

Research Article



Podcasting and ethics: Independent podcast production in New Zealand

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Abstract

In New Zealand – like in the US and UK – independently produced podcasts fall outside of local media regulations. New Zealand’s media laws and regulatory bodies remain broadcast and legacy media-focused, so podcast content that has not been previously broadcast is not regulated or otherwise overseen. In the absence of regulation, this study explores the ways nine independent podcast producers from New Zealand self-govern their content, as well as their motivations for doing so. It is an investigation of the ways ‘amateur’ content producers approach media ethics, and more broadly podcast production in practice. Not guided or bound by formal publishing or editorial responsibilities, and mostly with no formal media training, study participants demonstrate adherence to journalistic principles. They consider ethical and editorial quandaries as they arise during the production process, factoring in the needs and disposition of their audience. This process is informed by their worldview, as well as their perspectives and experiences as media consumers. Though these podcasters champion the ethos of independent podcasting, the content of their shows is not free from third party influence. These podcasters are also parents, partners, employees, and colleagues; life roles that inform the content of their show. Though they push back against podcasting being legislated, these podcasters see value in creating an informal set of guidelines or a voluntary code of practice for podcasting in New Zealand. This project contributes to ongoing explorations of independent podcasting and podcasting practice, focussing on what defines, motivates, and informs self-driven practitioners.

Keywords

Independent podcasting, media ethics, media legislation, media production, podcasting practice, independent media, New Zealand, podcast research database

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Introduction

Independent podcasts producers in New Zealand operate outside of the country’s media regulations. New Zealand’s media laws and regulatory bodies remain broadcast and legacy media-focused, so podcast content that has not been previously broadcast is not formally regulated or otherwise overseen. In the absence of

regulation, this study explores the ways independent podcast self-govern their content, as well as the reasons they do so. It is an investigation of the ways ‘amateur’ content producers approach media ethics, and more broadly podcast production in practice.

This study canvasses nine media practitioners operating outside of legislative framework (‘independent podcasters’), exploring how and why these podcasters make ethical and moral decisions when producing content. Four key findings arise from this study. Firstly, self-regulation is driven by the production process. That is, with no formal publishing or editorial responsibilities, the participants in this study describe ‘thinking on their feet’ as new ethical and editorial issues present themselves during the planning, recording, and post-production of their podcasts. Not guided by rules, and mostly with no formal media training, these podcasters demonstrate adherence to journalistic principles. Secondly, though there is no editorial or ethical directive *imposed* by third parties, the people and organisations that are of particular significance in these podcasters lives indirectly shape their podcast content. That is, the participants in this study are mindful of also being family members, colleagues, and employees; a disposition which in part informs their show content. Thirdly, though they push back against the proposition of podcasting being legislated, these podcasters are actively upholding the principles of New Zealand’s current media regulations, which are to prevent harm from exposure to damaging or illegal content, while also protecting freedom of expression (Department of Internal Affairs, 2021). The participants in this study present as both engaged citizens and critical media consumers, traits which appear to inform their decision making when producing their podcast content. Lastly, though they push back against the proposition of podcasting being legislated, these podcasters see value in creating an informal set of podcasting guidelines or a voluntary code of practice.

It is hoped that these findings offer new insight into podcasting practice, and more specifically the ways independent podcasters operate. This study is significant as there are currently few published studies on the ethics of podcasting, none of which focus on the production practices of independent producers. This project contributes to ongoing research on both podcasting practice and independent podcasting, focussing on what defines and motivates self-driven practitioners. This research feels relevant in an era where the effects of poor information are palpable, and public and journalistic discourse about the effects of mis- and disinformation has risen. Or, since the focus groups were conducted the role and importance of media ethics seems even more apparent. Finally, this release of this research coincides with the New Zealand Government having recently reviewed its media content regulations for the first time since 2016, the outcome of which could see independently produced online content being regulated.

Framework

This study presents discussions with nine independent podcasters from New Zealand, exploring how and why they self-govern their show content. That is, in an environment where independent podcasting operates outside of local media legislation and regulatory bodies, this study unpacks the ways podcast producers feel morally rather than legally bound when producing content.

This article contributes to both the near century-old field of media ethics scholarship (Christians, 1977) and the more contemporary field of podcast studies. More specifically, this article contributes to research on podcasting practice, a subgroup of podcast studies focussing on the motivations, principles, identities, and representations of podcast producers and hosts. Though there are early outliers (Fox, 2010; Markman, 2012; Millette, 2011), podcasting practice is an emerging area of research relative to broader podcast studies. Of the 40 podcasting practice articles I sourced over the course of this project, four were published before 2014,

11 were published in the five years that followed, followed by 25 articles being published from 2019 to 2022.

