

Ethics in Photojournalism: Past, Present, and Future

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Abstract

Like writers and editors, photojournalists are held to a standard of ethics. Each publication has a set of rules, sometimes written, sometimes unwritten, that governs what that publication considers to be a truthful and faithful representation of images to the public. These rules cover a wide range of topics such as how a photographer should act while taking pictures, what he or she can and can't photograph, and whether and how an image can be altered in the darkroom or on the computer. This ethical framework evolved over time, influenced by such things as technological capability and community values; and it is continually developing today.

This thesis details how photojournalism's ethical system came to be, what the system looks like today, and where it will go in the future. The first chapter chronicles the history of ethics in photojournalism. The second chapter describes current ethical practices through specific case studies. The third and final chapter builds upon the first two and uses technology and policy to examine the trajectory of photojournalistic ethics.

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Biographical Note

Daniel Bersak was born in Ipswich, England in 1980. He later attended Manchester High School West in Manchester, New Hampshire. Following high school he went to MIT, where he graduated with a combined degree in Comparative Media Studies and Electrical Engineering & Computer Science. While at MIT, Bersak joined the staff of MIT's newspaper *The Tech* after taking a course in Documentary Photography and Photojournalism. Eventually, he rose to the position of photo editor, and he began taking freelance assignments. Bersak has worked for the Associated Press, AI Wire, Sipa Press, Skybox Sports Scenes, the MIT News Department, and many others. His images have appeared in newspapers and magazines such as *The New York Times*, *The Washington Post*, *USA Today*, *The Boston Globe*, *The Boston Herald*, *Newsweek*, *GQ Magazine*, and *ESPN Magazine*. Bersak is a member of the National Press Photographers Association, the Boston Press Photographers Association, and is an active contributor to Sportsshooter.com. Bersak currently resides in Boston with his fiancée Ashley and his dog Fred.

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Introduction

News images shape our culture in ways both profound and deep. Those who lived through the Vietnam era cannot help but remember the searing photographs that have come to symbolize that conflict -- a Saigon street execution, a naked girl covered in napalm, a thousand-yard stare, and so on. These photos have woven themselves into the collective memory of a generation. There are some who would even say that the mounting weight of photographic evidence was the primary cause for public opinion to shift against the war in Vietnam, and hence effected an end to the war itself. As such, to borrow a phrase from pop culture, “With great power comes great responsibility.”¹ Responsible photojournalism means adherence to a standard of ethics.

Merriam-Webster defines “ethics” as, “the code of good conduct for an individual or group,” and lists synonyms as, “morality, morals, principles, [and] standards.”² In terms of ethics in photojournalism, the National Press Photographers Association's *Code of Ethics* reads, in part:

Photographic and video images can reveal great truths, expose wrongdoing and neglect, inspire hope and understanding and connect people around the globe through the language of visual understanding. Photographs can also cause great harm if they are callously intrusive or are manipulated.³

The *Code of Ethics* goes on to detail what is and is not acceptable in professional photojournalism. Though the standards may seem fairly crystalized, every day there are challenging borderline cases. Considering that photography itself is barely 150 years old, one might wonder how these particular ethical guidelines came to be, and how they may be evolving over time.

As a topic, 'ethics in photojournalism' is difficult to approach, or even to define. In order to ask questions such as, "what were photojournalistic ethics in the past," "what are photojournalistic ethics today," and "what will photojournalistic ethics look like in the future," one must first carefully define the concepts of both 'ethics' and 'photojournalism.'

What exactly qualifies as photojournalism? The answer is somewhat hazy. If photojournalism is photography plus journalism, what is journalism? Princeton University's WordNet defines 'journalism' as, "The profession of reporting or photographing or editing news stories for one of the media."⁴ Under that definition, someone who fakes an image of Bigfoot for the *Weekly World News* is as much a journalist as the man who took the Pulitzer Prize winning photograph of a firefighter holding a baby after the 1995 Oklahoma City bombing⁵. That man (Charles H. Porter IV) was employed as a utility worker and not as a newspaper photographer at the time.



Fig. 1: Left: Image of Bigfoot on the cover of the *Weekly World News*, 30 October, 2001.⁶
Right: Pulitzer Prize Winning photo of a firefighter holding a baby at the scene of the Oklahoma City Bombing, 19 April, 1995.⁷

Ethics is an inherently subjective field. In his seminal textbook, *Photojournalism, the Professionals' Approach*, author and photojournalism professor Kenneth Kobre writes, “Photojournalism has no Bible, no rabbinical college, no Pope to define correct choices.”⁸ There is no sole arbiter of what is or isn't ethical, and even if there were, the line isn't always black and white. Most texts regarding ethics in photojournalism focus on the issue of what might be termed “photographic truth” - whether a particular image accurately represents the subject or whether it misleads the viewer. The National Press Photographers Association *Code of Ethics* states that the “primary goal” of the photojournalist is the “...faithful and comprehensive depiction of the subject at hand.”⁹ Can a photographer pose a news photo? Can he alter it, in the darkroom or otherwise? Are the results of these actions “faithful and comprehensive depictions?” While myriad texts attempt to answer these particular questions, the scope of photojournalistic ethics extends significantly beyond them.

For example, the distinction between ethics and taste is constantly up for debate,

especially in relation to violent or sexual imagery.¹⁰ While some see sex and violence as issues of taste, others include them under the heading of ethics.

Additionally, photojournalistic ethics might encompass the choices an individual photographer makes while shooting. For example, should a war photographer put down his cameras in order to help an injured soldier? If someone asks that his or her photo not be taken, is it ethical to photograph that person anyway? If ethics in photojournalism is about being “faithful and comprehensive,” is intentionally underexposing or poorly focusing unethical? Some of these questions sit on the line between journalistic ethics and professionalism.

In his book *Photojournalism: An Ethical Approach*, California State University Fullerton Professor Paul Martin Lester outlines six ethical philosophies intended to help photographers and editors answer questions like those outlined above:

1. The Categorical Imperative is a distilled version of Kant’s notion that what is acceptable for a single person should be acceptable for everyone, almost like a theoretical “nondiscrimination clause.” For example, suppose a newspaper editor is trying to decide whether to publish an image of a partially nude young woman fleeing a house fire. That editor should consider whether he would publish the image under different circumstances - if the subject was male, or elderly, or obese. The Categorical imperative says that what goes for one should go for everyone.

2. Utilitarianism as a philosophy attempts to weigh positives and negatives of a situation, and maximize the good for the greatest number of people. For example, if gruesome photos of a car crash offend the victims’ families, but shock the community

into driving safely, then by Utilitarianism the taking and publication of those photos is deemed to be ethical.

3. Hedonism represents the “do what feels good” school of thought, and might be used to justify printing explicit photos simply because they are titillating. Publishing a provocative front page photo simply for the sake of selling newspapers would be an example of hedonism.

4. The Golden Mean philosophy concerns compromise. If there is a less intrusive, offensive, or disagreeable photo that still tells the story, that is the better option. The emphasis is on finding middle ground rather than an all-or-nothing approach.

5. The Veil of Ignorance asks the photographer or editor to consider how they would feel if they were the subject. If they would not feel good in the subject’s place, it would be better to look for a different image.

6. The Golden Rule is sometimes phrased “love thy neighbor as thyself.” As an ethical philosophy it requires that a photographer or editor treat his subjects as he would treat himself.¹¹ This, of course, leaves decisions subject to the photographer’s, editor’s, or institution’s ethics.

I find all of these philosophies, as well as the questions above them, compelling because I am a photojournalist. I have worked for small local newspapers and large international wire services. I have covered professional sports, politics, entertainment, general and breaking news, and everything in between. In order to illuminate the issues

noted above I have used my experience to narrow the field of photojournalistic ethics to a manageable breadth. A comprehensive survey of ethics in photojournalism, even if possible, would require thousands of pages and many years of work. In this thesis I will examine the trajectory over time of ethics in American photojournalism.

To that end, I have chosen to study photojournalism as published in major newspapers and magazines. While photojournalism does exist well outside of that classification, it is beyond the scope of this thesis. The underlying tenets of ethical news imagery are roughly consistent across international markets, however practices can vary widely from region to region and from country to country. I am limiting this examination by focusing only on American photojournalism ethics.

Likewise, I have chosen to divide ethics into two categories - institutional ethics and photographer-centric ethics. The policies of a particular newspaper or magazine would fall under institutional ethics. For example, if a newspaper chooses not to publish an image for fear it is too graphic, that is an issue of institutional ethics or taste (and I will discuss the differences between the two later in this thesis.) Photographer-centric ethics have to do with photographers' choices at the time news photos are captured up until the photos are handed off to an editor. Whether or not to pose a subject, the question regarding what to do with a wounded soldier in combat, and how a photographer treats an image in the darkroom (or in the computer) are all matters of photographer-centric ethics.

