

## Transfer Media: Ethics, Semiotics, Documentary

Garnet C. Butchart

Documentary is a performance of memory. It is an enterprise of surveying, teaching, leaving traces, of making records, and thereby, not forgetting. As we know, records, like memories, can be lost, modified, or simply deleted. But forgetting is a different story. In the context of documenting *and* forgetting, decisions will have been made about what is, in fact, worthy of being remembered, attended to, imagined (pictured), entered onto record, and perhaps even put on display—a decision, in short, about what is worthy of being held. An image-maker looks onto a world, and shows a world. Imaging media “see.” And a selection of appearances is given for viewers to look at. However, in this process, what often slips out of view, or is withheld from the perspective of viewers in the first place (what can be forgotten or repressed), is the work of documentary, the practice of surveying, recording, arranging, modifying, and showing.

This relationship—among phenomena that appear to the visual field and the perceptive acts of documentary practice—raises the question of ethics because what is at stake in this relationship is nothing less than the power to define, and thereby to stage, reality. When the topic of ethics is raised in the context of mass media, and particularly in the context of documentary filmmaking, the focus is typically placed on the persistence of moral issues and our attitudes toward them. However, although the discourse of morality may be vital to the practice and politics of looking, it is possible nevertheless to step back from it in order to focus on what is, in fact, a deeper analytical problem with ethics in the context of media: the instrumental relationship between the scopic machinery of modernity and its world viewed—a relation of *symbols*.

This essay attends to the telling of a story by documentary as itself a story to be told. Elsewhere I have written in detail about the “ethics” of documentary.<sup>1</sup> This time, I focus on the nature of self-commentary in documentary, the contemporary practice of commenting on the construction of documentary. The question I consider below is, when we look at a documentary that looks back at us looking at it, or in some way

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**Garnet C. Butchart** is Assistant Professor in the Department of Communication at the University of South Florida, Tampa, USA. His research in semiotics, phenomenology, and psychoanalytic theory of communication has appeared in *Semiotica*; *Communication, Culture & Critique*; *Communication Theory*; *Review of Communication*, and elsewhere. He has lectured on documentary cinema and ethics at the Jerusalem Center for Ethics and has served on the jury of the Israeli Documentary Cinema Awards at the Jerusalem International Film Festival.

<sup>1</sup> Garnet Butchart, “On Ethics and Documentary: A Real and Actual Truth,” *Communication Theory*, 16 (4), (2006): 427-452

acknowledges the viewer as part of its attempt to depict reality, what do we see? Answers to this question may be found by attending first to the conventions employed by contemporary documentarians to enter into a relationship with or imply a viewer; and second, to the transfer of semiotic affordances from the media of imaging technologies to users (to image makers) and the ethical significance of what this transfer permits to be seen. In what follows, I re-examine the image making techniques of what I have elsewhere called *doubling* and *redoubling* the visual mode of address.<sup>2</sup> This time, I argue that although these techniques appear to call into question the authority of the documentary, they also may be seen to function as a form of performative commentary in the process of building of an informal, contemporary ethical “code” of documentary practice.

### Documentary and its Ethics

Let me begin by clarifying what I mean by “ethics.” I do not define ethics as established or known rules and norms, systems of belief that guide us in our judgments about right, wrong, good, and evil. Those systems have to do with morals and morality. In contrast, I prefer to think of ethics as a practical and political enterprise—the practice and political activity of asking, *what can be done?* As I understand it, the object of ethics is what is not known or cannot yet be known from the point of view of prevailing knowledge and systems of belief. Ethics is practical and performative inquiry into making the conditions possible for the not yet known to emerge. In this sense, ethics may be defined as thought about process with a view to broadening the limits of what can be known and done. For the purposes of the present discussion, I define documentary “ethics” as thought about the performative process of making images. I expand on this below.

But first, let me summarize briefly three of the main ethical challenges of the documentary enterprise that are consistently identified by media theory (especially the literature on documentary studies) from the mid-80s to the present.<sup>3</sup> The first, and most obvious ethical problem is *participant consent*. Put simply, media theorists argue that although documentarians may be entitled to artistic expression, participants have the right to control their image, to be informed about how they will be depicted in a filmmaking project. Ethical practice here amounts to being forthcoming with intentions of the documentarian so that, having been sufficiently informed, participants

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<sup>2</sup> Ibid.

