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Keeping Company in Hollywood: Ethical Issues in Nonfiction Film

It was in 1961, in the notorious thirteenth chapter of his first book, *The Rhetoric of Fiction*, that Wayne Booth took a flying leap into ethical criticism, an arena guarded by great souls like Plato, Samuel Johnson, and Leo Tolstoy, but primarily inhabited, fifty years ago, by narrow moralists from the Legion of Decency. In 1966 Booth told my class in contemporary theory at the University of Chicago that he had spent more time defending that chapter than the other twelve put together, but it was not time wasted, because it put that issue onto the table, where it turned into a busy field of inquiry. Booth's central thrust in the 1988 *The Company We Keep* was that, because man is a social animal, fiction is ethically formative: that our lives are significantly enriched or impoverished, our character strengthened or enfeebled, our values challenged or confirmed by the narratives that we read. Booth's views have attracted allies like Martha Nussbaum, and antagonists like Hillis Miller and Richard Posner.¹

While I have elsewhere expressed my dissent from some of Booth's particular textual analyses, my discussion of "ethical cheating" in fiction films presumed his basic position on the ethics of fiction, and the essay that follows is an attempt to extend Booth's concerns in the area of narrative ethics to the nonfiction film.² By nonfiction film, I refer to biographical and historical films that dramatize actual events in the lives of real people but use professional actors to represent the agents. I am not going to be discussing documentary films, which can raise very different ethical issues on top of, or in place of, the ones I shall be discussing here.³

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Within the films I shall be discussing we can discern at least four arenas where narrative ethics operates, three of which were of concern to Booth in *The Company We Keep*. The first and perhaps most important is the **ethics of rhetorical purpose**, which applies to the final cause, the end or effect elicited or demanded of us by the film, and the ethical quality of that rhetorical purpose, its implications for human flourishing. The second is the **ethics of the told**, which applies to what is represented in the film: the agents in the film, their actions, choices, and thoughts as we are made to understand them from the words and images from the beginning through to the end. The third is the **ethics of the telling**, which covers narrative technique, how the story is told, the ethical consequences of decisions made about how to convey a particular story, technical decisions that can make the audience more or less sympathetic to individuals, their ideas, and their moral choices. The ethics of the telling will naturally involve techniques that film shares with verbal narrative (e.g., prolepses) along with others that are unique to film (e.g., split screen, jump cut, dissolve). These three modes of ethics correspond as well to three of the four causes in Aristotelian analysis, the final, formal, and efficient causes. Because the ethics of rhetorical purpose stands to the ethics of telling and the ethics of the told as the end to the means, these aspects are necessarily interconnected, although they need to be thought about as potentially separable issues.

The fourth cause, the material cause, marks the key difference between verbal and film narrative, and while words and images are, as such, ethically neutral, the material cause of narrative may in fact carry major ethical consequences as such; there may well be an **ethics of film**.⁴ Booth's book, subtitled *An Ethics of Fiction*, restricted itself to analyzing written narratives and representational poetry, and thus was not explicitly concerned with this issue, although Booth recognized that our ethical engagement with narrative included not only verbal narrative but also the feature films and television dramas we sought out, and even the hundreds of "expensively crafted thirty-second narratives" that come at us in the intervals of commercial TV programs (39). This essay has no grand theory about the relation between words and images as such, but it will touch where necessary upon the ethical issues that arise out of the differences between the genres of history and historical film, biography and biopic. On the other side, except for one key point raised by the penultimate montage sequence in Spielberg's *Munich*, this essay will have very little to say about the ethics of telling via film technique. This is not for lack of interest but for lack of space: any ethical discussion of the manifold technical choices of a single feature film would require a monograph.

We might isolate a fifth mode of ethical criticism, what we might call an **ethics of representation**, a special aspect of the ethics of the told that stems from the historian's obligation to factual truth rather than mere consistency and coherence in the story line, or one of the many mythical versions of truth. *The Company We Keep*, as an ethics of fiction rather than of history, only obliquely mentions this obligation, and only briefly takes up the way in which history is inevitably plural, not only because any event worth writing about can be told from different perspectives, but, more globally, because "every extended historical account both expresses (or implies) a cosmic myth of its own and criticizes all other possibilities" (362–363). This

essay will deal, at this level, with the implications that make historical events pregnant with ethical significance for other times, but also with the ways in which historical films inevitably say more than they can possibly know about the past, and about the implications of these retail instances of distortion and falsification. Finally, we might split off yet one more aspect of the ethics of representation with which Booth's book does not deal, the ethical stance of historians toward their subjects, and toward informants who allow them access to their subjects. James's *The Aspern Papers* comes to mind as a fictional treatment of this ethical issue, but it is a common problem in journalism, one that will come up in our discussion of *Capote*, although it needs to be said that this is an issue that comes up for documentaries more than for nonfiction films such as those discussed here.

ETHICS AND HISTORY

One would expect the relationship between ethics and history to be unproblematic: the philosophers who, like Plato, objected to poetry because the tales poets told were not the truth should favor the narrative discourse of history. And although some of the defenders of poetry against the Platonists might argue, with Sidney, that the idealizations possible through literature would be "more doctrinable," better teaching tools, than the truth of history, no one I am aware of suggests that history should be falsified for the sake of good morals.⁵ When professional historians raise questions about ethics, the topic is less likely to be the ethical impact of their work on readers than the ethics of individual historians in their treatment of primary and secondary sources, issues of "getting it right" (truth and fairness) and "ripping it off" (plagiarism). Contemporary philosophers of history are more willing to raise ethical questions about historiography, along with the issues one might expect in postmodern times about the limits of representation of the past in narrative.⁶

It makes sense to discuss history films and biopics as histories and biographies but one needs to add that they are not much like the treatises that academic historians write. They are in some ways more like histories and biographies written for the mass market and in other ways more like historical novels. But to the extent that nonfiction films are like histories and biographies, they implicitly assert that the world they construct corresponds in some sense to the world we live in. There will inevitably be many different versions of a human life or a historical event, all of them providing different versions of the truth. But some constructions of the past will be more accurate than others, and with all due respect to the historiographical relativism, historical falsehood is not pleasant fiction but a species of lie.⁷ In addition, films based on written histories and biographies make changes in those purely verbal texts, sometimes but not always out of necessity. Minimally we need to allow for the sort of license we give fiction films that are adaptations of written stories and novels, and to think of the film version of a historical text as a separate work rather than something that is to be judged for goodness, truth, and beauty purely by its fidelity to the written word.

To the extent that nonfiction films are like historical novels, any ethics of the nonfiction film is going to bear similarities to the ethics of fiction films, and to the ethics of fiction in general. A good history film will enrich our lives, strengthen our character and challenge our system of beliefs. A bad one may involve ethical cheating of the sort I discussed last year in the pages of *Narrative* as a nearly universal form of hypocrisy, those films that shrieve us with a show of lofty motives (moral, political, or religious) while inviting us to court our own degradation and that of others as we become involved in the lengthy and graphic representation of brutal rape or revenge killing or torture, as in Gaspard Noë's *Irreversible*, or Sam Mendes's *Road to Perdition* or Mel Gibson's *The Passion of the Christ*. Our own baser motives are screened by appeals to ethics or religion, while the pornographers of violence collect at the box office. On the other side, I argued, it can be difficult to bankroll a film that stages an ethical and spiritual conflict in a way that does something like justice to the complications of an issue—and here my example was capital punishment in *Dead Man Walking*—a nonfiction film made by Tim Robbins after Sister Mary Prejean's autobiographical narrative.

