Professionals’ Accounts for Work-related Deceptions

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Using interview and observational data, this article analyzes how private detectives account for using work-related deceptions. I place special emphasis on how practitioners’ accounts draw on professional affiliations and organizational resources that are less available to individuals in their private lives. These affiliations and resources include economic and demographic characteristics of employers, practitioners, clients and investigative targets, state licensing, the profession’s social repute, and asymmetries in specialized knowledge between practitioners and laypersons. The conclusion addresses how accounts for work-related deceptions benefit professionals through advantaging them over targets, obscuring harmful consequences of work, and helping them and their clients to avoid negative labeling.

If you call someone up and say, “Hi, would you mind telling me where your brother is, so that I can put his ass in jail for the next five years,” you won’t last too long in the private detective business.
—Anonymous private detective

Hughes (1984:342) identified studying “the arrangements and devices by which men make their work tolerable, or even glorious to themselves and others,” as a core issue in the sociological study of work and occupations. Research in the symbolic interactionist tradition has addressed this issue by investigating how workers develop “dignifying rationalizations” to mitigate the shameful implications of having to do “dirty work,” such as physically disgusting or morally degrading tasks (see, e.g. Davis 1984; Hughes 1984; Klockars 1984; Meara 1974). This article extends the literature to a new focus—examining how professionals account for using noncriminal, work-related deceptions.

Scott and Lyman (1968:46) define an account as “a linguistic device employed whenever an action is subjected to valuative inquiry.” Accounts consist of excuses and justifications that seek to reconcile untoward actions and social expectations (Scott and Lyman 1968). A rich research literature exists on how people use accounts to excuse or to justify criminal behaviors. The subjects described in this research of-
ten include members of highly stigmatized groups, including male hustlers (Reiss 1964), juvenile delinquents (Sykes and Matza 1957), disgraced professionals (Pogrebin, Poole, and Martinez 1992), and convicted criminal offenders, such as white-collar criminals (Benson 1985) and rapists (Scully and Marolla 1984). Studying offenders' accounts for criminal behaviors is important. Yet criminal offenders represent only a subset of the individuals who use accounts. Further research is needed on how people employ accounts for legal but controversial professional activities, such as the work-related deceptions considered here.

Deceptive actions are legal and necessary aspects of the work for some professions, such as for insurance investigators, negotiators, public law enforcement agents, and the subjects of this study, private detectives. To preserve their legitimacy and to fend off critics and rivals, all professions must demonstrate that the means and ends of their work reflect prevailing cultural values (Abbott 1988). Given the social stigma attached to lying, how do professionals who must act deceptively legitimize their work-related deceptions?

Clients hire private detectives to evaluate how well someone is complying with their obligations to others. For example, private detectives investigate whether spouses commit adultery, whether insured people perpetrate fraud, or whether employees spy or steal at work. A private detective's methods for accessing such hidden data include conducting undercover operations and covert surveillance and offering secret cash payments for information. Since the work of private detectives depends on deceptive techniques, this profession offers an excellent case for examining how deceptions exist as authorized and accounted-for professional work.

Professionals are characterized by having abstract and specialized knowledge, autonomy, status, educational training, licensure, and some degree of altruism based on a professional code of ethics (Hughes 1984). Private detectives are licensed by professional regulators, have abstract and specialized knowledge of investigative and legal issues, have ethical codes of conduct, and must complete educational and experiential requirements to be licensed. Their knowledge and licensing affords them considerable control over their work. As such, private detectives arguably meet several criteria of professionalization.

Although scholars have studied the legitimating strategies that police officers and undercover operatives offer to explain their work-related deceptions (Elliston and Feldberg 1985; Heffernan and Stroup 1985; Hunt and Manning 1991; Jacobs 1992; Klockars 1984; Manning 1977, 1988; Manning and Van Maanen 1978; Marx 1988; Miller 1987; Skolnick 1975), few studies exist on the strategies, ethical resolutions, and "working personalities" (Skolnick 1966) of their private-sector counterparts in social control, private detectives. The growing employment of private agents of social control in North America (Cunningham and Taylor 1985; Ghezzi 1983; Johnston 1992; Marx 1987; O'Toole 1978; Reichman 1987; Shearing 1992; Shearing and Stenning 1987; Spitzer and Scull 1977) warrants further investigation of the work-related deceptions and accounts that they employ.

Little research exists also on how an organizational or group context for account
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giving differs from private individual contexts, such as accounting for deviant acts in one’s personal life. Nichols (1990:133), for example, has identified a failure to consider the collective or group use of accounts as an “elementary omission” in the scholarly literature on accounts. There are potential differences between how groups construct and honor accounts according to their aims, power, and stakeholders. Thus, we need a sharper analytic focus to understand the distinctive qualities of offering accounts in a professional context.

This article offers four contributions to the symbolic interactionist literature on accounts. First, using data from interviews and participant observation of private detective work, I identify specific accounts detectives use to justify work-related deceptions. Second, I explore how a professional affiliation makes accounts more powerful, through drawing on cultural and structural resources that are less available to other individuals. Third, I identify those cultural and structural resources, which include economic and demographic characteristics of employers, practitioners, clients, and targets; state licensing; the profession’s social repute; asymmetries in specialized knowledge between practitioners and laypersons; case and client selectivity; and favorable occupational metaphors and rhetorics of expertise, neutrality, training, and professionalism. Fourth, I analyze the important role professionals’ accounts can play in preserving the ability to engage in controversial work practices.

Private detectives’ accounts also help to mitigate a sense of personal liability for engaging in morally controversial, work-related deceptions. I classify their accounts into the following analytic categories: means-ends justifications, technical-legal justifications, and ethic of neutrality justifications. All these accounts transfer blame for engaging in deceptions to targets of investigations (they deserve it), existing laws (if deceptive investigative techniques are legal, then they are permissible), and clients (deceptions are undertaken at their behest). Akin to a legal precedent, a successful account also functions as a justifying interpretation that detectives can import into other similar circumstances. Successful accounts for work-related deceptions help to disassociate practitioners from culpability for their adversarial work and, in a larger sense, help to institutionalize a profession’s jurisdiction to continually practice contestable tasks.

