From the Instructor

Our class, WR 150: "Global Documentary," examines how Western filmmakers represent foreign cultures and how international filmmakers represent their country's social and historical moments. Students analyze a range of modern documentaries, including the controversial *Born into Brothels* (2004), the instant classic *The Act of Killing* (2013), and the genre-bending satire that inspired Hannah Pangrcic's prize-winning essay—*Borat: Cultural Learnings of America for Make Benefit Glorious Nation of Kazakhstan* (2006).

I always give students open essay prompts: ask and answer a question about any of our films. For Paper 3, I encouraged students to pose a question that felt especially urgent to them. My hope was that students—motivated not only intellectually, but also emotionally—would experiment more with style and tone this time. To prepare, we read the essay "Fascinating Fascism," Susan Sontag's seminal attack on Leni Riefenstahl, the filmmaker reputed to be Hitler's favorite. Inspired, students set their goals for Paper 3: to be hostile but not hysterical; to strike a balance between emotion and evidence.

For Hannah, the guidelines were liberating. Already a confident writer, she designed a research project with the kind of expansive argument that only someone well-versed in the scholarship can make. By drafting a topnotch prospectus, she came upon the topic and shape of her argument early in the process, using the questionable ethics of *Borat* to position all documentaries as art largely free of ethical constraints. While revising her draft (which she wrote in daily, two-page increments), she focused on deepening her analysis and presenting her positions more precisely. Hannah threw herself into this superb essay, and I have no doubt that even Sontag would call it a "Grrrrrrrreat success!"

— Marisa Milanese

WR 150: Global Documentary

From the Writer

Before I even began the process of writing "*Borat*: Controversial Ethics for Make Better the Future of Documentary Filmmaking," I knew that Sacha Baron Cohen, creator of *Borat*, had received much negative criticism for the documentary. Yet, I had thoroughly enjoyed watching the film each time, appreciating Cohen's satire despite its often offensive nature. When I began researching, I found a lack of consensus about the standards on which much of the negative criticism was established.

For my essay, I explored the ethical expectations often applied to documentaries and how Cohen's documentary fit (or rather, *didn't* fit) into such ideas. I found it a simple task to argue that *Borat* was, by the aforementioned expectations, an unethical film—it was far more difficult to develop the idea that these expectations are unnecessarily restrictive, and that we should allow filmmakers more freedom in creating their works. I ultimately aimed to expand upon and challenge the ideas I had learned in class, and to suggest beneficial alternatives to the regulation of documentary filmmaking.

— Hannah Pangrcic

Hannah Pangrcic

Prize Essay Award

Borat: Controversial Ethics for Make Better the Future of Documentary Filmmaking

This paper will explore the many criticisms of the film *Borat* and the flaws in the standards on which these criticisms were based. Drawing upon the expectations of documentary filmmaking as defined by scholars such as Calvin Pryluck and Jay Ruby, this paper will first introduce the subject of documentary ethics and then delve into *Borat*'s position in relation to the defined ethical limitations. Rather than denounce the film along with its critics, this paper will use *Borat* as a conduit for a discussion of the greater issue of the ethical guidelines of documentaries and how they are currently ambiguous and unnecessary. Ultimately, this paper will argue that instead of defining more explicit guidelines, we should consider documentary filmmakers as artists and their documentaries as art, and allow them, within moral reason, the creative freedom that these titles imply.

Borat: Cultural Learnings of America for Make Benefit Glorious Nation of Kazakhstan, a documentary by Sacha Baron Cohen, does not simply cross lines; it plays hopscotch with them. In the film, renowned comedic actor and writer Baron Cohen plays the role of Borat, a news reporter from Kazakhstan who travels across America "to learn a lessons for Kazakhstan," which he proclaims in a fake "Kazakh" accent. Throughout his journey, Borat finds himself at odds with American culture, and vice versa. Much of the film is dominated by awkward and downright absurd interactions between Borat and several Americans who are unaware of Borat's fictional nature. The results of this misinformation constitute many of the film's most offensive and, consequently, most criticized scenes. Many people, including several featured in *Borat*, decry the filmmakers'

