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# Managing the margins: how journalism reports the vulnerable

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## Abstract

All citizens have the potential to be caught up in a situation which will render them vulnerable to the media; some of the most serious implications are for those who lie at society's margins. Such individuals are especially vulnerable to journalistic exploitation or misrepresentation, with the attendant risks of public embarrassment, humiliation or psychological trauma. When dealing with society's most vulnerable, journalists are walking a tightrope between reporting as comprehensively and accurately as possible and treating their news subjects with respect and dignity. The paper argues that professional codes do not provide sufficient guidance through the ethical complexities inherent in this situation, and refers to an Australian project which has demonstrated that reporting with sensitivity and understanding does not mean muting the journalistic voice. The paper concludes that, when the marginalised become news subjects, it is important for journalists to minimise harm to the greatest extent possible and, in those cases where harm occurs, to be able to justify it in ethical terms.

## Introduction

One of the enduring themes of much media criticism is the negativity of news. While it might be an exaggeration to describe news as “a mischaracterization of the world that is poisoning the minds of our children” (Patterson 2002), there is a widespread view that news focuses on people’s failures and weaknesses “without the concomitant drive to understand why they have these faults, what the context is, and how they link up with their strengths and virtues” (Midgley 1998: 40). There is no shortage of evidence to support this assessment, and few today would argue that journalistic output is objective in the sense of being “detached, unprejudiced, unopinionated, uninvolved, unbiased and omniscient” (Merrill 1984: 104). Rather, as a host of studies have shown, news in general suffers from many distortions, including over-representation of society’s upper echelons and “official” voices, an emphasis on social values which are supportive of the status quo, and the marginalisation, stigmatisation or ignoring of minorities (for fuller discussion see, for example, McQuail 1996: 254–55). The result is that:

Outstanding reporting and accurate writing mingle with editing and reporting, that smears, sneers and jeers, names, shames and blames. Some reporting ‘covers’ ... dementing amounts of trivia, some misrepresents, some denigrates, some teeters on the brink of defamation (O’Neill 2002).

One of the reasons for this situation is the influence of news values – those characteristics which a given set of information must possess in order to be regarded by journalists as news (Richards 2005: 34). News values commonly identified include impact (the consequences of an event); timeliness; prominence (events involving prominent people); proximity (geographic and cultural proximity to the audience); conflict; human interest (stories about ordinary people); and novelty (unusual or bizarre events) (Stovall 2005: 4–8). News values explain why journalists are more likely to cover certain issues than others, and to emphasise particular aspects of an event over others. News values can lead to distortion, which in turn intensifies the potential for harm. Providing information is generally positive for society because it undermines the capacity of those with information to exercise power over those without it. However, the limited ability of those who are the focus of the information to control the timing, content or format of journalists’ reports relating to that information carries a corresponding potential to cause harm. Indeed, because they mediate the communication of information between a vast array of sources and audiences, it is often not possible for the news media to publish information without causing harm to someone:

In such a bundle of roles (with multiple courses and actions and multiple audiences), distribution of information is at once harmful and beneficial ... [professional communicators] must be prepared to understand in which areas of harm it may be desirable or acceptable to do so and in which areas it should be avoided (Engelhardt and Barney 2002: 68).

This helps explain why the notions of harm and potential harm are at the core of so many of journalism’s ethical dilemmas, although what is meant by “harm” is open to a considerable range of interpretations and assessments.

In the clash of values that defines all ethical problems, it is the idea of potential or actual 'harm' and our desire to avoid or minimise it that conflicts with other competing values such as truth telling, public service and accountability (Plaisance 2009: 107).

In journalism, harm can take many shapes and forms, ranging from the ways in which individual practitioners interact with news subjects to invasion of privacy, intrusive behaviour and offensive reportage (for fuller discussion of harm in the media, see, for example, Plaisance 2009: chapter 5). The ethical issues arising from the relationship between journalists and those on the receiving end of their attention generally fall into two categories – issues associated with interviewing and reporting, and issues associated with representation of these interviews and reportage when printed or broadcast (Richards 2005: 134). The first category covers such aspects as inaccuracy, sensationalism, invasion of personal privacy, harassment and insensitivity in dealing with survivors of a traumatic experience or disaster. The second category includes the use of inappropriate images, such as those which portray individuals in an intensely emotional or disturbed state, and the use of inappropriate or derogatory language. Journalists may inflict harm on others in any of these areas, or in a combination of them.

