

Does consent change when contributors tell you more?

Ellie Wainwright, MA Documentary Film student, in conversation with Professor Pratap Rughani, University of the Arts London

Duration of video clip: 4 minutes and 48 seconds

Ellie: I posed the question earlier...what would you do as a filmmaker, if your contributor already signed a release form and given for you to use, what they say and what they do in your film, but then maybe reveal something because they've got very comfortable with you, that they didn't actually want to reveal and they then ask you not to include that in your film? What if that was then a turning point in your film and maybe changed the way? That basically is that, it's sort of like an ethical dilemma, because what if it incriminated or endangered other people? How would you go about that, because we would have moral obligation to then include that information?

Pratap: Well this is a great question and well done, you framed it from both ends, so the ethics aren't just about not including it but the ethics of well, the ethics of inclusion and non-inclusion, there's no innocent place in this sort of discussion. Do you have a specific example in mind or do you want me to talk you through one?

Ellie: Well, there's a couple of examples I guess, maybe Tiger King on Netflix that new doc series, docudrama.

Pratap: I haven't watched it through myself but go ahead.

Ellie: It just raised ethical questions with me because I think there's parts of it where I'm not even sure that the contributors know that he's filming them, and then he'll say on camera, "Oh this is off the record", and then say it, but it's obviously been shown on film and I'm wondering, did he ever get consent for that?

Pratap: Yes, I do you see what you mean. I mean, it's related. There are a couple of things here. Have you ever seen a film called Afghantsi? What happened was the Russian General... It's about the coming kind of withdrawal of Russian troops from Afghanistan, and a Russian General - if he's a General - he's a very senior officer anyway, basically criticizes Russian policy there. Now Peter (Kosminsky) recorded that and in a way that's a kind of gift to a filmmaker in that exchange, because it's a very significant story point. Now that officer said something that was likely to lose him his job and or worse. This was still the days of the Soviet Union, just before the collapse of

the Soviet Union and the consequences could be very severe. Peter knew that using that material would be liable to put this person at risk, significant risk, but then to follow the way that you, Ellie, have framed it, would it be more unethical not to use it? And he (Peter) decided the latter. He said this is a guy in the public position, he knows exactly what he's doing, it's very unusual to talk to a foreign, film crew in the days of the Soviet Union, he'd agreed to do that, and he decided on their last day of filming to say this highly critical thing you know explosive thing. Now if you didn't use it, that would be - this is Peter now speaking - that would be completely patronizing and would undermine the journalism, and in that sense, the integrity of the film. That's one aspect of the answer. Another aspect, would be if I'm interviewing someone and they say, "Can I tell you something off the record?" Of course you're going to say yes because you're super interested aren't you, the moment someone says that. If the agreement is, that it's off the record, that is the agreement. To answer your question, I personally wouldn't use material that I didn't have permission to use, with the exception if you're exposing corruption in the earlier example I gave where sometimes your whole rationale, for example, the secret filming, or concealed filming, relies on what we call a public interest argument, but there's a difference here between what's in the public interest, and what the public are interested in. So you've got to look at a case-by-case basis, and weigh up the arguments about why you're doing what you're doing, but as a rule of thumb, unless you're dealing with corruption don't use it if you don't have permission.

Ellie: Okay thank you.