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# The Burden of Sensation and the Ethics of Form

## Watching *Capturing the Friedmans*

*Vikki Bell*

We are not in the world, we become with the world; we become by contemplating it. (Deleuze and Guattari, 1994: 169)

WHILE MANY films over the past decade have turned on the issue of memory (*Mulholland Drive*, *Memento*, *Eternal Sunshine of the Spotless Mind*), and others have combined that with a focus on child sexual abuse (notably *Mysterious Skin*, 2005), *Capturing the Friedmans* (dir. Jarecki, released 2003, DVD distribution 2004) is remarkable for its combination of both within a documentary film that also places the two themes historically, becoming in effect a reflection upon its own conditions of possibility. That is, despite its focus on one family's story, it simultaneously documents a broader development of filmic technologies in the domestic sphere, the 'prosthetics of memory' that have now become familiar (Landsberg, 1995; Lury, 1998), as well as the recent history of the sexual politics of looking, or sexualized looking, with which those technologies have become more and more entwined.<sup>1</sup> Here, the family's own domestic film-making is intercut not only with interviews carried out by the makers of the documentary, but also with media coverage of the case brought against the father and youngest son on charges of abusing children in their care, the first such case to be televised. Although others have noted similar points in relation to the film *Capturing the Friedmans*, few have extended their considerations to include the implications for the viewing of the film. Clearly, the questions raised in terms of memory and the politics of vision lend themselves to a rumination on the experience of film-watching itself, but equally, on the nature of judgement. To address these aspects, it will be

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argued here, is to force a consideration of the mode and the ethics of cinematic form. In this article I develop this consideration through a reading of the arguments of Deleuze and Guattari in *What is Philosophy?* (1994).

### **Composition and the Burden of Sensation**

As we have become seemingly more and more reliant upon the wizardry of technology to aid the frailty of human memory, even and especially of those closest to us, we have become familiar with the sense in which photographs and home movies can ‘hold’ our memories for us, releasing them so as to deliver to us the sensation of moving through time, ‘taking us back’, as we say. Insofar as we understand this, we are increasingly involved in composing our future sensations and affections, anticipating the future review of current events, deploying technological assistance not only to grease the cogs of future human memory, but, as in the case of domestic familial ‘home movies’, in full knowledge of the power and pathos that this technology can potentially deliver to our future emotional selves. We know that former selves will appear poignant in the future, which is in part why we film them ‘now’. We are aware, in other words, of the sense in which cinematic technologies deliver *compositions*, rather than truths, which operate through the *sensation* of vision. In *Capturing the Friedmans*, this pathos of review is dramatized by its juxtaposition with footage from the time of the criminal trial, a process which of course purports to proceed according to truths rather than sensation. And because it so successfully shows how the boundaries between technologies of legal process and those of film production are far from clear-cut, *Capturing the Friedmans* raises the question of how the witness differs from the cinema-viewer. Insofar as it does this, the film gains in dramatic effect, implicitly placing the viewer in the position of the juror in the jury trial that never took place, prompting the viewer to enter into discussion about the guilt of these men.

It is unsurprising, therefore, that the audiences reportedly felt ‘burdened’ as a result of viewing the film, a phrase used by director Andrew Jarecki to characterize reactions to the film. On its release in the US, he tells us, the distributor telephoned him to say there was a problem: ‘The audiences aren’t going,’ he said. But the distributor didn’t mean the audiences weren’t going to see the film, Jarecki gleefully explains; rather, audiences weren’t going home after the credits. One can presume, as does Jarecki, that they needed to sit and discuss it, trying to sort out their reactions. The film was highly successful, and its accolades were littered with arguments as to how unsettling, stirring, emotional – even ‘gut-wrenching’ (Arthur, 2003) – a film it was. Its unsettling effect was not simply due to the subject matter – paedophilia – but was due to its lack of resolution. Despite the extraordinary access that the film-maker had to its protagonists, and despite his access to their stories in the present, but also in their pasts, through the publicly available archival materials – news footage and articles – and the extraordinary extensive private home movies made by the family themselves, at the end of the film, no judgement is made as to their

guilt. The audience still does not know how to think or feel about the alleged perpetrators of these crimes, in large part because the question ‘Did Arnold and his youngest son Jesse sexually abuse children who had come to their home for after-school computer lessons?’ is left unanswered.

