The Gap in Consent: Ethics in Documentary Relationships

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Thesis and Film submitted for the award of PhD by Artefact

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Declaration

I hereby certify that this material, which I now submit for assessment on the programme of study leading to the award of *Doctor of Philosophy*, is entirely my own work, that I have exercised reasonable care to ensure that the work is original, and does not to the best of my knowledge breach any law of copyright, and has not been taken from the work of others save and to the extent that such work has been cited and acknowledged within the text of my work.

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password: dcu2024

The Gap in Consent: Ethics in Documentary Relationships

PhD by Artefact - Dublin City University

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Abstract

This PhD by Artefact explores if there is a gap in consent between documentary filmmakers and the subjects appearing in their films. The filmmaker/subject relationship is at the core of this study as it evolves through the three distinct phases typical in the production of a feature documentary film. Firstly, during pre-production, that relationship begins to be built and consent for participation in filming is sought and established. Secondly, during production, the phase when filming is taking place, consent is often formalised with the use of a consent or release form which sets out the parameters of the relationship. This form gives the filmmaker unlimited permission to render the filmed events into their own subjective narrative during post-production - the third phase. This is where the gap in consent may open up as the editing process tends to take place away from the subject. Thus the consent given by the subject during the production period can only be partially informed as they cannot know at that point how the material in which they appear will be used. If filmmakers wish subjects to consent to be filmed and to be transformed by being filmed, how do they achieve and maintain this consent within the filmmaker/subject relationship? This study, comprising this written document and an accompanying documentary film, features fourteen Irish documentary filmmakers in long form semi-structured interviews speaking about how they have evolved their own ethical frameworks and practices in dealing with the issue of consent. The filmed interviews have been edited into a sixty minute film artefact which represents a new body of knowledge in the field of documentary studies. The cohort of filmmakers discuss questions of power imbalances between filmmaker and subject, the nature of that relationship, intimacy, trust, the limits of informed consent, the use of release forms, their willingness to show rough cuts and the emotional labour involved in making documentary films.

1. Introduction

Documentary filmmakers use the real lives of people as the raw material to construct their own narratives. An issue with seeking and receiving consent from these people is inherent in the practice of documentary filmmaking: the people who appear on camera and later on screen frequently do so with only a partial understanding of the implications involved. Documentaries cannot be made without people who are willing to extend their trust to the filmmaker and agree to be recorded. Within this zone of trust the filmmaker is free to behave as they wish and to treat the recorded material as they wish. The filmmaker is not constrained by the ethical frameworks of the journalist, reporter or anthropologist. Their remit, as coined by Grierson, involves the "creative treatment of actuality" (Nichols, 2016, p. 154), a definition which has subjectivity baked into it from the outset. There is rarely a division of "on the record, off the record" in documentaries as there often is in journalism. Subjects appear on camera, their faces and voices discernible by all. While the news reporter may spend an hour, a day or even several days with a source or subject, the filmmaker may spend years (Aufderheide, 2012, p. 369). The relationships involved are typically longer term and multi-faceted and can be more akin to a collaboration - up to a point.

The process of making a documentary, much like its fictional counterpart, tends to be broken up into three distinct phases: preproduction, production and post production. If production is clearly defined as the period when shooting is taking place, then pre and post production fall before and after that period respectively. In terms of relationships with the subjects, the characters, the people who appear in these films, interaction with the filmmaker is most intense in the first two phases. During pre-production the filmmaker will interact with subjects in order to aid their research, clarify their shooting plans, establish trust and, crucially, gain consent for the filming to take place. The subjects' awareness of the filmmakers' plans are limited to what the film team is willing or able to share with them at this point.[1]

During production, when the subjects are being filmed and interviewed, they may have some control over what they allow to be filmed and which questions they choose to answer. In some situations, a particular subject may only be aware of their own contribution to the film and be unaware of the larger context into which they will fit. The period of filming tends to begin or end with the subject signing a standard release/consent form, a document which gives "rights" to the filmmaker to use the filmed material in any way they choose for an unlimited period of time into the future. The language of this form is such that many will not fully understand it or its implications before they sign.

It is in the post production period where the proposed gap in consent emerges most clearly. This period of editing takes place completely away from the view of any of the filmed subjects. It is at this point, in the privacy of the edit suite, that the filmed material is translated from source recordings into the subjective narrative of the filmmaker - observed and shared reality becomes subjective rendered reality. Filmmakers are free to treat the raw material as they wish in the

creative construction of their film, a film which those in front of the camera may never have fully understood or have agreed to. This notional gap in consent, between the end of production and the end of post production, is something that must be addressed in each documentary film process. In the absence of a coherent ethical guiding framework, the approaches taken are highly individual and therefore highly revealing of the filmmaker themselves. Do they address this gap by presenting the rough cut or final cut of the film to their subjects before the film is released or made public? The question goes right to the heart of documentary filmmaking practice - how do you choose to treat the people who have made your factual but subjective film possible in the first place?

Central to this conception of a gap in consent is the assumption that there are relationships between filmmaker and subjects in documentary films and that these relationships are built on trust and consent. This assumption arises from my own experience in making films over the past twenty years and the central questions of this study are grounded in this practice and the relationships I have had with subjects of my films. Answering them coherently will, I hope, improve and strengthen my own practice as a documentary film maker but also, in this context of this doctoral study, addressing these questions will add wider value to our understanding of 'consent' in the documentary film making process.

1.2 Question Arising from Practice

I am a documentary filmmaker. Since 2004 I have made seven television documentaries, three short documentary films and three feature documentaries for cinema. In most cases I have been the director of these films while in some cases I have taken on the roles of editor and cameraperson. In the case of my feature documentary '*Losing Alaska*' (2018), as a result of the logistical challenges involved, I operated as a crew of one and had to perform all filmmaking functions in the remote location of the Alaskan tundra. As a result, I possessed all the technical skills necessary to bring the film artefact at the centre of this PhD project into being without recourse to other crew or resources. My experience as a filmmaker has also equipped me with certain intangible interpersonal skills which have been deployed on the project. Any factual film production involves intense periods of research and pre-production. This frequently takes the form of talking to people - informally at first, more formally later - in order to gather the raw materials for the film. In my career I have interviewed hundreds of people on camera and spoken to many hundreds more, as part of the process of bringing stories to the screen. Given this background, I have a certain fluency and skill with the semi-structured interview encounter which was valuable to this enquiry. Ultimately, though, these are technical skills.

1.2.1 'In Bed with the Irish'

In the summer of 2011 I was shooting a film which would go on to be called '*In Bed with the Irish*' for RTÉ Television. The conceit of this film was to interview couples from the foot of their beds as they sat side-by-side, dressed for sleep, and to ask them about what went on in their bedrooms.

While the construct may seem salacious, the tone aimed for was light-hearted and whimsical. The final piece was an affecting exploration of intimacy, sexual relations, bedtime habits and the dynamics of long-term romantic relationships. Each couple was interviewed in their own bed and were filmed straight on in a simple two-shot style. The most difficult part of this project was finding people willing to be interviewed. We would approach people and describe the aims of the film but once we admitted, as we had to, that we wanted them to be interviewed in their bed they tended to say “No”, or one half of the couple did. We were casting for about six months before the right kind of couple said “Yes”.[2]

Fig 1.1 Joe and Catherine in ‘In Bed with the Irish’ (2012)

Joe and Catherine were a couple living in Wexford. They were in their late seventies at the time and they were, by all evidence, a perfectly normal couple. Myself and my colleague Shane Hogan positioned our cameras at the end of their bed and, at our signal, they climbed under the duvet wearing their best pyjamas as they smiled broadly into the lens.[3] We interviewed them for about an hour during which they were frank, funny and unguarded. They talked about communication, intimacy, sex within the marriage, sex after having children, nighttime routines and supporting each other through ill-health. It was, after months of trying to find the right people, a thrilling interview. Their honesty proved that our core idea for the film was not only worthwhile but could yield something very special. We drove away from their house that night buoyant that we had some excellent footage and repeatedly asking ourselves over and again: “Why did they say “Yes”?”

To this day I do not know why they said “Yes”. What I do know is how grateful I was to them for saying “Yes”. I know that without them there would not be a film. Their agreement to take part was a selfless gift to a filmmaker they did not know at all. They did not need to say “Yes” and I

cannot be sure if there was any benefit to them from saying “Yes”. I remember the warmth of feeling I had for them that night, not just because they were sitting in their bed talking to us, but because they were so forthcoming in their responses. They were giving us the material we needed to make something wonderful and I was giving them nothing at all. That first interview then allowed us to find others - since we could now point to a nice older couple who had taken part - and we eventually ended up with six in the final film. Each of these couples handed over the gift of their participation and I felt an almost overwhelming duty to ensure I treated them, and their gift, with complete respect and care. I received no guidance on this. These feelings of duty were personal and, since I was also the editor of that film, I was able exert total control over how these people were portrayed.[4] My protective feelings were most pronounced during the edit which is when, ultimately, the film is authored. This is the period when I was, and continue to be, most exercised by concerns about ethical obligations to subjects.

‘*In Bed with the Irish*’ (2012) is a good example of a filmmaker being absolutely nowhere without subjects willing to agree to take part. However, that film also represents a relatively light engagement between filmmaker and the subjects. Typically we only spent one evening with the couples from that film. On most of my other projects these relationships tend to be multi-year in nature. The effect of these longer timeframes is frequently the establishment of an intimacy between filmmaker and subject. There are three examples from my career that are worth highlighting here as they are germane to the scope of this study.

1.2.2 ‘The Fisherman’

In 2012 I completed a short film entitled *‘The Fisherman’*, co-directed with Patrick Bolger, and featuring as its main subject a Mayo fisherman named Pat Walker. This was the first time that my objective with a documentary film was not to describe something visible in the world but to achieve an exploration of emotions. The interior of the man was the objective and such places are difficult to point a camera at directly. Walker’s father, Pake, had recently passed away and during pre-production Pat provided the eulogy that he had written and delivered at the funeral. Pat was a natural poet and this eulogy effectively provided the structure for the film. Pake Walker had a ritual of climbing a high hill at the rear of his home, called Búlamór, from where he would look out to sea, assess the conditions, and decide if it was safe to go out in his trawler. Pat would often accompany his father as they worked on that boat together. In his grief, Pat had not been able to bring himself to climb that hill after his father’s passing. As filmmakers, we knew that this act would give us a centre or climax for the film. We also knew that this was a moment that we must wait for and not ask for.

We spent several months gathering the other visual and narrative elements for the film: storms, fishing trips, interviews, net mending etc. Over this period Pat grew to trust us and perhaps even like us a little. He advised on locations to shoot from, people to speak with and proved adept at predicting the weather for the protection of our cameras. At a certain point, and according to his

own feelings, Pat announced that he would climb Búlamór the following night and that we would be allowed to film. This was not in response to a specific request but rather his awareness, having spent time with us, of what the film needed. He offered us this moment, which might well have been private, for the creation of the film. I felt the weight and value of this offering as I was putting the film together in the edit back in Dublin. Pat Walker was five hours away as I constructed my timeline of visuals, interviews, music and sound effects all combining to attempt to describe this man's interior life - or a particular aspect of it. I was no longer interacting with Pat Walker but with his representation on screen. I was moving elements around, blocks of meaning, to create new meanings and destroy others. I was now in total control of all of the elements he had given to me and there was nobody else in the room to guide these decisions.[5] The edit was my construct, my interpretation of Pat Walker's grief, imagination and relationship with the sea. At the end of this process, when the film had reached rough cut stage, I felt compelled to return to Mayo and show the film to Pat for his approval. He was the only person who could tell me that the film was correct or fair or finished. His perspective, on a film that is about his emotions and memories, was the only one that mattered. Coming back to him after that hiatus in our engagement was, for me, a necessary step to complete the film.

Fig 1.2 Pat Walker in 'The Fisherman' (2011)

1.2.3 'Shooting the Darkness'

I was in the midst of a different set of relationships during the making of '*Shooting the Darkness*'(2019). The film tells the story of the local press photographers who covered the 'Troubles' in Northern Ireland from 1969 onwards. A key character in that film is Alan Lewis who actively covered the conflict since 1971 and whose body of photographic work is unparalleled among his peers. A seasoned press operator, Lewis had a long history of not talking about his

work, not seeking the spotlight - anonymity was often a key virtue when photographing a paramilitary conflict in a small society. I first approached him in 2015 to scope out the project. Alan was charming, deeply knowledgable about his subject and a natural storyteller. However, while he was happy to talk casually to me in the bars and coffee shops of Belfast, he had no interest at all in going on camera - “That’s not what we do”. Ultimately, it took Alan Lewis almost two years to say “Yes” and once he did, since he is so respected among his colleagues, five other contributors to the film followed suit. His agreement allowed the film to happen.

Fig 1.3 Alan Lewis in ‘Shooting the Darkness’ (2019)

The relationship with Alan is also notable in the context of power imbalances as perceived from my side. Here is a person with a body of visual work that I could not admire more, a person who is undoubtedly my senior in the visual arena. He was offering not only his agreement to be interviewed and to talk about his experiences, many of which were traumatic - he was also offering his life’s work as material for my film. His photographs of bombings, funerals, fires, shootings, grief, riots - these were taken at great personal cost. His trust in myself and my crew that we would treat his body of photographic work correctly and carefully is another gift without which the film would not exist in its current form.[6] With the edit of that film I wanted to reach a standard of filmmaking that would make all those photographers, all visually sophisticated people, but Lewis in particular, feel that it was something worth giving their time to. I did not want to let them down. Somewhat unusually for me, I kept communicating with Lewis during the edit as he continued to uncover negatives and prints in his archive that would make the film stronger. At no point did he ask any questions about how the film was being put together or how his images were being used. He trusted me with this part of the process and had been assured with a promise of viewing a rough cut before broadcast. We held a screening for the photographers featured in the film in Belfast weeks before transmission to hear their feedback and, really, ask for their final

consent.[7] The film is built from their memories, confessions, their trauma and their photographic work. I could not have conceived of proceeding any other way.

1.2.4 'Losing Alaska'

'*Losing Alaska'* (2019) represents another set of variations in the filmmaker/subject relationship. This film features a wide cast of characters from the village of Newtok, Alaska which is home to about three hundred Yup'ik natives. The village is under threat from coastal erosion which is accelerating due to climate change and plans to relocate their village are stymied by bureaucracy and indifference from state and federal agencies. The film aims to tell this factual story but in a style that is sometimes poetic and allegorical. I shot the film over three years beginning in 2015 and made seven trips in total of two weeks each time. All told I spent over three months in the village and during that time I developed close relationships with most of the people who appear in the film. There are many people I could write about, people who gave me the gift of their "Yes" and allowed me to follow them in their daily lives for the betterment of my film. Of all of these, Ramman Carl stands out. I did not ask Ramman if I could interview him - he initiated the process. He literally took my bags off the plane in Newtok on the first day I arrived. Once he saw the camera he started talking. He understood why I had come, what story I wanted to tell and he was determined to help me tell it if it could assist Newtok's relocation efforts. At various points over those years Ramman was my subject, my fixer, my friend, my protector, my extended family. Most days would begin with coffee at his parent's house where I would receive advice on the day ahead and tips that would keep me safe on the tundra. More than once this advice kept me alive. As our relationship evolved and grew deeper, a certain rhythm emerged where he would present himself to my room at the school late in the evening and begin to speak or ruminate, of his own volition, once the camera was on.[8] Early interviews were based on factual concerns such as rates of erosion, condition of the permafrost or the vagaries of hunting. Later he would come to talk about his dreams of tsunamis, suicides in the village and his fears for his children. We both welcomed new children into our families during this period and our roles as fathers was something we discussed a lot. Sometimes I would try to nudge the conversation in a particular direction but mostly I would listen. From this vantage point, I suspect Ramman was looking for somebody to listen to him and I was glad to do it - sometimes the camera was running, sometimes it was not.

Ramman went on to have a significant role in the final cut of the film and, ultimately, became the face of the film once his image was chosen for the poster. During the edit I felt like I was working with the image of a friend and not just a contributor. At each phase of the edit I was saying to myself "I hope Ramman will like this" since I knew that I would show him a cut for his approval. That feeling of obligation to craft a story that he would recognise, that he could ultimately approve of, was most acute during this edit. I had often shown Ramman raw footage but I never told him how I was likely to use it since at that point I had no idea. As the edit took shape with me on the other side of the world, I was bothered by that physical distance between us and lacked confidence that I would be able to represent him correctly. I began to question whether a white

Irish man from Dublin could really accurately represent a Yup'ik native whose daily life and cultural background was so different from my own. The gap in our interactions and the physical distance between us exacerbated this insecurity. I resolved that once the film was finished I would travel back to Newtok and show the film to everybody in it in the hope of getting their approval.

Fig 1.4 Ramman Carl in 'Losing Alaska' (2018)

I have always found the process of showing rough cuts or final cuts of films to the subject featured in them to be an uncomfortable process. Why? What is it that causes the knots in the stomach, literal knots, when you press "Play" and sit down to watch a film together with your subjects? The attempt to answer this question goes to the core of this study. Though the relationships are different in their dynamics, sitting down to watch a rough cut with Pat Walker, Alan Lewis or Ramman Carl provoked the same fears - what have I done with their gift? They have given all of their time and access to their homes, their experiences and their thoughts and we have grown close in the process. What have I done in return with this material? Does the film I have made tally with the shared experiences we have had together? Can they recognise themselves in the film and can they reconcile the divergences between shared reality and the rendered reality as presented in the film? The documentary will have made creative leaps with the material - time is compressed, people are omitted, dramatic contexts may be contrived. Coming back together after the break in engagement, can the relationship we have built withstand the viewing of the rough cut? Though I have struggled with these questions, and continue to do so on each new project, I admit I have not had a rough cut viewing go awry in any significant way. Yet the questions remain. This study - the written document and the film artefact - is my sincere attempt to appeal to the collective wisdom of my fellow filmmakers and to examine in greater depth the idea of the 'gap in consent' in the documentary process.

[1] This is not to explicitly suggest any active concealment on the part of crews in general. It is more that all interactions in this period are geared towards consent. Paul Duane, early in the film artefact, talks about 'dissembling a little' in order to gain access and keep the door open. For example, it would be very unusual for a filmmaker to share the film's proposal with the subject of a film. The proposal is the document which the filmmaker submits to the funder/ broadcaster in order to green light the film. This document, while it cannot cover everything, is the best attempt to define the full scope of the project. It must also be admitted that at this early stage the filmmakers cannot fully know the scope of the ultimate film as projects necessarily evolve.

[2] By this I mean we had quite a few exhibitionists contact us who were more than willing to invite cameras into their bedrooms. Identifying those people during the casting process was another task entirely.

[3] Shane Hogan was my collaborator and business partner from 2007 until 2017. In instances where I was a shooting director, or co-director, Shane adopted the role of producer, interviewer or co-director.

[4] We were so careful with the tone of that film that we were outraged when RTE subsequently made a promo before the broadcast that made the film look like a whimsical and raunchy outing, complete with slide whistles and farcical sound effects. Such missteps in the marketing of a film can undermine hard won trust with subjects at that crucial moment before broadcast.

[5] I am being slightly emphatic here for clarity of argument. At the time, though I was editing alone, Patrick Bolger, as co-director, was coming in and watching drafts and giving feedback for me to act on. Luckily, Patrick's sense of filmmaking ethics lined up with my own at all times.

[6] In some cases, Lewis was entrusting us with original negatives from the 1970s which had never been scanned and could not be replaced if lost or damaged.

[7] The broadcast was on RTÉ One on January 30th, 2019. The preview screening with the contributors took place in Belfast on December 18th, 2018, which would have allowed time for any requested changes to be made to the film.

[8] There is nowhere to officially stay in the village of Newtok and so I slept on the floor of the school library for all of my trips there.

2. Literature Review

2.0 Introduction

The following chapter sets out to examine the existing literature for insights on filmmaker/subject relationships, and the role of consent, through the history of documentary filmmaking. The review charts different modes of documentary production and filmmakers working in those modes, with their differing objectives and motivations, and seeks to reveal the place of the subject and the attitudes towards consent which they embody. From the social aims of the Griersonian film, the auteurist voices of Wiseman and the Maysles Brothers, to the collaborative approaches of Rouch and Danserau, questions of power imbalances, informed consent and functional differences with the profession of journalism are examined. Finally, the chapter considers more recent work which asks questions directly of filmmakers rather than of film texts (Aufderheide, 2012) and research carried out by scholars who are also documentary practitioners (Asquith, 2019; Coleman, 2023) to set the stage for the main research question of this study.

Calvin Pryluck's *sui generis* article from 1976, "Ultimately We Are All Outsiders" states its primary assumption from the outset in the title. He suggests inherent limitations in the filmmaker/subject relationship and, moreover, the use of 'ultimately' seems to be offered as a corrective to filmmakers who might think otherwise, who might assert a level of intimacy with their subjects that might grant them some better status than 'outsider'. Taken up as a challenge, the article title can act as a litmus test for the approach filmmakers take in building relationships with their subjects and, on a spectrum from short lived observation to long term intimate collaboration, where might that relationship lie. Though much has changed in modes of documentary production since 1976, Pryluck's core focus remains valid: if a documentary film is a product of "… personalities of the subjects as refracted through the personality of the filmmaker"(p. 204), then what rights are afforded to those who appear onscreen? In preparing to question my own cohort of filmmakers, who are now *my* subjects, and query their own relationships with the people they film, an overview of this spectrum of engagement is warranted. Given the nature of this project, a focus on literature that engages directly with filmmakers and their relationships with their subjects (e.g. Levin, 1971; Aufderheide, 2012) is similarly apt.

2.1 Robert Flaherty's First Approaches

From the very beginning of documentary film as a form, Robert Flaherty, as the original shooting director, operated on instinct when placing real people in front of his lens. He had no formal training in any of the disciplines in which he was about to engage.[1] According to Jean Rouch, "..Flaherty was a geographer-explorer who was doing ethnography without knowing it"(Rouch, 1974). On his first film, '*Nanook of the North'* (1924), he realised the benefits of sharing parts of the filmmaking process with his subjects. He made a point of showing his rushes to the native community he was living with in Hudson Bay. Given that he was operating alone and that every

piece of equipment brought into the field had to justify itself, it is telling that he chose to bring along the means to develop and project his rushes for the benefit of his contributors.[2] He brought along:

> "….apparatus for producing electric light so that I could print and project my results as they were being made: thus I could correct the faults and re-take wherever necessary, and more particularly still, my character and his family who lived with me through the year could understand and appreciate what I was doing."[3] - (Jacobs, 1971, p. 18)

He cites a particular moment when they had filmed a walrus hunting sequence. He processed his film and was then able to project the footage on the wall of the house he was staying in. Once the community were able to see the result of what he was doing with his camera they were fully onboard and were more agreeable to participate in filming further sequences. He was both checking his footage for errors and deepening his relationship with his subjects. Flaherty is explicit in acknowledging his film owed a huge debt to the consent and participation of his subjects. "My work" Flaherty said later, "had been built up along with them. I couldn't have done anything without them. In the end it is all a question of human relationships" (Pryluck, 1976, p. 26).[4]

Flaherty kept a detailed diary during the production. His primary reason to be in the Hudson Bay area in those years was not to make films but to search for deposits of iron ore on the previously uncharted Belcher Islands. Making a film was always a secondary activity to finding value among the rocks and yet he felt the impulse to do so.[5] His writing from that period is illuminating on the minutiae of his daily interactions with his "Eskimo Friends" and his relationships with them.[6] A genuine symbiosis evolved where they depended on him, somewhat, for employment and extra resources. He depended on them, much more so, for local knowledge, manpower and, more than once, to help him avoid starvation. The respect he had for this community is woven through his diary entries along with genuine affection.

The walrus hunt mentioned above is a revealing case in point. Flaherty had already gathered a wide range of material for his film but felt that a dramatic climax was needed. He proposed to his subjects that a walrus hunt would provide such a suitable moment for him to film. The response came that they didn't engage in walrus hunting anymore as they found it overly dangerous relative to the reward but they were happy to do it explicitly for the benefit of the film. Thus a crucial line is crossed from observing reality with the camera to staging events for the benefit of the camera. Once his subjects agreed to the request to hunt a walrus then the hunt is objectively real - but is this documentary? Flaherty was not burdened by any epistemological constraints on his filmmaking process as he did not emerge from a background in anthropology, journalism or even drama. His training was as a geologist. His instinct was to contrive a spectacle for his film and the line that he crossed may not have been visible to him at that point.[7]

The ethical questions implied by this distinction remain as valid today as they were in the 1920s. “Must one ‘stage’ reality (the staging of ‘real life’) as did Flaherty, or should one, like Vertov, film ‘without awareness’ (‘seizing improvised life’)?” (Rouch, 1974, p. 38). As one of the originators of the documentary form Flaherty usefully encapsulates many of the questions posed by this study. He is both ethnographer and artist, both observer and subjective author. His approach is both participatory and auteurist. From his early films flow two distinct conceptions of documentary film and the relationship between filmmaker and those filmed: they were his subjects and his collaborators.

The final encounter between Flaherty and the man who played Nanook is a further telling vignette. The two men worked together on the “big aggie” over several seasons with much of the scenarios being suggested and co-ordinated by Nanook himself.[8] Flaherty’s next step was to travel to New York to edit the raw material into what became ‘*Nanook of the North’*. As they part ways Flaherty realised that his friend cannot conceive of the movie theatres in which the film will play, the scale of the audience or the scale of the world beyond Hudson Bay:

> “He never quite understood why I should have gone to all the fuss and pother(sic) of making the “big aggie” of him — the hunting, yes — but surely everyone knew the Eskimo, and could anything possibly be more common than dogs and sledges and snow houses? …..The kablunak’s movie igloo, into which thousands came, was utterly beyond his comprehension. They were many, I used to say, like the little stones along the shore. “And will all these kablunaks see our ‘big aggie’?” he would ask. There was never need to answer, for incredulity was written large upon his face.” - (Flaherty, 1924, p. 169)

Nanook, in common with countless documentary subjects to follow, was in no position to understand what would happen to the filmed images of him, how they would be woven into a narrative through editing and how they would be seen by audiences as yet unknown. He could not conceive of why his life was of interest to others. He would never find out as within a year, before the film was finished, he would be dead (Flaherty, 1924, p. 170). He was never able to view the finished film before his face became famous around the world. The immortality afforded to him by Flaherty’s film was not of his choosing and, according to Flaherty, beyond his comprehension. “His shadowy form still flickers across the screen” (Jacobs, 1979, p. 19) today as it did in his own igloo when Flaherty projected the daily rushes. That shadowy form is, of course, not Nanook himself but the rendered reality authored by Flaherty, made possible by the consent of a man named Allakariallak to be filmed in the first place.

2.2 The Subject as Symbol

Flaherty operated as a solo shooting director predominantly outside of any formal commercial or government funding models. His objective, certainly early on with *‘Nanook of the North’*, was to create an entertaining story that would fill movie theatres with paying patrons. His innovations in

visual ethnography and participatory filmmaking may well have been accidental by-products of this commercial focus. His core intentions aside, his influence on the documentarians who followed him was fundamental. John Grierson, who would become a central figure in pre and post-war documentary movements in the UK and Canada, coined the lasting definition of the form as “the creative treatment of actuality” (quoted in Nicholls, 2016).[9] This neat phrase does well to capture that central dynamic of documentary film which provokes so many of our questions. The term “creative” suggests an artistic act where new meanings are conjured from existing materials. Taken together with “treatment” it first suggests acts of authorship and construction. These two active terms together act upon the “actuality” - these real observed events featuring people. The implied action is one where reality is subjected to this creative treatment and transmuted into something else - more heightened, more dramatic, more real? Grierson goes further to say: “The documentary is the branch of film production which goes to the actual, and photographs it and edits it and shapes it”. (Grierson, 1946, p. 159)

While Flaherty is sometimes, and not uncontroversially, referred to as the “father of documentary” (Piotrowska, 2014, p. 78) then Grierson provided the early frameworks to understand and develop the form. His own work, and the work he enabled, conceives of a filmmaker as someone for whom the output, the films, should have the stated ambition of social amelioration. If the charge against Flaherty is that he filmed heightened versions of reality to create entertainments, then Grierson and his colleagues feel obliged to use filmmaking as a social and political tool.

> “You will understand me, therefore, when I say that we makers of documentary do not think so much of making films as of town planning and regional planning, community centres, country libraries, day nurseries, and larger school areas.” (Grierson, 1946, p. 164)

Grierson’s career was long and his influence on both sides of the Atlantic was significant. His conception of documentary film as an agent for social change has had a lasting effect on documentary modes. While he maintains that the documentary filmmaker is an artist, he stipulates that this artistry is obliged to act in the interests of the society in which they live. “I can only say that no man, the artist least of all, can be free from the reality in which he lives, or avoid the duty of bringing it to such order as is within his power and his talents” - (ibid). There are strong echoes here of what Walter Benjamin termed the “new objectivity” which “made documentaries fashionable” (Benjamin, 1934, p. 90) Benjamin, is suspicious of art shorn of political ambition.[10] In this conception is born the documentary as polemic, a film which wants something from its audience - a change of opinion, a realisation or some concrete action.[11] It may lack the quality of gift associated with artworks making no such demands.[12]

The question arises of the role of the documentary subject within this conception. The Griersonian documentary (Winston, 1991) is charged with subjugating its artistic ambition, and the position of the subject, to the primacy of its social objectives. More than one observer of this tradition has likened the Griersonian filmmaking approach to propaganda (Levin, 1971), a charge which

Grierson himself did not shy away from (ibid). What implications does this have for the people in front of the camera whose “actuality” is being recorded and later shaped into a narrative which explicitly has an agenda of social change? Grierson admits “..we believed, like the Russians, that you should use individuals in your film in a not exactly dehumanised way but a sort of symbolic way” (Sussex,1975, p. 21). There is an assumption here that the ‘real people’ in front of the lens can be used as simulacra of people much like them. They appear as symbols and not as themselves. They have “passively allowed themselves to be transformed into aesthetic creations” (Ruby, 1992, p. 44) and it is held that the broader objectives of the film for change at the societal level justifies this treatment of the individual.[13] The filmed person is rendered as narrative device to advance a point of view that is not necessarily their own. “Documentaries were recognised as an articulation of a point of view - not a window to reality” (p. 47).

The key charge levied against Grierson by Brian Winston, this “tradition of the victim” (Winston, 1991), is centred on the filmmaker/subject relationship and the above dynamic of leveraging real people to make broad political points. To be clear, Grierson himself only took a director credit on two films, but acted as producer or executive producer on dozens more. He was responsible for setting the mode and approach of the film made under his guidance and these films are what Winston collectively terms “Griersonian”. Many of the first assumptions about power dynamics on either side of the camera are rooted in the films of this period. The subjects were often filmed without sound and were not permitted to speak. Their social situation was then explained to the viewer via an authoritative voiceover. We did not hear from them directly rather they were, as per Jay Ruby, “spoken for” (Ruby,1992). Winston cites the example of the film '*Housing Problems’*(1935), where subjects were named and apparently allowed to speak with their own voices, except they were extensively coached and rehearsed for their “interviews”. Grierson’s contemporary critic Arthur Calder Marshall underlines the concern that hearing from subjects was not a core value in these films: “Mr Grierson may like to talk about social education surpliced in self importance and social benignity. Other people may like hearing him. But even if it sounds like a sermon, a sales talk is still a sales talk” (quoted in Winston, 1991, p. 76). This conception of the documentary film as a tool for social change relegates the role of the subject to that of a narrative unit deployed in the service of the “dominant trope” of persuasion (Renov, 1993, p. 29). The filmmaker/subject relationships at work in these films are thus limited in depth and one is left to wonder at what considerations were given to consent during their production.

2.3 The Release Form as a Lever of Consent

In the postwar period the advent of broadcast television in the United States, U.K. and elsewhere including in Ireland from the early nineteen sixties, expanded the production and distribution of documentary work. There was now more capacity to make documentary films and, once made, they could be seen by many more people than previously in a theatrical setting. Michael Rabiger, a veteran of dozens of BBC documentaries, is conscious that the broadcaster provided a legal

framework in which to operate but not necessarily a moral one: “Some documentary participants are not attentive or sophisticated enough to absorb all the implications, and though the release form may discharge legal obligations, it doesn’t meet those that are moral” (Rabiger, 1987, p. 307).[14] By “implications”, I assume he is referring to the implications for the subject of appearing in a documentary film and having that film, or that representation of them, be seen by countless people both known and unknown to the subject. They cannot be expected to predict the response to the film, and to themselves, by the public at large. Rabiger is exercised by the questions: “Where do the filmmakers’ responsibilities lie? When does one owe loyalty to the individual, when to the larger truths? Is there an accepted code of ethics?”(ibid). He refers to these swirling questions as the “lonely calculation” of the filmmaker (ibid). In expressing these concerns, Rabiger suggests a move beyond that Griersonian model and a greater interest in the welfare of the subject.

The aforementioned release form bears further scrutiny (See Appendix E) . They are used as standard practice in the audio visual industry to signify that a contributor gives their permission to the person or crew recording them to use that recording in any way they see as appropriate. The form is typically written in relatively dense legalistic language which may not be easily understood by those without a legal background. The form is most commonly presented to the subject for signature at the end of a recording session when filming has concluded. It is presented as a formality, an administrative necessity which validates the preceding activity. What are its operative elements? Firstly it states that the subject consented to the filming. At the most basic level, this asserts that they were aware that cameras were present and were recording their image and their speech and that, therefore, the filming was not surreptitious. The form also asserts that the “nature and content” of the programme “has been fully explained” to them (Appendix E). Secondly, the participant relinquishes any “so called moral rights”(ibid) as to how their contribution is used in the final production or programme. Thirdly, the form allows the filmmaker to transfer the “performance” of the participant to any other third party, such transfers being the commercial basis upon which documentary films rely. The form extends these permissions geographically (“throughout the world”) and temporally (“in perpetuity”) and makes provision for forms of media not yet “devised”(ibid).

The release form, in its current iteration, can undermine the filmmaker/subject relationship: “signing the release form is fundamentally at odds with their developing relationship and trust” (Nash, 2012, p. 328). “Such a release resembles less a contract than a capitulation, with minimal compensation or no control left for the subject….Such an arrangement may seem unfair, but it is the norm” (Nicholls, 2016, p. 151). This norm is what every working factual filmmaker uses as part of their toolkit and it is hard to argue against the presence of power imbalances asserted by the form - imbalances which may not be present in the filmmaker/subject relationship up to that point. Nichols poses the core question: “What obligation do filmmakers have not to actors…but to actual people whose lives spill beyond the frame…”(p. 155). As prescribed by the release form the answer to Nichols’ question might be: none. Indeed, the purpose of the form can be seen as

proscribing any such obligations as it gives the filmmaker - indeed the production company - carte blanche to do anything they please with the filmed material. The form is designed as that "capitulation" or surrender of any future objections to a film the subject cannot yet have seen. This gives comfort to those who would view the film output as a economic unit to be traded into the future. When the form is produced, at whose insistence, and how the filmmakers' feel about them are key questions in this study.

