

Ethics of Documentary Filmmaking in Theory and Practice

Professional Project

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Chapter One: Introduction

My interest in documentary filmmaking and its connection to journalism has undergone a lot of changes. During several years of studying and professional experience I was shifting from theory to practice. Finally, I am convinced that documentary filmmaking is the way I want to tell journalistic stories.

In my undergraduate program at the State University of Saint-Petersburg in Russia, I focused on the theory of documentary filmmaking and analyzed techniques of Dziga Vertov—a Soviet pioneer documentary filmmaker—and how his filming practices influenced the documentary style worldwide. After graduation I was offered a job on the Russian National Broadcast channel “Channel Five.” I found myself in an environment that greatly differed from the typical daily broadcast newsroom. I was working as a broadcast reporter for a popular science show called “Progress” which devoted itself to scientific research and technological innovations. Reports for “Progress” were not based on breaking news but rather allowed reporters to make 7 to 10 minute documentary pieces. I arranged filming, conducted interviews, wrote scripts and provided voice-overs for stories. I have always been excited by how new sensations arise when combining words and visuals but have always only been responsible for the verbal portion. Watching other editors and photographers gave me knowledge of basic editing principles in theory, but I did not have any video photography experience of my own. The Master's program in the School of Journalism opened new horizons for me.

The program gave me the opportunity to learn and experiment with different types of visual storytelling, from the basics found in Fundamentals of Convergence Reporting to the more advanced techniques found in classes such as Micro-Documentary and Visual Editing for Multimedia. The more I tried, the better I understood that documentary filmmaking is a creative alternative to the journalistic work to which I had grown accustomed. It allows the telling of compelling stories without following conventions and restrictions associated with broadcast production. It offers various ways of approaching subjects and establishing deep relationships.

One mode of documentary filmmaking in which I am particularly interested is observational documentary (Nichols, 1991). Observational documentaries tend to observe, allowing the viewers to reach whatever conclusions they may deduce. They do not commonly use music, scene arrangements, or narration. Traditional observational documentaries avoid interviews, however new hybrid types of documentaries may include interviews combined with observational episodes. The main goal is to let the subjects tell their own story instead of the filmmaker pushing them to tell it. Scholars admit that the presence of the filmmaker inevitably alters the behavior of subjects. However, it seems to me that the observational mode brings filmmakers as close as possible to documenting reality. It gives a feeling of being present in the scene and experiencing the moment. It gives an illusion that the subject's behavior is not altered by a camera's presence. My fellow Fulbright scholars and I tried to implement this method of filmmaking. With the help of Fritz Cropp we got a chance to go to Nicaragua and Costa Rica in summer 2013 to work on a documentary piece about SOS children villages, an international organization that takes care of abandoned children. Due to time

restrictions and language difficulties, we still had to use interviews in order to be able to build the narration. However, the most compelling scenes were captured using the observational mode.

I decided to pursue this path and work on a documentary about the village of Old Believers in Oregon's Willamette Valley, near Portland, for my professional project.

Old Believers are descendants of a group that rejected the Russian Orthodox Church reforms enacted in 1654 to reconcile the differences between Russian and Greek Orthodox texts. The journey to America for most of the residents in the village began in Northern Turkey, where an Old Believer community had to escape from czarist persecution more than 200 years ago. They came to Oregon through the intervention of Attorney General Robert F. Kennedy in 1963. They were aided in their relocation to Oregon by charities with a Cold War era agenda of helping Christians migrate from communist countries.

Old Believers follow strict rules contained in religious texts dating back to medieval times in Russia. They are managing to keep their customs and traditions alive but not without difficulty. The younger generation born in the United States doesn't speak Russian fluently. Old Believers used to work as farmers. They didn't want their children to get education. Nowadays children from the community go to schools and colleges, and they can choose their profession. All these changes alter the traditional life style of Old Believers. They are concerned whether they will be able to preserve their religion. They believe as time goes by they might maintain only cultural components - the way they dress, the way they celebrate holidays.

I was planning to follow several members of the community, trying to capture different sides of their lives. I was interested in traditional aspects, that they preserve (for example, specific religious festivities). I also wondered about life style changes that occurred in the community in the United States.

I had observational mode of documentary in mind as an ultimate goal. At the same time I foresaw that I might need to use some extra tools in order to capture enough of material. For example, I would need to interview my characters. I wondered if I could avoid asking them to repeat their actions. And if not, would it be ethically appropriate for documentary filmmaking.

I was interested if journalists and documentarians have different approach to filming characters. That is why for my research component I decided to interview experienced filmmakers in order to get their opinion on re-staging in documentary. I wondered if journalistic background influences their decision making about use of re-staging, in what situations they might use this method. I was looking for their ethical justification. I thought that interviews with experienced people in the profession would help me to develop my own position. I was planning to adopt results of the research in my own work.

