

# Lying to Tell the Truth: Journalists and the Social Context of Deception

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*This study, based on depth interviews with journalists, is an analysis of the social context of journalistic deception. Borrowing from Elliot and Culver's (1992) comprehensive definition of journalistic deception that covered not only newsgathering practices but also the potential for deception in journalists' relationships with news audiences, as well as the omission–commission distinction, this research is an empirical attempt to locate the occupational and individual-grounded bases for deception. Why do journalists use deceptive methods such as impersonations, nonidentifications, and fabrication in their work? Deception is located in a moral–pragmatic framework based on harm–benefit, the altruism of the act, and instrumental utilities such as convenience, personal safety, and the bottom line. Woven into the journalists' accounts are attempts to normalize deceptive behavior—consistent with the notion of deception as a prima facie wrong—and the salience of organizational pressures such as legal and business concerns. As an occupational construct, journalistic deception is shaped by professional demands. Tacit rules govern what is acceptable and unacceptable deception based on assessments of the target of deception (newsmakers vs. news audiences), the perceived character of the person deceived (good vs. bad), and the nature of the act (omission vs. commission).*

Deception is an illusive and difficult issue. The inverse of deception is truthfulness, which is perhaps the closest to a universal value that we have. Deception is objectionable, but this moral outlook is complicated by the systemic nature of deception in human relationships, from little white lies in social intercourse to the far more capacious deception in international relations or warfare. Truth is what Mieth (1997) called “a basic norm,” although people “invoke at one moment the norm of

truthfulness and at the next moment the right to lie, depending on circumstances and context” (p. 87).

Interpersonal communication scholars Buller and Burgoon (1996) defined a deceptive message as one “knowingly transmitted by a sender to foster a false belief or conclusion by the receiver” (p. 205). Deception occurs in at least one quarter of all conversations (Buller & Burgoon, 1996; DePaulo, Kashy, Kirkendol, Wyer, & Epstein, 1996; Turner, Edgley, & Olmstead, 1975). The extensive multidisciplinary literature on deception, Buller and Burgoon (1996) pointed out, is testimony to the psychological, social, political, and cultural significance of this communication practice (p. 203).

In mass communication, truth-telling is a fundamental given. More specifically, in journalism, with its emphasis on pursuing and publishing the truth, deception goes to the heart of the profession. Patterson and Wilkins (2001) described truth-telling as one of two central responsibilities of journalists, in that journalists have “a greater responsibility to tell the truth than most professions” (p. 74). Most media scholars, however, consider a little deception indispensable. As Kieran (1997) noted: “Paradoxically, we demand that journalists tell the truth and yet, to get at the truth, they may have to lie” (p. 66). According to Meyer (1987), “the news business is following an unconscious rule that offhand, casual deception is okay, but elaborate and carefully planned deceptions are wicked” (p. 81).

The literature on journalistic deception is predominantly philosophical and normative. A rare study is a participant observation at an unnamed midwestern television station by Luljak (2000). After 14 hours of field work, Luljak concluded that journalistic deception is routine, to the extent that journalists do not perceive of it as morally problematic. Routine practices include suppressing information that would be embarrassing to subjects, bantering insincerely with sources, and broadcasting interviews containing false information as favors to law-enforcement authorities.

This study presents a contextual framework to describe why and how journalists use deception. In an applied sense, it investigates a phenomenon that occurs habitually in human interaction and yet is an important theme underlying many of the ethical issues in journalism. Given its conceptual framework, this project is a departure from the current focus on undercover work, hidden cameras, and impersonation. The premise of this study is that journalistic deception is not confined to newsgathering practices.

Borrowing from Elliot and Culver (1992), *journalistic deception* is defined as an act of communicating messages verbally (a lie) or nonverbally through the withholding of information with the intention to initiate or sustain a false belief. This definition not only covers deceptive practices in newsgathering but also the potential for deception in relationships between journalists and their audiences (e.g., staging and fabricated stories), including the omission–commission distinction.

Disagreeing with philosophers who suggested deception by omission is less egregious than deception by commission (e.g., Chisholm & Freehan, 1977; Freid,

1978), Elliot and Culver (1992) contended some forms of deception through omission may be more problematic than lies, although lies contain a property of assertion not found in deception through omission. Based on Elliot and Culver's definition, deceptive practices include using hidden cameras and microphones; impersonation; nonidentification; recreation of news events (staging); fabrication; plagiarism; photo manipulation; quote tampering; lying to sources, including putting a positive spin on an interview topic; lying to protect a source; using false attributions; and flattering sources or showing insincere empathy. Even the act of flattering someone to get a story, as Elliot (1989) pointed out, is a shade of deception.

## METHOD

Depth interviews were conducted with 20 journalists between February 7 and March 6, 2002. The depth interview, an extended conversation with a purpose, is effective in extracting particular issues, specifically hidden feelings, attitudes, and beliefs that respondents are unaware of or that exist vaguely in their consciousness. Berger (1998) called the depth interview "a probe" that "penetrates the defenses people put up to prevent their hidden beliefs from coming to light—defenses that they frequently are not conscious of and do not recognize in their behavior" (p. 55).

Interviews help in understanding a social actor's own perspective, especially in an inquiry about actors' accounts of their behavior, what Scott and Lyman (1986) called excuses or justifications of questionable conduct. In a study seeking the insiders' perspectives on acceptable lies, Hunt and Manning (1991) interviewed policemen about the social contexts in which they would lie. The rich data allowed the researchers to analyze the tensions between the needs of the police officers and the demands of the organization and community.

In understanding phenomena that cannot be easily observed directly, interviews are useful. It may be difficult for the researcher to be present because of an outsider's lack of access, when the activity is dispersed across time and space, or because of the stigma associated with the activity (Lindlof & Grodin, 1990).

In this study, the goal of the interview is to get journalists to talk realistically about their experiences—direct or otherwise—with deception, the personal and organizational considerations involved in assessing deception, and how journalists grapple with them. More globally, it is an attempt to understand how journalists construct a social context for deception. Interviewees were asked to detail the types of deceptive methods they have used and to comment on their colleagues' work using examples and anecdotes. The actions of journalists in five scenarios involving deception served as a conversational framework: going undercover (impersonation) to find evidence of unhygienic food handling at a steakhouse, lying to a source in a story about campaign finance investigations, using hidden cameras to capture abuse at a nursing home, fabricating a story to

aid FBI investigations, and withholding a story to safeguard U.S. Special Forces activities (see Appendix).

