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### Shared Resources (Contractual Obligations)

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Shared Resources (Contractual Obligations)

by

Jordan Lord

Submitted in partial fulfillment  
of the requirements for the degree of  
Master of Fine Arts in Integrated Media Arts Hunter College  
The City University of New York

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Reiko Tahara

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## **ABSTRACT**

*Shared Resources (Contractual Obligations)* is a feature-length documentary that seeks to understand how various kinds of debt—emotional, historical, moral, social and financial—are entangled in my family. After my dad was fired from his job as a debt collector, my parents declared Chapter 13 bankruptcy—a 5-year debt repayment plan. The film follows my parents over the course of their bankruptcy, joining observational footage of their day-to-day lives with essayistic voiceover narration, my parents’ reactions to an early edit of the film, my family members’ and my own audio descriptions of what is visible in the film, and open captions of the film’s auditory information. These audio descriptions and captions not only function as means of accessibility for Blind and Deaf audiences but also as cuts, which render the processes of selection, exclusion, and occlusion that shape my family’s perceptions and the film’s editing. In seeking to show how certain forms of dependency are frequently cut out of the picture, this film compares the legal apparatuses that typically undergird the production of documentary films and the “risk management” of debt collection—asking how filmmakers might share all risks and liabilities with those in front of the camera, acknowledging the debts that bind them.

## **PROJECT DESCRIPTION**

My dad worked as a debt collector for over 30 years; he was fired just 2 years from retirement. Now, my parents are in a tremendous amount of debt—much of which is my debt. My thesis project *Shared Resources (Contractual Obligations)* is a feature-length documentary film that follows my parents over the course of their bankruptcy, as we try to understand what it means to owe each other everything.

When I was 11 years old, my dad promised me that if I was accepted into an Ivy League school, he would find a way to pay for it. This was before our home outside New Orleans was destroyed by Hurricane Katrina, and my parents lost their entire life savings. I got into Columbia, and my dad found a way for me to go—against my mom’s wishes; he liquidated his retirement, so I could pursue my dream of becoming a filmmaker. After my dad lost his job, my mom told me I owe it to her and my dad to be successful.

While I was growing up, my dad never referred to what he did as debt collection; he called it “risk management.” A few years after Katrina, the bank where he had worked my entire life was bought out, and he was fortunate to find another job on the Gulf Coast of Mississippi, where my family moved after the storm. His department sold repossessed cars out of the bank’s parking lot. His hours steadily increased, and he was assigned to recover more and more delinquent debt. In spite of living with multiple chronic illnesses and being rushed to the emergency room several times, he was reaching these seemingly unreachable goals. But it was not enough.

In November of 2015, my parents declared Chapter 13 bankruptcy—a 5-year debt repayment plan. Over the course of these five years, my parents are required to live on a fixed income. If my parents fail to complete their payment plan, they will again owe their creditors in full. That would cast them among the approximately 52 percent of debtors who file for Chapter 13 bankruptcy but do not successfully complete their payment plans.<sup>1</sup>

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<sup>1</sup> The most recently available federal report on bankruptcy filings in the wake of the 2005 Bankruptcy Abuse Prevention and Consumer Protection Act is from 2017. At the time of writing, the United States Courts website says of the 2018 report, “The 2018 BAPCPA Report has been removed and is undergoing revision. It will be republished in January 2020.” The 2017 report shows that of the 318,974 Chapter 13 cases closed nationally, 154,334 (48.3% of) debtors completed their payment plans; 164,417 (51.5%) had their cases dismissed—and of those who had their cases dismissed, 83,918 (51%) were dismissed for failure to make payments. In my parents’ district, Southern Mississippi, of the debtors’ whose cases were closed in 2017, only 42 percent completed their payment plans.

Shortly after my parents declared bankruptcy, I started making a film about my family's debts—emotional, historical, moral, social and financial. I have progressively accumulated footage over the last four years, now adding up to around 100 hours—from which I imagine more than one film might emerge.

The first image of my thesis film is somewhat obscure; my voiceover describes what is shown—“A reddish pink frame fills the screen, pulsing from dark to bright and back again.” Captions cover the image, which match the text read aloud. As this abstract image flickers on the screen, a fragment of audio plays (that is also captioned), in which my family tries to convince my dad to drink a glass of milk after he has come home from the hospital. This scene unfolds without context or identification of who is speaking.

Immediately after, my parents react to an early edit of selections from the footage. My dad, mom, and I sit far apart from one another in their living room. My dad says he hates everything about the film because it shows him as “weak” and “vulnerable.” My mom reminds him that he *was* weak when the footage he is referring to was shot. My parents’ reactions frame the film's story,<sup>2</sup> acting at times as voiceover narration and, at other moments, punctuating observational footage and opening up conversations and confrontations between my parents. Although my dad lives with multiple physical impairments, he does not identify as disabled.

Expressing his concern that audiences will see the well-maintained, ornate interior design of my parents' house and think that they are cheating on their bankruptcy, my dad avers he and my mom are not only paying what they owe but actually exceeding it. He explains that he has even given up his disability benefits from the Veterans Administration (VA) as part of the

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<sup>2</sup> A foundational example of this approach is Edgar Morin and Jean Rouch’s *Chronicle of a Summer* (1961), which ends with a conversation about the film with the people featured in the film, after they have just screened a version of it. However, unlike that film, I have taken my parents’ reaction as the starting point rather than a conclusion.

bankruptcy, while my mom and I argue with him that this is unfair. My dad's moral code requires that he does not owe anyone he has borrowed from. But, in the film, he does not reflect on how his relationship with my mom might be framed as one of mutual debt or dependency.

One of many chronic health problems he lives with as a result of Agent Orange exposure during the Vietnam War, my dad's retinas are saturated like "wet film," as his eye doctor says; this condition could eventually cause him to go blind. Shortly after they declared bankruptcy, my dad first began receiving his disability benefits from the VA. This made up for much of the income they lost after my dad was fired from his job. But almost immediately, these benefits were eaten up by the bankruptcy. The trustee, who distributes my parents' bankruptcy payments to their creditors, keeps 18 percent of my dad's benefits for himself.

