THE IMPACT OF GRIEF JOURNALISM ON ITS SUBJECTS: LESSONS FROM THE PIKE RIVER MINING DISASTER

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Abstract

The depiction of grief and intense anxiety is commonplace in modern journalism. Little work has been done, however, to examine the impact of the collection and publication of such material on those who appear in it. This article explores that issue, drawing both on secondary literature and the authors’ original qualitative research into the experiences of family members of 29 men killed in a New Zealand mining tragedy. It concludes that the effects of grief-focused journalism on its subjects can be significant. Five negative impacts are explored: fear and loss of physical security; stress and loss of emotional equilibrium; feelings of violation and exploitation; loss of autonomy and control; and interference with relationships and emotional recovery.

Keywords

Privacy, grief, trauma, emotional impact, media ethics.

Introduction

Disasters, both man-made and natural, are important news events. Media people who cover them work in difficult conditions to provide civil defence information, to draw attention to the suffering and needs of those involved, to interrogate causes and to ask what can be learned for the future. The stories of survivors and their loved ones form an important part of this work. Personal stories of loss and survival can help create empathy with people caught up in extreme events and give a voice to those who want to share their experiences. Media focus on survivors or bereaved family members in the aftermath of tragedy can, however, come at a cost. Families’ accounts of ‘intrusive and overbearing’ media behaviour ‘shocked and dismayed’ the panel investigating responses to the 2017 terrorist bombing of the Manchester Arena, prompting it to try ‘to identify what might be done to prevent this happening again in any future terrorist event.’ 1 The Panel’s concerns were well-founded. Research into the effects of grief journalism (as we call it in this article) demonstrates that on top of dealing with anxiety or grief

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about their loved one, family members are often forced to deal with persistent media attention when they are least equipped to do so. Relationships and places of retreat can be encroached upon and a sense of order and control undermined. This is not just unfortunate timing; family members are not just being approached at a bad time; they are approached because it is a bad time. This can lead them to feel preyed on or used by others at a time when they in fact need great care and support. Psychologists, sociologists and media experts have therefore consistently concluded that the media can ‘exacerbate[]’ the trauma felt by the families of losing a loved one’ and be ‘a hindrance to their recoveries’.2

This article explores this under-acknowledged problem through the eyes of the family members and one close friend of 29 men who died in a mining tragedy on the West Coast of New Zealand in 2010. The Pike River Mine tragedy consisted of two explosions: a first, which some people hoped that the men might have survived, and a second five days later which extinguished all hope.3 The event generated significant domestic and international media attention. The authors interviewed 16 family members of the men who died, one close friend and a social worker about their experience with the media.4 In the interviews, which are corroborated by contemporaneous media reports, interviewees described how media packs would surround buses taking family members to the mine or gather outside official meetings at which they received news.5 Large numbers of journalists would approach people in their homes both in person and by telephone, sometimes using deception or dirty tricks to gain access. Family members were also approached, followed, and/or photographed when they went out and material on them or their deceased loved ones would appear in the media without their knowledge or consent.

The aim of this article is to highlight the impact that this kind of attention can have on people who are bereaved or anxiously waiting for news of loved ones’ safety. It is acknowledged at


4With the exception of the social worker (who was closely involved with many family members in the period immediately following the disaster), all participants had a close relationship to one of the men who died. They include wives, mothers, fathers, brothers, sisters, sisters-in-law, brothers-in-law and one close friend. The word ‘family’ will be using this article to describe them. All participants were in Greymouth (the closest town to the Pike River mine) at some stage between the first and second explosions. Each participant in the study has been assigned a letter to designate his or her gender and a number e.g. M6 (to designate male, number 6) or F1 (to designate female, number 1).

5Fifteen of the participants took part in in-depth, open-ended interviews with the authors lasting between 45 and 90 minutes between June 2012 and May 2013. The two remaining participants completed written e-mail questionnaires which asked open-ended questions similar to those used in the interviews (in March and July 2013). All participants were invited to explain what contact they had with members of the media in the aftermath of the explosions, how they felt about that contact (both initially and after the passage of time), what effect that contact had had on their behaviour, what response they had to images of or reports about themselves or their loved ones in the media (both initially and after the passage of time), what distinguished any positive media experiences from any negative ones, and what, if anything, they would have changed about their media experience. Participants themselves identified which issues were most important to them and sometimes touched on matters which were not expressly raised by the researchers.
the outset that the experience of these interviewees will not be universal. This article does not explore, for example, the role that culture or religion might play in individual responses to tragedy and intense media interest in its aftermath. Further, in order to reflect participants’ experiences, the article necessarily focuses on the negative. Although participants in the Pike River study were asked to discuss both good and bad encounters with the media, nearly all of the 17 family members said that the intense media attention made things worse for them. Participants said they felt ‘invaded’, ‘scared’, ‘overwhelmed’, ‘vulnerable’, preyed upon and ‘violated’. Nearly all said the media were ‘intrusive’, ‘in your face’ and, as one said, ‘didn’t respect our feelings or our privacy when we were all grieving and hurting’ (F1). The aim of this article is to present participants’ experiences in their own words in order to highlight potential problems with media interest in grief to lawyers, law reformers and those involved in the production of news. Although it does not examine these experiences through any particular conceptual lens, participants’ responses are analysed in a way which can inform legal thinking. For example, the article seeks to distinguish between the different types of harm suffered by the Pike River participants and to highlight interferences with family members’ dignity and autonomy, interests which both New Zealand and English courts say underpin the privacy torts in their respective jurisdictions. Indeed, the article’s findings have many implications for the scope of both privacy and harassment protections in English and New Zealand law. They raise questions, for example, about how effectively harassment legislation protects against intrusions which are effected by more than one person. They also help illuminate our understanding of the concept of privacy. The authors have already explored the way in which the Pike River participants’ experiences mirror theoretical discussions about the nature and importance of the privacy interest and the study supports the argument, which Moreham has made in other writing, that the tortious concept of reasonable expectations of privacy should extend to photography and other recording in public places in some circumstances. Questions about whether the harms caused by intense media interest following tragedy can sometimes be justified and about how potential protections might be balanced against journalistic freedom also need to be explored. For now, though, this article focuses on the nature of the problem – the impact that unwanted media attention can have on bereaved or distressed individuals in the aftermath of tragedy. Five main impacts will be explored: fear and loss of physical security; stress and loss of emotional equilibrium; feelings of violation and exploitation; loss of autonomy and control; and interference with relationships and emotional recovery.

Effect 1: Fear and loss of physical security

When recounting the stress caused by the media in the aftermath of the Pike River disaster, family members repeatedly talked about the fear and physical insecurity the media’s interest in them caused. Particularly in the early days following the explosions, family members were left

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6This is consistent with the conclusions reached in other studies. See, for example, Ann Shearer, Survivors and the Media (John Libbey & Company Ltd 1991), 4; McAlister and Meehan (n 2) 9 (regarding initial contact with journalists); Joan Deppa and others, The Media and Disasters Pan Am 103 (New York University Press 1994), 66 (regarding learning of loss in the presence of the media).

7 See, for example, Hosking v Runting [2004] NZCA 34, [2005] 1 NZLR 1 at [239] (per Tipping J) and Campbell v Mirror Group Newspapers Ltd [2004] UKHL 22, [2004] 2 AC 457 at [12] (per Lord Nicholls) and [51] (per Lord Hoffmann).


feeling encroached upon and vulnerable by persistent door knocking at their homes, telephones constantly ringing, the physical closeness of media packs, efforts to evade people who were watching or following them, and media people trying to infiltrate places from which they had been expressly excluded. These feelings had a variety of causes, including witnessing or experiencing actual physical assault. For example, F7 described an accidental assault on a young woman by a journalist anxious to get as close as possible to family members who had just returned from a visit to the mine after the first explosion:

One of the journalists who was trying to get this microphone into their face stood on the back of [X’s] shoe. She almost fell over but her shoe got broken in the process… these journalists were getting physically too close it was totally inappropriate and if she if [X] hadn’t had her arm linked with at least one of the other [people] on one side and maybe the other side as well… she actually would have fallen over…That’s how full-on, physical it was…

Others spoke of an incident where family members were trapped on a bus which had taken them up to the mine site during the anxious wait for news. Participants explained that on their return, the bus was surrounded by reporters and photographers making it impossible to get off:

We couldn’t even get off of our bus…the media were right up against the door of the bus and the police had to come and move people away and then they only removed them enough for just basically a person to make a tunnel between the bus and the Pike River building in town…all you could see was microphones and cameras…I stood at the top of the step and I was fearful to actually go through there, it was like going through a tunnel of I dunno, claustrophobic…It was the worst experience. (F6)

Although rare, these examples of physical assaults and false imprisonment echo those set out in other studies of grief journalism. Stories of family members being surrounded on buses or trapped in meeting rooms emerged in Joan Deppa’s seminal study of media intrusion into grief following the 1988 PanAm air disaster, as did an account of a journalist deliberately standing on (and bruising) a grieving mother’s foot to prevent her evading his questions just hours after she learnt of her daughter’s death. In another study, a young shooting survivor explained how a reporter grabbed him by his shot arm in an attempt to pull him aside for an interview.