This growth demonstrates the ‘shifting sands’ of a relatively recent field of media research. As Markman (2012) observed, much of the early scholarly writing on podcasting focussed on informing the neophyte majority. Baldini (2015) highlighted other key themes of early podcast scholarship, namely, comparisons to – and the democratisation of – radio broadcasting, and the transformation of audiences to producers. Over the years that have followed, the field of podcast studies has broadened in scope, and the frequency of articles being published has increased. As of 2022, I have a database of just over 400 publications and conference presentations, categorised into 10 broad categories of podcast-focussed research:

Podcasting technology.

Podcast storytelling and narrative.

Podcast audiences and listenership.

Podcasting: Education and pedagogy.

Podcasting: Health communication.

Podcasting: Mass media, legacy media, radio, and journalism.

Podcasting: Business, corporate, and organisational communication.

Podcasting as a research method/academic communication tool.

Podcasting Industry: Business, advertising, marketing, monetisation, legal.

Podcasting Practice: Motivation, principles, process, representation.

Though ‘podcasting practice’ is the third most populated category (following ‘education and pedagogy’ and ‘audiences and listenership’), there is only one article focussed on the ethics of podcasting practice (Greer, 2017), and similarly few ethics-focussed research projects across all the categories (Cardell, 2021; Rosenthal, 2016; Dawkins, 2021; Rogers and Herbert, 2020; Ferrer et al., 2021; Graham and Stevenson, 2022).

A theme common across these studies – and central to this study – is negotiating and pondering the ethical expectations and obligations of a relatively new medium. Greer’s (2017) exploration of female-hosted true crime podcasts (TCP) noted that the ethics of TCP (and podcasting in general) ‘has remained a blind spot in academic discourse’ (p. 162). A year earlier, Rosenthal (2016) applied the Voluntary Code of Ethics for Legal Commentators (developed and proposed in the 1990s) to TCP *Serial*. The study’s findings echoed the concerns and issues raised when the code was originally proposed. These included what or whose values and morals would guide the code, that adherence to formulaic rules might gag commentators from speaking out against conventional wisdom, and the general efficacy of a wholly voluntary system. Cardell’s (2021) unpacking of ethical questions surrounding the *S-Town* podcast also broadly addresses ethical journalism, before suggesting that literary nonfiction podcasts require audiences have the critical capacity to navigate ‘presenters moving seamlessly from wild speculations to opinions and facts’ (Lindgren, as quoted in Cardell, 2021). Ferrer et al. (2021) produced podcasts as a tool for social work researchers and practitioners, before proposing a set of ethical principles for social work podcasts to adhere to. Roger and Herbert’s (2020) similar work on an ‘ethical toolbox’ for podcasts produced in academic institutions concludes with a point central to all these studies. That is, while there are long-standing ethical guidelines and rules in journalism and academia, podcasting is not regulated or formally guided by either. Podcasting in

general lacks a common ethical framework.

Independent podcasting

This study explores how and why independent podcasters implement informal codes of practice owing to the lack of framework Roger and Herbert (2020) describe. At this juncture, defining ‘independent podcasting’ is useful. Millette (2011) found independent podcasters have their own subcultural logic, and a style different from the traditional radio model. She defined independent podcasting as ‘the production of original audio content in a non-institutionalised setting by one or more people with no editorial filter imposed by a third party’ (p. 4). A decade later, Berg (2021) and Jorgensen’s (2021a, 2021b) definitions are similar, despite there now being more of a grey area between independent and institutionally produced podcasts (Berry, 2021; Murray, 2019). Berg (2021) defines independent podcasters as unaffiliated with pre-existing traditional media outlets and operating with no gatekeepers, while Jorgensen’s definition is non-professional producers uninterested in their podcasts generating income. These podcasters are not tethered to, or speaking on behalf of, a media organisation (2021a).

Understanding the motivations of independent podcasters is also valuable. Freedom (of expression, creatively, from gatekeepers) is a common motivation (Berg, 2021; Jorgensen, 2021a; Markman, 2012), as is cultivating personal identity and development (Jorgensen, 2021a; Markman and Sawyer, 2014). Subcultural practice and subversion (agents for change, transform rather than reproduce, alternative to traditional media) features prominently (Millette, 2011; Jorgensen, 2021a; Markman, 2012; Meserko, 2015), as do the simpler pleasures of enjoyment and having fun (Millette, 2011; Markman 2012). Two strong themes that permeate these motivations are *authenticity* and *independence*.

New Zealand

New Zealand has been trying to rework its media laws to be fit for the digital environment since 2008. Though some regulatory adjustments have been made, New Zealand’s media legislation and codes of practice remain, for the most part, legacy and broadcast media-focussed.

