

## **The Role of the Documentary Maker, the documentary as privileged access.**

Privileged access is becoming an overused term in documentary. It's a buzzword that's often used to hype up a promotional synopsis, trailer or a funding submission. It feels like all meaning has been robbed from a term that is intrinsic to the very essence of the documentary process.

Privileged access can make a great film, but it's not a one-way process. It's not a 'given'. Access might produce a wonderfully dramatic scene for the person behind the camera, but it could make life hell for people in front of the camera. Privileged access and ethics go hand in hand.

As documentarians we portray ourselves as storytellers who tell important truths in a world where the truths are often ignored or hidden. We believe that we come into a situation where our subjects are relatively powerless, and we—as filmmakers—hold some power. We even see sometimes ourselves as executors of a “higher truth”. At the same time, as we are also exposed financially since sometimes we have to deal with hostile gatekeepers who choose to deny access before the story is even half-resolved. I had a situation not quite as bad as this, but still troubling and ethically difficult in the film I've only just completed **The Hungry Tide**.

My main character is Maria – a woman from Kiribati – an island nation severely affected by climate change. It's a very personal story following Maria from a small Sydney high school to the world stage. It's not at all a celebratory film. Maria has to balance her advocacy work with catering to her needy family back on the islands who are relying on her salary to somehow stay 'above water'.

As I normally do, I invite the main characters in at fine cut to view the film and offer their comments. There is a scene in the film where her brother has a little too much to drink and his conversation with Maria reveals important home truths about the family. When Maria saw this scene, her response was nothing to do with accuracy or misrepresentation. Her

brother was like he was. It was about what would happen if the scene, and her brother's behaviour became public. For Maria the honour of the family that was at stake. Interestingly, she didn't much care about an "Immatang" audience (i.e. western), what she cared about was the people back home on the islands, and what they would think.

I had a strong premonition even when I was shooting that I would have some problems with this scene. This is not the first time this has happened with films I've made because, when you delve into people's lives, it's hard to avoid capturing moments of intimacy. Privileged access is a very complex area, and there's no one right answer because from film to film every situation is different. It's all the product of a relationship between filmmaker and subject.

Over the years of making documentary I've been more and more drawn to the personal, or more correctly inter-personal. I've become interested in observing what happens when people are facing important challenges in their lives, especially where they are out of their comfort zone. In **Homelands** (1992) I filmed the break-up of a marriage between Carlos and Maria, in **Billal** (1996) it was a mother dealing with her brain-damaged son after a racist attack on the family, in **The Diplomat** it was Jose Ramos-Horta, then an exiled diplomat, fighting for Timorese Independence, while **Molly & Mobarak** (2003) followed the relationship between two young people – an Afghan refugee and a school-teacher in a country town.

Access is time. Before you start proper filming you need to explain to people that you've going to stick around. – not just days or weeks, but months. It's always fascinated me how people, very self-conscious at first, gradually forget about the camera. But I've also learnt not to jump to conclusions and make assumptions. With **Molly & Mobarak** I had the feeling that Mobarak never worried much about the camera. He was too keen to track down Molly. Molly was the opposite extreme – shy, always conscious of the camera, while Lyn, Molly's mother, ran hot and cold – drawing boundaries, setting the rules. Yet ironically, it was Lyn who invited me to move in. She knew I was 'roughing it' in a

frigidly cold small room, so one day she said ‘ why don’t you move in.... we’ve got a spare room’, which I did, and this led me in subsequent weeks capturing some very special moments which lie at the core of this film.

**Molly & Mobarak** was finished in 2003, and it was 7 years later through an article by a Tasmanian academic Kate Nash that I received some insight into what took place during that critical filming period. Nash conducted interviews with Molly and Lyn, and it was through what they told her that I realised that things were not the way I had imagined them to be.