## On being vulnerable

In considering what is or might be harmful, it is instructive to turn to the notions of individual autonomy and respect. The ability to maintain control over one's personal affairs is one of the hallmarks of an autonomous individual, and respect for human beings is "the common thread through all discussions of ethical values" (NHMRC 2007). Respect is due to all persons alike and is "grounded in the fact that each speaks from his own particular point of view, having perceived interests that no one else can presume to know in advance of enquiry, and which cannot be assumed to be interchangeable with anyone else's" (Benn 1988: 105). Respect for individuals needs to be distinguished from deference, which presupposes hierarchy, and from concern, which is different because, even if their wellbeing is being promoted and nothing is being done to cause harm or suffering, individuals may still be treated without due respect (Benn 1988: 103). Thus respect for the capacity of human beings to make their own decisions includes "having due regard for the welfare, beliefs, perceptions, customs and cultural heritage, both individual and collective, of those involved" and respecting individual privacy, confidentiality and cultural sensitivities ((NHMRC 2007). Such interpretations of respect are frequently underplayed or absent in journalism.

Informed consent, which has received its greatest impetus in the medical field, is a common mechanism for operationalising respect for autonomy. The aim of informed consent in medical care and research is to enable patients and participants to make autonomous decisions about whether to authorise medical and research interventions (Beauchamp and Childress 1989: 78). The position is not as clear in journalism, as there is no equivalent to the doctor-patient relationship, although in many situations it is usual for interviewees to consent to being interviewed and for journalists to clarify whether information provided by a source is "on" or "off" the record. However, as Bok has pointed out, "it would be wrong to conclude that journalists ought to write only about persons who have given their consent" (Bok 1984: 252). There are many

situations, such as the reporting of comments made in the public arena, in Parliament, or in the courts, in which consent from those being reported is not an issue. It would also be difficult to argue that consent should always be obtained from those who are crooked, corrupt or criminal prior to their actions being reported in the news media.

Others, however, are in a more ambiguous position, and their consent is sought intermittently or not at all. As a result, they appear to be especially vulnerable, although what is meant by “vulnerable” has different meanings in different contexts. Thus someone who is susceptible to a particular disease is medically vulnerable, someone who cannot swim is vulnerable to drowning, and someone who lives on a flood plain is vulnerable to flooding. In journalism, “being vulnerable” can refer to the psychological vulnerability of practitioners when reporting traumatic events, from road accidents to murder scenes to natural disasters. It can also mean that journalists are vulnerable to the actions of those who exercise power and authority over them, including those who control news organisations. But “being vulnerable” can also refer to the vulnerability of the subjects of journalists’ reports to exploitation or misrepresentation, with the attendant risks of public embarrassment, humiliation or psychological trauma. In a real sense, journalists have the power to “make or break” an individual in terms of public perceptions of that individual.

When vulnerability is interpreted in this way, it is clear that almost everyone has the potential to be caught up in a situation which will render them vulnerable to the media. As demonstrated by the events which unfolded around false allegations in the 1980s that Kerry Packer, Australia’s richest man, was a “crime Mr Big” (Chulov 2005), even society’s wealthiest can end up in such situations. However, as those events also indicated, such individuals can afford to defend themselves with vigour. This is not the case for the less powerful. It is one thing for corporate CEOs or prime ministers, armed with media training and a bevy of advisers, to fight back publicly and legally, and quite another for ordinary citizens, most of whom have had no previous exposure to the media and have no understanding of the conventions and ways of journalism. Thus the corner shopkeeper who has just been robbed or the traumatised survivor of an earthquake are rendered vulnerable by virtue of a sudden change in their circumstances. Many others – the disabled, mentally ill, homeless, traumatised, poor, unemployed and illiterate – are in an on-going position of disadvantage in life generally and thus are in a constant state of vulnerability. While this is not the case for all who fall into these categories, their ranks consistently include significant numbers of individuals who are in such a state. As a consequence, although ethical questions arise when those being reported are in positions of power and authority, some of the most dramatic emerge when the least powerful and most vulnerable sections of society become the subject of media attention. Individuals in this situation are often not given any choice as to whether their personal plight is reported, even though such reporting might present them to the world in ways which lack human dignity and might result in widespread public contempt, scorn or worse. There is no shortage of examples of such reporting, which invariably undermines the “obligation to acknowledge other self-conscious subjects as being like ourselves, to respect their need for an understanding of the world which is as accurate as our own, and to allow them to make morally responsible decisions” (Provis 2000: 4).

