

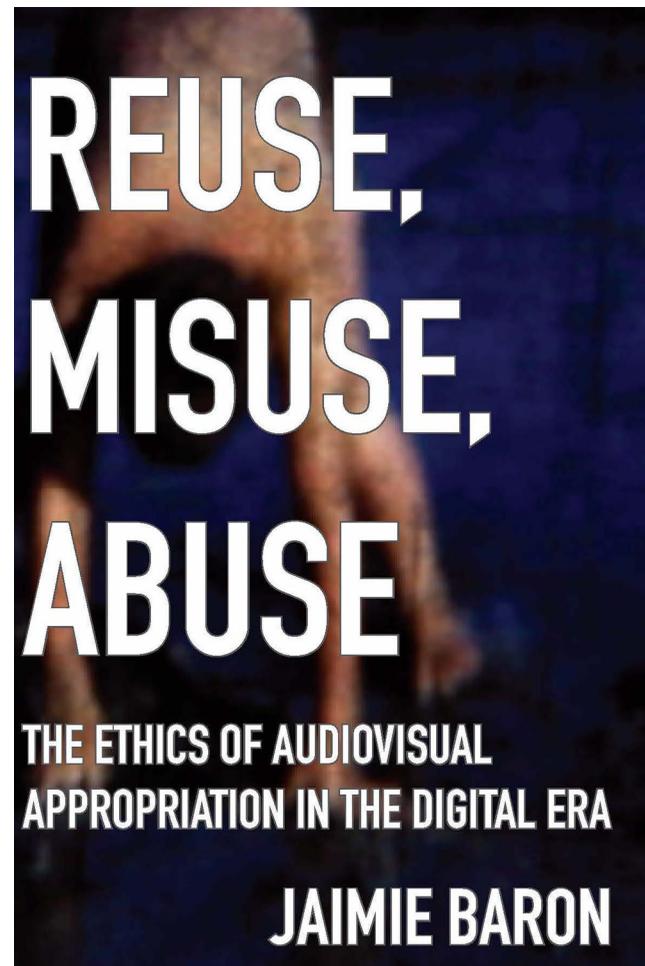
REUSE, MISUSE, ABUSE: A CONVERSATION WITH JAIMIE BARON

Bruno Guaraná

Images of the 1934 Nuremberg Rally have probably circulated more than Hitler, in all his megalomania, could ever have anticipated. That's in large part due to Leni Riefenstahl, whose documentation of the Nazi Party congress in *Triumph of the Will* (1935) was mathematically designed to enhance not only the grandiosity of the event and its leader, but also the film's afterlife. Decades after Frank Capra and Erwin Leiser famously repurposed the film in their respective *Why We Fight: Prelude to War* (1942) and *Mein Kampf* (1960), Riefenstahl's footage still turns up in unexpected places, further and further removed from its original context and filmmaker's intent.

In 2008, the obscure YouTube user FuntToob reedited and scored a 110-second scene from *Triumph of the Will*.¹ The new version of the Nuremberg Rally opens with a symmetrical wide shot of an indoor event dominated by a spotlighted swastika. Hitler ascends to the stage and seizes the microphone, adjusting his uniform and seemingly taking in the significance of the moment. A reverse shot shows the crowd, impressive in number and meticulously organized. Hitler's hands soon go up—so does his chin—as he sings, “Well, we’re movin’ on up to the east side.” His hands cross over his chest, his arm signals for the crowd to join him in unison. Eventually, attendees throw their hands up in the air in what suddenly seems more like a gesture of pleasure than a Nazi salute. To Riefenstahl's obsessively crafted images, FuntToob has added, and nearly perfectly synchronized, Ja'net DuBois's rendition of “Movin’ on Up,” in a match-up that constitutes the video's punchline and title: “Hitler Sings ‘The Jeffersons’ Theme.”

If this YouTube video seems unimportant or unworthy of scrutiny—especially at a time when fascism appears to echo across the global political spectrum—it might be for



the lack of a rigorous yet malleable framework for assessing the ethics of appropriation practices. Jaimie Baron's *Reuse, Misuse, Abuse: The Ethics of Audiovisual Appropriation in the Digital Era* provides just the road map needed to take this video—and other, more complex forms of audiovisual appropriation—more seriously. Sure, Hitler and his followers are made to look ridiculous, and his dramatic mannerisms exposed as inauthentic, all for laughs. But as Baron points out, as much as the lyrics fit Germany's tactical advances and its sounds match Hitler's lips, the joke is made at the expense of a Black woman's performance. At

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the same time that the video attempts to ridicule a political figure at a public event, “punching up” against power, it also engages in a form of racial ventriloquism, whose ethics are significantly more problematic. If ridiculing Hitler is all in good fun, what should be said of the means used to that end? What kind of equivalence does this comparison promote or infer?

