

1-1-2011

Journalism as Research within the Framework of Academic Ethics

Kayt Davies
Edith Cowan University

Follow this and additional works at: <https://ro.ecu.edu.au/ecuworks2011>



Part of the [Journalism Studies Commons](#)

Davies, K. (2011). Journalism as research within the framework of academic ethics. *Australian Journal of Professional and Applied Ethics*, 12(1/2), 70-79. Available [here](#)

This Journal Article is posted at Research Online.

<https://ro.ecu.edu.au/ecuworks2011/340>

Framework 2010

This article was presented as a paper at the

The Australian Association for Professional and Applied Ethics Conference June 2010

and later published in

The Australian Journal of Professional and Applied Ethics Vol 12, May 2010.

By Dr Kayt Davies

Edith Cowan University

Title: Journalism as research within the framework of academic ethics.

Abstract

This paper makes a case for a review of the National Statement on Ethical Conduct in Human Research (NHMRC, 2007a) and/or its accompanying documentation to more clearly acknowledge the beneficent role of journalism as an academic methodology and to resolve issues that currently force journalism academics to work around, rather than through, their universities' Human Research Ethics Committees. In recent years the case has been made that, in addition to being a profession governed by an explicit, internationally-recognised ethical code, journalism is also a valuable academic research methodology (Lamble, 2004; Pearson & Patching, 2010). There are problems with this though, encapsulated in Richards (2010) description of ethics committees and journalism researchers as "uneasy bedfellows". Richards argued that while, broadly speaking, ethics committees work well, requiring journalists to work slowly in sync with the cycle of committee meetings and to get signed consent from every interviewee, and to empower them to withdraw their comments at any time, can be seen as a form of censorship. Developments in this area include the establishment, this year, of a new peer-reviewed journal called *Research Journalism* that acknowledges the difficult relationship between ethics committees and academic journalists and seeks to provide a forum for publication of academic papers using journalism as a methodology, in doing this it is bringing these long standing difficulties into focus. The other major change is to do with Excellence in Research Australia and how it is handling the work done by academic journalists. This paper acknowledges that work needs to be done within academic journalism to better define and promote journalism research, but it also makes a case that better dialogue with and between ethics committees is needed to resolve impasses that can, and do, arise.

Introduction

Gone are the days of the school-leaver cadets, the fresh faced youths apprenticed into the profession, via time spent as inky newsroom juniors. Journalism is now embedded in the course offerings of most Australian universities. As a result of this shift, today there are about 200

journalism academics, who could – as well as teaching – be leading their profession and modelling best practice. It's easy to lay out a persuasive argument about why the journalists working in universities should be working on real journalism, using their industry skills (honed through teaching), to do excellent investigative journalism. The commercial media is struggling to fund this kind of journalism and yet it is widely accepted that a free and vigilant press is a cornerstone of a healthy democracy. With the protection of academic freedom built into the university system this would not be like the government-funded media of China or North Korea. It is a new way that the Australian Government could support the media without giving handouts to corporations. What holds the journalism academics back is a semantic argument about whether journalism is or isn't research and whether it should or shouldn't count towards their academic workloads.

This argument isn't new and its history has been documented by Bacon (2006), Lamble (2004) and Richards (2010); the latter calling it "intense" and "protracted". The upshot of the argument is that most of the journalism work being done by academic journalists is being done 'on the side' and not counted towards their workloads, where it is being counted it is usually as 'creative practice'. In both of these cases there is no need for the journalism academics involved to have any interaction with their Human Research Ethics Committees (HRECs), as the journalism is not being 'counted' as research. But this also means that journalism academics are not contributing to their universities' overall research tallies, despite the fact that their articles are, in many cases, original, meticulous, beneficent and well read.

The 'journalism is not research' mindset is common in Australian universities, specifically within the community of academics who discuss ethics and sit on HRECs. In some cases it is even clearly articulated, such as in this line, from the University of Technology Sydney's Ethics Policy, dated 1999 but still on the university's website in June 2010: "Some activities, such as investigative journalism, will involve interviewing people and are not research as such. Activities such as these may be more readily dealt with through the appropriate professional codes and guidelines (e.g. the Media and Entertainment Arts Alliance (MEAA) Code of Ethics)." To some extent this approach has served journalism academics well, enabling them to work without having to do the paperwork involved in dealing with HREC committees. But contradictions arise, when universities and academics retrospectively claim that these publications 'count' as research.

