

# *The Rashomon Effect and Communication*

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**ABSTRACT** *How has a film released in Tokyo in 1950 been understood as providing an important explanatory paradigm for complexity? Why has this paradigm moved beyond the screen, and beyond film studies, to a number of other intellectual fields, such as communication, psychology, anthropology, sociology, epistemology, and legal studies? All of these disciplines must address and interpret complex and unstable decision-making environments, in which incomplete information and irreconcilable perspectives converge, surrounded by intense pressure for closure. This film crystallized these factors in 90 minutes and has provided the idea of a Rashomon effect. A detailed analysis of the recent Dziekanski Affair (2007–2015) provides a good example of the value of applying this concept to the type of contradictory situations that communication studies must try to explain.*

**KEYWORDS** *Uncertainty; Negotiation; Contradiction; Closure; World cinema; Japan*

**RÉSUMÉ** *L'article concerne la question de savoir comment l'interprétation d'un film sorti à Tokyo en 1950 ait pu devenir un important paradigme de la complexité. Pourquoi ce paradigme est-il allé au-delà des confins de l'écran et des études cinématographiques pour s'introduire dans d'autres domaines tels que la communication, la psychologie, l'anthropologie, la sociologie, l'épistémologie and le droit? La réponse est que toutes ces disciplines doivent confronter et interpréter des champs de prise de décision complexes et instables, où convergent données incomplètes et perspectives irréconciliables, dans un contexte de pressions intenses de clôture. Le film cristallise ces facteurs en quatre-vingt-dix minutes et a produit l'idée de l'effet Rashomon. Une analyse détaillée de la récente affaire Dziekanski (2007–2015) montrera l'utilité d'utiliser ce concept dans des situations extraordinaires que les études de la communication se doivent d'expliquer.*

**MOTS CLÉS** *Incertitude; Négociation; Contradiction; Conclusion; Cinéma mondiale; Japon*

At the outset it is essential to say that there really are at least two Rashomon effects arising in and from this famous film. The first Rashomon effect, usually passed over by scholars, is the one experienced by first-time viewers of the film, surrounded by the relentless Bolero-style music, the sound of rain falling heavily around the gate, the bright sparkling sunlight and shade in the forest, and the sudden and subtle switches in the stories, the power of the superb acting. This is a story grounded in twelfth-century Japan and then filmed and completed for screening in 1950, which is a long way back for twenty-first-century viewers. Yet, in terms of technique and engagement, few

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experiences lasting less than 90 minutes are as memorable. No amount of post-film theorizing about epistemology diminishes the effect of seeing *Rashomon* for the first time, an effect I have seen over and over again in susceptible and attentive audiences.

The second *Rashomon* effect is the one I am focusing on here; it is the naming of an epistemological framework—or ways of thinking, knowing, and remembering—required for understanding the complex and ambiguous on both the small and large scale, in both the routines of everyday life and in its extraordinary moments. The second *Rashomon* effect (sometimes written with a capital *E*) is probably universal in our experience, and this adds to the globalizing and proliferating tendencies of the term. Of course, here I speak of the two effects together because they arise together, but one should remember their distinctiveness. There is an intriguing tension between the two, asking us how could the experience of a film on the first viewing ripple outwards to become an experience with an accepted cognitive and cultural paradigm?

At the conclusion of *Rashomon*, viewers commonly say that the film is about the differences in perspective found in multiple accounts of a single event. They then call this the *Rashomon* effect. This article examines the common “difference in perspective” version of the *Rashomon* effect, a version that occurs in communication and other social sciences, such as cognition, epistemology, anthropology, psychology, sociology, and in legal studies. Because so many viewers miss or forget other key ingredients that contribute equally to the *Rashomon* effect (arising from the film), I concluded that the effect needs a clearer analysis, one that emerges from the film itself. Therefore my purpose here is to remind us of the intellectual complexity that Akira Kurosawa, inspired by the writer Akutagawa, has set before us. Can we see freshly those very ingredients in this 1950 film that many of us forget to acknowledge? Can we go beyond popular viewings and simple interpretations of *Rashomon*, which seem curiously incomplete? And finally, what precisely is the *Rashomon* effect? This article addresses these important questions in order to better establish the film’s full power as the source of a valuable intellectual concept with possibly universal applications. More than ever, communication studies and scholars are looked to for insight into these complicated and contradictory situations. To show how this works in a contemporary situation, this article concludes with analysis of the Dziekanski Affair in British Columbia, Canada, during 2007–2015.

### **Origins of *Rashomon* and its success**

The film’s title is taken by scriptwriter Kurosawa and his co-author Shinobu Hashimoto from a 1922 short story by Ryunosuke Akutagawa (titled “*Rashomon*”), which explores a conversation about the devastation of Kyoto, under a ruined gate in the rain. The scriptwriters knew that Akutagawa was referring to stories that originated in the famous twelfth-century *Konjaku Anthology*. The incident in the forest comes from another Akutagawa story (titled “*In the Grove*”), in which seven testimonies are given about the incident involving a bandit, but the reader is left without any certain indication as to how to think about them.<sup>1</sup> Kurosawa saw Akutagawa as a “modernist” and liked the fact that the story is set in the twelfth century, far away from the overworked historic Edo and Tokugawa periods. In 1949–1950, Kurosawa and Hashimoto selected Akutagawa’s characters of the woodcutter, the samurai, the lady, the bandit, and the

spirit medium, then created and introduced the character of the commoner, whose role is to skeptically question all versions of the incident, in a dialogue under a famous gate in Kyoto. *Rashomon* means “web-life-gate,” and half the film occurs under a gigantic gate near Kyoto built expressly for the film in 1950.

*Rashomon*’s fame is due to its chance entry in the 1951 Venice Film Festival: Japan was invited to send a film to Venice, yet *Rashomon* was not even considered. When the representative of Italiafilm in Tokyo recommended strongly that *Rashomon* be sent to Venice, Daiei Studio objected, only sending the film with reluctance to Venice. Japanese critics said at the time that the film was monotonous, too complicated, and unable to render the original stories, that it contained too much swearing, lacked a plan, et cetera. Most of the acting in the film is “naturalistic,” in the Japanese sense, so there was also criticism when the bandit seemed to be “over-acting.” The lusty kiss between the bandit and the genteel lady was shocking to Japanese viewers of the time, because kissing had been portrayed only occasionally since its first approval by censors in 1946. General MacArthur himself, head of the Allied occupation of Japan, suggested that the emancipation of women was one of his five priority reforms, and legal and social changes benefiting women were imposed by the occupation administration just before the film was released in autumn 1950. Kurosawa later said this was one of only two of his films that had a woman as its central figure.

