

The Anonymous Actor – Ethics and Screen Production Research



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Abstract

All research in Australian universities involving human participants needs approval from human research ethics committees, who make judgments consistent with accepted ethical principles that have recently been captured in the *National Statement on Ethical Conduct in Human Research* (2007). Making a film as an academic research project is a relatively recent phenomenon and there are apparent contradictions between the requirements for ethics approval and the accepted practice of screen production.

As an illustration of these contradictions, typical requirements to gain ethics approval are for research participants to be anonymous, have the right of withdrawal at any time and be able to withdraw their data at any time, if that is possible. Is it viable to make a fiction film as research on these terms if the actors are defined as research participants and their data is their performance?

This paper will look at the apparent mismatch between the application of ethics in academic research and the practice of screen production, reflecting on my recent experience making the film *How To Change The World* as a higher degree by research project. It will examine questions of definition, such as whether the actors and crew on a film should be considered research participants and whether making a distinction between publishing the creative work and publishing the research is a viable way forward. While Human Research Ethics Committees do not commonly make unreasonable demands in resolving these issues for screen production researchers, the paper will argue there is value in clarifying the status of screen production research in relation to ethics approval and encouraging greater consistency in the operation of the ethics approval process in this area.

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Introduction

My personal background is as a filmmaker who took up teaching film and TV production at university level. After some time in this role, I was then encouraged to undertake a higher degree by research, which I chose to do by researching my own practice in the making of a no-budget feature film drama. In transforming a creative and professional practice into a research practice, I have found the issue of ethics to be both important and difficult.

All research in Australian universities involving human participants needs approval from human research ethics committees, who make judgments consistent with accepted ethical principles that have recently been captured in the *National Statement on Ethical Conduct in Human Research* (2007). However, as a screen production practitioner, it was clear when I began my higher degree by research involving the production of a fiction film, that there were some apparent

contradictions between the application of ethics in academic research and the accepted practice of screen production. For example, supporting documents for ethics approval applicants suggest a typical requirement is for research participants to be anonymous (RMIT Human Research Ethics Committee, 2008, p. 4). So I had to consider the question – ‘are my actors research participants?’ and, if so, ‘is their data their performances?’ Their role was different to people who participate in interviews, focus groups, surveys or scientific experiments. Perhaps they could be regarded as co-researchers, or in some way external to the research? In my experience, some people making films as part of their research have argued that the research is only that component that fits within the accepted ethics model, such as interviews.

To some extent, the answer to this question boils down to your research design and methodology. But, if your methodology is reflective practice, as it was in my case, then you are usually arguing that the practice is part of the research (Schon, 1983). So I came to the conclusion that my actors had to be regarded as research participants. Then I read the guidelines on anonymity in relation to research participants and wondered about my actors, who it was clear wanted to be seen and heard by as many people as possible. How would they feel if I told them that I was going to protect their privacy by keeping their performances locked securely in a filing cabinet in my office for five years? I briefly thought about the ethical issues involved in a group of actors assaulting their director. After that, I got on with muddling through the process as best I could, trying to reconcile what I was planning to do with a very formal and time-consuming process.

Looking back, I did not actually have any major problems with gaining ethics approval. My application was accepted at the first committee meeting that considered it, subject to some minor modifications and requests for further information. The committee I dealt with seemed to support the approach I was proposing for resolving my needs with their requirements. Why I wanted to raise this issue in this paper is not so much because I am unhappy with the actual conduct of the ethics approval process, but because I feel there is a need for the process to better reflect the nature of practice-based research with a creative and performative focus. If you look at the definition of research contained within the *National Statement on Ethical Conduct in Human Research* (2007), it includes the generation of ‘images’ and ‘performances’ (p. 6) but the principles and guidelines detailed in every other part of the document seem to take little account of the specific needs of this type of research. I think there is a mismatch between the current focus of academic research ethics and the emerging field of screen production research that it would be good to address. In this paper I would like explore the problem and outline some possible ways forward.

The principle of informed consent & participants’ rights

The ethical principles of academic research focus on the protection of vulnerable people and imbalances of power in the relationship between researcher and participant. These are extremely important issues and filmmakers, particularly documentary filmmakers, are by no means immune from them. In a lot of ways, the subjects of a documentary are closer to the traditional concept of a research participant so a lot of my focus here is more relevant to drama production. There are two main reasons why I think this area is one that should be addressed. The first is that the current situation unnecessarily makes the process a chore, an exercise in administrative compliance that in my view gets in the way of a serious engagement with the substantive issues. The ethics approval process is a lot of work and, for it to be taken seriously by researchers, it should better reflect the nature of what they do.