Another important point is that, clearly, not all journalism is of a standard that should qualify as research, but as Bacon (2006) pointed out – citing Bromley (2006) – "an argument that most journalism is not research is not an argument that journalism cannot be research". Elaborating, Bacon added that the same tension between exemplary and routine work exists in all professions, and she gave the examples of a historian writing a tourism brochure, a doctor conducting a standard blood test, and a lawyer engaged in standard conveyancing as examples of non-research work that don't disprove that history, medicine and law are valid fields of research. In one meeting, with members of an HREC, in 2009, I broached the subject of journalism being considered to be a valid research methodology, but was shot down with a sniggered "Would a match report about the AFL grand final be research too?" Obviously not. But would the Watergate investigation by Bob Woodward and Carl Bernstein? The answer given in that meeting was "No", but relating that anecdote at the 2009 Journalism Educators Association

conference it, in turn, raised a laugh. From the perspective of the journalism academics, the beneficent civic outcome (the end of Richard Nixon's presidency), combined with the painstaking research methods Woodward and Bernstein used, meant that it should be considered to be research on par with anything done in a university. The existence of contention around what qualities define research is understandable, given the vagueness of the official definitions, such as the one in the Australian Code for the Responsible Conduct of Research (NHMRC, 2007b) that calls it "original investigation undertaken to gain knowledge, understanding and insight", but adds "It is a broad concept and there is no simple, single way to define research for all disciplines."

Looking more closely at the arguments made around this topic over that past few years, finer distinctions can be seen between what Bacon (2006) and Lamble (2004) were calling for. While Bacon (2006) argued for reflective practice of journalism, with an emphasis on the depth of the reflection, to be considered to be research; Lamble (2004) said it was time "to demonstrate to academe, to our students, to industry and to society generally that our discipline, journalism, has at least as strong and proud an academic pedigree as the closely related and generally accepted disciplines of history and law." Pearson and Patching (2010) considered both of these perspectives and argued that there were now "five key research identities of journalism as an academic discipline, including journalism as a practice using trade skills; as an investigative process drawing upon methodologies from academic disciplines; an academic field of study drawing upon the theories and methodologies of other disciplines; a professional field of research whose creative works should be recognised as research in their own right; and most recently as a research method in its own right with academic application."

Pearson and Patching (2010) called journalism "as a research method in its own right" the most recent because, although it was described by Lamble in 2004, in practice little of it has been done because there has not been an academic journal in which these pieces could be published that would satisfy the blind peer review criteria required for proper classification as research. Instead these pieces have been published in non-peer reviewed media and not considered by universities to be research, or accounted for after publication rather than before they commenced as research projects. To resolve this impasse a new journal called *Research Journalism* has been established specifically to publish pieces written using journalism as a research methodology, along with reflective and/or descriptive exegeses. The journal published its first article online in April 2010 and the editorial board expects the first issue to be printed in early 2011.

The emerging paradigm

The journal was established in response to mounting frustration on the part of journalism academics, who over the past few years have been faced with two uncomfortable options. The first was to abandon their key area of expertise and write for cultural studies or pedagogy academic journals, using journalism as a topic to be studied, rather than a methodology with which to investigate government and other power structures. The second was to use journalism as a research methodology but to seek publication in non-academic press. But the journal isn't the only product of the mounting frustration. It also prompted action on the part of the journalism academics involved in shaping the Excellence in Research Australia (ERA) process.

In the Research Quality Framework – the Howard-Government pre-cursor to the ERA – journalism was clustered in a Panel called Law, Education and Professional Practices (including journalism, curatorial studies and social work), and not in the Humanities Panel (DEST, 2006, cited in Bacon, 2006). This shows a predisposition among some in the academic community to recognise journalism’s kinship with more empirical disciplines and its ability to stand on its own, without having to prop itself up with cultural studies-style interpretations of itself. This sentiment seems to also exist in the ERA with a decision, taken in 2009, to count mass-media published journalism as non-traditional outputs, either as stand-alone long pieces or in portfolio collections of smaller pieces, as long as they are accompanied by research statements arguing their worth.

As Richards (2010) pointed out, these moves raise the question of how journalism academics will, in the future, work with their HREC committees, if their work is to be considered properly a part of, and not distinct from, their universities’ research contribution. He argues that “an informed dialogue is required between those with institutional responsibility for research ethics and those who conduct research in the emerging discipline of journalism.” He acknowledges the difficulties that ethics committees have caused some sections of the research community but concludes saying: “In short, HRECs work, and work well. The challenge is to get them to work for journalism research.”

