

“In relation to investigative journalism, how much does the end justify the means?(II) Are there issues of media morality at stake?(I) Discuss with journalistic examples in relation to the theory of the media as society’s watchdog, with a duty to inform and educate the citizens on matters of public interest.(II)”

For the purpose of this essay I have chosen to divide the question into two parts, where I first attempt to grapple the complex issues of morality, ethics and objectivity within the field of investigative journalism, referring to the British codes of conduct as accepted measures of standards. The second part will consist of examples of cases where journalists have undertaken real shoe-leather, investigative work - in some instances employing questionable methods of extracting facts – but, who I argue, acted for the purpose of serving the public in exposing wrongdoing, and enabling change in society. Thus, with reference to the outlines in the first part of my work, this will enable me to approach the essay question as a whole.

I am also framing my essay by excluding sensationalist trivia crusades that can be found at the lower end of the media market, purposely so as to not straddle the divide between matters that are genuinely ‘in the public interest’ – and in being so are defensible in court – and matters which are ‘of interest to the public’, which more often than seldom are adhered to in the tabloid press.

I.

‘Never believe anything until it is officially denied.’

Pilger citing muckraker Claud Cockburn (Pilger 2005, p.xv)

Media’s historically appointed role as a Fourth Estate - a watchdog of the government in the name of the governed and to inform and express public opinion in a democracy - gains little recognition by the academics today. Pilger discards the concept altogether (Pilger 2005) and Davies expresses concern about the wide-spread phenomenon that is deskbound journalism, ‘churnalism’, which means obtaining news stories from official sources, press releases and wire agencies. This, according to Davies, is rapidly replacing shoe-leather journalism, hence

posing a threat to the morality of the media as it results in a recycling of news and sources, less human contact and more inaccuracies. He concludes that it is effectively deskilling the craft and polarising the distrusting audience, as the threat to truth-telling lies within the walls of the news room. (Davies 2008) Or, as summarized by Pilger: ‘The invisible boundaries of ‘news’ allow false premises to become received wisdom and official deceptions to be channelled and amplified.’(Pilger 2005 p.xvii)

De Burgh notes the tabloidization which the broadsheets to an even greater extent are undergoing, but directs his criticism foremost towards the element of ‘pseudo investigative,’ sensationalist human interest stories with conspiracy connotations - and the invasion of privacy that commonly foregoes it - of the commercial press. One controversial case is the work by Benjamin Pell, who rummaged through the rubbish bins of celebrities – among others Margaret Thatcher and Elton John - in pursuit of revealing material which he sold to different news-outlets. He was later convicted on the charge of theft in 2000, failing to prove a public interest defence when the public interest lies, suggestively, in preserving our rubbish bins unscathed. (Davies 2008)

Actions like this, notes to de Burgh, has seriously damaged the reputation of investigative journalism as it is perceived by the audience as mere stunts by unscrupulous media moguls to render money, and it is also the key issue seriously challenging media morality. He continues by highlighting the only way in which the craft can withstand this criticism, and it comes down to the individual responsibility and professionalism required of every journalist. (De Burgh 2008)

In Britain there are a set of accepted guidelines crafted by editorial bodies, assisting journalists in their day to day work in making moral decisions, such as Ofcom or the Press Complaints Commission. These function as ethical codes of practice and as means of self-regulation for the journalists and editors, thus also to a certain extent fend off governmental

interference. Investigative journalism repeatedly comes under fire for the sometimes ethical implications related to the covert methods used by journalists in extracting facts, hence the importance of working to the accepted measures.

The PCC states that if an issue is in the public interest – that is to detect and expose crime, to protect public health and safety and to prevent the public from being misled by a person or an action - and this takes precedence over the issue remaining secret, then the journalist can defend his case. (Seaton 2003) The codes do not invoke law of the land, but effectively, if a public interest defence is justified, this could arguably be considered as the end justifying the means. This also, and more crucially, includes the dubious ‘grey areas’ such as infringement of privacy, harassment and subterfuge – all areas where the public interest justification can be applied, if proven to take precedence. Investigative journalists are by no means necessarily ‘morally good’, but, according to De Burgh, in order to uphold what is right they sometimes need to sacrifice moral ideals, thus rendering actions we normally perceive as immoral justifiable, under certain conditions. On another note, however, it does not justify eaves dropping, intercepting phone calls or telephone bugging. (De Burgh 2000)