One would expect nonfiction films with serious ethical flaws to arrive every week, that admirable ones would remain relatively rare. But for some reason 2005 also produced a bumper crop of nonfiction films that entertain complex questions while transcending cheap shots and easy forgiveness.⁸ Below I shall be discussing George Clooney's *Good Night and Good Luck* and Bennett Miller's *Capote*, and then going into somewhat more detail with Steven Spielberg's *Munich*.

HISTORY AND FILM: A FEW AXIOMS

Historians and biographers make a statement or argue a position about the past that will be relevant to the readers of their own time and the same goes for nonfiction film. There is, or ought to be, a reason why a biopic about Alexander the Great or Truman Capote is being made: because the character of the protagonist speaks to us in the present. History films are inevitably presentist, without apology: Issues in the present light up certain events of the past, which can teach us about how we got to our present situation, or warn us about past failures we may be able to avoid.

History film is historiography with the special powers and limitations of film. The added features are obvious: one is density of visual detail, which allows a feature film, with the requisite financing, to convey more about the texture of life of a past era in a few shots than a book about the period could in many pages.⁹ But there are also serious limitations; here are three:

A written history can almost effortlessly convey doubt about the bias of a source, can present conflicting evidence, and the multiplicity of motivations. Feature films have to take a reasonably clear line about what happened: they cannot turn into *Rashomon* at every point. In general, high budget history films attempt to place the viewer as unproblematically as possible in the reproduced historical *mise-en-scène*, ruling out even Brechtian techniques to alienate the audience and prevent mindless

immersion in the historical world. (An exception to this rule is Alex Cox's *Walker* [1987], which strives through obvious anachronisms to keep the audience aware that it is a late twentieth century enactment of the 1855 take-over of the Nicaragua by William Walker, an American soldier of fortune, the rhetorical point being to keep the audience aware of the relationship of this episode to the 1986 funding by the Reagan administration of the rightist Contras then fighting the left-wing Sandinista regime.) Alternative re-enactments are generally not possible except when the historical event portrayed is itself an investigation that fails to come to a clear conclusion. Costa-Gavras's *Z* (1969) and Oliver Stone's *JFK* (1991) fall into this category. A semi-documentary equivalent would be *The Thin Blue Line* by Errol Morris (1988), which takes an analytical stance, presenting filmed re-enactments of some of the witness testimony at the Texas murder trial of Randall Adams so as to call into question the accuracy or veracity of that testimony.¹⁰

The second issue is poetic form: written histories can be shapeless chronicles, and too often are, but the true stories of history films must be trimmed to have a beginning, middle, and end. Most loose ends need to be tied up, and factors that would produce them may have to be ignored. This, as we shall see later, can produce distortions of fact, sometimes significant ones, by shaping the film in terms of a poetics of pleasure.¹¹

In addition to eliminating complexities, there is a temptation in history films to reduce the number of significant characters and to "collapse" multiple agents who play similar roles, which inevitably distorts the facts. For example, Wallace Shawn complained (in a letter published in the *New Yorker* on April 3, 2006) that Bennett Miller's film, *Capote*, erroneously portrayed his late father, *New Yorker* editor-in-chief William Shawn, accompanying Truman Capote to Kansas for the execution of Hickock and Smith. Shawn did support Capote with advances, and *In Cold Blood* was serialized in the *New Yorker* before being published in book form by Random House. But according to the Gerald Clarke biography of Capote, the writer was actually accompanied at the execution by his Random House editor, Joseph Fox (Clarke 355). Dan Futterman's screenplay evidently collapsed the roles of Capote's two editors into one because it made for a better story, better in the sense that there would be fewer minor characters to keep track of.

The third issue is narratological. In written history, the author can editorialize at will about the decisions his agents make. But the conventions of nonfiction film almost require that any skepticism about the efficacy or morality of what the protagonists do be dramatized by characters within the film. So the film may be forced, in violation of strict truth, to create *raisonneurs* to speak for the auctor absconditus. The characters of William Paley, in *Good Night and Good Luck*, of Harper Lee, in *Capote*, and of Carl and Robert in *Munich* seem to have been constructed at least in part to serve in such roles, with results we will discuss below.

Good Night and Good Luck

Good Night and Good Luck is the narrative of how Edward R. Murrow and his producer, Fred W. Friendly, slew the dragon of Senator Joseph McCarthy with one broadcast in the depths of the blacklist era. Perhaps under the influence of comedies

from *Nothing Sacred* to *Broadcast News*, I tend to be suspicious of serious films that cast journalists as heroes, particularly nonfiction films such as *All the President's Men*, which through plausible and exciting drama presented Robert Woodward and Carl Bernstein as the team that brought down the Nixon presidency. Those who like me had been alive and conscious in 1972, however, were able to recall that the actual hero of Watergate was a hardnosed judge named John J. Sirica, who had refused to credit the story that the burglars were independent operators, and whose relentless questioning began the unraveling of the connections between James McCord and the Committee to Re-elect Nixon.

I was prepared to be similarly skeptical about canonizing Murrow: Murrow was far from being the first journalist to tangle with McCarthy, and McCarthy was almost certainly already on the skids by March of 1954.¹² But I was convinced by Thomas Doherty's evaluation, in *Cold War, Cool Medium*, that Murrow accelerated McCarthy's fall. Doherty's argument is that it was precisely because television had a tradition of being a timorous centrist medium, unlikely to get ahead of the pack, that Murrow had such an impact. The *See It Now* exposé of McCarthy's sloppy, wild accusations of treason and espionage, reinforced by McCarthy's incompetent refutation, in effect declared open season on Tail-Gunner Joe. Murrow thus laid the groundwork for that even more famous television moment at the Army-McCarthy hearings in June when Joseph Welch asked the junior senator from Wisconsin: "Have you left no sense of decency?"¹³

One form of distortion in Clooney's film emerges from the telescoping of time in portraying the aftermath of the McCarthy broadcast; the screenplay suggests that Murrow paid for his exposure of McCarthy by losing the sponsorship of Alcoa for his key vehicle, the weekly news show *See It Now*. In fact it was not until a good two years after the McCarthy broadcast that Alcoa pulled out, and its reasons were not political but the usual commercial ones: the corporation wanted the higher ratings of an entertainment program more than than it valued the prestige of sponsoring Murrow.¹⁴

More important, by clearing the stage of all the agents besides McCarthy, Murrow, and Murrow's colleagues at CBS, George Clooney's film reduces to a duel what was clearly a much more complex historical process. Even in that duel, the two sides should not be thought of as a lone knight and a dragon or as David and Goliath. McCarthy may have run a senatorial committee riding a wave of anti-Communist hysteria, but he was a lone senator who had already fatally antagonized the Army, the Eisenhower administration and his colleagues in Congress. And Murrow was sheltered by William Paley, the head of CBS, a powerful businessman with a close friend and golfing partner in the White House.

But Clooney's script, whatever its elisions, is relentlessly intelligent in probing the ethical implications of the news business, and perhaps never more so than in the sparring between Murrow and Paley over the question of censorship as they discuss the demise of *See It Now*:

PALEY: I never censored a single program, I hold onto affiliates who wanted entertainment from us, I fight to keep our license with the same politicians that you were bringing down, and I never, never said no to you. Never.

MURROW: I would argue that we've done well by one another. I would argue that this network is defined by what the news department has accomplished. And I would also argue that never saying no is not the same as "not censoring."

PALEY: Really. Well, you should teach journalism... You and Mr. Friendly.... [pause] Let me ask you this: Why didn't you correct McCarthy when he said that Alger Hiss was convicted of treason? He was only convicted of perjury. You corrected everything else. Did you not want the appearance of defending a known communist? I would argue that everyone censors... including you.

MURROW: [pause] What do you want to do, Bill.

