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Profiling the Civil Diminishment of Journalism:

A conceptual framework for understanding the causes and
manifestations of risk to journalism

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To my parents, Eva and Per.

Abstract

This thesis provides a roadmap for developing a risk profile which encapsulates a comprehensive and holistic understanding of civil diminishment as a consequence of risk to journalism. It does so through developing a risk profile that encapsulates the understanding of causes and manifestations of risk to journalism. This roadmap begins with establishing an understanding of the deficiencies of current empirical analysis of risk to journalism through the issue of violations of the safety of journalists. It then outlines the inadequacies of methodological approaches to risk to journalism which stem from a narrow and one-dimensional understanding of the societal role of journalism. To address such inadequacies, it is argued that a theoretical turn toward understanding risk to journalism through the use of Alexander's Civil Sphere Theory (2006) and Harrison's (2019) understanding of the civil ideal of the news is required. Combined these steps reveal that there is a need for a multi-dimensional risk profile that captures how civil diminishment occurs when the civil role of journalism is itself diminished. Developing a risk profile, it is argued, provides for a new approach to understanding risk to journalism. In developing this risk profile the following arguments are made: that risk to journalism can be used to understand and indicate how fragile a particular civil sphere is; and therefore how civilly diminished such a civil sphere is or can become; and that it is necessary to profile the causes and manifestations of risk to journalism in order to understand civil diminishment as a consequence of such risk. The thesis concludes that such a risk profile reveals how risk to the civil role of journalism generates various forms of civil diminishment of societies through the reduction of the discursive capacity of the civil sphere. Civil diminishment is defined throughout this thesis in terms of the way diverse forms of anti-civil power dominate the associative and communicative conditions of civil life which occurs as a direct consequence of risk to journalism.

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Introduction

Part 1. Aims and research questions

Collective civil life is commonly understood as being undertaken through forms of voluntary association within the bounds of civil society. While this thesis concerns itself with civil society as the social sphere essential to public self-determination and the accountable exercise of power, it does so through the lens of Civil Sphere Theory (Alexander, 2006) which provides a specific conception of civil society – or the civil sphere – as an essentially communicative space.¹ It is this discursive essence of the civil sphere that provides the conceptual rationale for looking at the civil role of journalism and what risks it faces, since it is in and through journalism that the discursive essence of the civil sphere is sustained. Risk posed to journalism is risk posed to the civil sphere itself. This is not as well as understood as it should be. Thus, what this thesis attempts to do is to understand the nature and significance of risk to the civil role of journalism in terms of the civil diminishment of the discursive and communicative capacity of the civil sphere. To achieve this the thesis proposes that the consequence of such risk to journalism should be framed conceptually through the notion of civil diminishment. It is only by developing a multi-dimensional and disaggregated understanding of the consequence of risk to journalism as expressions of civil diminishment that it is possible to comprehensively understand the significance of journalistic risk and what is truly at stake not only for the individual journalist and journalistic practice, but also society at large when journalism is attacked and pressurised.

This framing of the consequence of risk to the civil role of journalism through the notion of civil diminishment is a key contribution of the thesis as it responds to the identified problem that the empirical assessment of risk to journalism is currently approached without careful consideration of the conceptual rationale underpinning a particular framework of assessment. As a result, risk to journalism is currently understood merely in a one-dimensional and underdeveloped way, primarily as manifestations of risk (See Chapter 2). To be clear, it is thus the conceptual framing of the consequence of risk to journalism as a form of civil diminishment that is the concern of this thesis.² Understanding consequence of

risk to journalism as the diminishment of civil life thus conceptually frames the journalism risk profile developed in this thesis. The risk profile itself then identifies the causes and manifestations of risk to the civil role of journalism as a means to indicate occurrences of civil diminishment. In short, this thesis attempts to provide a roadmap as to how this can be done. As such this thesis has two primary aims:

Aim 1: To show how Civil Sphere Theory can be used as the basis for the development of a holistic approach for establishing a new conceptual framework for understanding the consequence of risk to the civil role of journalism through the utilisation of the concept of civil diminishment.

Aim 2: To demonstrate that the concept of civil diminishment forms the basis for a new and comprehensive understanding of the manifestations and causes of risk to the civil role of journalism by building a risk profile, as a conceptual framework, that provides the foundation for mapping indicators of civil diminishment of any geo-politico-socio setting in which journalism is undertaken.

Accordingly, this thesis sets out to roadmap risk to the civil role of journalism by examining the extent to which the civil role of journalism is able conform to the 'civil ideal' of journalism, namely its capacity to be trustworthy and liberal (Harrison, 2019).³ The further away the civil role of journalism is from this civil ideal of journalism the more constrained it is in its discursive capacity to support the solidarising aims of the civil sphere. Such constraints are a form of civil diminishment.

Thus, it is argued that risk to the civil role of journalism generates various forms of civil diminishment⁴ of societies through the reduction of the discursive capacity of the civil sphere. Attacks on journalism thus run the risk of rendering the civil sphere fragile and therefore threaten to diminish it by attacking those enabling factors of civil life which ensure meaningful interactions between citizens (civil) and the non-civil spheres of state and market. These enabling factors, as facilitated by journalism, include: the provision of availability of authoritative information; high levels of civil knowledge; the capacity for social criticism; freedoms to debate what is legitimate activity by the non-civil spheres (state

and market); and, the opportunity to assess what shared risks 'we' might face (Harrison, 2019: Chapter 1, 7). In more specific terms, the civil diminishment of journalism restricts the ability of journalism to construct narratives that enable citizens to construct a meaningful world and maintain a common cultural and civil framework through which intersubjective understanding becomes possible even among those who may never come into contact with one another.

Civil diminishment thus refers to the way diverse forms of anti-civil power, exercised in contradistinction to solidarising and inclusive civil ideals, dominate the associative and communicative conditions of civil life and can be defined (as it is throughout this thesis) as a process of the loss of the solidarising and democratic experience of associative and communicative life and freedoms brought about by restrictions placed upon the civil role of journalism. In this way, anti-civil power runs contrary to the ideal of democratic self-determination which aims to ensure that the exercise of power is held accountable through processes of public monitoring and influence that ensure that the needs and interests of citizens are being cared for.

The roadmap to arrive at a definition of civil diminishment requires several building blocks. These are developed in various steps throughout the thesis, starting with establishing an understanding of empirical and conceptual limitations with current approaches to assess risk to journalism and the need for a new holistic (multidimensional and multilevel) conceptual approach to understand risk to journalism (Chapters 1 and 2). Following on from that, theoretical and conceptual work is undertaken to establish that it is the wider significance of the role that journalism plays within societies (its civil role) and what society risks losing when journalism is attacked, that needs to be the starting point for understanding and eventually assessing risk to journalism (Chapter 3). Risk to this societal (civil) role of journalism is then developed into a conceptual understanding of the consequence of such risk as a form of civil diminishment (Chapter 4). Finally, a risk profile of journalism is built so as to encapsulate the causes and manifestations of risk to journalism for the purpose disaggregating and indicating the path to civil diminishment (Chapter 5). The research questions of this thesis capture how this understanding of civil diminishment as a consequence of risk to journalism is built.

Three specific research questions that emerge from this can be identified as follows:

Research question 1: Can the concept of civil diminishment be disaggregated (divided into its component parts) to identify risk to the civil role of journalism to form a holistic 'risk profile' of journalism?

Research question 2: Can such a risk profile capture the complexity of civil diminishment identifying the causes and manifestations of risk to the civil role of journalism?

Research question 3: Can such a risk profile serve as the basis for a universal template to identify various types and combinations of risk to journalism understood as generating civil diminishment?

These questions shape the features of the roadmap of this thesis. The roadmap begins with an argument that suggests that the significance of risk to journalism as represented in academic and grey literature currently displays fundamental data limitations that prevent an understanding of the nuances and complexities of risk. These limitations are in some part derived from methodological limitations but more significantly they derive from problems of a conceptual and theoretical nature. Evidence of this is illustrated in the thesis by an examination of the specific problem of safety threats directed against journalist practitioners and the way that such problems of safety are framed, understood and operationalized for the purpose of gathering information on and measuring the occurrence of different types of implied and implemented safety threats.⁵

From the evidence compiled, a gaps analysis is made which shows that current approaches to risk reveal underlying empirical knowledge gaps when it comes to understanding the many and complex ways in which journalism is restrained and pressurised, and its civil role challenged. This finding points to the need for developing a holistic approach to comprehensively understanding risk to journalism.

By a holistic approach what is meant is an approach which captures both the sociological factors of risk at the macro, meso and micro levels and subsequently offers and analyses risk

in terms of a spectrum of dimensions of risk which spans the causes and manifestations of risk to journalism and captures civil diminishment as a consequence of such risk.

Each level of sociological analysis then captures each dimension of risk.

This approach will allow for the disaggregation and composite assessment of macro-structural, meso-institutional and micro-individual/agency restrictions on the actual practice of the civil role of journalism.

To explain each of the three levels of analysis in some more detail, the macro level is concerned with the way the civil sphere interacts with and contests the influences of the political and economic spheres and how these interactions produce risk to the civil role of journalism. To be precise, the macro level of analysis enables the examination of inter-sphere contestation between the civil sphere and the respective non-civil spheres of the state and the market and the manifestation of such structural-level risk.⁶ This contestation plays out at the structural level of competing social and cultural forces that define, through the adoption of a particular value system and certain ways of undertaking associative and communicative life. Analysing macro level risk would entail examining various forms of qualitative and quantitative data that can be used to describe and analyse the macro level structural forces that can be said to influence the civil sphere. Examples of such macro-level analysis could include assessments of the type and extent of political instability and economic inequalities in a specific societal setting.⁷

The meso level of analysis then concerns itself with intra civil sphere institutional contestation. That is, how the two key institutions (regulation and communication) of the civil sphere interact with each other. Institutions in this context can be understood as *'durable social entities with norm and rule-structured natures that are effective in controlling human behaviour'* in formal and informal ways (Sjovaag, 2013: 162). Or, in other words, *'[i]nstitutions comprise collectives that operate in a reciprocal relationship with their socio-economic environment'* (ibid.) As further explained by Smelser's (1997: 46) institutions consist of *'those complexes of roles, normative systems and legitimising values that constitute a functionally defined set of activities that gain permanence through the very*

process of institutionalisation'. As he further notes, institutions are both simultaneously imagined and yet spoken about as if they enjoyed a public '*empirical existence*' (ibid). For the purpose of this thesis, the two civil institutions of concern are those of law and journalism,⁸ their relationship to each other, and, how they understand the legitimate (civil) role of journalism. At the meso level, an analysis of manifestations of institutional risk to the civil role of journalism would include various qualitative and quantitative forms of indicators, including descriptive accounts of the institutional standing of the law and journalism when it comes to upholding the civil role of journalism.⁹

Finally, the micro level is concerned with the intra civil sphere contestation over the degree of freedom and autonomy that the individual journalist has to pursue the civil role of journalism. This will depend upon how the professional role of the journalist is constrained by the various types of role-specific norm conformity they are obliged to adhere to. In other words, the micro level of analysis captures manifestations of risk to the agency of the individual journalist to uphold the civil role. The micro level should thus be understood as the quotidian level of qualitative indexical accounts, ethnography, life histories and personal narratives concerning accounts of what forms of coercion the individual journalist experiences, as well as the quantitative count data on various types of violations against the individual journalist.¹⁰ At the micro level of analysis types of coercion include diverse forms of abuse and attack ranging from subtle and hidden forms (such as self-censorship) to violence and the killing of journalists.

By adopting these three levels of analysis the thesis seeks to provide a conceptual framework for mapping risk to the civil role of journalism that can be used to identify the manifestations and causes of such risk, and understand their potential consequence in terms of the civil diminishment of a given societal setting. Expressed more concretely, the three levels of analysis are intended to facilitate the detection and comprehensive understanding of risk to the civil role of journalism and how societal environments produce risk which are inimical to that civil role. As previously explained, this is arguably best done by assembling a risk profile that is methodologically inclusive by allowing for the incorporation of various qualitative and quantitative assessment approaches to risk and serves as a template for the analysis of any particular societal setting in which journalism is

undertaken. Such a risk profile will encapsulate risk to journalism in its full range to allow for the understanding of processes of the civil diminishment of the associative and communicative conditions of civil life. This holistic requirement ultimately necessitates that the risk profile can be applied to any given society or geographical area such as a country; a region; a sub-national area etc. (as outlined above) and also that it can capture any form of risk to and diminishment of the civil role of journalism. The risk profile must thus be holistic in approach and a) span both qualitative and quantitative methodological approaches to understanding risk, and b) require the understanding of the full range and various degrees of risk to the practice of the civil role of journalism.

To summarize the two key concepts to the arguments in this thesis these can be described as follows: a) *risk* is understood as sources of potential constraint upon the civil role of journalism and b) *civil diminishment* is understood as the consequence of anti-civil constraints placed upon the discursive and communicative capacity of journalism as well as free and voluntary associative life in the civil sphere. To put the matter another way, the thesis examines *the risk of the civil diminishment of the civil ideal of journalism from the point of view that risk to journalism could be used as an indicator of the civil diminishment of the civil sphere itself.*¹¹ The process of building a risk profile that demonstrates this relationship answers the three research questions above.

One caveat that applies to all of the above needs to be noted. This thesis only focuses on one specific aspect of civil diminishment, namely the diminishment of the civil sphere via risk to the civil role of journalism. Other forms of civil diminishment detrimental to the standing of the civil sphere (not looked at in this thesis) include different forms of legal diminishment,¹² the distortions of public office,¹³ the suspension of parties and unions.¹⁴

Part 2. Outlining the argument of the thesis

The roadmap toward developing and building a risk profile is arranged as follows:

Chapter 1 contextualises the research aims and questions of the thesis by introducing an understanding of risk to journalism as a multidimensional and complex problem through the analysis of the legal and human rights-based framework of protection, while also exploring current knowledge gaps with regard to how the reality of problems of safety threats is currently understood in the grey and academic literature. To redress these limitations the chapter suggests that a holistic approach to understanding risk to journalism needs not only to understand the manifestations of problems of risk to journalism in relation to possibilities for journalistic practice and practitioners, but importantly also in relation to causes of such risk, as well as its significance in terms of its societal consequence.

Chapter 2 develops this holistic approach by proposing a methodological solution to address the identified empirical knowledge gaps and the current problem of comprehensive understanding of risk to journalism. This is achieved through the analysis of empirical, conceptual and theoretical limitations of conventional data approaches to risk which is illustrated by the existing frameworks focusing on assessing and measuring risk to journalism via threats to the safety of journalist practitioners. Based on the findings from the knowledge and data gaps analysis the chapter identifies the shortfalls in existing knowledge and data and from these it develops a sociological methodological framework that allows for the holistic assessment of risk to journalism at the macro, meso and micro levels of analysis.

Chapter 3 sets out to deal with the conceptual and theoretical data limitations discussed in Chapter 2. Theoretical development is therefore carried out to gauge how the societal and democratic function and value of journalism are perceived from a normative perspective in the academic literature. The limitations identified in existing approaches and theories are used to understand the need to turn to what Civil Sphere Theory understands to be the civil ideal of journalism for the purpose of addressing such limitations. In this way, Chapter 3 establishes how the societal role of journalism should be understood in relation to this civil ideal, as well how civil diminishment is a consequence of risk to this civil ideal of journalism.

Chapter 4 is concerned with the main conceptual contribution of this thesis, namely the task of establishing an understanding of the notion of civil diminishment as a means to capture

what is actually at stake when journalism and its civil role are at risk. Or more specifically, how the consequence of risk to journalism should be understood in terms of the diminishment of its civil role. This chapter therefore examines risk to the civil role of journalism and develops an inclusive definition of such risk. It does this by charting a generalised conceptual schema of civil diminishment as a means to create an integrated and multidimensional notion of risk to journalism as essentially interlinked with possibilities for journalism to carry out its civil role.

Chapter 5 focuses on building a risk profile for the holistic assessment of risk to journalism understood as an indicator of civil diminishment. To accomplish this, Chapter 5 assembles the conceptual and theoretical characteristics previously identified as necessary to holistically understand risk to journalism, into an analytical sociological framework. This means that against the background of understanding risk to journalism through the concept of civil diminishment as capturing the wider societal consequence of risk to journalism, the case is made that the risk profile will need to be built as a multilevel framework. This is done by combining the macro, meso and micro levels of analysis to form a holistic risk profile that identifies causes and manifestations of risk that serve to indicate the civil diminishment of the civil role of journalism. The risk profile is designed to systematically map causes of risk to journalism as emanating from environments within which journalism is practiced by introducing a conceptual understanding of causes of risk as expressions of forms anti-civil power. The profile also allows for the identification of the nature and expression of such forms anti-civil power by tracking manifestations of risk to the civil role of journalism.

By profiling the civil and journalistic environments of a given societal and geographical setting, the risk profile thus allows for the examination of the set of circumstances that indicate the civil diminishment of the civil sphere itself as an outcome of the restrictions and constraints placed upon the civil role of journalism. In this way the risk profile provides a specific civil conception of and rationale for how risk to journalism should be framed as producing the consequence of civil diminishment. Together, the disaggregation of the causes and manifestations of such risk through the risk profile allows for the identification of the origins and expressions of civil diminishment and as such these can be used as indicators of the ways in which civil diminishment occurs within a given societal context. It

can be noted however that empirically assessing the scope and extent of civil diminishment in any particular society requires extensive collection of data for the purpose of understanding how certain types of risk to journalism plays out in terms of occurrences of civil diminishment under certain societal circumstances. And such, empirical testing is beyond the scope of the thesis.¹⁵ What the risk profile does do however is to provide a conceptual framework for understanding civil diminishment as a consequence of risk to journalism, and by doing so providing a conceptually grounded and more comprehensive understanding of problems of risk to journalism.

Chapter 6 concludes the thesis by arguing that the causes and manifestations of risk to journalism are encapsulated in the risk profile to identify occurrences of civil diminishment and that this is the first step toward understanding the process of the civil diminishment of the civil sphere itself through the civil diminishment of the civil role of journalism.

¹ The notion of the civil sphere is developed by Alexander (2006). Whereas an understanding of the civil sphere will be expanded upon in depth in Chapter 3 and Chapter 4, the concept of the civil sphere can be understood to capture: *'a new concept of civil society as a civil sphere, a world of values and institutions that generates the capacity for social criticism and democratic integration at the same time'* (ibid., 3). An important and distinct contribution of Alexander's Civil Sphere Theory is its focus on the *'communicative judgements in the (...) civil sphere'* (ibid., 5) and as will be shown, the important role of journalism as a communicative institution of the civil sphere, and ultimately to the democratising potential of associative and communicative civil life (ibid.). For the purpose of this thesis, approaching risk to journalism through the civil sphere allows for an understanding of such risk in relation to the robustness of the discursive and communicative foundation of civil life. Whereas the notion of the civil sphere thus brings with it a distinct potential for understanding risk to journalism, the term civil society and the civil sphere are ultimately treated as two interchangeable concepts.

² The actual empirical measurement and possible categorisation of societal contexts with regard to what civil diminishment actually looks like in any given context is beyond the scope of this thesis as it requires extensive empirical testing. See discussion on this in Chapter 5.

³ The notion of the civil ideal of the news (here the civil ideal of journalism) is developed by Harrison (2019) and it can be described as capturing a particular understanding of the societal role and value of journalism. Harrison sees the civil ideal as composed of two key elements: *'a) trustworthiness and b) liberal ideals. The former is achieved through the activity of truth telling and the use of an objective method, the latter is achieved when the news promotes the civil values of social criticism, democratic integration, civility, justice, reciprocity, and mutual respect. Combined the two key elements form a completed picture of what the civil ideal of news journalism consists of and shows under which conditions it can be fulfilled. The civil ideal also clarifies how the news should understand its civil responsibility and obligations and how it should point 'us' in the right direction with regard to what 'we' should value and preserve in the face of non-civil and anti-civil interferences. Alternatively expressed, this ideal represents a way of selecting and producing a type of news that is trustworthy and it is how the news attempts to be seen as trustworthy'* (2019: Chapter 2, 4). Importantly, she points out, *'the news can only ever fulfil its civil ideal when editorial integrity is observed and news journalism is independent from control by vested and selfish interests. It fulfils its civil ideal when it works to the benefit of a vibrant civil society and contributes both to civility and civil identities; when it is believed in as truth telling and as objective and therefore trustworthy; when it is perceived to be serving liberal ideals and finally when it is accepted as genuinely homologous to the world'* (ibid., 1). Of particular interest to this thesis and the task of

comprehensively understanding risk to journalism is also Harrison's analysis of how this civil ideal is jeopardised and compromised: *'The civil ideal of the news faces its greatest challenge at the hands of political power and commercial power which reduce people respectively to an audience of partisans or to an audience of consumers. In neither case are they treated as fully rounded citizens'* (ibid., Chapter 3, 1.). This understanding of the environmental precariousness of the civil ideal of journalism will be developed into a holistic understanding of risk to journalism through the concept of civil diminishment in Chapter 4.

⁴ A paper entitled 'The Diminishment of the Civil Sphere: Measuring the Fragility Risk Profile of News Journalism in Hostile Environments' was co-authored by Harrison and Torsner (2018) and presented at the IAMCR conference in Eugene, Oregon, USA, June 20-24, 2018. Harrison (2018) also addressed the notion of civil diminishment in her UNESCO Chair on Media Freedom, Journalism Safety and the Issue of Impunity inaugural lecture entitled 'Diminishment and Resistance: The Civil Power of Journalism' held at the University of Sheffield, United Kingdom on 7 November 2018. In her inaugural lecture Harrison developed the notion of civil diminishment in relation to oppressed, repressed, antagonistic and agonistic societal environments. Available at: <https://www.youtube.com/watch?v=uAZrUnuOTJk> (Accessed: 12 September 2019)

⁵ To briefly address the notion of safety there are various interpretations of its conceptual meaning. For instance, *"Safety" has sometimes been defined as a situation without accidents (Tench 1985) and on other occasions as a situation with an acceptable probability of accidents (Miller 1988). In a recent philosophical analysis of the concept, it was shown that usage of the terms "safe" and "safety" vacillates between an absolute concept ("safety means no harm"), and a relative concept that only requires such risk reductions that are considered to be feasible and reasonable'* (Hansson, 2012: 31). For the purpose of elaborating further on the concepts of risk and safety, which are both used in this thesis, it can be noted that their exact respective meaning and relationship are debated in the academic literature. See e.g. Möller (2012). This conceptual debate will not be explored in any great depth in this thesis. Rather what is important here is first to examine how safety is approached for the purpose of analysing the extent to which current usage can facilitate a comprehensive understanding of risk to journalism. Secondly, a specific conception of risk will be developed through the notion of civil diminishment which means that this thesis does not seek to establish a *'definition of (...) risk'* that is *'complete'* in the sense that it captures every possible meaning of the concept in a general way. Rather, the term risk will be developed into an *'internally coherent'* (ibid., 62) conception for the specific purpose of understanding it in terms of the civil diminishment of journalism. To establish a basic understanding of 'safety' and 'risk' however it can first be noted that *'the two terms have different connotations. Safety is a positive property, while risk is generally something negative'* (ibid., 61). Furthermore, *'[w]hile risk is what we typically quantify and compare, safety is what we want to achieve. In the literature, the notion of safety is predominately used as the sought state-of-affairs. (...) The common picture of the relation between the two concepts is that they are antonyms: when the risk is low, safety is high, and conversely, when safety is low, risk is high'* (ibid., 60). In the context of threats to the safety of journalists the common usage of the term can be captured as follows: *"Safety" (...) means journalists not being subject to threats, harassment or surveillance; not being physically attacked or unlawfully detained; journalists not routinely self-censoring out of fear of punishment or attack; and that crimes against journalists are prosecuted and that there is no climate of impunity'* (Pöyhtäri, 2016: 176)

⁶ Alexander (2006: 7) argues that *'The civil sphere is bounded [and separated] by what might be called "noncivil" spheres, by such worlds as state, economy, religion, family, and community. These spheres are fundamental to the quality of life and to the vitality of a plural order, and their independence must be nurtured and protected. At the same time, their concerns and interests often seem to threaten the civil sphere'*. The two non-civil spheres of the state and economy (here market) are the focus of this thesis as journalism can be said to be confronted by *'its greatest challenge at the hands of political power and commercial power which reduce people respectively to an audience of partisans or to an audience of consumers'* rather than *'as fully rounded citizens'* (Harrison, 2019: Chapter 3, 1). It can also be noted that the differentiation between the civil and non-civil spheres is debated and various conceptions of their relationship exist. For instance, Alexander explains that scholars like Adam Ferguson, Adam Smith, Rousseau, Hegel, and Tocqueville, used the term civil society as an *'umbrella-like concept referring to a plethora of institutions outside the state'* including for instance *'the capitalist market and its institutions (...) and virtually every form of cooperative social relationship hat created bonds of trust'* (2006: 24). Indeed, for instance with regard to the separation between the market and civil society critics of the possibility of any clear-cut separation between the two argue that such attempts may lead to misleading *'purist accounts of civil society'* (Keane, 2006: 30). According to Keane, such approaches tend to treat civil society as separated from the market but also understand the two as being regulated by

irreconcilable logic. Indeed, for Keane it needs to be recognised that the market may have civilizing and socialising effects while also producing risk to the civil sphere. Such risk, argues Keane, should be regarded not only as external to civil society but also as *'threaten[ing] civil societies from within'* (ibid.) due to the interdependent nature of these two spheres. However, Alexander acknowledges this fact by recognising the *'necessity for functional differentiation and complexity, both in an institutional sense and in a moral one'* while concomitantly arguing that to *'avoid the idealistic fallacy, we must recognize that civil society is always nested in the practical worlds of the uncivil spheres, and we must study the compromise and fragmentation, the "real" rather than merely the idealized civil society that results'* (2006: 195). For the purpose of this thesis then which is to understand the complex and multidimensional nature of risk to journalism in relation to the diminishment of the civil sphere, this institutional differentiation between the civil and non-civil sphere alongside the recognition that its empirical manifestation is complex and always removed from its ideal conception facilitates the systematic investigation of the reality of risk to journalism.

⁷ Examples of such macro level risk to journalism could be state censorship of journalism or commercialising market pressures that distort the civil ideal of journalism.

⁸ For Alexander (2006: 54) the institutions of the civil sphere include *'regulatory institutions as party and legal systems, voting, and "office," on the one hand, and (...) communicative institutions as mass media, public opinion polls, and civil associations, on the other'*. The focus on the civil institution of journalism in this thesis is related with obvious reasons with regard to the aim of understanding risk to journalism. Law on the other hand is arguably the other civil institution with most bearing upon opportunities for journalism to be practised freely and independently and it is therefore an object of study in this thesis.

⁹ Examples of such meso level risk to journalism could for instance be identified in relation to the ability of the judicial system to uphold rule of law and prosecute and punish perpetrators of crimes against journalists.

¹⁰ See e.g. Harrison and Pukallus (2018) and Pukallus *et al.* (2019)

¹¹ The diminishment of civil life via risk to the civil role of journalism then could arguably have more wide-ranging consequences with regard to the democratic development and sustainability of society.

¹² Such forms of legal diminishment could for instance include constitutional changes that diminish rights of association and protest.

¹³ Such forms of distortions of public office could for instance include corruption and bribery and the use of office for personal gain.

¹⁴ It is argued here that the focus on journalism is relevant as it is a fundamental source of interpretation that when undertaken in accordance with professional standards and practices is aligned with and committed to the universalistic ambitions of civil society and the moral concern of universalising solidarity (its civil role). This makes risk to journalism particularly well suited to use as an indicator of the quality of civil life within societies. The reasons for this will be developed in more depth in Chapters 3 and 4.

¹⁵ See Chapter 5 for further discussion on this.

1. Understanding the need for a holistic framework of risk to journalism

Chapter rationale

This chapter aims to establish that this thesis is not simply an exercise in abstract theorising about the problem of risk to journalism, but rather an attempt to make a concrete contribution to efforts to understand the complexity of the problem and to contribute to redressing it. It is therefore significant that the research carried out in this thesis is of relevance to and connects with the agenda to safeguard journalism that is being undertaken internationally, regionally and locally.¹ The hope is that by developing an approach for the nuanced and in-depth understanding of risk to journalism, the work undertaken in this thesis can be used to support efforts to implement standards and effective policy measures to protect journalism and inform advocacy efforts of various kinds.²

The specific aim of this chapter is therefore to ground and to contextualise the research aims and questions of the thesis. This will be achieved by explaining how the task of understanding the complex and multidimensional nature of problems of risk to journalism requires a holistic framework that allows for the comprehensive and systematic mapping of such risk. The chapter will demonstrate why such a holistic framework to risk is needed not only to understand the nature of problems of risk in relation to how possibilities for journalistic practice are manifest (the occurrence of an attack), but importantly also in relation to their causes and to the significance of such risk in terms of its societal consequences. This chapter will achieve this by outlining how problems of risk to journalism are understood and framed from a legal and human rights-based perspective (Section 1.1).³ Following on from that, Section 1.2 will explore how the reality of problems of risk is currently understood. This will be achieved by reviewing the related grey literature (Section 1.2.1)⁴ and then the academic literature (Section 1.2.2). The legal rights-based⁵ rationale for protecting journalism will form the point of departure for understanding risk to journalism as a multidimensional problem (Section 1.1) and this understanding of risk will then inform the review of the grey and academic literature for the purpose of exploring how the reality

of problems of risk is currently understood and what gaps in this exist (Section 1.2). Finally, Section 1.3 will propose that a holistic approach to understand the complexity of the problem of risk to journalism is needed.

Risk to journalism, is to be understood here in a generic sense as encompassing the multiple and varied practices and actions that attack and may restrict free and independent journalism. In other words, such actions should be understood as being directed both towards the institution and practice of journalism and to the individual journalist practitioner with repercussions ultimately for the societal role that journalism performs. An understanding of distinct concepts that can be described as constituting interrelated dimensions of risk to journalism, such as threats to the safety of journalists, as well as constraints on press freedom will start to take shape in this chapter for the purpose of establishing an understanding of the conventional ways in which risk to journalism is approached and to identify limitations in these approaches.⁶

International human rights law provides the dominant rationale for protecting journalism as integral to the realisation of fundamental rights and standards of good governance.⁷ This legal and rights-based rationale for protecting journalism places obligations upon states to safeguard journalism according to the fundamental rights attached to the individual journalist, such as the right to life, freedom of expression and opinion and other rights directly linked with the dignity of a person. However, international human rights law also establishes that journalism must be protected due to its societal value of keeping the public informed. In fact, press freedom and the right to information are seen as key to realising the more general rights to free expression and opinion by facilitating public exchange and information sharing as a means to achieve collective societal goals. Journalism then, as a form of expression directed at all members of society through public media platforms is key not only for individual expression but also for members of society to address collective concerns through interchange.

Human rights law is the point of reference for much of the grey literature concerning reports on problems related to aggression on and risk to journalistic practice, as well as for many of the organisations and actors that work to monitor and collect information on violations

against the safety of journalists. Human rights law also forms a critical rationale of justification for instance when it comes to advocating for the rights of journalists, raising the alarm when such rights are infringed and to exhort states to develop policies that safeguard the practice of free and independent journalism. While there exist a range of perspectives on understanding the societal role of journalism in the academic literature it is argued here that the legal rights-based approach provides the most appropriate starting point for examining risk to journalism. This is due to the fact that it establishes that protecting journalism is to be viewed as a universal value and is interlinked with the upholding of human rights, and consequently the sustainable development of society more broadly.⁸ From the viewpoint of this thesis it is important to evaluate to what extent a rights-based rationale and the way it is currently applied to assess problems of risk to journalism can be utilized to understand not only the manifestation of such risk in terms of the ways in which journalism is pressurised, but also the causes and wider meaning and significance of such problems to society.

1.1 A legal rights-based framework for the protection of journalism

The policy issue or problem at stake here is undeniably the desire and need to safeguard journalistic practice and journalists. And as explained the legally enshrined rights-based perspective provides a point of departure for understanding how the rights of journalists and the rights of members of society at large are circumscribed when journalism is attacked or pressurised. Such rights violations in themselves are indeed important to understand. However, for the purpose of understanding the nature and dynamics of risk, a more comprehensive approach is required: an approach that must allow for the examination of how the violation of rights can be understood in relation to the societal circumstances in which these violations take place as well as how such violations influence wider society.

It is argued here that this will be achieved by introducing a narrative of risk to journalism as multidimensional and by building a framework for the holistic assessment of such multidimensional risk that can be used to comprehensively understand various types of risk to journalistic practice. This process is essentially about establishing an evidence base that can be used to describe the nature and dynamics of problems of a wide range of types of risk

to journalism. This signals a move from a distinctly legalistic assessment of risk to journalism, as a policy and advocacy problem, to a holistic analysis for the purpose of understanding the problem of risk itself.

To achieve such a comprehensive understanding requires that the thesis is able to provide a full account of the multi-layered and complex nature of risk to journalists and journalism by uncovering the basic causes of risk, the role of enabling agents of risk, the extent and true nature of risk, as well as the wider societal implications of risk. This, it is argued here, entails the development of a holistic approach that facilitates the evaluation of specific real-world contexts with regard to how power is exercised⁹ in ways that dominate and restrict free and independent journalism. The task of framing the problem of risk to journalism for the purpose of developing a holistic approach is central to the thesis and necessitates the identification of what is currently known about problems of risk to journalism as well as what knowledge gaps exist. The starting point for this process will be to first outline what the legal rights-based framework for protecting journalism entails.

This section will therefore provide a detailed description of the legal rights-based approach to risk to journalism. This requires first, to establish how journalism is understood and defined in the context of legal protection (Section 1.1.1), and secondly to review the protection framework provided by international law (Section 1.1.2). To sum up, this section, together with Section 1.2, which covers the reality of the problem of risk to journalism, provides the basis for the critique of the legal rights-based approach presented in Section 1.3 and the following proposal for a holistic understanding of risk that is developed there.

1.1.1. A legal rights-based approach to understanding and defining journalism

Understanding how the need to protect journalism is framed from a legal and human rights-based perspective requires first the outlining of how journalism and its practitioners are defined. Such a legal understanding of what journalism is and who is a journalist establishes a distinct definitional framework indicating how risk to the profession, its practitioners and the wider societal implications of such risks should be understood in terms of breaches of

fundamental rights. This definitional approach can be contrasted with various other understandings of what journalism is and does.

The debate on how to define journalism and who is a journalist is ongoing on the international level and there is currently no consensus around a single definition. From the point of view of legal protection therefore, the question *'who is to be considered a journalist?'* (Heyns & Srinivasan, 2013: 306) becomes key *'not only because certain rights and privileges flow from the title of "journalist", but also (because) certain individuals may be targeted by virtue of playing or being identified with that role'* (Parmar, 2014: 16). While international law does not offer any direct definition of who is a journalist, *'international and regional human rights bodies have adopted a broadly functional, albeit not identical, approach to the notion'* (ibid., 17). For instance, the UN Human Rights Committee (HRC) (2011: 11) has stated that: *'Journalism is a function shared by a wide range of actors, including professional full-time reporters and analysts, as well as bloggers and others who engage in forms of self-publication'*.¹⁰ A similar understanding was expressed by the former Special Rapporteur on freedom of opinion and expression: *'Journalists (...) observe and describe events, document and analyse events, statements, policies, and any propositions that can affect society, with the purpose of systematizing such information and gathering of facts and analyses to inform sectors of society or society as a whole. Such a definition of journalists includes all media workers and support staff, as well as community media workers and so-called "citizen journalists" when they momentarily play that role'* (HRC, 2012: 3).

Such inclusive definitions of who is a journalist that include for example auxiliary non-journalist media workers, can be contrasted with approaches that distinguish journalistic publication from other forms of publication by referring to standards of professional journalistic practice.¹¹ For instance, a recommendation from the Committee of Ministers at the Council of Europe (COE) state that the *'term 'journalist' means any natural or legal person who is regularly or professionally engaged in the collection and dissemination of information to the public via any means of mass communication'* (2000: Appendix). This stance was however later revised and Member States were urged to *'adopt a new, broad notion of the media'* (COE, 2011: para 7), considering that *'the scope of media actors has enlarged as a result of new forms of media in the digital age'* (COE, 2014: para 2).

Subsequently, this more extensive definition of 'the media', was adjusted to cover: *'all actors involved in the production and dissemination, to potentially large numbers of people, of content (for example information, analysis, comment, opinion, education, culture, art and entertainment in text, audio, visual, audiovisual or other form) and applications which are designed to facilitate interactive mass communication (for example social networks) or other content-based large-scale interactive experiences (for example online games), while retaining (in all these cases) editorial control or oversight of the contents'* (COE, 2011a: para 7). It can be noted that the application of standards of professional journalistic conduct and editorial control is still emphasised as integral to how journalism should be understood. This is reflected not least in the series of criteria and related indicators outlined in the 2011 Recommendation which aims to determine *'if particular activities, services or actors ought to be regarded as media'* through a *'graduated and differentiated approach according to the part that media services play in content production and dissemination processes'* (ibid., para 4).¹² As an example of the application of this approach the 2011 Recommendation states that in the particular case of bloggers they should be considered media workers only if they fulfil certain *'criteria to a sufficient degree'* (ibid: para 41). These recommendations include for instance the intention to act as media, the adoption of professional standards and meeting public expectations with regard to availability, pluralism, diversity accountability and transparency (ibid., Criterion 1, 4 and 6).

From the perspective of the civil society organisation Article 19, the criterion suggested to apply to bloggers by the Committee of Ministers 2011 Recommendation *'is both unhelpful and unnecessary: while professed adherence to a set of professional standards may be a helpful indicator of whether an individual is engaged in media activity, it should not be regarded as a necessary condition. Disseminating information in the public interest is not something that should require membership of a professional body, or adherence to an established code of conduct'* (Article 19, 2015: 4).¹³ In this way it is argued that journalistic professionalism should not be used as a definitional criterion.¹⁴

These differing understandings of what constitutes journalism illustrate the tension between an inclusive and wide-ranging approach that might include actors who strictly speaking are not professional journalists but who do (at times) carry out journalistic functions, and a

narrower approach that places professional journalism at the forefront.^{15 16}

The United Nations Economic, Scientific and Cultural Organization (UNESCO) also adopts an inclusive and wide-ranging approach to defining who is a journalist which includes *'journalists, media workers and social media producers who produce a significant amount of public-interest journalism'* (UNESCO, 2012: para. 11). UNESCO recognises that *'Not all users of press freedom produce journalism as such, although the freedom applies no less to them and their use of media'* (UNESCO, 2014d: 16). Whereas the distinction between any use of free expression and *'the production of journalism'* which *'is a public exercise of freedom of expression according to professional standards'* and a *'voluntary subscription to professional journalistic ethics, such as verification, source confidentiality where necessary, fairness and public interest'* (ibid.) is important to note, distinctions between producers and networks of news contributors and participants are increasingly blurred because of digitization and the use of the Internet as a publication platform.

Discussing how to define who is a journalist, Ugland and Henderson highlight the importance of differentiating between the domain of professional ethics as representing *'an expert model that emphasizes the unique proficiencies and duties of media professionals'* and in effect establishes *'whom to trust in the world of news'* and the domain of the law as an egalitarian model that *'emphasises equal access to rights and privileges'* and is concerned with *'proposing some minimum eligibility standard to legal protections'* (2007: 244). Contrasting these two domains the authors argue that while the law *'provides all communicators equal protections'* (ibid., 258) any distinction made within the domain of ethics will inevitably be arbitrary as *'it is so perilous to orient the debate around a simple journalist/nonjournalist dichotomy when there are potentially as many definitions of journalist as there are consumers of journalism'* (ibid., 253).

McGonagle refers to a legally 'pragmatic approach' which recognises that journalism is *'used as a shorthand way of referring to an increasingly diverse range of contributions to public debate, comprising a professional and largely institutionalized core, but also stretching to cover alternative forms of journalism located at – and even beyond – the periphery of traditional understandings of the term'* (2013: 5). McGonagle further highlights that the

many *'journalistic and media freedoms that have been recognized and legally enshrined over the years are not contingent on definitions of either journalists or journalism'*. Rather, McGonagle argues, these freedoms should be seen as *'instrumental to the realization of the public watchdog role traditionally played by journalists and the media in democratic society. Whereas public watchdog functions were predominantly fulfilled by journalists and the media in the past, they are now increasingly being fulfilled by other media and non-media actors'* (ibid.).

This pragmatic approach thus develops a rationale for understanding the legal protection of journalism and its practitioners as related to the need to safeguard the communicative functions of journalism (and other communicative actors) within societies. As acknowledged by UNESCO, journalistic production is a distinct practice and form of public expression that adheres to professional standards such as truthfulness and procedures of verification when working to inform the public. However, whereas journalistic publication can be differentiated from a more general exercise of freedom of expression it is also the case that forms of expression and publication that cannot be described as observing professional principles of journalism may indeed produce public interest information that serves the same or similar societal functions as journalism. It is thus difficult, or perhaps even impossible to draw a line between what type of expression and publication is to be identified as journalism for the purpose of determining whether specific types of communication should have a legally protected status.¹⁷ As discussed above, the fact that journalism performs a range of different roles and because journalistic publication takes different shapes and forms, it is difficult to determine with any certainty what exactly should be identified as journalism.

From a legal rights-based perspective then, a threshold for protection, as referred to above by Ugland and Henderson (2007), is necessarily egalitarian in the sense that it grants equal protection to all communicators and consequently all those exercising their communicative rights. In this way, protection becomes less contingent on any precise understanding of what journalism is and who is a journalist, but can be said rather to be concerned with fundamental freedoms being upheld so that conditions are created that enable journalism and journalists (or any other member of society as they engage in communication) to

perform functions valuable to democratic societies. An inclusive definitional approach such as understanding journalism and who is a journalist as: *'Anyone involved in the provision of news or information'* (UNESCO, 2013: 3) might be viewed as lacking precision in the sense that it cannot effectively differentiate between what is and what is not journalistic practice. However, it points again to the fact that it is the function of communication and publication that is essential to safeguard and that the need to grant protection is linked to that value (Pöyhthäri, 2016: 177). Nevertheless, and as will be discussed further in Section 1.1.2 below, safeguarding journalistic publication is also acknowledged as being of particular importance. And to a certain extent the effective protection of journalism and the implementation of legal standards of protection do therefore require that it is possible to distinguish what journalism actually is. Importantly also, who is considered to be a journalist becomes important in relation to efforts to discredit journalistic activities and describe them as illegitimate and thus not deserving protection. The aim in this thesis is however not in any way to try to solve this problem, but rather to explore how journalistic contributions to societies are put at risk.

For the purpose of this thesis then it becomes important to understand what the specific communicative function and value of journalism is and the ways in which it is exposed to risk. Whereas differentiating journalism from other forms of public communication by referring to journalistic professional standards may be an imperfect means for providing a rationale for protection, it is argued in this thesis that journalistic professional practices do point to what should be perceived as the wider societal significance of journalism.

1.1.2 International law and the rights-based protection framework of journalism

Having established that entitlement to legal rights-based protection is not necessarily (at least not in theory) contingent upon a specific conception of who is a journalist and what counts as journalism, but is rather bestowed on communicators of different kinds due to their important societal contribution, it is now necessary to understand how the rationale for the need for protecting of journalism, as a particularly valuable form of communication and publication, is developed in international law. The aim with such legal protection is clearly to mitigate and redress risk that may restrict journalistic practice while recognising

that alleviating such risk is key to the project of furthering universal and fundamental human rights more widely.

This section will essentially delineate what can be described as a legal rights-based approach to risk to journalism and evaluate how it can be used to holistically assess problems of risk to journalism. On the one hand, the section identifies the motivating reasons for seeking to safeguard journalism in international law. These underlying reasons can be discerned by reviewing the legal standards and norms of protection as outlined in legal documents and they reveal the essential rationale for protection. On the other hand, it is important also to understand the extent to which the legal rationale of protection can facilitate a comprehensive understanding of risk to journalism.

The implementation of international law, including its full range of domains of rules and norms that have been established to guide interstate relationships and interactions (Sassòli *et al.* 2011), is commonly described as a complicated and difficult undertaking. This is not least the case when it comes to implementing standards of human rights which belong to the legal domain most relevant to the protection of journalism. Whereas the effectiveness of the current international legal provisions with regard to implementing and strengthening protections of journalism is subject to ongoing debate this is not an issue that this thesis will concern itself with.¹⁸ Rather, the issue of interest here is the rationale for protection itself and how it can be used to provide a holistic understanding of risk to journalism. While international human rights standards provide an authoritative framework with universalising ambitions and means to sanction infringements of human rights, the gap between the values and norms of protection promoted by the international community and the degree of success of implementation in local contexts will ultimately depend on context specific societal conditions and political will at the national level. This will be made evident in section 1.2 which will describe the reality of problems of risk to journalism. Trying to establish a framework for understanding and analysing the manifestations and societal implications of such contextual localities is precisely what this thesis sets out to do and hopefully this will contribute to further understand challenges of implementing and achieving effective protection for journalism.

International law and more specifically, international human rights law, allows for the examination of risk to journalism as interrelated with the furtherance of fundamental rights more broadly. The framework for valuing and protecting universal human rights is essentially what is referred to here as a rights-based approach to protection which includes recognising the need to uphold human rights as attached to the individual and the dignity of a person, but also in terms of realising collective societal goals.

This will be done in three steps. First, the significance of freedom of expression in international human rights law will be examined in terms of its fundamental value to creating conditions conducive to a societal environment where public expression and exchange (as facilitated for instance by journalism) are able to foster sustainable and equitable societal development. It will be shown how risk in terms of infringements of the right to freedom of expression is understood as detrimental to the democratic maintenance of societies from the perspective of human rights law. Secondly, will be considered how the need to protect journalism is framed through the right to freedom of expression and the corollary rights to press freedom and information which allow for a more specific understanding of why journalistic practice is protected and how risk to it should be understood. Thirdly, will be explored how international human rights law understands risk to journalism through the specific dimension of attacks on and threats to the safety of the individual journalist practitioner. Such problems of safety threats are increasingly emphasised as an underlying prerequisite to ensure effective press freedom and freedom of expression and are thus key to the purpose of this thesis.

1.1.2.1 The significance of freedom of expression in international human rights law

The Charter of the UN provides a starting point for engaging with international human rights law. Almost every independent nation is currently a member of the UN¹⁹ and thus a signatory party to the UN Charter (UN, 2019c). As such, these states have committed themselves to fulfil obligations as outlined in the Charter and collaborate with the UN so that the organisation is able to fulfil its main purposes. One such principal purpose is *'promoting and encouraging respect for human rights and for fundamental freedoms for all'* (UN, 1945: Article 1). The Universal Declaration of Human Rights (UDHR) (UN, 1948) subsequently delineated the *'basic civil, political, economic, social and cultural rights that all*

human beings should enjoy' (OHCHR, 2019a) and is, despite its aspirational and legally non-binding status, considered to be *'a primary source of persuasive authority in international human rights law'* (University of Missouri, 2019) Two covenants were subsequently adopted to give legal force to the UDHR (OHCHR, 2019b). These include the International Covenant on Civil and Political Rights (ICCPR) (UNGA, 1976) and, the International Covenant on Economic, Social and Cultural Rights (ICESCR) (UNGA, 1966). Together, the UDHR and the two covenants form the Universal Bill of Human Rights.²⁰ Additional human rights treaties and treaty bodies also monitor that UN member states comply with their obligations.²¹ Whereas the observations, decisions and comments of the treaty bodies are non-binding these documents are still *'significant sources of persuasive authority both on the scope of the fundamental rights and freedoms embodied in a particular treaty and on what constitutes violations of those rights and freedoms'* (University of Missouri (2019)).²² Whereas the above account for the key framework of international human rights law it is important to point out that global level human rights protection interacts with regional and national level human rights provisions. For instance, regional human rights treaties such as the American Convention on Human Rights (OAS, 1969), the African Charter on Human and Peoples' Rights (ACHPR, 1986), and the European Convention on Human Rights (COE, 1950) along with various human rights instruments can be viewed as integral to strengthening and implementing the international framework of protection. Moreover, nationally adopted constitutions and laws are also key safeguards of basic human rights.

International human rights law obliges states, as *'parties of international treaties (...) to respect, to protect and to fulfil the human rights'* of their citizens. Accordingly, states *'must refrain from interfering with or curtailing the enjoyment of human rights (...) protect individuals and groups against human rights abuses'* and *'take positive action to facilitate the enjoyment of basic human rights'* (UN, 2019e). Furthermore, these obligations are *'binding on every State party as a whole'* including *'[a]ll branches of government (executive, legislative and judicial), and other public or governmental authorities, at whatever level – national, regional or local'* (HCR, 2004: para 4). Upon ratifying international human rights treaties states commit to establish domestic mechanisms and laws that allow them to fulfil their human rights duties. In effect therefore, it is the *'domestic legal system'* that *'provides the principle legal protection of human rights guaranteed under international law'* (UN,

2019e). This again points to the importance of evaluating the local reality of the extent to which human rights (understood in this thesis via manifestations of risk to journalism) are respected.^{23 24}

As a note of explanation, the international legal framework within which the practice of journalism is formally protected can be described as consisting both of international human rights law and international humanitarian law.²⁵ International human rights law is however the domain of international law of particular interest to this thesis as it extensively develops the reasoning around and justification for the importance of protecting rights to expression and information and subsequently journalism. This clearly also supports the aim here to discern what a rights-based rationale for protecting journalism consists of and how it can be used to understand risk to journalism.

Returning to how freedom of expression is protected in international human rights law, UNGA (1946: para 1) declared during its first session that *'Freedom of information is a fundamental human right and is the touchstone of all the freedoms to which the United Nations is consecrated.'* As defined by Mendel *'[t]he term freedom of information as used here was meant in its broadest sense as the overall free flow of information and ideas in society, or freedom of expression'* (2010: 2) and reflects *'that freedom of expression is a right of the greatest importance'* (ibid., 1). The universal application of the right to freedom of opinion and expression, including *'freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers'* is anchored in the UDHR (Article 19). As pointed out by Garton Ash, the formulation *'regardless of frontiers'*, makes the duty of states to protect the right to free expression and opinion a transnational obligation (2016: 27). In reference to the transnational nature of these rights it can also be noted that the Human Rights Council (UNHRC) has affirmed their applicability to the Internet, emphasising *'that the same rights that people have offline must also be protected online'* (UNGA, 2012: para 1, 2).

With the adoption of the ICCPR in 1966, the principles of free expression and opinion outlined in the UDHR, were further elaborated²⁶ and also became legally enshrined as part of a formally binding treaty.²⁷ The HRC which oversees compliance with the ICCPR further

emphasises that *'Freedom of opinion and freedom of expression are indispensable conditions for the full development of the person. They are essential for any society. They constitute the foundation stone for every free and democratic society. The two freedoms are closely related, with freedom of expression providing the vehicle for the exchange and development of opinions'* (2011: para 4). The Committee further outlines that *'freedoms of opinion and expression form a basis for the full enjoyment of a wide range of other human rights. For instance, freedom of expression is integral to the enjoyment of the rights to freedom of assembly and association, and the exercise of the right to vote'* (ibid.).

While freedom of expression is essentially a negative right in the sense that it puts constraints on the state to limiting expression, the UN framework also puts in place positive obligations for state parties to ensure that *'persons are protected from any acts by private persons or entities that would impair the enjoyment of the freedoms of opinion and expression'* (ibid., para 7). Furthermore, the state may also be obliged to *'put in place positive measures to ensure that its own actions contribute to the free flow of information and ideas in society'* (Mendel, 2010: 5).²⁸

Regional human rights treaties further underwrite the right to freedom of expression²⁹ alongside statements by regional and national courts and bodies. For instance, according to the Inter-American Court of Human Rights: *'Freedom of expression is a cornerstone upon which the very existence of a democratic society rests. It is indispensable for the formation of public opinion'* (IACtHR, 1985: para 70). The European Court of Human Rights has further noted it is *'oblige[d] (...) to pay the utmost attention to the principles characterising a "democratic society". Freedom of expression constitutes one of the essential foundations of such a society, one of the basic conditions for its progress and for the development of every man. (...) it is applicable not only to "information" or "ideas" that are favourably received or regarded as inoffensive or as a matter of indifference, but also to those that offend, shock or disturb the State or any sector of the population. Such are the demands of that pluralism, tolerance and broadmindedness without which there is no "democratic society"'* (ECtHR, 1976: para 49). In respect to Article 9 to the African Convention, the African Commission on Human and Peoples' Rights has also indicated that *'[t]his Article reflects the fact that freedom of expression is a basic human right, vital to an individual's personal development,*

his political consciousness, and participation in the conduct of the public affairs of his country' (ACHPR, 1998: para 52).

While the societal importance free expression is elaborated upon in this way, and international standards uphold the right as the norm, freedom of expression is however not absolute, but subject to a number of restrictions. Such limitations however should be exceptional in nature, and justifiable in terms of international standards, which require any such constraints to be *'law-based, necessary and proportional, and for legitimate purpose'* (UNESCO, 2014: 15).³⁰ In relation to the discussion of permissible restrictions to freedom of expression it can also be mentioned that the protection of the right to hold opinions, irrespective of the nature of the opinion, by Article 19 (1) in the ICCPR is absolute. Their expression however might legitimately be restricted (for instance hate speech).³¹

Importantly, the right to free expression also applies to everyone without discrimination which means that it must be protected *'without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status'* (UNGA, 1976: Article 2). Furthermore, information and ideas of any kind may be communicated: *'Article 19, paragraph 2 [of the ICCPR], must be interpreted as encompassing every form of subjective ideas and opinions capable of transmission to others, which are compatible with article 20 of the Covenant, of news and information, of commercial expression and advertising, of works of art, etc.'* (HRC, 1989: para 11.3). Statements that are factually incorrect as well as offensive statements are also protected.³² The phrase *'through any other media of his choice'* in Article 19(2) of the ICCPR also signals that there is wide protection also when it comes to the means and ways in which communication is disseminated.

Furthermore, the right to free expression, including the right to impart information and ideas, does not only apply to the person expressing or disseminating them, but *'is extended to the rights to seek and receive information and ideas'* (Mendel, 2010: 4), that is to say the rights of the receiving person. This can also be referred to as the principle of *'the right to know'* (Stiglitz: 1999) which recognises that *'[i]mplicit in freedom of expression is the public's right to open access to information and to know what Governments are doing on their behalf'* (ECOSOC, 2000: 54) as well as *'to participate in decision-making processes'* (ibid., 62).

As elaborated in the Inter-American Court of Human Rights (IACtHR, 1985: B.1 Characteristics and Dimensions of Freedom of Expression): *'when an individual's freedom of expression is unlawfully restricted, it is not only the right of that individual that is being violated, but also the right of all others to "receive" information and ideas. (...) (It requires, on the one hand, that no one be arbitrarily limited or impeded in expressing his own thoughts. In that sense, it is a right that belongs to each individual). Its second aspect, on the other hand, implies a collective right to receive any information whatsoever and to have access to the thoughts expressed by others'* (OAS, 2019). Elaborating further on the social dimension of the right to freedom of expression as *'a means for the interchange of ideas and information among human beings and for mass communication'*, the Court further maintains that *'For the average citizen it is just as important to know the opinions of others or to have access to information generally as is the very right to impart his own opinions'* (ibid.).