PREVIOUS RESEARCH

Scott and Lyman (1968) describe accounts in two categories—excuses and justifications. When using excuses, people acknowledge having committed a negatively viewed act but disclaim any personal responsibility for their action. Everyday examples of excuses are “It was an accident” and “I did it, but I was drunk.” When using justifications, people acknowledge committing a discreditable act but claim that extenuating circumstances legitimate the behavior. Everyday examples of justifications are “I was following orders” and “Those people had it coming to them.”

At their core, accounts represent an individual’s attempts to transfer responsibility for discreditable actions to other actors or social forces, such as alcohol, scape-
goats, or a superior's orders. All account giving reflects attempts to negotiate the level of stigma or punishment that is attached to an individual's action. Accounts constitute "stories and narratives" representing ways that people organize images of themselves and others in the social world (Orbuch 1997). These stories help to explain behaviors in a positive light. Harre, Clark, and DeCarlo (1985) argue that in producing accounts, actors show their knowledge of ideal ways of acting and idealized reasons for doing what they have done. Individuals offer accounts to offset responsibility and to preserve a positive image (Orbuch 1997).

How do professionals use accounts to characterize occupational identity positively? How do the accounts of organizations, groups, or collectivities differ? Although the scholarly literature has been advanced through the identification of new accounts and through more empirically focused analyses of how people account for specific actions (see, e.g., Benson 1985; Hewitt and Stokes 1975; Jacobs 1992; Klockars 1984, 1985; Mulcahy 1995; Pestello 1991; Reiss 1964; Scully and Morolla 1984; Stokes and Hewitt 1976; Sykes and Matza 1957; Young 1995, 1997), this body of work has not identified organizational contributions to accounts or how professionals in the private sector use accounts to legitimate legal but controversial "dirty work."

Recent scholarly reviews of the literature on accounts (Hunter 1984; Nichols 1990; Orbuch 1997; Young 1997) have argued that greater emphasis should be placed on how accounts are socially distributed and enacted. More emphasis must be placed on who offers accounts and on the different contexts in which they are offered. For example, gender and age (Hunter 1984) affect the ability to give successful accounts. How does one's professional affiliation also affect the ability to give a successful account?

How accounts possess cumulative power is one of their key theoretical attributes. We must articulate how this attribute works to examine the usefulness of accounts for professionals. This "cumulative" power refers to the capacity of a particular account to legitimate or excuse repeatedly engaging in a kind of behavior. For example, if an actor knows that exclaiming "Boys will be boys" will always justify male aggression, that particular account may come to take on a cumulative power. It may allow someone to freely engage in male aggression because it can perpetually excuse or justify such actions.

Knowing that an account will be cumulatively honored means that repeated incidents of potentially discreditable behavior will be exonerated. The potential cumulative power of accounts is particularly relevant to occupations, because professionals involved in adversarial work must repeatedly engage in discreditable behaviors as part of their livelihood. Performing such labor may require accounts that can dependably legitimate those behaviors.

Accounts function to excuse and justify behaviors as social facts. They do more than rehabilitate individual reputations. A "cumulative" account preserves the capacity to engage in discreditable behaviors by successfully mitigating norms against them. A professional context highlights these issues, particularly when accounts justify behaviors that are potentially harmful and have stakeholders interested in pre-
serving them. Scholars of accounts should examine how the social resources available to organizations and professions represent a powerful application of the cumulative potential of accounts.

METHODS

My initial interest in this research was to study the investigative methodology of private detectives and how private detectives felt about that work. To obtain such qualitatively complex data, I conducted field research using interviews and participant observation. Schwartz and Jacobs (1979) identify a “hunt and peck” style of exploratory ethnographic research, in which the primary aim is to generate examples of useful situations for learning about a subject of interest. I adopted a “hunt and peck” strategy of ethnographic research to generate multiple examples of the working ethos of private detectives.

DATA

Interview Data

I contacted private detectives by writing an introductory letter to those advertising in the telephone book in a large metropolitan area. The letter requested an interview and described the scholarly focus of the research, identified the author as an “academic,” and stressed that all interview data would be confidential. After two weeks, I followed up each letter with a telephone call.

I interviewed twenty respondents, three women and seventeen men. Nineteen of the respondents were white; one male informant self-identified as “nonwhite” and did not reference a specific “nonwhite” racial group. Seven respondents held permanent employee registration cards. These respondents, referred to as PERCs, are licensed apprentices who carry out investigative operations under a primary license holder’s supervision and liability. PERCs do much of the legwork on investigations and are thus an important source of information about deceptive investigative techniques.

The interview approach was semistructured and involved asking informants both closed and open-ended questions. I used closed questions to identify characteristics of professional practice. These questions enabled me to identify the particular types of investigations, such as missing person investigations or undercover operations, that a private detective engaged in and his or her career background, type of clientele, investigative experience, and so forth.

The open-ended interview questions probed respondents’ views about their investigative practices. These questions aimed to solicit the respondents’ in-depth feelings and interpretations of their work. These raw data provided me with the materials to conduct domain analysis (Spradley 1980) contrasting the types of explanations private detectives offered for their work (in terms of both rationale and justifi-
cation) and the "kinds of ethical and unethical detectives" that private detectives identified. I collapsed responses into the thematic accounts presented in this article.

The interviews averaged an hour and a half, and most were taped and transcribed verbatim. I could not tape three interviews: one informant did not want to be recorded, another interview took place over the telephone, and the third occurred in a bar with too much noise to make recording feasible. I took especially detailed notes on all unrecorded interviews. All informants were asked the same questions to ensure consistency across the sample.

I interviewed a range of PERCS, full license holders, and telephone book and non-telephone book private detectives. By doing so, I gained access to informants representing a range of specialization and practical experience. Consistent with methodological procedures of member validation (see Bloor 1983), I reinterviewed several respondents, asking them in particular about my interpretations of private detective work. Thus, I conducted a total of twenty-five semistructured interviews.

