Explicating the Concept of Journalist: How Scholars, Legal Experts and the Industry Define Who Is and Who Isn’t

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The last 10 years have seen huge swings in media-consumption patterns. Lots of people, especially teens, have been moving away from legacy media (e.g., newspapers, magazines, TV and radio) and moving toward new media (e.g., websites, mobile applications and tablet applications). As a result, the media in general have proliferated and fragmented, and the legacy media in particular have tried to reinvent themselves. Outlets new and old have been offering their products in different ways, across a variety of platforms. They have coordinated their content formats: text, audio, video, web and mobile.

Some outlets have embraced citizen and participatory journalism, which get consumers involved in the newsgathering process. Those consumers often behave like journalists: they fulfill similar roles, they engage in similar routines, and they follow similar standards. This has made it difficult to draw a bright line between journalists and non-journalists. Traditional journalists no longer hold a monopoly over the information supply. Innovations in technology have created new channels for people to communicate with mass audiences (Deuze, 2005; Stephens, 2007; Weaver & Wilhoit, 1986).

This paper explicates the concept of journalist. It attempts to improve theory-building in journalism studies by answering a question too often assumed or unaddressed: Who is a journalist? Studies have examined what affects journalists’ outputs, as well as the effects of those outputs (Allen, 1995; Hayes, Singer, & Ceppos, 2007). Studies have also described journalists’ characteristics, in terms of demographics and attitudes (Johnstone, Slawski, & Bowman, 1976; Weaver, 1998; Weaver & Wilhoit, 1986). But analyzing effects and characteristics is not the same as defining in the first place who counts as a journalist. The blurring of boundaries has caused confusion, and that confusion can have practical consequences. First, bloggers around the United States have been fighting for the legal protections that journalists enjoy, and in some states they have scored victories (Cheng, 2007; Hayes, Singer, & Ceppos, 2007). Second, government agencies need a definition to credential
reporters covering a particular beat. If you want to cover a Supreme Court argument, for example, you must request and qualify for credentials from the court’s Public Information Office. Third, professional journalism organizations, which provide training and support to members, need to set clear criteria for membership. Many of them allow faculty and students to be members. Should they also open their ranks to bloggers and contributors to CNN’s iReport?

Concept explication, a process championed by the late Steven Chaffee, is “concerned with the disciplined use of words” (Chaffee, p. 1). It assumes that concepts, which people use to organize everyday experiences, can be linked to observations of those experiences in the real world (Chaffee, 1991; McLeod & Pan, 2005). Concepts are the building blocks of theory. If scholars fail to explicate a concept thoroughly, then the theories it produces will rest on a weak foundation. “Explication is quite different from other forms of definition. Its purpose is as much to strip away surplus meaning … as it is to uncover possible meanings. Whereas a dictionary might offer many meanings, each from a different context, the goal in explication is to center upon one meaning for the … context in which the researcher is working” (Chaffee, p. 72).

This paper, then, centers upon one meaning of journalist for general purposes, by surveying the scholarly, legal and industry domains. For the scholarly domain, we reviewed quantitative and qualitative articles and papers that discussed or otherwise defined journalists. For the legal domain, we reviewed cases and statutes that defined journalists. And for the industry domain, we reviewed the membership criteria of professional journalism organizations. But we did not set out to devise a normative definition of our own. We set out to explore the dimensions and indicators that others had used, and to use those dimensions and indicators to tease out an organic definition of journalist—to explicate the concept.
Scholarly Domain

The field of mass communication is young compared with fields like psychology and sociology, and perhaps that is why it lacks uniform definitions of its core concepts. A review of popular dictionaries in communication studies yielded no definitions of journalism, journalist or objectivity (Bovee, 1999). A general dictionary defined a journalist as “a person engaged in journalism; especially a writer or editor for a news medium; a writer who aims at a mass audience” (Merriam-Webster, 2010). But our broad review of the scholarly domain uncovered dimensions of the concept of journalist: someone performing particular activities in a hierarchy of processes to produce an output for dissemination to a mass audience through a medium, following a set of ethics and fulfilling a social role.

Journalists and their Medium

We searched for early references to journalists in the scholarly literature and found only obituaries of well-known newspaper people, admired for their work outside the industry, e.g., their passionate speeches (Lindsley, 1920), their documentation of dialects (Mathews, 1927) and their essays on pronunciation (Malone, 1927). Those were published in speech-communication journals, many years before Wilbur Schramm founded a communication research institute at Iowa (Rogers, 1994). In a 1938 editorial, the Washington Times criticized the growth of journalism schools in the United States, saying that journalism can be learned only by being a journalist. It also equated learning journalism to “learning the newspaper trade” ("President Hutchins on journalism schools," 1938).

Steinberg (1970) observed that at its inception “the rise of journalism was identified solely with print.” This persisted for years, even after the coming of radio and television. A 1977 survey comparing public-relations practitioners with journalists included no definition of the latter, other than people “working for daily newspapers” (Nayman, McKee, & Lattimore, 1977). Then those
conceptions began to change. “Where at one time the terms ‘press’ or ‘journalism’ meant specifically the newspaper, they have come to have a far broader connotation. There is now a distinction between print journalism and electronic journalism” (Steinberg, 1970, p. 61).