Up to this point I have taken for granted the fact that there is an ethical system at work in American photojournalism. Since photography itself is only about 150 years old, this was not always the case. It would be impossible, of course, for "photojournalistic

ethics” to predate photojournalism itself. In the first chapter I will examine visual imagery in newspapers and magazines dating back to before those publications included photographs. In order to frame the various ethical developments, I will discuss *The New York Times*, by decade. Starting in the 1880’s, I will detail the emergence and development of ethical practices. I will also trace the history, evolution, and availability of photographic equipment, and tie this progression to the emerging ethical system.

In the second chapter, I will discuss ethics in photojournalism as they exist today. I will discuss the role of the National Press Photographers Association in defining and enforcing ethics within the American photojournalism community. I will also examine contemporary case studies that have stretched journalistic ethics both institutionally and per the individual photographer. These examples include the Abu Ghraib prison photos and Brian Walski’s doctored image of US Marines in Iraq. I will draw upon my own experience as a photographer during the 2004 Boston Red Sox American League Championship Series riots, and analyze the capture and use of my photos. Ultimately, I will illuminate and detail today’s ethical system in photojournalism.

For the final chapter I will look at where photojournalism is going with respect to journalistic ethics. I will discuss the pressures of the “new media” newsroom, and study what happens to ethical decisions when they are made under tight deadlines. I will also cover the topic of “citizen photojournalism.” As more and more people carry electronic devices that include cameras (cell phones, Personal Digital Assistants (PDAs), etc.), editors will have to sort through an increasing number of images from people who are not professional journalists. When the London subway was bombed during the summer of 2005, photo departments the world over were bombarded with

images. As mobile devices become widely adopted, sorting through these images in real time will be both more important and more difficult.

SECTION ONE: Yesterday

While the concept of “ethics” has been around since the dawn of recorded history, photography has not. As of this writing, photography is still less than two hundred years old. It is fairly obvious that no ethical system could exist for any sort of photojournalism before photography was invented. This might appear to suggest an acceptable date from which to begin studying ethics in American photojournalism - why not start at the beginning of photography? Even after Nicéphore Niépce fixed the first permanent photographic images in 1826, it took several decades (and several inventors) before mankind had the technology to marry photography with text on the printed page.¹²

The method used to reproduce photographs on the printing press was not perfected until the 1880's¹³, and it was not widely adopted for several more years. *The New York Times*, for example, did not publish photos until 1896.¹⁴ Photographers throughout the mid 19th century used other avenues to share their images with viewers. Gallery exhibitions and magic lantern shows were held in France and the United States, and books of photographs were published. Jacob Riis, for example, published his groundbreaking *How the Other Half Lives* in 1890.

Though *The New York Times* printed its first photographs in a Sunday Magazine in 1896, the newspaper was not without visual imagery before then. Advertisements in *The Times* throughout the 1880's feature drawings and etchings, and those tools were

occasionally used for news purposes. For example, when Civil War hero and former President Ulysses S. Grant died, the paper ran a front page engraving of an artist's rendition of Grant's Tomb.



Fig. 2: Portion of *The New York Times* front page from 1885, depicting Grant's Tomb.¹⁵

In this specific case, a photograph would have been impossible as the etching depicts the plan for Grant's Tomb rather than the tomb itself. Though photography was known to many people and gaining popularity as an art form at the time, newspapers lacked the technology (and therefore the ability) to include photographic images as part of their reportage. This, however, did not stop some newspapers from hiring photographers and making use of their images. Some period newspapers employed both graphic artists and news photographers. The *Daily Graphic*, an evening newspaper serving New York City and surrounding areas, had a process in which a photographer would go out and photograph a news event, and an artist would create publishable drawings based on the photographs.¹⁶

This process was used at many different newspapers from the late 1800's to the early 1900's. The hand-drawn images were popular with readers, and publishers were loathe to switch over to the newer photographic technology. That technology, the halftone process, employed a fine screen that converted an image to a series of dots.¹⁷ Kobre writes, "By the late 1890's, the [halftone] process had yet to achieve daily use, although The *New York Times* did print halftones in its illustrated Sunday magazine, begun in 1896. Skeptical newspaper publishers still feared that their readers would lament the substitution of mechanically produced photographs for the artistry of hand-drawn pictures; also, artists and engravers were well-established members of the newspaper staff."¹⁸

When, at last, newspapers and magazines were able to regularly feature photographic images, the photos themselves were almost as much of a story as the news itself.

Newspapers throughout the early 20th century are rife with "world's first photo of ..." images.¹⁹

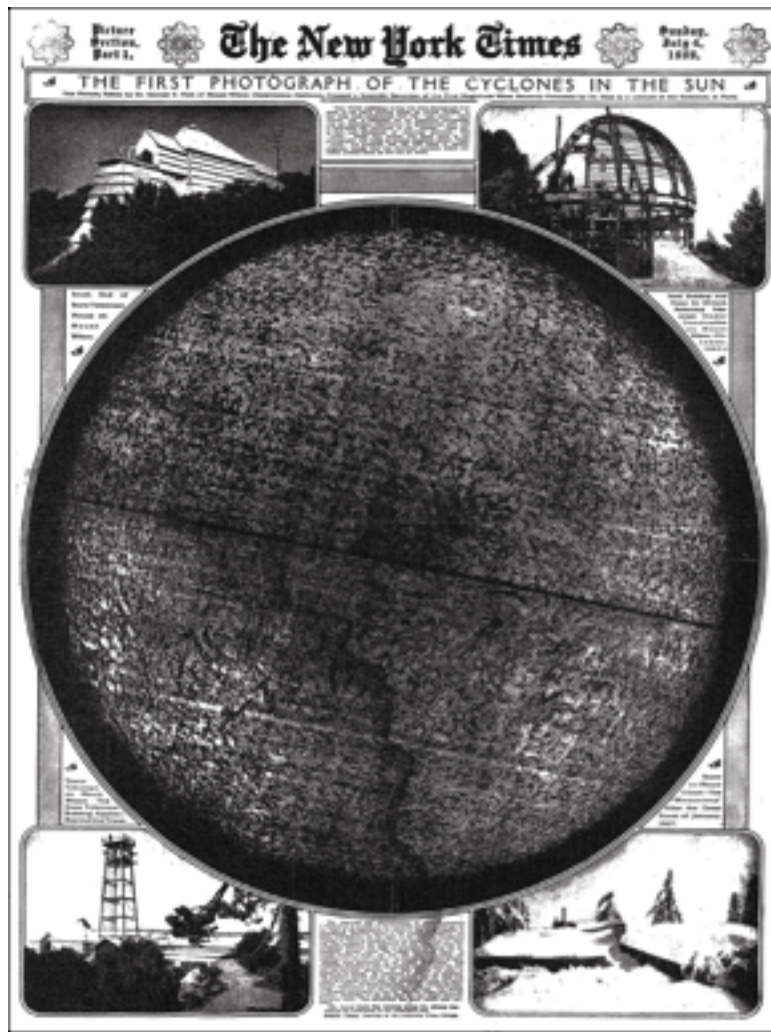


Fig. 3: Full page multi-photo layout with headline “The First Photograph Of The Cyclones In The Sun.”²⁰

Around the turn of the century, smaller and less complex photo equipment started to become available. Celluloid film, first used for photographic purposes in 1888, was rapidly replacing glass as the substrate for photographic chemicals.²¹ This, along with Kodak’s famous “Box Brownie” camera allowed more people to start taking photographs of their own. In National Geographic’s *The Book of Photography*, author Anne H. Hoy writes:

Among the public, the spread of amateur photography sparked by George Eastman’s Kodak and other small cameras and the invention of faster lenses, shutters, and film led to a taste for candid, often close-up images with a sense of immediacy and spontaneity: the posed group portrait was obsolete in leading media by circa 1900. U.S. President Theodore Roosevelt sported various hats and grinned with countless dignitaries; German Chancellor Bismarck was snapped on his deathbed by a pair of early paparazzi - the

intrusive chronicler of celebrities' intimate moments.²²

While less contrived images were often desirable (and marketable), technically they were difficult to get. Early film was not very light sensitive - often it was the equivalent of ISO 25 or less. The flash bulb was not invented until 1925, nor the electronic flash until 1930, so photographers were limited to flash powder or cumbersome high-voltage sparks for instantaneous light.²³ The public appreciated more free-form images when possible, but the posed image remained a technical necessity for quite some time.



