Considering Human Rights Films, Representation, and Ethics: Whose Face?

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ABSTRACT

Human Rights Film Festivals have been growing in number across the globe since the late 1980s and have become embroiled in recent cultural shifts towards visual culture without a commensurate exploration of the philosophical and cultural effects of such use. By attending to debates present in the media, visual, and film disciplines in relation to representation, politics, and ethics, this paper garners the work of various scholars, including Gayatri Spivak, bell hooks, and Emmanuel Lévinas, to begin the much-needed exploration and analysis of the use of films for human rights purposes.

I. INTRODUCTION

"This visual colonisation is as all-pervasive as it is unexamined."[1]

The use of films for the illustration, presentation, and promotion of human rights has occurred since Human Rights Watch held their inaugural Human Rights Watch International Film Festival (HRWIFF).[2] Screening annually in New York and London, the festival also travels to other parts of the world.[3] Since its inauguration, however, many other human rights film festivals have emerged around the globe, including the Kolkata Human Rights Film Festival, the Glasgow Human Rights Film Festival, the South Asia Human Rights Film Festival, the New Zealand Human Rights Film Festival, and the Human Rights Arts and Film Festivals in Australia. Many styles of films are shown at each of these festivals. These include short and feature films, animation films, documentary films, and even narrative films.[4] However, documentary film and the portrayal of political and social issues predominate at the festivals. The emergence and increase in popularity of these festivals appears to herald both the acceptance of visual culture as an important part of modern communication framework, as well as the potential this form of communication has "to foster understanding, and build a more tolerant world through spreading knowledge of human rights."[5]

The explosion in acceptance and use of this form of communication carries with it, however, a commensurate need to examine and analyze more closely the cultural meanings and social effects this visual form carries. Thus, the interaction between film as a visual art, communication form, and a vehicle for the spread of human rights cannot remain a purely mechanical or instrumental one; that is, film must be viewed as a tool for the promotion of human rights. As the above quote illustrates, this communication form is a powerful tool. Its power does not lie simply in its utilitarian application, but rather, like all media and communications modes, in its ability to be non-neutral; it is ideologically and culturally loaded. As such, the use of any media and communication form for human rights purposes must include an examination, interrogation, and theorization. Not only is this because all communication modes are enveloped and sculpted within particular social-cultural-political configurations and relationships, or as Gayatri Spivak and Michel Foucault call them, *epistemes*, but also because visual images are imbued with a particular type of power due to their visual textuality.[6] Hu-

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1. Ariadne van de Ven, *Regarding the Pain of Others*, NTHPOSITION (2003) (reviewing SUSAN SONTAG, REGARDING THE PAIN OF OTHERS (2003)) *available at* http://www.nthposition.com/regardingthepainofothers.php.

2. Human Rights Film Network, Human Rights Watch Film Festival-London, Description, *available at* http://www.humanrightsfilmnetwork.org/festivals/human-rights-watch-film-festival-london.
3. Human Rights Watch, Traveling Festival, *available at* http://ff.hrw.org/traveling-festival.
4. *See* Human Rights Film Festival, Kolkata, 2009, *available at* http://rightsfilmfest.webnode.com/; Autumn Human Rights Film Festival, *available at* http://www.ahrfestival.org/; Human Rights Arts and Film Festival, *available at* http://hraff.org.au/.
5. Ultimate Film Fest, Three Continents International Documentary Film Festival, *available at* http://www.ultimatefilmfest.com/film-fest/1310/2009-0.
6. Gayatri Chakravorty Spivak, *Righting Wrongs*, 103 S. ATLANTIC Q. 523, 529 (2004); MICHEL FOUCAULT, THE ORDER OF THINGS xxii (1970). It is important to consider that film is a visual medium, and human rights films usually utilize the documentary form, as well as sitting mostly within the social problem genre, are significant, but such a discussion could not be included here due to word limitations.

man rights films, as a new but also extension of the older social problem films form, furthermore, carry implicitly an ethical imperative not necessarily required of other films. Human rights are, after all, a search for global ethics that articulate a set of values about being in the "human condition," and what we can claim by virtue of being in this condition. Human rights also provide a set of obligations we have to our fellow humans in this condition. In this sense, these films must be interrogated within this framework. A moral dimension is embedded in human rights, but this morality cannot be understood merely in legalistic terms, but must also be understood as a facet that allows us to recognize, and speak to, some basic features for attaining our humanity. It points us towards the needs of others as being what fully engages our humanity.[7]

Ethics is, therefore, implicit in all human rights work, including the sources used or seen as an instrument for their promotion. The imperative to carry out this work, in whatever shape this takes, in an ethical and responsible manner, requires us to inspect the tool, the loadedness of the tool, and its implications for human rights as they pertain specifically to "the human" in visual images.

Here I consider the loadedness of images—and more specifically of human rights films—from the theoretical standpoints of Lévinas' ethics of the Face of the Other, and the politics of representation and whiteness studies. In doing so, I use two examples from films screened at the Australian Human Rights Arts and Film Festival in 2008: *The Day After Peace* (DAP) and *Playing in the Shadows.*[8] The choice of festival and films does not, in any way, reflect an attitude of criticism for the decisions and actions of particular individuals or groups who organize and display these films; it is purely an attempt to use these as examples to highlight the issues of representation germane to any display of visual content in a human rights context.

II. THE "FACE OF THE OTHER": A QUESTION OF ETHICS

The motivation for the inclusion of Lévinas' ethics of the Face came primarily from a description found on the website for the Human Rights Watch International Film Festival (HRWIFF), where the reasons for using film for human rights purposes is outlined. The curatorial choices made are said to

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7. See JIM IFE, HUMAN RIGHTS FROM BELOW: ACHIEVING RIGHTS THROUGH COMMUNITY DEVELOPMENT 79 (2010); NIKHIL AZIZ, *The Human Rights Debate in an Era of Globalization, in* DEBATING HUMAN RIGHTS: CRITICAL ESSAYS FROM THE UNITED STATES AND ASIA 32, 39 (Peter Van Ness ed., 1999).

