

Beware, the Walls Have Eyes

David Salter examines the ethics of concealed TV cameras and sound recorders

The amusing hypocrisy behind the use of concealed cameras and sound recorders is that in their purported desire to expose wrong-doing, the media eavesdroppers who employ these devices are most probably breaking the law themselves. And unlike the highway patrollers who may exceed the speed limit chasing a getaway car, the producers who instigate these hidden recordings can summon little moral defence for their actions.

The so-called "right of the public to know" is usually cited as a catch-all justification for the practice. At best this is the classic "ends justifies the means" position: that the greater public good is served, albeit at the cost of a questionable short-term working morality. But the ethical issues at stake are far more complex and disturbing than that.

There are now at least three distinctive *genres* within the current *praxis* of concealed recording. The first is genuine eavesdropping in a real situation. There is little difference between this approach and the "undercover" surveillance routinely carried out by police or other law enforcement agencies (and from which it appears to derive its veneer of "legitimacy").

Moral issues

But the media are *not* the law. When a television program goes to the trouble of introducing concealed recording equipment into a situation, it does so in the expectation that something "juicy" will occur for them to capture and then replay on-air. Two significant ethical considerations immediately arise:

- If the activity to be recorded is likely to be a breach of the law, should not the police be informed so as to prevent the crime?
- If the activity to be recorded is not illegal, but is likely to involve some harm to third parties, should not those with useful prior knowledge (the eavesdroppers) intervene to minimise any damage?

In the competitive commercial battleground of Australian television, there is little evidence to suggest that any serious thought is ever given to these issues.

But far more worrying is the growing practice in which a program manufactures situations and then introduces hidden cameras to record the reactions of randomly involved,

unsuspecting victims. These range from the hoary old "lost-purse-in-the-street" trick to more elaborate falsifications such as *A Current Affair's* recent "Waiters from Hell" segment. These items are very close to entrapment and there can be no reasonable justification for the damage they cause to the unwitting (and unwilling) participants. What is it that these victims have done to deserve being exposed, lampooned and belittled on national television? Nothing. They simply happened to be there when the camera was rolling.

The third frequent use of concealed recording equipment comes in what is usually thought of as respectable "consumer" television – those programs which drape themselves in the worthy cloak of seeking to protect humble citizens from the unscrupulous. It is a favourite device: the same faulty domestic appliance is taken to a number of repair shops and the various diagnoses and quotations compared. Likewise, a motor car may be deliberately de-tuned and shown to a range of mechanics, or a false diamond is presented for valuation.

Entrapment

In July, *Real Life* secreted money in the pockets of clothing, took their "seeded" trousers to the dry cleaners and then attempted to record, by concealed camera, the money being removed but not returned to the owners. The chance of securing any conviction in these circumstances would, of course, be remote in the extreme, yet this did nothing to restrain the program from making derogatory (and possibly defamatory) imputations about the people featured in their footage and casting a broad slur on dry cleaners in general.

Across town, on *A Current Affair*, "psychics" were secretly taped being asked to exorcise (for payment) ghosts which figured in scenarios fabricated by a staff member posing as a troubled victim. That each of these ghost busters then reported some phenomenon deriving from that false story was put forward by ACA as evidence of their charlatanism. A more reasonable explanation was that the psychics might have been simply providing a service for a fee, as requested.

From the outset, there is an uncomfortable "trial-by-television" flavour to material collected in this way. The distinctive quality of hidden camera footage – grainy images, poor lighting, unstable framing, indistinct sound –

carries, in itself, a clear semiotic signal of furtiveness. The effect is of an implied presumption of *guilt*. Why else would we be shown the sequences if not to damn by "incriminating" reference?

Even laying aside (as the reporters invariably do) the scores of other variables which might have reasonably influenced the victim's responses, what has actually been *gained* by replaying footage obtained by concealed recording equipment? Would we not believe a straightforward account presented after the event by the reporter involved? If not, why should we believe *anything* in the story?

Right to privacy

From a more general moral standpoint, the whole practice of employing hidden cameras has serious implications for our right to privacy. The problem is not so much the techniques employed, but the nature and use of the material collected. Every day the police struggle to keep their activities within the limits of "reasonable suspicion". Notwithstanding those efforts, judges often feel compelled to remind them just how "reasonable" a suspicion needs to be before it can legally be acted upon. No such constraints seem to trouble the people who plan, authorise and then execute recordings by concealed cameras. The moral code of television appears to be somewhat more elastic than the law.

Unchecked, there is little reason to doubt that hidden equipment will soon be used to breach the privacy of the boardroom and the bedroom. Why not eavesdrop on conferences between barrister and client, doctor and patient?

But perhaps most breathtaking of all, the video mud-slingers employ this technique in direct contravention of their own professional rules. Specifically, the Australian Journalists' Association "Code of Ethics" provides that:

7. They shall use fair and honest means to obtain news, films, tapes and documents.
8. They shall identify themselves and their employers before any interview for publication or broadcast."

If they can not be trusted to adhere to their own moral code, what hope is there that they might respect ours?

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