This "ritual of consent" can be seen as a multifaceted fulcrum in the filmmaker/subject relationship (Nash, 2012, p. 328). The existing literature on the topic of consent most frequently focuses on the periods of pre-production and production - before filming, during filming and immediately after filming. The mechanics of this can be easier to grasp. It is obvious that a filmmaker should have some level of consent before pointing a camera at a subject. This is consent at the most basic level. The more formal consent obtained via the release form tends to come once filming has been completed. "Provided that those being filmed give their consent, where is the immorality?"(Mamber, 1974, in Pryluck, 1976, p. 22). The immorality, if it is to be found, may come later as the filmed material is conjured into rendered reality during the editing process. This putative gap in consent, which we have identified, is instructive in identifying two main approaches to documentary filmmaking which have divergent conceptions of the relationship between filmmakers and subjects. There are those for whom the primacy of the filmmakers creative expression trumps any rights of the participants and whose approach we can term auteurist. There are others for whom participation with filmed subjects goes beyond the filming period and extends into post-production in a relationship more akin to collaboration.

2.3.1 Possibility of Informed Consent

The term informed consent is often presented without definition but with an assumption that filmmakers should inherently understand it and should aspire to it. Brian Winston is skeptical about borrowing concepts and practices of informed consent from medical ethics (2000: p126). He struggles to easily transpose the ethical practices from one profession onto the other.[15] Kate Nash is similarly skeptical that objectives of informed consent are rituals designed to give cover to broadcasters (Nash, 2012: p328). The issues with informed consent are threefold and relate directly to the creative nature of a film project as it evolves over time. These may be listed as; the objectives of the film, the content of the film and the reception of the film. It is assumed that the filmmaker is informing the subject, which presupposes that the filmmaker is in possession of this knowledge in the first place.

Firstly, in the case of the objectives of the film, we suppose the filmmaker can be totally honest with the subject in stating why they are embarking on this film project. The cohort in the film artefact reveal that this can be a very tentative period in the life of a film. What is clear at this point is that the filmmaker can only know so much. They can be interested in a topic, a story or a person, but they cannot claim to know all aspects of a story as they take those first steps. Thus,

any conversation seeking consent of subjects at that point can be informed only by what the filmmaker knows at that point, which may not be very much.

Secondly, even where a filmmaker is totally forthcoming with a subject during the production period and keeps them apprised of all developments with the film, once editing begins and the daily interactions becomes less frequent, the flow of information changes. The editing of a film is, by nature, a process of meaning creation, as previously unconnected speech and imagery are juxtaposed in daily creative acts. The subject, absent from the editing room, remains uninformed of these new contexts for which fresh consent is not usually sought. The filmmaker cannot know what the result of the editing process will be in advance, and by not knowing, cannot inform the subject once more until the film achieves rough cut.

Thirdly, even assuming the subject is shown a rough cut of the film and declares they have no issues, it cannot be predicted how the final film might be received by a general audience and what consequent impacts there might be on the subject. How can a filmmaker fully inform the subject of such impacts in advance? Jay Ruby goes so far as to suggest that informed consent is not really possible unless you train up your subjects as film critics (1992: p50). Once again, there must be an admission that the filmmaker does not know or can not know the potential impacts on a subject arising from their participation in a film. Indeed, the sense of duty which might move a filmmaker to care for a subject at this point of the process is not something allowed for in the current economic model of film production (Asquith, 2019: p15). Informed consent, therefore, is something which the process of film production mitigates against at each stage from first approaches to public release.

2.4 The Filmmaker as Artist

On that continuum from filmmaker as author with total freedom of expression, to filmmaker as collaborator in a joint endeavour with their subjects, the following group of “auteurs” fall closer to the former position. Approaches to documentary filmmaking are highly individualistic and it can be hard to predict where on this continuum a given filmmaker will lie. There is rarely a direct career progression into this line of work. Documentarists have tended to emerge from fields as varied as journalism, photo-journalism, theatre, narrative fiction films or the art world. They carry with them, inevitably, some norms of practice and thought from those worlds. Factual films are rooted in the real world to begin with but “they are also vehicles for self expression” (Winston, 2000). Shooting documentary films tends to take place in the public realm with many people present while the editing of these films - the ultimate authoring - takes place in a private realm with very few people present. The central tension here is between the necessarily collaborative nature of the filming process in the first instance, followed by the individualistic nature of the editing process. For those filmmakers who we can term “auteurist”, the filmmakers’ right of self expression, their freedom as an artist, is the core value. This position is exemplified by a group of American directors working from the late 1950s onwards in a movement often referred to as

'Direct Cinema'. One of their number, the director Frederick Wiseman, emphatically stated his position on this point:

> "Sometimes after films are completed people feel retrospectively that they had a right of censorship, but there are never any written documents to support that view. I couldn't make a film which gave somebody else the right to control the final print" (Rosenthal, 1971, p. 71).

Wiseman usefully combines into one short statement many of the factors under consideration in this study. First, he equates any putative rights his subjects might have over a finished film as being a form of censorship. It follows that he, the filmmaker, would be the one being censored and his right to freedom of expression is being impacted. Secondly, his first line of defence refers to the lack of "written documents" (ibid) which would give any rights to the subjects. This is clearly a reference to the consent form. Finally, he asserts that control of the final film is absolutely essential for him. Wiseman owns up to the absolute subjectivity of his films and while he may be socially conscious, like Grierson, he has no explicit agenda for social change:

> "My films are socially conscious but are not, at least from my point of view, trying to sell any particular ideology……but rather to find out what my own attitude is to the material that's the subject of the films"(Levin, 1971, p. 315).

Here is the documentary filmmaker discovering the film as it is being made. He is not coming to the process with an agenda but rather with an ambition to discover both the material and his own feelings about it. This approach is explicitly artistic, centred on Wiseman's own experience, rather than any attempt at journalistic notions of balance or objective truth: "I think this objective-subjective stuff is a lot of bullshit. I don't see how a film can be anything but subjective……How can any intelligent person think that they're anything but that?" (Levin, 1971, p. 321).

That said, Wiseman takes the issue of subject consent seriously. Consent is sought at the moment of shooting and, for many of his films, the encounters may be quite fleeting:

> "The ground rules that I always operate under are that I don't get written releases, but I get consents. I go up to someone and say "We just took your picture and it's going to be for a movie, it's going to be shown on television or maybe in theatres, and it's going to get a wide release to the general public. Do you have any objection?". If they have any objection, I don't use the material. I either ask just before the shooting or immediately after." (Levin, 1971, p. 320)

A truncated version of this quote appears in Pryluck (1976), omitting the final two sentences and is, in hindsight, unfair to Wiseman. Pryluck uses the quote to make the argument that the

momentum of the moment favours the crew - filming has already taken place so it is up to you, the subject, whom we assume is in a vulnerable position, to raise an objection. The full quote is more exculpatory of Wiseman's approach - if they say "No" then he doesn't use the material. If Wiseman takes care with consent during production there is no suggestion, with his early films at least, of further collaboration with subjects once editing begins. The consent he achieved on the day he deems sufficient, for his own piece of mind, to allow him to craft his film: "On the other hand…I don't review the final film with everybody in it before the film goes out". (Levin, 1971, p. 321)

The position adopted by Wiseman, and latterly the Maysles brothers, can be seductive in its simplicity: consent is given by the subject on the day of filming, the filmmaker is the author and is free to use the material as they please. Albert Maysles, working frequently with his brother David, came to documentary film from the field of psychology. His first film grew out of a psychiatric research project which led to a photographic project which in turn led to the film '*Psychiatry in Russia'* (1955). Like many early practitioners, the Maysles brothers were self-taught documentarians and were developing their craft, and their ethical frameworks, as they went along. In speaking to Arthur Barron about the morality of the work they were doing, this exchange was recorded:

> "Al Maysles reported a conversation where Arthur Barron said, "Jesus, don't you sometimes get awfully disturbed that you might hurt somebody when you make a film, and don't you sometimes question the morality of what you're doing?" Maysles's response reveals his own stance: "I almost never feel that fear myself….Arthur was saying, 'Aren't you afraid that you're exploiting people when you film them?' and that has never occurred to me as something to be afraid of". - quoted in Pryluck (1976, p. 22)

Brian Winston (1988) makes reference to the Maysles' main character, Paul, in their film *'Salesman'* (1969), and points out that he has been immortalised on film as a loser.[16] His real life will move on and he will age and do other things, but in celluloid he has been captured forever as this particular, unsuccessful version of himself.[17] Though Paul fully consented to taking part in filming, he cannot have fully understood the long term implications that this representation would have for him. Winston points out: "For the film is not a lie; is not maliciously designed to bring him into either hatred, ridicule or contempt; and therefore he has no action for libel" (Winston, 1988, p. 46). The rhetorical recourse here is once more to a legal standard rather than a moral one; a reductive framing of how Paul has been treated by the film. Sitting as it does in the Direct Cinema tradition, '*Salesman*' has no overt mission for social change. The film does not seek to improve the lot of salesmen everywhere or campaign on their behalf. Rather, it is an exploration of the quotidian, the modern incarnation of an ancient role and the effects it has on the people placed in

it. The goals are narrative and artistic, even anthropological, rather than socially ameliorative. Therefore, the “lonely calculation” outlined by Rabiger - weighing up the rights of the private individual against the objective of “doing some good in the world” - does not apply as directly as they would under the Griersonian tradition (Rabiger, 1987).

For their part, the Maysles set out to make the film “using the camera with love” (Vogels, 2005, p. 49). Indeed, as part of an evolution of their filmmaking, inspired by the novelist Truman Capote, “they would form personal relationships with their filmed subjects” (ibid).[18] Albert Maysles has said that he maintained a relationship with Paul Brennan for many years after the film was finished. There was clearly respect and affection and yet Paul would only see the film for the first time with a public audience upon its release in New York. Albert, seated near to him, noticed that he was at times crying and at times laughing during the film - it was quite an emotional experience for him - and one he had to have in public.[19] There was no rough cut screening for Paul. Despite much contemporary criticism of the film’s condescending treatment of its subjects, the filmmaker/subject relationship survived the process: “..Brennan and the others signed releases after having seen the finished film. For his part, Brennan reportedly said, “This is one part I will always be proud of”(ibid, p. 70).[20]

The notion that the subject of a documentary might come into the editing room is unthinkable for many filmmakers. In the discussion of power imbalances in director/subject relationships there are certain professional conventions which can create them. The consent form is one and the sacrosanct nature of the editing room is another. It was not surprising to learn that Paul Brennan and the other characters in “Salesman” had never seen a cut of the film before the public screening in New York with an audience nor had they been invited to give their input into the edit. The auteurist approach knows that editing is where the definitive authoring takes place and to allow subjects input at this point would be to engage in a very different kind of filmmaking. It would be to relinquish an amount of power over the finished film. An exceptional case from the Maysles own career sees members of the Rolling Stones invited into the editing room to look at raw footage of their concert at Altamont where several people died.[21] The filmmakers turn this into a reflexive element by filming this moment and including it in the final film. It might be obvious to point out that in 1970 Mick Jagger, Keith Richards et al held more power - cultural, financial - than the Maysles did and the sight of them in an edit suite is something of an exception that proves the rule: “respect flows to power” (Pryluck,1976, p. 26). The Rolling Stones would not be surprised by the film when viewing it for the first time with an audience - any reaction they might have to it would be private and their feedback taken into account.

2.5 Consent Through Collaboration

To those directors who would assert the primacy of their right to authorship, the idea of allowing subjects input during postproduction is beyond the pale. Marcel Ophuls was quite specific of his rejection of this type of collaborative spirit:

> "During these discussions [of ethics] the idea seems to come up that in documentary films there's some sort of participatory democracy - that the fair thing to do, the only really decent thing to do, is to have the people you have used look at the rushes and then decide collectively what should be used" (Pryluck,1976, p. 26).

While Ophul's comment may be tinged with sarcasm, the French ethnographer and filmmaker Jean Rouch takes up that challenge explicitly. During the production of '*Chronique d'un Été*' (1961), Rouch had regular screenings of rushes for the community they were filming in order to spark discussion and generate new ideas for further filming. His background as a social scientist no doubt informed this approach which he termed "participatory cinema" but he also nods to the influence of Flaherty: "The great lesson of Flaherty and Nanook is to always show your films to the people who were in it. That's the exact opposite of the ideas of Maysles and Leacock" (Levin, 1971, p. 139). Rouch consistently pushed the boundaries of collaboration with this subjects and felt enriched by them. He observed "..the unwillingness of filmmakers to face up to their responsibilities" (Rouch, 1974, p. 37) when it came to their interactions with their subjects. His solution was to involve those with whom he was filming in the production process, training up locals as sound operators and production assistants. His rejection of crews - "..unless forced into it, I am violently opposed to crews" (ibid, p. 40) - forced him into useful dependence on the communities in which he filmed: without their assistance the film could not be made. The subjects' thus felt invested in the process since they had actively enabled their own representation. Rouch can still espouse the value of an artist, just like Wiseman, that his first audience is himself, his first objective is to engage in the "cine-trance" pleasure of shooting and editing but after this "my first public is the other, those whom I've filmed" (ibid, p. 43).

Taking the process further, Peter Robinson's '*Asylum'* (1972) began filming with tentative consent from the staff and patients of a medical clinic for schizophrenics. They shot over 20 hours of raw material and from this made a four-hour assembly edit which they then showed to the patients: "Final consent was obtained on the basis of this version of what would be included in the final 90 minute film…the schizophrenics…were accorded the dignity of deciding for themselves how they were represented on screen."(Pryluck, 1976, p. 27) Similarly, Fernand Danserau's '*Saint Jerome*'(1968), made for the National Film Board of Canada, uses collaboration to acknowledge and address power imbalances in the production process. The film is a profile of a small town going through a process of rapid change. Danserau engaged in a constant process of screenings of rushes and working edits which informed discussions, further filming and further edits. The community were brought all the way into the process. Indeed, ordinary citizens of the town were afforded more input into the process than were elected officials or politicians. The more power a citizen was perceived to have, the less input they were afforded and vice versa (ibid). Thus, the finished film was something that a large portion of the community being depicted could feel ownership and authorship of. As Pryluck writes "Danserau was not degraded by the collaboration; quite the opposite" and quotes him as saying:

> "I can feel within me, infinitely stronger and more durable than that from either critics or any anonymous public, the recognition of the people with whom we lived. It is they, finally, who assure me of my functions as an artist" (ibid, p. 27).

These two films, '*Asylum'* and '*Saint-Jerome'*, represent exceptional cases in the field of documentary film. The mechanics of film production and film funding would generally militate against these collaborative approaches. The time taken for such back and forth engagement with film subjects represents additional cost and longer schedules. The added engagement also represents risk for the filmmaker and the funders: how can they know what film will result from such a process? How will this line up with what was promised at proposal stage? Creative risk and documentary funding are often anathema to each other.

Rouch, Dansereau and others who adopt this collaborative approach still considered themselves as authors of the films in question. Their production models, and perhaps their egos, were able to allow for deeper interaction and exchange with their subjects during and beyond the period of filming. Rouch wrote extensively and eloquently on how these deeper relationships with his subjects led to more fulfilling and valuable artistic outputs. Rouch takes the Kinok Manifesto of Dziga Vertov as his starting point: "…It is not sufficient to put partial fragments of truth on the screen, as if they were scattered crumbs. These fragments must be elaborated into an organic collective, which, in turn, constitutes thematic truth" (Rouch, 1974, p. 38). The creation of this seemingly 'organic collective' is the task. It is not organic at all since it is utterly constructed both at the moment of shooting and at the moment of editing. But, crucially, the ambition can be pure and perhaps only those who lived through the experience can attest to the veracity, thematically or otherwise, of that constructed truth. "A supplementary stage, not foreseen by Vertov, appears indispensable. Namely, the presentation of the rough cut, from head to tail, for the people who were filmed. For me, their participation is essential" (ibid, p. 41). It could be argued that the ultimate skill of the filmmaker is seen in how organic these constructed realities can seem, how successful is the objective reality rendered into a coherent scene, sequence, film, such that the viewer is enchanted by the onscreen reality and the evidence of construction is overcome by that enchantment.

A distinction should be drawn here between the community engagement methods employed by Rouch and the field, whose name he inspired, known as participatory video. This discipline has its roots in social research and social work and is explicit in putting its research and social change objectives in primary position (Milne et al, 2012). Such films begin as *research projects*, not as *film projects*, and use filmmaking techniques and film outputs as a tool to achieve their aims. This practice could be seen as one step further removed from artistic practice than is the Griersonian approach. If the latter is impeded from being considered as art since it wants something from the audience, then this charge is even more valid in the case of participatory video. The documentary

made with an explicit social aim absolutely wants something concrete from its viewer; an action, a change in behaviour, a change attitude. The documentary film made as artistic practice, primarily, places no such demands and leaves the viewer free to have their own response to the work.

That is what separates my film '*Losing Alaska*'(2018) from, for example, the '*Fogo Island Films*' (Colin Low, 1967). My film sets out to describe the situation of the village Newtok, Alaska and the struggles it faces in relocating its community to safer, higher ground. The film is observational, at times poetic, and does seek to provoke emotional and empathetic responses from the viewer. There is no call to action in the film or in the end credits asking the viewer to do anything to aid the village in its plight. Similarly, during the three years I was making the film, at no point did I suggest to my subjects that the film might be of any help to them with their relocation efforts. The best I could offer was to tell their story. The 'Fogo' films, conversely, were made in collaboration with a community worker and a social scientist with the aim of guiding community discussions to lead to explicit social and political outcomes. The film work was thus always subservient to the social change objectives. The relationship between filmmaker and subjects are similarly different in nature from those where artistic expression is more to the fore. For the purposes of this study, the cohort of filmmakers I will speak to are more commonly engaged in documentary filmmaking as creative practice.

2.6 Documentary not Journalism

Patricia Aufderheide's more recent instructive study on U.S. based documentarians provides a good overview of the ad hoc practices and individual ethical approaches among her cohort of interviewees (Aufderheide, 2012). She notes that "documentarians in the USA lack publicly articulated standards and even a shared public language for ethical discussion in their field" (p. 352). Her study has similar objectives in that it seeks to hear from filmmakers about the ethical conflicts which arise in the making of their work. She spoke to over forty five documentary practitioners - producers, directors and executives - using "long form, hour long interviews, grounded in open-ended questions, conducted usually by phone" (p. 368).[22] Among her findings is a confirmation that most documentarians, in her cohort at least, do not see themselves as journalists and as such resist the notion that they "should hew to a journalistic standard of behaviour" (p. 366).[23]

This runs contrary to Brian Winston's assertion that "Documentary ethics means, in effect, the ethics of journalism" (Winston, 2000, p. 117). To be fair, he uses this assertion as a staring point to tease out the differences between the two forms. "The richness of documentaries as a source of moral pitfalls and dilemmas lies exactly in the ethical gap that lies between journalism and documentary….documentarians bear a greater burden than do journalists because their work is less ephemeral" (p. 128). The interactions between journalists and subject are assumed to be short term affairs to meet a particular print or broadcast deadline. The relationships are often limited in scope and depth. Documentary projects are rarely so limited by completion deadlines. "As one filmmaker notes: 'I am in their life for a whole year. So there is a more profound

relationship, not a journalistic two or three hours'" (Auderheide, 2012, p. 369). The implication offered by the respondent that the journalist/subject encounter is short lived, limited in scope and results in a transient output. The filmmaker/subject relationship, on the other hand, is assumed to be more deeply engaged and the documentary film, as output, has a longer shelf life and, perhaps, greater impact.

2.7 Emotional Labour in Documentary Relationships

Following in Aufderheide's footsteps are a series of filmmaker scholars who can bring first-hand experience into their analysis of filmmaker/subject relationships. In this regard, Daisy Asquith writes from her own long filmmaking experience about relationships with her subjects across multiple films (Asquith, 2019). The perspective here is revealing of the sometimes chaotic and non-linear manner in which documentary films are actually made, and the many phases director/subject relationship during this time. Asquith's 2019 work "This is Not Us" is remarkable on three fronts. It absolutely foregrounds the human relationships necessary to make these films and relegates the technical processes and aesthetic ambitions to a secondary position. She knows that "the relationship was always way more important than the exposure, focus, sound quality or steadiness of the camera" (p. 15). As a self-shooting director Asquith must manage these parallel processes, technical and interpersonal, at the same time. Her priority is clear:

> "I wanted the camera to fit in my handbag; and to fit into my relationship with the person I was filming, rather than the other way round. The visual beauty of the film was desirable, but it was worthless without the emotional depth of an intimate relationship with the filmed person." (p. 15-16)

For Asquith, the aspiration is to treat subjects in her films as "a collaborator rather than a resource" and this can result in both a better film and, quite often, long-lasting relationships than endure beyond the production period. Keenly aware of the power dynamics at play, she offers that "one of the most important ways to share power is to promise a viewing of the documentary while there is still edit time and the genuine intention to recut it if the participant deems necessary" (p. 67). This commitment to show a rough cut and to respond to feedback creates, in her view, a more robust and collaborative relationship which will better withstand the filmmaking process. Such a promise could be deemed to bridge any notional gap in consent during the editing process, engenders trust between filmmaker and subject where neither are depending "on a mere release form for shaky legal permission to broadcast" (p. 68).

Asquith, a veteran of British broadcast and feature documentaries, is rooted in the practical exigences of modern filmmaking - personal, emotional, technical and economic. In a related vein, Agniezka Piotrowska takes on the emotional aspects of the filmmaker/subject relationship via a psychoanalytic lens with particular focus on the phenomenon of transference (Piotrowska, 2014). She broadly defines transference as "the attachment between analysand and the analyst enabling the analytical work to take place" (p. 45). Her analysis, rooted in the work of Lacan, sees the

possibility for the intimacy engendered during the documentary encounter, much like that in the psychoanalyst's clinic, to become a "kind of love". These feelings may be intense, they may be genuine, but they may also be false - both patient and analyst, filmmaker and subject, must be conscious of them and how deceptive they may be. The feelings are rooted in the process of self revelation to which the subject has submitted themselves and, as per Lacan, arises from this production of knowledge which the subject wants to share and the filmmaker wishes to know: "The person in whom I presume knowledge to exist, thereby acquires my love" (Lacan, 1999, cited in Piotrowska, p. 48). For Piotrowska, it is the risk involved in exposing oneself, not simply visually on camera but also one's innermost thoughts, and the sharing of this risk with the other, in this case the filmmaker, which makes the whole enterprise emotionally heightened:

> "Giving an account of oneself demands a certain amount of violence by definition - it is hard to do - and yet the gesture of speaking to and for the other holds in it a certain risk but also a promise of an intersubjective connection, recognition and maybe even love. That risk, through transference, is necessary and dangerous." (Piotrowska, 2014, p. 50)

She goes on to describe, in great detail, her own experience of making documentary film about a 'confidence man' and the endless and fascinating complexities of that relationship. Her work is a deep and personal excavation of the emotional and psychological complexities in making documentary films and the primacy of that work.

Emily Coleman's paper entitled 'The Work of Documentary Relationships' (2023) draws on these more recent analyses of filmmaker/subject relationships but frames the study explicitly as emotional labour as defined by Arlie Hochschild (1983). Coleman, like Asquith and Piotrowska, has herself experienced first-hand the emotional and personal demands of this profession through making her own films. Going beyond the personal, however, her study speaks with dozens of documentary filmmakers *and* subjects of documentary films to create a detailed and nuanced picture of those relationships. The complexities arise because the interactions are both "genuine as well as instrumental" and it is rarely simply a question of power over or manipulation.

> "Because the kind of close attachments involved in documentary relationships cannot be easily faked, they have to be internalised and truly felt; pretence is simply not convincing. For the relationship to be successful, it has to be genuine". (Coleman, 2023, p. 9)

Her cohort of interviewees reveal genuine and meaningful multi-year, in some cases multi-decade, friendships which persisted long after the films that spawned them are completed. This persistence, more than anything, attests to the authenticity of the relationship. Coleman laments, as Asquith did before her, that "the emotional labour of filmmakers continues to go largely unacknowledged and unrewarded" (p. 12). Where the emotional labour is real and the intimacy with the subject is similarly real, then a moment of risk arises as the period of production ends and the filmmaker invariably withdraws:

> "When documentary-makers withdraw from the relationship as the project comes to its conclusion, their participants must come to terms with a variety of different losses – not only the loss of control over how their material will be edited and received" (Coleman, 2023, p. 14)

If the work of making documentary films is conceived in this emotional manner, then this break in interaction as production moves from the shooting phase to the editing phase, must be viewed through the same lens: "Excluding the participant from the production process, something that frequently happens once filming is over and post production begins, has the potential to be a distressing experience" (Nash, 2012, p. 325). The filmmaker moves away from the subject, but not away from the film, and not away from the version of the subject they have captured and can now interact with in the editing room.

2.8 Speaking to Filmmakers

As recently as 2010 Willemien Sanders was calling for more empirical research on filmmakers' practices since "only by investigating filmmakers' experiences and opinions may we understand what ethics govern filmmakers' work and what principles underlie their decisions about the right thing to do" (p. 550). The great value of this recent scholarly work (Aufderheide, 2012; Pietrowska, 2014; Asquith, 2019; Coleman, 2023) in this field is that it places the filmmaker and their experiences with subjects centrally in the discussion of ethics and consent. Respondents to Aufderheide's study were afforded anonymity in the hopes that they would be more forthcoming, and she admits to a positive and non-judgemental approach to the enquiry. While the demarcation between the ethics of journalism and documentary is welcome, the possibilities inherent in the latter form's freedom of creativity, and the profound ethical implications of this, remain crucial questions. The usual problems of objectivity and truth, as they relate to journalism are "exacerbated by documentary's demand that it be allowed to treat actuality creatively" (Winston, 2000, p. 130). The moral questions begin to multiply:

> "For documentaries in general, 'objectivity' in any of its many meanings applies even less certainly than it does in journalism…Documentaries can be the equivalent of journalistic features but, despite contemporary received opinion, they can also approximate to opinion pieces, editorials, columns, belles-lettres essays, polemics, agitprop, autobiography, poetry" (p. 130)

The breadth of possible modes of expression contained within documentary as a form are unified by a single characteristic - "the creative treatment of actuality" (Nicholls, 2016). This creative act, iterative and personal and based on hundreds of smaller acts, predominantly takes place in the mind of the filmmaker. While Nichols speaks of "modes" of documentary, Michael Renov speaks of "impulses" and the latter seems a more fitting framework (Renov, 1993). What motivates the filmmaker to engage in this work in the first place? Renov lists his "four fundamental tendencies

or rhetorical/aesthetic functions attributable to documentary practice" (p. 21) and, personally, they resonate as the motivations of the creative person. Nichols' modes foreground the text, i.e. the film, whereas Renov's impulses go to the creative act. In conceiving of documentary as an art form, as this study does, in agreement with Hans Richter: ""The documentary film is an original art form. It has come to grips with facts - on its own original level"(Richter, 1951, p. 159) - then, like Renov, this study is drawn to the owner of the impulse: the filmmaker.

The literature is not replete with first-hand accounts from filmmakers on how they view their role or their relationships with subjects with the notable exceptions of those filmmakers who are also theorists - e.g. Winston, Rouch, Rabiger - and who can address the concerns both theoretically and practically. Frequently, the discussion is a one-sided exchange between the academic and the film text which, it is hoped, can reveal the intentions of the filmmaker. Bill Nichols' 'Letter to Errol Morris' (2016) draws together many of the themes under discussion here and is a useful case in point.

Nichols' letter vents his frustration with Morris' film '*Standard Operating Procedure*' (SOP). Made in 2008, the film features interviews with the military police working at the Abu Ghraib prison in Iraq in 2003. These police personnel were charged with abusing prisoners under their care at the prison, of degrading and humiliating them and of photographing many of their actions. The film comprises three main elements: contemporary interviews with those working at the prison during that time, photographs taken by the officers at that time, and re-enactments of abuse shot using sets and actors. The main thrust of Nichols' displeasure is that Morris has absented himself from the film, that he has allowed his interviewees to run amok with their own version of events, their own excuses and justifications. He wonders where is the filmmaker who made '*The Thin Blue Line*' (1988) who was interested in seeking out some kind of truth from disparate and contradictory testimonies: "Where is the moral centre to their testimony? To your film? To your perspective? These lacunae leave me waiting for your moral voice to arrive" (Nichols, 2016, p. 184-184).

It could be argued that *SOP* offers viewers an array of perspectives on contentious events and allows them to make up their own minds based on which testimonies they find to be most truthful, sympathetic or compelling. This was Morris' declared approach to his film 'Tabloid' (2010) which delights in presenting multiple unreliable narrators whose running contradictions are used for comic effect. The subject matter in *SOP* is certainly more serious and the consequences more grave. Nichols' frustration is that Morris has not done his stated job, which is to provide the audience with a trusted version of events.[24] If he sees the documentary director's role as giving the audience a through-line to what the objective truth might be, then *SOP*'s Rashomon style array of narratives means Morris has absented himself from the most important part of the process.[25] The irony here is that Morris is being accused of not being subjective enough, is not

crafting his own version of the truth and by allowing his many characters to unfurl competing narratives the final film seems unfinished. Nichols is angry; his reaction to the film is visceral and physical and he writes a letter rather than an academic essay to give himself more freedom of expression.

But Nichols can only deal with the film as he is able to view it. He can only express his own frustrations as he feels them. He can see in *SOP* how these contributors have been edited, have been allowed to speak on screen but he does not know why. He was not present in the private space of the editing room as these decisions were taken. His letter is filled with questions that go unanswered. The answers he seeks are in the mind of the filmmaker. It was perhaps for the reasons that he agreed to interview Morris onstage at IDFA in 2015.[26] If Nichols thought he would get some answers he was to be disappointed as Morris proved an evasive interviewee. There is a conversation to be had that remains incomplete and speaking to filmmakers has, in my view, more potential for insight than unanswered letters.

2.9 Conclusion

If the documentary form has evolved significantly since Robert Flaherty took those first complicated steps in 1915, then so too has our understanding of the complex human interactions at play in the creation of these films.[27] What unites the films and filmmakers discussed here is a reliance on the participation of other people, and the consent of those people, to bring these films to fruition. However the filmmaker conceives of this core relationship and what their process of gaining and maintaining consent is may vary according to the impulse of the filmmaker and the nature and purpose of the film they wish to make. The documentarian as polemicist may be content to use real people as symbols in the furtherance of their point of view. The filmmaker as artist may ask for consent in the moment of filming, and is self-assured that this consent is good enough to carry them through the meaning and context altering phase of post production. The collaborative filmmaker seeks consent via partnership and shared artistic endeavour and can feel enriched, not diminished, by the experience. More recent studies admit to the intensity of the emotional exchanges and the bonds which are created during the documentary encounter. This emotional frame further distances our analysis of documentary film from that of journalism, a profession with accepted codes of practice and a less troubled relationship with artistic ambition.

In my own practice I have seen the dynamics of the filmmaker/subject relationship play out in many different ways across the aforementioned spectrum of engagement. I have had relationships with film subjects that lasted many years and continue to this day, and I have had ones which lasted forty five minutes. I have felt the joy and weariness that comes from emotional labour (Coleman, 2023), I have felt those intense emotions arising from the documentary encounter (Piotrowska, 2014) and I have certainly felt like an outsider parachuting in to the lives of others (Pryluck, 1976). I have also experienced the creative joy, unique in my view, which comes from that refraction, transmuting, rendering of filmed real events into something more, or different, than the sum of its parts - a documentary film which both captures the real, augments the real, goes

beyond it and in so doing captures something intangible and emotive about that real moment. There is an ecstasy in this, a selfish one, which uses the filmmaker/subject relationship as a launching ground and provokes the core question: If I wish my subjects to consent to be filmed and to be transformed by being filmed, how do I achieve and maintain this consent within the filmmaker/subject relationship?

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[1] Perhaps accidentally, he embodies the two divergent approaches under discussion here: deep interaction and collaboration during filming followed by complete control of the editing process with zero input from his subjects.

[2] this is the industry term for unedited footage shown very soon after the time of shooting. Also referred to as “dailies”.

[3] from The Documentary Tradition by Lewis Jacobs - Second Edition Article: Robert Flaherty’s Nanook of the North by Robert Sherwood, p15, first appeared in The Best Moving Pictures of 1922/23.

[4] from New Challenges for Documentary (second edition) ed. Alan Rosenthal and John Corner - Chapter 13: Ultimately We Are All Outsiders: The Ethics of Documentary Filmmaking by Calvin Pryluck, page 194

[5] I am using the term ‘impulse’ here to purposely echo Michael Renov to whom we will return later.

[6] Flaherty’s own term for the group of families he interacted with in the Hudson Bay area and also the title of his diaries once published.

[7] He would later be criticised for his treatment of the inhabitants of the Aran Islands in the West of Ireland who he asked to take their small boats out into a storm - something they would never have done themselves - for the benefit of his film ‘Man of Aran’ (1934)

[8] The term used by the main character in “Nanook” for the film project they were working on. Of course, the real person who was “playing” Nanook was a man named Allakariallak.

[9] Quoted in Nichols and almost everywhere that documentary is discussed. Grierson is also credited with first use of the term “documentary” in his review of Robert Flaherty’s film *‘Moana’* (1926)

[10] In the case of Benjamin it is explicitly “not to report, but to struggle” and to change the apparatus of production “to the maximum extent possible in the direction of socialism”. (ibid, p. 86-89)

[11] Benjamin, makes passing reference to the photography of Jacob Riis and his series “How the Other Half Lives” which documented the living and working conditions of the poor in New York in 1890. Riis was not content to simply document what he saw, but used his photography and writing to campaign for reform.

[12] This is my own formulation but is inspired by David Foster Wallace’s article E Unibus Plural: Television and U.S. Fiction. He argues that a television commercial can never truly be considered as art, no matter the level of artistry involved, since it is always looking for something from its audience. He compares such a commercial to the smile of a salesman. Similarly, a documentary made to explicitly convince you of a point of view could be viewed as originating from a different filmmaking impulse.

[13] There is a deep semiotic vein we could mine here on the creation of meaning in documentary film and using real people to illustrate general principles that may not relate to their own lives. Bill Nichols writes: “Images are always of concrete, material things recorded at a specific moments in time, but these images can be made to point toward more general truths or issues. To what extent can the particular serve as illustration for the general? Not only *what* general principle but *whose* general principle does the particular illustrate?”- Nichols, 1993:p176 - emphasis in original.

[14] This distinction between moral and legal frameworks is one to which we will return as it arose quite organically with the cohort of interviewees in this study.

[15] The headline recommendations of The Belmont Report (1978) remain as reasonable starting points with their focus on respect, benificence and justice for participants in studies.

[16] There is a more nuanced reading of the Paul Brennan character and Winston is simplifying to make his point.

