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Documentary ethics in contemporary practices.
Alternative participation, alternative ethics?

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Abstract

Documentary scholars have presupposed a certain documentary practice, and have ethically evaluated this practice, with a focus on the need for protection for a vulnerable and ignorant participant. But times have changed. By researching the experience of ethical challenges by both documentary filmmakers and participants, through both a quantitative and a qualitative project, a practice surfaces in which the participant is committed to and involved in the project; conflict between filmmaker and participant is recurrent, but non-decisive, as communication, trust, and commitment act as a safety-net. Hence, questions about documentary ethics need to address this contemporary practice, rather than a past one.

Keywords: Documentary, practice, ethics, qualitative research, quantitative research, participation

Documentary theorists have, since the mid-1970s, discussed the ethics of documentary film and documentary filmmaking (see, for instance, Gross, Katz, and Ruby, 1988a; Nichols, 1991; Pryluck, 1976; Rosenthal, 1988a; Winston, 2000). A development that triggered scholarly considerations of ethics was the introduction of lightweight cameras and sync sound, and thus of *direct cinema*, and *cinema vérité*, making it possible to follow people around and film them continuously and spontaneously (Pryluck, 1976). In this discourse, scholars have presupposed and ethically evaluated a certain documentary practice. This practice was grounded in both Robert Flaherty's narrative documentaries such as *Nanook of the North* (1922) and *Man of Aran* (1934), as well as in social documentaries produced by John Grierson and his colleagues, such as *Drifters* (1946) and *Housing Problems* (1935) and in more recent direct cinema projects, most notably *Titicut Follies* (1967; see, for instance, Winston, 2000). In the past few decades, technological advancement has continued to affect film production profoundly, making production facilities available for everyone and affording opportunities for self-casting on the internet. However, the discussion of documentary filmmaking ethics has not yet included this development. On the contrary: it relies on the traditional premise of an all-powerful filmmaker who controls the process and possesses access to as well as knowledge of production processes and facilities, and a lack of such understanding, access, and knowledge on the side of the participant. I propose, based on my own empirical research into contemporary filmmaking practices, an alternative documentary filmmaking practice, with a different role for the participant. In this practice, the participant is actively involved in and committed to the documentary project. Disagreement and conflict between filmmaker and participant is a recurrent but non-decisive element of the filmmaker-participant relationship. Such conflict is dispersed

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and local, as is the exchange of information and giving consent. In this practice, communication, trust, and commitment act as a safety-net for conflict.

In this paper I will first address the scholarly discourse on documentary ethics. I will then discuss the results of two empirical studies of documentary filmmaking, one quantitative and one qualitative. By combining these, I will present an alternative, contemporary documentary practice, with a different position for the participant. This practice invites alternative questions with respect to ethics.

Scholarly and professional discourse: moral issues, strategies, and circumstances
In the research discussed here, the documentary filmmaking practice under scrutiny can be described as author documentary filmmaking. It is a practice that relies on individual filmmakers who create personal films, and that thus allows for a filmmaker's personal artistic expression, for which she uses the means of production in a well-considered way. This practice is less demanding than journalism practices when it comes to objectivity and impartiality. Hence, I turned to the scholarly documentary discourse rather than to the discourse on media or journalism ethics.

The scholarly discourse on documentary ethics is mostly part of the broader theoretical documentary discourse. Sometimes ethics are addressed specifically (see, for instance, Gross, Katz, and Ruby, 1988a, 2003); more often it is addressed implicitly in a broader text (see, for instance, Winston, 2000; Nichols, 2001). In both instances, the discourse does not include ethical theories or questions about which of those theories might or should govern documentary filmmaking. A debate about deontological, teleological, or utilitarian principles and/or the role of virtues in documentary filmmaking is lacking, save in Butchart's (2006) discussion of virtue theory.

Two general 'areas' are distinguishable in the discussion of ethics: one dealing with questions of truth and reality, basically addressing the filmmaker-audience relationship; and one dealing with questions of representation and consequences, basically dealing with the filmmaker-participant relationship. The latter is the focus of this paper. With respect to this relationship, scholars discuss issues, problems, and events with a moral component, such as filming a conflict; they discuss a variety of issues they relate to ethics, such as representation. They also discuss some strategies to deal with such issues, or to prevent them. In addition, they discuss circumstances that affect the experience of such issues. I will go into these in turn below.

