Toronto International Film Festival 2016: Part 3

Loving, *The Birth of a Nation*: Distinct approaches to historical events

Joanne Laurier
1 October 2016

This is the third in a series of articles devoted to the recent Toronto International Film Festival (September 8-18). Part 1 was posted September 27 and Part 2 *on September 20.*

Loving

A number of films offered at the Toronto International Film Festival this year dramatized significant historical or political episodes. The distinct and even opposed approaches to the events reveal something about contemporary social reality and also something about the social layer making films, and its contradictory evolution.

A portion of the artists are being propelled by the current crisis to consider more carefully the questions that really matter, while another group is ever more consumed by identity politics and the pursuit of personal celebrity and wealth.

One of the best films in the category of "historical dramatizations," if not in the festival as a whole, was *Loving*, directed by Jeff Nichols (*Take Shelter*, 2011; *Mud*, 2012; *Midnight Special*, 2016).

The landmark Mildred and Richard Loving case in Virginia in the 1950s and 1960s ultimately led to the striking down of state laws banning interracial marriage in the US. Politically and legally momentous, the Loving story is also a testament to the profoundly humane potential of the American working class and its deep feeling for fairness.

In the present political and ideological context, the determined struggle of the Lovings—Mildred was black and Native American and Richard white—for their basic rights cuts across and threatens to shatter the racialist narrative that is being so widely and noxiously promoted. One can anticipate that Nichols' movie will be attacked as "color-blind," one of the gravest insults in some circles today, by the identity politics crowd. Arguments for separating the races are increasingly the norm within the "left."

Loving refutes the view that race is the fundamental dividing line in society. It fulfills this task with sensitivity and inspired performances.

The courtship of Mildred Jeter (Ruth Negga), an 18-year-old black woman, nicknamed "String Bean," and Richard Loving (Joel Edgerton), a 23-year-old white construction worker sporting a crew-cut, is an intense affair. They live in rural Caroline Country in Virginia, a state that bars interracial marriages. When Mildred becomes pregnant, the "loving" couple drives to Washington, D.C. to get married. The year is 1958.

A few weeks later, local Sheriff Garnett Brooks (Marton Csokas) and his deputies break into the Lovings' bedroom in the middle of the night. Mildred calmly but anxiously explains to the hate-filled cop that "I'm his wife." Richard points to the marriage license hanging on the wall. The sheriff growls that the couple was born in the wrong place. ("God made a sparrow a sparrow and a robin a robin.") Richard and Mildred are thrown into jail—he for one night, she for several days.

The Lovings are brought before local Judge Bazile (David Jensen) who rules, "Almighty God created the races white, black, yellow, Malay and red, and he placed them on separate continents. And but for the interference with his arrangement there would be no cause for such marriages. The fact that he separated the races shows that he did not intend for the races to mix."

Mildred and Richard are convicted of the felony crime of "miscegenation." To avoid spending a year in jail, they plead guilty and are given a 25-year suspended sentence on condition they leave the state.

Separated from their families in Virginia, Mildred and Richard move to a working class neighborhood in D.C. Mildred is miserable and misses the open country and the feel of grass and soil under her feet. As her family grows—the couple now has three children—so does her discontent. After she sees scenes of the mammoth August 1963 "March on Washington" on television, Mildred, counseled by her cousin, writes to Attorney General Robert Kennedy, who forwards the letter to the American Civil Liberties Union (ACLU). The Lovings are contacted by ACLU lawyer Bernard Cohen (Nick Kroll), and eventually his colleague Phil Hirschkop (Jon Bass).

For Mildred, the final straw is her son being struck and injured by a car on a crowded city street. The Loving family moves back to Caroline County (northeast of Richmond), despite the risk of imprisonment. Cohen and Hirschkop file a motion on behalf of the Lovings in the Virginia trial court to vacate the judgment and set aside the sentence on the grounds that the violated statutes run counter to the Fourteenth Amendment to the Constitution (which addresses citizenship rights and equal protection under the law). The Virginia Supreme Court of Appeals subsequently upholds the constitutionality of the anti-miscegenation laws. Mildred states quietly but firmly: "It's a principle. It's a law. If we win we will help a lot of people." And further on: "We may lose the small battles but win the big war."

The Lovings, supported by the ACLU, appeal the decision to the United States Supreme Court in 1967. Despite the urging of their lawyers, Mildred and Richard do not attend the oral arguments in Washington. Richard is fed up. After nearly 10 years of dealing with the legal system, he simply wants the justices to know that "I love my wife, and it is just unfair that I can't live with her in Virginia." His simple declaration creates one of the film's most tender and devastating moments.