Whether the YouTube user playing with images of Hitler has appropriated copyrighted material is not of concern to Baron, for whom these legal matters are of little use for assessing the ethics of appropriation. Instead, Baron goes deep in her moral and philosophical investigation of the reuse of audiovisual materials. As she puts it, appropriation involves an intentional misuse of the original recording, subverting its embedded meaning. Viewers in turn recognize in the appropriated footage that the intention behind the appropriation differs from that of its original creation. Thus, by drawing attention to the subjects in the footage and to the very practice of appropriation, these works offer a recognition of misuse in their reuse. Foregrounding the appropriation, however, neither prevents ethical questioning, nor relieves the viewer of any complicity or ethical conundrum.

By carefully peeling the layers of a two-minute video on YouTube and revealing the meanings contained therein, for example, Baron proves the worth of such an attentive reading. It is with that same magnifying lens that she reads and inspects an impressively wide range of media texts engaged in appropriation, challenging their ethics. To do so, she begins with the premise that every appropriation of actuality footage and recordings—the focus of her book—promotes a threefold ethical encounter between the gaze of the camera as it captures and records its subject, the gaze of the appropriationist, and the gaze of the viewer who watches the appropriation. In other words, audiovisual appropriation is structured by what Baron describes as a “layered gaze,” and therein lies the key to its ethics. Her analysis thus culminates in an unpacking of this layered gaze, creating in turn a robust taxonomy of appropriation practices according to the gaze they embody, solicit, or elicit: humane, accusatory, revelatory, denigrating, judgmental, or reformative, to list a few.

Significantly, though, Baron does not operate as the ethics police. Expanding on Bill Nichols’s ethical investigation of documentary representation, Baron instead lays the groundwork for raising ethical questions about audiovisual appropriation in which the filmmaker (or editor) does not occupy the same space as his or her subjects.² For

Baron, the spatial remove between the appropriationist and the subjects inscribed in the reused material exacerbates those ethical issues considered by Nichols at the level of image production. While filmmakers and appropriationists in other media might be the targets of these ethical assessments, Baron seems to intend viewers instead as her primary audience, as they are also complicit in the act of appropriation and responsible for engaging in an ethical investigation of that very act. She does not position herself against misuse as an audiovisual practice; it would be more accurate, in fact, to see her as an enthusiast of such appropriations. It is because Baron sees the value and complexity of the practice that she finds the need to map out these ethical considerations, providing the guidelines and framework for serious inquiry.

In her first chapter, “(Re)exposing Intimate Traces,” Baron investigates what—if anything—in the misuse of intimate materials (including those originally intended to remain secret) might justify appropriation despite the ethical trespass it enacts. Some of the texts analyzed here center on two elderly alcoholics whose frequent arguments were surreptitiously recorded by their neighbors, who then distributed the audiotapes to their friends. Regardless of their legality, the purported humor of the recordings relies on the otherization and exploitation of their subjects. The tapes were commercially released as *Shut Up, Little Man*, then made into a series of short comedic puppet films and even reused in songs, furthering the subjects’ exploitation without ever exposing their image. Baron sees ethical problems in all of these appropriations, including the original recording, but a subsequent documentary by Matthew Bate (*Shut Up Little Man!: An Audio Misadventure*, 2011) mitigates its own ethical trespass by contextualizing the original material and questioning the ethics of its repeated misuse across different media. Yet, as the tapes constitute its key archival material, Bate’s film also further exploits the recorded subjects, taking the additional step of revealing their identity and thus suspending the visual anonymity they had hitherto maintained.

Chapter 2, “Speaking through Others” turns the reader’s attention to what Baron calls “archival ventriloquism,” or the manipulation of audio and body to disrupt their connection or create a relationship where, originally, none exists. By doing so, she establishes a vocabulary for understanding, analyzing, and discussing the increasingly common practice of ventriloquism as political satire and/or critique. Most examples here are videos produced rather amateurishly, or by way of practices commonly performed

in amateur online media making, such as videos of Barack Obama singing Carly Rae Jepsen and Daft Punk or of Sarah Palin's stump speech being reduced exclusively to her audible breathing. The chapter ends with a riveting analysis of Natalie Bookchin's video installation *Now He's Out in Public and Everyone Can See* (2012), a polyphonic and enigmatic piece that collates speeches from various YouTube vloggers opining on three unnamed Black men in the public eye. Unlike the other examples, Bookchin's work connects these sources by exposing the overarching racial ideology they reproduce and the casualness with which individuals express condescension toward Black subjects who enjoy notoriety in contemporary culture.

