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## ***Key ethical decision-making points in the public relations process***

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### **ABSTRACT:**

The problematic nature of ethics codes and ethics audits requires a rethinking of ethical decision making in knowledge-based professions such as public relations. This paper posits the need for ethical reflection at various key points in the public relations process: acceptance of client, acceptance of project, adoption of strategy and adoption of tactics and illustrates the manner in which such ethical reflection is useful by discussion of three cases: Japanese whaling, asylum seekers attempting entry into Australia, and logging of native forests in New Zealand.

### **INTRODUCTION**

In a mediated, global society, in which both information and knowledge are becoming dominant commodities, the public relations profession has a significant role to play in the formation of public opinion, and in the management of information and knowledge to achieve that end. Contemporary public relations sees itself as a management function that establishes and maintains mutually beneficial relationships between an organization and the publics on whom its success or failure depends (Cutlip, Centre, Broom, 2000).

The movement of the practice of public relations from being a craft, trade or business activity towards being a “profession” has seen a concomitant commitment to more ethical public relations practice (Bivins 1987,1989,1993, Day, Dong and Robins, 2001). One of the defining

marks of a profession is the adoption of professional ethics and this has resulted in the development and promulgation of codes of ethics by public relations industry associations for individual practitioners. However, while recognising the value of ethical considerations, and of the power of the images in which public relations deals (Day, Dong, Robbins 2001 p. 407), current public relations literature often defines ethics in simplistic terms of personal and professional behaviour that are influenced by personal and professional values (Newsom and Carrel, 1998).

Therefore what is missing, we contend, particularly with respect to the practice of public relations, is a means for ensuring that individual campaigns are conducted with integrity. This paper taxonomizes the public relations process into four distinct points:

- Acceptance of the client
- Acceptance of the project
- Development of public relations strategy
- Selection and use of public relations tactics.

The argument is made that for the public relations practitioner, there are ethical risks and potentially, ethical decisions to be made, at each of these points in the public relations process. Using three recent international case examples from Japan, Australia and New Zealand, this paper discusses ways of integrating ethical reflection into the actual process of public opinion formation, rather than relying on mechanisms such as the occasional or intermittent ethics audit, or compliance with a professional code of ethics.

## **THE INSTITUTIONALISING OF ETHICS IN PUBLIC RELATIONS PRACTICE**

According to Goodpaster (1997), three major ethical theories – deontology, consequentialism and virtue ethics – need to be applied to business and professional ethics. Over the past decade, the fostering of ethical behaviour in business and the professions has been undertaken

through the use of ethics audits (Murphy 1988, Lewis 1992, Malachowski 1993) and the application of ethics codes (Hunt and Tirpok 1993, Kruckeberg 1993, Cassell, Johnson & Smith 1997). Harrison (2001, pp. 104-105) defines ethics audits in terms of compliance audits, culture audits and systems audits. While ethics audits can reflect any or all of the theoretical approaches to ethical decision making, the nature of compliance audits and systems audits predisposes them to a deontological framework. Codes, on the other hand, are essentially deontological instruments.

Although both audits and codes are seen as essential components of the process of institutionalising ethics, the tendency for audits to be a one-off process makes them problematic as an ongoing means of fostering ethical behaviour. The application of codes, in particular, their effectiveness and enforcement, has been even more problematic (Brooks 1989a, 1989b, Wright 1993). In both Australia and New Zealand, the Public Relations Institute has encountered difficulties in enforcing the code and its sanctions in recent times. In one case the investigation of a complaint by the Institute's ethics committee was aborted and handed over to a QC (Espiner 2000a, 2000b). Indeed there is a growing body of literature critical of the use of codes, suggesting they are counter productive (Farrell and Cobbin 1996, Schwartz 2000). Therefore, to foster the adoption of ethical behaviour within an organisation by encouraging ethical reflection at various points in the process, as illustrated in this article, has in the long term, far greater potential to produce an acceptable ethical outcome.

