

Minerva Access is the Institutional Repository of The University of Melbourne

Author/s:

Thomas, Stephen Richard

Title:

Hope: towards an ethical framework of collaborative practice in documentary filmmaking

Date:

2010

Citation:

Thomas, S. R. (2010). Hope: towards an ethical framework of collaborative practice in documentary filmmaking. Masters Research thesis, School of Film and Television, Faculty of the Victorian College of the Arts and Music, The University of Melbourne.

Persistent Link:

<https://hdl.handle.net/11343/36279>

Terms and Conditions:

Terms and Conditions: Copyright in works deposited in Minerva Access is retained by the copyright owner. The work may not be altered without permission from the copyright owner. Readers may only download, print and save electronic copies of whole works for their own personal non-commercial use. Any use that exceeds these limits requires permission from the copyright owner. Attribution is essential when quoting or paraphrasing from these works.

Produced on Archival Quality Paper

***Hope* – Towards an ethical framework of
collaborative practice in documentary filmmaking.**

Stephen Thomas

Submitted in total fulfilment of the requirements of the degree of
Master of Film and Television (Documentary) (by Research)

December 2010

School of Film and Television,
Faculty of the Victorian College of the Arts and Music,
The University of Melbourne.

Abstract

There appears to be a renewed interest in the ethics of documentary filmmaking among academics and writers in Australia and elsewhere. It is also clear from my own and other documentary makers' experience that not only are ethical decisions in our daily work of great importance and concern but that the contemporary filmmaking environment, greatly influenced as it is by the needs and demands of the television broadcasters, can militate against ethical behaviour by filmmakers, not least in their relationships with the participants in their films. The increasing 'production line' nature of the industry and inherent contradictions between formal release forms and the need for filmmakers to establish trust are just two of the factors at play here.

This thesis begins with an examination of these and other developments in the Australian industry that are tending to undermine the work of so-called 'independent' filmmakers. I reflect on my experience in making commissioned documentaries and, in light of a lack of ethical guidelines available to documentary filmmakers other than the editorial codes applicable to current affairs and journalism and protocols for working with indigenous communities, I compare this with the importance attached in the field of narrative therapy, for example, to ethical protocols dealing with transparency, reflexivity and the power relationship between 'researcher and researched'.

It has been pointed out by Brian Winston and others that the key to ethical documentary making lies in the relationship between filmmaker and participant, and that generally filmmakers are left to work out for themselves what this means (Winston 1995, p. 240; 2008, p. 252). My own response has been to develop a model of collaborative filmmaking that seeks to equalise the power imbalance between filmmaker and participant and encourage the active participation and self-advocacy of the latter. In this thesis I examine this model and its characteristics using my recent documentary *Hope* as a case study. This film was made largely outside of the film industry 'system' and therefore without the constraints often imposed by broadcasters or industry bodies.

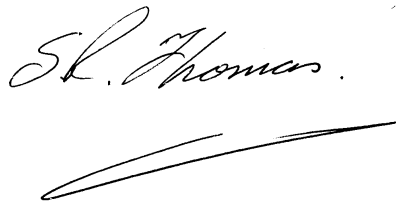
Having posited the principles behind an ethical, collaborative approach I examine how its adoption worked out in practice during the making of *Hope*, which, although ostensibly a simple documentary about one person's life, threw up difficult ethical dilemmas, as all documentaries tend to do. I explore how some of these dilemmas were resolved in a collaborative context and how such an approach provides space to the participant to contribute in shaping the resulting film. The influence of this approach on aesthetics is also explored.

In conclusion I draw attention to the wider implications of a collaborative approach for the relationships between filmmakers and the industry they serve and note that irrespective of how we approach the filmmaking endeavour, in the end we are faced with the ongoing re-examination of our own ethical values as well as those of the industry bodies we deal with. It is to be hoped that this empirical exploration of ethics through a collaborative approach to documentary practice will stimulate further debate, not just among academics and writers but throughout the documentary community at large.

Declaration

This is to certify that:

- (i) the thesis comprises only my original work towards the Masters except where indicated,
- (ii) due acknowledgement has been made in the text to all other material used,
- (iii) the thesis is 26,113 words in length, inclusive of footnotes, but exclusive of tables, maps, bibliographies and appendices.

A handwritten signature in cursive script, reading "S.R. Thomas". Below the signature is a long, horizontal, slightly wavy line.

.....
(Signature of candidate)

Acknowledgements

I would like to thank Dr Lachlan MacDowall, Coordinator of Graduate Studies and Research in the Centre for Cultural Partnerships and the Community Cultural Development program at the former Victorian College of the Arts (now the Faculty of the VCA and Music, University of Melbourne) for generously agreeing to supervise the writing of this thesis. His perceptive engagement with the subject matter, knowledge of graduate research and all round encouragement has been invaluable.

Regarding *Hope*, the documentary film that provides a case study for this thesis, I acknowledge the role of my fellow producer and long-time mentor Sue Brooks, whose support, counsel and continual interrogation of what I was doing was crucial throughout the filmmaking process.

Hope itself would not have seen the light of day without the generous and enthusiastic participation of the late Amal Hassan Basry, whose story the film tells, and her family in Australia and Iraq. Thanks particularly to Abbas, Ahmed and Amjed.

For many years my own family has not just tolerated my proclivity towards documentary filmmaking but actively encouraged and supported it. Writing this thesis has been an extension of that compulsion and just as demanding. Thanks to Anne, Helen, Danny and Sinead. My appreciation also goes to Sue Brooks and Helen Thomas for giving feedback on this thesis.

Finally, to my former students and colleagues at the VCA, to all the participants in the films I have made, and to the documentary filmmaking community at large – thanks for providing the stimulation to think further about the thorny but important subject of documentary ethics.

Table of Contents

Abstract.....	i
Declaration.....	iii
Acknowledgements	iv
Table of Contents	v
Introduction.....	1
The aim of this thesis.....	1
An overview of the thesis	2
Chapter One – The Relationship Between Documentary Practice and Ethics	4
External factors in the film and TV industry	4
The development of my documentary practice.....	7
Early Influences.....	7
Wider Consequences	8
<i>Least Said, Soonest Mended</i>	10
<i>Family Foibles</i> and <i>Welcome to Woomera</i>	12
The beginning of <i>Hope</i>	15
<i>Hope</i> as a model for my documentary practice.....	16
Chapter Two – Documentary Ethics and Collaboration	18
The responsibilities of documentary makers	18
Informed consent and duty of care	19

Privacy and confidentiality	24
Ownership and Benefits.....	25
Codes of conduct.....	26
Indigenous protocols.....	28
A relevant ethical framework outside of filmmaking	29
Reflexivity	31
The nature of the relationship between documentary filmmaker and participant	33
The role of trust	36
The right of veto	36
Collaboration.....	37
Conclusion	39
Chapter Three – <i>Hope</i> as a Collaborative Documentary.....	40
A collaborative framework	40
The characteristics of a collaborative approach	40
Participant motivation and active collaboration.....	42
The nature of the contract	43
Ownership of copyright	44
Giving space to the participant	44
Amal’s ‘music video clip’	46
Collaboration, power and subjectivity	47
Ethical dilemmas in the making of <i>Hope</i>	49

The issue of payment.....	49
The documentary as judge and jury.....	50
A right of veto?.....	52
The problem of freezing participants' lives	52
Returning to Indonesia.....	53
Collaborating with subterfuge?	55
Dealing with Amal's declining health	56
The role of the cinematographer and choice of crew	58
Amal's death	59
Dealing with cultural issues	60
Ethical dilemmas and aesthetics	61
Broken English.....	61
The options of using archival material or dramatic re-creations.....	62
The use of Kate Durham's paintings as a visual motif.....	63
The Editing Process & Beyond.....	64
Editing	65
Dealing with time	65
Narration and reflexivity.....	65
Other moments of reflexivity in <i>Hope</i>	67
Serendipity	67
Consultation	69

Family consultation	70
Community consultation.....	71
Wider consultation.....	71
Into the Future.....	72
Conclusion	73
Benefits for the participant.....	73
Conclusion	75
What I have sought to do in this thesis.....	75
Implications for filmmaking practice	75
References.....	79
Filmography.....	83
Appendix One: Example of a Standard Release Form.....	85
Appendix Two: Letter of Agreement with Amal.....	86
Appendix Three: <i>Hope</i> DVD (ATTACHED).....	87

Introduction

The aim of this thesis

Documentary makers continually struggle with questions of ethics because their work involves opening up the lives of real people to public scrutiny, and yet little by way of useful ethical guidance is provided to documentary practitioners in the film and television industry (for example, see Donovan 2006, p. 50). Moreover, my experience and that of other filmmakers, discussed in this thesis, indicates that the current documentary commissioning and production mechanisms in Australia may deter documentary makers from acting ethically, in the best interests of their films and the participants in them.

Documentary makers are first and foremost arts practitioners, not trained ethicists. They may be critical and reflective practitioners but they are not theorists. 'Ethics' refers to the underlying principles that guide decisions about behaviour. All filmmakers bring their own ethical sensibilities, assumptions and beliefs to their practice and these inform their working methodologies. By and large, I believe that documentary makers have a pretty good record in regard to ethical behaviour, but over the last ten years it has become significantly harder to maintain that good record.

In this thesis I will examine the development of my own documentary practice and the making of my recent film, *Hope* (Thomas 2008), in order to propose a model of ethical filmmaking that is based on collaboration between filmmaker and participant¹. This collaborative approach is in part a response to the industry factors I have just referred to

¹ I prefer to use the term 'participant' rather than 'character' or 'subject' because 'character' is a narrative fiction term that tends to 'objectify' the person concerned, while the term 'subject' may be confused with the subject matter of the film. In fact I am inclined to use the term 'active participant' as this refutes notions of the documentary subject as 'victim' (see 'The nature of the relationship between documentary filmmaker and participant' p.33). However, in this thesis I shall be content with 'participant'. It should also be noted that some quotations cited in the thesis use the term 'subject' rather than 'participant'.

(on which I shall elaborate) and reflects my personal adaptation to these over time, as well as to the particular challenges of making *Hope*. Furthermore, as this documentary was made largely outside of the film funding system I was free to test my approach unfettered by industry-related constraints.

In the course of this examination I will refer to current and traditional debates about documentary ethics. I will also refer to other documentaries I have made, because the lessons learned from each film are taken into the next and every film has its own challenges that determine how one's ethical principles play out. *Hope* can thus be seen as a culmination of my documentary practice to date, although it by no means constitutes a final statement on the matter.

When I embarked on this thesis the filming of *Hope* was complete and editing was about to get underway. Discussion of the making of the film, as a case study, and reflection on the ethical dimensions of my documentary practice, form the basis of this thesis. *Hope* is thus attached to the thesis as Appendix Three, in the form of a DVD, although it does not constitute part of the thesis itself.

In writing this thesis I will not only propose and elaborate upon a collaborative model of ethical practice that may be of use to documentary practitioners and the documentary community at large but also point out some of the implications of adopting such. I shall also argue for greater acknowledgement within the film industry of the complex ethical issues involved in documentary making. It is to be hoped that this will lead to more discussion among filmmakers and bureaucrats about these issues.

An overview of the thesis

In Chapter One I will comment on the changes in industry practice that are impinging on documentary filmmakers and then discuss the development of my own practice and how those industry changes have affected my work in relation to ethical behaviour. The chapter will conclude with an account of the genesis of my documentary, *Hope*.

In Chapter Two the old and new debates about ethics and the responsibilities of documentary makers will be summarised, with reference to the literature. I will briefly discuss film industry protocols and a relevant field outside of filmmaking, that of

narrative therapy. I will then explore in more depth the nature of the filmmaker-participant relationship and the idea of collaboration, with particular reference to rethinking the traditional meaning of the notion of informed consent.

I will begin Chapter Three by listing the distinctive features of an ethical model of collaboration between documentary maker and participant and then examine in detail how its application worked out in practice during the making of *Hope*. In particular I will address some of the ethical dilemmas that arose during production and how these were dealt with. I will conclude by referring to comments made by the main participant, Amal Basry, about some of the benefits of participating in the film.

I will conclude by raising, in the wider context of the documentary industry, the implications of adopting the collaborative approach articulated in this thesis and some of the risks involved. Some unresolved questions will be pointed out that require wider and fuller discussion, particularly in regard to the contractual relationship between documentary filmmakers and commissioning or funding agencies.

Chapter One – The Relationship Between Documentary Practice and Ethics

External factors in the film and TV industry

In 2002 I wrote an article for *Metro Magazine* entitled ‘Whatever Happened to the Social Documentary?’ which began thus:

With the Australian independent one-hour social documentary relegated to late night viewing on ABC TV and replaced in prime time by ‘factual entertainment’ series and docusoaps, we are starting to see the results of the growing primacy in factual TV around the world of the imperative to entertain. In light of this trend, one might ask what kind of future there is at our major public broadcaster for locally produced documentaries which explore serious subjects in depth and concern themselves with critical reflection and social change. (Thomas 2002, p. 152)

In the very next issue of *Metro*, Gillian Leahy and Sarah Gibson commented on the negative effect of the assimilation of independent documentary into public television as the primary means of funding and screening social documentaries. They concluded that ‘Some documentary makers, having worked through these television requirements, express frustration that their finished films reflect little of the depth of their own research, or of the complexities and ambiguities of their points of view’ (Leahy & Gibson 2003, p. 92).

Three years later such sporadic frustration had crystallised into a widespread concern among documentary makers about changes in public broadcasting practice. In 2006 Natasha Gadd examined the state of the Australian documentary industry in an article for *Inside Film* magazine. She found that:

One of the key concerns for documentary practitioners is the increase in editorial intervention by the commissioning editors over individual projects. Many filmmakers argue that this threatens to undermine the key creative

roles of the filmmaking team and limit the diversity of documentary style and content being produced (Gadd 2006, p. 44).

In 2007 Kim Anning interviewed twelve Victorian producers, including me, for her Masters thesis entitled *The Eternal Optimists*, about the prospects for earning a living from making documentaries. Anning reports that the two main issues mentioned by the producers were funding difficulties and ‘the increasing sense of the loss of independence of the so-called independent filmmaker’ (Anning 2008, p. 6). She quotes one established and highly respected producer as saying that during the 1990s:

We managed to get up to forty hours of independent documentaries a year on Australian television screens but, from that point on, the broadcasters increasingly got involved in saying what it was that they were going to program and were going to commission. Now they basically run the whole agenda – we are arguably outsource workers – the documentary community are outsource workers delivering the agenda of the television broadcasters (Anning 2008, p. 44).

Another very experienced producer told Anning ‘there is widespread distress across the documentary industry about the quality and behaviour of virtually all the commissioning editors.’ She concludes: ‘Producers firmly believe that the battle for ratings combined with political influence on publicly funded bodies... has resulted in increasing conservatism of documentary form, as well as content’ (Anning 2008, pp. 47, 54).

In an unpublished director’s statement written about her Master of Film and Television documentary *How the World is Made*, Melbourne filmmaker and Victorian College of the Arts and Music lecturer Nicolette Freeman² describes her brush with SBS TV after it fell into the grip of the ‘Reality TV’ fad and the unfortunate effect this had on her commissioned documentary *The Lifestyle Experts* (Freeman 2006). Freeman rues Reality TV’s ‘regrettable effect on the visibility of truly creative documentary work’

² I was Freeman’s research supervisor.

and laments that: ‘Three years later... I’m in self-imposed exile at film school, teaching, and pondering what’s left for documentary audiences and filmmakers in a post-Reality TV world’ (Freeman 2009).

Clearly, the Australian documentary filmmaking community has been deeply affected by the changes that have taken place within their industry over the last five to ten years and the unprecedented degree of both creative and bureaucratic intervention that has crept into the so-called ‘independent’ filmmaking process³.

The scope of this thesis prohibits a detailed examination of the factors behind these changes. However, as discussed in the article I wrote for *Metro* mentioned earlier (Thomas 2002), they include: an increasing onus on public TV broadcasters to behave more commercially and widen their appeal in an environment of reduced Government subsidy; their consequent obsession with ratings and audience demographics (which include assumptions about audience preferences); the appropriation of documentary into factual entertainment; the increasing reliance on branded and formulaic program slots; the role played by the advent of so-called ‘reality TV’; and issues of self-censorship in a climate of economic and political conservatism.

Of course these changes are not confined to Australia but are part of a global trend. For example, similar concerns exist among filmmakers in the USA. In a recent survey entitled *Honest Truths: Documentary filmmakers on ethical challenges in their work*, researchers at the American University in Washington interviewed forty-five established documentary makers about their recent experiences. Their report states in its introduction:

At a time when there is unprecedented financial pressure on makers to lower costs and increase productivity, filmmakers reported that they routinely found themselves in situations where they needed to balance

³ ‘Independent’ in this context traditionally refers to the creative autonomy of the filmmaker, rather than to any monetary relationships involved. For a fuller discussion of the meaning of the term see Anning (2008, pp. 13–15).

ethical responsibilities against practical considerations.... The trend towards faster and cheaper documentaries and the ‘assembly line’ nature of work has proven challenging to filmmakers’ understanding of their obligations to subjects in particular (Aufderheide, Jaszi & Chandra 2009, p. 3).

Filmmakers in the survey also felt that the ‘assembly-line’ nature of the production process has led to ‘pressure to inflate drama or character conflict and to create drama where no natural drama exists’ and ‘threatens the integrity of agreements made between producers and their subjects as a condition of filming.’ Furthermore, these American filmmakers ‘daily felt the lack of clarity and standards in ethical practice. They also lacked support for ethical deliberation under typical work pressures’ (Aufderheide, Jaszi & Chandra 2009, pp. 1–4).