The second concern I have is that the current situation reinforces the impression that screen production is not a serious research discipline. I think it is important for filmmakers and for creative arts researchers in general to be more widely recognised as legitimate researchers and this is one area where action could be taken to raise awareness of what screen production researchers do. Bell (2006), Dovey (2007) and Downumt & Pearce (2008) have all in recent years discussed the history of screen practice within the university sector, its emergence as a research discipline over the past decade and the challenges it faces in becoming more solidly established. Peak bodies such as the Australian Screen Production Education & Research Association (ASPERA) can clearly play a role in this process and I would like to suggest it would be a worthwhile contribution for the association to develop ethics guidelines that more specifically reflect the situation of filmmakers undertaking practice-based research.

Where in the accepted ethics approval process are there problems for filmmaker/researchers? And are there ethics issues specific to screen production that are not adequately covered by the existing process? I have now successfully made three ethics applications but the main one I will be drawing on in this discussion involves the production of a film I made as a PhD project. The film is a feature length drama called *How To Change The World*. It is what I would describe as a micro-budget production, by which I mean that no-one involved was paid.

Informed consent is a key concept in the ethics approval process for academic research. Through a Plain Language Statement, all research participants are informed about the objectives of the research, the nature of their involvement and their rights as participants. On the basis of this information, they are asked to sign a consent form. Participants' rights commonly include the protection of their privacy, the right to withdraw from the research at any time and the right to be protected from sensitive or emotionally stressful issues.

Privacy & Anonymity

The focus on privacy and anonymity in relation to research participants is obviously problematic when applied to actors and crew. Actors do not seek anonymity. However, thinking through the various dimensions of the research while making *How To Change The World*, I started to feel the issue of anonymity was a more complex one, in a way that highlighted some basic tensions in relation to screen production as research. What is the film production, what is the research, and to what extent are they the same or different? (Bell, 2006; Peters, 2005; Millard, 2008; Berkeley, 2008). While I was making a film for public exhibition, I was also researching the process and planning to publish the findings. In this context, I may want to discuss failures as well as successes in relation to areas like performance, technical execution and cast/crew collaboration. Did an actor's agreement to participate in the film include this type of publication and was it appropriate to identify individual crew and cast in these discussions? On reflection, I felt I needed to make a distinction in relation to publication, between 'publishing' the film and publishing the research findings. Although my research methodology was reflective practice, I was not arguing that the film expressed the research findings on its own. I therefore submitted that participants would not be identified in publication of the research, unless they gave permission.

I also tried to think through this issue from a filmmaker/researcher point of view – what are the ethical issues around privacy for the cast and crew in a film? I came to the conclusion that the situation should more appropriately be the opposite of the accepted approach. In screen production, participants should have the right to fair publicity. In my experience, a major area of ethical contention in screen production is around the issue of participants receiving fair credit for their contribution. On all productions, but especially in the low and no budget area, one of the main motivations for people to participate is to 'get a credit' that will demonstrate their ability and help to get further work.

I have had student filmmakers sneak into edit suites in the middle of the night to change credits because of real or perceived disputes over roles. I also know of disputes on professional feature films where credits are changed to distort or diminish the contribution of participants who do not have the power to influence how roles are described or positioned – for example, a co-producer who finished up with a credit at the end of a long credit roll, his name in a tiny font size following all the assistants and extras. As Perebinosoff (2008, pp. 66-67) has outlined, within the Hollywood film production sector there are a number of recent high-profile cases of disputes in relation to credits. In many respects, the issue of credits is more significant for participants than payment.

Right of Withdrawal

The right of withdrawal is another area where I think there are problems for filmmaker/researchers that need to be clarified. The default position in the ethics approval process is for research participants to have right of withdrawal at any time (N.H.M.R.C., A.R.C., and A.V.C.C. 2007, p. 20; RMIT Human Research Ethics Committee, 2008, p. 4). However, an actor pulling out of a film drama half-way through shooting is normally considered a catastrophic event. It is hard to imagine a production surviving such a setback. In the professional film production environment, the risks involved with this issue are managed contractually. In any contract of employment, you still cannot prevent people from leaving, although the financial rewards involved presumably act as a disincentive to leave. However, the *National Statement* views an employer/employee relationship as a concern: 'No person should be subject to coercion or pressure in deciding whether to participate' (N.H.M.R.C., A.R.C., and A.V.C.C. 2007, p. 20). The document identifies teacher/student and employer/employee relationships as two examples where the voluntary character of participants' decisions may be compromised, as they typically involve unequal status, where one party has or has had a position of influence or authority over the other.

