Lying & Deception

Definitions and Discussion

Three constructions

“Do not lie” has the special status of a moral law, which means that it is always wrong to lie, no matter what the circumstances. In Kant’s words, it is a “perfect duty,” never to be excused or overridden.

On this construction, the very nature of lying entails harm, in that it undermines our confidence in the veracity of speech itself.
- i.e., What if everyone did that?
- Of course, the question arises as to whether it is ever permissible to lie.

Utilitarians insist that lying is wrong because a lie does, in fact cause more harm than good. However, there is no absolute prohibition.
- Cases of lying that cause no harm (white lies) are not necessarily wrong.
- Can we then assume that lying that causes no apparent harm is okay?

Character: One’s virtues are what counts, so honesty becomes a good character trait to have. A person of good character, then, simply does not lie.
- Once honesty becomes ingrained in one’s character, it becomes second nature to tell the truth, thus not a constant battle between conscience and temptation.
- Is a person who never lies even a possibility?
- If not, can anyone have a good character?

None of these really come to grips with lying and why we shouldn’t engage in it—nor do they explain the possible exceptions adequately.
What about social relations, or individuals?

Lying is a social activity. It involves other people.
- Lying is wrong because it constitutes a breach of trust, which is not a principle but a very particular and personal relationship between people.
- What ultimately renders lies most objectionable is that they occur in a context in which one expects the truth, most obviously, in response to a direct inquiry.

Attempts to Define Lying

- “Uttering something that is false.”
- The problem of sincerely spoken ‘lies’: If you have yourself been misinformed and said something false, you have still told a lie.
- We believe many false things, so it is practically impossible not to lie in this sense in every occasion.
- “Uttering something the speaker believes to be false.”
- This avoids the above problem of sincerely spoken ‘lies’.
- According to this definition, you may tell a lie while saying something true.
• Should we alter this definition into “uttering something you believe to be false, which is in fact false”?

The Problem of Unasserted ‘Lies’
• All these definitions still seem defective.
  o Actors on TV or the stages do them routinely, but it appears that their sayings do not count as lying.
  o You do not take me to be lying when I say “Good morning” when the weather is terrible.
• Lying requires asserting a claim to be true with the intention to lead the listeners to believe that claim.
  o Actors do not assert what they say to be true; they merely pretend to assert it to be true.
  o When I say “Good morning”, I am not asserting it with the intention to lead you to believe that it is a good morning.

Another Definition of Lying
“Asserting something you take to be false, where the assertion involves an intention to lead someone to have that belief.”

Lying and Truth-telling
Don’t confuse the obligation not to lie with the obligation to tell the truth.
• There is no general requirement to tell the truth, for in most situations you are not required to tell anything at all: you may remain silent if you like.
• In fact, we sometimes has the duty not to tell certain truths: the duty of confidentiality about national security info, about privacy info, of doctors’ about patients’ conditions, or of lawyers or accountants’ about client’s conditions, of the judges and juries’ about the cases, of employees’ about their companies’ certain trade secrets etc.
• This does not deny that we may be required to report certain truths, such as someone’s wrong deeds, info about your income to the IRS.

Do We Have the Duty Not to Deceive?
Some people argue that the obligation not to lie is derived from a more general obligation of not deceiving someone.
• A person deceives someone when the person makes an intentional attempt to lead him or her to have a belief, which the person believes to be false. One can deceive someone with or without asserting something. (This is the difference from lying as we define.)
• For example: Some advertisements are deceptive in that they give deliberately selected data or picture their products under a favorable light, which will mislead most ordinary people to draw false conclusions about those products.
• The advertisers are deceiving, but they are not lying because they do not assert the false conclusions.

Lying vs Deception
• Remember that the intention to mislead is associated with both lying and deception, and they often have similar consequences.
• Remember also that deception and lying usually have similar consequences. i.e., The receiver will get false information and act accordingly.

Is It Always Wrong to Tell a Lie?
• Lying for your own or someone else’s safety
• Lying as the only means for keeping confidentiality or a promise
• Lying to your enemies
• Lying to children (in order not to harm them—paternalism)
• Lying when the audience doesn’t expect honesty (actors)
• Lying about matters that are “none of your business” (privacy)
• “White lies” (i.e., lying to someone in order to throw a surprise party for her.)

Consequentialism and Lying
• Consequentialism, e.g., utilitarianism, holds that an action is right if it has the best consequences.
• It might happen that lying has the best consequences.
• According to consequentialism, lying in that situation is right.
• Some people criticize consequentialism for this reason. They think lying is not right whatever consequences it has.

The Case of Inquiring Murderer (Sissela Bok)
To consider whether this criticism is plausible, think of the following case:

Someone is fleeing from a professional murderer and tells you he is going home to hide. Then the murderer comes, playing innocent, and asks where the first man went. You notice that he is the professional murderer and believe that if you tell the truth, the murderer will find and kill him. Furthermore, the murderer is already headed in the right direction, and you believe that if you simply remain silent, he will find the man and kill him. What should you do?

Kant’s Argument for Absolute Ban on Lying (“On a Supposed Right to Lie from Altruistic Motives”)
Kant argues that it is always impermissible to lie, i.e., even in such cases as the Case of Inquiring Murderer.
He argues:
1. that lying will have people stop trusting one another; and
2. that we can never be certain what the consequences of our lying will be. The result of lying might be unexpectedly bad.

Bok Responds
About (1): it is hard to imagine that ordinary people lose trust on one another if we make lies in order to save the person from serious harm. In fact, they, including the potential victim in the example, expect one another not to help the attacker by telling the truth. Your telling the truth in this case may damage the trust worse.

About (2): it is possible that if you lied and said that the potential victim is not at home, the
murderer might meet and kill him when he actually go out.

However, we are sufficiently sure that the probability of this consequence is very small in comparison to the probability that because of your telling the truth, the murderer finds the potential victim and kills him.