In 2005, immediately before Hurricane Katrina and foreshadowing the 2007-08 financial crisis, the Bankruptcy Abuse Prevention and Consumer Protection Act was signed into law by George W. Bush. Policy makers blamed a sharp rise of consumer bankruptcy filings on debtors' "lack of personal financial accountability." One of the reform's key advocates, the former chair of the Federal Reserve Alan Greenspan, argued that debtors had "lost their sense of shame" ("The Cultural Logics of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005," 719).

This law opened the floodgates to creditors to use bankruptcy to profit on debtors' losses, by absorbing so-called "disposable income"—for instance, the majority of my dad's disability benefits and the entirety of my mom's settlement after she was hit by a car on the interstate. There are deep resonances between this law's intended purpose and the feelings of shame and failure and the imperatives of individual responsibility my dad felt toward filing bankruptcy.

These imperatives stigmatize dependency, while the film shows each member of my immediate family depending on my dad and him depending on us.

Much of what this film grapples with is not only the idea that my dad might literally never be able to see the film if he loses his vision but also the question of what it means for my family to be seen by others and how they see themselves. This means considering forms of accessibility for Blind audiences, while unpacking the relationships of interdependence between my family and me, including the parts of those relationships that go unseen.

Building on a format I have worked with over my last three films, I have asked my parents and my sister to describe what they see as they watch the film and have recorded their descriptions, alongside my own. These descriptions, then, function as voiceover narration—acting as a means of making the visual information in the film accessible to Blind and low vision audiences and of revealing aspects of each person’s subjective way of seeing.<sup>3</sup> As my mom describes what is onscreen—for instance, that my dad’s folded hands show him as “such a composed man”—the audience comes to understand further dimensions of how she sees her life as it is mediated by my camera.<sup>4</sup> Through her descriptions, a kind of unspoken subplot of the film unfolds, as my mom becomes a collaborator in the process of narrating and framing the

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<sup>3</sup> Scholar Georgina Kleege and theater artist Scott Wallin argue in “Audio Description as a Pedagogical Tool” that audio description is never a neutral process of translation. They write, “This filtering and prioritizing is thus actually an unavoidably subjective perspective that renders the describer into an interlocutor who shares her own interpretations and values.” Several disabled artists are currently working with this subjective dimension of visual description, such as Kayla Hamilton, whose *Nearly Sighted, unearthing the dark* features several off-stage describers enacting various vernaculars of description, ranging from heckling to mock-art-historical analysis to a detached, clinical perspective to get at the elusive fugitivity of experiencing Hamilton’s dance. In one of the most satisfying moments of the performance, the audio describers become the performers, instructed by Hamilton to perform various abstract states of being. This work was a touchstone, as I was conceiving the multiple registers of description my family and I enact in the film.

<sup>4</sup> This was a form of working together that my parents and I first attempted in the short documentary *I Can Hear My Mother’s Voice* (2018, made in Marty Lucas’s Documentary I class), in which I taught both my parents how to use my video camera. I then asked them to record footage that would show how they saw the world, to watch it, and to describe it in three different ways: how they reacted to seeing it, how they would describe it to someone who could not see, and what was left out of the frame but was important to know. These three takes were edited into one voiceover track, in which my mom both describes and reacts to the footage she has shot.

film—which becomes all the more noticeable by the end of the film, as it is revealed that my dad has refused to engage in this process of description.

By refusing to participate in this way, my dad draws a boundary that becomes both a formal and narrative obstacle in the film—in which all of my subsequent decisions about how and what to show of him on camera revolve around searching for a middle ground between what I believe needs to be in the film and what my dad feels misrepresents him. At the same time, my mom becomes an active protagonist in narrating her own version of what is shown—both in discussing her reactions with my dad and describing how and what she sees in each image.

The process of making the film becomes as much a part of the dramatic stakes of the film as the bankruptcy itself. Early on, I suggest in my narration that some things are too close to see. Over the course of the film, the perspective of the camera, like the descriptions, gets gradually closer to and involved in the action. The form of the film frames the process of documenting my family's life as a question of access: how much of our experiences can be shared and how can we hold one another's vulnerability as they are shared?

A primary distraction from my parents' financial and physical circumstances—even as it has been a major drain on their resources—is Christmas. Though the film spans several years, it almost always appears to be Christmas—blurring the timeline of the four years the film documents, suggesting less as a linear progression than a loop. Santas appear in nearly every corner or crop up in conversation—often as a means of talking about money and morality. For instance, my aunt describes her anxiety about a Santa Claus figurine she bought for a price well below its value and whether it was wrong to buy it at such a low price.

Many of the conversations observed in the film bounce freely from morality and Christianity to money to death and back again—only barely belying deep anxieties about my

family's debts and my dad's health. At Thanksgiving, my aunt jokes about hoping her husband might die in order to collect his life insurance policy, which leads to a light-hearted but, nevertheless, morbid conversation about the practical costs of cremation and whether cremated bodies will be able to be resurrected when Jesus returns. But around the humor are genuine concerns about how to live rightly in a system, where my parents' ideals of working hard and playing by the rules have not ensured the kind of security they imagined and invested in.

Various people in the film offer their diagnosis of how my parents *should* be living—making equivalences between individual responsibility and wellness, between unhealthiness and money problems. My dad's eye doctor says, "The better you take care of yourself, the better chance you're going to see." My sister tells my dad he needs to eat better and that "money stress kills you." But neither set of advice can account for why my parents have not gotten "better" nor out of debt.

Throughout the middle section of the film, the focus shifts to the past and the circumstances that led to my parents' bankruptcy in the first place: my dad's career as a debt collector, Hurricane Katrina, the cost of my education, and my dad losing his job. These circumstances are variously evoked through three very different kinds of interviews.