The sorts of concerns expressed above by filmmakers are also my own and indeed, it is these concerns which partly motivate this thesis. In order to personalise this I will now summarise my own filmmaking experience up to the point where I departed from the intrigues of the film funding system to make *Hope* (Thomas 2008).

The development of my documentary practice

A basis for my filmmaking has always been the notion of mutual respect. I have a concern for treating people fairly and no doubt this is a reaction to feeling largely ignored as a child and the subsequent sense of injustice with which I grew up. I felt I never had a voice in my family and by giving a voice to others in my filmmaking I have, in a sense, found my own voice.

Early Influences

My early documentary development was influenced by one mentor in particular, Australian director Sue Brooks, whose film credits include *An Ordinary Woman* (1988), *The Road to Nhill* (1996) and *Japanese Story* (2003). Sue’s approach to filmmaking springs from the notion that, by and large, the real world is not populated with heroes and villains but with ordinary people struggling to do the best they can in the situations in which they find themselves. In other words, as we know from experience, human beings are a mixture of good and bad. This is an assertion about

human nature that demands that the complexity and contradictions of life be acknowledged and dealt with, rather than simplistically divided between good and evil, or right and wrong.

This principle of equality leads to practical filmmaking considerations. If no one is really better or worse than another then *all* must be respected and given their moment on the screen to be seen and heard, rather than attributing right to one and wrong to another and then undermining the latter. Furthermore, if you want to give full attention to your participants and avoid being disrespectful, then you will be careful about covering up their faces with cutaways (ie. a shot away from the action) or other imagery.

Sue Brooks' notion of 'no heroes or villains' resonated with me because although I felt I had at times been ignored or unfairly treated as a child in England, where I grew up, I never doubted that my parents loved me. It follows that from their perspective they were doing their best for me. This theme of how the best of intentions can cause so much harm, about good people doing bad things and the difference that hindsight makes in our judgements of do-gooders, became and has continued to be a recurrent theme in my filmmaking⁴.

Wider Consequences

Accepting Sue Brooks' ethical model had consequences for every aspect of my filmmaking practice. For example, respect for one's participants presupposes mutual obligation, honesty and reciprocity. So it follows that one must be prepared to take the

⁴ It is a theme that is clear from my first significant documentary, *Black Man's Houses* (Thomas 1998), through to *Welcome to Woomera* (Thomas 2004), which preceded *Hope* (Thomas 2008). The first concerns Tasmanian Aboriginal history and was partly preoccupied with the missionary George Augustus Robinson, who managed to help destroy a nation with liberal, Christian thinking. The second tells the story of Australia's famous 'Rocket Town' and includes a mild-mannered ex-missile scientist about whom his wife says: 'It was so inappropriate for someone of Jim's personality to be working on these things and certainly after he retired and people would say what did your husband do, I'd say he worked out clever ways of killing lots of people!'

completed film *back* to the participants and community where it was made and face the consequences. Preferably one would, at the very least, show the film to participants at a 'rough cut' stage (ie. before completion) and take their feelings and comments into account.

With *Black Man's Houses* (Thomas 1992), about a search for Aboriginal graves on Flinders Island by the descendants of those who had died, consultation included having a representative of the Aboriginal community in the editing suite (in that case as a paid intern) as well as consulting the community over the rough cut and screening the completed film publicly on Flinders Island.

Such reciprocal arrangements with participants were acceptable in those days to funding bodies such as the former Australian Film Commission (which fully funded *Black Man's Houses*, there being no broadcaster attached). There was always the overriding factor that the financial contract had to be with the producer, as did creative control and 'final cut', but there was an acknowledgement that participants had rights, particularly Aboriginal participants. In the case of *Black Man's Houses* we had a formal letter of agreement with the Aboriginal community that outlined mutual obligations (including theirs to provide participants and ours to consult regularly and return a copy of all film 'rushes' to the community) and included a negotiated percentage payment from sales of the film to the Flinders Island Aboriginal Association.

By the time I made *Family Foibles* (Cummins et al. 2002) and *Welcome to Woomera* (Thomas 2004), my two projects prior to *Hope*, such previously accepted rights and obligations could no longer be taken for granted, at least in relation to *non*-indigenous participants, and the unwritten but long accepted rules of engagement were unravelling in the context of changes in attitude among the public broadcasters towards documentaries commissioned from independent filmmakers⁵. However, those projects were preceded by *Least Said, Soonest Mended* (Thomas 2000) and it was the

⁵ Interestingly, in relation to working with indigenous participants and subjects the reverse was true. Specific protocols were adopted by organisations like the ABC and SBS in the early 1990s and filmmakers were required to abide by them. Indigenous protocols are discussed further in Chapter Two.

experience of making *this* documentary that prompted me to start re-examining my ethical stance, even before the winds of industry change began to be felt.

Least Said, Soonest Mended

Filmmaker, author and teacher Michael Rabiger believes that as documentary makers, we are all working on the unfinished business of our lives, arising from the marks we carry from our past experience, often from childhood. It is not that documentary makers have to make autobiographical films but that we tend to hone in on subjects that ‘press our buttons’, so there is a sense in which we are displacing our own issues onto others, that is, the participants in our films (see Rabiger 2004, pp. 119–123).

It seems that the unfinished business of *my* life is to deal with a repressive, anglo-, post-war, lower middle class upbringing in which kids were ‘seen and not heard’ and in which I was never consulted, only told what was to happen. No wonder then, that I identified with the black community on Flinders Island in *Black Man’s Houses* – a community determined to uncover the past rather than allow it to be repressed, which was the inclination of the white community. Indeed, in the latter, I realised I had travelled half way round the world, from England to Australia, only to meet the same philosophy of ‘let sleeping dogs lie’ (or ‘least said, soonest mended’) that was the hallmark of my own upbringing.

Aware of these subterranean rumblings in my filmmaking I decided to own up to some unfinished business and make my own family film, although this was not so much my story but my sister’s. It was to be a film about family secrecy, and it is the terrain of secrets and suppression that have continued as strong themes in my films since then – firstly about the secret town of Woomera (in *Welcome to Woomera*) and then about the unresolved mysteries surrounding the SIEV X people smuggling disaster (in *Hope*).

Least Said, Soonest Mended tells the story of my twin sister Valerie’s experience as a relinquishing mother in 1968. Pregnant at the age of fifteen and faced with the stigma of becoming an unmarried mother, she was coerced by our parents to spend her pregnancy away from home, working as a domestic in a boy’s boarding school, and then to enter a home for unmarried mothers in Bournemouth, where she gave birth to

her daughter. The baby was removed for adoption and the whole affair covered up. It was only when Val's daughter reappeared some thirty years later looking for her birth mother that the lid was blown off of our family secret. It was at this stage that, with Val's encouragement, I decided to make a film.

Now I faced the severe test of making a documentary about my own family, and given the diametrically opposed positions of the main protagonists, my mum and my sister, it's not surprising that the film turned out to aggravate family issues rather than resolve them, which had been my rather naïve aim. Val felt she had been 'kept quiet' for thirty years and wanted to tell her story publicly. Mum had closed the door on the subject long ago and preferred to keep it that way. I decided that both their perspectives were essential, for Val's condemnation of mum for not allowing her to keep the baby was only one side of the story. Both my parents acted out of concern for their daughter in the context of the negative attitudes of the day towards unmarried mothers. So, for me, it was essential to listen to the story from all sides, including that of the third side of the adoption 'triangle', the adoptee herself.

Val jumped at the opportunity to tell her story, while her adopted daughter Karen was happy to participate but not particularly bothered either way. Mum was reluctant but agreed to appear in the film, I now realise, not because she wanted to state her case but because her favourite son had asked her to. At the time I didn't feel I was coercing her but this was probably an example of the difficulties surrounding informed consent, in that members of a filmmaker's own family may feel less able to say 'no' to participating than others (Katz 2003). I will examine the ethical issue of informed consent further in Chapter Two.

Having said 'yes', my mum then found herself having to defend her actions, not just with regard to the adoption but also against previously undeclared accusations of abuse within our family that only came out when filming was underway. Rattle any family cupboard and more skeletons may fall out. Thus, the seriousness of the documentary filmmaking process as a catalyst cannot be underestimated. It provides a rare opportunity for people to speak up – and they often do. This bestows on the filmmaker a grave ethical responsibility that I had not really thought that much about before. With

previous films I had experienced moral dilemmas but these had been resolved for me by the participants themselves and I had not run into the kinds of dilemmas I was now facing⁶.

In the end, after much discussion and debate during editing, I decided to omit the material related to allegations of abuse from the film, but in terms of my family's relationships the damage was already done. For me, this experience reinforced the need to have a clearly articulated, ethical framework of documentary practice that can help deal with the emergence of unforeseen consequences once the filmmaking process is set in motion. However, I still hadn't completely resolved this issue when I embarked on my next project.

Family Foibles and Welcome to Woomera

Family Foibles (Cummins et al. 2002) is a series of five, stand-alone, half-hour documentaries on the subject of family that I produced for ABC TV in 2002. The series involved similar dilemmas about family filmmaking, each episode being directed by a member or friend of the family involved. This time however, the most difficult challenges came from elsewhere.

A process of change had been happening among the public broadcasters, typified by the change of title from 'Commissioning Editor' at ABC and SBS TV to 'Executive Producer'. This change reflected a move from a relatively hands-off supervisory process, whereby once the broadcaster commissioned an independent documentary the filmmakers were essentially left to get on with the job, to a much more hands-on and interventionist one. Previously, there would be consultation and the commissioning editor would look at a rough cut and make suggestions but, based on the broadcaster's

⁶ For example, the political objections from black activists to the way members of the Aboriginal community had been questioned in *Black Man's Houses* were overruled by the community itself, with which our agreement had been made. They felt that the educational role of the film was paramount. And in *Harold*, the story of the late Aboriginal opera singer Harold Blair, his wife's request that we avoid certain personal issues in his life was over-ruled by her adult children, who felt that white expectations of Aboriginal people were unrealistically high.

confidence in the original script, the filmmakers were free to make the film they wanted to make. Now however, the broadcasters had decided that they knew best what their audiences wanted, not filmmakers, and their interventions would reflect this.

Although it had been suggested by the ABC that following the success of *Least Said, Soonest Mended* I should submit an idea for a series of family stories, *Family Foibles* was still commissioned as an independent production. This time however, every aspect of the creative process was subject to intervention by the executive producer, including choice of crew and to the extent that it was suggested one of the directors should be sacked when some difficulties arose with her project. The extent of the changes required during editing, despite tight budgetary and time constraints, was another serious issue.

Despite the stress involved in producing *Family Foibles*, the series was a success and subsequently the ABC also commissioned *Welcome to Woomera* (Thomas 2004). I had taken the idea of making a film on the history of Australia's famous 'Rocket Town'⁷ to Film Australia⁸ because I felt it would fit the brief of its National Interest Program. The background to my interest in Woomera was the presence of the infamous Woomera immigration detention centre, which at the time was in the news daily, but I was also interested in the wider notion of Woomera representing, through time, a place where the nation's 'dirty work' has been done on its behalf by ordinary people. After providing development investment, Film Australia then presold the project to ABC TV, so during production I was effectively working for two organisations.

Of course most people 'work' for someone but once again I was ostensibly being commissioned as an 'independent'. This project proved to be the last straw for me, because as the producer/director I had to deal with the combined and often contradictory interventions of two executive producers. This undermined the creative

⁷ The outback town of Woomera was built in the South Australian desert after World War II as a support facility for the development of long-range missiles in a joint effort with Britain.

⁸ In 2008 Film Australia, the Australian Film Commission and the Film Finance Corporation were subsumed into one Federally funded organisation, Screen Australia.

direction of the film and effectively prevented me from behaving in ways I felt ethically I ought to behave – towards both my participants and the film.

The kinds of pressures I was subjected to included: steering of the content in certain directions; discouragement from featuring particular characters because they were ‘unlikeable’; dissuasion from consulting others during editing because it was thought to be a difficult enough task pleasing Film Australia and the ABC; unwillingness to allow the film to be screened to either the participants or the Woomera community until it was completed; intervention in the writing of the narration to ensure its political acceptability; and refusal to allow me to speak the narration for the film.

The latter prohibition was particularly demoralising because it was a literal sign of the denial of the very thing I bring to filmmaking – my own voice. Personal narration was a device I had successfully used in previous documentaries, not just as a kind of signature but also as a way of acknowledging the subjectivity of filmmaking, accepting personal responsibility for my films and reflecting on the journey of making them.

In my case the cumulative result of this idea that the filmmaker’s job was now one of making the films the broadcasters wanted, rather than making independent films with their imprimatur, was that I felt reduced to the status of a production-line worker.

Furthermore, I wasn’t alone in this feeling. In my concurrent role as documentary lecturer at the Victorian College of the Arts Film and Television School, I was regularly hearing similar stories from graduates who were being commissioned by SBS or ABC TV, as well as from established and respected documentary makers. The complaints referred to above in reference to the work of Freeman and Anning are examples of this (Anning 2008; Freeman 2009).

The undermining of my own creative and ethical integrity through the progressive takeover of the documentary presale system by the public broadcasters left me exhausted and lacking in confidence. But then I met Amal Basry and the idea for a new film started to grow. This time I was determined to have the right support around me and to avoid, as far as I could, the suffocating grip of the broadcasters.

The beginning of *Hope*

Hope (Thomas 2008) tells the story of Amal Basry who, having fled Saddam Hussein's Iraq, found herself thrown into the ocean between Indonesia and Australia when the overcrowded people smuggling boat she was on sank on 19th October 2001. Three hundred and fifty-three people, mainly women and children, drowned, while Amal hung onto the floating body of a dead woman for twenty-two hours in stormy seas before being rescued by Indonesian fisherman⁹.

It was now the beginning of 2005 and Amal was living in Melbourne on a temporary protection visa. She was fighting publicly to keep the memory of the SIEV X¹⁰ alive whilst at the same time dealing with cancer and trying to reunite her dispersed family. When we met at artist Kate Durham's first exhibition of paintings about the SIEV X disaster it was apparent that Amal was keen to tell her story, so we agreed to discuss working together on a documentary. I introduced Amal to Sue Brooks and as a result Sue agreed to produce the documentary with me. Sue had acted as a consultant on several of my previous films (including *Black Man's Houses* and *Least Said, Soonest Mended*) and I felt her involvement would give me the creative and personal support that I needed. By now I had already started filming with Amal and so we set about looking for funding.

We were cautious in seeking film industry and television funding that we thought gave us the best chance of maintaining our independence as filmmakers but several applications over a nine-month period to Federal and State funding agencies and to television were unsuccessful. In the end, this lack of industry support proved a blessing

⁹ Much of the people smuggling trade at that time was driven by the demand created by the Australian Government policy of disallowing family reunions to people accepted as refugees. Amal's husband was one such person, having arrived earlier in Australia. Stuck in limbo in Iran, Amal made her way to Indonesia and boarded the boat in an attempt to join her husband.

¹⁰ Australian authorities refer to unauthorised boats attempting to bring asylum seekers to Australia as 'SIEVs' – Suspected Illegal Entry Vessels – and give each a number. The boat on which Amal travelled was not officially spotted before it sank and is referred to as the SIEV 'X', meaning 'unknown'.

in disguise because it meant that we were free, within the obvious limitations of producing a low-budget film, to make *Hope* in whatever way we wanted¹¹. Most importantly, I was free to behave towards Amal and other participants in the way that I felt I should.

Thus, by working largely outside of the film funding system I was able to explore anew the notion of collaboration and ethical practice in my filmmaking, and to rediscover and refine a mode of working with which I felt more comfortable and less compromised.

***Hope* as a model for my documentary practice**

Hope is an appropriate film to consider as a case study in several ways, not least because it has one central participant whose life story the film portrays. This is in contrast with *Welcome to Woomera*, for example, with its multitude of characters and organisations, all with vested interests in the film. There are other participants in *Hope* but the story is essentially told from Amal Basry's perspective, via the lens of our developing friendship, so there was a clear basis for working collaboratively with Amal and in a relatively unhampered way. Having said that, the situation did become complicated because of Amal's unfortunate death from cancer towards the end of filming, which meant that I had to complete the film without her and work out what my obligations were to her memory, her family and to the wider Iraqi community. Amal was a guide regarding these issues while she was alive.

The making of *Hope* then, came at a time when a) I had just come through a period of facing various ethical and creative challenges in my filmmaking, b) industry changes had, in effect, turned independent filmmakers into sub-contractors, and c) I and other filmmakers were wondering how to respond to these changes. Now I was embarking on a film with a strong but traumatised central participant whose life was again under

¹¹ *Hope* was made almost entirely outside of the film funding system, with support from individuals and philanthropic organisations. Most of this support was sought and received during post-production, when more than \$100,000 was raised through individual investments, philanthropic grants and donations made via the Australian Business Arts Foundation's Australia Cultural Fund (a mechanism for supporting artists that allows tax deductibility to donors).

threat. I knew that fresh ethical challenges would arise to which, this time, I would be free to determine my own response. No more would I have the excuse of external interference for failing to do justice to the moral and artistic responsibilities incumbent upon me. The purpose of this thesis is to examine what happened as a result and discuss the ethical framework of collaborative practice that emerged.

However, before doing this, and in order to put this study into context, in Chapter Two I will summarise the debate in the literature about documentary ethics and outline the currently accepted norms of practice in the film industry and other relevant areas. I will also point to some of the questions currently being asked about ethics, particularly regarding the notion of informed consent and trust in the filmmaker-participant relationship, and describe the basis for my own ethical approach, which I describe as one of collaboration.