When *Rashomon* won a prize at Venice in 1951 and then won an Academy Award in 1952, the Japanese critics’ puzzled explanation was that Western audiences and critics liked *Rashomon* because it was simply “exotic.” It is true that Toshiro Mifune was a new actor (without “samurai” experience) who was being promoted by Kurosawa, and that Machiko Kyō (the female lead) had previously been a dancer, not a film star, but appeared as more seductive and more clever (to reviewers) than other actresses. The music was undeniably a remake of Ravel’s *Bolero*. Was that what was meant by “exotic”? Perhaps these Japanese critics themselves found *Rashomon* “exotic.” But one or two also charged that it was successful abroad because it conformed to a logic that “Western people” understood, although it was not “Japanese” logic. These interpretations contributed to the long-running debate in the 1950s in Tokyo about “what is Japanese?”

In spite of the critical skepticism at the time, there is a historical consensus that these two international film awards for *Rashomon* (at Venice and the Academy Awards) contributed to a renewed sense of national confidence and dignity for the Japanese, coming on the heels of the 1949 Nobel Prize for physicist Hideki Yukawa for his prediction of the existence of the meson particle. For the film industry *Rashomon* was a great encouragement, and its success established Kurosawa’s reputation so well that eventually international investors financed his films. It is sometimes incorrectly said that the film was incomprehensible in Japan and was also a commercial failure; neither is true.<sup>2</sup>

### **Understanding *Rashomon* through modern audiences**

Over the past 10 years I have asked roughly 400 students (in my university in western Canada) about their reaction to seeing *Rashomon* for the first time, and in speech and writing most of them zoom in on one crucial dimension of the film, thus overlooking others. The *Rashomon* effect, most say when asked immediately after viewing it, is

the difference in perspectives concerning a single event or process.<sup>3</sup> A few others proposed that the Rashomon effect appears where the facts are not known, and consequently varying (typically called un-factual) versions of events are put into circulation by participants or witnesses. Some of these viewers go so far as to claim that these differences in perspective (and the Rashomon effect) undermine the world of facts. Finally, the interpretations of a considerable number of student viewers involved the idea that one of the four main narratives is the truth and the others are therefore lies, and that although one character is not lying, the others are. This prompts a curious search for the most plausible account of the incident. Though not entirely wrong-headed, these common interpretations of *Rashomon* diminish the power of both the film and the Rashomon effect. Moreover, these kinds of responses mislead viewers of the film, who then forget to acknowledge its most important insight. If we examine some of the film's ingredients that are usually overlooked, we find that only when taken together do all these ingredients constitute the effect named after Rashomon and allow us to see its most powerful expression. It will thus become clear how the concept of a Rashomon effect entered our language.

### Origins of the term “Rashomon effect”

It is intriguing to speculate where the term Rashomon effect originates, though it may be impossible to settle on this question to everyone's satisfaction, beyond disagreement. In 1988 anthropologist Karl Heider wrote about a Pacific Islands discussion group called the Rashomon Sessions that he coordinated from 1980 to 1984 at the meetings of the Association for Social Anthropology in Oceania. He refers to a lineage of remarks there about *Rashomon*, some of which had been made in passing by others in 1978 and 1979; all of these comments showed him, he said, that there was sufficient interest in inviting people to sessions at anthropological meetings in the following four years. Heider concluded that the Rashomon effect, in that period around 1980, was “a phrase whose anthropological time has come” (1988, p. 73). Journalist Valeria Alia reports that she used the phrase in the late 1970s and that it was then incorporated in her 1996 book on journalism ethics and truth telling (Wikipedia, 2014). D.P. Martinez (2009) seems to have been thinking about the idea while an anthropology student at the University of Chicago in 1982.

My own understanding of the term's origins arise much earlier, upon hearing my respected teacher, Nur Yalman, say to us in a class in early 1966 at the University of Chicago that “anthropology's main problem is to deal with the Rashomon effect.” He meant anthropologists' different and unreconciled descriptions of the same social situations, same regions, even the same villages. Unlike some graduate students in that room in Chicago, I had seen the film in 1961 or 1962, so this remark crystallized something that had been lurking for five years in my memory, but was still unformed and unnamed; that “something” was the realization of just how complex my experience of the film's unfolding had been, without me being clear-minded about it.

I suspect the Rashomon effect has shown up in many historical intellectual undertakings that deal with contested interpretations of events or with disagreements and evidence for them, or with subjectivity/objectivity, memory, and perception. A pertinent example is the long poem called *The Ring and the Book* by Robert Browning

(published in 1868–1869, based upon a published copy of official written court testimonies in an Italian murder trial from the seventeenth century). The narrator describes from multiple angles the 1698 murder of an Italian countess and her whole family, and there are other versions of that event from different voices. I recall Browning here to demonstrate that the *Rashomon* effect is not a modernist conceit and is, in this particular case, about 145 years old.<sup>4</sup>

### **What is *Rashomon* about?**

The first ingredient of the film is that there is a fact, namely the body of a man in the forest. This is not just any fact, but a compelling fact. Societies expect answers to the question posed by this kind of fact, if not immediately then certainly in due time. There is pressure for an answer, pressure for closure. In *Rashomon* the fact of the body is so compelling that a witness and all principal participants are brought before a judge, over whose shoulder Kurosawa's camera is watching. This is not just any body in the

**Image 1: Dialogue under the gate**



*Note:* This scene in the rain under the gate (*Rashomon* means 'web-life-gate') depicts the dialogue between a woodcutter, a monk, and a passing man escaping from the rain. They are talking about a samurai's death in the forest. The monk had been on the road travelled by the samurai and his wife, and the woodcutter was working in the forest and had seen the samurai's death and/or his body. Both the monk and woodcutter appeared in the twelfth century Japanese trial, as depicted in the stories in the *Konjaku Monogatari*.

forest, but a noble samurai's body. However, the descriptions of the fact and interpretations of it differ both subtly and systematically. The second ingredient is that these interpretative differences are wrapped in long narratives, each carefully cultivated by the teller to give us their version of the truth. Each of these four narratives communi-

cates the interests of the teller (and in this case the honour of the teller). But they do not offer us a position from which to negotiate agreement or disagreement with them: *Rashomon* is too economical with the evidence and does not enable the viewer to take any such superior position.

