Ultimately We Are All Outsiders: The Ethics of Documentary Filming

Calvin Pryluck

In one of the Ten Commandments, God enjoins us against making graven images. Some contemporary sects, like the Amish, take this injunction literally and consider it sinful to be photographed. There are primitive peoples who have never heard of our God and who feel the same way: the taking of a picture is the taking of a soul. On the other hand, it is less than a hundred years since George Eastman told us: "You push the button, we do the rest." A photograph—perhaps the ultimate graven image—is imbued with a kind of magic that leads children in the street to accost anyone with a camera and raucously cry: "Take my picture!" Perhaps more revealing is the latter-day greeting: "Smile! You're on Candid Camera."

So long as motion picture equipment remained cumbersome and created logistical problems, photographing and being photographed were calculated acts. Immortality lost and immortality gained were matters for theological and aesthetic speculation; the legal, ethical, and moral problems surrounding the two kinds of magic remained manageable. The problems remained almost containable when somebody figured out how to make money from actuality photographs of people making fools of themselves. It was easy to condemn "Candid Camera," with its cheap comedy based on the humiliation of ordinary human beings going about their private business.

With the development of lightweight equipment and the growth of an aesthetic of direct cinema, the ethical problem of the relationship of filmmakers to the people in their films became more amorphous. It is not quite so easy to condemn the work of men like Leacock, the Maysles brothers, and Wiseman. They have shown us aspects of our world that in other times would have been obscured from view; in this there is a gain. In the gain there is perhaps a loss.

Leacock summed up one goal of direct cinema: "To me, it's to find out some important aspect of our society by watching our society, by watching how things really happen as opposed to the social image that people hold about the way things are supposed to happen." While one can argue about whether we can ever know what *really* happens, inevitably in filming actuality, moments are recorded that the people being photographed might not wish to make widely public: adult citizens riding in a public bus are provoked into making hostile responses to high school students; a long unemployed worker gets rowdy drunk and has an altercation with the local police; a teacher who happens to wear thick corrective lenses is shown in an extreme close-up that emphasizes her heavy eyeglasses.

Many of the best-known people dealing with contemporary documentary film recognize the ethical problem as a perplexing one. These expressions of concern appear occasionally in film reviews and published interviews; rarely are remarks extended beyond the topic immediately at hand—a particular film or a particular filmmaker. Only occasionally is it pointed out that the apparent ethical lapses are recurrent, not isolated. More than morality is involved; ethical assumptions have aesthetic consequences, and aesthetic assumptions have ethical consequences.

These appear to be simple matters. So simple that to Mamber, in *Cinéma Vérité in America*, the whole issue of privacy in *cinéma vérité* "seems like a manufactured problem"; the solution is easy: "Provided that those being filmed give their consent, where is the immorality?" It may be that there is none. But it cannot be settled by fiat. Or by possibly inappropriate assumptions. Consent and privacy are too complex to be dismissed in a dozen words.

Consider the following: You are an old man, a clinic patient in a municipal hospital, terrifed that you may have cancer. While you are being examined there are strangers in the room with strange-looking equipment. Another stranger—a woman, a physician—is questioning you about the sores on your genitals and the condition of your urine. How valid would your consent be, even if one of the strangers tells you, as Wiseman does, "We just took your picture and it's going to be for a movie, it's going to be shown on television and maybe in theaters. . . . Do you have any objections?" Wiseman finds—as did Allen Funt of "Candid Camera"—that few people do object.

This is not surprising. The method of obtaining consent is stacked in the filmmaker's favor. The ethical problem raised by such approaches is that they give the potential subject no real choice: the initiative and momentum of the situation favor the filmmaker. The presence of the film crew with official sanction is subtly coercive. So is the form of the question, "Do you have any objections?"

The filming and the question are like the numerous rituals that are a prelude to receiving treatment in a clinic. There is duress in placing the onus of affirmative refusal on those who do not wish to participate in an activity that has nothing to do with medical treatment. So the picture gets taken, and damn the consequences.

Coercion takes many forms. For *Salesman*, the Maysles brothers followed salesmen on their rounds. All three of the visitors—the salesman carrying his sample case, Albert Maysles with his camera gear, David Maysles with microphone and recorder—would approach a door. A brief explanation would be offered. "That took me maybe thirty seconds," Albert said. "Most people at that point would then say they understood, even though perhaps they didn't. . . . Then when the filming was over . . . they would say, 'Tell me once more what this is all about,' and then we would explain and give them a release form which they would sign." In exchange, the subject would be given a dollar, "to make it legal."