**Lying for your own or another’s safety**
If you are still attracted to Kant’s view, ask yourself the following series of questions.
- Is it sometimes permissible to defend oneself or others with violence?
- If so, why is it not permissible to defend oneself or others with just telling a lie?

**Consequentialist Reasons against Lying**
- Many lies will hurt the listeners.
- If the listener changes his belief as the liar says, he typically ends up with a false belief; and if he acts on the false belief, he usually ends up doing things detrimental to him or his associates.
- When lies are discovered, it tends to damage valued relationships and trust on people in general.
- Our ability to live together in communities depends on our capacities of communication, e.g., exchanging information. However, in order for communication to succeed, we must be able to trust others and rely on one another to speak honestly.

**Hindering Autonomy**
- Lies might make the objectives of the listeners appear to be unattainable or no longer desirable. Or lies might make up a new objective.
- Lies might make the listeners believe that there are more or less alternatives (than there actually are).
- Lies might make the listeners believe that an alternative has more or less good consequences (than it actually has).
- Lies might distort the listeners’ assessment of the probability of success and failure.
- For these reasons, lies often manipulatively hinder the listeners’ autonomy to determine their own course of action.

**Sissela Bok on Lying and Moral Choice in Private and Public Life—An Amplification**

**Lying as a Moral Choice—**
Do we acknowledge to ourselves, when we lie, that we are making a moral choice—or has it gotten to the point that we lie automatically?

**What is wrong with lying?**
Is it true that “a good person does not lie?”
Lies accomplish deception, yet moralists have never claimed that all deception is wrong. In what ways could deception be considered “right,” or moral?

The definition of a lie—
“A lie is a statement, believed by the liar to be false, made to another person with the intention that the person be deceived by the statement.”

• What makes lying wrong?
• What makes deception wrong,
• When it is wrong?

Imagine living in a world where lying was the norm, and telling the truth an uncommon practice.
• In such a world, you could never trust anything you were told or anything you read.
• You would have to find out everything for yourself, first-hand.

We benefit enormously by living in a world in which a great deal of truth exists—a world in which the practice of truth-telling is widespread.
All the important things you want to do in life are made possible by pervasive trust.

The Principle of Veracity:
A lie is advantageous only in circumstances where people will believe it—in a society in which a practice of truth-telling generally prevails.

The liar, therefore, has to view her/himself as different if they think a different rule applies to them than applies to everybody else.
This is a form of elitism.

Two Steps to the Principle of Veracity
1. You must believe that you personally benefit from a system that you want others to do their part in maintaining.
2. There must be reciprocity or fair play, requiring you to do your part in maintaining the system if others are doing their part.

Justified Lies
• When, if ever, is lying morally justified,
• when not?
• How can you know?
• How should you go about deciding?

Bok’s “Scheme of Applied Publicity,” has an Introspective and an Active part.
Introspective
• are there truthful alternatives to your lie?
• what is the context of the lie (for example, what relationship exists between you and your potential dupe)?
• what goods and bads will be brought about by your lie?
• taking account of context, relationships, etc., what are the arguments for and against your lying?
• what, apart from the considerations that bear on this particular case, are the effects of your lie on the general practice of veracity itself?

You must weigh the considerations pointed to by these questions in resolving how to act. Whatever your resolution, you need to ask and answer one more question:
How would your resolution and the reasons for it impress other reasonable people? The importance of this last question suggests mere introspection is not enough.

Active
• Consult others regarding your decision.
• “Others” here indicates people of all allegiances—both like and unlike you in nature.
• Role Reversal—How would you feel if you were the one being lied to?
• No one wants to be harmed by a lie.
Sissela Bok and the moral analysis of lying

A good man does not lie. It is this intuition which brings lying so naturally within the domain of things categorically wrong. Yet many lies do little if any harm, and some lies do real good. How are we to account for this stringent judgment on lying, particularly in face of the possible trivial, if not positively beneficial, consequences of lying?


I. What is wrong with lying?

Should we never lie? To say we should never lie seems untenable; but to open the door to lying flies in the face of an aversion captured by Charles Fried’s comment: a good person does not lie.

What is special about lying that makes us willing to look for all kinds of non-lying ways to accomplish what the lie accomplishes?

What the lie accomplishes is deception. Moralists have never claimed all deception is wrong, but some have claimed that all lying is wrong – and even if we don't agree with their claim, we can feel its force. We're not mystified that they make it.

What is a lie? A lie is a statement, believed by the liar to be false, made to another person with the intention that the person be deceived by the statement. This is the definition used by Sissela Bok and it has antecedents as far back as St. Augustine.

There are many ways, of course, to deceive without actually lying. Consider this scene: The Doctor enters your hospital room looking cheerful. “Have you seen the test results?” you ask. “No,” the doctor says, “they'll be available tomorrow. Relax and get a good night's rest.” In fact, the doctor isn't lying – the final results won't be available until tomorrow – but he is deceiving you by his manner. He already has preliminary indications of what the test results will show, and your prognosis is not good. Was he justified in assuming a deceiving manner?

What if we altered this scenario so that the doctor actually lied? Would that make his deception worse?

What makes lying wrong? What makes deception wrong, when it is wrong?

II. Sissela Bok's Analysis

Here is the case that Sissela Bok makes for the Principle of Veracity – a principle asserting a very strong moral presumption against lying. What, she asks you, would it be like to live in a world in which truth-telling was not the common practice? In such a world, you could never trust anything you were told or anything you read. You would have to find out everything for yourself, first-hand. You would have to invest enormous amounts of your time to find out the simplest matters. In fact, you probably couldn't even find out the simplest matters: in a world without trust, you could never acquire the education you need to find out anything for yourself, since such an education depends upon your taking the word of what you read in your lesson books. A moment’s reflection of this sort, says Bok, makes it crystal clear that you benefit enormously by
living in a world in which a great deal of trust exists – a world in which the practice of truth-telling is widespread. All the important things you want to do in life are made possible by pervasive trust.

