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Janet M. Ruane

Karen Cerulo

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# PROFESSIONAL DECEIT: NORMAL LYING IN AN OCCUPATIONAL SETTING\*

JANET M. RUANE  
Monclair State University

KAREN A. CERULO  
JUDITH M. GERSON  
Rutgers University

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*Normal lies are those that social actors legitimate as appropriate means to desirable outcomes. Such lies have been acknowledged in the literature as tools for maintaining social order. Yet, little has been done to document the social structural sources of normal lying. This paper offers a first step in filling this research gap, examining aspects of occupational structure and their connection to the practice of normal lying. Specifically, we discuss four dimensions of occupational structure — occupational rewards and entry requirements, occupational loyalties, social control styles within an occupation, and an occupation's level of professionalization — and we explore the ways in which these dimensions influence normal lying activity. Real estate, a field in which the practice of normal lying is quite common, serves as our case study of the occupational sphere. We conclude our analysis by discussing the implications of our findings for other occupations and for society at large.*

**L**ying is an ubiquitous social phenomenon. Children lie to parents, and parents lie to grandparents. Employees lie to employers, who in turn lie to governments. Presidents lie to Congress and Congress lies to us all. Indeed, there may be no social sphere to which lying is a stranger.

In addition to its ubiquity, lying is relevant to sociologists for another important reason: lying represents a strategic tool in the maintenance of social order. At first glance, describing the lie in this way may seem to contradict established sociological traditions. Simmel (1950), of course, argued that faith in the honesty of others is a critical basis for modern existence. Other social theorists note that dishonesty, in any form, undermines the trust that is fundamental to social life. Rather than contributing to or reinforcing normative expectations, the lie violates them (Goffman 1959, Pp. 58-66; Henslin 1985). The problem of lying, particularly governmental lying, has been cited by some as the basis for the socio-political malaise that is said to presently characterize American society (Ekman 1992, Pp. 299-324; Leone 1994). And official lies frequently serve as the repressive tools of totalitarian regimes (Goleman 1985, p. 232). Nonetheless, it would be short-sighted to think of lying only as a breach of the social order. Rather, lying often serves as a "lubricant" of social life (Ekman 1992, p. 23;

\* All correspondence regarding this work should be directed to Janet M. Ruane, Department of Sociology, Monclair State, Upper Merion Station, NJ, 07043. Thanks to Andrea Tyree, Lee Clarke and anonymous reviewers for *Sociological Focus* for providing helpful feedback on an earlier version of this work.

Goleman 1985, Pp. 218-219).<sup>1</sup> Certain lies — frequently referred to as normal lies in the literature (see e.g., Manning 1974; 1984; Hunt and Manning 1991) — allow both actor and audience to "edit" social reality in such a way as to facilitate on-going interaction. When we tell an aging in-law that she/he doesn't look a day over 40, or when we tell our neighbors that we didn't hear their animated fight the night before, we engage in "acceptable" lying, rationalizing our statements as necessary to continue, productive social relations.

In this work, we approach the normal lie as a tool of social order and document its role in managing interactions. But more importantly, we explore the social sources of the behavior. We argue that *certain aspects of social structure* — in this case, aspects of occupational structure — increase the likelihood of utilizing normal lies as an interaction strategy. In particular, we examine four specific dimensions of occupational structure — occupational rewards and entry requirements, occupational loyalties, social control styles within an occupation, and an occupation's level of professionalization — and we explore the ways in which each dimension influences normal lying activity. Real estate, a field in which the practice of normal lying is quite common (Bloch and Lichtenstein 1987; Kiplinger 1990; Lerch 1991; Makower 1990; McClintock 1983), serves as our case study of the occupational sphere. We use the case study approach to discover, insofar as possible, the specific dynamics of the normal lying process in a particular occupational setting. However in the paper's conclusion, we consider the broader implications of our analysis for other occupations as well as for society at large.

### THE LIE

The act of lying can take many forms. Lies can be outright falsifications — listing one's age as 39 when, in truth, it is 41 (Buller, Strzyzewski and Comstock 1991; Buller et al. 1993; Ekman 1992, p. 28). Lies occur from omission — telling a new love interest that one is presently uninvolved, but failing to note one's legal separation (Ekman 1992, p. 28; Hopper and Bell 1984). And there are lies of equivocation — witness elected officials who often choose their words wisely so as to avoid saying what they mean or meaning what they say (Bavelas et al. 1990; Cody, Martson and Foster 1984).

Lies also can be classified as "deviant" or "normal" (Manning 1974; 1984; Hunt and Manning 1991). The deviant lie is always judged to be wrong; it represents a socially unacceptable practice. The normal lie, in contrast, is a known falsehood that is rationalized and legitimated as the means to a noble end, such as for the good of one's family, colleagues, or country. In short, normal lies are socially acceptable lies (Hunt and Manning 1991, p. 334).

Normal lies best represent the paradoxical nature of lying. Consider that prohibitions against lying number among the earliest norms to which we are socialized. From a very young age, we are taught to believe that "honesty is the best policy." As we grow older, we witness the ways in which dishonesty can lead to the downfall of individuals, families, careers, even presidencies. And, of course, both legal and religious institutions formally link the act of lying to an institutionalized code of punishment. Yet, almost as early as we learn these prohibitions, we also learn how to rationalize or normalize lying. We learn that "little white lies" are not as serious as "real lies." We

learn that context matters: lying to friends or siblings is not as serious as lying to parents or authorities. We learn that lies don't count if our fingers are crossed or if we wink while telling them, lies told while under duress are not as awful as "bald-faced lies." In fact, social etiquette instructs that there are times when lying is the only appropriate action, as when we compliment the cook on a tasteless meal. And there are times when lying is a moral or humane necessity, such as telling the soldier's mother that her son died a painless death (Ekman 1992).