In the discussion of the ethics of the filmmaker-participant relationship, the notion of informed consent plays a central role: "Most answers to such accusations [of taking advantage of someone – WS] rely on some notion of consent (usually "informed") as the ethical touchstone" (Becker, 1988, p. xii). In documentary filmmaking, this concept, which originated in the field of medical ethics, raises a lot of questions. Many agree it is impossible to inform (potential) participants completely about all risks involved in participating (Becker, 1988; Gross et al., 1988; Katz and Milstein Katz, 1988; Nichols, 1991; Pryluck, 1976; Rosenthal, 1988b; Winston, 1988, 1995, 2000). And according to Winston (2000), informed consent does not match freedom of expression. Moreover, in documentary filmmaking there seem to be no uniform protocols for informed consent. Hence, it makes more sense to discuss its constituent parts: the exchange of information, consent to participate, and the voluntariness of that consent and thus of the participation.

"While one can argue about whether we can even know what really happens, inevitably in filming actuality, moments are recorded that the people being photographed might not wish to make widely public," said (Pryluck, 1976, p. 256). This quote summarizes the questions that surround consent and voluntariness. What happens if a participant decides she wants certain footage excluded from the film? Where is the line between convincing a participant, pressing her, and forcing her? The documentary discourse includes numerous issues scholars relate to ethics, including, but not limited to, consequences of participation in a documentary film, disclosure (how much is revealed), privacy, reciprocity, representation, and the rights of filmmakers to record, and use the recorded material.[1]

"If one is serious about using direct cinema to make valid statements about people, then collaboration should be welcome" (Pryluck, 1976, p. 265). Such collaboration, in which the filmmaker functions like a facilitator to the participant and her story, is one strategy scholars discussed to deal with moral issues. However, such collaboration raises questions about the filmmaker's position towards the topic of the film: can she still maker her point (Gross, 1988; Winston, 2000)?

Another strategy discussed is asking provisional consent for a rough cut before asking final consent for the final cut (Pryluck, 1976). Also, scholars suggest to invite participants to view the (edited) material and indicate what they prefer to be left out (Gilbert, 1981; Rosenthal, 1988b; Winston 1995).

Reflexivity is also a solution mentioned. Ruby (1988) advocated an "intelligently used reflexivity" as an "essential part of all ethically produced documentaries" (p. 314). Butchart (2006) approached reflexivity from the perspective of ethics and draws on the work of Badiou. He proposed to abandon philosophical ideas about (the rights of) the "other" and to focus on the same, the situated shared truth, and to show that truth through various forms of reflexivity.

In addition to moral issues and strategies to deal with them or prevent them, Winston (2000) mentioned four points for "ethical risks": whether the filmed person is a public or private person; the degree of social bias of the act being filmed; whether the place of filming is public or private; and where and for which audience the film will be screened. These four areas of risk all refer to circumstances: the personality of the participant, the content of the film, the filming circumstances (see also Gross, Katz, and Ruby, 1988a), and the screening circumstances (see also Ruby, 1988). And there are more: cultural differences between filmmaker and participant (Pryluck, 1976); filming family members (Katz and Milstein Katz, 1988); the film's aesthetics (Katz and Milstein Katz, 1988; Nichols, 1991; Ruby, 1988); time (Rosenthal, 1988b) and money (Winston, 2000); and the film's goal (Winston, 1995, 2000; Ruby, 1988; Nichols, 1991). The circumstances, or contexts, supposedly affect the experience or moral issues, as well as how these are dealt with.

Documentary scholars also, implicitly rather than explicitly, voice ideas about the documentary participant. Briefly, scholars characterized her as vulnerable with respect to the consequences of documentary representation (Pryluck, 1976; Rosenthal, 1988b), ignorant about the documentary practice (Winston, 2000), and as having nothing to gain from her participation (Gross, Katz, and Ruby, 1988b; Pryluck, 1976; Winston, 2000).