This thought-experiment shows you the social practice of truth-telling has great value both generally and personally. You benefit directly from the practice. But how does this fact of personal benefit translate into a personal moral allegiance to veracity? The fact that a system of truth-telling benefits you enormously doesn't by itself justify your adhering to the Principle of Veracity. After all, if personal benefit is all that counts for you, then why not reap all the benefits that a system of truth-telling brings, and then reap a little bit more by lying for personal gain?

Of course, you couldn't announce your policy to the public; it would have to remain your secret. You don't want to undermine the practice of telling the truth. Otherwise you wouldn't be able to gain anything from your lies. And you don't want people to distrust you. A lie is advantageous only in circumstances where people will believe it – only where a practice of truth-telling generally prevails. Such a practice prevails only when most people are doing their part to support it – that is, when most people are telling the truth. The liar, then, wants to be a free rider. She wants others to do their part to maintain a system, while she skips doing her part. She reaps the benefits of the system without investing the reciprocal sacrifice of supporting it.

Now, what gets you from the fact that a system of truth-telling benefits you personally to the further fact of subscribing to a moral principle against lying? The answer: a simple egalitarianism. You can't see any reason why you are special, why you are different from all the rest of mankind. Yet you have to view yourself as different if you think a different rule applies to you than applies to everybody else. In wanting there to be a system of truth-telling and in wanting also to lie whenever it benefits you, you want to make an exception for yourself. However, if you are unwilling to make an exception of yourself, unwilling to believe you are more special than everybody else, then Sissela Bok supplies you all the argument you need to see why you should adhere to the Principle of Veracity: telling the truth is just your doing your part to uphold the practice you benefit from.

So, there are two steps to defending the Principle of Veracity: step 1 depends the fact that you personally benefit from a system that you want others to do their part in maintaining; and step 2 invokes a principle of reciprocity or fair play, requiring you to do your part in maintaining the system if others are doing their part.

The Principle of Veracity is a moral, and not just a prudential, principle because it tells you not to lie even when you could get away with it.

III. Sissela Bok and justified lies

The Principle of Veracity states a strong presumption against lying. Lying is usually wrong but not always. The presumption can be overcome. When? When is lying morally justified, when not? How can you know? How should you go about deciding?

Sissela Bok offers a mechanical procedure for thinking about lies. Her Scheme of Applied Publicity has an introspective and an active part.
A. Introspective Part

If the prospect of lying tempts you, you begin by consulting your own conscience. In this inward survey you must ask the right questions:

• are there truthful alternatives to your lie?
• what is the context of the lie (for example, what relationship exists between you and your potential dupe)?
• what goods and bads will be brought about by your lie?
• taking account of context, relationships, etc., what are the arguments for and against your lying?
• what, apart from the considerations that bear on this particular case, are the effects of your lie on the general practice of veracity itself?

You must weigh the considerations pointed to by these questions in resolving how to act. Whatever your resolution, you need to ask and answer one more question: How would your resolution and the reasons for it impress other reasonable people? The importance of this last question suggests mere introspection is not enough.

B. Active Part

Even if you ask yourself all the right questions, you still may reason incorrectly, or be blinded to the importance of a particular factor, or fail properly to imagine how other people might respond. Thus you need to see how an actual audience responds to your reflections:

• consult friends, associates, peers;
• consult “persons of all allegiances” — i.e., people different from yourself in outlook, commitment, experience, etc.

Your aim: to arrive at a decision that would be acceptable to a reasonable public. The active part of Sissela Bok's scheme is meant to train, and serve as a check on, the introspective part.

On those occasions when lying is justified, lying receives a defense a reasonable public would accept. In Bok's Scheme, you try to run through the defense before you lie, querying a small sample of the public, a sample that is reasonably representative. Of course, this mechanical procedure can't actually be carried out most of the time. Sometimes, if you can't test out a lie ahead of time, you can take the opportunity to justify yourself after the fact. But even this is impracticable in many instances. Thus, you often have to fall back on your own imagination. You don't lie unless you can imagine how other reasonable people, in different roles and circumstances, would endorse your lie if they knew about it. Justified lies meet an actual or hypothetical publicity test. Justified lies are different, then, than the run-of-the-mill free-riding lie. The free rider acts on a policy or reason that would not survive a publicity test, either prospective or retrospective, actual or hypothetical.

The reason we should utilize the quasi-mechanical method of public testing (at least until our powers of self-reflection become strengthened) is because of the inadequacy of two perspectives for thinking about lying. The first is the perspective of the liar. From this perspective, lies come too easily. The person planning to tell a lie easily convinces himself that his lie is for a good
cause. He sees all kinds of good reasons for lying. He should realize this perspective is unreliable, however, because there is another one in which he almost never finds of good reason for lying. That's when he takes up the perspective of the lied-to. Victims of lies seldom concede there was any justification for the lie told to them.

Neither of these perspectives is adequate by itself. We need to devise a perspective from which we don't too easily sell ourselves on lies but from which we can see the occasional justification for lying. ”The agreement of a reasonable public” supplies such a perspective.

**Concluding illustration**

Incidentally, taking note of the two perspectives – that of the liar and of the lied-to – brings home a simple check that we are all familiar with in moral argument: role-reversal. You want to lie to someone? Well, what if you were the one being lied to? Would taking up that perspective change your view of the lie?

Take an example Sissela Bok discusses in her book, the example of the “headhunter” (a searcher for executive talent) who was proud of her method for getting reliable recommendations about job candidates. She floats lies about the candidates she’s investigating to see how a recommender responds. “I hear Smith doesn't get along well with her colleagues,” the headhunter offers. “I hear Jones sometimes takes credit for other people’s work.” By gauging recommenders’ reactions to these manufactured rumors, she elicits a richer report on a candidate’s character and experience, so she is convinced.