### **CASE STUDY 1: Japanese Whaling**

The first case involves the issue of Japanese whaling rights and the taking of whales. In 1982, the International Whaling Commission voted to amend whaling schedules to phase out commercial whaling, leading to a complete moratorium in 1986 except for aboriginal whaling and whaling for scientific research. (Murphy 2001, p.149) Japan and a number of other states objected, stating the purpose of the Convention was to promote and maintain whale fishery

stocks, not ban whaling completely. (Murphy, 2001, p. 149) Japan currently harvests approximately 400 minke whales annually, (Tanno and Hamazaki, 2000, p. 82) for research purposes to determine the characteristics of existing stocks. The research institute which conducts this study, then sells the excess 2,000 – 3,000 tonnes of whale meat annually to cover the cost of its research (*The Economist*, 2000, p. 43).

There is a perception, particularly in western countries, that Japan is violating the spirit of the whaling convention as evidenced by the author's internet search on the issue, which revealed more than 3,600 web sites devoted to opposing Japan's activities. International public relations firm, Shandwick, has come under attack publicly from some of these anti-whaling advocates and from Australian Democrat politicians for choosing to work for the Japanese Whaling Association (JWA), the industry body representing the interests of Japanese whalers. Using the proposed taxonomy, it would appear that there are ethical implications over Shandwick's acceptance of the client in this case, and as a result, of the project that Shandwick has been working on. Claims by Burton (2000) infer that Shandwick's choice of client in this, and other cases, is unethical.

However, there is also accusations by the JWA that a number of environmental groups are spreading misinformation about the true nature of Japan's whaling activities and that they are not respectful of claims made by the Japanese of their cultural link with whales as part of their diet. In fact, some accuse western advocacy groups of singling out Japan's whaling activities as part of an anti-Japanese sentiment (Tanno and Hamazaki, 2000) while countries such as Norway are not queried over their whaling industry, said to be substantially larger than the Japanese industry.

## **Strategy and tactics**

This case highlights the divergent worldviews of the parties and the ethical imperatives which flow from these worldviews. It is these ethical imperatives which frame consideration of what is right and what is wrong. This conflict can be construed in terms of a difference between an anthropocentric worldview derived from the Jewish, Christian and Islamic cultural, religious and philosophical traditions, and a biocentric worldview based on Buddhist, Confucian and Hindu worldviews. The former tradition, which is very strongly deontological in its approach, conflicts with the biocentric tradition, which holds to an ontology in which there are no essential distinctions between humans and nature. In a global society that crosses cultural boundaries this conflict raises questions about whose value set is “right” and whose “wrong”. The solution is not to determine who is right and who is wrong, but to undertake ethical reflection which allows for consideration of cultural differences, because advocacies which impugn the integrity of either of the parties are inherently unethical. It could be argued, that advocates, who may or may not be within an organization which is actively carrying out public relations activities, are still engaged in activity that impacts on public opinion. In effect, they are practicing a form of public relations that demands to be guided by ethical reflection whether or not there is a code guiding their behaviour. For a profession, which public relations purports to be, the overriding principle is ‘to act in the public interest’. However, in this particular case, like many other contentious environmental and social issues, what constitutes the public interest? Is it protection of the environment, or the maintenance of century old cultural traditions?

### **CASE STUDY 2: Going overboard:**

#### **Liberal Party strategy and tactics in the 2001 Australian federal election campaign**

The organisational structure of an Australian political campaign is that the party secretariat is responsible for the management of the campaign, in close liaison with the political leadership

of the party. Particular activities, such as polling or the production of television spots, can be either undertaken in house or outsourced. In the 2001 Australian federal election campaign, the Liberal Party, for example, conducted both these functions in house. So in a sense, the normal commercial relationship between consultancy and client does not apply in this case. Thus, the points of our taxonomy relating to choice of client and choice of project are not relevant here. Yet, if public relations can be said to be about the formation of public opinion, then political campaigns must be one of the most substantial of all public relations activities. This particular campaign raises significant ethical questions about both strategy and tactics.