Socialization also instructs us regarding appropriate reactions to normal lies. With time and experience, we learn that challenging normal lies can disrupt social relations; discreet inattention often can better serve the interest of social order (Goleman 1985, Pp. 106-111). Challenging normal lies risks breaking the shared "frames" of social meaning and thereby breaking the social contract of interaction (Goffman 1974; also see Schutz 1945). If the social audience does not want to disrupt smooth social exchange by going where the truth will lead, then the audience must learn to tolerate certain lies (Sacks 1975).

Despite the prevalence of normal lying within everyday interactions, and the lessons of socialization that sustain it, the phenomenon has received only limited attention in the literature. The work that does exist tends to focus almost solely on the perpetrator's role in the practice. Hewitt and Stokes (1975), for example, explore the use of normal lies (what they call "disclaimers") in delivering potentially discrediting or sensitive information. Scott and Lyman (1968) explore the accounts actors use to excuse or justify normal lying. And Manning's (1984; 1974) and Hunt and Manning's (1991) examination of normal lies, perhaps the most notable sociological investigations of the phenomenon, approach the normal lie as a tool of "negotiated occupational order" (1991, p. 51), investigating perpetrators' legitimations of the practice when lying occurs on the job.

But normal lying has broader social dimensions. *Not all conditions or environments are equally available to or accepting of the normal lie.* To be sure, the studies cited above recognize this assertion, often specifying possible avenues of inquiry by which to explore the social structural stimulants of normal lying (Hunt and Manning 1991, Pp. 52-53). Yet to date, such research remains limited. In an effort to further this research agenda, we follow the suggestion of Hunt and Manning and examine the normal lie as a tool of negotiated occupational order. Within the occupational structure of real estate, we explore those elements that facilitate the use of normal lying within social exchange.

### NORMAL LIES IN THE WORLD OF REAL ESTATE

In conducting this study, we employed an eclectic data gathering strategy, utilizing field research "complete" participant observation<sup>2</sup> (Frankfort-Nachmias and Nachmias 1992, p. 273), personal interviews (conducted with both Realtors and other home buyers), and document analysis<sup>3</sup> (teaching manuals, critiques, codes). In carrying out our field observations, we engaged in over 100 outings, with each lasting anywhere from 1-3 hours.

Our "search for homes" extended over a 19 month period. We visited 14 different communities located in 4 separate New Jersey counties. The communities varied in size. The smallest was .69 square miles in size with a population of 5,000 while the

largest was 12.32 square miles and populated by more than 110,000 people. While we restricted our interest to single-family homes in the \$140,000 to \$170,000 price range, we were shown a variety of homes that ranged in price from just over \$120,000 to over \$200,000.

We worked with 19 real estate agents: 8 males and 11 females. Three of the male and 2 of the female agents were also brokers. 4 Three of the agents (all female) were identified via their business cards as members of the New Jersey Association of Realtor's "million dollar sales club." Six of the agents were affiliated with national real estate organizations, 5 with regional organizations and 8 were affiliated with local businesses.

During our excursion into the real estate field, the presence of normal lying was undeniable. All forms of normal lies permeated the field experience. With regard to falsifications, for example, we note that one Realtor denied the presence of terraces in a home, only later to admit knowledge of the problem. Similarly, another Realtor produced a listing which one of us knew to be nearly four weeks old. Yet, the Realtor assured her that the home had just been listed that day.

Lies of omission also occurred. For example, we regularly encountered agents who failed to mention that properties were located in flood zones, although such information is included on the Realtors' listing, giving them full access to this kind of knowledge. Similarly, one Realtor, knowing of a stated preference for neighborhoods restricted to single-family units, repeatedly omitted knowledge of multifamily units located on the same block as the house being shown. And agents continually omitted room dimensions in cases where room size did not meet stated criteria.

Our fieldwork turned up several examples of equivocations as well. In one instance, one of us was told that a specific form of "creative financing" was illegal only to have the very same financing arrangement presented at a later date by the same agent who was eager to move a "tired" listing. In another case, one of us noted water markings on the cellar wall of a house she was viewing. When she called this to the Realtor's attention, he replied, "No, that's not water . . . maybe moisture, you know, from wall seepage. But I know water marks, and that's not it." Several days later, the "client" brought a friend along to re-inspect the cellar. The following conversation took place:

Friend: Hmmm . . . look at those walls. There's definitely been water damage down here.

Realtor: Yeah, I thought as much, but it doesn't look too serious.

Equivocations were often quite creative in nature. For example, one of us viewed a garage containing a large hole in the floor — approximately 3'x4'x5" in size. When she questioned her Realtor about it, the agent replied, "Oh that's nothing. This is an old house and they used to make garages that way. I bet its great for drainage." Similarly, another of us noticed some holes on the exterior of one house, holes generally indicative of carpenter ant extermination. Upon asking her agent for the home's treatment history, the Realtor replied:

Yep, you're probably right. This house has been treated for carpenter ants . . . and that's good! It means the owners are fanatical about keeping their home free of pests.

Real estate lies were not restricted to our face-to-face interactions. Many of the lies we encountered were found in printed real estate listings. Within these texts, words were carefully selected in order to falsify, conceal or mislead potential buyers. For example, we found that the terms "family room," "den," or "study" often described unheated, converted porches. Basements were frequently listed as "finished" even when all they offered was a coat of paint. "Half-baths" often emerged as nothing more than a toilet in the basement. We viewed many "centrally located" properties that were on or under major highways, or situated at the corner of a busy intersection.