At the center of chapter 3, "Dislocating the Hegemonic Gaze," are works that challenge their appropriated material by inserting the once-ignored or invisible bodies and voices of people of color. As the chapter title indicates, Baron claims that these new bodies dislocate the hegemonic gaze by exposing dominant discourses in an act of *détournement*. Two short films illustrate this bodily intervention clearly: Clint Enns and Darryl Nepinak's *I for NDN* (2011) superimposes Nepinak's body on an educational card that teaches children, in a television program, that "I is for Indian" (Nepinak himself is an Indigenous Saulteaux man); Clark Nikolai's *Galactic Docking Company* (2009) substitutes "docking" penises for docking spaceships in footage watched by NASA Mission Control operators. A less literal intervention takes place in Kristy Guevara-Flanagan's haunting *What Happened to Her* (2016), which consists of a supercut of dead female characters in films and television shows narrated by voice-over testimony by an actor detailing her experience of playing the role of a corpse. These appropriations defray the ethical cost of further reproducing hegemonic images by exposing the audiovisual mechanisms of whiteness, heteronormativity, and sexism.

Baron's fourth and most fascinating chapter, "Reframing the Perpetrator's Gaze," addresses the misuse of materials that once enacted violence or injustice on their subjects, embodying the gaze of the perpetrators. To be ethical, Baron claims, the misuse of this kind of material must explicitly engage with the source to repair or denounce its injustice. The original gaze must be—more than simply dislocated—deconstructed and interrupted lest the appropriation become complicit with it. Baron handles the complexity and entanglements of three key films—*A Film Unfinished* (Yael Hersonski, 2010), *You Don't Like the Truth: Four Days Inside Guantánamo* (Patricio Henriquez and Luc Côté, 2010), and *Sara Nokomis*

Weir (Brian L. Frye, 2014)—with great care, revealing how they formally and discursively grapple with the ethics of their appropriation. Henriquez and Côté's film, for example, exposes unethical practices at Guantánamo Bay by appropriating footage recorded by surveillance cameras during the interrogation of Canadian citizen Omar Khadr, accused of killing an American soldier in Afghanistan. While the setup of the original recording—never intended to become public—and of the interrogation itself embodies what Baron calls a dehumanizing "extractive gaze" toward Khadr, the film turns the gaze to the interrogators themselves, who come across as deceitful and manipulative, and reveals the systemic injustice of which Khadr was a victim.

Only in the final chapter does Baron address "abuse"—a term she reserves for the kind of appropriation that is, in essence or in effect, unethical. For the author, abuse occurs when the appropriation itself instills in the viewer "a sense of actual endangerment." Here Baron resorts to two distinct texts whose effects can be as varied as their circulation is distinct. One is Dana Schutz's painting *Open Casket* (2016), which caused widespread furor upon its inclusion in the 2017 Whitney Biennial for its depiction—more precisely, repurposing—of the iconic photograph of Emmett Till's brutally beaten face. The other are anti-Semitic memes featuring Holocaust victim Anne Frank whose humor is, at best, in really bad taste, and at worst, threatening to living Jews. In both cases, the primary ethical slip occurs in the discrepancy between the solicited and the elicited gaze, contingent on the viewer's personal experience and interpretation. Despite coming late in the book, these examples cap the essence of Baron's thesis that no appropriation—small or large, widely or rarely seen—is exempt from ethical scrutiny. Schutz's painting and the anti-Semitic memes allow Baron to apply her methodology to visual media, in a flip of the audiotapes she analyzes in the first chapter. Baron's framework draws an arc from aural to visual media, but it is really invested in the ethics of appropriation as a practice in any medium.

From the material curated for her analysis—an appropriation of sorts in its own right—the wealth of Baron's descriptive details turns readers into viewers now equipped with a nuanced and critical eye toward appropriation practices and the gazes that structure them. Moving from specific, often surprising, texts to general ethical considerations, Baron imparts to the reader what might be her most consequential intervention: a trained gaze. So effective is her rhetorical approach that readers arrive there effortlessly.