The conversations were recorded (with the journalists' permission) and transcribed to yield a rich if rather unwieldy tapestry of anecdotes, ideas, metaphors, and pontifications grounded in interviewees' experiences with journalistic deception. As the transcripts of these engaging conversations exceed 200 pages, this article summarizes and comments on the themes that emerged and allows the voices of the journalists to take over in telling their stories. Through this approach, these conversations, in which informants say what they want in their own words, are what Geertz (1973) described as "our own constructions of what other people's constructions of what they and their compatriots are up to" (p. 9).

The 20 interviewees, who work for newspapers of all sizes, magazines, weeklies, wire services, local television stations, networks, and Web-based media, volunteered for interviews through an ethics survey of Investigative Reporters and Editors. More than any group of journalists, investigative reporters are more likely to encounter ethical decision-making opportunities in their work (Ettema & Glasser, 1998; Glasser & Ettema, 1989). The respondents' longest news career is 30 years and the shortest is 4 years. Many of the interviewees asked to remain anonymous. Therefore, pseudonyms are used (Table 1). The telephone in-

TABLE 1  
Interviewees' Pseudonyms, Journalism Experience, and Work Titles

<i>Pseudonym</i>	<i>Journalism Experience (Years)</i>	<i>Work Title</i>
Amber	18	Staff writer, newspaper
Bert	24	Enterprise editor, newspaper
Bill	30	Investigative reporter, newspaper
Bruce	20	Business editor/reporter, newspaper
Deborah	21	National writer, wire service
Eric	10	Producer, network TV
Gordon	16	Reporter, newspaper
Todd	20	Reporter, magazine
Jay	22	State editor, newspaper
Jeffrey	15	Reporter, newspaper
Jo	4	Reporter, newspaper
Jim	16	Business news reporter, newspaper
Lydia	17	News producer, local TV station
Lynn	7	Features editor, conservative news weekly
Myron	27	Managing editor, wire service
Paul	15	News anchor/reporter, local TV station
Michael	24	Former editor, newspaper
Diane	25	Editor and business reporter, online news site
Bob	21	Editor, online trade newsletter
Cathy	23	Reporter, local TV station

interviews average 1 hour and 30 minutes in duration. The longest conversation is 2.5 hours and the shortest is 57 minutes.

## FINDINGS

Fourteen of the 20 journalists said they have used deception in their work. The rest claimed they have not but all are aware of other journalists who have—consistent with the contention of Price (1973), in his study of situational determinants of ethical judgments, that people in general consider others to be less ethical than themselves. For the journalists who confess, the “confession” comes only after an extended conversation, demonstrating a strong Kantian perspective about deception: it is always wrong (Kant, 1785/1993). Journalistic deception, as noted by Elliot and Culver (1992), is a *prima facie* wrong. There is a clear understanding that deception is morally wrong, even among those who believe deception is acceptable in some situations. The journalists’ vocabulary is redolent of situational ethics—“case-by-case,” “context,” “It depends,” and “It’s circumstantial”:

I wish I could say it [deception] should never play as a factor. But I can think that, in reality, you or someone can come up with scenarios that were perhaps justified. In which case, the proper answer is I would hope it can be avoided at all cost but it may have to be assessed on a case-by-case basis.

—“Bob”

According to Black, Steele, and Barney (1997), there were two general types of journalistic attitude toward deception: absolutist and nonabsolutist. Some journalists subscribe to a rigid rule banning all deception. Others, conceding that deception should be avoided, say it may be justified in rare instances, such as when the information is of great importance and cannot be obtained any other way (p. 161). In this study, the latter perspective is dominant. It should be noted that Black et al.’s discussion is limited to newsgathering.

The journalists’ accounts reveal a scheme of justifications grounded in pragmatism that accept responsibility for the act although denying it is wrong or blameworthy. For example, “Jay” talked about his discomfort conducting an interview without his notebook to reassure a nervous source. Comparing it to a hidden camera, he begins his story with, “I sometimes think this is one of the worst deceptions I’ve ever done.” At the end of his story, he concluded it was “not a huge deception” because “everything else was above board.”

Justifications are offered routinely as journalists narrate their use of deception. Their attempts to normalize deception or make it socially acceptable demonstrate that deception is a *prima facie* wrong (Elliot & Culver, 1992). Justifications include appeals to a higher good (“It was an important story”), necessity (“It was ab-

solutely crucial for the story”), harm prevention (“If their identity was known, there would be a lot of trouble”), and humor (“Obviously I’m not in jail”). The justifications show that truthfulness—the inverse of deception—is a protonorm (Mieth, 1997). As noted by Mieth, each case that departs from the truth is an exception to a generalized valid imperative. The imperative is recognized in advance, or else there would be no need to justify such exceptions.

Essentially, journalistic deception is located in a pragmatic–moral framework. First, deception is judged in pragmatic and instrumental terms, as a means to an end or a strategy for gaining control over a situation, be it in handling a difficult newsmaker or for convenience. Second, in what appears to be a normative assessment, some of the journalists are more inclined to deceive a person whom they perceived to be unethical or crooked.

### The Instrumental Utility of Deception

Deception is viewed as a strategy for gathering information that is of vital public service, including exposing wrongdoing by government officials or informing consumers of fraudulent practices. According to the journalists, deception is ideally a last resort, when all other means have been exhausted. This theme supports Borden and Pritchard’s (1997) assertion that journalists used deception because it may be the only means of acquiring information. As suggested by the Poynter Institute’s deception checklist, deception may be justified if all other avenues have been exhausted (Black et al., 1997). A utilitarian calculus enters the picture as journalists weigh the harm done to a few individuals against the larger benefit accrued to society, consistent with the literature (Christians, Fackler, Rotzoll, & McKee, 1997; Kieran, 1997; Lambeth, 1992; Meyer, 1987; Patterson & Wilkins, 2001; Valente, 1997). As explained by “Gordon,”

The most important factor is the value of the information that you can get. If people are being harmed whatever—in the nursing home example—if getting a job at the nursing home does get at the heart of why people are dying at an alarming rate in this hospital, that’s the kind of thing that argues for it a lot more than, say, something you do to enhance a story.