Our exposure to real estate lying was clearly not unique. Similar experiences, beyond the scope of our own inquiry, substantiated our research observations. For example, during the period in which we prepared this paper, the following story appeared in a local newspaper:

*Real Estate Agent Gets 60-Day Term for Mortgage Fraud*

A Bernard Township real estate agent yesterday was sentenced to 60 days in jail for obtaining mortgage loans by lying about her income and altering the contract prices of property. . . . Linda Dawson and co-defendant Jose Lobello pleaded guilty on May 3 to two counts of theft by deception and falsifying records. . . . Dawson is now appealing the judge's refusal to let her retract her guilty plea. Dawson said in court that her act did not result in any loss of money to the mortgage companies she is accused of defrauding (*The Star Ledger* 7/2/93, p. 14 — our emphases).

The lies offered here, and others like them, are not viewed as deviant by those who voice them. Rather, Realtors and their trainers continually legitimate such lies, citing them as a necessary tool of the trade. Indeed, as we examined real estate teaching manuals, we found that forms of normal lying were regularly promoted as viable occupational strategies. In his advice book on selling homes, for example, Makower (1990) discusses acceptable forms of "exaggeration," writing: "Every house has its good points. Discover what they are and feature them in your sales pitch." However, Makower admits that finding the good points of some houses requires a "special interpretation." For instance, he advises that a house . . . on a busy street smack in the middle of a shopping area, with big, clunky buses streaming past throughout the day" should be advertised as . . . close to shopping or as a commuter's dream." If a house is . . . miles from the nearest school, store, gas station, or public transportation," the ad should read, . . . in a picturebook setting" (1991, Pp. 34-36). Similarly, training authority Kiplinger advises:

A successful ad tries to entice you to a property. It tells you only about the features that might attract you. It withholds the details that might discourage you (1990, p. 90).

According to Kiplinger, an ad's use of "euphemisms" is limited only by the agent's "gift for prose." The more creative the ad, the more exposure the property will receive.

While Realtors never refer to their sales techniques as lying, there is no doubt that such strategies are meant to deceive buyers. Indeed, Kiplinger himself warns homebuyers that they must learn to . . . decode and cut through the smokescreen of ads . . . if they hope to make an astute purchase (1990, p. 90). Kiplinger's warnings underscore the fact that normal lying is a standard part of the real estate transaction's social order. His comments also illustrate the role of both agent and buyer in the normalization process. Agents learn that deception is proper technique, thus legitimating its use. Buyers learn to accommodate the technique when it is encountered. Indeed, in

our own experiences, we knew that agents' comments were frequently inaccurate. Yet, we behaved as socialization dictates. We knew that to challenge the lie would be to disrupt the order of the interaction. Thus, to insure continued smooth relations, we quietly decoded the lies; we engaged in civil inattention in order to maintain the operant frame.

As illustrated by this brief review, normal lying is an integral part of the real estate enterprise. This observation is not made to cast aspersions at a field or at individuals in that field. Rather, our interests transcend any particular field or individual. We are interested in documenting the social sources of normal lying. Toward that end, we move on to examine the occupational structure of the real estate field. In so doing, we explore the possibility that certain structural factors actually support and/or encourage the practice of normal lying.

### OCCUPATIONAL STRUCTURE AS A STIMULANT OF NORMAL LYING

#### a) REWARD STRUCTURE AND ENTRY REQUIREMENTS:

Recent figures from the *National Association of Realtors* document the reward structure of real estate sales. The vast majority of real estate transactions operate on the basis of commission (Kiplinger 1990). While real estate firms often advertise negotiable commission rates, the typical commission falls between 6-8% of a property's selling price.<sup>6</sup> Given the upward trend in home prices over the last 20 years, such commissions can represent a sizable amount of money for the agent(s) involved in a deal. In 1980, for example, the national median price for a new home was approximately \$100,000 (Allen 1990).<sup>7</sup> Similarly, luxury home sales (homes priced at or above \$250,000) have increased over the 1990s, climbing to 8.3% of total sales (Bergsman 1992). Reversals of this trend are not anticipated. A study by the Chicago Title and Trust Company estimates that a house purchased for \$133,400 in 1987 will be worth over \$500,000 in the year 2015.

Coupled with the potential for lucrative careers in real estate is the enticement of relatively low entry requirements for the occupation. Despite a growing movement toward professionalization, educational requirements for the real estate field are quite modest. Until 1983, for instance, one needed only 45 hours of classroom instruction, proof of an eighth grade education, and U. S. citizenship in order to become a licensed real estate sales agent in New Jersey. In 1983, the state upgraded the educational requirements, calling for 75 hours of classroom instruction and a high school diploma or its equivalent. These changes, however, did not necessarily produce an increased knowledge base in the field: those holding a valid New Jersey real estate license, earned under the 1983 guidelines were automatically grandfathered. Furthermore, most states, New Jersey among them, have no continuing educational requirements underpinning license renewal (Thomas and Reskin 1990; Weischadle and Piscopo 1988). In short, one can practice real estate without ever updating one's skill or knowledge.

National and state level real estate professional associations have adopted a pro-education stance. They have launched several voluntary educational programs aimed at upgrading Realtors' knowledge and skill levels (Epley, Petty and Davis 1976). However, mandatory upgrades of educational requirements in the field are un-

likely. Realtors, like many professionals and semi-professionals, continue to resist these efforts (Bush and Lewis 1978; Pearlman 1974). Resistance often is couched in the argument that continuing education does not guarantee improved performance (Gray 1976; Peterson 1976). Resistance also stems from a common belief that continuing education represents a ploy to create artificial demand for the business of higher education. But perhaps most relevant is the fact that the large majority of real estate agents are independent contractors.<sup>8</sup> As independent contractors, they provide their own fringe benefits and govern their own professional development. Left to their own devices few incumbents voluntarily undertake continuing education, viewing it as an unproven yet costly condition of employment, one they are willing to live without. Indeed, in a survey of New Jersey real estate brokers, Fauth (1988) found that only one-half agreed that there should be mandatory educational requirements for state license renewal.

