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Is manipulation within the construct of reality television ethical?

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**Is Manipulation within the Construct of Reality Television
Ethical?**

**A thesis submitted in fulfilment of the requirements for the
award of the degree**

Master of Arts by Research (Journalism)

from

University of Wollongong

by

Cheryl-Anne Whitlock

School of Creative Arts

2012

Certification

I, Cheryl-Anne Whitlock, declare that this thesis, submitted in partial fulfilment of the requirements for the award of Master of Arts by Research (Journalism), in the Faculty of Law, Humanities and The Arts, University of Wollongong, is wholly my own work unless otherwise referenced or acknowledged. The document has not been submitted for qualifications at any other academic institution.

Cheryl-Anne Whitlock

16 February 2012

Abstract

The main purpose of the thesis is to determine to what extent duty of care is extended to reality television participants, to what extent elements of reality television programming are manipulated and whether those manipulations are ethical.

Program participants are encouraged to be their 'real' and authentic selves, yet reality programming itself is often so extensively manipulated that the genre renders its own output inauthentic, thus compromising participants' contributions and casting their performance in the same false light. Despite this, reality television continues to be promoted and marketed as representative of the real, despite evidence to the contrary and accusations that the generic term is a falsehood.

This research employed a methodology combining textual analysis with a mixed method study. Input was sought from scholars and psychologists from the United States of America (US), Australia and the United Kingdom (UK). The research revealed that almost every stakeholder in the genre manipulated other stakeholders in a cannibalistic and parasitic business model.

It was found that some manipulations were considered necessary, while others were even deemed ethical when situated in Kantian¹ moral philosophy. Some manipulations were considered blatantly unethical when viewed through the same

prism in the context of stakeholders using others to serve their own ends. It was also found that a range of important production processes were not standardised and this lack of standardisation allowed for the use of duplicitous production methods.

The research process also uncovered that between 1994 and 2011, 20 former reality television participants reportedly committed suicide following their contribution to a reality program. The psychological effects of participation in this programming has not been measured in any meaningful way and there is a considerable push from consulting psychologists to monitor participants for a year following their filmed participation to study the psychological effects of taking part.

¹ Immanuel Kant (1724–1804) remains one of the most influential philosophers in the history of Western philosophy for his extensive theories and publications in the fields of ethics, logic, epistemology and metaphysics.

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I would also like to show my respect in Acknowledging the Traditional Custodians of the Land of the elders past and present where this work was submitted.

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List of Abbreviations

ABC	American Broadcasting Company
ABC	Australian Broadcasting Corporation
ABS	Australian Bureau of Statistics
ACCC	Australian Competition and Consumer Commission
ACMA	Australian Communications and Media Authority
AP	Associated Press
ASDA	Australian Screen Directors Association
AUD	Australian Dollar
BBC	British Broadcasting Corporation
BPS	British Psychological Society
CBS	Columbia Broadcasting System
CCTV	closed-circuit television cameras
CNN	Cable News Network
ESS	Endemol Southern Star
FCC	Federal Communications Commission
FOX	Fox Broadcasting Company
GBP	Great British Pound
MEAA	Media Entertainment and Arts Alliance
MTV	Music Television
NBC	National Broadcasting Company
NPR	National Public Radio
OCBA	Office of Consumer and Business Affairs

Ofcom	Office of Communications
PIS	participatory information sheet
QC	Queen's Counsel
UK	United Kingdom
UNCHR	United Nations Commission on Human Rights
US	United States
USD	United States Dollar

Chapter 1: Prologue

1.1 Introduction

Television plays a critical role in today's media saturated society, serving as an educational, cultural and recreational source of information and entertainment. Since the early nineties, reality television programs have rated successfully in a crowded, competitive broadcast environment.

Even though the success of the reality television genre is claimed to be due to the human appeal of watching 'ordinary people' in 'real' and unscripted situations, audiences tend to question the authenticity of many typical reality television narratives. The evolution of the genre has pushed many reality television programs into the heady stratosphere of an internationally franchised system that, to exist, demands quantity of programming content over quality.

A great deal of unseen manipulation takes place behind the scenes before an entertaining and linear reality television story can be televised. Some of that manipulation is necessary for reasons of time compression. However, almost any person, emotion, situation or outcome can be manipulated to construct a high-rating reality television story.

Societal norms are evolving to the extent that the private has not only become public; it has become a marketable product, available for mass consumption by an almost inestimable audience via a broad range of digital delivery platforms. In contemporary society, in which almost 'anything goes', many reality television storylines have become so extreme that they have prompted widespread concerns in psychological circles about the physical safety and psychological robustness of many participants' ability to cope with the juggernaut of pressures that a contribution to a program can sometimes bring.

Additionally, practitioners in the genre tend to be over-worked, under-funded and inadequately resourced, yet are still required to produce results in a pressurised workplace in which the demand for high-rating programming is constant (Dovey 2000; Hill 2005, 2007). Add to this lack of support a series of short deadlines and fast turnaround times for programming and a practitioner's ability to construct a cohesive story may well be compromised to the extent that he or she is forced to cut corners to reach production or delivery deadlines.

It is in consideration of the manipulation endured by participants, the narrative and, to a lesser extent, practitioners in reality television programs produced and televised in the United States (US), Australia and the United Kingdom (UK) that this thesis is presented. To define those territories; the US is fifty states and one federal district; Australia is six states and two mainland territories and the UK comprises of England, Northern Ireland, Scotland and Wales.

1.2 Genesis

The genesis for the thesis began in 2003 while reflecting on my professional involvement in the Australian television network program, *Watchdog*, broadcast in 2001. Though the story had a positive legal outcome in that the subject of the story was banned from working unlicensed, this result negatively impacted on him financially (Reid 2002). This consequently made me enquire whether it was morally permissible for a person to manipulate another even if the act of doing so contributed to an overall favourable outcome.

At the commencement of this thesis in 2003, very little academic research existed on the moral and ethical dichotomies experienced by reality television practitioners² in the production of high-rating reality television programming. There was also no hard data on some of the extreme consequences of taking part from a participant's perspective.

This lack of academic research made reality television ripe for analysis of its ethical practice in respect of duty of care toward participants, particularly in light of extensive press reports alleging physiological manipulation by practitioners, participants' deceptive conduct, misrepresentation, cheating, lying, conniving and exploitation on the part of all stakeholders.

² A practitioner in the context of this thesis denotes a member of a program's production team who can contribute to the construction and output of a storyline. These personnel primarily include program creators, producers, editors, camera crews, hosts and presenters, writers, casting personnel and heads of department.

1.3 Research Questions

The thesis seeks to answer the following key questions:

- What is reality television and how is it defined?
- Who are the stakeholders in reality television?
- Who or what is manipulated in the construction and broadcast of content?
- What are the key consequences of that manipulation?
- To what extent is a duty of care extended to stakeholders?
- Should action be taken to protect reality television participants from the consequences of impactful manipulation and if so, what action does the thesis recommend?

1.4 Key Goals

A key goal of the thesis is to add to existing discourse that has already attempted to define and categorise reality television in terms of format, audience gratification, cultural influence and immediacy since the mid to late nineties. It also quotes many existing texts (Dovey 2000; Ebersole & Woods 2007; Hill 2005, 2007; Mast 2009; Reiss & Wiltz 2004) based on interviews with viewers, participants and, occasionally, practitioners. Authors (Brenton & Cohen 2003; Pozner 2010) and a handful of former participants (Kaur 2007; Wicker-Cooke 2009) have also published long-form texts documenting their experience of the genre. The key aim of including this material is to add to the critical body of research where scholarly or peer-

reviewed journal articles discussing moral or ethical problems faced by reality television participants or practitioners' is lacking.

Another aim is to recommend how ethically and morally accountable modes of production could be deployed to better protect reality television participants. It is hoped these recommendations will raise the awareness of the professional responsibilities of those contributing to the reality television broadcast industry.

The thesis provides an overview of participants who have died before, during or after their contribution to a reality television program on which they appeared. In so doing, it explores which key group of people may be at risk of harm. Critically, this information is included only to identify potentially at risk participants. The thesis content does not insinuate or imply causality.

The final goal of this thesis is to set the tone for two future comprehensive research studies. The first research study hopes to investigate and explain the elevated numbers of participants who have died during or after participating in a reality program from a specific sub-genre. The purpose of the second research study is to monitor the physiological effects of program construction and broadcast on participants and practitioners.

The results of both studies could inform the medical profession, the mental health industry, television broadcast industry regulators, future practitioners and participants as to the potential effects of contributing to reality television programming.

1.5 Summary of Chapters

Chapter 2 begins by examining literature that highlights the difference between viewing moving images that are presented as being ‘real’, compared to what we, as audience, actually see. In exploring the behind-the-scenes fakery deployed in documentary and reality television, the extent to which audiences are manipulated or misled is exposed.

The awkwardness of reality television’s generic situation is also discussed, as are the many attempts to define the genre and its melding and merging sub-generic offshoots. Findings of studies conducted into audience motivations for viewing the genre in such great numbers are also identified. It investigates the moral philosophy underpinning ethical behaviour and locates those theories in reality television construction techniques.

In looking at who manipulates whom in the genre, Chapter 2 also explores issues surrounding the complexities of obtaining consent and providing duty of care. The chapter closes with a detailed discussion on the extensive revisions made to Australia’s Commercial Television Industry Code of Practice 2010 relevant to preferred production techniques in the genre while noting that the US, a prolific producer of reality television, has no equivalent code.

Chapter 3 identifies the key stakeholders involved in reality television construction and broadcast and discusses those stakeholders’ influence on program output. Problems associated with how participants’ consent is obtained in a participatory,

psychological and legal context are also explored, as are the consequences of what is sometimes viewed by the media as an inconsistent duty of care on the part of practitioners or broadcasters. The psychological effects of participating in reality television is explored in the context of how psychologists believe the genre tends to negatively affect participants and whether the incidence of psychological harm could be minimised.

Chapter 3 explores the incidence of participant death in the genre between 1994 and 2011. Presented in tables, it includes details such as when the participants reportedly died, how they reportedly died and in which sub-genre they appeared. Chapter 3 also discusses psychologists' opinions on participant involvement and presents their recommendations as to how harm could be minimised. Additionally, Stanley Milgram, Philip Zimbardo, Alexander Reicher and Stephen Haslam present psychological theories as to why people tend to obey figures of authority. This is discussed in order to show why some participants and practitioners have behaved in morally questionable ways.

In a mixed methods research project, Chapter 4 surveys scholars and psychologists from the US, Australia and the UK. Via open and closed questions, their opinions were tabled on a range of issues including participant manipulation, consent, duty of care and particularly whether they felt participants were aware of what they were getting into when they agreed to appear in a program.

Their opinions were also sought in response to a hypothetical example of an ethically and morally dichotomous situation in which practitioners might find themselves in.

This was done to ascertain how each group might themselves behave and to identify any differences between scholars' and psychologists' responses.

The findings of the research project and the implications of the scholars' and psychologists' responses to the research questions are tabled and explained in Chapter 5. As the research project was conducted in two stages, the findings are divided into Stages 1 and 2 for readability.

Three case studies are presented in Chapter 6. The first case study, *Watchdog—Speck Builder*, was broadcast in 2001 on Australia's Network Nine. It investigates recording with concealed devices without the participant's knowledge or consent. The *Watchdog—Speck Builder* case study is included to highlight common ethical 'grey areas' concerning how a television producer's contractual obligations can conflict with their moral duty to a participant.

The second case study, *Mind Games: A Real Life Adventure*, was broadcast in 2001 on Australia's Network Ten. It is included to discuss the ethics of acquiring participants' consent at the conclusion of recording with hidden and obvious recording devices, which is a practice contrary to the accepted norm of securing consent prior to filming.

The third and final case study is Australia's *Big Brother Adults Only*, which was broadcast on Australia's Network Ten in 2006. *Big Brother Adults Only* was based on its predecessor *Big Brother Uncut* but it is necessary to examine the final series of *Big Brother Uncut* in order to show how it impacted and influenced the screening

and production of *Big Brother Adults Only*. *Big Brother Adults Only* is included for two reasons. Firstly, to show how participants' actions and viewers responses to those actions can influence broadcast industry standards. Secondly, to show the duty of care extended to the *Big Brother Adults Only* participants—particularly with respect to the removal of participants who behaved in ways contrary to acceptable community standards.

The Discussions and Conclusions in Chapter 7 answer the research questions from section 1.3 with empirical data. As to the final research question, I present several recommendations for industry as to what action could be taken to protect reality television participants from the consequences of impactful manipulation. These recommendations are followed by brief descriptions of the two previously mentioned research studies.

The Epilogue concludes with a direct address to stakeholders in the genre stipulating the need for those stakeholders to interact accountably, responsibly and with integrity in ways that do not merely serve their own ends.

1.6 Researcher's Background

Since 1988, I have worked predominantly in the arts, film, television, music and advertising industries. My career began in the UK, assisting in the acquisition of new business for an advertising, design and marketing agency in London. On returning to Australia, I blended advertising and marketing with the music industry and coordinated national television advertising campaigns for a major record label. During

this time, the label commissioned the production of numerous television commercials and long-form video presentations, which piqued my interest in producing and writing for television programming.

I then began a freelance career working in Australia's television industry while studying copywriting in 1992, film and television production techniques in 1993 and film and television production management in 1994. My television background lies predominantly in producing, writing, researching and directing non-fiction programming. Between 1995 and 2004, inclusive, I was involved in the production of approximately 200 television stories across a range of genres, equating to almost 88 hours of television programming—much of it broadcast in prime time.

A majority of the non-fiction stories on which I have worked were generically situated in a combination of the following formats: celebrity reality, game show/competition, lifestyle, consumer affairs, travelogue and entertainment. A snapshot of some of those series includes Network Seven's *Who Dares Wins*, Network Ten's *live this*, Channel 7 Brisbane's *Creek to Coast* and Network Nine's *Watchdog*. In 2003, I was the writer/web editor for the official website of the inaugural series of *Australian Idol*, televised on Network Ten. This involved generating online copy based on *Australian Idol*'s live televised shows, dress rehearsals, back-stage rehearsals and interviews. While I also produced and worked on a number of other programs, contractual obligations with those former employers prevent me from mentioning those shows.

Finally, from 2005 to 2009, I lived in California, researching and reviewing the key differences between constructing reality television programming in the US and Australia.

1.7 Overall Limitations

There are several limitations in the reach and scope of this thesis. Firstly, its content is limited to reality television content from the US, Australia and the UK as all three countries share common cultural characteristics. They are each first-world, democratic, technologically advanced nations with predominantly English speaking populations. Secondly, the thesis discusses programming televised by commercial broadcasters and their affiliates from the US, Australia and the UK rather than public broadcasters because the majority of reality television content is funded by and broadcast by commercial television broadcasters in each territory.

In a legal context, I focussed on the Laws of Tort from the US, Australia and the UK due to the commonality of relevant legal theory in each territory particularly in relation to duty of care. Limiting the study to these three countries also allowed for comparisons to be made on how relevant laws and codes of television broadcast regulatory bodies in each territory impacted or influenced reality television construction or broadcast.

As I remain legally bound by confidentiality agreements not to discuss programs on which I have worked (beyond those already mentioned in section 1.6) the degree to which I can comment anecdotally is limited. To avoid breaching confidentiality, I

obtained written permission from my relevant former employers to mention in what capacity I was employed on their programs in this and any subsequent chapters.

I also complied with the University of Wollongong's Human Ethics Research Committee's advice by excluding specific participants from the research project in Chapter 5, namely those who had consulted on reality programming. This potentially limited input into the research project but importantly it also allowed for compliance with the university's research protocol. I also upheld my academic, professional and personal trustworthiness and duty of care toward research participants by protecting their confidentiality and preserving their anonymity in the research project.

There were several specific limitations with respect to research gathering and reporting the deceased participants from the reality television genre. Those limitations are detailed in section 3.5.2 Limitations in Observations of the Deceased.

Chapter 2: Literature Review

2.1 Overview

This chapter begins with an explanation of how the term ‘reality television’ is used industrially and academically to highlight the divergent interpretations of the genre. A discussion on the origins and growth of the genre follows with an explanation of its development, hybridisation and content changes from the nineties to 2011. This is followed by a discussion of the genre's invasion of the traditional documentary genre whilst highlighting how reality television has evolved over time.

In highlighting the inconsistencies as to how to classify the genre in the US, Australia and the UK, examples are provided to show that the same program can fall into a different category depending on the broadcast territory. This divergence in classification and categorisation is discussed from a scholastic point of view to show how difficult it is to define the genre and its offshoots.

The leaps in technological advancements are explained to illustrate how content is now filmed faster and cheaper than ever before. This is followed by a brief investigation into audience reception studies with particular focus on the effects that viewing reality television can have on the behaviour of girls and young women.

Kantian philosophy is examined in the context of exploring morality in a reality television production environment with specific focus on how philosophical theory relates to the self-serving business model of reality television and its commercial imperative. Chapter 2 also briefly observes Habermas' Theory of Communicative Action in terms of the benefits of uniting the dissenting voices who may feel at odds with the explosion of reality television on our television screens.

Interviews with former reality participants from academic studies are provided to highlight their first-hand experiences of contributing to a show and to discuss their experience of duty of care. This leads into a more in depth discussion on duty of care in theory and in practice. The discussion begins with a general explanation of duty of care and to whom it is owed whilst providing examples of practitioners that implement and maintain that duty to stakeholders. An explanation as to how consent ties in with duty of care follows in addition to providing examples of the different types of consent deployed in reality television.

Following this is an examination of whether there is a code of ethical practice in place for reality television practitioners in the US, Australia or the UK whilst also noting who the broadcast industry regulators are in each territory and what influence those regulators have on reality television construction or output. Chapter 2 ends with a discussion on the various codes of practice and/or ethics that are in use in industry, with particular focus on the Australian Media Entertainment and Arts Alliance (MEAA) code of ethics.

2.2 Definition of Terms & History and Growth of Reality Television

One of the core problems with the reality genre is the title itself: reality television. The genre has been saddled with a term that continues to promote it as real, even though only some elements can be considered real. In the words of Australian television executive David Mason, at a reality television panel discussion held in 2005, ‘we never said we would make it “real”’ (Reality TV Exposed 2005, reproduced with permission). The term ‘reality television’ sits uncomfortably with many practitioners in Australia due to public expectations of real, authentic and ideally unmediated programming, despite this being at the expense of more entertaining and high-rating content.

Whilst reality programming is produced by the television industry, Australian practitioners feel the term ‘reality television’ was not in fact created by the industry itself but that it came from the media, although it has not been possible to identify when it was first used (ACMA 2007, p.29).

To define ‘reality television’ industrially; key trade press in the US, Australia and the UK focus on the term reality television in a business and technical context. That is; legislative changes and broadcast regulatory restrictions which may affect reality programming are reported in the trade press as are funding and technological advancements, the types of programs being produced, program content and construction, delivery platforms such as online social networking sites on the internet and digital devices and commentary on key industry personnel.

Academically, the term 'reality television' is used primarily as a categorisation tool. The genre is an academically attractive and constructive phenomenon to research, study, analyse and report on due to its potential to impact on and influence society in sociological, psychological, philosophical, ethical, ontological, technological, educational, historical and ethnographic contexts. The academic study and analysis of the genre allows for potentially valuable findings to inform media discourse and to positively contribute to and continue scholarly debate which can in turn inform industry.

In its 2007 report on reality television the Australian Communications and Media Authority (ACMA) stated that given the wide range of programming now included under the term 'reality television' it is not surprising that there is no general accepted definition of the genre (ACMA 2007, p.29).

The origins of reality television are not easy to pinpoint in a scholarly context as academic opinions differ as to when and where the genre began. Huff (2006) cites the 1950s US program *Queen for a Day* as one of the original 'makeover' reality shows while Kilborn (1994) claims the reality genre originated in 1987 in the US with the National Broadcasting Company's (NBC) program, *Unsolved Mysteries*.

In Holmes and Jermyn's (2004) *Understanding Reality Television*, Clissold states that reality television began in 1948 with Allen Funt's *Candid Camera*, as does Rupert and Puckett (2009) in the text, *The Tube Has Spoken* (p.30). Hill (2007) acknowledges that *Candid Camera* was an early example of reality television (p.194) but asserts that the first wave of reality television programming swept across the US

and the UK in the late 1980s and 1990s featuring programs showing emergency personnel or ordinary people engaged in public service (2005). These programs include the US television series, *COPS* in 1989 (which, at the time of writing, was still being broadcast), the 1993 UK show *Police, Stop!*, the UK's 1996 series *Airport* and the UK's *Airline* in 1998.

In the US, following on from the success of *COPS*, reality television content continued to evolve with the broadcast of MTV's *The Real World* in 1992. Inspired by the 1973 show, *An American Family*, *The Real World* balanced its voyeuristic appeal with the structured narrative presentation of its characters and their situational stimuli (Gorman 2010). While American audiences were watching *The Real World* in 1992, viewers in Australia tuned into *Sylvania Waters* in the same year. Similar in narrative vein to *An American Family* and the UK's *The Family*, *Sylvania Waters* is considered one of Australia's first reality television shows (ACMA 2007, p.28).

Between 1994 and 2000, reality television output in Australia and the UK was largely focused on game show and lifestyle content. Program examples included the UK's 1994 cooking program, *Ready, Steady, Cook*, Australia's 1995 game show *Gladiators*, the UK's 1996 lifestyle program *Changing Rooms* and the Australia's 1999 lifestyle show, *Hot Property*.

In the early to mid 2000s, internationally licensed formats featuring competition, talent and/or elimination characteristics became enormously popular with audiences³. The first half of the decade saw a wide variety of content across a broad subject range expand the genre's audience reach and popularity in all three territories. Program themes ranged from staged reality 'event' television and competition shows; lifestyle and makeover programs which focussed on changing peoples' bodies, lives or physical environments; observing celebrities in contrived situations; life experiment styled shows where people switched roles professionally or personally and docusoap themed programs which filmed a regular cast of participants and provided insights into their lives.⁴

In the US and the UK, reality television programs became so popular in the early 2000s that dedicated reality television channels, such as Fox Reality and Zone Reality were launched in each country, respectively.

In the mid to late 2000s, US cable channels dominated a shift in that country toward quirkier, specialised and sophisticated reality content in order to retain audiences. This US content borrowed heavily on the direct cinema tradition of fly-on-the-wall

³ Reality 'event' and competition shows such as *Big Brother*, *Survivor*, the *Idol* franchise, *The Bachelor*, *The Apprentice*, *I'm A Celebrity...Get Me Out Of Here*, *Project Runway*, *The Mole*, *Who Wants to be a Millionaire* and *The Weakest Link*, for example, were either screened in the US, Australia or the UK or the program formats were domestically licensed and local version of the programs were broadcast in each territory.

⁴ Programs include the US, Australian and UK versions of the *Biggest Loser*, Australia's *Queer Eye for the Straight Guy* and the UK's *Trinny & Susannah Undress...*, the US shows *Intervention* and *Extreme Makeover: Home Edition*, Australia's *The Block* and *Renovation Rescue*. In observing celebrities in contrived situations the US screened *The Osbournes* and *The Simple Life*. Life experiment programs in the US included *Trading Spouses*, *Colonial House* and *Amish in the City*. Australia screened *The Colony* and the UK aired *Wife Swap*. Examples of programs which straddle the professional and docusoap sub-genres include *Dirty Jobs*, *Miami Ink* and *The Deadliest Catch* in the US, *Border Security* in Australia and *Undercover Boss* in the UK. Popular hoax programs in the US included *My Big Fat Obnoxious Fiancé* and *Punk'd*, for example.

documentary and programs featuring out of the ordinary content began to dominate cable television schedules.⁵ The mid to late 2000s also saw more children featured on reality television programs than ever before in the US. A wealth of programs were broadcast such as *Kid Nation*, *Jon & Kate Plus Eight*, *19 & Counting* and *Toddlers & Tiaras*. The increase in the number of programs featuring children gave rise to public concerns relevant to the duty of care owed to those children⁶ (Gold & Verrier 2010).

Consequently these and other specialised programs were not to everyone's liking. For example, the History Channel in the US, once the home of traditionally situated historical documentary, came under criticism from viewers for broadcasting reality programs such as *Swamp People*, *Ice Road Truckers* and *Pawn Stars*. The channel was accused of "trashing [its] brand" and replacing factual accounts of the past with entertainment (Proctor 2012).

While many of these specialist US cable programs were re-broadcast in Australia on the country's pay television channels, in the mid to late 2000s Australia's free-to-air commercial networks continued to develop and screen domestic versions of talent and competition programming such as *Australia's Got Talent*, *The X Factor*, *So You Think You Can Dance*, *MasterChef Australia*, *My Kitchen Rules*, *Australian Idol* and

⁵ A conservative sample of these shows include the US program, *Little People, Big World* featuring people with dwarfism, *Celebrity Paranormal Project*, *Celebrity Ghost Stories* and *I Survived Back and Beyond* discussing the supernatural and paranormal. Specialist and unusual professions were featured on US docusoaps such as *Alaska State Troopers*, *Ice Road Truckers*, *Cake Boss* and *Ax Men*. Insights into personal lifestyles were shown on the US *Real Housewives* franchise which began with the *Real Housewives of Orange County* and has since extended to include the *Real Housewives of Beverly Hills*, *New York*, *New Jersey*, *Atlanta* and *Miami*.

⁶ The duty of care owed to children has become particularly relevant with the introduction of US series such as *Kid Nation*, *Kate and Jon Plus 8* (which, three years later, became *Kate Plus 8*

Big Brother. Australia also maintained its focus on ‘local’ informational docusoaps such as *Border Security*, *Bondi Rescue*, *Farmer Wants a Wife* and *Bondi Vet*.

At the time of writing, reality television programming in Australia and the UK continued to be viewed in high numbers but in the US there were concerns that “viewer fatigue” was causing ratings to decline on big budget shows such as *America's Got Talent* and *So You Think You Can Dance*, for example (Block 2012). Even new reality shows on US cable television networks are now attracting smaller audiences as viewers are reluctant to watch new programs which are based on tried and tested formats that are now considered “old”⁷ (Block 2012).

In following the ‘old’ trend, in Australia *Big Brother* was cancelled in 2008 by Network Ten and the UK version ceased broadcast on Channel 4 in 2010 due to low ratings (Idato 2008; Sweney & Holmwood 2009). However, in 2012 and 2011, respectively, both countries recommenced televising *Big Brother* with an updated fresher look in a bid to reach more viewers, albeit via different television networks to those from the original broadcasters (Sweney 2009).

In the race to remain relevant and competitive in the aggressive pursuit of television viewers and ratings, Australian reality programming combined elements of docusoap’s observational techniques with the fictional and scripted realm in 2012 by launching the country’s first “dramality”⁸ show, *The Shire* (Mathieson 2012). It

following the departure of Kate Gosselin’s husband, Jon), *19 Kids and Counting*, *Toddlers and Tiaras* and *Raising Sextuplets*, for example.

⁷ An example of these cable shows include MTV’s *Jersey Shore* spin-off, *Snooki & JWoww* and TNT’s reality competition show *The Great Escape*.

⁸ Dramality is described as a combination of drama and reality program (Stratton 2012).

was hoped *The Shire* would emulate the ratings success of US show *The Hills* and the UK's award winning 'structured reality' (dramality) series *The Only Way Is Essex*, first broadcast in 2006 and 2010, respectively. Australia lagged behind the US by six years and the UK by two years in screening dramality and, despite extensive promotion of *The Shire*, the program performed poorly and concluded with mediocre ratings in September 2012 (Delaney 2012).

Speculation as to why *The Shire* failed to impress viewers might be found in an interview given by Julia Raeside, the UK Guardian newspaper's television critic, in discussing the UK dramality program, *The Only Way Is Essex*. Raeside summed up dramality as shows performed self consciously by people who are "not very good at acting" and it was this awkwardness that made it difficult for viewers to bond with them (*The only way is... 'structured reality'?* 2012).

This lack of engagement was evident in the criticisms of *The Shire* on online social media websites where thousands of Twitter and Facebook users labelled the participants as "fake" and the program itself as the "worst show ever" (McGinn 2012). In view of *The Shire*'s average performance, whether Australian broadcasters televise dramality again remains to be seen despite the fact it continues to be thriving in the US and the UK (Deans 2012).

With so many reality television formats now being exhausted, in 2012 a US television executive remarked anonymously, "Somebody's got to figure out a new variation. We've gone through game shows, dating shows, reality competition, zany physical shows, so what's next?" (Block 2012)

2.2.1 Blurred Boundaries

As reality programming output increased in the early 2000s, it quickly and aggressively invaded the long-established genre of factual programming and extended its reach into documentary and broadcast journalism. It also resulted in the blurring of the once clearly defined boundaries between fiction and non-fiction (Dovey 2000; Hill 2005) and led to a migration and mutation of genres (Hill 2005). This merging of genres significantly muddled the distinction between entertainment and journalism (Andrejevic 2003; Kilborn, 2003) and whilst it created entertaining and novel programming alternatives for viewers, it caused scholars to lament that reality television had begun to displace serious documentary and that these hybrid reality programs were nothing more than tabloid fodder (Beattie 2004).

The de-territorial way in which reality television not only resists containment but crosses other generic boundaries led Hill (2007) to refer to the genre as “feral” and “opportunistic” (p.215). It is this unrelenting and uncompromising generic invasion that contributed to what Rupert and Puckett (2009) identified in *The Tube Has Spoken* (2009) as a “climate of urgency” which encouraged the broadcast industry to focus on ratings and money rather than “directorial integrity, originality, or insight” (p.95).

As genres migrated and mutated, the characteristics of reality programs began to change and, even at the time of writing, there was no set international industry standard as to exactly which characteristics constitute a reality television program. The lack of an internationally applicable definition has led to scholars and authors

assigning the genre and its sub-generic off shoots with a range of characteristics, often with limited agreement (Hill 2005; Kilborn 1994; Nabi et al 2003).

For the purposes of this thesis and in the absence of an international definition of the characteristics which comprise reality television, the definition provided by the ACMA (2007) will be used:

- an emphasis on factual, unscripted content
- the use of real people (and not professional actors)
- the portrayal of unscripted interactions between (ordinary) people
- a competitive or ‘game show’ element, in which participants compete with one another
- situations or environments controlled by the producers, which, at one extreme, may be highly contrived or manipulated
- the editing of ‘live’ footage to enhance or create story lines (ACMA 2007, p.26).

However, even using the ACMA’s definition, many of these characteristics are contradicted by the programs themselves, which complicates the categorisation landscape. In addressing those contradictions; factual and/or unscripted content is utilised, unless it is faked, as in the cases of *MasterChef*, *Born Survivor* or *Joe Millionaire*. Reality programming is unscripted unless participants’ dialogue is pre-scripted by practitioners, as in *Manhunt*. Real people are utilised, unless filming with celebrities, as in *Dancing With The Stars*, *I’m A Celebrity...Get Me Out Of Here!* or *Celebrity Apprentice*.

Participants compete with one another, unless taking part in programs that focus on animal health or lifestyle, such as *Bondi Vet* or *Better Homes and Gardens*. Programs are filmed in controlled environments, unless they are filmed in unpredictable external locations such as jungles, islands, mountains or in the outback for *Survivor*, *The Amazing Race*, *Unbreakable* or *Outback Jack*. If there is a key characteristic of the genre, it is that it is contradictory.

Exacerbating scholarly classification and industrial confusion in Australia is that as the genre develops, new television award categories are announced every few years by the television awards committee who manage that country's national television awards, the Logie Awards.⁹ This results in shows being nominated in one category one year and the following year, those shows are moved to a different category. This implies the show has somehow changed in format, style or content when in fact, it has not.

For example, the Australian program, *RPA*¹⁰ had been nominated in the Most Popular Reality Program category in the national TV Week Logies' television awards every year from 2000 to 2006. However, in 2007, *RPA* was moved to the new category, Most Outstanding Factual Series. Another example is *Dancing With The Stars*, which, in 2007, was moved from the Most Popular Light Entertainment or Comedy Program category in the Logies to the Most Popular Reality Program category. Earlier, in 2002, Australia's *Who Wants to be a Millionaire* was moved

⁹ In 2000, 2002, 2007 and 2008 the Australian Logie awards introduced award categories titled Most Popular Reality Program, Most Popular Game Show, Most Outstanding Factual Series and Most Popular Factual Program, respectively.

from the Most Popular Light Entertainment Program category to the Most Popular Game Show category.

In the US and the UK, new nomination categories are also generated¹¹ without notice which in turn adds to the difficulty of comparing programming on an international level. Using the internationally franchised program *Dancing With The Stars* as an example; in 2007 the show was nominated in the Most Popular Reality Program category at the Australian Logie Awards, whereas at the US Prime Time Emmy Awards it was included in the Outstanding Reality-Competition Program category. At the UK's BAFTAs in 2007, *Dancing With The Stars*' precursor *Strictly Come Dancing* was nominated in the Entertainment Programme category. Even Andrew Newman, chair of the BAFTA Television Committee, acknowledged these inconsistencies are confusing ('Introduction of a reality category should not be seen as a snub, says Andrew Newman' 2011).

This complicated identification coupled with the cross pollination of sub-generic formats makes it difficult for scholars to select and sort programs according to specific criteria to allow for research studies to be conducted with accurate outcomes (Hall 2003; Nabi et al. 2003). Sub-generic characteristics merge with such speed that academics have no sooner identified one sub-genre, than another has taken its place.

¹⁰ *RPA*'s official website describes the program as one which captures "the compelling around-the-clock drama of the Royal Prince Alfred Hospital in Sydney." <http://channelnine.ninemsn.com.au/rpa>, viewed 22 September 2012.

¹¹ In 2001, 2003, 2006 and 2009 the Emmy Prime Time Awards introduced award categories titled Non-Fiction Program (Reality), Reality-Competition Program, Outstanding Host for a Reality Show or Reality Competition and Outstanding Reality Program category, respectively. The Emmy Prime Time Awards also introduced a wealth of categories for production personnel in 'reality' programming over time. In 1972, 2001 and 2012 the UK BAFTAs introduced award categories titled Factual Series, Specialist Factual and Reality & Constructed Factual, respectively.

For example, Murray and Ouellette (2004) identified six sub-genres: reality sitcoms, gamedocs, makeover and lifestyle, docusoaps, court programs and dating programs. However, they overlooked hidden camera, talent, law enforcement and celebrity styled shows. Across her two texts, Hill (2005; 2007) discussed nine sub-genres, being infotainment, docusoaps, lifestyle, reality life experiment, reality game shows, reality hoax, celebrity reality formats and reality clip shows, while further adding two that she referred to as emergent categories: reality business and reality event, such as *The Apprentice* and *The X Factor*, respectively.

In the conference paper, *Redefining Reality TV*, Tsay et al. (2006, p.2,4) earmarked nine sub-genres for discussion, being hidden camera, game show, docusoap, sitcom, law enforcement, court, makeover/lifestyle, dating/romance and talent. In the following year, Nabi (2007) identified six sub-genres. However, of these, only four were referred to by the same names used by Tsay and Krakowiak. Moreover, Nabi's research omitted makeover, hidden camera and celebrity programs from the sub-generic categories.

Academics have also added to the confusion by publishing where they or the viewers involved in their research studies feel that a program 'fits'. For example, Music Television's (MTV) program *The Osbournes*, was considered by Murray and Ouellette (2004) to be a docu-sitcom, whereas Morreale (2003) felt *The Osbournes* was a hybrid reality-sitcom. Dhoest (2005) and Hill (2005) both referred to the program as a docusoap, while in New York University's e-journal of Culture and Communication Pioto and Otter (n.d.) honoured *The Osbournes* as an example of

ethnographic programming. With thousands of reality programs existing internationally, the defining landscape has become difficult to navigate.

2.2.2 Technical Advancements

Technically, the ways in which reality television footage can be captured has evolved significantly since the mid 1990s and these advances have contributed to the growth of the genre. In the 1990s footage was recorded in a combination of analogue and digital tape formats. By the 2000s, technology had advanced to the degree where programs were filmed in digital video tape and cameras had become smaller and more versatile allowing for a wider range of angles to be filmed.

In the mid to late-2000s, high definition television represented another technological leap and a number of US reality programs were filmed and broadcast in high definition, such as *American Idol*, *Dancing With The Stars*, *American Gladiators* and *Deadliest Catch*. Australia and the UK followed suit by filming and televising *Bondi Rescue* and *Strictly Come Dancing* in high definition. However, the US show *The Amazing Race* deferred filming in high definition until 2010 due to the lack of portability and durability of the camera equipment in geographically difficult locations (Hibberd 2010).

Whilst a majority of reality programs in the US, Australia and the UK are filmed in digital and high definition tape, there is now the capability of recording a 'tape-less shoot' where footage is captured in digital data cards, input directly into an editing system and edited almost immediately (Simmons 2011). One advantage is that a

program can be produced faster but unfortunately, due to the camera's ability to film from a wider variety of angles there may be an over abundance of footage filmed (Simmons 2011).

On a final note, advances in technology now allow for smaller, cheaper, lighter, and sturdier hybrid cameras to record vision that was once impossible to capture. These include filming inside the mouths of sharks and alligators and recording crabs entering crab pots on the bottom of the sea for US Discovery Channel's *Deadliest Catch* (Wingfield 2011), all of which contribute to the viewers' experience.

2.2.3 Why Watch?

As reality television programming output increased, several significant audience reception studies followed. Some explored audience interpretation of and perception of realism (Hall 2006; Hill 2007; Nabi et al. 2003), while other studies investigated viewers' motivations for watching reality television (Ebersole & Woods 2007; Papacharissi & Mendelson 2007). Reiss & Wiltz (2004) found that viewers motivated by a desire to satisfy their urge for status and vengeance watched the shows in large numbers, whereas research participants in the ACMA's Reality Television Review (2007) felt the unscripted nature of the programs was an exciting draw card (p.42). This was in spite of the fact that only 12 per cent of viewers in Hill's (2005) audience research study believed reality television programs were actually 'real'.

At the time of writing, there was a belief in academia and the media that reality television had evolved into programming that was becoming more ‘mean’ in nature. In their study, *Does Reality Backbite?*, Coyne, Robinson and Nelson (2010) found that in reality television shows containing extremely high levels of verbal and relational aggression, girls and women were more likely to be portrayed as emotional aggressors than males. This aggression took the form of name-calling and using insults to hurt another person, spreading rumours, gossiping behind a victim’s back and using threatening language to manipulate relationships.

The high of levels of covert aggression found in many reality television programs is concerning in respect to the potential effects of those behaviours on audiences, particularly as the programs tend to attract a younger demographic—that is, viewers between 15 and 24 years of age.

Confirming this ‘mean’ trend, a 2011 research study commissioned by North America’s Girl Scout Research Institute found that 37 per cent of girls who were considered regular reality television show viewers aged from 11 to 17 years agreed with the statement that one must lie to get what one wants (Girl Scout Research Institute 2011). The study also revealed that 28 per cent of those viewers believed that people have to be mean to others to get what they want.

Practitioners are cognisant of which narrative triggers will elicit certain responses from viewers and Coyne found that much of the relational aggression referred to in her study was manufactured by practitioners for entertainment value, rather than being naturally occurring.

The German expression 'schadenfreude' is relevant here as it involves trivialising the suffering of others and delighting in their pain (Portmann 2000). In reality television, broadcasting suffering has metamorphosed into what was colloquially known in the US as 'humilitainment' as far back as 2005 (Jaffe). Academic Brad Waite of Central Connecticut State University, who coined the phrase, and his colleague, Sara Booker, claim humilitainment is 'the tendency for viewers to be attracted to spectacular mortification' (Jaffe 2005). That is, audiences derive pleasure from watching another person's degrading or shameful downfall in a way that is ultimately humiliating or exploitative to the reality television participant.

Wyatt (2010) argued that the best way to stop the exploitation of participants was for viewers to simply stop watching reality television programs. The implication is that this bottom-up subterfuge would negatively affect ratings, potentially resulting in the programs being taken off the air. Problematically though, only a representative sample of any given population is included in the ratings data which voids any potentially meaningful impact of switching the television off.

A majority of television sets in households, in addition to sets in public spaces such as dormitories, bars, halls, transport terminals and clubs are not monitored by ratings agencies. A program's ratings will only decline if the people included in the ratings sample were to switch off. It is therefore unlikely that reality television programs will disappear from our screens in the near future because it cannot be predicted if or when viewers in the ratings sample sets will stop watching these shows.

2.3 Theory Underpinning Ethical Practice

Personal humiliation and degradation defy even the most basic of human rights entitlements. Based on philosophical principles, specific articles in the United Nation's Declaration of Human Rights (UNCHR), proclaimed in 1948, focus on a person's intrinsic value. Articles 1, 5, 9 and 12 are presented below to provide context to those rights:

Article 1

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 5

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 9

No one shall be subjected to arbitrary arrest, detention or exile.

Article 12

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, or to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks (UNCHR 1948).

Further, German philosopher Immanuel Kant's *Categorical Imperative* provided a set of tenets for determining right and wrong behaviour, which Kant believed people

should live by. Three formulations comprise the *Categorical Imperative*, the second being the *Principle of Humanity*, which states:

So act that you use humanity, whether in your own person or in the person of any other, always at the same time as an end, never merely as a means (Guyer 2002).

That is, people ought not to use others merely for personal gain. However, humans have been using each other for their own ends since the earliest times. In a spectatorship context, emperors and public crowds cheered on gladiators who fought animals or each other to the death with their bare hands or with exotic weapons designed to do the most damage to their opponent dating back to the time of the Roman Forum in 264BC.

Granted, this example of spectatorship is extreme, but in Kantian terms, it represents a breach of the respect for one's self or others and opposes Kant's interpretation of what it is to be human.

2.3.1 Philosophical Theory and Reality Television

In applying Kant's philosophical theory to reality television based largely on the text *Exploitation: What it is and why it's wrong* (Sample 2003), University of St. Thomas scholar Wendy Wyatt (2010) presented a paper titled *Humiliation TV: A Philosophical Account of Exploitation in Reality Television*. Wyatt chiefly enquired whether all stakeholders involved in the reality television genre exploited participants by virtue of their involvement. In the context of Kant's *Principle of*

Humanity, practitioners edit participants to highlight dramatic events, audiences laugh at participants' antics and publicists make those participants' available to journalists, talk show hosts and radio presenters for interviews after the show has been screened. The participants are considered interesting enough to increase ratings, sell newspapers or magazines and their every public move is documented until their Warholian¹² 15 minutes of fame has expired.

Some reality television practitioners use participants to create entertaining programming by constructing conflict driven scenarios. Additionally, broadcasters screen titillating content to secure high-rating and commercially successful programming. However, there is one stakeholder group at the apex of the broadcast food chain. That group comprises of advertisers and sponsors, who use every other stakeholder, such as participants and practitioners, to sell products.

