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The Focus Staff: Mai C. Vang, Patrick Scoggins, Micha Gross, Laura McHugh, Patsy Chenpanas, Maitreya Rosiles, Ronnie Choi. (Not pictured: Calida Arunson, Tony Hernandez, Whitney Stutz, Inteema Rahman Teeza, and Virginia Yapp.)

the focus staff

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Patsy Chenpanas

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Mai C. Vang

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Ronnie Choi, Micha Gross, Calida Arunson
Inteema Rahman Teeza, Virginia Yapp

Cover Design
Mai C. Vang, Maitreya Rosiles
Inteema Rahman Teeza, Ronnie Choi

Layout Design
Mai C. Vang, Patsy Chenpanas

Faculty Advisor
Peter Bloom

about us

Patsy Chenpanas: Editor-in-Chief



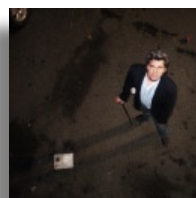
Patsy Chenpanas is a graduating Film and Media Studies and Psychology double major who loves publishing academic journals in her spare time. Seriously though, Patsy has set the ambitious goals of going to medical school, becoming a neurologist, and editing films as a hobby on her dream computer (a Mac) using her dream digital editing program (Final Cut Pro). In the little spare time she has, Patsy's favorite things to do are eat and cook good food, watch *House* and *Scrubs*, listen to music, and sing. Her favorite film is *Moulin Rouge*, which also makes her favorite director Baz Luhrmann. She believes, above all else, that happiness is a warm bed that can be slept in without an alarm going off for an early morning class.

Laura McHugh: Chief Copy Editor



Laura McHugh is a graduating Film and Media Studies student at UCSB. She does not have concrete plans for her future, but she definitely wants to maintain ties with film/media and journalism as she moves to San Francisco for the next chapter of her life. Her favorite film of 2007 was *There Will Be Blood* which should have won Best Picture for many reasons. She loves Sudoku puzzles and crosswords—in fact, they're the only reason she would ever pick up a Daily Nexus! She also loves sushi and hummus. That is all.

Patrick Scoggins: Chief Copy Editor



Patrick Scoggins plans to graduate in June with a B.A. in Film and Media Studies and a minor in Comparative Literature, barring any unforeseen (i.e., apocalyptic) circumstances. When he's not editing the brain children of fellow scholars, Patrick flaunts his status as a TV-phile, enjoys the company of others (especially in combination with a dance floor and some form of infectious musical accompaniment), and hopes to be a staff writer for Joss Whedon's next sure-fire hit series, *Dollhouse*, in a year's time. In conclusion, Tapatio hot sauce belongs in Carrillo, and not just DLG. Get it done...please.

Mai C. Vang: Graphics/Layout Designer



Mai C. Vang wanted to take a graphics design class at her part-time technology school during her junior year in high school. However, due to the lack of space (literally), she was unfairly shoved over to the filmmaking class instead. Out of rejection, she became determined to surpass all those who had managed to luckily and randomly land a spot in the graphics design class, and thus, with an unbreakable will, she taught herself the essentials of art, design, composition, and photography. She also willingly became a film major when she got to college.

Maitreya Deva Rosiles: Treasurer

Maitreya is a graduating senior who is double majoring in Black Studies and Film and Media Studies. She is an avowed vegetarian and recently fell in love with Obama after hearing his "A More Perfect Union" speech about race in America. Some of her favorite directors include Spike Lee and Jean-Luc Godard. After she graduates, Maitreya plans on taking a year off before attending law school--well, that or becoming a vagabond.



Ronnie Choi: Copy Editor

Ronnie Choi is the official secretary of Focus Media Journal, and he makes use of himself by positively volunteering for the tasks others do not do. He is a graduating senior who majored in Film & Media Studies and English and is attending graduate school at University of San Francisco this fall. He unapologetically, passionately, and stubbornly loves Heidi Montag from MTV's *The Hills*. In his spare time, he makes all the excuses for her in the world and tries to convince others to like and be like her. His opinion on Lauren Conrad wavers. He has nothing but love for the entire Film & Media Studies department at UCSB.



Micha Gross: Copy Editor

Micha Gross is a recent Film and Media Studies graduate from UCSB. She plans on going to grad school in the near future so that she can study, and ultimately teach, film. She is currently reading and assisting in several UCSB film courses and would like to thank each professor for their guidance, knowledge, and support (especially Charles Wolfe, Constance Penley, Melinda Szaloky, Edward Branigan, and Cedric Robinson), in addition to her students who have taught her so much. She loves learning new things and meeting new characters everyday as they are a daily source of motivation. Although she loves writing, she despises referring to herself in third person in bios. She is very happy to work with the FOCUS staff as they all have been so helpful and fun. Micha wishes to extend a very special thank you to two people who encouraged her to take a risk and publish her work.



Calida Arunson: Copy Editor

Calida Arunson is a senior at UCSB, majoring in East Asian Studies. She has had an interest in film and media since her junior year in high school, making a total of four short films since junior college. Calida's hometown is Fresno, California, where she is currently the dance director in her church youth group and in her spare time, she loves to spend quality time eating Pho with her closest friends.



Inteema Rahman Teeza: Copy Editor



Inteema Teeza is a graduating biological sciences major who got sucked into the world of FOCUS by her two closest friends/roommates, Patsy Chenpanas and Maitreya Rosiles. She will be attending medical school in the hopes of becoming the next “future pediatrician of America.” She likes sleeping, food, music, movies, the medical field, driving, parties, shopping, working out, and BOLLYWOOD. If all else fails in life, she will move back to India and start working in the Bollywood industry, ideally as an “A-list” actress.

Virginia Yapp: Copy Editor



Virginia is a third year Film and Media Studies major who also works for the *Daily Nexus*.

Tony Hernandez Silva: Fundraising/Image Scout



Tony Hernandez is a fourth year transfer student from Ventura/Oxnard community college. As the eldest of three and the only son in the family, he is committed to achieving his goals and reaching a higher level of excellence for his loving family and his closest friends. Always enthusiastic, high-spirited, and an all-around great guy, Tony is looking forward to working in the exciting world of the entertainment industry. Tony has a great idea for your next blockbuster – a guaranteed hit - so do not hesitate to call him; have your people call his people.

Whitney Stutz: Fundraising



Whitney Stutz is a third year with a double major in Film and Media Studies and Dramatic Art, who joined the Focus staff this year. She hopes to pursue a career in the entertainment industry after college in terms of directing and producing films.

from the editor

I would like to start my letter by expressing my gratitude to everyone who has contributed to the success of this year's journal. We are filled with the proudest sense of accomplishment as we unveil this year's edition.

To Joe Palladino, an essential part of keeping our beloved department up and running— I'm sure many editors in the past have said this, but without you this journal would not have been possible! I want to extend my sincerest thanks for all of your hard work in helping us. We hope that we have made you truly proud.

To Professor Peter Bloom, whose support and advice has made this journal a true asset to the undergraduate film program — thank you for your kind praise and your honest critiques, as well as your gentle encouragement in supporting my decisions and risks. Your guidance will continue to nurture the growth of FOCUS Media Journal for years to come.

My vision for this year's journal was to extend the accessibility of FOCUS to students both within and outside of the Film and Media Studies Department. I wanted FOCUS to be reflective of the diverse nature of media today. And just as media effects society, I wanted FOCUS to be a free space for undergraduates to express their views about the various forms of media that shape us as a society.

The theme of this year's journal is collage —a work of art that incorporates different elements into one vibrant product. All the parts complement and interact with each other to create a new vision— a tertium quid. Likewise, this is what our submissions do for each other and for the journal as a whole. These submissions represent the varied and dynamic nature of film and media history. Our articles address the silent era of early cinema up to emerging new media and technology.

A new addition to FOCUS this year is our feature articles, which allow our writers to conduct historical and analytical research on film and media yet advance their own ideas and opinions. The features are much more subjective, opinionated, and even personal, and provide a new forum within which our undergraduates can express themselves.

To Eon McKai — thank you for your time, and for letting us pick your brain! We are honored to feature your interview and we thank you for bringing a fresh and less familiar, perspective to the art of filmmaking.

I would like to close this letter by wishing everyone on our staff the best of luck with their future endeavors. I couldn't have asked for a better (or more fun!) staff, and I know you will all be successful with whatever paths you choose to embark on.

So after many late nights spent editing and many deadlines later, the FOCUS Media Journal staff is proud to present the 2007-2008 edition of FOCUS! We hope that you will enjoy reading it as much as we enjoyed making it.

See you in the movies (or in digital media),
Patsy Chenpanas
Editor-in-Chief

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STAKING CLAIM:

"BUFFY THE VAMPIRE SLAYER" FAN-MADE GAMES

by Patrick Scoggins

"Within the cultural economy, fans are peasants, not proprietors, a recognition which must contextualize our celebration of popular resistance."

Henry Jenkins, *Textual Poachers*

In his semi-autobiographical ethnographic exploration, *Textual Poachers*, Henry Jenkins exalts television fan culture for persisting since the days before *Star Trek*, even as disillusioned non-fans and various sites of fanaticism (the actors in a show, its producers, or its producers' employers) have continuously tried to discount, criticize, parody, and—in the most extreme and surprisingly contemporaneous instances—stifle individualized meaning production. Jenkins presents a paradoxical exemplar early on in his discussion which encompasses all of these antagonistic responses (exempting parody) to fan culture, the oft-cited William Shatner *SNL* "Get a Life!" sketch from 1986. In less than two minutes, Shatner, voicing his real-life perspective, lets loose on an unsuspecting throng of "Trekkers," simultaneously emasculating, desexualizing, and altogether trivializing them in the process (Jenkins 1992: 9-10). In a sense then, Jenkins references this skit to emphasize the intentional and unintentional marginalization of fans by entities that rely upon them for longevity on the market. This marginalization, along with an outward show of hostility by corporate entities more recently, has been shown to have affected interactive enterprises pursued by television fans over the internet, especially the proliferation of fan-produced games.

Fan-produced online games for televi-

sion shows are in fact a rare breed, likely a result of the stipulations outlined in the Digital Millennium Copyright Act (DMCA) of 1998. With those limitations in mind, I wish to explore the dialectic between fan- and corporate-produced games (the latter category receiving attention through the analysis of critical discourse) for the cult TV show *Buffy the Vampire Slayer*, taking into account the rather static qualitative properties of the fan-made games that in all actuality signify a rather high level of interactivity, a contentious view to hold I am sure. In discussing the limiting parameters for fan-made *Buffy* games in relation to the three console games released between 2000 and 2003 (giving preference to the '01 and '03 release), a correlation between time and corporations' growing awareness of fans' desires to truly interact and play with aspects of their favorite show can be drawn.

Before beginning the main discussion, it is interesting to note how *Buffy's* narrative content presents itself, perhaps unintentionally, as analogous to the often tenuous relationship between fans and the companies that own their favorite shows. Especially, drawing a correlation between *Buffy* and DMCA is not a stretch since the latter was passed only a year and nine months after the former premiered on the now defunct WB network ("Digital Millennium..."; *IMDb*). Much like *the character of Buffy*, the DMCA is the "chosen" one that protects people (copyright owners) from ultimate evil (copyright infringement) and works to maintain harmony (i.e., by incentivizing creativity through its assured protective measures).

Moreover, the two slayers that come to town due to Buffy's brush with death at the end of the first and second season, Kenya and Faith, can be seen as emblematic of infringers, since the overseers of vampire slayers profess that "Into every generation, a Slayer is born," not three (*Welcome to the Hellmouth* 3/10/97). Thus, it is no wonder that under the DMCA, two widely publicized *Buffy* fan exercises were laid to rest by a spell cast by the Fox News Corporation that consisted of three words: cease and desist.

The two exercises, the online distribution of a "Buffied" font and a stage performance of the musical episode "Once More With Feeling" in San Francisco, serve as excellent examples for why *Buffy* fans have avoided trying to construct their own massively multiplayer online games called *Welcome to the Hellmouth*, instead sticking to the creation of barely derivative games. In terms of the "Buffied" font incident, a dedicated fan named Graham Meade was coerced by Fox to cease his hand-made production and online distribution of a font created with the show's title font in mind. Referring to the stipulations of the DMCA and the Fair Use Doctrine, one can deem this instance as one of corporate trickery as "[there] is no bright line at which the courts decide that the amount of copying will be too great for fair use to apply." However, they would have a case if material resembled more than half the essence of a property, or a small fraction that summed up the central idea or concept of a property (Ogbu 2003: 9). And as a comrade of Meade's so astutely points out, the word "Buffy" consists of four glyphs which he copied by hand, as well as ten additional glyphs he created by hand, so filing a suit against the man would be preposterous. However, as the ally points out further, pressure by Fox caused him to discontinue his website

(Devroye 2008). Still more striking is the incident in San Francisco in 2005 where the culpability of *Buffy* fandom was evident in a live staging of "Once More With Feeling," an episode in which Buffy's best guy pal Xander summons Sweet, a demon that makes everyone around him break into song. For, when the show's creator Joss Whedon gave the go-ahead, Fox stood by its original decision not to allow the show to go up (Robinson). Oddly enough, it would seem Whedon did not know his rights as the show's creator, and not the copyright owner for *Buffy*. Now that it has been established that the 'red tape' is hard to get past in this digital age (with ISPs being under strict watch by studio personnel and the law), an analysis of what little games I could access for free online and the three console releases (with emphasis on a *Gamespy* review for *Buffy the Vampire Slayer: Chaos Bleeds*) can commence.

Two fan-made games which successfully clear the test of legality are the simply-named *Buffy the Vampire Slayer* and *Buffy Pinball*. Of the two, *Buffy Pinball* is emblematic of Jesper Juul's assertion that "[n]arratives may be fundamental to human thought, but this does not mean that everything should be described in narrative terms" (219). In its "freeware" simplicity, the game successfully avoids being too derivative of the show and officially passes the test for public display/download (Ogbu 2003: 7-8). However, through Katie Salen and Eric Zimmerman's points regarding semiotics in "Game Design and Meaningful Play," one can see that the various signs present in the game connote the overall narratology of *Buffy the Vampire Slayer* (see figure on pg. 15). First, there are two copied and non-descript photographs (which stave off any chance of copyright infringement) included in the pinball arena, both which underscore

integral thematic properties of the show. On the top right-hand corner resides a photo of Buffy wielding a bloody knife while in the center there is a photo of the “Scooby Gang” (as they are often referred to) during their pre-college years. The game’s creator, Hubert Achthaler, successfully captures the themes of family, bravery, and sacrifice in these pictures alone. Along with the inclusion of a synthesized version of the show’s theme song (originally orchestrated by Nerf Herder), as well as cross-shaped bumpers and the skull-marked exit points on the sides of the game arena, the overall ethos of the show is achieved—for free *and* by a fan, no less! Taking Salen and Zimmerman’s point that “[m]eaning results when a sign is interpreted,” for instance, the skull-shaped markers get their meaning from their direct relation to the points where the pinball should not land, as well as from the skull’s institutionalized relation to death (63). All these factors should support my assertion, especially considering Achthaler’s positioning as a fan, that fan-produced games are a form of negotiated interactivity, since fans construct them within their legal limits.

The same can be said for the simply titled game *Buffy the Vampire Slayer*, except it covers more narratological ground than *Buffy Pinball* (“The Bronze”). In essence, the game has a three-in-one design that allows one to play a game specific to either Buffy, Spike, or Anya. In their respective games, Buffy and Spike are charged with the task of eradicating JPEG vampires as they pop up “Whack-a-Mole”- style in a crudely drawn graveyard. Anya’s game, especially, calls for a gamer with a sense of humor and a love for one of the running gags of the show. In the game, one must zap bunnies before they reach the JPEG of Anya by clicking on them with a lightning bolt icon. Miss three—and perish. All

three of these games, while straightforward, follow the same formula that made *Space Invaders* so popular. Instead of having a beginning, middle, and end, these games have no end and are finished once a player is unable to keep up with the villainous vampire JPEGs popping up or the cute bunnies horizontally approaching at an increasingly rapid rate. Another integral aspect of *Space Invaders* these games emulate is that they have passable narratives communicated in their “packaging” (i.e. the “back story” screen preceding the start of each game) (Malliet and de Meyer 2005: 28). Anya’s for example reads, “Anya is a 1000 year old ex-demon with rabbit phobia...She accidentally created a lot of bunnies with a magic spell gone bad. Zap the bunnies before they get to Anya” (*Anya Game*). In all honesty, I would at first glance label this as copyright infringement since Anya does have a fear of bunnies on the show. However, “adding creative elements increases the likelihood of a court considering a use transformative,” and therefore legal which is what the game does, without posing a threat financially to the copyrighted material (Ogbu 2003: 8). Only animated bunnies and lightning bolts, and a distorted image of Emma Caulfield’s Anya were used in its overall construction. Now, if a fan had constructed a game like *Buffy the Vampire Slayer: Chaos Bleeds* (Vivendi Games, 2003), he would have found himself or herself on the wrong end of a lawsuit.

Buffy the Vampire Slayer: Chaos Bleeds deserves emphasis due to its corporate, yet fan-conscious design, as can be derived from a thorough and glowing review made on Gamespy in 2003. There is much to be said regarding the improvement in design and the extension of Huizinga’s “magic circle”:

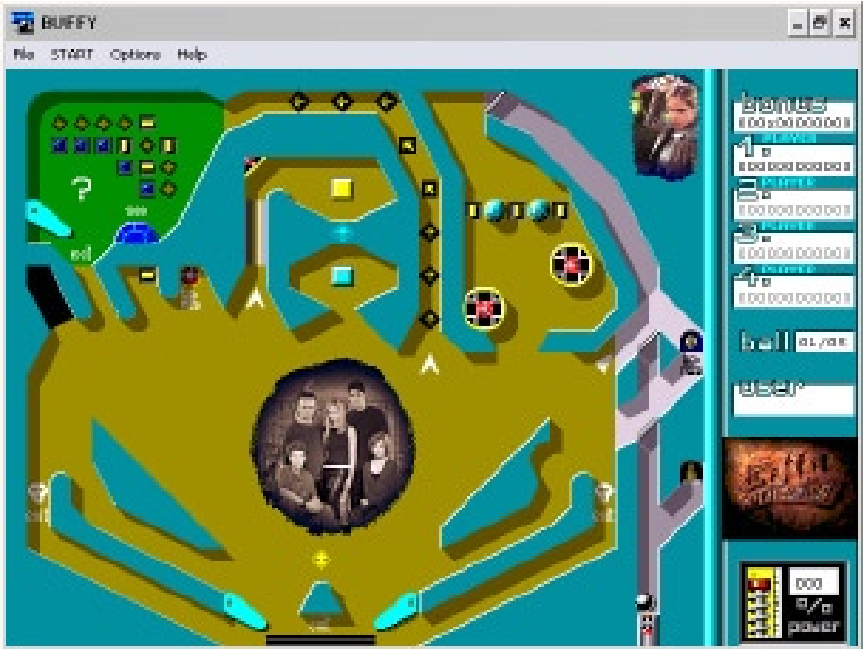
Almost everything about the game has been upgraded [from

the previous two *Buffy* games]. The camera is better and the controls are more logically laid out. Maybe coolest, though, is that you're no longer forced to do all your vamp-hunting as *Buffy*. *Chaos Bleeds* also lets you wield the stake as the slayer's cohorts: Willow, Xander, Spike, Faith, and Sid the Dummy. (Steinberg 11/2/03)

In the previous games, the design for the most part did not affect players' ability to experience meaningful play. However, one reviewer named "Barnabas" lambastes *Buffy the Vampire Slayer* for *Game Boy Color* for its "poor" design (*Emunalysis*). While I agree that the various demons *Buffy* encounters are merely discernable by their color, I feel like "Barnabas" does not take into account the narratological significance of the game's design. Put another way, the game corresponds with Britta Neitzel's point that "the presentational style of...computer games [except text adventures] can be described in comparison to other visual media, especially film" (228). Her statement contextualizes this game and all the *Buffy* games in terms of the TV show's encompassing mythos. As such, a player should be able to extrapolate meaning from the fact that heart icons (i.e. staple representations for the rejuvenation of health) litter the game and make beating the game rather simple. A fan of the show *knows* that *Buffy* has the ability as the Slayer, to heal at an exponential rate, so these icons can easily be read as physical manifestations of the fact. By preserving the reality that *Buffy* heals quickly, the game developers stay true to the original text, possibly too true, since "Barnabas" finds the monotony of the game (i.e., its limited controls and indistinct enemies) further exacerbated by the comic book-like dialogue sequences

interspersed throughout the game—not the mark of a true fan (in my opinion... Whedon-esque witticisms are essential!).

Essentially, "Barnabas'" harsh comments for the *Game Boy Color* incarnation are indirectly addressed in *Blood Chaos*, and more, it seems. In the game, the concept of meaningful play reaches its peak. Aside from extending and not merely rehashing the "dimensional bleed" story line that ended *Buffy's* fifth (and supposedly its last, until UPN placed a bid) season, the writers of the show also saw fit to allow players the option of slaying as characters other than the "Chosen One," taking into account their strengths and weaknesses on the show and transposing them into the game's design (Steinberg 2003). Working with what has been termed the "internal mode" of perspective, the player embarks on a third-person narrative in which he can choose his avatar depending on what he finds most challenging or interesting (Neitzel 2005: 237). If one goes by the formulation that "in order to create instances of meaningful play, experience has to incorporate not just explicit interactivity, but meaningful *choice*," then this game does just that (Salen and Zimmerman 2005: 71). For those out there who want to get their Wicca on in multi-player mode, they can fight opponents as Willow, utilizing various spells while the normal kick-and-punch controls remain intact ("*Buffy Chaos Bleeds...*"). Whereas, those gamers who want a more "average joe" experience, and thusly a more challenging one, they can play as the endearingly human Xander (Steinberg 2003). However, while playing the game in one-player mode, one is sometimes asked to utilize multiple characters (and their character-specific abilities). Having this array of choices and requirements makes for an exceptionally complex if not complete gaming experience. The "magic circle," or



A screen capture of Buffy Pinball, a fan-made game.

the degree of possibilities through game play, is extended to include the camaraderie that is only hinted at through the central JPEG in the fan-made *Buffy Pinball* game, as well as the qualities that make each character unique in the show (Salen and Zimmerman 2005: 75). Of course, a ludologist like Espen Aarseth would take a look at all of these factors and proclaim that of the rules, the semiotic system, and the aspect of gameplay in a game, the semiotic system is of least importance (Kerr 2006: 33) That is his oversight. When contextualizing all *Buffy* electronic games it is key to recognize that without the popularity of the show's narrative (an average of 4 to 6 million viewers watched it on a weekly basis during its original airing, which were big numbers for the WB), the multiple games it spawned may have never been produced. The fans bought the games because the designers had them in

mind as they continued to increase the interactive elements of the games (Steinberg 2003).

The degree to which the writers and copyright holders of the *Buffy the Vampire Slayer* franchise had allowed its ancillary computer/video games to give fans a more interactive experience with the "Buffyverse" cannot be fully measured because the property is still very much in play. While no new gaming ventures are in the works above ground, an eighth season in comic book form and a much anticipated cast reunion at the Paley Festival on March 20, 2008 make a revisiting of *Buffy* in the gaming world a possibility (Roush). In the meantime, any conscious television viewer (especially one who is connected to the internet) should not be able to ignore the push by the major networks currently to make all aspects of their shows interactive, a window of op-

portunity which *Buffy* all but missed due to timing. NBC leads the pack, unsurprisingly, since the network was the first to premiere an interactive online supplement in 1997 for its little-watched show *Homicide* (Caldwell 128). This time around the “fanboy” aesthetic that Henry Jenkins sets out to defend in *Textual Poachers* gains a fan-conscious venue in the interactive online experience for the cult-hit *Heroes*. Unlike *Buffy* fans who saw fit to create games since the market was not reacting more quickly to their demand for them, fans of *Heroes* have been presented with many an option for interacting with their favorite “ordinary people with extraordinary abilities.” Aside from providing trivia and cell phone-based adventure games, the show’s site has been attempting to extend the idea of meaningful play into the more hypothetical territory of meaning production. I am referring to the “Make Your Own Hero” feature included on the

site since the beginning of the show’s second season. In providing viewers with a host of characters with established back stories and asking them to vote for which one will join the regular cast in the third season, the showrunners’- are calling for a level of fan interactivity that can have any number of effects on the franchise as a whole (“Make Your Own...”). This includes further gaming developments, I would argue. Only time will tell, but I predict that any and all interactive games associated with the show will be affected by developments onscreen and online. Such is the current state of things in this synergistic mediascape where impassioned fans are being regarded as integral in determining a show’s longevity, rather than as the lunatics they were seen as preceding the rise of the fanboy and fangirl.

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WE WERE SOLDIERS: RE-ENVISIONING AMERICAN PATRIOTISM

by Charles Mihelich

“Such a tragedy. They will think this was their victory. So this will become an American war. And the end will be the same...except for the numbers who will die before we get there.” The words of North Vietnamese Lieutenant Colonel Nguyen Huu An, spoken after the battle of Ia Drang, represent the sole instance in which Randall Wallace’s 2002 film *We Were Soldiers* presents any acknowledgment of American defeat in Vietnam. Even so, this quote can also be interpreted as representative of a new breed of American patriotism in the wake of September 11th. The attacks on the World Trade Center were indeed a tragedy, and the destruction and lives lost allowed those responsible to believe themselves victorious. Hence, *We Were Soldiers’* timely release date (March 1, 2002) necessitated a non-critical view of American military engagements that still captures the heart-break that follows the loss of human life. The depiction of the battle of Ia Drang in *We Were Soldiers* represents the early stages of the Vietnam conflict: when morale was high, confidence was high, the soldiers were fresh, and American military technology was intimidating and powerful. The soldiers present themselves as a unified front, each manifesting their own individual motivations to contribute to the collective effort based on shared experience. Throughout the film, each soldier’s experience is shaped by sentiments that have become embedded in Americana: the relationship of the family unit to patriotic responsibility; the simplification of war as a means for preserving a way of life; and the role of historiography in the legacy of combat.