Real estate's rich rewards combined with the easy entry into the field produce a highly competitive environment. Such an environment may favor the use of deception. In the absence of learned expert knowledge, agents will, at times, find themselves offering information that is beyond their level of competence. Indeed, in a typical transaction, Realtors can be called upon to offer information on financing, real estate law, local zoning trends, toxic waste disposal, plumbing, electricity, heating, and even socio-cultural analyses of neighborhoods and towns. Agents who overreach their qualifications can readily mislead or deceive their clients. Yet quilms that an agent might have about offering information beyond her/his level of expertise can readily be handled by learning what Hewitt and Stokes (1976) call the "hedging" disclaimer: e.g., "I'm no expert in these matters, but . . .", "Don't hold me to what I'm about to say, but . . .", etc. The desire to acquire the competitive edge and the security gained from strategic disclaimers helps explain the high frequency with which many agents engage in normal lies.

Witness some of the "expert" advice we heard from Realtors engaged in just such a process. With regard to the law, for example, one agent told us, "If something shows up in your structural inspection, the law states that the sellers must take care of the problem . . . but any lawyer will tell you that." In truth, however, all repairs are negotiable between buyer and seller. Similarly, with regard to radon hazards, one Realtor told us, "As long as you keep a window open, radon can never hurt you — at least, that's what I hear the inspectors say." In truth, however, the health risks of radon are a hotly contested issue in the world of science.

All in all, when a field is so structured that precious but limited rewards are pursued by many, normal lying may prove the rule rather than the exception.

#### b) OCCUPATIONAL LOYALTIES:

The structure of the real estate industry presents agents with the untenable situation of "serving two masters." On the one hand, Realtors must help the buyer locate a suitable property. A sale is contingent on meeting the buyer's needs. At the same time, the agent's livelihood — her/his commission — is paid by the property seller. Since that commission is based on a home's final negotiated price, the Realtor has a vested interest in satisfying the seller's needs — that is, achieving the highest possible price for the property in question.

This "double agent" feature of the field can easily encourage normal lying. For like all good double agents, Realtors must "work both sides of the street." This means that a Realtor rarely reveals her/his contractual obligations to a seller when dealing with a buyer (Makower 1990). Indeed, a recent *Federal Trade Commission Study* found that 75% of prospective buyers believed their real estate agent was working solely for them. Some states recognize a Realtor's double agent status as a serious problem for buyers. Consequently, movements are afoot to make disclosure a legal requirement (Makower 1990; Hoffman 1992). Most states, however, continue to leave the issue of disclosure up to the individual agent, thereby facilitating normal lies between agent and buyer.

It is not hard to understand how buyer confusion over the agent's allegiances develops. Agents are necessarily solicitous toward buyers. They call buyers with leads, drive buyers to sites, and prepare construction or utility estimates. Through such actions, agents readily create the impression of serving the buyer's interests. In some cases, Realtors underscore this impression by attempting to personalize the buyer-agent relationship. They recommend restaurants, buy drinks for their clients and even invite clients to social functions. Personalization efforts are often aided by the fact that many clients are referred to their Realtor via a family member or friend. Thus, to the buyer, the Realtor can easily seem part of a her/his pre-existing social network (McClintock 1983; Bloch and Lichtenstein 1987). Since individuals tend to be more trusting of friends than strangers, buyers who come to view their agents as friends can be left more vulnerable to normal lying. One of our interviewees crystallized this point:

My Realtor was a "friend of a friend" kind of thing. I thought that would be a good thing. It meant we weren't strangers. Somewhere down the line, she would have to look me in the eye . . . ya know what I mean?

A number of the normal lies we encountered in the field were tied to the Realtor's double agent status. For example, one of us, while pondering a possible bid on a property, was told by her Realtor:

Hey, if you like it, make a bid. I'll take any offer to the owners. You wanna go with \$150,000 . . . \$155,000? Let's get your feet wet. Let's give it a shot.

Here, the Realtor appeared as the buyer's advocate. However, when the bid suggested by the agent was actually proposed by the buyer, the Realtor said:

I can't present that offer to the owners. You know, this is their house you're talking about. Something that low would be insulting to them.

In the second scenario, the Realtor's simultaneous loyalty to the seller, forced a contradiction in her "philosophy." The agent's alliance with the seller became paramount and allowed her to ignore an industry rule requiring the presentation of every offer. In a similar instance, a Realtor told one of us, "Don't pay attention to the listing price. You can usually get a property for about 10%-12% lower than what it is listed at." However, when it came time to bid on a property, the Realtor changed his mind, warning: "Now don't go too low. There isn't a lot of flexibility in listing prices, you know." Once again, the agent's dual position forced him to choose between the inter-

ests of the buyer and the seller. As McClintock describes the phenomenon: "Real estate agents are sale agents. They commonly work both sides of the fence to make the sale happen" (1983, p. 58).

Our interview data also supported the double-agency phenomenon and its link to normal lying. For example, one homebuyer disclosed the following experience:

My Realtor told me that he was a personal buddy of the seller's agent. He told me that his buddy had confided the seller's "rock-bottom" price to him. That rock-bottom price was several thousand dollars more than I wanted to spend. So I ignored my Realtor and bid what I had planned on before the conversation. The owners accepted my bid immediately. So much for my Realtor's advice! He was clearly lying through his teeth and only interested in his wallet.