In the first interview, the focus is not only on my dad's take on debt collection but also on the construction of the interview format itself. Throughout, the film attempts to unpack the connections between the legal apparatuses of documentary filmmaking (such as release agreements) and forms of accounting (such as debt collection) that frame risk, liability, and responsibility as conditions that adhere to individuals. Rather, the film seeks to understand how responsibility might be shared between the parties involved. By observing both the technical protocols of the interview format—such as placing the microphone close to the body of the

interviewee—and the editorial tropes of hiding cuts in documentary interviews by covering them with B-roll,<sup>5</sup> this sequence attempts to show how the interview is one of the primary apparatuses by which documentary films frame the interviewee’s story as an isolated account.<sup>6</sup> This account, like a bank account, can then be separated from the people, circumstances, and contexts with which it is entangled and framed according to the purposes of the framer. Nevertheless, this sequence also conveys significant information about my dad’s life and about his attitudes toward debt collection: for instance, that his mom inherited massive amounts of credit card debt when his dad died, that he would prefer to collect the debts of a poor person who wanted to pay their debts than a rich person who wanted to dodge them, that he believes I do not owe him or my mom anything for the debt they took on for me to pay for my college education. At the same time, this sequence problematizes the ways in which interviews (and perhaps documentary films more generally) create an economy out of the emotions and biographical background of the person onscreen, converting their life into information that can be made equivalent to and exchanged with other information in the process of editing a film.

The second interview starts as my dad recollects a dream, in which he is trapped in a flood, and then shifts from one kind of dream to another—from things we dream at night to those we dream might happen. My dad says he does not have the latter kind of dream, while my mom enumerates many of her hopes and dreams: of flying first class, going to Hawaii, having other people look up to her the way she has looked up to others.

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<sup>5</sup> Generic imagery whose meaning relies on the audio with which it is combined.

<sup>6</sup> This sequence shows the same B-roll image of my dad getting money out of an ATM at three different pivotal moments of the interview, seeking to show how the image is overdetermined differently, depending on when and how it is combined with the audio of the interview. This approach was inspired by the way Chris Marker performs the ideological function of voiceover narration in his film *Letters from Siberia* (1957), in which the same montage of images of Yakutsk in the then-Soviet Union is combined with four different voiceover narrations, varying in tone of voice and subjective interpretation of the images shown.

In the third set-up, my dad and mom begin by having a tense conversation, in which my mom attempts to explain to my dad my intention to discuss “a contract to not have to have a contract” with them. My dad sees this as oxymoronic and unrealistic, while my mom does not state her opinion about it. Rather, she frames the contract as a means of ensuring that people like my dad (who might feel misrepresented in the film) will feel portrayed accurately. I attempt to explain my logic that standard release agreements are contracts that cover over the debt that filmmakers owe the people who appear in their films, by asking people recorded on camera to give up their right to object to how recordings of their lives are used. This shifts the burden of risk onto them (rather than the filmmaker, their investors or their distributors), in the case that they experience negative effects as a result of appearing in the film. Here, my dad and I reach an impasse. I propose a contract that does the opposite of a release—that would encourage them to object to anything that goes into the film, at any point, and insist on the responsibility I owe them for appearing in the film in the first place. But my dad says he would not sign any contract with me because I’m his son. He stays focused on the practical reality that, if the film were to receive a distribution deal, the distributor would require a contract that would negate whatever contract my parents and I came up with together. This conversation, then, opens up onto my parents’ memories of the day my dad lost his job.

Following this, we circle back around to the scene that begins the film and the footage my dad objected to: footage, which was recorded on the day my family worried that my dad had had a stroke. The reddish pink frame that begins the film covers the image again. Earlier in the film, I have explained that what is being shown is, in fact, my finger covering the lens of my camera. I note that the red-pink color being shown is also what is “visible, on the outside, of the blood inside my finger.” As this image plays, the audio that began the film is played again—now

with the context that this was recorded after my dad was hospitalized. This audio comes from the footage my dad objected to being shown, that he felt showed him as “weak.” Here, both my mother and sister describe what is *not* being shown. The voiceover reflects, “When a body gets too close to a camera, it becomes a shutter over the image so that all you can see is that it blocks from view.” The audio description matches the image again briefly, lifting the cover, so to speak, as I am shown lifting my dad, trying to help him stand up from a chair. But, again, the audio explains, his face is blocked by my body.

This sequence is about access in several important ways: of course, on a fundamental level, I deny the sighted viewer access to the images that my dad had objected to. Importantly, though, I do not simply withhold these images but rather cover over them, by showing my finger covering the lens instead. Something is added, and something is taken away. This is a dynamic that many non-disabled audiences complain about regarding accessibility accommodations, such as captioning and audio description. Accessibility is frequently framed as something that takes away from the image or the intended, artistic impact of the film.<sup>7</sup> This is likely one of the primary reasons closed captions (which can be turned off and on) were devised as an alternative to open captions (which are a part of the film’s image and so are always on).<sup>8</sup> However, these so-called accommodations, of course, not only make the material accessible to Blind and Deaf

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<sup>7</sup> A typical article on this topic from *Wired* magazine from 2018 argues that people who do not need closed captions for access reasons are now watching television and movies with the captions (which he calls “subtitles”) turned on because it provides them control over a chaotic world. The writer says, “No, subtitles are not the solution. They flatten our perception. Sounds are more muted these days because there are too many of them, every utterance equally weighted and demanding of us total comprehension. Look at the words, themselves. All too often, they are meaningless. Yet we painstakingly rewind Netflix anyway, backward, backward, backward, stuck in a garbled loop. *Bpuhk*, pop—get me out.”

<sup>8</sup> For more on what is at stake in the difference between open and closed captions, see Carolyn Lazard, *A Recipe for Disaster* (2018). Lazard’s video is open captioned and re-presents the first television show broadcast with open captions in the US, an episode of Julia Child’s *The French Chef* (see “A Brief History of Captioned Television”). In their video, Lazard argues for a form of audienceship that is not segregated along lines of ability.

audiences but also add information.<sup>9</sup> Throughout the film, my open captions appear on a black bar that also covers part of the image with the additional information (perhaps considered extra or extraneous by some, while adding a layer of information that is the primary layer for many).<sup>10</sup> Covering my finger with the lens, then, is an attempt to make that addition/subtraction material—covering the image not just to take away but also to add the additional (perhaps extra perhaps primary) layer of my own blood relation, of my desire to cover these images of my dad. Here, I am thinking about all of the meanings of “cover” rolled up into one—like one might cover something on the news, cover someone for dinner, cover someone who is in need of protection, cover over something (as in, miss it), cover someone (as in, get in their way). At the same time, it is important that, for Blind or low vision audience members, whose primary means of access to the visual information of the film is through description, this sequence does not differ in terms of accessibility from the rest of the film. It is a moment, where a non-visual means of experiencing the film is privileged, which cannot be separated from a moment earlier in the film, where my