[17] Further, the film really only focuses him in his professional life, where he is uncomfortable and unsuccessful. His personal life is not recorded, thus only a facet of Paul's personhood has been immortalised.

[18] Referencing a 2001 commentary by Albert Maysles on a DVD release of *'Salesman'*.

[19] Described by Albert in a 2004 interview accessed here: https://www.youtube.com/watch?v=q-rF8Uo5rEw

[20] The quote from Paul Brennan is taken from Junker, Howard: "Production Notes" In Salesman: A film by the Maysles Brothers and Charlotte Zwerin. (1969, p121)

[21] As chronicled in the film '*Gimme Shelter'* (1970) by David and Albert Maysles.

[22] It is hoped that my own sole reliance on directors can bring a more focused point of view to the research. I would argue, from experience, that the ethical stances of producers and executives are, generally, different from those of filmmakers who most often will be to the fore in engagement with subjects. Producers rarely engage with subjects and executives never do.

[23] Aufderheide's 2024 piece "Ethics in Documentary Film Production: Asserting and Changing Norms", further highlights U.S. based independent filmmakers' resistance to some journalistic norms (p. 21-22).

[24] Again, I would argue this might be the role of a journalist for whom establishing some base level of facts would be key. Morris is under no such obligation as a documentarian and, arguably, the purposely chaotic competition of overlapping 'truths' may be the point of the film - sometimes it is impossible to know what really happened or why people acted as they did. Further, if Errol Morris structures a film in a manner that denies a strict set of objective facts, one has to assume he did this purposefully. He has even taken the time to write a book, "The Ashtray" (2018) which is fundamentally about differing views of reality, history, science and the role of storytelling.

[25] *'Rashomon'* is the 1950 film by Akira Kurosawa where a single event is described by various witnesses and narrators, none of them entirely reliable. The film has become a by-word for how multiple perspectives and subjectivity in storytelling can call objective truth into question.

[26] Debruge, P. (2015). Master Interviewer Errol Morris Proves a Slippery Subject at IDFA Q&A. [online] 20 Nov. Available at: https://variety.com/2015/film/festivals/master-inteviewer-errol-morris-proves-a-slippery-subject-at-idfa-qa-1201645545/

[27] It seems that any contemporary discussion of Flaherty must at least allude to revelations about his treatment of his subjects and the fact that "Nanook of the North" for all of its innovations, cannot be termed a documentary by our current standards.

3. Methodology

3.0 Introduction

The concept of reflexivity is hard coded into this study from the outset. The core research question aims to uncover the dynamics of consent in the relationship between filmmaker and subject with particular focus on the post-production period. This is where filmed material becomes rendered reality, where the filmmaker as observer becomes filmmaker as subjective storyteller. This is a process that each of the participant filmmakers in this study is intimately familiar with. The process of making the artefact film is therefore a parallel process where I will take the cohort interviews and edit them down and reconstruct them to form my own narrative and make my own arguments. This is what each participant is signing up for; they are voluntarily putting themselves on the other side of the camera and giving up control over how their image and voice will be used in the service of somebody else's narrative - my own. They have placed themselves in the position that they often place others. I have turned them into subjects within a film from the moment they sat down for interview. Doing so on camera raises the stakes and has, I believe, provoked and captured deeper reflection on their part than would have been achieved with a sound recorder or a note pad.

The artefact at the centre of this PhD project is a documentary film of approximately sixty minutes in duration. It features semi-structured interviews with leading Irish documentary film practitioners speaking on camera about their experiences of making films, interacting with their subjects, managing consent and creating their own narratives using filmed material. These interviews have been edited by me to create a logical narrative flow which takes the viewer in a broadly chronological manner through the filmmaker-subject relationship as it may evolve in any film project. The participating filmmakers were chosen by a combination of purposive sampling and some snowball sampling. The creation of any film project is a result of countless choices, some consciously made and others more implicitly taken out of habit. This chapter provides the rationale for the approach of using a film artefact in the first instance, and goes on to explain an array of choices made during its production: who was filmed, where were they filmed, what questions were asked, how was the footage prepared and edited? Also discussed is the two-stage consent process being employed and how this has led to two versions of the artefact.

3.1 The Subjects in the Artefact Film (The Cohort)

The subjects in this study were carefully assembled according to a range of criteria. They are, to an extent, a self selecting group in that only those filmmakers who were willing to be interviewed on camera, firstly, and then trust me to edit their contributions into the artefact film, agreed to take part. Twenty-four filmmakers were approached initially and of those eighteen were interviewed.They have a range of common qualities which makes them valuable as a group, as

well as a diversity of experiences and backgrounds which helps us discover an accurate picture of current documentary practice in Ireland. The cohort was arrived at via a combination of purposive sampling, snowball sampling in some cases and convenience sampling in others. A full list of the cohort, along with their filmographies can be found in Appendix B. While I knew some of the filmmakers socially or professionally in advance, in most cases I was contacting people I did not already have a relationship with. It is worth discussing who was chosen, according to what criteria, how they were approached and on what basis they agreed to take part in this project.

Each participant was contacted informally at first to see if they were favourable to the general idea of the study. Those who were favourable were then contacted more formally via email with a full description of the project, proposed timeframes and a plain language statement (Appendix D) which explains the necessity for filming and the two-stage consent process. The next phase of interaction involved scheduled phone calls where the project was discussed in greater detail. Participants could ask questions to clarify any points. They would often offer suggestions of other people to contact or key films which they thought highlighted ethical issues. This approach of multiple contacts meant that by the date of filming the interview participants had been considering the subject matter for some time. It is believed that this has produced more reflective and valuable material than if subjects were reacting to questions on the filming day which they had not heard before or had time to consider.[1]

3.1.1 Feature Documentary Experience

The key criteria for including a filmmaker as a part of this study was that they have made at least one feature length documentary film during their career. The assumption underlying this choice is that in order to make even one feature length factual film, the filmmaker will be required to spend a significant amount of time with their subjects. Feature documentaries can be defined as those which have an ambition, both from the funders and the filmmakers, to be screened theatrically once they are completed. They are conceived, funded and shot to be shown on cinema screens firstly. While they may latterly be broadcast on television or sold to streaming platforms, the development and funding pipeline of these films are aimed at film festivals, firstly, and then at theatrical distribution if possible. In the Irish context, feature documentaries are almost exclusively funded by Screen Ireland (formerly The Irish Film Board) whose ambition is that these films be multifaceted narratives, complex, nuanced, cinematic and engaging for audiences worldwide. The timelines of these films from development through to full production funding and completion typically takes years not months.[2]

Within this frame of feature documentary experience, two further specific criteria are warranted. Firstly, it must be admitted that the funding of such films by Screen Ireland, almost exclusively among this cohort, has a bearing on how the films are made. In this funding model the director is seen as the key creative person and is placed at the centre of that process. The project managers of Screen Ireland, as a rule, do not seek to exercise editorial control nor do they have a prescribed code of ethics for the documentary films they fund. Thus the cohort in this study both enjoy the

freedom of editorial control and bear the burden of ethical decision making. This marks them out in contrast to the participants in Aufderheide's study of 2012 where filmmakers were sometimes answerable to producers, executive producers or the ethical codes of large broadcasters.

Secondly, there has been a conscious bias in the selection of the cohort towards filmmakers who make films that could be termed more observational. In my view, this mode of production offers the greatest potential for the analysis of the filmmaker/subject relationship. What is an observational film in this context? From my own work I would draw a distinction between *'Losing Alaska'* (2018) and *'Sold: The Eircom Shares Saga'* (2021). The former film is observational in that it is the product of many unstructured hours spent filming with my subjects, being led by them, capturing events as they unfold and trying to make sense of them afterwards in the edit. The nature of my relationship with the people on screen is fundamental to the success of the resultant film. Those relationships are many years long and can be deeply revealing of multiple aspects of the subjects' lives. The latter film, by contrast, is a more expository. It seeks to tell a story whose narrative arc is already known before production begins. The people who appear in the film spent, on average, an hour in front of my camera. The relationships with them were cordial, professional, but limited in scope. What they are revealing in their interviews does not relate very much to their own lives but to the public interest economic story in question. Were I to be interviewed for this study, I would have much more to say about ethics and the filmmaker/subject relationship while discussing 'Losing Alaska'.

3.1.2 Directors Not Producers

I was explicitly interested in directors to the exclusion of other members of the production team. In a television environment, the lines of editorial control can be more fluid and there will often be producers or series producers whose editorial control will trump that of the director. In the feature documentary space, as a rule, the director will have final cut on the film. This means that they have the ultimate editorial control over what appears on screen at the end of the process - with all the ethical responsibilities thus implied. For my purposes, this means that any ethical dilemmas which may occur will be addressed primarily by the director. While this may include input from the editor or other producers, the director will have the ultimate say. This makes the director the key participant in this study.

3.1.3 Gender Balance

I made a conscious effort to provide a fair balance of genders in the cohort. The initial list of twenty four filmmakers approached was divided equally between male and female. Of the eighteen filmmakers interviewed there were seven female and eleven male. Of the fourteen filmmakers who have made it into the final edit of the artefact, there are six female and eight male. While I was conscious of gender balance in my initial approaches, I was less so during the editing process. This is to say that I did not consciously give extra weight to comments from female

contributors in an effort to achieve balance in the edit. Therefore it is somewhat accidental, if welcome, that the final edit is almost evenly split between male and female participants.

3.1.4 Exclusions

The focus outlined above on feature documentary filmmakers necessarily leads to some exclusion. In truth, the majority of the cohort have made both feature documentary work and factual television work. This is quite normal in the Irish context especially when, as discussed, feature projects may only come to fruition every several years. Documentary filmmakers will often work in both fields and the skillsets required in each are very similar. Thus, filmmakers who make feature documentaries and factual television programmes can be included. As a rule, those who only make factual material for television broadcast and not feature documentary are excluded. The approach, production timeframes and relationships with subjects are demonstrably different in the television format. Interactions with subjects are time limited by broadcast schedules during production. In post-production, the crafting of onscreen personae is often strongly influenced by broadcaster commissioning editors and producers. While there can be exceptions to these, I feel this is a useful criteria to help organise the cohort and ensure a commonality of experience.

This approach would be to diverge from Brian Winston's assertion: "If documentary is prised from the mud of 'factual programming' as a distinct form, it further complicates the ethical issue" (Winston, 2000, p. 155). I would argue, using his terms, that removing documentary from that mud and cleaning it a little, we may deal with the more singular form of the feature documentary where this "creative treatment of actuality" is most in evidence (Nichols, 2016, p. 154). The feature documentary director is given more free rein to be creative, to be an artist, than the factual television maker. As discussed in Chapter 2, Winston's frequent invocation of journalistic standards and ethics as the staring point for 'documentarist ethics' run afoul of his own framing of documentary film as art with all the attendant moral questions for the artist. Situating this study with feature documentary practitioners who are more likely to identify as artists than journalists gives me the chance to create a more clean corpus of new data free of the aforementioned mud.

3.1.5 Researcher Bias

There could be legitimate concern for researcher bias in the assembly of the cohort for the study. I have stated that the group of documentary filmmakers in Ireland form a de facto community and that I am a member of that community. This might have led to an over reliance on convenience sampling where I simply approached people I know and like and whom I could be sure would answer my calls. However, in selecting participants I have been careful to limit the cohort to those who best fit the criteria of the study - feature documentary track record, extensive experience with subjects and a willingness to be interviewed on camera. I made a conscious effort to engage with filmmakers I did not know at all (that is the majority of subjects). I will admit to being more dogged in the pursuit of certain filmmakers whose work I rate highly while others, when they showed

scant interest in my project, I pursued less vigorously. The issue of my own bias during the editing phase of the project will be dealt with later in this section.

3.2 Semi Structured Interviews

The great potential of the semi-structured interview can be to uncover the expected and discover the unexpected. A well conducted and managed dialogue between interviewer and interviewee has the potential to transcend a basic question and answers structure where data is not simply retrieved but actively created. The framework should be “purposeful yet open-ended, clear sighted yet exploratory” (Sullivan, 2009, p. 49). Kvale defines the interview as “the intersubjective enterprise of two persons talking about a common theme of interest” (1996, p. 281). There is a dance in progress between the two parties, one notionally in the lead, but the other just as agile to redirect the conversation, reframe questions and directly influence the focus of the inquiry. The flow of the dialogue is “codetermined” and thus the resulting data are not simply “collected - they are co-authored” (ibid).

Roulston (2010) offers conceptual classifications for methodological approaches to interviews. As per her models, I am using an approach somewhere between Neo-positivist and Romantic as defined. The former suggests a collaborative, non-confrontational style of interview which can yield the “true self” of the interviewee. The latter suggests an even more personal, intimate approach which can produce “the birth of the inner psyche of the interviewee”. While this language may seem a little dramatic, I interpret this key difference as relating to the knowledge produced. The Neo-positivist model suggests that the interview process moves the participant to express views which are already held - the question works to garner a pre-existing opinion. In the Romantic model, the intimate interaction between interviewer and participant moves the latter to reflect in real time and generate new opinions not previously held - opinions which only appear in response to questions not previously considered. Herein lies the potential of this approach to both uncover knowledge and provoke novel reflections.

A further framework is offered by Kvale and Brinkman (2008) adapting Roulston’s categories - two of them - into the miner/traveller metaphor. The miner metaphor describes an approach to interviews whereby facts or meanings are already existent in the mind of the interviewee. The task of the interviewer is to unearth them, bring them to the surface. In the traveller metaphor, the process is one of knowledge production and is more fluid and more social. Information is gathered an analysed in parallel with an emphasis on storytelling, collaboration and openness to new perspectives. Both of these approaches are at play in this project.

What is perhaps unique in this project is the fact that each and every interviewee is themselves an experienced interviewer. They have each sat behind a camera countless times and asked questions of subjects in their own films. They are very familiar with this process and indeed this self awareness and sometimes discomfort provides the opening sequence for the artefact film. How did this group react when placed in front of the lens themselves? The experience of

conducting these interviews was fascinating in that each one was entirely different in many ways, and very similar in some other ways. In certain instances (e.g. Gilsenan, Doyle, Duane) I felt very much like a miner in the metaphor above. Those interviewees, all very experienced in the field, have clearly spent time considering this aspect of their work and have already reflected on the questions posed. I mean this in two ways; they have pondered these types of questions over many years and they also carefully considered the specific questions sent in advance of the interview. As a result, their answers have a formed coherence to them - Alan Gilsenan in particular has written a book chapter about this aspect of his work (Gilsenan, 2012). In other cases (e.g. O'Sullivan, Whitaker, O'Shea) the interviewees explained explicitly on the day that they chose not to look at my questions as they wanted the conversation to be fresh. What is apparent, literally, in these interviews is that as each question lands it provokes novel introspection in the subject. Ross Whitaker can be seen considering each question in real time and forming his answers as they occur to him. The knowledge creation is happening on-camera and what is being said is new both to me, the listener, and to the subject. There is a thrilling aspect to this novelty since it is born out of trust. The subject did not feel the need to view the questions sent in advance since they trusted the interviewer. Their admission of this early on the day of the interview provided a shortcut to intimacy which could then underpin the conversation. In these cases, where the traveller metaphor more readily applies, the interviews became more interactive, more conversational, with the interviewee seeking my assistance or support or agreement as they discovered their positions anew.

The term semi-structured suggests equal amounts on each side of some notional dividing line. In exploring methods for qualitative interviews we also see the terms un-structured or loosely structured (Bryman, 2016). The suggestion is that of a spectrum of interview approaches ranging from strictly set questions which cannot be deviated from on one end, to a totally freeform inquiry on the other. The "structure" for my study came from a set list of questions which each interviewee was sent in advance (Appendix A). Though there were many variations between the interviews, all interviewees were asked the same baseline set of questions which allowed me to compare responses to the same questions across the cohort. The "semi" aspect comes from my ability to ask follow up questions, the freedom to not ask certain questions where I deem that to be appropriate, to allow the interviewee to reject or reframe certain questions as they see fit. I am a miner at one end of the spectrum and a traveller at the other. I am seeking both the knowledge that I strongly suspect is already there using one mode and using the other I hope that knowledge can be newly created by the process of inquiry. Rayburn and Guitar (2013) offers an instructive example of how a loose interview structure allowed themes to emerge organically from their participants. In working with homeless people in Orlando they found that while they enquired directly about topics including sobriety, homelessness and facilities, the participants themselves brought up the idea of the stigma associated with their situation. This was not an initial component of the study and there were no questions in the unstructured interviews that related to it. However, this concept of stigma and its associated effects was to become the core of the study. The researchers were thus very much directed by the participants as to which topics were

foremost on their minds. The new knowledge discovered was very much co-authored by the study participants.

In my own practice, I have become quite accustomed to situations like this. In the case of this artefact film, though I had not written any questions about it, the issue of the release/consent form started to emerge as a point of tension from filmmakers during the first interviews. I very quickly appended an additional question onto my list to enquire about this and it never failed to provoke a multifaceted response.[3]

The discovery of the topic of consent forms as something my subjects were primed to speak about is a good example of the inherently collaborative nature of the project.[4] There is a frequent assumption in the literature on interview methodology and, indeed, the literature on ethics in documentary film, that there is an inherent power imbalance in all interview scenarios (Pryluck, 1976; Ruby, 1991; Kale, 2006; Nichols, 2016). This imbalance is further assumed to act in favour of the interviewer/researcher. Much guidance is offered on how to address and minimise this imbalance. I would argue that my cohort are not subject to such an imbalance and could be considered as the "leaders or experts in a community" described by Kvale and Brinkman (2008, p. 147). I conceived of these interviews as being a meeting of equals in most cases. If I cast myself similarly as an expert, or at least a fellow traveller in the documentary field, then what we should have is a meeting of professional colleagues on level terrain to discuss topics of mutual interest. Where any power imbalance may exist it is more likely to be to the benefit of the interviewees, some of whom are more experienced and can be deemed to have greater seniority within the industry than myself. This sense of equality across the camera, combined with the subjects' own expertise in the semi-structured interview format, led to some truly insightful exchanges, co-authored dialogues, which form the basis of the artefact film.

3.3 Why Film Artefact?

In setting out to make a film about filmmakers discussing how they make films it would seem appropriate to answer the most fundamental question: why does this need to be a film? Would the research question not be adequately served by a more traditional approach where the contributions of the participants, the data, is processed and organised in a text based format? Here it may be valuable to make the argument for using an audio visual process for this artefact in particular , and for the opportunities for additional data afforded by this approach in general. It would also be honest to admit to the evident limitations of this approach as they have been experienced.

Eighteen established documentary filmmakers have been interviewed at length about their practice with specific focus on the core research questions. In my view, the act of filming these interviews has offered many advantages and has led to a more nuanced corpus of data to be analysed. I am in agreement with Prosser (1998) as he asserts that "image based research is undervalued and under applied and…it can make a proportionally greater contribution to

research" (p. 97). Firstly, and most immediately, filmed interviews provide more data and richer data. We have all the advantages of a text based approach in that we have the content of their speech. We also have all of the additional data which cannot be communicated via text: their faces (expressions, glances, eye contact), their voices (tone, timbre, emotion) and their non-verbal communication (gestures, posture, engagement). The film format also gives us insights via the locations in which we find them - their houses, offices, studios. This paralanguage (Poyatos, 2002) and contextual data (de Villiers et al, 2021) augments the core data coming from the dialogue between interviewer and subject.

G.Roy Levin's book *Fifteen Interviews with Documentary Filmmakers* (1971) is an instructive case in point as to both the value of the semi-structured interview and the limitations of the text format. The interviews are presented here as analogous to how the real conversations played out; the questions are included and the reader can get a sense of the back and forth between interviewer and interviewee.[5] This structure, which still provides the core data of the exchanges, manages to highlight clearly what has been lost from the exchanges and what could have been gained from the presence of a camera. As Kvale (1996) notes: "The transcriptions are frozen in time and abstracted from their base in a social interaction" (p. 280). Imagine being able to see, in the case of Levin's book, Jean Rouch's face as he considers a question or watch Ken Loach get physically animated as he talks about films with an agenda for social change. The non-verbal aspects of the communication have the potential to carry additional valuable meaning, meaning which is lost as these exchanges are reduced to text. The human face cannot help but add insights and context to what is being said. During my interview with Paul Duane, he is giving a detailed answer on the different mindsets a filmmaker may have during production as opposed to post production. In discussing the intersection between aesthetics and ethics in documentary work, he states that when the filmmaker is in the edit there is more pressure to "come up with a product". Immediately once he has uttered the word "product", his face registers, quite rapidly, a mixture of additional meanings. He is somewhat disgusted with the word "product" as it relates to his work. He is also regretful that he has said the word and he is also resigned to the truth of what he has just said. All of this plays out on his face in about one second and was consciously left in the edit of the artefact so that the viewer may read this expression as they wish.[6]

Similarly the human voice cannot help but add meaning via cadence, rhythm, tone, pace etc. When we can hear the voice we can tell if an answer is being offered in a deadly serious tone or a light hearted manner. We can hear both the opinion and, perhaps, the conviction with which it is held. We can hear emphasis, uncertainty or hesitancy. When Alan Gilsenan says "Before I get all high and mighty, which I'm well capable of doing", we can hear in his voice that he is mocking his own propensity for self importance. His tone instantly shifts, though, in the next sentence as he warns against the dangers of "your own worst instincts." His voice is key to correctly reading this shift. Kim Bartley, in warning against the dangers of the power the filmmaker has in the edit, literally runs out of words at one point. Her voice trails off not because there is nothing to say but

because of the multitude of things that *could* be said. Her hesitancy makes this clear in audio while in text it would have registered as a blank.

Secondly, many of these interviews took place in the homes and/or working environments of the participants. Taking my cameras into these spaces offers two key advantages. My experience tells me that interviewees respond more fully when they are interviewed in places which are familiar and comfortable. Early exchanges with subjects for this study suggested that bringing the camera to them rather than having them come to the camera was, in general, their preference. For the viewer, this "contextual data" provides us with another stream of information about each participant (de Villiers et al, 2021). The background of each interview shot thus becomes the context for the interview and the viewer can glean extra data about the filmmaker from the context in which they are sitting. I took the cameras into private houses, production offices, editing suites etc. Each room tells us something of value about the participant and their situation. Allison Millar helped choose her interview setting in her front room with one of her favourite pieces of art in the background. Pat Collins met me in a community shared working space in a room adjacent to where he had once spent months editing a film. Tadhg O'Sullivan was interviewed in his home while his small baby was sleeping upstairs. This fact acts as context both for why we are speaking to each other in hushed tones and to his current focus on the personal and economic circumstances in which are films are made.

3.3.1 Limitations of this approach

It should be noted that the approach of producing a film artefact presents some limitations. In spite of recent technological innovations in video conferencing, and primarily for film aesthetic reasons, my interview cohort was limited to those filmmakers who were physically available to me. This naturally reduced the number of potential participants in the project to those who can either be visited with my camera or who can come to visit the camera. I purposely ruled out remote interviews early on in the process. Firstly, this was a conscious choice to avoid the dynamics of interviews conducted remotely and the loss of control that this represents (Oliffe et al, 2021). The "choppy purviews" (ibid) associated with a dialogue mediated by a network connection would, in my view, have worked against my aesthetic ambitions for the project. Intercutting video material captured over Zoom (or similar platforms), typically low resolution, poor colour reproduction, variable frame rates etc, with cinema quality imagery captured in camera, would have resulted in an aesthetically less consistent artefact. Secondly, and once again arising from my own experience in the field, there is no substitute for actually being in the room with somebody. You can bring all of your interpersonal skills to bear when you are physically present with somebody. While the remote interview might gather up much of the same data, so much contextual information can be lost. As has been argued by Olive et al, "Zoom interviews can erode these valuable opportunities for researchers to pick up on subtle nuances including body language and facial expression" (p. 7).

There is also a temporal binary nature to remote interviewing - once the connection is established, the technology is set, then the interview is underway. By contrast my real world encounters with my cohort typically began with at least an hour of informal conversation as I either set up my cameras in their homes or, if they were interviewed at other locations, we would typically have a coffee and talk through the interview in advance. This preamble proved essential to settle nerves, dispel any misconceptions and stake out any sensitive areas in advance. Once the interviews were completed there was, similarly, the time taken to break down the camera equipment and pack it away. This time was typically spent going over what had just been said, clarifying any points and discussing next steps for the project - all very valuable interactions. These would not have been as likely via the Zoom window, a space that people are keen to escape from as soon as possible. The key drawback of my insistence on in person interviews meant that certain Irish filmmakers who certainly fit the criteria of my cohort, but who were based in other countries at the time of filming, did not form part of the study.

3.4 No Anonymity

Perhaps more fundamental than the requirement that interviews take place in person is the idea that participants' faces will be seen and their voices will be heard - there is no anonymity. Patricia Aufderheide, in her study *'Perceived Ethical Conflicts in US documentary filmmaking'* (2012), was able to engage with a wide variety of factual storytellers, journalists and documentary filmmakers. Her study decided to offer anonymity to the participants - an offer which it appears most availed of. "Anonymity permitted filmmakers to speak freely about situations that may have put themselves or their companies under uncomfortable scrutiny" (p. 368). In asking my cohort to sit in front of a lens and speak with their own voices I am offering the opposite of anonymity. The two-stage consent process, outlined below, may give them a zone of comfort in terms of what will be included in the final film, but the total anonymity offered by Aufderheide simply could not work via the filmed artefact format. My study has been therefore limited to those filmmakers who do not require any anonymity and are happy to speak candidly about their own work and those they work with or for. It is noteworthy that of the over twenty four filmmakers approached for interview, only two expressed reluctance to be interviewed on camera - one of whom eventually took part and the other did not. In most instances, participants actively noted that it would be churlish of them to refuse to do the very thing they ask their own subjects to do all the time.

3.5 Conducting the Interviews

On November 4, 2021, I conducted a preliminary interview with Paul Duane at his home in Dublin City Centre. Though I had not yet assembled my cohort of subjects for this study, I was keen to test the waters with a preliminary interview which could help me to evaluate the questions being asked, the visual approach taken and the validity of my selection criteria. I had spoken to Paul in person, informally, the previous summer about his potential participation in this project and his total enthusiasm and belief in the value of the inquiry was evident. He was not only willing to take part, he was keen and motivated to do so and believed that the conversation I proposed was one

that was necessary and overdue in the industry. Setting a filming date became the impetus to draft the first list of questions which I sent to Paul days in advance so that he could consider them.

On the day I arrived with two cameras and two microphones but, for reasons of expediency, I only set up one of the cameras. My feeling at the time was that two cameras was too intrusive into this small private home. One camera was certainly necessary but two cameras felt transformative of the space. I went as far as to mount the second camera and turn it on, but then reversed myself and put that second camera away. I would come to regret this decision. I brought lights but did not deploy them, relying instead on steady window light from the front of the house. I set up two microphones. I sat beside the camera and not behind it. We spoke together for almost two hours without a break which is objectively a long time for a dialogue but on the day did not seem long at all.

This interview became a prototype for both my technical approach to filming and my interpersonal approach to conducting the interviews/conversations subsequently. Frequently it is the job of the filmmaker and crew to put interview subjects at ease before a useful exchange can take place. By interviewing Paul in his home I found him relaxed and immediately at ease. For this reason I resolved to shoot in filmmakers' own spaces where possible though it would be more logistically challenging for me and involve more travel. I could say it was as a result of reading Jean Rouch and his opposition to crews, or I could claim it was due to a lack of budget in the project, but I consciously opted to film with Paul Duane on my own. This was not a new experience for me and I am technically up to the challenge[7]. The absence of any other people in the room bar the two engaged in dialogue is a meaningful difference. Any performative aspect falls away more quickly since there is only an audience of one. The camera can disappear more easily as there is nobody sitting silently behind it. The microphone is present but there is nobody operating it or listening in on headphones. The construct is that of a dialogue filmed rather than an on camera interview. I resolved at this point to not use a crew for any future interviews.

The main lessons from the Paul Duane shoot were brought to bear on the subsequent interviews. Each shoot would involve two cameras. I learned when reviewing Paul's footage that it would be very frustrating not to have a second camera to cut away to in order to more rapidly edit his speech.[8] Thus, whether the interview was shot on location or in the studio at DCU, there would always be two cameras present. It is essential when filming an array of subjects separated by time and distance that the shooting style be consistent and provides a visual coherence which unifies the individuals into a collective.[9] The viewer of the artefact film needs to feel that the cohort forms a coherent group. Further, I felt the reflexive elements of the project would be greatly aided if the artefact achieved a level of professionalism worthy of those who feature on screen. If I am to make a film about professional filmmakers discussing the making of their films, then said film should look professional.

While there is no minimum standard for what constitutes a professional shooting setup for a documentary film, the presence of two cameras is a good indicator that we are not in an amateur space and that the production is well resourced. I saw it as a mark of respect to those I asked to give up their time to be interviewed that I took the extra effort to shoot them on two cameras. More practically, shooting on two cameras allowed for more efficient cross cutting and for a richer visual experience. The cameras in question were Sony PMW-F3 models using Nikon photographic lenses. The framing approach varied depending on the location but in general I was able to use different focal lengths to give a wide or medium shot on one camera, showing the context of the space they are in, and a close up on the other. My habit was to achieve an equal number of faces frame left to right as right to left - this tends to lead to more pleasing crossing cutting and gives the effect of interaction between subjects in the edit. An external recorder (Odyssey 7Q+) was connected to both cameras in order to record uncompressed video and audio signals to a cinematic standard. This gave me more control over colour correction during post production. It also ensured no data loss during the file registration process. Audio was recorded using a Sennheiser MK60 directional microphone and a separate audio source was originated on a Zoom H6 recorder. This setup was the same regardless of venue. Where the studio in DCU was used I deployed extensive lighting - without lights these studios are entirely dark spaces. Where subjects were filmed in their own spaces I kept lighting to a minimum, rarely using more than one light.

The preamble to each interview is mentioned above, along with the value I felt it brought to the interactions. Once again, rooted in my experience with Paul Duane, I found myself breaking my own habits of engagement during interviews with this cohort, adopting a looser approach to the dialogues and iterating this approach with each subsequent interview. There were eighteen interviews conducted in total and I would estimate that I stopped referring to the list of questions explicitly after the first five interviews. This is not unusual that I would memorise the questions and know broadly the shape that the interview should take. Typically, and in this case, I found I was taking points raised in earlier interviews and putting them to subsequent interviewees e.g. “Ross Whitaker told me this, what do you think?” As the schedule wore on, I found I had accumulated a considerable set of opinions which I could then use as follow up questions. This process was totally informal since I did not review the raw footage of any given interview until after all of the interviews were completed.

The average length of the interviews was two hours which is objectively long. There would sometimes be a natural break in the middle - either for comfort or hydration - but many of the interviews ran straight through without interruption. The longer the dialogue went on, the more responses provoked further responses and reflections begot reflections. The opening twenty minutes of any interview is, in my opinion, a period of warming up. When we get into the second hour is when we have the chance to transcend the back and forth mode of questioning and get into the truly “inter-subjective” space (Kvale, 1996, p. 281) Intimacy grows and any attempt at pretence or performance begins to fall away the longer the engagement continues. This is where

the traveller metaphor most readily applies and where this relatively unique setup of practitioner speaking with practitioner yielded unique, deep, rich results. There is the thrill of not simply unearthing opinions, but of collaboratively creating novel reflections - novel to both parties in the dialogue. I found that I was quite exhausted after each session.

3.6 Preparing the Edit

The technological aspects of any documentary project must be dealt with as it moves from production into post-production. With eighteen interviews concluded, all bar one of those filmed using two cameras, and most of those lasting around two hours, I am therefore left with approximately forty hours of raw footage. This material must be backed up, verified and prepared before the edit can begin. The master footage was acquired on the Sony cameras onto solid state memory units - SxS cards and SSD drives. These represent short term storage inserted into the camera which must be backed up after every shoot so that they can be re-used on subsequent shoots. The data from these cards and drives are first loaded onto a RAID drive in my office which, by virtue of its configuration, duplicates all data written to it onto separate units inside one chassis. While failure of one of these drives is unlikely, failure of both is highly unlikely. This effectively creates two copies of the data. In addition, all of the data is written onto a Google Drive folder which has unlimited capacity. This off site storage provides insurance against damage, loss or theft of the RAID drive. The material is therefore effectively copied and stored three times. All of these technological manoeuvres are rooted in the respect I have for the people who gave up their time to speak to me and whose contributions, now encapsulated in digital files, I have a duty to protect.

The first stage of prepping the material for the edit is to synchronise the various elements. On each interview there are two video sources - one from each camera - and two audio sources, one from each microphone. There is also an additional onboard camera audio from one of the cameras to help with this process. These elements were imported into Adobe Premiere and arranged into folders labelled according to the interview subject. In each case, two video and two audio tracks were laid down on the timeline and synchronised using audio visual cues within the footage. My method has been to perform a gentle hand clap which is visible to both cameras and audible to both microphones. The creates a visual sync moment - when the hands physically meet - and an audio sync moment, when the sound of the clap is heard. All four elements can then be synced on the timeline with this event. This is worth describing since it was typically at this moment - an almost cliched “action” moment at the beginning of a shoot - when most of my subjects became self-aware of the position they had placed themselves in or voiced this self awareness for the first time.

The next stage in the process may seem utterly obvious: I watch all the footage. I know there are other directors or editors who will entrust this first review of footage to an assistant but I have never become comfortable with this. On any project I find I must watch the rushes, though it is

Fig 3.1 Anna Rogers at the moment of the hand clap for sync.

time consuming and sometimes frustrating, so that I can be really sure of what was actually said. I cannot outsource this fundamental piece of judgement to a third party. The truth is the when I am filming and conducting an interview at the same time I am not fulling listening. I simply cannot. As the subject is speaking I am frequently pre-occupied with the status of the camera - exposure, focus, framing, battery levels, audio levels - and my attention will often be drawn to it if one of these parameters needs to be adjusted.[10] I am also pre-occupied, somewhat, with listening in such a way as to pose the next valid question. I do not want to be referring to my list of questions and I want the next question to both move the conversation forward and also flow organically from what I have just heard. I am listening, but in a very particular way. Therefore I do not hear all of what has been said. I must watch the entire interview back as if it was new information, as if I was not present on the day.

There are some practitioners who might produce a transcript of the interviews and use this as the basis of a paper edit which could guide their visual edit. I reject this as an approach and it is worth detailing the reasons why. Building on section 3.3 and my comparison with Levin's '*Conversations*' book from 1971, the transcript may capture the words but it will not capture the manner in which the words were said. It will capture substance but not flow. "A transcript is a transgression, a trans-formation of one narrative mode-oral discourse-to another narrative mode-written discourse" (Kvale, 1996, p. 280). This transformation is not to my benefit. I am working in an audio visual medium and must therefore be led by these modes. Audio and video favour the emphatic, the pithy, the enthusiastic. They do not favour the hesitant, the long winded or the flat. Excellent points made by contributors which are full of pauses, tangents or asides are not likely to

make the cut, even though they could be drastically improved by editing. In practice this means that excellent points delivered with a lack of enthusiasm or vigour which cannot be saved by editing will not make the cut. The inherent bias of the format is in favour of well delivered and passionate contributions. Conversely I must admit that strong material will be omitted because it does not suit the format of the artefact film. Therefore I must watch all of the footage to fully and accurately assess which material will help me to make the strongest film. They are performances of a kind and I think the strongest contributors understand this.

