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The Ethics of Appropriation: Found Footage between Archive and Internet

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Appropriation as Spectatorship

Appropriation is a varied concept, and it can carry very different meanings. For instance, applied to the engagement of the film-viewer, appropriation can be a more vivid term for spectatorship and reception studies, especially if we think of the active and interactive role we now tend to assign to the spectator—as viewer, as user, as player—given the different screen activities that are involved in the consumption and apperception of moving images. These include going to the cinema, watching television, using the monitor screens of our laptops and tablets, or acquiring the skills needed to play video games. In short, spectatorship as appropriation acknowledges the active participation of the viewer in the process of reception of films and the consumption of visual displays and spectacles.

Appropriation and cinephilia

However, in the more specific case of the cinema, appropriation can also signify a more intimate gesture of love and an act of devotion. Thus, *cinephilia*—the particularly intense manner of living the film experience, by wanting to repeat it and to prolong it—should also be seen as a form of appropriation. But cinephilia, as a way of watching films, of speaking about them, of accumulating expertise and then writing about films, is both appropriation (in the sense of holding on to, and not letting go) and its opposite: a desire to share, to diffuse this knowledge and create, through this sharing, a likeminded community. Cinephilia of the Internet age has produced its own form of active and productive appropriation, in the form of the *video-essay*: a genre that combines the history of compilation films, of found footage films and the essay film: all genres that try to make films reflect about their own conditions of possibility, and that enrich our experience of cinema by creating forms of para-cinema, post-cinema and meta-cinema.

In the cases of cinephilia—as a *gesture of love*, and as *an act of acquiring expertise*, appropriation implicitly includes a claim to ownership, and this in turn can be either legitimate or illegitimate ownership, which is one way in which the question of ethics arises. Ownership may be understood in legal terms, as copyright or intellectual property right. But ownership extends to other modalities as well: ownership as the physical possession of the object *film*—something only possible in relatively recent

times, in the form of a DVD or an mp4 file—or it may involve assuming the right to do with the object as one pleases: interfere with it, re-edit its scenes and images, or alter it via commentary or sound-track. But ownership can also manifest itself, in the sense of trying to *own* a film's meaning and interpretation and thus claim a particular kind of power over it. Several of these forms of ownership just named would seem to shift the question of appropriation from the realm of *reception* to becoming an *act of production*, but this may be the crux of the matter: when it comes to appropriation, reception can become productive (as in the video essay), and production can be a form of reception (as in found footage films)—and both come together in the idea that digital cinema quite generally is best understood as post-production.

Compilation, Found Footage, Post-Production

This raises the question of when and how such a combination of appropriation and post-production came into existence, and it is clear that it is connected with the montage theirs developed in the Soviet Union. Around the mid-1920s, we see the first compilation films—for instance Esfir Shub's *Fall of the Romanov Dynasty* (*Padenie dinastii Romanovykh*, 1927-X), which arose in close proximity, and perhaps even in rivalry with perhaps the most famous example of a compilation film that also functions as an essay-film, Dziga Vertov's *Man with a Movie Camera* (1927). In an essay that reconsiders these beginnings, the filmmaker Hito Steyerl makes two important points: one is that Vertov's film should have been called *Woman at the Editing Table* rather than *Man with a Movie Camera*, and secondly, that already around 1927, the problem was: where to locate creativity and authorship. Was it in production or post-production? As mentioned, this has become crucial with the advent of new media and non-linear editing, and it suggests that perhaps a better name also for *found footage films* is *post-production films*.

However, the origins of found footage films, as opposed to compilation films, are usually located within the Marcel Duchamp tradition of Dada and conceptual art, of Surrealism and the *objet trouvé*, the found object. The point of such a stranded object, left behind by the tide of time, is that it is made beautiful and special by the combination of a recent loss of practical use and its perishable or fragile materiality. This may not directly apply to Joseph Cornell's 1938 *Rose Hobart*, an extraction of scenes featuring the actress Rose Hobart, taken from the colonial melodrama *East of Borneo* (George Melford, 1931), where cinephiliac appropriation took on a distinctly erotic-fetishist, even necrophilic dimension. In a similar surrealist vein, Bruce Conner's 1958 *A MOVIE* is best remembered for a montage of the Bikini Atoll atomic tests with shots of women with and without bikinis targeted by phallic missiles. Similarly, Dara Birnbaum's feminist empowerment sampler *Technology/*

Transformation: Wonder Woman (1978-1979) from the television series *Wonder Woman* (1975-1979) makes a comment on popular television, the way Cornell and Conner used eroticism as a way of revealing the *political unconscious* of Hollywood cinema and of Cold War America.