New Zealand media is regulated and overseen by a range of organisations and government acts. The intention is to prevent harm from exposure to damaging or illegal content, while also protecting freedom of expression. Organisations include the Broadcasting Standards Authority and the Office of Film and Literature Classification (statutory regulators under their respective regimes), the New Zealand Media Council (a self-regulated industry-only body), and the Advertising Standards Authority (also a self-regulated industry-only body). Two key pieces of legislation are the Broadcasting Act (1989) and the Films, Videos, and Publications Classification Act (1993).

Radio and television are overseen by the Broadcasting Standards Authority (BSA). The BSA is a complaints-driven Crown entity set up under the Broadcasting Act 1989. The BSA governs the fairness, accuracy, balance, privacy, and taste and decency of broadcast content. As the BSA is guided by 30+ year-old legislation, online audio and visual content *that has previously been broadcast* (such as podcast uploads of broadcast radio programming) falls under the jurisdiction of the BSA, while all other podcast content does not.

Regulation of online content is currently dictated by the Films, Videos and Publications Act (1993). As this legislation was designed to vet and classify film and television content, the system in place has not had the flexibility and agility to respond to the evolution of digital platforms. In 2016, the Digital Convergence

Bill promised a significant revision and update of New Zealand media legislation, before being put on hold the following year. The bill focussed on commercial media organisations and video on demand content (New Zealand Government, 2016, 2017), with little consideration of broader digital content (such as locally produced independent podcasts). The Digital Convergence Bill was never revived. Recently however, a revamp of legislation has been proposed that will apply to *all* online content (New Zealand Government, 2021). A regulatory review and public consultation process got underway in June 2021, and Cabinet (senior members of parliament) are to consider final draft proposals in July 2023 (Department of Internal Affairs, 2021).

The composition and trajectory of podcasting in New Zealand is broadly like the United States, United Kingdom, and Australia. Podcasting has grown from being a medium mainly led and shaped by independent producers and the state's public service broadcaster (RNZ), to being a desirable and growing sector of the local media market. The commercial radio industry – traditionally reliant on formatted music radio – is now focussed on growing and marketing podcast content. Many of the country's main news outlets are presenting long-form journalism as highly produced podcast series. Most recently a 'new audio economy' (Berry, 2021) has been emerging, made up of relatively small podcast production companies and collectives. Compared to the United States and United Kingdom, the potential reach and success of local podcasts is typically limited, owing to population size (just over five million people) and relatively lower international appeal. Podcast listenership in New Zealand continues to grow (NZ On Air, 2021), and Edison Research estimates 30% of New Zealanders are weekly podcast listeners (2022).

Method

This research sought the knowledge and perspectives of nine independent podcasters producing and hosting shows in Aotearoa (New Zealand). Data was gathered in the form of three online focus groups, each populated by three research participants and the researcher. The data gathered was analysed using Glasser and Strauss' (1967) grounded theory methodology.

The number of podcasters who took part in this study was significantly less than mapped in the original research design. Initially this research sought 20 to 30 research participants for a series of in-person focus group sessions, in line with qualitative research literature that indicates the number of participants necessary for data saturation (Johnson and Christensen, 2004; Krueger, 2000; Kitzinger, 1995; Bender and Ewbank, 1994). But it soon became apparent that working with this number of participants was unrealistic for the scope of a single article research project. Thankfully, further probing revealed the work of Guest et al. (2017). This study utilised empirical data in place of long-held 'rules of thumb' to measure the point at which focus groups of any size reach data saturation. Guest et al. (2017) conducted 40 focus groups on the topic of health-seeking behaviour, finding most themes were identified within the first focus group, and nearly all the most frequently expressed themes already evident in the first three group sessions. Evaluating the responses of participants across the three focus groups conducted for this study revealed similar. The discussions in the second and third focus groups produced no significant new categories of data, rather bolstering the data groupings created when coding the data from the first group.

Where the focus groups took place also differed from what was originally planned, owing to the onset of a global pandemic. Having to conduct the focus groups on video conferencing software rather than in-person raised further anxieties around the differences between these locations, and how this might affect the data gathered. Ultimately – albeit anecdotally – this researcher found online focus groups just as effective as in-

person data gathering. Conducting the focus groups online also allowed for greater geographic diversity, which proved beneficial considering this study of New Zealand podcasters would otherwise have been limited to those able to attend physical groups in the city of Auckland. The people who took part in this study did so from homes and workplaces in Christchurch, Wellington, Hamilton, and Auckland. Research comparing online and in-person focus groups finds similar. Stewart and Shamdasani (2017) found the differences between online and face-to-face focus group research have diminished as people have become more at ease with interacting online, while Richard et al. (2021) found little difference in the data generated in both settings. Turner et al. (2021) suggest the same and, like Stewart and Shamdasani (2017), noted that online groups are able to recruit more widely as they are not bound by location.