Confusion and complications

One problem is that there is a perception that there are core differences between journalism and research that need to be reconciled before journalism can be counted as research. These include issues of form and style, as well as differences between their codes of ethics. The form issues can easily be resolved by stating that research journalism, published in the new journal and possibly elsewhere, will include thorough footnotes, references and explanatory exegeses, outlining the research processes used. The ethical issues are more complex, as the stated ethical imperatives of journalism focus on questioning power for the sake of the citizenry, while research is governed by ethics derived from the field of medicine that tends to focus on empowering the participants. These differences are enshrined in different Codes of Ethics. The standards that define appropriate action for journalists in Australia are codified in the MEAA Code which strongly resembles the Press Council and Australian Communication and Media Authority (ACMA) codes, codes used by media organisations in other countries and the in-house codes used by Fairfax, the ABC and others. Academic research ethics, on the other hand are proscribed by the National Statement on Ethical Conduct in Human Research, issued and managed by the National Health and Medical Research Council (2007a). The National Statement requires that all research proposals involving human participants be reviewed and approved by a HREC. These committees are established and run by public, not-for-profit or private organisations (most commonly universities and hospitals) that conduct research involving humans. The National Statement sets out the ethical principles and values that research should adhere to and that HRECs should use when reviewing research proposals.

While the history of research ethics is a long and interesting story involving the Nuremburg trials, Tuskagee and the Helsinki Declaration, there is no need to retell it here. The upshot of the history is that our universities have HRECs and they require their researchers to be compliant. The central tenant of Richards (2010) argument is that as journalism practice includes

embarrassing interviews with people in positions of power, it may struggle to fit within the academic ethics framework because HRECs must consider Chapter 2.2 of the National Statement which outlines General Requirements of Consent. The Chapter begins with:

“Respect for human beings involves giving due scope to people’s capacity to make their own decisions. In the research context, this normally requires that participation be the result of a choice made by participants – commonly known as ‘the requirement for consent’. This requirement has the following conditions: consent should be a voluntary choice, and should be based on sufficient information and adequate understanding of both the proposed research and the implications of participation in it.”

While journalists argue that all participants in respectable journalistic research are voluntary and consenting, simply because non-consenting participants can walk away, hang up the phone or decline to speak, some HRECs interpret this to mean that all questions that research participants will be asked need to be submitted in full to the committee and to the participants before written consent is given. The flipside of this is that some HRECs are more understanding of the demands and processes of journalism as research. Conversations with journalism academics from universities in WA, NSW, Victoria, and Queensland in 2009 left me with the impression that HRECs vary widely in their attitudes towards journalism as research, with some academics feeling that attempts to deal with their HRECs are exercises in futility, while others were more optimistic. This indicates that it may be timely for the NHMRC to consider instigating some form of communication with, or between, HRECs with regards to journalism research in a bid to achieve greater consistency.

Further to this point, making a distinction between good journalism and the foot-in-the-door ‘gotcha’ tactics of the gutter media (that runs counter to the MEAA and other industry codes), the requirement to secure prior written consent for the use of answers to all questions clearly runs counter to the spirit of lively interviewing that is central to good journalism. The requirement can prevent journalists from asking valid follow-up questions in the midst of interviews and from acting quickly when opportunities to broaden the scope of the enquiry by interviewing unexpected sources arise.

Potentially even more problematic are these lines:

2.2.19 People who elect not to participate in a research project need not give any reason for their decision. Researchers should do what they can to see that people who decline to participate will suffer no disadvantage as a result of their decision.

2.2.20 Participants are entitled to withdraw from the research at any stage. Before consenting to involvement in the research, participants should be informed about any consequences of such withdrawal.

The first of these could rule out writing that a specific person “declined to comment” in an article, as it could be argued that it paints that person in a bad light. However, not being able to explain that a person declined to comment can leave inexplicable holes in articles and leave a journalist open to criticism for bias or lack of balance. The second could enable a politician, or

public figure, who has said something awful to simply withdraw from the research to keep their quotes out of print. In judging whether the displeasure that someone may feel about being mentioned in a less than glowing manner in the press is reason to deny journalism academics permission to work, ethics committees are guided by lines in the National Statement (NHMRC, 2007a. p3) such as this: “the obligations to ... minimise possible harms. Harm, in this context, extends beyond physical harm to a wide range of psychological or emotional distress, discomfort and economic or social disadvantage.” If this is taken to mean it is necessary to minimise discomfort to all participants, then journalism academics have little or no room to move, if they are attempting to do Fourth Estate work.

While these issues could be resolved if the Informed Consent Letters and Information Sheets specified that comments could not be withdrawn, there are fears that the introduction of this layer of paperwork into the process of journalism could make it harder for journalism academics to secure interviews, and that the new layer of legalese is unnecessary given that journalists are already skilled, and guided by industry codes, in the use of on the record/off the record, embargoed and whistleblower material.

