

# **Ethics of Documentary Filmmaking in Theory and Practice**

Professional Project

VARVARA FOMINA

Dr. Keith Greenwood, Project Supervisor  
Rick Shaw, Steve Rice, committee members

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## **Introduction**

While working on the key episode for his documentary, *Cabra Marcado Para Morrer (Twenty Years Later)*, director Eduardo Coutinho faced a technical issue with sound. Trying to solve an unexpected problem, he asked his main character João Mariano, a peasant leader, to repeat a scene by acting. João Mariano became embarrassed and quiet. Awkward silence was a result of the change of atmosphere. The character had become accustomed to being filmed without the filmmaker's interference. In this moment staging replaced spontaneity. This change of mode represents digressions from the principles of direct cinema improvisation, the kind of non-engagement filming valued by the new documentarians that emerged in the 1960s. (Nichols, 1983)

In a conversation with historian Ann-Louise Shapiro, documentary filmmaker Jill Godmilow stated that “The essential claim that traditional documentary films make is that there's unmediated truth here because this was not scripted - because the materials are ‘found in nature’ - thus, the text built out of them is truthful as well” (p.16).

Though a claim to truth remains at the center of most documentary work, the nature of documentary has expanded and the line between documentary and narrative blurred. Use of both fiction and non-fiction elements in documentary film raises ethical

questions and obligates filmmakers to constantly make decisions on how much mediation is possible. They have to make aesthetic choices concerning representation, how they present the characters. As suggested by Pryluck (1976), aesthetic assumptions have always had ethical consequences and vice-versa (p.22). Filmmakers sometimes record moments which the subjects might not wish to be made public or might wish to be shown in a different light.

Concerns about ethics in documentary film are not new, but they have intensified over the past several years in response to changes in the industry coupled with a lack of common standards to reference. The challenge in creating these frames of references lies in relationships between documentary film and journalism.

Maccarone (2010) draws attention to the responsibility that filmmakers have for their subjects by raising questions of standards in documentary film. To Nichols, documentary film is “an institutional practice” that has rules, constraints and conventions that have been developed over time by documentarians. If Nichols is correct in his assessment that there is a social institution that loosely “governs” the practice of making documentary films, then there is a strong foundation for requiring standards of ethics, just as we do for the practices of other social institutions.

Nichols (1992) defines relationships between news and documentary film as derivative. The scholar suggests that documentaries as well as news aim to inform the audience, to tell the truth about the world. Winston (2000) uses journalism as a vehicle for speaking about ethics in documentary film because both claim to represent reality and hold tightly to the idea of truth telling. He suggests that documentary film has long been said to borrow from journalism.

This attitude toward documentary film is problematical, as it obligates documentary filmmakers to follow journalistic standards and codes of ethics. In this sense, re-staging and re-enactment by the subjects each evoke ethical challenges.

Should documentarians use a journalistic code of ethics while making decisions about re-staging, or should a separate code be introduced in order to finally demarcate journalism and documentary film?

This study addresses two problems. First, while scholars have discussed different aspects of fiction techniques used in documentary film, such as use of animation, music and historical re-enactments, the use of re-staging or re-enactment have not been thoroughly addressed. Secondly, research has mainly focused on the theoretical level without paying enough attention to the reasoning behind documentary filmmaking in practice. For this reason, it is suggested that empirical data is needed concerning how filmmakers make decisions about the use of re-staging. Data revealing key principles that guide documentary filmmakers in their ethical decision-making processes when using re-staging would contribute to discourse for the purpose of defining the working code. The aim of this study is to define the ethical reasons documentary filmmakers give for incorporating re-enactments in their films. In the process of defining such ethical reasons, additional insight into the level of consideration given to the journalistic code of ethics by documentary filmmakers can be found.

## **Literature review**

### **Origins of ethical problems in documentary: definitions**

In 1991, film scholar and documentarian Nichols stated that “The absence of a substantial body of work on [ethical issues of film] strikes [me] as remarkable” (Nichols,

1991 p.72). Seven years later Rosenthal still wrote that “The relationship of ethical considerations to film practice is one of the most important yet at the same time one of the most neglected topics in the documentary field” (Rosenthal, 1998).