The headhunter is so proud of her method in part because she is obtuse. She never imagines herself on the receiving end of her method. She never imagines herself as somebody being lied about by a seeker of information regarding her. Were she vividly to imagine that scenario, she might come very quickly to appreciate the great potential for harm in what she was doing. She might reflect:

Suppose my boss is just about to make a choice to promote me rather than a colleague – a close call – when he gets a phone query from a headhunter dropping unflattering rumors about me. Even though my boss denies the rumors, perhaps hearing them leaves a residue of doubt in his mind, and he reverses his decision, promoting my colleague instead of me!

No one wants to be harmed by a lie. We’ve no reason to suppose otherwise about the headhunter. Thus, we’ve every reason to believe she would object to being on the receiving end of her method. Yet, her objecting may not be a decisive refutation of her method. There may be yet other impersonal reasons, apart from her personal desire to get good intelligence to offer her clients and her personally recoiling at being the object rather than the author of a lie, that bear on her practice and that must be considered in a full accounting of it. What would a reasonable public say about her policy, given all the reasons for and against it?
Truth and the Act of communication

You would think that in any act of communication, truth would need to be an essential ingredient. After all, what kind of society would we have if lying rather than telling the truth were the default position? When you ask a stranger on the street if he has the time, you don’t expect him to lie to you. When you ask the price of a pair of socks, you expect the store clerk to give you a truthful response. In fact, in nearly all of our everyday dealings with fellow human beings, we assume the truth of their statements unless we have good reasons to believe otherwise. As human beings, we naturally seek a state of cooperation, and cooperation can only be gained in the long run by telling the truth. However (and here’s the rub), what constitutes “telling the truth” varies definitionally as well as functionally. Suppose you ask if a particular item is expensive. The store clerk answers that it’s not. You ask the price. It’s a real killer—at least according to your paycheck. Was the clerk lying? It depends. Maybe the clerk is used to selling high-priced items and this is one of the least expensive of the items she sells. But you’re not used to buying high-priced items, so your definition of “expensive” may be different from the store clerk’s. Can we say the same thing about the definition of “truth”?

There is certainly no lack of definitions of truth (and lying, for that matter); however, we must always recognize the limits of those definitions and realize our own limitations in pinning them down. One of the most useful definitions of truth comes from philosopher Sissela Bok, who suggests that lying is a form of coercion. That is, to lie to someone is to lead them to act in a manner in which they would not have acted had you told them the truth. For example, a politician lies to his constituency concerning his stand on a particular issue. His constituency votes for him based, in part, on that stand. They have been encouraged to act in a way they might not have had they known the truth. First Amendment scholar C. Edwin Baker’s holds that coercive speech is that which undermines another person’s autonomy in decision making.

Telling the “truth” also implies that the teller believes what he is saying as well. This is especially important if the professional communicator is repeating what someone else has said and has no reason to doubt the veracity of that information. In recent years, both public relations and advertising professionals have been called to account for falsehoods they furthered on behalf of their clients. In fact, many agencies now require a contract that includes a “no fault” clause absolving them from blame if they unknowingly pass on false information on behalf of a client. All media professionals, including journalists, must believe in the basic truth of their statements and the accuracy of their information; realizing, at the same time, that there is always the chance they may be proven wrong. British Philosopher Mary Midgley explains how important it is to be committed to what we believe to be true, because commitment doesn’t carry any claim of infallibility.

Commitment of this kind is necessary for effective discourse, because if everybody holds back from endorsing everything they say, no speech is reliable and we lose the advantage of speaking at all. (Someone who kept adding, “Of course this may not be true”, to every sentence would simply be a public nuisance.) Words like ‘certain’ and ‘know’ and indeed ‘truth’ are part of this
language of commitment. Perhaps the strongest from of commitment is to say something like, ‘I am as sure of this as I am of anything’.¹

Without getting into deep philosophical debates over the nature of language, perception versus reality, and truths of reason versus truths of fact, let’s take a look at the possible different ways the media might define truth and put it into practice.

**Journalistic Truth**

Mark Twain once said that his job as a journalist was to “corral” the truth. When a journalist talks about the truth today, she is generally speaking of the elements that contribute to journalistic truth (ways in which it can be corralled). Among these elements are accuracy, context, and balance.

- **Accuracy** has to do with getting the facts straight. Despite deadline pressures, nearly every journalist will tell you that accuracy is of utmost importance to the “truth” of a story. While the term “fact” itself may often be disputed (especially by philosophers), a journalist will strive to verify the “facts” of a story through sources, background, records, experts, and other methods before deciding on their veracity. Some will argue, of course, that truth (including facts) is relative. For instance, once people believed that the world was flat. For all intents and purposes, it was a fact for quite a long time. Of course, it was later disproved and now we all accept the “fact” that the earth is round (or nearly round). But a journalist upon learning from the coroner that a victim was killed at approximately 2:00 a.m. will almost certainly take that information as fact and pass it on as such. And while other facts are more difficult to ascertain, part of a journalist’s job is to do just that, using his power of perception and his training to decipher, as much as possible, fact from fiction.

  A second factor contributing to accuracy is the care with which direct quotes are treated in journalism. No self-respecting journalist would alter a quote. In fact, while some journalists feel that cleaning up grammar is acceptable, others hold that a quote is only accurate if repeated exactly the way it was uttered. Of course, even an accurate quote can be deceptive if taken out of context.

- **Context** is vital to the understanding of a story. We all know how damaging taking quotes out of context can be, for instance. When General William Westmoreland (the former U.S. supreme commander in Vietnam) sued CBS News for libel, he based his case almost exclusively on his quotes having been taken out of context by 60 Minutes. Another way to look at context, however, is to say that to place any element of a story out of context is to leave out information vital to the understanding of that story—and to do that would be tantamount to lying by omission. Journalists strive, or should strive, for understanding. After all, mere facts alone don’t constitute understanding. This sticking point is also central to the debate over the supposed objective nature of journalism—a subject we will deal with more fully later.