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<sup>9</sup> As Amalle Dublon writes in an interview with Park McArthur and Constantina Zavitsanos, “Dependency and Improvisation,” “Access is sometimes regarded as this kind of ungainly addition to the work meant to make up for a perceptual ‘deficit.’ It may be a translation, as in a displacement, but it’s also an addition, which makes the form bulkier, and then that bulkiness violates the imagined elegance and completeness of the artwork’s form or concept. Access is often bemoaned as burdensome standardization, but it’s actually always improvisatory. Because improvisation is also this operation of taking a ‘given’ artwork or pattern and elaborating it, and access is a similar distension, bulking up, or swelling of the artwork. It is necessarily choral. What is understood as a decay or delay of the artwork is actually its increase or growth. It makes the artwork fatter, thicker, slower, and richer.”

<sup>10</sup> Part of using open captions over a black bar, which permanently cut out/cover over part of the image, is to prioritize the caption as being part of the image and as important as whatever it covers. However, more needs to be done to make the captions more legible, as the pacing of the dialogue often makes the captions change too quickly for some readers to read and comprehend. Other artists have made this formal limit of captions the material of their work. In Emily Watlington’s essay, “Critical Creative Corrective Cacophonous Comical: Closed Captions,” she writes about Constantina Zavitsanos and Amalle Dublon’s video, *April 4, 1980* (2018). She notes that the speed of dialogue in most films and videos usually privileges hearing and sighted audiences by not leaving enough space without dialogue to fit in audio description and enough time for captions to appear onscreen legibly. In Zavitsanos and Dublon’s video, the screen is black, showing only captions; “the audio speed is slowed; caption reading is primary.” In editing the audio description of *Shared Resources (Contractual Obligations)*, I mostly included scenes where there were passages of dialogue that could be replaced with descriptions and/or where no one is speaking on camera. However, it was more difficult to pace captions to observational footage of conversations. Much like description, one is left with a choice—to caption more than can be comprehended as it is spoken or to caption less of what is spoken and prioritize the ability to comprehend what appears onscreen. In future work, I hope to figure out a way to pace all spoken language in the film to prioritize the legibility of the captions and descriptions.

dad says that the voiceover will not change how people watch the images in the film because “humans are visual.”<sup>11</sup>

Following this sequence, there is a notable shift from the conditional access granted to the footage of my dad’s illness to the generous amount of access my mom offers to sighted, hearing, non-sighted, and non-hearing audiences to her internal thought process. There is a long close-up of my mom’s face, over which my mom describes in detail the stress she feels about what life might be like without my dad. Just before that, my mom explains to my dad why it is important for this scene to be in the film, even though he feels it shows him as “weak.” She says that when this footage was shot, she did not know how any of their bills were paid nor even whom they owed. She says that when she sees the look on her face, she sees how much she depends on my dad.

Ultimately, the film seeks to ask how debt and dependency bind us. My dad believes I do not owe him and my mom anything for the support they have provided me, but this denies our dependency, our entanglement, which cannot be separated from our love. My mom says I owe them everything. While I agree with my mom, my debts can never be repaid.

## **RESEARCH ANALYSIS**

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<sup>11</sup> My understanding of covering the image is heavily informed by Constantina Zavitsanos and Park McArthur’s concept of the double blind, which they introduce in their essay “The Guild of Brave Poor Things” and which Zavitsanos elaborates on in the interview “Giving It All Away,” “The double blind describes the stakes of dependency, or love. Something you are bound to do that you still play at anyway. The stakes are so low—like, the lowest; they’re common, basal, banal, deep. It’s the hardest easy thing, the falling in and through of love. For disability, some things will need to be held in superposition precisely because there are two or more co-extant states here; it’s a both/and, not an either/or—a no-state dissolution. This is what I mean by deforming: dissolving boundaries and still being bound, bonding in this way that nonlocality conditions, the informality of animateriality and anamaterial presence. My bodymindsoul is already touching yours despite the juridical notion of consent and in the actual haptics of ‘feeling with’ that the word consent is meant to attend to, which is to say care for. Okay, so, hmm, superposition, interference, hapticality, contiguous and noncontiguous touch, telephonics, tectonics, plating—as in serving dinner, service, digestive discursion, inertial force, immobility, movement, dark fluid, blackness, fatness, flow, thickness, scale, frame, slip, feel, I don’t know, maybe just love—these are some other words I’d like to put on beyond visibility.”

The research for this film started long before the film itself. It started in study with two separate reading groups, with whom I read Fred Moten and Stefano Harney's *The Undercommons: Black Study and Fugitive Planning*.<sup>12</sup> As Moten and Harney write in their chapter "Debt and Credit,"

It is not credit we seek nor even debt but bad debt which is to say real debt, the debt that cannot be repaid, the debt at a distance, the debt without creditor, the black debt, the queer debt, the criminal debt. Excessive debt, incalculable debt, debt for no reason, debt broken from credit, debt as its own principle (61).

This "bad debt" that cannot be made good is also where all the good stuff comes from in love, in debt, in entanglement. They write shortly after that "credit is a means of privatization and debt a means of socialisation." Credit imperils the social bond that debt makes between us, seeks separateness, separation. Credit operates through pursuit, debt through holding and flight.

For instance, Chase Bank frequently sends me an offer for a "Chase Freedom" credit card. My need to chase freedom, the (not incorrect) assertion that I do not have it, might cause me to apply for credit because I lack money. This pursuit will inevitably lead me to have less money or freedom. But through credit, I can at least chase the freedom that is money, toward its diminishing returns. Or another way of saying it is both credit and false prophecy promise something as a means of taking it away. Debt, on the other hand, is a prophecy that simply restates a truth about the present and the past: we will always owe each other.