The high court rules unanimously in favor of the Lovings, striking down Virginia's law, and ending the ban on interracial marriages nationwide. Chief Justice Earl Warren, in his opinion for the unanimous court,

observed, "Marriage is one of the 'basic civil rights of man,' fundamental to our very existence and survival … The fact that Virginia prohibits only interracial marriages involving white persons demonstrates that the racial classifications must stand on their own justification, as measures designed to maintain White Supremacy."

Loving 's postscript notes sadly that Richard was killed in 1975 by a drunk driver. Mildred lost her eye in the collision. She died in 2008.

Nichols' film is an understated and restrained but powerful dramatization of a case that vanquished the anti-miscegenation statutes. Those represented, as the Lovings' lawyers argued before the Supreme Court, perhaps the last vestiges of "slavery laws" in the US. Virginia's law was adopted in 1662, remaining in force for more than 300 years. The outcome of the 1967 case was a byproduct of the mass struggles of the period. *Loving* retells the case as social upheaval is once again on the horizon.

The Birth of a Nation

Writer/director Nate Parker's film *The Birth of a Nation* treats the immensely important 1831 slave rebellion, also in Virginia, led by Nat Turner. Parker borrows the title of his movie from the D.W. Griffith 1915 epic that propagandized for racism and the Ku Klux Klan.

Parker claims that his directorial debut amounts to the reclamation of a critical episode in American history. Unfortunately, Parker has accomplished no such thing. He has simply put a plus sign where Griffith placed a minus, and a minus where Griffith placed a plus. While the 1915 film depicted blacks as savage and semi-human, the new work makes the whites into monsters in a thoroughly ahistorical and untruthful manner. Of course, a film that sides with the victims of slavery is a decided step forward, but crudity and stereotypes are no use to anyone. In Parker's *The Birth of a Nation*, black saints and white devils fight it out with God on the side of the angels.

Nat Turner (Parker himself) is born into slavery in Southampton County in southeastern Virginia in 1800. The movie's opening sequence shows Turner's African ancestors ritualistically anointing him a prophet and mythic warrior. He is the property of the Turner family, and as a boy is taught to read by Elizabeth Turner (Penelope Ann Miller), whose son Samuel (Armie Hammer) takes over the plantation when his father dies.

Nat is given a Bible and eventually becomes a preacher known for his fiery oratory. Attending a slave auction with his master Samuel, he slyly convinces the latter to purchase Cherry (Aja Naomi King), whom he will wed.

Hoping to overcome financial difficulties, Samuel rents out Nat to preach compliance to slaves on other plantations. As Nat witnesses their cruel treatment and the rape of women slaves, his hatred builds up and boils over into rebellion in the year 1831. The slave-rebels kill some 60 white men, women and children before they are bloodily suppressed. In fact, some 200 blacks, many of whom had nothing to do with the revolt, were killed in the reprisals.

Parker's film is simplistic and emotive. Above all, it does not emerge out of broad historical or social understanding or sentiment. The filmmakers do not see the Turner uprising in the continuum of the struggle for human liberation against all forms of oppression, against class society, but in purely racialist and parochial terms, in line with the outlook of identity politics. If one were to take *The Birth of a Nation* at face value, the brutality of chattel slavery arose out of the personal sadism and psychopathology of the white race, or at least the Southern white population. This is misleading and dangerous.

As we have previously explained, Marxists identify the existence of slavery in the US as bound up with the global development of capitalism. Is Parker an opponent of the American profit system? On the contrary, he seems quite satisfied with the system on the whole. Therefore, *at best*, his opposition to slavery has a very limited character. It means he is against oppression of certain types, where he feels a personal stake, but not other types. This lack of depth and commitment makes itself felt in the drama.

Moreover, the depiction of whites as mere brutes raises numerous questions. When did whites in America stop being brutes, or did they ever? Films like this are intended to deliver a definite message: the American people are incapable of humanity and solidarity, their entire history is simply a dark and bloody one. Therefore, to speak of a united, revolutionary struggle against the existing system, when the mass of the people are hopeless racists or accomplices of racism, is simply grotesque.

Only the most pessimistic conclusions can be drawn on the basis of this sort of outlook. Or, more to the point, the answer from the point of view of Parker and many like him clearly lies in African Americans uniting across class lines and using whatever moral and political force they have to extract concessions from the barbaric majority.

But the entire perspective is false. Slavery was not, as Parker and others would have it, America's "original sin." Karl Marx elaborated on slavery's place in history in *Capital*: "The discovery of gold and silver in America, the extirpation, enslavement and entombment in mines of the aboriginal population, the beginning of the conquest and looting of the East Indies, the turning of Africa into a warren for the commercial hunting of black-skins, signalised the rosy dawn of the era of capitalist production." These "idyllic proceedings," he explained, were key moments in the primitive accumulation of capital. Cotton was one of the critical commodities in the industrialization of England.

