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Journalists: to license or not to license… (*)

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Abstract

The existence or absence of some legal or professional pre-conditions for someone to be allowed to work as a journalist has been a reason for many controversies along the last decades – actually, since the very beginning of the efforts to establish journalism as a legitimate (and legitimized) 'profession', rather than an 'occupation' or a craft. The obligation to have some kind of license to work as a professional journalist exists in some countries (in Portugal, for example) but doesn't exist – and, moreover, that simple idea is strongly criticized – in other countries.

Those who oppose to any kind of license emphasize the importance of keeping journalism as an 'open' profession, accessible to any citizen, under the main argument that it is an activity grounded on the right to freedom of expression – a fundamental and universal right.

Those who favour some kind of license or pre-requisite to become a journalist underscore the social relevance and sensitiveness of this job in order to fulfil another fundamental right of every citizen – the right to information (to a truthful, independent, accurate and comprehensive information on the actuality). And, because of that, they stress the importance of having well-prepared, professionalized, ethically responsible and accountable people working as journalists, in order to properly meet such a demanding right.

In this paper, we try to review and discuss the arguments for and against this subject, putting it in historical perspective and balancing it with the new questions faced by journalism in the digital Internet era we are living now.

Furthermore, we argue that a decisive issue in this debate is 'who' might (if so) have the responsibility to grant this professional license and look for its adequate use.

In our opinion, this seems to be typically a matter for professional self-regulation, rather than state or government regulation, in order to keep and safeguard the values of freedom of expression and freedom of the press. On the other hand, the values of responsibility and accountability in journalism must be somehow kept and safeguarded as well, if the journalists' professional group – or those engaged in journalism in its multiple possible forms – really wants to recover some lost credibility and confidence by the public. For this purpose, a real commitment with some requirements usually associated to professionalism – commitment with professional standards and techniques, but, more than that, commitment with a public interest and with clear ethical principles, values and norms – is a major challenge for journalists.

Keywords: *journalism, journalists, license, professionalism, accountability, self-regulation.*

'So who is a journalist, anyway? And does it matter?'

(Adam C. Powell, 1998)

1. Introduction

The question of licensing or not licensing journalists – that is to say, of conditioning access to the job to the observation of some formal pre-requisites and to a corresponding authorization – is not a new one. Nor is it without strong controversies. It was very present in the last decades of XIXth century and early decades of the XXth century, when journalists faced the major challenges of their professionalization process, in the context of the industrialization of the press and the emergence of a specific labour market for their 'craft'. It was debated in the 1940's, when the Hutchins Commission, in the USA, produced the well-known report *A Free and Responsible Press*, underscoring the social responsibility of journalism – and of journalists. It came again to public discussion, on an international level, in the 1980's, under the influence of UNESCO, when a particular attention was granted to the issues of press freedom all over the world, going beyond a too 'west-centred' approach of the media functioning. And it gained a new pertinence in these last years, in the 'online / Internet era', when new actors, new models, new formats, new edition platforms, new media businesses, turned the activity of dealing with information in the public sphere into a much more complex issue. News sites and online media, blogs, user-generated content, crowdsourcing[1], 'citizen journalism', 'participatory journalism', among others, are devices and concepts that developed exponentially in the last years and are questioning some of our traditional ideas and frameworks about media, starting with the bare definitions of 'who is doing journalism', 'who is a journalist', 'what is journalism'.

Controversial affairs as those of *New York Times* reporter Judith Miller, or of blogger Josh Wolf – both in the USA, in 2005, and both with people having done time in prison because of their information work (Shapiro, 2006) –, raised the question of the need for some legal protection of journalists, regarding the sensitive issue of them keeping their confidential sources secret. But, at the same time, they also raised the question of deciding if some kind of 'shield law' should include 'journalistic' bloggers as well (even if they don't work as full-time, paid professional journalists). Inversely, the recent appeal, made by some Brazilian

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[1] Crowdsourcing is, as Jeff Howe defines it, 'the act of taking a job traditionally performed by a designated agent (usually an employee) and outsourcing it to an undefined, generally large group of people in the form of an open call' (Howe, 2008). When applied to journalism, it means 'soliciting reporting, writing, editing, photographs – or all of the above – from amateur users, rather than traditionally trained journalists" (Metzger, 2007: 2).

media owners, for the Supreme Court to rule against the obligation for any candidate to have a journalism university degree before entering the profession, shows how the matter of licensing journalists isn't consensual, even when we know that such a regulatory norm has existed in Brazil for about 40 years. These are some examples – others could be added, just by looking at debates running in the blogosphere in the most various latitudes – of a controversy with many sides and conflicting arguments, nowadays even more complicated than in the past, because it's not any longer only about a relatively well confined 'professional group' of journalists, working in relatively well confined media outlets, but about a lot of people dealing with public information in a lot of outlets, in a lot of ways.