Fig. 4: Portraits in *The New York Times*, July 14, 1918²⁴

Sometimes, technical limitations were not the only things preventing photographers from capturing the news. When its photographers were barred from taking pictures of a sensational courtroom drama in 1924, the *Evening Graphic* decided to piece together a photographic representation in the darkroom. The trial centered around a woman whose husband sued her to annul their marriage because he had not known her race prior to the wedding. The woman's lawyer asked her to strip to the waist in order to

prove that her race should have been obvious. Using twenty different images, the *Evening Graphic's* art director created a composite picture that depicted what the scene might have looked like. He called his creation a "composograph," and the image ran on the newspaper's front page. The public reaction was immediate. Though the image would be considered ethically heinous today, readers loved it and circulation jumped 500% almost overnight.²⁵ Kobre writes:

Editor and Publisher, a newspaper trade publication, called the trial picture "the most shocking news-picture ever produced by New York journalism." The "shocking" aspect presumably had to do with putting an almost-nude woman on the front page but not for its cut-and-paste technique...²⁶



Fig. 5: The *Evening Graphic's* first composograph.²⁷

In the 1930's, technology started to work in the photojournalist's favor. The Leica camera, invented in 1914 and marketed in 1925, gained popularity first with photographic luminaries such as Robert Capa and Henri Cartier-Bresson, and then slowly with the rest of the industry.²⁸ Though newspaper photographers would favor the larger and heavier Speed Graphic for quite some time, the Leica had several advantages. It was smaller, lighter, less expensive, and it used 35mm roll film instead of sheet film. The Speed Graphic only got two shots to a film cartridge, while the Leica had 36 on a roll. This new type of tool helped to influence the way in which the

public perceived photojournalism. Photographic historian Anne Hoy writes:

Thwarted by military censors from reporting the “what, where, and how” of World War I, journalists engaged the “who” - the human interest stories that were already a staple of early 20th century media. These were cheaper and easier to file than hard news and analysis. they were also encouraged by the new light weight cameras and faster lenses introduced in the mid-1920’s. Oscar Barnack’s inventions, the small plate-film Ermanox and then the even more compact, sturdy Leica, which took 35mm roll film, were both marketed from 1925, while the somewhat larger twin-lens Rolleiflex, which had a 2 1/4 in. square negative, was sold from 1930. These easily handled cameras performed in low light and could be used surreptitiously. If they did not give birth to the paparazzi as well as “street” photographers - those nimble observers of life’s odd encounters and human comedies - they helped make spontaneous, sharp-eyed photojournalism a key language of modern vision. They changed the approach of a photo reporters: no longer official observers beholden to those in power, photojournalists could be the eyes of the public -- prying, amused, or watchdog eyes.²⁹

This ethos continued well into World War II, and to some extent still holds true today.

One difference between the early twentieth century and modernity is that today’s readers demand more of their news photographs in terms of integrity and ethics. In 1945, at the height of the second world war, and just as the National Press Photographers Association was being founded stateside, Associated Press photographer Joe Rosenthal captured one of the most popular images in the history of photography. Rosenthal won the Pulitzer Prize for his depiction of the flag-raising at Iwo Jima.



Fig. 6: Left: *New York Times* cover featuring Iwo Jima photo. Right: Joe Rosenthal's original Iwo Jima Photo.³⁰³¹

Almost from the moment of its creation, Rosenthal's most famous image has been steeped in (needless) controversy. Rumors circulated that Rosenthal posed the image, and many were unclear as to the photo's veracity. In a journal article for *Media Development*, Lester wrote:

Associated Press photographer, Joe Rosenthal, made three photographs atop Suribachi, a Japanese observation post on the island of Iwo Jima during World War II. His first picture became the most reproduced photograph in history and won for him a Pulitzer Prize. His third photograph became the source of accusations that the first picture had been set-up. The first picture is the image most remembered. It shows six soldiers erecting a large, American flag on a long, diagonally slanted flagpole. Rosenthal's third shot shows 18 soldiers smiling and waving for the camera under that same flag.

The confusion over the authenticity of the famous photograph resulted from Rosenthal's casual response to a correspondent back at Guam. The reporter congratulated Rosenthal on the image and then asked if it was posed. Thinking that the writer meant the third picture, Rosenthal admitted that it had been set-up. Speaking of the famous picture, he rightly argues that "Had I posed the shot, I would, of course, have ruined it. I would . . . have made them turn their heads so that they could be identified for AP members throughout the country." Writing of the Rosenthal image, picture editor, Harold Evans in his book *Pictures on a Page*, notes that "no genius could have posed the picture if he had spent a year in a studio with lights and a wind machine." Lucky for photojournalism, Rosenthal did not carry a wind machine to the top of Iwo Jima.³²

In decades previous, there would have been no ethical problem either way - had Rosenthal posed the picture or had he not, nobody would have protested. Technology, however, made it possible to capture images like Rosenthal's without interfering with the scene.

The 1960's and 1970's had two distinct photographic hallmarks - the Civil Rights movement and the Vietnam war. In terms of Civil Rights photography, nobody who lived through the era will ever forget images of fire hoses and police dogs turned on protesters in Alabama, the American flag used as a spear during a busing protest in Boston, or 200,000 people listening to Rev. Dr. Martin Luther King during the 1963 march on Washington. Though examples that illustrate photojournalistic ethics can be found in this collection of imagery, the images that came out of Vietnam show the ethical principles more clearly.

Vietnam presented challenges both for photographer-centric and institutional ethics. Photographers had two things they had never had in any previous war - technology and access. On the technology side, small, light 35mm cameras were de rigeur, and wire services had long been able to transmit images overseas almost instantaneously. Film and lenses were both very fast (sensitive to light), and the equipment was cheap enough that employers could send their photographers into battle with multiple cameras and lenses. In terms of access, the military put few restrictions on where photographers could go or what they could shoot. There was no censorship, no red tape, and no standard for how to treat the images that were coming out of America's "living room war."³³ Hoy writes:

The undeclared war in Vietnam cast an enduring shadow over America's self-image, and also altered the tenor of war photography in the West. The split in U.S. society over the war in Vietnam and the controversy about it worldwide were reflected in

media coverage, which in turn helped sharpen opposition to the war from around 1968. Photojournalism itself changed. The issues were too complex for neat photographic embodiments, and the war itself had few triumphs. . . . As historian Philip Knightley summarizes it, there was no front line, no easily identifiable foe, no direct threat to the United States, no need for sacrifice, no need for patriotism. And there were no visible victories. There were no flags, raised on islands like Iwo Jima or U.S. Generals wading ashore in triumphant return, as in Carl Mydans' view of Douglas MacArthur in the Philippines. In fact in Vietnam, the most famous photographs were shameful: in addition to Eddie Adams's photograph of a Vietcong suspect shot in the street, there was Malcolm Browne's picture of a Buddhist monk who set himself fatally on fire to protest the U.S.-supported Diem regime, 1963; Nick Ut's view of Vietnamese children, their clothes burned off by U.S. napalm strikes, running from their burning village towards the camera, 1972; Ron Haeberle's color photograph of a ditch filled with the bodies of Vietnamese women and children, the evidence of the My Lai massacre, 1968; and the final pictures of the conflict, of 1975 showing U.S. officials and their Vietnamese aides scrambling onto a helicopter evacuating the U.S. embassy as the Vietcong overran Saigon.³⁴



Fig. 7:

New York Times cover with “Napalm Girl” photograph, and Nick Ut’s original “Napalm Girl” photograph.³⁵³⁶

The Vietnam war presented many tough ethical situations. Nick Ut’s “Napalm Girl” photograph, for which he won the Pulitzer Prize in 1972, is not only a shocking indictment of America’s war effort, it contains full frontal nudity of a minor. The ultimate decision to print the photo on the front page of *The New York Times* must not have been easy. Editors at *The Times* chose to sacrifice the girl’s privacy, and perhaps to offend their readers in order to present an unflinching picture of the conflict and ultimately to serve the greater good.

Vietnam presented moral dilemmas not only for editors, but also for photographers.