Appropriation, as the ambiguous name of a certain kind of love that raises issues of ownership is perhaps most tersely expressed in the title of Eric Lott's study of how immigrant—mainly Jewish and Italian—entertainers from Europe appropriated African-American folk music, comedy routines and blackface minstrelsy: Lott called his book *Love and Theft: Blackface Minstrelsy and the American Working Class* (1993) and this is indeed the terrain of affective-emotional ambivalence, within which appropriation becomes so seductive, also in the cinema. Lott's title, incidentally, was itself appropriated a few years later by Bob Dylan for an album of cover versions of other artists' songs (*Love and Theft*, 2001)—cover versions being the music industry's legally sanctioned appropriations. *Appropriation as love and theft* might yield criteria that can usefully be invoked in certain limit cases of found footage films and video essays, where ethical issues may well arise that affect one's aesthetic judgement of a given film. To cite two examples I will not discuss, because they do not concern found footage, but where the question of appropriation of a particular point of view became highly controversial: Erroll Morris' *Standard Operating Procedure* (2008) and Joshua Oppenheimer's *The Act of Killing* (2012).

What is Found Footage: Love and Theft

When we move to found footage films, the first question to ask is of course, *what is a found footage film*, and how can we identify the different variants, genres and sub-genres? Found footage films not only need to be distinguished from compilation films, but also from so-called stock footage, used in television reportage for historical narratives, to illustrate the voice over commentary, or to accompany the narrative of talking heads, simulating the impression that a camera had been the silent witness to what the person is narrating or commenting on. Stock footage usually comes from a commercial archive, where it is catalogued and classified according to theme, location, date and setting. But under pressure to find fresh and previously unused images, television has begun to aggressively plunder national and regional film archives, as well as raid private collections, including home movies, to feed its seemingly insatiable appetite for visual material that makes history *come alive*. Television thus also tries to *find* footage, and thereby becomes a competitor for artists working with *found footage*, making access to the material potentially more difficult and expensive, as the archives' holding of previously overlooked material becomes more valuable commercially, as well as aesthetically more prestigious.

As a result of these competing claims on archival film material, definitions of found footage films have become more narrow and precise. In contrast to the compilation film that strings together scenes from pre-existing material, in order to illustrate an argument, found footage films do not *combine* material but *compose* material into a new coherent totality or unity, and thus tends to create new contexts for the images, which in turn allows for new associations. To refer a well-known essay on found footage films by Catherine Russell (*Experimental Ethnography: The Work of Film in the Age of Video*, 1999), “we understand found footage as an open category of avant-garde or experimental cinema that presents film fragments either animated by nostalgia” [from Joseph Cornell's already mentioned 1936 *Rose Hobart*, to Peter Delpout's *Lyrical Nitrate*, 1991] “or driven by apocalyptic themes” [from Bruce Conner's already mentioned 1958 *A MOVIE*, to Craig Baldwin's *Tribulations 99*, 1991, via the better known *The Atomic Cafe* from 1982 by Jayne Loader, Kevin and Pierce Rafferty]. “[Found footage films] resonate through their style, [which is] based on fragmentation, elliptic narration, temporal collisions and visual disorientation [and they usually] follow an aesthetic, formal, conceptual, critical or polemic purpose” (Russell, 239-40). This description emphasises an important aspect of found footage films, namely their critical stance vis-à-vis mass media and popular culture:

The found footage trend [first] blossomed in the late 1950s and 1960s, with the rise of television and the culture of mass consumption. It is not by chance that it is often televisual artifacts [ads, infomercials, talk shows, educational programs) that these filmmakers re-use and subvert. Found footage, in this respect, appears as a form of cultural recycling [that is] informed by a social critique, by discourses concerned with the end of history, and subverting [the material's original message of optimism and progress] through ironic and violent montage. (Habib, 2006, 127-28)

The Female Face: Returning the Look

Among the best-known and most successful filmmakers to revive old home movies and putting them into revealingly new contexts are Péter Forgács (*The Maelstrom - A Family Chronic*, 1997; *The Danube Exodus*, 1998), followed by Vincent Monnikendam (*Mother Dao*, *The Turtlelike*, *Moeder Dao*, *de schildpadgelijkende*, 1995) and Fiona Tan (*Facing Forward*, 1999). About her found footage video-installation, Tan has said:

