WHEN VICTIMS SPEAK (OR, WHAT HAPPENED WHEN SPIELBERG ADDED AMISTAD TO HIS LIST?)

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WHEN VICTIMS SPEAK
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STEVE LIPKIN

History, which is what we must reconstruct here, is always a matter of storytelling: our reconstruction of events must impose meaning and order on them, assign motivations, assess causes, and propose moral judgments (in this case, guilt or innocence).

Bill Nichols, Representing Reality (32)

Steven Spielberg’s Amistad (1997) appeals persuasively to its audience not only as it presents a view of history but also as a story about storytelling. The film addresses the problem of pre-Civil War slavery in contemporary docudramatic terms by equating storytelling with testimony, empowerment and intercultural collaboration. As the Amistad narrative becomes structured by the passage of its main characters through the American legal system, Spielberg’s film (in contrast to print versions of the history) uses feature film docudrama form to argue that storytelling can right the wrongs perpetrated against victims when institutions deny them opportunities to speak. The film’s docudramatic disclosure of history vindicates American justice as an ideological system.

Amistad coincides with The Ghosts of Mississippi (1997, Rob Reiner) and Rosewood (1997, John Singleton) not only because all were released during the same year, but also because all three docudramas bring to dramatic light incidents, past and actual, of American racial injustice. Amistad, more emphatically and systematically than the others, embraces the need for victims themselves to tell their stories. In Spielberg’s film, disclosure functions melodramatically because it is a necessary response to victimization. Docudramatic “articulation” identifies and explains the meaning of victimization. Articulation completes docudrama’s fusion of documentary material and the narrative operations of melodrama. The institutional experiences of the African characters in Amistad reveal the changing nature of their vulnerability. They face emphatically repressive social systems. They are exploited under slavery; then they are processed through American courts that threaten to return them to the slave system they have eluded perhaps only temporarily. When their salvation (freedom) ultimately depends upon their ability and the opportunity to make their case, the contemporary docudrama is also arguing for the importance of this process to its present-day audience. Articulation in the film is both gradual and collaborative. Only after translation and representation allow reception by an audience does expression become effective.

As a docudrama Amistad re-creates a chapter of historical injustice in order to clarify for the present the necessity of articulation through storytelling as a means of empowerment. Before examining the persuasive appeals through which Spielberg’s Amistad relates to audiences in the present how storytelling empowered victims of racial injustice in the past, it is necessary first to consider the

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quality of historical evidence docudrama presents, and docudrama itself as a means of representing history.

Dramatic Evidence: Docudrama, Storytelling and Historical Representation

A basic purpose of any docudrama is to persuade us that what we are watching happened in the past. Amistad’s emphasis on storytelling becomes its specific answer to the more general question: how can docudrama, as it presents its material through feature film narrative conventions, in any sense represent “history”? By definition, docudrama is not documentary, so the validity of its view of history, its “cash value” for its audience, remains problematic. One of the strongest voices addressing the issues raised by comparing dramatic and documentary representation in film belongs to Bill Nichols. Nichols systematically takes the position that presenting stories as fiction and representing history are fundamentally distinct tasks. As a documentary theorist in Representing Reality (1991), Nichols makes an unmitigating distinction between documentary’s direct roots in reality, and the more metaphorical view of actuality that stems from the narrative re-creation offered even by historical fiction. In Blurred Boundaries (1994) he further considers the epistemological implications of the re-creation of actuality in “reality TV” forms.

In Representing Reality Nichols argues that documentary is nonnarrative in form, and documentarists “share a common, self-chosen mandate to represent the historical world rather than imaginary ones” (14). As a result, documentary works belong to the “discourses of sobriety” (5) that represent “the” world rather than “a” world (112). Documentaries tell us directly about “the” world in which we live. Fictional representations, including historical films, on the other hand, offer us a “metaphoric relationship to history and lived experience” (5), and are not documents. Documentary presents a rooted discourse: “We prepare ourselves not to comprehend a story but to grasp an argument. We do so in relation to sounds and images that retain a distinct bond to the world we all share” (5). The logic of a film’s argument begins with the indexical solidity of its evidence. Documentary allows argument because it presents “facts” by bringing us into direct contact with the historical world:

The viewer then sets out to process the film with an understanding that the metaphorical distance from historical reality established from the outset by fiction . . . has been closed . . . . The text presents a metonymic representation of the world as we know it (the sounds and images bear a relation of part to whole; they partake of the same order of reality as that to which they refer) rather than a metaphorical rendering (where the images and sounds operate on a separate and distinct plane of resemblance to the historical world). Where fiction achieves a “reality effect” by sprinkling doses of authentic historical references across the realm of its creation—costumes, tools, vehicles, known places, or prominent figures—the same references within documentary serve as tangible evidence from the historical world in support of an argument (28).

In the case of documentary re-creation, a viewer enters into what Nichols terms “a documentary mode of engagement” (25) in which a viewer is swayed more by logic of argument and evidence than by suspension of disbelief, or identification with a character (29-30).

Nichols acknowledges in Representing Reality the need for some documents to re-create their subjects, especially when the problematic accessibility of the truth
warrants reconstruction:

In most documentaries that include reconstructions, the reconstruction derives from historical, factual evidence, as in *Night Mail* and *The War Game*. The premise that historical evidence backs them up also lends plausibility to the subjective evidence in [other] films... [Errol] Morris, however, ignores the conceit that allows the documentarist to reconstruct the mise en scene of historical truth. The "truth" in this case is far more elusive, shrouded by time but even more by memory, desire, and the logical paradox that it is impossible for any statement to vouchsafe its own truth status" (100).

In this warranted kind of re-creation Nichols allows that proximity to evidence signals allegiance to "the" world rather than "a" world.2

For the same reason, docudramatic re-creation should also have validity as evidence when it has been motivated by actuality. Despite using feature film narrative form, docudrama's representations should have historical validity to the extent that they build upon warranted re-creations.