Chief among these was the question of whether to “get involved.” While posing photos and staging news events had been taboo for some time, there was little precedent to inform photographers as to how and whether to render aid to their subjects during active combat. On one hand, helping a wounded soldier might have saved his life. On the other hand, “helping out” made photographers complicit with their subjects, and removed some of the distance necessary for journalistic objectivity. The canonical case study in this regard was *Life Magazine* photographer Larry Burrows. When faced with a choice between taking a picture and helping an injured soldier, more often than not Burrows put down his cameras and pitched in. In a 1969 interview Burrows said, “Do I have a right to carry on working and leave a man suffering? To my mind, the answer is ‘No, you’ve got to help him.’ You cannot go through these elements without obviously feeling something yourself - you cannot be mercenary in this way because it will make you less of a photographer.”³⁷

As photographic technology continued to evolve into the 1980’s and 1990’s, so too did photojournalistic ethics. The early 1990’s saw the dawn of purely digital news photography. In the 1980’s, magazines and newspapers started to experiment with incorporating digitized images into their layouts. Though some photojournalists were carrying laptops to remote places, setting up makeshift darkrooms, and scanning and transmitting film photos, the digital switchover did not start in earnest until 1992.



Fig. 8: Democratic presidential nominee Bill Clinton waves from the podium before giving his acceptance speech at the Democratic National Convention at Madison Square Garden in New York City, July 16, 1992. (AP Photo/Rusty Kennedy) The 1992 Democratic National Convention marked the first time that the Associated Press used digital cameras to record the news.³⁸

With digital technology came digital photo manipulation. While the tenets of ethical news photography still held, there were notable breaches. In 1982, National

Geographic altered two cover images in order to improve their look and composition.³⁹

Lester writes:

National Geographic magazine, long known for its reputation of photojournalism excellence, used the Scitex computer digitizer on two recent occasions. On a cover story of Egypt, pyramids were squeezed together to fit the cover's vertical format. A picture story on Poland contained a cover photograph that combined an expression on a

man's face in one frame with a complete view of his hat in another picture. Both cover images were altered without a hint of possible detection and without a note to readers that such manipulation was performed.

Throughout photography's history, an unsuspecting public has been fooled by manipulated images. What is of concern to modern media watchers is the justifications used to alter images through computer technology - not the fact that such alterations can be published without detection.⁴⁰

These alterations foreshadow similar ethical breaches in modern times. *Los Angeles Times* photographer Brian Walski, discussed below, effected a similar fake in Iraq in 2003.

SECTION TWO: Today

What is the state of ethics in photojournalism today? There is no clear answer.

Photojournalism is a large and diverse field with very little consensus regarding ethics, even within small sub-genres (community newspaper photojournalism, for example).

While most working press photographers should be aware of the consequences of ethical breaches, there is no "Photojournalist's Hippocratic Oath," no common Ten Commandments of ethics in photojournalism, nor are there standard "punishments" for ethical violations. Each publication and news organization sets its own ethical standards, which may simply come down to what it will tolerate, or what will sell more papers, in terms of pushing the ethical envelope. For instance, at the *Weekly World News*, the ethical bottom line might be a commandment barring photo-manipulation that could generate a law suit, while at most reputable national newspapers, it might be the forbiddance of any manipulation of subject, scene, or of the image as captured by the camera. Sometimes these rules are written down in concrete codes of ethics, and sometimes they are simply the empirical sum of what is acceptable to the staff or a particular editor at a particular publication. As mentioned earlier, accepted ethical

practices can vary widely by region and by country. One example of a codified ethical statement is “Guidelines on Our Integrity” from *The New York Times*:

Photography and Images. Images in our pages that purport to depict reality must be genuine in every way. No people or objects may be added, rearranged, reversed, distorted or removed from a scene (except for the recognized practice of cropping to omit extraneous outer portions). Adjustments of color or gray scale should be limited to those minimally necessary for clear and accurate reproduction, analogous to the "burning" and "dodging" that formerly took place in darkroom processing of images. Pictures of news situations must not be posed. In the cases of collages, montages, portraits, fashion or home design illustrations, fanciful contrived situations and demonstrations of how a device is used, our intervention should be unmistakable to the reader, and unmistakably free of intent to deceive. Captions and credits should further acknowledge our intervention if the slightest doubt is possible. The design director, a masthead editor or the news desk should be consulted on doubtful cases or proposals for exceptions.⁴¹

While this ethical statement is clear, concise, and to the point, there will always be borderline cases. Additionally, this statement only carries weight at *The New York Times*. No other newspaper or magazine staff is bound by it, so it is certainly not a universal creed.

The closest thing that modern American photojournalism has to a unified standard is the National Press Photographers Association’s (NPPA) *Code of Ethics* (see Appendices A and B), as well as its amendment to that code that is specific to digital photography.⁴²

Should a member photographer violate the code, the NPPA bylaws (see Appendix C) describe how the member may go before a judiciary committee, and ultimately may have his or her membership revoked.⁴³ That, however is the extent of the recourse available to the organization. While an ethical breach severe enough to merit expulsion from the NPPA might bring additional consequences from one’s employer, NPPA membership is not required to work in the industry.

While there is no unifying creed, no standard code of ethics, and no photojournalist's equivalent to the physician's Hippocratic Oath, there are other ways to ascertain the current state of ethics in photojournalism. One is to examine situations that have prompted discourse on ethics within the photojournalism community. While being widely discussed does not guarantee that a particular photographer or photo is or was unethical, people tend not to question things that are obviously above board. Fringe situations can help to illuminate the fuzzy boundary between what is and isn't ethical, and clear examples of journalistic "right" and "wrong" can lead to further understanding of ethics in photojournalism as a whole.

Three recent situations that crystalize current ethical practices are Brian Walski's incident with the *Los Angeles Times*, the Abu Ghraib prison photos, and images of the aftermath of the 2004 Red Sox American League Championship Series celebratory riot. The first is a classic example for studying "photographer-centric" ethics. The second is just the opposite. Since the Abu Ghraib images were not taken by professional photojournalists, this case is a laboratory for analyzing "institutional" ethics. Finally, the riot images are useful in studying the entire system.

In recent years, one of the biggest photojournalism "scandals" centered around *Los Angeles Times* photographer Brian Walski. In March of 2003, Walski was embedded with a group of British soldiers in Iraq. Walski was shooting digitally, and at the end of the day he found that he had two images that were almost perfect. In one frame, a British soldier is gesturing to a group of Iraqi citizens to take cover because they were taking incoming fire. In another frame, the same soldier is visible but not gesturing, and an Iraqi man is standing while holding a child. Walski used computer software to combine the two images so that it appears that the soldier is telling the Iraqi man to "get

down.”

Walski’s doctored image went out over the Newscom wire network, and appeared in newspapers around the country, including *The Hartford Courant* and the *Chicago Tribune*. The fake would have gone undetected had it not been for an employee at *The Hartford Courant*, who noticed that a person in the background appeared twice within the photograph.⁴⁴



Fig. 9: Brian Walski’s original images (left and center), and the composite (right).⁴⁵

When Walski’s editor questioned him about the manipulation, Walski admitted to it.

Though Walski was otherwise an exceptional photojournalist, his actions were journalistically unforgivable, and he was immediately fired. The newspaper published a prominent apology and explanation, and Walski was taken out of the field and brought home as expeditiously as possible. As Walski’s photojournalism career ended, his tenure as an ethical hot potato was just beginning. His image and his actions sparked a heated debate within the journalistic community.

First off, there were those who did not see the harm in Walski’s photo manipulation, especially since the resultant image significantly resembled the two other images from which it was constructed. Foremost among these voices was noted photographer Pedro Meyer. On his website zonezero.com, Meyer publicly blasted the *Los Angeles Times*:

[The *LA Times* has] fired someone for doing a professional job in trying to come up

with a better picture, the same way that any of their journalists polish a text so that it reads better and is succinct. (why should a photographer be deprived of doing exactly the same that other professionals are doing on a daily basis as long as the information is not distorted?). The only explanation I can find, is that by accusing the photographer and attempting to portray themselves as publishing "unmanipulated" news, they are seeking to conceal the factual reality of their biased and one-sided presentation of the overall news. That seems to be the more important issue at hand.⁴⁶

Meyer is suggesting that since news writers are allowed to rephrase their copy, news photographers should be afforded the same privilege. While some agreed with him, many others did not. *Washington Post* photography columnist and former *New York Daily News* reporter Frank Van Riper responded to Meyer's statement by writing:

Any reporter worthy of the name would no sooner fiddle with direct quotes than a reputable photojournalist would alter his or her picture. Remember: news photographs are the equivalent of direct quotations and therefore are sacrosanct – the situational ethics of Walski's apologists notwithstanding. To be sure, just as a writer can, in the interest of brevity or impact, choose which quotes to use in a story, so can a news photographer or picture editor crop out dead space in a news photo, or use the electronic equivalent of dodging or burning in to make a picture reproduce better.