Some evidence that this is not a consensual question can be found in the various ways the issue of licensing or not licensing journalists (and how) has been dealt with in different countries, according to their history, tradition, political systems and cultural backgrounds. It would be much easier to couple 'not licensing' with 'democratic regimes', and 'licensing' with 'authoritarian regimes'. Taking for granted that conceptions of democracy somehow vary in substance or degree, the fact is there are countries living in democratic political systems where we can find some sort of mandatory license, register or credential for journalists. And there are countries where there is no license of any kind, but where journalists can be deprived of their freedom just for doing their job according to ethical values and standards. This suggests that, apart from one's basic opinions about the question of licensing, it is perhaps more advisable to go beyond the sheer dichotomy of just 'yes' or 'no', and to try to understand how and why different solutions have been considered and adopted in different latitudes. To know what kind of license we are talking about, who grants it, who has the right to get one, under what specific terms it is granted, are supplementary questions that should be answered as well, if we really want to understand what is (or can be) at stake. Furthermore, opinions about this can evolve in time and within circumstances, as seems to be the case of the 'libertarian' John Merrill, a prestigious teacher and researcher who, for many years, used to be a vigorous supporter of individual freedom at any cost, in any issue concerning the press and journalism, but who recently (2005) wrote this in an article:

> What is needed (…) is a fusion – a dialectic that brings freedom and responsibility together. This can only be done by professionalizing journalism. In other words, making journalism a true profession – self-controlling and providing high standards – for the members of the profession. Licensing, yes. Entrance exams, yes. Quality control, yes. A method of expelling unprofessional members, yes. Continuing education, yes. Mastery of a body of knowledge, yes. (Merrill, 2005: s/p)

However, this is not all, since he adds immediately:

> But all of these things would be done by the profession itself. No outside interference. No external control. The profession would be the authority. The profession would be free of outside interference. The profession would regulate itself, choose its members, and limit their activities. In short, the profession would be free and at the same time would set the standards and control itself. (*ibidem*)

After all, these concerns, although nuanced by the multiple changes the media are facing in the Internet age, point to a quest that is as old as the press and the journalism themselves, thus synthesized in a sentence by the same John Merrill: 'What is needed for the media is a blueprint for the future – a kind of controlling mechanism that will ensure freedom and responsibility' (Merrill, 2005: n/p). A challenge not very different from the one pointed by Denis McQuail, when he wondered about the difficulty of the task we seem to face: '[H]ow can we square the circle of reconciling media freedom with media accountability?' (McQuail, 1997: 513).

2. The main arguments

Those who oppose any kind of license for journalists just ground their opinion in one single but unavoidable argument: it runs against *freedom of speech*. And freedom of speech, the argument adds, is a fundamental and universal right that cannot be menaced or disrespected in any circumstance. Furthermore, journalism is regarded as a direct emanation and the most widespread public expression of this freedom of speech. If it is so, it can't be subject to any previous authorization or to any form of licensing. The classic example of this idea is the *First Amendment* to the United States Constitution[2], prohibiting the American Congress from making any law that could infringe freedom of speech and freedom of the press (the two 'freedoms' come together here and are, basically, identified with each other). According to this same argument, everybody may be a journalist – and everybody may exercise journalism wherever he/she wants, because it's all about freedom of speech and nothing else. A journalist is regarded as a citizen, equal to any other citizen, and submitted to the general laws of the country, like any other citizen in any other activity[3].

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[2] 'Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances'. (Bill of Rights – First Amendment).

[3] In spite of this, even in countries (like the USA) where journalists are not licensed, some practical mechanisms distinguish professional journalists from those working on less formal contexts. As Powell (1998) argues, the granting of press credentials by public authorities to have access to an event, in order to cover it, is a form of licensing journalists, and of deciding who is (who gets the credential) and who is not (who doesn't). And he concludes: "So who is a journalist? Whoever the government says is a journalist" (*ibidem*). Actually, as Glaser (2008) recalls, bloggers, for instance, still have trouble getting press credentials for events, 'though established blogs are gaining more credibility with readers' and, in many cases, they unquestionably do journalism'.

