

The Ethical Tension Between Artistic Expression and Historical Representation in Documentary Making: The Filmmaker's Mediation with Reality

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ABSTRACT

This article emerges from the assumption that representing reality in documentary raises specific complex ethical issues. This is due to the fact that documenting an event partly results from the filmmaker's mediation with the historical world. The choices involved in this process are subjective, biased and creative. In fact, representing reality results from a particular tension established between that which I represent and how I represent it. From this tension several ethical issues with regard to the filmmaker's mediation with reality may emerge. This paper aims to revise and confront key literature on this subject to discuss and deconstruct the process of mediation and the ethical issues involved in this process. The key questions to answer are: What role does mediation play in representing reality? What ethical issues may emerge from this process? Do filmmakers explore "others" to satisfy their own personal needs as artists? Is it possible to control or regulate filmmakers' mediation with reality? Can we develop a set of parameters or strategies that can be considered ethically more appropriate for representing the world?

KEYWORDS

Documentary; representing reality; filmmakers' mediation; informed consent; ethics in representing reality; artistic expression; narrative comprehension.

1 | INTRODUCTION

If we want to set apart or distinguish documentary from fiction, we could argue that documentary must inspire credibility and fiction does not. Quentin Tarantino's *Inglorious Basterds* (2009) can re-write history and successfully assassinate Hitler because it is fiction, but a documentary, in general, could not do that since audiences must believe in the claims and arguments presented in the narrative.

Representing reality in documentary inevitably results from the filmmaker's mediation with the event and the characters they represent. Any decision involved in representing results from a specific interaction between the filmmaker and the event. The choices involved are highly subjective and manipulative in terms of technique and content just like in fiction. We can also agree that cinema can be considered an artistic medium and therefore we may argue that a documentary not only represents the historical world but also a work of art. Hence, documentary creates art from representing reality. This raises a number of complex ethical issues regarding the filmmaker's responsibility for the artistic choices implemented in representing the other. As a justification for their creative decisions, filmmakers have argued in favor of being "fair" and "just" with the characters and events they represent (Nichols, 2001). However, "fair" and

“just” are terms that seem as ambiguous and subjective as the choices involved in film making for each filmmaker has their own personal guidelines to apply “fairness” when representing the world.

If we assume that documentaries transform reality into an art form, we could also question whether filmmakers exploit people and events as aesthetic objects for satisfying their own artistic needs. If that is the case, maybe we should ask audiences to judge and value filmmakers’ artistic choices in relation to how they represent an event (Ruby, 2005). However, perhaps the key question we should ask is whether filmmakers do have the right to manipulate reality so that it fits their personal needs and views of the world. Are filmmakers, for being artists, outside the ethical constraints of transforming people and events into aesthetic objects or work of art?

We also have to take into account that viewers partly form their opinions and knowledge of the world influenced by the filmmaker’s artistic treatment. This means that making art from reality may also condition how reality is perceived. In fact, as we know, art has always been a powerful instrument for propaganda. This is the case of Leni Riefenstahl’s masterful pre-war documentaries *Triumph des Willens* (1934) and *Olympia* (1938). Leni Riefenstahl, in her memoirs, insisted that *Triumph des Willens* was not propaganda but a factual historical documentary (Dargis, 1994). In fact, we could argue that her film presents Hitler as a national leader of great international and historical importance. From that perspective the film is a historical document and it is factual. Or we can also argue, like William K. Everson has claimed, that it is one of the best films of all time which has, ever since its conception, greatly influenced film making worldwide (Everson, 1979). Therefore, you may argue that because of its undeniable and remarkable artistic qualities the film transcends propaganda.

Nonetheless, she could have never made this film without the full cooperation of the Nazi party. It is also obvious what the purpose and objective of the film’s content was and how Goebbels, Hitler’s Minister for Popular Entertainment and Propaganda, used it. In fact, Goebbels constantly distorted newsreels declaring that propaganda had not the purpose of disclosing the “truth” (Tomasulo, 1998). Whichever argument we may find to defend either its historical or

artistic qualities, Leni Riefenstahl’s film defended clear political ideals and was produced with unquestionable propagandistic objectives. It is unavoidably linked to some of the most horrific and tragic events in human history, a past that cannot be undone. It happened in the historical world we inhabit and we cannot deny it. The images of the film are eternally condemned to be associated to the promotion and adulation of the Nazi’s ideals that led to the Second World War.

