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"You want it all to happen now!": The Jinx, The Imposter, and Re-enacting the Digital Thriller in True Crime Documentaries

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“You want it all to happen now!”:

The Jinx, The Imposter, and Re-enacting the Digital Thriller in True Crime Documentaries

by

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A thesis submitted in partial fulfillment
of the requirements for the degree of
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ABSTRACT

In this thesis, I outline the changing shape of the reenactment in the contemporary true crime documentary to illustrate a burgeoning crisis of epistemology and anxieties about the authority of evidence in the Digital Age. I examine two works—*The Jinx* and *The Imposter*—that deal with evidence in formally similar but ideologically opposite ways.

Logic in the Digital Age prioritizes an ever-widening collection of increasingly more precise artifacts and details, which supposedly paint a more complete picture but end up highlighting what is unknown more often. Key to this examination is the adoption of classic Hollywood thriller techniques (e.g., non-traditional narrative structures that emphasize subjectivity, twist endings that create uncertainty and doubt, etc.) which indicate a shift away from the traditional “cool” rhetorical control of social realist documentaries towards the emotionally charged manipulation of the thriller. This shift cannot be sufficiently explained by the overarching progression of the documentary towards more reflexive and performative modes. Rather, at the center of this shift is the use of stylized reenactments that share both the thriller’s preoccupation with subjectivity and uncertainty and digital logic’s pervading heterogeneous makeup.

This shift troubles the mastery true crime docs implicitly claim to offer through evidence and the authority of the American criminal justice system in a different way than the more self-reflexive modes of documentary. To resolve the trouble, these films appeal less to evidence and

more to emotional certainty and pathos as a way of judging guilt and innocence, shifting the way concrete evidence is understood.

INTRODUCTION

In this thesis, I outline the changing shape of the reenactment in the contemporary true crime documentary to illustrate a burgeoning crisis of epistemology and anxieties about the authority of evidence in the Digital Age. Logic in the Digital Age prioritizes an ever-widening collection of increasingly more precise artifacts and details, which supposedly paint a more complete picture but end up highlighting what is unknown more often. Key to this examination is the adoption of classic Hollywood thriller techniques (e.g., non-traditional narrative structures that emphasize subjectivity, twist endings that create uncertainty and doubt, etc.) which indicate a shift away from the traditional “cool” rhetorical control of social realist documentaries towards the emotionally charged manipulation of the thriller. This shift cannot be sufficiently explained by the overarching progression of the documentary towards more reflexive and performative modes. Rather, at the center of this shift is the use of stylized reenactments that share both the thriller’s preoccupation with subjectivity and uncertainty and digital logic’s pervading heterogeneous makeup. This troubles the mastery true crime docs implicitly claim to offer through evidence and the authority of the American criminal justice system in a different way than the more self-reflexive modes of documentary. To resolve the trouble, these films appeal less to evidence and more to emotional certainty and pathos as a way of judging guilt and innocence, shifting the way concrete evidence is understood.

For this thesis, I take a relatively broad definition of true crime documentary. I define the genre not by format, as true crime documentaries now take the form of films, serialized TV

shows, made-for-TV movies, television miniseries, and even podcasts. Rather, true crime documentaries are stories told after an actual traumatic crime or acts of violence in America or by Americans. They employ techniques like talking-head interviews, voiceover narration, and dramatic reenactments. True crime documentaries almost always explicitly foreground the American criminal justice system, though notable exceptions like *Catfish* (Jarecki, 2010) do not. Finally, they are often rhetorically motivated to convict or exonerate a suspect or criminal or to tell a compelling story about a past legal case. As a testament to the genre's heterogeneity, not every film in the genre may use each technique, but all films are broadly preoccupied with these fundamental issues. I look at true crime docs, specifically *The Imposter* (Layton, 2012) and *The Jinx* (Jarecki, 2015), created within the past fifteen years, the cutoff period for my classification of "contemporary."

Key to this intervention in cinematic epistemology is an understanding of what "digital logic" means. Digital, in this thesis, in part refers to the form of individual pieces of evidence in true crime documentary. In these films, digital technology is used to collect information about the past, reflecting how true crime docs collect facts and clues to paint a picture of a crime. Forensic evidence increasingly takes the form of digital media (e.g., credit card transactions, closed circuit footage, emails, digital photographs, computer files, etc.) to remake events surrounding a crime, both onscreen and in the courtroom. This evidence ostensibly forms a cohesive, convincing, and logical argument for guilt or innocence. Crucially, this digital logic also describes these pieces' assemblage. Data can be gathered, organized, indexed, and saved onto hard drives that boast an ever-increased capacity for "memory." Through techniques of evidence collection—all of which are leveraged to make a claim about innocence or guilt—contemporary true crime documentaries affirm that by digging deeper and deeper and gathering

more and more evidence, one can paint an ever-clearer picture of the past. The digital promise ends up being one of mastery, one that offers a more complete collection of evidence.

Digital logic pervades both the building blocks of these documentaries, as well as the attitude at the heart of their aggregation. Despite the promise of mastery, however, digital technologies are at their core malleable. Wendy Chun, a new media theorist, argues that the “enduring ephemeral” world of new media relies upon a “degeneration which is actively denied” and suppressed.¹ Memory, she argues, is not equal to archive, despite the offer of digital memory as the answer to digital archive. Digital memory, cathode rays, and the building blocks of computers and digital storage systems are fundamentally rewriteable. This enduring ephemeral is a contradiction, one that is typically denied by the true crime documentary that seeks to offer a totalizing resolution to a narrative. Despite seeking to offer homogeneity, the genre is ultimately betrayed by the promise it seeks to support.

While the true crime documentary and archives certainly predate the Digital Age, their strategy of reaching into and mastering the past (or coming reasonably close) through a cornucopia of evidence mimics and eventually coincides with the digital archive and the logic true crime docs adopt from it. The technological makeup of the individual bits need not even take digital form. Analog evidence within the films is nevertheless leveraged as individual bits of information for the purpose of a homogenizing end, tying them to the digital’s logic of collection. Video footage—even that which is analog—fills in gaps in past knowledge that

¹ Chun, Wendy Hui Kyong. "The Enduring Ephemeral, or the Future is a Memory." *Critical Inquiry* 35.1 (2008): 148, 167.

talking-head interviews cannot bridge and in ways home movies traditionally do not.² They function as discrete evidence that offers more information on a past that is unreachable.

Still, since this new evidence cannot perfectly remake the past (just as reenactments are not identical representations of the past) they paradoxically emphasize those gaps, undercutting a promise of mastery over the past. This issue animates the anxiety surrounding the authority of digital evidence, evidence that incorrectly forms a promise of knowledge. The itemized and atomized nodes of information that make up the true crime documentary's digital collection offer an "alternative and absolute...world" in the narrative of the documentary, according to Vivian Sobchack. This world, however, is defined by its "homogenous experience of discontinuity" in that our understanding of it no longer flows continuously from one temporal point to another.³ The reconstructed timeline, ever-present in true crime docs, is unwittingly defined not by its consistency and flow, but by the gaps in-between. What is known only highlights what cannot be known. Efforts at mastery over totality only serve to reveal that totality's impossibility. For Sobchack, this renders this virtual world phenomenologically flat and immaterial, loosening its moral gravity from embodied experience. This "free-floating" sense of discontinuity is anathema to the common contemporary true crime documentary, however, which seeks to lock down a singular interpretation of the past. I argue that newer true crime documentaries work through this paradoxical crisis of the authority of digital evidence by turning away from it, moving towards the Hollywood thriller mode and the emotional grounding it offers.

² See Marsha Orgeron and Devin Orgeron. "Familial Pursuits, Editorial Acts: Documentaries after the Age of Home Video." *The Velvet Light Trap* 60.1 (2007): 47-62.

³ Sobchack, Vivian. "The Scene of the Screen." *Carnal Thoughts: Embodiment and Moving Image Culture*. Berkeley, Calif.: U of California, 2010. 153, 156.

Crucially, true crime documentaries are increasingly borrowing stylistic techniques from the classic Hollywood thriller *at the same time* as these works co-opt the digital in both form and content. The thriller genre is an even broader category than the true crime documentary, but like that description, it is useful to define the genre through its general preoccupations. Thrillers are often concerned with questions of memory. The authority of evidence and conspiracies are thematically (and often explicitly) addressed. *Vertigo* (Hitchcock, 1958), for instance, deals with both points. In the film, Scotty Ferguson (played by James Stewart) looks to recreate a romance with a woman he just met with a lover that died after falling from a bell tower. The woman he pursues turns out to be his original lover, who did not die despite assurances to the contrary. Thrillers are fragmentary by design; no Hollywood thriller starts with every piece of information readily available to spectators. The world becomes very subjective and chaotic, evoking an emotional response. There is an emphasis on feeling as a way of knowing.

In the past fifteen years, not only has the form of the true crime documentary become more diverse, but its style has shifted. I mark the beginning of this explicit shift towards the thriller mode with Andrew Jarecki's 2003 film *Capturing the Friedmans*, a documentary about a father and son convicted of possessing child pornography. *Friedmans*, in examining the case, turns to "candid" home video footage of the family in better times—organized as evidence—and strategically deploys important information (the father sexually abused his younger brother when he was thirteen years old) throughout the narrative of the film. Present-day family members also reenact filmed memories from their youth, recalling spontaneous family togetherness but illustrating the impossibility of returning to a carefree past. *Friedmans*, though acknowledging that the past cannot be recreated—and must, therefore, remain to some extent unknown—papers over this anxiety (one which lies at the heart of the logic of the digital) with shocking revelations

and narrative “distortions” of actuality.⁴ *Friedmans* and *Dear Zachary* (Kuenne, 2008) are both films that deliberately withhold key information and dramatically and surprisingly introduce it midway through the film, a keystone technique of the thriller.

Popular documentaries like *The Jinx*, *The Imposter*, and *Dear Zachary* rely on thriller techniques like defamiliarizing the world via hyper-stylization, abstraction, and emotionally devastating twist endings to emotionally convince the audience, mobilizing them to draw conclusions about guilt or innocence. This is not wholly new. Documentaries have always been subjects of manipulation, as even social realist documentaries must establish a narrative by actively reconstructing the past. John Grierson, creator of the term “documentary,” considered the genre as the “creative treatment of actuality.”⁵ What has changed since then is why information is being withheld: to create shock, suspense, and excitement. Returning to *Vertigo*, it is eventually revealed to the audience that the woman with whom Scotty Ferguson is obsessed actually *is* the earlier woman who fell from the tower. Transposed to documentaries, such shocking moves amplify what was already there: a focus on the organization of evidence to disseminate information, be it factual or emotional. *The Imposter* and *The Jinx* are formed within the thick of these anxieties over the authority of digital evidence.

Much of the scholarship surrounding the rise of the thriller mode in contemporary documentaries concerns the genre’s recent “creative treatment” of evidence. Still, to my mind, the secondary literature that focuses on this contemporary shift places too much emphasis on a perceived loss of the authority of the documentary. Tanya Horeck calls the evolving genre a

⁴ Arthur, Paul. “True Confessions, Sort Of.” *Cineaste* 28.3 (2003): 5.

⁵ Nichols, Bill. *Introduction to Documentary*. Indiana University Press, 2010. 6.

“new breed of sensationally dramatic crime documentaries.”⁶ Paul Arthur, in a more critical stance, dubs films like *Capturing the Friedmans* “Theatrical Documentary.”⁷ Arthur laments the role filmmakers like Andrew Jarecki have on manipulating narrative for dramatic effect in “an accelerating arc of dramatic liberties and expressive ‘distortions’ of actuality.”⁸ Horeck, while writing about issues of affect in *Dear Zachary* is more subdued in her criticism of these “dramatic liberties” yet still draws attention to “serious questions about the nature of our emotional encounter with the images of crime it displays.”⁹ These questions differ from those in other documentaries due to the personal involvement of the director in the story and the “raw emotion” it evokes.¹⁰ This criticism not only neglects that *all* documentaries are products of reconstruction, but further ignores the co-option of the thriller mode by the true crime documentary, a mode that is preoccupied with pluralism, subjectivity, and affective response.

I offer as a counter-argument that these new thriller documentaries now have the opportunity to explicitly avow the heterogeneity of digital evidence, a heterogeneity that has always been present in the documentary’s genetic makeup. These manipulations are accomplished in *Capturing the Friedmans* in the form of withheld information and twist endings, forms that Lez Cooke describe as Hitchcockian in his survey of Hollywood thrillers. While it is true that the shape of the genre is changing, these sources mostly neglect to tie the shift towards the thriller’s sensibilities to increasing anxiety over the logic of the digital, a logic that pervades both form and content. Digital evidence is offered as a homogenizing, totalizing recreation of the past, a recreation that contradicts the heterogeneity, fragmentation, and rewriteability of its

⁶ Tanya Horeck, “A film that will rock you to your core’: Emotion and affect in *Dear Zachary* and the real crime documentary.” *Crime, Media, Culture* 10.2 (2014): 154.

⁷ Arthur, 4.

⁸ *Ibid*, 5.

⁹ Horeck, 155.

¹⁰ *Ibid*, 156.

makeup: a puzzle that denies its pieces. Thus, while documentary has always been subject to “expressive distortions of actuality,” the subjectivity that the thriller’s intrusion brings forth should be seen as *fundamental* to the genetic makeup of the true crime doc, what with its reliance on reenactments, eyewitness testimony, and leveraged evidence. These facets are all heterogeneous at their core, and the truth of their subjectivity is made manifest by the thriller mode.

The digital now only defines the form of collected evidence in the works I examine, but also the method of their dissemination. True crime documentaries have found new life and a whole new audience through digital streaming services like Netflix and HBO GO. *Making a Murderer* (Ricciardi and Demos, 2015), *Serial* (Koenig, 2014), and *Amanda Knox* (McGinn and Blackhurst, 2016)—all texts released within the past three years—are exclusively found online, with no analog copies publicly accessible. These works collect discrete information and reconstruct timelines of past traumas according to the logic of the digital, placing them squarely in a conversation about the role of digital reconstruction within the American criminal justice system. All three (as well as *The Imposter* and *The Jinx*) co-opt the Hollywood thriller in both visual presentation and narrative construction, and all do so through reenactments.