The above outlines various ways in which international human rights law acknowledges freedom of expression as a fundamental human right. At its very core and in the same manner as any other human right, freedom of expression is a right belonging to the individual, granting each person the right to express opinions and share information while also having the right to receive opinions and information from others. Significant for the purpose of this thesis in this context is the functional value, or what is referred to as the social dimension of freedom of expression. What this functional value means is that freedom of expression essentially is a right that becomes meaningful to the extent that it can facilitate exchange between people and that allows members of society to stay informed about what goes on in the world around them. Whereas the status of freedom of expression as a human right granted each individual can be described as what provides the essential guarantee of protection, the significance and value of the right to free expression can thus effectively be linked to the wider societal function of public interchange. A non-exhaustive summary of some of the ways in which the human rights documents reviewed above envision this societal function then can be described as facilitating: the development of democratic society and participation in public and political life; the enjoyment of other fundamental rights; personal development and dignity; the exchange of a diversity and multiplicity of views and interests within societies; and ultimately, as a means to facilitate the self-organisation of citizens through associative and communicative life. What follows

from this is the need to explore the relationship between journalism and freedom of expression and will do so in the following section by examining how international human rights law can be said to understand risk to journalism through restrictions on the rights to press freedom and access to information.

1.1.2.2 Press freedom, the right to information and protection of journalism in international human rights law

The importance of journalism for effective freedom of expression as expressed in international human rights law can be understood through the notion of press freedom and the accompanying right to information. UNESCO refers to press freedom and the right to information as corollaries of the general right to freedom of expression and opinion.³³ Press freedom is understood here as *'the freedom to publish to a wider audience'* or *'the right to impart information on a mass scale'* (2015: 19). Therefore, *'[t]he status of press freedom designates the particular use of this right of expression on public media platforms, where its social visibility and significance means that press freedom serves as a barometer of the wider right to freedom of expression'* (UNESCO, 2018: 20). The right to information can essentially be described as the right to seek and receive information and this dimension of freedom of expression points to what has already been explained as the social dimension of free expression which essentially means that effective press freedom is not simply about the right to publicise, but also about the corresponding right to acquire knowledge and information (UNESCO, 2015: 19).

The HRC General comment No. 34 on Article 19 of the ICCPR further elaborates on the role of the media in relation to freedom of expression: *'A free, uncensored and unhindered press or other media is essential in any society to ensure freedom of opinion and expression and the enjoyment of other Covenant rights. It constitutes one of the cornerstones of a democratic society. The Covenant embraces a right whereby the media may receive information on the basis of which it can carry out its function'* (HRC, 2011: para 13).

General comment No. 34 further acknowledges that the unhindered dissemination of *'information and ideas about public and political issues between citizens, candidates and elected representatives is essential'* and that *'[t]his implies a free press and other media able to comment on public issues without censorship or restraint and to inform public opinion. The*

public also has a corresponding right to receive media output' (HRC, 2011: para 13).

As stated by the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression in 2010: *'The right to be informed and to receive information from various media (...) supports the construction of more democratic societies peopled by active citizens who hold informed opinions about the situation in their country and have the capacity and opportunity to propose and contribute to public policies and to demand transparency'* (UNHRC, 2010: 16).

General comment No. 25 on the right to participate in public affairs, voting rights and the equal access to public services, also expressly refers to the importance of a free press for citizens to be able to participate in public and political life (HRC, 1996: para 25). The ECtHR (1992: para 43) also acknowledges *'the preeminent role of the press in a State governed by the rule of law'* as well as the previously mentioned *'vital 'public watchdog' role'* (2009: para 38) it performs as an accountability mechanism working in the public interest. Due to this important social role, attacks on journalism are also described *'as attacks "on the foundations of the human rights project and on informed society as a whole'* (UNHRC, 2012: para 24). It is further recognised that *'[s]tate parties should recognize and respect that element of the right of freedom of expression that embraces the limited journalistic privilege not to disclose information sources'* (HRC, 2011: para 45). In this way, journalism is viewed as a vehicle for individual expression but also as facilitating public interchange and information sharing as a means to achieve collective objectives such as *'democratic governance and poverty reduction; conservation of the environment; gender equality and the empowerment of women; justice and a culture of human rights'* (UN, 2012: 1).

When highlighting some of the underlying reasons for protecting the rights to press freedom and access to information, as detailed above in the legal human rights provisions, these largely correspond to the functions emphasised as valuable to safeguard with regard to freedom of expression. For instance, press freedom and access to information are described in a similar way to freedom of expression as instrumental to democratic societies, the enjoyment of human rights more broadly as well as enabling public participation in political life and decision-making processes. This is perhaps not surprising considering the fact that the rights to press freedom and access to information are indeed viewed as corollary rights

of freedom of expression. However, of interest to this thesis is the distinct value and contribution of journalism and subsequent risk to that value and this will require further explanation. As will be made clear later on, it is this functional value of journalism - or its societal significance - that needs to be placed centre stage of a conceptual framework for understanding the true consequence of risk to journalism as civil diminishment. In a general sense, the review of the rights-based approach to safeguard journalism points to the relationship between individual and collective dimensions of the right to publicise and receive information. This is reflected by the fact that when press freedom is exercised through journalism, the messages publicised have the potential to reach and inform parts of society or society as a whole and consequently any restrictions on journalistic practice may have severe consequences not only for individual expression but also for the exchange between citizens and the sharing of information within societies more broadly. International human rights law thus establishes a conception of risk to journalism as interlinked with potentially detrimental consequences for communicative and associative public life. However journalism is also described as performing a watchdog role, that is effectively acting as an accountability mechanism that serves the public interest and also facilitates public oversight of political processes and decisions, and the extent to which the rule of law is upheld and potentially contributes to redress societal injustices and harmful practices. Whereas this legal rights-based reasoning elaborates to a certain extent on what could be described as the distinct value and function of journalism it is argued here that it does so in fairly broad terms without outlining the details of how risk to journalism should be understood beyond contributing in a general sense to democracy, the furthering of human rights as well as societal development. Before developing this argument in more depth however (see Section 1.3) it is necessary to explore how the legal protections concentrating on mitigating safety threats to individual journalist practitioners might contribute with further insights to this discussion.

1.1.2.3 The protection of the safety of the individual journalist in international human rights law

An environment where journalists are safe to report is increasingly recognised as an important underlying component for ensuring actual press freedom and the wider right to freedom of expression (UNESCO, 2014). Journalists can be described as performing a key

role as agents of free expression on behalf of others and as potential mediators of public interchange. In the same way as the right to freedom of expression has both an individual and collective dimension, attacks against journalists violate the journalists' individual rights on the one hand (Parmar, 2014), but they also jeopardize the right of society at large to be kept informed (UNESCO, 2014): *'Attacks on journalists and media workers therefore constitute attacks on the function of journalism itself in a democracy'* (Parmar, 2014: 20). The curtailing of journalistic expression is also likely to cause journalists to self-censor out of fear of reprisals and such developments may *'compromise editorial independence and remove ethical choice, as well as limiting the extent of pluralism possible within the media choices available to a society'* (UNESCO, 2014d: 19).³⁴ This disturbing effect *'is all the more piercing when the prevalence of attacks and intimidation is compounded by a culture of legal impunity for their perpetrators'* (McGonagle, 2013: 4).

As a crucial safeguard for the right to freedom of expression and press freedom in international human rights law, Article 19 of the ICCPR also outlines a range of 'core rights' explained in other treaty articles that form *'a strong legal basis for the protection of journalists and the fight against impunity for the perpetrators of crimes against journalists'* (McGonagle, 2013: 9). The right to life is one of these core rights. The universal principles of the right to life are outlined in Article 3 of the UDHR (UN, 1948) where it says that *'Everyone has the right to life, liberty and security of person'*.³⁵ Article 6 of the ICCPR further adds that the right *'shall be protected by law'* and that *'no one shall be arbitrarily deprived of life'* (UNGA, 1976). Regional instruments protecting the right to life such as the European Convention on Human Rights (ECHR, Article 2) recognises the right as *'[t]he first substantive right proclaimed by the Convention (...) because it is the most basic human right of all: if one could be arbitrarily deprived of one's right to life, all other rights would become illusory'* (COE, 2006: 6). Similarly, the right may not be denied even in *'time of war or other public emergency threatening the life of the nation'*, though *'deaths resulting from lawful acts of war'* are not considered to be violations of the right to life (COE, 1950: Article 15(2)).³⁶ In addition, the following human rights may also be applicable when journalists are attacked or threatened: the prohibition on the use of torture and cruel, inhuman or degrading treatment or punishment,³⁷ the right to liberty and security³⁸ the right to a fair hearing,³⁹ the right to freedom of thought, conscience and religion,⁴⁰ the right to privacy, family, home or

correspondence,⁴¹ the rights to freedom of assembly and association,⁴² the right to an effective remedy or judicial protection⁴³ and the right to property.^{44 45}

In this way, a rights-based approach to the safety of journalist practitioners provides a perspective on risk to journalism by acknowledging the respect for the fundamental rights of the individual journalist as a precondition for the free and independent practice of journalism. The appeal to what can be described to as the 'special status' of journalists made above is both the fact that they have rights simply by virtue of being human, and, at the same time, that any infringement of the rights of a journalist practitioner also has the added dimension of infringing on the free expression and right to know by members of the public more broadly. The extent to which the fundamental rights of journalists are respected is thus seen as having an influence on and can be described as an indicator of the extent to which these rights are universally recognised and practised. In short, the safe practice of journalism can be described as a form of 'rights protection' with regard to freedom of expression.

Concluding discussion: a rights-based understanding of risk to journalism as a multi-dimensional problem

When it comes to understanding risk to journalism it can be concluded that the legal rights-based approach provides a foundation for a multidimensional understanding of such problems of risk. The rationale for protecting journalism is anchored in the framework for safeguarding individual rights, and thus establishes that restrictions on journalistic practice and aggressions on journalist practitioners should be understood in terms of violations of fundamental rights. Such violations however are not only understood in terms of violations of the rights of those (journalists or not) exercising their right to publicise but also those being deprived of their right to receive published material or information. The protection of journalism, and the safety of the individual journalist are thus pursued for instrumental reasons based on the value journalistic production is considered to have for the preservation of justice, democratic development and liberty. In this way, a rights-based approach to risk can be said to acknowledge three dimensions of risk: risk to the individual journalist practitioner; risk to the practice and institution of journalism; as well as, risk to the societal role that journalism performs. This latter dimension can be understood in relation to what

will be developed here into the notion of civil diminishment as capturing the wider societal consequence for society when journalism is attacked.

Clearly, the rights-based framework of law offers a protective matrix within which journalism is practised, and while crucially important, this framework does not bring with it guarantees of journalism being practised unhindered, in safety and without risk. As will be illustrated when outlining the reality of problems of risk to journalism in the next section of the thesis, implementation and enforcement are constantly thwarted by the deliberate rejection of the standing of international law. The aim of the next section is therefore to examine how the reality of problems of risk to journalism is portrayed first in the grey literature (Section 1.2.1), and secondly in the academic literature (Section 1.2.2). This will be done to illustrate the complexity of problems of risk as well as the extent to which such complexity can currently be understood. While there exists a range of different types of risk to journalism, the safety of the individual journalist as a crucial dimension of the principle of press freedom will be used as an illustrative example first, of the complex nature of risk and secondly, to show that current knowledge gaps with regard to the three dimensions of risk to journalism as derived from the rights-based approach (journalistic practice, the journalist practitioner and societal role of journalism) only allow for a partial understanding of problems of risk to journalism.

1.2. Outlining the current understanding of the reality of the problem of risk to journalism as illustrated by threats to the safety of journalist practitioners

This section will now establish how the reality of problems of the safety of journalist practitioners is described first in the grey literature (Section 1.2.1) and secondly how it is analysed in relevant academic literature (Section 1.2.2). The purpose here is to use problems of safety to illustrate limitations with the ways in which risk to journalism more broadly is approached.

The key line of inquiry here is the extent to which there exists a comprehensive understanding of the complex reality of problems of safety and to identify existing knowledge gaps. This analysis links back to the previously established legal and rights-based

understanding of risk to journalism as a multidimensional problem and this section will analyse the degree to which the current understanding of safety problems allows for the systematic identification of manifestations, causes, and wider consequence of such risk. A comprehensive understanding of safety threats would thus include: the manifestations of safety threats in terms of their nature and characteristics and the interrelationships between different types of safety threats; the factors explaining why certain safety threats occur including contextual and societal circumstances (causes) producing certain types of threats; and, an understanding of how the consequence of such safety threats to the individual journalist practitioner, journalistic practice as well as to the societal function of journalism should be identified and interpreted.

As set out in the legal section above, a rights-based approach to understanding threats to and attacks on the safety of a journalist practitioner allows for the apparent framing of such risk in relation to the journalist as a rights-bearer and consequently through violations that target the fundamental rights of the journalist. This is also how problems of safety of journalists are commonly framed and measured in the grey literature: as instances of different types of violations of the rights of the individual journalist.⁴⁶ This way of framing risk as safety violations corresponds in a straightforward manner to understanding risk in a specific way as risk to journalist practitioners. Whereas the main concern of the grey literature can be said to map the problem of safety threats for the purpose of addressing it, the academic literature can be viewed as contributing with the more distinct perspective of trying to understand such manifestations in more depth. Both point to the way that we must adopt a multidimensional understanding of risk to journalism that goes beyond the mere analysis of safety threats.

Therefore the claim here is that the example of problems of safety can be used to illustrate first of all, the complexity of problems of risk to journalism not only in relation to the specific issue of safety violations of the individual journalist, but also in relation to risk to journalism more broadly and as understood in relation to the two other dimensions of risk: risk to the practice and the function of journalism. Violations of the safety of journalists will therefore be used to sketch an overall picture of real-world manifestations of risk to journalism and how they are reported. Secondly, the example of safety violations will also be used to show

that existing knowledge gaps mean that it is currently only possible to partially understand problems of risk to journalism. Using safety for journalists as an illustration of limitations to our current understanding of problems of risk to journalism more widely, will inform the development of a conceptual framework for understanding the full extent of risk to journalism through the notion of civil diminishment.

As a starting point it is important to acknowledge the interplay between global and local factors that shape the possibilities surrounding free and independent journalism in any given societal context. In short, risk properly understood is a complex phenomenon. Such global factors determine to some extent how free and independent journalism and journalists ultimately are. On the other hand, the state of press freedom is also closely interrelated with context-specific societal circumstances and developments. In fact, *'individual countries have very different media landscapes, each of which reflects a unique combination of markets, politics, cultures and technological preferences'* (Garton Ash, 2016: 182) which all determine the culture of tolerance and intolerance towards the practice of journalism.⁴⁷ At the same time it can also be argued that any media environment *'in any particular place and time'* is shaped by a set of universalising forces of influence including *'technology, culture, money and politics'* (ibid., 181). The global context shapes and conditions the ways in which journalism is produced, accessed and disseminated, as well as the extent of its freedom and independence. The global system for information and communication comprised of the Internet as the overarching architecture through which much information and news is accessed and disseminated, greatly influences the quality and quantity of the journalistic content that is available to the public, as well as the risks posed to free and independent journalism. As noted by Garton-Ash: *'it is no longer just a matter of a single national government telling you what you may or may not publish or broadcast in one country, or a single newspaper proprietor deciding what it will and will not print'* (ibid., 25). At the same time the *'potential to shape the architecture, market, law and norms (...) of (...) the internet'* lies with a small *'group of states and corporations'* (ibid., 31). Under these circumstances *'The internal, sometimes secret, operational practices of private superpowers may be more influential than the decisions of lawmakers and regulators'* at the same time as *'covert collaboration between governments and the internet service providers, publishers, and media and data companies'* also conditions the complex realm of cyberspace as actors

attempt to influence the rules and standards that govern the system of global communication (ibid.). Equally, such things as the infrastructure of the Internet influences what types and the quality of journalistic content that is available to the public, as well as the risks posed to journalism.

However, as pointed out by Waisbord, these global trends *'have not made local conditions irrelevant. The working environment of thousands of news organizations and reporters in distant corners of the globe continues to be determined by local economies and politics. The power of tribal chiefs and religious leaders, the interests of local business, the presence of illegal traffickers and militia groups, the authority of military and police officials, and the functioning of local courts continue to affect the decisions that newsrooms constantly make, the subjects they cover, and the risks they take. The ascendancy of global forces may seem as remote as the reach of central governments'* (2007: 125). Consequently then, understanding risk to journalism requires taking the full range of global, regional, national, sub-national and individual dimensions of influence into consideration.

This contextual complexity within which journalism is practised points to the necessity of holistically understand risk to journalism and it is with this in mind that the reality of problems of safety will therefore be reviewed for the purpose to identify what is currently precluding such comprehensive understanding.

1.2.1 Grey literature

In the context of restrictions and constraints on journalism, the principle of press freedom is commonly used as an umbrella concept covering several criteria that can be used to assess the ways in which and to what extent a specific environment can be described as enabling or hostile for journalism. What constitutes necessary components of an enabling environment for press freedom can be described as follows: *'effective press freedom needs to be underpinned by, and realized through, a media environment that is legally free, as well as providing for pluralism and independence. Press freedom, therefore, includes the freedom from illegitimate restriction, as well as the freedom to contribute to a plurality of media and the freedom to express oneself publicly without political or commercial interference.'*

(UNESCO, 2018: 21). While these criteria of media freedom, media pluralism and media independence are seen as central to effective press freedom *'safety for public expression'* is also acknowledged as a *'distinctive underlying component for press freedom'* (UNESCO, 2018c: 21) In fact, it is argued that there can effectively be *'no media freedom without safety, nor can there be independence or pluralism, when journalists work in fear'* (ibid., 24).

1.2.1.1 An overview of the problem of safety threats

Given this last comment, safety is now regarded as a feature of any journalistically enabling environment. Correspondingly the safety of journalists has increasingly become highlighted as a prerequisite for press freedom (UNESCO, 2018c: 24). While attacks on the safety of journalists are commonly used as part of overall assessments of the state of press freedom, the reporting and monitoring of safety threats as a separate category is increasingly also undertaken. According to the UN Plan of Action on the Safety of Journalists and the Issue of Impunity, recent years have shown *'disquieting evidence of the scale and number of attacks against the physical safety of journalists and media workers as well as of incidents affecting their ability to exercise freedom of expression'* (UN, 2012: 1). In fact, *'Speaking truth to power, investigating crime and corruption, holding governments to account and reporting from insecure contexts often carry risks of violent retaliation, harassment of arbitrary detention'* (UNESCO, 2018: 133).⁴⁸ Such retaliation has increased both in *'frequency and regularity'* (ibid.) in recent years with attacks ranging from *'killings, death-threats, disappearances, abductions, hostage takings, arbitrary arrests, prosecutions and imprisonments, torture and inhuman and degrading treatment, harassment, intimidation, deportation, and confiscation of and damage to equipment and property'* (OSCE, 2012: 1).⁴⁹

The changing nature of conflicts⁵⁰ has also created a climate where *'[k]illing journalists, and inciting supporters to do the same, has become just another weapon of war'* and *'equally alarming is that (...) attacks on the media which once seemed accidental (...) now feel much more deliberate'* (INSI, 2014: Chapter 1).⁵¹ Perpetrators of attacks span both state and non-state actors, such as government representatives and security forces as well as organised crime groups (RSF, 2018e), militia, terrorist and non-state political groups. Attacks are also carried out in a variety of societal contexts ranging from conflict and war zones, increasingly fragile states or vulnerable regions, countries undergoing political or economic shock, and in

relatively stable countries.⁵² The type and intensity of safety threats to journalists also depend on a range of factors such as gender, the type of news medium the journalist works for, the beat covered or if the journalist is local, foreign and/or freelance.⁵³ The majority of crimes against journalists and freedom of expression are committed with impunity, meaning that the violations have no legal consequences and that perpetrators go unpunished.⁵⁴ In the following sub-sections 1.2.1.2 through to 1.2.1.7 is an account of these different types of safety threats which serves to illustrate the scale, complexity and scope of safety violations.

1.2.1.2 Lethal violations against journalists

Reports on instances of lethal attacks against journalists, as the most serious form of censorship, show that the problem of killings has been pervasive since the early 1990s.⁵⁵ Whereas trends previously showed that the problem of killings was most severe in countries experiencing armed conflict the percentage of those killed in non-conflict zones is now higher (since 2016/2017) (UNESCO, 2018a: 13). Factors explaining this trend include *'the absence of new armed conflicts around the world and the decrease in the number of journalists reporting from long-running conflict areas'* (ibid.). Between 2012 and 2017 UNESCO reports that *'[a]midst continued conflict and upheaval, killings in the Arab region remain very high; however, since a peak in 2012, numbers have slowly begun to decline. The African region too saw a peak in journalists' deaths in 2012 but has since witnessed a significant decline. The Latin American and the Caribbean region has demonstrated a significant upward in the killings of journalists, largely connected to organised crime, drug trafficking and corruption'* (UNESCO, 2018c: 133). In 2017, the majority of fatal attacks occurred *'in the Asia and the Pacific region, representing 34% of the total, followed by Latin America and the Caribbean with 28% of killings (22 killings). In the Arab States region, UNESCO documented 18 killings, representing 22% of killings of journalists registered worldwide'* (UNESCO, 2018a: 2). During both 2016 and 2017 *'less than 10% of overall killings took place in Africa, Western Europe and North America, and Central and Eastern Europe, respectively'* (ibid., 8). The situation in Europe, which has traditionally been seen as a safe environment for journalists, has however deteriorated in the wake of two journalists' murders in Malta and Slovakia in 2017 and 2018 (RSF, 2018c).

Covering war zones have presented journalists with apparent dangers (UNESCO, 2014b: 84),

with volatile countries such as Iraq⁵⁶ and Syria⁵⁷ being among the most deadly. Afghanistan is another example of where covering war has proved dangerous.⁵⁸ At the same time, journalists are killed in countries such as the Philippines, a country that ranks high on the Committee to Protect Journalists' (CPJ) list of the world's most deadly, did not cover war, but predominantly politics or corruption.⁵⁹ Mexico is another example of a country with a high number of killings and where most of the killed journalists are reported as having been working on issues related to crime.⁶⁰ Studying all reported instances of journalist killings by the CPJ between 1992 and 2018 the four most commonly covered beats were politics (47%⁶¹), war (39%⁶²), human rights (21 %⁶³) and corruption (20%⁶⁴).⁶⁵

When looking at the societal contexts in which the killing of journalists occurs these can thus be described as diverse with certain countries displaying a fairly consistent number of killings from year to year (for instance Mexico), while spikes of journalist killings also coincide with eruption of conflict and war. The occurrence of violent events such as terror attacks is also described as being linked to instances of killings of journalists.⁶⁶

Research carried out by UNESCO shows that another enduring trend '*has been that local journalists covering local stories constitute by far the greatest number of victims*' (UNESCO, 2018b: 7) of fatal violence. While lethal violence directed at international reporters tends to gain more media attention figures show that '*less than one in 10 of the journalists killed was an international reporter*' (ibid.).⁶⁷ Together with local journalists, freelancers are among the most vulnerable to threats and attacks (ibid.).⁶⁸

Looking at the statistics of killings by medium, UNESCO reports that most of the journalists killed were working for traditional media outlets including TV, print and radio.⁶⁹ The statistical trends for recent years however show that journalists working for Internet based media are increasingly fatally targeted.⁷⁰

While the majority of journalists killed are male, UNESCO has recorded an increase in the number of women journalists killed between 2006 and 2017 and points out that women journalists are often targeted because of their gender and confront specific and increasing gender-based risks (UNESCO, 2014d: 3).⁷¹ UNESCO recorded the highest number of female

journalists killed in 2017 (11 women journalists) (UNESCO, 2018b: 5) and in 2018 the figure had decreased to four (UNESCO, 2019b).⁷²

1.2.1.3 Impunity for lethal violations

Alongside the consistently high numbers of journalist killings in the past decades, figures reveal a similar trend regarding the rate of impunity for fatal attacks on journalists. The CPJ (2018b) reports that during the past decade there has been complete impunity in 85 percent of the recorded cases of killings, meaning that no perpetrators have been held to account as a result of those killings. The organisation's Impunity Index (2018: Methodology) which analyses journalist murders that took place between September 1, 2008 and August 31, 2018 and ranks the countries with the worst impunity records shows that conditions of *'instability caused by conflict and violence by armed groups has fueled impunity, as well as countries where journalists covering corruption, crime, politics, business, and human rights have been targeted and the suspects have the means and influence to circumvent justice through political influence, wealth or intimidation'*.⁷³ The 14 countries ranked include Somalia, Syria, Iraq, South Sudan, the Philippines, Afghanistan, Mexico, Colombia, Pakistan, Brazil, Russia, Bangladesh, Nigeria and India, which have all featured on the CPJ Impunity Index several times since it was first compiled in 2008. Half of these countries have appeared on the list every year, indicating a pervasive trend of impunity.⁷⁴

1.2.1.4 The detention and imprisonment of journalists

Statistics on incidents of detention and imprisonment of journalists gathered by the CPJ shows that a total of 3215 journalists are reported as having been imprisoned due to their work between 2000 and 2018.⁷⁵ The problem of imprisonment is also shown to have intensified since 2000 when 81 journalists were imprisoned as compared to 251 imprisoned journalists in 2018. In 2017, the CPJ (2017) reported that *'nearly three-quarters of journalists are jailed on anti-state charges, many under broad and vague terror laws, while the number imprisoned on a charge of "false news," (...) rose'*. Over half of those journalists jailed for their work in 2017 were reported in Turkey, China and Egypt.⁷⁶ With 250 journalists reported as jailed the following year, the CPJ observed that the continuing trend of imprisonment *'is more than a temporary spike'* (ibid.). Among the journalists imprisoned in 2018 the CPJ reports that 70 % of the journalists were detained on anti-state charges, 11% on false news

charges, 13 % on retaliatory charges and 18% were detained without charge. Politics is reported as the riskiest topic to cover while human rights is the second most dangerous. Ninety-eight percent of those jailed in 2018 were local journalists imprisoned by their own governments. Freelancers accounted for 30% of those imprisoned which correspond with CPJ statistics from previous years. Trends also show that the percentage of imprisoned women journalists has risen from 8% in 2017 to 13 % in 2018.^{77 78}

1.2.1.5 Other types of physical violations of the safety of journalists

Other types of physical attack on the safe practice of journalism include cases of kidnapped and disappeared journalists as well as hostage taking situations. In 2018, Reporters Without Borders (RSF) reported that a total of 60 journalists were being held hostage, which represents an 11% increase from 2017 when 54 journalists were held captive. The majority of these journalists are held in countries in the Middle East where *'[t]aking journalists hostage continues to be a tool of war'* for armed groups that *'abduct journalists both for ransom and for the purpose of intimidating their colleagues'* (RSF, 2018b: 20). Subjecting journalists to torture, false executions and even public executions *'with video footage subsequently being broadcast online for propaganda purposes'* (UNESCO, 2018c: 148-149) continues to be practised by insurgent groups.⁷⁹ Most of these journalists are *'national journalists or underpaid reporters working in extremely risky conditions'* that *'are often the only remaining witnesses of the deadly conflicts in war zones that are now virtually inaccessible for the international media'* (RSF, 2018f: 18). As a consequence of implied and implemented threats and attack many local journalists are also forced into exile each year (CPJ, 2015b; 2015d, and Edroos, 2018).⁸⁰

With regard to the gender dimensions of safety problems, women journalists are reported to *'face risks of physical assault, sexual harassment, sexual assault, (and) rape (...) not only from those attempting to silence their coverage, but also from sources, colleagues, and others'* (UNESCO, 2018c: 153). Research by Barton and Storm further shows that women are particularly vulnerable to sexual harassment in newsrooms.⁸¹ In fact, a *'majority of threats, intimidation and abuse directed toward respondents occurred in the work place'* (2014: 5). Another reported type of threat directed to women journalists is attempts to damage their reputation or honour (ibid., 7). A follow-up survey study from 2018 (Ferrier, 2018) shows

that *'nearly two-thirds of female journalist respondents have been harassed, with more than half experiencing attacks within the past year'* (IWMF, 2018 cited in Ferrier, 2018).⁸²

1.2.1.6 Online safety threats against journalists

While the extensive digitization of journalism has presented the media industry with new opportunities and powerful tools to produce journalism *'cyberspace is [also] becoming a dangerously weaponized and insecure environment where independent media can be trapped, harassed and exploited as much as they can be empowered'* (Betz et al., 2015: 20 quoting Deibert, 2013: 165).⁸³ In fact, *'illegal or arbitrary digital surveillance, location tracking, (...) software and hardware exploits (...) phishing, fake domain attacks, Man-in-the-Middle (MitM) attacks, and Denial of Service (DoS)'* (Betz et al., 2015: 8)⁸⁴ are used *'by large and well-resourced adversaries'* to purposefully target journalists often for the purpose of *'seeking to further socio-political goals'* (ibid., 20). Consequently, *'journalists need protection from threats such as website defacement, compromised user accounts, confiscation or theft of their digital resources, and online intimidation, disinformation, and smear campaigns'* (ibid., 8). The interconnectedness between the on-line and off-line worlds is also pointed out as digital threats are reportedly turning into physical and sometimes fatal attacks of media professionals. Consequences of online attacks can for instance lead to: personal information, data and sources of a journalist being compromised; the prevention of the dissemination of information; forms of direct censorship; financial loss for media outlets operating online; the discrediting of journalists; the intimidation of sources and journalists which may result in self-censorship (ibid., 29); and, the detention, arrest prosecution and imprisonment of journalists (ibid., 30).⁸⁵

Arbitrary surveillance *'to track and spy on journalists and their sources'* (UNESCO, 2018c: 151) is reported in both democratic and non-democratic societies⁸⁶ where such violations of the right to privacy have become an effective way of intimidating journalists and threatening the integrity and confidentiality of journalistic sources. Reportedly such intimidation may result in journalists becoming reluctant to report on sensitive topics.⁸⁷ It is also shown that journalists who experience physical forms of attack are *'particularly vulnerable to digital threats'* (ibid., 152).

Other forms of digital attacks include the hacking of social media accounts and having private information revealed to the public through the practice of doxing which serves the purpose of *'obtaining and publishing private and identifiable information about individuals, usually with malicious intent'* (ibid., 152). Journalists also report having experienced *'digitally-mediated threats of death, bombing, violence against themselves and family members, rape, abuse and insult'* (ibid.).⁸⁸

Documenting instances of online mass harassment and orchestrated attacks in 32 countries RSF (2018d) finds that *'[o]nline harassment (...) now constitutes one of the gravest threats to press freedom'* as *'information wars are not just waged between countries at the international level'* but also through the deployment of *'troll armies to hunt down and harass all those who investigate and report the facts honestly'*. Hate campaigns are found to be coordinated⁸⁹ by *'authoritarian or oppressive regimes'* in such countries as China, India, Turkey, Vietnam, Iran and Algeria' but *'aggressive cyberharassment campaigns are also waged by communities of individuals or political groups in supposedly democratic countries such as Mexico, and even in countries that are ranked at the top of the World Press Freedom Index such as Sweden and Finland'* (ibid.).

Whereas online threats affect the journalistic community as a whole, research into the gender dimensions of digital threats such as on-line harassment and hate speech shows that women journalists face specific challenges:⁹⁰ *'gendered vitriol is proliferating in the cybersphere; so much so that issuing graphic rape and death threats has become a standard discursive move online, particularly when Internet users wish to register their disagreement with and/or disapproval of women'* (Jane, 2014: 558). While the phenomenon of hateful comments or threats targeting journalists is noted as not being a new phenomenon, the fact that it has migrated to the online world, *'reflects, and may amplify, the realities and hierarchies that exist offline'* (Betz et al., 2015: 43). Survey research by Ferrier (2018: 7) shows that *'[n]early 2 out of 3 respondents said they'd been threatened or harassed online at least once - slightly more than reported physical threats or harassment. Of those, approximately 40 percent said they avoided reporting certain stories as a result of online harassment'*. On-line abuse of women journalists is *'particularly relevant for women who*

report on topics that have been traditionally covered by men, such as sports, gaming, crime and politics’ (UNESCO, 2018: 157).⁹¹

1.2.1.7 Psychological dimensions of safety threats

Further to the forms of direct censorship and intimidation of journalists discussed above it is reported that the fear of being subjected to future harassment and attacks may cause journalists to change their behaviours.⁹² Journalists are for instance reported to have *‘abandoned their pursuit of specific stories or having difficulties with their sources as a result of the threats and abuse’* (Ferrier, 2018: 7). The same research also shows that almost one out of three *‘female respondents consider leaving the profession (...) and those early in their careers are twice as likely to consider alternate employment’* (IWMF, 2018) as a consequence of intimidation and attack. Physical and online attacks are also found to cause *‘emotional stress and long-term psychological trauma’* that may lead journalists to *‘change their daily routines, job location, their home or even leave their countries in order to protect themselves’* (Ferrier, 2018: 35). The fact that the problem of attacks is often not effectively managed nor judicially redressed facilitates the creation of *‘[a] culture of impunity [that] works to embolden would-be perpetrators of violence against journalists given the knowledge that their crimes will go unpunished, while also working to silence journalists by encouraging self-censorship within the media itself and deterring the investigation of sensitive topics, ultimately perpetuating more violence in what becomes a ‘vicious cycle’* (UNESCO, 2018d: 142).⁹³

Concluding discussion: current challenges with understanding the complexity of problems of risk to journalism

The above account of the complexity, scope and brutal reality of problems of violations of the safety of journalists depicts an increasingly serious situation within which journalists are targeted and their safety is compromised through various forms of abuse and attacks. Attacks which range from subtle and hidden forms (with consequences such as self-censorship) to the most ultimate type of censorship in the form of representations of extreme violence such as the killing of journalists. When conditions necessary for the safe undertaking of journalism are compromised this is ultimately and acutely felt by the

individual journalist who might be targeted directly and personally, or indirectly for instance through attacks and threats directed at colleagues, sources or family members.

To a certain degree, the understanding of safety as an underlying and essential premise for journalism to be undertaken effectively (or at all) is a commonsensical proposition since circumstances of insecurity through various forms of attack and undue restriction ultimately will prevent journalists from doing their job. From this perspective it seems only reasonable to suggest that in societal contexts where journalists are facing threats to and attacks on their safety, be it through implied (such as forms of online harassment) or implemented (such as forms of physical abuse) forms of aggressions, journalism is confronted with serious impediments. The most serious attacks then, such as the silencing of journalists through lethal forms of violence, can be assumed to send a very clear warning that the practice of journalism and the function of informing the public are severely at risk within any particular societal setting. In this way, the basic requirement of safety for journalism and its practitioners has become integral to worldwide efforts to promote press freedom and foster resilient and independent media. Raising the alarm and reporting when journalists are attacked are crucial to this agenda to safeguard journalism and to understand what types of dangers journalists are facing. Indeed, *'The effectiveness of any measures taken to address the problems of journalism safety ultimately depends on our ability to understand the complex nature and dynamics of risk to journalists'* (Torsner, 2017: 129).

With regard to issues of threats to the safety of journalist practitioners, the rights-based framework facilitates the framing of risk in terms of the individual journalist as a rights-bearer and consequently through violations that target their fundamental rights. This is also how problems of the safety of journalists are commonly framed and measured: as instances of different forms of violations of the fundamental rights of the individual journalist.⁹⁴ If however the aim is to try to understand problems of safety in an in-depth and comprehensive manner, a key concern becomes not only to account for the nature of the attacks and violations against journalists – to record their manifestation (although this in itself is crucial and a difficult undertaking), but also to understand the circumstances producing such safety threats. Or in other words, to understand what constitutes the specificities of an environment hostile to the safety of journalists, and how particular

societal circumstances produce certain types of attacks on journalists. And related to this, what constitutes an environment that enables the safe practice of journalism. This is not as straightforward as might be assumed due to the fact that, as shown in the previous section, threats to and attacks on the safety of journalists occur in a wide range of societal contexts, in conflict affected countries, oppressive and repressive regimes, but also in developing and mature democracies. Determining what is to be considered an enabling environment thus necessarily goes beyond categorical understandings of societal contexts where indicators such as the state of democratic development and levels of conflict can provide explanations as to why journalists are attacked. While the above account of problems of safety does provide a narrative that catalogues and describes the complex nature of safety threats, the argument here is that tools to make sense of and understand this complexity are currently not available.

In addition to mapping and providing a record of occurrences of safety violations, a model is needed that can contextualise such instances in relation to their causes but facilitate an understanding of the consequence of such violations to society more broadly. On the one hand it is thus imperative to understand how various societal circumstances produce risk to journalism, but on the other hand it is key also to identify what it is that society actually risks losing when the rights of journalists are violated and when journalistic functions are restricted. Essentially, how can risk be assessed in terms of the consequences of the loss of the societal function of journalism?

The above review of grey literature shows how violations of the safety of journalists are understood predominantly in terms of occurrences of violations against the individual journalist.⁹⁵ It is argued here that this approach is too narrow when it comes to capturing risk to journalism as a multidimensional problem. Therefore, the approach developed in this thesis argues that there are three dimensions of risk that needs to be taken into consideration and understood as interrelated.

The approach developed in this thesis consequently argues that risk needs to be understood in terms of risk to the individual practitioner, the practice and institution of journalism and the societal role journalism performs. According to such an understanding of risk to

journalism, the approaches currently applied to problems of safety can be said to predominantly address a specific dimension of risk, namely manifestations of risk to the individual practitioner, largely detached from the other dimensions as well as factors that might explain why safety threats occur and the significance of such safety threats in terms of understanding their wider impact on society. Ultimately, it is not the case that violations against journalists judged just in terms of their manifestation explain much about the causes of such violations nor allows us to understand the consequences of these acts. To do this requires also the systematic tracing of causes of such violations as well as a means to understand the consequence of such risk. The manifestations of safety violations should thus not be treated simply as a discrete and isolated category of risk. Instead, safety violations should be contextualised and examined in relation to a more encompassing and integrated notion of risk that allows for the systematic identification of risk factors in terms of their causes and consequences. This supports the argument that there is a need for a holistic approach to understand and analyse the multidimensional problem of risk to journalism and the subsequent chapters will work towards establishing such a framework.

The nature of violations of the safety of individual journalists, understood in terms of the occurrences of different types of rights violations, can be described as being the main focus of much of the grey literature reviewed. Recording information on such violations will undoubtedly provide general tendencies for instance with regard to how figures on killings or imprisonments of journalist fluctuate over time and also enable the identification of which countries are the worst perpetrators of such crimes. However, when it comes to understanding the reasons for why the reported instances of violations increase or decrease from year to year it is currently only possible to identify generic explanatory factors such as increasing levels of conflict and unrest, societal polarisation and hostile discursive environments, the rise of illiberal democracy and so on.

It can also be noted that the way the manifestation of a violation is currently understood and recorded conflates what needs to be considered distinct, yet interrelated dimensions of risk. This is illustrated by the fact that the consequences of a safety violation – such as a killing – is recorded as being inflicted upon the individual journalist but not in terms of the wider effects of such attacks on possibilities to practice journalism, nor, and as pointed out

above, in terms of wider the societal impact of such violations. In this way the dimension of manifestations can thus be described as being conflated with the consequences of risk.

Understanding a rights violation, beyond its mere manifestation would entail uncovering why it occurred and what caused it to occur. Is an instance of an imprisonment of a journalist for example part of a wider attack on freedom of expression within a country or is a government using aggressive laws as a means to jail journalists who report critically on government policies or uncover corruption within political elites? If so, what is the nature of those laws and how are they used as a tool to censor and target journalists? How can we further understand the circumstance of a killing of a journalist? Can it be linked to government or business interests trying to prevent journalists from reporting on a specific topic?⁹⁶ The point here is essentially that recording that something happens is ultimately not the same as trying to understand why it happened. Instead the violation itself needs to be understood in relation to what caused it to occur. Impunity is another example of a violation that is treated as a form of safety threat in the grey literature with statistics being recorded by counting the number of instances of cases of judicially resolved versus unresolved killings (with some additional data disaggregation).⁹⁷ While these statistics are crucially important, since it would not be possible to know whether the problem of impunity exists in a particular setting nor if it is getting worse or is improving without them, there is a fundamental need to also understand why impunity occurs and *'consider how to identify the societal circumstances, beyond generalized statements concerning deficiencies in the rule of law and judicial independence etc. that allow impunity to flourish'* (Torsner, 2017: 134). Understanding impunity thus goes beyond recording yearly figures on how many cases of killings are judicially unresolved and extends to understanding how the societal institution of law functions and the chilling effect that the lack of judicial accountability may have on journalistic expression as perpetrators of attacks on journalists go free. Such effects may for instance lead to consequences such as self-censorship and whereas this is currently acknowledged as problematic (Clark & Grech, 2017; Harrison & Pukallus, 2018), the link between impunity and self-censorship is not extensively understood nor systematically mapped.

According to the rights-based perspective undue restrictions of the fundamental rights of the journalist not only signal a breach of the rights of an individual. Indeed, consequences in terms of infringing the rights of members of society more widely as they are deprived of journalistic outputs are also recognised. Attacks on the safety of journalists or other forms of restrictions of the capacity of the individual journalist to practise journalism can thus be understood as circumscribing the rights to expression and to information in a much wider sense. The violation of the rights of a journalist can for instance be said to signify the extent to which human rights are universally recognised and practised. Practising journalism then, and the capacity of the individual journalist to practise journalism becomes a form of guarantee or protection of the fundamental rights of members of society more widely. An additional journalistic function, as mentioned in the review above of international human rights law, also showcases the relationship between the individual and collective dimensions of the right to publicise and receive information with regard to the ability of journalists to provide the public with information necessary to undertake collective associative life. Another prominent example is the role that practising journalists serve as watchdogs to ensure that the public interest is protected by political decision makers and by other power holders. In democratic countries, journalists and journalistic practice, and ultimately, the societal function of journalism all play an integral role to ensure accountable governance. If the individual journalist then, in his or her professional capacity of practising journalism, can be considered an indispensable vehicle for journalism, it also becomes important to understand how risk can be understood in terms of restrictions not only on the individual journalist but also to the practice and functions of journalism. Such risk then can be understood for instance in terms of the ways in which journalistic practice and the institution of journalism are endangered. An example of such a scenario could for instance be attempts to personally discredit a journalist or journalists by claiming they spread disinformation or 'fake news'. This could pose risk to and have consequences for journalistic practice more broadly if such personal attacks lead to the delegitimisation of the profession. If the public withdraws its trust in journalism, it can breach the social contract between citizens and journalism which ultimately depends on citizens bestowing their trust in journalism to produce truthful and honest reporting. In this way, the scope of and risk to the agency of the individual journalist signal that consequences for the individual journalist,

journalistic practice and for the wider significance of the function of journalism more broadly are interrelated.

As shown through the review of international human rights law, the societal significance of journalism is indeed seen as integral to the rationale for protecting journalism in terms of jeopardising communicative and associative public and political life.

However, from the perspective of seeking to achieve a comprehensive understanding of the societal consequence of risk to journalism, current articulations of risk to journalism tend to merely reflect implicit assumption of outcomes of risk as endangering the democratic maintenance and sustainability of societies and the furthering of universal human rights. Indeed, the societal consequence of risk to journalism is not approached in a way that allows for a disaggregated and systematic understanding of what it means and entails. As will be shown as this thesis progresses, it is necessary to bring the wider societal consequence of risk to journalism to the forefront of developing a conceptual rationale for understanding journalistic risk as producing occurrences of civil diminishment. For the purpose of comprehensively understanding the causes and manifestation of risk to journalism then, these need to be framed by an understanding of civil diminishment as a consequence of risk.

1.2.2 Academic literature

Whereas the review of grey literature showed that it was largely focused on recording manifestations of safety threats to journalists, including their nature and expression, the academic literature reviewed below attempts to explore the extent to which it is possible to contextualise such manifestations in relation to their causes and consequences, and thus the extent to which it is also possible to provide explanations as to reasons and the circumstances under which safety threats occur.

While the subject of safety threats against journalists, as a distinct research area, has not attracted extensive scholarly attention in the past, academic research is increasingly engaging with this topic.⁹⁸ As pointed out in the UNESCO research agenda on the safety of journalists launched in 2015, the fields of journalism and freedom of expression have been

explored extensively by academia over the years while the safety of journalists *'has rarely been discussed as a specific research question'* (UNESCO, 2015d: 1). As the issue of safety in journalism has gained significant momentum on the international arena of late, not least after the adoption of the UN Plan of Action in 2012 and Sustainable Development Goal 16.10.1 which proposes to use violations against journalists as indicators of wider development trends within societies, scholars are also increasingly turning to this area of study.

More specifically, existing academic research on problems of safety threats against journalists can be described as focusing on selected aspects of problems of safety. These include for instance, strategies adopted by journalists to protect themselves and cope with the effects of threat and attack;⁹⁹ the evaluation of legal frameworks of protection;¹⁰⁰ the examination of violations against journalists within specific country contexts; the mapping of risk factors within specific types of hostile environments such as conflict situations; as well as the exploration of a specific type of violation, such as instances of lethal violence,¹⁰¹ but also forms of gendered violence and on-line abuse and violations.¹⁰² It can however be noted that for the purpose of examining problems of safety threats beyond the mere manifestation of such threats (such as the occurrence of various types of violations) there is currently not an extensive body of academic research that systematically explores causes and how to understand the consequence of safety threats. This in itself can be identified as a research gap that this thesis aims to contribute towards addressing. For this purpose, it can also be pointed out that this section explicitly focuses on academic literature that seeks to contribute a broader understanding of the nature and significance of safety threats to journalists.

1.2.2.1 Uncovering the causes of violations of the safety of journalist practitioners

The complexity of the task of trying to understand the societal circumstances that allow safety violations to occur can be illustrated by the fact that such violations take place in a diverse set of societal contexts including conflict situations as well as the entire spectrum of regime types and societal classifications ranging from failed and fragile states to democratic societies. For instance, Asal *et al.* find that *'the killing of journalists is not restricted to a small subset of countries'* but occurs in both *'combat and noncombat situations'* where *'mortality*

among local journalists far outnumbers mortality of foreign correspondents, and many more journalists have been specifically targeted for killing than have been accidental casualties of crossfire’ (2016: 25). However, despite the fact that ‘Journalists are the key conduit for information and attention and clearly have an important impact on the political environment (...) there have been few systematic studies of under what conditions these crucial functions puts journalists at risk’ and ‘[e]ven fewer ask what factors beyond conflict, political violence, and poor governance put journalists at risk’ (ibid.). Waisbord makes a similar point and states that ‘Although it is prevalent, antipress violence remains an understudied and undertheorized problem. We lack answers to several questions: What conditions foster antipress violence? Should it be understood as an expression of general difficulties for the expression of ideas? Is it related to political violence at large? What solutions can be instrumented?’ (2002: 90).

a) The safety of journalists and contexts of conflict

Societies with high levels of societal violence, including countries experiencing widespread conflict and war have been given much attention in the literature on safety violation against journalists. These contexts are intuitively understood to be inherently dangerous for journalists as they *‘suffer the effects of various forms of armed violence’* when *‘reporting o[n] armed conflict or other forms of political violence. Journalists may be “caught in the crossfire” or be specifically targeted’* through *‘violent tactics, including arrest and physical violence, to prevent journalists from communicating information about armed violence and its effects. Journalists may also suffer punishment for having communicated certain information which may be the only information coming out of a certain context’* (Taback & Coupland, 2006: 194).

In the literature on risk to journalists in contexts of conflict, much attention is given to issues such as: how journalists operate in war zones;¹⁰³ the relationship between military forces and journalists;¹⁰⁴ the merits and limitations of systems of embedded war correspondents; the risks faced by different types of journalists;¹⁰⁵ and, strengths and limitations of legal protection frameworks.¹⁰⁶

While there are few systematic studies detailing the causes of risk to journalists in conflict situations, Taback and Coupland set out to build a ‘security profile’ that can assess the

'effects of armed violence on journalists in areas of armed conflict or political violence' (2006: 196). Their study examines instances of lethal violence as well as injuries, threats, kidnapping or detention. The authors conclude that lethality, measured *'as the proportion of people injured who are killed is the effect best measured'* (ibid., 200) and find that *'[s]pecifically, high level of intent, use of firearms, actors in small groups and elevated vulnerability are all significant risk factors for increased lethality of attacks. Likewise, use of explosive weapons is associated with low lethality'* (ibid.). Civilians or organised crime groups are identified as the actors most likely to cause the death of or injure journalists whereas the detention of journalists is most often carried out by the police. Furthermore, *'[w]hether or not events are related to conflict, the risks for journalists of being killed or wounded do not differ. However, those events so related carry less risk of a journalist being detained and a higher risk of kidnapping which tends to take place in areas that are not populated'* (ibid.). The authors conclude that with the exception of *'the Middle East/North Africa region since September 2001, the main risks to journalists in relation to conflict do not come from military actors. Military actors in the Middle East/North Africa and organized armed groups in Latin America/Caribbean are more likely to execute a threat as compared with other actors elsewhere. The lethality of attack by military actors in the Middle East/North Africa region did not stand out from all other regions before 30 September 2001, but did afterward'* (ibid., 201). Taback and Coupland also find that the number of threats in relation to lethal attacks varies by region and actor and that about *'half of the deaths due to civilian actors and half of the events in which journalists were detained by police are unrelated to conflict. This means there is a background set of risks for journalists through being involved in, or suspected of, ordinary crimes; the risks related to conflict are then superimposed'* (ibid., 203).¹⁰⁷

The shifting levels of risk to journalists in conflict situations are commonly understood to be related to the changing nature of conflicts, and the rise of the new or asymmetric wars (Kaldor, 2012) of the 21st century (Tait, 2007: 437). The implications of the rise of irregular insurgent methods of warfare, in combination with what is described as the *'loss of neutrality'* as a protection of independent journalism is commonly seen as *'a major factor driving violence against newsgatherers'* (Cottle et al., 2016: 20).¹⁰⁸ As noted by Sambrook: *'The attitude of 'you're either with us or against us' denies the legitimacy of independent journalism. It allows a culture of impunity to develop and, at worst, a conflation of legitimate*

journalism with terrorism or enemy action' (ibid.). The journalist as a neutral observer telling both sides of a story is no longer of use since '*National armies, armed groups [and] terrorists all have their own social media channels by which they can communicate directly to the public or their supporters*', argues Sambrook (ibid., 33).¹⁰⁹ The drastically escalating security threats that media workers faced during the Iraq war when they were '*squeezed between militants who targeted them and the U.S. forces who either viewed them with extreme suspicion or failed to implement policies to mitigate risk*' is described as symptomatic of this development (Simon, 2015: 64-65). Being kidnapped by militant groups and held for ransom or as a means to exercise political influence is another risk that is noted to have become more widespread during the Iraq war (ibid., 66-76) and also more recently in Syria (Simon, 2015: 81; Picard & Storm, 2016).

b) The safety of journalists and contexts of societal fragility

While a significant part of the body of academic research is dedicated to the risky practice of reporting war in this way, contexts other than societies experiencing widespread conflict are also covered, yet to a lesser extent, in the academic literature.

For instance, Waisbord points out that there is a need to examine violations against journalists in societies with weak democratic institutions and contexts of fragility (2002, 2006). The underlying reason for the fact that this is an understudied research area is that '*the literature on press and democracy has been largely produced in the West and has largely reflected the absence of antipress violence in Western nations. With the exception of war reporters (mostly working in the Third World) (...) the Western press has been virtually exempt from attacks*' (Waisbord, 2002: 90).

Attempting to address the '*deep-seated conditions that breed violence against the press*' in post-authoritarian or developing countries in Latin America, Waisbord argues '*that the breakdown of the state accounts for why the press, particularly investigative reporters and publications, is the target of violence*' (2002: 92). Noting that liberal theorists generally argue that '*the problems for the press are fundamentally legal in nature, rooted in governments that cannot tolerate dissent and manipulate laws to prevent press criticism*' while '*progressive and radical analysts*' consider '*a complex network of business interests and*

oligopolies (...) the most formidable adversaries for the press to serve democratic ideals', Waisbord maintains that *'[n]either model (...) addresses the question of antipress violence in situations of state disintegration'* (ibid.). Instead both of them assume the existence of an effective and strong state as *'the invisible backbone that the press requires to function in a democracy'* (ibid., 105-106). However, under conditions when *'states are weak, as in situations of civil and uncivil wars, freedom of expression suffers. The absence of the state results in a Hobbesian scenario in which the press is certainly not the only, but is one of the most visible, victims'* (ibid.). Specifically, violence against the media *'reflects the impossibility of the state's fulfilling its mission to monopolize the legitimate use of violence and the lack of accountability of those responsible for attacks'* (ibid., 92).¹¹⁰

Pointing out that the fate of the press and the democratic state are closely intertwined, Waisbord states that the safe practice of journalism *'is not viable as long as states are unable to perform key functions'* (2002: 115) such as guaranteeing domestic peace and security, and points to the fact that journalism depends on the existence of a state that functions as a *'[mechanism] to institutionalize the rule of law, observe legislation to promote access to information, facilitate viable and diversified economies to support mixed media systems, ensure functional and independent tribunals that support "the public's right to know," control corruption inside and outside newsrooms, and stop violence against reporters, sources, and citizens'* (ibid., 125). However, because liberal and participatory models of the press commonly consider the state *'a given, functional entity in the West'*, Waisbord argues that *'it is not properly discussed in the context of debates about journalism elsewhere where states are more likely to fail on several aspects'* (ibid., 116). In fact, Waisbord further points out that from the perspective of Western theory of the press, the state is often considered a predatory actor that *'often evokes official censorship, political persecution, violence, media legislation in favor of powerful interests, and captured courts'* (2007: 127). And while recognising that this is certainly the case, the state must also be approached as a potential facilitator of a safe environment for journalists. Accordingly, Waisbord (2007) argues that the relationship between state weakness and violence against journalists is a previously overlooked research area. He identifies two particular aspects of this area in which greater understanding is required. The first aspect concerns the specific attributes of fragile state contexts in which journalists are under attack. That is the ways in

which societal circumstances of fragility where dysfunctional state institutions resting on a legacy of violent politics and a constrained public sphere give rise to violent practices against the media. Secondly, Waisbord (2007) points to the need to understand weaknesses in law enforcement and the rule of law in general, and as a consequence of state fragility. This would be of relevance to an appreciation of how the standing of the law may have implications for instance on impunity when it comes to crimes against journalists. Waisbord (2007) concludes that the relationship between state weakness and violence against journalists requires study to enable the identification of which particular and recurring aspects of the fragility of states and its institutions actually give rise to violence against journalists.