For each interview I create two timelines - one called ‘RAW’ and the other ‘Selects’. The RAW timeline is the one I watch carefully, repeatedly and in its entirety. Contributions that strike me as useable, relevant, or potentially so, are copied from this timeline and into the ‘Selects’ timeline. For example, I may ask Anna Rogers a question about approaching subjects for the first time and her answer may run to several minutes. The first thirty seconds are directly relevant to our study, followed by an aside or standalone story for the next two minutes. The final thirty seconds of her answer are firmly back on topic again. I make cuts in her footage and select the opening and closing thirty seconds and copy those sections into the ‘Selects’ timeline. Anna’s response to that particular question has now been reduced from three minutes to one minute. In this way, each RAW timeline of approximately two hours was cut down to a much shorter running time. As the project progresses, and as it becomes clearer what I am looking for to construct my film, I find that the duration of the ‘Selects’ timelines keeps getting shorter.

This is also the point at which organic patterns of responses across the cohort began to emerge. I found that this was where the footage first began to speak and, since I was fully engaged in listening to it and not distracted by the exigencies of shooting, I can really listen. At the end of the process I was left with eighteen ‘Selects’ timelines filled with clips from which I believe I can begin to build sequences for the film. At this point the real work of editing began.

3.7 Performing the Edit

The first phase in the performance of the edit is to identify potential sequences and to begin to craft them. Sequences tend to suggest themselves once the preparation phase is complete. Questions during the interviews which generated the most vivid responses find themselves present in the ‘Select’ timelines. I begin to parse the ‘Select’ timeline of each contributor and find the common themes e.g. first approaches, and then begin a new timeline named ‘first approaches’ onto which I place the strongest responses on this theme from as many contributors as possible. I did this for each theme which presents itself. I now have a timeline titled “SEQ: First Approaches” which contains over thirty minutes of selected material which has survived two reviews. From this timeline of thematic selects I can begin to create the sequence which will form part of the film. I repeat this process resulting in thematic sequences focusing on: First Approaches, Relationships, In Production, Consent Forms, In the Edit, Showing Rough Cuts.

Each sequence in the film must stand alone as a coherent unit but must form part of the overall film as it attempts to respond to the key research questions. In this regard, this documentary project differs from all others I have made. In the case of most of my films, the objective is to tell a story, to recount a history, to entertain. The films are aimed at a general audience, in the case of television projects, or a slightly more rarefied audience in the case of cinema documentaries. This artefact film, on the other hand, is aimed not at the general public but at the more narrow group of people who will be quite happy to spend at least an hour listening to arguments and reflections on ethics in factual filmmaking. I found that focusing on this select audience during the editing process was very helpful and allowed me to permit my subjects to speak at length and in detail, at greater length and in greater detail then I would have allowed them were this film meant for the general public. This awareness of an audience brought clarity and purpose to the edit.

The first sequence that I edited for the artefact film was the first to present itself - consent forms. In crafting this first sequence I established the format and conventions which I was to follow for all subsequent sequences. Each begins with a sequence title which is followed by a cold open.[11] This is then followed with a relevant quote from the literature which either relates to the cold open or sets the tone for the discussion to come. The sequences are, in general, about ten minutes in length and are broken at least once by another quote from the literature which represents a shift in focus within the same topic in the sequence. This first sequence also established the convention for using music within the film which is deployed primarily as punctation at the start, middle and end of sequences, and not as underscore throughout.

As the edit evolved it became clear that the organising principle of the film is charting the filmmaker/subject relationship in a linear progression through the production process. This was evident in the formulation of the questions and now becomes evident in the organisation of the footage. The six sequence headings above represent a chronological progression, broadly, of the relationship between filmmaker and subject from first meeting through to exhibition of the film. This linear trajectory is dictated by the filmmaking process and is a logical organising principle for the human relationships arising from and pegged to that process. Ideally, relationships deepen over time, intimacy grows and collaboration becomes more fluid. This linearity is also mirrored in the interview process with my cohort. Questions about ‘early approaches’ are broached early in the interview process as subjects are getting comfortable. By the time we are unpacking the moral obligations they feel towards their subjects during post production, we have been in dialogue for over ninety minutes and our sense of intimacy has grown significantly.

Earlier drafts of the artefact film included clips from films made by my cohort. These clips were used to illustrate specific points or stories from that filmmaker’s experience. For example, Pat Collins talks in detail about making a film about the poet Michael Hartnett who, as well as being an accomplished poet, also struggled with alcoholism. Pat describes bringing up this uncomfortable topic during an interview one afternoon and discussing it in detail. The following day, feeling that perhaps that topic had not been fully explored, Pat returned to the topic again.

Michael Hartnett, displeased by this, responded “Is this film about Michael Hartnett the poet or Michael Hartnett the alcoholic?” Pat Collins describes the awful feelings he had that he had pushed too far across a boundary with his subject and perhaps damaged the relationship. At the time, he says, he questioned his own motivations for returning to that topic when, upon reflection, he should have known that enough was said about alcoholism the day before. This story recounted by Pat Collins was edited down to make it more succinct and illustrated with several clips from the film in question, ‘*A Necklace of Wrens’* (1999). This would have been included in the ‘relationships’ section of the artefact film. I similarly cut together Sinead O’Shea discussing breaking the fourth wall with clips from her film ‘*A Mother Brings Her Son to be Shot’* (2019) and Luke McManus discussing showing rough cuts to contributors with clips from his film ‘*North Circular’* (2022). These sections worked well and expanded the visual breadth of the film beyond my own interview shots. However, after several reviews of the edit, and bearing in mind the purpose of the artefact film, I decided that these sections were too specific. In showing clips from those films my feeling was that the comments then only related to those very films and that it was harder to draw broader lessons from the points being made. I, completely subjectively, decided that it was better to have my subjects talk about relationships in general, or even a specific relationship, but that to visualise those specifics made their points more narrow. This is a decision I may return to in future iterations of the artefact film but, for now, my strong intuition is that removing excerpts from other films leaves space for the audience to supply their own imagery or scenarios for the ethical dilemmas being discussed.

In the final stage of the edit, the six sequences were placed in order on the timeline and the bridges between them smoothed with carefully timed music and graphics. The objective here is to craft a flow of ideas, analogous to a discussion, within each section, and to provide breathing room between the sections to make the whole film more approachable for the audience. This is a film featuring people talking - there are no landscape shots or actuality to break up this flow - and I must be mindful of any audience’s need for brief respite.

Once this assembly of sequences was completed I found that the structure was missing something - myself. Brian Winston warns us to be wary of trusting too readily in quotations from Barthes.[12] However, Barthes is correct in his assertion that “at the level of discourse, objectivity, or the absence of any clues to the narrator, turns out to be a particular form of fiction..where the historian tries to give the impression that the referent is speaking for itself” (Barthes, 1970, p. 149). My habit in making documentary work has been, always, to remove myself from the film. The work is thus more transparent than reflexive and I have been comfortable with that on most projects. In '*Shooting the Darkness*’ (2019) I very consciously removed every trace of myself from that film as I wanted to remove any barriers between the audience and the photographers whose testimonies were the basis of the narrative. With *‘Losing Alaska’* (2018), there are two acknowledgements throughout the film to my presence behind the camera - a small gesture to the audience. With this film artefact, as I have discussed above, I adopted a much more forthright

and interactive role during the interview process. I am definitely present in the room and several times my own interjections have made it into the final edit - consciously so since this is something I remain in control of. With that, and Barthes, in mind, I decided it would be both honest and useful for me to introduce the film and clearly state the context in which these interviews took place. I felt this was important both to help explain and excuse the errant voice coming from behind the camera and to remind audiences that they were only seeing one side of a two-sided conversation. Since I was not willing to put myself into the film fully - since there was no camera pointed at me during the interviews - my introduction was the next best thing. I wrote a short script, recorded myself performing it, and edited it into the opening of the film along with clips from some of my own films. This introduction serves as a primer for what the film artefact is trying to do, the questions it is hoping to answer and who is behind the camera asking those questions.

3.8 The Two Stage Consent Process

Consent forms are a well understood tool and their uses and limitations are discussed elsewhere in the project. My cohort are, by virtue of their experience, intimately familiar with them. One of my core questions pivots on the use of the consent form when making documentaries - when to produce it, what does it allow for, what effect does it have on relationships? Indeed, the form could be seen as the beginning of this 'gap in consent' which opens up once filming ends and editing begins. Typically, when a filmmaker or crew has finished shooting with a subject they will request the consent form be signed. This document is designed to give the filmmaker the permission to use the subject's image, their likeness, their voice etc, in the making of the finished film. The document asserts that they knew they were being filmed, knew the purpose of the filming and that they consent to their inclusion in the finished film. The form also projects these permissions far into the future by granting them in perpetuity and stating that they apply to all existing media formats and formats not yet invented. Consent forms are completely standard in the world of television production (Winston, 2000).

The key point is that subjects in film projects are routinely asked to consent to their inclusion in films that they have not yet seen since they do not yet exist. This is a core component of the 'gap in consent'. It would be remiss of me, therefore, to ask my cohort to accept the same consent process which I am calling into question in this project. I have created, instead, a two stage consent process. The first stage of consent relates to the film artefact that will be seen only by the supervisors and examiners of this PhD. In agreeing to be interviewed for the study, each filmmaker offered consent for this first stage. The second stage of consent takes place after the participant has viewed the film artefact, deems that they are happy with their contributions and how they are presented, and gives consent to the film being made available more widely. There are, therefore, two moments of consent, one on either side of this notional 'gap in consent'. The first consent was achieved via on-camera consent - the subject is recorded saying that they give their consent. The second stage was formalised more traditionally using a consent form.

3.9 Conclusion

This chapter sets out the detail of the work done in the creation of the Artefact and the rationale for the choices made. It must be admitted that in the creation of any piece of film work there are countless decisions taken, some consciously and others instinctively, which will all have some impact on the resultant work. The details given here are those thought to be most consequential - who was interviewed, why they were chosen, where they were filmed, in what manner and how that material was prepared and then edited. Had different filmmakers been interviewed in a different manner then the result would be a very different film. As it stands, the result of all these choices and all of this work is a film Artefact of sixty minutes in length the content of which is described in detail below.

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[1] This point holds true for most of the cohort - they saw questions in advance. Several interviewees, however, explicitly told me that they purposely did not look at the questions in advance as they wanted to react to them in real time on camera.

[2] In my own experience, my interactions with the subjects of my film in Newtok, Alaska took place over four years, while my interactions with the photographers in my film “Shooting the Darkness” (2019) similarly took four years from first approaches until the film was completed. In both cases, those relationships are ongoing.

[3] After three interviews I simply scribbled the phrase “Consent Forms - discuss” on my sheet of questions and this was enough to provoke many minutes of heated responses.

[4] The topic of funders and the extent to which they are interested in ethics also came up organically but is not included in the final edit of the artefact film.

[5] Understandably, Levin declares that the conversations have beed edited down to make them more concise. In this presentation as text, the reader can get no sense of where these edits have taken place. These cuts would necessarily be more visible in the filmed format.

[6] It must be said that this is my own personal interpretation of his brief but complex facial expressions but the point remains that the expressions are there to be read by a viewer of the artefact film, and they would have been lost in a textual treatment like Levin’s. Further, Paul Duane sat to be interviewed in his own home wearing a t-shirt promoting the musician and artist Jinx Lennon. Intentional or otherwise, this is an indication of the type of artist Duane is happy to be associated with.

[7] The entirety of ‘Losing Alaska’ was made by myself as a one man band, shooting, recording sound and interviewing at all times.

[8] In simple filmmaking terms, two cameras on one interview means you can edit down somebody’s speech by cutting from a wide to a tight shot and remove phrases and sentences at will. In the absence of a second interview camera, you must resort to using b-roll footage in order to cover up the edits, or let the viewer see the jump cuts.

[9] This is a further argument against the use of Zoom or other remote technologies for some interviews. Those filmed remotely would appear to be of lower status than those given the full cinematic treatment.

[10] When filming with natural light in Ireland one is constantly monitoring and adjusting exposures as the seasons change several times per day.

[11] A common term in film and television, a cold open is a slightly abrupt appearance of material onscreen, without any preamble, which acts as a burst of information in advance of formal titles or introduction.

[12] The pre-title page of his book ‘Claiming the Real’(2000) states: “A quote from Barthes won’t save you…” sic.

4. The Artefact

4.0 An Artefact that Speaks

The previous chapter provided a detailed description of the manner in which the interviews were arranged, conducted, recorded, edited and crafted into sequences for the artefact film. From the forty or so hours of interview footage, I have created an edit of sixty minutes in length. The simple mathematics of how this was achieved indicates that much more material was omitted from the film than was included. This is true for any documentary project. This chapter offers an overview of the content within the artefact, the rationale for its inclusion and allusions to adjacent material which could not fit the linear time constraints of the film format but which nevertheless has value in answering the research question. In the arena of practice-based research and, indeed, PhD by Artefact, there remains the question as to where the creation of new insights is to be found: in the thesis or in the artwork/artefact (Mottram, 2009, p. 241). Sullivan (2009) takes the argument one step further into the post structuralist domain asking "whether knowledge is found in the art object or whether it is made in the mind of the viewer" (p. 47). Much of these discussions centre on works of art - sculpture, painting, musical compositions, even photographs - which differ from my artefact in one key aspect: my film speaks, quite literally. It speaks constantly and is built on the speech of my cohort. They are speaking at length and in detail about their practice and this, by itself, is quite novel in the field of documentary studies. Secondly, I am speaking in how I edit their material, discarding the majority of it, and constructing my narrative out of their various points of view. I argue that this artefact is a site of knowledge, among others, and I resist, as Prosser does, that the film methodology is "unacceptable as a way of 'knowing' because they distort that which they claim to illuminate" (Prosser, 1998, p. 99).[1] My film artefact has therefore more in common with Aufderheide's study of 2012 than it does with a piece of sculpture. There are new insights here, both in the finished film, and nearby on the cutting room floor.

Fig 4.1 clockwise from top left: Anna Rogers, Alan Gilsenan, Ross Whitaker, Kim Bartley.

4.1 The Opening Sequence

I have described in section 3.2 how a pattern emerged of my cohort reacting to the camera equipment when they sat down to be interviewed. I have also described in section 3.7 how I came to record and insert myself at the beginning of the film. The opening sequence resulting from these two elements provides both a useful stylistic reflexivity at the top of the film, but is also coded with meanings. The self awareness of the cohort would not be enough - I could have easily cut together a more amusing set of reactions - if that was the sole function of the sequence. As with any opening for a film, the objective is to set context and make certain promises. In this case I am preparing the viewer for a wordy set of interactions between filmmakers and my unseen and mostly unheard self. Secondly, I'm providing a reminder that the viewer is only ever seeing one side of a two-sided conversation - something common in documentary film but rarely acknowledged. My own appearance is an explicit act of authorship of the kind I have routinely resisted in my other films. I identify myself as the unseen person behind the camera and asking the questions underpinning the whole research project. I also remind the viewer that what they are about to watch is a construct of my making. I also have opted to include clips from my previous films featuring people with whom I have shared the multifaceted relationships which are at the core of the project - Pat Ingoldsby, Albertina Charles, Ramman Carl, Alan Lewis, Brenda Fricker, Pat Walker. These images are not simply illustrative of my filmography, they are each representative of my own engagement with people and their stories for periods of months and often years.

How have I decided to let my cohort speak in this opening sequence?[2] Tanya Doyle is the first to point out that this is "not a conversation, this is not a chat, you're coming with an agenda, I know that". This self awareness, not prompted at all, is extremely useful in setting the context early on for the film. This will be a film featuring filmmakers talking about how they make films. Each person on camera is used to being behind the camera, is used to being the one asking the questions and is intimately familiar with the mechanics of what is going on. They know how interviews work, the purpose of them, that they may look like "chats" but are much more than that. Kim Bartley alludes to, and then points at, the two cameras which are pointing at her. Ken Wardrop, half in jest but wholly in earnest, highlights something he has just said which he deems to be "off the record", underlining the dynamic that, since the camera is rolling, everything is on-the-record unless the subject, in this case Ken, declares it not to be so. Luke McManus acknowledges the value, for him, of putting himself in the position of his subjects in front of the camera. Treasa O'Brien, a self-shooting director herself, vigorously demands my attention and eye contact from behind the camera. I had broken my gaze with her in order to check the focus on the camera, and she perfectly knows this, and finds herself shocked at how quickly she needs the eye contact to come back. In the full version of this exchange she finds she is surprised and interested in her own neediness as a subject in that moment.

In taking part in my project, these filmmakers have become subjects and they know they have become subjects and this knowledge, from early in the interview and now early in this film, is

provoking novel reflections on their part. Projecting forward, Ross Whitaker discusses having his words taken out of context. As a meta joke of sorts, I take Ross' words out of context and place them with a decontextualised comment from Paul Duane: "Rife with ethical conundrums and problems, rife, from the beginning". These two comments were never related to each other but in placing them consecutively in the edit I have made it appear that Paul is responding to Ross. Here I am flexing my power as author of the artefact and reminding viewers that there is somebody speaking through the film medium. This sub sequence of my cohort speaking ends with Tanya Doyle declaring "I'm gonna trust you Tom". This simple and powerful sentiment is the enabler of that interview, and of all the interviews that make up the film. It is her choice and she declares it freely even as her laughter suggests a knowing discomfort in doing so. This trust between filmmaker and subject is to be the terrain of the film. It is also useful that she uses my name here, a final reminder that I am in the room.

Fig 4.2 Tanya Doyle

4.2 - First Approaches

The stylistic and contextual preambles are now over and the film proper begins. The core question underpinning this sequence could be stated as: how do you first approach people and start to establish a trusting relationship? The cold open of the sequence has Anna Rogers admitting to a "subtle manipulation" that goes on in the first encounters between filmmaker and subject.[3] What the filmmaker is looking for is access, they are looking for a "Yes". As Marcel Ophuls described "my biggest problem was convincing people to be interviewed…if you have moderate gifts as a fast talker or diplomat, or if you appear moderately sincere, you should be able to get cooperation" (quoted in Pryluck, 1976, p. 23). Further statements from Ophuls in the same piece would make him appear as a cynic which is not, broadly, the attitude of my cohort.

Paul Duane admits to a certain amount of “scheming” to get that “Yes” from the subject. These early approaches take place in the context of the development phase of projects when filmmakers can not be fully sure of many factors: the scope of the film, how long it will take, how much a given subject may feature. Experience has taught Allison Millar to proceed with these first encounters slowly and tentatively since not all projects make it out of development and into full production. Filmmakers must be wary of building relationships with people for films that will not come to fruition. This early trepidation of not engaging too fully or too quickly is both ethical and practical - a first instance of a quality that appears time and again in this project. Similarly, Ross Whitaker proposes always telling the truth during early approaches because it is both the right thing to do and it also means you do not have the work of remembering any falsehoods.

Kim Bartley, in this section, first introduces the idea that in a contest between what is good for the subject and what is good for the film, she is likely to side with the former.[4] She describes almost “talking herself out of a job” in going to great lengths to explain to subjects what the potential impact on them might be from appearing in a documentary. She does this as she believes that people with no previous exposure to the media industry can not really know what is involved in production and, later on, what issues might arise from national or international exposure. Sinead O’Shea, considering the same point, believes it is not really possible to explain to “civilians” how the mechanics of documentary work.[5] In her experience, subjects have conceived of taking part in a film as doing a sit down interview while she knows she wants and needs so much more from them and finds she is explaining these needs throughout the filming process. She tells an amusing story, not included, about one of her subjects thinking she was inept as they could not understand why they must be filmed walking down a road, entering a building, looking out a window etc - all useful building blocks in the construction of visual sequences. Sinead’s willingness to explain her process to her subjects is an early appearance of themes of two-way communication and collaboration to which we will return frequently.

Alan Gilsenan offers the first mention of commitment and trust. In an admission that he says “they don’t advise at film school”, he talks about his own framework for consent with subjects in the early part of the process. “There is no commitment until there’s a commitment.” He talks about giving people an “out” and making it clear to people that “they have autonomy in this process”. He finds that this intentional transparency yields better results for him and for his films in the long run - by letting people know that they are not locked into a process from the start, it helps to build trust which is ultimately to the benefit of the filmmaking process and of the resultant film. Alan says that he does not do this cynically but finds it yields the desired result for the film: “They are prepared to go on the journey with you”.

Two further brief contributions are worth noting in this sequence. Brendan Byrne, echoing earlier points, is keenly aware that the filmmaker cannot know the full scope of the project in the early days. In that context it is not possible to achieve informed consent from the subject since there is

not enough information available to fully inform them. Brendan's formulation of "sufficient consent" is based on the filmmaker sharing all that they can at that point in terms of their own intentions for the project and subject's role within it. This is notable since the moment at which the early consent is achieved, implicitly or explicitly, is often in these early periods where the project is either in development or in the very early days of production. Achieving a position of "sufficient consent" might be the best we can hope for at this moment as priorities and narratives are still evolving. This suggests that the process of consent, having begun at this point, is ongoing throughout the production. This is a point we will return to when discussing consent/release forms.

I have included a comment from Pat Collins as an interesting counterpoint. He says he is wary of subjects who are "really keen" to appear in his films and that such a willingness would lead him to not want to proceed. I read this an an early expression of the dynamics of authorship in the filmmaker/subject relationship. It is expected that it is the filmmaker who approaches the subject with the former convincing or charming or sometimes persuading the latter. The filmmaker initiates the conversation out of a documentary impulse and hopes that the subject is willing to offer consent and participation. Collins' discomfort with a too-willing subject is rooted, in my view, in the inversion of the typical dynamic. Why is the subject so keen? Do they have an agenda? He suggests that, ideally, there should be some tension between the filmmaker and the subject in those tentative early steps as consent is sought and trust is established.[6] A situation where the subject is the driving force for wanting the film to be made makes him uncomfortable.

4.3 The Relationship

This sequence was challenging to edit and construct given that the filmmaker/subject relationship is woven throughout the project and the title "The Relationship" could be placed in parentheses after each chapter heading. The attempt here is to try to define that relationship with particular focus on the early period as trust is being built. Ross Whitaker's cold open is instructive: "It's different every time". This may seem obvious but it is an important marker to lay down early on: we can agree that there are broad parameters that apply to all such relationships but we cannot generalise about them. Bound up in Ross' pithy statement is the understanding that each film is different and each relationship within that film is different. They require different things from him and he from them. Any filmmaker must therefore be constantly alert to the requirements, boundaries and demands of each relationship in each case. The skills and approaches built up on one film may not be appropriately deployed on the next.

The perspective of Robert Flaherty, first referenced above in section 2.1, is useful as an early acknowledgement of the primacy of the filmmaker/subject relationship in the filmmaking process in the most practical sense. "In the end it's all a question of human relationships" (Flaherty, quoted in Pryluck, 1976) would be a useful subtitle for this study. Yet these are particular types of relationships defined by a particular function - the making of a film. Ross Whitaker cautions against going into the process hoping or expecting to become friends with your subjects. In his

view the boundaries of that relationship should be defined from the outset lest anybody be misled or given false expectations. Alan Gilsenan takes the friendship analogy one step further and, rather than caution against it, invokes the comparison of a new romantic relationship: "…you meet this new person, you are really excited, you get to know them!". It is clear from his delivery how exhilarating this can be and the intensity it suggests.[7] Treasa O'Brien agrees: "you talk about professionalism, I fall in love with my subjects/characters….I feel I have relationships with them, but I also realise that some of that may be from a very one-sided point".[8] For O'Brien, the one-sidedness is defined by her ability to watch and rewatch the footage. This leads her to spending more time with her subjects than they spend with her. The one-sided framing will appear again and again in different forms.

Brendan Byrne sees that one-sidedness in a different sense. The filmmaker is the one with the vested interest in keeping the relationship going. This interest is the production of the film. This could be termed an inequality of motivation rather than an imbalance of power. The filmmaker wants to make the film and needs the subject in order to do this. In this dynamic, Byrne argues, the onus is on the filmmaker to manage the relationship in the most honest way possible "whilst still pursuing and achieving your goals." The relationship, as understood and described by the cohort, is always taking place in the context of the film - no film means no relationship and also, necessarily, vice versa.

It is these "genuine, human" relationships that Tadhg O'Sullivan finds "heavy" and "one-sided". This assertion of an emotional burden on the filmmaker chimes with more recent literature on documentary work (Piotrowska, 2014; Coleman, 2023). O'Sullivan expands on his early point to detail the emotional bind that filmmakers often find themselves in: if a documentary film is to really work as a piece of art then it must be based on a real relationship. However, the work of maintaining that relationship, in his view, falls almost exclusively on the filmmaker:

> "You are the listener. You are always the person who does the listening, who pays attention, who notices the smallest thing in that person's life….because that's the material that you are going to make this film out of. They have absolutely no interest..they don't have to have any interest in how you are doing, or how you are feeling."

O'Sullivan's frustration is that this all too human relationship is then wrapped in the economic necessities of making feature documentary work. The filmmaker is at risk when they need the ongoing consent and participation of the subject, when they have placed this relationship at the centre of an economic arrangement, from which the subject may decide to withdraw at any time. In his view, this shifts power to the subject, albeit a power they may not be fully conscious of.

Ross Whitaker, utterly conscious that he is being recorded and that his words will be edited and spliced with comments from other filmmakers, offers a clarification:

> "I love the people in the films, like, love them! The fact that they have allowed me to do this I find the greatest privilege, to be able to go into someone's life….So when I say, "Don't become friends with them", it's not because I don't like them, it's because I love them and I want to do the process right by them."

This is a feeling I can identify with. There are many reasons a subject may decline to take part in a film and there are almost no reasons why they should offer up the 'Yes' of access and consent. This is a gift from the subject to the filmmaker, without which most films cannot be made to exist. Ross's declaration of love, which skips over the status of friendship is, again, rooted in doing the "process" of making the film in the best possible way. He is honoured by their gift and feels obligated to try to honour that gift by making a film they can feel proud to have taken part in.

There are multiple references across the footage of filmmakers urging patience and expressing wariness of moving too quickly in dealing with people. Pat Collins, known for careful pacing in his films, expresses this in a particularly Irish manner: "You have to have the cup of tea, or the scone, or whatever." The cup of tea is the useful shorthand for spending time with people in a loose manner - time spent without a specific goal or objective beyond establishing a rapport. The quote in the middle of the sequence from Michael Rabiger describes how time spent with subjects leads to the breaking down of barriers: "At first, participants will often maintain an "on the record" and an "off the record" relationship with the director. Then the line becomes blurred as a deepening trust or even emotional dependency develops" (Rabiger, 1997, p. 307). Kim Bartley speaks at length about sometimes feeling like her subject's therapist - a role she is quick to claim no authority to perform. Her knowledge of her subject's life, or a particular aspect of their life, is so deep and intimate and may go beyond what the subject's close friends and relatives are aware of. This "emotional dependency" (ibid) makes it difficult, from the filmmaker's point of view, to set boundaries as the subject continues to want to share emotional moments with Bartley long after the needs of the film have been met.

The time spent with the subject in building trust and rapport can allow the camera "to dissolve". This eloquent phrase came from Brendan Byrne but the concept is echoed by others in the cohort. Alison Millar describes, performs even, that moment when she feels the subject reveals their true self on camera. She mimics the faux sincere engagement that might come from a subject in the early interactions - stiff and formulaic - as they offer up what they think the filmmaker wants. Eventually, this mask has to slip and she can see the person reacting and emoting in front of her without pretence or performance. Her skill is both to be patient enough and spend enough time to allow this moment to arrive, and to recognise it when it does. Ken Wardrop, similarly, can sense from experience when he has built up enough trust with a subject to ask the difficult questions.

This sequence marks the first appearance of a theme that recurs throughout the artefact: collaboration. I could have edited together many contributors saying essentially what Tanya Doyle manages to sum up in the most efficient way: “I’m not making a film about anybody I’m making a film *with* people, always.” Pat Collins, borrowing a phrase from his own subject Henry Glassie, talks about “standing with” people.[9] There is no suggestion among my cohort that they perceive a cold gulf between them and the people who appear in their films in the mode of Levinas, alluded to by Butchart (2006) and Kate Nash as “the alterity of the documentary subject” (Nash, 2011, p. 224). On the contrary, what they recount are intimate, multifaceted human relationships which are a prerequisite for genuinely affecting documentary films to succeed on an artistic level. Tanya Doyle: “If they are not in it with you, there’s no point.” The model is not one of observer and observed, capturer and captured, but of constant collaboration, reassurance, checking in, moving forward, sharing, oversharing and investment both before and while the cameras are rolling. For Treasa O’Brien it is about “human beings affecting each other on this emotional, creative journey.” This is a commutative emotional interaction with a duration, typically, of months and years. This relationship, once established, must be strong enough to withstand this length of commitment.

Fig 4.3 Luke McManus, Sinéad O’Shea, Ken Wardrop, Alison Millar.

4.4 In Production

This sequence builds on the questions about the filmmaker/subject relationship with specific focus on the production period - the times when the cameras are capturing the material that will form the basis of the film. In my own experience this period can only be reached once the necessary trust and consent is in place. There are sometimes tentative early days when I would

continue to check for consent before turning the camera on but, in time, production takes on a momentum of its own and consent becomes assumed with continued participation. While no two film projects can be the same, we can generally assume an increased intensity and vigour in this phase of the process. Production can often be the shortest of the three phases of production and is likely the most concentrated period of interaction between filmmaker and subject.[10] The sequence teases out how the presence of the camera and crew, in some cases, alters the relationship which is already built. It also asks if the behaviour of the filmmaker may change in this period as they pressure to get material recorded is most heightened. This may also be the period where the subjects have the most power over how they are presented in the film since they have some control over what is filmed, what is not filmed and their own behaviour.

The early emphatic statement from Paul Duane sets the tone: "The whole concept of fly on the wall cinema is a lie". The sequence opens thus since there was broad agreement on this position among the cohort and this is reinforced by the opinion from Emile de Antonio: ""the assumption of objectivity is false…As soon as one points a camera, objectivity is romantic hype" (quoted in Zheutlin, 1988, p. 429). They reject the concept of 'fly on the wall' and the detachment it presumes. They know, from experience if not from a media studies education, that by entering a room you change the dynamics of that room, and that by entering the room with a camera you very much change the dynamics of that room. This alteration is not be be wished away or elided in the edit, but is to be embraced as part of the filmmaking process. Duane's approach to this has been to "make my presence and the presence of the film crew an element of the film". Further, he is wary of filmmakers who try to completely remove themselves from the finished film or craft their edit in such a way as to remove this evidence of process. In the case of two of his films - '*Very Extremely Dangerous*' (2013) and *'Barbaric Genius'* (2011) - his relationship with the main subject of the film is explicit. We can hear him talking from behind the camera, we can hear his questions and we can tell when the subject is pushing back against his enquiries.[11] In an ultimate example of acknowledging the presence of the filmmaker, Duane must intervene to stop his subject as he begins to violently beat his girlfriend as they drive at speed down a highway. There is no detachment here: Duane intervenes to prevent the violence and can be heard shouting "stop". All of this forms part of the film. The fly is certainly not on the wall.

Kim Bartley eloquently embraces the fact that she is "in the room" and similarly rejects the objectivity of so-called verité style cinema: "the film emerges from my relationship with the people in that room." Treasa O'Brien's formulation, once she has performed her Werner Herzog impression, is that she is "in the soup" with the subjects and affecting all of the interactions.[12] For her, acknowledgement of this influence and presence is key and she is, like Duane, cautious of those filmmakers who would seek to pretend that they are not there and are not having an impact on the people and events that they film.

Alan Gilsenan very helpfully puts the current attitude in context. In his view, the “fly on the wall” approach of filmmakers such as Frederick Wiseman working in the 1960s was possible since the general public had much less awareness of cameras, crews and the implications of taking part in a film project. The idea that the filmmaker can disappear (as Ross Whitaker says) or that the camera can dissolve (as per Brendan Byrne) was easier to achieve during that earlier period. Gilsenan feels that in the current moment “everyone is their own PR man, everybody is kind of aware of cameras”. This awareness on the part of the general public means that subjects are adept at presenting versions of themselves to the camera, any camera, whoever may be behind it. Echoing Alison Millar’s earlier point, Tadhg O’Sullivan’s solution to this is to spend so much time with the subject that pretence and performance are able to fall away. Both Millar and Bartley admit to a deeply immersive filming experiences with their subjects over extended periods of time. Millar famously moved in with Fr. Michael Cleary and his housekeeper (and their son) for her film profile of him.[13] Bartley provides a description of her approach to filming where she makes no distinction between when the camera is rolling or not rolling - there is no “on the record, off the record” divide. Once she is in the room with the camera there is always the possibility of filming taking place. She doesn’t do this “in any surreptitious way” but has found an organic way to work with people where there is no distinction for her, or her subjects, between Kim “the person" and Kim “the director” in the room. This dynamic is something she has prepared her subject for from early on.

The first half of the sequence ends with Ross Whitaker quipping about his own ability to disappear while shooting. Subjects have said to him that “they absolutely forget that I’m there, which, I don’t know what it says about me.” I suggest, from behind my own camera, that this means he is good at his job and he laments that this ability might be good for filmmaking but not very useful at parties. I included this moment both as a touch of levity but also as a reminder of the primacy of the filmmaker’s own personality as a key tool in the production of these films. If Whitaker were not so likeable and easy to spend time with it would not matter at all if he had large amounts of funding, expensive cameras or an excellent crew - his personal traits, his personhood, are a core part of the success of any of his films. The relationship with the subject is formed by and with him and without this there is no film. This is not about a set of learned skills as much as it is about his own inexorable self. In this sense his role as director is much closer to that of an artist than a journalist or a researcher.

We can make the positive assumption that the period of production is when people and events are being filmed. This is the ultimate function of the process of gaining access and consent - can I film you? A key question during all of these interviews arose both from my own experience in making films and from early informal conversations with the cohort - have you ever chosen not to film something for the benefit of the subject? As filmmakers we want to capture and record as much as we can, but as one half of the filmmaker/subject relationship we must recognise that this urge (or impulse as per Renov) must be tempered sometimes for the benefit of that relationship. Why would a filmmaker not film, choose not to record or even tell a subject to stop sharing?

