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Relations between Photo-Editors and Para-Photojournalists on Twitter

CAIS Report

Fellowship
Oktober 2019 bis März 2020

CENTER FOR
ADVANCED
INTERNET STUDIES

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The microblogging service Twitter has gained importance as an exchange platform for news photos that, in collaboration with renowned media, trigger immediate reactions from photo editors. Uploaded eyewitness material from terrorist attacks such as in Brussels (2016), Nice (2016), and Munich (2016), as well as from natural disasters such as the fires in Australia (2020), were the starting-point for my investigation: Twitter conversations show that photo editors from all over the world turn to (amateur) photographers (hence, citizen- or para-photojournalists) to request permission to use the pictures in journalistic publications. Some even send a special "social media release form" in which they declare that they recognize the copyright holder, but will not pay for the use of the images – although they want to reserve the full rights to further distribution of the respective images over time, space and medium.

One of my goals is to investigate the extent to which copyright and terms of use are shaped by social-media companies and journalistic needs, as well as by the ignorance of 'produsers' (which is the term coined by Axel Bruns to denote the hybridization of producer and user). My hypothesis is that the distinction between professionals and amateurs in the photojournalism industry is declining. The normalization of unpaid work carried out by produsers in journalism and the creative industries also affects professional standards and ethics. My CAIS working paper shows the preliminary results of my ongoing project.[1]

Introduction

Digital images are popular visual media. They are based on socio-cultural and socio-technical interactions that connect technology, society, and individuals – so-called 'networked images'. My project focuses on media ecology, circulation and practices of image sharing, rights negotiation, and the commodification of the digital image. I will examine these by using the example of the microblogging service Twitter, which has gained importance as a platform for researching news photos. At the same time, it has led to new ways of dealing with the clarification of rights and informed consent to share images. My research project is based on pictures posted by eyewitnesses of – for example – terrorist attacks (such as those in Brussels, Nice and Munich in 2016), demonstrations, natural disasters such as earthquakes, floods and tsunamis, forest fires (Australia 2020), extreme weather situations, as well as the current corona crisis (Bruns & Burgess, 2014; Bruns & Hanusch, 2017; Bruns & Highfield, 2015; Lewis, 2020; Ottovordemgentschenfelde, 2017; Rauchfleisch et al., 2017; Weller et al., 2014).

It can be observed that eyewitness material from private individuals triggers reactions from photo editors, who write to users on Twitter and ask for permission to use tweeted photos in journalistic publications or even for photo agencies. Sometimes the editors send specific 'social media release forms' to declare that they acknowledge the copyright, and that they want the rights to further distribution (and exploitation) of the respective images, unlimited in time and space, but will not pay for their use (Runge, 2018, 2020c). These kinds of consent forms are well-known to (freelance) journalists, book authors, and others working in the creative industries: the companies want as many rights as possible, including for media channels and technologies not yet invented, for an indefinite period of time, and for very little or no payment at all. This collapses the distinction between producer and consumer, while maintaining power structures and hierarchies.

Some research questions arising from these observations are: To what extent do eyewitnesses understand the purpose of the pre-formulated declarations of consent sent to them? How is copyright law dealt with here, and to what extent are conditions of use influenced by social-media companies, photo sharing platforms, and journalistic needs? What is the status of the digital image as an actor in changing social and legal practice? And how should ethics be shaped in digital visual cultures?

Theory

Drawing on Alvin Toffler's notion of the *prosumer* (a mix of 'producer' and 'consumer' [Toffler, 1996]), Axel Bruns coined the term *produser* (Bruns, 2006, 2008), a hybridization of 'producer' and 'user' that has become the norm in social media to denote the fact that no one has a single, fixed role any longer. Anyone who uses social media also produces her own – even if it is only data that serve Internet companies financially. The term 'produser' also gives more emphasis than 'prosumer' to the active role of users. Alternative terms for 'produser' in the context of journalism, photojournalism and visual social media cultures are *citizen journalist* or *para-journalist* (Andén-Papadopoulos & Pantti, 2013; Lewis, 2012; Ottovordemgentschenfelde, 2017; Reich, 2010; Reich & Boudana, 2014).