Chapter Two: Field notes

Week 1-2 Producing, looking for contacts

I started my preparation for the trip to Oregon by studying the history of Old Believers. They fled, because the government restricted them from practicing their religion, from Russia in the 17th century to Romania where they lived until communism emerged. Shortly after the rise of communism, the paths of several groups of Old Believers divided. Some of them traveled to China, others to Turkey, and even one group to Brazil until they all somehow met back together in Woodburn, Oregon.

It was clear for me that I needed the right guidance to explore this history. I studied the monograph *The Problem of Preserving Traditional Way of Life amongst the Old Believers of the USA and USSR*, published in 1990 by the professor of the University of Oregon Richard Morris. I sought his help in connecting me with contacts in the Old Believers' community. He agreed to assist me with looking for characters by the time I reached Oregon. Everything seemed to be ready for filming. Equipment had been checked out, tickets purchased, and two days before departure I received an email from the fixer I relied on most. His following words broke my spirit:

Unfortunately, after National Geographic released biased and subjective film on Old Believers in Alaska Old Believers in the United States became very skeptical about any type of communication with television, journalists or filmmakers. I am sorry but I can't be a mediator between you and Old Believers in Woodburn. Try to agree upon filming in person with members of the community.

That's how my trip to Oregon began.

Week 3-6 First trip to Oregon

I came to Portland, Oregon, on the very eve of the meeting with the director of the Russian Heritage school, who was the last person to write to me offering her assistance with finding additional contacts in the area. The community is so gated that it is almost impossible to reach anybody via Internet. It is only possible to reach to people who work with members of the community. In this sense, they are unintentional gatekeepers to a world many don't even know exists.

The Old Believers' community lives in the city of Woodburn, which is 30 miles South from Portland. In the early morning on February 27th, I ventured to the Russian heritage school where I was to meet the director only to hear that a quarrel between two Christian churches in Old believers community prevented her from assisting me. Apparently the priest suspected one of the members of buying icons through Ebay. This is considered a terrible sin. This story itself could be part of an investigative journalistic story, but it was not my goal. So I left hopeless, trying to figure out what I was supposed to do next. Driving in a car I saw a furniture store where an old believer was working. It is easy to tell, as women wear traditional Russian long dresses and men don't cut their beards. I just decided to try and talk to him. It turned out to be a lucky try, which made the whole story possible.

Vladimir, in his late 60s, came to Oregon from Russia 16 years ago, converted into an Old Believer, and became familiar with all the members of the community. Formally he is still considered to be an outsider in the community, but he had gained respect and established connections. We talked for almost two hours, and I think that he

decided to help me because I was quite well prepared: I had learned the story of Old Believers (which started in the 17th century) and I had explored the reasons why, having tried living in Turkey and Brazil, some of them finally settled down in Oregon. I tried to learn the way you have to behave, though it is challenging for a person from contemporary Russia. For example, the most common and polite word “Spasibo”, which literally means “thank you” is absolutely unacceptable for old believers. The cultural code to which I am accustomed can be easily interpreted in the negative way.

Very soon I figured out that Old Believers are very different, some of them very hospitable and open. By this I mean open for communication... filming is another part of the story.

To put it briefly, Vladimir helped me to meet the family of Levonte. Levonte said that I was more than welcome to stay in his house, share food and wine, go to the church and ask questions. Though he knew that I came for filming, it was clear to me that I shouldn't insist on interviewing but rather that I first needed to let them get used to me.

This proved to be the most difficult aspect of the project, and every day I was not sure if I would be able to film anything at all. Levonte happened to be the assistant of a priest in the other church—one uninvolved in the Icon-Ebay scandal. He was also a well-known businessman in the area. Levonte is 44 and the father of two children. He assembled an airplane on his own. He lives mostly by Old Believers' religion, but adapts it for a more modern lifestyle. So to say, he is a perfect character. However, it took me time to convince him to talk on camera.

At this point I had to give up all my hopes about the observational mode of documentary. I found that the only way to get his permission to film was to interview him

first. When he realized that I was not digging for scandalous details and that I asked adequate questions about his life, he gave me permission to film him in his airplane. I had to approach him little by little. I didn't want to penetrate into his life too much, and I didn't want him to feel any pressure. It took a lot of time.

At some point I felt like I had established connections with the whole family. I was invited for Easter and the marriage of Levonte's son—a big deal for Old Believers. I felt like if I could stay in Woodburn for a long time, the documentary might have been accomplished.