BRUNO GUARANÁ: How does your previous book, *The Archive Effect*, set the groundwork for this one, both in terms of your own research and in how you present an overarching narrative across your work?³

JAIMIE BARON: Writing *The Archive Effect*, I was focused on redefining the concept of archival footage for an era in which makers are appropriating materials from many sources outside of traditional archives, and was thinking through how this redefinition might influence our understanding of historiography. However, I kept running into ethical questions that I did not have room to fully explore. My discussion of William E. Jones's *Tearoom* (1962/2007), for instance, for which Jones appropriated surreptitious police surveillance footage of gay men meeting in a public bathroom, necessarily raised questions of ethics as well as of history. When I was asked to write a new chapter on archival footage for a documentary anthology, I decided to delve deeper into those ethical issues by writing about Yael Hersonski's *A Film Unfinished* [2010] and Jane Gillooly's *Suitcase of Love and Shame* [2013]. Once I began writing about those films, I realized there was a need for a more nuanced vocabulary for talking about the ethics of audiovisual appropriation, so I ended up writing a second book, which is—in some ways—a kind of sequel to the first. Both books reframe audiovisual appropriation by theorizing the possible permutations of viewer experience.

GUARANÁ: Your book feels particularly timely right now, and not just because the majority of works you analyze are relatively recent. Why is there a need today for scholars, media makers, and media consumers to consider the ethics of audiovisual appropriation?

BARON: A lot of makers, professional and amateur, are appropriating preexisting audiovisual materials and using them for various purposes, from simple humor to social analysis to political manipulation. The huge amount of material available and the ease of digital access for many makers means that there is a lot of work like this being made every day. However, aside from debates about copyright law, which largely focus on who *owns* the material, there has been little discussion about when a maker should or should not reuse a given recording. In documentary scholarship, there has been a great deal of conversation about the ethics of recording someone, but there has been almost none regarding when it is ethically acceptable to reuse someone's image or voice recording. I wanted to ask what the responsibility of the appropriationist and, by extension, the viewer is in relation to those people whose

recorded images or voices are being repurposed. Even those of us who love appropriation-based works do not want to have our [own] recorded image or voice reused in a way we find offensive or violating, so it is of vital interest to nearly everyone to think through these ethical questions. My hope is that this book will guide more-ethical practices in both crafting and responding to audiovisual appropriation.

GUARANÁ: Several of the works you analyze in your book were unknown to me. I was surprised by the wide variety of texts you scrutinize—from feature films to amateur media to memes. What was your process for finding and selecting these texts, and how did your own affective experience in viewing them inform your work?

BARON: Many of the texts have been screened as part of the Festival of (In)appropriation, the yearly festival of found-footage film and video works that I founded with Andrew Hall in 2009 and which I continue to direct and co-curate with Lauren Berliner and Greg Cohen. I often joke that I started the festival so that makers would send research materials directly to me, and there is some truth in that. The rest are works I happened to come across that seemed to raise some kind of complex ethical issue.

There is nothing comprehensive in my selection. Rather, the case studies each serve to help me explore a particular question. For instance, in my first chapter, “(Re)exposing the Intimate,” I ask under what circumstances a maker might ethically appropriate intimate recordings, like home movies that were very clearly intended for a very small, limited audience or images of what are considered private body parts. I began looking for films that appropriated materials that could be deemed “intimate” in some way, including Tony Gault's *Ghost of Yesterday* [2012], which appropriates old home-movie footage Gault bought on eBay, and Scott Stark's *Speechless* [2008], which appropriates close-up stereoscopic images of vulvae from an old textbook. Each of these films allowed me to explore the different valences of the “intimate” and then to consider what each appropriationist had done with these intimate materials so as to mitigate the sense of transgression that is unavoidable when working with such recordings.

GUARANÁ: You organize the chapters by categorizing the layered gaze intrinsic to audiovisual appropriation. How and at which stage in your process did you arrive at that organization? Did the structure determine your filmography, or was it the other way around?

BARON: The idea of the “layered gaze”—the layering of the appropriationist’s gaze over that of the original maker’s gaze—is the overarching concept in the book. At first, I was trying to come up with criteria for what constituted an ethical appropriation, but the layered gaze is a much more flexible concept that allowed me to account for more variations of viewer experience. There are so many different kinds of recordings out there that have been appropriated—from Khmer Rouge photographs of their prisoners just before their execution to YouTube videos made by kids to footage of Barack Obama’s speeches. On top of that, there are endless purposes to which any appropriated recording can be put.

