UNDERSTANDING MEDIA ETHICS
It is frequently asserted that we live in a visual age. One commonly held view maintains that ‘one picture is worth a thousand words’ and a privileged status is frequently attributed to images as evidence. This chapter explores the ethics of truth-telling in media imagery. In the previous chapter we were concerned with the morality of truth-telling through what we may say or write and publish. This chapter extends the discussion about the morality of truth-telling to visual imagery. There are good reasons to concentrate on this aspect of media imagery. Firstly, visual images are deemed to have a particular authority in the representation of reality, a particular property of literally showing the truth. Is this really the case? Secondly, we are in a period of rapid technological change where the creation, distribution and consumption of images are being rapidly transformed. What are the moral implications of this technological transformation? Thirdly, it may be the case that, as a consequence of technological change, the status of still and moving images is being radically transformed. At one pole we have the concentration of media ownership by mega-corporations pursuing monopoly ownership and control of images and at the other pole we have the rapidly increasing individual production and distribution of image-based artefacts.

The authority invested in images seems to transfer ethical significance from the intentions of their creators to the object itself. The sources of this belief in the authority of the image are discussed in the next section. We then analyse ways in which that supposed authority is subverted. Firstly, the artifice involved in media imagery necessarily subverts the authority of the image. Secondly, any selection represents ‘a point of view’ and necessarily falsifies and subverts the truth value of images. Thirdly, selection is also ineluctably bound up with evaluations of what is, or is not, important, further questioning the credibility of the image. Fourthly, we look at whether the new ways of taking, processing, manipulating and publishing images also contribute to subverting their authority in new and morally significant ways. Drawing on the discussion about lying in the previous chapter, we consider
whether or not it may be legitimate to fake images for some putative moral good. We explore the analogy between truth-telling in textual and visual forms from the point of view of Kantian moral theory. The decay of the evidentiary authority of images seems to threaten the duty of photojournalists, for example, to tell the truth in visual form. Is it permissible to use fakery to tell the truth or manipulate images to achieve better effects?

8.1 DEFINITIONS

Types of duty according to Kant

Perfect duties are the kinds of duties that others have a corresponding right to expect me to perform. For example, I have a perfect duty not to lie to people. Each and every person has a right not to be lied to by me.

Imperfect duties are the kinds of duties that I must perform but there is not some identifiable group or person to whom they must be performed and with a right to expect me to do so. For example, I ought to abide by the rules of my profession but I have some choice about how these should be followed in particular circumstances.

THE AUTHORITY OF IMAGES

Trusting Images

There is a tension between the claim that, on the one hand, images are uniquely authoritative (derived from a belief that photographic images directly represent reality) and, on the other hand, that this authority is subverted by the very artifice and selectivity involved in the production of images. Trust seems to lie in the object itself rather than in the intentions of the producer of the object. There is a common-sense belief in the peculiar authority of images to portray reality. Dona Schwartz, a visual communications scholar, writes that historically:

Publishers have deployed the evidentiary status attributed to the image as part of the larger attempt to assert the nonpartisan, objective view offered by the fourth estate, thereby positioning newspapers as consumable objects that transcended political, social or cultural affiliations. (Schwartz, 2003, p. 28)

She goes on to assert, however, that the arrival of the digital image has undermined the trust of the public in photography. But it has always been the case, since the advent of photography, that images can be manipulated and fabricated, and yet the myth of the evidentiary status of photography has persisted.

The case of ‘the disappearing nipples’ in Box 8.2 illustrates in a minor way some of the moral problems with the manipulation of imagery. The manipulation may be justified, if not on the grounds of truth-telling, then on the grounds that it is necessary so as not to offend the viewers. This, of course, would be a classic
consequentialist type of defence when changing an image is justified on the grounds of its likely effect. In contrast, as we saw in the last chapter, Kant argues that the duty to tell the truth is an absolute and ‘perfect’ duty and thus anything which might constitute a lie would be impermissible (see Box 8.1). We might argue, however, that the kind of manipulation in this case is not straightforwardly a lie.

8.2 A JUDGEMENT CALL
The case of the disappearing nipples

Kate Moss, the supermodel, was pictured on the front cover of a special issue of the magazine American Photo (January/February, 1994). The model was pictured in a tight-fitting gauzy top. The editors had her nipples ‘removed’ digitally as ‘a matter of taste’. In a response to a letter to the editor, it was subsequently disclosed that that was what had happened. However, there had been no indication or disclosure at the time of publication that the photograph had been altered in this way.

The dilemma here seemed to be as follows. To publish the original photograph would have been the honest action to take but, as it was originally (with nipples), might have offended at least some of the readership of the magazine. But to doctor significantly the picture (and we might say this was significant, for if not, why do it?) is to falsify the picture, to lie.

If you were the picture editor of the magazine would you have approved this alteration? Should we ever manipulate photographs in the (presumed) interests of our viewers? Was the action in this case unprofessional?