lack of informed consent in that they purposely kept secret the fact that Borat was an invented character. Many also find fault in the film's misogynistic and racist portrayal of Kazakhstan, as well as in Borat's frequent anti-Semitic remarks. These criticisms all stem from the notion that, as a documentary, *Borat* neglects the numerous ethical obligations suggested by scholars of documentary filmmaking. Despite the somewhat ambiguous boundary between what is ethical and what is not, notably in documentary filmmaking, *Borat* pushes so many limits that it would be nigh impossible to deem it a morally-upstanding film. However, rather than discredit the film, its blatant disregard of ethical limitations suggests that the expectations we have of documentaries are too restrictive, and that they limit the filmmaker's freedom to create what is ultimately a form of art.

While ideas regarding documentary ethics differ from scholar to scholar, there exists a general accord about concepts such as informed consent. In the words of Randolph Lewis, a professor of cinema studies, informed consent represents the "notion that producers must divulge the full nature of the project to the people being interviewed" (80). Calvin Pryluck, one of the first scholars to discuss documentary ethics, would agree, claiming that "consent is flawed when obtained by the omission of any fact that might influence the giving or withholding of permission." In other words, subjects who had given their consent may not have done so if they had known the full extent of the project to which they consented. Almost forty years after Pryluck began writing about informed consent, Willemien Sanders, a professor of media studies, acknowledges that the notion is still regarded as an essential part in creating ethical documentaries. As one of few ideas upon which scholars of documentaries can agree, informed consent has provided a foundation for documentary ethics for quite some time.

Since Pryluck first began discussing the expectations of documentaries, the perceived standards have greatly expanded, covering areas beyond informed consent. Jay Ruby, a leader in the field of visual anthropology, assigns the responsibilities of a documentary filmmaker to three parties: responsibilities toward the film, toward the participant, and toward the audience. Ruby states that in fulfilling the responsibility toward the film, the filmmaker should produce an image that is a "true reflection of the intention in making the image in the first place" (310)—in other words,

a filmmaker should be faithful to the message they intend to convey. A responsibility to the participant implies the need for informed consent, and a responsibility toward the audience is the necessity to "guarantee the truth" (Sanders 546) throughout the documentary. Bill Nichols, perhaps the most prolific scholar of documentary film, agrees with Ruby, saying that filmmakers have the responsibility "to make his or her argument as accurate and convincing as possible" (Sanders 544)—to reconcile as best they can the sometimes conflicting interests between accuracy and persuasion.

By the aforementioned ethical standards, *Borat* is most assuredly an unethical film. In fact, a lack of informed consent is what enables this film to exist—the filmmakers knew that the consent they had obtained was not at all "informed;" a more appropriate term would be "deformed consent" (Lewis 80), since they deceived the interviewees through convoluted legal documents and the dishonest perpetuation of Borat as a real person. Thus, *Borat* purposely ignores the very basis of documentary ethics. What the film does do, however, is fulfill its "responsibility toward the film." Baron Cohen and his fellow filmmakers went to great lengths to ensure a finished product that would properly reflect their purpose in making the documentary, as articulated in one of the few interviews in which Cohen does not appear in character: "Borat essentially works as a tool … by himself being anti-Semitic, he lets people lower their guard and expose their own prejudice" (Strauss). Nevertheless, in satisfying this one responsibility to the greatest extent, the other two responsibilities that Ruby suggests suffer. The responsibility to the participants suffers from a lack of informed consent, and the responsibility to the audience hardly seems fulfilled—Borat does not "guarantee the truth" about anything, especially considering its false depiction of the nation of Kazakhstan. (Kazakhstan's Foreign Ministry even threatened to sue Baron Cohen for his "derogatory" (Wolf) portrayal of the country, attesting to the considerable extent of the film's misrepresentation.) *Borat*'s disregard of the most basic ethical expectations leaves little doubt as to the film's unethical nature.