PALEY: I'm going to take your show from half an hour to an hour. But, it won't be a weekly program. And, it won't be Tuesday night.

It is easy to understand why Clooney (himself the son of a television newsman) might be willing to give Murrow more credit than was due. The framing of the political drama with Edward Murrow's address to the guild of broadcasters, urging them to show courage in questioning those in the seats of power, was a way of speaking to the mainstream media in 2005, when the Republican party was in firm control of all three branches of the government, a monopoly of power it did not have even in the Murrow era. Clooney's film seemed to have been aimed as much at the Washington journalists today—including Bob Woodward, some thirty years after his own heroic moment—journalists whose desire for "access" to secret sources of information allowed the Bush administration to manipulate the news as well as stifle any serious investigation of its activities. It may be going too far to credit Clooney's film with having made any major impact on political journalism, but, writing in April of 2006, both print and broadcast media seem to be much more actively raising questions about the current administration's motives and its competence at governing than at any time in the past.

Capote

Bennett Miller's *Capote* is a biopic that is itself an ethical critique of its protagonist, the author of *In Cold Blood*. As Truman Capote becomes involved with Dick Hickock and Perry Smith, who murdered four members of a Kansas family in the process of a robbery, gathering intimate details and psychological portraiture that will allow him to write his true crime narrative in the form of a modernist novel that he hopes and believes will make his fame as a writer enduring. Capote's tacit bargain with the murderers, especially the more complex killer, Perry Smith, is that they will share the intimate details of their lives because he is writing a book that will humanize them, and that he will help them with their appeal process as much as he can.

But a nonfiction novel, unlike mere reportage, demands a strong ending, so that Capote desperately needs for the appeals process to end and for Hickock and Smith to be hanged so that he can finish his book and reap the expected rewards of fame

and wealth. So, just as he lied about the already chosen title of his book to keep Smith from knowing the stance he was taking, Capote tells Smith he was unable to find them a new lawyer when in fact he had not looked for one and had no intention of doing so. After witnessing the execution, Capote is emotionally devastated, but his friend Harper Lee's response is that he needs to learn to live with what he has become:

CAPOTE: It was a terrible experience. And I will never get over it.

LEE (over phone): They're dead, Charley. And you're alive.

CAPOTE: And there wasn't anything I could have done to save them.

LEE (over phone): Maybe not. The fact is, you didn't want to.¹⁵

Perhaps it is possible to register a critique of what is already an ethical critique. Like Capote himself, Bennett Miller is creating a nonfiction novel on film, and he too is under pressure to give it shaping form as a story. He does not tell us the entire story of Capote's life, as his source, Gerald Clarke's biography, had done. He concerns himself strictly with the story of the writing of *In Cold Blood*, concluding with Capote on the airplane back to New York to finish his book. Just before the end titles, Miller provides his own ending:

In Cold Blood made Truman Capote the most famous writer in America.

He never finished another book.

The epigraph he chose for his last, unfinished work reads, "More tears are shed over answered prayers than unanswered ones." He died in 1984 of complications due to alcoholism.

Miller's clear implication is that Nemesis, goddess of payback, was on the job here. Having prayed for the death of his two murderers so that he could finish his book, having had his prayer answered, Capote was punished by never being able to finish another. The epigraph, like the alcoholism, implies that he took out his guilt on himself in a fatal form of writer's block. But the fact is that, even though he never matched its significance, Capote had a creative career after *In Cold Blood*, publishing the collections *The Dogs Bark* and *Music for Chameleons*, plus several uncollected short stories, along with the posthumously published novels *Answered Prayers* (indeed unfinished at Capote's death) and *Summer Crossing*. The sharper irony is that it was not Capote but Miller's moral *raisonneur* in the film, Harper Lee, who never published a book after her Pulitzer Prize winning novel, *To Kill a Mockingbird*.

Aside from putative spectacles supposedly staged by Nemesis,¹⁶ there are important ethical issues about journalism, particularly in the genre of True Crime, that

are hard to resolve. Some of these are raised in Janet Malcolm's 1989 book, *The Journalist and the Murderer*, which centers on the lawsuit between army doctor Jeffrey MacDonald and journalist Joe McGinniss. MacDonald had been convicted in 1979 of murdering his wife and two daughters in 1970; McGinniss attached himself to MacDonald during his appeal, and charmed him with the promise to demonstrate his innocence. Going further than Capote ever did, Joe McGinniss officially joined the defense team (primarily to keep his notes from being subpoenaed by the prosecution), used his position there to scare off other writers who wanted access to MacDonald, and made MacDonald a partner in his contract with Random House—he was to receive a percentage of the royalties and film rights. But McGinniss's book on the MacDonald case, *Fatal Vision* (1983), presented MacDonald not as an innocent victim of the prosecution but as a narcissistic psychopath and a pathological liar. MacDonald sued McGinniss and, while the case was in the hands of a jury, agreed to accept a settlement of \$325,000.

Malcolm argues at first that “every journalist who is not too stupid or too full of himself to notice what his going on knows that what he does is morally indefensible” (3): journalists make their livings by betraying the people whom they encourage to trust and befriend them. “Like the credulous widow who wakes up one day to find the charming young man and all her savings gone, so the consenting subject of a piece of nonfiction writing learns—when the article or book appears—his hard lesson.... He has to face the fact that the journalist—who seemed so friendly and sympathetic, so keen to understand him fully, so remarkably attuned to his vision of things—never had the slightest intention of collaborating with him on his story but always intended to write a story of his own” (Malcolm 3–4). As the last clause suggests, though, writing a story of one's own, an allegiance to the truth as one sees it, is precisely what makes one a journalist rather than a mere publicist.¹⁷ Journalists are willing to lie and deceive to get that story, but the lucky ones don't need to lie and deceive, because those who become journalistic subjects, regardless of their experience of journalism, seem to want to expose themselves to the writer's gaze. Malcolm demonstrates how far this goes by presenting damning interviews she conducted with Joe McGinniss—who of all people must have known that journalists tell their own stories, not their subjects'. Malcolm's conclusion defends the product of that ethically indefensible human relationship, one that applies to *In Cold Blood* as much as to *Fatal Vision*: “What gives journalism its authenticity and vitality is the tension between the subject's blind self-absorption and the journalist's skepticism” (144).

Those of us who eat meat cannot sneer at the blood on the hands of the butcher, and those of us who are informed and delighted by the nonfiction books that turn their subjects inside out cannot sneer at the ethical corners that get cut in the pursuit of the story. *In Cold Blood* could not have been written without Capote bribing his way into the Kansas State Penitentiary and making two murderers believe he would do what he could to save them, but it would not have been the work it became except for Capote's deep imaginative sympathy with Perry Smith. If Capote failed Smith, he also portrayed him with “authenticity and vitality” from his childhood to the farmhouse in Holcomb, Kansas where he killed and the prison in Lansing where he died. Bennett Miller's *Capote* betrays its subject too, in outing the crudeness of Capote's

literary ambitions without showing us the evocative power of his prose. And one ethical difference of Miller's film from Janet Malcolm's book about journalistic betrayal is that Malcolm at least understands that her own hands are stained.¹⁸

Munich

Steven Spielberg's *Munich*, screenplay credited to Tony Kushner and Eric Roth, and based on the book *Vengeance* by George Jonas, tells the story of Israel's response to the murder of eleven Israeli athletes and coaches at the 1972 Munich Olympics by a Palestinian terrorist group called Black September. The story is focalized primarily through a character called Avner Kauffman, a security agent at El Al who is recruited by the head of the Mossad in a meeting with Golda Meir herself, to lead a commando charged with assassinating eleven Palestinian leaders living in Europe who, he is told, were responsible for the Munich massacre. That Avner's mission, officially code-named Wrath of God, may not be exactly what it seems, is hinted from the very outset, as his case officer, known only as Ephraim, makes him sign a contract dissolving his contract with the Mossad and tells him he is officially unemployed, just before assigning him two Swiss bank accounts for his salary and his operational funds. Irregular, off the books and eminently deniable, Avner's group goes after its targets in good military fashion, one after another, the order dictated primarily by the proximity of the targets and the relative ease with which the men can be dispatched with bombs or bullets.