But the key elements of a news photograph, like the key words in a direct quote, simply are off limits to manipulation. In this, I am reminded of what a *Washington Times* shooter once told me. On a computer outside the paper's darkroom, she said, there was plastered this flat admonition and warning: "If you can't do it in the darkroom, don't do it here."⁴⁷

But you can do it in the darkroom. Walski's image was far less misleading than any *Evening Graphic* composograph. The *Evening Graphic* used dozens of photos from all different sources to create their images. Walski used two that could have been consecutive frames. Had he been shooting film, Walski certainly could have created a similar picture in a darkroom. What, then, makes one different from the other? First, the *Evening Graphic's* images were not passed off as genuine photos. They were clearly labeled "composographs." Additionally, though skillful, the manipulation was obvious. Walski's changes were more subtle, and intended to hide the fact that the image was altered. Also, in the eighty years between the two images, the ethical

standard has clearly shifted. People have come to trust the integrity and accuracy of their news images. The National Press Photographers Association *Code of Ethics* reads in part, “Editing should maintain the integrity of the photographic images' content and context. Do not manipulate images ... in any way that can mislead viewers or misrepresent subjects.”⁴⁸ Though most any manipulation is clearly contrary to accepted ethical standards, both of the subjects in Walski’s photos were doctored to appear as if they were interacting in an exchange that never actually took place. None of the photographers in my acquaintance would ever consider making such an alteration - the ethical implications are clear, and the consequences too severe.

I have had to wrestle with ethical dilemmas in my own work as a photojournalist. In particular, a set of images I made after the Boston Red Sox won the American League Championship Series in 2004 caused a considerable controversy, in which my ethics were questioned, as were the ethics of the media outlets that published my images. My story is a useful one through which to examine the line between ethics and taste, and also to study “photographer-centric ethics” in a real-world situation.

After the Red Sox clinched the league title by defeating their arch-rivals the New York Yankees, people poured into the streets to celebrate. Even though the game was played in New York City, crowds flocked to the area surrounding Boston’s Fenway Park and Kenmore Square, as they had after previous sports victories (most notably the New England Patriots’ Super Bowl championships in 2002 and 2004). As the night progressed, a portion of the crowd became raucous. People lit bonfires, swung from light poles, and climbed the outside of the stadium (the reverse side of the “Green Monster,” Fenway Park’s famous left field wall). In an effort to control the revelers, the Boston Police fired FN303 pellet guns at individuals in the crowd. The pellets were

filled with pepper spray, and were not supposed to be lethal. Nevertheless, a pellet from one such gun struck Emerson College student Victoria Snelgrove in the eye, knocking her to the ground. Snelgrove died within hours of her injuries.⁴⁹

I was covering the celebration for my agency, Sipa Press,⁵⁰ and I was a few feet away when Snelgrove was hit. I began taking photos almost as soon as she was struck. In my photographs, she appears unconscious on the sidewalk, bleeding from the nose, mouth, and eye. The images depict bystanders attempting to help, and police officers standing over her body, with their backs to her. At no time did any of the police officers attempt to render first aid, and my images (if viewed in sequence) show as much. As I was taking pictures of the scene, two officers in riot gear ordered me to step back and stop shooting. Though I protested, they physically moved me far enough that I could not continue to work.

A few hours later, I edited, captioned, and transmitted my photos. At that time I did not know the name of the victim or the extent of her injuries. My original caption reads, “20 October 2004 - Boston, MA - An unidentified woman lays on the sidewalk after being shot in the face with an unknown riot control device by Boston Police officers outside Fenway Park after the Boston Red Sox beat the New York Yankees, clinching the American League title. Photo Credit: Daniel Bersak/Sipa Press.”⁵¹

Later that morning, when it was announced that Ms. Snelgrove had died, my agency began placing the photos with various news organizations and publications. The *Boston Herald* was one of the media outlets that used my imagery. They bought two photos - one for the front page, which ran in color, and one for inside, which ran in black and white.



Fig. 10: Photograph of the *Boston Herald* front page, October 22, 2004.⁵²

As soon as the *Herald* hit the news stand, people started talking about my images. All of the Boston news channels ran segments about the photos, the morning drive-time talk radio shows were abuzz, and regional internet forums, such those on Craigslist.org and the *Herald's* website, were inundated with messages. That morning I received both email and telephone death threats, and I continued to receive angry calls and messages for several days. The two examples included below were some of the tamer messages. On the day that the issue came out, I received the following email from someone who had done enough research on me to discover that I am a licensed skydiver:

Mr. Bersak:

Should your parachute fail to open on your next skydive, I hope someone is there to photograph you splattered across the cement of a Home Depot parking lot rather than put down their camera and offer you help or comfort. While the photos on that roll of film may be used to prosecute those contributing to Miss Snelgrove's death, there is a greater human responsibility to help those that need it rather than line your own pocket

with what is called "blood money". I will remember not your photography but the photograph you pimped out to a disgraceful rag sheet.⁵³

Later in the day I received another message:

MESSAGE FOR.. DANIEL BERSAK, AND EVERYONE WHO ALLOWED THIS PHOTO TO BE PRINTED THROUGH THE BOSTON HERALD!!!

I got home tonight after a long day at work. I took one look at the paper, and could not believe my eyes.

There is a fine line between selling a photo and selling your soul!

If you could put yourself in the family's shoes for one minute..without thinking about how many papers it would sell...perhaps a picture other than appeared, would have been in its place.

If a tv station can get fined for a Super bowl mishap, for thousands of dollars, I believe that Daniel Bersak, and the Boston Herald should be punished in the same manner. OR FIRED!!!!

How in God's name can you sleep at night?????

When you close your eyes tonight... I hope you wake every hour with the image of that girl ! I hope the money was worth it.

My letters won't stop here!!!!

Lorraine Morrison⁵⁴

The editorial reaction was almost as visceral. In an article for the *Christian Science*

Monitor, an Emerson College journalism professor wrote:

The Boston Herald's publication of lurid photos of Torie sprawled bleeding on the pavement again pitted the journalist in me against the human being. My first reaction to those photos was to grab up every paper I could find and destroy them. That's not necessarily what a First Amendment advocate should be thinking, but definitely something that a regular person would feel. ...the Herald crossed the line of sensibility...⁵⁵

Much of the public discussion and outcry (or private discussion and outcry directed at me) hinged upon two questions. The first was whether and/or how the *Herald* should have published the photos. Many people felt that the images should not have been printed at all. In an editorial that appeared in the *Boston Phoenix*, Dan Kennedy wrote:

“We learn absolutely nothing from the photos other than the fact that the Herald in this instance has lost all sense of decency and proportion.”⁵⁶ Others disagreed. In the first online response to Mr. Kennedy’s article, a reader replied:

I disagree.

I think the photo added alot [sic] to my understanding of how awful this death was and how unnecessary it was. The photo brings you right into the middle of the crowd just moments after the tragedy occurred, and you are there, with her friend, suffering. This photo does what words cannot do.⁵⁷

The second question was whether or not I should have photographed the scene in the first place. Many Bostonians were upset with me for capturing a very public moment that they felt should have been considered a private one. In a letter to the *Herald*, one man wrote that the photos “violated the sanctity and privacy that every life deserves in its last moments.”⁵⁸

People of similar opinion either fail or refuse to consider that Ms. Snelgrove’s shooting was an act perpetrated by public servants on a public street during a (spontaneous) public event. A document published by the Reporters’ Committee for a Free Press entitled *The Photographers’ Guide To Privacy* states, “If the subject of the photograph has no reasonable expectation of privacy, then no invasion of privacy is possible. Photographs taken in public places generally are not actionable. Photos of crimes, arrests and accidents usually are considered newsworthy and immune from privacy claims.”⁵⁹ While this particular quote pertains to privacy and the law, it serves equally well to debunk privacy as an ethical challenge in this case. Ms. Snelgrove had chosen to attend the celebration, outside, on a public street. Though nobody knew the extent of her injuries at the time, even if her condition had been obvious, the fact remains that she was in plain view surrounded by hundreds of people.

Ms. Snelgrove's shooting was a very public act, and though her privacy did not ethically prohibit my taking her picture, some people felt that photographing her in that moment of pain was in poor taste. Considering Lester's Utilitarian doctrine, at the very least taking the photo effected the most good in the long run. In addition to reacting to the photo itself, the public also expressed outrage at the police action, the crowd's behavior, and the situation in general. Several months previous, when another reveler died celebrating the New England Patriots Super Bowl championship, the public outcry did not reach the same fever pitch. Even if taking her picture was in poor taste (a point which I do not concede), the greater public scrutiny of sports celebrations was well worth it.

