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# The Photo Bill of Rights: An Interview with Three Co-Authors

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CAITLYN EDWARDS

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The [Photo Bill of Rights](#) is a document originally published on June 22 that asserts the rights of individuals in the visual journalism and editorial media industry.

Authored by a diverse group of individuals from both grassroots organizations and legacy institutions [Authority Collective](#), [Color Positive](#), [Diversify Photo](#), [The Everyday Projects](#), [Juntos](#), [the National Press Photographers Association](#), [Natives Photograph](#), and [Women Photograph](#),



The NPPA, a co-author, defended the document in [a statement by the Board of Directors](#), stating it dovetails their “economic and advocacy priorities, our [Code of Ethics](#) and our belief that inclusive actions must take root in the NPPA and the broader visual journalism industry.”

As of this week, there have been over 2,500 signatories in support.

Recently I had the opportunity to virtually sit down with three of the co-authors of the Bill: [Jai Lennard](#), photographer and founder of [Color Positive](#); [Jovelle Tamayo](#), photojournalist and founding member of [Authority Collective](#); and fellow Authority Collective co-Founder, visual journalist and media scholar [Tara Pixley](#) to discuss the Bill.

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*This interview has been lightly edited for clarity and length. Cover image by the Photo Bill of Rights.*

**Caitlyn Edwards: What deficiencies did documents like NPPA’s Code of Ethics have? Where did the current documentation fall short?**

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dealing mentally and also health-wise with just going to work. As those conversations developed, other things came up. What do we want to talk about? What do we want to address? If this is the scenario where we have to relook at our industry health-wise, then what else should we be looking at?

**Jovelle Tamayo:** Just to build off what Jai said, it definitely wasn't born out of identifying any deficiency with any other document. It wasn't a response to that. It was a response to the issues we are facing as freelancers and independent workers, especially at the onset of the pandemic. A lot of these issues we were facing before the pandemic — late payments, long payment contracts, whether we were feeling safe on assignment or supported by the people we're working for — those issues we mentioned in the Bill, and they were just exacerbated by the pandemic. A lot of those issues that disproportionately affected folks who have been the most marginalized were amplified and we wanted to say something about that and push for folks to do something about that.

**CE: Absolutely. One thing that I think has been very interesting are the conversations, both positive and negative, sparked by the term “lens-based worker.” Can you explain a little bit about the choice to use that term versus “photographer, videographer, editor, etc.”?**

**Editor's note:** *the term is defined in the Glossary [here](#).*

**JT:** We wanted it to be a really inclusive term. There are a lot of photographers represented in the group, but we also have photo editors, we have filmmakers, we have folks that do VR. Our definition of ourselves is always expanding and changing and these categories blend into each other.

We wanted to find a term that was inclusive of all those different spaces. I think when you're using a new term there's a lot of awkwardness around it at first, you're like, “This is a new word. I've never heard it before. It doesn't feel quite right. Maybe there is a better term out there.” But this is the one we landed on. It also makes it clear that we're representing ourselves as workers within the industry.

**Tara Pixley:** I think it's interesting that this has been such a touchpoint for people, but “lens-based worker” is a term meant to be as inclusive as possible. There's a lot of different visual work happening in our field right now. It's not just photographers, it's not just video. There's a lot of different ways of engaging with visual media production. “Lens-based worker” was a term that grabbed all of those different forms of labor and production of visual media. I've been a photographer for two decades, and I don't take any umbrage of being called a lens-based worker because it doesn't take anything away from me as being a photographer or videographer.



Ultimately, I think that it is a pretty neutral term. It also was drawing attention to the fact that this is work. We don't just show up and create images out of nothing. We're bringing our bodies to spaces. We're putting our lives on the line a lot of the time, as we've seen in these protests. A photojournalist lost an eye. People have been hurt, arrested, attacked. There are a lot of things that make our work, our bodies, and our time, very valuable but also very vulnerable. So I think "lens-based" was trying to capture all of that to acknowledge both the expansiveness of our field and a lot of different people doing different kinds of work around photography and visuals in general.

We also want to acknowledge that this is labor and that we deserve to be paid, respected, and treated properly for this work and this labor that we're putting into educating and informing the masses.

**CE: And paid on time, hopefully! What have been some of the responses that you all received since its release?**

**JL:** It's been a fairly wide range, but overall staggeringly in support. There's definitely an overwhelming amount of support, just because I think that right now we have the opportunity to make sure that all our voices are heard, and because we've taken the time to put this out in this format. I feel like a lot of people are immediately feeling heard about many of the old problems still facing those in the industry. So I think that's just been overwhelmingly positive. Anything veering away from that is just about specific terms, specific ideas within the conversation that may not work as well for certain people who are doing specific jobs as it may for others who are doing other jobs in the industry.