The film falls naturally into a series of discrete episodes—too many episodes, for some film critics—but there are three aligned progressions that give the story shape. First, the assassination attempts become more and more difficult, and are less and less cleanly executed, until the last, which is a complete fiasco. Second, and conversely, the efforts of the group to locate the Palestinian targets have alerted other security agencies to their intentions and practices, including the CIA and the KGB, so that the Israelis become targeted prey as well as predators. Carl and Hans are themselves assassinated while the third, Robert the bombmaker, is killed in what may be an assassination, unless it is an accident, or even a suicide.

Finally and most important for the closure of the film, Avner and several of his comrades become more and more emotionally entangled in the moral ambiguity of their mission, which comes to a head in this scene:

STEVE: Why didn't you shoot him?

AVNER: There were bodyguards, civilians.

STEVE: Were they armed?

AVNER: Yes.

STEVE: Well then, they're not civilians. I'd have done it if you'd give me half a chance. I'm the only one who actually wants to shoot these guys.

CARL: Maybe that's why we never let you do it.

AVNER: We only go after our targets.

STEVE: Since when? I mean why are we worried about that now?

CARL: Do you have any idea how many laws we've broken?

HANS: It's time to stop your agonizing. It's counterproductive.

CARL (overlapping the above): Including, incidentally, the laws of the State of Israel, which has no death penalty.

STEVE: You know what your problem is, *habibi*: You're disorientated. Because the guys we're killing are dressed in expensive suits, and this is London and not some ugly Arab village. But it's the same old war we're fighting over the same old scrap of desert.

CARL (overlapping): I'm not disoriented, I'm keeping my sanity by occasionally reminding myself that in spite of the work I do I'm still at least in principle a human being, a thing which I've noticed some people surrender all too willingly.

STEVE (overlapping): It's just we've brought our war to Copenhagen and Kensington and it's not like these European anti-Semites don't deserve that! Until we learn to act like them we'll never defeat them.

CARL: We act like them, all the time. What, you think the Palestinians invented bloodshed? How do you think we got control of the land? By being nice?

STEVE: Somebody pull down this man's pants, see if he's circumcised. I think we have a double agent in our midst.

Carl suddenly goes for Steve. Avner and Robert get in between Steve and Carl, who keep struggling to get at each other.

CARL (to Steve, over the above): Don't you dare accuse me of that! My son died in '67, you foulmouthed son of a bitch! Everything you can ask I've done for Israel.

HANS (to Carl): Ask for a reassignment if this is so distasteful!

CARL (to Hans): Isn't it distasteful for you?!

STEVE: No. 'Cause the only blood that matters to me is Jewish blood. (then to Avner:) Nice job eh, nice job leading.

It is Carl, played by Ciaran Hinds, who consistently voices legal and moral doubts against the angry certainties of Steve (Daniel Craig). Meanwhile Robert (Mathieu Kassovitz) feels he is losing his soul:

ROBERT: All this blood, it comes back to us

AVNER: Eventually it will work. Even if it takes years, we'll beat them.

ROBERT: We're Jews, Avner. Jews don't do wrong because their enemies do wrong.

AVNER: We can't afford to be that decent any more.

ROBERT: I don't know that we ever were that decent. Suffering thousands of years of hatred doesn't make you decent. But we're supposed to be righteous. It's a beautiful thing, that's Jewish. That's what I knew, that's what I was taught. And now I'm losing it and, I lose that, that's everything, that's my soul.

As one can see, Avner as the leader consistently attempts to defuse these moral questions in order to keep the group focused on its mission, and never voices any doubts himself until the final sequence of the film. Nevertheless, Eric Bana's fine perfor-

mance progressively registers the psychological cost of Avner's denials, which persist until he finally breaks, quitting Mossad and exiling himself to Brooklyn from his native Israel because he can no longer stomach operating as his country's secret agent.

At this point, we need to bring up the issue of Munich's relationship to its source and to history. While the Spielberg film¹⁹ follows the Jonas book faithfully, episode by episode, Jonas has complained in the pages of *Macleans*, in an urbane, what-else-should-I-have-expected vein, about the changes Spielberg made to Avner's motivations. Jonas's Avner is as complicated as Spielberg's Avner, but in different, perhaps more disturbing ways. He is suffering from extreme battle fatigue rather than moral quandaries, which Jonas suggests are not likely to be a significant factor in the trained soldiers who make the best leaders of assassination teams.²⁰ Jonas's Avner becomes coolly homicidal rather than emotionally unbalanced when he discovers that the Mossad is threatening his daughter as a way of getting him back. And the reason Avner goes to Jonas with the entire story in the first place—revelations that in the early 1980s were considerably more shocking than they are today—is that the Mossad had cheated him of his wages, extracting his salary from the Zurich safedeposit box before Avner himself could get to it. It was not exactly the money, though it was too, in a way, the money: Jonas's Avner is a German Jew who has felt used and abused throughout his entire life in Israel by Eastern European Jews with lower standards of efficiency and honor, and losing the money is simply the last straw for him. But Jonas insists in "The Spielberg Massacre" that his Avner never expressed to him any of the guilt he expresses in the final scene with his case officer Ephraim.²¹

We can of course take the historical question one step further. Jonas's book came under attack when it was published twenty years ago by General Zvi Zamir, then head of the Israeli Mossad: Zamir claimed that Yuval Aviv, the real person whom Jonas represents as "Avner," was a low level functionary at El Al who never had any higher mission, and that the Palestinians assassinated in the wake of Munich were each dispatched by a separate team. Zamir repeated those claims around the time Spielberg's film came out.²² Of course when a government creates semi-independent teams of operatives, precisely to give it deniability, it is less than surprising that it subsequently denies all knowledge of them, particularly when the exposé portrays the Mossad not merely assigning assassinations but cheating its own agent out of his "retirement pay."

If the story Avner told Jonas is a lie, or if the true story Jonas told has been distorted by Spielberg, then *Munich* may be bad history, at least at the level of detail.²³ But my issue here is the ethics of rhetorical purpose, and the way *Munich* explores two significant and uncomfortable questions: the price that is paid by good men who are asked to perform evil deeds in what they feel to be a righteous cause, and the price that is paid by the countries who sponsor such deeds. These are not questions that most people like to think about, and the hysterical denunciations *Munich* has attracted reflect how desperately people want to evade the questions that Spielberg asks. It is entirely false, as anyone knows who has seen the film without blinders on, that *Munich* equates terrorism with counter-terrorism, as Leon Wieseltier brayed in

the pages of the *New Republic*.²⁴ One of the issues Avner's team explicitly confronts (in both the film and the book) is how much easier it is to damage your adversary when you don't care precisely who it is that gets killed, how much more difficult and how much more dangerous for them to take out a particular target without killing innocents and passers-by. More to the point is George Jonas's accusation in *Macleans* that Spielberg has "humanized monsters." Terrorists are not usually portrayed in films as individuals with beautiful wives and cute precocious children and aged parents and even artistic ambitions, as well as a collective cause. But Spielberg wants us to ask what has become of us if we cannot think about terrorism without having first dehumanized the terrorists.