<sup>3</sup> Discourse on the ethics of documentary may be found in the extremely influential works by Larry Gross, John Stuart Katz and Jay Ruby, eds. *Image Ethics: The Moral Rights of Subjects in Photographs, Film and Television* (Oxford: Oxford University Press, 2000); Alan Rosenthal and John Corner, eds. *New Challenges for Documentary*, 2<sup>nd</sup> ed. (Manchester, UK: Manchester University Press, 2005); Michael Renov, ed. *Theorizing Documentary* (New York, NY: Routledge, 1993); Jay Ruby, *Picturing Culture: Explorations of Film and Anthropology* (Durham, NC: Duke University Press, 2000)

have the opportunity to consent to a project, or not, and thereby avoid victimization in the process.

The second challenge concerns the *objectivity* of documentary. Although most media theorists don't hold documentary to the standards of journalism, viewers often do. Traditionally, viewers consider documentary to be like journalism not only because both enterprises usually focus on issues of public concern, but also because documentary often *looks* like journalism. Both rely for their legitimacy on conventions of objectivity, a style of storytelling that appears neutral by comparing seemingly different viewpoints.

The challenge of objectivity is closely related to a third ethical issue of documentary, the *audience's right to know*. This issue also hinges on the similarities between documentary and journalism. Specifically, because documentary plays a role in the examination of topics that are in the public interest, the ethical objective is to strive for fairness and accuracy, and to avoid intentionally misleading viewers. Even if the public has a right to hear about issues that affect them, the ethical difficulty derives from the fact that there is no easily enforceable ethical code that offers protection against deception.

Taken together, we could say that what these challenges have in common is the problem of disclosure or, unconcealment. The majority perspective of media ethics holds disclosure to participants and viewers as a moral imperative for documentarians. However, questions remain: How does a documentarian know when he or she is being "ethical"? Who is to judge? And, more interesting than that, how is it that ethics become morals in an easy sliding of terms? Well, what we do know is that it is extremely difficult for media policy makers to regulate for morality, good taste, and accuracy for the reason that such regulation might infringe upon expression rights.<sup>4</sup> Not only that, there is no media law comparable to what the United States Food and Drug Administration offers to Institutional Review Boards toward the protection of human participants in the production of knowledge. So, without any binding guide for ethical practice in mass media, because of the practical limit of current media regulation, documentarians must regulate themselves. As it should be—documentarians are the best judges of their own practices.

But, what are those practices? What do documentarians do? Obviously, documentarians make moving images. Those moving, visual images tell a story. And through those stories, knowledge about the world is produced. It is for precisely this reason that the question of media ethics is a semiotic problem—not simply a moral problem. By "semiotic" I mean to invoke the two basic senses of representation. First, is the sense of inclusion, or counting. In the context of the visual images made in documentary, inclusion raises the fundamental question about what is being depicted? (What is included in the frame of the picture? What can be seen in the image?). The second sense of representation is that of showing. In the context of documentary

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<sup>4</sup> Edward Croteau, William Hoynes, Stephanie Milan, *Media/society: Industries, Images and Audiences*, 4<sup>th</sup> ed. (Thousand Oakes, CA: Sage, 2012), 71-111

images, showing raises the key question about how an appearance is being depicted. (What is it being made to say?)

With these two basic senses in mind, a semiotic perspective on the ethics of image making draws our attention to the practical challenges of documentary by grounding analytically the question I posed a moment ago: Namely, what is it that documentarians do? Answer: They make visual images that tell stories. But, more to the point, documentarians make images of others, hence the imperative of participant consent.<sup>5</sup> These images communicate to viewers, hence the imperative of disclosure rather than deception. Ethics remains important in the context of documentary precisely because it is an enterprise that participates in the process of semiosis. What is at stake in documentary, it is worth repeating, is *the capacity to depict or to stage reality, to produce knowledge about the world in visible form*. To ask what documentarians do, and to think about the obvious answer, allows us to pursue a further ethical line of inquiry—namely, what *could* documentarians do? What can be done differently in the image-making process?