Previous research also shows the kinds of impact the media’s physical intrusions can have on victims of trauma. For example, one study of a Finnish school shooting established that just ‘being approached by journalists and especially being interviewed had a significant effect on post-traumatic distress in traumatised adolescents’. Another study has suggested a correlation between negative evaluations of and regrets about participation in media interviews and post-traumatic stress. This seems consistent with the response of F6’s young adolescent son to the experience of being trapped on the bus following the mine visit. F6 recounted:

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10In interview, the young woman involved described the incident as ‘interrogating and horrible’.
11See Deppa and others (n 6) 44 and 32 et seq respectively.
12ibid 33.
13Walsh-Childers, Lewis and Neely (n 2) 198-99.
14Henna Haravuori and others, ‘Effects of Media Exposure on Adolescents Traumatised in a School Shooting’ (2011) 24 J Trauma Stress 70, 75.
15See Siri Thoresen, Tine Jensen, Grete Dyb, ‘Media Participation and Mental Health in Terrorist Attack Survivors’ (2014) 27 J Trauma Stress 639, 644. This study of 285 survivors of a Norwegian shooting also revealed correlations between negative appraisals of being contacted by the media and regretting media participation and
He just fell to bits and was crying and all that sort of side of it but he was scared to get off the bus as well… We had just been up to the mine, and so all the other emotions and everything else were running through our adrenaline… it was just a matter of wanting to get into that building so that we could get a cup of tea or relax or do whatever we were going to do next, that it was like we couldn’t move, we couldn’t do anything… it was a fear, we just didn’t know what was going to happen next… I had never had that feeling before it’s just that, just scary to go forward. (F6)

The incident had long-term effects on the boy:

Well after the business with the bus my [son] just had a total freak out of cameras. It didn’t matter, even friends would take photos and that went on for a year and a half afterwards. Every time he saw a camera he would hide, he would cover his face, he didn’t want it to be used. We had a situation… [where he recognised a reporter from Pike River covering a story at an airport] …he bolted and hid… We could not find him…. And he had hidden himself… And I said to him why have you done that, and he said [the] camera was going to be on TV – I don’t want to be on TV, I don’t want to, I don’t want to… For at least twelve months we had problems with even just trying to get friends to take photos. (F6)

The response of F6’s son was one of the most tangible examples of harm reported by the Pike River participants, but many also spoke of the fear and physical insecurity engendered both by the media’s behaviour and their sheer numbers. As participant M15 put it ‘I just had to hide away because there was that much media excitement it was frightening’. The word ‘safety’ appeared repeatedly in interviews as participants, particularly women, described their responses to the media’s presence. This ranged from simply feeling unsafe outside their family group, to feeling physically threatened by media ‘packs’. Responding to the incident, recounted earlier, where a journalist operating in a media pack broke a young woman’s shoe, participant F7 explained:

…I just felt physically frightened for all the family members who were there... The physical presence… meant that everybody was more congested and so it was harder to feel physically safe… And I felt quite angry about that because were dealing with enough, we don’t need you guys coming in and doing this.

Others explained how a sense of being preyed upon led to a feeling of insecurity outside of the family environment:

I couldn’t face people…even people I knew. I just felt safe with family. But the media was trying to make a story. (F4)

[I]f you were walking out by yourself… you wouldn’t feel safe to walk to the car by yourself… they’d sort of pounce on you and start asking you questions… And makes you quite anxious too… You sort of become a bit paranoid… When we needed to go to town and that we had to go pick up some food, stuff, you were sort of looking around sort of paranoid, you didn’t know who to trust. Because they were following people. (F9)

Another participant explained the feeling of being watched in her home:

… it was noted that there was a vehicle at the back of that block of land with a camera pointed on the back door of the house… Now I don’t know the reason for that but to me that’s really invasion of privacy… It’s so scary because you don’t know what that’s being used for. (F6)

All of these sentiments reflect the experience of participants in other grief journalism studies\(^\text{16}\) and an increasing acceptance both in law and academic literature that exposure and exaggerated visibility can create insecurity in its subjects, particularly for women.\(^\text{17}\) Indeed, journalists themselves often acknowledge the frenzied intrusiveness of media packs and how frightening they must be for those subject to them.\(^\text{18}\) The impact that intense media attention can have on the physical security of bereaved individuals therefore requires greater attention from journalists, regulators and audiences.

**Effect 2: Loss of emotional equilibrium – fear, indignation, anger and exhaustion**

The intense media attention in the aftermath of the Pike River explosions took a significant emotional toll on family members of the men who died. The sense that media people wanted something from them that they did not want to give, concern about the way that they and their loved ones were portrayed in the media, fear of being recorded unwillingly by photographers and the sheer number of telephone calls and other approaches, considerably increased the stress that family members were under at an already very difficult time. This stress manifested in four particular ways: fear (which has already been discussed), indignation (which is discussed in the next section), anger and exhaustion.

Many participants in the Pike River study said that the relentless, unwanted media attention caused them to become ‘pissed off’, ‘quite short with’ media people, ‘really annoyed’, ‘peeved’ and ‘peed off’. Sometimes this anger led to violent reactions or verbal confrontations with individual journalists. For example, participant M2 explained how he nearly came to blows with one particularly persistent member of the international media:

He said ‘but I’m here to cover the story and you know I’ve got my right to do this and I’m international media’ and I said I don’t give two shits who you are, get off our section [property].

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\(^{16}\)See, for example, Deppa and others (n 6) 32 (‘I was petrified. They were penetrating the room.’)

\(^{17}\)The connection between observation and physical fear is implicitly recognised in criminal measures combating harassment and voyeurism such as, in New Zealand, the Harassment Act 1997 and the Crimes (Intimate and Covert Filming) Amendment Act 2006; in England and Wales, section 67 of the Sexual Offences Act 2003 and Protection from Harassment Act 1997). For the impact on women, see, for example, Sheila Brown, ‘What’s the problem, girls? CCTV and the gendering of public safety’ in Clive Norris, Jade Moran and Gary Armstrong (eds) *Surveillance, Closed Circuit Television and Social Control* (Ashgate 1998) 207 at 218 and Thoresen, Jensen and Dyb (n 15) 641 (female survivors of a Norwegian school shooting had more negative perceptions of being approached by the media than male survivors). See also actress, Sienna Miller’s evidence to the Leveson Inquiry (Inquiry transcript, Day 7 (am), 24 November 2011, 24).

\(^{18}\)See, for example, Deppa and others (n 6) 97, 105 and 110-111.
There were similar confrontations resulting from approaches in public places particularly when family members were subjected to the attention of ‘media packs’. The participant above, M2, described leaving one of the family meetings:

Yeah there was cameras, cameras going off everywhere I’d say hundreds of cameras. Some of them had two or three they were just like this click click click at all different angles at you. We had to hold my [relative] back from sconing [ie punching] one. He was just ready to go over and kick over their gears. They were just right in their face he could feel the zoom just zoom right into him.

Another explained:

I wanted to say ‘I am so over you being in our faces’…I said ‘For fuck’s sake, leave us alone’…I was sort of stomping…that wasn’t shown on TV. (F1)

All of this is consistent with other studies into the impacts of media intrusion following trauma, most of which recount significant feelings of anger on the part of survivors and bereaved family members. For example, Ann Shearer observed in her ground-breaking study of 54 trauma survivors and bereaved individuals that the ‘anger and hurt of these survivors was consistent’ across all sorts of different survivor groups and continued over time.19

Emotional exhaustion was another common response reported both by participants in the Pike River research and other studies. Family members of the lost men described the exhaustion which resulted not just from their trauma and the long days and nights waiting for news, but also from fielding media attention. As F1 explained, ‘it was miles too much’; her children had ‘just had enough’. Others were on high alert whenever they were out in public, ‘constantly looking, listening, being careful of what I was saying…what I was doing’ (F6). Another described the stress of feeling spied on:

We just didn’t want our picture taken ‘cause we were all upset; we were visibly crying. Just private time that was our area and we wanted to be left alone…I’ve seen my photo in the papers and the television a hell of a lot, which we didn’t want. I thought how did these crooks get that? How did they get that bloody photo…we hadn’t been aware of them at all but when you came home at night you would see them on tele or something you know…that’s your space and they just zap you. (M2)

For those who decided to engage with the media, the exhaustion was of a different nature but still affected their well-being and relationships:

I didn’t realise how mentally exhausted I was…I was just buggered…in the first month I was probably getting two hours’ sleep a day…even my [colleagues] told me to pull my head in because I was bitchy so I think that it did take its toll. (M3)20

19Shearer (n 6) 14. See also Deppa and others (n 6) 33.
20Other authors have also observed how stressful the role of community spokesperson can be: see, for example, Denis Muller and Michael Gawenda, Black Saturday In the Media Spotlight (Cussonia Press 2011) 144-45 and Deppa and others (n 6) 42.
Effect 3: Being treated as a means to an end

As the authors of one earlier study observe, ‘[j]ournalists differ from the other professionals working at the scene of [a] disaster in that their job is not to save or help the victims’.