In such situations, the film gear serves to intimidate the wary. Even government officials can be intimidated by something so simple as portable video equipment. A community organizer explained why she takes video equipment into meetings with officials: "The head of the welfare office is not going to be so quick to tell ten ladies to fuck off if they have all that shiny hardware along." If a bureaucrat is reluctant to make an ill-mannered response to ladies with all that shiny hardware, how likely is it that a householder will tell Al Maysles with his gear to get lost?

In actuality filming, the emphasis is on getting a legal release consenting to filming. Even Allen Funt can boast, "We get 997 out of every thousand releases without pressure." Other filmmakers recognize an ethical problem but are candidly cynical about an adversary relationship between themselves and their subjects. Some deny that there is a problem.

Al Maysles reported a conversation where Arthur Barron said, "Jesus, don't you sometimes get awfully disturbed that you might hurt somebody when you film, and don't you sometimes question the morality of what you're doing?" Maysles's response reveals his own stance: "I almost never feel that fear myself. . . . Arthur was saying, 'Aren't you afraid that you're exploiting people when you film them?' and that has never occurred to me as something to be afraid of."[1]

Despite his private fears, Barron has been outspokenly hostile to subjects; he has referred repeatedly to several cities that he "can forget about going back to." Barron described his approach in making arrangements for the production of *Sixteen in Webster Groves*: "I must say I wasn't totally honest in persuading the school board to let me do the film. There was, as in many films, a certain amount of conning and manipulation involved."

Marcel Ophuls is aware of the ethical problem: "As a filmmaker, you're always . . . exploiting. It's part of modern life." Ophuls finds personal "problems and depressions" in the professional exploitation of people's "great urge to communicate because of loneliness, because of insecurity, because of bottled-up complexes." Nevertheless, he explained, "my biggest problem was con-

vincing people to be interviewed. . . . If you have moderate gifts as a fast talker or diplomat, or if you appear moderately sincere, you should be able to get cooperation. . . . It's a con game to a certain extent."

The con during the shooting of *Marjoe* sounds like an excerpt from the life of Yellow Kid Weil or other confidence men. "There was no problem getting permission from the local ministers to shoot. Marjoe convinced them of the filmmakers' integrity. When questioned of their intent, the filmmakers replied that they were making a film about Marjoe and his experiences in the Pentacostal revival movement." This is the pattern of the classic con game. A confederate ingratiates himself with the mark, introduces other operators, and both use partial truths. At no time was it said that the film would show "Pentacostalist crowds who are exploited, demeaned, and manipulated." From the producer's viewpoint, "it was essential that Marjoe not blow his cover before the shooting was completed."

Regardless of whether consent is flawed on such grounds as intimidation or deceit, a fundamental ethical difficulty in direct cinema is that when we use people in a sequence we put them at risk without sufficiently informing them of potential hazards. We may not even know the hazards ourselves. Filmmakers cannot know which of their actions are apt to hurt other people; it is presumptuous of them to act as if they did.

With the best intentions in the world, filmmakers can only guess how the scenes they use will affect the lives of the people they have photographed; even a seemingly innocuous image may have meaning for the people involved that is obscure to the filmmaker.

In the sixties, the National Film Board of Canada made films that were intended as sympathetic portrayals of what it was like to be poor. *The Things I Cannot Change* and *September 5 at Saint-Henri* were both direct-cinema documentaries, and both turned out badly for the people depicted. They felt debased and humiliated; they were mocked by their neighbors; one family felt forced to remove its children from the local schools.

Cultures other than our own are not the only ones that pose problems for filmmakers and their subjects. Even renditions of cultures and life-styles we think we know something about are filled with pitfalls for the people involved.

Ultimately, we are all outsiders in the lives of others. We can take our gear and go home; they have to continue their lives where they are. The criticism—deserved or not—directed toward the Loud family following their appearance as *An American Family* is too well known to bear repeating. Earlier, CBS featured one particular family in a study of an upper-middle-class suburb of Detroit. Whatever the family's faults and virtues, they were used—exploited, if you will—for purposes not their own. As a result of their participation they became the center of a community controversy that included letters to the editor describing the family as "shallow, materialistic social climbers." I don't

know how long this kind of thing continued, but can their lives be the same as before they allowed CBS to use them in a film?