Kurosawa's film oscillates between dialogue about the incident in the forest and negotiation among the three actors present at the scene. The dialogue in the rain under the half-destroyed gate among the monk, the woodcutter, and the commoner is constructed for three voices: the voice of idealism (high Buddhist culture of compassion, the monk's tale), the voice of an eyewitness (the humble woodcutter's two slightly different tales), and the voice of a skeptical realist (a commoner who also ducks in to escape the rain) who, while he interrupts the others with his questions, keeps himself warm by breaking off parts of the gate and lighting a small fire.<sup>5</sup> The conversation between them is intense but still somewhat detached. This could be an allegorical dialogue that could be taken by audiences to be about issues such as the Japanese decision to go to war with the U.S. in 1941, the dropping of the Allied atomic bombs on Japan in 1945, the rightness of U.S. imposed reforms in 1946–1949 in Japan, or even the removal of clothing from an abandoned baby. But on the surface the film is a dialogue about the probable cause and implications of a twelfth-century nobleman's death. Experts on Japanese sociology and history agree that the 1950 Japanese audience would have understood these meta-level allegories.

On the other hand, the negotiation in the forest is more concrete and not at all detached—"Kill him," the lady urges the bandit in one version, pointing to her husband, then "Kill me," the lady urges the bandit in another. Both the negotiation to pretend to fight and the decision to end the play fight with a duel to the death are reached without words. The power of the film is in showing how both dialogue and negotiation work in a dialectic process, and leading the innocent viewer to apprehend the *Rashomon* effect in the same complexity that the actors/characters themselves experienced it. Their experience was translated into numerous other (non-film) situations, and that is why the film provides a name for the complex effect that has long been known, but not named until recently. The recent book *Rashomon Effects* (see Davis et al., 2016) catalogues dozens of such transfers and translations, from the film to other creative works, done in different contexts all around the world.

Each account of the samurai's death is both coherent and plausible; the effect lies in that the death of the nobleman is the responsibility of a different person in each narrative and each account appears equally plausible. Remember that no warning is given to the innocent viewer; nothing is suggested during the woodcutter's first story that there will be other stories, or that there will be reasons to later doubt the woodcutter. Then suddenly, 22 minutes later, the viewer is thrust into another version of the same incident. It is important for someone who has seen the film many times to remember that the innocent viewer sees *Rashomon* for the first time only once, and that after that one viewing of the film, a naïve reading is no longer available.<sup>6</sup>

Though coherent and plausible, each account is different in a crucial sense—the mode of the death. The bandit confesses he finally killed the samurai after a lengthy sword duel, and then implores the wife to marry him. The wife thinks she may have

fallen upon her husband's roped body when she fainted in remorse arising from their dishonour. She says to the judge: "I killed my own husband. I was violated by the robber ... Neither conscious nor unconscious ... I stabbed the small sword through the lilac-coloured kimono into his breast." The dead man, channelled through a spirit medium, describes how he took his own life in dignity, using his wife's dagger, which she dropped, after seeing what he thinks is her infidelity. And the woodcutter describes the bandit suddenly and impulsively killing the nobleman after a playful sword skirmish in front of the woman. Having stabbed the nobleman, the bandit runs after the woman but does not catch her.

Read another way, each tale revolves around the samurai's wife, given that the original first causal move, for the entire set of stories, was how the bandit was awakened in the glade by the play of bright sunlight on his eyes, thus breaking his nap under a tree. As the samurai and his wife rode on horseback through the grove, a gentle breeze raised the clothing covering her ankles, and the bandit glimpsed a hint of her sensual body and fell under her spell. Everything else followed from that powerful intersection of sunlight, charm, and desire. Her disadvantage and vulnerability are the starting premise of each narrative, but evolve differently from there. She is not portrayed as helpless, even though she acts out that condition skilfully. As Martinez suggests, "the beautiful wife is not silent (a great virtue for Japanese women), and she is possibly not virtuous either" (2009, p. 39). This is how fact and interpretation are inextricably linked in *Rashomon*.

There is one other fact presented, and that is the bandit's sexual advance to the woman (who is married to the nobleman), but this fact is more equivocal. Most viewers conclude that the sexuality of the two, however interpreted, resonates with the death of the man. This sexual episode, whatever it is called, leads the viewer ineluctably to the body of the dead samurai. What gets frequent attention is the embrace and kiss leading to an advance, an assault, or a rape occurring between the lady and the bandit. This set of different scenes is not essential to the *Rashomon* effect but, if anything, is an example of it. The popular memory of seeing *Rashomon*, constructed mostly by male critics, tends to focus more on the death of the samurai than on the experience of the woman. Recent viewers see this scene variously as the lady's calculated and brave strategy to prevail over the bandit and limit the risk to her person and/or her husband; as the lady's authentic, personal, and spontaneous sexual response to the bandit's advances; as the lady's reluctant submission to the bandit's desire, leading to her inability to fight off his assault; or finally as the bandit's forceful assault or rape of the resistant noblewoman. The firmness with which many viewers report that an assault or rape occurred is quite striking, when in fact different versions and interpretations of this encounter are carefully presented by Kurosawa. We do not know enough to say whether this sexual contact would constitute, in modern terms, second-degree rape or some other type—modern legal rape classification systems hinge on degrees of force used, physical injury experienced, confinement, et cetera. Kurosawa offers no evidence other than the noblewoman's shame in one or two of the narratives. Feminist legal scholar Orit Kamir wrote about her students and her friends "who resisted the film's invitation ... to see an unconventional gender narrative of excluded voices ...

[which appears] when we read the film against itself” (Kamir, 2000, p. 62).<sup>7</sup> We also have Janice Matsumura’s observation (2016) that very soft sanctions against rape were common in Japan in 1950, noting that rape was socially significant only when it exposed and embarrassed the very men who were supposed to prevent it from occurring. Other men, and many women in Japan, appear to have understood sexual assault as a mild aberration of normal female-male relations.

**Image 2: Samurai, his wife, and bandit**



*Note:* The bandit and the samurai’s wife start at each other, each recognizing something in the other. In the film, one of the narratives includes them kissing. These two images (Image One and Image Two), under the gate and in the forest, have been on the internet for many years and have been reproduced many times. They are publicity photos, owned by the Kodakawa Corporation, which were taken during filmmaking by the Daiei Company in 1950. (Images one and two are used under the “fair dealing” provision in Canada.)