Without the revenue provided by sponsorship or advertising companies through the purchase of commercial advertising time, most commercial television networks could not survive. Advertisers and sponsors need air time provided by commercial broadcasters to advertise their products and practitioners are often required to weave those products into the narrative. To a degree, this product placement grants advertisers and sponsors a certain amount of editorial control, a domain once held exclusively by practitioners. Participants are recorded by practitioners using or discussing the products to be advertised, those scenes are then broadcast to audiences

¹² In 1968, American visual artist, filmmaker and printmaker Andy Warhol predicted that, in the future, 'everyone will be world-famous for 15 minutes'. This term is often applied by cultural and media critics to the short-lived television publicity or celebrity experienced by individuals caught in the media's gaze (Lee-Wright 2010).

cum potential consumers. This in-show product placement is often complemented by advertisements containing the same product broadcast in the commercial breaks, completing the parasitic advertising and sponsorship cycle.

Pozner's 2010 analysis of reality television, *Reality Bites Back*, is highly critical of advertisers' and sponsors' influence on programming through product placement, which is also known as embedded advertising and/or brand integration. Pozner (2010) charged that, certainly in the US, many reality television programs now contain so much product placement, that they are just long commercials for large advertising companies. In a radio interview for the US program, *To the contrary* on National Public Radio (2011), Pozner argued that while television networks claim they are giving the public what the public wants, in her opinion, they are only giving us what advertisers want—which is to sell more products.

This damning view of advertisers' influence on editorial content is also held by American media theorist Douglas Rushkoff. Quoted in Lankford's (2008) *Reality TV*, Rushkoff is scathing of what he considers advertisers' collusion with broadcasters. In Rushkoff's opinion, even though viewers felt 'guilty for enjoying another person's suffering', the fact that advertisers supported the program, provided an endorsement of the program and what was unfolding on it. Rushkoff adds that therefore, 'advertisers win the viewer's confidence by sublimating their self-loathing' (2008, p.81). That an advertiser's product placement within a program and/or the advertiser's strategic placement of advertisements in the commercial air time on the show could be perceived as an endorsement of program content should

be of concern to advertisers, particularly if the program features inappropriate behaviour such as consistently overtly or relationally aggressive behaviour.

As Kant's philosophy can be applied to the potential for exploitation within reality television, so too can those of German philosopher Jurgen Habermas. Habermas encourages individuals to form their own opinions and through collective discussion, set on an agreeable standard or norm. Many of Habermas' philosophies tend to be Kantian-based in origin. However, his output focuses on the two key areas of socio-political theory and issues in communication, rationality and knowledge (Bohman 2008).

Cited in Blackall (2004, p.42), Habermas maintains that one of the key crises today is that modern society is not meeting individual needs. Moreover, institutions are manipulating individuals, most often to their own ends. In response to this crisis, people are interacting and communicating with one another and it is this interaction that Habermas refers to as communicative action (Deflem 1994).

In *Jurgen Habermas on Society and Politics*, Habermas (1989, p.18) offers that:

individuals are oriented toward reaching an agreement on the beliefs about which validity claims can be raised. Moreover, in order for this behaviour to remain a case of communicative action and not, for example, change into strategic action, the agreement must be consensual. This consensus must be based solely on the force of the reasons given for the beliefs, not on coercion or manipulation.

This coming together and discussing what type of crisis response is required is not a revolutionary, sudden or instant change. It evolves incrementally and Habermas maintains that eventually, if enough people think and feel the same way and interact to discuss those thoughts and feelings, a group response will evolve based on shared convictions.

In a reality television context, an example of Habermas' theory of communicative action in practice would be the growing numbers of psychologists, media critics, participants, journalists and even practitioners communicating their concerns to one another about how taking part in reality television programming can adversely affect participants psychologically. As part of an informal group collective, they have been vocalising their concerns publicly. Consequently, there has been an increased awareness as to some of the problems faced by participants in the genre such as misrepresentation, alleged ill-treatment and physical harm caused by stunts that did not unfold as planned.

Other issues faced by participants include practitioners invading their privacy, denying participants adequate sleep or food during program construction, curtailing their freedom and violating their rights by virtue of invasive contracts. Individually or together, each of these issues equates to a fundamental lack of respect.

At the time of writing, there was a great deal of public discourse surrounding issues pertaining to the lack of privacy and respect for reality television participants in addition to an increased awareness of the immense pressures many of those participants face during filming. Prominent psychologists from the UK, Oliver James

and Cynthia McVey, and the American psychologist Richard Levak, for example, have been frequently cited in media interviews alleging poor treatment of participants in the specific context of a lack of informed consent and psychological counselling after filming and broadcast.

2.3.2 Reality Television Participants Interviewed for Research Studies

Growing numbers of participants are being interviewed for scholarly studies to document their experiences whether positive, negative or indifferent. For example, academic Winnie Salamon (2010) interviewed 15 former participants from three Australian prime-time reality television shows. Participants' feelings of unmet expectations, humiliation or embarrassment, disappointment and frustration following broadcast were documented, as was what participants' felt was a lack of duty of care, particularly with respect to counselling following their program's conclusion.

Further, Dutch scholar Jelle Mast's (2009) paper captured eight participants' feelings of regret following their contribution to a program. While interviews conducted with two families that participated in America's home makeover program *Trading Spaces: Families* found that participants' experiences were mostly favourable, those same participants' were unpleasantly surprised at the lack of control they had over their contribution (Shufeldt & Gale 2007).

These three studies each involved small sample sets and as such, cannot be interpreted as representative of the population as a whole. One possible reason for

the small sample sizes and lack of scholarly research delving into participants' experiences may be that many participants are legally bound for long periods of time, sometimes in perpetuity, not to discuss their experience with third parties, even after production had ceased. Those third parties can extend to media personnel, friends, family and, certainly, academic researchers.

Fortunately though, two studies have been conducted with larger sample sets comprising 40 former reality television participants each. The first of those two studies was conducted by Norwegian academic Trine Syvertsen (2001). Syvertsen's paper, *Ordinary people in extraordinary circumstances: A study of participants in television dating games* found that 38 of the 40 participants interviewed enjoyed their dating game experience, despite their misgivings as to the extent of control producers had over their input.

Conversely, a 2000 study by Hibberd et al titled *Consenting Adults?* documented that participants felt 'stitched up,' manipulated or deceived by production staff, who had editorial control and power over them (p.63). That power imbalance has been acknowledged by Oliver James, the previously mentioned British psychologist. As a former television producer himself, James was quoted in a 2003 article printed in *The Age* (Online) as saying that it is possible to talk people into taking part in factual television programming due to their inherent vulnerability.

In *Shooting People: Adventures in Reality TV* (Brenton & Cohen 2003) and Kaur's (2007) *Big Brother: The Inside Story*, several former participants discuss

psychological stress they experienced as a result of feeling manipulated in the context of their contribution to a program.

In a 2010 article published by *The Observer* (Online), the head of the UK's Mental Health Foundation, Andrew McCulloch, predicted that subjecting vulnerable contestants to humiliation would eventually have tragic consequences. McCulloch was speaking specifically about ridiculing participants in the construction of reality television construction, calling it 'far beyond any ethical boundaries' (Cadwalladr 2010, p.9). He added that not only did he fear the worst for participants subjected to humiliation and ridicule but that 'if enough people are subjected to enough stress, someone will end up taking their life; that is a statistical proposition'. That is, it was not a matter of if but when such a suicide would take place.

Levak's fears for the psychological well-being of participants were published in an August 2011 article in Ohio's *The News-Herald* (Online) (McCartney). Levak claimed he was fearful of the inability of some production companies to invest financially in processes that would enable them to exclude psychologically vulnerable participants who may suffer under the camera's gaze.

As far back as 2001, Oliver James stated the need for a study to be conducted on the psychological effects on participants of taking part in reality programs, to follow participants' mental health and to safeguard them psychologically. However, James

advised me¹³ via personal communication that, to his knowledge, as of 2 October 2010, this study had not been conducted.

2.4 Theory Underpinning Duty of Care v. Duty of Care in Practice

A duty of care involves planning for the prevention of harm to another person. In the same way that health professionals have a duty of care to their patients, so do members of a household or parents of children. In a reality television context, the company paying practitioners and participants is considered their employer. If that employer is a production company or a broadcaster, then that company must enact their duty of care by controlling and preventing injury or other harm to others in the workplace, where possible. Risk assessment strategies are put in place prior to the commencement of filming to identify potential safety risks for all involved and to contain or remove those risks. Having said that, whether a duty of care clause is contained within a participant's consent forms or contracts is at the discretion of his employer. In the absence of a duty of care clause, its application is implied but not guaranteed.

Practitioners often go to great lengths to uphold their duty of care toward participants. By way of example, since 2001 several participants have been removed from *Survivor* for health reasons.¹⁴ On the 2001 series of *Survivor: The Australian*

¹³ Personal email from Oliver James, received at my university email account (caw14@uow.edu.au) on 17:48:07 EST 2010 on Saturday 2 October 2010. The subject of the email read 'Re: Reality Television Study.'

¹⁴ In 2007, *Survivor: Fiji* participant Gary Stritesky was removed after experiencing dizziness, disorientation, allergies and breathing difficulties (Rocchio 2007) and, in 2008, three injured contestants left *Survivor: Micronesia* voluntarily on medical advice (Haidet 2008; You Tube 2008).

Outback, participant Michael Skupin allegedly inhaled smoke from a campfire before falling into it, subsequently burning his hands and face.¹⁵ Skupin's hands were almost immediately wrapped in cold dressings and he was transported from the location by helicopter for immediate medical treatment (Survivoroutback 2007).

Even though Burnett's company successfully executed a professional duty of care towards Skupin, Burnett was lambasted in the US media after he admitted he would have fired the camera operator immediately if the camera operator had put the camera down to help Skupin. Burnett stated the reason he would have fired the camera operator was that individual was there to record the action and a cameraperson could have done nothing to help Skupin.

In the camera operator's defence, practitioners are professionally obliged to fulfil their contractual obligations to the exclusion of all other activity. Thus, the camera operator's duty was to record footage. Stopping filming may have subjected the camera operator to the legal consequences of a breach of contract. This scenario is presented to provide an example of one of many difficult situations that practitioners' face in the field, and to illustrate what their default position tends to be when they need to make snap decisions.

Again, in upholding a duty of care, in 2004 the US show *Fear Factor* reported that they kept an ambulance and three medically trained personnel on set as standard

¹⁵ The Columbia Broadcasting System (CBS) did not televise the incident in its entirety, but screened footage of Skupin running into a river, dousing his face with water and shouting in pain. Executive producer, Mark Burnett, did not divulge whether Skupin was recorded actually falling into the fire, but he did say there was 'much more graphic footage of agony, blood, blisters and pus but it has no place [on TV] in the eight o'clock hour' (Liner 2001).

practice. If a water stunt was carried out, up to ten water safety stuntmen were on hand in case the stunt went awry (Morgan 2004). In 2007, Sam Mettler, the US show *Intervention's* creator and executive producer reported that he had intervened several times to stop participants on *Intervention* from injuring themselves or others and had even prevented one man from committing suicide (Peters 2007).

In 2009, prior to *Britain's Got Talent* participant and finalist, Susan Boyle's final performance, she was provided with a counsellor. Boyle was also able to choose which practitioners she worked with and was able to surround herself with friends and family. Following her performance but prior to Boyle's admittance to London's Priory Clinic for exhaustion, medical personnel reportedly spent a considerable amount of time with her before she was personally escorted to the clinic by representatives from the two relevant production companies, Sysco and Talkback Thames (McMahon 2009; Revoir & Simpson 2009). In 2010, producers removed participant Seth Caro from the US program, *Top Chef: Just Desserts* for his own safety following his apparent physical and mental breakdown (Denhart 2010).

It is clear that the extensive physiological support extended to participants in the above programs shows that many companies take their duty of care seriously and uphold it not only for legal reasons but also for best practice.

Duty of care also extends to employees, that is, practitioners. Commercially speaking, not adhering to a duty of care can be a mistake for employers, as it can result in bad publicity, particularly if the employer is a broadcaster. For example, the US production company responsible for much of the production of *American Idol*,

FremantleMedia North America, was the subject of a number of accusations concerning their alleged failure to exercise a duty of care towards several former practitioners. Citing poor working conditions, many of those practitioners' made their grievances public. Some were asked to illegally falsify timecards and work seven days a week, often for up to 20 hours a day (Verrier 2008).

Aaron Solomon, head writer for FremantleMedia North America's reality game show *Temptation*, claimed that he worked up to 18 hours a day, seven days a week for 10 weeks straight to keep to the production schedule and some practitioners apparently slept in their office to meet these deadlines (McNary 2007) and these very public complaints generated negative reportage for the company.

2.5 Theory Underpinning Informed Consent

Duty of care is tied to the consenting process in that employers are legally obliged to obtain participants' consent prior to broadcasting a reality television program to which the participant has contributed. The consent form, also called a release or waiver, simultaneously serves as a contract, as it explains the balance of rights and responsibilities between the participant and practitioners. Unless there is a fine point of argument in law, this contract gives practitioners absolute control over the production process. The consent form also serves to grant the practitioner legal immunity from 'retrospective disagreements with participants about how contributions may have been used' (Hibberd et al. 2000).

It is commonplace for a consent form to include the right for practitioners to edit participants' contributions with more or less freedom, the right for practitioners to have control over the management of copyright and intellectual property of the material and the right to market and distribute the participant's contribution as part of the program.

Cited in Kumar's (2005) *Research Methodology*, Shinke and Gilchrist recommend that informed consent procedures meet three criteria under the standards set by Australia's National Commission for the Protection of Human Subjects. These are: 'participants must be competent to give consent; sufficient information must be provided to allow for a reasoned decision; and consent must be voluntary and uncoerced'. Further, they clarify that competency is 'concerned with the legal and mental capacities of participants to give permission' (Kumar 2005, p.213).

Providing a participant with informed consent in ideal terms should also involve continuing dialogue around the abovementioned considerations. This dialogue should be on-going, so that if the original parameters change, information should be provided to the participant from the practitioners as to how the changes or development may affect the participant's decision to grant consent. Examples of people considered not competent to give informed consent include children, people in crisis, individuals who cannot speak the language in which the consent process is being communicated, people who are drug dependent or alcoholics, those who depend on the professional for a service and some elderly people or individuals suffering from conditions that prevent them from making informed decisions. Shinke

and Gilchrist's basic principle is that granting informed consent is a conscious, voluntary, deliberate and unforced act.

Trust and consistency are paramount in determining whether participants trust practitioners or broadcasters with their image and likeness on the small screen. Australian academic and documentary filmmaker David Blackall (2004, p.13) argues that informed consent is an 'ongoing conversation between the professional ... and the subject being filmed.' This view is also held by Hibberd et al (2000), in stating that granting consent is not a single act of giving permission but an ongoing trust-building process. On the surface, obtaining a participant's signed consent secures their participation on a reality television program, but unless the consenting process undertaken by practitioners reflects honest, respectful, open-ended trust-building communication that affords participants the opportunity to provide their meaningful permission, it becomes nothing more than an empty legal requirement.

Ethicists from the UK, Daniel Sokol and James Wilson (2007), believe many reality programs in Britain would probably be rejected by even the 'most lenient' of university ethics committees due to the extent of humiliation, criticism and punishment endured by participants.

In terms of an appropriate consenting process, the BBC's Editorial Guidelines published on the BBC's website state that the corporation's model of informed consent originates from the medical practice based on 'freewill, capacity and knowledge' (BBC n.d.), adding that the knowledge needs to be sufficient for a participant to decide whether or not they wish to participate in filming. The BBC's

commitment to fairness is further achieved by implementing the following three key elements:

- a) ensuring participants understand why they are being asked to contribute to the broadcaster's output
- b) the context of the program
- c) the nature of the participant's involvement (BBC n.d.).

Similarly, *Consenting Adults?* concluded that informed consent was the granting of permission based on a person's knowledge and understanding of three key points, being:

- a) a program's format, aims and objectives
- b) how their contribution will be used
- c) the potential consequences for them or for third parties of their taking part (Hibberd et al. 2000, p.7).

Blackall states that obtaining informed consent is more important in film than in print or radio because the act of filming captures and exposes a person's actions, image and voice, rather than just one element or the other (Blackall 2004). I contend that the level of exposure via television broadcasting is potentially greater than film, print and radio combined, particularly if a reality television program is broadcast in a number of different states or countries over a period of years and re-broadcast online on internet websites. In consideration of the extraordinary range of viewing platforms, the process of gaining informed consent becomes critical.

Informed consent also entails some kind of aftercare whereby practitioners maintain contact with participants at the conclusion of filming or even broadcast. This contact can range from a friendly follow-up telephone call from practitioners to a participant, to obtaining professional counselling for participants who may have difficulty dealing with problems caused by their appearance. However, programs that are largely staffed by freelance practitioners are often unable to provide this level of aftercare because their contracts occasionally end earlier than expected due to budget cut-backs (Hibberd et al. 2000). Once their contract ends, they move on to another program and are therefore unavailable to the earlier participants.

Issues surrounding participants' unmet expectations may relate to what McVey believes is a lack of understanding on the part of participants regarding what they have committed to by signing the consent form (McVey 2004). This lack of understanding is complicated by the fact that the consenting process itself is non-standard in most territories. Sometimes the consent forms are explained to participants in detail by practitioners and sometimes they are not (Hibberd et al. 2000). Sometimes, consent forms are written in plain English but, on other occasions, the language is verbose to the extent that it is difficult for participants to understand. Participants have also complained of not being given adequate notice of a show's aims or being provided with copies of their consent form.

McVey, who consulted on the BBC's 2000 reality program *Castaway*, also doubts whether participants' consent is based on a realistic or complete understanding of the possible consequences of their involvement. She contends that 'hidden factors' beyond participants' control can affect them unexpectedly. This contributes to the

difficulties associated with obtaining true informed consent in reality television to the extent that it is more or less impossible to secure (McVey 2004).

2.6 Is A Code of Practice or Ethics in Place for Reality Television?

In Australia, commercial free-to-air national television networks and their affiliated channels are governed by a set of broadcast regulations, being the Commercial Television Industry Code of Practice 2010 (the Code). The Code is enforced by the ACMA and ensures broadcasters comply with content standards. The ACMA also handles complaints made by the public in relation to program content which is broadcast.

The Code impacts on the production and broadcast of reality television in Australia via an Advisory Note which provides specific suggestions on appropriate production methods for reality programming. If a commercial network or its affiliated stations are found to be in breach of the Code which houses the Advisory Note, those networks and stations risk being penalised by the ACMA and having their ability to hold their broadcast licence challenged.

The Code is reviewed every three years. In 2006, Australia's then Minister for Communications, Information Technology and the Arts, Senator Helen Coonan, called for the Code to be scrutinised after vision of a sexual nature was streamed live to online internet users on Australia's official *Big Brother* website at 4.30am on 1 July 2006. The footage showed a male participant rubbing his crotch in the face of a female participant, while another male participant appeared to restrain her. This footage was re-packaged and broadcast on national television news programs in prime time, creating public uproar primarily over the male participants' behaviour

and a lack of practitioner intervention. In 2007, the ACMA subsequently conducted a Reality Television Review.

As part of this review, the ACMA called for public submissions to determine whether the Code reflected community standards and also commissioned a research study into the attitudes and perceptions of young people towards reality television, including *Big Brother*. Research showed that many research participants were concerned about reality participants who were not treated with respect or dignity by other participants or by practitioners. Respondents also felt that showing physical violence, emotional abuse or participants being ridiculed for their flaws, judged, derided or discriminated against was irresponsible (ACMA 2007). As part of the standard review process, the Code was reviewed again in 2009. Public submissions were requested relevant to the ACMA's findings from the 2007 Reality Television Review together with the organisation's suggested recommendations for the genre.

The ACMA's recommendations for reality television were released in the 2010 version of the Code, developed by Free TV Australia, in an Advisory Note. The Advisory Note lists seven recommendations that, while not legally enforceable, provide 'guidance to program producers on factors to consider in the presentation of participants in reality television broadcasts' (Free TV Australia 2010). The Advisory Note states, in full, that:

- Classification incorporates distinctions between actors simulating behaviour and real people.

- While participants are real people, it is not necessarily ‘real life’ and behaviour can be contextualised and explored but not necessarily condoned by the program.
- Production guidelines can provide the parameters of behaviour and protocols for intervention when required.
- Classification briefings should occur in the pre-production process so that executives and key production personnel are aware of the parameters within which the program must remain to comply with the Code of Practice.
- In a ‘live’ broadcast, equipment may need to be incorporated to censor coarse language, blur vision or switch vision to render the broadcast suitable for its timeslot. Consumer advice may be added to provide viewers with information on probable content, for example, some level of coarse language. To comply with the Code of Practice, regard should be given to the camera angles that will be most suitable and those not to include. For example, to avoid ‘gratuitous, demeaning or exploitative’ vision.
- It is important to be aware that some behaviour in a ‘real’ context has more impact than in a fictional setting. For example, sexual behaviour in a reality context may be ‘R’ or ‘X’ rated because it is real activity, not actors simulating in a drama. It is always considered that non-simulated material will be more impactful (Free TV Australia 2010).

The combination of providing consumer advice for probable content and avoiding camera angles during filming that may result in ‘gratuitous, demeaning or exploitative vision’ protects both the participants and the broadcaster (licensee) from

a classification perspective as this consumer advice allows viewers to decide whether they want to watch a program, knowing the likely content.

Additionally, when a program is being broadcast live, one can never predict exactly what is going to happen, particularly if that program is essentially unscripted. If the participants behave in ways that are likely to breach a program's classification, it is in the licensee's best interests that practitioners use alternative camera angles to avoid showing vision that portrays participants excessively poorly. If the licensee televises that vision, they are held accountable for its inclusion, not the practitioner.

Further, the 2010 Code requires that vision showing highly demeaning or highly exploitative behaviour not be shown. Demeaning was defined by the ACMA in that version of the Code as a 'depiction or description, sexual in nature, which is a serious debasement of a person, or a group of persons, within a program', while exploitative was defined as 'clearly appearing to purposefully debase or abuse a person, or group of persons, for the enjoyment of others, and lacking moral, artistic or other values' (ACMA 2010).

It should be noted that while all licensees must aim to comply fully with the Code, they will not be found guilty of a breach of the Code if, say, a mistake or an accident resulted in such vision being broadcast, but that this was beyond their control, provided they had first tried to prevent it from happening (ACMA 2010).

I believe that the existence of the Advisory Note relevant to reality television production and broadcast likely contributes to a reduced amount of negatively skewed reality programming being broadcast in Australia.

In the US, there are over 20 commercial over-the-air (free-to-air) national television broadcasting networks with the largest audience reach secured by a combination of the Fox Broadcasting Company (FOX), the American Broadcasting Company (ABC), the National Broadcasting Company (NBC) and the Columbia Broadcasting System (CBS). Reality content is primarily broadcast by a combination of these over-the-air networks and subscription television channels which number in the hundreds.

Each subscription channel televises tailored content to a specific audience demographic. A snapshot of the subject matter on particular channels comprise, for example, entertainment on the Bravo and MTV channels; shopping, home and leisure on the Cooking Channel, the Home Shopping Network channel and the DIY Network; educational content on Discovery channel and National Geographic channel; and family oriented programming on the Disney Channel.

The US Federal Communications Commission (FCC) regulates over-the-air and subscription television broadcast stations in a similar way the ACMA does in Australia. However, in stark contrast to the ACMA, the FCC does not make recommendations on the construction of reality television content. The FCC merely regulates stations' output and responds to public complaints about indecent programming. As a remedy, the FCC issues fines to broadcasters who are found to be in breach of decency guidelines.

The code of practice in the US which was most similar to Australia's current Code was the Code of Practices for Television Broadcasters which was adopted by the US National Association of Broadcasters. The Code of Practices provided decency guidelines as to what could be shown on US television and also restricted the amount of commercials per hour. This latter restriction impacted negatively on commercial broadcasters and was challenged by the US Department of Justice on antitrust grounds. The challenge was upheld and, as discussed in the United States of America Senate 2000 Congressional Record (pp.1990-1901), the Code of Practices was abandoned on commercial grounds in 1983 during President Ronald Regan's era.

With the abandonment of the Code of Practices and with the FCC being restricted to merely enforcing the Broadcast Decency Enforcement Act 2005, there is currently no code of practice equivalent to Australia's Code operating in the US specifically relevant to providing recommendations on the construction of reality programming content.

The UK's regulator, Ofcom (2010), affects reality television in that country by publishing a series of rules to which all television content must adhere, known simply as the Broadcasting Code. The Broadcasting Code provides Guidance Notes for provisions such as harm and offence, privacy, fairness, impartiality and accuracy, for example. However, unlike the ACMA's Code, Ofcom's Broadcasting Code does not provide an Advisory Note relevant to the construction of reality television content.

While UK broadcasters are required to present reality television in ways which comply with the Broadcasting Code, there are some reality programs which the public have consistently complained to Ofcom about in large numbers between 2009 and 2012.¹⁶ Most of these programs remain on air and continue to attract public complaints and similar to the FCC, Ofcom also fines broadcasters who are proven to have breached the Broadcasting Code.

In summary, theoretically it would likely be easier for Ofcom, say, to include recommendations in the UK Broadcast Code relevant to the construction of reality programming in that country (such as the ACMA's Advisory Note) than it would for the FCC to do so in the US. Doing so in the US may constitutionally challenge the US First Amendment Right To Free Speech and as such, attempting to advise on reality television construction in the US via an Advisory Note would be difficult, if not impossible.

As for the existence or deployment of an industry wide code of ethics in Australia specifically relevant to reality television practitioners, there is no such thing. The closest code is the Commercial Television Industry Code of Practice 2010, which has been previously discussed. Most Australian journalists belong to the Media Entertainment and Arts Alliance (MEAA), which administers the Media Alliance Code of Ethics to which members are ethically, but not legally, bound. While this Code provides journalists' with an ethical guideline, it is not applicable to the

¹⁶ Specific programs about which Ofcom consistently received complaints in 2009, 2010, 2011 and 2012 include *The X Factor*, *Britain's Got Talent*, *Celebrity Big Brother*, *Big Brother* and *I'm A Celebrity...Get Me Out of Here!* ('*X Factor* attracts most Ofcom complaints of year' 2009; Thomas & Revoir 2010; 'Matthew Wright's jibe about a murdered Scottish teenager leads Ofcom list of programmes attracting viewer complaints' 2011; Noah 2012).

majority of reality practitioners as many are neither qualified journalists nor members of the MEAA.

Serving only as a guideline, a code of ethics is self-regulating and does not state what a person can or cannot legally do in any given situation. Broadcasters uphold codes of practice and the key difference between this and a code of ethics is that personnel are imbued with a professional imperative to respond in accordance to the rules of a code of practice. It informs the actions they must take whereas a code of ethics provides a set of ethical principles that serve to guide an individual's behaviour. In the absence of a code of ethics, practitioners are guided by their own moral compass and that of their peers.

2.7 Chapter Conclusions

This chapter explains the complexity of defining the genre and sub-genres of reality television clearly. However, certainly, the reality television genre is a manipulated representation of a series of real events that have taken place. As section 2.2.1 showed, the extent to which events are unmediated or staged is dependent on the program's format and the lengths to which practitioners' will go to produce a show that conforms to its format.

In terms of making programs more 'entertaining' by juxtaposing dialogue and scenes out of context, it is to an extent inevitable that this practice will persist based on past history, particularly in the US, where the broadcast marketplace is more crowded than in Australia.

It is encouraging that many production companies have enacted their duty of care towards participants by arranging for their treatment by medical staff or their removal from a location for medical treatment. However, it is discouraging that other production companies are neglecting their duty of care towards practitioners by requiring them to work inordinately long hours in the interests of producing an entertaining program that will in turn bring financial rewards for the broadcaster.

To an extent, a certain amount of manipulation in reality television construction is inevitable. Technically manipulating programs to facilitate engaging linear storylines, compressed in time, is necessary. However, the philosophical theories presented would indicate that if participants are influenced or manipulated by practitioners for their own ends, the practitioner has behaved unethically.

From a broadcaster's financial perspective, the manipulation of storylines to ensure they are entertaining is also inevitable, as an increase in audience numbers increases the ratings, which attracts advertisers. Advertisers and sponsors in turn are often willing to pay high fees to either place products in a program and/or to place advertisements in a program's commercial air time. The responsibility to make those programs entertaining will constantly fall to practitioners at the behest of broadcasters, who survive primarily thanks to advertisers.

With respect to consent, an extensive amount of literature recommends the consenting process for participants in reality television programming be a continuing conversation, rather than a one-off signature collection. That more participants are

taking part in research studies and are able to go on record with their experience of consent will particularly inform future processes.

In terms of how reality television might evolve, a Writers Guild of America (West) research study found that a majority of reality television writers in the US were under 40 years of age. Therefore, we can speculate that reality television is a 'young persons' game' and it is not unreasonable to expect that the genre's future writers and other practitioners are the youth of today. With this in mind, I question the extent to which young people in the US and other territories are formally schooled in morally responsible and accountable modes of behaviour. If young men and women contribute to reality television construction and broadcast as practitioners and participants without adequate formal grounding in ethics, they may perpetuate the existing trend for 'mean TV'.

It is heartening that the Australian regulatory body has responded to public concerns to the extent that it now requires commercial licensees to move away from screening highly demeaning or highly exploitative programming. This may limit the extent to which 'mean TV' is televised in Australia.

Chapter 3: Television in Practice

3.1 Vested Interests

As evidenced in the literature review, several stakeholders are invested in the success of reality television programs. Primarily, these stakeholders include television broadcasters and the companies who own those broadcasters. They also include production companies, advertisers, sponsors, practitioners, participants and, to an extent, the loved ones of those participants and the audience. The majority of reality television programs are broadcast on commercial television networks, which are owned by corporations imbued with a fiscal determination to return a financial dividend for shareholders. High-rating programs equate to increased revenue gleaned from advertisers, which is re-invested into producing and broadcasting more television programming.

In 2007–2008, the average cost of producing one episode of drama in the US was USD 7.21 million (approximately AUD 7.73 million)¹⁷, whereas the average cost of producing one episode of reality television was less than half that—approximately USD 3.02 million or approximately AUD 3.23 million (ACMA 2007). In fact, in 2005, the starting cost of producing one hour of reality television was less than USD 1 million or approximately AUD 1.07 million (Murray & Ouellette 2008, p.147) and was significantly cheaper than producing dramatic programming.

The cost of advertising in the commercial breaks is dictated by the ratings figures for each show and varies from program to program. The higher a show rates, the more expensive it is to advertise in that program's commercial breaks. *American Idol*, for example, has been one of the most consistently highest rating programs in the US since it was first broadcast in 2002. In 2005, 2006 and 2007, *American Idol* was the most expensive of any program, drama or non-fiction, in which to advertise in the US, with a single thirty-second advertising spot reportedly peaking at USD 900,000 or approximately AUD 965,580 in 2007 (Gorman 2008). It was estimated that at that time *American Idol*'s broadcaster, the Fox Broadcasting Company, stood to gain approximately USD 19 million (approximately AUD 20.4 million) in advertising revenue for each hour that *American Idol* was televised (Wee 2008).

While some reality programs are still less expensive to produce than dramatic programming, a number of factors are increasing production costs in the reality genre. Some of those factors include filming in exotic or difficult to access locations, large-scale studio sets, complex stunts, reality 'stars' demanding increased appearance fees and celebrities requesting more 'perks' (Barnes 2004).

Celebrities and 'ordinary people' take part in reality programming for several reasons and many participants actively pursue participation as a legitimate career choice. This view was confirmed by a 2007 survey conducted by Britain's Learning and Skills Council where research showed that one in seven young people hoped to

¹⁷ The financial figures quoted in this thesis are calculated based on the exchange rate as at 16 February 2012, which is the date of submission of this thesis.

become famous by appearing on reality television where they seek a range of benefits including financial reward and above all, recognition.

The recognition gained from an appearance can be leveraged into establishing or furthering a participant's commercial success in a range of industries but most notably in the media. Former *Australian Idol* participants Guy Sebastian and Axel Whitehead leveraged their appearance into media careers, as did Australian *Big Brother*'s Peter Timbs. UK *Big Brother* former participants, Craig Phillips and Brian Dowling also went on to successful careers in media and television (Wells 2008). American Elizabeth Hasselbeck, a former *Survivor* participant, is a presenter on the US day-time television panel program, *The View* (Poniewozik 2010) alongside long-time actor Whoopi Goldberg and veteran American broadcast journalist, Barbara Walters.

Some participants carve out a niche and are in demand simply because others are interested in them rather than for any particular talent or skill. Two examples cited by American journalist James Poniewozik (2010) are Kim Kardashian from *Keeping Up with the Kardashians* and Audrina Patridge former participant from *The Hills* who reportedly earned hundreds of thousands of dollars for nightclub appearances and product endorsements alone.

It is important not to view all participants as hapless victims who are used by practitioners. Many strategically enter the industry with pre-determined hopes and outcomes. One successful example is that of former *American Idol* participant, Jennifer Hudson. Hudson was evicted from *American Idol* after only reaching

seventh place in 2004. Shortly thereafter she went on to appear in six films and her celebrity status was cemented when she won an Academy Award for Best Performance by an Actress in a Supporting Role in 2007 for the film, *Dreamgirls*. Certainly, program participation can be very lucrative for successful participants.

However, in a bid for the glamour, power and financial benefits associated with fame, some participants lie, deceive and behave provocatively either to be cast for a program or to gain infamy or notoriety once they are part of the cast. Two well-known examples are Jon Dalton from the US series, *Survivor: Pearl Islands* and Jade Goody from the UK's *Big Brother* and *Celebrity Big Brother*.¹⁸ In spite of, or due to their notoriety, Dalton and Goody went on to become famous in their own right with Dalton appearing on numerous reality shows following *Survivor: Pearl Islands* and Goody allegedly becoming *Big Brother*'s "first millionaire" in the UK ('Jade Goody—a life in 10 headlines' 2009).

3.2 An Episodic Program's Typical Production Cycle

3.2.1 Pre-Production

During the pre-production phase, participants are cast, sponsors and advertisers are engaged and key practitioners are hired. Those practitioners include production staff, camera crews and, in many cases, a consulting psychologist. Prior to casting, practitioners often make applications available for potential participants to complete

¹⁸ Jon Dalton's alter ego, Jonny Fairplay, lied to fellow *Survivor: Pearl Islands* participants informing them his grandmother had died in order to win a show challenge. This became the "greatest lie ever told on *Survivor*" with Dalton declared as the ultimate villain (Denhart 2003). Goody was lambasted

and submit to the program in order that those practitioners can identify potentially suitable and unsuitable participants, in conjunction with a consulting psychologist or by themselves.

3.2.2 Application Process

In terms of how participants can ascertain which shows are recruiting participants, many application forms are placed online on the internet and are often listed on broadcaster's websites or on the websites of specialist casting agencies. For example, in September 2011, a simple internet search using the Google search engine string 'reality television casting call' yielded 3,220,000 results in a number of different cities and countries. A number of those casting call links contained application forms that could be downloaded, completed by participants and posted to production companies or casting agents.

The questions on application forms and the amount of detail required from individuals differ relevant to each program's format. The extent and type of information required from applicants for *The Bachelor* or *The Amazing Race* for example differs greatly from the application forms for *MasterChef* or *Extreme Makeover: Home Edition*. For example, the 2008 online application for America's *The Supernanny* asked whether the applicant had ever attempted suicide, been a victim of sexual abuse or whether their children had smashed toys, hit, scratched or

in the media for her anti-social behaviour and racist comments on *Celebrity Big Brother* in 2007 ('Shelty fears Big Brother 'racism'' 2007).

even choked anyone (ABC 2008, pp.3,9). These questions are not found on application forms for say, cooking shows.

Many application forms also request information pertaining to an applicant's allergies, medications, criminal convictions and physical or mental illnesses, primarily to identify unsuitable participants. Problematically though, not only do applicants embellish or exaggerate information on those forms in the hope of being cast on a program, they have also been known to omit important details or falsify information to increase their chances of being cast. Applicants' information on application forms is often fact-checked by practitioners or a specialist firm, but the extent to which these background checks are done is at the practitioner's discretion and is not standardised in either the US, Australia or the UK.

After practitioners or casting personnel have sifted through hundreds or thousands of applications, they ask specific applicants to attend interviews. The face-to-face interview process can be daunting for some applicants due to the probing nature of the questions but, the questions are designed to determine the participant's suitability for the program and vice versa.

These sometimes invasive questions are also designed to capture 'the real you', a philosophy endorsed by Mike Mizanin, a former participant on the US's *The Real World*. In the DVD, *Reality TV secrets: How to get on the show*, Mizanin recommends that applicants give the process their all:

If you're going to try out for a reality TV show, its reality. It's your life, it's you. It's who you are. Don't give them half your life, don't give them, you

know, three quarters of your life. Give them your whole life because that's what you signed up for (2004).

However, the extremely personal nature of some questions does not sit well with all applicants. In a 2003 online article titled *Big Bother* (Benedictus 2003), Kieron Tanner, a former contestant on Australia's second series of *Big Brother*, stated that he felt the questions were designed to make applicants feel uncomfortable and to 'get at those secret desires, those hates and anguishes that you might not necessarily bring up in a conventional interview format ... extremely personal stuff'.

3.2.3 Consent Overview

The consenting process on some programs can comprise two stages but, like the application process, this consenting process is not standardised and varies from program to program in the US, Australia and the UK. Where consent involves two stages, the first stage requires that applicants give their consent for their application to be used by practitioners, while the second stage requires them to grant consent if or when they are selected to participate in the program.

3.2.4 Application Consent

The consent form that is included with the application form and signed by the applicant allows practitioners to use any material and/or detail in the application in any way the practitioner sees fit. This is particularly relevant if a video audition of an applicant is submitted, as the applicant's recorded material can be shown or edited at

the practitioner's discretion across any platform. The terminology in the consent section of many application forms can be verbose and overly legalistic, to the extent that less experienced applicants would be well advised to seek advice to ensure they are aware of which rights they are waiving in merely applying to appear on a program.

For example, the consent section relevant to applications for American broadcaster CBS's 2012 series of *Big Brother* is worded in such a legalistic manner that it may prove unintelligible to some applicants.¹⁹ In signing the consent section of the application form for this 2012 series of *Big Brother*, applicants afford practitioners control over and exclusive ownership of all information submitted by the applicant. The applicants' signature also grants practitioners' permission to alter any part of an application such that the applicant might not even be recognised. Practitioners can also use any part of an application to promote, publicise, market or advertise the program on television, in newspapers, magazines, on the internet or in any other media worldwide indefinitely.

Below, the text from the consent section of the 2012 *Big Brother* application form, entitled 'Release and Waiver', is presented as it appears on the form; that is, in one long single paragraph:

By submitting this application I hereby consent to the recording, use and reuse by the Producers of the reality-based television series currently entitled 'Big Brother' (the 'Program'), CBS Broadcasting Inc., Endemol

¹⁹ The application form and eligibility forms for America's CBS series 12 of *Big Brother* were publicly accessible online for download from the CBS website (CBS 2011).

USA Inc., Endemol Entertainment USA, Inc., Our House Productions, Inc. and any of their respective licensees, assigns, parents, subsidiaries or affiliated entities and each of the respective employees, agents, officers and directors (collectively 'Releasees') of my voice, actions, likeness, name, appearance and biographical material (i.e. collectively 'Likeness') in any and all media now known or hereafter devised, worldwide in perpetuity, in or in connection with the Program. I agree that Releasees may use all or any part of my Likeness, and may alter or modify it regardless of whether or not I am recognizable. I further agree that Releasees exclusively own the application materials (videos, photos, etc.) that I have provided in connection with the Program and any photos and video that Producers will make of me in connection with the program (the 'Materials') and all rights therein and thereto including, without limitation, the right to use the Materials and my Likeness in any and all media now known or hereafter devised worldwide, in perpetuity. I further agree that Releasees may use my likeness and the Video in connection with any promotion, publicity, marketing or advertisement for the Program. I grant the rights hereunder whether or not I am selected to participate in the Program in any manner whatsoever. I release Releasees from any and all liability arising out of their use of my Likeness and/or the Materials. I agree not to make any claim against Releasees as a result of the recording or use my Likeness and/or the Materials (including, without limitation, any claim that such use invades any right of privacy and/or publicity) (CBS 2011, p.12).

In the case of *Big Brother* or any other reality television show, if, as and when an applicant progresses to being cast in the program and appears as a participant, they are generally required to provide their consent again. This serves as the second stage of the consenting process.

3.2.5 Participation Consent

Relating to the concerns surrounding informed consent discussed in Chapter 2, many psychologists interviewed in the thesis research project (see Chapter 5) stated that they felt participants were not aware of what they were getting into when they sign their consent form.

For example, several participants from the US medical emergency program, *Trauma: Life in the ER*, claimed they were misled by practitioners, coerced into granting consent and were so heavily medicated that they did not understand what they were signing (Fisher 2005; Ertel 2005). US lawyer Neville Johnson says the compromising of participants' decision-making processes is an ongoing problem that continues to plague the broadcast industry in the US (Friedman 2007).

Complicating the consenting process, UK psychologist Cynthia McVey argues that some participants feel that with the waiving of their rights comes an abdication of personal responsibility (McVey 2004). However, McVey also queries to what extent participants can be held accountable for their actions if the consenting process was uninformed. I would also question whether participants could be held entirely responsible if plot devices that were not specifically explained to them in the

consenting process were deployed during filming. Those devices could include introducing intruders into an established group, changing the rules of a competition or the eviction process without notice, unexpected isolation, covert or night-time recording, rationing food, sleep and privileges and providing participants with alcohol.

For example, in 2004, a number of participants on an episode of Britain's *Big Brother* had consumed alcohol and appeared stressed and nervous during filming. Those participants were involved in an confrontation on air where furniture was overturned, crockery was smashed and angry participants were restrained from each other shouting, 'I'm going to fucking kill you' (Plunkett 2004). Security guards intervened and program transmission was ceased temporarily.

While practitioners such as Susan Flanagan, story editor for America's *Mr Personality*, feel that anything participants do while drunk is pretty much 'free territory' (*The reality of reality: behind the scenes* 2003), I question whether, in granting their consent to appear on *Big Brother* for example, any of the aforementioned participants could have reasonably expected to be verbally and physically threatened or abused by others during filming via the deployment of a plot device.

Reflecting on McVey's belief that it is virtually impossible for consent to be informed, I offer that a key obstacle hindering the process is that many reality television programs differ in format, recording style and budget. Hoax, prank and hidden camera shows, for example, rely on deception or ambush as the central plot

and the narrative utilises participants' spontaneous reactions for entertainment purposes. For programs of this type, it is not possible to inform participants of the deception prior to filming, as not only would their prior knowledge negatively affect the spontaneity of their recorded response, but also the participant may refuse to participate in the program. Both outcomes tend not to contribute to a practitioner's desired outcome.