At the core of Nichols's distinction between narrative and document remains his view of evidence and argument. Indexical evidence is "factual."3 Logical argument must reason from evidence. The indexical evidence presented in documentary functions "to authenticate the film's claims to represent some aspect of the historical world" (Boundaries 47). Authenticity of evidence and consequently validity of argument grow from this direct connection to lived experience. Narrative weakens this connection, rendering problematic the value of "facts" when presented in a narrative context:

Inevitably, the distinction between fact and fiction blurs when claims about reality get cast as narratives. We enter a zone where the world put before us lies between one not our own and one that very well might be, between a world we may recognize as a fragment of our own and one that may seem fabricated from such fragments between indexical (authentic) signs of reality and cinematic (invented) interpretations of this reality (Boundaries ix).

Re-creation by definition is indexically linked to the present and cannot offer the same kind of authentic, primary evidence:

Reenactments came to be denounced as fabrications in the days of observational cinema; then, more recently, filmmakers resurrected them as a legitimate way to address what is not available for representation in the here and now. But unlike the written account, the reenactment lies anchored, indexically, to a present distinct from the past it re-presents. The very authenticity of the image testifies to the use of source material from the present moment, not the past. This presents the threat of disembodiment; the camera records those we see on screen with indexical fidelity, but these figures are also ghosts or simulacra of others who have already acted out their parts (4).4

If reenactment is one strategy of presentation in a larger collaging of available materials, producing a self-conscious discourse that "suspends historical explanation" and allows a viewer to "fill in," to attain some "sense" of history as lived time, as "embodied knowledge," then a work fulfills the potentials of postmodernist history, one that allows validity of argument through honesty of presentation (146; 119-21).
In sum, Nichols’s work develops three reasons to preclude nonindexical representations from the arena of historical discourse. First, re-created material encourages a false sense of connectedness to the world. Second, re-creation is indexically linked to the present, rather than the past it purports to represent. Third, given the nature of its “evidence,” dramatic re-creation can only interpret, rather than argue. It remains to consider each of these positions in relation to docudrama.

The problem of false connectedness results from conditions of reception. Much of Blurred Boundaries targets justifiably the potentially deceptive nature of fictions “passing” as fact. “Blurring” occurs in the ready mix TV programming (and “reality” TV in particular) will offer of nonfiction and fiction forms and products.

By comparison, movies of the week and docudramas exhibited in theaters as feature films present themselves as fictions (“movies”) based on actuality, clearly foregrounding the fact that they are stories. Docudramas avoid a major, potential deception of reality TV forms because their modes of presentation and the conditions of their reception emphasize their status as works of narrative fiction. What they may assert because they are “based on” fact is more problematic.

The extent of its factual “basis” gives docudramatic re-creation an indexical quality. The issue is critical in assessing the value of docudramatic evidence. It would be this “evidence” that allows fact-based fiction’s validity as representations of history. In light of the absolute nature of Nichols’s documentary/fiction distinction, a case needs to be made for how docudramas do qualify as arguments, and how they maintain a direct connection to their “real” referents in doing so.

Proper arguments by definition build logically from evidence to conclusion. The terms of Nichols’s documentary/fiction duality (argument/story; evidence/reality effect; engagement/suspension of disbelief) rest squarely on the notion of the index, the sign of photographic “fact.” Photographic evidence has a direct, motivated relationship to its referent, certainly a primary kind of evidence of history.

Re-created and reconstructed material may not be evidence possessing the same kind of “directness” as on-the-spot photographs; however, re-creation by definition has a motivated relationship to the referent it recreates. The closer it is to actuality, the more complete and the more effective it is as re-creation. In Representing Reality Nichols acknowledged the validity of documentary reconstruction “derived” from “historical, factual evidence” (100). Truth becomes in part a matter of proximity. Photographic indexes are also “derived”—selected, framed, focused and filmed (that is, formulated)—so that proximity to their actual referent is as much a factor for them as it is for re-creative significations. These considerations of form and mediation rest upon a basic issue: is an index an absolute kind of sign? Can indexical representation be partial? Is a photograph the same kind of index as a thermometer? Light striking a photographic emulsion may be comparable to temperature or air pressure driving mercury through a glass tube, but the photograph also entails further manipulations (camera angle, height and distance; film stock; lens selection; etc.). The photograph’s iconic construction mediates the link between signifier and signified. Photographically indexical signification is itself a function of the degree of directness, the degree of motivation between signifier and signified.

For this reason historian Robert Rosenstone questions the indexical element of documentary film evidence. Representation entails mediation, and consequently “documentary
is never a direct reflection of an outside reality, but a work consciously shaped into a narrative which—whether dealing with past or present—creates the meaning of the material being conveyed" (Visions 33).

If the quality of evidence in either documentary or docudrama stems from its directness, the nature of the link between signifier and signified, then so does the nature of the argument either kind of film might forward. Docudramas may argue hypothetically, but still offer arguments based on evidence. Recreation has its basis in historical reality, allowing a wide range of degrees of proximity to its original source. An argument in a docudrama based on re-created evidence claims validity to the extent that it is modeled on the original referent(s). Docudrama, with its narrative form and evidence drawn from dramatic reconstruction, may not offer the "sober" discourse of a strictly nonfiction mode. The value of its advocacy, however, still deserves to be judged on the quality of its evidence and logic, rather than to be dismissed altogether from the arena of historical discourse because its consumption as narrative precludes its status as rhetoric.

**Historiography, Storytelling and Docudrama**

Nichols's concerns address matters of evidence and narrative structure. His comparison of documentary and fiction questions the kind of engagement in the real that can result from the narrative mode of representation characteristic of works of the classic Hollywood cinema. Works quality as documentary when their purpose is to represent "the world." Docudrama becomes problematic because it uses narrative conventions that create "a world" to represent "the world."