This 'libertarian' perspective has been discussed for a long time, at different levels, with some consequences for the licensing issue. Giroux (1991: 129/130) says that journalists 'tend generally to subordinate their social function to their freedom of speech', and inscribes this tendency in what he calls the 'founding myth' of journalism. According to it, the simple idea of turning journalism into a real profession doesn't make sense, because professions usually are associated to a set of attributes (specific knowledge and know-how, school degree, professional code of ethics, restrictions in access) that put them somehow apart from the common citizen. For instance, what's the point of talking about *journalism* ethics, if journalism is not a specific occupation, with its particular skills and duties, but only the way of any citizen to exercise his/her freedom of speech through freedom of the press?

In spite of all this, it is not difficult to realize that, in practical terms, the identification of 'freedom of speech' with 'press freedom' is not actually true for many, many citizens – those who complain about the difficulty of having a voice in the media. All citizens are equal, in what regards freedom of speech/press freedom, but, as George Orwell would put it, 'some are more equal than others'…

Instead of this 'founding myth' of journalism, strictly based on the universal right to freedom of speech, Giroux (1990: 131) argues that 'the paradigm which founds the practice of journalism is the right of the public to information', another fundamental and universal right. Following this alternative point of view, the *social responsibility of the press* – and of journalism – must be considered too, since those who work to fulfil the fundamental and universal right to information in our society are supposed to do it in an adequate and competent way, for the public interest sake. And this means that they should be well prepared to do the job, that they should be granted some protection in order to work without restrictions, that they should have some specific rights and duties because of that; in return, they should assume a public commitment to follow some professional standards and to obey to specific ethical values and norms, accepting to be accountable for them. As we can see, this is roughly the rationale underlying the idea of giving the journalists a special statute (actually, a professional statute), presupposing their *freedom of speech* as a cornerstone of their activity – although not understood only in individual, personal terms – but adding to it their commitment with the *right of the public to information*. And a free, complete, comprehensive, accurate, fair, meaningful information, allowing citizens to be able to take their decisions and to actively participate in the public life.

This special statute has been, in various countries, translated into some kind of mandatory license or credential. All of them mean some sort of restriction of access to the job

(now clearly understood in professional terms), but this purpose is not achieved in the same way everywhere. One of the most expectable ways to do it is through academic qualifications. In countries like Brazil, access to journalism depends on the candidate having a university degree in this area of knowledge, and on his/her subsequent registration in the Labour Ministry. This is a pre-condition that has been set by law back in 1969, although the first move in this direction dates from 1938 (Le Cam & Ruellan, 2004). We could say it is the most recognizable way of pairing journalism with any other profession (such as doctor, lawyer or engineer), where a degree on a tertiary education level is an absolute pre-requisite to accede the job and to be granted the correlative license. In Italy, this scenario goes a step further: besides having a university degree, all candidates to journalism are also submitted to an entrance exam, led by the professional *Order*. Here, the similarity with the traditional professions is complete, since all of them are usually organized around an Order that takes all the control mechanisms at its charge, and where membership is compulsory[4].

In most countries, however, the need for a previous academic qualification to become a journalist doesn't exist at all, in legal terms, or is nuanced in the form of a 'recommendation' (this seems to be the case of France, where a dozen schools with journalism courses are specially certified by the National Union of Journalists, and candidates are suggested to attend one of these if they want to get a good and prestigious job).

Nevertheless, it doesn't necessary mean that having an academic specific qualification doesn't matter at all. Let's look at the situation in Portugal: legally, you don't need to have any degree *at all* to become journalist (the only legal pre-conditions, according to the Journalism Statute, are to be at least 18 years old and to be in full possession of one's civil rights). But, in practical terms, no journalist is hired nowadays without a degree from one of the numerous universities (both public and private) offering journalism graduation or post-graduation courses. The demand for an academic qualification is not a '*juridical demand*', but, as Aznar (1995: 148) likes to say, it may turn to a '*social demand*', stressing the need for professional journalists to be better and better prepared for so sensitive a job. Aznar even goes a step further, favouring that this could evolve to an '*ethical demand*', 'fostering as much as possible the presence of graduates in the media, but without making it a *mandatory* requisite' (Aznar, 1995: 152, emphasis by the author). It is roughly what happens in Portugal, where there is presently a very large 'work force' of young journalists-to-be that

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[4] The case of the Italian Journalists' Order is unique in Europe – and perhaps unique all over the world, as far as we know. It was created under the fascist regime, by order of Mussolini, and that situation always raised some strong criticism. Although its statute and rules have been changed when democracy came back to the country, there is still some controversy about keeping that model or giving it away.

usually complement their university degree with a brief internship (three months) in a media outlet, and eventually gain a position in the staff. And as they are so numerous, they practically fill all the hiring needs (which are more decreasing than increasing) in the media.