They are therefore, to quote Shearer, ‘neither friends nor therapists to survivors’. Unsurprisingly, this can lead to a perception that they are there simply to serve their own interests. As already foreshadowed, many of the negative emotions expressed by the Pike River families related to this perception. Participants spoke of a lack of empathy, a sense of violation and of feeling as if they were being used by the media people they were dealing with. This is consistent both with the language of participants in other grief journalism studies and with privacy literature and jurisprudence, the latter of which recognises the connection between unwanted access to oneself and dignity.

Being preyed on whilst vulnerable/in shock

Family members expressed many of their concerns about how they were treated as indignation at the fact that they were being targeted by the media at a time of immense vulnerability. Very few had any prior experience of dealing with the media and, even before the meeting at which they were told of the second explosion, many of them were in shock or under immense pressure. Nearly all said they were approached when they were quite clearly in no fit state to deal with the media. They exhorted media people to remember to be human and to consider more carefully what being approached, photographed or written about is like for a person who is experiencing severe trauma. As a local community worker observed:

These are not the kinds of people in a normal situation, they are incredibly vulnerable and fragile, so maybe you think it’s acceptable to hammer at someone’s door at 6.30am when its unacceptable in normal circumstances but you’re in a situation when they are already at their lowest ebb – there doesn’t seem to be any acknowledgement of that or what that might be like.

The vulnerability of the Pike River families and friends was most clearly manifest in the immediate aftermath of the meeting at which loved ones were told of a second explosion which no-one in the mine could have survived. A large media pack was waiting for family members to emerge from that meeting and contemporaneous media reports contain dozens of close-up photographs and video footage of them leaving in extreme distress – crying, being held up by family members, sitting or crouching bereft on the ground, or even in a state of collapse.

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22Shearer (n 6) 12.
Numerous participants in the Pike River study were photographed and approached by reporters for comment at that time. One explained how ill-equipped she was to deal with media attention at that point:

As for trying to get to the cars, I mean we were approached by media people… And I think I got quite short with one of them and I said for God’s sake just leave us alone… it’s like can’t you see that I’m holding someone who is physically collapsed and can’t you see that? They just took off and tried to grab the next person. There was not even any ‘I’m sorry’… It was all too fast; it was too oh they were awful. The media were awful. And we were in just such a horrendous state, all of us… (F7)

Another said:

I remember a woman collapsing at the meeting when she was told of the second explosion and she was carried out… it was her husband that was in the mine. She was carried out to a waiting ambulance and the cameras got that and it’s just it was just so intrusive. (F1)

Concern about the appropriateness of journalists photographing or approaching people who are suffering from intense emotional distress or are in shock has been a persistent theme in research into the causes and impacts of grief journalism.\(^{25}\) Ann Jemphrey observes, for example, that the reality for survivors and those bereaved by disasters is that they ‘experience press intrusion at a time when they are least able to protect themselves or seek redress’.\(^{26}\) Powell agrees:

Bereavement care professionals all agree that immediately following news of the death of a loved one, the bereaved are in no state to be interviewed. ‘Their thinking processes are so overwhelmed by grief at that time that they are not in a good state to make a judgement about whether it is what they really want’ [citing interview with bereavement expert Beverley Raphael]. Yet it is usually when they are in this extremely vulnerable state that the media approach them.\(^{27}\)

This was confirmed by participant F14 in the Pike River study, who simply stated ‘the first few days you actually don’t want to speak to anybody, but that’s when they want to speak to you and you’re really not ready for that’. Walsh-Childers makes a similar point citing a father of a young man killed in the Virginia Tech shootings, who said that ‘it ought to be fairly obvious to people who’ve been in the news business for a time… that when somebody has undergone a shock of this magnitude, they’re really not ready to face anybody except somebody who can put their arms around them and hold them’.\(^{28}\) All this is backed up by the fact that numerous participants in Muller and Gawenda’s study of survivors of the Black Saturday bushfires in Australia could not recall what they had said to journalists in the early aftermath of the disaster;

\(^{25}\)For descriptions of the effects of shock on bereaved individuals (including losing consciousness or awareness of what was happening), see Deppa and others (n 6) 31, 32, 35, 36, 37 and 53. For journalists’ acknowledgements that their subjects were clearly in shock and did not appear to know what was going on see Deppa (ibid), for example, 81, 143, 144-146, 161. (Some chose not to proceed with interviews because of this, ibid. 145-46 and Muller and Gawenda (n 20) 45, 47, 74-5 and 78). See also, Shearer (n 6) 7-8 and 14 (regarding shock) and 8-11 (regarding the other challenges the traumatised or suddenly bereaved are dealing with.


\(^{27}\)Di Powell, ‘Media Intrusion into Grief’ (1990) 57 Media Information Australia 24, 25. See also, Kate Mulley, ‘Victimised by the Media’ (2001) 43 Criminal Justice Matters 30, 30.

\(^{28}\)Walsh-Childers, Lewis and Neely (n 2) 201.
some were even surprised to see themselves in the newspapers.\textsuperscript{29} Those authors also noted that the ‘greatest harm’ was done to survivors ‘who were photographed or filmed in a state of distress, and without their consent… Even two years later, they were upset and angry at the intrusion on, and exploitation of, their grief’.\textsuperscript{30}

Research into journalists’ own behaviour regretta;;ly confirms the Pike River families’ perception that some journalists are willing to exploit the vulnerability of the recently bereaved to their own ends. Eileen Berrington and Ann Jemphrey, for example, observe that although it is entirely at odds with the needs of the bereaved, journalists will often prioritise their own desire to get a good copy quickly. They cite a daily tabloid journalist who explained how he behaved following the mass shooting of primary school children in Dunblane in Scotland:

\begin{quote}
You go in and get to these [recently bereaved] parents just at the right time – which is the wrong time but the right time. I have a job to do, so it’s the right time for me. And you sometimes hit them when they are on that pitch of high emotion and you go in there and you get amazing stuff out of it for a story.\textsuperscript{31}
\end{quote}

Another veteran reporter explained in a 2012 study of journalistic ethics, how she deliberately targets people when they are in shock as it makes it more likely that she will get what she wants. Responding to a young journalist’s surprise at some family members’ openness immediately after a tragedy, she says: ‘[I]t is because they are in shock… It’s the best time to get them.’ Another experienced journalist agreed, ‘Yes, the only time to get them’.\textsuperscript{32} Other studies quote journalists explaining how in the immediate aftermath of the disaster they will knowingly exploit trauma survivors’ need to talk and to receive care and attention in order to get stories\textsuperscript{33} or exploit worried relatives’ desperate need for the kind of information which media people will often hold.\textsuperscript{34} Trauma psychologist Salli Saari explains the therapeutic need that these journalists are exploiting:

\begin{quote}
I certainly encourage them to think that. I didn’t lie and say, “we’re doing a story because we love you,” but I certainly encouraged to believe it… ibid, 89. Others observed that survivors ‘just needed someone to talk to’ (98) and that Lockerbie residents became less welcoming in the aftermath of the Pan Am tragedy once ‘they realise[d] just exactly what the media were there for, and what they were doing’ (91).
\end{quote}

\begin{thebibliography}{9}
\bibitem{29}See Muller and Gawenda (n 20) 140-141, 179-180.
\bibitem{30}Ibid 178. For these authors’ conclusions on the positive impacts of media coverage, see page 202 et seq but it should be noted that, unlike the Pike River study, their study did not distinguish between survivors who had lost property and those who had lost loved ones. Murphy’s study of the aftermath of Mt St Helen’s confirms that media attention has a more negative impact on the bereaved than those who suffer property damage, (n 2) 16.
\bibitem{32}Elyse Amend, Linda Kay and Rosemary Reilly, ‘Journalism on the spot: Ethical Dilemmas When Covering Trauma and the Implications for Journalism Education’ 27 J Mass Media Ethics 235, 241. See also Deppa and others (n 6) 199.
\bibitem{33}For example, an American journalist in Deppa’s study explained that two ‘lovely, very simple Scottish [farmers seemed to have]… felt we were coming because we cared about them. I certainly encourage them to think that. I didn’t lie and say, “we’re doing a story because we love you,” but I certainly encouraged to believe it…’ ibid, 89. Others observed that survivors ‘just needed someone to talk to’ (98) and that Lockerbie residents became less welcoming in the aftermath of the Pan Am tragedy once ‘they realise[d] just exactly what the media were there for, and what they were doing’ (91).
\bibitem{34}For example, a journalist in Berrington and Jemphrey’s study of the Dunblane Primary School shooting said that parents leaving the school ‘were willing to talk to reporters, as they too had an unmet need for information’, (n 31) 231. See also Nikki Hawkins and others, ‘Early Responses to School Violence: A Qualitative Analysis of Students’ and Parents’ Immediate Reactions to the Shootings at Columbine High School’ (2007) 4 Journal of Emotional Abuse 197, 216 (where a student describes being shown a list of people who had been killed in the Columbine High School shooting and filmed as he or she came to realise that a friend’s name was on it). See also Deppa and others (n 6) 46-7 (where a journalist provided information without wanting anything in return).
\end{thebibliography}
Psychological shock renders victims willing to talk to anybody, including reporters, about their experience. Often, victims who were interviewed and photographed later regret their statements, or agreeing to the interview. Where photographs are concerned, victims’ permission is not even sought.\(^{35}\)