This project will discuss whether produsers whose photos attract the attention of photo editors see themselves as photojournalists. In a study on crowdfunding and new journalistic media that she published in 2011, Tanja Aitamurto came to the conclusion that citizens liked to donate, but had little motivation to become active in journalism themselves in the sense of participatory culture: "They perceive the journalist as the expert on the topic, and therefore, he or she needs to do the work" (Aitamurto, 2011). Drawing on this finding, I have as one of my hypotheses the idea that the self-image of citizen photojournalists is similarly distanced: their self-image differs from that of (professional) photojournalists. This could be one reason why, according to the data available so far, only a very few produsers ask for a fee when approached by photo-editors to share their content. A further hypothesis is that this (non-)negotiation of rights of use makes the impact of the sharing economy (John, 2017) on journalistic visual communication apparent: image sharing at the interface between amateur and journalistic photography adopts practises of the sharing economy, for example sharing and further distributing content seemingly free of charge.

Data

The data corpus that is currently being developed consists of tweeted photos and conversations by and with photo editors. Photojournalists usually take photos at a later stage of the event – after editors have judged the event to be news relevant, and decided to create and use their own material instead of pictures from agencies. The corpus is based on Twitter queries, including search phrases such as "Could we use your photo", "May we use your photo", and other variants resulting from the data already researched. For now, I am not restricted to a certain time frame or region, but am in the process of mapping as many findings as possible. Do photo-editors from different regions and/or specific photo-

agencies prefer certain events? In a further step, I will develop questionnaires for an online-survey for photo-editors and citizen-/para-photojournalists to collect data on their (virtual) encounters, their stances towards informed consent and copyright, and their self-image. This part of the research is risky, since it depends on a) the willingness of photo editors and produsers to answer the questionnaire, and b) whether some are willing to be interviewed in person or via telephone to discuss specific pictures that attracted the photo-editors' attention.

Based on the results so far, I present three preliminary scenarios: first, negotiations about dissemination through simple yes-no conversations and more complex social media release forms; second, the publication and transformation of a tweet into a story; third, counter-movement and protest against unpaid work.

Scenarios

1. Negotiating Dissemination Through Simple Yes-No Conversations and More Complex Social Media Release Forms

Communication by photo editors with picture creators on Twitter is of course quite brief, but still diverse. Some introduce themselves by name and professional position. Some ask eyewitnesses to a catastrophe whether they are doing well, and then request permission to use their photo: "May I use your photo?" or "Did you take these pics? Could we use them?" Eyewitnesses often answer with a simple "yes", while others ask for more information via direct message. There are also cases where photo editors send declarations of consent, which usually secure the use of the photo for an unlimited period, and even for media forms not yet known. The most comprehensive form is the so-called Social Media Release Form of the US agency Associated Press (AP), which describes in detail the rights in which the agency is interested. In contrast, the British news and sports agency PA Media has a more Twitter-oriented approach: "By agreeing for PA to use your content you confirm that: – You are happy for it to be distributed at any time to any national and international publishers (e.g. the BBC, ITV, Guardian, Independent and MSN) – You own the copyright (i.e. you filmed, photographed or otherwise created the content yourself). Allowing PA to use your content does not affect your rights: you will still own the copyright."[2] (figure 1)
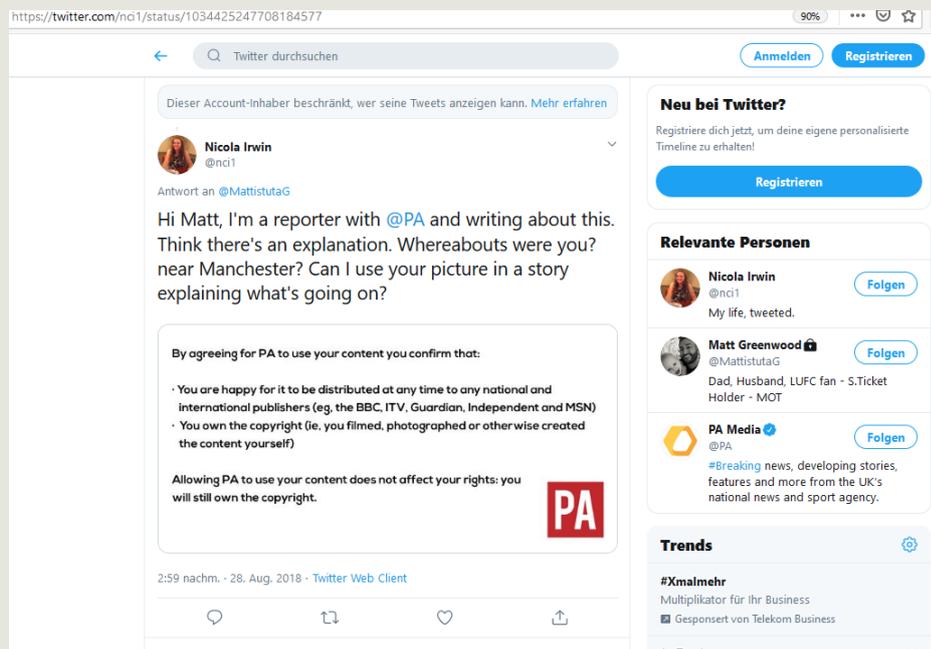
Figure 1.