Studying country-level risk factors associated with the occurrence of murders of journalists, Riddick *et al.* find state performance a key factor in safeguarding journalists: it being *'plausible that homicides of media workers are associated with aspects of a failed state, political terror, corruption and poor government'* (2008: 686). In fact, *'a free media, with no intimidation or self-censorship, is the direct opponent of groups or governments that profit from corruption, that maintain power by force and that are not seen as legitimate by large or majority sections of the population'* and in contexts where the *'means of power by such groups or governments involve overriding laws and legal processes, and using violence against opponents'* they *'are likely to result in the homicides of media workers'* (ibid.). However, Riddick *et al.* also raise the question *'why some countries with very high levels of political terror and corruption, and with very poor government, did not have reported homicides of media workers'* (ibid.) during the period studied.¹¹¹ In fact, no journalists were killed in countries such as Burundi, the Central African Republic, Chad, Egypt, Ethiopia, Liberia, North Korea, Uzbekistan and Zimbabwe despite the fact that they scored poorly relating to political terror and state fragility during the period examined. The authors argue that *'the relative absence of the media (low numbers of media workers, or low levels of activity), high levels of self-censorship (possibly as a result of previous homicides of media workers), and high imprisonment rates'* (ibid.) may be factors explaining this fact. This finding points towards the need to explain in a more in-depth way how specific societal contexts produce specific types of threats to journalists. Riddick *et al.*, conclude *'that the ability of*

governments to control armed groups may be a relatively important factor in the extent to which governments can establish safe working environments for the media' (ibid).

Focusing on government incentives to attack the media and the question '*why governments attack the media more at some times than others'*, VonDeoepp and Young propose that '*media harassment will increase when governments face threats to maintaining power or undertake extraordinary efforts to consolidate power'* (2013: 36) in relation to events such as elections, coup plots, major public protests and the emergence of civil conflict and they find that '*government interference with the media is shaped by varying needs to control information over time'* (ibid., 49). Some additional findings provide interesting insight into the need to further study how societal characteristics produce safety threats to journalists. For instance, findings show that government harassment of and control of the media escalates after the onset of conflicts. Albeit, providing only circumstantial evidence, the authors argue that an explanatory theory could be '*that governments concentrate on more pressing concerns (such as rebels) first and then turn to information control'* (ibid., 50). This is an interesting theory that points toward the need to understand the ways in which governments interfere with the safety of journalists to a greater extent. The authors also raise the fact that other regime features, including the quality of the rule of law, as well as factors including societal characteristics such as levels of media literacy and public perceptions of the media, could influence government harassment of the media and this needs further study.

Research also demonstrates that there are clear sub-national dimensions of risk which is evidenced for instance by the fact that journalists working in a local context, away from capital cities are particularly exposed to targeted attacks (Brambila, 2017; Waisbord, 2002). Waisbord (2007) shows that the local and national press in Latin America face different types of threats with local journalists tending to be targets of murder more often while the national press is more frequently the target of intimidation. The fact that journalists working within the same national context do not face the same type and levels of risk highlights the need not only for understanding the national context for risk to journalists, but also the necessity of understanding the nature of sub-national conditions (such as law enforcement and local political systems) for journalism. To what extent factors such as the type of news

medium a journalist works for, the type of journalistic beat covered, and if a journalist is local, foreign and/or freelance, expose journalists to hazard within a specific context are additional dimensions that need further exploration. Again, Waisbord's research (2007) is salient since it shows how historically, harassments and attacks against journalists in Latin America were linked to partisan and ideological affiliations (such as state sponsored persecution of the left-wing press in various countries), but he notes a shift where ideologically unaffiliated reporters investigating '*sensitive issues such as corruption, drug trafficking, the environment and human rights abuses*' (ibid.), are increasingly targeted because of their professional role and how they are viewed (as independent, oppositional or partisan). A further necessary research area is to verify if threats against journalists within contexts of emerging civil societies intensify as the media becomes more independent and less compliant (ibid., 96-99). On this Simon has argued that silencing an emerging independent press was a conscious strategy by various groups that effectively contributed to halting the development of a civil society in Iraq (in connection with the war that started in 2003) (Simon, 2015: 71). Understanding violence against the media as a means of controlling civil society within fragile state contexts as well as the consequence when such strategies succeed is also under-researched and this points to the fact that we simply do not have the research evidence to enable the systematic mapping and categorisation of the contexts in which various state and non-state actors violate the safety of journalists, nor do we have the knowledge to discern their motives for perpetrating crimes against journalists (Waisbord, 2002: 103).

A further number of additional knowledge gaps support the claim that there is a need to understand the specificities of the societal context producing risk to journalists. These include aspects such as the fact that we cannot know with any certainty if and why certain types of risk can be linked to specific characteristics of societal contexts. While most journalists killed were previously reported as being killed as a result of reporting on conflict, data now show, as mentioned above, that more journalists are killed outside contexts of conflict. The reasons behind this shift however cannot be explained with any certainty. Are fewer journalists covering conflict or are journalists covering conflict targeted to a lesser extent? And how can this increase in killings in non-conflict contexts be explained? It can be noted also that the fact that trends in risk to journalists tend to shift in this way (from more

journalists being killed in non-conflict than conflict zones) indicates that there is a need for continuous systematic tracking of trends to identify the reasons behind such shifts. It is also the case that incidents of journalist killings and imprisonment occur in different country contexts and this signifies that specific safety threats need to be studied in relation to the specific sets of environmental circumstances in which they occur.

It is also not always the case that *'high general levels of societal violence, corruption and poor governance (...) signify that journalists are targeted for murder in a particular country or territory'* (Torsner, 2017: 135). Examining the societal conditions that allow threats against journalists to escalate could facilitate a deeper understanding of why journalists are exposed to lethal forms of violence also in non-conflict contexts. Key here seems to be to explore how to move beyond predominantly monitoring the tragedy of killing and focus also on daily threats and how they are used as means to silence journalists, threats that could potentially lead to a killing.

c) The safety of journalists and democratic contexts

While the literature on limitations of media freedom within consolidated democracies has often focused on legislative and economic conditions, and while Western media has been, and still is, largely spared from the most violent forms of physical attacks (Waisbord, 2007), it is important to note that media in the West have come under increasing pressure, for instance through the rise of hate speech, attempts at discrediting and accusations of fake news, attacks by extremist groups¹¹² and the use of national security and terrorism legislation to prevent journalists from reporting. There are also examples of violent attacks and cases of journalists being killed in European countries, which have traditionally been regarded as safe contexts for journalistic practice.¹¹³ Indicators like the fact that more journalists are now killed outside contexts of conflict further support this view. Research on digital threats and on-line harassment including the problem of hate speech as well as the gender dimensions of these problems, also show that women are specifically targeted, are increasingly addressed as safety problems for journalism in Western contexts.¹¹⁴ There is thus increasing evidence that it is also necessary to study the phenomenon of safety threats in relation to contexts that can be described as democracies to a greater extent.

When examining regime type as a determinant of journalist killing, Asal *et al.* put forward the argument that *'democracies are not safe havens for journalists'* due to the fact that *'More democratic regimes provide journalists with opportunities to pursue sensitive information and thereby place themselves at risk, while less democratic regimes restrict these opportunities'* (2018: 26). VonDoepp and Young also find the level of democracy to be *'a significant predictor of media harassment, with more democratic societies witnessing more interference with the media'* and call for further research into *'cross-national variances in government actions against the media'* (2013: 50). However, research also argues that while *'under certain circumstances, new democracies seem to offer a lethal trap to journalists, who enjoy certain incentives to perform more critically than under previous authoritarian regimes, but where the state is unable to safeguard the exercise of journalism all over its territory'* it is also believed that *'a major qualitative change in the functionality of the state and democracy may improve, considerably, the issue of safety of journalists and impunity'* (Brambila, 2017: 322). The key here would be to explore what features of democratic or post-authoritarian societies (developing democracies) *'encourage antipress violence'* and which *'democratic institutions may mitigate against them'* (ibid.).

1.2.2.2 Uncovering the consequence and wider significance of violations of the safety of journalist practitioners

The review of international human rights law showed that the rationale for protecting journalism is closely related to the need to safeguard the value of the function journalism performs in societies. Safety for journalist practitioners is accordingly seen as crucial as risk to it is seen to endanger the democratic maintenance and sustainability of societies. As was pointed out in the legal review, this understanding of the wider significance of journalism is assumed rather than elaborated upon in any depth when it comes to the specifics of what the value of journalism entails and how this is endangered through safety threats to journalists. A similar approach can be seen in the academic literature where there exists a taken for granted assumption that journalism has democratic value however this value is not discussed in any detail. For example, studying government assaults on the media in Africa, VonDoepp and Young explain that *'[b]oth conventional wisdom and emerging research indicate that free media are critical for good governance. By serving as watchdogs of the political class, incubators of a robust public sphere, and vehicles for the articulation of*

marginalized political voices, independent media help to build accountability and deepen democracy' (2013: 36).¹¹⁵ Along similar lines, Gohdes and Carey state that *'Press freedom is widely recognized as an important element of a well-functioning democracy. A free press ensures that political competition can take place and that the population is informed about the leaders' decisions and behaviours, an essential element for holding rulers to account'* (2017: 159). Studying risk to journalists in democratic regimes, Asal *et al.* also suggest that in the absence of journalistic protections *'we might expect a chilling effect on the accountability that journalists otherwise provide and an erosion of openness, democracy and the rule of law'* (2016: 40). This lack of engagement with how to understand the societal function of journalism as well as the value of journalism as integral to evaluating risk to journalism provides the point of departure for the theoretical work that will be undertaken in Chapter 3, where this dimension of risk needs not only needs to be acknowledged, but needs to be developed into the central conceptual rationale for framing risk to journalism through the notion of civil diminishment.

Concluding discussion: current challenges with understanding the complexity of problems of risk to journalism

The aim of the above literature review was to explore the ways in which academic research understands and contextualises the manifestations of problems of safety violations against journalists in relation to their causes and to uncover how the societal consequence of risk to journalism is captured and understood for the purpose of providing explanations as the circumstances under which safety threats occur.

While the academic literature can be described as going further than the grey literature, which identifies the mere manifestations and occurrences of safety threats by going into their causes, it is still argued here that there is currently a lack of a comprehensive understanding as to how different societal circumstances produce various types of safety threats. An important conclusion from the review of academic and grey literature is that the link between safety threats and types of societal context is indeed not predetermined and fixed in some way. As pointed out by Riddick *et al.* (2008) widespread societal violence, corruption and poor governance do not necessarily mean that journalists are targeted for murder in a particular country or territory. They further suggest that this fact might be

related to aspects such as the fact that few journalists work in these countries, and that levels of self-censorship or imprisonment rates are high which could reflect a highly repressive media environment where journalists are silenced with less directly violent (yet coercive) means. While this finding in itself is interesting, it points toward the need to find out more about the range of contexts in which different types of safety threats and, more widely, risk occurs. Related to this is also the tendency in the literature to use specific types of safety threats, in particular instances of killings, as a sole indication of risk to journalism and consequently to use these killings for the purpose of analysing what a societal context looks like. As will be shown in greater detail when reviewing data approaches to lethal violence against journalists in Chapter 2, using killings as a sole measurement of levels and degrees of problems of safety for journalists is insufficient if the goal is to try to understand the dynamics, nature and consequences of risk to journalism.

For the purpose of discerning in some more detail how the societal contexts that generate violations (with an overall focus on lethal forms of violence) against journalists can be understood, the academic literature can be said to point to four generic categories:

- a) War affected countries that are experiencing widespread conflict, civil unrest and high levels of repression or dissent, where journalists face lethal and other dangers due to the fact that they are witnessing and reporting on war, or because of reasons not directly related to war reporting;
- b) Oppressive¹¹⁶ forms of societies or autocracies where press freedom is strictly controlled (including for instance countries like Eritrea (RSF, 2019b) and North Korea (RSF, 2019g)), and evidence points towards the fact that journalists are mostly silenced by other means than killings (for instance imprisonment);
- c) Less oppressive and more open societies that nevertheless can be described as being fragile societies experiencing instability and a certain degree of repression and violence while still having some degree of press freedom. These societies can be understood as developing or immature democracies within which journalists are more often targeted for murder and various types of intimidation and violence (for instance Mexico (RSF, 2019f) and India (RSF, 2019d) than in strictly oppressive societies: and,

- d) The range of countries that can be described as more or less consolidated and mature democracies that allow for a free and independent press and within which journalists are known to face a range of threats and intimidation, including for instance attempts to discredit the media (for instance the United States (RSF, 2019i)) and online harassment (for instance Finland (RSF, 2019c)), and in rarer cases being targeted for murder (Malta (RSF, 2019e) and Slovenia (RSF, 2019h)).

These four types of society provide a rough framework for beginning to discern how and when journalists come under attack. However, the explanatory power of this categorisation of environments and the ways in which they are hostile to journalists must be regarded as fairly generic and limited in the sense that they cannot explain in any comprehensive way what constitutes the specificities of an environment hostile to the safety of journalists, and how particular societal circumstance produce certain types of attacks on journalists.

The academic literature on safety threats tends to focus on the societal category of *type a* above, and within that type the focus has almost entirely been on trying to understand lethal violence within conflict-affected areas. This to the detriment of understanding, with any degree of sophistication *types b-d* and how their respective societal characteristics bring about threats to the safety of journalists. Simply put, the more a society appears or is marked out as being increasingly fragile, the more likely it is to be evaluated in terms of the manifestations of safety threats to journalists and documented for instances of lethal violence. At one level this is a self-evident truth and such work is important, at another level it misrepresents (or distorts) the invidious and wider nature of threats to journalists and their occurrence in places deemed to be less fragile. As Bjornskov and Freytag point out '*a single journalist can do damage*' (2016: 232) when it comes to revealing corrupt deals and wrongdoing and as a consequence a single journalist killing in a country can potentially have a significantly detrimental effect on the society within which it occurs. Despite the fact that fewer killings are reportedly occurring in consolidated democracies it is still important to track to what extent any environment might turn more hostile towards journalism and journalists, not least considering the fact that '*even the most well-institutionalized and open democracies are not immune from targeting their own citizens, especially if those citizens pose a threat to those in power*' (Asal *et al.*, 2016: 28). The systematic tracking of any journalistic environment including countries with an open media environment could also

help prevent *'a false sense of security that the mechanisms of the state will protect'* journalistic freedoms (ibid.).

In the context of understanding the causes of violations of the safety of journalists and risk to journalism more broadly, democracy is understood as an overall predictor of aggressions on journalism (the more democratic a country the less problems with safety attacks). Nevertheless, the research shows that democratic countries also have problems with violations of the safety of journalists (Von Deoepf & Young, 2013). The distinction between democratic and non-democratic contexts for understanding causes of safety threats therefore has some obvious limitations. The academic literature also points to the institutions and agents that might facilitate and perpetrate safety violations and the fact that shifting degrees of societal and democratic stability are likely to influence the proclivity of various actors to target journalists and journalism. The role of the state as a perpetrator but also as a guarantor for safety is one of these central actors. For instance, it has been shown that journalists become targets in situations where power holders, including state and non-state actors, are unable to control the information environment and want to put a stop to critical reporting.¹¹⁷ As identified in the literature then the characteristics of the institutions of the state, the extent to which these can be described as weak or fragile, oppressive or repressive or democratic are important determinants of the possibilities to practise journalism safely and consequently also the risk to it (Waisbord, 2007). More specifically the literature points to the need for instance to understand: how the state might use the law to attack journalism and journalists; the ability of the state to sustain the rule of law; and, the extent to which a state is able to uphold the monopoly of violence and maintain legitimate rule. While these, and various other societal characteristics can be used to better understand the extent to which a specific country can be described as democratic and autocratic, this thesis argues that for the purpose of understanding risk to journalism, there is an apparent need to approach societal contexts in a much more disaggregated way. In a way that allows for the systematic mapping of specific societal circumstances that allow for a comprehensive understanding of risk in relation to the key social institutions and actors. This would include the state, but importantly also the spheres of the market, the law and civil society.

As pointed out by Waisbord (2007), Western conceptions of '*problems for the press*' commonly take the existence of a capable and effective state for granted while focusing on how journalism is pressurised by means of the law on the one hand and business and commercial interests on the other hand. For the purpose of this thesis however, which is to allow for the study of risk to journalism within any given societal context, be it democratic or non-democratic or somewhere in between, it is suggested that societal risk factors and their descriptors should not be presupposed, for instance by imposing a specific understanding of democracy for the purpose of determining the extent to which a specific country can be said to live up to a specific model of democracy. Instead, it is the aim of this thesis to build a conceptual framework that establishes an understanding of the civil role of journalism that will allow for the study of risk to journalism in actual societal contexts regardless of their democratic status.¹¹⁸ This would for instance enable the empirical study of the state as an enabler of safe conditions for journalism as well as the role the state plays with regard to endangering safety for journalism.

Overall, the review of academic and grey literature has helped establish two things. First, that the social significance, or consequence, of violations against journalism is not fully explicated. They focus too much on unstated assumptions about journalistic value with regard to democracy and the rights to know. The point being that this is too limited and ignores what it is exactly that societies risk losing when journalists and journalism are attacked. This particular point provides the starting point for developing a conceptual understanding of civil diminishment as a consequence of risk in Chapters 3 and 4. Second, and related to that, the above review reveals the gaps in the literature that are necessary to address in order to improve current approaches to understanding risk to the safety of journalists. Specifically, three gaps can be identified: a lack of understanding of the range and interrelationship of various types of violations against the safety of journalists (manifestations); a lack of understanding of the societal circumstances within which safety threats occur including why and how they produce such safety threats (causes); and a lack of understanding of the wider societal significance and implications of safety threats (the consequence of risk). With regard to manifestations of safety threats there is a clear focus on lethal forms of violation in the academic literature. While it is certainly of critical importance to study killings as the most serious and ultimate form of censorship, they

arguably only reveal part of the picture when it comes to understanding the nature and dynamics of safety threats. In fact, it is argued here that a range of violations of the safety of journalists needs to be systematically studied. Understanding the interrelationship between different types of safety threats and when and why they might escalate into more violent forms of attacks (for instance killings) are other areas that need further research. What this points to is the need for a comprehensive and holistic understanding of risk that can map the specific societal circumstances of risk to journalism in any given country in more depth, and in a systematic manner.

Against the background of these limitations in the academic literature it is now possible to reaffirm that there is currently a need not only for understanding risk to journalism as a multidimensional problem but also that this requires the development of a holistic framework that can capture risk to journalism in its full complexity. It is towards laying the foundation for this framework in terms of understanding what is meant by the notion of holism that the final section of this chapter now turns.

1.3 Proposing a holistic approach to understand the complexity of the problem of risk to journalism

From the above examination of the legal rights-based approach as well as the grey and academic literature on safety it is revealed that there is a need to understand the societal role and value of journalism. As shown, the reviewed approaches tend to reduce this role to a generic claim that ‘journalism is good for democracy.’ Correspondingly, the wider societal consequences of these violations on journalistic practice and the societal role of journalism are largely unexplored. As such risk to journalism is reduced to nothing other than a violation of the right to publication and information (restrictions of journalistic practice) as well as violations of fundamental rights of journalist practitioners (for instance physical and non-physical aggressions). What dominates these approaches is the adoption of the assumption that it is self-evidently the case that a breach of journalists’ rights tells us all we need to know. In other words, they serve as a gloss rather than allowing for an actual understanding of the processes and mechanism whereby the societal value of journalism in relation to how journalism functions is put at risk. The contention of this section is therefore

that it is necessary to develop a holistic framework for facilitating a comprehensive understanding of problems of risk to journalism which can inform policy measures and agendas. In other words, to redress the problem of not being able to fully understand the nature and dynamics of the problems of risk to journalism, it is argued in this thesis that risk needs to be captured at three separate but related levels of analysis.

First, at the societal level of structural restrictions on journalism to practise freely (macro level of analysis). Secondly, at the institutional functioning level of the practice of journalism itself in relation to possibilities for independent and professional journalism (meso level). Thirdly, at the level of quotidian factors that directly harm the autonomy and integrity of the individual journalist. This disaggregated yet holistic approach to understand risk to journalism will be developed in this thesis into an integrated framework that will allow for the mapping and understanding of risk factors and societal characteristics that function as determinants of such risk. Combined the macro, meso and micro levels of analysis will satisfy the holistic requirement of comprehensive assessment by capturing the interplay between societal characteristics and risk factors. At the same time each level of analysis will allow for the disaggregation of risk factors in relation the macro, meso and micro levels of context.

The benefits of such an approach are that it will allow for a more sophisticated description and understanding of the reality of manifestations of risk to journalism. It is however first necessary to carry out further methodological, conceptual and eventually theoretical groundwork.

This chapter has served to illustrate the complexity of the problem of risk to journalism and to establish that the current understanding of this complexity is currently only fractional and unduly focused on manifestations on safety threats and corresponding rights violations. The chapter has laid the justificatory groundwork for the need to establish what is here and throughout the thesis called *a holistic approach to risk to journalism*. In a generic sense this approach aims to develop the current partial understanding of the phenomenon of risk to journalism and turn it into a broader and more comprehensive understanding. This comprehensiveness is achieved by adopting a multidimensional and inclusive approach to risk that captures: a) the manifestations of risk to journalism; b) the causes of risk to

journalism; and, c) an understanding of the consequence of risk to journalism in terms of what these three dimensions reveal and mean not only for the journalist practitioner and journalistic practice, but crucially in terms of the wider societal role of journalism.

This work will now be continued in Chapter 2 where the holistic approach to risk will be developed in terms of a new sociological framework of risk via the macro, meso, micro levels of analysis.

¹ See for instance work undertaken in this regard by UNESCO (<https://en.unesco.org/themes/safety-journalists>), OSCE (<https://www.osce.org/representative-on-freedom-of-media/106283>), and COE (<https://www.coe.int/en/web/media-freedom>)

² See for instance the UN Action Plan on the Safety of Journalists and the Issue of Impunity (UN, 2012). See also UNESCO's general website: <https://en.unesco.org/un-plan-action-safety-journalists> and Article 19 (2017)

³ The legal literature of interest to this chapter is that relating to international law, or more specifically that relating specifically to human rights law (See for instance UN (2019e) and (ICRC, 2010b). The legal literature reviewed in this thesis then will include documents that can be classified as treaty law, meaning legally binding agreements between signatory states. Other documents can be referred to as soft law, or non-treaty based 'instruments, such as declarations, guidelines and principles adopted at the international level contribute to its understanding, implementation and development' that are however not legally binding (OHCHR, 2019a). Together the range of legal and legally relevant literature reviewed in this chapter will be used to establish what a legal rights-based approach to risk to journalism is.

⁴ Grey literature is defined by the Grey Literature International Steering Committee (GLISC, 2006: 1) as: '*Information produced on all levels of government, academics, business and industry in electronic and print formats not controlled by commercial publishing i.e. where publishing is not the primary activity of the producing body*'. As explained in the Royal Roads University (2019) library guide, grey literature is commonly viewed as being produced for instance by: government agencies; research institutes; organisations or companies; and, associations. Grey literature can for instance take the form of: white papers; working papers; policy briefs; conference proceedings; unpublished manuscripts; pre-prints; lecture notes/slides; theses/dissertations; and, reports. Lawrence *et al.* (2015: 230) further refer to grey literature as '*a key part of the evidence used for public policy and practice*'. In this chapter it will be shown how the concern with safeguarding journalism undoubtedly belongs to the field of policy development and implementation. The way that problems of risk are described and addressed in the grey literature is thus central to the aims of this thesis and to establish an understanding of present knowledge and research gaps. It can also be noted that agencies and organisations aiming to address threats to journalism and journalists regularly produce information and research to raise awareness of recent development and trends to inform policy and advocacy agendas. As this information, stemming from grey literature, is often the most recent, up-to-date, and most regularly produced it provides a key source of information for the purpose of understanding risk to journalism. Furthermore, the grey literature is also an important point of departure for the claim made in this thesis which is that there is a need to reframe problems of various forms of restrictions on journalism as not only a problem of protection (from a policy, legal and advocacy perspective) but as a fundamental problem of understanding the very nature and significance of the dilemma itself. And addressing this basic need of understanding, it is argued, will ultimately be of use to inform crucial agendas of protection of journalism.

⁵ Reference to a 'rights-based' rationale, approach etcetera in this thesis is used in a general sense to mean the same thing as human rights.

⁶ The conceptual understanding of risk adopted in this thesis will be explicitly elaborated upon in Chapter 2 (Section 2.1) and Chapter 4. Chapter 2 will engage with the notion of risk for the purpose of developing a holistic methodological framework to analyse risk to journalism. Chapter 4 will develop a rationale for understanding risk to journalism in relation to the concept of civil diminishment. Such methodological and conceptual groundwork can however only be achieved once the nature of the problem of risk itself as it is commonly described and approached has been outlined and analysed as will be done in this chapter. In the

meanwhile, risk can be understood in a general sense as an *'undesirable event which may or may not occur'* (Möller, 2012: 59).

⁷ In this context it can be pointed out that international human rights law and international humanitarian law are two separate but associated bodies of law that are *'both concerned with the protection of the life, health and dignity of individuals'* (ICRC, 2010b) and thus fundamental human rights. These two bodies of international law are thus arguably both relevant to the issue of protection of and risk to journalism. However, since human rights law applies both in times of peace and during war whereas international humanitarian law applies specifically during armed conflict (and thus engages with the protection of journalistic practice under a specific set of circumstances), international human rights law is highlighted here for the purpose of establishing what a rights-based rationale for protecting journalism consists of. Due to the fact also that international human rights law and related documentation and grey literature provide the most in-depth reasoning and analysis with regard to issues related to the rationale for protecting journalism the thesis will focus on international human rights law. With regard to terminology a human rights and a rights-based approach or framework will be used to refer in a general sense to the international framework for legal protection of journalism. International humanitarian law will be expressly mentioned when dealt with. Against this background the thesis will thus use the term international law to refer in a general sense to international human rights law. For sources on the protection of journalists in international humanitarian law see the four Geneva Conventions (ICRC, 1949a-d) and their Additional Protocols (ICRC, 1977a-b and ICRC, 2005). See for instance Additional Protocol I (ICRC, 1977a: para 3245) which states that *'special rules are required for journalists who are imperilled by their professional duties in the context of armed conflict'* because *'[t]he circumstances of armed conflict expose journalists exercising their profession in such a situation to dangers which often exceed the level of danger normally encountered by civilians. In some cases, the risks are even similar to the dangers encountered by members of the armed forces, although they do not belong to the armed forces'*. See also ICRC (2004).

⁸ The legal rights-based rationale can also be understood in relation to discussions on the role of journalism in relation to furthering and strengthening democracy. Such approaches will be dealt with in Chapter 3 of this thesis.

⁹ This thesis uses Lukes (2005) understanding of power as three-dimensional. According to this understanding power can be exercised in 'coercive' ways, through 'agenda setting' and in ways that lead to 'the involuntary adjustment of wants desires and goals.'

¹⁰ This definition also suggests that it is not legitimate for the state to determine who is a journalist for instance, through a general licensing scheme. A system of accreditation may however be acceptable *'only where necessary to provide journalists with privileged access to certain places and/or events. Such schemes should be applied in a manner that is non-discriminatory and compatible with article 19 and other provisions of the Covenant, based on objective criteria and taking into account that journalism is a function shared by a wide range of actors'* (International Mechanisms for Promoting Freedom of Expression, 2003). On this topic see also the decision by the IACtHR (1985) which *'dismissed the argument that licensing schemes are necessary to ensure the public's right to be informed, by screening out poor journalists and promoting professional standards, among other things because of the potential for abuse of such a system. Instead, the Court focused on the need for the greatest possible amount of information, rather than control over it'* (UNESCO, 2015c: 33).

¹¹ In relation to the notion of the professional standards and practice of journalism Harrison (2019, Chapter 2, endnote 6, 29) notes that *'[a] range of scholars has highlighted in different ways a number of values that journalists seek to achieve. Such values are generally aligned to journalists' professional objectives of credibility, authority and authenticity (Singer 2003, 2010, 2015) or their role as independent operators (Born 2005), with an enthusiasm for the ideals of journalism as a form of public service (Aldridge 2007)'*. According to Harrison the *'professional ideal of news'* (ibid., 2-3), or its civil ideal is *'premised on the [public's] desire (...) to simply know 'what is going on'. It is an explicit expectation that the public should be able to trust (...) some form of, and provider of, news'* (ibid., 3). For Harrison, this underlying requirement of a relationship of trust between providers of news and the public is secured through the notion of trustworthiness as captured by the *'ability [of the news] to be truth telling and objective'* (ibid., 4). Accuracy and sincerity then are seen by Harrison as the *'two core virtues of truth'* that must guide journalistic *'practices, grounding them in a careful balancing of a) the desire to reveal facts and truths b) consideration of the way this is done and how it is expressed'* (ibid., 8). Objectivity then points to news reporting being undertaken with *'methodological rigour'* which is realised *'when all views and opinions that can be gathered are gathered, when all facts that can be known are accurately reported and when their explanatory value is weighed or judged in an impartial way. This form of objectivity carries with it an interest in the truth (and not deception) and an attempt to apply a disciplined professional method where views and evidence are not misrepresented or suppressed if it doesn't suit an*

opinion already held by the reporter or news organisation' (ibid., 9). In this way Harrison (ibid., 10) describes *'the reputation for professional rigour and objectivity being one of the most powerful bases for judging the adequacy of news suppliers and ultimately the placing of trust in them'*. For further sources on professional standards of journalism in a practice-oriented context see the Ethical Journalism Network (2019).

¹² The COE Recommendation outlines *'[s]ix criteria (...) each supplemented by a set of indicators, which should allow policy makers to identify media and media activities in the new ecosystem. The extent to which criteria are met will permit to recognise whether a new communication service amounts to media or will provide an indication of the bearing of intermediary or auxiliary activity on media services'* (2011a: Part I, para 10). The six criteria and their indicators include: Criterion 1. Intent to act as media. *Indicators*: Self-labelling as media; working methods which are typical for media; commitment to professional media standards; practical arrangements for mass communication; Criterion 2. Purpose and underlying objectives of media. *Indicators*: Produce, aggregate or disseminate media content, Operate applications or platforms designed to facilitate interactive mass communication or mass communication in aggregate (for example social networks) and/or to provide content-based large-scale interactive experiences (for example online games), With underlying media objective(s) (animate and provide a space for public debate and political dialogue, shape and influence public opinion, promote values, facilitate scrutiny and increase transparency and accountability, provide education, entertainment, cultural and artistic expression, create jobs, generate income – or most frequently, a combination of the above), Periodic renewal and update of content; Criterion 3. Editorial control. *Indicators*: Editorial policy, Editorial process, Moderation, Editorial staff; Criterion 4. Professional standards. *Indicators*: Commitment, Compliance procedures, Complaints procedures, Asserting prerogatives, rights or privileges; Criterion 5. Outreach and dissemination. *Indicators*: Actual dissemination, Mass-communication in aggregate, Resources for outreach. Criterion 6. Public expectation. *Indicators*: Availability, Pluralism and diversity, Reliability, Respect of professional and ethical standards, Accountability and transparency (ibid., Part I, Para 16-55).

¹³ UNESCO (2012: 3) used the following formulation in its Decision of 23 March 2012: *'journalists, media workers and social media producers who generate a significant amount of public-interest journalism'*. Another example of an inclusive definitional approach is used for the purpose of the Journalists' Safety Indicators where *'the term journalists covers media workers such as reporters and photojournalists, support staff and fixers, those active in community media and so-called citizen journalists – that is not all users of social media and digital outlets, but particularly those who use them to produce, curate or distribute significant volumes of public interest content'*. (UNESCO, 2013b: 2)

¹⁴ To further add complexity to this discussion on what constitutes journalism it can also be noted that from the perspective of advocating for the legal safeguarding of journalism, professional standards of journalism can be seen as central *'in order to defend the dignity of this noble profession'*. However, it is also the case that *'too many governments misconstrue the meaning of responsibility'* assuming that it *'means "no criticism, no satire, no provocation, and no differing voices'* (COE, 2011b: 6). In this way reference to *'professional standards (or lack thereof)'* can effectively be used to silence or discredit journalistic expression (ibid.).

¹⁵ In this regard, it is also noted that the alarming situation of attacks against journalists and impunity for such attacks *'is not exclusively limited to professional journalists and other media actors (...) Those at risk also include others who contribute to inform the public debate and persons performing journalistic activity or public watchdog functions'* (COE, 2014: para 2). Furthermore, the European Court of Human Rights (ECtHR, 2009: para 27, and 2005: para 89) has acknowledged that not only professional journalism but also civil society more broadly should be recognised as making an *'important contribution to the discussion of public affairs and may constitute a 'social watchdog'*. Similarly, the Court (2013: para 103) has also ruled that *'when an NGO [non-governmental organisation] draws attention to matters of public interest, it is exercising a public watchdog role of similar importance to that of the press'*.

¹⁶ The link between journalistic professional standards and practices and the wider societal significance of journalism through its civil role and democratic potential will be developed further in Chapter 3.

¹⁷ See ahead to endnote 40 for the issue of legitimate restrictions of free expression.

¹⁸ See ahead to endnote 117 for references to legal literature on this topic.

¹⁹ 193 out of 195 nations are currently members of the UN (2019b).

²⁰ OHCHR (2019c)

²¹ See OHCHR (2019d)

²² There also exist a range of other global human rights instruments that address various subject areas. See for instance OHCHR (2019e and 2019f)

²³ It is only when the domestic legal system is unsuccessful in addressing human rights violations that complaints can be directed towards regional and international human rights mechanisms for the purpose of realising local enforcement.

²⁴ While the state bears the primary responsibility for protecting human rights the Special Rapporteur on the situation for human rights defenders has pointed out that, *'it is necessary to recall that the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms is addressed not only to States and human rights defenders but to all individuals, groups and organs of society'* (UNGA, 2010: 2). Furthermore, *'[a]rticle 10 of the Declaration states that "No one shall participate, by act or by failure to act where required, in violating human rights and fundamental freedoms". Non-state actors are thus included and therefore have a responsibility to promote and respect (...) the rights of human rights defenders'* (ibid., 3).

²⁵ The main difference in the application of international humanitarian law and international human rights law is that states are allowed to suspend a number of human rights in times of crisis, whereas international humanitarian law cannot be suspended (except as provided in Article 5 to the Fourth Geneva Convention (ICRC, 1949d)). There are however certain fundamental rights that a state cannot suspend, that thus must be respected at all times. These are the right to life, the prohibition of torture and inhuman punishment or treatment, the outlawing of slavery or servitude, the principle of legality and the non-retroactivity of the law and the right to freedom of thought, conscience and religion. It is the legal duty of states to respect and implement both international humanitarian law and international human rights law for instance by adopting national legislation to enable the implementation of obligations and to punish violations (ICRCb: 2010).

²⁶ UNGA (1966) Article 19(2) Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art or through any other media of his choice.

²⁷ As of 13 September 2019 the ICCPR has 173 state parties. Available at: https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-4&chapter=4&clang=_en (Accessed: 13 September 2019)

²⁸ With regard to positive state obligations related to counteracting crimes against and violations of the rights of journalists these can be summarised under the heading of the duty of states to prevent, protect against and prosecute crimes against free expression and those exercising it (Parmar, 2014). Examples of such state obligations can for instance include the provision of licencing systems to ensure media diversity and prevent media concentration, as well as to put in place a legal framework that ensures access to information held by public bodies. On this topic see also UNHRC (2018) on available mechanisms concerned with ensuring the safety of journalists, including existing international and regional prevention, protection, monitoring and complaint mechanisms.

²⁹ ECHR: Article 10, ACHR: Article and ACHPR: Article 9. See also OHCHR (2019g)

³⁰ As outlined in the ICCPR (Article 19 (3)): *'Any restrictions on freedom of expression should: first, be prescribed or provided by law; second, pursue a legitimate aim, namely the respect of the rights or reputations of others, protection of national security, public order, public health or morals; and third, be necessary to secure the legitimate aim and meet the test of proportionality'* (Parmar, 2014: 10).

³¹ The ICCPR prohibits: *'Any propaganda for war'* and *'advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence'* (UNGA, 1976: Article 20).

³² For instance, the ECtHR (1998: para 50) explains that it is not permissible to reduce a person's ability *'to put forward in public views which have their place in a public debate whose existence cannot be denied. It matters little that [an] opinion is a minority one and may appear to be devoid of merit since, in a sphere in which it is unlikely that any certainty exists, it would be particularly unreasonable to restrict freedom of expression only to generally accepted ideas.'*

³³ UNESCO is the UN agency with a specific mandate to promote *'the free flow of ideas by word and image'* including freedom of expression through the fostering of *'free, independent and pluralistic media'*. See UNESCO, Fostering Freedom of Expression. Available at: <https://en.unesco.org/themes/fostering-freedom-expression>. (Accessed: 14 September 2019)

³⁴ See Harrison & Pukallus (2018) on the topic of journalists' experiences of self-censorship.

³⁵ In General Comment 6, the UNHRC states that the right to life *'is the supreme right from which no derogation is permitted even in time of public emergency which threatens the life of the nation.'* (HCR, 2019)

³⁶ Note that provisions on the death penalty have been excluded here. For more information on the interpretation of the right to life see also the ECtHR (2019). Furthermore, Article 4 of the ACHPR (1986) also states that: *'Human beings are inviolable. Every human being shall be entitled to respect for his life and the*

integrity of his person. No one may be arbitrarily deprived of this right.' Article 4 of the ACHR (OAS, 1969) declares that: *'Every person has the right to have his life respected. This right shall be protected by law and, in general, from the moment of conception. No one shall be arbitrarily deprived of his life.'*

³⁷ Article 5 of the UDHR, Article 7 of the ICCPR, Article 3 of the ECHR, Article 5 of the ACHR, and Article 5 of the ACHPR.

³⁸ Article 3 of the UDHR, Article 9 of the ICCPR, Article 5 of the ECHR, Article 7 of the ACHR, and Article 6 of the ACHPR.

³⁹ Article 10 of the UDHR, Article 14 of the ICCPR, Article 6 of the ECHR, Article 8 of the ACHR, and Article 7 of the ACHPR.

⁴⁰ Article 18 of the UDHR, Article 18 of the ICCPR, Article 9 of the ECHR, Article 12 of the ACHR, and Article 8 of the ACHPR.

⁴¹ Article 12 of the UDHR, Article 17 of the ICCPR, Article 8 of the ECHR, and Article 11 of the ACHR.

⁴² Article 20 of the UDHR, Articles 21 and 22 of the ICCPR, Article 11 of the ECHR, Article 15 and 16 of the ACHR, and Articles 10 and 11 of the ACHPR.

⁴³ Article 8 of the UDHR, Article 2 of the ICCPR, Article 13 of the ECHR, and Article 25 of the ACHR.

⁴⁴ Article 17 of the UDHR, Article 1, Protocol 1 of the ECHR, Article 21 of the ACHR, and Article 14 of the ACHPR.

⁴⁵ General Comment No. 34 (UNGA, 1976) also recognises a number of functional freedoms, such as *'freedom of movement abroad, to and within conflict zones, sites of national disasters and locations where there are allegations of human rights abuses'*, as imperative for the exercise of the right to freedom of expression and journalistic functions including commenting on public issues and informing public opinion.

⁴⁶ The rights-based justification for protecting journalism in international human rights law provides the principal rationale and point of reference for much of the grey literature concerned with mapping and understanding the reality of various types of problems of risk to journalism. Actors who work to monitor attacks on the safety of journalists commonly refer to the protection afforded journalism in international human rights law to validate and show the importance of the work they do. This means for instance that they acknowledge the essential value of freedom of the press and freedom of expression as well as the crucial role journalism plays in democratic societies as constituting the rationale for carrying out their work. See Chapter 2 for a more in-depth discussion on this.

⁴⁷ For example, Sambrook (2016: 18) notes that contexts of hostility or *'uncivil societies'* within which journalism is practised come in many different shapes: *'They include: dictatorships where a ruling elite seeks to exercise power by disenfranchising citizens; war zones where conflict prevents normal social, political or economic activity; fractured societies with insufficient political or social strength to hold a country together; and hollow states where the normal framework of social, political and economic activity is severely compromised by crime or corruption.'*

⁴⁸ Research shows that journalists are typically targeted because of their work in holding power holders to account, for example when exposing corruption and organised crime and reporting in conflict zones. See for example Horsley & Harrison (2013).

⁴⁹ On this topic see also RSF (2018b) which states that *'[m]urders, imprisonment, hostage-taking and enforced disappearances have all increased. Journalists have never before been subjected to as much violence and abusive treatment'*

⁵⁰ See ahead to endnote 117.

⁵¹ On this topic see also CPJ (2015c), RPT (2014) and Cottle et al. (2016).

⁵² See for instance CPJ (2014a) in particular and CPJ reports on *'Attacks on the Press'* in general. Available at: <https://cpj.org/attacks/>. (Accessed: 14 September 2019)

⁵³ CPJ (2019b)

⁵⁴ IFEX (2019)

⁵⁵ While figures gathered on the number of journalists killed differ between the various organisations due to varying verification processes, definitions of who is categorised as a journalist and the time periods covered, the data consistently indicate that the situation is very problematic (see ahead to Chapter 2, Section 2.2.2 for a summary of key organisations working to record instances of killings of journalists and for a discussion of the methodological and definitional approaches used). Between 2006 and 2018 UNESCO (2019b) recorded 1103 instances of killings of journalists. RSF statistics on the other hand show that between 2003 and 2018, 1098 professional journalists have been killed (see *'Journalists killed'* for figures covering the years 2003-2017. Available at: <https://rsf.org/en/journalists-killed> (Accessed: 14 September 2019) and RSF, 2018b for the summary of 2018. The CPJ (2019b) reports that 1337 journalist killings where the motive has been confirmed as being related to the journalist's profession, have taken place between 1992 and 2018. The organisation first

began to systematically monitor journalist killings in 1992. These statistics on killings include the years for which it was possible to find information from each respective organisation. In Chapter 2, Table 1, statistics on killings have been chosen to cover the years 2006-2018 for the purpose of facilitating a comparison of the numbers recorded between organisations. Despite noting a somewhat declining trend in the number of killings from year to year since the peak year in 2012 when 124 journalists were killed (as compared to 84 journalist killings in 2006 when UNESCO started systematically recording killings), UNESCO figures show that 530 journalists were killed between 2012 and 2016 as compared with 216 killed journalists between 2007 and 2011, thereby indicating an increasingly problematic trend. It can also be noted that UNESCO's figures show that since 2012 more journalists were killed on a yearly basis than each year between 2007 and 2011. Between 2017 and 2018 a total of 173 journalist killings were reported by UNESCO which is an increase from 80 journalists killed in 2017 to a total of 93 killed in 2018 (UNESCO, 2019b). Similar trends are reported by the CPJ (2019b) with 440 journalists killed in the 10-year period between 1999 and 2008 while 600 killings took place between 2009 and 2018. The CPJ also saw an increase in the number of killings in 2018 (53 killings) as compared with 2016 (50 killings) and 2017 (47 killings). It can be noted that these three years saw an improvement as compared to the year 2015 when 73 journalists were reported as killed. Statistics from RSF (2018f) on the number of killings of professional journalists also reflect this development with 63 journalists killed in 2018 as compared to 55 killed in 2017. The organisation notes that this increase differs from the declining trend in the number of killings over the past three years (ibid.).

⁵⁶ CPJ (2019b) reports that 186 journalists have been killed in Iraq between 1992 and 2018 with peaks in 2001 and 2018.

⁵⁷ CPJ (2019b) reports that 126 journalists have been killed in Syria between 1992 and 2018 with most killings taking place between 2012 and 2018.

⁵⁸ CPJ (2019b). Out of those 48 journalists killed in the country between 1992 and 2018 a total of 41 journalists are recorded as having reported on topics related to war. 13 journalists were killed in 2018 as compared to 4 journalists in 2016 and 2017 respectively. Another peak year in killings in Afghanistan is 2001 in relation to the US led invasion of the country.

⁵⁹ 80 journalists have been killed in the Philippines between 1992 and 2018 (CPJ, 2019b).

⁶⁰ 47 journalists have been killed in Mexico between 1992 and 2018 (CPJ, 2019b).

⁶¹ 631 killed journalists are reported as having covered the topic of politics (CPJ, 2019b).

⁶² 560 killed journalists are reported as having covered the topic of war (CPJ, 2019b).

⁶³ 282 killed journalists are reported as having covered the topic of human rights (CPJ, 2019b).

⁶⁴ 281 journalists killed journalists are reported as having covered the topic of corruption (CPJ, 2019b).

⁶⁵ According to CPJ all figures are rounded up to the nearest full percentage point and they may add up to more than 100 % because more than one category applies in some cases.

⁶⁶ For instance, the Charlie Hebdo terror attacks placed France as the third deadliest country for journalists in 2014 (RSF, 2015: 4). The 2009 Maguindanao massacre in the Philippines when over 30 journalists were killed in what has been called '*the single deadliest event for the press*' is another such example (RSF, 2014c).

⁶⁷ Statistics from the CPJ reinforce these figures, showing that out of the 1337 journalists killed between 1992 and 2018, 1178 of the murdered journalists were local. This holds true also for the year 2014 when CPJ recorded an unusually high number of targeted killings of international journalists (23% as compared to 5% in 2012 and 8% in 2013 and 2015) (CPJ, 2019b (killed in 2014, local/foreign)) covering volatile conflict situations in the Middle East, Ukraine and Afghanistan (CPJ, 2014b).

⁶⁸ CJFE (2013) notes that news outlets are increasingly relying on freelancers to cover news in conflict zones such as Libya, Syria and Iraq. As a group that generally has '*limited access to resources such as protective clothing or training on how to report safely within a war zone*' (ibid.). INSI (2014a) further notes that due to '*relatively easy access to modern conflict zones and increasingly affordable equipment, freelancers are getting killed in greater numbers than ever before*'.

⁶⁹ In 2016, 34 % of the killed journalists were working for TV and in 2017 the percentage had increased to 45% (UNESCO, 2018b: 7). In 2018 the percentage of TV journalists killed decreased to 28%, but the percentage of journalists working for traditional media outlets (TV, print and radio) who were killed was over 70 % (UNESCO, 2019b). The statistics recorded by the CPJ (2019b) between 1992 and 2018 similarly show that the majority of journalists killed were working for traditional media (print, radio and TV). Overall, the organisation reports that around 47% worked for print media, 31 % for TV, 19 % for radio and 17 % for online media.

⁷⁰ According to CPJ's statistics (2019b), 1 journalist working for Internet based media was reportedly killed in the year 2000 while the figure of killed journalists working for Internet based media in the year 2018 had

increased to 30 journalists. Over 50 % of the journalists killed in 2018 (30 out of 56) were working for Internet based media.

⁷¹ For a useful survey of the range of attacks women journalists and media workers face, see Barton & Storm (2014). See also HRC (2012b: para 52 and 94).

⁷² UNESCO (2018c: 154) points out that *'The percentage of journalists killed who are women is significantly lower than their overall representation in the media workforce'* and details that *'[t]his large gender gap is likely partly the result of the persistent underrepresentation of women reporting from warzones or insurgencies or on topics such as politics and crime'*. Research conducted *'suggests that women journalists working in conflict zones may not in reality face heightened risks of death due to their gender, but that prevailing stereotypes work to restrict the number of women journalists sent overseas as foreign correspondents in high-risk contexts'* (UNESCO, 2018c: 154, referring to research by Harris *et al.* (2016)).

⁷³ The CPJ's Impunity Index (CPJ, 2017b and 2018b) calculates the number of unsolved journalist murders as a percentage of each country's population. Only those nations with five or more unresolved cases are included.

⁷⁴ UNESCO also notes a consistently high impunity rate over the years, and while the organisation reports a slight improvement in 2017 when 11% of the reported cases of killings were resolved as compared to only 8% finding judicial resolution in 2016 most recorded cases remain unresolved and impunity remains the norm (UNESCO, 2018a: 2). As a way to assess the extent of political will and capacity to address the issue of impunity, UNESCO requests member states to report on the status of their investigations into journalist killings. This accountability mechanism shows that while the response rate by member states has seen an increase from 27% in 2014 to 74% in 2017, there was a drop in the percentage of responses to 64% in 2018.

⁷⁵ This figure has been arrived at by manually adding together CPJ's yearly count of imprisoned journalists. This data compilation work was undertaken in January 2019 and does not account for any revisions in the data that CPJ might have undertaken since then.

⁷⁶ Out of 271 imprisoned journalists, 134 were reported to be behind bars in Turkey.

⁷⁷ Similar trends on the increasingly problematic situation with regard to imprisonments are reported by RSF (2018b: 13) which documented that by the beginning of December 2018, *'a total of 348 journalists were held in connection with the provision of news and information'*. The organisation explains that this represents a 7% increase in the figures recorded the previous year when 326 journalists were recorded as being detained. RSF notes however that the number of detentions *'of non-professional journalists increased sharply by 40%, from 107 to 150'* in 2018 and links this trend to countries' efforts to *'improving their repressive apparatus in various ways including the adoption of "cyber-laws" that make it easier for them to target those reporting online'* (ibid.). The CPJ similarly notes that over 75% of the journalists imprisoned in 2017 and 2018 were working for on-line media (2019a) while approximately half of the journalists imprisoned between 2009 and 2015 were working for on-line media (CPJ, 2015a).

⁷⁸ For alerts and stories on cases of imprisoned journalists see RSF 'Our publications'. Available at: <https://rsf.org/en/thematique/internet?thematique%5B242%5D=242> (Accessed: 13 September 2019).

⁷⁹ Notably 59 out of the 60 journalists currently held captive are being held in Syria, Iraq and Yemen (RSF, 2018f: 20)

⁸⁰ In this context it can be mentioned that while systematically collected data on occurrences of torture of journalists are currently not available *'human rights commissions, news outlets and civil society groups have documented a number of cases and called for those responsible to be brought to justice'* (UNESCO, 2018c: 149).

⁸¹ According to the methodological statement of the research project, it included a sample of *'977 self-defined female respondents'* in its online survey (Barton & Storm, 2014:2).

⁸² According to the survey 58 % of the survey respondents also referred to having been threatened or harassed in person, 26 % stated they had experienced physically attacked. Furthermore, one out of 10 respondents described having experienced a death threat in the past year (Ferrier, 2018: 22). On a methodological note the sample studied in the report includes 701 survey responses (ibid., 7).

⁸³ UNESCO similarly notes that while the Internet *'brought unprecedented opportunities for freedom of expression and the practice of journalism'* journalists are becoming *'increasingly vulnerable to digital attacks from both state and non-state actors'* (UNESCO 2018c: 128).

⁸⁴ See also Betz *et al.*, 2015: 20-30 for more detailed information on these threats.

⁸⁵ See also Marczak *et al.* (2015).

⁸⁶ On this topic see also: Marczk *et al.* (2014a), Marczk *et al.* (2014b), Marquis-Boire (2015), Marquis-Boire & Galperin (2016).

⁸⁷ Pen America (2013)

⁸⁸ See RSF (2018a: 35-36) for a glossary of different types of online harassment. On this topic see also the project Troll Busters. Available at: <http://www.troll-busters.com/>. (Accessed: 14 September 2019).

⁸⁹ In the report, RSF (2018d) finds that online attacks are orchestrated in three stages: '1. *Disinformation: journalistic content on social networks is drowned in a flood of fake news and pro-government content*; 2. *Amplification: the impact of pro-government content is artificially enhanced by commentators who are paid by the government to post messages on social networks or by bots, computer programmes that automatically generate posts*; 3. *Intimidation: journalists are personally targeted, insulted and threatened, in order to discredit them and reduce them to silence.*' See RSF, 2018a for the full report.

⁹⁰ According to an analysis of Twitter conducted by Demos (2014): '*Journalism is the only category where women received more abuse than men, with female journalists and TV news presenters receiving roughly three times as much abuse as their male counterparts.*' Together with male politicians, women journalists are the group most likely to suffer from Twitter attacks. For the full report see Bartlett *et al.* (2014). See also Gardiner *et al.* (2016).

⁹¹ On the topic on online harassment of women journalists see also OSCE (2017).

⁹² On this topic see Harrison & Pukallus (2018).

⁹³ Parmar (2014: 7) describes this vicious circle in the following way: while '*the killed are silenced forevermore; survivors of attacks are less likely to continue their work; other media professionals, who are intimidated by what they observe, engage in self-censorship; the public is prevented from seeking and receiving information freely as a result of the "chilling effect" that creeps in, particularly amongst journalists; the ensuing impunity that almost always follows a killing or an attack which simply makes further killings and attacks more likely; and opportunities for democratic debate, oversight and accountability of state institutions and private actors wielding power are diminished*'

⁹⁴ According to this logic a killing of a journalist is for instance to be considered a violation of the right to life.

⁹⁵ The argument here is not that the legal rights based approach ignores the fact that safety violations against journalists have a societal significance, merely that this is presumed rather than approached in a way that provides deeper explanations as to how such societal consequences should be understood beyond assaults on individual rights and high-level statements on that such violations are detrimental to democracy.

⁹⁶ See for instance Forbidden Stories (2019a) and (2019b) on efforts to uncover ways in which journalists are being silenced because of their investigative work.

⁹⁷ See ahead to Section 2.2.2 (Impunity) for a more detailed discussion on the underlying details for this.

⁹⁸ For instance, UNESCO has arranged a series of academic conferences on the safety of journalists. For more information on topics discussed and papers presented see: <http://en.unesco.org/events/special-academic-session-safety-journalists-0>; <http://en.unesco.org/events/special-academic-session-safety-journalists>; <http://en.unesco.org/world-press-freedom-day-2016/research-conference-safety-journalists-knowledge-key>; <http://iamcr.org/news/wpfd2016-report>. There is also ongoing effort to increase academic engagement with topics related to safety for journalism through the Journalism Safety Research Network (JSRN) hosted by the Centre for Freedom of the Media at the University of Sheffield. Information available at: <http://www.cfom.org.uk/our-networks/journalism-safety-research-network-new/>. (Accessed: 14 September 2019).

⁹⁹ Strategies adopted by journalists to protect themselves against and cope with the consequences of threat and attack is for instance covered.

¹⁰⁰ The context of war journalism and the protection provisions of journalists during armed conflict have been central in the legal research on the safety of journalists (Burri (2015), Davies & Crawford (2013), Dusterhöft (2013), Saul (2008), Stolte (2015), Van Engeland (2011)). For a historical perspective on how these legal provisions have evolved see Davies & Crawford (2013), Gasser (1983), Howard (2002), Kirby & Jackson (1986), Lisosky, & Henrichsen (2009), Mukherjee (1995), and Young (1982). Research devoted to evaluating the scope, merits and limitations of these legal frameworks include for instance Dörrman (2007), Gasser (1983; 2003), Heyns & Srinivasan (2013), and Stolte (2015). In addition to international legal protection frameworks researchers have also focused on regional frameworks of protection (Heyns & Srinivasan (2013), Mukherjee (1994); Parmar (2014)), Saul (2008), and Young (1982)), as well as national protection frameworks (Heyns & Srinivasan (2013)) and actions undertaken within the UN system (Marcesse (2017)), by civil society (Lisosky & Henrichsen (2009) and by governments to protect journalists (Brambila (2017), (Krueger (2008), Mendel (2016), and Taback & Coupland (2006)).