We Were Soldiers follows Colonel Hal Moore (Mel Gibson), journalist Joseph Galloway (Barry Pepper), and the men of the 1st Battalion, 7th Cavalry as they fight the battle of Ia Drang, the first major engagement between North Vietnamese and American troops in November of 1965. The story is adapted from the real life memoirs of Moore and Galloway, entitled *We Were Soldiers Once...and Young*, and while the book follows other American military units, the film’s limited perspective allows it to provide a more comprehensive exploration of Moore’s character. Moore promises his men and their families that he will be the first person on the battlefield and the last to leave, and that he will leave no man behind, dead or alive. The film also follows Moore’s wife, Julie (Madeline Stowe), and many other wives of 1st Battalion soldiers as they anxiously await the return of their husbands. Galloway narrates the four-day battle as he fights alongside Moore and his men. Surrounded and heavily outnumbered, the constant support of artillery bombardments, helicopter support provided by Major Snake Crandall (Greg Kinnear), and competent leadership allows Colonel Moore and his troops to overrun the enemy command post and inflict heavy losses on their North Vietnamese opponents. The North Vietnamese forces are presented as capable, intelligent, and brave, and are only defeated because the American forces were superior, both technologically and tactically.

While American triumphalism tends to focus on the efficiency of the American military as a whole, the new patriotism that emerged in the wake of September



Colonel Hal Moore (Mel Gibson) and the men of the 1st Battalion, 7th Cavalry in *We Were Soldiers* (2002).

11th focused more on the family and grassroots Americana, championing the necessity of war to protect this “uniquely American” way of life; it was Communism in Vietnam, and now it is terrorism. *We Were Soldiers* spends nearly 45 minutes establishing the soldiers as everyday Americans, with families, children, and pregnant wives to protect. This is reinforced by the tagline of the film: “We were soldiers...and fathers, brothers, husbands and sons.” These men very clearly have something to lose, and because of this their deaths become more tragic. One notable example is Jack Geoghegan (Chris Klein), who develops a semi-personal relationship with Colonel Hal Moore, the man who will eventually lead Geoghegan into battle. The two develop a bond because they are both parents: Moore the father of six, Geoghegan the father of a newborn. Geoghegan’s youthful-

ness, complimented by his idealistic and loving wife (Keri Russell) and newborn child, makes his death an unfortunate loss. Though the tragedy of Geoghegan’s death and the honor with which he dies are indeed representative of American triumphalism, the film brings that death into the post-September 11th era by allowing his death to go undiscovered for several days, lost in the rubble of bodies, shrapnel and debris, much like those lost in the destruction of the towers. His death is brought full circle after his body is discovered, identifiable by the hospital identification bracelet for his newborn child, and his wife is notified of his death by Julie Moore. The sudden realization by Barbara Geoghegan that she is now a widowed mother embodies what Moore himself refers to as “the story of the suffering of families whose lives were forever shattered by the death of a father, a son, a

husband, a brother in that Valley.” (Moore 1993: xx) Establishing the secondary roles of these soldiers allows the consequences of war to be localized, as Frank J. Wetta, a professor of history at Galveston College, says, “so that the private motivations and goals of the individual soldier supercede any stated or understood national or public rationales for whatever war is being fought” (Wetta 2003: 861). These private motivations are reflective of the reverence paid to the memory of those killed in the September 11th attacks; they were all Americans, yes, but they were also parents, children, spouses, and siblings.

The emphasis placed on the lives of the soldiers left behind to fight in Vietnam reinforces the post-September 11th focus on family and interpersonal relationships. As the soldiers begin to die, the wife of Colonel Moore assumes the responsibility of delivering death notices to the other wives. Harry Haun, a *New York Times*’ film critic, describes this focus as one that creates a duality, presenting soldiers “hurled into the hell of combat but also their wives, who went through their own form of hell back home.” (Haun 2002: 10). The main purpose of Mrs. Moore’s assumption of delivery duties was to provide a network of support for the widowed wives, something that would be noticeably absent from their original delivery method (Western Union telegrams delivered by taxi). Constantly plagued by the possibility that one of the notices could have their husband’s name on it, the anxiety expressed by Mrs. Moore and the other military wives is eerily reminiscent of the days following the September 11th attacks; families anxiously awaited news regarding their loved ones, many of whom were missing in the rubble. The women, especially Julie Moore, appear to already be in mourning.

Though Moore will ultimately be the

only featured soldier’s wife that does not lose her husband, she maintains a more realistic, stoic attitude in preparing herself for his death. This anxiety also facilitated the rise of localized support networks, which allowed people to use their shared experiences to cope and connect. One example of these new support networks was in the creation and exhibition of missing persons posters, created by the family and friends of the missing after September 11th. Though the literal utility of these posters is questionable (few people featured in missing persons posters were ever found alive), Kevin Jones, a professor of communications at Chapman University, argues that the posters “allowed the searchers to do as much as possible as a parent, spouse, sibling, or friend to redress the trauma...and to form new relationships with those...who sought to help.” (Jones 2007: 105). Beyond the practical applications of the active search for a lost loved one, it also facilitated communication and what Jones calls “the performance of interpersonal relationships in the absence of a loved one” (Jones 2007: 105). These support groups were significant because, as Chris Stewart-Amidei, editor of a neuroscience journal, says, “the connections people made and kept were vital to their survival; they became the means by which people coped and were able to look towards the future with some hope” (Stewart-Amidei 2002: 175). By personalizing the delivery of death notices to the Vietnam War widows, Julie Moore and Barbara Geoghegan helped alleviate some of the feelings of abandonment that accompany the loss of a loved one.

The role of historiography in retelling the legacy of combat is important in affecting American wartime sentiment. It is also important in preserving the legacy of those who may have been lost in the war. *We Were Soldiers* features an antithetical

cal treatment of embedded journalists, perhaps reflective of its topical release during the first few months of the campaign in Afghanistan after the September 11th attacks, when global newsmen were spending weeks, even years, traveling with combat units in order to get a complete picture of the wartime situation. Nir Rosen, a freelance journalist, describes the sentiment of the military on the subject of journalism, "If you want to cover the stuff, you have to know what [that gut fear when faced with a potentially explosive situation] feels like before you can do anybody justice" (Rosen 2006: 46), regardless of what side you're trying to justify. Embeds often experience firefights from the frontlines without a weapon for protection or thorough survival training, and it stands to reason that they would be more qualified to evaluate the wartime situation from a soldier's perspective.

In *We Were Soldiers*, when Sgt. Major Basil Plumley (Sam Elliot) hands Joe Galloway a rifle and says, "You can't take any pictures from down there, sonny," Galloway protests, "But sir, I'm a non-combatant." When Plumley responds "Ain't no such thing today," he not only illuminates the severity of the situation but also places a great deal of trust in the untrained journalist. By the very act of allowing himself to be placed in harm's way, armed only with a camera, he earned the right to be there, to fight and perhaps to die with Col. Moore and his men. Additionally, the juxtaposition of the battle-fatigued Galloway with the fresh-faced TV journalists at the end of the film reinforces Moore's confidence that Galloway is the only one qualified to memorialize the battle: Galloway says, "Sir, I don't know how to tell this story," to which Moore replies, "Well, you have to, Joe. You tell the American people what happened here. You tell them how my troopers died."

Moore's demand that Galloway write their story illustrates the personal and deep connection the soldiers in Vietnam had with their own legend, a connection that is largely the result of the shattered trust experienced by the larger media's negative portrayal of the war and the men fighting in that war. As Joe Galloway's narrative comes to a close, he elaborates on the negative consequences of the war for the soldiers; "Some had families waiting. For others, their only family would be the men they bled beside. There were no bands, no flags, no Honor Guards to welcome them home." This requiem illustrates Galloway's sorrow for the men he fought beside, and his disappointment in the American people for abandoning their men symbolizes his thorough understanding of the uphill struggle of an American soldier in Vietnam.

In fact, the emphasis with which Col. Moore tells Joe Galloway that he must tell this story is his refusal to allow it to be lost in time. As Galloway says, "These are the true events of November, 1965, the Ia Drang Valley of Vietnam, a place our country does not remember, in a war it does not understand." This desire to not let people forget is not so that those that survived can be remembered as heroes, but so that people will never forget those that died. Much as the missing persons posters helped allow loved ones to "freeze time...and keep hoping, avoid shock, and resist the urge to dwell on the very distinct possibility that the missing person was already dead" (Jones 2007: 105), the intense collaborative effort to chronicle the stories of those who died on September 11th assures that they will not be forgotten. Though print allows a material remembrance of those individuals, the internet contains ever evolving "memory walls" that when taken together, immortalize the dead and provide a more com-



Mel Gibson as Colonel Hal Moore in *We Were Soldiers* (2002).

plete account of the days events. Ia Drang and September 11th are events featured in history books and chronologies, and the people involved in those events require active effort to not be forgotten.

We Were Soldiers effectively blurs the paradigm between soldier and reporter in showing that war is more so about survival and the preservation of life. By the end of the film, Galloway is no longer characterized as a non-combatant field reporter, but instead transcends the boundaries of classification and is portrayed as someone called to action by what he believes is right. He earns his place among the battle-worn and understands the relationship between duty and reality. It was never his duty to pick up a rifle and fire a shot, but as Sgt. Major Plumley told him, he had no choice on that day. A similar reverence is paid to those that experienced the September 11th attacks first hand. On United Flight 93, the hijacked

plane presumably headed for Washington, D.C., the passengers on board found themselves in a precarious situation in which death seemed highly possible. As Alasdair Spark and Elizabeth Stuart, professors at the University of Winchester, argue, the passengers were faced with a tri-fold dilemma: "Do we sit passively and hope this all turns out OK? Or do we fight back and strike at them before they strike at us? And what will be the consequences if we do?" (Spark and Stuart 2007: 15). This dilemma provokes a hasty and unforeseen circumstance in which the passengers were forced to choose the terms of their own deaths: uncertain, but likely death if they sit back and do nothing (the passengers were unaware of their final destination), or a certain yet empowering death that wrenches the balance of control from the hands of their enemies.

Joe Galloway faces a similar dilemma on the day he is called into action. As a

non-combatant, passivity is his natural reaction and his best shot at making it through the battle alive. However, as the fighting intensifies, his safety is questionable and his non-combatant status is unlikely to be heeded by the volleys of bullets, mortars, and grenades that do not seem to end. Though Galloway survives the battle, at that moment it seemed as though death was upon him, and like the United Flight 93 passengers, he could accept it passively, or stand and fight and not allow himself to go without a fight. In both situations, this heroism is motivated by both self-preservation and by each individual's relationship to others. Spark and Stuart write, "the courage of the crew and passengers of Flight 93 is shown as coming from their refusal to lose faith in each other in the face of terror and their refusal to lose faith in the love of those they left behind" (Spark and Stuart 2007: 15). Galloway's transformation is the result of his faith in both Col. Moore and the rest of the soldiers on the battlefield and his refusal to let them down.

To call *We Were Soldiers* representative of American triumphalism in film is to only capture a piece of the picture. By contextualizing the film in its chronological proximity to September 11th, a more thorough examination of the film as a whole emerges. While pre-9/11 war films, especially those of the late 1990s, portrayed the tragedy of war by emphasizing the number of soldiers who died on screen and the grizzly way in which they meet their demise, *We Were Soldiers* allows the viewer to meet the men, their wives, their families and their homes before plunging them into the depth of combat. By adapting the memorial-like progression of Colonel Hal Moore's and Joseph Galloway's own memoir into a sentimental remembrance of the dead, the loss of life portrayed in the film allows Americans in

the post-September 11th world to share their loss with the soldiers, their wives, and their families. This focus on the family allows the film to characterize the soldiers as everyday citizens whose lives are transformed by situational necessity.

The film also re-envisioned American patriotism not only as being independent of ideological differences, but also as the intersection of personal, instinctual, and moral motivations that align when, as Hal Moore writes, the "world [shrinks] to the man on our left and the man on our right and the enemy all around. We held each other's lives in our hands and we learned to share our fears, our hopes, our dreams as readily as we shared what little else good came our way" (Moore 1993: x v iii). Moore's sentiments are akin to what can only be imagined occurred inside the towers on September 11th. The world of those inside became infinitely small, and all differences were necessarily cast aside to facilitate a chance for survival.

It is also not entirely accurate to classify *We Were Soldiers* with more bitter portrayals of Vietnam like the portrayal in *Hamburger Hill*. Though the film laments the reception soldiers received upon their return home, it does not taint the honor and sacrifice exhibited by the men throughout the film. Additionally, *We Were Soldiers'* negative portrayal of the press is handled more passively. It is frustrated with the way journalist commentary colored the conflict, but still maintains the presumption that those commentaries were simply misunderstood. Perhaps the greatest difference between *Hamburger Hill* and *We Were Soldiers* is that *We Were Soldiers* comes to appreciate and understand the life of the soldier. *Hamburger Hill* blames the anti-war movement and the media for the devolution of the American soldier, while *We Were Soldiers* disempowers that negativity. It exposes and identifies the

negativity, but it presents it in a way that is empowering to the soldiers, and to the triumph of American patriotism. The triumph of the American spirit was a prevalent theme in the post- September 11th era, where the shattered safety of our borders demanded a resilience that proved that the United States would persevere through anything.

Also, to call *We Were Soldiers* a humanistic story motivated by immediacy is to ignore the personal relationships that are developed in the first half of the film. Connections between husbands and wives, fathers and sons, and fathers and daughters are established to stress the motivating factors that raise the stakes for these men. As evidenced after September

11th, where the victims were remembered in their relation to others, *We Were Soldiers* establishes each character as having a unique meaning to each individual person they interact with. Each soldier assumes the role of father, husband, squad-mate, and commander, and these interwoven connections broaden the impact of each character's death, or each character's return home. These relationships prohibit a purely microscopic examination of a soldier's motivations; though Colonel Moore says the world becomes infinitely small on the battlefield, this narrow focus is necessary to allow the soldier to maintain his composition and ensure his own survival and ability to protect those he loves.

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HUMANS AND NATURE

IN THE FILMS OF WERNER HERZOG

by Jared Lindsay

Within the canon of Werner Herzog's extensive documentary filmography the critical insights of *La Soufrière* (1977) and *Grizzly Man* (2005) are important to the emerging permeation of the philosophy of deep ecology in the realm of cinema. Each film chronicles the conflict-laden relationship between human beings and the non-human natural world, lending the works an air of relevancy in the sociocultural and economic climate of the present day. Herzog's personal view of the non-human natural world is pervasive in both works and provides a unique lens through which to view the influence of deep ecological thought on the medium of film. Separated by nearly thirty years of Herzog's personal and filmmaking maturation, each of the films can be deconstructed in its relationship to deep ecology and Herzog's place within the materialization of this philosophy in both human societies and the autonomous individual. Specifically, the formal structure and styles of the films posit Herzog as a cautious critic of deep ecology, as he seems to believe that humanity is inextricably related to the wider world. For this analysis it is necessary to identify the director's personal conception of what exactly "nature" entails.

Taking into account the aforementioned maturation of the director, Herzog's narration in *Grizzly Man* explicitly states his personal views on the non-human natural world. Two specific instances provide this insight in the film. The first is when Treadwell, the bear expert protagonist of the film, poses himself in front of a particularly severe bear (which may have been the one that killed him and his girlfriend, Amie Huguenard, in

2003) and Herzog provides his take on the ontological essence of the creature: "...what haunts me, is that in all the faces of all the bears that Treadwell ever filmed, I discover no kinship, no understanding, no mercy. I see only the overwhelming indifference of nature." One might derive from this excerpt that Herzog is antagonistic towards nature, when in fact his viewpoint is more ambivalent. His narration over a static shot near the end of the film of Treadwell and a bear walking upstream into the wilds is illuminating of this: "...while we watch the animals in their joys of being, in their grace and ferociousness, a thought becomes more and more clear. That it is not so much a look at wild nature as it is an insight into ourselves, our nature." As this passage indicates, Herzog's personal conception of nature is one that is consciously hesitant to embrace an ecocentric worldview at the expense of the anthropomorphism that has traditionally characterized Western ontological discourses.

The conventional discourse that so often (if not always) sharply delineates the immediacy of human experience in stark contrast to the "otherness" of the natural world is subdued in the director's personal ecosophy. Herzog sees the "natural" as the inevitability of the processes of life. Considering his emphasis on some of the more morose aspects of these processes, especially decay and the inescapability of death, the fate of human beings is linked with the routine occurrences of a continually changing planet. In and of itself this view on the ontology of nature is compatible with the tenets of deep ecology as put forward in the article "Introduction: Deep Ecology as Philosophy" by Eric

Katz, Andrew Light, and David Rothenberg. A more economical and provocative definition of Herzog's personal conception of nature is evident in the subtitle of his earlier film *La Soufrière*: "Waiting for an Inevitable Catastrophe." For Herzog, it seems that nature is that which is not consciously understood because of humanity's self-differentiation from its ecological origins. In Herzog's view the only commonality between the human and non-human is the inevitability of death, the "end" and the multitude of reactions to it. In the case of human nature, it is the cognition of this end that separates the natural from the artificial.

Rationalizing this cognition in both films is Herzog's emphasis on moments that evoke the flurry of emotions known as the sublime. This emphasis serves a dual purpose: it rejects a romantic ideal of the natural world by exhibiting the ominous and fearfully awe-inspiring while also espousing "... [a] valuation and emotion in thinking and [the] experience of reality." (Katz, Light, Rothenberg xi). In *La Soufrière* while searching out the few natives that chose to remain on Guadeloupe during the "imminent" eruption of the film's eponymous volcano, a shot focuses on the clouds of noxious gas spewing from the mountain's summit. As haunting and benign as these emissions are in the aesthetic sense, this shot also brings attention to Herzog's (perhaps unwitting) envelopment in Arne Naess' philosophy of deep ecology through the experience of reality, since Herzog undoubtedly was aware that the volcano was (and still is) indifferent of the presence of either the local inhabitants or the film crew. Even with this knowledge, the experience of the "inevitable catastrophe" was so alluring that the film was shot on location, conveying the emotion of an unromantic fear when the clouds, wholly capable of killing any-

thing, are in view. Due to the fact that the film exists at all, Herzog brings attention to the artificiality of this inevitable catastrophe and the anthropocentric views that deemed it such. *Grizzly Man* is consistent with this emphasis on the sublime while proffering a considerably more complex glimpse into the eccentricities of Timothy Treadwell's life and relationship between himself and the nature he sought to protect.

Seemingly undaunted by his seasonal encounters with the grizzly bears of Alaska in spite of the nature of his death, Treadwell's life, as Herzog expounds, is a contradictory exercise in human nature and the individual implementation of an ecosophy of deep ecology. Moments of lucidity and ostensible madness are juxtaposed in the film for the effect of delineating the line between the natural and the human. Concessions must be made in this case though; it is important to keep in mind that the majority of the film's footage was shot by Treadwell and supplemented with interviews and the like by the Herzog. Thus, any shot that evokes in the viewer a sense of the sublime is doubly suggestive of the aforementioned contradictions. The most glaring of contradictions as they relate to deep ecology is the topic of the film itself, namely Treadwell's presence among the bears: "Present human interference with the non-human world is excessive, and the situation is rapidly worsening." As ironic as the "worsening" of his personal situation was, that Herzog expresses disapproval implicitly through his use of interviews in addition to his explicit narration is reflective of deep ecology's influence in his films.

One of the most sublime moments of the film is a fight filmed by Treadwell between two bears on the mudflats of a stream. The mercilessness of the encoun-

ter and the indifference of the bears to Treadwell's presence challenges the empathy he has for the animals and calls into question his conception of the natural world as opposed to the undeniably human. In particular, at times he lacks the cognitive ability as Herzog understands it to recognize the "overwhelming indifference of nature" to his presence - and, to an even greater extent, his very existence. In one interview with a local who knew of Treadwell's activities, "...he was acting like...like he was working with people wearing bear costumes out there instead of wild animals." Accepting this assessment as relatively accurate in spite of its personal bias, Treadwell's activities fit neatly within the six points of a "justifiable deep ecology position:"

"1. The rejection of strong anthropomorphism...2...ecocentrism as a replacement for anthropocentrism...3. Identification with all forms of life...4. The sense that caring for the environment is part of individual human self-realization...5. A critique of instrumental rationality...6...that there is an individual human being...trying to determine an honest and personal way...in which nature can matter to each of us, one at a time." (xii-xiii).

This confirmation of Treadwell's personal ecosophy outside of the scope of his personal footage underpins the influence of deep ecology in Herzog's films. What led then to the failure (via the inevitability of death) of this particular manifestation of deep ecology in practice? While a careful gleaning of the above list yields no substantial inconsistencies with regards to Herzog's discernment of the human-nature relationship, examining the exact circumstances and modes of Treadwell's activities reveals overzealousness on his part. Adhering for all practical purposes to the first four as well as sixth tenets, con-

tion arises from a glaring lack of common sense with respect to the fifth point. Again, manifestations of the sublime provide a point of reference. The images of the playful fox are sublime for their reconciliation of the particular (Treadwell being in Alaska and camping near a fox den) with the universal (a human encounter with a fox) and emphasize "...life enhancing qualitative values." (xiii). Whereas the fifth point calls for a "critique," Herzog's film posits an outright rejection of instrumental rationality on Treadwell's part in his attempt to merge himself with nature through his tenuous, anthropocentrically constructed relationship with the bears. Even in the adoption of a deep ecology worldview, to snub the intrinsic human knowledge that bears are dangerous is the fault of this "eco warrior's" ecosophy. It seems then that adhering to the classic Romanticist notion of oneself as the "protector" of nature is inconsistent with not only Herzog's view on the relationship between the human and non-human but with the philosophy of deep ecology as well. In comparison to the inhabitants of Guadeloupe, whose relationship with the inevitability of nature as manifest in the imminent volcanic eruption is more in line with that of Herzog's comprehension, *Grizzly Man* conjectures and corroborates the consequences of a misapplication of individual deep ecological principles.

Regarding the stubborn few who refused to evacuate the island and thus prompted the filming of *La Soufrière*, Herzog might say that resignation is the most appropriate term for their actions. To live under the constant threat of utter annihilation in the form of a volatile volcano rather than making seasonal jaunts to a familiar place where the dangers are known (if underappreciated) is bound to shape an individual's worldview differently. In each of the encounters that Her-

zog has with the local men, their attitudes toward death and by extension the effect of nature on their lives is considerably less flippant than Treadwell's assertions of his own personal prowess within the landscape. There is no romantic invocation of the sublime in this earlier film, for these agrarian men subscribe to the notion that "the sublime is not a phenomenon but is rather a mentality" (Szaloky and Walker 2007: 10/3/07). Distinct on the most basic of levels in comparison to the sublime moments Treadwell experiences in *Grizzly Man*, there is no notion of fear intermingled with beauty under the threat of *La Grand Soufriere*. These men see, feel, and act accordingly when faced with the inevitability of death that agrees so well with Herzog's conception of the human-nature relationship. Many images in *La Soufriere* are telling of the distance between the constituents of this relationship. Roving livestock and domestic pets in the barren streetscapes of the island indicate the detachment of human civilization from the flora and fauna that provide for its survival. This aloofness from the first principle of deep ecology is striking: "The value of non-human life forms is independent of the usefulness they may have for narrow human purposes." (x). Narrow human purposes for these animals obviously supersede their right to life, but herein lies an inconsistency that Herzog seems keen to dwell on. The ethics of leaving animals that are (supposedly) totally dependent on human guardianship is an issue that none of the guiding principles of the philosophy of deep ecology address. However, one man encountered by the film crew seems well aware of this unspoken responsibility to care for his land and animals and might be said have a worldview that is more ecocentric than most. That Treadwell merely sought interaction with the bears and constructed a persona for

the wider world stands in stark contrast to the active supervision this man accepts as his place in the world. Considering the Great Chain of Being that dominated Western thinking on nature for nearly a millennium, this man's relationship with nature is closely aligned: "...humanity was thought of very definitely occupying a place within it [nature], and a rather middling one at that." (Soper 21). Does Herzog subscribe to this mode of thinking? From the evidence in *La Soufriere* it is a relatively accurate assessment. Death is the "nature" of nature as the director posits in these films, and human cognition of this end is summed up nowhere more appropriately than in the actions of the man that supposedly prompted Herzog's journey to make the film. After he explains that he is waiting to die and proceeds to show on camera his position for it, one must wonder whether any similar thoughts occurred in Treadwell's mind. From the films one gets the impression that their varying relationships to Herzog's nature arrives at the same conclusion.

Thematically, both *La Soufriere* and *Grizzly Man* are films that focus on the encounter between the human and the non-human. Their relationship to the philosophy of deep ecology is cautionary. Herzog's insistence on the inevitability of death as the driving force of nature is evident from his concentration on the circumstances of Treadwell's death and aftermath as well as the unfulfilled threat of death for the remaining inhabitants of Guadeloupe. Although deep ecology does not call for the end of humanity, Herzog's films make clear that the inextricable threat of death is the motivation for all human and non-human actions in the world, whether it is because of individual choices and situations or wider systematic conditions.

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La Soufrière (1977). Dir. Werner Herzog. Produced by Werner Herzog Filmproduktion. DVD. Ripley's Home Video, 2005.