The appearance of the visible is also a portent of that which remains concealed. Acts of disclosure (inclusion, showing, recording, teaching) are also, at least in part, acts of concealment (exclusion, blinding, modifying, repressing). So, with our eye on the (performative) semiotics of documentary, I want to turn to consider a set of image-making practices that, perhaps, qualify as ethical in the sense that I have offered above—namely, “ethics” as a practice of inquiry into the limits of what is known or seen from the perspective of reigning knowledge systems (or, in the context of documentary, the reigning convention of objectivity in the practice of making images). I turn now specifically to an examination of the practice of self-commentary in documentary, that instantly recognizable, non-accidental practice of calling into question the “visual mode of address” of documentary as it attempts to maintain neutrality in mediating between reality and the real, between the world shown and the world that gives itself to be seen.

### The Visual Mode of Address

The notion of a visual mode of address in documentary draws from and builds upon what Vivian Sobchack famously calls the “address of the eye” in cinema.<sup>6</sup> To summarize, the visual mode of address consists of the correlation of three main cinematic components: (1) the technologies used to generate images (i.e., cameras, celluloid, and/or imaging software) and the techniques of employing these technologies (i.e., the intentional acts of pointing, programming, recording—acts of direction); (2) the

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<sup>5</sup> I focus my discussion on mainstream documentaries widely available on television, DVD, and-or at film festivals, documentaries characterized by the interview style and the use of illustration to produce visual images about topics of modern social life or human experience that have broad appeal. I exclude from this discussion the ethical problems specific to ethnography and the production of video in anthropological research.

<sup>6</sup> Vivian Sobchack, *The Address of the Eye: A Phenomenology of Film Experience* (Princeton, NJ: Princeton University Press, 1992)

synthesis of images created by these technologies and their perceptual acts (i.e., the artistic practice of ordering, assembling, modifying images in the editing process) and the exhibition of images (through a device onto a surface, such as a screen); finally (3) the perception and sense-making *experience* of images by viewers. In short, the visual mode of address is the contextual point of view (of looking, recording, assembling, exhibiting, and witnessing) that fixes the conditions of possibility for visual image-making and image-viewing.

As obvious as it may seem, attending to the visual mode of address of documentary deepens our awareness of why disclosure is a major point of ethical debate. As I see it, ethics is a topic of concern in documentary for the reason that the visual mode of address is typically *excluded* from the visible content of most of its images. Viewers of documentary are shown a world, but rarely do we see the scopic machinery through which that world is given for us to see. Access—to decisions made to record these phenomena over others, to generate these images in these ways and from these perspectives rather than others—is typically restricted. So, if we were to agree that the disappearance of the visual mode of address of documentary has as its main consequence the effect of denying access to the processes of looking, composing/encoding, showing, and telling (a problem of disclosure), then perhaps the ethical challenges faced by documentarians could be addressed in the manner through which they at first emerge—addressed visually, semiotically. In other words, perhaps thought about media ethics can be broadened if the judgment of images (their content, the stories they tell) is bracketed in order to allow for discussion of the problem of *making* images (to tell a story of the story told).

How might documentarians today address the ethics of their enterprise? One strategy is to comment on the process of making images by turning the visual mode of address into a sign of what is usually left unseen. The visual mode of address of documentary can be shown, at the place where it is typically concealed, by being included in what it shows. To unconceal the visual mode of address of documentary (that is, to comment on the telling of a story) is to explore two properly ethical questions: *What can images do? What can a medium do?*

To explain, there are already at least two obvious techniques through which the enterprise of documentary comments on itself by unconcealing the privileged place from which it performs its depiction of reality. The first technique is what I call *doubling* the visual mode of address.<sup>7</sup> By “doubling” I do not mean duplicating and thereby reinforcing the viewpoint of the documentarian. Rather, by doubling the visual mode of address, I mean putting that address into view, exposing it, at least in part, by addressing it directly—putting it upon the visual stage for all to see. The visual mode of address is doubled when the perspective given to us by the documentary (the address that we are asked to occupy in order to “see” the images) is returned by a second address. This second address is, literally, a look that looks back; it is a look that looks at us (at implied viewers) looking at *it* (the appearance of visual images its gives

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<sup>7</sup> Butchart, “On Ethics,” 438-441

to be looked at). When viewers are shown this look, the visual mode of address that had remained largely unseen becomes visible, seen in the form of its double—a return look that appears in full view.