¹⁰¹ For studies on lethal violence against journalists see for instance Asal, *et al* (2016), Collinson *et al.* (2014), Draghici & Woods (2018), Gohdes and Carey (2017), Riddick *et al* (2008), and Sussman (1991).

¹⁰² See for instance Kurvinen (2015)

¹⁰³ See for instance Tumber (2006). For research on how the media industry has adapted to news production in conflict zones as a result of increasing dangers see also Murrell (2010).

¹⁰⁴ See for instance Knightley (2004), Nohrstedt & Ottosen (2014), Paterson (2014), Paul & Kim (2004), Porch (2002), and Verschingel, (2008).

¹⁰⁵ The issue of the growing numbers of attacks against women journalists reporting from conflict zones is also addressed in the academic literature (Adamczyk (2014), Harris *et al* (2016), McLaren (2013), and Storm & Williams, (2012)).

¹⁰⁶ See for instance Dörrman (2007), Gasser (1983; 2003), Heyns & Srinivasan (2013), and Stolte (2015).

¹⁰⁷ Taback & Coupland (2006: 203) note that *'documenting attacks on journalists (...) could be an important early indicator of trends detrimental to human security in a given context, if decision makers choose to listen'*. This fact points to the importance also of the purpose of this thesis to establish a comprehensive understanding and mapping of problems of risk to journalism as essential and a fundamental step towards exploring risk to journalism as an early warning of deteriorating societal trends more widely. It is argued that such systematic understanding is indeed a prerequisite for possibilities to study these types of important relationships.

¹⁰⁸ See also Cottle (2006) (Chapter 5 in particular), Cutler (1955); Hudson & Stanier (1997); Keeble (2014); Knightly, (2004), and Lisosky & Henrichsen (2011).

¹⁰⁹ See also Tait (2007: 437-438).

¹¹⁰ Within the context of state failure Waisbord describes attacks against the media as a symptom of a wider repression of freedom of expression and any form of political participation. Because of its central position within *'the battle for public expression, the press becomes a prominent target when naked violence replaces the rule of law'*. Exploring how violence has been an intrinsic rather than an exceptional feature of the historical development of Latin America, Waisbord argues that violence against the press becomes one more manifestation of this *'culture of violence'* (2002: 93).

¹¹¹ The study covers the years 2002-2006.

¹¹² See for example Deutsche Welle Akademie (2016).

¹¹³ For example Maltese journalist Daphne Caruana Galizia was killed by a car bomb on October 16, 2017, in northern Malta. See <https://cpj.org/tags/daphne-caruana-galizia>. Slovakian journalist Jan Kuciak and his fiancée Martina Kusnirova were shot dead at their home outside the country's capital, Bratislava on February 21 2018. See <https://cpj.org/data/people/jan-kuciak/index.php> (Accessed: 13 September 2019).

¹¹⁴ See in general Betz *et al* (2015) and specifically (ibid: 43-49) and OSCE (2015).

¹¹⁵ See also Besley & Burgess 2001; Charron 2009, and Norris 2008.

¹¹⁶ Pukallus *et al* (2019)

¹¹⁷ Studying how such instances of loss of control of the information environment manifest themselves and trigger attacks on journalists in a cross-national setting provides an interesting starting point for a more systematic examination of how the characteristics of various societal contexts produce threats to journalists.

¹¹⁸ See Chapter 3 and 4 in this thesis.

2. A holistic approach to risk as a methodological solution to the current problem of comprehensive understanding

Chapter rationale

Chapter 2 will now continue to develop the proposal for the holistic framework by explaining the methodological approach taken in this thesis (Section 2.1), and secondly by identifying current conceptual limitations of conventional data approaches to risk, as illustrated through a case study on approaches focusing on assessing and measuring risk to journalism via threats to the safety of journalist practitioners (Section 2.2). This will entail analysing qualitative and quantitative data approaches to safety threats and literature that contributes to the formulation of these approaches.

In Chapter 1 safety violations were studied to illustrate the complexity of the nature of such problems and to illustrate that the tendency to narrowly focus on mapping the nature of safety threats prevents any in-depth understanding of the interrelationship between manifestations, causes and consequences of implied and implemented safety threats. The notion of risk to journalism was therefore introduced as an inclusive concept that makes it possible to capture these multifaceted interconnections between dimensions of risk. This understanding of risk as a means to comprehensive understanding will be elaborated upon in Chapter 2 where it will also be connected with a sociological methodological approach to evaluating such risk on the macro, meso, micro levels of analysis (Section 2.3). Through this methodological approach, it will finally be possible to holistically understand the structural, institutional and agency-individual levels at which risk operates. Before engaging in such methodological development and the data and knowledge gaps analysis however, the methodological approach of this thesis will be explained below.

2.1 An explanation of the methodological approach taken in this thesis

The methodological approach undertaken in this thesis is guided by the basic yet fundamental concern to comprehensively understand problems of risk to journalism. The

foundation for this identified need was laid in Chapter 1 where it was concluded that despite the fact that crimes against and violations of the rights of journalists are recognised as increasingly problematic and as global problems, there is currently only a partial understanding of the causes, manifestations and consequences of such risk to journalism. In fact, it was shown in Chapter 1 that extant approaches to risk to journalism tend to focus narrowly on the manifestation of risk by recording occurrences of safety threats and violations against journalistic practice while failing to systematically explore what factors may explain such aggressions. This picture of a fragmented understanding of problems of risk to journalism, as identified through the analysis of the legal, grey and academic literature in Chapter 1, can be described as providing the methodological starting point for this thesis.¹

The problem of understanding raises challenges for actors concerned with defending and safeguarding free and independent journalism and what is considered to be its essential role to the democratic maintenance of societies since any attempt to effectively address any problem requires comprehending the true nature and dynamics of the problem itself.

This notion of comprehensive understanding and what it entails is captured by Paris' approach to formulating possibilities for academic engagement with policy problems. According to Paris, the framing and definition of a problem is key when it comes to *'open up certain kinds of policy responses, while foreclosing others'* (2011: 60) but even more fundamentally, it matters when it comes to establishing an empirical evidence base upon which effective policy measures and responses can be formulated and implemented. Paris argues that making *'specific recommendations that practitioners can directly implement'* (ibid., 61) to mitigate a specific policy problem is one way for academic research to make itself relevant to agendas of policy formulation and implementation. However, and with the aim of achieving comprehensive understanding in mind: *'A broader view of relevance would also consider ways in which scholarly research might frame the policy domain itself and thus "order the world" for practitioners'* (ibid.). Accordingly, policy problems *'are not given by nature'*, but *'reflect stated and unstated assumptions about the nature and scope of the problem and why it warrants attention'* (ibid., 60). Paris sees academic research as potentially contributing to this framing process in the three following ways: *'(1) by*

identifying and characterizing the policy problem itself; (2) by constructing causal narratives to account for the problem; and (3) by conceptualizing frameworks for responding to the problem' (ibid., 61).

Accordingly, Paris' three perspectives on how academic research can contribute to the effective formulation and implementation of policy form a meaningful point of departure for framing the methodological approach of this thesis. Achieving comprehensive understanding is undeniably the rationale underpinning Paris' line of thinking and the first point related to identifying and characterizing the problem is arguably the most fundamental dimension of understanding upon which any exploration of the other two dimensions rely.

The roadmap for arriving at what is described here as a desired comprehensive understanding of risk can be described to consist of the following steps:

1. Examining the extant knowledge base on risk to journalism
2. Identifying current knowledge gaps
3. Developing an approach to redress identified knowledge gaps for the purpose of forming a comprehensive understanding of problems of risk to journalism.

This third step can be further disaggregated into the stages of a) methodological and b) conceptual groundwork and c) the development of a framework to holistically analyse risk to journalism.

These stages (a-c) bring together Paris' three perspectives on understanding as captured by the notion of framing a problem and 'ordering it'. To take these in turn then: stage a) consists of addressing the requirement of methodological holism as a prerequisite for analysing risk to journalism as a multidimensional problem consisting of causes, manifestations and consequences by introducing a multi-level framework that allows for the examination of the full complexity of risk to journalism through the macro, meso and micro sociological levels of analysis (Chapter 2). Stage b) then undertakes conceptual work to respond to the first overall research aim (Aim 1²) by developing a rationale for how to understand the multidimensional nature of risk to journalism in relation to the diminishment of the civil role of journalism through the means of Civil Sphere Theory (Chapters 3-4). This is

essentially a process of unpacking the conceptual and theoretical components necessary for building a risk profile for the holistic assessment of risk to journalism in Chapter 5. By facilitating the systematic mapping of the conditions that bring about restrictions on the civil role of journalism and as a consequence circumstances of civil diminishment the risk profile will thus address to the second overall research aim (Aim 2³).

Ordering the problem of risk to journalism in this way is then meant to address the second and third dimensions of understanding as identified by Paris. The proposed conceptual and methodological holism provides the very foundation for what will be developed into a risk profile of journalism. The aim of this risk profile is to show that *an understanding* of risk to journalism does not just entail *an accurate description of the manifestation of problems of risk* (although this is undeniable a crucial aspect). Instead, the risk profile must also carry explanatory power when it comes to uncovering causes of risk to journalism and importantly establishing how the consequence of risk to journalism should be understood. These requirements entail finding out *why* journalism and journalists come under attack and *how* such attack indicates the diminishment of civil life more broadly. This focus indicates an analytical shift from describing that certain risk against journalism exists (accounting for manifestations as instances of safety violations) to developing a conceptual rationale for framing the very notion of risk in terms of understanding its consequences in terms of occurrences of civil diminishment.

Taken together, all of the above, as crystallised in the risk profile (see Chapter 5), serve to address Paris' third dimension of understanding that corresponds to the development of frameworks for responding to a policy problem. It is the view taken here that the conceptual re-framing of risk to journalism as multidimensional through the notion of civil diminishment as well as the development of a framework that allows for a disaggregated and holistic analysis of such risk will provide a sophisticated and in-depth understanding of risk to journalism that can be used to support efforts to implement standards and effective policy measures to protect journalism and inform advocacy efforts of various kinds.

Through this methodological approach this thesis sets out to answer and respond to research questions identified which are repeated below:

Research question 1: Can the concept of civil diminishment be disaggregated (divided into its component parts) to identify risk to the civil role of journalism to form a holistic 'risk profile' of journalism?

Research question 2: Can such a risk profile capture the complexity of civil diminishment identifying the causes and manifestations of risk to the civil role of journalism?

Research question 3: Can such a risk profile serve as the basis for a universal template to identify various types and combinations of risk to journalism understood as generating civil diminishment?

To explain how the thesis aims to address the formulated research questions, the methods used for that purpose will now be described.

The first and second step of the methodological approach of this thesis entail examining the extant knowledge base on risk to journalism as well as uncovering current knowledge gaps. This was done through a literature review (Chapter 1) and a data review and gaps analysis (Chapter 2).

The detailed review of literature carried out in Chapter 1 served as the starting point for the problem formulation and the identified need to comprehensively understand risk to journalism. Chapter 1 established what is known and what is missing with regard to our current understanding of risk to journalism particularly focusing on the issue of safety threats against journalists. This work was carried out through a six months long desk analysis out of which three months consisted of a fieldwork secondment to UNESCO (Paris HQ).⁴ At UNESCO it was also possible to access the organisation's archives and to engage in exchange with experts within the field of the safety of journalists, the issue of impunity and media freedom. During this time the relevant literature was gathered and systematised. This systematisation involved studying the three categories of legal, grey and academic literature for the purpose of discerning their respective approach to problems of risk to journalism and the identification of limitations with these approaches. These limitations revealed a one-

dimensional or narrow focus on manifestations of risk to journalism which led to the conclusion that a multidimensional and inclusive approach to the causes, manifestations and consequences of risk is needed. The identified knowledge gaps also pointed to underlying problems with the empirical data that underpins these approaches. Consequently, a hypothesis that this data is fragmented and partial was formulated.

This hypothesis was then tested through the research stage of data analysis. This stage consisted of:

- a. A data inventory which entailed identifying existing datasets as well as collecting data from various civil society organisation.⁵ Due to the fact that only a few of the organisations gathering such information and statistics make their data available in a database format⁶ this required the manual recording of statistics available on the websites of various organisations or the collating of statistics from different types of reports into spreadsheets. For instance, this was carried out with regard to the statistics gathered by various civil society organisation on lethal violations against journalists for the purpose of comparing their figures.⁷ CPJ's online archive over imprisoned journalists was also manually compiled into a dataset disaggregating categories of information with regard to the imprisoned journalist (name, region and citizenship) and details of imprisonment (for instance the length of imprisonment, nature of arrest, charges) (covering the years between 2000 and 2018).
- b. A data gaps analysis was then conducted for the purpose of identifying what tools are currently at our disposal for the purpose of understanding of safety problem. This required the organisation and categorisation and re-categorisation of data in various spreadsheets for the purpose of identifying what the data reveals and what categories of information are being recorded. This systematic data analysis facilitated the identification of empirical gaps in terms of what information is recorded and what information is not recorded. Table 2 and 3 in Section 2.2.2. show the information categories recorded and importantly the gaps with regard to what is standing in the way of a comprehensive understanding of risk to journalism.

The results of the literature and gaps analysis revealed a range of data limitations with regard to what was previously referred to as the prioritisation of recording information on

manifestations of violations against journalists whereas the causes and consequences of such violations and more widely risk to journalism was ignored. The data gaps analysis also showed a number of limitations with regard to how the manifestations themselves are recorded. For instance, there is a lack of information on a range of different types of violations against journalists. In addition to identifying the nature of the empirical data gaps (with regard to what it covers) the literature and data analysis also pointed toward a need to explore the underlying conceptual rationale that it used to justify that specific data is gathered in a specific way.

This process can be understood in relation to Paris' understanding of 'framing' or 'ordering' a policy problem as key to characterising the problem itself, but also to identify implicit assumptions being made about the nature and scope of the problem. Such implicit assumptions ultimately influence the ways in which a problem is approached, analysed and understood, argues Paris. Whereas the justificatory rationale for safeguarding journalism might seem self-evident and is often understood in terms of journalism being good for democracy, the fact is that a narrow focus on a specific aspect of risk, such as safety threats, without contextualisation in relation to the full significance of such risk, may result in the full scope and nature of the problem remaining hidden. Against this background, it therefore becomes important to examine the types of organising concepts that are being used for the purpose of gathering data on safety threats against journalists.

Methodologically, such a conceptual inquiry can be understood as attempting to not only identify that there exists certain empirical data limitations but to uncover why these data limitations actually exist, and ultimately how they can be redressed through conceptual development.

This links back to the third step of the methodological approach outlined above. This step is concerned with developing an approach to redress identified knowledge gaps for the purpose of forming a comprehensive understanding of problems of risk to journalism. For the purpose of achieving this the thesis will undertake the following steps:

2.1.1 Methodological groundwork

This is undertaken by adopting the sociological understanding of the interrelatedness between macro-level social structures, meso-level institutions and micro-level agency for the purpose of holistically studying risk to journalism as subject to a continuum of patterns of influence emerging from interacting '*articulations between systems and actors, between structures and practices*' (Ferreira & Serpa, 2017, p. 3). The need to understand the complexity of risk to journalism is thus addressed in a practical way through the development of this methodological approach (See Chapter 2).

However, the identified conceptual limitations point to a need not only for a holistic functional–methodological solution to the problem of understanding complexity of risk, but also to the need for conceptual development with regard to how the multidimensional nature of risk to journalism should be understood in terms of its causes, manifestations and consequences. This is evident from the lack of empirical data covering all these dimensions of risk. However, this is also intertwined with the overlooking of the conceptual and theoretical rationale underpinning those approaches. Such conceptual work is undertaken in Chapter 3 and Chapter 4 where an understanding of civil diminishment as a consequence of risk to journalism is established. This conceptual understanding of civil diminishment then frames the journalism risk profile facilitates the identification of causes and manifestations of risk to journalism.

2.1.2 Conceptual groundwork

Chapter 3 addresses the identified theoretical limitations through a proposal for understanding the societal role of journalism and risk to this role in relation to what Harrison (2019) calls the civil ideal of journalism which allows for the encapsulation of the various dimension of risk to journalism. Chapter 4 then takes this notion of the civil role of journalism and develops a conceptual schema of civil diminishment which frames risk to journalism by understanding civil diminishment as a consequence. It does this by using Civil Sphere Theory to create an integrated notion of risk to journalism as multidimensional. In this way, the establishment of a conceptual understanding of civil diminishment and a

theoretical rationale for the risk profile in Chapters 3 and 4 serves to respond to the first overall aim (Aim 1) of the thesis. Chapter 3 and 4 can therefore be understood as unpacking the conceptual and theoretical components necessary for building the sociological tool introduced in this chapter (Chapter 2) into a risk profile for the holistic assessment of risk to journalism in Chapter 5.

2.1.3. The development of a framework to holistically analyse risk to journalism

It is through the above methods that the risk profile is developed as a multilevel analytical framework against the background of the understanding of risk to journalism through the concept of civil diminishment. The risk profile is built by developing indicators of risk that combined through the macro, meso and micro levels of analysis form a holistic risk profile that maps instances of the civil diminishment of the civil role of journalism. The risk profile is designed to track the manifestations of risk to journalism and to systematically map environments for the purpose of understanding how they produce such risk (causes). By profiling the civil standing of the civil and journalistic environments of a given societal and geographical setting the risk profile ultimately indicates the set of circumstances that create the civil diminishment of the civil sphere itself as an outcome and consequence of the restrictions and constraints placed upon the civil role of journalism. This methodological approach undertaken in Chapter 5 makes it possible to address the second overall research aim of the thesis (Aim 2) which seeks to show that the risk profile provides a means to assess and track the processes and conditions that bring about restrictions on the civil role of journalism and to assess the outcome of such risk in terms of the civil diminishment of journalism.

Subsequently it provides a new indication of the extent to which a civilly diminished journalism produces a civilly diminished society.

The thesis now turns to the empirical and conceptual gaps analysis with regard to analysing data approaches to safety threats to journalist practitioners.

2.2 An empirical and conceptual gaps analysis of existing approaches to safety of journalists and their significance for the comprehensive and holistic analysis of risk to journalism

The purpose of this section is to show that there is a need to develop a holistic approach and framework for understanding risk to journalism (see Chapter 1, Section 1.3). This will be undertaken through a gaps analysis of the empirical data that is currently being used to assess safety threats against journalists. As pointed out in Chapter 1, Section 1.3, journalistic safety is commonly approached in terms of the personal safety of the individual journalist, and is perceived as referring to a range of physical and non-physical forms of attacks and violence, including psychological and on-line dimensions of threats and risk as well as the issue of impunity, or lack of judicial resolution of crimes committed against journalists.⁸ The review of the rights-based approach to protection in Chapter 1 also showed that safety for journalists is conceived of as a prerequisite, and as such, a necessary condition for a societal environment conducive to press freedom. The empirical and conceptual gaps analysis therefore starts with a review of data approaches that assess safety threats as interlinked with an enabling environment more broadly (Section 2.2.1) and will thereafter study data sets that assess various aspects of safety threats to journalists as a distinct category of risk (Section 2.2.2). These two types of data approaches will be evaluated with regard to whether they can be said to facilitate a comprehensive understanding of the problems of safety. The data review covers: the nature of the data on safety threats and what it says about manifestations of risk as represented by safety threats; what the data approaches divulge with regard to causes of safety threats; and finally what the data disclose about consequences for journalistic practice, and importantly also for society at large.

The objective of this evaluation is to reveal what types of intrinsic limitations exist in the data focusing in particular on three lines of inquiry. First, to explore limitations with regard to the type, range and availability of the data, and secondly to identify limitations with regard to the conceptual foundation and assumptions upon which the data gathering and generation is based, and thirdly, to examine how the problem of methodological limitations stand in the way of holistically assessing risk to journalism as understood via safety threats.

Examination and analysis of the various problems of safety threats to journalism are used in this thesis as a way to establish the case for the need for an integrated approach to risk. This is done by illustrating how problems of safety are not only a discrete dimension of risk but rather also a social phenomenon deeply connected with the complexities of societal environments and the standing of journalism within societies more broadly. The value of looking at the data on safety is therefore that it reveals the need to reframe the problem of safety threats in relation to a holistic conceptualisation of journalistic risk. Section 2.3 therefore concludes this chapter by outlining a specific method that can be used to address the problem of a comprehensive understanding of risk to journalism.

2.2.1 Assessing safety threats as interlinked with an enabling environment

There exists a wide range of analytical frameworks, approaches and indices that utilise, collect and generate information on the occurrence of different safety threats against journalists. Such approaches are both quantitative and qualitative in nature and range from various ranking indices, statistics on the number of attacks of various types against journalists, to in-depth reports and qualitative evaluations on the state of press freedom in various countries. Crucially, such monitoring frameworks have, over time, contributed in substantial ways to the development of an extensive knowledge base that records information on violations of press freedom and attacks on journalism.⁹ The focus here will be the analysis of a selected set of these approaches that generate data on safety threats as interrelated with a wider assessment of an enabling environment for journalism which is often understood in terms of the scope and possibilities for effective press freedom.

In the context of evaluating data generated on safety threats as interrelated with the broader state of an enabling environment for press freedom it is important to recognise that these frameworks and approaches have definitional, conceptual and methodological differences. This means that the type of information conveyed differs. The frameworks also serve different purposes, including assessing progress related to different types of internationally set standards and development goals,¹⁰ setting donor and investment priorities¹¹ and evaluating the effectiveness of policy measures. As explained by Becker *et al.* (2007: 8) *'More than 100 organizations (...) are currently engaged in some form of media*

*system assessment and evaluation or media freedom promotion. (...) The groups describe their missions variously as promoting free and independent media through activism, monitoring media freedom violations, evaluating media systems through indices and written reports, and defending and protecting journalists working in conflict zones and under repressive governments’.*¹²

While these organisations are described as commonly having *‘applied rather than conceptual goals for their work’* they nevertheless tend to be *‘interested in media reform often because they believe it plays a role in the development of democratic states’* (ibid.). The important role journalism plays for democracy can in this way be viewed as, if not an expressly adopted rationale, at least an implicit assumption upon which work is undertaken to monitor or promote the principle of press freedom. Whereas the need to monitor press freedom is commonly understood as being grounded in the universal right to free opinion and expression it is noted that *‘from that starting point, the studies strike out in different directions’* (ibid., 8).¹³

Against the background of such methodological diversity, the debate *‘about the best way to evaluate’* (Burgess, 2010: 7) the state of press freedom can be described as ongoing and contentious. Still, the work of these organisations *‘is often described and cited in the popular media, giving weight to their operationalizations – and consequent conceptualizations – of media freedom’* (Becker et al., 2007: 8). Well established indices such as those compiled by RSF¹⁴ and Freedom House (FH) are thus seen as providing *‘a crucial, credible, and useful tool for tracking media freedom around the world and changes over time’* (Burgess, 2010: 7). Because of the central role that these indices therefore play *‘it is desirable to try to shape a critical discourse about their work’* (ibid., 6)

Such critical research into the conceptual strengths and weaknesses of press freedom indices point to them *‘having weak methodologies, excessive reliance on experts’ views, a lack of transparency, a Western bias, and a focus on “old media” such as newspapers and TV at the expense of fast-expanding digital media’* (ibid., 7).¹⁵ It is also emphasised that *‘[i]n the world of media freedom advocacy and in government policy circles, the conceptual explication of media freedom has taken a back seat to problems of measurement (...) Never*

mind the obvious point that it is hard to measure something if you do not know exactly what it is' (Burgess, 2010: 8).

By highlighting the importance of probing into the conceptual rationale underpinning assessments of press freedom in this way, the above provides a meaningful backdrop to examining the conceptual foundation of approaches to safety to determine whether their conceptual framing can be described to influence the quality of the empirical data for the purpose of comprehensively understanding of problems of safety. This inquiry will be used to substantiate whether the previously made claim that a holistic and multidimensional approach to risk is needed is indeed valid.¹⁶ What needs to be asked here however is to what extent the empirical and conceptual foundation for measuring safety threats as part of an enabling environment for journalism can facilitate a systematic and comprehensive understanding of problems of safety with regard to their manifestation, causes and consequences?

The composition of approaches to safety as part and parcel of an assessment of press freedom differs, and range from: longitudinal evaluations that analyse country level developments over time that can be used for tracking of shifting trends in press freedom; comparative approaches enabling the ranking of how well different countries fare when it comes to press freedom; single case studies that provide in-depth information on the situation in specific countries; and, toolkit approaches outlining a number of indicators from which the most appropriate ones are applied when examining a specific country.¹⁷

Notwithstanding these methodological differences, the two press freedom indices compiled by RSF and FH stand out as defining best practice when it comes to their respective conceptual, definitional and methodological approaches and the organisation of their findings. Due to the longitudinal nature of this data it is also of particular interest to this thesis as it may be used for analysis over time, and as such the data may potentially be useful to identify trends that can facilitate an understanding of the manifestations, causes and consequences of safety threats. These two indices will therefore be compared and contrasted in order to evaluate how they can be used to understand the problem of safety threats. The review will also include the UNESCO Media Development Indicators (MDI) as an

example of a qualitative toolkit approach to assessing media development. The MDIs include the dimension of safety threats to journalists as part of the overall framework and the MDIs will therefore be used to contextualise the two quantitative indices with a qualitative approach.

RSF's World Press Freedom Index (RSF, 2019k) and FH's Freedom of the Press (FH, 2017a-b) report provide global press freedom assessments of countries and they will be examined with regard to the nature of the empirical data they produce on threats to the safety of journalists. It will be identified what type of data is generated (for example qualitative and/or quantitative) as well as the range (that is to say what the data cover) and availability of data. The conceptual and ultimately methodological approaches undertaken will also be studied. Together, the nature of the empirical data and the conceptual approaches underpinning the data collection will be evaluated for the purpose of identifying underlying data limitations that contribute to current problems of understanding safety threats in their complexity.

2.2.1.1 Empirical data gaps analysis

RSF's and FH's indices are survey based¹⁸ and concerned with ranking countries when it comes to the state of press freedom in a broad sense as they set out to assess *'the entire media universe of individual countries'* including *'[s]uch issues as libel law, censorship, news organization finances, diversity of views, languages of broadcasts, physical safety of reporters, and dozens of other factors'* (Burgess, 2010: 6). While these indices assess press freedom more broadly the two indexes are selected for analysis here since they are commonly referred to as emphasizing violations against the press, including also violations of the safety of journalists (Paasch, 2009: 3; Schneider, 2014).

The RSF World Press Freedom Index was first published in 2002 as a means to produce *'specific numbers as hard evidence of where individual countries stood vis-à-vis their neighbors concerning media freedom'* (Schneider, 2014: 19). The index reflects *'[t]he degree of freedom available to journalists in 180 countries'* as assessed by combining *'the responses of experts to a questionnaire devised by RSF (...) with quantitative data on abuses and acts of*

violence against journalists during the period evaluated' to provide an overall country ranking (ibid., 19-23).¹⁹

When it comes to the methodological underpinning of the World Press Freedom Index, Schneider points out that: *'Reporters Without Borders does not reveal which concept or definition of media freedom its measure is based on. Interestingly, according to the CSO the index measures the level of freedom of information; this term is used more often than the term media freedom or press freedom, despite the ranking's name. Consequently, the organization affirms that the measure 'does not look at human rights violations in general, just violations of freedom of information'* (2014, 19-20). Schneider highlights that while RSF has often been referred to as having an *'individualized approach'* focusing²⁰ *'on the journalist's freedom as an individual, while economic factors play a subordinate role'* (ibid. 20), recent methodological revisions have allowed for a more comprehensive review of areas including pluralism (the degree to which opinions are represented in the media), media independence (the degree to which the media are able to function independently of the authorities), environment and self-censorship (the environment in which journalists work), legislative framework (the quality of the legislative framework and its effectiveness), transparency (the transparency of the institutions and procedures that affect the production of news and information), and infrastructure (the quality of the infrastructure that supports the production of news and information) (ibid., 19-20).²¹

As explained, RSF collects data on acts of violence against journalists which is included in the overall index assessment of countries. This abuse indicator covers statistics on killed, imprisoned, abducted, exiled, arrested journalists, including also different types of aggressions and censorship of news organisations and an *'indicator for each country is calculated on the basis of the data about the intensity of abuses and violence against media actors during the period evaluated'* (RSF, 2019k).

The Freedom of the Press Index compiled by the U.S. based watchdog organisation Freedom House was launched in 1980 as a way to specifically map the *'issue of media freedom'* (Schneider, 2014: 13).²² Covering over 190 countries the annual media freedom index is produced through a survey *'that monitors global media freedom by assessing the various*

ways in which pressure can be placed upon the flow of information and the ability of print, broadcast and online media to operate freely and without fear of repercussions’ (ibid.). In addition, detailed reports for most countries covered by the index are produced and can be used as a complement to the rankings (ibid., 15).

After various methodological revisions²³ the FH index now includes a set of questions and sub-questions that are divided into three broad categories including the legal²⁴, political, and economic²⁵ environment in a country (Schneider, 2014: 14). The political environment category includes a range of factors that influence the media. These include: *‘the editorial independence of both state-owned and privately owned outlets; access to information and sources; official censorship and self-censorship; the vibrancy of the media and the diversity of news available within each country or territory’ (FH, 2017a).*²⁶

The FH index is described as *‘the longest-running media freedom measure’* that *‘allows the tracking of broader trends on a country level as well as a regional level’* (Schneider, 2014: 13). Further methodological strengths are that *‘[t]he methodology questions cover a comprehensive set of topics and are broad enough to apply to almost any media situation, while at the same time the sub-indicators provide enough nuance to specify what issues should be considered under each question. The fact that the scores for each category are provided is very helpful for anyone wanting to use them for a more specific analysis and thus can be considered an advantage’* (ibid., 15).

To begin understanding what the data presented by the two reviewed indices reveal, it can be said that they produce a high-level aggregation of data that is useful when tracking and understanding shifting global and country level trends in press freedom. Both FH and RSF produce visually informative maps that can be used to identify which countries have a poor record when it comes to press freedom and which countries fare better. These country visualisations are based on the aggregation or weighing together of data across each category recorded by the respective organisation. While RSF’s World Press Freedom Index produces an overall score without systematic details on how countries fare when it comes to certain categories²⁷ it is possible to use the data from FH to get an idea of how countries are

performing when it comes to the three broad categories of the legal, political, and economic environment.

The data categorisation conducted by FH facilitates a more focused analysis of what types of factors could be said to contribute to restrictions of a free and independent environment for journalism. However, disaggregation of data at various levels of analysis remains a problem for both indices in order to try to understand the specifics of the environment concerning press freedom in any country. While FH's index allows for a certain level of disaggregation into the legal, political and economic categories, it is not possible to see how countries perform on sub-indicators that may be of interest. For instance, if we are trying to identify data on safety threats, the political environment category in the FH index combines sub-indicators on a range of potential pressures and controls that can be imposed on the media. With regard to aspects related to safety threats against journalists FH includes aspects such as: *'the ability of both foreign and local reporters to cover the news in person without obstacles or harassment; and reprisals against journalists or bloggers by the state or other actors, including arbitrary detention, violent assaults, and other forms of intimidation'* (FH, 2017a). But since the recorded figures, or raw data, on instances of abuse, attack and harassment are not made publicly available it is not possible to assess to what extent a changing situation for press freedom within a country is interlinked with developments (positive or negative) related to safety threats against journalists (other than on a general level in the sense it is possible to discern that the political environment is improving or getting worse). Consequently, FH's data provides high-level descriptions of contextual factors but due to the fact that the broad categories of information recorded through the political, economic and legal environments is not disaggregated in a way that allows for a systematic understanding of the specific and in-depth nature of the variables making up each category, such as what legal factors play a role in limiting press freedom in a certain countries the index only provide generic trends of improvement or regress.

The country rankings produced by the RSF World Press Freedom Index allow for even less data disaggregation as countries are only assessed on their overall performance without explaining which specific data provide the foundation for a particular ranking (Giannione and De Frutos, 2016: 596). The RSF survey, which informs the overall country rankings does pose

questions related to issues of implied and implemented threats to the safety of journalists, recording for instance: whether journalists have been targets of public discrediting, public insults and hate speech by government or religious authorities, major economic interests, or by interest groups linked to any of them; whether a government monitors or threatens journalists; and, whether authorities have done their best to punish those guilty of the murders of journalists, netizens and bloggers (RSF, 2019l).

However, since the survey responses from each country are not accounted for it is not possible to review this data in further depth but it can be noted that when it comes to trying to understand the nature, causes and consequences of violations perpetrated against journalists the survey design adopted does not allow a systematic analysis of safety trends. This can be illustrated for instance through one question, that asks what penalties have been imposed on information providers during the past twelve months in a particular country. The survey responder is requested to indicate this by selecting which of the following options apply: *'permanent prohibition on practising journalism; cancellation of licence; prison sentences; life sentences; torture/corporal punishment; death penalty; none of them'* (RSF, 2019l: Question E13). It can first be noted that the list of penalties can hardly be described as including the full range of possible types of penalty that might be incurred on journalist practitioners. The list of penalties can thus be described as covering certain types of penalties. Following on from this conclusion it might be appropriate to ask why these specific types of penalties have been chosen and not others? They might very well be those most commonly suffered by journalists, but since the survey does not provide any detailed information with regard to why certain questions are posed and why they are posed in a specific manner it is not possible to know the rationale for this. Looking at the penalties themselves it can also be noted that some, like *'a permanent prohibition on practising journalism'* are rather broad in the sense that this could mean different things in different country settings and could have several explanatory factors. Other categories like *'prison sentences'* are more specific, yet they still require further description, for instance in terms of uncovering why journalists are being sentenced to prison, and what the severity of these sentences are and the frequency with which prison sentences are used. Taken together these points show that there is a need for in-depth and systematic information on safety threats against journalists, recorded for instance on a case-by-case basis to uncover the

interrelationships between various manifestations and progressions of threats and how they might escalate into serious forms of attack. While RSF, together with numerous other organisations,²⁸ carry out essential work to account for and record information on cases of aggressions on journalists there is arguably a need to further systematise this information for the purpose of methodical analysis.²⁹

When it comes to the statistical data on safety threats, including instances of aggressions against and harassments of journalists as compiled for the purpose of the previously mentioned abuse indicator which together with the survey responses form RSF's Press Freedom Index, this statistical information is not publicised as part of the index. RSF does however account for the number of killed and imprisoned journalists,³⁰ netizens and media assistants through their Press Freedom Barometer (RSF, 2019j). Though the barometer does not account for the full range of violations that are recorded for the purpose of the Press Freedom Index. Yearly reports with statistics on the number of deaths, detentions, abductions and disappearances that have occurred during a year are also published by RSF,³¹ but again these reports do not cover the full range of abuses as included in the index. Such incidents of violations are indirectly identifiable through the organisations alerts and reports that are published online, but the statistics are not systematically accounted for.³²

Essentially, what this shows is a lack of accessibility to underlying data on safety threats that is used together with other types of data to determine overall trends in press freedom. There is also a certain degree of lack of transparency when it comes to accounting for statistics such as those related to incidents of violations and aggressions against the safety of journalists.

In this way, what these press freedom indices offer in terms of data on safety threats against journalists is that, considering that violations against journalists are included as part of an overall assessment it is possible to know that overall press freedom scores indicate in a general way if attacks on journalists are increasing or decreasing. However, it is not possible to know the specifics of why such violations against journalists occur within certain countries and what type of violations occur in certain types of societal contexts while not in others. It can be pointed out that both RSF and FH complement their quantitative indices with

qualitative and more in-depth reports on the state of press freedom within countries. However due to the lack of a conceptual rationale for these qualitative accounts, a systematic analysis of trends over time is difficult to achieve.

2.2.1.2 Conceptual gaps analysis

The above also links to the claim previously raised by Becker *et al.* that many media freedom measures lack a developed conceptual rationale for measuring press freedom in a certain way and that achieving concrete measurements for advocacy and policy goals tends to be prioritised over the conceptual underpinning of such measurements (Burgess, 2010: 8). The conceptual foundation of the respective indices will therefore be studied in some more depth here.

While FH *'does not provide a detailed definition of its concept of media freedom that would disclose what the index actually attempts to measure'* (Schneider, 2014: 14) the methodological rationale for the index is explained as being based on *"universal criteria," having as a starting point the smallest, most universal unit of concern: the individual'* (ibid.) while referring to Article 19 of the UDHR and its recognition of free opinion and expression as universal rights. As explained by Schneider, the concept of media freedom could furthermore *'be divided into two thematic categories that Freedom House methodologically deals with: On the one hand, the ability of people in a country to access a variety of information and on the other hand, the ability of people producing this information to do their jobs freely and without repercussions'* (ibid.). Nevertheless, without a clear conceptual rationale establishing why press freedom is measured in a certain way based on an explicated definition of first, what is meant by press freedom and secondly, why certain indicators are identified and chosen to measure press freedom it is difficult to know what it is that is actually being assessed.

Research shows that FH and RSF share the same ideological perspective and an *'inclination to measure a liberal or neoliberal conception of information and democracy (Amoretti & Giannione, 2015), with scarce consideration for the audience's point of view as well as for the social and public functions of information'* (Giannione & Defrutos, 2016: 596-597) While expressly committing to the furthering of democracy by stating that *'freedom of information*

“is a pillar of democracy” and “threats to media freedom (...) present a stark challenge to democratic values’ (FH), or that *‘media freedom correlates positively with per capita gross domestic product, economic stability, and economic development’* (RSF) (ibid., 596), such commitments are nonetheless not accompanied by *‘a clear definition of democracy’* (ibid) which could show in specific terms how and why information might further democracy. However, as pointed out by Baker (2004), due to the fact that *‘different conceptions of democracy assign a different function to media freedom’ ‘assessing freedom of information and its services to democracy requires a theory of democracy’* (Giannione & Defrutos, 2016: 596 referring to Baker, 2004). The consequence of this lack of a clear theoretical underpinning is that while empirical assessment approaches are commonly believed to adopt an *‘universalising approach’* that *‘allows for comparability across geographical spaces’* (Banda, 2011: 97), often through a commitment to the universal value of freedom of expression (Burgess, 2010: 19) they have in reality a predisposition to assess specific aspects of the environment for media freedom. For instance, an indicator of the neoliberal inclination of indices such as that of FH is that the state is commonly viewed *‘as predatory, always encroaching on media freedom and independence’* (Banda, 2011: 97-98) and an enabling media environment is generally seen as interlinked with the conditions for private media ownership. Such an approach may for instance conceal the conditions under which the state can act and implement policy and regulation that can positively influence media freedom and independence.

This point can be further illustrated through Schneider’s critique of the methodology behind RSF’s global media freedom map where *‘The colors of the different countries represent five categories ranging from “good situation” to “very serious situation”. These categories, however, are not explained at all and no information about how each country obtains its color is publicly available’* (Schneider, 2014: 22). The fact that the RSF methodology does not allow for transparency when it comes to the set of criteria that determine a particular ranking, stands in the way of facilitating an understanding of the specific circumstances that are influencing the status of press freedom in a specific country. This applies to trying to understand the state of broad categories of risk such as media independence and pluralism, as well as more specific types of risk such as safety threats, as well as changes over time in any sub-category and dimension of press freedom.

This demonstrates the need to determine not only that a certain country is making progress or regressing when it comes to the general state of press freedom, but also to establish methods that enable the systematic explanation of shifting safety trends. Such disaggregation requires, in addition to the adequate identification of the full range of safety threats, also the identification of the causes of such safety threats through the systematic disaggregation of societal environments and their specific characteristics. To achieve this, it is argued here that a conceptual rationale for ensuring appropriate operationalisations is needed and that the notion of risk to journalism can provide an entry point to establish such a rationale.

As referred to above, UNESCO's Media Development Indicators (MDI)³³ is an assessment framework that aims to provide in-depth information on the state of the media at a national level and, to assist stakeholders in media development to target interventions and to guide media-related policies (Burgess, 2010: 23-27). In comparison with the two press freedom indices presented above, *'the MDIs are not designed to provide a longitudinal analysis over time or a means for comparing different countries, but aim to help stakeholders assess the state of the media and measure the impact of media development programs'* (Schneider, 2014: 35).³⁴ The MDIs can be described as a toolkit approach that offers a set *'of indicators and methods from which selections can be made according to the particularities of the national context'* for the purpose of identifying *'a framework, within which the media can best contribute to and benefit from democracy and good governance, as well as to identify weaknesses of local media systems and provide recommendations for overcoming them'* (Schneider, 2014: 35).

The MDIs are structured around five categories with a set of indicators and sub-indicators that *'provide an aspirational picture of the media ecology to be constructed in order to ensure media freedom, pluralism and independence as the foundations for media's optimum democratic performance'* (UNESCO, 2014b: 2). The five categories are as follows (UNESCO, 2008: 11):

Category 1: A system of regulation conducive to freedom of expression, pluralism and diversity of the media³⁵

Category 2: Plurality and diversity of media, a level economic playing field and transparency of ownership³⁶

Category 3: Media as a platform for democratic discourse³⁷

Category 4: Professional capacity building and support for institutions that underpin freedom of expression, pluralism and diversity³⁸

Category 5: Sufficient infrastructural capacity to support independent and pluralistic media³⁹

For the purpose of this section, Category 3 is of particular relevance since the issue of safety of journalists is dealt with expressly there. In this category, indicator 3.13 measures if journalists, associated media personnel and media organisations can practice their profession in safety and deploys the following sub-indicators (UNESCO, 2008: 67):

- Journalists and associated media personnel are not subject to threats, harassment or surveillance
- Journalists and associated media personnel are not physically attacked, unlawfully detained or killed as a result of pursuing their legitimate activities
- Media organisations are not forced to close down as a result of pursuing their legitimate activities, or threatened with closure
- Crimes against journalists are prosecuted and there is no climate of impunity
- Media organisations have policies for protecting the health and safety of their staff and measures of social protection are available to all staff, including temporary and freelance employees

(ibid.)

Furthermore indicator 3.14 looks at to what extent media practice is harmed by a climate of insecurity by studying:

- If journalists routinely self-censor because of fear of punishment, harassment or attack
 - If the confidentiality of sources is protected in law and also respected in practice
- (ibid).

Other indicators relevant to the safety of journalists are those related to the public's trust

and confidence in the media (3.11) (ibid., 64) and whether media organisations are responsive to public perceptions of their work (3.12) (ibid., 65).⁴⁰

A practical problem when it comes to using the data that is produced through the MDIs is that the indicators are not consistently applied across country contexts due to the diagnostic nature of the tool which aims to provide a baseline assessment rather than results that are systematically comparable between countries and over time. The fact that the MDIs have only been applied in a limited number of countries⁴¹ also contributes to apparent data limitations (Schneider, 2014: 36). It can therefore reasonably be argued that the MDIs have methodological limitations similar to those mentioned in relation to the qualitative, in-depth country reports produced by FH and RSF in the sense that a purely descriptive analysis does not allow for systematic analysis of trends and comparisons. The fact that the MDIs have only been applied once in any of the countries analysed also means that data is only available for a single year and therefore does not allow for analysis over time. In conclusion, it can be said that there is a need for systematisation of existing qualitative information in a way that allows for systematic analysis.⁴²

While the MDI framework sets out to develop a justification for understanding the dimensions that constitute a climate within which the media can facilitate sustainable development by contributing towards goals of democracy and good governance through the deployment of a specific set of indicators, questions remain with regard to how underlying concepts and theory are understood. While it is claimed that the MDI framework has its theoretical grounding in *'the five UNESCO declarations on Promoting Independent and Pluralistic Media (Windhoek Declaration and those of Almaty, Santiago, Sana'a and Sofia)'* (Schneider, 2014: 35) it does not provide a deeper rationale for how a journalistic contribution to democratic processes should be understood.

This is not a trivial point since it reveals that measurement approaches like the indices compiled by RSF, FH as well as UNESCO's MDI framework from different perspectives, can all be found lacking when it comes to dealing with the complexity of democratic practices in a variety of settings. As a result, the complexity of democracy is reduced to simply asking whether countries have an environment within which free and independent journalism can function (Schneider, 2014: 23), that is to say, *'does country X have a political, economic, and*

legal environment in which quality journalism can exist? (ibid., 36). In fact, analysts argue that *'the most important thing is not the environment itself, but what a country's media accomplishes in that environment'* (Burgess, 2010: 36). As argued by Panneerselvan (quoted in Burgess, 2010: 36) *'[In] regions where data on 'enabling environment' have near perfect scores, like North America, Western Europe, Australia, and New Zealand, the media is fast declining. In sharp contrast to this, there is accelerated plural growth clearly discernible in countries which do not score high on the enabling environment graph, like India, Pakistan, or Nepal'*.⁴³ In the context of risk to journalism it would therefore be relevant to understand not only practices that can be identified as restricting free and independent journalism, but also how these practices interact with and influence journalistic production, dissemination and reach, differently in different societal contexts.

By including an indicator related to the role of the media as a platform for democratic discourse the MDI framework facilitates the examination of issues like whether a *'prevailing climate of self-regulation and respect for the journalistic profession, reflects and represents the diversity of views and interests in society, including those of marginalised groups'* and if *'[t]here is a high level of information and media literacy'* (UNESCO, 2014b: 2).⁴⁴ This indicates that the MDI framework attempts to provide a link between the media environment and the issue of the quality of the media.

The problem is however that the understanding of the normative role of the media is not grounded in a developed theoretical underpinning and definition for the purpose of observing and benchmarking changes that occur to and within journalism and the media in any given locale. Therefore, the problem of reducing the quality of democratic practices to a matter of the functional ability of the media to serve democracy is not solved. As referred to above by Giannione and De Frutos (2016), this ultimately means that the social and public function of journalistic information is not taken into consideration, and for the purpose of this thesis, that the full significance, or full set of implications of risk to such a societal role of journalism, is not sufficiently considered.

The tendency to focus on exogenous environmental factors influencing opportunities for the practice of free and independent journalism, rather than on the internal workings of journalism itself, as a communicative institution, means that there is a tendency to leave

questions of the quality of journalism aside while carrying out assessments of a media environment,⁴⁵ thus *'taking the position that what matters is whether there's an environment in which quality journalism can exist'* (Burgess, 2010: 36) while focusing predominantly on the extent to which journalistic information can be spread. Whereas it is certainly key to understand how the specifics of an enabling environment foster or prevent the practice of free and independent journalism it seems important also to be able to map the type of journalism that is produced under various societal circumstances for the purpose of linking it to varying levels and types of risk. Otherwise inaccurate conclusions might be made with regard to the opportunities for producing journalism in any given context, but also how threats and risk influence journalistic production and quality. The extent to which professional and ethical standards are upheld therefore seems important to study, but also what type of journalistic content is produced in a certain context. For instance, does the media in a given societal context, aid government propaganda, or, is the media producing critical investigative news reports despite operating in a hostile environment? And if such critical reporting is possible what are the characteristics of such an environment and why are journalists able to carry out investigative reporting despite imminent threats and risk?

A related point is made by Price who claims that *'[s]ocieties may have a free press and a passive and disinterested citizenry. (...) Conversely, there are societies that have a tightly controlled press, but [where] the structure of information diffusion on issues of public importance is robust and communities turn what is available into tools of information and mobilization'* (quoted in Burgess, 2010: 37). The key question for Price is whether *'the media in a particular society actually produce an informed citizenry'* (2011: 8), and he argues that attention must be paid to the issue of media literacy due to the fact that *'free and independent media are not a good in themselves, but only inasmuch as they support other, more intrinsic, values and goals, such as democracy, a particular economic structure, greater cultural understanding, general human development, and so on'* (ibid.). This is an important conclusion also for the multidimensional understanding of risk in this thesis which argues that in addition to understanding risk in relation to the journalist practitioner and journalistic practice, risk must also be approached through the lens of the societal function, or alternatively expressed the intrinsic value, of journalism.

Concluding discussion

This evaluation of how the assessment of the safety of journalists is undertaken methodologically by different organisations as part of wider frameworks for evaluating press freedom serves, as argued above, to indicate the problems facing the methodological measurement of risk. As this evaluation reveals, there firstly remains a need to develop an approach to safety (qua risk) that achieves what is referred to above as a comprehensive and holistic understanding. Secondly, there are specific problems that need to be addressed if we are to achieve a comprehensive and holistic understanding of risk. Third, such specific problems, when compiled, indicate that risk must be an inclusive concept that has its own developed theoretical and coherent underpinnings. Each of these will be taken in turn as follows

First, the analysis above reveals that the way safety was understood ignored critically important elements that needed to be included if such studies were to be comprehensive and holistic. The data does not capture the full nature of safety threats with regard to the type, range and availability of the data; neglecting dimensions of safety as a personally experienced social phenomenon, the social esteem of journalism and journalists and how their role is socially delineated, ordered and structured. The indices can be described as capturing descriptive accounts of manifestations of risk. Accounts that describe that a particular type of risk occurs. This information is recorded in a high-level manner that does not allow for an in-depth and systematic study why such risk occurs. Importantly, for the purpose of understanding how problems of safety violations interrelate with environmental factors such as those captured by FH's political, economic and legal categories the existing frameworks do not allow for an examination of such relationships and the identification of why safety violations occur within a specific context. As illustrated by the FH and RSF indices the dimension of the media itself, how it functions through practices and news production is also not assessed as part of a wider risk assessment. Indeed, understanding risk to journalism requires not only understanding environmental factors that can be identified as restricting free and independent journalism, but also how these practices interact with and influence aspects such as the quality of journalistic practice and production, as well as the degree to which the normative role of journalism as serving the overall good of society.

Correspondingly, accounts of safety, such as the statistical data recorded by RSF's Press Freedom Barometer typically overlooks social, structural and specific institutional changes over time and how problems for journalism derived from such changes causally accounted for the lack of safety experienced by journalists. The link between specific safety threats and the contextual factors producing such violations are thus not systematically explored.

The issues of what exactly the societal function of journalism was, when understood in situ, what were presumed as desirable forms of media freedom, and the differences between the two, remains unaccounted for. Overall, safety is presented as less of a real problem in its own terms (narratives of structural, institutional and personal accounts) but rather in terms of a threat to democracy via the restrictions on freedom of expression that the lack of safety engendered. In short, abstracted accounts measured against fundamental principles. While this is absolutely not to say that these accounts are not important. They are, but it needs to be recognised that they are partial rather than comprehensive and holistic.

Second, there are specific problems as noted above that need to be addressed if we are to achieve a comprehensive and holistic understanding of safety (qua risk). These are: a) the excessive reliance on approaches that offer a generalised and high-level assessment of problems of safety as a threat to democracy but provide limited opportunities for comparison between societal contexts and often do not cover the country under investigation in depth; b) the overall lack of conceptual framing results in a fragmented understanding of safety threats, and the monitoring approaches reviewed reveal specific problems with longitudinal coherence and excessive reliance on expert assessments for data generation; and c) the fact that data on safety threats are not systematically and transparently accounted for makes it difficult to determine in many cases what data is missing. All of these restrict the possibility and plausibility of achieving a comprehensive and holistic understanding of safety and ultimately risk. Related to these issues is the fact that often data cannot be reviewed and findings cannot be checked. These aspects amount to what can be described as problems of accessibility to specific, in-depth data on a range of interrelated problems when the safety of journalists is being compromised.

Third, the net effect of the first two problems combined is that, as the study of safety indicates, it becomes a concept that: a) becomes narrowed and understood in a particularistic fashion as manifestations of specific types of violations of the safety of the individual journalist, thereby losing its complexity as a social phenomenon; b) is reduced to being nothing other than something that brings about a loss of rights and information, which it is assumed is of value to democratic practices. In other words, it appears that the true normative role of journalism (see Chapter 3) and the lack of safety it faces is not grounded in what was called above a developed theoretical underpinning and definitional rationale for the purpose of observing and benchmarking changes that occur to and within journalism and the media in any given locale. As such, the perennial problem of reducing the quality of democratic practices to a matter of the functional ability of journalism to serve democracy via freely available information is not solved. Rather it is exacerbated as the complexity of safety (qua risk) and its comparable standing across all settings in terms of a set of situations that confronts journalism everywhere in some form or another, and with that, the genuine relationship journalism has to the democratic sustainability of societies, is ignored. In short, and for the purposes of this thesis, the lack of a theoretical grounding and assessment criteria of the societal role of journalism means that safety cannot be understood either in specific terms or in a systematic way.

In conclusion, the reviewed indices and measuring approaches of risk to journalism have two central limitations. The first is empirical in the sense that the indices do not produce the data needed to comprehensively understand the causes, manifestations and consequences of risk to journalism either by producing too high level and generic information, such as in the case of the indices concerned with assessing the overall environment for press freedom, or as in the case of the approaches to assessing safety threats to journalists, producing data that is too narrow and detached from contextualising factors that can facilitate a better understanding of not just *that* certain types of safety threats occur but also *why* and what their consequences are. The second, is conceptual and can be said to contribute to the previously mentioned empirical limitations. What the identified lack of conceptual underpinning of assessment approaches of safety threats and an enabling environment for free and independent journalism ultimately mean is that we cannot be sure that the tools available actually capture problems to risk in a comprehensive way. This points to our

current knowledge on these issues being based upon assumptions on the nature and dynamics of problems of risk rather than systematically produced evidence. Therefore it is argued here that a framework that approaches the issue of risk from the starting point of establishing a reliable evidence-base that can be used to understand these complex problems in a disaggregated and comprehensive is needed.

2.2.2 Assessing safety threats as a distinct category

Clearly there is a need for more specific yet disaggregated and systematic data on the nature and extent of problems of safety and this section will address approaches that generate the data that is specifically focussed on safety threats in the form of aggressions and attacks on journalists, and thus also captures human rights violations against journalists. The majority of these approaches collect statistical data on various instances of violations of the safety of individual journalists and are as such important to review. There also exist some assessment frameworks of a more qualitative nature, such as UNESCO's Journalists' Safety Indicators (JSI) that provide interesting perspectives on how safety problems should be framed and conceptualised. Therefore, the JSI framework will also be reviewed here.

As in the section above, the data review here will be carried out as an empirical and conceptual gaps analysis. This analysis is used to evaluate what these approaches which specifically focus on generating data on safety threats are able to reveal with regard to: the nature of the data on safety threats and what it says about manifestations of risk as represented by safety threats; what the data approaches disclose with regard to causes of safety threats; and finally what the data discloses about consequences for journalistic practice, and importantly also for society at large.

More specifically, the data limitations will be identified in relation to: a) the type, range and availability of the data; and b) the conceptual foundation and assumptions upon which the data gathering and generation is based as well as their methodological limitations which, taken together prevent a comprehensive understanding of safety threats as a complex problem.

