

The issue of consent in Photojournalism

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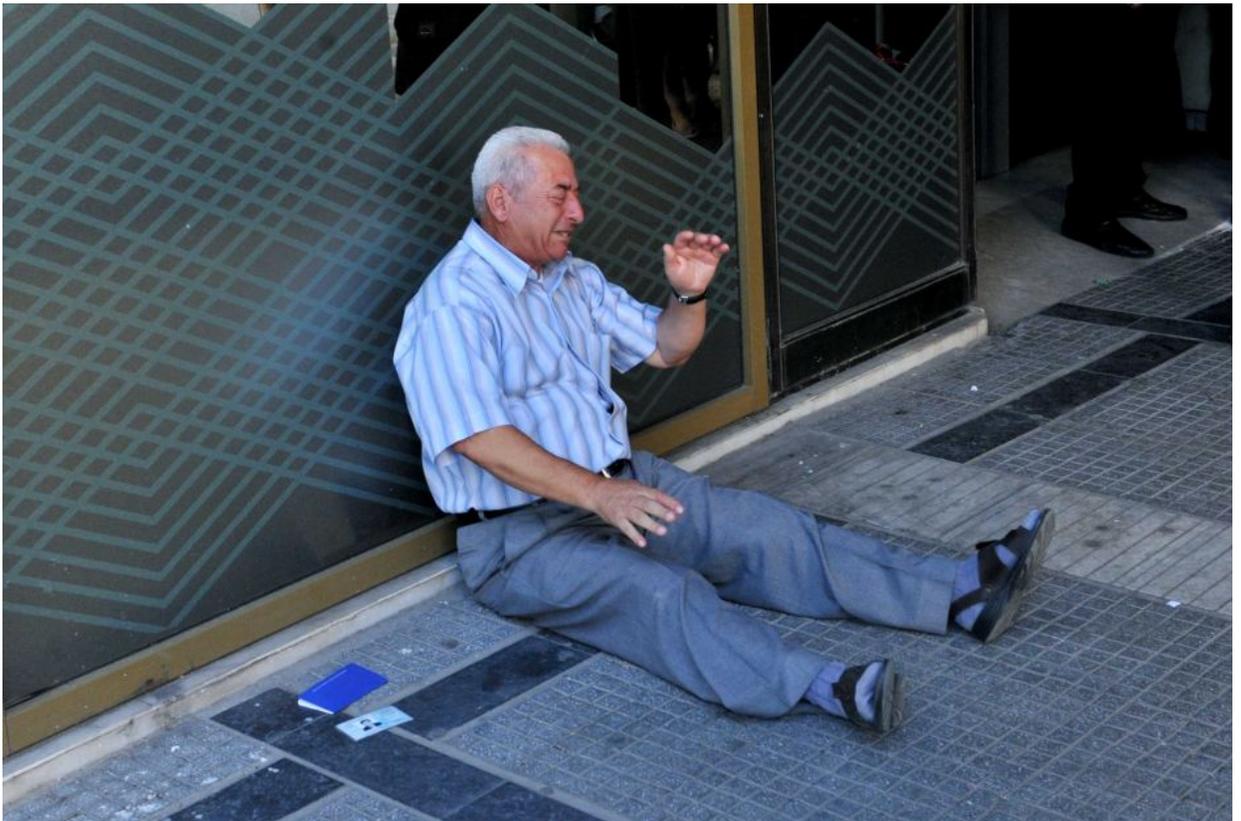
This article is by student Farah Hesdin following a talk given by Polly Markandya at the [Polis Summer School](#)

We all take pictures of our surroundings, impulsively and arbitrarily. Sometimes of funny things, sometimes of painful things. But did we ever stop and think – wait a second, should I ask that person if I can take a picture of him crying?

The issue of consent is at the heart of much of photojournalism. When so much of the news is negative, how can photojournalists depict images of suffering in a fair and ethical manner? How to get consent from victims of suffering?