For a long time documentary analysis was based on Grierson’s definition of documentary film as “creative treatment of reality” (Grierson, 1996, p.8). The term has undergone thorough re-consideration throughout film history. The variety of films belonging to the documentary genre increases each year, and the boundaries of preceding definitions expand. Summing up the main definitions historically suggested, Maccarone proposes to define documentary film as “*a film that attempts to tell a true story as it happened, often from a particular perspective, that tries to elicit in us a feeling of what the real event or person was like, relying little on the obvious manipulation of images and sound in its recording yet at the same time displaying some degree of artistry*” (p.9).

Ruby (1988) wondered where to draw the line between actuality and aesthetic needs, while Hampe (1997) suggested that issues arise when the actuality of a documentary is taken to be reality (p. 87). He distinguishes reality as what is going on in real life versus actuality, which are the same events coming out from the screen. This issue is constantly present and unavoidable in documentary film because the very presence of the camera and photographer alters the events. According to Winston (2000), the central question for documentary ethics is how much mediation – how much influence on characters from camera and filmmaker’s presence - is ethical.

## Theoretical framework: situational ethics

A number of scholars have made attempts to apply situational ethics to documentary filmmaking. Situational ethics is a popular form of utilitarianism, whose classic proponents were Jeremy Bentham (1789) and John Stuart Mill (1861).

Bentham developed his ethical system around the idea of pleasure. According to Bentham, an act would be moral if it brings the greatest amount of pleasure and the least amount of pain. Bentham believed that pain and pleasure not only explain our actions but also help us define what is good and moral. This has sometimes been called the "utilitarian calculus." (Sen, 1991, p.279). Bentham wrote: "*On the one hand the standard of right and wrong, on the other the chain of causes and effects, are fastened to their throne. They govern us in all we do, in all we say, in all we think: every effort we can make to throw off our subjection, will serve but to demonstrate and confirm it.*" (Bentham, 1789, p.14).

John Stuart Mill modified Bentham's utilitarianism. According to Mill, one calculates what is right by comparing the consequences of all relevant agents of alternative rules for a particular circumstance. He suggested comparing all relevant similar circumstances or settings at any time in an attempt to figure out what is the greatest good for the greatest number (Mill, 1873).

Fletcher, the founder of situational ethics, acknowledges that situational ethics is essentially utilitarianism but modifies the pleasure principle and calls it the *agape* (love) principle. Situational ethics also accepts the view that the end justifies the means. Only the end can justify the means; the means cannot justify themselves. Fletcher believes that

*"no act apart from its foreseeable consequences has any ethical meaning whatsoever."*  
(Fletcher, 1966, p.70).

According to Fletcher, the law of love requires the greatest love for the greatest number of people in the long run.

Many consequentialists deny that all values can be reduced to any single ground, such as pleasure or satisfaction, so they instead adopt a pluralistic theory of value. When people assign qualities of good or bad to some person, relationship, act, object, or state of affairs, they usually do so in a defining context. Qualifying words like tasty, delightful, trustworthy, honorable, corrupt, cruel, odious, horrifying, dangerous, or ugly often frame our assessment of good and evil. Our evaluative experiences, and the judgments based on them, are deeply pluralistic (Anderson, p.3). Variety in values forces a consequentialist to weigh and rank each value against the others. This causes difficulties as different people have different values and different attitudes towards each. Some consequentialists hold that certain values are so incommensurable that no comparison is possible (Griffin 1986; Chang 1997). For this reason, the recognized possibility of irresolvable moral dilemmas exists (Railton 2003, 249-91).

Documentary filmmakers might rank values differently. For some, the subjects' interests might prevail over responsibility towards audience. Winston (2000) argues that the consequences of representation in documentary film are greatest for the subjects. Therefore, filmmakers have a primary obligation to minimize the harms to participants. He clarifies that the issue of unethical behavior does not exclusively reside in the passing off of complete fiction as fact (Winston 2000). Cinema's rhetoric of nonintervention has fostered a naïve view that documentary film can present unmediated

access to the truth. Such view, Winston argues, fails to recognize the realities of documentary production. The very presence of an unfamiliar person in everyday life of the character, no matter how close relationships are established, alters the routine. Camera presence alters the way characters act, represent themselves, and communicate with others (Ruby, p.41). Nichols (2001) similarly makes a consequentialist argument based on the impact of representing others. He defines documentary film as an act of representation that has consequences for those represented.