It is important to note double agency, and the normal lies that result from the role, may, in many ways, be facilitated by both buyer and seller. The seller, for example, is often complicitous with the real estate agent in manufacturing a normal lie when they decide how to describe a property. Sellers, by definition, seek to maximize profit in the real estate transaction. With regard to buyers, consider that, for most Americans, home ownership is the key to the American dream; it is the factor most often equated with success. Consequently, once in the market, buyers have a vested interest in securing the product. Securing the product, however, can prove a stressful affair. For most individuals, the purchase of a home represents the single largest investment of their lives. Further, it is an investment that many make with little or no knowledge of the product; few buyers possess the expertise necessary to identify a hazardous electrical system, faulty plumbing, or unsound construction.<sup>10</sup> Because of this climate, a buyer may solicit from the Realtor information that she/he needs to hear in order to alleviate the stress of the experience.<sup>11</sup> Such buyer "complicity" can actually motivate normal lying on the part of the buyer's agent. The successful agent will figure out what the buyer needs to hear and will attempt to deliver those goods.<sup>12</sup>

#### e) STYLES OF SOCIAL CONTROL:

An accountability movement has been afoot in American society for the past fifty years (Rossi and Freeman 1990). In large part, this movement stems from consumers' efforts to mobilize the state in the regulation and assessment of goods and services (Posavac and Carey 1989). The professional sectors of society have not been exempt from this call for quality checks and controls. Their response, however, has been consistent with the philosophy of professionalism: regulation and evaluation should be left in the hands of professionals.

The self-regulatory approach common to professionals has been adopted by the real estate industry as well. Indeed, aside from licensing activities, the state has rather limited involvement in the industry. Rather, consistent with the philosophy of self-government, the real estate field effectively controls itself via national, state, and local regulatory boards — boards whose social control style is best characterized as regulatory and persuasive rather than punitive (Horwitz 1990).

A code of ethics is a common component of the self-regulatory style of social control. Such codes suggest (rather than mandate) appropriate behavior for a group's members in good standing (Wlensky 1964). In real estate, the Code of Ethics and Standards of Practice of the National Association of Realtors (1988) offers "aspira-

tional ideals" (their terminology) for Realtors to pursue. In striving to achieve these ideals, agents are advised to follow the Golden Rule:

In the interpretation of this obligation, a REALTOR can take no safer guide than that which has been handed down through the centuries, embodied in the Golden Rule, "Whosoever ye would that men should do to you, do ye even so to them."

With regard to specific obligations of Realtors, Article 9 of the Code offers that: "The REALTOR shall avoid exaggeration, misrepresentation or concealment of pertinent facts relating to the property or the transaction." The overall stance of the code holds important implications for the phenomenon of normal lying. Its rather vague language, coupled with the lack of punitive measures for enforcing it, establish a "user-friendly" environment for normal lying.

The dictum of "buyer beware," another hallmark of real estate's self-regulatory stance, also serves to facilitate normal lying. This principle<sup>13</sup> provides a basis for legitimating normal lies. Indeed, in our own field experiences, we encountered agents who incorporated the "buyer beware" dictum directly into their sales strategies. For example, when viewing an older home in a flood prone neighborhood, a Realtor reassured one of us that the plumbing and heating system looked to be in good shape and that flooding had not occurred in the neighborhood for over twenty years. Upon delivery of this good news, however, the agent acknowledged that everything he had just said might be a lie: "Of course, you shouldn't take my word for any of this. After all, I am a salesman." Similarly, another agent told us, "Listen — you don't have to listen to anything I say. After all, I'm not a builder. Get an inspection done. That way, you'll have the real story."

Through the "buyer beware" dictum, the burden of social control shifts from the state or professional associations to the client. In effect, the adage mandates that buyers approach the real estate transaction with the mindset of a detective. Advice manuals reinforce this idea: buyers are urged to resist "showing their hands" and are advised to put on their best "poker faces" (Kipinger 1990). While this may be sound advice for helping the buyer through treacherous waters, it also facilitates normal lying in real estate. The message is clear: normal lying occurs and the buyer should develop strategies for dealing with it.<sup>14</sup>

These aspects of self-regulation coupled with the minimalist involvement of the state in the control of the real estate field make challenges to normal lying a formidable endeavor. Grievances typically pit a lone individual complainant against a real estate agent or agency. In the language of conflict resolution, the lone complainant constitutes a "one shot" player who will most likely try to avoid any similar altercations in the future. The agent and/or agency, however, because of routine occupational activity, are more likely to be "repeat players" in these conflicts (Galanter 1974). Black's work (1976; 1984) suggests that the social control advantage generally will go to the agent or agency. Organizational ties as well as greater familiarity with the conflicts and the social control process itself will provide an advantage to the real estate professional. In short, victims of normal lying who seek sanctioning will very likely face an uphill struggle. Conversely, those who utilize normal lying will seldom face a successful challenge.

#### d) PROFESSIONALIZATION OF THE OCCUPATION:

Real estate agents commonly refer to themselves as professionals; they talk about their professional responsibilities, and conceive of their work as a professional service. According to Evans, "Even though buying a house is a private decision, the real estate agent is the expert and should try to assist the client by giving him or her the benefit of *expert knowledge*" (1988, p. 14, our emphases).