- **Balance** is integral to the truth of a story because it bears on the concept of fairness, and

¹ Mary Midgley, *Can’t we make moral judgements?* (Bristol: Bristol Press, 1991), 135.
fairness is viewed by many as essential to ethical action of all sorts. To a journalist, balance simply means presenting as many sides of a story as it takes to achieve a complete picture. So, in a very real sense, balance is related directly both to accuracy and to context. Part and parcel of being objective is to seem not to take sides. It may be for this reason as much as any sense of fairness that most journalists strive for balance. To present an unbalanced account would be to leave yourself open to accusations of partisanship. Either way, it is certain that balance contributes to the truth of a story by strengthening its context.

**Truth in Advertising and Public Relations**

Many people would say that the area of truth telling is where journalism and advertising and public relations definitely part company; however, from a professional perspective, truth is just as important to advertising and public relations as it is to journalism. The truth of an advertising claim is quickly verified once the product is tested by the consumer. In the same way, the truth of a public relations claim is likewise verified by proof in the form of action. (For example, a political candidate’s claims are quickly confirmed once he takes office.) Both advertising and public relations generally rely on a legal definition of truth to determine whether or not they have erred. But while a legal definition of truth is useful, it does not begin to cover the gray areas produced by vagueness, ambiguity, and puffery.

*Puffery* is defined by Ivan Preston as “advertising or other sales representations which praise the item to be sold with subjective opinions, superlatives, or exaggerations, vaguely and generally, stating no specific facts.”

A soft drink commercial showing young people frolicking on the beach doesn’t really tell us anything about the soft drink itself. It merely creates an ambiance in which the soft drink plays an apparently critical role. Some, including Preston, consider puffery to be unethical by nature; however, anyone who has ever had to come up with an idea for a product that is exactly like every other product of its kind knows that image can be everything.

Carl P. Wrighter in his book *I Can Sell You Anything* defines words that have a vague meaning and seem to say something other than what they really mean as *weasel words*. Such advertising claims as “part of a balanced breakfast,” “helps prevent gum disease,” and “leaves your dishes virtually spotless,” have little meaning when weasel words such as *part of, helps,* and *virtually* are fully defined. Both *part of* and *helps* actually indicate that something else plays a part in the success of the product, while *virtually* literally means *almost*. While use of these words is not, on the face of it, unethical, we should be aware that there is a certain equivocation involved in using them at all, and that ambiguity in both advertising and public relations is usually intentional. Is that tantamount to lying? Possibly not. Unless the claim is absolutely false or the information inaccurate, the truth is not being altered—the message is merely being

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selectively presented. Selectivity of information and the way in which it is presented is what sets advertising and public relations the farthest apart from journalism. One of the ways to discover the basic differences among the various media is to compare the criteria for truthful communication used in journalism with those in advertising and public relations.

**Applying the Accuracy criterion in public relations and advertising**

If we were to compare the journalistic definition of truth with that of advertising and public relations we would discover that on the criterion of accuracy they would approximately match. Accuracy is just as important to advertising and public relations as it is to journalism. The accuracy of information disseminated by advertising is central to the success of its endeavor. Inaccurate information could be considered a false product claim, which is illegal. At the very least, it could lead to consumer dissatisfaction. For public relations, inaccurate information could result in lack of credibility, the ultimate goal of media relations, for instance. For both advertising and public relations, intentional inaccuracy would be considered unethical (and possibly illegal), just as it would in journalism. When it comes to quotes, however, there is a major difference.

While quotes used in journalism must be absolutely accurate, quotes in public relations can be, and often are, literally made up. What does a speechwriter do? She makes up quotes. How, then, do those quotes become an accurate reflection of the person for whom the speech is written? That person gives the speech. At that point, the quotes become his, not his speechwriter’s. What about the corporate or political speech that is handed out prior to the actual speech being given, as with the State of the Union address given by the President each year? The same thing applies. The quotes, once passed on to the intended audience, are then validated as having been spoken by the person for whom they were written. The same thing applies to quotes appearing in press releases. These are often made up in order to enhance the credibility of the release or simply to get the name of some executive into the release. Once the person to whom the quote is attributed approves of the quote, it is legitimate. The key in both instances is the approval of the quoted person. This form of writing, often referred to as ghostwriting, presents a number of ethical pitfalls. Richard Johannesen proposes a series of guidelines that would remove some of the potential for ethical error from this process.4

- **What is the communicator’s intent and what is the audience’s degree of awareness?** In other words, does the communicator pretend to be the author of the words he speaks or over which his signature appears? And how aware is the audience that ghostwriting is commonplace under certain circumstances? If we assume, as most do, that presidential speeches are ghostwritten, then the only unethical act would be for the President to claim to author his own speeches.

- **Does the communicator use ghostwriters to make himself or herself appear to possess personal qualities which he or she really does not have?** In other words, does the writer impart such qualities as eloquence, wit, coherence and incisive ideas to a communicator?

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who might not possess these qualities otherwise? The degree to which the writing distorts a communicator’s character has a great deal to do with ethicality.

• **What are the surrounding circumstances of the communicator’s job that make ghostwriting a necessity?** The pressures of a job often dictate that a ghostwriter be used. Busy executives like busy politicians may not have the time to write all the messages they must deliver on a daily basis. However, we don’t expect the average office manager or university professor to hire a ghostwriter. Part of the answer to this question lies in the pressures of the job itself, and the other part has to do with the need and frequency of communication.

• **To what extent do the communicators actively participate in the writing of their own messages?** Obviously, the more input a communicator has in his or her own writing, the more ethical will be the resultant image. We really don’t expect the President to write his own speeches, but we do expect that the sentiments expressed in them will be his own.