This explicit statement of a legal fact – creators cannot be ripped of their copyright – leads to the conclusion that the image creators in question are probably not aware of the difference between copyright and rights of use that applies under European law. Moreover, a formulation such as the one quoted here can be interpreted as a foresighted explanation for an assumed "no". My project aims to clarify how image creators understand these social media release forms and their legal consequences. Although image sharing is globalized, there are inconsistent legal standards, for example in the different understanding of copyright in Europe and the USA. From a theoretical perspective, the question is to what extent practises of community-based and usually free image sharing in social networks influence requests from journalistic media and thus possibly also increase the pressure on professional photojournalists to work for precarious fees (Hellmueller et al., 2017; Runge, 2020b, 2020a, 2020c; Terranova, 2000, 2004).

2. Publishing and Turning a Tweet Into a Story

The girl with a bun is looking through the glass door onto the porch. In her left hand is a block or a clipboard. A man with a baseball cap is kneeling in front of the door, showing graphs on a flipchart. The viewers of this photo take up the position of the girl's photographing father: Josh Anderson posted the photo on his Twitter channel on 28 March 2020. His text explains the content of the photo: "My 6th grader emailed her math teacher for some help, so he came over & worked through the problem with her on our front porch. @Chriswaba9, our neighbor, MMS teacher & MHS Wrestling Coach. #KidsFirst @MadisonMSNews @MarkOsports @dakotasportsnow @dakotanews_now @stwalter20". (figure 2)
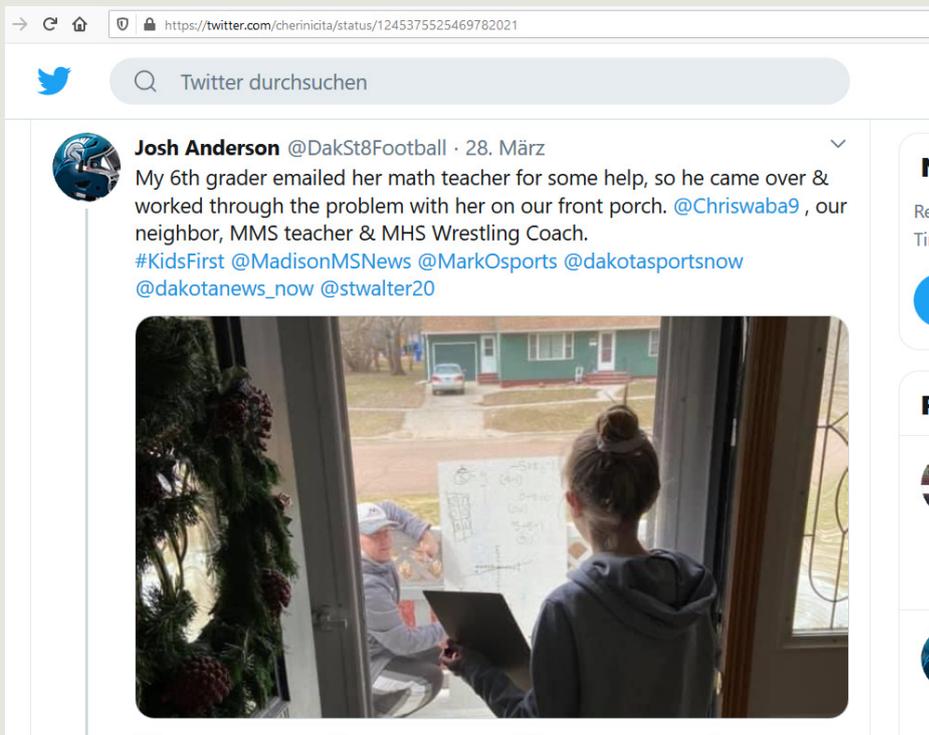
Figure 2.