The moral concern about images, whether moving or still, arises especially from their very authority and persuasiveness. We tend to accept an intimate connection between ‘seeing’ and ‘believing’, more so than, say, hearing and believing or smelling and believing. Sight is the dominant sense. Sanders (2006, p. 54) points out that ‘The truth of an event cannot be gainsaid if we have seen it with our own eyes. Pictures presented in news, current affairs or documentary context have traditionally had this special kind of authority. We believe what we see to be true’.

We can extend this argument beyond that of reporting. We are more persuaded, even in the presentation of dramas and soap operas, by the apparent degree of verisimilitude. This is beautifully captured in the film The Truman Show (1998). The fact that the eponymous hero of ‘the show’ (and the film) is unaware that he is part of a soap opera lends truth to the show, capturing an enraptured global audience. Life and television are ironically merged. The audience within the film believes in the ‘reality’ of Truman even though this is, in itself, an artifice created by the
television production company. The film is an ironic commentary on our relationship with television images generally and the ‘reality’ of soap operas more particularly. The audience are engaged because it appears that they are watching something ‘real’.

A Physical Basis for Trust

The authority of the image is at least partly grounded in the very nature of the traditional or analogue photographic processes. Warburton (1998, p. 128) points out that trust in the truth of photography rested on the idea of there being a direct and traceable (physical) causal link between the image and its source. Early techniques of photography depended on the light from objects making physical changes to the chemistry of film. There was a physical, causal chain running from an object or state of affairs embodied in a photographic image to the viewer. As a form of testimony, this appears to be stronger than that of a witness to an event. Contrast this with a simple illustration or even photographic illustration. In the case of the illustration, you may argue that there is still a link in the sense that the creator causes the production of an image based on his or her perception of an object or state of affairs. But the creator mediates and there is no direct causal connection between the depiction and what is depicted.

On this view, the veracity of the meaning of an image depends on what it is of or what caused it. But meaning also will depend on what it looks to be of and how it is used in a particular context (Warburton, 1998, p. 128). The meaning of an image is related (but not always) to the idea of its information content. For example, there are certain kinds of images whose importance rests on a direct ‘one-to-one mapping’ between the representation and what it represents. For example, the medical use of x-rays relies on the images produced having one-to-one mapping to the physical structures they picture. Our trust is here reposed in the technology; we rely on the intrinsic nature of x-rays, for example, because of what they are and can do. We trust them, assuming appropriate competence in the radiographer. Compare the example of the x-rays with the idea of reconstruction to produce a representation of a news event. In this sense there is a clear and tangible distinction between the documentary photograph and the photographic illustration. We might say that the authority of the image is established through its informational content.

Thus, on this view, the belief in photography as evidence is founded on the assumption of reasonably direct and traceable causal links. In traditional analogue photography, what is on the negative is a result from what is before the lens. Even with some distortions, if you know the conditions you can interpret the photograph. Again, consider the cases of a horse-racing photo-finish or aerial photography used in map making, and so forth. Truth here is invested in the very nature of the image and the means by which it is produced. The intentions of the creator or producer seem to slip into the background. This contrasts with Kant’s view that in any situation what counts morally is the intention of the agent that our actions are moral because they arise from a ‘good will’. But as we will see in the next section, the idea of images as mirrors of reality is not as straightforward as suggested. And this, as we see, raises questions not only about the veracity of the images, but also about their moral status.
SUBVERTING THE AUTHORITY OF IMAGES

Here we examine four threats to the authority of images and their implications. These are, firstly, ‘the artifice problem’, secondly, ‘the point-of-view argument’, thirdly, ‘the threat from relativism’, and fourthly, ‘the threat from technological change’. The argument leads to the conclusion that we ought not to repose our trust in images per se and that we are inevitably drawn back to questions of intention and to the context in which images are produced.

The Artifice Problem

‘The artifice problem’ is the belief that images are artificial constructions rather than simply transparent representations of what happened in front of a lens. As Karen Sanders points out ‘the grammar of pictures and especially of television, is shot through with artifice. Photographs are regularly cropped, documentaries use reconstructions and news programmes employ nodding shots’ (Sanders, 2006, p. 54).

The implication here is that ‘seeing may no longer be believing’. There are distinct categories of artifice. To begin with there are, and have always been, post-production techniques of image manipulation. But there is a distinction between legitimate editing and intentional or unintentional misrepresentation. We might make the case that ‘touching up’ a photograph to remove blemishes in a female model’s complexion is something akin to a ‘white lie’ and justifiable on aesthetic grounds. There must be moral limits for post-production editing. In the scenario depicted in Box 8.3 we might, charitably, represent the dilemma for the university concerned in the following way. There was a benevolent motive in suggesting that the university student body was more diverse than it actually was. The idea might have been inspirational to attract more black students to come to the university. But at the same time this was clearly a misrepresentation of the university as it was. This might then be presented as a clash between the duty of the publications’ director to improve the recruitment of black students and a duty to present the nature of the university honestly.