8. PLAYING IN THE SHADOWS (NSW: Australian Government 2008); THE DAY AFTER PEACE (Passion Pictures 2008) [hereinafter DAP].

"help to put a human face on threats to individual freedom and dignity, and celebrate the power of the human spirit and intellect to prevail."[9]

The human face in this description is what human rights films reveal. More accurately however, it becomes but the embodiment of something greater than itself—the embodiment of the ideals of freedom and dignity.[10] The face then, in this formulation, exposes what must otherwise remain hidden, a type of crystallization of things that would perhaps remain nebulous otherwise, through the face. The human face, and more importantly the "individual" human face in this formulation, becomes that which it stands for or signifies; e.g., these loftier principles. This human face, moreover, signifies the human, but only insofar as the human incorporates spirit and intellect.[11] This formulation of the human as a symbol of its own (standing in for something else), representing principles greater than itself—here freedom, dignity, spirit, and intellect—rather than a material reality, is a unique understanding of human and one that has been recognized as emerging at a particular time and space: the European Enlightenment. This way of imagining the human and human subjectivity, at the time when *humanism* emerged as the prevailing cultural idea in Europe, has been described often enough,[12] and discussed in relation to its influence in the construction of human rights by a number of thinkers.[13] Accordingly, these areas of study will not be discussed in this article. Rather, this article discusses in what way these writers confer how this formulation of human has had consequences for the ways subjectivities have been sculpted and hence what it means to be human and claim human rights, but, more importantly, who decides how they may be claimed.

The HRWIFF website description of the human face sits clearly within the imagined formulation of human instantiated by the Enlightenment through the development of *humanism*: specifically, as an embodiment that in its

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9. National Alliance for Media Arts and Culture, Human Rights Watch International Film Festival, *available at* http://namac.org/node/4562.

10. *Id.* There are, of course, a large (and growing) number of human rights films festivals, which may express their motives for using films in different ways. This article is not a survey of such statements but has chosen this one as coming from the longest-standing human rights film festival, and situated very clearly in the North, and as an instance of a discourse with certain beliefs, values, and assumptions.

11. *See* EMMANUEL LÉVINAS, ENTRE NOUS: ON THINKING-OF-THE-OTHER 54–60 (Michael B. Smith & Barbara Harshav trans., 1998); Human Rights Watch, Human Rights Watch International Film Festival in San Francisco, *available at* http://www.hrw.org/node/104843.

12. FOUCAULT, *supra* note 6, at 344–66. *See also* CHARLES TAYLOR, SOURCES OF THE SELF: THE MAKING OF THE MODERN IDENTITY (1989); JOHN CARROLL, THE WRECK OF WESTERN CULTURE: HUMANISM REVISITED (2008); HARVIE FERGUSON, MODERNITY AND SUBJECTIVITY: BODY, SOUL, SPIRIT (2000).

13. WININ PEREIRA, INHUMAN RIGHTS: THE WESTERN SYSTEM AND GLOBAL HUMAN RIGHTS ABUSE (1997); COSTAS DOUZINAS, HUMAN RIGHTS AND EMPIRE: THE POLITICAL PHILOSOPHY OF COSMOPOLITANISM 51–90 (2007); Sonia Tascón & Jim Ife, *Human Rights and Critical Whiteness: Whose humanity?*, 12 INT'L J. HUM. RTS. 307 (2008); RICCARDO BALDISSONE, TIME OF OPENING: BEYOND MODERN FUNDAMENTALISMS (2009).

physicality could only achieve perfection through the attainment of principles greater than itself; and the human intellect, or reason, at the center of this attainment and achievement. This cultural moment—the European Enlightenment—emphasizes *reason*,[14] *identity*,[15] *universalism*,[16] *and binarisms* hearkening back to Platonic distinctions between "a sensible realm of appearances and an intelligible realm of forms."[17] These cultural shifts, in effect, constructed a particular vision of human, one premised on singularity (identity), and idealization and abstraction (universalism and the distinction between appearances and pure forms). Those who are unable to abstract in the same recognizable manner of the European philosophical tradition are "others." Likewise, this creates a binarily-imposed view that to be human was to attain this identity. In a world dissected binarily but simultaneously around identity, there is an identity (which may be seen as the pure form) and there is an "other" that is not fulfilling these criteria. A human form that is achieved in its purity through an idealization and abstraction that only reason allows access to, is also a human that is then spirit and intellect.

The human face in this particular formulation is but a way to represent something greater than itself. As producers of the HRWIFF note, these faces are violations of the ideals of freedom and dignity, and celebrations are to occur only in terms of its spirit and intellect. If so, then the faces used to convey this message need themselves to be imbued with qualities that will readily evoke the proper emotions: suffering and feelings of being violated. In turn, these faces then become modalities of suffering and provide an instrumental illustration of how suffering is but an instance of the larger violation of ideals—rather than people in their own existential and experiential fullness. In contrast to Lévinas' concept of the Face, these faces fulfill a function greater than themselves, while at the same time potentially freezing them in their representation.

The Face that Lévinas discusses arose as a direct reaction to his own experiences as a Holocaust survivor. This experience led to the development of an ethics that attempts to connect human *beings* rather than humans mediated by laws, rules, and principles.[18] For Lévinas, evil as displayed at the time of World War II and the associated genocide, arose due to an application of a particular type of Reason, using Enlightenment ideals of rationality, which then saw humans as an instrument for achieving ideals of racial purity and homogeneity.[19]

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14. *See* FORMATIONS OF MODERNITY (Stuart Hall & Bram Gieben eds., 1992).
15. CHARLES TAYLOR, SOURCES OF THE SELF: THE MAKING OF THE MODERN IDENTITY (1989).
16. JOHN CARROLL, THE WRECK OF WESTERN CULTURE: HUMANISM REVISITED (2002).
17. ANDREW CUTROFELLO, CONTINENTAL PHILOSOPHY: A CONTEMPORARY INTRODUCTION (2005).
18. *See* LÉVINAS, *supra* note 11, at 1–10.
19. Susan Handelman, *Facing the Other: Levinas, Perelman and Rosenzweig,* 22 RELIGION & LITERATURE 61, 64–69 (1990).