These kinds of family misfortunes are notorious examples of the consequence of appearing in a documentary. The results of sequences in other documentaries are less widely publicized, yet one can speculate about them. One can wonder how the teacher in *High School* feels about herself since seeing her bottle-thick eyeglass lenses larger than life on the screen.

The climax of Leacock's film *Happy Mother's Day* is a community celebration in honor of quintuplets born in Aberdeen, South Dakota. In the film there is a scene of the mayor making a speech that one critic has described as "incredibly ludicrous" and another termed "an extraordinarily inflated speech." One can wonder how the mayor felt when he saw himself saying, "Never in the history of the United States has a city official had such a great responsibility." How did his friends and neighbors feel? We already know how some critics felt. Is the good opinion of strangers to be less valued?

The mayor's speech was a public event; in direct cinema, the private scenes are perhaps more problematic. Mamber has described as the more revealing moments in Drew Associates films those where "the subject is stripped of his defenses as a result of failing in some way." He cites as "truly a fulfilling moment" the scene in *On the Pole* when, after losing the Indianapolis 500 Eddie Sachs "shows himself being afraid to show disappointment, trying to act 'natural' but not being sure what natural means in terms of the image he wants to present of himself."

The Maysles brothers' film *Salesman* follows the experiences of Paul Brennan and three colleagues as they travel around selling Bibles. In the last scene according to Mamber, "the presence of the camera appears to make Paul even more acutely aware of his failure, threatening to expose feelings he might prefer to keep hidden."

Mamber's judgment on these two sequences highlights a central ethical problem in direct cinema as currently practiced. In both scenes we are dealing not with the relationship of men with others, but with themselves. They may have agreed to serve as subjects for the films, but a waiver of privacy is not absolute.

The right to privacy is the right to decide how much, to whom, and when disclosures about one's self are to be made. There are some topics that one discusses with confidants; other thoughts are not disclosed to anyone; finally there are those private things that one is unwilling to consider even in the most private moments. When we break down the defenses of a Paul Brennan or an Eddie Sachs and force them to disclose feelings they might prefer to keep hidden, we are tampering with a fundamental human right. And making the disclosures widely public only compounds the difficulty. The coerced public revelations of private moments is one of the things that make "Candid Camera" so clearly objectionable.

If this week, or next week, or the week after were all there was, the privacy problem might be balanced by the greater good done by the increase in society's understanding. But actuality footage harbors dormant potential for mischief. Pat Loud, speaking of the effect on the children, speculated: "Twenty years from now, somebody will be knocking on their door saying, 'How [*sic*] was it like to be a member of *An American Family*?' They may never be able to live it down, or get away from it."

A homey example that has touched just about everyone past a certain age is the pictures of naked babies on bearskin rugs that parents used to have taken. To others the snapshot might be cute, charming, and delightful; to the now grown-up subject the picture might be something else. Does the adult who grew from the infant child have no rights, simply because the image exists?

Thanks to *Marjoe*, the ticking-bomb effect can be seen as more than just speculation. In the film there is a newsreel sequence of four-year-old Marjoe performing a marriage ceremony for a couple, described by one critic as "a nervous red-faced sailor and his heartbreakingly ugly bride." This was a questionable sequence twenty-five years ago; something other than the right to know is involved today. What Marjoe does to himself is his business. But do he and his associates have a right to implicate others in their affairs by resurrecting for selfish purposes tasteless footage? How far into the future may an individual waiver of privacy reach? What are the ethics of once again exposing to public scrutiny the now middle-aged "heartbreakingly ugly bride" in a perhaps aberrant moment?

The known and unknown hazards posed by direct cinema suggest the necessity for extreme caution on the part of filmmakers in dealing with potential infringements on the rights of subjects. While assenting to the serious intention of an aesthetic of direct cinema, one can wonder about the dignity, respect, and pride of the people in the films. Even a partial list of films that have been criticized on ethical grounds reads like a list of the important documentaries of the recent past. Are we asking sacrifices on one side for a positive good on the other? What is the boundary between society's right to know and the individual's right to be free of humiliation, shame, and indignity?

