

Inquiring Minds Topic – 17 April 2015

Claudia Upper, Moderator

Two Maxims at Odds: Tell a Story, Tell the Truth

By Jonathan Mahler — The New York Times - March 22, 2015

The last interview was over. The set, a room inside a New York hotel, had gone dark. The subject, Robert A. Durst, headed for the bathroom, apparently unaware his microphone was still on. “There it is. You’re caught,” he is heard saying. “What the hell did I do? Killed them all, of course.”

It made for a chilling conclusion to an absorbing six or so hours of television. But once HBO’s “The Jinx” released you from its grip, questions emerged. Why had the filmmakers, Andrew Jarecki and Marc Smerling, withheld this seemingly vital utterance until the very last scene of the very last episode? For that matter, why had they not gone back to Mr. Durst to ask him about this possible confession? When had they alerted the police?

These questions led, inexorably, to other, larger ones: Was this film a form of journalism or entertainment? And, more broadly, what should an audience’s expectations of documentary films be?

Such questions are now being asked by the viewing public after “The Jinx.” But they have preoccupied documentarians for years, as nonfiction film has transcended its roots as a relatively straightforward, niche medium to gain mass appeal.

This evolution has created a tension between the need to stick to a fair, accurate presentation of facts and the imperative to tell a dramatic story. “As the stakes go up, filmmakers are really starting to grapple with the issue of how the craft of filmmaking gels with the act of reporting,” said David Wilson, who co-founded the True/False Film Festival in Columbia, Mo.

Not so long ago, documentaries were the cinematic equivalent of castor oil. In 1988, Miramax took pains to avoid referring to Errol Morris’s “The Thin Blue Line,” the story of a man wrongfully imprisoned for murder, as a “documentary film,” promoting it instead as “a new kind of murder mystery.”

But documentaries are now well rid of their take-your-medicine stigma. Today, news and entertainment companies as diverse as HBO, Netflix, Hulu, CNN, ESPN, Amazon and Al Jazeera America are trumpeting their documentary offerings. Some airlines even offer a “documentary” option on their in-flight entertainment consoles.

The changes roiling the news business are partly responsible for this boom; documentarians have stepped in to fill the void left by shrinking budgets at traditional news outlets. Dan Cogan, executive director of Impact Partners, which matches financiers with socially conscious films, cites “The Hunting Ground,” a new documentary about campus rape, as a case in point.

“Twenty years ago, that would have been an investigative series in a newspaper,” Mr. Cogan said. “Today, it’s a documentary film.”

For a lot of philanthropists seeking to bring about social change, the documentary film has become the investment vehicle of choice. A few years ago, the Ford Foundation announced that it would put \$50 million into independent documentaries. (Among those it helped fund was the 2014 film about Edward J. Snowden, “Citizenfour.”) Documentaries are a predominantly liberal business, but not exclusively so: Joe Ricketts, a major donor to right-wing causes, invested in Dinesh D’Souza’s first documentary, “2016: Obama’s America,” which was released in 2012 and has earned \$33.4 million, according to Box Office Mojo.

Documentaries have demonstrated the form’s ability to produce results. The 2012 film “The Invisible War,” about rape in the United States military, helped push the secretary of defense, Leon E. Panetta, toward a major policy change. “The Central Park Five,” also released in 2012, helped move New York City’s mayor, Bill de Blasio, to settle a \$40 million lawsuit brought against the city by five men falsely convicted of beating and raping a jogger in Central Park in 1989. The 2013 documentary “Blackfish,” which addressed the mistreatment of animals at marine-life amusement parks, had a material effect on SeaWorld’s profits.

But there’s a flip side to the documentary boom. The proliferation of films has made it harder for a documentary to break out. And the results that a growing number of films have achieved have increased the pressure on documentarians not only to keep their audiences entertained, but also to produce a film whose impact can be measured.

In other words, the bar is high and it keeps getting higher. It’s one thing for a film to raise doubts about the guilt of a convicted killer, as Mr. Morris did in “The Thin Blue Line.” But “The Jinx” accomplished something with a greater degree of difficulty: It put someone in handcuffs. (Mr. Durst, a New York real estate scion, was arrested on a murder charge a day before the show’s finale.)

Ask 10 different documentarians to characterize what they do and you will get 10 different answers. Some consider themselves journalists first. Others say they are primarily storytellers. Still others see themselves foremost as advocates. These impulses don’t always coexist peacefully.

“The tenets of journalism and storytelling are sometimes at odds with each other,” said the documentary filmmaker Joe Berlinger. “And sometimes advocacy is at odds with journalism.”

Even the courts seem unsure how to view documentaries, as Mr. Berlinger knows from firsthand experience. Several years ago, Chevron subpoenaed hundreds of hours of film that he had shot for “Crude,” a documentary about a class-action lawsuit brought against the oil company in Ecuador. Mr. Berlinger argued that as a documentary filmmaker, he was entitled to the same protections as a journalist. He ultimately lost. Subsequently, however, Ken Burns successfully fought back New York’s attempts to get their hands on transcripts and other materials from “The Central Park Five.”

“One of the weird things is that there aren’t any rules in documentary film,” said Mr. Wilson of the True/False Festival. “Every filmmaker approaches their subjects and films differently.”

This is one reason documentaries can be so compelling: Every filmmaker effectively reinvents the genre to best tell his or her story.

But having no rules can be problematic. Can we still trust what we are watching?

“ ‘Documentary’ is a very elastic word,” said Thomas Powers, the documentary curator at the Toronto International Film Festival. “I understand why that makes people in certain quarters of journalism a little uneasy.”

Without rules of engagement, we are left with only the filmmaker’s cues, and sometimes they send us mixed signals. During “The Jinx,” for instance, vérité footage seamlessly blends into impressionistic recreations.

Laura Poitras, who made “Citizenfour,” has described herself as a “visual journalist.” She didn’t hold back any blockbuster revelations while making her film. Instead, she contributed to articles about secret United States intelligence activities in both The Washington Post and The Guardian before “Citizenfour” was released. She won a Pulitzer for her newspaper reporting, and an Academy Award for her film.

“We don’t make films to break news,” Ms. Poitras said recently in a panel at the Sundance Film Festival. “We hopefully make lasting narratives that can be returned to and we can get insight from.”

The makers of “The Jinx,” by contrast, wanted to break news, so much so that they structured their entire six-hour film around a dramatic final reveal: Mr. Durst’s apparent confession. They couldn’t tease it earlier in the film, much less go back to Mr. Durst to ask him to explain what he meant, as a journalist would have. Doing so might have blunted its impact.

They wanted a bombshell, and they got it.

A version of this news analysis appears in print on March 23, 2015, on page B1 of the New York edition with the headline: Two Maxims at Odds: Tell a Story, Tell the Truth.