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Documentaries and the fiction/nonfiction divide*

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ABSTRACT
This paper rehearses a debate with Stacie Friend on the nature of the fiction/non-fiction divide. The paper first puts in a sharper focus the dividing issue, arguing that it is ontological in character. It focuses on how the distinction emerges in films, by contrasting fiction films with documentaries; Friend has also discussed films, even though the debate has mostly studied the literary case. The medium does not affect the main issues, but it raises interesting questions. After highlighting two important points of agreement with Friend, in contrast with some other proponents of a similar view on the present debate like Currie, the paper offers a normative account of the distinction, offering reasons to prefer it to Friend's.

This paper rehearses a debate with Stacie Friend on the nature of the fiction/non-fiction divide (García-Carpintero 2013, 2016, 2019a). I'll put in a sharper focus the (ontological) dividing issue. I'll examine how the distinction emerges in the case of the moving image medium, by contrasting fiction films with documentaries; Friend has also discussed films (Friend 2007a, 2010; in press). The medium does not affect the main issues, but it raises interesting questions. I present the debate in the first section. In the second I highlight two points of agreement between Friend and me. In the final section I outline my account of the distinction, arguing that it is preferable to Friend's.

1. Fiction and nonfiction as *genres*

Friend's account of the fiction/nonfiction divide develops in opposition to views like Currie's (1990) and Walton's (1990) for whom an essential property of fictions is that they 'prescribe' imaginings, while nonfictions 'prescribe' beliefs. Here the imagination is understood as a propositional attitude – like believing or desiring – connected like them with affective and imagistic capacities, which we engage in for instance when we daydream or consider counterfactual possibilities in planning (Stock 2017, 4–9). Currie and Walton develop the idea in different ways. Currie offers a speech-act approach with an intentionalist underpinning. Walton thinks instead of fictions as social artifacts

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with the representational function of being 'props in games of make-believe' (1990, 51). In my own work, summarized in Section 3 below, I offer a rapprochement. I adopt Currie's speech-act approach, but I take an Austinian institutional view on such acts (cf. also Lamarque and Olsen (1994), Abell (2020)) Like games, they are defined by constitutive norms, conventions or social rules. They are communicative social artifacts definable by necessary and sufficient conditions, thus withstanding Walton's (2015) recent skepticism (García-Carpintero 2019a, 2019b).

Opposing these views, Friend argues that 'there is no conception of "imagining" or "make-believe" that distinguishes a response specific to fiction as opposed to non-fiction' (Friend 2012, 182–183), urging 'that we give up the quest for necessary and sufficient conditions for fictionality' (Friend 2008, 166; cf. also Matravers 2014). She argues that the categories *fiction* and *nonfiction* are *genres* (*super-genres* encompassing subordinate ones like the *historical novel* or the *literary biography*, respectively), where

> [a] genre … is a way of classifying representations that guides appreciation, so that knowledge of the classification plays a role in a work's correct interpretation and evaluation … whilst membership in some genres … is determined by necessary and sufficient conditions, the vast majority are determined by a variety of non-essential conditions, including contextual and historical conditions … classification generates expectations about the features of a work, and thereby determines appropriate standards of evaluation. (2012, 181)

Friend's talk of 'ways of classifying' is ambiguous between a merely epistemological and an ontological claim; the same applies to Walton's (1970) account of 'categories of art' (including genres, 339), on which she relies. Walton distinguishes between *standard*, *non-standard* and *variable* properties. The former are features lack of which 'would disqualify, or tend to disqualify, a work from that category'; the latter, those that disqualify membership; *variable* features are those irrelevant for classification (Walton 1970, 339). But although Walton's proposals incur the epistemic vs. ontic ambiguity, his ambition appears ontological; for he aims to defend a historical view of the categories: 'facts about the origins of works of art have an essential role in criticism […] aesthetic judgments rest on them in an absolutely fundamental way' (Walton 1970, 337). The same applies to Friend's claim that '[w]hat other theorists propose as defining properties of fictionality – such as containing utterances whose contents we are to imagine – I see as *standard features* of works in the fiction genre … they contribute to classification without determining it' (2012, 188–189).