Reenactments, as a whole, rely on a causal adherence to a subject’s life—obtained either through physical evidence or testimony—while simultaneously acknowledging “cinematic liberties of scenic and characterological reconstruction.”¹¹ They are understood as representations of the past, not as totalizing recreations of it. Bill Nichols argues that the “oscillation” between “indexical linkage” of what is seen and the “poetic and rhetorical

¹¹ See Kahana, Jonathan. “Introduction: What Now? Presenting Reenactment.” *Framework: The Journal of Cinema and Media* 50. 1-2 (2009): 48.

transformation of this linkage” gives the reenactment its rhetorical power, one that does not offer a totalizing solution but a multiplicitous picture.¹² This oscillation allows the reenactment to walk a narrow tightrope of actuality.¹³ He claims that a reenactment is “a representation of a prior event” that is “not a representation of a contemporaneous event.”¹⁴ Much like the issues surrounding the digital archive, Nichols points to how reenactment foregrounds a *problem* of evidence instead of a *promise* of knowledge. In the true crime documentary, however, reenactments are often presented as authority, as a direct link to the past, ignoring its subjective concerns with fallibility and memory. Even with the inclusion of increasingly digital evidence, the reenactment cannot perfectly recreate the past, but in the true crime documentary, it might as well. Secondary literature is quick to acknowledge the privileged relationships reenactments and documentaries share. Nichols describes the documentary’s Voice as “how the film maker wants to speak about [the] world” through pictures and text.¹⁵ Extending this to the true crime documentary situates the documentarian as an organizer of past events, highlighting the reconstruction of a timeline or narrative, much in the same way reenactments recreate the past. Just as true crime documentaries contain visual reenactments, they behave like them too, privileging the reconstruction of the past through forensic evidence, and expert and eyewitness interviews. Despite its presentation of authority, the reenactment derives its value from questions regarding the validity of testimony and memory. Part of the rhetorical power of the reenactment comes from its role as a representation of an event we have no access to. The reenactment breathes life

¹² Nichols, Bill. *Introduction to Documentary*. Indiana University Press, 2010. 36.

¹³ See Nichols, Bill. "Documentary Reenactment and the Fantasmatic Subject." *Critical Inquiry* 35.1 (2008): 72-89. *JSTOR*.

¹⁴ *Ibid*, 73.

¹⁵ Nichols, Bill. *Introduction to Documentary*. Indiana University Press, 2010. 67.

into the past, but in doing so we much nevertheless acknowledge the possibility of inaccuracy through the storyteller.

I argue that true crime docs ignore this careful tightrope walk and offer totalizing resolution by appealing to emotional certainty via Hollywood thriller techniques, ones obsessed with the subjective and fragmented. Nonetheless, this smoothing over of the anxieties behind digital evidence still contains gaps. On the one hand, by glossing over this epistemological uncertainty, the reenactment's function more closely follows its form. Both the thriller and the contemporary true crime documentary now explicitly share preoccupations with memory, subjectivity, and twist endings, motives that can be borne out through the increasingly abstract reenactments. With that, the true crime documentary begins to emphasize feeling as a way of knowing, a preoccupation that was always already there in the makeup of the technique. On the other hand, the true crime documentary's continuing focus on totalizing resolution through the subjective techniques of the thriller denies its complete acceptance of the thriller mode. Conclusions are offered as ultimate truths, yet instead of appealing to the authority of increasingly abstract evidence, the emotional certainty that the thriller provides becomes the backbone of the film's rhetorical model. These moments come from discrete affective reactions engendered in the body, which are leveraged into emotional certainty. The reenactments rely on this affect, taken from the thriller, when forming spectatorial identification. I argue that the true crime documentary's shift towards the certainty of the Hollywood thriller is a response to both the increasing abstraction and ephemerality of the modern age of new media, and the incomplete authority of digital evidence.

In this work, then, I examine two true crime documentaries, *The Jinx* and *The Imposter* through their formally similar but thematically different uses of reenactments. *The Jinx* actively

denies the contradictions at the heart of the digital expressed by the reenactment, whereas *The Imposter* foregrounds its reenactments as narrative constructions, disclosing the digital's paradox as a homogenous experience of discontinuity. Their preoccupations with increasingly ephemeral new media underscore a crisis of epistemology given voice by the reenactment, itself a retelling of an unknowable past. *The Jinx* uses overlapping and stylized retellings of events in order to suggest its central figure's dishonesty. It offers two contrasting visual descriptions of a murder—an "incorrect" and a "correct" one—with the second account heavily implied to be the truth. The reenactments, while creative and dramatic, end up suggesting a single, if stylized, interpretation of the past. This *withholding* of information is a narrative technique essential to the thriller, and that the miniseries *needs* this thrilling twist implies that the authority of the evidence that makes up the reenactments is not enough to offer a convincing resolution.

Unlike *The Jinx*, *The Imposter*, however unwittingly, foregrounds the slipperiness of all retellings of the past. Although reenactments are most of what we see, the recreations are told from the point of view of an admitted criminal and liar: the titular imposter. In doing so, the film ironically delegitimizes his claims, delegitimization that is eventually extended to the reenactments and the totalizing resolution that the film offers as fact. Its reenactments are also heavily stylized, using lens flares, slow motion, and stark color contrasts to defamiliarize the world of the film, defamiliarization also seen in Hollywood thrillers. Whereas *The Jinx* exculpates itself from the subjectivity within the form of the reenactment by offering one particular story as the truth, *The Imposter* troubles that authority by troubling the forms that offer this authority (talking head interviews, forensic evidence, withholding information for a dramatic reveal), trouble that was always already there. Both build suspense and withhold information much like classic Hollywood thrillers, but *The Imposter* does so from a place of explicit

uncertainty and distrust. This complicates the ironclad validity of its final shocking claim, reflecting a mistrust in ways information is traditionally disseminated.

I argue that the work of the digital and its relationship to the instability of epistemology and the work of the thriller in these films suggests that the authority of evidence has been undercut by digital media. These films asks the viewer to be aware of the authority of the reenactment in different way, putting the reenactment squarely in the intersection between questions of the authority of digital media, evidence and the authority of the true crime documentary. This oscillation in awareness (i.e., when we should “trust” the reenactment as direct window to the past) engenders an affective response in the viewer, and that affective response is leveraged in order to provide *emotional* certainty and close down other possible pathways of knowing. With its authoritative capital weakened by digital reenactments that conflate recreating the past with reliving it—and digital evidence that conflates collecting evidence of the past with knowing it—the contemporary true crime doc shifts towards the thriller to provide a concrete claim. While the thriller offers a mode steeped in uncertainty, the true crime documentary nevertheless uses it to remake the authority of the past, leveraging the affective response that the thriller creates to offer concrete claims surrounding guilt and innocence.

It is therefore crucial to understand precisely *how* the hybrid genre uses affective responses in order to close down on alternate conclusions. To get there, I apply readings of violent crime images through the work of Alison Young. Young is interested in how these images in cinema create an affective response in the viewer who is separate from onscreen action. Young’s description of “violence without alibi” as violent images that “deliberately implicate the spectator” informs my readings of both works, which question how fascinated we

should be with the violent stories—told through reenactments—by the main characters.¹⁶ This implication troubles the seemingly unrestricted use of the thriller mode in these films, a mode that often uses violence to shock and excite. By using the very logic of engagement these scenes offer, I argue that their move towards top-down authority is troubled due to implication that this violence demands. These affective states work on the bodies of the documentary's viewers.

Richard Grusin considers the body's position as the site where technology proliferates "active feedback loops" upon an individual, training us to "modulate our affective states."¹⁷ His claim that the body is structured as a feedback mechanism where we look for—through technology—"things that create positive affect" and avoid those which create negative affect.¹⁸ In the case of true crime documentaries, these feedback loops link guilt and innocence to the styles of the Hollywood thriller. These appeals to affect ground knowledge and certainty in the body. That work allows these films to bypass anxieties of epistemological uncertainty and a lack of authority of evidence that digital media have revealed.

I begin with Andrew Jarecki's *The Jinx* as a prime example of the form to which *The Imposter* responds. *The Jinx*, while at first situating itself as an investigation into a less-known story, ends up—using the twist ending—ironically closing down on other avenues of understanding. It is initially structured like a documentary, however the penultimate episode pushes the scope of the series onto the filmmakers themselves. By the final episode, the aim of the documentary is no longer to offer subjectivity between two opposing sides of a story, but instead to enact a totalizing "master" narrative and trap the title character Robert Durst in a lie.

¹⁶ Young, Alison. "Judging the Affect of Cinematic Violence." *The Scene of Violence: Cinema, Crime, Affect*. Abingdon: Routledge-Cavendish, 2010. 28-29.

¹⁷ See Richard Grusin, "The Affective Life of Media." *Premediation: Affect and Mediality after 9/11*. New York: Palgrave Macmillan, 2010. 90.

¹⁸ Grusin. 96.

Such a narrative move is significant considering the miniseries airs within this period of a crisis of evidence in a digital age. The focus moves backwards from the validity of this story to the validity of *how* this story is told. Before the final episode, *The Jinx* uses poetic reenactments, to offer feeling as a way of knowing, usually establishing the ethereal and stylized images as more or less factual. Its reenactments are fragmentary, washed-out, and often in slow-motion but are organized around the classic logic of traditional crime reenactments: presentation of evidence, talking-head interviews, and timeline reconstruction. Thus despite the use of reenactments, which formally embrace subjectivity and questions of testimony, these reenactments are presented within the film as ones that close down on alternate possibilities of truth-making. These recreations become factual, treated less as evidence (which is contingent on a fundamental processing of information) than as authoritative truth. What's more, once the scope of the miniseries shifts to Jarecki and his coworkers, no reenactments are shown, implicitly positioning the filmmakers as outside the bounds of subjective reenactment which places them once more in a position of (false) authority.

As a result, I read the miniseries against itself, emphasizing the subjectivity at the heart of the reenactment, and extend that subjectivity to the thrilling dual climaxes of the miniseries, both of which center on collections of evidence. The first pivots around the misspelling of a handwritten city name, which emphasizes the series' schizophrenic attitude towards fact and evidence. A handwriting match, one of the slipperiest and subjective forensic analyses in the current criminal justice system, is considered the smoking gun: cold, hard *proof* of a positive identification. The second climax—the final scene of the miniseries—is treated as a confession of guilt from the film's subject, despite its own fragmented and relatively unclear presentation as off-screen dialogue. These confluences of fact and evidence suggests an anxiety on the part of the

filmmakers that these facts themselves are more open and subject to interpretation, the foundation upon which crime documentaries and the American criminal justice system are built.

Whereas *The Jinx* wants to ignore the uncertainty surrounding its smoking guns, confessions, and reenactments, that very uncertainty and subjectivity is key to understanding *The Imposter's* use of thriller techniques and reenactments. I argue that *The Imposter* works within the subjective thriller mode indicative of recent true crime documentaries like *The Jinx* in order to illustrate how the emotional certainty of the thriller through affective bodily responses can be used to redirect spectatorial convictions into areas where sufficient evidence may be lacking. Acknowledging that the film walks a tightrope by reveling in the thriller mode to criticize its apparent replacement as epistemological certainty, I stress that the film works as an “imposter” itself, engaging in techniques like non-conventional narrative structure, stylized reenactments, and twist endings to call attention to how other films in the mode make use of these less self-reflexively. I show that, by reenacting the story of Frederic Bourdin, the film opens itself up to direct conversation about not only the slippery nature of truth (a common postmodern documentary technique), but also the validity of the employing direct interviews in retellings of past events, be they in a documentary or a courtroom. This question of direct engagement with the past through an intermediary opens up questions about the authority of digital technology, itself an intermediary between onscreen action and audience. Just as the digital promises complete information—a promise undercut by its rewriteable and transient form—Bourdin’s story is fragmented and illusory yet still compelling thanks to the techniques of the thriller. Bourdin’s direct gaze, too, both implicates us in his storytelling and creates its own sense of authority that the film subtly undercuts through our primary way of engaging with the film: the reenactments. The power of this authority is once more undercut by Bourdin’s position as liar

and criminal, suggesting the authority of evidence in other true crime docs is also already undercut. The film's ostensible climax, therefore, is shown to be built not so much on factual, indexical evidence, but instead on the affective directives of the assemblage of the film: the feeling that it is true. I contend that this new hybrid genre work to gloss over increasingly fluid relations with the authority of evidence in an emerging digital age by appealing to the embodied viewer through the affective techniques of the Hollywood thriller. *The Imposter*, by presenting a conclusion that feels true but does not hold up under scrutiny, encourages the viewer to confront the effect the emotional, cinematic logic of the thriller mode has on judgement in the American criminal justice system.

In the epilogue, I point to several other true crime documentaries that traffic in the logic of the thriller, with varying degrees of self-awareness. These works might offer fruitful starting points for further research on the intersection of the true crime documentary genre with the thriller mode. The fact that the treatment of the logic of the reenactment—an often-used technique in true crime docs—is changing implies not a retreat to dishonest “dramatic liberties,” but an evolution of our understanding of evidence. These films, far from providing sheer “infotainment” are at the nexus of anxieties in a modern age of new media. The shift towards emotional certainty is not, as it might seem, a move backwards in logic. Instead, it is its own form of processing the tools of a modern age, a move away from the authority of digital evidence. As true crime docs work to symptomatically circumvent the promise of information that digital technology inaccurately offers, they open up onto new ways of engaging with the world, of bridging that unassailable gap between past and present that both documentaries and the American criminal justice system struggle to close.

CHAPTER ONE: *THE JINX*, HOMOGENY, AND TOTALIZING RESOLUTION

“I did not kill my best friend. I did dismember him.”

