

Undercover Journalism: a question of ethics

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As a profession founded on a commitment to the truth and to the public, every aspect of journalism relies on moral and ethical principles (Bainbridge et al. 2015, p. 383). The nature of the industry means that, just as journalists have the power to create positive change, they also have the power to do substantial damage, which places ethics at the centre of journalism (Bainbridge et al. 2015, p. 383). One form of journalism which regularly comes into question is investigative reporting, as most investigations inevitably involve bringing harm to those being accused of wrongdoing (Richards 2013, p. 183). When an investigation requires a journalist to report undercover, this poses an even greater ethical dilemma, as undercover journalism is synonymous with deception (Richards 2013, p. 183).

By examining a scenario in which a journalist has withheld their identity and relied on the use of secret recording devices for an undercover investigation, this essay will apply codified ethics and relevant philosophical frameworks to determine whether or not undercover journalism can, or should, be justified.

Case Study: exposing racial segregation

Oliver Gordon, a journalist for the Australian Broadcasting Corporation (ABC), conducted an investigation into racial profiling at the *Ibis Styles Alice Springs Oasis* hotel, prompted by an email leaked by a hotel staff member (Gordon 2019). The email disclosed a system used by hotel management to allocate Indigenous Australian guests to inferior rooms (Gordon & Mitchell 2019b). To determine the legitimacy of the whistle-blower's allegations, Gordon booked two rooms at the hotel, for two parties of guests: an Indigenous group, and a non-Indigenous group (Gordon & Mitchell 2019a). While the non-Indigenous group was placed in a clean, well-kept room upon arrival, the room given to the Indigenous group was substandard and filthy (Gordon 2019).

The exchange between the hotel receptionist and the group of Indigenous Australians was captured by microphones hidden under the guests' clothing, as Gordon listened from a car

parked outside the hotel, recording the moment racial profiling took place (Gordon 2019). For the investigation to have been carried out successfully, it was necessary for Gordon to engage in undercover reporting by concealing his identity and planting secret recording devices (Field 2019). The reportage exposed the hotel's discriminatory practices, which drew attention to flaws in the Northern Territory's Anti-Discrimination Act (Breen 2019). It brought the issue of racial segregation into the public sphere, and earned Gordon a Walkley Award, naming him the 2019 Young Australian Journalist of the Year (Field 2019).

Codified Ethics: Regulating Journalism

To determine whether undercover journalism can be justified in this situation, codes outlining ethical standards can be applied. Australian journalists adhere to the Media, Entertainment and Arts Alliance (MEAA) Journalist Code of Ethics, which regulates journalists in their practice (Media, Entertainment and Arts Alliance 2020). Though Gordon's investigation exposed hotel management's injustice towards Indigenous Australians, his method of obtaining evidence of the wrongdoing deviated from clause 8 of the code, which states that journalists must identify themselves prior to obtaining material, and to do so using honest means (Media, Entertainment and Arts Alliance 2020). However, the code also contains a guidance clause which, while not explicitly permitting deception, acknowledges that basic journalistic values often require interpretation. It also recognises that conscientious, contextual decision-making is a requirement of ethical journalism (Media, Entertainment and Arts Alliance 2020).

In addition to the MEAA Journalist Code of Ethics, journalists are governed by codes of practice specific to their industries and organisations (Pearson & Polden 2019, p. 79). As a journalist for the ABC, Gordon would have acted in accordance with the ABC's Editorial Policies (Australian Broadcasting Corporation 2019). The policy explicitly outlines the organisation's stance on secret recording, stating that such forms of deception must not be used to obtain information (Australian Broadcasting Corporation 2019). However, it further states that exceptions can be made where the acquisition of the material is within the public interest and cannot be obtained by any other means; and, in rare circumstances, deception may be justified (Australian Broadcasting Corporation 2019).

Deontology: the limitations of rules

Journalists carrying out investigations need to consider the integrity of their decisions, and understand the potentially harmful effects of the means by which they report (Richards 2013, p. 186). Codified ethics only cover this to an extent, requiring journalists to further draw on their own moral values and ethical judgement, which can be guided by relevant philosophical frameworks (Quinn 2007). The use of professional codes in journalism follows a deontological approach to ethics, which addresses the importance of following rules and obligations (Tilley 2005). This approach to ethics derives from Kantianism: a moral philosophy introduced by Immanuel Kant, who emphasised the connection between ethics and law (Kant 1775, p. 34).