**Observational Data**

I conducted observations to collect additional data. During an interview with a private detective, I learned that his agency had an in-house training program. He planned to spin off the agency's training program as a for-profit educational program for people interested in pursuing a private detective license. This informant offered to let me participate in this program, which gave me the chance to observe how the agency trained new operatives and to learn how private detectives were taught to perceive and interpret their work. Such participant observation is particularly helpful for understanding the emotional labor involved in work (see Hochschild 1983; Leidner 1993). My ascribed status as a white male was consistent with the demographics of trainees. I attended twenty-five hours of lectures and training films and participated in group discussions and in exercises such as weapons training and the rehearsal of scenarios that might occur in the field. The lectures covered legal and technical aspects of private detective work, including interviewing, investigative techniques, and protocol.

To balance the potential bias of participating in only one agency's training regimen, I observed private detectives at other agencies and sought training materials from two other agencies. Thus, my observational data overall included participating in the classroom component of in-house training at a private detective agency and also observing private detectives while they were working at that agency and at two others.

I observed private detectives in the field for about twenty-eight hours. I witnessed private detectives conducting surveillance, interviewing informants, interacting with clients, testifying in court, supervising operatives, and acquiring credit reports and unlisted telephone numbers. Beyond the formal interviews and participant observation, I also spent time with several private detectives, drinking and eating meals with them and accompanying them to after-hours events such as target shoot-
ing and gun purchasing. These informal observations provided opportunities to listen to shop talk about work.

In addition, I examined completed investigation forms and some “name-blacked-out” case files. Access to these allowed me to compare interview comments with written records of cases.

INVESTIGATIVE GOALS AND NEGATIVE PORTRAYALS OF PRIVATE DETECTIVE WORK

Private detectives conduct clandestine investigations of people’s loyalty and character. For example, they scrutinize people or organizations when a client is considering a business relationship; they investigate a romantic suitor’s veracity, a prospective employee’s work history, or an organization’s financial background; and they pursue suspicions of adultery or workplace theft. They also manage the aftermath of betrayals, such as attempting to recover children kidnapped by noncustodial adults, stolen money, missing debtors, or bail jumpers.

Private detectives use deceptive methodologies such as undercover operations, undisclosed surveillance, and false pretexts in their work. This raises ethical questions about how such means are used, their legality, and their effects on users and subjects. For example, there have been numerous lawsuits in which private detectives have been accused of violations of privacy, trespass, document theft, and entrapment (see Geddes 1989).

Popular culture is replete with imagery of private detectives as deductive geniuses and adventurous heroes. However, there are also negative portrayals. Private detectives have been depicted historically as agent provocateurs, union busters, frame-up experts, violent servants of big business, and wiretappers—as a respondent put it, “As somebody who’ll do anything for a buck.” Private detective agencies such as Pinkerton’s and Burns are particularly vilified for having used deception and violence historically to help destroy unions and break strikes. Such private detective work was condemned harshly, as this description illustrates:

Workers are not the only victims of such espionage. The practice corrupts those who engage in it. The spies themselves are degraded and friendless and when exposed become social outcasts . . . [T]he workers spied upon are subjected to continual turmoil, suspicion, arbitrary dismissals and are constantly pursued by the unseen specter of betrayal. (House Committee on Education and Labor 1939:80)

Public and legal concerns that deceptive techniques attack individual privacy and negative historical portrayals constitute some of the external criticisms that help to motivate private detectives to account for their work-related deceptions.

PRIVATE DETECTIVES’ OCCUPATIONAL ACCOUNTS

Private detectives employ three types of accounts to justify work-related deceptions. In means-ends justifications, private detectives portray work-related deceptions as
instruments of justice to be used against criminal threats. Technical-legal justifications argue that if a particular deceptive method is legal, then there is no need to legitimate it on moral grounds. Ethic of neutrality justifications portray deception as a morally neutral professional tool; any moral assessment about the motivation for using that tool is a separate issue connected to the client. These forms of accounts are discussed in detail below, with an emphasis on examining how each one draws on different aspects of occupational structure, such as investigative targets that are easily labeled negatively, types of clients, previous work experience, professional training, and an asymmetry of expertise over nonprofessionals.

Means-Ends Justifications

Private detectives have a pragmatic reason to lie in their work: they must investigate people who may be acting deceptively. This pragmatic basis underlies the moral rhetoric that some private detectives use to account for acting deceptively. In short, the ends of uncovering dangerous and deceptive people justify using deceptive means against them. As one of Gary T. Marx's (1988:89) informants states in referring to undercover operations, “If you want to catch a rat, you have to go into the sewer.”

Klockars (1985:55) identifies a “Dirty Harry” problem that police officers must address: “To what extent does the morally good end warrant or justify an ethically, politically, or legally dangerous means for its achievement?” The Dirty Harry problem for private detectives requires morally differentiating themselves from targets, as both “are in the sewer” of using deception. An ends-justifies-the-means philosophy portrays work-related deceptions as instruments of justice that defend against criminal threats. Using a favorable occupational metaphor in professionals’ rhetoric, as private detectives do here in comparing themselves to police officers, has been identified by Fine (1996) as “professional analogizing.”

Private detectives view exposing criminal targets as personally and professionally rewarding, as one private detective noted while discussing insurance investigations with me in her office.

One thing that really satisfies me is when in insurance cases I get all the information on someone who turns out to be defrauding the insurance company and showing the insurance company the evidence. I get a lot of satisfaction from showing fraud. And I'll tell you why. Because my insurance rates are too high and they're the reason why, the defrauders.

A male private detective conducting undercover operations in blue-collar workplaces comments on the morality of undercover operations.

It didn't bother me when I did it. I go in there and I'm looking. Hey those people are dealing drugs on the workforce. You have people working on big machines. If they're there under the influence of any type of drugs or alcohol, you know they shouldn't be there. You know, you're out there for the safety of the people.
Targets under investigation commit serious transgressions (adultery, drug dealing, insurance fraud, stealing, and trademark infringement) that detectives believe must be exposed and punished.