One can well imagine the audiences gripped in discussion of a series of unanswered questions that would not allow them the comfort of resolution. Instead, the film leaves the viewer with unresolved emotion: how should one feel about the imprisonment and ultimately the suicide of Arnold Friedman, a paedophile, a convicted child abuser, a dearly loved father? How should one feel about the imprisonment of one of his sons, then a young man still in his teens? If one could be sure of their guilt, perhaps this would help direct one’s sentiments, and the scrutinizing of the family’s relations – a scrutiny in which the audience has participated – would then be justified and any ambivalences resolve into righteousness. And the mother’s poignant and typically understated comment – ‘we were a family’ – would feel less accusatory.

There is a lot of information in this film: the talking head interviews with family members and friends of the family, with police investigators, alleged victims, the judge, the lawyers, as well as the interview with Jesse, co-accused with his father and only released from prison in 2001 after serving 13 years. There are a lot of different modes of presentation of the story – the old news footage, the televised trial, the interviews by the film-makers and, most remarkably of all, the home movie, which records a family struggling to make sense of what they were living through, as well as struggling to ignore it, cooking and eating dinner, joking, discussing, and (mostly) arguing and shouting. But despite the quantity and extent of the information, the film sides neither with the family or the prosecution.<sup>2</sup> The film’s lack of resolution allows neither the comfort of judgement nor understanding, the resultant discomfort underlining the importance of affect as an ineliminable element in processes of enquiry into the Truth. The questions it raises are not only questions related to the men’s guilt – did these men sexually abuse the young boys who had come to the house for after-school computer lessons? – they are also about the trajectories of affect: did the self-respecting community of Great Neck, Long Island, become hysterical at whispers of child rape and the actions of over-confident police officers, making the family victims of the 1980s appetite for instances of serial child sexual abuse, an example of a ‘witch hunt’? Were some of these victims misremembering or falsely remembering? Whose memories have been repressed, whose *implanted*? These questions are asked by the film, and not just of the children said to have suffered sexual abuse, but of all the characters remembering details of the case.

That is, the film itself problematizes the notion of ‘reviewing’, and especially the nature of ‘evidence’ where that evidence relies upon memory. While the film is itself a ‘review’ of the case, it displays the problematic nature of review. Human memory, on which so much legal evidence rests, is shown to be unreliable. A police officer remembers piles of pornography

'all around the house' while the police photographic evidence of the house shows only the one stack. Arnold's brother says he has no recollection of Arnold sexually abusing him when they were young boys, despite Arnold's confession of this in his letters to the journalist Debbie Nathan.<sup>3</sup> Furthermore, the phenomenon of 'false memory syndrome' provides a short-hand for the historical context in which the story of the trial took place, and is evoked explicitly to explain the one student who continues to maintain that he was sexually abused by Arnold and Jesse Friedman. Moreover, in their commentary (included with the DVD) the directors tell us that Arnold's wife Elaine, while watching the final version of the film with them before it was shown publicly, watched herself saying 'Arnold just wanted to look at these pictures and . . . meditate' and remarked 'I never said that!' And in the film itself Elaine gives an account of the police showing her one of Arnold's pornographic magazines and recalls:

. . . you know, I didn't see it. My eyes were in the right direction but my brain saw nothing. Because when it was all over the lawyers showed me the magazine and then I saw it for the first time, I really saw it.

What people see, and what they report they saw, in other words, is a process in which questions of affect are entangled.

Insofar as the audience becomes caught in a problematic of interpretation and judgement, attempting to draw a conclusion because the story itself doesn't 'properly' conclude, or entering into argument about which character was right, which wrong, deluded, badly behaved, etc., it begins to reflect on the content in hermeneutic, not to say juridical, mode. Which is, in other words, to participate in an exchange in the economy of opinion. But because *Capturing the Friedmans* is precisely 'about' the difficulties of reaching reliable opinion, insofar as it is 'about' a supreme example of such a context, the contagion of disgust and outrage in the journey of a collective hysteria around child sexual abuse, this problematic is doomed. It will take the audience along a plane of infinite questioning.