In justifying deception, journalists often refer to the nursing home scenario as a case that justifies the use of hidden cameras, by pointing to the potential power of the media to expose wrongdoing and curb the abuse being inflicted on the weak and the defenseless. One interviewee, “Bob,” demonstrates a role-playing capacity by appealing to a sense of empathy for the generalized other by asking the interviewer: “What if your mother’s one of the people getting abused? Yeah, then you’re probably willing to bend the rules and even bend the law.” The following is a typical account of how the journalists construct a cause for deception:

Is the information available in the public realm? Are there other documents on file with public agencies? Are there employees or former employees who would share that information or documentation with you? You go and gather as much information you can from public and nonpublic sources, and then if you're short and you need to go further—depending on what you're doing and what kinds of methods, it depends on the story—then you have to decide how you're going to proceed from there. Are you going to pose as an employee and go undercover? It depends on the circumstances ... depending on how valuable the story is in the public's interest.

—“Bruce”

Deception is useful for handling difficult sources, as “Diane” explains:

I would certainly ask whether it had some effect on the truth of it all ... it's the means to an end that are the hard ones. Part of it depends on how delicate the story is—some feeling that the interviewee did not plan to cooperate and yet the news was important to be revealed, had some public impact—wasn't a frivolous kind of thing. It's easy to sit in your ivory tower and say, “You can just never do this and that,” but there are a lot of uncooperative interviewees out there—people who don't want to reveal anything when it's important for it to be revealed.

Deception, in terms of nonidentification, can enhance the objectivity of a news report (Borden & Pritchard, 1997), as pointed out by “Bob”:

If you go in as the New York Times food reviewer, you'll have people fawning over you making sure they get it right. If you're Joe Smith who walks in and wants a burger, then you're likely to get the, quote unquote, typical treatment. And that's what you're trying to review for your readers.

Deceptive practices are also attributed to less-than-ideal factors—deadline pressures, the drive for pictures (video or film), competition, business constraints (especially in broadcast), and what several journalists refer to as “pure laziness”—consistent with the literature (Borden & Pritchard, 1997; Luljak, 2000; Paterno, 1997; Valenti, 1998; Weaver & Wilhoit, 1996; Weinberg, 1997; Wulfemeyer, 1990). According to Borden and Pritchard (1997), Elliot and Culver (1992), Weinberg (1997), and Luljak (2000), journalists used deception because it makes getting a story easier. Luljak (2000) suggested journalists routinely use deceptive means for self-serving purposes, as a function of the news organization's private interest rather than public interest. In the competition for audiences, deceptive methods can give news outlets a competitive edge:

Laziness is one factor. Another factor is competitive pressure. I think another factor is the thrill of the chase. Overzealousness—I think journalists can get carried away with their own sense of importance and power.

—“Bill”

These days, all that we're concerned of is pictures. Well, we have 20 years of reports that this guy [his restaurant] has been closed 185 times, and 100 people have died. That's information but in television these days, all we're concerned about is pretty pictures and good television. Great TV we call it. You can say 100 people died based on inspection reports for the past 10 years but that doesn't make good TV. It makes good journalism! But television-wise, you might have a dry, bland story to say 100 people have died and you haven't been able to find any of them. But if you take a hidden camera and you spend 3 days in that restaurant, you may see very gross things that are very visually compelling. And these days, the bosses would take the 3 days in the restaurant with the gross pictures over the straightforward, journalistic sound material.

—“Eric”

What emerged is a deep-seated conviction, especially among the print journalists, that television journalists are more inclined to use deception. Apart from acknowledging that television journalists face a different set of pressures, the interviewees suggest—with varying degrees of diplomacy—that television journalists are more tolerant of unethical practices in general than their print counterparts. This theme is consistent with literature suggesting television journalists are more likely to use questionable methods to meet the medium's demands (Baker, 1997; Paterno, 1997; Weaver & Wilhoit, 1996; Weinberg, 1997; Wulfemeyer, 1990). According to Winch (2000), television is lower in interactivity compared to print because it requires the viewer to sit still and pay attention to programming. Hence, producers aim for visual impact to engage the audience.

As newspaper journalist “Michael” puts it, “It's probably a generalization and the electronic media people will scream and yell but the constraints of their business sometimes force them to be a little more unethical than print.” The broadcasters acknowledge they face a different set of constraints but deny they have lower ethical standards. “Let's face it—most print journalists hold broadcast journalists in contempt at best,” says television journalist “Paul.” Others, like network TV producer “Eric,” admit television is shaped by business constraints, as seen in the use of hidden cameras:

This is where the business always rears its head, the economics of it. Those other ways that are ethical and more based on journalistic principles—they cost more money because they take time and they take effort and they take skill, and for a media organization to take time and effort, that means money. It's a lot quicker to take a hidden camera and get a job there. You can do the story in a week. You go in, and if you see him doing stuff, you've got great pictures and you got your story. But you have to cut corners, and principles and ethics to do it.

Deception is sometimes used to protect news sources, consistent with Luljak's (2000) observation. The following excerpts construct a motive for lying to protect a source:

I would perhaps, certainly, deceive to protect a source, to a certain degree. I mean if I had talked to one person, and they were a Deep Throat source, and they told me very important information that I couldn't possibly use without getting into a fair fight somewhere else, and if I call someone else and they challenged me, "Where did you get it?" I would be purposely vague. If they said, "John Doe gave it, you must have spoken to him," a nondenial is as much an admission.

—"Bob"

Let's say if someone asks you, "Did so-and-so talk to you?" And you say no. I don't have a problem with that if you've made an agreement to protect the person. You know, what you put in print and what you do to get something into print are two different things.

—"Jay"

I can see to protect a source, a whistleblower in particular whose job is on the line, I can see lying to their boss. You're not lying to the public and you're not lying to misrepresent. You're lying to protect someone and the person you're lying to is probably the object of your story.