To Lévinas, developing an ethics that denounced a modernist drive towards abstracted idealisms and progress that disregard human beings in their phenomenological existence was critical to preventing the many ills arising from that paradigm of evil that became the World War II and its attendant genocide. The application of this universal Reason (in capital letters because he is not denouncing reason itself, but its particular form that encapsulates a peculiar form of knowledge-validation), Lévinas says, resulted in a form of deadly exclusion of people, described by Zygmunt Bauman as the "weeding" impetus of modernity.[20] This weeding impetus is towards excluding, exterminating, or extinguishing certain kinds of people not central to its project, in search of a particular kind of order that benefits only some. Is one of those needs the one to feel heroic and save the world?

The Holocaust, as a genocide that forced Europe to turn its attention inward,[21] and reevaluate its "bad conscience"[22] because of its status as the clearest instantiation of Reason without a moral corrective, was also a defining moment for human rights. This singular event, occurring within the framework of a second global war that involved almost every nation in Europe, provided the strongest impetus for the strengthening the modern application of human rights, in ways that World War I had been unable to garner with the establishment of the League of Nations.[23]

III. VISUALITY AND TRUTH

"Possession is the mode by which a being, while existing, is partially denied."[24]

Visual textuality has a particular relationship to truth. While semantically speaking the visual image is but another type of symbol—and thus already a mediated experience, because of its highly motivated and iconic status as a symbol—it is often read as a transparent form of communication and is closer, therefore, to "the truth."[25] The possibility of film as a mediated text and as a transparent form of communication has formed extensive and is sustained commentary throughout the life of film, centering on the idea of

20. ZYGMUNT BAUMAN, MODERNITY AND AMBIVALENCE 29 (1991); ZYGMUNT BAUMAN, POSTMODERN ETHICS 235 (1993).
21. And one must always remember that there had been at least one other genocide in modern times, that of the Armenians. This, however, occurred outside of Europe and was unnoticed or acted upon, and has subsequently been denied by Turkey. *See* Sara Cohan, *A Brief History of the Armenian Genocide,* 69 Soc. EDU., 333 (2005).
22. *See* LÉVINAS, *supra* note 11, at 191.
23. *See* Thomas Buergenthal, *The Normative and Institutional Evolution of International Human Rights,* 19 HUM. RTS. Q. 703, 706–08 (1997).
24. *See* LÉVINAS, *supra* note 11, at 9.
25. In the author's recent research, part of which involved reviewing various human rights advocacy websites that discussed the intersection between film and human rights, films

verisimilitude, or that which approximates or represents life directly. This idea and the accompanying debates originated in literature.[26] Documentary studies have continued this conversation within film scholarship, as this genre is directly affected by ideas of truth and verisimilitude and has a long tradition of discussions.[27] The apparent proximity between object and symbol in visual images dissolves some of that which blocks, or at least suspends, our acceptance of a symbol's veracity and trustworthiness. Visual symbols are often viewed as having a direct relationship to the object, and thus often interpreted as giving the viewer access to the truth in ways other communication forms perhaps cannot.[28]

Although how film has developed historically as a form of communication, media, and art might diminish films ability to be viewed as "truth"—unlike photography for example—human rights films circumvent this problem by predominantly using the one type of film-form that still holds reader's belief in its reliability and truthfulness: the documentary. The relation to truth found in documentary film is seen in the nomenclature of an earlier aesthetic version of this form, that of cinema vérité, which translates to "truthful cinema"—from the French. As writers such as Paula Rabinowitz and others comment, however, documentaries are still constructions of a particular point of view: whether ideologically, thematically, or culturally.[29] Yet while they may not be guided by the same story arc structure as narrative films, they nevertheless contain their own sets of codes and conventions in presenting the appearance of truth, and aim to help the viewer "read" truth into them. Conventions such as testimonies of survivors, interviews with professionals in the field of enquiry, and of course, the hand-held camera, all provide ways to strengthen this film-forms ability to tell the "truth"—in

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were largely described in these terms, as a transparent window to other people's lives. This research is due to be published in full towards the end of 2012.

26. See, e.g., Ewlyn F. Sterling, *The Theory of Verisimilitude in the French Novel Prior to 1830*, 40 French Rev. 613, 613–19 (1967).

27. Compare, for example, Dziga Vertov, *The Man with the Movie Camera, in* Kino-Eye : The Writings of Dziga Vertov 82 (Annette Michelson ed., Kevin O'Brien trans., 1995), where he extols the view that the camera may capture "life as it is." More recently documentary film scholars raise serious questions as to the demands made of films to be truthful as "a naïve belief that screen truth equates with non-mediation or that the latter is even possible in any meaningful way." *See* Bill Nichols, Introduction to Documentary (2001); Brian Winston, Lies, Damned Lies and Documentaries (2000).

28. *See generally* Michael O'Shaughnessy & Jane Stadler, Media and Society: An Introduction (4th ed. 2009); Tony Schirato & Jen Webb, *Reading the Visual* (2004).

29. Paula Rabinowitz, They Must Be Represented: The Politics of Documentary 12 (1994). *See also* Imagining Reality (Mark Cousins & Kevin Macdonald eds., 2007); Bill Nichols, *The Voice of Documentary, in* New Challenges for Documentary (Alan Rosenthal & John Corner eds., 2d ed. 2005); Brian Winston, Lies, Damn Lies and Documentaries (2000); Brian Winston, Claiming the Real II: Documentary: Grierson, and Beyond (2008).

fact, these convention have even been appropriated by other film-forms to connote the "gritty truth."[30]

Still, it must be noted that these conventions, and their ability to help convey the truth, have recently been undermined by the likes of Michael Moore, who presents films in which the viewer is given closer access to the rhetorical devices of documentary. One example of this is Moore's explicit use of ironic interviewing of non-supporters of the point of the view taken, and his sympathetic representation of those supporting that view. Moore's use of the documentary has resulted in much criticism from audiences used to the older traditions (of notions of objectivity, for example) to return to clear markers of truth.