Chapter Two – Documentary Ethics and Collaboration

The responsibilities of documentary makers

In his book *'Claiming the Real: The Griersonian Documentary and its Legitimations'* Brian Winston (1995, pp. 24–25) argues that the Griersonian definition of documentary as 'the creative treatment of actuality' and its positioning as a 'painterly tradition' (ie. an art form) meant that for a long time documentary makers felt excused from dealing with ethics. However, the arrival in the 1960s of portable 16mm film equipment and synchronised location sound recording provided a less obtrusive but potentially much more intrusive means of documentary making. For the first time ethical questions began to be asked, particularly of the Direct Cinema movement in America¹²

Winston examines the three broad, legal defences offered against accusations of ethical misbehaviour in documentaries, namely those of informed consent, the public's right to know and ownership of copyright. He finds that in terms of common law each is loaded against participants and in favour of filmmakers, and that such protections are therefore inadequate (Winston 1995, pp. 230–238).

In his chapter in *Image Ethics in the Digital Age* (Gross, Katz & Ruby 2003) entitled *Family Film: Ethical Implications for Consent*, John Stuart Katz lists four areas of moral and ethical responsibility that should be taken into account by people dealing with the production and use of images:

1. The image maker's commitment to him/herself to produce images which reflect his/her intention to the best of his/her ability;

¹² 'Direct Cinema' refers to the 'fly on the wall' filmmaking movement of the 1960s which was led by filmmakers such as the Maysles brothers, Fred Wiseman and Robert Drew, who for the first time intimately filmed peoples' lives at home, at work and in institutions and organisations.

2. The image maker's responsibility to adhere to the standards of his/her profession and to fulfil his/her commitments to the institutions or individuals who have made the production economically possible;
3. The image maker's obligation to his/her subjects; and
4. The image maker's obligation to the audience.

(Katz 2003, p. 334)

These responsibilities can often conflict. For example, the responsibility to make a 'good' film (1., 2. and 4. above) may be at odds with the obligation to maintain privacy (3. above). So it is in the negotiation of the conflicting responsibilities within this conventionally accepted framework that difficult ethical questions lie.

Furthermore, in relation to documentary filmmakers' obligations to their participants there are several classic topics of ethical debate. These are summarised by Kay Donovan in her Doctor of Creative Arts thesis, *Tagged: A case study in documentary ethics* (Donovan 2006), and can be listed as follows:

1. The nature of participant consent and the notion of informed consent;
2. The filmmaker's responsibilities and duty of care to the participant;
3. The participant's right to privacy and confidentiality;
4. The participant's rights in respect to ownership of the film and benefits from it; and
5. Codes of conduct and protocols in documentary making.

(Donovan 2006, pp. 17, 22–27)

I will briefly examine each of these in turn.

Informed consent and duty of care

The notion of informed consent was introduced into fields of human research because typically there is an unequal power relationship between researcher and participant. Informed consent continues to play a central role in documentary ethics but has been

criticised by numerous scholars (Gross, Katz & Ruby 1988; Katz 2003; Pryluck 2005; Ruby 2005a, 2005b).

John Stuart Katz (2003, pp. 335–337) points out that in order for consent to be informed a subject must have ‘full knowledge of procedures and anticipated effects’, must give consent under conditions that are ‘free of coercion and deception’ (ie. voluntarily) and must be personally competent to consent. He goes on to argue that in documentaries where the filmmaker is related to the participant(s) then a family member is less likely to critically examine the conditions for consent and more likely to give their consent for the sake of family harmony or the betterment of their filmmaker-relative’s career. This may amount to coercion, in spirit if not in law (see page 10 above, regarding my previous discussion of *Least Said, Soonest Mended*).

Calvin Pryluck (2005, p. 197) further questions the feasibility in practice of fully informing participants regardless of whether consent is flawed by intimidation or conceit:

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.

In an article in *DOX Magazine*, Willemien Sanders (2007) goes further. Having conducted research interviews with European documentary makers for her PhD in progress at the Utrecht University, entitled *Documentary filmmaking and ethics: understanding filmmakers’ experiences*, Sanders not only agrees that the information given to a participant by the filmmaker can never be complete but finds that filmmakers commonly and knowingly *withhold* relevant information in order to secure participation. Many of Sanders’ respondents feared that in some cases people would refuse to participate if they were told everything about their film and its purpose (Sanders 2007, pp. 10–11).

The problems with informed consent overlap with the filmmaker's duty of care because it is usually deemed to be the filmmaker's responsibility to protect his/her participants from the effects of the power imbalances involved. As Winston points out, the assumption that these days everyone understands how to behave in front of a camera is false – as witnessed by the flourishing public relations trade in training politicians and celebrities in the 'tricks' of public oratory and comment (Winston 1995, pp. 222–223). Despite a greater public awareness of the media, it remains the case that usually filmmakers know more than their participants about the filmmaking process, how images can be manipulated through editing and the ramifications of putting a film into the public domain.

Furthermore, documentary participants are frequently vulnerable people. They may be poor, disadvantaged or had their human rights abused. This puts the filmmaker (who is usually not disadvantaged in this way) in a doubly powerful situation and the question of consent thus becomes very important.

However, not only are the consequences of making private matters public unpredictable but the entire process is compounded by there being (in contrast to medical, scientific or sociological research, from which the notion of informed consent is drawn¹³) no prescribed ethical procedure or method of documentary production (Sanders 2007, p. 10). What regulation of informed consent there is in the film industry is generally via the use of a standard 'release form' required by broadcasters and insurers and signed by the participant (an example of a standard release form is attached as [Appendix One](#)).

A release form not only verifies the agreement of a participant to be filmed but also ascribes ownership of the footage to the producers of the film, who then have the right to use it in relation to the named project. However, as found in Patricia Aufderheide's and others' recent survey of documentary filmmakers in America, entitled *Honest*

¹³ The well enshrined protocols for scientific research involving human subjects were first developed and put into place following the Nuremburg trials of Nazis who conducted scientific experiments on concentration camp inmates during World War II (Winston 1995).

Truths: Documentary Filmmakers on Ethical Challenges in Their Work, filmmakers themselves often dislike the release forms they are required to use:

Perhaps because the terms of these releases were not their own, filmmakers often provided more leeway to their subjects than the strict terms provided in them. Filmmakers often felt that subjects had a right to change their minds (although the filmmakers found this deeply unpleasant) or to see the material involving them or even the whole film in advance of public screenings (Aufderheide, Jaszi & Chandra 2009, p. 10).

In my experience, the making of informal agreements with participants by filmmakers in addition to the formal contract of a release form and in order to secure their participation on a more equitable basis, is very common, and I have done this myself. However, such agreements may conflict with the formal contract of the release form and bring the filmmaker into dispute with the broadcaster, funding body or insurer that requires it. Moreover, filmmakers have different views about what kind of agreement is appropriate.

Participants may be consulted at rough cut and their views taken into account (as was my assumed stance with *Welcome to Woomera* but which in the event was disallowed because of perceived constraints of time and distance, as discussed above), or they may even be offered a right of veto at final cut (right of veto is discussed further below). Of the forty-five filmmakers interviewed in the *Honest Truths* survey only one offered participants a formal (ie. written) right of veto (Aufderheide, Jaszi & Chandra 2009, p. 12).

Filmmakers also have differing practices concerning *when* they gain formal consent from participants – before, during or after the event. This decision, along with the exact nature of the agreement offered (whether formal or informal), will be determined by each filmmaker's ethical stance towards their work and participants, and their view of the rights and responsibilities involved, tempered by any requirements set by film agencies and/or broadcasters.

Having argued that the traditional notion of informed consent in documentary making (akin to that required in medical and scientific experimentation) is a myth, Willemien Sanders goes on to examine an alternative approach. She firstly argues that the idea of ‘consent’ would be better replaced by ‘agreement’:

Traditional informed consent is a one-way phenomenon: I give consent to you, you do something to me. But if participants consent to participate in a documentary film project, they enter into a form of co-operation with the filmmaker. The filmmaker expects her/him to keep the deal and stick to agreements, and vice versa. It’s an agreement, and it’s mutual: it’s something two or more individuals do. So my first suggestion would be to replace the idea of consent with agreement (Sanders 2007, p. 13).

Secondly, Sanders argues that the ‘informed’ in informed consent has traditionally also been a one-way process and would be better replaced by the notion of dialogue:

In traditional informed consent, the competence of the professional is taken for granted. But participants should feel free to ask about the filmmaker’s competence and experiences as well. Filmmakers may communicate about their profession, their views etc. and explain what they know in advance and what not and why they can’t or won’t inform their participants about everything... only through communication and dialogue can an understood and accepted form of co-operation be negotiated (Sanders 2007, p. 13).

Sanders (2007, p. 13) concludes that ‘voluntariness should not be without engagement’, that ‘an agreement through dialogue may be a better basis than rigid informed consent’ and that ‘consent based on uncertainty is fine, as long as that uncertainty is agreed to by the participant’.

The notion of consent in documentary making through dialogue or negotiation over time is a commonsense one because, despite the business of release forms, it is how one practically proceeds in the real world. I shall return to this notion later, when I discuss the collaborative framework that I adopted in the making of *Hope*.

Privacy and confidentiality

Pryluck defines privacy as the ‘right to decide how much, to whom and when disclosures about one’s self are to be made’. He argues that this is a basic human right and the main issue in documentary making (Pryluck 2005, p. 198).

The argument often used by filmmakers *against* the protection of privacy is the potentially legitimate defence of ‘the public’s right to know’, which argues that it is more important for the public to be made aware of a social problem or inequity through the stories of particular victims, so that societal change can be effected, than it is to preserve their privacy (Winston 1995, p. 46). However, whether justifiable in law or not, there remains an ethical decision to be made about the rightness of exposing the intimate details of an individual’s life for the supposed wider public good.

In many instances the public’s right to know has been used to justify intrusion by trickery, the use of hidden cameras and other covert methods. Moreover, time can change people’s sensitivities – just as when a parent’s innocent photo of a naked baby on a rug can turn into an embarrassment at the child’s twenty-first birthday party:

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 harbours dormant potential for mischief (Pryluck 2005, p. 199).

Winston counters the justification of *the public right to know*, arguing that if, as in the majority of cases, no obvious societal change or outcome results from the screening of documentaries which invade privacy for a supposed greater good then the justification of the public right to know fails, leaving ethical questions to be answered about the effects on those whose suffering is publicly exposed in the process (Winston 1995, pp. 237–238).

As I have discussed in my *Metro* article cited earlier (Thomas 2002), privacy is a complicated issue in today’s world of institutionalised surveillance and a television climate of what John Corner calls ‘nosy sociability’ (Corner 2000, p. 687). Personal confession in public is now fashionable and the dominant documentary practice has

become one of focussing on ‘the subjective, local and confessional rather than the objective, general and rational’ (Dovey 2000, p. 55).

Certainly, the feelings of a participant about what is appropriate to divulge about him or her must be an important litmus test for the filmmaker. However, one cannot assume that participants understand the full implications of privacy issues in a medium of public access like filmmaking, where, unlike in medical or scientific research, identities are inevitably made public and the concealment of such is difficult, or if insisted upon (eg. by blurring faces and/or electronically treating voices) tends to undermine the believability of testimony.

Personally, I see my own filmmaking as motivated less by arguments about the public good and more about contributing to an ongoing dialogue about values. I shall return to issues of privacy when I discuss the ethical dilemmas that arose in the making of *Hope*.

Ownership and Benefits

Winston points out that the notion of copyright largely exists to give filmmakers the right to do business. By virtue of simply recording an image, ownership of that image is bestowed upon the filmmaker along with the right to exploit that image in the marketplace (Winston 1995, pp. 224–225). This loads the dice against participants and potential complainants.

One contentious aspect of ownership and copyright in documentary is the issue of financial remuneration. Paying a participant may be regarded as an inducement that undermines the requirement of voluntary consent. Payment may also influence the relationship between filmmaker and participant by raising the expectations of the former towards the latter or instilling a desire to please in the participant. These are challenges to both representation and truth (or honesty) (Donovan 2006, p. 26).

I will discuss the issue of remuneration later in relation to *Hope* but as far as more general benefits go, from my own experience it is better if a participant has a strong reason to be in one’s film, so that there are clear benefits to both sides. If both parties have something to gain from making the filming situation work then success is much more likely. Again, *Hope* will be seen to be relevant in this regard.

Codes of conduct

We have already seen that there is no uniformity in the ways that documentary makers proceed in fulfilling their responsibilities to participants, although they generally display common underlying values. Despite the *Honest Truths* report revealing ‘profound ethical conflicts informing the daily work of documentarians’, the survey found that filmmakers are pretty much left to their individual consciences to resolve these:

Filmmakers resolved these conflicts on an ad-hoc basis and argued routinely for situational, case-by-case ethical decisions. At the same time, they shared unarticulated general principles and limitations. They commonly shared such principles as, in relation to subjects, ‘Do no harm’ and ‘Protect the vulnerable,’ and, in relation to viewers, ‘Honor the viewer’s trust’ (Aufderheide, Jaszi & Chandra 2009, p. 1).

The report reveals however, a great deal of selectivity among filmmakers about which subjects (or participants) deserve such protection:

In relation to subjects, they often did not feel obliged to protect subjects who they believed had themselves done harm or who had independent access to media, such as celebrities or corporate executives with their own public relations arms... In relation to viewers, they often justified the manipulation of individual facts, sequences, and meanings of images, if it meant telling a story more effectively and helped viewers grasp the main, and overall truthful, themes of a story (Aufderheide, Jaszi & Chandra 2009, p. 1).

Filmmakers in this survey admitted occasionally stooping to deceit in the name of the higher good of their films and at the same time as arguing for ‘situational, case-by-case ethical decisions’ also reported feeling unsupported in making such decisions and complained about a lack of clarity in standards of ethical practice (Aufderheide, Jaszi & Chandra 2009, p. 2).

One means of regulating behaviour is through professional codes of conduct. Kay Donovan (2006) has surveyed available Australian film industry codes and protocols and concludes that aside from journalistic and editorial guidelines (such as ABC Editorial Guidelines and AJA guidelines), which are generally preoccupied with questions of balance and objectivity, there is a lack of published ethical guidelines for documentary makers¹⁴:

the codes, protocols and policies that are publicly available for documentary makers in Australia reflect the industrial domain of the sector and objectives of special interest groups that have lobbied for particular consideration. They do not adequately address the broad scope of ethical issues that may arise during documentary production.... Furthermore, they do not encourage filmmakers to explore the questions of ethics in visual representation nor the ways in which their ethical positions are encoded in the text (Donovan 2006, p. 50).

Donovan goes on to argue that in any case, no single set of guidelines will fit the multitude of changing situations and circumstances that arise in documentary filmmaking, and that filmmakers are much more likely to make decisions based on their own ethical perspectives which will allow them to get on with the job. She therefore exhorts filmmakers to examine their ethical and moral principles and remember that ethical principles have aesthetic consequences (Donovan 2006, pp. 109–110).

Brian Winston echoes this call, concluding that:

The legal framework is too loose to compel or even much encourage ethical practice in documentary filmmaking. Given the dominance of the victim as the realist documentary subject, this is cause for some concern, for it does not mean that the ethical difficulties faced by the realist filmmaker go away – only that they can be ignored. We are therefore on our own, as it were, in

¹⁴ Chapter Two of Donovan's thesis contains a comprehensive review of relevant film and TV industry codes of conduct in Australia.

determining what should and should not be acceptable (Winston 1995, p. 230).

Indigenous protocols

The obvious example of Donovan's reference above to 'special interest groups that have lobbied for particular consideration' is that of indigenous Australians. Currently there are various versions of protocols for working with indigenous communities and subjects in the film and TV industry – produced, for example, by the ABC (2008), SBS (Bostock 1997) and Screen Australia, which recently published the protocols which had been in draft form at the Australian Film Commission for several years (Janke 2009).

Such indigenous protocols are usually justified by reference to the historical power imbalance of colonisation and the need to recognise and respect indigenous culture and heritage as well as communities and individuals. They cover all forms of film and television related media and make recommendations that cover the four areas of ethical responsibility that I have already discussed. For example, Lester Bostok's SBS TV protocols, entitled *The Greater Perspective: Protocol and guidelines for the production of film and television on Aboriginal and Torres Strait Islander communities*, includes a list of principles which can be summarised as follows:

- Protect physical and social welfare;
 - Honour dignity and privacy;
 - Establish trust and observe its obligations regarding rights, interests and sensitivities;
 - Communicate aims and anticipated consequences as fully, as clearly and as well as possible;
 - Gain consent. Subject(s) retain the right to alter any earlier decision;
 - Respect right to anonymity;
 - Results are subject to further consultation; and
 - No exploitation for personal gain. Fair return to be given.
- (Bostock 1997, pp. 29–30)

Interestingly, whilst lacking detail about what constitutes ‘consent’ or ‘fair return’, these recommendations advocate ongoing consultation and a right of veto for individuals. Overall, such general principles could be useful for documentary makers in any situation, not just when working with indigenous Australians.

A relevant ethical framework outside of filmmaking

The lack of ethical protocols available to documentary makers in the film industry has led me to look to other areas of ‘client-centred’ research and production that involve similar sensibilities or display parallels with documentary filmmaking.

One such area is the relatively new one of narrative therapy and research, developed by Michael White at the Dulwich Centre in Adelaide and David Epston in New Zealand (White & Epston 1990) and now widely practiced. Narrative therapy is deeply concerned with issues of transparency, reflexivity and the power relationship between client and therapist (or counsellor), and as a profession is developing ethical protocols that are flexible but useful.