—"Todd"

Others, like "Jim," insist that a journalist does not need to lie to protect a source:

What I would say in a situation like that is that our policy in every case is to protect our sources. I would word it carefully because I wouldn't want the boss to think, "Ah, okay, he's saying basically yes." I would say our policy generally is we don't talk about sources. I would say I'm not talking about a particular situation or this particular employee.

According to the journalists, it is highly acceptable to deceive and lie in self-defense, when a journalist is confronted by a life-threatening situation, supporting Borden and Pritchard's (1997) contention that journalists used deception when it is essential for their personal safety. Bok (1989) suggested survival is a reasonable justification for deception because it appeals to the most powerful aspect of harm avoidance, what she called "the battle against personal extinction" (p. 112).

Many of the journalists relate the issue of self-defense to the tragic case of Daniel Pearl, the *Wall Street Journal* reporter kidnapped and murdered in Pakistan in March 2002:

If someone tells me, "I'm going to kill you if you tell me you're a journalist," then yeah, I think my instinct for self-preservation would probably take over. Those are the kind of things you can debate in a classroom—is it right to lie about it? If someone has a gun to your head and is going to kill you if you say you're a journalist, then

you shouldn't tell them you're a journalist. And would I feel bad about it? No! Put a gun to my head and I'll lie, fine.

—“Lydia”

Those who reject deception point to issues of legality as well as religious and personal values. All the journalists are highly aware of legal implications although some are more willing to bend the law than others, depending on the situation. Legal concerns, as noted by Paterno (1997), Kirtley (2000), and Borden and Pritchard (1997), often restrain journalists from using deception. The salience of legal concerns among the journalists interviewed seems to contradict Voakes's (1998) contention that journalists were often oblivious to impending legal problems and perceived dilemmas as a little more fundamentally ethical than legal. Based on the interviews, it does not appear that the distinction between legal and ethical considerations is blurred as Voakes suggested. “Bob” asks: “You’ve tried all legitimate means? Legality—I’m a fan of not breaking the law. It will jeopardize my company, as well as myself.” He adds, “The problem is that if you bend the law to gather evidence, it’s not going to be admissible anyway. So you’re undermining your mission.”

As noted by many of the respondents, legal troubles have a direct impact on the bottom line. A typical response is voiced by “Lydia”:

Part of it, if you're not looking at it [deception] from the ethical standpoint, it's just plain wrong. The other thing is, you could get into trouble. There are certain legal implications to things and I think that's a lot of what it is. These companies are all businesses and nobody wants the business to suffer. To have lawsuits and all that. One of the good things that chills the overanxious or overexcessive people is the realization that if they get sued, they're going to pay a lot of money ...

The social context of deception is also shaped by a journalist's religious or personal values that may color the assessment of deception (Glock & Stark, 1966; Parker, 1990; Weaver & Wilhoit, 1996). The best example is “Lynn,” a devout Christian and a writer for a conservative news weekly:

My views are that ethics in journalism are not to be situation-driven. Ethics in journalism ought to be driven by your personal conviction of right and wrong. ... Because I'm a Christian, I look to God's view of what's right or wrong to guide my journalistic decision. Everyone might not look there. I can't in good conscience say that it's okay for me to tell a lie in this situation and it's not okay for me to tell a lie in another situation because for me, lying is wrong. ... Having a non-situational set of ethics sometimes makes reporting a lot harder because as a Christian journalist, I'm unable to call up someone and pretend to be someone else.

The tension between personal beliefs and professional demands is illustrated by “Lynn’s” account about losing an interview with an abortionist because she was uncomfortable about lying:

The PR guy wanted details. He wanted to know what did I want to talk to X about. And I could not say to him, I wanted to talk to X about his horseracing operations. And I knew what I want to do in my heart was to grill him about what I would consider an unethical way of making money. Do you see what I’m saying? So it makes it very hard as a journalist sometimes. I have to make all these tough calls. I have to say, “Okay, if I skewed the truth here or leave out some of the facts, I’m going to get this interview but if I’m honest, I’m probably not going to get the interview.” And sometimes I just don’t get the interview and that’s just the way it goes ... I feel I could have gotten X on the phone if I would have said, “Well, I notice he’s going to make another seven million dollars this year because he’s extending his broadcast rights with the horse racing network and I wanted to ask him about that.” Well, that’s true but once X gets on the phone and I start talking about abortion, he would feel ripped off. He would look at me as a liar and I would know that I have deceived to get that interview.

As noted by Weaver and Wilhoit (1996), journalists who value religion as an ethical referent are more likely to reject unethical reporting methods. However, other studies suggest that the influence of religion on ethical decision making is counterintuitive; fundamental religious values are associated with low ethical judgment (Coleman & Wilkins, 2000; Ellis, 1986; Glock & Stark, 1966; Parker, 1990; Rest, 1979, 1983, 1986).

Of interest, codes of ethics are not perceived as useful. The journalists question the effectiveness of codes of ethics, likening them to “pieces of paper” that few pay attention to, consistent with the body of literature critical of ethics codes for journalists (e.g. Black, 1985; Merrill & O’Dell, 1983) although codes of ethics are sometimes used in lawsuits against journalists who break the law to gather news, as seen in the 1991 case of *Cohen v. Cowles Media*.

### The Normative Utility of Deception

Deception is viewed as an appropriate strategy for handling difficult sources, especially in dealing with “crooks” and “rats.” Inherent in the strategy’s instrumental utility is a normative perspective. To several of the journalists, a person’s character should not be a basis for differential treatment. “Jim” notes, “It doesn’t matter whether the person or company that you’re writing about is unethical or criminal. We don’t want to be the same as they are.” Most of the journalists interviewed, however, believe otherwise. As “Jo” asserts: “I wouldn’t lose too much sleep over lying to somebody or deceiving someone who’s intentionally hurting other people.”