The idea of the layered gaze allowed me to acknowledge that the content of the footage and the purpose (or effect) of the reuse may vary greatly. However, in order to make the concept useful, I also needed to chart certain tendencies, such as the reuse of materials in order to expose injustice or, conversely, in order to mock and exacerbate it. I always begin from the objects rather than the theory, so the chapters ultimately emerged from my filmography. However, once I felt I had come up with a useful organizing concept for a given chapter, I sought out other examples that further illuminated the issue at hand.

GUARANÁ: How does the layered gaze/ear of audiovisual appropriation, as you put it, implicate viewers as responsible parties?

BARON: The layered gaze—or ear, in the case of audio recordings—involves not only the gaze of the original maker and the gaze of the appropriationist but also the gaze of the viewer. By assessing the relationship between the two prior gazes, viewers implicitly align their own gaze at the subject with both, to varying degrees. By articulating the different layers of the gaze, it is possible to make better decisions about whose vision we want to share. There is a complicity in watching or listening that has to be confronted. For instance, when you watch Nazi footage in *Night and Fog* [Alain Resnais, 1955], your gaze is aligned with both that of the Nazis and that of Resnais simultaneously. However, I would argue that by reframing unethical perpetrator footage with a humane gaze that calls for justice for those whose rights were violated in the original images, Resnais offers an ethical means of viewing these images. However, someone might disagree with me; the ethical evaluation ultimately falls on the given viewer. We each have to take responsibility for our own gaze.

GUARANÁ: Some of the media texts mentioned in the book made me think of the impact that the

appropriation and circulation of videos denouncing police brutality have had across the United States in 2020. Such videos circulate widely, both with and without contextualization, and while they certainly serve as calls for social, and racial, justice, they are also not just hard to watch but particularly triggering—and dangerous—to certain communities. How can those who document, circulate, and/or appropriate this kind of documentation assess this cost?

BARON: This is a very challenging question. My discussion in the book of Dana Schutz’s painting *Open Casket*, for which she took the well-known photograph of Emmett Till in his coffin as her source material, comes closest to addressing this. Reusing images of violence against another human being is always ethically fraught; there is no simple answer. Basically, I argue that it matters who recorded the original image and for what purpose, who appropriates it and for what purpose, and how the viewer reads the appropriationist’s gaze in relation to the original gaze. More concretely, it matters whether such images of violence are just being presented as spectacle, or whether they call for empathy with and justice for the victim. This is further complicated by the fact that even if the appropriationist intends to call for empathy and justice, the viewer may experience only the spectacle. I do think there are possible ways in which to ethically reuse these images, but the potential for unethical exploitation means that appropriationists must be extremely careful what recordings they choose, how they reframe them, and for what purpose.

GUARANÁ: Would you say that all media educators also engage in audiovisual appropriations in the classroom? What are the ethical considerations for this particular kind of appropriation, and how does it overlap with audiovisual reuse?

BARON: I distinguish in my work between rescreening existing footage and appropriating it into a new text: the former exclusively involves a new context of exhibition, whereas the latter involves a new textual context. In our role as educators, we are probably more likely to be rescreening footage rather than appropriating [it] into a new text. However, this does not mean there is no ethics of screening. Although I am ambivalent about trigger warnings that might lead students to avoid material that simply makes them uncomfortable, I do think it is very important for professors to examine why they choose to show particular texts—whether the pedagogical value of showing, say, a racist text outweighs the very fact of showing the text. I have noticed that sometimes students do not seem to

understand that faculty are applying a critical gaze to such texts, rather than a complicit one. However, I think that a critical gaze needs to be overtly discussed so that students can see that watching a text is not necessarily the same as endorsing its values—or at least not all of its values. The same is true for appropriation. To appropriate perpetrator footage is not necessarily to endorse its point of view. It all depends on how it is reframed.

GUARANÁ: Many people would probably reduce the question of ethics in found-footage films to a matter of consent. Why is consent not a sufficient criterion for ethical evaluation?

BARON: It is often impossible to obtain consent—for instance, when the recorded subjects are deceased or cannot be found. If we decide that any reuse of these subjects' recorded image or voice is unethical, that could mean a major loss to historical knowledge and understanding. There are also times when a recorded subject might refuse consent in order to cover something up that the public deserves to know. This includes perpetrators of violence. Should Nazis get a say in what happens to their recorded images? I think not. Also, informed consent is notoriously slippery; subjects may agree to something but then realize they are not happy with the result, so consent is not a guarantee of ethical reuse. These are some of the reasons I felt a different framework is necessary for deciding whether an appropriation is ethical. Of course, since my framework relies on the viewer's experience, I do not draw definitive lines about what is or is not an ethical appropriation. Rather, I attempt to articulate a more nuanced way of evaluating the ethics of watching. Consent seems much clearer cut, but for that reason, it is also too blunt a tool. My work attempts to account for the ethical complexity that relying solely on consent obscures.