Tanya Doyle recounts filming with a young subject on a recent project where the content of the interview became extremely intimate and personal. She had established trust and rapport with this person such that they were confessing to her, on camera, for the first time, intimate thoughts and feelings about their own sexuality - thoughts that Doyle felt the person was only realising in the very moment they were being captured. Her instinct was to tell the subject to stop sharing and to curtail the interview: “You need to stop telling me this, because you are giving it to me and think that you are not just giving it to me anymore…”. Doyle’s concern is that the subject does not fully understand that while he is happy to share these thoughts with her, he is actually sharing them with the broader world. She also suggests that in telling her subject to stop sharing, she is saving herself from temptation in the edit. If she had that strong emotional footage available to her she may be tempted to use it, or may be encouraged to use it by other parties. If the footage does not exist then neither does the temptation.[14]

For Ken Wardrop, a dogged commitment to observational filmmaking is not something he is comfortable with. He talks about watching a film where the main subject was clearly in distress and at risk of physical harm and he wonders how the filmmaker was able to keep filming. The underlying position here is that, for Wardrop at least, the real world human relationship trumps the requirements of the film. This assumption is picked up again by Allison Millar as she rails against filming people when they are crying or upset. For her there is a clear line that she does not want to cross: “At that point I turn the camera off and say “Are you alright”?”. The act of recording is, in that moment, less important than the emotional wellbeing of the subject: “If I was crying in your house I’d expect you to say “Are you alright?” …and not Zoom in!” For Duane, tears are a perfect example of shorthand factual television tricks designed to extort emotion from the subject and present it to the viewer before the commercial break. This is one of many statements from the cohort which places feature documentary, in terms of it’s ambition and approach, in a different category to factual television where the director may not ultimately be in charge and key decisions such as choosing not to film are made by producers or series producers. In one such circumstance Paul Duane turned his camera off when a subject become upset and he was overruled by the producer in the room: “Turn the camera back on.”

Luke McManus offers a vivid description of a difficult scene filmed late one night in Dublin where a person threw themselves in the river Liffey and was refusing all attempts at rescue. While the person in question was not one of his subjects, the event very much related to the circumstances his subjects lived in and he felt the scene was a valid addition to his project. His motivation to keep filming was at odds with that of his producer who insisted they stop filming. In this case, Luke prevailed and the material, which was dramatic and upsetting, was recorded:

> “I don’t actually think filming that is problematic. I think putting it in the documentary could be hugely problematic…..but I would rather make that decision in the cold calm of an editing suite with time and context than to be shut down or to shut myself down.”

As a corollary to Doyle's earlier point, McManus wants to have the footage so the he can have the options. For the filmmaker, there is always the second round of decisions in the edit about including material or not, but during production if the material is not recorded then the decision is final.

As a filmmaker I often question why people choose to say "Yes" and give me access and allow me into their lives. Some version of this question was put to the cohort in the context of ongoing participation during the production period which can often be quite demanding of the subjects' time. The benefits and motivations of the filmmaker may be more obvious and well understood but it seems valid to ask why directors believe that subjects take part in the relationship, the process, the film. Both Alan Gilsenan and Treasa O'Brien offer a version of the same response: people want to be witnessed. Gilsenan offers that "People want to acknowledge their place on earth and want to tell their story". In this conception, the filmmaker and engagement with the film process becomes a path to that acknowledgement. O'Brien made her film '*Town of Strangers*' (2018) as a meta documentary which features real people "auditioning" for a part in that film. People arrived to these auditions and were self-motivated to share intimate personal stories. O'Brien merely provided a forum for people to engage with: "I want you to witness this, witness me, see me, world…and that's the kind of strange transaction..I'm going through something and nobody is seeing it." This "strange transaction" will be familiar to any filmmaker who has questioned why subjects seem to give so much to a film project and receive, apparently, very little in return. This sense of witnessing has a very direct character during the production phase and whether or not the subject feels it was worth their time will depend on the steps the filmmaker takes next.

4.5 Consent/Release Form

The original list of questions composed for this project did not make reference to the release form. In my experience there are always at least one topic that arises organically during the production of a film which becomes central to the enquiry. In the case of '*Shooting the Darkness'* (2019), I had no question for the photographers about using the camera as a psychological shield, they simply offered it up as an observation time and again. In '*Losing Alaska'* (2018), people began to tell me, unprompted, about their dreams featuring tidal waves and tsunamis. It is my role to be alert to such patterns and realise that there will always be lacunae in any list of questions. It is frequently this early collaboration from subjects that points to the questions one should be asking. On this project, from the second interview, my cohort began to make reference to the release form and it quickly emerged as a key inflection point in the filmmaker/subject relationship. It also was a topic that garnered strong feeling, mostly negative, from the cohort. After the third interview where the topic arose by itself, and I knew my subjects would have many things to say, I jotted down this additional question: Release forms. Discuss!

The release/consent form is a well understood part of the media production business and each member of my cohort are intimately familiar with them.[15] The opening section of the sequence could have featured any number of filmmakers expressing negative feelings about the form - as it stands I have used Kim Bartley: “I hate them” and Alan Gilsenan: “I absolutely abhor them…it’s such a whorey old document..”. There wasn’t a single filmmaker willing to express any kind of positivity about the form to act as counterpoint - “worthless” was the term most often used. The closest was Ross Whitaker observer that they are “a really useful tool” in how they can create a moment of formalisation of the filmmaker/subject relationship. As the relationship evolves in a fluid manner he finds that the form allows everyone involved to take a moment and realise that “you are literally signing up to this” and that there is value in this.

The distaste that many filmmakers have for the form appears rooted in the primacy of their relationship with the subject. They view the release form as an imposition on that relationship with potential to undermine the trust that has been built. Interestingly, in his own light hearted telling, Alan Gilsenan sets himself up in alignment with the subjects and in opposition to his producers.[16] He paints himself as the forgetful filmmaker who must be reminded to get the form signed and invariably he comes back and with faux incompetence says “Oh, I forgot”. I understand and have myself been guilty of such forgetfulness. For whom are we really asking the release form to be signed? What purpose does it serve?

The simple question of when, in the duration of the filmmaker/subject relationship, do you produce the release form is revealing of the dynamics at play. Sinead O’Shea suggests it is fairer to produce the form once filming is completed since at that point the subject can know some of what they are consenting to, at least in terms of what has been filmed. You could argue it would be strange to seek the signature before any filming had taken place - what are they consenting to in that example? Luke McManus advises getting the form signed on the first day of filming, to get that uncomfortable moment out of the way and to have, as per Whitaker, that moment of formal consent and agreement before filming begins in earnest. Tadhg O’Sullivan is of the contrary view: “Getting it out of the way on day one is pointless”. He pictures a scenario where the form is signed on day one and the filmmaker proceeds to behave poorly towards the subject, being a negative presence in their lives, and doing so with the protection of an already signed release form.

Brendan Byrne says there is no right moment to produce the form because it creates an awkward dynamic at any time. For him, the joy or purity of the performance of the filmmaker/subject relationship can be “sullied” by producing the form which he questions is even necessary in the first place. Once a person has come to a place and sat down in front of lights, cameras and a person poised to ask them questions, isn’t there an amount of implicit consent bound up in that moment? Alison Millar is similarly worried that the form can undermine the trusting relationship she has built with her subject. She finds that people are scared by the legalistic language on the form and she finds she has to explain it to her subjects are reassure them. Pat Collins finds there

is no place for such a form in the kind of films that he makes which often tend to be portraits of individuals with multiyear interactions. The release form belongs more in current affairs and factual television. I can certainly identify with this. Allison Millar claims to have unsigned consent forms all over her house.

What engenders these feelings of discomfort in the filmmakers? The quote from Michael Rabiger in the middle of the sequence is clear eyed on the matter: "…though the release form may discharge legal obligations, it doesn't meet those that are moral" (Rabiger, 2006, p. 307) The release form is a legal tool applied to a relationship that is fundamentally emotional. Pat Collins rejects the utility of the legal framework and finds that it can place a barrier between the filmmaker "and the people you are making a film with." His use of "with" here echoes the collaborative sentiments found throughout this project. The films are made with the subjects as much as they are made about them. The imposition of the legal language of the release form risks upending the solidarity and emotional bond that has been built. Brendan Byrne finds the use of the form turns the positive moment of collaboration into an extractive moment. It is a reminder, an unwelcome one, that so often this genuine relationship sits at the centre of an economic process where significant amounts of money are at play and those dispensing that money have need of certain protections.

Some members of the cohort, while not enamoured of the form, see their value. Luke McManus deploys the useful metaphor of the marriage vows. The vows are not the relationship but rather a public and formal acknowledgement of that relationship. Similarly, the release form can be read as a tangible record of the consent underpinning the relationship. Ken Wardrop, who claims to have never fully read a release form, tells subjects that they are signing away all of their rights: "You are consenting to everything." He is referring to the long-term implications once the film is completed and goes out into the world. This is where Treasa O'Brien finds the value in the form. She will always let people back out of the process during filming and she will even let subjects back out during the editing process in spite of the difficulties it would cause her. However, once the film is completed and out in the world, it would be very difficult for a subject to withdraw their consent at that point. It is in that long-term context that she finds the release form can protect the integrity of the film into the future. A scenario where subjects would seek to withdraw their consent from a film that has been out in the world for several years is not workable on a creative or economic level.

The variety of questions about the use of release form, when to deploy it, what it allows for, etc, underpin the central enquiry of this project - is there a gap in the subjects' consent? Release forms are routinely produced at some point during the production phase before any editing has begun. Therefore the level of true consent possible at this stage can never be complete. The subject is consenting to participation in a film they have not yet seen because it does not yet exist and the form is the central official mechanism for this. Gilsenan says the signed release form

“might save you from the High Court” but it does not give you permission to treat people poorly. Ross Whitaker recalls trying to protect a subject in an edit and the producer declared “They’ve signed the release form, everything is fair game” to which he replied “No it’s not”. The form is supposed to cover this gap in consent in which we are interested by locking in the consent before editing has begun. As narratives begin to take shape in the edit suite and the filmmaker/subject relationship changes in nature, the release form may indeed become worthless.

4.6 In the Edit

There is a clear line of demarcation between the period when filming ends and editing begins. Kim Bartley sums it up succinctly with her opening comment describing a feeling of collaboration turning into one of isolation: “Just you and the editor”. For many of the cohort, and for myself, that sense of isolation is exacerbated when we choose to edit our own films and there is literally nobody else in the editing room. Depending on the scale of a production, shooting days may include any number of crew members plus the subjects themselves and people in their orbit. The social effort of engaging with all these people, travelling with them, gaining access to locations, permission to film, ensuring people are fed etc - all of this energy dissipates and the filmmaking process necessarily becomes quieter and more focused. The filmmaker is in a dark room with the material and the task, as per Vertov, of elaborating the footage “into an organic collective which, in turn, constitutes thematic truth”.[17] The visual opening of this section of the artefact includes footage of the editing of the artefact itself, a reminder that everything we are watching and listening to is the result of countless editing decisions made, in this case, by myself.

In terms of the filmmaker/subject relationship one change is fundamental: the subject is not in the editing room. Brendan Byrne talks about a prolonged period where there is less frequent contact. Alan Gilsenan has found that this new dynamic is something that must often be explained to subjects who may not understand how lengthy and involved post production can become: “Things will go quiet for a while”. He sees this period of physical separation as a useful time to transition from one mode to another. The process is moving from the shared experience to the “film experience which….are very different things.” For Byrne, this is a period of working with the material which their consent has allowed you to capture. Luke McManus finds that the relationship keeps going but becomes “one sided” since the filmmaker is now engaging with the subject as recorded in footage and not with the person themselves. He argues that he is now spending in fact much more time with the subject but in a manner that they are not part of or aware of. His feeling, familiar to those who have been through this process, is of encountering subjects once more in the world after a period of editing and feeling that he has been spending a lot of time with them “but you haven’t spent any time with me”. It is a curious asymmetrical intimacy that can evolve during this phase. The filmmaker can watch and rewatch and become attentive to very minor personality quirks, facial movements, vocal inflections. There is a depth of scrutiny and awareness possible at this time that is impossible in the linear temporal shared experience of filming. You are no longer seeing the real person everyday, and yet you are spending time with them everyday.[18] Tanya Doyle directs herself to hold onto the essence of the

real world interactions as her own compass during the editing period, a period when her objectives must become crafting a film “that works”. She is keenly aware of the pressures this creates and how it might skew her judgement or, as Alan Gilsenan puts it “your own worst insticts”.

What might these instincts be? Ross Whitaker knows, and assumes everyone knows, that he could make a film more entertaining or dramatic or sellable if he was willing to take people’s words out of context. This is not something he is willing to do. Paul Duane tells the story of an editor he was working with cutting together a sequence which made a subject in their film appear to say something they had not said.[19] He describes the faux sentence as simply an operative piece of dialogue which would allow a smooth transition from one scene to the next i.e. it was not likely to alter anyone’s perception of the subject or alter their character in any way it was simply narrative expediency. Duane refused and recoiled at the prospect in principle. Sinead O’Shea, along with most of the cohort, expressed awareness of the power the filmmaker has in the edit. In her view, manipulating the footage for dramatic effect would be “inaccurate” and this would bother her more than any perceived unfairness towards the subject. Kim Bartley, in her own example, talks about temporal manipulation of footage to heighten to emotional impact in a scene: “What if she was crying before he came in….would that work better?” Dramatically it may work better but she knows, since she was there filming, that “she cried after he came in” and she refuses to rework that reality to suit dramatic demands. Tadhg O’Sullivan, in a very similar example, refuses to edit a scene in such a way as to make a subjects’ tears seem to be in response to different question than they actually were. He hypothetically asks the filmmaker in that case to imagine that the film would be seen by no-one and that the filmmaker was only making the film for themselves. In that context “do you still want to do the thing?” He proposes the answer would have been “No”. In that case, what pressure is the filmmaker responding to and who is the pressure coming from? In O’Sullivan’s view, the impulse to make the film as you wish must be defended against those who need to make the film sellable, marketable or otherwise attractive to audiences.

The mid-section quote from Brian Winston reminds us of the balance filmmakers must achieve between truth telling and creative freedom: “Documentaries, like journalism, have an elevated need to tell the truth if they are to maintain their integrity; but, far more than journalism, they are also vehicles for personal self expression”(Winston, 2000, p. 128). For Paul Duane, he describes this as the “intersection between aesthetics and ethics” and a tension between them that “never goes away”. The post production period is where aesthetics can come more to the fore as the narrative is constructed from the raw material gathered during the shoot. Each member of my cohort has been through the editing process multiple times and is well aware of the power of meaning creation that resides there. They all acknowledge the narrative constructs that are their finished films. Anna Rogers talks about compression of time and the countless choices of inclusion and exclusion of lived moments - Vertov’s fragments. Treasa O’Brien is explicit that her task is to form a “constructed reality” out of the unformed material of real life, to create characters

Fig 4.4 Tadhg O'Sullivan

and story arcs from this material to be presented to her audience. In the era of digital recording, the ratio of raw footage to finished film can be very high indeed - the default action is therefore one of exclusion. Even where a filmmaker has captured vast amounts of footage, multiple perspectives and expository scenes, they know that only a fraction of this can make the final cut. One must, as per Luke McManus, choose *a* reality to represent. In his view, trying to portray all events or perspectives is pointless. The filmmaker has the job of rendering reality into a film, a story or, as Duane distastefully notes, a product.[20] In documentary making, this is the real act of authorship - translating the shared lived experience into filmic reality.

All during this process of meaning creation the subject is not in the edit room, in corporeal form at least. They do not have a hand in the decisions being made. Ross Whitaker calls this a "leap of faith" as they must trust the filmmaker to, as he said earlier "do the process right by them." My conception of this potential gap in consent is very much rooted in this moment where the subject is absent yet the filmmaker is at their most active. There are many key moments during the making of a film and the editing period is, for me, chief amongst them. Alan Gilsenan can see that there is a gap of some sort at this time, at least in the practical sense. You go away from the people you have become close with and promise to check in later. Kim Bartley, likewise, sees there is a gap and declares "it's all about trust". Treasa O'Brien throws the question back at me, behind the camera: "Is there a gap though?" She contends that part of what the subject has consented to is to allow her to do her work as a filmmaker, work which naturally includes editing the film together. For McManus, it is implicit in those early agreements that subjects are consenting to being filmed, edited and depicted since he made it clear from day one that he was

making a film - they cannot have expected to simply be filmed with no proposed output. For O'Sullivan, "trust and consent are two sides of the same coin, and that the trust is ongoing and therefore has no gap". There is no reason for the trust between filmmaker and subject to be interrupted just because the filmmaker moves from one mode of production to another.

Pat Collins, and Kim Bartley, expect the same spirit of collaboration and trust to carry the filmmaker through the edit and across any potential gap. Bartley even suggests it can last beyond the edit and into the public exhibition of the film. It has become more common for documentary subjects to help to promote the films they feature in or to attend premieres, something which is only possible if that central relationship remains intact. The two closing statements in this section are, again, chosen from a range of similar contributions from the cohort. Paul Duane reminds us that there are no guardrails in the film industry against those who would purposely behave unethically towards their subjects. There is no oversight on our actions as directors and there is no agreed code of ethics to which this cohort must subscribe.[21] He makes oblique reference to a filmmaker who, in his view, has made films repeatedly with questionable ethics and has "been garlanded for it". In such an environment, the filmmakers own conscience becomes the necessary bulwark against ethical lapses and the protection of the subject's interests. The many assertions of this are best summed up with Tanya Doyle's closing offering:

> "..because you have to live with yourself afterwards, and if you do something and you hurt somebody, because you are in a privileged position and they're sharing their life with you, and if you do something to damage that, for your own gain, shame on you."

The gap in consent might be most useful as a tool of analysis of what is on either side of it. The gap is defined by the absence of the subject and their input into the shaping of the film during editing. If the filmmaker/subject relationship is rekindled once rough cut is achieved then said gap can be viewed merely as a pause in their interaction. What happens next is key.

4.7 Showing Rough Cuts

Paul Duane's promise to his subjects is that they will get a chance to view the film at a time when it is still possible to make changes. This final clause is key. It is would be somewhat disingenuous to offer subjects a screening of the film before it goes out into the world but after the point at which their feedback can effect any changes. In such a scenario, the filmmaker is merely giving the subject advance notice of what is in the film and placing them only a short step ahead of the general public. Such an approach would close the door on collaboration at this point. In my own experience the process of showing rough cuts to documentary subjects can be both torturous and essential. Indeed, the knot that has appeared in my own stomach on these occasions is at the very core of this study. The quote from Jean Rouch in this section calls "the presentation of the rough cut..for the people who were filmed" essential (Rouch, 1974, p. 41). For me it has been much more than a pleasantry (it is frequently unpleasant) or courtesy. It represents the collision of those two modes of experience: the shared collaborative experience that took place during

production, and the filmic construction experience, the rendering of reality that took place during the edit. To show the rough cut to the subjects is to ask the question: do these two realities line up with each other? Can you, the subject, recognise this story, recognise yourself in it? This is my construction of the events that I witnessed that you were a part of - do you agree?

In the context where filmmakers are not obliged to show rough cuts to subjects then what motivates them to do so? Kim Bartley describes this moment as “the final test”. If you have done your job well then you should have no issue in showing the rough cut or finished film to the subjects. Their agreement is akin to a final ‘stamp of approval’ that you have done no wrong. For Pat Collins, the process is a painful one, “literally painful”. He wants his subjects to love the film but still can never be sure that he has “got it right”. If the filmmaker has strayed from their objectives or the story has become skewed in some way, the subject is one of the few people who could offer a correction. Many of the cohort admitted to routinely showing rough cuts to participants as a final check before broadcast or distribution. Ross Whitaker is alive to the many risk involved where this moment could potentially “blow up the whole process”. The trust and intimacy that have been built up over months and usually years is now put to the test as the two versions of reality collide with each other. Duane is always impressed when his subjects are able to watch a film with some objectivity and depersonalise it enough to see it as others may see it. He knows that his vision (filmic reality) is very different from what the subject went through (shared experience) and subjects themselves must, at the viewing of the rough cut, reconcile the two. He claims it takes a very “robust” personality to deal with this.

Allison Millar, like Duane, opts to show subjects a rough cut when there is still time to change the film (before picture lock) according to their feedback.[22] That said, she will not always agree to their changes if she feels confident in her choices. She lists three types of changes that might need to be made: she may have made factual errors in the edit, she may have misrepresented somebody or she might have accidentally included something that she had previously agreed not to include. By showing her cuts to subjects in advance of picture lock she ensures she has time to make changes or has enough time to have discussions with subjects about why she has made her choices. She will not always agree to take material out at a subject’s request but she is keen to have the discussion with them, in good faith, as to why it has been included. Such conversations are why Pat Collins prefers sitting and watching the cut with the subjects rather than sending out a link to an online file. The spirit of collaboration that he had spoken about previously can still be present at this point but it has limitations. For Collins, there is also a line where that collaborative relationship ends and where the filmmaker must assert authorship over the finished film: “At the end of the day you do have to say this is my film, this is my version of it… you can’t give the person too much power either”. This assertion is, for Collins, best managed in that in-person viewing of the rough cut together. Sending out a link means that the filmmaker loses some control of that viewing process or the ability to guide the subject as they view the film.

The final couplet of Pat Collins and Paul Duane speaks to the concept of collaboration with limits. Collins knows the importance of listening to people, knows that this will help him make a better film, but ultimately knows that the creative impulse to make the documentary belongs to him. Duane echoes these sentiments and, in comments that did not make the final cut of the artefact, talks about showing the rough cut of his film '*Very Extremely Dangerous'* (2012) to the main subject, Gerry McGill. The film includes many instances of McGill being difficult, unpleasant and violent towards those around him. He asked Duane to remove a particular scene featuring egregious behaviour and the filmmaker refused - ultimately McGill accepted that what Duane had recorded and presented was a reality he could recognise, even if his part in it was unflattering. Duane states the truism that in documentary we are not dealing with actors and that as filmmakers we must "understand and respect their feelings about being portrayed". Showing rough cuts is a key moment when the process of trust and consent can come full circle. It is arguably the filmmaker who engages in the leap of faith at this moment and trusts the subject to be able to appreciate the final film for the construct it is and to, finally, consent to it. In a scenario where the rough cut or final cut is not offered to the subject before the film is released into the world one could argue that our gap in consent remains open.

4.8 Closing Sequence

The closing sequence is an authored piece-to-camera delivered in a similar manner to the opening in order to create bookends for the film. The purpose of this section, beyond stylistic symmetry, is to explicitly remind the viewer of the act of authorship underpinning the film they have just seen. The opening sequence seems to demand this corollary. Here we have the filmmaker returning from behind the camera to remind the audience that what they have just seen is a construct and the result of countless cuts, omissions and choices. To be clear, I am not doing this in the manner proposed by Butchart where "doubling the visual mode of address", by which he means revealing the filmmaking mechanisms within the film, is deemed to make the whole enterprise more ethical (Butchart, 2006, p. 438). I find I was more motivated by Kate Nash's assumptions of alterity, taken from Levinas, between filmmaker and subject (Nash 2009, 2012), and a desire to negate any notion of distance or imbalance between filmmaker and subject. It is explicitly to acknowledge that "the views given originate from the encounter between social actors on either side of the lens" (Nichols, 1991, p. 77). More plainly, and as I say in the opening sequence, I have asked my subjects to appear on camera and so I think it only fair that I am willing to do the same. I do not have the privilege in this case, as I almost always do in my films, of remaining unseen behind the camera. This is my attempt to join my subjects, with whom I share a profession, in the world of the film. A film about director/subject relationships where the director does not show themselves would seem unsporting, to say the least.

This final piece-to-camera also acts as a short summing up for viewers of the film artefact, many of whom will not have the opportunity to read this thesis where the implications of what has been discussed are analysed in greater detail. It is an attempt to say thank you once more to the cohort of interviewees and to acknowledge that without their consent to take part there would be no film

to watch. Finally, it is my attempt to put this film in context as a small contribution to the conversation about ethics, consent and relationships in documentary filmmaking rather than a final word on the topic.

Fig 4.5 Pat Collins, Paul Duane, Brendan Byrne, Treasa O'Brien.

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[1] In the spirit of post-structuralism I will happily admit that the mind of the viewer of the artefact film is also a site of knowledge creation, as they react to speech in the film and their own memories, reactions, convictions are provoked.

[2] I am being slightly facetious but it must be taken as read throughout the film: if somebody is appearing onscreen, it is because it is my choice. My own opening monologue makes reference to this privilege that I alone have with respect to this film.

[3] An industry term for an abrupt opening to a sequence in film or television. It usually denotes a sudden declarative statement or moment of action appearing onscreen with no preamble.

[4] This framing is usefully offered by Luke McManus a few minutes earlier

[5] This is Paul Duane's term for "real people" in documentary, especially those with little or no exposure to professional media practices.

[6] This point is not included in the artefact film, but comes directly after his comment which is included.

[7] Alan Gilsenan also invokes the metaphor of a dance between filmmaker and subject suggesting an ebb and flow of trust and intimacy mediated by the final result of the film.

[8] Strong echoes here of Piotrowska's work on Lacanian analysis and transference.

[9] *'Henry Glassie: Fieldwork'*, is the title of Pat Collins' 2020 film about the American anthropologist. There are echoes here of the title of Jay Ruby's 1992 piece: SPEAKING FOR, SPEAKING ABOUT, SPEAKING WITH, OR SPEAKING ALONGSIDE: AN ANTHROPOLOGICAL AND DOCUMENTARY DILEMMA.

[10] I am reminded that my film '*Shooting the Darkness'* (2019) took two years to prepare, two weeks to shoot, and four months to edit.

[11] This is a reference to an exchange in '*Barbaric Genius*' where the main character John Healy is asking Paul why he is persisting in a particular line of questioning.

[12] "We are not flies on ze wall, we must be a hornet that stings" - a quote Werner Herzog has offered up many times, quoted in *The New Yorker*, December 31, 2014.

[13] "*At Home With the Clearys*"(2007) is a landmark Irish documentary film where Millar moves in with the celebrity priest, his housekeeper and her son to make an intimate portrait of him. After his death, it transpires that Fr. Cleary and his housekeeper were living as a couple and that her son was actually their son.

[14] In a story that did not make the final cut of the artefact film, Allison Millar admits to loosing a tape that contained potentially explosive material about one of her characters. It may have made the film in question more sellable but she felt the potential havoc it could wreak in the personal life of her subject was too high a cost. She wryly wonders what a coincidence it was that this was the only tape to become lost.

[15] The standard text release form is included as Appendix E.

[16] For producers here you could also read broadcasters or lawyers, acting either for the broadcaster or the production company, who are usually the individuals looking to see the completed release form.

[17] from The Kinok Manifesto quoted in The Camera and Man - Jean Rouch - Studies in Visual Communication - Article 6 Volume 1 Issue 1 Fall 1974

[18] This dynamic may start to explain why the conception of the gap in consent is not always apparent to the filmmaker who can, quite rightly, point to no gap in their engagement with the subject.

[19] Examples of this type of temptation are widespread given the power of editing technology to execute such manoeuvres and the pressure to conjure up more dramatic material. The most pointed recent example was the Anthony Bourdain documentary *'RoadRunner'* (2021) where the filmmakers admitted to using artificial intelligence to make Bourdain's voice read out an email. The response to this was telling in that there are some lines, still, that most documentarians do not feel comfortable crossing: https://www.newyorker.com/culture/annals-of-gastronomy/the-ethics-of-a-deepfake-anthony-bourdain-voice

[20] Meaning distastefully to himself. See section 3.3 above on Paul's facial reaction to his own utterance of the word "product".

[21] A recent tentative step was taken by the Screen Director's Guild of Ireland where they published "guidance" for documentary filmmakers on ethical issues. I offered some help in drafting these and SDGI were at pains not to call them directives or a code. https://sdgi.ie/wp-content/uploads/Eithics-Documentary-Guide-SDGI-.pdf

[22] Picture lock is the technical term whereby no more changes to the visual elements of the film are possible. Once this point has been reached, the only changes that can occur are on the soundtrack or perhaps text and graphic changes if they are overlaid on the visuals. Picture lock is an agreed milestone where the editorial or narrative content of the film is agreed upon and the more technical tasks of audio mixing, colour grading and music scoring can then begin.

5. Discussion & Reflection

There are two modes, or layers of meaning at play in this project - there are those which are contained in the interviews with my subjects and those which arise from my own treatment of those same interviews. Taken as a raw corpus of data, the forty hours plus of conversations are filled with interesting and valuable reflections by these filmmakers on their practice of filmmaking, their relationships with the subjects of their films and their thoughts about consent in its varying forms. How does this array of opinion compare to the existing literature on filmmaker subject relationships and the role of consent therein? Secondly, the work of creating the film artefact has been a process of distillation of this raw material into a coherent, new piece of work through which I am constructing arguments and attempting to answer research questions using the speech of my subjects. This process, described in Chapter 3, is itself a source of meanings arising from this reflexive layer of how I have treated these subjects in the creation of this artefact - through conducting the interviews and then editing them. My subjects have spoken about consent, and I have used this material to speak through them and work out my own feelings about consent in my own practice.[1] The artefact film must be read as being unavoidably refracted through my own impulses. In doing this, how have I gained and maintained their consent for this project, what have I learned from this, and how might I employ this new knowledge when I next set out to make a film? I will begin by reflecting firstly on that reflexive layer - interviewing my subjects and my treatment of those interviews during the editing period.

5.1 Reflections on Interviews

The prototype interview with Paul Duane led me to surprise myself with my own behaviour. Up to that point in my career I had likely conducted hundreds of interviews for documentary and commercial projects. I had evolved my approach over many years which can be succinctly described as friendly encouraging silence. As an interviewer it is my job to pose questions and then remain completely silent during the answers so that I do not interrupt or pollute their audio with my own and as an acknowledgement that the answer is more important that the question. Typically, once an interviewee has heard the question then they don't need any more from me but to listen and perhaps to encourage them with non-verbal acknowledgment in order to keep them speaking. We learn to say with our facial expressions "That's interesting, keep talking, tell me more, can you say more about that, I didn't know that" etc. Thus, my mode of interviewing before this project was very much defined by my own reluctance to put myself too much into the conversation.

From the outset with Paul, I found myself breaking my own rules and jumping into the conversation. Upon reflection I think the reasons are twofold: I felt this was a conversation that I was a part of and not simply a questions and answers session. Secondly, Paul was regularly throwing questions back at me for my own interpretation of them or asking for my own position on answers he had just given - not that he was looking for reassurance but that he genuinely

wanted to know my opinion. He gave me the permission to join him in dialogue and I felt allowed and qualified to do so. I think the result is a much more vibrant exchange and I carried this approach into all of the subsequent encounters. As a result, in the raw footage and sometimes in the film artefact, you can hear me interjecting from behind the camera, a regular reminder that I am in the room.

Looking back on my contemporaneous notes from the shooting period, I find that I was at great pains to explain the context and rationale for questions and not simply pose them. A simple way to verify this is that in the footage I am speaking for much longer than is necessary in order to pose the question. I am regularly speaking about myself, my own films and experiences in order to clarify, perhaps justify, where the question has come from. There is also a lot of industry and technical jargon audible in my questions, jargon which I am comfortable to use since the cohort and I broadly speak the same professional language. I can interpret all of this behaviour as attempts to create a level playing field between myself and the interviewee, to negate any implied power imbalances and to assert our sameness in that moment. All of that explaining and verbosity is my way of creating a dynamic that is simply two filmmakers speaking to each other and not interviewer and interviewee. In hindsight, it seems like I am trying to establish consent for the interview in real time as they are taking place.

I can reflect on my experiences on the day but I also, as the custodian of the raw footage, can review the material and buttress my own impressions. Across the eighteen interviews I find, in the majority, a series of frank, open, engaged, humorous, self aware and sometimes self deprecating set of responses. I don't believe I have ever had such a high success rate of useable material on any project. I found that I had approached people who were primed to speak on this topic, who were happy to be asked, who had reflected on these questions already and who were very keen for their responses to be seen and heard. There are times when I am silent for minutes at a time since the interviewee has so much to say in response to a specific question. Sometimes I am happy to let silences linger in the room and let my subject consider their responses for formulate them in real time. There are many instances of subjects pushing the question back to me "What do you think about that, Tom?" or "Have you found that in your films?", and then I try to answer them honestly which in turn provokes the next response.[2]

The result is a set of exchanges which can properly be described as "coauthored" by both interviewer and interviewee (Kvale, 1996, p. 281). I strongly feel that my own status as a fellow filmmaker, as well as an academic researcher, was able to foster a degree of intimacy and a consequent depth of reflection that may not have been otherwise achieved. The artefact film is built upon these moments of my subjects both revealing their previously held opinions, but also evolving their positions in real time, in front of the camera, in response to questions not previously considered. These moments must then go through the process of "constructing meanings" which is the work of the edit (ibid, p. 279).

5.2 Reflections on Editing the Artefact

My first professional role in the media industry, beginning in 2002, was as an editor. Indeed, it was the thrill of digital video editing at university that deflected me from my intended focus on photography. Placing image A beside image B on a timeline, adding music, and creating meaning C, is a joy and a mystery that has never diminished. Many filmmakers I admire assert the primacy of the edit in authoring a film - this is where raw materials are put together and true authorship takes place.[3] There is a view that the stages of pre-production and production are merely preamble for the decisive phase of post-production.[4]

Each sequence is like a jigsaw piece - it must connect to what has come before, what will come after and sit neatly in context. I found I approached each sequence in this film as if it was its own chapter with a beginning, middle and end. My role as editor in this case was to choose the strongest contributions and organise them into a flow of ideas which was analogous to a group discussion amongst my cohort. I met with and filmed eighteen filmmakers but they did not meet each other. In my film, however, they are intercut as if in apparent discussion together. They complete each other's ideas, confirm each other's positions and frequently disagree. This conceit is the construct of the edit. This flow, orchestrated by myself alone, is what the film artefact is able to achieve. In many instances I will cut to a filmmaker as they are mid sentence, giving the impression that they are either interrupting the person who has gone before or are directly responding to them. This approach is designed to achieve a fluidity in the edit so that, collectively, the cohort can discuss the questions being posed. When this works well the effect should be seamless but, of course, there are many seams.

Jean Rouch described his ecstasy during filming as a "cine trance" (Rouch, 1974, p. 41) and I'm sure there is a similar phrase to be coined about the joy of editing.[5] In truth, when an edit is going well I find it impossible to remember individual decisions. The flow of evaluation, edit, juxtaposition and refinement seems to take place out of time and without a traceable rationale. I frequently return to an edit after it has reached a certain point and wonder at how it came to be or, sometimes, who is responsible. The answer is always the same.

The sequence in the artefact film titled "In the Edit" features filmmakers taking about "one sided relationships" during the post production phase. As the editor of the film in question, I became party to this phenomenon, one side of the asymmetrical dynamic. My two hours spent with each filmmaker on the day of filming, plus some time on either side of the interview, now becomes many multiples of this as I review their footage, re-review their footage, cut them, trim them, place and replace them on timelines, listen to specific answers from them repeatedly and try to arrange them coherently among their peers. That two hours of real world interaction, which we both experienced, becomes twenty hours spent with their footage which *only I* experience. I begin to hear subtleties in their accents, see facial and body language gestures. The intimacy, from my side, begins to grow. The stronger their contributions are, the more affection I feel for them, the more grateful I am to them for sitting down with me. I edit them to make them seem more

eloquent, I forget that I have done this, and then I feel even more warmly towards them for how eloquent they are. I have now created the very para-social relationship with them which they spoke about on camera in relation to their own subjects.