DECRYPTING ACCESS:

THE WAR ON NORTH AMERICAN SIGNAL PIRACY

by Jason Crawford

The expansive and unfixed boundaries of satellite broadcast footprints have caused a situation where geographic regions covered by the footprint do not adhere to national borders, thus confusing the legal jurisdiction that governs access to programming. United States law enforcement agencies and commercial Direct Broadcast Satellite (DBS) providers have undertaken measures to counteract signal piracy of footprints that spill over national borders by devising protective encryption systems and used methods to crack down on vendors in Canada who sell hacked smart cards that allow access to programming that would otherwise infringe on the Constitutional right that prevents linguistic discrimination against Canadians. In analyzing the issues of trans-border signal piracy in North America, it will be argued that as a result of an American legal-scape governing signal access to Canada and the United States, hacked smart cards should be protected by the legal standards of Fair Use to prevent both linguistic discrimination of access from taking place and consumer limitations due to a DBS oligopoly on content and equipment.¹

Commercial Direct Broadcast Satellites in the United States were developed to operate by revolving in geostationary orbit around the equator, whereby the transmitted signal is beamed down in a predictable and stable footprint, aimed at North America to cover the contiguous United States.² Due to broadcast footprints not being precisely shaped to the national borders of the United States, signals would also cover regions of other countries such as Canada, resulting in the

an erosion of signal jurisdiction governed by individual nations.³ To restrict broadcasts intended only for paid subscribers in the United States from spilling over into other countries, digitally encrypting signals to control access to programming has become the standard for the two main commercial satellite television providers, DirecTV and Dish Network. These strategies, known as conditional access, ensure service providers that consumers have purchased the proper equipment to access programming.

A prime example of conditional access can be seen in DirecTV's VideoGuard encryption system, developed by the NDS Group, a digital rights management (DRM) subdivision of News Corporation, parent company of DirecTV. Subscribers are issued a receiver dish and set-top box (STB) containing a proprietary smart card programmed with VideoGuard technology, which enables the box to unscramble signals such as packaged subscriptions and pay-per-view movies, depending on the level of access a subscriber has purchased.⁴ A modem in the STB communicates to the provider when the level of access has changed, such as when content is ordered via pay-per-view. Any STB not containing the proper smart card is denied access to the signal. STBs with cards programmed for subscribers in the United States contain security codes that prevent signals from being received outside of national borders, as the cards are illegal in other national markets. While conditional access gives DBS providers some assurance that their content can only be accessed by paid subscribers, it has also created an oligopoly that provides them

control over separate national markets.

Though signal encryption was once considered to be the ultimate safeguard, in recent years it has failed to provide complete protection for DBS services. In the early days of signal encryption, DirecTV became the prime target for piracy, as hackers sought to crack encrypted access codes to obtain free and uncontrolled access to programming. As a result, DirecTV switched from the F chip in its STBs - which did not contain encrypted programming - to the H chip, which provided minimal security with the analogue VideoCrypt system. In response to this strategy, hackers managed to decrypt the H chip shortly after it was released on the market. In an attempt to improve the H chip, VideoCrypt created the HU chip, which featured a considerably more complex encryption algorithm. In spite of these modifications, it too would prove to be vulnerable, due to a glitch in the code that could be exploited by knowledgeable hackers. The types of hacks used to break the VideoCrypt system included buffer override attacks, data stream attacks, decoder card data stream attacks and brute force.⁵ Each of these strategies involves reverse engineering some aspect of the programming architecture of the chip to find a loophole that can be exploited for the purpose of reprogramming the chip so it will receive broadcast signals. Of course, this knowledge was quickly relayed across Internet forums by other hackers, ultimately reaching the information commons of the public that certain STBs could be cracked to get unrestricted access to broadcasts. DBS providers could no longer rely on the STB to act as a gatekeeper for signal access. New strategies would have to be undertaken to restrict the signal itself, rather than just the devices capable of accessing it.

Years after the DVB-S modulation

scheme became standardized as the universal architecture for digital broadcasting, DirecTV sought to implement the VideoGuard system as a replacement for the VideoCrypt system. Whereas previous chips contained a code with algorithm set to receive a signal, the DVB standard contained an encrypted bit stream that was transmitted within the signal.⁶ The signal then acted as a gatekeeper itself, without having to rely on a receiver to contain the proper conditional access to receive the signal. This was beneficial to DirecTV in two ways: it meant the feed of the signal would be almost impossible to hijack by hackers who had previously used broadcast streams to televise their own broadcasts, and that DVB smart cards would require extra programs to take up space on the card to communicate and translate the signal, making it extremely difficult for hackers to stick extra lines of code onto the cards to reprogram them to bypass the access. Ultimately, hackers found a way to get around this program by creating alternative firmware programs for the cards, but overall, the VideoGuard system provided DirecTV the ability to exert more control over its products through DRM schemes that prevented STBs from being misused for illegal activities. This also ensured DBS providers of exclusive control over access to all content, as any access to their programming required a smart card distributed exclusively from a DBS provider or licensed vendor.

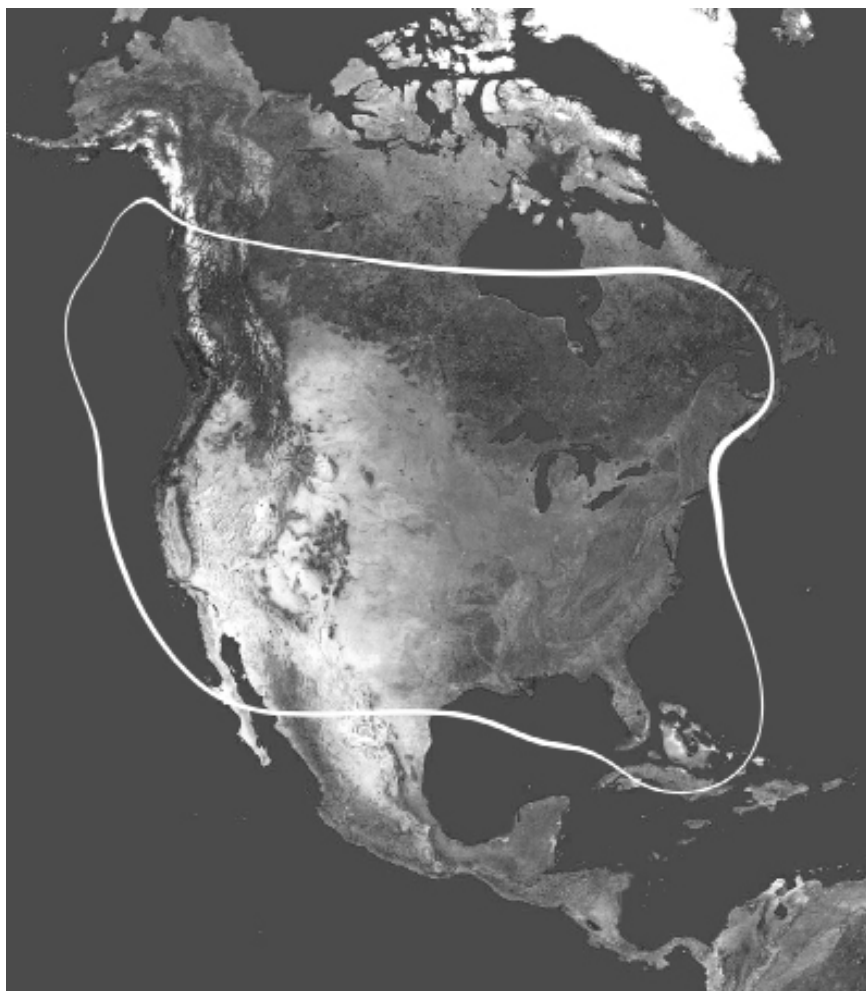
DRM schemes restrict access and control viewership by making equipment vendor-specific in order to access signals. News Corporation's control of both the VideoGuard encryption scheme and DirecTV signals ensured its complete control of all potential subscribers of DirecTV service, necessitating that consumers only purchase equipment from licensed DirecTV vendors who could sell or install

the proper DRM smart cards with VideoGuard into STBs. This would be problematic for potential customers, as licensing was not issued to third-party smart card developers who could build cheaper STBs but couldn't implement the DRM schemes to access signals.⁷ There were no alternatives in the market other than going to DirecTV's sole competitor, Dish Network; DirecTV had caused vendor lock-in on the market, as both customers and vendors could only get equipment from DirecTV. Because DirecTV and Dish Network use similar DRM strategies, no comparable alternatives exist for customers who want access to satellite services but do not want to be limited in the equipment they can purchase. Consumers may wish to install third-party applications onto smart cards or use different STBs that would be compatible with other forms of equipment, such as legal time-shifting devices that can record broadcast content.⁸ However, vendor lock-in prevents consumers from making choices to purchase equipment they are legally free to use but are unable to because the equipment does not comply with the digital rights schemes employed by the DBS provider. Third party set-top boxes and dishes are legal for purchase in the United States, allowing access to free-to-air stations that largely broadcast ethnic channels, local over-the-air TV stations, international broadcasts, religious programming and back-feeds of network programming destined for local TV stations.⁹ The third-party manufacturers are entirely locked out from competing in the DBS market to provide competing equipment to DirecTV and Dish Network customers. DBS providers ultimately control how people watch programming and gain access to broadcasts.

Dish Network and DirecTV are not only able to lock-in vendors and customers with their technology, but are able to

control broadcast content due to a subscriber practice similar to block booking. In order to receive any channel from a DBS service, a subscriber must purchase the entire bundle of programming. This has become more complicated as Dish Network and DirecTV have fought to gain exclusive access to certain content and networks. Dish Network may offer a package containing channels not available to DirecTV customers, and vice-versa. Customers who desire programs offered exclusively to either service are unable to negotiate programming lists, and left with the only option to purchase both services. This is the problem of vendor lock-in. Consumers are afforded no options or degree of negotiability, outside of the different levels of subscription packages offered to purchase for a subscriber. Bundled programming, as it is otherwise known, limits the options of potential subscribers who want specific channels but do not want to pay for extra channels they do not plan on viewing.¹⁰ The practice of block booking allowed Hollywood studios to sell films to exhibitors on an all-or-nothing basis. Eventually, the issue of block booking made its way to the United States Supreme Court, where the practice was found to be in violation of the Sherman Antitrust Act, making it illegal for movie distributors to force exhibitors to only offer the option of purchasing bundled programs.¹¹ The all-or-nothing basis for block booking is the same model used today by DBS services. The issue of content bundling is also problematic for customers who want to receive language-specific programming when they may not speak the other languages bundled in the service.

Outside of the United States, one might anticipate that a more problematic scenario exists for aspiring customers, due to the legal restriction of the sale of



Broadcast footprint for North American DirectTV and Dish Network services. From NASA.

DBS programming to other nations, even if they are covered by the broadcast footprint and able to receive signals. A market for hacked smart cards has been able to fill this void, allowing aspiring customers access to programming cast over their region without being limited by the legal-scape. From the advent of commercial DBS services in the early 1990s up until

2002, it was legal in Canada to purchase hacked smart cards or STBs with the intent of pirating encrypted signals specifically broadcast for subscribers in the United States.¹² Prior to 2002, DBS providers could not challenge piracy in Canada, and law enforcement agencies could not stop the sale of equipment intended to aid piracy, even though to this day it remains

unclear what authority has been given to authorities cracking down on dealers. In the United States, DirecTV began investigations into anti-piracy protection by creating the Office of Signal Integrity, which aims to crack down on pirates and aid law enforcement in finding black-market dealers of satellite equipment. Even though it had moderate success in tracking down illegal vendors in the United States, numerous Americans were still buying satellite equipment, particularly hacked smart cards, in Canada where such equipment was legally sold. This led to a rise in the demand for cards sold in Canada. Between 2000 and 2002, nearly 40 stores specializing in selling equipment to aid signal piracy emerged in Windsor, Ontario, Canada alone.¹³ Many Americans traveled across the border during this period to purchase hacked smart cards from anywhere in the range of \$20 to \$75. For Canadian vendors, this meant a market existed as both a legal gray market for domestic sales of equipment and through a trans-national black market, where Americans sought to purchase cards from Canada and bring them back for use or to be resold in the United States.

The market for hacked smart cards cannot be understood as solely Canadian, since cards sold in Canada are often one of the finishing touches that go into the entire process of commodifying hacked smart cards. Canadian pirates turned to the United States to find large quantities of cheap smart cards sold at big chains such as Wal-Mart to be taken back to Canada to be hacked and sold by vendors there.

Canadians printed out maps of Wal-Mart locations from the Internet and headed for the border, said David Fuss, the president of Incredible Electronics, a major Canadian wholesaler. They bought the systems by the dozens and the hun-

reds. What Canadian dealers wanted were the DirecTV satellite cards, which could be hacked and sold for \$150, a handsome profit.¹⁴

Once DirecTV noticed the disparity between the smart cards being purchased and the number of subscriptions sold, it changed its policy to distribute systems to licensed retailers without smart cards. Once subscribers purchased a system from an authorized vendor, they would have to order the card separately and have it shipped directly from DirecTV. Upon searching records of Wal-Mart customer receipts, DirecTV found the addresses of alleged pirates it suspected of purchasing smart cards from Wal-Mart to take back to Canada. The Office of Signal Integrity mailed out dozens of cease-and-desist letters aiming to stop further piracy. The Office of Signal Integrity began monitoring licensed vendors to gather information on other suspected pirates. To date, it has mailed over 7,500 cease-and-desist letters to addresses obtained from raids on black market dealers and stores suspected of unknowingly selling cards to pirates. However, the orders to cease and desist would prove futile, as many pirates had crossed the border from Canada to purchase the cards, causing any legal action to be nullified, and any further attempt to extend jurisdiction was complicated by the Canadian view that hacked smart cards were a legal product for aiding signal access to prevent discrimination.

The legal status of satellite piracy was changed by a Canadian Supreme Court decision on April 26, 2002, where the court observed that the Radiocommunication Act did not infringe on the right to access, and decoding satellite television broadcasts would no longer be recognized as a lawful practice. This meant it would also be illegal to sell or be in possession of hacked smart cards.¹⁵ The decision came

by pressures exerted on Canada by the United States through the North American Free Trade Agreement to serve the interest of the American DBS oligopoly of Dish Network and DirecTV.

Canada also has international trade obligations to protect encrypted subscription programming signals from unauthorized decoding. NAFTA Article 1707 demonstrates international concern about unauthorized decoding of encrypted program-carrying satellite signals and requires signatories to provide for a criminal offense and right of civil action against theft of intellectual property in such signals. Section 9(1)(c) of the Act sets out a prohibition on the unauthorized decoding encrypted programming signals. Section 10(1)(b) of the Radiocommunication Act makes it an offense to manufacture, import, sell, install, modify, operate or possesses equipment for the purpose of contravening section 9(1)(c).¹⁶

The ruling made it a criminal offense for Canadians to watch siphoned American broadcasts. While the court's decision was viewed as a positive solution to piracy, it did not provide an answer to the dilemma of the DBS footprints overlapping national borders. Lobbyists for the American DBS oligopoly used NAFTA to force Canada to respect the digit rights management strategies of American corporations over Canadian interest. Canada's sovereignty in governing its own signal access was manipulated, and guaranteed secured markets relative to vendor lock-in would be created for the American DBS oligopoly. Canadians would have to rely on broadcasting specific to Canada, and the void would be filled by American DBS providers. Almost immediately afterward, DirecTV set up a DBS service in Canada, though it provided a very select range of programming, compared to services offered to Americans. Dish

Network and DirecTV benefited by preventing a gray market from continuing to operate in Canada, while expanding their volume of subscribers by taking control of both the American and Canadian DBS markets without competition.

Within days of the decision, satellite piracy in Canada came to a complete halt, as Canadian law enforcement completed dozens of raids on shops believed to be either continuing to sell hacked smart cards or in the process of relocating.¹⁷ Many Canadian dealers were aware of the impending decision, and made an attempt to relocate their businesses by moving offshore. One such vendor, Decoder News, an Internet-based dealer that had operated in Toronto, moved its operations to the Caribbean to escape legal threats. Today, the black market for smart cards in North America operates from various websites based in Europe, relying on the shipping industry to distribute smart cards to customers in countries where it is illegal to use or purchase them. This illustrates that the illicit market for hacked smart cards did not go away as a result of the court decision; it merely led to vendors relocating operations outside of Canadian and American jurisdiction. Each time DBS providers have pushed for the market for hacked smart cards to be eliminated, new strategies have been devised to avoid legal repercussions. This made it nearly impossible for Canadians to obtain hacked smart cards. In the past, they sought out hacked smart cards for reasons of equal access stemming from provisions in the Canadian Charter of Rights and Freedoms that prevent ethnic or linguistic discrimination.¹⁸

To date, no official ruling has been made regarding discrimination in section 9(1)(c) of the Radiocommunication Act as to whether the act infringes on the ethnic and linguistic freedoms that

are guaranteed in the Canadian Charter. Access to linguistic programming is an important issue for the significant minority populations living in Canada. The Charter affirms equal access to English and French languages – both of which are legislated as the official languages of Canada – and protects access to minority languages. Since Canadian DBS services offer a very limited range of content in their subscription packages, particularly in the variety of alternative linguistic content, it is argued that these limitations due to restrictions by the Radiocommunication Act cause discrimination against the equal language access afforded by the Canadian Charter. If hacked smart cards can be viewed as protected by a doctrine similar to Fair Use, consumers would be able to access language specific content that may be broadcast to their region that they are currently prevented from receiving because of the Radiocommunication Act. This is a scenario that could require transitioning legal jurisdiction from being governed by national borders to the borders shaped by the broadcast footprint itself. However, hybridizing laws governing signal access would jeopardize the sovereignty of each nation, with regard to their own rights that are guaranteed to their citizens. Canada should not be able to force the United States to recognize rights governing language access, and likewise, the United States should not be able to prevent Canada from recognizing those rights. This makes the issue of signal jurisdiction one that must remain dependent on the national sovereignty of each country and its ability to govern its own laws over signal access.

Making the broadcast footprint the boundary for jurisdiction governing signal access seems to be an unlikely scenario, one that has been superseded by the legal-scape for DBS companies that uses

the United States legal system to assert control over the North American markets and control how viewers access content. This legal-scape transcends national boundaries, as a result of NAFTA forcing Canada to recognize the American legal practices governing signal access, thus overriding the rights that existed for Canadian citizens. To respect Canadian sovereignty, if an American legal-scape is to be the dominating view, it will be important to find a way to balance the issue of rights to access with border jurisdiction, while considering other issues that exist, stemming from market limitations in the United States. Comprehensively challenging these issues over limited access will require changing American laws, with respect to DBS receiving and descrambling technology, namely to make the sale and use of hacked smart cards be protected under the doctrine of Fair Use which exempts their use as causing infringement. Ultimately, any individual within the broadcast footprint would have the ability to access content without undermining national sovereignty. It can also allow technology to be produced by third-party vendors who wish to cater to the commercial DBS market but are otherwise restricted due to the oligopoly held by Dish Network and DirecTV. Section 107 of the Copyright Act of 1976 outlines some considerations with respect to how Fair Use can be used as an applicable defense for the purpose of reproducing copyrighted material. They are weighed by four factors: purpose of use, nature of the copyrighted material, portion of copyrighted work being administered and the effect on the market.¹⁹ In the *Betamax Case* of 1984, the Supreme Court ruled in regard to Section 107 of the Copyright Act that a standard for Fair Use could be applicable if a product could show that it was capable of being used for substantial

non-infringing purposes.²⁰ Of the four factors, governing use and the ability for substantial non-infringing purposes is an ambiguous but necessary consideration. Exploring non-infringing uses will lead to solving the previously explored issues, with regard to signal access and vendor lock-in.

The first issue concerns the creation of an oligopoly through strategies of vendor lock-in maintained via technology and block booking. DRM schemes prevent access of consumers to direct-to-home services, and facilitate practices concerning broadcast technologies that allow for oligopoly to exist. This ties into the issue of vendor lock-in, where no third-party competition is allowed to exist unless the competitor pays licensing royalties and is contracted to utilize every aspect of either company's DRM schemes. Allowing for Fair Use of hacked smart cards will require limitations on DRM strategies that would otherwise prevent the access that hacked smart cards can allow. Because the two matters contradict each other the purpose for making hacked smart cards be a legal alternative to acquire signal access would be futile if DRM schemes continued to make it impossible to bypass a user verification provision that protect the broadcast signals. The first thing that must be established before Fair Use can be established as a principle is for DRM to be restricted from causing further discrimination to access that would be protected by Fair Use. DRM has existed internationally through Article 11 of the 1996 World Intellectual Property Organization Copyright Treaty, which enacted laws against DRM circumvention. Any member state of the United Nations is automatically bound to international law requiring the following:

Contracting parties shall provide adequate legal protection and effective legal remedies against the circumvention of

effective technological measures that are used by authors in connection with the exercise of their rights under this Treaty or the Berne Convention and that resist acts, in respect of their works, which are not authorized by the authors concerned or permitted by law.²¹

This meant DRM schemes would be used for the purpose of protecting against copyrighted infringement that was assured by the international copyright act established in the 1886 Berne Convention for the Protection of Literary and Artistic Works. The WCT essentially allows a country like the United States to utilize such a provision through NAFTA to supersede Canadian sovereignty. However, both the Berne Convention and WCT seek to maintain a balance between the rights of authors and the larger public interest via strategies that should not diminish the rights of a nation's citizens. The backbone of the North American anti-piracy legal-scape imposed through NAFTA is pushed by the United States, and jeopardizes the right to access afforded by Canadians. In analyzing the argument over signal piracy in North America, it is vital to address the issue over jurisdiction of signal access by addressing it as a legal question in the United States over a statute governing digital rights management.

Reversing the problem of DRM schemes requires restricting them from being implemented into broadcast technology that would prevent hacked smart cards from being able to access signals. This can be done through utilizing antitrust legislation to break up the methods of DRM, which allow DBS providers to restrict access. The decision to break up the anti-competitive practice of block booking in the Hollywood Antitrust Case is one example of how antitrust measures can be formulated against DBS providers to limit DRM schemes and protect against

oligopoly. Other attempts by consumers to formulate alternatives for signal access have had no success in challenging vendor lock-in of DBS equipment. Currently, a class-action antitrust suit has been filed against a consortium of service providers on the basis that industry practices requiring customers to purchase prepackaged tiers of bundled channels, rather than allowing consumers to purchase channels and formulate programming on an a la carte basis violates Fair Use.²² Pertaining to broadcast-receiving equipment, having third-party descrambling equipment available to consumers would allow them to receive selected programming and not be controlled on an all-or-nothing basis that forces them to purchase other channels they do not want. With DRM schemes out of the way through, a standard for Fair Use could assure that consumers would have options and the market would be open to competition.

Under the protection of Fair Use, a third-party vendor would be able to legally manufacture and distribute descrambling equipment. This would open competition in the United States, and re-open the market that previously existed in Canada, allowing for smart cards to be sold and used for accessing varieties

of linguistic programming. It would cater to the significant portion of Canada's population that is protected in being able to have equal access to linguistic content. In the 2001 Canadian census, about one out of every six people were reported that English was not their primary language.²³ Ultimately, it would allow Canada its own degree of sovereignty concerning the right to prevent linguist discrimination.

There would be no complication over signal jurisdiction if Fair Use for hacked smart cards was recognized in the United States, as it would transition a new legal-scape over North America. Access to programming and new technology forms would be available, no longer limited by the existing oligopoly. As it has been argued, there is no way to successfully hybridize laws or create a new governance that reflects a broadcast footprint without jeopardizing national sovereignty and the rights to access that are guaranteed by some nations and not by others. Nations need to control their own sovereignty, regarding signal access. Anyone who falls under a broadcast footprint should have the ability to access the signal, and should be able to do so without a market oligopoly restricting and controlling how content can be accessed.

Footnotes

1. Definition of Fair Use: In federal copyright law 17 U.S.C. §§101 et seq., refers to specific use of copyrighted materials without payment of royalties or which otherwise does not constitute an infringement of copyright; permitted use by copying and acknowledgment; refers to a "privilege in others than the owner of a copyright to use the copyrighted material in a reasonable manner without his consent, notwithstanding the monopoly granted to the owner [by the copyright]." "Fair Use" *Law Dictionary*. Barron's Educational Series, Inc, 2003.

2. Halleck, Dee Dee. "From Public Access to Geostationary Orbit," in *Hand-Held Visions*. New York: Fordham University Press, 2002.

3. Map of DirecTV and Dish Network footprint. Available at: http://kvh.com/footprint/images/US_coverage.jpg. (accessed November 10, 2007). See Fig. 1. Map of DirecTV and Dish Network footprint over North America. Footprint for United States services covers regions of United States, Canada, Mexico and Caribbean.

4. NDS Group. Available at: http://nds.com/conditional_access/conditional_access.html. (accessed November 11, 2007).

5. Kuhn, Markus. "Attacks on pay-TV access control systems." Seminar talk slides, 1997. Available at <http://cl.cam.ac.uk/~mgk25/vc-slides.pdf> (accessed November 11, 2007).

6. McCormac, John. *European Scrambling System 5 – The Black Book*, Cambridge, MA: Waterford University Press, 1996.

7. de Bruin, Ronald and Jan Smits, *Digital Broadcasting: Technology, Standards, and Regulation*. Norwood, MA: Artech House, 1999.

8. Sony Corp. of America v. Universal City Studios, Inc., 464 U.S. 417 (1984). Rul-

ing on time-shifting:

However it is understood: private, noncommercial time-shifting in the home. It does so both (A) because respondents have no right to prevent other copyright holders from authorizing it for their programs, and (B) because the District Court's factual findings reveal that even the unauthorized home time-shifting of respondents' programs is legitimate Fair Use.

9. Elbert, Bruce R. "The Satellite Communication Applications Handbook," in Artech House Telecommunications Library, Norwood, MA: Artech House, 1996.