Anderson shows and describes how his daughter asks her math teacher for help in the Corona crisis. He discloses the name of the teacher via his Twitter handle @Chriswaba9 – and, in response, he receives not only thousands of likes, but also the following request from a user with the Twitter handle @cherinicita: "Hello Josh! I work for Fox TV stations and we absolutely love this story! May we use your photo on all platforms until further notice, with a courtesy to you of course? Please let me know. Thanks so much!"

Anderson responded positively to the message from the Fox TV employee: "You sure can. Thanks for your interest. Please send me the link to your story so we can view it as well".[3] A few hours later, the Fox TV employee sent a link to the website where the article was published under the headline "Math teacher brings over whiteboard to help student through glass door".[4] In the first sentence, the article, whose author is not identified by name, refers to the current Corona crisis: "Even during a pandemic, some teachers are showing that they're still willing to go above and beyond for their students". The following five paragraphs then repeat what Anderson has already said in the two sentences of his tweet, and Fox TV even knits together a plot with these statements: "It wasn't a long trip for Waba – Anderson says he happens to be their neighbor". With phrases like "Anderson says", Fox TV makes it seem as though they have spoken to Anderson. Finally, the article embeds the original tweet and also the phone number of Florida's Covid-19 Emergency Center. The article uses Anderson's photo as a positive example of mutual help during the pandemic.

This example shows how to generate journalistic 'stories' from tweets with little information. In the context of my project, I aim to trace the picture's journey to and within journalistic media: Will the tweet's text become more important than the image (as in Anderson's case)? If not rewarded financially, are the image creators informed of the publication via a link? Are the resulting reports to be understood primarily as inexpensive user-generated content, or are they the base for further journalistic research?

3. Counter Movement and Protest Against Unpaid Work

Some tweets show that produsers who are initially positive about publication change their mind, especially if they receive too many requests from media outlets. For example, one produser had posted a photo of a window in their living room that had been broken by a Christmas tree blown over by the wind. After giving a positive answer to several media inquiries about using their photo, they rejected further requests to be interviewed live on the radio. It obviously takes relatively little time to answer via Twitter a request to use a photo, but produsers do not want to spend more time being interviewed, also perhaps because the event is only newsworthy locally.

A surprising version of non-approval can be found in a kind of informal counter-movement that sharply criticizes calls by media companies to send in photos. In July 2019, CNN asked on Twitter: "Are you affected by Hurricane Barry? When it's safe, text, iMessage or WhatsApp your videos, photos and stories to CNN [...]." (figure 3)
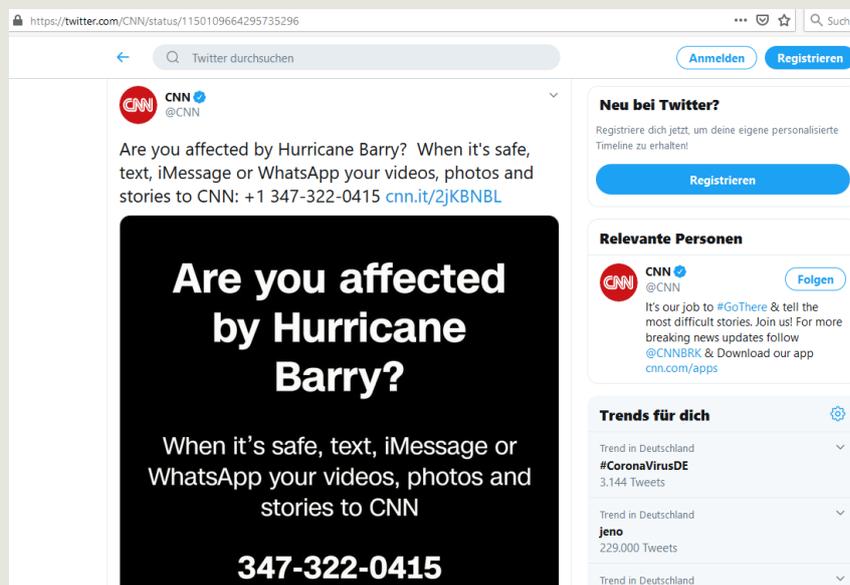

Figure 3.

A user commented: "Just wow. I'm making sure from now on in journalism class I teach my kiddos to say NO to 'hello I'm from X May we use your photo with credit to you of course' tweets. They're a business folks, make them PAY YOU for your content they're going to make money on".[5] This tweet refers only to journalistic media companies and the profit that they are assumed to make from user-generated pictures and content. The user quoted beforehand overlooks the fact that their own involvement in social media also generates sales and profits for another company – in this case, Twitter. Research questions that follow here relate, among other things, to the trust that produsers have in journalistic media as compared to social media companies, and the financial valuation of the digital image.

