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Advocating for Critical Frameworks and Research Methods in Issue-Based Policy Formation: A Case Study

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Whether validated by numbers or not, there seems to be a general sense that the humanities both inside and outside the academy are in a state of crisis. Economic worries, bleak predictions about the job market, and concerns about being mired in abstract theory at the expense of real-world impact have intensified in recent years. To this third point in particular, scholars who work within constructivist and participatory paradigms have argued that research performs a role greater than only seeking truth and knowledge; research should empower. Fine, Weis, Weseen, and Wong, frame this as "research for social justice" (2000, p. 108), Packer describes the research process as a "critical and emancipatory or enlightening practice" (2010, p. 7), and for Lincoln and Guba, through a sense of control and decision making in the research process participants themselves can experience "emancipation, democracy and community empowerment" (2000, p. 175). Even Habermas spoke of the need for a form of inquiry motivated by an emancipatory interest. Yet despite this desire, academics who subscribe to this outlook sometimes struggle to find the "real-world" impact of their work from within the institution of the university.

There is, however, ample opportunity for the kinds of critical approaches, research methods, and frameworks that are often based in the humanistic tradition to play an important and transformative role in policy formation. Public and issue-based policy must be able to account for complexity and contradiction, and rarely function well in practice if these complications cannot be fully attended to. And yet approaches that often do just that are employed by policy and advocacy groups. Legal knowledge is frequently brought to bear on matters of policy, since whatever is being suggested must be in line with existing law (S. Tyson, personal communication, August 2014). Statistical analysis is often used in policy contexts since "hard" data in the form of numbers is often considered more credible than the vagaries of written interpretations (Packer, 2011). Other quantitative methods such as surveys, longitudinal studies, and content analysis are also used, but not all methods can answer all questions. Different methods must be applied depending on what one wants to know. For example, a content analysis is incredibly useful if we want to know how many instances of violence occur in a particular television show, but it will be unable to tell us about the nature of that violence, or to historicize violent imagery, or describe how shifts from broadcast to cable have affected media content. For those questions to be answered, researchers

would do well to draw on qualitative methods that get at questions of representation (discourse analysis, semiotic methods, narrative analysis), use historical analysis, or employ a media industries framework.

Different methodological approaches have a place in the world of policy formation. Because of the political nature of policy development, however, qualitative approaches to research often have been marginalized in favor of quantitative ones that seek generalizable results (Lindolf & Taylor, 2011). Also, methods such as historical analysis are more likely to be time-consuming and as such are perhaps less suited to the fast-paced and time sensitive nature of policy and legal advocacy. With this mind, what, then, is the role and place of critical research methods within policy research and development, specifically issue-based legal advocacy organizations? Textual analysis, industry studies, and other analytic frameworks such as those of gender, race, and LGBT studies may not be the first approaches that come to mind in informing political strategy and action, yet they can be powerful tools for organizations to better understand the media landscape within which they are operating. Through a case study based on my experiences as a past COMPASS Fellow at the National Center for Lesbian Rights (NCLR) and working on an issue-based research project, I will outline the potential for these kinds of frameworks to impact real-world policy formation and implementation.

The Organization: NCLR and the Sports Project

Established in 1977, the NCLR "is a non-profit, public interest law firm that litigates precedent-setting cases at the trial and appellate court levels; advocates for equitable public policies affecting the LGBT community; provides free legal assistance to LGBT people and their legal advocates; and conducts community education on LGBT issues" (NCLR, 2014, para. 6). As part of NCLR's legal and policy work, the Sports Project began in 2001 and seeks to end homophobia and transphobia in sport as well as provide support for players, staff, and organizations at the high school, collegiate, and professional levels.

The importance of the NCLR Sports Project should not be underestimated. It was the first national organization to seriously tackle the issue of homophobia in sports and has been involved in several important legal cases that all involved the dismissal of LGBT athletes and/or coaching staff, including those at the University of Florida, Pennsylvania State University, and San Diego Mesa College (Zeigler, 2011). In doing so, the Sports Project helped bring national attention to issues of sexuality and inclusion in the NCAA. In the realm of professional sports, Chris Kluwe, former NFL punter for the Minnesota Vikings, approached NCLR to represent him after he claimed he was dismissed from the team for his outspoken pro-LGBT rights stance and to investigate the team after allegations of hate speech by special teams coach Mike Priefer (Kluwe, 2014).