Private detective work is organized in two ways that promote means-ends accounts. First, some private detectives may select only those cases that involve criminal targets (rather than, for example, adulterers). In doing so, they enhance their image as representatives of justice. One private detective, for example, after departing an agency that investigated accusations of adultery, commented on his happiness at his new job.

Here we specialize in surety recovery work, bail theft investigation and prevention. I am much more satisfied and comfortable in doing that kind of work. These are people that are facing, they've been charged with a crime, a serious crime in most instances, and have fled from lawful prosecution.

Litigation also has offered some support for means-ends justifications. For example, people accepting employment offers, requesting loans, filing claims with insurers, or applying for jobs or entrance to educational institutions, must agree to contractual arrangements that allow a degree of intrusion on their privacy (Reiss 1987). These concessions of individual privacy are attributable to a perception that organizations have the legal right to investigate the truthfulness of claims.

In *Forster v. Manchester*, for example, the plaintiff argued that a private detective had conducted unobtrusive surveillance that invaded her privacy and constituted harassment. The court ruled against the plaintiff, concluding, “There is social utility in investigations because it is in the best interests of society that personal injury claims be valid and that fraudulent claims be exposed” (La Marca 1986:604). *Forster v. Manchester* and similar verdicts demonstrate that private detectives can draw on legally and morally accepted social precedents to justify using adversarial means to inspect trust compliance.

Private detectives who use means-ends justifications often argue that private detectives are just like police officers. Many private detectives had backgrounds in law enforcement before becoming licensed; and many police officers moonlight for private detective agencies (Cunningham and Taylor 1985). Invoking a metaphorical equivalence between police officers and private detectives attempts to justify dirty work through associating the latter with the legitimacy the former have in fighting crime for the greater public good. Previous work experience common to the profession is thus used to support applying work-related deceptions.

Private detectives have extensive connections and ongoing relationships with police officers and often use those connections to gain access to information (Cunningham and Taylor 1985). An occupational structure that draws on retired law enforcement officers as personnel strengthens an ethos of ends justifying the means, as this retired police detective who opened his own agency explains:

We don’t do that type of work here [working on behalf of criminal defendants] and the reason is because we are all policemen, we have a lot of retired police officers that work for us. We won’t conflict with the investigation
going on by the local police. It’s hard for my people to be neutral on a crimi-
nal offense.

An additional structural reason explains why the “quasi-public law enforce-
ment” comparison private detectives use is effective; private detectives are some-
times employed doing the same work that public law enforcement agents perform.
Such work includes conducting investigations into internal thefts under $25,000,
out-of-state retrieval of bail jumpers, physical security, and missing persons and
murder investigations. Clients hire private detectives for these cases for several rea-
sons. Sometimes public law enforcement agents lack the manpower, wherewithal,
or desire to work on certain cases. Sometimes clients are dissatisfied with public law
enforcement’s efforts and think that private-sector agents will provide better re-
results, as they can devote all their time to the case.

Clients also feel that private detectives are more discreet than police officers,
which is important when clients want to keep their problems a secret. One private
detective comments:

If I’m in, let’s say, a security industry, say [company name deleted], one of the
companies that is escorting money, I might not want the rest of the community
to know that an employee of mine took $50,000 of my money, because then
what’s my credibility?

Other clients simply want to avoid legal obligations that arise from working with
public law enforcement.

Important issues arise when substituting private inquiry for public law enforce-
ment investigations. As an instructor comments during in-house training:

You have to be reasonably careful, especially in cases that are going to go to
court, because you don’t want to do anything to jeopardize the case. In cases that
are never going to court, it really doesn’t matter too much on what you’re doing,
because mainly it’s for the benefit of your client and it’s not going to be used for
anything but for their common knowledge, so you don’t have to be concerned.

This private detective glosses over the potentially harmful impact of unreported re-
sults. Although a favorable occupational metaphor holds that public- and private-
sector investigative work is similar, employing a private-sector investigator enables
a client to have discretionary power. In many cases, the client can decide whether or
not to act legally on the results of investigations or to make those results public.

A means-ends justification also represents a moral differentiation of occupa-
tional labor by types of cases. Some cases warrant the application of deceptive and
other adversarial techniques; others do not. In making these distinctions, practitio-
ners use case selectivity; that is, they select only cases with criminal targets to legiti-
mate using deceptive techniques. Such agencies will refuse cases that do not involve
criminal targets. Those cases are then cast as morally inappropriate, “emotional,”
and less professional.

For example, private detectives with a public law enforcement background have
some disdain for working on what are called “domestics,” slang for investigating
suspected infidelity. Domestics involve no criminal offense and have a potentially devastating emotional impact on clients. Avoiding domestics dodges the “dirty work” label while subtly affixing it on competitors who accept those cases. Consider this private detective’s comments about working domestics:

It is tedious. It is a lot of hours staring at doorways, sitting in automobiles. Being cold, being uncomfortable, staying up till bad hours. And it’s not very rewarding personally in a situation where someone is going to end up getting hurt, someone is going to experience anguish, someone is going to be emotionally hurt. I've had people scream, I've had people cry, I've had people go into rages. There isn’t a whole lot that’s positive about it. I prefer not to do it. Fortunately, the agency I'm working with now does not seek that kind of work. Those who do it and specialize in it are very good at it apparently and apparently it’s very profitable for them, but there’s a lot more going out there that I'd rather be doing.

Case selectivity illustrates a status distinction among private detectives. Abbott (1981) argues that a practitioner’s degree of removal from emotional, disorderly, and “nonprofessional” work determines status among professionals. Among private detectives using a case selectivity approach, domestics are disdained as unprofessional labor associated with less prestigious practitioners.

Private detectives face criticism for being perceived as “mercenary” if they work on behalf of criminal defendants. One interviewee describes this perception:

I was trying to solve a murder case on one particular assignment and on another particular assignment, I was trying to get a guy off on an armed robbery beef. I'm the prosecuting team one day, and on the defense team the other day. I'm with the cops one day, and I mean they're friends of mine. It's like, where are you now? Because I mean guys who are friends of mine are in bars. You know they're going, Are you on a good assignment now or are you on a bad assignment now? And that's why people don't trust private eyes. It's not who pays you more, it's who pays you first.