The unethical nature of *Borat* may be certain, yet the expectations by which we determine this contain some ambiguity. Informed consent is assumed to be an imperative in documentary filmmaking, yet even Pryluck considers the following question: "[w]hat is the boundary between

society's right to know and the individual's right to be free of humiliation, shame, and indignity?" (24). He questions if there are situations in which the ethical treatment of subjects is less important than the knowledge society could gain through what many would consider unethical treatment. Sacha Baron Cohen would likely argue that his documentary presents one of these situations, yet rather than attempt to expose some hidden truth about, for example, large-scale corruption within the government, his documentary concerns the sometimes-offensive views of a select few Americans. Still, the ambiguity exists. Pryluck also mentions that "filmmakers can only guess how the scenes they use will affect the lives of the people they have photographed" (23). A filmmaker can consider every side of an issue, consult every person featured in their documentary, make every attempt to anticipate the consequences of including or excluding certain scenes, and still face criticism—a filmmaker can make their best educated guess, but it is still merely a guess. Thus, it is quite challenging to satisfy the three responsibilities. A filmmaker could satisfy their responsibility to their subjects by removing a scene, and inadvertently offend an audience member by not including it. In reality, a balance among the three responsibilities is impossible to achieve, since there are an interminable number of factors to consider within each responsibility.

Many of those who criticize *Borat* and its creators fail to recognize the conflicting factors in the standards by which they judge the film. For example, following the film's release, the government of Kazakhstan was largely unamused, banning sales of the DVD and threatening to sue Baron Cohen. And with good reason—in one scene, Borat even describes to a humor coach the "funny retardation" of his brother, whom Borat's family supposedly keeps in a cage. He follows this statement up with a story about how his brother once escaped his cage and raped his sister. Borat's obscene stories, which he tells to people with presumably little familiarity with Kazakhstan, portray the country as misogynistic, incestuous, and ableist. Cohen counters criticism of his offensive portrayal by saying, "[t]he joke is not on Kazakhstan. I think the joke is on people who can believe that the Kazakhstan that I describe can exist" (Strauss). And yet, his defense became somewhat unnecessary, since the country later retracted much of its criticism of the film due to its positive effect on the country's tourism industry. Yerzhan Kazykhanov, a Kazakh foreign minister, even

thanked Borat "for attracting tourists to Kazakhstan" (Kilner) and ultimately bringing more global recognition to the country. In the end, the country owes its newfound prosperity to the film it once condemned. We can apply Pryluck's question to this situation—where is the boundary between society's right to know the true Kazakhstan and the benefits that resulted from the false representation of Kazakhstan as seen in *Borat*? The government of Kazakhstan would have initially argued that no circumstance could justify Borat's unethical portrayal of Kazakhstan; that is, until the unforeseen economic benefits of the film were realized. This switch in Kazakh attitude towards *Borat* attests to some of the ambiguity surrounding Pryluck's question and its fundamental nature—a boundary that one can readily step over to switch sides, as Kazakhstan did, suggests that such a boundary is hardly necessary in the first place, despite the insistence by scholars of documentary ethics that these boundaries need to exist.

For others, the film is not so easily forgiven. Among the most criticized aspects of the film is Borat's anti-Semitism. In the beginning of the film, Borat reports on the "Running of the Jew," in which Kazakhs run from goblin-like figures meant to represent Jewish people. Of course, such an event does not actually occur in Kazakhstan, nor do most citizens of the country hold such anti-Semitic views. However, the Anti-Defamation League expressed concern that "the audience may not be sophisticated enough to get the joke, and some may even find it reinforcing their bigotry" (Muravchik 36). In his review of the film, Joshua Muravchik defends Borat's anti-Semitism, stating that "[t]he old, superstitious belief that Jews sprout horns or poison wells—the focus of Baron Cohen's satire—no longer cuts deep, and certainly not in [America]" (47). He also reminds us of Cohen's "satiric purpose," which Cohen himself claimed was to use his own mock anti-Semitism to reveal the undercurrent of prejudice—or perhaps just an "acceptance" (Strauss) of prejudice—in America. At what point, if at all, does Cohen's satire cross the line separating simple satire and actual prejudice? Cohen would likely claim that it never does, and that his responsibility to the purpose of his film overrides his ethical responsibility to the audience, who may incorrectly interpret his satire. This disagreement attests to the confusing nature of the ethical expectations of documentary film—expectations that are often open to interpretation.

