



Filmmaker Hima B. interviewing “HIV Sisters: Survive and Thrive” participant Wanda.

Why Isn't Michelle Lopez on *Judge Judy*? Citizenship and Televisuality in Hima B.'s *And I Do Survive*

Ani Maitra

I talked to Hima B., a queer independent filmmaker, in New York in February 2009. What follows is a conversation with Hima and analysis of her video *And I Do Survive*, a cinema verité work in progress.

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Ani Maitra: *First tell us a bit about the background to And I Do Survive, because it's such an unusual case of a work in progress. Tell us about Michelle Lopez, where the project is now, and why you chose to shoot using the cinema verité style.*

Hima B.: I first read about Michelle in *Gay Parent* magazine, where she was profiled as a parent in an alternative family structure, raising two children with her lesbian partner, Kitty, who also had a foster son. Michelle identified as a lesbian then, and this was a great story about this queer family that was really making it

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work. I was really struck by how spirited Michelle was as a person. I knew I wanted to make a film about her but sat on the idea for about a year. I approached Michelle in 2002, and we started with interviews. But while shooting, I began to realize how complex her situation was. Michelle was born in Trinidad but has been in the US for almost twenty years. She is a very vocal HIV/AIDS activist, being positive herself and the mother of a positive daughter. While she has been trying to stay legal through employment, she hasn't been able to get a green card because of the congressional ban on HIV-positive immigrants. When I met her, she was also sorting her relationship out with Kitty. I asked myself: how was I to get to this complexity? I wasn't thinking of cinema verité at first. But then I watched *Flag Wars* [dir. Linda Goode Bryant and Laura Poitras, US, 2003] while working for PBS's *POV*, and I was amazed at what the directors did with point-of-view storytelling. I also had the chance to share my work with Laura Poitras. Laura described how she used verité and not B-roll in her own documentary to reveal characters dealing with gentrification in [Columbus,] Ohio. I was also drawn to the work of the Maysles brothers [Albert and David] and Michael Moore. And so I turned to cinema verité. As for Michelle as a subject, she was fantastic to work with, always available and extremely patient. We're now waiting to see what happens to Michelle's reapplication for her green card. And I am also looking into completion funds.¹

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In sync with the brash spirit of cinema verité, *And I Do Survive* opens with jerky handheld shots: streets signs, traffic under overpasses in downtown New York, and then an establishing shot of a modest block of apartments. For the next few minutes, viewers are inside Michelle's apartment, on the birthday of her HIV-positive thirteen-year-old daughter, Raven. The shaky camera gives viewers a sound bite from Michelle's partner, Kitty; shoots Raven among her friends; and catches the blurry glow of birthday candles in a dark room while Michelle's voice-over says: "I have major, major joy in my heart. Raven is thirteen today . . . I didn't even think of

her living to be thirteen. . . . She had four or five bouts of bacterial pneumonia. Raven impacted history along the line of research. . . . Raven was used to identify a dosage for children who were HIV positive.” Cut to Raven, who is very shy and not so keen to speak to the camera: “Like this mornin’ . . . my mother’s like, ‘Oh you should thank God . . . cuz like a lot of kids, us are gettin’ sick from HIV.’ . . . I should thank God I am still alive and stuff. . . . Yeah, you could die . . . but isn’t that like a . . .” She trails off and finally says, “So that’s all.”

Hima and her camera do not probe Raven any further. Hers is a *verité* style that is clearly influenced and transformed by reality TV, home-video-style shooting, talking heads who “inform” viewers, and (the illusion of) TV “liveness” in general.² That is, the camera does not seek “self-effacement” or pretend to be a “fly on the wall.” Yet unlike reality TV, it is willing to step back, be a nonaggressive participant, and respect reticence. It does not goad Raven to confess “truths” and pulls back to ensure that she is not represented as a “model case” of an HIV-positive teenager. This muted and yet attentive method of construction of “reality” becomes Hima’s signature. She uses expository sound bites to give viewers a sense of Michelle’s “narrative,” but several elements of the story—the ambiguity of Michelle’s legal status and the cause of her HIV infection—remain undisclosed and purposefully unaccounted for. The camera follows Michelle to meetings, gatherings, and parties and shoots her “private” conversations with her (then) partner Kitty. But the *verité* style does not pretend to be “realist” and, in fact, stresses the camera’s mediation, since Michelle frequently turns to speak to it. The video’s patchy editing style also does not suture over Hima’s decision to privilege certain events over others in the reconstruction of Michelle’s life. Much like Raven’s birthday candles before viewers’ eyes, the camera has a diffused, “middling” presence that is at once impersonal and intimate. It is this reflexive practice that keeps the HIV-positive queer woman of color at a distance and yet locates her, I will suggest, in the middle of her contradictory emotions.