Therefore, it is not a question that Leni Riefenstahl’s represented Hitler’s Nazi ideals. It is a question of the choices involved in representing them and the ethical issues that emerged from that representation.

21 THE FILMMAKERS’ MEDIATION WITH REALITY

Brian Winston reflects great reservations and skepticism regarding filmmakers’ mediation with the world. He argues, for instance, that Grierson’s romantic view on British working class denied the worker, at the time, a voice of their own. The filmmaker was in complete control and went about representing others in accordance to their own ethical codes. Filmmakers at the time satisfied their own institutional objectives as government sponsored propagandists. Meanwhile the worker appeared represented without an identity of his own and as an impotent pathetic victim (Winston, 2005b).

In fact, Grierson’s documentary model served government interests. It moved away from Robert Flaherty’s personal treatment or Vertov’s poetic practice, in order to establish the role of documentary making as “orator”. Grierson’s film doctrine used an omnipotent voice-over, aimed at predisposing the spectator to have a particular view on the world in defense of the “nation’s interest”. Just like the Soviets and the Germans, the objective was to construct a sense of national identity based upon the government’s policies, priorities and values (Aitken, 1998). Grierson, in fact, managed to institutionalize worldwide documentary practice with a didactic and social purpose by claiming that cinema had to be useful and of benefit for society (Sussex, 1975). However, it was his views on what he considered to be of “social benefit” that prevailed and not the voice of those who were in fact being represented. Did Grierson and other filmmakers at the time had the

right to decide for others how they appeared represented?

A different form of mediation we may find in Humphrey Jennings's masterful film practice. In 1942 it was Humphrey Jennings and not the Luftwaffe, who burned down St Katherine's Dock as a dramatic backdrop for his documentary film *Fires Were Started*. This is a case where the filmmaker's mediation provokes the film itself. Ironically, according to Winston, the film provided some of the "best archive footage" of the London Blitz.

A similar type of mediation we find in Joris Ivens's powerful and dramatic *Misère au Borinage* (1934). Ivens, on his film, dressed up as policemen two miners and asked them to re-enact the incident that had occurred during the strike (Winston, 2005a). This mediation resorts to fiction strategies to document and illustrate a past reality which otherwise could not have been possible to represent in his film. This performed scene blends perfectly with the rest of the real events that constitute the narrative. If we were not told, we would probably not be able to discern the enacted scene from the rest of the film.

Should Ivens and Jennings warned their audiences on their mediation with the events or there is no need to inform the spectator of the fictional elements in their films? Is it just their choice to make? Does it matter or not whether we inform audiences of the truth behind the making of a film that claims to depict reality?

We can find a terrible mediation example with tragic consequences in *Gimme Shelter* (1970). A documentary by the Maysles brothers and Charlotte Zwerin about the Rolling Stone's 1969 tour of America. This tour culminated in a free concert at Altamont, near San Francisco, where a man was killed by the Hell's Angels (A Motorcycle club whose members typically ride Harley-Davidson motorcycles. Their organization was associated to the crime syndicate). The filmmakers themselves had organized the concert in a hasty and reckless way. In fact, they hired the Hell's Angels, who were famous for their violence, to provide security in exchange for beer. The concert ended-up with the Hell's Angels killing a man in a fight.

Pauline Kael, reviewing the film at the *New Yorker*, accused the filmmakers for their complicity in the

tragic event (Kael, 1970). The filmmakers did not arrange the murder; however, their mediation in the careless organization of the event had tragic consequences. Should the filmmakers had intervened and stopped the concert so as to avoid the violence? Should the filmmakers bare any responsibilities for the events like Pauline Kael claimed? Did they have the right to make and exhibit the film given the tragic circumstances?