There are many ways to double the visual mode of address, but I will only mention three. The first is whenever participants make eye contact with the camera. This can occur during an interview, for example, when a participant visually addresses the camera (looks at it) and not at the interviewer/documentarian who typically remains hidden and off screen. Second, doubling the visual mode of address occurs when a participant verbally addresses the presence of the camera. We see this when a participant asks if the camera is on or, more often, by requesting that the camera be turned off. Finally, the visual mode of address is doubled in “subject-generated” projects, such as in the American documentary, *Capturing the Friedmans*, and the Canadian documentary, *Kanehsatake: 270 Years of Resistance*, two mainstream documentaries where we see participants engaged directly in making the visual images within which they appear. Here, we see scenes recorded by participants, scenes where participants address the documentarian, as well as talk to one another about the project, the presence of the camera, and so on.<sup>8</sup>

To be sure, viewers need not actually “see” the appearance of a camera in order for the visual mode of address to have been doubled. Rather, it is in the “look” of the other, the address that looks back at viewers looking at it, that the viewpoint of documentary, between world and its image, is unconcealed. A perfect example of this is seen in Werner Herzog’s *Grizzly Man*.<sup>9</sup> The visual mode of address appears doubled throughout this documentary not only when its main protagonist, Timothy Treadwell, speaks directly to the camera that he points at himself, but also, and crucially, when we see unedited footage of Treadwell falling out of the character he had carefully cultivated during his self-filming—a sensitive, reasoned, bear expert. What is particularly intriguing about *Grizzly Man* is the fact that the intentional exposure of its visual mode of address, as well as the narration provided by Herzog, makes it impossible to determine whose story is actually being told. Herzog acquired over 100 hours of footage after Treadwell’s death and reduced it to a 90-minute feature. In Herzog’s film, viewers are witness to background scenes that Treadwell may not have wanted exposed, scenes selected for inclusion by Herzog that unconceal the illusion of the image making process—the process engaged not only by Herzog, but also by Treadwell.

The second technique of commentary through unconcealment in documentary is by *redoubling* the visual mode of address. I call it “redoubling” when a documentarian returns his or her own look, that is, whenever viewers are witness to the viewpoint of the documentary looking back at itself looking. As we know, looking is never innocent. Image making technologies are used to validate the authority of the viewpoint that presses them into service. There is power in the visible evidence produced by this

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<sup>8</sup> *Capturing the Friedmans*. Directed by Andrew Jareki (2003); *Kanehsatake: 270 Years of Resistance*. Directed by Alanis Obomsawin (NFB, 1993)

<sup>9</sup> *Grizzly Man*. Directed by Werner Herzog (USA: Lions Gate Films, 2005)

relation. So, redoubling may be a sign that an image-maker has reflected on his or her position (point of view), and demonstrates awareness of its implications by putting that position into view. To redouble the visual mode of address is, at bottom, to present a self-conscious viewpoint that is exposed not only to viewers, but also to itself, a presence presented for scrutiny by oneself as well as by others.

There are a variety of ways in which we might see the visual mode of address being redoubled, but the most obvious example is in documentaries about the making of documentaries. For instance, redoubling can be seen when movie cameras, along with the activities of movie making, appear on screen and/or as part of the story being told. Classic examples of this practice can be seen, from early cinema, in *Man with A Movie Camera*, and from the mid-1960s, in Jean Rouch's *Chronicle of a Summer*, where cameras, crew, and the work of image-making are included on screen to expose the labor of the process, to break the illusion of seamlessness accomplished by the diegesis.<sup>10</sup> More recently, redoubling and, through it, commentary about the enterprise of documentary, is demonstrated in *The Law in These Parts*<sup>11</sup>, an award-winning documentary about the law imposed on people of the occupied territories in Israel and the legal experts who designed it. The visual mode of address is redoubled by the inclusion of scenes of the staging of the set, the seating of participants prior to being interviewed, the presentation by the filmmaker of materials to be discussed with participants, and the projection of clips from other documentaries as a backdrop. We also hear the filmmaker reflect on the limits of his work and his capacity to depict reality. For instance, he tells us in a voiceover: "I present the rulings and historical events as I understand them. In the world of the film, I rule on what reality is." Undermining the authority of what viewers are about to see by exposing the hidden place from which claims about the world are made, this documentary shows us not only how the law, as written, is, like the writing of history, a matter of perspective, but also, it reminds us how the practice of documentation—the making record of statements, testimonies, orders, and verdicts as well as images, both moving and still—has, like the reading of law, the power to shape how we think about our reality.