Will it be a misreading of the tenor of your current work if I suggest that you don't seem to be staking out an explicitly feminist stance on the condition of women of color living with HIV/AIDS? Rather, you seem to be more interested in the conflicted state of emotions experienced by these women and how, in fact, the familial, the social, tactics of the State shape their responses to their very specific situations?

Hima B.: HIV/AIDS impacts all our lives. Half of those who are living with HIV are women, and 80 percent of the infected women are women of color. So I feel the urgency to talk about women's health issues. I'm currently developing an online living HIV/AIDS quilt by/about/for women and girls called "HIV Sisters" (www.HIVsisters.org). I launched it in 2008 in collaboration with ten African American and Latina women whose lives have been impacted by the virus. While the AIDS Memorial Quilt is created by people who lost their loved ones to the virus, I wanted to explore how women are living, surviving, and succeeding in their everyday realities with this disease. Initially, this project wanted to empower women with media-making skills, so that they could represent themselves and make autobiographical videos. But when I did an artist residency with a New Jersey AIDS organization (helping low-income black and Latina women), I realized that many of these women were dealing with basic survival issues like housing, medical care, or even the daily use of public transport. So making videos clearly wasn't their biggest priority. Most of them have to deal with the social stigma attached to HIV/AIDS. So that was another huge barrier in identifying women who felt comfortable disclosing their status while telling their stories. But some really wanted to participate. And they recognized how they might help others stay HIV negative and inspire other positives to adopt healthier lifestyles. So I met those women where they were: in their homes or in other spaces that they felt were important to their stories. And so the project was modified to include biographical portraits. Many people still think that if you have HIV/AIDS, you did something "morally" wrong—you shot drugs, you were sexually promiscuous, or because you're gay. So as a queer female immigrant of color willing to talk about HIV/AIDS, Michelle Lopez is a very special case.

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Theoretical explorations in post-9/11 America prompt us to take Michel Foucault's cue and extend his model of biopolitical control. The (heterosexual) family, we now know, is no longer the sole instrument of "governmentality" wielded by the neoliberal state.³ Drawing on Lisa Duggan's concept of "homonormativity," Jasbir Puar argues that the task of "homonationalism" in the US now is, in fact, to normalize and accept "a special class" of privileged homosexual subjects within the folds of "the nation." But this "national homosexuality" is inextricable from the state's exclusionary policies of citizenship and immigration control: "The fleeting sanctioning of a national homosexual subject is possible, not only through the proliferation of sexual-racial subjects who invariably fall out of its narrow terms of acceptability . . . but more significantly, through the simultaneous engendering and disavowal of populations of sexual-racial others who need not apply."⁴ While Puar focuses on homonationalism's production of the inassimilable homosexual (who is simultaneously the racial other) as the "terrorist-monster-fag," she also evokes notions of "contagion" and "disease" that "suture the etymological and political links of terrorist affiliation and invasion to queerness and the AIDS virus."⁵ Cindy Patton takes up these connections between the discourses of infiltration, (im)migration, and AIDS: viral "templates," Patton argues, see HIV as having been initially grounded in an "isolated population" outside the US until (homosexual) migrants began transborder travel, "carrying with them the dangerous combination of their new sexual practices and their contaminated blood."⁶ That is to say, this HIV/AIDS discourse locates the "roots" of contagion in the body of the homosexual-racial other.

Through the lenses of Puar's and Patton's critiques of neoliberal governance, section 212 of the Immigration and Nationality Act (INA) may therefore be seen as barring not just any immigrant with the virus but the body of the "diseased alien" read as menacingly "queer."⁷ Within this context, dominant representations of (mostly middle-class, white, male) gay marriages in the US uncritically mimicking heterosexual marital bliss (and thus the foundations of national belonging) can be seen as reifications of the

formations of homonormativity and homonationalism.⁸ But from what sociosymbolic space can this critique emerge? How unequivocal can this critique of homonationalism be from a subject-position that is affectively tied to the nation but lacks the basic prerogative of legal citizenship?⁸ Hima's video raises this question by strategically selecting moments that reveal the double bind of Michelle's position.