Ugland and Henderson (2007) wrote that “journalism has never been understood as residing in a particular medium.” In a review of pre-internet literature, however, we found that many definitions of journalist referred to a particular set of media. Most professional journalists identify “with the medium to which they devote most of their time and from which they derive the greater part of their income” (Bovee, 1999). A relatively recent book by Franklin et al. (2005) defined journalism as “finding things out, then telling people about them via newspapers, radio, television, or the Internet” (p. 124).

It helps to look, too, at surveys of journalists and how the researchers identified their populations and samples. A survey of American and German journalists recognized the difficulty of defining the concept of journalist after the rise of online news media (Quandt, Löffelholz, Weaver, Hanitzsch, & Altmeppen, 2006). In a survey comparing American online and print journalists, Cassidy (2005, 2006, 2007) chose his respondents based on the traditional definition that Weaver and Wilhoit (1986, 1996) used in their surveys of American journalists. Weaver and Wilhoit (1986, 1996) included people responsible “for the preparation or transmission of news stories or other information—all full-time reporters, writers, correspondents, columnists, photojournalists, news people and editors.” In a 2002 survey replicating the earlier ones, Weaver et al. (2007) used the same “traditional definition” of journalist so they could compare the results with those from 1986 and 1996. In Cassidy’s survey (2005, 2006, 2007), print journalists included people who met Weaver and Wilhoit’s (1986, 1996) criteria and whose primary job “entails working on the print edition of a daily newspaper,” while online journalists included people who met the same criteria and whose primary
job “entails working on the online edition of a daily newspaper with the job title editor, producer, or reporter.”

One suggested method of sampling journalists involves three steps: (1) distinguishing journalism from other forms of public communication, like public relations or the arts, (2) focusing on organizations that provide content for print, broadcasting and online, and (3) identifying roles related to journalism (Scholl 1996, 1997, cited by Quandt, et al., 2006). But some surveys of journalists did not include a definition at all and simply referred to their respondents as journalists or reporters (see, e.g., Hanitzsch, 2006).

**Hierarchy and Routines**

It may be unclear what makes someone a journalist, but to Havemann (1966) it was clear what does not make someone a journalist: “The journalist ceases to be [one] if he cannot find an editor to print his product, and the editor soon ceases to be an editor unless the product finds an audience that is willing to pay for it” (p. 14). In other words, the journalist is situated in a hierarchy of people and processes, generally called *gatekeeping*, a theory that can be used to understand the production of messages in films, books, music and plays. Mostly, though, it has been applied to news (Shoemaker & Vos, 2009). The process begins with a “communication worker” who creates a message out of an event. The message passes through several gates—layers of copyediting and story selection—before publication or non-publication (Shoemaker & Vos, 2009). Gatekeeping theorists have acknowledged the difficulty of defining a journalist (Shoemaker, Vos, & Reese, 2009). They also said, “[G]atekeeping implicitly locates that definition squarely with the professionals working within news organizations.”

Gatekeeping theory has been used in numerous studies of newspaper content. One found that routine-level forces have stronger influences than the individual characteristics of writers (Shoemaker, Eichholz, Kim, & Wrigley, 2001). Another found that gatekeeping happens because of
an unwritten set of procedures (Robertson, 2008). In any case, the focus on gatekeeping locates journalists in an organization. This comports with the second step of sampling journalists that Scholl (1996, 1997, cited by Quandt, et al., 2006) proposed: identifying organizations. In a survey of journalists from 18 countries, Hanitzsch and Mellado (2011) selected newsrooms based on circulation and quality, then selected journalists from each newsroom. Weaver et al. (2007) used a similar technique.

References to routines are common among studies about journalists, although they often refer to hierarchies rather than specific journalistic activities. Gans (1979) opened his popular book by saying that journalists put together the news: “how journalists choose the news cannot be fully understood without considering how they report and write, or film, their stories.” In his book, Johnston (1979) said journalism is “the process of gathering, selecting, interpreting, and disseminating news” (pp. 2-3). However, references to journalistic activities are not common in the scholarly literature.

Also part of routines is employment. The population of Weaver and Wilhoit’s (1986) earliest survey of journalists was “all salaried full-time editorial personnel employed by daily and weekly newspapers, news magazines, the news services, and the news departments of radio and television stations.” Sampling from news organizations, they selected only people who transmitted information regularly, which meant more than once per month (Weaver & Wilhoit, 1986, 1996).

**Journalists and their Outputs**

In the first major nationwide survey of American journalists, Johnstone et al. (1976) did not define a journalist. But in choosing survey respondents, they looked for “full-time” employment and for the production of “reality” and not “symbolic” media content. They differentiated news and opinion from fiction, drama and art (Johnstone et al., 1976). This focuses on outputs as a way to distinguish journalists from others, a focus that appears in other scholarly definitions. Output has
been described in terms of the target audience, i.e., the output must be disseminated to the public. Johnstone et al. (1976) included in their survey only people whose outputs were “aimed at channels of mass communication targeted at the public at large rather than at private audiences, special interest groups, or groups which constitute audiences by virtue of their common affiliations” (p. 5). Weaver and Wilhoit (1986) limited their first survey to “journalists who work for public communications media targeted at general audiences rather than special-interest groups” (p. 219).