The response of researchers to the exploitation of shock and vulnerability and its impact on bereaved individuals is unequivocal. Shearer observed ‘how powerless, at that most vulnerable time’ survivors felt in the face of this kind of intrusion and harassment and concludes that ‘[v]ictims must not be exploited when in shock.’\(^{36}\) Lord Kerslake, author of the report into the 2017 terrorist bombing of the Manchester Arena said that ‘[t]o have experienced such intrusive and overbearing [media] behaviour at a time of enormous vulnerability seem to us to be completely unacceptable.’\(^{37}\) BBC journalist Tom Brook agreed in his reflections on the appropriateness of disseminating television and photographic images of a woman screaming and lying collapsed on the airport floor having just learned of her daughter’s death in the 1988 Pan Am airline disaster:

> You’re taking advantage of people at a moment when they have no control. I think that’s the issue… I suppose with people and grief – or when there is a lot of emotion involved, and people aren’t in control – it is very primitive, it seems to me, to take advantage of that situation. It goes without saying, it’s unfair.\(^{38}\)

All this has led media studies experts to suggest that interviewing and reporting techniques which may be appropriate in other circumstances are inapposite when dealing with traumatised individuals. This includes approaching an individual with the camera rolling, refusing to allow family members to check copy and feeling that one must own the story as one’s own.\(^{39}\) In fact, it calls into question whether it is ever appropriate to record or interview a close family member who has just received news of a bereavement.

**Lack of empathy and feeling used**

The Pike River participants’ dismay at the lack of regard for their vulnerable emotional state was part of a wider concern about lack of media empathy in the aftermath of the Pike River tragedy. Nearly every participant in our study objected to a perceived lack of respect, humanity and empathy from some members of the media. Even the most vulnerable family members were subject to a lack of empathy, as illustrated by an unthinking reporter asking participant F1’s children ‘well, how do you feel about your dad not being here anymore?’ when the family were still hopeful that he would be found alive. Participants felt that, in the aftermath of the explosions, they were being treated as simply something to be looked at, found out about, photographed and reported on, rather than as people with feelings to be considered. Dignity – the protection of which is one of the core aims of both in New Zealand and English privacy


\(^{36}\) See pages 19 and 6, respectively. Muller and Gawenda suggest that a desire to talk and lack of later regret means that it is acceptable to approach people in shock (n 20) 152-54. However, their research did not differentiate between those who suffered property damage and those who had suffered physical harm (see n 20 above), and does not take account of the difference between the therapeutic intervention sought by those traumatised and that the way journalists obtain and use material.

\(^{37}\) Kerslake (n1) 5.258.

\(^{38}\) Cited in Deppa and others (n 6) 115.

\(^{39}\) See for example, Sykes and Green (n 2) 3, 10 and pp 25 below.
torts—therefore repeatedly surfaced in interviews. Participants said, ‘[w]e didn’t feel that we were being treated like people’; ‘[w]e just seemed violated by them all the time’; that they ‘just wanted a story’ (M2). F9 explained:

And you know we're all, as you can imagine, just so upset and even when you’re sort of wiping your tear away they would be clicking in their cameras. Like they didn’t even care, they just wanted a story… No consideration for how the family was feeling.

Others stressed the need for the media to ‘put themselves in the other person’s shoes’ (F8), exhorting them to remember to be human and that their subjects are also human.

Closely related to this concern about a perceived lack of journalistic empathy was a strong sense from many Pike River families that members of the media simply wanted something from them; that they were only interested in their pain and loss to the extent that they could use it to their own ends. Participant M2 captured this perception in his description of an approach from two prominent male journalists:

He [Y] didn’t give two shits, he was just there for the story. That was bloody one thing that we picked up… I didn’t think much of [Z]. He was arrogant. He actually came and banged on the door ‘we want a story’.

Similarly, F1 said:

I know it’s their job and without a good story they don’t get paid but… it’s horrible, it’s like they’re hounds to a wolf, they’ll be straight for it: click, click, click. No permission to use my photo or anything else like that…

There was also a common perception amongst participants that some journalists saw them and the tragedy primarily as an opportunity to advance their careers. As F1 said, ‘They want the good reviews, they want story of the year, the reporter doing it wants the glory…but being on the receiving end, it was so intrusive.’

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40 See Hosking v Runting (n 7) at [239] per Tipping J and Campbell v Mirror Group Newspapers Ltd (n 7) at [12] per Lord Nicholls and [51] per Lord Hoffmann.

41 The same sentiment was expressed by female participants 01, 06, 07 and 09. This language is also used in previous studies: see, for example, Englund, Forsberg and Saveman (n 15) 27 (who say that some participants felt ‘violated’ by the media’s behaviour); McAlister and Meehan (n 2) 13 (where participants spoke of feeling ‘used’, ‘neglected’ and ‘powerless’); Walsh-Childers, Lewis and Neely (n 2) 202 (where the authors speak of the ‘trauma… experienced when journalists treated [survivors and grieving family] as means to an end’); and a participant said, ‘I saw nothing in his eyes that suggested that we were anything other than a “story” with a capital “S”’ (196, see also 195-200); Muller and Gawenda (n 20) 163 et seq; and Wendy Bilboe, ‘The Thredbo Landslide: Was it only media ethics that can tumbling down?’ (1998) 20 Aus Journalism Review 88, 94-97.

42 Both the Pike River project and earlier studies make it clear that journalists are more likely to get interviews when they approach people respectfully and convey genuine concern (see Muller and Gawender (n 20) 163-168 and Walsh-Childers, Lewis and Neely (n 2) 202) and give them a sense of control over the process (discussed further at 24-25 below). See further, Trina McLellan, ‘Fair Game or Fair Go? Impact of News Reporting on Victims And Survivors Of Traumatic Events’ (1999) 7 Asia Pacific Media Educator 53, 64 arguing that people affected by the Port Arthur shooting needed ‘compassion’ from journalists; Kristin Glad and others, ‘Survivors Report Back’ (2018) 19 Journalism Studies 1652, 1659-1660 (positive experiences were characterised by choice, respect for the personal boundaries, ‘care and consideration’; ‘empathy’ and journalists who were ‘considerate’, ibid 1660); Muller and Gawender (n 20) 204-5 (survivors need humanity, empathy, autonomy, and respect).
Again, research into journalists’ attitudes toward large-scale tragedies suggests that these impressions are not unfair. Participants in these studies often reflect – sometimes with disquiet – on the career opportunities that large-scale tragedies present particularly for young journalists wishing to prove themselves. For example, Berrington quotes one tabloid journalist who had covered the Dunblane massacre saying ‘it was great training. It was the making of me’. Deppa also cites a reporter saying he was pleased a woman who had just learnt of her daughter’s death had collapsed a few moments after giving him a raw, angry statement because it meant that none of his competitors had had a chance to speak to her. The perception that some journalists think like this led a community worker who had assisted many family members in the aftermath the Pike River tragedy to ask, ‘do you think “great for my career”, or do you think about the person who that’s actually about or who it will affect?’

Although participants acknowledged the important role the media played in reporting on the Pike River disaster, they also stressed the need for media people to remember that the stories they are writing will be read by traumatised family members. Errors and failure to check facts – which are discussed further in Part IV below – often contributed to a feeling of lack of concern for the lost men and their family members as people. This led a community worker to conclude:

They publish their story and they don’t think what it means to the person that it affects… [It] might be public information but do they really think they need to print it? And it’s also the how do you print it.

The other perspective

It should be noted, however, that studies of journalists’ attitudes to tragedy and trauma also suggest that most media people have a stronger commitment to telling stories faithfully than these perceptions might suggest. Many journalists on the ground in the aftermath of tragedy develop strong a strong sense of connection to the event and a commitment to telling family members’ stories well. These studies also suggest that problems with accuracy do not necessarily reflect a want of concern by reporters on the scene but the difficulty in obtaining accurate information, pressures from news desks to produce copy quickly, and in some cases, the fact that a story is written up by a third party who was not present at the scene of the tragedy.