10. Long, Mark. *The World of Satellite TV: Ninth Edition for the America*. Mark Long Enterprises, Inc., 1998.

11. United States v. Paramount Pictures, Inc., 334 U.S. 131 (1948). Block booking:

The court enjoined defendants from performing or entering into any license in which the right to exhibit one feature is conditioned upon the licensee's taking one or more other features.

12. Lee, Jennifer. "In Satellite Piracy War, Battles on Many Fronts." *New York Times*. 9 May 2002.

13. Ibid.

14. Ibid.

15. Radiocommunication Act of 2002. Available at: <http://laws.justice.gc.ca/en/ShowFullDoc/cs/R-2///en> (accessed November 23, 2007).

§9(1)(c): No person shall decode an encrypted subscription programming signal or encrypted network feed otherwise than under and in accordance with an authorization from the lawful distributor of the signal or feed.

§10(1)(b): Every person who without lawful excuse, manufactures, imports, distributes, leases, offers for sale, sells, installs, modified, operates or pos-

sesses any equipment or device, or any component thereof, under circumstances that give rise to a reasonable inference that the equipment, device or component has been used, or is or was intended to be used, for the purpose of contravening section 9.

16. "Government of Canada Applauds Supreme Court Decision in the Case of Bell ExpressVu vs Richard Rex." Department of Industry Canada. Press release, 26 April 2002.

17. Lee, Jennifer. "In Satellite Piracy War, Battles on Many Fronts." *New York Times*. 9 May 2002.

18. Canadian Charter of Rights and Freedoms. Available at: <http://laws.justice.gc.ca/en/charter/> (accessed November 10, 2007).

19. U.S. Copyright Act of 1976 (title 17, U.S. Code). Available at: <http://copyright.gov/fls/fl102.html>. (accessed on November 21, 2007).

20. Sony Corp. of America v. Universal City Studios, Inc., 464 U.S. 417 (1984). Capable of substantial non-infringing use:

The Court explains that a manufacturer of a product is not liable for contributors infringement as long as the product is "capable of substantial non-infringing uses" ... such a definition essentially eviscerates the concept of contributory infringement. Only the most unimaginative manufacturer would be unable to demonstrate that an image-duplicating product is "capable" of substantial uses. Surely Congress desired to prevent the sale of products that are used almost exclusively to infringe copyrights.

21. Article 11 of the 1996 WIPO Copyright Treaty. Available at: http://wipo.int/treaties/en/ip/wct/trtdocs_wo033.html (accessed on December 4, 2007).

22. "Lawsuit against Time Warner Cable Inc. et al." Available at: [\[cable-packages.html\]\(http://cable-packages.html\) \(accessed on November 25, 2007\).](http://lawyersandsettlements.com/case/bundled-</p></div><div data-bbox=)

23. "Census of Population: Language, mobility and migration." Canadian National Statistics Agency. 10 December 2002. Available at: <http://statcan.ca/Daily/English/021210/d021210a.htm> (accessed December 4, 2007).

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AIMING FOR THE HEAD:

DAWN OF THE DEAD, THEN AND NOW

by Mollie Vandor

Remediation can be understood as the process in which new trends converge to create new cultural products to replace the old and outdated. According to film theorist Kevin Stewart, “The term remediation can be defined as a process where ‘new media technologies improve upon or remedy prior technologies,’ and secondly, as Bolter & Grusin theorize, “as the formal logic by which new media refashion prior media forms.” (Stewart 2007) Techniques of remediation can be seen in films as well, vis a vis the comparison between original movies and their remakes. In the case of George A. Romero’s 1978 film *Dawn of the Dead*, the definitive remake was released in 2004.

As a film produced for and marketed toward a youth audience, the original *Dawn of the Dead* served as a startling counter-cultural reflection of its time, challenging consumerist conventions of the 1970s in both its aesthetic and its narrative. The film employed a distinct visual strategy derivative of from exploitation and cinema verité film aesthetics. It was a means of appealing to a youthful demographic, ensuring that they associated the film with a meaning more subtle and serious than its science-fiction narrative would initially seem to suggest. Zach Snyder’s 2004 remake is almost identical, plot-wise, yet it communicates an entirely different message by refashioning the original’s aesthetic and narrative content, and updates the original film’s use of zombies as a metaphor for mass consumption and its negative effects on society. In the remake, a series of visual and textual clues refashion Romero’s zombies as a metaphor for the potential terrorist threat facing the

United States right around the time of its theatrical run. Ultimately, Snyder draws from videogame aesthetics, transforming Romero’s liberal, countercultural message – communicated through the combination of cinema verité and exploitation film visuals – into a patriotic, conservative one that is also a product of its time.

The original *Dawn of the Dead* draws most of its aesthetic influences from the long-standing, youth-oriented tradition of the exploitation film – characterized by remarkably low production costs, lurid content and transgressive values – firmly rooting the film in the realm of youth culture. For audiences of the period, Romero employs a variety of cues that communicated an exploitation-style film in the classic, youth-oriented sense. These techniques include canted camera angles, self-consciously dissonant music, and jarringly fast-paced editing to create visceral suspense and shadowy natural lighting. Romero’s unconventional, shocking visual strategies go hand-in-hand with his anti-normative narrative, which was firmly anti-establishment, criticizing mainstream consumerist culture of the 1970s.

The film’s visual allusions to cinema verité (a style popularly and contemporaneously associated with not just youth culture but, specifically, youth-oriented musical and political counterculture), refers to filmmakers’ intent on plainly capturing life as it really exists before the lens of the camera. These stylistic elements are abundant and heighten the film’s currency for the time, providing the basis for Romero’s cultural critique. The film first introduces its cinema verité sensibility during a scene in which the



Fighting to stay alive in *Dawn of the Dead* (1978).

main characters flee the zombie-infested metropolis, seeking the relative safety of the suburbs via helicopter. They fly over a camp full of “rednecks” simultaneously hunting the zombies and enjoying a tailgate party. Suddenly, the camera’s position stops being dictated by those of the main characters; instead, it shifts to an objective point of view that captures the scene from all angles, as though it were a television news camera. With its grainy footage, diegetic music and shaky, hand-held camera, the scene differentiates itself from the more self-consciously stylized sequences that comprise most of the film, thus firmly rooting *Dawn of the Dead* in the realm of fathomable reality [[,]] [[an affront to the audience]]. This effect is repeated throughout the rest of the film: Romero balances surreal, unbelievable sequences of stylized carnage with scenes

boasting elements of realism. Therefore, Romero positions his fantastic narrative in the mind of the viewer, into the realm of the real and the familiar.

Furthermore, *Dawn of the Dead* utilizes the cinema vérité convention of self-reflexivity with clear purpose and to great effect, as the film’s own aesthetic sensibilities reinforce the idea “that what Americans consider an authorial voice is not only commodified but specifically media-constructed.” (Loudermilk 2003) For example, a character’s gun is often pointed directly at the camera, as in an early sequence in which a SWAT team raids a housing project with the cache of zombies in its basement. As the raid deteriorates into racially and emotionally charged violent chaos, the camera assumes the position of an objective observer, a position it maintains until the camera is suddenly

rendered a Brechtian participant, as authority figures are attacked by the zombie versions of the minorities they were abusing just moments ago. More importantly, the camera puts the audience in the position of a character being threatened in the film's diegetic space. This aesthetic is often associated with television news, documentary and other cultural products that aim to capture "real life." The self-reflexivity of this scene "provides an interpretative context for the rest of the film. [...] The scene invites the audience to consider zombiedom as a condition associated with both racial oppression and social abjection and, therefore, sanctions socio-political interpretations of the film as a whole." (Harper 2002)

In doing so, the film uses its position as an observer of the objectified on-screen action to show how the action occurring onscreen is connected with the real world the contemporaneous audience would have seen on its TV news screens each night, and how the action poses an immediate — if allegorical — threat to the well-being of the aforementioned audience. "The monsters [...] are created by social forces beyond their control [...] and are products of the same society they threaten." (Becker 2006) Thus, the film utilizes cinema vérité techniques to speak to youth in a way that would have been very familiar to adolescents growing up in the 1960s and 1970s, in a world that was saturated by televised footage of atrocities in Vietnam and at home.

By incorporating self-reflexivity along with moments in which the camera takes the point of view of the zombies, the film both further communicates its counter-cultural position and places its audience in the position of choosing between joining the zombie horde or becoming a mere observer of the atrocities it commits. By forcing the audience to visually alter-

nate identifying with both the zombies, a metaphor for mass consumerism, and the equally violent hunting party, Romero equates the zombie masses with the mob mentality of the hunters, subtly suggesting that objective self-awareness is the only way to maintain a neutral identity within the film's discursive world. In this manner, Romero injects a conventional, youth-oriented exploitation film with a clear counter-cultural message, forcing his audience to recognize its own collective complicity in the wasteful, soulless consumerism that was mainstream and completely accepted in the 1970s.

In contrast, the 2004 *Dawn of the Dead* combines the aesthetics of the exploitation genre with those of video games, rather than cinema vérité as the original film did. Throughout the remake, the camera continuously shoots from above, behind or from the side — points of view that are familiar to anyone who plays video games, as they are traditionally the angle from which players view their on-screen alter-egos. As in video games, where the object is surviving as many levels as possible, the camera's position and the series of quick position changes, even quicker cuts, sweeping camera movements and bright, unrealistic lighting and colors puts the audience in the place of the terrorized victims rather than in a position of power as in the original. No longer is the camera giving the audience the chance to choose whether or not to be involved or objective. Instead, the modern audience is forced to assume the position of the frightened, fleeing mobs. More specifically, the film's aesthetics are reflexive of the general feelings of uncertainty and unmitigated fear generated during and following 9/11.

The more recent film's aesthetics also subvert the system of discourse established by the original *Dawn of the Dead*. Unlike the comedic carnage and outra-

geously disfigured zombies of the original film, in the remake, most of the zombies look almost exactly like the humans they hunt. "Snyder's film [...] places his cadavers in the vibrancy of daylight, enhancing both the texture and depth of tone and colour [...] lighting is used to accentuate the menace of the zombie[...]" by highlighting their dual identities as monsters and humans, in opposition to Romero's one-dimensional versions. While the original film's zombies move about in a comically disjointed fashion, inflicting cartoonish violence that is more funny than scary, the zombies in the remake move with startling, superhuman agility, and the violence they inflict upon individuals is extremely gory, in the style of contemporary "body-horror" films. When combined with the classic conventions of the exploitation genre, these alterations in the remake posit the zombies as being a more concretely real, disturbingly human and viscerally frightening threat to the victims they hunt – victims with whom the audience visually is forced to identify.

A series of subtle visual clues embedded in the overall text of the film equates the zombies with the terrorist threat to the United States. For example, the film's opening credit sequence begins with a very short frame of what appears to be a mass of Muslim men in traditional garb, bowing in prayer. Additionally, the news sequences in which the zombie outbreak is first discussed feature images of burning buildings and destroyed downtowns that look eerily similar to the images that saturated the news after the September 11, 2001 terrorist attacks on America. Furthermore, at the end of the film, one of the men who fight their way through the zombie hordes ends up being viciously devoured and ultimately blown up in a massive explosion. Throughout this scene, the camera cuts from him to shots of the

lone man left standing on the dock and the people on the boat – all of whom are surrounded by a halo of three-point lighting and who are framed by the American flag fluttering in the breeze beside them. Meanwhile, the shots of him stay centered on his hat, which is embroidered with his job title – 'security' – a clear cue that the zombie attacks are an allegory for attacks on American security. In this way, the 2004 remake of *Dawn of the Dead* clearly constructs the zombies as an allegory for the terrorist attacks on America, rather than a metaphor for mass consumption.

While the metaphorical meaning of the zombies differs depending on the version of *Dawn of the Dead* under discussion, the films' narrative arcs are fairly similar. Although both films feature a group of people who escape a sudden zombie outbreak by holing up in a mall, there are subtle differences between the two films that are in keeping with their identities as a countercultural and conservative cultural products, respectively. For instance, the way in which the films individually introduce the zombie threat is indicative of the nature of the specific geo-political situations and conflicts to which these films allude.

Romero's *Dawn of the Dead* begins with the outbreak already under way, as a news station struggles to decide whether to go off the air or continue its broadcast. Romero's characters delve into discussions about the responsibility of the media to protect the people versus the sensibilities of the businessmen in charge, whose chief interest is keeping ratings high. (One could say that this film explores the same anxieties addressed in another overtly political movie of the 1970s, *Network* (Sidney Lumet, 1976).)

From its beginning, Snyder's version posits the zombie invasion as a direct threat to middle-class Americana and the



A zombie from George A. Romero's *Dawn of the Dead* (1978).

child-like bliss therein, a message that is imminently relatable to modern audiences who heard this type of rhetoric being applied to justify and support U.S. involvement in the Middle East. While Romero's film opens with the zombie invasion already fully underway, Snyder's zombies are covert in their gradual infiltration. One of the first to appear onscreen takes the form of a little girl, who, transformed into a monstrosity, intrudes on a couple's peaceful slumber. The zombies seem to be attacking all that America stands for, at least in terms of clichéd iconography, as illustrated by Snyder's imagery: the tree-lined, suburban residence, the blue-collar work truck parked in a character's driveway, and the all-American family that the nurse returns home to.

Though both films have their protagonists end up in shopping malls, the slight changes and adjustments made at this

point in the films' plots indicate staunch differences in their respective values. In the Romero's version, the humans fleeing the zombies end up at the mall by accident, after they realize their helicopter is losing fuel. It can be said that "Romero's zombie'd mall stands as a symbol of 'the cheap, materialistic values that so often take precedence over traditional romantic, moral, and spiritual ideals in the twentieth century' and exposes what he calls 'the false security of consumer society.'" (Loudermilk 2003) In contrast, in the remake, the group intentionally heads to the mall – a place that is mistaken for a safe, secure haven. Of course, the false sense of security the mall momentarily provides its occupants in this filmic update can be seen as alluding to the false sense of security felt by Americans prior to the 9/11 attacks, as well as the (generally) socially regressive responses (i.e., the

act of racial profiling) and conservative politics that gained in strength after the incidents. This reading for the contemporary version can be validated easily by contrasting the racial make-up of the casts for the individual films.

In the original film, the group is small and fairly homogenous, and the only woman – who happens to be pregnant – is only shown as such in the latter parts of the movie. In the remake, the group is a much larger, more diverse microcosm of American society and the pregnant woman is very large throughout. She is also Middle Eastern, and the only member of the group whose transition to zombie-hood is documented in its entirety. In fact, the scene in which she finally becomes a zombie, eventually giving birth to a zombie child, is by far the most viscerally frightening and stomach-turning sequence in the film, a clear cue that the Middle Eastern woman, whose husband hides her infection from the group, cannot be trusted and will only bring trouble, in the form of her progeny, to the group. She is not the only character in the film reflexive of those individuals who were oftentimes the victims of blind hatred following the attacks, which was based on a rather narrow-minded sense of patriotism.

The man who is the most villainous human in the group in the remake film also happens to be the wealthy, acerbically witty intellectual – as denoted by his glasses and expensive black outfit – and, after he refuses to help the group execute its escape plan, he ends up dying an especially brutal death. This could be construed as an allegorical statement about those liberal intellectuals who objected to America's violent response to the 9/11 attacks. And, while both films feature the characters taking full, consumption-driven advantage of the mall's many stores, in

the original film, this is ultimately offset by the protagonists' laments that "we're thieves and we're bad guys," "this place is a prison" and "what have we done to ourselves," – clearly constructing their consumerist tendencies, and the mall as an entity, as being negative rather than a positive escape from the chaos outside the mall doors, as the remake does.

The greatest difference between the two films' plots involves their endings. In the original film, the group attempts to leave the mall after a renegade gang of greedy bikers has compromised its security in retaliation for their selfish refusal to share their safe haven – another dig at the effects of greed, as well as the consequences of consumption-driven selfishness. "Stephen, likewise corrupted [by consumerism], fights pointlessly at the end for the mall because 'It's ours. We took it,' and provokes the battle in which he too becomes a zombie. His selfishness results in the loss of his self." (Horne, 108). In the second film, the group chooses to leave the mall due mostly to the desire not to die before trying to find some better place to spend its time, a feeling that is born in the aftermath of the Middle Eastern woman's transformation into a zombie, and the subsequent sense that the group's safety has been breached from within.

This is a reinforcement of the conventional, consumerist drive to always be bettering one's position and possessions, as well as an allegorical assertion that the best way to deal with the zombie attacks is to take definitive action to drive the zombies away so that the group can find contentment on the isolated island they head for – a clear metaphor for the post-9/11 push for pressure on the Bush administration to take definitive military action against other countries so as to protect the peace and security of its inherently isolationist shores. Thus, while the

original film finds the remaining members of the group finally – and successfully – fleeing the mall via air to escape the consequences of consumption-driven selfishness, the remake shows the humans literally fighting their way through the zombies in a desperate bid for blissful isolation... a strategy that proves unsuccessful when, during the credits, they are shown landing on the legendary island only to find it full of zombies as well. It is at this moment that it seems as though, if only the group had gone out and fought earlier, they could have succeeded in finding safety on the island. [[Snyder seems to be suggesting that, had the group acted earlier, it could have succeeded in finding a safe place of refuge on the island, a not-so-veiled commentary...]] And, this is a clear contrast to the escape of the original film, which proves to be successful, if eliptical.

Snyder's alterations to the story featured in the original film correspond to his transformation of the zombies from serving as a metaphor for the threat of "mob-mentality" mass consumption to a metaphor for the terrorist threat in the United States, and construct the film's discursive position as being clearly and conservatively pro-war – a big difference from the original film's countercultural ethos. "It is certainly not irrelevant that the recent remake of *Dawn of the Dead* [...] appeared amidst a flood of Hollywood remakes and sequels, during uncertain times for both the film industry and the nation at war [. . .] And indeed, it seems likely enough that moviegoers subject to life under the constant anxiety of the Orange-Level alert – where our self-proclaimed leaders gleefully remind us that the brain-washed terrorists will strike at any moment – might identify with characters besieged by zombies on all sides." Therefore, whereas the original film pres-

ents the zombie outbreak, and the subsequent consequences thereof, as being rooted in the real question of how much responsibility the media, the authorities – in the form of the SWAT team – and individual citizens must take in the face of actions by big business and government, the remake situates the zombie outbreak as an all-out attack on contented, conventional American family life. Moreover, while the original film constructs the consumerist haven of the mall as more of a prison than a place of refuge, the remake embraces the environs of the mall and makes it seem as though the group would have been safe there forever had they not been provoked into fighting the zombies by the Middle Eastern woman's transformation into zombie-hood. Finally, while the original film literally promotes the protagonists' proverbially rising above the gory, greed-driven fray below them, the remake proscribes a proactive attack on the zombies as the film's climactic solution to the systematic outbreak. And thus, while the original film's narrative arc is clearly anti-consumerist and countercultural, the remake's is patently, conventionally, conservatively pro-war – a message that had clear resonance for contemporaneous youth audiences as America was well into both the 'war on terror' and the Iraq War when the film was released.

In this way, the remake of *Dawn of the Dead* adapts and updates the original film's visual and narrative cues to construct the zombies as a metaphor for the threat of terrorism, rather than simply just Romero's intended metaphor for the threat of mass consumerist culture. And, both films were classic genre films distinctly directed at youth audiences. Therefore, it is clear that both Romero and Snyder employed a combination of classic genre conventions and embedded aesthetic and narra-

tive subtexts to create films that not only appealed to youth, but addressed their youth audiences with distinct messages in mind. Thus, by altering the original film's aesthetic and narrative strategies, and the messages embedded therein, the remake of *Dawn of the Dead* takes a film that was designed to communicate countercultural values and remediates it such that it becomes a conservative, patriotic product that very much reinforces dominant cultural and societal norms for the youth audience at which it was directed.

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THE WIDE SCENE OF HYGIENE:

AN EXPLORATION OF THE DIVERSE PROGRESSION OF EDUCATIONAL FILMS

by Douglas Herman

“At this early stage of the medium, no one of us knows very much about how to teach with film. We are going to gradually improve our understanding through trial and error—by doing the best we can with each film, and profiting by our experience. The independent producer of educational films must continue to lead the way to constantly improve the techniques—and, by so doing, supply the competitive spur which will keep the standards of the whole field in constant forward motion”

-Louis De Rochemont
(*DeRochemont*, 1948 237).

During the World War II, educators in America became increasingly aware of the potentialities for social manipulation through various types of filmic presentation. War propaganda films and “attitude films”—designed to boost morality, drive out complacency, and condemn absenteeism—came to be recognized as potentially lucrative techniques in the realm of film for the adjustment of adolescent attitudes on the home front (Hart 1946: 300). Educators jumped at the opportunity to employ this new technology of social engineering within classroom settings across the country. The idea that World War I had produced the Lost Generation of the 1920-s wherein young people were pursuing hedonistic pleasures and abandoning tradition, may have been a catalyst for the adults of the 1940-s to take the initiative in preventing a repeat of this undesired societal sentiment (Smith 1999: 18). One such preventative enterprise was the mental hygiene film.

Hygiene films of the forties and fifties were intended to dispel ignorance about

subjects such as sexual reproduction; they were also intended to drive out insolence among the youth. They promoted normalcy, and denounced delinquency, as well as shyness or bad posture. These films covered a myriad of subjects from safe driving, to avoiding strangers, to dating etiquette, to menstruation, etc. - anything to promote healthy, happy, responsible future leaders of America.

Although the topics of these films varied greatly, and this expansion of subject material was encouraged, many educational theorists and social leaders felt that there should be guidelines for what constituted an appropriate educational film. There were proposals set forth in many medical journals and educational periodicals such as *Educational Screen*. A majority of the elements of standardizations appeared to coincide among the various proposals. The general consensus was that educational or instructional films were to be segregated from anything that resembled entertainment. That is to say, these educational theorists believed that the components that aided theatrical films, i.e., musical scores, color, catchy titles, animation, product placement, or graphic or shocking imagery, would distract the viewers from their intended learning. (Lissack 1946: 132)

However, even though legitimate instruction was the main goal of mental hygiene films—and some companies tried to uphold the stringent standards of what social reformers proposed educational films ought to encompass—there is no denying that the production of hygiene films was a business, and with business comes competition and that, in turn, leads to innovation. The competitive advancements that took place in

the progression of mental hygiene films came via two prominent avenues: the utilization of theatrical film aesthetics, and the addressing of uncovered—and often taboo—topics. It wasn't too long before the most popular classroom films were breaking all of the previously set forth standards of "appropriateness."

Since its inception in 1943, Encyclopaedia Britannica Films (EBF) was one of the biggest suppliers of classroom films. It sought to maintain its established reputation of being highly professional and germane to classroom agendas. EBF took it upon itself to honor the many conservative ideals of what classroom films should be. Their films were made in the "traditional dry, detached, static, way; an illustrated lecture more than a movie, with everything shepherded by an off-camera voice of authority" (Smith, 1999: 92). "Educational films that bordered on 'entertainment' were condemned by companies like EBF" (Smith 1999: 94). Therefore, EBF rarely used animation, except to depict the technical aspects or microscopic properties of the subjects being presented. Examples of this can be seen in their 1946 film, *Fire*, where an animated diagram of a campfire demonstrates how oxygen helps fuel it. An animated cutaway is presented in *Care of the Skin* (1949), showing the different layers of skin in the body as well as the tasks of pores and sweat glands. Dialogue is used only sparingly in *Care of the Skin* and not at all in *Fire*. And music is only used during the credits of *Care of the Skin*. Out of all of the producers of hygiene films during this period, EBF was by far the safest and least entertaining.

In an article published in *Marriage and Family Living* titled "Menstrual Education," the authors captured the attitude of the time: "Almost everyone agrees that girls need to know the facts about menstruation before they begin to menstruate" (Smart 1959: 177).

This may seem like an obvious demand, but there was little material at all that dealt with this topic and the topic of sexual education in general, strictly because there were no American educational film producers that would touch upon this hard to handle subject (Smith 1999: 58). Therefore, despite educators' disdain for using manufacturer-sponsored films, they had little choice but to embrace any films that dared to address this topic. The first film to do so was simply called *The Story of Menstruation* (1946), and it was produced by the manufacturer of Kotex tampons, the International Cellucotton Products Company, and Walt Disney Productions.

The Story of Menstruation did not just touch upon a subject of virtually no representation; it also employed filmic techniques that were seen as "entertainment." For example, the entire film was animated. This technique, however, was praised by children, parents, and educators alike, because it helped depersonalize the subject and consequently diffuse embarrassment, and as *Educational Screen* put it, "the ghastly effect of a realistic rendering was avoided" ("New Biology Film Helps Girls" 1947: 215).

As mentioned before, the idea of using a business sponsor to produce an educational film was extremely frowned upon by educators. Teachers were concerned that by showing these films their main objective of teaching a relevant topic would be supplanted by product advertisement; they feared that "the use of the best of these... involves furthering the sponsor's interest in some degree." (Reed 1946: 252) And this was definitely not the intended goal of showing classroom hygiene films. However, Disney and Kotex were aware of this, and boasted that, "No mention of the sponsor's product appears anywhere, only the name of Kotex on the title cards at the beginning and end putting responsibility for subject matter directly upon the sponsor." ("New Biology

Film Helps Girls" 1947: 215) Disney also continually stressed the professionalism of *The Story of Menstruation* by saying that, "A gynecologist of the highest reputation checked the story in detail at every stage of its development." ("New Biology Film Helps Girls" 1947: 218) So, despite the film's blatant disregard of the generally proposed educational film standards, there was high praise for the film and its tactics were viewed as justifiable because it presented a highly desired topic.