Such reasoning supports Bok's (1989) notion of "lying to liars," and is consistent with the literature about treatment of news sources (Baker, 1997; Borden & Pritchard, 1997; Paterno, 1997; Valenti, 1998; Weaver & Wilhoit, 1996; Winch, 2000). Borden and Pritchard (1997) noted that deception is often viewed by journalists as just treatment for unethical persons or those who are involved in illegal acts. For example, "Jay" rejects the practice of putting a positive spin on an interview topic but makes an exception for Enron executives. By some of the journalists' accounts, it is more acceptable to lie to Osama Bin Laden than to a Sunday school teacher:

If you had a chance to interview Osama Bin Laden, and you were going to deceive him in some way, would you feel justified? Probably! Would you hold him to the same standard as you would a Sunday school teacher you're doing a feature story on? No. Again, I would personally prefer never to get on that slippery slope if we can avoid it ... And I think that basically, your personal judgment of whether someone's a bad person or not should not factor into that decision.

—"Bob"

You would get some arguments against—that it would make you just as bad as the person then. But I don't buy that line. I think you know when you get down and deal with pigs, you get a little mud on you. That's just bound to happen. I think the rule is this: all these things have to come on a case-by-case basis.

—"Michael"

The differential treatment of "liars" and nonliars, apart from embodying moral judgment, can be traced to a power equation. People lie to gain power over others, as Bok (1989) asserted. Similarly, the journalists in this study deploy deception as a means to level the perceived power imbalance in relationships with politicians, corporate executives, judges, or the media savvy. On the other hand, when dealing with the less media savvy or less powerful newsmakers, these journalists demonstrate a willingness to protect them. True to the spirit of siding with the underdog, "Michael" goes out of his way to warn newsmakers who are not media savvy about the implications of what they tell him but applies a different standard for the media savvy: "If it's some bad guy, a crooked judge or something, they're usually big enough fish that they should be media savvy. They're usually bad guys so it's okay to be a little deceptive with them." "Michael's" account of lying to sources reveals the distinction that he makes between the media savvy and those who are not:

I've called up in interviews with guys I wanted to nail and told them something entirely different. And watch the shock on their face when I got into their office. I asked a few softball questions and all of a sudden, I asked a couple of other questions about what I really wanted to talk to them about. And watch it suddenly dawn on them that they've been had. And they usually throw you out if they're smart. If they're stupid,

they sit there and continue to answer your questions ... I have no problems with that whatsoever, if that's a bad person. On the other hand, I would go out of my way to protect people who are not media savvy. If some guy comes up to me saying that the guy who runs my business is a stupid guy—just people who could say things that might cause them to lose their job ... If they're not media savvy—a lot of people don't understand that you're going to use their name and stuff. But if it's an executive and he says, "By the way, this is off the record, please don't print that"—you just say, "Screw you" because here's a guy who deals with the press and you should know that. But if it's somebody who has never talked to a newspaper before, I'm going to go out of my way. I'm going to say, "Look, do you really want to say that? Do you want to see it in print tomorrow with your name next to it? Because it could cost you your job," and they'd say, "Oh well, maybe not." So I'll lose a good quote or I'll take the name off and say, "... said a factory worker." I refuse to screw people who don't know they're screwing themselves. But on the other hand, if it's some bad guy, a crooked judge or something, they're usually big enough fish that they should be media savvy. They're usually bad guys so it's okay to be a little deceptive with them. If you call up Judge Smith and say, "Judge, I want to interview you. I've been investigating you for fixing cases, I want to come down and talk to you"—of course he's not going to let you anywhere near him, and then you got to go through sending him registered letters so that he can say, "No comment." But if you go in there and say, "I want to talk to you about your prospects for reelection"—technically, it's not a lie because if you write a story about him fixing cases, it's going to affect his prospects for reelection! So anyway, then I think it's okay to go in and do it. In any case, you'll stun them so much that you'll elicit a damning comment before they finally come to their senses and throw you out of their office. It's interesting to see their reactions sometimes certainly, and then you can sort of tell if you've got a real case here or not. If they start to sweat and stammer and can't answer and threaten to throw you out then you're pretty sure you're on the right track ...

In summary, the journalists, in applying moral judgment about deception, differentiate between newsmakers and audiences, and within the former, distinguish between the media savvy and those who are not, according to a power assessment.

## DISCUSSION

Journalistic deception is an occupational construct shaped by professional demands. Like lies by the police in Hunt and Manning's (1991) study, the journalists' use and assessment of deception is a function of a "negotiated occupational order" (p.51). As providers of information, journalists hold sacred their relationship with their news audiences. But as gatherers of information, they are not above deceiving sources to gain information, particularly when the deception is viewed to be just treatment of newsmakers who are engaged in illegal activities or unethical behavior. The journalists carefully distinguish deception that involves omission from de-

ception that requires active or overt lying, considering the latter to be more morally problematic. Woven into the journalistic vignettes is a disparate treatment of deceptive practices, which appear as points on a continuum.

### Deception as a Continuum

Some acts are considered more reprehensible than others, consistent with Elliot's (1989) discussion of four categories of deception as points on a continuum, ranging from the least serious to the most serious: nonidentification, passive misrepresentation, active misrepresentation, and masquerading (Elliot's categories are limited to newsgathering practices, however). The nonabsolutist approach supports Hasenauer, Fahs, and Sereno's (1975) contention that people judge deception on a continuum of good to bad. The journalists consider fabricating a story to be a deviant act without exception while hidden cameras and lies to sources are acceptable in some circumstances and may even be journalistically sound. For example, hidden cameras are evaluated on a case-by-case basis, as characterized by "Eric's" disdain for a competitor who uses hidden cameras "in every story."

Flattery is considered the least insidious. According to Malcolm (1990), the journalist is a kind of a "confidence man" who preys "on people's vanity, ignorance, or loneliness, gaining their trust and betraying their confidence" (p. 1). However, in this study, the act of flattering a source or demonstrating insincere empathy to gain information—what Elliot (1989) considered to be a serious form of deception—is not only highly tolerated but also appreciated. The practice receives an overwhelming vote of approval from the journalists, who view it as "a normal part of human interaction" and "human psychology" that is harmless and far from deceptive, contrary to the arguments of Elliot (1989) and Kieran (1997).