Further, it is clear that the appearance of detachment or lack of empathy in participants’ wider dealings with journalists can be misleading. Research into journalistic ethics suggests that most media people are much more affected by what they see and hear in the aftermath of tragedies like Pike River than the perceptions of their subjects would suggest. There is an extensive body of literature explaining the impact that covering trauma can have on reporters’ and photographers’ mental wellbeing and that rates of post-traumatic stress disorder amongst media people are significant.

43Berrington and Jemphrey (n 31) 241.
44Deppa and others (n 6) 104. Another reporter reflected on the career opportunity she forewent in deciding not to do a second live feed from inside the Hendrix Chapel in Syracuse (after outcry at having done the first one) (ibid, 149).
45See, for examples of the latter, see ibid, 49; Muller and Gawenda (n 20) 70-72.
46Muller and Gawenda (n 20) chapter 5, especially 102 and 110.
participants in Sallyanne Duncan and Jackie Newton’s survey of 53 journalists working in the Scottish press said that their participants disliked disturbing people at a time of grief, felt personally culpable for doing so and were concerned ‘that they could cause distress to interviewees.’\(^{48}\) Some reported low self-esteem and self-disgust for undertaking the ‘death knock’; one said the requirement to approach bereaved individuals was the reason he left the profession altogether.\(^{49}\) Many journalists also develop a deep connection with and sense of responsibility to the people they encounter when covering tragic events. There are numerous stories of journalists assisting family members in the aftermath of disasters\(^{50}\) and, as at Pike River,\(^{51}\) trying to stay in touch with people they had connected with regardless of whether they gained a story from the contact.\(^{52}\)

All this suggests that the perceived lack of empathy and respect following events like Pike River does not necessarily stem from the attitude of the journalists themselves but from the nature of the task they are undertaking and from the way they go about it. Journalists themselves acknowledge that the media pack is an amoral beast which leads to poor behaviour by those who are in it.\(^{53}\) Further, excessive numbers of journalists covering a tragedy can mean that even reasonable approaches from media people can be overwhelming.\(^{54}\) As noted in the introduction, this poses a challenge for legal protections against privacy and harassment which are focused on individual rather than group behaviour. Some journalists also acknowledge that there is no avoiding the fact that there is a lack of respect inherent in trying to get information from a person who is clearly in intense emotional distress and no fit state to deal with the media. No matter how gently or respectfully journalists approach a person in this state, if they know – or strongly suspect – that the approach is unwelcome or not in a person’s interests then they are treating the bereaved subject as a means to his or her ends of getting a story. A journalist who was also a survivor of the Black Saturday fires in Australia (and hence subject to a media frenzy) explained this:

> I think the media probably doesn’t appreciate the way it sometimes operates, and tries to operate with sensitivity, but even so, you’re intruding on things and causing distress in ways that you don’t even realise exist, and I can’t see any way around that. And again, it’s something I’ve only seen because I’m on the receiving end.\(^{55}\)

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\(^{48}\)Sallyanne Duncan and Jackie Newton, ‘How Do You Feel?’ (2010) 4 Journalism Practice 439, 442 et seq. Journalists in other studies also express regret for their behaviour towards grieving family members: see Deppa and others (n 6) 164, 167, 197, 199; and Joseph Scanlon and Conrad McCullum, ‘Media Coverage of mass death: not always unwelcome’ (1999) 14(3) The Australian Journal of Emergency Management 55, 57 citing Kim Brunhuber, ‘The real story at Peggy’s Cove’ The Sunday Herald (Nova Scotia, 13 September 1998); Berrington and Jemphrey (n 31) 231. Others explained how they have declined to film or approach grieving family members on ethical grounds: see Jemphrey and Berrington (n 26) 478 (who said that reporters covering the Dunblane shooting deliberately got themselves stopped by police protecting family members against approaches in their homes).

\(^{49}\)Duncan and Newton (n 48) 442.

\(^{50}\)See, Muller and Gawenda (n 20) 166-167.

\(^{51}\)For example, F1 explained that one female journalist ‘rings every now and again, “Don’t want anything from you, just how you going” and things like that.’

\(^{52}\)See Muller and Gawenda (n 20) 59-60, 200.

\(^{53}\)See, for example, Deppa and others (n 6) 97, 105 and 110-111.

\(^{54}\)Walsh-Childers, Lewis and Neely (n 2) 201.

\(^{55}\)Muller and Gawenda (n 20) 114.
Unless there is an overwhelming public interest in a particular approach to a particular person at that specific time, the Pike River study suggests that approaching people who are suffering extreme emotional distress is not justified.\textsuperscript{56} As one trauma psychologist asks:

\begin{quote}
Are the media really in such a hurry that they want to interview victims at the expense of their psychological welfare and recovery, when they can do so in more restful circumstances a couple of days later?\textsuperscript{57}
\end{quote}

That said, there is no doubt that brusque and unfeeling approaches exacerbate feelings of exploitation and that some journalists are much better than others at making family members feeling cared for and respected. As in other studies, participants consistently said that when they did choose to talk, they favoured these reporters over others.\textsuperscript{58} M2 explained:

\begin{quote}
She left a note and said I know where you’re coming from ’cause I lost my grandfather in a mine … I actually rang her back and I said when I feel like talking to you, I’ll talk to you, and she said look hey … take your time. I’m in no hurry and that’s people that you relate to….They respect how we felt….
\end{quote}

Participant F7, who had been fearful of talking to the media, explained how one journalist built trust:

\begin{quote}
There was one lady who was very gentle with her approach to me and she said her name and she invited me to speak if I wanted to but I didn’t have to… I remember she gave me her card and said just in case, but she was very respectful of me…the second time we went to the mine site she was there and she came up to me…I wanted to say something that was gentle and spiritual and positive because it had all been the hype, it had all been the media, it had all been the tragedy and I just wanted to somehow make it a little bit better for anybody else. I felt she pretty well said it exactly as I had said it…She was completely non-threatening, she wasn’t pushy or abrasive. She wasn’t in my face… I could really feel her empathy…and that made a big difference…obviously caring about me as a person and what was going to be okay for me rather than them just getting a story… Acknowledging me as a person… of course they’re looking for results and that’s fine, but instead of demanding it and trying to override me… they were wanting to connect with me as a person. (F7)
\end{quote}

**Effect 4: Loss of autonomy and control**

Trauma and bereavement specialists explain that one of the most fearful emotions following bereavement and trauma can be a sense that one has lost control of one’s world. These specialists suggest that re-establishing a sense of control is a vital part of the recovery process.\textsuperscript{59}

\textsuperscript{56}See further, Saari (n 35) 82.
\textsuperscript{57} ibid.
\textsuperscript{58}See pp 24-25.
\textsuperscript{59}The need for individuals to regain a sense of control guides much of the discussion about how journalists should go about approaching victims of trauma, conducting interviews and deciding what to publish. See, for example, Glad and others (n 42) 1663; Sykes and Green (n 2) 3, 8-10; Deppa and others (n 6) 67, 182–183. See also Erin Bassinger, Erin Wehrman and Kelly McAninch, ‘Grief Communication and Privacy Rules: Examining the Communication of Individuals Bereaved by the Death of a Family Member’ (2016) 16 Journal of Family Communication 285, 295 where the authors explain the importance of control over self-disclosure during the grief process.
Unfortunately, finding oneself as the subject of intense media interest in the aftermath of tragedy makes this loss of control significantly worse. As Shearer puts it:

At a time when one of [trauma survivors’] most fearful emotions may be the sense that they have lost control of their world, the media may, by wrenching private grief into the public realm, simply underline and exacerbate that sense of helplessness.\(^{60}\)

At Pike River, media attention – particularly in the early days – did this. It severely restricted family members’ ability to choose who had access to them, their liberty of action, and the way in which they and their lost loved ones were presented to the world.

**Loss of autonomy of action and control over access to oneself**

As already outlined, intense media interest following the Pike River explosions meant that grieving families and friends were unable to control who had access to them. All participants spoke of the media’s interference with their ability to ensure that they were surrounded by people who were there just to support and care for them. The presence of media packs at family meetings, persistent door knocking and telephone calls, surreptitious following and photography, and deceptive practices all contributed to this sense of loss of control.\(^{61}\) As discussed below, this in turn had a significant impact on their ability to access the support they needed and consequently on their recovery.

