said to construct the film. Cultural and historical reception studies also downplay the text's power over the spectator. Those interested in film reception in relation to ethnic or international audiences, gays, and women have concentrated on the uses to which subcultures put a film, arguing that in the process of reception oppressive, patriarchal, or nationalist discourse can be appropriated and coopted for alternative purposes. Where Lacanian/Althusserian theories had granted little agency to the viewing subject, the tendency today is to presume that the viewer has power and freedom in relation to the text. For some theorists, the viewer actually defines and constructs the text within the process of viewing.

In the theory of nonfiction film, such emphasis on the power of viewers to define or construct films has also gained sway. For many, the distinction between fiction and nonfiction films rests not in differences between kinds of texts, but in differences in kinds of reception and comprehension. It is almost as though the individual perceiver determines the ontological status of a fiction or nonfiction film in the process of viewing. Thus while some documentary scholars hold fast to paradigms which grant the film power over the individual, others have turned to subjectivist theories which hold that the film is positioned, constructed, and/or freely used by the spectator for her or his own purposes.

The study of film reception and audience response are clearly important for many reasons. There is much to learn about how audiences interact with and respond to films. I do not question the value of reception studies, or the legitimacy of alternative uses viewers may have for films. Neither will I argue for a return to the determinism of subject position theory. In this paper, I do wish to suggest that the subjectivist turn in documentary film theory has gone too far in granting an idealistic freedom to the viewer and in claiming that reception alone can account for the distinction between fiction and nonfiction. Subjectivist theories of the nonfiction film, I will argue, do not stand up to scrutiny.

I'm going to begin by offering a story, a fictional story with a moral or a point, as in one of Aesop's Fables. One might also think of it as a thought experiment of the kind that philosophers use to help us see the implications of our ideas.

"Michael takes subjectivism seriously"

On a bright and colorful Fall morning, an intelligent but rather naïve university student named Michael walked to the library with the intention of researching a paper on the history of space travel. The professor of Michael's history class, Professor Martin, was somewhat forward-thinking for an historian, and had told her students that they could use audio-visual materials and web sites, as well as the print media, to find information for their research papers. Like many university students, Michael believed that he had already done enough reading for the academic term, so as he entered the library, he immediately headed for the media center, where he was determined to do as much research as possible by viewing films and videos.

Before continuing with the saga of Michael's research, I should tell you that in addition to his history course, Michael was also enrolled in a course in film theory. The previous week the professor of his film theory class, Professor Lewis, had coincidentally been discussing the nature of documentary film and the fiction/nonfiction distinction. Michael had learned that both defining the documentary and distinguishing fiction films from nonfiction films posed difficult conceptual problems. Many of the traditional means of distinguishing fiction from nonfiction had been rejected. For example, we should not suppose that in the act of representation, nonfiction films imitate or copy while fictions fabricate or create. Both fiction and nonfiction films are creative in their manipulation of their materials, and furthermore, both imitate or copy some aspects of what we take to be reality, even if it is only the surface appearance of the world.

The key to the fiction/nonfiction film distinction, Michael had learned, lay not in the inherent textual features of films, but in reception. The distinction fundamentally depends on how the viewer understands and uses the text in question. One theorist Michael had read claimed that the realist documentary suffers from a "crisis of legitimacy" because it falsely claims to "capture" the real. The only way to justify the documentary was to admit that the difference between fiction and nonfiction film was in "the mind of the audience" (Winston, 1995: 253). Emphasizing reception, this theorist went on, would allow the viewer to make the truth claim for the film, rather than assume that the film makes truth claims for itself. "That's interesting," Michael thought. "Presumably, then, the nature of the film itself is irrelevant. I can make truth claims for it, and I need not worry about what it is said to represent or communicate. The film is merely a cipher into which I pour my interests and purposes."

Another documentary theorist wrote that we can comprehend fiction films nonfictionally, and that what distinguishes a nonfiction from a fiction is not the rhetoric of the film or the truth claims it is presumed to make, but the conventions by which we assign reference and causality to what we see on the screen (Braningan, 1992: 204). Michael wondered, "Does this imply that I can see any film as a nonfiction film, since I can comprehend any film nonfictionally? Or, is comprehending a film nonfictionally different than seeing a film as a nonfiction film?"

Yet a third theorist took a more extreme view, claiming that the proper question to ask is not "*What* is a documentary?", but "*When* is a documentary?" For this theorist, apparently, a film is fiction or nonfiction depending on who is viewing it and how they are viewing it (Eitzen, 1995). "Presumably, then," Michael had thought, "If, while viewing a film, I alternate between seeing it as fiction and nonfiction, then the film itself alternates between being a fiction or nonfiction film, rather like a light switch that can be turned on and off. Now it is fiction; now it is nonfiction. And not only that," he continued thinking, "if two people view a certain film simultaneously, one viewing it fictionally and the other nonfictionally, then the film is both a fiction film and a nonfiction film at the same time."