In Vivienne Martin’s PhD thesis entitled *‘A narrative enquiry into the effects of serious illness and major surgery on conceptions of self and life story’* (Martin 2008), she discusses the ethics of listening to clients’ stories and re-authoring them via the counsellor’s own account of these – a process that in many ways echoes the documentary making process.

An important consideration for Martin is the *transparency* of the research process. This includes asking how the subject feels about the way they have been researched; whether issues of power relations are discussed; in what ways the researcher is accountable to their subject; whether the researcher’s reflexivity is adequate and the processes obvious enough for the audience to judge this for themselves; and whether the researcher manages to ‘describe ways in which his or her own background experiences produced understandings through interaction with the text’ (Martin 2008, pp. 46–48).

Kim Etherington is a narrative therapist at the University of Bristol who employs ‘narrative and life story methodologies and reflexive practices that are based on forming research relationships with people who can help me discover new knowledge

by telling me their stories'. Etherington refers to the notion of 'the vulnerable researcher' which arises from this kind of reflexive and transparent approach and which requires a shift from using the objective voice of the researcher to the subjective 'I' and means 'researchers have to emerge from behind the secure barrier of anonymity and own up to their involvement' (Etherington 2007, pp. 599, 611).

Furthermore:

the researcher is always speaking partially naked and is genuinely open to legitimate criticism from participants and from audience. Some researchers are silenced by the invitation to criticism contained in the expression of voice (Clandinin 1994, p. 423; cited in Etherington 2007, p. 612).

The notion of the vulnerable researcher is an interesting one in relation to documentary making. It brings to mind a rather negative review of *Hope* published in *The Big Issue*, which seems to be a response to the 'invitation to criticism' of which Etherington warns. The review claims that 'the film is frustratingly arranged, with director Steve Thomas a presence throughout - half John Pilger, half Dennis O'Rourke, but without the magnetism of either' (Gook 2008). It seems that audiences are used to the kind of celebrity-driven documentary led by an incisive or laconic filmmaker of the Michael Moore ilk, but are not necessarily comfortable with a filmmaker like myself, who is uncertain, anxious at times and vulnerable. I have found that viewer opinion on my 'performance' in *Hope* is often polarised. People are either for or against it – few seem neutral on the question.

Etherington warns that too much reflexivity can interfere with, or detract from, an audience's experience of a 'good story'. There is a balance in all this, and as she acknowledges: 'No matter how much we include participants' views and voices and negotiate our relationships, in the end, the research is *our* work' (Etherington 2007, pp. 613–614).

Etherington also sets out some guidelines for ethical research in 'reflexive relationships' that resonate with my discussion of the processes of documentary filmmaking:

1. Remain aware of potential power imbalances;
 2. Negotiate research decisions transparently;
 3. Provide ongoing information as it becomes available; and
 4. Include in writing and representations, information about research dilemmas and the means by which they have been resolved.
- (Etherington 2007, p. 614)

I will explore these guidelines further in Chapter Three in relation to their application to the collaborative model of documentary practice that I tried to follow in the making of *Hope*. In the context of a general discussion of ethics however, it is pertinent to briefly examine the notion of reflexivity in documentary filmmaking.

Reflexivity

Jay Ruby (2005b) points out that the notion of objectivity once rendered reflexivity unnecessary in documentary making because, the argument went, if the filmmaker is unbiased and neutral then it follows that there is no need to draw attention to either the producer or the process, just the product. However, Ruby says that today it is more widely recognised that ‘image makers show us their view of the world whether they mean to or not’, and thus:

assuming a reflexive stance would be to reveal all three components – to see things this way: PRODUCER-PROCESS-PRODUCT and to suggest that unless audiences have knowledge of all three, a sophisticated and critical understanding of the product is virtually impossible (Ruby 2005b, p. 35).

For Ruby, the origins of documentary reflexivity lie in the work of Dziga Vertov and Jean Rouch¹⁵, while today the ethical problems of the intrusive potential of portable film equipment and the acknowledgement that human beings construct meaning rather

¹⁵ For example, Vertov’s *The Man With a Movie Camera* (1929) and Rouch’s *Chronicle of a Summer* (1961).

than discover it, has led some filmmakers to ‘feel the need to inform their audiences about who they are and how their identities may affect their films’ (Ruby 2005b, p. 37).

In her Monash University honours thesis on the use of documentary by humanitarian aid organizations, Vessal Safaei (2007) argues that a more reflexive approach would assist in representing third world communities as made up of people who act for themselves rather than behave as helpless victims. She defines reflexivity as ‘a technique that seeks to represent the interactions and modes of representations used within a filmic format’ and refers to Australian ethnographic filmmaker David MacDougall’s belief that a film that attempts to represent the reality of what is in front of the camera has to also acknowledge its production process (MacDougall 1998; cited in Safaei 2007, p. 50).

Bill Nichols (2001) points out that the degree of invisibility of the filmmaker in a documentary is a direct measure of the discrepancy in power between the filmmaker and her/his participant(s). To put it another way:

By excluding themselves from the world of the subjects, filmmakers also exclude the subjects from the world of film (Tomaselli 1996). The position adopted by the filmmaker, therefore, is a secretive one that withholds the very openness the filmmakers should want from their subjects (Safaei 2007, pp. 52–53).

There are, of course, differences between the often seemingly interchangeable terms ‘self-referential’, ‘reflective’ and ‘reflexive’. For example, one can be self-referential or reflective without being reflexive. As Ruby points out: ‘Whilst it is obviously impossible to reveal the producer and not the process, it is possible to concentrate on one and only incidentally deal with the other’. This is the case in many documentaries that feature the filmmaker within the frame. Reflexivity assumes a deliberate, rather than incidental, drawing of audience attention to the filmmaking process. For some filmmakers this might simply be achieved by means of a shot where the camera is deliberately visible in a mirror. But however it is tackled, Ruby advocates that ‘an intelligently used reflexivity is an essential part of all ethically produced documentaries’ (Ruby 2005a, p. 215).

Nichols reports a growth in self-reflexive documentaries and argues that:

it especially behoves the documentary film-maker to acknowledge what she/he is actually doing. Not in order to be accepted as modernist for the sake of being modernist, but to fashion documentaries that may more closely correspond to a contemporary understanding of our position within the world (Nichols 2005, p. 19).

In my own filmmaking I have always tried to be reflective and occasionally reflexive but always without being self-referential. However, the degree of reflexivity employed in *Hope* is much greater than in my previous work and stems from my collaborative approach to the documentary. I will examine this in detail in Chapter Three.

The nature of the relationship between documentary filmmaker and participant

Whilst documentary makers also have responsibilities towards themselves, their profession, their sponsors and their audiences, much of the above summary regarding ethics has centred on the documentary participant, without whom there would be no documentary film.

Brian Winston argues that an unequal balance of power remains the besetting ethical problem of the filmmaker-participant relationship and calls for a fundamental renegotiation of this relationship. To Winston, ‘the attitude and sensitivity of the filmmaker to the subject and the relationship they establish is the clue to ethical filmmaking’ (Winston 1995, p. 240). He goes on to propose that documentary makers should be intent on becoming facilitators for the self-advocacy of their subjects/participants. Such an approach:

ensures that the film-maker respects the rights, needs and aspirations of the people being filmed... Advocacy by the subject means the end of the documentarist as artist but, perhaps just as significantly, it also means an end of the victim as subject – a necessary development if the ethical mess is to be cleared up (Winston 1995, p. 258).

The question is, how does one go about facilitating that self-advocacy? This in turn raises questions about the nature of the filmmaker-participant relationship.

Katherine Nash's recently completed PhD thesis at the University of Tasmania, entitled *Beyond the Frame: A study in observational documentary ethics* (Nash 2009), seeks to restore to the ethics discourse what she regards as the missing ingredient – the voice of the participant. Nash points out that it is usually only in the occasional, controversial case of participant regret that this voice is heard. Such cases reinforce the idea that if documentary works to anybody's detriment, it is to that of the participants¹⁶. However, by researching the experiences of the latter and examining the nature of the filmmaker-participant relationship from *both* sides, Nash concludes that this relationship is more complex and two-way than is generally acknowledged in the literature.

In many instances, for example, participants have strong reasons for appearing in documentaries, indicating that they see potential benefits in their involvement. Furthermore, participants and documentary makers often become allies, with shared values and a message that both want to see communicated to an audience. These characteristics are implied by Winston's notion of facilitating self-advocacy.

Nash specifically sets out to explore the relationship inherent in observational filmmaking, which is usually characterised by longitudinal, 'up-close' filmmaking in which documentary maker and participant are thrown together for a lengthy and intense period. This description certainly fits the mode of interaction in *Hope*.

¹⁶ One celebrated case in Australia is that of *Sylvania Waters* (Hill & Woods 1992), in which one of the main participants, Noeline Donaher, made a celebrity of herself by complaining about her portrayal in the film and even writing a book about it. Another is *Cunnamulla* (O'Rourke 2000), in which the parents of two teenage girls who appear in the documentary took (ultimately unsuccessful) legal action against the filmmaker for breach of contract. For a fuller discussion of the former see Nash (2009) and for the latter see Donovan (2006).

Nash's empirical research, in which she interviewed participants and filmmakers from three contemporary Australian documentaries¹⁷, shows that *both* filmmaker and participant have power in their relationship because: 'The filmmaker has the power to represent, to give the participant a voice or constrain that voice in light of his or her documentary vision. The participant has the power to resist and, ultimately, to refuse' (Nash 2009, p. 297).

According to Nash, this 'circulating power' is continually negotiated as the production progresses and each party attempts to make the relationship work for them, without losing the cooperation of the other. Thus, 'through action and resistance, the filmmaker and participant become aware of what is and what is not within the scope of the documentary project.' In this way, the filmmaker and participant work out mutually acceptable ground rules for proceeding (or not, if the conflict is too great) and the documentary relationship becomes 'a kind of negotiated collaboration', a term which resonates both with Sanders 'agreement through dialogue' and Winston's 'facilitating self-advocacy' (Nash 2009, p. 220).

In order to win a participant's cooperation Nash finds that the filmmaker must display an attitude of sensitive engagement. She compares this with notions in the literature of 'loving attention', or concerned responsiveness to another individual, in which one seeks to understand and promote the good of the other. Thus:

Applying this ideal to documentary, it could be said that sensitive engagement involves a genuine attempt on the part of the filmmaker to understand the participant and their needs in relation to the documentary project or, to put it slightly differently, how their interests can be met in terms of their documentary participation (Nash 2009, p. 39).

This kind of engagement, in which the filmmaker is concerned to promote the good of the documentary participant rather than simply minimise harm, is a different form of

¹⁷ *Molly and Mobarak* (Zubrycki 2003), *Facing the Music* (Connolly & Anderson 2001) and *Losing Layla* (Gorman 2001)

ethical engagement between participant and filmmaker to that of informed consent, which is the approach traditionally advocated in the documentary ethics literature. Nevertheless, as my own experience attests and Nash maintains, this ‘is in fact what successful filmmakers routinely do to a greater or lesser extent.’ (Nash 2009, p. 39).

The role of trust

Every filmmaker, myself included, knows from experience that mutual trust between filmmaker and participant is essential, especially in longitudinal, observational-style documentary work. Nash identifies exactly how trust works in this relationship:

trust is a response to the inherent vulnerability invited in observational filmmaking. For the filmmaker, establishing trust is central to the documentary project. His or her filmmaking performance aims at communicating their trustworthiness to the participant. For the participant, trust is essential to overcome the risk entailed in giving the filmmaker access, that of betrayal (Nash 2009, p. 193).

Nash defines this trust between participant and filmmaker as characterised by a mutual openness of each to the other, built over a period of time and dependent upon ‘shared values and a shared sense of the good that the documentary project seeks to achieve.’ However, such trust is threatened by the imposition of the notion of informed consent in the guise of the standard release form, which allocates total power over the documentary rushes to the filmmaker. Nash finds that ‘informed consent cuts across the documentary relationship because it undermines the trust between filmmaker and participant’. She concludes: ‘trust is arguably a more appropriate foundation than informed consent for understanding the ethical dimensions of this relationship’ (Nash 2009, pp. 284, 304).

The right of veto

As noted earlier, the *Honest Truths* survey revealed that documentary makers display wide variations in the degree of consultation offered to participants ranging from none, through consultation at rough cut and/or fine cut all the way to a right of veto. Such

arrangements are almost always informal (Aufderheide, Jaszi & Chandra 2009, pp. 10–12).

Nash found that in all three of the Australian documentaries that she examined, although the means of gaining formal consent varied, the filmmakers offered an informal right of veto to their participants and felt that this was essential.

the right of veto contributes to establishing trust between filmmaker and participant... In addition, the right of veto recognises the participant's power and the filmmaker's vulnerability within the documentary relationship. The right of veto, therefore, can be interpreted as playing an important role in fostering the trust between filmmaker and participant that makes observational documentary possible (Nash 2009, p. 302).

Nash notes however, that where the filmmaker has a relationship with a broadcaster or funding agency, 'a right of veto is likely to be contrary to institutional policy' (Nash 2009, p. 177). This poses, or exposes, a problem for documentary filmmakers and their industry that has long existed but never really been faced. The reality is that if one regards the documentary relationship as a kind of negotiated collaboration involving mutual trust, and one takes that notion of collaboration seriously, then it is hard to see how a right of veto for participants cannot be at least considered as part of the deal. In the case of *Hope*, as we shall see, this issue was never really tested because of Amal Basry's untimely death, before editing began.

Collaboration

The notion of collaboration in humanities research is not a new one. For a long time it has been standard practice for social science researchers to check their formulations with participants. Visual anthropologists such as Pryluck have embraced collaboration since the 1970s, moving deliberately from the old stance of the 'observer' to that of the

‘participant/observer’ in order to overcome the power conflicts and imbalances inherent in cross-cultural filmmaking¹⁸. For Pryluck:

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... Collaboration fulfils the basic ethical requirement for control of one’s own personality (Pryluck 2005, p. 205).

According to Donovan, the pioneering Australian ethnographic filmmaker David MacDougall’s work lies in the intersection of visual ethnography and documentary filmmaking and ‘focuses on the quality of the encounter between the filmmaker and the participant, both of whom, for each other, constitute “the other”’. It is MacDougall’s ‘interpretation of the engagement between filmmaker and subject as an interaction, which allows for social relations that can enable an equal collaboration’ (MacDougall 1998; cited in Donovan 2006, pp. 18–19).

However, as Winston has indicated above, there may be contradictions between collaboration and the notion of documentary as art. Nash also suggests that:

Although collaboration offers one way in which to address concerns over power in the context of documentary, it remains to a large extent incompatible with both institutional demands and the views of documentary as either artistic statement or independent journalism... collaborative relationships between filmmaker and participant often lead to accusations of directorial abdication (Nash 2009, p. 77).

¹⁸ One of the best known examples of cross-cultural, collaborative filmmaking within ethnography is the Australian film *Two Laws* (Strachan et al. 1981).

I don't agree with this argument as there are many types of collaborative art in society and although the buck may ultimately stop with the director or producer, documentary making has traditionally been collaborative in the sense of requiring a team (including a cinematographer and an editor) to make an artistically excellent film. In collaborating with a participant, it could be said that one is simply extending that collaboration.

Conclusion

In this chapter I have briefly summarised the traditional concerns of documentary ethics and the shift from arguments primarily concerned with informed consent to reflections on the practical realities of the documentary-participant relationship, its basis in trust and the characteristics and conditions required for collaboration as an ethical way forward in documentary practice.

In Chapter Three I will begin by gathering together the lessons of my prior experience and the ideas discussed in this chapter to propose a model of ethical collaborative practice. I will then discuss how this model was applied to the making of *Hope* and the consequences of doing so.

Chapter Three – *Hope* as a Collaborative Documentary

A collaborative framework

As the focus of this thesis is on practice we now come to a fuller empirical discussion of *Hope* as a collaborative effort. Firstly I will outline what I see as the distinctive features of a collaborative approach and the basic practicalities of applying this to *Hope*. I will then discuss how this approach worked out in practice.

The characteristics of a collaborative approach

As indicated in Chapter One, the starting point for my filmmaking practice has always been one of trying to understand and respect people's positions (whether I agree with them or not), by giving each participant their 'moment' on screen to be heard and attended to, rather than undermined. I assume that rarely is anyone all right or all wrong and, indeed, often my films seek to establish a dialogue where one hasn't previously existed. In this respect, I see myself as a kind of go-between or interpreter – either between participants or between participant and audience¹⁹.

However, a framework for ethical documentary practice needs to go further than this and it seemed to me, particularly in the case of *Hope*, that collaboration was the key. The question then is, what principles need to be added to this respectful stance in order to propose a collaborative framework of documentary practice? Following on from the concerns that have arisen in my prior filmmaking, outlined in Chapter One, and the discussion in Chapter Two of ethics and the filmmaker-participant relationship, I posit a model which is mindful of Nash's (2009) notions of 'sensitive engagement' and 'negotiated collaboration', Sanders' (2007) 'agreement through dialogue' and Winston's (1995) 'facilitating self-advocacy'. The model also takes into account

¹⁹ For example, in *Black Man's Houses* I carried the 'opposing' views of the white and black communities from one to the other for comment because there was no forum on Flinders Island for the two to come together. In *Least Said, Soonest Mended* I tried to encourage conversation between the various parties to the adoption story, who had not discussed this event with each other before.

Etherington's (2007) guidelines for 'the vulnerable researcher' and the need for transparency if power imbalances are to be addressed.