Consequentialist arguments are used both to support principles, such as harm minimization, and to justify the utilitarian concept of treating subjects in terms of a greater social good. Winston argues that documentary makers are not free in their decision-making. He suggests a situational approach to ethics in documentary film which calls for flexibility and attention to the realities of documentary production (Winston, 2000, p.127). It is suggested that the use of specific tools and methods of filming will depend on each concrete situation. Thus, use of re-staging will be determined as well as justified by circumstances.

### **Re-staging and re-enactment**

The tradition of re-enactment is as old as the documentary genre. Whissel (2002) discusses the tradition of historical re-enactment in documentary film (especially the ones featured in Buffalo Bill's Wild West shows) and suggests that the line between fiction and non-fiction, staged vs. candid, is blurred. Abel (1998) states in the history of early French documentary film, prior to 1908, 'the difference between recording a current public event as it was happening and reconstructing a past (or even present) historical event in a studio' was relatively insignificant. More importantly, it "was that a

representation of the ‘historical’ differed from a representation of the ‘purely fictive’ or imaginary—which meant that referential differences mattered more than differences in modes of representation.” Reconstruction didn’t intend to deceive; dramatic reenactments of current events were considered legitimate (p.92).

As suggested by Becker, most answers to accusations of manipulating the character rely on the notion of “informed consent as the ethical touchstone” (Nash, 2012, p.3). The informed consent defines a filmmaker’s obligation to participants. In documentary filmmaking, the concept raises lots of questions. Nash also suggests the impossibility to inform (potential) participants completely about all risks involved in participating. According to Winston, informed consent does not match freedom of filmmaker’s expression, because it imposes limitations on their performance (p.45). Pryluck’s (1976) main focus is on the moral issues that arise between filmmaker and participant. His successors in the discourse on ethics agree. Rosenthal (1988) stated that “the essence of the question is how filmmakers should treat people in films so as to avoid exploiting them and causing them unnecessary suffering” (p. 245) and asked what duties filmmakers have when it comes to responsibilities for participants. Nichols (1991) agreed that the overriding question of ethics is what to do with people and how to represent them appropriately.

### **Possible solutions**

In the discourse of documentary filmmaking and ethics, scholars focus on the filmmaker-subject relationships and relate concepts of morality to filmmaking. Sanders (2010) proposes to include empirical data about filmmakers’ experiences and opinions to help us understand which set of ethics guides documentary filmmaking.

The reasoning and strategies taken by filmmakers provide insight into the decision-making process. Reasoning, ranging priorities and ranking values are an important element in the discussion about ethics and documentary filmmaking. If we accept that the filmmaker is an artist who uses cinematography as a means, then a collaborative approach will endanger artistic freedom. If we accept that documentary film is a form of journalism, then the need for working codes becomes essential. For this reason, it is important to collect empirical data and attempt to understand why documentary filmmakers make the choices they do.

So far, it would seem as though ethical standards in documentary film can be split between fiction and journalism. One of the journalistic principles of non-staging is often violated in documentary film for aesthetic reasons. What is lacking is a true code of ethics for documentary filmmaking, one that includes principles that govern moral decisions. It is suggested that gathering empirical data is important in order to analyze why documentarians make choices.

Based on the varying standards of ethics and practices that have been posed for documentary film, this study explores the following research questions:

### **Research questions**

**RQ1:** Do documentarians apply the journalistic code of ethics to documentary filmmaking?

**RQ2:** In what situations do documentary filmmakers use fiction elements such as re-staging and re-enactments in which principle characters of the documentary are involved?

**RQ3:** How do documentarians incorporate codes of ethics in their work while using re-staging?

## **Methodology**

To address the research questions, three in-depth interviews were conducted with documentarians who have produced award-winning films within the last five years.