A typical response to fabrication and flattery is articulated by "Amber": "A credible journalist would never in a million years think of fabricating a story! That's the cardinal—you just don't do that. But everybody flatters sources, or they should be." Even for "Michael," who admits to veering to the more aggressive practices such as impersonation and lying to sources, fabrication is "beyond the pale, even if it's for the so-called public good." Like fabrication, staging or re-creation of news events receives an emphatic "no," consistent with Weaver and Wilhoit's (1996) 1992 survey that found a low acceptance of staging.

Based on the findings of this study, the deception continuum is shaped by three tacit rules:

1. who is deceived (newsmakers vs. audiences);
2. the perceived character of the person deceived (good vs. bad); and
3. the nature of the act (omission vs. commission).

### Rule #1: Newsmakers versus News Audiences

The audience–newsmaker distinction emerges because the latter is seen as a means to an end, the end being the readers and viewers that journalists believe they ultimately serve. Thus, acts that directly deceive the audience such as fabrication, quote tampering, photo manipulation, staging, and putting a positive spin on a story are rejected unanimously, consistent with the journalistic mantra of factuality and objectivity. This “rule” fits the strong emphasis on producing factually accurate or truthful work, an occupational expectation for journalists (e.g., Bagdikian, 2000; Beam, 1993; Christians et al., 1997). As suggested by Bagdikian (2000), devotion to accuracy is one of the main strengths of American journalism, and possibly the only professional standard that has not been eroded by the business’ economic pressures. According to Bagdikian, the conventions against fictionalizing and factual inaccuracy are “strong and widespread” (p. 212)—a contention supported by this study.

However, in a competitive business environment, given the pressures on journalists to entertain, fictionalization of news may be more difficult to contain. Competition from television and the Internet has pushed many newspapers toward a magazine-model brightness of writing. In the aftermath of the Janet Cooke incident, Rosen observed, “If anything contributes to these incidents, it’s the rising expectation of the juicy quote, the colorful character, the copy that sparkles because of tough competition with other media” (National News Council, 1981). The more recent Jayson Blair scandal at the *New York Times* is another example of how journalists stretch the truth and resort to underhanded means to sell papers. Blair, according to the *Washington Post*, was felled by a “desperate quest for media stardom” (Milloy, 2003).

Media performance is judged by the extent that journalists provide accurate information to the public. Journalism’s cultural authority is realized only when people believe what they read or watch in the news (Winch, 2000), a theme articulated by the journalists in this study. Therefore, in deception targeting readers or viewers, the journalists reject the utilitarian reasoning in favor of the Kantian (Kant, 1785/1993) perspective, which is absolutist in nature. The Kantian approach is deontological in that the moral rightness of an action depends on the act rather than the consequences. Hence, truth-telling is a duty without exceptions; deception is always wrong. Any active falsification of information to be aired or published, even in the name of the public good, is considered reprehensible, especially in the current climate of public distrust. As noted by newspaper editor “Jay”: “What you put in print and what you do to get something into print are two different things.” A similar parallel is drawn by Opt and Delaney (2000): “Meeting the mandate of protecting the public from fraud and corruption simply is more important than how the mandate is met” (p. 85). However, method and effect are linked. What a journalist does to get the news affects the believability of news; the method shapes the mandate.

The journalists consistently show a higher tolerance of impersonation, hidden cameras and microphones, flattering a source, getting employed in a firm, and putting a positive spin on an interview topic—practices that target newsmakers. These acts, judged on a case-by-case basis, are considered justifiable if not imperative when the story is of overriding public interest, when it cannot be obtained any other way, and when the benefits outweigh the harm done to a few individuals. The utilitarian calculus is all-important when dealing with newsmakers, true to journalism's altruistic ideals of public service. These themes are consistent with the Poynter Institute's deception checklist; deception is justified if the information is of profound importance, cannot be obtained through other means, and when the benefit outweighs the harm (Black et al., 1997).

It is easy to invoke these utilitarian considerations, but their application is highly subjective, as seen in the interviewees' assessments of the Food Lion case. The journalists do not agree on what constitutes an important story, whether all other means have been exhausted, and how much benefit is gained. More important, such a utilitarian calculus may have a corrosive effect with newsmakers over time. As noted by Bok (1989), a major flaw in the utilitarianism reasoning is that it implies a lie and a truthful statement that achieve the same utility are equivalent, although a lie is always negatively weighted to begin with. Lies and deception, regardless of their more immediate benefits, damage societal trust, which is essential to a society's functioning, argued Bok.

When newsmakers cease to believe what journalists say to them, reporting becomes more challenging. Journalists who lie to their newsmakers "burn" their sources. It is natural for newsmakers who have been deceived or members of the public who have witnessed deception by journalists to doubt the veracity of news. Furthermore, one deceptive act typically leads to another, as deceivers experience a diminished resistance to deception. It is a slippery slope; the use of deception to obtain a story may also render lying within a story more acceptable to journalists.

A differential treatment of audiences and newsmakers prevails notwithstanding these two groups are not mutually exclusive—although in the minds of journalists, they are mutually exclusive. This confusion arises from the nature of journalists' relationships with their audiences. Unlike occupations based on a direct, individualized client–customer approach, there is no direct, one-to-one relationship between journalists and news audiences. Understandably, meeting the needs of an individual is an easier charge than meeting the needs of a faceless mass known as "the public." This lack of clarity about the expectations of the "preferred" relationship between journalists and their news audiences is noted by Beam (1993). In comparison, there are more defined expectations about how journalists should treat other social actors, such as the tenet against favoring any group with vested interests. However, by viewing news audiences and newsmakers as separate, journalists risk alienating all. The journalistic preoccupation with credibility has shaped a journalism ethic centered on the concept of objectivity, despite its many

inadequacies. Journalists are urged to emphasize accuracy, balance, impartiality, and detachment from sources. It is this excessive detachment that pushes some journalists to treat their newsmakers and sources poorly.

## Rule #2: Lie To Liars

Journalists assess the character of the newsmaker being deceived in the belief that a liar or a bad person does not have the same claim to truth as an honest person. This finding is consistent with the literature (Baker, 1997; Bok, 1989; Borden & Pritchard, 1997; Paterno, 1997; Valente, 1997; Weaver & Wilhoit, 1996; Winch, 2000). As such, deception is retaliation for injustice (Ekman, 2001, p. 72), a motive reinforced by the altruistic values that lead journalists to view themselves as champions of truth and social justice.