The camera angles, the length of shots, the movement of hands and heads—all enable us to draw quite different inferences about this sexual episode in the four narratives. In his essay “Film Style and Narration in *Rashomon*,” Nick Redfern uses time series and multiple correspondence analyses to prove that the four retellings differ not only in content but in form as well. According to Redfern (2013), shifts in pacing and cinematographic technique between retellings indicate each narrator’s relative narrative agency, positioning them as either active or passive participants in the sequence. Although he concedes that his analysis “does not solve the epistemological problem at the core of the film” (p. 12), Redfern’s analysis provides new insight into its formal construction, revealing that the film’s strategic ambiguity owes much to Kurosawa’s nuanced approach to each narrative. The Rashomon effect directs an audience’s attention to these subtle differences. In the lady’s and the woodcutter’s versions, there is no embrace or kiss. In the husband’s version, the lady goes off with the bandit will-

ingly, not with an embrace or kiss, but bearing a look of great beauty, which greatly disturbed the husband nonetheless. In the bandit's version, the kiss is most important. This is an example of the Rashomon effect.

### **The *Rashomon* narratives and doubt**

Kurosawa's great skill is that he offers no evidence at all by which the viewer may disqualify any of the narratives. Even the eyewitness, usually a privileged narrator in most societies, is found to be only as plausible as the others. Importantly, a doubt about the woodcutter's story is deliberately introduced, so that this eyewitness version cannot be found superior to the others. And the bandit has proudly confessed to killing the nobleman after a sexual encounter with his wife, mentioning at the same time his numerous previous successful crimes.

While there is much else that is important, these are the elements of the film that belong in the usual differences-of-perspective account of it. Yet, because differences in perspective are ubiquitous, and the Rashomon effect is not, it cannot be these differences alone that establish the Rashomon effect. In contrast, I suggest that it is the conjunction of these elements, plus their strong interaction, that makes up the Rashomon effect. That means the Rashomon effect is a combination of a difference of perspective and equally plausible accounts, with the absence of evidence to elevate one above others, with the inability to disqualify any particular version of the truth, all surrounded by the social pressure for closure on the question. This convergence is presented to us through Kurosawa's stark minimalism in the different accounts of the events in the forest glade. Although the power of the Rashomon effect is said to hit the observer and bystander strongly, experience of it is not restricted to them. Indeed, it affects the participants in this incident too, revealing itself to them sooner or later, often with great inconvenience to them. This uncertainty is inextricably woven into the certainty of the fact (the man's body, in this case) around which the Rashomon effect usually takes shape.

The conclusion reached by a viewer, if any, must be inconclusive. Except for the persistent fact of the nobleman's body, lying in the forest, punctured by a blade—coupled with the expectation that there will eventually be closure around it—there is nothing more to rely on. The camera sitting over the judge's shoulder reminds us of that. The Rashomon effect draws listeners in, participants and observers alike, and they all slowly discover themselves in it. The absence of forensic evidence to help us assign cause is poignant, as it is in the case of many compelling situations. Although the judgment reached may not be logically satisfactory, it must be socially and legally satisfactory. It must be decisive even if it is not beyond reasonable doubt. Although the bandit's and the woodcutter's stories implicate the bandit, the other two accounts do not. The judge must judge among these accounts, even if only to acquit the bandit. But if involved in the murder of a nobleman, a bandit seldom fares well—so there will be a judgment.

All this shows that significant differences occur in the narratives, and that many viewers of the film do not remember these differences when the film is over. This narrowing of focus and forgetting of key ingredients, pointed out by numerous studies of memory by psychologists, are curious in the context of a film that so powerfully opposes narrowing, selective forgetting, and early closure. This common reaction reminds

us that those who really experience the Rashomon effect are not necessarily comfortable with its implications. Indeed, just as is common in most legal processes, viewers of the film might prefer a method by which to undermine one or more of the accounts, privilege another, and arrive at a more satisfactory conclusion than the one they think the film offered them.

Is there any use waiting for some new evidence to come along to satisfy us and permit satisfactory closure? Although it is true that we often do wait or should wait for this evidence, in the presence of the Rashomon effect, such waiting would be futile, because no more evidence is forthcoming, at least not during this period of pressure for closure. This is why the Rashomon effect enters our ordinary daily lives. We are all faced with puzzling situations where difference of perspective arises, yet the absence of forensic and decisive evidence thwarts a satisfactory conclusion. Something else then emerges, something much less satisfactory. The emergence of differences of perspective alone would not endow the Rashomon effect with such power; after all, are not differences in perspective quite commonplace? No, it is the effect's conjunction with other ingredients mentioned above—like pressure for closure, et cetera—that makes it so powerful. This is one reason that judges say they see the Rashomon effect all the time, namely that the evidence is variable, even when provided by otherwise reliable observers/truth-tellers. They too see the effect without always remembering that they are part of the pressure for closure.<sup>8</sup>

But what is compelling about the facts in *Rashomon*? Ask yourself whether this story would have become legendary if the body in the forest had been the bandit's body. Cinematically this might have been quite effective, but would either of the other two principals (the samurai or his wife) have claimed responsibility for killing him? Would the dead man's spirit accept responsibility for his own death, as the nobleman does speaking through the spirit medium? Socially we know that the judge listens carefully to the testimonies, because this nobleman's body is more important than a bandit's. Of course, the bandit's body would have been important to his competitors, and to his loved ones or relatives (he says he is not married), and more probably to his former victims from whom he has stolen. But socially in the twelfth century as in the mid-twentieth century, when Kurosawa made the film, most bandits commanded more fear than respect. What if the body had been the lady's body? How compelling would that have been?

I raise these hypothetical questions to remind us that the Rashomon effect does not occur just anywhere. It is not simply the absence of facts that brings it into being, nor simply the appearance of different versions of the truth. Moreover, the absence of facts does not itself produce different versions of the truth. The Rashomon effect occurs where interests, culture, and power converge to fix our attention on closure, to propel us to ask for explanations, and to expect to get them—and soon. When elements of authority and power are involved, like judges representing the state, these expectations are more tangible. That is what I mean here by compelling. Yet the other ingredients of the effect have to be present, in a strongly interacting relationship.