Deborah Shaffer received Grand Jury Prize at the New York Documentary Festival for the film *To Be Heard*. Omar Mullick is a Sundance winner with the film *These Birds Walk*. Tony Gerber received a Special Jury prize at the Berlinale for the film *The Notorious Mr. Bout*. Besides directing independent documentaries all three interviewees have had experience in working for media outlets. Shaffer worked as an editor on *CBS* evening news. Tony Gerber is the author of the series for National Geographic Explorer. Omar Mullick's works as a conflict photographer have appeared in the *New York Times*, *TIME*, and *Foreign Policy*, and *National Geographic*

Qualitative methods were used to explore the creative process. Interviews allowed the exploration of the aesthetic preferences and the decision-making processes of the filmmakers. Semi-structured interviews provided opportunities to avoid limitations of preplanned questions. Qualitative interviewing techniques help researchers to observe and record a subject's unique perspective or experience as it relates to a particular issue. Questions are open-ended and the discussion is conversational in nature. The approach allows the subject to provide a first-person account. An advantage of a qualitative interview approach over other forms of interviewing is that the interviewer is able to gather complex, in-depth data that is not as easily obtained through questionnaires or question-and-answer interview approaches. In many instances, a primary question will lead a subject to discuss related issues that the interviewer can then follow up on with a secondary line of questioning. (Opdenakker, 2006).

In the domain of journalism studies, the collection of empirical data is a widespread practice. For example, in order to investigate how narratives shape reporter ethics, Hill-Wagner (2007) conducted in-depth interviews with journalists. The results revealed that journalists consider narratives as part of their guidance system in their ethical decision-making. This study suggests that ethics codes or other forms of guidance are not as influential as the principles of narratives established in the newsroom.

Lowrey's study based on in-depth interviews suggests that the newsroom is comprised of various subgroups, each with unique norms and values and each seeking to shape newsroom decision-making concerning digital photo manipulation (Lowrey, 2003). In-depth interviews reveal the existence of various sets of norms. These sets include integrative norms, which reflect the needs of the organization, art norms, and journalistic norms. Journalistic norms are perceived as dominant, but art norms are stronger whenever photo manipulation is more likely.

One of the first attempts to collect empirical data in the field of documentary discourse was by Aufderheide, Jaszi, and Chandra (2009). For their case study, *Honest Truths: Documentary Filmmakers on Ethical Challenges to Their Work*, the core data was gathered with 41 directors or producer-directors in long-form interviews, grounded in open-ended questions. Filmmakers were asked to speak about their own experiences, focusing on the recent past rather than generalizing about the field. One particular point of ethical tension mentioned by many practitioners involved the difficulties of maintaining a viewer's faith in the accuracy and integrity of the work while simultaneously trying to demonstrate a "higher truth" or "sociological truth". Many filmmakers noted restaging routine or trivial events, such as walking through a door, as

part of the filmmaking process and “not what makes the story honest.” Many filmmakers also used re-enactments, although they widely believed that it was important for audiences be made aware somehow that the footage was recreated. One filmmaker said: “As long as the activities they do are those they would normally be doing, if your filming doesn’t distort their life... there is still a reality that is represented” (p.26).

It is suggested that in order to understand what ethical principles guide documentary filmmakers in their decision-making, empirical data is needed. For this study the series of in-depth semi-structured interviews was conducted via Skype and recorded in order to facilitate the analysis.

The set of preliminary questions was prepared in advance. A recent report from the Center of Social Media at American University (2009) based on interviews with 40 documentarians from a wide range of ages and experiences revealed that directors are often guided by intuition and documentary’s association with art. That is one of the reasons for debates of reliability and crafting the truth in documentaries.

Group 1 questions consisted of general questions about professional background and documentary experience of filmmakers (For example, How did they become involved in documentary filmmaking? What background in journalism do they have?)

Group 2 questions addressed about code of ethics previously applied to journalism practice (For example, what ethical principles did they follow while working as journalists? What was the attitude to re-staging? (both in their own perspective and in guidelines of the media outlet)

Group 3 questions explored ethics in documentary films in general and in comparison to journalism (For example, how do they define ethics in documentary

filmmaking? Do they follow the same principles as they used to follow while working as journalists? Do they see difference in documentary and journalism ethics? If so, what are the differences and how do they feel about these differences?)