8.3 A JUDGEMENT CALL

Is political correctness a sufficient reason for manipulating a photograph?

‘In the fall of 2000, the University of Wisconsin manipulated the cover of a brochure by inserting the image of a black student into a crowd of white football fans, so as to suggest racial diversity in the student body. The University’s publications director admitted that the move was “an error of judgement”.’

Wheeler (2002, p. 58)

Do you agree that this was an error of judgement?
Firstly, in post-production editing or ‘picture manipulation’, for example, the techniques involve working to change or modify in some way the nature of how the content appears. In the days of chemically-based photography, such manipulation involved intervention on the negatives to change the image once captured. For example, these techniques included the deliberate re-touching and airbrushing of pictures to produce particular effects. Celebrated examples include photographs of the early days of the Russian Revolution where subsequently ‘old’ Bolsheviks were airbrushed out of pictures to emphasize the role of Joseph Stalin. Here we are again on familiar Kantian territory where intentions count rather than the image itself. Without some earlier photograph or testimony it would not be obvious, for example, that the revolutionary Bolshevik leader, Leon Trotsky, had disappeared from the podium in a photograph of Lenin making a speech. Similarly, but perhaps less controversially, in the days before colour photography, photographs were often tinted to give the effect of colour. In the context of the contemporary digital production of images, the range of manipulation has been much enhanced in scope and ease.

Secondly, there has, and has always been, artifice in the construction of images. Even in the case of reconstructions, it can be argued that there is some relationship between the image produced and the real event. Staged shots and reconstructions are a means of constructing artificial images in the process of production itself. For example, there is the case of the famous radio and film series, The March of Time – a weekly news magazine, sponsored by Time magazine. The March of Time broadcast news of important political events throughout the 1930s and 1940s. However, the shows included a blend of reporting, on-location shots, and dramatic re-enactments. Characteristically, each of its weekly shows included a dramatized presentation of the week’s major stories, mixing actual clips of newsmakers’ voices (when available) with sounds and pictures of actors re-creating events through imitations of the actual newsmakers. This was done when authentic voice cuts were unavailable. So, for example, there were dramatic re-enactments of the negotiations leading up to the Munich Agreement of 1938 in which actors played the parts of the major political figures – Hitler, Mussolini, Chamberlain and Daladier.

Would we now say that such reconstructions are ‘truthful’? In answering this question, the UK’s Independent Television News Guidelines state, ‘The reconstruction or restaging of events in factual programmes can be a great help in explaining an issue. It must always be done truthfully, with an awareness of what is reliably known. Nothing significant which is not known should be invented without acknowledgement. Reconstructions should not over-dramatise events in a misleading or sensationalist way’ (quoted in Sanders, 2006, p. 56).

This implies that an image may be ‘truthful’ even though there is no direct physical connection (light rays transforming chemicals on a negative) between the events depicted and the event itself. What counts is that my intention in creating a reconstruction is not to deceive but to create an accurate account. In the USA the National Press Photographers Association (NPPA), in a statement of principle drafted in November 1990, emphasizes the belief in the evidentiary nature of photographic images as truthful reflections of reality:
As photojournalists, we have the responsibility to document society and to preserve its images as a matter of historical record. It is clear that the emerging electronic technologies provide new challenges to the integrity of photographic images. This technology enables manipulation of the content of the image in such a way that the change is virtually undetectable. In light of this, we, the National Press Photographers Association, reaffirm the basis of our ethics: Accurate representation is the benchmark of our profession. (Quoted in Schwartz, 2003, p. 34)

The Point-of-view Argument

One more radical threat to the veracity of imagery is the idea that images, rather than being faithful representations of reality, are always interpretations – they present a point of view: ‘All pictures are interpretations of reality: they squeeze a slice of life into a small piece of celluloid or television screen’ (Sanders, 2006, p. 55). The claim is that the distortion of ‘how things are’ is not a matter simply of deliberate manipulation, but is something intrinsic to the very process of image creation and publication. Since there can be no independent point of view, there can be no ‘objective’ truthful point of view. The very act of selection somehow vitiates the authority of the image.

The taking and processing of photographs are only two stages in a larger process, moving from an event to its visual portrayal. Photographers encounter a flood of facts and images – only a tiny portion of which can ever be recorded, processed and eventually published. The point-of-view argument suggests that ‘subjectivity’ must mediate and affect which facts and images are viewed as significant and which are to be ignored. Subjectivity further affects the process of constructing a story (or documentary) for publication. Story editors and photo editors revise, recast and rearrange, etc. All moments are decisions. In Box 8.4 we have three similar scenarios, each with a different moral status. It is clear that the first scenario represents the benchmark for accuracy. In scenarios 2 and 3 we have a sliding scale of reconstruction where the filming does not directly record the event as it happened.