Recently, the true crime documentary has shown a shift towards the poetic mode of documentary in a specific area: the title credits. The poetic mode traditionally forgoes cohesive continuity editing to instead focus on graphic matching, consistencies in mood and tone, and abstraction to convey emotion and understanding. There is an emphasis on feeling as a way of knowing, an appeal to pathos instead of logos. As a result, the mode is “adept at opening up the possibility of alternative forms of knowledge to the straightforward transfer of information, the prosecution of a particular argument or point of view, or the presentations of reasoned propositions about problems in need of solution.”¹⁹ Serialized documentaries like *The Jinx* (Jarecki, 2015) or *Making a Murderer* (Ricciardi and Demos, 2015) tend to appeal to this style of proposition by beginning each episode with a brief (around a minute long) opening sequence. This opening volley, seen without fail before every episode, usually consists of short moments from the series with a backing musical track. In some cases, the sequence comes after a cold open or a brief re-establishing of the general themes and goals of the upcoming episode. *Forensic Files*, for example, follows a repeated formula, in that its opening (wherein forensic investigators and white-coated scientists poke and prod at brightly colored pieces of physical evidence amid quick zooms and lens flares in abstract, blue-toned lab environs) comes after a short explanation of the time, place, and crime that will appear in the episode. The show never

¹⁹ Nichols, Bill. *Introduction to Documentary*. Indiana University Press, 2010. 162.

wavers from this pattern, and it is as much a part of the series as any other formal technique. Such placement suggests that the opening sequence is one of several rhetoric techniques used by a film or miniseries, on par with narrative structure or scene composition, and is worthy of critical consideration.

The short clips that make up the introduction are usually ambiguous, abstract, and thematically tie back to the show and make full use of the toolbox of the poetic documentary. Examining *The Jinx*'s opening illustrates how the series leverages abstract representations of reality into both an emotional engagement with the show and a loose awareness of a quasi-narrative that is communicated through mood and tone. Newspaper clippings and family photographs are interspersed with brief moments from reenactments from out-of-context scenes, moments that are divorced almost entirely from their narrative meaning. The only thing able to be truly gleaned is that murders took place, and they may be connected by a single man. The compilation is set to indie band Eels' "Fresh Blood," a song defined by a persistent drum line and distorted vocals which build as more scenes from the reenactments of the murders are shown.²⁰ Towards the end, the shaved head of an unknown man fades into the back of a young boy's, which further fades into the close-cropped hair of a man in an orange prison jumpsuit, presumably Robert Durst. Much of the scene is overlaid with the windswept fading embers from an unseen bonfire, an image that does not appear at any point in the six-episode miniseries.

The opening envelopes us in the world of Durst and the deaths that follow him yet offers us very little in the way of tangible narrative structure. If you squint, you can clutch at a timeline,

²⁰ The lead singer of Eels has noted that he considers "Fresh Blood" to be about a man who becomes a werewolf and hunts at night. This interpretation informs a reading of Durst, a man who—while unassuming, aloof, and awkward throughout interviews—is suspected of murdering at least three people, one of whom he admits to dismembering and dumping in the Gulf of Mexico.

as the first moments offer a staccato burst of photos and filmed snippets of Durst that look chronological. The sequence defies chronology, however, as each moment that seems like it follows a crisp timeline is intercut with, or fades into, a violent murder-image (e.g., a pool of blood, a body dumped in the ocean, a suicide, a punch, etc.). Meaning derived from any graphic match or thematic linkage is fleeting and subjective, and what links the shots are their shared—and essentially poetic—focuses on the fragmented and subjective.

What ends up separating the opening sequence of *The Jinx* from other, earlier true crime works like *Forensic Files* is the level of intensity at which these contemporary openings deal with abstraction and subjectivity. This focus on fragmentation and feeling as a way of knowing is a focus that is shared with the classic Hollywood Hitchcockian thriller, an intervention I date to the release and success of the Jarecki-directed *Capturing the Friedmans* (2003). Post-*Friedmans*, the true crime documentary begins to co-opt many of the stylistic techniques and thematic concerns of the thriller, including narrative uncertainty and non-linear narrative progression. Such a change can be borne out even in their openings.²¹ *Forensic Files*'s opening, while formally similar to that *The Jinx*, has a clear goal. Every shot represents a dramatic recreation of a scientific technique or forensic procedure used to catch the killer in the ensuing episode. Although each shot is brief, they are homogenous in tone and purpose. The intro is a highlight reel that displays, in the language of the show, the incredible power and precision of modern

²¹ *Forensic Files* ran from 1996-2011 (with four additional hour-long episodes airing in 2016) on two different networks (TLC and Court TV, later truTV). Although over half of its episodes aired after the post-2003 cutoff that I establish in the introduction, the format decidedly follows the patterns and logic of its earliest seasons, as does its opening. In addition, only recently have television miniseries “caught up” to cinematic true crime documentaries in the thriller form, largely due to digital streaming services (e.g., Hulu, Netflix) and so-called prestige channels like HBO, on which *The Jinx* aired.

forensics. Despite the abstraction, these brief clips conjure up a relatively concrete narrative. *Forensic Files*, if nothing else, wears its rhetorical heart on its bloodstained sleeve.

The Jinx, however, avoids nearly any concrete explanation. It doubles down on this abstraction, offering little in the way of cohesion and rivaling credit sequences from classic Hitchcock thrillers in their thematic similarities and intent to defamiliarize the viewer. While we may understand that the images surround crime (savvy viewers will understand that someone will likely die in a series subtitled “*The Life and Deaths of Robert Durst*”), it is difficult to glean precisely what we see and why it matters. This is further complicated by the fact that the title sequence is constructed of clips of reenactments—a form that hinges on the subjectivity of embodied experience—of already dubious testimony. Little is defined in the way of time and place, and the world is heavily stylized with washed-out color and out-of-focus, abstract images. In this, *The Jinx* shares much with the opening credits of *Vertigo* (Hitchcock, 1958), another work interested in conflicting testimony and suspenseful twists. In this introduction, Hitchcock begins with an extreme close up of a face, panning from mouth to nose to eye. As the eye suddenly widens (In fear? Shock? Surprise?) and the music swells, the tint changes to red, and within the pupil, we see overlapping images of disorienting swirls. Place fades away into darkness as the space in which we reside becomes unclear. The two scenes are equally fragmented and ephemeral, and share the same grainy, washed-out aesthetic. Both scenes, too, resist interpretation and totalizing resolution. While it is a stretch to claim that *The Jinx* directly draws from the classic Saul Bass opening credits, the thematic concerns of both reveal their mutual interest in displacement and abstraction. Both draw from the same deck.

Why, then, do these true crime documentaries lean on techniques so steeped in uncertainty and fragmentation? It is a paradox that this new breed of true crime documentary

leans so heavily on the elements of the thriller to offer closure, an end result with which the thriller rarely burdens itself. The initial focus on heterogeneity and subjectivity drawn from the poetic mode and the concerns of the thriller seemingly belies the totalizing narrative that true crime documentaries like *The Jinx* pledge to offer. At its core, such a true crime documentary seeks to organize disparate facts obtained from forensic science or investigation into a verifiable and—most importantly—convincing claim of guilt or innocence. Not all follow this pattern—films like *The Thin Blue Line* (Morris, 1988) and, to a lesser extent, *The Imposter* emphasize multiplicity—but this logic of the classic true crime documentary holds up.

One way to work through this paradox is to return to the genre's use of the reenactment. The reenactment, overall, is usually linked to issues of “memory, testimony, and narrative construction,” in that it functions as a placeholder for a past event that is materially unavailable.²² As a result, the reenactment exists as a quasi-authority that is intrinsically subjective thanks to the inevitable fallibility of human memory. If forensics point to physical evidence in the past, then reenactments are treated as recreations of moments that physical evidence cannot wholly define. They fill in the gaps. The American true crime documentary is yoked to the reenactment, in no small part due to its formal and rhetorical similarities to the American courtroom. Lawyers take facts from investigations, and use these pieces as evidence to propose a timeline for a past crime. While these reenactments tend not to be visual, the technique of recreating the past to illustrate *how* something happened lies at the core of the adversarial criminal justice system. The most sensational example of a popular true crime docudrama that makes extensive use of the reenactment is *America's Most Wanted*, a FOX network show that

²² See Kahana, Jonathan. “Introduction: What Now? Presenting Reenactment.” *Framework: The Journal of Cinema and Media* 50. 1-2 (2009): 50.

ran from 1988 to 2012.²³ *America's Most Wanted* was perhaps best known for its overly dramatic and “sensationalist” reenactments of grisly crimes. The crimes were gruesome, and—in the language of the show—the reenactments showed us exactly how they happened. Essentially, from the series’ point of view, the reenactments *were* what happened. This attitude towards the reenactment ignores these issues of memory and trustworthiness that animates the reenactment. What interests *America's Most Wanted* is not the subjectivity of testimony within the reenactment, but instead its purported ability to fill in the gaps of an essentially unknowable past. The reenactment becomes security camera footage where no camera existed. What we see is what happened that night: case closed.

The Jinx, like *America's Most Wanted*, seeks to lock down on a singular understanding of the past. *The Jinx* makes the reenactment the authority, even as the form offers multiplicity. By the end of the miniseries, despite offering different reenactments of both Durst’s and the prosecutors’ story, we are strongly encouraged to believe that the latter is the truth. Contrast this to *The Thin Blue Line*’s treatment of the technique, which acknowledges that the past surrounding a crime is, as Linda Williams describes it, “traumatic, violent, and unrepresentable in images.”²⁴ In the film, Errol Morris never clamps down on a sole interpretation of the past, opting to show overlapping and incompatible reenactments in rapid-fire, disorienting the viewer. Even truth feels insubstantial and slippery. As a result, although the film presents a stunning confession, what happened that night in Dallas never truly feels resolved. The gaps remain unfilled despite the police’s attempt to clamp down on the truth, a thematic concern Morris

²³ Ibid, 48.

²⁴ Williams, Linda. "Mirrors without Memories: Truth, History, and The Thin Blue Line." *Documenting the Documentary: Close Readings of*. Ed. Barry Keith Grant and Jeannette Sloniowski. Detroit: Wayne State Univ, 1998. 386.

visually represents by increasingly zooming in on newspaper clippings, maps of Dallas, and even license plates until they become abstract. We do not know *exactly* what happened because the tools that we are using are not *exact*. This lack of resolution through heterogeneity mirrors the end-game of the classic Hollywood thriller by deliberately resisting tying up loose ends, by denying complete resolution.

How, then, does *The Jinx* position itself as authority over the past by using a form that is so contingent on subjectivity? Although the reenactment tells a story, it never tells the whole story. Again, the form is steeped in issues of testimony and memory, and something is inevitably gets left out. *The Jinx* answers this paradox, however, by working to establish rhetorical homogeneity in a feeling of resolution. By offering two reenactments, one of which is constantly attacked, Jarecki delegitimizes one narrative, regardless of the reenactment's uncertainty. It is wrong, and the other is right. Despite his initial posturing as objective arbiter of truth, by the conclusion of the miniseries, Jarecki wants his audience to walk away feeling that Durst should be in jail for murder. It has been resolved.

This distinction between *conclusion* and *resolution* is crucial to understanding the logics of the thriller and the true crime documentary, and the application of the former to the latter. The true crime documentary's narrative authority suggests that the events of the past have been resolved, which undercuts the very logic of the thriller at its core. The Hitchcockian thriller, at the end of the day, does not position itself as the same sort of objective arbiter of truth. The uncanny coincidences at the end of *Vertigo* are never truly resolved; the motives of the murderous birds in *The Birds* (Hitchcock, 1963) never fully gleaned. Beyond these film's roles as fiction, the thriller's ending rarely serves as satisfying resolution in and of itself. Like the

events of the film, it is contingent and subjective, and often framed as an open, unsure ending. Just because the film ends, it does not mean that it is over.

Perhaps the best example of this distinction lies in a discussion of the thriller's twist ending.²⁵ In the twist, information that is unknown or purposefully withheld is suddenly revealed, usually in a shocking way. The twist ending encourages the viewer to return to events of the past, and reconsider what has been seen before. One element of the twist ending that is often overlooked—usually taken for granted—is the impression of certainty that it offers. After the twist, it is understood by the audience that whatever has “twisted” is valid in the diegesis of the film. In short, the twist is true. A twist ending that later turns out to be false is not really a twist, it is more of a misdirection, perhaps since the film would have to “twist back” to stability. Part of this certainly lies in the fact that twist endings tend to happen near the end of the film, giving a film less time to backtrack and change course. Nevertheless, films described with twist endings tend to take the twist at face value, despite the visceral and disorienting shock it offers.

Importantly, the twist ending concludes the plot of a thriller, but does not necessarily resolve it. Resolution acts as a sort of matrix of interactions between the film and the spectator. It is a way of describing *our* reaction to what we see, and our *belief* in the totality of the argument. For instance, at the end of *Psycho* (Hitchcock, 1960), there is no reasonable question that Norman Bates, who dressed up as his long-deceased mother, murdered Marion Crane and a handful of others. The viewer accepts this as fact as the film concludes. However, this acceptance does not offer totalizing answers. One is driven to ask questions about Bates' motive

²⁵ Not all Hitchcock films have twist endings, and not all twist endings are from Hitchcock films. Not all thrillers have twists, and not all films with twists are thrillers. That said, the twist is a crucial part of the thriller, and continues the tradition of a focus on the subjective and fragmented. *Psycho*, *The Usual Suspects* (Singer, 1995), *The Sixth Sense* (Shyamalan, 1999), *Saw* (Wan, 2004)...the list is truly too long to even conceptualize.

and his past traumas. How, one might wonder, did Bates become this mentally unhinged? The film makes only a vague attempt to answer this question, keeping with the thriller's interest in the incomplete and subjective. The open answers to these unaddressed questions limit the *resolution* of the film, which includes questions beyond those directly dealt with in the plot of the thriller.

Depending on the quality of the thriller, the spectator might be moved to question the validity of the twist on the part of the filmmaker. Was the twist earned? Does it hold up under scrutiny? What was the director thinking? While this question might seem blasé and inessential, in the context of the true crime documentary, it is an essential and crucial question. What this question really gets at is a non-diegetic interaction between audience and the *assembler* of the film. Anyone who questions a “cheap twist” is essentially asking if the onscreen organization of the story *justifies* the sensationally dramatic change in narrative structure. In the true crime documentary, the filmmaker's rhetorical techniques are under the microscope even more, due to the documentary's closer relation to actuality. These moves are integral to the DNA of the genre, and must be critically considered. In *The Jinx*, Jarecki's footprint is everywhere. Even before the series takes a step back and captures Jarecki's own attempt to capture Durst in a lie, Jarecki maintains a physical presence in the series. The Jarecki-Durst interview, after all, forms the crux of the series, and shots of Jarecki asking questions are interspersed in the interviews. He will also be included in a two-shot when interviewing supporting characters in a non-talking-head set-up. In a post-*Capturing the Friedmans* world, the intent of the filmmaker and the subject is always on trial.