Initially this possibility bothered Michael. Was it possible that an object could simultaneously possess two contradictory properties, such as being both fictional and nonfictional? After some consideration, however, Michael concluded that it could very well be that a film could be fiction and nonfiction simultaneously. After all, he thought, we live in a world of multiple realities. For me it could be one thing and for someone else another thing altogether. As the song goes, "You say tomato, and I say tomato; You say potato, and I say potato."

Michael was a thoughtful young man. He even considered himself to be somewhat of an intellectual. And so, as he approached the media center of the library, he mulled over these ideas. If the distinction between fiction and nonfiction is merely in the mind of the beholder, he thought, this opens up a world of new possibilities. It would mean that I am free to use a film for whatever purposes I like; that I can see any film fictionally or nonfictionally; that I am not beholden to the artificial categories that seem designed to limit my personal freedom and circumscribe my viewing experience. At this point, Michael had become a kind of "perverse" spectator.

Upon entering the media center, Michael immediately saw that the so-called fiction videos had been placed on the left side of the room, and the nonfiction videos on the right. This was obviously a reflection of the discredited and somewhat naive idea that the fiction/nonfiction distinction inhered in the films themselves rather than in how they are viewed. So Michael determined that he would ignore this philistine bifurcation between fiction and nonfiction, and he proceeded to view and take notes on all of the videos about space travel he could find. Among the films he viewed were not only the so-called nonfiction films about NASA and the Russian space program, but also *Star Wars*, *E.T.*, *2001: A Space Odyssey*, and Tarkovski's *Solaris*. Michael decided that since the fiction/nonfiction distinction was purely in the mind of the audience, and that since he was the audience (and furthermore it suited his purposes), he would comprehend these films nonfictionally, and regard them all as nonfiction films. And that he did.

The research paper that Michael turned in to Professor Martin, his history professor, described not only the American and Russian space programs, but also discoursed on Darth Vader and his relationship with Luke Skywalker, discussed

space voyages to the planets Jupiter and Solaris, and went on about a diminutive extraterrestrial which got left behind on Earth, and which needed to find its way home. When the paper was returned to Michael a week later, Michael eagerly paged to Professor Martin's comments. There, to his horror, he read: "I assume that this paper is a practical joke. I did find it to be rather amusing and thus I will not fail you. You have one week to rewrite and resubmit. Needless to say, your revised paper should not use science fiction films as sources for historical information – unless, of course, you are writing about the history of science fiction films."

Comprehending fiction films nonfictionally?

The saga of Michael's research paper is not yet finished, but here I pause to make a few points that this story illustrates. The first point is this. It may seem that the story of Michael is outrageous or just silly. It is obvious, you might think, that the naïve Michael has exaggerated and misinterpreted the idea that the fiction/nonfiction distinction is in the mind of the viewer. My argument, however, is that Michael's behavior follows directly from subjectivist theories of documentary. This is how we should expect a viewer to behave were she or he to comprehend a fiction film nonfictionally, or if it were in fact the viewer's reception which determined whether a film were fiction or nonfiction.

What would it mean to comprehend a fiction film nonfictionally? The film theorist Edward Branigan, in *Narrative Comprehension and Film* (1992), has offered a sophisticated theory of the narrative comprehension of both fiction and nonfiction films. There are many aspects of Branigan's theory that I find fascinating and suggestive, and other points with which I disagree. Branigan argues that all films have a "nonfictional dimension", described as the "historical situation that presupposes a social consensus about artifacts and biographical authors". If I understand Branigan correctly, the nonfictional dimension of a text is the material and historical context out of which it emerges -- the fact that it is "made with materials and labor, marketed, and [has] measurable social and psychological effects" (Branigan, 1992: 88).

Branigan writes that a viewer "may interpret a text fictionally or nonfictionally, or in both ways". The difference between interpreting a film fictionally or nonfictionally lies in "the *method* or *procedure* for making decisions about assigning reference", which will be different in each case Branigan, 1992: 193). If the viewer understands a film as a document of its own production history, then the viewer is comprehending the film nonfictionally, for example, when I look at particular shots of *The Wizard of Oz* as documents in my research on Judy Garland as an actress. Branigan thus implies that the fiction/nonfiction distinction lies in kinds of reception rather than in kinds of texts, since the viewer can interpret any film fictionally or nonfictionally or both ways.