Similar issues are brought into question in Frederick Wiseman's *Law and Order* (1969). In his film there is a scene where a policeman appears choking a woman for some time. The scene clearly depicts police brutality. However, did Wiseman have the right to just passively film the event like any other? Did he not have the moral and ethical obligation to stop filming and help the woman? The fact is that if he had stopped filming he would not have accomplished such powerful scene documenting police brutality. Does this fact justify the filmmaker's mediation? Can this situation be considered different from *Gimme Shelter*? Why? How? Who is to decide that? In a sense we could agree that these filmmakers did not provoke those situations. We may also argue they are not responsible for what people do or say in front of their cameras.

However, what about the characters themselves? The man who died, his family or the woman who was choked in front of the camera? Do they have or have not anything to say about how or why they appear represented? Didn't these characters in a way have the same treatment and choices like those in Gierzon's films?

These and many other examples and questions lead us to interrogate whether these and other filmmakers' mediations are justifiable in order to represent the world. This is regardless they mean to satisfy a particular political agenda or to fulfil their own personal goals.

Perhaps another question we should ask is: who is to say and decide how much mediation can be justified in representing others? Is it up to the filmmakers, the producers, distributors, the audience or the actual characters and participants that play the central role in their films?

On the other hand, we should also consider asking:

How is it possible to represent reality without artistic mediation? Is it possible to accomplish “fair” or “just” representations of the world? Can we draw a set of guidelines or rules that filmmakers should follow in documentary practice? How can filmmakers represent their personal points of view of the world without implementing subjective, manipulative and creative choices? Is it not in fact absolutely essential to learn about the world through different personal points of view?

3I BEING “FAIR” AND “JUST” WHEN REPRESENTING THE WORLD

After World War II, there was an outburst of new filmmakers with a new approach to documentary making that raised new issues regarding the relationship between the cinematographic discourse and representing reality. It was a time when documentary, influenced by Italian Neorealism, Realist film theory and Art Cinema conceptions, turned into a movement seeking free expression in continued conflict with censorship and propaganda. This was the time when new strategies for representing reality such as Free Cinema, Direct Cinema and *Cinéma Vérité* emerged as an opposition force against Grierson’s documentary practice. Not only in terms of concept and content but also in terms of technique. This new generation of filmmakers meant to achieve a “truthful” and “fair” representation of reality by allowing the participants to have a voice of their own. However, their techniques and strategies differed from each other. This opened a new discussion with regard as to establish what strategy is more appropriate to represent reality. This is for instance the case of Jean Rouch severely criticizing Direct Cinema or Frederick Wiseman’s film practice. Rouch considered Direct Cinema too ambiguous due to their open-ended narrative structures. He argued that, a documentary filmmaker, had to present a clear argument and point of view on the subject they represented. Rouch valued Flaherty’s film practice in *Nanook of the North* (1921). He argued that Flaherty showed the film to the participants and therefore he shared with them the process of making the film. This is a practice that Rouch also followed in some of his films like in the case of *Chronique d’un été* (1960). It is for this reason that Rouch considered his strategy more just and truthful to represent reality than that of Direct Cinema (Rouch, 1964). Conversely, Wiseman, the Maysles

Brothers and Leacock implemented an opposite strategy in their films. In fact, they did not share any of the film making process with their characters.

However, we also have to take into account, like William Rothman states, that Flaherty asked the protagonist of *Nanook of the North* to pretend to live in an igloo, when in reality he didn’t. He also asked him to re-enact his father’s generation’s past way of life, when he himself had a contemporary Inuit life style. In fact, the family members of *Nanook of the North* are not related. They are not even a real family. They were chosen by Flaherty to represent what he considered to be an ideal Inuit family (Sherwood, 1979). This is a practice that he repeated in *Man of Aran* (1934) and *Louisiana Story* (1948) in order to represent what he considered to correspond to an ideal Irish or Cajun family.

Flaherty’s manipulative practice just like Jennings’ or Ivens’ may be ethically questionable. However, we should also consider that, regardless the fictional quality of their mediations, their films feel truly genuine. Their narratives feel truthful and real. It is perhaps due to their intelligent mediations that they managed to achieve such a sense of authenticity.

On the other hand, we also need to ask whether Flaherty’s mediation practice is more justifiable because he shared some of the filmmaking process with the protagonists? And if so does this mean that Iven’s or Jennings’s are not? (Rothman, 1998). Can we consider Flaherty’s or Rouch’s film practice more “honest” or “fair” than that of Jennings’, Ivens’ or Direct Cinema? Are their strategies less biased, subjective or manipulative? Are they ethically more appropriate to represent the world? Perhaps the question we should to ask in fact is: is there an ideal documentary strategy or set of rules or guidelines that can guarantee a “fair”, “just”, “truthful” or “authentic” representation of the world?