Historiographers Hayden White and Robert Rosenstone provide a useful basis for understanding how docudramas, like other historical narratives, construct the worlds they represent. Their discussions share the premise that any writing of history necessarily reformulates the primary experience of the time it documents. A key historiographic issue besides accuracy of representation also becomes the honesty of the form of presentation. White and Rosenstone express a view that Nichols takes up from them when he examines postmodern history in *Blurred Boundaries*. Postmodern histories instill an awareness of how the past has come to be represented. In the specific case of *Amistad*, the film does not share the direct, textual referentiality that White, Rosenstone, and Nichols agree earmarks postmodern historical texts. Spielberg's work does, however, foreground storytelling as a process of incorporating personal narrative into social systems as it emphasizes the need for the testimony of witnesses to provide access to past events. My discussion of the film below will show that the film does so as a means to affirm rather than question the American justice system as a forum for articulation. The film depicts American courts of law as a site for both the opportunity and the means for victims to tell their stories.

In Rosenstone's and White's views of historiography and the historical film, docudrama's use of the conventions of fiction, and its lack of unmediated, direct presentation of facts does not preclude the mode from representing history and engaging in the discourse that debates relevant issues. To the contrary, both Rosenstone and White point out that narrative re-creation provides and structures much of what we understand history to be, but carries with it the risk of emotion overshadowing reason. The question Nichols raises (can docudrama really argue?) becomes: what is the impact of its form on the argument that a docudrama makes?

Directness of evidence is only one consideration in assessing historical discourse. Documentary offers one type of history but
not the only kind. Rosenstone’s reluctance to privilege documentary representation in comparing documentary and the historical film indicates the wide range of possible proximities between representation and referent.

The usefulness of a representation of history, in Hayden White’s term, its “authority,” only begins with its proximity to actuality since “the authority of the historical narrative is the authority of reality itself; the historical account endows this reality with form” (20). One possible form is narrative. The truth value of a narrative account of past events remains a function of its closeness to those events, as well as the kind of sense it makes to us. “Both the facts in their particularity and the narrative account in its generality must meet a correspondence, as well as a coherence, criterion of truth value” (40).7

To provide the “truth”, the historical film tends to employ the strategy of personalizing its stories. The resulting “proximate fictions” Rosenstone describes as “small fictions used, at best, to create larger historical ‘truths’, truths which can be judged only by examining the extent to which they engage the arguments and ‘truths’ of our existing historical knowledge on any given topic” (Visions 145).

The emphasis on the personal, dramatic presentation of social concerns (rather than an analysis of issues as dramatized abstractions) also implicates the framing of moral issues. White notes that the telling of history through stories renders it desirable, and ultimately leads historical representation to function morally. He explains: “I merely wish to suggest that we can comprehend the appeal of historical discourse by recognizing the extent to which it makes the real desirable, makes the real into an object of desire, and does so by its imposition, upon events that are represented as real, of the formal coherency that stories possess” (20-21). Desirability presupposes preference, value, and the process of judgment, components of a moral system. Docudrama’s very name suggests a blend of documentary and drama, melodrama in particular, so that in its selection of “true stories” to tell docudrama initiates the process of framing morally its material. Part of a docudrama’s reason for being is to emphasize the moral vistas its narrative opens up.8 Consequently from White’s and Rosenstone’s historiographic perspectives, docudramatic storytelling can represent history to the extent that it offers motivated, truthful re-creation, close proximations and analogies, and contributes constructively through its moral perspective to the debate surrounding efforts to visualize and understand the past.

**Ghost of Mississippi, Rosewood, and Amistad as Docudrama**

*Amistad* draws our attention to the processes and effects of testimony. When stories that victims tell become historical records, they raise further questions about whose stories are told and how. Personal narrative that functions as testimony frames the past. Individual experience becomes articulate—meaningful—as it is expressed and understood as testimony. Docudrama further argues that the stories it re-presents become empowering when we understand them as testimony.

*Amistad* is one of three 1997 feature film docudrama presentations of historical material (along with *Ghost of Mississippi* and *Rosewood*)9 that show how the social systems revolving around matters of race and justice act upon the victims whose stories we are watching. All three films personalize their historical material by placing at the core of their stories the need for victims of racial injustice to be allowed to speak. In two of the three films, victims have the opportunity to present their testimony and to gain justice through formal trials. In the third case, the very point of the *Rosewood* story is that no
formal trial ever occurred. In their very different accounts Ghosts, Rosewood and Amistad each show the legal system itself as a cause of victimization. Rather than developing radical critiques, Amistad and Ghosts argue that the same system is capable of self-correction; the transgressions of courts that attempt to operate selectively will come to light eventually. The unwillingness and inability of law to bring justice in Rosewood leads quickly to anarchy and annihilation.

Literal or figurative trials in all of these films dictate the terms on which witnesses survive. The narratives of both Ghosts and Amistad cover the hard ground of no less than three separate, formal trials. When both films turn to courtroom drama the legal process is as much on trial as the litigants. At these precise moments in both films the narratives allow the stories of black victims to become appropriated—taken over—by their white agents. Attorney Bobby DeLaughter takes up Myrlie Evers’s cause in Ghosts only to encounter strong resistance to retrying the case thirty years after the second mistrial of the accused, Byron De La Beckwith. (Few witnesses remain alive, evidence has disappeared; incredibly, even the trial transcripts are missing. He finds the crucial piece of evidence, De La Beckwith’s rifle, tucked away in a trunk in the study of his own former father-in-law, a respected judge.) Similarly, through the successive trials of the Amistad Africans, the key issues shift from their actions to the laws and lawyers that define their status: are they slaves and therefore property, or are they human beings with rights to free themselves from bondage? As both stories turn attention to the workings of justice, the legal representatives of the central characters become the main characters. This happens early on in Ghosts; after opening scenes sketch the events of the 1960s, the story proper begins in Bobby DeLaughter’s office, just before Myrlie Evers walks in to ask for help. Much as the narrative focus in this film shifts from the African-American widow to her white male lawyer, Amistad also, as it moves from crisis to climax, becomes the story of Cinque’s lawyer, John Quincy Adams.