3.2.6 Legal Frameworks and Lawsuits Citing Damage

This section highlights some of the similarities and differences in the legal systems between the US, Australia and UK jurisdictions relevant to lawsuits generated by reality television participants from those territories. The following material obtained from the public sphere evidences the similarities of many of the charges levelled at broadcasters particularly in lawsuits from the US and the UK which reveals repeated complaints for similar (alleged) infractions in both countries.

It should first be noted that due to the large population in the US and the high volume of reality programming produced in that country, the numbers of participant generated lawsuits from the US far exceed those from the UK. At the time of writing, there were no lawsuits filed by participants in Australia so this discussion focuses on cases from the US and the UK.

The most common lawsuits instigated by aggrieved participants fall under the Laws of Tort. The modern interpretation for the word 'tort' derives from the French word meaning 'wrong' (Harpwood 2000, p.1). In the US, Australia and the UK, the Laws

of Tort are the civil liability laws for wrongfully-inflicted injury (Lunney & Oliphant 2008) and torts are actionable if it can be shown that damage was caused intentionally or negligently (Martin 2006). The main remedy for a tort is an action for damages which often equates to a financial settlement and in so doing, also acts as a deterrent for the tortfeasor.

In the US, the key sub-categories of relevant intentional torts are battery, assault, false imprisonment, defamation and intentional infliction of mental distress. An additional tort often cited in those lawsuits is negligence. Whilst negligence in the US is not considered an intentional tort it comes into effect when it can be shown a person behaved carelessly and his actions detrimentally affected another individual (Emanuel 2008, p.65).

Australia's Laws of Tort are largely based on tort law from the UK chiefly because the Australian legal system was established by lawmakers from the UK based on that country's existing framework, provisions and precedents. The Australian and UK tort law sub-categories also include assault, battery, false imprisonment, defamation and negligence. Similar to the US, there is also the tort for the intentional infliction of emotional distress in the UK but in Australia, torts relevant to emotional distress tend to fall under the sub-category of battery. In *Searching for United States Tort Law in the Antipodes*, Cane (2011) suggests it is unlikely that US personal injury tort law will ever be imported into Australia primarily due to Australia's close commonwealth links to the UK (p.260). I view this as a positive assumption in terms of not allowing for expensive lawsuits to be generated in Australia citing intentional infliction of emotional damage, for example.

Regarding the tort of defamation, specifically, Australian law again follows the UK where defamation laws are very strict. Unlike the US, whose citizens are entitled to a constitutional guarantee of freedom of expression, there is no constitutional guarantee of freedom of expression in Australia or the UK and therefore a more “relaxed” standard for defamation law in the US has been adopted (Carter 2002, p.222).

Between 2002 and 2004 several US lawsuits citing a range of intentional and negligent torts including false imprisonment, misrepresentation and intentional infliction of emotional distress were launched by reality television participants against broadcasters and practitioners of American ambush, hoax and prank-style shows.

Whilst many of those lawsuits were dismissed because the participants had signed consent forms or waivers, two lawsuits were successfully upheld in 2003, being *Candid Camera*²⁰ and *Scare Tactics*.²¹ Also in 2003 in the US three separate lawsuits citing emotional distress were filed and also successfully settled against the reality program *True Stories from the Morgue*. The Reidy, Perkins and Witherspoon families each sued the program because the bodies of their deceased loved ones were filmed and broadcast without the families knowledge or consent. The amount of damages received by each family was confidential and undisclosed and consequently

²⁰ *Candid Camera* participant, Phillip Zelnick sued Paxson Communications in 2003 for false imprisonment, battery and intentional infliction of emotional distress for which he received USD 302,100 (approximately AUD 324,120) in damages (State Bar of California 2003).

²¹ In *Blanc v. Tri-Crown Productions Inc.*, 2003 participant Kara Blanc sued *Scare Tactics* claiming practitioners led her to believe she was “going to be killed by an alien”. The ‘alien’ was an actor wearing a costume. In the lawsuit, Ms Blanc charged severe physical and emotional injuries. The case

details of those settlements cannot be discussed (Partlow 2003; Wardle 2003; Wolfe 2003).

Another tort relevant to the reality television genre in the US is that of wrongful death. This occurs when it can be shown that another party is considered legally responsible for an individual's death due to his wrongful conduct, actions or failure to act in a certain manner, and that this caused the death (Emanuel 2008). To date, this tort has not been tested in the genre in Australian or UK courts.

The three lawsuits filed under the wrongful death tort in the US were filed by the relatives and/or estates of former participants Kellie McGee in 2005, Melinda Duckett in 2006 and Louis Conratt in 2007. The circumstances of McGee's, Duckett's and Conratt's deaths are detailed in section 3.5.3 Participant Suicide.

With respect to defamation cases, at the time of writing there were no instances where a reality television participant had sued an Australian broadcaster under the defamation tort (libel). However, two lawsuits were successfully upheld in the UK with each resulting in significant damage awards. The first case was that of Ron Copsey, a former participant on the 2000 program *Castaway*²² and the second involved six participants from the program, *There's Something About Miriam*.²³

was reportedly settled for a low seven-figure sum (Starr-Seibel 2005). *Scare Tactics* was produced by Tri-Crown Productions and broadcast by America's Sci Fi Channel.

²² Copsey claimed he was edited to appear temperamental and aggressive and that footage had been engineered to make it appear that he had hurled a chair at another participant. He sued the BBC for libel and was awarded GBP 16,000 (approximately AUD 23,400) (Gibson 2002).

²³ In *There's Something About Miriam*, six heterosexual male participants competed for the affection of an individual they believed to be a female named Miriam. Unbeknownst to them, Miriam was a preoperative Mexican transsexual. The men were informed of this three weeks after filming began. This deception upset them as each man had been physically affectionate toward Miriam. All

To a lesser extent, the invasion of privacy tort has also been tested in US courts by reality television participants. A privacy tort is defined as intruding on a person's seclusion, the appropriation of an individual's name or picture, placing a person in a false light before the public, or public disclosure of private facts (Cross & LeRoy Miller 2011, p.273). With the exception of the landmark Shulman case²⁴ most privacy lawsuits are unsuccessful in US courts due to the often over-riding and previously mentioned constitutional guarantee of freedom of expression on the part US broadcasters.

Complaints of invasion of privacy and intrusion into people's lives are not confined to reality television. They also occur through invasive consumer and current affairs programming, broadcast news and documentaries.²⁵ Each year, innumerable complaints of invasions of privacy are made to the television broadcast regulatory bodies in the US, Australia and the UK; being the Federal Communications Commission (FCC), the Australian Communications and Media Authority (ACMA) and the UK's Office for Communications (Ofcom), respectively.

The right to privacy is discussed in the public sphere now more so than at any other time in history. Information which was once held private can now be captured on an array of inexpensive portable digital recording devices such as smart (mobile) phones

participants sued for a range of tortuous infractions including defamation and the settlement was reportedly confidential and therefore undisclosed (Deans 2003).

²⁴ In 1998, US reality program *On Scene: Emergency Response* filmed motor vehicle accident victim Ruth Shulman being airlifted from the scene of a crash. Shulman's rescue and medical treatment were recorded and broadcast without her knowledge or consent. The case was settled in Shulman's favour in 1998 for an undisclosed sum (Dolan 1998).

²⁵ In *X v. BBC and Lion Television Ltd* a participant in a UK documentary sought an interim injunction to prevent the documentary airing even after consenting to appear in it based on what she

or miniature mobile cameras and uploaded to online video sharing websites such as You Tube or Vimeo within minutes.

That material can then be easily uploaded to additional social media websites such as Twitter, LinkedIn, Google+, Digg and Reddit. This continues the cycle of publicising private information with very little redress by a complainant.

3.2.7 Consent Forms

Considering that some participants' reality television experience has had an extremely negative effect on their lives, practitioners would be well advised to aspire to educating all participants as to some of the common downsides of participation. McVey suggests all such hazards be detailed on a separate form and signed-off by the participant prior to filming (McVey 2004).

Detailing potential hazards of taking part would likely reduce the number of stressful and expensive lawsuits generated by participants, as they would have a greater awareness and understanding of how their involvement might negatively affect them or their loved ones. However, I doubt that it is realistic for practitioners to foresee every potentially negative consequence of appearing on a reality television program, as each person can react differently to a diverse range of stressors.

felt was an invasion to her privacy under Articles 8 and 10 of the Human Rights Act 1998 (X v. BBC and Lion Television Limited (2005).

One of two types of consent forms are used to obtain participants' consent. These forms are also referred to as releases or waivers. The first type is a standard consent form, which is used for contributions made to non-specific programs and which is written in simple legal language that is presented clearly and succinctly. One such standard consent form, supplied by Australia's Network Ten, is reproduced with permission in Appendix C. In signing this standard consent form, a participant grants the network permission to use any of the material recorded of the participant in any way it sees fit. The company is also indemnified against any legal action, should the participant wish to claim for any loss or damage. Importantly, Network Ten's standard consent form requires that the participant acknowledge that his or her consent was given freely and that they were not coerced, lied to or pressured into signing the document.

On Network Ten's form, there are no restrictions as to confidentiality or disclosure, meaning the participant is able to discuss their participation with third parties. Finally, being a standard form, which is used on an ad hoc basis, there is no mention of what is expected of the participant, the duration of their participation, the program name or whether they will be financially rewarded for their contribution. This latter information, in addition to confidentiality and disclosure, are all addressed in a specific program's consent form. This detailed and comprehensive document is the second type of consent form used and it includes a more diverse and complicated range of rights and responsibilities to which the participant is required to adhere.

An example of this second type of consent form is that provided by the 2011 MTV reality series, *The Real World*. This consent form, which MTV refers to as a release,

has been quoted extensively in the public domain and it is publicly accessible on a number of internet websites.²⁶ The 30-page release was uploaded in its entirety and published by one of America's premier online sites for journalistic content—the quality online news and entertainment blog, *The Village Voice*. It is from this release that I have pinpointed salient clauses relevant to consent of the second type. *The Real World* release differs significantly from the standard consent form provided by Network Ten in almost every way except for indemnity. Both types of consent forms require participants to agree to absolve practitioners of liability. However, the similarities end there.

To explain, clause 16b of *The Real World's* release states that participants must be willing to surrender almost all of their privacy and information in exchange for a modest weekly stipend for the duration of production (Dodero 2011, p.11). In addition to consenting to being filmed with concealed cameras (clause 11, p.8), participants must also consent to practitioners reading their emails (clause 20b, p.14). Practitioners can also gather information about the participant from government agencies, friends, family, the participant's school, previous employers and even credit reporting agencies (Dodero 2011, clause 19, p.13).

Participants must also accept that in the context of their appearance, there exists the potential for extreme emotional distress, physical injury or even death (Dodero 2011, clause 1, p.2). To participate in the program, participants are also required to consent to the possibility of being represented in a false light or in any manner that might be

²⁶ *The Real World* release (consent form) was reproduced and discussed online on media websites including *The Hollywood Reporter*, *Business Insider*, *Huffington Post*, *Mother Jones* and *The Frisky*.

disparaging, defamatory, embarrassing or unfavourable and that may expose the participant to public ridicule, humiliation or condemnation (clause 12, p.9).

Clause 18 (Dodero 2011, p.12) of the release stipulates that participants themselves are responsible for deciding whether they are physically and mentally able to participate in the program, adding that they must also agree to mental and physical evaluations as required. Clause 7 (Dodero 2011, p.5) of the release states that with respect to background checks, a participant must acknowledge that practitioners may or may not conduct checks on other participants, but that if they do, practitioners are not obliged to discuss the results of those checks with participants. If participants were to engage in or encourage illegal, physically confronting, threatening or assaulting behaviour, clause 3 (p.3) states the participant will be expelled from the show.

Participants are also instructed that they are not to discuss their involvement on the program in interviews with third parties (Dodero 2011, clause 9, p.8). If they breach this lengthy confidentiality clause, they agree to being fined USD 1 million per breach, or approximately AUD 1.07 million (clause 47, p.19). Finally, a clause that ignited debate across the internet due to its controversial implications is one that alerts participants to the possibility of contracting a sexually transmitted disease in the context of 'consensual and non-consensual physical contact' (Dodero 2011, clause 7, p.5) in their involvement on *The Real World*.

While many of the clauses in this release appear dramatic in their description or implications, the program makers have at least attempted to make participants aware

of some of the more negative potential outcomes. However, even though the release states that participants may experience extreme emotional stress, for example, it stops short of providing examples of this extreme emotional stress, such as depression or anxiety attacks. Nor does it discuss how the participant's involvement may affect their loved ones or reference any provision of psychological aftercare, such as counselling at the conclusion of filming. The release also does not stipulate that the consenting process should be a continuing dialogue and a separate page attached to this release detailing additional potential hazards of participation is not provided.

In short, participants' could only appear on *The Real World* subsequent to investing their trust in a group of practitioners that are legally excused from treating those participants in narrative construction in an ethically or morally agreeable manner.

3.2.8 Manipulation in Production

Until the early-2000s, reality television programming was considered inexpensive to produce relative to fictionalised dramatic programming. In time, a number of the larger-scale programs, such as *The X Factor*, *American Idol* or *Britain's Got Talent*, for example, metamorphosed into visually slick, graphically sophisticated, big budget presentations. Further, not every reality program receives adequate production funding, especially those shows produced on a more modest scale. A not uncommon complaint from production companies is that those budgets are continuing to get tighter. A significant consequence of inadequate funding is that staffing levels are reduced. When a lack of staff is combined with a non-negotiable

production schedule and an immovable broadcast deadline, the likelihood of participants' needs being met is reduced.

Certainly in terms of commercial pressures, I do not feel the frequently difficult positions practitioners are placed in is considered as often as it should be. Most critics tend to focus on the occasions that entertaining reality programming has been constructed at the expense of participants' well-being (Gray 2008; Feldinger, McGilton & Shaw 2009), narrative fidelity (Denhart 2004), ethical integrity (Mills 2004) and realism (Murray & Ouellette 2004). Conversely, some literature, such as that produced by Dovey (2000), Poniewozik (2006), Brenton and Cohen (2003) and Daley (2004), acknowledges the constant pressure practitioners are under to produce high-rating reality television programs for broadcasters.

Another common result of inadequate funding and cost cutting is that the excessive hours worked in these hothouse conditions leads to some practitioners cutting corners because they suffer from either a lack of time, money or resources (Waxman 2005). On that, a 2007 White Paper commissioned by the Writers Guild of America (West) found that on average reality television writers in the US worked excessive hours without adequate financial compensation and very few breaks (Writer's Guild of America (West) 2007).

In theory, securing more funding for programs to facilitate participants' well-being is possible. One of the biggest hurdles to overcome is that in an aggressively competitive broadcast environment there will always be another production company willing to produce programming on a smaller budget with a minimum of staff on low

wages. This presents production companies with an ethical and economic conundrum because this fiercely competitive environment can significantly affect a production company's ability to provide a duty of care to both practitioners and reality television participants.

To broadcast one 30-minute episode of any reality television program, vast amounts of footage need to be recorded and compiled (Kienzle 2005). This is because practitioners can never be certain when the 'perfect' moment will occur and, consequently, they tend to record almost constantly. For example, in 2006, up to 10,000 hours of footage was recorded for the Australian series of *Big Brother* (ACMA 2007) which equated to almost 96 hours of material being recorded every day.

Contributing to the abundance of footage and the ease by which it can be recorded is the affordability of low-cost, technologically advanced and lightweight recording devices, which allows for participants to be recorded more frequently and in greater numbers than at any other time in history. The diversity of camera angles and the physical filming environment is controlled and manipulated by practitioners in a bid to contain the action for filming purposes. Participants can also be influenced and manipulated to varying degrees and, as these individuals are not often experienced in television production, they tend to try to keep practitioners happy by doing what they feel is expected of them (Elfman 2005).

One way in which participants can be manipulated by practitioners is through rationing their sleep. This plot device was briefly mentioned in the Literature

Review, but here its deployment is discussed in detail. According to researchers at America's Brown University, a lack of sleep can result in emotional unpredictability (On reality TV, less sleep means more drama 2008). While sleep deprivation has been used as a method of torture in prisoner of war settings, when used in the context of filming a reality television show, it heightens drama and conflict by increasing the underlying tensions and emotion of any given situation. Reality television producer Lincoln Hiatt claims that sleep deprivation is a 'producer's ally' on almost any show (On reality TV, less sleep means more drama 2008).

Participant Jay McCarroll, the 2008 winner of America's *Project Runway*, claimed the show's practitioners deliberately ensured participants received only a limited amount of sleep during filming, which he said made them 'crazy' (Cutforth 2008; On reality TV, less sleep means more drama 2008). Other programs on which participants reported a lack of sleep include *Survivor*, *Big Brother*, *Solitary*, *Shattered* and *America's Top Model*. Combining sleep deprivation with, say, alcohol and unpredictable meal times also generates an atmosphere ripe for conflict.

The narrative is also highly susceptible to manipulation in that if storylines are not considered engaging, they are re-written by writers who 'punch up dialogue and tension for dramatic effect' (Verrier 2007). Problematically, due to the competitive nature of program making, if those writers refuse to embellish storylines, someone else will simply do it for them. The broadcaster's extensive manipulation of *Manhunt* for example included the scripting of dialogue for participants' to recite. This disgusted the program's producer, Bob Jaffe, so much that he stated in a media

interview that he had ‘never seen anything like it before’ and hoped never to see anything like it in the future (Armstrong 2001; Rutenberg 2001; Smith 2004)

Thus, almost every element of a program can be manipulated in construction in almost any direction, with this manipulation resulting in positive and negative consequences for each stakeholder.

3.2.9 Post-Production Overview

This sub-section discusses how the narrative is subjected to excessively deceptive or manipulative techniques in the post-production or editing phase. Audiences have come to expect complex character interplay and dramatic action from reality television programs and editors have the means, technical capability and the knowledge to construct that action.

3.2.10 Editing and Frankenbiting

In reality television, it is common to remove a participant’s ‘ums’ or ‘ahs’ and to ‘tighten rambling interviews’ (Brother VII 2005) to maximise the effect of an interview. Other television genres that successfully employ this tightening technique include documentary, consumer and current affairs programming and broadcast journalism.

However, many participants have complained that vision and audio that were recorded days or weeks apart were edited to appear as a single sequence. This

practice of stitching recorded words and/or action together and presenting it out of context is colloquially known as Frankenbiting²⁷ (Poniewozik 2006). The process is described as a reality editor's 'most potent tool for manipulating viewer perception of a contestant' (Arnovitz 2004) and while Frankenbiting may result in salacious or exciting scenes, it misrepresents participants by distorting events, and deceives viewers.²⁸

Complaints of misrepresentation by former reality television participants are common.²⁹ In a 2007 interview for the online magazine Media Ethics, a number of anonymous reality television story editors agreed that Frankenbiting was an 'ethical stretch', while also acknowledging that many of them deployed it (Crew 2007). Todd Sharp, a program consultant on *The Dating Experiment*, remarked that Frankenbiting is the work of 'desperate people who had to deliver a story in a few days' (Poniewozik 2006). This fits with the claims that practitioners are often required to produce entertaining content under extreme pressure and on short deadlines.

As far back as 2000, a series producer of factual programming in the UK predicted that, due to time constraints, some producers may well behave 'less honourably than they should with contributors' (Hibberd et al. 2000, p.17). That is, they may

²⁷ There is no specific data as to when Frankenbiting was first deployed, but its use in the 2003 US series of *Joe Millionaire* is the most widely cited example of its implementation.

²⁸ Reality television producer Daniel Abrams confirmed that practitioners created a misleading scene which implied that oral sex had occurred between the show's protagonist, Joe, and a female participant when it had not. Practitioners did this by adding extra audio, including slurping sounds, while editing the program (Elfman 2005; Poniewozik 2006).

²⁹ A conservative sample of complainants include Megan Parris from the 2009 season of America's *The Bachelor* (Denhart 2009), Natalie Pack of *America's Top Model* (Bracchitta 2009), Kerry Hillhouse from Britain's *Supernanny* and Claire Molyneux of Britain's *Take My Mother-In-Law* (Appleyard 2008).

communicate duplicitously or behave dishonourably to extract a desired result from a participant. This goes against the grain of providing a duty of care to participants.

One of the reasons for this lack of time is that post-production periods are sometimes reduced from months to mere weeks. Where a story editor once had almost two months to write an hour-long episode, that time might be reduced to two or three weeks or sometimes just a single week ('Reality TV editor says budget cuts, network influence is to blame for manipulative editing' 2005). Further compromising producers' and editors' ability to build storylines based on actual events, some reality programs either cannot afford to hire enough staff to log and/or transcribe the thousands of hours of filmed footage, or they fire those staff during production in an effort to save money or maximise profits (Reality Blurred 2005). Again, this represents a lack of duty of care from the employer to the employee.

The lack of critical data relevant to the thousands of hours of source material results in scant information being available as to what has been filmed. To make sense of this footage, editors are forced to fast-forward through the camera tapes to build the narrative 'on the fly' while, in the words of one story editor, 'praying to God we can make something resembling a story stick' ('Reality TV editor says budget cuts, network influence is to blame for manipulative editing' 2005).

3.3 Psychological Framework

As reality television content becomes more extreme and controversial, extensive invasions into participants' privacy are becoming the norm. Even though 'ordinary

people' on reality television programs are encouraged to just be their unmediated selves, the fact they are required to do so in the presence of cameras in the framework of a television show renders almost every participant's performance a product available for public consumption. Psychologists remain concerned about the effects of participation on participants and this section presents their key concerns.

3.3.1 What Psychologists Are Saying

In reality programs such as *Ramsay's Kitchen Nightmares*, participants were verbally ridiculed by 'celebrity chef' Gordon Ramsay (Herbert 2007); they physically pushed each other on *The Amazing Race* (Eng 2009); screamed and shouted at one another on America's *The Celebrity Apprentice* (Masters 2009) and they have lied to, deceived and cheated each other on *Survivor* (Wolgast & Lanza 2007).

In 2002, British psychologist Oliver James claimed reality television trivialised intimacy by reducing it to 'devious, selfish game-playing' (James 2002). In 2009, Australian eating behaviour specialist Rick Kauffman accused the Australian version of *The Biggest Loser* of demeaning participants and promoting expectations that were not only unrealistic but also harmful (Houston 2009). Also in 2009, American child-psychologist Alan Zimmerman argued that reality shows featuring families with children reduced the family unit to nothing more than a commodity in a profit-oriented business (Draper 2009).

In a 2008 interview with newspaper *Scotland on Sunday* published online, consulting psychologist David Holmes accused some reality television productions of

knowingly casting potentially unstable contestants because they generated ‘disaster and emotional outpourings’ (Gray 2008). Holmes further asserted that some participants were filmed by practitioners against his recommendations, reflecting the fact that practitioners are not legally obliged to follow psychological recommendations when casting participants for programs.

Other consulting psychologists have also noted that the amount of time they are given with participants prior to filming is inadequate. For example, Jo O’Meara, a former contestant from the 2007 British series *Big Brother* was allegedly told by one of the program’s psychiatrists that if he had been given more than a 10-minute consultation with her, he would not have recommended O’Meara appear on the show (‘Agoraphobic Jo O’Meara’ 2007). Subsequent to leaving *Big Brother*, O’Meara suffered depression and reportedly attempted suicide due to the negative reportage her appearance garnered (O’Doherty 2009).

One year after it was alleged that O’Meara had suffered to this extent, *Big Brother*’s UK broadcaster Channel 4 stated that ‘All housemates are vetted by two psychologists prior to entering the house and they have access to a psychologist throughout the show and are offered psychological support once they leave’ (Gray 2008). These and earlier assertions that practitioners from the UK’s *Big Brother* apparently ensure participants can talk to a psychologist (Lister 2002) are in stark contrast to not only O’Meara’s above claims but also to those of former *Big Brother* participant Irene Bukhshtaber on the Australian version of the show.

Cited in Salamon (2010, p.207) Bukhshtaber claimed that after her time on the show had ended, 'you're not looked after at all, you don't have any emotional or psychological support, you don't see a counsellor, they don't ring you, nobody rings you'. Former *Australian Idol* participant Casey Donovan also said that 'what happened after is they [*Idol*] just let you go' (cited in Salamon 2010, p.195), a view echoed by Tracy Moores, a former contestant on *The Biggest Loser*. Moores felt there was 'no duty of care afterwards. We're just a number and when we've finished who gives a shit, nobody cares' (Salamon 2010, p.141).

David Holmes also stated that some participants who felt 'dumped' by a show on which they appeared may be at risk of depression or possibly even suicide, but that it was impossible to know how many people were being affected in such a way because there was no way of monitoring them (Gray 2008).

In the UK, Ron Copsey, a former reality participant who is now qualified in psychology, operates a counselling practice that helps participants cope with their reality television experience once a program has concluded. A similar professional organisation, TV Aftercare, exists in the US. It is run by psychologist Jamie Huysman, who believes it is imperative that more care be invested in the after-effects that a television appearance can have on participants. Huysman remains frustrated that, in his opinion, many reality practitioners, broadcasters and production companies are not doing enough in their duty of care towards participants (Benedictus 2003), but he is also of the opinion that all broadcasters really care about are the program sponsors (Feldinger & McGilton 2009) that provide goods, services or finance to shows.

Huysman also feels that for broadcasters and practitioners to adequately deal with 'ordinary' people, they should draw up an ethical code of conduct to enable them to self-regulate more effectively. He adds that 'until the next person dies or gets shot, I'm not sure it's going to be dealt with. It seems to be a case of out of sight, out of mind' (Feldinger & McGilton 2009).

Holmes claimed that participants can suffer during and after a program's construction to the extent that they can experience symptoms reminiscent of post-traumatic stress disorder (Gray 2008). Post-traumatic stress disorder can be diagnosed in survivors of extreme events such as physical attacks and harrowing incidents. It is a well-known side effect of war, with veterans reporting they were unable to get their lives back on track for many years because of their horrific experiences.

Of the condition's six core indicators, the one most relevant to a participant's exposure on a reality program would likely be where they responded with feelings of helplessness or shock in response to a distressing event they witnessed or were exposed to. Examples might include being humiliated, ridiculed or evicted on a live show in front of an audience, being excluded from a show or rejected by a hostile group, failing at a physically demanding challenge against highly competitive peers, repeatedly experiencing physically overt or covertly aggressive behaviour or facing public condemnation or misrepresentation following a program's broadcast.

In a participant with post-traumatic stress disorder, their daily functioning would be disrupted by flashbacks of the event and they might experience ongoing irritability,

outbursts of anger or an exaggerated startle response. They might also have trouble sleeping and numb themselves by creating feelings of detachment from society to avoid stimuli associated with the traumatic incident.

In consideration of the powerful effect participation can have, former *Australian Survivor* participant Katie Gold recounted in an interview (Benedictus 2003) that she felt emotionally devastated after her involvement on the show. *Australian Survivor*'s eventual winner, Rob Dickson's psychologist likened Dickson's experience to being in a war zone for 40 days, 'albeit without the bullets' (Benedictus 2003). Sisi Jghalef, a former participant on Britain's 2007 *X Factor*, found herself in 'a bottomless pit of total depression and worthlessness' after she was voted off the *X Factor* ('Disgraced X Factor finalist reveals suicide attempt' 2007), while the 2009 runner-up of *Britain's Got Talent* Susan Boyle claimed her instant fame felt like she had been 'hit with a demolition ball' (Salamone 2009).

In summary, psychologists have called for changes to the construction and broadcast of reality television for many years and they continue to do so. Oliver James, for example, requested that a psychological study be conducted on participants in 2001. In 2004, Cynthia McVey urged that the consenting process be revised. In 2008, Jamie Huysman stated the broadcast industry should devise and implement an ethical code of conduct; a view echoed by Geoffrey White in 2009, who also called for an industry standard to be drawn up for participants relevant to psychological screening (Feldinger & McGilton 2009). In that same year, White also made public his concern that participants were not monitored following their contribution to a program (Feldinger & McGilton 2009).

As recently as August 2011, Fischhoff stated in an online interview with the Associated Press (AP) that he anticipated more participants would become, in his words, the ‘walking wounded’ due to the lack of an adequate support system across the board for participants (McCartney 2011). These concerns further validate claims that more forethought and care should be exercised when utilising ordinary people for entertainment purposes.

3.3.2 Minimising the Potential for Harm

With respect to enacting this care, before filming commences on many reality programs, potential participants often undergo criminal, psychological, physical and medical background checks or tests (Starr-Seibel 2005). However, the requirement for and the thoroughness of these checks and tests are neither standard nor mandatory and the extent and breadth of each are conducted at practitioners’ discretion.

An absence of background checking can be problematic, as was the case in 2008 on Australian Network Nine’s *Farmer Wants a Wife*. Reportedly, checks were not performed on all participants and, after filming had already commenced, it came to light that a female participant had featured on an X-rated pornographic website (Mills 2008). This was information that neither the participant nor practitioners may have wished to make public.

If background checks are performed, they are carried out by practitioners or a specialist company or individual who is hired to undertake them. Problematically, these checks can take weeks to complete and, if a potential participant has moved

from state to state or country to country, not all criminal convictions may be discovered prior to the commencement of filming due to a lack of adequate time.

The importance of ascertaining whether a participant has an unblemished record in every territory is demonstrated in the US by the case of former Canadian-born participant, Ryan Jenkins. Background checks completed in the US failed to locate Jenkins's prior guilty conviction in Canada for domestic violence before he appeared on the US program, *Megan Wants a Millionaire*. Had this conviction been discovered beforehand, Jenkins may have been excluded from the programs. However, it were not and Jenkins appeared on the program.

On 15 August 2009, the dead body of Jenkins' wife, Jasmine Fiore, was found disposed of inside a dumpster in California. Even though Jenkins could not be located, prosecutors from California's Orange County court charged him with Fiore's murder and an arrest warrant for Jenkins was issued. Eight days after Fiore's death, Jenkins body was discovered hanging in a hotel room in Canada of an apparent suicide. Following Fiore and Jenkins' deaths, *Megan Wants a Millionaire's* production company, 51 Minds Entertainment, stated they would review their background checking procedures.

The fact that some hopeful participants withhold or embellish information on their application forms and in interviews with practitioners renders the need for extensive background checks critical, as practitioners need to second-guess participants. For example, in September 2011, a participant was removed from the British reality

game show *Red or Black?* as he reportedly did not reveal his criminal record when asked to do so (Conlan 2011) which goes against the grain of transparency.

Highlighting the lack of standardisation of the background checking process, according to an article published in *The Mail* (Online), another participant from *Red or Black?*, Nathan Hageman, revealed to practitioners that he did have a criminal record at application stage. However, Hageman claimed he had been convicted for assaulting a man and practitioners had no reason to disbelieve him as he was forthright in informing them of his conviction.

However, after filming had commenced, a detailed retroactive background check reportedly revealed that Hageman had been jailed for five years for physically assaulting a woman and not a man. *The Guardian* (Online) stated that sources for *Red or Black?* claimed that due to the massive scale of the show, the huge number of participants and the program's rapid turnaround time, it had been difficult to conduct overly detailed checks on participants prior to filming (Conlan 2011). Hageman went on to win GBP 1 million on the show (approximately AUD 1.4 million) and was permitted to keep his winnings. The furore sparked debate in the British press as to whether background checks should actually be conducted on every single reality game show participant prior to filming.

Further complicating the grey area of background checking is that most checks on an individual's criminal history can only identify participants who have been reported to the police or been found to have broken the law. If an individual has a short temper, for example, it is unlikely this will be revealed via a criminal check. Unless an

individual is aware of a participant's short temper or aggressive tendencies and informs practitioners, the participant may well be included in a program.

In addition to background checks, many participants are also psychologically screened by a consulting psychologist on some but not all shows. This process is also known as profiling or vetting. As with almost every other aspect of reality television construction, from the consenting process to ethical conduct and working conditions to how participants are treated, psychological screening is not standardised or mandatory. For example, prior to Susan Boyle's appearance on *Britain's Got Talent*, participants were not psychologically screened. However, following Boyle's meteoric rise to fame, practitioners for Talkback Thames said they intended to review their policies concerning psychological treatment (Holmwood 2009).

Screening typically comprises three stages. Firstly, potential participants complete an extensive questionnaire concerning their psychological and medical history wherein they must divulge stresses in their lives, including family or work stress. This is followed by a psychological assessment comprising a series of written tests. After the test scores are evaluated, the participant will likely attend a one-on-one interview with the consulting psychologist, who would draw his conclusions as to whether that individual would be a good fit for the show and vice versa.

Some shows, such as *Survivor*, implement their own screening protocol. Devised by consulting psychologists Richard Levak and Gene Ondrusek, this protocol utilised up to four different tests for the inaugural American series of *Survivor* in 2000 (Waters 2000). Those tests included the Minnesota Multi-Phasic Inventory, the California

Psychological Inventory, the Fundamental Interpersonal Relations Orientation-Behavior and an additional assessment to ascertain emotional intelligence and stress resiliency (Waters 2000). Combining all four tests allowed the 48 semi-finalists to be reduced to the final 16 participants.

Levak went on to help develop the psychological screening protocol for the early series of *The Amazing Race* and *The Contender*. At the time of writing, he was no longer providing psychological consults for reality programming, as it became inordinately stressful trying to get the ‘equation’ exactly right, particularly as with some participants it is not known how they might unravel (McCartney 2011).

As far back as 2005, in an interview with American screen trade magazine *Variety*, one reality television practitioner who spoke on condition of anonymity said that at the very least there was ‘negligence in the casting process—either in conducting an insufficient background and psychological check or in overlooking red flags’ (Lowry 2005). Levak has since stated that due to the expense associated with psychological screening, he remains concerned that some practitioners were cutting corners and avoiding testing participants to save money. Further, Levak felt there would be ‘more casualties’ (McCartney 2011).

Highlighting the non-standardisation and inconsistencies of psychological screening, according to former *Joe Millionaire* reality television participant Sarah Kozer, the extent of her screening for an un-named British reality television show comprised a casual conversation with a psychologist. In an interview on *Reality TV secrets: How to get on the show* Kozer recalled that the psychologist asked her ‘So you’re not

thinking of killing yourself or anything? Okay then. How much do you weigh?'. She added that as far as screening was concerned, 'that was the whole entire process' (2004).

Add to this a 1968 research study that found that personality tests measured less than 10 per cent of the variances in peoples' behaviour, casting doubt on the reliability of psychological screening. That is, an individual's actions are not only dictated by his or her personality but also by the situation her or she is in (Handler 2005). This raises concerns as to whether it is truly possible to predict with accuracy what an isolated, intoxicated, hungry or sleep-deprived participant will do in a situation he or she has never been in before.

Most psychologists and scholars in Chapter 5 of the thesis' research project answered that psychological screening could only predict a participant's on-camera reactions 'sometimes'. While such a response might theoretically void any arguments for, say, standardising the psychological screening process, I hold that this screening is vital as it provides information to psychologists and practitioners beyond what the participant can articulate.

3.4 Psychological Experiments and Reality Television

In section 3.2.8, Elfman's (2005) view was that reality television participants tended to try to keep practitioners happy by doing what they thought was expected of them. Anecdotally speaking, I suggest some practitioners are also imbued with a similar commitment to do as they are instructed by peers or employers. In exploring why

both groups tend to follow instructions often without question, I offer that answers may be found in the results of psychological studies published by psychologists Stanley Milgram (1974), Philip Zimbardo (Quiet rage: the Stanford prison study 1976) and Stephen Reicher and Alexander Haslam (2011).

3.4.1 Milgram and the *Obedience to Authority*

American psychologist Stanley Milgram felt that people tended to be born with a potential to obey authority (Milgram 1974) and that an obedient individual was produced when this potential for obedience interacted and integrated with society's influences, such as in a hierarchical education system and a hierarchical workforce in which obedience is rewarded. The hierarchies within those two common systems are reinforced by everyday societal norms and constraints.

In 1961, Milgram conducted extensive studies into people's propensity to follow orders. His study, the *Obedience to Authority*, involved conducting a series of experiments in which research participants were told to administer electric shocks, some as high as 450-volts, to a human subject. The aim of the experiments was to ascertain how many research study participants would follow orders and issue those shocks directly or as instructed by a third person. Research participants were led to believe the shocks were real when in fact they were not. Further, the effect of the shocks on the victim, who was an actor, was staged. As the strength of the alleged volts intensified the victim's behaviour graduated from being agitated to screaming in apparent pain before ultimately falling silent. Sixty-two per cent of Milgram's

research participants continued to administer shocks to the victim in spite of that individual's discomfort, vehement protests and pleas (Milgram 1974).

Despite this relatively high percentage, Milgram (1974) maintained that his research participants were not sadistic monsters but only ordinary people from the working, managerial and professional classes. Drawing on his results, Milgram (1974, p.6) ultimately concluded that 'ordinary people, simply doing their jobs, and without any particular hostility on their part, can become agents in a terrible destructive process'. Further, he believed that people following orders were capable of behaving 'without thinking, irrespective of the nature of the order and without conscience', as long as that order came from a legitimate authority.

This legitimate authority theory is rooted in Milgram's belief that people are in one of two psychological states most of the time. The former is the autonomous state and the latter is the agentic state. The autonomous state involves people making decisions based on their own beliefs, experiences and ideas. The agentic state is described as people deferring to others who are in a position of higher status or 'legitimate authority' (Walsh 2008). In deferring to the legitimate authority, individuals resigned their own responsibility and became so absorbed in the narrow technicalities of the task that they lost sight of the broader consequences of their actions. In so doing, they were blinded to the harm they may cause others (Milgram 1974; Reicher 2011). As discussed in the following section, 3.4.2, this absorption was evidenced by Zimbardo's claims that his own experiment ought to have been discontinued from the moment human suffering was experienced, but it was not because Zimbardo was himself caught up in the process (Zimbardo 2008).

In 2009, Professor Jerry Burger of Santa Clara University replicated Milgram's experiment and found similar levels of compliance and obedience. Even though participants in Burger's research study used a reduced voltage of 150 volts instead of 450 volts, 70 per cent of participants administered shocks at the maximum 150 volts because they too were just doing what they were told (Cohen 2008).

An extreme and fictionalised re-enactment of Milgram's experiments was broadcast on French television in March 2010 in the form of the mockumentary *Le Jeu de la Mort (The Game of Death)*. The program was recorded in a television game show setting complete with an attractive hostess, a live studio audience and up to 80 participants who issued electric shocks to a victim on the stage, particularly when urged on by the crowd shouting 'punishment' (*Fake TV Game Show 'Tortures' Man, Shocks France* 2010). As in Milgram's study, the victim in this case was also an actor, unbeknownst to the participants.

The program revealed that when instructed by the presenter and pressured by the audience, 82 per cent of participants administered shocks to the actor, despite his protests. The show ended when the actor appeared to fall unconscious and the presenter announced that a participant had won the game. Reflecting on why he issued shocks of up to 460-volts, the 'winner' was unable to offer explanation beyond his feeling unable to say no in front of what he considered an over-bearing crowd (*Fake TV Game Show 'Tortures' Man, Shocks France* 2010).

According to reports, other participants claimed they also wanted to stop, but allowed themselves to be convinced by the presenter to continue, leading the program makers to believe this indicated that most people are conditioned from childhood to obey instructions from an authority figure (Chazan 2010).

Not only do participants do as they are instructed, but practitioners can also succumb to simply doing what they are told in the context of constructing reality television programming. Based on my professional experience in non-fiction television production, when practitioners are in ethically or morally challenging situations in the field, they tend to defer to their contractual obligations to progress through the ethical or moral dilemma facing them. That is, internally they defer upward to a higher, more powerful authority, which in most cases is their employer. This deference is discussed at length in section 6.1.

3.4.2 *Zimbardo and the Stanford Prison Experiment*

The previously mentioned *Stanford Prison Experiment* was conducted by Philip Zimbardo in 1971 utilising students from America's Stanford University as research study participants. Twenty-four participants were randomly divided into two even groups or sets. One set comprised prison guards who were given prison guard uniforms to wear, while the other set was advised they were the prisoners and was given prisoner uniforms. Zimbardo himself played the part of the prison administrator.

In expanding on Milgram's original *Obedience to Authority* experiments, the purpose of the *Stanford Prison Experiment* was to investigate the effect of roles, labels and social expectations on the development of human attitudes, behaviour and standards in a simulated prison environment. Zimbardo wished to understand how the participants in both research groups would react in their roles of guards and prisoners. No boundaries were laid down for the prison guards or prisoners, nor were they provided with any instruction as to how they were expected to behave in their assumed role. Neither Zimbardo nor any of the research participants had prior experience in their new roles (Zimbardo 2008).

Within days, the guards had become abusive towards the prisoners. They taunted them, woke them in the middle of the night, isolated, berated and dehumanised the prisoners such as by telling them to clean toilet bowls with their bare hands (Zimbardo 2008). After two days, the prisoners rioted, resulting in the guards moving them to an area in which they could be more easily controlled. After only 36 hours, one prisoner experienced such extreme anxiety that he was released from the experiment. Overall, five prisoners had to be released from the experiment prematurely and the experiment was discontinued after six days instead of continuing for its original 14-day period, due to the psychological harm that was being experienced by the prisoners at the hands of the guards.

When the prison experiment had concluded, Zimbardo admitted to feeling so engrossed in the system within which he was functioning that he did not stop the experiment when he should have; that is, when the psychological cruelty first began (Landau 2008). As mentioned above, Milgram found that individuals tend to become

so absorbed in the narrow technical aspects of their task that they lose sight of the broader consequences of their actions. This was true of the *Stanford Prison Experiment*.

On a much larger scale, and reminiscent of Zimbardo's *Stanford Prison Experiment*, an investigation was held into revelations of human rights abuses committed against prisoners of war by American soldiers at the Abu Ghraib prison complex in Iraq in 2004. It found there was inadequate top-down supervision for prison staff and that everyone in the hierarchical chain felt they were merely doing their job to the best (or worst) of their understanding. The report also revealed that—as in the *Stanford Prison Experiment*—soldiers were insufficiently trained and lacked interrogation procedures. Particular reference was made to the guards' lack of understanding of the protocols of the Geneva Convention, which is at the core of international humanitarian law. This lack of training, combined with the power imbalance between the guards and the prisoners of Abu Ghraib and the tendency of other guards to ignore maltreatment rather than intervene to stop it allowed the abuse to continue until it was brought to a halt when photographs depicting prisoner torture came to public attention (Zimbardo 2008).