8.4 A JUDGEMENT CALL

Three scenarios – spot the moral differences

Imagine three scenarios in which a photograph appears in a daily newspaper’s ‘City & Neighbourhood’ section:

Scenario 1: The photographer ‘sees two men piling sandbags on a makeshift flood levee and captures their activity on film’.

Scenario 2: The photographer ‘sees them engaged in the activity and asks them to repeat it to allow time for loading the film and positioning the camera’.

(Continued)
Scenario 3: The photographer ‘asks the two men to pose by the levee; they stand shoulder to shoulder and look into the lens as the shutter snaps’.

For scenarios 1 and 2, when published the photograph and the caption (‘Local residents help out in the face of advancing flood waters’) are identical. For scenario 3 the caption reads ‘Biff Jones and Bob Smith were among volunteers who worked on a levee in the face of advancing flood waters’.

How would you characterize the ethical differences in the photographer’s decisions?


The further, and morally significant, step in the argument is that any selection from ‘a point of view’ necessarily falsifies. This is akin to a more general argument that it is impossible to report or portray ‘the whole truth’. However, the moral requirement is not necessarily for the whole truth. Two things may be said here if we approach this from a Kantian perspective. Firstly, we are only required to do those things which we are able to do. This is encapsulated in the phrase ‘ought implies can’: I am only morally obliged to do things which I can practically accomplish. Secondly, the focus of Kant’s moral philosophy is on the intention with which we do things and not on the consequences, effects or outcomes. Photojournalists, of course, must operate in often murky and complex situations, but what counts here morally is the intention to show the truth accurately as best one can.

‘Point of view’ is a metaphorical expression and it is a useful metaphor. For example, when I’m climbing a mountain it looks very different from the way it looked when seen from a distance across a bay. Similarly, consider Hans Holbein’s painting of ‘The Ambassadors’, which hangs in the National Gallery in London. Looking from a point of view which is to the centre of the picture there appears to be, between the ambassadors’ feet, an elliptically shaped blur. However, by moving the point of view to the right the blur begins to reveal itself as the image of a skull. Holbein places a *memento mori* amid the sumptuousness of the Ambassadors as a reminder of the fragility of human life. At the same time, Holbein demonstrates his knowledge of perspective by painting an object that is only fully recognisable from one position, one point of view. The viewer must be in a unique position to make sense of the blur in the context of the rest of the picture. Since there are many other positions in which the onlooker can stand, it is natural to say that it is ‘curious’.

In as much as we are all different from one another, we do literally see things from different points of view. There is a literal, non-metaphorical use of the phrase ‘point of view’. Literally, you must see only from your point of view and I from mine. But it is nevertheless the case that people’s points of view overlap and
intersect. If this were not the case, there could be no communication. In the case of Holbein’s painting, if I could only see the skull as a smear and you could only see it as what it is, we would have difficulty in coming to an agreement. But even so, it would not be impossible to work out what was going on and why we have these different perceptions. But because our points of view can overlap, we may more easily come to an agreement. There is, after all, a common world in which we each find ourselves. Similarly, we can bring about a big change in someone’s (metaphorical) point of view by giving them evidence and using argument: ‘But such an alteration is possible in so far as one person can make another adopt his own standpoint’ (Stebbing, 1939, p. 34).

The Threat from Relativism

The threat from relativism (see the discussion of relativism in Chapter 1) is both a moral issue (the claim that there are no ‘objective’ values) and an epistemological one (the claim that there are no ‘objective’ or privileged standpoints for knowing the world). According to this account, the authority of images is subverted because, it is claimed, there can be no objectivity, moral or otherwise. All depictions of the world are in some sense value-laden. And values are always, and only, subjective. The sources of these values can be wide and varied, and are derived from the litany of social categories which are said to define us, for example, class, ethnicity, gender, culture, education, etc. The point is that our values will shape our decisions about what images to create and how we choose to do so, presenting a picture of the world based on our sensibilities. Far from images being reliable, objective and direct recordings of the world, they are more or less subjective interpretations. Seeing is no ground for believing (Kieran, 1998b, p. 24).

But while it must be the case that our interpretations and evaluations must have their origins somewhere, it does not follow that moral judgement is equivalent to a statement of preference, as we saw in Chapter 1. From the fact that we discriminate in our choice of shots when taking a photograph or making a video, it just doesn’t follow that our take on the world is essentially subjective and relativistic. As Wheeler argues, even in the case of a manipulated photograph the ethics of media images cannot be judged apart for their use. It is the decisions we take about the composition, the set-up, and the method of processing that are moral or immoral, good or bad, appropriate or inappropriate. In addition, sound moral judgement must be exercised not only in relationship to the treatment of content, ‘but also in what might be called its larger meaning’ (Wheeler, 2002, p. 102).