Other films that challenged the strictly informative presentation of Encyclopaedia Britannica films, were those produced by Coronet Studios. In 1938, the founder of Coronet Films, David Smart, announced that he would be using state-of-the-art filming techniques to present educational films (Smith 1999: 90). This meant that Coronet would be using manipulative methods seen in Hollywood films, such as non-diegetic music, dramatic lighting and editing, live sound delivered by actors on screen, and not strictly an off-screen narrator (Smith 1999: 94). However, Coronet did not diverge from the conventional standards of classroom films, like those of EBF; Coronet based most of their production on the school curriculums—making movies that pertained to what educators were to teaching. As stated, "...educators showed Coronet films because they were desperate for social guidance material. And some educators (though not all, at first) loved them because Coronet broke the taboo that educational films should not be like Hollywood movies" (Smith 1999: 92).

In the 1940s and 50s it was the dominant theory of social engineers that children would imitate what they were shown on the screen, and so as a result Coronet felt compelled to portray its characters in good taste, worthy of being emulated. In 1948, the Coronet periodical, *Coronews*, stated the claim that within Coronet films, "Every

word must be pronounced correctly, every bit of writing or lettering must be done in the most acceptable style. Every actor must maintain good posture. Every set, prop and costume must be in good style and taste" (96). This attitude can clearly be seen in one of their best-known films, *Are You Popular?* (dir. Ted Peshak, 1947). This film consists of well-groomed, clean-cut teens, who are articulate and friendly. The characters who are not supposed to be role models are clearly defined as such and there is no confusion about the ways in which Coronet is trying to teach you to act.

For the most part, large production companies such as Coronet and EBF tried to determine what subject matter schools would be teaching the following year and made films based on those subjects (Smith 1999: 32). As businesses seeking profit, these companies were reluctant to produce films with subjects that would upset formal educators, because their films wouldn't be received and they would lose money. It was up to the smaller production companies and independent producers to fill the curriculum gaps and present mental hygiene films that tackled messy subjects (Smith 1999: 101). A prime example of one of these bold independent producers was Sid Davis.

Davis had been involved in the film industry since the age of four, and as an adult he made most of his income as a stand-in for John Wayne. However, his life on the fringe of the film world would take a dramatic turn when he learned of an appalling news story: In November 1949, a six-year-old girl by the name of Linda Joyce Glucoft of Los Angeles was molested and murdered by a man named Fred Stroble. Davis, having a young daughter of his own at that time, felt compelled to do something to attempt to prevent any future monstrosities as terrible as what happened to Linda Glucoft from happening to other children. So in 1950



Here, little Jimmy is described by the narrator as a “wise guy,” and hence the perfect target for the child abducting stranger who later takes Jimmy away.

he received \$1,000 from John Wayne and he produced a social guidance film titled, *The Dangerous Stranger*, which sought to warn children of the dangers of unknown adults and how to take down license plate numbers of sketchy characters. Davis sold the film to numerous police departments and schools and made a profit of \$250,000. He used the money he made from this film to produce more than 150 films during his career (Wikipedia, 1).

What stood out about Sid Davis’ films were not the technological advancements, because with such small budgets—a source of pride for Davis—it was impossible for his films ever to be “state-of-the-art.” Instead, it was his willingness to probe untrodden territories of social delinquency which set him apart from the rest. As merely a stand-in for John Wayne, Davis didn’t have any reputation to maintain as a respectable educational film provider; therefore, he had little to lose and could make any film he wanted. He never

consulted professionals for their expertise in the subjects he covered, as many other big name producers did, instead presenting his own anecdotes on subjects like dope users, or sex offenders. And he almost always blamed the dimwitted youth or “wise-guys” for their own demise (Smith 1999: 104). Despite this immense level of unprofessionalism, Davis’ films were feverishly accepted and exhibited nationwide. Instructors and social groups yearned for these never-before-addressed topics. Davis’ films were a far cry from what educational theorists had initially proposed for classroom films, but their appeal was undeniable.

Sid Davis’ films stood out on another front in that they were not designed to be imitated; kids were not supposed to act like most of the characters in the films. The monotonous and admonishing narrator condemned almost all behavior displayed, so Davis’ films could afford to show unfitting scenarios, such as kids

smoking pot. His films were supposed to frighten adolescents into compliance. This new move away from behaviors to be emulated toward the introduction of not-to-be-imitated behavior and fear inducement paved the way for the next big wave of guidance films: highway safety movies. In 1958, another small production company, Crawley films, was the first to insert footage of a real car accident scene into one of these films. The movie was *Safety or Slaughter*, "...the first educational gore film" (Smith 1999: 78).

One could look at the actions taken by the relatively smaller production companies like Warner Bros. and Fox during the early days of sound film and see how their initiative and willingness to go where the other major producers wouldn't lead to the eventual universal integration of synchronized sound in cinema. In that vein, it's notable that through their evolution, mental hygiene films came to drastically oppose the initial proposals of educational film standards. This progression seems logical over the years with the changing curriculum of schools, the development of new motion-picture

technologies and techniques, the increased number of production companies and independent producers, and the overall change in society's interests (Wagner 1954: 147).

My initial undertaking of research on this topic of mental hygiene was directed towards finding a commonality among these films, primarily in identifying the standards of production or exhibition. But what I came to find—and have illustrated—is that in no way were the production techniques or practices or even subject matters ubiquitous among these films and their producers. The only real constant in the genre of mental hygiene films was that of new production companies doing what the others would not, breaking new ground until the films that resulted were at the opposite spectrum of where they started. It was the new producers who tested the boundaries established by the educators before them that led to the progression of these films. Had all of the producers colored within the lines of the initial proposals of segregating education from entertainment or shock, mental hygiene films would have never risen to prominence.

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POSSIBILITIES FOR PAULINE:

RE-CATEGORIZING THE REPRESENTATION
OF FEMININITY IN THE PERILS OF PAULINE

by Natalie Arps-Bumbera

The serial *The Perils of Pauline* is one of a select few films from the early 1900's featuring the rare spectacle of a female protagonist performing daring athletic feats in her quest for freedom and adventure. Yet the modern viewer can't help but regard it cautiously; for while the protagonist, Pauline, is as courageous and independent as any present-day heroine, she also frequently falls into the role of "damsel in distress," necessitating a rescue by her beau in a more traditional turn of events. These contradictions in the construction of the female protagonist leave the modern viewer in an agony of indecision as to how to classify the series – do we condemn it for its outdated construction of femininity, as the heroine's repeated need for rescue suggests? Or do we celebrate its construction of femininity as modern, even ahead of its time, since the heroine prioritizes career before marriage, and demonstrates unwavering courage in the face of danger? At present, discussion on the subject tends to view the construction of femininity in serial films as composed of juxtaposed images of modern and traditional "womanhood," each working against the other to deconstruct the image of femininity it portrays. However, as elements of both the modern and the traditional exist simultaneously and in almost equal quantities in *The Perils of Pauline*, choosing between the two images ultimately would be choosing to discount half of the film's content. Therefore, rather than choose which half of the film's content to disregard, I work from the assumption that, while contradictory, both images are of equal importance, and

are parts of a unified whole - an assumption based on Susan Hayward's theory of "spectator fantasy." In applying the theory of spectator fantasy to the contradictory constructions of femininity in *The Perils of Pauline*, it is my hope that it may provide a more holistic view of the series and lead to a deeper understanding of the interplay of historical forces, societal forces, and audience desires that unite the seemingly contradictory images of femininity in *The Perils of Pauline*.

I reviewed recent scholarly material generated on the subject of serial films in the early 1910-s and 1920-s in order to better understand current theories of the construction of femininity in serial films. I then followed this research by screening episodes of *The Perils of Pauline* in order to familiarize myself with the content of the series, and the manner in which the visuals and the narrative construct the protagonist's femininity. Due to both a scarcity of information on the subject, and my interest in exploring current film theory about the contradictory construction of femininity in serial films, I share sources with the film theorists whose research informs my own, reexamining and analyzing elements of their arguments and sources applicable to my own research.

At present, scholarly research on serial films suggests two main modes of classifying the representation of femininity in serial films: as either conflicting depictions of one central concept or as two poles on opposite ends of a continuum. Shelly Stamp's *Ready-Made Customers: Female Movie Fans and the Serial Craze* is an example of the first style of classi-

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Pretty Girl!
\$25,000 REWARD
In Money Prizes
FOR YOU
 READ
 "The Perils of Pauline,"
 the Astonishing New Story
 Which Begins in
 To-morrow's **SUNDAY AMERICAN**
 And Find Out How to
 WIN THESE PRIZES

**And What You Read in Sunday American's New Novel
 You Can See Enacted in Real Life in Moving Pictures**

A Newspaper Ad from the New York Times in 1914 asking audiences to submit their stories to the producers of *The Perils of Pauline* (1914).

fication. Stamp looks at both the type of femininity presented in the narrative of a serial film and the type of femininity presented in its advertising in order to inform her classification of a film's representation of femininity. In the course of her research, Stamp found that while the serial films she viewed tended to portray their female protagonists in more active roles than were typical of the time, "in the same breath they cheered the daring and bravado of serial queens...many celebrity profiles were also careful to set the stars' rugged personas against more conventional portraits of womanhood, to contrast celluloid visions of strength and tenacity with a softer femininity." Publicity materials such as those Stamp refers to might include an endorsement by a serial film actress to female fans interested in careers in film to "be strong, to learn hobbies, to be fearless, and to keep physically fit," as well as urging female fans to carry

out tasks requiring daring athleticism without "losing...that air of femininity of which we are all so proud." Still other publications emphasized the "authenticity of [the serial actresses' performance of stunts in] diegetic action sequences," and then provided female serial fans with accounts of their favorite serial actress's "romance[s], home life, and children." The depiction of serial heroines engaged in traditionally "feminine" pursuits, such as cooking and childcare celebrated the pursuit of traditionally female activities. Nonetheless, encouragement from beloved serial film actresses urged fans to take up non-traditional female activities. While the modern viewer is well aware that qualities such as courage and athleticism are neither "feminine" nor "masculine" in nature, the manner in which these stories "reassured fans that stars retain their femininity even while performing feats of cinematic daring" only helped to mark out a "juxtaposition of feminine delicacy with might and brawn." By marking such a gulf of difference between all things "feminine" and all things "masculine," such advertisements ultimately helped to preserve the myth of major differences between the sexes.

Ben Singer's *Female Power in the Serial Queen Melodrama: the Etiology of an Anomaly* may be viewed as yet another example of research classifying the representation of femininity in serial films as conflicting depictions of a central concept. Singer focuses on the consequences associated with the heroine's actions in a serial film as a means of classifying which representation of femininity they espouse. For example, Singer found instances in which the heroine of a serial film is given "social power...[by working in] conventionally male positions of professional authority." Still other serial heroines were

attributed superior physical powers, such as strength and agility, enabling them to save themselves, and in some cases, save their male coworkers as well in a total "reversal of [typical] gender positions." However, Singer found that images of the serial heroine's increased social and physical power were often undercut by images of their "increase[d]...vulnerability in the outside world." Singer argues:

"all serial-queen narratives, by definition, place the heroine in positions of danger- it is a necessary part of her emancipation and 'masculine' agency...a number of serial queen films... go much further, amplify[ing the]... extremely graphic spectacle of female distress, helplessness, and abject terror...coupl[ing] an ideology of female power with an equally vivid exposition of female defenselessness and weakness."

Just as Stamp did, Singer also found that the images of femininity present in serial films made contradictory statements; on the one hand depicting women's greater social and physical power resulting in heroic accomplishments and exciting adventures - and, on the other hand, visually linking increased physical and social power with a vulnerability to frighteningly brutal treatment at the hands of one's enemies. Thus, like Stamp, Singer too finds extreme contradictions between the actions the heroine takes on screen and the actions the serial audience is warned against by the outcome of the heroine's lifestyle.

Nan Enstad's *Dressed for Adventure: Working Women and Silent Movie Serials in the 1920's* is an example of the second type of classification - that in which representations of femininity in serial films are placed along a continuum rather than seen as opposing depictions of a central concept. Over the course of her research,

Enstad found that serial films directed at middle and upper-class women typically featured a "proverbial heroine tied to the railroad tracks," who tended to be more traditional and conservative, and usually needed masculine help and protection. However, Enstad found that the serial films directed towards working-class and poor women, such as *The Hazards of Helen* and *What Happened to Mary*, were usually less traditional in their construction of femininity since they tended to feature heroines that were just as "serious" about work as their male coworkers, and in which "romance seemed to be invoked [only] to point out how much more important work and adventure were to the young heroine." Furthermore, rather than playing the role of damsel in distress, the heroines in working women's serial films might "use a gun in the face of a male rival with "superior masculine strength," or "take over for her [male] coworkers" during emergencies at a railroad station. Thus, according to the implications of Enstad's research, serial films for middle and upper-class women occupy the more traditional end of the continuum as they place their heroines in the more traditional role of damsel in distress. Conversely, serial films directed at working class and poor women occupy the more non-traditional end of the continuum because they place their heroines in non-traditionally female roles (such as marksman and adventurer), and in some cases, even have their heroines replace men at jobs seen as traditionally "male" (substitute railroad hand).

However, classifying representations of femininity in serial film becomes challenging and contradictory when taking into account the finer distinctions between individual films for working-class and poor women (which research suggests ought to occupy the same end of

the continuum). For example, the series *What Ever Happened to Mary* is based on "formulas from dime-novel romances for women" whereas the series *The Hazards of Helen* is based on "dime-novel westerns and railroad stories for men." The differences between the genders of each story's intended audience, as well as the assumptions implicit in the choice of story for female serial film viewers' consumption, indicate vastly different degrees of traditionalism or non-traditionalism within each story. Clearly, the method of classification implied by Enstad's research is more fluid than that implied by Singer and Stamp's. However, neither the method of classifying the construction of femininity in *The Perils of Pauline* as conflicting depictions of one central concept or classifying it as two poles on opposite ends of a continuum, appears to be an appropriate choice, as both limit the wide variety of possible meanings to the information that a more holistic approach might better be able to accommodate.

The approach I suggest to accommodate the multiple constructions of femininity in the series is to classify them as elements of "fantasy." According to film theorist Susan Hayward's definition, "fantasy" in film represents a "conscious articulation of desire...through images or stories." In this theory, a story or an image may represent a desired object or experience. Thus, when film spectators see a desired object or experience on screen, they fantasize about possessing or experiencing it. Through these fantasies, spectators are able to occupy "a multiplicity of identificatory positions." Such a process enables viewers to simultaneously identify with as many narrative elements as they please, regardless of whether or not the positions they wish to occupy prove contradictory in reality. For example, a spectator who desires excitement might

watch *Perils* and fantasize about experiencing some of the "non-traditionally feminine" aspects of Pauline's life, such as pursuing a career as a writer, or going off on her own to seek adventure and travel. That same spectator might also desire security and relief from responsibility, and fantasize about experiencing the more "traditionally feminine" aspects of Pauline's experience, such as being protected and cared for by a committed fiancée. As Pauline goes from enterprising adventurer to damsel in distress in a matter of moments, the process of fantasizing that the spectator engages in while watching enables them to experience through Pauline the thrill of playing a "non-traditional" female role, as well as the comfort of playing a "traditionally" female role during a single screening of the serial.

The fantasy of having the best of both "non-traditional" and "traditional" feminine experiences might have appealed to female viewers of *The Perils of Pauline* because occupying both roles in reality may have been somewhat of a rarity in the early 1910-s. *Perils* was released in 1914, during a time when women were gaining more rights; for example, two years after *Perils* came out in theaters, "Margret Sanger open[ed the] first birth control clinic in Brooklyn, New York," giving women increased reproductive control and greater sexual freedom. Six years after *Perils* came out in theaters the 19th amendment was ratified, granting women the right to vote, and the chance to make their voices heard in matters of foreign and national policy.

Despite the changes that granted women increased rights and freedom, media published in 1902 – as late as twenty-two years into the women's rights movement – still appears to express ambivalence about these changes. A cartoon published in 1902 called "The Disadvantages of Being in Love with an Athletic Girl," depicts

a young woman in a long skirt fearlessly leaping a chasm while her beau looks on in horror. While Singer interprets the comic as an expression of media's "celebration, curiosity, and mild paranoia" with women's changing social status and rights, it seems even more likely that the cartoon raises the question of whether "non-traditional" and "traditional" femininity were compatible. The cartoon also questions whether male/female relationships could continue in the same vein or whether recent increases in women's rights and freedom might result in women no longer needing male support, figuratively "leaving men behind" as does the young woman in the "Disadvantages..." cartoon.

In the atmosphere of high ambivalence indicated by the "Disadvantages..." cartoon, the contradictory construction of femininity in *Perils* might have provided female viewers of the early 1900-s with an experience both reassuringly familiar and provocatively different. Viewers who lived more "traditionally feminine" existences, but perhaps desired increased independence, could fantasize that they had it by imagining Pauline's daring exploits as their own. Similarly, women working outside of the home and living "non-traditionally feminine" existences (during a period of time that seriously questioned whether independent working women needed any form of male support) could reassure themselves with the example of Pauline, a woman who not only was a dedicated career woman and was capable of taking care of herself, but still had a supportive beau "waiting in the wings" should an extra helping hand be required. In this sense, the contradictory construction of femininity in the series may have granted viewers the chance to have their cake and eat it too.

If the contradictory construction of

femininity in the series gave viewers a theoretical chance to have their cake and eat it too, the process magazine editors and serial producers used to create *The Perils of Pauline* provided spectators with a concrete opportunity to do so. According to Enstad's research, many women's magazines "conducted rudimentary market research in the form of [monthly writing] contests" in which female serial fans were asked to write in to the magazines with suggestions for the plot of their heroine's next serial adventure. Evidence indicates that the producers of *The Perils of Pauline* also utilized this popular system. One advertisement for *The Perils of Pauline* calls for readers to "save this pretty girl" and advertises "\$ 25,000... in money prizes" to be given to the fan who writes the winning submission. According to Enstad, such contests "inform[ed serial film]...producers of audience desires," enabling them to attract and cultivate an audience of female serial fans.

However, I would also suggest that the contests may have opened a dialogue of sorts between serial film producers and female serial fans. In being receptive to female fans' submissions for serial plots, producers working on *The Perils of Pauline*, in effect, gave their female fans a great degree of influence over the content of the serials, and thus, a degree of power over the construction of femininity within the serials. The monthly regularity with which many serial producers held scenario-writing contests, coupled with serial producers' attentiveness to fan responses indicates that if female fans saw a construction of femininity they disagreed with, they could express their displeasure by sending in a different scenario with the comforting knowledge that their suggestions for plot and character were being studied by producers interested in catering to audience interests and maintaining

female fan patronage. Should the disgruntled fan's'-scenario win the contest, she would, no doubt, experience even greater satisfaction at seeing the construction of femininity in *The Perils of Pauline* altered in a way she deemed more appropriate by the time the next installment of the serial was released. This method of running scenario writing contests, coupled with the process of mediation enacted between serial producers and female fans seems likely to have resulted in *The Perils of Pauline* serving as a testing ground of sorts for the growing variety of possible constructions of femininity made viable by historical and social changes in the 1910's. Serving as an intersection for such dynamic forces as gender relations, historical and social changes, and spectator fantasy, it comes as no surprise that the construction of femininity in *The Perils of Pauline* would appear, at first glance, to be anything other than contradictory.

As a representation of spectator fantasy, a testing ground for new combinations of modern and traditional femininity, and a place of discourse between men and women during the dynamic historical and social changes of the 1910-s, *The Perils of Pauline* is a jumble of what appears, at first glance, to be highly contradictory forces. However, upon closer inspection, one finds that instead of opposing images, the contradictory construction of femininity in *The Perils of Pauline* might well be explained as the serial film spectator's desire to occupy the contradictory positions of modern and traditional woman, coupled with the serial producer's and female fan's vibrant collaboration and exploration of possibilities in the construction of femininity. Taken in this light, *The Perils of Pauline* is a time-capsule of sorts, transporting the modern viewer back in time to obtain a deeper understanding of the role serial film played in the construc-

tion of femininity in the turbulent 1910-s. Locating and researching the scenarios female fans submitted to serial film-writing contests in the early 1910-s will more clearly illuminate to what extent new combinations of modern and traditional femininity were imagined by serial fans, and to what extent these revolutionary constructions were utilized by producers. Such findings will ultimately help inform us of how great a role serial film media played in moving gender relations closer to the state they are in today.

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Filmography

The Perils of Pauline videotape, dir. Gasnier and MacKenzie, Pathe, 1914.

THE SOUND OF LAUREL AND HARDY

by Patsy Chenpanas

This research paper focuses on the time period of 1929-1932, when the American film industry transitioned from silent films to sound films. Specifically, this project is centered on film stars Stan Laurel and Oliver Hardy, better known collectively as the comedic duo Laurel and Hardy, and how they were able to maintain and capitalize on their success with the incorporation of sound into their routines. This paper aims to evaluate the ways in which Laurel and Hardy's incorporation of sound into their previously silent slapstick routines enriched the comedy in their films, yet took away its subtleties. Thus, we question what contributions Laurel and Hardy made to both sound film and film comedy, and in order to answer that question, I have chosen to focus on three films: *Duck Soup* (dir. Fred Guiol, 1927), *Another Fine Mess* (dir. James Parrott, 1930), and *The Music Box* (dir. James Parrott, 1932).

Many books have been written about the duo's career, comedy, and films. There are also many biographies detailing the individual lives of Stan Laurel and Oliver Hardy. The content of these books is quite varied, for some authors dedicate sections or chapters to making distinctions between their silent and sound films, whereas others are more focused on giving a general overview of their lives and film career. It has become apparent in my research for this paper that within the time period of 1929-1932, most written work analyzing Laurel and Hardy mainly focuses on four aspects: one, the characteristics of their comedy routines; two, differences between their silent and sound comedy routines; three, why they

were able to use sound technology to their advantage relative to other film comedians; and four, summaries and criticism of their films. There is also a considerable amount of writing concerning the pre-production and production modes of the films. It is interesting to note that most of what has been written about Laurel and Hardy's use of sound is contained in books, as there were very few newspaper articles or reviews that address the advent of sound in their films.

The books I have chosen to use for my research discuss the differences between their silent and sound films and why they were able to successfully survive the transition from silent to sound. Laurel and Hardy's contributions to incorporating the use of sound effects in film are also addressed briefly or alluded to in these books – there is not an extensive amount of writing or materials pertaining to their influences on sound conventions in cinema.¹ I have discovered several film reviews and articles dated about Laurel and Hardy in the Los Angeles Times and the New York Times prior to 1951. Many of these articles were written for promotional purposes, however, and do not contain much critical or analytical information of relevance here.

Laurel and Hardy are not merely a part of our cinematic past; rather, they occupy a pivotal position within film history due to their contributions to sound film and film comedy, as well as their influence upon the use of sound in cinema. Specifically, the duo relied on visual comedy (such as exaggerated facial expressions and pantomimic gestures) even after the advent of sound technology, relying on



Laurel and Hardy at their comedic best in *Another Fine Mess* (1930).

sound sparingly to either punctuate an action that was happening or to add commentary to an event. Because of this interesting and creative use of sound, Laurel and Hardy were able to survive the transition to sound more gracefully than other contemporary film comedians. Their influences upon the use of sound in cinema have also proved to be of continued interest because of their experimentation with sound effects and sound engineering to enrich the comedy in their films.

Laurel and Hardy began their conversion to sound films in 1928, when their silent shorts were released on a sound-on-disc system with accompanying sound tracks that included synchronized music and sound effects.² In this early use of sound technology, synchronized sound

had two uses: to accompany the action that was being depicted onscreen and to emphasize the comedy of an action performed by either Laurel or Hardy. As an accompaniment, sound was used non-diegetically as music that complemented the visual atmosphere of a scene.³ For example, in the film *Duck Soup*, the scene in which Laurel and Hardy are sitting on a park bench reading newspapers is accompanied by a fast, cheery piece that emphasizes the relaxed quality of life that the duo enjoy as bums. As this technique is used throughout the film, it becomes clear that the music in the film is secondary to any action that is portrayed - its sole purpose is to fill up the sonic space before the next comedic gag is executed, as there was no other dialogue or background noise to

hold the audience's interest.

The second use of synchronized sound in Laurel and Hardy's otherwise silent shorts was to accentuate an action performed by Laurel or Hardy to maximum comedic effect.⁴ In *Duck Soup*, after Laurel (dressed up as a maid named Agnes) collects the hat, gloves, and cane from the prospective renter and his wife, he walks into the foyer and heads for the living room when he slips on a rug, flies into the air, and lands on his butt, flattening the gentleman's hat. Laurel's clumsiness is emphasized by a break in the music and a synchronization of the visual and the aural: his impact on the ground is timed with the simultaneous bang of a snare drum and cymbals. The sound we hear can be characterized as jovial and lighthearted, in accordance with the fact that Laurel's fall is intended to make us laugh at his klutzy nature. Then, the music picks up again, as pleasant and lighthearted as before, also lending emphasis to comedy in Laurel's fall.

In addition to using synchronized sound to enrich their comedy routine, the silent films of Laurel and Hardy relied on visual comedy to enhance the comedic effects of their actions.⁵ Bodily harm (such as falls, punches, or pokes in the eye) and emotions (such as confusion or impatience) achieved maximum comedic effect through the use of exaggerated gestures and facial expressions. In *Duck Soup*, the comedy of Laurel dressing up in women's attire to play a maid is enhanced by the overtly confused double takes he gives Hardy before begrudgingly donning the maid's outfit. It is easy to tell that Laurel does not want to play the maid, but will still do so for the comedic absurdity of a grown man pretending to be a maid named Agnes. Unspoken communication with the audience was also achieved through a subtle look that Hardy gives

the camera when Laurel has done something stupid.⁶ Although these looks only last for a second, they are understood as Hardy's way of communicating his impatience to the audience and asking them to sympathize with him. It is as if he is saying, "Can you believe what I have to go through with this idiot?" Falls are exaggerated to the maximum. Additionally, all of the characters slip and fall on the ground during the chase scene in *Duck Soup*, but not without dramatically flying up into the air or tripping first.