The appearance of a film's name for a cognitive and cultural phenomenon (the Rashomon effect) known in many cultures for a very long time is therefore a good

measure of the reception and acceptance of Kurosawa's work. Subjects so widely separated as groups in conflict with the state over the consequences of toxic waste buried in a canal in northern New York state, and the evolution of Israeli fiction writing, have come within the analytic and viewing framework of *Rashomon* and its effect. Kurosawa and his producers, admirers, and critics, could not have imagined such an influence out of all proportion with the film's original intention, and nor could I.

### Experiencing the *Rashomon* effect

In November 2000 I sat in the Supreme Court of British Columbia listening to a case of alleged assault and wrongful dismissal in the workplace. The assault turned out to be mostly pushing and shoving, accompanied by loud harsh language. The judge, having heard the evidence, asked the prosecutor to sum up the accounts of the two principals (employee and employer). The lawyer for the defence nodded concurrence with this summing up when it was concluded. My written notes of the subsequent conversation between the prosecutor and the judge are verbatim:

So there are two versions, Mr. Watson?

Yes, My Lady, two versions, only two.

And nothing to allow us to confirm either one of them, Mr. Watson?

Nothing, apparently, My Lady.

Thank you, counsel. [Judge shakes her head, and then says, muttering the first sentence in a lower voice.] Just like *Rashomon*. I must rule an acquittal. The case is dismissed.

Notwithstanding this remark, and the presence of Kurosawa's camera looking over the judge-prosecutor's shoulder in the Japanese magistrate's compound, we must avoid the impression that the *Rashomon* effect appears only in judicial form. As one person, now an accountant, said to me about the effect, years after seeing the film for the first time, "It is everywhere, I just hadn't understood that." It may be that many judges also think that their references to *Rashomon* are mainly in memory of the differences-in-perspective interpretation of the film, and that they too (being closer to it) do not acknowledge the other key ingredients in the evidence before them. This case of wrongful dismissal mentioned above was hardly as pressing as a murder. I mention this to stress that we expect to find the *Rashomon* effect in many spheres of life, not just juridical, and not just those concerning heavy facts like a body in a forest. Processes or incidents that arouse little interest other than among immediate participants are nevertheless the sites of the *Rashomon* effect. But there are good well-known candidates for treatment in terms of the *Rashomon* effect: consider the 1941 conversations in Copenhagen between physicists Niels Bohr and Werner Heisenberg about the plans for the atomic bomb (explored in the stage play and subsequent TV movie *Copenhagen*), consider the invasion/liberation of Iraq in 2003, consider the reckless shooting on a Toronto streetcar of teenager Sammy Yatim by police in 2013, and consider the lethal attack on the offices of *Charlie Hebdo* in Paris in 2015—the reader can supply many other candidate "events."

Finally, the Rashomon effect induces doubt, at first doubt about one's own judgment, and eventually doubt about others. This doubt is not a solipsism reached in solitude, but is established socially. That means we think about an incident more or less privately but usually come to terms with it together, through a sociable mixture of dialogue and negotiation. Only recently would people have seen the film alone; most of them would have seen it in the twentieth century socially as part of an audience. The Rashomon effect is thus a communicative condition above all; it is about the explanations of an incident offered by three (or more) qualified people, explanations that we find unsatisfactory or unsettling, whether we are parties to this incident or not. So experiencing the Rashomon effect is a very social process, a very communicative process. Its complexity is produced by the presence of the hearers and/or observers who provide some of the social pressure for closure around the question. The dialogue among these hearers/observers is laced with authority, and conclusions (if not judgments) are expected whether or not there is a judge present. Opinions are formed and minds are made up through this process, only to run up against the inherently ambiguous nature of the situation.

This sociability has consequences, arising from the possibility of being wrong, and the Rashomon effect draws us there too, eventually. In a subset of cases there are serious consequences to the social nature of judgments, where responsibility is assigned in error, as in cases of murder or other major crimes. In all cases we prefer not to be wrong, which is why most of us work hard to convince ourselves that we are right. We usually have an interest in not being out of step with those who seem more clearly to be right. This preference is compounded by the social pressure that drives everyone toward closure. Wrongful conviction is thus not arrived at by mistaken solitary solipsism about an error, but by a very collective social process, a mutual appraisal of interests, all deeply influenced by authoritative opinion, usually addressing a set of facts framed by authorities. Another social process that occurs, at least in North America, is the voluntary (and fictitious, or false) confession of guilt, numbering dozens of such improbable and irrelevant confessions made by uninvolved persons, often in widely publicized cases. But in *Rashomon* Kurosawa does not lead us to think these are voluntary, spurious, or fictitious confessions: he shows us real pressure and real conviction about accepting responsibility for the death of the nobleman, but embeds all that in different varieties of the truth.

So cultures and societies seem to move back and forth between the experiences of the Rashomon effect in everyday life and the depiction of the effect at work in their theatrical and fictitious creations (and re-creations). I want to counter the idea that this effect is a peculiarly judicial phenomenon, although it is hardly surprising that we dwell there, because the process of calling witnesses, communicating, and pressing for closure in courts is so crucial. The Rashomon effect is far more general and widespread in our experience across what are usually called the humanities and social sciences, particularly in communication studies.

### **An example of the Rashomon effect in the Dziekanski affair, Vancouver, 2007–2015**

If the Rashomon effect appears on the level of very private conversations (as in the

film, under the gate), it also appears on public stages. In the Supreme Court of British Columbia, trials began in 2013 of four police officers from Canada's national police force, the Royal Canadian Mounted Police (RCMP). In October 2007 these RCMP officers had hurriedly arrived on scene, confronted, and then caused the sudden death of Robert Dziekanski, a Polish immigrant, in the airport at Vancouver. His accidental enclosure in the secure international area of the airport, which lasted from the afternoon into the middle of the night, led to the death of this unnoticed 40-year-old adult man who spoke no English. He was coming to visit his mother and perhaps stay in Canada to work, passing through the airport like thousands of similar immigrants every year. His sense of being neglected, and being unable to exit, probably led to his agitated movements, occasional shouts in Polish (by that time all the interpreters had gone home), and dramatic and erratic gestures, augmented probably by his inability to smoke, and perhaps dehydration, or lack of sleep, or all three. He picked up and brandished a chair, he picked up and waved a stapler. But we shall never know what he was thinking. He died a few minutes later.<sup>9</sup>