I suggest that we take this debate on the model of the well-established Kripke–Putnam–Burge tradition about natural kinds. The categories we are discussing are 'real kinds', in the sense that they have 'real definitions'.[1] Here 'real' is not used in opposition to 'socially constructed', but to refer to properties and kinds that play significant explanatory roles, and thus have a character that can only be justifiably established through theorizing.[2] There is a Wittgensteinian, anti-definitional strand in Friend's statements quoted above; my proposal to frame the debate in these terms may thus seem unfair. But I do not think it is. It allows that kinds might not have definitions in terms of intrinsic properties the way 'water' is supposed to – *being H_2O*; they might have instead perfectly fitting, and sufficiently explanatory relational ones, like those that have been offered for biological and social kinds (Ereshefsky 2017; Bird and Tobin 2018). I will take Friend not to be claiming that genres lack definitions altogether, but

rather that the ones they may have are not intrinsic, and not deeply explanatory. Perhaps they have *cluster* definitions, or definitions in terms of exemplars or prototypes that deploy their manifest, superficial or criterial properties. Or (non-exclusively) they have historical definitions, allowing for properties standard at a particular period not to be instantiated by all items in the category, and to become later merely variable, or perhaps even counter-standard.[3]

I have argued that an account along these lines applies to institutions like *Analytic Philosophy* (García-Carpintero 2011), and it seems equally apt for representational genres such as the *documentary film* or the *Analytic Philosophy paper*.[4] Features like *hand-held camera*, *low film quality*, *deep focus* (exploited for deriding *cinéma vérité* in Block's 1973 mockumentary *No Lies*) were standard for the former in the 1960s, but not before (say, at the time of Flaherty's 1922 *Nanook*) or currently. The genre is definable, but – like biological categories on cladism – to do so we should specify its standard and counter-standard features at its inception, and how these changed later due to technical innovations, sociological vagaries, and so on. This is thus what I take Friend's *genre* view to contend:

> GENRE *Prescribing imaginings* is only a currently standard but nonessential feature of the category *fiction*: there might currently be instances that lack it, and there might be a time when most instances lack it. *Mutatis mutandis* for *prescribing beliefs* vis-à-vis the category *nonfiction*

While this is a coherent view – versions of which apply to real categories like *Analytic Philosophy paper* or *documentary film* – I do not think it provides a good account of the *fiction* vs. *nonfiction* divide. I will outline in Section 3 my alternative, and the reasons why it is more preferable. But I will first highlight two points on which I fully agree with Friend, which I will need to have in place.

2. Fiction, truth, and the top-down approach

Friend makes the two points on which we agree as part of her argument for GENRE, but it is worth noticing that, although they constitute compelling objections to some of her opponents – in particular Currie (1990) – they do not affect institutional views.

Friend's first point goes against the view that 'the kind of imagining prescribed by fiction must be imagining *without belief*. Call this attitude *mere-make-believe*' (Friend 2011, 165), which, she suggests, is motivated in that ' … mere-make-believe is appropriate to those features of a work that are *made up* (and known to be so), and it is common to associate fiction with such features' (Friend 2008, 158–159). Against this, she notes that fictions include material that it is not made up, which audiences are invited to believe. Moreover, it is an indissoluble part of their fictional content, because audiences need to put it inferentially together with made up content to properly grasp their plot. She mentions for illustration 'location setting' material in realist works, like the opening sentence in Gaskell's *Mary Barton* (Friend 2012, 184). She even contemplates the possibility that 'a work of fiction could be entirely true, given the right context' (2012, 189), which (tellingly) Walton (1990, 79) had also envisaged. The view that fictions assert contents that are also part of what audiences are invited to imagine is corroborated by the standard critical practice of questioning fictions for their inaccuracies or praising them for the opposite.[5]

I have given some real literary examples that realize the possibility that Walton and Friend consider, like Javier Marías's 1998 novel *Dark Back of Time* (García-Carpintero 2016). Consider Natalia Ginzburg's 1963 novel *Lessico Famigliare*. We read in the preface:

> Places, facts and people in this book are real. I did not make anything up. […] Although the book is taken from reality, I think it should be read as a novel; that is to say, without asking from it anything more or anything less than what a novel can give.[6]

In these cases, there is no part of the novel that the reader can assume to be made up, or which she is not being invited to believe, in addition to imagine it.[7] Thus, *including made up content* does seem to be merely a standard feature of fictions.[8] Why is this? In a *NYT Book Review* podcast (18/9/2020), Ayad Akhtar, author of the self-fictional *Homeland Elegies*, replies to the host Pamela Paul's question why he did not write a non-fiction memoir thus: 'by calling it a novel I am holding myself to a different standard of truth. I am not interested in the merely anecdotal, because I am trying to get my arms around … what has happened to us as a country'.[9] This nicely fits my own account of the fiction/nonfiction divide in Section 3.

Alas, I cannot offer a clear real example in the case of films; this is one of those cases alluded at the outset where the medium makes a difference. I offer instead a variation on an invented case – the fiction film *My Own Vietnam* (Carroll 2000, 305) that Noël Carroll concocted for a thought experiment in his critique of Currie's views on documentaries. This is the equally made up but, I take it, perfectly possible case that Richard Linklater, worried on being hostage to chance by making his 2014 film *Boyhood* the way he did makes it instead by using Super 8 or videotape footage from his own family, with similar artistic results.[10] Some refuse to consider these works fictions; but, while acknowledging genuine indeterminacies, I know no good reason to disqualify that classification.[11]

The second point that Friend makes on which I fully agree is that 'the classification of a work as a fiction or non-fiction can make a genuine difference to appreciation' (2012, 200), on the assumption that 'our concern with classification is first and foremost a concern with works' (Friend 2008, 164). This is an indictment of Currie's (1990) 'patch-work' mixture-of-fiction-and-non-fiction view of most fictions, which results from the combination of Currie's strict 'mere-make-believe' take on the previous issue, plus his advocacy of 'a bottom-up approach to understanding fiction' (Currie 2020, 30).

In a recent piece (García-Carpintero 2020), after elucidating that approach and its motivation, I reject it. In his work on documentaries, Currie ascribes a crucial role to what he calls *traces* – belief-independent natural indicators of their contents. But any shot in a fiction film is a trace of the pro-filmic scene, and may even play a role as a trace in some film – as do the shots of Kubrick's movies in Ascher's 2012 documentary *Room 237*.[12] This creates a hermeneutic circle (Currie 1999, 292), to get out of which Currie proposes to simultaneously define *documentary work* and its *filmic parts*: a *documentary* predominantly consists of *filmic parts* which are traces of contents that contribute as such to the narrative it asserts (Currie 1999, 293). This shows the inadequacy of a bottom-up approach to documentaries; because the contribution (as a trace or otherwise) of a shot cannot be determined without establishing what the 'narrative' is that the whole film asserts. Similar considerations apply to fictions. As Walton (tellingly, again) puts it:

> The various fictional truths generated by a work may be mutually dependent, none of them generated without assistance from others. There may be no primary fictional truth […]. The interpreter must go back and forth among provisionally acceptable fictional truths until he finds a convincing combination. (Walton 1990, 174)

Both fiction films and nonfiction films are hence appraised primarily as wholes. Fiction films might well include parts that are not put forward for *mere*-make-belief; we are invited to imagine them, but also to believe them. A contrasting point applies to nonfictions, in general, and nonfiction films, in particular. I mentioned the case of a nonfiction work (Carroll's 2000 critique of Currie's views on documentaries) that includes a piece of fiction – a thought-experiment involving a fictional film. I have also mentioned a documentary, Ascher's 2012 *Room 237*, which includes (sort of) reenactments meant for mere-make-belief. Errol Morris's 1988 *The Thin Blue Line* and Joshua Oppenheimer's 2012 *The Art of Killing* are other famous cases. This complicates the fiction vs. nonfiction distinction. It also makes room for indeterminacy; I am as skeptical as Friend is 'that we can … demarcate the class of 'all and only works of fiction'' (Friend 2007b, 36).[13] But I have emphasized that authors against whom Friend argues (Walton) embrace her two points. I'll conclude by outlining my own view, showing how it encompasses them, and why it is preferable.