This is not completely uncharted ground; while the problems may be unique to our era, they are not unique to documentary filming or sound recording. The ethical problems of the conjunction of the search for knowledge, new technology, and individual integrity have been extensively considered in the fields of medicine and the social sciences. In many ways, scientists are distinct from filmmakers, yet in their own way they all search for their version of truth. In one important respect the ethical problems of actuality-filmmakers are identical to those faced by research physicians, sociologists, psychologists, and so on: scientific experiments and direct cinema depend for their success on subjects who have little or nothing to gain from participation.

The use of people for our advantage is an ethically questionable undertaking; in its extreme it is exploitation in the literal sense. In documentary filming as in scientific research such exploitation is justified through claims of society's interest in advancing knowledge. This is Wiseman's explicit rationale. Because the films he has made "are about public, tax-supported institutions," Wiseman said, "they are protected under the First Amendment, and the right of the public to know supersedes any right to privacy in a legal sense."

This kind of argument is based on ethical assumptions of an earlier era. If the aesthetic assumptions of documentary have changed, can it be merely stipulated that the ethical relationships remain unchanged? Is there no difference in ethical relationships when the camera is free to peer into every obscure corner in contrast to an earlier time when events had to be consciously performed in front of the camera? Or when the only means of reporting was through word pictures?

Privacy is only part of the counterclaim to society's right to knowledge. In our society there is a profound social respect for the right to decide for oneself how to live one's life.

The right of privacy is part of this broader right of personality, which includes the right to be free of harassment, humiliation, shame, and indignity. For reasons that reach to its core, actuality filming poses a threat of more serious infringement on the rights of personality, than does either traditional documentary production or verbal reports. Staged performances are no threat at all, since the right of self-expression is one of the personality rights. However, lightweight equipment makes endemic the kind of hidden camera and grabshots that were questionable even in traditional documentary.

When using words, private matters can be kept private unless there is an overriding social interest in making the information public. Private information is typically disguised to the largest extent possible to preclude identification of individuals. The confidentiality that can be maintained when using words obviously contradicts the whole idea of direct cinema. And the impossibility of anonymity renders questionable any print-based assumption about the balance between privacy and the right to know.

Society's dual interest in further knowledge and in protection of personality can be seen as complementary; neither means much without the other. An attempt needs to be made to balance these two equally important claims; one mechanism through which balance is maintained is the requirement for consent.

Consent is far from a simple matter; consent, privacy, and related issues have generated extensive discussions in medicine and social science. There is no reason to think that consent is any less complex in film than in science, since both depend on the collaboration of individuals who are not otherwise involved in the enterprise.

In the scientific literature, there is wide consensus that consent is not valid unless it was made (1) under conditions that were free of coercion and deception,

(2) with full knowledge of the procedure and anticipated effects, (3) by someone competent to consent. The requirement that consent be truly voluntary is a recognition of the fact that there is typically an unequal power relationship between investigators and subjects; the disproportion of status and sophistication is subtly coercive. It is probably not by accident that large numbers of participants in medical experiments are prisoners and otherwise indigent. In the first place, they are available in prisons and charity wards. As dependents of the state they are (or think they are—which amounts to the same thing) in a weak position to refuse to cooperate. Margaret Mead stated the case bluntly: "The more powerless the subject is, per se, the more the question of ethics—and power—is raised."

The act of volunteering presumes that one knows what is being volunteered for; subjects must be informed about the procedures and possible effects. Considerable argument has developed over what constitutes "informed consent," but one point is clear. *Consent is flawed when obtained by the omission of any fact that might influence the giving or withholding of permission.* The decision to participate is the subject's absolute right; no one may take it away by the manner in which the question is asked or the circumstances explained or not explained.

A third component of voluntary informed consent—competency to consent—is also shrouded in complexity. By law, a child is not competent to consent; approval must be given by a parent or guardian. Where the child has an interest in the contemplated procedure, this is a reasonable requirement. Presumably, the adult will consider the child's best interest in making important decisions. There are, however, sometimes conflicts between the interests of parents and those of minor children; in these cases an impartial decision may be sought from the courts.

The ethical status of responsible consent becomes obscure where what is being agreed to is only marginally for the benefit of the minor child—as is the case in nontherapeutic research. It can be argued that a child's integrity is infringed when a parent or guardian makes these decisions without considering the child's wishes. A minor has rights, the argument goes, and these rights cannot be waived by anyone else.