So far I have made the following recordings: I interviewed Levonte. I was also filming Dunja, Levonte's sister. She is in her late 60s. She remembers a bit of life in Turkey before the family moved to Oregon. I interviewed her, filmed her cooking and gathering with her daughters and grandchildren, and filmed her showing me old pictures, explaining differences in traditional clothing. She is a great singer. Old believers' singing differs from Russian folklore as I know it.

I also filmed Levonte's wife Dora sewing traditional dresses, which they call "talechka". She also gave me one as a present, saying: "That is how you should look like here on Easter". That was a very touching moment.

I tried to be as much an observer as it was possible in given situation. However it was difficult because my presence altered their behavior. For example, Dunja permitted me to spend the whole Sunday with her. She was preparing a meal for her family gathering; she was waiting for her two daughters to visit with grandchildren. I was able to follow her around. But while cooking and doing things that she would do even if was not there, Dunja was very interested in talking to me. I can hardly imagine that a foreigner

could get this access, as I feel like Old Believers see me as a guide into a Russia that they haven't seen and the contemporary Russian language that they haven't learned. I couldn't convince them to forget about my presence because they wanted to know my story. They were curious about the way we live, the way we speak. I couldn't be an observer because I was always present in the conversation.

There were several reasons why I was still concerned that I may not be able to complete the project at this point. First of all, I figured out a great difference in traditions of the contemporary Orthodox Church's and Old Believer's practices. In both cases the main religious holiday is Easter, which this year (2014) happens to be on the 20th of April. In both cases the Great Fast of almost 40 days precedes Easter. But while in contemporary Orthodox Church the first two weeks of the Great Fast are the most strict, for Old Believers the fasting rules become tougher closer to Easter.

I arrived to Woodburn on the last weekend before the Great Fast started. This year it lasts for 7 weeks, and during the last three weeks old believers live a very tough life. It is not only about food restrictions but also about things you can do. For example, it is prohibited to gather and sing songs, and it is prohibited to watch TV. Being filmed would fall into these prohibited behaviors. For example, I mentioned previously that I filmed Levonte's sister Dunja, who is a great singer. I planned to film her singing with several other women. I visited the priest's house and had a long conversation with his wife Domna. As a result, there was an agreement between me, Dunja, Domna and Dora - Levonte's wife - that they will meet all together and show me the traditional singing that women in the Old believer's community preserve. However, the next day they explained that the priest would not permit singing before the Great Fast was over.

For the same reason I didn't feel right bothering Levonte, who is the priest's assistant, with filming. No matter how modern and broad thinking his family is, they are respected in this community and should be an example for the others.

That is why it became clear for me that I would be able to film much more during, let's say, four days in Easter than in three whole weeks during the Great Fast. I came back to Columbia in order to visit Woodburn again for Easter.

Week 7 transcribing

It took me a while to find the right angle for the interviews. I decided to focus on family memories - stories that parents keep and tell their children about why they had to flee from one country to another and how their life was in Turkey compared to life in Oregon.

In addition to interviews with Levonte and Dunja, I recorded an interview with Vasilij (in his mid 70s) who remembers a lot about life in Turkey. I also recorded an interview with Vedokeya, who is the God Mother of several sisters of Levonte. When her family moved to Oregon she was already a 29-year-old widow with six children. There was a great moment in our conversation - I was asking Vedokeya about her children. She remembered that her first son's wedding was filmed. I realized that she was talking about the only documentary filmed in Oregon in 1979, which I found and watched before departure. She has never seen it. I found it and made her a DVD. However, at that moment she already couldn't watch television. I wish I could include this episode of her watching her son's wedding in my video story.

Transcribing and translating interviews was not easy because of the old version of Russian they spoke. Language is a big part of their culture, and it was sad to admit that

this part will be lost in English subtitles. I was even thinking of translating their speech into an old version of English but then understood that the viewer will spend all the time trying to make sense of the subtitles and won't have time to watch the visuals.

Week 8-9 Second trip to Oregon

To return to Oregon was a strange experience. On one hand, I felt that they were glad when I showed up on Easter morning (they gather at 8 am for family reunion, straight after the service which lasts during the whole night) in the traditional dress that they gave me as a present in my first trip to Woodburn. On the other hand, they were not happy to see the camera. The constant feeling that I disturb them with the camera's presence never left me. That is why I could film abstract scenes of people wandering in the street and children collecting candies, which is their Easter tradition, but I experienced difficulties with close up filming. Being their guest, I didn't want to bother them. I think for me it will be a lesson – in short terms I don't think it's worth trying to film subjects who don't want to be filmed. In longer periods of interaction it might be possible that they get used to you so much that the camera won't matter anymore.

