

Some thoughts on Netflix's 'Making a Murderer' and Documentary 'Truth'

Netflix's *Making a Murderer* premiered last month, December 18, and has since generated heated debates and been making daily headlines. This 10-episode documentary series, by filmmakers Laura Ricciardi and Moira Demos, chronicles the exoneration and subsequent murder conviction of Steven Avery in Manitowoc County, Wisconsin.

Avery is a junkyard car dealer with an IQ of 70 who spent 18 years in prison for a rape he did not commit before he was exonerated due to DNA evidence in 2003. Two years later, in the midst of a \$36 million lawsuit against Manitowoc County, he was arrested for the murder of photographer Teresa Halbach. His sixteen-year-old nephew, Brendan Dassey, was also convicted for the same murder. In 2007, after separate trials, both were found guilty and sentenced to life in prison.



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This "fly-on-the-wall" documentary series examines those convictions and offers a narrative that includes potentially planted evidence, suspected police and prosecutorial misconduct, an apparently coerced confession and a defence lawyer who abandoned his teenage client. Subsequently, this narrative has led

viewers to respond with near-universal outrage about Avery's and Dassey's verdicts.

Since its release, it has become one of Netflix's most watched programmes and has even been considered by Forbes Magazine "[Netflix's Most Significant Show Ever](#)". The series have generated daily online discussions about whether Avery and Dassey were skilfully framed by a morally corrupt county police or whether they are evil monsters guilty of killing an innocent young woman.

In addition, as we write this, more than four hundred thousand people have signed a [petition](#) to President Obama demanding that "Steven Avery should be exonerated at once by pardon" (as Avery was convicted of state crimes, not federal ones, the President does not have the power to pardon him).

As interesting as the 'guilty or innocent' debate is the debate about 'Documentary Truth'. In many online forums, news reports – and their comments section – and social media there have been heated discussions about the documentarians' bias towards Avery's and Dassey's innocence and the filmmakers' lack of 'objectivity' and commitment to investigate the 'truth' about what happened to Teresa Halbach.

Documentary 'Truth'

Writing in the [New Yorker](#), Kathryn Schulz recalls an interview she did with Penny Beerntsen, the victim of Avery's wrongful conviction of rape, in 2007. In this interview Beerntsen explains that she declined participating in *Making a Murderer* chiefly because she felt that the filmmakers struck her as having already made up their minds:

"It was very clear from the outset that they believed Steve was innocent...I didn't feel they were journalists seeking the truth. I felt like they had a foregone conclusion and were looking for a forum in which to express it."



PHOTOGRAPH FROM NETFLIX. EONLINE

This is exactly the problem of the commonly-held view of what documentaries, and journalism, are about or should be about: *seeking the truth*.

This way of thinking about these two forms of storytelling has been criticised in many academic studies from various university journalism and documentary departments across the world. Any serious work in both fields dedicate at least a chapter to deconstructing the 'myth' of objectivity and truth. See for instance John Corner (1996), Stella Bruzzi (2004), Bill Nichols (2010), to name a few.

Making a Murder is doing a service to all of these long-established academic debates by taking them beyond the walls of the 'Ivory Tower' into ordinary people's homes. It will (hopefully) help people realise, once and for all, that both journalism and documentary-making use certain practices to tell stories, like the fiction film.

For example, news reports or documentary films depend on selection and are manipulated by political codes, by the presence of the director, by the style of shooting, by the cutting, by the use of language, by the choice of interviewees and so forth. Everything depends on personal choices – *objectivity in this case is simply impossible. Choice is a subjective action*.

If objectivity is impossible, what about truth? How can one 'seek the truth' while being subjective? BBC filmmaker Christ Terrill has a good answer to this question:

"Our stock in trade [in documentaries] has to be honesty; not necessarily truth, whatever truth is – truth is a construct. (...) It's continually an interpretation, a relating of events as we see them in our audience." (in Bruzzi 2004: 90)

Therefore, when thinking of a documentary, a news report, or even a **photograph** as the truthful account of events, we should ask ourselves: Whose truth? The filmmaker or reporter? The producer or broadcaster? The victim? The police? There is no such thing as **the** truth, but there is **a** truth. **Many** truths.

When we see that *Making a Murderer* is about the filmmakers Laura Ricciardi and Moira Demos's truth, the next question to be asked is: what is this truth that the filmmakers sought to tell? In other words, what is the documentary series *really* about?