*We don't really have the power or the infrastructure to hold individuals or institutions accountable. We are an ad hoc group of people who just wanted to see something better*



**JT:** I think like Jai said, the response has really been overwhelmingly positive and encouraging. This is a document that's advocating for more equity in the industry at the end of the day. And we just want to change the practices that have been keeping people out of publications and institutions.

I think there are nuances within the document that folks might disagree with and we have always welcomed engagement in constructive conversations around those things. We definitely want to include more perspectives and figure out the best way we can work together to advocate for a more inclusive industry.

But there's also been a general discomfort with some of the things we're naming within the document, that may not have been named in the mainstream photo world before. The terminology we include in the introduction, for example, we are naming that: white supremacy has upheld certain problematic systems within the industry. And that's something that's made things feel uncomfortable but we are willing to keep pushing those conversations forward. Really, we are just helping the industry sit in some of that and figure out how we can work through it together. Because if you don't name something, how can you fix it?

**CE:** You mentioned the term “white supremacy” as it's used in the document. I think that's brought up a lot of that discomfort you're describing, Jovelle. I'd love to hear about the decision to include that specific term.

**JL:** There was a lot of thought put into it. And given that we could address what this meant by naming what people were feeling and experiencing simultaneously, a lot of the conversation was about how assertive we want to be with our language. Ultimately this was the most accurate. And I think what Jovelle was talking about before, with giving things a name, I think that that was really a lot of the work. It was putting names to things in instances, positions, and people, and experiences that we really needed to now have a conversation about.

**JT:** It was a very easy term to come up with because it's the truth. I think a lot of the response we're seeing within other industries and within society as a whole is about naming white supremacy as something that upholds these systems in our country. Perhaps some folks are taking it a little more personally, as an attack on who they are as individuals. But white supremacy is a system. White supremacy is the system that we should all be fighting against.

**CE:** Also, I want to talk about the concept of informed consent. I think journalistic objectivity and the First Amendment are commonly referenced in some of the criticisms of the Bill,

I'm wondering about the ways in which lens-based workers can get informed consent. I know that there have been the [sample dialogues](#) that were included in the [Toolkit](#). But Tara, I remember on one of the panels that I attended that you were on, you mentioned a head nod to a protester in an effort to make sure they were comfortable with you taking their photo.

**So in addition to the verbal examples that you all provided, can you also speak more about the situational or non-verbal ways lens-based workers can get consent?**

**TP:** First, I want to say, the Photo Bill of Rights itself does not in any way mention informed consent, that is in the [Beyond the Bill](#), which is a supplementary resource. It's interesting and telling that there's been so much conversation around this tiny part. That was a suggestion for people who, if they wanted and were able to engage in informed consent, could use these simple dialogues. It was not prescriptive, it was not demanded, and it's not something that anyone is being asked to sign on to do just because it's on a website.

There's also an [About page](#). When people sign onto the Bill of Rights, that doesn't mean that they're agreeing with everything on our About Page or any of the resources. Signing the bill means that they're agreeing with what's specifically on the Photo Bill of Rights, so I just want to clarify that point because there's been a ton of misinformation and misdirection around this idea that informed consent is some central tenet of the Bill of Rights, which is just categorically untrue.

I just wanted to make sure that that's clarified because it is incredibly distracting from the really important topics that are in the actual Bill of Rights that we have asked people to sign on to and agree with.

With all that said, I also would like to reframe informed consent as minimizing harm. That's the thing about it that really matters. It's not about insisting that every single person you photograph knows they're being photographed in a public space. As a photojournalist, I understand and recognize that it's not always a reasonable request and it's not necessarily possible all the time.

Now, you can acknowledge that informed consent isn't going to be possible all the time and still be doing the work of attempting to minimize harm. Informed consent is one aspect of minimizing harm. Minimizing harm is an ethical approach that you take as a photographer across the board, where you're always thinking about how your actions as a photographer in any space, might positively or negatively affect the people that you're photographing or the space in which you're photographing. And that is the sentiment from which we wrote about minimizing harm.

Again, I don't want to speak for the whole group, but that's certainly where I'm coming from when I talk about it. And to very specifically answer your question, Caitlyn. Yes, it's easy to get consent



it's very easy for us as photographers to say, "Okay. There's hundreds if not thousands of people at this protest, I can go and photograph someone else."