This loss of control over access to themselves also undermined family members’ autonomy of action, an interest which, as mentioned, courts have recognised underpins both the New Zealand and English privacy torts.\(^{62}\) Participants felt that the only way they could avoid unwanted media attention in the aftermath of the explosions was to ‘find a place to hide’ (F6). Their explanations for why and how they did this return to the themes of fear and safety explored above:

> You know speaking out loud if you were speaking to [my husband] about something, about Pike River things, and you were out in public like the supermarket you sort of become more aware of that you sort of didn’t talk about it until you were behind closed doors sort of like that you know?... There’s only so many places you felt safe really… [It was] sort of like [being] a hostage in your own environment… It was a bit on your privacy. Nothing was a secret anymore… (F9)

> I didn’t want to go out in public because even going to get my groceries I just felt like everyone’s eyes were upon me, not just media but people in the community and so I became really reserved I didn’t want to leave the home, because everyone was so in your face and I just wanted to be a bit of a recluse really and, and stay safe in my house. (F1)

> I was too scared to walk around town…Because I didn’t know who was going to come up to me…The only times I went out was when I had to go to meetings…I wouldn’t do anything…It was like you get scared to say anything or do anything, you’re better off just hiding and keeping away from it all. (F6)

\(^{60}\)Shearer (n 6) 12. See, also Libow (n 15) 381.

\(^{61}\)At Pike River, deceptive practices included journalists posing as a parent at the local school, pretending to injured and needing help, and posing as customers or patrons at participants’ businesses.

\(^{62}\)See Hosking v Runtig (n 7) at [239] per Tipping J and Campbell v Mirror Group Newspapers Ltd (n 7) at [12] per Lord Nicholls and [51] per Lord Hoffmann.
Both during the initial aftermath of the disaster and in the years since, many family members also consciously avoided the news or other forms of media because of the emotional distress that Pike River coverage could cause, especially if it involved photographs of or perceived misrepresentations of them or their loved one. Engagement with telecommunications was similarly affected. For example, M2 became so frustrated with persistent media calls that he threw his mobile telephone in a local river. Another said:

And I know that when I come back to [place of residence] you know I just sort the children out, we were getting phone calls here asking if, if this was the [X] household we were told basically that to hang up on them sort of phone calls, and not get into conversation but I know, our number wasn’t even listed at the time so we were you know… [wondering] how the numbers were leaking… I just said that at the moment, I’d answer the phone sort of thing and don’t handle the phone calls. (F9)

Some participants were still avoiding email and ignoring telephone calls years after the event.

Numerous family members also tried to regain some control of their environment by shielding children or other vulnerable family members from media attention. This affected both their own freedom of action and that of those they were trying to protect:

We couldn’t let the kids go outside because the media were there asking them questions and taking photos…and we had to protect [a vulnerable family member]…we answered the door. (M2)

I had kept myself and my [children] away from the media deliberately because of emotional stress it would have on them…so I was very cautious about who was around and things like that. It got to the point that there was a lot of media around and my friends said to me ‘look, we’re going to take you away from here’. (F6)

Other participants also had people protecting them. One told us that he was not ‘hounded’ like some others were, only for his relative to interject and say, ‘we took phone call, after phone call, after phone call’. Others had good friends who performed this function, such as participant F6, whose friends gave her a different car to drive so that the media would not recognise her. They also operated as a team to shield F6 and her children from media approaches:

Evidence suggests there are good reasons for doing this. See for example, McLellan (n 42) 59 (including her description of a woman who developed full-blown post-traumatic stress symptoms after ‘viewing without warning video footage of a partner’s death scene some months afterwards’). See also Nigel Long, Kerry Chamberlain and Carol Vincent, ‘Effect of the Gulf War on reactivation of adverse combat-related memories on Vietnam veterans’ 50 J Clin Psychol 138, 142 (which suggested that exposure to media coverage of warfare can revive memories of earlier combat which in turn increases post-traumatic stress levels in war veterans) and Agustin Palacios and others, ‘The Traumatic Effect of Mass Communication in the Mexico City earthquake: Crisis Intervention and Preventive Measures’ (1986) 13 International Review of Psycho-analysis 279, 282 (which claims that ‘the massive overflow of televised and radio-transmitted information and not the immediate physical impact of the earthquake to be the main traumatic agent’ for people affected by the 1985 Mexico City earthquake).

See also, McAlister and Meehan (n 2) 13, where one participant said, ‘Every bit of the house was locked’; and Deppa and others (n 6) 24 (children could not go out on their new bicycles on Christmas Day in Lockerbie because the media were those who ‘pounc[ing] on’ people).

Numerous people in Deppa’s study also gave examples of people protecting the bereaved (see page 38, 40), including people who became community spokespeople to protect others (ibid, 42).
My friends formed a sort of barrier. One of my friends answered the phone constantly… and I had another friend who answered the door. So I was oblivious to certain things like who was coming and going… but it just escalated… It got to the point that my friends stood out the front and anyone that came near the house they just asked them straight out who they were, and if they were media they sent them away.

Almost all participants also said that they looked to the police to help them to avoid the media on the way to and from meetings.

Whilst most acutely felt by the Pike River families, it is important to observe that the significant media presence also affected the community as a whole.66 The small town of Greymouth was inundated with journalists which made it difficult for family members from other places to find accommodation and pushed the media and family members together into the same hotels and restaurants.67 It also affected the way inhabitants felt about their ability to live their lives, as expressed by a local community worker:

[T]he community as a whole felt their privacy was absolutely blown apart… you couldn’t get around town for the press… you just couldn’t move, like on your way to drop a book off at the library ‘what do you think about the explosion, will they get the men out?’

**Loss of control over how participants and their loved ones were presented**

The Pike River participants’ loss of a sense of control over their life related not just to media approaches but also to the way they were presented to the world. Most felt they had little choice over what personal information was made public and many were concerned that images of or quotes from them would appear in the media without their consent:

I’ve seen myself on news bulletins. That second meeting, you could see me coming out and I was crying and I had [a vulnerable person] with me. I got really pissed off seeing that… being on the receiving end, it was so intrusive. (F1)

This caused some participants to feel that they could not trust people. For example, during the Royal Commission inquiry into Pike River, participant F5 had talked to a woman at morning tea not realizing until sometime into the conversation that the woman was a reporter:

It wasn’t until I got back that I thought ‘oh my God, she’s not going to use any of that is she?’ And she didn’t, but I spent the rest of the day during the Commission not really looking at the Commission, but using my phone to Google my name to make sure… Let your guard down for a second and it could come back to bite you in the arse.

There was also discomfort about personal grief being made public:

That was a private moment for us, but nobody looked at it as a private moment. (M2)

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66 This is consistent with the findings of other grief journalism studies. See, for example, Linda Kay and others, ‘Help or Harm’ (2010) 4 Journalism Practice 425, 427-428; and Deppa and others (n 6) 20, 23 (explaining how Lockerbie residents changed where they went so that they could avoid the media), and 171.

67 Following the Pan Am tragedy, family members visiting Lockerbie were put up 12 miles away from Lockerbie in order to protect them from the media (Deppa and others (n 6) 46).
If I’d been on TV I would go to work and I would get ‘Oh saw you on TV last night’ blah blah blah and what I find a very personal part of my life, I have to talk about…and although I would never tell them my personal stuff you know the media has already intruded on that. (F12)

Participants’ sense of control over their situation was also undermined by concern that some media people were shaping what family members were saying to suit a preconceived narrative or angle on a story, even if that involved interpretations that were untruthful:

One thing I’ve learnt you give a newspaper a story and they take what they want, take it out of context and print anything that sells a good paper or good magazine article… They take it out of context. You might say something, add something later on, but that something later on would fit nicely with what I said first and they sort of the connect the two and they’ve got a story… They cut what you say and they piece it together and it’s not the full story. (F1)

The thing that we were also worried about was half the time they were making up stories and then the next day you’d see it printed in the paper. People were being told the wrong stories. (F9)

Many family members were also concerned about a perceived preference for stories which tugged at readers’ heartstrings and felt that some journalists manipulated stories about them or their loved one to focus on emotion. As participant M11 put it ‘they always want the tearful shot, the emotional shot’. 68 The result was often an inaccurate portrayal of how a family member was feeling or the message that he or she wanted to convey:

I know that all they want to do is sell newspapers so they wait for the emotion. So I went through this interview really well and then right at the very end he asked me a question and I went down [ie became emotional] and as soon as it happened, as soon as it was over, I said they’re going to be using that and sure enough they did…That one little bit…I was really pissed off, I was really annoyed…that wasn’t what the interview was about, the interview was about getting the facts out there to the world. (F10)

You show them any emotion and then the camera’s there and guarantee you’ll they’ll get a shot… If you’re crying, you’re grieving, it’s a good story, there’s a good photo in that. If you’re portrayed as just the average everyday person that won’t sell. (F1)

Although Pike River participants acknowledged the significant role that the media played in reporting on the disaster, as outlined above, they said media people need to remember that the stories they write are being read by traumatised loved ones: ‘[they] need to get their facts right.