The data was analysed using Glaser and Strauss' (1967) grounded theory methodology. By design I set out with no hypothesis, warranting a method of analysis whereby the first step is data collection, which then forms the basis for the study findings (a reverse engineered hypothesis). Focus groups were a sensible research method for a grounded theory approach, offering a more controlled environment than field-based methods, though with less structure than one-on-one interviews (Morgan, 1996). Focus groups allowed for minimal input from myself relative to contributions from the participants. That is, as grounded theory is a method by which theory is developed from the collection and analysis of data (Charmaz and Bryant, 2011), I needed to guide the conversation where necessary but was mindful not to influence a particular proposition or outcome. Focus groups provided an environment where participants could be left to themselves to 'generate their own data', though I could still steer them towards topics of interest where necessary (Robson, 2011).

Though the podcasters who gifted their time to this project provided valuable insight, this research would have benefited from a greater diversity of voices. Eight of the nine participants were Pākehā (white New Zealanders), and seven of the nine participants were over 30. Attracting a wider range of beliefs, outlooks, political allegiances, cultures, and genders would have provided broader worldviews and perspectives on topics like censorship, freedom of speech, offensive content, and the role of legislation.

Meet the podcasters

Nine podcasters took part in this research project. The focus groups took place early in 2020 via Zoom meetings, coming into and during the first weeks of New Zealand's COVID-19 lockdowns. Four of the research participants were based in Auckland, two in Hamilton, two in Christchurch, and one in Wellington. The focus group participants and their podcast projects are outlined as follows (pseudonyms have been used):

DREW (full-time musician): Chats with guests about how they make a living in the arts.

MIKE (stay at home father): Co-hosts a show about motorcycles and motorcycle culture.

KELVIN (actor & comedian): Interviews people from New Zealand's comedy scene.

CAM (communications & speaking coach): 'A show about randomness, technology, & life'.

JEREMY (broadcasting tutor): A satirical podcast that picks apart local news.

STEVEN (partner in a law firm): Conversations with guests that aim to inspire growth.

CHRIS (physiotherapist): ‘Exploring the science, stories, and strategies of getting out of your comfort zone and finding your magic’.

ANDON (cryptocurrency entrepreneur): ‘The wide and wonderful world of blockchain digital assets’.

WAL (business development manager): ‘The latest in music, movies and TV’.

The first part of the focus group sessions sought reflections on three themes: motivation, independence, and authenticity.

Motivation

Participants’ motivations to podcast aligned with earlier studies (Berg, 2021; Jorgensen, 2021a; Markman, 2012; Markman and Sawyer, 2014; Meserko, 2015; Millette, 2011). Podcasting was seen as an opportunity to transform, innovate, develop, grow, be free, and have fun. ‘Change’ was a common motif in participants’ responses, in particular the reasons for embarking on a podcast project.

MIKE: I left my job as a writer for a motorbike magazine ‘cause I was disillusioned with it. I started a motorbike podcast because it was a slice of the media that hadn’t been tapped.

DREW: There wasn’t much info about making a living in the arts. So, I was like, ‘why don’t we make a podcast & put some good information out there?’

ANDON: I’d been in a new job for six months and I wasn’t enjoying it from a creative viewpoint. So, I pitched the podcast idea to a guy at work, and he said go for it.

CAM: I was a bit lost with my first career, so I started teaching because I like asking questions and having conversations. Realising that is how I ended up podcasting.

Independence

Discussions about independence tended toward the more philosophical notion of freedom. Jeremy, Kelvin, and Wal valued the creative freedom of producing a podcast.

JEREMY: It’s not prescribed, you know, unlike commercial radio. So, it’s about having your own concept and your own, sort of, creative freedom.

KELVIN: I can choose what to do on the podcast and I can jump from topic to topic. And, it works because it’s my show, you know? So, I love that freedom.

WAL: I mean, there’s a freedom in not feeling like we have to answer to anybody...

Authenticity

Participants viewed authenticity as a desirable and valuable characteristic in the modern media environment. Historical approaches to engaging with audiences were seen as inauthentic and stuffy, particularly when compared to newer media like podcasting.

DREW: We’ve seen all the reality shows, so now we like watching & listening to things that are actually real. Now a band will make a video and nobody will watch it, but if they upload an acoustic version in the back of a

taxi it goes viral.

*KELVIN: That whole f**king sing-songy news-reading, 'duh-dee-duh duh duh, duh duh duh', it's not how people speak. Podcasts have normalised how people actually speak. I reckon it's influenced regular media too; they sound way less formal these days.*

Podcasting practice

The questions that followed canvassed participants on ethical considerations when producing and presenting their podcasts. The data from these discussions was coded into four key themes: general approach (hosts and content), practical considerations (distribution, advertising, and audience), journalistic principles (truth, fairness, and accountability), and personal ethics (influence of).