This move away from understanding resolution as a subjective experience to affirming the totality of the ending in the true crime documentary through conclusion-as-resolution is

spelled out by Jarecki himself. The thriller's lack of concern with delineating between fact and fiction shines through with Jarecki's earlier work on a Durst-adjacent mystery-thriller. *The Jinx* establishes that Jarecki's interest in the subject matter comes from his involvement in *All Good Things* (Jarecki, 2010), a mystery crime-thriller loosely based on the life of Durst. Jarecki, when describing his intent on the red carpet premiere of *All Good Things*, states that he "would like to make a film that Durst could sit and watch and have an emotional reaction to."²⁶ While this response is filtered through both the editing of *The Jinx* as well as typical red carpet puffery, Jarecki's focus on garnering an "emotional reaction" suggests he is aware of his film's multiplicity of meaning. Not only does *The Jinx* take creative liberties with past events as a fiction film, but Ryan Gosling's character in *All Good Things* is a creative reinterpretation of Durst. While fictional, starring characters with different names, Durst's shadow hovers over the film. Free from totalizing resolution, Jarecki is free to reenact one version of the Durst story through the lens of the thriller. He does not say he wants to tell the story of Durst or catch him in a lie, but he wants to evoke an emotion through the matrix of interactions between fiction and actuality, between audience (in this case, Durst) and onscreen entertainment.

This, of course, is not the way *The Jinx* treats subjectivity and plurality. Jarecki's goals have changed from "have an emotional reaction" to "get justice" for Susan Berman—Durst's best friend and one of three murder victims—through *The Jinx*, hinting at the totalizing narrative he seeks to construct. Forgoing the matrix of uncertainty and emotional reactions *All Good Things* works to create, *The Jinx* works to establish a complete and totalizing end game for Durst. Ultimately, it takes the thriller's focus on subjectivity and fragmentation in a paradoxical

²⁶ It is important to consider Jarecki as *yet another character* in the work that he is creating. While he certainly (along with other editors and co-producers) acts as the film's assembler, his explicit placement in the events of the film elevates him from mere organizer of documentary *Voice* to an element within the very work he creates.

new direction by presenting this focus as a means for totalizing resolution. It conflates logics of conclusion with logics of resolution. The ultimate goal of resolution as narrative authority (the documentary “closing the book” on the case) complicates the co-option of thriller techniques which extend that focus on uncertainty to the resolution, an extension the miniseries works to deny and suppress. Paradoxically, it uses a mode surrounded by uncertainty and subjectivity to offer just the opposite. *The Jinx* uses a mode obsessed with plurality and uncertainty to paradoxically “lock down” on one interpretation of the truth. The true crime documentary, by adopting the content of the thriller mode but not its logic, goes only halfway.

“Yeah, it’s recording. That’s where it goes digital, see that?”

The Jinx’s desire for a complete and totalizing resolution comes out of anxieties surrounding the makeup of evidence in the digital age. Anxiety of the decreasing amount of authority over increasingly unknowable “bits” of information animates this turn towards the thriller mode to offer satisfying resolution. The increasing aggregation of information, however, lies at the heart of the logic of the archive, which promises a totalizing “memory” where no data is lost, despite their inevitable degeneration.²⁷ The suppression of that paradox animates both these anxieties and the shift towards the logic of the thriller to make meaning. More specifically, the genre increasingly turns away from the digital understanding of “resolution” as a measure over distance between two discrete points, towards the thriller’s interpretation which offers a complete and satisfying solution—a solution that thrillers rarely offer. Digital resolution, by definition, can never be fully resolved, yet *The Jinx* works to increasingly gather data to provide totalizing answers that are ultimately incomplete.

²⁷ Chun, Wendy Hui Kyong. "The Enduring Ephemeral, or the Future is a Memory." *Critical Inquiry* 35.1 (2008): 154.

Capturing the Friedmans, in 2003, marks the shift in true crime documentaries to offering resolute authority through the techniques of the classic Hollywood thriller.²⁸ Critics have lauded and lamented the film for dishonestly withholding information to offer “cheap” twists and incomplete conclusions.²⁹ These criticisms stem mostly from a concern that these—as Horeck calls them—“sensationally dramatic crime documentaries” betray the idea of the documentary as objective fact, ignoring the genre as one that has *always* been subject to assemblage and construction.³⁰ I argue that this relatively recent turn in the genre comes from anxieties over the lack of authority and heterogeneity of digital evidence, as well as a pushback against inherent uncertainties in the promise of digital logic as an archive of information.

The Jinx seeks to gloss over gaps in what is known by appealing to thriller techniques like the twist, as well as to subjective and uncertain reenactments that become increasingly stylized and non-representational as the show progresses. Before proceeding, it is important to make it clear that I am not claiming that all evidence is unreliable. Forensic evidence in the past fifty years has progressed and become more precise, and DNA evidence can be skillfully used in a courtroom to construct a powerful argument and “place” a person somewhere. Nevertheless, what is often ignored when considering the increasing precision of forensic evidence is the *space between* what is known and unknown. For example, DNA evidence can be viewed in one way as a sort of “smoking gun” that acts as a direct link between a person’s body and a physical space.

²⁸ See Vicky Bell (2008) The burden of sensation and the ethics of form: Watching *Capturing the Friedmans*. *Theory, Culture & Society* 25.3: 89-101. Bell does not go so far as to tie these techniques to the Hollywood thriller, but her claims apply to those of thriller

²⁹ Arthur, Paul. “True Confessions, Sort Of.” *Cineaste* 28.3 (2003): 4-7.

³⁰ Horeck, Tanya. “A film that will rock you to your core’: Emotion and affect in *Dear Zachary* and the real crime documentary.” *Crime, Media, Culture* 10.2 (2014): 151-67.

Such evidence, however, does not tell a totalizing story. It exists as a signpost. These heterogeneous artifacts motivate multiple stories unto themselves.

The Morris Black case in *The Jinx* shows the gap between what precise physical evidence offers as actuality versus what is understood as actuality. Morris Black's blood was found under the tile in Durst's rented home, as were slash marks consistent with a bow saw. Black was later found dismembered in the Gulf of Mexico, and Durst was found with a bow saw. These pieces of evidence tell a fairly convincing story, and *The Jinx* wants you to see it this way as well. In all likelihood, Black was murdered by Durst, his body cut up, and dumped in the ocean. Durst's lawyers, however, manage to get him acquitted by arguing that Black's death was an accident, and Durst cut up the body and hid it out of fear. At some level, these pieces of physical evidence end up serving a heterogeneous interpretation of the past.

I establish this point to illustrate yet another paradox that pervades digital logic. Digital technologies and digital media promise a more complete and more precise picture of the past, yet these moves only serve to amplify what was unknown and cannot be known. Increasingly complex methods of analysis offer a greater level of definition and continually push the bleeding edge of what is known. Nonetheless, these more and more precise bodies of evidence only serve to further illustrate what is *unknown*. The digital archive's goal of a homogenous narrative through heterogeneous pasts is not a finish line, but a horizon. This horizon, by definition, is unreachable. These heterogeneous pieces of the past, in the context of the archive, work to establish a homogeneous, "resolved" narrative that is undercut by their heterogeneity. This problem further animates discussion of judicial evidence in both the courtroom and the true crime documentary. Forensic evidence offers an increasingly precise view of the past through modern scientific means. This evidence need not take digital form, but like the logic of the true

crime documentary, it follows the logic of the digital. It works to increasingly bridge that gap between present and past by amplifying the precision of evidence and “shedding new light” on it. DNA evidence, for example, can be used to place someone somewhere in the past, adding another layer and another piece of evidence to support the construction of a narrative. This, thematically, falls within the concerns of reenactments, which act as a “portal” to the past and, importantly, a way of *reviving* it and bringing it back to life. Nonetheless, the means by which these two logics actually get at the past differs. Reenactments enact that embodied temporal fold not by dogged precision, but through fragmentation and an often self-conscious move towards pluralism. The logic of the digital, however, works to gather as much as many artifacts as possible to faithfully recreate and resolve the past, ignoring the subjectivity inherent in remembering the past. This logic, by using heterogeneity in the name of homogeneity, conflates conclusion with resolution.

The Jinx tries to resolve the past through an aggregate of facts anyway. Its failure to do so is telegraphed even by the events of the very trial it uses as evidence. Durst’s argument is successful in the Morris Black trial thanks to ultimately unverifiable techniques of establishing motive. Determining motive requires an investigator to create a picture of plausible intent within a man’s mind and here forensic evidence cannot tread. Character witnesses in the American criminal justice system exist not to provide evidence that one did not commit a crime, but simply that the defendant simply could not have done it. That the question of the trial becomes not *did* Durst kill Black, but *why*, highlights the importance of that shifting focus towards what forensic evidence is functionally unable to provide. That the case did not hinge on the claim—accepted by both prosecution and defense—that Durst killed Black, cut him up, and disposed of him does

much to prove the broken promise of complete mastery over the past digital evidence offers. Collection, again, is not synonymous with resolution.

Having established this, *The Jinx* falls short in accepting the heterogeneity of evidence and an incomplete authority over the past. Instead, the series once again recreates the logic of digital evidence by symptomatically collecting *even more* evidence against Durst, while simultaneously (and incompletely) embracing the logic of the thriller, one of fragmentation and uncertainty. The miniseries collects interviews from family friends, investigators, Durst, and even Jarecki himself in order to form an even more complete picture. The smoking gun of the series is the supposed handwriting match between a letter that Berman's killer wrote police and a letter that Durst wrote Berman at some point. Putting aside for a moment the fact that witness testimony is often spotty, and that handwriting matches are notoriously difficult to pin down (Arthur Leigh Allen, a prime suspect in the Zodiac Killings in San Francisco, was famously released after the ambidextrous Allen's handwriting did not match the Zodiac letters), this "smoking gun" is treated as a direct link between Durst and Berman's killer.³¹ It ignores the work of the handwriting analyst, who on camera admits that there are similarities and there are differences between the two. The sample, far from being an indexical link to the crimes, acts more as a *painting* of a smoking gun: a strong suggestion but one subject to the pluralism of all interpretations of the past.

"Do you have your answer now?"

The final episode begins with a re-enactment of the path the letter took to end up in the hands of the Beverly Hills police. Even here, the pluralism that lies at the heart of the

³¹ Williams, Lance. "Zodiac's Written Clues Fascinate Document Expert." *San Francisco Gate*. N.p., 3 Mar. 2007.

reenactment is nevertheless denied by the narrative structure of the show. Much like earlier reenactments of the crime scenes, the world surrounding the letter is visually washed-out, like that of a neo-noir thriller. These short scenes are tense, driven by a persistent musical beat that soon resembles a quickening heartbeat. Moments are shot in slow-motion and in close-ups, so that the hands that sort the letter and the tires of the mail truck are abstracted. An extreme close-up of the re-enacted letter is intercut with interviews and annotated photographs of the “real” letter and Kathleen Durst in medical scrubs. No faces, only hands and torsos are depicted, all of which culminate in yet another pair of hands opening the letter, revealing the location of Berman’s body. Despite the immaterial viewpoint of these scenes—these reenactments are not even based on testimony, only a sense of general plausibility—they are treated as yet another piece of evidence. Just as the letter slowly reaches the hands of the police, so does Jarecki want us to slowly realize that Durst killed Berman.

This is the resolution the miniseries wants to evoke, and it works to do so by organizing these heterogeneous pieces of data into a totalizing, homogeneous narrative. This narrative is further supported by the techniques of the Hollywood thriller, ones that emphasize plurality and uncertainty: extreme shifts in focus that abstract the world, hyper-stylization and a washed-out aesthetic that defamiliarize the everyday, and a tense quasi-narrative structure that suggests an end that *The Jinx* leverages towards resolution. The thriller’s style, which champions these subjective traits, is co-opted by a genre which works to suppress and reject them. This reenactment, despite hinging on an uncertain point-of-view, offers itself as link between Durst dropping the mail into the mailbox, and the police reading it. That it works to offer this direct link *through* a reenactment mode that demands considerations of plurality underscores that digital logical paradox at the heart of collection.

Despite their inherent subjectivity and plurality, *The Jinx* treats these fragmented reenactments as hyper-specific details in a homogeneous evidentiary collection, offering them up as authority to the past. However, within the very construction of the reenactment lie the tools to undercut this proposed authority of evidence. Despite the series' treatment of the similarities between Durst's handwriting and the words on the letter as definitive and ironclad, the attempt taken to make the re-enacted handwriting look like the real letter's style defies that direct link. Durst's handwriting looks like the letter's, but this re-created letter—which also looks much like it—certainly was not written by Berman's killer. This small detail opens up onto a plurality of meaning for this handwriting, a plurality that is extended towards the reenactment as a whole. Despite attempts to offer homogeneous authority and smooth over the past, these reenactments contain within them the tools to fragment and heterogenize it.

The Jinx, in treating the letter as the key that unlocks the treasure chest of Durst's guilt, denies the discontinuity and discrete nature of digital evidence. Vivian Sobchack writes how one of the defining features of the digital age is how digital electronic technologies atomize information, forming them into “discrete pixels[,] ... each bit discontinuous, discontiguous, and absolute.”³² She argues that the ephemeral and discontinuous individual makeup of digital information exists only in the form of an interface. They are “neither projected nor deep.”³³ For Sobchack, this insubstantiality makes these bits of information phenomenologically intangible. The inability of digital information to be entangled with the body separates consciousness from this grounded existence, severing the act “moral gravity” has on electronic information.³⁴ This

³² See Sobchack, Vivian. "The Scene of the Screen." *Carnal Thoughts: Embodiment and Moving Image Culture*. Berkeley, Calif.: U of California, 2010. 135-164. Print.

³³ Ibid, 159.

³⁴ Ibid, 159.

decoupling diminishes responsibility that these engagements have on the material world, limiting their scope and experientially flattening them. In the context of the true crime documentary, this “livid-in” feeling extends to the articulation of these digital data as evidence. The role of the true crime documentary, in this case, is to ground digital evidence in the world and imbue it with meaning by applying it to a narrative. This adds yet another layer onto the paradox of the logic of the digital: discrete, “flattened” nodes of information must nevertheless be organized and leveraged to offer a totalizing and complete picture.