• **Does the communicator accept responsibility for the message he or she presents?** When former president Ronald Reagan’s press secretary, Larry Speakes, disclosed in his book that many of the quotes attributed to the president were, in fact, either made up or “borrowed” from someone else, he caused quite an ethical uproar. Part of the problem with the Larry Speakes revelation was that the President denied the accusations. In other words, he claimed he never approved Speakes’ work. Most communicators simply assume that whatever they say or whatever they sign their names to is theirs, whether written by someone else or not. This is obviously the most ethical position to take.

**Applying the Context criterion in public relations and advertising**

*Context* is a more ambiguous concept for advertising and public relations. While a news story needs to appear within the broader context of its setting in order to enhance understanding, the contextual setting of information for both advertising and public relations can be much narrower. For example, a television ad need only be placed within the context of its own reality, and that reality is often created just for that product (in literature, this is called *verisimilitude*). The make-believe world of the ideal nuclear family is the context from which we are most often sold laundry detergent, bath soap, kid’s juice drinks, floor waxes, and dozens of other similar products. Does this created context enhance understanding of the typical uses of the product? Of course it does. Is the context true? Possibly not; however, if it actually shows the most typical use of the product, even in a make-believe setting, it does not alter the veracity of the product claim.

For public relations, context may be even more important. The context within which a claim is made or an argument offered decidedly influences the reactions of the receiving audience. Claims not placed within context generally cry out for support. Intelligent listeners typically reject such vacuous statements. For example, a political candidate claiming that violent crime is a problem so great in scope that only severe measures will work to prevent its uncontrolled spread would do well to place that claim within the context of national crime statistics or risk loss of credibility. By the same token, context is sometimes narrowed in order to give an argument more strength. For instance, an impassioned plea for gun control by a state
legislator following a school shooting may be placed within the local context for greater effect. It may even be placed within the larger national context, given the “epidemic” of school shootings in this country, and still succeed. However, if placed within the totality of violent crime, which is on the decrease, or if compared with the relative safety of nearly all of our schools (hundreds of thousands in number), the argument may lose some of its edge. So, selective context for public relations, as for advertising, is purposeful and generally done to enhance the marketability of a product, service, or idea.

**Applying the Balance criterion in public relations and advertising**

On the criteria of balance, advertising and public relations diverge widely from journalism. The objective nature of journalism demands balance. The highly subjective nature of advertising and public relations results in no such requirement. In fact, the act of persuasion requires that a side be taken. And while a persuasive claim may very well present both sides of an argument, it will certainly support only one. We must also remember that persuasion is not unethical by nature. Persuasion within a democratic environment is entirely necessary for that endeavor to succeed. As long as the message isn’t intentionally deceptive, important facts are misrepresented or left out, or blatant lies are told, advertising and public relations communication can be said to be truthful.

Finally, it should be noted that it would be a mistake for us to hold all media to the same standards as news writing. We must remember that journalistic writing, in its present form, is an invention of the past 80 years or so and uses standards of objectivity not suited to persuasive writing. In fact, the ideal of objectivity is being argued by many as an unsatisfactory one for even journalism. Regardless, we must be cautious not to assume unethicallity simply because of a difference in style or intent.

**Can We Tell Truth From Fiction?**

As far as advertising and public relations are concerned, the question of whether we can tell truth from fiction is crucial. We expect journalistic descriptions and reports to be “real”—that is, factual and accurate representations of reality. Thus, we are shocked to learn that a news story has been fabricated, as in the infamous Janet Cooke—*Washington Post* scandal of over 20 years ago. We are outraged when we learn, for instance, that NBC News would rig a truck to blow up to prove a crash-test point. We expect the news to be real. But what about docu-dramas, “reality” cop shows, entertainment “news”? These somewhat gray areas, as well as a great deal of advertising and public relations, require a closer inspection of what constitutes truth. Such a discussion also requires that we take sides in the age-old debate over whether people are intelligent enough to make such distinctions or are, as Plato suggested, simply an uneducated mob.

**The Qualified Expectation of Reality test**

Ethics scholars Tom Wheeler and Tim Gleason have developed a test for ethicality in photo
manipulation that is based on the idea of an audience’s expectation of reality. They claim that one way to test this ethicality is to ask the viewer/reader if the photograph is plausible. “Or, is the fictional content immediately obvious?”5 This recognition factor allows for a fairly liberal interpretation of what is misleading. It relies on two tests: (1) whether or not the image is implausible and, thus, readily obvious, or (2) if not, if it is appropriately labeled.

This qualified expectation of reality test (QER), then, is the determinant of ethicality—at least for manipulated photographs. Following on this guideline, we might expect that a photo on the cover of Mad Magazine would more likely be manipulated than one on the cover of Time magazine. That is why, for instance, the now-famous O.J. Simpson photo that appeared greatly altered on the cover of Time several years ago drew so much negative attention. The cover was labeled a “photo–illustration” on the masthead and showed a heavily touched-up police mug shot of Simpson with a decidedly darkened countenance. Racial overtones aside, most people felt that the cover of a “news” magazine was not the place to fool around with reality. The determinant is whether an average reader or viewer would expect the image to be real or not. If he does expect reality, then any manipulation must be admitted in order not to, either intentionally or unintentionally, fool him.

The QER test also can be useful for determining the “truth” of advertising and public relations claims—as regards image and context—as well as information programming that blurs the lines between fact and fiction. How plausible is the image of skier screaming down the side of a skyscraper, or of huge draft horses playing football, or of frogs talking with lizards about beer? Do we really believe that the product they are selling is reflected in the image they are using, or are we merely amused? Do we really prefer Pepsi over Coke because of all those clever commercials? Clearly, the examples cited here fall into the implausible category; however, there are many that are not so easily recognized as fiction. Magazine ads that depict young women as unnaturally tall and thin may appear to be real when, in fact, they are subtly manipulated to enhance already gaunt features. What about the celebrity spokesperson who endorses a product he doesn’t use? Do we believe him or not? What about the seemingly real testimonial from a person who turns out to be an actor? Do we believe that the “vintage” film footage of Dean Witter urging his employees to care about their customers is what it purports to be? Or do the advertisers think we’ll instantly recognize it as an artistic prop meant simply to catch our attention? Is that Jeep really on top of that mountain peak? Is that hamburger really that big? What are our expectations?