When canvassed on their general approach to ethics, participants readily listed their 'rules of thumb'. Language (namely swearing) was the first topic discussed, though the broader consideration was the tone of the show and the intended audience.

DREW: We don't discourage or edit out swearing. Because we want our guests to be relaxed and be organically talking. We want our listeners to hear the kind of conversations musicians have in tour vans. That's what we are trying to capture.

CAM: We don't swear. We decided the show would be family friendly. But sometimes you have to, like when I read a quote from Samuel L. Jackson. We'll always warn listeners before we do though.

Participants were both consistent and unequivocal regarding topics and content they considered off limits, namely, hate speech, defamation, and disinformation.

MIKE: We are very mindful of not chasing any controversial scoop. We're not trying to take anyone down, we're very careful about slander... we're just not interested.

CAM: You don't want to be shilling people into something that they don't understand. But also, like, you don't want to represent or promote questionable projects and bad actors.

The focus group conversations demonstrated that participants routinely and purposefully consider their audience when creating content. This was not limited to ethical considerations, as Jeremy's thoughts about localness reveal:

JEREMY: I think about local references that would make zero sense to an international audience, because I want to reach as many people as possible. So, if I mention Pineapple Lumps is this something I need to explain to my listeners? Like, it's a trivial little thing, but it's thinking about who might be listening.

Participants noted the influence of podcast hosting service's content moderation settings on the content of their shows. Many podcast hosting services and streaming services (most notably Apple) require new show uploads to be marked either clean or explicit, which acts as a significant gatekeeper.

MIKE: We decided our show would be clean because we didn't want that explicit label to show in Apple Podcasts. Just because we are trying to build an audience, so we wanted as broader reach as possible.

ANDON: I think if you say it's clean and it's not, you risk getting kicked off iTunes [now Apple Podcasts], which would be really bad.

For context, Apple Podcasts is the leading podcast streaming service (Cridland, 2023), and has been since its inception (then iTunes). The requirement to label a show ‘explicit’ or ‘clean’ when submitting a new podcast to Apple can have significant and permanent ramifications for setting the tone and content of all future episodes. Also, many podcast hosting services demand adherence to this labelling system when uploading a new podcast series, so Apple’s binary grading system is pervasive. Apple Podcasts also has a lengthy review process for new show submissions, requiring the first episode be uploaded for human review to ensure it complies with Apple’s content guidelines. These guidelines cover inaccurate, misleading, or unauthorised content, illegal, harmful, or objectionable content, and advertising content.

When questioned about the journalistic principals of truth, fairness, and accountability, without prompting two of the three focus groups discussed the function and effectiveness of name suppression. This was owing to media coverage of a high-profile court case at the time, where the suppressed name of the defendant was leaked on the Internet. When asked if they would breach a suppression order on their podcast, participants were less concerned about breaking the law (Ministry of Justice, 2019) as they were upholding the principle of it.

MIKE: There’s no way I’d do it. Like, Google keeps breaking name suppression, but everyone has still got a right to a fair trial no matter the arsehole they are. And yeah podcasters, we do have a small niche audience compared to the mainstream media, but it’s still not right.

DREW: Yeah, it bothers me. If I heard it happen on a podcast I was listening to, I’d be very concerned, and if it slipped out of a guest on my show, 100% that would be edited out.

KELVIN: I know we’re talking about small podcasts not big Reddit pages, but jeez man, you know, like in any medium... I mean that’s, that’s the most irresponsible thing you can do.

Though seven of the nine podcasters had no formal media training, participants described examples of truth, fairness, and accountability in practice. Cam and his co-host state ‘this is our opinion’ or similar when presenting the review segment of their show. Wal, Drew, Kelvin, and Steven all described briefing show guests on the style and approach of their show (as well as getting ‘sign off’ from guests before releasing the episode) so that guests, in Steven’s words, ‘don’t feel like there might be a “gotcha” moment’. Andon recalled recording with a guest who frequently embellished the truth, before deciding to diplomatically address this in the opening monologue to the episode.

The notion of accountability prompted robust discussion across all the focus groups. Participants described feeling accountable to their audience, to other podcast stakeholders (namely show guests), and to organisations and people in their day-to-day lives. For Cam and Steven, accountability to their podcast audience was enmeshed with a sense of accountability to people close to them, namely, their young children. Though children are not the target audience of both podcasts, having children acts as a de facto content moderator, so both shows carry a notional ‘PG’ rating.

JEREMY: I mean, she’s not going to want to sit around and listen to my podcast. But I just think it’s important to draw that line and, yeah... there’s probably is a little voice in my head: ‘your daughter might listen to this’.