This unintended death led to a trail of official police notes, reports, and statements, which show inconsistencies and changes over time, ultimately revealing a form of the Rashomon effect. All of this recorded detail and oral communication emerged in a 2008 Commission of Enquiry into this incident, because the death occurred in police custody and was probably caused by use of a conducted electrical shock weapon, known as a Taser. Those changes and inconsistencies in their narrative accounts were the reason that the attorney general initiated a series of trials of the policemen, six years after that night, trials based on the charge that these four men had cooperated (colluded) with one another to construct a common narrative that was intended to mislead official enquiries, particularly while they were testifying under oath. If they had done so, the court would decide that they had committed perjury, lying under oath—a serious offence. This enquiring and explaining gave rise to a rippling outward of differing versions of the truth about this brief episode, first on the night of Dziekanski's death and the morning after, second in the routine required investigations and official reports in the following days, third after viewing a short video filmed by a witness on the spot (but released to the public only 30 days afterward), fourth in stages of an official enquiry into Tasers involving sworn testimony from these four officers, fifth in their perjury trials that began in 2013 and continued through 2015, and sixth in the legal case brought against the police force by the widow of an officer very closely associated with the Dziekanski affair, who committed suicide six years after the airport incident. This layered complexity can be better understood through the frame of the Rashomon effect, although after eight years this affair has turned the Rashomon effect upside down.

Cut to the Vancouver airport in October 2007; suddenly four policemen arrived and interpreted Dziekanski's movements quickly, within few seconds, and they said (under oath soon afterwards) that Dziekanski's gestures when he saw them were menacing or combative. Acting as a team, one of them fired an electronic Taser. Falling to the ground with this first shot, Dziekanski struggled while receiving four more shots of the Taser; the policemen then wrestled with him and put their weight on him, one

using his knee on the back of his neck. Later they all described this as the takedown moment, and a heavy baton was also used as a tool to subdue him. This attack lasted 31 seconds, and he was handcuffed and writhing on the floor immediately afterwards, slowly dying. Though they called for paramedics, curiously no CPR was administered by the officers on the spot.

As in *Rashomon*, the body of a man lay dead on the ground. There was pressure for closure because police were directly involved, even though this body was not a high-status body, not like the noble samurai in *Rashomon*. This incident produced great pressure on the RCMP, and they thus wanted (and yet also did not really want) an investigation that would lead to closure and restoration of their reputation. There was also strong pressure for investigation from the Polish government through its ambassador, and for closure from Canadians of Polish origin, and for many others concerned with police conduct.

There were testimonies from each of the four policemen, and statements from nine witnesses, contributing to the complexity of the *Rashomon* effect. And then—entering the twenty-first century—an 8½-minute video appeared, taken through the huge glass walls enclosing Dziekanski and the policemen, filmed on his telephone by another passenger. The eyewitnesses too, like the woodcutter in *Rashomon*, were not high-status—limousine drivers, security guards, airport night staff, et cetera. There were variations in the police testimony and witness reports, but no disagreement about the fact that the death occurred rapidly in police custody. In contrast to *Rashomon*, where each tale implicated the teller, the frame surrounding Dziekanski was that no one accepted responsibility, and each of the four police officers avoided personal liability. Even the commissioner of the Commission for Public Complaints Against the RCMP (a government agency), who is a senior lawyer, observed in his February 2011 report: “I do not accept as accurate any of the versions of events presented by the involved members [police officers] because I find considerable and significant discrepancies in the depth and accuracy of the recollection of the members when compared against the otherwise uncontroverted video evidence” (Government of British Columbia, 2011, n.p.). But in the perjury trials, which started in 2013, each man once again gradually revealed differences in their perspectives, all under pressure to explain their role around this unnecessary and futile death.

As if in a *Rashomon* sequence, these four policemen’s tales were told and re-told in separate hearings. Some witnesses had been hurriedly interviewed just after the death, before they could see the (con-

**Image 3: Dziekanski at the airport**



*Note:* Robert Dziekanski “taken down” by a police officer at the Vancouver Airport in October 2007. Credit: screenshot from telephone video by Paul Pritchard, reproduced many times by many media and in court; also used by *The Province of Vancouver*, March 28, 2012.

fiscated) video, which, it was feared by policemen, would influence the witnesses and taint their evidence—thus reducing its value in court. The short yet notorious video was soon seen and reseen “millions of times” by people around the world. Gradually, a debate over police conduct and inconsistent police explanations appeared in the public sphere, usually linked to the video. Four months after Dziekanski’s death, in February 2008, a formal Commission of Enquiry was instructed to start work and summon the policemen and all witnesses. It became difficult to think about the Dziekanski Affair without referring to the video. In 2013, one judge warned the court: “The video must be viewed with caution ... casting doubt upon the proposition that if something cannot be seen in the video it didn’t happen” (Supreme Court of British Columbia, 2013, p. 45). Note how that statement contrasts with another Judge Commissioner’s 2011 report doubting the policemen’s narratives, in contrast with the “uncontroverted” video.

Importantly for our study of Rashomon effect, these four police officers were brought back again to court in a series of four separate trials, commencing in June 2013 and continuing through 2015. The charge was that each individual policeman had conspired with the others, or “colluded,” to construct a single line of reasoning about this brief event. This collusion enabled them to adopt a common defence during investigations of their conduct, always “self-defence,” thus justifying their use of force. This charge meant that they had lied about the case in court under oath. The separation of the four trials served to enhance the Rashomon effect because separation increased the disassociation of the narratives: they were being tried separately for conspiring together (as seen in the game known as the Prisoners’ Dilemma). In the first trial one policeman was found not guilty of perjury, and in the second and third trials both policemen were found guilty, and in the fourth trial the policeman was found not guilty (Dhillon & Keller, 2015; Keller, 2015a, 2015b). In all trials in 2013–2015, there was prolonged questioning about whether and how well these men followed standard police practices (notebooks, reports, the duty to account, reports to superiors, critical incident debriefings, etc.). These trials inevitably revealed how this procedural apparatus was inadequate to deal with the Rashomon effect. Perhaps more precisely, standard police practices and record-keeping seem to have served to establish, conserve, and even sustain the Rashomon effect, enabling observers to compare and contrast over many years the ambiguous and subtly different versions of the same four policemen’s testimonies about the same brief event.

In one of the trials, the former policeman Kwesi Millington described Dziekanski holding a stapler high in the air as if it might or could become a weapon, and as surrendering but not holding his hands “up high.” Having listened to the disagreement about whether or not Dziekanski complied with Millington’s instructions (although in a language Dziekanski could not understand), a Supreme Court Justice said late in November 2014: “This isn’t Alice in Wonderland ... I’m suggesting all of us are experts in the English language” (Petrovich, 2014, paras. 10–11).