In journalism, such undermining is the product of a complex array of forces. This complexity exacerbates the problem, because it means that even the most conscientious and ethical practitioners may have to consider many difficult questions:

Who exactly might be harmed by a particular decision? On what are they basing this claim of possible harm? Will a relatively “minor” harm suffered by one individual or group spare a larger population much more serious harm? What exactly constitutes this notion of harm, and who gets to decide? And how can journalists and public relations officials make these decisions without being paternalistic and condescending – without assuming they know best what their audiences need even if people object? (Plaisance 2009: 107).

In practice, then, it is not easy for journalists to balance a professional concern to report accurately and comprehensively against the potential for causing harm to those who are the focus of their reports.

## Through the maze

Codes of ethics are a common means for helping guide professionals through such ethical mazes. Today dozens of such codes around the world form part of the regulatory framework within which journalists operate. Journalism codes generally reflect a concern for similar behaviours and are constructed around similar principles. Many criticisms have been levelled at professional codes, ranging from suspicions as to their “real” purpose, to practical questions about enforcement and compliance (for fuller discussion of codes of ethics in journalism see, for example, Richards 2005: ch. 4). The content of many codes is also marred by confusion on the part of those who devise them as to whether they should be aspirational or regulatory, meaning whether they should be oriented towards the articulation of ideal standards or to the regulation of unsatisfactory conduct. This is the case in Australia with the Media Entertainment and Arts Alliance (MEAA) Journalists’ Code of Ethics, an industry-wide code for journalists which co-exists with codes of practice in many workplaces as well as separate codes for broadcast journalists. As the MEAA Code applies to a wider cross-section of Australian journalists and workplaces than any other code, it is instructive to consider what guidance its provisions might offer to a journalist seeking to report news involving individuals or groups from the most vulnerable sections of society.

The following provisions of the MEAA Code are directly relevant to coverage of such people, and are concerned with behaviour when seeking or conducting interviews and with the way in which information is published:

Clause 2 Do not place unnecessary emphasis on personal characteristics, including race, ethnicity, nationality, gender, age, sexual orientation, family relationships, religious belief, or physical or intellectual disability.

Clause 8 Use fair, responsible 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.

Clause 11    Respect private grief and personal privacy. Journalists have the right to resist compulsion to intrude.

Clause 12    Do your utmost to achieve fair correction of error (MEAA 1999).

A common criticism of professional codes of ethics is that the concepts they employ are too vague to be of much practical relevance to day-by-day practice. While this criticism is more valid in some situations than others, it can be levelled at these clauses in the MEAA code because they contain words and concepts – “unnecessary”, “fair”, “responsible” “respect” “utmost” – which are unclear and imprecise and hence difficult to implement in practice. The same criticism can be levelled at the admonitions never to exploit and to do one’s utmost. While perfect clarity is unattainable in any code, the unduly vague content of some of these clauses poses some obvious difficulties to the well-intentioned practitioner seeking to report responsibly. Similar criticisms can be levelled at the other codes which apply to journalists in most countries. This helps explain why Christians and Nordenstreng (2004) for example, argue that codes are limited by professional concerns and “the local, regional or national contexts in which they are formulated” (pp 14–15) and that an alternative ethical foundation is needed. Christians and Nordenstreng present a strong case for moving the concept of ethics from a profession-based to a citizen-based paradigm, arguing that global social responsibility requires universal ethical principles (pp 14–15). Drawing on the findings of a study by Christians and Traber (1997) of ethical foundations in 13 countries on five continents, they argue that, as the veneration of human life is consistently affirmed, “every culture can bring to the table this fundamental norm for ordering political relations and such social institutions as the press ... its universal scope enables us to avoid the divisiveness of appeals to individual interests, cultural practices and national prerogatives” (p. 21). By grounding journalism ethics in reverence for human life, such an approach would facilitate an emphasis on basic ethical principles such as human dignity, truth-telling and non-violence. It is also likely that such an approach would in the long term foster more sensitive reporting of society’s most vulnerable citizens than is the case at present.