Even after the advent of sound technology, this technique of exaggerated physical comedy remained the foundation of Laurel and Hardy's film routine. Scott Allen Nollen writes, "Although they chose to utilize the many possibilities that sound film offered, they did not alter their comic style in the least. Laurel and Hardy still relied on visual technique, using dialogue only when necessary."⁷ This technique is seen in the films *Another Fine Mess* and *The Music Box*, where the dialogue is only used sparingly to comment on the actions happening. In *Another Fine Mess*, a sound remake of the silent *Duck Soup*, Laurel does not even say his first line, "I think the cops are outside,"⁸ until approximately ten minutes into the film. Up until that point, Laurel might as well still be performing in one of the duo's silent shorts. He uses the same overtly confused double-take look to indicate a child-like misunderstanding of the events unfolding and a whimpering, pitiful face to convey his disagreement or reluctance to do something. *The Music Box* follows the same tradition, with physical comedy dominating the film's plot. Most of the screen time is dedicated to gags showing the duo's failed attempts at moving a piano up a steep staircase, the action of which is punctuated by the sounds of "Heave!" and "Ho!" yelled out by Laurel

and Hardy every so often as they ascend the staircase.

Another example of Laurel and Hardy's preference for visual comedy is seen in their use of exaggerated gestures to convey what is happening in the plot. This technique was mainly used by Hardy to give his character a lofty air of intelligence and decorum over that of Laurel's character. Instead of using trite dialogue to convey this sentiment in which Hardy regarded Laurel, carefully crafted gestures are used to enhance the comedic effect of Hardy's pretentiousness towards his more "dull-witted cohort." In *Another Fine Mess*, Laurel finds a card on the door of the mansion they are in and begins to read it. Hardy takes the card and points to himself in a self-important manner as if to say, "I'll handle this, if you don't mind," indicating that he thinks his companion would only bungle things instead of fixing them. However, as we see in the rest of the movie, Hardy's reading of the card does the duo no good, as their scheme is foiled by the return of the real Colonel Buckshot.

Another example of Hardy's gestured pretentiousness is seen in *The Music Box*. Laurel is ringing the doorbell of the residence for their delivery of the piano when Hardy taps him on the shoulder and again gestures to himself as if to say, "Move aside, I'll handle this." He then shoves Laurel out of the way and rings the doorbell, but ends up using too much force such that the doorbell falls off its ringer. As we can see from these two examples, the level of comedic effect that this exaggerated gesturing achieves surpasses that which may be achieved from explicitly stating it in dialogue. Because Hardy has gone to such great care to indicate that he thinks he is the smarter of the two, it is much funnier to see him fail because he is no better at solving their predicaments

than Laurel.⁹

Although Laurel and Hardy relied on a physical and visual comedy to communicate with audiences, what sound *did* add to the duo was depth and dimension to their characters as well as their routines. Sound added more personality to Laurel and Hardy, and made the characters more recognizable to audiences. In their silent shorts, Laurel and Hardy had already developed comedic personas – Laurel was the bumbling, child-like one of the duo, whereas Hardy was the pretentious one, who always tried to maintain his dignity and decorum even when their circumstances went awry. The sound of their voices used in dialogue served to enhance these characteristics. Laurel had a "soft English accent, which, in times of stress, could so quickly escalate to a high peak,"¹⁰ which perfectly complemented the child-like, unassuming nature of his character. On the other hand, Hardy, originally born and bred in Georgia, had a Southern accent reminiscent of old Southern gentility;¹¹ this also perfectly complemented his pompous air.

In addition to lending characterization to their comedic personas, the use of sound allowed Laurel and Hardy to incorporate new material into their routine. Hardy began to add disgusted sighs to his routine,¹² in order to accompany and enhance the impatience conveyed in his subtle, direct camera looks. Hardy also added phrases to the routine that added to his contemptuousness towards Laurel, such as "Here's another fine mess you've gotten me into!" and "Why don't you do something to *help me*?" These phrases soon became associated with the duo through their repeated usage in their sound comedies, and became ways in which people were able to instantly recognize Laurel and Hardy.

Thus, sound was used to enrich Lau-

rel and Hardy's comedic routine without becoming wholly dependent on it. John McCabe describes this balance Laurel and Hardy achieved: "they utilized sound; they were not ruled by it."¹³ Because sound did not dominate Laurel and Hardy's routine after they transitioned to sound films, it is widely agreed¹⁴ that their choice to use sound as a secondary resource for their comedic routine helped them to maintain and capitalize on their success. The lack of verbal jokes and dialogue in their routines prevents the comedy in their films from being outdated.¹⁵ Since their comedy was dependent on visual gags, most of their material is still regarded as funny today, as physical behavior does not seem to change as rapidly as language and slang do. Inversely, it is also widely agreed that Laurel and Hardy survived the transition from silent to sound much more gracefully than contemporary silent film comedians Charlie Chaplin and Buster Keaton because they were willing to incorporate sound into their routines instead of refusing to work with it.¹⁶ They were able to incorporate sound into their routines in order to enhance the depth and dimension of their characters and their routines. Chaplin and Keaton, on the other hand, had established themselves well before the duo and had perfected a consistent silent routine, which may explain the reason why they were not able to incorporate sound with as much success as Laurel and Hardy.

Their ability to incorporate sound also enabled Laurel and Hardy to make lasting contributions to film sound and comedy through their usage of sound effects to punctuate an action onscreen. Although these sound effects were originally created to dispel the amount of pain involved with their physical actions,¹⁷ Laurel and Hardy ended up contributing to the repository of conventional sounds in cinema through

their experimentation and engineering of sounds. As discussed in their interview with Helen Louise Walker for the magazine *Motion Picture Classic*,¹⁸ Laurel and Hardy reveal how certain sounds are produced and recorded for maximum comedic effect. For example, they reveal that the sound of a slap on a person's face is not produced by recording the slapping of an actual person; rather, the sound is produced by slapping a floor with a big wet mop in order to magnify the noise produced on contact and to magnify the intensity of the action (thereby also reinforcing its comedic effect).¹⁹ The duo also reveals that sometimes laboratory experimentation is needed in order to produce the best recorded sound effect: "Just lately we have been doing some research in the laboratory on gurgles...the best effect we have been able to get so far was by putting one end of a hose in a barrel of water and then blowing through the other end...but I think we'll get something better."²⁰

What is amazing about their revelations in this interview is the fact that as early as June 1930 (when this interview was conducted), Laurel and Hardy have already begun to pioneer sound engineering and experimentation with their incorporation and usage of sound. Their revelations tell us that the sounds heard in their films, and presumably to a larger extent, other sound films, are not authentic recordings of the noise – they are tested over and over again in order to precisely fine-tune the effect that the sound has on the audience, as well as the empathetic qualities of the sound on the image onscreen.

Furthermore, Laurel and Hardy go on to reveal that although synchronized sound is a new technology, there is already a library of sounds available for films to use and borrow from each other: "Why, we have a whole library of sounds on file...whenever we get a particularly

good effect, we file a strip of the sound track away so we can use it again in another picture. We get them from other studios, too. Whenever we hear of a good noise being 'shot' on some other lot, we send over and ask them for a bit of the record of it...we have hundreds of 'em.'"²¹

This quotation reveals much greater ramifications for the invention of sound engineering and experimentation - not only are sounds being engineered to fit the growing needs of sound technology in cinema, but a cinematic library of sounds is being created from successfully engineered noises. Additionally, it also tells us that films are borrowing sounds from each other, which alludes to the fact that these filed sounds (such as what socking someone in the face might sound like, or how a large person falling would sound), through repeated usage, begin to form a convention for film sound. This is to say that as an audience, we have ideas and expectations about what a punch or a fall should sound like, regardless of the type of movie it is used in, or regardless of how old the movie is. These conventional ideas about certain sounds, used generations later, are undoubtedly shaped and influenced by the sound experiments and

decisions made by the filmmakers and performers of the era of early sound technology. It therefore becomes apparent that Laurel and Hardy's most lasting and valuable contribution to sound film and film comedy lies in their experiments and recording of sound effects, in that they were able to contribute to the repository of synchronized sound and thus, shape and influence our expectations today. Further research on this topic would ideally center on what specific sounds Laurel and Hardy contributed to the sound repository of conventional sound in film, and what decisions they made regarding the engineering, recording, and usage of these sounds. This research would also explore the concept of the sound repository to a greater extent, in order to learn about how a certain sound was established as a convention through its usage and also to learn about the nature and content of the sound repository itself. Research on the incorporation of sound into Laurel and Hardy's film careers and on their contributions to film sound opens up the possibility of generalizing their influence and importance within cinematic history to other acts, films, and people working in the industry.

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Duck Soup. DVD. Directed by Fred Guiol. Culver City, CA: Hal Roach Studios, 1927.

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Endnotes

1. Author's Note: In using the term "sound conventions in cinema," I am referring to the common ideas of what a particular action in a film should sound like, such as a person falling on the ground or someone getting punched in the face.
2. Richard L. Ward, *A History of the Hal Roach Studios* (Illinois: Southern Illinois University Press, 2005), 72.
3. Wes D. Gehrig, *Laurel and Hardy: A Bio Bibliography* (Connecticut: Greenwood Press, 1990), 41.
4. Richard L. Ward, *A History of the Hal Roach Studios* (Illinois: Southern Illinois University Press, 2005), 73.
5. Scott Allen Nollen, *The Boys: The Cinematic World of Laurel and Hardy* (North Carolina: MacFarland & Company Inc., Publishers, 1989), 30.
6. William K. Everson, *The Films of Laurel and Hardy* (New York: The Citadel Press, 1967), 33.
7. Scott Allen Nollen, *The Boys: The Cinematic World of Laurel and Hardy* (North Carolina: MacFarland & Company Inc., Publishers, 1989), 30.
8. *Duck Soup*, DVD, directed by Fred Guiol, (Culver City, CA: Hal Roach Studios, 1927).
9. Author's Note: In the case of the doorbell ringing in *The Music Box*, he may be even worse!
10. Wes D. Gehrig, *Laurel and Hardy: A Bio Bibliography* (Connecticut: Greenwood Press, 1990), 41.
11. Ibid.
12. Scott Allen Nollen, *The Boys: The Cinematic World of Laurel and Hardy* (North Carolina: MacFarland & Company Inc., Publishers, 1989), 30.
13. William K. Everson, *The Films of Laurel and Hardy* (New York: The Citadel Press, 1967), 34.
14. Author's Note: That is, all of the sources used for this paper attribute the cause of their successful transition to the same thing: their reliance on visual and physical comedy over verbal comedy.
15. Scott Allen Nollen, *The Boys: The Cinematic World of Laurel and Hardy* (North Carolina: MacFarland & Company Inc., Publishers, 1989), 30.
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19. Ibid, 150.
20. Ibid, 149.
21. Ibid, 148.

NEW CONCEPTS OF TRUTH:

POSTMODERNISM AND LEGAL ISSUES
IN CONTEMPORARY FILM

by Giuliana Garcia

Film is an important medium in which pressing legal issues in our society are dramatized and debated. As we see events, stories, and conflicts develop on the screen, the realistic images make us feel part of what is happening. Sometimes films subtly invite us to be part of the debate on the legal issues raised, making our own decision about the events and conflicts. In recent years, two dynamic films set in Spain and Latin America raise important legal issues that are relevant not only to their particular countries but to wider, universal audiences across the globe. The two films, Pedro Almodóvar's *High Heels* (1991) and Roman Polanski's *Death and the Maiden* (1994) differ substantially from one another in terms of plot; they both present similar arguments concerning contemporary legal issues. The two films raise key issues about the ability of the legal system to provide justice, the roles of evidence and confession in determining guilt or innocence, and the role that the mass media increasingly plays in the criminal justice system. While these issues are central to each film, the role of confession is especially important to the plot of each film and in making social commentary.

The act of confession has become one of the most crucial and scrutinized in our legal system. We expect confessions to present us with the truth, and it is rare that we doubt what is said and dismiss it as a false confession. Indeed, the entire system of justice depends on the concept of truth. Without a degree of confidence in the truth, justice is meaningless. Nonetheless, postmodernism has raised important issues about the existence of truth, and both *High Heels* and *Death and the Maiden* examine

these postmodernist issues, especially with regard to the act of confession. Both films raise questions about the law's capacity to uncover the truth through confession.

Postmodernism asks us to question beliefs and systems that present themselves as the truth. Instead of a singular concept of truth, we should recognize multiple truths that co-exist simultaneously. Theorist Linda Hutcheon notes that postmodernism "denaturaliz[es] the natural." Hutcheon 1989: 31) Hutcheon says that "... notions of truth, reference, and the non-cultural real have not ceased to exist... but... are no longer unproblematic issues assumed to be self-evident and self-justifying." (Hutcheon 1989: 34) In other words, truth has not ceased to exist, but rather, it is a complex process to discover it. "[There] is not really a blurring of boundaries between fact and fiction, but more a hybridizing mix, where the borders are kept clear, even if they are frequently crossed." (Hutcheon 1989: 37) When we view *High Heels*, we ultimately want to know what the real truth is, but Almodóvar makes us go through a long process of going back and forth between truth and lies. In a sense, Almodóvar hybridizes truth and lies, but we still keep the borders between each because we have a desire to determine who is telling the truth. Almodóvar takes us back and forth between the two, and we keep changing our minds about what is true and what is false. In the end, we learn not to trust completely what people assert as truth.

Before delving into an analysis of *High Heels*, it is important to fully understand the film's diegetic structure. The protagonists of the film are Becky del Páramo, her daughter Rebecca, and Manuel, who is Rebecca's



Director Roman Polanski, *Death and the Maiden* (1994).

husband and also Becky's former lover. As the plot develops, we are introduced to another important character, Letal, a cross-dressing cabaret singer. At a key point in the film we hear gunshots and learn Manuel has been murdered, and both Becky and Rebecca are suspects. We are then introduced to Judge Domínguez, who is the lead investigator of the murder. Rebecca, a news anchor at a local TV station, astounds viewers and the characters in the film by confessing to the crime in the middle of the evening newscast. Watching the program, the judge orders her arrest, and the police arrive to take her into custody "live" on TV. From this point on, the pace of the film picks up, and the audience is taken through various occurrences involving the law, most notably Rebecca's multiple confessions. Then, in an attempt to protect her daughter, Becky confesses to committing the murder as she lies near death in the hospital after suffering a heart attack. At this point, we do not know what

is the truth and what is a fabrication. In an interesting plot twist at the end of the film, we learn that Letal and Hugo, a drug-dealer briefly referred to, are simply alter-egos of Judge Domínguez; that is, they are all one in the same person.

Evidence is inherently a crucial aspect of any society's legal system. In *High Heels*, evidence proves to be a key component that is at first missing, and then eventually manipulated. In the final scenes of the film, Judge Domínguez explains his frustration to Rebecca concerning the case and declares, "I don't have any evidence, I can't prosecute [your mother]." Rebecca then responds, "Well, I'll get you evidence!" Rebecca then enters her mother's bedroom, and has her mother touch the gun that was used to kill Manuel. By providing the gun to her mother, Rebecca is ensuring her own innocence by getting Becky's fingerprints to cover the weapon. This highlights the serious issues that arise from tampering with evidence,



"A mother. A daughter. A lover. Relationships can be murder."
 Tagline from *High Heels* (1991).

and brings up the question: can we trust all evidence that we are presented with?

The idea of justice is also examined in *High Heels*. Without a doubt, Judge Domínguez represents justice in the film. This idea is supported by director Pedro Almodóvar: "[F]or me, there is ambiguity in justice and that's why I have given it to the character of the judge. I don't know what the face of justice is—sometimes it's masculine, sometimes it's feminine" (Fischer 1998: 207). Additionally, the subject of justice is brought up as Becky is on her deathbed at the end of the film. She cries out "And now that I'm done with man's justice, allow me to comply with God's." This implies that Becky is justifying her lie about her own guilt in an attempt to save her daughter from punishment for the crime. She suggests that she has now made a choice for "God's justice" over man's justice as one of her last human acts.

In her book *Framed: Women in Law and Film*, Orit Kamir argues that Becky's justice

is a justice of caring. She attributes this alternate form of justice to the judge: "High Heel's advocacy for a justice of care is most apparent in its image of the investigating judge" (267). Kamir continues, and notes that "*High Heels* illustrat[es] how investigation and judging...can be conducted with compassion and care. Through its cinematic judging process, *High Heels* constitutes its viewer as a compassionate judge who, together with the fictional judge on-screen, investigates, determines relevant facts, and reaches a just legal decision..." (279).

High Heels also presents the idea that the media is often accepted as truth by our society. In her article "Modernity and Postmaternity: *High Heels* and Imitation of Life," Lucy Fischer notes that "The film's myriad references to cinema, publishing, and television tap into another postmodern theme: the overwhelming presence of media within contemporary culture—producing a vision of existence as the transmission of

synthetic images" (205). Rebecca's confession to the murder on her TV show is accepted as the truth and she is immediately arrested for the crime. Additionally, the arrest of Rebecca takes place while cameras are still rolling during the news program. This symbolizes the changing perception of the law, and how the law is able to interact with society through television, and make the viewers feel as if they are actually involved with the law. The quick arrest of the person who has confessed to the crime before thousands of viewers reassures people that law and order prevail and justice is served in Spain. However, the film undercuts this "truth" by making us distrust the media confession when the mother confesses to the crime.

In *High Heels*, Almodóvar presents us with multiple confessions on the part of three different characters. At the first interrogation scene, another news reporter, who Manuel was having an affair with, was the first to deny being a suspect. She confessed that she was guilty of nothing except sleeping with Manuel. Subsequently, Becky then denied any guilt, citing that she would have been crazy to commit a murder because of the bad publicity so soon before her own show's opening. Rebecca then similarly denies the allegations, arguing that Manuel was dead before she found his body. But if none of the suspects admits to the murder, then the audience is left wondering who did kill Manuel. We ask ourselves: Is one of these women lying? Our search for the truth is further muddled when Rebecca then confesses to being the murderer on live television. Do we believe her this time? It seems as if we do, but then several scenes later, Becky confesses to the murder. Is she simply covering up for her daughter, or is she the real murderer? The diegetic structure Almodóvar creates through these contradictory confessions and professions of innocence emphasizes a postmodern interpretation of truth. Postmodernism asks

us to always be suspicious and distrusting of perceived truth.

The dilemma of multiple confessions raises the question of which one we are to believe. Rebecca testifies five times, telling a different version of the story each time. Kamir notes that these numerous confessions "lull the viewer into nonjudgmental indifference to the actual details" (Kamir 2006: 280). On the contrary, I would argue that the audience indeed makes a judgment about Rebecca, deciding that she is guilty of the murder. The film shows motive for her crime—her husband is openly unfaithful and she overhears him telling her mother that he does not love her. Furthermore, she confesses to the crime in a public forum and shows viewers pictures that she took of the crime scene.

The issues of evidence, justice, the role of the media, and the role of confession in *High Heels* are all linked to the postmodernism ethics in the film. Feminist legal scholar Catharine MacKinnon notes that "According to postmodernism, there are no facts; everything is a reading, so there can be no lies." (Kamir 2006: 265) *High Heels* questions the idea that the legal system can find the truth. Throughout the film, truth and lies are superimposed on one another. The media apparently tells the truth, through Rebecca's confession, but it then appears to be a lie when Becky confesses. The viewer is asked to question whether there can be a single truth.

Similar issues arise in *Death and the Maiden* when the character Paulina Lorca recounts what happened to her while being tortured as a political prisoner in Latin America. The film is visually powerful as we see the expressions and pain in Paulina's face as she interacts with the man who was her torturer years before. Again the issues of confession, evidence, and justice are raised. In this case, the film approaches the question of postmodernism and truth as its

three characters in a life-and-death situation debate among themselves the nature of evidence, justice, and confession.

The film takes place in Latin America, in an unspecified country that has just returned to a democratic government after a long period of dictatorship. Paulina is a victim of severe and prolonged torture that she endured as a captive of the former totalitarian regime. Her husband, Gerardo Escobar, is the head of the public commission investigating the former regime's violations of human rights. One night, a man who had earlier helped Gerardo with car trouble appears at the house, and is introduced to us as Dr. Roberto Miranda. Immediately, Paulina recognizes the man to be her torturer from the past. Paulina is convinced that she recognizes his voice, his laughter, the way he smells, and his obsession with Schubert's "Death and the Maiden," which he played as he raped her. As the night goes on, Paulina decides to take justice into her own hands, and holds Dr. Miranda as a prisoner at gunpoint. She then puts Dr. Miranda on trial, so to speak, and will not give up until he confesses to the atrocities she believes he committed. Her husband Gerardo represents the official legal system of the country, which plans to mete out justice in a rational way. Paulina knows that her torturer will go unpunished because the commission will only investigate cases that ended in death, and therefore feels she must take justice into her own hands. Gerardo and Dr. Miranda join together to try to dissuade her. Gerardo represents due process of law and official justice, and Dr. Miranda represents an accused person who asserts his innocence.

As in *High Heels*, *Death and the Maiden* shows the role of the media in our society's search for justice. The film opens with Paulina hearing a radio news program announcing that her husband Gerardo has been named to head the commission investigating deaths under the former dictatorship. She reacts

with anger because, as she later tells Gerardo, she believes this commission will never attain true justice because it is limiting the crimes that it is investigating. For Gerardo to accept being the head of the commission means, in effect, that he is betraying Paulina in her search for justice. It is significant that Gerardo does not tell her of his appointment himself, but rather that Paulina learns about it through the mass media. Therefore, the film asks us to question the official system of justice.

Additionally, *Death and the Maiden* raises other issues about justice. Should Paulina take justice into her own hands since she cannot attain justice through the official legal system? In other words, simply because fate happens to put her in a position where she can enact vigilante justice, should she? In *High Heels*, Rebecca engages in a kind of vigilante justice to save herself from punishment by getting her mother's fingerprints on the gun. Paulina, in contrast, ultimately decides to let Dr. Miranda live. Perhaps this act can be considered the "caring justice" that Kamir referred to.

The issue of evidence and its truth or falsity is central to the film. Paulina is convinced that she has multiple sources of evidence to "convict" the man she believes to be her torturer. To contest this, Dr. Miranda asks the couple to call a hospital in Spain where he claims he worked during the time Paulina was in prison. Viewers question this evidence because of the rehearsed and insincere tone of the woman's voice on the phone as she claims to remember Dr. Miranda being in Spain. Even though this evidence claims to offer an alibi, the insincerity of the woman asks us to question its truth. In the end, Paulina produces a much more solid piece of evidence through the coerced confession she obtains from Dr. Miranda. She deliberately tells one or two false details about the torture sessions to her husband, who passes this information on to Dr. Miranda. Without

thinking, Dr. Miranda corrects the false details in his confession, proving that he was indeed the doctor present during her rape and torture in prison.

As in *High Heels*, the issue of confession is central in *Death and the Maiden*. Paulina declares that she will only let Dr. Miranda live if he gives her a true confession and repents. Paulina insists, "I want him to confess." However, as Kamir notes, Paulina realizes that not even the law can coerce the truth out of her torturer. Kamir also writes that "Perhaps she also realizes that her existence and recovery do not depend on his confession" (Kamir 2006: 191). While a coerced confession might help Paulina in her recovery process, it would not have any legal standing. But what if the coerced confession were in fact true, just as Rebecca's televised confession appears to be at the end of *High Heels*? In both cases the confession would not result in attaining justice because in the end of the films both characters escape legal punishment for their crimes. In both films, the truth and falsity of confessions are called into question causing viewers to doubt such absolute concepts and to see what Hutcheon terms a "hybridizing mix" between the two. This can be seen in *High Heels*, however at the end of *Death and the Maiden*, Dr. Miranda does appear to offer a sincere, truthful confession, and viewers most likely believe it after having first gone through the process of questioning the truth of his confessions.

Both films urge us to question what we accept as the truth. In *Death and the Maiden*, Paulina is quite confident in her belief that she had been reconnected with her former torturer; that Dr. Miranda was indeed the one who had abused and raped her. Both *High Heels* and *Death and the Maiden* also show what is problematic in confessions. For instance, what if Paulina was wrong in her accusations? What if she was misremembering what she thought to be the voice and scent of her torturer, and was

simply just projecting those thoughts onto an innocent Dr. Miranda?

Both *High Heels* and *Death and the Maiden* ask us to come to grips with postmodern doubt concerning the truth. Although each film ultimately arrives at a truth at the end, it is one that the audience has struggled to recognize, rather than passively accepting the first account that claimed to be true. By going through this process, viewers learn to question truth in everyday life. Not only does this process of evaluating truth better prepare the audience to assess ordinary presentations, such as mass media messages, including advertisements, television programs, and newspaper articles, but it also might make them into more thoughtful jurors should they ever be involved in the judiciary process.

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FOCUS INTERVIEW: EON McKAI

THE ALTERNATIVE ANGLES OF EON McKAI

by Micha Gross

FOCUS Media Journal conducted an email and phone interview with Director Eon McKai, a pornographer currently working for VividAlt and the “founding father” of AltPorn, an alternative genre of pornographic film. After seeing McKai as a guest lecturer in Professor Constance Penley’s Pornographic Film course, it was apparent that Eon McKai would be a fantastic interview subject for the journal due to his unique, eclectic, creative, and multifaceted position within the porn industry. Especially since the theme of this year’s journal revolves around collage, the eclectic, and the world of multi-media, McKai provides an insightful perspective on this year’s theme. McKai has come to UCSB’s Pornographic Film course for over three years now and each time, he brings a different guest with him. This year his guest was actress Kimberly Kane. I am personally honored to feature him in our interview this year as he is an amazing person and filmmaker.