Though Moten and Harney disavow the corrective logics of policy at length, I wanted to understand the policies that led my parents to be pursued by their creditors and into bankruptcy. One of the most pivotal acts of legislation that prefigured the 2007-2008 financial crisis, which is

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<sup>12</sup> In the first group, No Total, it was Emma Hedditch, Mariana Valencia, Joseph Teeling, Elizabeth Orr, Ginger Brooks Takahashi, and me. In the second group, during Constantina Zavitsanos's residency at the New Museum, "This Could Be Us," it was Zavitsanos, Amalle Dublon, Carolyn Lazard, Cameron Rowland, and many others. The study continued long after these reading groups, and being in study and in friendship with each of these people has also been an ongoing form of study with *The Undercommons*.

frequently called the subprime mortgage crisis but might as well be called the credit crisis, was the 2005 Bankruptcy Abuse Prevention and Consumer Protection Act. As legal scholar Linda E. Coco has written about across many different articles, this reform to the bankruptcy code left lasting ramifications for not only how bankruptcy was conceived but also how debtors are treated under the law. Coco writes, “In disciplining the middle class, BAPCPA shifts the risk and the responsibility of the lending relationship onto consumer debtors. BAPCPA does this by keeping financially distressed individuals servicing debt obligations both inside and outside the bankruptcy system” (711). BAPCPA made it increasingly difficult to file Chapter 7 bankruptcy, pushing more people into Chapter 13, and, in turn, making it more difficult to successfully complete Chapter 13 bankruptcy repayment plans. As my dad plainly states in an interview in the film, Chapter 13 was to his advantage as a debt collector because it ensured that he received payment for at least the 5 years of the bankruptcy. BAPCPA was devised during the tenure of then-Federal Reserve Chair Alan Greenspan, as there was a widespread, calculated plan to expand profits on debtors’ debts by getting them to take on secured debt—such as second mortgages and home equity loans—to pay for unsecured debt<sup>13</sup> like credit card bills (717).

Further, BAPCPA explicitly worked to “re-stigmatize” consumer bankruptcy; Coco makes a strong argument for how this moral stigma actually works to the financial advantage of creditors<sup>14</sup>:

Legal debts can be forgiven, an option that is not always available with moral debts. [...] By enforcing the belief that debt and bankruptcy are sins, that bankruptcy is shameful, and that the debtor will be socially stigmatized by the community and family members,

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<sup>13</sup> Debt that does not have collateral attached, such as a house or car.

<sup>14</sup> The financial logic of moralizing debt is something David Graeber writes about at length in *Debt: The First 5000 Years*. For instance, he writes that a moral concept of debt is even likely the origin of money itself. “How do we go from that absolute debt we owe to God to the very specific debts we owe our cousins, or the bartender? The answer provided by primordial-debt theorists is, again, ingenious. If taxes represent our absolute debt to the society that created us, then the first step toward creating real money comes when we start calculating much more specific debts to society, systems of fines, fees, and penalties, or even debts we owe to specific individuals who we have wronged in some way, and thus to whom we stand in a relation of ‘sin’ or ‘guilt’” (59-60).

BAPCPA delays and prevents individuals in financial distress from filing a bankruptcy petition. [...] For example, oftentimes debtors will use retirement income in an attempt (often unsuccessful) to pay down creditors, therefore reducing an exempt asset meant to protect older debtors in particular in their retirement from poverty and living on social services. [...] During the non-filing period, the debtor is likely to take on more debts in an effort to survive (720).

Coco's assessment is remarkably similar to the circumstances my parents found themselves in, when coping with, first, the unexpected toll of Katrina; followed by the massive expense of my college education, which my father paid for with his retirement, which created a deficit that could not be closed after he lost his job. At that point, my parents no longer had a choice but to declare bankruptcy.

Importantly, as both my dad in the film and Coco in her article "Mortgaging Human Potential: Student Indebtedness and the Practices of the Neoliberal State" note, educational debts are "an exception to the general bankruptcy discharge provisions" (590). Although educational debt was once treated like any other unsecured debt, as the educational system shifted from grants to loans as the primary means of financing college education, educational debt took on a special status under bankruptcy in the 1970s. BAPCPA, then, removed all remaining restrictions on what kinds of educational debt held this exempt status, making it so that the only way to be relieved of student debt via bankruptcy is to prove "undue hardship"—a status contingent on illness, disability, and inability to pay that requires a "full blown trial in the bankruptcy court, called an adversary proceeding, against the educational loan creditor" (595). This form of trial will likely only be pursued by those not already discouraged by the moral prohibition placed on filing bankruptcy in the first place.<sup>15</sup> As Coco notes, as of the time of her writing (in 2013), only

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<sup>15</sup> My dad, for instance, does not consider his illnesses and disabilities limiting factors in his ability to make his bankruptcy or educational loan payments. So, even though he might theoretically meet the first two requirements of "undue hardship," he would be very unlikely to enter the courtroom to make such a claim. Claiming "inability to pay" hinges on a self-assessment that exceeds both ableism and its effects on moral notions.

57 percent of those people who had proceeded to trial succeeded in having educational debts discharged under bankruptcy. This highly exceptional status of educational debt is likely what leads my dad to say in the film that “student debt is not dischargeable by bankruptcy.”

Much like the deferral of risk that BAPCPA heaped from creditors onto debtors who file bankruptcy, scholar Susanne Soederberg writes about the ways in which student loan assets backed securities (SLABS) have been used to shift the risk burden from lending agencies onto student debtors. As Soederberg explains,

SLABS refer to a technique in which illiquid assets such as student loans are transformed into tradable securities through a legally created tax-exempt entity [...]. Despite the role played by asset-backed securitization (ABS) in the 2008 sub-prime housing crisis, many pundits regard ABS as an important feature of the contemporary financial system. This is because ABS is presumed to represent a highly efficient method of raising capital and mitigating or even reducing risk for lenders [...] (690).

Turning the unsecured debt of student loans into a tradable commodity, this shift in risk is defended as a “natural, neutral and inevitable feature of the market.” This arrangement is then further construed as a natural necessity through arguments that it is only through becoming securable commodities that student loans have been able to promote greater social equality, by making it possible to make loans to those who would otherwise be considered high-risk debtors and denied loans (i.e. people with lower incomes or without credit histories, who are also most heavily indebted by student loans) (690-691).