Two people can scrutinize the same standard and interpret it in completely opposite ways, as Cohen and his critics evidently did.

Most of the individuals filmed in *Borat* would certainly take an opposing stance to that of Cohen regarding the film's ethicality. Several of them sued Cohen for his deception and the often humiliating circumstances in which they appeared onscreen. Two frat brothers, who made numerous racist and misogynistic remarks during their interactions with Borat, including the declaration that they wish America still practiced slavery, sued Cohen for causing them "mental anguish" and a "loss of reputation" (Barkham). Another participant reportedly lost his job for planning a news segment centered on Borat, during which Borat continually interrupted the reporter. In light of this evidence, many believe that the subjects were "victimized more for sadistic laughter than sociological insight" (Lewis 82). In some cases, the scenes in the film support this statement—running naked through a hotel hardly seems to uncover any hidden prejudice or comment on the state of society. On the other hand, Cohen's statement that Borat's prejudices allow others to expose their own suggests that ruining a few lives is excusable when promoting a societal awareness of these prejudices. It can be also be argued that some individuals in the film, such as the frat brothers, deserve the repercussions of their perverse and archaic beliefs, even if these beliefs were exposed only through Borat's instigations. The humor coach that Borat fooled in the documentary, whom Borat subjected to "jokes" about having sex with his mother-in-law, even conceded his belief in Cohen's "comedic genius" (Barkham). Case in point: the perspectives vary greatly regarding whether or not the victimization of several people featured in *Borat* is justified, leading to even more ambiguity in the overall ethical standpoint of his film.

Since Pryluck first began to promote ethical filmmaking, many others have contributed their ideas to the subject. As Sanders acknowledges, however, "the suggestion to make rules and standards explicit has seen little to no serious follow-up in the documentary field" (542). This inexplicit way of judging the morals of a film and its maker, based on mere suggestions and widely-held expectations, comprises the debate surrounding documentary ethics, upon which few scholars can agree. Was Cohen right or wrong in making *Borat*, and how does one reconcile the differing opinions into one simple verdict? In the end, there exists no definitive or

universal way to answer this question—and as Sanders contends, solidifying our current expectations into definite rules would be not only "undesirable," but also "unrealistic" (542).

The current ethical expectations of documentaries are inefficient and inconsistent. Individual suggestions provided by Pryluck, Ruby, and others certainly have merit, but when they are all simultaneously considered the standard for documentaries, conflicting ideas arise. Many scholars have proposed solutions to these disagreements. Pryluck suggested collaboration between the filmmaker and the filmed, in which the "filmmakers share control over the film with participants" (Sanders 539), allowing them a role in editing the final product. "Reflexivity," in which the filmmaker records and makes public the process involved in making their documentaries—where their "actions…are open to scrutiny" (Sanders 540)—is another idea several people, including Jay Ruby, have proposed. Even with these solutions, there is reason to believe that they would result in much of the same confusion as the current standards do—there will always be disagreement and conflicting interpretations of ethical boundaries. Different backgrounds, different cultures and different belief systems guarantee it. In reality, a perfectly ethical documentary is simply unfeasible.

Rather than set a rigid standard to rid ourselves of these ambiguities, we should do the opposite and loosen the restrictive expectations placed on documentary filmmakers and their films. The current suggested guidelines already contain too many disagreements—simply making the guidelines explicit would do little to dispel differing opinions; in fact, these differing opinions would render it difficult to make the guidelines explicit in the first place. Rather, we should consider filmmakers artists and the films their art. According to Ruby, a time in which "an artist could take photographs of strangers…and justify the action as the inherent right of the artist is…ending" (309). Yet, with an application of stricter rules, filmmakers would lose their freedom to apply their artistic vision to their art—documentaries such as *Borat* would face much difficulty in the course of their creation. Documentaries as a means of objectively conveying information, unable to do much more in the face of demanding ethical guidelines, would replace documentaries as a creative concept. The art of documentaries would be reduced to a list of do and do-nots, and the field as a whole would lose much of its artistic appeal. But, "where does one

draw the line" between the ethical needs of their subjects and "the aesthetic needs of the artist?" (Ruby 313).