Other than through academic qualifications[5] or through an obligatory registration process in any government department, the licensing of journalists can be achieved through indirect, administrative forms. Even if these are not politically controlled, the fact is they put some kind of barrier to the totally free exercise of journalism. In Portugal, for example, there is a Journalist Statute – a law approved by the Parliament – designed very much after the French 'inheritance', where a pioneer statute of this kind was set in practice back in 1935. The Portuguese law states that you must have a credential ('*Carteira Profissional*', a sort of Press Card) if you want to work as a journalist. But, to get this credential – which actually works as some kind of a license, and which is granted by an independent Commission[6] – you must fill three basic conditions:

1) You mustn't work simultaneously in areas or activities legally defined as incompatible with the practice of journalism (advertising, marketing, public relations, press 'attaché', military, police, security services, politics;

2) You must have a full-time position in a media outlet, since if you want to have first access to the journalist 'Professional Card' you must prove to be starting your work as   a journalist, on a permanent, paid basis;

3) You must pledge by your honour that you don't fall under any of the legally defined incompatibilities and that you will respect the Journalist's Code of Ethics.

The possession of this formal title is, as we said, an obligatory condition to work as a journalist. Besides that, it is also stated by the Portuguese law that no media company can hire or maintain within its staff, as a professional journalist, anybody who doesn't have the Card.

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[5] The issue of academic qualifications for journalists has always been a complex issue (it still is nowadays), reflecting another basic ambiguity of the profession: the balance between a 'creative' pole and a 'craft' pole. Whether a journalist is more of an artist or more of a technician / skilled worker, has been debated for decades. Those who favor their artistic grounding will insist that no particular academic education is needed to it, the most important being the personal talent, the vocation, the 'call' to the job. And the technical 'details' will be learned on the spot, in the practical space of a newsroom. Someone wrote with irony in the XIXth century, when these questions were coming to public debate: to launch a journalism school is "more or less as if you wanted to raise a poetry school…" (*apud* Delporte, 1999: 176).

[6] Although created by law and 'hosted' by the Government, this Commission is composed by four journalists elected by the professional group and another four journalists nominated by the representatives of the media industry. Then these eight members co-opt a judge, who will preside.

So, when you are admitted for a journalistic position, you must immediately ask for it (and the company you work for must certify that you've been hired for the job)[7].

The arguments for the importance of granting such a professional title refer both to the rights it offers and to the duties it imposes. Still, the insistence is usually made in the *protection* it gives to journalists, allegedly allowing them to accomplish their tasks without restrictions, in the name of the public interest (rather than personal privileges). Two of the most known 'special rights' granted to journalists by this Professional Card are the so-called *'consciousness clause'* – ensuring that no journalist can be forced to do any work conflicting with his/her personal convictions and the professional Ethics Code – and the respect for the *'professional secret'* – according to which no journalist can be forced to disclose his/her confidential sources of information[8]. Giving the scope of the law, stating that it applies to professional journalists (and professional journalists are defined as those who practice journalism on a permanent, exclusive and paid basis in a media outlet), it is easy to conclude that such protection could hardly be invoked by other persons doing some kind of 'journalism' in its newest models or formats. Actually, these persons just can't have access to the Professional Card – which acts in practical terms as a formal license for the job.

3. To protect or to 'close the border'?

Even if we are sceptical about the arguments underlying the decision of granting a professional license to journalists, or about the doubtful consequences it may have had, one point is for certain: historically, there were some good reasons why this idea was followed in a number of countries (particularly those of Continental Europe, more bound to the French cultural inheritance, and those of Latin America). The Brazilian law, for instance, is strongly supported by the Federation of the Journalists' Unions in the name of democratization of access to the profession (FENAJ, 2008), when one could think it has the opposite effect. The obligation of a journalism university degree to enter the profession is regarded as a more

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[7] This legal framework seems to have a curious effect, as it is pointed out by Cornu (2002: 2/3): if the access to the professional title depends on having been hired by a media company, this means to 'dislocate the journalist statute from the person who works on it to the company who gives him/her a job'. In other words, the definition of who is or isn't a journalist is made in fact by the media industry, by the 'market', and not by the school, by the professional group, by the law, by the government or by any other entity. And this would be a subject worthy of some discussions too…

[8] For some years, the Portuguese law defined this right in the terms we present here, but recently a 'small' change has been introduced: the Statute says that journalists can't be forced to disclose their sources of information, *unless the penal law rules otherwise*. And, as a mater of fact, the penal law defines some special conditions when court is allowed to force journalists to disclose their sources of information, if that is understood to be the only way to come to the truth. So, in spite of the license which grants a kind of 'shield law', some Portuguese journalists have already been brought to the court and accused of disobeying it, because they refused to disclose their sources of information, on ethical grounds.

demanding and transparent way of selection, because the decision to hire this or that person isn't any longer dependent only on the discretionary will of owners and publishers, or on friendship relationships, or on ability for personal influence, but it depends on some objective pre-requisites (namely, the possession of a specialized scholar education).