Other private detectives echo this point in recalling being called “whores” and “people who will do anything for money.”

Screening client character in noncriminal cases helps to repel this unfavorable “mercenary” image. Screening client character in noncriminal cases helps to repel this unfavorable “mercenary” image. Client selectivity is a form of case selectivity. For example, many private detectives will turn down missing person cases for clients who give off disturbing signals. A detective specializing in missing person investigations explains:

You check out the individual. Why does he want to find this person? Why did the person run away? In the background you might find he's looking for his wife, and he's an abuser. You start talking to friends and, Hell, yeah, this man beats the hell out of his wife. You look up police records and you look up hospital records and you find out this guy has been beating up his wife and he's probably going to beat her up again. Investigators generally, I know I will listen to somebody, but I don't take it for total truth what they tell me.

The use of case selectivity supports an account for work-related deceptions that deceptive methods are applied where deserved. An ironic aspect of using case and
client selectivity is that this argument denigrates the whole profession by implication; the account draws its strength from implicitly criticizing peers. One private detective makes this point succinctly: "[In this business] you have people that would do things that would have no questions as long as you pay the money. They have absolutely no questions of doing anything for you."

**TECHNICAL-LEGAL JUSTIFICATIONS**

Some private detectives reject means-ends justifications and make a more "objective" defense of their work. They aver using an explicitly moralizing defense, that work-related deception is justified by the misdeeds of others. A means-ends justification is a moralizing account that former police officers and now private detectives often use when they employ deceptions to investigate crimes or potential crimes. However, many private detectives also use deceptions to investigate noncriminal behaviors. Noncriminal work is less amenable to claims of working in the interests of justice, such as when one lies to get unlisted telephone numbers or to serve a civil subpoena. Such investigators adopt an account that anything legal goes and anything illegal does not. Legal techniques are acceptable practices and require no moral justification. Laws governing the profession become the standard for assessing the morality of that occupation's work.

One private detective, discussing how he wears an intentionally misleading fake delivery outfit during some investigations, offers an illustration of a technical-legal justification.

**Answer:** Wearing a uniform is not illegal. I'm not misrepresenting myself. There is no restriction on someone owning a uniform. It's not a violation of law to wear it. Now, if I'm walking through your building in it and you say, "Who are you? What are you doing here?" And I say, "I'm with UPS." Now I've broken the law. Now I've misrepresented myself.

**Question:** But you can wear the uniform as long as you make no claim to be that?

**Answer:** As long as I do not misrepresent myself, as long as I don't pose as something other than what I am.

Note the irony here in how the private detective obeys the technical character of the law but subverts its intent.

Substantial profits tempt, but potential sanctions still prevent illegal actions. Moral issues are irrelevant in evaluating employing work-related deceptions. A private detective explains:

I will do my best to avoid breaking the law. I may get right to the edge of it, but I try to stay away from that. It's not so much morally, it's my fear of being locked up. Other than that, I will do almost anything and everything I can to get the job done.

Another investigator speaks to this calculus in discussing why he turns down legally risky assignments:
I've had people who want to get somebody's tax records. I've looked around; can you do it? Is there anybody out there that's selling this kind of information? Obviously, it's got to be a governamental employee. But then you start looking into the fines and penalties and everything involved. You can go away for a long time for accessing that information. Is my client going to pay my legal bills? Is he going to take care of my family while I'm gone? Nah. OK, maybe I could make ten grand on this. What are your implications further down the road? It ain't worth it to me. A short-term gain is fine, but eventually you're going to get busted. I know that, I'm in the business. I bust people all the time. You're going to get caught and it just isn't worth the effort.

A variation on the technical-legal justification stems from a belief among some private detectives that if targets make compromising information obvious, then they are idiots who deserve what they get. Private detectives often expressed disbelief at what people told them over the telephone and at people's discrediting actions in public. One private detective, for example, expressed shock at the incriminating materials targets threw away.

In one instance, we literally ended up with a credit report on someone. They had requested a copy of their credit report and then discarded it in the trash. Just threw it in the garbage and it went out on the curb and we're going through the dumpster and, oh well, well, look at this. And considering it was one of these situations where it was a divorce case, the husband was pleading, the wife wanted certain things and certain amounts of money and property, and he was saying, "I don't have that kind of money." He was hiding assets and of course here along with his credit report is also a bank statement, which in part lists a couple of accounts which he's denying exist. And he knows that there are people looking into this because it's being contested and it's a long, drawn-out, very bloody divorce. He knows that people are looking, and he throws this out full in the trash. It never occurred to him that somebody might pick up his garbage and go through it.

Detectives reported many variations on this theme, including embezzlers who kept incriminating receipts in their desks at work; couples making love visibly in public parks; persons claiming debilitating injuries who were videotaped lugging heavy objects onto their lawns; and the topper—a man who threatened to blow up a workplace and left the threatening message and his name on an answering machine at the facility. "Idiot" tales were staple war stories for detectives. However, in a subtler vein, blaming a target for providing discrediting information without circumspection resembles Scott and Lyman's (1968) denial of victim account. This blaming strategy shifts attention from private detectives' deceptive conduct in acquiring information (covert surveillance or undercover work) to the fault of targets who fail to protect their secrets.

Private detectives cite this view specifically to justify performing pretexts. One private detective defined pretexts as "I got a reason that you give them that would induce them to tell you." "Pretexts" refer to creating fraudulent situations and/or identities that result in a subject or a duped third party providing information. The subject's falling for the ruse minimizes the private detective's sense of moral culpability in acquiring the information. As one licensed apprentice concluded, "If I start
asking you questions and you don’t ask me why I want to know and who the hell am I, I haven’t done anything wrong.”

Ethic of Neutrality Justifications

Formal professional knowledge and claims of thorough training support the contention that deceptive investigative techniques are only to be applied neutrally. A “neutral extension of techniques” refers to a working ideology among private detectives that they are to be objective, dispassionate, and impartial in applying deceptive investigative techniques.