This issue highlights the debate over whether practice-led research in screen production and professional practice in screen production are the same activity or different. When we talk about making films as research, we are of course talking about a range of possible situations. There are no budget films and no participant films. It is fairly common for films made as research to have a dual status – funded by broadcasters for example, with the filmmaker also deciding to do the production as a degree research project. These films would happen even if there were no research. Can you argue that this pre-existing professional context changes the nature of the filmmaker's ethical responsibilities? It could also be argued that the

accepted professional agreements that govern the participation of cast and crew adequately meet the ethical requirements of the research. However, should ethical practice set a higher standard than minimum legal requirements?

How ethical should you be?

I do not always succeed but I aspire to be an ethical person and an ethical researcher.

When I started thinking the ethics process through, I wanted it to be more than an exercise in administrative compliance. Unfortunately, ethics is one of those issues that, once you start thinking about it, it is hard to know where to stop. At a certain point I was considering if I had an ethical responsibility to my fictional characters. As Carlin (2009) highlights in relation to ethics issues he encountered in the writing of creative non-fiction as academic research, when a researcher is operating in fields involving the application of creativity and imagination, a significant amount of the terminology and concepts used in official documents is not well-aligned with the practice of the research, resulting in both researchers and ethics committees getting little guidance or support in resolving philosophically challenging ethical issues. Other literature on this issue (Booth, W. C., Colomb G.G. & Williams, J. M., 2003; Pritchard, 2006) and certainly the *National Statement* (N.H.M.R.C., A.R.C., and A.V.C.C. 2007, p. 13) supports Carlin in stressing that the ethics process is not about rules but about principles such as justice, respect and beneficence, that are meant to guide and inform your engagement with often complex and messy human situations.

Sensitive or emotionally stressful issues

This leads me onto the final example of participants' rights that I wanted to discuss, which is the protection of participants if the research raises sensitive or emotionally stressful issues. In traditional forms of research, participants have the right to be protected from situations like this. While in documentary film production there would be many circumstances where this would be a critical issue, the situation in relation to drama is less clear-cut. After all, actors commonly engage with sensitive and emotionally stressful situations in their portrayal of characters but most people would argue their engagement is informed and voluntary – if they take on a role that involves stressful situations, that is their choice and they have to accept the consequences. However, my experience once more suggested the situation is more complex.

There was a scene in *How To Change The World* that involved nudity. In this case, the actors were well-informed in advance, gave consent but then changed their minds at the time of shooting the scene. This highlights for me the importance of raising potentially stressful situations beforehand and saying to actors that support will be available if they become uncomfortable. In my case, the situation was not specifically addressed in the Plain Language Statement and so there were no explicit procedures in place to deal with what was clearly an ethical issue that needed to be handled sensitively. The scene had been discussed with the actors in detail beforehand and there had been numerous direct opportunities for them to express any concerns. The actors were unambiguously in agreement with the degree of nudity planned. However, as the shooting began, reservations were expressed about what had been agreed. I asked my female first assistant director to discuss these concerns with the actors. The scene was ultimately shot with less nudity than had been planned, which, as director, I did not have a problem with. However, it was easy to see how a situation such as this could be handled differently, with pressure applied to the performers to stick to what had been agreed, regardless of how they felt. If I had pushed my original wishes for the scene, perhaps the actors' reservations would have been overcome, with a better creative outcome for the film. Where should the line be drawn in relation to ethical behaviour? I erred on the side of caution but, taken too far, this approach could result in creative work that is bland and unchallenging. In my experience, the only thing clear is that there is no clear answer to these ethical dilemmas that can be applied in every situation.

My experience during the shooting of this scene highlighted the ambiguity around ethical issues that I encountered on numerous occasions during my research. In what is unarguably a more substantial and sombre context, Kellehear (1989) has written in relation to this issue in an article about the ethics of research work while doing a doctoral project on the social experience of the dying. In his development as a sociologist, Kellehear describes how his theoretical interest in social taboos (such as sexuality, madness and death) led him to his doctoral project, which involved interviewing around one hundred patients dying of cancer. While conducting this research in a hospital environment, a range of ethical dilemmas arose, many of which challenged a narrow interpretation of accepted principles about not 'interfering with people' when conducting research.