How did you get into the porn industry?

After graduating from California Institute of Arts, I got a job at [adult video company] VCA through Veronica Hart who I started talking to in San Francisco, and I gained insight into how the company worked. So, it was really more of a traditional trajectory, but at the time I was involved online with what was going on with *SuicideGirls* and [other] sites like that. I was also taking pictures for another site called Raverporn.net which was one of the first Altporn sites. And then I got a chance to direct and that’s how I got to where I am now.

What is your approach to the creation of your porn films?

You get some girls. And you get some guys and you get them to fuck. You get some lights. You get some food if you want something to eat that day. You check your HIV tests, just seeing if everyone is clean. You get some tape stock; you charge some batteries on your camera.

My stuff and Altporn stuff in general is subculture. It represents the subcultures that we are a part of. We are making movies with people who as a part of their real lives dress out in their subcultures. It’s usually a part of some theme or you get that general feeling that whoever is making these movies is a part of a certain scene, and that is truly apparent in the way that the movie is made.

You look at my movies and it looks like it is made by a hipster and then you meet me and you’re like, “Well yeah, that’s the guy that made those movies.” That’s the approach that I look for. People can relate to that. Yes, hipsters have taken over the adult film industry... well a small part of it. Subculture is a huge theme.

As far as your own films, what are some of your influences?

The Doll Underground is based a lot on *The Weathermen*, so recently this Sam Greene documentary *The Weather Underground* was pretty influential. The way that the girls are dressed [in the



Photo courtesy of Eon McKai and www.threat.tv

film] is in the gothic Lolita style, so in that movie things are coming from a few different places and that's a mash up in my mind. We come up with something for all that to play in. [In my film] *Girls Lie*, literally, the stories about some of the girls that we are shooting are real stories from their lives and real stories from other girls – [the film is basically] other girls' real lives played out by [adult film actresses]. Also, I like the early work of Jon Jost. Jost made some pretty cool movies in the 70s. The one thing that was really interesting about his films were they were like men's stories – you know, a man screwed up and he's out on the road. He's trying to find some work and he's left his wife at home and going from place to place sleeping with women. They were raw like that. I hadn't seen anything quite like that. I incorporate a little bit of it into my work and he [Jon Jost] kind of did everything too - he writes, directs, shoots the camera and all that.

A lot of times, porn is trying to pretend like there's more people involved than there are, but it's really like student filmmaking – but we just do it a lot so we get good at it. Pornographers are not going to pretend like they are mainstream people, and we are not going to fetishize the equipment and get wrapped up in this tradition that is totally unnecessary. We are going to do it fast and cheap and we are going to make it look good. We are

going to be really thankful that we are in this space, and we are going to clean up afterwards because that's just who we are. We are coming in as pornographers - we've got that to deal with on top of everything and I think that humbles us in a way that makes pornographers more appealing than any mainstream or film students to me. [I also like that] I am not pitching products to people. People try to pitch them to me, but usually I decide who gets to make a VividAlt movie based on that person, not really so much on what they want to do. I want to be doing what I want to do, I don't really want someone telling me what to do.

What is one of your favorite films that you worked on?

Of mine? I don't know. I've only got a few. I am really fond of *Doll Underground* because that is what I just made.

From the many different niches or historical genres of porn, what porn do you like or what porn influences your work?

Café Flesh and films like that seemed pretty exciting to me. Obviously, I like the Dark Brothers stuff which isn't really Golden Age or anything.

How do pornographers or people in the porn industry view you?

The mainstream of business seems quite irritated with me. They just seem irritated that I exist. It's a real weird situation. I am a real thorn in a lot of their sides because I have a feeling that some of these people think of themselves as "creative" types and then all of a sudden I come along. I am officially "creative" or whatever I'm doing and I am kind of successful at it, which is annoying to them.

There's definitely a weird reaction to the Alt stuff from people who claim they are "old school" but should be considered more of "middle school", because I met real old school people when I worked at VCA and those are the kind of people that taught me how to act. Like in one of the reviews of one of my films, [those who claim they are "old school"] are just totally irritated and totally going for it. I get a lot of that. It's almost like gay-bashing. It's pretty standard. I don't know if they step back and go like "Man those crazy kids and their rock n' roll," you know what I mean? That's what it looks like to me. It's fucking porn, what's really sacred here? Yes, so I get a lot of reaction like that.

What are your views on sex and sexuality in the United States?

I want people to have it and I do want people to feel good about it. In the United States, you can be arrested for making a movie about sex, but you receive accolades for making a movie about murder.

What do you think about John Stagliano and his current situation in which he is being indicted for seven counts of obscenity?

The government is on a budget and they've got the tax payers' money and they need to get the most for their money. So they are going to go after Stagliano, and not Eon McKai. They don't want to scare just the hipsters, they want to scare everyone into whatever they want to accomplish. And they are going to accomplish more by making more noise by going after him.

Have you ever been in trouble with the law or government?

I just got a Fix-It ticket. And I can tell they've got me on a list (*joking*). But, no, it has never been related to any of my movies.

Is there any film or project that you have wanted to make but are hesitant to greenlight because of possible censorship (or other reasons)?

I am in an unusual position and situation in that no one is really putting that kind of pressure on me. That's one of the reasons I do porn is because I don't want to have to ask anyone for permission. I was talking to Daniel, a performer who's about to direct a movie for me, and we were both talking about how we have gotten a lot of emails and girls talking about [doing] a girl-girl-boy scene where the boys kiss or something like that. We have been talking about that for years and Daniel always said, "Oh, when I direct a movie, I am going to do that scene." But we have yet to find another dude in the business who is really [into it] because if you shoot something like that you really want the people in the scene to own it. And the thing is, we are talking about this in a really straight point of view. We haven't found the right people who are willing to do that yet, so if anything, that is something we have always wanted to shoot but we haven't really found. I want to shoot it because I get emails about it all the time. But it is one of those things that is not really representative of my sexuality or my sex life so I need performers who do represent it and can own that situation. Otherwise, it is just going to be like dress up, it just won't be sincere.

How had the Internet affected your output of porn?

The internet hasn't affected it at all. I mean you can steal it on the internet now, I don't know why people buy it. I am backed by a bigger brand than John [Stagliano]- you know, John did something really revolutionary with his business where the directors own their work and he would distribute them. There are other deals out there. I know we've been approached to do exclusive work online. And I know that there is this new box that's like MacTV called Voodoo, or something like that. I've seen it at Best Buy. We've sold them some movies. And we still do well in hotels among other sites. In Europe on cable, they've got a lot of porn channels also and they distribute our films there. There are other options and things are definitely changing, so it's going to be different but AltPorn came from the Internet so it has a strong base there. It's the community aspect of alt porn that came from the Internet, which has also defined it.

How do you feel about free downloads over the Internet?

For me, it has always been a reality. Usually the day a movie of mine streams, it usually starts showing up on the Internet for free that day and so we are used to it. Basically, you can download my movies and jack off to them, fine. What you can't do is get people talking and thinking about sex, and you can't turn a bunch of people on to it and have that kind of fun with it if you just download it off the internet. So, you know, that's how the world works; we all do it and we all get stuff off the internet for free and we all become fans of things. [However,] there is a certain point that you end up buying things because you want to have them, or

you want to have it right now or you totally want to have it completely. The new generation is the generation of loss - you often see things on a screen that is too small, not at its full resolution.

Do you think the digital quality or pixelization of downloading affects the reception or viewing of your films?

Yes, yes, it does, but people are still going to do it. Everyone will just dig and dig in the past to find these great records or great books or great movies that they had to see and that were really hard to see and now people [put them] online. Sometimes you've got a copy of movie that was on a bad VHS tape and you watched it [online] - we've had different versions of this, but now it's kind of extreme online. So, I think that's part of it and that there has always been that generational loss. It's an important part of letting you know how hard something is to get a hold of and what it's worth.

What are your views on pornography and academia? Is it important to study and research porn?

The way that academia looks at a topic versus the way that society looks at a topic are entirely different. Society is pretty lazy and glosses over things. Academia will really examine something and give it a real critical look. Porn should be looked at in a more serious way and I think porn is good for academia. Also, porn and sexuality is such a big part of our society. [Whether] people like it or not, think about how many people are on drugs and [how] that's against the law. [The government] is trying to control it and figure it out. It's quite possible that if we are all a little bit more informed about drugs and knew a little bit more about ad-

diction than it might be better. I mean, it's a bad comparison because porn is legal and in a lot of ways, it is a lot healthier. It is worthy of study. It exists and it's this weird thing where people want to use it like they would a prostitute but they really don't want to know the people who made it. I see that it is changing, but that same mental image still pops up. So, in a selfish way, I want to see porn studied, for that reason alone.

I have visited the UCSB porn class for three years. This time was really good - I am glad that I brought [adult film actress] Kimberly Kane and in a way, I think this time was the best time just because I think I am in a different place. I really wanted to bring Kimberly last year because she is really interesting. I was able to tell from her way of carrying herself that she is a talented performer, even though when I first met her, she had no opinions about pornography. Her movies are getting great reviews. She's really got something going. I really want her to believe in herself and be proud, but because of the way she was raised and what she came from - her mom was a stripper or a sex worker--she's just a bit self-conscious. I want her to be proud because she makes great movies. She was really intimidated about going up [to UCSB]. She said, "I never went to college," and, "I don't want to glorify the business." I don't want to either, but a lot of my job is PR too, so I would rather start spinning things in a positive manner than a negative one. I really like to go every year and it has been fun so far and I think Kimberly got a lot out of it too.

What do you think of contemporary mainstream "pornography"?

It's a little weird. I see it changing. For example, someone just made a

film called *Curvaceous* and it's all just big girls. It's not like the BBW [big beautiful woman] thing because the BBW thing is out there, it's established and they make movies. These are girls that are just big. For whatever reason, you wouldn't start calling them BBWs necessarily but [the film consisted of] these bigger girls just to put that out there. I used to shoot [adult film actress] Charlotte Stokely and when I shot her, she definitely had a different body style but she was super fucking cute. So, I think it's kind of on us to keep putting those different shapes out there because I think it's hot. For some reason, in porn there is this dominant, super skinny look. I think that we are coming out of that and we are coming into a more open situation where I think there can be more body styles and all kinds of shapes, sizes, and colors because it's just not good for society to get all into one specific look. It's just not possible for everyone to fit into one thing. People are always going to model themselves after what they think others find attractive, so that is a certain type of civic responsibility. If we are all in this to make people feel good about themselves and make them feel okay about sex, then we need to also help them be okay with their bodies. I think it's going into a better place. I also think that the Internet is helping and there's just more people exposing themselves all the time.

Are you working on any current films or projects?

On My Dirty Knees is about access that young girls have to a world that young boys don't. I am going to start shooting next month. Other than that, I am just producing movies for other people for Vivid Alt.

Some links Eon wants readers to check out:

<http://www.jon-jost.com/bio.html>

<http://torrentz.ws/search/vivid-alt>

BLOOD DIAMOND:

HOLLYWOOD HUMANITARIANISM
OR NEO-IMPERIALISM?

A Feature Article by Laura McHugh

“Judging from the news of AIDS and famine, political turmoil and wars, the media image of Africa in the West is troubling. The reality is equally terrible... There are those who ignore past history to blame all the problems on Africans, who even argue for the re-colonization of the continent, or its abandonment” (Falola, 3)

Unfortunately, we have re-colonized Africa while simultaneously abandoning it in its struggle to strengthen notions of self-government and economic stability. As educated scholars therefore, we must not ignore the past, but instead venture to scrutinize the narrow socio-historical summation of Africa fostered by the West in news and other media. For Western civilization, the African continent is a distant and intangible destination that is mostly only considered by modern society as a recipient of charity. People feel good when they support struggling areas of Africa through the “RED” campaign by purchasing “RED” t-shirts, iPods, cell phones, and credit cards. Corporations and individuals alike benefit from the tax write-off available by giving to foundations, like the Peace Corps, that work in Africa and attempt to address its many problems including the AIDS pandemic, education promotion, and health. Ironically, the donations that the Western public provides to Africa reaffirm its hold on Africa as dependent upon aid, while also benefiting the West through the tax write-offs available and through the praise awarded for being so-called “humanitarian.” Even though people may donate for somewhat selfish reasons, the organizations are still pertinent and quite necessary. These organizations and aid programs are a great way for individuals to get involved on a small-scale, but the public is still far removed from what has

happened in the “dark continent” and what is still happening *today*. Colonialism in the 18th and through the early 20th century has pigeonholed Africa in a situation where poverty, disease, and civil war kill millions, and country leaders fail to facilitate any real progress because they lack the power and follow the Western governments’ neo-colonial ideals. Of course, such grim realities have recently experienced heightened representation and public attention due to one medium in particular: film.

First and foremost, as a mobile audiovisual medium, film has the ability to captivate its audience and deliver its message effectively. While film can provide an entertaining escape from reality, it can also affect the viewer long after the film is over. Considering the influence of this medium, film has the responsibility to consider its subject matter carefully and address important world issues such as human rights, especially documentary film. Documentaries about Africa and the AIDS pandemic, hunger, and other issues (Darfur Now [2007], Africa: Living With Corruption [2008], and An Ox For a Baby [2008]) have been produced to educate interested niche audiences and dispel instances of misinformation often shelled out by popular media outlets—Hollywood especially. More recently, however, big Hollywood studios have produced award-winning dramas about real conflicts in Africa. Among these films are *Blood Diamond* and *Hotel Rwanda*. Both of these films explain the background of the conflict which they address, and they also comment on the Western influence in Africa. This is ironic considering that these films were produced by Westerners. But it is also important because the otherwise oblivious viewer is called upon to familiarize herself with the realities of the “dark continent”



Danny Archer (Leonardo DiCaprio) and Solomon Vandy (Djimon Hounsou) of *Blood Diamond* (2006).

which falls so far behind the rest of the world. It is no surprise that Hollywood would address the drama of the “dark continent”, considering the recent influx of celebrities concerned with humanitarian interventions.

In an address of the ongoing conflict in West Africa and Sierra Leone specifically, Warner Brothers Pictures released *Blood Diamond* (2006) directed by Edward Zwick. The film portrays the plight of innocent Sierra Leoneans who suffer from the Western world’s unabated demand for diamonds, and the steady supply provided by the violent rebels who control the illicit diamond mines to fund their war against the government. Now, while the film’s content addresses the ongoing diamond-fuelled civil war in Sierra Leone, itself a result of Africa’s colonial history, its characters and the film’s style actually reinforce the Western world’s imperialist mindset which supports that war.

Blood Diamond traces the separate goals of Danny Archer, a white colonial settler who smuggles diamonds, Solomon Vandy,

a Sierra Leonean who is separated from his family in a rebel attack, and Maddie Bowen, an American journalist who wants to convey the truth to an apathetic society back home. Through these three main characters, the film sheds light on the results of colonialism which are still prevalent today. The character of Danny Archer embodies the “post-” of colonialism, since he is the son of white European parents who raised him in an African colony. He refers to his place of upbringing as “Rhodesia” which actually gained its independence and became Zimbabwe in 1980. The fact that he still refers to this country by its colonial name indicates a mindset firmly embedded in the Imperialist legacy of Europe. In addition to Archer’s mindset, Solomon has a skewed vision of the Western world’s role in Africa. When Solomon’s son, Dia, becomes a child soldier for the rebel army, Solomon explains that his son is very intelligent and walks five miles a day to school to learn English. Not only is Dia’s studying English an indication of Western

influence, the reverence shown towards this fact by Solomon, as a proud father, points to a misinterpretation of the Imperial authority by Africans. In his discussion of perspectives on colonialism, Toyin Falola posits that "... what contemporary Africans see are not the motives, manners and style of the European officers but the waste and greed of the African leaders. They see bad leadership, corruption, and a get-rich culture that trivializes the values of hard work and creativity" (3). How could Sierra Leoneans not feel this way when they consistently perceive a weak government that cannot overcome the rebellious forces and their abuse of the illicit diamond trade?

In addition to the mentalities of Archer and Solomon, many lines of dialogue in the film directly refer to the (post-) colonialist relationship between Africa and the Western world. In one scene, Archer speaks with an African bartender who describes the recent disturbances between the RUF and the government. Responding to Archer's suggesting the growing need to get his family out of the region, the African responds "And go where? Fly out in a chopper like you people? This is my country. We were here long before you came, and we'll be here long after." Although the African does not necessarily sound resentful of the white presence, he realizes that it is not possible to simply leave. Ironically, it is more likely that the white forces will occupy the continent for the duration of its existence. Archer is fully aware of this relationship between the white man and Africa. As the capitol city, ironically called 'Freetown,' is attacked by the rebel army, Archer convinces Solomon to bring him to the diamond in exchange for safety and reunification with his misplaced family, saying, "I know people. White people. Without me, you're just another black man in Africa." The reality that Archer, regardless of his involvement in the illicit diamond trade which fuels the violence in Sierra

Leone, as a white person has more power than even the most moral or intelligent black individual, this underscores the uneven social hierarchical structures prevalent in imperialist nations.

Most of the film's dialogue is recited by Archer's character, and many of his lines bear significance with respect to colonialism and the diamond industry. In one scene, Archer returns to the aforementioned bar where he spots the white American journalist, Maddie Bowen, and approaches her. As the two dance, Maddie somewhat drunkenly questions him about his involvement in the illicit diamond trade and asks, "Is it possible that you don't care how many people die because of the deals you do?" Archer candidly responds: "People here kill each other as a way of life. It's always been like that." When she challenges him to do more than just watch it happen, he says "Maybe we should all just write about it then," pointing to the fact that the stories she writes about the conflict will do little more than he could. Archer's pessimism reflects the colonial mindset that Africans have always been savage; however, the prevalence of violence in the recent centuries only came about because of colonization. Archer and Maddie's conversation vocalizes the hopelessness of the situation with respect to the Western audience which will inevitably do nothing. We read stories about civil wars abroad and the responsibility of the West, but there is never a unified response or call to action. He also makes more explicit the nature of Western journalism in its address of Africa, saying "You come here with your laptop computer, your malaria medicine and little bottles of hand sanitizer and you think you're going to change the outcome. But let me tell you something: you sell blood diamonds too..." He proceeds to explain that American girls are the ones who want "story book weddings and a big shiny rock." This unfortunate truth calls into question the

Western tradition of engagement rings as a precursor to the marriage commitment. The Kimberley Process signed in 2003 (the film takes place in 1999) will hopefully make it possible for all couples to know where their diamond ring comes from, and hopefully couples will care enough to demand to know. When Maddie is writing her story, Archer predicts and mocks what she is trying to convey, and Maddie replies that her story thus far is "...like one of those infomercials with little black babies with swollen stomachs and flies in their eyes...So here I've got dead mothers, I've got severed limbs but it's nothing new. And it might be enough to make people cry if they read it, maybe even write a check, but it's not going to be enough to make it stop." While the film undermines Maddie's character through her flirtations with the only other white character, Archer, her dialogue here rings true for the Western audience that has possibly read such articles and seen similar imagery. Written stories may not have the power to provoke change, but film can. Film as a visual and creative medium has the ability to attract a wider audience and provoke an emotional response. *Blood Diamond*, however, despite its cynically accurate dialogue falls short of such expectations.

While the film acknowledges the Western powers' hand in Africa's present conflicts through its candid dialogue, it actually reaffirms Western dominance by giving significant dialogue and screen time to the two white protagonists while the African character falls quickly into the shadows. The notion of white superiority over the Africans is reinforced by the relationship between Danny Archer and Solomon Vandy. In the New York Times' review of the film, author Manohla Dargis argues that Solomon does earn sizeable screen time, and "though the performance is expectedly sympathetic, the character has none of Danny's complexity, which means that he's inherently less

interesting" (Dargis, 2). Dargis explains that Solomon does appear on screen often, however he mostly appears in the background of the scenes and rarely speaks, thus making his character less important in addition to being less interesting. Solomon is a gentle-spirited fisherman who is only useful as a tool for the white characters to acquire the diamond that he has hidden. In this regard, he is only useful in the film as a character that drives the plot, since he knows where the diamond is and gives Archer some trouble before actually bringing him to it. Considerable screen time is devoted to Archer's interactions with Maddie Bowen, as indicated by the dialogue above, but the sexual tension between them only functions to make Maddie seem superficial and insignificant as a messenger to the West. The pointlessness of their exchanges and the weakness of Maddie's character only points to a failure of journalism and media to convey important messages. Also, the fact that the film prioritizes their relationship over the character of Solomon Vandy shows Hollywood's lack of real concern for Africa despite the façade of humanitarianism.

Aside from Solomon's blandness as a character, all the interactions between Solomon and Archer solidify the colonial idea that "...Africans were incapable of creating and managing political and economic institutions, and whites had to do this for them" (Falola, 11). Archer's character shares this mindset and exploits it as he chooses to use his privilege as a white man to delve into the illicit diamond trade for his own benefits, regardless of the implications effecting Africans. Also, Archer dominates Solomon's character, presuming that Solomon cannot survive on his own. He convinces Solomon to take him to the diamond, and leads the way for the duration of their trip. In one scene, the duo come across a few rebel soldiers and must sneak past them. This is the one instance when Solomon's black



Danny Archer (Leonardo DiCaprio) and Solomon Vandy (Djimon Hounsou) of *Blood Diamond* (2006).

skin will help the situation, and give him an important role in facilitating their safety. It is Archer, however, who devises the plan for Solomon to pretend to be a rebel with Archer as his hostage. Archer does not even explain his plan to Solomon before grabbing him and making him take position as a RUF soldier, pretending to hold Archer's arms behind him. Then Archer proceeds to shoot the soldiers, again reaffirming his strength over Solomon and his dominance as a character. This scene not only squelches the one opportunity Solomon has to show resourcefulness, it also confirms Archer's superiority by physically placing him in front of Solomon when the same scene could have involved Solomon pretending to drag Archer behind him. This is another reaffirmation of the white character's strength over the black character.

As Solomon and Archer continue on their quest for the diamond together, Archer's character goes through a possible change of heart, or at least comes to respect Solomon. For instance, as they close in on

the diamond, a European military colonel (it is unclear which country he comes from) makes a deal with Archer to split the profits from the diamond, completely disregarding Solomon's responsibility in finding it. As Solomon uproots the diamond, however, he and Archer kick away the Colonel's gun and Archer successfully shoots him and his men. As the Colonel lies dying, he says to Archer, "T.I.A. This is Africa." One should recall that this line is used early in the film when Archer describes the nature of Sierra Leone's civil war and the hopelessness. Here, it is used to indicate the frequency of killing in the name of survival in Africa, and the unsurprising commonality of pointing a gun at someone with whom you have originally collaborated. Even though it seems here that Archer has sided with Solomon to defend his family and their share in the diamond, Archer merely wants to eliminate the threat posed by the European colonel and his share of the profits. They continue walking, but since Archer suffers from a bullet wound Solomon insists on carrying him

uphill despite all that has happened, thus confirming his position of servitude under Archer. As Archer lies dying on the hillside, he gives Solomon and Dia the diamond, but only because he knows he is going to die, not because he wants them to have it for the benefit of their family. The conclusion of his journey with Solomon reinforces that he has not changed, which points to the fact that the Western world will not change because of its affinity with diamonds. The fact that Archer never leaves Africa also points to the possibility (or probability) that the Western influence will never divorce itself from Africa.

The interplay of Solomon and Archer's characters as a representation of the hierarchy of whites above Africans is the forefront of the film, but the inclusion of Maddie Bowen's character sheds light on how Africa is conveyed to the western public. Throughout the film, she snaps photographs of Solomon, refugees, and soldiers, making her subjects a spectacle that the people at home will later view in her article. Stylistically, the film includes her photographs as black and white still shots, intercutting these frames with the story of the film. This gives the film a documentary-like style, but also reduces the film to the two-dimensional status of similar articles that would appear in the newspaper or journals like *National Geographic*; ironically, these are same types of articles that Maddie chastises when she says her story is nothing new. The Western world only knows Africa through the lens of biased reportage, but at the same time the presence of a seemingly typical journalist alerts the film's audience to the fact that what we know of Africa is merely what that individual would choose to show us, just as the film itself is one representation of African from a western eye. This self-reflexive aspect of the film deserves recognition; however, it is doubtful that the filmmakers intended the audience to think about their white,

Hollywood bias.

Not only do the characters reinforce imperialist ideals; the film's style and lighting reestablish the hierarchy of the West as superior to Africa. The opening segment of the film uses a quick-cutting handheld camera to indicate chaos as the rebels infiltrate the villages and abduct people as hostages or workers, including Solomon Vandy. This scene accurately portrays the agenda of the rebel militia as they separate families, slice off the hands of young boys, and recruit innocent people as slaves to mine their blood diamonds. The scene that follows intercuts between Africa and the United Nations. This scene solidifies the nature of the film as imperialistic and typical Hollywood instead of humanitarian and challenging. As world leaders meet at a conference to discuss the illicit diamond trade, the camera slowly and steadily pans across the brightly lit faces of the western authority figures. The shots of the rebel diamond mines are congested, featuring close-ups and a handheld camera to indicate chaos and conflict in Africa. Cinematically, this works because it stylistically represents the conditions under which innocent workers live in the rebel mines; however, in contrast to the calm, brightly-lit conference room in the West, Africa seems "savage" and submissive to the "civilized" west.

