Depp v. Heard on Netflix: A documentary about the widely followed defamation suit

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5 September 2023

A high-profile jury verdict can reveal underlying social truths. Official public opinion—constantly imposed on the working population—can meet hammer blows in the form of cross-examination.

This was certainly the case with the June 2022 verdict in Depp v. Heard, the defamation suit brought by actor Johnny Depp against his former wife, Amber Heard, for allegations she made in a 2018 Washington Post op-ed headlined, “I spoke up against sexual violence—and faced our culture’s wrath. That has to change.”

The Fairfax, Virginia jury found that the statement contained in that headline was false and defamatory, as were the following statements in the op-ed:

Then two years ago, I became a public figure representing domestic abuse, and I felt the full force of our culture’s wrath for women who speak out.

and

I had the rare vantage point of seeing, in real time, how institutions protect men accused of abuse.

Over more than six weeks, the jury heard testimony that destroyed Heard’s credibility and tended to show her as both an aggressor and a ruthless opportunist. A brief review of this evidence is important to fairly assess the three-part Netflix documentary Depp v. Heard directed by Emma Cooper.

Heard testified, for example, that she gifted Depp a Bowie knife in 2012, at a time when Depp was allegedly beating her regularly. She testified that in 2015 Depp smashed an antique, wall-mounted telephone in a residence in Australia, a phone which other witnesses said did not exist. The jury also heard an audio recording of Heard admitting to Depp that she started a physical fight with him, and after Depp recalls that he left the premises because of this, she taunts. “Yes, you did, so you did the right thing, the big thing.” She continues, “You know what, you were admirable.”

In another damning audio tape, Heard taunts Depp about his claim that he was attacked, saying, “See what the jury and judge think; tell the world, Johnny. Tell them Johnny Depp, I, Johnny Depp, man, I’m a victim of domestic violence too … and see how many people believe you or side with you.”

A serious documentary film about this trial would be a welcome development. It would need to take as its point of departure the gap between, on the one hand, the #MeToo campaign and its anti-democratic insistence that women accusers must simply be believed and, on the other, Heard’s unconvincing performance on the witness stand, the verdict rejecting her allegations and the public backlash against Heard and #MeToo.

A serious documentary would need to examine the context of the #MeToo campaign, the social layers who championed the witch-hunt and those who stood to benefit from it. Such a film would seek answers to a host of related, pressing questions.

While Cooper’s film is useful insofar as it brings together footage of the trial, which has a value in itself, Depp v. Heard approaches the eponymous trial in much the same way as #MeToo approaches allegations of sexual misconduct. Inuendo, amalgam and browbeating replace the burden of proof, the rules of evidence and due process generally.

Director Cooper described her approach in an interview with Rolling Stone: “It’s really, really hard to figure out what the truth is of anything at the moment, and I was really interested in two people who vehemently believe their own truths, but they both said different things about that truth. I spent a lot of time with the editors banging on about how there are three truths: your truth, my truth, and god’s truth—or the overseeing eye.”

Cooper went on to argue that in the contemporary media “everyone can have an opinion, and it’s really hard to figure out what the truth might be. I was fascinated by this trial and looking at those difficult moral and social questions in our society. I believe in the democratization of facts and of social media. I think it’s an absolutely amazing thing that everybody can have an immediate opinion about anything, but it makes it complicated to get to the truth.”

This is a confession of artistic and intellectual bankruptcy in the guise of the “democratization of facts,” with the inevitable nod to postmodern subjectivism and relativism. Very few reputable (or bankable) filmmakers today dare to assert they can “explain” anything, with that word always placed in quotation marks.

Of course, it is “complicated to get to the truth.” This is not, in fact, a purely “contemporary” problem. Novelist Leo Tolstoy noted some time ago that it was “very difficult to tell the truth.” This is the challenge of every serious artist and—for that
Amber Heard originally sent this footage to the tabloid TMZ after editing out the portions where she was chuckling and smiling.

Thus, Depp v. Heard’s structure follows this general pattern: (1) footage of the trial that undercuts Heard’s allegations of abuse; (2) intertitles that advise of an immediate and hostile response to Heard on social media; followed by (3) viral videos or posts; and (4) some “expert” opinion reinforcing the premise that social media made everything unfair for Heard.

This formula is repeated on a number of occasions.

Another critical and unsavory ingredient of Cooper’s documentary is the unproven allegation—intended to “nullify” the verdict—that Depp’s team organized a massive, underhanded social media campaign to help his trial prospects and that the jury violated their oath and used social media during the trial and were influenced by it.

As the third and final episode of Depp v. Heard draws to a close, attorney Melcher’s voice emerges over another collage of footage and images: “The thing is about justice is, it’s not about the truth, it’s not about right or wrong. It’s about what the judge and jury believes [sic].” Not a bad summary of the method of #MeToo!

What can one say about such a “documentary?”

Largely devoid of artistic merit, it expresses upper-middle-class frustration as the #MeToo campaign—a centerpiece of the Democratic Party—has faltered. The film’s hatred for social media echoes the television news media’s contempt for blogs and internet news sources years ago. People need to be told what to think by broadcast news pundits and other “gatekeepers”!

More generally, the hostility toward social media reflects deep fear that a means of “changing the discussion” from social class to gender will now fall on deaf ears, or worse.