To summarize what I have been arguing so far: I suggest that in documentary, a look returned, and looking at one's power to look, appear to put the practice and authority of image making directly into question. In its appearance as the double of documentary's visual mode of address, the "look" of another (the address of the object of the gaze) can be seen to pose a question: *You look, but by what right?* Next, the redoubled visual mode of address (the return address that makes it back to itself, as it were) appears as the sign of an admission, that the work of documentary is not simply objective but rather, a matter of perspective. Doubling and redoubling, it seems, offer an internal or recursive form of reflection, a performance of the telling of a story about a story being told.

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<sup>10</sup> *The Man with a Movie Camera*. Directed by Dziga Vertov (Russia, 1929); *Chronicle of a Summer*. Directed by Jean Rouch (Paris, 1961)

<sup>11</sup> *The Law in These Parts*. Directed by Ran'an Alexandrowicz (Israel, 2011)



fig. 1: Director Ran'an Alexandrowicz (right) on screen in *The Law in These Parts*.  
 Film still © R. Alexandrowicz (used by permission)

But is that all? Are the performative techniques of self-reflection and immanent critique ethically significant? Are they not part of the standard, even clichéd, conventions of objectivity in documentary? Should we take them as conscious attempts made by image-makers to invoke a sense of estrangement within viewers, the intent of which might be to increase our critical skills in viewing the content of mass media, particularly when matters of “actuality” are at stake? Or, are the techniques of self-commentary intended not only for viewers, but also for *other image-makers*? If the problem of media ethics is, in part, a clash of expression rights with privacy rights in a context where media law is, at best, weak, then perhaps the image-making techniques described above should be examined more carefully with this limit in mind—as signs, that is, of self-regulation.

### Transfer Media

Questions of ethics persist in the context of documentary for the reason that this genre retains a claim to reality as part of its identity. As artful and as playful as it may be (by employing the kinds of recursive techniques discussed above), documentary relies nevertheless on its production of non-fiction footage in order to justify its authority to look. If what is at stake in the realm of visual images is, to repeat, the power to stage reality—the right and ability to produce knowledge about the world—then documentary must rationalize the very status of its enterprise. Otherwise, it would not be “documentary” (I won’t go so far as to say, “there is no documentary”). Despite



whatever we see (the content of visual images), part of the impulse of those images *must be* to indicate a singular message; namely, that documentary knows where to look.

Particularly in our contemporary environment of digital media, the attitude of viewers is that a healthy degree of skepticism must be brought to bear on *any* image that makes a claim on the real. In this environment, the context of the relation between image and viewer is an interactive context—at least insofar as image-receivers are also image-operators in the act of visual image reception.<sup>12</sup> We receive images, and we send them; we take them, and we modify them; we are conscious of the production of images and the distance of them from any “real” origin because we are involved in that process on a daily basis. Because of the ease and affordability of digital media, viewers *expect* images to have been intervened with, at least in some way.<sup>13</sup> And yet, viewers approach images not only with skepticism about reality claims, but also with disavowal, with an interest (or, a desire) to invest the image with a reality status—as an object to be engaged with, felt, touched. Images may be imaginary, but our experience of them is real.<sup>14</sup> This was the main point made so eloquently by Roland Barthes (his phenomenology of photography led him to the startling conclusion that the essence of photography—its capacity to wound—is found outside of it; the essence of photography is in you.)<sup>15</sup>

Although the recursive techniques of doubling and redoubling are not new, they are signs nevertheless of contemporary thought and experience with images and image-making. Doubling and redoubling are techniques that not only appear to acknowledge the critical capacities of viewers (in fact, they imply those capacities). But also, they are techniques that appear to invite viewers into the image-making process by granting limited access to it. They are signs of decisions made by image-makers in the process of looking, recording/coding, ordering, modifying, and deleting. Doubling and redoubling the visual mode of address appear to authorize the viewer to evaluate the claims made by a documentary, and thereby to judge the veracity of the story it tells.