The moral issues, strategies and circumstances discussed above recur in the documentary discourse throughout the past decades. To see whether they had anything to add, I interviewed eighteen Dutch documentary filmmakers about their experiences with ethical challenges. These were exploratory, open interviews. The filmmakers mentioned very similar issues and contexts, but their accounts included many more strategies to deal with moral issues, both actively and passively, including giving in to a situation, and trivializing an issue. However, it remains unclear how such issues and strategies relate to documentary practices, as empirical research is lacking. To understand to what extent filmmakers and participants experience such issues and strategies, how they relate, and in which circumstances this happens, I conducted two empirical studies: a quantitative one of the perspective of filmmakers, and a qualitative one on the perspective of participants. Below I describe them in turn.

The perspective of filmmakers: communication and conflict[2]
Filmmakers regularly discuss their individual practices, for instance, in interviews and talks in magazines, newspapers, and at festivals. To understand how the experiences of moral issues and strategies might be related, I decided to conduct a quantitative study and include experiences from a large number filmmakers. So, to measure the extent to which filmmakers had experienced the moral issues and strategies derived from the literature and the initial interviews, and in which production and personal contexts this had happened, I designed a questionnaire. I turned the various notions that represented moral issues and strategies into statements. For example, the issue of disclosure I turned into the statement "The participant refused to have certain scenes or events filmed"; the strategy to pay a participant I turned into the statement "I gave the participant some money or a gift" (filmmakers had told me they sometimes bought gifts). I measured the extent to which filmmakers had experienced these on a 0-6 (never/not at all – all the time/completely) scale. I asked them to answer with respect to one specific participant (of their choice) in their latest project. I also included contextual variables about the project, the participant, and the filmmaker in the survey.

My sample consisted of filmmaker who had had a film screened at one or more of twelve international documentary film festivals worldwide in 2006. These included documentary festivals in Amsterdam, the Netherlands, Cape Town, South Africa, Toronto, Canada, and Yamagata, Japan. After a pilot study, I invited 659 filmmakers to complete the final version of the questionnaire; in the end, the data of 158 respondents were included in the analysis.

For the analysis I relied on an Exploratory Factor Analysis. Factor analysis is a technique which uncovers patterns (factors) in a dataset. These patterns are based on variables which correlate and which are assumed to measure various aspects of a more general phenomenon. The results of a factor analysis are groups of variables. Factor analysis can be used to test a theory or model, but it can also be used to explore a dataset, without relying on theories or models, which is what I did. In that case, it is up to the research to interpret the meaning of the various variables grouped into a pattern; to interpret the more general phenomenon.[3]

The present analysis resulted in seven patterns.[4,5] It turned out that all patterns are correlated modestly but significantly with each other, except for the second pattern, Communication for Cooperation, which only correlates a little bit with the seventh pattern, Improper Reciprocity. This means that the experience of Communication for

Cooperation is independent of the experience of other patterns. It suggests that filmmakers' experiences are split between harmonious relationships full of reciprocal communication with the participant on the one hand (pattern 2) and more disturbed relationships with the participant on the other (patterns 1 and 3-5).

This prompted me to explore the patterns further, by conducting a higher order factor analysis. Higher order patterns are more general than lower order patterns. The technique takes the patterns of the first analysis as input variables and looks at their correlation. However, it is also possible to calculate the contribution of individual variables to higher order patterns and thus to interpret higher order patterns on the basis of individual variables.[6] The resulting patterns indicated a general division between communicative cooperation on the one hand and unsolved conflict on the other, with an uncooperative participant somewhere in between.

A second higher order analysis revealed two general patterns, one reflecting communication and cooperation to solve issues, and the other reflecting unsolved issues. Table 1 gives an overview of all patterns and a short description of each. It also includes the mean scores and standard deviations, calculated by taking the mean score of all participants, which in turn is calculated by taking the mean of the 0-6 scores on their variables.

The patterns in the upper part of the table, Communication for Cooperation, Filmmaker Mastery, Communication for the Film, and Communication for Filming, have higher means scores than the patterns in the middle and on the right side. Thus, taking into account the extent to which filmmakers reported experiencing these patterns of cooperation and conflict, dominant were filmmakers' efforts to cooperate with the participant with the interests of the film in mind, while relying on their professional position and abilities to get what they needed for the film. Conflict surfaced in various patterns and can be regarded as a relevant part of the experience, as a majority of filmmakers indicated experiencing such conflict, though to limited extents (percentages for 0.0 scores ranged between 1.9% and 26.6%, with one extreme at 42.4%; so most experienced some conflict at least).