Rosewood also uses agency in order to show what is necessary for the people in its story to endure trials in order to survive. In this case, however, it is a fictional black character who represents the interests of the story’s African-American victims. Through its created black hero, the story of racial injustice told in Rosewood is the least susceptible of these three films to the problem of appropriation. Asking whose story receives dramatic attention in Ghosts and Amistad points us toward how the narratives of Myrlie Evers and Cinque become, in these docudramatic versions, the stories of their white agents.

The trials that the characters endure in these films provide the means for their stories to be told. Trials allow opportunities for articulation. The docudramatic articulation that occurs as victims tell their stories clarifies the costs of survival and empowerment. Amistad most systematically of these three films centers on the need for victims to disclose their experiences through storytelling. In illustrating how the basic purpose of docudramatic articulation is to clarify moral issues at stake in the world a film depicts, Amistad also shows how a docudrama warrants its persuasive argument when it has anchored its presentation in actuality, in the material of the real. Construction begins with historical evidence. Selecting a “true” story to be told frames the outline of a docudrama’s moral system; subsequent narrative structures must address the questions raised logically by offering this argument by example. We are positioned initially to ask: why choose this particular story to tell? Why and how is this story exemplary? What do we learn because this is a true story? Articulation in Amistad arises as a result of strategies of exemplification because the logic of victim and testimony indicates the need for story-
telling, arguing ultimately that expression creates empowerment. Through the disclosure of a personal narrative we not only enter history, but also—as Hayden White suggests—understand what gives that history its authority. When personal narrative becomes testimony it allows the access to past events that we expect history to provide. The Amistad story evolves into the material of history in stages. Personal narrative becomes witness testimony. Journalistic narratives seed later versions in print and film. The Amistad stories’ evolution illuminates the interplay of the processes of articulation, empowerment, and story ownership.

Amistad: Testimony as Empowerment

If consensus implies truth, the “truth” in all of the true stories detailing the history of the Amistad begins with the fact that the story emerges at all. Perhaps for this reason the discourse surrounding the ill-fated ship consistently has foregrounded its own importance as narrative and its relationship with its audience.

More than forty years before the release of Steven Spielberg’s feature film, William A. Owens began his account of the events by noting that the Amistad was brought to harbor in the United States with a pre-established, sensationalized reputation. Newspaper stories publicized sightings of the mysterious “ghost ship” for weeks before it was captured and contained much speculation about the black pirates and cannibals who apparently occupied it (Owens 3-4). Exploitation as entertainment of the Amistad Africans continued to feed the opinion climate surrounding their capture, years of imprisonment, and progress through the American judicial system. The long-running play opened within one week of the ship’s seizure by the American navy. While imprisoned in Connecticut, the group of captives received as many as 5,000 visitors a day, who paid the jailer (who also commissioned a wax museum exhibit and a 135 foot panoramic mural of the battle to take over the ship) an admission fee of twelve and a half cents each (Jackson 117-118). After the United States Supreme Court decision “immediately” freed the Africans, Cinque and nine of the group were taken by their sponsors on a seven-month fund-raising tour that helped finance their return and the establishment of the mission that accompanied them. In their program appearances they would tell their story and demonstrate the extent of their conversion to Christianity (Cable 119-20).

In the months before the release of the film, producer Debbie Allen stated in a number of interviews that she was drawn to the story originally because she had not been taught this chapter of African-American history at Howard University, that it was a “lost,” “quieted” story that would highlight issues about the teaching and writing of history (“Amistad,” Jet 60-61). Consequently she optioned the Owens book in the early 1980s and spent years attempting to interest a filmmaker before the success of Schindler’s List drew her together with Spielberg. That the story was “lost” would have come as a surprise not only to Owens, whose book was first published in 1953 and reprinted in 1968, but also to Mary Cable, who told the story as Black Odyssey: The Case of the Slave Ship Amistad (1971) and to Howard Jones, whose Mutiny on the Amistad (1987) appeared two years before Barbara Chase-Riboud’s version of the story was published as Echo of Lions (1989). Clearly the issue is not a matter of whether or not the story has been “there” as much as what has been done to make an audience aware of its presence.

Certainly in late 1997, Amistad would find an audience ready for a film that told about enslaved Africans finding justice in the American system.10 In the months surrounding the release of the film the U. S. Congress and the American press launched a promi-
dent discussion of the question of the need for a national apology for slavery (Alter 62). The stage had been set by the recent publication of a group of books that re-evaluated slavery as an historical institution. Throughout the year several other theatrical films targeting an African-American audience were released or were in production, beginning with John Singleton’s *Rosewood*, including also *Soul Food* (K. Edmonds, 1997); *Eve’s Bayou* (K. Lemmons and S. Jackson, 1997); and *Beloved* (J. Denme and O. Winfrey, 1998) (Farley 86-7). The name “Amistad” itself became something of a cultural icon, with the production of a national opera coinciding with the release of the film, the re-publication of seven related books (including a children’s version of the story), the 1997 publication of a new narrative of the mutiny (by David Pesci), and the broadcasting on cable of two documentaries “timed to ride the coattails” of the feature release, including *Ship of Slaves* (History Channel) and the biography *Cinque* on Arts and Entertainment (James 8).

Spielberg’s *Amistad* attempts to appeal persuasively to its late-’90s audience precisely as a story about storytelling, in which personal narrative becomes empowering through intercultural collaboration. The experiences of *Amistad*’s main characters within the American legal system argue docudramatically—emphatically—that storytelling is necessary to right the wrongs perpetuated against victims. Institutions here create victims by denying them opportunities to speak. The film depicts empowerment as the progressive opportunity to articulate how injustice has been done. More importantly, however, the fact of articulation signifies the refusal to be enslaved, the first step toward empowerment. As a docudrama the film argues further that articulation in this case is limited by necessary translation, representation, and reception by its audience.