A range of implied and implemented physical and non-physical threats against practitioners of journalism are monitored and recorded by a number of organisations that work on the international, regional and national levels. Recently, the international community has also come to recognise the safe practice of journalism as a prerequisite for sustainable and human rights-centred development through the Sustainable Development Goals Agenda (SDG). This agenda has generated debate regarding the potential systematic monitoring and measuring of journalism safety as an indicator of target 16.10, which aims to *'Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements'* (UN, 2019f). The proposed indicator 16.10.1 adds urgency to the aim to generate quality statistical data on a range of safety threats as it suggests to measuring the *'number of verified cases of killing, enforced disappearance, torture, arbitrary detention, kidnapping and other harmful acts committed against journalists (...) on an annual basis'* (UN, 2019g, 2019h).

The availability of reliable data of good quality on a range of abuses is one of the central challenges facing the study and analysis of safety problems. In this context it is important to point out that the gathering of data on any type of abuse against journalists and the verification of the accuracy of such data is a tremendously challenging undertaking that is being diligently carried out by a range of civil society actors. In practical terms, this process often involves having to gather data in the field from volatile and often conflict-ridden societies (IFEX, 2011: 20-22), where powerful actors and vested interests are able to conceal or prevent information related to attacks on journalists from coming to light.⁴⁶ It is also a fact that institutionalised local mechanisms for data collection that could facilitate the systematic collection of data on abuses may be under development or completely absent in many contexts.⁴⁷ This problem encompasses not only conflict affected countries but also developing and developed democracies where systematic data collection on violations against journalists is not systematically carried out (Pöyhtäri, 2016: 177, UN, 2015, UNESCO, 2015a: 14-17; UNESCO, 2016: 10). Moreover, data collected by local civil society organisations (CSO) are *'rarely compiled into a common repository of data that can be used for structural cross-country comparison or the domestic analysis of trends and cases to prioritise for judicial investigation'* (Torsner, 2017: 130).⁴⁸

This problem of data accessibility poses obvious challenges, for instance when it comes to the empirical measurability of the proposed SDG agenda 16.10.1 safety indicator and any supplementary assessments (non-physical violence such as online abuse). The UN statistical commission, which is overseeing the work on operationalising the indicators, initially argued that the 16.10.1 measurement had some weaknesses and ranked it as a Tier III indicator (the weakest category) (see: UN, 2016:2). While *'being based on internationally agreed standards'*,⁴⁹ the Tier III ranking of indicator 16.10.1 meant that it had no *'established methodology and standards, or that its methodology and standards are still being developed and/or tested'*. Work has since been undertaken to *'refine the methodology and expand the data collection scope of the indicator'* (UNESCO, 2018d: 2) and as a result, indicator 16.10.1 has been upgraded to a Tier II indicator. Indicator 16.10.1 is therefore now regarded as *'conceptually clear'* with *'established methodology and standards available'*. The problem remaining however is that *'data are not regularly produced by countries'* (UN, 2018: 30).

Consequently, even if a methodology for measuring and capturing data on threats and attacks against journalists is developed, the problem of limitations when it comes to access to reliable data still remains. Any attempt to improve the monitoring of violence against journalists should therefore ideally address the issue of generating quality data and establishing a methodology for systematising and comprehensively measuring safety threats concomitantly.⁵⁰

The 2012 UN Plan of Action on the Safety of Journalists and the Issue of Impunity, which was adopted as a response to problems of growing dangers to journalists around the world, provides an authoritative starting point from which to understand the notion of the safety of journalists. This international standard setting framework provides normative impetus when it comes to establishing the value of protecting journalistic practice. Together with succeeding initiatives such as the JSI assessment framework, which enables evaluation of the safety of journalists in a given country (UNESCO, 2015a),⁵¹ UN frameworks for protecting the safety of journalists⁵² have *'contributed in important ways when it comes to recognizing the complexity of the journalism safety problem'* (Torsner, 2017: 129). As pointed out by Pöyhtäri *"Safety' in this context means journalists not being subject to threats, harassment or surveillance; not being physically attacked or unlawfully detained; journalists not routinely*

self-censoring out of fear of punishment or attack; and that crimes against journalists are prosecuted and that there is no climate of impunity’ (2016: 176). Importantly, Pöyhtäri also points out that in itself *‘the concept of safety is complex, including aspects that vary from personal and professional matters and issues of media systems to root cause factors in societies, such as corruption and crime, not forgetting the international and national legal systems’* (ibid.; UNESCO, 2008b).

This understanding of safety points to what has been identified here as the need to understand the complex nature of safety as interlinking risk to the individual journalist (with implied and implemented threats), the practice of journalism as well as causes, including the societal circumstances producing such threats. This conception of safety corresponds to the multidimensional understanding of risk put forward in Chapter 1 in this thesis in the sense that it points to the manifestations of risk in relation to the journalist practitioner and journalistic practice. It does not however very clearly point to the third dimension of risk to journalism, namely risk to the role of journalism, or the wider significance of such risk to society. While the above understanding thus points to the complex nature of safety it is argued here it needs further conceptual and methodological development and specification in relation to all three dimensions of risk for the purpose of achieving comprehensive understanding. As will be shown through the review below of the assessment frameworks (with the exception, to a certain extent, of the JSI framework) safety threats to journalists are not recorded bearing this complexity in mind, neither conceptually, nor methodologically.⁵³ The following identifies what the current knowledge base on safety threats against journalists is while considering also how current data limitations can be redressed.

2.2.2.1 Review and analysis of existing data on incidents of violations against journalists

As will be shown in this section part of the problem with current data gaps is the ways in which safety threats against journalists are recorded and that there is potential for improving this monitoring for the purpose of both strengthening monitoring and for the systematic examination of these problems.

It should be emphasised again that the practical challenges with data collection, systematisation and classification are substantial, considering the difficult task of documenting and verifying instances of violations against journalists which is being conducted by various monitoring organisations, often in volatile societal contexts where information is scarce. The purpose of this analysis is not per se to find fault with the vitally important work that is being done, but rather to provide insights into how current monitoring potentially could be strengthened for the purpose of understanding problems of risk to journalism in a more comprehensive way. It also reveals that although much of the current data is fragmented there are potential ways forward to address such fragmentation.

Given it is clear that there are many data challenges, this section now turns specifically to evaluating what categories of safety threats are actually used in existing data collection and how these are conceptualised and measured.

a) Measuring killings of journalists

Lethal violence against journalists is the type of violation most widely monitored by organisations and as such, lethal violence is also the violation type which is most systematically recorded. The reason for this focus on the targeted killing of journalists is likely to be related to the fact that this is undoubtedly the most ultimate and serious form of silencing of journalistic expression, but possibly also because this is likely to be the most verifiable type of attack. As noted by Gohdes and Carey,⁵⁴ killings is considered *'as the most reliable and valid indicator of violence committed against journalists. By definition, lethal violence can only take place once, whereas all other forms of violence such as imprisonment, torture, kidnapping, or intimidation can take place multiple times, and vary substantially in length and circumstances, making it harder to establish a definitive and comparable number of reported cases'* (2017: 161). Landman and Carvalho (2010) point out that when it comes to the process of measuring human rights abuses crucial information tends to be lost when only counting the number of times a specific violation, such as killings, has occurred. In fact, according to Landman and Carvalho (ibid.), human rights events, such as violations against journalists are often characterised by the fact that victims suffer multiple violations (for example, detention, torture and then killing).⁵⁵ Counting only instances of killings will ultimately over-represent killings and under-represent other types of violations, leading to a

miscounting that could bias the analytical assessment of a human rights situation in a country, they argue. Furthermore, *'any focus on 'the most egregious' violations (...) will necessarily undercount other types of violations that may have occurred'* (ibid., 50) and any time-series analysis of such data will thus make incorrect assessments of trends in particular types of violations (ibid., 48-50). This last point is important and can be further substantiated through a review of statistics on lethal violence against journalists. This will further provide for understanding both the merits and limitations in the way current monitoring of safety threats against journalists is undertaken.

Statistics on killings are commonly recorded by counting the number of instances of killings on a yearly basis and on a country level. The following civil society organisations (CSOs) as included in Table 1 below are examples of organisations that carry out such work on the international level: the Committee to Protect Journalists (CPJ), the International News Safety Institute (INSI), the International Federation of Journalists (IFJ), the International Press Institute (IPI), the Press Emblem Campaign (PEC), and Reporters Without Borders (RSF). UNESCO is also included as a central monitoring body. In addition to these data gathering initiatives covering international statistics there are also regional monitoring activities going on for instance by the COE and the Organization for Security and Co-operation in Europe (OSCE). There is also a range of nationally based civil society organisations that monitor killings⁵⁶ and various nationally established protection mechanisms that work to strengthen the safety of journalists.⁵⁷

As a starting point for analysing the figures on killings, it can be noted that when compared, the numbers recorded by monitoring organisations differ due to methodological differences. These will be reviewed in detail below but can be described in a general sense as being related to definitional considerations of when a case of a killing of a journalist should be recorded. Table 1⁵⁸ outlines the figures recorded by a selection of organisations between 2006 and 2018.

Table 1. Recorded figures on journalist killings between 2006-2018⁵⁹

| | CPJ ⁶⁰ | INSI | IFJ | IPI | RSF ⁶¹ | PEC | UNESCO |
|--------------|-------------------|------|------|------|-------------------|------|--------|
| 2006 | 57 | 173 | 155 | 100 | 85 | 96 | 84 |
| 2007 | 70 | 173 | 135 | 93 | 88 | 115 | 66 |
| 2008 | 42 | 109 | 85 | 66 | 60 | 91 | 46 |
| 2009 | 76 | 133 | 113 | 110 | 75 | 122 | 77 |
| 2010 | 44 | 97 | 94 | 102 | 58 | 110 | 65 |
| 2011 | 49 | 124 | 101 | 102 | 67 | 107 | 62 |
| 2012 | 74 | 152 | 121 | 133 | 87 | 141 | 124 |
| 2013 | 74 | 134 | 105 | 120 | 79 | 129 | 90 |
| 2014 | 61 | 105 | 118 | 100 | 73 | 138 | 98 |
| 2015 | 73 | 111 | 112 | 116 | 81 | 135 | 115 |
| 2016 | 50 | 115 | 93 | 83 | 62 | 156 | 101 |
| 2017 | 47 | 73 | 82 | 82 | 50 | 97 | 76 |
| 2018 | 54 | 76 | 95 | 78 | 80 | 117 | 99 |
| Total | 771 | 1575 | 1409 | 1285 | 971 | 1554 | 1103 |

The monitoring organisations above only include cases of killings that come to their attention and which they have been able to verify.⁶² The differing figures of killings between different organisations in Table 1 reflect the difficult task of providing a full record of every instance of a journalist killing. As noted by IFJ *‘there are many different sets of figures [of journalists killed] given every year, but no organisation can say for certain that they have counted everyone (...) there are still deaths we may not know about, other journalists who have been quietly silenced. All we can say with certainty is that these are the ones we know about’* (IFJ, 2009: 2). The fact that cases of killings sometimes remain unreported indicates that the problem of lethal violence against journalists is likely more extensive than what is currently recorded for official purposes.^{63 64}

Another problem that hampers the accurate recording of the number of journalists killed, is the use of diverse methodologies and criteria adopted for when and how to record an instance of a killing. As shown in a report by IFEX⁶⁵ (2011), this particular issue generates three problems that serve as a useful way of beginning to understand methodological difficulties when striving for accuracy in recording the numbers used when reporting journalist killings.

The first problem is concerned with who is and who is not included in the annual tallies. The IFEX report shows that the issue of accreditation at the time of death is not a significant factor when the CSOs determine whether a journalist should be included in the statistics. In fact, all CSOs interviewed include both accredited and non-accredited journalists in their tallies.

Another definitional matter concern whether individuals who practice online journalism should be included in the statistics. The report explains that the CSOs have found it necessary to be '*responsive to the changing realities of the media profession*' (IFEX, 2011: 18) including processes of digitalisation and the fact that in repressive regimes the Internet is sometimes the only available channel for disseminating news and expressing opinion. Therefore, it has become increasingly important to take online journalism into consideration when it comes to whom they include in the tallies of killed journalists. As a general rule the CSOs are reported to separate between professional journalists and individuals who are bloggers, but their approaches differ to a certain extent. While some CSOs (IPI, WAN-IFRA and WiPC) record cases of killed bloggers, others (CPJ and IFJ) record such cases on a case-by-case basis, which means some may be included and some excluded. The approach undertaken by RSF is to record such cases separately.⁶⁶

The changing realities of reporting from conflict zones is also reported as having brought to light another definitional problem concerning the fact that local fixers and interpreters often acting as '*journalists in their own right*' (ibid.) needed to be accounted for in the statistics on killings. Some CSOs therefore include categories of supportive media staff such as drivers and interpreters in their total count. Others, record media staff as a separate category.⁶⁷

This discussion on who counts as a journalist links back to the discussion in Chapter 1 with regard to who should be granted legal protection. There it was concluded that all communicators should be granted protection indiscriminately. It was however also pointed out that journalism, and journalist practitioners, produce communication of a distinct value as they exercise a form of public expression that adheres to professional standards when working to inform the public. As previously expressed, it is also the aim of this thesis to understand the distinct role of journalism and thus the wider importance of the journalist as

interrelated with risk. From a practical perspective of recording data on violations against journalists, and despite the fact that there is now greater recognition of the utility of wider definitions applicable to journalism and media related workers⁶⁸ the problem of lack of agreement on 'who counts' remains (Pöyhtäri, 2016: 178-180) and will always be subject to debate and discussions on boundaries. As pointed out by Pöyhtäri (ibid., 179), defining this issue is in fact *'[a] significant hindrance to protection of journalists'* not only in relation *'to discrepancies in statistics concerning attacks and harassment'* but also because various actors use different definitions for various reasons: *'For example, journalist unions may accept as members only the journalists employed by certain media companies, and the state may recognize as journalists only the members of the unions. This means that many freelance and other self-employed journalists, including social media producers, are not recognized as practicing journalists, but rather as individuals conducting 'private,' or even 'illegal' business. They therefore remain without special protections, if these exist, or even become the targets of extra threats'*.

For the purpose of achieving comprehensive understanding of the manifestations, causes and consequences of risk via safety threats to journalists it seems that rather than excluding certain categories of journalistic communicators, the recording of instances of violations should ideally allow for the inclusion of the widest possible range of producers of journalism. And possibly doing so through the identification of categories that can capture even more fine-grained types of producers of journalistic content as well as ancillary categories such as drivers, fixers, sources and family members of journalists who suffer intimidation and attack. While this may not be a straightforward process, the key when it comes to facilitating systematic recording of instance of violations would be a high degree of transparency with regard to definitions applied and consistent application of categories adopted over time.

The second methodological problem uncovered in the IFEX report concerns how the circumstances of a journalist death are considered and determine who is recorded in the statistics. The problem of considering circumstances of a death essentially entails determining whether a journalist was directly targeted or if the death should be viewed as accidental. Determining this is frequently far from straightforward, especially in conflict situations, as information often is scarce. Most CSOs are reported to record targeted killings

and not accidental deaths⁶⁹ even though, as pointed out in the report, *'accidental deaths of a journalist on duty can be a good indicator of the danger of the profession'* (IFEX, 2011: 19).⁷⁰

Considering intent is ultimately crucially important for the purpose of trying to understand the societal circumstances within which risk to journalism occurs as a way to uncover the causes of such risk. Uncovering intent is for instance closely related to evidencing who is the perpetrator of a killing as well as revealing their motif for targeting a journalist with murder. For instance, in a war context, proving intent may face complex problems when it is challenged by counterclaims of collateral death, and with that the attendant charges that the deceased should not have been there or that his or her death was unavoidable, even though every effort was made to avoid such deaths.⁷¹

For the purpose of comprehensive and holistic understanding, again it seems that rather than not reporting a certain case of a killing, an approach that uses a high degree of transparency by accounting for as much in-depth information as possible with regard to the circumstances of the death of a journalist would allow for greater opportunity to examine circumstances surrounding any particular journalist death.⁷²

An extension of the idea of proving intent is the third aspect related to the problems of the differences in the methodological approaches adopted by CSOs when recording cases of killings. This third concern is connected to the challenge of establishing a link between the killing of a journalist and the substantive issue of freedom of expression.

According to the IFEX report, three categories are commonly used to divide cases into:

1. Cases that can be ruled out because no link to freedom of expression can be established (an individual might for instance have been killed due to personal reasons unrelated to their profession).
2. Cases where there is not enough information to determine whether there is or is not a link to freedom of expression.
3. Cases where it is possible to establish a freedom of expression link.

IFEX reports that establishing a freedom of expression link is a requirement for all CSOs when they include a case in their annual tallies. Nevertheless, it is also stressed that this is achieved with *'great difficulty (...) since many cases are left unresolved, even years after the crime is committed. Authorities may fail to investigate the true motive for a murder while witnesses may be unreliable or silenced by fear'* (IFEX, 2011: 9).

To investigate if a killing is effectively an attempt to curb freedom of expression the CSOs are described to pose the following questions: *'(W)as the journalist receiving threats (especially death threats) prior to the murder? Was he/she investigating a sensitive issue? Did the person's enemies have the resources and ability to carry out the murder? What are other journalists saying about the suspected motive? Did the murder have a chilling effect in the region, resulting in increased self-censorship?'* (ibid., 20). A number of sources are commonly used to verify the link to freedom of expression including *'interviews with family members, the victim's colleagues and employers, local journalists, local freedom of expression and human rights organisations, the member's own local correspondents or partners, and the authorities'* (ibid.).

When it comes to unconfirmed cases, practices between CSOs differ with regard to whether they are included in their numerical records. Some CSOs argue *'that including unconfirmed cases may give a wrong impression of the severity of the situation in a specific region'* and *'that including an unconfirmed case on its list that may later be deemed to have no [freedom of expression] connection may have a damaging effect on the group's reputation'* (ibid., 21).⁷³ Other CSOs chose to include ambiguous cases in their statistics until a link to freedom of expression is ruled out for certain.⁷⁴

Whereas understanding the circumstances of a particular death in relation to restricting freedom of expression provides information with regard to whether a journalist was targeted because of their work or not, it does however not reveal much in-depth details with regard to motives for killings, including aspects such as political, cultural, economic, gender based, religious and sectarian reasons. While some CSOs publicise additional information related to each killing in relation to categories of perpetrators (state, non-state etc) and the type of topic the journalist was working on,⁷⁵ more detailed and systematised information

for instance on the type and frequency of threats a journalist received prior to the murder, on what type of stories the journalist was working on as well as data on relevant contextual information such as the societal circumstance under which the journalist was working would be desirable for the purpose moving towards a more comprehensive understanding of the circumstances of a journalist killings.⁷⁶

A research study led by the Media Governance and Industries Research Lab explore the methodological differences between eight organisations and their monitoring of killings of journalists identified in the IFEX report in further depth.⁷⁷ Collating the frequency statistics from various organisations into a single dataset (covering the time period of 2000 – 2016) the study crosschecked whether the names listed by the different organisations were the same. According to the findings *'the records [of the organisations] differ not only in numbers but also in persons recorded'* (Sarikakis *et al*, 2017: 13). Upon the examination and comparison of each recorded case of a killing in all eight studied organisations it was found that 2294 journalists were killed between 2000-2016. This is a higher number of killings than was reported by any of the single organisations.^{78 79}

In addition to demonstrating the importance of attempting to reconcile the various approaches undertaken by organisations for the purpose of compiling a single comprehensive database, the study also concludes that *'journalists and the international community would benefit from a closer synergy and harmonisation of methodological approaches to monitoring'* (ibid., 38). This conclusion also points to the need to further discuss methodological possibilities for doing so.

b) The case for further methodological improvements in monitoring killings

The above analysis of methodological differences and difficulties with recording statistics on cases of journalist killings provide methodological explanations to some of the differences in the reported figures by organisations in a practical sense. These range from problems of cases remaining unreported⁸⁰, the need for more in-depth and systematised information on each case of a killing and the desirability of further methodological transparency when it comes to sources used to verify cases as well as the criteria used for verifying cases.⁸¹

While these aspects, together with the methodological consideration of ‘who counts’ towards the inclusion in a tally over killed journalists, are important for the purpose of practical monitoring, the argument made in this thesis is that these are not the only methodological concerns that need to be addressed against the background of the aim to achieve comprehensive understanding of problems of safety and ultimately risk to journalism.⁸² Indeed, for the purpose of understanding the complex nature of risk to journalism as illustrated through the example of safety threats it was indicated above that the nature of the data on safety threats should be evaluated with regard to what it says about: manifestations, causes and consequences of such risk. This requires moving beyond the methodological concerns linked to the definitional boundaries of the three methodological considerations mentioned in the IFEX report and the Media Governance and Industries Research Lab study. To move in that direction requires the further examination of how the statistics on lethal violations against journalists are disaggregated and what additional information can be derived from current monitoring for the purpose of understanding the three dimensions of risk.

For this purpose, and in order to demonstrate the need for a different type of methodological approach, a detailed analysis of the information categories recorded in two of the most comprehensive databases covering killings was carried out (see Table 1 and 2 below).⁸³ The two databases analysed are the CPJ’s killings database, and the Media Governance and Industries Research Lab database on Killings of Journalists World Wide.⁸⁴ These were chosen because in addition to recording an occurrence of lethal violence perpetrated against a journalist, they also record additional categories of information related to each killing. This disaggregation of an instance of a killing into additional sub-categories adds information related to cause of death (for example *‘targeted for murder and caught in cross-fire’*), *the type of journalist killed (for example local or international reporter)*, *the type of media outlet the journalist was working for (for example broadcasting, newspaper and on-line publication)* and *the type of perpetrator (state or non-state actor)’* (Torsner, 2017: 131). The information categories used by CPJ and the Media Governance and Industries Research Lab database⁸⁵ respectively can be seen in the tables below. The tables are divided into two broad category types. These include first, personal information related to the killed journalist (for example name, gender, citizenship, type of media etc.) and

secondly, incident information related to the circumstances of the killing (for example type of death, source of fire and so on).

In a general sense the two datasets examined capture similar but to a certain extent also different types of information. For instance, the CPJ dataset makes no mention of the age of the journalist, while the Media Governance and Industries Research Lab database does. The latter also records accidental deaths as well as suicides, while CPJ only records deaths that are identified as killings where a journalist was targeted because of his or her profession. Unlike the CPJ database, the Media Governance and Industries Research Lab database does not systematically detail information related to the perpetrators of a killing. However, in contrast to CPJ, the Media Governance and Industries Research Lab database records a qualitative category with ‘More information on death’, which describes circumstances of the death with varying levels of detail. It can be noted however that because this is just a descriptive text, it does not in itself provide for a systematic understanding of such circumstances.⁸⁶

Table 2. Information categories recorded by the Committee to Protect Journalists

| Category type | Personal information | | | | | | |
|------------------|----------------------|------------|----------------------|----------------------|------------------------|------------------|--------------|
| Generic category | Name | Gender | Origin | Staff / Freelance | Job | Medium | Coverage |
| Subcategory | | Male | Local | | Camera operator | Documentary Film | Business |
| | | Female | Foreign | | Columnist/ Commentator | Internet | Corruption |
| | | Non-binary | | | Internet reporter | Print | Crime |
| | | | | | Photographer | Radio | Culture |
| | | | | | Print reporter | Television | Human rights |
| | | | | | Producer | | Politics |
| | | | | | Publisher / Owner | | Sports |
| | | | | | Technician | | War |
| Category type | Incident Information | | | | | | |
| Generic category | Year | Location | Type of death | Source of fire | | | |
| Subcategory | | Country | Crossfire | Criminal group | | | |
| | | | Dangerous assignment | Government officials | | | |
| | | | Murder | Local residents | | | |
| | | | | Military officials | | | |
| | | | | Mob violence | | | |

| | | | | | | | |
|--|--|--|--|--------------------|--|--|--|
| | | | | Paramilitary group | | | |
| | | | | Political group | | | |
| | | | | Unknown fire | | | |

Table 3. Information categories recorded by the Media Governance and Industries Lab

| Category type | Personal information | | | | | | | | | |
|------------------|----------------------|----------------|---------------|-----------------------------|---------------------------|----------------------------------|-------------------------|-------------------|-------------------------|-----------------------|
| Generic category | Name | Alias | Age | Sex | Citizenship | Freelancer | Position | Type of media | Media employer | Topic covered |
| Subcategory | | | | | | | Journalist | Combination | | Business |
| | | | | | | | Cameraman/ Photographer | Print | | Crime |
| | | | | | | | Other media worker | Radio | | Culture |
| | | | | | | | | TV/video | | Politics / Corruption |
| | | | | | | | | Internet | | Religion |
| | | | | | | | | N/A | | Sports |
| | | | | | | | | | | Various topics |
| | | | | | | | | | | War |
| | | | | | | | | | | N/A |
| Category type | Incident type | | | | | | | | | |
| Generic category | Country of death | Foreign/ Local | Date of death | Type of death (preliminary) | Type of death (exact) | More info on death (qualitative) | Source | Number of sources | Name of further sources | |
| Subcategory | | | | Assassination | Airstrike | | | | | |
| | | | | Accident | Beaten to death/ Tortured | | | | | |
| | | | | Suicide | Bomb | | | | | |
| | | | | | Crossfire | | | | | |
| | | | | | Disease | | | | | |
| | | | | | Executed/ Death sentence | | | | | |
| | | | | | Natural death | | | | | |
| | | | | | Natural disaster | | | | | |
| | | | | | Plane/ Helicopter crash | | | | | |
| | | | | | Shot/ Gunned down | | | | | |
| | | | | | Stabbed / Slit | | | | | |

With regard to the three key lines of enquiry for this data review which are concerned with investigating what the data on safety threats, here instances of killings, reveal in relation to causes, manifestations and consequences of such risk, the above analysis shows that the two broad categories of information recorded (personal and incident) can largely be described as capturing manifestations of incidents of killings.

With regard to the personal information category, descriptors of the journalist killed can be discerned for instance with regard to dimensions of gender, age and nationality as well as information with regard to the professional status of the killed journalist. For instance, identifying whether someone is freelance or staff facilitates an understanding of which category of journalist is most exposed to lethal violations. The categories of job and medium provide further details with regard to the types of positions and media types that might be more dangerous and the category of coverage could also indicate which types of journalistic topics are more dangerous than others. This type of information can straightforwardly be understood as further descriptors of an occurrence of a killing, or its manifestation. This undeniably provides more detailed information than if an instance of a killing is recorded only as a count. However, when it comes to trying to provide explanations as to why a killing has occurred, the information has obvious limitations. For instance, it would be possible to determine whether men or women are more often subject to lethal violations, or alternatively if covering war is more dangerous than covering politics. However, without further and more disaggregated information these types of conclusions are still fairly generic and high-level and do not allow for an in-depth understanding of safety threats.

The personal information incident category provides evidence with regard to when and in which country a killing took place. Such data thus identifies the countries where the issue is most problematic but it does not reveal any information about specific contextual factors nor does it pick up on sub-national patterns that might determine how risky a journalistic environment is.⁸⁷ The categories describing the type of death (crossfire, dangerous assignment or murder (Table 2) and assassination, accident or suicide (Table 3)) can also be described as broad and non-specific if the aim is to understand the contexts where killings of journalists occur in any detail.

In short, recording information on incidents of lethal violations in this way can be described as capturing manifestations of killings, although more in-depth information as well as capturing information on how a situation might escalate into a lethal attack on a journalist, for instance by recording prior harassment or threats targeting the journalist would provide a fuller picture. There is thus scope to improve the data capturing occurrences of killings in terms of their manifestations.

Based on the data analysis, causes can only be attributed in a generic sense as emanating from a particular type of perpetrator such as a military or political group or from a conflict and war affected society whereas the specific circumstances are not known. Arguably, any attempt to understand when and why risk to journalism occurs must therefore delve further into prospects of generating data on underlying causes.

Furthermore, in relation to consequences of lethal violations these are understood as the lethal incident itself which is in terms of the tragedy suffered by the individual journalist. While this must undeniably be recorded it is argued here that it is necessary to move towards understanding the consequences of a journalist killing in terms also of aspects such as the chilling effects it may have on journalistic practice more widely and practices of self-censorship. Recording statistics on a country level certainly reveals if lethal violence is becoming increasingly problematic or if the situation is improving over time, but the figures do not provide any explanations as to why such shifting trends occur. The challenge would for instance be to understand whether fewer killings of journalists are connected with efforts to silence journalists that causes journalists to self-censor due to the chilling effects of previous journalist murders. Or alternatively, if there is a genuine improvement of the situation. This also points to the need to understand patterns and consequences of impunity related to killings and how the failure to bring perpetrators to justice might have implications for the state of the rule of law. Substantially, what this indicates is the need to understand the consequences of risk to journalism in terms of their wider significance for society.

Against the background of the empirical and methodological limitations identified it is worth pointing out again that killings are the type of violation against journalists that are most commonly and systematically monitored and that the reviewed databases represent two of the most comprehensively compiled and publicly available datasets currently measuring killings of journalists. And despite the fact that the data collection is undertaken in good faith and thoroughly, this analysis shows that the current way that reported figures on killings are recorded means that they do not capture the full extent of the journalism safety problem and tell us little about why and when journalists are targeted for murder.

In connection with the point made by Landman and Carvalho (2010), who argued that any focus on only lethal forms of violations will result in an over-representation of killings and under-representation of other types of violations and ultimately misleading assessments with regard to the nature of problems of human rights violations, it can be concluded here that killings of journalists serve as a flawed single indicator of risk to journalism if the aim is to understand such risk as a complex phenomenon. Indeed, behind a trend of decreasing levels of killings it might be the case that other forms of violations against journalists including harassment or incarceration. Understanding the nature, dynamics and interrelationship of safety threats thus requires us, at a very minimal level, to also understand the full range of threats that endanger the safe practice of journalism. It is towards examining such data, beyond lethal forms of violations and the ways in which such data are recorded that the thesis now turns.

c) Measuring other types of incidents than killings

The following organisations measure aspects of non-lethal threats and violence toward journalists in the following ways: the CPJ records a tally of journalists imprisoned (since 2000)⁸⁸ and exiled (2010-2015);⁸⁹ the Press Freedom Barometer, compiled by RSF, records figures on imprisonments on a yearly basis;⁹⁰ the UNESCO Journalists' Safety Indicators (JSI), serve as a baseline against which changes within a country with regard to the conditions for the safety of journalists can be assessed in relation to the UN Action Plan. The JSIs include both quantitative and qualitative indicators on various forms of violations and covers both statistical data on abuses as well descriptive information on the relevant actions undertaken by various stakeholders to address attacks against journalists⁹¹ (UNESCO 2015a). It can also be mentioned that the COE maintains an online platform that monitors a variety of attacks against journalists in member states.⁹² Furthermore, the Mapping Media Freedom project⁹³ records various types of violations against journalists within the European Union. In addition, a range of nationally based CSOs also record information on various types of violations against journalists.⁹⁴

While all of the datasets offer valuable information and monitoring evaluation, they all have limitations. Some remain limited geographically to regional analysis (rather than global), some cannot be used for comparative purposes because of the use of different

methodologies, while others are not designed to generate publicly available raw data detailing instances of abuse and threats that would be required to comprehensively analyse journalism safety trends. In addition, national level data recorded by local CSOs is not always readily available for analysis. Added to this, much of the data generated on non-lethal forms of violations is in a qualitative form such as country reports and in-depth case studies, which makes definitional agreement difficult, systemisation problematic, and agreement on the extent of a particular risk or threat difficult to arrive at. However, it needs to be noted that qualitative approaches as exemplified by the JSIs are in fact key in the sense that they understand issues of safety as multifaceted and also combine qualitative and quantitative data (UNESCO, 2015). Qualitative information is invaluable also in providing a bigger picture, especially concerning the amount of detail that can be included, and in providing the necessary background to understand the scenario and temporal unfolding of an event and possible follow-up. Consequently, for the purpose of understanding the manifestations, causes and consequences of non-lethal forms of violations against journalists a major issue therefore to find an appropriate balance between information that can be recorded qualitatively (such as reports), and quantitative information can thus be used for systematic analysis.⁹⁵ With regard to the latter, the overall lack of such quantitative information is a significant problem. Accordingly the thesis once again returns to the problem of the incompleteness of existing data sets and the problem of what they omit across a range of incident categories.

d) Impunity

One type of violation that is recorded by some organisations is instances of impunity for lethal attacks on journalist. For instance, the CPJ records cases of judicially unresolved killings since 1992.⁹⁶ CPJ also compiles a yearly Impunity Index and the latest edition *'calculates the number of unsolved murders [in every nation] over a 10-year period as a percentage of each country's population (...) that took place between September 1, 2008 and August 31, 2018. Countries with five or more unsolved cases for the period are included [in the index]'* (CPJ, 2018b).

Interestingly, the index *'shows that while a significant proportion of the countries listed are experiencing conflict or widespread violence (for example Somalia, Iraq and Syria), the*

majority of the countries ranked are in fact nominally democratic and relatively stable societies [that nevertheless experience various types of volatility and instability] (e.g. the Philippines, Russia, Brazil, Mexico and India). The fact that impunity is widespread in both conflict and non-conflict situations in this way indicates the need to understand the societal drivers of impunity within a diverse set of contexts' (Torsner, 2017: 134). However for the purpose of achieving this it is necessary not only to keep a record of how many cases reach judicial resolution and how many don't. Rather it is crucial '*also to consider how to identify the societal circumstances, beyond generalized statements concerning deficiencies in the rule of law and judicial independence etc. that allow impunity to flourish and what is involved in securing the scarce number of cases that are in fact resolved*' (ibid).

e) The specific problems of categorisation: lethal and non-lethal violations

While the most frequently monitored and measured incident category is killings, these are only one aspect of the frequently encountered forms risk that journalists face. Without undermining the symbolism, significance, and tragedy of killings, they represent the most spectacular form of what is nevertheless a much wider problem. Consequently, a comprehensive and systematic account of risk also needs to put into context the killings of journalists. This is crucial not least in relation to the UN Sustainable Development Goals agenda and SDG 16.10.1, which requires as mentioned above, that the '*number of verified cases of killing, enforced disappearance, torture, arbitrary detention, kidnapping and other harmful acts committed against journalists*' (UN, 2019d: Targets & Indicators) are monitored on a yearly basis. This context must thus be presented at its widest and most inclusive: namely the entire range of threats.

To illustrate this point, Table 4 has been compiled to examine incidents of non-lethal (as well as lethal⁹⁷) violence against journalists and the range of different categories of incidents recorded by organisations. Information from five different organisations with national, regional and international scope were analysed. These organisations include the US Press Freedom Tracker (national scope),⁹⁸ the COE (regional scope),⁹⁹ the Mapping Media Freedom (regional scope), the Media Governance and Industries Research Lab Assaults on Journalists in Europe (regional scope)¹⁰⁰ and the CPJ (international scope). An investigation of the categories used by different sources showed that there are substantial differences in

the precision and coverage of the incident types. For Table 4 incident types were regrouped into new broad assimilated categories shown in the first column of the table. Many of these can be further subcategorised, for example legal issues can be broken down further into: legal measures, civil lawsuits and criminal charges; while (non-physical) harassment/intimidation can be broken down into: general intimidation, psychological abuse, trolling/cyberbullying and defamation/discredit. The most comprehensive set of categories is from the Mapping Media Freedom data. The CPJ, on the other hand, has some quite specific categories not mentioned by others, such as terrorist attack, torture and surveillance.

When considering how to produce a single definitive range of categories and subcategories, it is becoming clear that there is in fact a trade-off between comprehensive coverage (with fine-grained distinctions) and category assimilation. While the former makes it possible to assess different incident types separately, the problem is that sometimes information is only recorded at a generic high-level, and so these distinctions are not always made.

Table 4. Incident categories used by different organisation

| Assimilated categories | Press Freedom Tracker (US) | Council of Europe (COE) | Mapping Media Freedom | Committee to Protect Journalists (CPJ) | Media Governance and Industries Lab |
|-----------------------------|------------------------------|--|-----------------------|--|-------------------------------------|
| Death | Physical attack | Death | Death | Killed | Killed |
| Missing | | | | Missing | Missing/ Disappeared |
| Arrest/ Imprisonment | Arrests and criminal charges | Detention or Imprisonment | Arrest/Detention | Imprisoned | Imprisoned |
| | | | | | Arrested |
| Interrogation | | | Interrogation | | |
| Torture | | | | | |
| Assault/Attack | Physical attack | Attacks on physical safety and integrity | Physical assaults | | Physical assault |
| | Prior restraint | | | | |
| | | | | Terrorist attack (killed) | |

| | | | | | |
|-----------------------------------|-----------------------------|--|------------------------------|--------------------------|--|
| | | | | Military action (killed) | |
| | | | | Police action (killed) | |
| | | | Sexual harassment | | |
| Injury | | | Injury | | |
| Intimidation | | Harassment or intimidation | Intimidation | Threatened | |
| | | | Psychological abuse | | |
| | | | Trolling/ Cyberbullying | | |
| | | | Defamation/ Discredit | | |
| Property attack | Equipment search or seizure | | Attack to property | | |
| Legal issues | Subpoena / Legal order | | Legal measure | | |
| | | | Civil lawsuits | | |
| | | | Criminal charges | | |
| Border Issues | Border Stops | | | | |
| Chilling events | Chilling statement | Other acts having a chilling effect on media freedom | | | |
| Impunity | | Impunity (killings) | Impunity (killings) | Impunity (killings) | |
| Journalistic infringements | Denial of access | | Blocked access | | |
| | Leak case | | | | |
| | | | Violation of anonymity | | |
| | | | DDOS ¹⁰¹ /Hacking | | |
| | | | | Surveillance | |
| | | | Bribery/ Payment | | |
| | | | Loss of employment | | |
| Collateral target | | | Collateral targets | | |
| Loss of employment | | | Loss of employment | | |
| Misc. | Other | Other | | | |

Concluding discussion:

The above gaps analysis of datasets focusing specifically on violations against the safety of journalists, commonly understood in terms of human rights violations, shows that there are clear empirical limitations with the range, scope and type of available data. It also shows that there is a conceptual and methodological need to improve the current method of monitoring. In order to achieve comprehensive and holistic understanding it can be concluded that the fundamental problem of current monitoring can be linked to the fact that safety threats are approached and measured in a one-dimensional way, as instances of violations of the fundamental rights of the individual journalist, thus disregarding the other dimensions of risk to journalistic practice and the function of journalism that need to be understood in relation to the dimension of the individual journalist and in a manner that allows for the understanding of causes and consequences of risk. Causes and consequences of risk must also be understood as complex phenomena in their own right. For instance, a consequence of risk to journalism such as self-censorship can be described as including a range of manifestations from the individual level to societal level effects.

Indeed, while *'[m]apping the sheer scale of the problem of safety threats through the systematic collection of data on threats over time is in itself a fundamental yet necessary step that needs to be undertaken for the purpose of establishing an empirical evidence base that can serve to tailor interventions aimed at safeguarding journalists and their work'* (Torsner, 2017: 129) such work needs to be undertaken in terms of considering the multidimensional nature of the problem itself. Importantly, the manifestations of safety threats in terms of the full range of different types of violations are not covered as lethal violations are prioritised for the purpose of monitoring. Arguably however, the killing of journalists is a poor single indicator of risk to journalism and using it as such runs the risk of simplifying the picture of problems of the safety of journalists while revealing little about the causes of these shifting trends, nor their consequences.

The scientific analysis of patterns and trends in violations is crucial when it comes to raising awareness and concern for the issue and seriousness of threats against journalists within the international community.¹⁰² This is also fundamental to developing systems of early warning that can indicate when a situation escalates and becomes more hazardous for journalists

and in terms of understanding the extent to which safety threats can be used as indicators of broader societal development trends. However, the current lack of comprehensive time-series data prevents longitudinal analysis from being carried out in any substantial manner. Similarly, a deeper analysis in terms of contextual information and correlation of different factors would enable better understanding of why certain trends might be emerging. Ideally, improved data of this sort could also enable the establishing of early warning systems to identify when situations are likely to escalate for the worse, which could also facilitate timely interventions and policy responses. Consequently, there is a need for recording a greater range of types of violations against journalists as well as the more sophisticated disaggregation and categorisation of data on safety threats.

From this list of deficiencies with regard to the monitoring of safety two main methodological conclusions can be drawn.

First, conceptual definitions do matter as they affect what is being measured. Ultimately, this is not just an issue of generating more data of the same kind, but it is a problem of how to record data to cover complexity and more importantly how it can be interpreted. Second, there is need for methodological and data transparency when it comes to how data is recorded and how it is made accessible. What these conclusions point to is that in order to fully understand risk to journalism at the macro, meso and micro level a new approach that places risk at the centre of analysis is needed. And such an approach cannot, as is done in the above, focus narrowly on the nature of implied and implemented safety threats, but needs to develop a comprehensive and holistic approach and sociological framework for understanding risk to journalism.

2.3 The groundwork for a sociological framework for holistically assessing risk

2.3.1 The macro, meso and micro levels of distinctions

As shown through the above data review and gaps analysis, a number of data limitations stemming from conceptual, methodological and theoretical problems have been shown to hinder any comprehensive and holistic understanding problems of risk to journalism. As

illustrated, risk to journalism is a complex problem that needs to be understood as multidimensional and as consisting of three dimensions: a) manifestations of risk to journalism; b) causes of risk to journalism; and, c) consequences of risk to journalism, as all being associated with the journalist practitioner, journalistic practice and the function of journalism. At a practical level the reviewed datasets and assessment approaches can be described as insufficient tools for the comprehensive and holistic examination of risk to journalism across all three identified dimensions. Current assessment frameworks are partial in the sense that they focus predominantly on manifestations of safety threats by recording their occurrence. While this indicates the types of threats journalists face, and to a certain extent the severity and frequency of such instances of violations, the information provided does in fact not allow for a systematic and in-depth understanding of the nature of the safety threats themselves, nor of their causes and consequences. The question then is how to facilitate the methodical study of risk to journalism across these three dimensions.

The starting point for designing a methodological approach for the purpose of facilitating comprehensive and holistic understanding must therefore be the very basic requirement of holism as a means to capture the complexity of problems of risk to journalism. This idea of a holistic approach to risk was introduced in a general way in Section 1.3 and this discussion will now be picked up for the purpose of proposing how a holistic assessment of risk should be undertaken methodologically through a sociological approach to the three micro, meso and macro levels of analysis.

While sociology is commonly understood as a diverse discipline encompassing various theoretical perspectives it can be understood in a general sense as the methodical examination of society, social interaction and patterns (Allan, 2006). As explained by Giddens, the value of sociology can be understood in relation to trying to understand a phenomenon as complex. In fact, whereas '*[f]actual research shows how things occur (...)* sociology does not just consist of collecting facts' (2009: 10). Instead, sociology is concerned with '*why things happen*' (ibid., 11) for the purpose of making sense of factual observations. In a general sense this fits well with what this section and the remaining chapters of this thesis seek to achieve namely making sense of why risk to journalism occurs and the consequence of such risk.

In sociological research, the macro, meso and micro distinctions are used as *'levels or scales'* (Giddens, 2009: 28) for the purpose of analysing and understanding the social world. As explained by Ritzer (2011: 545), *'[w]e can clearly think of the micro-macro linkage in terms of some sort of vertical hierarchy, with micro-level phenomena on the bottom, macro-level phenomena at the top, and meso-level entities in between'*. Research directed at any of these levels can be said to use a distinct perspective or lens when studying society. Within sociology the micro-macro levels of analysis are often understood as two contrasting perspectives in the sense that *'[t]he former examines the wider structures, interdependent social institutions, global and historical processes of social life, while the latter is more concerned with action, interaction, and the construction of meaning'*.¹⁰³ The macro level of analysis is therefore concerned with *'large-scale social systems, like the political system or the economic order'* (Giddens, 2009: 27) and thus social interactions at the broadest level of social structures. A macro level approach can therefore be described as *'essential if we are to understand the institutional background of daily life'* (ibid.). At the other end of the continuum, a micro level analysis focuses on the more specific study of the unit of the individual, their agency and experiences as well as *'relationships between individuals or small groups'* (Little, 2016). As described by Giddens: *'[m]icro-studies are (...) necessary for illuminating broad institutional patterns' since '[f]ace-to-face interaction is clearly the main basis of all forms of social organization, no matter how large scale'* (Marston et al, 2005: 422). Social reality is however construed neither purely by *'isolated individuals, nor are their lives completely determined by national states'* (Giddens, 2009: 27) exercising structural forms of influence. In fact, *'the meso (or 'middle') level of society'* captures *'the influences and effects of both micro- and macro- level phenomena'* (ibid., 28) as *'the focus shifts to the characteristics of specific networks, groups, and organizations (i.e., collectivities)'* and the *'connection, interaction and ongoing coordination of numerous different social roles simultaneously'* (Little, 2016).

The appropriate level or combination of levels analysis for the purpose of sociological study is a much-debated topic, characterised to a large extent by *'a chasm between micro and macro theories'* (Ritzer, 2011: 500) leading to the prioritisation of either a micro or macro analytical perspective. Against the background of this categorical distinction however developments within the sociological research field have moved *'toward a broad consensus*

that the focus, instead should be on the integration (or synthesis, linkage) of micro and macro theories and/or levels of social analysis' (ibid., 501). It is the understanding of the macro, meso and micro levels of analysis as interrelated while still analytically discernible that provides the means for the development of an holistic methodological approach to comprehensively assess risk to journalism in this thesis.

A critique directed at using the macro, meso and micro levels for analysing societal complexity that arguably goes beyond what these distinctions can capture is duly noted here. For instance, Pyyhtinen (2017: 298) argues that *'[b]y presupposing that phenomena are placed on two (or three) levels only, the viewpoint not only remains blind to how scales are in fact much more multiple, rich, and messy, but it is also inattentive to how processes, actions, and associations may crisscross various scales as well as how scales are produced in action.'* Recognising such complexity is in fact crucial to the aims of this thesis. And, while the three levels of analysis are in reality interrelated and overlapping, further theoretical development in Chapters 3, 4 and 5 will allow for further disaggregation and specification of each level of analysis through the understanding and institutional infrastructure of the civil sphere.

From a methodological point of view then, the macro, meso and micro distinction is used here for analytical purposes and for the purpose of outlining a framework (Ritzer, 2011: 499) which allows for the systematic study of risk to journalism as subject to a continuum of patterns of influence emerging from interacting *'articulations between systems and actors, between structures and practices'* (Ferreira & Serpa, 2017: 3 and Ferreira & Serpa, 2019).

Assembling the holistic framework to comprehensively assess risk to journalism then requires that the conditions that create risk to journalism and their manifestations are located and disaggregated using the macro, meso and micro levels of analysis. This will make it possible to carry out a holistic assessment of risk to journalism through the combined examination of all three levels of macro, meso and micro levels of risk and interactions between the different levels of analysis. At the same time, a risk analysis could also focus on a certain level of analysis (such as the micro level) or specific aspects of risk to journalism as associated with a specific level of analysis. It is worth emphasising again that the work

undertaken in this section is purely methodological in the sense that it seeks to establish the means with which a holistic assessment will be conducted. This step can thus be seen as the practical step of moving towards assembling a risk profile in Chapter 5. Arriving at the risk profile will however, first require the development of a theoretical understanding of risk to journalism that can capture all three dimensions of risk to journalism, including also the wider significance, and consequence of the societal function of journalism being compromised. Such theoretical work will be undertaken in Chapters 3 and 4 and will be merged with the methodological assessment framework developed in this chapter for the purpose of developing a risk profile of journalism in Chapter 5.

2.3.2 A holistic account 'beyond the manifestation of risk'

Moving on from the above understanding of the macro, meso and micro levels for the purpose of understanding and locating risk to journalism in relation to these analytical levels, the literature and data reviews conducted on safety threats to journalists beg the question: how to move beyond focusing on the mere manifestations of risk? Manifestations of risk to journalists understood via safety threats were identified in Section 1.2.1 as comprising a range of violations against the individual journalist including: lethal violations, impunity for lethal violations, detention and imprisonment, other types of physical violations including kidnapping, disappearance and exile, online safety threats, gender dimensions of online safety threats and psychological dimensions of safety threats. If we consider risk understood in terms of what happens to journalists who are exposed to safety violations as fairly well understood in the literature and data despite problems of data range, systematisation, and access, the next fundamental line of inquiry for the purpose of achieving comprehensive knowledge is to understand how risk including the above manifestations of safety threats emanates from the circumstances and conditions within which journalism is practiced. This was essentially covered by the generic categories of societal contexts producing risk to journalism that were derived from the literature review in Section 1.2.2. As previously outlined, these include: war affected, oppressive and less oppressive and finally countries that can be described as more or less consolidated and mature democracies.

It was concluded however that this categorisation of environments was not helpful when it came to explaining, in any comprehensive way, what constitute the specificities of an environment hostile to the safety of journalists, and how particular societal circumstances produce certain types of risk to journalism. Rather than using an instance of a violation of the fundamental rights of the individual journalist as a starting point, the methodological framework should enable the mapping and identification of circumstances and conditions within which journalism is practised and where risk can be explained in terms of its causes, as well as its manifestations. This will put the 'why?' question rather than the 'how?' question at the centre and will therefore direct the subsequent analysis toward explaining why risk to journalism occurs, yet still facilitate the mapping of manifestations of risk and how such risk occurs and the nature of it. This entails understanding risk in relation to the key institutions and actors of society, namely the state, the market, the law and civil society for the purpose of examining for instance how the state might use the law to attack journalism and journalists; the ability of the state to sustain the rule of law; and, the extent to which a state is able to uphold the monopoly of violence and maintain legitimate rule. Or as similarly explained by Sjovaag (2013: 157, referencing Altschull 1997), influence over journalism can be exercised by: *'official structures; commercial interests; informal influences; and interest group pressures'* and journalistic autonomy restricted by *'a range of interested actors spanning from individuals to institutions, such as government regulations and licences; the interests of publishers, public relations and advertisers; the informal influence of friends, relatives and lobby groups; and political parties, trade unions, and religious groups pursuing specific ends'*. Consequently, risk to journalism needs to be analysed in relation to the political, economic, legal and cultural context for journalism.

These societal categories are used for various purposes when it comes to assessing the state of governance, democracy and development, and levels of conflict, insecurity and instability in countries. For instance, approaches that analyse and rank countries with regard to their degree of fragility can be said to broadly consist of estimation tools that utilize indicators across these various societal dimensions. Many fragility measurement tools can be used to identify the nature and extent of political, economic, legal and cultural circumstances of instability as well as providing an aggregation of these indicators into a composite measure

such as a fragile states index.¹⁰⁴ Such indices sometimes provide *'a threshold level below which countries will be classified as fragile states'* (Ferreira, 2017: 1292).¹⁰⁵

The aim here is therefore to develop a methodological framework that can specifically examine and unpack circumstances and environments that produce risk to journalism. This aim points towards the need to systematically map factors exogenous to journalism that produce risk to journalism. As derived from the literature review such exogenous institutions include the state, market and law as key actors that either facilitate or hinder journalistic practice (and thus might produce risk to journalism). The state and market clearly qualify as macro level institutions at a sociological level of analysis due to their overarching structural power that determines the societal order. In addition to the state which was the domain of risk most comprehensively covered in the literature as reviewed in Chapter 1, the influence of the market on risk to journalism can be understood for instance in relation to *'market pressures, profit expectations, advertising influence, and audience research'* (Sjovaag p. 157). The law then as constituting a third exogenous form of influence on risk to journalism will be viewed as a meso level institution and as such can be understood in terms of Smelser's (1997: 46) definition of institutions as consisting of *'those complexes of roles, normative systems and legitimising values that constitute a functionally defined set of activities that gain permanence through the very process of institutionalisation.'* Law as an exogenous risk factor to journalism can then be understood in relation to deficiencies in the rule of law, situations where the law becomes a coercive force that is used to undermine journalism or when the integrity of the legal system is compromised due to it lacking independence and integrity. For instance, the law can be described as posing risk to journalism when it is unable or unwilling to address instances of impunity for crimes against journalists. While the reasoning behind this will be explained in detail in Chapter 3 and 4, the law can be understood here in a general sense as interdependent with the state and thus not a macro level structural force like the state and market.

In addition to risk to journalism resulting from exogenous circumstances, the literature review also pointed to factors endogenous to the institution and practice of journalism as important, yet often neglected, for the purpose of understanding possibilities for practicing free and independent journalism. As pointed out by Panneerselvan (in Price 2011) and Price

(2011) the internal workings of journalism itself, as a communicative institution, needs to be taken into consideration. As shown in the review this includes issues related to the quality of journalism and aspects such as adherence to professional and ethical standards, possibilities for self-regulation and the extent to which journalism functions to produce an informed citizenry. This points to a need to examine risk also in relation to the dimension of journalism. Journalism as an institution will therefore be included as a determining factor of risk at the meso level of analysis. At the micro level of analysis which includes the individual and his or her agency, the methodological framework will focus on the experiences of journalist practitioners both for the purpose of capturing manifestations of risk at this level (such as how the safety of journalists is compromised) as well as how individual level journalistic practice might interrelate with risk to journalism more broadly.

Sjovaag's (2013) research on the notion of autonomy within the institution of journalism can be said to capture the macro-meso-micro level interrelationships for the purpose of approaching risk to journalism from a perspective of methodological holism. Sjovaag (2013: 155) argues that *'journalist autonomy is restricted at the political, economic and organisational levels of news production, negotiated at the editorial level, and exercised at the level of practice'*.

Understanding journalistic autonomy as *'signify[ing] some form of self-directing freedom and moral independence – a status that separates us from others'* Sjovaag (2013: 156) also argues that due to the fact that *'autonomous individuals are bound together in a social setting by morals, and drawn into a political unity by a social contract that connects individuals to the state and democratic order'* it is necessary for *'[a]ny discussion of individual autonomy'* to *'account for the social arrangements under which we operate on a daily basis – conditions we commonly refer to as institutions'* (ibid.). This points to the relevance of the holistic approach to the macro, meso and micro levels of risk analysis. Sjovaag's (ibid., 156) understanding of journalistic autonomy as simultaneously interconnected with several levels of influence also supports the multi-layered approach to risk taken here: *'As journalism is practiced within the boundaries of the institution, professional autonomy is negotiated within an institutional context. In the research literature, journalistic autonomy is conceptualised both as a positive and negative right – it is*

based on the freedom to speak and publish, and freedom from interference in that activity (c.f. Carpentier 2005). At the level of practice, autonomy refers to the “latitude that a practitioner has in carrying out his or her occupational duties” (Reich & Hanitzsch 2013: 135). In an institutional context, autonomy entails independence from other socio-political institutions, primarily the state and the market (Örnebring 2013: 39)’ (ibid.). In this way, Sjøvaag’s reasoning on journalistic autonomy showcases the need for studying risk as manifest on the macro, meso and micro levels.