So, while selective presentation, as mentioned earlier, may not be inherently unethical, much depends on the receiver’s qualified expectation of reality. The clichéd advertising response of caveat emptor (buyer beware) only covers so much transgression. If we follow the model suggested by Wheeler and Gleason, our obligation is to remove all doubt concerning the reality of the context of our message. And while the law has already insisted on some indicators (labeling dramatizations, for instance), our goal should be to eliminate any potential for misunderstanding. If our goal is to intentionally blur the lines between fact and fiction, we are acting unethically.

Consumers: Victims Or Informed Choosers?

You’ll remember from our earlier discussion of Plato and Walter Lippmann that not everyone has viewed the “people” as intelligent enough to look out for themselves. This is an important point to come to grips with since much of the justification for the type of communication that both advertising and public relations engage in is presaged on the notion that listeners are intelligent enough to discern true from false. According to this concept, the views of the likes of Milton and Locke are correct in that truth will prevail in an open marketplace, in part, because autonomous and rational individuals will be able to discern the difference between truth and falsity. This belief in the rational abilities of the people who receive media messages is directly responsible for such precepts as *caveat emptor*. “Buyer beware” assumes that an intelligent consumer will be able to discern nuances in messages—nuances that the designer of the message may have intentionally obscured. And this turns up the other side of the coin: Why do those advertising and public relations practitioners who say they believe in the intelligence of the average consumer try so hard to cloud their messages? Could it be that, like Plato and Rousseau, they really believe that the masses are easily deceived by the “shadows on the cave wall”?

Think of the huge numbers of infomercials airing on television these days. A great many of them are “performed” before a live audience as if the “guest” were appearing on a talk show. Does the average consumer know that these audiences are paid to be there? Can viewers tell that the “programs” are really commercials posing as talk shows? Why do you suppose the FCC requires these lengthy commercials to carry the disclaimer that they are paid advertising? Why do phrases such as “dramatization” have to appear on commercials in which actors pose as “real” people? Because some believe that average consumers just might be duped by such tactics as fake talk shows and dramatic recreations. This also accounts for the labeling of news images not actually taken during the unfolding of the story being discussed but at some time earlier as “library footage,” or “file footage.”

As the line between entertainment and information becomes increasingly blurred, catch phrases such as *caveat emptor* may no longer provide sufficient warning. Additionally, such techniques as the QER test have to be based on a pragmatic assessment of the abilities of the consumer to discern what is real from what is not, especially in instances in which they are expecting “reality.” Whether you agree with Plato or with Milton, placing the onus of recognition of reality solely on the receiver of your message is failing to live up to your own moral obligations. Intent is still the ultimate measure of truth telling. If, as a media practitioner, you intend to deceive, then you are acting unethically; however, if someone is misled by a message you never expected would be misleading, then your actions may be excused. Likewise, we don’t tend to criticize advertising that is clearly fictional. (We don’t really believe that frogs and lizards talk—do we?) But, if we are led to believe that someone stands for something she does not, or that a product performs in a way it ultimately does not, or that something fake is something real, then we have been deceived—and deception is unethical.

The Ultimate Truth

It must be remembered that advertising and public relations are not, by nature, unethical. Neither is the act of persuasion. The ultimate determinant of the ethicality of a persuasive technique is
the degree to which the practitioner intends to deceive in order to manipulate an audience. Manipulation is the same as coercion—the result of telling an outright lie. In both cases the communicator is intentionally altering reality in order to force another person into believing or acting in a way she would not have but for the deception or the lie.

To fail to respect the autonomy of another person goes against most of the principles on which American democracy is founded. It violates the Kantian imperative to treat all human beings with respect; it ignores Mill’s caution against bullying the minority; it runs counter to the Liberty Theory of free speech; and it violates the natural rights of individuals that Locke was so set on protecting. Even the Greek philosophers, who recognized that rhetoric implied persuasion, held that to lie or to mislead by false logic was inherently wrong. Both Plato and Aristotle had little use for sophists, the group of professional philosophers who specialized in dialectic, argumentation, and rhetoric and who were often known for their elaborate and specious arguments. In fact, the word *sophistry* has come to mean, “a plausible but misleading or fallacious argument.” In the final analysis, it is best to remember that persuasion is ethical, manipulation is not.

The same is ultimately true for journalism. While journalists continually hold up the truth as an icon, they also stoop to consistently newer lows each time they use deception to gather news without first considering alternative methods. At first blush, it may seem that using deceptive techniques in advertising and public relations is so obviously self-serving as to be undeniably unethical. At the same time, deception used in the name of the public’s “right to know” appears to carry a sense of higher purpose. However, if we realize that the news “business” actually is a business, then it is less clear whether deception is being used on behalf of the public or merely to stimulate consumption of the news product.

The growth spurt in television news magazine shows is proof enough that investigative reporting draws viewership. When all the major networks are competing head-to-head on weeknights with amazingly similar products, the push to go for the spectacular is great indeed. And with this rise in competition comes a parallel rise in the temptation to use deceptive techniques to gather the story. Nothing condemns quite like a hidden camera or an ambush interview. As in any war, in this battle to achieve the highest ratings, truth is usually the first casualty.

How can we avoid this trap? For all of the media, truth has to become the paramount concern. Deception must not be used in advertising and public relations at all. And in investigative reporting, deceptive news-gathering techniques must be limited to instances in which a vitally important story cannot be gathered in any other way. In the final analysis, the media cannot afford to lie—in any way, for any reason. If we cannot be assured that the default position is always the truth, then the media will continue to slide in esteem, along with their ability to affect lives in positive ways.