If we were to take this claim about values and subjectivity seriously, we would expect that the visual output from Al Jazeera would be markedly different from that of other news media. But this is not the case. Al Jazeera’s staff aspire to provide a professional and detached view of events. It presents a rather different perspective on Middle Eastern events, from an editorial point of view, but again this is within the recognizable bounds of editorial independence. It provides a vehicle for dissenting views – which are often unpopular with many of the elite rulers of the Arab states. Notably, it was the only channel to cover the allied invasion of Afghanistan from...
its office in Kabul. The very fact that we can draw a valid distinction between what is editorial comment and what is straight reporting demonstrates that the claim that in one way or another selection is always prejudicial is false. We can say that the aspiration to make decisions according to a set of professional values can hardly be described as ‘a threat’. Rather there is a moral obligation always to mark the distinction between editorializing and reporting.

The Threat from Technological Change

Nigel Warburton (1998) argues that digital photography marks a qualitative change, potentially establishing a new relationship between the object, the image and the viewer. He argues that photographic conventions are transformed precisely because of the loss of the direct, physical, causal connection between object and image. He acknowledges, of course, that manipulation and fakery have been around since the dawn of photography, but he suggests a number of reasons for believing that the moral questions are now posed more acutely. In other words, we now have even stronger reasons for being sceptical about the claim that ‘seeing is believing’. The physical, causal link in analogue photography between events and the recording of events no longer obtains. The new ways of taking, processing and publishing (digital) images have therefore greater moral significance.

Firstly, it is now the case images can be altered relatively easily. As we have already acknowledged, it has always been the case that such techniques as cropping, dodging, burning-in, air-brushing, composite printing, and the like have been in the toolbox of the photographer throughout photography’s history. An important change, however, is that whereas in the past such manipulative techniques were largely the province of the professional or the talented amateur, now they are within the capabilities of even the most inexpert of photographers, given the right software and computer.

Secondly, it is also characteristic of the transition from analogue to digital that changes can be made seamlessly, leaving no physical trace. The implication is that no evidence of alteration is left. The notion of having an ‘original’ photograph is increasingly meaningless. With analogue forms of photography you could at least, in principle, refer to an original negative against which to check any subsequent changes. An edited electronic file need not reveal that it has been edited. To counteract the possibilities of misrepresentation, Ofcom, the British regulatory authority, requires that where material has been edited from interviews the points at which sections of an interview have been edited out must be visually indicated. The relative ease of changing the ‘original’ images and the undetectability of the changes do appear to widen the scope for the abuse of still and video images. YouTube is replete with both crude and sophisticated examples of the manipulator’s art. This does seem to be a genuinely new development and one that has moral implications.

Thirdly, not only has the ease of fakery and manipulation been enhanced, but with it the ease of transmission has also been enhanced beyond all recognition. I have already mentioned YouTube. Similarly, the creation of digital platforms means
convertibility between media. The physical photograph album is now all but redundant. We can carry around our archive of photographs and video clips in our mobile phones, laptops, tablets, etc., or simply store them in ‘the cloud’. Ease of manipulation and reproducibility is linked to transmissibility. All these features – ease of manipulation, undetectability, transmissibility and reproducibility – raise more sharply the question of trust. Can we really trust that what we think we see in a photograph or a video represents what it claims to represent? But is this the right question? After all, many images are not always about depicting the truth of events.

Fourthly, consider, for example, the use of illustration in advertising. Still and visual images perform many functions from the kinds of literal representations we have been discussing to fictional storytelling, propaganda, advertising, and so on. No one conversant with media conventions is likely to think that an advertisement actually depicts a ‘real’ event. Similarly, many videos on YouTube are clearly ‘fakes’ of one sort or another done for comedic effect, such as the many comedy ‘cat’ videos we are familiar with. In the same way, we are unlikely to mistake a decoy duck for a real duck, or a mirage of an oasis, on close inspection, for an actual oasis. What kinds of obligations are relevant here? For example, in producing yet another adaptation of a Jane Austen novel, we might claim that there is some obligation to strive for truthfulness in the costumes worn by the actors and the everyday objects used in the dramatization. There may also be another level of truthfulness in the extent to which the representation of the novel is faithful or unfaithful to the original intentions of the author.

The characteristics I have briefly alluded to in this section have greatly enhanced the possibilities for the creation of images that cheat or lie in the sense that they just don’t represent what they appear to represent. However, we must return to the question of intention. The changes brought about by digital, still and video photography do not, of necessity, create more mendacious images. In that sense, the technology is neutral. We can imagine a virtuous community in possession of such technology. If the practice of that community was, by training and habit, always to tell the truth, then the presence of the technology would make no difference. If it did seem to make a difference, then we would have to suspect that some members of the community had decided to kick over the traces but not that the technology had caused them to do so.