3.4.3 Reicher and Haslam

A third theory as to why people tend to do as they are instructed has emerged courtesy of psychologists Stephen Reicher and Alexander Haslam, who have challenged Milgram's agency theory. In *After shock? Towards a social identity, explanation of the Milgram 'obedience' studies*, Reicher and Haslam (2011) claim

the documented evidence of Milgram's experiments suggests that participants were not in a passive agentic state at all, but rather that they were actively trying to make sense of their predicament and 'find a way through it' (Reicher & Haslam 2011). This is contrary to the alleged agentic state.

Reicher (2011) stated that reconceptualising the obedience paradigm specifically in leadership terms shows that the participants did not 'blindly' follow orders. Reicher's reasoning is based on the key question: which individual did Milgram's participants identify with as their leader in the experiment? Was it the experimenter, an individual perceived as an authority figure and in whose scientific endeavour the participant felt he or she was involved, or was it the learner, who was understood to be an ordinary member of the public?

Reicher and Haslam's (2011) provisional conclusion is that the majority of participants identified with the experimenter and not the learner and that they issued the shocks because they believed that what they were doing was the right thing to do due to this identification, irrespective of the harm they thought they were inflicting. This assertion, when put in the context of which person (or people) practitioners and/or participants are most likely to identify with during filming, is unsettling if the person to whom they identify is behaving in a morally corrupt or unethical manner.

3.4.4. Protecting Participants via a Proposed Code

Public debate and media discussion as to the extent participants should be protected has been ongoing since the early 2000s. However, in the US, that discussion began in

earnest in August 2011, following the suicide of a participant from the popular series, *The Real Housewives of Beverley Hills*. Participant Russell Armstrong was found dead in a friend's home on 15 August 2011 while the program was still in production. Armstrong's death prompted an outpouring of public scorn for the genre and the pressures associated with participation. It also provided media commentators with an opportunity to reflect on how to improve protection of reality television participants.

One such commentator, Linda Holmes, a writer for National Public Radio's online entertainment blog, *Monkey See*, proposed that reality television practitioners in the US follow a code of ethics (Holmes 2011). While Holmes indicated she was not confident such a code would be followed, in a single page online entry Holmes nonetheless suggested the following 13 clauses be included:

1. Aftercare and counseling. Shows agree to provide up to three months of post-appearance counseling for any participant who requests it.
2. All contracts must be public. Shows agree that all contracts participants are asked to sign will be available on the show's web site.
3. Limitations on alcohol. Shows agree that producers will not use footage of participants who are intoxicated if the alcohol was provided by the producers.
4. Sleep requirements. Filming will be scheduled so as to allow at least six hours of uninterrupted sleep at least five nights out of every calendar week.
5. Minors. Shows agree to use no non-incidentals footage of any child under age 10, and to employ an on-set counselor specializing in adolescents to provide care and advice on the well-being of any participant who is a minor.

6. Limits on isolation. Shows agree that participants who are removed to an unfamiliar environment that limits their contact with family, friends, or other important sources of support may choose one person with whom they may speak by telephone once a week for 10 minutes without penalty.
7. Medical care. Shows agree to provide participants with access to qualified physicians for any medical care they require during filming and to assume the costs of any care for an injury or illness that results from participation in the show. A participant who lacks confidence in the medical care he or she is receiving has the right to seek another opinion at his or her own expense without being penalized for any absence from filming.
8. Background checks. Shows agree to perform full background checks on participants who will reside with other participants outside their own homes and to disqualify any participant with any documented history of violence in the 10 years prior to casting.
9. Repeat appearances. Because long-term participation has effects that short-term participation may not, shows agree that any appearance fee paid to a participant for a subsequent season of the same show must be at least three times the appearance fee for the first season in which the participant appeared. The appearance fee for subsequent seasons must be five times the original appearance fee.
10. Gag rules. Shows agree not to require participants to refrain from discussing their experiences in interviews subsequent to the conclusion of their participation.

11. Required follow-ups. Shows agree not to require participants to appear in reunion specials, follow-ups, speaking tours, or any other obligations that take place after the conclusion of principal filming.
12. Damage to reputation. Shows agree that their producers will participate once every three years in voting on the appointment of a three-person dispute resolution panel made up of individuals who are not employed in the production of television. Any participant who is required to sign a contract releasing a show from liability for intentional infliction of emotional distress or false light invasion of privacy has the right to bring complaints to that panel. Shows agree to provide up to three hours of raw footage requested by the complaining participant to the panel. If the panel concludes that the show materially misrepresented the participant's actions or character in a way that tends to substantially damage his or her reputation, the panel may require the show to make available online up to 30 minutes of raw footage that remedies the misrepresentation.
13. Incapacity. Shows agree that if a participant dies or is otherwise incapacitated while the show has in its possession any unaired footage of or referring to the person, no footage depicting or discussing the person will be shown unless the family of the person specifically requests that it be shown and no member of the person's immediate family requests that it not be shown (Holmes 2011).

In a September 2011 interview on 89.3 KPCC Southern California Public Radio featuring Holmes and reality television producer John Carr, Carr claimed that many programs he was familiar with were already undertaking most of the

recommendations made by Holmes. However, Carr also added that participants who were generally cast tended to be ‘a little more extreme’ than other people (*Code of Ethics for Reality TV—as Unrealistic as the Shows Themselves?* 2011). I offer that while extreme personality types may contribute to higher program ratings, perhaps those participants are the ones who tend to suffer the most.

In response to Holmes’ proposed code published on the *Monkey See* blog, a majority of readers’ comments stated that reality television was primarily repellent and it was unethical for audiences even to watch the programs. Many respondents who provided comments also expressed concern that participants were not adequately protected.

3.5 Deadly Coincidence?

3.5.1 Overview of Participant Death

In a 2011 radio interview, author of *The Psychopath Test*, Jon Ronson (2011) commented on what he considered reality television’s high body count (*Jon Ronson: the psychopath test* 2011). In recognition of Ronson’s claims, I compiled a snapshot of participant deaths for the 17-year period 1994 to 2011, inclusive, based on available reportage. I found that up to 61 former reality television participants from the US, Australia and the UK in the reality television genre had died.

These participant deaths are discussed in this section for two reasons. Firstly, to explore if there is one sub-generic category of programming that has a higher ‘body count’ than does any other and, secondly, to ascertain whether there are any potentially at risk groups of participants.

To categorise the reality television programs into groups of sub-genres, I relied primarily on Hill's (2005, 2007) sub-generic definitions. Hill's categories did not include competition or reality crime. I included them in my sub-generic classifications below because these programs were promoted in the media as containing elements and characteristics representative of reality programming. In combining Hill's categories with my own, the sub-genres used to identify and group programs in this section are:

- Celebrity Reality Formats
- Competition³⁰
- Docusoap
- Infotainment
- Lifestyle
- Reality Business
- Reality Clip Shows
- Reality Crime
- Reality 'Event'
- Reality Hoax
- Reality Life Experiment

The research data I gathered between 1994 and 2011 showed that a majority of the programs in which deceased participants had taken part were in the competition sub-genre. On a sliding scale, this sub-genre was followed by the docusoap, reality life

experiment, reality crime, infotainment, lifestyle and reality hoax sub-genres, respectively. Although I did not locate any deceased participants from the remaining sub-genres (that is, celebrity reality formats, reality clip shows, reality business or reality 'event'), this does not imply that participants from those sub-genres did not die, merely that their demise may not have been reported in the media.

The 61 former participants reported as deceased died in numerous ways. Some reportedly committed suicide, while others died unexpectedly while performing challenges. Some died in vehicle accidents or of pre-existing medical conditions (excluding cancer) after the program in which they appeared was televised. Others died of health complications, suspected drug overdoses or were killed by other people. Statistically speaking, as the production of reality television has not abated over the years, it is a realistic expectation that the death rate in the reality television genre may increase as production increases.

3.5.2 Limitations in Observations of the Deceased

The primary focus of this study was to determine the reality television sub-genre which reported the highest number of participant fatalities from the US, Australia and the UK. It was also to offer recommendations as to how to minimise harm to participants from the sub-genres most commonly affected. However, there were five limitations in the compilation of the data of deceased participants.

³⁰ Hill (2005, 2007) referred to the 'competition' category as 'reality game shows' in her texts. For the purposes of this thesis, I refer to 'reality game shows' as 'competition' for easier identification.

Firstly, it was not possible to compare the number of participants and programs equally because statistically more participants were likely to die in the US than in Australia and the UK due to the greater US population and the high volume of reality programming output in that country. Secondly, comparing the rates of and types of death, particularly suicide, on a nation by nation per head of population basis may have enhanced the thesis discussion but conducting those comparisons was outside the scope of this study. Thirdly, participant deaths from countries outside of the US, Australia and the UK were only mentioned in the footnotes. They were not discussed in significant detail as again, they were outside the focus of the three core territories.

The fourth limitation was that the discussion time-frame was restricted from 1994 to 2011. 1994 was selected because one of the first recorded participant deaths occurred in that year almost immediately following the broadcast of one of the world's landmark reality television programs, *The Real World* (Table 3.3) in the US. 2011 was chosen as it was the cut-off for thesis submission in final draft.

A fifth potential limitation was that the information relevant to participants' deaths was obtained from the public domain. That is, a diverse range of journalism articles, media reports, and/or legal material. My reasons for utilising public domain data are several. This thesis is rooted in the theory and practice of duty of care toward stakeholders in reality television programming and consequently I believe this duty of care also extends to the loved ones of the deceased, such as their family and friends.

Whilst publishing information of participant deaths from official coronial documentation or death certificates may have added to the thesis discussion, I also felt it was critical to respect those loved ones' right to privacy rather than to intrude and to possibly cause those individuals further distress by information they may have wished to keep off the record.

Additionally, there may be third parties with an interest in accessing this thesis and republishing information contained in it. Those parties may include school or university students, researchers, journalists or celebrity focussed bloggers from internet based fan clubs.

That the final published thesis can be accessed by anyone anywhere in the world and that potentially sensitive information might be posted in online open forums, bulletin boards or as part of podcasts or webcasts without any "ethical, moral or regulatory hindrance" (Morrison & Svennevig's 2002, p.29) and further disseminated was of concern. This concern also influenced my desire to use data that had already been made public and could be readily accessed by anyone.

3.5.3 Participant Suicide

Of the 61 participant deaths in the 17 years between 1994 and 2011, 20 were reported as suicides.³¹ Of those 20 suicides, 13 occurred over the 15 year period from

³¹ This thesis is focussed on reality television in the US, Australia and the UK but that does not mean participant suicides did not occur outside of those territories. To illustrate that this problem is not confined to the US, Australia or the UK, seven reported suicides from other countries took place between 1994 and 2011. Of those seven suicides, two participants were from France ('French *Big Brother* star kills himself "because he could not adjust to life in outside world"' 2011, 'Reality

1994 to 2009. However, between 2010–2011 seven additional participants reportedly took their lives. This is over three times the number of suicides reported in just two years. This increase gives rise to speculation as to what these reported suicides can be attributed to. Could it be a single factor, a combination of factors or are these suicides within the national average for the US, Australia and the UK?

Of the 20 reported suicides, 16 participants were from the US, one was from Australia and three were from the UK. 11 participants took part in competition-based programs; five participated in reality life-experiment programs; two took part in docusoaps and two took part in reality crime programs such as *Nancy Grace*. Table 3.1 below provides the details of these 20 suicides.

Contestant Kills Himself After Taping Cheat On Me If You Can' 2010), two were from India (Surbhi 2010, Sadhwani 2010), one was from South Korea ('Top fashion model, Daul Kim, found dead in Paris apartment' 2009), one was from Colombia ('Lina Marulanda Dead: Colombian Supermodel & TV Presenter Dies In Apparent Suicide' 2010) and one was from Sweden (Addley 2002).

Table 3.1: Former reality television participant deaths reported in the media as suicides from 1994 to 2011, data sorted according to year reported suicide occurred³²

Record	Year Reported Suicide Occurred	Country of Program's First Transmission	Program Name	Participant's Name	Sex	Age	Program Sub-Genre	Details Reported in Media
1	2011	UK	<i>The Biggest Loser</i>	Angie Dowds	F	42	Competition	Died after jumping from cliff-top
2	2011	US	<i>The Biggest Loser</i>	Jeret 'Speedy' Peterson	M	29	Competition	Fatally shot self
3	2011	US	<i>The Real Housewives of Beverley Hills</i>	Russell Armstrong	M	47	Docusoap	Died after hanging self
4	2010	UK	<i>Bad Lad's Army</i>	Michael Lowes	M	28	Competition	See ³³
5	2010	US	<i>Kitchen Nightmares</i>	Joseph Cerniglia	M	39	Competition	Died after jumping from bridge
6	2010	US	<i>The Bachelorette</i>	Julien Hug	M	35	Competition	Fatally shot self
7	2010	US	<i>Storm Chasers</i>	Matt Hughes	M	30	Docusoap	Life support reportedly discontinued following alleged failed suicide attempt by hanging
8	2009	US	<i>Megan Wants To Marry a Millionaire</i>	Ryan Jenkins	M	32	Competition	Died after hanging self
9	2008	US	<i>American Idol</i>	Paula Goodspeed	F	30	Competition	Died following suspected drug overdose
10	2008	US	<i>Supernanny</i>	James Scott Terrill	M	37	Reality Life Experiment	Fatally shot self
11	2007	US	<i>Hell's Kitchen</i>	Rachel Brown	F	41	Competition	Fatally shot self
12	2007	US	<i>Paradise Hotel II</i>	Nathan Clutter	M	26	Competition	Died after jumping from mobile telephone tower
13	2007	US	<i>Pirate Master</i>	Cheryl Kosewicz	F	35	Competition	See ³³
14	2006	US	<i>Nancy Grace</i>	Melinda Duckett	F	21	Reality Crime	Fatally shot self
15	2006	US	<i>Dateline's To Catch a Predator</i>	Louis Conradt	M	56	Reality Crime	Fatally shot self
16	2006	UK	<i>Britain's Worst Husband</i>	Erica Pawson	F	36	Reality Life Experiment	Died following suspected drug and alcohol overdose
17	2005	US	<i>The Contender</i>	Najai Turpin	M	23	Competition	Fatally shot self
18	2005	Australia	<i>The Colony</i>	Carina Stephenson	F	17	Reality Life Experiment	Died after hanging self
19	2005	US	<i>Vegas Elvis</i>	Melanie Bell	F	36	Reality Life Experiment	Died after jumping from building
20	2004	US	<i>Extreme Makeover</i>	Kellie McGee	F	27	Reality Life Experiment	Died following suspected drug and alcohol overdose

³² References relevant to participants for the above programs are as follows; *The Biggest Loser* participant, Angie Dowds (Walsh 2011); *The Biggest Loser* participant, Jeret 'Speedy' Peterson (Pells & DeBruin 2011); *The Real Housewives of Beverley Hills* participant, Russell Armstrong (Dimond 2011); *Bad Lad's Army* participant, Michael Lowes (Willey 2010); *Kitchen Nightmares* participant, Joseph Cerniglia (Fisher 2010); *The Bachelorette* participant, Julien Hug ('Reality TV show contestant felt suicide was the only way out' 2010); *Storm Chasers* participant, Matt Hughes (d'Estries, M 2010); *Megan Wants To Marry a Millionaire* participant, Ryan Jenkins (Smith 2009); *American Idol* participant, Paula Goodspeed (Singh 2008); *Supernanny* participant, James Scott Terrill (Fisher & Praetorius 2009); *Hell's Kitchen* participant, Rachel Brown (Saenz Harris 2007); *Paradise Hotel II*, Nathan Clutter (Rogers 2008); *Pirate Master* participant, Cheryl Kosewicz (Adalian 2007); *Nancy Grace* participant, Melinda Duckett ('Nancy Grace interview contributed to Melinda Duckett suicide, professor says' 2009); *Dateline's To Catch a Predator* participant, Louis Conradt (Pilkington 2007; Stelter 2008); *Britain's Worst Husband* participant, Erica Pawson ('Suicide followed reality TV show' 2005); *The Contender* participant, Najai Turpin (Smith et al 2005); *The Colony* participant, Carina Stephenson (Gibson 2005); *Vegas Elvis* participant, Melanie Bell (Swanson 2005) and *Extreme Makeover* participant, Kellie McGee (Bone 2005).

³³ These individuals' deaths were reported as suicide but the exact nature of their demise was not disclosed by the online media.

Research revealed that anecdotally 13 individuals who suicided displayed common and/or similar characteristics prior to their death. That is, friends and family of those 13 deceased participants had anecdotally reported a personal or family history of either depressive behaviour, unusual or erratic behaviour, or elevated levels of personal stress before, during or after participating in a reality television program.

For example, acclaimed fitness trainer on the UK's series *The Biggest Loser*, 42-year-old Angie Dowds reportedly had a history of struggling with alcohol and drugs as a teenager (Walsh 2011). In November 2011, Dowds' body was discovered at the base of Beachy Head cliffs near Eastbourne in East Sussex, England. In August 2011, it was claimed that a former participant from US program *The Real Housewives of Beverley Hills* allegedly had a history of erratically aggressive behaviour (Magrath 2011). Russell Armstrong, who had appeared on the show with his wife, Taylor Armstrong, was discovered hanged in a friend's house in Los Angeles. According to Taylor Armstrong, Russell had apparently been physically aggressive to her prior to both parties even being cast on the show (Magrath 2011). However, it was only following his suicide that the extent of Russell's domestic abuse was revealed by Taylor. Russell allegedly punched Taylor so hard in the face she required hospitalisation while *The Real Housewives of Beverley Hills* was in production. While Taylor Armstrong absolved the program of any wrong-doing associated with Russell's death, public opinion was divided as to whether Armstrong's financial and emotional pressures were compounded by taking part in the show (Dimond 2011).

In 2010, Michael Lowes, a former participant on the UK's competition-based show *Bad Lad's Army*, reportedly battled clinical depression after the show had ended. In March of that same year, Lowes allegedly committed suicide in England (Willey 2010). In terms of erratic behaviour, Canadian-born participant Ryan Jenkins had a guilty conviction in Canada for domestic violence before taking part in the US program *Megan Wants a Millionaire* and in August 2009, Jenkins committed suicide by hanging (Smith 2009). James Scott Terrill, a former participant on America's *Supernanny*, was described by his former partner following his reported suicide in July 2008 as a man who had been a 'tortured soul' for much of his life (Kadi 2008). Similarly, after Nathan Clutter a former participant on the 2007 US series of *Paradise Hotel II* was found dead after jumping from a telephone tower in October 2007, his family claimed Clutter had a history of undiagnosed depression (Rogers 2008).

In 2006, former *American Idol* participant Paula Goodspeed auditioned for the program but did not progress on the show. According to an online article published in *The Telegraph*, Goodspeed reportedly had a history of mental illness and, following the broadcast of her audition, she found it difficult to cope with negative feedback received on her online MySpace blog (Singh 2008). In that same article, Goodspeed's family claimed she was heartbroken by this rejection. In November 2008, Goodspeed was found dead in a parked car near the home of *American Idol* judge, Paula Abdul (Singh 2008).

In 2006, Melinda Duckett, the mother of a missing two-year-old child, Trenton, took part in a telephone interview for Cable News Network's (CNN) US reality crime

themed show, *Nancy Grace*. In September 2006, the day before the pre-recorded interview was due to be televised on *Nancy Grace*, Duckett fatally shot herself (Martinez 2010). Following the broadcast of the interview, media commentators from Fox Broadcasting's *Fox News Watch* opined that Nancy Grace, the interviewer and host of the show, allegedly bullied a distressed Duckett and pressured her to provide answers she may not have been in a position to give (*Did TV Interview with Nancy Grace Push Melinda Duckett over the Edge?* 2006).

In November 2006, Duckett's family filed a lawsuit against CNN and the program itself seeking undisclosed damages for Duckett's wrongful death. As part of the ongoing lawsuit, a June 2009 AP article published in *The Huffington Post* (Online) quoted Harvard University's Clinical Professor of Psychiatry Harold Bursztajn as saying that he felt Duckett's 'apparently unanticipated public humiliation' on *Nancy Grace* was a 'substantial contributing cause of her suicide' ('Nancy Grace interview contributed to Melinda Duckett suicide, professor says' 2009).

In November 2006, an unwitting participant on NBC's reality crime themed show *Dateline's To Catch a Predator* died after fatally shooting himself (Farhi 2006). The program's modus operandi was to 'sting' alleged sexual predators that used internet chat rooms to solicit underage minors for sex. However, the alleged minors in the online chat rooms were adult decoys from American web-based advocacy group, Perverted Justice. The program's premise was that when the decoy and apparent predator arranged to meet at a location, the program's cameras, television host and law enforcement personnel would surprise and confront the suspected sexual predators on camera and the police officers would then arrest the alleged predators

(Cook 2006). However, in November 2006, police officers broke with the program's protocol and changed their strategy. Instead of proceeding to a specific decoy house, they went directly to the home of a man they suspected of being a sexual predator—district attorney Louis William Conradt. While police officers attempted to gain access to Conradt's house and the program's camera crew and host waited outside, Conradt fatally shot himself inside the home.

In July 2007, Conradt's sister Patricia Conradt launched a lawsuit against NBC for USD 105 million (approximately AUD 113 million) citing civil rights violations, intentional infliction of emotional distress, negligence, unjust enrichment, intrusion and disclosure of private facts and wrongful death (Pilkington 2007). Of the event, Patricia Conradt said, 'I will never consider my brother's death a suicide...it was an act precipitated by the rush to grab headlines' (Doyle 2007).

Commenting on Conradt's suicide, the local criminal district attorney said procedures were rushed on that day because 'It's reality television' (McCollam 2007). The program's crew were allegedly booked to fly home that day and they wanted to record Conradt's segment before flying home.

NBC settled the case confidentially in June 2008, before a jury trial could commence (Stelter 2008). While *Dateline's To Catch a Predator* was not portrayed in media reports as being responsible for Louis Conradt's suicide, claims made by Patricia Conradt that NBC interfered with police duties and failed to protect her brother's safety were sufficient to plant doubt in the public's mind as to whether the program's production methods might have been partly to blame (Farhi 2006). *Dateline's To*

Catch a Predator ceased broadcast in December 2008. No reason was given publicly for its demise.

In 2005, practitioner and participant Melanie Bell was working on and taking part in the reality life experiment program *Vegas Elvis* in Las Vegas, Nevada. According to the production company's media release (Swanson 2005), Bell's family and friends were aware she had suffered from eating disorders and depression prior to her role on the program. In March of that year, Bell committed suicide by jumping from the Stratosphere building in Las Vegas while working on the show (Swanson 2005).

Seventeen-year-old Carina Stephenson, a participant on the Australian-based reality life experiment program *The Colony* committed suicide in May 2005 after the series had been broadcast in Australia, was being televised in Ireland but had not yet been screened in the UK ('Reality TV show on hold after death' 2005). Prior to and during filming, Stephenson was apparently in good spirits according to her family. However, when filming concluded and the family returned to the UK, Stephenson began questioning her sexuality and visiting websites that glorified suicide. Her mother felt this may have contributed to her daughter's suicide and not her involvement in the program (Teutsch 2005).

In September 2005, Erica Pawson a former participant on *Britain's Worst Husband* was found deceased in her home after a suspected prescription drug overdose. Media reports stated that Pawson had been struggling with her marriage and that she suffered from osteoporosis and depression and allegedly had a history of taking overdoses (Fordham 2005; 'Suicide followed reality TV show' 2005; Rogers 2008).

In May 2004, Kellie McGee committed suicide four months after the US broadcaster, ABC, cancelled her sister Deleese Williams' personal makeover on the reality life experiment program, *Extreme Makeover* ('TV show sued after sister's death' 2005). Following McGee's suicide, it was later revealed that members of her immediate family suffered from bipolar disorder (Bone 2005).

In the Complaint, *Williams v. American Broadcasting Corporation*, it was asserted that practitioners 'put words' into McGee's mouth and McGee was allegedly subjected to a combination of undisclosed manipulations and emotional abuse by practitioners that resulted in her giving emotionally charged responses (*Williams v. American Broadcasting Corporation* 2005, pp.14-15).

When Williams' makeover was unexpectedly cancelled, Williams claimed McGee took her own life as she was upset about the remarks she had made about Williams—remarks that, according to the Complaint, were made at practitioners' bidding. The family felt unable to return to their normal life and felt 'devastated, humiliated, crushed, ashamed, embarrassed' (*Williams v. American Broadcasting Corporation* 2005, p.1). In 2006, America's ABC settled the case for an undisclosed and confidential sum (Peters 2007).

Of these 13 suicides, media reports indicated that anecdotally four individuals had a personal or family history of depressive behaviour. Those individuals were Lowes, Clutter, Bell and Pawson. Again, anecdotally, six individuals; being Dowds, Armstrong, Jenkins, Goodspeed, Terrill and Stephenson reportedly showed signs of

unusually erratic behaviour or stress before, during or after their participation in a reality television program.

With respect to the final three suicides being Duckett, Conradt and McGee, research revealed two common threads in each case. Firstly, each participant was required to conform to each program's format and production schedule. Secondly, each participant was dramatically affected by unexpected events that were entirely controlled by practitioners.

For example, the *Nancy Grace*'s format requires that participants are interviewed by telephone or in person by the show's host, Nancy Grace. However, as discussed on *Fox News Watch (Did TV Interview with Nancy Grace Push Melinda Duckett over the Edge? 2006)*, it would not be unreasonable to assume that Duckett could not have expected relentless and intense questioning by Grace during her interview. In *Dateline's To Catch a Predator*, it is also unlikely that Conradt could have anticipated that law enforcement personnel and a television crew would arrive unannounced at his home in an attempt to include him in the program. Whilst this 'home visit' broke with the program's protocol, trying to access Conradt was in keeping with production's typical processes and desired outcomes.

In *Extreme Makeover*, it was hoped McGee's personal makeover would comply with the production schedule but it failed to do so and the makeover's sudden cancellation caught all participants by surprise.

In consideration of these 13 of the 20 total reported suicides, I want to alert practitioners to the importance of extensive psychological and criminal screening in addition to thorough and multi-layered psychological and counselling before, during and after filming. That said, I am not suggesting or implying that the aforementioned measures were not undertaken.

3.5.4 Participants Who Died Unexpectedly Overview

In the 17 years between 1994 and 2011, 38 reality television participants whose programs first aired in the US, Australia or the UK reportedly died unexpectedly. I refer to these deaths as unexpected because they were not reported in the media as suicides nor were the deceased reported as being killed by others. Of these 38 unexpected deaths, 32 occurred following the production and/or broadcast of a program the participant appeared in. These deaths are detailed in section 3.5.6. A further six deaths occurred while a program was in rolling production; that is, while a program was being produced or edited. These six deaths are detailed immediately below in section 3.5.5.

3.5.5 Unexpected Participant Death during Rolling Production of a Series

All six participants who died unexpectedly during rolling production of a reality series were from the US.³⁴ Three participants took part in competition-based shows; one participated in an infotainment program, one contributed to a docusoap and another was involved in a reality crime program.

Of the six, five participants were male and one was female. Three of the deceased males, being Tom Sparks of the program *Wipeout* ('Wipeout TV show player with rare condition dies' 2009), Nigel Aylott of *Subaru Primal Quest* (Yen 2004) and Todd Homme of *Blush: The Search For The Next Great Makeup Artist* appeared in competition-based shows. Sparks and Aylott both died during or after completing a physically demanding outdoor challenge but there was no specific detail as to Homme's cause of death beyond the fact he unexpectedly died in his sleep (DiNunno 2008).

³⁴ As for section 3.5.3 Participant Suicide, these deaths are also not confined to the US, Australia and the UK. 17 unexpected participant deaths during rolling production were reported to have occurred between 1994 and 2011 outside those territories. Two participants were from Canada (Wyshynski 2011, Schneider 2011) one was from Singapore ('Reality TV show "*Lose to Win*" suspended' 2011); one was from Bulgaria ('Bulgaria *Survivor* contestant dies' 2009); one was from Pakistan (Johnson 2009); one was from New Zealand (Nichols 2008); three were from Serbia (Gelder 2007); one was from Nigeria ('Nigerian died "in TV Challenge"' 2007) and seven were from Uruguay ('Seven killed in Uruguay TV stunt' 2006).

Table 3.2: Unexpected participant death during rolling production of a series between 1994 and 2011, data sorted according to year of death³⁵

Record	Year of Death	Country of Program's First Transmission	Program Name	Participant's Name	Sex	Age	Program Sub-Genre	Details Reported in Media
1	2010	US	<i>The Deadliest Catch</i>	Phil Harris	M	53	Docusoap	Died following complications from stroke
2	2010	US	<i>First 48</i>	Aiyana Stanley-Jones	F	7	Reality Crime	Died during police raid
3	2009	US	<i>Wipeout</i>	Tom Sparks	M	33	Competition	Died after partially completing outdoor challenge
4	2009	US	<i>Pitchmen</i>	Billy Mays	M	50	Infotainment	Died of heart disease
5	2008	US	<i>Blush: The Search For The Next Great Makeup Artist</i>	Todd Homme	M	23	Competition	See ³⁶
6	2004	US	<i>Subaru Primal Quest</i>	Nigel Aylott	M	38	Competition	Died after being crushed by boulder during outdoor challenge

³⁵ References to participants for the above programs are as follows; Phil Harris of *The Deadliest Catch* (Stelter 2010); Aiyana Stanley-Jones of *The First 48* (LeDuff 2010); Tom Sparks of *Wipeout* ('Wipeout TV show player with rare condition dies' 2009); Billy Mays of *Pitchmen* (Harris 2009) and Nigel Aylott of *Subaru Primal Quest* (Yen 2004).

³⁶ This individual was reported to have died unexpectedly but the exact nature of his demise was not disclosed by the online media (DiNunno 2008).

To explain, the AP reported that after Tom Sparks had taken part in a challenge on American reality program *Wipeout* in 2009 he was admitted to hospital by the show's medical staff after experiencing knee pain and shortness of breath. Two weeks following his hospital admission, Sparks apparently experienced a stroke that may have been caused by his rare pre-existing blood clotting condition, antiphospholipid antibody syndrome ('Friends to remember Tom Sparks' 2009). According to *Wipeout*'s production company Endemol, Sparks did not include this condition on material submitted to the program prior to participation. Even though participants must be physically screened, it is unlikely that such a screening would have revealed the disease, as it is primarily diagnosed via specialised blood sampling ('Wipeout TV show player with rare condition dies' 2009).

In 2004, Nigel Aylott, who was competing in America's adventure race *Subaru Primal Quest* died after being struck by a boulder while he was navigating an outside course on foot (Yen 2004).

As for the remaining three participants, former infotainment presenter Billy Mays of *Pitchmen* and Phil Harris of the docusoap *The Deadliest Catch* both died of health complications and real crime program participant Aiyana Stanley-Jones of *The First 48*, died during a residential police raid (Harris 2009; Stelter 2010; LeDuff 2010).

Practitioners go to great lengths to ensure participants' safety while filming reality television programming, particularly in external environments. However, when working with 'real' people in external locations that are outside the confines of a tightly controlled television studio, there is a duality of unpredictability at play.

Not only can participants behave in unpredictable or unexpected ways where their actions can have unintended consequences but the external physical environment can also present unanticipated challenges to participants. Realistically, it is not until participants are placed in specific environments with other people where they face specific challenges that their responses and behaviours can truly be known. Concerning Sparks' and Aylott's unexpected deaths outlined above, I would ask whether these or other potentially risky behaviours such as those listed in Table 3.2 could have been prevented, and if so, how and by whom?

As to why some contestants engage in risky behaviours, I would ask whether some of them have the attitude discussed by McVey in section 3.2.5. That is, they may be of a mindset that equates to an abdication of personal responsibility on the part of the participant once they have consented to appear on a program, and this may be a contributing factor. I would go further to ask whether some participants might even feel a level of invincibility based on an assumption that the program and its officers will protect all of the participants all of the time.

Another factor that should be considered is whether some participants have a propensity to take risks. In viewing Table 3.2, it would appear that participants from the competition-based and docusoap sub-genres may have taken more physical risks with respect to their health and well-being in external environments than participants from the lifestyle sub-genre.

3.5.6 Unexpected Participant Death Following Production and/or Broadcast of a Program

As shown in Table 3.3 below, 32 participants died following the production and/or screening of a program in which they appeared.³⁷ In addition to the examples above, I offer below further behaviours that may be considered dangerous to one's health or well-being in the context of participants who died after participating in a reality television program. It should be noted that some participants died soon after their appearance whereas others died many years later. Again, the majority of those unexpected deaths in Table 3.3 below occurred in the competition-based sub-genre, followed by reality life-experiment programs and then docusoaps. There was a major gender disparity where 27 males died compared to only five females.

³⁷ As for section 3.5.3 Participant Suicide and 3.5.5 Unexpected Participant Death during Rolling Production of a Series, the ongoing deaths of participants following production and/or broadcast of a program is similarly not confined to the US, Australia and the UK. Two reported unexpected participant deaths occurred between 1994 and 2011. One involved Germany's Carolin Wosnitza of *Big Brother* ('German reality TV star Cora dies after sixth breast op' 2011) and the second was China's Wang Bei of *Super Girl* (Coonan 2010).

Table 3.3: Former reality television participant deaths reported in media as unexpected between 1994 and 2011 following production and/or program broadcast, data sorted according to year of death³⁸

Record	Year of Death	Country of Program's First Transmission	Program Name	Participant's Name	Sex	Age	Program Sub-Genre	Details Reported in Media
1	2011	UK	<i>X Factor</i>	James Smith	M	45	Competition	See ³⁹
2	2011	US	<i>Last Comic Standing</i>	Mike Destefano	M	44	Competition	Died of heart attack
3	2011	Australia	<i>Australian Idol</i>	Jay Dee Springbett	M	36	Competition	See ⁴⁰
4	2011	US	<i>Celebrity Fit Club</i>	John Kennedy Oswald aka Jani Lane	M	47	Competition	Died of alcohol poisoning
5	2011	US	<i>Ty Murray's Celebrity Bull Riding Challenge</i>	Francesco Quinn	M	48	Competition	Died of suspected heart attack
6	2011	US	<i>American Hot Rod</i>	Boyd Coddington	M	63	Docusoap	See ⁴¹
7	2011	US	<i>The Deadliest Catch</i>	Justin Tennison	M	34	Docusoap	See ⁴²
8	2011	UK	<i>The Family</i>	Margaret Sainsbury aka Mrs Wilkins	F	73	Docusoap	Died of suspected heart attack
9	2011	US	<i>Jackass</i>	Ryan Dunn	M	34	Reality Hoax	Died from injuries sustained in car collision
10	2011	US	<i>Celebrity Rehab With Dr Drew</i>	Jeff Conaway	M	60	Reality Life Experiment	Died of complications from pneumonia
11	2011	US	<i>Celebrity Rehab with Dr Drew</i>	Mike Starr	M	44	Reality Life Experiment	Died from suspected accidental drug overdose
12	2010	UK	<i>Strictly Come Dancing</i>	Jason Wood	M	38	Competition	Died in his sleep
13	2010	US	<i>Last Comic Standing</i>	Greg Giraldo	M	44	Competition	Died from suspected accidental drug overdose
14	2010	US	<i>The Two Coreys</i>	Corey Haim	M	38	Docusoap	Died of pneumonia
15	2010	UK	<i>Buy It, Sell It, Bank It</i>	Kristian Digby	M	32	Lifestyle	See ⁴³
16	2010	US	<i>Divorce Court</i>	Gary Coleman	M	42	Reality Crime	Died from brain haemorrhage
17	2009	Australia	<i>Australian Survivor</i>	Rob Dickson	M	45	Competition	Died from injuries sustained in car collision
18	2009	US	<i>American Idol</i>	Alexis Cohen	F	25	Competition	Died after being struck by vehicle while walking
19	2009	US	<i>American Loggers</i>	Davey McLaughlin	M	45	Competition	Died of complications from diabetes
20	2009	US	<i>Remote Control</i>	Ken Ober	M	52	Competition	See ⁴⁴
21	2009	Australia	<i>RPA</i>	Chris O'Brien	M	57	Docusoap	Died of brain tumour
22	2009	US	<i>Gone Too Far</i>	Adam Goldstein aka DJ AM	M	36	Reality Life Experiment	Died from suspected accidental drug overdose
23	2009	US	<i>Intervention</i>	Bret (Surname not provided by media)	M	43	Reality Life Experiment	See ⁴⁵
24	2008	Australia	<i>Australian Idol</i>	Levi Kereama	M	27	Competition	Died after falling from hotel balcony
25	2008	US	<i>A Double Shot at Love</i>	Kandice Hutchinson	F	22	Competition	Died from injuries sustained in car collision
26	2008	US	<i>Intervention</i>	Lawrence Ryan	M	34	Reality Life Experiment	Died of cirrhosis of liver
27	2008	UK	<i>Wife Swap</i>	Simon Foster	M	40	Reality Life Experiment	Died from suspected accidental drug overdose
28	2007	Australia	<i>Big Brother</i>	Gordon Sloan	M	38	Competition	Died of suspected hypoxia
29	2007	UK	<i>Pleasure Island</i>	Mike Furnell	M	61	Competition	Died in house fire
30	2007	US	<i>The Anna Nicole Show</i>	Anna Nicole Smith	F	39	Docusoap	Died from suspected accidental drug intoxication
31	2007	US	<i>The Real World</i>	Frankie Abernethy	F	25	Docusoap	Died of cystic fibrosis
32	1994	US	<i>The Real World</i>	Pedro Zamora	M	22	Docusoap	Died from AIDS

³⁸ References for these participants are as follows; *X Factor's*, James Smith (Desira 2011); *Last Comic Standing's*, Mike Destefano (Hartsell 2011); *Australian Idol's*, Jay Dee Springbett (Duff 2011); *Celebrity Fit Club's*, John Kennedy Oswald aka Jani Lane (D'Zurilla 2011); *Ty Murray's Celebrity Bull Riding Challenge* participant, Francesco Quinn (Linden 2011); *American Hot Rod's*, Boyd Coddington (Garrett 2008); *The Deadliest Catch's*, Justin Tennison (D'Oro 2011); *The Family's*, Margaret Sainsbury aka Mrs Wilkins (Revoir P 2008); *Jackass* participant, Ryan Dunn (Walters & Loviglio 2011); *Celebrity Rehab With Dr Drew* participants, Jeff Conaway (Derschowitz 2011) and Mike Starr (Goldberg 2012); *Strictly Come Dancing's*, Jason Wood (Merrit 2010); *Last Comic Standing's*, Greg Giraldo (Kaplan 2010; Serjeant 2010; Venezia 2010); *The Two Coreys* participant, Corey Haim (Jablon 2010); *Buy It, Sell It, Bank It*, participant, Kristian Digby (Dodd 2010); *Divorce Court's*, Gary Coleman (Tourtellotte 2010); *Australian Survivor's*, Rob Dickson (McFarlane 2009); *American Idol's*, Alexis Cohen (Dehnart 2009); *American Loggers* participant, Davey McLaughlin (Sambides 2010); *Remote Control's*, Ken Ober ('Comedian Ken Ober dead at 52', 2010); *RPA's*, Chris O'Brien ('State funeral for cancer crusader O'Brien' 2011); *Gone Too Far's*, Adam Goldstein aka DJ AM (Long 2009); *Intervention's*, Lawrence Ryan (Allen Benton 2009) and Bret (Allen Benton 2009); *Australian Idol's*, Levi Kereama ('Australian Idol singer Levi Kereama found dead in Brisbane' 2008); *A Double Shot at Love's*, Kandice Hutchinson (Denhart 2008); *Wife Swap's*, Simon Foster ('Wife Swap Man Died from Overdose' 2009); *Pleasure Island's*, Mike Furnell (Morton 2007); *The Anna Nicole Show* participant, Anna Nicole Smith (Duke 2009); *Big Brother's*, Gordon Sloan (Wainwright 2007) and *The Real World* participants, Frankie Abernethy (Harris 2007) and Pedro Zamora, respectively (Sicha 2009).

³⁹ This individual was reported to have died unexpectedly but the exact nature of their demise was not disclosed by the online media.

⁴⁰ This individual was reported to have died unexpectedly but the exact nature of their demise was not disclosed by the online media.

⁴¹ This individual was reported to have died unexpectedly but the exact nature of their demise was not disclosed by the online media.

⁴² This individual was reported to have died unexpectedly but the exact nature of their demise was not disclosed by the online media.

⁴³ This individual was reported to have died unexpectedly but the exact nature of their demise was not disclosed by the online media.

⁴⁴ This individual was reported to have died unexpectedly but the exact nature of their demise was not disclosed by the online media.

⁴⁵ This individual was reported to have died unexpectedly but the exact nature of their demise was not disclosed by the online media.

As Table 3.3 shows, most participants died of health or medical conditions, illness or automobile accidents. However, eight individuals died after engaging in behaviour that may have put their health and well-being at risk. Of those individuals, five were from the US, two were from the UK and one was from Australia. Again, male death outweighed female death by seven to one, respectively.

To explain what I consider to be behaviour that may have put their health and well-being at risk, John Kennedy Oswald aka Jani Lane of the US competition-based program *Celebrity Fit Club* reportedly died of alcohol poisoning (D’Zurilla 2011) and a further four US participants reportedly died from suspected accidental drug overdoses and/or drug intoxication (as shown in Table 3.3). Those individuals included Mike Starr of the reality life-experiment series *Celebrity Rehab with Dr Drew* (Goldberg 2012); Greg Giraldo of the competition-based program *Last Comic Standing* (Kaplan 2010; Serjeant 2010; Venezia 2010); Adam Goldstein aka DJ AM of the reality life-experiment series *Gone Too Far* (Long 2009); and Anna Nicole Smith of the docusoap *The Anna Nicole Show* (Duke 2009). A participant from the UK also reportedly died from a suspected accidental drug overdose, being Simon Foster of the reality life-experiment series *Wife Swap* (‘Wife swap man died from overdose’ 2009).

Also in the UK, Mike Furnell, of the competition-based show *Pleasure Island*, died in a house fire that was allegedly started by a discarded cigarette (Morton 2007). Finally, Australia’s *Herald Sun* reported that Levi Kereama of *Australian Idol* died from injuries sustained after falling from a hotel balcony (‘Australian Idol singer Levi Kereama found dead in Brisbane’ 2008).

Of these eight deceased individuals, four had participated in competition-based reality television programs, three took part in reality life-experiment shows and one appeared in a docusoap. This death rate in the competition-based reality television sub-genre is slightly higher than the other sub-genres and raises the question of whether participants from competition programs may be more risk seeking than individuals from other sub-genres. It is also worth asking whether any of these individuals would have behaved in the same manner and died in similar ways irrespective of their appearance on a show.

Despite the fact that production companies are not legally obliged to monitor participants at the conclusion of a program, it must be asked if mandatory monitoring could have benefited participants who came to harm following their contributions.