### The strategy of dog whistle politics

In the first half of 2001, the governing coalition was facing electoral defeat with a poll due before years end. But through an effective, but highly questionable, communications strategy, the party turned this around to win the election with an increased majority. The following graph shows the trend line of primary voting intentions for the two major parties in Morgan Gallup Poll over the calendar year 2001.

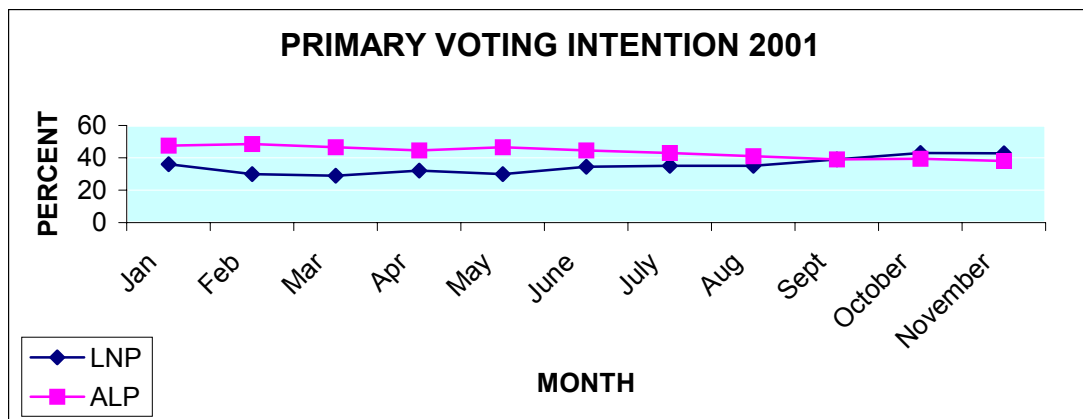


Table I. Primary Voting Intentions 2001.

SOURCE: [http://www.roymorgan.com.au/polls/trend/vote96\\_\\_.html](http://www.roymorgan.com.au/polls/trend/vote96__.html)

The strategy was designed to appeal to European Australians' antipathies about "the yellow peril" and "the fear of the north" which a century ago bred the White Australia Policy, and during the Cold War led to Australian participation in the Vietnam War to prevent "the

domino effect”, the successive fall to Communism of regimes throughout southeast Asia until only Australia remained (Booker 1976, Burke 2002). It was also a response to the rise of the One Nation Party, spawned by the defection of former Liberal candidate Pauline Hansen in the 1996 election (Kingston 1999). In the 1998 federal election, One Nation secured 8.5% of the primary vote, a vote the Coalition desperately needed to win back in 2001 (Morgan 2001).

The foundations for such a strategy has been laid throughout the previous terms of the government, elected for the first time in 1996. Government responses to indigenous issues such as the land tenure debate generated by the Wik and Mabo decisions of the High Court, the stolen generations (the case of indigenous people removed from the natural parents by white administrators), and the refusal of the Prime Minister to apologise for the plight of indigenous people were all indicative of Coalition attitudes on questions of race. This strategy of a subconscious appeal to the latent racism of many Australians, while using a vocabulary which purports to be either of neutrality or inclusion, has been termed ‘dog whistle politics.’ One of the first uses of the term in the current context was by journalist Tony Wright, in April 2000, in an analysis of how Prime Minister John Howard had managed race issues during his career. Over eighteen months before the election Wright (2000) wrote:

The Americans call this “dog-whistle politics”. Blow a dog whistle, and you won't hear much to get excited about. But the target of the whistle - the dogs - will detect a sound beyond the audible range of the rest of us, and will react to it. Two quite different messages are contained within the one action of blowing the whistle: the one benign, the other designed to be heard and heeded only by the ears tuned to it. The beauty of this approach is that if your critics claim they have detected a secret message, you can deny it, and accuse your accusers of deliberately and mischievously seeking the non-existent.

### **Tactics**

The dog whistle strategy began to bite with the rescue at sea of a boatload of 460 people seeking asylum in Australia by the Norwegian freighter MV *Tampa* on Sunday August 26, 2001. The Australian government refused permission for the *Tampa* to land the boatpeople on the Australian territory of Christmas Island and insisted they be returned to Indonesia, their last point of embarkation. Within two weeks, by October 13-14, the Coalition had a ten point

lead over the ALP on a two party preferred basis (55% to 45%). It went on to win the election on November 10.