Of course, news is not the only journalistic output. Meltzer (2009) discussed whether opinion was journalism, a debate loosely connected with the larger debate about objectivity, the principle that journalists should separate facts from opinions. Some have argued that objectivity is unattainable, that it developed in response to economic rather than journalistic considerations (Blankenburg & Walden, 1977; Janowitz, 1975; Johnston, 1979; Schudson, 2001; Tuchman, 1972). But Meltzer (2009) concluded that “expressions of opinion have been readily accepted by the journalistic community in the present and in past eras when they are demarcated as such.”

Social Roles

Harcup (2009) said that journalistic work is different from factory work “because journalists play a social role.” Likewise, Tuchman (1978) said the news media serve as windows to the world, and Janowitz (1975) mentioned two models of journalistic roles. The first, the gatekeeper orientation, focused on “the search for objectivity and the sharp separation of reporting fact from disseminating opinion.” The second, the advocate orientation, argued that a journalist “must be an advocate for those who are denied powerful spokesmen, and he must point out the consequences of the contemporary power imbalance” (Janowitz, 1975, p. 619). Johnston (1979) argued that a journalist was no longer a passive chronicler of events but “an analyst and interpreter of the events” (p. 108). Similarly, investigative reporting has encouraged journalists, at least traditionally, to do
more than transmit the news; they are supposed to dig up facts and provide a degree of interpretation (Weaver & McCombs, 1980).

The idea that journalists fulfill a social role has persisted in the Internet age. For instance, Clarke (2003) argued that journalists serve as “proxy witnesses and information-gatherers” for the public (p. 50). Woo (2005) discussed the “public benefit to the story or work product.” And Meyer (2002) said a journalist “needs to be a filter, as well as a transmitter; an organizer and interpreter, as well as one who gathers and delivers fact.”

**Ethics**

Many attempts to define a journalist grew out of debates about the industry’s professionalization (Johnstone, et al., 1976; Reese, 2001; Ugland & Henderson, 2007). It is easy to define, say, a medical doctor: “a person skilled or specializing in healing arts; especially one (as a physician, dentist, or veterinarian) who holds an advanced degree and is licensed to practice” (Merriam-Webster, 2010). People who have not earned a degree or obtained the license cannot be medical doctors. The definition of journalist, obviously, is not as clear. Journalists do not take board or bar exams, and many of them do not earn a journalism degree (Johnstone, et al., 1976; Weaver, 1998; Weaver & Wilhoit, 1986).

Johnstone et al. (1976) argued that for “an occupation to be considered a profession, (recruits) to the field must also be exposed to a body of abstract knowledge which is the particular province of the profession. It is here that formal recognition of journalism as a profession is often challenged” (pp. 99-100). The U.S. Bureau of Labor Statistics lists three requirements for a profession: (1) prescribed educational standards, (2) governmental licensing, and (3) enforcement of performance standards by the profession. Stevens (1974) said that applying those requirements to journalism would run afoul of the First Amendment. But that has not stopped journalists from claiming they are part of a profession (Rivers, 1962).
Ugland and Henderson (2007) argued that it is important for ethical purposes to define a journalist. They differentiated “ordinary public communicators” from second-level and top-level journalists. The “ordinary” lacks a permanent media presence and mechanisms of accountability (Ugland & Henderson, 2007). The “second-level” is “engaged in a more regular, systematic, and conspicuous dissemination of news.” And the “top-level” adheres to professional standards of practice and core values (Ugland & Henderson, 2007).

Schudson (2003) distinguished journalists for ethical purposes from what he called “parajournalists” referring to the “public relations firms, public information officers, political spin doctors, and the publicity staffs of a wide variety of institutions, both corporate and non-profit” (p. 3). Similarly, Knight (2008) said: “The internet promises everyone can be a publisher. But not everyone has the skills or training to be a journalist; defined by their professional practices and codes of ethics.” Finally, a definition devised by students referred to an ethical value: “Someone who gives me information I can trust” (Hayes, et al., 2007, p. 262).

Synthesis

Our review of the scholarly domain pointed us to dimensions and indicators of the concept of journalist: someone performing particular activities in a hierarchy of processes to produce an output for dissemination to a mass audience through a medium, following a set of ethics and fulfilling a social role. However, those dimensions and indicators raise more questions. First, the definitions largely did not discuss legal limitations. Second, to be situated in an organizational hierarchy implies employment, which the scholarly definitions do not address sufficiently. With those nagging questions in mind, we turn to the legal domain.

Legal Domain

Journalists ordinarily are not exempt from laws that apply to the general population. The legal rules that apply to the public also apply to them (Associated Press v. NLRB, 1937). However, in
limited circumstances journalists can claim special rights or privileges, which come from the federal constitution and from various federal and state statutes (Ugland & Henderson, 2007). Some of those legal sources contain language defining what it means to be a journalist. Others leave that question to the courts. This section explores the concept of journalist from a legal perspective.

**Federal Constitution**

Under the First Amendment, people who qualify as journalists can get “special standing” to claim a “privilege in legal proceedings to refuse to divulge the identity of sources and to reveal unpublished information” (Calvert, 1999, p. 413). So the big question is, “Who qualifies to claim it?” Few federal courts, until the late 1990s, had tried to answer that question, and some had said the privilege should not exist because it was too difficult to determine who qualified for it. In *Branzburg v. Hayes*, for example, the U.S. Supreme Court said:

> The administration of a constitutional newsman's privilege would present practical and conceptual difficulties of a high order. Sooner or later, it would be necessary to define those categories of newsmen who qualified for the privilege, a questionable procedure in light of the traditional doctrine that liberty of the press is the right of the lonely pamphleteer who uses carbon paper or a mimeograph just as much as of the large metropolitan publisher who utilizes the latest photocomposition methods” (1972, p. 704).