As the Dziekanski affair evolved over nine years, there has emerged a kind of reverse Rashomon effect, in which it slowly turned upside down. The four policemen have expressed a similar and fairly consistent narrative in hearings, enquiries, and trials. They have explained and justified their behaviour by saying that they appre-

hended violence from Dziekanski and countered his expected resistance with their force, according to their training and judgment. The police and judicial systems have constructed and steadily applied a “difference in perspective” model in this case, expecting that these four people would not and could not achieve a consistent account of the incident at the airport: their trials proceeded on the premise that they did not tell the truth in their earlier testimony, in part because they demonstrated this unexpected consistency, in part because they “colluded.” The official questions were not about the fact that they unnecessarily killed a man in less than a minute, but instead were about their versions of the truth. An official assumption was that if they sustained this consistent account over time, they might be lying. But a separate and consistent perspective was also provided by the camera and its video record; observers, some judges, and witnesses thought that the risk of Dziekanski’s menacing resistance was misread and conveniently exaggerated. In front of four separate judges, each of these men were asked four different sets of questions about the same charge. The confusing result has been that two policemen were found guilty and two were found not guilty of perjury (lying under oath) and colluding or conspiring to deceive the court. One can see that in the Dziekanski Affair, the Rashomon effect did not fade away, even with the passage of eight years. Appeals are planned, which will drag the whole process out for years. Although we are always told that the cost of justice cannot be easily quantified, and that there is an acute shortage of funds in “the justice system,” the total cost of all these proceedings (which in one case had a lawyer flying a number of times from Toronto to Vancouver for trial) has amounted to many millions of dollars. This too generated pressure for closure, as in *Rashomon*. So by 2015 it was the judges who needed to have a dialogue about the curious nature of their decisions.

Just as this contradictory picture was emerging in the courts in 2015, the Dziekanski Affair yielded another body. This was follow-up to the 2013 suicide death of the officer who was the best-known RCMP media relations police officer in the region, the very person who was called at 6 a.m. to come to the airport to interpret the Dziekanski death to the cameras in 2007. He was, for a few weeks, the public face of the entire force. However, six years after being officially provided with inaccurate information about Dziekanski and being told to repeat it, over and over, he took his own life. Soon a narrative emerged that his suicide “had nothing to do” with the Dziekanski Affair. But 18 months later, just after the trials of the four policemen, his widow filed a legal case against the most senior legal officers of British Columbia (e.g., the Minister of Justice, the attorney general) claiming that her husband’s death was partially caused by the negligence of his employers with respect to his condition, including with respect to their management of the information and communication around the Dziekanski Affair. Specifically she said that it was well known that he was provided with erroneous information about Dziekanski and his death, including about the video, and was denied by superior officers the opportunity (and authority) to correct and reframe his earlier statements.<sup>10</sup>

There was (and remains) an emerging consensus that there should be a singular definition of the truth about this incident, but there were reasonable disagreements

as to what that truth is. We should recall Martinez's remark, that "It [*Rashomon*] is about the conflicting desires of the human condition; we want a single reality, while holding fast to our subjective interpretations" (2009, p. 40).

### Conclusion

The *Rashomon* effect is not only about differences of perspective. It occurs particularly where such differences arise in combination with the absence of evidence to elevate or disqualify any version of the truth, plus the social pressure for closure on the question. The convergence of these three ingredients is sufficient in all cases, but there are stronger and weaker varieties of the effect—distinguished by the intensity of the interaction of the three ingredients. It is the conjunction of these elements, and their intense interaction, that makes up the strong cases. Through Kurosawa's stark minimalism in the different narratives of the events in the forest glade, audiences experience the power of the effect in the strong convergence of these three ingredients. This fascinating combination of elements, played through the viewers' increasing doubt, gives the film its philosophical and social force. But there is a spectrum at work here, from stronger cases to weaker, and no single discipline has an exclusive claim on decoding this kind of complexity. Put another way, with respect to one social science discipline, Heider (1988) said:

[T]here is a shared reality but differing truths may indeed be said about it. [However,] the value of thinking about the *Rashomon* effect goes far beyond the relatively few cases of ethnographic disagreement that we shall be able to turn up. The sorts of influences, biases, or predilections we can examine here are at work in all ethnography, even when it is unchallenged. (p. 74)

For greater clarity, we can now say there is a "strong" *Rashomon* effect; for example the Dziekanski case has all the necessary elements just as in the film, and also involved three narratives or more. But to acknowledge the way this old film has been creeping into common thought and speech, there is also a "weak" *Rashomon* effect, for example in the wrongful dismissal case mentioned above; it had the other necessary elements yet unfolded with only two narratives, two accounts, two plausible and unreconciled explanations.

The *Rashomon* effect shows up in many intellectual undertakings that deal with contested interpretations of events or with disagreements and evidence for them, or with subjectivity/objectivity, memory, and perception. But *Rashomon* may have found its most fertile ground earlier first in anthropology and later in communication studies, sociology, and social psychology. Eventually it arrived in the world of jurisprudence and is now found in epistemology. None of this detracts from the craft of the filmmakers, who (following Tykwer's remark quoted in note 6) are negotiating an audience's relation to the transition among various narratives, while trying to keep their emotional commitment unimpaired.

We can conclude that the *Rashomon* effect provides us with an epistemology that we can apply to a special set of situations, that tracks how we come to terms with the complex properties of these situations, and that suggests how we understand them or misunderstand, depending on our insight. From this epistemology we can see precisely how we communicate what we think we know, and what we say, about this set

of situations. In this limited sense, we can say that people engaged in this process arising out of complex situations all form a kind of epistemic community of uncertainty. Although it may be transitory, that epistemic community is moving toward a deeper understanding of the very situations in which the Rashomon effect arises. The necessary presence of bystanders, witnesses, and official listeners, or even judges, adds to the complexity of the Rashomon effect. I hope I have persuaded you that though not entirely wrong-headed, many popular interpretations of *Rashomon* limit and diminish the power of both the film and the Rashomon effect. As anyone can see easily through Google, there are now hundreds of references to the Rashomon effect. The *Rashomon* ripples that flow across the world are moving steadily through space and time. This essay is intended partly to give “the effect” better shape as it moves on that journey.