It is at this point, as coherent sequences begin to take shape, that I must be on guard against my own biases on a number of fronts. There is a visual bias where I will be drawn to the filmmakers whose shot I find more aesthetically pleasing. The shot of Ross Whitaker is more pleasing to me than the shot of Alex Fegan but I cannot let this cause me to discount what Alex Fegan says.[6] The shot of Tadhg O'Sullivan, just by virtue of the natural light in his house that afternoon, is more interesting to me than the shot of Luke McManus. I was constantly reminding myself not to be led by these aesthetics but to listen to what is being said and not be led by the beauty of the frame in which it is said. There was also, though I was slow to admit it, the risk of status bias. There are some filmmakers in the cohort who are older, more experienced and more celebrated than others. I had to guard against weighting their contributions more heavily simply because I hold them or their films in high regard. Repeatedly I must bring myself back to the core question: does this contribution help us throw light on the core research questions?

5.3 Speaking Through the Cohort

The question must be asked of this film artefact which can be asked of any documentary film: who is speaking? The answer can never be a simple one but the attempt at an answer can be revealing. Firstly, and obviously, the cohort of filmmakers are speaking. Their contributions are the predominant element. From one point of view, they have been quite lightly edited, meaning that they are frequently allowed to speak at length and make detailed and nuanced points. Alternatively, they have been heavily edited. Their raw interviews of up to two hours have been cut down to, on average, a duration of four minutes of contributions to the final film. Thus the vast majority of what they said is not being heard. The cutting room floor is a cluttered space covered in valuable contributions that somebody decided did not fit in the final film.

That somebody is myself. As the filmmaker I must take ownership of those countless decisions on what to include and what to excise. The consent that was achieved with the cohort before and during filming made clear that this would be the case. As the notional gap in consent opens up on this project I find that I am more comfortable during post-production since I am dealing with a cohort of subjects who have some chance of really knowing what giving me their consent really entails. They know that I will take their material and construct a film based on my own interests, tastes, biases, objectives or, in this case, academic questions. The film is a product of the "intersubjective enterprise" of the interview process (Kvale, 1996, p. 281) followed by the subjective process of film editing. There is no coauthoring happening in the latter stage. While I can't cannot claim to be "speaking for" the cohort, I see that by "speaking with" them and then engaging in the construct of the edit, I am ultimately "speaking through" them (Ruby, 1992, p. 48).

This is, always, the freedom and the responsibility of documentary work. I am freed from journalistic concerns; I am not bound to fully or accurately report what my subjects said nor must I be concerned with the "right to know" of some unnamed public. I can indulge, as an artist might, in my own interests and use the contributions in my possession as a means of self expression. As Jay Ruby writes, "Documentaries were recognised as an articulation of a point of view - not a window to reality" (ibid, p. 47). The responsibility that comes with this is one of authorship: "As the acknowledged author of a film, the documentarian assumes responsibility for whatever meaning exits in the image…" (ibid). What meanings exist in the image of the film artefact I must therefore take responsibility for.

5.4 Relationships and Emotional Labour

The assumption of power imbalances on either side of the camera is, by now, a well understood concept in documentary studies (Pryluck, 1976; Winston, 1991; Rabiger, 1997; Butchart, 2006; Aufderheide, 2012). The assumption is most often weighted in favour of the filmmaker summed up by Brian Winston thus: "…in almost any documentary situation, they (the filmmaker) are always the more powerful partner. The moral and ethical implications of this development are not only ignored; they are dismissed as infringements of filmmakers' freedoms" (Winston, 1991). My own cohort of filmmakers seem not so ready to claim this power nor to immediately assert their own "freedoms" as a priority over the feelings of their own subjects. The position from them seems more in alignment with Kate Nash's more recent work in this area where core issues such as consent and power imbalances are perceived to be more nuanced: "..the relationship with the documentary maker might be more complex than a simple case of 'power over" (Nash, 2012, p. 319). Indeed, Chapter 2 of the Artefact film contains several contributions which tend to invert those power assumptions where filmmakers suggest that much of the power can reside with the subject. Tadhg O'Sullivan frames this in both economic and emotional terms. The filmmaker may live a more precarious life financially and therefore has a vested interest in keeping the film project going. The ability of the subject to withdraw consent at any time has the potential to wreak havoc on the filmmaker economically. This places power in the hands of the subject, a power of which they may be unaware, and the burden of that dynamic is borne by the filmmaker.

In emotional terms, O'Sullivan describes a dynamic where the emotional labour is entirely carried out by the filmmaker - "You are the listener, you are the one who pays attention…". He goes on to describe the relationship with the subject as being "heavy" and "difficult to carry with you for a couple of years". What he describes as one sidedness echoes Emily Coleman's characterisation of the filmmaker subject relationship as "..peculiarly imbalanced - not only in terms of power, but also the unidirectional flow of attention: the one-sided nature of the intimacy" (Coleman, 2023, p. 7). The viewer of the artefact film can see in O'Sullivan's demeanour and hear in his voice how he perceives this imbalance as a burden on himself. He knows that this emotional work is "at the core of all good documentaries about a person" and therefore is an intrinsic part of the production

process. And yet, as Coleman notes, this emotional labour often goes unseen, unpaid for and therefore is not valued by the industry:

> For Hochschild, one of the core features of emotional labour is that the actual labour involved is hidden and, therefore, devalued. Its success is premised upon an appearance of effortlessness, which means it remains an assumed and largely unsupported part of the job - (ibid, p. 2-3)

There are two explicit examples in the artefact film where filmmakers compare the filmmaker subject relationship to one of therapist and patient.[7] These come from Kim Bartley and Treasa O'Brien, each of whom are quick to declare that they are not trying to act as therapists nor do they possess the skills to do so. Yet the interpersonal dynamics they describe are in line with Agnieska Pietrowska's own experiences of and writing about documentary relationships and the therapeutic phenomenon of transference (Pietrowska, 2013). Bartley is keenly aware that she can come to know more about a subject's life, feelings, state of mind, than those closest to them. The filmmaker is seen as being *in* the subject's life but not quite part *of* their life since the interaction can be understood to have a notional end date based on the production of the film. The subject is doing all of the talking, sharing, emoting and the filmmaker is, routinely, accepting all this in relative silence from behind the camera. The comparison with the therapist silently listening to the patient speaking is quickly apparent. "Documentary filmmakers often appear the perfect canvases on which to draw one's emotions. Just like psychoanalysts, they listen, they try to stay 'professional' regardless of their drives" (Piotrowska, 2013, p. 48).

Just as the word 'relationship' could be appended to each section of the artefact film as a subtitle, so too the film is woven through with discussion of emotional labour and its exigences on the directors who, most often, are charged with managing these relationships. The consistent references to friendship, love, therapy, confession, intimacy etc, speaks to the predominance of this kind of labour in the making of documentary films.[8] At the core of this labour is the gaining and management of consent from the subject. Where Coleman found that documentary relationships were more "complex and fluctuating" (2023, p. 12) than simply filmmakers having power over subjects, then the concept of consent, as discussed in this study, has been shown to be far more nuanced than the binary Yes/No it is sometimes assumed to be.

5.4.1 Researcher's Emotional Labour

It is worth acknowledging that my own emotional labour in carrying out this study was not insignificant. In pointing a camera at members of a de-facto community of which I am a part, I was conscious of engaging in processes with which the cohort were themselves intimately familiar. On a practical level, and as captured in parts of the Artefact, the interviewees were totally aware of filming processes - framing, lighting, lens choices etc. This awareness on their part put me under pressure - a pressure coming entirely from myself - to meet a high standard of production value as a way of respecting their participation in the study. Similarly, I was at great

pains to manage the consent process with the cohort in the most open, honest and professional manner possible. There was the work of arranging each interview, setting the correct context on the day and assuaging any fears they might have had and explaining that they would be entitled to see a cut of the film before it ever became public. Principally, there was the work of conducting interviews with eighteen filmmakers each with their own backgrounds, approaches and positions on the filmmaker/subject relationship. For their part, and almost without exception, the filmmakers in this study worked to put me at ease that I had their trust and they were happy for me to do as I wished with the footage of them. This trust, which should have carried me through any 'gap in consent', in turn created pressure in the edit that I would produce an Artefact film worthy of it. I count all this effort as emotional labour and, as per the original definition of the term (Hochschild, 1983), much of it goes unseen and not explicitly accounted for.

5.5 The Gap in Consent

The starting point for this study has always been this notion of an interruption or gap in consent between filmmaker and subject once post production begins. This moment is one that I have experienced in the making of my own films and it is where my questions arise: what do I owe the subjects of the film now that I am in possession of the material and am free to use it as I wish? The feeling of disquiet arises, for me, at that moment when the intensity of production ends and there is a physical parting from the subjects. There is evidence from my cohort that they also see this as a key moment in the subject relationship to be managed. Alan Gilsenan speaks of managing expectations at that point when "things will go quiet for a while" and seems conscious of Daisy Asquith's observation that "It is possible that the damage done to those filmed is done when filming stops, when the attention is withdrawn" (2019: p15). This is one key feature of this moment - the cessation of daily interactions between filmmaker and subject. There is an imbalance here again, though, since the filmmaker may now be just as active in the making of the film in the editing room, but in the absence of the subject. It may appear to the subject that the filmmaker has moved on to other things, when in fact the opposite is true. The relationship continues but changes in nature and objective.

The nature of the relationship is now between the filmmaker and the recorded image of the subject. This screen based interaction places the recorded subject at the control of the filmmaker who can replay material at will and begin to manipulate footage into new contexts and new meanings. This is the joy, the power and the responsibility of the filmmaker in the edit. The subject is not in the edit room and, as told by my cohort, the subject is never in the edit room. This has become something of an orthodoxy in documentary filmmaking. The subject in the edit room is the subject on a screen, in footage, ready to be intercut with visuals, augmented by music, contrasted with other participants, and woven into the filmmaker's narrative.

If the guiding principle of the filmmaker/subject relationship up to this point was to manage consent and keep communication open, the objective now becomes, as Tanya Doyle most pithily expressed, "to make something that works." Alan Gilsenan talks about transitioning from reality

into film reality, “which, as you know, are different things”. The filmmaker proceeds to create the film in the absence of the subject. If we are to say there is a gap in consent then the question arises as to what the subject has consented to in the first place. Luke McManus suggests that the consent achieved up to this point implicitly includes the subject consenting to being “filmed, edited and represented.” Tadhg O’Sullivan, in agreement with Pat Collins, sees that the trust achieved thus far can carry the filmmaker through this period with a clear conscience and that there is no gap in consent. Treasa O’Brien agrees that the trust established with the subject includes the permission for her to do her job as a filmmaker which is a creative act. Arguably, the notion of a gap in consent is a useful tool to analyse what consent has been achieved on either side of that proposed interruption. What level of consent has been achieved before editing begins and what consent is sought afterwards once there is a rough cut of the film?

5.6 The Challenge with Consent Forms

What comes clearly across from the cohort in the artefact film is a conception of consent as a process, a rolling task of emotional labour which changes in nature and character through the different phases of the film. This stands in contrast to more binary conceptions which see consent taking place in a given moment, a binary which suggests a lack of consent beforehand, and a totality of consent afterwards. Perhaps ironically, the subtleties of this process of consent were best revealed in this study when discussing consent forms, with that much maligned document acting as a foil for the nuances of opinion it provoked.

The role of the consent form as a lever of consent is covered in section 2.3 with reference to its potential effects on filmmaker/subject relationships (Nash, 2012; Nichols, 2016). The attitudes of my cohort to consent forms as detailed in the artefact film are addressed in section 4.5. There is not a single filmmaker in my cohort who was willing to express solely positive feelings about the form. There was a uniformity in this but a great diversity of opinion as to why the form is so disliked.

Brendan Byrne, in an animated response, describes the moment of producing the consent form after a successful interview and how it can sully an otherwise happy moment between filmmaker and subject. Alan Gilsenan calls it a “whorey old document”. This vigorous dislike of the form, which I share, can be understood in terms of its imposition into the filmmaker/subject relationship internally, and its connection to the film production process externally.

Internally, there is a fear that the consent form can undermine the trust and consent in the relationship that has been built up to that point. What human relationship, which is ostensibly based on trust, sometimes friendship and genuine affection, must then be codified into a legal document? The form undermines the notion of consent as a process since, as standard, it is only signed once on a particular day and becomes operative on that day and forever more. An interesting metaphor is offered by Luke McManus who sees the consent form like “the marriage vows” - they are a public and legal declaration of the relationship but they are not the relationship

itself. To take his analogy further, the consent form can be signed in a moment but the work of building and maintaining the core relationship, as in a marriage, is long term and complex.

Externally, to filmmakers who have sought to build these relationships over a long period of time, who have perhaps treaded gently and carefully into the lives of others, the consent form appears as a brutal blunt tool which lays bare the legal and economic necessities of commercial film production. The consent of the subject must be legally signed and delivered so that the resultant film can function as an economic unit. The form is always the untimely reminder that in any documentary relationship there is money, contracts and funders involved, usually out of sight, which underpin the whole enterprise. This is the uncomfortable truth lurking in the background at all times - the filmmaker is at work and is getting paid (Coleman, 2023:p12). Much as the camera can eventually dissolve if enough time is spent together, so too this economic underpinning can be forgotten over time. The consent form brings this reality back into the room when the filmmaker would rather not be reminded of it. The filmmakers, myself included, come to resent the consent form as a disruptor to intimacy and a reminder of the economic reality underpinning this emotional work. Even in a filmmaker/subject relationship based on collaboration the form bakes in power imbalances since it operates only for the benefit of the filmmaker and offers practically nothing to the subject (Nichols, 2016:p154).

5.7 Consent as a Process

The topic of consent is woven into every minute of the artefact film and is in the background of every question asked. Each section of the film, and this accompanying written document, has something to say about consent. As such, the artefact film can be read as a linear representation of consent as a process, from first approaches, through production and on to showing rough cuts to subjects. It is in this context that filmmakers do not embrace the consent form and see it as putting an unhelpful construction on their subject relationships. A pointed example which did not make the final cut of the artefact film may illustrate this.

If I am acknowledged as the author of the artefact film then I accept responsibility for the content of that film. I have stated that I am frequently speaking through my cohort of interviewees, using their contributions to make points I hold myself or contrasting them with each other to tease out answers to my own questions. I must also accept that I am responsible for what is *not* in the final cut of the film. A simple calculation will tell you that the vast majority of interview material which was shot was not included in the final edit. One contribution was not included in the film, and which will likely remain unseen, is remarkable for both what it says about consent forms and how filmmakers view them, and revealing of my own relationship with my cohort of interviewees for this project.

A filmmaker told a story about being so uncomfortable, early in their career, at the prospect of asking a subject to sign a consent form that, rather than produce the form and ask for it to be signed, the filmmaker would forge the subject's signature on the form. This may seem extreme,

but I can completely understand how this would happen. Consider that the filmmaker had approached the subject over a number of months and asked them to take part in a film. This initial consent was earned over several casual interactions. Filming then took place which included several emotionally intense interviews which were demanding for both parties and, once complete, resulted in a bond between filmmaker and subject. After the edit was completed the filmmaker showed the film to the subject and won approval - a final consent of sorts. In this context, after all of this work had been done, the filmmaker felt they simply could not ask for the consent form to be signed. In their view, the transgression of forging the document was less problematic than the potential break in trust which the content of the form might provoke. Also, they felt confident in their forgery since they were very sure, at the end of the process, that they had the full consent of their subject. It was this full consent, ironically, which they felt could be diminished in some way by producing the consent form.

I listened to this story on the day of filming in complete understanding of how this could come about and clear on the filmmaker's logic for their decision. The story was included in an earlier cut of the artefact film in the section on consent forms. However, I ultimately have taken it out of the film and have decided this material will not be seen publicly, for the benefit of my subject. My fear is that this section of interview could easily be taken out of context and used to the detriment of my subject. I can include the story here in anonymised form which is the value of the text based format. The film format offers me no such affordance. To be sure, my inclusion of this material would have made the artefact film more pointed, for some more dramatic, but I have chosen the best interests of this particular subject in this case over the interests of the film. The power to make this choice resides with me as the author of the film. Sometimes this choice is made for the benefit of the film, and sometimes for that of the subject.

5.8 Representation and Expression

In working with my cohort of interviewees it became clear that any notions of "journalistic standard" were quite far from their minds (Aufderheide, 2012, p. 366). They are more likely to identify as artists or creative filmmakers with their priorities more closely aligned with the likes of Jean Rouch and his insistence that his subjects are his first audience for the film (Rouch, 1974, p. 43). What is also clear is that they conceive of their own freedom of expression as existing within the context of the consent of the subject.

What comes across is a delicate balance, with different criteria on each film project, between the demands of the film and the needs of the subject. Each film is its own negotiation with different subjects, narrative aims and production variables. It thus becomes very difficult to make generalisations about the behaviour of the cohort of filmmakers, or even about the behaviour of one filmmaker from project to project. What may be surprising to some, though not entirely to myself, are the many instances where filmmakers will behave in a way which prioritises the subject's welfare, or the integrity of the filmmaker/subject relationship, over and above the needs of the film. There is an acknowledgement that filmmaking is quite a privileged profession to

engage in, and the feelings of subjects about how they are portrayed should be taken seriously and respected. Relying on broader societal arguments of truth telling or the public's right to know, as journalists might reasonably do, does not sit naturally with this cohort.

Finally, with regards the artefact film at the centre of this study, it is worth briefly noting how the process of consent was managed in the end. As per my own criteria, a gap in consent opened up once I began editing their interviews, cross cutting between them and creating new contexts for their contributions. I am comfortable representing them and speaking through them, yet I know from experience that my faith in the final film will be strengthened from knowing that they approve of what I have done. Once the artefact film had achieved rough cut, I sent a copy to each member of the cohort for their feedback and approval. They were given the opportunity to request changes to their own contributions if they were unhappy with how they had been used. In the event, the feedback received from the cohort was almost entirely positive and complimentary. As might be expected, one or two filmmakers commented on their own appearance and had misgivings about how they had dressed on the day. One filmmaker lamented that there was not more conflict amongst the cohort and had expected them to strongly disagree with each other on certain points. Overall, the impression was that filmmakers found the discussion within the Artefact film to be worthwhile and something they were happy to have taken part in. Once all the feedback had been received, I considered the process of consent completed with no gap left for me to worry about.

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[1] Here again I'm echoing Jay Ruby's 1992 article title "Speaking For, Speaking About, Speaking With, Or Speaking Alongside: An Anthropological and Documentary Dilemma".

[2] Several of these exchanges can be found in the artefact film, reminding the viewer of the dialogue.

[3] "…for my style, for my vision of cinema, the editing is not one aspect, it is the aspect…..it is the very eloquence of the cinema that is constructed in the editing room." Cahiers du Cinéma, No. 84, June 1958.

[4] Krystoff Kieslowski regarded editing as the essential part of filmmaking: "I really only make films to be able to edit them." Kieslowski on Kieslowski: p201, Faber & Faber, 1993

[5] Once more Orson Welles, who always lionised editing the filmmaking process, has the instructive quote. In his documentary '*Filming Othello'*(1978) he rhapsodises about the movieola machine and standing beside it claims "As a filmmaker, I'm speaking to you from my home."

[6] As it transpires Alex Fegan did not make the final cut and I must admit that the aesthetics of the shot, for which he is not at all responsible, played some small part in this.

[7] There were several more instances of this in the raw footage but it was felt that the inclusion of two of those would be sufficient to make the point.

[8] See earlier in Chapter 4 where Treasa O'Brien declares "You talk about professionalism, I fall in love with my subjects" and Ross Whitaker's clarification, "I love the people in the films".

6. Conclusion

6.1 Outsiders?

We may not, necessarily, be outsiders. Rather, there is a spectrum of temporal engagement between documentary filmmakers and their subjects and a separate but intersecting spectrum of collaboration. At one end of the temporal range, encounters may be short-lived and emotional engagement relatively shallow. At the other, relationships are built which last for years and genuine emotional attachment is possible. On the other axis of collaboration is measured the amount of input the subject is permitted to have into the final film and their own representation. In asking what rights are afforded to those who appear in documentary films it is the filmmaker making these affordances. In the filmmaker resides the documentary impulse, the drive to see the film made. The position of the subject in this relationship is most often determined by how the filmmaker conceives of the role of consent - how the subject is approached, recruited, filmed and engaged with, or not, once the film is complete. These actions and the ethical stance taken by the filmmaker are rooted in the impulse. By speaking directly to filmmakers, this study finds a cohort engaging in self-guided practices, rejecting journalistic codes, buffeted by commercial pressures, and trying to balance their ethical principles with their own artistic ambitions. In interrogating the filmmaker/subject relationships among the interviewees in this study, the idea of 'the gap in consent' has been a useful framing device. It can help identify where they lie on the spectra of engagement and collaboration and how they conceive their ethical obligations to subjects during the making of a documentary film.

6.2 The Novelty of the Work

There is a healthy subgenre of documentaries about filmmaking where those from industry speak in great detail about the craft of their work. There are examples of this in cinematography (*'Cinematographer Style'*, 2006) and audio production (*'Making Waves'*, 2020), among others, with those two examples being notable for a reflexive approach to the topic in question - the former drawing attention to its own shooting style and the latter making the viewer conscious of how the film's own audio has been edited and mixed. The National Film Board of Canada produced the wide ranging documentary project *'Capturing Reality: The Art of Documentary'* (2008) which featured leading practitioners discussing how their films were made in creative and practical terms. The film artefact at the centre of this study represents an addition to this subgenre, and to the field of documentary studies, where filmmakers speak with singular focus about director/subject relationships and the role of consent in the creation of their work. The novelty of the work is asserted in three ways.

Firstly, this study explicitly stands on the shoulders of excellent research carried out since the turn of the century which focuses on documentary relationships in the real world context of how

documentary films are made (Aufderheide, 2012; Piotrowska, 2014; Asquith, 2019; Coleman, 2023). These researchers give voice to the people involved in the sometimes chaotic process of filmmaking and do not assume that lessons about ethics and consent can be gleaned only from a reading of the film text. While those studies often gave anonymity to participants - in an effort to enable greater honesty and reflection - this current study offers no such protection. Participants in the artefact film are named and as such their comments are linked, and will continue to be linked, to their own professional identities. Future scholars who analyse this work may do so in the context of these participants' filmographies and their lack of anonymity.

Secondly, while the related research is also based on semi-structured interviews with filmmakers, in this case those interviews have been filmed. There is an audio visual record not simply of what was said but also of how it was said and the tone in which it was said. In the context of a study where interpersonal relationships, trust, consent and emotional labour are core issues being discussed, the extra dimensions of data afforded by this approach, the *para language* of the participants, is particularly valuable. There are numerous example references in the Artefact where the presence of the camera and the microphone have captured nuance and subtlety of expression that would have been lost in a purely textual presentation of the data.

Thirdly, the reflexive nature of the filmmaking has, in my view, provoked novel and valuable insights and reflections from the subjects of the artefact film. The context for any interview is important and in this case I have asked filmmakers about their relationships with their subjects during a filmed interview. I have turned them into subjects in that moment. I have placed them in the position which they ordinarily place others. This inversion of their standard experience was the opening context for each interaction and their initial recognition of this, and sometimes discomfort with it, is captured in the artefact film. The interview which then follows is between two people who share a profession and can assume a large amount of shared knowledge. This common ground meant the exchange reached deeper levels of engagement more quickly and ultimately reached levels of intimacy through which valuable insights are revealed or, some cases, arrived at for the first time.

Finally, if the three points above speak more about novelty of process, there is also novelty of insight in the study which is of value to scholars of documentary film, filmmakers and policy makers in the media industry. The first hand accounts of filmmaker/subject relationships are relatively rare in the literature - with the exceptions noted previously - and here they are detailed in all of their emotional complexity. The changing nature of this relationship through the linear temporal process of making a film is also charted and the filmmaker/subject relationship is shown to not have one fixed character over this timeframe. There is detailed discussion of how filmmakers view the transition from the production period to the post production period and how that can represent different modes of reality, or perceptions of reality, particularly for the filmmaker. The study represents a broad evaluation of consent forms - how they are used, how

filmmakers view them and the risks they can pose to the filmmaker/subject relationship. The framing device of the 'gap in consent' is used to ultimately locate each filmmaker/subject relationship on a spectrum of engagement. The decision of whether or not to show rough cuts of films to subjects, and whether or not to allow for subject feedback at that point, brings clearly into focus the key questions of consent, approval, artistic freedom and where the limits of the filmmaking impulse might lie.

6.3 Impact on Practice

I began this research as I had recurring questions arising from my own practice as a documentary filmmaker. On reflection I realise I have been asking myself the same set of questions since I first began this work in 2001 - are there ethical rules governing how you make a documentary film about a person? It has been a great privilege to put this question to the body of literature which exists since the beginning of documentary filmmaking. In reading the diaries of Robert Flaherty, the public writing of John Grierson, the practice informed philosophy of Jean Rouch and the deep analysis of Brian Winston, Bill Nichols, Kate Nash, Patricia Aufderheide et al, I can at least feel less lonely in my self-questioning. The opportunity to sit down with so many of my fellow Irish documentarians was a privilege. These interviews were joyful, provocative, challenging and fruitful in ways both expected and unexpected. The old adage warning of meeting your heroes was not well founded in this case.

Yet as this project comes to a close and I begin to move towards my next film project, which is already partly funded, I wonder what impact will this study and all that I have learned have on my practice? I can foresee my approach to subjects evolving to be more communicative, particularly in those early stages where the scope of the film is unclear, and being more honest about that lack of clarity. I could let go of any ego centred assertion that I, the director, knows what they are doing all the time, or knows what they want out of any shooting day, or knows how that material might fit into a final sequence. The not knowing, the openness to evolving situations, is one of the things which makes shooting documentary films vital and interesting. Pretending to know, while not knowing, is a form of dishonesty I think I can leave behind. From my cohort of interviewees, it seems the more experienced directors have reached a level of comfort with not knowing exactly how a film will play out.

After having had these long and detailed conversations with my fellow filmmakers I am more convinced than ever that the filmmaker/subject relationship sits at the core of any documentary film process and that this relationship must be built on strong exchanges of trust and consent. In my own films I believe I have managed these relationships well in the context of the requirements of those films. Indeed, echoing Emily Coleman's contributor: "Several of my interviewees described enduring relationships, lasting longer than many marriages"(2023, p. 7), I still have relationships with subjects dating back to the first films I made over twenty years ago. I am mostly comfortable with my ability to form these relationships, in the context of the needs of a film

project, and to do so based on trust and not manipulation or dishonesty. Arguably, this has been the real work of learning to make films featuring other people.

In acknowledging the role of trust and consent at the heart of the process, I find myself wondering what the limits of this dynamic might be? If the trust established between myself and the subject is total, or as fulsome as it can be, and if the consent is total, assuming the subject knows all they can know about what they are consenting to, then what type of filmmaking might this allow? What could be filmed, what moments could be captured, if that filmmaker/subject relationship is taken to its ultimate expression? Would it be possible to take the camera into previously unthinkable or unreachable spaces if everybody involved was fully committed to the outcome? In the film Artefact, Treasa O'Brien discusses the fear of "Don't go there" in favour of "Going there, in a safe and consensual way." I find myself wondering how I could evolve my own filmmaking if I was able to evolve a relationship with a subject to an ultimate form of consent, trust and collaboration. What might the limits be?

On a more procedural note, I can see myself updating the consent form which I ask subjects to sign during filming. It would be churlish of me to rail against the current form with all of its baked-in imbalances and "capitulations" (Nichols, 2006, p. 154) and then simply shrug and continue to ask people to sign it. A consent form which gives the subjects, at the very least, the opportunity to view a rough cut of the film before it is finalised would be more in line with my own position. I would go further and suggest that the subject is entitled to have their feedback on said rough cut heard and discussed, but would perhaps fall short of promising that all of their feedback could be implemented. That tension between the filmmaker's impulse and the rights of the subject to control how they are represented, is still with me.

Finally, this tension, pointedly shown up by the consent form, is also expressed in the general unwillingness of filmmakers to allow subjects into the editing room. From my own experience this is something that has never happened and I now know that I am not alone in this regard amongst my cohort of interviewees. As my own practice evolves I think it would be an interesting experiment to allow a subject of a film into the editing room so that they can see how filmed reality, for which they were present, is rendered into film reality via the editing process which is normally invisible to them. I am curious to learn what the outcome of doing this might be. The assumption, my own at least, is that allowing the subject into the edit would be troublesome in some vague way. Having never allowed it to happen, I can't say what this assumption is based on.

After all, if the relationship is strong, if trust is present, if there has been a degree of collaboration up to that point, why not allow them into the edit? Could it be that the benefits of showing rough cuts to contributors - closing that process of consent - can be improved upon at a earlier stage and could even enrich the quality of the final film? At present these remain rhetorical questions but I can sense an openness to this if a future project, and future subjects, might benefit from it.

6.4 The Documentary Form of the Future

If documentary is the original art form Hans Richter believes it be, then much of that originality is bound up in the central tensions within the form; fair representation versus freedom of expression, real people within constructed narratives, genuine intimacy within economic frames. Within these tensions lives the work of consent as a process and the outcome of that work, the depth of the consent, can be a key determinant of the type of film which emerges. Indeed, the more these tensions and dilemmas are acknowledged rather than elided, the more robust the documentary form can become. This study has shown how this cohort of filmmakers engage in self-directed consent processes which seek to find balance between respecting the rights of the subject with honouring the documentary impulse. In doing so, they provide valuable insights for scholars, students and practitioners of the documentary form which continues to evolve and defy any simple categorisation of its modes and function.

It is this very complexity of method and function which makes documentary a thrilling mode of expression for filmmakers and audiences. And yet a certain lawlessness remains. This study began as a reaction to my own experiences of having, out of necessity, to evolve ad hoc practices in the field when confronted with ethical dilemmas. This is entirely bound up in my own personality, motivations and moral conceptions of why I have picked up a camera and pointed it at another person in the first place. I may not have asked myself these questions and there is evidence that some filmmakers remain untroubled by this dimension of the work.

This study could, I hope, act as a useful resource for those wishing to evolve a more robust framework for documentary practice for the coming decades. Understanding consent as a process, acknowledging the emotional burden of the work and leaning into either explicit authorship or collaboration can strengthen emerging and experienced filmmakers alike. There are tools here which can have value for all filmmakers wishing to evolve their approaches, understand their own actions and move forward with a confidence that the stronger their relationships with their subjects are, the stronger the resultant films will be.

7. Limitations

Some of the limitations of this study have been personal and self imposed, and others have been global and beyond my control. The original plans for this project were laid in late 2019 and, while the kernel of the inquiry remains unchanged, there was previously a more international scope to the ambition. It had been my intention to interview a diverse group of leading documentarians from around the world; filmmakers whose output would allow for the most pointed discussion of ethical dilemmas in a variety of director/subject relationships. Many of those directors would have been household names. The impact of the Covid-19 pandemic with its attendant lockdowns, travel restrictions, shutting down of film production and projections of uncertainty, forced me to recalibrate my plans.

The result of the travel restrictions and localised lockdowns in 2020 and 2021, along with the fear of further restrictions in 2022, led to the focus on an entirely Irish cohort of filmmakers. The list of interviewees was created based on availability for an in-person interview on the island of Ireland in 2021 and 2022 and the criteria detailed in section 3.1. The result is a cohort who can all be classed as “White Irish” and who are currently resident either in the Republic of Ireland or in Northern Ireland. However, it may be that this uniformity of background - linguistic, educational, cultural, economic - broadly, can act as a useful backdrop to the differences of opinion held among the cohort regarding ethical approaches to their work. This nation-based limitation could become a model for further study in other countries where the above uniformities could be leveraged as a positive.

While the effects and implications of the global pandemic were beyond my control, my insistence on in-person interviews has led to other limitations and exclusions. Among the potential interviewees were those who are resident outside of Ireland but who otherwise fit the criteria of the study. The lack of financial resources available to the project, coupled with travel restrictions, meant that willing participants in London, Berlin, New York, were not able to contribute their insights and become part of the film. My refusal to accommodate these filmmakers via remote interviews - the reasons for which are detailed in section 3.3.1 - is a self imposed restriction based primarily on stylistic concerns for the film artefact.

Finally, the nature of the film artefact itself comes with inherent format based limitations, both linear and thematic. There are good reasons why television documentaries are limited to fifty two minutes in duration, and feature documentaries rarely are longer than ninety minutes. The film mostly features “talking heads” as there is very little illustrative visual material used. In my view, this led to further pressure to keep the running time close to one hour. The result is the amount of material that can be included is limited by the film format. Were this solely a written thesis then more of this material could be shared. It is my hope that much of the valuable material recorded during the over forty hours of interviews will ultimately find publication in another format in the future.

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Appendix A - Interview Questions

1. What was your path into documentary film work?

2. What advantages did you take from your previous work into this profession

3. Did your previous profession have a strong ethical framework which guided your activities

4. If so, have you taken any of this framework with you into the documentary field or, conversely, have you actively had to adopt new practices.

5. How do you make your initial approaches to people to appear in your films. If this is done via other producers/researchers, how do you manage or direct this process?

6. What has been the most reliable way to gain access to subjects?

7. What level of consent do you feel is necessary before filming commences?

- - - - - - -

8. Once access has been granted and filming has begun, how do you manage the relationship with the subjects?

9. What duties do you have to those who appear on camera while filming is taking place?

10. During long production periods, such as on feature documentary projects, the relationships with subjects can often move beyond the strictly professional. Has this happened for you and how can this help/hinder the production process?

11. Have you ever felt compelled not to film something in order to protect one of your subjects?

- - - - -

12. Once filming finishes and post-production begins, how does your relationship to the subjects change/does it change?

13. Do your duties to the subjects change during post-production?

14. Do you agree with the contention that there is a ‘gap in consent’ during the editing process?

15. If so, has this led to any ethical conflicts during editing on your films? How do you balance the demands of commercial storytelling versus the duty to accurately represent your subjects?

16. Have you ever chosen not to use material in the edit to protect your subjects

17. Have you ever invited a subject into the edit room to allow them to feed into the editing process?

18. With regard any one of your films, how did the main character of the film react when they first saw the rough cut/final cut.

