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Citation: Lashmar, P. (2019). Source and Source Relations. In: Vos, T. P. & Hanusch, F. (Eds.), The International Encyclopedia of Journalism Studies. . John Wiley & Sons. ISBN 9781118841679 doi: 10.1002/9781118841570.iejs0270

This is the accepted version of the paper.

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Permanent repository link: https://openaccess.city.ac.uk/id/eprint/32055/

https://doi.org/10.1002/9781118841570.iejs0270

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Sources and source relations

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Word count: 4051

Abstract
In seeking to understand the construction of news, how journalist-source relationships function is a core concern of journalism studies. These relationships are not necessarily a simple one-way transfer of information but can be a complex interaction that may require understanding of journalism practices, journalism ethics, media law, commerce and the state to elucidate. Normatively, whether identified, anonymous or confidential sources or whistle-blowers, sources can provide journalists with the means to challenge official and elite narratives. This entry details the type and nature of professional relationships between journalists and their personal sources and note the mounting threats to this vital practice. While there are laws to protect journalist's sources, international organisations note they are at risk of erosion, restriction and compromise - a direct challenge to the universal human rights of freedom of expression and a threat to investigative journalism.

Keywords: source, whistle-blower, verification, freedom of expression, national security, shield law.

Main Text
In journalism the word 'source' is a generic term that applies to any person, any organisation or in fact, anything that provides information to journalists. In the newsroom journalists have multiple sources of information constantly available, including that from government at all levels, emergency services, the military, commerce, news agencies, all varieties of social media, the public relations industry, the public, the internet, and the now interactive body formerly known as the audience. As scholars have pointed much of what appears in daily newspapers or within television news broadcasts is not the product of journalistic enterprise or creativity but of routine procedures of information gathering and processing. Journalists are highly dependent on sources and if source-journalist relationships seem simple as a one-way transfer of information, in practice there can be many levels and intricacies to the relationship.
It has long been recognised that inquiring journalism is vital for a fully functioning democracy, an idea encapsulated most concisely in the concept of "the fourth estate" (Carlyle, 1841). The media relies greatly on its fourth estate role for legitimacy, seeking privileges and exclusions from legislation on the basis of this function. Such privileges result in the practice of journalism being subject to close scrutiny to ascertain whether it meets these high aspirations (see IEJS0030). More specifically, understanding the journalism-source relationships is at the heart of journalism studies and Gans used a dance metaphor to describe such interactions in "it takes two to tango" but, he claimed, "sources usually lead" (Gans, 1980).
Theorists have observed that some sources are given easier access by the media to the public sphere than others, especially if journalists and sources are both drawn from a narrow elite. Primary definition, as elaborated by Stuart Hall and his colleagues (1978, p. 58) refers to the ability of official "authoritative" sources to establish the "initial definition or

primary interpretation of the topic in question". As a counter to elite domination of the media, Gans advocated, nearly four decades ago, pluralism in media organisations and called for "multiperspective news". He highlighted the importance of diversity in journalism recruitment but also implicitly that a diverse range of sources would be vital for pluralism (Gans, 1980). The arrival of 24/7 news in the 1980s with its voracious appetite for content, and then the rise of the digital age has meant sources are far more diverse than in preceeding years. Still, concerns over the dominance of elite discourses remain.

Journalism-source professional practices

In normative journalism practice the verification of source disclosures is so fundamental that trainees are taught the primacy of the 'two source rule' that dictates that the authentication of a story should be dependent on a minimum of two sources and preferably more. One of the defining roles of journalists is to report events and thus they are also described as news reporters. Ideally the reporter is an eyewitness to the event that they report, but often the reporter, with limited ubiquity, can only report after the fact and relies on interviewing actual eyewitnesses. These 'primary sources' are vital in providing an accurate account together with the authenticity that the eyewitness implies. The interaction between journalist and sources is guided by well-established professional norms. This includes whether a source is identified by the journalists in their output and in the course of routine journalism most sources are attributable, identified and their relevance noted. But it is not uncommon for an authorised source to speak officially without being named as in "a State Department spokesman said" or "a Whitehall spokeswoman said". With this genus of source-naming the spokesperson brings no authenticating value.

This entry is not primarily concerned with journalists tapping into organisations as news sources, nor sources like official spokespersons or public relations consultants who are available to all journalists. Instead, it focusses on the working relationships between journalists and their personal sources that facilitate original journalism. Indeed, when journalists discuss sources in a professional context they are usually referring to established contacts that are personal to them and it is a defining indicator of professionalism as journalists even as trainees are encouraged to develop their own sources. The quality of a journalist's personal sources confers status within the profession. Developed over a period of time, these relationships can accrue trust and thereby insightful, perhaps unique information. Whether as identified, anonymous, or confidential sources, or as whistle-blowers, sources provide journalists with the normative means of challenging alternative, official and elite narratives and enhance a journalist's ability to discharge their fourth estate role within society.

