

Ethics in Documentary Filmmaking

Conflicting Traditions and Ideals

■ Journalistic tradition

- Fairness, balance, objectivity, fact checking
- Working for news organizations with established standards and practices
- Goals: education, persuasion, insight

■ Artistic tradition

- Creativity, beauty, subjectivity, “poetic license”
- Working independently
- Goals: enlightenment, entertainment, “new ways of seeing the world”

Beginnings: *Nanook of the North* (1922)

- The first commercially successful feature-length nonfiction film, *Nanook* raised serious ethical issues about representing others that continue to this day
- Director Robert Flaherty had no training in filmmaking or ethnography
- The film's subtitle reveals Flaherty's interest in constructing a story
- Deceptive depiction of modern Inuit culture: staged use of spears, canoes, igloos; cast members of *Nanook's* "family"
- Desire to preserve disappearing way of life resulted in "romantic ethnography" (akin to taxidermy)
- Lack of transparency: little acknowledgement of Inuits' participation in making the film

Responsibility to Subjects

The ethical problem of representing others

- **Exploitation:** the unjust or improper use of another person for one's own profit or advantage
- **The exploitation film:** the gratuitous use of sex, violence, or controversial subject matter for sensational purposes, often produced under the guise of “education” or “investigation”
Examples: *Reefer Madness* (1936), *Mondo Cane* (1962), *Faces of Death* (1980)
- **Social pornography:** the practice of turning social actors (real people appearing as themselves) into objects upon which to project fantasies or desires

Protecting Subjects

- **Two standards:** “Do no harm” and “Protect the vulnerable”
- **Informed consent:** the practice of informing potential subjects, before cameras roll, about the possible consequences of their participation.
This includes:
 - the overall goals of the project
 - the intended audience
 - possible conflicts of interest

Some filmmakers obtain written or filmed consent from subjects to protect themselves in the case of future litigation

Is it ethical to pay subjects?

- **Generally, no:** Most news organizations and filmmakers agree that paying subjects compromises integrity and can be construed as bribery.
- **Exceptions:** In some cases, payment can be likened to profit sharing and a way to *avoid* exploitation. The argument: why should only the filmmaker profit, and not the subject?

This includes:

- Helping the destitute (example: *Hoop Dreams*, 1994)
- Securing rights to a subject's book or story (example: *A Brief History of Time*, 1991)

Understanding the Interview

- A distinct form of social encounter, unlike casual conversation or coercive interrogation
- A regulated form of social exchange, often shaped by the institutional framework and setting in which it occurs. Examples:
 - Medicine and Psychology (the case history, therapy)
 - Law (deposition, testimony)
 - Education (Socratic dialogue)
 - Religion (the confession)
- One must be aware of *the uneven distribution of power* between interviewer and interviewee
 - Intimidation by cameras, lights, or crew
 - Subject's fear of speaking in public or on camera
 - Intimidation of fame and celebrity

The Ambush Interview

- A surprise, unscheduled interview to catch subjects off guard or force them into evasion or denial
- With its potential for physical conflict and high drama, it remains popular among muckrakers and celebrity journalists, but is inherently unfair

Is it ethical to stage or re-create scenes?

- **Generally, no:** staging and re-creation have been somewhat legitimized by the popularity of the “docudrama,” but they are too often used gratuitously to provide drama or striking visuals when actual footage is unavailable
- **Exceptions:** thoughtful use of staging has been used in the reflexive documentary to demonstrate the fallibility of testimony and question the truth claims of nonfiction filmmaking

Collaboration and Shared Decision-making

- Collaboration (both onscreen and off screen) gives subjects more control over their representation
- In *Rancho California (Por Favor)* (2003) and *Born Into Brothels* (2004), subjects were given cameras to document their lives, and their footage and photographs were incorporated into the film



Born Into Brothels



Self-Reflexivity

- In the reflexive documentary, the question of “how to represent others” is foregrounded and problematized
 - In *Six O'clock News* (1996), Ross McElwee examines TV news representations of crime and disaster victims, and questions his own filmmaking practices



Ross McElwee

Transparency and Self-Reflexive Methods

- **Self-reflexivity:** making the viewer aware of the filmmaker's ethical problems in representing others creates a more transparent and truthful film experience
- **Drawbacks:** Too much focus on the filmmaker and production decisions can diminish the story's drama and emotion
- **Goal:** to achieve a balance between transparency and dramatic impact