These two questions, whether I should have taken the photo and whether the photo should have been published, are linked by time. In other words, first the photographer makes a decision to capture an image, and afterwards an editor makes a decision to publish the image. If we examine the decisions in order, the first one was mine to make. I chose to take the pictures because that was my job. To do otherwise would have been unprofessional. Since that night many people have asked me why I did not help Ms. Snelgrove instead of photographing her. I am a certified Emergency Medical Technician (EMT) and a Red Cross CPR instructor, and some have even questioned my ethics in those fields. It must be remembered that paid, professional people bound by duty to help Ms. Snelgrove were at the scene. Two of them are in the front page photo with their backs to her. All police officers are first responders, and required to know first aid and CPR. I don't know why they weren't doing their jobs, but because I was doing mine, we can see that they were not helping her. When the ambulance finally arrived, the EMTs did not get out and take pictures. It would have been as

unprofessional of them to neglect their position as it would have for me to neglect mine.

The second question, whether the editor should run the photo, was not mine to make.

Had I refused to shoot pictures because of my own thoughts or feelings, I would have denied the editor the chance to review the image. It is almost impossible for one person to make complex ethical decisions in real time in the field. The better option is always for the photographer to do the photographing and the editor to do the editing. If an image does turn out to be too graphic, or too intrusive, or too upsetting, the simple solution is to not publish it.

The images from the Abu Ghraib prison scandal in 2003 raised similar questions of ethics, taste, and privacy. Not only did American soldiers torture and humiliate detainees, the soldiers photographically documented their activities. When those photos became public, newspaper and magazine editors were faced with difficult ethical decisions. They had to weigh each photo on several axes - was publishing the image worth embarrassing the subject? Was the image too graphic? Ultimately, many magazines and newspapers chose to print the photos in one form or another. For the late noted critic Susan Sontag, the ends justified the means. The photographs themselves were what compelled the story to newsworthiness. In a 2004 article for *The New York Times Magazine*, Sontag wrote:

The pictures will not go away. That is the nature of the digital world in which we live. Indeed, it seems they were necessary to get our leaders to acknowledge that they had a problem on their hands. After all, the conclusions of reports compiled by the International Committee of the Red Cross, and other reports by journalists and protests by humanitarian organizations about the atrocious punishments inflicted on "detainees" and "suspected terrorists" in prisons run by the American military, first in Afghanistan and later in Iraq, have been circulating for more than a year. It seems doubtful that such reports were read by President Bush or Vice President Dick Cheney or Condoleezza Rice or Rumsfeld. Apparently it took the photographs to get their attention, when it became clear they could not be suppressed; it was the photographs that made all this "real" to Bush and his associates. Up to then, there had been only words, which are

easier to cover up in our age of infinite digital self-reproduction and self-dissemination, and so much easier to forget.

So now the pictures will continue to "assault" us -- as many Americans are bound to feel. Will people get used to them? Some Americans are already saying they have seen enough. Not, however, the rest of the world. Endless war: endless stream of photographs. Will editors now debate whether showing more of them, or showing them uncropped (which, with some of the best-known images, like that of a hooded man on a box, gives a different and in some instances more appalling view), would be in "bad taste" or too implicitly political?⁶⁰



Fig. 11: Perhaps the most iconic image from the Abu Ghraib prison scandal, this photo depicts an Iraqi prisoner who reportedly was told that he would be electrocuted if he fell off of the box.⁶¹

Before any of the Abu Ghraib images became iconic, newspaper and magazine editors had serious matters of both ethics and taste to consider. Ethically, the editors had to decide how to treat images that, not only were not taken by professional photojournalists, but were taken by people intimately involved in perpetrating the depicted acts. Photojournalists work to avoid influencing or altering the situations they photograph. Their role is strictly to document. Ultimately, the newsworthiness of the

Abu Ghraib images superseded this ethical barrier. While this may sound like the ends justifying the means no matter the cost, as Sontag points out, the pictures themselves were the story. Had these images not been published, the abuse might have continued.

The publication of the Abu Ghraib photos is a perfect example of the role of a free press in a functional democracy. The press, sometimes nicknamed “the fourth estate” relative to the three branches of government, is responsible for informing the public as to the actions and decisions of its representatives.⁶² One of the reasons these photos were newsworthy is the fact that they reflect poorly both on the Iraq war and on the officials at the top of the chain of command. If not for public scrutiny, abuses of power both up and down the command structure might go unchecked. The Abu Ghraib photos were compelling evidence of such abuses, and their publication served a greater good.

In terms of taste, many of the images were indeed truly shocking. A significant number depicted fully or partially nude prisoners engaged in forced sexual acts. While that may have been the truth of the situation, many would consider it distasteful to fully illustrate that truth on the doorsteps and newspaper boxes of America. Some newspapers did use fairly graphic images inside, but most chose to address the issue by choosing less explicit photos for the front pages.

SECTION THREE: Tomorrow

After tracing the history of ethics in photojournalism and examining the state of those

ethics today, one cannot help but wonder where photojournalistic ethics are going.

Since nobody can confidently predict the future, the only option is to examine current trends and extrapolate. Certain issues are on the cutting edge of the present photojournalistic ethics discussion, and those issues are likely to play significant roles in shaping tomorrow's photojournalism. Of course, without a crystal ball there is no way to be sure.

From the invention of flash powder that made it possible for Jacob Riis to document the hideous conditions in New York tenements, to the Adobe Photoshop software that Brian Walski used to doctor his image, technology has certainly played a part in the evolution of today's ethical system. One might even say that technology has been the predominant influence in the evolution of today's ethical system (at the very least, but for the technology of photography itself, there would be no photojournalism).

Likewise, technology will almost certainly be the driving influence regarding ethics in the future.

Multiple factors will drastically change the ethical landscape. These include the further assimilation of digital photography work-flows into the newsroom, the improvement of consumer photo technology, and the omnipresence of photo technology - including cameras in portable devices such as cell phones and PDAs. The shift away from printed material and towards electronic media for image consumption will also leave its own mark on photojournalistic ethics.

Digital photography is the predominant means of image capture for American newspaper and magazine photojournalism today. Not only has it been that way for several years, the rate at which it has taken over is astounding. Sports photography

serves as a good representative microcosm of the industry at large. Watching the most recent Super Bowl on television, I did not see one still photographer on the sideline using a film camera. Granted that is not a conclusive survey, but with today's deadline pressure it would be almost impossible for a professional news photographer to use images captured on film. Given the current state of the market, at least 98% of the images from Super Bowl XXXIX had to have been digital. In this day and age, pictures are bought and sold minutes after they are taken. Film is too slow and too expensive to produce marketable images in full-on media frenzies like major sporting events. Six years ago, at Super Bowl XXXIV in 2000, 75% of the photos captured were digital.⁶³ The Associated Press first experimented with using digital cameras to cover Super Bowl XXX in 1996.⁶⁴ These three data points fit a very steep curve. In the ten years that the professional digital equipment has been available, it has gone from experimental to three quarters adoption to almost total ubiquity, if not absolute necessity for news photographers.

This bitwise blitzkrieg of sorts has brought with it new and difficult ethical challenges.

In the "old days" before digital photography, images had a definite physicality.

Photographs were fixed on pieces of film - acetate coated in a chemical emulsion - and developed in chemical baths. A photograph was something that could be held in one's hand. While not impossible, it was far more difficult to pull off a convincing photo fake. Twenty years ago, Brian Walski could never have doctored his image in the field. What might have taken minutes on his laptop would have taken hours, or even days, in a darkroom. Though the news cycle has sped up considerably since then, even two decades ago most newspapers and magazines couldn't afford that sort of delay before publication.⁶⁵ Using Adobe Photoshop, the software with which Walski effected his fake, is more convenient, more effective, and easier than altering photos in

a wet darkroom.

Newer cameras and more powerful editing software both impact photojournalistic ethics, however sometimes that impact can be surprising. Since so much of the substance of journalistic ethics is about the process rather than the result, technology that enables new (or old) processes will automatically impact the ethical landscape.

One recent example is the release of the Nikon D2x camera. The D2x is a professional caliber SLR with a unique feature - it allows the photographer to create multiple-exposure images in the camera itself.⁶⁶ Before digital imaging, most SLR cameras came with a switch that allowed the photographer to cock the shutter without advancing the film. This allowed the photographer to expose the same frame of film multiple times. One frequent use for this feature was to couple it with a motor drive, and take a sequence of photos that showed motion throughout a single frame. With the advent of the digital SLR, photographers lost the ability to use this technique in-camera. For a similar effect, photographers could take a series of images and overlay them with digital editing software. Most publications, however, insisted upon labeling these images as “photo-illustrations” because of the ex post facto manipulation. The Nikon D2x restored the photojournalist’s license to create multiple exposure images.

