Animals' right to privacy denied by documentary-makers

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Animals' right to privacy is being denied by makers of television wildlife documentaries according to new research. Dr Brett Mills from the University of East Anglia argues that while wildlife programmes can play a vital role in engaging citizens in environmental debates, in order to 'do good' they must inevitably deny many species the right to privacy.

Published in the current issue of *Continuum: Journal of Media and Cultural Studies*, Dr Mills' study 'Television wildlife documentaries and animals' right to privacy' analyses the 'making of' documentaries that accompanied the BBC wildlife series Nature's Great Events (2009). Exploring the debates on ethics, animal welfare and rights and human rights, Dr Mills suggests that animals have a right to privacy but this is turned into a challenge for the production teams, who use newer forms of technology to overcome species' desire not to be seen.

"The aim of the research is to encourage debate, especially within the contemporary environmental context where it is now commonplace for us to question the impact of human movement and behaviour around the globe," explained Dr Mills, a senior lecturer in the School of Film and Television Studies. "In addition, though, perhaps there is an argument for some species, in some circumstances, not to be filmed. At the moment it seems that such arguments are never put forward."

He added: "This is an important debate for two reasons. Firstly, wildlife documentaries are usually seen as important pieces of public service broadcasting, and it's therefore worth us thinking about the ethical

contexts within which such productions exist. Secondly, such documentaries are the key way in which many people 'encounter' a range of species from all over the globe, and so they therefore contribute to how we think about other species and human/animal interactions. By exploring what wildlife documentaries do, and how they do it, I hope to contribute to environmental debates at a time when the global effects of human behaviour are rightly under scrutiny."

At the heart of the documentary project is the necessity for animals to be seen. Dr Mills suggests that this necessity itself raises a series of ethical concerns, but these seem to be sidelined in the moral debates surrounding wildlife documentaries. The use of sophisticated aerial technology to film animals, for example, is justified because it does not disturb them, yet the question of whether it is appropriate to film animals in this way is not raised. Underpinning such action is an assumption that animals have no right to privacy, and that the camera crew have no need to determine whether those animals consent to being filmed.

Unlike human activities, a distinction of the public and the private is not made in the animal world. There are many activities which animals engage in which are common to wildlife documentary stories but which are rendered extremely private in the human realm; mating, giving birth, and dying are recurring characteristics in nature documentaries, but the human version of these activities remains largely absent from broadcasting.

Dr Mills said: "It might at first seem odd to claim that animals might have a right to privacy. Privacy, as it is commonly understood, is a culturally human concept. The key idea is to think about animals in terms of the public/private distinction. We can never really know if animals are giving consent, but they often do engage in forms of behaviour which suggest they'd rather not encounter humans, and we

might want to think about equating this with a desire for privacy.

"When confronted with such 'secretive' behaviour the response of the wildlife documentary is to read it as a challenge to be overcome with the technologies of television. The question constantly posed by wildlife documentaries is how animals should be filmed: they never ask whether animals should be filmed at all."

A justification could be made for filming animals as they roam plains and deserts and engage in hunting activities because these are 'public' events, which take place in locations which include many other animals, and in which the animal being filmed makes no explicit attempt to not be seen. Yet animal activities which might equate with human notions of the private are treated in a way which suggests the public/private distinction does not hold. For example, many species could be read as desiring not to be seen - animals in burrows and nests have constructed a living space which equates with the human concept of the home, and commonly do this in locations which are, by their very nature, explicitly hidden, often for practical purposes. "Human notions of privacy which rest on ideas of location or activity are ignored in terms of animals. It doesn't matter what an animal does, or where it does it, it will be deemed fair game for the documentary," said Dr Mills.

Distinctions between the public and private are enshrined within broadcasting regulations, with privacy placed within ethical categories of human rights. Central to broadcasters' relationship with its public is that in order to be filmed, the public must first offer their consent. If they don't, broadcasters must not infringe privacy unless there is a pressing justification to do so.

"While never made explicit, such regulations assume that such ethics are applicable to humans only," said Dr Mills. "The ethical standards applying to wildlife programmes are predominately predicated on

ensuring that 'audiences should never be deceived or misled by what they see or hear', that is the 'contract with the viewer' is prioritised over the rights of the animals. In doing so, an assumption is made here about the differences between humans and animals, which have been at the heart of debates over animal rights and the ethical treatment of animals for millennia.

"The environmental and educational aspects of wildlife documentaries are assumed to trump ethical concerns about animals' privacy. It is an impressive piece of ethical manipulation, whereby privacy, so enshrined within the concepts of rights for humans, becomes merely a 'realm' which documentary makers can enter, justifying their actions as ones for the benefit of the very species whose rights are being moralised away."

Provided by University of East Anglia