The U.S. Court of Appeals for the Third Circuit was the first to address the question head-on, in the case *In re Madden*, decided in 1998. The court articulated a three-prong test, holding that anyone asserting the privilege must satisfy these elements: “(1) the claimant was engaged in investigative reporting; (2) the claimant was gathering news; and (3) the claimant possessed the intent at the inception of the newsgathering process to disseminate the news to the public” (Calvert, 1999, p. 426). Thus, the test required courts to define “two equally complex concepts, investigative reporting and news” (Calvert, 1999, p. 426). The court did not define either one, but it did note that the test automatically “does not grant status to any person with a manuscript, a web page or a film” (*In re Madden*, 1998, p. 129).
Two other federal appeals courts took similar approaches. In Von Bulow v. Von Bulow, the Second Circuit held that "the individual claiming the privilege must demonstrate, through competent evidence, the intent to use material—sought, gathered or received—to disseminate information to the public and that such intent existed at the inception of the newsgathering process" (Von Bulow, 1987, p. 144). The opinion went on to say two important things. First, the person invoking the privilege need not be a member of the “institutionalized press,” as long as she is engaged in “activities traditionally associated with the gathering and dissemination of news” (p. 142). Second, “[t]he intended manner of dissemination may be by newspaper, magazine, book, public or private broadcast medium, handbill or the like, for 'the press in its historic connotation comprehends every sort of publication which affords a vehicle of information and opinion'” (Von Bulow, 1987, p. 142, quoting Lovell v. Griffin, 1938, p. 444).

Meanwhile, the Ninth Circuit said in Shoen v. Shoen that “the journalist’s privilege is designed to protect investigative reporting” (1993, p. 1293). The court focused on the activity of the person invoking the privilege. “[W]hat makes journalism journalism,” the court said, “is not its format but its content” (p. 1293). The court concluded the privilege would protect information gathered in the pursuit of news, but it did not define news. It simply recognized the importance of "newsworthy" facts about matters of public interest (p. 1293).

From those leading cases, which define journalist by way of journalism, emerge four general principles: (1) the medium alone does not determine whether a person is a journalist; (2) the intent of the person asserting the privilege is important, because she must intend to disseminate information to the public; (3) the activity is important, too, because the person must be engaged in investigative reporting; and (4) the content disseminated must be news (Calvert, 1999, pp. 430-431).

Notably, the third and fourth principles are not self-evident. What is investigative reporting? What is news? Although no federal court has answered those questions precisely, a few decisions are on point. In Cusamano v. Microsoft, the First Circuit extended the privilege to two business
professors who conducted interviews before writing a book about two companies. The court said the interviews were protected because their “sole purpose” was “to gather data so that [the professors] could compile, analyze, and report their findings [about] management practices in the internet technology industry” (1998, p. 715).

In *Summit Technology, Inc. v. Healthcare Capital Group, Inc.*, the District of Massachusetts said the privilege protected a financial advisor who researched companies for institutional investors (1992, p. 381). His reports contained analysis, recommendations and conclusions. Ten years later, in *Tripp v. Department of Defense*, the District Court for the District of Columbia extended the privilege to a writer for the military publication *Stars and Stripes* (2003, p. 50). Concluding the writer had “engaged in newsgathering,” the court noted that she had “interviewed a number of individuals while researching [the article], an activity which is a ‘fundamental aspect’ of investigative journalism” (p. 58). The court also said the writer “engaged in traditional newsgathering activities such as keeping notes” (p. 58).

In 2005, in *U.S. Commodity Futures Trading Commission v. McGraw-Hill Co.*, the District Court for the District of Columbia ruled that the privilege applied to a publisher producing indices and price ranges for the natural gas market. The court said the “reporter’s privilege is available only to reporters” and referred to the importance of “engaging in editorial judgments” (p. 32). The court said the publisher’s indices and ranges included extra-market factors affecting “supply and demand,” and for that reason the publisher “engages in journalistic analysis and judgment in addition to simply reporting data” (p. 32).

Those cases illustrate the nature of investigative reporting: it involves people who conduct interviews, analyze things, make recommendations, draw conclusions, describe things, keep notes and make judgments. Presumably, then, news as an output would reflect some of those elements, e.g., quotes, analysis, recommendations, conclusions and descriptions.

**Statutes**
**Federal shield bills.** For years, special interests representing the journalism industry have worked with members of Congress to pass a federal reporter’s shield law, one that would allow journalists in legal proceedings to protect the identity of confidential sources and unpublished information (“Special Report: Shields and Subpoenas”). The two most recent attempts, H.R. 985 and S. 448, died in January 2011 (Free Flow of Information Act of 2009). First, H.R. 985 applied in both criminal and civil contexts to protect confidential sources and information, as well as documents and information obtained during the newsgathering process. It defined narrowly who could claim the shield:

[A] person who regularly gathers, prepares, collects, photographs, records, writes, edits, reports, or publishes news or information that concerns local, national, or international events or other matters of public interest for dissemination to the public for a substantial portion of the person’s livelihood or for substantial financial gain.