I suggest that in regard to the filmmaker-participant relationship a collaborative approach to documentary practice will display the values and principles listed in the following table:

VALUE or PRINCIPLE	NOTE
Develop mutual respect.	Dependent on shared values and grows over time.
Develop mutual trust.	Grows over time – necessary to overcome the risks inherent in the process (participant's fear of betrayal, filmmaker's fear of withdrawal) – trust the particular skills that the other has.
Agree on goals.	The purpose of collaborating is to make a film and the goals concern the message or aim of the film.
Discuss benefits.	Including agreement about ownership and payment or return.
Agree about shared values, responsibilities and accountability.	May be in writing. Addresses potential power imbalances.
Ongoing communication and exchange of information.	Pass on information as it comes to hand. Discuss participant's feelings about progress – encourages transparency and awareness of any power imbalance.
Share ideas and decision making at all stages.	Encourages active participation and co-ownership. Creates space for self-advocacy of participant.
Sensitivity to issues of privacy, dignity, cultural issues etc.	About respecting participant's rights.
Treat consent as an ongoing process of consultation throughout production and post-production.	This is consent by negotiation.
Offer a right of veto.	Part of the consent process – to overcome power imbalance.

Ensure investors/sponsors and other members of the creative team share the values of a collaborative process.	May be reflected in written agreements.
Extend collaboration as a means of support if necessary.	May involve bringing in an advocate, legal help, community representative etc to support the collaborative process.
Address transparency and reflexivity within the film itself.	Involves the transfer of ethics into the aesthetics and text of the film.

Table: Values and principles inherent in a collaborative approach to documentary practice

Participant motivation and active collaboration

In practice, a collaborative approach is unlikely to succeed where there is a feeling of reluctance or coercion among participants about appearing in a documentary. However, if there are strong reasons to participate then collaboration becomes a possibility, and this was certainly the case with Amal Basry.

Amal's main motivation in participating is explained by her early on in *Hope*, when she says: 'I ask myself why I'm still alive? I tell myself, so that I can tell the world what happened to us'. Her response to surviving the SIEV X disaster was to embark on a mission and participating in the film was one way of achieving this. A secondary motivation was implied by Amal's love of movies and occasional comments to me that she had always wanted to 'win an Oscar'. As a girl she had had ambitions to be an actor and perhaps participation in *Hope* was a way of indulging that long held desire (the notion of performance is discussed further below).

Even if a participant is keen however, this doesn't give *cart blanche* to the filmmaker in terms of consent because the unforeseen consequences of participating still carry risks. Furthermore, the enunciation by Amal of what psychologists call 'survivor guilt' brought with it a responsibility on my part to act appropriately and with awareness.

I was also beholden not to make a 'victim picture'. The safeguard to this lay in the notion of Amal becoming an *active* participant through the process of collaboration, for someone who acts upon the world is no longer a victim. Furthermore, collaboration

means a shared approach, implying mutual reciprocity and obligation as well as shared decision-making – a taking of responsibility one for the other. It demands mutual trust. To embark on such an approach is to embark on a relationship, and relationships grow and change. So there is a sense in which, not just *Hope* but any documentary, is the record of a relationship, or of the dialogue between filmmaker and participant.

The nature of the contract

So, on what kind of agreement might such a collaborative arrangement proceed? As Amal and I began filming together we discussed this and agreed that we would work together, with Sue Brooks and I, as the producers, providing the expertise, facilities and resources to make a film in return for Amal agreeing to give exclusive access to her story. That is to say, she could participate in other media opportunities but she would discuss these with me and would not embark on a similar documentary with anyone else. I felt this was a reasonable thing to ask for in order to get Amal's full commitment and because I knew that other documentary makers had shown an interest in her. We needed to be sure that we would have a distributable film.

By this stage our friendship was already growing and I had demonstrated my commitment. Amal had also met Sue and they had got on well. Amal decided that we were her best chance and were to be trusted, so she was happy to agree to our condition.

At no stage did we ask Amal to sign a conventional release form because our legal advice was that this was unnecessary given that no broadcasters were involved. However, we agreed between us on a form of wording in plain English for a letter that we used in seeking financial support and which Amal signed. The wording was as follows (a copy of the letter is attached as Appendix Two):

I am writing to support Flying Carpet Films' application for funding to make a documentary with me. I am very happy to participate in Steve Thomas' and Sue Brooks' film. Steve and I have already started filming together and I want to tell my story in this way. If Steve and Sue can get the resources to make this documentary I undertake to work exclusively with

them. I also understand that I will have no financial interest or copyright ownership.

Ownership of copyright

There was probably no particular reason why Amal could not have been offered a share in the ownership of the copyright of the film. The clause declaring that she would have no financial interest was included mainly because she was not taking any financial risk (unlike the producers) and as a reassurance to potential, interested broadcasters or funding agencies that Amal had no vested interest in the project. In any case there was no anticipation of any profit being made – this being highly unlikely, as it is with most social issues documentaries. However, as things worked out, any agreement to share copyright ownership with Amal would have been complicated by her subsequent death, as it might be argued that her family should then benefit from any returns to the film – something that might well have raised difficulties.

The related question of payments to Amal for her time or work is dealt with below as a separate ethical issue.

The above outlines the kind of agreement put in place at the start of making *Hope*. The remainder of this chapter will explore how the collaboration that ensued worked out in practice.

Giving space to the participant

In working together on *Hope* the obvious first step in filming was to record Amal's story of fleeing Iraq and her account of the SIEV X disaster. This we did in her lounge room over two days early in 2005 and those sessions marked the beginning of our collaboration, as we began to test out each other's boundaries and the possibilities for a documentary.

There is a moment early in the film that illustrates this initial stage (it is also the first indication that the process of making the film will be overtly referred to – such reflexivity is discussed further below). A few minutes into my first interview with Amal she asks for a drink of water. The following exchange then occurs:

AMAL (looking at the camera): He make movie now or I just trying?

STEVE (off camera): Yep, we're recording.

AMAL: Really? I think we just, like, try!

STEVE (off camera): Oh, did you?

AMAL: Yes.

STEVE (off camera): Well that's okay.

AMAL: Because you didn't say 'Action!'

STEVE (off camera): Ah okay! (laughter)

AMAL: No 'Action!' (she laughs)

This exchange not only reveals something about the filmmaking process but also Amal's initial understanding of our contract. In return for me providing the resources for filming she is ready to 'perform' for the camera and wants to do well. Partly because English is not her first language she sees rehearsal as an important aspect of filming, whereas I, as a documentary maker, am interested in non-rehearsed responses. This misunderstanding between us is dealt with at this point and Amal's account of events then gets underway.

In a review in *The Age* newspaper, film critic Phillipa Hawker notes about *Hope* that:

Its significance is not only related to the story it tells, but to how it is told, the manner in which the documentary subject is given space, and the way the filmmaker and subject have things to say to each other (Hawker 2008).

This creation of space, or room to move as it were, for participants during the filmmaking process is a key to the collaborative process. As Amal began to experience that space and the permission it gave her, so she began to contribute actively to the filming process. This is not to say that the process of collaboration is without challenges. Paying more than lip service to it is at times confronting, not least because it means being open to the possibility that the direction of the film may change. This is a risk – but one that can also reap rewards, as illustrated by the following example.

Amal's 'music video clip'

My first goal as a 'concerned' documentary maker was to record Amal's version of the SIEV X disaster and her terrible experience of the time she spent in the ocean before being rescued. However, although it was of great importance to Amal to retell that story she didn't always want to dwell on the horror of it. Sometimes she wanted to indulge another side of herself – the side that had always wanted to act in movies. So she asked me if I would film her on a nice autumn day, walking beside the River Yarra in Melbourne, looking sad and troubled, while leaves fluttered from the trees and leisure boats cruised by. She even provided the soundtrack – a tape of one of her favourite love songs by the Iranian singer Moein. The Yarra, Amal said, reminded her of the Tigris and the home and family she had left behind in Baghdad.

Privately this idea seemed to me like a melodramatic cliché but nevertheless I agreed to indulge Amal. After all, she had been through so much that the least I could do was to facilitate this brief escape from her recurring nightmares. So we shot the scene and to my surprise it became a very moving moment in the completed film, followed as it is by Amal sitting by the river and talking about her love for her father and her longing to walk with him one more time by the Tigris, as she had in her childhood.

This was a salutary lesson to me to be open to possibilities other than just ideas of my own and it inspired me to introduce the scene with narration that begins: 'After tolerating my earnest filmmaking intentions for a while, Amal told me what she wanted to do' and ends with: 'She wanted to star in a video clip that would capture her longing for home.'

From then on, as Amal's confidence in helping to shape the film grew, she would ring me with ideas and requests. 'Please meet me on the pier at St Kilda' she asked one day, 'because I want to talk about the children who died in our accident'. When I arrived with my cameraman, there was Amal, waiting for us at the end of the pier, dressed all in black and ready to tell the story of a ten-year old girl who lost her parents and siblings in the disaster and who Amal had cared for after they were rescued. This forms another moving scene later in the documentary.

These were both performative but genuine moments and I came to realise that Amal had a sophisticated understanding of the notion of performing one's self. I shall return to this later but I had an interesting conversation with her towards the end of filming, when she was very ill. The Oscars were on TV that night and Amal spoke once again about her childhood ambition to win an Oscar. We joked that maybe she would win one for *Hope* and then I said 'but you're not *acting* in this film are you?' and she replied, 'Steve, I am acting from my heart'²⁰.

Collaboration, power and subjectivity

Whether a collaborative approach can ever fully mitigate the power imbalance between filmmaker and participant is debatable but film critic Paul Byrne acknowledges the effort in his review of *Hope* for the Sydney Morning Herald:

There is always a degree of exploitation in a documentary film, unless the maker is also the subject, but *Hope* is a sincere effort by the Melbourne filmmaker Steve Thomas to crash through that inequality. He allows his subject to become his collaborator; he abandons authorial anonymity to appear on screen with her, to document their growing friendship... It's also clear Amal enjoys being the star of Thomas's film. She was a film buff back in Baghdad; she tells him to film her walking by the Yarra... When she finally returns to the Middle East, to see her other children and ageing father, she takes a video camera to record what happens, without Thomas. By making the bones of filming visible, we see how they worked together, crafting and shaping her story (Byrne 2008).

Another important aspect of the notion of collaboratively giving space to a participant is that it allows the person to tell things as she or he sees them. Documenting the growing relationship between Amal and I is not the central purpose of *Hope*. The central purpose is to enable the audience to see through Amal's eyes. *Hope* is not a

²⁰ The notion of the performance of self by participants in documentaries has gained recent attention in the light of discussion of performance by participants in reality TV shows. For a fuller discussion of performance of self in the context of observational documentary see Nash (2009, pp. 101–103).

‘witness box’ film in which Amal’s version of the facts are cross-examined. Nor is it an investigative film attempting to get at the truth behind the SIEV X affair. Rather, it is very much Amal’s own subjective story.

It is the subjective stance of the film that humanises ‘the refugee story’ in a way that people perhaps haven’t seen before. As Andrew Urban states in his review in *Urban Cinefile*:

Hope humanises the illegal migrant on the SIEV X, and creates the kind of connection with us that the Government tried hard to hinder, because if we meet these refugees face to face as individual human beings with families and hopes and in Amal's case breast cancer, our individual and collective response is likely to be very different to generalised scaremongering propaganda from Government (Urban 2008).

That the space I am referring to *is* subjective is indicated by the place of dreams in *Hope*. Amal attached huge importance to dreams and mentions dreams and nightmares several times in the film. She relates two specific dreams during the sequences shot at the SIEV X anniversary event in Canberra, which she had also requested that I film. One is about me and appears to be a ‘transference’ dream related to my role (or that of the camera) in her life. The other is about the children that drowned, who she dreamed, flew around her, pulling her hair and asking ‘what happened to us, what happened, tell us the truth, what happened to us?’ In her speech at the anniversary event Amal declares: ‘I can’t forget anything. Every night I have a dream about this accident.’ She also refers on several occasions in the film to the dreams of the children for a better life. ‘They had small dreams’ she says, ‘but the ocean killed them dreams.’

This collaborative giving of subjective space to Amal gradually transforms the film and as Sue Swinburne says in her review of *Hope* in Metro Magazine:

What might otherwise have been straightforward arm's-length storytelling is gradually transformed. The conventional relationship between filmmaker and subject shifts, and becomes two people attempting to come to grips with the adversities and inequities of the world around them... the broader,

more obviously politicised discussion of social injustice gives way to an intimate portrait of Amal's fractured world (Swinburne 2010, p. 55).

Consequently, says Swinburne, as Amal's health deteriorates, 'her vigour and drive to finish telling the story as she sees it becomes urgent, a matter of life and death. Steve Thomas becomes her proxy, helping to seek out the ghosts of her past and laying them to rest on her behalf.'

Collaboration may well mean that the filmmaker becomes a participant in the film, however reluctantly and to whatever degree. Alongside the personal demands that come with this, one must deal with the same kinds of ethical dilemmas that arise in any documentary, but from a more personally involved perspective. I will now turn to some of those dilemmas and how they were dealt with.

Ethical dilemmas in the making of *Hope*

The issue of payment

One common ethical aspect of the power imbalance involved in the filmmaker-participant relationship is that of wealth discrepancy, mentioned earlier. As the filmmaker, the convention is that one is present to record the existing situation, not to overtly change it by financially supporting a person who otherwise would not have that support. Yet, at the same time, as a collaborator or sympathetic friend one feels obliged, indeed wants, to help out. Sometimes, offering in-kind support can provide an alternative to paying a fee or wage, for example by paying some bills or buying something the person needs. This approach can usually be legitimised in the budget as location expenses and I have certainly taken this approach with other films. In this case, because the filming phase was unfunded, neither Sue Brooks nor myself were earning money from the production, although nevertheless, the wealth discrepancy was real.

Because of her situation, Amal was constantly in financial difficulty and my personal response was to occasionally send small sums of money to her anonymously. She was assisted in various ways by refugee organisations and to her immense credit she never asked me for money or to lend her money. She also knew the situation of the production and never requested payment for filming. However, when we did get assistance from the Australian Film Commission to film in Indonesia we paid Amal's

return airfare to Jakarta, which in turn helped her considerably with the cost of her journey on to Iran to see her family and, had she arrived in Indonesia as planned, her accommodation and expenses in Indonesia would have been covered. I felt this was at least some compensation to Amal for the time and effort she was prepared to put into filming.

It is also worth noting the cultural aspect of the ethics of payment to participants. When we filmed in Indonesia, for example, we knew it was accepted practice that we would have to pay people in order to film them, including officials. Our production manager in Jakarta was also employed as our 'fixer' and he paid out small, negotiated sums of money as we went (which were essentially bribes in our terminology) and these were allowed for as location expenses in the budget. In return we required participants to sign a simple but more standard release form giving us the right to use the recorded footage in the film.

The documentary as judge and jury

As noted in my earlier discussion of *Least Said, Soonest Mended* (see p.10), the documentary making process gives participants an opportunity to speak out which they might otherwise not have. Amal not only took this opportunity but, like any human being, sometimes tried to recruit the film and me to her point of view. At times, for example, she was particularly critical of certain people around her and on more than one occasion voiced this criticism very strongly to camera.

For my part, I generally encouraged Amal to express her feelings, secure in the knowledge that during editing we could make joint decisions about what should be included or excluded (or even destroyed). This approach is a conventional, ethical 'out' in documentary making. However, Amal's subsequent death towards the end of filming meant that there could be no such dialogue.

This was a very significant moment, for having gained the freedom to make a film through unrestrained collaboration with my participant I was now 'free' of the demands of even that. Of course, I could consult with the production team (essentially editor Uri Mizrahi and my co-producer Sue Brooks) and others, but at the end of the day every

ethical decision would now have to be my own. There would be no handholding by Amal. Nor in this instance could we easily look to her family for advice because the material concerned was bound to cause them distress. Ultimately then, I would now be forced back onto my own sense of right and wrong, and have to examine where my own lines in the sand are drawn.

I felt it was important to refer in the film to Amal's difficulties in some of her relationships, because they underlined the sense of aloneness and alienation that she felt in her life after finally reaching Australia and this was a central theme of the film. Furthermore, relationship breakdowns are a generally unacknowledged feature of refugees' stories – it is somehow assumed that once they are finally 'settled' everything will proceed smoothly. However, I did not want *Hope* to act as judge and jury of individuals who had no right of reply or opportunity to give their side of the story. This was a dilemma on which opinion was at times strongly divided among the production team.

We made repeated attempts to cut the footage so that its inclusion in the film could be justified. But in the end I accepted the argument that in Amal's absence her family and friends had to continue living their lives together. To cause distress and controversy at a time of such grief would not only be unjustifiable but could result in the family and/or community disowning the film, whereas I felt it was important that they should at least regard it as a fair representation, if not be actively proud of it. This concern for the consequences to documentary participants and their families echoes that of Pryluck when he states bluntly that '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.' (Pryluck 2005, p. 197).

Consequently, there is little trace of Amal's relationship difficulties in the completed film. In reaching this decision it was also helpful for me to discuss the matter with the Community Reference Group that was formed in post-production, some of whom had known Amal personally (see below).

A right of veto?

I don't know what would have been the outcome with issues such as this if Amal had lived beyond the completion of shooting. Consultation is one thing but participants' rights are another. The question of whether documentary participants should have a power of *veto* over their own representation is an important one, referred to already in Chapter Two (see p.36). As noted there, in a formal sense they generally don't.

One argument against a power of veto is that participants might use it against others or to censor criticism of themselves. However, mutual trust and respect was central to the relationship between Amal and I, and it is unlikely that in the final analysis either of us would have gone against anything that the other strongly disagreed with. My hunch is that, by the time she died, life had moved on for Amal and her antagonism towards certain people had mellowed, if not turned completely around, so she may well have asked for the footage in question not to be used anyway.