Though participants had earlier praised the creative freedom of not being affiliated with a media outlet, some now described how other organisations indirectly influence their show content. That is, Mike, Cam, Steven, and Andon – ostensibly motivated by self-preservation – were mindful that their employers, co-

workers, or other stakeholders in their ‘day jobs’ might be listening. Steven viewed his podcast as complimentary to his role as ‘a lawyer in the community’, while Cam recalled being taken aback when he realised his boss listened to his podcast. Andon and Mike were particularly wary in this regard, as their podcasts are about the fields they work in:

ANDON: I'm representing my industry, and a lot of the audience are finance professionals. So, you know, there's stuff that's obviously appropriate and stuff that's not.

MIKE: I kinda limit what I say about certain distributors because I want to still be able to work in the ‘bike industry again when I go back to full-time work.

Discussions about accountability to show guests and audiences were often interwoven with participants’ decision-making processes during production and post-production. Participants described their reasoning behind deciding to edit content out, or conversely deciding to leave content in, as well as signposting potentially challenging or confronting content in the introduction of the episode. Chris recalled editing out a guest telling an off-colour joke, concerned it was a minor infraction that might otherwise affect their reputation and good nature. He then explained that doing so was counter to the ethos of his show, where weighty subject matter in guests’ personal stories is not edited out by design:

CHRIS: Suicide has come up a bit. I don't have an issue with putting that out there because it's the guest's story, and my show deals with real life.

Steven grappled with whether to edit a vividly detailed interview with a survivor of the Christchurch mosque tragedy, considering both the wellbeing of his interviewee and his audience. He described weighing up ‘material that is like, you know, so graphic, but so incredibly compelling’, ultimately deciding that the discussion was in the public interest (or in his words, ‘I would be doing him and the audience a disfavour by editing out those bits’). Chris succinctly described the same approach to producing his podcast:

Chris: So, I think like, um, I've got a duty of care to host the story, and to the person telling the story... but also to the people listening because they might be going through their own things too.

Perhaps unsurprisingly, participants’ approaches to producing and presenting podcast content were bound up with their outlook on life.

DREW: I don't worry about saying things that are controversial because it's just not me.

KELVIN: I mean, I just don't like anything that's mean-spirited or bullying or at someone's else's expense.

JEREMY I'm a big believer of, you know, just because you can get away with something, doesn't mean you should.

For the remainder of the focus group sessions, the discussion moved from focussing on participants’ podcasts to broader topics. Participants were prompted to discuss freedom of speech, followed by their understanding of New Zealand media regulations, before the sessions concluded with discussing whether aspects of podcasting should be regulated.

Alongside the Habermasian (1964) idealism of Drew’s suggestion that ‘freedom of speech should welcome people to investigate theories, ideas, and philosophies’, participants tended to discuss matters of

exploitation and accountability in relation to the idiomatic crossing of a line. Cam's thoughts exemplified this:

CAM: If you say, 'I think this works and I've used it' that's one thing, but if you say, 'I'm a doctor' which you're not, 'and this is going to cure Autism', which isn't curable as such, that's where I think that's gone over the line of freedom speech... it's how information is presented.

Participants were of the firm belief that freedom of speech comes with the caveat of accountability.

ANDON: I heard someone say, 'you can say whatever you like, you just have to remember you're accountable for it'. And I just... I just I don't want to be hurtful.

CHRIS: I think people should be able to say whatever they want unless it is exploiting someone, like making money off the vulnerable. If you do that you should be pulled up for it.

CAM: I'm reasonably happy to let guests go for it, as long as I can follow up and ask them 'hey, why do you think that?' 'Why is that the way that you look at the world?'

The discussions then shifted to canvassing the groups on their knowledge of New Zealand's media laws and regulations. Though independent producers operate outside of these mandates, the intention was to gauge if these apparatus inform participants' practice and content. Though participants had a good grasp of general principles like defamation, freedom of speech, and name suppression, overall, there was little working knowledge of local content regulations and guidelines. Instead, as this article has already demonstrated, participants 'go by feel'.

MIKE: I don't know much about it. In the end it comes back to what we've all been saying about putting your podcast out there and it being a reflection of yourself as a good person.

Though Mike's thoughts further echoed the strain of idealism that ran through all the focus group conversations, Chris' conceded that not all podcasters are 'good' podcasters:

CHRIS: I'm sure there are lots of podcasters that are... let's say the whole far right thing for example... that are right on the edge. That's their whole reason for being though, so they are gonna do what they do, whether it's legal or not.

Chris' observation also highlighted the unchecked nature of the podcasting environment. Though he was 'sure' there are podcast producers who would wilfully ignore podcasting guidelines and regulations were there any in place, there is no formal register of content providers.