I used variables about the participant, the filmmaker, and the project to investigate the extent to which such contextual variables could predict the experience of cooperation, opposition, and conflict. To do this, I used Multiple Regression.[7] For the patterns related to communication and cooperation, the most important predicting variables were the position of the participant in the project (as a single or one of a number of central participants), the budget of the project, and the duty to make the best film possible; for the patterns related to conflict these were cultural similarity, filming and editing time, the controversy of the content of the film, the willingness to meet financiers' wishes, the willingness to compromise depending on the interests at stake, and whether or not the filmmaker had had some philosophy and/or ethics education. However, the statistical calculations indicated that the predictive strength of such variables in general was very limited: they could only predict small differences between filmmakers and their relevance was therefore limited.

Table 1. Pattern labels, pattern definitions, means scores and standard deviations.

Initial patterns	Second order patterns	Third order patterns
Communication for Cooperation / Filmmaker and participant experience trust and understanding through ongoing communication. Mean 4.23; Standard Deviation 1.19	Communication for the Film Ongoing communication between filmmaker and participant is aimed at achieving the filmmaker's goals. Mean 3.91; Standard Deviation 1.42	Communication for Filming There is a participant opposition issue and the filmmaker tries to solve it. Mean 2.65; Standard Deviation 1.08
Filmmaker Mastery The filmmaker uses all means at her/his disposal as a filmmaker to achieve things. Mean 2.36; Standard Deviation 1.29		
Participant Opposition The participant is unwilling to co-operate with the filmmaker and at times counterproductive. Mean .87; Standard Deviation .84	Opposition to Disclosure The participant does not want certain scenes or events to be filmed. Mean .84; Standard Deviation .87	
Filmmaker Opposition The filmmaker behaves uncooperative toward the participant and is not aimed at solutions. Mean .69; Standard Deviation .78	Passive Conflict Passiveness and conflict dominate the filmmaker-participant relationship. Mean .99; Standard Deviation .78	Trivialized Harm There is an issue and the filmmaker does not try to solve it. Mean .71; Standard Deviation .92
Conflict on Representation Filmmaker and participant both cause damage by differences in understanding the participant as victim. Mean 1.07; Standard Deviation .91		

The perspective of participants: joy, learning, and self-presentation

Participants do not regularly get the opportunity to share their experiences of participating in a documentary film. Although more and more often they are invited as guests to film festivals to talk about their experiences and, sometimes seek the media to discuss their contribution or representation (see, for instance, Bowler, Browne, and Herbert, 2009, and Bradford and Hull, 2011), they are not common participants of the discourse surrounding documentary film. So, to study the perspective of documentary participants, I chose a qualitative method: semi structured-interviews, with ample opportunity for the respondents to talk as they preferred.

I interviewed four Dutch documentary participants: Alex, Ben, Chris, and Debby.[8] These respondents I found after consulting a number of Dutch documentary producers about suitable projects and participants. I interviewed them twice: once before or very soon after the premiere of the documentary film they were in, and again between four and six months later. I asked them to freely recount their

experiences of participating. I analysed their interview accounts by investigating what these respondents said about their experiences, with a focus on what was most salient in their accounts, rather than on answers to my questions. I also used concepts salient in the survey results as sensitizing concepts; examples include communication (patterns at the top of Table 1) and disclosure (patterns in the middle of the table).[9]

Alex, the first participants interviewed for this study, is a shopkeeper and also keeps animals. The documentary was about one of these animals. Alex's accounts about his documentary participant experience centred on the filming activities, his wish that some more funny scenes were included in the film, and his relaxed attitude toward media participation in general, but mostly on himself. He talked more about his animals and his daily activities than about the film he participated in, which reflects Alex's preoccupation with the present and his own daily activities. He had appeared in other media before and for him, being a participant in the documentary film was one event in a series of media experiences he enjoyed with his previous and current animals. Alex spoke very few evaluative words about the project, and mostly recounted anecdotes. This suggest that his experience as documentary participant was at the back of his mind and did not play an important role in his life any longer. Alex was focused on the future. For him, being in the documentary was fun, but it was time for new things. Alex did not recount any serious trouble with the filmmaker and that might be one reason why he has left the experience behind him. Also, Alex came across as a talkative person who likes a good conversation and likes to have fun with people. In short, Alex's account of his experience as documentary participant shows that even though he would have preferred a funnier film he liked the experience and enjoyed it. However, it was one media experience among others.