Disputes over informed consent arise when ethics committees focus on the potential harm the interview could do to the interviewee, while the journalism academic is focused on the civic harm that could be done by not interrogating people who hold positions of power. According to Professor Colin Thomson, Chair of the Australian Health Ethics Committee of the National Health and Medical Research Council (NHMRC) from 2006-2009 and a member of that committee from 1998-2002, the authors of the National Statement did not intend to prohibit the interrogation of power and they built in clauses that would allow HRECs to approve research designed to do so (personal communication, June 16, 2010). For example Chapter 2.2 also says:

What is needed to satisfy these conditions depends on the nature of the project, and may be affected by the requirements of the codes, laws, ethics and cultural sensitivities of the community in which the research is to be conducted.

Variations of these conditions may be ethically justified for some research. Respect for human beings must, however, always be shown in any alternative arrangements for deciding whether potential participants are to enter the research.

In addition, Chapter 2.3 describes circumstances under which the requirement of consent can be waived, including the following – that would be relevant in the case of alleged misconduct on the part of people holding positions of power.

2.3.7 Before deciding to waive the requirement for consent in the case of research aiming to expose illegal activity, an HREC must be satisfied that:

1. the value of exposing the illegal activity justifies the adverse effects on the people exposed (see paragraph 4.6.1, page 80);
2. there is sufficient protection of their privacy;
3. there is sufficient protection of the confidentiality of data; and
4. the waiver is not otherwise prohibited by State, federal, or international law.

Point A on this list makes it clear that there has to be a valid Fourth Estate justification for seeking a waiver, rather than simply an entertainment/commercial profit motive.

On point B: HREC committees focused on protecting participants, and not considering the civic good that could arise from journalistic research, may take 'sufficient' in this context to mean 'complete'. But this would mean rejecting research seeking to expose a politician for lying to constituents about adultery, because, obviously, the politician would be named. A more flexible reading of 'sufficient' could allow the politician to be named, while limiting how many spurious salacious details can be included in the report.

Point C is ambiguous in this context, as it is not clear how the data can be both published and protected, and on Point D, it is worth noting that, even without HRECs, unethical behaviour by journalists is already constrained by laws covering defamation, contempt of court, sedition, use of surveillance devices, misleading and deceptive conduct, and trespass. However, it explicitly states that HRECs can't approve research that breaches these laws.

Chapter 4.6 of the National Statement adds:

4.6.1 Research designed to expose illegal activity should be approved only where the illegal activity bears on the discharge of a public responsibility or the fitness to hold public office. Variation of consent requirements for such research must comply with either paragraph 2.3.3 [about researchers going 'undercover'] or paragraph 2.3.7 [see above]

Discussion between journalism academics and HRECs, and attempts to achieve consistency between HRECs, about this point should seek to clarify what is meant by 'illegal activity' in the context of discharge of public responsibility and fitness to hold public office. Does 'illegal activity' mean only criminal behaviour, or does it include civil offences, misconduct, incompetence and/or blatant stupidity? Does public responsibility/office only refer to elected officials, or does it include board members of private and/or public companies, government-funded sporting role models, and other wealthy or powerful individuals?

Chapter 4.6 of the National Statement then says:

4.6.2 Participants may be subject to risks because of their involvement in research that discovers illegal activity. It should be clearly established that these risks are justified by the benefits of the research. Where the research is designed to expose illegal activity under paragraph 4.6.1, that exposure may sometimes be benefit enough.

It may be that journalism academics can resolve their problems by invoking clause 2.3 and seeking for the requirement of consent to be waived and by drawing their HREC's attention to clause 4.6.2 and stating that while, yes, the participants may say things that establish them to be devious, corrupt and unfit to hold office, the public good arising from that exposure outweighs the harm it could do to the individual participants. However, after canvassing journalism academics from universities in WA, NSW, Victoria and Queensland, I am yet to hear of a case that has followed that path to approval, and there is certainly not a readily available case file, or

body of precedent, that journalism academics can refer to in preparing ethics applications, although there is interest in preparing one.