The images in *Facing Forward* stem entirely from early silent archival film footage categorized as colonial documentary footage shot in foreign and exotic countries for a Western audience. I have selected one particular sort of scene from a myriad of films. I call these scenes photographic moments. Quite simply, they consist of the countless

times that—as if for a photograph—people pose in front of the film camera. I find these moments poignant and endearing: a filmed photograph stretches time and in those often uncomfortable moments a lot happens: The viewer can see the embarrassment, the bewilderment and anger, or the curiosity and shyness due to the confrontation with the camera. A viewer also has time to reflect upon all these anonymous people arranged before him. It also highlights the transition between two media: photography and film. They are particularly revealing moments. Moments of meeting, not just a meeting of individuals but of cultures, ideas and times. Moments, which I think are important to review now. (Tan, 2000)

Here, the ethnographic film is turned inside out, brushed against the grain where the objects of a particular gaze are allowed to look back and become subjects, not objects: making us the viewer into the problematic figure, thereby raising key ethical questions about ethnographical films as acts of appropriation. Tan's installation repeats a gesture that one also finds in Harun Farocki's film *Images of the World and Inscription of War* (*Bilder der Welt und Inschrift des Krieges*, 1989), where Farocki uses a series of photographs of Algerian women who were forced to unveil for the French colonial authorities, to problematize the look of these women and where the director's hand covers them again, as if to protect them from prying eyes. Even more notorious, from the same film, is the look of a woman into camera on her way to the gas chambers at the arrival ramp of Auschwitz, where Farocki ruminates on how to read such a shot, across the distance of time and proximity of the crime that the image documents, once more using his own hands to frame and reframe the look.

Found footage, both from known and unknown sources often finds itself combined in the so-called essay film, a genre where *Chris Marker* has been a towering figure, influencing many other essay films, among them not only those of Harun Farocki, but also Jean-Luc Godard's magnum opus *Histoire(s) du Cinéma* (1988-1999), who edits across and between images, as well as over and within images. Marker's found footage/essay film masterpieces are *Grin Without A Cat* (*Le fond de l'air est rouge*, 1977) and *San Soleil* (1983). *Grin without a Cat* is 3 hours long and takes:

...the appropriation art form to the next level, culling countless hours of newsreel and documentary footage that he himself did not shoot, into a seamless, haunting global cross-section of war, social upheaval and political revolution. Yet, what's miraculous about Marker's work is that his cine-essays never fell victim to a dependency on the persuasive argument. (Carvajal, 2014).

In other words, Marker never appropriated other people's images to prop up his own *political* thesis, unlike traditional documentaries, which is why the label *essay film*

almost had to be invented for his work, to give due credit to Marker's reflexive stance and his ability to let images comment on each other. He, too, featured in *Sans Soleil* a mini-essay on a woman in Guinea-Bissau *returning the look*, highlighting the complicity as well as the vulnerability of a female subject in front of the camera, and the special responsibility this entails for the filmmaker to show respect and reticence, instead of appropriating or claiming ownership. Marker was more interested in how the reflexive nature of the moving image implicated himself as man, author and director: At the start of Marker's *Sans Soleil* (1983), the female narrator says:

The first image he told me about was of three children on a road in Iceland, in 1965. He said that for him it was the image of happiness and also that he had tried several times to link it to other images, but it never worked. He wrote me: "one day I'll have to put it all alone at the beginning of a film with a long piece of black leader; if they don't see happiness in the picture, at least they'll see the black."

Historically Toxic Material

"At least they'll see the black": if in the case of Chris Marker, it is *happiness* that is unrepresentable, often found footage poses the opposite challenge: how to account for the point of view of him or her who originally took those images? Filmmakers have been very aware of this pitfall, especially when dealing with what one might call historically toxic material, such as, for instance, found footage from the colonial archive; found footage about the Holocaust; and found footage that touches on personal trauma and the discovery of family secrets. One could cite several examples, each of which seems to fully face the risks, and at the same time, develop strategies that not only acknowledge the risks, but aggravate them, by implicating the filmmaker in a reflexive turn that rather than distancing the material and its problematic aspects of appropriation, puts the filmmaker personally on the line, as it were, either by trying to give a special voice to those, who in the original images never had a voice, and never had a chance to become who they were meant to be, or by daring to imagine through re-enactment bordering on the fake, to fill a traumatic loss with a different semblance of life.