In addition to litigating, the Project is heavily involved with policy development and the creation of best practices to help sports teams and organizations become LGBT inclusive. For example, "On the Team: Equal Opportunity for Transgender Student Athletes" (Griffin & Carroll, 2010) outlines recommendations for transgender inclusion at the high school and collegiate levels and provides model policies. These recommendations have been used as the basis for the NCAA's policies as well as the U.S. Soccer Sports League and other recreational sports associations. The report itself was informed by individuals and organizations from the fields of medicine, sports, advocacy, child development, and

education and is a clear example of how subject-specific expertise and research can be brought to bear on the creation of accessible and relevant policy.

As a member of the LGBT Sports Coalition, NCLR is currently working on the "Race, Sports, and the Media's Representation of LGBT Athletes of Color/People of Color Inclusion" project. There are three "prongs" to this project, one of which concerns the media. Internal correspondence regarding the project outlines two of the objectives as "increasing visibility of LGBT athletes and allies of color [and] working with writers, bloggers, and progressive media organizations to increase competency about intersectional issues and conveying these issues through media" (S. Tyson, personal communication, August 5, 2014). Like many policy projects, research must first be conducted to understand the issue as it currently stands; in this case, what, exactly, is the state of media coverage of out athletes of color?

As a legal organization, NCLR does not have personnel with the specific training to carry out this kind of analysis. The Washington, DC office had never had a graduate student intern who was not in, or recently graduated from, law school. This meant that while they had significant expertise at their disposal to conduct research into legislation and related issues, addressing questions of media representation, intersectionality, and gender and sexuality in sports in depth would prove difficult. Furthermore, there was a lack of in-house knowledge about the current state of the media industry itself, the lack of which made making recommendations to journalists, sports reporters, and media outlets difficult (S. Tyson, personal communication, August 2014).

Methods at Work

A variety of approaches were needed to compile a report on the media's coverage of out athletes of color over the last decade. The project sought the content of news reports and sports trade publications over a long period of time, which made discursive analysis useful for identifying dominant themes and narratives. A media industries framework, which takes seriously the relationships between media ownership and content as well as understandings of news distribution both in print and online, was useful in contextualizing the material (Lotz & Havens, 2011). Furthermore, in order to more fully make sense of these themes within a specific historical and social context, inherently intersectional theories drawn from critical race studies and gender and sexuality studies were used. For example, using Connell's (1987) notion of hegemonic masculinity to help explain the similar rhetoric about "disrupting team dynamics" in the sports context to that which surfaced during the Don't Ask, Don't Tell debate proved extremely fruitful. Productive concepts from these fields were able to find their way into policy formation for organizations directly involved in shifting attitudes around aspects of normative masculinity.

Textual Analysis

Narratives are crucial in shaping our understanding of the world around us. For social justice movements, being able to build a narrative of progress toward equality, or to highlight a narrative of resistance against persecution is critical not only in changing policy and laws, but in creating long-lasting cultural and societal change. Furthermore, policy makers must understand where and how their desired change fits into the current legal, historical, and social context.

As a method, textual analysis can encompass many different approaches, some of which are situated within inherently contradictory ways of knowing. Approaches informed by cultural studies, which understands the text as being historically and socially situated, as well as discourse analysis are not often associated with policy development. They are incredibly useful, however, in allowing a researcher to parse textual content and to help make sense of the images and words we encounter and in doing so help enable more nuanced understandings of policy issues. In the case of the out athletes of color project, this kind of textual analysis was an important tool since an understanding of the news media's current coverage of such athletes was necessary before any recommendations could be made.