Table 5 demonstrates the proposed comprehensive and holistic approach and shows how it can provide a methodological solution to the current problem of comprehensive understanding. The multilevel analytical approach is captured through the macro, meso and micro levels of analysis that capture the distinct but interrelated social spheres of: the state and market at the macro-structural level; the law and journalism at the meso-institutional level; and finally, the individual journalist practitioner at the micro-agency level. The right-hand side of the table then disaggregates the complexity of problems of risk in relation to the three identified dimensions of risk in terms of causes, manifestations and consequences. The table illustrates how risk to journalism can be analysed in terms of its three dimensions at each level of analysis. It can be pointed out that the model is also intended to facilitate the examination of interrelationships between the various spheres and levels of analysis. The example of impunity can be used to illustrate how underlying causes could be identified at the overarching level of the state in terms of the inability or reluctance of the state to uphold the rule of law (macro level), whilst indicating the deficiencies within the legal system that prevent the course of justice and prosecution of perpetrators of crimes against journalists (meso level). The manifestations of impunity then go beyond accounting for how many cases of impunity occur within a context and need to be understood in relation to how practices that facilitate impunity are exhibited both in relation to the state and the law but also what they mean in relation to possibilities for the free and independent practice of journalism within a given context, both in relation to the institution of journalism (meso level) and in relation to the individual journalist practitioner and his or her agency to carry out their profession (micro level). The consequences of impunity then need to be understood in relation to each level of analysis. Certainly, in relation to the micro level and direct and acute consequences for the individual journalist but also in relation to the wider

societal significance of a politics¹⁰⁶ and culture of impunity which is likely to encourage self-censorship while compromising and undermining the rule of law, justice and democratic sustainability. As noted above, the tendency to record the manifestation of an attack against the safety of a journalist merely as a violation of fundamental (individual) rights obscures the fact that the consequences of such violations extend beyond the individual to the societal level. It has also been shown that while these societal consequences are presumed in a generic sense to be detrimental to democratic and just governance, the specifics of such wider societal consequences remain underdeveloped.

As it stands, Table 5 is currently unable to provide the means for such an understanding of the wider meaning and significance of risk to journalism as it only sketches the skeletal elements of the proposed holistic framework (the macro, meso, micro multi-level risk analysis and the multi-dimensional understanding of risk as causes, manifestations and consequences). Indeed, to fill the framework with content and meaning it is necessary to develop a framework for understanding the consequences as well as causes and manifestations of risk to journalism theoretical groundwork is required.

Such work will now be undertaken in Chapter 3 where it is argued that risk to journalism should be understood in relation to the extent to which the civil role of journalism is able conform to the 'civil ideal' of journalism.¹⁰⁷ This conceptual understanding of risk to the civil role of journalism is then developed into a framework for analysing such risk in terms of civil diminishment in Chapter 4. Civil diminishment is thus understood as a consequence of risk to journalism and this understanding is used to guide the assessment also of causes and manifestations of risk.

Table 5. A methodological approach for holistic assessment of risk to journalism

| Level of analysis | | Three dimensions of risk | | |
|----------------------|------------|--------------------------|----------------|--------------|
| | | Causes | Manifestations | Consequences |
| Macro - structural | State | | | |
| | Market | | | |
| Meso - institutional | Law | | | |
| | Journalism | | | |
| Micro - individual | Journalist | | | |

¹ See Section 1.1 where it was argued that a move from a distinctly legalistic assessment of risk to journalism framed as a policy and advocacy problem to a holistic framework for understanding the problem of risk itself is necessary.

² Aim 1 (as formulated in the Introduction in this thesis): *‘To show how Civil Sphere Theory can be used as the basis for the development of a holistic approach for establishing a new conceptual framework for understanding the consequence of risk to the civil role of journalism through the utilisation of the concept of civil diminishment’.*

³ Aim 2 (as formulated in the Introduction in this thesis): *‘To demonstrate that the concept of civil diminishment forms the basis for a new and comprehensive understanding of the manifestations and causes of risk to the civil role of journalism by building a risk profile, as a conceptual framework, that provides the foundation for mapping indicators of civil diminishment of any geo-politico-socio setting in which journalism is undertaken.’*

⁴ The secondment took place between February and May 2016.

⁵ See Section 2.2.2 for a review and analysis of those data sets.

⁶ CPJ provides what is perhaps the most comprehensive data set on killings of journalists which is also available to download as a spreadsheet. Available at: www.cpj.org (Accessed: 20 September 2019)

⁷ See Section 2.2.2 Table 1.

⁸ See for instance the UN (2012: para 1.1): *‘attacks against the physical safety of journalists and media workers as well as of incidents affecting their ability to exercise freedom of expression by threats of prosecution, arrest, imprisonment, denial of journalistic access, and failures to investigate and prosecute crimes against them’.*

⁹ For the purpose of this thesis, the Freedom of the Press Index compiled by the organisation Freedom House (FH) and the World Press Freedom Index developed by Reporters Without Borders (RSF) will be analysed. There exist various other indices such as the Media Sustainability Index (MSI) (<https://www.irex.org/resource/media-sustainability-index-msi>), the African Media Barometer (AMB) (<https://www.fesmedia->

africa.org/themes/african-media-barometer/) and the Media Pluralism Monitor (<http://cmpf.eui.eu/media-pluralism-monitor/>) to name a few.

¹⁰ See for instance the UN Sustainable Development Goals Agenda. Available at: <https://sustainabledevelopment.un.org/>. Accessed: September 21.

¹¹ For perspectives on media development and donor priorities see Myers & Angaya Juma (2018).

¹² Importantly, many indices and the data they generate are often utilised for advocacy purposes, to raise the alarm when governments interfere with press freedom and to draw the public's attention to violations. For instance RSF (2019k) writes that *'Published every year since 2002 by Reporters Without Borders (RSF), the World Press Freedom Index is an important advocacy tool based on the principle of emulation between states'*.

¹³ For comprehensive reviews see Burgess (2010); Giannone & De Frutos (2016); Price *et al.* (2011); UNESCO (2007); Sapiezynska & Lagos (2016), and Schneider (2014).

¹⁴ Reporters Without Borders is commonly known under its French name Reporters Sans Frontières and the abbreviation RSF.

¹⁵ For a review of ideological biases of indicators see Giannone & De Frutos (2016).

¹⁶ See Section 2.3 and Chapters 3-5.

¹⁷ Such toolkit approaches can be regarded as diagnostic tools and are often applied when the goal is to engage countries in discussion about the situation for press freedom rather than facilitate a ranking or comparison of countries (UNESCO, 2007: 20-21).

¹⁸ RSF (2019k) combines its qualitative questionnaire with a quantitative abuse indicator.

¹⁹ For details on the RSF survey methodology see for example Burgess (2010: 16), Schneider (2014: 19-23), and the RSF methodology (2019k) and survey questions (2019l).

²⁰ While the RSF survey *'considers some structural issues such as state ownership of printing facilities (...) most questions seek to measure the traditional blunt-object weapons against media freedom: the murder or imprisonment of journalists, the ransacking of newsrooms, and the suppression of information for political purposes'* (Burgess, 2010: 15). As further explained by Schneider one of the core missions of RSF is *'the daily monitoring of violations against journalists and freedom of expression'* (2014: 19).

²¹ RSF (2019k) further states that its index *'does not rank public policies even if governments obviously have a major impact on their country's ranking. Nor is it an indicator of the quality of journalism in each country or region'*.

²² The development of the Freedom of the Press Index followed on from the organisation's monitoring work of Freedom in the World, which has been ongoing since the 1970s.

²³ While the FH survey methodology (2017a) has been revised on several occasions the organisation *'has tried to retain sufficient continuity in questions and weightings so that a credible comparison over the years remains possible'* (Schneider, 2014: 14). Up until 1994 countries were only categorised as 'Free', 'Partly Free' or 'Not Free' when *'23 so-called methodology question divided into [the] three broad categories'* of the legal, political and economic environment were introduced (*ibid.*, 13-17). See also Burgess (2010: 8-13).

²⁴ Legal factors include: *'the government's inclination to use laws and legal institutions to restrict the media's ability to operate; legal and constitutional guarantees for freedom of expression; the potentially negative aspects of security legislation, the penal code, and other criminal statutes; penalties for libel and defamation; the existence of and ability to use freedom of information legislation; the independence of the judiciary and of official media regulatory bodies; registration requirements for both media outlets and journalists, and the ability of journalists' groups to operate freely'* (FH, 2017a).

²⁵ Economic factors include: *'the structure of media ownership; transparency and concentration of ownership; the costs of establishing media as well as any impediments to news production and distribution; the selective withholding of advertising or subsidies by the state or other actors; the impact of corruption and bribery on content; and the extent to which the economic situation in a country impacts the development and sustainability of the media'* (FH, 2017a).

²⁶ FH country scores are available at the global level and it is also possible to see how countries have scored concerning the three categories covering the legal, political and economic environment. It is however not possible to see how individual countries have scored on individual indicators and sub-indicators used to measure each category (see FH, 2017a to access data on ratings).

²⁷ As mentioned the categories include: pluralism, media independence, environment and self-censorship, legislative framework, transparency and infrastructure.

²⁸ See details on these organisations in Section 2.2.2.

²⁹ For further information on cases of aggressions against journalist see for example RSF condemnations. Available at: <https://rsf.org/en/actions/condemning-abuses>. Accessed: 21 September 2019.

³⁰ Information on imprisonments is only available for 2019.

³¹ See RSF, 2015, 2016, 2017, and 2018b

³² See endnote for 29 link to RSF's condemnations of various types of abuses against journalists.

³³ Originating from within UNESCO the MDIs were launched in 2006 after a request was put forward by the International Programme for the Development of Communication (IPDC) with regard to a *'need for a more systematic evaluation and follow up of the projects supported by the program'* (Schneider, 2014: 35).

³⁴ See also Puddephatt (2010).

³⁵ *'The existence of a legal, policy and regulatory framework, which protects and promotes freedom of expression and information, based on international best practice standards and developed in participation with civil society'* (UNESCO, 2008: 11).

³⁶ *'The state actively promotes the development of the media sector in a manner which prevents undue concentration and ensures plurality and transparency of ownership and content across public, private and community media'* (UNESCO, 2008: 11).

³⁷ *'Within a prevailing climate of self-regulation and respect for the journalistic profession this reflects and represents the diversity of views and interests in society, including those of marginalised groups. There is a high level of information and media literacy'* (UNESCO, 2008: 11).

³⁸ *'Media workers have access to professional training and development, both vocational and academic, at all stages of their career, and the media sector as a whole is both monitored and supported by professional associations and civil society organisations'* (UNESCO, 2008: 11).

³⁹ *'The media sector is characterised by high or rising levels of public access, including among marginalised groups, and efficient use of technology to gather and distribute news and information, appropriate to the local context'* (UNESCO, 2008: 11).

⁴⁰ For background information about the MDIs see: <https://en.unesco.org/programme/ipdc/initiatives/mdis> (Accessed: 21 September 2019)

⁴¹ For information on which countries the MDIs have been applied in, see

[http://www.unesco.org/new/en/communication-and-information/intergovernmental-](http://www.unesco.org/new/en/communication-and-information/intergovernmental-programmes/ipdc/initiatives/media-development-indicators-mdis/)

[programmes/ipdc/initiatives/media-development-indicators-mdis/](http://www.unesco.org/new/en/communication-and-information/intergovernmental-programmes/ipdc/initiatives/media-development-indicators-mdis/) (Accessed: 21 September 2019).

⁴² For example, such systematic analysis could be facilitated by processes of classification of rights violations against journalists: *'the differentiation of rights violations across their different categories and dimensions, and for grouping states and regimes into different categories'* (Landman & Carvalho, 2010: 4).

⁴³ Panneerselvan (referred to in Burgess, 2010: 36), illustrates this point through the example of Nepal: *'February 1st 2005 saw King Gyanendra declare himself absolute ruler in Nepal after dismissing the government and declaring a State of Emergency. Despite ordinances, media gags, arrests, and constant harassment, the Nepali media stood up as one to take on the palace onslaught. Radio in Nepal is the most popular medium of news dissemination even in the remotest corners of this Himalayan country. Censoring and silencing could not prevent media from finding newer and newer ways to get news across to the people and the world outside'*.

⁴⁴ As a note of explanation media literacy is seen as a key competence that cultivates the ability of people to *'to access, evaluate, create and share information and media messages using any means'* (UNESCO (2013c: 30). As such, media literacy can be described as *'a basis for enhancing access to information and knowledge, freedom of expression, and quality education'* as *'it covers the competencies that are vital for people to be effectively engaged in all aspects of development'* (UNESCO, 2013d: 7). In this way, media literacy is approached as an umbrella concept for *'a new literacy construct that helps empower people, communities and nations to participate in and contribute to global knowledge societies'* (UNESCO, 2013c: 17).

⁴⁵ Schneider (2014: 23) highlights this fact by pointing out that organisations like FH and RSF do not take the issue of the quality of journalism in to consideration for the purpose of their assessment but only that journalism can be practiced freely and without restriction.

⁴⁶ On this topic see for example OCCR (2018) for a discussion on the murder of Slovak investigative journalist Jan Kuciak and the need for further legal protection of journalists.

⁴⁷ This is for instance reflected through UNESCO initiatives to progress data collection on threats within various national contexts through the application of JSI assessments. JSI assessments have for instance been carried out in Guatemala, Kenya, Nepal and Pakistan. Available at: <https://en.unesco.org/themes/safety-of-journalists/journalists-safety-indicators> (Accessed: 21 September 2019).

⁴⁸ *'Crucial to improving data collection on a range of threats to journalists is to build and strengthen local monitoring mechanisms that enable the reporting, verifying and recording of killings and other threats to journalists over time'* (Torsner, 2017: 137 (Note 4). See endnote 56 below in this thesis for examples of such organisations.

⁴⁹ These internationally agreed standards include the: UNHRC Resolution A/HRC/27/5; UNGA Resolution A/RES/69/185; UN Security Council Resolution 1738; UNESCO Executive Board Decision 196 EX/Decision 31, and the UN Plan of Action on the Safety of Journalists and the Issue of Impunity (UN, 2012).

⁵⁰ Collaborative research is currently being undertaken to develop a methodological approach to systematically generate data on violations against journalists. See Harrison, Maynard & Torsner (2018a and b) and Harrison, Maynard & Torsner (2019).

⁵¹ See also Pöyhtäri (2016).

⁵² See for example Chocarro Marcesse (2017).

⁵³ Defining safety as *'a broad category that extends from preventive, protective and pre-emptive measures, through to combating impunity and promoting a social culture which cherishes freedom of expression and press freedom'* the UN Action Plan (UN, 2012) recognises that safety spans both online and offline worlds. In this way *'a safe environment for journalists'* can further be characterized *'as the absence of killings and physical assaults of journalists; impunity in crimes against media professionals; incarceration and arbitrary arrest; exile to escape repression; harassment (both legal and economic); self-censorship in media platforms and the internet, and the destruction or confiscation of equipment and premises (UNESCO, 2014:83)'* (Torsner, 2017: 129). As the UN agency with a specific mandate on freedom of expression UNESCO (2015d: 2) considers the process of safety in journalism to hinge on a *'combined package of safety and impunity issues'* where safety can be divided into physical, digital and psychological categories.

⁵⁴ Ghodes and Carey (2017) introduce a data set documenting cases of journalist killings between 2002-2013

⁵⁵ See Harrison, Maynard & Torsner (2018a and b) and Harrison, Maynard & Torsner (2019) for details on ongoing research into developing events-based methodology for recording instances of violations against journalists.

⁵⁶ See for example: the US Press Freedom Tracker (United States) (available at:

<https://pressfreedomtracker.us/>); the Knight Center for Journalism in America (Mexico) (available at:

<https://knightcenter.utexas.edu/blog/new-knight-center-map-pinpoints-threats-against-journalism-mexico/>);

Fundación Para La Libertad de Prensa (FLIP) (Colombia) (available at: <http://flip.org.co/en/cifras-indicadores>

and <https://flip.org.co/index.php/en/>); the Premium Times Centre for Investigative Journalism (PTCIJ) (Press

Attack Tracker, Nigeria) (available at: <https://pressattackng.crowdmap.com/>); Journalist en Danger (the

Democratic Republic of Congo) (available at: [http://jed-afrique.org/wp-content/uploads/2017/04/Rapport-](http://jed-afrique.org/wp-content/uploads/2017/04/Rapport-2016.pdf)

2016.pdf); the Syrian Journalist Association (available at: <https://www.syja.org/en/home>), and the Media

Institute of Southern Africa (MISA) (available at: <http://zimbabwe.misa.org/media-violations-victories/>). See

also the ongoing monitoring efforts of a group of civil society organisations in Latin America (Argentina, Bolivia, Ecuador, Honduras, Nicaragua, Peru, Uruguay, Venezuela) (available at:

<https://www.vocesdelsur.unidas.org/wp-content/uploads/2019/07/Informe-1-Ingles-espa%C3%B1ol-1.pdf>)

(Accessed: 21 September 2019).

⁵⁷ Examples of such national mechanisms exist in countries such as Mexico, Colombia, Guatemala, Honduras, Serbia and Nepal (Mendel, 2016: 6). A detailed assessment of the mechanisms in Mexico, Colombia and Guatemala is found in Torres (2012).

⁵⁸ The compiled statistics on the number of killings of journalists as recorded by each organisation have previously been published in Torsner (2017). The statistics have been revised here to also include the year 2018.

⁵⁹ These figures were recorded based on the information provided on the websites of the respective organisation on 5 September 2019. Any subsequent changes to these statistics can therefore not be accounted for here.

⁶⁰ The CPJ statistics in this table include reported cases where journalists have been targeted for murder as a result of professional activities (confirmed cases). In their own records, CPJ records confirmed killings and killings where the motive is unconfirmed (unconfirmed cases) separately. During 2006-2018 CPJ reported 771 confirmed and 332 unconfirmed cases (according to statistics accessed on the CPJ website on 5 September 2019).

⁶¹ According to RSF the figures between 2006 and 2017 include professional journalists, citizen-journalists and media workers (available at: <https://rsf.org/en/journalists-killed>). The 2018 figures cover professional journalists (63 killed), non-professional journalists (13 killed) and media workers (4 killed) RSF (2018b: 4)

⁶² See for example CPJ (2019c) and RSF (2019j).

⁶³ IFEX (2011: 24, 29).

⁶⁴ Further research is currently being undertaken to study differences in local and international data sets by at the Centre for Freedom of the Media, University of Sheffield by Harrison *et al* (2018a; 2019).

⁶⁵ IFEX is a global network of over 119 independent non-governmental organisations working at the local, national, regional and international level to defend and promote freedom of expression (available at: <https://ifex.org/>). The 2011 study includes six civil society organisations (CPJ, IFJ, IPI, RSF, WAN-IFRA and Pen International) that keep tallies of the number of journalists killed internationally and a number of organisations recording killings on the national and regional levels. These organisations were: Article 19 Mexico, Centro Nacional de Comunicación Social (CENCOS), Centro de Periodismo y Ética Pública (CEPET), and the Inter American Press Association (IAPA), the Center for Media Freedom in the Philippines (CMFR), the Center for Journalism in Extreme Situations (CJES) (Russia) and Glasnost Defence Foundation (GDF) (Russia).

⁶⁶ RSF (2018b) separates between professional journalists, non-professional journalists and media workers.

⁶⁷ In addition to RSF as mentioned above, IFJ and CPJ (after 2003) also record media staff as a category separate from journalists.

⁶⁸ Academics like Taback & Coupland have for instance found that understanding the nature and extent of violations against journalists during armed conflict was enabled by a broad definition of who is considered to be a journalist and to include all media workers *'who collect or present information for public use, and also those who make decisions about what information is collected and presented to the public'* (2006: 682). Notably the definition excludes, *'A number of related occupations (...), including drivers and security guards associated with media companies'* (ibid.).

⁶⁹ CPJ, RSF, WAN-IFRA, WiPC.

⁷⁰ The IFJ reports accidental deaths 'while on duty' as a means to *'highlight the failure of the media outlet to safeguard its employees'* (IFEX, 2011: 19). The IFJ also records cases where journalists were killed while 'not on duty'. The two accidental death categories are recorded separately. Two Mexican CSOs also *'cautioned that each accidental (or seemingly accidental) death must be examined carefully as politically motivated attacks in Mexico are often disguised as incidents of common crime'* (ibid., 8). IPI records accidental deaths, while on duty on a case-by-case basis. It can also be mentioned that the organisation the International News Safety Institute (INSI) also includes accidental work-related deaths in their statistics.

⁷¹ See endnote 106 in Chapter 1 for related legal literature.

⁷² One way forward with regard to the recording of killings could be via an agreed benchmarking of definitions of 'suspicious circumstances' regarding what can and cannot be called accidental, or what set of circumstances leads us to reasonably suppose a particular death was or was not an accident and could or could not have been avoided.

⁷³ CPJ, RSF and WAN-IFRA are reported not to include unconfirmed cases. It can be pointed out that CPJ does however record such cases separately. Complementing their statistics on confirmed cases of killings, CPJ keeps a separate list of cases which are unconfirmed.

⁷⁴ The organisations IFJ, IPI and WiPC have chosen to include ambiguous cases in their statistics until a link to freedom of expression is ruled out for certain the underlying reasoning behind this approach can be explained as being linked to the fact that these CSOs do *'not want to err by dismissing a potentially legitimate case that raises reasonable doubt [about the motive], and would rather give it the benefit of the doubt, until proven otherwise'*. The IFEX report also explains that organisations also *'stressed that keeping the case on their list allows them to continue to pressure the authorities and to push for an ongoing investigation into the murder'* (IFEX 2011: 21).

⁷⁵ See for example CPJ (2019b).

⁷⁶ In the context of this thesis this identified need for improving data on instances of violations against journalists can be understood in relation to the need to better understand manifestations of risk to journalism (via occurrences of safety threats). This level of detailed and in-depth exploration of opportunities for improving these statistics with regards to what they cover and how they are recorded are ultimately essential for generating the data needed for developing the risk profile in Chapter 5. The aim in this thesis however is to explore identified data limitations for the purpose of suggesting a framework for holistically understanding risk. Parallel collaborative research undertaken by Harrison *et al.* (2018a; 2019) is currently looking into how methodological development can facilitate the generation of high quality and systematic statistical data on instance of violations against journalists which, when developed would provide important input to the risk profile developed here.

⁷⁷ These eight organisations include the CPJ, IFJ, UNESCO, RSF, INSI, IPI, Pen International and WAN-IFRA.

⁷⁸ See Table 1 for a comparison of figures.

⁷⁹ One factor that contributes toward explaining (in part) the overall higher numbers recorded by the Media Governance and Industries Research Lab project is that accidental deaths that do not have a freedom of expression link are included. In addition, statistics on suicides are also included. In fact, it is proposed *'that*

deaths by accident are monitored and whenever possible a description of the circumstances be provided. This allows longitudinal monitoring of causes of death, circumstances and frequency and allows us to draw conclusions and issue warnings, should patterns arise' (Sarikakis *et al* 2017: 13).

⁸⁰ More in-depth research into why certain cases are reported by some organisations but not by others could be a starting point for addressing this. Another is to explore how investigative and research capacity can be built for the purpose of case verification could possibly improve the systematic reporting on killings.

⁸¹ Providing as much information as possible with regard to sources used would be of value, as well as providing as much descriptive information as possible in relation to both confirmed and unconfirmed cases.

⁸² For research on such methodological research see Harrison *et al.* (2018a; 2018b; 2019)

⁸³ Research developed in collaboration with Maynard and Harrison with regards to the methodological strengthening of the categorisation and collection of data on violations against journalists have been presented at the UNESCO World Press Freedom Day Academic Conference on the Safety of Journalists (Harrison, *et al.* (2018a and 2019)) as well as at the IAMCR conference in Madrid (Harrison, *et al.*, 2018b).

⁸⁴ Data set available here: <http://mediagovernance.univie.ac.at/research/democracy-under-pressure/killings-of-journalists-worldwide/>

⁸⁵ The Media Governance and Industries Research Lab's data collection contains data from the organisations UNESCO, CPJ, IFP, INSI, IPI, RSF, Pen International and WAN-IFRA.

⁸⁶ Possibilities for this explored in ongoing research by Harrison *et al* (2018a; 2019).

⁸⁷ On this topic see Brambila (2017).

⁸⁸ CPJ (2015a).

⁸⁹ CPJ (2015d).

⁹⁰ The RSF Press Freedom Barometer also includes yearly figures on killed journalists, netizens and media assistants (RSF (2019j)).

⁹¹ These actors include: state institutions and political actors, civil society and academia, the media and intermediaries, the EU and other international organisations.

⁹² See, 'Platform to promote the protection of journalism and the safety of journalists'. Available at: <http://www.coe.int/en/web/media-freedom/home> (Accessed 21 September 2019)

⁹³ The Mapping Media Freedom Project is operated by the European Centre for Press and Media Freedom. Available at: <https://mappingmediafreedom.org/> (Accessed: 21 September 2019).

⁹⁴ See endnote 56 above.

⁹⁵ For instance, while the JSIs provide 'a valuable country level in-depth analysis and an important point of departure for discussing challenges to the safety of journalists' they 'could be further complemented with longitudinal data collection that would enable the description of trends' (Torsner, 2017: 134).

⁹⁶ For the purpose of tracking the status and judicial resolution of cases and killings 'UNESCO requests member states to report (on a voluntary basis) on the actions taken to prevent impunity in cases of journalist killings (UNESCO 2016: 7). The answers from the member states are recorded in the categories: no information received so far, on-going/unresolved and resolved' (Torsner, 2017: 134).

⁹⁷ The category 'death' is also included to highlight that it is recorded by all organisations studied, but also to note that different definitions are used to capture this category.

⁹⁸ See US Press Freedom Tracker: <https://pressfreedomtracker.us>

⁹⁹ See, 'Platform to promote the protection of journalism and the safety of journalists': Available at: <http://www.coe.int/en/web/media-freedom/home> (Accessed 21 September 2019)

¹⁰⁰ See database available here: <http://mediagovernance.univie.ac.at/research/democracy-under-pressure/assaults-on-journalists-in-europe/>. (Accessed 21 September 2019)

¹⁰¹ According to Betz *et al.* (2015: 27) '[a] DoS attack is [a] tactic used to intimidate online media actors and limit freedom of expression. A DoS attack is when one computer and one Internet connection is used to flood a server with packets with the intention to overwhelm the site and make it inaccessible to others. Another type of DoS attack is a distributed denial of service attack (DDoS), which utilizes a number of computers and connections, often distributed around the world to attack a computer. Similar to a DoS attack, a DDoS attack overloads websites, rendering them inaccessible'.

¹⁰² See for example Thompson & Giffard (2002).

¹⁰³ Scott (2014) (Keyword: macrosociology)

¹⁰⁴ Political, economic, legal and cultural context are thus commonly used analytical categories, however they have not been adopted to provide a holistic assessment of risk to journalism. See analysis of RSF and FH and their indices.

¹⁰⁵ See examples of some of the most well-known of these indices: USAID Fragility Index (http://pdf.usaid.gov/pdf_docs/Pnadd462.pdf), the IFIT Inclusive Transitions Framework (<http://www.ifit-transitions.org/publications/major-publications/inclusive-transitions-framework/ifit-inclusive-transitions-framework.pdf/view>), the G7+ Fragility Spectrum (<http://www.g7plus.org/sites/default/files/resources/g7%2B%2BEnglish%2BFS%2BNote%2BDesign.pdf>), the World Bank Country Indicators for Foreign Policy (CIFP) Fragility Index (<https://data.worldbank.org/data-catalog/CPIA>), the Fragile States Index (Fund for Peace) (<http://fundforpeace.org/fsi/>), the Global Peace Index (<http://visionofhumanity.org/>) and the Index of State Weakness in the Developing World (<https://www.brookings.edu/research/index-of-state-weakness-in-the-developing-world/>). Whereas certain aspects of risk to journalism are captured in these, they are not formulated and designed with the explicit purpose of analysing risk to journalism, but rather including risk to journalism as an indicator of societal fragility among others.

¹⁰⁶ Harrison & Pukallus (2018)

¹⁰⁷ Endnote 2 from the Introduction in this thesis is repeated here to refer back to Harrison's (2019) notion of the civil ideal of the news (here the civil ideal of journalism). The civil ideal of the journalism can be described as capturing a particular understanding of the societal role and value of journalism. Harrison sees the civil ideal as composed of two key elements: *'a) trustworthiness and b) liberal ideals. The former is achieved through the activity of truth telling and the use of an objective method, the latter is achieved when the news promotes the civil values of social criticism, democratic integration, civility, justice, reciprocity, and mutual respect. Combined the two key elements form a completed picture of what the civil ideal of news journalism consists of and shows under which conditions it can be fulfilled. The civil ideal also clarifies how the news should understand its civil responsibility and obligations and how it should point 'us' in the right direction with regard to what 'we' should value and preserve in the face of non-civil and anti-civil interferences. Alternatively expressed, this ideal represents a way of selecting and producing a type of news that is trustworthy and it is how the news attempts to be seen as trustworthy'* (ibid., Chapter 2, 4). Importantly, she points out, *'the news can only ever fulfil its civil ideal when editorial integrity is observed and news journalism is independent from control by vested and selfish interests. It fulfils its civil ideal when it works to the benefit of a vibrant civil society and contributes both to civility and civil identities; when it is believed in as truth telling and as objective and therefore trustworthy; when it is perceived to be serving liberal ideals and finally when it is accepted as genuinely homologous to the world'* (ibid., 1). Of particular interest to this thesis and the task of comprehensively understanding risk to journalism is also Harrison's analysis of how this civil ideal is jeopardised and compromised: *'The civil ideal of the news faces its greatest challenge at the hands of political power and commercial power which reduce people respectively to an audience of partisans or to an audience of consumers. In neither case are they treated as fully rounded citizens'* (ibid., Chapter 3, 1.). This understanding of the environmental precarity of the civil ideal of journalism will be developed into a holistic understanding of risk to journalism through the concept of civil diminishment in Chapter 4.

3. Understanding risk to the civil role of journalism

Chapter rationale

As shown in Chapter 2 the wider societal importance of journalism is overlooked or largely ignored in assessments of risk to journalism. Without a sophisticated understanding of the value of journalism to societies it is however not possible to understand what is truly at risk – that is what society risks losing when journalism is restricted. Or in other words it is not possible to understand the nature and full extent of the consequences of such risk. As shown in Chapter 2, the societal consequences of risk to journalism are presumed in a generic sense to harm democracy. Whilst at the same time it is assumed that journalism somehow is good for democracy. Nevertheless, this democratic role and contribution of journalism is not unpacked nor defined in a way that allows for a disaggregated analysis of linkages between risk to journalism and societal outcomes. One result of this is that the information and data generated by these data approaches do not allow for the systematic and detailed study of the ways in which civil life is restricted when journalism is attacked or what specific features of democratic societies facilitate the practice of free and independent journalism (or alternatively what characteristics of non-democratic societies produce certain types of restrictions on free and independent journalism).

The fact that a theoretical rationale for why restrictions and attacks on journalism are monitored in a certain way is generally missing ultimately prevents the formation of a comprehensive understanding of the reality of such problems.

As a result, this thesis argues that it is necessary to ask fundamental questions about what the role of journalism within society actually is. Such questions are aimed at understanding what society risks losing when journalism is curtailed, Or alternatively expressed, how to understand the consequences of risk to journalism. This chapter will therefore show how a conceptual rationale for understanding the societal role and the subsequent consequences for society when journalism is prevented from performing such a role needs to be developed and put centre stage in a framework for analysing risk to journalism.

To recap, Chapter 1 and 2 demonstrated a need for what was called a holistic and comprehensive explanation of risk to journalism. It was argued that risk to journalism is a social phenomenon replete with complexity and consisting of several dimensions including: a) manifestations of risk to journalism; b) causes of risk to journalism; and, c) consequences of risk to journalism as all being associated with the journalist practitioner, journalistic practice and the role of journalism within society. The understanding represents a shift in the analytical focus from accounting for mere manifestations of risk to journalism and how these occur, to examining why journalism is put at risk. Such an understanding it was argued can be achieved by understanding risk to journalism as interlinked with several levels of influence, including from the political, economic, legal and cultural context for journalism, or more specifically, from the key institutions and actors of society, namely, the state, the market, the law and civil society. In this way, risk to journalism was described in Chapter 2 as resulting from exogenous circumstances (for example from state, market and legal forces) but also from factors endogenous to the institution and practice of journalism itself (including for instance organisational, editorial and practice related factors). It was also pointed out that there is a need to systematically map the interrelationships between exogenous and endogenous factors producing risk to journalism. The fact however that the internal workings of journalism itself were shown as often being overlooked when assessing risk to journalistic practitioners and practice thus points to the need to explore this specific dimension in further depth.

These arguments combine to point to a need for theoretical development. A development which redresses the current empirical and conceptual limitations on understanding imposed by what can be called reductionist approaches.

From a sociological point of view, Giddens explains that the mere observations of facts, such as accounting for manifestations of risk to journalism, by for instance counting the number of instances of lethal violence against journalists in a specific country, *'do not speak for themselves'* but rather need to be *'guided by some knowledge of theory (...) to be able to explain the complexity of societies'* (2009: 11). Indeed, *'[w]ithout a theoretical approach'* it is not possible to *'know what to look for when beginning a study or when interpreting (...) results at the end of the research'* (ibid.) states Giddens. What was shown to be a lack of an

underlying conceptual rationale for why problems of risk (including safety threats) are being monitored in a certain way illustrates this point of how lack of attention to theory results in analytical problems. The task of achieving a comprehensive understanding of risk to journalism will therefore require the development of a theoretical basis for a comprehensive understanding of risk to journalism.

To this end it will be argued here that there exists a need at both the theoretical and the empirical level to understand the implicit and un-explicated 'taken for granted' claims¹ made on behalf of the normative and democratic role of free and independent journalism when faced with what is perceived to be risk. Correspondingly, the argument presented here is that the theoretical underpinnings of current approaches to risk to journalism are commonly too generalising (and vague), and too uncritical in terms of assuming the positive contribution of journalism in relation to democratic development and maintenance, or at times too clichéd.² As a means to address these theoretical limitations, a proposal for understanding the societal role of journalism in relation to Civil Sphere Theory (Alexander, 2006) what Harrison (2019)³ refers to as the civil ideal of journalism will be developed (Section 3.2). This will be accomplished by developing an understanding of the civil sphere as essentially discursive and by situating journalism within this communicative space (Section 3.2.1). Developing such an understanding of the societal role and value of journalism also leads the way to the task of conceptualising the consequences of risk to that role through the notion of civil diminishment in Chapter 4.

The argument here is thus not simply to relate the communicative functions of journalism to democratic practice in a general sense (the more democratic a society the freer the media), but more specifically to enable the study of how attacks on journalism restrict the capacity of civil society, as an associative and communicative space to become sustainably democratic. Important questions to answer here therefore are how civil society can be understood as a discursive space and what roles journalism performs in relation to civil society and other spheres of social life. The chapter will therefore examine the role journalism plays within the civil sphere, as essential to associative and communicative civil life, and as a precondition to the just and democratic maintenance of societies. This civil role then will provide the foundation for how this thesis understands risk to journalism through

an inclusive definition that incorporates, in addition to risk to the journalist practitioner and journalistic practice, also risk to the function journalism performs in societies, thus covering the full spectrum of manifestations, causes and consequences of risk to journalism. This will be developed in Chapter 4 into an inclusive understanding of risk in relation to its consequences as captured through the notion of civil diminishment. But before doing so it is first necessary to *lay the theoretical foundations for understanding the societal role and function of journalism*.

3.1 Understanding the role of journalism in society

As previously detailed, the current challenge is to understand that the nature and dynamics of risk to journalism are not simply a methodological problem in the sense that they can be addressed merely by generating more data of the kind that already exists. Instead what is required is to establish a theoretically grounded sociological framework that will make it possible to generate data that is conceptually clear and linked to theory in a way that facilitates comprehensive understanding and informed decisions about the assessment of risk to journalism.

The argument here is therefore that the theoretical and empirical limitations of current approaches do not only prevent a comprehensive understanding of the nature and dynamics of attacks on journalism and how these prevent journalism from maintaining a democratic role. In fact, these approaches do not sufficiently theorise (or empirically study) the relationship between journalism and the wider society for the purpose of understanding its real democratic potential. In fact, it is argued here that the democratic contribution of journalism cannot be presumed in a generalised way (for example journalism is good for democracy), but must be systematically studied in relation to the societal contexts that facilitate or stand in the way of it actually having democratic value.

This is acknowledged for instance by Davis (2006: 89) who writes that *'believing the media's function and role is crucial in terms of building sustainable societies is not the same as proving it'*. In fact, he argues, *'we are presently unable to measure and determine objectively media's influence within societies and specifically its relationship to governance and overall*

development, country to country' (ibid., 90). While this points towards current empirical and methodological problems (such as lack of data) it also highlights the importance of providing a theoretical rationale as a starting point for first generating data on the role of journalism in relation to the democratic maintenance of societies, and, secondly, systematically mapping how these functions come under attack.

Though to be clear, this thesis is not suggesting that the 'democratic contribution' rationale so often given as the reason for the need to protect journalism is in any way wrong, or that attacks on journalists are not '*a major threat to the establishing of open societies*' (Brambila, 2017: 299). Rather it is argued here that to understand the full significance of risk to journalism, the extent to which journalism is attacked and restricted, as well as the societal consequences of such restrictions, it is necessary first to specify what the normative role of journalism is within societies and connect that with a theory that can facilitate an understanding of risk to the democratic contribution of journalism. To understand risk to journalism it becomes necessary to facilitate the description of societal contexts (their traits and characteristics and how they enable or restrict journalism) with more precision – beyond taken for granted assumptions about the value of a free press and a generic assessment of governance deficiencies and the democratic fragility of societies. Adding to the need for such an approach is that, as Chapter 2 showed, tools focusing on the empirical monitoring of and data generation on safety threats commonly lack theoretical grounding, and that the organisations carrying out such activities often do not provide specific definitions of what they are actually assessing.

The argument here is thus that it is not sufficient to simply relate the communicative functions of journalism to democratic practice in a general sense (of the kind 'the more democratic a society the freer the media or the safer journalism is'), but that there is a need to provide a theoretical rationale for situating the practice of journalism within the sphere of civil society conceived of as an essentially communicative space, and identifying the civil role of journalism as a fundamental component of democratic social life, the aim being to establish a clearly defined understanding of the role of journalism and its normative and empirical relationship to the democratic maintenance of societies. Before outlining how this civil role of journalism is understood however the thesis will first explore how the

democratic function of journalism, as the dominant approach to expressing the normative expectations on journalism, is perceived in the academic literature. And in substance show why this democratic rationale is theoretically flawed and reductionist for the purpose of comprehensively understanding risk to journalism.

3.1.1 The normative role and democratic function of journalism in society

The connection between the conditions for unimpeded journalistic practice and democracy is widely addressed in the academic literature. As noted by Becker and Vlad, *'Press freedom has been viewed in its simplest terms as a characteristic of the nation state, linked in much of the western literature at least implicitly to other state characteristics such as level of democratization, extent of civil liberties, government transparency, and even economic liberalization'* (2009: 23). Referencing Sen, Norris writes that: *'A long tradition of liberal theorists (...) have argued that the existence of a unfettered and independent press within each nation is essential in the process of democratization by contributing towards the right of freedom of expression, thought and conscience, strengthening the responsiveness and accountability of governments to all citizens, and providing a pluralist platform and channel of political expression for a multiplicity of groups and interests (Sen, 1999, cited in Norris, 2006: 2). In this way, the societal function of journalism is seen as being the underlying rationale behind the need for a free and independent media. And while the potential of the media to perform such roles is always hindered by '[a] diversity of political, economic, and professional obstacles (...) it is still expected that the press should perform key functions in public life through catalysing participation and public expression'* (Waisbord, 2007: 122).

Pointing out that while journalism is commonly perceived to *'have some form of – at least moral – obligation to democracy'* Strömbäck explains that what this obligation actually is has turned out to be a contested topic. Even if there is arguably general agreement with regards to understanding the main goal of journalism in terms of delivering the information people *'need to be free and self-governing (...) the consensus fades as soon as an attempt is made to define what kind of information that is'* (2005: 333, also referring to Kovach & Rosentiel, 2011: 12). A related argument is made by Schudson who indicates that *'despite all the talk of journalism's great gifts to democratic society'* (2008: 12) there is in fact little discussion

about what the democratic roles of journalism actually are. This is a key point in relation to the purpose here to comprehensively understand risk to journalism.

Literature examining various types of risk to journalism commonly refers to the democratic function and importance of journalism but without disaggregating or problematizing in much depth what the contribution of journalism to democracy actually is. For example, studying government assaults on the media in Africa, VonDoepp and Young explain that *'[b]oth conventional wisdom and emerging research indicate that free media are critical for good governance. By serving as watchdogs of the political class, incubators of a robust public sphere, and vehicles for the articulation of marginalized political voices, independent media help to build accountability and deepen democracy'* (2013: 36; also: Besley & Burgess, 2001; Charron, 2009; Norris, 2008). Along similar lines, Gohdes and Carey state that *'[p]ress freedom is widely recognized as an important element of a well-functioning democracy. A free press ensures that political competition can take place and that the population is informed about the leaders' decisions and behaviours, an essential element for holding rulers to account'* (2017: 159). Studying risk to journalists in democratic regimes, Asal *et al.* (2016) also suggest that in the absence of journalistic protections *'we might expect a chilling effect on the accountability that journalists otherwise provide and an erosion of openness, democracy and the rule of law'* (2016: 40).

Whereas these statements are uncontroversial in the sense that they all point to the fact that journalism is important to democracy, they do not provide a rationale for specifying what it is that is actually at risk of being lost when journalism is attacked and restricted. That is, the wider societal consequences of risk to journalism. For instance, how can independent journalism facilitate democratic deepening and in what ways are such functions restricted when journalism is attacked? And how can the democratic accountability that is lost when journalism becomes a risky profession be understood and assessed? In fact, it is argued that most approaches to risk to journalism do not sufficiently theorise (for the purpose of empirically studying) the relationship between journalism and the wider society for the purpose of understanding its real democratic value.

To understand how these problems can be overcome it is necessary to move beyond the academic literature that focuses on risk to journalism and look at the literature which attempts to describe the normative role and democratic function of journalism *per se*. This literature reflects a range of different conceptions of democracy, democratic practice and the related roles of journalism (Price *et al.*, 2011: 7). However, a central focus of this research can be described as attempting to identify the normative expectations of journalism and actual roles journalism performs in relation to the specific characteristics of different models of democracy.⁴

It is arguably the case that today, the normative role of journalism is not understood in the enthusiastic or romantic terms of the kind expressed for example by Carey who argues that journalism is of such fundamental importance to democracy that *'journalism is usefully understood as another name for democracy'* (Carey 1997: 332) and that journalism and democracy cannot exist without each other (Carey 1999: 51). Though that is not to say that the scepticism expressed by Lippman about the public's capacity to become informed citizens by gaining an understanding and knowledge of public affairs via journalism which he considered *'too frail to carry the whole burden of popular sovereignty, to supply spontaneously the truth which democrats hoped was inborn'* is widely accepted (1922: 362; also: Bybee, 1999). Rather there is a balance between the two views with journalism being cast as Janus faced, equally informative and equally misleading – a view well documented and elaborated upon in Harrison's (2019) theory⁵ of the civil power of news journalism. Overall though the normative theories of journalism commonly do link its role to democratic practices and outcomes, the ability of people to vote in a deliberative way and to have their views heard. On this three thinkers are illustrative; Strömbäck who provides a useful overview of the ways in which the academic literature on various types of models of democracy perceive the role of journalism: Schudson who addresses the relationship between journalism and democracy in terms of what it should be; and, Kleis Nilesen who advocates a more 'realist' approach and focuses on what he thinks is the role that journalism actually *performs*. Between them these three thinkers illustrate what can be described as the core theoretical approaches to the normative role of journalism in a democracy. Though as argued below they also point to why the connection between journalism and democracy

needs to be theoretically reconstructed, (as argued below via Civil Sphere Theory), for the purpose of achieving a comprehensive understanding of risk to journalism.⁶

In a general sense, the relationship between democracy and journalism can be understood *'in terms of a social contract'* (Strömbäck 2005). According to this view, journalism, on the one hand, needs *'democracy as it is the only form of government that respects freedom of speech, expression and information, and the independence of the media from the state'* (ibid., 332). By respecting these freedoms, a democratic regime promises to live up to its side of the social contract. Democracy on the other hand *'requires a system for the flow of information, for public discussion and for a watchdog function independent of the state'* (ibid.) and journalism (theoretically) meets its contractual obligation *'by providing citizens with the information they need in order to be free and self-governing, the government with the information it needs in order to make decisions in the common interest sensitive to public sentiments, an arena for public discussion, and by acting as a watchdog against abuse of power in politics and other parts of society'* (ibid.).

To move beyond such a general understanding of the function of and normative expectations on journalism to one that is more specified, Strömbäck believes that *'it is necessary to specify unequivocally the model of democracy involved when using the word democracy'* (ibid., 333). Acknowledging that there exists a range of different models of democracy⁷, Strömbäck points out that *'there is a growing consensus that the question whether a country should be viewed as democratic or not can be judged by studying if: (1) the political decision-makers are elected by the people in free, fair and frequent elections, (2) there is freedom of expression, of the press and information, (3) citizenship is inclusive, (4) everyone has the right to form and join organizations of their own choosing, and (5) society is law-governed (cf. Dahl, 1998, 1999; Dworkin, 1996; Hadenius, 2001; Kavonen, 2003, Sartori, 1987)'* (ibid.). However, notwithstanding such consensus there are several *'normative views regarding what characterizes a good democracy'* (ibid.). For the purpose of understanding how journalism influences democracy then Strömbäck argues that these normative views must be identified and he does so by examining four models of democracy including: the procedural, competitive, participatory and deliberative models. These democracy models then can be described as creating different types and degrees of expectations on journalism.

The procedural model is a minimum threshold of requirements that must be fulfilled for a country to be regarded as democratic. Respect for *'the rules and processes of democracy'* including *'(t)he right to vote, the freedom of expression and the press, and other basic requirements'* (Strömbäck, 2005: 334) is essentially what matters, since this gives citizens the opportunity to act. Less central however is whether citizens actually participate in public life, for instance by keeping themselves informed about public matters. Journalism then is expected not to undermine the democratic rules but is essentially free *'to decide how they want to use the freedom that democracy grants them'* (ibid., 338). The notion of a free marketplace of ideas and news outlets is seen to facilitate the production of information that people need and *'even if much of the news is superficial, dramatized and bordering on fiction, in the end people are able to make meaning out of the noise and some truth will come out of it'* (ibid.). Ultimately, this model reflects a reluctance to identify explicit standards of quality for the normative assessment of journalism.

The model of competitive democracy focuses on democracy as an *'institutional arrangement for arriving at political decisions in which individuals acquire the power to decide by means of a competitive struggle for the people's vote'* (Strömbäck, 2005: 334, referring to Schumpeter 1942: 269). The role of elections is therefore central and electoral participation is seen as a sufficient form of citizen participation that allows citizens to monitor political decisions. For Strömbäck (2005), this model places various normative requirements on journalism. Firstly, journalism should provide factual, trustworthy, critical and impartial information upon which citizens can act. Secondly, journalism should be guided by the principle of proportionality *'so that it does not direct peoples' attention in the wrong way'* (ibid., 339) and thirdly, the news should cover the agendas of various political alternatives. Fourthly, journalism plays an important role when it comes to monitoring political elites, including their actions and promises.

Active citizen participation in public life and political decision making is seen as essential to the participatory model of democracy. Accordingly, democracy is not just a procedural electoral and decision making process, but *'a value-laden system with a strong ethos of political equality and tolerance'* which *'thrives when people engage in public life and different types of political action, when they bond through their activities, and when they*

develop democratically sound attitudes' (Strömbäck, 2005: 335-336). This requires *'a large reservoir of social capital among people in general, that is norms of reciprocity, civic engagement and trust'* and *'[t]he stronger civil society is (...) the more democracy thrives'* (ibid., 336). To achieve this democratic ideal, the public should take part in public life through associative activities and cooperate to reach common goals. Journalism then is expected not only to produce knowledgeable citizens but also to contribute towards creating citizens that embody the values and norms of democracy including *'generalized reciprocity, tolerance, cooperation and trust'* (ibid., 339). Journalism should also mobilise and approach citizens *'as active subjects with possibilities as well as responsibilities to change what needs to be changed'* (ibid., 340). The media also performs an important role as a point of connection between the public and political actors for the purpose of linking the collective interests and concerns of ordinary people with the sphere of political power and action.

Strömbäck (2005) treats the deliberative model of democracy as an extension of the participatory model. A central principle to this model is that all those affected by a decision should have the right to participate in making that decision (see Dahl 1971: 64; Elster, 1998: 8; Warren, 2011: 378-380). What characterises the deliberative aspect of the model then is that the decision-making process is conducted *'by means of arguments offered by and to participants who are committed to the values of rationality and impartiality (...)'* (Elster, 1998: 8). According to this understanding *'deliberative discussions can be seen both as ends in themselves and as means to producing agreement or at least a better understanding of the values underlying a conflict'* (Strömbäck, 2005: 336). Discussion is thus seen as integral to everyday social life and every societal level of decision making: *'between individual citizens, between politicians, between political institutions, and between citizens and their representatives'* (ibid.). Ideally, deliberation continues until it is possible to arrive at mutually acceptable decisions, or at least until the factual and moral arguments and counter-arguments have been considered. A commonality between the participatory and deliberative models is the importance placed on an engaged and politically interested citizenry. Journalism is seen to play an important role as a mobilizing force as well as when it comes to framing politics in inclusive terms. Due to the fact that citizens predominantly gain access to political discussions through the media *'the deliberative model of democracy places exacting demands on media and journalism'* as it is argued that *'democracy can never*

become more deliberative without the active participation of media and journalism' (ibid., 340). Journalists are therefore seen as *'fair-minded participants (...) that actively foster political discussions that are characterized by impartiality, rationality, intellectual honesty and equality among the participants'* (ibid.). Politics, and the way journalism should mediate and represent politics is less in terms of a strategic game and more *'as a continuous process of finding solutions to common problems; solutions that are either consensual or at least acceptable to everyone'* (ibid.).

And yet when it finally comes to understanding the relationship between democracy and journalism Strömbäck concludes that, *'it is simply not valid to claim that media and journalism undermine or contribute to democracy per se'* (2005: 343). Indeed, he argues, the role of journalism in societies (and for the purpose here to understand risk to journalism) must be approached in relation to the normative and empirical societal and democratic features of any context.

Discussing the relationship between journalism and democracy, Schudson makes a related point when stating that while *'the self-evident importance of freedom of expression in any society claiming to be a liberal democracy made journalism's role in democracy seem obvious''* (2008: 11), the notion that journalism is inherently democratic must be approached with scepticism. Schudson's claim is similar to that of Lippmann (1922): journalism itself is not a sufficient condition to produce democratic societies. Though unlike Lippmann, Schudson spells out that democracies *'need not only an unlovable press but a self-divided government, one that has managed to find ways (...) to direct attention to disagreeable facts'* (2008: 9). While arguing that *'[j]ournalism exists and has long existed outside democracy'* (ibid., 12) Schudson also points to the fact that where democracy exists *'or where there are forces prepared to bring it about, journalism can provide a number of different services to help establish or sustain representative government'* (ibid.).

These services or roles of journalism in democratic societies include: 1) informing the public so that citizens are well-informed and can make informed political choices; 2) investigating concentrated sources of power (for example holding government power to account) as a means to protect democracy by performing a watchdog role; 3) providing analysis through

'frameworks of interpretation to help citizens comprehend a complex world' (Schudson 2008: 16); 4) fostering social empathy by reporting on the lives and opinions of fellow citizens so as to establish bonds of solidarity between strangers; 5) providing a public forum where dialogue and interaction among citizens can take place and which can *'serve as a common carrier of the perspectives of varied groups in society'* (ibid., 20); 6) mobilization of people to advocate for certain issues and perspectives; and, 7) *'publicising representative democracy'* (ibid., 23) by enabling the public to understand the nature of representative democracy as an institutional system of checks and balances.

The seventh function of journalism, which Schudson (2008) argues is commonly ignored, is of most relevance for the purpose here of attempting to examine the relationship between journalism and democracy to establish to what extent the research reviewed can facilitate a comprehensive understanding of risk to journalism by determining the societal significance of restrictions of journalistic roles. Schudson views the need to understand the democratic virtue of journalism as connected to a vision of democracy perceived not as a purely majoritarian mode of government, but in relation to a liberal conception: *'Democracy is not about maximizing popular involvement in decision-making. It is about assuring a role for popular participation and for popular review of government performance within a system of competitive elections, due process, the protection of individual rights, the protection of freedom of speech, press, petition, association, and the preservation of pluralistic culture'* (2008: 7-8). To contribute towards maintaining such a democratic ideal Schudson argues that journalism needs to be concerned not only with providing information about public affairs for the purpose of producing a well-informed electorate, but also with providing a public understanding of representative democracy as a system of checks and balances in which *'democratic government is held accountable not only through "vertical accountability" – a direct accounting to the public through elections – but through "horizontal accountability" in which one branch of government holds another branch accountable'* (ibid., 24). According to this understanding, journalism alone cannot monitor this system of institutional separation and interrelationships but does so together with the various institutions of a representative government. This points to the interdependence of journalism with surrounding societal institutions and that the accountability function journalism performs within societies can only be understood contextually, and in relation

(and as complementary) to the overall functioning of a multi-institutional system of checks and balances consisting for instance of the institutions of government and law. Whereas the above models of democracy provide valuable insights with regards to describing the various roles that journalism performs in democratic societies, they arguable do not facilitate an understanding of the interrelationship between journalism and the wider institutional context within which journalism is practiced and that also influences possibilities for practicing journalism or alternatively endangers it. While this provides further support also for the claim made previously with regards to risk to journalism as being interlinked with several levels of influence (macro, meso and micro) it does not necessarily facilitate a better understanding of the relationships as such.

In contrast to the above normative approaches to understanding the democratic expectations on journalism, Kleis Nilesen develops what he calls a realist perspective on the role of journalism in democracies. Kleis Nielsen argues that instead of focusing on what we would like journalism to offer democracy, the focus instead should be on how *'normative democratic ambitions (...) can be made explicit'* (2017: 2) by focusing on what journalism can realistically be expected to do for democracy. In fact, normative evaluations of journalism often focus *'on something journalism is not in fact doing but is thought to ought to be doing'* as well as *'abstract ideals, not on social practices'* (ibid., 4). This, according to Kleis Nielsen, results in a problematic disconnect between ideal theory and the empirical reality. Pointing out that normative theory is of little use unless it can be used to examine real life conditions, Kleis Nilesen finds Schudson's *'explicit standards for normative assessments (in place of the normative assertions based on implicit standards found in some empirical work)'* (ibid.) a useful starting point for examining the role of journalism in democracy. However, despite acknowledging that Schudson provides a set of evaluative standards, Kleis Nielsen argues that against the background *'of eroding institutional investment in and support for professional journalism'* Schudson's list *'may still be too ambitious and broad to help us identify the most important thing that journalism—and journalism specifically—just might do for democracy'* (ibid., 7). This one thing that journalism can do for democracy then, and does better than any other societal actor, according to Kleis Nielsen, is to inform the public, to provide *'relatively accurate, accessible, diverse, relevant, and timely information about public affairs'* (ibid., 9). In fact, he argues, *'[p]roviding basic information about [what is going*

on] is the single most important and distinct thing journalism can do for democracy on a day-to-day basis. Important, because we need it. Distinct, because no one else does it' (ibid.). It is therefore in relation to this specific role that the democratic contribution of journalism should be evaluated according to Kleis Nielsen.