We come to terms with these complex situations through dialogue and negotiation, through communication. The film’s greatness arises not just in showing how the effect occurs, though that is a great achievement, but also in asking if we can come to terms with it, particularly without much help from its creator, Mister Kurosawa himself.

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### Notes

1. The evidence and citations for the description of the film here can be found in *Rashomon Effects: Kurosawa, Rashomon, and their legacies* (Davis, Anderson, & Walls, 2016).
2. Nevertheless, Andrew Horvat shows in “*Rashomon* Perceived: The Challenge of Forging a Transnationally Shared View of Kurosawa’s Legacy” that “some Japanese critics went out of their way to punish Kurosawa for the overseas success of *Rashomon* and subsequent films” (in Davis et al., 2016, p. 46).
3. These students lived in and around the Lower Mainland of British Columbia, and they were asked to speak and write about *Rashomon* in courses taught by the author since 2003. They were generally between the ages of 20 and 30 (though about 10% were older), and more than half were women. Although about half of them came from households where a language other than English was also spoken, very few of these students understood Japanese. Remarkably, fewer than 5 percent had seen the film before. Each person was required to discuss and write about the Rashomon effect.
4. Jan Walls traces the literary lineage for the film script in “From Kojaku and Bierce to Akutagawa to Kurosawa: Ripples and the Evolution of *Rashomon*” in Davis et al., 2016, pp. 11–18.
5. Donald Ritchie, a recognized expert on Kurosawa’s work, often said that only the sceptical commoner sheltering under the gate had no story, so had no version to tell (1972, p. 73).
6. When analyzing *Rashomon* a few students recalled seeing Tom Tykwer’s *Run Lola Run* (1999), which they recognized as an equally precise treatment of alternate narratives and alternative outcomes. But there are important differences between the two films: *Lola* is not, like *Rashomon*, about distinct versions of the same incident, but three similar sequences with different outcomes, each achieved by small alterations in probability and contingency, each repeated over a fast, breathless 25 minutes. Releasing the film, Tykwer (1999) said, “The biggest challenge was to make the leaps ahead in time not appear like breaks in the action, but to make all the transitions flow into each other so that the

viewers would move from scene to scene with their emotional commitment unimpaired. The space-time continuum gets taken right off its hinges without anyone really noticing ..." (para. 7).

7. Orit Kamir's interpretation is best summed up in the following statement: "The legal discourse tends to engage itself with specifics and details; the compatibility of witnesses' testimony and the determination of the facts occupy significant portions of the legal world's time, effort, and energy. As my reading of *Rashomon* demonstrates, such preoccupation is far from being neutral, objective, or purely professional. It distracts from issues such as underlying social stereotypes, screening mechanisms that preclude illegitimate stories, and the unconscious construction of the judging community as a community of men. It thus acts as a conservative force, discouraging reflection, awareness, and willingness to change ... *Rashomon* is a story of men's weakness, selfishness, and greediness, and a woman's courageous resistance and survival against all odds" (2000, pp. 86–87). Later Kamir (2005) wrote that the film leads viewers "to arrive at the 'legal' conclusion marked and predetermined by the film" (p. 269). Kamir later collected these ideas in *Framed: Women in Law and Film* (2006).

8. An example of witness variability is given by anthropologist Alan Macfarlane, in the experience of a Cambridge UK judge trying a case of a daylight armed robbery of a post office in Britain. In this trial real-time eyewitnesses differed on key issues:

My wife was a magistrate [lay judge], trying an armed robbery case in Cambridge in 2001. There were many witnesses to the daylight raid on the post office. She heard their testimonies and was amazed by the discrepancies. People who were standing only a few yards from the scene described the robbers in totally contrary ways. For some they were tall, dark, bearded, driving a red car; for others they were small, fair, clean-shaven, driving a blue car. And so on. Unlike *Rashomon*, there was no possible reason for these witnesses to lie. All thought they were telling the truth. It was simply that, as cognitive psychologists could no doubt explain, we see what we expect to see. Yet even hardened judges and prosecutors, let alone the general public, forget about this expectation—and the *Rashomon* effect is a powerful reminder. (Macfarlane, personal communication, November 15, 2004)

For a recent example of the "faulty" memory of eyewitnesses, see the May 2015 case of a police shooting in the middle of a Manhattan street. Two witnesses (one on her bicycle, one standing nearby on the sidewalk) gave accounts of the short one-minute sequence, which was also recorded on surveillance video. The witnesses said immediately they had just seen a man being chased by a policeman and being shot in the middle of the road (one witness said the man was already handcuffed when shot). However, when these witnesses viewed the surveillance video five hours later they both admitted their memories were incomplete, inaccurate, or faulty; the video showed a man attacking two police officers with a hammer, chasing one of them into the street, where he was himself shot from behind, while wielding the hammer, by the second policeman. The reporter consulted psychologists to discuss the variability of perception and memory, helping to explain to us and to the witnesses that this is a routine phenomenon (Dwyer, 2015).

9. The Dziekanski Affair can be understood through internet-based documents provided by the Government of British Columbia, "Commission for Public Complaints Against the RCMP" (December 2007 and February 10, 2011); "Braidwood Commission of Enquiry" for the Government of British Columbia (hearings in February–March 2010, decision in June 2010); *Supreme Court of British Columbia R. vs. Bill Bentley* (trial June 2013 and decision in July 2013), and subsequent trials for Millington, Rundel, and Robinson; also pertinent but still unavailable are "RCMP Integrated Homicide Investigation Team Reports" (Division E, 2007–2008). The most comprehensive assembly of key documents is the website of the Government of Canada, Civilian Review and Complaints Commission for the RCMP, *Report Following a Public Interest Investigation into the Death in RCMP Custody of Mr. Robert Dziekanski* and 26 appendices, from October 2007 onward, including Commissioner's Notice and Chair's Final Report.

10. Clearly written by a person very familiar with the sociology and communication procedures of the RCMP, the “Statement of Claim” by Sheila Lemaitre against the RCMP details the degree of micro-management sought by her husband’s superiors over the media reception of and formative opinions about the death at the airport. Although not proven in court, the allegations convey the sense of a level of “attention to details” in this large bureaucracy, thus revealing the intense pressure for closure around Dziekanski, which characterizes the Rashomon effect. The case was brought on behalf of the couple’s two young daughters. It is stated that Mrs. Lemaitre is herself an RCMP officer, on leave from her duties (see Supreme Court of British Columbia, 2015).

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