Of all artists, Deleuze and Guattari write the following: they are 'presenters of affects, the inventors and creators of affects. They not only create them in their work, they give them to us and make us become with them, they draw us into the compound' (1994: 175). The work of art is 'a being of sensation and nothing else' (1994: 164). Watching *Capturing the Friedmans* is to be forced to journey without a sense of where one might be delivered. In a darkened room, as the music wells and falls away, we find ourselves gazing at the pictures of the young boys, viewing people's personal videos and covert recordings, wondering about their possible sexual abuse, here shocked at someone's revelations, there saddened at the demise of this family, touched as we gaze at old footage of the boys as laughing children, indignant at the imprisonment of a young man. Looking – 'Arnold liked pictures' says Elaine bluntly – captures and captivates. We watch because we are part of the complex. But despite the fact that this is a 'case', we are

not part of the juridical procedures of truth-seeking, nor part of the complex of the power erotics of pornography. We are instead part of the assemblage of film-making. In a bald sense, we participate in the multi-million pound industry that is cinema. And in a more profound sense, we are drawn into the compound because we ‘become’ with it: ‘We are not in the world, we become with the world; we become by contemplating it. Everything is vision’ (Deleuze and Guattari, 1994: 169).

Nowhere is the notion of ‘becoming with’ more obvious than in the cinema, with its invitation to give over one’s senses and one’s affect, to travel with the film’s sense of time, scale and space; we become big or small, emboldened or frightened, shocked or delighted not by the film’s dictate but *with* the film. We move back and forward with the film, speeding up and slowing down, our very biological responses set by its sequencing and pace. And nowhere is the co-becoming of critique as obvious as in the genre of film criticism, where the dependency of the experience of opinion on the experience of cinema-going is so obvious as to seem banal. The critique is a further territorialization of the compound of sensations, the sensations delivered by the film, and, as such, is a further composition. And this would be the case even where the film was a documentary, trading in notions of reportage.

To behave as if one’s response to a film is a matter of forming an opinion on its characters, therefore, is to forget the locus of their delivery to one’s judgement, that is, in a *composition*. Even where there are words, even in literature, the composition delivers through percepts, affects and blocks of sensation, not through perceptions, affections and opinions (Deleuze and Guattari, 1994: 176). It is this impossibility – of wresting opinion from sensation, truth from composition – that I want to emphasize.

To respond to the questions that the film *itself* gives us to ponder is not wrong, therefore – this is not to chastise the cinema-goers who sit and discuss their opinions of the rights and wrongs of the characters – but it is to enter into cinema’s conceit. It is to attempt to tarry with the crudest notion of film – as representation. Consider one simple fact: our ‘review’ of the case lasts the length of the film (plus however many times we might choose to re-watch it) – the time set by considerations of the cinema industry, not by the needs of truth. In the cinema we cannot even go backwards to reconsider the *film* about the case, to check our impressions, our powers of recall. And if we do ‘re-wind’ the DVD, we cannot really go back. We are like David Friedman, Arnold’s eldest son, who says in his distraught and distressing video-diary made during the time of his father’s and his brother’s arrests, ‘this is private – from me now to me in the future’; he knows his video will not truly enable him access to his former self, no more than the images of his father in the home movies resurrect him from the dead. His experience of his former self or of his father is going to be the experience of technology, of a materiality that nevertheless promises to hold and deliver sensations at a future encounter, an encounter that includes within it the fact – or the sensation – of time having passed.

To be clear, the point here is not that the film-making process is mendacious, or that it ‘mediates’ our access to the past and to Truth, but it is simply the fact that it is the film itself that *delivers* us the experience. To grasp this is to shift the discussion from the trading and circulating of *opinions* about evidence and truth in order to consider instead the film’s *creativity, (as) the compound of sensations it delivers.*

If this is the case for all film, *Capturing the Friedmans* is especially interesting because the *technologies* of (re)presentation are the subject matter throughout. One is made repeatedly aware of the technologies that enable one to remember, to speak of ‘evidence’ or to entertain the notion of a ‘review’. The brothers do not simply film each other, they also film each other ‘making a film’, acting for the camera, consciously using film in place of human memory, *staging the real*. Even the elements of nature – the green of the grass – are neither true nor untrue, as the shots of Great Neck’s lawn sprinklers silently attest.

It is not the case that *everything* is in doubt because the difficulties of recall are a theme. It is not the case that nothing is represented as (nor indeed that nothing is) true. That Arnold Friedman had ordered child pornography, for example, is not in question. It was this that led the police to him. The film shows us some of the covers of magazines found in the house – with phrases such as ‘Jail Bait’ and ‘Incest Case Histories’ on the cover – to show that this was hard-core pornographic material. Arnold Friedman also admitted – according to Elaine in her interview with the film-makers and according to the autobiographical writings he sent from prison to Debbie Nathan – going ‘over the line’ with two young boys while on vacation, becoming ‘sexually aroused’ by them. So while the bigger accusations remain at the very least unclear – and this is so despite his guilty plea – these other indications of desiring children sexually and these other incidents of actual sexual abuse do not. While we come away ‘knowing’, therefore, that this man had secrets that made him feel guilty and desires that had led him to act abusively, forming an opinion on the film remains just and only that.