The sessions concluded with discussing whether any aspects of podcasting might benefit from being regulated. Participants were dismissive of anything too formal or binding, with Mike and Steve suggesting a set of guidelines or a voluntary code of conduct might be helpful. Some participants queried how formal legislation would be overseen and enforced, and Andon noted that podcasting is already de facto regulated by Apple. Understandably, participants were protective of the relatively unrestricted nature of the format.

WAL: Podcasting has always been the alternative to mainstream. It [regulations] would dilute it down a bit. It becomes less of an alternative to what the mainstream is spitting out.

Though participants were wary of formal legislation (or as Andon put it 'rules from above'), the

discussions that followed saw value in creating and distributing a set of guidelines or a voluntary code of practice. This was envisaged as a publicly available ‘FAQ’ style reference resource for independent content producers.

MIKE: I like the idea of guidelines. Just because it would help alleviate the potential for surprises, so you wouldn't be operating in the dark. You'd be able to find out the best way to approach things, but also clear guidelines on stuff like copyright and defamation.

For Jeremy and Mike, a key issue with formal legislation was how it would be enforced. As Jeremy observed, ‘you can formalise a set of rules, but then you've got the whole thing of having to police them’. Mike's concern was not how legislation would be applied, but rather what organisation would oversee it. ‘You can try and bring in stuff, but it begs the question, who's going to oversee this? Is it going to be up to ISPs?’. In a different focus group to Mike's, Andon pointed out that podcasting already has a *de facto* regulatory body:

ANDON: There'd be very few podcasts not on Apple, and Apple are upfront and strict about their podcast criteria when you first submit your show. if you don't do what's required then you can't get your show out there. Period.

Four key findings arose from the focus group conversations. Firstly, the ways these podcasters self-govern is led by their process. That is, in the absence of formal publishing and editorial responsibilities, participants described ‘thinking on their feet’ as new ethical and editorial issues arose in production and post-production. With no organisational rules and guidelines, and – except for Mike and Jeremy – no formal media training, participants gave many examples of adhering to journalistic principles. The podcasters in this study consider publishing and editorial responsibilities as situations present themselves, before making decisions informed by their values, media literacy, and perceived target audience.

Secondly, people and organisations of particular significance to participants indirectly shape their podcast content. Though there is no editorial filter *imposed* by these third parties (Millette, 2011), and though these family members, colleagues, and employers are not *exerting power* as gatekeepers (Berg, 2021), participants were mindful of safeguarding their role as family members, colleagues, and employees. Or, as Andon conceded, ‘now I'm a dad it's a bit harder to be an internet freedom fighter’. Though participants were advocates of the freedom and autonomy of producing media independently, complete independence appears to be an unobtainable ideal.

Thirdly, though participants' independent ethos pushed back against the watching eye of podcasting being legislated, they were actively upholding the principles of New Zealand's current media laws. New Zealand's media legislation is intended to prevent harm from exposure to damaging or illegal content, while also protecting freedom of expression (Department of Internal Affairs, 2021). Participants presented as engaged citizens and critical media consumers, and this disposition appeared to shape their approach to producing content. They applied ethical ‘rules of thumb’ to their production process and were unequivocal regarding topics and content they considered off limits. Participants were fervent advocates of freedom of speech, though with the caveat of accountability. This was demonstrated by the ways participants routinely and purposefully considered their audience and other stakeholders when creating content.

Lastly, participants saw practical value in creating and distributing an informal set of podcasting guidelines or a voluntary code of practice, not dissimilar to that proposed by Roger and Herbert (2020). This

publicly available resource was envisaged as an informative guide for people new to or curious about podcasting, but with enough depth to be a useful reference tool for already established practitioners. Participants also saw value in this resource as an effective stand in for formal legislation, the latter of which they did not view as practical or enforceable. Also, as Andon noted, independent podcasters worldwide have a de facto regulating body in the form of Apple Podcasts, albeit a global corporation that is commercially rather than socially driven.

Research into the effectiveness and impact of Apple Podcasts' (and other podcast providers') content moderation is needed. There are currently no published studies investigating the efficacy or effect of Apple's (and other podcast providers') content moderation, and Apple offers little insight publicly. After submitting the first episode of a new podcast series to Apple for approval and choosing whether to mark the series 'explicit' during the same registration, there appears to be no little ongoing oversight from Apple. The corporation's podcast content guidelines for illegal or harmful content totals 188 words, including 'defamatory, discriminatory or mean-spirited' content, though offers no indication of how these terms are defined. (Wirtschaftler and Meserole, 2022). Also, unlike other digital platforms that host user-generated content themselves, it is the content producer who decides where a podcast is hosted, so player apps like Apple Podcasts lack the sophisticated content regulation platform policies and interface designs of other major platforms like Facebook and Twitter.