3. An alternative account

I have defended an alternative account in recent work (García-Carpintero 2013, 2016, 2019a, in press). My account is meant primarily for artworks. To be sure, we apply the term 'fiction' beyond that domain. There are fiction games, like *Cops and Robbers*; Walton (1990) famously defined his category of *representations* on the basis of his analysis of such games. This, however, is no bar to thinking of fictional artworks as a significant kind in itself.

I take artworks to be artifacts with a communicative function, in Danto's tradition (Lind 1992). Artworks are historically bound artifacts with a communicative purpose, that of producing *esthetic experiences* – which is meant to be compatible with their having the low ambitions of B movies. Esthetic experiences I understand in the non-minimalist tradition on which they are essentially good enough, pleasant in an extended sense in which even exposure to John Cage's *4' 33* or Warhol's 1964 nonfiction film *Empire* may afford one (cf. Lind 1992). On non-minimal views, esthetic experiences have positive hedonic value. This is not 'mere pleasure'; in my estimate, good instances are afforded by the documentary films by Morris or Oppenheimer mentioned above, or by Bergman's 1966 fiction *Persona*, which require a lot of effort for one to properly discern their rewarding features.

Artworks have a 'text' distinguishable from the work that they are (Currie 1991), as Borges's 'Pierre Menard' illustrate. This 'text' is the meaning-vehicle. The work is additionally constituted by its meaning. This will include a content, which I prefer to think of in (on one dimension) minimalist terms, as classes of verifying situations; that way they can be shared by linguistic and depictive utterances, even if such media have different expressive possibilities. On another dimension the meanings of artworks are not minimal; the meaning of pictures may be particular, involving individual

objects or locations (Terrone 2021), and it also includes force-like features, assertoric in documentaries, invitations to imagine in fiction.

I understand the force of documentaries and fiction films in the *language games* tradition, as developed in Williamson's (1996) constitutive-rules account of the specific kind of speech act that he calls 'flat-out assertion'. He takes this to be what we do by default when uttering sentences in the declarative mood (Williamson's 1996, 258); this is a first criterial feature of that act. As additional criterial features I suggest their being used to provide information by being 'taken at one's word', that is, on the basis of one's presumed epistemic responsibility (cf. Williamson 1996, 267–269). Pretheoretically, flat-out assertion is what we do when uttering literally declarative sentences, for instance to answer a request for directions in the street, to tell our family about our day over dinner, or to offer a news report. Williamson suggests that these features can be explained if the acts are kinds defined by a simple constitutive rule. The rule forbids performing them vis-à-vis a content p when the speaker doesn't know p. This does not mean that if, for instance, p is false and hence the speaker cannot know it, no assertion of it can be performed. What it means is that such an assertion would be wrong, and constitutively so given the very nature of the performed act.

Earlier I mentioned Currie's account of documentaries. It has been justly criticized as unduly revisionary (Carroll 2000; Choi 2001). I will offer two illustrative examples of my own. Currie (1999, 289) mentions Lorentz's 1936 classic documentary *The Plow that Broke the Plains* as fitting his account; but I don't think it does. The 'narrative' that it tells is the protracted causal process starting in the 1860s that led in the 1930s to the Dust Bowl in the Great Plains. We see shots of cattle, farmers, and trains, meant to show us a process of whose early stages they cannot be traces; in fact, there is little reason to think that most of the footage consists of traces of the contents they contribute to the narrative, and we do not care that they are – what matters is that the portrayed causal process obtained as depicted.