Watching a 2004 news story on gay marriage ("In the last two weeks more than three thousand couples have tied the knot in San Francisco," notes the TV reporter's voice-over, over footage of white gay couples), Kitty, an African American, sings to the camera: "I hope that me and my baby can get married!" Kitty asks Michelle, "One of the reasons we can't get married . . . that's because of your status, right?" Michelle angrily replies: "We won't be able to get married. We won't be able to gain anything from it. . . . It's not gonna benefit me in any way. It's really not. Until they remove these horrible laws about people being HIV positive who are immigrants in this country . . . nothing . . . gay marriage is not going to benefit me. And I wanna have everything equal. If a positive woman married a man right now, he can be her sponsor, she would be able to get her green card. Me and Kitty, that wouldn't happen."

Interestingly, Michelle shifts here between the discourses of immigration and gay marriage. First, she sees same-sex marriage as a right denied to her because she is not a legal citizen: an amendment of the ban on HIV-positive immigrants could, potentially, give her that right. But as a queer "alien," she also feels the need to critique the heterosexism of US immigration law and expresses her desire to become a legal citizen through a same-sex marriage.¹⁰ Thus Michelle's response to gay marriage is mediated not just by her queerness but also by her peculiar position of being both "contained and dispossessed by the State."¹¹ Her response cannot easily anchor itself to a queer politics that builds itself on the assumption of legal citizenship. Living on temporary papers that will prevent her from returning to her children in the US (should she want to visit her aging parents in Trinidad, for example), Michelle is cornered into a condition of statelessness that is neither legal nor illegal. What can the activist's queer politics be from this position?

Sexual labor emerges as a major theme in your work. One of your current projects, License to Pimp (2009), follows strippers dealing with illegal working conditions in San Francisco. In your first documentary, Straight for the Money (1994), you interviewed queer sex workers to find out how they negotiate working in an industry that primarily serves heterosexual men. What is it you think you are reaching out for here?

Hima B.: A large part of my work comes from my personal experiences. I began stripping at a club in San Francisco at about the same time that I came out to my family. Sex work wasn't forced on me. But I took it up because I was broke. I remained in stripping because of how lucrative it was and, most important, to fund my filmmaking because writing grants wasn't very successful. The industry was also a space where I developed my sexuality. Many strippers don't consider stripping to be sex work, as many don't want to be associated with prostitution. I'd say my feminism also came out of experiences in the sex industry and stripping in particular. Within months, I aligned myself with a few coworkers—all coincidentally lesbians and bisexual women—to protest the illegal working conditions: we weren't getting paid the minimum wages; we were misclassified as independent contractors and had to pay hundreds of dollars in order to work; and the clubs built illegal private booths so that the women could engage in prostitution and charge what they wanted. I got fired from all the clubs I worked at because of my activism.

Organizing the sex industry will require the civic and state agencies to ensure workers' rights and that the clubs comply with labor, civil, health, and safety rules. In San Francisco, the agencies that can uphold these rights—the police, the department of Public Health, the Labor Commission, the DA's [district attorney's] office—have shown that they are unwilling to do so, because of corruption, the stigma they attach with sex work, misogyny in general. So I realized that I was perhaps being a little naive thinking that a group of strippers could change the way the entire industry operates. I realized that this is about a bigger power structure that is not confined to the strip clubs. And given the possible backlash, it's not surprising that sex workers rarely speak out. Why not shut up and make money within the constraints? Ultimately, many in the sex industry are willing to forgo their rights for temporary

financial empowerment. I don't regret being a stripper. It taught me a lot. But I didn't want to do it forever. It was a means to an end, and for me that was making films.

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Hima's formal practice plays an important role in re-creating this space of ambivalent response. *And I Do Survive* includes moments when Michelle clearly articulates her politics as an HIV/AIDS activist and protests against the discriminatory practices of Immigration and Naturalization Services. Simultaneously, the video represents Michelle as a "responsible" immigrant who has survived sexual and drug abuse in the US and as a caring parent. Hima's project thus collaborates with Michelle's own desire to represent herself as a US resident who is "morally" eligible for her green card. And yet, as the TV news moment indicates, Hima also reveals how Michelle's own sense of affective "belonging" is haunted by a coeval sense of "nonbelonging" that collides with the images of the socially dominant on the TV screen. It is this uncertain, semi-rebellious, and semi-complicit state that the cinema verité captures with poignancy, at once drawing on and critiquing the symbolic construction reinforced by the televisual. And this link between reality TV and governmentality may not be fortuitous.