At some point during the celebration Levonte let me into the church to film it. However, I felt uncomfortable because I knew that it is prohibited to film in their church. In trying to be totally transparent with my characters I didn't feel like I would be able to use this footage. At the same time I was grateful for Levonte's trust.

I collected street scenes and people in traditional clothes; I got a beautiful scene of Levonte ringing church bells. Later it became my opening scene.

I spent one more week in Woodburn, and with the help of Levonte and his brother managed to film more and to collect several contrasting stories. For example, I got

acquainted with Larrion (in his 50s) who came to meet me in a leather biker's vest over his traditional religious shirt. I talked to Perfil (in his late 60s) who owns a spa resort in Oregon and whose children preferred to leave the United States to live in an isolated monastery in Siberia. I revisited Vasilij and met his family.

However, analyzing my filming I understood that the stories belong more to oral history with lack of real action on camera.

Week 10-12 transcribing and building a story line

I thought that filming in Oregon was challenging enough, but editing turned to be even tougher.

When I came back from Oregon I had six interviews and hours of video on my hard drive. I imagined that I would try to build a linear narrative based on the history of the Old Believers community.

As I mentioned before the way to convince characters to open up to me was to find the right angle to make sure not to scare them. History was this angle. Later this choice of topic caused a lot of troubles while editing.

According to original plan I had:

Dunja, who told me how Old Believers left Russia in the 17th century because of persecutions, came to Romania, lived there. How they had to leave again when communism came to Romania and they started conducting autopsies, which was considered as a great sin by Old Believers.

Vasilij, who told me how Old Believers came to Turkey from Romania. He showed me pictures of the house they had in Turkey. He visited their former village a couple of years ago and is still very nostalgic. He explained to me that the reasons Old

Believers had to look for a new place was that they didn't want their children to marry Muslims and the community was very small.

Perfil explained in detail how they found their way to the United States.

Levonte (born in the United States) spoke about modern life and changes.

Vedokeja told me how hard it was to go from one country to another with six kids.

Larrion told me that as a young man he was banned from the church because the priest saw him smoking.

There are a lot of funny stories in their interviews, a lot of nice details and nuances. Some of these characters are very charismatic. When I started editing, I realized that I don't know how to include them.

Language is a huge problem. What works in Russian doesn't work in English. They speak a very specific language, which for a Russian viewer is a great thing itself. I showed the first draft to several Russian speakers, and for them Old Believers' version of our language was more than enough to make the video interesting. As I found out, American viewers get bored with long historical parts, reading text in subtitles. There is no charm of the manner characters speak when sound bites are translated. As a result I had to get rid of the historical part (which originally was almost 10 minutes).

I was rearranging the story line every time after I showed it to somebody. First I showed it to my Russian friend who heard a lot of my stories while I was in Oregon. Then I showed it to friends who knew less. Then I showed it to my American friends.

The interesting thing is that they paid attention to different parts of the story. For example, Russians needed all the explanations: why they left one country, why they went

to another, why, why, etc. At the same time my American friend told me that he didn't need any explanation of why the community ended up in Oregon as everybody in the United States at some point came here fleeing from some sort of injustice.

The same way I showed it to my professors, making rearrangements after each revision. What I lacked was a simple and clear idea of what I want to say. It took a while to clarify it: Old Believers' Modern Age.

Week 13-14 editing, audio and color correction

It is common knowledge that the postproduction process is one of the most time consuming parts of filmmaking. Originally I planned to devote more time to audio enhancements and color grading but spent way more time struggling with the story line than I expected.

I faced problems due to inconsistencies with my video and audio pieces. During my first trip to Oregon I had to use an Olympus camera and a Marantz audio recorder, which permanently produced a slight background noise. During my second visit to Oregon I was filming with a Nikon 600 and brand new Tascam audio gear. I was filming with the Nikon in a flat mode, relying on further color correction in Final Cut. There were also moments during filming when I failed to register sound properly with the audio recorder because I didn't have time and was scared of missing important sound bites. As a result some parts of the interview turned to be recorded only on the camera microphone.

The Olympus camera gave nice picture of interviews filmed in soft light but turned to be not the best tool when light is direct, and I had difficulties with exposure adjustments while filming outside. Nikon gave a good cinematic look, but it was difficult to match colors in frames filmed with different cameras.

While selecting sound bites I had to think about content first, which explains why there was a big difference in the quality of the sound bites that I tried to edit together—one being recorded with Tascam and the other just on camera.