Indeed, one might say that a sense of discomfort arises not because it is difficult to discern the truth but because *too much is true*, or true enough not to be a lie. David Friedman demonstrates the possibility, for example, of continuing to deny his father’s sexual proclivities, attempting to interpret his father’s memories as ‘confessed’ to Debbie Nathan, away from the sexual desire of young boys, even if, one might say, the weight of the ‘evidence’ – the film as a whole – points in another direction. David, flustered and caught up in a need to deny that his father was attracted to young boys, attempts to reinterpret a line in Arnold’s letter that describes such an attraction. He seems to be trying to suggest that many people have peculiar things that, privately, innocently, they find arousing. His comment is *outlandish*, we might opine – ‘leaning against a tree’ he says sarcastically and somewhat incoherently, ‘that’s sexually arousing’ – but it is not illogical and nor could we say it is untrue. It *could be* that leaning against a tree is sexually arousing

to *someone*; it is just not something that can be calculated or that lies open to scientific judgement. And if in this context judge Abbey Bockman's statement that 'there was never a doubt in my mind as to their guilt' chimes awkwardly within a film that shows that there must at least be doubt about *that*,<sup>4</sup> the 'burden' of the film is not exactly that two men were falsely convicted and imprisoned. Nor is the viewer's burden the same as that facing a judge. The burden rests precisely in the way that one is obliged to carry conflicting evidences and stories without being able absolutely to dismiss *any* of them; it is the sensation of discomfort.

As cinema-goers, we have no grounds to dismiss statements except in the context of sensory, affective response. That is, to take a view on Arnold's, and especially on Jesse's, guilt is necessarily to engage in the dismissal of certain characters based on what they say and how they 'come across' *in the film*. Most ripe for dismissal is the young man who maintains he was abused by the Friedmans, who is interviewed in silhouette and who remarks that his parents put him into hypnosis and 'when I came out, it was in my head [that I had been sexually abused]'. But is this not, likewise, the experience of the cinema-goer upon the film's ending? Not to put too fine a point on it, whatever is 'in our head' as regards the question of guilt has been put there through the engagement we have made with cinematic form.

To be clear: it is not the argument here that therefore no one should attempt to make an objective judgement on this case. Indeed, Jesse Friedman's campaign to clear his name continues as in my *opinion* it should. His case has been aided in no small measure by the making and showing of the film. Some issues (such as the withholding of evidence beneficial to the defence) became clear during and as a consequence of the making of the film; and some new affidavits from former computer students and their parents, stating that nothing happened, were forthcoming after people had viewed the film. On his website, Jesse welcomes the support of those who have seen the film and been *moved* by it. This is precisely the point: there is no 'gap', therefore, between the film and its viewing. To be sympathetic, or indeed to be disgusted, is to seek the comfort of the position of perceiver in relation to the perceived.<sup>5</sup>

If one becomes *with* the world, this holds as much for encounters with art-forms as it does with anything else. Wherever one's experience of a film, for example, is reduced to an opinion about it, this is to forget the ways in which we do not simply watch film, but become with it; the composition of our 'response' to it is a further territorialization of the sensations that are delivered, materially, by its composition. There is as such no 'gap' across which perception takes place, according to this philosophy, such that the perceiver might rest easy, considering herself to have reached an opinion on the perceived.



### **Immanence and the Ethics of Form**

In the place of opinion, then, the creativity and humility of thought:

If thought searches, it is less in the manner of someone who possesses a method than that of a dog that seems to be making uncoordinated leaps. We have no reason to take pride in this image of thought, which involves much suffering without glory and indicates the degree to which thinking has become increasingly difficult: immanence. (Deleuze and Guattari, 1994: 55)

Elaine, the closest to Arnold and also the furthest away, has herself no opinion. She reflects:

Everyone wanted me to say he didn't do it. Well I wouldn't do that. I said 'I don't know' . . . I was so angry at Arnold and what he'd done that I wouldn't do it and I said 'well I don't know' and I wanted just to tell the truth. That is the truth, I didn't know.