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You were one of the respondents in a very interesting discussion on race and sex work moderated by Jill Nagle in the late nineties.¹² There, you spoke as a stripper working at the Market Street Cinema but also as a budding filmmaker planning to do a version of Roger and Me with a friend at work . . . to expose the likes of exploitative strip club owners like Sam Conti. That was eleven years ago. Where would you place yourself in the contemporary, queer, independent filmmaking scene in the US?

Hima B.: A lot of my early work [dealt] explicitly and only with queer issues. Much of my work now deals with larger issues like women's health, labor and gender, immigration, and the war in Iraq. So, for instance, I made a short piece called *Jihad for Democracy* [2008] as a satire on the campaign-speak at the time of the elections. But I guess, even within those pieces, I return to ques-

tions of gender, sexuality, deviancy, and how the body—especially women's bodies—are regulated by the government . . . be it the queer body, the immigrant body, the sex worker's body, or the diseased body.

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In "Reality Television: A Neoliberal Theater of Suffering," Anna McCarthy argues that reality TV constitutes a genre in which "entertainment" and "governance" come together: "These programs' experimental alterations in the fabric of known experience, enlivened with some sort of game or competition component, are regularly characterized by producers, and evaluated by critics, as forms of social analysis. Learning how the state works and learning about one's internal states are two crucial functions of television; viewing as a subject and viewing as a citizen are efficiently intertwined in the interpellative mechanisms of the text."¹³ Likewise, in an analysis of *Judge Judy*, Laurie Ouellette suggests that reality TV in the US has become a lesson in neoliberal governance, where the subject (both the participant and the viewer) is encouraged to take cognizance of his or her "internal state" and perform self-governance that is the sign of good citizenship.¹⁴

In other words, reality TV becomes a privileged site for the legal citizen to reconsolidate what he or she already possesses and espouse a postcitizenship ethos. It is precisely her location—within the arena of the state's (biopolitical) investment in furthering life¹⁵—that works to the advantage of the governed citizen in the show. In contrast, Hima's ambivalent use of the televisual (through *cinema vérité*) becomes an implicit critique of the very assumptions that guide these "lessons" taught by Judge Judy, for Michelle's position is the very obverse of that of the legal citizen. Michelle performs her self-governance hoping that the state recognizes her performance, but her "internal state" is one of statelessness, a consequence of the state's (and, by extension, reality TV's) nonrecognition of her self-representation. In contrast, through its own recognitions, *And I Do Survive* implicitly uncovers the very process of disavowal of the noncitizen staged by reality TV. To end by drawing on the resilience of the abject, to answer seriously the "ridiculous"

question posed in my title: I think that Hima succeeds in telling her viewers exactly why the “in-between-ness” of the form and content of her video is a threat to and hence is ignored by the infantilizing theater of *Judge Judy*.

Notes

1. The HIV ban, in effect at the time of this interview, was finally lifted in January 2010.
2. I refer to the “liveness” analyzed by Jane Feuer. To equate the liveness of television with “reality,” Feuer convincingly argues, would be to confuse the ideology with the ontology of television. To treat liveness as a marker of authority would be to ignore the levels of mediation that stand between an “event” and its audience. See Jane Feuer, “The Concept of Live Television: Ontology as Ideology,” in *Regarding Television: Critical Approaches—An Anthology*, ed. E. Ann Kaplan (Frederick, MD: University Publications of America, 1983), 12–22.
3. In Foucault’s argument, it is *heterosexual reproduction* associated with the family that makes it the instrument of governmentality and links the family to the “population.” See Michel Foucault, “Governmentality,” in *The Foucault Effect: Studies in Governmentality*, ed. Graham Burchell, Colin Gordon, and Peter Miller (Chicago: University of Chicago Press, 1991), 87–104.
4. See Lisa Duggan, “The New Homonormativity: The Sexual Politics of Neoliberalism,” in *Materializing Democracy: Toward a Revitalized Cultural Politics*, ed. Russ Castronovo and Dana Nelson (Durham, NC: Duke University Press, 2002), 175–94; and Jasbir Puar, *Terrorist Assemblages: Homonationalism in Queer Times* (Durham, NC: Duke University Press, 2007), 2.
5. Puar, *Terrorist Assemblages*, 52.
6. Patton cites the example of the US displacing its global responsibility by blaming AIDS on Africans. A “transiting” American homosexual is forever cited as the first known case of AIDS in 1984. See Cindy Patton, “Migratory Vices,” in *Queer Diasporas*, ed. Cindy Patton and Benigno Sánchez-Eppler (Durham, NC: Duke University Press, 2000), 15–31.