Nevertheless, digital information can be phenomenologically “thick” and evoke embodiment despite this flatness if processed through a medium that encourages such embodiment: the reenactment. Consider the paradox of stylized reenactments of *The Jinx*, particularly the brief, slow-motion scenes of the murders. Reenactments in the miniseries are treated as yet another piece of an ever-expanding collection of evidence against Durst, aligning them on a macro-level with the logic of digital technologies that Sobchack claims avoid embodiment. While these reenactments paradoxically distance us from the event by abstracting and defamiliarizing them, they still work within a form that intrinsically offers subjective identification. Reenactments, according to Nichols, bring to life the past, and make visible the invisible. On the one hand, they work to intensify the subjective bodily experience of someone by recreating it as an experience. Reenactments “contribute to a vivification of that for which they stand” and do so through affective engagement.³⁵ There is always a sense of creative liberty taken, but reenactments work best when they revive emotions surrounding a past event. The trauma of a murder, for instance.

³⁵ See Nichols, Bill. "Documentary Reenactment and the Fantasmatic Subject." *Critical Inquiry* 35.1 (2008): 72-89. *JSTOR*.

Paradoxically, these reenactments actually reach this embodiment *through* the discontinuity Sobchack claims distances the subject from the world. By reducing and defamiliarizing the world within an overall angle of continuity and rhetorical homogeneity, they manage to create an embodied experience that is colored by the abstract and discrete. Again, this is the work the reenactment tends to do by the very nature of its quasi-contiguous state as a “representation of a prior event” while not a “contemporaneous event,” but this wobble is only made stronger—or perhaps, sharper—by the inclusion of the digital’s logic. The reenactment, ultimately, betrays its multiplicity and instability, and moves away from the “flatness” Sobchack argues is the hallmark of the digital. The artfully staged compositions and carefully framed pieces of evidence (e.g., cat paws in blood, a diary on a nightstand, etc.) suggest a meticulous placement, emphasizing a great level of digital detail. The scenes invite a long, lazy look at the screen, even as they push away. The washed-out aesthetic and slow-motion capture in *The Jinx* heighten the dread and fear felt by the victims, but there is something distracting about them. The scenes are always shot at a distance from the actors, while the constant slow motion creates a dreamlike setting. The surreal landscape is intriguing and absorbing, but not necessarily representational of the world. Crucially, in no reenactment is there ever a clear glimpse of someone’s face. In literally every single case, faces are obscured. Window shutters cover heads, faces are out-of-focus, and entire scenes are framed with body shots. Actors are abstract, to the point where identity is only verifiable by oblique physical characteristics. Only her long black hair identifies Berman. Short-cropped white hair gives Durst’s double away. Visually, police officers are little more than uniforms. These reenactments do seem to exist in a world at a distance, bringing us in and pushing us away. The lack of stability encourages us to see them neither as fully embodied nor totally distancing, even as we are encouraged to believe in the

validity of one particular narrative. Once more, Jarecki wants heterogeneity in the name of homogeneity.

A hyper-focused “attention to detail” despite a sense of phenomenological incongruity describes the way true crime documentaries like *The Jinx* treat evidence.³⁶ Evidence, under this logic, exists independently of other pieces of evidence. While they ostensibly form an entire system, (think of the timeline of the day of a murder) the elements that make up the system function more as “a materially flimsy latticework of nodal points.”³⁷ Evidence, following the logic of the digital, does not *tell* a story, but *is told by* a story. Consider again the discovery of Black’s blood on the floor of Durst’s rented room. The blood and the slash marks exist as exquisitely detailed imprints on the world, but their meaning only becomes clear given the addition of other elements (Black’s lifeless body, Durst’s bow saw, etc.) Although they appear to tell their story, it is impossible to avoid the fact that they *must be explained*. By their nature, they exist independently of other pieces of evidence. They must be explained by investigators; no piece of evidence is self-evident.

This becomes yet another paradox of the logic of the digital age, because, despite the ephemerality and listlessness of the connectivity of these pieces of digital evidence, the precision of these individual nodes become far greater. The “flatness,” Sobchack argues, is symptomatically circumvented by exuberant attention to detail and hyper-saturation. If the world cannot be coherent, it must at least well defined. As the nodes (seemingly) become more detailed, why they matter becomes more contingent and flimsy. We can see this logic extend once more to the world of the true crime documentary. DNA evidence offers one-in-a-billion

³⁶ “Scene of the Screen,” 158.

³⁷ *Ibid*, 158.

odds of a false positive. Stylized reenactments offer close-up, impossible views of a past that is shrouded in mystery. Jarecki symptomatically returns to the slow-motion shot of Berman (allowing us to scour every inch of the scene, mining the fall for all it is worth), her face obscured by her main attribute: her long black hair. Curiously, the individual pieces that form the puzzle become more detailed just as the overall shape of the puzzle becomes less clearly defined.

The overriding metaphor, in the case of the digital, becomes the archive. The archive allows us to store indiscriminately all information in an ageless state, retrievable when needed. If the links between the nodes remain contingent and incongruous, then it follows with more information, one might gather more meaning. The furious rush to collect evidence betrays this anxiety of meaning. Security camera footage is saved onto discs and flash drives, available at once. Data is capable of being stored and recalled when needed. In this idealized example, nothing need be forgotten. The dream of the true crime documentary would be a remembrance of information so accurate and so complete that it completely mimics the past, offering what is essentially an indexical link to a crime that occurred, with no need for character witnesses or testimony: the testimony is the infallible digital.

Unfortunately, the archive as a method of resistance against the “flatness” of information as digital data falls apart when considering the archive as a form. The ultimate problem behind this metaphor rests in the limitations of the archive to offer a meaning towards which digital technologies seem all too eager to race. Wendy Chun writes how digital media rely on “a conflation of memory and storage that both underlies and undermines digital media’s archival promise.”³⁸ Digital media at their core are rewriteable and subject to degradation.³⁹ Computers,

³⁸ Chun, Wendy Hui Kyong. "The Enduring Ephemeral, or the Future is a Memory." *Critical Inquiry* 35.1 (2008): 148

³⁹ Anyone who has tried to watch a 20-year old DVD or an old magnetic tape from a video camera will understand.

for instance, rely on transistors and cathode ray tubes, both of which are dependent on regeneration to function. Information is stored in RAM, which is inherently rewriteable. In this way, Chun states, we see how the digital “which is allegedly more permanent and durable than other media ... depends on a degeneration actively denied and repressed.”⁴⁰

To combat this degeneration, *The Jinx* constantly repeats itself, betraying its role as entertaining archive of objective facts against Durst. The series constantly returns not only to the scenes of the crimes, but also to specific news reports about them. News stories and segments from interviews repeat throughout the series. Berman’s death tumble is ever-present. Statements from Durst seem to take on new life and meaning after “new and shocking” evidence has been revealed. Durst’s forgetfulness that he is bugged dramatically hits home after the end of the final episode, when he (seemingly) unwittingly confesses to the murders. Claims by Durst that the letter must have been written by the killer becomes steeped in dramatic irony upon revisiting, a rhetorical move that *The Jinx* does not leave up to the viewer to interpret by explicitly repeating several times. Why does *The Jinx* symptomatically return to the past repeatedly, if not due to anxieties that a mere collection of evidence will not serve as total resolution? Information in the true crime documentary must update constantly or run the risk of becoming irrelevant. Evidence, returning to earlier anxieties, does not speak for itself, but must rely on other pieces to make meaning. Our updated understanding of Durst’s claim about the letter in the final episode of the series (“You’re writing a note to the police that only the killer could have written!”) betrays the flimsy lattice that connects these fundamentally disparate pieces of evidence together.

⁴⁰ Ibid, 167.

Such habitual repetition goes beyond the simple desire to make sure the viewer is “caught up” with the plot. *The Jinx* aired on HBO over six weeks; however, the bulk of its viewership has seen it after it aired, likely all at once. This mode of “binge watching” is commonplace with video streaming services like Netflix, Hulu, and HBO Now, which allow the work to be seen at the viewer’s leisure. This discontinuous experience with what was once a serialized, monolithic method of television dissemination animates some of Sobchack’s arguments about the digital as an arbiter of a new “nonlinear and discontinuous structure” understanding of objective time.⁴¹ While this notion that objective time has been altered by the digital age’s own incongruity and virtual nature is radical, if fascinating, the viewer’s ability to rewind, fast-forward, and otherwise alter the flow of digital entertainment does color the show dogged insistence on reshowing scenes.

Just as in the discussion of the thriller mode in *The Jinx*, the miniseries fully embraces one element of this double-edged sword and ignores the other. The loose lattice of interconnectivity is denied, favoring the increasing precision technology seems to offer. This increased resolution is not enough to resolve the underlying issue of heterogeneity, a practice *The Jinx* actively works to deny by clamping down on one interpretation of the past. Nevertheless, the series symptomatically returns to the past, to the same thrilling reenactments, and the same moments throughout the show, indicating the need to constantly update information in the veritable archive of collection. Such moves ironically reveal the incompleteness behind the logic of the archive. By using the style of the thriller—one that demands uncertainty and

⁴¹ “The Scene of the Screen”

fragmentation—to smooth over the past, *The Jinx* symptomatically betrays its own uncertainty of the authority of its own evidence, an uncertainty that it actively works to suppress.

The symptomatic denial of the heterogeneity of evidence through the logic of the thriller is not, however, the only line of thinking in the contemporary true crime documentary. The degeneration at the heart of the digital archive and digital evidence may disrupt the complete authority of the totalizing resolution, but this need not be the only logic of a true crime documentary. Thriller techniques in conjunction with digital logic need not exculpate themselves fully from subjectivity and uncertainty. An avowal of the heterogeneity of the digital and the reenactment would require a self-conscious examination of its own forms and techniques for meaning-making, one that avoids the homogenous narrative that clamps down onto a single interpretation of the past. In Chapter 2, I examine another true crime documentary that works within the same mode as *The Jinx*, yet is far more open about the preoccupations of the thriller and the paradox of digital logic. While it offers resolution, the film's treatment of its *own* resolution highlights its interest in multiplicity, and the subjective nature of the past it retells.

CHAPTER TWO: *THE IMPOSTER*, HETEROGENEITY, AND SELF-AWARE POWER

“She’s not my mother, and you know it.”

In Chapter 1, I discussed the paradox at the heart of the logic of digital collection, a paradox that true crime documentaries like *The Jinx* tend to actively deny and suppress. Despite an increasing focus on precision of data, the inevitable degeneration of the digital archive betrays its promise as solution to uncertainty and unknowability. The true crime documentary’s focus on reenactments—a form that deals explicitly with issues of memory and fallibility—also belies this promise. As a response, the genre turns the reenactment into a voice of authority by combining it with the techniques of the thriller, creating hyper-stylized spectacles that are shown again and again in slow-motion and ever-increasing abstraction. These moves are leveraged towards a totalizing resolution, one that offers a singular point of view of not only the past, but also of guilt or innocence. By smoothing over the inevitable heterogeneity of evidence (forensic evidence, stylized reenactments, etc.) by appealing to the logic of the thriller, these works try to homogenize the past, symptomatically betraying once more this anxiety over the inability of collected digital evidence to offer authority. That move further ignores the both the thriller’s and the reenactment’s interest in the subjective, fragmented, and plural, multiplying the paradox of using heterogeneous and subjective pieces of evidence to tell a homogenous, totalizing whole.

This totalizing and homogenous approach to the past is not, however, the only attitude offered by contemporary true crime documentaries. *The Imposter* (Layton, 2012) works as a counterpoint to a series like *The Jinx* due to its initially similar but ultimately heterogeneous

approach towards resolution, one that intentionally does not stand up to further questioning and embraces the oft-denied subjectivity and contingency of the logic of the reenactment. Instead of using thriller techniques to offer totalizing resolution, *The Imposter* playfully uses the subjectivity and uncertainty of the thriller's logic to encourage doubt on its own slyly offered authority figure: the criminal and serial imposter Frederic Bourdin. By engaging with the techniques of the thriller—through its stylized reenactments and carefully constructed twist ending—*The Imposter* self-consciously offers a heterogeneous *false resolution* instead of *The Jinx*'s ultimately *incomplete resolution*. This false resolution—created through these reenactments—reveal the paradox in treating reenacted testimonials as a means to offering authority and closure.

The Imposter also reveals the true crime documentary's focus on affect manipulation (through the thriller mode), a manipulation engendered by the genre to psychically bypass anxieties over the lack of authority of evidence—and its subsequent heterogeneity and multiplicity—that the digital archive works to suppress. These discussions about affect surround *The Jinx*'s use of twist endings and narrative reconstruction to make meaning, but *The Imposter* puts a much finer point on *how* the genre makes appeals to affect. Namely, *The Imposter* illustrates how the reenactment's interest in embodiment and subjectivity can be used to dismantle a critical distance that reenactments in the genre tend to offer. This becomes an issue when the central authority figure that negates that critical distance—in this case, a criminal—works to deceive. Both works provide some sense of resolution, but only the latter is open about the lack of fidelity such a resolution has on the real world—even if, by God, it *feels* like one. The self-conscious attitude towards fidelity extends to the true crime documentary's co-option of digital logic, a logic that symptomatically collects a larger body of increasingly precise details.

The authority of this collection—the logic of the archive—is nevertheless undone by the inherent degeneration and heterogeneity at its core. By explicitly emphasizing new media as rewriteable, *The Imposter* reveals the paradox at the archive’s core, illustrating how a film can understand evidence in a world of loose referents and degenerating archives: as a *processing* of facts into evidence. Instead of denying this important processing and offering a totalizing resolution as *The Jinx* does, *The Imposter* foregrounds it *through* the logic of the thriller and the heterogeneity of the digital, offering heterogeneous conclusions that reveal the true logic of the digital, a logic that denies its own paradox.

“Who wouldn’t see it?”