To be sure, some social scientists and established professional groups dismiss these references as inflated images. At first glance, real estate agents do not match any of the conventional criteria ascribed to professionals—i.e., they do not possess substantial authority over their clients or related professionals (Hodson and Sullivan 1990), job autonomy (Friedson 1986), or abstract or esoteric knowledge (Abbott 1988; Hodson and Sullivan 1990). These characteristics notwithstanding, there are several reasons to reconsider real estate's professional status. Roos (1992), for example, presents a three-tiered hierarchy, with semi and marginal professions at the lowest rung. Marginal professions consist of those occupations that have been unable to persuade the public or collateral professionals that their knowledge is indeed expert knowledge. Real estate agents fit this description.<sup>15</sup>

Much of the Realtor's daily activities can be understood as attempts to persuade the public of the agent's expert knowledge and hence professional status. Indeed in her career manual, Evans advises new agents to "convince their clients of their professionalization and clearly convey the knowledge that they have" (1988, p. 14). Similarly, Shook summarizes the advice of top Realtors in the nation as: "Either develop an expertise in real estate or *stay away!*" (Shook 1980, p. 101). In our own excursions, we encountered this philosophy in action. For example, in an effort to help direct our decision making, one Realtor told us, "I see that you're hesitating, but in my professional judgment, hesitation in this market could leave you shut out." This stance suggests that indeed the real estate agent knows her/his clients' needs and knows the market. Similarly, the oft-expressed phrase, "I have just the house for you," implies that only the agent can make the right match between client and property because only she/he possesses the specialized knowledge of both.<sup>16</sup> In some ways, the very structure of real estate sales reinforces this appearance. The field limits access to property listings, thus confining knowledge to the Realtors' domain. Furthermore, the multiple listing process, and the competition that it breeds, actually enhances the perception that the most knowledgeable agent will make the sale.<sup>17</sup>

Several other structural features of the real estate field further enhance its claims to professionalism. For example, Realtors have professional associations that define their tasks and skill jurisdiction. The National Association of Realtors publishes weekly, monthly and annual periodicals and holds annual conventions (Fauth 1988). Licensing procedures and continuing education requirements also contribute to a belief that expert knowledge exists and that only the trained possess it.<sup>18</sup>

We note the marginal professional status of the real estate field because this transitional phase might well facilitate normal lying. Consider that Hughes (1967) cites trust as the hallmark of the professions. A trusting stance requires that clients suspend their judgment of professionals and defer to their proficiency. Clients, therefore, are expected to relinquish control of their problem, yielding it to more competent professional hands. While this stance may be necessary to the smooth operation of



service matters (e.g., medicine or the law), the transition to this stance may be problematic for an unabashedly profit-oriented sales "profession." Client trust offers much to the profit-oriented sales person. Within sales, the financial benefits that might be reaped from a client's trusting stance are obvious. "Less than professional" Realtors might be tempted to seek profits by taking advantage of the field's newly laid claims to professionalism and, in turn, to ensuring client trust.

To the extent that there is a gap between the professionalization of the field and the corresponding professionalization of individual Realtors, the possibility of normal lying looms large. While national and state real estate associations continue to push the field toward increased professionalism, relatively low entry requirements and high turn-over rates temporarily ensure that many players lack professional identity and commitment.<sup>19</sup> Given this transitional period, the rubric of professional service may well enable normal lies from Realtors to flourish. Buyers are supposed to trust their Realtors — as professionals they know best.<sup>20</sup>

### IMPLICATIONS

This work provides grist for the research mill by offering several directives for the further study of normal lying. Here, we suggest the ways in which one might use the real estate field to explore normal lying practices in greater depth. We also suggest the broader implications of our work for other occupational settings. Finally, we consider additional social structural factors — factors that transcend the occupational arena — and suggest their implications for the practice of normal lying.

#### 1) NORMAL LYING, REWARD STRUCTURES AND ENTRY REQUIREMENTS:

Our analysis of the real estate field suggests certain links between access to an occupation, the occupation's monetary rewards, and normal lying: *specifically, high rewards coupled with easy entry are positively associated with normal lying.* This conclusion prompts several issues worthy of further consideration. For example, one might wish to "fine-tune" our knowledge regarding the specific ways in which variant reward structures influence the practice of normal lying. Real estate offers a good arena for such an inquiry, for several movements are currently underway to alter the field's reward structure. One such movement promotes abandoning the traditional commission system in favor of a flat fee arrangement. In a flat fee system, agents would be compensated for the services they provide regardless of whether or not an actual sale is realized. Another movement aims at increasing rather than eliminating sales commissions. *RE/MAX* exemplifies this alternative; the company currently offers its agents full rather than partial commissions on sales (Thomas 1990). Using these various plans, one could further examine the relationship between monetary rewards and normal lying by analyzing the frequency and nature of complaints lodged with real estate associations according to variations in commission style (full, partial, and flat fee systems).

In further developing the links between monetary rewards and normal lying, survey data on tactics found in all segments of the sales market — i.e., luxury, high, and middle income products and services — might also prove informative. Consider that those in the luxury market stand to make a large profit on every successful sale.

Conversely, those working in lower market levels depend on large sales volume for their profits. By comparing sales strategies in different market locations, we could determine whether value or volume influences either one's propensity to engage in normal lying or the types of normal lies utilized.

In a broader vein, research on this topic must be pursued in non-sales occupations as well. While normal lying may seem typical to sales, the practice permeates occupations that are traditionally defined (albeit perhaps mistakenly) as less inherently exploitative: lawyers lie to their clients; police lie to the courts; doctors lie to their patients; teachers lie to their students (Ekman 1992, p. 57; Goldman 1985, Pp. 224-230; Hunt and Manning 1991; Manning 1974; 1984; Sacks 1975). Knowing this, definitive statements on access, reward, and their relationship to normal lying require that we explore the practice of lying in the many occupations experiencing changes in their entry requirements or their financial reward structures. For instance, have recent changes in the medical field, changes giving physicians a financial stake in certain diagnostic tests and procedures, increased the practice of normal lying among physicians? Will recently initiated legal programs designed to involve non-legal personnel in mediation procedures stimulate normal lying activity? Will the entry of "civilian" employees to non-civilian occupations (the military, police, clergy, etc.) influence normal lying practices . . . will these new entries engage in more or less normal lying than their non-civilian counterparts? By pursuing these types of research questions, we can determine the generalizability of the normal lying patterns uncovered in the realm of real estate.