Along the way, the Coalition's position was strengthened by assertions by the Australian prime minister and two of his senior ministers that on October 6, refugees on board a boat off the north western Australia who were seeking asylum in Australia had thrown children overboard in order to force the Australian navy to rescue them, and thus enhance their claims to refugee status in Australia. The national daily *The Australian* reported this as fact in the first paragraph of its front page lead story on October 8 (Henderson et al 2001):

A boatload of asylum seekers throwing children overboard 150 nautical miles from Australian territory as the navy fired over their heads became pawn in the election campaign yesterday.

Two days later, on October 10, Defence Minister Reith – who was retiring at the election-announced the Navy had a video of the incident and released still photographs of adults and children with naval personnel in the water. Of the video, Reith told *The Australian* on November 9: “I have not seen it. It shows a child being pushed into the water.” When the video was eventually released later, two days before polling day, this was not the case. Moreover, the still photographs released were taken on a different day. All this was subsequently brought to light in the first session of the new Parliament in February 2002.

In her analysis of the ethical use of visuals, Keinzler (1997) addresses the issues of ‘document’ construction and the representation of data. Under the heading of construction, ethical issues in document design, offensive material and what is described as “the story told” (Keinzler 1997, p.176) are discussed. “When information is withheld or presented in such a way as to lead to slanted conclusions, then the concept of informed opinion, critical to ethical communication, is violated “(Keinzler 1997, p. 176). Certainly in this case there was withholding of information by the defence Minister Reith (Garran 2001).



A week before voting day, and several days prior to this information coming to light, journalist Mike Secombe (2001) returned to the theme of dog whistle politics.

Media images were engineered by the Government to make asylum seekers appear a threat, rather than a tragedy. It was a classic example of what they call "dog-whistle" politics, where a subliminal message, not literally apparent in the words used, is heard by sections of the community. And the more media controversy there was, the more the dog-whistle message was amplified and broadcast. It was hardline, authoritarian, and, in its essence, racist.

This case has some parallels with the celebrated case of Hill Knowlton in the Gulf War (Pratt 1994). The ethical issues in this case revolve around the deontological approach taken by Australian defence officials and the consequentialist approach taken by their political masters. In the course of their duty, the Australian Navy collected certain information; in the course of the election campaign, the politicians used this information in a highly consequentialist fashion to further their own self interest – which was to win the election. They did so at the cost of acting altruistically (in the interests of others) or on utilitarian grounds (acting for the greatest good for the greatest number) although their argument would be that they were acting on both utilitarian and deontological grounds. Their argument would be that, consistent with Lockean political theory, the first duty of government is to protect its citizens (Locke 1690/1965, p.85). Secondly, that they had pursued the greatest good for the greatest number. Both these approaches are implicit in the advertising campaign run. In full page newspaper advertisements run in the closing days of the campaign, the government parties asserted: “We will decide who comes to this country and the circumstances in which they will come...”. The moral of this story is one which illustrates the key weakness of the utilitarian approach to ethics: what is popular is not necessarily right.

### **CASE STUDY 3: New Zealand: Timberlands West Coast Pty Ltd**

The Timberlands West Coast case has been the subject of intense scrutiny from an ethical perspective, first by authors of *Secrets and Lies: the anatomy of an anti-environmental pr campaign*, Nicky Hager and Bob Burton (1999), secondly by the Ethics Committee of the Public Relations Institute of New Zealand (PRINZ), and thirdly by a New Zealand QC, Hugh

Rennie after the internal PRINZ ethics review was aborted after complaints about lack of due process from two of the protagonists, Klaus Sorensen and Rob McGregor of the public relations firm, Shandwick (Rennie 2001). The Council of PR firms ranks Weber Shandwick as the second largest PR in the world after Fleishman-Hillard with revenue of \$US 334 million in 2000 and a staff of over 2600 (Council of PR Firms 2001).