In another context, the case of France can be regarded as an exemplary case (and it was a direct inspiration for the Portuguese model as well). In that country, the process that led to the institution of the Journalist Statute and of the Professional Card (in 1935) seems to have developed in two parallel and converging ways: on one hand, it was a sort of response to the industrialization of the press and to an emerging labour market, where people working in newspapers on a full-time and 'proletarian' basis asked for some collective organization; on the other hand, the transformation of newspapers into common use products, with their primary focus on news and reporting – on *information*, rather than on *opinion* –, urged the works of this new 'craft' to define it as an autonomous field of knowledge, with its particular skills, know how, demands and responsibilities.

The recent tradition of newspapers just as literary by-products or as propaganda vehicles for political struggle was a very heavy one and the emerging professional group of journalists (because now we can talk about 'group', with a growing *esprit de corps* and collective sensitiveness) needed to cut with it. At the same time, the press being now totally free and as such protected by law (since 1881 in France), some abuses began to be felt here and there, because the market was increasingly imposing its logic of treating 'newspapers–as–business'. And for this reason too, journalists felt a growing need to put some order in the job, in order to attain what they considered most: the *social recognition* of the importance of their work and, complementarily, the *public legitimization* of their (new) *craft*. Or – and the word made its appearance amongst them – their new *profession*. So the efforts to *professionalize* the journalists run also in parallel with the intent to *moralize* their activity. That's what can be found in the main objectives defined by the French Journalists Union back in 1924:

> The Union commits itself to organize the corporation taking these items into consideration: 1º To defend the corporation interests; 2º To defend the individual interests; 3º To exclude the non-professionals; 4º To institute a moral control over the profession. (*apud* Ruellan, 1997a: 77).

Critics will say, however, and not without reason, that the three first items were fairly well accomplished, while the fourth one wasn't so successfully pursued. In spite of that, it's rather clear that the underlying objective was to give control over the profession to the

profession itself, thus avoiding some temptations of external control, namely by the political powers. And the commission created to grant the Professional Cards that would differentiate the 'legitimate' journalists from all the others had an important participation of journalists, together with representatives from the press industry and from government[9].

There was a clear intent to protect the profession when this legal framework was put in place (to protect it from government, to protect it from the courts, to protect it from the media owners and managers), under the general argument that the flow of free information in the public sphere was too valuable an asset to be put at risk. And the commitment of journalists themselves with the social responsibility of the press would help to keep those risks at a distance. The Professional Card somehow symbolized all this, pretending to be, as Balle (1987:101) has written, "an official guarantee both of competence and of morality".

But some counter-arguments can be raised (and actually have been), questioning if this 'rhetoric' construction, in the end, didn't contribute more to *close* the journalistic labour market than to *protect* its 'public service' activity. And, in fact, *social closure* is one of the most common outputs of the institutionalization of professions, as many scholars, following Max Weber's legacy, tend to argue (see, among others, Dubar & Tripier (1998), Ruellan (1997) or Paredeise (1988) and her research on the professions as 'closed labour markets'). By defining journalism according to the *category* of its practitioners, rather than according to the *activity* they really perform (in other words: by considering journalists those who have already, or are about to have, a full-time job in a media outlet), this new legal framework excluded many other practitioners also dedicated to the information work, but in different bases or contexts. Furthermore, this option eluded the question of defining in more concrete terms what the profession actually is, which requirements does it imply, which skills does it demand, which basic knowledge, capacities and competences. Taking for granted that this definition wouldn't be an easy task (so ambiguous, polyvalent and disputable the job is), the fact is that, according to some opinions (see Ruellan, 1997), this might have been a deliberate strategy by the professional group, in order to keep all the options open for the future. If the borders of a professional territory are not strictly designed, but instead are kept rather porous, they can be moved according to new circumstances, or to new menaces coming from other

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[9] In Portugal, until very recently, the Professional Card was granted (after a legal 'concession'from the government) by the Journalists Union itself. It was a strange situation, because journalists were (and still are) free to join the Union. But they were obliged to ask for their Professional Cards in the Union, even if they were not members. The situation was revised in 1992, and a 'Comission of the Journalists Professional Card' was instituted, apart from the Union. Four journalists (elected by the Professional group) and four journalists appointed by the media industry compose the Comission, presided by a judge (co-opted by the others). The government has no direct participation or interference in it.

professional groups disputing the same territory. Besides that, if the activity is not concretely defined, the decision of who to include or who to exclude from the professional statute will remain in the discretionary hands of those who grant the licenses. There may be (as has always been) a right to appeal to general courts, if the Professional Chart is refused, but the inhibitory mechanism is already in place.