As with *Good Night and Good Luck*, *Munich* was created as a history for our own time, and though the project was begun in the year 2000, the final shot of the film, over which the end titles roll, ends its pan by placing at the center of the frame the Twin Towers whose destruction shook American complacency that Islamic terrorism could never penetrate its borders. That final shot seems to translate to our own situation the questions of ethics and efficacy that Spielberg has raised about the response to Munich massacre thirty years ago. Those questions are still fresh: in our own response to radical Islam we are left with the dilemma suggested by the final confrontation between Avner and his pragmatical case officer, Ephraim:

EPHRAIM: If these guys live, Israelis die, Avner; you know that this is true.... You killed them for a country you now choose to abandon. You killed them for the future, for Munich, for peace.

AVNER: There is no peace at the end of this, no matter what you believe. You know this is true.

For those of us who already feel the United States has sacrificed whatever moral authority it once possessed as a result of what it has done in response to 9/11, using the shibboleth of national security rather than the honest word vengeance, Spielberg has raised important questions that feed a hope that his analogical history can reach those of us who have preferred to look the other way.

HOME SWEET HOME

I'd like to pursue this consideration of *Munich* in terms of an issue Wayne Booth raised about the "career author" and what authors owe to themselves in making and reshaping their oeuvre (Booth 129). One thinks of the literary palinodes that print authors have created—Fielding producing in *Amelia* a more serious vision than he allows us to have in *Tom Jones* of what dangers lie in store when one marries a reformed rake, or Dickens creating the noble Jew Riah in *Our Mutual Friend* as an antidote to his villain Fagin in *Oliver Twist*. There is a palinode in *Munich* as well, turning on the trope of "home,"

Thirty years ago Spielberg launched the spectacularly successful phase of his career with *Jaws* (1975) a thriller about a provincial police chief defending his sea-

side town against a great white shark, and followed it up with a children's film about a lost extraterrestrial that needed to return to his planet. It grossed a quarter of a billion dollars, and its title, to my children at least, was not *E.T.—The Extraterrestrial* (1982) but *E.T. Phone Home*. Even Spielberg's flops, like *Empire of the Sun* (1987) and *Hook* (1991) were obviously or subtly films about going home. In Spielberg's historical film before *Munich*, *Saving Private Ryan* (1998), Captain Miller spells out the moral force of the hearth to counter the brutalization of warfare:

MILLER: I'm a schoolteacher. I teach English Composition in this little town called Addley Pennsylvania. The last eleven years I've been at Thomas Alva Edison High School. I coach the baseball team in the springtime. Back home when I tell people what I do for a living, they say, now that figures. But over here it's a big... mystery. So I guess I've changed, some. Sometimes I wonder if I've changed so much that my wife is going to recognize me whenever it is that I get back to her. And how I'll ever be able to... to tell her about days like today. Ah... Ryan, I don't know anything about Ryan, I don't care, the man means nothing to me, it's just a name. But if... going to Remelles and finding him so he can go home, if that earns me the right to get back to my wife, then... that's my mission.

If "Home Sweet Home" has been the theme song of Spielberg's career, *Munich* provides the palinode, ending with its protagonist in exile, an Israeli expatriate living in Brooklyn. The song of the hearth is sounded often but always in a minor key—as in this conversation with Ali the Palestinian terrorist:

AVNER: Tell me Ali, do you really miss your father's olive trees. Do you honestly think you have to get back all that... that nothing, that chalky soil and stone huts, is that what you really want for your children?

ALI: It absolutely is. It will take a hundred years but we'll win. How long did it take the Jews to get their own country? How long did it take the Germans to make Germany? ... You don't know what it is not to have a home. That's why you European Reds don't get it, you say it's nothing but you have a home to come back to.... We want to be nations. Home is everything.

Or at the end of the film, Avner's mother reminds him of why she came to Israel before there even was an Israel:

AVNER'S MOTHER: Everyone in Europe died. Most of my family. A huge family. [Blows invisible ashes.] Pffft! I never talked to you about it.... I didn't die because I came here. When I arrived, I walked up to the top of a hill in Jerusalem and I prayed for a child. I never prayed before, but I was praying then. And I could feel every one of them were praying with me.... You are what we prayed for. What you did, you did for us. You did for your daughter but also for us. Every one of the ones who died—died wanting this. [She gestures to the

space around her.] What we've had to take because no one will ever give it to us. A place to be a Jew among Jews. Subject to no one. I thank God for hearing my prayer.

AVNER: Do you want to know, mama? Do you want me to tell you what I did?

AVNER'S MOTHER: No. Whatever it took, whatever it takes. A place on earth. We have a place on earth. At last.

And that note is struck too by Louis, the suave son of an aging Maquis fighter, who is Avner's chief source of information and weaponry, and who always meets him in front of a designer shop in Paris featuring magnificent modern kitchens:

LOUIS: Ali Hassan Salameh is in Tarifa, on the Spanish coast. He's at a compound guarded by all the predictable trouble. ... It's dangerous, going after Salameh. But he planned the Munich massacre. Eliminate him and they'll let you go home. Don't you think? [They look at one another.]

AVNER: Yes, Louis. I do.

LOUIS: You could have a kitchen like this someday. It costs dearly. But home always does.

In *Munich* the syrup of "home" is tinged with poison: home is what always costs dearly, home is what you die for, home is what you maim and kill for, home is what you defend until you cannot look at yourself in the mirror because of what you have become. Avner says to his wife Daphna, early in the film, "you're the only home I've ever had," and she cracks up at the corny sentiment. But by the end of the film, Daphna is indeed the only home he has left, and, if the final sex scene is anything to go by, it's not clear that even that is left him. Avner is not Spielberg, of course, but there is a part of Spielberg that has become Avner, a part that wonders how much will be left of the happy and innocent homeland he has always celebrated after "homeland security" is finished with it, after it has been sullied beyond cleansing by our own pursuit of vengeance, including the torture at Abu Ghraib and Guantanamo, the killing of innocent Iraqis at Haditha and the chaos of civil war and insurgency that has engulfed the Middle East.

SEX AND VIOLENCE, RHYTHM AND BALANCE

I would like to conclude my discussion of *Munich* with a brief analysis of the ethics of telling, focusing on the final sex scene I just mentioned, which alternates in montage with the last of the three "flashback" episodes portraying the events at Munich, all of which by the story logic of film narrative are presented as subjective to Avner. In the first of them, for example, the flashback is preceded by Avner looking

out the window of a night flight, until the rectangle fades to episodes from the events at Munich. In the second, Avner has just telephoned Daphna and heard, for the first time, his daughter's voice; he then falls asleep, but has a nightmare of Munich violence from which he awakens screaming. The third, just before the final sequence between Avner and Ephraim, stages a strange sex scene between Avner and Daphna, focusing primarily on Avner's face, intercut with episodes from the endgame, at Fürstenfeldbruck Airport, of the Munich massacre.

I was myself puzzled on first viewing by the montage of marital sex with the third flashback, and even now can only speculate about what drives the story logic. The peculiarity of this final Munich sequence is underlined by the way it takes on the viewpoint of the Black September terrorists rather than the Israelis. We first see them arriving in two helicopters with their nine remaining hostages, checking out the airliner provided by Lufthansa, looking at each other in dismay as they realize that the plane is empty, that there is no pilot, and that the German police are not going to let them escape. Then shooting breaks out and we see the terrorists resolving to fight to the death, maneuvering for advantage as they come under attack, and making sure that none of the Israeli athletes will survive them. One terrorist machine-guns four Israelis shackled in a helicopter, then tosses a grenade in for good measure; then a second terrorist shoots the five remaining hostages in the second helicopter. Only for three brief shots in the four minute sequence does the point of view shift to register the terror of the victims before they are killed. John Williams's music, over both the sex and violence, is mournful, a keening lament in an Arabic modality.