A similar kind of argument in an ethically even more murky area involves the question of who is competent to give consent for institutionalized subjects such as prisoners or mental retardates. The officials of the institutions are in many cases the legal guardians of their charges. Yet it is clear that in some situations there could be a conflict between the interests of the guardians and the interests of the individuals they are responsible for. This ethical dilemma underlies the difficulties of *Titicut Follies* in the courts of Massachusetts.

The officials of the hospital where the film was made may have had selfish reasons to prevent their practices from becoming public knowledge. At the same time, Wiseman was not exactly a disinterested party when he sought to make the film. Caught between these two interests, the legitimate interests of the patients were lost.

The basic point of the restrictions around voluntary informed consent in medical and social research is the protection of the physical and psychic well-being of the subjects. Extending the general ideas around consent, there are specific propositions and practices that are particularly germane to actuality filming. A basic postulate in social research is that subjects should not be humiliated by the experience; they should not leave the experiment with lowered self-esteem and social respect. The ethical sense of this postulate is violated with regularity in actuality filming, sometimes consciously, sometimes innocently.

A Vietnamese peasant understood this when he said, "First they bomb as much as they please, then they film it." Peter Davis, director of *Hearts and Minds*, understood when he commented, "The second confrontation of Vietnamese with American technology is only slightly less humiliating than the first."

On the assumption that no one can know a culture as well as its members, it is a practice in the social sciences for investigators to state their understanding in their own words and check these formulations with members of the culture. The information-gathering process thus becomes a collaborative seeking after knowledge on the part of scientists and their subjects. It is not unusual for this process to continue through to the final draft to permit subjects second thoughts about the propriety of disclosing certain private information.

If all of this sounds familiar, it should. It stretches back to Flaherty and the Eskimos: "My work," Flaherty said later, "had been built up along with them. I couldn't have done anything without them. In the end it is all a question of human relationships."

The idea of the subject participating in the creative process past the actual shooting stage is not completely unknown in direct cinema. Often, however, this follows from a simple dictum: Respect flows to power. Levine had veto right over *Showman*, as did John Lennon over *Sweet Toronto*, as did Queen Elizabeth over *Royal Family*.

On the evidence, I am forced to wonder whether less-powerful personages than Joe Levine, John Lennon, and Queen Elizabeth would have been given the same assurances. The more common stance seems to be an extension of the adversary approach that emphasizes the filmmaker's exclusive control over the film.

Barron is on record that he would never show rushes to subjects "unless I wanted to incorporate them into the film." The production group of *An American Family* was willing to eliminate some objectionable material, yet Pat Loud has a long list of alleged distortions. "The thrust of the film was their decision, and they were adamant about that."

In his defense, Craig Gilbert, producer of *An American Family*, made the point that "eight reasonably intelligent, compassionate, caring people reviewed the footage to make the film an accurate, compassionate, and unbiased portrayal of the family." Maybe. A skeptic can ask, though, what happened to the seven reasonably intelligent, compassionate, caring people who were the most important collaborators—the subjects of the film.

Marcel Ophuls mocks the whole idea of collaboration. "During these discussions [of ethics], the idea seems to come up that in documentary films there's some sort of participatory democracy—that the fair thing to do, the only really decent thing to do, is to have the people you have used look at the rushes and then decide collectively what should be used."

It is a charming vision—all those people seated around a Steenbeck trying to decide what shot comes next. But that's not the way it works. Typically, the filmmaker starts the cut and carries it through. In the traditional approach, the people in the film are presented with a completed film.

In a collaborative approach to editing, the participants have an opportunity to offer their interpretations of the material before the form of the film is irrevocably set. George Stoney has done this for years. At various stages in his editing, Stoney shows a copy of his workprint to the people in the film and anyone else who might be able to contribute some insight. All of this feeds back into subsequent editing.

Perhaps because he is a social scientist, Jean Rouch follows the social science practice of showing his material to the people he is working with. Sometimes, as in *Chronique d'un été*, these showings serve as impetus for further filming, but unlike Barron, this is not why Rouch shows his films. Rouch is emphatic on this point: "The great lesson of Flaherty and *Nanook* is to always show your films to the people who were in it. That's the exact opposite of the ideas of Maysles and Leacock."