This perspective supports Bok's (1989) description of journalistic lies for the public good. As "Michael" puts it bluntly: "When you get down and deal with pigs, you get a little mud on you." Presumably, journalists know who the "pigs" are. Thus, closely linked to the notion of lying to liars is the concept of moral authority, what Winch (2000) described as "the authority of journalists to determine when something or someone is right or wrong, good or bad" (p. 122). This moral authority is articulated in the "eye for an eye" justification for deception. By the accounts of many of the journalists, it is more acceptable to lie to Osama Bin Laden and Enron executives than to a good person. The journalists actively frame stories that target the crooked judge or politician on the take. Clearly, their work is morally charged and not value-free. News judgment *is* moral judgment.

In invoking that moral authority for retaliation, some journalists in this study rely on preconceived notions of who is bad and who is good. In their accounts, politicians, executives, judges, and those who are media savvy are considered more deserving of deception than the less media savvy or the less powerful segments of society—the factory worker, the single mother, the prison guard who loses her job for having an affair with an inmate. Because the "checking" or social surveillance function of the media calls for an aggressive challenging of institutions and officials, it is unclear whether these journalists' conviction of the flawed characters of their more powerful newsmakers is based on experience or is merely a reflection of journalism's classic role of watchdog of government and business, and the attendant cynicism. Unfortunately, an overdependence on such preconceived notions is risky. First, people consider others to be less ethical than themselves (Price, 1973). Second, journalists may view deception as an act of reciprocity, but research shows that few people perform better than chance in judging acts of deceit (Ekman, 2001).

Ettema and Glasser (1998) suggested that journalism's paradox of the disengaged conscience is a result of affirming objectivity over morality. Objective reporting is intended to be cool and unemotional because journalists carefully sepa-

rate the facts from values, reporting only the facts (Schudson, 2001). Indeed, this paradox is visible among the journalists in this study, as seen in “Michael’s” pursuit of disinterested knowledge despite his morally charged treatment of sources:

Now, if you suspect the parking bureau of your town was in the business of fixing tickets, it’s a perfectly legitimate strategy to go down and write a profile of the parking bureau. Just a straight story—what did it do? Where did it come from? How does it work? Hoping thereby to elicit people who see it in the paper to call you up and say, “Boy you missed the deal on that.” That’s a very legitimate and perfectly respectable way of eliciting more information by writing a straight story about something but to slant a story one way or another even for good purposes is beyond the pale for me. I just wouldn’t do that.

The journalists also view flattery as a harmless if not indispensable means of gathering information but quickly draw the line at fawning, or any actions that may compromise their objectivity, including romantic entanglements, sending flowers, and asking for autographs—yet another example of adherence to the objectivity ideal.

### Rule #3: Omission Comes Easier

The respondents consider deception by omission to be more acceptable than deception by commission. Acts that involve active falsification of information such as fabrication, quote tampering, photo manipulation, lying, and impersonation are differentiated from acts involving omission of information—not identifying oneself as a journalist, withholding a story, and using hidden cameras or microphones. This differentiation is consistent with Goodwin and Smith’s (1994) classification of journalistic deception that implied passive deception is less problematic morally than active deception. On the other hand, Elliot and Culver (1992) argued that there is no moral difference between deception by lying and deception by withholding information. This moral difference, however, appears to guide the journalists’ assessment of deception in this study.

The omission–commission distinction is consistent with the general assessment of deceptive acts. People are more likely to view deception by commission to be more insidious than deception by omission (Ekman, 2001; Hunt & Manning, 1991). The omission–commission debate can be traced to St. Thomas Aquinas (1225–1274), who wrote in *Summa Theologica* (Aquinas, trans. 1981) that a sin of omission is less grievous than a sin of commission. Along the same line, philosophers Freid (1978) and Chisholm and Freehan (1977) suggested deception by commission (lying) is more morally problematic than deception by omission. Taking a different position, Gert (1988) observed that a rational person would not want to be led into having a false belief, not only through a false statement but also silence, ges-

ture, or even a true statement made in a certain tone of voice. The essence of the objection is not the false statement but, rather, of being led into false belief.

Bok (1989) did not make a moral distinction between deception by omission and by commission. Her discussion of lying focuses only on intentional deceptive messages that are stated (verbally or in writing), although she conceded that people can deceive through gesture, disguise, action or inaction, and even silence.

Ekman (2001) offered several explanations for people's tolerance of acts involving omission. Concealment is easier than falsification; there is a reduced risk of being caught because a fictional story does not have to be worked out in advance. Unlike falsification, concealment is passive. Less guilt is involved. It is also easier to cover up deception by omission if discovered because one can always rely on a variety of excuses ranging from ignorance to intention to reveal the information later or simply a memory lapse. Not everyone considers deception by omission (what Ekman, 2001, calls concealment) to be a form of deception (p. 28). In this study, several interviewees insist "lying" and "deception" refer only to acts that involve outright falsification. Not identifying oneself as a reporter cannot be considered deceptive, they claim. Given this distinction, it is natural for the journalists to offer nonidentification as an alternative to impersonation. As magazine reporter "Todd" notes: "It's okay if you don't tell people who you are, but you cannot put on a doctor's jacket and pose as a doctor, or tell people, 'I'm a lawyer.'" Many of the journalists insist nonidentification does not fall into a category of deception. Such a definitional choice is in itself a form of justification, an attempt to normalize deception by downplaying the culpability of the act.

The respondents' assessment of the FBI and Special Forces scenarios also supports the omission–commission distinction. The FBI scenario, which involves the use of a fake story to mislead terrorists and aid law enforcement activities, was rejected unanimously unlike the case of withholding a story in the Special Forces scenario. To the journalists, the act of withholding a story is an omission that is less morally problematic than overt fabrication, notwithstanding the good achieved by both acts. This finding parallels Hunt and Manning's (1991) conclusion that American police officers are more likely to accept passive lies involving omission than active lies involving framing a person of a crime (e.g., planting a gun or fabricating a story) to support evidence of wrongdoing by a suspect.