The hospital's ethics committee gave approval for the research on the basis of patients giving informed consent and the researchers promising them no harm. Kellehear discusses the principle of 'no harm' in depth, vividly describing individual cancer patients who wished to participate in the research despite the obvious anguish and pain involved. He argues that the research relationship was inherently traumatising, which could be regarded as a form of harm. However, despite this,

nearly all participants still wanted to be involved, motivated by a desire to tell their story. Kellehear presents the arguments for and against conducting research in this situation and argues that, both for the patients involved, the researcher and society in general, there are benefits that may outweigh the risks of 'doing harm'.

The HREC in my case did not mandate an approach that did 'no harm', instead framing the ethical issues as a balance between risks and benefits. In his article, Kellehear suggests the ethics guidelines of bodies such as the American Sociological Association encourage a 'checklist' mentality that does not prepare researchers well for the ethical subtleties and complexities encountered in the field. While not advocating an 'ethics of convenience', Kellehear proposes setting minimum standards of acceptable conduct while viewing ethics as a way of responsibly 'seeing and interpreting relationships' within the human complexities of the research context.

In relation to my experience with the production of *How To Change The World*, like Kellehear, I was confronted with a formal ethics approval process that did not seem to adequately reflect the nature of my research. The HREC I dealt with did not raise any major objections to my application. In fact, they seemed quite sensitive to the methodological specificity of my creative practice research. Nonetheless, the performative and professional contexts in which screen production is practised raise complex ethical issues that researchers need to grapple with and that I believe a university ethics approval process could more effectively facilitate. The lack of connection between the formal requirements of the process and the actual practice of screen production research created unnecessary obstacles to my engagement with the ethical concerns involved. In the first instance, effectively integrating a cast and crew agreement with an ethics consent form, which addressed the issues I have raised here, would be a worthwhile step towards making the ethics approval process for screen practitioners less complicated and more meaningful.

Conclusion

It is likely that screen production as research will become more common in the future. It is conceivable that we may find academics making films that are funded primarily as research, by organizations such as the Australian Research Council. In this situation, it will be hard to argue that ethics is a secondary or marginal add-on to the 'real business' of the production. However, given the various issues on which there seems to be a lack of clarity, I would argue for screen production researchers to have some additional guidance in relation to ethics approval.

In my view, the *National Statement on Ethical Conduct in Human Research* is a sound basis on which to frame the process of ethics approval in Australian universities, with its emphasis on the key underlying principles of respect, beneficence and justice (N.H.M.R.C., A.R.C., and A.V.C.C. 2007 pp. 12-13). However, it is by its nature a general document and focuses on the more established forms of research when discussing specific examples. This leaves screen production research, as an emerging field, up in the air in some key areas. However, the *National Statement* also suggests the possibility for specific research disciplines to develop their own guidelines:

This National Statement does not exhaust the ethical discussion of human research. There are, for example, many other specialised ethical guidelines and codes of practice for specific areas of research. (p. 11)

In light of the issues I have raised in this paper, I would argue that screen production is an area of research that would greatly benefit from its own ethics code of practice being developed. In my own attempts to match up my research with the existing ethics approval process, two areas were highlighted as in need of clarification. The *National Statement* does not include any reference to the status of creative or professional collaborators, which is how I would regard the actors and crew on one of my films. Nor does it include any reference to a researcher and participant being the same person, which was my situation when I did my practice-led research and is, I imagine, how many other creative practice researchers approach their work. I think both these areas need to be addressed if screen production researchers are going to develop appropriate ethics guidelines for participants in their research.

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Biography

Leo Berkeley is the Discipline Head (Media, Journalism, Screen & Music) within the School of Media and Communication at RMIT University in Melbourne, Australia. He also has considerable experience as an independent filmmaker, having written and directed the feature film, *Holidays on the River Yarra*, which was an official selection for the Cannes Film Festival in 1991. More recently, he has developed an interest in the new media form known as 'machinima'. A machinima work he produced, *Ending With Andre*, screened at the 2005 Machinima Film Festival in New York. In 2008, he also made a micro-budget feature film called *How To Change The World*.

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