“Articulation” here means expression that is both meaningful and effective. Articulation entails having the capability and opportunity to speak to a responsive audience. Empowerment, acquiring the means (the “power”) to attain a desired goal (in this case, freedom), occurs for the Amistad Africans through progressive stages of articulation. Beginning from a relatively powerless state of linguistic alienation they gradually gain capability. They encounter a receptive audience and acquire both language and agents to express their position with increasing effect. It is only when they can do so that their experiences enter white civilization’s view of past events. To tell their story as witnesses—to provide testimony—gives their experiences an acceptable, accessible social substance. History becomes material when it is available in narrative form.

Spielberg’s *Amistad* distinguishes itself from print versions of the story by the rigor of its emphasis on the importance of creating the means for individuals to speak. There is a core pattern of development common to all *Amistad* narratives. The basic story consists of a series of parallel movements. Shifts that are geographical (the travel of the Amistad group from Africa to Cuba to the United States) entail socio-political changes (from life in Africa to captivity in slavery to captivity within the American judicial system).

Within the larger cultural and political oppositions that provide a central *Amistad* story (Africa vs. America; black vs. white; captivity vs. freedom; property vs. person; institution vs. individual), Spielberg gives his adaptation a melodramatic focus by foregrounding the processes of expressing personal narratives. The film shows oral history at risk. We see how the need to tell a story arises, the means by which the story is formed, finds its audience, and is heard, allowing the story to overcome all odds to reach completion.

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The film begins by defining the *Amistad* prisoners visually and aurally through cultural difference and separation. They are chained in the hold and half-dressed. The white men sailing the ship are conventionally Western by comparison. The most important barrier, we soon see, becomes language. The violent action of the mutiny that opens the film reverses the roles of captor and captive only temporarily. The loosening of bonds, the ability to overpower and kill white men armed with guns present limited freedom and power. The real power that the prisoners want is to return home to the lives and freedom taken from them when they were enslaved. The newly unchained men brandish machetes and argue freely among themselves. We, along with the Spanish-speaking men they now hold prisoner, are excluded from understanding the words they exchange; however when their leader (Cinque) drags one of the Spaniards over to the ship’s steering wheel and points with his blade at the rising sun, the intentions are clear—sail the ship back where it came from. Eventually they end up not in Africa but off the coast of the United States. The Africans have traded the physical victimization of slavery (chains; whips; drowning; starvation) for cultural victimization. Their sense of alienation emerges by showing the frustration of having the daunting task of making others, who don’t speak their language, make the ship work. The entirety of the dialogue in this sequence remains untranslated and unsubtitled. Without common language, cultural difference is mutually exclusive.

When they are captured by the American Navy, the Africans pass from captivity in one institution, slavery, to detention in another, the American judicial system. They are still held captive behind bars; however, the nature of the constraints change. Slavery as an institution requires that the line between master and slave never be crossed. Its existence enforces the slave’s complete subjugation of self. Linguistic disregard is elemental to dehumanization under slavery. We see in one scene that the men have been given Spanish names arbitrarily that they cannot respond to since the sounds are meaningless to them.

The legal system, on the other hand, while still repressive, demands articulation. Self-defense allows the opportunity for self-presentation. Self-explanation becomes a particularly critical issue for this group of defendants, since they must prove in a court of law that they are human beings, rather than property. Their passage from exclusion to inclusion (within the “rules” of civilization) begins when the defense team, in order to do its job, attempts to determine where the prisoners came from and therefore what language it is they speak. In a sequence that enacts the beginning of the movement from cultural separation to commonality, a linguistic consultant determines the words the prisoners speak for elemental numbers. He goes to the waterfront and repeatedly by counting from one to ten, eventually finds someone who responds in kind. The young sailor, James Covey, becomes the translator for the defense. The small group of abolitionists and lawyers forms the first sympathetic audience the Africans encounter.

In this spirit the defense early on solicits the help of John Quincy Adams in dealing with the case’s conflation of legal and political issues. He declines to become involved but to help the lawyers help the Africans asks, “What is their story?” Whoever can tell the best story in a court of law, Adams suggests, will win.

While the Africans progress toward empowerment through the process of becoming capable of articulating their case to listeners, their lawyers (and eventually Adams) and Covey become their agents. Agency (in the form of language and speaker capable of representation) mediates between individual and institution. One scene graphically shows how cultural difference necessitates agency, and how agency is integral to articulation. To
prove that the group came originally from Africa, rather than Cuba, Cinque testifies about the Middle Passage, the voyage across the Atlantic from Sierra Leone to Havana. Covey translates while Cinque speaks, joining in English the pace and cadence of Cinque’s words in their native Mende. The words become largely replaced by the scenes they narrate: first in Africa, showing brief images of Cinque’s life before he is overpowered and dragged into captivity; the cliff-side fortress at Lomboko where thousands are stored before they are shipped to the slave market in Cuba; the conditions in the hold of the slaver that crosses the Atlantic; the treatment of their human cargo by their captors. The verbal narration drops out as we see dozens of men, women and children being dragged overboard to the ocean bottom, locked into chains weighted by rocks. The testimony, shown like the images of a recuperated nightmare, positions subjective experience simultaneously within multiple institutional frames: language; the experience of slavery; the trial procedure itself; and the cinematic conventions that synthesize and represent them. As one critic noted, after “we go beneath history’s surface where terrible truth floats down to us—lost knowledge, history’s secrets no longer forgotten” (A. White 40), the cut back to the courtroom makes the spectators there—as well as the film’s viewers—witnesses to what would be otherwise repressed. Covey’s translation makes the experience of these victims accessible. Their testimony marks their passage from victims to witnesses. They now can affect the workings of the institution. Providing witness furthers the process of their empowerment.