The problem of freezing participants' lives

This fact that 'life moves on', as opposed to the tendency of films to freeze people's lives in time, is a great concern for documentary makers. Once a film is completed it is as if there could be no other ending to the story and the people in it don't have continuing lives that grow and change.

This has bothered me before, for example with *Least Said, Soonest Mended*, which ends on a pessimistic note regarding the future relationship between my sister and her adopted daughter – pessimism which in hindsight was not warranted²¹. This is an inherent limitation of the otherwise dynamic medium of film (and presumably the source of the temptation to keep making sequels!). In a chapter of his book, *Transcultural Cinema*, entitled 'The Fate of the Cinema Subject', David MacDougall eloquently states the problem thus:

²¹ Indeed, Karen has since emigrated from England to New Zealand, where my sister Val lives.

Films can have untold consequences, but all spring from their initial, presumptuous act. The real ‘crime’ of representation is representation itself... By freezing life, every film to some degree offends against the complexity of people and the destiny that awaits them... If this causes some documentary filmmakers to turn to fiction, it causes many viewers of fiction to find the characters there less interesting than the actors who play them (MacDougall 1998, pp. 37–39).

The lives of the rest of Amal’s family have gone on now for some time since the completion of the shooting of *Hope* in April 2006. Editing alone took more than a year and to give some sense that life for her family had continued in the meanwhile, we added some textual information at the end of the film. Several years later, this information is not just out of date but in some ways is actually misleading.

Returning to Indonesia

At the end of her account in *Hope* of the sinking of the SIEV X and her eventual rescue, Amal says the following:

Some people they told me you are lucky, you are safe, you and your son. I told them ‘I am not happy, I am not lucky’. It look like I lose something in the ocean. I want to know what I lose. I didn’t lose my body, I didn’t lose my soul. But I feel I lose *something*.

From the beginning of the filming process Amal and I talked a lot about the possibility of returning to Indonesia together to film. To go back and try to find what it was she had lost in the ocean was a central desire of Amal’s, a literal journey born out of a psychological need, and she also wanted to put flowers in the ocean in memory of those that died when the SIEV X went down.

Claude Lanzmann’s epic film *Shoah* (1985), in which he interviews survivors of the holocaust, first introduced me to the notion of taking people back to the scene of an important event in their lives, a strategy which I have employed in earlier films. Even if the place has significantly changed, doing this can psychologically take a participant back in time, so that rather than merely recalling the event they actually start to re-

experience it. This can be a profound and moving process (although it can also be a distressing one) for both participant and audience.²²

I felt that for us to see Amal on that jetty where she embarked on the SIEV X, or at the shabby hotel in which she and her fellow passengers waited for months to be called by the people smugglers and where the children played in the garden, would be both visually powerful and moving for Amal – perhaps provoking new memories, or a different slant on her well rehearsed story, that would deliver fresh insights. Finding the resources to achieve this was difficult but eventually we gained the support of the then Australian Film Commission and were able to set off on the journey.

However, as *Hope* portrays, things didn't go according to plan and on her arrival in Jakarta the Indonesian authorities deported Amal back to Singapore. Now I had a dilemma. If this was a conventional documentary, I might have abandoned the shoot completely or just collected some 'point of view' footage for use as cutaways while Amal recounts her journey in voiceover. But this was a collaborative project and I felt responsible for Amal. So as my cameraman spontaneously turned the camera on me at Jakarta airport I found myself looking into the lens and saying: 'We are here on Amal's behalf now.'

The question then was what would such an intention mean in practice? My narration poses the question: 'What would Amal want me to do now?' This is an indication of a reversal in the filmmaking relationship – that I was now wondering how to serve my participant's interests rather than use her to serve mine. Thus, I found myself taking on the task of retracing Amal's journey through Indonesia and carrying out her wish to have flowers put in the ocean in memory of the dead. It is the point in the film at which I am reluctantly forced *visually* onto the screen, although at the time I had no idea what would be the best way to shoot such 'stand-in' material. This dilemma is reflected in the rushes, as we shot most of the scenes in Indonesia in several ways, having no idea

²² I probably experienced this most profoundly when, during filming for *Least Said, Soonest Mended*, I took my sister back for the first time in thirty years to the house in London that had been the headquarters of the adoption agency. Here, aged sixteen, she had handed over her baby for adoption.

how the material would translate in the edit suite or what kind of coverage might work best in telling the story.

In hindsight, I regard this section of *Hope* as a kind of letter to Amal. It was a gift that was reciprocated when, after travelling on to the Middle East following her rejection in Jakarta, Amal made sure that friends and family members videoed everything she did. The footage she brought back of her reunion with her father after their eight-year estrangement is undoubtedly among the most moving in the film.

Collaborating with subterfuge?

Having decided to stay on in Indonesia and keep filming, I rang Amal a few days later to find out how she was and report on the situation. By now she had arrived in Oman and was staying with her daughter. We recorded the conversation and it appears in the documentary. I had already found the hotel with the kids' playground that had featured so strongly in Amal's memories and when I told her we had been filming there the conversation went as follows:

AMAL (voice): Really?

STEVE (on screen): Yes.

AMAL: Is it still like before, the garden...

STEVE: Yes.

AMAL: ...where the children they play?

STEVE: Yes.

AMAL: Okay. Film everything Steve, film everything and I'm going to put my voice. Try to go to the ocean, to the sea, because when you go back to Melbourne I am going to go to the sea and make myself look like I'm in Jakarta.

Although Amal's suggestion of subterfuge clearly sprang from a moment of enthusiasm rather than any premeditated intent to deceive, such a suggestion would normally be consigned to the cutting room floor as either undesirable or irrelevant. However, I felt it was very important to include this conversation in the film, not least because it demonstrates several things about Amal.

Firstly, it indicates her commitment to the film and determination to tell her own story. Secondly, she understands the manipulation and construction that goes into filmmaking (Amal was a big consumer of movies and very knowledgeable about them). It may also indicate a pragmatic acknowledgement that the end justifies the means. After all, this was a woman who would not be stopped. It was sheer determination that had seen her through the impossibly difficult journey from Iraq to Australia.

Most importantly however, the inclusion of a moment like this indicates to an audience that here is an *ordinary* human being like themselves, prone to fantasy, manipulation and all of the minor sins we are all guilty of and can therefore laugh at. Far from responding censorially, audiences never fail to chuckle heartily at this moment in the film. It is an important counter element in a heroic story, because to represent someone as an untouchable hero is as disempowering as it would be to represent him or her as a helpless victim. The fact that Amal's suggestion represents the very kind of subterfuge that I disagree with in documentary making adds a nice touch of irony.

Beyond issues of Amal's role in the film however, this incident constitutes another reflexive moment, akin to that mentioned earlier when Amal complained that I had not called 'action'. It draws the audience's attention not just to the filmmaking process but to the collaborative negotiation of that process between Amal and I. The importance of such reflexivity will be referred to again below.

Dealing with Amal's declining health

A year after arriving in Australia Amal developed breast cancer and despite having a mastectomy had just been further diagnosed with bone cancer when we began filming. The final section of *Hope* documents Amal's declining health and her eventual death. The ethical dilemmas posed by this were many and difficult.

It became clear during editing that the best way to deal with the uncertainties I had had about filming in such circumstances was to acknowledge these through the personal narration that I began drafting early in the process, some of which was drawn from notes I made during filming. I had soon realised that making this film was no game. Whatever had motivated me in the first place, I was now dealing with a central

participant whose life was in danger, and not for the first time. Who was I, that I thought I could ‘exploit’ such a situation?

During shooting (January 2005 to March 2006) I often felt poorly equipped personally to deal with Amal’s situation and so turned for advice to Kate Durham, an artist, refugee supporter and close friend of Amal’s, whose paintings I was planning to use in the film. As my narration puts it: ‘As the seriousness of Amal’s situation dawned on me I went back to see Kate Durham, whose art had first introduced us’. Indeed, from the beginning, Kate was another collaborator in the making of *Hope* and became a great source of support. This is apparent in the film.

As Amal got sicker and eventually became bed ridden much of the time, I increasingly found myself in a dilemma about whether to film or not. Up to this stage I had generally employed a cinematographer for organised shoots with Amal (with me doing the sound recording) but I also had a small handycam and now, whenever I visited Amal I took this with me. Both her dignity and privacy were at risk and deciding at which point I might be crossing the boundary into voyeurism was difficult. At times Amal was too distracted by her illness to care and I had to make up my own mind whether to use the handycam or not. I often did – again partly reassured by knowing that decisions about the use of such footage could be deferred.

During the editing, once again, acknowledging my dilemmas to the audience through narration was one way we dealt with this. For example, when Amal is first seen in a really ill state in the film (on her arrival back from the Middle East), I comment: ‘It was a shock to see Amal like this. She hardly seemed to notice me and for the first time I felt I was intruding.’

Torn between the filmic imperative to keep shooting and my concern for Amal’s wellbeing, I often told her to forget about the film and concentrate on looking after herself. But she never did forget and I remember her saying to me on one occasion, ‘I might not be able to walk but I can still speak’. Amal’s concern for the film, despite her worsening condition, is also pointed up in my narration, which indicates that Amal is directing the filming as much as I am: ‘Amal has been worrying about finishing our film, and has asked me to come back a few days later, ready to film properly. She has

an idea about a scene she wants to include.’ In this way, both the collaborative nature of the film and our shared commitment to it are expressed, so that the audience can understand that the purpose of continuing to film is not exploitative.

The role of the cinematographer and choice of crew

If as a filmmaker one aims to work collaboratively with participants and establish the necessary climate of trust, then it is important to work with crew members who have a similar sensibility. I select crew who I know will work to support my aims as a filmmaker, which include to a) give attentive respect to participants’ stories and views; b) be fully engaged with participants in supporting them to advocate for themselves; and c) ensure that the production process (both shooting and editing) is conducted with regard to the dignity, privacy and rights of participants. To have such crew on *Hope* was even more important when Amal became so ill.

There are, for example, a couple of moments in *Hope* when, for ethical reasons, cinematographer Peter Zakharov deliberately pans the camera *away* from the action. They both reflect moments in life where we instinctively tend to avert our gaze.

Early in the film Amal is having cancer treatment and as the nurse inserts a catheter into the back of her hand the camera pans from a close-up of the needle as it is about to pierce her skin, up to Amal’s face. Consequently we don’t see (or have to watch) the needle going into the vein. Instead our attention is transferred to Amal’s reaction (she closes her eyes).

Towards the end of the film when Amal is in bed watching video footage of her final farewell to her family in Tehran, she becomes nauseous and puts her hand to her mouth because she is about to vomit. As she does this the camera pans away to a fan which is whirring away at the end of the bed.

In both these situations Amal is spared from undue intrusion and the audience is spared the difficulty of watching such. This is an indication of respect for Amal’s dignity and privacy and in both cases the camera movements were made spontaneously by Peter Zakharov, without any direction from me. Of course, one could probably find a way to cut around such moments anyway, but by having such actively moral camera moves in

the film a message is being conveyed to the audience, albeit subtly, about the film's (and the filmmaker's) ethical stance.

Amal's death

In a contribution to the book *Carnal Thoughts: Embodiment and Moving Image Culture*, Vivian Sobchack argues that the depiction of 'human bodily transformations', such as birth, death, excretion and sex, challenge the social acceptability of documentary representation. The filming of the moment of someone's death, for example, is taboo – except sometimes in cases of war or atrocity where the importance of public exposure of such activity overrules the taboo (Sobchack 2004; cited in Donovan 2006, p. 64).

Whatever my ambivalence about filming Amal while she was ill, I instinctively knew I could not and would not film if and when her death was imminent. So when Kate Durham and I were summoned by Amal's family to her bedside in the palliative care unit at St Vincent's Hospital in March 2006 I did not take a camera of any kind with me.

As we sat by Amal's bedside I looked out of the window at the view of the Melbourne Exhibition Buildings opposite, with its golden dome reminiscent of a mosque, and had a notion that I might go back and film that view as a visual accompaniment to some appropriate narration about Amal's passing. However, our editor, Uri Mizrahi, came up with a better idea – that of using Kate Durham's collage piece about Amal, which was already a feature of the film. It contained a portrait of Amal alongside photos of her in younger, happier days, and Uri juxtaposed this with the sound of the phone message I received a few minutes after leaving her bedside, announcing that Amal had passed away. This filmic solution allows the audience to receive the news of Amal's death themselves and reflect upon it.

Dealing with Amal's funeral provided more challenges, despite no restrictions being placed on us by either the family (who invited us to film the occasion), the mosque or the community. During editing, I agreed with the editor's suggestion that we should resist showing too much of the manhandling of Amal's body into her grave, wrapped

only in a shroud, thus again avoiding a possibly voyeuristic gaze created by the camera. As with other ethical dilemmas, such as that pertaining to Amal's relationship problems discussed earlier, it could be said once more that this decision was designed to ensure *my* comfort rather than anyone else's, for as a 'westerner' I found the Islamic approach to burial rather shocking on first view (although on reflection it is certainly a more 'hands-on' approach to death than our own). Others might not find it shocking at all. Whilst I hope that my decision was a 'rounded' one, informed by cultural sensitivity, there is a sense in which, unaided by advice from my principal collaborator, this is another example of me drawing a line in the sand, where others might draw it elsewhere.

Dealing with cultural issues

The above discussion raises the general issue of dealing with differing cultural norms in a situation such as this. One ongoing aspect of this during filming concerned the community norms of acceptable behaviour between an Islamic woman and a man. Amal was quite liberal in this regard, having come from a very cosmopolitan environment in Baghdad, but she would occasionally warn me of the dire consequences should I include any 'western' displays of affection between us in the film. Amal also refused to be seen in public (and therefore on screen) without a headscarf, although she had never worn one in Baghdad.

Being from the Middle-East, editor Uri Mizrahi was naturally vigilant about transgressing cultural norms but one example which evaded us in the edit suite nearly caused difficulties. Towards the end of the film Amal's husband, Abbas, greets Kate Durham with a kiss on the cheek – seen in a distant wide shot which certainly doesn't draw attention to this. However, when we showed the film to Amal's family for their approval, some family members requested that the shot be taken out on the grounds that this was inappropriate public behaviour between the sexes. This would not have posed any great problem for the editor but, through our interpreter, I asked Abbas what he thought about this. His response was that he was just trying to be Australian. He had no objection to the use of the shot, so it stayed in.

Ethical dilemmas and aesthetics

Donovan (2006, p. 50) alerts us to the lack of attention generally paid to the ways in which documentary makers' ethics are encoded in the visual representation of their films. It is important to consider this in relation to *Hope*.

Broken English

In accepting the television industry's conventional view that too many 'talking heads' are boring, most filmmakers use interviews in short grabs and tend to cut away from interviewees to other, supposedly more interesting, visual material whilst keeping the interview running as voiceover. As discussed in Chapter One however (see p.8), one might argue that such an approach could be disrespectful, inattentive and undermining of the interviewee's contribution.

Sue Brooks' admonition to me at the start of my filmmaking career was that if someone has something interesting to say then we should see the person say it. This principle is reflected in David MacDougall's discussion (1998, pp. 51–52) of the importance of the face in film – the face being the primary site of a person's 'quick' and the eyes being 'the apotheosis of the quick'. Voice, hands and body posture are other primary sites of identity and expression that are studied by the viewer for clues about a person.

Of course, my ideal of keeping interviews or conversations on screen tends to be undermined by the imperatives of the editing process, which in compressing time creates 'jump cuts'. The conventional response to these is to conceal them with visual cutaways. The alternative is to leave them visible and these days this is acceptable, except that they tend to distract the viewer's attention. My general aesthetic approach is to create as few jump cuts as possible and minimise the need for cutaways.²³

²³ For example, in *Least Said, Soonest Mended* there is only one scene where my sister's story is used as voiceover to other visual material. This was necessary because cutting a five-minute story down to forty seconds had created a myriad of jump cuts and it was aesthetically nicer to cover the entire section with footage of Val walking by the sea.

I always imagined and wrote treatments on the basis that Amal would tell her story on screen in sizable, unbroken chunks. However, once editing started it became clear that this approach would not work. Amal's imperfect English along with the long, detailed and often repetitive way in which she tended to recount events meant that a lot of editing of her story would be required, and if we were to avoid sub-titles (which pose their own representational difficulties) then occasionally particular words or phrases would be better taken from other 'takes'²⁴. This would produce frequent jump cuts that would be too jarring and distracting to the telling of such a traumatic tale in an empathic way.

The question then, was what kind of visual cutaways could be used to cover all these jump cuts whilst maintaining the ethical and aesthetic integrity of our approach?

The options of using archival material or dramatic re-creations

There are two devices that filmmakers tend to resort to for visual cutaways in documentaries retelling history – the use of archival material, such as news footage, old photos etc., and/or dramatic re-creations. I shall deal with each in turn.

The story of the SIEV X is a historical event with no known, related archival material other than news reports *after* the event and photos/footage of some of the survivors. There are no known photos or footage of the boat itself, for example. Other filmmakers might be happy to use file footage of 'similar' people smuggling boats (as news reports do) and let that pass as the SIEV X but I felt uncomfortable about this. The SIEV X is very much a piece of 'invisible' history and it would be wrong to pretend otherwise.²⁵

The same applies to Amal's own personal archives. She had no family photos with her in Melbourne when I met her, explaining, as she does in the film, that: 'the people

²⁴ Replacing a particular word with the same word used in the same intonation but extracted from another sentence, is an example of the editing maxim 'you can cheat but you cannot lie'. To replace a word with a *different* word would be a lie.