7. Under section 212(a)(1)(A)(i) of the INA, any alien, “who is determined (in accordance with regulations prescribed by the Secretary of Health and Human Services) to have a communicable disease of public health significance, which shall include infection with the etiologic agent for acquired immune deficiency syndrome,” was ineligible for immigration. The law, interestingly, did not make a distinction between HIV as a virus and AIDS as a syndrome. For a full text of the law, see US Citizen and Immigration Services, Immigration and Nationality Act, www.uscis.gov/propub/ProPubVAP.jsp?dockkey=cb90c19a50729fb47fbo686648558dbe.
8. In an article that ran in the *New York Times Magazine*, the surveying journalist justifies his choice of only white homosexual marrying couples saying, “A 2008 study of gay and lesbian couples in Vermont, California and Massachusetts—three states that offer some form of legal recognition for gay couples—found that ‘couples who choose to legalize their same-sex relationships . . . are overwhelmingly European American.’” Benoit Denizet-Lewis, “Young Gay Rites,” *New York Times Magazine*, 27 April 2008, www.nytimes.com/2008/04/27/magazine/27young-t.html. Hence notably excluded from the purview of “research” are lesbians, transsexuals, and all queer people of color. Also intriguing is the article’s decision to include digitally retouched glossy pictures of white male couples in various states of bourgeois, domestic bliss: cooking, vacuuming in plush apartments, or barbecuing in manicured backyards.
9. For an interesting discussion on the gap between the state’s discourse (as articulated by its immigration and naturalization policies) and the immigrant’s desire for citizenship, see Siobhan Somerville, “Notes toward a Queer History of Naturalization,” *American Quarterly* 57 (2005): 659–75.
10. The 1996 Defense of Marriage Act (DOMA) bans any federal recognition of same-sex marriages for immigration purposes and defines marriage as an institution involving a “man” and a “woman.”
11. For a discussion on how the state can both expel and suspend modes of legal protection and obligation by granting or denying citizenship, see Judith Butler and Gayatri Chakravorty Spivak, *Who Sings the Nation-State? Language, Politics, Belonging* (London: Seagull Books, 2007), 4.

12. Jill Nagle, "Showing Up Fully: Women of Color Discuss Sex Work—Blake Aarens, Hima B., Gina Gold, Jade Irie, Madeleine Lawson, and Gloria Lockett," in *Whores and Other Feminists*, ed. Jill Nagle (London: Routledge, 1997) 195–209.
13. Anna McCarthy, "Reality Television: A Neoliberal Theater of Suffering," *Social Text* 93 (2007): 31.
14. Laurie Ouellette, "'Take Responsibility for Yourself': Judge Judy and the Neoliberal Citizen," in *Reality TV: Remaking Television Culture*, ed. Susan Murray and Laurie Ouellette (New York: New York University Press, 2004), 231–50.
15. I refer here to Foucault's analysis of "bio-power" and the "power over life" in the first volume of *The History of Sexuality*. Foucault's emphasis is not just on life per se but on the "power to foster life or disallow it to the point of death." That is to say, using the Foucauldian argument, the life of the citizens of a state can be biopolitically furthered only *at the expense of* the death or expulsion of its noncitizens. See Michel Foucault, *The History of Sexuality*, trans. Robert Hurley (New York: Vintage, 1990), 1:137–38.

Ani Maitra is a graduate student in the Department of Modern Culture and Media at Brown University, with interests in queer diasporic film and literature, working at the intersection of queer theory, psychoanalysis, and critical race theory. His publications include "The Flight of the Eunuch: Mapping Homotextualities in South Asian Diaspora Literature" in the anthology *Anxieties, Influences and After: Critical Responses to Postcolonialism and Neocolonialism* (New Delhi: Worldview Publications, 2008) and "Confessions of the (Ethnic) Narcissist: Intermedia in Diaspora," forthcoming in *South Asian Popular Culture* 8, no. 2 (2010): 143–61. Before coming to Brown, Ani worked as a TV journalist in New Delhi.



Michelle Lopez and her daughter Raven
in their apartment in the Bronx.