However, communication studies approaches grounded in media effects theory are most often used in analyzing and attempting to make sense of the news media (Bryant & Miron, 2004). In such approaches, the construct of interest must be operationalized in a way that can be quantified. Furthermore, with methods like content analysis (coding, counting, and correlating), the very nature of this analysis requires that researchers make decisions about what to look for in advance of viewing the texts in order to generate coding schemas and to help mitigate threats to validity. This means that it is often difficult to capture the complexity and nuance of a particular construct like "sexuality" or "race." In arguing for a return to textual analysis within journalism and media studies, Fursich Elfriede notes that "the narrative character of media content, its potential as a site of ideological negotiation and its impact as mediated 'reality' necessities interpretation in its own right" (2009, p. 238). While his assertion that this content should be studied "in its own right" does not necessarily allow for the textual products—the news articles—to be contextualized, textual (rather than strictly content) analysis does allow for these other characteristics of news content to be more thoroughly interrogated.

Textual analysis also makes it necessary to reflect on what constitutes "the text" of interest. For this particular project, print and online versions of news articles, blogs, commentary pieces, trade publications (e.g., *Sports Illustrated*), media content from relevant organizations (NFL, NHL, NBA, NBL, etc.), issue-based campaigns (e.g., *You Can Play*) and issue-specific websites (e.g., *Outsports*, *Bleacher Report*) were all analyzed. This broad thematic analysis across multiple textual sites is not the same as a close reading, but it was productive in enabling the charting of some general trends in the coverage over the last 10 years. One of the criticisms of critical approaches, particularly methods like ethnography or discourse analysis, is that they are not generalizable and therefore not particularly useful for policy that aims for large-scale and broad implementation. Mapping the shifts in narrative over the course of reporting on a particular issue does allow for a larger overview. For example, a thematic analysis revealed a general narrative of progress in media coverage of out athletes. In discussions prior to conducting the research and analysis with NCLR staff members, there was an assumption that news coverage in mainstream sports outlets would not be very positive. This provides an example of the dangers of making a priori assumptions when conducting textual analysis since looking at the news reports revealed a situation different than what was initially assumed.

Thematic analysis can be incredibly useful in highlighting continuities and ruptures, areas of focus and those that are silenced, all of which are important for developing recommendations for improving media coverage. Ultimately these insights helped form the basis of a number of recommendations related to journalistic best practices. For example, in order to help mitigate the erasure of race, which was

identified as a persistent issue in media coverage, sports reporters should include an athlete's reference to their race or ethnicity if there was one in their initial coming out statement—the rationale being that if the athlete considered this important enough to explicitly state in the first place, then it should be reported in subsequent stories, especially since they are focusing on an issue of identity.

Industry Studies

Among other things, industry studies allow us to account for characteristics of media content by looking to industrial factors. These include, but are not limited to, issues of production and distribution (Lotz & Havens, 2011), management (Johnson, Kompare, & Santo, 2014), franchising (Johnson, 2013), promotions (Gray, 2010), regulation (Holt, 2011), and labor (Caldwell, 2008). Similar to work that examines both the creative industries and culture industries, media industry studies attends to structural and economic concerns "without threatening the larger commitment to the qualitative, critical work associated with humanist paradigms" (Holt & Perren, 2009, p. 2). As a framework, it provides a good example of how different approaches, some more often associated with social scientific research and the mass communication tradition, can operate within a nonpositivist paradigm. For example, an industry studies framework enables us to think about the ways in which online content in issue-specific coverage— or in commentary and opinion blogs—might provide more in-depth analysis of complex issues than a traditional newspaper article due to space limitations, advertising, and journalistic norms. It can also be a way to gain insight into issues of geographic specificity through taking into account affiliates, licensing, media ownership concerns, wire reporting, and content sharing.