Currie (Currie 1999, 292) also mentions Block's 1973 mockumentary *No Lies* as one that his account correctly disqualifies; but it is also doubtful that it does. This crucially depends on what the 'narrative' that the film tells is. It may well be this: a cameraman films a woman who tells him that she has recently been raped; the increasingly obnoxious cameraman questions her credibility. But then it is a documentary on Currie's definition, because the footage consists of traces of pro-filmic scenes contributing as such to that narrative.[14]

It is thus more adequate to explain documentaries in terms of assertion: in documentaries 'the filmmaker intends that the audience entertain the propositional content of his film in thought as asserted' (Carroll 1997, 186). However, as Terrone (2020b) shows, this proposal has serious difficulties in properly distinguishing documentaries from docudrama, allowing in so doing for only an acceptable amount of indeterminacy, given Friend's two points discussed in the previous section. My own view does not have this problem, as I will now explain.

Williamson's account is meant for a very specific speech act; the class of assertoric acts we make by literally putting forward declarative sentences is wider. When we hedge with 'I think', or 'I guess', we are not making flat-out assertions. A philosophy paper like this doesn't consist of flat-out assertions; I don't mean to provide information by being taken at my word, but rather to put forward propositions and supporting reasons for their

consideration. Can we generalize the constitutive-rules account to the generic class of assertions? Discussing the related issue of the different ways in which we may learn from fiction, Currie (2020, ch. 5) points out that fictions do not merely provide information; more in general, they (like nonfictions) 'improve our epistemic position', sometimes by including something 'that moves us from a worse false belief to a better [but still false] one' (Currie 2020, 80). Let's say that the norm to which an assertor in general is constitutively committed is that of *improving the epistemic standing of her audience* – of providing epistemically good enough information (or even misinformation).[15] This is vague, but aptly reflects the vagueness of the class.

Correspondingly, I have argued that the constitutive norm applying to fictional artworks is that of furnishing their generically intended audiences with good enough imaginative projects (García-Carpintero 2013, 2019a). We embark on imaginative projects for different reasons – to make decisions about the future, for self-gratification, and so on. Some of them we enjoy for their own sake – paradigmatically, to my taste, those offered by the likes of *The Third Man*, *Vertigo*, *Lawrence of Arabia*, *The Searchers* or *The Man who Would be King*. The constitutive rule for fictional artworks requires them to provide for imaginative projects over an indefinite cut-off point on the scale, with the ones just mentioned at the top, and dreadful ones I abstain from mentioning at the bottom, as an appropriate judge would set it.

Hopefully this brief summary is enough to see how the proposal handles the points discussed in the previous section, on which Friend mounts her case. We have hybrid artifacts, objects that are both phones and cameras and are thereby meant to fulfil the norms for each. In some cases, one of the classifications is normatively primary. Ginzburg and Akhtar mean to be assertorically committed with their work to (some of) the contents they afford, but their commitment to the fiction norm is paramount, and hence it is the one that determines their categorization. As Ginzburg puts it, her book 'should be read … without asking from it anything more or anything less than what a novel can give' – that is, I take it, a satisfying imaginative project. If those works were categorized as non-fiction instead, they would be committed, in ways they want to avoid, to filling in gaps their memories cannot (Ginzburg), or to holding themselves to a truth-standard vis-à-vis the 'merely anecdotal' – not just the more general claims they do want to assertorically commit to (Akhtar).[16]

On my account, GENRE is false. Inviting imaginings, as I have suggested this should be understood, is essential to fiction, exactly as inviting beliefs (in the normative sense I have outlined) is essential to nonfiction. Particular fictions are historically bound entities, for reasons that Walton (1970), Currie (1991) and others have forcefully given, which motivate institutional accounts.[17] So are biological species, on any of the now most accepted evolutionary approaches; so are institutions like *Analytic Philosophy*, as I indicated. It is thus metaphysically impossible for instances of these kinds to be found on other planets, assuming that they would lack the relevant histories there. But it is intuitively highly implausible that the same applies to general categories like *fiction* and *nonfiction*.[18] The reason is that they respond to deep necessities of rational beings, so we should expect to find them wherever they can be found, *ceteris paribus*. Equally, 'we have no reason to endorse claims about the historical variability of the notion [of fiction, M G-C]: the core-concept of a fictive utterance is one that is visible in ancient as well as modern writing and thinking', Currie (2020, 30).