The answer is no, for mediation is always bound to be manipulative and subjective regardless the strategy a filmmaker implements to represent an event. “Fair” and “just” are equally subjective and ambiguous terms with no clear set of parameters to define them or regulate them. In fact, we can argue that all strategies maybe equally “unjust” or “fair” for representing reality. This is because the “authenticity” of the representation

depends on the quality of the personal choices involved in representing and not in the strategy itself.

It is the filmmaker's mediation that defines the quality of the representation. No strategy can ever guarantee a "fair", "authentic" or "artistically valuable" representation of any aspect of the historical world.

The decisions involved in mediation are always personal, biased, manipulative and subjective for each filmmaker is a different person. Each filmmaker has different view and experience of the world. How are we going to develop a set of rules or parameters that can regulate mediation? The challenge is impossible to satisfy because the possibilities for developing a "fair" mediation practice handbook are endless.

41 INFORMED CONSENT

Filmmakers frequently ask participants in their films for their consent to film. Therefore, we may assume that characters, when they appear in a documentary, were previously duly informed by the filmmaker about the film's purpose and objectives and they consented to it (Nichols, 2001).

However, when asking for consent, are filmmakers clearly informing their participants of the possible hazards they might suffer as a result of their collaboration in their films? Calvin Pryluck claims that films such as *The Things I Cannot Change* (1967) and *September 5 at Saint-Henri* (1962) had serious damaging effects on the personal lives of their participants who felt humiliated and ended up being mocked by their own neighbors (Pryluck, 2005).

The fact is that, however much a filmmaker attempts to explain or inform their characters of their intentions, it can be very difficult for regular people to understand what that could mean. It can be complex to realize that whatever they do or say in front of a camera may affect greatly the way they appear represented. Their behavior might damage their personal image or make them look "stupid or silly". This is the case of Michael Moore's *Roger and Me* (1989) when filming his fellow countryman from Flint, Michigan (Bernstein, 1998) and Ross McElwee's *Sherman's March* (1985) when filming the flirtatious Southern women that appeared in his film (Fisher, 1988). Should these filmmakers have informed their participants on their comical and ironic treatment? Can we consider abusive, unethical or

exploitative their artistic choices and manipulation? Were in fact their participants duly informed of their artistic treatment and intentions? Did they consent to be undermined?

On the other hand, we should also ask if filmmakers in fact do have an obligation to inform characters about their intentions? Or whether that is possible at all? Do filmmakers, at the time of filming, know how they intend to represent someone? Probably in most cases they don't. Most likely they will decide that later during narrative construction.

In documentary, during filming, much of the outcome accomplished may be spontaneous or unpredictable. Filmmakers' cannot always imagine what people might say or do during the filming process. They could also be unable to establish how their characters will appear represented until they actually construct the narrative during the editing process. Therefore, filmmakers might not be able to fully explain or inform, at the time of filming, how they intend to represent someone.

We could also argue that filmmakers do not have any moral or ethical obligations to inform others about their filmmaking intentions. They merely need to ask for permission since participants should be considered responsible for their own actions.

Why should filmmakers be considered responsible for how people behave in front of a camera? Should their representations be conditioned or concerned with protecting their characters? Or should they be focused on presenting personal points of view of the world?

We also need to realize that if filmmakers inform their characters of all the possible hazards that may arise from partaking in a film it is most likely that they would not consent to participate. This may also mean that many great documentaries such as Wiseman's *Law and Order* would probably not embody such emblematic historical representations.

Therefore, we could agree that filmmakers do have a responsibility to inform and ask permission for filming. However, they cannot be hold responsible for people's behaviour or actions. Filmmakers must be focused on presenting personal points of view of

subjects and events that can broaden our knowledge and understanding of the world we inhabit.