(AFP: Sakis Mitrolidis)

The work done at Médecins Sans Frontières/Doctors Without Borders illustrates the different dynamics around this issue. As part of their work providing medical assistance to victims of armed conflict, epidemics, and other



disasters, they employ photojournalists to document their work to raise awareness and support.

Polly Markandya, Head of Communications at MSF, explained how obtaining consent, is a highly complex and multifaceted issue, highlighting the following issues:

- **Asking for and defining consent** – Consent, firstly, means choice; does the subject being photographed know that saying ‘no’ is an option? Secondly, does the subject understand the possible impacts the image might have? With the Internet it is impossible to promise limited use of an image. Formulating and framing those questions in a way that makes these points clear to the subject is essential to getting proper consent.

- **Language barrier** – If photojournalists and their subjects do not speak the same language, communication becomes a barrier. Consent must be sought out in the subject’s native language, and if translators are used, translation needs to be as linguistically and culturally accurate as possible within that native language.

- **Power relations** – Because MSF provides medical services to the vulnerable, oftentimes in underdeveloped

countries, it automatically enters into a power relationship with its patients. Do the subjects, who are also MSF's patients, feel they do not have a real choice when giving consent? Do they fear that by refusing, quality of care will be compromised? Photojournalists need to think about the power dilemmas in the context they are working in.

- **Time and space** – Are subjects given enough time and space to think about consent? Polly gives the example of a translator who asked a group of subjects, in unison, for permission to have their group picture taken, before immediately turning back to her and confirming unanimous consent. Does this really qualify as consent, can consent be group-given, and is there peer pressure or simply lack of space and time for each one to think about it?

- **Legal age** – Should photojournalists treat a 16-year-old 'teenager' as below the legal age for giving consent, even though he or she might have lived through so much more than a 'legal adult' in another country? How to treat these so-called 'teenagers', or 'children', who might really want to share their stories, when reaching out for their consent?

- **Formal consent versus quality consent** – In what form should consent be sought out? A signed paper, on camera, verbally? What really matters is not its formality, but its quality, i.e., whether the subject really understands the choice and ramifications around it.

- **Local frameworks** – What are the social, legal, cultural or gender boundaries surrounding consent? Do photojournalists need to get consent from the subject's relatives too, for instance? Should they seek permission from relevant local authorities before even starting their work? What are the local rules and who needs to be included in order to validate consent?

- **Organisational censorship** – Consent also needs to be given by the organisation for which the photojournalist works. Photojournalists constantly make judgment calls as to what to include and exclude in their reporting. Sometimes, that judgment call is vetoed by the organisation itself. Polly described an instance where mutilation victims were willing to have their pictures taken and share their extremely painful stories with journalists, but how MSF decided not to go ahead with publication out of concern for the victims' well-being.

- **Emotional/psychological state** – What if the subject is extremely distressed, or unable to consciously give or decline permission to be photographed? Is there someone who can speak on his/her behalf? Polly gave the example of a psychiatric patient shackled to his bedpost in his own excrement, stripped off his dignity entirely. What then? Is consent even at play in such a situation and is it okay to bypass it for the sake of truth-telling? In this case, exposing the horrific conditions of the mentally ill?

- **In the case of death** – An Ebola-infected orphan baby dies an extremely painful death. He is buried in an unmarked grave with no one to mourn him but his doctor. This very difficult, but real case to MSF posed a serious dilemma; whether or not to release footage of him dying. After much agonising, MSF did decide to publish it, not only to reveal the disease's dreadful daily truths, but to help preserve the baby's memory too.

Consent in photojournalism is anything but black and white. What Polly advocates to her photojournalists is to "try and get it right every single time. My rule of thumb is to treat all the subjects in our pictures with the same care and dignity you would afford your own child or mother, and to be prepared to take responsibility and justify your decisions."

By Farah Hesdin

[Polly Markandya @ Polis Summer School 2015](#) from [Polis Video](#) on [Vimeo](#).

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