In my own book, *Rhetoric and Representation in Nonfiction Film* (1997), I accepted Branigan's idea that we can legitimately comprehend fiction films nonfictionally. I no longer believe that we can. The problem stems from conflating the word 'document' with the word 'documentary', or confusing a document with a nonfiction film. Of course, every film is a document, in the sense that it can provide evidence about its profilmic events or about its own production processes.

I would argue that comprehending a film nonfictionally, however, should involve taking the film as a nonfiction film, not simply as a document. A nonfiction film

may make use of photographic documents, but as a structured rhetorical discourse, it is far more complex than a document. It not only uses photographs and sounds as iconic and indexical signs, but also weaves images, sounds, and linguistic assertions into a stylistic fabric through which it makes arguments, implications, and truth claims on many levels. In this matter I agree with John Corner, who writes that "the truth claims of documentary exposition reach well beyond this level of specific, rendered appearances to encompass abstract propositional/argumentational matters." (Corner, 1996: 18).

When Brian Winston writes that digital image processing "will have a profound and perhaps fatal impact on the documentary film", (Winston, 1995: 6) it seems that he supposes that nonfiction films are merely, or at least, most basically, documents. Winston assumes that we lend belief to a documentary's claims solely on the basis of the indexical evidence of the cinematography. Digital imaging, Winston thinks, threatens to destroy that indexical bond, and thus threatens the entire documentary project. On the contrary, I believe, what the advent of digital imaging will make abundantly clear is that our belief in a documentary depends not solely on our taking photographic images as evidence, but more fundamentally on our estimation of the reliability of the documentary filmmaker(s), the congruence of the claims the film makes with what we already presume to know, and the overall sense of reliability the text creates.

Our estimation of a film's veracity depends on complex factors, including our seeing it as a designed communicative discourse, not a mere indexical sign like a fossil or a fingerprint. Thus to see a film nonfictionally is not to see it as a document of its own making. That would be to ignore what the film is actually about and its intended function. To see a film nonfictionally is to recognize that it was intended to be a nonfiction film: that it gives an account of, records certain aspects of, and makes assertions and implications about its subject. To use a fiction film such as *The Wizard of Oz* as a document in research about acting or set design is legitimate of course. To take it as a nonfiction film, however, or to comprehend it nonfictionally is to misunderstand the text entirely. For that would be to perceive that the film presents Dorothy, the Tin Man, the Scarecrow, and the Cowardly Lion as characters in the actual world, rather than as fictional characters.

The documentary filmmaker and theorist Dirk Eitzen goes further than Branigan in his subjectivist approach to nonfiction film. Eitzen argues that to posit the fiction/nonfiction distinction as textual and contextual, rather than as a matter of reception, ignores the extent to which viewers can frame a discourse in variable ways. Eitzen writes that one can see Spike Lee's film *School Days* as a documentary "if one asks the kinds of questions that invite such a stance", and conversely, the viewer can view Ken Burns' historical film, *The Civil War*, as entirely "make-believe" if she or he wishes (Eitzen, 1995: 96). Eitzen proposes that the proper question to ask is not "*What* is a documentary?", but "*When* is a documentary?" A nonfiction film, Eitzen claims, is in the last analysis "not a kind of text but . . . a kind of 'reading'." And the nonfiction film is distinguished from the fiction film by a question, Eitzen writes, to which it is "susceptible," namely, "Might it be lying?" (Eitzen, 1995: 92).

Eitzen writes that we are free to see Spike Lee's *School Daze* as a documentary, and to see the documentary *The Civil War* as entirely make-believe if we so wish. But do we really have such freedom? Let me make an analogy with common household tools to argue my point. A culture often defines human artifacts

according to their design and function. A screwdriver is designed to put in screws, while a hammer is designed to pound in and remove nails. If I so desire, I am free to *use* a screw driver as a hammer. I am not free, however, to *redefine* screwdrivers and hammers, because definitions are social rather than individual. Moreover, screwdrivers and hammers, like fiction and nonfiction films, are designed to function for certain purposes. If I attempt to use a hammer to put in a screw, I face the problem that the hammer was not designed for such a purpose. Similarly, when Michael uses a fiction film for research on the history of space travel, he discovers that it was not useful for such a purpose, in part because it was not designed to give information about actual space travel.

To evaluate Eitzen's claim that we are "free" "to see" a nonfiction film as fiction or vice versa, we must first determine what is meant by the words "free" and "to see". I am free to see *Star Wars* as nonfiction in the sense that I can pretend that it is nonfiction. To actually see it as nonfiction, however, would be to misunderstand the intended function and social purpose of *Star Wars*, to misunderstand the place the film holds in our culture. It would constitute an error similar to mistaking a screwdriver for a hammer, or mistaking a last will and testament for a marriage license.