There are subtle gradations in practices of identifying sources that might not always be apparent to the audience. Journalists use similar terms to describe slightly different types of unnamed sources. At variance from the 'spokesperson' examples noted earlier, the journalist may refer to an unattributed source that is a personal contact. It is not uncommon to find in news stories a source identified only as "a State Department source said" or "a Whitehall source said". The practice of not naming a personal source in an article relies on the reputation of the journalist and their ability to justify to their editor that a legitimate source within, say government, is prepared to provide an insightful comment on story but only on the condition of anonymity. Alternatively the source may request that they are not named and not quoted – this is an off-the-record briefing – but whether quoted or not these unnamed source will have provided insight that positively enhances the journalist's report.

The extent of the use of unnamed sources by journalists is under-researched. A 1985 survey of reporters indicated reliance on unnamed sources in 31.25% of their news stories (Parrell, 1993, p. 48). Although the US press has tougher restrictions on the use of anonymous sources

than other western nations, one study found extensive use of unnamed sources in US national security reporting in major newspapers: 48% of executive branch sources and 32% of congressional sources were unnamed (Hallin et al., 1993, p. 759). It would not be unreasonable to suggest that with the ubiquitous rise of the professional government PR industry and the financial pressures on the news media since, these percentages would be much lower today. The public are rightly sceptical of excessive use of anonymous sources. Carlson, while critical of what he sees as the overuse of unnamed sources, notes that by avoiding attribution, journalists are freer to challenge on-the-record claims or force out into the open guarded information. He observed that this revelatory perspective of unnamed sources allows journalism to truly serve out its normative pledge of holding power accountable: "And while this may sound overly normative, there are ample moments in which journalists have broken a news story of considerable political importance through the use of unnamed sources" (Carlson, 2012, pp. 6-7).

A gradation in the hierarchy of sources is the 'confidential source' that provides non-routine quality information without official permission, often challenging their own organisation's public position or integrity. The designation 'confidential source' confers the assurance that they will never be identified, as laid down under journalism's codes of conduct. The former editor in chief of *Time* magazine Norman Pearlstine made a useful clarification in this regar, when he said:

> As a reporter and an editor, I had to distinguish between 'anonymous sources,' whose names we wouldn't use in a story, and 'confidential sources,' whose identity we might decide to protect even after litigating and losing. Since reporters were supposed to be trying to get their sources to go on record whenever possible, it seemed axiomatic that the source had to ask for confidentiality. A reporter couldn't make a source 'confidential' without the source's agreement. (Pearlstine, 2007, p. 102)

Source handling and protection

The 'confidential source' might not want their identity to be revealed as this may have severe consequences, possibly jeopardising their employment, long term job prospects and the risk of incurring legal action or prosecution or, in extreme cases, putting their life in danger. The value of the confidential source can vary greatly from just providing corroboration of information gathered elsewhere, right through to supplying significant and unique information perhaps with accompanying internal documents or data sets. Of all types of sources the whistle-blower is the rarest and often has the most impact. Whistle-blowers can be defined as individuals within an organisation who feel that serious wrong doing is taking place and needs to be made public to achieve effective remedy (see also IEJS0273). While whistle-blowers may initially agree to confidential source status, given they are usually concerned with major public interest issues, their subsequent preparedness to go public may be crucial as it will lend greater authenticity to their claims.

Ideally, where the source is providing significant revelatory information, they are motivated by moral outrage, but as journalists experienced in handling sources will vouch, motives are often mixed and source personalities can be complex. The journalist is primarily concerned with the public interest value of information and less about motives. However, the wise journalist will seek to understand motives so they can detect if information is being distorted, perhaps to exact retribution against individuals perceived to have wronged them. Developing and supporting the source or whistle-blower, while verifying their information, is recognised to be among the most testing responsibilities in journalism. Whistle-blowers tend to emerge without prior contact, require extensive verification and experienced journalists note that each story involving a source/leak/whistle-blower is unique, with its own dynamic and issues.

When a source decides to provide information they can place themselves in a very vulnerable situation that can impact greatly on their personal and professional lives. These sources can require very careful ethical and psychological handling over long periods of time and the journalist is ethically obliged to keep the source informed of the potential outcomes of their disclosures and must be fully informed and supported over their legal position. In journalism it is understood that this places a profound ethical responsibility on the journalist who will want the information disseminated in the public domain but not at any cost for the source. The journalist and their editor, supported by lawyers, will make the decision whether to publish and their evaluation must be based on that the information is accurate and in the public interest. If the information is significant it is certain that those exposed by the released information will go to great lengths to identify and persecute and possibly take expensive legal action against them and the source. For insight into the journalist - whistle-blower relationship the films *The Insider* (1999) and *The Post* (2017) are recommended.