²⁵ Indeed, some audience members have complained that the film 'fails' to show them what the SIEV X looked like and many have asked for more information about the boat.

smugglers told us not to bring any photos or passports and of course we left all our furniture and belongings in Baghdad'. Amal's family memories were confined to one photo of a grandson she had never met, sent to her by her daughter in Oman and which took pride of place on her wall.

By the time we started editing however, Amal's eldest son Ahmed had arrived in Melbourne, bringing with him a collection of old family photos and it was tempting to use some of these to assist in telling Amal's back story and introduce her husband and two sons. However, after much debate among the production team I decided to resist this temptation, on grounds argued by Sue Brooks – that it would be wrong to allow the audience the luxury of aids to memory that Amal herself was denied in her life in Melbourne.

I have had a strong inclination to shun the notion of dramatic re-creation since I first saw *Shoah* (Lanzmann 1985), in which holocaust survivor Simon Srebnik revisits the site of the Chelmno death camp. Walking through the green fields and forest that now conceal the past he says: 'No-one can recreate what happened here. No one can understand it'. He goes on to observe that it was always this peaceful and quiet, even as they burnt 2,000 Jews a day and the flames reached to the sky. 'The birds sang,' he says, 'nobody shouted – everybody went quietly about their work'.

When I watched this scene it struck me with great force that a) here was a warning to all filmmakers, and b) truth often confounds our feeble imaginations – especially, even with the best of intentions, those of scriptwriters. Indeed, I felt that in the case of the SIEV X disaster, any attempt to reconstruct its horror would not just be disrespectful but tantamount to insulting Amal and the memory of the many people that drowned.

The use of Kate Durham's paintings as a visual motif

The solution to our visual dilemma was found in artist Kate Durham's paintings, which were an attempt to imagine her way inside the SIEV X disaster and became a project which she described as akin to the kind of documentation that used to be undertaken by painters in the days before photography or satellite news reports, in order to render far away disasters as 'visible'. As Kate states at the beginning of *Hope*: 'War is a tragedy

but wars are also well documented. The thing about *this* tragedy is that it wasn't documented²⁶.

Ever since meeting Kate, I had intended to use her powerful paintings in the film. However, it was the editor who took this idea and ran with it, imaginatively combining layered images of the paintings with video footage of water and waves, and creating an accompanying soundscape using David Chesworth's (2005) atmospheric music, combined with the sounds of wind and waves. These 'collages' became potent cutaways to Amal's first person account of the sinking of the SIEV X, but they were much more than that, because Kate is also a participant in *Hope* and she and her paintings are part of the film's narrative.

This solution to the visual problems of *Hope* very much grew out of our collaborative approach to the film. Amal and Kate were friends, bound perhaps by the similarities they recognised in each other despite the cultural and geographic divide between them, and Amal was a deep admirer of Kate's paintings. As already mentioned, Kate provided support to both of us throughout the making of the film.

The Editing Process & Beyond

There are two aspects to the editing process – editing and consultation. In the documentary industry, if participants are consulted at all it is generally not until editing is more or less completed. This means that their input is very limited because most of the editing decisions have been made. In a collaborative approach one would expect consultation to be ongoing and parallel with the edit rather than after it. This would certainly have been the plan had Amal been able to be involved. Instead, alternative consultation methods were devised to make up for this and these are discussed below, following some comments on the editing process.

²⁶ For an extended interview with Kate Durham about her SIEV X artwork, see the *Hope* website at <http://www.hopedocumentary.com.au>.

Editing

Dealing with time

It was decided that as far as possible the narrative structure of *Hope* should follow the chronology of Amal's life during the fifteen months of filming, with the back-stories of Amal's flight from Iraq and the SIEV X disaster inserted where appropriate. This structure also mirrored my own experience in the sense that shooting the film was rather like going on a roller-coaster ride with Amal, with me hanging doggedly onto her coat tails. Thus the audience has a similar experience – as if they are hanging onto my coat tails while I hang on to Amal's.

Of course every rule has its exceptions and there are some moments in the film where, after consideration, we chose to meddle with the chronology. These include putting Amal's voice over the playground footage in Indonesia; cutting to Amal on the Albert Park Pier from the jetty in Jakarta; and seeing Amal speak *after* her funeral. The purpose of each of these is to make Amal seem present when she is actually missing. In a sense, in the first two examples I am obeying Amal's edict to 'film everything and I'm going to put my voice', while the latter example is a way of saying that Amal and her story live on (through the artifice of film).

Another implication of a collaborative and respectful approach to one's participants and their stories might be that the 'canvas', or duration of a documentary, should serve the needs of the film rather than vice versa. Television programs must fit the stringent requirements of 'slots' but in this case there was no broadcaster and the canvas wasn't a pre-determined size, so the length of the film was up to us to determine²⁷.

Narration and reflexivity

There is a sense in which every film is a journey for the filmmaker and I have always felt involved in my films, even if they are not about me. I regard filming as a catalyst

²⁷ However, when it came to the cinema release of *Hope*, in a market that regards feature documentaries as around eighty or ninety minutes in duration, the film was deemed overlong and I cut it back from 117' to 104'. The latter then became the 'official' version and is the one appended to this thesis.

and my aim has always been to understand the journey by exploring and conversing rather than interrogating or examining. This has led to a collaborative stance that favours a conversational rather than ‘interview’ approach.

Unlike question-and-answer interviews – where the interviewee is often instructed to repeat the question in his/her answer so that the interviewer’s voice can be edited out – a conversational approach does not easily lend itself to removing the filmmaker’s voice. Thus, in most of my films there are occasions where, if I am not seen, I am certainly heard off camera. This militates towards me providing narration, if it’s required, rather than employing a narrator, thus avoiding the potential confusion of two authorial voices.²⁸

Hence, speaking the narration in my films is a natural consequence of my approach and a mark of authorship. Often narration in a documentary merely provides links between sequences or fills gaps in information but I have always tried to use it reflectively, to give the viewer some sense of my own journey as the filmmaker. With *Hope*, I have taken this further, adding elements of transparency and reflexivity to my narration. An important purpose of this is to engage the audience in considering the film as an authored and collaborative work, rather than an authoritative (or authoritarian) piece. Just as an active participant refutes the notion of passive victimhood, so an audience actively engaged in ‘reading’ one’s film refutes the notion of inert spectatorship.

The difference between a reflective narration and a reflexive one is that the latter draws attention to the filmmaking process. I have already discussed examples from *Hope* above, which suffice to make this point. They include how I decided to use narration to acknowledge my own uncertainties about whether to keep shooting as Amal became increasingly ill (see ‘Dealing with Amal’s declining health’, p.56). I have also mentioned moments when I refer to Amal’s role as my collaborator in the filmmaking process – for example, in the questioning of my own ‘earnest filmmaking intentions’

²⁸ Such authorial inconsistency is apparent in *Welcome to Woomera*, which I wasn’t allowed to narrate (an actor being preferred) although my voice is heard off camera on several occasions.

(see 'Amal's music video clip' p.46) and when I ask the question 'What would Amal want me to do now?' (see 'Returning to Indonesia' p.54)

Other moments of reflexivity in *Hope*

Besides using narration to add reflexivity and transparency, there are moments of action in *Hope* which serve the same purpose and are inherently reflexive. I have already mentioned those of Amal's confusion that I had not called 'action' in our first recorded conversation (see 'Giving space to the participant' p.44) and her suggestion that I should film everything in Indonesia so that she could put her voice to it later and 'make myself look like I'm in Jakarta' (see 'Collaborating with subterfuge', p.55).

There are other, small reflexive moments, such as when Amal is standing at the stove in her kitchen, adjusts her headscarf and asks me, 'Can I start?' before beginning to speak. Later, when we have been talking while a pan of dolma bubbles away on the stove, Amal asks, 'Can I go now?' and moves across to see to it. Towards the end of the film Amal instructs me to use the footage she has of her nephew Ali in the film, saying: 'You must include all the happy moments with Ali. You must make some small film about him.'

The examples I have cited are all moments that could easily be trimmed from the film without affecting the story, but as well as giving Amal space as discussed earlier, they also help to make the process of our collaboration, or 'dialogue', transparent, thus allowing the audience to assess that process. Furthermore, they reflect Amal's sense of equality and the fact that at times she was directing me, rather than vice versa.

Serendipity

It is not only reflexive moments that could be deemed superfluous to a film and therefore cut. Indeed, because of the need to compress time there is always an ongoing struggle during editing to present one's participants as fully rounded human beings in the face of the imperatives to simplify and shorten. David MacDougall sums this up cogently in his discussion of *The Fate of the Film Subject*. 'Filmmakers' he says, 'watch in sorrow as one aspect after another of a subject's complexity is sacrificed to the film's required length or thematic priorities' (MacDougall 1998, p. 42).

One of Sue Brooks' constant exhortations during editing is to not sacrifice serendipity for the sake of story and exposition. Serendipitous moments are those that happen during filming by accident rather than design but which tell us a lot. They also provide important spaces for an audience to reflect for themselves, rather than being told what to think. Again, such moments don't actually propel the story forward and for that reason are all too easily sacrificed.

Another way of describing such moments is as 'vertical departures from a horizontal narrative'. In her unpublished accompanying statement to her thesis film, *How the World is Made*, Nicolette Freeman, arguing that 'poetics are indeed possible in documentary', refers to the American filmmaker Maya Deren's notion of 'vertical, conceptual departures that break from the horizontal forward-moving imperative of action, and cause and effect, that drives conventional, Aristotelian, dramatic narrative'. According to Deren these 'vertical investigations' are concerned 'not with what is occurring but with what it feels like or what it means' (Freeman 2009).

The inclusion of vertical or serendipitous moments in *Hope* emphasises an approach that seeks to a) present participants as fully rounded human beings, and b) reflect the collaborative nature of the filmmaking process rather than being driven solely by the needs of a dramatic narrative. Two examples follow:

Early in the film, after having treatment at the hospital Amal hands round a plate of turkish delight to fellow patients in the ward. The hospital public relations officer assigned to us forbade us to shoot this scene because it would involve identifying other patients, and indeed, its loss would not have affected the unfolding story of Amal's confrontation with cancer. However, the audio of Amal's exchanges with some of the other patients was recorded through the radio microphone that she was wearing and we were thus able to retain the sense of the scene. What it so movingly demonstrates is Amal's generosity of spirit towards Australians, despite the shabby treatment she had received at the hands of their Government.

Another example concerns a moment of both serendipity and synchronicity that occurred during filming in Canberra, when Amal was sitting in the hotel lobby with two other Iraqi, SIEV X survivors. By chance a news report on the trial of Saddam Hussein

appears on the TV set on the wall behind them. They turn to watch the screen and the looks on their faces at this sudden appearance of the former president speak volumes. It is as if they have seen a ghost. Amal then sits down, opens a copy of the *Canberra Times* and proclaims: ‘They put my picture behind Saddam Hussein. It means I challenge him! Look, Saddam Hussein (she indicates a large photo of Saddam on page one) and me (she turns to an equally large photo of herself speaking at the SIEV X anniversary on page two).’ Amal then goes on to say, ‘Sometimes I think he ruined all our lives. He killed all the young men in my family.’

These are documentary moments that no one could script or arrange. They don’t take the actual storyline any further (in the latter example we already know Amal’s back-story) and would not be missed if they were not in the film²⁹ – but nevertheless they illuminate Amal’s character and the themes of the film, through the contribution of her ‘performance’ and through what might be termed ‘accidental’ metaphors. Audiences invariably respond strongly to both of the moments I have described.

Consultation

Had things proceeded normally then of course Amal would have been closely involved in the editing of *Hope* and I am sure she would have had lots of ideas and suggestions about compiling the film from the rushes. This would have influenced, for example, my approach to the question of narration, and Amal would have had opinions on difficult ethical areas of the cut, such as dealing with family and cultural issues. As it was, Amal’s death changed all that and I was faced not just with the question of how I would construct and present the film but what, if any, were now my obligations to her family and to the wider Iraqi, refugee community.

²⁹ Indeed, the ‘Saddam’ sequence was cut out very late in the editing process in an attempt to get the length of the film down, until Sue Brooks pointed out the folly of making such a cut and it was reinstated!

Family consultation

After Amal's death, I felt that her family should have the right to consultation during post-production, although not necessarily a right of veto unless they were concerned about their own representation in the film. The support given by Amal's husband Abbas and younger son Amjed had grown towards the end of filming, when Amal was very ill, because they understood how important the film was to her. It was they who subsequently invited us to film at Amal's funeral and it was Abbas who alerted me to his elder son Ahmed's arrival in Melbourne two weeks later and asked me to go along and film (this event became the final scene of the film). But aside from having earned the right to consultation, I personally hoped that the family would feel a sense of pride in the film and for this to happen it was important that they should firstly feel properly represented.

Language was a barrier to Abbas's close involvement in the editing process although we were lucky to have the services of Majid Shokor, a translator, professional actor and member of the local Iraqi community who was acquainted with him. Majid understood the filmmaking process and was able to assist with liaison and consultation with the family as well as doing the Arabic translations of the rushes where necessary. Of the two brothers, Amjed was too busy at work to get closely involved but once Ahmed had arrived in Australia he became the family member most actively interested in the film. Like his mum, he had an interest in movies and had shot much of the video footage that Amal brought back from Iran with her. Ahmed responded twice to invitations to come into the edit suite and he also provided advice on cultural issues.

A screening to obtain final approval of the film was organised at the family's home and Majid attended with me as a translator and advocate for the family. I have already mentioned the minor controversy over the issue of Abbas being seen to greet Kate Durham with a kiss. That was one of two potential problem areas from the family's perspective and in the second case Abbas again had the casting vote and no change was required.

Amal's family continued to show their support for *Hope* after it was completed and the entire family attended the launch of the film as guests of honour at the Melbourne International Film Festival.

Community consultation

Initially the setting up of a Community Reference Group (CRG) as a mechanism for community consultation was a requirement of one of the charitable foundations which contributed financially to the completion of the film, but the Group became a very useful and worthwhile source of advice and support during the editing and release of the film.

The CRG was set up through the Asylum Seeker Resource Centre, which was a supporter of the film, and consisted of four people active in the refugee area³⁰, two of whom were Iraqi and all of whom knew Amal or her family well. Their advice was that it would be better to consult with her family separately rather than try to incorporate them into the CRG.

The CRG met on several occasions to watch and discuss rough versions of the film, view the completed documentary and advise on our distribution and outreach strategy. Issues discussed included my dilemma about the depiction of some of Amal's relationship difficulties, already referred to (see 'documentary as judge and jury', pp. 50–51), and the advice from members of the CRG was always helpful. It has been a strong advocate for Amal and the film, as well as providing cultural advice and encouraging a sense of ownership of *Hope* in the Iraqi community. I suggest that the CRG provides a useful model for community consultation in any collaborative film project where cross-cultural issues are a factor.

Wider consultation

In addition to the production group, Amal's family and the Community Reference Group, consultations were undertaken during the production and editing of *Hope* with

³⁰ Pamela Curr (ASRC representative), Gabrielle Fahkri, Etadal Jawad and Majid Shokor.

some of the key supporters of the film and the Director of the Melbourne International Film Festival, who had invited us to premiere the film there.

Overall, the consultative mechanisms described above, combined with the enthusiastic backing of the many individuals who contributed financially to the completion of *Hope*, provided a high degree of supportive concern for the film, encouraged us to take creative responsibility for it and confirmed our own conviction about its importance. At no time did it feel that anyone was trying to wrest control of the film from us or intervene inappropriately. As discussed at the beginning of this thesis, this trust in us as the filmmaking team was the very opposite of my recent experience on films made with broadcaster involvement and did a great deal to restore both my personal confidence and enjoyment of the filmmaking process.

Into the Future

Just as any human relationship of trust and commitment does not simply end, so a collaborative relationship developed over time through the making of a documentary does not end with the completion of the film. The journey of making *Hope* was one thing, the journey of getting it out into the world is another – and this is ongoing. I promised Amal when she was close to the end of her life that I would make sure her film went round the world and I am still engaged in keeping my word.

Although the film has not been considered a viable commercial proposition by mainstream distributors and has been rejected by both the ABC and SBS TV, it has attracted a significant following and a great deal of goodwill, as well as garnering several awards and travelling to film festivals in Japan, America and the Middle East³¹. Local goodwill assisted in achieving a limited national cinema release in Australian capital cities in June 2008, when *Hope* was taken up for distribution by Gil Scrine Films, a ‘boutique’ distributor of social documentaries.³²

³¹ See the *Hope* website at <http://www.hopedocumentary.com.au> for details.

³² See <http://www.gilscrinefilms.com.au>. (Note: Gil Scrine Films is soon to become Antidote Films).

At the time Gil Scrine was also developing a scheme for touring Australian documentaries around regional Australia with the assistance of philanthropic funding. The idea was to sidestep the perennial difficulty of getting commercial cinemas to take on 'non-commercial' films. If a local interest group agreed to organise a screening and do the work to bring in an audience, then Gil's *Community Targetted Distribution* (CTD) fund³³ would pay the costs of screening the relevant film, with the filmmaker present to introduce and discuss their work. The host group would keep the proceeds from ticket sales and thus raise money for its work.

In late 2008 *Hope* became the first documentary screened under the CTD scheme and to date I have travelled with the film to regional venues across five States. In this way I have been experiencing what every filmmaker desires – to sit down with audiences, share one's work and receive direct feedback.

Conclusion

Benefits for the participant

Towards the end of *Hope*, during Amal's funeral, my final line of narration reads: 'In the last 15 months Amal had become a big part of my life. I thought I was going to make a film about her but I ended up making a film with her'. These words acknowledge that not only had a close personal relationship developed between Amal and I over the period of filming but that the project had indeed become a collaborative effort. We were, in effect, joint authors, although the film is mine.

