

Who is a journalist?

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A new study from a University of Dayton professor finds that how a journalist is commonly defined needs revision because it is outdated and inadequate to protect those who practice journalism in the 21st century.

The question "Who is a journalist?" has serious implications for those who claim shield law protections, and it is especially timely because of recent revelations of government investigations of reporters in leak cases, said study coauthor Jonathan Peters, a media lawyer and University of Dayton assistant professor of communication.

The Internet, mobile devices and social media have opened the door to new forms of journalism for bloggers, activists and hobbyists, among others, but a variety of texts and legal sources exclude those newsgatherers from their definitions of a journalist, according to the study published in the online edition of the *N.Y.U. Journal of Legislation and Public Policy*.

Peters and his coauthor, Edson C. Tandoc, Jr., a Fulbright Scholar at the Missouri School of Journalism, culled a variety of sources that conceptualize a journalist, and they analyzed each one to identify its elements.

They used these elements to develop a definition reflecting how a journalist is commonly defined: "[S]omeone employed to regularly engage in gathering, processing, and disseminating news and information to serve the public interest."

Peters and Tandoc limited their search to the scholarly, legal and industry domains. Specifically, they reviewed academic works, case law and statutes that defined a journalist or discussed the characteristics of one, and they reviewed definitions of a journalist contained in the membership criteria of journalism associations.

"To be clear, our definition is not a recommendation," Peters said. "It simply unifies the elements that others have used to define a journalist. In other words, the study states No. 1, this is how a bunch of sources have defined a journalist, No. 2, this is a definition that unifies how they have done so, and No. 3, this is why that definition is unwise."

Peters said the third point is critical because it would be unwise to adopt a definition that excluded unpaid bloggers and citizen journalists who gather, process, and disseminate news and information on matters of public concern.

"From CNN iReport contributors to reporters at the *New York Times*, all are capable of committing acts of journalism," Peters said. "Some do it better than others, some have more resources than others, and something is gained when reporting is done by stable organizations with money, logistics and legal services—but all are capable."

Although it might seem like an exercise in navel gazing, the task of defining a journalist is important and practical, and recent events have brought it into sharp focus. In May, the Department of Justice confirmed it had obtained months of phone records of Associated Press reporters and various records of a Fox News correspondent to investigate the sources of certain leaks to the press.

In response to criticism, President Obama has lobbied for a federal shield bill. A draft of the bill defined a journalist as a person with a primary intent to investigate, procure materials through interviews and

observations and to disseminate information. But legislators quickly disagreed on that definition, questioning whether it would grant protections to people who are not reporters.

Lawmakers compromised by adopting an amendment defining a journalist as a person employed by, or in contract with, a news outlet for at least one year within the last 20 years or three months within the last five years; a person with a "substantial track record" of freelancing in the last five years; or a student journalist. The bill passed the Senate Judiciary Committee in September, sending it to the Senate floor, where it sits today.

Peters said he is concerned by definitions, including the descriptive one offered in his study, that focus on employment.

"That delivers a fatal blow to people engaging in new forms of journalism," he said. "It puts a large number of people in the position of fulfilling community needs for news without the assurances that keep traditional [journalists](#) safe when their work provokes a backlash."

A narrow definition also might discourage innovation in news production and distribution. The digital revolution has created a collaborative, interactive type of journalism that combines traditional and new forms of newsgathering.

"It's possible the people behind those innovations wouldn't qualify for narrowly drawn shield protections," Peters said. "As a result, they'd face an increased risk of liability connected with their journalistic activities."

Peters said the biggest challenge of the study was selecting the texts and sources to focus on.

"There are so many sources that define a journalist," he said. "We had to

choose some to the exclusion of others, which is a limitation of the study, but in the end we chose the ones we did because we thought they were the richest in description."

Read the complete article "'People who aren't really reporters at all, who have no professional qualifications': Defining a journalist and deciding who may claim the privileges" online at the related link.

More information: www.nyuylpp.org/wp-content/upl...ndoc-Quorum-2013.pdf

Provided by University of Dayton

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