In my footage, there lacks the cultural presence of Old Believers, which is why I had to look for old photos that would let me compare and contrast old and modern ages. While editing I used the following technique: I tried to edit old photos together with modern pictures with matching actions or positions of figures in the frame. For example, I had old picture of a family sitting in the yard, which I edited together with the frame of three young people sitting on the front porch. I had an old picture of a woman spinning yarn, which I edited together with a frame of Dora working with a modern sewing machine. In order to add some rhythm to the visual narrative, I used one of the Old Believers songs, adding different voices of the community and explaining the basic rules of their life.

As I chose Dunja and Levonte to be my main characters that represent the modern age, I tried to edit their episodes based on comparison, transitioning through hands or voices. For example, Levonte is ringing bells. I finish his episode with a close up of his hands and transition to Dunja's hands, mixing the sound of bells and the sound of Dunja singing. Overall, I tried to make the video sequences drive the story instead of building a successive linear historical narrative.

Chapter Three: Evaluation

My project about Old Believers in Oregon began with observational documentary in mind. I imagined myself as an observer who would be as minimally intrusive into the lives of my characters as possible. I thought I would be able to follow characters around. I hoped that at some point they would forget about the camera's presence. Though I predicted that formal interviews would be needed, I dreamed of being able to record as much interaction as possible so that in some places of my future video interactions among Old Believers would tell part of their story on their own. In the end, what I actually captured was nothing like what I had imagined. However, it doesn't mean for me that this experience was useless. On the contrary, I felt like I was finally and completely introduced to the job I would like to do – work as documentary filmmaker.

The subject that I chose was challenging from the very beginning, as the community is very reserved and is very conservative in its ways. In order to get access, I had to learn how to behave within the community even if I was only talking to people or walking in the street without camera. You have to wear long skirts and learn how to greet people. For example, when you enter the house, you are supposed to first greet God and only after that, the owners of the house. Even though it was obvious that I was an outsider in their world, I was expected to follow unspoken rules.

In Oregon I realized that in the type of documentary filmmaking in which I would like to be involved it is almost impossible to predict anything. Every day something happens, some doors are getting closed and some being opened. I tried to be very

cautious with my characters, as I cared a lot about our relationships. That is the thing I should probably decide for myself and deal with if I want to film in the future, - how I want to build relationships with my subjects.

While filming in Oregon I was guided by characters' attitude. There were moments when I felt that I could ask characters to repeat simple actions in case I missed them. Dunja was very helpful and easy to film. She didn't pay any attention to the camera. When she was going to take the pie out of the stove, I had to ask her to wait until I prepared the camera. At that very situation it was a natural thing, it didn't feel like an inappropriate thing to ask. I realize that it happened because Dunja was fine with that. If I would have suspected that my penetration would bother or irritate her, I wouldn't ask.

On the contrary, with Levonte I had to work as fast as possible trying to capture the variety of frames. For example, when he took me on an airplane ride I knew that I had only one chance to film how he takes the airplane from the garage, how he puts the fuel in, how he flies and lands. As I was inside the plane I couldn't film him getting on board. But I didn't feel like asking him because he could get angry.

Overall my filming mode was guided by intuitive understanding of how the characters feel. For me anything that made them feel at ease was ethically appropriate. For example, one could say that it was not appropriate to take the dress as a present. For me, it was a right thing to do. First of all, rejecting the gift would upset Dora. Secondly, when I appeared in this dress on Easter, I showed respect to their culture. I happened to be more involved in the scenes than the observer should be. But at that point I cared more about relationships with the community than about an abstract theory of documentary filmmaking.

I am glad I faced that problem. It brought my research component closer to my professional component. I realized that basically in my decision-making I was guided by situational ethics. My interviewees suggested the same attitude.

When I reached the editing stage I started thinking about the audience. Showing a video draft to different people helped me to understand what frames and sequences worked and which didn't.

I learned that the audience's response to a film depends on both national and cultural background. In order to make a successful project, I have to clearly understand who is the audience. It is important to understand how much knowledge about the subject they have from the very beginning and how much context I have to include in order to explain the issue. Showing Russian Old Believers to an American audience would be something similar to showing video about Amish people in Russia.

I foresee that in working on future projects I'll encounter the same problem: it is challenging to maintain balance in between depth and clarity. For me the way to figure out if this balance is achieved will be in screening drafts to several viewers. Collective feedback helps me to strengthen the story line.

I personally agree that the film from National Geographic about Old Believers in Alaska was biased, and I understand why it frustrated the members of the community. However it became clear for me that it is almost impossible to film them without at least slight misrepresentation. The eldest members of the community adhere to the strictest rules. They are closer to the original culture, but they reject being filmed. Those who are younger and less reserved are easier to access and to film, but in the eyes of old members

they throw a shadow on Old Believers' culture. Filmmakers can only film whom they can access, but the result will never satisfy the whole community.