From the point of view of Kant’s moral theory, there is a categorical duty to tell the truth. This applies equally to images as it does to text. It must be an (absolute) duty to be truthful in the creation and publication of still and moving images. This Kantian position is reflected in the Code of Practice produced in 1990 in the USA by the National Press Photographers Association (NPPA). Its statement of principle reads:

As journalists we believe the guiding principle of our profession is accuracy; therefore, we believe it is wrong to alter the content of a photograph in any way that deceives the public … altering the editorial content of a photograph, in any degree, is a breach of the ethical standards recognized by the NPPA. (Quoted in Wheeler, 2002, p. 77)
This statement of principle was followed up in 1991 in the context of the then emerging ‘new’ media technologies with a reaffirmation that ‘accurate representation’ was ‘the benchmark’ of the photographic profession. Similarly, the Society of Professional Journalists contains the following imperative in its Code of Ethics:

Never distort the content of news photos or video. Image enhancement for technical clarity is always permissible. Label montages and photo illustrations. Avoid misleading re-enactments or staged new events. If re-enactment is necessary to tell a story, label it. (Quoted in Wheeler, 2002, p. 77)

However, even given these injunctions, we might ask ‘Are these absolute or relative obligations?’ It may be a *prima facie* moral obligation but, in some circumstances, the truth-telling duty may be overridden. For example, in some situations may I not take, or produce, a ‘lying photograph’ if it is for a ‘benevolent motive’ or with the intention of telling the truth of some event?

**CAN THERE BE LEGITIMATE FAKERY FOR A ‘BENEVOLENT MOTIVE’?**

In the last chapter we considered the question of whether or not it was right to tell a lie for benevolent motives. The corollary for images might be: ‘Can it be legitimate to fake images?’ Box 8.5 provides an example where a photograph was altered for a benevolent purpose. The idea was presumably to spare the feelings of offence that might have been experienced by Native Americans. Here there is clearly a clash of values between the universal imperative to tell the truth and a duty of benevolence towards another group of human beings. In the example, the judgement that was made put the value of benevolence above that of truth-telling. This might lead us to suppose that there may be something like ‘legitimate fakery’. However, it could be argued, as Kant does, that truth-telling is so fundamental that it would be better not to have made the alteration. Visual lying, as with lying speech, fundamentally subverts communication. If lying became a routine practice so that we didn’t know when people were lying or not, communication would become impossible.

**8.5 A JUDGEMENT CALL**

**Of mascots and caps**

Before publishing three photos of baseball caps, the *Seattle Times* deleted the Cleveland Indians’ mascot, ‘Chief Wahoo’, a grinning caricature of a Native American Indian which was considered by many to be offensive. In admitting that the alteration was an error, Managing Editor Alex MacLeod explained ‘The photo manipulation was well intentioned; the result was a visual lie’.

Was the alteration really an error?

A reconstruction (or manipulation) may be legitimate if it is clearly referred to as such. An important factor here must be the expectations of the viewer. If the intention of the producer of the image is not to deceive, and I do not expect that the image I am viewing to be an untouched, pristine, direct representation of its subject, then is there no lie perpetrated if the image is manipulated? In early 1996 a five-member committee appointed by New York University’s programme on ‘Copyright and the New Technologies’ recommended a system of labelling for manipulated images. The marking of images with appropriate labels would be a direct method of shaping the viewers’ expectations (see Table 8.1). This is one strategy adopted by newspapers to avoid confusion when photographs have been manipulated. However, this is not always successful in that readers may fail to find or recognize the appended label. For example, Time magazine used on its cover a digitally altered mugshot of O.J. Simpson, but readers would have had to find the label on the contents page. A second and more extreme strategy is to take the position that if a photograph has to be digitally altered, then it must be obvious that it has been so altered. In other words, the image must look so implausible to the viewer that it cannot be mistaken for an accurate portrayal (Schwartz, 2003, p. 38).

Table 8.1  Recommended ethical labelling for different types of image

<table>
<thead>
<tr>
<th>Label</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>‘photo-reportage’</td>
<td>Unaltered photographs</td>
</tr>
<tr>
<td>‘photo-portraits’</td>
<td>Posed photographs</td>
</tr>
<tr>
<td>‘photo-illustrations’</td>
<td>Pictures in which elements were arranged</td>
</tr>
<tr>
<td>‘photo-opportunities’</td>
<td>Pictures taken under imposed restrictions</td>
</tr>
<tr>
<td>‘retouched’</td>
<td>Cosmetic alterations</td>
</tr>
<tr>
<td>‘composite’</td>
<td>Pictures with objects that are added or subtracted</td>
</tr>
<tr>
<td>‘computer-generated-image’</td>
<td>Non-photo-based computer illustrations</td>
</tr>
</tbody>
</table>


8.6 A JUDGEMENT CALL

Does it matter if the Daily Mirror’s weeping child is a lie?