3.5.7 Participants Who Were Killed

Between 1994 and 2011, three former reality participants were killed by other people following their contribution to a reality program. Of those three participants, two were from the US and one was from the UK. Of the two US participants, one was male, one was female and both had appeared in a docusoap. The UK participant was male and had appeared in a UK competition-based program.

To explain, in 2009, participant Ashley 'AJ' Jewell, from American docusoap *The Real Housewives of Atlanta*, and Hayden Brooks, who appeared as Brooke Phillips on the docusoap *Cathouse*, were involved in altercations with other people after

which they subsequently died (Chiappetta 2009; ‘Fiance’s death stunned “Housewives” star’ 2009).

The male participant from the UK, Lavern Paul Ritch, appeared in the competition-based British version of *American Gladiator*. A news article published on the BBC’s website stated that Ritch was killed in 2007 while holidaying in the US (‘Lavern was our ray of light’ 2007).

The deaths of these three participants are summarised in Table 3.4 below and is the only category not dominated by deaths from the competition-based sub-genre.

Table 3.4: Participants from reality television programs reported to have been killed by other people between 1994 and 2011, data sorted according to year of death⁴⁶

Record	Year of Death	Country of Program's First Transmission	Program Name	Participant's Name	Sex	Age	Program Sub-Genre	Details Reported in Media
1	2009	US	<i>Real Housewives of Atlanta</i>	Ashley 'AJ' Jewell	M	34	Docusoap	Died from wounds sustained in a brawl. Perpetrator Frederick Richardson was charged with voluntary manslaughter.
2	2009	US	<i>Cathouse</i>	Hayden Brooks aka Brooke Phillips	F	21	Docusoap	Shot to death, burned in house fire. Perpetrator David Allen Tyner, charged with six counts of first-degree murder.
3	2007	UK	<i>American Gladiators</i>	Lavern Paul Ritch	M	37	Competition	Murdered by Robert Davis, who was convicted of manslaughter.

⁴⁶ References for these participants are as follows: *Real Housewives of Atlanta* participant, Ashley 'AJ' Jewell (Chiappetta 2009); *Cathouse* participant, Hayden Brooks aka Brooke Phillips ('Fiance's death stunned "Housewives" star' 2009) and *American Gladiators* (British version) participant, Lavern Paul Ritch ('Lavern was our ray of light' 2007).

3.5.8 Reporting Participants' Demise: Newsworthiness

Given the vast numbers of participants who take part in reality television programs in the US, Australia and the UK, it is statistically plausible that some of those participants will die at some point whether from natural or unexpected causes. However, millions of 'ordinary' people around the world die every day and those deaths are not reported in the media. An 'ordinary' person's participation in a reality television program increases their prominence due to their media exposure thus augmenting the individual's newsworthiness.

McLaughlin (2012) describes newsworthiness indicators as being timeliness; proximity; importance, impact or consequence; interest; conflict or controversy; sensationalism; prominence; and novelty, oddity or the unusual (p.351). As a reality participant's death satisfies most, if not all, of these indicators their death is consequently more likely to be reported. It should also be noted that death of other profiled personalities is not the sole domain of reality television participants. Film and television personalities from fictional and dramatic genres also die from time to time. Their deaths are also generally (if not more frequently) reported in the media due to its newsworthy appeal.

Similar to a dramatic actor's appearance in a film or television program, a reality television participant's involvement in a reality television program is likely to remain a part of that person's identity long after the show has been televised and becomes part of their personal history. Had that participant not taken part, it is unlikely there would be any reason for that individual's activities to be discussed in the public

sphere. This is particularly true in cases where the deaths of program participants from non-English speaking countries were reported in the English language media.

3.5.9 Male to Female Deceased Participant Ratio

Table 3.5 below shows that compared to females, an overwhelming number of males died unexpectedly during rolling production of a reality television series and following the production and broadcast of the program to which they contributed. It can be surmised that a majority of those male deaths can be attributed to behaviour that may have compromised their health and well-being, while a minority were attributed to medical/health complications.

The highest number of participant deaths occurred after the program in which they appeared had been completed and broadcast. Those individuals are well outside of any protective confines of a program and are responsible for their own well-being.

Table 3.5: Incidence of male death compared to female death, according to manner of death

Manner of Participant's Death Reported in Media	Number of Deceased Male Participants	Number of Deceased Female Participants	Total People
Suicide, Table 3.1	11	9	20
Unexpected participant death during rolling production of series, Table 3.2	5	1	6
Unexpected participant death following production and broadcast of program, Table 3.3	27	5	32
Participants killed by others, Table 3.4	2	1	3
Totals	45	16	61

3.5.10 Sub-Generic Breakdown

According to the figures compiled for this thesis, the sub-generic category reflecting the highest rate of reported participant deaths is the competition-based sub-genre. That is, of the total 61 deceased participants between 1994 and 2011, 30 participants from competition-based programming died, representing almost half of the total figure. Table 3.6 below shows the incidence of death in the sub-genres, together with the male to female ratio for each sub-genre.

Table 3.6 Incidence of Male Death Compared to Female Death According to Program Sub-Genre

Program Sub-Genre	Number of Deceased Male Participants	Number of Deceased Female Participants	Total People
Competition	24	6	30
Docusoap	9	4	13
Infotainment	1	0	1
Lifestyle	1	0	1
Reality Crime	2	2	4
Reality Hoax	1	0	1
Reality Life Experiment	7	4	11
Totals	45	16	61

With the exception of reality crime programming, the incidence of male death outweighs female death in every other reality television sub-genre. However, in the absence of any hard data or published research studies on the disproportionate numbers, it is not possible to suggest the reason for this disparity.

3.6 Chapter Conclusions

Reality television is primarily an entertainment vehicle, with many financially invested parties each working towards creating a high-rating program. The desire to outperform other programs in a highly competitive broadcast market may lead some practitioners and participants to behave in ways that can compromise others, the narrative or their own integrity.

Participants particularly can be subjected to a range of influential manipulations and the research in this chapter shows that clear concerns for participants' physiological welfare have been expressed publicly and repeatedly by several well-known psychologists for at least 10 years. Many of those psychologists have consulted for the reality television genre and they are familiar with the behind-the-scenes machinations concerning a participant's capacity to take part in a program. To prevent more participants coming to harm, I feel it is in practitioners' best interests to heed these psychological concerns. Additionally, it would be in participants' best interests for practitioners to reconsider their reality television construction techniques and alter them in ways that continue to expand on and extend duty of care beyond the bare minimum legal requirement.

As explained in section 1.4, the purpose of including the incidence of participant death in the genre is not to imply causality with respect to an individual's participation on a reality television program. Rather, the purpose is to show that the group of participants potentially most at risk of experiencing personally negative outcomes appear to be males from the competition-based sub-genre.

Chapter 4: Methodology

4.1 Overview

This chapter discusses the rationale for a mixed methodology research project design that draws on the strengths of the quantitative and qualitative disciplines. The mixed methodology and conceptual framework is drawn from my professional experience in non-fiction television production and a review of relevant literature. The chapter concludes with recommendations as to how research into reality television practices might be administered in the future.

4.2 Researcher's Perspective

As detailed in section 1.6, from 1995 to 2004, I was involved in the production of approximately 200 television stories, equating to almost 88 hours of television programming. A majority of the stories on which I worked were generically situated in lifestyle and infotainment. celebrity reality, game show/competition, lifestyle, consumer affairs, travelogue and entertainment.

This experience afforded me a level of first-hand experience and imbued me with a sense of responsibility to try to find ways of posing questions and drawing responses from the respondents that might contribute to not only identifying problems, but also working towards fixing the system from the inside out, rather than from the outside

in. This background also provided me with realistic insight into some of the more common challenges facing television practitioners, which I hoped would be reflected in the research questions.

4.3 Scope

Initially, using a qualitative participatory action research methodology, I planned to obtain data from four key groups of research participants. Those groups were:

Group 1: Reality television practitioners

Group 2: Theoreticians, comprising three sub-groups

Group 2a: Ethicists/philosophers

Group 2b: Academics

Group 2c: Psychologists

Group 3: Reality television participants

Group 4: Reality television viewers

Participatory action research was originally selected because it was well suited to identifying problems aimed at bringing about action in the form of change. This methodology also assists in developing an understanding of the problems that informs resultant change and adds to what practitioners already know. In other words, it seeks to improve understanding of practice for participants involved in the research. It was anticipated that the data gathered would reveal common ethical dichotomies and problems concerning manipulation during the construction of reality television programming in addition to providing a base for developing potential solutions to the ethical issues identified.

4.4 Research Project

4.4.1 Approval of Research Project

In line with Australia's National Health and Medical Research Council's National Statement on Ethical Conduct in Human Research and the University of Wollongong's research protocol, permission was obtained from the University of Wollongong and Illawarra Area Health Service Human Research Ethics Committee (the Committee) prior to commencement of the research project.

The first application was submitted to the Committee for approval on 24 June 2006. Following nearly two years of revisions to the research project, the Committee granted permission to commence the project on 24 April 2008. The 22-month delay in project commencement was chiefly attributed to my desire for all four main groups to be included in the research project and the Committee's refusal to allow the inclusion of two of those four groups.

The two groups denied participation by the Committee were Group 1: Reality television practitioners and Group 3: Reality television participants. Despite assurances that survey data provided by members of those groups would be untraceable and anonymous, I had to respect the Committee's decision to disallow their involvement due to concerns over potential breaches of confidentiality by members of those groups for which the University may have been held liable.

The two main groups approved by the Committee were Group 2: Theoreticians, comprising Group 2a: Ethicists/philosophers, Group 2b: Academics and Group 2c:

Psychologists, and Group 4: Reality television viewers. However, the Committee also vetoed the inclusion of research participants from these groups who had been directly involved with the construction of a reality television program. For example, any theoretician such as a psychologist or academic who had performed a consultative role on a reality television show was not allowed to participate. Thus, the research participant base became theoretical.

Through no fault of their own, this base comprising audience and theoreticians was not one that could provide data on common problems in the construction of reality television based on their practical experience of the genre, for they had none. Further, these individuals could not propose working solutions to those problems to industry due to their lack of first-hand experience in the genre.

A participatory action research project could therefore not be realised, as there was no solution-oriented data to feed back to research participants that could effect change because not only were the necessary groups missing, so was the mechanism to trial proposed changes in the reality television industry.

4.4.2 Methodology

As a result of the removal of the reality television practitioners and participants groups, it was not possible for the research project to continue as a participatory action design and it evolved into a mixed methods, theoretically based design.

4.4.3 Project Design

Communicating, recruiting and gathering data electronically provided secure information input, output and recording of data together with accurate data storage and retrieval. It was also cost efficient and allowed for potential participants from a geographically diverse area to be invited to take part in the surveys with relative ease.

Further, all electronically generated information could be edited, sorted, categorised and copied easily. Any revisions made to the surveys could be emailed to my principal supervisor and the Committee (or its smaller Executive equivalent) for approval conveniently and quickly. Finally, it was expected that the time burden on research participants, the likely effect on them and the risk of harm would be minimal. However, a downside of administering and processing the project electronically was that considerable co-ordination of material was required to ensure completeness and accuracy of all information. Thus, the project was labour and time intensive.

The questions in both stages were for the most part closed, with only a small number of open-ended questions. Closed questioning was selected because it reduced the time burden on participants and allowed for efficient analysis and interpretation of statistical data.

The closed-question style comprised multiple response, questions of reasoned judgement (in which only one answer could be given, with no right or wrong

answer), scaled questions and hypotheticals. The first segment of each hypothetical question was closed. The second segment was open-ended and participants could provide their own answers.

A drawback to the closed method was that I had to build an appropriate set of answers for participants based on my knowledge of the subject matter. Thus, I had to assume in some cases that the range of answers was sufficient to satisfy all participants. The survey questions were hosted on an independent third-party website, Survey Monkey—an online survey-hosting website specifically designed for data gathering and analysis. Survey results are detailed in Chapter 5.

4.4.4 Confidentiality and Anonymity

Every participant was sent a preliminary Participatory Information Sheet (PIS) to assure them of their confidentiality. This PIS stated that protecting participants' identity was critical to the success of the study. While I recorded and stored participants' names, correspondence addresses and email addresses from their PIS and Consent Forms, none of this identifying information is publicly available.

Participants' anonymity was ensured in a number of ways. None of their information from the PIS or Consent Forms was linked to their survey answers. Further, when their electronic responses to survey questions were submitted, no record was kept of their computer's internet protocol address. Therefore, it was impossible for anyone, including me, to determine which individual responded to which question.

Stage 1 of the survey comprised 20 questions and it was expected to take 20 minutes to complete. Stage 2 consisted of five questions, taking approximately 10 minutes. However, there was no set time constraint on the surveys, meaning that participants could complete each survey in a time frame which was convenient for them.

4.4.5 Bias

This study attempted to control and to reduce bias in the research project. For example, the project was not subject to procedural bias, as research participants were not enticed to participate by way of reward or financial incentive. However, in terms of the project design and sampling, some bias was unavoidable. Design bias is relevant, as only those participants with access to both a computer and an internet connection were able to take part. Individuals with access to computers and the internet are not necessarily representative of the overall population.

4.5 Sampling

4.5.1 Overview

Purposive sampling was conducted. That is, 'experts' were issued research invitations based on a pre-determined set of qualifications or the knowledge base they possessed. It was hoped that participants who both enjoyed and disliked reality television would select themselves to take part by providing consent.

A total of 695 research invitations were emailed to potential participants in the US, Australia, the UK and Germany. Potential participants were contacted in the first

instance by email. The invitation comprised a covering email and a Participant Information Sheet (see Appendix B) and consent was given electronically via an emailed Consent Form (see Appendix C).

Recruitment for the audience group was halted due to low sign-up rates. Thus, data provided by the audience group was not included because the required sample size was not met. Further, I did not recruit the ethicists/philosophers sub-group, as their input might have negatively affected the output. Despite the fact that emailing research invitations to the remaining groups was executed quickly, a high volume of research invitations had to be issued regularly due to a low response rate. Finally, while each consentee's gender and geographic location was documented, as survey results were recorded anonymously, it is not known which consentees did not take part in the survey.

4.5.2 Sub-Group 2b: Theoreticians—Academics

Academics invited and/or recruited were those with a theoretical background or knowledge of non-fiction television and broadcasting, and/or journalism, media, mass communications, cultural studies, film, cinema, documentary, directing, screenwriting, screen media studies, humanities or ethics.

A total of 232 research invitations were issued to academics from the US, the UK, Australia and Germany between 15 July 2008 and 23 February 2009. At the conclusion of recruitment, academics from 96 educational institutions had been invited to take part. Of these, 61 institutions were based in the US, 20 in Australia,

14 in the UK and one in Germany. Academics in the US were invited in the largest numbers due, not only to that country's prolific production of reality television, but also due to an abundance of American-generated academic literature on the genre and the multitude of ways one could be exposed to the genre domestically almost 24 hours a day, seven days a week if one chose.

Over the period 14 July 2008 to 23 February 2009, 36 individuals consented to take part. Of those 36 consentees, 55.56 per cent were from the US, 36.11 per cent were from Australia and 8.33 per cent were based in the UK. Twenty consentees were male and 16 female. One hundred and sixty people, or 69 per cent of invitees, did not respond to their invitation and it took seven months of consistently issuing invitations to recruit 36 academics, representing a sign-up rate of 15 per cent.

Of the 19 academics who actively declined to participate in the study, five claimed they had 'never' watched a reality television program (Declinee Nos. 3, 7, 10, 13 and 18), while another added he felt reality television shows were 'silly and meaningless' (Declinee No. 3). These negative responses are typical of the stigma attached to the genre.

4.5.3 Sub-Group 2c: Theoreticians—Psychologists

Psychologists with a background or research interest in media and/or social/personality psychology were issued invitations. Those who were publicly listed at the American Psychological Association, the British Psychological Society (BPS), the BPS's Psychological Testing Centre, the Australian Psychological

Society, the Society of Australasian Social Psychologists and the Australian Society of Clinical Hypnotherapists were sent invitations. PhD qualified psychologists from psychology faculties in universities were also invited to participate.

Compared to the academic sub-group, the psychologists sub-group was sent twice the number of invitations, yet fewer people were recruited. A total of 453 invitations were sent to psychologists from the US, the UK and Australia between 21 July 2008 and 2 March 2009, with 30 individuals consenting to take part. This represented a sign-up rate of just 6.62 per cent. Of those 30 consentees, 63.33 per cent were from Australia, 20 per cent were based in the UK and 16.67 per cent were from the US. Fifteen consentees were male and 13 were female. Over 81 per cent of invitees (367 people) did not respond to their invitation. Of the 14 psychologists who actively declined to participate in the study, three claimed they either did not watch reality television or knew nothing about the genre (Declinee Nos. 29, 30 and 32). One declinee admitted to trying to avoid reality television where possible (Declinee 23) and another admitted to not owning a television set because 'there was probably too much reality television on it' (Declinee No. 26).

In total, 66 research participants consented to participate in both stages of the survey. Of those 66 participants, 62 individuals took part in Stage 1. There was then a drop-off of 16 participants, with the 46 remaining participants completing Stage 2. A possible reason for the slow rate of sign-ups may have been the negative preconceptions of, and stigma already associated with, the reality television genre (as discussed in the Literature Review). Additionally, negative reportage of the genre in

the popular media in each recruitment territory may have been perceived as justification of this stigmatisation.

4.6 Chapter Conclusions

Considering the stigma and negativity associated with the reality television genre, it was inevitable that the recruitment process would be protracted. Biases were reduced where possible and acknowledged, thereby fulfilling my requirement to account for them. While a mixed method study utilising theoretically skewed research participants was not an ideal design, it rewarded me by allowing for a mix of closed and open questioning techniques.

By reviewing past research, reality television practitioners and participants have been previously interviewed for and published in academic research studies (Hibberd et al. 2000; Mast 2009; Salamon 2010; Shufeldt & Gale 2007; Syvertsen 2001). Therefore, it is possible for a comprehensive research study to be conducted in the future utilising these groups.

Chapter 5: Results

5.1 Overview

This chapter provides the answers given by the academic and psychologist groups in response to questions concerning how they felt about reality television. Do they see the genre as society's reflection of itself, or as a culturally void profit-making machine? How do they predict they would react in ethically dichotomous situations similar to those in which practitioners sometimes find themselves? The purpose of posing hypothetical questions was to give each group the opportunity to consider how their ethical and moral compass might shift if they were in the same environment as practitioners, with similar pressures. The key foci of the surveys were consent, stakeholders' perceived ethical and moral accountability, the potential for manipulation and exploitation of reality television participants, and psychological counselling for those participants.

Four sets of data were collected from academics and psychologists in two stages of the survey and the findings are recorded in this chapter. Based on the feedback I received from those groups, respondents fell into three categories in terms of how they felt about reality television. Either they enjoyed it, hated it or were somewhere in the middle. While this likely served to keep results for Stage 1 relatively unbiased, not knowing which participants did not progress to Stage 2 may have skewed that

section and the overall results as I was unable to establish where the remaining Stage 2 participants were situated as to their opinion of reality television.

As with the slow sign-up rate discussed in Chapter 4.5, the survey completion rate was also quite slow. In Stage 1, consentees were not given a strict completion deadline. However, at the commencement of Stage 2, all consentees were given just two weeks to complete the survey, which was adhered to by most respondents.

As also explained in Chapter 4.5, 232 academics were invited to take part in the survey. No response was received from 160 of those recipients (68.97 per cent), 61 people responded in writing, and 11 email invitations were automatically returned as 'Undeliverable'. Of the 61 people who responded, 36 consented to take part, 19 declined and two were exempted from taking part because they had worked in some capacity on a reality television program. One academic agreed to take part but did not sign the consent form.

453 psychologists were invited to take part in the survey. No response was received from 367 individuals (81.1 per cent), 48 psychologists responded to their invitation and 38 invitations were returned to my email account as 'Undeliverable'. Regarding respondent breakdown, 30 psychologists consented to take part, 14 declined to participate, two were exempted and two agreed to take part but did not provide their consent.

5.2 Online Survey Results: Stage 1

Of the 36 academics and 30 psychologists who consented to take part in the survey, one academic and three psychologists failed to progress to Stage 1, resulting in 35 academics and 27 psychologists completing Stage 1. The first 15 questions were common to both sub-groups, and four of the final five questions were tailored to each sample set, as they were more in line with their area of expertise. Each stage of the research project is detailed below.

5.2.1 Stage 1: Research Question 1

Multiple responses were sought to ‘When constructing a reality television program, do you think a producer’s responsibility should be to make the show entertaining, realistic, informative, dramatic, factual, thought provoking and/or high rating?’

Table 5.1: Research participants’ responses concerning producers’ responsibilities

Multiple Response	Academics Percentage of Responses	Academics Number of Responses	Psychologists Percentage of Responses	Psychologists Number of Responses
Entertaining	80.0%	28	74.1%	20
Realistic	22.9%	8	55.6%	15
Informative	17.1%	6	48.1%	13
Dramatic	57.1%	20	22.2%	6
Factual	28.6%	10	40.7%	11
Thought Provoking	37.1%	13	55.6%	15
High Rating	45.7%	16	40.7%	11

Academics' answers were more in line with the television industry's bottom-line, being that programs need to be high rating to attract advertising in the commercial breaks within the program. Dramatic content increases ratings, so again, the academics answers are commercially sensible. Psychologists' answers hint to program content rooted in informative realism. Unless such a program was successful from a ratings standpoint, it is unlikely it would survive on most commercial television networks, on which competition for airtime is intense.

5.2.2 Stage 1: Research Question 2

Which single group do you think is responsible for the existence of reality television more than any other?

Table 5.2: Research participants' responses as to who is responsible for the genre

Single Response	Academics Percentage of Responses	Academics Number of Responses	Psychologists Percentage of Responses	Psychologists Number of Responses
Participants	0.0%	0	0.0%	0
Producers	37.1%	13	18.5%	5
Audiences	25.7%	9	40.7%	11
Advertisers/Sponsors	14.3%	5	25.9%	7
Broadcasters	22.9%	8	14.8%	4
None of the Above	0.0%	0	0.0%	0
Totals	100%	35	100%	27

That neither group chose 'Participants' or 'None of the Above' suggests they feel the responsibility for the existence of the shows lays with the groups perceived to have economic power in the generation of a program; that is, 'Producers' and 'Broadcasters'. An alternative yet logical answer might be 'Audience' for if there

were no viewers, it is very likely there would be no demand. While there was no ‘correct’ answer, according to the research, the group closest to actuality is the Advertisers/Sponsors group. As in Pozner’s comments in section 2.3.1, it is my experience that advertisers and sponsors frequently provide programs with an extensive array of goods, services or finance in exchange for on-screen exposure, thus enabling broadcasters and practitioners to produce programming.

5.2.3 Stage 1: Research Question 3

Do you feel the commercial success of a reality television show ever over rides the ethical and moral obligations television industry personnel are perceived to have towards participants or audiences?

Table 5.3: Research participants’ answers regarding commercial success of programs

Single Response	Academics Percentage of Responses	Academics Number of Responses	Psychologists Percentage of Responses	Psychologists Number of Responses
I feel Reality TV shows have ethical & moral obligations to participants, not viewers	55.2%	16	79.2%	19
I feel Reality TV shows have ethical & moral obligations to viewers, not participants	17.2%	5	12.5%	3
I feel Reality TV shows have ethical & moral obligations to participants or viewers	27.6%	8	8.3%	2
Skipped question	N/A	6	N/A	3
Totals	100%	35	100%	27

Even though six academics and three psychologists skipped this question, the highest rated answer for both groups was that they felt reality television shows have ethical and moral obligations to participants—not viewers. As detailed in Mast (2009) some

practitioners tend to set different standards for different production companies and/or broadcasters, based on who is producing and/or televising the show. The setting of these different standards based on those two key factors can also affect a practitioner's perception in terms of the level of ethical or moral obligation they have and to whom.

5.2.4 Stage 1: Research Question 4

In the context of editing Reality Television programs, do you feel that most storylines adequately reflect the reality of any given situation?

Table 5.4: Research participants' answers concerning narrative realism

Single Response	Academics Percentage of Responses	Academics Number of Responses	Psychologists Percentage of Responses	Psychologists Number of Responses
Sometimes	80.0%	28	74.1%	20
Frequently	2.9%	1	3.7%	1
Always	0.0%	0	0.0%	0
Never	17.1%	6	22.2%	6
Totals	100%	35	100%	27

As Table 5.4 shows, very few respondents in either group felt that most storylines adequately reflected the reality of any given situation frequently and no respondents answered that reality was always reflected. This is representative of the overall negative perception of the lack of realism in reality programming due to staged and contrived output in many instances.

5.2.5 Stage 1: Research Question 5

Do you feel that the title ‘Reality TV’ is appropriate for the genre?

Table 5.5: Research participants’ responses as to whether the genre is appropriately titled

Single Response	Academics Percentage of Responses	Academics Number of Responses	Psychologists Percentage of Responses	Psychologists Number of Responses
Yes	20.0%	7	18.5%	5
No	68.6%	24	63.0%	17
Unsure	11.4%	4	18.5%	5
Totals	100%	35	100%	27

Both groups agreed overwhelmingly that ‘reality television’ was not an appropriate title for the genre. That the academics and psychologists groups responded in such high numbers shows they share the same view held by many industry practitioners, participants, viewers, journalists and media critics. This also confirms the results in Table 5.4.

5.2.6 Stage 1: Research Question 6

If you do not feel the title ‘Reality TV’ is appropriate, please choose one title from the following that you feel is more appropriate.

Table 5.6: Research participants' responses concerning alternative genre titles

Single Response (and/or) Provided Own Answer	Academics Percentage of Responses	Academics Number of Responses	Psychologists Percentage of Responses	Psychologists Number of Responses
Factual TV	0.0%	0	0.0%	0
Factual Entertainment	19.4%	4	0.0%	0
Real TV	4.8%	1	0.0%	0
Unscripted Drama	23.8%	5	57.9%	11
None of the Above	52.4%	11	42.1%	8
Provided own answer, below:		13		7
Theatre of surveillance	N/A	1	N/A	0
Vicarious viewing	N/A	1	N/A	0
Improvised viewing	N/A	1	N/A	0
Factually manipulated entertainment	N/A	1	N/A	0
Unscripted entertainment	N/A	2	N/A	0
Real people in contrived situations	N/A	1	N/A	0
Vicarious TV	N/A	1	N/A	0
Faux reality show	N/A	1	N/A	0
Semi-scripted drama	N/A	1	N/A	0
Reality-based TV	N/A	1	N/A	0
Depends upon which type of reality TV you mean, some are games, have a prize - Survivor and some aren't: Airline, Playboy Mansion etc.	N/A	1	N/A	0
Popular factual entertainment	N/A	1	N/A	0
Your chance to get national attention as you mumble nonsense, pick your nose and not realise what a fool you have been	N/A	0	N/A	1
I think it depends - there are 'levels' of reality TV ... if it's true 'fly on the wall', then reality TV fits; if it's more aimed at 'drama' then 'unscripted drama' is good. It is hard to see where the line is between drama and reality sometimes though. For example, BB and Biggest Loser are pretty clearly reality, but I have heard Girls of the Playboy Mansion described as reality TV too, when that should be 'unscripted drama' at best.	N/A	0	N/A	1
Exploitative TV	N/A	0	N/A	1
Reality entertainment	N/A	0	N/A	1
Depends on definition of reality TV. I suspect this might be understood differently in different media cultures. In my work I refer to 'audience participation media' which is admittedly a bit ambiguous, but I feel it captures the common element in most people's understanding of the term	N/A	0	N/A	1
Voyeuristic entertainment	N/A	0	N/A	1
Manipulated unscripted behaviour	N/A	0	N/A	1
Skipped Question	N/A	1	N/A	1
Totals	100%	34	100%	26

Notably, no psychologists selected 'Factual Entertainment' or 'Real TV' and no one from either group chose 'Factual TV'. A large number of academics and psychologists both suggested their own titles and coincidentally two academics proposed 'Unscripted Entertainment'.

The genre titles offered by the seven psychologists were, on the whole, more acerbic than those titles offered by academics. However, one psychologist suggested 'Reality Entertainment'. In my opinion, this term is possibly the most apt title because, while most reality programming contains 'real' elements, the programs are primarily entertaining and are predominantly used to generate revenue for commercial broadcasters. The scornful titles offered by psychologists', some of which focused on manipulation, suggest that they hold a more critical opinion of the genre than do academics.

Reflecting on the fact that no single psychologist chose 'Factual Entertainment', 'Factual TV' or 'Real TV' further confirms that psychologists do not believe the generic title Reality TV, is appropriate. The same applies to a lesser extent to the academics in the study but the academics' answers indicate they are more open to considering the possibility of factuality in reality content.

Academic Annette Hill's 2000 study revealed that 73 per cent of the public felt stories were sometimes 'made up' or exaggerated for television (2005). From a practitioner's perspective, 'Reality TV' is considered an 'awkward' term because so many programs related to the genre are 'far from reality' (Mast 2009, p.12). This common criticism is reflected in a comment given by Tracy Moores, a participant on

Australia's *Biggest Loser*. Recounting her experience on the program, Moores stated that there is 'no reality in reality TV' (Salamon 2010).

5.2.7 Stage 1: Research Question 7

In 2007, the ACMA commissioned a national survey of 1,000 viewers (aged 15 years plus) of commercial free-to-air television in Australia. Reportedly, 54 per cent of all persons surveyed agreed with the statement that 'reality television programs exploit the people who participate in them'. Question: Do you agree 'that Reality TV programs exploit the people who participate in them?'

Table 5.7: Research respondents' answers concerning exploitation of reality television participants

Single Response	Academics Percentage of Responses	Academics Number of Responses	Psychologists Percentage of Responses	Psychologists Number of Responses
Yes	74.3%	26	63.0%	17
No	20.0%	7	14.8%	4
Unsure	5.7%	2	22.2%	6
Totals	100%	35	100%	27

A majority of academics and psychologists agreed with the ACMA study's findings. In hindsight, presenting only the research data and its findings in the research question may have skewed these results, particularly as the answers provided were at opposite ends of the spectrum. Had examples of the types of behaviour that led the ACMA's research participants' to feel 'that Reality TV programs exploit the people who participate in them' (ACMA 2007) been provided, these could have been presented to the research project participants, which may have enabled them to make a more considered and better informed decision, potentially resulting in different

responses. Unfortunately, that information was not made available in the ACMA's data at that time.

However, even in the absence of an example of exploitative behaviour, three of the 15 reality television participants in Salamon's 2010 study said they felt exploited to an extent by practitioners for the purpose of producing a successful program (Salamon 2010).

5.2.8 Stage 1: Research Question 8

Based on the previously referenced report's findings, the ACMA recommended that a clause be included in the Australian Television Industry Code of Practice that 'prohibits the broadcast of material presenting participants in Reality Television programs in a highly demeaning or exploitative manner'.⁴⁷ Question: In your opinion, do you feel that if the clause in Statement B is included in the Code, it could leave the door open for Reality Television producers and/or network censors to fall foul of the Code?

⁴⁷ This clause was subsequently included in the revised Code.

Table 5.8: Research respondents' responses regarding filming reality television participants

Single Response	Academics Percentage of Responses	Academics Number of Responses	Psychologists Percentage of Responses	Psychologists Number of Responses
Yes	54.3%	19	55.6%	15
No	2.9%	1	3.7%	1
Unsure	11.4%	4	11.1%	3
Reality Television producers and/or network censors should know what is considered 'highly demeaning' or 'exploitative'.	31.4%	11	29.6%	8
Totals	100%	35	100%	27

At the time the ACMA report was published, the ACMA did not provide examples of what might constitute 'highly demeaning' or 'exploitative' treatment (ACMA 2007), which I felt put the research project respondents at a disadvantage in answering the research question. This is important because a significant number of both groups answered that 'Reality Television producers and/or network censors should know what is considered "highly demeaning" or "exploitative"'.

While practitioners in Mast's 2009 study claimed to know where to draw the line (p.30), it is essential this claim be viewed in the context of research question three. That is, that a practitioner's moral stance can be influenced by their employer and the program's broadcaster. It is logical that the line would shift depending on those two key factors, especially when combined with a program's format. For example, what might be considered 'highly demeaning' or 'exploitative' on one program, may not be viewed in the same light on a different, more risqué show.

Further, there is no guarantee that a practitioner accustomed to being financially rewarded or praised for habitually including embarrassing, conflict-driven material

that is dramatic and high rating either knows where to draw the line or is willing to do so. This is particularly relevant if, firstly, he or she works on a variety of programs, as many practitioners do and, secondly, if his peers engage in the same practices. Due to the potential effect of these external influences, I consider practitioners' insistence on knowing where to draw the line ambiguous, especially due to having needed to consider those influences as a practitioner in terms of what televised material is appropriate from one non-fiction program to another.

5.2.9 Stage 1: Research Question 9

Do you think participants are aware of what they are 'getting into' when they sign a Consent Form to appear on a Reality TV show, irrespective of whether the show is a known format or not?

Table 5.9: Research respondents' answers regarding consent

Single Response	Academics Percentage of Responses	Academics Number of Responses	Psychologists Percentage of Responses	Psychologists Number of Responses
Sometimes	68.6%	24	70.4%	19
Frequently	22.9%	8	22.2%	6
Always	5.7%	2	0.0%	0
Never	2.9%	1	7.4%	2
Totals	100%	35	100%	27

That not a single psychologists and only two academics felt contestants were 'always' aware of what they were 'getting into' when granting consent to appear in a reality television show confirms the views held by psychologists as outlined in Chapters 2 and 3. That is, participants often do not know what they are committing to when they grant consent. Studies have revealed that participants felt they were

misled, 'kept in the dark,' were 'just a number' in the production process or felt 'mentally smashed up and physically wrecked' by their experience (Hibberd et al. 2000; Salamon 2010; Shufeldt & Gale 2007; Syvertsen 2001).

While some practitioners agree that many participants are not clear as to what their participation involves, those practitioners are unable to publicly describe particular instances due to having signed confidentiality agreements. However, this 2009 entry in an online blog titled *Confessions of a Reality TV Producer*, written by a practitioner using a pseudonym, echoes psychologists' views:

Often, we try to make our colleagues feel better when there is a terrible outcome with a participant by saying, 'Well, they knew what they were getting into'. BULLSHIT. People who sign up to be on reality shows have no idea what they are getting into, and if they did, they wouldn't sign up, or they wouldn't be cast (TK 2009).

5.2.10 Stage 1: Research Question 10

Do you believe the majority of networks and/or production companies have safeguards in place for the welfare of Reality TV participants?

Table 5.10: Research respondents' answers regarding reality television participants' well-being

Single Response	Academics Percentage of Responses	Academics Number of Responses	Psychologists Percentage of Responses	Psychologists Number of Responses
Yes	22.9%	8	29.6%	8
No	48.6%	17	40.7%	11
Unsure	28.6%	10	29.6%	8
Totals	100%	35	100%	27

That so many respondents answered in the negative suggests that they are aware of complaints made by former reality television participants in which those participants have attributed any mental, physical or emotional harm they have experienced to mistreatment by practitioners.

Answering 'Unsure' is also revealing. Many production companies and networks have stated that they provide psychological assistance to ensure participants' welfare before, during and after filming, but those claims have frequently been contradicted by former participants in the popular press and in the academic studies discussed in this thesis. These contradictions confuse the public, and they become unsure of the truth.

5.2.11 Stage 1: Research Question 11

For the most part, do you believe participants' on-camera reactions (during filming) can be predicted via psychological profiling?

Table 5.11: Research participants' answers concerning psychological profiling

Single Response	Academics Percentage of Responses	Academics Number of Responses	Psychologists Percentage of Responses	Psychologists Number of Responses
Sometimes	68.6%	24	73.1%	19
Frequently	25.7%	9	19.2%	5
Always	0.0%	0	0.0%	0
Never	5.7%	2	7.7%	2
Skipped Question	N/A	0	N/A	0
Totals	100%	35	100%	27

Notably, not a single respondent answered 'Always'. I believe this reflects the doubt surrounding the accuracy of the psychological testing/screening system that is in place on a number of programs. Such tests do not account for the fact that humans can behave in unpredictable, unexpected or even irrational ways, depending on the type of and number of unique stressors placed on participants at any given time during filming.

5.2.12 Stage 1: Research Question 12

Do you think reality television participants should be allowed to approve and sign off on their stories before the shows in which they appear go to air? (Presuming there is nothing in their consent form/release to this effect).

Table 5.12: Research participants' answers regarding pre-broadcast approval

Single Response	Academics Percentage of Responses	Academics Number of Responses	Psychologists Percentage of Responses	Psychologists Number of Responses
Sometimes	29.4%	10	18.5%	5
Frequently	2.9%	1	18.5%	5
Always	20.6%	7	55.6%	15
Never	47.1%	16	7.4%	2
Skipped Question	N/A	1	N/A	0
Totals	100%	35	100%	27

This question drew polarised responses, with most academics answering 'Never' and most psychologists answering 'Always'. In *Consenting Adults?* (Hibberd et al. 2000), only one of the 40 practitioners in the study offered participants the chance to veto content prior to the broadcast of their contribution. The study's conclusion was that once participants' contributions had been freely given, they 'cannot have the general right of veto' over how their contribution was used (Hibberd et al. 2000). As one respondent said, 'You chose to be there, you chose to act the way you acted at the time, so accept it at the end, you cannot expect people to say, "Well, we'll just not show that because you looked a little bit silly"' (Hibberd et al. 2000, p.38). Summing up what I consider to be a common industry opinion, a practitioner from Dutch reality show, *Oberon*, said 'When something is said or done, it is caught on tape. So, then to say afterwards: 'I don't want this or that to be included in the show', well, you shouldn't have participated in the program, then, should you? You should control yourself' (Mast 2009, p.24)

However, these comments underscore the need for participants to be told as much as possible about their involvement in a show prior to deciding to take part. This is especially true if practitioners plan to deploy a range of plot devices that they have

not expressly discussed with participants—which may explain why so many psychologists answered that participants should always be allowed to sign off their stories before broadcast.

5.2.13 Stage 1: Research Question 13

Do you think it is acceptable to edit a Reality TV storyline out of context to make it appear more dramatic than it otherwise might have been?

Table 5.13: Research participants’ answers relevant to manipulative editing

Single Response	Academics Percentage of Responses	Academics Number of Responses	Psychologists Percentage of Responses	Psychologists Number of Responses
Sometimes	48.6%	17	37.0%	10
Frequently	17.1%	6	7.4%	2
Always	8.6%	3	3.7%	1
Never	25.7%	9	51.9%	14
Totals	100%	35	100%	27

While a majority of both groups thought the practice of editing a reality television storyline out of context was ‘Sometimes’ acceptable, a notable deviance occurred in which more psychologists than academics found it was ‘Never’ acceptable. That over half of the psychologist group answered ‘Never’ evidences their concern for participants’ well-being. As previously discussed, there are a number of ways storylines can be technically manipulated but so too can participants and the narrative via plot devices. Those injected devices include sleep deprivation, provision of alcohol and rationing of food and privileges. The injection of these devices increases the potential for dramatic conflict and can also contribute to participants being represented out of context.

In research question one, 55.6 per cent of psychologists felt a producer's responsibility should be to make a reality program 'Realistic' and 'Thought Provoking'. Therefore, I ask whether psychologists would still have answered 'Never' if a participant's contribution was deemed more 'Thought Provoking' (as opposed to dramatic) after it had been edited out of context.

It is not unusual for this situation to arise in program construction. It also relates to research question eight, in which practitioners 'know' where to draw the line in terms of determining appropriate program content. As such, with the majority of academics and a high number of psychologists answering that it was 'Sometimes' acceptable to edit participant contributions out of context, this indicates that their answer likely depends on who or what is being edited and to what end—that is, how different from a participant's original contribution to the final edited version.

5.2.14 Stage 1: Research Question 14

Do you believe the television industry could benefit from a written informal guideline outlining 'best ethical practices' in the construction of reality television?

This question in no way suggests that current practices are unethical.

Table 5.14: Research participants' answers regarding a best ethical practices guideline

Single Response	Academics Percentage of Responses	Academics Number of Responses	Psychologists Percentage of Responses	Psychologists Number of Responses
Yes	74.3%	26	96.3%	26
No	8.6%	3	3.7%	1
Unsure	17.1%	6	0.0%	0
Totals	100%	35	100.0%	27

While there is no hard data provided by practitioners indicating that they feel a 'best ethical practice' guideline—whether informal or otherwise—is needed, the high numbers in the affirmative shown in Table 5.14 indicate that the respondents in this study feel that the reality television industry is in need of an ethical overhaul.

However, I wonder to what extent these responses are influenced by the following two factors: the voluminous negative reportage pertaining to the genre, and the numbers of participants who have vocalised their dissatisfaction with their experience in the genre. It should be noted here that, when compared to the number of participants who have had a positive experience, this disaffected group might in fact be a vocal minority.

As a practitioner in Mast's study stated, they are not 'monsters' or 'predators' who thrive on the misery of others (Mast 2009, p.30). The same practitioner felt there was no need for a code of ethics to be implemented in Dutch reality television because most practitioners apparently had a 'considerable sense of empathy', which meant they knew where not to cross the line (Mast 2009, p.30).

The practitioners interviewed for Mast's study also found it difficult to comprehend how such a code could work in practice in terms of who should develop it and who would enforce it. It is interesting to note that while Dutch practitioners felt a code of ethics in that country was not required, the previously mentioned anonymous practitioner from the US, overtly called for industry regulation on his or her online blog, claiming the industry was 'out of control, on every level imaginable' (TK 2009).

As an aside worthy of inclusion, one American practitioner who tried to improve the way her program was constructed was Marsha Bartel, one of the senior producers from *Dateline's To Catch a Predator*. Bartel alleged that NBC had violated many of its own policies and guidelines in producing the program (Gaeta 2010, p.528). Bartel claimed her concerns were ignored by four senior producers, the show's host and its attorney and, in 2007, the year after Conradt's suicide, Bartel was laid off from the program. She claimed this was due to complaints she had voiced about what she considered to be NBC's unethical behaviour. Even though Bartel's lawsuit against NBC citing breach of contract was ultimately dismissed in 2009 due to a lack of evidence, her lawsuit prompted public discourse via media dissemination, which provided the public with a platform to consider NBC's allegedly unethical practices.

5.2.15 Stage 1: Research Question 15

How do you feel about Reality TV programs overall?