Kate’s analysis was of an event that happened not long after I moved in with the family. It was to become the film’s pivotal scene. I’d already done some filming at close quarters in the house and there was, I felt, a strong level of trust developing. I filmed observationally, mostly capturing short scenes that I would build up into the structure of the film, however I had not yet filmed long scenes uninterrupted. One day it was put to the test. I was checking some rushes on the cameras, and I heard a noise in the kitchen. Sure enough, it was Mobarak. He had sat down at the table, and I had a strong premonition it was going to be a heart-to-heart with Lyn. I crept into the kitchen and sat myself down opposite them. Lyn was telling Mobarak basically there was no hope of a romantic relationship with Molly.

She glanced at me at me as I was filming – not more than for a second – (a moment I include in the final version) – as if to say: should I allow him to stay or should I tell him this is way too intimate? She allowed me to continue. Why? I rationalised that she’s realised the importance of this scene to the overall film, which was putting a ‘human face’ to the predicament of refugees – especially their adaptation to a culture vastly different to where they’d originally come from.

I kept on filming this conversation for an hour, sitting for most of the time in one position. I had thought at the time – well, this is going to be a very strong scene! I also recall Lyn and I did not de-brief ourselves. Normally, we would finish

the day with a glass of wine, and have a chat about the filming and what went on. But that particular day this didn't happen.

For the next few weeks I noticed there was a subtle change in my relationship with Lyn, especially when I tried to probe on camera her feelings about Mobarak. Whenever I would ask her about Mobarak she would refuse to be drawn into a discussion. I became aware of the control Lyn herself was exercising over the filming process. She was setting up the parameters –when I was allowed the shoot, and when not. This 'to and fro' tussle over the filming process was not something we ever spoke about, but looking back it was clearly an example by one of the main characters to wrest some degree of control of the filming process away from the filmmaker. I understood it and accepted it and, though it was frustrating at the time, I still managed to capture the critical relevant scenes I needed for the overall narrative.

From reading Nash's paper it was clear that for Lyn the glances I referred to earlier had a very different meaning.

“For Lyn, the glances to camera in the kitchen scene are traces of a stolen moment, an example of her loss of control over her documentary participation.”<sup>1</sup>

Nash talks about Lyn's interventions during the filming process and they tie in with my memories of that time as well

“The play of control and lack of control in Rule's narrative is complex. The documentary relationship is only partially within her control. It is a contest between filmmaker and participant with each seeking to control the filmmaking agenda.”

After reading this, I wondered why Lyn went through and tolerated my presence for those many months. Why did she

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<sup>1</sup> Nash, Kate” Exploring power and trust in documentary: A study of Tom Zubrycki's Molly and Mobarak.” in Studies in Documentary Film Vol4, no 1, 2010

go through with it? To me there were three main reasons: 1) She and I had become good friends at the time and she trusted me, 2) She's got used to the filming process, and the overriding reason, 3) that we had a common purpose to get the film made – to put a human face to refugees. Lyn understood how important it was to get the refugee experience across to the general public. Mobarak's absolute desire to form a bond with a caring Australian family prepared to take him under their wing was a story she wanted to get across, but what she didn't expect was Mobarak falling head over heels in love with her daughter.

For Nash, "Trust in the {filming} relationship develops "when the participant and filmmaker become enmeshed in the life of the other." Trust doesn't happen overnight, and maybe I had the illusion that it was happening more quickly than it really did. It's a process which usually takes months and you have to allow for time for this to happen. Of course there is another option is to set the boundaries at the very start of filming. That's good because everyone's comfortable. But real life is not like that, because filmmakers want to get closer and closer to their subjects. I liken it to a form of 'slow seduction'. You become such an important factor in their lives that they don't want you to leave. I've had that experience more than once in previous films

Sure, filmmakers have an ethical obligation to deliver accurate and honestly told stories, but they also have a responsibility to their characters. The idea of 'informed consent' is always held up as an ideal. The question is when does consent become informed consent.... and is it a useful concept anyway? How can a filmmaker with any confidence second-guess what might happen to their characters as a result of their film being shown to general audiences?