It is a fact that Turner's uprising inspired both black and white abolitionists. The rebellion contributed to the coming three decades later of the second American Revolution, the Civil War.

Only months before Turner's rebellion, William Lloyd Garrison had started publishing his abolitionist newspaper, *The Liberator*, in Boston. Frederick Douglass later termed the black Union soldier the spiritual descendant of Nat Turner—a patriot who "struck the first blow for freedom."

In *The Rebellious Slave*: *Nat Turner in American Memory*, author Scot French writes: "In an 1881 speech at Harpers Ferry, Frederick Douglass recalled that John Brown made reference to Turner in their first meeting: 'He held that there was need of something startling; that slavery had come near to being abolished in Virginia by the Nat Turner insurrection, and he thought his method would speedily put an end to it, both in Maryland and Virginia.'"

French further observes: "That Lincoln knew about the Southampton insurrection is documented in his campaign speech of 1860; that he had Nat Turner in mind as he drafted the preliminary [Emancipation] proclamation in 1862 is documented by his biographers: 'George Bancroft, the historian, at the White House found the President 'turning in his thoughts the question of a slave insurrection.'"

The uprising also inspired the famed fictionalized account, *The Confessions of Nat Turner*, by William Styron, which was an immense success upon its publication in 1967.

While Parker and company have little or no class consciousness, Turner had an instinctive. elemental understanding of social class. An article in *American Heritage* tellingly points out that Turner and his rebels "even spared a few homesteads, one because Turner believed the poor white inhabitants 'thought no better of themselves than they did of negroes.'"

In short, Parker's film foregoes an honest historical account of a crucial episode, in favor of an ahistorical, quasi-religious "black savior" narrative. Without doubt his *The Birth of a Nation* will satisfy the racialist cravings of the #OscarSoWhite crowd. But what it unfortunately will not do is shed much useful light on the Nat Turner rebellion.

To be continued

150 Milligrams

In *150 Milligrams*, director and screenwriter Emmanuelle Bercot has adapted Irène Frachon's bestselling memoir and created a strong story about a dedicated doctor who investigates recent patient deaths and discovers the culpability of a giant pharmaceutical firm.

In 2009, Dr. Irène Frachon (Sidse Babett Knudsen), a hospital lung specialist in Brest (in Brittany), begins to suspect there is a connection between the deaths of some of her patients and the blockbuster drug, Mediator, produced by French pharmaceutical company Servier. Her misgivings are confirmed when colleague and friend, Antoine (Benoît Magimel), chief researcher for the hospital, finds devastating evidence of the drug's responsibility for hundreds of deaths.

As Irène crusades for the banning of the drug, Antoine's career is threatened with funding withdrawals and other types of blackmail. Irène and Antoine are further stonewalled by AFSSAPS, the French agency that regulates health products (the equivalent of the FDA in the US), who do not want to take the small-town physician seriously. But in Irène's corner is a supportive husband (Patrick Ligardes); a sympathetic journalist from *Le Figaro*, Anne Jouan (Lara Neumann); an AFSSAPS official, Catherine Haynes (Myriam Azencot); and a scientist in CNAM, the national health insurance fund, who is secretly investigating the number of the drug's victims.

150 Milligrams is well made and well acted, focused on an increasingly pressing social ill—the malignant operations of global Big Pharma.

At the film's question-and-answer session after the screening, Knudsen spoke about the bulldog determination, dedication and compassion of the real Frachon, comparing her ongoing struggle for justice for her patients to "David versus Goliath." The filmmakers further spoke about the real risks involved in attacking powerful entities like the drug companies, who are interested in generating the "largest profit possible" at the expense of the health of the population.

Deepwater Horizon

In 2010, the Deepwater Horizon blowout in the Gulf of Mexico killed 11 workers and injured 17, and led to the worst ecological catastrophe US history. The criminal players included BP, rig owner Transocean and rig contractor Halliburton.

BP's Deepwater Horizon drill plan was fast-tracked by the government, first under George W. Bush and then Barack Obama. The company was allowed to proceed without making an environmental impact study, and Obama's then Secretary of the Interior Ken Salazar intervened to oppose a ruling that would have delayed the operation.

Directed by Peter Berg, *Deepwater Horizon* brings together Mark Walhberg, Kurt Russell and John Malkovich in a disaster flick with relatively little redeeming value. While there is a lot of noise and many flying parts, the film's function is to pay tribute to the individual heroes of the episode, without ever truly indicting the corporate and governmental criminals responsible for the disaster. In that sense, the film is largely a whitewash of BP, Transocean and Halliburton.

Berg and Walhberg teamed up for the 2013 film *Lone Survivor*, a reactionary piece about the US Navy Seals in Afghanistan. Their upcoming project *Patriots Day* is a paean to the role of the Boston police in the aftermath of the 2013 Boston Marathon bombings.