Some scholars are turning to reception to distinguish fiction from nonfiction film because defining genres and types of texts has proven to be difficult. Branigan rightly points out that both fiction and nonfiction films employ narrative structure and rhetoric, and both make truth claims of a sort. Eitzen notes that the boundaries between fiction and nonfiction texts are often fuzzy at best, and for that reason it is impossible to distinguish between fiction and nonfiction on the basis of authorial intentions or textual features. Eitzen proposes that basing the distinction on kinds of reception solves these kinds of problems. Nonfiction and fiction films just are whatever people take them to be.

The trouble with using kinds of reception to separate fiction from nonfiction is that kinds of reception are just as difficult to define as kinds of films. Of course some films occupy that fuzzy space between fiction and nonfiction, and are hybrids. But the same is true for kinds of reception. When I view Oliver Stone's *JFK*, for example, or Chris Marker's *Sans Soleil*, I do not see them either fictionally or nonfictionally, but as hybrids. So if the fact that there are fuzzy boundaries between fiction and nonfiction films makes the fiction/nonfiction film distinction illegitimate, then the fuzzy boundaries between kinds of reception makes *those* distinctions illegitimate as well.

Of course, the easy solution to this problem is that fuzzy boundaries between categories or distinctions do not make the categories or distinctions illicit. Prototype theory has clearly shown that certain categories have prototypes or exemplars with spreading waves of less central examples (Lakoff, 1987). The nonfiction film, I would argue, is one such category.

A distinction in three parts

My argument is this: that the distinction between fiction and nonfiction films is not merely a matter of individual viewer reception, but depends on the intended function of the film within the cultural context in which the film is produced and viewed. Ultimately, when we describe the distinction between nonfiction and fiction film, we cannot limit our description to the intrinsic characteristics of the text, or to the reception processes of the spectator, or to cultural context. We must incorporate the role of all three into our description.

An instrumentalist account of nonfiction film, the approach that I take to be most useful, considers films as human artifacts designed to perform certain functions, and used by spectators for various purposes (see Plantinga, 1997, for a more detailed presentation). As I have argued elsewhere, film viewers usually view a film while knowing whether the film is either fiction or nonfiction. Noël Carroll has called this phenomenon *indexing*. It is true that some films are hybrids, and for those films we will not be clear about their status as fiction or nonfiction. For the moment I am speaking only of prototypical or clear examples of fiction or nonfiction film.

When we view a film, we have often read or seen reviews, advertisements, or have heard through word of mouth how it is indexed. If we are viewing a television program, it will often be a part of a weekly series that indexes the program for us as either fiction or nonfiction. In the absence of any of these cues, the film or program itself typically provides textual cues such as a voice-over narrator, titles, the presence of stars, or stylistic markers that identify the film as fiction or nonfiction. Typically, we do not frame the film as fiction or nonfiction; the film is framed for us.

When the spectator notes that a film is a nonfiction film, the spectator implicitly understands that the film is designed to embody a different stance toward the states of affairs it presents than does the fiction film. Both fiction and nonfiction films present states of affairs through their photographic images, sounds, and words. The nonfiction film, however, asserts that the state of affairs it presents occurs in the actual world, while the fiction film presents its state of affairs as imagined rather than actual.

Let me say this in other words. The makers of a nonfiction film design the film such that it asserts that the states of affairs it represents, through visual or aural means, actually occur or occurred. This stance that the filmmakers take toward their film I call the *assertive* stance. Fiction filmmakers, on the other hand, take a *fictive* stance toward what they present, inviting the viewer to ponder the states of affairs, enjoy their presentation, consider their significance, and perhaps be persuaded to accept a moral or political message. The fictive stance does not, however, invite the viewer to take what is presented as having occurred in the actual world.

When the viewer understands how a film is indexed, the viewer will typically employ processes of reception and comprehension appropriate to that indexing. Thus when I view Dreyer's *Vampyr*, I do not presume that the film implies the existence of an actual David Grey. Similarly, when I view a nonfiction film about Tivoli, I *do* assume that Tivoli is an actual place and that the film makes claims about it. Even when one views a nonfiction film with which one disagrees, one should not typically question the status of the film as nonfiction. That is, one should not presume that the film does not make assertions. Rather, one should question the veracity of the assertions it does make. If you say it is nonfiction with which you disagree, that is one thing, but if you say it isn't nonfiction at all, that shows a misunderstanding of the functions and purposes of the film.