Second, S. 448 applied in both criminal and civil contexts to protect the identity of confidential sources and communications data, as well as documents or information obtained on a promise of confidentiality. It defined more broadly who could claim the shield. It said a journalist was anyone, regardless of medium, who intends to “disseminate to the public news or information” about “local, national, or international events or other matters of public interest.” The journalist had to do so by “regularly” gathering, preparing, collecting, photographing, recording, writing, editing, reporting or publishing on such matters, after:

“(I) conducting interviews; (II) making direct observation of events; or (III) collecting reviewing, or analyzing original writings, statements, communications, reports, memoranda, records, transcripts, documents, photographs, recordings, tapes, materials, data, or other information whether in paper, electronic, or other form.”

Those definitions of journalist, which define the concept by way of journalism, are similar in some respects. They say the medium alone does not determine whether someone qualifies. They say intent is important, because the intent must be to disseminate content to the public. They say the content disseminated must be news or information of public interest. They say the journalist must
have engaged in certain activities (e.g., gathering, preparing, collecting, photographing, etc.). And they say the journalist must have engaged in those activities on a regular basis. The big difference is the professionalization of journalists in the House version, which required that the journalistic activities be done “for a substantial portion of the person's livelihood or for substantial financial gain.”

**State shield laws.** Thirty-three states and the District of Columbia have passed shield laws that allow journalists in legal proceedings to protect the identity of confidential sources and unpublished information (Ugland & Henderson, 2007). “Both the statutory language and the statements made by courts interpreting those statutes are reflective of an expert conception of the press” (Ugland & Henderson, 2007, p. 8). That is evident in references to money and employment. Florida’s shield law defines a journalist as “a person regularly engaged in [newsgathering] for gain or livelihood, who obtained the information sought while working as a salaried employee” (Florida Shield Law). The D.C. law requires that a person be “employed by the news media,” and the Indiana law requires that a person be “an editorial or reportorial employee, who receives or has received income” for newsgathering (Ugland & Henderson, 2007). The Delaware law requires 20 hours work per week as a reporter to qualify (Ugland & Henderson, 2007).

Although some shield laws do not refer to particular media, most do. They identify the media that the statute covers, presumably excluding media not identified (Ugland & Henderson, 2007). Consider the Nebraska law, which is broader than most. It applies to people engaged in "gathering, receiving, or processing of information for any medium of communication to the public” (Nebraska Shield Law). It goes on to say that "[m]edium of communication shall include, but not be limited to, any newspaper, magazine, other periodical, book, pamphlet, news service, wire service, news or feature syndicate, broadcast station or network, or cable television system" (Nebraska Shield Law). Meanwhile, Ohio has two shield laws, one for newspapers and press associations (Ohio Shield Law (a)), the other for broadcasters (Ohio Shield Law (b)). Other state statutes “add vague qualifiers, such
as the Indiana law that says individuals must be ‘bona fide’ employees of ‘legitimate’ news organizations and the Rhode Island law that requires that someone work for an ‘accredited’ news organization” (Ugland & Henderson, 2007, p. 9).

**State retraction statutes.** When a media outlet makes a mistake, often it publishes a retraction—an apology that also sets the record straight. If the mistake harms someone, the retraction can be part of a settlement agreement that forbids the harmed person from suing the media outlet for libel. More than 30 states have passed retraction statutes that in limited circumstances protect media outlets from suit (Sanford, 1999, pp. 589-594). Those statutes vary widely, and like shield laws, they often contain language hinting at what it means to be a journalist or to do journalism.

Many retraction statutes refer to particular media. First, California’s statute applies to the “publication of libel in a newspaper” or “slander by radio broadcast” (California Retraction Statute). Second, Florida’s applies to newspapers and broadcast outlets (Florida Retraction Statute). Third, Georgia’s applies to broadcast outlets (Georgia Retraction Statute (a)) and any “newspaper or other publication” (Retraction Statute (b)). The medium appears to matter, and in general the statutes do not define their terms, at least not precisely. One exception is Georgia’s definition of "other publication," which means any communication made to someone other than the libeled party (Retraction Statute (c)). That definition stems from a Georgia Supreme Court decision saying the statute applies to any communication, regardless of medium, because:

> It eliminates the difficult task of determining what is a “written publication” and who is the “print media” at a time when any individual with a computer can become a publisher. It supports free speech by extending the same protection to the private individual who speaks on matters of public concern as newspapers and other members of the press now enjoy. In short, it strikes a balance in favor of “uninhibited, robust, and wide-open” debate in an age of communications when “anyone, anywhere in the world, with access to the Internet” can address a worldwide audience of readers in cyberspace.
Meanwhile, New Jersey’s statute applies to “the owner, manager, editor, publisher or reporter of any newspaper, magazine, periodical, serial or other publication" (New Jersey Retraction Statute). It does not define those terms (e.g., who qualifies as an editor?), but it also does not refer to particular media (e.g., print or broadcast). Similarly, Virginia’s statute applies to "the publisher, owner, editor, reporter or employee of any newspaper, magazine or periodical" facing a libel suit for any "article, statement or other matter contained in any such newspaper, magazine or periodical" (Virginia Retraction Statute). Again, it is unclear who qualifies as an editor, reporter, etc.