I thought I would be able to avoid this conflict by focusing on historical aspects. When I started building the story line I realized that it wouldn't work. History and language might work for a Russian audience, but after getting feedback from American viewers I had to simplify and reduce historical part. I wasn't able to use four interviews that I had filmed.

As a result, the final project would have never pleased the community members. With respect to the alteration of their world, my work for them wouldn't differ much from National Geographic's portrayal of Old Believers in Alaska. I believe that in theory this problem could have been solved if I, as a filmmaker, would have unlimited time to live within the community.

I understand that I gained the access to the community and I have an opportunity to keep on working on this project, filming more in Oregon. I stay in touch with my characters, and I recently heard that Levonte's daughter Anna is getting married. I will consider going to film her wedding in September 2014. In the future I can also try to reach Old Believers in Russia, which could add a nice visual comparison.

Though it was a precious, valuable experience, I am sure that documentary filmmaking is not a one-person job. It is necessary to have at least two people to be in charge of video and audio while filming in the uncontrolled environment. Moreover, I needed another person to participate in editing. Team-work provides a variety of perspectives and views which are necessary when dealing with such a challenging subject.

Chapter Four: Summary

“Old Believers’ Modern Age” pictures the community of Russian orthodox Old Believers who live in the city of Woodburn, Oregon. Rather than telling the history of the community, this video focuses on a slice of their story: changes that happen in the community life style in modern times.

The first part of the video gives the general overview of who the Old Believers are. The collage of old photos, modern frames and commentaries of community voices tell the viewer about Old Believers’ basic principles: they follow the Holy Writing, they go to the church three times per day, they don’t cut beards. The question is raised: what will happen with the community with the new generations?

There are two main characters, brother and sister Levonte and Dunja Yakis. They represent the new generation of Old Believers who are adapted to the life in contemporary America. Dunja compares how Old believers used to live and how they live now. The young generation has access to education, which was originally prohibited in the community. They prefer to use English language instead of Russian.

All these changes alter the traditional life style of Old Believers. They are concerned whether they will be able to preserve their religion. They believe as time goes by they might maintain only cultural components - the way they dress and the way they celebrate holidays.

The following screen grabs illustrate characters and main ideas from the film. Refer to the Media Folder for the video file.

Snapshots



Old Believers family, Woodburn, Oregon.



Young Old Believers gathering during Easter festivities.



Levonte Yakis gives candies to children on Easter



Levonte Yakis teaches friend to ring church bells on Easter



Dunja Yakis cooks for family gathering on Sunday



Dunja Yakis remembering her wedding.

Chapter Five: Analysis

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.”¹

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.”²

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.”³

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 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.

¹ All quotes from Shaffer are from personal communication 12/12/14

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

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

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 Mullicks' 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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Appendix: Original Project Proposal

Professional Project Proposal
Ethics of documentary filmmaking in theory and in practice
Varvara Fomina

December 2013

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Introduction

My interest in documentary filmmaking and its connection to journalism has undergone a lot of changes. During several years of studying and professional experience I was shifting from theory to practice. Finally, I am convinced that documentary filmmaking is the way I want to tell journalistic stories.

In my undergraduate program at the State University of Saint-Petersburg in Russia, I focused on the theory of documentary filmmaking, analyzed techniques of Dziga Vertov—a Soviet pioneer documentary filmmaker— and how his filming practices influenced the documentary style worldwide. After graduation I was offered a job on the Russian National Broadcast channel “Channel Five.” I found myself in the environment that greatly differed from the typical daily broadcast newsroom. I was working as a broadcast reporter for a popular science show called “Progress” which devoted itself to scientific research and technological innovations. Reports for “Progress” were not based on breaking news, but rather allowed reporters to make 7 to 10 minute documentary pieces. I arranged filming, conducted interviews, wrote scripts and provided voice-overs for stories. I have always been excited by how new sensations arise when combining words and visuals but have always only been responsible for the verbal portion. Watching other editors and photographers gave me knowledge of basic editing principles in theory, but I did not have any video photography experience of my own. The Master's program in the School of Journalism opened new horizons for me.