Though the ethical guidelines of documentaries should be relaxed to allow filmmakers more artistic freedom, it is undeniable that such freedom necessitates a respect of basic human rights; a consideration of the fundamental concepts of morality. A line must be drawn somewhere. In truth, where this line is drawn depends on the film. Applying the same guidelines to very different films would diminish the diversity of documentaries—while *Borat* owes its existence to a defiance of suggested documentary guidelines, another documentary may rely on them. Within moral reason, the filmmaker has the right to decide where their own artistic needs lie in relation to the needs of the subjects. Pryluck, conversely, suggests a collaborative approach, in which the subjects are involved in the filming process—Sanders counters with the claim that "a collaborative approach…endanger[s] the freedom of expression as well as artistic freedom of filmmakers" (541). Sanders acknowledges that some filmmakers may prefer to utilize this approach, but that "it is difficult to see how this could serve as a working code for all documentary filmmakers" (541), since many would consider such an approach a hindrance to their own creative vision. One could argue that the art of documentary could not exist if not for the willing participation of its subjects—yet the person behind the camera ultimately decides the purpose of their film. Thus, a filmmaker should strive for a suitable compromise, rather than the unachievable perfect balance, between the rights of his or her subjects and the right to "stay true to [his or her] personal visions of the world—to make artistically competent statements" (Ruby 313).

While compromise presents a reasonable solution to the conflicting interests that arise during documentary filmmaking, Sanders recommends further action, claiming that we should "collect empirical [experiential] data about filmmakers' experiences and their opinions" (548), rather than base ethical standards on theoretical presumptions. Sander's suggestion presents the plausible beginnings of a long-term solution, since empirical research could reveal, in time, an efficient and widely agreed-upon standard for documentary ethics. Scholars such as Calvin Pryluck have certainly attempted to begin this long process towards a universal standard, but as it stands, the field of documentary is too varied and ever-changing to apply

to it a set of stiff regulations. Keeping in mind that ethical guidelines are often based upon already existing moral limitations—a fundamental sense of what is right and wrong—documentaries should be considered more as a filmmaker's creative outlet than as his or her ethical obligation to one's audience and subjects.

Suggestions for ethical guidelines of documentaries have been debated for years, but have yet to be made into exact standards, leading to confusion regarding what a documentarian should and should not do in the process of filming. This ambiguity results from the many conflicting viewpoints held by the scholars of documentary filmmaking, who have suggested several solutions, none of which have been officially implemented in the field. Sacha Baron Cohen, in his film *Borat*, suggests with his blatant disregard of the expectations of documentary films that such expectations are too restrictive, even without being explicit, standardized rules. If Cohen had attempted to fulfill these expectations in his creation of *Borat*, the documentary would undeniably cease to exist as it does now. In the end, documentarians can do everything in their power to create a thoroughly ethical film and still encounter enmity—such an ideal is simply unachievable. Rather than strive for an ideal that will forever be just beyond our grasp, we should accept documentary filmmakers as artists and their films as art, allowing them the creative freedom that such titles imply.

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HANNAH J. PANGRCIC is a sophomore majoring in Earth Science in Boston University's College of Arts and Sciences. Originally from San Diego, Hannah, lives in The Middle of Nowhere, Illinois, when not in Boston, and she plans to trek from city to city. Hannah won several writing awards throughout high school and aims to continue to improve her writing long after it must fit into ten pages, double-spaced. She would like to dedicate this essay to professors Theodora Goss and Marisa Milanese, both of whom provided valuable advice for her papers.