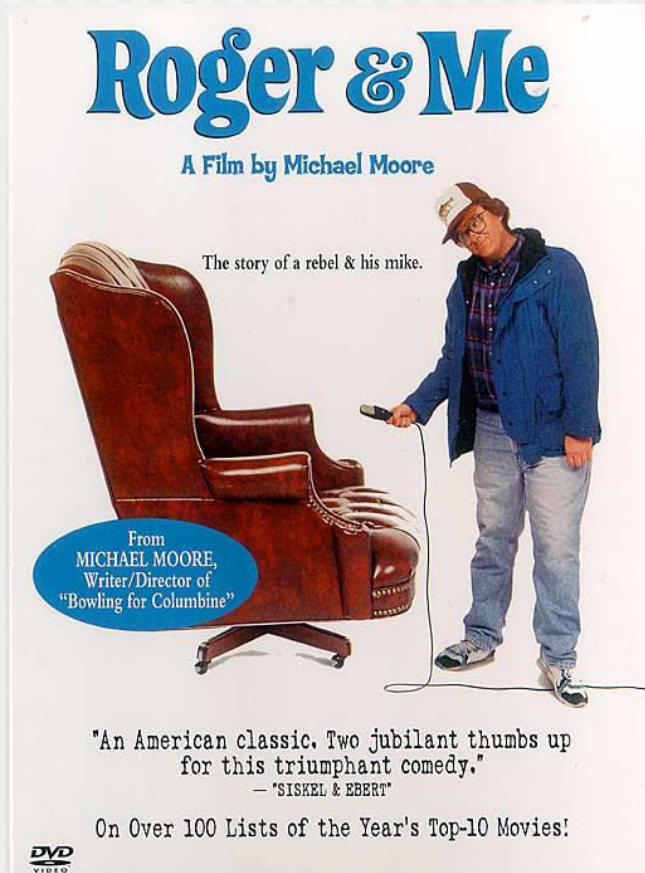
Responsibility to Viewers

- **The Standard:** “In post-production, honor the viewer’s trust”
- During the editing process, raw footage is organized and structured to create:
 - logic
 - curiosity
 - drama
 - entertainment
 - enlightenment
- Thought and care must be afforded when adding:
 - voiceover narration
 - non-source sound
 - expository text
 - archival materials
 - re-staged scenes

Ethical Issues in Post-Production

- **Cross-cutting:** the reckless juxtaposition of shots or scenes can create a sense of simultaneity or cause-effect linkages that are false or misleading.
 - Example: *Roger & Me* (see case study)
- **Voiceover:** judicious use of voiceover narration can create helpful context and background information, or convey first-person POV. Excessive or irresponsible voiceover can distort information or overwhelm the visuals.
 - *Intentional* use of misleading voiceover: *Las Hurdes* (1937), *Lessons of Darkness* (1992)
- **Archival materials:** the viewer should be able to distinguish between found footage and new material. Many filmmakers are hesitant to identify found footage for fear the text identification will distract viewers; consequently, they bury the information in the end credits.
- **Non-source sound:** should be recognizable as such
 - Example: use of soundtrack music

Case Study: *Roger & Me* (1989)



- *Roger & Me* was the most successful nonfiction film in history after its box office release, generating much critical acclaim and controversy.

Director Michael Moore explains:

- "I didn't want to make a conventional documentary full of statistics. I wanted to tell a story, make a narrative."
- "I didn't want to make another 'Dying Steeltown' documentary with all the clichés about how horrible it is to be unemployed ... I wanted to tell a somewhat offbeat, funny story about what the richest company in the world has done to its hometown."

Roger & Me is ostensibly about Moore's quest to interview General Motors chairman Roger Smith.

What is the film *really* about?



- Company towns devastated by the corporate outsourcing of jobs and the shift to a global economy
- Workers with inadequate skills and education who must struggle to adapt in a rapidly changing marketplace
- The distance and distrust between the community of workers and the community of corporate managers
- The widening gap between the rich and poor in the United States

What does Moore sacrifice to make an entertaining film?

- Accuracy

- Faulty statistics
- Misleading chronology of events

- Focus

- Lack of expert testimony
- Gratuitous jokes distract from issues

- Integrity

- Everyone becomes fair game for jokes
- Moore mocks the working-class people he claims to champion

Cheap tactics

1. The ambush interview

- When a film crew shows up without an appointment, the target appears evasive or guilty if they refuse to talk or are unable to appear
- *Example:* Moore and his film crew show up at GM headquarters and attempt to go to Roger Smith's 14th-floor office. They are intercepted in the lobby by GM security:



Cheap tactics

2. Interviewing unreliable or uninformed sources

- *Example:* Moore interviews Kaye Lani Rae Rafko (the current Miss Michigan and future Miss America) about economic conditions in Flint--for laughs, not insight.



Moore: “How do you feel about so many people being laid off, so many plants closed down?”

Rafko: “A little sad. Of course, I’m for employment.”

Cheap tactics

3. Reckless use of cross-cutting

- Creates false or misleading cause-effect associations between shots or scenes
- *Example:* On Christmas Eve, Roger Smith addresses a GM party in Detroit while a family is evicted from their home in Flint