## CONCLUSION

The journalists in this study do apply moral judgments in their work, supporting Ettema and Glasser's (1998) assertion that investigative journalists do participate in a moral endeavor despite their fervent claims that their work involves no exercise of conscience but merely an articulation of empirical evidence (p. 9). Investigative journalists in Ettema and Glasser's study, by claiming that what they do is

not moral discourse but merely objective information gathering, are adhering to the enduring albeit illusory and flawed ideal of objectivity. Unlike the investigative journalists in Ettema and Glasser's study, some of the journalists interviewed for this study do not shy away from making explicit moral judgments about social disarray and wrongdoing. Their overt denunciations of perceived transgressors, as seen in their treatment of villains and victims, reveal moral judgment at work.

What is striking among the 20 journalists from different media and backgrounds is their high degree of agreement in assessing journalistic deception. With its distinctive set of tacit rules and subtleties, journalistic deception appears to be forged by a complex interplay of values and norms central to American journalism. Principles of press performance reflected in media codes of ethics, ideas of social responsibility, values inspired by the professionalization of American journalism, journalism education, and Judeo-Christian values help produce a common ground in assessing journalistic deception.

Furthermore, truth-telling is a universal moral value. Journalists within a culture and across cultures are likely to share more agreement on truth-telling but lesser agreement on nonmoral values such as timeliness, novelty, impact, or visual qualities—journalistic standards that may vary according to cultural and politico-economic pressures. Certainly, journalistic deception as defined by American journalists is likely to differ from the journalistic deception constructed by Japanese or Brazilian journalists.

As an occupational construct, journalistic deception is socially and contextually forged by a complex interplay of values central to journalism and its culture, organizational pressures, and the broader moral framework in which the profession is located. The tag "journalistic" in "journalistic deception" is a qualifier that rightly suggests (despite some overlap) journalistic deception is not to be confused with a generic interpretation of deception that occurs in everyday life, such as lying about the price of one's coat at a dinner party, cheating on one's income tax returns, or the kind of occupational lies deployed by law enforcement authorities.

That journalistic deception is an occupational construct is consistent with the findings of Luljak (2000), who found that deception is not only considered by journalists as a legitimate journalistic strategy but also a routine tactic that did not merit debate. That journalistic deception is so routine begs the question whether deception is always wrong, asks Luljak, who concedes there is no clear answer. However, if journalistic deception is viewed as an occupational order, as suggested in this study, the journalists' lack of resistance to selective forms of deception becomes more comprehensible.

Because the subtleties and tacit rules that journalists use to evaluate what is acceptable deception and what is not are derived from a negotiated meaning within an occupation, journalistic deception becomes a criterion as well as an outcome of group membership, just as lying becomes for police officers a key to membership in the force (Hunt & Manning, 1991, p. 54). Consequently, the subtleties used by

journalists to evaluate deceptive acts are lost on outsiders. Given a lack of shared values about journalistic deception, it is unsurprising that the public and journalists do not see eye to eye. The Food Lion case quickly comes to mind. When there are no shared values between the deceiver and the deceived, guilt is minimized and deception occurs more easily (Ekman, 2001, p. 67). However, when the action is subjected to public scrutiny, these internal rules fall short, and the act quickly becomes a basis for public outrage.

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## APPENDIX: FIVE SCENARIOS

**Steakhouse.** Reporter Jane Smith receives a tip-off that a popular local steakhouse is serving old meat. Although there have been no cases of food poisoning so far, the old meat is a potential public health hazard. To get evidence of wrongdoing, Smith applies for the position of assistant to the chef, by creating a fake resume claiming extensive experience working in restaurants. Is it justifiable for Smith to go undercover and impersonate a steakhouse employee?

**Campaign Finance.** Newspaper reporter Alan Meyer gets an anonymous phone call from a person who claims newly elected Governor Shawn Williams received illegal contributions amounting to \$400,000 from a large real-estate company. The caller refuses to meet Meyer but suggests he talks to a local businessman who helped launder the money. At first, the businessman denies the allegations. However, when Meyer tells him he has witnesses and documents to prove the case (when in fact he doesn't), the person agrees to cooperate if he is not identified in the story. Is it justifiable for Meyer to lie to the businessman?

**Nursing Home.** TV reporter Lauren Gray is investigating patient abuse by home health providers—private agencies that send health workers into homes to do everything from housecleaning to semiskilled nursing. The Better Business Bureau has lodged multiple complaints and so has the state nursing home board, but they lack the authority to act. District Attorney Paul Johnson tells Gray that while his office has begun a criminal investigation, it has been stymied by a lack of evidence or by frail or elderly witnesses who may be unconvincing in court. Gray is urged to pursue the story, the officials involved agreeing to release public documents and go on the record. Seven people receiving in-home care agree to let Gray place hidden cameras in their homes. Should wrongdoing occur, Gray plans to speak to the provider, show the tape, and ask for an on-the-record response. If no

wrongdoing occurs, Gray plans to report this as well. Is it acceptable to use hidden cameras?

*FBI.* The editors at Big Moon Times have information that the FBI has traced a group of suspects to their town. These suspects are believed to have sent a letter that contained anthrax spores to a network TV station in New York City. It is also believed the suspects may have biological weapons at their disposal and may use them if confronted. Rumors of the FBI's arrival in the town are circulating. To buy time and divert the suspects' attention, the FBI requests the newspaper's assistance in planting a fake story to say the town is not being targeted and that FBI agents are searching other distant towns and are already moving to adjacent states looking for the suspects. Is it justifiable for the editors to publish the story?

*Special Forces.* Newspaper reporter Richard Flink has information that U.S. Special Forces have left their base in North Carolina for a secret mission to nab members of a terrorist network and its leader hiding in Somalia. When Flink approaches Major General Bill Davidson to verify the information, the Major General denies the plan exists. However, Flink has sources domestic and abroad that confirm U.S. Special Forces officers have been spotted in neighboring Kenya. When Flink decides to write the story, the Major General and the Assistant Defense Secretary call the paper to tell Flink the operation is actually in place but they ask him to withhold the story for the safety of the U.S. military personnel involved in the mission. Is it justifiable for the newspaper to withhold the story?