Other filmmakers have used variations of the collaborative approach. In the making of *Asylum*, a film about an R. D. Laing therapeutic community, provisional consent was obtained before filming. The original twenty hours of rushes were cut to a four-hour version. Final consent was obtained on the basis of this version of what would be included in the final ninety-minute film. It was perhaps Laing's influence, but the schizophrenics in his care were accorded the dignity of deciding for themselves how they wanted to be presented on the screen.

Canadian critic Patrick Watson summed up the filmmaker's antipathy to collaboration in editing: "Ceding authority over the edit is revolutionary; it requires a curious submission of the director's ego." Yet, established filmmakers like Colin Low and Fernand Dansereau do not feel threatened by the collaboration of their subjects in the editing process.

Dansereau has described how the process worked in the National Film Board of Canada production of one of "his" films. *Saint-Jerome* is a study

of the way in which people and institutions in the small town of that name behave in periods of rapid change. At the outset, in contrast to current practice for many filmmakers, Dansereau made a pledge to the less powerful that was not extended to the more powerful. Ordinary citizens—but not politicians—received assurance that they would have control over the final product.

In the process of successive screenings of rushes and workprint, there was an interplay between filmmaker and participants—each trying to put meaning to the experience. After "considerable stirring up of ideas and emotions . . . the two approaches coincided and grew together, and the film was accepted without difficulty." When the local Chamber of Commerce tried to restrict showings of *Saint-Jerome*, the major community organizations defended the film.

Dansereau was not degraded by the collaboration; quite the opposite: "I can feel within me, infinitely stronger and more durable than that from either critics or any anonymous public, the recognition of the people with whom we lived. It is they, finally, who assure me of my functions as an artist."

Filmmakers who insist on sole control of a film overlook a crucial point about the nature of actuality filming. They are using assumptions that are only questionably appropriate to the situation. Although actuality may be used as inspiration in other art forms, such as painting and writing, these creations are solely the result of the artist's activity. No one mistakes *Moby Dick* for anything but an interpretation by Melville. No one criticizes the behavior of the people in a painting by Hieronymous Bosch. The words of Tom Wolfe (either one) are inevitably and uniquely his, regardless of the source of inspiration.

The situation in fiction film and old-style documentaries is not exactly the same as in other art forms, but the characters are instrumentalities of the creators. They would not exist except for the lines written for them, the actions prescribed for them by the writer and the director. The romantic assumptions about artistic control and self-expression are appropriate to these conditions.

None of this is true for direct cinema. It would not exist without the uniquely personal speech and lines made available by the people being depicted. A direct-cinema film is irreducibly the product of the personalities of the subjects as refracted through the personality of the filmmaker; this strength of direct cinema is vitiated when filmmakers insist instead on imposing their own personalities. Since filmmaker and subject are embarked on a collaboration from the moment of conception, romantic aesthetic assumptions are inappropriate.

The logic of complete collaboration is the logic of direct cinema. If one is serious about using direct cinema to make valid statements about people, then collaboration should be welcome. The subjects know more than any outsider can about what is on the screen. Without the insider's understanding, the material could be distorted in the editing process by the outsider.

It makes a difference, for instance, in the scene with Eddie Sachs whether he is struggling to maintain his self-image or whether, as Leacock claims, "Eddie is just damn well pleased to be alive." If Leacock is right, but the

audience is led by the editing to believe otherwise, then the audience is being deceived just as if the scene were staged altogether.

It turns out that the ethical problem is also an aesthetic one. The tension between filmmaker and subject can be creative or destructive. It is likely to be destructive when filmmakers try to make new ethical facts conform to inappropriate aesthetic assumptions. We are then all demeaned: filmmakers, subject, and the audience. The new assumptions that have begun to be sketched, notably by Marcorelles in *Living Cinema*, recognize that both filmmaker and subject have unique contributions to make to the creative process of direct cinema.

Collaboration obviously discharges one ethical responsibility. When others supply themselves as characters telling their own story, filmmakers incur an obligation not to deform the subject's persona for selfish motives. Collaboration fulfills the basic ethical requirement for control of one's own personality. If the mayor has no objection to showing his speech, I can have none.