Private detectives endlessly proclaim neutrality: “We are not out to get anybody, we’re impartial”; “We’re not judge and jury”; “We don’t manufacture evidence, we just observe what occurs naturally.” Detachment is a consistent theme of professionalism—people should have no personal interest in a given case that could influence an outcome (Hughes 1984:378). Claims of neutrality encourage using deceptive techniques, because objective applications of such techniques are held to yield accurate and honest reporting. Thus, neutrality ideally assures that subjects who behave faultlessly will be declared so, as long as detectives apply and report investigative techniques neutrally. No innocents will suffer, and only the guilty will be punished.

A philosophy of “neutral extensions of techniques” also allows private detectives great discretion. Neutrality permits them to identify for themselves what constitutes fairness in applying investigative methods. Training and agency-specific criteria also affect that labeling. Private detectives also profit from professions’ structural advantage of an asymmetry of information vis-à-vis laypersons to help them define work. They know exactly how far one can bend the truth to accord with professional standards.

The following private detective’s statement is typical in its emphasis on the importance of neutrality.

We are there to find the truth, not to make a case. Any investigator who goes in trying to make a case . . . “I got hired to find something wrong, therefore, there has to be something wrong.” No, you didn’t get hired to find something wrong. You got hired to find out if something is wrong. Therefore, if you go back to them and say, “There’s nothing wrong. We couldn’t find anything,” you’ve done your job just as well as if you caught twenty thousand thieves. You’ve done your job. Anyone who approaches it any other way shouldn’t be in the business. Rule number 1 is, do no harm. You’re there because you’re trying to prevent harm or stop injury, whether it’s financial injury or physical injury. Therefore, you’re damn sure that the people that you are pursuing are the individuals involved. I consider myself just as successful when I categorically prove that this individual is not involved and is innocent of any allegations brought against him as I am when I prove he is involved and he is guilty of those allegations. I’m interested in what the facts are, what the truth of the matter is.

A tension emerges between justifying investigative work as a means to attaining noble ends and applying it to further a client’s potentially less than noble ends. Neu-
trality, if properly invoked, dissolves this tension and ideally allows both abstract good and a client’s ends to be served at no undeserved cost to subjects of investigation. But neutrality is exceedingly complex and, to be realized, necessitates a measure of autonomy from both clients and subjects.

For example, private detectives may feel pressured to avoid objective results if such results would run counter to the client’s benefit. Private detectives are in business to make money. They can increase their profits by manufacturing reasons to persuade a client to continue sponsoring an investigation, for example, by exaggerating the degree of a drug problem in a plant or the amount of documentation necessary to establish spousal infidelity. The longer the investigation, the greater the billable hours the private detective accumulates. Private detectives also may be sympathetic to some targets and reluctant to pursue actions that could harm them. They also receive “just find out, I don’t care how” pressure from clients.

Such “subjective investigations” are labeled unprofessional and unethical (Cassidy-Ervin 1989; Connel 1989). Private detectives consider colleagues who manufacture false information highly immoral. The interviewee below demonstrates this view when discussing what constitutes an unethical private detective.

A private detective who doesn’t give a damn who he hurts, because we can do serious injury to an innocent party if we are not ethical, if we don’t play by the rules, and if we don’t consciously work at being legal, lawful, ethical, and fair. An unethical detective is someone who wants to make a case rather than find the truth. An unethical detective is someone who goes in with a preconceived idea of what he’s going to find out and makes the facts fit. That’s unethical.

Of course, finding the truth can crush people—a neat justification remains hidden here. Subjectivity is also labeled dangerous for business, while neutrality is praised as a means to gain professional credibility. In-house training revealed a constant emphasis on maintaining professional neutrality (Note: P1, P3, P4 are persons 1, 3, and 4; T = teacher):

P3: What if we’re working for the plaintiff and we find something that just blows his whole claim right to hell?
T: Important.
P3: Our obligation is to discover not just evidence that might necessarily prove our point of view but all of the evidence, right? The shading part is the . . .
P4: The lawyer is going to do the lying, right?
T: Our responsibility is to discover the facts, the truth of the matter, not to make a case. We take it all and we give it, positive, negative, we give it all to our client and say, This is what we have found. Now whether this is to your benefit or to your detriment, you will have to make that determination but these are the facts, because you see, if we do find something that weakens his case, it is very important that our client’s counsel knows that so that he may take another tack.
P1: He may drop the case.
T: He may drop it. He has a responsibility. And given the way court law is going, attorneys will pay a penalty for bringing frivolous litigation. That is just the moral and right thing to do. Otherwise, then it destroys our credibility as
an investigator. One of the things we want to be able to establish out there on the street, and this is in order to generate the cooperation of witnesses, is you are neutral. Yeah, you’re working for this particular lawyer but you are a reporter. Somebody works for somebody.

Liability, a very real concern for private detectives, strengthens the assumption of neutrality. Steadfast legal and neutral extensions of techniques do not risk potentially devastating lawsuits or criminal investigations.

Investigators also will demonstrate symbolic distance from clients by citing anecdotes of clients’ “cold-bloodedness.” For example:

We’re called in to obtain all the medical history and documentation that we can to establish whether or not a person has an undeclared or misrepresented preexisting condition which precipitated their death within their contestable period. There are certain riders in policies. I had a case I worked on in [names a state]. A woman was killed as a result of an auto accident, a rollover. She stormed out and was killed. She recently applied for a policy, but the policy has a smoker rider in it. So, I’m up there investigating, interviewing the beneficiary which is her husband, asking questions, did she smoke or not? The guy is kind of freaked out “Why are you asking this kind of stuff? My wife died in an auto accident.” “Yes, yes, I know.” These are very touchy and sensitive cases, and I’ve had people break down and cry on them. The idea is that the woman was found to be a smoker during that contestable period. Do you know they don’t have to pay off the full death benefit? They’ll refund the premiums paid to date. They’re cold-blooded; they don’t care.