Conclusion

How difficult it is to navigate image sharing on social media due to overlapping and contradictory legal practises is shown by the following example. In mid-April 2020, a user from the United Kingdom targeted other users on Twitter to request permission to use their photo for a video made by a local charity choir to support emergency relief. One photo that they were interested in showed people on balconies listening to singers on the walkway – as in the early months of the Corona crisis. The creator of this picture withheld permission by saying that, as a staff photographer for Getty Images, he did not own the copyright. Whether someone is willing and legally able to share an image depends on the copyright, and, when it comes to global image banks like Getty Images, the company's contracts with photographers preclude the latter from sharing photos even with a small NGO.

The preliminary results of my project can be identified as being:

• Fairness: When photo editors ask produsers whether they may use their image, they do so out of necessity to secure the rights of use. The request can also be interpreted as an act of fairness towards photo creators, even though they are not seen and treated as equal business partners, which is shown by social media release forms.

• Pictures assumingly free of charge: The social media release forms sent by photo editors correspond to buy-out contracts that media companies present to their freelancers, and professional photo agencies to their photographers and models. When it comes to the acquisition of image material (and that is what the requests from photo editors to Twitter users are all about), it can be assumed that the media companies take advantage of the produsers' ignorance. The terms of use of social media companies should be criticized in the same way: these also stipulate that images posted may be used without payment. On the other hand, produsers also regard the sharing of images as an unpaid (media) practise without even questioning it.

• Impact of daily Media Practise: The produsers are in a dual role – as media viewers and as picture creators. This dual role may explain why they give their spontaneous and generous consent to having the images used: digital image sharing is a widespread media practise.

• Efficiency and Effectiveness: By sending social media release forms that the produser can confirm simply through a reply tweet, photo editors can obtain permission to distribute and redistribute and/or sell the images very easily and effectively (if the produser answers the message).

• Visual journalism: Acquiring picture material online and using citizen photojournalism are part of the efforts of journalistic media to bind readers to the respective media product.

It should be borne in mind when discussing rights of use that, due to their profession, photo editors have advantages in terms of knowledge. The produsers are usually not well enough versed in the media production business to understand all the consequences of a seemingly simple "yes" as consent to the use of their photo. It is unlikely that amateur photographers and para-photojournalists will organize

themselves to obtain fees for the use of their picture. This is because on the one hand these requests may remain sporadic for individuals, and on the other free image sharing for digital images may have become the new norm among produsers. Against the backdrop of the transformations of photojournalism through digitalization, this should be viewed critically: seeing photographs in general as being free of charge affects the fees of professional photojournalists. Nevertheless, it can be useful to consider the question of remuneration for produsers and to think about new concepts, for example a kind of bestseller remuneration: if a newspaper or picture agency were to earn a lot of money with a picture, produsers could be given their share.[6] So far, social media release forms rule out remuneration for photos acquired online.

The interplay of image sharing, what Internet platforms can afford, and the rights of use of images as part of citizen journalism raises more research questions. Besides the research questions already mentioned, this project offers many possibilities for future research, also in the history and development of platforms. For instance, the history of the terms of use employed by Twitter could offer more insights into how especially the use of still and moving images have changed over the lifetime of Twitter.

Endnotes

1.
This is a revised version of the paper that I presented at the IAMCR conference in 2020 on "Reimagining the Digital Future" (which, due to the Corona crisis and travel restrictions, is only online) in the Online Conference Papers and the Online Video Sessions (12–19 July 2020). I thank those who commented on my presentation. I am also grateful to the CAIS research fellows and staff who commented on my work during my presentations at CAIS on 6 November 2019 and 22 April 2020, as well as for the discussion at the symposium "The Digital Image" at the University of Munich on 18 February 2020. I have not been able to integrate all these comments here, but hope to do so in future papers. Finally, I wish to thank the Center for Advanced Internet Studies in Bochum for its generosity and support during my research fellowship between October 2019 and March 2020.

2.
https://twitter.com/nci1/status/1034425247708184577

3.
https://twitter.com/DakSt8Football/status/1245376030497558534

4.
https://www.fox13news.com/news/math-teacher-brings-over-whiteboard-to-help-student-through-glass-door

5.
https://twitter.com/Cru33/status/1150183017744424962

6.
I thank Prof. Dr. Karl Riesenhuber for this idea.

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