## Beyond codes

Despite the extended critique to which the notion of “truth” has been subjected in recent years, truth-telling continues to be a primary justification for journalism. Reporting the “truth” about the most vulnerable sections of society informs the wider society about those who inhabit its edges and draws attention to matters requiring remedy, as well as providing a means for those on the margin – and those who speak on their behalf – to participate in public debate and discussion. The fact that this discussion is often marked by controversy and dissension underlines its importance; as Keane has reminded us, society needs to maintain “public spheres of controversy” in order to keep alive memories of terrible times, heighten public awareness of wrongs, and encourage the search for remedies. (Keane 1996). Without journalism, this would be difficult to achieve. The use of graphic language and images is an unavoidable part of such reportage.

How would the holocaust be remembered if it existed only in ‘civil’ representations – those which were most discreet? What would it mean for knowledge if the images ceased to circulate, or were never seen in the first

place? What would it mean for civility if representations of war crimes were always polite? If prurience is ugly, what then is discretion in the face of barbarism? (Taylor 1998: 195-196).

A similar case can be made for reportage of society's most vulnerable individuals. When they become news subjects, journalists often walk a tightrope between reporting them as directly and accurately as possible, and treating them with respect and dignity. However, it is important to understand that reporting with sensitivity and understanding does not mean muting the journalistic voice. As indicated earlier, journalists' reports cannot avoid causing harm in many situations. What is important is to minimise this harm to the greatest extent possible and, in those cases where harm occurs, to be able to justify it in ethical terms.

If this is to be achieved, it is clear that something more than a code of ethics is required. Any general ethical principle requires additional understanding, expertise, skill and support to be applied effectively (Richards: 149) and, to be effective in guiding treatment of the vulnerable, the current journalism codes require this as well. While many ways of providing journalists with ethical understanding, expertise and skill have been tried, a successful Australian example of what is possible is provided by the "boot camps" for working journalists conducted by the Dart Centre Australasia. These are modelled on the program developed by the US-based Dart Center for Journalism and Trauma, a global network of journalists, journalism educators and health professionals dedicated to improving media coverage of trauma, conflict and tragedy (Dart Center for Journalism and Trauma 2008). A second Australian example is provided by the Hunter Institute of Mental Health's *Response Ability* project, which has produced information and resources for journalism practitioners, educators and students about professional and ethical issues involved in reporting on suicide and mental illness (Romeo et al 2008). The project provides updated case study material to university lecturers, provides guest lecturers on a regular basis and maintains a website designed to provide ongoing advice and information to lecturers students and media practitioners (for fuller discussion see Skehan et al. 2006; Skehan et al. 2007, Romeo et al 2008). Feedback from these examples suggest that it is possible to influence reporting standards in a positive way provided the approach adopted encompasses current and aspiring practitioners.

Such projects also suggest a way forward for improving standards of reporting in relation to other sensitive groups, including those who lie at society's margins. It has often been said that a nation can be judged by the way it treats its most vulnerable citizens. Similarly, journalism can be judged by the way it reports society's most vulnerable individuals. Christians (2005) has proposed that the ultimate test of the news media is whether they sustain life, enhance it long term, and contribute to human well-being. Consistently reporting those who are most vulnerable with sensitivity and understanding is perhaps the ultimate means of meeting that test.

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