Another point that may be useful in discussions between journalism academics and HRECs is that point 1.8 of the Australian Code for the Responsible Conduct of Research (2007) – that provides guidance about how the National Statement should be used – under the heading Responsibilities of Researchers and the subheading Respect Research Participants says: “Researchers must comply with ethical principles of integrity, respect for persons, justice and beneficence.” Beneficence, (meaning an action done to benefit others) is not a word I use much, but it caught my eye in the light of recent debates about public interest journalism. Discussing beneficence in the context of ethics committees, Stanford academic Beauchamp (2008) wrote:

“The term *beneficence* connotes acts of mercy, kindness, and charity, and is suggestive of altruism, love, humanity, and promoting the good of others. In ordinary language, the notion is broad; but it is understood still more broadly in ethical theory, to include effectively all forms of action intended to benefit or promote the good of other persons. The language of a *principle* or *rule* of beneficence refers to a normative statement of a moral obligation to act for the benefit of others, helping them to further their important and legitimate interests, often by preventing or removing possible harms. Many dimensions of applied ethics appear to incorporate appeals to beneficence in this sense, even if only implicitly. For example, when apparel manufacturers are criticized for not having good labor practices in factories, the ultimate goal is to obtain better working conditions, wages, and benefits for workers.”

This supports my argument that the journalistic aims of serving the public by scrutinizing the behaviour of people in power are not incompatible with the Code and the National Statement guiding our ethics committees, although journalism academics, or new guidelines from the NHMRC, may have to point these parts of the Code and Statement out to committee members, if they are not familiar with the kind of research being proposing. In addition, journalism academics attempting to work through rather than around HRECS should remember that much of the material that journalists use is generally considered to be not contentious from a HREC position. Anything that is already in print is fair game, as it is a cultural artifact and not a person being studied. (The exception to this is medical records and similar documents, as described on page 6 of the National Statement). This means that Hansard, historical documents and quotes published anywhere in the media can be used. If all of the material being used in a journalistic project is this kind of material, all journalism academics need to do is sign the ethics declaration affirming that the study does not involve human participants and all is well. In addition, interviewees happy to give informed consent are not contentious. Scientists, citizens, victims and patients wanting to share their stories and happy to sign informed consent forms are not contentious. Ethics clearance to interview these kinds of participants can be applied for and approved by HRECs and there are plenty of precedents of approved qualitative research using ethnographic and other methodologies to provide guidance.

Conclusion

With the ERA now recognizing journalism as research and the emergence of a new journal dedicated to publishing research using journalism as a methodology, and perhaps more launching

in the near future, many journalism academics are seeking more engagement with their HREC committees. Confusion and inconsistency between HRECs is arising, however, as the two have a history of disengagement and there is little information available to help researchers and their committees negotiate over the valuable peculiarities of journalism as a research methodology. These include the weighting that should be given to the elements involved, such as harm to participants, defined as ‘discomfort’, against Fourth Estate/public good outcomes. In addition, because journalism is by definition a fast moving process, journalism academics will often request flexibility to ask spontaneous questions that arise the project develops and to include new interviewees as they become available or relevant. This need for flexibility does not reflect a lack of rigor or a desire to work unethically, it is simply a facet of the research methodology that, as Lamble (2004) described, has a long and proud history. This paper makes a case for consideration of these needs and for the development, or wider dispersal of information about, ways that HRECs can enable fast paced research, through mechanisms such as provisional approvals and expedited review processes. Journalism academics will also, at times, request that the requirement of consent be waived, in accordance with the clauses set out in the National Statement, in order to facilitate the questioning of powerful figures in a timely manner. This will enable journalism academics to function more effectively as part of the Fourth Estate, an aim that is in keeping with the principle of beneficence – one of the overriding aims of the National Statement and its accompanying procedures.

References

- Beauchamp, T. (2008). The principle of beneficence in applied ethics. Stanford Encyclopedia of Philosophy. Retrieved on June 30, 2010, from <http://plato.stanford.edu/entries/principle-beneficence/#ConBenBen>)
- Bacon, W, (2006). Journalism as Research? Australian Journalism Review, 28(2), 147-157
- Lamble, S. (2004). Documenting the methodology of journalism. Australian Journalism Review, 26 (1) 85-106.
- National Health and Medical Research Council (NHMRC), Australian Research Council & Australian Vice-Chancellors’ Committee. (2007a). National Statement on Ethical Conduct in Research Involving Humans. Canberra: Commonwealth of Australia.
- National Health and Medical Research Council (NHMRC), Australian Research Council & Australian Vice-Chancellors’ Committee. (2007b). Australian Code for the Responsible Conduct of Research, Retrieved on June 30, 2010, from http://www.nhmrc.gov.au/files_nhmrc/file/publications/synopses/r39.pdf
- Pearson, M. & Patching, R. (2010). Multimedia journalism as a research method – a new approach. AMIC Conference, Durban, July 2010.
- Richards, I. (2010). Uneasy bedfellows: Ethics committees and journalism research. Australian Journalism Review, 31 (2) 35-46.

University of Technology Sydney (1999). Ethical conduct of research – Academic and support staff policy. Retrieved on June 30, 2010, from <http://www.gsu.uts.edu.au/policies/researchethicpol.html>