Group 4 questions consisted of questions about a particular film: how and why the choice to use re-enactment and re-staging was made. (For example, in what situations re-staging was used? How did it change the documentary process? Did they discuss it with their subjects? How did subjects feel about re-staging?)

Group 5 questions focused on ethical issues which re-staging raises. (For example, what concerns about documentary authenticity did documentarians have? What ethical solutions did they find?)

The series of follow-up questions expanded the discussion. After the interviews were transcribed, answers were organized by main topics discussed. After that the main variations in answers were identified, the ethical attitudes of the filmmakers were compared to their previous professional background. The comparison was made to look for a connection between journalistic background and decision-making based on journalism code of ethics in documentary filmmaking.

## **Results**

Overall, filmmakers identified with values Winston (2000) associated with journalism ethics, such as the representation of reality held tightly to the idea of truth telling. They all agreed that documentary filmmaking borrows this general concept from journalism, yet all of them have had experience in journalism. They all share concerns about definitions and about standards of contemporary mainstream journalism.

They expressed different opinions about obligations toward characters and obligations toward audience. At the same time they all agreed that documentary filmmaking gives them creative freedom from journalistic restrictions and helps to achieve the ultimate goal – to tell stories that matter. Despite the variety of approaches, none of them expressed any concerns about the use of re-staging in general. Giving examples from their previous experience, filmmakers suggested that it depends on the situation if it was appropriate to use re-staging as a documentary tool.

The first research question asked if filmmakers apply journalistic code of ethics to documentary filmmaking. Filmmakers were asked what they value about journalism, what code of ethics they applied while working as journalists, and finally, how they apply that code of ethics to documentary filmmaking. Filmmakers had generally held the same core values throughout their careers in journalism. They all mentioned challenges for mainstream journalism associated with the rise of new technologies and citizen journalism. Two of the interviewees suggested that tools traditionally considered inappropriate for journalism, such as re-staging, should be revised.

All three filmmakers see a close relationship between journalism and documentary filmmaking but consider filmmaking to have greater freedom to explore its subjects.

### **The challenge of definition**

As discussed earlier in the literature review there are challenges related to the definition of ideas. For instance, what are the defining characteristics of documentary filmmaking, and what relationship exists between documentary filmmaking and journalism?

Shaffer analyzed 154 feature documentaries that were considered for an Academy award in 2014 and explained that they differ so much that it is impossible to put them in the same category. The tools used by filmmakers vary from the “fly on the wall” method to animation and re-enactment. Despite the broad range in approach, all of these films share at least one thing in common. Shaffer said, “I consider documentary as a film, which deals with real people, real life, real situations, it’s not an acted up version of reality.”<sup>1</sup>

Mullick said journalism might be regarded as an extension of documentary filmmaking. However he expressed skepticism about attempts to look for precise definitions. He said, “boundaries of mainstream journalism collapse, being challenged and blurred with technological advances.” He also added, that “things like citizen journalism, twitter and Internet screwed up these definitions.”<sup>2</sup>

For Gerber, documentary is all about experience. He defined it as the process of “putting yourself in the situations, into worlds, replicating it then and bringing it to the audience.”<sup>3</sup>

Being generally cautious with definitions, the filmmakers suggested looking at what the end goal is for both journalism and documentary filmmaking as a way of gaining insight.

### **False objectivity**

The filmmakers generally agreed on the lack of objectivity in both journalism and documentary filmmaking. Shaffer expressed skepticism about the “appearance of balance” in journalism. Mullick complained that journalists are not transparent about

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<sup>1</sup> All quotes from Shaffer are from personal communication 12/12/14

<sup>2</sup> All quotes from Mullick are from personal communication 05/15/14

<sup>3</sup> All quotes from Gerber are from personal communication 03/15/14

their biases. “The sooner we kill hands down modern complacency about objectivity - the better”, he said. However they did agree that the attempt to be objective is a core theoretical principle of journalism while documentary filmmakers are free to be more subjective.

For instance, Shaffer said “The kind of documentaries I do, about subjects that could be considered journalistic - human rights issues, educational, they could be treated as journalism, but my goal is not necessarily present all sides of the story.”