Ohio’s statute applies to any “newspaper company” that prints, publishes, or circulates a false statement in its "newspaper, magazine, or other periodical publication" (Ohio Retraction Statute). The statute defines “newspaper company” as any “person, firm, partnership, voluntary association, joint-stock association, or corporation, wherever organized or incorporated, engaged in the business of printing or publishing a newspaper, magazine, or other periodical sold or offered for sale in this state."

These statutes, a cross-section of the whole, show that state retraction statutes tend to focus on traditional news media and journalists, even if their text leaves some room for the courts to read the statutes more broadly. In general, they expressly tie their protections to employment by a newspaper, magazine or broadcast outlet.

**Synthesis**

Our review of the legal domain in some ways is inconclusive. The federal constitution says medium does not matter, but state retraction statutes say it does. The federal constitution says journalists must disseminate news, and a number of state shield laws say journalists must be employed by the news media. But those terms—news and news media—are undefined and far from self-evident. In other ways, the review was useful. We found that the federal constitution and the two most recent federal shield bills defined journalists in part by their activities, e.g., interviewing, writing, analyzing, photographing, etc. And we found that the House federal shield bill and a number
of state shield laws refer to money or employment. Which brings us to the industry domain, where money and employment play a major role.

**Industry Domain**

The membership criteria of professional journalism organizations are a window into the industry and its conception of journalists. We used a comprehensive list of such organizations, available on the website of the *American Journalism Review*, to explore the industry definitions (see Table 1). We selected (1) general organizations explicitly for journalists, and (2) special-interest organizations for certain types of journalists (e.g., editors, photographer or travel journalists).

Most of the organizations, which presumably want to attract as many members as possible, stratify their memberships. They offer different types to different people, to attract not only practitioners but also students and non-journalists. Although we focused on the criteria for full membership, we also studied the criteria for associate and other memberships. We found the criteria in each organization’s bylaws, membership descriptions or membership application forms. What emerged were four common bases for membership: outputs, activities, autonomy and source of livelihood.

**Outputs**

Producing *outputs* is a common theme in the membership criteria. The American Society of Journalists and Authors (ASJA) evaluates applications based on clips and work samples. The articles must be “primarily from major print or online markets.” Works of fiction, poetry and self-published blogs, among others, do not count for membership purposes. The focus on outputs is noteworthy among the special-interest organizations. The Society of American Travel Writers requires prospects to fill out a 10-page application form that identifies at least five categories of membership. For example, the category for freelance travel journalists requires 72 points to be a member. The points come from scores awarded to work samples submitted with the application, which includes a two-
A page chart summarizing the point system. An article published in a newspaper with a circulation of less than 40,000 gets one point, while an article in a newspaper with a circulation of more than 750,000 gets 10 points. There is a category, too, for travel editors, broadcast hosts and producers. Respectively, they must be employed by a newspaper with a circulation of more than 40,000, a magazine with a circulation of more than 25,000 or a website with more than 75,000 unique viewers per month.

The International Food, Wine & Travel Writers Association (IFWTWA) also requires prospective regular members to submit work samples: 2-4 links to their “most recent articles, photographs or broadcasts” within the last two years. Online articles and active blogs are acceptable. Similarly, the Garden Writers Association offers active membership only to “published” gardening or horticultural communicators. People who have an interest in becoming gardening or horticultural communicators can be associate members.

**Activities**

Closely related to output are journalistic activities. The Society of Professional Journalists (SPJ) says it is an organization of “persons who are engaged in directing the editorial policy or editing and preparing news and editorial content of independent news media products.” Though the group allows journalism students and educators to be full members, it separates them from professional journalists. The Regional Reporters Association (RRA), a group of reporters covering local stories in Washington D.C., accepts any accredited journalist “who reports, edits, supervises or is otherwise engaged in the production of news intended principally for a local, state or regional audience within the United States.”

The National Association of Black Journalists (NABJ) grants full membership to “working journalists, including reporters, editors, photographers, newsroom managers, etc., who produce, gather, and disseminate news for newspaper, television, radio stations, magazines, wire services, etc.,
and full-time freelance journalists.” Similarly, the American Society of News Editors limits regular membership to people who “gather and disseminate news and information.” The IFWTWA also refers to those “paid to write, photograph, film, tape, edit or perform for a publication or broadcast on the subject matter of food, wine or travel.” Finally, Investigative Reporters and Editors (IRE) offers professional-class membership to people “substantially engaged in reporting and/or editing.”

**Autonomy**

A few definitions touched on the concept of *autonomy*. The Association of Health Care Journalists grants full membership to journalism faculty members, freelancers spending at least 50 percent of their time working for independent news organizations, and journalists working in news organizations “without health care industry ties.” Excluded are people who write for science journals published by trade groups, and company- or government-owned publications and websites. The Association of Food Journalists, Inc. (AFJI) says that only “persons employed or contracted in positions as reporters, writers or editors by a legitimate news or media organization that is supported by advertising and/or paid subscriptions and who spend not less than fifty percent (50%) of their time on food news” are eligible for membership. Excluded are people working for publications supported by trade associations, advocacy groups and government agencies.