To accomplish this, *The Imposter* behaves much like one might expect a thrilling true crime documentary to behave. In many ways, it relies more on the manipulation of audience expectation more than *The Jinx*. The film deals with the disappearance of Nicholas Barclay, a 13-year-old boy who vanishes from his home in 1997. Three years later, he is found overseas in Europe. Except—as the film wastes no time in revealing—the missing boy is *not* Nicholas, but is in fact a 23-year-old French man named Frederic Bourdin. The film is tense, an effect created by an ominous score, quick editing, and the reenactments, which stylistically share much with those of *The Jinx* in their stark color contrast, washed-out aesthetic, and use of slow-motion. The rhetoric surrounding these contemporary true crime documentaries—*The Imposter* included—invoke the language of theme parks and action-adventure features. These films are described as, for example, “white-knuckle thrillers” and “edge-of-your-seat” entertainment.⁴² Online reviews by viewers suggest that some were even unaware that *The Imposter* was a documentary at all, so

⁴² See Tanya Horeck, “A film that will rock you to your core’: Emotion and affect in *Dear Zachary* and the real crime documentary.” *Crime, Media, Culture* 10.2 (2014): 151-67.

dedicated it was to the roller-coaster of the Hollywood thriller. By the end credits of the film, it is hard not to feel that you have been taken for a ride. From the charmingly enigmatic Bourdin who serves as unreliable narrator, to the emotionally evocative subject matter surrounding the loss and false discovery of a missing child, the 2012 documentary hits plenty of beats one would expect in a mystery or thriller.

This engagement with the form of the thriller extends to the film's shocking twist, one that invites a revisiting of the events of the film. Even as they explicitly point out Bourdin's history of lying and deceit, nearly every professional review of *The Imposter* will at some point give lip service to the plausibility of the twist. At first glance, the film presents itself as yet another true crime documentary "corrupted" by the encroaching influence of the thriller, its rhetorical strategies reduced to shock, suspense, and surprise. Negative reviews center around the film's "sensationalism" and its own role as a kind of con man, masquerading as a documentary while decidedly partaking in the thriller's techniques.⁴³ Even positive reviews often return to a singular description: "stranger than fiction."⁴⁴ To my mind, these claims are overly reductive, but in trafficking in the logic of the thriller, *The Imposter* does withhold information for maximum sensational effect. Nonetheless, although both *The Jinx* and *The Imposter* engage with the thriller, *The Imposter* uses these techniques to disclose the heterogeneity at the heart of the paradox of the logic of the digital. The film unwittingly accomplishes the goal of the "mockumentary" by putting pressure on "documentary's role in validating and challenging reigning interpretations of reality" by critically engaging with these forms.⁴⁵ Reading it as a

⁴³ Jones, J. R. "The Imposter." Rev. of *The Imposter*. *Chicago Reader* 2012: n. pag. Web.

⁴⁴ Rooney, David. "The Imposter: Sundance Review." Rev. of *The Imposter*. *Hollywood Reporter* 26 Jan. 2012: n. pag. Web.

⁴⁵ Juhasz, Alexandra, and Jesse Lerner. "Phony Definitions." Introduction. *F Is for Phony: Fake Documentary and Truth's Undoing*. Minneapolis: U of Minnesota, 2006. 1-36. Print.

metadocumentary, the film reveals possibilities about these techniques and forms that works like *The Jinx* take for granted.

Having discussed opening title sequences in Chapter 1, it now becomes useful to examine twist endings, both elements well known to the classic Hollywood thriller. *The Imposter*'s twist is perhaps the most ambitious of *any* true crime documentary in memory, matched only by that of *Dear Zachary* (Kuenne, 2008), a visceral film surrounding a video diary where the surprise death of an infant is leveraged for rhetorical persuasion. The bulk of *The Imposter* orbits around both interviews of key players—Bourdin, Nicholas' family, and investigators—and reenactments based on their retellings of the past. We learn of Bourdin's attempt to pass as Nicholas, his life at "home" with the Barclay family, and the increasing claustrophobia of being chased by the FBI and INTERPOL. Based these interviews, the film eventually lays out what seems like its final overwhelming conclusion: Nicholas Barclay was murdered by his own family. Bourdin suggests that Nicholas was killed by his older brother Jason and buried in the backyard, and the family covered it up by saying that he disappeared. This explanation is surprisingly tidy, if stunning. After all, it explains why the family was seemingly so eager to accept a 23-year-old man into their home and call him their son, one of the largest questions surrounding the film. Bourdin looks nothing like their son, a fact that he admits himself. What family wouldn't know their own boy?

What is missing from this shocking conclusion, however, is nearly any shred of verifiable proof. Bourdin bears the bulk of this evidentiary heavy lifting, but his claims about the family's true intentions are clearly undercut by his label as "Imposter." These interviews of family friends work little more as anecdotal character references. Neighbors accuse Jason—Nicholas' older brother—of being a drug addict and an all-around parasite on the Barclay family. Another

investigator who worked on the case claims that the family became agitated when asked if they killed Nicholas, yet nobody was able to find any concrete, solid facts pointing to this thrilling conclusion. Even the final scene of the film, which—in the spirit of the thriller—sets itself up as a volcanic reveal of previously unknown events, falls flat. Charlie Parker—the aggressively Texan private detective who initially discovers Bourdin is not Nicholas Barclay—digs up the Barclay’s former backyard looking for any traces of a corpse. Despite a virtuoso camera dolly that delays a reveal as long as possible, Parker is unable to find anything substantial.

This is but the first of several ways the film acts as an “imposter” itself, working with established forms (in this case, the thriller’s twist) in order to self-consciously critique and deconstruct them. This film’s twist, from the level of data and proof, is unfounded and as empty as that ever-expanding hole in the ground. Contrast the way that *The Imposter* treats its twist with the way *The Jinx* treats its own. The latter’s twist, fittingly, is the pivot around which the entire series turns. A match between Durst’s misspelling of “Beverly Hills” as “Beverley Hills” and a similar misspelling on the hand-written letter that “only the killer could have written”—to cite Robert Durst—is narratively treated as a smoking gun. It is the perfect piece of evidence against Durst, a direct, unprocessed link tying Durst to the killings. This treatment ignores the interpretative work of the handwriting analyst, as well as the heterogeneity of facts-turned-evidence in general. When ends up animating a turn towards resolution in either work is not the authority of evidence, but narrative construction taken straight from the toolbox of the thriller. The level of self-avowal, however, differs. While *The Jinx*’s return-and-reveal pattern is, of course, predicated on editorial manipulation—as all true crime documentaries are—Jarecki is far less keen on drawing attention to this unavoidable cool control. *The Imposter*, on the other hand, revels in it. Once it is revealed that the film’s opening 911 call—a reenactment of one made by

concerned citizens calling about a disheveled, lost Bourdin-as-Nicholas—was actually made by Bourdin himself, Bourdin’s smug smile seems to speak on behalf of the film itself: “Did you really believe what I told you?”

“You remember him, you remember him, you remember him.”

The Imposter explicitly avows of the heterogeneity of evidence, peeling back layers and revealing how something as seemingly straightforward as an emergency phone call is not self-evident, that it does not speak for itself. That it is accomplished through a reenactment only doubles down on the heterogeneity. That evidence alone is not self-evident is key for meaning-making within the film, as *The Imposter* works to constantly foreground the fundamental processing of information that gives both its twist and its stylized reenactments their power. This unavoidable *processing* once more relates to the discontinuous lattice Vivian Sobchack writes about. Her contention that electronic and digital information exists as individual and tenuously linked nodes that must be assembled to make meaning informs a heterogeneous reading of digital evidence gleaned in the true crime documentary.⁴⁶ These heterogeneous pieces of data, however, are increasingly leveraged by the genre to offer a totalizing whole, one that is betrayed by its inevitable degeneration. This paradoxical logic pervades works like *The Jinx* that do not acknowledge the pluralism of its pieces. Individual nodes, while hyper-specific and saturated (think DNA evidence that offers increasingly narrow positive matches) do not tell stories in isolation. They must be leveraged towards a larger conclusion, a conclusion that is not always totalizing. It stands to follow, then, that the meaning can be manipulated, and *The Imposter* makes sure that it does so at every opportunity. Ironically, by self-assuredly and explicitly

⁴⁶ See Sobchack, Vivian. "The Scene of the Screen." *Carnal Thoughts: Embodiment and Moving Image Culture*. Berkeley, Calif.: U of California, 2010. 154. Print.

assembling evidence for dramatic effect within the film more than *The Jinx*, *The Imposter* makes manifest the logic of all of these reconstructions. The film's attitude towards this manipulation makes much of the difference, as this slowly established uncertainty in the validity of the reenactment allows the film to make its final, self-reflexive claim that *its own* claims—and eventually, its resolution—lack fidelity to the material world.

The Imposter's self-conscious manipulation of evidence is foregrounded in the very first scene, illustrating how the authority of the true crime documentary can be undercut. The film begins with a home video of Nicholas Barclay, where he shows the viewer around his house during his sister's birthday party. Seconds into the film, we are forced to process and reprocess our literal "impression" of Nicholas through both visual mediation (the camera footage, which has the visual markings of a VCR tape) and personal accounts (in this case, Nicholas himself). These strange distortions encourage us to be aware of how we process what we see. Nicholas' home movie is full of digital "noise" and audio scrubbing, elements that were perhaps added in post-production but nevertheless feel "organic" when situated within the home video. The audio reverberates, as if it was being projected at the end of a long hallway. Overlapping echoes resonate through the soundscape. Transformation and nods to distortion and manipulation are already built into the veins of the film, before the titular imposter is even revealed. Descriptions of the boy by family members pepper the introduction: we learn that Nicholas is free-spirited and headstrong, words that seem filtered through absence, loss, and time. Nicholas holds the camera at his chest level and films up at his face, an image on which the film freezes for several seconds. He calls himself "Nick," a name almost never said by anyone else in the film (they call him Nicholas), echoing yet another difference in personal portrayals. Through this perspective, Nicholas' face looks distorted, his chin and mouth far too large. Just as these "independent

pixels" both represent and re-present the onscreen action, so too do the various technologies and accounts of family and peers actively interpret and interact with the collective idea of "Nicholas Barclay."

Although we learn a story about Nicholas from his family and from new media technology—technology that, while not always digital in form, is consistently leveraged towards collection, according to the logic of the digital—the distance that *The Imposter* works to maintain emphasizes that this is, unlike *The Jinx*, not *the* story. Attention to the multiplicity of the past is yet another explicit avowal of the heterogeneity of digital evidence, an avowal that true crime documentaries tend not to share. As such, we construct an image of Nicholas that is analogous to both a virtual picture—a product of the digital—and a reenactment. As a missing boy who remains as such, Nicholas works as the “lost object” that reenactments work to recover.⁴⁷ This virtual picture is manipulated both by the film through the use of reenactments of Bourdin’s story, and by Bourdin the narrator as he works to make himself recognizable as Nicholas.

Minutes later, the self-reflexivity through which *The Imposter* sees itself as a digital media construction is doubled down. The film shines by owning up to its inherent and necessary imprecision by literally rewinding itself. We are presented with an accelerated diegetic rewind complete with sped-up, high-pitched audio scrubbing and a squealing reverse. This is the first significant disavowal of the authority of the image. Once the film stops moving backwards, however, there is a slight difference in narrative. The film branches off into Bourdin's point-of-view, offering the first of many stylized, hyper-saturated reenactments that explicitly lay out the

⁴⁷ Nichols, Bill. "Documentary Reenactment and the Fantasmatic Subject." *Critical Inquiry* 35.1 (2008): 72-89. JSTOR. Web. 7 Nov. 2015.

polyvalency of this "retelling." Everything, it seems to scream, is rewriteable, and this rewriteability is ideologically linked to that processing at the core of any transformation of fact into evidence. Nicholas' personality, his physical appearance, and even the narrative of the film are contingent and subject to manipulation. This squealing reverse, while a holdover from analog media, marries techniques of the thriller—mistaken identities, withheld secrets, and reversal of audience expectation—with a logic of degeneration. This mechanism of degeneration, while not unique to the digital—consider how quickly old Polaroid photographs fade into sepia-toned squares—is often denied by it. That reverse marries the logics of the thriller and the digital, showing unforeseen links between the re-writability of the past and the pleasure of forgetting and misremembering. This repeated return, as Jacques Derrida claims, is the driving power behind the archive: the pleasure behind forgetting relates to the pleasure of dying.⁴⁸ The logic of the archive is essentially nestled within the logic of its undoing. This pleasure of dying, in many ways, is adjacent to the pleasure inherent in the thriller: a "roller-coaster ride" that depends upon relinquishing control and being manipulated, tricked, and deceived, elements that hinge upon incomplete mastery over the world. *The Imposter*, by playfully returning to its own beginning and "rewriting" its own past, embraces that logic of disassociation, a logic that constitutes the logic of the archive but is actively denied by it. While the thriller extends this incomplete mastery towards its resolution, the true crime documentary tends to suppress it in favor of a totalizing resolution. *The Imposter*, however, does not deny this logic. It owns up to the rewriteability of digital media by steering into the skids.

⁴⁸ See Jacques Derrida, *Archive Fever: A Freudian Impression*, trans. Eric Prenowitz (Chicago, 1996).

“Put it in their mind that they had a kid in front of them, not an adult.”

That suppression is often extended by the true crime documentary to the reenactment, a form colored by its attention to subjectivity and plurality. *The Imposter* not only uses the reenactment to offer the thrilling and vicarious pleasure of Bourdin’s crime, but also to highlight the subjectivity and variability of the story. Ironically, though, the film offers essentially one narrative reenactment about the past—to *The Jinx*’s two opposing ones—*The Imposter* refuses to fully clamp down on and homogenize the past by surrounding its narrator with well-deserved suspicion, as well as calling attention to the constructed nature of the reenactment form. Choosing to reproduce—through reenactment—the story of an admitted liar reads as a playful admission to the incompleteness of all testimony, especially when considering the film’s twist-without-substance. Furthermore, by returning once more to the past to illustrate how the gaps in the story can be “colored in” and how more information can be gleaned with an increasing body of facts, *The Imposter* simultaneously illustrates the inevitable degeneration of past evidence. After the film rewinds itself to show the moments around and just after the 911 call, the reenactments begin, offering just as much of a washed-out yet high-contrast aesthetics as those of *The Jinx*. Bourdin’s initial narration—“For as long as I can remember, I wanted to be someone else...”—animates this turn towards reenactments as a mechanism for understanding the narrative. The actor who plays Bourdin sits alone in a rain-soaked alley, within a phone booth whose shadows project across the screen. The scene feels seems ripped right out of a film noir. What’s more, after the police say they will be there in ten minutes, the actor starts a timer on his watch, an explicit nod to the thriller convention of the ticking clock. Just as it did in *The Jinx*, the thriller techniques used to emphasize the reenactment allow it to take on new life, placing it at the rhetorical front of the film. Nonetheless, *The Imposter* has already shown itself to be more

self-aware of its hand in dramatic staging, which renders subjective the already heterogeneous evidence it works to use. Bourdin is not to be trusted. Despite essentially offering only one story through reenactment, it refuses the homogenizing narrative Jarecki wishes to evoke in *The Jinx*.