These findings provide new insight into independent podcasting practice, revealing how and why the podcasters who took part in this study self-govern their show content. This study is significant as there are currently few published studies on the ethics of podcasting, none of which focus on the production practices of independent podcasters. This project contributes to previous research on independent podcasters, continuing to refine understandings of what defines and motivates these content producers. In an era where the effects of misinformation and disinformation are palpable, this focus of this article feels timely. Since the focus groups were conducted, the significance and importance of media ethics is more apparent. Similarly timely is the New Zealand Government's recent review of media content regulations, the outcome of which could see more online content subject to regulation.

Though the podcasters who gifted their time to this project provided valuable insight, this research would have benefited from a greater diversity of voices. Eight of the nine participants were Pākehā (white New Zealanders), and seven of the nine participants were over 30. The latter is consistent with 2014 research that found independent podcasting to be dominated by educated, professional males over 30 (Markman and Sawyer), however the New Zealand podcast landscape is more diverse than is represented in this study. Attracting a wider range of beliefs, outlooks, political allegiances, cultures, and genders would have provided broader worldviews and perspectives on topics like censorship, freedom of speech, offensive content, and the role of legislation.

Similarly, this study would have benefited from including podcasters producing content intended to provoke, podcasters producing content for fringe groups, and podcasters who are objectively bad actors. Though, like in wider society, this is a small minority, it is this small minority that would most likely incentivise calls for independent content producers to be regulated. By way of example, this study might have heard from the producers of *Voices of Zealandia*, a podcast produced by the youth nationalist organisation, Action Zealandia. The relative homogeneity of focus group participants may have contributed to the palpable idealism that permeated all the focus groups. Though this was not forced or insincere, there appeared to be some groupthink at work that may have benefited from being challenged.

Resultantly, there is scope for further research that canvasses a broader range or different groups of voices. This might include researching the ethical podcasting practices of broader or other ethnicities and cultures, broader or other age ranges, broader or other genders, and broader or other outlooks and ideologies. Geographically, there is scope to undertake a similar investigation outside of New Zealand, particularly in a non-democratic country where podcasting is popular, such as China. There is also potential for a similar exploration of how independent podcasters navigate copyright laws and intellectual property obligations, as this fell outside the scope of this investigation.

Conclusion

This study sought to discover the ways independent podcast producers self-govern their content, as well as the reasons they do so. It investigated the ways ‘amateur’ content producers approach media ethics, also exploring podcast production in practice. The focus group participants presented as self-starters who saw podcasting as an opportunity, and advocates convinced of the value and importance of the medium. They viewed aspects of long-standing media formats as inauthentic, and podcasting as a more authentic format. Participants’ ethical considerations when producing content were influenced by their worldview, their own experiences and observations as content consumers, and the significant people and places in their day-to-day lives.

Though the podcast producers who took part in this study are not bound by regulations or formal publishing and editorial directives, they described applying journalistic principles to the production and distribution of their content. That is, they considered ethical and editorial quandaries as they arose during the production process, and this consideration was bound up with a sense of the needs and disposition of their podcast audience. Their thought process was informed by their worldview and their own experiences and perspectives as media consumers. Though these podcasters championed the independent ethos of their podcast projects, the content of their shows was not entirely free from the influence of third parties. That is, these podcasters partly shaped their show content to safeguard their roles as parents, life partners, employees, and colleagues. Though their independent spirit pushed back against podcasting being legislated, the participants in this study saw value in creating an informal set of podcasting guidelines or a voluntary code of practice for podcasters in New Zealand.

These findings offer new insight into podcasting practice, as well as the ways independent podcasters approach editorial decision making when producing their shows. This study contributes to studying the ethics of podcasting, distinctly focussing on independent podcasters production practices and editorial decision making. It builds on work examining the motivations of independent podcast producers (Berg, 2021; Jorgensen, 2021a; Markman, 2012; Meserko, 2015; Millette, 2011; Markman and Sawyer, 2014), and offers a slight revision of earlier definitions of independent podcasters as operating with no gatekeepers (Berg, 2021) and free from third party editorial filters (Millette, 2011).

Focus groups provided a relaxed forum for the participants in this study to collectively discuss their experiences and processes as independent podcasters. The nine podcasters who took part in this study provided valuable insight, and the focus group dynamic (a group conversation) yielded useful topics of conversation not planned or prompted by the researcher. However, though these participants provided valuable insight into their processes, this research would have benefited from a greater diversity of voices. Accordingly, there is potential for further research with a broader range of voices, as well as in locations other than New Zealand. It is hoped that this research is useful to ongoing explorations of independent

content producers, ethical media practices, and the role and effectiveness of media regulations.

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