Those are the kinds of things that I'm thinking about when I'm photographing. And those are the kinds of things that I'm expecting my colleagues, and peers, and the industry to think about as they're photographing. Just the basic practice of engaging with respect and consideration with everyone that you're photographing because I believe that's our duty as journalists and as photographers.

**JT:** This is a really contentious part of the release of the Photo Bill of Rights, but it's also not in the Bill of Rights at all. It's just one section of a Toolkit that we offered. I think the thing that's so amazing about the Toolkits, they're meant to, at the end of the day, empower freelance workers and independent photographers, who may not have had access to institutional support. Maybe they didn't go to photography or journalism school, or maybe they didn't have the right mentors. Or maybe they just don't know how to have these conversations. So to help photographers think through those things, we have a Beyond the Bill chapter on minimizing harm that goes into greater, nuanced detail about informed consent among other things. That chapter was planned before the launch of the Photo Bill of Rights but is forthcoming.

**CE: I know that there have been some changes that have been incorporated since the release. What has changed? Have they been to the actual Bill of Rights or have they more been to the Toolkit?**

**JT:** We really haven't changed the Bill itself at all. There is one word that we've changed. Originally we had written out "queer and trans" as part of our list of individuals who are most marginalized within the industry. And we wanted to refine that to "LGBTQIA+" to really make sure that we were being the most inclusive. For example, queer and trans may not encompass folks who identify as intersex or asexual. So we wanted to make sure that was clarified and we changed that pretty quickly, the day after the launch. We also updated the glossary definition of "people with disabilities." Readers from those respective communities reached out with suggestions and constructive criticism that we took into account.

There is also an [edit log](#) available on the Photo Bill of Rights website.

We also made clarifications in the Toolkit, added relevant terms to the glossary, made clarifications on existing terms, and recently published another chapter in the "Beyond the Bill" section.

While the Bill of Rights itself will remain relatively unchanging to retain the integrity of the Bill for



**CE:** With regards to inclusivity, one of the things that I saw when I was just looking through Twitter was from a photojournalist, Jintak Han, [who mentioned that the issues in the Bill of Rights were approached through this Western lens](#). The Photo Bill of Rights does acknowledge that Western lens, but I'm wondering about the steps that you all are taking to make it globally inclusive.

**JL:** That's another part of the conversation that we have been having since the start of creating this Bill, recognizing that the committee is mostly Americans. So yes, it comes from that point of view. But right now we're working on numerous translations of the Bill. As Jovelle mentioned, this is just a starting point. It's the baseline. If we can all come to this baseline together and move from there, then we can make things better. And that includes having people from other countries and other parts of the world who can readjust, reframe, and take what we've started to support them. Ultimately the goal has always been to create tools to help people.

***Editor's note:** As of the time of this publication the Photo Bill of Rights is now available in [Spanish](#) and [French](#).*

**CE:** Separate from making the Bill more globally inclusive, what are your plans to build on the document and the tools that you've created? I know that you have [Beyond the Bill](#), but I'm wondering if you can share more about where you hope to go from here.

**JT:** In terms of building, we have Beyond the Bill, and we just launched the [Editor's Toolkit](#) and the second chapter on [Implicit Bias](#) (the first chapter is on [Fostering Community](#)). We have a few chapters in the works for the coming weeks and months, which we've been working on since before the launch, and we're also welcoming community feedback on which topics to explore in future chapters. We hope to add resources to the glossary and Toolkits as well. We invite the input of other folks within the industry to make those resources stronger as we go along.

Because this is a starting point, we want the document to really be seen by people in positions of power, by hiring parties, like editors, art directors, people at the top of institutions who can actually do something to change the systems we're bringing to light. So hopefully we can start to facilitate some of those conversations.

**JL:** I also feel really strongly about the committees that we put together. We all care so deeply and the work has only amplified since releasing. We're constantly meeting, we're constantly trying to figure out what the response is and how to adjust. But also how to move forward in terms of what's next, what are our goals?

**TP:** My focus is really on programming and connecting with photo editors, producers, and





editor, and every news and editorial organization. With that framework, the bulk of the work now is to connect with as many institutions as possible and really start to work through how we realize these actions at the institutional level together.

¶¶ *There are nuances within the document that folks might disagree with and we have always welcomed engagement in constructive conversations around those things. We definitely want to include more perspectives and figure out the best way we can work together to advocate for a more inclusive industry.*

*Jovelle Tamayo*

CE: How do you all plan to measure inclusivity, transparency and equity progress? I'm familiar with [Women Photograph's](#) breakdown of [who is getting published by major publications](#), but I'm wondering if you all have any set measurement tools.