Evidential verification, that is to be able to prove facts in a context, is the foundation which investigative work is based on and without which it would not be able to sustain outside scrutiny. Therefore, another factor resulting in ethical - and sometimes legal - complications within the field is the usage of unnamed sources, as is the case of Seymour M Hersh (*as noted in part II.*) They often provide crucial ‘make or break’ and sometimes confidential information - but only on the conditions of remaining unnamed. *McNae’s Essential Law for Journalists* advocates the relationship of confidence between a journalist and his sources, which must not be breached in order to preserve the integrity of the journalist, and indeed the whole profession. The authors indicate that the morally right thing to do for any journalist true to their craft would be to choose prison before revealing their sources. (Greenwood 2007)

What differentiates mainstream journalism and investigative journalism is that the former is reactive, as opposed to the latter, which is pro-active. Thus, the self-professed notion of journalistic objectivity is debunked as it is incompatible with actions involving moral judgments - that is judgments made by investigative journalists, on behalf of the public, of 'good' and 'bad' and 'right' and 'wrong' in pursuing a story and exposing wrongdoing. As these value judgments will have implications for society, it is important that the journalist maintains transparency and presents any motives behind his work, when putting something across as 'objective reporting' is misleading. (Ettema 1987)

Adding a different dimension to the discussion, Ettema and Glasser, tapping into Fairclough's critical analysis of media discourse, note the ways in which 'objective' journalists can put their values across by specific writing techniques and use of language, adhering to certain discourse practise when deciding what is newsworthy and not. They suggest, however, that all branches of journalism do not necessarily have to be blandly objective - as long as it does not take the false pretence of being just that. This concerns in particular ethically charged stories of war, bereavement and violation of human rights, when it comes down to selecting - and more often sanitizing - what should be made public, and not, of the horrors of war. Explicit material tends to be kept out of Western media, (Ettema 1987) which was once again manifested through the reignited Gaza conflict in the early 2009, when the images of charred babies broadcast by Al-Jazeera sent shockwaves through the world.

Taking into account the reportage covering 9/11, a temporary deviation from the 'norm' of objectivity is apparent, as it was initially one-sided. The reason for this treatment by the media could, perhaps, be explained in the words of George Orwell's *1984*: 'to be corrupted by totalitarianism, one does not have to live in a totalitarian country.' (Pilger 2005, p.xv) This is also undermining the morality of the media, as noted by Silverstone, which coincides with the prevailing 'sound-byte culture' of today, promoted by the different mediums. The demand of rapidity and constant updates has reduced complex news stories to 30 seconds long segments,

resulting in misrepresentation, and more crucially, the lack of context. This has proven to be a clear way for the narrative of demonisation – enter the war on terror, and according to Silverstone, furthering the polarization between friend and ‘other’, as media are the arbiters of the moral and ethical framework for society. Hence, how the media narrates the ‘other’ is crucial for our understanding of events taking place in the world, and subsequently, our ability to discern ‘why’ and ‘how’ certain things occur. (Silverstone 2006)

II.

“Look[...] Sy Hersh is the closest thing American journalism has to a terrorist, frankly.”

Richard Perle, neo-conservative front figure in a CNN interview 10 March 2003, as cited in Chain of Command (Hersh 2004 p.xvii)

The above citation provides a picture of how investigative journalists are perceived by many people in power, as they go about conducting their business in the search for truth.

The Watergate scandal is often referred to as a high point of investigative journalism where the sheer persistence of Carl Bernstein and Bob Woodward - bordering on intrusiveness - managed to expose President Nixon’s campaign to sabotage the Democratic candidacy. After relentless door-knocking they managed to get the scoop by using shrewd tricks of the trade in their treatment of sources – in particular the female ones. They built confidante conversations using flatter and posing seemingly innocent and sporadic questions while consuming tenfold of cups of coffee - whilst resorting to the bathroom to jot down fragments of information on bits of toilet paper. Another source, fuelling debate, was the man who went by the name Deep Throat. He provided Bernstein and Woodward with insider information, something he was able to do, as was later discovered, as he was with the FBI, acting for his own agenda. Linda Bellerbee subsequently concludes that the importance of Watergate was not bringing down the President, but “[...] we proved that the system [of investigative journalism] worked.”

(Pakula 1976)

In similar fashion of persistent probing and using sources in high positions, Seymour M Hersh exposed the extrajudicial activities by the American military through the My Lai massacre – where 500 South Vietnamese civilians fell victims to a military killing-spree - which effectively hastened the end of the Vietnam War. Hersh found himself in a position where no one else wanted to run the story as it would mean casting a shadow over the shining beacon that was the US army. So he did.

In 2004, through the Abu Ghraib scandal, he once again presented the questionable methods employed by American forces, where it emerged through an insider report which Hersh had managed to obtain, that intelligence services were carrying out ‘flights of rendition’ and torture to extract information from detainees –often innocent civilians - effectively circumventing the Geneva Conventions. At the time the story broke this was highly controversial, but today it is accepted knowledge.(Randall 2005) This brings us up to date and the recent release of British resident Binyam Mohamed from Abu Ghraib prison, who bears very real evidence of the mistreatment of innocent people, by the prison guards.