If GENRE were true, there should be some *prima facie* plausible examples of fictions in the actual world that don't invite imaginings; but, as I have pointed out, Friend hasn't yet offered any example (García-Carpintero 2013, 355). When she seems to be about to take up the issue, what she considers instead is the question whether there can be fictions *without made-up content*, which I already granted.

This takes us to the most serious objection, as she acknowledges; her contribution to this issue addresses it. As interpreted above (Section 1), Friend's is an institutional theory; but unlike mine, or those of Lamarque and Olsen (1994) and Abell (2020), it is akin to the (in-)famous 'Artworld'-determined theories of art. As my initial quotes show, Friend is keen on emphasizing the crucial role that categorizing a work as fiction or nonfiction plays in its appreciation. I cannot agree more: my account just takes norms for their appreciation to be the defining, constitutive features of the categories. However, as Neill and Ridley (2012, 149–151) point out, relational theories like Friend's are not properly fitted to meet the requirement. How can the fact that *inviting imaginings* has come to be, for some reason, a contingently standard feature of fictions *explain* the value we place in those of them that I have been offering as prototypical good examples? (Cf. Stock 2017, 165–166; Currie 2020, 23–24.)

Consider her own helpful and compelling comparisons of the effects on appreciation of classification as fiction or non-fiction – say, Friend (2007b) on Vidal's *Lincoln*, or her (2012) nice discussion of Winchester's *The Surgeon of Crowthorne*. What she in effect does in those passages is to contrast the effect of taking the work to be primarily subject to *truth* norms, or instead to the norm of *allowing for enjoyable imaginings*. But on her view, such norms are only contingently related to what *fiction* and *nonfiction* in themselves are; only something else of a purely relational nature (perhaps booksellers' and librarians' cataloging practices, Walton (1990, 72)), truly determines membership into the kinds. How can *truth* be a norm guiding our appreciation of nonfiction, if non-fictions need not be subject to it to count as such? *Mutatis mutandis*, how can *allowing for interesting imaginings* guide our appreciation of fiction, if there could be fitting fictions that don't even aim for it?

Although I don't envisage convincing answers to these questions, I'll conclude with a rapprochement of sorts. Language is deeply polysemous (Ludlow 2014). It is no surprise that we apply 'fiction' beyond what I have assumed is its core meaning in classifying artworks. If we interpret 'fiction' in GENRE in some such extended sense, then I do accept it. Games like *Battleship*, *Cops and Robbers* or *Dungeons and Dragons* are fictions in that extended sense; they do somehow 'invite imaginings'. But they don't prescribe them in the constitutive way that fictional artworks do, I submit. One can play them perfectly well, immaculately following their defining rules, without imagining what they invite to. This evinces the gerrymandered, *grue*-like character of the category that Walton (1990) chose to theorize about – in spite of the many insights all of us have derived from it.

Notes

1. Recent discussion of these issues mostly stems from the influential work of Kit Fine; cf. Rosen (2015) for a good account and further references.
2. The account in Section 3 for kinds like *fiction* and *assertion* takes them to be social constructs grounded on social rules. They are 'Platonic' essences (defined by their *ideal* or

correct instances), as opposed to 'causal' essences like that of water (Newman and Knobe 2019).

3. As a referee pointed out, my interpretation casts Friend's view as an institutional approach like those listed at the outset, including mine, which seems apt to me. Stock (2017, 164–165) interprets Friend's claims in similar terms. Friend (2012, 193) appears to confirm this: 'this is not merely an epistemic requirement'. However, Friend (2020, 73) declares that Walton's (1970) claims are 'not ontological but epistemological'.