While the debate about what constitutes truth and objectivity is highly developed in the areas of communication and media studies, with many challenges posed through questions by postmodern thinkers, it is not a debate that needs be engaged further here.[31] I suggest that human rights films, by virtue of their documentary-style form, evoke a connection to truth that attempts to circumvent the difficult questions and critiques that may be raised, and would be raised, were they not human rights documentaries. Further, while not all human rights films are documentaries, the genre's allegiance to the social problem category, very likely (although there is little research in this area to date) perpetuates audience perceptions that the films are to be taken seriously, accepted as truth, and acted upon in their entirety. If other media forms have received sufficient attention concerning audience perception through reception studies' research, this particular media form has not. If audiences have gained sufficient critical sophistication with other film-forms, this one requires equal examination and development of critical sophistication. In human rights films, therefore, we have a film-form that is positioned to tell a truth, and this truth is likely related to what is described by HRWIFF as violations of individual freedom and dignity, and celebrations of the human as represented by spirit and intellect.

IV. THE FACE OF SUFFERING: POSTCOLONIAL QUESTIONS

The human face is to be the signifier of human rights truths, but if the truths are noting violations (as well as celebrations of the human spirit and intel-

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30. This is seen most clearly in television dramas such as CSI: Crime Scene Investigation (CBS Television), and other detective series. One of the first to use this technique was the Blair Witch Project (Haxan Films 1999), a horror film that appeared to be a documentary about a group of young students who disappear trying to make a documentary about the Blair Witch legend, but only leave their footage behind.

31. For information on this ongoing scholarly debate see generally Max Kölbel, Truth Without Objectivity (2002).

lect, which will be discussed more below), whose face is primarily used to represent this? Just as importantly, what relationship is heralded and reproduced both by the act of representation and the process of production of representation? Although in the context of war photography and what is acceptable to see in its full horror, Susan Sontag, in thinking through the issue of visual images of human tragedy, says:

> The more remote or exotic the place, the more likely we are to have full frontal views of the dead and dying. Thus postcolonial Africa exists in the consciousness of the general public in the rich world . . . mainly as a succession of unforgettable photographs of large-eyed victims. . . . These sights carry a double message. They show a suffering that is outrageous, unjust, and should be repaired. They confirm that this is the sort of thing which happens in that place. The ubiquity of those photographs, those horrors, cannot help but nourish belief in the inevitability of tragedy in the benighted or backward—that is, poor—parts of the world.[32]

Here, Sontag states something so evident it is profound: the face of violations will likely be of people in faraway places and will but reproduce a pre-existent belief that these sorts of things happen over there, but could not readily happen here. This statement relies on a viewing subject referenced somewhere in terms of place, but also in terms of privilege and affluence, and therefore can appropriate exotic as being elsewhere, as well as the suffering on display. Simply put, it is "the rich world" viewing what happens to "the poor parts of the world."[33] There is an extant relationship here, however, pre-existing the image. In relation to representing and viewing, the relationship can be described as one in which privilege watches the horrors of the less fortunate—the other—while accepting their presence; the others provide the "spectacle of suffering"[34] for the privileged who can choose to be unaffected. But the picture is greater than the full act of representation, which involves production, viewing, *and* the cultural and social forces that envelop the process. If "the other"—the remote and exotic—is to be held hostage in its position of eternal suffering, at least for the purposes of representation, then this position must exist to fulfill some purpose, one that most likely benefits the more powerful in the relationship. Are human rights implicated in such a relationship of visual appropriation and visual colonization?

Gayatri Spivak, in an article entitled "Righting Wrongs," poses the issues relevant to this question, specifically in relation to human rights.[35] She states that "the idea of human rights . . . may carry within itself the agenda of a kind of social Darwinism—the fittest must shoulder the burden of righting

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32. Susan Sontag, Regarding the Pain of Others 70–71 (2003).
33. *Id.* at 71.
34. Luc Boltanski, Distant Suffering: Morality, Media and Politics 3 (Graham Burchell trans., 1999). *See also* Lilie Chouliaraki, The Spectatorship of Suffering (2006).
35. Spivak, *supra* note 6, at 523.

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the wrongs of the unfit."[36] Here, Spivak presents the possibility that human rights are not only an attempt to prevent the types of atrocities that the West deemed unimaginable in the heartland of civilization (two world wars and genocide), but that human rights also exists to constantly remind ourselves that such atrocities continue to occur elsewhere. This is evident by the reproduction of images that perpetuate only the suffering of the other, as "the unfit."[37] This, in turn, opens the possibility for the fittest to decide for and act for the unfit. The possibility for this violence of intervention occurs through a fantastically complex interplay of ongoing history and presence of dispossession, continuing disadvantage, and visual colonization and epistemic impositions that produce all of us as colonial subjects; some with the ability to reproduce/represent at will, and others, to be represented. This phenomenon continues to occur in its most obvious form in the epistemic violence that Spivak argues is not the province of the North acting on, or for, the South,[38] but rather an epistemic violence that those in the South experience as a result of the well-meaning human rights advocates of the South being educated "in Western or Western-style institutions."[39] Hence, as Spivak further notes:

> "[H]uman rights culture" runs on unremitting Northern-ideological pressure, even when it is from the South [such that] . . . there is a real epistemic discontinuity between the Southern human rights advocates and those whom they protect . . . [t]his discontinuity, not skin color or national identity crudely understood, undergirds the question of who always rights and who is perennially wronged.[40]