Hersh has faced criticism for his use of unnamed sources – which, as already discussed, is an issue for investigative journalists, but Hersh’s editor of the New Yorker responds by assuring that he in every case knows the identities of the high officials. (Hersh 2004)

As already outlined, the ‘grey zone’ aspect of investigative reporting regarding undercover operations, subterfuge and even deception can be justified only as last resort, if there are no other means possible to obtain the information. Before employing any of these methods the journalist must verify that there is a case of crime or wrongdoing to address, that otherwise would remain unknown to the public. He must then take great professional care in keeping notes, footage and recordings of every detail in order to prove its authenticity- especially anything that can be deemed libellous. But, as stated in McNae’s, anything that is true is not libellous. (Greenwood 2007) This can be applied to the next examples.

In 2007 Channel 4 *Dispatches* infiltrated a Mosque and obtained controversial material with hidden cameras, exposing an uprising of extremist Islamic groups; denouncing women's rights and advocating jihad against the Western world by holding meetings and publishing adversary books. The method of collecting evidence through impersonation was condemned by the West Midlands Police suggesting that the material was distorted, however Ofcom stepped in and ruled that the means were warranted and that the tapes were real. There was no other possible way the journalists would have been able to obtain the information without entering the Muslim world, but more crucially they were documenting everything they did, backed up by sources enabling them to prove that it was authentic.(De Burgh 2008)

Another recent example are the journalists of the *Sunday Times Insight* team, who in January this year managed to, with a hidden camera, expose four Labour peers as willing to amend laws for money. Or, in the words of one of the Lords, Lord Taylor: "I will work within the rules, but the rules are meant to be bent sometimes." The very essence of Taylor's casual explanation is what rendered the undercover operation as justified in the public interest. Thus the public has every right to know how Lords can abuse their power, seemingly without remorse, while making a profit. This resulted in the tightening of laws in an attempt to 'clean up' the House of Lords. (Times Online website, *see bibliography*)

Conclusion

Almost every profession demands a certain extent of professional standards, thus journalists have a personal and moral responsibility of truth-telling and to ensure the authenticity of sources – otherwise they are running the risk of posing a threat to their whole craft. To their assistance they have ethical codes of regulation in order to prevent the trade from morally

spiralling out of control, and these can also provide legal protection when something is deemed libellous.

It would seem that the reputation of investigative journalism, and the morality of the media, is hanging by a fine thread, as its intended purpose to expose injustice and abuses of power and to enable change in society is being distorted by celebrity oriented newspapers, who act on what is deemed to be ‘of interest to the public’, often with little or no scruples for how information is obtained and presented.

When considering the question when the end justifies the means, apart from depending on the personal integrity of every journalist, it should also be worth remembering that they are citizens first, journalists second. Thus, they ought to act thereafter, taking into account something resembling the ethic of reciprocity, posing the question to themselves if what they do is absolutely necessary on behalf of the public, in order to provide context and understanding, and if no other means are possible in pursuing the truth. This applies to the sensitive areas of infringement of privacy and intrusion into grief or shock, but sometimes moral ideals need to be sacrificed under certain conditions - and these conditions need to be justified in the public interest. That is, the content of Elton John’s rubbish bin might seem appealing, at first, for mere entertainment value, but the consequence of that would be that *anyone’s* bin would be at public disposal – hence, not remotely in the public interest. The Lord’s ‘laws for cash’ affair, on the other hand, is an example of when people in high positions misleading the public – which is a criminal offence - and where the confessions by the peers would not have been obtainable without subterfuge.

The underlying consensus of the academics is that investigative journalism, at its best, can function as a counterweight to the ‘constitutionally free’ media, which is undermined by ‘churnalism’ and the sound-byte culture of this day and age- the very same media which notably and categorically failed to report or detect, among other things, the fabrication of facts subsequently legitimizing the War on Terror.

Finally, without the efforts made by the likes of Bernstein and Woodward, Pilger and Hersh exposing criminal acts and injustice, what would we really know about the people in power – Presidents and Lords alike - and the very world we live in, a world which they command? What would we know about the ‘others’ and their reality, on the outskirts of our TV screens? What would we know about the faith of Binyam Mohamed and the other detainees of Abu Ghraib? When taking into account the words of Orwell once more, much due to the journalists and muckrakers mentioned above, at least we are being made aware of abuses of power, and are able to question and reflect over the reasons for war and misery instead of malleably merely accepting it.

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