But why? What is significant about this “open access” or transfer of the privilege to witness the decisions made in the image-making process? Perhaps, on the one hand, bringing the viewer into the process is a way to support the authority of the reality claims performed by documentary. Documentary knows where to look, and images of this kind tell us, *so do we*. By acknowledging that viewers are perfectly aware of the fact that images are created, modified, and not simply an indexical mark of the real, documentary reinforces its legitimacy—it justifies its own right to look<sup>16</sup>. In these instances, documentary seems to say, “everyone has a point of view, and this is mine.”

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<sup>12</sup> Philip Rosen, *Change Mummified*. (Minneapolis: University of Minnesota Press, 2001), 333

<sup>13</sup> John Ellis, “What are we expected to feel? Witness, textuality, and the audiovisual,” *Screen*, 50 (1) (2009): 67-76

<sup>14</sup> Rosen, *Change Mummified*, 337

<sup>15</sup> Roland Barthes, *Camera Lucida: Reflections on Photography*. Trans. R. Howard (New York, NY: Hill and Wang, 1982). (Orig. pub. 1980)

<sup>16</sup> See Nicholas Mirzoeff, “The Right to Look,” *Critical Inquiry*, 37 (3) (2011): 473-496.

However, and on the other hand, perhaps the opening of access to witness the decision making process (by inviting the viewer into the semiotic process) may, in fact, work to *conceal* the authority of documentary in its effort to unconceal—to admit—its narrative impulse. The machinery of visual image-making may in fact disappear behind the act of its own disclosure.

Self-commentary or reflective attending, as an idea if not an imaging practice, has its roots not only in existential phenomenology but also in 2<sup>nd</sup> order cybernetics, where a premium is placed on analysis of the presence of an observer in the production of knowledge about the world. But not only that, reflective attending is also part of a basic experience of modern culture, where the ability and, along with it, the privilege to depict reality, is transferred (albeit not simply determined) by a medium of communication. It is here that the word “access” starts to mean something. *Communications media transfer capacities to users*. They extend us. So it makes sense to ask, what access do users have to the affordances of media? What privileges are afforded by access? Or, as an advertiser might put it, *what does your device allow you to do?*

These are the kinds of questions Marshall McLuhan posed not so long ago to help us attend to our technologically mediated environments. However, what is particularly intriguing about these questions is the perspective they bring to the problem of ethics today. By attending to the affordances, or the possibilities of, media—to ask what a medium can do, and what users can do with it—we are able to see how law and the communications media it seeks to regulate are, in fact, in competition.<sup>17</sup> New light is shed on the problem (or impossibility) of regulating ethical practice in mass media.

Law grants rights and privileges. It also restricts. Law *regulates* (or, the code of law does the work of regulation). However, so too do media. For example, language, a medium of communication, brings structure to reality, and, in learning its code (a set of recursive rules that specify the relation of symbols with one another and their meaning), users make sense of their perceptions. Where there is no structure, there is no sense. Take another example—the camera. It frames and records. As we know, records are devices of storage, used to maintain order, and thereby to regulate. The camera, through the code of its conventions (the visual mode of its address) gives shape to our perception—it regulates our experience of appearances. Looking is never innocent. As the camera (digital or analogue) gives us a world to see, we are instructed on how to look at it.

These simple examples show how “media regulation” is a rather misleading assumption. The law does not, nor can it, fully regulate media. It regulates users. Technological media of communication possess their own law-like abilities—they transfer capacities to users. Like the law, media are sovereign. Media answer to no one, but there is no moral imperative according to which media in *themselves* are held accountable. It is what one does with media that is the object of law. For instance, the perpe-

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<sup>17</sup> Cornelia Vissmann and Markus Krajewski, “Computer Juridisms,” *Grey Room* 29 (2008): 90-109

tration of hate speech may be actionable, but not language and the rules that govern its use (intention in speech may be actionable, but not the rules of language that enable structure and sense to be made of our experiences). Take another example, the possession of images deemed “indecent” by the criminal code. Law may prohibit possession of such images, but it does not prohibit the computational capacities of the CPU that aid in illegal activity (a personal computer may be seized in an investigation, but that doesn’t make the sending and receiving of images impossible—hence the fascinating power of the rather foolish looking news footage of an investigating officer emerging from a shady apartment complex carrying the strangely oversized desktop computer as a key piece of evidence in cases of internet crime.) Take one last example, the sharing of corporate secrets. Sharing (communication) may violate contractual obligations, but the syntactical structure (or computational logic) of the symbolic system that enables such actions is not likely to be involved in any lawsuit.