19. Have you ever encountered ethical dilemmas at this point in the process.

20. In terms of ethics, how has your own approach to filmmaking evolved since you began this work.

Appendix B - Cohort Biographies

Kim Bartley

Based in Ireland with dual Irish/ US citizenship, Kim was raised in France and speaks fluent French & Spanish. She spent her early career filming off the beaten track, on frontlines and post conflict zones as part of an emergency response response team. Kim's breakout film- her first feature documentary THE REVOLUTION WILL NOT BE TELEVISED (aka Chavez- Inside The Coup) premiered to world-wide acclaim at SWSX and went on to win numerous International awards including the Grierson and IDA awards for Best Feature Documentary. Her most recent feature documentary PURE GRIT received the award for Best Documentary at the Galway Film Fleadh in 2021 and was released in Irish cinemas in October 2022.

fig ii Kim Bartley

Brendan Byrne

Brendan Byrne, Producer/Director, Executive Producer, is an award winning filmmaker who began his career in 1992 with an award-winning debut '*The Kickhams'* (1993, C4), an exploration of political identity told through the story of his Gaelic Football team. Recent credits as director/ producer include '*My Name is Bulger' (Discovery +, 2021)*, '*Ryan McMullan: Debut' (BBC, 2021)*, '*One Million American Dreams' (Hulu, 2018)*, '*Hear My Voice' (BBC, 2018)* and '*Bobby Sands: 66 Days' (BBC Storyville, 2017)*. Recent credits as producer include Sundance 2019 selection, '*Gaza' (2020)*, Netflix Original feature documentary '*Mercury 13'*, narrative fiction film '*Maze' (2017)*, and '*Men of Arlington' (BBC, 2011)*.

fig iii Brendan Byrne

Pat Collins

Since 1999 Pat Collins has made over 30 films. His latest feature documentary '*Henry Glassie: Fieldwork' (2019)* premiered at TIFF in 2019. His feature film *'Song of Granite' (2017)* was the Irish nomination for Best Foreign Language Film Oscar 2018. He has made films on the writer John McGahern, the poets Michael Hartnett and Nuala Ní Dhomhnaill, and the Connemara based writer and cartographer Tim Robinson. He has directed two political feature essay films, *'What We Leave in Our Wake' (2009)* and *'Living in a Coded Land' (2014).* His experimental film work has screened at the Absolute Gallery at Galway Arts Festival 2013, at the ICA London and Recontres Internationales London/Berlin, the Visual Carlow and numerous Irish and international film festivals.

fig iv Pat Collins

Tanya Doyle

Tanya Doyle is the Head of Faculty for the Creative Arts and Screen Media Faculty in Griffith College. Tanya holds an MA in Film & Television Studies from Dublin City University and an MA in Screen Documentary from Goldsmiths, University of London. Tanya is the Creative Director of Marmalade Films. Established in 2008 Marmalade Films is an independent production company with an international outlook; focusing on high-quality creative documentaries for Irish and international audiences. Tanya is a Grierson shortlisted, IFTA and Prix Europa nominated and prestigious Radharc Award-winning documentary director. Her documentaries have been broadcast nationally, internationally and have screened at major festivals worldwide.

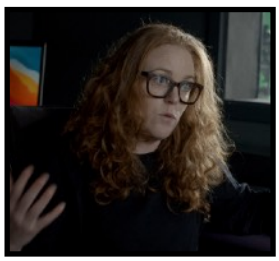

fig v Tanya Doyle

Paul Duane

Paul Duane has been working as a writer and producer in film and television for more than 20 years. He is known for co-creating well-known TV series such as '*The Secret Diary of a Call Girl'* and the drama series '*Amber' (2014)*. He now has nearly twenty titles to his name. His documentary '*Very Extremely Dangerous' (2012)* won an award for Directors to Watch in Palm Springs. His documentary '*While You Live, Shine' (2018)* won the Festival Award at IndieCork. Other documentary credits include *'Barbaric Genuis' (2011), 'Natan' (2013)* and '*What Time is Death?' (2019)*. More recently he has moved into narrative film with *'All You Need is Death' (2024).*

fig vi Paul Duane

Alan Gilsenan

Alan Gilsenan is an Irish writer, filmmaker and theatre director. His most recent work includes the cinema documentary '*Meetings with Ivor' (2017)*, the feature film '*Unless' (2016)*, based on a novel by Carol Shields and '*The Meeting' (2018)*, which he wrote and directed and premiered at the 2018 Dublin Film Festival. Gilsenan is a former chairperson of the Irish Film Institute. He also served on the Irish Film Board, and on the board of the International Dance Festival Ireland. Between 2009 and 2014, Gilsenan served on the board of Raidió Teilifís Éireann, where he chaired the Editorial and Creative Output Committee.

fig i Alan Gilsenan

Luke McManus

Luke McManus is an Irish director and producer based in Dublin. He has directed numerous award-winning documentary and drama projects for NBC, Netflix, RTÉ, Virgin MediaTV/TV3, TG4, Al Jazeera, Channel 4, winning four IFTAs, one Celtic Media Award and the Radharc Award in the process. Directing credits include *'North Circular' (2022), 'Jump Girls' (2019), 'I Am Immigrant' (2016)* and the short *'Féile Dreams' (2013)*. His debut feature doc as producer was *'The Lonely Battle of Thomas Reid' (2017)*, won the George Morrison Award for Best Feature Documentary at the Irish Film & Television Awards and the Best Irish Film Award at the Dublin International Film Festival.

fig vii Luke McManus

Alison Millar

Alison Millar is one of the UK and Ireland's most respected documentary film-makers. She is a BAFTA, IFTA and Prix Italia winner as well as winning both the UK and Northern Ireland Royal Television Society award in 2016 for Channel 4's Dispatches documentary *'Kids In Crisis' (2015)*. She is a critically acclaimed film-maker with a reputation for making emotionally compelling films. Her most recent feature documentary is *'Lyra' (2022)*, a profile of the young journalist shot dead in Derry in 2019.

fig viii Alison Millar

Treasa O'Brien

Film artist, Treasa O'Brien, is an award-winning artist and filmmaker. Her artworks and films have screened internationally in festivals, social spaces and art galleries including at the Berlinale, the BFI London Film Festival, Athens Ethnographic Festival, Via Farini Milan among many others. Her most ambitious project, Town of Strangers (2019), an experimental non-narrative feature film was part of a PhD in Film Practice from University of Westminster with Joshua Oppenheimer (*'The Act of Killing', 2012*) as her supervisor.

fig ix Treasa O'Brien

Sinead O'Shea
A journalist for the BBC, Al Jazeera English, and The Irish Times, among others, O'Shea's first feature documentary, *'A Mother Brings Her Son to Be Shot' (2017)*, was about paramilitary violence in Northern Ireland and its effect on one family in particular. Her follow up film, *'Pray For Our Sinners' (2023)* tells the story of the impact of the Catholic Church on young women in her home town of Navan, Co. Meath.

fig x Sinéad O'Shea

Tadhg O'Sullivan
Tadhg O'Sullivan is a film-maker, editor, sound designer and sound recordist based in Carlow, His debut feature 'Saviours' was released in Irish cinemas in 2008 to critical acclaim. Ireland. His work has been screened at FiD Marseille, MOMA Doc Fortnight, CPH:DOX, RIDM Montreal, Dokufest Kosovo, New Horizons Wroclaw and many other festivals worldwide. His projects have been regularly supported by the Irish Film Board and the Arts Council of Ireland. His feature documentaries include *'The Great Wall' (2015), 'To The Moon' (2020)* and the hybrid work *'The Swallow' (2024)* with Oscar winner Brenda Fricker.

fig xi Tadhg O'Sullivan

Anna Rogers
Anna Rodgers is an IFTA award winning director and producer, and has worked in documentary film and television for over 23 years. Her films have been screened at major film festivals around the world, released on dvd and in cinema, and won numerous awards. She won Best TV Director at the IFTAs 2014 for her sensitive portrayal of sexuality and disability in RTE documentary "Somebody to Love". Her most recent award was Best Documentary for "How To Tell A Secret" at the London Irish Film Festival.

fig xii Anna Rogers

Ken Wardrop
Ken studied filmmaking at the National Film School, IADT. His short films have screened at many of the worlds most prestigious festivals including Sundance and Cannes. He has presented retrospective programmes at the Cork International Film Festival, and at festivals in the UK, Croatia, The Netherlands and in Scandinavia. 'HIS & HERS' (2009) is a creative documentary that combines observation and imagination to illustrate a universal love story. His recent films include *'Mom & Me' (2015)* and *'So This is Christmas' (2023)*.

fig xiii Ken Wardrop

Ross Whitaker
Ross is a prolific Irish documentarian who works in the television and feature documentary space. His debut feature 'Saviours' was released in 2008 to critical acclaim. Whitaker won his first Irish Film & Television Award (IFTA) for Best Sports Programme in 2013 with *'When Ali Came to Ireland'* and has received three other IFTA nominations since 2009. He has also received awards for Best Documentary at the Cork International Film Festival (2009), Irish Screen America (2013) and the Boston Irish Film Festival (2016). His recent work includes *'Katie' (2018)*, a profile of the world boxing champion and *'Rachel Blackmore: A Grand Year' (2021)*.

fig xiv Ross Whitaker

Appendix C - Tom Burke Filmography

2022- Producer - "The Peculiar Sensation of Being Pat Ingoldsby"
Funded by Screen Ireland and MoLI, Seamus Murphy (A Dog Called Money) directs this strange and quixotic and quasi biopic portrait of Dublin poet Pat Ingoldsby. At times funny and touching and surreal and beautiful, the film is released by Breakout Pictures in late 2022 and is building a strong festival reputation.

2021- Director/Editor - "Sold: The Eircom Shares Saga"
One of the highest rated documentaries on RTE Television that year, Sold tells the story of the floatation of Telecom Eireann in 1999 and how the hope and enthusiasm of the early Celtic Tiger turned into loss and frustration for half a million Irish shareholders. Part pop economics, part social history, the doc earned strong reviews and repeated broadcasts.

2019- Director/Editor - "Shooting the Darkness"
Funded by ARTE, RTE and BAI, 'Shooting the Darkness' tells the story of the local press photographers who covered The Troubles in Northern Ireland and what it cost them to effectively become war correspondents in their own home towns. Premiering on RTE One and ARTE in early 2019.

2018- Director/Editor - "Losing Alaska"
Sitting atop a melting permafrost, battered by coastal erosion and aggressive summer melt waters, Newtok, Alaska is set to be the first American town lost to climate change. This feature documentary funded by the Irish Film Board follows the village of Newtok over a period of 3 years as they try to relocate their community to higher ground. The film premiered at IDFA in Amsterdam in Nov 2018.

2017- Writer/Producer - "Too Old for the Road?"
Documentary following the lives of older Irish motorists as they face concerns including failing eyesight, licence renewal and the possibility they might no longer be fit to drive. First broadcast on RTÉ One, June 2017 achieving an average audience of 346,300 viewers & a 30% share.

2017- Producer/Editor - "I is Who Amn't"
Currently in development, 'I is Who Amn't' is directed by celebrated photographer Seamus Murphy as he conjures up a vision of Dublin as imagined through the poetry of Pat Ingoldsby. The film mixes documentary footage with the prose and poetry of one of Dublin's best loved characters to create an absurdist vision of the city which is beautiful, cruel, human, joyful and bursting with stories.

2016- Director/Editor - "Shannon Shenzhen"
Collaboration with the photographer Matthew Thompson which explored the links between two very different urban spaces: Shannon in the West of Ireland and the city of Shenzhen in southern China. The Chinese city based its development plan on the Irish town after a delegation visited in the 1980s to see how strategic development zones could transform small towns. The resulting film work was shown at the Shenzhen Biennale in 2016 as part of the Irish exhibit.

2014 - Director/Editor - "Bloody Good Headline"
Funded by the Irish Film Board's Reality Bites scheme, the film premiered at Stranger Than Fiction at the Irish Film Institute in September 2014 where it was awarded the Jury Prize for best short documentary. The film focuses on the men who sell the Evening Herald newspaper in Dublin city traffic. In their iconic, highly visible orange uniforms, these migrant workers are seen by so many Dubliners, but are rarely heard from.

2013 - Producer/Editor/DOP "There's No Charge for the Hat"
Funded by the Irish Film Board's 'Reality Bites' Scheme, this short documentary features Anne and Mick Forde who are the custodians of Father Moore's Hat, a 200 year old sartorial relic reputed to cure ailments of the head.

2013 - Director/Editor - "Generation Sex"
Commissioned by RTE TWO, this one hour documentary focused on changing sexual attitudes among young Irish people, with particular reference to internet pornography and its effects on those who consume it. Led by psychologist Deborah Mulvany, the programme interviewed groups of young people all over Ireland to discover how their moral and sexual compasses were influenced by their parents, by their own experiences and by the content they consume online.

2012 - Director/Editor - "In Bed with the Irish"
'In Bed with the Irish' was commissioned by RTÉ Television and aired in February 2012. The programme offers an intimate and light hearted portrait of just how much we share when we share a bed with another person and reveals what happens when Ireland tucks itself in and turns off the lights.

2011 - Director/Editor "The Fisherman"
Funded by the Irish Film Board's 'Reality Bites' scheme, 'The Fisherman' is a short documentary about a third generation fisherman in Co. Mayo. The film has screened at the Corona Cork Film Festival, the Jameson Dublin International Film Festival and in May 2012 will screen at the Krakow Film Festival.

2010 - Producer/Director "The 80s"
Commissioned by the Irish Film Institute for the Ireland on Sunday series, The 80s features octogenarians from all over Ireland holding forth on topics which exercise their minds. They share advice and wisdom earned over a lifetime of hard work, and share their feelings on debt, religion, ageing and the great unknown which awaits them.

2009 - Director/Editor "140 Characters"
Filmed over one week in Dublin city, 140 Characters features people from all sections of society, framed in same way, answering the same question. Some of the answers are funny, some are sad, all are revealing.

2008/9 – Director/Editor 'The Liberties'
A documentary film comprised of 12 portraits of the residents of this unique Dublin community, The Liberties was broadcast on RTE television in September 2009. The film premiered at the Stranger Than Fiction Film Festival in Dublin in June 2009 and went on to achieve critical acclaim in the national media.

2007 – Director/Editor - Sculpting Life: The Work of Rowan Gillespie
Directed/Edited by Tom Burke, Sculpting Life was produced for the RTE Arts Strand and was broadcast as part of the Summer Season 2007. Filmed in over ten countries worldwide, this one hour documentary takes a look at the personal and professional development of the sculptor whose piece "Famine" has made him one of Ireland's most vital artists.

Appendix D - Plain Language Statement

'The Consent Interval: Documentary Film Ethics'

- A PhD by Artefact by Tom Burke

Plain Language Statement

What is this about?

You are invited to take part in the research study 'The Consent Interval: Documentary Film Ethics'. You are receiving this invitation based on your track record as a documentary filmmaker with significant experience in delivering projects which fit the criteria of the study. Your involvement in this study is voluntary.

Who is involved?

The research is being conducted by Tom Burke, Assistant Professor at School of Communications in Dublin City University, Ireland (Tel: +35317005330; email: tom.burke@dcu.ie. The research is being undertaken as part of a PhD by artefact by Tom Burke and will itself take the form of a film documentary. The PhD is being supervised by Prof. Kevin Rafter, Head of the School of Communications and by Dr Saumava Mitra, Assistant Professor at the School of Communications. The resultant artefact film will feature a range of documentary film practitioners who have completed at least one feature length production.

Why this study?

The aim of the study is to investigate the ethical parameters within which modern documentary filmmakers produce their work. We are interested in creating a new body of knowledge on how filmmakers interact with the people who appear in their films and from where they inherited their ethical frameworks. In particular, we are interested in the perceived duties of the filmmaker to their subjects during the period of post-production when the filmed material may be edited into a subjective narrative. We contend that there is a gap or interval in consent at this point - filmed subjects consented to being recorded but they do not consent to the manner in which this material is then crafted into a finished narrative. We propose to interview leading filmmakers on their experience in dealing with this perceived 'gap' in consent. We believe the study can provide a unique snapshot of the current ethical debates within the documentary film industry which will be of value to scholars and practitioners alike.

How do I take part?

If you are willing, please send a brief email to Tom Burke (email: tom.burke@dcu.ie) expressing your interest in taking part. The research team will then send you a consent form for you to sign, and then proceed with arranging a suitable time and date for the interview to take place. If you consent to taking part in this study, you can withdraw this consent at any point of your choosing. Furthermore, you will be presented with a second consent form to sign when post production has been completed on the artefact

film. Only when you are happy with how your contributions have been included in the final film will said contributions been seen publicly outside of the university setting.

Are there any risks?

There are no foreseen risks to participants from involvement in this research study. Should any risk arise, you can contact any of the research team members any time and every effort will be made by them to avoid or minimise them.

What will happen to my data?

The School of Communications, Dublin City University (DCU) will be the data controller for this research project and the data collection for this study will be in strict compliance with the European Union's General Data Protection Regulation (2016). All collected data collected will be securely stored under password protection on encrypted hardware. Only the research team and authorised transcribers working under a confidentiality agreement will have access to your data. You may request a copy of your raw interview data at any time. Given that the final research output is a film, your face and voice will be identifiable and you will likely be titled with your name onscreen. The raw interview data will be preserved for a period of five years and will be available to you at any time during that period. The film artefact will be housed indefinitely in DCU and in the Irish Film Archive.

This project includes a two stage consent process. Stage 1 consent involves the participants agreeing to be interviewed and that their interview material can form part of the film artefact which will be shown inside the academic environment. Participants will then be shown the film artefact at this point. If they are happy with their contribution and how they are represented in the film artefact they will be invited to give Stage 2 consent which means they are happy for the film artefact to be seen more publicly beyond the academic environment e.g. film festivals, public screenings, etc. If they do not wish to give Stage 2 consent then their contribution will be removed from the version of the film artefact which will be shown publicly. This gives participants a zone of comfort as to how they will be represented on screen and where their contributions will be seen.

In case of any concerns or questions about personal data gathered for this research project, please contact:
DCU Data Protection Officer – Mr. Martin Ward (Tel: +35317005118 / +35317008257; email: data.protection@dcu.ie)

If participants have concerns about this study and wish to contact an independent person,
please contact:
The Secretary, Dublin City University Research Ethics Committee, c/o Research and Innovation Support, Dublin City University, Dublin 9. (Tel +3531-7008000, e-mail rec@dcu.ie)

Appendix E - Copy of Standard Release/Consent Form

CONTRIBUTOR RELEASE FORM

COMPANY:

ADDRESS:

TITLE:

PERIOD OF FILIMING:

NAME: _____

ADDRESS: _____

CONTACT NO: _____

In consideration of the opportunity afforded me by the Company to participate in the production of the audio visual project provisionally entitled **INSERT TITLE (working title)** and for other good and valuable consideration (the receipt and sufficiency of which I hereby acknowledge), I hereby consent to the filming and recording of my contribution to and participation and performances in the project on an exclusive basis, the nature and the content of which has been fully explained to me.

I hereby grant all the consents, if any, which the Company may require under the Copyright and Related Rights Act 2000 in relation to my participation and under the laws of any other jurisdiction throughout the world.

I agree that the Company may transfer and assign this Release or all or any part of the Company's rights under it.

The entire copyright throughout the world for all purposes in the Film and in all products of my services hereunder shall vest in belong and is hereby assigned by way of assignment of present and future copyright by me irrevocably to the Company its successors and assigns exclusively to hold the same unto the Company absolutely throughout the world for the full period of copyright and all renewals and extensions thereof and thereafter in perpetuity and the Film and any part or constituent thereof and any such other products of my services hereunder may be altered adapted added to reproduced exhibited exploited dealt with or sold by the Company by any means whether now known or hereafter devised for any purpose whatsoever and whether my engagement hereunder is still subsisting or not.

I hereby irrevocably and unconditionally waive to the fullest extent possible any so-called moral rights that may be deemed to be in existence in relation to my contributions to and my participation and performances in the Film and I hereby agree not to institute support maintain permit or support any action lawsuit or proceedings on the ground that the Film produced and/or exploited by the Company in any way constitutes an infringement of any moral rights. I acknowledge that the consideration set out above is inclusive of equitable remuneration for the purposes of any rental or lending rights vested in me.

I acknowledge and agree that my contributions towards and performances in the Film and my name and/or likeness may be advertised and used in exploitation of the Film at any time and from time to time throughout all countries of the world in perpetuity. I acknowledge that the Company shall have no obligation to use my contribution or performance in the Film. I hereby waive any claim(s) I may have for loss of opportunity to enhance my reputation as a result of the non-inclusion of my performances and contributions in the Film. I confirm, and warrant that I am entitled to enter unto this Release and I am not under any contractual or other obligations precluding one from doing so. I undertake to keep confidential any matter which comes to my attention in relation to the Film.

AGREED AND ACCEPTED: _____
(Signature)

DATE:

Appendix F - Text Quotes Onscreen from the Artefact Film

10:04:05

“I have no idea why people allow their pictures
to be taken at all, but they do.”

- Frederick Wiseman
In *Conversations with Documentary Filmmakers*
1971

10:06:49

“For this art involves other people in its production.
We are first human and only then artists and
practitioners.”

- E.M. Maccarone
Journal of Mass Media Ethics
2010

10:10:11

“My work...had been built up along with them.
I couldn’t have done anything without them. In
the end it is all a question of human relationships.”

- Robert Flaherty
In *New Challenges for Documentary*
2005

10:14:16

“At first, participants will often maintain an ‘on the
record’ and an ‘off the record’ relationship with
the director. Then the line becomes blurred as a
deepening trust or even emotional dependency
develops.”

- Michael Rabiger
Directing the Documentary
1987

10:20:38

“The assumption of objectivity is false...As soon as one points a camera, objectivity is a romantic hype. Without any cue at all, objectivity fades away.”

- Emile de Antonio
In *Directing the Documentary*
1988

10:24:50

“As the acknowledged author of a film, the documentarian assumes responsibility for whatever meaning exists in the image...”

- Jay Ruby
In *Journal of Film and Video*
1992

10:31:23

“Such a release resembles less a contract than a capitulation, with minimal compensation or no control left for the subject.”

- Bill Nichols
Speaking Truths with Film
2016

10:35:08

“....though the release form may discharge legal obligations, it doesn’t meet those that are moral.”

- Michael Rabiger
Directing the Documentary
1987

10:39:52

“It is not sufficient to put partial fragments of truth onscreen.....These fragments must be elaborated into an organic collective which, in turn, constitutes thematic truth.”

- Dziga Vertov
We: Variant of a Manifesto
1922

10:44:03

“Documentaries, like journalism, have an elevated need to tell the truth if they are to maintain their integrity; but, far more than journalism, they are also vehicles for personal expression...”

- Brian Winston
Lies, Damn Lies and Documentaries
2000

10:48:39

“A supplementary stage..appears indispensable. Namely, the presentation of the rough cut..for the people who were filmed. For me, their participation is essential...”

- Jean Rouch
In *Studies in Visual Communication*
1974

Appendix G - Transcript of the Artefact Film

Title: The Gap in Consent - Ethics in Documentary Relationships

10:00:12:15 - 10:00:34:02
Tom Burke - to camera
Hi, my name is Tom Burke, and for the rest of this film, I will be behind the camera. When people are speaking in this film, they're speaking to me. When they're answering questions, they are questions that I have posed. Unusually for a documentary, everybody who appears on camera in this film is themselves a documentary filmmaker. They're very familiar with this process, and sometimes they'll draw attention to it.

10:00:34:04 - 10:00:45:19
Tanya Doyle
Like right, we're sitting down and we're doing an interview. Right. But this is not a conversation. This is not a chat. You're coming within the agenda. I know that.

Kim Bartley
I know the camera's there. I'm not thinking about it. I'm having a conversation with you, like there's two of them!

10:00:45:21 - 10:00:52:14
Ken Wardrop
But sorry, this is off record. Off Record!!

Luke McManus
It's a good exercise being the side of the old camera, though.

10:00:52:16 - 10:00:58:19
Treasa O'Brien
And it's quite interesting because just there you actually checked and I realised how quickly I'm like, "come back to me", you know, as a subject.

10:00:58:19 - 10:01:04:05
Ross Whitaker
And now you're putting my piece of an interview alongside somebody else's.

10:01:04:07 - 10:01:09:21
Paul Duane
Rife with ethical conundrums and problems right from the beginning. Rife!

10:01:09:23 - 10:01:16:20
Anna Rogers
Sorry. I'm terrible at this. Because, you know, I do this every day, but from the other side,

Tanya Doyle
I'm going to trust you, Tom!

10:01:17:00 - 10:01:28:06
Tom Burke - to camera
For this project they have all agreed to go on camera, for which I'm extremely grateful. So I thought it would only be fair if I did the same myself a little bit at the start.

10:01:28:12 - 10:01:32:07
Luke McManus

What have you got? What have you got there? You've got a 35?

10:01:32:07 - 10:01:33:24
Tom Burke
That’s a 35, that's 60 macro.

10:01:34:04 - 10:01:51:15
Luke McManus
60 macro!

10:01:51:17 - 10:02:09:20
Tom Burke - voice over
I've been making documentaries in one form or another for the past 20 years. I tend not to appear on camera. I ask other people to speak to me, to tell me things, to allow me to film them living their real lives. And then I take that material - usually into a dark room - and I cut it, I shape it and I make a film from it.

10:02:10:01 - 10:02:28:10
Tom Burke
I get to decide what is included and what is cut out. I get to make my own piece of creative work out of footage of their real lives. This work necessarily means forming relationships with the people that you're filming - your subjects. And nobody ever told me how to go about this or what the rules of these relationships might be.

10:02:28:16 - 10:02:45:20
Tom Burke
I've had to figure it out for myself on each film that I've made with different people and under different conditions. And there are aspects of this that I've struggled with over the years. So what is the nature of my relationship with the subject? When they do me the great favour of consenting to be filmed, what do I owe them in return?

10:02:46:01 - 10:03:10:01
Tom Burke
Specifically, I'm wondering if there's a gap in this consent between the period when filming ends and the rough cut is produced. They consented to be filmed, but logically they can't consent to the final film until they see it. So how do I balance these ethical considerations while both being respectful to the subject, but also making the film I want to make or telling the story I want to tell?

10:03:10:03 - 10:03:49:04
Tom Burke
What follows then is my attempt to answer some of these questions with the help of my fellow filmmakers. The film you're about to see takes a linear approach to charting this director subject relationship from early approaches through the filming process and on to the completion of the film. I hope you find some value in this. I will now return to relative safety just over there behind the camera.

Title: The Approach

10:03:49:06 - 10:04:15:22
Anna Rogers
It's a very unnatural kind of meeting. Like they know why you're there and all of that, that there is a subtle kind of manipulation going on. Like I want something from them and you want to convince them to take part.

10:04:15:24 - 10:04:32:21
Paul Duane
The approach that works best to get access to people is a completely honest approach I think. You know, you go in and you tell people what kind of thing you're thinking of making. I mean,

fundamentally, there's a certain thought process that goes on because, you know, first of all, you think, well, maybe this might make a film.

10:04:33:02 - 10:04:48:02
Paul Duane
Then you think, what kind of film is it going to be? What kind of person is this? And then there's a layer of …scheming where you just think, well, what approach is likely to result in a yes? What approach is likely to result in me getting the access I need?

10:04:48:06 - 10:05:09:11
Alison Millar
What I've learned is meeting people are haste is the wrong way, I believe, because I think you should meet them and have a chat about the idea and let it settle and then even get to know them a bit better. I usually show people some of my films if they want to, or you start with a really kind of, I've got a motto that there should be no surprises.

10:05:09:13 - 10:05:23:22
Alan Gilsenan
Generally, I think you have to be upfront, even if you don't know. Generally, I'm drawn to a subject out of a curiosity or a desire to find out more or a feeling that there's something there.

10:05:23:24 - 10:05:43:01
Luke McManus
So it's just like, is there something there? Isn't that the question you ask yourself "Oh there's something there". You're not sure what it is, and you're not certain that it's there, but you're like, it is quite instinctual. Just instinctively thinking, is that person going to be good? Is it going to be good for me and good for them?

10:05:43:03 - 10:05:48:12
Luke McManus
I suppose that's kind of the nub of the question, though, isn't it? Is what's good for me different to what's good for them?

10:05:48:14 - 10:05:58:09
Alan Gilsenan
And then you need to listen, you know, tell me, you know, I start from the premise, I know nothing. Even when I think I know something and you have to go and listen.

10:05:58:15 - 10:06:24:16
Ross Whitaker
Generally, I find that actually the clearer you are, the better outcomes you get. Also, you know, if you're not lying or if you're not being dishonest, then you have nothing to remember. You know, you don't have to remember. Okay, What'd I tell that person at the time? Or what were their expectations? If their expectations are true to what's actually going to happen, then you don't have to think about something.

10:06:24:16 - 10:06:37:16
Ross Whitaker
You tell them because you felt like that's what they wanted to hear at the time, or that might be the thing that they need to hear now to embark on this journey with me. My feeling was always like, Just be as honest as you can, and then there shouldn't be too many issues along the way.

10:06:37:18 - 10:07:01:03
Brendan Byrne
You're talking about, you know, a level of consent which is maybe not fully informed consent, but it's sufficient consent to get the ball rolling.

10:07:01:05 - 10:07:35:02
Kim Bartley

It's just really important that people understand what they're getting into, I think. I suppose I nearly to talk myself out of a job. A lot of the time I talk to people and try to explain and point out the potential pitfalls of getting involved. And because, you know, sometimes you find that someone most of the time, if someone hasn't been around this industry or hasn't been in a documentary on TV or whatever it is, they really don't have any any sense really realistically of what this means down the road when the documentary comes out or what have you.

10:07:35:03 - 10:07:58:07
Kim Bartley
So I would spend a lot of time, both at the beginning and throughout, making very sure that people realise the impact this could have on their lives and of those around them.

Sinead O'Shea
The mechanics of documentary making, I think, are quite mystifying to people. You can explain to a celebrity, you know, you can explain to an entertainer or a politician, I'm making a documentary.

10:07:58:07 - 10:08:21:10
Sinead O'Shea
I think they'll have a very good sense of what that's going to be. But for other people, I think it's quite hard to explain what it is. I think you have to kind of do it piecemeal. I don't think they're going to understand at the very start what that is. I think for most people, their understanding of what a documentary is going to be is doing a sit down shot in front of a camera.

10:08:21:12 - 10:08:30:22
Sinead O'Shea
And they don't understand that. Obviously, that's quite an important part, but it's not the entirety of the documentary that you're looking for so much more.

10:08:30:23 - 10:08:51:10
Alan Gilsenan
What I would generally do, you know, and this you know, this is something they don't advise in film school is I would say to people, you know, there's no commitment to this, a commitment. You know, even if we begin filming with you, you have autonomy in this, you know, let's see how it goes and you can change your mind at any point.

10:08:51:14 - 10:09:09:17
Alan Gilsenan
But but I find by giving people an out and I don't do this cynically, but, you know, there is a practical advantage to it by giving people an out, they trust you because they know they have an out. And therefore they're prepared to go on the journey with you.

10:09:09:23 - 10:09:22:23
Pat Collins
If the person really wants the documentary to be made about them. I almost have a kind of a block about this. And like if they if they're really, really keen on the documentary being made, I probably won't make it.

10:09:23:00 - 10:10:04:09
Paul Duane
I wouldn't want anybody making a documentary about me. So I kind of knowing that when you approach somebody and ask them, there's an element of you dissembling to some degree about how invasive this process is going to be. You know, you would hope the invasiveness has a positive outcome, but it is invasive and it is going to at some point make the person's life, you know, complicated.

Title: The Relationship

10:10:04:11 - 10:10:21:12
Ross Whitaker
Yeah. So what is the nature of the relationship between me and subject? It's different every time.

10:10:21:14 - 10:10:34:05
Tadhg O'Sullivan
That relationship, which is the inherent soul and heart of the film, can be very heavy and can be a very difficult thing to carry with you for a couple of years.

10:10:34:07 - 10:10:55:07
Ross Whitaker
I certainly would not be going into a film attempting to become friends with someone. You set out expectations with someone and you're making a film. That's the nature of it. You know. You're not there to become friends with someone. And once you start changing the nature of that relationship, then you change the set of expectations that you've hopefully set out at the beginning.

10:10:55:07 - 10:10:58:16
Ross Whitaker
So I think it's dangerous territory, to be honest.

10:10:58:18 - 10:11:11:03
Alan Gilsenan
You know, your relationship with somebody in a documentary is almost like the relationship of a friend or even a lover nearly. You know, you meet this new person, you're really excited to get to know them. You know.

10:11:11:05 - 10:11:29:02
Treasa O'Brien
You know, you talk about professionalism. I fall in love with my subjects/characters in some ways. And, you know, maybe I'm using that a little glibly, but I, I feel I have relationships with them. But I also realise that some of that may be from a very one sided point where I'm looking at them over and over again saying the same thing.

10:11:29:02 - 10:11:36:06
Treasa O'Brien
It's kind of in the loop, you know, some editing, as I said, and there's a very constructed version of them, if you like.

10:11:36:08 - 10:11:50:24
Alan Gilsenan
While the relationship somehow mirrors friendship, it's not quite friendship because there's also a strange dance. You know, they might like you, they might trust you, but they're not sure. You know, the proof would be in the film.

10:11:51:01 - 10:12:17:24
Brendan Byrne
The filmmaker has a vested interest in that relationship, probably more so than the subject. And so I think the onus is on the filmmaker to be is as true and almost as they can be in terms of managing that relationship in as far as honest a way, A was still pursuing and achieving their goals.

10:12:18:03 - 10:12:42:08
Tadhg O'Sullivan
And there is a there's two aspects to the one sidedness of a relationship in a kind of a documentary about a person. First of all, there is a kind of a power aspect where you need

something from that person, and that person may decide they don't need you at all. You've committed to making a film. You've kind of got funders on board, you've got other stakeholders.

10:12:42:08 - 10:13:09:09
Tadhg O'Sullivan
You've set yourself for a year of work. You need that film to be delivered. So on a purely practical level, you need that to work and the other person can decide this is of no interest to me at all. I'm not getting paid. This guy's a fool and walk away and you're doomed. So that anxiety is there at the heart of I think, all true documentaries about people.

10:13:09:11 - 10:13:31:22
Tadhg O'Sullivan
You know, I'm talking about real relationships. If you're going to really get into somebody's life, it has to be based on a proper human engagement, a human relationship with all that means, you know, the rollercoaster of of infatuation and hatred and resentment. And, you know, these are aspects this is the human-ness that makes a film good, a really good documentary about a person.

10:13:32:03 - 10:13:46:00
Luke McManus
The intensity of a production and the nature of it can lead you to think that you have a closer bond with someone than you actually do. You're there for a reason, like.

10:13:46:02 - 10:14:09:18
Ross Whitaker
Just about that, actually. Sorry. I love the people in the films. Like, I love them, like the fact that they have allowed me to do this. I find to be like the greatest privilege to be able to go into someone's life. So when I say, like it's out of that kind of feeling that it's when I say don't become friends with them, it's not because I don't like them, you know what I mean?

10:14:09:23 - 10:14:26:08
Ross Whitaker
It's because I love them and I want to do the process right by them.