This case illustrates the limitation of codes, and supports the contention of this paper that ethical reflection at each stage of the public relations campaign process may be a much more effective means of ensuring ethical conduct and professional standards. In 1999 Hager and Burton lodged a complaint with the PRINZ that in their campaign for Timberlands West Coast, that the Shandwick executives had breached the PRINZ Code of Ethics.

Shandwick's client, Timberlands West Coast Pty Ltd was a government owned corporation established in 1990 under the *State Owned Enterprises Act* of 1986 as part of the process of the privatisation of public assets that occurred in New Zealand during the nineteen eighties.

According to the Chairman of Timberlands, Warren Young (2001):

The principal objective of a State-owned enterprise (SOE) is to be a successful business. Incidental to being a successful business is the need for companies operating under the SOE Act to be as profitable and efficient as comparable businesses not owned by the Crown, to be a good employer, and to exhibit a sense of social responsibility by having regard to the interests of the local community.

Timberlands was established, according to the company website, "because of the unique situation on the West Coast [in which] special management was required." Under the Act the sole shareholders are Ministers of the Crown.

Hager and Burton made some eighteen complaints to PRINZ Ethics Committee in October 1999 (Rennie 2001). Of these Rennie chose to investigate five. In terms of our taxonomy, two of these complaints relate to tactics. The other three relate more generally to acceptance of the client, the project and development of a strategy. Rennie acknowledged the need for an

ethical distinction between strategy and tactics, observing that, “if the objectives pursued by Shandwick were legitimate...that does not legitimate the means adopted to achieve them” (Rennie 2001, p.26).

In considering the tactics used, Rennie found that Shandwick had paid a student at Victoria University in Wellington to spy on the Victoria Environment Group, opponents of Timberland’s activities, but that neither Sorensen nor McGregor was responsible for this payment. Rennie (2001, p.31) found the spying to be unethical and appeared troubled by the failure of Sorensen and McGregor to categorically reject such a tactic as unethical (Rennie 2001,p.30). The related tactic of drafting letters for use by Timberland supporters in the community, he found not to be unethical, although Rennie found some confusion about the origins and status of a group called the Coast Action Network. Were the Coast Action Network to be a Timberlands front organisation, then this would be, Rennie said, “plainly unethical,” adding, “But this is not what occurred here.” (Rennie 2001, p. 35). So on the tactics employed, Rennie found one to be unethical, the other acceptable.

On the wider questions of client and project acceptance, and of strategy, Rennie was much more equivocal. The complaint, labelled by Rennie as A4, is about the use of the term “extremist” and the broader portrayal of Timberlands’ opponents by both Timberlands and Shandwick as “extremists”. Rennie questions the extent to which it was appropriately ethical professional behaviour for the Shandwick consultants to adopt the “mindset of conflict” held by Timberlands:

Should the public relations professionals [have] implemented a campaign on these lines? That is the difficult ethical judgement to be made...  
There is an old legal adage that the reason one has a lawyer is so that the professional keeps his or her head when everyone else is losing theirs. Such moderating influence might be expected of a public relations professional, rather than the implementation of the “opinions” of Timberlands... The complainants argue that the higher ethical duty should have led Shandwick...to: 1. Advise the client of the ethical issues. 2. Counsel against such an approach. 3. If instructed to proceed, decline to undertake the work. (Rennie 2001, p.33).

While this may appear to be a discussion about *strategy*, it does in fact raise serious questions about the *acceptance of the client*, which takes us to the core of the final complaint which Rennie adjudicated. In this instance Hager and Burton complained that Sorensen and McGregor breached the PRINZ Code of Ethics clause which said that members should, “not abuse the channels of public communication or the processes of government.” In essence, this complaint raises questions about the client; about the accountability and transparency of State Owned Enterprises rather than the consultants. Should an SOE, responsible directly to a Minister of the Crown, be attempting to thwart the free expression of opinion by the citizenry, and should it do so in a clandestine fashion, using the resources of the state to do so? In this instance, the Shandwick executives were simply instruments by which this state enterprise was seeking to bend public opinion to its will. State Owned Enterprises provide a convenient distancing for governments who wish to maximize the outputs of their resources, and minimize their own accountability to Parliament and the electorate. The real ethical issue at stake here is: where was the accountability of Timberlands to its shareholding Minister? This question was beyond the scope of Rennie’s adjudication, and he refers to:

...tantalising hints in the documents that Ministers of the then government were comfortable that Timberlands was operating a strategy through Shandwick...But the evidence is obscure as to who had approved what actions, and when, and on what authority (Rennie 2001, p. 24).