The ethical and legal environment

Ethical codes for journalists throughout the world cover source protection. It is understood by all professional journalists that they may be required to go to prison to protect their source. The International Federation of Journalists (IFJ) Declaration of Principles on the Conduct of Journalists is clear on protecting sources (IFJ 1986). In the UK there is the National Union of Journalists' (NUJ) Code of Conduct. As Crook observed, Article 7 of the code states a journalist shall protect confidential sources of information: "The obligation brooks no qualification. The duty is deontological. In philosophical terms this means that not protecting the source is *always* wrong (Crook, 2003, p.8)."

While there is a universally established ethical obligation upon journalists not to reveal the identity of their confidential sources, in some countries, it is also a legal right, or even a legal obligation - known as 'shield laws' - to protect journalists' sources. In Sweden, the legal concept of the protection of confidential sources has such primacy that journalists can be prosecuted for revealing a source's identity. But in the great majority of countries the law does not grant such an absolute recognition of confidentiality and journalists can be legally compelled or face sanctions, prosecution and imprisonment. Where the legal line is drawn, and how it is interpreted, varies around the globe. The European Court of Human Rights pronounced in the 1996 case of *Goodwin v. United Kingdom* that protection of journalistic sources is one of the basic conditions for press freedom:

> Without such protection, sources may be deterred from assisting the press in informing the public on matters of public interest. As a result the vital public-watchdog role of the press may be undermined and the ability of the press to provide accurate and reliable information may be adversely affected (ECHR 1996, para 39).

The Court ruled that unless there was "an overriding requirement in the public interest", an order to disclose sources would conflict with the guarantee of free expression in Article 10 of the European Convention on Human Rights

Development of tradecraft

Since the earliest days of what is now called investigative journalism (see IEJS0134), experienced, ethical journalists who dealt with confidential sources have been careful not to claim that they can guarantee that their source will not be identified. What they could promise was professional tradecraft that made it extremely unlikely that the journalist would expose their source's identity. By careful arrangements for meetings and communication, most journalists successfully protected their sources. While politicians, government and public

figures often claim to affirm the importance of press freedom, it is by no means unusual for them to seek to prevent publication or to punish the media if revelatory publication has taken place.

Companies, government or others who have been embarrassed by media revelations often seek to identify the source of the story, usually with a view to discrediting the source. A well-tried method is for the organisations to go to the courts and to claim that the source breached their duty of confidentiality to their employer and on those grounds seek to have the journalists forced to reveal the source or release documents that will help identify the source. This is fought on robust public interest grounds by media organisations. Certainly journalists in the US, as in other countries, have gone to prison rather than reveal their source's identity. One of the most infamous examples involved the *New York Times* journalist Judith Miller, who achieved notoriety after she was drip fed false information by the Bush administration contacts that helped provide support for the US led Iraq invasion. Miller revealed in another story that a woman called Valerie Plame was a member of the Central Intelligence Agency (CIA). When asked to name her sources by a US court, Miller invoked reporter's privilege and refused to reveal her sources and spent 85 days in jail. Commenting on the US experience during the Bush administration, Sager and Wilcox noted that journalists were more threatened than at any time in US history.

> Never before have prosecutors, defendants, and civil litigants felt such freedom to demand that journalists produce confidential information. Never before have so many journalists been faced with the prospect of going to jail for refusing to comply with a disclosure order. (Sager and Wilcox, 2007, p. 42)

If the source is identified, prosecuted and possibly jailed because of a journalist's failings, it is a huge personal and professional responsibility. The big picture for source protection is not all negative, as UNESCO reported in a 2017 survey that in 84 of its 121 member countries there had been progress in the protection of sources. But the report also stated that while many countries provide some measure of protection for journalists' sources these protections have come under increasingly attack from a variety of other directions most notably by the extension of national security technology and laws during the war on terror (UNESCO, 2017, p.18).

National security versus the freedom of the press

Media revelations based on information provided by confidential sources are often controversial and disputed. Tensions over journalists' use of such confidential sources are at their most heightened over national security revelations. Before his presidency, Barack Obama was a critic of the George W. Bush administration's massive expansion of the national security state post 9/11, but President Obama's administration greatly increased the pressure on journalists, prosecuting and jailing an unprecedented number of sources (Stein, 2013). Intelligence agencies, understandably at one level, wish to operate away from the public gaze and in an ideal world that would be appropriate, but history is littered with examples of intelligence agencies that have abused their protective cloak of secrecy to act illegally, immorally or incompetently. It remains a vital part of the fourth estate duty to monitor the intelligence complex, as the media are the only estate that has a track record for bringing effective oversight to the intelligence world.