According to Tony Gerber, “The distinction is this: journalists have a responsibility to have read every side of every issue and really to be very current in every aspect of every story, whereas for me, good documentary filmmaking puts the viewer inside of an experience. You can create the film on a subject with one point of view.”

Gerber focused his work on the film *The Notorious Mr. Bout*, which is essentially a prison memoir of a famous Russian arms smuggler. Gerber brought other voices into the movie, but it is mainly one sided. According to Gerber his approach is not appropriate in journalism, but it can work well for documentaries.

From Mullick’s point of view, “Journalism aims to report back from regions where something is going on, while documentary has the expansive quality of commentary, it raises questions.” He thinks that over simplification is a problem for journalism. That it reduces the depth of issues; may they be terrorism, war, injustice, or poverty. He declares that his movie *These Birds Walk*, which shows a runaway boy’s life in Karachi, Pakistan, is his response to his experience in mainstream journalism and his frustrations about it. “It didn’t interest me whether it is considered documentary non-fiction or journalism, often it was considered journalism,” Mullick said. The filmmaker is aware that he is

being subjective, he is aware of his bias, and that allows him to embrace all the complications in his characters.

The filmmakers agreed that they have liberated themselves from the burden of objectivity. Moreover, they believe that it is a distinct advantage for documentaries.

### **The restrictions of media outlets**

All three filmmakers generally agreed that work as a journalist in a media outlet puts certain restrictions and even alterations on their work. For example, Mullick recalled that his photos were edited in a very biased editorial way in order to comply with the magazine's policies.

Shaffer said, "Working for television you are definitely much more bound by the rules of journalism. And bound by the conventions, it's sometimes style and sometimes ethics. "

Gerber spoke of time constraints. He has produced a lot of content for National Geographic, typically having less than ten weeks for each documentary. In contrast, he has said that every independent feature he has made required at least one year to complete. He compared news reporting and documentaries made for television and admitted that while in news production re-staging is prohibited, in documentaries directors sometimes have to use re-staging, asking his characters to repeat actions due to time restrictions. Directors have to meet deadlines and media outlet expectations. As Gerber explained, "TV executives can imagine what they are going to see, before you ever shot the film. They know what they are buying and they don't want to be terribly surprised."

At the same time he stressed that none of the scenes were completely directed, he used re-staging only in order to accelerate the action that would have taken place anyways.

Mullick mentioned that his desire for authenticity and journalistic integrity created challenges for him while filming *These Birds Walk*. Mullick recalled, “There were times when I would set up a frame, thinking; God, it’s really pretty, it’s actually so pretty that people may doubt that we are authentic or journalistically proper. So maybe I should dirty the frame a bit and go hand held. Which is absurdity.”

The filmmaker admitted that these professional exaggerations are formed by media outlets’ standards.

### **Relationship to the subject**

All three interviewees consider themselves responsible in three crucial areas: to the subject, to the viewer, and to an artistic vision. However, for all of them responsibility to the subject was paramount. Whatever it was that the filmmakers personally valued in journalism, all three agreed that in the documentary filmmaking process their relationship with the subject is most important.

Shaffer used the term “integrity”, calling it the preeminent value of documentary filmmaking. It is important for her to approach subjects with respect, through their stories, through their boundaries, and through their issues. “You have to trust them and make them trust you to get intimate material,” Shaffer said. As for Gerber, “it’s all about being true of the spirit and soul of a subject.” Mullick added to that with the following example: “There were moments of violence between children and I had to make a judgment. If it’s dangerous – I stop camera, I stop scenes, I stopped multiple scenes.

That's not in the film. Someone might say: "Omar, you betray journalistic ethics, you are supposed just to document!" I don't care about this ethics. It's fanaticism then. We have to reexamine ethics, we need to be more rigorous."

All three filmmakers emphasized that they are guided by human ethics in the first place. They first establish trusting relationships with their characters. As Shaffer mentioned, it is also helpful for her in terms of re-staging if characters completely trust her and don't feel as if she alters their reality.

The second research question asked whether filmmakers think there are certain types of situations in which asking their characters to repeat some action is appropriate in documentary filmmaking. They were asked to describe scenes from their previous experience when they decided that they can use re-staging as a tool. I also asked them to recall moments when they didn't feel like asking their characters to repeat actions.