4. New challenges to an old problem

We must keep in mind that this process occurs in a very narrow media landscape, reduced to the written press: at this time, working in journalism means working in a newspaper. The ones who are excluded from the 'legitimate' category of professional journalism are collaborators, local correspondents, stringers, illustrators, etc., people who actually work for the newspaper but don't have all the advantages of the journalists' special statute. As time goes by, the problem of who is and who isn't a 'true' journalist turns to be more and more complicated, first with the entrance of new competitors into the media field (radio and television), and then with the explosion of dissemination of computers, online platforms, Internet, mobile phones, digital technologies, all of which multiplied the possibilities for timely communication and for self-edition. If, in the first stage, there have been only some changes in degree (radio and television industries were added to the existing press industry), in the second stage the changes were much deeper: journalism jumped across the borders of the classical industrial media outlets and spread around a lot of new outlets and platforms (either industrial or domestic, either collective or individual, either permanent or casual) made possible by the new digital technologies:

> Nowadays, when we ask whether someone is a journalist, we may need to refine the question. We should ask: Is this the kind of journalist who presents analysis, commentary, or political rants? Or, is this the kind of journalist who offers the fruits of reporting? Or some of both? The issue is not the job title but the activity (Daly, 2005)

In this new context, the very question of licensing or not licensing journalists faces new doubts too. The original doubt remained controversial – is it right to make access to journalism depend on a previous kind of license? – even in a time when it was rather consensual to know who was and who wasn't a journalist. Now, this bare 'certainty' is also put at stake, because the whole media business was strongly deregulated and multiple forms of work with news and information, which claim to belong to the broad field of journalism, spread all around us. And if, as we have seen, it was not very easy to define journalism and journalists in the very beginning (competing ideas about it were never totally solved), now it

turns to be much more difficult. As some argue, it's no longer about changes in degree; it's about changes in the journalistic paradigm itself. To recall the words of Jane Singer, we now live in a media surrounding where 'virtually any bit of information, misinformation or disinformation is just a google search away for the online user' (Singer, 2006: 3) and where 'while all journalists still publish information, not all publishers of information are journalists' (*ibidem*). And she goes on:

> [T]he current media environment – one in which anyone can publish anything, instantly and to a potentially global audience – demands a rethinking of who might be considered a journalist and what expectations of such a person might be reasonable. Journalists no longer have special access to the mechanisms of widespread production or distribution of information. Nor do they have special access to information itself or to the sources of that information. These and other practical notions of what defined a journalist in the past no longer apply. Instead, the contemporary media environment demonstrates the need to emphasize normative constructs for journalists seeking to delineate themselves from other online information providers (Singer, 2006: 8)

The situation we live in the contemporary societies suggests that we should distinguish between different levels of journalistic practice, complementary rather than mutually excluding, instead of just dismissing any form of information work that doesn't fit the traditional model (built up after the 'professional journalist' classic model). At least four level could be considered: (1) professional journalism performed as a full-time, paid, exclusive, specialized job in newsrooms in institutional media companies; (2) professional journalism performed as a full-time, specialized job in new media (online) outlets, such as news sites and blogs; (3) journalism performed as a regular part-time activity in individual or collective news sites and blogs, as well as in institutional media companies; (4) journalism performed as a 'citizenship practice', on an informal and casual basis, contributing to broaden and expand the sources of information used by old and new media (the so-called 'crowdsourcing').