Ben, the second participant, is a nurse. He participated in a film about a political party and its leader, whom Ben supports. Ben's accounts centred around his evaluation of the film, his evaluation of the experience, the filmmaker, and himself. For Ben the experience was a learning experience as he learned about filmmaking as well as about himself. Ben recounted he worked well with the filmmaker, there was a basis of trust and anything could be discussed, despite their different opinions. Ben was critical about the film; he felt a specific scene was not truthful, and he experienced a lack of balance in the film, while the filmmaker had told him it would be balanced. He meant to discuss these issues with the filmmaker later. Ben was not critical about the filmmaker. During interviews for the film, Ben controlled his contribution both by refusing consent for filming, and by including specific material and utterances. He also tried to control his contribution by trying to extend his disclosure, by asking the filmmaker to include specific material. In addition, he was involved in making arrangements for filming, and contributed content of his own: he arranged for additional participants to film. His participation had some consequences for Ben at work, but seems to have served as a catalyst for existing tensions, rather than a problem in itself. Ben's relationship with the filmmaker changed after the film was finished: rather than filmmaker and participant they became friends, and, according to Ben, they both benefited from this friendship. Ben disregarded lingering issues he planned to discuss with the filmmaker later, prioritizing their friendship over unresolved issues concerning the film.

The third participant was Chris, an academic and writer, and friend of the filmmaker of the film he was in. Chris enjoyed participating in the documentary, which for him was in a sense a friendly turn. He appreciated the film very much, like he appreciated

the filmmaker–friend who made it, and her work in general. Despite his positive evaluation of the experience, there was one scene he was in he had doubts about, but the filmmaker convinced him there was no need to record it again. After watching a rough cut, he preferred to have a specific scene as the ending, but the filmmaker decided against it. Chris aligned himself with the filmmaker, both being creative practitioners, and this alliance included accepting the filmmaker's artistic decisions. Chris also made practical arrangements for the film: he arranged permission for filming at two locations.

Debby was the last participant interviewed for this study. She is an academic too, who, at the time of the interview, had recently finished her PhD thesis, a biography. The film was about the same person as the biography. Debby was approached as consultant for the film, but later became the main participant. Debby's account of her experience as documentary participant shows that for her, the experience was not uncomplicated. She was involved in the project as researcher of and thus expert on the topic; she understands her role in the film as researcher and academic. She recounted differences of opinion with the filmmaker from the start, as well as several interruptions in her cooperation with the filmmaker and the production team, most notably when she refused to phrase specific information in a way the filmmaker encouraged her to, but which in Debby's eyes was wrong, interrupted filming, and demanded time to conceive of a proper sentence of her own, which she was given. Worried about her representation, and consequently her image as academic, this was one of several efforts to safeguard that image she recounted. After she had watched the final a film, she was positive about her representation and the film in general, yet remained critical about some of the filmmaker's choices. She received many positive responses as well.

The analyses of the four accounts provided an understanding of the various experiences, which are characterised by joy, learning, and self-representation, as well as of participants' attitude toward the project and toward the interview. In respect of the various concepts relevant to documentary filmmaking and ethics, these case studies indicated a similar result to the survey: cooperation, communication, and trust dominate the experience, and conflict, including disagreement, different points of view, and conflict proper in the form of interruptions to the cooperation between filmmaker and participant, plays an important supporting role. All respondents disagreed with the filmmaker at some point and all tried to affect the project and safeguard their interests. In addition, the participants' accounts pointed to a variety of consequences of participating in a documentary project, both positive and negative.

Filmmakers and participants: an alternative documentary practice
The empirical results from the two studies provide an insight into the documentary filmmaking practice that challenges the practice as it is interpreted and evaluated in the documentary discourse at several points. They invite an alternative understanding of the documentary practice and the role of the participant in it.