This naturalization of shifting risk as a means of profiting on and securing a contingent future is a foundational contractual logic, which Angela Mitropoulos unworks in *Contract and Contagion*.<sup>16</sup> As Mitropoulos argues, “The contract is capitalism’s most cherished axiom. [...] Briefly put: contracts are preoccupied with the transformation of contingency into necessity as a

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<sup>16</sup> Being in study with Constantina Zavitsanos around this book is largely where the majority of ideas stemmed from for the anti-contractual contract I attempt to enter into with my parents.

specifically capitalist problem” (19-20). Or, in other words, capitalism uses the contract form to set limits on a future that will always be unknowable. But by fixing an outcome in advance—as that which *must be*—contracts seize the opportunity that contingency and misfortune bring, producing profit for one party by off-loading the burden of risk onto another.

Likewise, the industry of documentary filmmaking hinges on this redistribution of risk from the filmmaker to the people who appear on camera, who must consent to these conditions. Interestingly, release agreements are a means of turning the person on camera’s right *not to appear* in the film into a commodity that usually has no exchange value for the person whose right it is—people are rarely paid for their appearance in a documentary film. But the giving over of this right takes on exchange value for the filmmaker, in making it possible for that person’s recorded image to become the filmmaker’s intellectual property, which can then be bought and sold. The contract makes it so that—by consenting to give up their right to not be filmed—the person in front of the camera must now bear the risk of any and all potential losses that might result from how documentary images of their life are used in the world.

At the end of his essay, “The Tradition of the Victim in Griersonian Documentary,” Brian Winston proposes some possible solutions to this imbalanced and exploitative dynamic, arguing that filmmakers must only film those people who give their voluntary and informed consent, as modelled by the Nuremberg Code (52-53). As John Stuart Katz and Judith Milstein Katz elaborate in “Ethics and the Perception of Ethics in Autobiographical Film,”

On the whole, [...] voluntary and informed consent is required if the film-maker is to be considered as having acted ethically. Voluntary here includes a lack of coercion, a lack of intimidation, and a lack of deceit. [...] Informed means that the person knows to what he or she is in fact consenting. Does the subject understand the risks? (121).

But as Katz and Katz note, setting a limit on when consent becomes voluntary and informed is as slippery as contractually granted consent itself. They write, “[...] in most cases, we watch a

film without knowing how consent was obtained and whether it was informed. What did the film-maker say to the subject? What in fact did the subject understand from what was said?" (122).

My concern in the contract between my parents and me, between filmmakers and the people who appear in films, is less to set out a contract that ensures voluntary and informed consent but rather to counteract the double bind that consent renders under the logic of the contract or what Mitropoulos refers to as “the doctrine of *volenti non fit injuria*<sup>17</sup> of informed consent” (86). In numerous fields from documentary filmmaking to pharmaceuticals, medicine, and insurance, informed consent functions to negate the possibility of redress in the case of harm. It renders a decision in advance, where—even if harm clearly has been done—it *cannot have been* done, where all harm becomes *self-inflicted*.

In the relationship between a documentary filmmaker and a person who appears in a documentary film, there can be no agreement that can anticipate all risks involved in appearing in a film. Meanwhile, the fundamental purpose of the vast majority of (if not all) contracts is to limit risk and liability, rather than acknowledge shared responsibilities. This is why I feel it is so fundamentally important to unwork the possibility of such a contract and instead to share the risk between me and anyone I film—negating the delegation of individualized risks and liabilities of the release agreement.

This thinking is indebted to various artists making work around disability as well as contracts of consent and bondage. In conversation with artists Constantina Zavitsanos, Park McArthur, and Carolyn Lazard, I seek to make art that takes access its precondition, that renders disability as both its content and means. Specifically, from McArthur’s work *Poly*, I have drawn

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<sup>17</sup> Latin: "to a willing person, injury is not done"

much of my understanding of the economic logic of disability as one of absorption. In this piece, she presents large slabs of paper that are used to make adult diapers, saturated with liquid and dried over time. The resulting works resemble minimalist paintings that have become extremely heavy sculptures. I have been thinking about this material illustration of disability as one of absorbing the blows dealt to my dad by ableism, of the sagging weight of the load he bears—even as the absorption also goes the other way, where his life is more valuable being absorbed from (by his creditors, by pharmaceutical companies, by the bankruptcy trustee) than producing labor for the bank. In both instances, the valuation of disabled bodies/minds is further illuminated by the diaper paper's disposability, not unlike the disposable income of my dad's disability benefits that my parents' creditors and bankruptcy trustee absorb.

Making an artwork of the contract around access between my parents and me, while seeking to negate the form and economic value of the contract itself, is directly inspired by the work of Cameron Rowland. Across several different projects, he has researched and entered into various entanglements with the prison-industrial complex and other legal and financial institutions that have profited from slavery to gain access to information about how they work and to negate their functions. For instance, his work *Disgorgement*, which was created for his exhibition "91020000" looked into the history of the insurance company Aetna and the fortune it accumulated (and still draws on) through insuring the trans-Atlantic slave trade. In response, he purchased a substantial amount of shares in Aetna and created a trust that can only be accessed upon the payment of reparations to descendants of slavery and that will be donated, in full, to the payment of reparations. Similarly, his work *Depreciation* researched the history of restrictive covenants and the ways in which they prevented black home ownership in the United States. Using an exhibition budget, he purchased land that had been previously promised to black

Americans upon emancipation but was denied to them through restrictive covenants and sharecropping contracts that put them back to work for the very people who had enslaved them. After purchasing this land, he created a new restrictive covenant that ensures that nothing can ever be built on this land. After doing so, he had the land appraised, and because of its restrictive covenant, its value is now \$0. The land is now a monument to those slaves denied ownership, while perfectly negating the very logic of exchange that made it possible for people to become property in the first place.