TP: I want to mention the visual storyteller survey we did in conjunction with several other organizations because it was an integral part of us understanding early on what we as an industry were experiencing under COVID. We were trying to parse out what are the biggest issues facing photographers now in the global crisis that we're all in, but also prior to this moment. Because the photo industry has been in a crisis of financial precarity. It's been in a crisis of inequitable practices, lack of diversity, lack of inclusion. We wanted to understand how all of those things were happening.

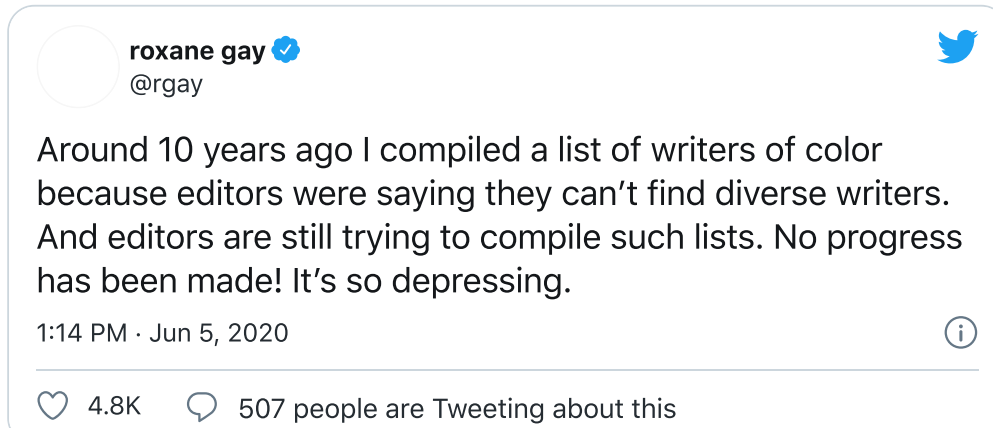
Over 700 photographers from around the world, mostly in North America, responded. We did get quite a good representation of some global photographers responding to the survey. And from that information, we were able to see the areas and the pain points of what photographers had been experiencing. The financial precarity of our industry was really made apparent from that survey, so that's something that I think has not been fully researched and considered.

As an industry, we have been focusing a lot on gender, but we don't often talk about class and how our socioeconomic status actually relates to race and gender. It particularly affects people's ability to get into the photography industry and to remain in the photo industry. That's something that I want to keep paying very close attention to with surveys and as much research as possible.

I'm in this weird position of being both a photographer and a researcher. That's the thing that I'm trying to spearhead as part of our various Bill of Rights projects: trying to understand how we can look at what's happening in the industry. By parsing out individual photographers' experiences, gathering all of that intel, and from that, trying to understand what our best practices could be.



**JT:** We joked recently, are we going to be doing this organizing for the next 80 years? I mentioned this Roxanne Gay tweet that I saw: “Around 10 years ago I compiled a list of writers of color because editors were saying they can’t find diverse writers. And editors are still trying to compile such lists. No progress has been made! It’s so depressing.”



Across our eight organizations, we represent many different photographers who have these lived experiences that they’ve been sharing online or within our communities, and some of that data collection Tara mentioned has been motivated by this fact that people don’t believe our lived experiences. People don’t believe this is really happening. Just recently, Jai [posted on Color Positive about the recent \*Vanity Fair\* cover](#) done by Dario Calmese, who was the first Black photographer to work on the cover for the publication.





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Our hearts are FULL over this July/August cover for @vanityfair photographed by Dario Calmese 📸 @dario.studio ❤️👏💙

•

Dario is the first Black photographer to EVER shoot their cover 🏆 It's long overdue and it's well deserved.

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There are certain things that even outside of the data, we are still experiencing and probably will continue to experience for a while.

For me, we'd achieve success when we are all fairly represented, when we feel safe and supported by the people who are hiring us, and when we feel a sense of community within the industry.

**TP:** I think it's important to say that we don't really have the power or the infrastructure to hold individuals or institutions accountable. We are an ad hoc group of people who just wanted to see something better for our industry. And we came together and tried to make that happen, but we're not in the business of policing, we're not in the business of handing out fees and fines and things like that. So really, it's about the desire to be better. I think what we're trying to do is inspire people to want to be better and provide some tools to achieve that. The conversation we're having about photo ethics is written into the core of journalism.