By returning to the past and rewriting itself, *The Imposter* implicitly admits to the need to return to what seemed already known in order to update it, much as *The Jinx* continued to return to interviews and reenactments in order to present them in a new light. This treatment of the archive's degeneration is an avowal that the paradox of the archive need not be a death-knell for the true crime documentary. Despite its refusal to totally clamp down on the past, *The Imposter* is still able to open up onto more heterogeneous and self-reflexively subjective interpretations of the past once it explicitly foregrounds the contingency of the thriller form. These interpretations—borne out of *The Imposter*'s dogged insistence on self-reflexivity—do not destroy the validity of the true crime documentary, much like *The Thin Blue Line*'s overlapping reenactments did not, according to Linda Williams, destroy truth itself. Shying away from offering a totalizing narrative about what happened to Randall Adams and David Harris, *The Thin Blue Line* carefully constructs multiplicity to offer a fairly convincing declaration of innocence. The focus on subjectivity in its reenactment only foregrounds what is already there: an often-disavowed contingency and shift away from totalizing resolution. Similarly, the subject matter of *The Imposter*—a serial impersonator who gains acceptance into a home because he is uncannily able to make a family who wants to believe, believe—echoes this focus on subjectivity. Bourdin is able to mimic, if not replicate, Nicholas' appearance by either physically altering his body through tattoos or explaining away discrepancies like eye or hair color as part of a grand international conspiracy. The acceptance of these manipulations as fact recall the fallibility of memory, and the inevitable degeneration of archive.

This refusal of homogeneity is—once again—paradoxically accomplished by increasingly compressing the past and present into a single time via the reenactment. Bill Nichols describes the reenactment as that which “takes present time and folds it over” onto the past.⁴⁹ In this way, it connects the past to the present by reanimating it, and giving it life. In the context of the true crime documentary, its role as “gap bridger” between two time periods can be best contextualized as a sort of window to the past. This window permits a filtered and imperfect image through the stained glass, one that is colored by subjectivity and uncertainty. While reenactments work to bring the past to light, there is still an implicit understanding that what we see is not literally the past. Still, they are useful in helping to bring to light pasts that remains experiential and closed off to parties separated by distance and time. The reenactment is a way of offering the best one can get without actually being there. In doing so, the audience is encouraged to take a position of *measured distance*, watching the past unfold before them. The distance effected is not synonymous with homogenizing the past; one can observe the past in all its multiplicity from afar. *The Thin Blue Line*, for example, provides an overlapping Venn-diagram-esque retelling of the past, yet it does so as a window onto a past—or more aptly, *some* pasts. Crucially, this measured distance is not a *critical distance*. One need not remain emotionally distant and unaffected by the reenactments. Reenactments, after all, are moments where embodied experiences and affective engagement are amplified.⁵⁰ Temporally, however, it is more or less understood that the gulf of the past is not directly being crossed. In the case of *The Jinx*, one is inclined to think that whatever happened, happened just this way, but it is currently not happening right here, in this space in the present.

⁴⁹ See Nichols, Bill. "Documentary Reenactment and the Fantasmatic Subject." *Critical Inquiry* 35.1 (2008): 72-89. *JSTOR*.

⁵⁰ Nichols, "Fantasmatic Subject"

In *The Imposter*, however, the past and present overlap, disrupting that measured distance *The Jinx* works so hard to maintain. *The Imposter*'s reenactments are less about what happened in the past, and more about what is happening *right now*. As such, it becomes more difficult for a viewer to maintain a critical distance from the reenactment. This does not lessen that affective engagement with the subject. If anything, it enhances it, connecting the viewer more directly to both Bourdin in the present and Bourdin in the past. If reenactments in *The Jinx* work as calculated, if dramatic, oration by a prosecuting attorney, reenactments in *The Imposter* behave more like virtual reality, revealing the sticky entanglements between past and present.

Bourdin's retelling of his night in a Spanish police precinct perfectly encapsulates the affective friction that the film's reenactment style—which overlaps past and present—permits. After being left alone for the night by police, Bourdin describes calling several different American police stations to ask if they knew of any children who have gone missing. Bourdin's story is intercut with reenactments of what he is describing. In between sound bites of Bourdin telling us how he would only tell the officers details that he knew he could replicate, we see a stylized reenactment of Bourdin's actor looking at himself in a mirror and sizing himself up. Much of this reenactment—and indeed, most reenactments throughout the film—work this way, in that they are organized around the filmed interviews. This is a technique common to true crime reenactments, be they in a courtroom or on camera. However, *The Imposter* breaks from the format by directly overlaying the reenactment's audio over Bourdin's present-day words. When Bourdin describes how he told American police that he found a missing boy, the audio quality distorts and fades, as though we hear him through a telephone receiver. What Bourdin says in the present-day more or less becomes what he has said in the past, as viewed through the prism of the reenactment. Classic American television police figures like Lt. Kojak stand-in for

police, and every time Bourdin speaks to each one, the audio quality varies ever so slightly, as though each individual office gets different telephone reception. The story told about the past, in this case, informs the present, reversing the traditional treatment of the reenactment by the true crime documentary. The atypical style is engaging and thrilling. It feels as though Bourdin is weaving the story of the past through his words, which we experience in the moment. That this presentation occurs through the reenactment—a form contingent on subjectivity and embodiment—only emphasizes the form’s entanglement with the body. The friction that this temporal flip creates breathes life into the reenactment, illuminating the influence that the past has on the present, and vice versa.

This is not to say that *The Imposter* totally flips the script, making the *past* the totalizing influence in the documentary. The present influences the past in the same way. At the start of the film, past-Bourdin is ushered into a police car after being “found” near a telephone booth. As the car door slams, the actor stares right into the screen and speaks to us, in Bourdin’s voice. Bourdin’s present interview overlays past-Bourdin’s mouth movements, as though Bourdin is speaking directly to us, from the past. Both past and present are intertwined, dependent on each other for meaning-making. Although the true crime documentary often treats the reenactment as a visual aid that “brings to life” interviews and evidence about the past, they often are used to “speak about” the past. The goal is to shine a light on some unknowable past event, placing the center of the meaning-making in the past. As such, the ultimate solution would be to simply know enough about the past as to completely remake it. *The Jinx* tries—and fails—to recreate the past on these terms. These sentiments echo the logic of the archive, and deny the rewriteability of memories and the past. In *The Imposter*, however, the past is not only brought to life but brought

to the present, becoming it. As we experience, the two overlap so much that it becomes difficult to tell them apart.

This adjustment of attitudes towards the past is not only a reconfiguring of objective time as abstract and discontinuous—a hallmark of digital logic—but instead an increased awareness of the ability of the reenactment as fundamentally fragmented and, most importantly, constructed. The film, yet again, works within a form, posing as a standard reenactment in a true crime documentary, in order to critique it. By denying the viewer that measured distance yet offering affective via reenactments that strongly entangle past and present, *The Imposter* not only eliminates the totalizing narrative but opens the reenactments (and itself) up to critique, speculation, and doubt. Crucially, this critique is accomplished *through* digital means as *The Imposter* works within these modes in order to critique them. Although the experience via the reenactment is indeed “homologous with the nonlinear and discontinuous structure of subjective time,” it is only the experience of the past and present that seem so similar.⁵¹ *The Imposter*, by embracing the heterogeneity of its forms, resists the conflation Sobchack claims digital only offers. In these moments where past and present seem to merge, they are filtered through the reenactment, a form that relies on subjectivity and spectatorial embodiment. This undermines the phenomenological flatness that Sobchack claims problematizes electronic information and the logic of the digital. The reenactment is flagged within *The Imposter*, however ironically and self-reflexively, as yet another piece of evidence towards an ultimately *false* resolution. It does combine past and present—through reenactment—to illustrate the reconstruction or manipulation at the heart of each, heterogenizing and complicating the reenactment and pushing it past the

⁵¹ Sobchack, “The Scene of the Screen”

discrete modal nodes that defines the digital. Neither past nor present exist entirely on its own; together they push against the digital's conflation.

By playfully highlighting elements of the form—Bourdin's knowing grin often stands in for the film's own sly tone—*The Imposter* reminds viewers of the subjectivity that was always already there at the center of the reenactment. In doing so, it attacks once again that logic of the digital archive, which suggests that the past is knowable and understandable through an ever-increasing body of evidence. These reenactments, by bringing the past closer than true crime documentaries traditionally do, paradoxically problematize that logic by calling attention to the subjective, nonlinear, and overall heterogeneous makeup of the reenactment. Such attention to makeup also echoes the film's ironic twist, as the film make ample use of the thriller—seen in reenactment, content, and overall narrative structure—to intentionally mislead. *The Imposter* works within these forms in order to illustrate where they break down: when fact and objectivity are conflated with evidence and subjectivity.

“My heart was beating fast, like it is now thinking about it”

Just as the aforementioned reenactments entangle past and present by overlapping them, the lack of an intermediary (presumably director Bart Layton) brings us that much closer to Bourdin. *The Imposter*'s treatment of its interviews reveals its focus—and consequently, the genre's focus—on identification via the gaze as a means of creating an affective response. One of the more elegant rhetorical moves on the part of *The Imposter* stems from the simple staging of the interviews. Whereas family, friends, and investigators all stare slightly off-screen when interviewed, Bourdin is the only “character” to look directly into the camera. While telling his ultimately embellished and (likely) mostly fabricated story, he stares right at us. He holds this hypothetical eye contact for long periods, only occasionally glancing away or down at the

ground. The critical distance that the off-center gazes of the characters invite is less immediately present with Bourdin. The form acts not just as a simple retelling of the past, but as a casual, nearly intimate affair. Bourdin speaks to us, and is closer than anyone else. We identify with him just a little bit more; it is hard not to. Space seems to fold, and we are invited—certainly more so than with other characters—to see ourselves in the room with Bourdin, having a casual chat. By giving us an even more direct line to this classic unreliable narrator—yet another nod to the thriller—the film lessens that critical distance even more. In doing so, we are less likely to critique his story against others. This is yet another self-conscious move on the part of the film, done with the purpose to lull the audience and trick us into implicitly believing his claims, thus illustrating the power the thriller mode can hold on epistemology in the true crime documentary. By providing a twist without backing, *The Imposter* forces us to come to terms with how we got there. In this case, it is through the something shared by both the documentary and the thriller: identification.

The power of the gaze in the documentary is not to be understated, and is related to the talking head. The talking head has remained one of the more enduring documentary-style tropes, with its root in the expository documentary mode. Its influence stretches beyond cinema into television news, with a talking head connoting some level of expertise or uncommon knowledge or insight into a situation. In the context of the true crime documentary, the talking head interview validates itself by being the primary method of engaging with the past. Irina Leimbacher writes about Errol Morris' *Standard Operating Procedure*, a film that also works through elaborately staged interviews coupled with fragmented and disorienting reenactments of the torture at Abu Ghraib, all of which are leveraged towards a thrilling, emotionally draining end. She illustrates how "the control and abuse of the gaze became a tool of power" in both the

film and prison.⁵² In the context of this discussion, her condemnation of the gaze as tool of power stems from its opportunity as a method for totalizing authority. Here, the gaze *forces* identification, she argues, and forced authority follows. Conflating the gaze with authority closes down alternate possibilities for truth, especially in a military context with is steeped in concerns of authority.

While a conversation of Bourdin is certainly not as intense as torture at a foreign military prison, *The Imposter* and *The Jinx* share a similar obsession with the gaze, though *The Imposter*, I argue, self-reflexively illustrates the psychic power the gaze can hold over an audience. The film does not condemn the gaze in practice, as Bourdin's use of it is vital to the film's rhetorical model. Instead, like the wedge it draws between the conflation of reenactment and fact, *The Imposter* uses identification with Bourdin through the gaze to shine a light on how *other* true crime documentaries appeal to this method of identification to offer authority. By knowingly and ironically positioning a liar as trustworthy and a criminal as authority, the film lays bare the rhetorical work the gaze accomplishes, work that so often appears seamless.

The focus on identification can be drawn from an examination of the role of affect in thrillers. One way true crime documentaries are leveraging the thriller mode to offer incomplete resolution is through instances of identification and desire. In *The Imposter*, the gaze is not offered as ironic authority, but also an area of opportunity for co-mingling between Bourdin and audience. By reciprocating Bourdin's calculated stare, we become more familiar with him. Bourdin is indeed charismatic and compelling, despite his crimes, and *The Imposter* uses this spectatorial interest to create empathy with him, which acts as evidence for his ultimately

⁵² Leimbacher, Irina. "Front Matter." *The Pros and Cons of Talking-Head Documentaries from Errol Morris to Raymond Depardon* 45.1 (2009): 53-57. JSTOR.

baseless claim that Nicholas Barclay was murdered by his family. The film's knowingly ironic treatment of empathy is further accomplished through violence endemic to the thriller mode. Alison Young claims that violent imagery onscreen both allows the viewer to vicariously identify with the perpetrator, as well as desire for comeuppance for the violent perpetrator. Young writes about violence in action and thriller films. These are works of fiction, but her model can be applied to this new breed of thriller documentary, one that actively engages in the techniques of the thriller. There is both a push and pull in play. While the onscreen violence tends to repel views, these violent moments nevertheless trigger “affective response...immediately preceding violent action, moments that engender for the viewer a pleasurable empathy” with the perpetrator of violence, empathy that *The Imposter* uses as another piece of evidence to coax the audience to take Bourdin's story at face value.⁵³ The audacity of Bourdin's crime works with and against him. Although a criminal, his gaze and the inviting delight of onscreen crime allow us to identify more and more with Bourdin, ironically giving him authority and placing his story above all others.