She is all immanence, caught up in thought with no opinion, with 'much suffering and no glory'. In a shocking bit of audio-tape of one of their family arguments, David confronts his mother, demanding that she explain herself:

*David:* Why don't you tell me why you're being so pessimistic and why you're not standing behind your family? And why you don't believe us?

*Elaine:* I don't believe your father because your father has not been honest with me. And I don't know where the truth is at this point.

*Seth:* You're so fucking stupid!<sup>6</sup>

This position of no position is unconscionable for her son David. With the eldest son's support for her diminishing, Elaine moves with the tide and turns of her peculiar situation. The young woman who waves and smiles nervously for her husband's camera is in stark contrast to the bemused and torn mother, who drifts, as if searching for something to cling to. At one point she hugs Arnold while asking 'Why should I have affection for you?' She is uncoordinated, lost in thinking his actions, her own actions and in her own disintegrating familial relations. She is all becoming; she struggles to be, but 'no-one let her finish a sentence' says Jarecki. When she does get to speak, she shouts, cornered, attacking, attacked.

She recounts of her marriage to Arnold, 'All we had between us were those children', and she goes through the motions of the wife as she says he went through the motions of sexual intercourse with her. She raised bail for him, and is seen on the television cameras leaving the court arm in arm with him. But it is for Jesse that she makes her stand. 'My mother was adamant there should be no trial', says Jesse. 'I told Arnold', Elaine explains, that he had to take the plea bargain and he had to because he had to 'do it for Jesse'. She appealed to him as a father, even as she knew that persuading him to do so left her only available option and final maternal gesture – to

cast herself off from her sons. She asked him to sacrifice himself for Jesse, knowing that her sons would not forgive her for arguing against their father taking his chance to clear his name. With Arnold gone and now Jesse about to be removed, on the eve of Jesse's departure she demands that David and the middle son Seth also leave in the morning.

Elaine herself stayed in the house, but she removed herself to a new place, or plane, of 'calm': 'It was only when the trial was all over', she says in her interview for the film, 'that's when I really started becoming a person and really started to live.' The argument here is not that the unopinionated will triumph, but that in Elaine the film depicts what it delivers. It provokes but ultimately disallows *opinion*; but no-one was as provoked to have an opinion as Elaine. In her it shows us the pain of not having an opinion. So while her story might be presented as a certain form of resolution, a trajectory of 'becoming' truly herself, her thinking – of all the interviewed characters she is the one most often seemingly lost in her thoughts – is difficult, uncoordinated, unsupported (and in this sense brave).

If Elaine's support of her husband is in deed but without faith, her 'immanence' might be said to comment on the modes by which the cinematic form is approached. If, as for Deleuze and Guattari, the plan of immanence is an insistence that life, the ontological, has movement and duration rather than stasis, and that movement is a process of differentiation, it is also an insistence that there is *no priority* between the real and representation of the real (Bewes, 2004: 75). For the imperceptibility of truth is not due to a distinction between representation and reality, but is a consequence of the virtuality of the real. Whatever is created is a creation actualized from numerous potentialities; in *Capturing the Friedmans* attention is focused on the other possibilities that the legal process rendered fiction. But its point is not to deliver an improved fiction. Elaine is all immanence because she has not taken possession of her becoming, travelling with it but without perceiving it, without – as Deleuze and Guattari write of the molar's attention to the molecular – 'capturing' it. Placing attention on the world that is created through perception, and *by which the perceiver is also created*, means that attention remains on the level of immanence and becoming, on the material modes of all creativity. And it is with that creativity that we are left.

For Deleuze and Guattari, representation does not reflect realities or deliver opinions, therefore; instead, the *materiality* of art, the celluloid of film, say, offers modes of becoming. In the place of perception and opinion, therefore, one has sensation and becoming. When we see the super 8 footage of Arnold's sister, who died at a very young age, dancing in her tutu, for example, it is not really her who twirls and skips, but the film itself. 'In a novel or a film, the young man will stop smiling, but he will start to smile again when we turn to this page or that moment. Art preserves, and it is the only thing in the world that is preserved' (1994: 163). The film of his sister strikes Arnold dumb. We see him seemingly caught up in it as he holds the celluloid up to the light, lacking at that moment the projector that will make

the images dance. ‘What is that Dad?’ asks Jesse, twice, without receiving an answer from his father. The film preserves but it could not be said to preserve Arnold’s response to *her*; his response is to the material, the celluloid in his hands. Arnold is momentarily lost, not because his sister re-appears but because art preserves in its materiality a bloc of sensations, a compound of affects and percepts.