Table 5.15: Research participants' answers relevant to ethics of reality television programs

Single Response	Academics Percentage of Responses	Academics Number of Responses	Psychologists Percentage of Responses	Psychologists Number of Responses
I watch them frequently and I do not see any ethical problems with them	2.9%	1	0.0%	0
I watch them frequently and I feel bothered by the ethics of some of the programs	37.1%	13	3.7%	1
I do not watch them often but I feel bothered by the ethics of some of the programs	51.4%	18	81.5%	22
I do not watch them often, but I do not see any ethical problems with the programs	5.7%	2	7.4%	2
Unsure	2.9%	1	7.4%	2
Totals	100%	35	100%	27

When asked how both groups felt about reality programs ethically in the context of viewing the shows, a majority answered they did not watch reality shows often, but that nonetheless they felt bothered by the ethics of some of the programs. This suggests that they do not watch the programs because they are bothered by what they see. Even those academics who watched the shows frequently still felt bothered by the ethics of some of the shows. It therefore stands that both groups are concerned about the ethics of the programs, whether they watch them or not.

Questions 16 to 19 were tailored to each group's area of expertise to try to establish sub-trends. In keeping with the previous section, results are listed with all academics

answers first, followed by the answers of the psychologist group. They are included in this way as some questions follow on to others. Question 20, the final question, was asked of both groups. It was an open and closed-ended hypothetical and is the last item in Stage 1.

5.2.16 Stage 1: Research Question 16 Academics Only

Do you believe that some reality TV shows can provide viewers with positive role models?

Table 5.16: Academics' responses relevant to aspirational programming

Single Response	Academics Percentage of Responses	Academics Number of Responses
Yes	65.7%	23
No	22.9%	8
Unsure	11.4%	4
Totals	100%	35

This encouraging response highlights the potentiality for reality television programming to be used as an inspirational tool, particularly in view of Ouellette and Hay's (2008) textual analysis of self-empowerment and self-governance in the genre.

5.2.17 Stage 1: Research Question 17 Academics Only

Do you think that television about 'ordinary' people provides a mirror that society can hold up to itself and learn from, or do you feel that it is simply an entertainment vehicle?

Table 5.17: Academics' answers regarding their cultural perception of reality television

Single Response	Academics Percentage of Responses	Academics Number of Responses
Mostly (a)	17.1%	6
Mostly (b)	68.6%	24
Neither	2.9%	1
Unsure	11.4%	4
Totals	100%	35

That the majority answered that shows were mere entertainment vehicles underscores the notion that perhaps respondents believe the genre to be incapable of being an informative learning tool with the potential to enrich lives. Furthermore, the more extreme, staged and unrealistic the storylines become the less the programs and the participants in them are representative of society.

5.2.18 Stage 1: Research Question 18 Academics Only

In drama programming, scripts are written prior to actors filming scenes. Using dramatic programs as a reference point, do you believe the majority of Reality TV shows are unscripted?

Table 5.18: Academics' responses relevant to unscripted reality programming

Single Response	Academics Percentage of Responses	Academics Number of Responses
Yes	35.3%	12
No	38.2%	13
Unsure	26.5%	9
Skipped Question	N/A	1
Totals	100%	35

The closeness of the Yes/No results suggests the messages propagated by the genre's promoters and detractors are confusing. Broadcasters have long promoted reality programming as unscripted in the hope of encouraging more viewers to watch outcomes and reactions unfold allegedly spontaneously. However, several reality participants have cited examples of being told what to say by practitioners before filming and of rehearsing reactions. While participants are often given simple directions by practitioners as to where to stand, sit or walk, this is not the same as the reading a pre-prepared script with set dialogue as a trained, professional actor would do.

5.2.19 Stage 1: Research Question 19 Academics Only

(In direct reference to Research Question 18 Academics Only). If you did not use dramatic programming as a reference, would you say the majority of Reality TV shows are unscripted?

Table 5.19: Academics answers concerning unscripted reality programming in the absence of a frame of reference

Single Response	Academics Percentage of Responses	Academics Number of Responses
Yes	23.5%	8
No	55.9%	19
Unsure	20.6%	7
Skipped Question	N/A	1
Totals	100%	35

The same question was put to academics again but this time they were asked *not* to use dramatic programming as a reference. Phrasing the question in such a way

elicited a wider range of results, with higher numbers of academics answering that they still believed the genre was in fact scripted. Therefore, academics believed that reality programs were scripted irrespective of whether the scripting process was compared to that of dramatic programming or not.

I believe a great deal of confusion exists as to the actual definition of what a script is and that this adds to the perception by the participants in this research project that the genre is pre-scripted. Additionally, some practitioners have stated in the popular press that shows are usually scripted at the conclusion of filming and it is a reasonable assumption that such claims may have influenced academics' answers.

The following questions 16 to 19 were addressed specifically to psychologists and the answers are documented below.

5.2.20 Stage 1: Research Question 16 Psychologists Only

Do you think that participants in Reality TV shows are affected on a deeper level (psychologically), both positively and negatively, by their appearance on a program than would be the case for actors who appear in dramatic roles?

Table 5.20: Psychologists' responses concerning the performance of 'ordinary people'

Single Response	Psychologists Percentage of Responses	Psychologists Number of Responses
Yes	85.2%	23
No	7.4%	2
Unsure	7.4%	2
Totals	100%	27

Participants are encouraged by practitioners to 'be themselves' therefore unlike an actor performing in a fictional drama, for example, participants have no façade behind which to hide, therefore, participants who are 'being themselves' are likely more psychologically vulnerable. Even if they try to hide behind a façade, participants who claim to have been themselves during construction tend to be highly critical of others who have attempted to portray someone else, claiming this is an inauthentic representation of self. Former Australian participants, Tim Brunero of *Big Brother* and *The Biggest Loser's* Koutsovidis, both argued that the participant's 'real self' will always be apparent because it is not possible for participants to pretend to be someone they are not (Salamon 2010).

This is particularly true if reality participants are filmed almost constantly in programs such as *Big Brother* or kept in isolation and allowed only minimal contact with family and friends during filming. This isolation can affect people in very different ways and increases the need for on set counselling and a sustained duty of care.

5.2.21 Stage 1: Research Question 17 Psychologists Only

In your opinion, do you think reality television producers and associated production personnel understand what Informed Consent really is?

Table 5.21: Psychologists' answers regarding the consent process

Single Response	Psychologists Percentage of Responses	Psychologists Number of Responses
Yes	18.5%	5
No	51.9%	14
Unsure	29.6%	8
Totals	100%	27

As a number of public criticisms from former reality television participants or third parties associated with them have been published in the media about what they feel is a confusing or inadequate consent (Hibberd et al. 2000) it is not surprising that the majority of psychologists answered negatively.

The accumulation of this criticism combined with that from consulting psychologists, scholars, ethicists and media critics has resulted in a glut of information fuelling the perception that practitioners do not understand what informed consent is. In order to challenge this perception, practitioners would be required to make public particular instances of the successful deployment of adequate or informed consent, specifically. There is a lack of data in this regard. A likely reason for this lack of data is that due to strict privacy and confidentiality regulations, practitioners are unable to reveal any information about participants' involvement in a program that is not a matter of public record. That information extends to each participant's consenting process. Whilst these confidentiality agreements protect participants' information, it also adds

to the air of secrecy surrounding the broadcast industry's practices which tends to cause the public to view the actions of practitioners negatively, particularly concerning consent.

5.2.22 Stage 1: Research Question 18 Psychologists Only

In your opinion, do you think Reality TV producers understand what is required of them in terms of their Duty of Care towards participants?

Table 5.22: Psychologists' responses relevant to practitioners' duty of care

Single Response	Psychologists Percentage of Responses	Psychologists Number of Responses
Yes	18.5%	5
No	55.6%	15
Unsure	25.9%	7
Totals	100%	27

These answers, when coupled with the fact that a majority of psychologists also felt practitioners did not understand what Informed Consent really was, paints a damning picture of practitioners. This is in keeping with previous research stating that participants felt practitioners lacked in their duty of care, did not care about the participants or exploited them (Salamon 2010, Kaur 2007, Brenton & Cohen 2003). It would be interesting to ask practitioners whether they felt the extent of their duty of care to participants was adversely affected by budgetary constraints. Not every production company is provided with sufficient funding to ensure participants are always provided with enough personnel to meet their emotional and psychological needs while also monitoring and protecting them—sometimes from themselves. If production companies do not receive adequate funding for a program, practitioners

need to multi-task to save money. The consequences of this are not necessarily negative until or unless duty of care is compromised.

5.2.23 Stage 1: Research Question 19 Psychologists Only

Do you feel it would be appropriate for an industry standard to be implemented in which production companies or networks were required to provide ‘aftercare’ in the form of counselling for a pre-determined period of time for participants after filming has concluded on a Reality TV program?

Table 5.23: Psychologists’ answers concerning providing counselling to program participants

Single Response	Psychologists Percentage of Responses	Psychologists Number of Responses
Yes	85.2%	23
No	3.7%	1
Unsure	11.1%	3
Totals	100%	27

Psychologists overwhelmingly agreed that an industry standard for the provision of aftercare should be provided. If there is an absence of informed consent, the need for aftercare is perhaps intensified. Participants have publicly complained of feeling abandoned, isolated, disappointed, alone and depressed after filming has concluded or the show has been televised. Perhaps they do not understand why their feelings of importance and ‘celebrity’ no longer exist when the program ends. It is anticipated that an effective aftercare program could address such concerns.

As explained in Chapter 3, aftercare is made available to participants on a number of high profile programs. However, where aftercare is not provided to the level participants desire (or not provided at all), that does not mean practitioners do not wish to implement it or are not supportive of it. If post-appearance counselling is available for a period, it is generally paid for by the production company or the broadcaster. The extent to which it is made available is determined by budgetary constraints.

The final question was addressed to both groups and the responses are captured below.

5.2.24 Stage 1: Research Question 20 Both Groups

A hypothetical was presented to both groups and they were asked to select multiple answers from the list provided or to provide their own if they wished. The hypothetical centred on a participant who had agreed to take part in a reality television show and proceeded as follows. He has signed a consent form stating that he understands that anything he says or does could be included in the program and broadcast in a prime-time slot to a national audience. This is reiterated verbally by a producer and the participant again confirms his consent and understanding. During filming, the participant acts in a way that is emotionally dramatic and if his behaviour is broadcast, it could be highly embarrassing to him, even humiliating. However, the scene makes for 'great TV' and the participant's behaviour is certain to add dramatic impact to the storyline and generate high ratings. The producer and editor compile the program and the above footage of the participant is broadcast. It

results in high ratings and generates a great deal of media attention. The effect on the participant is unknown. In your opinion, do you feel that broadcasting the footage was (list of choices provided in Table 5.24 below).

Table 5.24: All research participants' responses regarding the broadcast of material considered potentially embarrassing or humiliating for a reality television participant

Multiple Response (and/or) Provided Own Answer	Academics Percentage of Responses	Academics Number of Responses	Psychologists Percentage of Responses	Psychologists Number of Responses
Unethical	23.5%	8	42.3%	11
Acceptable	47.1%	16	26.9%	7
Immoral	17.6%	6	34.6%	9
Fair	17.6%	6	26.9%	7
Wrong	11.8%	4	26.9%	7
Appropriate	5.9%	2	7.7%	2
Irresponsible	29.4%	10	57.7%	15
Unfair	23.5%	8	30.8%	8
Authentic	20.6%	7	30.8%	8
None of the Above	5.9%	2	11.5%	3
Provided own answer, below:		10		8
Role based drama.	N/A	1	N/A	0
It all depends on the act that caused the embarrassment as well as the motive of the participant for doing it.	N/A	1	N/A	0
Usable but immoral.	N/A	1	N/A	0
Exploitive.	N/A	1	N/A	0
Legal but unethical.	N/A	1	N/A	0
It's the nature of the beast.	N/A	1	N/A	0
Each case comes with its own variables. Exploitation can come from both sides of a reality show.	N/A	1	N/A	0
I think these shows are mutually exploitive; producers have to come up with an entertaining story line, and participants submit to the producers for their own reasons which might be financial, celebrity-seeking, looking to be discovered. In general, I think these shows are disgusting, and networks only went to them because they're cheap to create, relatively speaking. I have always regretted that the word 'reality' was ever associated with this genre of manipulated, sensationalistic, dishonest programming.	N/A	1	N/A	0
Questionable.	N/A	1	N/A	0
But it is what they will do anyway. In an aggressive broadcast ecology producers will make choices which guarantee high returns. Ethical concerns only occupy the mouth of a producer, not the heart or brain.	N/A	1	N/A	0
If the participant was shown the footage to be broadcast beforehand, and his consent obtained, then it would be acceptable (although whether it is moral/ethical or not is still debatable).	N/A	0	N/A	1
It is probably ethical due to the consent, but it's distasteful (morally questionable from an interpersonal standpoint - not very nice).	N/A	0	N/A	1
Broadcasting is acceptable, even with editing, but being unaware of the effect on the participant is not acceptable.	N/A	0	N/A	1
It's a hard one. People going on these shows these days must have some sense of what they are letting themselves in for, as opposed, say, to the very first series of BB where contestants didn't really know if it would be a high rating show. I would say that the participant in the hypothetical has consented to the show using his footage, but if it is something that is clearly beyond the scope of what is included in his informed consent (perhaps where a new code could come in handy), then the producers have a responsibility to use discretion. However, my general feeling about people who choose to go on reality TV these days is that they must realise the potential for high rating impact.	N/A	0	N/A	1
No indication of informed consent.	N/A	0	N/A	1
There is insufficient information here. Some people are very resilient and self-aware; others are not and could be harmed in such situations.	N/A	0	N/A	1
Can only decide if we know what the person thinks is ok or not ok to broadcast. The informed consent should be as an ongoing thing, not just at the beginning of the program, but throughout.	N/A	0	N/A	1
Fair enough provided that the Informed Consent section for the pre-programme preparation for participants spelled out that just such a scenario could occur. Potential participants need to know exactly what they are signing up for, including the possible broadcast of potentially humiliating material.	N/A	0	N/A	1
Answered Question	N/A	34	N/A	26
Skipped Question	N/A	1	N/A	1

From the list provided, the answer drawing the most responses from academics was that it was 'Acceptable' to broadcast the footage. By contrast, psychologists placed this answer at the other end of the spectrum. The highest response from psychologists was that broadcasting the vision was 'Irresponsible'. Psychologists' second highest answer was they felt showing the footage was 'Unethical' and a number of responses clustered around 'Unfair', 'Fair', 'Authentic' and 'Immoral'.

Ten academics and eight psychologists provided their own responses and among those responses, the most common concerns raised by academics were the potential for exploitation (mutual or otherwise) and the ethics of broadcasting the footage. The academic group's response is best summed up by Answer 10, being that 'In an aggressive broadcast ecology, producers will make choices which guarantee high returns. Ethical concerns only occupy the mouth of a producer, not the heart or brain'. Of the eight psychologists, six raised concerns over consent.

Even though two psychologists said that it was probably ethical or acceptable to show the vision because the participant had given his consent, the general feeling among them was that if his consent was not informed, then it was neither ethical nor fair to screen the material.

From these responses, it can be deduced that most academics seemed almost resigned to the fact that, while they might feel that reality shows are unethical or exploitative, practitioners will continue to produce them in whatever way they see fit while claiming to be constructing them ethically. It is noteworthy that no academics took issue with consent in research question 20, whereas this was the key concern cited by

many psychologists. This may be due to question bias, in that psychologists were prompted in research question 17 to consider consent, whereas academics were not prompted prior to research question 20 to reflect on consent. An alternative explanation is that it may be that academics did consider issues of consent objectively and, as the hypothetical participant's consent had been secured, they found the airing of the footage 'Acceptable'.

5.3 Online Survey Results: Stage 2

This stage comprised five questions identical to both groups. All were closed-ended, with only one question providing the option for respondents to add their own answer if they wished. Twenty-eight academics and 18 psychologists completed Stage 2, representing a drop-off rate of seven academics and nine psychologists since Stage 1. In total, 48 participants completed the entire two-stage survey.

5.3.1 Stage 2: Research Question 1

In your opinion, do you feel participants manipulate Reality TV shows as much as they themselves appear to be manipulated? Please choose one answer.

Table 5.25: All research participants' answers regarding reality participants' leverage

Single Response	Academics Percentage of Responses	Academics Number of Responses	Psychologists Percentage of Responses	Psychologists Number of Responses
Sometimes	32.1%	9	38.9%	7
Frequently	46.4%	13	55.6%	10
Always	10.7%	3	0.0%	0
Never	0.0%	0	0.0%	0
Unsure	10.7%	3	5.6%	1
Totals	100%	28	100%	18

A majority of both groups felt that participants manipulated Reality Television shows as much as they themselves appeared to be manipulated. This confirms Salamon's (2010) research, which found that a number of participants admitted to trying to leverage their reality television experience to their advantage in almost any way possible, including financially, professionally or personally. While self-advancement may not be an unethical or unrealistic goal, some participants take things too far and engage in bad practice. Hibberd et al (2000) detailed that participants have been known to appear on programs purely to seek revenge on loved ones. This is particularly true of some participants on America's hidden camera program, *Cheaters*, which seeks to snare allegedly unfaithful spouses, for example.

5.3.2 Stage 2: Research Question 2

Hypothetical: Freddie, a 26-year-old talented performer is trying out for a Reality TV talent show. He has been on air before in various talent shows, but this opportunity is his 'dream come true'. After voluntarily signing his consent form, he progresses through each round of the competition. However, the show's consulting psychologist puts Freddie through a series of psychological tests and results indicate he may not

be psychologically robust enough to go on air. The psychologist recommends that the producer not cast him. When the producer talks to Freddie about this, Freddie insists he is ready to succeed or fail in the public arena and can deal with any consequences an appearance might throw at him. You are the producer. What do you do? Please choose one answer.

Table 5.26: All research participants' answers in response to a typically dichotomous hypothetical situation in reality television production

Single Response	Academics Percentage of Responses	Academics Number of Responses	Psychologists Percentage of Responses	Psychologists Number of Responses
Cast him	17.9%	5	11.1%	2
Cancel him	64.3%	18	66.7%	12
I do not know	17.9%	5	22.2%	4
Totals	100%	28	100%	18

While the majority of both groups elected to cancel Freddy, as testimony to the dichotomous situation this hypothetical producer found himself in and the difficulty involved in making a decision that all stakeholders would be happy with, a not insignificant number of respondents answered that they would not know what to do if presented with this situation.

This hypothetical presents a common situation in which consulting psychologists and practitioners occasionally themselves. In Chapter 3, Holmes (Gray 2008) cites examples in which practitioners went on to cast participants that he had advised them not to cast. It is a difficult situation for although it may seem an obvious and ethically correct choice to cancel Freddy for his own psychological well-being, doing so might create just as many problems.

Firstly, would cancelling Freddy potentially deny him his self-determination, self-governance and self-worth? Might it deprive Freddy of his sense of feeling personally responsible for his own journey and remove his right to make his own adult decisions? Consider that, according to most confidentiality agreements, Freddy would likely be unable to discuss his experience on the program and therefore unable to criticise the program's decision to 'drop him' publicly without incurring hefty penalties. Thus, he may in fact feel the program stifled him twice—firstly, by offering him an opportunity and then removing it and secondly, by preventing him from discussing the situation publicly.

Further, if Freddy were cancelled and went on to be a ratings winner on a reality television program on a competitive television network, the original practitioners may be viewed unfavourably by future employers as cancelling Freddy might be considered 'proof' of those practitioners inability to cast successful contestants that may have provided the original program with much needed advertising revenue. Finally, based on answers in research question 11 in which most respondents believed reactions could be predicted by psychological profiling only 'Sometimes', I posit that Freddy's psychological assessment alone may not provide reliable enough information for practitioners to make an informed decision.

5.3.3 Stage 2: Research Question 3

Hypothetically, let us say counselling is mandatory for Reality TV shows and its provision is enforced by that country's regulator. Counselling is available from the

point that participants consent to be involved in the show. Your opinion is sought on when you think that counselling should end. Please choose one answer.

Table 5.27: All research participants' answers concerning mandatory aftercare

Single Response	Academics Percentage of Responses	Academics Number of Responses	Psychologists Percentage of Responses	Psychologists Number of Responses
It should be negotiated with each participant when they sign up for the show	21.4%	6	22.2%	4
It should be negotiated with each participant at the end of their filming	17.9%	5	33.3%	6
One month after filming ends	3.6%	1	5.6%	1
One year after filming ends	17.9%	5	11.1%	2
On the last day of filming	0.0%	0	0.0%	0
It should be open-ended with no end date	25.0%	7	16.7%	3
I do not know	14.3%	4	11.1%	2
Totals	100%	28	100%	18

Many of the responses from both groups were clustered and there was a thin margin separating their answers. While it seems logical for counselling to be negotiated at the conclusion of filming, participants might still feel 'important' at that point, as per research question 19, and emotionally distracted by the winding down of events around them. At that point, they may decide they have no need of counselling, only to suffer when the program is broadcast days, weeks or months later. The same may hold true for participants at the commencement of a show, for how can they predict the effect the program will have on them until they have actually taken part?

As aftercare has proven to be a concern for psychologists, I found it surprising that only three felt it should be provided on an open-ended basis. This option also has problems in that a participant's reality experience may trigger a number of historical

problems within them and the production company or broadcaster may be obliged to pay for counselling years after the event for problems with which they feel they had nothing to do.

5.3.4 Stage 2: Research Question 4

From where do you gain most of your information about Reality TV? Please choose all that apply.

Table 5.28: All research participants' answers regarding exposure to reality television programming input

Multiple Responses	Academics Percentage of Responses	Academics Number of Responses	Psychologists Percentage of Responses	Psychologists Number of Responses
Newspapers	33.3%	9	38.9%	7
Magazines	18.5%	5	16.7%	3
Books	3.7%	1	0.0%	0
Radio	3.7%	1	16.7%	3
Peer reviewed journals	25.9%	7	11.1%	2
Television: news and/or a variety of programming that provides updates on Reality TV	40.7%	11	55.6%	10
Television: Reality TV shows	55.6%	15	44.4%	8
Word of mouth	25.9%	7	33.3%	6
Internet: news sites and/or scholarly articles, journals, unofficial Reality TV forums, fan sites, fan vodcasts, podcasts, blogs	37.0%	10	27.8%	5
Internet: official Reality TV show sites and/or episodic download sites	0.0%	0	5.6%	1
None of the above	3.7%	1	5.6%	1
Provided own answer, below:		2		0
Television: promotional ads for the shows	N/A	1	N/A	0
I have colleagues who have been involved in the production of reality TV shows	N/A	1	N/A	0
Answered question	N/A	27	N/A	18
Skipped question	N/A	1	N/A	0

Both groups nominated the same three informational sources, but they were rated in a different order. Of the two groups, academics were more inclined to watch actual reality programs on television, which, in so doing, may have contributed to their understanding of the need for shows to be entertaining, high rating and dramatic, as reflected in their answers to research question one. Further, this experience as viewers may have increased the stakes in terms of their concerns over how the programs are constructed. As issues surrounding inadequate consent, insufficient sleep or food, over-exposure to behind-the-scenes manipulation or disempowering

situations are generally not broadcast, viewers cannot form opinions about and judge them in a considered way.

5.3.5 Stage 2: Research Question 5

On 24 August 2009, in an article titled, 'Community demands TV clean up its act', The Australian newspaper reported that: 'Producers of reality TV will be governed by a new set of specific guidelines which include censoring coarse language and blurring vision in live broadcasts, and ensuring that contestants are stopped before they do anything inappropriate'. This suggests that Reality TV producers should intervene to stop a participant from doing 'anything inappropriate'. This and other recommendations were made available for public comment and were proposed by Free TV Australia—the industry body that develops the Commercial Television Industry Code of Practice. Free TV states the industry hopes to introduce the new Code by the end of 2009. At the time of uploading this survey, the Code was still being revised. It was not known whether this proposed recommendation would be in the revised Code. Surveying this proposed recommendation cannot influence its inclusion or exclusion, as the opportunity for public comment closed on 25 September 2009. Therefore, hypothetically speaking, how would you expect to feel if this recommendation were included? Please choose one answer.

Table 5.29: All research participants' responses relevant to intervention during filming

Single Responses	Academics Percentage of Responses	Academics Number of Responses	Psychologists Percentage of Responses	Psychologists Number of Responses
Relieved	25.0%	7	44.4%	8
Uneasy	46.4%	13	22.2%	4
I do not know	28.6%	8	33.3%	6
Totals	100%	28	100%	18

The concept of intervening gives the impression of promoting a duty of care towards participants. Therefore, it is no surprise that so many psychologists answered they would feel relieved if this recommendation was included in the Code. However, I question whether, in practice, any kind of intervention could be achieved and if so, how? Further, this recommendation potentially pushes responsibility for participants' behaviour onto practitioners, which could be problematic because, at times, participants have to be protected from themselves.

5.4 Overall Key Findings

Neither group considered 'reality television' an appropriate genre title, particularly as many felt reality was often not reflected. Even though many academics believed this 'entertainment vehicle' was scripted, it was encouraging that they considered the shows capable of providing viewers with positive role models. A significant number of the psychologists sampled quite likely have a low opinion of practitioners' professional practice, based on their belief that practitioners were not only not cognisant of their duty of care obligations but that they did not understand what Informed Consent was.

Therefore, it is unsurprising that both groups felt the television industry could benefit from ‘best ethical practices’ guidelines, particularly as neither group believed the majority of networks and/or production companies had safeguards in place to ensure participants’ welfare. Interestingly, although most respondents thought aftercare should be provided to participants at the conclusion of filming, there was no clear consensus as to when it should be negotiated or for what duration it should be provided. While a majority of both groups thought participants were exploited, they also felt participants frequently manipulated the shows in which they appeared as much as they themselves were manipulated—which is not to suggest that manipulation is acceptable.

Chapter 6: Case Studies

6.1 Overview

Three Australian case studies are included in this chapter. The first two case studies highlight key issues concerning informed consent and the third discusses the consequences of broadcasting material nationally that was considered by many members of the Australian community to be highly inappropriate.

The first case study, *Watchdog—Speck Builder*, discusses conflicting moral and professional obligations to participant, self and one's employer in the dichotomous and occasionally morally perilous situation of filming a participant in the absence of their consent or knowledge.

This not uncommon scenario can and does happen in hoax and prank-themed reality shows and particularly in programs with a reality crime focus such as *Dateline's To Catch a Predator*. The difference in filming an individual in the context of a reality crime-themed program is that the narrative is rooted in legal theory and practice and humour is not involved, whereas on hoax and prank-style programs, humour is central to the narrative. Additionally, in hoax and prank-style programming, the participant's consent is always obtained prior to broadcasting the story. The participant is also free to refuse to provide their consent. In those situations, the story cannot be televised. This is not the case with many reality crime, non-fiction current

affairs and consumer affairs stories because, depending on which state, territory and country a participant is recorded in, their illegal behaviour can be broadcast without their consent, as the participant forfeited their right to consent by virtue of their criminal behaviour.

The second case study concerns the reality life experiment program *Mind Games—A Real Life Adventure* and focuses on the acquisition of consent following a protracted period of filming with participants. Again, while not obtaining consent prior to filming is not uncommon, this case study is included because the participants were filmed for almost a week before their consent was sought. Despite the non-standardisation of many reality television production practices, this is still highly unusual. The case study comments on how the consenting process was altered for *Mind Games*, and explains the legal consequences of practitioners' actions in the lead-up to filming.

The third and final case study focuses on the series of *Big Brother Uncut*, which was renamed *Adults Only*. In exploring the standards of reality television content considered acceptable to the community, the case study discusses complaints made to the Australian broadcast regulator concerning material broadcast on both programs, which some members of the Australian community considered highly inappropriate for public consumption. In the context of preventing negative outcomes, this case study also discusses the regulator's findings in respect to the broadcaster who screened the material and the broadcaster's subsequent undertakings to the regulator.

Finally, this third case study shows how participants' inappropriate behaviour can be screened and then repeated across a variety of media platforms. It dissects an incident that was originally streamed on the internet, but which ultimately sparked public uproar and outrage after being televised on commercial television networks in Australia.

6.2 Case Study 1: *Watchdog—Speck Builder*

6.2.1 The Program

Watchdog was an Australian prime-time factual consumer-affairs-based television series produced and screened by commercial television broadcaster Network Nine. The program premiered at 7.30pm on 11 September 2001 and the final episode was televised on 9 October 2001. *Watchdog's* content primarily comprised stories exposing misleading or substandard work practices carried out by corporations, small-medium businesses and sole traders Australia-wide. *Watchdog* was hosted by Queen's Counsel (QC) lawyer, David Galbally, which provided the program with legal credibility in the context of 'expert' comment.

One of the segments within *Watchdog* featured stories exposing unscrupulous work practices, carried out by trades-people and door-to-door sales people. A number of those stories were recorded at a suburban residence in Adelaide, South Australia. A house was fitted with a number of concealed cameras and microphones to record unlawful activity covertly. Information publicising the show's intentions was published in the broadsheets *The Australian* (Leech 2001) and *The Sydney Morning Herald* (Keenan 2001) and the tabloid-format newspapers—Adelaide's *Advertiser*

(Yeaman 2001), Melbourne's *Sunday Herald Sun* (Johnston 2001), Sydney's *Daily Telegraph* (Keogh 2001) and Brisbane's *Courier Mail* (White 2001).

In the capacity of freelance television producer [practitioner], I was contracted to and paid by Network Nine to produce a number of stories recorded at the Adelaide residence. Over a period of three months, I produced, wrote, researched and appeared in a number of those stories, some of which were broadcast nationally on *Watchdog*. The following case study is about one of those stories, titled *Speck Builder*.

This case study focuses on the motivation for covertly recording an alleged builder identified as Robert (Bob) Noel Speck, without his knowledge or consent. In exploring the motivation for filming Speck in this way, this case study also dissects some of the ethical and moral challenges of manipulating him and the narrative from a first-hand practitioner perspective.

6.2.2 The Subject

Speck first came to my attention via a newspaper article in Adelaide's *Sunday Mail* on 3 June 2001 in which he was described as one of that city's 'worst builders' ('Shoddy builder \$10,000 fine' 2001). The article named him as Robert Noel Speck and went on to say he had been fined AUD 10,000 by South Australia's Office of Consumer and Business Affairs (OCBA) for 'dangerous and shoddy' building work ('Shoddy builder \$10,000 fine' 2001). It also claimed that his builder's license had been cancelled in 1975 due to poor workmanship, but in a recorded interview with Rob Stewart, chief executive officer of South Australia's Master Builder's

Association, Stewart told me that Speck had never held a license due to allegations of substandard work (Watchdog 2001).

As some of Speck's 'unlicensed [sic] or sub-standard work' had allegedly been carried out at a hospital, an aged-care facility and two schools ('Shoddy builder \$10,000 fine' 2001), it became apparent that members of the public might be at risk from the results of potentially unsafe building practices.

6.2.3 The Story

At the time that the *Watchdog—Speck Builder (Speck Builder)* story presented itself, it was one of several stories under consideration. In the research phase, I gathered information, which revealed how and where laws had been breached by Speck, when fraudulent activity had been conducted by him and what information he had verbally fabricated to the possible detriment of an unknowing or unquestioning public. I discussed these facts with *Watchdog's* executive producer and we determined the story would proceed and that I would put the other stories on hold in the interim.

Operating within the law and within *Watchdog's* editorial framework, I was given as much freedom, autonomy and research assistance from Network Nine as I needed to construct the *Speck Builder* story.

After conducting extensive background research, I telephoned Speck—whose business was listed in Adelaide's telephone book—and was surprised to learn he was possibly still trading. A few days later, Speck visited the Adelaide house where,

while being recorded, he told me how he proposed to do some building work on the property while also freely explaining how to circumvent council regulations for those works. In terms of accurately identifying Speck, while he was being recorded, a reliable witness was also recorded by a camera crew on-site in the external control room confirming Speck's identity on camera. Doing so assured everyone involved in the story construction that the man quoting for building works was without a doubt Speck. He was also recorded giving me a written and verbal quote for the proposed building work, accepting a cash deposit of AUD 300 and stating that he did 'all the work himself' (Watchdog 2001).

This was in breach of South Australia's Building Work Contractors Act 1995, which states that building work contractors are obliged to be licensed and that:

- 6(1) a person must not
 - (a) carry on business as a building work contractor except as authorised by a licence under this Part (Building Work Contractors Act 1995, p.5).

According to the OCBA, Speck had 'held himself out' to be a builder, which was an offence under the Act (Watchdog 2001). After filming had concluded, I wrote the *Speck Builder* script in chronological order so the story could be edited sequentially. I supplied the script, all the recorded material, research and background documentation to Network Nine for editing. After the story had been compiled in post-production, *Watchdog's* supervising producer and executive producer vetted the final edited story. After some minor changes, the segment containing the *Speck Builder* story was broadcast nationally in the second episode of *Watchdog* on 18

September 2001. Following broadcast and after further investigation by the OCBA, it was reported in the media (Reid 2002) and in the OCBA's 2001/2002 Annual Report that Speck had been banned for life from the building industry in South Australia. This was done on 11 April 2002 under the above section 6(1)(a) of the Building Work Contractors Act 1995.

6.2.4 The Filming

A combination of fixed closed-circuit television cameras (CCTV) and freestanding cameras were concealed in and around the house. Additional vision was obtained via three small portable cameras, which were hidden inside moveable objects and placed in black spots where there were no cameras. During recording, the vision was 'cut to line'; that is, while the action unfolded, the audio and camera technicians based in an on-site control room switched from one camera angle to another and edited or 'cut' the story in real time. A number of microphones were concealed in and around the house to capture audio and I wore a microphone to record both my own and Speck's dialogue.

6.2.5 Who Manipulated Whom?

It was necessary that Speck could be seen on at least one camera at all times. To facilitate this, I had to move several times during filming to ensure I did not stand or walk between Speck and the cameras, as doing so might have obscured his actions. His audio was occasionally difficult to hear and, at times, I was required to stand very close to Speck, which created an awkward working space. Consequently, my

movements occasionally affected his and, in that respect, it could be said that Speck's physical placement was manipulated.

The narrative grew organically within two key parameters. The first being a line of questioning that facilitated the construction of the story's beginning, middle and end, and the second being the actual conversations. Those conversations were conducted in full view of at least one camera and Speck's audio was recorded primarily via my concealed microphone. It was not possible to pre-script or manipulate Speck's dialogue, as it was not known what he would say at any given time. The finished narrative was compressed in time in post-production during which the sound and vision were technically manipulated to create a cohesive linear story. However, in that technically manipulative process, no elements of the story were edited out of context or contrary to their original intended purpose. No additional dialogue was invented or faked, nor was any audio or vision used that did not pertain to the story or the subject. Neither the story nor the subject was 'frankenbitten' (see section 3.2.10). *Watchdog's* host David Galbally QC's heterodiegetic (Lorenzo-Dus 2009) delivery of the voice-over (narration) provided the story with an off-camera 'voice of God' sense of authority.

It is possible to argue that Speck may have been psychologically manipulated in that I withheld information from him—that is, that he was being recorded for the purposes of a television story. However, it should be noted that prior knowledge of filming was not in keeping with this particular segment on *Watchdog*, which, as previously mentioned, featured 'hidden camera' stories about unscrupulous work practices predominantly carried out by trades-people or door-to-door sales people. It

is important to note that a key difference between *Watchdog* and hoax or prank styled shows was that the former had a strong consumer affairs and legal focus. Its content was more concerned with exposing wrongdoing to educate and alert the public than it was with providing light entertainment for mass consumption.

Had Speck been told he was being recorded, he might have vacated the Adelaide residence. Even if, hypothetically speaking and in the best-case scenario, Speck knew he was being recorded and had decided not to leave the premises, there would have been no guarantee that his subsequent actions and dialogue would have been natural or spontaneous.

Finally, in the context of who manipulated whom, it could be argued that Speck manipulated the situation in that he also withheld important information from me. That is, that he was not a licensed builder and that he had a history of producing substandard work.

6.2.6 Legalities

In establishing legal compliance in the context of risk assessment, prior to my being employed by Network Nine, the company established that there were no laws in South Australia prohibiting the covert recording and broadcast of material gathered by listening devices (in this case, cameras and microphones) if the material acquired was deemed to be in the public interest.

To explain, section 7(1)(a) and (b) of South Australia's Listening Devices Act 1972 stated in 2001 that it was unlawful to record a private conversation using a 'listening device' unless the purpose of doing so was:

(a) to overhear, record, monitor or listen to any private conversation to which that person is a party.

(b) in the course of duty of that person, in the public interest or for the protection of the lawful interests of that person (Listening Devices Act 1972, p.7).

While my purpose was to record conversations that Speck might have considered private, it was to be done to ascertain what his professional intentions were. Further, as an employee of Network Nine for this consumer-affairs-focused program, I considered it my professional duty to inform and protect the public from unlawful and potentially unsafe work practices.

In their *Privacy Guidelines for Broadcasters*, Australia's television industry regulatory body, the ACMA (2005), states there are exemptions for media in the Australian Commonwealth Privacy Act 1988, which were applicable in the 2001 version of the Act. That is, it provided an exemption for an 'act or practice engaged in by a media organisation ... in the course of journalism' according to Section 7B(4) of Australia's Commonwealth Privacy Act 1988 (ACMA 2005, p.18). In keeping with this exemption, as the *Speck Builder* story elements were gathered and broadcast for a media organisation for a journalistic endeavour, this reduced the chances of legal action for perceived breach of privacy on Speck's behalf.

Finally, to reduce Network Nine's potential exposure to accusations of defamation of character, I ensured appropriate factual evidence pertaining to Speck's prior fraudulent activities was gathered, documented, corroborated and included in the story.

6.2.7 What is in the Public Interest?

The ACMA (2005) also states that whether a matter is of public interest depends on 'whether a matter is capable of affecting the people at large so they might be legitimately interested in, or concerned about, what is going on, or what may happen to them or others'. However, ACMA add that just because a story may be considered in the public interest does not automatically afford others the freedom to use material that intrudes on a person's privacy. The ACMA (2005) may consider intrusions into a person's privacy justifiable if that matter is concerned with:

- criminal matters
- public health or safety
- consumer affairs/protection
- matters relating to the conduct of organisations, such as corporations businesses and trade unions, which affect the public
- matters of politics, government and public administration
- seriously antisocial conduct that causes harm to others.

The *Speck Builder* story fell into all but the final two categories. To further refine the definition of 'public interest', the 2002 British research report, *The Public Interest, the Media and Privacy*, offers that footage secretly shot and broadcast would be

considered in the public interest if it were to outweigh the invasion of privacy to the person filmed (Morrison & Svennevig 2002). In trading without a license, Speck voided his right to privacy and his perceived right to consent due to the public's right to know.

6.2.8 Ethical Impasse

Following the screening of the story, I began to question the ethics of exposing another person's failings on national television. That such an act was legal did not necessarily mean it was ethical. This realisation caused me to reflect on the use of and justification for recording with hidden devices without a participant's knowledge or consent.

In *Desperately Seeking Ethics*, Douglas Birkhead states that journalists do not just apply ethics to their work—it is more often in the process of discovery that the work 'reveals' ethics to them (Good 2003). This was certainly true in my case; in that the ethics of recording covertly were acutely felt following broadcast. In *Journalism Ethics at Work*, it is held that normative ethics, being concerned with the moral standards regulating right and wrong behaviour, is often the branch that journalists consider when reflecting on their own actions (Tanner 2005). Again, in my case, this was also true.

After the story was broadcast, I questioned not only the paradigms defining 'right' or 'wrong' behaviour but also the philosophical theory underpinning those paradigms.

Is ethical behaviour automatically ‘right’ and unethical behaviour ‘wrong’—even if some ‘wrong’ behaviour can be legally justified?

When constructing the *Speck Builder* story, I did not consider or ask these questions. I had been fully briefed prior to accepting the position of producer in Adelaide for *Watchdog* and believed that, as I had accepted the role knowingly, I was obliged to accept responsibility for the consequences. One consequence was the possibility of trades-people discovering the ‘secret’ address of the Adelaide residence, learning they had been filmed there and providing those details to the media. That might have risked not only the safety of the technical staff and myself, but also would have brought the entire recording operation to a halt. Thus, confidentiality was paramount. Additionally, none of the stories filmed in the Adelaide residence, including *Speck Builder*, were broadcast until the recording devices had been removed and all staff had discontinued working at the house.

In the story’s construction and editing phase, I did not form any positive or negative emotional attachment to or opinion of Speck because the story was produced as objectively as possible and based on accurate factual evidence. As previously mentioned, it was only after the story had been broadcast that I began to weigh my professional obligations against my personal philosophies. I found the two matched when put in a legal context, but when viewed in a personal context—that is, the right of another person to be free to carry on their affairs without judgement or persecution,—they did not match. On one hand, I feel my actions were justified and that I did the ‘right thing’ by enabling the OCBA to ban Speck from the building

industry for life because doing so hopefully kept the public safe. In contrast, I felt uneasy that Speck had been recorded without his consent or knowledge.

If applying Kantian theory, my actions could be considered personally unethical because I recorded Speck for someone else's benefit. However, *Speck Builder* was not recorded and broadcast for my own or my employer's benefit. That it filled *Watchdog's* and my own content quota was secondary to the primary goal of informing the public. Thus, the recording was done as a means to an end and not merely as a means itself. It is morally dichotomous that I felt obliged to do the 'wrong' thing to achieve the 'right' outcome.

The specific Kantian edict that applies to the ethics of not using other people for one's own gain is his principle of ends.⁴⁸ This principle is situated in Kant's Categorical Imperative, which, in determining the difference between right and wrong, is considered an absolute and 'ultimate commandment of reason ... from which all duties and obligations derive' (Ellington 1993).

The principle of ends is the second of three formulations, or questions, in the Categorical Imperative, which Kant believed must be asked before action is taken so that one can decide on the morality of the action before taking it. Thus, the Categorical Imperative focuses on the morality of our maxims rather than our actions.

⁴⁸ 'So act as to treat humanity, whether in your own person or in that of any other, in every case as an end and never as merely a means' (Pojman & Fieser 2011, p.135).

The first formulation, the principle of the law of nature,⁴⁹ requires that people ask whether their maxim should be applied universally. While a theoretically valuable question, I feel the practical application of this formulation does not often allow for evolving societal or cultural exceptions and therefore can be considered fixed and rigid.

For example, if I believed that filming people without their explicit knowledge or consent was morally wrong and unethical, I would have likely been compelled not to work on *Speck Builder*. However, if applying a universal counterexample, would the recording of people engaged in criminal activity during the London riots of August 2011 on surveillance cameras have also been wrong? Some of those recordings reportedly assisted in the successful identification of a number of individuals involved in criminal behaviour (Laville 2011).

If viewed in the context of the hypothetical maxim that filming people without their explicit knowledge or consent is morally wrong, in spite of the legally beneficial results of those recordings, the theoretical answer in Kantian terms would have to be yes.

The third formulation, while similar to the first, is the principle of autonomy⁵⁰ and emphasises that our decisions are self-governed. That is, we do not rely on external authorities (such as a religious deity, culture or state) to determine the nature of the

⁴⁹ 'Act only according to that maxim by which you can at the same time will that it should become a universal law' (Graham 2010).