National security organisations are the most difficult in which to acquire confidential sources. Occasionally the reporter can develop a source that had inside knowledge of past or present conditions within an agency. This can provide a depth of knowledge unavailable by any other journalistic method. It has never been easy to critically report national security and as the

UNESCO report details, it has been much more difficult since 9/11. It remains vital as the war on terror has provided many examples of intelligence excesses. As the Miller case indicated, the Iraq invasion in 2003 was characterised by the politicisation of intelligence and the extensive use of propaganda to justify the invasion on a false premise that Saddam Hussein's regime had weapons of mass destruction). Subsequent to the Iraq invasion, journalists, often using confidential sources, were able to reveal illegal renditions and torture by intelligence agencies. However, some, including Schoenfeld, have argued that the culture of revelation of national security practices has gone too far and some secrets are necessary. He made the point that reporters and editors regard themselves as public servants, but they suffer from a tendency to forget they are private individuals, elected by no one and representing no one (Schoenfeld, 2010, p. 264).

Electronic surveillance

In the wake of 9/11 many intelligence agencies were given exponential increases in resources and powers. While journalists have long known that these agencies had the ability to surveil them and their sources, it was not until the National Security Agency (NSA) contractor Edward Snowden released a tranche of internal NSA documents in June 2013 that the true capability of western intelligence agencies became clear. Snowden's documents showed that a surveillance network linking the US, UK, Canada, Australia and New Zealand – known as the 'Five Eyes' – could eavesdrop global electronic communications from phone calls, to emails to much more. Journalists were astonished by the sheer quantity of data that is being taken and held by the Five Eyes agencies. That so much communications data is stored by the agencies and available for retrospective analysis and as potential evidence for seeking warrants and indictments against sources was also a shock. The state and others can now, without recourse, intercept the journalist's electronic communications to identify and isolate the source. The right to privacy of journalism communication is recognised internationally:

> Privacy is essential to protect journalistic sources, which enable a society to benefit from investigative journalism, to strengthen good governance and the rule of law, and…such privacy should not be subject to arbitrary or unlawful interference. (UNESCO, 2013)."

A report by the then UN Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism, Ben Emmerson, outlined that states can gain access to the telephone and email content of an effectively unlimited number of users. All of this is possible without any prior suspicion related to a specific individual or organisation. He added that the communications of literally every Internet user are potentially open for inspection by intelligence and law enforcement agencies in the States concerned (UN Doc A/69/397).

Since June 2013, journalists have been evaluating the impact of Snowden's material on their professional practice. There has been a range of responses from journalists. Some felt it was impossible to guarantee any kind of protection to sources but others have said have updated their tradecraft to maintain source protection (Lashmar, 2016). There are constant challenges. As UNESCO noted in its survey, the digital environment poses particular emergent risks regarding the privacy and safety of journalistic sources. These challenges include: mass surveillance as well as targeted surveillance, data retention, expanded and broad antiterrorism measures, and national security laws and over-reach in the application of these.

These can undermine the surety of protection for those who collaborate with journalists. It impacts on sources who are vital in revealing significant public interest information but who could, by doing so, expose themselves to serious risks and pressures. The overall impact can

be to chill whistleblowing and this jeopardizes the viability of quality journalism (UNESCO, 2017, pg.7).

Scholars note that the ability to access and utilise a diverse range of sources is what sets journalists apart from propagandists. While paying lip-service to the value of the freedom of the press, most governments have been reluctant to legislate for rigorous shield laws. Indeed, much post-9/11 legalisation has been primarily drafted, often with anti-terrorism in mind, to enable the extension of laws for surveillance, official secrets, data protection and law enforcement. However, legislators have shown little concern if these overarching laws weaken the protection journalists can offer to their sources. The growing tensions in many countries between the conflicting demands of national security and freedom of expression are palpable, with the former trumping the latter. As Agamben (2005) argued, the war on terror has created in many nations a state of exceptionalism, that after nigh on two decades, looks potentially permanent, having bestowed the state with much greater powers, while at the same time, critics note, this has reduced the ability of journalists, particularly investigative journalists, to provide the necessary checks and balances that every state needs if it is to remain open and democratic.

Cross references

IEJS0003
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Biography

Dr Paul Lashmar is a senior lecturer at City, University of London. His research interests include investigative journalism, reporting terror, organised crime reporting and media bias. Paul has been an investigative journalist in television and print and on the staff of *The Observer*, Granada Television's *World in Action* current affairs series and *The Independent*. As a journalist he has worked with many confidential sources and whistle-blowers. He was awarded 'Reporter of The Year' in the 1986 UK Press Awards. Paul is an adviser to the

Centre for Investigative Journalism. The author of four books, his latest *Spin, Spies and the Fourth Estate: British Intelligence and the Media* (Edinburgh University Press) is due to be published in 2018.