Things get complicated if the mayor changes his mind after the film is in release. Obviously, a filmmaker's commitment to a subject cannot be open-ended. It need not be. There is less basis for grievance if subjects actually collaborate in the editing while the film is still being worked on than if they had merely been offered a final print for approval. However, some subjects do not realize that they make easy targets, or during the editorial screenings they become so entranced with their images that they are unable to consider the implications of the persona on the screen.

The filmmaker's best guess on the potential effects of the film and particular scenes must be part of truly informed consent. A simple human principle can be invoked here: Those least able to protect themselves require the greatest protection. In the extreme, utter helplessness demands utter protection.

When Dansereau yielded control over the final print to ordinary citizens but not to politicians, he was following a general policy at the National Film Board of Canada. The tendency there in recent years has been to give more power over a film to those who were vulnerable and could suffer as a result of being filmed. Those who can defend themselves—whether politicians or celebrities—are offered little or no control over the final product.

Such a practice, of course, makes it more difficult to obtain permission to film celebrities, but it might result in more revealing portrayals. Otherwise the agreement of celebrities to appear in a film becomes one more business enterprise like any other personal appearance; when such a venture suffers a reverse, filmmakers have no special claim to attention.

If subjects by their own actions have abrogated a claim to humane consideration, then filmmakers have little ethical responsibility toward them. It is not always easy to know when deceit is ethically acceptable. "Candid Camera" is probably indefensible even if permission is subsequently sought and granted; World War II resistance cameramen had no ethical obligations toward those

who had placed themselves outside of the filmmaker's moral community. Between the extremes we must each make our own judgments.

Caution is required. Unless the judgment is clearly motivated and justifiable, it is easy to slip into narrow prejudice against Pentacostalists, homosexuals, or upper-middle-class families. Perhaps as an emotional guide, filming should be considered like any other human relationship; is the filming practice something that would be done in a private social context?

Collaboration does not solve all of the ethical problems raised by the new possibilities of actuality filming. Still to be detailed on some other occasion are the implications stemming from the critical fact that different people make different interpretations of the things they see in films. What is the ethical situation where only a few people perceive an ethical violation? Does the situation change when a basically honest interpretation is possible despite a blatant ethical violation? An obvious part of the answer is that people start from different ethical premises. Beyond this the questions are even trickier than questions of ethical conduct.

My own incompletely worked out feelings tell me that once standards of conduct are accepted, their application is more or less objective; yet it is not always easy to know from a film when standards have been properly applied. Even though what appears on the screen must be the central evidence, an infringement is not mitigated because it is overlooked by some part of an audience. Any other position trivializes an ethical discussion. Where audience acceptance is the only criterion, the end justifies the means—ethical considerations are irrelevant.

We are not quite at a standoff between the subjective component of interpretation and the objective nature of violations of accepted standards. As we make explicit our ethical standards there will be a greater sensitivity to ethical violations, and determination of deviations will become more objective. We will then be able to discuss more rationally whether the social gain outweighs the individual loss.

Where there is still a split judgment on ethical violations we may have to go outside of the internal evidence of the film; suspicion of a violation might have to be resolved on the basis of external evidence. A related possibility is that scrupulously ethical productions will begin to recognize—in the filming and the film—that the production crew is in social interaction with its subjects. Wiseman, for instance, claims to record on film his request for consent. If the audience had these available, we would be better able to judge the degree to which unequal power influenced the agreement to appear in the film.

Discussion of ethical issues will not by itself solve the problems; it may remind us of their existence and perhaps lead to a more fruitful relationship between filmmaker, subject, and audience. Application of these ideas in actuality filming would not always be easy, but some guidelines are needed if we are to avoid cynical exploitation.

The acrimony surrounding a controversial film may be good for the box office; it is sometimes of questionable value for art. The hustlers among us will make increasingly bizarre films for the sake of controversy. In the whirlwind, the more thoughtful and profound films will be lost.

In the end, since the dignity of others is best protected by a well-informed conscience, sober consideration of our ethical obligations may serve to impress all of us—beginner and old pro—with the power we carry around when we pick up a camera.

Note

1. In a subsequent interview, Al explained what he meant: "It's so hard for me to imagine that what I'm doing might hurt people in any way because I'm not imposing any kind of thing on what they're doing" (Calvin Pryluck, "Seeking to Take the Longest Journey: A Conversation with Albert Maysles," *Journal of the University Film Association* 28 [Spring 1976]: 14).