The program gave me the opportunity to learn and experiment with different types of visual storytelling, from the basics found in Fundamentals of Convergence Reporting to the more advanced techniques found in classes such as Micro-Documentary and Visual Editing for

Multimedia. The more I tried, the better I understood that documentary filmmaking is a creative alternative to the journalistic work to which I had grown accustomed. It allows the telling of compelling stories without following conventions and restrictions associated with broadcast production. It offers various ways of approaching subjects and establishing deep relationships. One mode of documentary filmmaking in which I am particularly interested is observational documentary (Nichols, 1991). Observational documentaries tend to observe, allowing the viewers to reach whatever conclusions they may deduce. They do not commonly use music, scene arrangements, or narration. Traditional observational documentaries avoid interviews, however new hybrid types of documentaries may include interviews combined with observational episodes. The main goal is to let the subjects tell their own story instead of the filmmaker pushing them to tell it. Scholars admit that the presence of the filmmaker inevitably alters the behaviour of subjects. However, it seems to me that the observational mode brings filmmakers as close as possible to documenting reality. It gives feeling of being present in the scene and experiencing the moment. It gives an illusion that the subject's behavior is not altered by a camera's presence. My fellow Fulbright scholars and I tried to implement this method of filmmaking. With the help of Fritz Cropp we got a chance to go to Nicaragua and Costa Rica in summer 2013 to work on a documentary piece about SOS children villages, an International organization that takes care of abandoned children. Due to time restrictions and language difficulties, we still had to use interviews in order to be able to build the narration. However, the most compelling scenes were captured using the observational mode.

I want to pursue this path and work on an observational documentary for my professional project.

Professional Skills Component

I am planning to work on a documentary about the village of Old Believers in Oregon's Willamette Valley, near Portland, OR. Old Believers are descendants of a group that rejected the Russian Orthodox Church reforms enacted in 1654 to reconcile the differences between Russian and Greek Orthodox texts. The journey to America for most of the residents in the village began in Northern Turkey, where an Old Believer community had to escape from czarist persecution more than 200 years ago. They came to Oregon through the intervention of Attorney General Robert F. Kennedy in 1963. They joined two other Old Believer groups that had migrated to the United States by way of Manchuria, Hong Kong and Brazil after Russia's 1917 revolution. Those groups were aided in their relocation to Oregon by charities with a Cold War era agenda of helping Christians migrate from communist countries.

The Old Believers follow strict rules contained in religious texts dating back to medieval times in Russia. They are managing to keep their customs and traditions alive, but not without difficulty. Many refuse to eat at restaurants because of a religious ban on sharing the same dishware as heretics. However, almost all drive cars and watch television now. Many Old Believer families don't believe in education past eighth grade and send their children to work in the fields or to jobs with friends' and relatives' construction businesses. Those teen-agers who go to high school are often prohibited from dating non-Old Believers. About half of the Old Believers are farmers — one of the few occupations that meshes with their lifestyle. Rural America meets 17th century Russian traditions. Still, farming becomes harder each year because of competition from imported produce.

This topic includes various issues: adaptation in a new country, preservation of traditions, life in a close community, resistance to modernization, and gaps between generations. I wish to

offer a portrait of the community through several characters that represent different generations and the diverse attitudes with respect to traditions and changes.

The realization of my project will demand several stages. First, it will be necessary to find local sources that will help to establish connections within the community. I believe that to some extent my Russian nationality and common native language with the Old Believers will facilitate communication. However, I am still a modern outsider in the world of the Old Believers. I anticipate this to be one of the main challenges of the project. For this reason, I have already made contact with The Oregon History Project created by the Oregon Historical Society (the resource for learning about Oregon's past) who covered the history of the Old Believers. That is how I obtained the prior agreement for filming from Father Ambrose, the community leader and the curator of a Russian museum at the Mount Angel Abby. He is also in charge of Russian classes for children in the community. I am planning to use him as my source to establish further connections. For the same purpose I am going to interview several journalists, both American and Russian, who have covered the story of the Old Believers. So far, Andrew Kramer from The Associated Press has advised me to contact R.O.B.E.S (Russian Old Believer Enhancement services), an Oregon based non-profit organization whose aim is to unify the members of the community. Talking to journalists will allow me not only to find contacts, but also to ask for professional advice on how to behave and how to approach the Old Believers. Before going on site to film, preliminary studies of the general cultural codes used within the community will be necessary. I plan to use anthropological studies conducted in similar communities as guidelines. This first stage will take me 3 weeks, until the middle of February.

The second stage is actually visiting the community in Oregon. I plan to spend a month living in the village (I have also discussed this option with Father Ambrow), first establishing

connections and letting people get used to me before filming. I plan to use the observational mode, following characters in their daily routine while trying to avoid affecting the subjects. I believe this approach will help me to get closer to characters because it diminishes intrusion into their lives. However, I predict that interviews will be necessary to get context for visual information. I am not planning to use any narrative, but I might use subjects' voices to build the storyline. I would like to focus on three subjects, each belonging to different generations with different perspectives on changes in the community. Through their portraits I will try to explore the broader phenomena – the Russian Old Believers' village in America. As a result I am planning to submit a 10-12 minute documentary piece.