If one were seeking to prove that Spielberg's film "equates terrorists and counterterrorists" this sequence would be the strongest piece of evidence for it, because in several ways it aligns Avner's viewpoint with that of the terrorists. Avner has been lying supine but climbs onto Daphna just at the moment the terrorists discover their danger and realize they need to do something; Avner's face acquires a grim, purposeful look as the terrorists fight back against the German police, and Avner screams as the terrorists gun down the helpless Israelis. Is he identifying with the victims or their killers? Was Spielberg trying to suggest that Avner's mission has confused his own perspective on Munich, that as an assassin he identifies with the assassins rather than with his own people?

This is a tempting interpretation, but it is equally possible that Spielberg was innocent of any such suggestion. An alternative explanation is that Spielberg was attempting only to convey the endgame of the Munich raid, along with Avner's disabling obsession with it, without intending a psychological connection between the two.²⁵

We can start by asking what the effect would have been if Spielberg had presented the four violent Munich sequences (which are all shot primarily from the point of view of the Black September terrorists) in sequence at the start of the film where, chronologically, they belong. What seems obvious is that leading off with his most brutal action would leave him with a broken-backed plot with nowhere, emotionally, to go afterwards. It is certainly true that none of the later scenes matches these sequences for intensity. Spielberg certainly would have recalled how the opening Omaha Beach sequence of *Saving Private Ryan* overwhelmed the audience and

Spielberg Montage: Martial-Sex/Munich-Endgame



Time stamp: 2:30:53



Time stamp: 2:30:58



Time stamp: 2:31:04



Time stamp: 2:31:13



Time stamp: 2:31:22



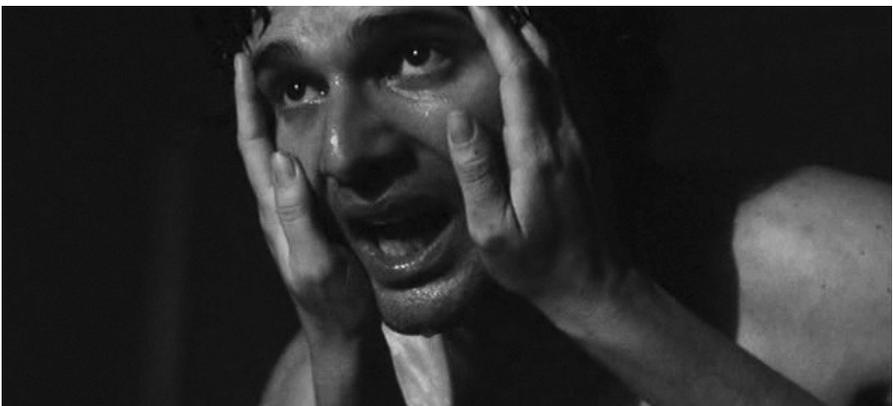
Time stamp: 2:31:27



Time stamp: 2:31:28



Time stamp: 2:31:45



Time stamp: 2:31:54



Time stamp: 2:32:18

entirely overpowered the rest of the film, whose battle scenes were suspenseful but comparatively mild. And Spielberg may therefore have decided to avoid any such anticlimax by saving the most devastating sequence of the Munich raid for the last reel.

So after the tense and violent scene at the opening of the film, in which the hostages are first taken, we are shifted to a kind of “summary” in which we watch news reporters attempting to characterize the suspenseful wait and then the final battle at the airport, along with the disparate reactions of Arabs and Israelis to the events, the false hope that the hostages had been rescued followed by the bitter truth that they had all been killed. The rest of the Munich raid, those three abrupt and violent sequences that are presented later as flashbacks, fill in information whose outlines we already have, but the emotional jolts they give us are spaced carefully through the film, ending with the bloodbath that called Avner’s mission into being. Spielberg’s film about Israelis killing terrorists, in other words, will achieve its highest intensity when the terrorists are killing the Israelis. But what has happened to the story logic here? Avner was working for El Al, and was not at Munich when the events took place that intrude unwanted upon his consciousness: the flashbacks do not really belong to him as memories. The story logic attaching the flashbacks to Avner might be called a cheat, in the sense that it is director-driven rather than character-driven, that it is Spielberg’s feeling for balance and rhythm, and in particular the need to jolt the spectator at certain points in the film, more than the development of Avner’s own obsessions, that dictates the timing and pace of these flashbacks.

One bit of evidence for this alternative can be seen if we turn to the screenplay, which surely represents an earlier version of the project. Here is the screenplay version of the sex scene:

Avner and Daphna continue to make love, but something changes. Avner grows silent, strangely concentrated—he’s trying to block out images inside his head.

His lovemaking becomes rough, angry. He starts fucking her, furiously. Daphna is crying.... Avner is still on top of Daphna, fucking her. His eyes are screwed shut, he's growling, his face is contorted with hate, he's trying to hurt her. She's crying and scared but not stopping him. The baby, in a crib nearby, starts to cry..... Daphna pushes Avner off her, violently. They both lie, panting, terrified. He sits up, facing away from her. He reaches back to touch her. She flinches away, holding herself.²⁶

In this version of the screenplay Avner has clearly become a kind of domestic terrorist, which would go with the first interpretation I offered—and it is equally clear that Spielberg must have rejected that interpretation, because his completed film, the one we saw in theatres and on DVDs, thoroughly softens the Avner-Daphna sex scene. True, the sex is not great sex, and Avner at times seems distant, but he is never brutal, he is troubled rather than angry, and at the end Daphna holds her wounded warrior tenderly, with a sigh of pity.

GOOD BAD HISTORY

Can nonfiction films be good ethically even when they are bad history? Part of the answer to that question depends on what we mean by bad history, beyond historical writing with whose interpretations we disagree. I would argue that the peculiar conventions of “re-enactment” rather than “documentary” history, with their abhorrence of an offscreen narrator-raisonneur, may force the film-maker to change the known character of real people, or to create fictional characters, as the only available way to bring up questions about the reliability of evidence or the efficacy or morality of historical actions. The less the filmmaker falsifies the representational field the better. It helps that in *Munich* the assassins who question their mission, “Carl” and “Robert,” are pseudonyms for actual agents who did not survive Operation Wrath of God; they were not public figures in any case. The narrative has not been significantly changed by Spielberg’s fictionalization of their characters, while our sense of the meaning of that narrative is enhanced by the issues they raise. (Historical novels, similarly, may strike us as being more illuminating, and on safer ground, when they focalize history through a fictional character peripheral to the important decisions and events than when they attempt to re-create history through a central figure.)

On the other side of the “bad history” continuum I would put something like Oliver Stone’s *JFK*, which would be tolerable as a chronicle of Jim Garrison’s 1969 trial of Clay Shaw for conspiracy, were it not for the wild fabrication of evidence that Garrison himself did not claim he had, including David Ferrie’s confession (which the real Ferrie never made) and an inside story of the assassination put in the mouth of “X,” a “Deep Throat” figure from the CIA played by Donald Sutherland and based on conspiracy theorist L. Fletcher Prouty.²⁷ Filmed bad history, especially film that includes documentary footage, can be immeasurably worse than bad history in prose, since film gives its audience the illusory sense of having actually experienced as true what may be only speculation, and wild speculation at that.²⁸

Ironically, since I am trying to derive an ethics of nonfiction film from Booth's ethics of fiction, the issue may come down to observing the distinction between true stories and fictions. Both are forms of narrative and both convey truths about value—social and moral truths particularly. Indeed fictions can convey with certainty what true stories can only approximate, when they fall silent before the gaps in what can be known. If we deny the distinction, if we attempt to subsume all narrative to the status of myths or fictions, we are agreeing with James Frey that it was all right to fabricate the story of his life in his memoir *A Million Little Pieces* in order to make it more uplifting for the viewers of Oprah (a clear case of “more doctrinable... the fained Aeneas in Virgill than the right Aeneas in Dares Phrygius”). Perhaps the specific cases are not that important, perhaps it doesn't matter very much in the long run whether Frey wrote a novel about an addict in recovery or a memoir about his own, or whether Edmund Morris's *Dutch: A Memoir* is considered a historical novel about Ronald Reagan or, as Morris had hoped, a new and special sort of biography.