The filmmaker survey showed a practice in which filmmakers and participants cooperate and communicate, and in which a limited amount of conflict, in the form of opposition by the participant, and conflict over her representation, is not uncommon. The participant case studies showed that participants can enjoy and learn from their participation, and at the same time be critical about the results: it matters to them. They might also get involved in production tasks for filming. Based

on the empirical findings, a practice surfaces in which the participant is actively involved in and committed to the project; in which conflict in a broad sense is a recurrent but non-decisive element of the filmmaker-participant relationship; and in which conflict is dispersed and local, related to individual scenes and utterances. In this practice, communication, trust, and commitment are the basis, and conflict is experienced occasionally. Communication, trust, and commitment thus function as a safety-net for conflict.

In short, this alternative practice might be described as follows. Filmmaker and participant cooperate in a project in which both are committed to make a compelling film and both weigh their interests against the interests of the other, and of the film. Although the filmmaker is in charge of the creative process, the participant controls her contribution by controlling her disclosure, and by reconsidering her consent. Mutual and continuous exchange of information, questions, and concerns, making conflict explicit, helps create an environment of trust in which such conflict can be negotiated safely, without detrimental consequences for the project.

Conclusion

The results of the empirical research projects discussed in this thesis merit a revision of the scholarly discussion of documentary filmmaking ethics. More specifically, they merit a paradigm-shift. The role of the participant can be conceived as that of a co-creator, partial though to her contribution; she controls her contribution and is involved in production tasks. The discussion about an ethics of documentary filmmaking must first of all include a participant as partial co-creator, committed and involved in the project. It must also include communication as a vehicle to carry filmmaker and participant co-creatorship, including facilitating the exchange of information, questions, and concerns, and the building and fostering of trust; and conflict as a means to negotiate and safeguard their respective interests.

Within the documentary project, for which cooperation is the point of departure, conflict exists in instances in which the participant challenges the authority of the filmmaker and exerts influence on the content of the film by refusing or promoting specific content. In this practice, different ethical questions surface. These questions do not primarily concern the need for the filmmaker to protect the participant from harm ensuing from her representation in a documentary film, but rather the negotiation of partial co-creatorship and of the respective interests of filmmaker and participant in the process of making the mutually desired compelling film.

Discussion

The questionnaire was designed for this specific survey and will surely be eligible for development and improvement. It was in English only, which has discouraged some invitees from completing it. The data it provided came from a very heterogeneous group of filmmakers; the factor analysis explained only 43% of the variance in the data, and the predictive power of contextual variables was limited. Possibly a more homogeneous group would provide more distinct results. Also, respondents can always give socially desirable answers, even when confidentiality is provided.

Given the limited number of participant cases, this alternative practice can be understood as a specific manifestation of the practice of author documentary filmmaking, where others might exist in addition. For this study, producers came up with potential participants, and thus might have prevented more controversial projects to be investigated. I used semi-structured interviews, but as data collection

through diaries and direct observation was not feasible for this project. Such methods would probably have yielded richer data, and it remains a challenge for the future to create an opportunity to research documentary projects this way.

Notes
[1] For a complete list, see Sanders (2010).
[2] For a more extensive text on this empirical study see Sanders (2012a, 2012b).
[3] For an extensive discussion of (Exploratory) Factor Analysis see Field (2005) and Tinsley and Tinsley (1987).
[4] A number of tests, steps, and related decisions are part of a factor analysis. Details are available from the author.
[5] For details on the variables included in each factor, see Sanders 2012a, 2012b.
[6] See Evans (1999), Gray (1997), and Wolff and Preising (2005) for details on Higher Order Factor Analysis.
[7] See Brace, Kemp, and Snelgar (2003) and Field (2005).
[8] The interviews took place on the basis of confidentiality, hence these names are not their real names.
[9] In addition, I considered how these four talked about their experiences. Relying on theories about active interviewing (Holstein and Gubrium, 1995), constructionism (Silverman, 2006), and deconstruction (Martin, 1990), I considered the way these participants said, or did not say things about their experiences, in an effort to better understand their perspective as well as their experience. However for the present argument, this deconstruction is less relevant, and I will not go into it. For a more extensive discussion, see Sanders (2012b).

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