The Society of Environmental Journalists (SEJ) excludes people engaged in lobbying or public relations, while the Association of Capitol Reporters and Editors (Capitolbeat) excludes from its voting members all people reporting for the “house organs of any organization or movement.” Likewise, the North American Agricultural Journalists offers membership to journalists who are “independent of agricultural organizations and businesses.”

Threats to autonomy, at least in this context, refer to government intervention and conflicts of interest. Reliance on advertising is seen as an indication of autonomy. That idea appears, too, in the qualifications for membership in the National Press Club. To be a journalist member, a person must
be an editorial employee of a “regularly issued news outlet that is supported by advertising, paid subscriptions or funded by a non-profit organization.” It requires members to operate “with editorial independence from any political, government, commercial or special interest.”

**Livelihood**

The dominant theme across the criteria is *source of livelihood*. The American Society of Business Publication Editors grants membership to people “employed in an editorial capacity by a business publication.” The Associated Press Sports Editors (APSE) grants membership to writers and editors “employed by” and who “work for” sports publications. Indeed, this emphasis on employment is part of the eligibility criteria of the NABJ, the AHCJ and the AFJI. First, the NABJ begins its definition by referring to “working” journalists. Second, the AHCJ requires freelancers to spend at least half of their time “working” for independent news organizations. And third, the AFJI is limited to people “employed or contracted” by the media.

Some organizations do not explicitly require employment but focus on *income*. This opens membership to freelance journalists not employed by news organizations. The ASJA, a group of freelancers, defines professional freelancers as people who “make a living” by writing and who have a “sustained professional career.” The Asian American Journalists Association (AAJA) offers full membership to people “who receive a majority of their income and spend the majority of their worktime involved in journalistic work.” Similarly, the National Association of Hispanic Journalists (NAHJ) grants regular membership to people “whose principal means of support is earned in the gathering, editing or presentation of news.” The Online News Association limits its top membership to people whose “principal livelihood” comes from journalism. And finally, the American Society of Media Photographers grants general membership to photographers “who have three or more consecutive years of publication experience, and whose primary source of earned income (greater than 50%) is from the licensing of their photography.”
Synthesis

Our review of the industry definitions revealed five broad bases for membership in professional journalism organizations. They are medium, outputs, activities, autonomy and source of livelihood. Thus, journalists produce outputs (e.g., news stories), engage in journalistic activities (e.g., writing and editing), are autonomous (e.g., free from conflicts of interest), and have journalism as their primary source of livelihood (e.g., they make a living by gathering, editing or presenting news). Source of livelihood can be connected with employment but does not need to be.

Discussion and Conclusion

In our review of the three domains—scholarly, legal and industry—we found common dimensions. They are medium, routines, output and employment. We also found dimensions unique to one domain or the other. Scholarly definitions referred, for example, to the social roles of the press, and a number of legal definitions referred to the intent of the person doing journalism. In this section of the paper, we discuss those dimensions and offer an organic definition. Again, we did not set out to devise a normative definition of our own. We set out to explore the dimensions and indicators that others had used, and to use those dimensions and indicators to tease out an organic definition of journalist—to explicate the concept.

Several definitions referred to medium. The scholarly domain focuses on traditional media, while the industry domain recognizes that innovations in technology have changed the journalistic landscape. The legal domain says medium does not matter—working online can be just as journalistic as working in print. It seems, then, that medium is not an indispensable part of being a journalist. Boundaries among media are collapsing, and it no longer makes sense to associate journalists with particular media.

Several definitions referred to output. In other words, a journalist is defined by way of what she produces: news, photographs, videos, etc. Output itself must be broken down. On the one hand, to
think of output as “form” is to put it close to “medium.” The medium once limited the form the output could take, but the Internet has changed much of that, because it can distribute text, audio and video in the same output. Defining journalists based on the form of their output is untenable. On the other hand, to think of output as a manifestation of journalistic activities puts it close to routines. In other words, the output is the culmination of routines. A news story reflects all of the work—all of the journalistic routines—that went into creating the news story. Thus, defining journalists by way of their routines would include their outputs.

Another layer of output is the audience: an output is directed to an audience. The danger here is a line-drawing problem that is not addressed fully in any domain. How much of an audience do you need for it to be a journalistic one? Does this mean the bigger your audience, the more of a journalist you are? “Mass audience” does not have a universal definition, but for these purposes we accept McQuail’s (2010) version: a group whose members, at least initially and in relation to one another, are heterogeneous and anonymous. McQuail (2010) also refers to large size, but again that term is vague.

Several definitions referred to social role. A journalist fulfills a social role. Legal definitions refer to intent, but social roles are not born exclusively from intent. There is no such thing as a self-conceived role, because a role always is conceived, either consciously or unconsciously, in relation to external expectations. Charng, Piliavin and Callero (1988) defined a role identity as “a set of characteristics or expectations that simultaneously is defined by a social position in the community and becomes a dimension of an actor's self” (p. 304). Social roles are negotiations between society’s expectations and an actor’s perception of that expectation. So when someone says a journalist is serving a watchdog function, it is a reference to the journalist’s role in protecting a democratic society. This is consistent with industry definitions that mention autonomy from government and interest groups: an individual who protects freedom must be free to carry out that role.
But how does a journalist fulfill a role? Here again we refer to *routines*. They occur within an organizational hierarchy, clearly illustrated in industry criteria that located reporters, editors and photographers at different levels of the news-production process. Further, principles and ethics govern the routines. In other words, values like accuracy and fairness govern activities like newsgathering and reporting. This is consistent with the idea that outputs are manifestations of journalistic activities. It seems, too, that the routines are done on a *regular* basis, because many of the industry definitions refer to regularity, the doing of journalism regularly, although it is unclear what would be sufficiently regular.