GUARANÁ: You suggest at some point that the lack of consent might imply the destruction of intimate—secret—material as the only ethical approach to avoid what you call an “audiovisual trespass.” For a scholar so invested archival appropriation, this must be a tough position to land on. Would it be fair to find parallels between the ethics of appropriation and that of archival access? In other words, are archivists bound by ethical questions that are similar to those you pose to appropriationists?

BARON: Generally speaking, I think it is better not to destroy audiovisual recordings, since we never know what their value might be in the future. However, there are certain recordings for which I think there can be no ethical

reuse. The one that I think of most often is the sound recording of Timothy Treadwell and Amie Huguenard being killed by a bear that Werner Herzog is seen listening to in *Grizzly Man* (2005) but which is not heard by the audience. I cannot think of any ethical reason to reuse that recording. Any reuse would, I think, be exploitative, so the only ethical thing to do would be to destroy it, as Herzog says in the film. Another approach would be to limit archival access to certain recordings, which would put the burden on the archivist to decide what can and cannot be ethically appropriated. Part of the archivist's task would then be to try to limit archival abuse, but that can easily lead to censorship. It is a difficult question to which I do not pretend to know the answer, but my book offers a vocabulary for how to consider each particular case.

GUARANÁ: When does misuse become abuse, and how is the viewer implicated in such a process?

BARON: By watching any text, we are placed in a position of complicity with it. When we recognize a given appropriation as abusive, it falls on us to turn it off and/or to identify it as abusive in order to challenge it. Viewers may not all agree about what constitutes an abuse, but should always be thinking about it. When it comes to appropriation, a viewer may feel twice removed from the film subjects, but the recordings are still linked to the actual people represented, and, consequently, there is still a responsibility to think about them as human beings with rights (except for perpetrators whose actions have placed them outside ethical consideration). When we feel those rights are not respected, then we may perceive the appropriation as abuse. Again, the viewer has to make this evaluation, so there is no way to definitively identify abuse, but I believe it is necessary to continually grapple with the question.

GUARANÁ: Have you seen anything—film, installation, or even a meme—since your project was finalized that would be especially suitable for the kind of ethical assessment you engender in the book?

BARON: I see fascinating appropriations all the time, which is why I cannot seem to stop writing about archival footage. One film I liked a lot recently was *Crip Camp* [Nicole Newnham and James LeBrecht, 2020] which reuses footage of Camp Jened, a summer camp for disabled teens, shot in the 1970s by the radical filmmaking group the People's Video Theater. Representing disability for a wider audience is always fraught because of the potential for ableist voyeurism, but both the gaze of the original footage and the gaze associated with the appropriation

read to me as deeply invested in conveying the full and varied humanity of all of the people on-screen.

GUARANÁ: What can you reveal about your next project?

BARON: I have recently finished coediting, with my colleagues Jennifer Fleegeer and Shannon Wong Lerner, a collection titled *Media Ventriloquism* [forthcoming from Oxford University Press], which explores the ways in which media technologies are changing our experience of the relationship between the human voice, the human body, and notions of truth and authenticity. In general, I find my work moving toward sound studies—a field I have only just begun to explore. However, I am a documentary scholar at heart. I coedit a website with Kristen Fuhs, *Docalogue* [www.docalogue.com], which features two short essays each month on one recent documentary film. Kristen and I also coedit a related *Docalogue* book series, each book comprising five essays about a single

documentary film. The first book in the series, *I Am Not Your Negro: A Docalogue*, which is focused on Raoul Peck's film about James Baldwin, came out in June from Routledge. Future books in this series will examine *Kedi* [Ceyda Torun, 2016], *Honeyland* [Tamara Kotevska and Ljubomir Stefanov, 2019], and *Tiger King* [Netflix, 2020].

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Notes

1. Available at www.youtube.com/watch?v=sCJTR3XeiAc.
2. See Bill Nichols, *Representing Reality: Issues and Concepts in Documentary* (Bloomington: Indiana University Press, 1991).
3. Jaimie Baron, *The Archive Effect: Found Footage and the Audiovisual Experience of History* (New York: Routledge, 2013).