#### 2) NORMAL LYING AND OCCUPATIONAL LOYALTIES:

Initially, one might be tempted to explain the presence of normal lying among Realtors as a function of their role as salespeople. Yet, based on our observations, we promote a rather different conclusion. We suggest that normal lying is a "normal" by-product of any situation in which individuals must serve competing clients; thus, *divided loyalty is positively associated with normal lying.* To be sure, this premise demands further investigation. And again, recent developments in the real estate field may provide one site in which to further explore the issue. In real estate, concerns over divided loyalties have prompted the introduction of a new role for real estate agents: the buyer's broker. A buyer's broker works exclusively for the buyer who bears sole responsibility for paying the broker's fee. This arrangement effectively eliminates the Realtor's double agent status. Consequently, by comparing the frequency and nature of consumer complaints under the new versus the traditional agent systems, one could empirically assess the relationship between loyalties and normal lying. Interviews with agents who have made the transition from the traditional to the buyer's broker role could also help explicate the dynamics of the relationship.

Beyond the field of real estate, it would be of interest to document the prevalence of normal lying in any field where individuals serve multiple and competing clients — clients with disparate interests. Psychiatrists, doctors, lawyers and ministers, for example, increasingly find themselves obligated to both an individual client and to other "stakeholders" such as the state, a professional association, or a profit making organization. Do all groups facing such divided loyalties rely equally on the normal lie to manage interactions or does reliance vary by the professional standing of

a field? Does the relative status of the multiple clients influence normal lying activity? The answers to these questions will help us to more accurately assess the role of divided loyalty in normal lying activity.

#### 3) NORMAL LYING AND STYLES OF OCCUPATIONAL SOCIAL CONTROL:

Our initial observations suggest a positive relationship between regulatory styles of social control and normal lying, leading us to posit that *occupations governed by regulatory versus punitive control mechanisms are most likely to exhibit the practice of normal lying*. Again, some recent legal changes in real estate provide an opportunity to further examine this connection. Many states are now pursuing mandatory disclosure laws. Such laws require that Realtors inform buyers about the Realtor-seller relationship, and disclose pertinent information regarding possible property defects. Failure to make such disclosures can result in legal penalties. If our observations on the effects of social control are correct, then these increases in formal control, increases backed by the punitive powers of the state, should lead to decreases in normal lying activity. Empirical investigations of the matter will test the veracity of this claim.

In a broader sense, a review of other fields which have already adopted more punitive sanctions for normal lying activity — e.g., investment, advertising, journalism, banking — could help clarify the exact relationship between normal lying and social control. By investigating disclosure practices before and after such laws are enacted, we stand to learn much regarding the role of social control in the practice of normal lying across a variety of occupational settings.

#### 4) NORMAL LYING AND PROFESSIONALIZATION:

The present work suggests a relationship between professionalization and normal lying: *the move toward professionalization facilitates normal lying*. Given the apparent inconsistency of this proposition, the exact nature of the relationship demands more attention. Once again, naturally occurring changes in the real estate field offer some research opportunities. While there is a general trend toward increased professionalization (e.g., movement toward higher educational standards and mandatory continuing educational requirements), there is sufficient variation across states to permit empirical clarification of levels of professionalization and each level's relationship to normal lying. If our assumption is correct, those states in which Realtors are just beginning to professionalize will be more inclined toward normal lying than states in which Realtors' professional status is better established.

In a broader sense, an historical analysis of various professions might serve to clarify how and when trust becomes an invaluable commodity within the professionalization process. Do occupational groups whose professional identities are most closely aligned with issues of trust and honesty (e.g., judges, ministers) have different tolerance levels for normal lying? Does ascending or descending professionalism increase or decrease normal lying activity in an occupation?

The need to guard against the ecological fallacy demands that particular care be taken when examining the relationship between professionalization and normal lying. While initial movements toward professionalization within a field may be associated

with an increase in normal lying, this relationship may exist only at the aggregate level of analysis. Consequently, individual level analysis is called for in this area. Further, the hypothesis above suggests the need to investigate the relationship between normal lying and individual status-level differences. Can we expect more advanced and accomplished professionals to engage in normal lying less often than newcomers to a field? Does enhanced professional status convey sufficient authority to incumbents so they are able to admit they do not know answers that fall outside their realm of expertise? Or conversely, do seasoned professionals lie with abandon? Does length of experience or length of career render the normal lie a trivial activity and concern? Clearly, the links between professionalization and normal lying are intricate, and a full understanding of them will require patient empirical inquiry.

#### 5) SOCIAL FORCES AND NORMAL LYING:

Moving beyond issues of occupational structure, we can also speculate regarding the relationship between broader social forces and normal lying activity. Consider the role of technology, for example. The recent surge of electronic communication raises some intriguing questions for the prevalence of normal lying. Much of the recent literature on deception focuses on the role of nonverbal behaviors in the management of lies (DePaulo, Zuckerman and Rosenthal 1980; Buller, et al. 1993; Goleman 1985). The detection of lying is linked to various "leaky channels" of the sender: the tone of voice, the movement of various body parts, the changing expressions of the face, etc. Consequently, the successful detection of a lie is confined to face-to-face arenas. As occupations become more dependent on electronic mail and bulletin boards for their transmission of information to clients and fellow workers, it will be interesting to explore potential increases in normal lying activity. Given that electronic communication occurs in the absence of face-to-face contact, the possibility for "safe" deception looms large. Similarly, as we attempt to maintain social order on our information superhighways, it will be important to explore possible changes in our tolerance of normal lying. On the one hand, efforts to maintain order in this new frontier may necessitate greater tolerance of the normal lying tool. Yet, the impersonal nature of electronic communication may just as easily mitigate the need cited by some for our present tolerance of normal lying: a politeness requirement which obligates the audience to protect the deceiver's public face (Goleman 1985, p. 222).