All three interviewees agreed that re-staging in general shouldn't be considered inappropriate for documentary filmmaking. All three agreed that what matters is the way that re-staging is done and the situation in which it is used. No one had a problem with asking the character to repeat simple actions such as opening the door again or working on the computer.

Mullick gave an example of how he was working in Mexico, documenting a family who had water supply issues. He was filming around the house, the family sitting down, a woman making tacos, neighbors coming; and inadvertently missed the moment when the woman poured filtered water. As Mullick said, "She was completely aware and effected by the fact that we were with cameras. She might not make this dinner if not

because of us, pretending that it's also authentic, though we completely changed their life. I said: 'Listen, do that again, pour the filtered water, I missed it.'

Mullick considered the scene with the filtered water vitally important and made a decision to ask the character to repeat the action.

All three filmmakers confessed that it's a part of the nature of documentary filmmaking for the director to miss something. It is one of the hazards of working in an uncontrolled environment.

Giving an example from his work on documentaries for National Geographic, Gerber said, "When the story is unfolding in front of your camera, during the middle of an action, in expedition, things happening, the character, the geologist is about to climb the height of the Empire State building down low to the terrace of the volcano where the lava lake is boiling, - you can not ask him to do it again."

For Gerber the main concern in the decision to re-stage a scene is the trust of his character. If it is a safe environment re-staging might take place if it "speaks to the truth of the situation", Gerber said.

The third research question was in regard to the decision making process. The filmmakers were asked how they incorporate code of ethics in their work while using re-staging. While they generally shared the same attitude about re-staging, they had different concerns and personal rules. All three admitted that in their independent documentary practice they are not guided by journalistic standards. They agreed that there are intuitive rules, which directors develop on their own. However, the underlying logic for decision-making depends on whether they place a greater value on the trust of the audience or the trust of their characters.

### **Trust of the characters**

For instance Gerber said, “You have to be very careful when asking characters to do things again, not because of some contract with the audience, not because of some notion about what is real what is not real, because I don’t buy any of that, but because the most important thing is relationship and the trust of your subject.”

He believes that it is easy to lose the trust of the character if the filmmaker fails to have the means to be right in the moment when the action is happening. For Gerber there is nothing unethical in re-staging in general. At the same time betraying the trust of the character is considered unethical. Gerber makes decisions depending on the situation. He thinks about his character first, and only after that thinks about the needs of his film. For Gerber that is an ethical code. As long as re-staging fits into this framework, the filmmaker considers it ethical.

### **Trust of audience**

Shaffer’s main focus was on the relationship between the director and his audience. She said, “Restaging itself is fine as long as nobody’s being fooled. The viewer should be aware of re-staging. If a filmmaker doesn’t give a clue that it’s re-staging, I would have a lot of trouble with that. That would be for me really against the rules.”

For Shaffer transparency is the key element of an ethical code. The use of feature tools in documentary filmmaking, including re-staging, is legitimate for her as long as the audience is aware of it.

Mullick suggested that documentary filmmakers often underestimate their audience. For him there is no need to give hints about re-staging to the audience because he assumes that they are already aware of this technique. He mentioned the same scene

with the filtered water and said: “We think that we are a fly on the wall, pretending that it’s objective, but we walked into her home, there is nothing of objectivity there. What we are trying to do is to do a portrayal of what she does with her family, a non-fictional narrative. There is a difference between non-fiction and constructs. I just asked to turn the tap again. I think the viewer is quite intelligent, I don’t think that they really think that whatever they see on the screen is one slice of life. And pouring water is not dishonest.”

In the opening scene to Mullick’s movie *These Birds Walk*, the main character, an Afghan boy, is running into the ocean. As Mullick told this he said the boy had never seen the ocean in his life. Mullick decided to give this kid an opportunity to see it. He drove him to the ocean and the kid wanted to run into water. Then Mullick asked him to wait until he had his camera ready; so the kid waited. In his self-reflection the filmmaker said, “That’s all directed, right? He would have never run into the ocean if I didn’t drive him there. But would someone watching it think that I happened to be there with a camera? I think the viewer knows, that I couldn’t just happen to be there while a kid is running into water. I am not trying to trick them.”