Human rights advocates, she postulates, continue to reference themselves, their languages, and their values in the West. In this same article, she proposes that the partial answer to the aforementioned issue may be a type of radical education in which those most directly affected are actually the drivers of these programs, or at the very least, heavily consulted.[41] This is not to so radical, however, as critical pedagogical theorists such as Paulo Freire[42] were proposing and expanding on such ideas in the 1970s and were significantly influential in limited educational ways. Moreover, critical Community Development theorists have been propagating such ideas for a considerable time.[43]

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36. *Id.* at 524.
37. *Id.*
38. These terms in postcolonial theory do not refer strictly speaking to a geographical placing, but to a broad pattern that demonstrates a relationship with European colonialism.
39. Spivak, *supra* note 6, at 527.
40. *Id.*
41. *Id.*
42. Paulo Freire, Pedagogy of the Oppressed (Myra Bergman Ramos trans., 2000).
43. *See* Susan Kenny, Developing Communities for the Future: Community Development in Australia (2d ed. 1999); Jim Ife & Frank Tesoriero, Community Development: Community-Based Alternatives in an Age of Globalisation (3d ed. 2008).

V. PRODUCERS AND [RE]PRODUCERS

The act of representation is embroiled in much more than the production of images; it entails a complex matrix of interactions between the producer of images, the viewers of images, but also the epistemic and institutional configurations and relationships. In the case of human rights, this matrix is even more complex as it needs to indicate the presence of another institution, discourse, and set of practices: the European colonial project. This continues to be a factor in this area of representation. In a book discussing the progressive possibilities of film, bell hooks unfolds a question pertinent to consider here, an issue that plagues black filmmakers in a way different than white filmmakers: that of accountability.[44] hooks asks why white filmmakers may represent any image they wish—an assumption of a universal impetus for creativity fulfilled—but black filmmakers are bound, expected, and funded to repeat only stories and experiences of their own race, and why black filmmakers are consistently questioned regarding their choice of subject matter in ways that white filmmakers are not.[45] hooks suggests—without stating so directly—that white filmmakers, with a universal right to represent, may represent the faces of any human, while black filmmakers may represent only other black faces, *and* then still be subject to interrogation about their choices in ways their white counterparts are not.[46] This phenomenon is germane to the above discussion because it can indeed be the other side of the spectacle of suffering to which we are allowed to be exposed debate as discussed by Sontag.[47]

Here hooks does not speak of remote and exotic suffering, but of a categorization of the other within (which is as remote and exotic given the cultural and social distance they experience) that places invisible limits and diminishes what they may [re]produce and represent. These are cultural and creative restraints placed on those "others" who are within (blacks, Latinos, and other minority groups in the United States, Indigenous peoples, migrants, and refugees in Australia) with the express purpose of curtailing what they will or will not be able to represent. While human rights functions as a supposed universal force, these are groups of people whose very creative process is inhibited by making their products fulfill restricted purposes and not those of a universal nature. This suggests that creative processes are already embedded within colonial relations and binds some in inextricable corsetry of repetitive patterns of others' expectations, while simultaneously freeing others to create and express the universal will.

Production of images and the images themselves cannot be considered separately here; they form two sides of a creative process that binds one group

into the discourses of "victim," "violated," minority, which is only able to create from within these boundaries, while freeing another into the discourse of reporting "the universal" or "the normal." In each case, the human spirit of creation unfolds a differing scope: one wide-lensed and expansive of all "humans"; the other myopic and restricted to a particular group. It provides the possibility for one to navigate the terrain freely, while placing a leash on the other. While this specific debate awaits further development outside the more theoretical areas of postcolonial and whiteness studies and film production, I can add to the debate some anecdotal material from teaching film studies in Australia.

Since approximately the 1980s, there has been a significant proliferation of Indigenous filmmakers.[48] Tracey Moffatt, one of the best-known visual artists in Australia, and who is more widely known for her photography, has also produced and directed films. Moffatt's earliest film, *Night Cries—A Rural Tragedy*, was produced in 1989 and tells the story of Aboriginal identity and assimilation.[49] It was followed by *BeDevil* in 1993,[50] which did not, strictly speaking, carry Aboriginal themes, but rather employed Aboriginal non-linear storytelling traditions. While researching Moffatt, very little revealed that she is of Aboriginal descent. Indeed, *Night Cries* is an attempt to disturb accepted notions of Aboriginality. Moffatt seeks not to be known as an Aboriginal artist but simply an artist so that she may escape the creative corsetry. As a simple trawl through a timeline of Aboriginal films by Aboriginal filmmakers shows, all but two deal with Aboriginal issues. While not wishing to suggest that Aboriginal filmmakers *not* deal with these topics, it is necessary to wonder to what extent the creative impulse is restricted by what is being funded. Hence, Aboriginal films become a palatable offering and perpetual reproduction of non-Aboriginal tastes for the spectacle of suffering they offer, firmly entrenching Aboriginal disadvantage in non-Aboriginal peoples' minds as all we can know of this "other" within.

The positive reception of Aboriginal filmmaker Warwick Thornton's feature debut in 2009, *Samson and Delilah* (S&D), may in part be due to the film fulfilling expectations for an Aboriginal artist to report on his own kind, raising topics of dispossession and deficit.[51] This film is, after all, about two young people living in an isolated rural area of Australia caught in the maelstrom and self-destructive path of boredom and then drugs, a common phenomenon for some young Aboriginal people, and indeed young non-Aboriginal people in rural and regional areas of Autralia. Another film,

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44. BELL HOOKS, REAL TO REEL: RACE, SEX, AND CLASS AT THE MOVIES, 69 (1996).
45. *Id.*
46. *Id.* at 69–76.
47. *See* SONTAG, *supra* note 32.

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48. *See generally* Australian Screen, A Short History of Indigenous Filmmaking, *available at* http://aso.gov.au/titles/collections/indigenous-filmmaking/.
49. NIGHT CRIES: A RURAL TRAGEDY (Australian Film Commission 1990).
50. BEDEVIL (Anthony Buckley Films 1993).
51. SAMSON & DELILAH (CAAMA Productions 2009). For more information on this film and its success, see Sampson & Dellilah *available at* http://www.samsonanddelilah.com.au/.