In exploring broader social influences on deceptive behavior, we might also compare periods of social stability versus instability, linking the influence of each to the prevalence of normal lying. If normal lies serve as tools by which social order is maintained, does the social need for normal lying increase during periods of social disruption? Do periods of war, for instance, see greater reliance on normal lying activity by either government officials or by the media? Is there a cycle to normal lying activity that corresponds with the cycle of war — i.e., are normal lies more or less prevalent at the beginning, middle or end of wars? Is normal lying influenced by victories or losses? Similarly, we might inquire as to whether normal lying becomes, in any way, a social necessity in the face of external threats to a group. For instance, we are now learning that the U.S. government deceived the American public about radiation experiments conducted in the early to mid 1950s. Is this an example of a government's normal lying and if so, will it be rationalized as a function of "cold war" activities and challenges?

Lastly, when we acknowledge the link between *information and control* (Beniger 1986), and the corresponding importance placed on processing information, we are forced to consider the possibility that the future may see a different evaluation of normal lying activity. The more important information becomes in matters of social control, the more significant (and perhaps dangerous) will be variations in that information. The parameters of the normal lie may change, perhaps even to the point of changing the meaning of the concept. The ability to detect normal lies may be identified as a critical social skill, an important social commodity. Individuals possessing such abilities may be differentially valued and rewarded.

### CONCLUSIONS

Normal lying does not seem to be an aberration. Nor, given its prevalence, does it appear to result from individual malfeasance. Instead, this work reiterates that normal lying is a requirement of social order — one that receives considerable support from the social structure of occupations. The paradoxical alliance between lying and order makes normal lying a compelling focus for future sociological research. This work is offered as a first step toward what should be an intriguing, albeit deceptive, path of study.

### NOTES

1. Indeed, Simmel ultimately admits: "Relationships . . . presuppose a certain ignorance and a measure of mutual concealment" (1950, p. 315). He cites the lie as a crude manifestation of this reality.
2. This was a "complete" participant observation as all authors were legitimate house clients and our occupations were known to all agents in the study. However, our specific interests in normal lying were not discussed with agents.
3. These sources were Bloch and Lichtenstein (1987), Evans (1988), Kiplinger (1990), Lerch (1991), Malower (1990), McClintock (1983), Samenow (1978) and Shook (1980).
4. A broker's license requires additional training over and above that for a sales agent. Unlike sales agents, brokers may operate their own businesses. Brokers also have additional responsibilities—i.e., only brokers can legally handle closings.
5. Sykes and Matza (1957) would argue that this retraction constitutes the Realtor's attempt to neutralize her deceptive action. It represents a denial of the victim.
6. In general, this commission is enjoyed by a sole agent, or divided between two agents, one representing a seller and one representing a buyer.
7. In 1970, the median price was \$23,400.00.
8. They are self-employed individuals affiliated with an agency or broker.
9. Indeed, the Realtor is legally bound to represent the best interests of the seller. Agents are required by law to reveal any information that would benefit the seller. (Source: "Marketplace" on National Public Radio, August 18, 1992).
10. Indeed, the home inspection industry relies on the buyer's lack of education.
11. For an interesting discussion of lying as a stress reduction device, see Coleman (1985, Pp. 44-54).

12. A current Century 21 television ad reiterates this point. An agent is shown saying "I don't sell houses, I sell dreams."
13. Of course, the dictum of "buyer beware" is important not just in real estate, but for any sales transaction.
14. It is interesting to note that in a "buyer beware" setting, coping strategies often entail that buyers devise normal lies of their own. So, for example, buyers are frequently warned to withhold their "true" bids from Realtors, revealing their upper limits only if absolutely necessary. Similarly, buyers are often told to keep potential contractual complications from their Realtors: these include items such as non-negotiable closing dates, job instability, or low down payment capability. While this "countervailing" defense may be helpful to buyers at some level, it nevertheless serves to legitimate the use of normal lying in the field further.
15. To be sure, the Realtor's professional status represents a difficult call. For example, Larson (1977), in challenging the altruism traditionally associated with professions, argues that in capitalist economies professions constitute markets competing to dominate sectors with their expertise. Following this line of reasoning, a professional Realtor may be one who has a good sales record. She/he is a success because the agent knows how to do the job well. Conversely, Friedson (1984) argues that for many professions, traditional forms of autonomy have eroded through deprofessionalization and proletarianization. Friedson's argument makes the demarcation between professions and other occupations less clear than others imply.
16. In its 1993 ad campaign, Century 21, one of the nation's largest real estate chains, follows this logic exactly.
17. Indeed, personal accounts from some of the most successful agents in the field indicate that such individuals credit their success, in large part, to their dogged determinism in acquiring information on properties. See Shook (1980).
18. It is important to note that variations based on gender, ethnicity, class and race may confound the link among professionalism, expert knowledge and normal lying. This link is worthy of future investigation along at least two dimensions. For example, in instances where an agent's social status is lower than the client's, we might anticipate more normal lying. Similarly, given symbolic and cultural distinctions between, for example, men and women, or Anglos and Latinos, we might expect to find variation in both the amount and type of normal lying.
19. Indeed, 69.6% of real estate agents come from non-allied occupations (Evans 1988, p. 9).
20. We cannot ignore the possibility that there is a direct relationship between professionalization and normal lying. Indeed, Hunt and Manning (1991) argue that normal lying is perceived to be less risky as professional status increases. Using this interpretation, we might assume that as Realtors professionalize, they are simply adopting behavior typical to other professionals: lawyers, doctors, etc.

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