I shall focus on one example, Harun Farocki's compilation film *Aufschub* (2007), utilizing film material shot at the Westerbork transit camp for Dutch and German Jews, destined to end up in Auschwitz. There, the filmmaker, out of respect for the unique circumstances to which we owe this material, resisted the temptation to either edit or editorialize the material, but found a way to show it more or less as it was shot, with a minimum of commentary, except for some intertitles.

Farocki is justly known for his pioneering use of found footage from often anonymous and usually very diverse sources. He had an uncanny and extraordinary gift for establishing links and for building connections that no one had thought of, or dared to draw before. By these criteria, the Westerbork footage is not *found footage* and its makers are not anonymous. Nor does Farocki claim this to be the case: a prefatory intertitle establishes the basic facts about the material's provenance and putative author(s). And yet: the issue of appropriation, of recycling and the migration of iconic images—together with the reasons for the increasing use of found footage by artists, its ethics and aesthetics—is raised in *Aufschub* in complex and perplexing ways.

First of all, Farocki was aware that part of the Westerbork film material had already been used in Alain Resnais' *Night and Fog* (*Nuit et brouillard*, 1955) and he knew that there had recently been much discussion over how Resnais had re-edited the footage, which further problematized a debate that Farocki was already familiar with from his own film *Images of the World and Inscription of War*: namely the ethics of using (often unattributed) visual material relating to the *Holocaust*, especially when these are film-sequences and photographs taken by the (German) occupiers and perpetrators or even when recorded by the (American, British or Russian) liberators of the camps. In *Bilder der Welt und Inschrift des Krieges* (*Images of the World and the Inscription of War*, 1988), Farocki explicitly *thematizes* the dilemma of sharing an alien—and alienating—point of view: that of the aerial photographers of the US Army, on reconnaissance mission, contrasted with the look through the camera of an SS-guard, on his post at the Auschwitz-Birkenau ramp.

The second reason why appropriation is a sensitive issue in this case, are the diametrically opposed and yet paradoxically convergent motives of the man who ordered the footage to be shot (camp Commandant Konrad Alfred Gemmeker), and the man who shot the footage (the inmate Rudolf Breslauer): in the very uneven power-structure that bound these two men together—each trying to prove something, though not necessarily to each other—the loaded terms *collaboration*, *collusion* and *cooperation* take on the full tragic force which they acquired during World War II in ghettos or such transit camps, when Jews had to police and supervise their fellow-Jews. Through whose eyes are we seeing the film footage? The victim or the perpetrator, and can we even tell the difference, if each had a similar aim: namely to stay in the camp as long as possible? And to whom, therefore, do these images belong, who is their *author*: commandant, cameraman or the compiler of the found-footage film?

The third reason to raise the issue of appropriation in the case of *Aufschub*, is that the two minute sequence which Resnais took from the nearly eighty minutes' worth of footage shot by Breslauer, has in turn been further decontextualized and rendered anonymous. One comes across the sequence of the deportation train almost daily, because it is routinely inserted in television docudramas or even news bulletins, every time a producer needs to evoke Auschwitz and the trains, and has only a few seconds to encapsulate them.

What Farocki was able to do was to give *appropriation* a new meaning: In *Aufschub*, appropriation—understood now as the transfer of knowledge, of cultural memory, of images or symbols from one generation to another, and thus a different way of making one's own what once belonged to another: in the form of *discipleship* rather than *ownership*—appropriation finds itself filtered through a process of reflexive identification and self-implication, where Farocki, both literally and metaphorically, stands behind Breslauer and his camera. Through the restrained editing and the underplayed commentary, he respects the very disorder of the material, and shows his solidarity with Breslauer as fellow-filmmaker and one of the many human beings who were *appropriated* by the Nazi.

Found Footage between Obsolescence and Abundance

But here is another paradox, with which I shall conclude: given the narratives of loss that I have been presenting around found footage and the ethics of appropriation, given the dialectics of material death and digital redemption, as well as the reversal of perspective and the return of the gaze whereby the filmmaker puts him or herself on the line, when re-working ethnographic films, or when curating rather than creating film material commissioned by a Nazi officer and shot by a man sent to Auschwitz—in what possible relationship does all this stand to the *ubiquity, overabundance and easy availability* of so many films as DVDs, so much audio-visual material, old and new, both archival and from private collections, to be accessed on Internet sites such as YouTube, Vimeo, Mobi and many other sites, —accessed so easily that calling it *found footage* would be a misnomer? How to maintain these narratives of loss and trauma, in the face of so much superfluity and even narcissistic self-exposure?