Each of these examples provides a basic sense of why state-enforced media law appears to have as its rival the very technologies of media it seeks to regulate. For media *and* for law, what is at stake is, as I have said already, access to the capacity to depict reality. Media are not mere tools for expression. They are, Cornelia Vismann argues, “nothing less than the conditions of possibility of communication.”<sup>18</sup> Communication—an occurrence where the meanings intended by my expressions are approximate to the sense you make of your perceptions of them—is contingent on the affordances of media. The possibility, not probability, that communication will occur, is dependent on gaining access rights to the media of expression and learning the conventions of their performance.

So, when it comes to thinking about documentary ethics, if media theory were to shift its perspective from the moral rights of agents to access rights—that is, if it were to overcome (or bracket) its taste for judgment about right, wrong, good and evil, and to think instead about inclusion and exclusion (to think about access to the process of semiosis)—then perhaps the basis of the problematic that grounds media ethics in the first place would appear more clearly; namely, *regulation by symbolic systems*. To repeat, the depiction of reality is a semiotic problem, not simply a moral problem. The media of communication offer affordances through which to make sense of self, others, and world. This is why (particularly with cheap digital creation tools and low cost, personal electronic devices equipped with high-resolution cameras as standard features) the stakes are so high in the regulation (the programming) of the use of such media.<sup>19</sup>

Nevertheless, despite the transfer of privileges, media remain indifferent to the messages created and transmitted in their use. Ethics is a human preoccupation. There can be no simple ethical reconciliation of the semiosis afforded by the machine

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<sup>18</sup> Ibid., 102

<sup>19</sup> Consider recent activist movements supported by the affordances of social media. Are they not, in part, linked to the transfer of “access rights” from media? As we recall, the transfer of rights was disturbing enough to cause Egypt to attempt to regain control over its subjects by blocking access to the network through which these rights were being exercised—the state had to shut down or “turn off” of the Internet.

with the semiosis of its user—there can only be *more* semiotic production. The difficulty of regulating media practices explains why documentary filmmaking has, at most, only a vague code of ethics, a set of normative expectations according to which image-makers may self-regulate as they exercise “best judgment” with the expression rights and privileges afforded by the tools of their craft. In that sense, the imaging techniques I have discussed (doubling and redoubling the visual mode of address) may be seen as part of an emergent practice of commenting on the code by which image-makers regulate themselves—these techniques are, in part at least, the appearance of an ethical “code building.”

It is on this point that I will conclude. What we may be witness to in the practice of self-commentary in contemporary documentary filmmaking is the practice of building a code to protect a set of core values, values regarding unconcealment of the intent of a documentarian, values regarding the rights of participants in the production process, and values about disclosing for audiences the “tainted ground” from which any documentary story is told.<sup>20</sup> Doubling and redoubling the visual mode of address in documentary is the appearance of a code built by media practitioners, by documentary artists, and not by media policy makers or the moral authorities of contemporary media theory. As Lawrence Lessig has said, “code is never found, it is only ever made, and only ever made by us.”<sup>21</sup>

Understood as code in the making, the techniques of self-commentary and unconcealment in documentary filmmaking may be seen as an opening of the image—literally a cut, but not in the sense of bringing an end to a scene, of stopping the action. Rather, it is a cut in the Latin sense of *decisio*, a *decision* (which is an ethical decision) to expose rather than to keep concealed what viewers know already has transpired before the image, namely, the performance of its construction. The decision to open the visual image sets down a mark that appears to us as a comment on the capacity to look, to record, to modify, and to show a world. The conventions of self-commentary in documentary that by now seem clichéd are, from this point of view, commentary that shapes a code of image ethics. These conventions are signs of self-observing, and thereby of self-regulation. As an opening of the image, the comment is also a sign of the new that may emerge from the place of what typically remains unseen, unforeseeable, and for that reason, forgotten.

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<sup>20</sup> I borrow this phrase from Ron Arnett, “Emmanuel Levinas: Semiotics and the Meaning of the A Priori.” Paper presented at the annual meeting of the *Semiotics Society of America*, October 27-30, 2011, Pittsburgh, PA.

<sup>21</sup> Lawrence Lessig, *Code: And Other Laws of Cyberspace* (New York, NY: Basic Books, 1999), 6



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