The UK’s left-leaning tabloid newspaper, the Daily Mirror, ran a campaign to point out the disparity between the fact that recent statistics had shown that the UK had more millionaires than ever before, while at the same time perhaps a million people were now regularly using free food banks. The target of the campaign was the government’s new

(Continued)
benefit reforms, which, it was claimed, were increasing poverty in Britain. The *Mirror* reported the claim from the Trussell Trust that 330,000 children went hungry last year. The front page had the headline ‘Shame of Condem Cuts’, referring to the Coalition government. However, the majority of the front page was taken up with a ‘poignant picture’ of a weeping child. Unfortunately, the weeping child in question was not from Britain at all. It was a picture of a child taken in San Francisco in 2009. In that sense, it was not a fake – it was a real child and a real child weeping. It illustrated the story, but there was no intrinsic connection between the child and the story as such.

Was the use of the photograph tantamount to a lie and therefore should the newspaper not have used it?

Source: Brown (2014)

In the case outlined in Box 8.6 we may be inclined to question if it matters whether the child is or is not authentically British and the subject of the government’s welfare cuts. The picture is true in the sense that it is a child and that child is weeping. The responses may depend on attitudes to the benefit reforms. If you agree with the reforms, then the lack of a direct connection between the picture and the story will reinforce a feeling that the story is bogus. If you are morally outraged by the cuts, then you are likely to feel that the picture is ‘true’ in every way that matters (Brown, 2014). We might, on instrumental rather than moral grounds, regret the use of the picture because it detracts from the focus of the campaign and gives fuel to those who reject the impact of the cuts. But morally, of course, we have to say that it is a lying picture because it purports to be something it is not. The implication here must be that the *Mirror* ought not to have used the photograph.

This conclusion is strengthened by knowledge of its origins. The photograph was actually taken from a Flickr page. The little girl is the photographer’s daughter. She is not crying because she is hungry but because an earthworm she had made ‘friends’ with had wriggled away and left her.

Box 8.7 illustrates a scenario in which a certain amount of fakery is used to tell what is, in fact, a true story. The analogy here is with lying for a benevolent purpose. In examining this case, we may have to decide the logically prior question as to whether or not this invasion of the privacy of the princess can be justified from a public interest point of view. Warburton’s scenario well illustrates the contrast of older and newer media technologies. The scenario tellingly depicts the issues arising from the use of digital technology, discussed above. It illustrates the ease of manipulation of digital imagery, the production of a composite image, and the ease of reproducibility and transmission. Finally, it shows how the publication and reception of the image trades upon the expectation of verisimilitude that viewers think only pictures give. This is the function of ‘the photograph as evidence’, invoking the older model of there being a physical (causal) link between the image and what is depicted.
Did the photojournalist act unprofessionally? Did he lie? It is clear that the image sent down the wire was not photographic evidence for what occurred. The viewer did not have the right information regarding the photograph as evidence. What was disguised was how the image was made and what was suggested, implicitly, was that causal link between image and event: what the photograph looks to be of has, in some sense, ‘caused’ it. There are a number of lines of argument to be considered here. Firstly, the photojournalist could argue, in his defence, that he didn’t lie because the events happened and his photograph, ‘composited’ as it was, nevertheless illustrated the truth. So he could deny that he had done anything wrong. However, we could respond that this leaves out the fact that the photograph was highly manipulated, if not actually faked. In addition, he did not inform his editor, lying by omission, so the paper published the image in a misleading way.

8.7 A JUDGEMENT CALL
Image manipulation in the interests of truth

‘You pick up your morning tabloid on the way to work. On the front page is a photograph of a member of the royal family, a married princess no less, topless and in a compromising position with her bodyguard on a public beach. The picture is not in any way ambiguous. You can see who is involved and precisely what they are doing: no innocent explanation would be in the least bit plausible. The photograph is proof of what they did.

‘We assume that the photograph really is a photograph of whoever the caption claims it is; we assume that what looks to be happening really was happening; we assume that the image is a photograph and not a skilfully executed painting, and so on. We might exercise a little healthy scepticism about how representative the depicted scene was of what was actually going on on the beach, but, as newspaper readers who have grown up with the conventions of photojournalism, we do not expect anything but a documentary photograph to accompany a news story. The photograph gives us convincing evidence of a special kind about what happened.

‘Now consider how the image was made. The photographer climbed a tree with his camera and hung around for several hours until the couple emerged. He could scarcely believe what he was seeing through his telephoto lens. He shot a roll of film, then sneaked off to have it developed confident that he’d just made a year’s salary in a few hours. To his dismay a fault in the film meant that only half of the shots had come out; none of the more compromising ones were printable. But all was not lost; he scanned the photographs that had come out into his computer and within half an hour he had produced a composite picture showing more or less what he had seen through the telephoto lens. He felt justified in what he had

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done because he knew that the photograph was not misleading in any important way. He was committed to revealing the truth, and what better way to reveal the truth than with this striking image.