Stone Bros (SB), written and directed by Indigenous filmmaker Richard J. Frankland[52] in the same year as S&D—also about drugs, but in a very light-hearted manner, in the tradition of a comedic road movie—uses many of the traditions of Hollywood comedy films (therefore seeming quite unsophisticated in the comparison with its parent genre) but with an irreverent Aboriginal lens. It reverses many current expectations and stereotypes by placing the central characters in an urban setting, at least to begin with; the reality of urban living is one that is real to a growing number of Aboriginal people in Australia. It did not receive anywhere close to the same acclaim and did not perform well in the box office.[53]

I do not want to argue the stylistic and narrative merits of each film, and of course, it could be argued that this was all that went into the judgments of each film. There are, of course, many criteria for film criticism, but in the case of Aboriginal films one of them is likely to be its fidelity to the codes and conventions of its genre. Aboriginality has its own codes and conventions, ones that Tracey Moffatt attempted to interrupt. S&D stayed clearly within these expected thematic confines and received much acclaim (deserved, in my view), while SB strayed beyond these confines, into territory held largely by Hollywood movie lore. Similarly, I do not wish to argue that representations of Aboriginal people should be entirely positive; that is not the point being made here. The emphasis needs to be on multiple, complex dimensions and the understanding of the human condition, as the best of cinema does—using its own to decide what needs to be represented and how. It is not contested here that there is extreme poverty and disadvantage throughout Aboriginal communities. That there is excessive cultural and creative regulation by non-Aboriginal people on what society will find acceptable to view, and expect to see [re]produced by Aboriginal people is, the expectation by non-Aboriginal audiences to viewing only their deprivation and suffering, not also strengths and immense resilience; not expecting heroic tales of survival and achievement, but a death foretold in images.

VI. HUMAN RIGHTS FILMS

If the human rights truths expressed by HRWIFF are about putting a human face to violations, and if this face is perpetually embroiled in colonial relations of power and epistemic violence even before such a face becomes visually available to eyes that wish to "right the wrongs," then human rights films must rethink themselves on a number of different levels. The ethical

imperative to be responsible to the other's face is primary, as is the awareness of the ongoing colonial relationship and the role that human rights has within this relationship. Two films screened in the Human Rights Arts and Film Festival in Australia in 2008 are particularly notable for their contrasting styles and themes, and illustrate the ways in which the face of the other was used differently, one to portray the personal journey of a triumphant Westerner going forth into the world full of vigor and authority to right the wrongs of society, and the other quietly allowing the other to tell their story in their own space and time, with its editing obviously giving it the slant of a positive portrayal of the lives of these people.

The first film is *The Day After Peace*.[54] This film was produced and directed by Jeremy Gilley, and traces his own journey through seven years of fighting to establish a day of peace with an organization he also set up, called "Peace One Day." In the film, Gilley takes center stage, initially failing miserably as he approaches various organizations, including the Arab League (showing images and words of Ariel Sharon to them) and the United Nations (which initially sees him as something of an oddity) to help in his attempts to organize a day of global ceasefire. After enlisting such Hollywood and music celebrities as Jude Law, Angelina Jolie, and Annie Lennox, and partnering with and being funded by Coca-Cola, Gilley succeeds, in the face of all adversity, to have the UN declare 10 September an International Day of Peace. Gilley manages to stop an ongoing conflict in one region of Afghanistan for a single day so that children could be immunized safely.

Gilley grows from a one-man show, to one that now has hundreds of volunteers and funding from various sources.[55] This is a film celebrating Jeremy Gilley—and little else—in his quest to achieve his noble goal. Indeed, the very first word uttered in the film, not surprisingly in Gilley's voice, is "I." Gilley commits every crime in the book in terms of diplomacy and engaging with others with whom one is unfamiliar, which normally requires listening and taking stock of the complexities. He disregards the advice of a well-meaning UN representative who can see the difficulties, puts off the Arab League by showing them a video that includes a speech by Ariel Sharon, and even rejects the views of African children who tell him that what they really need is food and political equality, not a day for immunizations. Worst of all however is the amount of running time spent covering Gilley's meeting and recruiting of Angelina Jolie for a concert, and his traveling with Jude Law through Afghanistan in UN armored vehicles.

While in Afghanistan, neither Gilley nor Law are shown talking to those very people whose streets he trudges through in bulletproof gear, and we do

not see Gilley in any way engaging with those who live the tragedy he is attempting to alleviate. Moreover, in only two instances is their plight made known to the audience, in small snippets and through the words of a young girl, who tells of her father's inability to provide for his family because he was injured in crossfire. This last example possibly illustrates the colonial arrogance of this film more than any other act, even above the filmmaker's presence in every scene (to which one could eventually become inured), and his parading in front of the local populace in the company of a celebrity decked out in all forms of armor. This action alone demonstrates the clear difference in value Gilley and Law place on their own lives as compared to those of the native people. Their movement through the streets in military gear obviously fulfills no other function in the film other than to display their intense courage and supreme tenacity in their purpose—which it is again obvious from this scene alone—has nothing to do with the people in this place, but all to do with the filmmaker's "dream." This scene, then, arguably stays in primarily for visual effect and serves to remind us of other film genres—heroic tales of masculine adventure traveling through uncharted wilderness conquering and displaying prowess—in the activation of "higher ideals."