The film shows storytelling as a counter-force, a necessary response to the ways that victimized individuals are at the mercy of repressive institutions. For their story to function fully, to bring justice out of injustice, it must be told before successive audiences in a series of trials. Appropriately...
enough it is Adams himself who must become a final agent for the Africans, completing their story before their ulterior audience in the film, the U.S. Supreme Court.

The film’s narrative chain positions Adams as the final, necessary link in allowing the storytelling process to reach completion. He tries to maintain a distance from the trial. Baldwin sends a written appeal to Adams for assistance when presidential interference threatens to deny the Africans the justice that they have won in the U.S. District Court. Adams still hesitates to become involved.

The film suggests that Adams’s moment of commitment occurs when he meets Cinque and they discuss together the circumstances the case is facing. The scene offers cinematic equivalents of equality, a meeting of the minds. The two men walk together through Adams’s hothouse, sharing jointly the space of the scene. They pause before a potted African violet that Cinque touches with the same delicacy we have seen in Adams while he cares for his plants. Cinque (through Covey) tells Adams that he knows he will emerge victorious because he will call upon his ancestors and they will help him through the trial he faces. Subsequently it is Cinque’s words that Adams paraphrases as he summarizes the defense’s case before the Supreme Court. His relationship with Cinque is a collaboration, providing him, the scene suggests, with the enlightenment he needs to plead the case effectively.

The summation scene draws together not only the film’s equation of articulation and empowerment, it also shows how articulation throughout the film has been directed at moral clarification. Adams uses Cinque’s ancestral values to argue, in essence, that like people, the court and the country need to be the best of what has brought them into existence. In the blocking of the scene, he moves to stand before a row of busts of the Founding Fathers, one of whom is his own father, John Adams. “Who we are,” he says, “is who we were.”
The successive scenes showing Adams meeting Cinque and then drawing up the exchange to make the defense case before the Supreme Court have been discounted by a number of critics as historically inaccurate. Adams and Cinque never met. Adams’s actual presentation before the Court took more than eight hours over two days and focused primarily on condemning the political nature of President Martin Van Buren’s interference in the defendants’ right to due process of law. From this perspective Spielberg has taken the story down one of the slippery slopes that docudramas always risk, by compressing the known to fit the exigencies of feature film narrative form. Amistad’s development of crisis into climax, however, is a logical culmination of the film’s narrative structure. By providing words for his final (and successful) defense, the cinematic Cinque through his representatives demonstrates that articulation allows empowerment.

The presentation of Adams’s Supreme Court speech parallels a comparable climactic moment in Schindler’s List, Spielberg’s previous film, when Oskar Schindler addresses his assembled factory workers before he flees from the invading Russian army. Both scenes bring to a climax relatively unknown (“lost”) stories that occur within holocaust settings (Freedman B1). Both present speeches of self-definition. The moments in both cases show that central male characters have undergone a process of enlightenment and change. Commitment makes it necessary for both to speak. Schindler, on the verge of becoming a victim himself, agonizes to those he has saved that he could have done more; Adams finds the strength to respond to the injustice of the system that he and his own father have helped build. Both scenes are addressed explicitly to the contemporary audience watching the film that presents them by suturing us into the optical point of view structure of the on-screen audience listening. Adams’s speech in Amistad additionally allows him to turn from the row of busts to the elevated bench holding the justices of the Court, reaching beyond even listeners in the gallery to address the larger audience of history. Both speeches bring crisis to climax; they are final responses to the cruelest imaginable exploitation of victims. Both speeches ascend appropriate emotional peaks. Both speeches state explicitly, with all the clarity of melodrama, the moral issues that are at stake in their worlds. As penultimate dramatic moments in docudramas, the addresses of Spielberg’s Oskar Schindler and John Quincy Adams remain rooted in history, a rooting that argues for the instructive value of the moral perspectives they articulate. From the standpoint of docudrama, the specific historical accuracy (particularly dialogue) is secondary to the validity of the ideas the scenes argue for. Taken together, the films suggest that Spielberg as docudramatist is drawn to history as male melodrama, that is, true stories about men brought to the point where they must state moral positions defending victims of injustice.

Reception

Despite—or perhaps because of—the docudramatic logic of its argument, Amistad performed poorly at the U.S. box office, grossing only $44 million against production costs of $40 million. Schindler’s List by comparison earned $96 million domestically against costs of $25 million.12 Concerns expressed in the critical reception of the film suggest several reasons why its theatrical run reached so many fewer viewers than Spielberg’s previous docudramatic effort: history in general, and slavery in particular, may have problematic rather than automatic appeal as a feature film subject area; issues of historical accuracy rendered the film’s presentation suspect; and perhaps most damaging to the box office, the publicity over the plagiarism suit brought against the film even before it was released may have damaged its credibility. These concerns are worth examining in turn.
The comparable critical and box office success of not only *Schindler’s List* but also *Saving Private Ryan* indicate that Spielberg has established a track record in delivering serious historical subjects to a large audience. One critic, noting the “debate over the appropriateness of a white director’s presenting African-American history” (Ansen 65), implies that the same kind of perception of appropriation that plagued Spielberg’s *The Color Purple* may have dampened interest in *Amistad*. Other comments by critics reflect ambivalence toward the film’s presentation of the slave experience, particularly the portions of the story depicting the mutiny. The sense of cultural alienation that some critics saw as evocative of the experience of the enslaved also made the African characters inaccessible, so that the presentation of the slave as “Other” actually “fails to make a foreign culture comprehensible to [an] audience” (Shargel 62). (Inter)cultural experience points toward the complexity of the *Amistad* story. The challenge of sustaining the sense of intercultural similarity and difference extends throughout the film, culminating in the central relationship between Cinque and Adams. Conveying “the prodigious depiction of several cultures, languages, and dialects intermixing in the New World” (White 37) is only one element of the complexity of the narrative, that also must keep clear the conflation of political and legal issues that occurred when an American president, concerned with an upcoming election campaign, became involved in the dispensation of a court case demanding a position toward slavery.