But the distinction between novels on the one hand and memoirs or histories or biographies on the other seems worth preserving in general. When we justify fiction overtaking fact in the name of a higher truth, the truth of the spirit, the truth of myth, we are in danger of forgetting the power mythical thinking has, and the temptation people in the seats of power continually have to use and abuse it.²⁹ We can speak truth to power and make a difference only when there is an already recognized difference between falsehoods and fictions.

ENDNOTES

1. See Miller, Nussbaum, Posner. Other major theorists who have written on the topic include William Cain, Michael Kearns, Emmanuel Lévinas, and Adam Zachary Newton. An evenhanded analysis of the key issues in ethical criticism would be beyond the scope of this essay but the reader who would like to sort out the variety of philosophical positions is directed to Noel Carroll's excellent article in *Ethics*.
2. See Richter, “Review,” for my own review of *The Company We Keep*, which questioned a number of his individual critiques, including those on Twain, Austen, Cummings, and Orwell. On ethical cheating, see Richter, “Your Cheatin' Art”: 20–22.
3. See in this connection Brian Winston's *Lies, Damned Lies, and Documentaries*, which takes up the issues of fakery (reconstructed scenes not labeled as such), irony (the “mockumentary” which may fool the gullible into taking its revelations as true), privacy, and the requisite informed consent of those filmed. See also Barnouw.
4. Contemporary moralists argue that it is harder, *pari passu*, to defend one's character and values against images than words, against a degrading film than a degrading book, and political attack ads often hint through images what would be unseemly to say in words (most recently in the “Harold, Call Me!” ad whose overtones of interracial sex were credited with turning the tide against African American candidate Harold Ford Jr. in his 2006 Tennessee senate race against Robert Corker). Certainly those who have attempted to protect young people from representations for which they may not be ready have recently attacked films and videos (particularly internet pornography) far more than novels. But the bonfires burned for *Ulysses* and *Lady Chatterley's Lover* not all that long ago.
5. As Sidney puts it in the “Apology for Poetry” (1595 edition), “If the question be for your owne use and learning, whether it be better to have it set downe as it should be, or as it was; then certainly is more doctrinable, the fained Cyrus in Xenophon, then the true Cyrus in Justin: and the fained Aeneas in Virgill, then the right Aeneas in Dares Phrygius.” See Richter, *The Critical Tradition*, 143.

6. For a fascinating collection of such essays see Carr et al., *The Ethics of History*. Particularly interesting in the context of Booth's ethics of fiction is the essay "Responsibility and Irresponsibility in Historical Studies," by Jörn Rüsen (195–213), who argues that the ethical responsibility of the historian is less to do justice to those who lived in the past (since the past is irreparable, its victims dead) than to correct the orientation of those living in the present who will bring into being the open-ended future.
7. Some "true stories" may not be seriously offered as truth. Because of a largely self-imposed censorship, biographical films about sports stars or entertainers in the studio system era were expected to be entertaining and edifying rather than true, as in Michael Curtiz's *Night and Day* (1946), which represented a heterosexual Cole Porter who had been wounded in action during World War I. (More recently this sort of convention has ceased to apply to biopics, and the truth-claims are accordingly stronger, so that gay rights advocates today might well be incensed by the portrayal of Porter as bisexual rather than gay, as in Irwin Winkler's 2004 *De-Lovely*.) There have even been explicitly fictional biopics, such as Charles Vidor's musical extravaganza *Hans Christian Anderson* (1952) whose opening title confesses that it is a "fairy tale" about Anderson with little relation to his actual biography. And certain deviations from truth may not strike us as worth thinking about. Does it matter very much that John Reed, in Warren Beatty's *Reds*, takes a train (rather than a steamship) to Petrograd to participate in the Russian Revolution of 1917?
8. Not yet released in the USA at time of writing was Michael Winterbottom's *Road to Guantanamo* (2005), a re-enactment of the story of the "Tipton Three," British-born secular Muslims of Pakistani descent who go to a wedding in Pakistan in the fall of 2001 and who by mischance get swept up as suspected Al Qaeda fighters to the American prison in Guantanamo, where they were interrogated and tortured for two years before being repatriated to England in March 2004.
9. See, in this connection, Robert A. Rosenstone's excellent *Visions of the Past*, a book on film-as-history that raises most of the factual issues on nonfiction film though few of the ethical ones. Other useful studies with interesting theoretical perspectives on history film adaptation include Custen, Roth and Stam.
10. After *The Thin Blue Line* opened, and as a result of Morris's investigation, Adams's case was reconsidered and he was exonerated and released from prison. He paid Morris back by suing him: "When he got out, he became very angry at the fact that he had signed a release giving me rights to his life story. And he felt as though I had stolen something from him. Maybe I had, maybe I just don't understand what it's like to be in prison for that long, for a crime you hadn't committed.... I'm glad I did what I did and I believe in his innocence as much today as I did years ago. That hasn't changed. But my wife summed it up very succinctly. 'Just because he's a victim doesn't mean he isn't an asshole.'" Interview with Brian Bull for Wisconsin Public Radio, June 13, 2004, transcript at <http://www.prx.org/pieces/1702/stationinfo>.
11. In the *Poetics*, Aristotle argued for creating plots by selecting events from history, and called the creator of such texts a poet by virtue of the artistic choices made in that selection. Aristotle was not particularly worried about factual distortion there, as he might have been had he been writing a rhetoric, or an ethics, of historical representations. See Richter, *The Critical Tradition*, p. 65.
12. For example, Richard Rovere's 1962 biography, *Senator Joseph McCarthy*, does not mention the Murrow broadcasts as instrumental in McCarthy's fall, and he was certainly familiar with them, since at one point he cites the quotation from *Julius Caesar* with which Murrow had ended the March 9, 1954, McCarthy broadcast on *See It Now*: "The fault, dear Brutus, is not in our stars but in ourselves..." (265).
13. The Army-McCarthy hearings were broadcast by ABC rather than CBS. Doherty's account is not hagiography; he is well aware of the complexities and quotes Steven Stark, *Glued to the Set* (406), to the effect that Murrow was "among television's most overrated personalities," who "had a negligible influence" on the development of broadcast news. A genuinely brutal analysis of the Murrow legend appeared in Jack Shafer's "Edward R. Movie: Good Night, Good Luck, and Bad History" in the internet magazine *Slate*, October 5, 2005, at <http://www.slate.com/?id=2127595&nav=tap1>.