In the last few weeks of completion of **Molly & Mobarak** I wrestled with this problem. How would the film's release compromise Mobarak's chances of converting his Temporary visa into a Permanent visa? We called on different specialist migration lawyers to offer us their opinions, as well as other colleagues who might have travelled down the same road. 'Surely one person's life is not worth sacrificing just for one

single film', was a cold fear that went through my mind. The lawyers prevailing view, however, was that Mobarak's chances of remaining in the country would probably not be prejudiced. The basis for this reasoning was that if Mobarak was suddenly threatened with deportation, the public outcry would be enormous, given that an audience in excess of 300,000 would have seen the film, and his life by then would be in the public domain.

But it almost did happen! A few days after the film premiered at the Sydney Film Festival Mobarak was called into an unscheduled interview at the Department of Immigration. I insisted on coming along to the interview and Mobarak, who was very relieved that I did. Sitting across the desk was a visibly nervous Immigration officer who began grilling Mobarak, getting him to repeat his story again from the start, of why he left Afghanistan, and of his journey to Australia – in intimate detail. There was no reason at all why this interview should have ever taken place. Mobarak had already been asked these questions before – so why again, now? Was it not the intention to intimidate him, so that he would apply pressure on me to withdraw the film from circulation? As it happened, everything turned out for the best. A few months later he was granted permanent residency, and a year later – citizenship.

In any single documentary, when does private become public? When is it permissible to film, and when not? It's a very tricky situation, which for me anyway, has produced a lot of soul searching. All filmmaking is a process of negotiation. Is everything open 'for grabs', as it were? What are 'stolen moment's? Are there certain rituals which are taboo to film? Where is the line drawn?

In **The Hungry Tide**, my decision was to focus on a woman who'd been given the task of taking her sinking nation's predicament to the world. What made me interested in Maria was the contrast between her needy family who relied on her meagre Australian salary to make ends meet, and her important advocacy work, which took her frequently

overseas. It's the balance she tried to achieve between that these two areas of her life that seemed to Maria split in two, and this made me interested in her as a documentary subject.

When I met Maria she was about to embark on a journey, which would take her to COP15, the Copenhagen climate change conference, which was barely a few months away. We were about to set-off to her home island of Beru and observe the impact of climate change there, as well as meeting other people there preparing for Copenhagen – an event which would almost inevitably set the fate of “the most vulnerable of the vulnerable”, as Maria put it.

Just before we were to fly to Kiribati Maria's mother suddenly passed away. She had to go back to Beru as soon as possible. Would I wait till later, or would I go with her. In the end of course I needed to go, since her family was part of the story. However, I was diving into the deep-end before Maria and I had properly established a filming relationship. As I predicted. It turned out an emotionally draining experience. I was capturing some 'stolen moments' using Nash's term, and I knew I had to win Maria's trust for this scene to be part of the finished film. This eventually happened over the ensuing months – and 16 months later when I showed the scene to Maria, she immediately understood it's importance in the context of the overall film.

Are ethics something that only we as documentarians worry about? What about audiences? For them the process is not necessarily transparent, unless they are deliberately alluded to by the filmmakers. Very little of what I've written about in this article is obvious to an audience watching a film. Documentaries, on the whole, do not reveal the process of their construction. For example, someone watching **Molly & Mobarak** is unlikely to ask him or herself the question – what has been left out? What really happened in this scene? How much was the subject aware of being filmed and was that the real world, or could it have happened differently without the camera. Because film grammar is assumed, this

is all the more reason why we as documentarians need to be conscious of how what we do might affect our subjects.

I'm not advocating, however, that there should be a codified set of ethical standards. Every documentarian has their own, yet this only increases the importance of more frequent sharing of their experiences with others so as to be able to question their own and others' decision-making processes.

Pat Aufderhiede in her influential article in documentary ethics sums it up when she says:

*.....Documentary filmmakers need a larger, more sustained and public discussion of ethics, and they also need safe zones to share questions and to report concerns. Any documentary code of ethics that has credibility for a field with a wide range of practices must develop from a shared understanding of values, standards, and practices. A more extended and vigorous conversation is needed in order to cultivate such understanding in this field of creative practice.*

**Tom Zubrycki**

Aufderheide, P. Jazsi, P. Chandra, M. (2009) 'Honest Truths - documentary filmmakers on ethical challenges in their work' Centre for Social Media: School of Communication, American University.