The young girl's story, as brief as it is poignant and tragic, is initially told by her with both confidence and calm. She shares her life-story so that perhaps someone might help. Yet later, when recounting the bravery of her father—who in his disabled state manages to try and eke out some kind of life for her and the family—she breaks down. While the camera continues rolling, her cries continue and intensify, creating a sense of self-embarrassment. Such feelings become so strong that she even whispers to the cameraman, "that's enough," asking the cameraman and his device to stop invading her pain. This brief statement also conveys a message that need not be articulated: that this pain is private and cannot be shared. Absent the foregoing, however, the scene still appears in the film. The face in *The Day After Peace* ultimately became the face of Gilley in his armored, valiant battle to achieve an outcome of good, garnering the support of the wealthy and famous, and saving the poor and helpless, while maintaining the limelight on his own face.

DAP was not only made available *gratis* and screened in the inaugural program of the Australian HRFF (with legs in Melbourne, Sydney, Canberra, Brisbane, and Perth now), but was also used for a gala night screening to launch the 2011 program in Melbourne; with local luminaries attending and significant fundraising, including the auctioning of a dinner with Gilley.[56]

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56.   Human Rights Law Resource Center, 48 Bull. (Apr. 2010), *available at* http://www.hrlc. org.au/content/publications-resources/hrlrc-e-bulletin/hrlrc-bulletin-vol-48-april-2010/.

The narrative of DAP is in the genre of "the hero's journey." That is, the film focuses on a single protagonist over a period of time and space, triumphing over hardships, and eventually emerging as successful in his conquest. Gilley's status as hero is magnified tenfold by including in the narrative a statement that he himself had been an academic failure due to his dyslexia diagnosis as a child. The hero as archetype arises in this film very clearly, transformed over time but also diverting and directing the flow of history with his magnetism, cunning, and (in this case, self-taught) skills.[57] Indeed, Gilley's quest is the most heroic of all because he did it independently, in lone ruggedness, in spite of mounting bureaucratic, economic, social, and physical difficulties; or so goes this story arc. Still, the fact that Gilley happens to be a young, white, English male who is physically presentable cannot escape notice

In the book, *Film and Ethics*, Lisa Downing and Libby Saxton suggest that all films have an ethical dimension. Many Hollywood films, they state, are constructed within a moral framework, deploying notions of virtue to both unfold and resolve the narrative.[58] Downing and Saxton mention that in "classical Hollywood cinema, the agent embodying the role of 'hero' is typically a straight, white man" acting as "universal subject proposed by humanism."[59] In DAP, however, Gilley is not an archetypal or mythical narrative hero of a fictional film. Rather, he is vested with authority to assert his influence on material action through his performance in a documentary. That a significant section of Melbourne's intelligentsia attended the screening of his "heroic" performance, and attentively paid tribute both in kind and through words, further attests to the strength of such narratives to move, if not empower anyone other than, the central character, imbued as they are with ethical prerogative given the film-form used and the context within which it was screened.

DAP's ability to galvanize these audiences raises questions about the ethical sanctions given to this one actor: an individual white male who, while feasibly not over-privileged in light of his disability and class standing (he describes himself as autistic and working class), is nevertheless granted a privileged status by a section of this community under the auspices of "caring." It is a community searching and recognizing heroic actions only from within the "Same."[60] If most of the images displayed in human rights

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57.   Joseph Campbell, The Hero with a Thousand Faces 227–28 (1990).
58.   Lisa Downing & Libby Saxton, Film and Ethics: Foreclosed Encounters 1–3 (2010).
59.   *Id.* at 17.
60.   Levinas concept of the same "refers not only to subjective thoughts, but also to the objects of those thoughts. . . . The same is therefore called into question by an other that cannot be reduced to the same, by something that escapes the cognitive power of the subject." For a brief introduction on Levinas concept of the "same," which is termed borrowed from Plato's ethics, and whose counterpart is the "other," see Simon Critchley, *Introduction, in* The Cambridge Companion to Levinas 15, 15–19 (Simon Critchley & Robert Bernasconi eds., 2004), *available at* http://www.revalvaatio.org/wp/wp-content/uploads/the-cambridge-companion-to-levinas.pdf.

films are "negative,"[61] as Safia Swimelar asserts, and can become reasons to avert the gaze, this was not a film that produced such an effect. In such a case one must ask, as Michele Aaron notes, what is the contractual alliance between spectators and films? [62]

The second film in question, *Playing in the Shadows*, was produced in 2008 by the directorial team of Sascha Ettinger Epstein and Marco Ianniello. The film covers one year in the life of a group of young people training to play and compete in a basketball team.[63] The most significant part of this film's story—for purposes of this article—is where the youth live, which is in one of the most infamous housing estates in New South Wales, Australia—Woolloomooloo. Woolloomooloo is located directly next to Sydney's Central Business District (CBD), and can be viewed from Sydney's famous Harbour Quary. This is also one of the most expensive residential areas in Sydney.[64] As an observational documentary, it follows the lives of a number of children who live in Woolloomooloo. The film slowly, but honestly, unfolds their foibles, difficult lives, and troubled histories. The film slants itself as a portrayal of the children's lives in their own naive words, displaying their resilience and ability to overcome the weight of their environment and the established patterns of somnambulatory and self-destructive lives that are common in the surrounding area; or at least this has been the prevailing mythology (which is not to say that part of this is what does occur), which this film sets to subvert. While in its official description as a film surveying which of these children will find "a way out of a life roaming the streets and spiraling downhill," it turns out that none of them are shown to spiral, but rather their achievements are celebrated. [65]

There is also a sense that some of these celebrated achievements are in fact tied closely to the values held by the middle-class in Australia. For example, one character is eventually accepted into university, while another into a private Catholic school.[66] In portraying these "achievements," the filmmakers betray an adherence to, and reproduction of, the values of middle-class Australia, while simultaneously directing viewers to better understand

61.   Safia Swimelar, *Visual Culture and Pedagogy: Teaching Human Rights with Film and Images*, 3 GLOBAL-EJ. (2009), *available at* http://global-ejournal.org/2009/11/11/visual-culture-and-pedagogy-teaching-human-rights-with-film-and-images/.