This example illustrates a rare case where the technology lagged behind the ethical standard. In other words, before the Nikon D2x, in order to stay above the ethical board one either had to switch to a previous technology (film) or avoid the multiple exposure technique altogether. Nikon has not released any statements revealing why they chose to include this feature on their cameras. While photojournalistic ethics may have been a consideration (especially since many photojournalists use this type of camera), there may have been other factors involved.

In addition to professional equipment, consumer and “prosumer” camera technology is also improving, and cameras included in mobile devices are starting to become more popular. Many of these mobile devices are networked (cell phones, for example), and are capable of transmitting images in near real time. During major news events, some photo editors are inundated with images from “citizen photojournalists.”⁶⁷ Citizen journalism, of course, is nothing new. *Washington Post* reporter Yuki Noguchi writes:

History is full of accidental journalism using portable devices, from the famous Abraham Zapruder film capturing President John F. Kennedy's assassination to the videotape of Rodney King being beaten by Los Angeles police and the incriminating snapshots taken at the Abu Ghraib prison in Iraq.

That tradition accelerates with the widespread use of new recording devices, said Kenny Irby, visual journalism leader at the Poynter Institute, a Florida-based school for journalists.

"The proliferation of cell phones and digital cameras . . . have led to a great deal more documentation added to the news stream," he said. Digital cell images provide a "unique voyeurism," he said. "The intimacy comes out of the spontaneity."⁶⁸

The difference between today's “citizen photojournalism” and the aforementioned examples is the ubiquity of the imaging devices in modern society. In 2004, consumers bought 257 million camera-equipped mobile phones. By comparison, during the same time only 68 million digital cameras were sold.⁶⁹ Millions upon millions of people are walking around with cameras in their pockets, waiting to become accidental photojournalists. Unfortunately, the vast majority of people in the general public are not aware of the nuances of photojournalistic ethics. Worse yet, there are people who actively try to dupe or trick the mainstream media into using ethically questionable (or flat-out fake) images. Not only can faked photos be misleading, they can have dramatic real-world consequences. During the 2004 election, it was briefly but widely reported that Senator John Kerry and activist Jane Fonda spoke at the same anti-Vietnam war

rally. The accompanying photograph depicts Fonda and Kerry standing together at a podium.



Fig. 12: Faked photo depicting John Kerry and Jane Fonda supposedly speaking at an anti-war rally.⁷⁰

This image was widely published in newspapers and magazines, and later debunked three separate ways - by the two photographers of the images used to make the composite, and by the Associated Press, which denies ever circulating the image. The fact that it was circulated to the press during an election means that this small fabrication could potentially have had a major impact. Similarly, a hoax image purporting to be a next-generation iPod recently made its way around the internet.⁷¹

The digital music player industry tends to be a volatile market,⁷² and a faked photo of a new cornerstone product could dramatically affect a company's stock price. The potential for these sorts of consequences increases exponentially when editors are inundated with images from the public, with little time to fully vet those images before publication.



Fig. 13: Faked Image purported to be a future Apple iPod that is under development.⁷³

Nowhere was the power of citizen photojournalism more clearly demonstrated than in the summer of 2005 during the London subway bombings. On July 7, 2005, three bombs exploded on London subway cars, and a fourth detonated on a bus. Fifty-two people died, and some 700 were injured.⁷⁴ Within minutes of the blasts, citizens began chronicling the aftermath using both standalone cameras and cameras embedded in mobile devices. While working photojournalists and other members of the press responded as quickly as they could, their still images were not as intimate or immediate as those taken by the affected passengers. Some of those passengers who took pictures with their mobile devices later uploaded them to photo-sharing websites like flickr.com. The next day, in a journalistic first, both *The New York Times* and the *Washington Post* ran front-page camera phone images that were taken by citizens, not by photojournalists.⁷⁵ In describing the emerging citizen journalism trend, Dennis Dunleavy of *The Digital Journalist* writes, “The future is here, now. The future came with the Abu Ghraib prison scandal, the devastation of the tsunami in the Pacific late last year, and now without question, London. The digital camera phone is the future

and we have much to learn from this emerging technology.”⁷⁶

This widespread citizen media production and consumption raises an important question. With more and more people carrying cameras in their pockets, will the future have a place for the “professional” photojournalist? At first the question seems compelling for two reasons - access and tools. In terms of access, it is impossible for a small cadre of trained photojournalists to be everywhere and to photograph everything that is newsworthy. There were no working photojournalists aboard the London bus and trains that were bombed, but there were people with camera phones. With each successive generation of camera phone improving in resolution and quality, the gap between the professional’s tools and the citizen’s tools is closing, just as the ubiquity of those tools is increasing.

“Professionalism,” however, connotes more than being in the right place at the right time with the right camera. In the photojournalism industry, professionalism means technical skill, news gathering experience, and of course ethics. Photojournalist Nancy L. Ford writes:

A photojournalist's job is to go out and experience life for others, to capture an event on film, and hopefully capture the emotion that was experienced, so the readers can see and feel what it was like to be there.

The photojournalist must capture the truth, too. This means the photographer must only photograph what has happened, when it happened and not recreate a situation because they didn't get there on time. They must not move things around on the scene of an event to make the pictures look better. They must not alter their photographs on the computer or in the darkroom, like take an ugly telephone pole out of a picture. The photojournalist must also tell the truth, just like the reporter.⁷⁷

Likewise, photojournalism icon Peter Howe, writing for *The Digital Journalist* adds:

[The] unsupervised approach may be even more of a problem with photography,

because the meaning of an image can be manipulated through use in a false context, or no context at all. In the looting that followed the fall of Saddam Hussein's regime there were photographs of US soldiers with arms full of money taken off the looters they had arrested, and which they were returning to an appropriate location. The same photographs could represent responsible people attempting to restore law and order, or ruthless invaders plundering the country that was their victim, your choice, depending on who you are and where you are. With technology enabling even the most unskilled amateur to take good quality photographs such misrepresentations are likely to occur more frequently. Not only will there be a greater number of images of any given event, but once they're on the Internet they will be readily available to anyone with an agenda. Furthermore, amateur photographers don't have the same training as professional photojournalists, nor have they acquired the same experience and instincts.⁷⁸

This professionalism, experience, and instinct is what ensures the existence of the photojournalist well into the future. Reportage has occurred since the dawn of printed news, yet seldom is the place of the professional print journalist questioned. This is in spite of the fact that ordinary citizens sometimes have greater or more immediate access, and that many people carry pencils and paper (the tools of the print journalist's trade).

In the world of written journalism, professional journalists (who are bound by their own ethics) cull quotations from non-journalists. Absent blogs, nobody asks citizens to write whole news articles about what they witness. In other words, though recently *The New York Times* ran a camera phone image that was taken by a "citizen photojournalist" on its front page, it is doubtful that they would ever run a news piece by a "citizen reporter" in the same spot.

Sorting out the ethics of the "citizen photojournalist" phenomenon is one of the challenges facing the photojournalism community in the future. Since the non-professional is not bound by a code of ethics (and may compromise the integrity of an image without even knowing it), newsrooms must be cautious when using images that were taken by the general public. Al Tompkins of the Poynter Institute asks editors to consider the following questions when reviewing material submitted by non-professionals:

- 1:How do you know the image is authentic?
- 2:What do you know/need to know about how the image was captured?
- 3:What was the photographer's involvement in the incident he or she captured?
- 4:How do you keep from encouraging people to take unnecessary or dangerous risks in order to capture a photograph?
- 5:Will you compensate people for images? How will you decide how much to pay?
- 6:How much are you willing to compromise your standards of quality in order to use a cell image?
- 7:How easy is it for people to send you images and how easy is it for you to use them?⁷⁹

Modern technology has done much to make answering these questions extraordinarily difficult. As the media through which people consume news photographs change, so too does the role and the dynamic of the newsroom itself. It is one thing to consider the questions posed above over a matter of days for a weekly news magazine; the task becomes more difficult when shortened to a matter of hours for a daily newspaper. The World Wide Web, however, is published twenty-four hours a day. Since no news outlet likes to be “scooped,” there is substantial pressure to make ethics decisions on the order of minutes, or even seconds. In that respect, technology will be an ever-increasing influence on photojournalistic ethics.