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68 This impression is born out by other media studies. See for example, Berrington and Jemphrey (n 31) 235; Tony Walter, Jane Littlewood and Michael Pickering, ‘Death in the news: The public invigilation of private emotion’ (1995) 29 Sociology 579, 584 (‘reporters home in one emotions like flies to a glowing light’), and Yasmin Ibrahim, ‘Domestication of suffering: The Politics of pity and communication through ICT’s’ (2010) 2 European Journal for the Philosophy of Communication 137. Research from the 1980s shows that more than half of ‘Pictures of the Year’ recognised by the National Press Photographers Association and the University of Missouri School of Journalism from 1944-1982 depicted violence and tragedy: see Jennifer Brown, ‘News photographs and the pornography of grief’ (1987) 2 J Mass Media Ethics 75, 76 (citing Eugene Goodwin Groping for Ethics in Journalism (Iowa State University Press 1983)). Interviewees in other studies have also expressed ‘disgust’ that industry recognition is given to publications which have caused survivors, families and their communities great pain (McLellan (n 42) 60).
and they need to be respectful of the people who are dealing with the trauma’ (F7). These concerns were particularly acute where the inaccuracies related to the deceased himself, especially if it was caused by a perceived lack of care. For example, F16 said, ‘[w]hat also upset me was the media getting information from people who didn’t even really know [him] and there were many mistakes in the reporting’.

Others were very upset by the lack of response to attempts to contribute to accurate coverage of their loved one. One couple, for example, questioned why a media outlet had gratuitously mentioned information about their loved one’s financial situation and others had persisted in publishing an unflattering photograph of him when the family had provided a better one. While they understood the initial use of the photograph (which had been obtained from the mining company), the lack of effort to replace it with something the family felt represented him left them upset and disempowered:

> It wasn’t him, it didn’t portray him as who he was. It was a shitty, shitty photo. And we’d ask quite a number of times…and we supplied them with a decent photo…They still had the wrong photos and that really peeved us off…Then you would expect that they’d do it in decency but it just hasn’t been done. (M2)

F16 poignantly expresses the long-term effects felt by misrepresentations of her loved one in the media, saying that ‘there are now photos in newspapers with incorrect captions that are a part of our family history that are not correct’. Participants also complained that published misrepresentations could also lead friends, acquaintances and strangers to carry misconceptions about them and their loved ones:

> a lot of people say this and this was in the media and I say that’s not right. Like when I go to work they’ll say to me ‘oh I seen you in the papers and that happened’, and I say that’s not what happened and they say ‘the papers say it is’…Peeves me off. (M2)

All of these reflections are consistent with other grief journalism studies which highlight participants’ strong reaction against a perceived lack of commitment to accuracy and against media people who ‘approached them or an issue with a predetermined idea of what the story should be’. These earlier studies note a particular resentment of interviews which were deliberately calculated to make subjects cry for the cameras, of publications which focus on people’s tragedies being ‘appropriated… to support a particular campaign (against speed, drink-driving, sale of handguns, etc) without consultation with the respondent’ (at 8).

69 For example, see McAlister and Meehan (n 2) 11-12; Muller and Gawenda (n 20) 70-72, 83-85, 185; Hawkins and others (n 34) 215; Shearer (n 6) 14-15; Kerslake Report (n Error! Bookmark not defined.) [2.37]; Sykes and Green (n 2) 7-8; Glad and others (n 42) 1664; and Deppa and others (n 6) 49, 60, 64.

70 See, for example, Muller and Gawenda (n 20) 185-6. Sykes and Green (n 2) also observed strong reactions against people’s tragedies being ‘appropriated… to support a particular campaign (against speed, drink-driving, sale of handguns, etc) without consultation with the respondent’ (at 8).

71 For examples of young people being filmed whilst media people told them of a friend’s death following the Pan Am and Columbine High School tragedies respectively, see Deppa and others (n 6) 52, 139; and Hawkins and others (n 34) 211-213, 216. Participants in Muller and Gawenda’s study also resented journalists who tried to ‘break’ them emotionally ((n 20) 174-5). Such conduct raises the spectre of the tort of intentional infliction of emotional harm which, according to the UK Supreme Court, will be established where the defendant intended to cause severe distress to the claimant in circumstances where there is no justification or reasonable excuse for the words or behaviour (see Rhodes v OPO [2015] UKSC 32 and Moreham and Warby (eds), Tugendhat and Christie: The Law of Privacy and the Media 10.56-10.58). The importance of the defendant’s freedom of speech will be an important factor in determining whether there is a justification or reasonable excuse for the conduct words in question, but might not provide protection for reporter who deliberately sets out to cause distress to the bereaved individual.
gratuitously on emotional distress or sensational angles,\textsuperscript{72} or which focused on negative emotion when the interviewee was, in fact, trying to accentuate positive aspects of the recovery or draw attention to an issue of public importance.\textsuperscript{73} Some of these studies remind journalists that individuals suffering acute levels of stress cannot be expected to keep such matters in perspective.\textsuperscript{74} Rather, they need to ‘[k]eep in mind that errors that make ordinary people angry can become monumental issues for traumatised people looking for a target for their frustration’.\textsuperscript{75}

In light of all this, it is unsurprising that positive interactions with media people – which tended to happen later in the news cycle when pressure for stories and competition amongst journalists was less intense – were characterised not just by empathy and human connection but also a sense of control over the narrative that was being woven and the process through which the news was being obtained.\textsuperscript{76} M2 explained what a difference this could make:

[Any approach] might have been too much the first week I’d say but after that your emotions kind of drop a bit, I think it’s kind of appropriate because they were giving you the opportunity to talk and them not being in your face, trying to be quite ‘civilised’ if that’s the word and that gave us that choice to stop and think what we wanted to say not just them trying to bombard you and try and get stuff out of you which I didn’t want to.

A sense that the journalist had taken care to understand them and what was important to them also made a significant difference:

They were really interested in how we were supporting each other…really positive things. (F1)

[S]he comes to talk to us, probably an hour with us you know just talking through things…I’m really fascinated about some of the reporters that know so much about mining. It’s quite amazing…I take my hat off to them ‘cause they’re reporting it right. (M3)

This is consistent with journalistic ethics literature. Many commentators point out that an unintrusive media approach can give the survivor a sense of control and is, therefore, less likely to create additional strain on those directly affected.\textsuperscript{77} Media academics Jolyon Sykes and Kerry Green advocate some relaxing of a journalist’s usual instinct to take control of interview situations where victims of trauma are involved.\textsuperscript{78} Ethicists, Denis Muller and Michael Gawenda agree that ‘survivor autonomy’ should be central to media people’s dealing with

\textsuperscript{72} See for example, Deppa and others (n 6) 22, 54 (‘I mean, is that the perfect picture of the tragedy? The cheerleader in uniform is crying’) and Muller and Gawenda page (n 20) 178-179. Muller and Gawenda say if someone cries spontaneously, it is good ethical practice to ask whether the survivor wishes to take a break or end the interview altogether and then to ask whether the survivor minds if any images of him or her crying are used (176). See ibid 80 for an example of a journalist doing this.

\textsuperscript{73} ibid 180-181, 184 and Glad and others (n 42) 1661-62.
\textsuperscript{76} See, for example, Deppa and others (n 6) 33-34, 39-40; Glad and others (n 42) 166, 1663-64 and Muller and Gawenda (n 20) 142-144 and 147-149. Reporters who are trying to make an unobtrusive and sensitive approach often make a point of leaving their notebook or recording equipment behind (see for example Deppa (n 6) 142, 145 and Muller and Gawenda (n 20) 45).
\textsuperscript{77} Glad and others (n 42) 1663.
\textsuperscript{78} Sykes and Green (n 2) 3, 10. Participants in Glad’s study who were positive about the media coverage had been given the opportunity to read through the story before it was published, were happy about the positive angle taken, or felt that they had been given an opportunity to tell their story or to get a particular message across (Glad and others (n 42) 1661). See also Deppa and others (n 6) 67-68.
individuals caught up in disaster.\textsuperscript{79} They argue that approaches which help survivors to ‘begin rebuilding their sense of self, not only contributed to the survivors’ well-being but were also usually more successful in winning their consent’.\textsuperscript{80}

These conclusions are reinforced by the fact that, as in other studies, as the weeks and months rolled on some family members in our study came to see members of the media as important allies in their campaign for changes to safety regulations and body recovery.\textsuperscript{81} The changing nature of the relationship between the families and the media – from subject to partnership – reflects not only the changing story but also the ability of the families to take control over the way they were represented and reported on. Participant M3 observed that, ‘[t]he media has done an immense amount of work for us… the country needed to know the truth and we got the truth out there.’ He also described the different approaches that family members developed over time, giving more of their time to the media who had made the effort to form a partnership or relationship with families, allowing them to assert autonomy and respecting their positions:

[If they] are ringing up getting a quick snippet, bang, gone. You only touch base with them if there are things you want to get across [those who invest more time] I’ll … give them a bit of insight, so when they hit it, they hit it with a vengeance.

\textbf{Effect 5: Impeding recovery – preventing emotional expression and connection with others}

Psychologists and bereavement experts consistently stress the importance of social support and emotional release in recovering from disasters and tragedies. Privacy literature also emphasises the importance of the ability to retreat with certain selected others to develop and maintain relationships.\textsuperscript{82} Unfortunately, the Pike River study corroborates earlier research showing that intense media interest at times of trauma and bereavement can interfere with all of these things.