However, in assessing the success of a documentary the experience of the participant is a crucial but often ignored factor. I will never know what Amal thought about the final product because she wasn't there to see it and although I always knew she had strong reasons for participating, I tended to think that the privilege of working with her was all mine. However, she did leave a clue as to her feelings about the process.

³³ See <http://www.gilscrinefilms.com.au/cinemaventures/index.html>

Towards the end of filming, in a conversation with Kate Durham and I that was recorded, Amal pointed at me and insisted to Kate that ‘this man has changed my life’. She explained that it was the process of filming and my interest in her life and family that had caused Amal to think more about her relatives, and her father in particular. And the more she thought about them the more determined she became to return to the Middle East to see them. She felt that this visit had been life changing. It had resolved the question of where she now belonged and resulted, as the film describes, in her decision to henceforth regard Australia as her home and to be buried here rather than in Baghdad. Her one regret was that she had stayed away so long without medical treatment.

This acknowledgement that participating in the making of the film was personally beneficial to Amal, as well as providing a means of pursuing her goal to keep alive the memory of those who died on the SIEV X, is reassuring, both personally and in terms of the collaborative approach that I took. Furthermore, as indicated above, *Hope* has become an important educational and fund raising tool for refugee groups in Australia. This is an ongoing result of our collaboration and I know that Amal would have been thrilled with that.

Conclusion

What I have sought to do in this thesis

In this thesis I have attempted to articulate and explore a framework for a collaborative model of ethical documentary practice that has grown out of my prior filmmaking experience and my recent encounters with the public broadcasting sector. This model places the relationship between filmmaker and participant at its centre; recognises the potential imbalance of power and the benefits of active participation (or self-advocacy); treats consent as an ongoing process of negotiation; and acknowledges the crucial roles played by mutual trust, respect and shared goals, as well as sensitivity to rights and transparency.

In describing this model I have taken account of traditional and contemporary debates about documentary ethics and some recent research into the filmmaker-participant relationship that, among other things, questions the value of traditional notions of informed consent. In particular, Kate Nash's work has shed new light on the nature of this relationship and reveals much about its mutual (rather than one-way) benefits as well as its vulnerabilities.

Having been free to apply this collaborative approach to the making of *Hope* (which was made without any industrial constraints), I have explored how it informed some of the ethical dilemmas faced and decisions made during production, and the resulting effects on both the film and its central participant, Amal Basry. I have described how collaboration opened up space for Amal to bring her own ideas and initiatives into the documentary making process and share in shaping the film.

Implications for filmmaking practice

I will now list some of the implications and questions that arise out of this empirical exploration, in the hope that these will be taken up by others and discussed further, for the benefit of the documentary community at large:

1. The framework I have described is not supposed to be a generic model for all documentary makers or documentaries, given the diversity of the genre. It most obviously fits the kind of documentary approach that features close empathic contact between filmmaker and main participant(s), possibly over a lengthy period of time. However, I suggest that some of the features of this model should apply to *all* documentary making – for example, the notion of consent as a process of ongoing negotiation, creating space for participants to self-advocate wherever possible, and ensuring transparency regarding imbalances of power between filmmaker and participant *and* between filmmaker and audience (ie. making a secret process less secret).
2. Given that, as happened with *Hope*, when all other constraints on a filmmaker's freedom to behave as she/he sees fit fall away, one is inevitably forced back onto one's own ethical values, I would argue that it behoves all documentary makers to reflect on their ethical stance in relation to their filmmaking and how that stance influences the aesthetics as well as the text of their films.
3. It is obvious that the kind of collaborative approach I have described requires a considerable personal commitment and more time and effort than might often be put into the already time consuming and demanding business of documentary making. In an era of budgetary and time constraints and increased production pressures, this may pose practical problems that need to be addressed, as well as require a reorientation of institutional priorities towards the needs of the filmmaker-participant relationship.
4. I have suggested that such an approach requires a willingness to reconsider the storytelling process in order to incorporate the elements of transparency and reflexivity implied by a truly collaborative, power-sharing model. In arguing for the importance of this and bearing in mind the demands on the filmmaker to become the 'vulnerable researcher', I acknowledge that such transparency may not be universally welcomed by commissioning agencies or audiences. Furthermore, there are risks associated with handing over a significant degree of power to participants, not the least of which is that this may significantly affect the content and direction of the film. Nevertheless, the

adoption of such an approach can bring surprising rewards for *everybody* concerned if the filmmaker is open to the process.

5. It must also be acknowledged that the rethinking of the traditional notion of informed consent implied by a collaborative approach is likely to pose difficulties for filmmakers in formal relationships with broadcasters, and possibly funding agencies, because of the current requirements of standard release forms and in the area of copyright ownership. Granting a right of veto to participants would also be likely to cause difficulties.

In considering points 3. to 5. it becomes clear that the kind of ethical, collaborative framework discussed in this thesis may well pose more challenges and difficulties to the institutional side of the documentary industry than to documentary makers themselves, many of whom are already frustrated by institutional attitudes. The question then is how to address these issues with industry bodies in a meaningful and collective way. This is a question for documentary makers to consider in addition to the personal challenges laid down in points 1. and 2.

As for myself, a possible future strategy would be to go back into ‘the industry’ with this much more clearly articulated model and defend it there, to see if, being now forewarned and forearmed, it might be possible to return to the mainstream funding mechanisms and maintain the integrity of an ethical, collaborative approach. In order to do so however, the essential imperatives of that approach would need to be spelled out to the broadcaster and/or investors involved and their agreement secured. It would be interesting to see how far one would get in this regard.

The alternative is to make more films unshackled by industrial constraints, through the support of sympathetic, non-film industry donors, investors and contributors such as individuals, trusts and foundations. The problem is that: a) the philanthropic support of documentary production is still in its infancy in Australia, although new mechanisms have been introduced to encourage this³⁴; and b) not all documentaries lend themselves

³⁴ The Documentary Australia Foundation (DAF) is one such mechanism. It has charitable status and thus allows philanthropic organisations that can only donate to charities to channel contributions to

to attracting philanthropic support. However, departing from standard industry practice also allows the exploration of alternative production and distribution strategies. The success of *Hope* as a trial for Gil Scrine's Community Targetted Distribution scheme indicates the potential for such ideas.

Whichever way I go personally, I hope that this thesis will assist filmmakers whose inclination is also towards working out an ethical, collaborative approach to their practice. I suspect that many Australian documentary makers feel much like their American colleagues who, as already noted, expressed in the *Honest Truths* survey that they feel both unsupported and alone in their attempts to deal with difficult ethical issues in their everyday work. Whilst it would be helpful if works such as *Hope* and this thesis resulted in a greater acknowledgement and discussion of the ethical issues in documentary filmmaking, it would be even more beneficial if they led to the kind of acknowledgement and support that our committed filmmaking community deserves.

documentary films registered with DAF. Donations from individuals are also tax deductible. The Australian Business Arts Foundation's Australia Cultural Fund provides a similar mechanism.

References

ABC 2008, 'Editorial and Program Policies, 11.11 Indigenous Australian content', viewed 1 June 2010, <http://www.abc.net.au/indigenous/education/ethics_codes.htm>.

Anning, KE 2008, 'The Eternal Optimists: Is it possible to have a sustainable income as an independent documentary producer in Victoria in 2007?', Master of Film and Television (Producing) (by Research) thesis, University of Melbourne.

Aufderheide, P, Jaszi, P & Chandra, M 2009, *Honest Truths: Documentary filmmakers on ethical challenges in their work*, Center for Social Media, School of Communication, American University, Washington DC, viewed 1 June 2010, <www.centerforsocialmedia.org/ethics>.

Bostock, L 1997, *The Greater Perspective: Protocol and Guidelines for the production of Film and Television on Aboriginal and Torres Strait Islander Communities*, Special Broadcasting Service (SBS), Sydney.

Byrne, P 2008, 'Hope', *The Sydney Morning Herald*, 19 June 2008, viewed 1 June 2010, <<http://www.smh.com.au/news/film-reviews/hope/2008/07/01/1214678020615.html>>.

Chesworth, D 2005, *Music to See Through*, Wax Sound Media (WAXSM), Melbourne.

Clandinin, DJ, and Connelly, F. M. 1994, 'Personal experience methods', in NKL Denzin, Y. S. (ed.), *Handbook of Qualitative Research*, Sage, Thousand Oaks, CA.

Corner, J 2000, 'What do we know about documentary?', *Media, Culture and Society*, vol. 22, no. 5, pp. 681–688.

Donovan, K 2006, 'Tagged: A case study in documentary ethics', DCA thesis, University of Technology, Sydney, viewed 1 June 2010, via Australian Digital Theses Project, <<http://hdl.handle.net/2100/778>>.

Dovey, J 2000, *Freak Show: First Person Media and Factual Television*, Pluto Press, London.

Etherington, K 2007, 'Ethical Research in Reflexive Relationships', *'Qualitative Enquiry'*, Sage Publications, vol. 13, no. 5, pp. 599–616, viewed 1 June 2010, <<http://qix.sagepub.com/cgi/content/abstract/13/5/599>>.

Freeman, N 2009, 'How the World is Made (unpublished director's statement)', Master of Film and Television (by Research) thesis, University of Melbourne.

Gadd, N 2006, 'Documentary and the Discontents', *Inside Film*, February 2006, p. 44.

Gook, B 2008, 'Film - Hope', *The Big Issue*, June 2008 ed.

Gross, L, Katz, JS & Ruby, J (eds) 1988, *Image Ethics. The moral rights of subjects in photographs, film and television*, Oxford University Press, New York.

Gross, L, Katz, JS & Ruby, J (eds) 2003, *Image Ethics in the Digital Age*, University of Minnesota Press, Minneapolis, MN.

Hawker, P 2008, 'Hope', *The Age*, 20 June 2008, viewed 1 June 2010, <<http://www.theage.com.au/news/film-reviews/hope/2008/06/19/1213770807920.html>>.

Janke, T 2009, *Pathways and Protocols: A filmmaker's guide to working with Indigenous people, culture and concepts*, Screen Australia, Sydney.

Katz, JS 2003, 'Family Film: Ethical Implications for Consent', in L Gross, JS Katz & J Ruby (eds), *Image Ethics in the Digital Age*, University of Minnesota Press, Minneapolis, MN, pp. 327–342.

- Leahy, G & Gibson, S 2003, 'Repression and Expression: The filmmakers voice in Australian documentary', *Metro Magazine*, no. 135, pp. 90–95.
- MacDougall, D 1998, *Transcultural Cinema*, Princeton University Press, Princeton.
- Martin, V 2008, 'A narrative enquiry into the effects of serious illness and major surgery on conceptions of self and life story.', PhD thesis, University of Bristol.
- Nash, K 2009, 'Beyond the Frame: A study in observational documentary ethics ', PhD thesis, University of New England.
- Nichols, B 2001, *Introduction to Documentary*, Indiana University Press, Bloomington and Indianapolis.
- Nichols, B 2005, 'The Voice of Documentary', in A Rosenthal & J Corner (eds), *New Challenges for Documentary*, 2nd edn, Manchester University Press, Manchester, pp. pp 17 - 33.
- Pryluck, C 2005, 'Ultimately We Are All Outsiders: The Ethics of Documentary Filmmaking', in A Rosenthal & J Corner (eds), *New Challenges for Documentary*, 2nd edn, Manchester University Press, Manchester, pp. 255–268.
- Rabiger, M 2004, *Directing the Documentary*, 4th edn, Focal Press, Oxford.
- Ruby, J 2005a, 'The Ethics of Image making; or, "They're going to put me in the movies. They're going to make a big star out of me..."', in A Rosenthal & J Corner (eds), *New Challenges for Documentary*, 2nd edn, Manchester University Press, Manchester, pp. 307–318.
- Ruby, J 2005b, 'The Image Mirrored: Reflexivity and the Documentary Film', in A Rosenthal & J Corner (eds), *New Challenges for Documentary*, 2nd edn, Manchester University Press, Manchester, pp. 34–47.

Safaei, V 2007, 'Humanitarian Aid Organisations and Documentary: Representing the Third World', Combined Honours thesis, Monash University.

Sanders, W 2007, 'Informed Consent: Must or Myth?', *DOX, Journal of the European Documentary Network*, no. 73, pp. 10–13.

Sobchack, V 2004, 'Inscribing Ethical Space: Ten Propositions on Death, Representation and Documentary', in *Carnal Thoughts: Embodiment and Moving Image Culture*, University of California Press, New Jersey, pp. 236–270.

Swinburne, S 2010, 'Document: A Survey of Australian and International Documentary - Hope', *Metro Magazine*, no. 164, March 2010, pp. 54–55.

Thomas, S 2002, 'Whatever happened to the social documentary?', *Metro Magazine*, no. 134, pp. 152–160.

Tomaselli, KG 1996, *Appropriating Images: The Semiotics of Visual Representation*, Intervention Press, Brooklyn, NY.

Urban, A 2008, 'Hope', *Urban Cinefile*, viewed 1 June 2010, <<http://www.urbancinefile.com.au/home/view.asp?a=14446&s=reviews>>.

White, M & Epston, D 1990, *Narrative means to Therapeutic Ends*, Norton, New York.

Winston, B 1995, *Claiming the Real: The Griersonian Documentary and its Legitimations*, British Film Institute, London.

Winston, B 2008, *Claiming the Real II - Documentary: Grierson and Beyond*, 2nd Edition edn, Palgrave Macmillan and British Film Institute, London.

Filmography

Anderson, R & Connolly B, dirs, 2001, *Facing the Music*, Arundel Productions, Sydney.

Brooks, S, dir, 1988, *An Ordinary Woman*, Gecko Films, Melbourne.

Brooks, S, dir, 1997, *The Road to Nhill*, Gecko Films, Melbourne.

Brooks, S, dir, 2003, *Japanese Story*, Gecko Films and Australian Film Finance Corporation, Melbourne.

Cummins, M, Geer, C, Iacono, V, Sawyer, K & Swann, D, dirs, 2002, *Family Foibles*, Australian Film Finance Corporation and Flying Carpet Films.

Freeman, N, dir, 2006, *The Lifestyle Experts*, Cracker Night Films, Melbourne.

Gorman, V, 2001, *Losing Layla*, Hatchling Productions, Clunes NSW.

Hill, B & Woods, K, dirs, 1992, *Sylvania Waters*, British Broadcasting Corporation & Australian Broadcasting Corporation.

Lanzmann, C, dir, 1985, *Shoah*, Les Films Aleph and Histora Films, France.

O'Rourke, D, dir, 2000, *Cunnamulla*, Film Australia in association with CameraWork Inc, Cairns.

Rouch, J & Morin, E, dirs, 1961, *Chronique d'un été (Chronicle of a Summer)*, Argos Films, Paris.

Strachan, C, Cavadini, A & The Borrooloola Tribal Council, dirs, 1981, *Two Laws*, Reddirtfilms, Black Rock, Victoria.

Thomas, S, dir, 1992, *Black Man's Houses*, Steve Thomas and Open Channel

Productions Ltd, Melbourne.

Thomas, S, dir, 1994, *Harold*, Flying Carpet Films and Australian Film Finance Corporation, Melbourne.

Thomas, S, dir, 1999, *Least Said, Soonest Mended*, Flying Carpet Films and Australian Film Finance Corporation, Melbourne.

Thomas, S, dir, 2004, *Welcome to Woomera*, Film Australia in association with Flying Carpet Films.

Thomas, S, dir, 2008, *Hope*, Flying Carpet Films in association with Gecko Films, Melbourne (<http://www.hopedocumentary.com.au>).

Vertov, D, dir, 1929, *The Man With a Movie Camera*, VUFKU, Soviet Union.

Zubrycki, T, dir, 2003, *Molly and Mobarak*, JOTZ Productions, Sydney.

Appendix One: Example of a Standard Release Form

“Film Title” INTERVIEWEE RELEASE (Deed)	
<u>Name of Person ("the Interviewee"):</u> <u>Address:</u> <u>Phone:</u> (.....) <u>Fax:</u> (.....)..... <u>Email:</u>..... <u>Date of Interview:</u>	
BY THIS DEED I, the Interviewee, grant to (Name of Production Company) the right to make an audio and/or visual recording of my interview ("the Recording") and the right to make a transcription of the Recording ("the Transcription"). The (Name of Production Company) may use and authorise the use of the Recording and Transcription (in whole or part) <i>in and in association with the Program</i> in the following ways: • All Media throughout the World (including all promotional purposes); • Retain the Transcription and Recording in the Program, or copies of the Program, for the period of time required by the (Name of Production Company) or the Australian Archives Act. I warrant that there are no restrictions that prevent me from granting these rights and I agree to hold the (Name of Production Company) and its licensees harmless against any claims arising from a breach of this warranty.	
<u>Signed, Sealed & Delivered:</u> by the Interviewee in the presence of:	
..... Interviewee's signature Date:	 Witness' Signature
<u>SIGNED:</u> for and on behalf of the (Name of Production Company): (Name of Production Company) Representative's Signature	

Appendix Two: Letter of Agreement with Amal

■ Tawonga Street,
Broadmeadows,
Victoria 3047.

1st September 2005

To Whom It May Concern

Dear Sir/Madam,

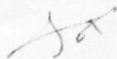
I am writing to support Flying Carpet Films' application for funding to make a documentary with me.

I am very happy to participate in Steve Thomas and Sue Brooks' film. Steve and I have already started filming together and I want to tell my story in this way.

If Steve and Sue can get the resources to make this documentary I undertake to work exclusively with them. I also understand that I will have no financial interest or copyright ownership.

Please support this project.

Yours Sincerely,



Amal Basry

Appendix Three: *Hope* DVD (Attached)