⁵⁰ 'So act that your will can regard itself at the same time as making universal law through its maxims' (Fieser 2000; Thomson 2003).

moral law and we are able to discover it for ourselves independent of those authorities. This principle further requires us to consider what laws we would make if we could decide on laws that not only benefitted all of humankind but also ensured the 'kingdom' was treated with respect. Those would be the only ethical laws.

6.2.9 Revisiting Milgram, Zimbardo, Reicher and Haslam

As discussed in Chapter 3, psychologist Stanley Milgram concluded that people's potential to obey authority is realised when combined with societies influences and expectation (Milgram 1974). In *The Lucifer Effect: Understanding how good people turn evil*, Zimbardo's (2008) extensive research into human behaviour found that it is primarily situational factors and not personality flaws that can cause otherwise good and reasonable people to behave in morally questionable ways. That is, evil acts are not necessarily carried out by people who were born evil.

With respect to Milgram's and Zimbardo's theories, prior to the *Speck Builder* story being broadcast on *Watchdog*, I felt I was following orders and 'just doing my job'. Any doubts were secondary to what I perceived as my over-riding contractual duty—to deliver a product to my employer in the first instance.

Another example of someone just doing his or her job is that of Jane Hansen, a reporter for Network Nine's current affairs program *A Current Affair*. Hansen filmed a story using hidden cameras in Sydney, New South Wales, to record the activities of electronics repairman, Benny Mendoza, in 1997 (Dasey 1997). Mendoza committed suicide three days after the story was broadcast (Hannan 1997). In a newspaper

interview following Mendoza's death, Hansen, who was devastated by Mendoza's unexpected death, said that in the context of filming the story for *A Current Affair*, she was just 'doing her job' (Dasey 1997).

Further, in reference to Reicher and Haslam's provisional theory of leadership identification, I cannot speak for Hansen with respect to whether she felt she was doing the right thing at the time she produced the story featuring Mendoza. However, Reicher's (2011) claim that we follow leaders because we see them as representative of an identity that we share resonates with my professional experience on the *Speck Builder* story. At the time, I identified with my employer (experimenter) more than I did with the subject of the story (learner), and throughout story construction, I believed that I was doing 'the right thing'.

Thus, while I relate to the conclusions provisional or otherwise provided by Milgram, Zimbardo, Reicher and Haslam, I do not subscribe to one or the other in a practical sense. Based on my professional experience, I believe that a combination of the three theories is often at play when people decide whether to carry out instructions.

6.2.10 Code of Ethics

In terms of ethical behaviour, Kant maintained that we have a perfect duty not to lie to each other and that our ethical duty is 'to be truthful' at all times (Mahon 2003, 2006). However, based on reflections made on an argument drawn from Kant's first formulation, the principle of the law of nature, in *The Right Lie: Kant on dealing*

with evil (Korsgaard 1996), it has been suggested that Kant was actually wrong in thinking that it is never acceptable to lie.

Based on their reflections, Korsgaard (1996) and Mahon (2006) both offer that it is permissible to lie in specific circumstances. These include in the interests of averting an evil deed, when the goal is to promote the truth or when others are lying to you. Mahon (2003) further offers that Kant's duty to be truthful does not forbid someone from being evasive, telling only half the truth or keeping a secret. It also does not prohibit someone from withholding a statement—that is, lying by omission—'since the act of telling a lie involves the act of making a statement, an act of reticence cannot be a lie, since it is not an act of making a statement' (Mahon 2003). When framed in these exceptions, it was permissible for me to withhold information from Speck (such as the fact he was being recorded).

One could ask whether I was bound by a professional code of ethics or conduct in the construction of the story featuring Speck. The answer is no, I was not. To explain, I was employed as a freelance television producer, not as a journalist, investigative or otherwise. As explained in Chapter 4, my broadcast background predominantly lay in producing, researching and writing non-fiction television stories, many of which had an 'entertainment' bent. I had never represented myself to others as a journalist, nor been specifically employed as one.

As broadly set out in Chapter 2, most journalists in Australia are members of the MEAA, which administers the Media Alliance Code of Ethics, formerly the

Australian Journalism Association Code of Ethics (MEAA 1999). In a single page document on the Alliance website, Item 8 of the Code states that journalists must:

Use fair, reasonable and honest means to obtain material. Identify yourself and your employer before obtaining any interview for publication or broadcast. Never exploit a person's vulnerability or ignorance of media practice (MEAA 1999).

While journalists who are members of the MEAA are obliged professionally and morally to adhere to the Code, this obligation is neither legally binding nor enforceable. As I was not a member of the MEAA and as I had not been employed as a journalist for *Watchdog*, I was not bound by this Code, nor was I obliged to adhere to any of the Code's edicts. This meant I was not professionally or morally bound to identify myself by my real name to Speck, to reveal my employer's identity or to advise Speck of my (or my employer's) intentions. On reflection and in hindsight, had I been a member journalist of the MEAA, I may not have accepted the assignment in the first place due to the professional and moral conflicts it may have raised. However, even the Media Alliance's Code of Ethics states in its Guidance Clause that any of the Code's standards can be overridden if a 'substantial advancement of the public interest or risk of substantial harm to people' warrants doing so (MEAA 1999).

Therefore, in 2001, there was no commercial television industry code of ethics or conduct relevant to the ethical sourcing, gathering or recording of material for non-fiction television programming. Perhaps the most relevant Code in use in television broadcasting at that time was the 1999 Australian Commercial Television Industry

Code of Practice (Free TV Australia 1999). However, as the Code's overarching aim was to provide licensees (commercial broadcasters) with guidelines concerning appropriate program content and classification, it was not surprising that it did not include information relevant to how to obtain programming content in ethically acceptable ways.

In the section relevant to news and current affairs programs (which was the section most closely aligned with *Watchdog's* consumer affairs focus), the 1999 version of the Code in use at that stated that in broadcasting those programs, licensees:

must not use material relating to a person's personal or private affairs, or which invades an individual's privacy, other than where there is an identifiable public interest reason for the material to be broadcast (p.23).

Additionally, prior to filming, Network Nine provided me with a copy of an in-house legal publication that, while an extremely informative document, did not include a code of ethics. That is not to say Network Nine did not have a code of conduct or ethics at that time and, in the company's defence, I did not request such a code because, as previously stated, I did not experience any personal ethical and/or moral conflict prior to the *Speck Builder* story being televised.

Following broadcast, I became aware that in the context of Mendoza's suicide—which had happened four years prior—I had not stopped to consider what Speck's state of mind or his mental or emotional condition might have been. While on one hand, I felt that the possibility of him self-injuring or committing suicide following

broadcast was unlikely, I realised I did not know Speck outside of our brief interaction and had no way of knowing how he might react.

As a final note, there was no psychological de-brief by a qualified mental health professional following the three month period of covert filming in South Australia. At no time did I confide my concerns as to how Speck may or may not react to the story to anyone at Network Nine.

6.2.11 Summary

This case study is included to highlight how practitioners in non-fiction programming output can be ethically or morally challenged during the filming or broadcast of a story. As I have come to recognise based on my professional exposure to a number of those challenges, how practitioners deal with ethical challenges often depends on a range of factors, including (but not limited to):

- to what professional code of conduct or ethics they adhere (if any)
- their professional obligations
- the law
- the public's right to know
- their own moral compasses.

Practitioners in the field are required to rely on their own ethical instincts to determine right and wrong behaviour in story construction. Often they need to make quick decisions when faced with unexpected events and, while at times they may feel

their actions to be ethically or morally questionable, deference to their legal obligations and professional duties often over rides those concerns.

During filming, I deferred primarily to the public's right to know, the law and the fact that my contractual and professional obligation was to produce story content for *Watchdog*. Those factors overrode and silenced my personal moral compass until after the story aired.

I am aware that from a nonprofessional's perspective, story construction could be viewed as unfair, dishonest or unethical. I admit that Speck was manipulated in a multitude of ways. However, I justified that manipulation firstly because it was legal, secondly because it was a consequence of the professional commitment I had made and finally because I felt that I had a unique set of resources at my disposal and that I was duty bound to put those resources to use in a way that others could not.

Following broadcast, I was not aware of any specific reaction or feedback (negative or positive) from the general public, from Speck himself or from any individual or company claiming to represent him. Even though the airing of *Speck Builder* resulted in the cessation of a certain amount of substandard building work being carried out, it is reasonable to speculate that Speck was not the only person operating unlawfully in Australia at that time. From a personal perspective, it did not give me any satisfaction knowing I had played a key role in bringing Speck's 'career' to a close. However, in a professional capacity, I felt relieved that the public had been alerted to the unlawful practices of this operator.

6.3 Case Study 2: *Mind Games—A Real Life Adventure*

6.3.1 Background

Mind Games—A Real Life Adventure (Mind Games) was produced by an independent Australian television production company, Crackerjack Productions (Crackerjack) in 2001. Since that time, Crackerjack has been acquired by FremantleMedia Australia, the Australasian arm of worldwide programming conglomerate, FremantleMedia. In 2001, in Australia, Crackerjack aired *Mind Games*, which was an hour-long show, broadcast on Network Ten on Saturday, 4 August 2001 at 6.30pm. Described in the press as a ‘candid-camera style reality show’, the premise behind *Mind Games* was to expose participants to a range of tasks that they might not ordinarily encounter in their daily lives, and to film their reactions for broadcast within the show.

However, the way the company recruited participants fell afoul of Australia’s consumer and corporate watchdog, the Australian Competition and Consumer Commission (ACCC). The ACCC pursued Crackerjack, Network Ten and the program’s producer, Jim Burnett, in the Federal Court of Australia, alleging breaches of the Trade Practices Act 1974 (the Act), which it upholds.

Crackerjack was found to have breached the Act by engaging in ‘misleading conduct and misrepresenting the availability of employment’ (ACCC 2002). These breaches resulted in Network Ten, Crackerjack and Burnett being criticised nationally in the press. Further, Crackerjack had asked the program’s two participants to consent to filming after they had each been recorded for a week. While the ACCC is not imbued

with the responsibility to investigate issues pertaining to consent relating to television programming, this unorthodox consenting protocol also drew criticism from the media.

This case study is presented to provide insight as to how the breaches of the Act might have occurred and also highlights some of the practical problems associated with obtaining informed consent, as discussed in Chapter 3.

6.3.2 Overview of Program's Life Cycle

Mind Games was presented to Network Ten in November 2000 and filming for the program commenced approximately two months later, on or about 5 February 2001. Filming of the two participants who were selected to appear on the program for one week each began on 12 February 2001 and was completed on 16 February 2001. *Mind Games* was broadcast approximately four months later.

6.3.3 Participant Recruitment

This sub-section discusses the breaches of the Act in addition to the lead-up to those breaches. To explain, to obtain participants for the show, Crackerjack advertised what appeared to be a real job in newspapers in Dubbo (rural New South Wales, population 39,000) and Melbourne (Victoria, population 3.5 million) (ABS 2004; Dubbo City Council 2006). In the Statement of Claim made by the ACCC obtained from the Federal Court of Australia archives, the key information in the advertisement was that the services of a 'Self Starting Girl/Boy Friday' were

required by Crackerjack for five days between 12–16 February 2001, inclusive (ACCC v. Crackerjack Productions Pty Limited [2002], p.2). The other requirements were that this person be energetic, willing to travel and have a driver's license. Applicants were asked to call a specific telephone number to register their interest. Crackerjack also advertised the role on an employment website and registered the same position under different guises (for example, labourer, photographic assistant and 'helping a film crew') with three employment agencies in the same locations. One hundred and thirty-eight people applied for the jobs and two were hired. Unbeknownst to those individuals, they had been selected by practitioners for Crackerjack to be participants in *Mind Games* (ACCC v. Crackerjack Productions Pty Limited [2002], pp.9,11).

In addition to the two participants selected, a number of interview subjects were filmed by practitioners during their interview for the role of 'Girl/Boy Friday' and the ACCC became involved when an unsuccessful applicant contacted the agency after receiving a consent form in the mail sometime after his interview had taken place (as explained in further detail in section 6.3.5). While the ACCC did not have the jurisdiction to investigate issues of filming without prior consent, they pursued the recruitment process undertaken by Crackerjack.

As previously outlined, the ACCC upholds the Trade Practices Act (1974), which prohibits misleading and deceptive conduct, specifically in relation to employment. In their Statement of Claim against Network Ten, Crackerjack and producer Jim Burnett, the ACCC asserted the program concept was to 'recruit persons to work in fictitious situations' and that 'the persons recruited would not know that they were

themselves the subject of the program' (ACCC v. Crackerjack Productions Pty Limited [2002], p.16).

They cited breaches of Sections 52 and 53B of the Act by all three parties (ACCC v. Crackerjack Productions Pty Limited [2002], pp.18-20). Not only did the Federal Court of Australia find Crackerjack in breach of the Act, it also found that *Mind Games* producer Jim Burnett had knowingly been involved in Crackerjack's conduct. Network Ten was found to have also been knowingly involved in Crackerjack's breaches of the Act by commissioning (funding) the company to produce the show, 'despite knowing what the company intended to do'. Further, the Court also found Network Ten misled one of the show's potential participants (ACCC 2002). Section 52 of the Trade Practices Act 1974 specifically states that it:

prohibits conduct by business which is misleading or deceptive, or which is likely to mislead or deceive. Whether or not conduct is held to be misleading or deceptive will depend on the particular circumstances of each case. Generally, sellers are required to tell the truth or refrain from giving an untruthful impression. Failure to disclose material information may in some circumstances be a breach of the Act. The duty to disclose can arise even where there is no particular relationship between the parties such as trustee and beneficiary or principal and agent. Only civil proceedings can be brought for breach of s. 52 (p.240).

Crackerjack was found in breach of Section 53B of the Trade Practices Act 1974 in terms of 'misleading conduct and misrepresenting the availability of employment'. Section 53B:

prohibits a business from engaging in conduct likely to mislead people seeking employment about the availability, nature, terms or conditions, or any other matter relating to the employment (p.242).

6.3.4 How Did It Happen?

A number of executives from Crackerjack and Network Ten were involved in the program's conception, development and production, as was Jim Burnett, a seasoned television writer. Given the senior positions these individuals held, it is surprising that no one stopped to revise the recruitment process.

How could these jobs have been advertised in such a way as to recruit persons to work in fictitious situations? A few possible scenarios are presented below. Firstly, it could have been an honest mistake executed in ignorance of the Act, although the likelihood of this would surely be reduced by the experience of the practitioners involved. Secondly, and more plausibly, there could have simply been insufficient time at the pre-production phase for research, investigation and planning.

Research also revealed that a number of key tasks were performed out of sequence with their anticipated order, which may have put extra pressure on less experienced practitioners in the pre-production and production phases, causing mistakes to be made. A lack of time to complete those tasks properly might have compounded this.

For example, it is unlikely that an experienced practitioner, well versed in the complexities of consent, would have posted a consent form to a potential participant

after he had already been recorded if that practitioner had had enough time to obtain consent prior to filming.

The two participants who were selected began working for Crackerjack less than a week after they were interviewed for the role of ‘Girl/Boy Friday’ and after completing all tasks assigned to them over the period of a week, they were asked to provide their consent (this unusual consenting protocol is covered in more detail in section 6.3.5). Approximately six weeks later, Crackerjack and Network Ten signed the contract for the program. Of itself this is unusual in that the contract should be signed in pre-production, prior to the program being actioned. That it was not might be indicative of a lack of adequate pre-production time prior to the commencement of filming.

6.3.5 Consent

The Statement of Claim charged that Crackerjack’s employees did not provide clear answers when asked by one of the job applicants (who was one of the two final participants selected to appear on *Mind Games*) whether or not he or she was being filmed by cameras during their interview. According to the Claim, one of Crackerjack’s officers denied that the interviewee was being recorded when in fact, he/she was (ACCC v. Crackerjack Productions Pty Limited [2002], p.7).

Ultimately, two successful applicants (participants) were hired by Crackerjack, being Damon Hooker and Alexandra Henry of Dubbo and Melbourne respectively (Sexton 2002) and were filmed undertaking a range of different tasks for the program. Both

participants were flown to Darwin, where, at different times, they each erected a tent in the rain, carried equipment for an alleged documentary, built a crocodile cage and kept watch for crocodiles (ACCC v. Crackerjack Productions Pty Limited [2002], pp.12-14).

Both participants were told a series of elaborate stories to match with the tasks assigned to them. The scenarios described above were set up and/or executed by Burnett, Crackerjack's employees and/or a number of actors, who played various roles to support those scenarios.

The week's filming culminated in a visit to Sydney's Taronga Zoo, where the 'hoax' was revealed—together with a 'waiver of all rights' to the footage (consent form). *The Australian* newspaper reported that Henry was 'mortified' and privately wept on learning she had been deceived (Sexton 2002). However, both participants were paid for their week's 'work' and they signed the consent forms. Even though they did not make complaints about the situation, the ACCC asked them to provide statements (Johnson 2002).

6.3.6 Why Film in the Absence of Prior Consent?

As discussed in Chapter 3, prank and hoax shows rely on a participant's surprise reaction for entertainment value. Being a 'Candid Camera' style show, *Mind Games*' core concept relied on the participants' authentic reactions. Evidencing this, research conducted by Annette Hill exploring how audiences in the UK perceived reality television participants' performances found that viewers felt the only way ordinary

people would be themselves on television was if they were unaware that they were actually on television (Hill 2005).

Research showed that audiences believe that when subjects know the cameras are on, they 'act up' instead of being themselves. In contrast, audiences considered programs in which the subjects did not know they were being filmed as authentic (Hill 2005). Research participants in Hill's study perceived hidden camera formats as being more true to life than formats in which participants appeared to be acting to the camera.

The desire to capture Hooker and Henry's reactions, partnered with the viewing public's penchant for voyeuristically themed programming, may have been a compelling motivator, from a practitioner perspective, to film in the absence of prior consent.

America's *Candid Camera* is discussed at various intervals throughout this thesis and is raised again here in the context of recording subjects without their knowledge. Allen Funt, the executive producer of *Candid Camera*, claimed that approximately one subject per hundred did not want to grant their consent after being filmed because they were apparently filmed in the wrong place at the wrong time (Funt & Reed 1994). This account differs greatly from the version offered by American television historian, Ron Simon. He estimated that Funt could only use four or five scenarios out of every 50 or 60 filmed because a number of people became quite upset and several of the pranks apparently backfired (Bailey 2003).

Similarly, in *Mind Games*, the ‘post-filming’ consenting process could potentially have failed if Hooker and/or Henry had decided not to sign the consent forms presented to them. For this reason alone, it is not advantageous to a practitioner to request a participant’s consent at the conclusion of filming. In Crackerjack’s case, particularly, doing so was potentially commercially reckless, as a significant investment had already been made by the time consent was requested. Crackerjack and Network Ten may have lost a substantial portion of their financial investment if Hooker and/or Henry had denied their consent.

In securing consent at such a late stage, these participants were in a position of power and control. However, whether they realised this is unknown. Hooker and Henry had been ignorant of the exact purposes of the recordings until this point due to having been placed in and kept in an uninformed state by the practitioners until filming was completed. When the facts were finally revealed to them, the candidates could have refused consent. However, they did not. On Crackerjack’s part, the company may have anticipated the candidates would grant consent, particularly if they had fostered an amicable ‘working’ relationship with them during filming. Additionally, Crackerjack paid each participant and perhaps Hooker and Henry signed the consent form because they felt obliged to do so in exchange for the ‘adventures’ and the week’s wages afforded them.

6.4 Case Study 3: *Big Brother Uncut and Adults Only*

6.4.1 Program Overview

Reality television program *Big Brother* was conceptualised by producer John de Mol in 1997, at the offices of John de Mol Produkties in the Netherlands. The inaugural episode was broadcast in that country on 16 September 1999, with the series gleaned high ratings. The Australian version of *Big Brother* was broadcast on Network Ten in 2001 and became a ratings winner with the network's target under-40s audience.

At that time, production company Endemol Southern Star (ESS), co-produced *Big Brother*. The program featured up to 14 contestants participating in the 24-hour recording of the show. They live in a purpose-built house in isolation in the Dreamworld Theme Park on Queensland's Gold Coast for the duration of the series or until they are voted off the program via a public voting system. The key motivation for each housemate to avoid being voted out of the house is to win a financial prize of up to AUD 1 million, by competing in challenges and tasks.

Since 2005, a fines system had been in place, resulting in the prize pool diminishing depending on the severity of the fine incurred by participants for breaches ranging from not referring to the voice of *Big Brother* as 'Big Brother' or attempting to contact the outside world. Edited highlights of the program, dubbed the *Daily Show*, are broadcast in evening prime time slots with live footage televised later at night. Live footage was also streamed online on the official Australian *Big Brother* website.

Several spin-off shows aired as an adjunct to the *Daily Show*, including (but not limited to) the *Launch* show, *UpLate*, the live *Nominations* show, the live *Eviction* show, *Friday Night Live*, the *Finale*, *The Insider*, the *Saturday* show and *Big Brother Uncut*. *Big Brother Uncut* was first broadcast in 2001 and it comprised adult-focused content. *Big Brother Uncut* completed its scheduled broadcast run in 2005 and it was televised in 2006 under the new name *Big Brother Adults Only*. While *Adults Only* is the key focus of this case study, as it is based on its predecessor *Big Brother Uncut*, it is also necessary to examine the final series of *Big Brother Uncut* to put *Adults Only* in context.

6.4.2 Background

Adults Only (2006) was presented by the *Daily Show's* television host, Gretel Killeen. *Adults Only* footage predominantly showed contestants scantily clad or naked, showering or bathing, drinking alcohol, using coarse language and engaging in activities or discussing topics that were sexual in nature. It aired nationally at 9.40pm every Thursday night from 8 May 2005 until 19 June 2006. A decision was made by Network Ten to end the program on 23 June 2006 a few weeks earlier than its scheduled final broadcast due to Network Ten's claims that the production team was under considerable pressure to produce a program that had an uncertain future in light of the criticism it was receiving from the media and the public.

Adults Only was classified MA 15+ according to the Commercial Television Industry Code of Practice in 2004. Although at the time of writing, the 2010 version of the

Australian Commercial Television Industry Code of Practice was in place, *Adults Only* breached the 2004 version of that same Code.

6.4.3 Complaints

The Annual Code Complaints Report showed that between 1 October 2002 and 30 June 2004, Australia's television stations did not receive any written complaints about *Big Brother Uncut*. However, between 1 July 2004 and 30 June 2005, the number of complaints jumped sharply, with *Big Brother Uncut* receiving 85 complaints (Free TV Australia 2004/2005, p.2). From 1 July 2005 to 30 June 2006, a further 60 written complaints were lodged against *Big Brother Uncut*, mostly concerned with sexual references and nudity considered inappropriate by viewers. Of the top four shows attracting the highest number of complaints for that year, *Big Brother Uncut* was second (Free TV Australia 2005/2006, p.2). Four episodes of *Big Brother Uncut* were investigated by the ACMA (2005):

- a) Episode airing on 30 May 2005: Report No. 1557—File No. 2005/1235
- b) Episode airing on 6 June 2005: No. 1558—File No. 2005/1236
- c) Episode airing on 13 June 2005: Report No. 1559—File No. 2005/1226

In a), b) and c) complaints were made against Network Ten licensees with reference to 'the Code, Clause 2.4 and Clauses 5.2 and 5.3 of the Television Classification Guidelines (Appendix 4 to the Code)' (ACMA 2005a).

- d) Episode airing on 4 July 2005: Report No. 1579—File No. 2005/2138

This complaint was also made against Network Ten pertaining to Clause 2.4 of the Code and Clauses 5.2 and 5.6 of Appendix 4 to the Code (ACMA 2006).

The 2004 Code contains the Television Classification Guidelines, which define the type of material suitable for each classification. These clauses are detailed below.

Clause 5.2—referable to complaints a), b) c) and d):

Sex and nudity: Visual depiction of intimate sexual behaviour (which may only be discreetly implied or discreetly simulated) or of nudity [is acceptable] only where relevant to the story line or program context. However, a program or program segment will not be acceptable where the subject matter serves largely or wholly as a vehicle for gratuitous, exploitative or demeaning portrayal of sexual behaviour or nudity. Exploitative or non-consenting sexual relations must not be depicted as desirable (Free TV Australia 2004, p.25).

Clause 5.3—referable to complaints a), b) and c) only:

Language: The use of very coarse language must be appropriate to the story line or program context and not overly frequent or impactful (Free TV Australia 2004, p.25)

Clause 5.6—referrable to complaint d) only:

Adult themes: The treatment of strong themes should be justified by the story line or program context (Free TV Australia 2004, p.26).

6.4.4 Visual Description of the Content

To put the complaints in context, the ACMA described the content in the four episodes.

Episode A:

- A scene depicting a group of female contestants simulating masturbation with a vibrating device and another scene depicting a male and a female contestant kissing and engaging in sexual conduct in the sauna (ACMA 2005a, No. 37, p.7).
- A five minute scene depicting male participants in the shower, intercut with discussion between females about penis size (ACMA 2005a, No. 61, p.11).
- Another scene involves a male standing behind a female who is seated at a table with a group of men. The male is massaging the female's shoulders, while, unknown to her, he has his penis deliberately exposed. At one point, the male's penis appears to rub against the hair of the female. The male appears to intend the action as a practical joke, and the men at the table respond with laughter. The female discovers what has happened when the massage is over, and reacts with considerable surprise to the incident (ACMA 2005a, No. 63, p.11).

Episode B:

- One scene is referenced depicting a group of females in a spa using a shower hose to simulate masturbation, while also talking about masturbation (ACMA 2005a, No. 37, p.7).

Episode C:

- Two participants kiss and embrace in a bath (ACMA 2005a, No. 37, p.7).
- This episode also contains a series of scenes in which a group of males compose a song about a male who likes to 'leave a skid mark on the chest' of females that he has had sexual relations with. The song contains detailed and explicit reference to sexual activity (for example, 'I want to fuck you between

the breasts’ and ‘On the way back to my place, shove my cock into your face’), apparent sexual fetish (‘leave a skid mark’ and ‘shitting is my vice’), and repetition of the ‘skid mark’ reference (ACMA 2005a, No. 91, pp.16–17).

Episode D:

- Approximately 14 scenes contained sexual references or discussion between housemates regarding sexual behaviour and other adult themes, making up the majority of the classifiable elements within the show (ACMA 2006).

These scenes are outlined below:

- Breast nudity as a female housemate dances around the bedroom topless
- Female housemate discusses the exposure of her unwaxed crotch or ‘snatch’
- Female housemate plucking her pubic hair, accompanied by discussion of having thrush and the resulting vaginal odours
- Male housemate, while role-playing as a student in a classroom, describes a door knob as ‘being like a woman, everyone has had a turn’
- Discussion and frequent close ups of a boil on a male housemate’s buttock
- Description by a male housemate of his participation, with six other males, in sexual activity such as intercourse and fellatio with one female
- Breast nudity accompanied by the female housemate shaving her public hair and singing Advance Australia Fair

- Coarse language, including frequent uses of ‘fuck’ language while discussing a male housemate’s flatulence
- Discussion of and demonstration of ‘fanny farts’
- Discussion regarding which female housemate the male housemates would have sex with
- Male housemate teasing a female housemate about wanting sex
- Male housemate tells another housemate that a female housemate is arranging a threesome for him once out of the Big Brother house
- Coarse language and adult themes as male housemates defecate into the female’s toilet, intentionally leaving faecal marks and matter in the toilet bowl, described as the ‘Kanga’
- Female housemate describes her sexual exploits and alcohol consumption while attending ‘schoolies’ week, including describing performing unprotected oral sex. Another female housemate makes a reference to the risk of contracting Chlamydia
- Male housemates straddle a female housemate who is doing a shoulder stand to demonstrate sexual positions
- Two males in the sauna describe past sexual exploits in detail
- Male housemate describes having intercourse with a woman while the woman simultaneously performed oral sex on another woman
- Female housemate describes inserting objects such as a banana and a deodorant can into her vagina
- Female housemates discuss the use of a vibrator. Subsequently, a female housemate is implied to masturbate

- Full frontal nudity of two male housemates shaking their flaccid penises to catch them between their thighs (ACMA 2006, pp.6–7).

6.4.5 The Regulator's Findings

In complaints (a) and (c), the ACMA determined that Network Ten's licensees had breached Clause 2.4 of the Code by broadcasting material considered in excess of the MA classification (ACMA 2005a). Further, Lyn Maddock, Acting ACMA Chair, said the organisation had found that Network Ten did not take 'sufficient care in selecting material for *Big Brother Uncut*' (ACMA 2005b). Complaint (b) was not found to be in breach. However, the ACMA determined that in complaint (d), Network Ten's licensees not only breached Clause 2.4 of the Code, but did not satisfy Clause 5.6 (ACMA 2006).

6.4.6 Network Ten's Undertakings

Following the breach findings, Network Ten drew up a series of undertakings ranging from reviewing the production process to help prevent sexually demeaning behaviour from occurring, to conducting workshops for production staff assessing ways of improving procedures and protocols. The network also agreed to conduct an education program for crew prior to the 2006 series of *Big Brother*, outlining the requirements of the MA 15+ classification. They committed to improve the codes of conduct and 'housemate training' to increase awareness of sexual harassment, assault and bullying and drew up guidelines for housemate behaviour to identify 'risky'

situations—as monitored from the control room by producers. Risky behaviour was to be immediately referred to production executives for advice.

Network Ten also undertook to change the way future episodes of *Big Brother Uncut*, which was subsequently renamed *Adults Only*, would be edited and classified. The show would also be compiled in time to allow it to be viewed by two separate classifiers—one based on the set in Queensland and the other being the senior network classifier at Network Ten in Sydney. This process would allow time for any changes to be made to the program prior to broadcast, if required (ACMA 2005c).

Network Ten also altered their programming schedule by broadcasting *Adults Only* on Thursday nights instead of Monday nights to allow adequate time to be devoted to this lengthened classification process. An obvious drawback was that this resulted in Network Ten being unable to show live footage on *Adults Only*. However, with these and other undertakings in place, the Network can be said to have gone to great lengths to ensure they did not breach the Code during the 2006 series of *Adults Only*.

6.4.7 *Adults Only* Internet Incident

On Australia's official *Big Brother* website, *Adults Only* streams were available on the program's premium internet paid-for service, for which users were required to be over 18 years of age. At 4.17am on Saturday, 2 July 2006, a controversial incident was captured by the video stream provided by *Big Brother*'s website producers, ESS, which was streamed over the website.

This incident involved a male contestant, Michael Cox (known as 'Ashley' on the programming) appearing to rub his crotch across female contestant, Camilla Haliwell's face, while another contestant, Michael Bric (known as 'John'), lay next to Camilla and held her from behind. This crotch rubbing became colloquially known in the Australian media as 'turkey-slapping'.

The internet stream showed Camilla had not invited this type of behaviour and in accordance with Network Ten's undertakings, a control room producer reported the incident to production executives immediately. Network Ten and ESS determined the men's conduct breached the *Big Brother* house rules and they were removed from the program that day. In accordance with production guidelines, Ashley, John and Camilla were all offered counselling. Network Ten also invited the Queensland Police to review the internet material and the police subsequently interviewed Camilla who said she did not wish to take the matter further.

Camilla was visibly upset that Ashley and John had been removed from the *Big Brother* compound and her reaction to their removal was televised on 2 July 2006. Camilla appeared to blame herself. However, *Big Brother* explained on air to her and to the viewing public that it had been the producers' decision to remove Ashley and John and that Camilla was not at fault. Ashley and John were allowed to speak publicly in an interview aired between them and the program's host, Gretel Killeen, on 3 July 2006, in which they apologised for their actions and insisted it was a practical joke.

Less than 24 hours after the ‘turkey-slapping’ incident, the *Big Brother* premium online website forums were so overwhelmed with internet traffic they were temporarily closed. Although this incident was not broadcast on television as part of the *Big Brother* suite of programs, television current affairs and news programs from other networks televised the internet footage independently. The furore surrounding this alleged sexual assault increased calls to cancel the *Adults Only* program, even though the footage was not broadcast as part of the program (Sainsbury 2006).

While the incident itself would be considered by many to be in extremely poor taste, neither Network Ten nor ESS were found by the ACMA to have breached any rules (Moses & Humphries 2006) and public debate raged over whether the program should be axed. Network Ten said that while few programs will be to everyone’s taste, ‘in a free democracy a program that meets all relevant laws and is popular with vast numbers of viewers should be allowed to be on television’ (Burrow 2006).

6.4.8 Was it Enough?

As mentioned in Chapter 2, Senator Helen Coonan called for an investigation to be conducted by the ACMA into the efficacy of the Australian Television Industry Code of Practice. All parties responsible for streaming the internet incident were exonerated and there was technically no case to answer for. Content that aired on *Adults Only* consistently met the classification guidelines and no breaches were reported to the ACMA.

However, whether *Adults Only* should be taken off the air continued to perplex the public. When it was finally removed by Network Ten, reactions were mixed—some viewers were exasperated, others were relieved.

6.4.9 Minor Access to MA15+ Material

To put the Code's MA 15+ classification in context, it is necessary at this point to explain the ease with which people aged 15 and over can access MA 15+ media from a variety of sources including television. A spin-off *Big Brother* DVD entitled *Big Brother Unseen/Uncut/Unreel* contains footage that was not aired on television and that exposes the 'naughtiest bits of *Big Brother* from 1, 2, 3 and around the world'. Classified M 15+, it is 'recommended for mature audiences 15 years and over [and contains] [m]edium level coarse language, nudity, sexual references' (2003). If sufficiently motivated, any 15-year-old could buy this DVD online or from a retailer and watch it at home without his or her parents being present. Further, most 15-year-olds have access to a wide variety of MA 15+ DVDs and videos for hire from DVD rental outlets.

Any person aged 15 years or over can watch the following MA 15+ films, which were released in Australia between June 2005 and March 2007, without an adult:

- *Borat: Cultural Learnings of America for Make Benefit Glorious Nation Kazakhstan* (Strong sexual references, crude humour, nudity)
- *In Tenacious D: The Pick of Destiny* (Strong coarse language, sexual references, drug use)
- *The Departed* (Strong coarse language, strong sexual references, drug use)

- *Saw III* (Strong horror violence, blood and gore, strong coarse language)
- *Babel* (Strong sexual references, drug use, violence)
- *Hannibal Rising* (Strong violence, strong themes)
- *The Last King Of Scotland* (Strong violence and themes)

Young people have the right to make choices about what they want to watch. Each episode of *Adults Only* carried consumer advice warnings, notifying viewers of the program's classification and that it was unsuitable for people under 15. Does it not make sense that people aged 15 are capable of making their own decisions about what they would like to watch on television without their parents' supervision? Catharine Lumby, Professor of Media and Communications at Sydney University has done extensive research into the attitudes of teenage girls and media consumption. Lumby says that girls feel under 'constant surveillance from adults, teachers, boys and each other and that one of the reasons they tune into *Big Brother* is so they can watch other young people navigate the complex social and sexual issues they themselves feel surrounded by (Lumby 2005).

The very first series of *Big Brother* broadcast in the Netherlands in 1999 actually showed two contestants, Bart and Sabine, having sex in a *Big Brother* bed. Rather than detracting from the popularity of the show, this resulted in phenomenal ratings for the series, which broke all Dutch records (Johnson-Woods 2002, p.14). Seven years later, the content of Australia's *Adults Only* polarised members of the community.

6.4.10 The Next Step

Political opinion over whether the series should continue was divided. Prime Minister John Howard and Federal Opposition Leader Kim Beazley publicly urged Network Ten to cancel *Big Brother*, while Queensland Premier Peter Beattie said this would be an overreaction. Australian Democrats Senator Andrew Bartlett said that the program should be left alone by ‘meddling politicians’ (‘Axe ‘this stupid program’’ 2006).

Scholars were also divided. Code of conduct expert Frank Zumbo asserted that television programs sometimes fell behind in reflecting community values when left to self-regulation, while television commentator and media academic, Catharine Lumby, said she feared censorship laws could ‘subvert’ reality television programming (Masters 2006).

Key industry groups such as the Australian Screen Directors’ Association (ASDA) and the Screen Producers’ Association of Australia believed the Code was working, with ASDA and Free TV Australia voicing their concerns over treating reality television differently from any other genre in terms of the possibility of drawing up a separate set of Codes specifically for the genre. This same concern was held by Albury et al. (2007, p.4) whose submission to the ACMA added that moves to alter the Code should not be based on ‘the untested claims of particular groups of individuals’. In spite of their concerns, the previously mentioned 2010 Code carries a set of Advisory Notes specifically relevant to reality television production and broadcast.

6.4.11 Who Are These Complainants?

Alan McKee of the Queensland University of Technology stated the majority of people who complained about *Big Brother* were from an unrepresentative minority within the wider community or people who did not represent community standards. McKee found the loudest minority of complainants were older Australians, high profile politicians and conservative Christians (McKee 2007). These individuals were outside *Adults Only*'s core demographic, and logic dictates that the program would not hold any relevance for them and that they would likely be offended by the program's salacious content in any case. Adding weight to McKee's claims, public submissions were received by the ACMA from the Australian Christian Lobby, Salt Shakers (a Christian ethics group) and the Festival of Light (a Christian ministry)—all calling for stricter controls on reality television. The Catholic Women's League called the program content 'soft-porn' (Catholic Women's League 2007). Other independent individuals quoted excerpts from the Bible to emphasise their arguments. In their submission the Family First political party claimed that *Big Brother* had refused to stay within the guidelines. This opinion conflicts with evidence showing that the program stayed within the classification guidelines throughout the 2006 series (Fielding 2007).

6.5 Summary

Ultimately, the findings of the ACMA's investigation into whether the Code was operating effectively found that it was. In 2007, the ACMA released the findings of its investigation in its Reality Television Review and those results were detailed in

Chapter 2 where the study's findings informed the ACMA's decision to introduce a new set of Advisory Notes in the 2010 version of the Code specifically relevant to reality television production techniques.

As for *Adults Only*, the final episode was broadcast on 19 June 2006 and the program did not return for the 2007 series. In time, the ratings for the *Big Brother* franchise overall declined and it was dropped from programming schedules by Network Ten in 2008. However, in September 2011, Network Ten's broadcast competitor Network Nine broadcast a new series of *Big Brother* in 2012 (Devlyn 2011).

Chapter 7: Discussion and Conclusions

7.1 Overview

7.1.1 Reality Television: What Is It and Can It Be Clearly Defined?

In short, it was found that the reality television genre is a contradiction and a key difficulty in attempting to define it is that several key generic characteristics are not fixed or standardised. Chapters 2 and 3 showed that reality television cannot be clearly, consistently and cohesively defined academically or industrially. Further, the burgeoning range of sub-genres within the reality television genre is difficult, if not impossible, to classify with any uniformity due to continuing to remain in a state of flux as regards their characteristics.

While it would be beneficial for scholars to be provided with an international definition of reality television and the genre's sub-genres for audience reception studies and further research, obtaining such a definition from industry internationally will likely be difficult. This is due to the fact that the term 'reality television', while used prolifically in the US as a classification tool, is infrequently used by practitioners in industry in Australia and is even less frequently used in the UK. Perhaps the time to consider drawing up an international definition of the genre and its sub-generic characteristics would be after all possible sub-generic permutations have been exhausted by practitioners and broadcasters.

7.1.2 Stakeholders and Manipulation

In dissecting stakeholders' effects on reality television, I find it ironic that in a genre in which so many characteristics are manipulated and which is in a state of almost constant change, the single element that cannot be altered is the one that is most important to the success of the genre. That is, the ratings figures. It is around these figures every stakeholder must centre their activities to keep the generic wheel in process.

Television broadcasters and the companies who own them can manipulate production companies, who in turn can manipulate the broadcaster if they wish to pursue a specific program format. Production companies can also manipulate practitioners by compromising their working conditions and cutting budgets, which forces practitioners to cut corners. Practitioners can manipulate the narrative, participants and viewers. However, this can also occur in reverse, with participants using practitioners to further their personal or professional aspirations. Viewers can also influence program narrative by complaining to regulators.

However, based on the exploration of Kantian philosophical theory in Chapter 2 in the context of using others to satisfy one's own ends, I offer that the worst offenders in the genre are the advertisers and sponsors. These stakeholders are in a powerful and influential position and they actively pursue, engage and, in my opinion, manipulate and exploit all other stakeholders to serve their own corporate ends—to increase profit via sales of products.

7.1.3 Consequences, Protection and Duty of Care

Additionally, the previously mentioned lack of standardised defining characteristics relevant to the genre results in audiences being unwittingly misled at times into believing the program they are viewing is authentic and representative of real events unfolding in the way they have been portrayed. In fact, this is not always the case. While the events themselves are real, the narrative may well have been technically altered, arranged and rearranged to conform to a story arc, resulting in a series of unrelated events being seamlessly stitched together to present one event in a continuous scene. Participants may have been portrayed in ways that conform to a constructed archetypical stereotype rather than appearing as their 'real' self. There are a myriad of deceptions at play in the technical presentation of reality programming output.

There are also non-standardised practices across the key areas of reality television construction that can lead to potentially duplicitous production methods. This is of particular importance, as this can directly affect the participants upon which the genre's success relies.

This non-standardised sequence commences even before pre-production and extends beyond post-production and through to broadcast. It includes the existence of, consistency of, extent of and efficacy of a program's casting protocols, background checking procedures (medical, criminal, and physical), psychological screening practices, consenting processes, provision of psychological counselling before,

during and after production and a code of ethics relevant to the genre to which practitioners are required to adhere.

With respect to manipulation, Chapter 3 attests there can be devastating consequences to what participants' perceive as manipulation and/or neglect. The research in Chapter 3 highlights that participants have experienced considerable psychological harm and physical damage disproportionate to their involvement on a reality television program. The consequences of their manipulations are keenly felt on a personal level and, I believe, this makes those consequences harder to manage due to the increased media exposure experienced by participants.

Psychologists' opinions throughout Chapters 2, 3 and 5 indicate that they consider reality television to be a manipulatively constructed, ethically bereft and morally bankrupt commercially driven entertainment delivery system focused on presenting attractively packaged entertainment programs for consumption by viewers at the participants' expense. The thesis shows that scholars, while not embracing or accepting the transgressions inherent in reality television construction, appear more understanding (but no less tolerant) of the genre's shortcomings.

Due to the high incidence of physiological harm experienced by participants, I believe action needs to be taken by broadcasters, production companies and practitioners to reduce and if possible prevent the more negative manipulations in the genre. Several recommendations relevant to standardising some of the key processes in territories where reality programming production is prolific, such as the US and the UK for example, follow in section 7.2.