Concerns over historical accuracy reached more than historians when Dreamworks, the producing studio, sent a free “study guide” for the film to hundreds of schools. The study guide raised concerns because it ignored the difference between fact and fabrication by encouraging students to accept created characters as historical fact (Foner A13; Leo 12; Rich A15). These objections centered on the study guide’s suggested discussion of the role of the Morgan Freeman character, a composite drawn from several abolitionist figures. One critic asked, “Would we have wanted students to study black women in the Civil War South by analyzing lines delivered by Butterfly McQueen” (Rich A15)?

Questioning the film’s historical validity on the basis of its main characters equates history with biography. Prior treatments of the *Amistad* episode have also used strategies of characterization to put the pre-Civil War legal and political issues it raises on an accessible, personal level. Spielberg’s *Amistad* differs from its predecessors because it approaches its material on contemporary, docudramatic terms in viewing the struggle for freedom of the Amistad Africans as a matter of victims progressively attaining empowerment through articulation. It makes more sense to test its validity by asking, is “empowerment” a valid paradigm for the *Amistad* story? and I will do so momentarily.

The fact that the film foregrounds storytelling as a counterforce to injustice highlights the multiple ironies of writer Barbara Chase-Riboud’s plagiarism charges against the film. In brief, on the basis of claims that Dreamworks had taken plot and characters from her 1987 novelization of the *Amistad* story, *Echo of Lions*, Chase-Riboud first sought an injunction to prevent the release of the film, then sued for monetary damages (Weinraub A1; Jet [8 Dec. 1997]: 32-33). Dreamworks countercharged she had lifted material from the earlier Owens novel *Black Mutiny* to which it had secured the rights. At bottom one storyteller was attempting to prevent another from presenting the process of witness and testimony that is the story’s reason for being. Shortly thereafter the *New York Times* charged Chase-Riboud herself with plagiarism, documenting how extensive material in one of her earlier novels, *Valide:*

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A Novel of the Harem, had been lifted wholesale without attribution or acknowledgment from a 1936 work of nonfiction, The Harem. Chase-Riboud stated she believed “reference books, encyclopedias, any kind of historical materials, are in the public domain” (Loke A34). A New York Times editorial responded that use of a work in the “public domain” meant only that one did not have to pay royalties for its use, a matter separate from issues of intellectual honesty and attribution of material (Klinkenberg A18).14

Shortly afterward Chase-Riboud dropped her lawsuit. Beyond opportunism and self-promotion, it is possible to view her response to the film as one impelled by an understandable sense of appropriation. It is not simply a matter of Spielberg getting the biggest audience. Chase-Riboud’s version allows its black characters to be more engaged in story events than does any other Amistad narrative. A fictional black abolitionist character named Braithwaite supports the defense. James Covey is developed as a hero and a romantic interest for Braithwaite’s daughter, Vivian. Cinque and the others of his group are far more articulate much earlier and contribute more to their defense. Cinque’s experiences are presented directly, rather than filtering his point of view, as the film does, through Baldwin, Covey, and Adams, all English-speaking interlocutors. In Chase-Riboud’s telling, black characters are more directly responsible for their own story. In a larger sense, however, Chase-Riboud still has presented the Amistad material through the basic plot and character conventions of narrative fiction. Her version, much like Spielberg’s, and those of other Amistad historians, is no less “Orientalist” as it appropriates” its historical material in selecting it to tell and adapting it to an established Western system of representation.15

To pursue the possibility that Spielberg has (ironically) appropriated a story of empowerment, it is necessary to address the way that John Quincy Adams, a white elder statesman, essentially “takes over” the story as the film narrative progresses from crisis to climax, an element characteristic of all Amistad narratives. Arguably what Spielberg has done by making the film is comparable. This position, however, equates appropriation with mediation. Neither Anthony Hopkins’s Adams nor Spielberg tells the story as his own, but instead both ensure that it reaches important audiences. Rather than appropriate the story, it is more accurate to say that Adams and Spielberg help complete its telling. In the feature film packaging that foregrounds the roles of actor/character and director, however, their agency readily appears as authorship.

Clearly the question then becomes one of whether or not Amistad truly is a story of empowerment. Do the Africans the story is about gain power in any sense? Have they freed themselves? Consider first the negative: the film’s ending tries to suggest empowerment has occurred by showing the group of free(d) Africans on a ship, returning to Africa, as a direct consequence of the Supreme Court decision. The cinematic transition elides the year that the group spent waiting to leave, laboring for wages, and laboring at religious lessons so that they could return as converts and missionaries representing their sponsor. Have they articulated their case? Spielberg (contrary to the historical record) has Adams and Cinque meet to suggest that what emerged was a collaboration of equals, so that Adams presents Cinque’s case. The film shows a white elder statesman finishing the story—because he speaks, the story becomes his, so that even his ancestors, not Cinque’s, occupy the pictorial and figurative background of his speech. All Amistad narratives agree that the story centers on John Quincy Adams as the trial moves to the Supreme Court, where the main issues for Adams were not slavery but the Van Buren administration’s interference in judicial process and its misuse of
American treaties. Did the case of the Amistad Africans strike a blow against legalized slavery in the United States? Several years after their decision in the Amistad matter, a majority of the same justices would in fact uphold the legality of American slavery in the Dred Scott decision.

The counter-argument to these observations, grounded as they are in historical consensus, is that they confuse “power” with “empowerment,” particularly as the notion of “empowerment” has meaning for the late 1990s audience for whom the film was made. “Empowerment” means primarily “to invest with power.”16 Contemporary culture adds the sense that individuals can in fact enable themselves. The Amistad Africans became empowered first, when they freed themselves from their chains and took up knives, and again when they became litigants in the American courts. Their empowerment then entailed not only liberation but also recognition. True, their case did not overturn America’s pre-Civil War slavery laws. What it did instead was to force the American legal system—through its own processes, including testimony and agency—to acknowledge their status as autonomous human beings rather than property. Spielberg’s adaptation shifts from presenting the victims’ “true story” to become a story of the legal system itself. Characters serve to show the vulnerability of the judicial system to political pressure. In the moral view of Spielberg’s docudrama, Cinque and Adams qualify as “great men” because their articulations help preserve the integrity of American law.