We have seen that the road to truth is filled with obstacles. Most of these can be avoided easily; some take more effort. Ultimately, the result is worth the effort, for the media are known by the truth they tell—whether it is about a product, a political candidate, or a school shooting. We rely on the media for practically everything we know about the world that we haven’t experienced first hand. It is vitally important that the truth be the rule and not the exception.
Withholding information

Selective communication is morally suspect when it is intended to mislead or when it is used to conceal information that others need to make their own life decisions. Yet, not everything that is known, believed, or communicated within an organization needs to be made public.\(^6\)

When is withholding information unethical? For example, journalists who do not present clear context may, unintentionally, be omitting information vital to understanding. Certainly, if this omission is unintentional, then the outcome can be said to be potentially harmful while the action not necessarily unethical. Remember, as many philosophers have pointed out, intent is vital to determining the ethicality of an act. Thus, when information is withheld, we need to determine the reason before we can condemn the act as unethical.

Advertisers and public relations professionals have long been accused of presenting information that is incomplete; and, as we have already discussed, that is not necessarily unethical because, by nature, both of these practices are supposed to be biased in favor of the client. No one expects an advertisement, for example, to include every detail of a product or its potential uses (although multiplying the uses of a product is usually a good thing. Think of Arm & Hammer Baking Soda. Who knew you could put it in your refrigerator to dispel odors?). However, the recent laws regarding the advertising of pharmaceuticals reflects the growing concern with advertisers leaving out information vital to understanding the whole range of a product’s potential affects. No prescription pharmaceutical may be advertised as having a specific positive effect unless it is accompanied by information concerning its negative side effects. The result has been commercials that are sometimes ludicrous in their happy-voiced disclaimers that while the product may relieve your allergy symptoms, it may also cause nausea and vomiting.

And, think of the countless times a political candidate’s omissions of wrongdoing have been “found out” by the press despite an army of news secretaries painting an opposite image. Or the corporate PR people who routinely cover for mistakes and misdeeds. What were the PR people at Enron thinking while their company was going to pieces before their eyes? Did the public relations agencies for such companies as Enron and Firestone simply buy into their clients’ lines of a solid investment or a safe product? When we think of company executives lying about their products or the value of their stock, where do we place their spokespeople in the hierarchy of deception? Surely, there has to be some culpability on the part of their media representatives. However, as stated throughout this book, it is not always easy to know every detail about a client or that client’s product or company, and those gaps in knowledge may, ultimately, have disastrous consequences. At the very least, a PR firm’s reputation may suffer during and following such disclosures.

There are times, however, when withholding information may be thought of as not unethical. Consulting professionals generally maintain client confidentiality in order to defend them from competitors. Not everything needs to be made public. A company’s research and development projects are clearly in this category, as are their plans to go public with their stock

\(^6\) Fitzpatrick and Gauthier, 209.
offerings (a position dictated by the Securities and Exchange Commission), potential expansion projects, or a myriad other “secrets” that ensure the privacy so needed in industries in which competition is high. Where, however, do we draw the line? When does discretion need to become disclosure?

Ethicist Michael Bayles delineates instances when breaching confidentiality (disclosing rather than withholding information) is usually thought to be ethical. He lists three kinds of reasons that can be given for a professional violating confidentiality: the best interests of (1) the client, (2) the professional, or (3) other persons.\(^7\) Bayles considers disclosure in the best interest of the client to be rare and unadvisable since this could lead to a paternalistic stance rather than the ideal fiduciary position between client and professional.

Confidence can be breached, however, in the best interest of the professional under two kinds of situations: “when it is necessary for professionals (1) to collect a just fee or (2) to defend themselves against a charge of wrongdoing.”\(^8\) For our purposes, the second is the more important. Bayles suggests that clients will typically not wish to have information disclosed that might show they have done something wrong. The onus of correcting the wrongdoing is, then, placed squarely on the professional in order to prevent harm to innocent third parties, which, concomitantly, injures the professional’s reputation and credibility. For this reason, many in both advertising and public relations require disclaimers in their contracts that absolve them of blame should a client lie about a wrongdoing causing that lie to be passed along by the professional representative.

In the third instance, Bayles suggests identifying and weighing the values and interests of the client against those of affected third parties to arrive at a rule that can, then, be used in similar circumstances in the future. Further, all professionals may disclose confidential information to prevent illegal conduct.\(^9\)

The somewhat tricky relationship between client and professional makes the decision to violate confidentiality a serious one. This step should only be taken when it is clear that

1. the client has violated the law,
2. the client has done something that would harm the reputation and credibility of the professional, or
3. the client has done or plans to do something that will harm innocent third parties.

Avoiding harm is one of the primary obligations of the media professional. This is especially true of advertising and public relations because of their tendency toward client loyalty.

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\(^8\) Ibid., 98.

\(^9\) Ibid., 111-129.
**PRSA’s take on disclosing information**

*Core Principle*
Open communication fosters informed decision making in a democratic society.

*Intent*
To build trust with the public by revealing all information needed for responsible decision making.

*Guidelines*
A member shall:

- Be honest and accurate in all communications.
- Act promptly to correct erroneous communications for which the member is responsible.
- Investigate the truthfulness and accuracy of information released on behalf of those represented.
- Reveal the sponsors for causes and interests represented.
- Disclose financial interest (such as stock ownership) in a client’s organization.
- Avoid deceptive practices.

*Examples of Improper Conduct Under this Provision:*

- **Front groups:** A member implements “grass roots” campaigns or letter-writing campaigns to legislators on behalf of undisclosed interest groups.
- **Lying by omission:** A practitioner for a corporation knowingly fails to release financial information, giving a misleading impression of the corporation's performance.
- **A member discovers inaccurate information disseminated via a Web site or media kit and does not correct the information.**
- **A member deceives the public by employing people to pose as volunteers to speak at public hearings and participate in “grass roots” campaigns.**