The “cold-bloodedness” label enables private detectives to put more distance between themselves and clients, which supplements a sense of neutrality. Private detectives remain neutral and unscathed ethically because they associate assignments’ “dirtiness” with clients, even though they are the tools for proving that “dirtiness.” In moralizing occupational accounts, moral stains are passed on to subjects. Disavowing a client’s motivation is a way to transfer responsibility for “sins” to clients. Both transfers enable a private detective to claim neutrality.

Professionalism is also appealed to as the guardian of neutrality. The responses private detectives gave when asked for examples of unethical behaviors support this view (see Table 1). Private detectives reported ethical violations tied to indicators of professionalism, rather than to categories of generic moral violation, such as “Private detectives shouldn’t lie.” The behaviors identified as violations threaten the professional competence claim of private detectives and, by extension, threaten the perception that private detectives conduct dispassionate and professional investigations. What is noteworthy about these violations is that no methodological applications are viewed as ethically problematic in themselves except for explicitly illegal acts such as trespassing and wiretapping.

Private detectives’ accounts differ from individual accounts because, as professionals, private detectives have the ability to use institutionalized credentials, such as licenses, to make them appear to be neutral vessels. To be licensed, private detectives must meet training and apprenticeship requirements, which, along with work
TABLE 1. Self-Reported Unethical Behaviors for Private Detectives*

<table>
<thead>
<tr>
<th>Behavior</th>
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<tbody>
<tr>
<td>Charging time that no one worked (false billing)</td>
</tr>
<tr>
<td>Manufacturing fraudulent evidence</td>
</tr>
<tr>
<td>Wiretapping, planting bugs</td>
</tr>
<tr>
<td>Taking advantage of mentally incompetent clients</td>
</tr>
<tr>
<td>Selling confidential information to other sides during an investigation</td>
</tr>
<tr>
<td>Exorbitant profit mongering</td>
</tr>
<tr>
<td>Providing information that could result in grievous harm to others (e.g., giving someone's location to a person who is a threat)**</td>
</tr>
<tr>
<td>Defamation of others (e.g., telling others that someone is committing a crime when this fact is not established)</td>
</tr>
<tr>
<td>Obtaining illegal information</td>
</tr>
<tr>
<td>Practicing without a license</td>
</tr>
<tr>
<td>Using untrained employees</td>
</tr>
<tr>
<td>Providing unlisted telephone numbers to clients</td>
</tr>
<tr>
<td>Trespassing</td>
</tr>
<tr>
<td>Offering services that the private detective is not qualified to perform</td>
</tr>
</tbody>
</table>

*These behaviors are labeled unethical by the private detectives themselves. Self-reports are not descriptions of the sampled private detectives' own actions. The initial interview question, which was then followed up, asked private detectives to identify what they consider unethical actions in the business. Their responses would usually include a disclaimer, such as "I would never do this, but I know that some guys . . ."

I have listed all unethical behaviors that I heard respondents mention. I did not collect information about respondents' perceptions of the frequency of each behavior or their comparative rankings of each behavior's severity. In addition to these behaviors, the state licensing board disciplines several violations that private detectives themselves do not report as unethical behaviors. These involve violations such as failing to register operatives with regulatory officials and not paying licensing fees.

**Many investigations have negative repercussions for their targets. The identified adulterer, fraudulent claimant, and employee thief are punished as a result of investigations. What this respondent alludes to are situations such as a private detective finding someone for a client and later learning that the located person had an existing order of protection against the detective's client.

Experience, provide specialized knowledge that enables them to claim a neutral professional use of deceptive techniques. Their ability to find "truth" and to work neutrally also borrows from popular images of the private detective's skills as "artists" and "craftpersons," which again make use of an asymmetry of specialized ability and knowledge between laypersons and professional practitioners.

Abbott (1988:61) argues that people will associate themselves with outdated images of their professions if those images are appealing, despite the fact that those images may be inaccurate. This suggests that professionals can wield "ceremonial myths" as legitimating defenses. Blumstein et al. (1974), in an exploration of honoring accounts, concluded: "It cannot be overstated that people respond to our symbolic restructuring of our deeds, much more than to the deeds themselves." This suggests that ceremonial occupational myths play a crucial role in legitimating professional accounts and, in doing so, obscure actual behaviors, a point that I will return to in the conclusion.

Overall, claims of neutrality portray deceptions merely as tools that professionals use properly, while positioning the ends of those tools as the only terrain for moral judgment. Neutrality thus enables professionals to portray themselves as conduits of actions that are dictated by the morality of others. Thus, traits of other
social actors, such as clients’ cold-bloodedness, targets’ crimes, or peers’ lack of “professionalism,” can be held responsible for any contestable actions, while the techniques associated with adversarial labors remain neutral.

CONCLUSION

Private detectives themselves do not identify dirty work as a stable category. There are disparities between laypersons and practitioners, and among practitioners themselves, concerning what work is properly labeled “dirty.” The data communicate some of this potential divergence in private detectives’ views. For example, although some private detectives state that exposing criminals justifies deceptions, others perceive work as either legal or illegal, with deception being an irrelevant consideration, and still others see moral assessments of their work as being appropriately assessed at the level of clients. What is common among private detectives is the knowledge that negative images do exist about their work. Such images necessarily provoke responses, some of which I obtained in discussions of the traits composing ethical and unethical private detectives.4

What benefits do accounts for work-related deceptions serve in a professional context? First, they give the practitioner an advantage over unwilling targets of work-related deceptions. Second, they help to obscure any potential harm that results from using work-related deceptions. I examine these two distinct benefits below.

Professionals’ accounts advantage clients and practitioners and disadvantage investigative targets. The structural nature of professional work particularly heightens the target’s disadvantages. While many occupations have a two-way exchange between client and practitioner, for example, dentist-patient or teacher-student, professions that operate adversarially have a three-way interaction, in which two sides are allied against another. One client pays the practitioner; the other “client” is the involuntary target of the adversarial professional’s “customer service.” As a consequence, occupational accounts often consist of statements about why it is okay to do X to targets, as long as techniques are themselves appropriately applied. In this sense, traditional targets of adversarial labor may be viewed only as deserving the dirty work that they receive.