The prediction that technology will drive the future of ethics in photojournalism is especially compelling in light of the fact that the media through which photojournalism is delivered are rapidly changing. In the past year (2005), the average newspaper circulation dropped 2.5%. While a few papers (*The New York Times* included) saw a small increase, the majority were not as successful. *The Boston Globe*, for example, saw its circulation fall 8.5% in the same period.⁸⁰ According to the most recent *State of the News Media*, the Newspaper Association of America (NAA) estimated that internet news consumption was up significantly during the same period:

The NAA estimated that online newspaper readership was up 15.8% in September 2005 compared with September 2004, reaching 47.3 million unique visitors (a total probably helped by interest in Hurricanes Katrina and Rita). Surveys about online consumption also suggest that those who visit newspaper Web sites spend less time with the print product. And privately, executives report that some major newspapers' Web sites now attract as many users in a day as they sell papers.⁸¹

During the aftermath of the London bombings, it is unknown how many people skipped news media, print or online, entirely. Images of the destruction were available directly on photo sharing websites. Several newspapers and magazines went to flickr.com where they found photos that they then published (after obtaining permission).⁸² When presented with a choice between seeing an edited selection of images in a newspaper or the "raw feed" on a photo sharing website, some might choose to eschew the mainstream media altogether.

Conclusion

While print journalism can trace its roots almost to the origins of written language itself, newspaper and magazine photojournalism have yet to celebrate their one hundred and fiftieth anniversary. In this short history, however, a patch-work ethical system has evolved. At first, this system was driven simply by the functionality of the technology itself. In other words, if it was possible, it was acceptable. Soon after, the news and photojournalism industry began to consider concepts such as “truth” and “fairness,” and publications began limiting exactly what could be done to publishable photos. Thus began the concept of “photojournalistic ethics.” These ethics continually changed and evolved into the system of rules that we have today.

While there isn't one ultimate dictator of photojournalistic policy, there have been contemporary cases and events that have caused fervent discourse within the photojournalism community. These include Brian Walski's photo fakery, my own Boston Red Sox American League Championship Series riot photos, and the images from the Abu Ghraib prison scandal. These together illuminate much of the landscape of modern photojournalistic ethics. The ultimate imperative is to present accurate, trustworthy visual journalism to the reader. Though sometimes, this information comes at a cost, editors must weigh the negative effect a particular image might have (invasion of privacy, offending readers, etc.) versus the likely benefit. Today's ethics, however, will not be the same tomorrow.

Like the past, the future of ethics in photojournalism belongs to technology. Digital photography casts new doubts on the process through which the photograph goes from camera to publication. More and more people are not only consuming photographic

news media electronically, they are actively participating in news gathering, using mobile phone cameras. These “citizen journalists” are seeing their work in newspapers and magazines next to images by professional photojournalists. At the same time, editors are being inundated with photographs both during and after major news events, leaving them less time to make ethics decisions. All of these trends can only continue into the future.

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Appendix A

NPPA Code of Ethics

Preamble

The National Press Photographers Association, a professional society that promotes the highest standards in photojournalism, acknowledges concern for every person's need both to be fully informed about public events and to be recognized as part of the world in which we live.

Photojournalists operate as trustees of the public. Our primary role is to report visually on the significant events and on the varied viewpoints in our common world. Our primary goal is the faithful and comprehensive depiction of the subject at hand. As photojournalists, we have the responsibility to document society and to preserve its history through images.

Photographic and video images can reveal great truths, expose wrongdoing and neglect, inspire hope and understanding and connect people around the globe through the language of visual understanding. Photographs can also cause great harm if they are callously intrusive or are manipulated.

This code is intended to promote the highest quality in all forms of photojournalism and to strengthen public confidence in the profession. It is also meant to serve as an educational tool both for those who practice and for those who appreciate photojournalism. To that end, The National Press Photographers Association sets forth the following Code of Ethics:

Code of Ethics

Photojournalists and those who manage visual news productions are accountable for upholding the following standards in their daily work:

1. Be accurate and comprehensive in the representation of subjects.
2. Resist being manipulated by staged photo opportunities.

3. Be complete and provide context when photographing or recording subjects. Avoid stereotyping individuals and groups. Recognize and work to avoid presenting one's own biases in the work.
4. Treat all subjects with respect and dignity. Give special consideration to vulnerable subjects and compassion to victims of crime or tragedy. Intrude on private moments of grief only when the public has an overriding and justifiable need to see.
5. While photographing subjects do not intentionally contribute to, alter, or seek to alter or influence events.
6. Editing should maintain the integrity of the photographic images' content and context. Do not manipulate images or add or alter sound in any way that can mislead viewers or misrepresent subjects.
7. Do not pay sources or subjects or reward them materially for information or participation.
8. Do not accept gifts, favors, or compensation from those who might seek to influence coverage.
9. Do not intentionally sabotage the efforts of other journalists.

Ideally, photojournalists should:

1. Strive to ensure that the public's business is conducted in public. Defend the rights of access for all journalists.
2. Think proactively, as a student of psychology, sociology, politics and art to develop a unique vision and presentation. Work with a voracious appetite for current events and contemporary visual media.
3. Strive for total and unrestricted access to subjects, recommend alternatives to shallow or rushed opportunities, seek a diversity of viewpoints, and work to show unpopular or unnoticed points of view.
4. Avoid political, civic and business involvements or other employment that compromise or give the appearance of compromising one's own journalistic independence.
5. Strive to be unobtrusive and humble in dealing with subjects.
6. Respect the integrity of the photographic moment.
7. Strive by example and influence to maintain the spirit and high standards expressed in this code. When confronted with situations in which the proper action is not clear, seek the counsel of those who exhibit the highest standards of the profession. Photojournalists should continuously study their craft and the ethics that guide it.

Appendix B

Digital Manipulation Code of Ethics

NPPA Statement of Principle

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.

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 ... in light of this, we the National Press Photographers Association, reaffirm the basis of our ethics: Accurate representation is the benchmark of our profession. We believe photojournalistic guidelines for fair and accurate reporting should be the criteria for

judging what may be done electronically to a photograph. Altering the editorial content ... is a breach of the ethical standards recognized by the NPPA.

Appendix C

NPPA Bylaws Regarding Penalties for Ethics Violations

Penalties

1. Committee on Judiciary

1. The committee on judiciary national chairman shall be appointed by the President. The Board of Directors shall appoint two additional committee members at the annual board meeting.

2. The committee on judiciary shall investigate and hear charges made against members for violations of the code of ethics or other activities or actions detrimental to the best interests of the profession of press photography.

2. Procedure regarding members

1. Complaints by members, made against other members, for violations, must be signed by five active members in good standing and shall be presented to the committee in writing, accompanied by all available facts and evidence.

1. Upon receipt of such complaint, the committee may reject the complaint by majority vote as inadequately supported by the accompanying evidence, or proceed with complaint, in which case, the chair will send a copy of the complaint and the supporting data to the accused member by registered mail, notifying the member of a reasonable time within which he/she may file a sworn answer accompanied by evidence he/she cares to present.

2. If requested, the accused member shall have an opportunity for a personal hearing before the committee or a member selected by the committee. At this hearing, oral testimony received by the committee or its representative shall be reduced to writing.

3. If, in the majority vote of the committee on judiciary, the charges made against the accused are justified and fully supported by the evidence and the accused member's undesirability has been established, the accused member shall be expelled.

4. A member expelled, under (c) above, shall be granted the privilege of appealing his/her case to the Board of Directors in writing. The decision of the board, by a majority vote, shall be final.

3. Procedure regarding Board of Directors impeachment

1. It shall be the duty of members of the Board of Directors to support and enforce the Bylaws and Standing Rules of the NPPA. A board member who willfully fails in his/her duty or who is guilty of conduct prejudicial to the best interests of the association may be impeached.

2. Complaints, accompanied by all available supporting facts and evidence against a board member, must be presented to the committee on judiciary in writing, endorsed by five (5) members in good standing.

3. On receipt of charges and evidence, the chair of the committee on judiciary shall send a copy of the complaint and supporting data to the accused board member by registered mail, notifying him/her of a reasonable time within which he/she may file a sworn answer, accompanied by counter evidence he/she may care to present. Failure to file an answer within the prescribed time shall be considered an admission of guilt.

4. Whenever, in the majority vote of the committee on judiciary, the evidence presented justifies the charges made, the committee may recommend to the Board of Directors that the member be removed from office. In making such recommendation it shall be the duty of the committee on judiciary to present to the board a complete record of the charges against and evidence in support of the accused.

5. Any board member may be suspended from office by majority vote of the

committee on judiciary.

6. Upon weighing facts presented by the committee on judiciary, the Board of Directors can remove a member from office by two-thirds (2/3) vote.

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