The first and the second levels are increasingly approaching and even mixing, as is pointed by Glaser (2008): 'Mainstream media reporters have started blogging in droves, while larger blogs operations have hired seasoned reporters and focused on doing traditional journalism. (…) There are thousands of journalists who now blog, and there are lots of bloggers who are trained journalists'. After a period of time when media mainstream organizations (and journalists themselves) regarded less formal news sites and blogs with some suspicion, things have been changing. Big traditional media now create their own blogs, blogs more committed with journalism are developing truly professional projects (in some cases even with copy editors editing the posts), and the blogosphere turned to be a useful source of information in many cases. Not all blogs are actually involved in journalism (actually, many of them explicitly say they don't and they don't want to), not all blogs follow

technical or ethical standards that would allow them to be trustful (neither do some of mainstream media…), but an increasing number can claim to perform journalism in a serious, independent, reliable way. An interesting point would be to discuss whether blogs turn to be more 'journalistic' insofar as they approach to the common standards and rules (and ethos) of mainstream media journalism, or whether they challenge some of those standards and rules, bringing new practices and new values (and a specific ethos?) to the job, thus broadening the classical definition of journalism. This trend can probably be regarded in both ways. On one hand, there are bloggers who very closely commit themselves explicitly with the values, norms and standards traditionally associated to professional journalism: Dan Gillmor, for example, has created a 'Citizen Journalist Pledge' for the contributors of 'Bayosphere', urging them to 'agree to be accurate, complete, fair and transparent' in their posts, and to 'report and produce news explaining the facts as fairly, thoroughly, accurately and openly' as they can (Gillmor, 2005). On the other hand, it is clear that blogging has, in many situations, a rather different way of dealing with news and information (some talk about 'incremental journalism', for example), and it also has a rather different way of dealing with the 'audience', stimulating continuous interaction between news producers and news consumers, up to a point where the simple difference between producers and consumers no longer makes sense. And this practice (which is more than just a practice, because it means a totally new way of understanding the media operation and media role in the society) is strongly challenging traditional media practice and ethos, forcing them to face their responsibilities in rather new terms.

Besides these (more or less hybrid) professional forms of journalism, other forms of gathering and diffusing news and information in the public space, although somehow atypical (that is to say: not performed as a profession or a job), increasing claim the right to be considered as 'journalism activities'. The generalized use of portable computers and mobile phones, for example, made it very easy for someone accidentally found in the middle of an event to report about it (through text, sound or picture), either through a personal blog or through an open news site or even through mainstream media (who now foster this sort of contributions). Recent dramatic situations, such as the attack to the World Trade Centre, the Katrina hurricane or the Far East tsunami, just to mention a few, gave enormous evidence of how we can get more information and more varied points of view if we add all these contributions – with some inherent risks of misinformation and of lack of skills, of course – to the work performed by mainstream media. And these new opportunities, matching some new

positive will of citizen participation in the public sphere, are open to anybody as they were never in the past:

> I think it's a mistake to define journalism on the basis of who practices it. Some people may perform an act of journalism only once in their lifetime. Look, for instance, at someone who was caught in the tsunami and took a picture of what was going on. The journalist's role is changing. We now have more people doing journalism, which can be confusing; but there is a role for [professional] journalists, the role of editing, managing information, perhaps even educating people to help them to do better journalism. The idea that institutions own journalism is coming to an end, but journalism doesn't (Jarvis, 2008: 4).

The fact that anybody can (and probably should) *do journalism*, in the sense explained above, doesn't necessarily make everybody *a journalist*, in the sense of a profession (or a craft). When someone engages professionally in journalism, this means more than just being able to 'respond journalistically' in a casual situation. More than being *reactive* to events that may occur here and there, journalists must also be *proactive* in the permanent search (and investigation) of meaningful, comprehensive, socially relevant information, even when it is 'hidden' behind the events or when it must be searched far from their neighbourhood. Being able to do this implies having the proper means; acquiring and permanently developing the adequate knowledge, know-how and specialized skills; assuming the social responsibility of this work in order to serve the public interest; accepting (and being accountable for) a clear commitment with the ethical values and norms attached to such an important and sensitive job in the contemporary societies.

And this brings as back to the licensing issue.

To prevent anyone to *do journalism* if and when the circumstance demands it, or to pre-condition it to the granting of some kind of legal license, doesn't make any sense, doesn't respect freedom or citizenship rights, and is totally useless in the present media environment. But to imply from this that anyone *is a journalist*, in the professional sense explained above, would probably be a step too quick. And this doesn't mean that one condition is *superior* or *inferior* to the other, that one is more or less legitimate than the other; it just means that the demands and expectations attached to one or the other are *different*, both in substance and in degree. These different forms of working with news and information are to be seen, as I've told before, as complimentary, rather than as mutually exclusive. Besides that, they can cooperate in the joint efforts to provide the society with better information. To involve citizens (and to involve them actively) in the *co-production* of news and reporting is something all the mass-media should consider as a duty, not just a kind of 'good-will

concession' or a simple way of sparing some money (because these citizen contributions are usually much less expensive than the assignment of all the tasks to a professional reporter…).