Throughout the duration of the film, interactions between characters subconsciously support notions of imperialism, but the end of the film solidifies this unforeseen truth about the film's themes. The style of closing remarks which are supposed to inspire the audience to be more conscious of conflict in Africa actually shed light on the Imperialist quality of Hollywood as it infiltrates Africa as its subject. The closing remarks read: "In 2003, forty nations signed the 'Kimberley Process'—an effort to stem the flow of conflict diamonds...But illegal diamonds are still finding their way to

the market. It is up to the consumer to insist that a diamond is conflict-free...Sierra Leone is at peace...there are still 200,000 child soldiers in Africa," pause, fade out, fade in: "Directed by Edward Zwick." These closing captions do serve as a call to the audience to take note of what they purchase; however, the director's name featured directly in line with these words undermines the importance of the message. Also, it points to imperialism as a Westerner has directed a film about Africa and conveyed the message as he saw fit. As a side note, Edward Zwick also directed "The Last Samurai" which features a white American soldier who trains with traditional Japanese samurai and ultimately excels in their technique, thus pointing to themes of Orientalism as a close brother of Imperialism and Colonialism. For some viewers, the closing remarks of *Blood Diamond* functioned to solidify the film's projected humanitarian message, but the audience could not have view those words without noticing the director's name as the last image on the screen.

Considering Europe's imperial legacy in Africa, it is important to not only acknowledge that history but to also act out to change it. *Blood Diamond* is an important film which discusses the illicit diamond trade; however, it also strengthens the imperialist hierarchy by centering on a strong white character and allowing the African characters to fall into the margins. *Blood Diamond* accurately portrays the situation in Africa and the relationships between Africa and the white world, but the film does not challenge the imperialist mindset. As a "humanitarian" film, *Blood Diamond* may provide the first information the viewer receives about the history and conflict in Africa, so it has a particular responsibility to make its content accurate, but also to make the tone appropriate. Hollywood and film in general must continue to address the issues in Africa in a positive and change-provoking manner because, after all, isn't the Hollywood presence in Africa another form of Imperialism?

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CHEERS TO CHARLIE

A NEUROTIC ATTEMPT AT UNDERSTANDING AND EMBRACING

CHARLIE CHAPLIN AND A TIPSY HISTORY

A Feature Article by Micha Gross

“A man’s true character comes out when he’s drunk.” - Charlie Chaplin

So, a tramp walks into a bar... Okay, bad joke. Let’s try this one: Hello, my name is Micha and I have an alcoholic father. Yes, a little forward, I know. However, before delving into this article’s main topic, alcoholism and drunkenness in Charlie Chaplin’s life and work, I must make this statement because I cannot deny the importance of this personal confession in my understanding of this topic. For the majority of my life, I have had to deal with my father’s alcoholism (Okay, I admit it, maybe a few more family members than just my father). But really, what’s new? Alcoholism is becoming a more common aspect of family life. The family drunk is such an accepted norm that if you don’t have a family drunk or have experienced anything like it, then something must be wrong with your family – you are an abnormality if no booze spills into the mouths of one of those already-crazy characters in the family [you happen to be related to?]. That one family member who elicits what I call a “face cringe” or a “becoming one with your chair” while you watch their attempts at a “dance-off” at your cousin’s wedding reception seems to be a shared experience among many. There is a fine line between laughter and embarrassment – the family drunk is as prevalent as divorce for a couple, as necessary as chickenpox to a child, and as inherent as laughing at a Charlie Chaplin film. Alcohol, its consumption and abuse is a part of every life story, even for the Tramp himself, Mr. Charlie Chaplin.

When studying film as an undergraduate, I always seemed to have this strange

conflict with Mr. Chaplin. I felt ridiculously ambivalent about his “over-iconization” and his uncontestable status as one of the film fathers. Yet, whenever I watched any of his films, I felt inherently taken by his charm, his characters, and his stories. I honestly felt a strange guilt for enjoying Chaplin while in film school. This Chaplin guilt complex, purely self-imposed, persisted throughout my entire undergraduate education until I recently revisited Charlie while assisting in a Silent Comedies course (Thank you, Chuck Wolfe!). I can see how you might think that this introduction may reek of “Too Much Information” or “Why is she explaining all this,” but I believe it is necessary to expose my experience, my struggle – really, my anxieties – with both an alcoholic father and a Chaplin guilt complex in order to view Charlie Chaplin and his work in a different light; one that is important to a majority of Chaplin’s life and work. “Not another Chaplin essay,” you say begrudgingly? I bet this is exactly what you are thinking, but I hope to cover new ground in proposing a different way to view Chaplin, as well as subsequently allay my self-imposed, unnecessary, neurotic affliction with Mr. Chaplin and the bottle.

Surely, we cannot deny the central role of alcohol in the early history of film, especially within the silent era: “Alcohol – the fabric of film history is soggy with the stuff. Still, film historians have rarely given booze its due” (Booze Movies: The 100 Proof Film Guide, William T. Garver, <http://boozemovies.blogspot.com/2006/12/introduction.html>). We seem to forget the importance and the influence of booze in cinema history almost like we seem to forget a poor decision we



Charlie Chaplin dressed as The Tramp.

made come the morning after. We know it is there in our memory and it happened, but somehow we choose not to acknowledge it. Like the family drunk, drunkenness within film is obnoxious but we cringe and cover our face to hide our association with it. Prohibition's (1920-1933) enforcement spanned the early development of film history; one would be ignorant to deny alcohol's "absorption" and "intoxication" with film itself, especially with early silent comedies. Before, during, and after the Prohibition, filmmakers such as Buster Keaton, Harold Lloyd, Ernst Lubitsch, and Charlie Chaplin sipped and spilled alcohol all over their films (Endnote: the only reason that I was able to make this observation was through the Silent Comedies course in which I saw weekly this repeated representation of drunkenness in early silent comedy). Charlie Chaplin was one of those filmmakers whose work was influenced by booze.

So if we, as researchers of film as a form of popular culture, accept that film is not just an art form that appeals to the escapist desires of a passive and couch-potato public, or that film merely reflects the shape of society at a certain time, but is also a form that addresses the public's anxieties and ambiguities, then we might understand the central role that alcohol and drunkenness play in Chaplin's life and work. We might ask the question: why is alcohol and drunkenness so essential to Chaplin's work - work that spanned over 50 years? I argue that Chaplin's films act as a catharsis or a "therapy" for Chaplin's struggle with an alcoholic father. By using alcohol as an important plot element and playing drunken characters within his films, Chaplin was able to reenact the "drunkenness" so embedded within his past, thus coming to terms with certain sensitive emotions. In a comedic style, his films addressed his own anxieties and struggles involving his troublesome past with an alcoholic father. As a parallel

process, this connection and Chaplin's films themselves act as therapy for my own personal struggle with an alcoholic family history. His representations of drunkenness, in fact, address my own anxieties by allowing me to absorb the onscreen material, and then to react with an emotional response or release, mainly in the form of laughter. By examining Chaplin's personal history and his films, we can deconstruct his "super icon" stature by looking at him in a different light: through the centrality of alcoholism and drunkenness within his work.

A Blasted Past

The role of his father's alcoholism and its effects on Chaplin himself indicates a reason as to the repeated representations of drunkenness in his films and their overall therapeutic value. Unfortunately, Chaplin's infamous and controversial romantic relationships shroud the majority of memory surrounding his personal history, including Chaplin's experience with family alcoholism which is central in Chaplin's autobiographical accounts. In Chaplin's 1967 *My Autobiography*, he begins by discussing his early childhood, placing special emphasis on his family. Within the first eighteen pages, he already delves into his father's alcoholism and its effect on him and his family. We can thus see that his father's alcoholism was especially important to Charlie's early development as the repetition of certain experiences dominate his writing in this first chapter. A very revealing passage indicates the connection of his father's drunkenness to his career as a vaudeville performer:

"It was difficult for vaudevillians not to drink in those days, for alcohol was sold in all theatres, and after a performer's act he was expected to go to the theatre bar and drink with the customers. Some theatres made more profit from the bar than from the box office, and a number of stars were paid large salaries not alone for their talent but



Charlie Chaplin in the most successful feature length *City Lights* (1931).

because they spent most of their money at the theatre bar. Thus many an artist was ruined by drink - my father was one of them. He died of alcoholic excess at the age of thirty-seven."

As an adolescent, Chaplin witnessed the downfall and the ultimate deterioration of his father as a performer and a person. This passage is especially important to consider because his father's drunken behavior existed within the performance sphere, a major aspect to Charlie himself. One can initially understand a reason why drunken characters or the motif of alcohol are so central to Chaplin's own performances and films. The amount of space and time that he employs in the first chapter of his autobiography on alcoholism provides the reader with a deep understanding of the bottle's effect on him and his family, and especially his mother. Many times in his writing, Chaplin exposes his father's alcoholism in relation to his mother: "The trouble was that he drank too much, which Mother said was the

cause of their separation" (18). Associating alcoholism to family separation clearly identifies the magnitude of his relationship to his father and alcohol itself. Importantly, Chaplin also mentions that his mother told him stories about his father with a duality of both "humor and sadness," so descriptive of the effects of alcoholism (18). Memories of his father's violent drunken tantrums and his mother's cynical reactions to them pervade Chaplin's childhood. Similar to Chaplin's (struggle) childhood experiences, I was traumatized from witnessing my father stumble up the stairs, get in ridiculous arguments with my mother, and self-destruct emotionally and physically. I believe my experiences very closely resemble Chaplin's experiences—the family separation, and the dual feeling of both laughing and crying at the whole situation. The effect of these experiences weighs heavy on the life story of both Chaplin and myself

“You Will Get Wet” with Chaplin’s Films

Many of Chaplin’s early short films such as *A Night Out*, *His Favorite Pastime*, *One A.M.*, *The Adventurer*, and *The Cure* involve alcohol and drunken behavior. In fact, the inebriate was one of Chaplin’s first theatrical roles, making him well known for that character on stage and then in film. Although he did expand the nature of his roles, a good number of his feature-lengths, including *City Lights* and *Monsieur Verdoux*, present alcoholism and drunkenness as crucial elements in their stories. One way in which alcohol is constantly manifested in these films is through the “absorption effect,” or what I like to call the “You will get wet” effect (thank you amusement parks for providing the inspiration). As a repeated element in these booze-heavy Chaplin films, the absorption effect is defined as the act of a body absorbing some form of liquid due to a release, spurge, or submerge of liquid, always associated with the consumption, or the overconsumption, of alcohol (Endnote: Due to the repetition of similar situations within many of Chaplin’s films, I created this term in order to indicate this pattern and explore its significance). By exploring this dimension of drunkenness within three Chaplin films – one of his early shorts, *A Night at the Show* (1915), one of his most celebrated feature-length films, *City Lights* (1931), and his least successful feature-length, *Monsieur Verdoux* (1947)—we will be able to comprehend its importance to Chaplin and to the length of his film career.

Chaplin’s 1915 short, *A Night at the Show*, in which Chaplin plays two different intoxicated characters, allows for Chaplin to perform drunkenness in a theatrical space, offering an intriguing insight into Chaplin’s own experience with his father’s alcoholism. In the short, Chaplin plays Mr. Pest, a tipsy gentleman on the lower level of seats, and Mr. Rowdy, an obnoxiously intoxicated

man on the upper level balcony. Both are attending the theatre for a vaudeville show. Throughout the series of acts, we view the drunken behavior of both characters which are completely different. At times, while Mr. Rowdy stands in the middle of the balcony stairs, wobbling his cup of alcohol in his hands, and disrupting the audience next to him, Mr. Pest wobbles throughout the rows trying to find his seat, politely sipping his flask of liquor, and trying to keep his cool. The entire film follows these two different characters and two different intoxications within the space of the theatre, the space of the performance. The choice for this location allows for a connection to be made to experiences in which Chaplin witnessed the drunken behavior of his father, other performers, and the audience within the theatre. This performance allows for Chaplin to reenact (and exaggerate) his experience with his father’s alcoholism, providing an interaction between personal history and performance. His emotional release is through the performance of these two drunken characters..

Interestingly, one scene in this short has Mr. Rowdy, having reached his limit of intoxication, finds a water hose and sprays water all over Chaplin’s Mr. Pest and the film’s audience. This scene illustrates the absorption effect in which the powerful force of the water hose indicates a physical release, resembling the stage of catharsis oftentimes felt when one has consumed an excess of alcohol. The “absorption effect,” which is common in many early silent comedies, is important to relate to Chaplin’s own release of emotion through his reenactment. This water hose scene and the release of liquid in relation to overconsumption of alcohol symbolize this process of release for Chaplin. Many of Chaplin’s early shorts and later feature films with alcohol involved include elements of this “absorption effect” in which this absorption or release of liquid provides

an interesting yet significant connection to Chaplin's own absorption with (or embracing) and release of certain memories of his alcoholic father

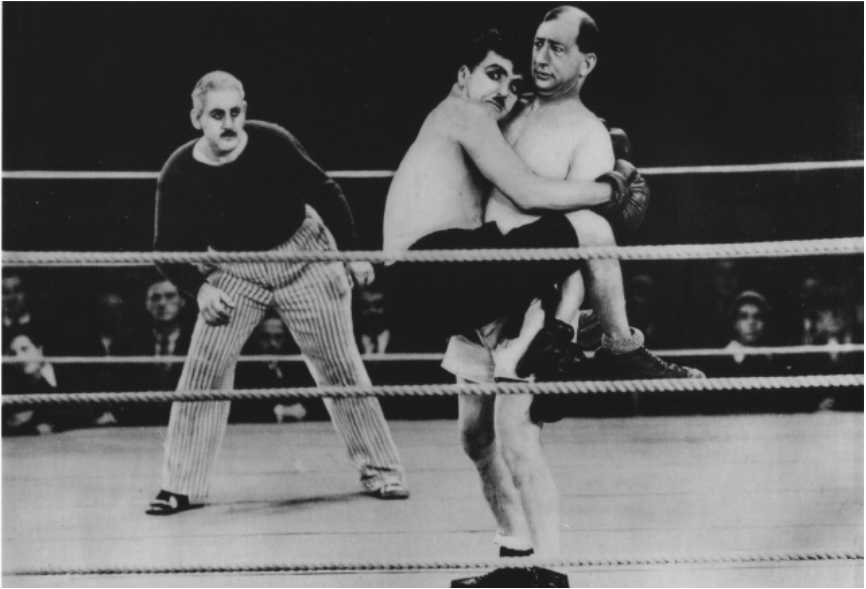
Before moving to a discussion of our next film, *City Lights*, a look at one of Chaplin's own articles titled "What People Laugh At," from American Magazine in 1918, helps us to understand Chaplin's emphasis on performing drunkenness in his comedic cinematic ventures. Within our exploration of alcohol and drunken behavior, this article validates Chaplin's objectives for his films in relation to performance, personal experience, and the audience. In his writing, Chaplin attempts to explain the trigger of laughter, identifying "the man who, having had something funny happen to him, refuses to admit that anything out of the way has happened, and attempts to maintain his dignity" (48). Thus, Chaplin names intoxication as "the best example" of this humor:

Perhaps the best example is the intoxicated man who, though his tongue and walk give him away, attempts in a dignified manner to convince you that he is quite sober. He is much funnier than the man who, wildly hilarious, is frankly drunk and doesn't care a whoop who knows it. Intoxicated characters on the stage are almost 'slightly tipsy' with an attempt at dignity, because theatrical managers have learned that this attempt at dignity is funny. (48)

The two drunken characters, Mr. Pest and Mr. Rowdy, from *A Night at the Show* represent that spectrum of humor involved in the performance of inebriation. In his article, Chaplin then exemplifies this comedic performance of intoxication by describing his drunken scene in *The Adventurer* in which Chaplin, as recently escaped convict, crashes a high class party, drinks a bunch of booze, and incites chaos by dropping ice cream all

over one of the girls. Furthermore, with this example, he touches upon the connection between the audience and the events on the screen. This idea emphasizes Chaplin's intent on the audience's identification with the film and their cathartic response to it. Also, as a response to the common question of where he gathers the ideas for his characters, he writes that "it is a composite picture of many Englishmen I had seen in London during the years of my life in that city" (49). This response reveals and reflects his awareness of the connection between personal history and filmic performance, especially when considering his father's alcoholism. As one can see, alcohol and performing drunkenness consumed Chaplin's work as a response and an interaction with his own life story.

One of Chaplin's most well-known, praised, and successful feature length-films, *City Lights* (1931), is also one of Chaplin's "wettest" films, a film completely absorbed and intoxicated with the subject matter of alcohol and drunken characters. First of all, scenes with drunkenness or alcohol take up almost half of the total film time (40 minutes out of 1 hour and twenty minutes). Thus, the plot of *City Lights* is dependent on alcohol mainly in the form of the drunken behavior and escapades of the two main characters, The Tramp (Chaplin) and The Eccentric Millionaire (Harry Myers); without the cause and effect function of alcohol in the film, the story might not work. In *City Lights*, alcohol provides both physical movement of characters and narrative movement. The first time that the film introduces alcohol and drunken behavior is through the introductory scene of The Eccentric Millionaire, the Tramp's main partner in intoxication. As a recent divorcee, The Eccentric Millionaire stumbles around obviously intoxicated and attempting suicide by throwing a rope attached with his leg and a rock into the water; The Tramp constantly attempts to save The Millionaire both



Charlie Chaplin in *City Lights* (1931).

physically and emotionally. Importantly, this scene illustrates the absorption effect in which both main characters constantly fall into a body of water, becoming completely drenched by water.

Additionally, one of the longest scenes in the film, which is actually revisited three times, presents us with a drunken night on the town with the two characters, and alcohol is the main source of movement and humor in the entire sequence. Throughout this 20-minute sequence, the two characters drink around eight shots of liquor at the Eccentric Millionaire's house and travel to a party to drink even more. This scene provides a rather intriguing take on the absorption effect: while cheering wildly and drinking each shot, the Eccentric Millionaire unknowingly pours the bottled liquor over the Tramp's pants. Here, alcohol intoxicates the Tramp and drenches his physical body. Chaplin's drunken reenactment, similar to his father's alcoholism, allows for the absorption and

release of those personal experiences. Again, these similar situations in which the Tramp runs into the drunken Eccentric Millionaire are repeated two more times but with varied outcomes. From this, one can deduce the salience and centrality of alcohol – mainly its overconsumption – to the characters, the pace, and the narrative development of *City Lights*. As a 1933 post-Prohibition film, *City Lights* addressed certain anxieties or feelings over alcoholism and drunkenness. However, it must be said that Chaplin intentionally allowed alcohol to not only seep but douse his later “body” of work

Many claim that the Prohibition (and its emphasis on alcoholism as a societal blight) was a main reason for Chaplin's abundant use of alcohol in his films (which is an important consideration). However, his 1947 film entitled *Monsieur Verdoux*, although not as “wet” as the previous two films, gives alcohol the most agency by placing alcohol as the medium for carrying poison and causing

death to Monsieur Verdoux's victims. In the film, Chaplin allows alcohol and its consumption to dominate central scenes, narrative plot, and story development. Chaplin plays the serial killer, Monsieur Verdoux, who murders his recent wives for their inheritance by mixing wine and poison together. As an essential element to many scenes, alcohol is a source of suspense and movement within each scene. In one of the most telling scenes, the one in which Verdoux talks with The Girl (Marilyn Nash), the consumption of the poisoned wine creates both a tension between characters and an element of suspense. In this scene, each shot includes the image of alcohol, whether found in a bottle, a glass, in hand, or in the mouth. At the beginning of the scene, Verdoux initially intends for her to consume the poisoned wine, and the rest of the scene revolves around this objective entirely. The film produces tension by presenting shots of Verdoux eyeing her wine glass as she slowly handles the glass. But, when she claims that she will "kill for love," he withdraws her poisoned wine and gives her a new glass of untouched wine.

In another crucial scene involving alcohol, Verdoux attempts to kill his present wife, Anabella Bonheur, but fails miserably when the maid unknowingly switches the poison. Again, the consumption of the wine and the poisoned wine causes the movement and chaos within the scene and the plot. Furthermore, the next scene illustrates the "absorption effect" in Verdoux's attempt to murder Anabella again in a boat on the river. For, instead of succeeding he ends up falling over the side completely submerging into and absorbing water. Here, the "absorption effect" compensates for the failed intoxication of the previous scene and allows for a feeling of release from the intensity of the situation. With Verdoux submerging in water, a catharsis of tension and anxiety over poisoning Anabella occurs, which in turn

parallels the emotions that Chaplin exudes in relation to his history with alcohol. These scenes indicate the dominance of alcohol and its destructive role for Chaplin both for the film and for his personal history. As an important influence on his life story, alcohol, like the agent for murder in *Monsieur Verdoux*, existed as a destructive force due to his father's consumption and abuse. Therefore, the very last scene within Verdoux's prison cell is especially indicative considering alcohol and Chaplin's history. Captured and sentenced to execution, Verdoux is offered a glass of rum by the prison officers before he is killed. Initially refusing, Verdoux changes his mind, saying, "I've never tasted rum before," and quickly gulps the entire glass right before his departure. This scene suggests an important connection between Chaplin and his father's alcoholism; one that provides closure to that aspect of Chaplin's life history. Importantly, Chaplin plays a similar role to his father and/or reenacts his father by playing a character that destroys others through the agent of alcohol and ultimately causes his own destruction and death through alcohol's association. This closure for Chaplin in the form of Verdoux's death can be a reference to or a reenactment of a certain resolution to his father's alcoholism. The very idea that Chaplin constructs alcohol as an agent for murder and death directs us to the correlation to Chaplin's father's premature death at 37 years old caused by alcoholism and his ability to destroy those loved ones surrounding him. This resolution creates a cathartic effect which allows Chaplin to address, understand, and release those emotions or experiences so ingrained in his personal history. And, *Monsieur Verdoux* shows a development of alcohol in Chaplin's film span especially with a sense of closure by the end of this film. Even though *Monsieur Verdoux* was one of Chaplin's later and least successful films, alcohol still remained a significant element to his work even though

Chaplin explored alcohol in a different way.

After exploring and understanding each of these films specifically in terms of alcohol and drunkenness, we can see not just the centrality but also the development of alcohol as subject matter within the duration of Chaplin's film career. From two drunken characters at a show, to two drunken characters enjoying several nights on the town, to a murderer using alcohol to poison his victims, one can say that alcohol not only inhabits a principal space in Chaplin's films but also develops throughout the length of his career. Furthermore, employing the discussion of Chaplin's struggle with his father's alcoholism combined with this analysis of certain films, one cannot ignore or discount the significance of alcohol for Chaplin: performing drunkenness and involving alcohol within his films provided an outlet for Chaplin to address and deal with his own personal struggle of family alcoholism. This active process takes place not just in front of the camera but transcends to the area in front of the screen, to the

person, to the audience, to me; this process goes full circle. When I watch Chaplin as a drunken pest in *A Night at the Show*, or a wobbling tramp in *City Lights*, or a charming wine drinker in *Monsieur Verdoux*, I react and interact by releasing laughter or other emotions (normally I possess a strange ambivalence that won't release). His performance and this release directly address my own struggle and experience with family alcoholism. Chaplin reenacts it for me and I react to it. Furthermore, knowing that Chaplin himself dealt with the bottle, allows for that Chaplin guilt complex to allay. I don't just laugh and enjoy his performance, I understand it, I interact with it, and I connect with it. There is never an end or cure to memories of alcoholism or Chaplin's guilt, but, at least I know that I am dealing with it as Chaplin did. Forget about those appointments I made with the shrink next week, I think I might simply watch a Chaplin flick. Now, I think that deserves a toast. Cheers Charlie! Here's to you!

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about the authors

Charles Mihelich is a graduating senior in the History Department, and is most interested in 20th Century United States History. After graduation, he plans to take a year off before going to graduate school to work towards a PhD. He is fascinated by film, especially the way it reflects global trends and shapes the historiography of our past and present.

Jared Lindsay was born in Santa Fe, New Mexico and comes from an area with a diverse heritage which has fueled his interest in understanding frames of reference. Currently a third-year senior studying film and media, he hopes to graduate by the new year and get to work doing something with his hands so as to give his brain a rest. Jared is an Eagle Scout, a disciple of leisure studies, and he is currently raising a sweet pup named Coda, his “conductus cum cauda.”

Jason Crawford says: In a year when I can call myself a graduate of Film and Media Studies, my plan for afterwards is to get a job at Disneyland where I can rig up the computer running the animatronics for the Pirates of the Caribbean ride to create the first pirate-to-peer file-sharing network.

Mollie Vandor is a senior Film & Media Studies and Law & Society major, with an unhealthy passion for pop culture and the goal of eventually writing, producing and editing video projects for her own boutique production company. She loves to read, cook, watch action movies, play pool, dance, do yoga and spend time with her friends, preferably while doing all of the above. Her vices include bad reality television, cheesy chick flicks and drinking and talking too much. She is the proud owner of far too many pairs of shoes.

Douglas Herman is a senior in the Film and Media Studies department. He plans to pursue a career in independent filmmaking, and he has an overwhelming obsession with orange juice.

Natalie Arps-Bumbera is a Film and Media Studies and Sociology major. Post-UCSB, she has worked at KCET/PBS and DreamWorks SKG. Her five-year, post-college plan includes: becoming a global media mogul, achieving fluency in Italian, French, German, Japanese, and Hindi, single-handedly engineering world peace and happiness by finding cures to AIDS, cancer, and the flu, inventing a cheap and environmentally-safe alternative to fossil fuels, writing a best-selling novel (or five), and then scooping up a few Emmys/Academy Awards for adapting her novels into a TV series or feature film. Ten years from now, she expects to have revolutionized the cell phone industry by creating a calling plan that includes unlimited time-travel minutes- whenever, wherever.

Giuliana Garcia is a graduating Spanish major, planning to go to law school in the Fall. In her free time she likes to read and watch television, especially *30 Rock* and *Law and Order: SVU*. Giuliana is also interested in contemporary Spanish cinema. In the future she hopes to practice entertainment law.

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Melissa Petersen
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