5 | CONCLUSION

There is a fundamental difference between that which is humanly visible and that which is technically visible through the camera's "eye". It is considerably different that which I may experience in reality from that which I may learn about an event through cinema's technical qualities. The camera technically gives shape to our views of the world by forcing us to make technical selections and it is through these choices that audiences learn about the world from a filmmaker's point of view. But it is also through these manipulative and creative selections that a filmmaker satisfies their needs for artistic expression and that a documentary becomes a work of art. In cinema, "transforming" reality through mediation is inevitable. Representing an event essentially consists of converting the continuous never-ending flow of our experience into a limited number of images and sounds. The artistic manipulation involved in this mediation process is enormous and the creative potential is limitless. This is why we may regard as naïve the belief that one strategy can be more "truthful" or "fair" than other. The fact is that it is impossible to achieve a "truthful" or "fair" representation of reality because the possibilities for representing an event are endless. Through mediation, each filmmaker can produce a different representation of the same event. Which one might we acknowledge as "fair" or "just", and why? Can we regard Rouch's mediation strategy better or fairer than that of Wiseman's? Certainly not, since it is not a question of the strategy they use to represent but of the personal choices involved in representing. Both can be regarded as equally "right" or "wrong" in this respect. This is why we can argue that there is no set of rules or guidelines that can regulate mediation since mediation does not depend on the strategy a filmmaker implements to represent. Mediation results from the filmmaker's experience with the event. An experience, which is unique, biased, subjective, ambiguous and cannot be repeated or reproduced by anyone else. It is in a sense the reflection of the filmmaker's relationship with reality.

On the other hand, we should also take into account that when representing an event the filmmaker, the spectator or the participant may have a different view

on how it should be represented. Each one of them may have a different opinion on what can be regarded as morally or ethically correct or acceptable. Is it in fact possible to satisfy all viewpoints in a representation? And if so how could the filmmaker express their own personal point of view about an event?

It is extremely complex to achieve a "socially acceptable balance" between that which I represent and how I represent it. This tension established between art and ethics is unavoidable when representing reality. We could say that there is no one without the other. We cannot represent personal views of the world without raising some ethical questions in the process. Perhaps this is why it is so essential to present personal points of view about reality because in fact it raises ethical questions.

This does not mean that filmmakers' mediations are not ethically questionable or that characters do not have rights with regard to how they appear represented. It does not mean that filmmakers should not inform or ask their participants for permission. It also does not mean that filmmakers can exploit or use events or people as aesthetic objects to satisfy their personal artistic needs. Filmmakers must answer ethically and morally for their decisions, for their mediations with the world, to their participants, to their audiences, to those who partake or receive their work. Films are made to be seen, to be publicly exhibited and to be discussed and reflected on their treatment and content. This is why spectators, participants, filmmakers, institutions, and society in general must participate in this debate and judge and value the artistic quality and contribution of their representations.

Whichever narrative technique filmmakers use, however manipulative or exploitative we may argue, filmmakers in their often-questionable mediations offer different points of view of the world which can enrich our experience of life. Through cinema we can learn to have different views or opinions on different subjects like the Holocaust, Death Row, Public Institutions, Poverty or Immigration. Documentaries can further our understanding of the world by interrogating our beliefs, by questioning our opinions through presenting alternative ways of "seeing". From this perspective, we can agree that documentaries fulfill an

essential role in society for, in fact, on many occasions, it is mostly through a documentary that an audience may become aware of certain social, economic, political or cultural subject.

Given the complex and sensitive issues involved in representing the world, terms and concepts such as “fairness”, “impartiality”, “balance” or “justice” seem absolutely crucial in this debate (Cunningham, 2005). Even though they may be ambiguous and each filmmaker may have their own personal interpretation of their meaning, they also serve as an essential reference and guideline in representing reality (Plantinga, 1997). If the profound meaning that these terms embodied did not exist, we would probably not be having this discussion. However difficult or impossible it might seem to apply their meaning it is fundamental that we have the objective to achieve them. There must be a continuous vigilant debate between artistic expression and the ethical issues and responsibilities involved in representing. And in this debate we must encourage filmmakers, participants and audiences to attempt relatively workable versions of “fairness, justice or balance”. Versions that might be beneficial in the quality of the representations we produce, the value of the artistic expression we achieve, and the knowledge and experience we learn about reality through an ethically conscious documentary practice.

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