As percepts, sensations are not perceptions referring to an object (reference): if they resemble something it is with a resemblance produced with their own methods; and the smile on the canvas is made solely with colours, lines, shadow and light. If resemblance haunts the work of art, it is because sensation refers only to its material: it is the percept or affect of the material itself, the smile of oil, the gesture of fired clay, the thrust of metal, the crouch of Romanesque stone, and the ascent of gothic stone. (Deleuze and Guattari, 1994: 167)

Likewise, one might consider Arnold’s own image. Even, in one of the rare moments when he speaks, when he looks directly out at us and states, on the eve of his sentencing, ‘I’m still here. I may not be here very much longer, but I’m still here’, this is not Arnold any more than his sister on the super 8 ‘is’ his sister. We cannot access him to ask why he didn’t use the home video footage to protest his innocence, or to send a message to the future, as David did. Nor is he accessible as an interviewee, or even as an example of anything psychological or sociological. This is *not* Arnold, but film, cinema, sensation.

Yet it is also here, perhaps, that the opening onto a discussion of the politics and ethics of contemporary sexual morality can find a foothold. His abbreviated message is a statement that, given his general lack of words, pops up as unexpectedly as the film reel of his sister on super 8 did for the film-makers. He is both in the past – Arnold committed suicide in prison in 1995 – but here he ‘is’, ‘still here’ in his own words, and he is looking not only at David but at *you*. The film in its very form disrupts a morality that places paedophilia at a distance – viewing paedophiles as atavistic, as if they were ‘past’. What the *film* ‘says’ in this simple statement is what it says *tout court*: paedophilia is still here.

Indeed, the film presents the remarkable ease with which the sexual desire for children, that desire considered most unnatural, can coexist with contemporary family life, the most accepted of sexual arrangements. As we have seen, throughout the film any sense of being able to judge what is natural and unnatural is placed under explicit question from the opening lines of the song (Buck Owen’s ‘Act Naturally’). If Arnold’s adult life had been one of masks and acting – performing in his mambo band under the name Arnito Rey, a pseudonym that hid his Judaism – this cannot be attributed to a secretive, manipulative character that confirms his paedophilia. If, for Arnold, marital sex was ‘going through the motions’, this did not make his family life a sham. It did not make him the ‘sad and lonely’

image of the paedophile; the humorous home movies made with his children acting for the camera do not suggest that his relationship with them was *only* ‘for the camera’. One might even mount a genealogical argument here. Foucault has argued that the ‘love of boys’ was once understood as natural but requiring good management alongside one’s marriage and one’s economic affairs, and that the deployment of sexuality in the 20th century grew up around the lineages of the system of alliances, giving it its support and its flight.<sup>7</sup> That the two are entwined and that they coexist, therefore, should surprise no reader of Foucault or genealogist of sexual practices, who would know that a relatively *recent* problematization of the love of boys has rendered it incompatible with the heterosexual matrix. Thus might genealogists collectively chant, as if learnt by rote: that the two should be opposed reflects only on our present comprehension of the possibilities of sexual arrangements. But the argument I have been pursuing here is *not* a call for genealogical enquiry. For although it covers a period in the history of sexuality, and gives a sense of the era in which commentators were asked to take sides in debates about child sexual abuse and its government, the viewing of the film in the first decade of the 21st century is just as much a challenge to contemporary sexual moralities through an ethics of the cinematic encounter, an ethics of form. This is an *encounter* that is replayed each time the film is shown. ‘I’m still here.’ In its form it asks: what is *your* response to that fact?

On another occasion in this same sequence, Arnold speaks. Again, his words are abbreviated and in their dual context – in both the context of his last evening before imprisonment, and in this second context of the film *Capturing the Friedmans* – they are remarkable. They are remarkable on two counts: first, that they are spoken both as a husband and as a protector of Elaine, but second because they concern the issue of *consent*. Arnold says to David, who has had the video camera trained on his mother, who becomes irritated and walks away from this son-become-camera: ‘David, if your mother doesn’t want to be filmed, don’t film her.’ To hear from the mouth of the paedophile such a straightforward statement about seeking *consent* turns this film in on itself once again. Consent – the primary issue at stake in every scene and at every level – is belatedly raised by the protagonist.<sup>8</sup>