By far the biggest influence on this project is the artwork of Constantina Zavitsanos, whose sculpture *1737/1921/2010 (It was what I wanted now)* helped me to understand the structural entanglement between debt and dependency. This work consists of an extremely tall stack of paper that reaches from floor to ceiling, printed with financial details of all of Zavitsanos' personal debt, along with the historical debts of their family, dating back to 1737. This work is installed as a column or a kind of load-bearing support system that beautifully illustrates debt as that on which further structures are built. In discussions of their work, they go a step further to make the connection between disability and debt, by showing how each is a means of framing dependency. It is in dependency that these forms of being in the world (disabled, in debt) both are stigmatized and articulate the pleasures and perils of intimate care. This doubling (of an already doubled relation) is really the center or ground of my entire project: the bond that entangles debt, disability, and dependency and how—as Zavitsanos writes in their recent exhibition “L&D Motel”—“some things get bigger the more you take from them.”

## **THESIS PRODUCTION PROCESS**

I first began production on my thesis—four years ago in December 2015, shortly after my parents first declared Chapter 13 bankruptcy. I have been recording footage with my family every time I have gone home to be with them over those four years—approximately four times a year.

It was not until the summer of 2019 that I first showed my parents an edited version of the footage I had been filming. I made about an hour-long assembly of material that I wanted my parents to describe. It was in showing them what I had filmed and hearing their reactions, that the film began to take real shape. I realized that this was less an observational film about debt than a film about the process of making this film. The debt the film is about cannot be separated from the debt I owe my parents for appearing in the film. Their hope that this film might bring me the “success” that my mom was referring to when she said “I owe it to them to be successful” has largely been the impetus behind why they agreed to make the film in the first place.

When I first began working on the project, I thought it might be a means of helping my parents and me communicate about things that felt too hard to talk about—namely, the enormous sacrifice that my parents made in order to give me the promises and opportunities that came with my undergraduate degree. I had hoped that, by showing the unfairness of their situation, the film could be, in some way, a means of offering my dad a different perspective on his own debt. I hoped that he would not simply feel he had a moral obligation to repay his creditors but, rather, examine the immoral means by which he became indebted in the first place—for instance, predatory lending, expropriative policies like BAPCPA, the ruthlessness of the bank that fired him without justification. I thought I could show him how the moral imperative of his financial debts could not compare to the social, historical and ethical implications of those things we depend on and have depended on as an American white middle class family—for instance, trans-

Atlantic slavery and the systematic ableism, racism and classism of the banking and insurance industries. I wanted to show him that the ways these debts have been covered over have been foundational to the stigmas associated with both indebtedness and dependency. Meanwhile, the debts we owe one another are so inseparable from our love for each other that to try to get out of the debt we owe each other is akin to breaking the bonds that hold us together.

But I think, quite obviously, the evangelical undercurrent in my desire to convert my dad from his politics toward mine—by using the painful experiences of his indebtedness, debility, and downward economic mobility as evidence—was and is problematic.<sup>18</sup> Like much documentary filmmaking, this attitude assumes that I understand my parents' lives more than they do and preys on misfortune, vulnerability, and risk. Of course, because I am the filmmaker and editor of the film, the film heavily bears my perspective, politics, thoughts, and feelings. But, at the same time, by including my family's descriptions and reactions, I hoped to balance my perspective by giving additional weight to their understandings of what has occurred over the course of the bankruptcy and what is being shown. Their understandings have not really changed so much as been refined and reinforced by the bankruptcy and the process of making the film. This is not to present a more balanced view of our political situation but rather to show how the debts that bind us actually surround and exceed any notion of politics that thinks there is a

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<sup>18</sup> The shift in my focus from the solely economic impacts of my parents' bankruptcy to the wider ramifications of their relationship to dependency, especially as it relates to my dad's experience of debility, likely came about because of my own experience of disability over that same period. Newly diagnosed with a heart condition and having open-heart surgery between 2016 and 2018, I was put into a very concrete position of having to depend on my extended community of friends—as well as my mom, sister, and aunt—for care in the wake of my surgery. I had similarly evangelical impulses in wanting my dad to have access to the relief I felt in being supported by others and temporarily unburdened by the ableist expectations I had previously felt about the need to be self-sufficient. A specific set conditions gave me access to this orientation: living in New York City in social proximity to other disabled people, who are critically engaged in thinking about disability and dependency; my education, which has prioritized thinking power structures otherwise; as well as my enormous privilege in having excellent and inexpensive health insurance through a union job at the City University of New York. But many people, of different races, educations, and class backgrounds than mine, have come to a sense of dependency as a form of shared wealth beyond measure or money. My understanding and experience of dependency is in debt to their practices and experiences of social life in care collectives, multi-/chosen-family homes, support groups, group texts, etc.

political solution to all of this—that seeks to correct this from some external force. Like Moten and Harney write in *The Undercommons*, shortly after saying “we owe each other everything,” “We’re just anti-politically romantic about actually existing social life” (20). Meanwhile, they also say, “We plan to be communist about communism, to be unreconstructed about reconstruction, to be absolute about abolition, here, in that other, undercommon place, as that other, undercommon thing, that we preserve by inhabiting” (82).

Through this process, I have attempted to share what I have learned and observed. Through the complicated relationship my family members and I each have to our debts, I hope to primarily show how very entangled we are and that any attempt to understand any one of us should only come by trying to understand our relationship to each other and those people and things that have shaped our conditions.

It was not easy to hear from my dad that he “hated everything about” the film that I had been working on for the last three-and-a-half years and which I had hoped would bring us closer together. Such a fundamental aspect of this process has been trying to balance my dad’s feelings about how he is represented in the film (his desire not to be shown as weak or disabled) with the things I feel need to be shown, in order to not reproduce the stigmas my dad feels toward disability and dependency. The intensity of his reaction led to my response of both adding and taking away from the image by replacing the footage I had recorded of his illness with footage of my finger blocking the camera lens.