\textit{Disrupting social support networks}

It is well-established that connection with trusted others will usually help ameliorate the stress and harm that individuals suffer as a result of tragedy and trauma.\textsuperscript{83} The development of community or communal coping strategies also has an important role to play. Brian Richardson and Laura Maninger, for example, explain that sharing emotion and experiences is central to the forging of a sense of being ‘in the same boat’ which can, in turn, support recovery. They note the importance of shared community sites – places where the community can come together to grieve and share traumatic experiences.\textsuperscript{84} This reinforces the need for people in

\textsuperscript{79}Muller and Gawenda (n 20) 152-3.
\textsuperscript{80}ibid, 153.
\textsuperscript{81}See, for example, Deni Elliott, ‘Family Ties: A Case Study of Coverage of Families and Friends During the Hijacking of TWA Flight 847’ (1988) 5 Political Communication and Persuasion 67, 69-72; and Deppa and others (n 6), part II eg 270 et seq.
\textsuperscript{82}See, for example, Charles Fried, ‘Privacy’ (1968) 77 Yale Law Journal 475; James Rachels, ‘Why Privacy is Important’ 4 Philosophy and Public Affairs 32; and David Feldman ‘Secrecy, Dignity or Autonomy? Views of Privacy as a Civil Liberty’ (1994) 47 Current Legal Problems 41.
\textsuperscript{83}See, for example, Hawkins and others (n 34), 212-213; Bassinger, Wehrman and McAninch (n 59); Brian Richardson and Laura Maninger, ‘We Were All in the Same Boat: An Explanatory Study of Communal Coping in Disaster Recovery’ (2016) 81 Southern Communication Journal 107, 107.
\textsuperscript{84}ibid, 112-113.
extreme situations to have access to safe places outside the home where they can engage in communal coping strategies free from the intrusion of outsiders.

Nearly all participants in the Pike River study said that intense media interest interfered with their ability to make these kinds of personal and community connections. The fact that, as already outlined, many participants felt that they could only go out in public or answer their telephones if they were prepared to deal with the media had the effect of cutting them off from their community and support networks. One mother explained that her children did not want to answer the telephone even though she was the one trying to ring them with support and information:

Because I was [somewhere else] and I was saying to them, I will ring you with information as it comes to hand so... I don’t have caller display or anything... [But when I came back] they said, ‘Mum we’re just not answering any more phone calls. We’re just not’ because they just felt like every time they put the phone down the phone’d ring again and they were just over it, so over it. (F1)

Another explained that just walking down the road to visit a friend involved dealing with unwanted media attention:

We wandered down to [X’s] which is [Y’s] friend, we went down there to see whether she was okay. This was about three days later and we were followed by a camera walking out of our place to their place. If we can’t do that there’s something wrong you know? (M2)

Another explained how the media pack waiting outside prevented family members from being able to support each other following the meeting at which they were told that the men had died:

I really hated it because it was a really private moment for the families. We just wanted to be with one another and support one another but we couldn’t do that outside because when you stopped and talked to another family member and you had your arms around them the cameras were on you. (F1)85

Others talked about how media people tried to film or gain access to family relief centres thereby undermining the sense that these were safe places to retreat to with others experiencing the same intense emotion.86

**Hiding emotion**

Intense media interest also interfered with another important coping strategy for those experiencing bereavement and disaster – the expression of strong emotion. Many respondents felt that media attention meant that they needed to put a brave face on when they were out in public. As M2 explained, ‘sometimes you just felt like dissolving into tears but you couldn’t ’cause they are on you’. The sense that the media preyed on emotion also meant that some

85See also, Glad and others (n 42), 1658 (‘There was a meeting that day when the entire press corps was outside and the camera flashes were going like crazy in the room where we were trying to take care of each other and grieve…’ and Hawkins and others (n 34) 216 (survivors and parents of the Columbine High School shooting felt driven away from the makeshift memorial park by the media).

86For similar behaviour in other studies see Deppa and others (n 6) 21 (reports of journalists pretending to be members of the clergy or social workers) and 86 (where a reporter describes ‘worming [his] way’ into the relief centre via the kitchens).
family members felt the need to spend time on their appearance in order to look ‘normal’. This created an added layer of stress:

You walk out and you don’t look at them, and I still don’t give them anything… I made sure that my hair was always brushed in the morning before we left… how stupid that I’m worried about what I’m going to be seen like on TV but that was just another thing you had to do in the mornings because you felt like a wreck but you didn’t really want to be perceived on the TV as looking like an absolute wreck. (F5)\(^87\)

This perceived need to put on a brave face was particularly challenging in the aftermath of the Pike River disaster because family members had to attend the family meetings to receive official information. This put them in the path of a media pack. Most dealt with this by developing a strategy of minimal contact. Participants explained how they put towels up to car and bus windows to shield themselves from photographers, put their heads down to avoid making eye contact or showing expression, and even hid behind vehicles.

When contact could not be avoided most family members and friends engaged in emotional self-censorship. Participants described the significant efforts they made to keep their emotions away from media – and therefore public – consumption. As F5 said: ‘[we] were very aware of them [the media] at all times. And the way you stood, the way you had your hands’. F6 was similar:

I kept my emotions at bay, because I know once you start, the media put in something, but to be honest they do play on the emotional side of situations they look for the downhearted, the sorrowing and all that side of it because it sells the story. And I knew if I gave in to that side of it, it would be worse… I put a barrier up.\(^88\)

The most challenging moment for those who wished to avoid revealing their emotions in public was the aftermath of the meeting at which loved ones were told of the men’s deaths. Bereaved individuals in other grief journalism studies have been particularly upset and offended by interview approaches, filming and photography when they have just received news of their loved one’s death.\(^89\) Similar sentiments were repeatedly expressed by participants in the Pike River study. Indeed, some participants’ immediate response to receipt of that news of the second explosion was dictated by a desire to avoid the media pack waiting outside the building:

We stayed inside because we knew that the media were out there and just wanted to compose ourselves. (F4)

I remember that we hid, we stayed in the hall for a very long time after that meeting so the shine would have been taken off by the time we came out, they would have got their first pics. (F5)

As outlined above, in the medium term some participants found that the stress of the intrusion into their privacy and of hiding their emotional responses in the days following the explosions

\(^87\)See also, Muller and Gawenda (n 20) 178 (‘I don’t want to bring this sadness to my friends… [If photographed] I will change my face. I will change my sadness.’)

\(^88\)See also Deppa and others (n 6) 54.

\(^89\)See, for example, Muller and Gawenda (n 20) 178-179; Hawkins and others (n 34) 216; and Deppa and others (n 6) 29-36.
became too much and turned into anger. Others said that bottling up their emotions caused them longer-term harm:

I put a barrier up… it got me through it but it meant when it came to the grieving process it took a heck of a lot longer, yeah, and everything I bottled up was finally able to start coming out. (F6)

I sit at night and cry at home and sort of portray myself to the public that I’m doing okay, I’m handling it but really behind closed doors I’m not. (F1)

Again, these experiences are consistent with the connection that sociologists, psychologists and theorists have identified between privacy/unwanted access and emotional release. As philosopher Thomas Nagel says, the requirements of self-presentation inherent in unwanted observation are incompatible with the natural expression of strong or intimate feeling.90 People who wish to comply with societal expectations around an emotional display or to avoid revealing their emotions to strangers are therefore likely to censor their emotions in the face of it. If that happens persistently, their emotional well-being will be affected.91 That is what happened to many family and friends in the aftermath of the Pike River disaster.

Conclusion

Media coverage of the Pike River mine explosion and its impact on the families and friends of those who died, reveal a great deal about the effects of intense media interest on its subjects. The large numbers of reporters and photographers outside homes and family meetings, the persistent following and requests for comment, constant telephone calls and door-knocking intruded on family members who wished to be left alone and, in every case, made an already extremely difficult situation significantly worse. On a practical level, this interfered with family members’ ability to communicate with one another, to access practical and emotional support, and to engage with their communities. On an emotional level, it undermined their sense of dignity, safety, security, and autonomy at a time of great vulnerability.

Media people – and indeed society as a whole – need to engage in challenging ethical discussion about the impact that these conclusions, which are corroborated by other studies, should have on the way the media conduct themselves in the aftermath of disasters. Lawmakers, regulators, emergency and support services also need to ask what further protections should be developed against media behaviour which preys unreasonably on the recently bereaved, looking particularly at the law of privacy, harassment, torts such as trespass and intentional infliction of emotional distress, and at the media codes. All of these discussions need to address the difficult question of where the balance between freedom of expression and the avoidance of individual harm should lie in coverage of tragedy and disaster. Finally, consumers of the media need to ask themselves whether the benefits of consuming images of extreme emotion and distress really outweigh the considerable harm that such material can cause to those who are the subject of it.