What we've seen from the pushback is an attempt to invalidate that which people don't want to acknowledge is real. It makes the problems of the industry very clear when people's response to, "Hey, let's make this industry more equitable," is, "You're not even a real photographer. What you're doing is stupid and how dare you and who gave you the right?" instead of saying, "Okay, so maybe our practices haven't been great," or, "Let's have a conversation about that. I don't understand where you're coming from," or "That's never been my perspective," or "That's never been my experience. But obviously you're having a different experience, so let's have that conversation."

What we are seeing is people are reacting in a dismissive way, when a very vocal portion of our industry responds with denial, with invalidations, with the inability to recognize the lived experience of all these people Jovelle was referencing. But it's not just a few of us. It's over 2,500 people that signed the Bill. Over 2,500 people said, "Yes, I have had these experiences. I agree, I need this. I want this and I demand this of my industry." That's over 2,500 people and constantly incoming signatories who are saying that the Bill of Rights is a valid thing. And then we have a few voices who want to deny that any of this is necessary.

While we can't hold people accountable in any physical way, it's becoming very apparent who needs to be held accountable. What are the spaces that aren't recognizing the lived experiences of women and people of color, and especially women of color in the photo industry? Who are the



It's going to continue to develop because it's really only been a few weeks, frankly, since the Bill of Rights came out. But I think that our industry is shifting itself into the people who want to progress into a better future and the people who want to double-down on the bad behavior of the past, who want to double-down on the privilege that they had, that precluded other people from coming into the industry, or from feeling safe in the industry, or from being able to do their best work. Everyone is going to end up holding all of those people accountable as we move forward into a much better space holistically.

**JL:** Just one last point: we've been operating in an industry that has allowed the success of many individuals, specifically white, at the expense of other non-white talent. What we're asking for is to be included, but not at the expense of others. I think that gets lost. We really do believe that we can all be a part of this industry. I think a lot of the fear is around people being outed. That is not actually what we're asking for in any way or what we need because it's distracting.

**CE: Is there anything you'd like to add?**

**TP:** I'm speaking entirely for myself and not for the entire Bill of Rights team at this moment — but I've noticed a lot of the criticism of the Bill of Rights is coming from self-described photojournalists. They're saying things like, "I didn't read this Bill. I refuse to read it," or, "I don't understand this. So that must mean it's not valid."

The thing that I keep returning to that I find so concerning is the level of intentional misunderstanding — of acknowledging that people aren't reading it, they aren't engaging with it, and yet they disagree. If that's the standard that journalists are being held to and holding ourselves to — that we refuse to read documents and yet have extensive critiques of it — that we refuse to engage with the language so it must be wrong. That to me as a citizen is very concerning.

As a journalist, I'm embarrassed for those people who are saying that. I'm embarrassed for my profession, that these people are speaking in such a manner and representing photojournalism so reprehensibly. As a citizen, I'm concerned that these people are employed as journalists when they're clearly not practicing any form of critical engagement with information. Their lack of information literacy, media literacy, is concerning. So I actually find it interesting that so many more issues within our field are now being brought up through the release of the Bill of Rights, things that I didn't think were even an issue.

It seems as though there is a real lack of a desire to understand the very materials that we're being asked to produce for the public.



**JT:** I think it is really important to highlight that when we say this is a labor of love, we really mean it. Jai mentioned before, we've been meeting twice a week plus additional meetings since March, putting in all this effort into making this the strongest and most educational resource we can. We're doing that in addition to managing our respective organizations, in addition to our full-time jobs as photographers, filmmakers, photo editors and professors. We have put a lot of volunteer work into this because we believe it has the power to make our industry better.

We hope that other folks in the industry can at least meet us halfway, to take what we've offered and either build on it or put an extra effort to educate themselves if there's something they don't understand. This isn't something that we sought out to do for fun. It's something we did because we needed this and the industry needs this. We all felt that motivation to create this together and put it out there.

You can learn more about the Photo Bill of Rights, their Toolkits and become a signatory [here](#). They also have an event: a [Photo Editors Q&A](#) on August 6th.

Earlier this year, Photoshelter released [The Photographer's Guide to Inclusive Photography](#) in partnership with Authority Collective. We encourage everyone to download it to learn the ways in which you can engage with marginalized communities more thoughtfully and respectfully.

*The opinions expressed in this article are solely those of the authors.*

**About the author:** *Caitlyn Edwards is part of the team at [PhotoShelter](#), which provides websites and tools for photographers. PhotoShelter was an initial institutional signatory on the Photo Bill of Rights. This article was [originally published at Photoshelter](#).*

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