The expansion of opportunities for citizens to perform some kind of journalistic work – either in the context of mainstream media, or in new media like the well-known *OhMyNews*, or in other sort of news sites or blogs – has a supplementary advantage that should be underlined: it certainly helps to expand and to deepen *media literacy*. The experience of producing news and of feeling directly all the benefits and constraints associated to it certainly helps people to better understand the logics underlying the media functioning, and, therefore, to develop a more critical way of consuming information. And, as so many voices insist, media literacy is, in the long run, the best way to achieve an effective media regulation without putting freedom at risk: media that only offer low quality and bad practices will tend to disappear if nobody is interested enough to buy them.

If *journalism as a citizen activity* doesn't need (nor shouldn't) any kind of license or credential, the same doesn't necessarily apply, in the same terms, to *journalism as a professional activity* (which doesn't exclude the 'citizen' condition, but goes far beyond that). Although it may look sympathetic or popular for a journalist to claim to be no different from 'a citizen like any other citizen', performing his/her job as barely giving use to the universal right to freedom of speech, we know this is not the whole truth. In our societies, and in our media surrounding, journalists have special duties and heavy responsibilities in order to adequately fulfil the public's right to information. They also have special rights (more or less expanded in legal terms, according to the countries), for example in what concerns access to places or to information, but these mustn't be regarded as elite privileges: they have been granted over time because they were considered as the necessary conditions for them to perform their tasks as well as possible. When journalists insist they are not different from any other citizen, very often the assertion is used to refuse any particular professional responsibility and, subsequently, to escape any further obligation to be accountable for what they did (or did not).

5. Final remarks

Having some kind of license or credential for professional journalists doesn't necessarily put freedom of speech and freedom of the press in danger, nor makes the journalists an elitist, closed group with unacceptable privileges. On the other hand, it may be advisable, in a democratic society, to expect that professional journalists publicly assume a

commitment to follow certain standards, values and ethical norms, and publicly accept to be accountable for them, as a way of having their power socially legitimized. This is important when we agree that 'a revised consideration of just who is and is not a journalist must include the notion of taking personal responsibility for safeguarding the public trust as a distinguishing characteristic' (Singer, 2006: 8).

The process of professionalization made by the journalists was not intended to 'capture' freedom of speech inside the borders of the group. On the contrary, it was intended to give them conditions of autonomy, of knowledge-based authority and of self-control to fight any external temptations (namely by political and economical powers) to infringe that freedom or to put them at the mercy of private interests, rather than the public interest. To insist in the particular duties traditionally associated with professionalism – especially the respect for a professional code of ethics and the obligation to serve the public with competence and expertise – still makes sense, even if the demand for academically qualified professionals remains more as a 'social demand' than a 'legal demand' (Aznar, 2005). And to use journalism as a means to give voice to everybody (to give everybody the effective possibility of exercising the right to freedom of speech) is something that necessarily 'comes with the job', helping it not to be closed in a kind of fortress run by a privileged group.

To make the access to professional journalism depend on some previous authorization by the government is out of question, of course. In this sense, no license must exist. But the existence of some sort of credential or Professional Card, granted to those who decide to involve in journalism as a permanent, professional occupation, and accordingly accept to commit themselves with some ethical values and standards, could be of some importance. That would be more of a 'bill of duties' than a 'bill of rights', working as a public sign that the owner of such a credential assumed a special commitment to society – clearly defined and known by all of us – and accepted to be accountable for it, bearing all the consequences. If journalism is about information 'with true societal value', and what gains this value is 'information we can trust' (Singer, 2006: 15), a way of differentiating what we can trust from what we can't would be of some interest in today's overflowed media landscape.

Such a credential should be granted (and its observation monitored) by the professional group itself –a code of professional ethics is a collective asset and also a collective commitment, and not just a matter of personal consciousness – , in order to avoid external interferences or attempts to control the activity. But some 'internal interferences' could be taken in consideration too, since we know some 'corporative derives', in the past, didn't help to keep the professional group really open to society and to the public opinion. In

order to bring the public to this debate, and to make it an effective partner (more than just a 'receiver') of the communicative process, an entity such as a Press Council would be probably the most adequate to grant these credentials and to scrutinize the respect for them. Together with professional self-regulation, mechanisms of co-regulation (bringing together professionals and members of the public) tend to be a better response to the challenges of a media environment where some many new actors and platforms have entered the field. A media environment claiming that the focus of our main concerns should be more and more re-directed towards the public regarded as *citizens*, in a Society-centred logic – rather than simply as *voters*, in a State-centred logic, or as *consumers*, in a Market-centred logic.

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