Mullick explained that he was filming scenes that came to him just while hanging out with the children. Some of the scenes might have not happened if he wasn’t with them. He said that it is part of his mode of filmmaking. He altered their reality because he was present with his camera. Mullick suggested that filmmakers must be aware of the fact that in every case their presence will alter the character’s behavior.

For Mullick the ethical code is based on integrity with his characters. It is ethical for Mullick to use re-staging if it allows him to reveal his character to the audience in all of their depth and complexity.

## **Discussion**

The goals of this study were to look at how documentary filmmakers formulate their professional code of ethics, if they apply journalistic standards and rules while working as independent filmmakers. Specifically, this research sought to understand how they feel about the use of re-staging with the help of their main characters.

Overall the discussion revealed that generally filmmakers are aware of the intricate relationships that exist between journalism and documentary filmmaking and prefer documentary filmmaking to journalism as a creative tool to tell real stories. It gives them more freedom of expression and liberates directors from norms and standards in which journalists are bound.

Re-staging is totally justifiable if its goal is “to take something real and beautiful and give it more dramatic life on screen”, Gerber said. Shaffer suggested that choices are made to produce a clear, understandable story to give viewers a sense of place, character, and moment. Mullick suggested that a filmmaker’s involvement in the story is unavoidable. He assumed that the audience is aware of it. That is why some degree of manipulation through re-staging is appropriate in documentary filmmaking.

. As suggested in the literature review, the decision making for filmmakers is based on situational ethics. Filmmakers consider their responsibilities to the subject and to the viewer, acknowledging that sometimes it is difficult to reconcile the two. For Nichols (2001), the central question of documentary ethics is: What do we do with people when we make a documentary?

Filmmakers reported that they are guided by ethics based on a protective attitude toward their characters and respect for the audience. They liberate themselves from the

strict rules associated with journalism. Nichols (1991) suggested that documentary interlaces with journalism. This study reveals that this suggestion is not relevant for those in the profession.

Winston (2000) uses journalism as a vehicle for speaking about ethics in documentary. The interviews showed that filmmakers in their work don't follow these standards.

It should be acknowledged that the spectrum of documentary films is vast. Techniques used in documentary films, styles and topics vary dramatically. In this vast spectrum practitioners are guided by personal standards. Their reasoning is based on intentions and executions of techniques, including re-staging. Filmmakers make decisions based on situational ethics, evaluating circumstances and possible consequences. They are not unanimous in their vision of obligations towards audience and towards subjects. They have their own individual priorities.

To sum up, it should be first suggested that documentary filmmaking should be demarcated from journalism. Secondly, due to blurred borders of the documentary genre it seems premature to try to define any universal code of ethics for documentary filmmakers.

### **Limitation of the study**

Like all scholarly research, this study is limited by its design as well as the amount of time and resources that were devoted to it. Some of these limitations were apparent before the first interview, while others only emerged at the end of data collection.

For instance, the study is based on three interviews only. The validity of the study might have been increased if more participants had been involved in the study.

Increasing the amount of samples could impact the findings, either reinforcing the main trend or diversifying the discussion.

Though all three interviewees had experience in working for media outlets, none of them had degrees in journalism. Interviewing filmmakers with different background, for example, with higher education in journalism might also lead to variability in the results.

The chosen technique is that of semi-structured in-depth interviews provided with complex in-depth data. It allows for the recording a subject's unique perspective and experience. At the same time this method is limited to a first-person account. Thus the subjective nature of conclusions should be taken into consideration (Opdenakker, 2006).

### **Direction for future research**

There are two avenues for additional studies. For one, the audience's perception of re-staging in documentary filmmaking might be studied. Exploring viewers' response to re-staging can be further compared to what filmmakers regard as their obligations toward the audience. This study could also contribute to general discussion about basic definitions of journalism and documentary filmmaking and their overall purpose.

Furthermore, studies that consider the subjects' perspective on documentary filmmaking process and use of re-staging would provide a sound basis for comparison of models to establish the relationship between directors and their characters. The study on subjects' attitude to re-staging based on concrete examples, would also have a practical application as it might be used as a reference for documentary filmmakers.

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