14. Fred W. Friendly's inside memoir of the Murrow years, *Due to Circumstances Beyond Our Control*, views the shift in the status of *See It Now* this way: "I believe that the decision to change to irregular programing was primarily a business calculation to create more financial yield from the time period. That others in the company hoped that the weekly headaches [from their crusading stories] would be eased to monthly ones was strictly their dividend" (78). Earlier however he claims that "we did not escape retribution" (68).
15. According to Clarke's *Capote*, it was Jack Dunphy, Truman Capote's partner, rather than Harper Lee, whom he telephoned after the executions and who replied "They're dead, Truman, you're alive" (354). Exactly why the line needed to be transferred is not clear, as in the Miller screenplay Dunphy also gently questions Capote's motivations: "Be careful what you do to get what you want," he warns as Capote is talking about getting Smith and Hickock a new lawyer to manage their appeal. Why Harper Lee calls Capote "Charley" is also obscure, unless this is a covert allusion to the character "Dill," based on Capote, in Harper Lee's novel *To Kill a Mockingbird*; Dill's Christian name, seldom used, was Charles.
16. Ten years after the publication of *In Cold Blood*, Capote engaged in a different act of betrayal, revealing secrets confided by New York society hostesses like Babe (Mrs. William) Paley and Slim Keith, and parodying their mannerisms, in "La Côte Basque, 1965," the third section of the unfinished novel *Answered Prayers*, published separately in *Esquire* in 1975. Women who thought they were talking to a friend discovered they had been talking to a journalist. They never spoke to Capote again, and Capote became a pariah to café society in general. That time Nemesis was indeed on the job with a punishment that fit Capote's crime.
17. Some journalists, particularly those who write about politicians and celebrities, may be essentially publicists; their work depends on access to their subjects, and keeping that access limits how much they can tell of what they know and what opinions they can express.
18. Like McGinniss, Malcolm had been the target of a lawsuit, a \$10 million libel case brought by psychoanalyst Jeffrey Mousaieff Masson, who sought to prove she had fabricated quotations that she published in *In the Freud Archives* (1984). The case went to the Supreme Court in 1991 on First Amendment grounds before the facts were finally decided by a jury (in Malcolm's favor) in 1994.
19. I am treating Spielberg as the auteur of the film rather than his screenwriters Tony Kushner, Eric Roth, and uncredited others who worked on treatments. The unauthorized screenplay that I was able to find on the web at <http://www.dailyscript.com/scripts/munich.pdf>, ascribed to Kushner and Roth, differs considerably at many points in language and intent from the DVD of the film, as I discuss at one point later on.
20. See Jonas, "The Spielberg Massacre," in *Macleans* for January 9, 2006. Jonas is aware that the real "Avner" resurfaced and talked to Spielberg, and speculates that "Avner" may have claimed to have had moral issues that he never expressed to Jonas. And despite Jonas's quarrel with the moral questions asked by Spielberg's film, both the historian and the director are fully committed to Avner's veracity.
21. Avner did however express to Jonas the question of efficacy: did the assassinations lead to any improvement in the position of Israel? Those who were assassinated were replaced, and indeed in the book (though not the film) Avner's group assassinates, without explicit orders, the replacement for one of their previous targets. And those replacements were sometimes more effective terrorists (e.g. Carlos the Jackal replaced one of the Palestinians killed in Beirut) See Jonas, *Vengeance*, 369.
22. See Yossi Melman and Steven Hartov, "Munich Fact and Fantasy" *The Guardian*, January 17, 2006, 26.
23. One important episode in Jonas's book is entirely left out of the Spielberg film. This is the outbreak of the Yom Kippur War of 1973, for which Avner's group postpones its "Wrath of God" operations, as Avner and two of his comrades, all of them soldiers on active reserve, return to Israel and join their army units to serve until the conclusion of the hostilities. One can see easily why Spielberg omitted it: this episode would defocus the film, which is in danger already of splitting into fragments because of

the episodic nature of the mission. Removing this episode, however, impinges significantly on the history that the film presents. The Yom Kippur War made a huge difference to the Middle East: it led quickly to the Camp David meetings between Anwar Sadat and Menachem Begin, to Israel's diplomatic openings with Lebanon and Jordan, and to normalization of relations between Israel and all her neighbors except Syria. The regional wars were over, and the now isolated Palestinians participated in negotiations at Oslo, which appeared at many moments toward the end of the twentieth century to be leading quickly to a two-state solution. See Abraham Rabinovich, *The Yom Kippur War* (New York: Schocken, 2004). Avner's line that "there is no peace at the end of this," felt true in 2000 when Spielberg began the project, in the wake of the Al Aqsa Intifada, and it may still feel true today, but between 1978 and 1999 there were many times when peace looked more than possible.

24. Leon Wieseltier, "Hits," *The New Republic* (December 19, 2005).
25. This is the opinion of media professor Jerry Carlson of CCNY, personal communication.
26. This script by Eric Roth and Tony Kushner can be found at <http://www.dailyscript.com/scripts/munich.pdf>.
27. I do not think that *JFK* merely comes under the heading of "history with which I disagree," although I admit I belong to the mere 10% of Americans who find credible the Warren Commission's conclusion that Lee Harvey Oswald was the sole assassin of John F. Kennedy.
28. On the other side is the view of Nora Ephron, who co-wrote the nonfiction film *Silkwood*, and who said of *JFK*: "There are people who say that movies have a special obligation in this area, that for instance, young people will see *JFK* and think that the Joint Chiefs of Staff killed President Kennedy. But I don't know why they are going to think this any more than I do. And what if they do? Eventually they will grow up and figure it out for themselves, or else they won't. It's not the issue, and it is not the filmmaker's responsibility." Panel Discussion at Town Hall, March 3, 1992, transcript at <http://www.pbs.org/wgbh/pages/frontline/shows/oswald/conspiracy/jfkpanel1.html>.
29. One needs to ponder in this connection the Orwellian implications of Ron Suskind's article, "Without a Doubt: Faith, Certainty, and the Presidency of George W. Bush," *New York Times Magazine* for October 17, 2004. Suskind cites a White House aide about the difference between the men of faith who surround Bush and "what we call the reality-based community," which he defined as people who "believe that solutions emerge from your judicious study of discernible reality.... That's not the way the world really works anymore.... We're an empire now, and when we act, we create our own reality. And while you're studying that reality—judiciously, as you will—we'll act again, creating other new realities, which you can study too, and that's how things will sort out. We're history's actors . . . and you, all of you, will be left to just study what we do."

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- Dead Man Walking* (1995, written and directed by Tim Robbins).
- De-Lovely* (2004, directed by Irwin Winkler, screenplay by Jay Cocks).
- Good Night and Good Luck* (2005, directed by George Clooney, screenplay by Clooney and Grant Heslov).
- Hans Christian Anderson* (1952, directed by Charles Vidor, screenplay by Moss Hart and Ben Hecht).
- Irréversible* (2002, written and directed by Gaspar Noë).
- JFK* (1991, directed by Oliver Stone, screenplay by Stone and Zachary Sklar).
- Munich* (2005, directed by Stephen Spielberg, screenplay by Tony Kushner and Eric Roth).
- Night and Day* (1946, directed by Michael Curtiz, screenplay by Charles Hoffman and Leo Townsend).
- The Passion of the Christ* (2004, directed by Mel Gibson, screenplay by Gibson and Benedict Fitzgerald).
- Reds* (1981, directed by Warren Beatty, screenplay by Beatty and Trevor Griffiths).
- The Road to Guantanamo* (2005, directed by Michael Winterbottom and Mat Whitecross, no screenplay credited [possibly because the film was based on interviews with the subjects]).
- Road to Perdition* (2004, directed by Sam Mendes, screenplay by David Self).
- Saving Private Ryan* (1998, directed by Stephen Spielberg, screenplay by Robert Rodat).
- The Thin Blue Line* (1988, written and directed by Errol Morris).
- Walker* (1987, directed by Alex Cox, screenplay by Rudy Wurlitzer).
- Z* (1969, directed by Costa-Gavras, screenplay by Jorge Semprun).