For the LGBT sports coalition project, such a framework helped in tracking the dispersion of coming out stories and how the same story was reported differently across various media platforms and outlets. Attending to industry pushes the researcher to ask questions that go beyond representation and can help organizations in making recommendations to various stakeholders that will ultimately help advance their policy position. For example, having an understanding of journalistic operations and economic considerations around readership made certain recommendations possible, which might not otherwise have been. Some of these included suggestions for incorporating links and hyperlinks to more commentary-style and opinion pieces for online content, where issues of race, sexuality, and their intersections can be more fully addressed than in a more general sports trade article. It was also pointed out that these kinds of commentary pieces can often be obtained "in house" so as not to divert Web traffic to other websites (e.g., CNN and ESPN can link to pieces by LZ Granderson). Ultimately a number of practical recommendations for journalists, activists, and advocates was compiled.

Additional Frameworks

In the context of issue-based projects and organizations, analytic frameworks from a variety of fields can prove extremely useful in helping explain some of the findings that the textual analysis may present. As an organization, the NCLR is committed to highlighting the intersectional nature of its policy work. While its focus is on LGBT issues, it is also concerned with addressing how race, class, gender, immigrant status, and other categories of difference are implicated in its work (S. Tyson, personal communication, August 2014). The very nature of the project speaks to this as it is concerned with LGBT

athletes of color. As such, drawing on critical race theory and work dealing with gender and sexuality was not only useful but necessary. Critical theory frameworks are particularly fruitful in attending to the intersectional nature of identity (Hill Collins, 1990) as they allow power relations and normative understandings of the world to be interrogated (Lindlof & Taylor, 2011). For example, the apparent erasure of race from mainstream coverage of high-profile out athletes of color was a recurring element in media reporting on the issue. Drawing on critical race theory helped to make sense of that absence (Crenshaw, 1995). The sociology of sports and the social construction of gender helped articulate the presence of sexism in elite and professional sport (see, e.g., Baroffio-Bota & Banet-Weiser, 2006; Griffin, 1998; Hargreaves, 1994; Sacht, 1996). And as previously mentioned, hegemonic masculinity helped explain the anxiety around the presence of gay men in team sports. This is not to suggest that the staff at NCLR had no knowledge of these concepts since many of them come from academic backgrounds in English, African American studies, and gender studies, but rather that there is not much place for those approaches in a legal research environment.

Making a Place for Critical Approaches

Despite speculation on the decline of the humanities and their apparent lack of application beyond the academy, my time at NCLR suggests otherwise. Furthermore, with universities providing information on alternative career pathways for PhD graduates with training in critical approaches, finding useful and fulfilling work in policy development and advocacy organizations is a very real option, and one that is increasingly being recognized and fostered by academic institutes and departments. For example, the Arts of Citizenship program, housed within the Institute for Social Change at the University of Michigan, provides graduate students and postdoctoral fellows with "opportunities to apply their scholarly and artistic training to civic and cultural settings" (University of Michigan, 2014, para. 1). This program sees scholars placed at various nonprofits to gain opportunities in "translating their knowledge and skills to a non-academic setting" (ibid.). Other broad-reaching initiatives include the #Alt-Academy project, which is a grass-roots effort to build community around "unconventional or alternative careers for people with academic training" (Rogers & Nowviskie, 2014, para. 1). And this approach, while not necessarily new (see, e.g., "The Versatile PhD," which has existed since 1999), is currently being embraced at top-tier institutions like Columbia University (Department of English and Comparative Literature), Queen's University, and the University of Texas (College of Liberal Arts) through the provision of panels, presentations, and workshops.

From my experience at NCLR, it is apparent that there is a space for those who hope to see the impact of their research reach beyond the ivory tower and who seek to employ their research methods within social justice and policy-oriented organizations. Advocacy groups seem to be increasingly aware that they need specialized knowledge and a wide range of approaches to fully realize their goals of creating and implementing change. One way to make that change come about is through varied research methodologies and frameworks. My intent is not to promote critical approaches over and above ones that are more rooted within quantitative traditions. Rather, my goal is to raise up these qualitative methods and frameworks to an equal playing field within the realm of public policy formation. Just as employing different methods allows scholars to ask (and answer) different research questions, utilizing a range of methodological approaches from various academic disciplines enables diverse kinds of information to be

gleaned about the policy topic of interest. Ultimately, there is a place for critical research methods and frameworks within public policy formation, and that place is an important one.

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