62.   MICHELE AARON, SPECTATORSHIP: THE POWER OF LOOKING ON 89 (2007).

63.   PLAYING IN THE SHADOWS, *supra* note 8.

64.   Discover Australia, *Woolloomooloo Sydney Tourism Guide & Travel Deals, available at* http://www.discoveraustralia.com.au/new_south_wales/woolloomooloo.html.

65.   This film was viewed by the author as curator and coordinator of the Perth leg of the Human Rights Arts and Film Festival in 2007. It was subsequently screened by the Australian Broadcasting Commission (ABC) in 2008 and a summary of the film can be viewed at http://www.abc.net.au/tv/guide/netw/200810/programs/ZY8806A001D161020081213000.htm; *see also* Human Rights Arts and Film Festival website, *available at* http://www.hraff.org.au/films/playing_in_the_shadows.html.

66.   For a general discussion on education and the importance it plays to middle-class Australians *see* CRAIG CAMBELL, HELEN PROCTOR & GEOFFREY SHERINGTON, SCHOOL CHOICE: HOW PARENTS NEGOTIATE THE NEW SCHOOL MARKET IN AUSTRALIA (2009).

those children who either do not choose, or attain, these paths and values. Nevertheless, in light of the style of film—being not only an observational documentary but also a film with editing choices to unassumingly display the children's world from their own perspectives, in their own words, and portraying them with humor and honesty—the film deserved a closer look. The filmmakers did not shirk from the harsh realities these children faced, but at all times these observations were made by the children themselves. The film achieves its goal through first-person accounts, with some accompanying explanatory text. The focus is on the children's lives. In their direct addressing of the camera, the participants share as much as they wish, which result in much candor and humor in their stories. In a parallel scene to the one I described above of the Afghan girl, one character's mother tells the camera of her own impoverished (of care and of role models) background and her own, at times, bad mothering. Eventually however, the mother becomes embarrassed at sharing so much, and asks the cameras to stop rolling—which they did. For the viewer, the faces of these children, in this representative mode, become closer to the Lévinasian Face of the full human who can be experienced closer to their completeness. Their faces are not used to fulfill a greater mission in the attainment of ideals or principles, but to allow the viewer to understand their lives in their own terms. This is, after all, an "other" whose existence is normally filled with definitions of lack and failure, and this representation acts as an opening up and breaking down of classifications that have placed these children as victims needing to be the subjects of intervention. While these are not subjects who are, strictly speaking, directly shaped by colonial forces, they are nevertheless people who often become the subject of welfare intervention, and as such their struggles follow a similar storyline to those of the other in a global context.

VII. THE FACE OF THE OTHER AND HUMAN RIGHTS FILMS: CONCLUDING REMARKS

"Possession is the mode by which a being, while existing, is partially denied."[67] The "face" was the starting point for this paper: whose face, what relationships face embodies, what configurations of the face are provided in relation to human rights films, and what alternative ways "it," the face, can be seen. So, let me return to that, in order to bring together the various strands of this article. Lévinas' conception of the face stands in contrast to the ways in which it is expressed by HRWIFF. Lévinas' conceptualization of the face as a fully embodied, phenomenologically understood person is not

67.   Lévinas, *supra* note 11, at 9.

an abstraction—it is a full person.[68] In HRWIFF's description, however, it is a symbol of something greater than itself. Lévinas' conceptualization of the face attempts to create, through the use of relationships, a sense of obligation from one individual to another by virtue of them both *being* human. Yet this conceptualization stands in contrast to the modernist formulation of human because the latter favors a form that centers on mind (seen as spirit by the ancient Greeks) and rationality (intellect in modern times), and hence disfavors other forms of knowing the world. HRWIFF's concept of the human centers primarily on spirit and intellect,[69] while Lévinas attempts to undo the binary barriers that separate humans, places them in distinct categories, and as a result, dissolve obligations by virtue of such categorization. So what does this have to say about human rights, or at least HRWIFF's formulation of human rights—other than that human rights are clearly embedded within the movements of Enlightenment and modernity? Only that this same project gave birth to the Holocaust and considers those who do not operate from the same paradigm of Reason as uncivilized, dangerous, and therefore to be invaded at first provocation, justified to do so in ways that, for example, invading Australia by the US could not be. If we represent the Face of Other as lacking and emaciated, and are celebratory of the Face of the Self as Same (the "us") as fully empowered and efficacious (the former without recourse to constructions of narratives outside of this failure as a human, and the latter with full access to narratives of successful achievement), a colonial relationship between the Self and Other is maintained. If human rights, and human rights films, follow in this paradigm, there needs to be closer analysis of this form of representation, as human rights are then implicated in global relationships of power that have, at least in this form, gone unexamined.

The human rights films story is not one-dimensional and the suggestion is not that these examples constitute the full range of films being screened in human rights film festivals. The questions raised here are about taking care, about watchfulness (without intending the pun). The human rights advocacy world has been so intent on doing the work, on saving someone (without question often most deservedly), on simply instrumentally considering these things called human rights as tools, that little has been done to critically examine what we use, how we do use them, and who/ what we leave out by including certain things, certain images. Any form of representation is a symbolic act of making something visible and other things invisible, or less obvious. The act of representation also involves the act of viewing. To date, there is little theoretical consideration or application of thinking and concepts from arenas concerned with reception studies, the politics of rep-

resentation, alternative film formations (e.g. third cinema), and ethics, to an area in human rights that is growing exponentially. In relation to viewing practices alone, there is, I understand from research in reception studies, a growth in audience sophistication that has not been tapped into, explored, or acknowledged for human rights films. This dearth is to our own detriment, as the tool is not just a tool, but as the Three Continents International Documentary Film Festival also states, a "powerful tool."[70]

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68.   *See generally* Downing, *supra* note 58, at 99–100.
69.   National Alliance for Media Arts and Culture, Human Rights Watch International Film Festival, *available at* http://namac.org/node/4562.

70.   Ultimate Film Fest, Three Continents International Documentary Film Festival, *available at* http://www.ultimatefilmfest.com/film-fest/1310/2009-0.