Although outlining prohibitions in journalism has its benefits, it also has its limitations, as problems arise due to their inflexibility (Tilley 2005). Despite the necessity for Gordon to conceal both his identity and his microphones to capture evidence of racial profiling (Field 2019), by doing so, he did not act according to the deontological framework (Tilley 2005). However, the successful exposure of the hotel's discriminatory practices suggests that, although his methods of reporting were unethical, Gordon acted for the benefit of the public.

Utilitarianism: deception for the greater good

In contrast to the deontological approach to ethics, consequentialist theories judge actions based on their consequences, rather than the means by which they were achieved (Jamieson & Elliot 2009, p. 241). Utilitarianism, a consequentialist theory accredited to philosophers Jeremy Bentham and John Stuart Mill, emphasises the importance of acting for the greater good, asserting that the morally right action is the one which promotes the greatest amount of happiness (Bivins 2008, p. 73). However, with the 'greater good' as a central concept in the utilitarian line of thought, the measurement of happiness is one of the greatest issues to arise within this moral framework (Rorty 1980, p. 2).

The outcome of Gordon's investigation exemplifies the benefits of the utilitarian approach to ethics. Although his deceptive methods proved to be detrimental to the hotel, the

exposure of racial segregation led to recognition of the issues in the state's anti-discrimination laws (Breen 2019). Not all situations such as this are ethical or even lawful; however, the positive outcome of the story indicates that Gordon's reportage was within the public interest. Therefore, his decision to go undercover is ethically justifiable (Tanner, Kasinger & Richardson 2012).

Virtue Ethics: the morals behind journalism

Although the utilitarian approach to ethics can be used to justify deception, it can, theoretically, also be used to justify extreme cases of wrongdoing (Bivins 2008, p. 76). As both utilitarian and deontological theories can be potentially problematic, neither of these frameworks should be relied solely upon by journalists (Bivins 2008, p. 76). Virtue ethics, unlike deontology and utilitarianism, asserts that the foundations of ethical decision-making are moral principles and a virtuous character (Quinn 2007). Accredited to Greek philosophers Aristotle and Plato (Bivins 2008, p. 77), the virtue ethics framework focusses on admirable character traits such as compassion, fairness and honesty (West 2006, p. 6).

The qualities highlighted by the virtue ethics framework are fundamental to journalism, as the nature of the profession requires journalists to make prompt ethical decisions in response to moral dilemmas (Quinn 2007). These decisions may be guided by philosophical frameworks, however, journalists should essentially be 'good people' (Quinn 2007). Having analysed Gordon's investigation, it is evident that his decision to report undercover was propelled by selfless intentions and a legitimate desire to respond to the concerns raised by the whistle blower, thus pursuing the story for the good of the Indigenous community (Field 2019). Under the theory of virtue ethics, Gordon's questionable methods of reporting can be justified by his moral intent (Quinn 2007).

Conclusion

Journalists, by the nature of their work, are constantly required to make decisions based on ethical principles, with undercover journalism being one of the profession's most significant points of contention (Richards 2013, p. 183). Though its methods pose an ethical dilemma, undercover journalism can be ethically justified when the use of deception is for the good of the public (Bivins 2008, p. 73). This notion is exemplified by Oliver Gordon's investigation into racial profiling, in which he concealed his identity as a journalist to expose racial segregation (Gordon 2019).

While journalists are regulated by codified ethics, this only covers journalistic practices to an extent (Quinn 2007). Beyond the use of professional codes, which follows a deontological approach to ethics (Tilley 2005), journalists can draw on philosophical frameworks such as utilitarianism and virtue ethics for guidance in their decisions. Although utilitarianism justifies undercover journalism by permitting deception if it generates a positive outcome (Bivins 2008, p. 73), virtue ethics suggests that ethical practice in journalism should depend on the moral character of the journalist (Quinn 2007). Therefore, journalists should refer to both professional codes and philosophical frameworks for ethical guidance, and navigate the moral complexities of the journalism industry with a virtuous character and an inherent goodness.

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