In emphasising the distinction between what journalism should do in a normative sense and what it actually does, Kleis Nielsen's work highlights the importance of studying the empirical reality of how journalism functions. According to Kleis Nielsen his conception of journalism as supplying information about public affairs has two implications: *'First, it displaces the question of the impact of the information that news provides (in terms of accountability, debate, empathy, participation, etc.) away from journalism alone and to its relation with other actors, including citizens, various political actors, and institutions like the judiciary. Second, it puts questions of the nature of this information, its diversity, and its reach and distribution across the whole public at the centre of normative assessments of journalism'* (2017: 9). Placing the journalistic role of sharing information centre stage Kleis Nielsen highlights the need to understand how the nature, including type and quality of journalistic information interrelates with the functioning of democracy.

The first implication mentioned by Kleis Nielsen points to the argument made above with regards to the fact that journalism functions relationally with other societal institutions like the law and state, and that journalism alone is not able to produce democratic outcomes. Understanding this relationship between journalism and other actors thus seems crucial for the purpose of understanding possibilities for journalistic practice and when it is restricted.

Understanding the main function of journalism as providing basic information about what goes on in society as argued by Kleis Nielsen further begs the question why this function is distinct for journalism? There are arguably many actors in society that provide information and that would not be classified as journalism, and so for the purpose of understanding how the specific function of journalism is placed at risk it is argued in this thesis that it is important to understand what exactly it is that makes journalism distinct and particularly valuable to societies. In order to understand the significance of the journalistic function of disseminating information it is argued here that a more disaggregated understanding of the

function that such information serves within societies is needed. This is also a fundamental requirement for understanding what is ultimately at risk when journalism is attacked or restricted.

The point made by Kleis Nielsen with regards to examining the nature of journalistically produced information, including its diversity, reach and distribution is indeed important because it helps draw attention to what was previously described as the need to understand the internal functioning of journalism for the purpose of achieving a comprehensive understanding of risk by not only focusing on external factors of an enabling or disabling environment for journalism. However, such a comprehensive understanding cannot neglect the dimension of the impact that information has on wider society, but should take into consideration what Price referred to in Chapter 2 as journalism, or journalistic information, only being a good insofar as *'they support other, more intrinsic, values and goals, such as democracy, a particular economic structure, greater cultural understanding, general human development, and so on'* (2011: 37).

In a similar way, Strömbäck's, Schudson's and Kleis Nielsen's work all points to the fact that journalism does not take place in isolation from but is influenced by the societal environment within which it is produced. Whether journalism is assigned what can be described as a narrow role of primarily being a tool for disseminating information, or a more expansive role that promotes public participation and fosters democratic values such as reciprocity, tolerance, cooperation and trust, the value or societal significance of journalism can consequently only be understood contextually in relation to the democratic functioning of the institutions of society more widely.

The type and quality of journalistic information produced will therefore influence how well democracy functions (though this depends also on how democracy is understood normatively and measured empirically), but at the same time the democratic functioning of a society also creates the conditions for the type and quality of journalistic information that is produced. In a context where the media for instance spreads disinformation, other societal institutions such as the law can either discourage or allow such dissemination. If on the other hand journalism performs a watchdog role exposing corruption and power abuse

in a country, institutions like the government or law can either provide an environment where such reporting is encouraged or alternatively restricted through various types of sanctions. This can be linked back to the conclusions made in the analysis and discussion of Chapter 2 concerning the way that press freedom indices tend to assess countries based on whether the societal environment facilitates the free dissemination of information regardless of the nature and quality of such information. But as shown here, while the dissemination of information can be seen as a virtue in its own right, it is only when we start trying to understand the function this information serves in societies that it is possible to begin understanding the relationship between journalism and democracy.

What the three approaches of Strömbäck, Schudson and Kleis Nielsen point to is thus the need to disaggregate the relationship between the societal role/s of journalism (what journalism does) on the one hand, and the societal institutions that function alongside or in conflict with journalism, on the other hand. In addition, it is also necessary to study the functioning of these two concomitantly. However, what the three highlighted theoretical approaches above lack is a framework to achieve just this.

Whereas the research reviewed thus goes some way in establishing an understanding of the expectations and roles of journalism in democratic societies, this thesis argues that the way the relationship between journalism and democracy is approached does not allow for developing a comprehensive understanding of when and how journalism actually contributes to or is restricted from contributing to the democratic maintenance of societies or to other forms of (both positive and negative) societal developments.

One problem with the approaches analysed, as to the democratic expectations on journalism, which is subsequently reflected in the literature on risk to journalism, is that while the theoretical literature on the normative role of journalism within democracies acknowledges a range of roles journalism plays within democratic societies, the reasoning behind the significance, or the wider societal function of such journalistic roles and performances remains under-developed. Consequently, only a generic connection between journalism and democratic sustainability can be made, without possibilities for specification and systematic scrutiny of what specific aspects of democratic life it is that come under

attack when journalism is at risk or conversely to identify which specific characteristics of democratic societies facilitate free and independent journalism.

Central to the critique developed here is thus that there is a need to disaggregate and specify how restrictions on journalistic roles and performance should be understood in terms of their wider significance to societies and democracy. As shown in Chapter 2, understanding manifestations of risk to journalism necessitate not only a descriptive account of the occurrence of a specific type of safety violation, but also the exploration of how the causes and consequences of such violations can be understood. This point is valid also for the task of trying to understand the supportive democratic function journalism (might) play. A prescriptive checklist of the roles of journalism, expressed as normative expectations of journalism operating within democratic settings, is in itself not sufficient for the purpose of achieving such understanding. Instead, a rationale needs to be developed for how the significance of restrictions of such roles should be understood with regard to consequences for societies more widely. For the purpose of understanding the value of journalism to societies it needs to be understood when journalism does contribute to the democratic maintenance of societies and under which circumstances is it prevented from doing so. There is a thus need for a conceptual and theoretically grounded framework that can facilitate the empirical examination of this and what journalism is actually able to achieve under certain conditions of risk.

Attempts to disaggregate journalistic functions and their normative role in relation to the specific characteristics of different models of democracy provide valuable insights when it comes to understanding the expectations and roles of journalism in democratic societies in more specific terms and importantly they also point out that a theoretical rationale for understanding the function of journalism within societies is in fact required (see for example Strömbäck and Schudson). Arguably, this is particularly the case if the purpose is to empirically assess such roles for instance by examining risk to them. As identified in Chapter 2 the general lack of attention to the theoretical rationale for understanding risk to journalism is indeed problematic.

However, as argued by Trappel, any clear-cut distinction of journalistic roles as linked to specific models of democracy could arguably be viewed as artificial as such interpretations could lead to the conclusion that certain democratic models only need specific journalistic functions. For instance, *'[w]hile republican democracies require the whole set of journalistic virtues to function, liberal-procedural would only need the watchdog element'* (2011: 19). Such a *'reductionist view'* (ibid.), argues Trappel, could be considered as neglecting the fact that the discursive role of journalism is always central to the practice of professional journalism regardless of what democratic model is applied.

In fact, he says *'both urgent'* and deliberative claims need journalism since it is *'indispensable'* and required equally *in evaluating, discussing, dismissing or accepting such claims'* (Trappel, 2011: 19). Trappel concludes that it would indeed be possible *'to develop a set of journalistic roles in democracies, without further distinction along the lines of different models of democracy. Some roles may be more important in certain circumstances than in others, but fundamentally, the roles and virtues of journalism in democracies are inseparable and universal'* (ibid.). Arguably, then the essence of professional journalistic practice (what journalism does) is essentially the same regardless of the type of democratic system. What is of interest then is how such practices serve the society within which it is practiced and how possibilities for such journalistic practice depend on context.

In addition to arguing that journalism in democracies performs the same roles regardless of which model of democracy is applied, Trappel's research also points to the fact that journalism in democratic societies cannot be reduced to a single straightforward function such as the dissemination of information. Indeed, much of the data approaches looked at in Chapter 2 presumes that journalism has the capacity for performing procedural conceptions of democracy. Correspondingly, they emphasise the value of such journalistic functions as providing citizens with factual information for the purpose of electoral participation and political decision making, or the importance of the journalistic watchdog when it comes to holding powerful interest accountable to the public or for the purpose of exposing wrongdoing. As a consequence then, and assuming that democratic governance is not simply about electoral politics, but also includes various decentred forms of self-organisation, it seems valid that journalism can be assumed to perform both informational and discursive

roles including for instance, evaluation, analysis and critique regardless of which democratic model is applied.

Trappel's critique of applying models of democracy to understand journalistic roles highlights another important aspect for the purpose of developing a framework for comprehensively analysing and understanding risk to journalism as formulated in this thesis. Such a framework must be applicable to any type of societal context, be it democratic or non-democratic. This point is illustrated through the analysis of academic research that seeks to classify and map contexts that are hostile to free and independent journalism carried out in this thesis (see Chapter 2). The analysis shows that we currently have a limited understanding of how different societal contexts produce risk to journalism and what specific societal characteristics produce certain types of risk, and points to the wide range of societal contexts that the risk profile must be able to cover.⁸ Whereas approaches that identify democratic criteria that adhere to a particular model of democracy use these to evaluate the role of journalism in society such criteria can arguably not be used to straightforwardly evaluate non-democratic contexts.

Concluding discussion

In essence, the above normative theories concerning the democratic role of journalism combine to point out the importance of journalism for democracy in terms of the way it conducts itself and the specific nature of its contribution to democracy. The point here is not that this should be ignored but rather that it should be contextualised in terms of associative life more widely conceived of. Specifically, this thesis argues, within the context of the civil sphere. To explain the point: journalism does not exist in isolation from political considerations and comment – that much is certain but as both Alexander (2006) and Harrison (2019) show, they are just one set of considerations that affect the quality of civil associative life. In fact, there are many others. For Alexander the civil sphere is replete with solidarising aims. For Harrison, civil life (which for her is where we spend most of our time) is where our fundamental and quotidian invariant civil concerns of identity, legitimacy and risk are played out. Acknowledging that the plurality of associative groups and diversity of views as represented within civil society go *'some way to explain the plurality of views with regard to what 'we' regard as civil and anti-civil'* Harrison also argues that *'[w]hile this plurality is a*

commonly observed and much discussed sociological fact it is the case (...) that public sentiment does express common civil interests'. In fact, Harrison suggests *'such common civil interests are constitutive of the fundamental issues that define our version of civility and that they are best understood as invariant civil concerns*'. The fact then that these invariant civil concerns *'are unchanging and ever-present in all civil societies (...) consistently held as simultaneous concerns by diverse civil associative groups and form the basis of the pluralism we take for granted in a modern civil society*' points to need to take into account aspects of the quality of associative life, beyond narrow political-democratic considerations, and consider the role of journalism in relation to civil association more broadly (Harrison, 2019: Chapter 1, 9). Indeed, and as argued both by Alexander and Harrison, journalism is not simply required to confine itself to purely democratic concerns but rather much more widely to that which marks us out as more or less civil. Thus, for Harrison journalism both represents and interprets our invariant civil concerns and boundaries in all that it does. The point here is that conceptions given above of the normative democratic role of journalism do not operate according to the social fact that the civil sphere and associative life are both real and institutional and that journalism instantiates civil outlooks through its reporting. In short, what contextualises the above normative theories about the political role of journalism is its civil role and this is what is not being acknowledged.

As such, in the light of the claim just made that whatever role journalism plays, it is more than just a political one (nor is the political one necessarily the most important): rather it plays a civil role, one which is far more significant and important for understanding the value of journalism than is a normative one singularly and narrowly conceived (see 3.2.1 and 3.2.2). The next section will begin to justify this claim by turning towards showing how Civil Sphere Theory can be used to arrive at a disaggregated approach to analysing risk to journalism by reconstructing the relationship between journalism and democracy, by introducing Harrison's (2019) conception of the civil ideal of journalism. It is via an understanding of this civil ideal that it is possible to allow for journalistic roles to be understood in a conceptually broad fashion to facilitate associative and communicative civil life. The aim of this thesis then is to understand under what societal conditions journalism is able to or prevented from performing such a role, including the specification of to what extent specific journalistic functions included in this wide umbrella conception, are restricted

or enabled under specific types of societal circumstances. Rather than determining beforehand what specific roles journalism plays in different societal contexts then, this will require the detailed study of context-specific circumstances.

3.2. Toward a civil sphere approach to understanding the role of journalism in society

Against the background of the above analysis of approaches to the normative expectations on journalism within democratic societies and their identified limitations when it comes to facilitating an understanding of risk to journalism in a comprehensive manner, this section will now develop a distinct conception of the role of journalism in relation to civil society or more specifically, the civil sphere, as developed in Civil Sphere Theory by Alexander (2016) and with regard to journalism by Harrison (2019). This will facilitate a distinct understanding of the associative and communicative contribution of journalism to civil life and as supporting the democratic maintenance of societies and it will also be shown that Civil Sphere Theory provides a more inclusive and comprehensive understanding of the societal role of journalism, than what a narrow understanding of the normative function of journalism conceived of in exclusively politico-democratic terms is able to achieve. Ultimately it will therefore be shown that Civil Sphere Theory is more appropriate for the purpose of developing a holistic approach to risk.

While this means that it is important to establish a theoretical rationale for linking civil society and democracy on the one hand and connecting civil society with journalism on the other, it is arguably not necessary for the purpose of this thesis to identify specific democratic criteria for the purpose of linking journalistic practice to a particular model of democracy (for example procedural, competitive, participatory and deliberative models of democracy). Rather, by understanding the democratising potential of civil society as creating associational possibilities by referencing a fundamental principle of inclusion, civil society, and journalism, as an institution of civil society, can be linked with democratic practice understood in a general way to facilitate legitimate self-governance in accordance with the ideals of inclusion and equality as expressed through the 'all affected principle' which simply says that all citizens of any given polity potentially affected by political decisions have the right to influence them (see below). Journalism then performs a set of functions that are

aligned with the universalistic ambitions of civil society, and to the extent that journalism supports such aspirations it has a democratic supportive potential.

Instead of identifying democratic criteria that adhere to a particular model of democracy and using these to evaluate the role of journalism in societies then the idea here is thus rather to assess how the quality of civil life as interlinked with various societal characteristics can be used to understand the ways in which and the extent to which a country can be considered to adhere to various forms of democratic processes, structures and ideals. Rather than imposing specific democratic functions on journalism this approach thus makes it possible to evaluate journalistic practice in any context by identifying to what extent it fulfils its civil role, and the argument here is thus that it is in relation to the quality of civil life that journalism should be evaluated rather in relation to a specific democratic ideal. This is of particular importance to the purpose of this thesis since it is not concerned only with examining risk to journalism in democratic contexts. The focus on democratic settings and the normative expectations on journalism within those is indeed the concern of much of the literature discussing the link between journalism and democracy. While this discussion is central, and important to understand in relation to the purpose here, it is also necessary to establish a conceptual framework that can be applied to a range of different societal contexts (beyond democracies). In this context it can be pointed out that in reality, the wide range of different types of existing democratic societies do not lend themselves in a straightforward way to strict categorisation and there are arguably always varieties of democracy that fall between various categories. This problem is exacerbated even more if the wide range of societal contexts beyond democratic societies is considered. As previously established, journalism does also not necessitate a democratic context as such, and there are many examples of journalism being carried out in repressive societies without the institutional support of civil society and the other social spheres.⁹ Nevertheless, journalism can and does exist also in such contexts and it therefore becomes important to systematically examine the conditions under which such journalism is carried out, and when journalism, under such circumstance, is able to function and when it is unable to do so.

The task at hand is thus not to impose specific democratic criteria on societal contexts where such criteria are deemed inappropriate or unrealistic considering the fact that a specific

societal context might not be or even claim to be democratic. The intention is rather to use civil society, with its normative core and institutional infrastructure, as a lens to understand democratic and non-democratic characteristics of a range of different types of societal contexts with regard to how risk to journalism may restrict journalism itself but also the possibilities of associative and communicative life more broadly understood.

It will be shown that Civil Sphere Theory allows for the identification of such a conceptual understanding and importantly by focusing on the conditions and quality of civil life it allows for the examination of risk to journalism, not in relation to the extent that societies fulfil a specific set of predetermined democratic criteria, instead the civil sphere approach allows for the examination of journalism in relation to the social institutional infrastructure, the interactions between the social institutions, and the outcomes of such interactions in terms of producing risk to journalism in any given societal context – democratic or non-democratic. Before detailing how Civil Sphere Theory allows for such an understanding the section will first establish how this thesis understands the notion of democracy for the purpose of developing a link between the function of journalism and democracy via civil society, or more specifically, the civil sphere.

It is argued here that any narrow and instrumental understanding of democracy as signifying *'periodic elections, party competition, majority rule, and the rule of law'* (Keane, 2010: 2) and relatedly, using manifestations of risk to journalism in a reductionist manner to indicate democratic decline or regression, does not provide a sufficient understanding of the actual relationship between democracy and journalism. First, and despite the fact that it is commonly acknowledged that journalism does not produce democracy (Strömbäck, 2005) the link between democracy and journalism is problematically still treated as more or less direct. This is not least the case in the empirical assessment frameworks that conclude that indicators showing restrictions on an enabling environment for journalism construe these in a straightforward manner to indicate democratic decline, but the challenge is to understand the specifics of the significance of such restrictions to democracy and this is currently not captured. For instance, restrictions on journalism during an election period would arguably endanger the democratic nature of the electoral process since citizens might not have been able to receive truthful, accurate and factual information upon which they can arrive at

well-informed political decisions. However, in this example journalism only influences democratic procedures in an indirect way, via the citizens and their ability to stay informed about issues of public interest. Arguably, restrictions on journalism would have a negative impact on democracy in this example, but the ways in which this process occur needs to be studied in relation to the associative and communicative foundation of social life itself, as the very bedrock upon which democratic life rests. To take another example, journalistic revelations on corruption or political power abuse might have significant societal consequences in terms of revelations leading to political resignations or even legal action to be undertaken. Whereas this would arguably be an example of journalism contributing towards democratic accountability, such an accountability function ultimately depends on public reactions as well as what legal processes are initiated as a result of the revelations. To understand the societal function and democratic potential of journalism then it is clear that it must be understood relationally to the social order and its institutions, and importantly in relation to the function that journalistic information plays for collective civil life.

The main problem with the way that the normative democratic expectations of journalism are approached then is that the dimension of associative and communicative civil life is commonly neglected. The fact is that even when democracy is not approached in this procedural or narrow way but takes the dimension of collective self-organisation into consideration¹⁰ this is not developed into any sophisticated framework for systematically understanding what the function of journalism is in relation to civil life.

Arguably, and also connecting back to Trappel's point about the arbitrariness of arguing that specific journalistic roles are linked to specific models of democracy, procedural arrangements would hardly, on their own qualify as democratic and '*produce governments that are representative and responsive to those who fall within their jurisdiction*' (Warren, 2011: 377). As noted by Dahl (2000), while elections are indispensable to modern representative democracy: '*robust civil societies provide the contexts within which elections function democratically*' (Warren 2011: 377, referring to Dahl, 2000). This notion of democracy as an ideal of self-governance where rulers are accountable to those ruled¹¹ not only through elections but also through '*nonelectoral forms of political participation*'

(Coppedge *et al.*, 2018: 5)¹² brings the function of civil society and its capacity to facilitate public participation and exchange on matters of public concern clearly to the forefront.

Accordingly, civil society can be understood as the *'domain of purpose-built, normatively justified associations'* (Warren, 2011: 378) facilitating the self-organising of the public where *'people organize their interests, values, and opinions and act upon them, some directly—as in religious and sporting associations—and some indirectly, as representations that organize public opinion, mobilize votes and other forms of pressure'* (ibid.). In this way civil society helps *'define "the people" whom a state can represent, and to whom the formal institutions of democracy can respond (Urbinati and Warren 2008)'* (ibid.). The relationship between democracy and civil society then is seen as mutually reinforcing in a general sense. However, questions of how and under what conditions citizens self-organise in ways that enable them to *'form their interests and opinions, convey them to governments, hold governments accountable, and engage in collective actions oriented towards common goods'* (ibid., 377) for the democratic sustainability of societies, have at the same time become important areas of inquiry.

The rationale for understanding the role of civil society for democracy as crucial and as necessitating associative and communicative self-organisation is ultimately the perception that *'those who are potentially affected by collective decisions [should] have opportunities to influence them'* (Warren, 2011: 379). While this 'all affected principle' cannot be achieved in any realistic sense, this democratic ideal arguably brings two central benefits: *'First, institutional definitions of democracy conflate ideals of what democracy should achieve with institutional means for achieving them, thus making it impossible to judge particular arrangements to be more or less democratic. Distinguishing an ideal of democracy from its typical institutions – say, kinds of electoral democracy or deliberative forums - allows us to judge these institutions to be more or less democratic'* (ibid.). This points to the fact that the 'all affected principle' establishes an egalitarian and inclusive understanding of democratic self-organisation as a normative ideal. This desirable normative ideal however is to be treated as distinct from the actual means for achieving such an aim. This means that various societal contexts can be evaluated with regard to adopted procedural and institutional arrangements for the purpose of assessing how successful they are in achieving this inclusive

ideal. This approach to understanding the ideal of democracy and its manifestations as separate provides a valuable entry point for analysing societal contexts with regard to manifestations, causes and consequences of risk and their interrelatedness. Whereas the models of democracy reviewed above tend to prescribe institutional means and journalistic roles deemed necessary to fulfil certain democratic criteria, the view taken here is that these means and roles should rather be empirically studied and then evaluated in relation to the ways in which they support or thwart the normative ideal of inclusive self-governance. In effect, this means that the actual roles that journalism performs – what journalism does - and manifestations of risk to such roles, need to be understood in relation to their wider significance (and the consequences for society when such roles are attacked). In essence then, it is the value of journalism, and its distinct function within societies that needs specification in terms of a normative ideal.

The second benefit of addressing civil life and its reinforcing relationship to democracy *'is that the sites of collective decision making in today's societies are now so diverse that traditional sites of democracy – particularly elections based on territorial constituencies – are only one kind of many'* (Warren, 2011: 379). In fact, it can be argued that citizens are affected by *'multiple levels of governments, but also by other kinds of collectivities, including corporations, religious organizations, schools, and other kinds of organizations'* including also global and transnational forms of *'interdependencies in areas such as security, environment, and migration'* (ibid.). For democracy to be meaningful in modern societies then, democratic participation means *'not just voting, but also organization, advocacy, networking and deliberation, that may occur at multiple points in decision-making processes, from diffuse influences on public opinion to highly focused participatory inputs into specific decisions'* (ibid., 380). Consequently, the function journalism plays in societies extends beyond facilitating democratic procedures and informed political decision making to a range of sites of public engagement and civil life, and therefore also needs to be understood as such, and as influencing democracy in multiple and often indirect ways. Accordingly, the relationship between democracy and civil society is attributable to the quality of civil life and the extent to which the participatory capabilities of citizens are understood in relation not just to traditional sites of political participation, but more inclusively in relation to the capabilities of citizens to participate in collective civil life.

For the purpose of understanding the democratic potential of associative civil life, Warren (2011) suggests that the democratic dependency on civil society can be understood accordingly: first in the sense that associational life equips *'individuals with capacities for democratic citizenship'* because it *'may provide individuals with information, educate them, develop their sense of political efficacy, cultivate their capacities for negotiation and deliberation, and instill civic virtues such as toleration, trust, respect for others, and sense of reciprocity'* (ibid., 381). Secondly, as *'democracies are inherently public'* they draw legitimacy from the fact that civil society enables those affected by decisions to have a say in their making. This means that civil society functions *'as the social infrastructure (...) of the public spheres from which collective decisions ultimately derive their legitimacy'* (ibid.). Thus for Warren, legitimacy then is derived first, from inclusion, which ensures that decisions are made with *'responsiveness to those affected – if not in substance, then because the views incorporated into decisions have been considered and deliberated'* (ibid.). Through the means of *'advocacy and by framing the interests, values and voices of those potentially affected'* associative civil life thus *'provides the conduits of representation'*. Secondly, legitimacy is also achieved through the process of public deliberation *'through which representations are transformed into discourses which form public opinion, such that decisions have a locus of considered argument and agreement'* (ibid.). Civil society can contribute to processes of deliberation *'by organizing and communicating information to publics, provoking public deliberation, and monitoring public officials and institutions'*. Thirdly, civil society performs institutional roles that include *'representative functions between elections, linking public officials with constituents, and often forming constituencies that are not formally represented by territorially based electoral institutions'* (ibid.).

Hence, civil association serves a range of functions within societies and can be characterised through various attributes. One such key characteristic is its voluntary (uncoerced) nature which is seen as normatively desirable. The fact that *'social relationships are chosen rather than imposed'* (Warren, 2011: 382) then is seen as facilitating self-determination as opposed to forms of involuntary association that may impose exploitation and domination. Civil society association can also have diverse orientations, which Warren argues determines the extent to which an association contributes to democracy. For instance, Warren argues that an association can be oriented towards: *'(1) social norms such as shared identity or purpose,*

moral commitment, friendship, or other means of social solidarity; (2) state power, as are many kinds of advocacy and interest groups; or (3) markets and money, as are consumer cooperatives, social marketing associations, and labor unions' (ibid., 383).

Exemplifying how the democratic contributions of civil associations can differ depending on their orientation, Warren argues that associations that depend primarily on its members being tied together *'by social norms such as hobby groups or religious associations'* and *'social solidarity alone will tend to be robust in identity formation, and have high capacities for generating bonding social capital and the capacities for collective action'* yet *'they will be fragile with respect to conflict resolution – and thus serve as poor schools of democracy with respect to deliberation, negotiation, and bargaining'* (2011: 384). Associations that have a more strategic orientation, and an interest in overcoming social difference (like ethnicity and religion) may however be more motivated to develop procedures for preventing such differences from disabling deliberation and decision making. According to Warren associations that *'cross-cut identity-based cleavages (...) may foster the civic virtues of tolerance and reciprocity, while weakening representations of identity-based claims in public spheres'* (ibid.).

The democratic influence of an association can also be examined in relation to its purpose. Pointing out that aims and goals of associations in modern societies are very diverse, Warren argues that the key determinant that defines the democratic functions of associations is *'whether an association seeks goods that are inherently public'* (2011: 385). As opposed to identity or status-based associations that may foster *'internal cohesion but at the cost of generating intolerance and exclusion'* or *'exclusive status-based connections that contribute very little at all to democracy'*, associations oriented *'to public goods will tend to cultivate civic virtues, underwrite deliberation, represent common discourses and ideals, and increase common capacities for collective action'*. This is what makes such associations particularly *'important to deepening democracy'* (ibid.). Warren concludes that *'no single kind of association can address the full range of functions civil society must fulfil'* to be fully democratic, and highlights the need for further theoretical development and comprehensive empirical research with regard to the ways that *'associational ecologies'* may contribute to, or, undermine democracy (ibid.). To understand this from the point of view of risk to journalism requires a re-evaluation of the role played by journalism in societies, for the

purpose of developing a distinct conception of the civil role of journalism. And this, in turn, requires introducing Alexander's (2006) Civil Sphere Theory as a means to understand and disaggregate the relationship between civil society, understood in terms of an essentially discursive civil sphere, and the civil institution of journalism.

3.2.1 The civil sphere as a communicative space

There exist various conceptions and interpretations of what civil society is (Edwards, 2011: 3).¹³ As a sociological concept civil society could for instance be *'the totality of social institutions and associations, both formal and informal, that are not strictly production oriented nor governmental or familial in character'* (Rueschemeyer et al., 1992: 246), while a cultural conception might understand civil society as a domain of cultural values, norms, and manners, with implicit understanding, frames and codes shared by the members of society, constraining/or facilitating what they think or do (Alexander, 2006). Civil society has also been understood as an economic concept capturing economic relationships and activities.¹⁴ However, as the previous discussion on the relationship between democracy, civil society and journalism emphasised, the journalistic civil role in civil society was presented as widening and deepening the nature and scope of democratic considerations. To put the matter another way, the civil role of journalism facilitates *'the idea of self-government by communication'* (Calhoun 2011: 313). For Calhoun this conception *'rests on three core claims: first, that there are matters of concern important to all citizens and to the organization of their lives together; second, that through dialogue, debate, and cultural creativity, citizens might identify good approaches to these matters of public concern; and third, that states and other powerful organizations might be organized to serve the collective interests of ordinary people—the public—rather than state power as such, purely traditional values, or the personal interests of rulers and elites'* (ibid., 311). This understanding of civil society as a communicative and associative space is often approached through the concept of the public sphere,¹⁵ which is understood as linking *'civil society and the state through the principle that public understanding could inform the design and administration of state institutions to serve the interests of all citizens'* (ibid., 312). For Calhoun *'[a] vibrant public sphere is the dimension of civil society most essential to democracy. It helps to constitute the*

demos itself - "the people"- as a collectivity able to guide its own future' and it 'works by communication, combining cultural creativity, the selective appropriation of tradition, and reasoned debate to inform its members and potentially to influence states and other institutions' (ibid.). The public sphere then 'is composed of multiple partially overlapping publics and counterpublics' that 'bring forward different conceptions of the public good and sometimes of the larger, inclusive public itself' (ibid., 321). Due to its public orientation, the ideal public sphere is open to anyone and facilitates 'sociability and communication among strangers' (ibid., 318) as well as among those who are already connected for the purpose of assisting self-governance.

Adding to this discussion Cottle argues that Civil Sphere Theory provides '*[a] particularly persuasive theoretical lens for better appreciating the contribution of journalism within civil societies'* (2016: 96). As pointed out by Forde (2015: 115), the task of '*explain[ing] how media work in society'* has long concerned communication researchers and has led scholars to '*borrow ideas from sociology'* in their attempts to develop frameworks to examine related issues. Forde (ibid.) mentions '*Lazarsfeld, Berelson, and Gaudet's two-step flow (1944), Goffman's frame analysis (1974), Habermas's theory of the public sphere (1989), and Bourdieu's field theory (Benson & Neveu, 2005; Bourdieu, 1993)'* as such examples. In this context, engagement with public sphere theory (Habermas, 1989) by endorsing, critiquing or reshaping it can be described as having become the dominant approach through which issues of the normative and empirical role of journalism in democracy are understood. What these approaches have in common is that they to a varying degree '*embrace (...) the notion that public participation in democratic life involves reasoned debate, argument, and a collective process of rational decision making'* (Forde, 2015: 115).

Turning his attention to '*communication—as both culture and institution'* (ibid.) Alexander (2006: 16) is critical of the way public sphere theory '*attached reason and principle to the public sphere, and all three to democracy'* (ibid., 15). Alexander argues that while it is fine to uphold the deliberative principle of reason as essential to public discussion and democracy '*it's simply not true that such idealizing principles actually grow out of speaking, deliberating, or being active in the public sphere, which is exactly the contention of discourse ethics. In fact, something more like the opposite is closer to the truth. Speaking is encased in language*

games. Deliberation is a second-order decision, which does not challenge but elaborates presuppositions. Publicness is a social and cultural condition, not an ethical principle; it points to symbolic action, to performance, to projections of authenticity' (ibid., 16). Alexander thereby argues that any discussion on democratic morality must be linked with discussions on culture and tradition. While Habermas acknowledges this to a certain extent by contending that public discourse requires a democratic setting, Alexander maintains that while such an acknowledgement is welcome *'it undermines the insistence on the purely deliberative nature of public life'* (ibid.). Democratic philosophy and social theory must therefore turn their attention to socialisation, identity and meaning as constituting *'critical background for democratic society'* (ibid.). In this way, Civil Sphere Theory argues that *'rational discourse in the public sphere'* cannot be separated *'from the traditions of cultural life'* (Alexander, 2006: 30) and that the democratic aims of solidarity and justice *'are achieved less through rational debate and agreement and more through symbolic communication that inspires fellow feeling'* and solidarity (Forde, 2015: 115 referring to Alexander, 2006, p. 7). In this way, the distinctiveness of Civil Sphere Theory can be understood in terms of its *'cultural-performative'* (Alexander, 2006: 586) emphasis that focuses on meanings and emotions rather than normative rationality as a way to understand democratic civil life.

This focus on the symbolic meaning leads Civil Sphere Theory to emphasise the importance of media narratives, as a key conduit for the formulation and dissemination of accounts of subjective feelings of solidarity. Therefore, analysing journalistic narratives and how they relate to civil solidarising ideals (e.g. in relation to efforts to sustain professional autonomy (Luengo, 2012) and how the *'cultural and institutional vitality of journalism is being sustained'* despite financial and technological upheaval within the media industry (Alexander, 2015) are examples of the ways in which Civil Sphere Theory has been applied. Similarly, Harrison engages with Civil Sphere Theory to develop what has previously been referred to in this thesis as the civil ideal of the news which *'clarifies how the news should understand its civil responsibility and obligations and how it should point 'us' in the right direction with regard to what 'we' should value and preserve in the face of non-civil and anti-civil interferences'* (2019: Chapter 2, 4). Her approach then allows for the analysis of journalistic narratives as *'assembled and understood in the form of civil and anti-civil*

judgements (...) which contribute to the boundaries we place and maintain around civil society with regard to whom and what we regard as civil and anti-civil' (ibid., Chapter 1, 1).

The approach taken in this thesis does not focus on the analysis of journalistic narratives as such, although such an analysis could arguably be included at the meso level of analysis as developed in the risk profile in Chapter 5, but focuses rather on the ways in which Civil Sphere Theory facilitates a comprehensive understanding of the risk to the societal role of journalism.

By focusing on the fundamentally discursive nature of the civil sphere and the importance of journalism as a civil institution Civil Sphere Theory provides an opening to understand the wider significance of the role that journalism serves within societies for the purpose of understanding risk to this role. The key elements of Civil Sphere Theory for the purpose of this thesis is thus the way in which the cultural and institutional structure of the civil sphere enables a distinct understanding of the normative core of the civil sphere and its inter and intra institutional relationships as a means to evaluate civil diminishment.

The reasons for this are as follows.

First, it allows for a more sophisticated approach to understanding the democratic potential of journalism by understanding it, as Harrison (2019) notes, as interlinked with the civil ideal of journalism, including various forms of de-centred self-organisation that take place via association and communication in the civil sphere.¹⁶ Secondly, Civil Sphere Theory also allows for an expanded field of inquiry by moving beyond a narrow institutional or procedural understanding of democracy to democracy as being interlinked with the quality of collective civil life.

The communicative and associative circumstances conditions under which civil life takes place therefore matter greatly and assessing how free and independent journalism is becomes a fundamental aspect of understanding the extent to which circumstances and conditions facilitate or restrict it. Of interest to this thesis therefore become the various

ways in which journalism as an institution of the civil sphere can be or is restricted from facilitating various forms of democratic self-determination.

The fact that journalism relies on democratic institutions to be able to function effectively has been highlighted above. This position - that journalism does not operate in a vacuum - is also central to the view taken in this thesis. However, and as mentioned, journalism does exist also (often with great challenges) in contexts that can be described as non-democratic and repressive. It is also important to note that journalism does face challenges and restrictions even within settings with strong democratic institutions. It is in fact this range of different interrelationships between journalism and surrounding institutions and actors (democratic and non-democratic) and their various and context-dependent outcomes that are of interest for the purpose of understanding risk to the civil role of journalism.

Another way in which the politico-normative approaches fall short when discussing the link between democracy and journalism is that they are not able to provide a way forward when it comes to systematically studying the empirical expressions of these interdependencies between journalism and its surrounding milieu and societal institutions. As a result, only high-level and generic statements, that 'democracy is good for journalism' and 'journalism is good for democracy' can be made without providing a more precise understanding of the specifics of this relationship and when it is at risk of being diminished. And this is where Civil Sphere Theory makes an important contribution because of the way it envisions the infrastructure of the social spheres, as well as the nature of their interrelationships and internal functioning as crucial to the project of democratic inclusion and justice. The differentiation between the non-civil spheres (here including the state and market) and the civil sphere on the one hand, allows for an understanding of the underlying rationale and goals of each sphere, while the institutional differentiation of the civil sphere itself allows for a way to examine the functioning and relationships between the civil institutions of law and journalism on the other. The contribution of this thesis then is to show how this infrastructural framework can provide a means to examine risk to journalism in relation to the relationships of contestation and negotiation that take place between and within the civil and non-civil spheres.

3.2.1.1 *The normative core and cultural framework of the civil sphere*

Alexander's (2006) analysis of the civil sphere rests on a macro social theory of civil society and a conceptualisation of the civil sphere of formal and informal associative life as a communicative space that is oriented towards democratic values expressed through a set of basic normative ideals described by Harrison (2019, Chapter 2, 4) as the '*civil values of social criticism, democratic integration, civility, justice, reciprocity, and mutual respect*'. Values that, for Alexander, require discursive public processes that mediate between universalistic claims of incorporation and claims of particularistic exclusion. Correspondingly, the communicative circumstances and the practical conditions and circumstances (how open or closed) under which the civil sphere sustains public discourse are crucially important. Alexander's theory provides a framework for understanding attacks on journalism as affecting the sustainability of public discourse through creating circumstances, which either generate conditions conducive to impeding civil life or that promote openness. Following Alexander, restrictions on journalism can therefore be said to ultimately minimise the capacity of a civil society to be capable of reflection, adaptation and assimilation of others, to limit the capacity of social criticism to be heard, and to frustrate democratic integration and pervert feelings of solidarity and hospitality (Harrison, 2019: Chapter 1).

To understand this point it is necessary to also understand that Alexander is concerned with theorizing and empirically studying civil society through the concept of solidarity as a transcendent and universalizing ideal which structures and bounds the societal order: '*The premise of Civil Sphere is that societies are not governed by power alone and are not fueled only by the pursuit of self-interest. (...) Solidarity is possible because people are oriented not only to the here and now but to the ideal, to the transcendent, to what they hope will be the everlasting*' (2006: 3). In this way, Alexander places solidarity, as '*a condition for both democratic stability and social criticism*' at the very heart of public life (Kivisto & Sciortino, 2015: 16). The civil sphere then, as '*a differentiated social sphere where a universalising community comes to be culturally imagined*' is the realm where solidarity in the form of a '*a shared belief about the existence and significance of a common membership*' is facilitated (ibid.): '*civil society should be conceived as a solidary sphere, in which a certain kind of universalizing community comes to be culturally defined and to some degree institutionally enforced. To the degree that this solidary community exists, it is exhibited and sustained by*

public opinion, deep cultural codes, distinctive organizations—legal, journalistic and associational—and such historically specific interactional practices as civility, criticism, and mutual respect’ (Alexander, 2006: 31). Alexander also notes that this solidary civil community cannot ‘*exist as such; it can only be sustained to one degree or another. It is always limited by, and interpenetrated with, the boundary relations of other, non-civil spheres*’ (ibid.). Alexander further understands ‘*a fully differentiated civil society [as] necessary for the development of an inclusive, solidaristic, and democratic society*’ (Alexander & Jacobs, 1998: 23). In other words, for Alexander, civil society embodies ‘*the idea of democracy as a way of life*’ (2006: 4), which cannot be approached merely as a set of procedural arrangement or through the lens of institutions alone. Instead it should be viewed as ‘*a cultural framework that defines the features of civil interchange and establishes the proper way of dealing with fellow-members (and consequently with outsiders)*’ (Sciortino: 2007: 563).¹⁷

Alexander treats civil society ‘*as a sphere that can be analytically independent, empirically differentiated, and morally more universalistic vis-à-vis the [the non-civil spheres of the] state and the market and from other social spheres as well*’ (2006: 31). As an independent sphere, civil society has its own ethics and institutions, but at the same time ‘*the civil sphere is not separated and ideal; it must exist in the real world (...) located in time and space*’ (ibid., 6). Such a view also entails that the communicative institution of journalism plays a seminal role in expressing diverse conceptions of solidarity and democratic accountability in and through their endless mundane and daily ‘civil interchange’ with citizens and public sentiment.¹⁸ In other words, ‘*any discussion of the civil sphere is inextricably intertwined with an analysis of democracy as a political form*’ (Alexander, 2006: 37) distinct from understanding democracy in ‘*technocratic and deterministic*’ terms or in ‘*rationalistic and optimistic*’ terms (ibid., 39). Indeed, for Alexander, both approaches fail ‘*to conceptualize the social and cultural structures*’ that sustain the daily reality of a democratic way of life (ibid., 21) just as both approaches also tend to under-represent the democratic role of journalism and the nature of communicative institutions per se. Alexander therefore argues, as was also previously shown in this thesis, that democracy theory has adopted a reductionist and instrumental view of democracy, as merely a set of formal and/or procedural democratic practices. According to Alexander it must be recognised that ‘*[d]emocratic politics (...) rests*

upon a broader, suprapolitical base, just as it helps give life to these social and cultural dynamics in turn. As we develop an approach to civil society (...), we move from the restricted, if vital, concerns of democratic government to the broader problem of a democratic social life, a terrain that points not only to freedom in the exercise of political rights but to social and cultural freedoms, to inclusion and recognition, and to the problem of justice itself' (ibid., 37). In this way, democracy should be conceived as a mode of associated living that depends on the existence of solidary bonds and not merely as a form of government. Hence, democracy is also defined as a fundamentally discursive mode of associative life that operates only to the extent that the civil sphere is itself open and independent of various forms of domination, for instance by the state and market.

What Alexander advocates is that *'If we wish to develop an approach to democratic social life that acknowledges the role of solidarity and moral ideals' (2006: 46) we must also acknowledge the existence of a plurality of conflicting interests as integral to modern societies and that although individuals and groups do not pursue similar or complementary goals and interests, shared understandings are still highly significant as they 'inform and influence goals even if they do not create them' (ibid., 47). At the specific level of concrete situations, Alexander argues that goals and interests are 'always informed by the logic of more generalized patterns, by norms and by cultural codes and narrative structures that can provide a common medium of communication between conflict groups despite their often strategic and divisive aims' (ibid.).¹⁹*

3.2.1.2 The democratic discourse and structure of the civil sphere

For Alexander, the cultural dimension of the civil sphere can be captured by examining the *'internally complex discourse'* that regulates civil society and by doing so it possible to *'understand the paradox by which its universalistic ideals have so easily been institutionalized in particularistic and anticivil ways'* (2006: 48). Turning to language itself and the meaning of speech, Alexander brings forward the idea that *'[c]ivil solidarity can be sustained only by a democratic language, a discourse that allows the abstract and universal commitments of the civil sphere to take concrete and imagistic forms. Justice is possible if there is civil solidarity, which itself depends on the vitality of a fluent and provocative moral discourse'* (ibid., 38). Indeed, he notes that while *'(s)ocial scientists have written much about*

the social forces that create conflict and polarize society and about the interests and structures of political, economic, racial, ethnic, religious, and gender groups' (...) 'they have said very little about the construction, destruction, and reconstruction of civic solidarity itself' (ibid., 53). In fact, '(t)hey are generally silent about the sphere of fellow feeling, the we-ness that makes society into society, and even less about the processes that fragment it' (ibid.). Accordingly, and importantly for the perspective of this thesis, one aspect of understanding the construction and destruction of this civil 'we-ness' (Harrison, 2019: 7, Chapter 1)²⁰, is to evaluate the discursive effectiveness for sustaining an open and pluralistic civil sphere that accommodates and represents the constant negotiation between individual rights and collective obligations in relation to the normative ideal of solidarity. To understand and evaluate this discursive effectiveness is to treat the concept of the civil sphere as 'both a normative and a "real" concept' that 'allows the relationship between universalism and particularism (...) to be studied empirically, as a condition that determines the status of civil society itself' (Alexander, 2006: 53). That is, to understand civil life as based upon 'mediated communication among large numbers of dispersed actors' where 'the civil dimension of social life is not a virtuous interaction writ large' (Sciortino, 2007: 563).

Such mediated communication, in any civil sphere, rests upon the essentially discursive structure of the civil sphere itself which 'is filled with institutions, organizations of communication and regulation' (Alexander, 2006: 4)²¹ that 'draw upon the vocabulary of civil society to interpret the world' (Sciortino, 2007: 563). These institutions, 'push for agreement in difference' and mediate the shifts 'between a transcendental language of sacred values of the good and profane symbols of evil' (Alexander, 2006: 4) that characterise democratic life. According to Alexander the institutions of the civil sphere are 'only those associations explicitly oriented to participation in public controversies' and they 'see[s] as specific public sphere actors only those advocacy associations that base their claim on this shared membership and try to develop arguments directed to all members' (Sciortino, 2007: 564). Mass media, public opinion and associations belong to the communicative actors that 'reflect and diffuse the stances and passions of the most generalized and abstract solidarity' (ibid.) while regulative and representational organs such as elections, office and the law not only have a communicatively persuasive force, but also an instrumentalising capacity since they 'can draw upon coercion and even control the bureaucratic state' (Alexander, 2006: 6).

By institutionalising influence, or civil power, over state power, the regulative institutions of society allow for the civil regulation of government control (ibid., 109-110). Thus: *'To the degree that society is democratic, to the degree that regulatory institutions are the gatekeepers of political power. It is civil power that opens and closes the gates.'* In this way, the *'civil community regulates access to state power'* (ibid., 110). For Alexander, civil society, and the *'liberating and repressive stipulations of this moral community'* is expressed through *'organizational power via such regulatory institutions as party and legal systems, voting, and "office," on the one hand, and with such communicative institutions as mass media, public opinion polls, and civil associations, on the other'* (ibid., 54).

But civil society is not only institutionally instantiated. It also has a subjective dimension that is characterised by the cultural milieu within which the institutions operate and where collective representations of an imagined community are expressed: *'It is also a realm of structured, socially established consciousness, a network of understandings creating structures of feeling that permeate social life and run just below the surface of strategic institutions and self-conscious elites'* (Alexander, 2006: 54). Oriented by the ideal of solidarity, this cultural dimension is symbolically articulated through the discourse of civil society, as a form of a generalised language that negotiates between universalism and particularism to constitute *'the very sense of society for those who are within and without it'* (ibid.). In this way, the discourse of civil society regulates the civil sphere through a set of symbolic cultural codes that construct and reconstruct *'the meanings of all actors, social relationships, and institutions across the vast range of social experience'* (Kivisto & Sciortino, 2015: 12). Such symbolic structures make up each civil society but they are also contextual and therefore contingent upon the specificities of different cultural settings or various ideologies that permeate civil life (Alexander, 2006: 55). The symbolic codes help *'actors (...) offer an account of their own actions as well as to interpret others' intentions and actions'* and they *'may be seen as referring to abstract, generalized communities, allowing individuals to define themselves (as well as be defined) as instances of categories, as members of groups'* (ibid.) At the very heart of *'the symbolic structures of the civil sphere are those codes and narratives that regulate interpretation in reference to the consequences of a generalized, abstract membership'* (Sciortino, 2007: 564).

Alexander argues that the civil discourse consists of sets of binary codes that allow for the differentiation between the polarities of civil virtue and civil vice (Alexander, 2006: 60-81, 56). Exemplifying such polarities by looking at the set of binary codes that can be used to describe social relationships, Alexander argues that terms such as 'open', 'trusting', 'critical and 'truthful' can be used to positively describe civil relationships while 'secretive', 'suspicious', 'deferential' and 'deceitful' on the other hand negatively describes anti-civil relationships. Consequently, *'if the positive side of this (...) discourse set describes the symbolic qualities necessary to sustain civil society, the negative side describes a solidarity structure in which mutual respect and expansive social integration has broken down'* (ibid., 58). The positive side of such dichotomously structured sets *'provides the elements for the comforting and inspiring story of a democratic, free, and spontaneously integrated social order, a civil society in an ideal-typical sense'* (ibid., 60). These virtuous polarities embody what Alexander calls 'the discourse of liberty' which *'is taken to sum up "the best" in a democratic society'* and is *'a source not only of purity but also of purification'* (ibid., 62). The discourse of liberty speaks to the universal value of a common membership and those individuals, actions and conditions judged as belonging to the realm of liberty are viewed as members in the solidarity sphere of mutual recognition and obligation. However, who is to be considered a rightful member and if claims of inclusion in this *'socially established consciousness'* (ibid., 54) should be viewed as legitimate is part of continuous *'discursive struggles over whether and how the discourse of liberty can be extended and applied'* (ibid., 61). Such conflicts are centre-stage of present day political struggles in every society.

However, to the extent that a society is democratic and their *'founding myths and constitutional documents (...) are universalistic, they implicitly stipulate that the discourse can always be further extended, and that it eventually must be'* (ibid.), argues Alexander. The negative polarities of civil discourse on the other hand, negate the universalising solidarity as expressed through the discourse of liberty and constitute the discourse of repression. The discourse of repression demarcates the dark side of civil life and *'provide the elements for the plethora of taken-for-granted stories that permeate democratic understanding of the negative and repugnant sides of community life'* (ibid.). If someone is cast in anti-civil terms as for instance *'having no capacity for reason'*, being unable to *'rationally process information'* and *'tell truth from falseness'* it becomes *"necessary" to deny such persons*

access to rights and the protection of law. Indeed, because they are conceived as lacking the capacity for both voluntary and responsible behavior, these marginal members of the national community - those who are unfortunate enough to be constructed under the anticivil, counterdemocratic code - must be silenced, displaced, or repressed' (ibid.). The objects identified by the discourse of repression are seen as sources of pollution and ultimately as threats to the very ideal of civil society.

Importantly however Alexander points out that *'the discourse of repression is inherent in the discourse of liberty'* (ibid., 67) and when it comes to the workings of real civil societies it is *'the construction of both civil virtue and vice'* that lies at the heart of conflictual civil life and consequently *'how the antithetical sides of this discourse, its symbolic sets, will be applied to particular actors and groups'* (ibid., 64).

In practical terms, it is often the case that *'political struggle becomes a matter of how far and to whom the discourses of liberty and repression apply'* (ibid. 65). Narratives of evil can be applied to political opponents or be used to further hegemonic aspirations or justify domination of marginalised societal groups. As Alexander outlines, history is full of examples where popular narratives of evil have been extended for instance to oppositional groups, or minorities of certain religious faiths or persons holding particular political views. In this way, *'the general discursive structure (...) is used to legitimate friends and delegitimize opponents'* (ibid.) in just and unjust ways. This fact points toward the dual nature or 'divided heart' (ibid.) of civil society where those virtues that allow for the potentiality of democratic life, and *'allow liberty to be defined in any meaningful way'* (ibid., 66-67), at the same time, threaten its very existence. This, Alexander explains as having to do with the fact that 'civil language is symbolic and experimental, not only rational' and that *'the civility of the self always articulates itself in language about the incivility of the other'* (ibid. 50). In this way, *'inclusionary ideals live side by side with deeply entrenched exclusion, solidarity with exploitation'* (Kivisto & Sciortino, 2015: 12).

This means that within the civil sphere citizens engage in *'cooperative and conflictual symbolic "conversations" about who deserves membership and just how far into non-civil realms the obligations of membership extend'* (Alexander, 1998: 24). In fact, any claims for

inclusion by previously excluded groups will not be achieved successfully by the mere means of extending legal rights (although this is also an important precondition) (see Kivisto & Sciortino, 2015: 20), argues Alexander. To stand a chance to be accepted as legitimate and to open up for incorporation such claims must be made with reference to the *'ideals of universalistic solidarity, in relation to which the failure of inclusion is viewed as the tragic triumph of particularism'* (Alexander, 1998: 24).

Ultimately then, the discursive structure and the extent to which mediated communication in the civil sphere is institutionally instantiated and subjectively experienced as more than mere particularism is (as noted above) a matter of the endless *'construction, destruction, and reconstruction of civic solidarity itself'* (Alexander, 2006: 53). The civil sphere is in part sustained at the level that its own communicative and associative base is free from non-solidarising and dominating forces and retains the capacity to *'draw upon the vocabulary of civil society to interpret the world'* (Sciortino, 2007: 564). The part played by journalism in this – namely its civil role now needs to be examined.

3.2.2 The civil role of journalism

The communicative circumstances and conditions under which solidarising and democratic discourse takes place in the civil sphere are determined by how free and independent the institutions of communication in general and journalism in particular are to contribute to what Alexander referred to above as *'a realm of structured, socially established consciousness, a network of understandings creating structures of feeling that permeate social life'* (Alexander, 2006: 54). For such a realm to endure is dependent on the aspirations of the communicative base of the civil sphere and within that the freedom journalism has to fulfil its civil role in contributing to the quality and nature of this civil realm of consciousness, understandings and feelings.

To contextualise this claim and to make it concrete, this thesis will show that this expanded conception of the role of journalism can, and does, go beyond a narrow public sphere approach to journalism that tends to highlight the instrumental function of journalism in relation to democracy as a participatory political ideal and as facilitating rational political

decision-making processes. And while this rationale for protecting journalism is well established and without doubt valid, if one accepts that the relationship between journalism as the purveyor of public information and the public as deliberators (or capable of deliberation) is mutually reinforcing and therefore necessary in a democracy, it is argued here that this notion of democratic maintenance is too mechanical and too limited in understanding the real relationship between journalism (conceived of as having a civil role) and democratic sensibilities. Indeed, while *'[p]ublic sphere theory is a fitting conceptual framework for such models that conceive of news as information or conversation; public opinion as the product of open, critical debate; and the election of public officials as a largely rational process'* (Forde, 2015: 115), Civil Sphere Theory moves away from merely focusing on journalism as an instrumental facilitator of democratic decision making, to understanding its democratic potential through its cultural commitment to the moral concern of solidarity as a means to achieve justice. According to such a civil approach, the practice of journalism involves not only the mechanical recording of information but represents a fundamental source of interpretation that engages in symbolic communication. Narrating the social, journalism produces media representations that are a form of cultural products, which can be used by people to maintain a meaningful social world and a common cultural framework. Civil Sphere Theory thus turns its attention to the cultural force of the symbolic discourses that are mediated through journalism and considers them essential to democratic social life, understanding processes of social change and as a contributory means for the maintenance of justice.