It also impelled me to do something I felt very uncomfortable with: interviewing both of my parents. After being interviewed myself for a project about students’ experiences of higher education and feeling very trapped by the format of the interview (where whatever you say is preserved on film, where you are only answering not asking questions), I did not want to subject

anyone to this format that is so deeply haunted by its relationship to juridical and/or religious practices and institutions (in either case, subject to a higher authority that cannot be questioned). But I wanted to give my dad a chance to present himself on camera in a way that he *did* want to be seen, not just subject to the aspects of his life that I felt were important. And, in very real ways, the interview appears to be my dad's preferred format. As my mom describes, he does come across as composed and self-assured, and he raises positions that are hard to argue with, often in opposition to the things I feel most assured about myself—particularly around the contract and the debt I owe them. For instance, he says that the conversation around the contract is largely moot. It prefigures a situation that, if we were faced with, the contract would render impossible (the film would not be able to be distributed) or would have to be negated (in order for the film to be distributed, our contract would have to be replaced by that of the distributor).<sup>19</sup> Further, he says that I do not owe him and my mother anything because it was, in fact, *they* who owed me the means to build a life.

Through this process, I have honed and refined principles I have been developing over the course of my time in the IMA program. Throughout each of the projects I have made in the program, I have tried to center access as an intrinsic aspect of making a film. But in the course of making this project, I have particularly learned about what it is for not just different people's access needs to differ but also where access intimacy<sup>20</sup> for one person feels like trespass or violation for another. This process has made me think about how holding space for someone's access needs sometimes means denying others' access to certain things. And it has deepened my

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<sup>19</sup> I disagree with this because the point is not to make a functional contract but, in fact, to do exactly the opposite. He is exactly right. The point is to negate the possibility of this contract: to answer the contract's double bind with a double blind.

<sup>20</sup> See Mia Mingus, "Access Intimacy, Interdependence and Disability Justice," 2017 and "Access Intimacy: The Missing Link," 2011.

investment in the belief that access accommodations like audio description and captioning can be used not just as means of rendering films more accessible to Blind and Deaf audiences and to give a sense of someone's subjectivity but can also provide a framework for collaboration between filmmakers and the people describing. Description and captioning are both forms of direction in very significant ways—directing the audience's attention to various aspects of the visual frame and the sonic space of the film. They are also forms of editing—functioning, perhaps above all, as forms of cutting.

I plan to continue to approach all of my filmmaking with audio description and captioning as integral parts of the initial planning for the film and look forward to working on a project, where the descriptions and captions come first, where they direct how the images will be composed and the sound recorded. I would like for this process of description and captioning to likewise be collaborative.

## **AUDIENCE AND EXHIBITION**

On a very fundamental level, I am making this film to be seen by my parents and people with similar beliefs and backgrounds: Christian, conservative, downwardly mobile middle class, disabled, and/or white. At the same time, I think it is very important for people who are not at all like my parents to see the film in order to better understand them—less to feel empathy for their situation and more to grasp the complexity of their understanding of it.

The rash of editorials and features that came out in the wake of Trump being elected in 2016 generally looked for too-easy answers, as if discovering for the first time the middle or working class voter who votes for the rich against the middle and working class. Despite the fact that I could not be more different from my parents politically, I have spent my entire life

observing and understanding the ideologies they uphold and how they are so deeply entangled with the very real struggles they face. I want people, who come from extremely different backgrounds, to encounter my family because their belief systems have spanned the political aisle in Washington, where both major parties have upheld the virtues of individual responsibility as an ongoing effacement of the social and collective. This ideology has been at the heart of neoliberal policies that have directly worked against both my family and those people they resent for naming moneyed, powerful interests as equally responsible for their problems, like cutting programs they depend on, deploying racism as an extension of capitalism (and vice versa), stoking resentment to divide groups that share economic interests. Though it is perhaps a sweeping statement, this film is intended for everyone affected by the devastating consequences of capitalism, ableism, and the erosion of social safety nets. But, in thinking about the importance of the upcoming election (in spite of my feeling that politics is not a resolution to the complexities of what the film shows), I would like to start with those who might identify with my parents' situation to, perhaps, refract their own situation.

At the same time, the film also hopes to both embody and elaborate a conversation about how filmmakers consider their relationships to disabled audiences. In each of the ways it is a film about economic conditions, it is also about disability and for people who are disabled, who are experiencing debility and the pressures of ableism, under an already precarious set of economic conditions. And I will specifically seek out Blind and Deaf audiences, consulting with Blind and Deaf artists, technologists, and librarians in the process.

Reaching these audiences means seeking both the usual, hoped for venues: festivals, theaters, cable, public broadcast, or streaming for a wider release, while also touring the film in

fall 2020, focusing on audiences living in the South or in conservative areas, and screening in churches, community centers, and schools.

My primary goals are to:

1) Reach conservative audiences in the lead-up to the 2020 election to expand conversations about the contradictions of debt, logics of personal responsibility, and stigmas around disability and dependency.

2) Share the film with disabled audiences to expand conversations about the entanglements between ableism and capitalism.

3) Share the film with film students and emerging filmmakers to start conversations about how to integrate access for disabled audiences into the production process and to desegregate viewership along lines of ability.

My plan to achieve these goals is to:

1) Partner with economic justice initiatives and organizations rooted in faith communities to screen the film in churches, community centers, and schools in my parents' community in Gulfport, MS, and other predominately conservative areas.

2) Partner with braille and talking book libraries, universities for Deaf students, ASL and Certified Deaf interpreters, and event organizers within disability community, to arrange ASL-interpreted screenings specifically for Blind, Deaf, and disabled audiences.

3) Screen the film within film and art programs at universities, hosting panel discussions with Blind and Deaf artists as well as disabled artists working with audio description and captioning to encourage student filmmakers and artists to consider access as a fundamental aspect of the creative process.

There are currently four uses of unlicensed music in the film—one, a pop song playing on the television during a montage of images of my family’s house; the second, ominous music playing from the television show *The OA*, as my dad sleeps in a chair in the living room; the third, a short clip of my mom singing along to “Grown-Up Christmas List” by Amy Grant; and the fourth of the television playing a performance from the Macy’s Thanksgiving Day Parade. The film also shows the television playing Fox News and then a clip from a Sidney Poitier film, as my dad stands in front of the TV. I plan to use these under fair use, as the film makes very small use of the materials played, none of the uses is from the heart of the works, and they only play during other ongoing documentary footage, without which it would not be possible to show the events documented. It is important to show the role that television and media plays in my family’s life, and this specific media is a fundamental part of the world they inhabit. If it is ultimately necessary to cut this material, I will do so before paying license fees for these songs and television footage.

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