Whether or not one believes the story is less important than the gesture the film makes towards affect as a form of evidence, towards feeling as a way of knowing. Unlike the poetic documentary mode—which traffics in this style of truth-making—true crime documentaries use this affectual response to lock down on alternate truths. They homogenize the past through this affective response, imploring the audience to “realize” ultimate truths through sensation, even

⁵³ Young, Alison. “Judging the Affect of Cinematic Violence.” *The Scene of Violence: Cinema, Crime, Affect*. Abingdon: Routledge-Cavendish, 2010. 40.

when these realizations are empty or unfulfilling. Yet again, *The Imposter* plays with this epistemological construct to illustrate the flaws in considering no alternate paths to truth.

A specific scene in *The Imposter* that best exemplifies this mobilization of affect occurs immediately after Bourdin explicitly accuses the Barclay family of murdering Nicholas. With Bourdin about to be “found out” as an imposter, he becomes “more and more aggressive,” lashing out at police and cutting his face with a straight razor. Thanks to a subpoena, his fingerprints are collected and are run through an international database to search for a match. Meanwhile, accompanying background music begins to increase in tempo and volume. The strings become cacophonous, with high-pitched digital noises being added in seemingly at random. The reenactment—already heavily stylized—becomes even more ambiguous and fractured. The camera’s focus drifts in and out, and the viewer often has to strain to see what is being presented. The sound bites become shorter, as do the length of the shots. What’s more, the line between “talking head” and reenactment begins to blur. The film’s interviews with Charlie Parker, a private detective with a deep Texan drawl, begin to *look* like the stylized reenactments seen throughout the film. Even the sterile reality of the interview is infused with light and power. Bourdin is being closed in on all sides by the Barclays, by the FBI, by Parker, and seemingly by the music and editing of the film.

As the scene approaches its climax—the revelation of Bourdin’s true identity to the police—law enforcement representatives (Parker and FBI agent Nancy Fisher) *explicitly* describe their emotional responses to the camera. While the fax machine which prints out the “hits” on Bourdin’s fingerprints continues to work, Fisher describes jumping and shouting in anticipation. Even in the interview, her normally stone-faced demeanor cracks, and she smiles a bit. Parker, too, tells us how while meeting with Bourdin that his “heart was beating fast, just like it is now,

thinking about it.” The film deftly cuts between these talking heads and short shots of the fax machine printing out Bourdin’s “true identity.” Each time we see the fax machine, we see a little more of the paper each time, but the film cuts away before anything substantial can be gleaned from it. The tension reaches its peak when both Fisher and Parker describe how they learned that Bourdin was a serial imposter, wanted by INTERPOL. These narrative and cinematic tricks are all techniques used by Hollywood thrillers in order to artificially manipulate the tension of a narrative. In addition, it is important to remember that all of these trappings are angled towards the audience. *The Imposter* is actively trying to invoke an affective relationship with the events on screen. These edits, reenactments, and non-diegetic music choices point outward, pulling the viewer into the world. It reaches out and connects with the viewer using the tools of the cinematic thriller trade to build and build tension, to the point where the viewer *just knows* that something substantial is going to happen. That knowledge comes from, I argue, the affective response deliberately engendered by the techniques of the thriller that this particular true crime documentary employs. Thus, the twist hits twice as hard.

And yet, what exactly constitutes this “twist?” This big reveal has already been spoiled. The audience already knows he is an imposter, and probably can infer that Bourdin is on the run from the law. From the level of narrative construction, this twist falls flat on its face. The plethora of viewers that reacted so strongly to this film—reviewers called it “edge-of-your-seat” fare⁵⁴—confirms that the sensations leading up to this moment—one of the film’s several big reveals—do not simply dissipate because the final result was predictable. What is unpredictable

⁵⁴ Horeck, 153.

(from the viewer's perspective) is the affective response that the Hollywood-style techniques invoke in the audience.

The Imposter illustrates the trouble inherent in linking affect within the Hollywood thriller's twist and the meaning-making that structures the true crime documentary by showing how a twist can feel meaningful, even when logically it does not offer anything new. This exercise clues us into the film's ultimate twist-without-substance surrounding Nicholas' supposed murder. I argue that *The Imposter* is *training* viewers to be aware of areas where affect overwhelms rhetoric, where pathos overtakes logos. Richard Grusin has stated that interactions with media that make up everyday life engender "affective feedback loops," wherein actions and responses through new media technologies are reinforced through haptic, visual, and auditory feedbacks. These affective interactivities "co-evolve with our media and other new technologies," emphasizing the privileged role new media has in embodied meaning-making.⁵⁵ Extending this line of logic to the true crime documentary, we can see how the films use affect in the Hollywood thriller to offer an affective connection to certainty that seems grounded in the body. By including unexpected reversals and dramatic tension, the bodily release of that tension is tied to a reveal that *feels* substantial even if the knowledge is already known.

This focus on bodily certainty—as reached through affective interaction—works to bypass anxieties about the degeneration of the authority of evidence as expressed through the archive. In a world where evidence is not as totalizing as digital evidence has promised (and even seemingly unique facts such as the tattoos on a young boy's skin can be recreated) authority and certainty must come out of affect. These affective responses often are symptomatically

⁵⁵ See Richard Grusin, "The Affective Life of Media." *Premediation: Affect and Mediality after 9/11*. New York: Palgrave Macmillan, 2010. 90-121.

repeated, returning to a similar style of affective attunement repeatedly. What becomes comforting, according to Grusin, is the “rebooting” of the process.⁵⁶ This continual restart works as a way of warding off negative affect, and not, as cultural critics claim, heightening affective intensity. As an example, video games offer not a chance to feel more anxieties of war or action more intensely, but the opportunity to participate in a system that, through carefully structured affective interaction, staves off outside negative affect stimuli like anxiety or pain.⁵⁷ Working within the rules of their own game, these affective loops reinforce a focus on this continual return and restart of these engagement.

The desire for repetition is mirrored in the fever that lies at the heart of the archive: a focus on returning and understanding through an ever-increasing body of evidence. A repeated return reflects the anxious archival return to evidence and information within works like *The Jinx* and other true crime documentaries that seek to rework and “uncover” the past through increasingly precise technological means (e.g., DNA analysis, forensic evidence, etc.) In the case of the documentary viewer, however, this cycle also works on a macro-level around the genre itself, repeatedly offering affective answers via the techniques of the thriller, consistently reinforcing a belief in the power of the documentary to be able to do what it offers: returning to the past to “dig up” evidence. By engaging with the thriller mode to make affective meaning, this new breed of true crime documentaries volunteer themselves as part of this affective cycle that props up feeling as a way of reaching conclusions about guilt or innocence. Again, this comes about as a response to aforementioned anxieties about the lack of authority that the digital holds. *The Imposter*, however, playfully and self-consciously co-opts this style to illustrate a moment

⁵⁶ Ibid, 106.

⁵⁷ Ibid, 109.

where it can break down. The film offers its own dig into the disappearance of Nicholas Barclay, and its own conclusion surrounding the word of an admitted liar and serial imposter. What this film digs up by the end, however, is literally nothing: an empty hole in the ground that reflects the hollow claims behind not only Bourdin, but also behind the true crime documentary's attempt to bypass anxieties around the archive through affect. The ending still feels compelling, and Bourdin's words hold water, but this authority granted him comes not from the authority of evidence—there is very little proof, as the film's final shot dictates—but from the affective power behind the stylized reenactments and the overall manipulation through editing and narrative construction on the part of the film as a whole. This revelation illuminates the privileged role that the affective response—created by thriller techniques—has in the contemporary true crime documentary.

EPILOGUE

Work on this thesis began in late 2014 after the debut of *Serial* (Koenig, 2014)—a true-crime podcast with a murder mystery angle—with a suspicion that the true crime documentary genre was re-entering the mainstream American consciousness. Podcasting, a form which relies on the instant digital dissemination of media, was a relatively untapped market in a genre that seemed perfectly suited for telling unusual stories, where a story could be told at a slower pace in a heterogeneous way that was not bound by strict programming rules of broadcast television. Serialized stories with a higher production value certainly draw from early radio's influence, and *Serial*'s initial airing as a short segment on NPR definitely speaks to this shared interest. Nonetheless, whereas radio stories are aired and then left to hang out in the ether, podcasts take advantage of the digital logic of collection. The form lent itself perfectly to an investigative model, as it facilitated interviews and reenactments—one memorable episode involves Sarah Koenig, the lead investigator and podcast's creator, retracing the path that prosecutors claim the killer took after he left school. Podcasts, however, can be downloaded and saved to a cell phone or laptop, letting the consumer re-listen over and over again, digging for clues in interviews and weaving a complex picture of the past via an ever-increasing body of evidence. The rapid digital dissemination of the podcast and its ability to be stored in an archive paired perfectly with the goals of the true crime documentary. In the end, my hunch about true crime's comeback was justified with the success of the podcast. *Serial* became the fastest podcast to reach 5 million

downloads, and won a Peabody Award in 2015.⁵⁸ That the first “unquestionably mainstream” podcast was a true crime documentary that offered a thrilling murder mystery narrative through an unavoidably digital format cued the idea that important cultural work was being done in the intersection of these three modalities.⁵⁹

Serial did not singlehandedly bring back the true crime genre, but it did link explicitly digital logic and the thriller form to the true crime documentary genre through a novel mechanism of digital distribution. Its popularity illustrates that this conflation of form has some stakes on the American cultural consciousness. This digital distribution, of course, does not solely take the form of podcasting. The true crime genre far-and-away is more popular today in the televisual and cinematic realms, rather than the printed word or the strictly auditory. Digital streaming services like Netflix, HBO GO, and Hulu offer hours of serialized crime stories, often releasing entire series all at once in a manner befitting the “binge watching” style that instant streaming services so easily encourage. These mechanisms of release alter the way these shows are constructed and received, stretching and changing the makeup of the true crime documentary.⁶⁰ It is surprising—and telling—that shows like *Making a Murderer* that are formally “binge-able,” in that they can be seen all at once immediately, *still* rely on classic thriller techniques like the cliff-hanger, a technique that ensures viewers will return to the show after a week-long absence. Readily and totally accessible shows that nevertheless rely on the thriller mode suggest the thriller’s role in the genre is not only to dramatize the truth and get people to come back to the show. The thriller also has a fundamental role in how we

⁵⁸ Dredge, Stuart. “Serial Podcast Is an iTunes Record Breaker as It Passes 5m Downloads.” *The Guardian*. Guardian News and Media, 18 Nov. 2014. Web.

⁵⁹ This “unquestionably mainstream” description come from the 2014 Peabody Award Winners press released announced in 2015: <http://www.peabodyawards.com/stories/story/74th-annual-peabody-award-winners>

⁶⁰ Aufderheide, Pat. “The Changing Documentary Marketplace.” *Cineaste* 29.3 (2005): 24-28

contemporarily judge guilt or innocence. Acknowledging this pushes the true crime thriller documentary away from the dreaded label of “info-tainment” on par with tabloid dramas and soap operas. That the intrusion of the thriller mode into the genre comes at roughly the same time as the Digital Age signals their correlation.

Contemporary true crime documentaries continue to work within and push against these anxieties over the authority of digital evidence within their own makeup, self-consciously foregrounding the subjectivity and fallibility of not only evidence, but also its own claims and forms. The popularity of the genre within digital streaming services gives plenty of space for the form to work out these anxieties. *Amanda Knox* (Blackhurst and McGinn, 2016), a Netflix-produced documentary about the media-hounded Knox who was twice convicted and twice acquitted of murdering her British roommate overseas, also foregrounds these questions of authority. Like *The Jinx*, the film leans on issues of the “unknowability” of the past, and works to uncover more and more clues as to Knox’s culpability. It offers long takes of Knox and her boyfriend in interviews, moments that invite intense scrutiny by the viewer, as if truth were written on their faces. It gathers clues, data, and interviews to work to assemble a homogenizing narrative about the past. At the same time, Knox’s own “hostility and rebellion towards authority” reflects the film’s own take on the questionable evidentiary practices that convinced a jury to convict her in the first place. While the film never makes the same move as *The Imposter*—undercutting its own position of authority as disseminator of media—it is relatively more open about that fundamental processing that occurs, and questions digital logic’s conflation of fact and evidence. The documentary lies somewhere between *The Jinx* and *The Imposter* on a spectrum of attitudes towards evidence, paradoxically owning up to the heterogeneity of evidence while simultaneously ignoring the subjectivity of its own position as authority.

I include this brief discussion of *Serial* and *Amanda Knox* to once again illustrate that the anxiety expressed in this genre over the digital as a *problem* of evidence instead of a *promise* of knowledge is *currently* being worked through. This extremely recent cultural moment is being expressed in a variety of multi-media forms, through the lens of the true crime documentary's adaptation of the thriller's aesthetics and a focus on totalizing resolution paradoxically draw from it. The stakes of this expression are significant. It is not a stretch to leap from these anxieties to deeper anxieties about the authority and ability of the American criminal justice system to accurately determine guilt or innocence. True crime documentaries are often explicitly about the failures and mistakes that the justice system makes. Every work discussed in this thesis, at one point or another, highlights a moment where the criminal justice system has failed. Nonetheless, what is novel is the *way* that this particular anxiety is being addressed: through the bodily excitement and affective response that the thriller offers. Much has been written about the role sensationalism plays in jurisprudence, an observation that stems all the way back to the O.J. Simpson trial, the most publicized American trial in history. The trial was organized around its own shocking twists and surprising revelations about not only Simpson, but Mark Fuhrman, the lead detective who was recorded saying racial slurs in casual conversation. It is fitting that in the midst of this present move towards the thriller mode as a way of making meaning in the documentary, a five-part series about Simpson's life and criminal trials was produced and aired in 2016, winning the Academy Award for Best Documentary Feature months later. The very recent reinterest in the Simpson trial can be read as a sort of "return to the source" of this intersection between the thriller, interest in true crime, and media sensationalism. *Amanda Knox* also delves deeply into her own "trial by media," despite that its criticism is not self-consciously

extended to its own presentation as authority. That aside, further research into this area is needed, as the path that this evolving cultural moment takes is presently being paved.

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