Notes on Sources

The basic sources for the material on documentary practices were G. Roy Levin, *Documentary Explorations* (Garden City, N.Y.: Doubleday, 1971), and Alan Rosenthal, *The New Documentary in Action* (Berkeley and Los Angeles: University of California Press, 1971). The basic sources for the discussion of scientific practices were Paul A. Freund, ed., *Experimentation with Human Subjects* (New York: Braziller, 1970), and Freund, ed., *Experiments and Research with Humans: Values in Conflict*, Academy Forum no. 3 (Washington, D.C.: National Academy of Sciences, 1975). Material on right of personality is from O. M. Reubhausen and O. G. Brim, Jr., "Privacy and Behavioral Research," *Columbia Law Review* 65 (1965): 1184–1211; a classic, and still valuable, discussion is Roscoe Pound, "Interests of Personality," *Harvard Law Review* 28 (1915): 343–65 and 445–56.

Additional material on direct cinema and *cinéma vérité* includes: Stephen Mamber, *Cinéma Vérité in America* (Cambridge, Mass.: MIT Press, 1974); Stephen Mamber, "*Cinéma Vérité* in America," *Screen* 13 (Fall 1972); and Louis Marcorelles, *Living Cinéma* (New York: Praeger, 1973).

The material on the National Film Board of Canada and community organization is from *Challenge for Change Newsletter*, no. 7 (Winter 1971/72) and no. 1 (Winter 1968/69), and Patrick Watson, "Challenge for Change," *Artscanada*, April 1970. The second Wiseman quote is from Janet Handelman, "An Interview with Frederick Wiseman," *Film Library Quarterly* 3 (Summer 1970). The Flaherty quote is from "Robert Flaherty Talking," in *The Cinema 1950*, ed. Roger Manvell (Harmondsworth, Eng.: Penguin, 1950).

Further material about specific filmmakers came from individual interviews. Those from *Film Comment* include: Maxine Haleff, "The Maysles Brothers and 'Direct Cinema' " 2 (Spring 1964); James Blue, "One Man's Truth: An Interview with Richard Leacock" 3 (Spring 1965); Arthur Barron, "The Intensification of Reality" 6 (Spring 1970); Harrison Engle, "Hidden Cameras and Human Behavior: An Interview with Allen Funt" 3 (Fall 1965); and Melinda Ward, "Interview with Pat Loud" 9 (Nov.–Dec. 1973). See also Pat Loud, *A Woman's Story* (New York: Bantam, 1974). Interviews in *Filmmaker's Newsletter* include: Bruce Berman, "The Making of *Hearts and Minds*: An Interview with Peter Davis" 8 (April 1975); Betty Jeffries Demby, "A Discussion with Marcel Ophuls" 6 (Dec. 1972); and Steven T. Glanz, "Marjoe" 6 (Nov. 1972). See also "Hollow Holiness," *Time*, Aug. 14, 1972, p. 45, and Thomas Meehan, "Portrait of the Con Artist as a Young Man," *Saturday Review*, Aug. 26, 1972, p. 67.

The Tradition of the Victim in Griersonian Documentary

Brian Winston

*You know, this film [*Children at School*] was made in 1937. The other thing is that this film shows up the appalling conditions in the schools in Britain in 1937, which are identical with the ones which came out on the television the night before last: overcrowded classes, schoolrooms falling down, and so on. It's the same story. That is really terrible, isn't it?*

Interview with Basil Wright, 1974

I

A. J. Liebling once remarked that it was difficult for the cub reporter to remember that his or her great story was somebody else's disastrous fire. Much the same could be said of the impulse to social amelioration, which is a central element in Grierson's rhetoric and which, therefore, has become over this past half-century a major part of the great documentary tradition. Documentary found its subject in the first decade of sound, and by the late thirties the now-familiar parade of those of the disadvantaged whose deviance was sufficiently interesting to attract and hold our attention had been established. It was not yet dominant, and the war was to distract from its importance, but it was there. Each successive generation of socially concerned filmmakers since the war has found in housing and education, labor and nutrition, health and welfare, an unflagging source material. For the most prestigious publicly funded documentarist as well as the least effective of local news teams, the victim of society is ready and waiting to be the media's "victim" too.

This "victim," however, does not figure much in the theoretical or public discussion of documentary. There, an agenda has been set which concentrates