To point to this statement of Arnold’s as a moment in which the film declares *its* ethics, however, is to move too easily to a point of resolution: it would be to say triumphantly ‘here, in the mouth of the protagonist, the film “knows” consent is important’. This is too easy, not because it would amount to a lightweight excuse for Arnold, and for the film, but because it would be to miss how the film *itself* achieves that realization, through its form and in *us*. I have argued here that what is unsettling about this particular film is that, as viewers, we are also captured in the cinema assemblage in terms of its percepts and affects. The sense in which this capturing ties one in an ethical knot is most clearly felt, however, through the figure of the middle brother, Seth. Seth appears in some old family footage, but, as a statement in the credits informs us, he did not wish to be interviewed for Jarecki’s

film. As Jarecki comments, his unwillingness to be interviewed is a 'presence'; his unwillingness makes him 'a missing piece which is part of it'. His absence, his absence of consent, is therefore very much part of this film. When we watch *Capturing the Friedmans*, then, we are ourselves caught in a situation of ethical ambiguity. We watch, aware that someone in it did not want this film to be shown. And if it makes one *feel* uncomfortable, the burden of that sensation is also a movement and in itself an ethics; having looked at this picture, who – or more properly the question, for all the reasons I have argued here, is *how* – do we become?

### Notes

1. The furore surrounding the display of photographs by Sally Mann that depict her unclothed children, for instance, is an example of how controversy is provoked at the site of the boundary between private and public looking and photographic technologies.
2. This despite director Jarecki's clear personal support for the family.
3. Debbie Nathan investigated the hysteria around child sexual abuse in the 1980s and became involved in commenting on the Friedman case as well as other cases at that time.
4. This comment suggests that the film-makers set themselves in opposition to the judge and the trial outcome. Performatively this may be so. It is most clearly the case when, in an audio-taped interview made by the film-makers with one of the boys whose statement to the police had accused Arnold of sodomy, he withdraws any accusation, blaming the over-zealous police for hounding him until he gave them what they wanted to hear. But if the film does this, it does so only obliquely; there are other moments when the ambiguities stand – Jesse's lawyer Peter Pandara is the unlikely source of some of these – however convincing or unconvincing any one particular viewer may find them.
5. The argument I am making here has been helped by reading a wonderful essay by Timothy Bewes (2004), which makes this argument in relation to literary form drawing on the work of Flannery O'Connor and W.G. Sebald. My apologies to him for my many borrowings here.
6. This dishonesty is mirrored by the son's treatment of the mother. Another piece of video-tape shows an extraordinary scene of the family arguing during Seder – the Passover ceremonial meal commemorating the Jews' exodus from Egypt – as they attempt to discuss their options. Jarecki tells us in his commentary that David was duping his mother into believing the camera was off by covering with masking tape the red light indicating that the camera was recording.
7. Foucault in Volume 2 of *The History of Sexuality* (regarding the 4th century BC):

In short to delight in and be a subject of pleasure with a boy did not cause a problem for the Greeks; but to be an object of pleasure and to acknowledge oneself as such constituted a major difficulty for the boy. The relationship he was expected to establish with himself in order to become a free man, master of himself and capable of prevailing over others, was at variance with a form of relationship in which he would be an object of pleasure for another. This noncoincidence was ethically necessary. (1985: 221)

See Foucault's *History of Sexuality, Vol. 3* (1988) for the argument about the love of boys and *History of Sexuality, Vol. 1* (1981) for the argument about the deployment of sexuality taking place 'upon' the system of alliance. See also Bell (1993, 1995).

8. We are informed that Arnold received and was prepared to circulate pornographic images of children; we hear that Arnold had admitted to one or more non-consensual – we can only presume – incident(s) of the sexual abuse of two boys. On another level, we watch the film that David took without his mother's consent; David even tries to film the parents of the victims emerging from the district attorney's chambers until they begin to attack Jesse, one father screaming 'You raped my son.' There is the guarded consent, which meant that some gave interviews only in silhouette; then there is also the issue of consent in the police's techniques of interviewing children without their parents present and with an agenda. Because they involve children, the charges against both Arnold and Jesse are framed around laws that statutorily remove the issue of consent. There is the consent that was given to allow cameras into the court to film – a decision in which Jesse could not participate and a factor which had then to enter his decision-making process – and the consent that Arnold, and then Jesse, gave to allow the plea bargaining to proceed.

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