From the point of view of judging the behaviour of Sorensen and McGregor, it would seem that once accepting the client, that the nature of the project and the strategy were implicit in that acceptance. It is the responsibility of making an judgement call on the entire package to which Rennie is referring when he writes of the “higher ethical duty” (Rennie: 2001, p.33) argued by the complainants. At this point Rennie equivocates and refers the issue of the nature of this ethical duty back to the PRINZ, making the judgement that this is an issue for a council of peers (ie the PRINZ) to determine. Thus for Shandwick, there were really only two possible points of ethical reflection in this case. First, whether to accept the client, given that the strategy was already implied, and secondly, at the point of selecting the tactics.

### **Ethical reflection and codes**

Why do we suggest that ethical reflection on a campaign is more effective than an ethics audit or the application of a code of ethics? First, in this case, the notion of industry self regulation was compromised by the unwillingness of Sorensen and McGregor to accept the PRINZ process of dealing with ethics complaints and their threats of litigation, notwithstanding their claim that the PRINZ process may have denied them natural justice (Mulrooney 2000). The Shandwick executives did further damage to the principle of industry self regulation, and of peer review of professional practice, by publicly resigning from the PRINZ, while asserting their commitment to the maintenance of the highest ethical standards. In a media release on the day Rennie's report was handed to the PRINZ, Sorensen and McGregor said:

For the Institute to treat two individuals with a total of 32 years public relations experience in this way is appalling. They bent over backwards to entertain complaints from those who simply sought to promote themselves and in the process ignored the rights of their members and the Institute's obligations to them...Mr Sorensen said he and Mr McGregor would continue to maintain high ethical standards without the assistance of the Institute...(Weber Shandwick 2001)

Would a demonstrated process of internal ethical reflection within Shandwick have deflected any need or desire for Hager and Burton to complain or were the complainants, as the Shandwick executives suggested, simply engaged in self promotion? Indeed, to have shown that ethical reflection had taken place as part of the campaign planning process may, in fact, have obviated the need for any ethical review by the PRINZ.

### **CONCLUSION**

As our analysis of these cases indicates, the taxonomy cannot be applied perfectly in every situation. What it does do, however, is open up the opportunity for ethical reflection about current public relations practices. The normative approach to institutionalisation of ethics in professions and organisations has been to introduce audits and codes. If ethical reflection had been an intrinsic part of the client management process, then the sorts of dilemmas that Shandwick faced in both the Timberlands, and the Japanese whaling case would be reduced. In addition, ethical reflection should extend beyond those whose shingle says "public

relations consultant” to all who engage in advocacy and who seek to influence public opinion formally or informally. All protagonists in any issue should engage in ethical reflection as a far more mature approach to the resolution of values based conflicts. A process of ethical reflection, as opposed to taking a deontological approach to ethics, facilitates the practice of dialogic communication encompassed in a two-way symmetrical communication model proposed by Grunig (1989) as a way of public relations practitioners addressing the issues faced in a global economy. Increasingly, differences in values will be a source of conflict in a mediated, global society where a range of cultures, and thus values, are brought together, and interpreted at both a strategic and a tactical level. A process of ethical reflection which accounts for a wide range of values provides a more sound basis on which to make ethical decisions than a simple reliance of codes of ethics whose origins lie in deontological notions of right and wrong derived from the monotheistic religious traditions of Judaism, Christianity and Islam. By approaching ethical considerations through reflection, the mutually beneficial relationship between organizations and stakeholders may be mediated by the public relations role, rather than having the need for public relations practice to be governed by a set of codes.

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