Given this way of thinking about the fiction/nonfiction distinction, why can we not base the distinction solely on reception processes? For this reason: the distinction between fiction and nonfiction does not reside in the mind of the audience, but in the objective social practices and viewing schemas of a culture. Filmmakers

understand these schemas, and design texts with the knowledge that audiences understand these schemas as well. This common understanding, played out in the rhetorical and structural design of the film, allows films to communicate and to have all kinds of other effects as by-products of that communication. Various shared schemas for representation and communication are the lines that connect texts with audiences, that allow filmmakers to communicate through their films.

The distinction between fiction and nonfiction, then, resides in part in the realm of cultural convention and social practice. The distinction also resides in the fiction and nonfiction films themselves, because the films usually have conventional features that identify them as fiction and nonfiction, that are designed to carry out their purposes, and that cue the spectator to take them as either fiction or nonfiction. Finally, the distinction between fiction and nonfiction film lies in the mind of the audience, because these two fundamental types of discourse call for different viewing strategies.

To see a film nonfictionally, then, is not to see it as a document, but is rather to see it as a communicative artifact which embodies a social contract by which the audience is cued to take its representations as occurring or having occurred in the historical world. The distinction between fiction and nonfiction resides not merely in the mind of the audience or in films, but in the realm of implicit social contracts and conventions.

"Michael questions subjectivism", continued

To continue with the saga of Michael's research paper, Michael was quite upset about the reaction of his history professor, Professor Martin, to his paper. To Michael it seemed that he had been given bad advice by his film theory professor. If the distinction between fiction and nonfiction films resided solely in the mind of the audience, then one would expect audience members to realize this, especially audience members as highly-educated as Professor Martin, his history teacher. So Michael decided to show his history paper to Professor Lewis, his film theory professor, to get his reaction. Professor Lewis agreed to read the paper and to meet with Michael.

At that meeting, Michael was surprised at Professor Lewis's condescending tone. "What you did, Michael, using fiction films as though they were nonfiction films and suitable for research purposes, shows that you completely misunderstood what I said. When I said that the fiction/nonfiction distinction lies in the mind of the audience, as a kind of audience response, I did not mean that you can simply treat films we call 'fiction' as 'nonfiction' and vice versa. These categorical distinctions may not make rational or logical sense. Nonetheless, we must *act* as though the distinction exists objectively, or we will be wholly out of synchronization with those around us. "In other words," the professor went on, "it's all a matter of cultural politics".

Michael thanked Professor Lewis for the explanation and excused himself. He walked toward the library to rewrite his history paper. Now Michael was thoroughly confused. "At the very least," Michael thought, "Professor Lewis ought to be clearer about what it means for a distinction to be solely in the mind of an audience. What good is it to say that a distinction is merely subjective when we must always act as though it were objective?" Michael resolved never again to see a fiction film nonfictionally, whatever his professors might say.

The moral of the story

Like Aesop, I want to conclude with a moral to the fable I've just told. Cultural distinctions such as the distinction between fiction and nonfiction lie in the conventional practices of a culture, in the systems of organization designed to foster such practices, and in the artifacts designed as tools to be used for those practices. Nonfiction films are artifacts designed for specific purposes. They are placed within systems of distribution and exhibition which regard them as a particular kind of film – a nonfiction film. And they function in a culture which regards nonfictions as sources of information about and investigations of aspects of the actual world.

The distinction between fiction and nonfiction films is not merely in the mind of the audience, then, but also in the design of the films and, most importantly, in the social conventions that govern how fictions and nonfictions are used. That's why I cannot see a nonfiction film fictionally or a fiction film nonfictionally with any more legitimacy than I can see a restaurant menu as a grocery list or a bill of sale as a wedding invitation. Or to put this in a different way, I am free to see these objects of discourse any way I wish, unless or until I enter into the realm of social practice and action. In the broader social realm, I must recognize them for what they are.

Like grocery lists, restaurant menus, bills of sale, and wedding invitations, fiction and nonfiction films are kinds of discursive artifacts with distinct, if sometimes overlapping, social uses and functions. Subjectivist conceptions of the fiction/nonfiction distinction will not work because films are cultural artifacts with intended functions. The filmmaker and her or his culture – not the individual viewer – decide whether a film is fiction or nonfiction.

Of course, I may have good reasons for using a film in unconventional ways. Various cooptations, interpretations against the grain, fan culture celebrations, and resistant appropriations have political power and legitimacy. As this essay has shown, however, my freedom to appropriate texts for my own purposes is limited. We will have a better understanding of such cultural appropriation when we recognize and attempt to understand these limitations.

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