‘He sent the image electronically to the picture editor of his newspaper, who decided to make it the lead story. However, just to cover himself, the picture editor telephoned back to check that the photograph wasn’t misleading. He asked the photographer whether it showed what really happened; the photographer answered, honestly, it did. So the photograph appeared on the front page of the newspaper the next day. None of the newspaper readers were aware precisely how the photograph had been made, nor was the picture editor. Consequently, they took it as incontrovertible evidence of the princess’s misdemeanours.’

Is it morally right to manipulate images if the events depicted actually happened? Did anyone do the morally right thing?


Secondly, the photojournalist could acknowledge that he had indeed transgressed the spirit, if not the letter, of the professional codes of practice. But the transgression was justifiable when set against the fact that he was publishing in the public interest. In other words, the duty to tell the truth to the public outweighed a professional duty to produce images which were truthful in the sense that the portrayal was faithful and accurate to the objects portrayed. (The analogy with analogue photography is that the image is directly caused by the objects photographed.) The key passage is this one:

…and he scanned the photographs that had come out into his computer and within half an hour he had produced a composite picture showing more or less what he had seen through the telephoto lens. He felt justified in what he had done because he knew that the photograph was not misleading in any important way. He was committed to revealing the truth, and what better way to reveal the truth than with this striking image. (Warburton, 1998, p. 126)

But thirdly, a ‘slippery slope’ argument might suggest that any deception, even if a minor one, may ultimately lead to wholesale deception, undermining the trust we might place in photojournalism. This is an argument about consequences. But slippery slope arguments are notoriously flawed because it is always possible to create a line of demarcation, to draw a line in the sand, by convention, by regulation, by law, which says for any particular slope: ‘So far and no further!’

Fourthly, as we saw in the last chapter, for Kant, it must always be immoral to tell a lie even if we feel the lie will have more beneficial consequences than telling the literal truth. Therefore, as in the case of the supposed right to tell a lie
for benevolent purposes, the photojournalist behaved immorally. He did not make clear how the image was produced and he did not inform his editor about how the image was created.

In effect, the photojournalist was adopting a subjective moral maxim of the form ‘I will fake images that do not harm anyone and may have good consequences, and I will accept a world in which everyone is permitted also to fake images on these grounds.’ However, this fails the categorical imperative test as to whether or not this can be a legitimate moral rule. Remember that Kant argued that lying only makes sense if the aim of at least some kinds of speech, and by extension some kinds of imagery, are about the communication of information (Sullivan, 1997, p. 58). The problem with our photojournalist’s maxim is that it leads to a logical contradiction if we try to universalize it (and remember moral rules, according to Kant, must be universalizable). The logical upshot of the maxim is that everyone will use the same kinds of images in order to communicate both truth and falsehood. Adopting such a maxim would mean we would never know whether or not an image was truly an informational image, an image that constituted direct evidence of what happened, or not. There would then be no such thing as a truthful image.

CHAPTER REVIEW

In this chapter we have seen that the truthfulness or otherwise of images is not necessarily dependent on the particular medium in which they are created or published. Trust in the truthfulness of images cannot be based on any assumed causal links between the image and the object or state of affairs which it depicts, but on the intention of the creators to produce a truthful image. In this way images are no different from our use of natural language. There must be a presumption of truth-telling for the lying or faked image to make sense. For, as in the case of truth-telling more generally, lies are parasitic on the moral duty of truth-telling. However, images like language are not solely or necessarily concerned with depicting events in a literal way. Not all still or moving photography is about providing evidence of events. Images can be used for telling jokes, telling fictional stories, reporting events, giving warnings, and so on. Our reception of images is tied up with expectations, conventions and context. To the extent that, as viewers, we are conversant with conventions, the genre of photographs and so on, we will not confuse an image intended to inform and one intended to perform some other social or aesthetic purpose.

FURTHER READING

Obligations

to ‘the corpse photo’, and (distressing) impacts on the public from a moral point of view.


Sullivan, R.J. (1997) *An Introduction to Kant’s Ethics*. Cambridge: Cambridge University Press. See particularly Chapter 4, ‘The formula of autonomy or universal law’ (pp. 46–64), for an explanation of the first formulation of the categorical imperative, focusing on why moral principles, concepts and rules must be both universal and prescriptive. The form of a moral law (logically) must be that it holds universally and without exception.


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Use this paper to consider the moral aspects of selecting and manipulating images from an altogether different angle. The paper is concerned with a situation in which
the photographic choice is in the hands of the user. The article considers the ways in which photographs are selected to manage and enhance self-presentation in popular chat sites. The authors analysed 400 profile photographs, controlling for self-reported gender and the apparent race of the photographic subject. Significant differences were found in gaze, posture, dress and distance from the camera according to gender and race. The findings of the study reflect those of previous face-to-face studies. It is suggested that teenagers construe their profile images as invitations to interact with others online. Their selection of photos ‘reproduces culturally dominant ideologies of gender and race as reinforced by mass media images’.