The project kit will include: DSLR Nikon D800 camera, 24-70 lens, tripod, rode microphone, wireless microphone, Marantz audio recorder.

I will be using blog as a tool for organizing my work and informing members of my committee about my progress. Everyday after filming I am planning to transcribe interviews and look through b-roll. B-roll will be organized into folders, which will be named after the scenes they contain. Two back up copies will be stored on external hard drives. Best shots will be marked. Once a week I am planning to edit sequences out of material that was filmed during the week. It will help me to get rid of unsuccessful and defective frames, to clarify what kind of footage is missing. These sequences will be uploaded to my blog in order to get feedback and suggestions from members of my committee.

Then I will reserve three weeks for writing script and editing. Two additional weeks will be devoted to polishing the project.

Summing up, my work schedule is as follows:

January 23 – February 15 – collecting contacts and studying background information

February 15 – March 15 – filming Oregon’s Willamette Valley

March 22 – April 12 – editing

April 12 – April 26 – polishing

Research Component

Documentary ethics and the use of re-enactment with help from the main characters in documentary production

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 raise 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 which 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.

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 cameraman alters the events. According to Winston (2000), the central question for documentary ethics is how much mediation is ethical.

Theoretical framework: situational ethics

A number of scholars have made attempts to apply situational ethics to documentary filmmaking. Situation 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 situation 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).

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. For Nichols, the central question of documentary ethics is: What do we do with people when we make a documentary?

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).

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 duty of care. 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 expression (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 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 solutions and strategies taken by filmmakers provide insight into the decision-making process. Solutions 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. Often times, documentary filmmaking is often judged based on journalism code of ethics. 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. The hypothesis is that the situational framework best captures filmmaker's experience of moral deliberation.

Research questions:

RQ1: To what degree 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 code of ethics in their work while using re-staging?

Methodology

This study will rely on a series of in-depth interviews with documentary filmmakers. Qualitative methods are used to explore the creative process. Interviews will allow the exploration of the aesthetic preferences and the decision-making processes of the filmmakers. I plan to conduct semi-structured interviews because they will provide 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, 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 (Lawrey, 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 will be conducted.

I am planning to interview four documentary filmmakers. The choice of directors for interviewing will be based on the following criteria:

1. Filmmakers who have been working independently on documentary projects within last five years. As a result their documentary films received recognized prizes (such as Oscar, BAFTA award, Sundance festival award).
2. Documentary films in which re-staging and re-enactment with the help of main subjects is present and is revealed to the viewer
3. Several subjects will be chosen according to previous professional journalistic background in photojournalism, broadcast production or/either broadcast documentary filmmaking. The researcher assumes that while working in the field of journalism they had to follow the ethics code of journalism. The researcher plans to interview a documentarian who doesn't have professional background in journalism.

Possible challenges are associated with time management and differences in time zones as documentarians chosen might live in different countries. The interviews will be conducted via Skype and recorded in order to facilitate the analysis.

The set of preliminary questions will be prepared in advance. 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 will consist of general questions about professional background and documentary experience of filmmakers (For example, How did they become involved in documentary filmmaking? Did they work like journalists? If so, what were there responsibilities?)

Group 2 questions will consist of questions 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 question will consist of questions about 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 will consist of questions about 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 will focus on ethical issues which re-staging raises. (For example, what concerns about documentary authenticity did documentarians have? What ethical solutions did they find?)

While conducting interviews the researcher will appeal to concrete examples of scenes and visual sequences in the movie, reminding the author of the frame and asking the exact comment in a particular scene. The researcher is also likely to use quotes from the movie to refresh the memory of the director and receive the most specific answers possible. Preparation for the interview will include not only profound notes of visual sequences and quotes of movie characters but also studying codes of ethics used in journalism.

The series of follow-up questions will expand the discussion. After the interviews are transcribed, the researcher plans to organize answers by main topics discussed. After that the main variations in answers will be identified. Ethical attitudes of the filmmakers will be compared to their previous professional background in order to identify if there is correlation between journalistic background and decision-making based on journalism code of ethics in documentary filmmaking.

The study might contribute to research in the domain of documentary filmmaking ethics and possibly published in *Journal of Mass Media Ethics*.

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Appendix 1

Combined projected timeline:

January 21 – February 10:

Research component: identifying subjects and making interview appointments

Professional component: collecting contacts, studying background information, discussing filming plan with sources

February 10 – February 24:

Research component: recording interviews

February 28 – March 22:

Research component: transcribing interviews

Professional component: filming in Oregon's Willamette Valley, transcribing interviews, and assembling b-roll

March 22 – April 12:

Research component: analyzing interviews

Professional component: editing

April 12 – April 26:

Research component: writing conclusions

Professional component: polishing