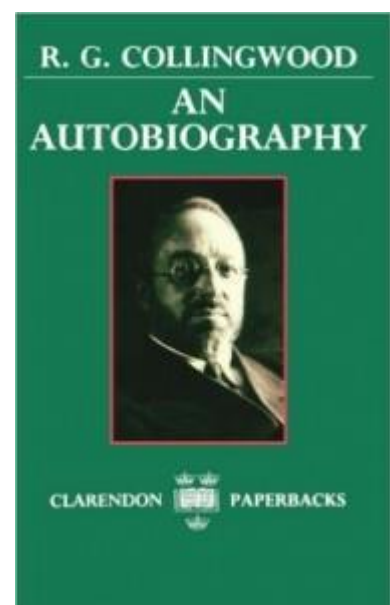
R. G. Collingwood's Method of Question and Answer

To answer this question it may be helpful to look at a method proposed by English philosopher, historian, and archaeologist Robin George Collingwood in his 1938 *An Autobiography*. He writes:

*"It seemed to me that truth...was something that belonged not to any single proposition, nor even, as the coherence-theorists maintained, to a complex of propositions taken together; but to **a complex consisting of questions and answers**".(pp. 37; our emphasis)*

While working as an archaeologist, Collingwood was reminded of the importance of the 'questioning activity' which he had previously encountered in the works of Bacon and Descartes. He says that:

"If the meaning of a proposition is relative to the question it answers, its truth must be relative to the same thing" (pp. 33)



About truth, he goes on:

*"If this is what it meant by calling a proposition 'true', it follows not only that **you cannot tell whether a proposition is 'true' or 'false' until you know what question it was intended to answer, but also that a proposition which in fact is 'true' can always be thought 'false'** by anyone who takes the trouble to excogitate a question to which it would have been the wrong answer, and convinces himself that this was the question to which it would have been the wrong answer, and convinces himself that this was the question it was meant to answer" (page 38; our emphasis)*

What Collingwood is telling us is that anyone who wishes to know whether a given argument is true or false, significant or meaningless must try find out what question it was meant to answer. In other words, to understand and then judge if the story that Ricciardi and Moira sought to tell is truthful or not, we must find out first what question they tried to answer.

Looking at some of the interviews that they have given so far, it looks like 'Who killed Teresa Halbach' is definitely the wrong question.

Although Collingwood recognises that "a writer very seldom explains what the question is that he is trying to answer" (pp.39), Ricciardi and Moira have given some indication as to what question they sought to answer in an [interview to Anne Driscoll for The Irish Times](#):

"Our primary focus was not who killed Teresa Halbach. We just would have been setting ourselves up for failure. This was not a 'whodunnit', it was much more of a 'howdunnit'. Was the process that led to the investigation and conviction of these men, was it fair?"



PHOTOGRAPH FROM NETFLIX. NEW YORK TIMES

When asked whether they believed Avery and Dassey were innocent, they give a grounded answer and show their clear understanding that there is no such thing as a single truth:

"Obviously we have no way of knowing whether they were responsible for the death of Teresa Halbach. We weren't with Teresa Halbach on October 31st so we don't know what happened to her. We don't find credible the narrative that the prosecution put forth in these cases, especially because they argued inconsistent crimes at Steven's trial and at Brendan's trial. There was one victim and essentially two crimes, and two crime scenes were argued."

Asked if the documentary series could have an impact on Avery or Dassey's prospects for freedom, the filmmakers go back to their main concern: the justice system, not particularly Avery or Dassey *per se*:

"I think the bigger question is what impact the series could have on the justice system because that would help many more people. We need to have a system that we can rely on if we're going to be deciding guilt or innocence."

Hence, those arguing that the filmmakers dodged inconvenient facts and were never able to present a coherent account of Halbach's death are failing to understand the question the filmmakers set out to answer. The filmmakers main question is about trusting the justice system, not about who killed Halbach nor whether Avery or Dassey are guilty or innocent.

So What is a Documentary Film?

If documentary films are not about the truth and objectivity, then what are they about?
One of the best answers is given by ethnographic filmmaker David MacDougall:

"For me the commitment to documentary has always been a commitment to the possibilities of discovery and testimony – that is, to the proposition that ways can be found to document experiences actually happening to people that have never before been given public expression. The documentary filmmaker's art is to find those experiences and analyze them in such a way as to make them accessible to an audience, and in doing so to propose some theory about their significance. To have made a film that succeeds in doing even a part of that is to add to our common experience". (MacDougall 1998: 225)

The debates around *Making a Murderer* clearly show that as a film answers questions, it concurrently raises further questions. Keep asking them.

Stella Bruzzi. *New Documentary: A Critical Introduction*. Routledge, London, 2004

Robin George Collingwood. *An Autobiography*. Clarendon Paperbacks, Oxford, 1939

John Corner. *The Art of Record: A Critical Introduction to Documentary*. Manchester University Press, Manchester, 1996

David MacDougall. *Transcultural Cinema*. Princeton University Press, Princeton, 1998

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