Chapter 2 highlights a wealth of evidence supporting many practitioners' successful and consistent implementation of a duty of care toward participants (as stakeholders) in a range of ethically and legally appropriate ways. However, in the same way that participants can benefit from an enhanced and effective duty of care, Chapter 3 indicates that practitioners could also benefit enormously from a better duty of care from their employers.

Chapter 3 also highlights many inconsistencies in the non-standard provision and efficacy of duty of care in the US, Australia and the UK. As duty of care, across the board, is constantly evolving there is scope for it to continue to develop in positive ways in order to avoid potentially negative outcomes.

In an ideal world, I believe that a duty of care in reality television construction in all three territories should be morally and legally binding on all stakeholders to all other stakeholders. However, the world is not ideal and the extent to which a duty of care is deployed is sometimes only carried out due to legal obligations.

7.2 Recommendations

7.2.1 Increase in Program Funding and Deadlines

I recommend several changes be made to the system, some of which are more urgently required than others. The three key changes I propose inform all subsequent recommendations listed below. These three key changes are that:

- a) increased funding be provided to production companies to facilitate program construction, adequate facilities, resources and staff acquisition;

- b) production companies and practitioners be provided with realistic broadcast deadlines;
- c) practitioners be provided with a realistic production schedule from the production company that does not force practitioners to compromise their output.

A failure to implement any of these three recommendations compromises any and all of the following recommendations.

7.2.2 Psychological Counselling and Aftercare

Participants should be entitled to counselling provided for and paid by the program's broadcaster for a period of up to one year following the end of the program's original broadcast run. This thesis research project determined that academics and psychologists believe aftercare should be mandatory at the conclusion of filming, but that the duration of that aftercare needs to be determined. Problematically, no authority exists that could be charged with overseeing this provision. That notwithstanding, I recommend that counselling be mandatory.

7.2.3 Casting

While it is beneficial that individuals with recorded criminal convictions are not cast, I propose that applicants who have experienced a mental illness or mood disorder should also be excluded during the application and/or casting process. Descriptions of the mental illness may be anecdotally provided in interviews that practitioners

conduct with the applicant's family members. It may be informally defined by the applicant's friends. In submitting this recommendation, I acknowledge that—in their desire to present an applicant in the best possible light—loved ones may give misleading or false information to practitioners to ensure the applicant progresses through the casting stage. This is possible particularly if the applicant has no medically documented history of mental illness.

7.2.4 Background Checks

Insufficient, inaccurate or retroactive background checks are not acceptable and I propose that filming should not commence until all checks are completed to the satisfaction of the program's executive producer. Perhaps the most important commodity in obtaining comprehensive background checks is time. Therefore, enough time needs to be allocated in the pre-production phase to ensure full checks can be completed.

Ideally, specialist staff, such as private investigators, should be employed to perform these checks and they can be held accountable. This would allow practitioners to focus on producing programming, rather than becoming distracted by an area in which they may not be fully conversant. Again, despite the fact that no specific authority could be charged with overseeing this provision, I recommend that background checks be mandatory.

7.2.5 Psychological Screening

I propose that psychological screening of participants be mandatory. I acknowledge that screening is done at the discretion of the practitioners or broadcaster. I also acknowledge the difficulty in establishing which authority may possess the requisite experience and authority to uphold this recommendation.

7.2.6 Medical and Physical Examinations

Once a participant has been cast for a program, I recommend they undergo extensive medical and physical examination. In many cases, this is already being done. However, I recommend it be mandatory on competition-based programs. Further, it is not sufficient that a participant's medical practitioner clear them for participation in a program. I recommend that a medical professional hired by the production company work in conjunction with a participant's health professional to facilitate an exchange of information at the participant's discretion.

7.2.7 Consent

As evidenced in Chapters 2, 3 and 5, obtaining informed consent is more or less impossible in reality television construction. That notwithstanding, I recommend a standardised consenting process be introduced in which consent forms include a 'cautionary' clause. While this may not be 'informed' consent, it is perhaps the closest to which reality programming can aspire.

It is not standard to include such a clause. However, doing so may allow the participant to make a better, more informed choice as to whether they wish to participate. I would suggest a cautionary clause similar in part to information already contained in *The Real World* release include information on:

- How the participant's involvement in the program and subsequent broadcast may directly or indirectly affect them and their loved ones; that is, the most common negative consequences of a contribution, such as psychological, mental, emotional, physical or financial harm, loss of face, potentially being unable to return to their life as it was prior to their contribution to the program, loss of privacy and intrusion into their private lives by the media
- What dramatic elements are likely to be constructed, contrived or included
- Disclosure of all plot devices that may be used including, but not limited to, the provision of alcohol and the rationing of food, sleep and privileges
Disclosure of how they will be recorded, such as by night-vision, CCTV cameras, cameras mounted inside vehicles, hidden cameras and underwater cameras
- The consequences of criminal or physically, sexually or overtly aggressive behaviour caused by any participant
- What is expected of the participant
- Whether the participant is able to have input at the post-production (editing) stage of the program
- That there is a cooling off period of three business days from receipt of the consent form that the participant and practitioner is entitled to exercise
- A recommendation that legal advice be sought prior to the participant's involvement.

Further, additional funding should be allocated to the pre-production stage for the consenting process to engage the services of senior practitioners specifically skilled in the process of consent acquisition. This person could initiate the process and guide participants through it, while also keeping communication between practitioners and participants as open and transparent as possible, given the constraints. If these key trouble areas were standardised, this might enable the reality television genre to operate and grow within set parameters that work in the genre's favour in a due diligence sense.

7.2.8 How the Recommendations Could Be Applied to Industry Practice

Due to the difficulties associated with formalising these recommendations within regulatory codes, I suggest there are a two ways to potentially apply the recommendations to industry in the US, Australia and the UK.

The first is that a steering committee be set up in each country comprising consulting psychologists, academics, ethicists, practitioners and key network television industry personnel, such as the heads of funding departments from commercial broadcasters and representatives from the broadcast regulator, for example. I propose those committees conduct quarterly meetings to assess:

- which recommendations are working in practice;
- which recommendations are not working in practice;
- which recommendations need to be modified;
- which recommendations need to be abolished;

- which recommendations could potentially be codified for successful industry implementation.

The key outcomes from those proceedings could be made publicly available in the interests of transparency and furthering public, scholarly and industry discourse.

A second method of applying the recommendations may involve the television broadcast and mental health industries in the US, Australia and the UK independently funding research which confidentially and anonymously surveys practitioners, consulting psychologists and former participants annually to assess industry's progress in the provision and maintenance of duty of care. Due to the confidential nature of the research data, these findings would not be publicly available but could be used by key television broadcast and mental health personnel to determine how successfully industry is enacting its duty of care toward participants, whether changes need to be implemented and how.

7.2.9 Best Practice

Training in ethics could be provided at the commencement of each reality television series specific to that particular program. This should be paid for by the employer and practitioner attendance should be mandatory.

I anticipate that the Australian Commercial Television Industry Code of Practice will continue to evolve in consultation with industry and the public to reflect community standards relevant to reality television. While I am cognisant of the difficulties

inherent in reintroducing a similar code of practice in the US, particularly in view of that country's First Amendment Right to Free Speech, I believe participants in the US may benefit from the reinstatement of that country's Code of Practices for Broadcasters, particularly if it were revised to reflect the Advisory Notes in the Australian Commercial Television Industry Code of Practice.

7.3 Future Research

The process of researching and writing this thesis raised as many questions as it answered. Consequently, it has prompted ideas for two future research studies. They are explained below.

7.3.1 Research Study 1

To answer the following questions pertaining to the risk of death for reality television participants:

- a) Why, in the context of reality television programming, have participants and others associated with programs in the competition-based sub-genre died in greater numbers than have participants from any other sub-genre?
- b) Are male participants from the competition-based sub-genre at more risk of physical harm than are their female counterparts? If so, why, and what can be done by practitioners to minimise the potential for harm?
- c) Do the number of deaths overall associated with the reality television genre correlate with national averages? Is participating in a reality program in some territories of itself a legitimate risk?

7.3.2 Research Study 2

To monitor reality television participants' psychological well-being across a range of reality television programming for one year following their contribution to a program, as originally suggested by Oliver James in 2001. At the time of writing, James' study was 10 years overdue.

7.4 Epilogue: How Will it End?

In my opinion, the broadcast industry in the US, Australia and the UK has made significant advancements in enacting a duty of care toward reality television participants particularly since 2000. As previously stated in the thesis, some practitioners have excelled at enacting a duty of care toward their program participants. However, as also previously stated, the thoroughness of the maintenance of this duty is not standardised and some practitioners have not provided what is considered by participants as a decent duty of care.

In my opinion, while some sections of the broadcast industry will continue to develop and improve their duty of care procedures and protocols, others may not follow suit as diligently due to any number of constraints.

A very real and serious impediment to practitioners behaving more ethically in reality television construction is the lengths to which some may be willing to go to 'make good television'. That is, television that rates highly due to its entertainment

value. Therefore, while I hope for more responsible and accountable methods of reality television production, in truth I do not know how the story will end.

I fear three things. The first is that the incidence cited herein of physiological damage and death associated with the genre, particularly in the competition-based, reality life experiment and docusoap sub-genres, may be ignored and that programs will continue to be made without considering the implementation of safeguards, such as counselling or more thorough background checking, which could potentially minimise harm to participants.

The second is that participants will continue to apply for and take part in reality programs with very little forethought or regard for the range of negative psychological consequences their involvement may bring. This is of particular concern in the case of participants with personal or family histories of medical or health problems pursuing an appearance on a reality program in the hope that it may benefit them or somehow improve their lives, when in fact the opposite is more likely. Related to this, it concerns me that practitioners might continue to cast emotionally vulnerable, potentially unstable or volatile participants and that this action either will go unchallenged or be supported by their peers.

I implore practitioners to continue thinking critically, not only before casting participants but also before interacting with them in any way. I ask practitioners to remember the participant is a real person who—when the show is over—must return to their own life as best they can. While practitioners can move from show to show as their employment dictates, most participants cannot. They are left living with the

repercussions of their televisual portrayal, irrespective of how accurate or inaccurate they feel it might have been.

Finally, in recommending that practitioners put in place as many preventative measures, checks, balances and support systems as they or psychologists can conceive, one simple fact remains and it is this fact which remains my final fear. That is, that if a participant is determined to appear on a reality television show irrespective of the likely personal cost to him or her, no amount of discouragement on the part of practitioners will deter them. It is patronising to treat adult participants like children, especially when they are free to consent to audition for any show they wish.

What I hope for is that if an individual progresses through the audition and casting stages to become a participant on a reality television program, that some if not all of the above recommended checks and balances are in place to provide that person with support should it be required. I believe this is essential for the healthy growth of the genre and for the people who contribute to its output.

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Appendices

Appendix A: Talent Release Form (Adult): Network Ten Australia



ADULT TALENT RELEASE

Ten

Network Ten Pty Limited
1 Saunders Street
Pyrmont NSW 2009

Participant

Name

.....

Address

.....

.....

Program

.....

The Participant wishes to participate in the Program and, in consideration of Ten agreeing to consider the Participant for inclusion in the Program, the Participant makes the agreements and acknowledgments in accordance with the terms and conditions which are attached.

Signed for and on behalf of Ten

Signed by the Participant

Signature:

Signature:

Name:

Date:

Position:

Date:

TERMS AND CONDITIONS OF THE ADULT TALENT RELEASE

1. AGREEMENTS AND ACKNOWLEDGMENTS

The Participant agrees and acknowledges that:

- (a) Ten may record the Participant's image and voice for use in the Program;
- (b) Ten may incorporate any recorded image or sound made by Ten of the Participant in the Program;
- (c) Ten may use the Participant's name or any other personal reference in the Program;
- (d) Ten may copy, alter, adapt, utilise and exploit the Program in any way it sees fit, at any time, anywhere in the world, by any means and may license, authorise or otherwise transfer the rights in the Program to others to do the same;
- (e) Ten may use the Participant's recorded images and/or sounds in the promotion of the Program; and
- (f) the Participant will not have any interest in the Program, in the copyright or any other right in the Program and, to the extent permissible by law, the Participant waives and/or assigns to Ten all such rights which might, but for this Release, arise.

2. RELEASE

The Participant agrees and acknowledges that the Participant participates in the Program at Participant's own risk and releases Ten and, each station in its network and its and their employees, agents, officers and contractors ("**the Released Persons**") from any action, proceeding, suit, claim or demand which the Participant has, or may have, which are connected with, or incidental to:

- (a) the Participant's participation in the Program;
- (b) the provision by Ten or any other person of any goods and/or services; and/or
- (c) any matter or thing referred to in this Release.

3. INDEMNITY

In consideration of Ten considering the Participant for inclusion in the Program, the Participant indemnifies and holds Ten, and each station in its network and their employees, agents, officers and contractors ("**the Indemnified Persons**") harmless and keeps each of them indemnified from and against any action, proceeding, suit, claim or demand made against any of the Indemnified Persons arising from or in consequence of:

- (a) the Participant's participation in the Program; or
- (b) any claim by the Participant or any other person against any of the Released Persons which relates to the Release given by the Participant in clause 2,

and from and against any direct, indirect, consequential or special damage, loss, cost or expense (including legal expenses as between solicitor and client) suffered or incurred by any of the Indemnified Persons as a consequence thereof.

4. MORAL RIGHTS

The Participant:

- (a) consents to any work created by the Participant in the course of participating in the Program being changed, copied, edited, added to, taken from, adapted and/or translated, in any manner or context by Ten, and any person authorised by Ten to do so, for any purpose, notwithstanding that such conduct may amount to derogatory treatment of the work within the meaning of the *Copyright Act, 1968*; and
- (b) acknowledges that the consent in paragraph (a) is genuinely given by the Participant and is not given because any person:
 - (i) applied duress to the Participant (or any representative of the Participant) to give that consent; or
 - (ii) made a false and misleading statement to the Participant in relation to the giving of that consent.

5. GENERAL

- (a) Waiver:

Any failure or delay on the part of Ten in insisting upon strict performance by the Participant of any provision of this Agreement will not be taken to be a waiver of such provision or of any rights of Ten and will not be taken to be a waiver of the same provision on any subsequent occasion.

- (b) Assignment:

Ten may assign any or all of the rights or obligations of the Agreement to any other person without the Participant's consent. The Participant may not assign any of the rights or obligations of this Agreement to any other person in any circumstance.

- (c) Governing Law:

This Agreement will be governed by and construed in accordance with the Laws of New South Wales and Ten and the Participant unreservedly

submits to the jurisdiction of the Courts of that State and all Courts competent to hear appeals from those Courts.

(d) Assigns:

Any reference to any party in this Agreement includes a reference to that party's successors and assigns.

6. DEFINITIONS

In this Agreement "**Ten**", "**Participant**" and "**Program**" have the meaning ascribed to them in the attached cover sheet.

Appendix B: Participant Information Sheet: Research Project



University of Wollongong - Wollongong – New South Wales – 2522 - Australia

PARTICIPANT INFORMATION SHEET - MAIN STUDY – Stage 1 Group 2b: Academics

DATE

NAME

ADDRESS

ADDRESS

EMAIL

Dear RESEARCH PARTICIPANT NAME,

This is an invitation for you to take part in an academic research study on Reality Television conducted by Cheryl-Anne Whitlock, a Master of Arts research student at the University of Wollongong, New South Wales, Australia. The study is titled *Is manipulation within the construct of Reality Television ethical?*

PURPOSE

The purpose of this study is to investigate whether manipulation of the narrative, in order to tell a more dramatic story, is ethical. The research will also investigate theoretical and academic pressures imposed on the genre and compare these to the practical production process. That is, how others think Reality TV should be made compared to how it is made. The research will investigate whether there is a gap between theory and practice and if there is, how this gap might be closed to the benefit of everyone who is keen to further the success of the genre. If you choose to participate, your valuable contribution could greatly help practitioners in the field understand more clearly the role that ethics can play in the construction of Reality TV programming.

RESEARCHER

Cheryl-Anne Whitlock

School of Journalism and Creative Writing, Faculty of Creative Arts

University of Wollongong, New South Wales, 2522, Australia

Email: caw14@uow.edu.au

WHAT I WOULD LIKE YOU TO DO – METHODS & INCONVENIENCE

Two key groups are involved in this part of the study. They are Group 2: Theoreticians (a) Philosophers & Ethicists, (b) Academics, (c) Psychologists and Group 4: Reality Television Audience. If you choose to take part, you will be participating in Group 2 (b) GROUP. There is an On-Line Survey comprising of 20 questions. 15 of those questions are standard for all groups and 5 are specific to your group. If you want to take part in the study all that is required is that you answer part or all of the Survey questions. Some answers are ‘yes’/‘no’, others are multiple choice. This Survey represents Stage 1 of the research study and should only take 20 minutes to complete. Examples of the questions are:

- (a) Do you feel that the title ‘Reality TV’ is appropriate for the genre?
- Yes
 - No
 - Unsure



PARTICIPANT INFORMATION SHEET - MAIN STUDY – Stage 1 Group 2b: Academics

- (b) *Which single group do you think is responsible for the existence of Reality TV more than any other?*
- *Participants*
 - *Producers*
 - *Audiences*
 - *Advertisers & Sponsors*
 - *Broadcasters*
 - *None of the Above*
- (c) *Statement A: Australia: In 2007, the Australian Communications and Media Authority (ACMA) commissioned a national survey of 1,000 viewers (aged 15 years +) of commercial free-to-air television in Australia. Reportedly, 54.0 per cent of all persons surveyed agreed with the statement that Reality TV programs exploit the people who participate in them. Do you agree with Statement A, "...that Reality TV programs exploit the people who participate in them."?*
- *Yes*
 - *No*
 - *Unsure*

After all respondents have completed this Survey (Stage 1), I may ask you to answer a few more questions in Stage 2 some weeks later. Those questions will take approximately 10 minutes to answer and your involvement will be determined when Stage 1's data has been tabulated. You are under no obligation to take part in Stage 1 or 2 and you can refuse to participate at any time, even after giving your consent, without penalty.

Finally, I would greatly appreciate it if you could please advise me if you have ever been employed (paid or unpaid) in any capacity, either directly or indirectly, on any Reality Television program in any country. If you have been involved in the construction of a Reality Television program (no matter how insignificant you may feel your involvement was), you may be exempt from taking part in this study. Your honesty in this regard is paramount to the success of the study. Thank you. I can be contacted on caw14@uow.edu.au

PRESERVING YOUR ANONYMITY

Protecting your identity is also critical to the success of the study. Therefore, if/when you take the Survey, your answers will be listed anonymously. Your name, your computer's IP address, your email address or any other identifying data will NOT appear anywhere on the Survey. It will be impossible for even the chief investigator (me) to obtain the name of any Survey participant once the online survey has been submitted. Further, the Consent Form cannot be linked to your anonymous answers on the Survey and no other research subjects will know which questions you answered, nor the answer you provided. You can skip questions or change your answers within an on-line session if you wish however you can only take the survey once.

After the results of the Survey have been tabulated, results analysis will identify emerging trends in each research group and Stage 2's On-Line Survey will be drawn up and made available to you in due course. I will contact you to advise you when Stage 2 questions are on-line. The same principles of anonymity apply to Stage 2.



PARTICIPANT INFORMATION SHEET - MAIN STUDY – Stage 1 Group 2b: Academics

BENEFITS OF RESEARCH – INCLUDING PUBLICATION OF THESIS/RESULTS

Within the context of the thesis, data gathered will be used for academic research and review. Research results will be published in a Master of Arts (Journalism) thesis published by the University of Wollongong, NSW, Australia.

An informal ‘best practice’ ethical guideline may also be published (dependant on research data) and may be distributed to the broadcast industry, media students and academia, internationally, outlining potential concerns and possible remedies within the construction of Reality Television. That is not to say construction of Reality Television programming is not already ethical, moreover, the results may reveal how current production methods might be improved to the benefit of broadcasters, participants, producers and audiences alike.

The thesis will be made available to the general public via the University of Wollongong’s online digital thesis program. Therefore, the thesis can be downloaded by anyone in the world for any reason. Following publication, some sections of the thesis, including the results, may be quoted across all media, including the Internet. Small sections may also be re-published in international media journals and on third party media/commentary websites.

Neither this researcher, nor the University of Wollongong, has any control over who may obtain the thesis, how these third parties might use the data or when they might use it. To reiterate, your answers will be anonymous. However, I would like to mention that any answers provided by you on the Survey might attract criticism or negative comments from third parties after the results are published. Please take the possibility of such criticism into consideration when deciding whether you’d like to participate in the research as neither this researcher, nor the University of Wollongong, has control over any subsequent negative repercussions.

YOUR INVOLVEMENT

There are no financial incentives in taking part in this study. You are free to decide whether to take part and you can stop participating at any time without giving a reason. However, if you withdraw from the research study **after** granting consent and **after** taking the Survey, it is critical that you please advise me in writing. This will enable me to remove any data you have provided on the Survey. Please be advised I can only remove your answers if you advise me what they were. If you discontinue participation, the HREC will also be advised and their office will retain your written discontinuation request, which I would like you to please email to me in the first instance. Again, there is no penalty for discontinuing the study at any time. If you do not wish to take part in the study from the outset, I would appreciate it if you could please let me know. Thank you.

DATA STORAGE

Data gathered will be regularly backed-up to CDs and will be submitted to my Supervisor (Advisor) at the University of Wollongong when the thesis examination process is complete.

QUESTIONS, CONCERNS or COMPLAINTS

Please contact me if you have any questions and I will respond to you as soon as possible by telephone or email. My email address is caw14@uow.edu.au Many thanks. If you would like to take part in the study please let me know and I will email a Consent Form to you. When I have received the Consent Form back from you, I’ll send you the URL/link to Stage 1 of the Survey.



University of Wollongong - Wollongong – New South Wales – 2522 - Australia

**PARTICIPANT INFORMATION SHEET - MAIN STUDY – Stage 1
Group 2b: Academics**

Finally, this study has been reviewed by the Human Research Ethics Committee (Social Science, Humanities and Behavioural Science) at the University of Wollongong. If you have any complaints about the way this research is being conducted, please contact the Committee via the Research Manager at the University of Wollongong (eves@uow.edu.au) or on (tel) +61 2 4221 4457.

If you have any concerns about the study itself, please contact my Supervisor, Dr David Blackall at the University of Wollongong on dblackal@uow.edu.au or on (tel) +61 2 4221 3555. I look forward to hearing from you and I thank you for your kind consideration.

Warm regards

Cheryl-Anne Whitlock (Sent by email)
School of Journalism and Creative Writing
Faculty of Creative Arts, University of Wollongong
Wollongong NSW 2522 AUSTRALIA
Email: caw14@uow.edu.au

Appendix C: Participant Consent Form: Research Project



CONSENT FORM - MAIN STUDY – Stage 1
Group 2b: Academics

DATE

NAME
ADDRESS
ADDRESS
EMAIL

Dear RESEARCH PARTICIPANT NAME,

Thesis Title: *Is manipulation within the construct of Reality Television ethical?*
Researcher's Name: Cheryl-Anne Whitlock

I have been given information about the above academic study to be conducted by Cheryl-Anne Whitlock as part of a Master of Arts (Research) post-graduate degree. Ms Whitlock is supervised (advised) by Dr David Blackall, School of Journalism and Creative Writing, Faculty of Creative Arts, University of Wollongong, New South Wales, Australia.

I understand that if I consent to take part in this study, I will be asked to:

- Provide answers to 20 questions in an On-Line Survey in Stage 1.
- Provide answers to 5 questions in an On-Line Survey in Stage 2.

Further, I understand that:

- the answers I provide in each On-Line Survey are anonymous,
- my answers will be published in the thesis,
- my name will not be published in the thesis,
- my participation in this research study is voluntary,
- my involvement in this study is not financially motivated,
- I am free to refuse to participate in the study at any time without penalty,
- I am free to withdraw from the study even after I have given my consent. Withdrawal will not affect my relationship with Ms Whitlock or the University of Wollongong,
- if I withdraw from the study after granting consent, and after providing data (answers), I must notify Ms Whitlock in writing,

By signing below, I give my consent to take part in the research study conducted by Cheryl-Anne Whitlock as it has been described to me in the Participant Information Sheet and in any discussions I may have had with Ms Whitlock. I also confirm I have never been employed (paid or unpaid) in any capacity, either directly or indirectly, on any Reality Television program in any country. I understand the data collected from my participation will be used for publication within the Master of Arts (Research) thesis.

Finally, I confirm I will email this Consent Form to Ms Whitlock at caw14@uow.edu.au I understand that my typed name is sufficient to confirm both my identity and my participation in the Study. On receipt, Ms Whitlock will email the link to the On-Line Survey to me.

If I have enquiries about this study, I can contact Ms Whitlock by email at caw14@uow.edu.au and I can also contact her supervisor/advisor, Dr David Blackall on (tel) +61 2 4221 3864 or dblackal@uow.edu.au If I wish to complain about the way the research is being or has been conducted, I can contact the Complaints Officer, Human Research Ethics Committee, Research Services Office, University of Wollongong on (tel) +61 2 4221 4457.

(Typed) Name

Today's Date

**Appendix D: Combined Numbers of Deceased Reality Television
Participants for the 17-year Period, 1994–2011, by Year of Death
Followed by Manner of Death, as Reported in Media**

Combined numbers of deceased reality television participants for the 17-year period, 1994–2011, by year of death followed by manner of death, as reported in media, p.1/2

Record	Year of Death	Country of Program's First Transmission	Program Name	Participant's Name	Sex	Age	Program Sub-Genre	Manner of Death as Reported in Media
1	2011	UK	<i>X Factor</i>	James Smith	M	45	Competition	Unexpected participant death following production and/or broadcast of a program
2	2011	US	<i>Last Comic Standing</i>	Mike Destefano	M	44	Competition	Unexpected participant death following production and/or broadcast of a program
3	2011	Australia	<i>Australian Idol</i>	Jay Dee Springbett	M	36	Competition	Unexpected participant death following production and/or broadcast of a program
4	2011	US	<i>Celebrity Fit Club</i>	John Kennedy Oswald aka Jani Lane	M	47	Competition	Unexpected participant death following production and/or broadcast of a program
5	2011	US	<i>Ty Murray's Celebrity Bull Riding Challenge</i>	Francesco Quinn	M	48	Competition	Unexpected participant death following production and/or broadcast of a program
6	2011	US	<i>American Hot Rod</i>	Boyd Coddington	M	63	Docusoap	Unexpected participant death following production and/or broadcast of a program
7	2011	US	<i>The Deadliest Catch</i>	Justin Tennison	M	34	Docusoap	Unexpected participant death following production and/or broadcast of a program
8	2011	UK	<i>The Family</i>	Margaret Sainsbury aka Mrs Wilkins	F	73	Docusoap	Unexpected participant death following production and/or broadcast of a program
9	2011	US	<i>Jackass</i>	Ryan Dunn	M	34	Reality Hoax	Unexpected participant death following production and/or broadcast of a program
10	2011	US	<i>Celebrity Rehab With Dr Drew</i>	Jeff Conaway	M	60	Reality Life Experiment	Unexpected participant death following production and/or broadcast of a program
11	2011	US	<i>Celebrity Rehab with Dr Drew</i>	Mike Starr	M	44	Reality Life Experiment	Unexpected participant death following production and/or broadcast of a program
12	2011	UK	<i>The Biggest Loser</i>	Angie Dowds	F	42	Competition	Suicide
13	2011	US	<i>The Biggest Loser</i>	Jeret 'Speedy' Peterson	M	29	Competition	Suicide
14	2011	US	<i>The Real Housewives of Beverley Hills</i>	Russell Armstrong	M	47	Docusoap	Suicide
15	2010	UK	<i>Strictly Come Dancing</i>	Jason Wood	M	38	Competition	Unexpected participant death following production and/or broadcast of a program
16	2010	US	<i>Last Comic Standing</i>	Greg Giraldo	M	44	Competition	Unexpected participant death following production and/or broadcast of a program
17	2010	US	<i>The Two Coreys</i>	Corey Haim	M	38	Docusoap	Unexpected participant death following production and/or broadcast of a program
18	2010	UK	<i>Buy It, Sell It, Bank It</i>	Kristian Digby	M	32	Lifestyle	Unexpected participant death following production and/or broadcast of a program
19	2010	US	<i>Divorce Court</i>	Gary Coleman	M	42	Reality Crime	Unexpected participant death following production and/or broadcast of a program
20	2010	US	<i>The Deadliest Catch</i>	Phil Harris	M	53	Docusoap	Unexpected participant death during rolling production of series
21	2010	US	<i>First 48</i>	Aiyana Stanley-Jones	F	7	Reality Crime	Unexpected participant death during rolling production of series
22	2010	UK	<i>Bad Lad's Army</i>	Michael Lowes	M	28	Competition	Suicide
23	2010	US	<i>Kitchen Nightmares</i>	Joseph Cerniglia	M	39	Competition	Suicide
24	2010	US	<i>The Bachelorette</i>	Julien Hug	M	35	Competition	Suicide
25	2010	US	<i>Storm Chasers</i>	Matt Hughes	M	30	Docusoap	Suicide
26	2009	Australia	<i>Australian Survivor</i>	Rob Dickson	M	45	Competition	Unexpected participant death following production and/or broadcast of a program
27	2009	US	<i>American Idol</i>	Alexis Cohen	F	25	Competition	Unexpected participant death following production and/or broadcast of a program
28	2009	US	<i>American Loggers</i>	Davey McLaughlin	M	45	Competition	Unexpected participant death following production and/or broadcast of a program
29	2009	US	<i>Remote Control</i>	Ken Ober	M	52	Competition	Unexpected participant death following production and/or broadcast of a program
30	2009	Australia	<i>RPA</i>	Chris O'Brien	M	57	Docusoap	Unexpected participant death following production and/or broadcast of a program
31	2009	US	<i>Gone Too Far</i>	Adam Goldstein aka DJ AM	M	36	Reality Life Experiment	Unexpected participant death following production and/or broadcast of a program
32	2009	US	<i>Intervention</i>	Bret (Surname not provided by media)	M	43	Reality Life Experiment	Unexpected participant death following production and/or broadcast of a program
33	2009	US	<i>Wipeout</i>	Tom Sparks	M	33	Competition	Unexpected participant death during rolling production of series
34	2009	US	<i>Pitchmen</i>	Billy Mays	M	50	Infotainment	Unexpected participant death during rolling production of series
35	2009	US	<i>Megan Wants To Marry a Millionaire</i>	Ryan Jenkins	M	32	Competition	Suicide
36	2009	US	<i>Real Housewives of Atlanta</i>	Ashley 'AJ' Jewell	M	34	Docusoap	Participants who were killed by others
37	2009	US	<i>Cathouse</i>	Hayden Brooks aka Brooke Phillips	F	21	Docusoap	Participants who were killed by others
38	2008	Australia	<i>Australian Idol</i>	Levi Kereama	M	27	Competition	Unexpected participant death following production and/or broadcast of a program
39	2008	US	<i>A Double Shot at Love</i>	Kandice Hutchinson	F	22	Competition	Unexpected participant death following production and/or broadcast of a program
40	2008	US	<i>Intervention</i>	Lawrence Ryan	M	34	Reality Life Experiment	Unexpected participant death following production and/or broadcast of a program
41	2008	UK	<i>Wife Swap</i>	Simon Foster	M	40	Reality Life Experiment	Unexpected participant death following production and/or broadcast of a program
42	2008	US	<i>Blush: The Search For The Next Great Makeup Artist</i>	Todd Homme	M	23	Competition	Unexpected participant death during rolling production of series
43	2008	US	<i>American Idol</i>	Paula Goodspeed	F	30	Competition	Suicide
44	2008	US	<i>Supernanny</i>	James Scott Terrill	M	37	Reality Life Experiment	Suicide

Combined numbers of deceased reality television participants for the 17-year period, 1994–2011, by year of death followed by manner of death, as reported in media, p.2/2

45	2007	Australia	<i>Big Brother</i>	Gordon Sloan	M	38	Competition	Unexpected participant death following production and/or broadcast of a program
46	2007	UK	<i>Pleasure Island</i>	Mike Furnell	M	61	Competition	Unexpected participant death following production and/or broadcast of a program
47	2007	US	<i>The Anna Nicole Show</i>	Anna Nicole Smith	F	39	Docusoap	Unexpected participant death following production and/or broadcast of a program
48	2007	US	<i>The Real World</i>	Frankie Abernethy	F	25	Docusoap	Unexpected participant death following production and/or broadcast of a program
49	2007	US	<i>Hell's Kitchen</i>	Rachel Brown	F	41	Competition	Suicide
50	2007	US	<i>Paradise Hotel II</i>	Nathan Clutter	M	26	Competition	Suicide
51	2007	US	<i>Pirate Master</i>	Cheryl Kosewicz	F	35	Competition	Suicide
52	2007	UK	<i>American Gladiators</i>	Lavern Paul Ritch	M	37	Competition	Participants who were killed by others
53	2006	US	<i>Nancy Grace</i>	Melinda Duckett	F	21	Reality Crime	Suicide
54	2006	US	<i>Dateline's To Catch a Predator</i>	Louis Conradt	M	56	Reality Crime	Suicide
55	2006	UK	<i>Britain's Worst Husband</i>	Erica Pawson	F	36	Reality Life Experiment	Suicide
56	2005	US	<i>The Contender</i>	Najai Turpin	M	23	Competition	Suicide
57	2005	Australia	<i>The Colony</i>	Carina Stephenson	F	17	Reality Life Experiment	Suicide
58	2005	US	<i>Vegas Elvis</i>	Melanie Bell	F	36	Reality Life Experiment	Suicide
59	2004	US	<i>Subaru Primal Quest</i>	Nigel Aylott	M	38	Competition	Unexpected participant death during rolling production of series
60	2004	US	<i>Extreme Makeover</i>	Kellie McGee	F	27	Reality Life Experiment	Suicide
61	1994	US	<i>The Real World</i>	Pedro Zamora	M	22	Docusoap	Unexpected participant death following production and/or broadcast of a program

**Appendix E: Combined Numbers of Deceased Reality Television
Participants for the 17-year Period, 1994–2011, by Program Sub-
genre Followed by Year of Death**

Combined numbers of deceased reality television participants for the 17-year period, 1994–2011, by program sub-genre followed by year of death, p.1/2

Record	Year of Death	Country of Program's First Transmission	Program Name	Participant's Name	Sex	Age	Program Sub-Genre	Manner of Death as Reported in Media
1	2011	UK	<i>X Factor</i>	James Smith	M	45	Competition	Unexpected participant death following production and/or broadcast of a program
2	2011	US	<i>Last Comic Standing</i>	Mike Destefano	M	44	Competition	Unexpected participant death following production and/or broadcast of a program
3	2011	Australia	<i>Australian Idol</i>	Jay Dee Springbett	M	36	Competition	Unexpected participant death following production and/or broadcast of a program
4	2010	UK	<i>Strictly Come Dancing</i>	Jason Wood	M	38	Competition	Unexpected participant death following production and/or broadcast of a program
5	2010	US	<i>Last Comic Standing</i>	Greg Giraldo	M	44	Competition	Unexpected participant death following production and/or broadcast of a program
6	2009	US	<i>Remote Control</i>	Ken Ober	M	52	Competition	Unexpected participant death following production and/or broadcast of a program
7	2009	Australia	<i>Australian Survivor</i>	Rob Dickson	M	45	Competition	Unexpected participant death following production and/or broadcast of a program
8	2009	US	<i>American Loggers</i>	Davey McLaughlin	M	45	Competition	Unexpected participant death following production and/or broadcast of a program
9	2009	US	<i>American Idol</i>	Alexis Cohen	F	25	Competition	Unexpected participant death following production and/or broadcast of a program
10	2008	US	<i>Blush: The Search For The Next Great Makeup Artist</i>	Todd Homme	M	23	Competition	Unexpected participant death during rolling production of series
11	2008	Australia	<i>Australian Idol</i>	Levi Kereama	M	27	Competition	Unexpected participant death following production and/or broadcast of a program
12	2007	Australia	<i>Big Brother</i>	Gordon Sloan	M	38	Competition	Unexpected participant death following production and/or broadcast of a program
13	2007	UK	<i>Pleasure Island</i>	Mike Furnell	M	61	Competition	Unexpected participant death following production and/or broadcast of a program
14	2007	UK	<i>American Gladiators</i>	Lavern Paul Ritch	M	37	Competition	Participants who were killed by others
15	2011	US	<i>Ty Murray's Celebrity Bull Riding Challenge</i>	Francesco Quinn	M	48	Competition	Unexpected participant death following production and/or broadcast of a program
16	2011	UK	<i>The Biggest Loser</i>	Angie Dowds	F	42	Competition	Suicide
17	2011	US	<i>The Biggest Loser</i>	Jeret 'Speedy' Peterson	M	29	Competition	Suicide
18	2011	US	<i>Celebrity Fit Club</i>	John Kennedy Oswald aka Jani Lane	M	47	Competition	Unexpected participant death following production and/or broadcast of a program
19	2010	US	<i>The Bachelorette</i>	Julien Hug	M	35	Competition	Suicide
20	2010	US	<i>Kitchen Nightmares</i>	Joseph Cerniglia	M	39	Competition	Suicide
21	2010	UK	<i>Bad Lad's Army</i>	Michael Lowes	M	28	Competition	Suicide
22	2009	US	<i>Wipeout</i>	Tom Sparks	M	33	Competition	Unexpected participant death during rolling production of series
23	2009	US	<i>Megan Wants To Marry a Millionaire</i>	Ryan Jenkins	M	32	Competition	Suicide
24	2008	US	<i>American Idol</i>	Paula Goodspeed	F	30	Competition	Suicide
25	2008	US	<i>A Double Shot at Love</i>	Kandice Hutchinson	F	22	Competition	Unexpected participant death following production and/or broadcast of a program
26	2007	US	<i>Pirate Master</i>	Cheryl Kosewicz	F	35	Competition	Suicide
27	2007	US	<i>Paradise Hotel II</i>	Nathan Clutter	M	26	Competition	Suicide
28	2007	US	<i>Hell's Kitchen</i>	Rachel Brown	F	41	Competition	Suicide
29	2005	US	<i>The Contender</i>	Najai Turpin	M	23	Competition	Suicide
30	2004	US	<i>Subaru Primal Quest</i>	Nigel Aylott	M	38	Competition	Unexpected participant death during rolling production of series
31	2011	UK	<i>The Family</i>	Margaret Sainsbury aka Mrs Wilkins	F	73	Docusoap	Unexpected participant death following production and/or broadcast of a program
32	2011	US	<i>The Deadliest Catch</i>	Justin Tennison	M	34	Docusoap	Unexpected participant death following production and/or broadcast of a program
33	2011	US	<i>American Hot Rod</i>	Boyd Coddington	M	63	Docusoap	Unexpected participant death following production and/or broadcast of a program
34	2010	US	<i>The Two Coreys</i>	Corey Haim	M	38	Docusoap	Unexpected participant death following production and/or broadcast of a program
35	2010	US	<i>The Deadliest Catch</i>	Phil Harris	M	53	Docusoap	Unexpected participant death during rolling production of series
36	2009	Australia	<i>RPA</i>	Chris O'Brien	M	57	Docusoap	Unexpected participant death following production and/or broadcast of a program
37	2009	US	<i>Real Housewives of Atlanta</i>	Ashley 'AJ' Jewell	M	34	Docusoap	Participants who were killed by others
38	2009	US	<i>Cathouse</i>	Hayden Brooks aka Brooke Phillips	F	21	Docusoap	Participants who were killed by others
39	2007	US	<i>The Real World</i>	Frankie Abernethy	F	25	Docusoap	Unexpected participant death following production and/or broadcast of a program
40	2007	US	<i>The Anna Nicole Show</i>	Anna Nicole Smith	F	39	Docusoap	Unexpected participant death following production and/or broadcast of a program
41	1994	US	<i>The Real World</i>	Pedro Zamora	M	22	Docusoap	Unexpected participant death following production and/or broadcast of a program
42	2011	US	<i>The Real Housewives of Beverley Hills</i>	Russell Armstrong	M	47	Docusoap	Suicide
43	2010	US	<i>Storm Chasers</i>	Matt Hughes	M	30	Docusoap	Suicide
44	2009	US	<i>Pitchmen</i>	Billy Mays	M	50	Infotainment	Unexpected participant death during rolling production of series

Combined numbers of deceased reality television participants for the 17-year period, 1994–2011, by program sub-genre followed by year of death, p.2/2

45	2010	UK	<i>Buy It, Sell It, Bank It</i>	Kristian Digby	M	32	Lifestyle	Unexpected participant death following production and/or broadcast of a program
46	2010	US	<i>First 48</i>	Aiyana Stanley-Jones	F	7	Reality Crime	Unexpected participant death during rolling production of series
47	2010	US	<i>Divorce Court</i>	Gary Coleman	M	42	Reality Crime	Unexpected participant death following production and/or broadcast of a program
48	2006	US	<i>Nancy Grace</i>	Melinda Duckett	F	21	Reality Crime	Suicide
49	2006	US	<i>Dateline's To Catch a Predator</i>	Louis Conradt	M	56	Reality Crime	Suicide
50	2011	US	<i>Jackass</i>	Ryan Dunn	M	34	Reality Hoax	Unexpected participant death following production and/or broadcast of a program
51	2011	US	<i>Celebrity Rehab With Dr Drew</i>	Jeff Conaway	M	60	Reality Life Experiment	Unexpected participant death following production and/or broadcast of a program
52	2011	US	<i>Celebrity Rehab with Dr Drew</i>	Mike Starr	M	44	Reality Life Experiment	Unexpected participant death following production and/or broadcast of a program
53	2009	US	<i>Intervention</i>	Bret (Surname not provided by media)	M	43	Reality Life Experiment	Unexpected participant death following production and/or broadcast of a program
54	2009	US	<i>Gone Too Far</i>	Adam Goldstein aka DJ AM	M	36	Reality Life Experiment	Unexpected participant death following production and/or broadcast of a program
55	2008	US	<i>Intervention</i>	Lawrence Ryan	M	34	Reality Life Experiment	Unexpected participant death following production and/or broadcast of a program
56	2008	UK	<i>Wife Swap</i>	Simon Foster	M	40	Reality Life Experiment	Unexpected participant death following production and/or broadcast of a program
57	2008	US	<i>Supernanny</i>	James Scott Terrill	M	37	Reality Life Experiment	Suicide
58	2006	UK	<i>Britain's Worst Husband</i>	Erica Pawson	F	36	Reality Life Experiment	Suicide
59	2005	US	<i>Vegas Elvis</i>	Melanie Bell	F	36	Reality Life Experiment	Suicide
60	2005	Australia	<i>The Colony</i>	Carina Stephenson	F	17	Reality Life Experiment	Suicide
61	2004	US	<i>Extreme Makeover</i>	Kellie McGee	F	27	Reality Life Experiment	Suicide