Most of the industry definitions said *income* earned from journalism was required to be a journalist. Income is easy to measure, but focusing on it leads to an elitist conception of journalist, one that runs counter to the First Amendment, which protects the institutional press and the lonely pamphleteer. Focusing on income also runs counter to the ideal of doing journalism for the sake of journalism—the role is fulfilled for the good of society, not for personal gain. But there is a deeper reason income, measured by employment or earnings, is an important dimension. Income is part of a journalist’s capital, and it is part of an organization’s capital. Together they sustain journalism. Journalists need food and shelter, and journalism organizations need to cover operational expenses. This brings us back to *social role*. Income earned from journalism ensures that journalists are able to fulfill their social roles in a *regular* manner.

Relying on those dimensions and indicators—to tease out an organic definition of journalist, to explicate the concept—we have arrived at a definition that reflects how the scholarly, legal and industry domains define a journalist: **A journalist is someone employed to regularly engage in gathering, processing and disseminating information (*routine*) to serve the public interest (*social role*).** Breaking it down even further, to be *employed* means the person’s primary source of livelihood comes from journalistic *routines*, including gathering, processing and disseminating
information. And the person must engage in those routines regularly: once is not enough, but again it is unclear what would be sufficiently regular. We recognize that some of these terms, themselves, might need to be explicated.

Although we reviewed definitions in three domains, the legal and industry definitions are limited to the American perspective. It would be useful to examine definitions from other countries. Is the concept of journalist consistent around the world? Or does it vary depending on culture and social system? Further, we have explored how scholars, legal experts and the industry define the concept of journalist, but how does the general public define it? Future research can answer those questions.

This study is a first step, and we acknowledge that our conceptual definition may provoke criticism from people who have grown wary of traditional journalism. Many have pinned their hopes on non-traditional journalism and the people pioneering it. Some of those pioneers would not fit the definition above, while others would. In any case, we acknowledge that the definition is neither perfect nor exhaustive, and more work needs to be done. But we do believe this is a step forward, however modest.

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Florida Shield Law, Fla. Stat. § 90.5015.
In re Madden, 151 F.3d 125 (3d Cir. 1998)


Nebraska Shield Law, Section 20-146 (1) & (2).  
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Ohio Shield Law (a), Ohio Revised Code § 2739.12.  
Ohio Shield Law (b), Ohio Revised Code § 2739.04.  


Sanford, B. (2 ed 1999). Libel and Privacy § 12.3; App. B.


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**Table 1**

*List of Professional Organizations*

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<thead>
<tr>
<th>Organization</th>
<th>Website</th>
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<tbody>
<tr>
<td>American Copy Editors Society</td>
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</tr>
<tr>
<td>American Society of Business Publication Editors</td>
<td><a href="http://www.asbpe.org/">http://www.asbpe.org/</a></td>
</tr>
<tr>
<td>American Society of Journalists and Authors</td>
<td><a href="http://www.asja.org">http://www.asja.org</a></td>
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<td>American Society of Magazine Editors</td>
<td><a href="http://www.magazine.org/asme/">http://www.magazine.org/asme/</a></td>
</tr>
<tr>
<td>American Society of Media Photographers</td>
<td><a href="http://asmp.org/">http://asmp.org/</a></td>
</tr>
<tr>
<td>American Society of News Editors</td>
<td><a href="http://asne.org/">http://asne.org/</a></td>
</tr>
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</table>
Asian American Journalists Association  http://www.aaja.org/
Associated Press Managing Editors  http://www.apme.com/
Associated Press Sports Editors  http://apsportseditors.org
Association of Capitol Reporters and Editors  http://capitolbeat.files.wordpress.com
Association of Food Journalists, Inc.  http://www.afjonline.com
Association of Health Care Journalists  http://www.healthjournalism.org
Criminal Justice Journalists  http://www.reporters.net
Football Writers Association of America  http://www.sportswriters.net/
Garden Writers Association  http://www.gardenwriters.org/
International Food Wine & Travel Writers Association  http://www.ifwtwa.org/
Investigative Reporters and Editors, Inc.  http://www.ire.org
National Association of Black Journalists  http://www.nabj.org/
National Association of Hispanic Journalists  http://nahj.org/
National Lesbian & Gay Journalists Association  http://www.nlgja.org
National Press Club  http://press.org
Native American Journalists Association  http://www.naja.com
Online News Association  http://ona.site-ym.com/
Regional Reporters Association  http://www.rra.org
Religion Newswriters Association  http://www.religionwriters.com/
Society for Features Journalism  http://featuresjournalism.org/
Society of American Business Editors and Writers  http://sabew.org
Society of American Travel Writers  http://www.satw.org
Society of Environmental Journalists  http://www.sej.org
Society of Professional Journalists  http://www.spj.org/
South Asian Journalists Association  http://www.saja.org