10:14:26:10 - 10:14:42:03
Pat Collins
You know what I mean? You have to you have to have the cup of tea, you know? I mean, you have to have the sconel or whatever, you know, I mean, you have to you have to spend the time. You can't be going into a house and going, you know, and shooting an interview very quickly and and leaving, you know, and never seeing them again.

10:14:42:03 - 10:14:45:12
Pat Collins
It's how how does that make you feel? You know what I mean.

10:14:45:14 - 10:15:01:04
Brendan Byrne
You know, you have to be able to be in a space for long enough for the camera to dissolve so that the individual who's being filmed becomes no longer aware of the presence of the camera and that can take a long time.

10:15:01:06 - 10:15:22:07
Alison Millar
So we don't a lot about each other. So it is very intense. But there comes a point when I'm filming somebody and I go that really is you. I know it's you. I feel comfortable when I've got the camera and I'm feeling I'm seeing, and they're not going, "today I'm going to tell you about my son who was kidnaped".

10:15:22:09 - 10:15:46:07

Alison Millar
It's more like that sort of sense of like,"Oh, Alison this is too much", you know, you see, there's a performance, there is a reality, and there's just something there's a bond that you can feel when you're shooting then because that relationship got so close. And I think that comes with the amount of time I spend with people.

10:15:46:10 - 10:16:07:21
Tanya Doyle
I'm not making a film about anybody. I'm making a film with people always because I am. Because if they don't share, I have no content, I can't make anything. There's no understanding, there's no change, there's nothing. You know what do you have - wallpaper paste. If they're not in it with you, there is there's no point.

10:16:07:23 - 10:16:15:22
Treasa O'Brien
What is professional or what is it? You know, you're human beings affecting one another on this like emotional, creative journey. So if you ain't going to go there. Why are you there? Like it's going there in a in a safe, consensual way rather than don't go there.

10:16:15:24 - 10:16:30:12
Ken Wardrop
Have I built up the right to ask this person, have I built up the trust, will they give me this? And there will be a moment that I feel like actually we can ask this question. You know, this person would share and be happy to share.

10:16:30:14 - 10:16:58:14
Anna Rogers
And it always surprises me how much they they kind of almost forget you're there or, you know, you know, you've become part of the whole experience in a way. And some people, I think, not enjoy, that witnessing. But, you know, they can talk to you in a way that they can't talk to, maybe somebody else because maybe because you're a stranger, but also you're a stranger who who really knows what's happening and what's happening to them.

10:16:58:20 - 10:17:20:04
Kim Bartley
It's sometimes it's a weird, fine line between making documentaries and being a a therapist of sorts, you know? And I'm not a qualified therapist. I'm not suggesting in any way that I help people, but certainly you become an ear that they may not have in their lives to talk about stuff that they may want to talk about and that you've talked to them about for the documentary.

10:17:20:04 - 10:17:27:09
Kim Bartley
But there isn't a line then where you kind of go, Well, camera's off, documentaries done. Therefore, I don't want to hear about your drug addiction.

10:17:27:11 - 10:17:58:14
Tadhg O'Sullivan
You're the listener. You're always the person with the who does the listening, who pays attention, who notices the smallest thing in that person's life, because that's the material that you're going to make this film out of. They have absolutely no interest, you know, and they don't have to have any interest in how you're doing or how you're feeling or anything like that so that it becomes a one sided relationship in pure human terms.

10:17:58:16 - 10:18:24:09
Brendan Byrne
You're in people's lives in a very concentrated way for a very concentrated period. And that's the kind of "be all and end all" of that kind of period of your professional life. And with many, in many instances have managed to retain a lot of those relationships. But the difficulty is that you can't retain them all.

10:18:24:11 - 10:18:40:02
Brendan Byrne
It's just too difficult. You haven't the bandwidth. And so it's got to be understood as a transitory relationship, albeit an important transitory relationship.

10:18:40:04 - 10:18:54:15
Alan Gilsenan
You also have to remember, you know, I think you have to empathise, you have to connect, but it's not your drama, your job is to be a little detached, I think.

10:18:54:17 - 10:19:20:00
Paul Duane
I think it'd be very difficult to do if you didn't like the person. Fundamentally, I would not have been able…. I have been in situations where I have been about to make a film with somebody, and a couple of times films have blown up in my face before they got to production and I've been retrospectively very glad they did because I realise I didn't want to engage with this person over a long period of time because I just didn't like them.

10:19:20:00 - 10:19:47:09
Tadhg O'Sullivan
I would find it very difficult to enter into an earnest human relationship, and I would only do it if it was an earnest human relationship. Promising stakeholders, promising funders that I'm going to deliver X, Y and Z because that to me, I can't guarantee. What if the person revealed themselves to be horrible or if the relationship breaks down, or if they are emailing me from Japan at 4:00 in the morning telling me I'm the worst person in the world - has happened.

10:19:47:11 - 10:20:24:15
Tadhg O'Sullivan
And the stress and anxiety that that brings with it is very, very difficult. So I sometimes almost wonder whether that type of interpersonal human documentary is a bad fit with the way that we must make films now, which is with money, with lives, with children, you know, concerns of middle age is very hard to reconcile. In this present moment, which is a deeply capitalist moment.

Title: In Production

10:20:24:17 - 10:20:46:07
Paul Duane
The whole idea of, you know, a fly on the wall cinema is a lie. And as soon as you're there with a camera, you're changing the temperature of every interaction.

10:20:46:09 - 10:21:07:02
Ross Whitaker
The whole fly on the wall approach to filmmaking, described as fly on the wall is an interesting one because the idea is you're disappearing and you're witnessing what…. a window on the world. You know that if an audience member was able to look through a window, that's where you are. They would just see what would naturally be happening.

10:21:07:04 - 10:21:24:23
Kim Bartley
Think of, you know, pure verité where you are not in the room. I don't believe in that. That's not what I do. I am in the room and the documentary emerges out of my relationship with the people in that room.
10:21:25:00 - 10:21:46:06

Treasa O'Brien
We are not flies on the wall. Sorry to do a Werner impression. We are not flies on the wall.

We are involved, were participating. So if you're conscious about that, you could actually and try and be aware that you are changing things. That's where that consciousness and awareness and ethics can come into it. Whereas to pretend you're not is among the most dangerous things you could do in terms of consent. So yeah. So he was like, “We must be a hornet, a hornet that stings”.

10:21:46:08 - 10:21:51:20
Treasa O’Brien
And it's a reminder to myself that I'm in the soup and affecting it, if you like.

10:21:51:22 - 10:22:21:16
Paul Duane
My solution to that has usually been to make my presence in the presence of the crew an element in the film so that you're not misrepresenting. I find it very interesting when documentaries completely elide the presence of the documentarian from the finished product, I find it interesting and a bit disturbing because to me, part of what's interesting about a documentary is understanding the dynamic between the filmmakers and the real people that they're documenting.

10:22:21:18 - 10:22:28:21
Paul Duane
And if I don't, if you're trying to take that out of the equation, it feels airbrushed to me and it feels too slick.

10:22:29:00 - 10:22:54:03
Alan Gilsenan
You know, I think many years ago say say during the time Fred Wiseman made all this extraordinary fly on the wall documentaries, people weren't aware of documentary really, or cameras, you know, So you could make those great fly on the wall documentaries. You hang around for a couple of months, and after a day or two, the novelty wears off and you capture a moment of truth.

10:22:54:05 - 10:23:21:01
Alan Gilsenan
Whereas now, through phones and social media, everyone is their own PR man. You know, everybody's kind of aware of cameras, you know, the idea of documentary somehow magically capturing moments of truth is really very hard, you know, because basically everybody is presenting an image. We're all doing it to each other. I'm doing it now. We're all doing it all the time, presenting images to ourselves even.

10:23:21:01 - 10:23:42:11
Tadhg O’Sullivan
And that's just part of who we are. So if I turn up for the camera, I have to understand that within the context of me, me, camera, me/camera’s relationship with that person, they're going to act out a little bit. And that's just how it is. The way to get rid of that is to spend so much time that they get used you.

10:23:42:13 - 10:24:03:15
Kim Bartley
The way I tend to work is I just have my camera all the time and I make no distinction between them when I'm filming and when I'm not. And so which might sound really weird and unnatural, but it just seems so, you know? So it's not like I'm having this really deep conversation and then I pull up the camera and is secretly start filming.

10:24:03:17 - 10:24:19:03
Kim Bartley
It's not done in any kind of surreptitious way or anything, but I suppose it starts like that with people from the get go. So I might be chatting to you now and then I'll take the camera and finish the sentence as I keep shooting and then I'll put it away for a bit and then I'll make a sandwich and then I'll actually, you know what I mean?

10:24:19:03 - 10:24:28:20
Kim Bartley
So it's I don't have any rules, but when I'm in the room or when I'm Kim or when I'm Kim the director. Yeah, it's just kind of a big mess.

10:24:28:22 - 10:24:39:21
Ross Whitaker
A lot of people that I've filmed with have said to me that they absolutely forget that I'm there, which I don't know what it says about me, but, you know, it's.

10:24:39:23 - 10:24:42:01
Tom Burke - off camera
I think it means you're good at your job.

10:24:42:03 - 10:24:59:20
Ross Whitaker
Well, you know, it's useful on these shoots if you can disappear, not so useful at parties.

10:24:59:22 - 10:25:17:04
Tanya Doyle
One of the characters in the film is gay, and he was telling me the story about how he came out and what that meant. And, you know, but then he started giving me a lot of detail and, you know, stuff his parents didn't know. And I had to say, “You need to stop telling me this because you're giving it to me”.

10:25:17:08 - 10:25:41:13
Tanya Doyle
And just think that you're not just telling me anymore. You're telling everybody that, you know, people that you like, people that you don't like your aunties your uncles. It's not you and me anymore. And I had never, ever in my life done that before. And I did that on this project because these guys are in a position where they're just sharing and they trust me and they know, like I hope they know that I'm never going to do anything that, you know, is detrimental to them.

10:25:41:13 - 10:25:58:11
Tanya Doyle
I'm not going to, but I have to tell them. Now, you’re asking me would I not film. That's basically kind of I had to censor myself because if I had that material and I'm in the edit and I just like some of the stuff is so beautiful and you're going, this is just like him, you know, thinking about it for the first time himself. And we have it on camera. But you can't you just can't do that.

10:26:03:02 - 10:26:37:14
Ken Wardrop
Like, I'm just thinking of a film I saw recently where it was like the filmmaker. It was very observational, where the character in the film was going through a breakdown and was taking drugs. And like the filmmaker is still filmmaking or still pointing the camera. I'm like, How can they be pointing the camera? I be straight in and hugging the person and it bamboozled me that there could be a person that that obsessed with getting the shot, that they wouldn't intervene.

10:26:37:15 - 10:27:11:11
Ken Wardrop
Okay. So this is extreme, this extreme side of documentary making where you just sit back, stand back and let things happen. I'm not making those films,

Luke McManus
But, you know, I did like I mean, just a few months ago, I was shooting late at night on O’Connell Bridge and somebody threw themselves into a river and I kept filming …..and they were rescued, but they didn't want to be rescued and they were jumping out of the boat and there was screaming abuse and, you know, the rope was being thrown to the person and the person would throw the rope away.

10:27:11:11 - 10:27:52:14
Luke McManus
And like, it was a horrible, terrible thing to see. But I did keep filming and I got really thick with the producer who tried to stop me filming as well, but I didn't get really thick. But I was not happy to be told to stop because I don't actually think filming that is that problematic. I think putting it in the documentary could be hugely problematic, could be hugely problematic, and like it may well not make it into the documentary at all, but I would rather make that decision in the cold calm of an editing suite with time and context than be shut down by someone or to shut myself down.

10:27:52:16 - 10:28:24:08
Paul Duane
I mean, my feeling is always film every…. film as much as you can and then decide your decision making process has to happen in the cooler….. Like, the only thing I can think of is at one point I was doing a promo, I was doing some shooting for a documentary that in the end didn't happen and I was shooting it myself and I was filming an interview with the protagonist's partner and she got really emotional and started to cry and I cut the camera because I didn't really I didn't feel right.

10:28:24:13 - 10:28:30:20
Paul Duane
And the producer overruled me and said, “Turn the camera back on”. It's probably part of the reason why the film didn't happen.

10:28:30:22 - 10:28:55:13
Alison Millar
I’m one of those people who finds people who put people crying onscreen for ages utterly offensive. It completely makes me go to a thousand! I’ve had rows about it before because there's a point about that dignity with anyone, but you need to give them their dignity. There might be a moment where they keeping it under control and they get upset, but you need to give them space to, I don't know.

10:28:55:18 - 10:29:19:11
Alison Millar
Some people go, “Did you get them crying?” And you're like, No. At that point I turned the camera off and went “you allright, do you want a cup of tea, let’s stop.” And that's because I absolutely believe in that and not because I'm saying it because I'm talking to you about this. It totally pisses me right off. It's like, if I was crying in your house, I'd expect you to make me a cup of tea and say, “Do you want to have a wee walk, you alright?” Not Zoom in!

10:29:19:11 - 10:29:42:18
Treasa O’Brien
With most people. I spent time with them not filming. And so there's also, like, true consent. There's trust, I guess, for both of us as well. Or I would turn up with gear sometimes a little crew. And they're like, "I don't feel like it today, but I'd love to hang out and chat for a couple of hours” like that kind of thing. And I would go with that.

10:29:44:20 - 10:30:06:06
Alan Gilsenan
There is a thing that I think as a documentary maker, if you trust that people want to acknowledge their place on earth and want to tell their story. And I think part of your your job, but also part of the art of it, if there is one, is is to listen and to believe that's interesting.

10:30:06:08 - 10:30:28:03
Treasa O’Brien
I was absolutely flabbergasted by those auditions. I was not expecting the things that people talked about and wanted to talk about. And it taught me a lot about the filmmaking process and what the camera does. So the camera, I use that as like shorthand or synecdoche for the whole apparatus of the director sitting, looking at you a sound person in a room.

10:30:28:08 - 10:30:47:24
Treasa O'Brien
You know, you know that you are being filmed and it's being recorded and some public is going to see it some time. But I realised that they did that. I think that they did that because they wanted to do, and that's why they came in terms of saying, “I want you to witness this. I want it to be witnessed, witness me, see my world” is what that person is doing.

10:30:47:24 - 10:31:11:20
Treasa O’Brien
And that's the kind of strange transaction that is like, why do people get involved in documentaries? That's not the only reason, but it can be one of them, like witness me, see me, I'm going through something and nobody is seeing it. It's like that's we need to be witnessed.

Title: The Release/Consent Form

10:31:11:22 - 10:31:30:13
Brendan Byrne
For example, I haven't asked you yet. You know, are you going to ask me to sign a consent form today, or have I already consented to this interview?

10:31:30:15 - 10:31:34:14
Kim Bartley
The consent form is a horror. I hate them.

10:31:34:16 - 10:32:00:15
Alan Gilsenan
Well, absolutely abhor them. And the odd time producers will know me, they send me off and they're not there and they say “And be sure to get the consent form signed.” You know, invariably I come back. “I'm sorry I forgot”. It's such a whorey old document. You know, you've talked about trust and honesty and collaboration and then suddenly you whip out this kind of terrifying legal document.

10:32:00:16 - 10:32:18:22
Ken Wardrop
I've never read one, so I'm presenting them to someone that I'm like, basically, when I say to people, I say, this is a consent form, it’s a legal document. You are literally signing away every single right you have. I say, read it way, but honestly, you're consenting to everything.

10:32:19:03 - 10:32:28:16
Ross Whitaker
I think it's a formalisation. You know, it's saying to someone, this is a real thing. You are really signing up to this. You are literally signing up to this.

10:32:28:18 - 10:32:45:03
Brendan Byrne
I'm not 100% sure consent forms are 100% necessary because if you're sitting in front of someone with a camera in the room, there's a kind of public acknowledgment that they have given their consent.

10:32:45:05 - 10:33:04:00
Sinead O’Shea
I think it's fair to do it after they've done an interview. And I think getting them to sign something beforehand might feel a little underhand. So I generally do it afterwards.

Anna Rogers

But I always say to people, you don't need to sign anything today. And you know, you're probably not in a position to make a decision right now.

10:33:04:02 - 10:33:28:05
Anna Rogers
I openly would say, you know, I probably wouldn't do this myself if I was in your shoes. And so if I was in hospital with my child, you know, and they were really sick, I would just tell the filmmaker to go away. You know, there's no way that I'd say yes. But I say to them, look, you know, if you do this, if you decide to let us film today, we're going to ask you again tomorrow.
And we'll ask you the next day and the next day. And if your decision changes along the way, then, you know, let's just take it step by step.

10:33:35:09 - 10:33:58:04
Luke McManus
To be honest, I usually try and get the form signed on the first day, you know, because that is a little moment where everyone can kind of take a step back and get, you know, the consent agreement, The sign that's I keep the consent agreements super simple. I don't put in loads of stuff. The lawyers probably say it's worthless, but ultimately I think it's kind of worthless no matter what you put in it.

10:33:58:06 - 10:34:08:21
Luke McManus
It's really about getting the moment of pen on paper is, there's a formality there where the decision is very explicit on behalf of the subject. So try to do that early, early, early.

10:34:08:21 - 10:34:34:05
Kim Bartley
What usually happens with the consent form is either people get really kind of fussed and upset and think that, you know, they should be paid loads of money suddenly because there's a piece of paper or why weren't they paid money? Or someone else, usually someone else spying over their shoulder suddenly thinks that they're signing away loads of money or whatever it it is.

10:34:34:07 - 10:34:53:24
Tadhg O'Sullivan
Getting it out of the way on day one is pointless because, like, I could meet somebody tomorrow, get them, be all charming and get them to sign this consent form. Spend a month following them around being a total pain in the arse, asking them horrible questions. Going "well you know you have you signed the form". What's the point of that? You know what I mean?

10:34:54:00 - 10:34:59:19
Tadhg O'Sullivan
And I do think that that there are bad actors in the industry who do that.

10:34:59:21 - 10:35:18:21
Ross Whitaker
And I've been in a situation where an exec producer was like, "they signed the release, everything is fair game." And I said "No, it's not".

10:35:18:23 - 10:35:42:17
Alan Gilsenan
The consent forms might save you from the High Court, but they won't save you from anything else. Like you don't have a leg to stand on. If you make a documentary on a difficult area and people are saying, "I felt exploited, I felt exposed", you know, the fact they signed a piece of paper, it can give comfort to lawyers and, you know, commissioning editors, but it doesn't give comfort to anybody else.

10:35:42:22 - 10:36:02:11
Pat Collins

Just because you've got a solicitor on your side doesn't mean that it's right…. it's legal, but it's not not right. And I mean, I suppose when was legals ever interested in morals? You know, it's kind of it's nothing to do with ethics really as such. But it's but it's putting a framework into filmmaking where you're…. it's putting a barrier between the people that are working and you're making the film with..

10:36:04:21 - 10:36:24:03
Alison Millar
Why in my house, why are you having a cup of tea? Why are you sitting stroking my dog, why are you talking to my children? Why are you here? If you haven't already…? You're in my most personal place. So you've let me in the door. And we're already in a relationship, so. But it's all going to be down to that one form. Whether you signed it or not.

10:36:25:07 - 10:36:34:14
Pat Collins
It feels like there's no place for the release form in the kind of films that I make. I think it's kind of I can understand it again in current affairs and television.

10:36:34:16 - 10:36:53:00
Sinead O'Shea
I actually am amazed at how people kind of always sign release forms. I'm not sure I'd be. So, you know, you are committing to quite a lot through a release form. I'm amazed the people read through it and just go, "That's fine". But they seem to. I don't know. Do you ever problem with people signing over these forms?

10:36:53:01 - 10:36:55:01
Tom Burke - off camera
I find they don't read them.

10:36:55:03 - 10:36:59:04
Sinéad O'Shea
Yeah, it's a real presumption of good faith.

10:36:59:06 - 10:37:23:07
Brendan Byrne
I think there's an awkward moment and because of the nature of production that even though you've lined up a huge amount of interviews, the interviews over and and somebody swoops in with a consent form and says, sign that and even though it's only a page, it's full of legal documentation and it's a little bit scary, but it's the wrong moment, but yet it's the only moment that you can put the consent form in there.

10:37:23:09 - 10:37:38:18
Alison Millar
I've had people very frightened by the jargon and stuff in the forms that people ask does that mean my image can be out there forever? And it pretty much is really that you are consenting to whatever.

10:37:38:20 - 10:37:43:22
Luke McManus
It's funny, I'm working on a project now and the producers this three page consent form, I don't know where she got it from- a lawyer I'm guessing.

10:37:43:22 - 10:37:49:20
Alison Millar
You need to sit down, explain it. And even when you sit down and explain it it still feels awful.

10:37:49:20 - 10:38:04:00

Pat Collins
Release forms were something that, again in the early days, like I really couldn't deal with. I mean, I mean, I suppose because I couldn't ask them and I felt I couldn't ask them because it was, you know, it was the usual thing of, you know, perpetual use across the universe, you know, whatever.

10:38:04:00 - 10:38:22:15
Brendan Byrne
I mean, as filmmakers, you know, every interview is important. And you get to the end of every interview and you go, “Jeez, that was a good interview. That's great. Thank God I've got that. Now I can move on.” And then you're kind of sullying in that moment by just saying, Here, sign there, sign there. I've got it. Thanks a million. You know, and you know, that is so easily avoided.

10:38:27:11 - 10:38:34:05
Alison Millar
I'm sure I've got empty consent forms lying all around this house - that have not been filled in. That's terrible.

10:38:34:07 - 10:38:52:05
Luke McManus
It's like the marriage vows. It's like, that's not the relationship. That's, you know, but it is a sort of saying, put your hand up and everyone knows what's going on here. We're getting married, right? You know, everyone that's going on her, you're in a documentary, you know. I know. You know, and there's a piece of paper in case you forget.

10:38:52:07 - 10:39:19:20
Treasa O’Brien
The idea of the consent form is there to make sure that people can’t back out later. But as a documentarian, I would allow them to back out throughout the filming process and even through the editing process. But once the film is made and finished and out in the world, to pull it or to go back and take things out, that's very, that becomes a big issue because if you if consent goes on forever.

10:39:19:22 - 10:40:09:18
Treasa O'Brien
So that's, I think, where that piece of paper protects something or does draw some kind of line. Is that fair? What do you think viewers?

Title: In the Edit

Kim Bartley
From something that's so collaborative, it then becomes very isolated, really, just you and the editor.

10:40:09:20 - 10:40:27:00
Brendan Byrne
For the first time in that relationship with the subjects, there's a prolonged period of less frequent contact because you're off now trying to put together all that their previous consent has allowed you to capture.

10:40:27:02 - 10:40:42:12
Alan Gilsenan
But I also think you probably need a little private time to give yourself distance because it's moving from an experience, shared experience, you, the crew, the participants to the film experience, which as you know, are very different.

10:40:42:18 - 10:40:59:04
Luke McManus

But what I always find about it is that the relationship keeps going, but it's one sided. And particularly if you haven't spent that much time with someone in production, but you spend a lot of time with them on post, you end up with this weird asymmetric friendship with them and you're like, I've spent a lot of time with you lately but you haven't spent any time with me.That's a thing like.

10:41:01:03 - 10:41:23:21
Anna Rogers
When you're filming, you're seeing the people you're making the documentary with nearly every day. Sometimes you know, you're seeing them really frequently. When you go into the edit, you're much more cut off from the people that you're filming.

Tanya Doyle
Totally changes. It totally changes. You have to…..What I try to do when I'm in the edit is try to remember the essence of the feeling that you've gotten from the person that you're trying to create.

10:41:24:01 - 10:41:38:22
Tanya Doyle
But everything changes like, you know, because it's about making a film now, it's not about make it. It's not about the relationship or the interactions. It's completely about making something that works and that's engaging and that tells a story and can have an impact on your audience.

10:41:38:24 - 10:42:04:24
Ross Whitaker
Is there a tension between telling the story honestly and telling the story entertainingly? In a lot of cases, you can make a more entertaining film if you took people's words out of context. Obviously, I don't know if that's obvious to everyone, but like in a lot of situations you could do that, but I wouldn't do that. I think that's kind of not what you're supposed to do.

10:42:05:01 - 10:42:26:16
Paul Duane
You know, I have been in situations where collaborators of mine have been saying, "Well, we really need a scene where somebody where somebody says this in order to get to the next scene", and then they'll cut together bits of…. I remember once an editor showing me a bit that he cut together from words that were unrelated to have a character saying something I hadn't said.

10:42:26:18 - 10:42:34:14
Paul Duane
And it would have helped us, it was just a "joiney uppy" bit to you into the next scene, I was like, "No, I'm not going to do that. No, no, it's it's horrible."

10:42:34:16 - 10:42:48:06
Sinead O'Shea
You could do anything in an edit, like you could do anything, but that would be …it's not even that would be unfair, it would be inaccurate and that would be …I think that would bother me more to be inaccurate than the injustice. Maybe.

10:42:48:08 - 10:43:04:22
Alan Gilsenan
You know, before I get all holier than thou, which I'm well capable of, do you know, you have your own worst instincts? You know, there is a part in every filmmaker, you know, I want it to work!! I want to make it good. I want to, you know, so you have to be kind of aware of your own dodgy instincts.

10:43:05:00 - 10:43:16:02
Kim Bartley
You know what if she was crying before he came in, you know, would that work better? But no, because she cried after he came in and that's when she cried, you know, you can't change those things.

10:43:16:02 - 10:43:39:09
Tadhg O'Sullivan
You and I have sat in edits where somebody is trying to make the film as sellable as possible. Like I was asked to take a woman sobbing and take that bit of the interview and attach it to a bit that didn't make her sob and imply that saying this made her really sad. And I refused. And I argued my way as to why that would be wrong to do.

10:43:39:11 - 10:43:57:07
Tadhg O'Sullivan
If you take that out of the equation and you say, "nobody is ever going to get to see this film, you're just making it for yourself. Do you want to do the thing still? No Tadhg, I don't"- would have been the answer, you know what I mean? And that's the thing. Like, are you making films for somebody else or are you making them for yourself?

10:44:11:05 - 10:44:30:10
Paul Duane
One of the few interesting and truthful and pithy sayings about documentary that I've ever heard is that documentary exists at the intersection between aesthetics and ethics, and that never goes away. That's there. That intersection is there all the time. So when you're sitting in the edit, you are leaning on the aesthetic side, you are trying to tell the story.

10:44:30:10 - 10:44:39:08
Paul Duane
You're trying to form, coral the chaos of reality into a palatable 70 to 90 minutes product.

10:44:39:10 - 10:45:08:07
Anna Rogers
When you're editing together somebody's story, you know, you're condensing maybe months, months of filming down into an hour or 70 minutes, 90 minutes if its a feature. And so there's a construction there. You know, you're bringing different elements together and you're trying to summarise things in some sense, you know, and tell the story in a more succinct way. And there's choices is being made all the time about what to include and what not to include.

10:45:08:12 - 10:45:29:07
Treasa O'Brien
But I am constructing and crafting and trying to bring something together that for an audience would bring you on a journey, because that is constructed because life is not so clear, clean cut of these journey arcs. So that's not necessarily not reality, but it's a constructed reality.

10:45:29:09 - 10:45:48:08
Luke McManus
Like you have to choose the reality that you're portraying. You're not portraying the reality of a subject in a documentary. You're choosing *a* reality that you've constructed - that's fundamental. So trying to tell every bit of everyone's story is a total waste of time.

10:45:48:10 - 10:45:55:22
Ross Whitaker
Yeah, So they don't get to choose what's in the documentary. So I can understand how that's a leap of faith for people.

10:45:55:24 - 10:46:15:16
Luke McManus
And, and there is a gap there because you're moving away from your participants and you're in the dark room. Again it's important to tell them and explain, "Okay, well, we'll go away now for three months" because, you know, sometimes people think the edit takes a week and then, you know, so you explain like "I'll keep touch, but things will go quiet for a while."

10:46:15:18 - 10:46:43:08

Treasa O'Brien
I don't know if it's a gap in consent or because another way of looking at that is it's informed consent in order to trust…you now, trust me to do what I do, which is a creative directing, which is my job.

Kim Bartley
It's all about trust, isn't it? Because I think that there is of course there's a gap when you are in the room with someone, you've you've some control over how you are carrying yourself, what you say, what you allow that person to see, and obviously you lose…. I mean, you can do anything in an edit.

10:46:47:03 - 10:47:02:04
Luke McManus
Is there a gap? I mean, is that not implicit in that first agreement that that's what's going to happen to the interview? I mean, I would argue that I'm getting their consent to be filmed edited and depicted as opposed to just being filmed.

10:47:02:06 - 10:47:17:22
Tadhg O'Sullivan
For me, the ideal is, I ask for the gift of trust and trust and consent are two sides of the same coin, and that the trust is ongoing and therefore has no gap.

10:47:17:24 - 10:47:35:07
Pat Collins
You know, if you're not, a huge amount should have changed between when the production ends and the edit begins and the edi ends. I mean, it should be, generally speaking, coming from the same spirit, at least of the of this collaborative idea or that kind of collaboration.

10:47:35:09 - 10:47:52:20
Paul Duane
It's it's an elastic thing. I mean, if you want to go in and make a completely unethical documentary, I mean, you can, nobody's going to stop you. And if you you know, I'm thinking of a specific example. I'm thinking of a specific example that I know where somebody has done that repeatedly and been garlanded for it.

10:47:52:20 - 10:48:17:22
Kim Bartley
So when someone gives you their hand and goes on this journey with you, they have to know that they can trust you. And that trust is going to carry them right through to the the rough cut in the final documentary.

Tanya Doyle
Because you have to live with yourself afterwards. And if you do something and you hurt somebody because you're in a privileged position and they're sharing their life with you, and if you do something to damage that for your own gain, shame on you.

10:48:17:24 - 10:48:29:18
Tanya Doyle
That's genuinely how I feel. And it would be shame on me if I did that, because I'd have to live with that.

Title: Showing Rough Cuts

10:48:29:20 - 10:48:45:11
Paul Duane

What I say to people is “you will see the film at a point where it's still possible to change it”.

10:48:45:13 - 10:49:02:15
Kim Bartley
It's the final test, isn't it? Like if you've if you've done your job correctly, being able to show people the rough cut is almost like the stamp of approval to yourself that, you know, you did no wrong.

10:49:02:15 - 10:49:22:08
Pat Collins
I think it's bad enough showing it to commissioning editors or anybody outside of the edit, but showing it the subject is I mean, it's painful. I mean, it's literally painful. You want them to love it, but, you know, you're just not sure if you've got it right or not. You're never positive, really.

10:49:22:10 - 10:49:39:07
Ross Whitaker
There's a lot at stake when you're showing a film to somebody because there's a lot of stake for you and them. Because if you’ve spent years of your life on something, sometimes or even months of your life on something and you're happy with how it's gone, you know that this, what you're about to do could blow up the whole process.

10:49:39:09 - 10:50:01:11
Paul Duane
When you show them your film, you're showing them something that you have imposed your vision on. It's completely, it's very different to the experience of what they went through as you were making it. And it takes a very robust person, I think to be able to depersonalise themselves from the person they see on screen and not associate, I mean, I’d find it very difficult.

10:50:01:11 - 10:50:26:08
Treasa O’Brien
I think I do it out of ethical concerns. It scares the shit out of me. Absolutely. Oh my God. It's awful but…, But it's good for us I suppose because you're wrapped up in all of the things we talked about, about the creative structuring and all things. Are you being true to reality…..and I'm either having this conversation with myself or with the editor, but I suppose, yes, you should be really having it with the participants. So yes it's important to do.

Alison Millar
I like to show a film before I lock picture when it's as close to wherel think it should be, I like to show it to the contributors then in case there’s something factually incorrect, in case I've misrepresented them in some way or in case I mistakenly have included some that I shouldn't have.

10:50:50:24 - 10:51:09:20
Alison Millar
I tend to show it then because I want to make sure I'm not left. I'm left with enough time to, one, deal with it and two, amend or deal or leave and make sure they understand why I've put it in. I'm not always going to take it out. But I always want them to understand why have put that in there. And I have a relationship about that, right to the end

10:51:11:17 - 10:51:36:16
Pat Collins
Ideally you sit in a room with them and you watch it. And as much as I say about listening to somebody ands let them contribute and collaborative, at the end of the day, you do have to kind of say “this is my film, you know, this is my version of it. I've listened to you and I think it's a stronger film for having listened to you and maybe you don't agree with this aspect of it, but I really feel that this is important, you know”.

10:51:36:16 - 10:51:50:11
Pat Collins

Ah, this is what interests me, you know what I mean? And it is so I mean, you do have to kind of stand on your own two feet at the end of it and say, look, this is this is it. You can't you can't give the person too much power either.

10:51:50:13 - 10:52:08:22
Paul Duane
It's it's a very difficult task. You know, it's one of the things about documentary, you're not dealing with actors. You know, it sounds like a truism to say it, but you're dealing with real people with real lives and you have to understand and respect their feelings about being portrayed. And as I say, it's a Faustian pact, once you enter into it.

10:52:08:24 - 10:52:40:23
Paul Duane
I mean, to some degree we dissemble to get in there in the first place to get the access. But you know, I do feel like you have a responsibility to make it as painless as possible to some degree. I think somebody like Werner Herzog would laugh at me for saying that, But, you know, I'm not Werner Herzog. I just I'm probably a bit more of a softie than he is.

10:52:41:00 - 10:53:12:00
Tom Burke - in Voice Over
It goes without saying that what you've just seen is very much my and it's my interpretation of over 40 hours of interviews with these filmmakers. I followed my own subjective interests at each point in trying to answer my questions. If this footage was given to anybody else, the result would be a different film. That said, given that this whole project is asking questions about consent in director/subject relationships, each contributor to this film was allowed to see the rough cut and approve their own contributions before the film was finalised.

10:53:12:02 - 10:53:47:20
Tom Burke
So if they had said anything they weren't happy with, or if they weren't happy with how I had used their contributions, they could remove them. This is not a process I would recommend, but I thought it was important in this case. …..I've spent this time with a group of people who act with a deep awareness of their responsibilities to the people they film with, who take the director subject relationship very seriously and who know that without the consent of their subjects, they would have no films to make.

10:53:47:22 - 10:54:12:15
Tom Burke
The director subject/relationship is at the core of all documentary work, and if this relationship is based on trust and consent, then there need not be a gap in this consent where the director must make creative leaps with the material in order to make the film. There is no straight line to becoming a documentarian, and there's no formal ethical training that can prepare us for these challenges that we're going to face.

10:54:12:21 - 10:54:37:19
Tom Burke
And so the discussion goes on. And each year a new film or a new approach to filmmaking brings these questions up all over again. This little film is, I hope, a contribution to that discussion, not a definitive answer. I only suggest that the questions I've asked here are those that each filmmaker should ask themselves as they embark on a process of making their own creative work, using the images, contributions and lives of other people.

Ends