Contemporary society confronts the dilemma of protecting privacy in an age of ever-increasing capacity to invade privacy (Gavison 1980; Geddes 1989; Graham 1987; Linowes 1989; Marx 1987; Rule et al. 1983; Schepple 1988). Marx (1988:118–26) identifies several assumptions underlying using undercover operations, including viewing the criminality of targets as inevitable and the world as clearly divided into the categories of criminals and noncriminals. Most private detectives’ occupational accounts reflect views that can justify intrusions into personal privacy and thus pose a specific disadvantage for targets.

Some private detectives seek criminal targets to strengthen accounts for adversarial work. This “vilification” requirement is important, because accounts do more than assign blame. They are cumulative stories that extend beyond the borders of the individual case to which they are applied. A dangerous self-fulfilling prophecy
can result from applying accounts in which targets are perceived mainly as suspect individuals. Occupational-level accounts thus may help to justify images of targets that perpetuate adversarial professional behaviors.

Another important consequence of professional accounts for work-related deceptions is that they help to obscure the harm that deceptions can cause. Rather than focus on the consequences of deceptive techniques, the emphasis is on debating justifications rather than on the damage the deception may cause. In the case of private detective work, little doubt exists in private detectives’ and targets’ minds that a private detective’s investigative deceptions can lead to harsh consequences. Targets stand to lose jobs, marriages, financial well-being, and personal freedom. They may or may not have brought those consequences on themselves, but investigations using deceptions clearly help to push them forward.

Potential harm also exists in a corollary danger of using deceptive techniques in investigations: these techniques can generate unintended information. For example, a legitimating rationale of assigning an undercover agent is to discover whether people are stealing. Those agents must submit daily reports of everything that they observe. These reports can describe activities other than suspected theft, such as people who criticize management or who are rude to co-workers; drinking or sexual habits outside work; or, historically, workers’ union activities (which are now illegal to describe). Undercover operatives also state that the information they report can benefit workers by identifying those who work harder than their supervisors recognize or by exposing cases of discrimination and sexual harassment.

Any examination of the professional context for offering accounts must also consider the larger implications these accounts have for clarifying the relationship between professional structure and “dirty work.” Analysts of dirty work traditionally study how less prestigious occupations perform stigmatizing work on behalf of more respectable professions and people (see Davis 1984; Hughes 1984). Seen from this perspective, private detectives are private-sector agents of social control who engage in work-related deceptions for clients. If such an agent commits objectionable acts, the client can attribute free will and discretion to that agent, and hope to avoid any moral tainting from the practitioner’s actions.

Private detectives act as “adversarial” proxies for clients, a substitution that also enhances the ability of clients to protect their images. Private detectives account for work-related deceptions by reallocating responsibility for that dirty work to negatively labeled targets and clients or to the law. The resulting system initiates a “dirty work” label at the top, passes it on to the client, and then passes it on to targets. I refer to this process as “label laundering.”

For professionals, account giving reflects a system of laundering labels across laws, consumers of services, and targets of work. The potential stigma for work-related deception is generated from above, by a client or an external actor, and then displaced by the deceptive worker onto other actors, such as targets, the law, or clients. These accounts mitigate a professional’s sense of personal liability for engaging in morally controversial, work-related deceptions.
While individuals use accounts when their deviant behaviors threaten to sully their personal reputations, the key for further research, at the level of both data and theory, is to appreciate accounts more at the level of the social interests, institutions, groups, and actors that have a stake in making some accounts succeed. The cultural and structural features of professions, such as clients, training, licensing, asymmetries of expertise, and previous work experience, are organizational contexts that influence account giving. Identifying and distinguishing what particular organizational and professional resources are more important than others in these collective accounts is an important direction for further research. Accounts provide socially structured opportunities to preserve or lose legitimacy for given behaviors. Given that actors have stakes in losing or gaining legitimacy, accounts must be considered also in terms of how organized contexts, like professional life, offer specific resources to reinforce them.

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NOTES

1. A note on sampling: In the second interview of this study a private detective told me that private detectives who advertise in the telephone book usually offer different investigative services than those who do not. "Phone book" private detectives offered more traditional investigative services, such as background checks, missing persons work, and scrutiny of suspected adultery. In contrast, "non-phone book" private detectives tended to specialize in one field, such as arson, insurance and legal investigations, missing persons work, or personal protection. To avoid only sampling phone book private detectives, I acquired a listing from the state government of all practitioners holding an in-state private detective license. I took a sample of every tenth private detective whose name appeared on the books as licensed but who did not advertise in the telephone book. Seventeen license holders in the metropolitan area did not advertise in the telephone book. Among those, several did not live at the address I contacted, others were no longer in the business, and eight declined to be interviewed or did not respond to my request. I ended up interviewing sixteen informants who advertised in the telephone book and four informants who did not, thus somewhat balancing my sample of practitioners.

2. For examples of case litigation, see Forster v. Manchester, 410 Pa. 192 A.2d 147, 150; Pinkerton v. Stevens, 108 Ga App 159; 132 S.E. 2d 119; Souder v. Pendleton Detectives, Inc. et al., 88 So. 2d 716. For further legal details, see Gavison 1980; Geddes 1989; La Marca 1986.

3. I refer here to private detectives who deflect the "dirty work" label by arguing that they screen all clients carefully.

4. Who exactly are the audiences for private detectives’ accounts? Several audiences exist. Private detectives share justifications with each other, in camaraderie based on commiserating with peers about how laypersons misunderstand them. Those informal offerings of accounts reflect efforts to preach to the converted about the "misunderstood" nature of private detective work. Other audiences for accounts are juries, journalists, state representatives, and state-level departments of professional regulation. Hunter (1984) also notes that accounts can be offered without being targeted to a specific audience or situation.


Cases Cited

Forster v. Manchester, 410 Pa. 192 A.2d 147 150.

Pinkerton v. Stevens, 108 Ga App 159; 132 S.E. 2d 119.