It is in this most fundamental respect that Spielberg tells the Amistad story. The film adapts the history of what Adams (and the rest) said and did as a series of encounters necessitated by the justice system, leading to that system’s progressive recognition and acknowledgment of human worth. In the film’s fundamentally conservative view of these events, empowerment results from opportunities for articulation that the legal system forces itself to provide. While creating injustice, the legal system in this view is not inherently flawed because it also possesses the means of self-correction.

As a docudrama Amistad then shows the passage its characters undergo from victimization to trial and articulation. As a docudrama, the film foregrounds the emotional import of the story against the background of its political and legal history. As a docudrama, the film works to persuade us to see a traditional view of American jurisprudence as moral truth.

Notes

1In particular, see Chapter 4, “Telling Stories With Arguments and Evidence” (107-33).
2Blurred Boundaries questions the implications of the “blurs” between fiction and nonfiction forms (particularly those emerging from TV). Nichols’s most basic concerns remain the validity of any assertions possible about the external, historical world when such mergers occur. In maintaining the distinction between documentary and fiction, Nichols extends the story/argument duality of *Representing Reality* to distinguish authenticity of indexical evidence from the inventedness of narrative interpretation, a step necessitated by the marketing of “reality TV” products as actualities. The difference becomes even more critical when ostensibly nonfiction forms such as “reality TV” programs and even news broadcasts assume the strategies of narrative fiction.
3An “index” is one of three kinds of signs defined in the semiotic theory of C.S. Peirce. An index functions as a sign because there is a direct, motivated relationship between signifier and signified. See *Philosophical Writings of Peirce*, ed. J. Buchler (New York: Dover, 1955): 102.
4What reality TV and network news reenactments do feed is a desire to feel a sense of connectedness to the world. “We hunger for news from the world around us but desire it in the form of narratives, stories that make meaning, however tenuous, dramatic, compelling, or paranoid they might be” (ix). This feeling of connection comes from the simulation of the historical world. Consumption of reality TV products provides a
sense of participation in a fictional kind of confessional. "Reality TV offers communion drawn from atomized, dissociated figures who remain so; a sense of engagement, empathy, charity, and hope built on a disengaged, detached simulation of face-to-face encounter; and a sense of coherence and continuity, if not suspended animation, at a time when ideas and values feel worn, ineffective, abused, and bandied about" (56-57).

When "the historical world becomes reduced to a set of simulations and idle talk" (52), the result cannot be knowledge that provides a sound basis for sober discourse about the world. When simulation is subordinated within a traditional narrative structure, narrative hegemony fosters reception as detached consumption exactly the opposite of a more direct, Sartrian engagement with the external (53). Works that re-create reality can offer worthwhile historical discourse if they put readers on notice about the status of a text, and discourage unthinking, passive consumption.


6Accounting for events in a dramatic as well as in a documentary mode of representation leads to an emphasis on character and human agency. The point: both dramatic features and documentaries put individuals in the forefront of the historical process. Which means that the solution of their personal problems tends to substitute itself for the solution of historical problems. More accurately, the personal becomes a way of avoiding the often difficult or insoluble social problems pointed out by the film (Vision 57).

7Rosenstone agrees that storytelling does not preclude historical film from truth telling, and so from presenting history:

At the outset, we must accept that film cannot be seen as a window onto the past. What happens on screen can never be more than an approximation of what was said and done in the past; what happens on screen does not depict, but rather points to the events of the past. This means that it is necessary for us to learn to judge the ways in which, through invention, film summarizes vast amounts of data or symbolizes complexities that other-wise could not be shown. We must recognize that film will always include images that are at once invented and true; true in that they symbolize, condense, or summarize larger amounts of data; true in that they impart an overall meaning of the past that can be verified, documented, or reasonably argued (Visions 71).

8The risk of re-creational historical storytelling becomes the foregrounding of emotion (rather than idea) characteristic of melodrama. Rosenstone elaborates the risks accordingly:

The substitution of certain overwrought forms of emotion for a deeper understanding of personal and social realities [sic]. A way of blinding ourselves to social, political, economic—even personal—analysis and understanding. Yet melodrama has been the dominant mode of the Hollywood historical film, thus a major source of criticism of the historical film (Visions 240).

9Other feature film docudramas released in 1997 include Shine (Scott Hicks), Donnie Brasco (Mike Newall) and The People vs. Larry Flynt (Milos Forman). All six films develop their "true stories" through victim and trial configurations.

10Certainly Anistad was the most successful commercially of the three 1997 docudramas focused on racial issues: according to Variety, Anistad grossed $44 million during its run in American theaters, compared to $13 million each for both Rosewood and Ghosts of Mississippi.


12Figures from Variety 1997-98.


14The editorial stated, in part: "The clear burden of her suit and commentary is that the unattributed borrowing of plot elements is theft, while the unattributed, unmarked quotation of passages from a nonfiction book is merely a matter of words. That is a distinction without a difference. The very protection Ms. Chase-Riboud insists upon is undermined by her own practice. No artistic license can justify that."

15Edward Said has defined “Orientalism” as strategies of “location” and “textual formation” (20-21) in Western discourse as it “manages” the East:

Taking the late eighteenth century as a very roughly defined starting point Orientalism
can be discussed and analyzed as the corporate institution for dealing with the Orient—
dealing with it by making statements about it, authorizing views of it, describing it, by
Teaching it, settling it, ruling over it; in short, Orientalism as a Western style for dominat-
ing, restructuring, and having authority over the Orient (Edward Said, Orientalism [New
York: Pantheon, 1978]: 3).  

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