I have no ready answer to this question, except to state the obvious, namely that the technical facility of non-linear editing, and the ready availability of the appropriate software has—depending on one's point of view—either democratized filmmaking tools and put post-production skills within reach of more people than ever before, or it leads to a massive de-professionalization of editing both sound and image, as well as of writing text and commentary in the field of the essay-film, as well as for

compilation and found-footage films. Example of the latter can easily be found on the web, where found footage films, whether authentic or fake, especially in connection with horror-effects and shock-schlock film—have become [since the success of *The Blair Witch Project* (Daniel Myrick y Eduardo Sánchez, 1999) and *Paranormal Activity* (Oren Peli, 2007)] the new indie genre Hollywood is trying to appropriate. Not surprising, therefore, that avant-garde filmmakers and other trained artists have been cautious about using the Internet as their exhibition platform and distribution channel, preferring to align themselves with museums, galleries and art spaces in general, still considered to be the guardians and gate-keepers of recognized standards and secure artistic reputations. Christian Marclay's *The Clock* (2010) is perhaps the most illustrious example of an artist creatively using an art space for an exercise of compilation more commonly associated with the Internet, thereby pushing both the gallery and the mash-up to its limits.

With *The Clock* we encounter another paradox, namely that one of the last public spheres where a cinema of the avant-garde and of the authors can be discussed and debated, and can find a serious public, are the traditionally elite cultural sites of the art world (including) biennials and festivals, rather than the massive reaches of the digital public sphere of the internet and the dedicated sites just mentioned. In other words, narratives of loss are now more likely to be about loss of prestige than about the lost reassures of the archive that have to be revived through found-footage. And it may indeed be the case, that the last golden age of found footage films—the 1990s—is indeed just that: a lost golden age, as all golden ages are.

Appropriation and the Video Essay

Here the video-essay tries to break new ground, in order to resolve some of these paradoxes. A practice that has established itself in the refreshingly fluid zone between academic film studies, cinephile essay and fan-based appropriation, the video essay is very much an on-line phenomenon, even when it is picked up by film journals such as *Sight & Sound* or DVD companies, such as the Criterion collection, who think they need a strong on-line presence in order to survive. Taking advantage of precisely the ease of access to films of all genres and periods, and their abundance on-line, video-essay authors can work on the images and sounds themselves and they allow the film fragments not only to *speak for themselves* but to *think cinema* with their own sounds and images, often concentrating on the stylistic patterns and peculiarities of recognized auteurs, such Stanley Kubrick or Wes Anderson, Yasujiro Ozu or Brian de Palma, but also such popular directors as Steven Spielberg and Michael Bay. In a short space of time, a substantial body of work in this new genre has emerged, with its own rules, reflections and reigning champions.

Let me conclude by returning to what I said about the shift from production to post-production, of which I think the issue of appropriation and its increasingly apparent paradoxes are both a symptom and a consequence. The change of emphasis from production to postproduction may seem inevitable if simply translated into the speed and convenience of digital (i.e., *nonlinear*) editing, which can now be done on a laptop thanks to some high-performance, off -the-shelf but nonetheless professional-standard editing software. It may also be relatively harmless if we think of digital postproduction in terms mainly of the higher degree of plasticity and manipulability of the images: what director George Lucas once called the “sculpture” approach to the digital image. However, the more important point is that a film created around postproduction has a different relation to the pro-filmic. Whereas analog filmmaking, centered on production, and seeks to *capture* reality in order to *harness* it into a *representation*, digital filmmaking, conceived from postproduction, proceeds by way of *extracting* reality, in order to *harvest* it. Instead of disclosure and revelation (the ontology of film from Jean Epstein to André Bazin, from Siegfried Kracauer to Stanley Cavell), post-production treats the world as data to be processed or mined, as raw materials and resources to be exploited.

In other words: the move from production to postproduction as the center of gravity of filmmaking is not primarily defined by a different relation to index and trace, to materiality and indexicality (as claimed by those who miss the index in the digital image). Rather, a mode of image-making, for which postproduction becomes the default value, changes more than mere procedure: it changes the cinema’s inner logic and ontology. Images and image making is no longer based on perception or a matter of representation: postproduction’s visuality is of the order of the vegetal, that is, not only is it comparable to the growing, harvesting of crops, or the extraction of natural resources, but it lines up with the manipulation of genetic or molecular material, in the scientific and industrial processes of biogenetics or micro-engineering. If this is indeed the case, the ethics of appropriation will take on a whole other dimension.

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