4. This proposal is consistent with recent accounts of genres, like Currie's (2004) for *genres instantiated in a community* (i.e. possibly changing historical sequences of features related by expectations in the community), or Abell's (2015) intentionalist account. Closest is Evnine's (2015) view of genres as historical traditions, except that he (Evnine 2015, 11) makes anti-definitional claims – in my view, mixing up epistemological issues about concepts with ontological ones about the kinds they pick out.

5. Masha Gessen's *New Yorker* says that HBO 2019 fiction *Chernobyl* is a 'lie' including 'fantasies, embellishments, shortcuts' which 'are not the truth' ('What HBO's 'Chernobyl' Got Right, and What It Got Terribly Wrong', June 4, 2019); cf. García-Carpintero (2016).

6. This is meant seriously, not just to fictitiously add realism to the tale as this sort of claim is sometimes meant. Thanks to Enrico Terrone for the Ginzburg example, and help with the translation.

7. The Mexican writer Luis Villoro amusingly reports the anecdote that a character in Marías's novel he had in a review proclaimed fictional wrote to him to protest his existence, http://www.javiermarias.es/PAGINASDECRITICAS/criticasnegraespalda.html.

8. Davies (2015) and Stock (2017) provide more sophisticated versions of the view that fictions must include made up content. Their views, I have argued, still fall short of what is needed (García-Carpintero 2016, 2019b).

9. Ginzburg offers a similar justification: 'I have written only what I remember. Because of that, if the book is read as a chronicle, it would be objected that it has infinite gaps'.

10. I am envisaging a fictional version of Caouette's 2003 *Tarnation*, or Apted's *Up* series; Nuria Giménez's 2019 *My Mexican Bretzel* and Sébastien Lifshitz's 2019 Q are plausible examples.

11. Cf. Di Summa-Knoop (2016, Section 2) for good reasons against claims that *Boyhood* is not a fiction. García-Carpintero (2013, 2016) discusses literary cases. Terrone's (2020a, 2020b) account of the difference between documentaries and docudramas excludes the possibility I envisage, but I cannot critically engage his reasons here.

12. Interestingly, shots of *Eyes Wide Shut* work rather like *ad hoc fictional reenactments* in *Room 237*, illustrating what the voice-over narrator tells us; they are thus not meant to work as traces of the relevant pro-filmic scene with Cruise and other actors, but as fictive in their own way, albeit not of course for the contents whose imaginings they prescribe in the original film. Shots of *The Shining* do play the role of traces of the pro-filmic scene; they of course don't play the same narrative role in *Room 237* as in the original fiction.

13. Terrone (2020b) mentions Breloer's 2019 *Brecht* as an example. I am not sure; I for one watched it as a (fictional) docudrama, a biopic. Paisley Livingston suggested Von Trier's 2004 *The Five Obstructions*, which does seem genuinely puzzling to me. The IMDB classifies it as a documentary, but A. O. Scott in the *New York Times* (26/5/2004) calls it a 'semi-documentary', and Robert Ebert at the *Chicago Sun Times* (10/9/2004) doesn't take a stand. I am not aware that Von Trier has classified his film, but he is notoriously unreliable anyway. To my mind, Nuria Giménez's already mentioned *My Mexican Bretzel* is another example.

14. We also assume that the pro-filmic scene was spontaneously recorded (not scripted, nor acted) – an assumption of which (unlike in *Nanook*, or Wright's 1936 *Night Mail*) the credits at the end disabuse us. This is why, unlike those two controversial cases, *No Lies* is not an problematic documentary, but a derisive mockumentary.

15. I am following here a helpful suggestion Stacie Friend once made. Williamson (1996, 241–242) envisages such a comparative form for constitutive rules.

16. Friend (2007b) also makes this point in her brilliant analysis of Vidal's *Lincoln*. Currie (2020, 21–25) offers essentially the same account of why we classify hybrids the way we do.

17. Cf. Levinson (2016) for discussion and further references. Note that while he and others offer good reasons why particular artworks are historically bound, they give none for the claim that the general category of *artworks* is similarly bound.
18. Or *artwork*, for that matter; cf. Currie (2010) for an excellent discussion.

Acknowledgements

Disclosure statement

Funding

Notes on contributor

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