This line of thinking can be said to correspond to Carey's understanding of communication as culture and a form of ritual that *'draws persons together in fellowship and commonality'*. According to this *'ritual view (...) communication is directed not toward the extension of messages in space but toward the maintenance of society in time; not the act of imparting information but the representation of shared beliefs'* (Carey, 1992: 5). This conception of communication as cultural can be contrasted with rationalist models of the media as commonly represented by public sphere theory. Whereas the latter can be said to focus on the relationship between journalism and democracy as a decision-making practice in the sense of electoral politics, the former is less concerned with rational debate and consensus while turning its attention to democracy as a mode of associated living and the cultural

structures that could sustain it. As expressed by Forde, Civil Sphere Theory offers a valuable contribution to understanding the role of the journalists and their civil value since it *'challenges us to consider how the objects of our study—communication and journalism—operate in civil society. And it challenges us to take seriously their role in social struggles for justice and the expansion of social belonging in the civil sphere. If taken seriously, civil sphere theory might reorient both communication and journalism studies toward the normative and empirical study of civil society issues—the realization of solidarity and justice in democratic societies* (Forde, 2015: 122).

In other words, journalism plays a critical role in the discourse of civil society. Media *'record, (...), select and reconstruct in civil terms what "actually goes on" in a society's life'* (Alexander, 2006: 5). In fact, *'[f]or most members of the civil sphere, and even for members of its institutional elites, the news is the only source of first hand experience they will ever have about their fellow citizens, about their motives for acting the way they do, the kinds of relationships they form, and the nature of the institutions they create. Journalistic judgements thus possess an outsized power to affect the shape-shifting currents of contemporary social life, from people's movements to legal investigations, foreign policy, public opinion, and affairs of state'* (Alexander, 2016: 10). In doing so journalism broadcasts collective representations of social relationships negotiated in relation to *'contrasting solidary ties'* and *'institutionalize(s) civil society by creating messages that translate general codes into situationally specific evaluations and descriptions'* (Alexander, 2006: 70). Or, as expressed by Harrison (2019: 16, Chapter 1) journalism as a civil ideal reflects a *'commitment to traditional journalistic practices of objectivity, truth telling and accuracy'* subject to editorial integrity and *'recognises the diversity of incommensurate (though not necessarily incompatible) views and values that exist in civil society, whilst also recognising its duty to be homologous with the world. The civil ideal of the news has a normative force that influences, shapes or reinforces preferences, choices, values, opinions and above all civil norms'* (ibid., 21, Chapter 2).

For Harrison (2019) the civil ideal of journalism resides in its relationship to public sentiment.²² For Alexander the cultural structure of civil society is articulated through public opinion: *'it mediates between the broad binaries of civil society discourse and the*

institutional domains of social life; it *'is the sea within which we swim, the structure that gives us the feeling of democratic life'* (Alexander, 2006: 75). While *'organizational structures are essential'*, the true *"currency" of civil society is influence and commitment, in the form of a symbolically powerful public opinion'* (Forde, 2015: 116; Alexander, 1998: 23). Rejecting any notion of the public as an actual space for face-to-face interaction, Alexander argues that due to the distributed and differentiated nature of modern societies, the public assumes a symbolic form: *'The symbolic representation of traditional public functions is a regulating idea, one that carries with it an obvious force. But it is not the concrete public as a face-to-face association that is fundamental to contemporary civil societies. It is the idea of that public as it has inserted itself into social subjectivity as a structure of feeling. In order to gain influence, actors must speak the language that makes the democratic public into a regulative ideal. The normative reference of the public sphere is a cultural structure, the discourse of civil society'* (Alexander, 2006: 72). Expressing the discourse of civil society, *'Public opinion articulates the cultural structure of civil society, defining democratic and antidemocratic opinions, publics, representative figures, and regulative institutions'* (ibid., 70). Public opinion *'anchors communicative and regulative institutions alike'* and defines *'democratic and antidemocratic opinions, publics, representative figures, and institutions'* (ibid.). It represents *'the pure and impure ideas, feelings, and evaluations that members of society hold about one another'* (Alexander, 2006: 73-74). Despite the dual nature of public opinion, its tendency to swing between the factual and emotional, rational and irrational, and its mediation between universal inclusion and particularistic exclusion, *'there remains an element of public opinion that orients itself to the society qua collectivity, to an audience of citizens and to institutional actors only insofar as they are members thereof'*, argues Alexander (ibid., 74). In fact, for an individual opinion to potentially have wider influence it must be *'couched in terms of the regulatory idea that a broader society exists, both as a normative and a real audience outside (...) particular groups'* (ibid., 75). Through the production of representations of the social world, journalism has the capacity not only to broadcast public opinion by reflecting it, but also to *'structure and change it'* (ibid., 5). Journalism represents civil society to itself and maintains and challenges boundary relations to non-civil spheres. Thus, the media functions as a communicative institution *'where a dialogue is maintained between "real civil society" – in which universalism is compromised by*

stratification and functional differentiation – and normative civil society, which maintains the idealized, utopian forms’ (Alexander, 1998: 28).

Harrison and Alexander both criticise the reductionist theoretical view of journalism, where news is conceived of merely as information and journalism as a tool to disseminate it (Alexander, 2016: 16). Harrison responds to such reductionism with realism. For Harrison (2019: Chapter 3, 4), who adopts a journalism is a constantly contested role existing between the competing forces of civil idealism and political and commercial pressures. She argues that *‘the two most commonly studied forms of power and their relationship to the factual media are political power and commercial power (...) they represent the non-civil spheres of the state and the market and undermine or limit the civil ideal of journalism. They do so by treating their audiences as either belonging to a partisan political group or as consumers (usually both) rather than as citizens. They regard the news as a product rather than as a (public) service and, as such, news and news journalism as an accessory to vested interests. The expression of political and commercial power varies across different geopolitical settings, political and regulatory arrangements and within different commercial and technological contexts’ (ibid.).*

Whilst Alexander criticises public sphere theory where news is considered merely as information necessary for rational discursive political processes (Alexander, 2006: 45-47). Instead of dealing with the *‘mechanical recording and transmission of information’* journalism is *‘a source of “fundamental translation and interpretation”’* (Alexander, 2016: 17) that engages in symbolic communication and inspires subjective solidarity, argues Alexander (2006: 7). Media texts are a form of cultural products that can be used by members of civil society *‘in their lifeworld setting to construct a meaningful world and to maintain a common cultural framework through which intersubjectivity becomes possible even among those who may never come into contact with one another’* (Alexander, 1998: 27). In this way, members of civil society are not simply passive receivers of information. Instead, as competing actors narrate the social, *‘citizens actively construct their own understandings of real and ideal civil society by filtering overarching discourse and narratives through multiple public spheres and communities’* (ibid., 29). The mediatised representation

of shared beliefs is thus a process necessary for the preservation of civil society, according to Alexander.

Pointing out that *'(t)he professional ethics and civic morals of journalism (...) has been of little concern to theorists of the public and the information age'* (2016: 19) Alexander turns his attention to this democratic culture that underpins the professional production of journalism. Doing so Alexander links the professional ethics of the journalistic profession, including principles such as neutrality, transparency, independence, responsibility, balance and accuracy, to *'the democratic aspirations of the broader societies in which journalists ply their craft'* (ibid., 10). Developing this enlarged notion of the cultural commitment of journalism Alexander thus acknowledges that: *'Yes, journalism does provide information, but it is knowledge filtered through stringent, often acerbic standards of moral judgment—“reporting that is aggressive and reliable enough to instill fear of public embarrassment, loss of employment, economic sanctions, or even criminal prosecution in those with political and economic power” (Downey and Schudson 2009). News not only observes but judges, stigmatizing violations of civil morality and dramatizing heroic struggles against injustice. Journalism is not simply about the public but also about the civil sphere (Jacobs 1996a, b)'* (ibid., 19). The principle of fairness to both sides exemplifies Alexander's point: *'Fairness to both sides is not just a narrowly professional obligation but a fundamental principle of citizenship, one that requires divided interests to play by the rules, to imagine themselves in place of the other even as they fight for interests of their own. Exercising individual conscience, being independent of one's sources, conducting interviews that allows sources to speak, providing neutral information that makes compromise possible—these professional mandates not only create news but contribute to the moral discourse that makes civil solidarity possible'* (ibid., 17). It is this essence of journalism, as being oriented towards civil morals as the organisational foundation of democratic life that leads Alexander to view journalism as a civil institution. So, *'[e]ven as the sacred codes of professional journalism reach downward into the practical production of daily, hourly, and minute-by-minute news, they reach upward into the more ethereal world of civic morals. When journalists make meaning out of events, transforming randomness into pattern, they do so in terms of the broader discourse of civil society'* (ibid., 19).

Discussing journalism in relation to the rise of communication and Internet technology Alexander reiterates his critique of the tendency of public sphere theory to *'tie democracy to publicness, to openness and transparency'* and emphasising *'the exchange of information'* (Alexander, 2016: 18) as key to democratic maintenance. This approach has led a range of theorists to herald *'the Net as a great democratic invention, deepening transparency, and widening the circle of participation'* argues Alexander. However, he points out that *'the public sphere is less normative highpoint than performative stage, one that offers bigoted demagoguery a chance to succeed just as much as the more civil forces of democratic life'* (ibid.). Alexander maintains that in the modern digital public sphere, *'people "tend to congregate in 'small worlds' and interact' with people 'who are familiar, or with whom they share a common interest'* (ibid., 19). In this way, the Internet can also *'narrow networks, not only widen them, allowing likeminded people to huddle together in the virtual public sphere, creating nodes of communication that empower particularism in dangerous ways'* (ibid., 18).

For Alexander, journalistic professional ethics can be a counterbalance to such narrowing by creating and disseminating narratives about the civil or uncivil nature of *'the goals and demands of those who have power within the civil sphere and those who wish to gain access'* while attempting to *'legitimate or delegitimize actors and tactics on both sides of the struggle'* (Forde, 2015: 116). At times, journalism serves the civil discourse and *'the ends of civil repair and solidarity'*, while at other times serving *'the ends of civil rupture, and narrow, antidemocratic interests'* (ibid.) and by promoting economic or political values over civil values has an anti-civil influence. For Harrison (2019: Chapter 1, 1) what she calls the civil power of the news resides *'in its relationship to public sentiment and the way the news reports our invariant civil concerns of identity, legitimacy and risk and subsequently how these invariant civil concerns are assembled and understood in the form of civil and anti-civil judgements which contribute to the boundaries we place and maintain around civil society with regard to whom and what we regard as civil and anti-civil'*.

The claim of journalism to broadcast factual representations of daily life (as opposed to fictional media such as best-selling books and movies) gives journalistic *'judgments (...) an outsized power to affect the shape-shifting currents of contemporary social life, from people's movements to legal investigations, foreign policy, public opinion, and affairs of state'*, according to Alexander (2016: 10). The reputation of journalism and the belief by

audiences that the reporting on the social world is carried out factually and objectively is therefore crucially important to establish trust. However, while upholding that the value commitments aimed at putative neutrality, that can be said to embody the factual self-representation of journalists, are indeed interlinked with journalism's cultural commitment, Alexander points out that *'every news judgment remains an interpretation of significance, one that is achieved by typifying previously unrecognized events in discursive categories that are already understood'* (ibid.). Even the news selection process itself involves decisions of which events matter, what is going on and what is at stake: *'In answering their famous four questions—"who, what, where, and why"—the lead paragraphs of news reports characterize the people who make these events, why they acted in the way they have, and what effect their actions will have on the structure of society. Do these newly observed actors deserve to be inside or outside of civil society? Do they threaten "us"—the news audience—in a manner that suggests we should mobilize against them, or do they allow us to feel good about ourselves, so much so that we might wish to reach out and lend them a helping hand?'* (Alexander, 2006: 81).

Professional and sensationalist journalistic accounts alike are saturated by the purifying and polluting binary oppositions of civil discourse, and shifting in their interpretation of the social, moving from instance from a civil to uncivil framing of an event journalists can move swiftly between interpretations, argues Alexander. Such discursive representations *'create reactions in civil society itself. They can trigger violent actions, or the formation of social movements. They can reach deep into the inner workings of noncivil spheres and prepare the path for reconstructive repair. Media interpretations can roll back and make more restrictive the solidarities of civil society in turn'* (ibid.). Due to their vital role as interpreters of the social, news accounts generate friction between the idealistic ambitions of civil society and the non-civil spheres: *'When they apply polluting categories to an event or actor, news reports create public relations problems for "sectarian" religious institutions, "abusive" family relationships, "secretive" or "greedy" corporations, "elitist" scientific institutions, and the "partisan" or "manipulative" actors of political life. To broadcast news reports that construct groups and institutions in such profane terms is to problematize their relation to civil society. Even the occasional news report, or exposé, can lead to a torrent of public demands for internal reforms. Once the reforms are made, factual media often monitor the*

affected institutions to make sure that their reconstructed relationships remain congruent with the idealized standards of civil society' (Alexander, 2006: 82).

To sum up, the civil role of journalism comes down, as Harrison notes, to how it represents civil society in terms of boundary relationships to non-civil spheres and how it meets or is able to respond to the respective challenges of anti-civil forces that would seek to undermine its contribution to the civil realm of consciousness, understandings and feelings.

Concluding discussion

For the purpose of developing a sociological and analytical framework to understand and examine journalistic risk, Civil Sphere Theory allows for an understanding of democracy as not only procedural self-government through elections, party competition and the institutionalising of rule of law, but also as depending upon the civil sphere of communicative and associative life. The civil sphere together with the non-civil spheres set the conditions for citizen participation in decisions that influence them, and thus determine possibilities for democratic self-determination. While the public sphere approach provides valuable insights into the normative role of journalism in democracies, focusing in particular on the function of journalism in relation to political dialogue as interlinked with democratic decision-making processes (in order to approach the normative ideal of the public sphere journalism is essential), the expanded field of inquiry for Civil Sphere Theory facilitates the examination of the role of journalism not only in relation to democratic politics in a narrow sense, but its discursive relationship to an array of different types of spheres of dialogue aimed for instance at social change and justice. A central contribution of Civil Sphere Theory is that it enables the examination of actual (real life) civil and anti-civil contributions of journalism due to its acknowledgement of the existence of a darker side of civil life. There exists for both Harrison and Alexander an understanding of the civil sphere and the conceptualisation of professional journalism as morally oriented towards civil discourse, which establishes the normative possibility for journalism to be exercised in relation to and sometimes support this solidarising democratic ideal. And both writers recognise that this is constantly contested by state and market power. The point is that both recognise that journalism as exercised in the real civil sphere frequently does not live up to the civil ideal of journalism as 'trustworthy and liberal' (Harrison 2019). Key therefore will be to facilitate the

practical study of the circumstances under which journalism can be said to perform its civil role and when it is prevented from doing so (that is, when it is civilly diminished).

This chapter has focused on the theoretical foundations for understanding the civil sphere and its democratic potential, and especially so in terms of its communicative foundation which is arguably of paramount importance for achieving democratic outcomes. Due to the fact that professional journalism, as a central institution of the civil sphere, is predominantly concerned with producing and disseminating what Warren refers to as *'inherently public goods'*, including public interest information aimed at least theoretically at informing society as a whole, journalism, as opposed for instance to the particularistic interests of identity based associations and advocacy groups, has the potential to contribute towards facilitating processes of self-determination and thus democratic accountability. Restrictions of free and independent journalism can therefore be said to *'minimise the capacity of a civil society to be capable of reflection, adaptation and assimilation of others, to limit the capacity of social criticism to be heard, and to frustrate democratic integration and pervert feelings of solidarity and hospitality'* (Harrison, 2019, Chapter 2, 21). While such normative expectations of journalism may or may not be realised in reality, the important conclusion here is that due to this potential, risk to the free and independent practice of journalism can be used as an indicator of the diminishment of civil life.

While the freedom and independence of journalism are seen as necessary preconditions for a functioning news production in general, it is essential to specify how this understanding can be translated into a sociological framework that enables the examination of how the infrastructure of the civil and non-civil spheres, and their intra- and inter-sphere relationships facilitate or hinder journalism from contributing towards democratic civil life. It is therefore important to examine how attacks and restrictions on the scrutinising function of journalism can be used as an indicator of civil diminishment. The theoretical groundwork done in this chapter will therefore be developed further in the next chapter for the purpose of establishing how the concept of civil diminishment will be used to holistically capture risk to journalism as essentially interlinked with possibilities for journalism to carry out its civil role.

Importantly, the next chapter will show how the notion of civil diminishment makes it possible to conceptualise the consequences of risk to journalism and how this conceptualisation facilitates the framing of risk to the civil role of journalism as a complex and multi-dimensional problem. In this way, civil diminishment is perceived as a consequence of risk to journalism.

¹ See Section 2.1 in this thesis for Paris's (2011) reasoning on the 'framing' or 'ordering' of a policy problem as key to characterising the problem, but also to identify implicit assumptions being made about the nature and scope of the problem.

² This is for instance the case with regard to claims made on behalf of 'watchdog journalism' as essentially capturing the democratising role of journalism without concrete specification and identification of a conceptual rationale for actually understanding what the value of that watchdog role actually is, nor systematically exploring restrictions to such a watchdog role beyond generalising statements on the necessity for press freedom. The watchdog functions of journalism can be understood as an ideal where the journalist functions *'as some form of 'protector' or 'guardian' who supplies 'us' with the information 'we' need to prevent abuses of power and to enable us to prosecute those who are causing us harm. In short, to undertake a watchdog role news journalists have to be free to investigate political power, to scrutinise and challenge it'* (Harrison, 2019: Chapter 3, 13-14). Whereas attacks on these watchdog roles are certainly crucial and indicative of the severe effects that attacks on journalism can have on societies, empirical attempts to track societal regress in relation to attacks on the media often lack a theoretical underpinning that can explain in specific and concrete terms how societies are weakened when journalism is under attack. For research on the relationship between the role of the media in relation to various aspects of societal development see Sen (1999) on correlations between a free press and the absence of severe poverty and malnutrition; Norris & Zinnbauer (2002) identifies a correlation between access to media and a press freedom as well as indicators of good governance and human development; Novel *et al.* (2008: 111) who finds obvious *'limitations [with] a development process in which free media are not allowed to exist'*; Islam *et al.* (2002) on the role of mass media in economic development; and Brunetti & Weder (2003) on the relationship between a free press and corruption.

³ The notion of the civil ideal of the news (here the civil ideal of journalism) is developed by Harrison (2019). See the Introduction in this thesis, endnote 1.

⁴ See for instance Strömbäck's (2005) reasoning below with regard to the procedural, competitive, participatory and deliberative models of democracy.

⁵ Harrison (2019, Chapter 3, 6) describes news organisations as ranging *'from lapdogs that comply with and collude with political power, yapping dogs that have both a version of the civil ideal of the news, but engage in mutually beneficial relationships with political power and watchdogs which try actively to protect the civil ideal of the news as truth telling, demonstrably employing an objective method of inquiry and gaining a reputation for being trustworthy.'*

⁶ See for instance Ryfe (2019) for an overview of academic research on the relationship between journalism and democracy.

⁷ See also for instance the Varieties of Democracy index which produces a global empirical data set on democracy through a set of High-Level Democracy Indices. While recognising that *'[t]here is no consensus on what democracy writ-large means beyond a vague notion of rule by the people'* (Coppedge *et al.*, 2018: 4) the V-dem index uses *'seven key principles that inform much of our thinking about democracy'* (*ibid.*) for the purpose of offering a comprehensive assessment of democracy in counties. These principles include the electoral, liberal, majoritarian, consensual, participatory, deliberative, and egalitarian dimensions of democracy. It is further recognised that *'[e]ach of these principles represents a different way of understanding "rule by the people." The heart of the differences between these principles is in the fact that alternate schools of thought prioritize different democratic values. Thus, while no single principle embodies all the meanings of democracy, these seven principles, taken together, offer a fairly comprehensive accounting of the concept as employed today'* (*ibid.*, 4-5). The electoral principle can be described as encompassing the fundamental claim

that a regime without elections cannot be considered democratic. The liberal principle then ‘embodies the intrinsic value of protecting individual and minority rights against a potential “tyranny of the majority” and state repression’ which ‘is achieved through constitutionally-protected civil liberties, strong rule of law, and effective checks and balances that limit the use of executive power’ (ibid., 5). The participatory principle emphasises ‘the values of direct rule and active participation by citizens in all political processes’ including electoral and ‘nonelectoral forms of political participation’ (ibid.). The deliberative principle underscores ‘the core value that political decisions in pursuit of the public good should be informed by a process characterized by respectful and reason-based dialogue at all levels, rather than by emotional appeals, solidary attachments, parochial interests, or coercion’ (ibid.). The egalitarian principle highlights the ways in which ‘inequalities inhibit the actual use of formal political (electoral) rights and liberties’ and asserts that ‘[i]deally, all groups should enjoy equal de jure and de facto capabilities to participate; to serve in positions of political power; to put issues on the agenda; and to influence policymaking’ (ibid., 6). The majoritarian principle articulates ‘that a majority of the people must be capacitated to rule and implement their will in terms of policy’ (ibid.). The consensual principle maintains ‘that a majority must not disregard political minorities and that there is an inherent value in the representation of groups with divergent interests and views’ (ibid.)

⁸ To illustrate this range of contexts Chapter 2 provides four broad categories that capture important but not every imaginable type of context including: a) war affected countries that are experiencing widespread conflict and civil unrest where journalists face lethal and other dangers (mostly) due to the fact that they are witnessing and reporting on war; b) oppressive forms of societies or autocracies where press freedom is strictly controlled (including countries like Eritrea and North Korea), and evidence points towards the fact that journalists are mostly silenced by other means than by killings (e.g. imprisonment); c) less oppressive and more open societies that nevertheless can be described as being fragile societies experiencing instability and a certain degree of repression and violence while still having some degree of press freedom. These societies can be understood as developing or immature democracies within which journalists are more often targeted for murder and experiencing various types of intimidation and violence (e.g. Mexico and India); d) a range of countries that can be described as more or less consolidated democracies that allow for a free and independent press and within which journalists are known to face a range of threats and intimidation, including for instance attempts to discredit the media (for instance the United States) and online harassment (for instance Finland), and in rarer cases being targeted for murder (Malta and Slovenia).

⁹ For examples of journalism being conducted under various forms of pressure, see: RSF Announces Nominees for Press Freedom Awards 2019 ahead of ceremony in Berlin. Available at: <https://rsf.org/en/news/rsf-announces-nominees-press-freedom-awards-2019-ahead-ceremony-berlin> (Accessed: 15 September). CPJ's 2019 International Press Freedom Awards. Available at: <https://cpj.org/awards/> (Accessed: 15 September).

¹⁰ See for example Schudson's 7th principle.

¹¹ See the discussion on the ‘all affected principle’ which maintains that all those affected by a decision should have the right to participate in making that decision (in principle). See for example Dahl (1971: 64) and Warren (2011: 378-380).

¹² This largely corresponds to the participatory and deliberative models of democracy as explained by Strömbäck (2005).

¹³ For instance, Walzer understands civil society as facilitating ‘uncoerced human association’ (1998: 123–24) and Edwards sees civil society as facilitating ‘patterns of collective action and interaction that provide societies with at least partial answers to questions of structure and authority, meaning and belonging, citizenship and self-direction’ (2011: 3).

¹⁴ See for instance Alexander (2006: 31-36) on what he refers to as a reductive economic approach to civil society.

¹⁵ While the notion of the public sphere is commonly connected to Habermas' (1991) understanding which refers to public communication through rational critical debate it is referred to in a more general sense here as civil society understood in terms of a communicative space. The difference between the public and civil sphere will be discussed later in 3.2.2.

¹⁶ Accordingly then the link between democracy and journalism needs to be understood through the role that journalism plays within the civil sphere.

¹⁷ Alexander's understanding of the civil sphere as a sphere of solidarity can be contrasted with Bourdieu who ‘concentrates almost exclusively on vertical rather than horizontal social ties, and (...) insists that symbolic boundaries are modeled on—and in a real sense derive from—social, typically economic, hierarchies (see, e.g., *Outline of a Theory of Practice; Distinction: A Social Critique of the Judgment of Taste; and La Noblesse d'État*)’.

Bourdieu understands 'moral universalism as a false and misleading cover for self-interest' and '(...) conceives of social codes not as rules stipulating civil and uncivil criteria but as hegemonic vehicles for domination that issue from, and lead back to, the interest of the powerful' (Alexander, 2006: 562). For Alexander, this means that 'the idea of a normatively regulated, constitutional democracy' is not possible to achieve. Indeed, he argues: '[w]hen democratic ideas have become the focus of recent social analysis, they are conceived as ideology, not as values, which is to frame them as a cultural means of pursuing strategic ends' (ibid., 40).

¹⁸ According to Harrison (2019: Chapter 1, 6) 'The link between the news media and civil society (...) is to be found in the relationship between the news and public sentiment'. Harrison uses the term of public sentiment rather than notions of rational public opinion 'as an umbrella term for three reasons: One, it covers the normative and factual composition of the public's views. Two, it emphasises the affective element of the public's views. Three, it grounds the idea of the public's views as something everyday and ordinary, as a constituent feature of our 'lifeworld,' our culture and of our social experiences' (ibid.).

¹⁹ As further elaborated by Alexander (2006: 47): 'Individuals must act at the level of situationally specific demands; in doing so, however, they implicitly invoke the more general understanding of their groups. This does not mean, however, that such actors may not feel themselves bound by communities that are broader and more abstractly defined than those that define their immediate, everyday lives.'

²⁰ Harrison (2019, Chapter 1: 7) notes that 'Habermas (1995: 117) argues that in 'an inclusive and noncoercive rational discourse among free and equal participants, everyone is required to take their perspective of everyone else' and that it is from 'this interlocking of perspectives' that a 'we-perspective' emerges'.

²¹ Alexander (1998: 23) notes that 'Because most theories of civil society focus primarily on its boundary relations— autonomy from the state and economy, and the powerful regulative institutions, law, which draw these boundaries in a sanctioned way—they fail to consider society works as a communicative space for the imaginative construction and reconstruction of more diffuse, but equally important, collective identities and solidarities'.

²² Harrison wishes to capture the affective side of public discourse and so uses the term public sentiment. She believes that 'Too often the cognates of public sentiment namely 'public opinion', (and related to that the 'court of public opinion', the 'public opinion tribunal', the 'voice of public opinion', the 'formation of public opinion') 'public will formation', 'public reason', 'will of the people', the 'democratic will', the 'democratic voice' et al are used to imply that public's views are or should be the product of a form of deracinated (sometimes proceduralist) and somewhat desiccated reasoning or opinion formation.' Rather 'public' simultaneously hold both rationally and irrationally, fair and prejudicial and calm and volatile views. The public when they express themselves do so over the gamut of good and bad arguments, open and closed outlooks, and generous and mean attitudes (Chapter 1, 7).

4. A conceptual account of civil diminishment

Chapter rationale

Chapter 4 is concerned with what can be considered to be the key conceptual contribution of this thesis, namely civil diminishment. This entails developing a conception of civil diminishment as a means to better understand and capture what is actually at stake when journalism and its societal functions are attacked and circumscribed. Or more specifically, how civil diminishment should be understood as a consequence of risk to the civil role of journalism. This chapter thus examines the civil role of journalism and develops an inclusive definition of risk to journalism by charting a generalised conceptual schema of civil diminishment as a means to create an integrated and multidimensional notion of risk to journalism as essentially interlinked with possibilities for journalism to carry out its civil role. As such this chapter can therefore be described as continuing to unpack the conceptual and theoretical components necessary for building a risk profile for the holistic assessment of risk to journalism in Chapter 5 through a journalism risk profile. Such a risk profile will encapsulate risk to journalism in its full range to allow for the understanding of processes of the diminishment of the associative and communicative conditions of civil life as a consequence of such risk. Thus, Section 4.1 will lay the foundation for developing a conception of civil diminishment by addressing the relationship between risk and civil diminishment (Section 4.1.1), establish how the normative core of the civil sphere can be used to establish a principle of justification to evaluate civil diminishment (Section 4.1.2), and finally outline how the institutional infrastructure of the social spheres as envisaged by Civil Sphere Theory facilitates the multidimensional evaluation of processes of civil diminishment (4.1.3). Section 4.2 covers risk to journalism as an indicator of civil diminishment and Section 4.3 concludes the chapter by establishing a conceptual schema to provide a generalised understanding and framework for understanding the civil ideal of journalism and its civil diminishment.

4.1 Toward a conception of civil diminishment as a means to holistically assess risk to journalism

Chapter 3 discussed the fact that in order to understand the relationship between journalism and democracy it is necessary to recognise the civil role of journalism within civil society. It was established that a properly functioning and robust civil sphere resists those anti-civil forces that would diminish civil ideals (Alexander, 2006 and Harrison, 2019), and has an expansive and inclusive sense of identity, civil conceptions of legitimacy and an understanding of risk (Harrison, 2019¹). In short, a civil sphere that is independent of and able to resist the anti-civil forces that threaten to diminish it. In this, the civil role of journalism is vital. This raises the question of what exactly is a properly functioning civil sphere, what does this mean, more importantly under what particular circumstances might the civil sphere become diminished and what part does journalism play in all of these issues when it comes to performing its respective civil role.

A key fact that can be derived from Alexander's (2006) account of the civil sphere is that journalism is a communicative institution essential to the sustainability of the civil sphere in terms of the quality of democratic and associative life. Consequently, risk to journalism can be conceived of in civil terms as a set of interlinked threats, not to any instrumental or participatory model of democracy but as connected with the ideal of democratic self-determination through establishing forms of public accountability and processes of public monitoring and influence. Such public accountability and monitoring is facilitated by journalism and accordingly risk to the civil role of journalism needs to be understood as undermining: the maintaining of the independence and integrity of the civil sphere (where civil ideals are compromised); the boundaries between the civil and non-civil spheres (processes of legitimate contestation and exchange between different versions of the civil ideal are disrupted or dominated); the cultivation of the associative and discursive quality of democratic social life; possibilities for representations of different conceptions of solidarity to exist; processes of social change; and, the ability of journalism to serving as a contributory means for the maintenance and evaluation of justice. In short, what is at risk is journalism's civil role with regard to contributing to inclusive and pluralistic associative and discursive life. In essence, what is at risk is the civil diminishment of civil life.

Specifically what is ultimately at stake when the civil standing of journalism (the extent to which it has interpretative independence and conducts itself with integrity by having a capacity and commitment to uphold solidary ideal) is under attack and/or the civil sphere is diminished, is the ability of journalism to construct narratives that enable citizens to construct a meaningful world and maintain a common cultural and civil framework through which intersubjective understanding becomes possible even among those who may never come into contact with one another. Attacks on journalism thus run the risk of rendering the civil sphere fragile and therefore threaten to diminish it by attacking those enabling factors of civil life which ensure meaningful citizen (civil) and state/market interaction. These enabling factors, as facilitated by journalism, include: the provision of availability of authoritative information; high levels of civil knowledge; the capacity for social criticism; freedoms to debate what is legitimate activity by the non-civil spheres (state and market); and, the opportunity to assess what shared risks 'we' might face (Harrison, 2019: Chapter 1, 7). These enabling factors all rely on journalism being able to perform its civil role and when this is attacked there is a risk of losing sustainable social contracts, strong governance that respects the distinction between civil and non-civil (state, market, religion, family etcetera) and the capacity for civil norm building (Harrison)² and civil repair (Alexander, 2006).

Because the mediatised representation of shared beliefs is a process necessary for the preservation of civil society in this way, any attack on a journalist or journalism necessarily constitutes forms of diminishment of civil life. Or alternatively expressed, risk to civilly inspired journalism is a form of risk that can weaken or prevent the development of a pluralistic and just civil society. Ultimately, the argument presented here is that any risk of attack on journalism can be said to contribute to diminishing journalism itself, as a communicative institution, and following that also civil life. Conversely, when civil life is attacked and restricted it will have a diminishing effect on the practice of journalism.

To properly understand civil diminishment two steps are needed. First, the notion of risk needs to be developed and made absolutely clear (4.1.1) and second, the relationship between risk and civil diminishment needs to be explicated in more specific terms – through examining two core elements of Civil Sphere Theory (4.1.2 and 4.1.3). Only then is it possible to arrive at a comprehensive understanding of what is meant by civil diminishment.

4.1.1 Risk and civil diminishment

For the purpose of specifying how risk is understood in this thesis it can be noted that in the general, or *'informal sense of the word'* a risk *'is a situation in which some undesirable event may or may not occur'* (Möller, 2012: 59). For the purpose of this thesis then and based not least on the extensive review of international human rights law that highlights the need to safeguard journalism, unwarranted forms of influence and restriction upon the civil role of journalism can clearly be understood as an undesirable risk event. Of course, this is by no means universally accepted nor is it necessarily a matter of concern for state or market forces that seek to dominate the civil sphere. Nevertheless, this premise provides the very foundation for understanding risk to journalism. It was also explained in Chapter 1 that this thesis only focuses on one specific aspect of civil diminishment, namely the diminishment of the civil sphere via risk to the civil role of journalism. While there ultimately exist other forms of civil diminishment³ it is argued here that the key role of journalism when it comes to contributing towards the capacity of the civil sphere to uphold its universalising ideal of inclusion makes it particularly relevant to study. Importantly journalism functions as a fundamental source of interpretation that when undertaken in accordance with professional standards and practices of journalism⁴ is aligned with and committed to the universalistic ambitions of civil society and the moral concern of universalising solidarity.⁵ This makes risk to journalism particularly well suited to be used as an indicator of the quality of civil life within societies that are arguably harder to use as generalising indicators of the standing of associative and communicative public life.

To put this understanding of risk into a wider context it can be noted that approaches to defining and examining risk are diverse.⁶ Lidskog and Sundqvist contrast the techno-scientific and sociological approaches to risk. The first set of risk approaches are *'developed within a framework where risk is technically defined'* for the purpose of *'anticipat[ing] potential harm to human beings, cultural artifacts and ecosystems, to average these events over time and space, and to use relative frequencies (observed or modeled) as a means to specify probabilities'* (2012: 1005). A technical risk analysis then views risk *'as an objective phenomenon in which scientific measurements and statistical calculations give correct, or at least the most valid, knowledge on the character of the risk'* (ibid., 1006). Lidskog and

Sundqvist understand the technical approach to risk as providing *'an un-sociological understanding of risk'* (ibid.) as it does not take *'into account the broader social and cultural, and in some cases, historical, contexts in which risk as a concept derives its meaning and resonance'* (Lupton, 1999: 1). Essentially therefore *'to develop sociological knowledge on risks implies to contextualize risks'* (Lidskog & Sundqvist, 2012: 1003) in relation to a differentiated society.

Two points can be made with regard to the research undertaken here and its use of the concept of risk. The first is that the approach to risk to journalism in this thesis is sociological in the sense that such risk is understood as interrelated with the societal circumstances and contexts surrounding it. Risk to journalism must be understood relationally and not separate from the society within which it occurs. Reviewing the sociological field of research on risk, Lidskog and Sundqvist outline three sociological perspectives on risk including the *'social construction of misperception of risk, the social amplification of risk, and the social construction of risk'* (2012: 1006). Whereas these perspectives can largely be described as examining perceptions of risk in relation to the context *'from within which risk derives its meaning and resonance'* (ibid., 1010) the perspective of this thesis is rather to explore the manifestations, causes and consequences of risk (to journalism) in relation to a normative understanding of the significance of such risk through the stated desirability of journalism being able to perform its civil role. Also, while there is much ongoing debate with regard to the exact meaning and content of the concept of risk and related concepts this is thus the ascribed meaning of risk here. And this understanding is very much indebted to the sociological understanding of risk as contextual.

To recap thus far, the conception of risk developed in this thesis has been understood in a general way to capture the multiple and varied practices and actions that target and may circumscribe journalism (Chapter 1). Such risk has been described as multidimensional in the sense that it may be directed towards and influence the institution of journalism, journalistic professional practice and practitioners with ramifications for journalism in terms of being hindered from performing its societal function. The empirical and data gaps analysis in Chapter 2 utilised this multidimensional description of risk to journalism for the purpose of developing a methodological approach for the holistic analysis of risk to journalism through

the macro, meso and micro levels of risk analysis which were designed to enable the assessment of the circumstances causing risk to journalism (in addition to the manifestations of such risk). For the purpose of understanding risk to journalism in relation to the dimension of risk concerned with the societal significance of journalistic functions being restrained, Chapter 3 then concluded that risk to journalism should be understood as sources of potential constraint upon the civil role of journalism. Or to put the matter in another more positive way, the commitment of journalism to the civil role is expressed for instance through the functions as noted above of sustaining and stimulating the qualities of *'social criticism, democratic integration, civility, justice, reciprocity and mutual respect'* (Harrison, 2019, Chapter 2, 4). To the extent that the civil institution of journalism maintains or is able to contribute towards the normative aspirations of the civil sphere, journalism then has the potential to support the project of building democratic, inclusive and just societies. However, when it is at risk, journalism may be prevented from performing such a civil role. When such risk is effectuated through constraints being placed upon the discursive and communicative capacity of journalism, and consequently also upon free and voluntary associative life in the civil sphere, this is understood as having a negative impact in terms of civil diminishment.

As noted above the relationship between risk and civil diminishment now needs to be explicated in more specific terms. This is done by examining two core elements of Civil Sphere Theory: its normative core (4.1.2) and its institutional infrastructure (4.1.3).

4.1.2 The normative core of the civil sphere as a means to understand the context of civil diminishment

The normative core of the civil sphere is to be found in the universalising civil ideal of solidarising inclusion. Importantly the civil ideal of journalism is part of this core (see Section 4.2.). What follows in this section is an understanding of this normative core.

For Alexander the civil sphere is an independent space of unimpeded voluntary communicative and associative life which is supported by its own distinct normative rationale. Civil society is crucial to the democratic maintenance of society because it is the

social sphere that creates possibilities of justice in modern life as experienced and exercised in complex and fragmented contemporary societies. Justice, Alexander argues, *'depends on solidarity, on the feeling of being connected to others, of being part of something larger than ourselves, a whole that imposes obligations and allows us to share convictions, feelings, and cognitions, gives us a chance for meaningful participation, and respects our individual personalities even while giving us the feeling that we are all in the same boat'* (2006: 13). While all social spheres have intrinsic moral structures, Alexander differentiates the civil sphere as the *"regime of justification" or the "sphere of justice" that makes a clear and decisive reference to the common good in a democratic way'*. In this way, the ideals that regulate the civil sphere give rise to a *'criterion of justice'* (ibid., 33). The ideal civil sphere then, understood as the sphere of justice where the moral principle of solidarity binds members of society together and promises to guide their interaction in relation to a standard of universal inclusion, can be said to correspond to the democratic ideal of associational self-governance where those affected by decision are also able to influence them. A criterion of (universal) inclusion can thus be seen as central to the normative promise of the civil sphere.

In this way, the normative core of the civil sphere is organised around a justificatory rationale or *'criterion of justice'* (Alexander, 2006: 33) that can be used to evaluate real societal contexts with regard to the extent to which the exercise of power on the civil sphere is undertaken in accordance with the civil ideals that represent the solidarising character of any particular civil sphere. Essentially, the civil ideal of solidarising and universalising inclusion aspires to ensure that power is exercised in a way that is acceptable to the citizens in the civil sphere. This means that the exercise of power can only be justified insofar as the civil ideal of universalising inclusion is upheld and power is exercised with respect to the associative and communicative inclusion of all citizens. Essentially, the civil ideal of solidarising and universalising inclusion therefore aspires to ensure that power is exercised in a way that is acceptable to the citizens in the civil sphere. This justificatory rationale is referred to here as the principle of justification and it should be understood as the application of a criterion of legitimate democratic self-governance used to evaluate the extent to which the domination of the civil sphere by anti-civil forces is acceptable or not. If power on the other hand is exercised in disregard of the principle of justification it is

deemed to be anti-civil and potentially harmful to the inclusive and solidarising project of the civil sphere. Essentially then, power as exercised upon civil life and can be evaluated via the principle of justification through a binary understanding of the notions of civil and anti-civil or in other words what is legitimate or illegitimate forms of influence upon civil life and journalism.

The ideals that regulate the civil sphere, as the sphere of universalising justice, can be contrasted with the moral structures of the non-civil spheres, including *'those that regulate the world of economic cooperation and competition, the affectual and intimate relations of family life, and the transcendental and abstract symbolism that form the media of intellectual and religious interaction and exchange'* (ibid.). Each non-civil sphere thus operates according to its own logic: *'The goal of the economic sphere is wealth, not justice in the civil sense; it is organized around efficiency, not solidarity, and depends more upon hierarchy than equality to meet its goals. Politics produce power, not reciprocity; they depend upon authority, not independence; they demand loyalty, not criticism; and they seek to exercise coercive if legitimate forms of social control'* (ibid., 203). This means that what differentiates the civil sphere and its institutions from the non-civil spheres is that they have different aims and goals that determine how they function and why they function as they do. As a consequence, the potentially non-solidarising ambitions of the non-civil spheres may compromise the values and independence of the civil sphere. That is, if the non-civil spheres are unwilling or unable to conduct themselves in accordance with and in ways that foster civil ideals, they exercise anti-civil power on the civil sphere and journalism. Exercising anti-civil power in this way runs contrary to the ideal of democratic self-determination which aims to ensure that power is held accountable through processes of public monitoring and influence and thus causes the non-civil spheres to lose legitimacy since the public cannot ensure that their interests are being cared for.

As a point of clarification, the boundaries between the civil and non-civil spheres are always permeable and subject to processes of contestation and mutual influence. The infrastructure of the civil and non-civil sphere is thus relational and sometimes the civil sphere is able to influence the non-civil spheres of state and economy so as to respond to calls for solidarising aims of more just and equitable practices. Non-civil influence upon the civil sphere is also

not by definition anti-civil (or illegitimate) as both the state and economy produces the bureaucracy, coordination and resources necessary for civil life to function. Influence by the non-civil sphere only become anti-civil when it disregards the principle of justification and diminishes civil ideals. The overlapping influence between the social spheres is for instance captured by the relationship between the state as a non-civil sphere and the law as a civil institution where the legal system is intertwined with the state and depends upon the state for its functioning (for instance when it comes to law-making). To exemplify this relationship, if the state does not allow for an independent judiciary to exist, the law will be limited in its ability to ensure justice. What Civil Sphere Theory facilitates here is to capture the nature of these kinds of relationships between the civil and non-civil spheres while understanding in this example law as a civil institution concerned with solidarising aims of justice while the state is a tool for governance, coordination and administration (the exercise of coercive power that can be both legitimate and illegitimate). Importantly in this context the law itself is an important regulator of the state in terms of holding it accountable to civil ideals of justice. Similarly, journalism is perceived as a civil institution because its normative essence and inclusive practice of directing messages to all members of society are aligned with the solidarising aims of the civil sphere of universalising inclusion. This on the other hand, does not mean that journalism as practiced in the real world is entirely independent of political and economic influence. Indeed, market concerns are central to modern day journalistic production and questions whether increasing commercialisation, emphasis on sales and advertising has turned journalism into a commodity or not are indeed subject to ongoing debate (see Section 4.2 for further discussion on this). Nevertheless, the respective normative goal of the civil institution of journalism and the non-civil sphere of the market are distinct with the normative essence of journalism (in its ideal form) embodies civil ideals as explained whereas the market is guided by principles of profit maximisation and the (unregulated) generation of wealth.

According to Alexander (2006), combating anti-civil forces is the differentiating normative core of the civil sphere which has already been explained as itself being instantiated and made real by two central institutional complexes, including communicative and regulative institutions, as well as a subjective dimension that is characterised by the cultural milieu within which the institutions operate and where collective representations of a community

are expressed. This institutional framework of the civil sphere then orients itself towards and enters into negotiations with the universalising ideal of solidary inclusion. Consequently the institutions of the civil sphere *'draw upon the vocabulary of civil society to interpret the world'* (Alexander, 1998: 23; Sciortino, 2007: 564). They, *'push for agreement in difference'* and mediate the shifts *'between a transcendental language of sacred values of the good and profane symbols of evil'* (Alexander, 2006: 4) that characterise democratic life.

According to Alexander the institutions of the civil sphere are *'only those associations explicitly oriented to participation in public controversies'* and *'sees as specific public sphere actors only those advocacy associations that base their claim on this shared membership and try to develop arguments directed to all members'* (Sciortino, 2007: 564). Mass media, public opinion and associations belong to the communicative actors that *'reflect and diffuse the stances and passions of the most generalized and abstract solidarity'* (ibid.). The regulative and representational organs such as elections, office and the law not only have a communicatively persuasive force, but also an instrumentalising capacity since they *'can draw upon coercion and even control the bureaucratic state'* (Alexander, 2006: 6). By institutionalising influence, or civil power, over state power, the regulative institutions of society allow for the civil mediation of government control (ibid., 109-110). Thus: *'To the degree that society is democratic, to the degree that regulatory institutions are the gatekeepers of political power. It is civil power that opens and closes the gates.'* In this way, the *'civil community regulates access to state power'* (ibid., 110).

In addition to the institutional instantiation of the civil sphere and the moral alignment of those institutions with the normative civil ideal, the cultural structure of the civil sphere is also oriented by the ideal of universalising solidarity. Understood as *'a realm of structured, socially established consciousness, a network of understandings creating structures of feeling that permeate social life and run just below the surface of strategic institutions and self-conscious elites'* (Alexander, 2006: 54), this cultural dimension is symbolically articulated through the discourse of civil society. Alexander understands the discourse of civil society as a form of a generalised language that negotiates between universalism and particularism (civil inclusive ideal vs. exclusionary practice) to constitute *'the very sense of society for those who are within and without it'* (ibid.). In this way, the discourse of civil society regulates the

civil sphere through a set of symbolic cultural codes that construct and reconstruct *'the meanings of all actors, social relationships, and institutions across the vast range of social experience'* (Kivisto & Scriortino, 2015: 12). Such discourse is not itself ideal but is 'in reality' empirically contextualised by the messy nature of real civil societies and for Alexander it is the contextual understanding of how the civil ideal is interpreted that makes it possible to explain *'how social actors, in a particular time and place, understand'* (2015: 17) themselves and understand their judgements as just. What distorts such discourse and judgments is the extent to which the reality of risk serves to restrict journalism from fulfilling its civil role of contributing to the civil realm of consciousness, understandings and feelings with regard to the solidarising ideals of the normative core.

4.1.3 The institutional infrastructure of the civil sphere as a means to evaluate processes of civil diminishment

The second, core element of Civil Sphere Theory relevant to developing a conception of civil diminishment is the way the theory envisions the institutional structure and differentiation of the social spheres, including the civil sphere, by understanding it as a system of checks and balances within which civil society exposes the other spheres of society to public scrutiny and influence for the purpose of serving democratic self-governance. It will consequently be shown how this perceived infrastructure facilitates the evaluation of risk to journalism by allowing for the examination of the inter- and intra-sphere relationships between and within the civil and non-civil spheres. This will thus address the previously mentioned concern that journalism, its societal function and opportunities for it to be undertaken without restriction must be understood in relation to the other institutions of society.

When considering the conditions under which civil society can be regarded as well functioning, the standing of the civil sphere does not only depend on the functioning of its internal normative framework, but crucially it also depends upon its relationships with the non-civil spheres. Comprising realms such as the state and economy⁷ the non-civil spheres *'are necessary for the very existence of the civil sphere, as they produce essential resources, establish necessary degrees of control over a variety of environments, protect and nurture*

key human values, and, through their sheer variety, make pluralism and freedom possible' (Kivisto & Sciortino, 2015: 22). As explained by Young *'[s]tate institutions have unique capacities for co-ordination, regulation, and administration that a well-functioning democracy cannot do without'* (2000: 156). State functions are backed by *'coercion, legislatively mandated co-ordination and public services, along with the managerial and technical apparatus necessary to carry out these functions effectively'* (ibid., 158). The non-civil sphere of the market, or capitalist economy then, *'is, an economy in which at least a large part of the society's goods and services are supplied by private enterprise operating through markets'* (ibid.).

Despite the fact that the relationship between the civil sphere and the state can be described as being in constant tension due to the friction resulting from the distinct aims and goals of the two social spheres, they are indeed both needed *'to deepen democracy and undermine injustice, especially that deriving from private economic power'* (ibid., 156).

Consequently, where *'formal democracy tends to reinforce social and economic inequality'* (Young, 2000: 155) the role of the civil sphere when it comes to facilitating associative and communicative activity including *'promoting inclusion, expression, and critique'* (ibid., 156) is crucial due to the fact that it allows for voices to be articulated outside the established avenues of political discourse, and also because activity within an autonomous civil sphere *'provides a base for social innovation, and the provision of goods and services less dominated by profit imperatives than conventional private enterprises'* (ibid., 155).

These institutional relationships between the civil sphere and the non-civil spheres can be characterised as constituting a system of checks and balances within which the civil sphere exposes the other spheres of society to public scrutiny and influence for the purpose of serving democratic self-governance. Or in Alexander's words, the civil sphere can be said to constitute the *'foundation of social criticism'* (2006: 549). In this way, democracy becomes a *'political system and way of life in which civil society and government (...) function as two necessary moments, separate but contiguous, distinct but interdependent, internal articulations of a system in which the exercise of power, whether in the spheres of civil society or government, is subject to public monitoring, compromise and agreement'* (Keane,

2010: 2). This system then is characterised by *'a never-ending process of apportioning and publicly monitoring the exercise of power by citizens within polities marked by the institutionally distinct – but always mediated – realms of civil society and government institutions'* (ibid.). In fact, this ability of the civil sphere as an associative and communicative sphere to form a connection with the non-civil sphere of government is thus one of its central democratising functions.

However this function of the civil sphere to carry out public monitoring mediated through the solidary ideal of a universalising community for the purpose of enabling inclusive self-governance may be thwarted on the one hand, by factors external to the civil sphere, including intrusion by the non-civil spheres, and on the other, by factors internal to the civil sphere. These factors, or expression of anti-civil power, produce civil diminishment and it is towards developing an understanding of how processes of civil diminishment occur that this section now turns.

While the co-existence and interdependence of the civil and non-civil spheres are essential features of the social order aimed at legitimate and associational self-governance, the integrity of the respective social sphere is also critical. As pointed out by Walzer, civil society is *'[t]he sphere of un-coerced human association between the individual and the state, in which people undertake collective action for normative and substantive purposes, relatively independent of government and the market'* (1998: 123-124). This highlights that civil society exists, and should exist, as a distinctive and independent sphere that has the capacity to advocate and enforce its normative goal of solidary inclusion.

An important point of departure for understanding civil diminishment is thus to examine the ways in which the civil sphere can become diminished by losing its independence. Such instances of diminishment or intrusion of anti-civil power and influence can be categorised as either external or internal to the civil sphere.

4.1.3.1 External forces of diminishment on the civil sphere

External forms of influence (inter-sphere contestation) indicate how non-civil spheres may intrude into the civil sphere and cause civil diminishment. Alexander explains that each non-

civil sphere creates its own specific types of inequalities and patterns of domination. Such inequalities can result in the privileged accumulation of goods, such as economic wealth, in the non-civil spheres which can ultimately also be *'used to achieve power and recognition in civil society, to gain access to its discourse and control over its institutions, and to re-represent the elites of other spheres as ideal participants in the interactive processes of civil life'* (Alexander, 2006: 205). In this way, the sectoral and particularistic goods and powers produced by the non-civil spheres pave the way for conflict and fragmentation as they often challenge and threaten the civil sphere by undermining its universalising solidarity logic and consequently its independence (ibid., 404-405). In fact, the non-civil spheres *'support and enrich different, competing and contradictory, definitions of social memberships'* than does the civil sphere. The mere existence of a *'plurality of (...) social spheres, in other words, implies the existence of structural limits to the level of universalistic solidarity that can be implemented, enforced or enacted. The possibility of other spheres "intruding" into the civil sphere is a clear and present reality'* (Kivisto & Sciortino, 2015: 22). As pointed out by Honneth: *'The innumerable historical instances wherein the putative autonomy of the civil sphere has been efficiently undermined by political propaganda or commercial manipulation are enough to dispel the "idealistic fallacy" that posits perfected civic relations of equal and free participation as an ideal endpoint'* (2015: 16). Giving further examples of ways in which non-civil spheres have *'fundamentally undermined civil society in different times and different ways'* (Alexander, 2006: 208), Alexander explains that: various religious groups have over time and in different societal contexts been cast as uncivil and prevented from participating in civil life; patriarchal power structures have furthermore resulted in the subordination of women in the civil sphere; government secrecy and manipulation have prevented citizens from being informed about issues of public concern; and *'racial and ethnic structures of primordial communities have distorted civil society in terrible ways'* (ibid.). While being conceived of as *'supplying the civil sphere with resources and capacities that promote independence, self-control, rationality, equality, self-realization, cooperation, and trust'* (ibid., 206), the economic sphere also obstructs the project of achieving civil justice for instance by introducing *'economic inequalities, class division, housing differentials, dual labour markets, poverty and unemployment'* (ibid., 207). For Alexander, *'such facts become social problems (...) when they are viewed as destructive intrusions into the civil realm, as economic criteria interfering with civil ones'* (ibid.). When the inequalities

characteristic of the economic sphere do interfere with the civil sphere they tend to *'narrow and polarize civil society'* and *'the material asymmetry inherent in economic life becomes translated into projections about civil competence and incompetence'* (ibid.). Members of civil society that are financially disadvantaged or poor may not be able to *'communicate effectively within the civil sphere, to receive full respect from its regulative institutions, and to interact with other, more economically advantaged people in a fully civil way'* (ibid.). Such forms of associational exclusion can thus be seen as diminishing the civil ideal of universalising solidarity as a foundation for democratic self-determination. To the extent that the civil sphere maintains its integrity however, civil society can ensure that *'economically underprivileged actors can be seen as having dual memberships'* and as members of the civil sphere *'[t]hey are not just unsuccessful or dominated participants in the economy; they have the ability to make claims for respect and power on the basis of their partially realized membership'* (ibid., 207-208).

In this way Alexander argues that the civil sphere has the potential to challenge intrusions from the non-civil sphere and to institute justice through the process of civil repair. Through this process it is possible and *'often necessary for the civil sphere to 'invade' noncivil spheres, to demand certain kinds of reforms, and to monitor them through regulation'* (Alexander, 2006: 34). In this way, *'the forces and institutions of civil society have often initiated repairs that aim to mend the social fabric'* (ibid.). Referencing *'the universalizing solidarity that civil society implies'* subordinated groups *'broadcast appeals through the communicative institutions of civil society; organize social movements demanding justice through its networks and public spaces; and create civil associations, such as trade unions, that demand fairness to employee'* (ibid., 208). It is through such demands that social change is brought about though to be clear, *'efforts at repair frequently fail'* (ibid.).

The boundary relationship between the civil and non-civil spheres is thus relational and mutually influential, and just as the civil sphere can be influenced by the non-civil spheres, the civil sphere influences the non-civil spheres in turn. According to Alexander, these inter-sphere relationships can be defined using the three ideal types of: *'facilitating input, destructive intrusion, and civil repair'* (2006: 205). For the purpose of understanding civil diminishment the inter-sphere boundary negotiations that lead to various forms of

destructive intrusion such as in when the capacity of civil society to provide civil input or repair is diminished, is of particular interest.

4.1.3.2 *Internal forces of diminishment on the civil sphere*

As previously explained, real civil societies cannot be understood only in terms of a normative solidary ideal and as an idealised '*universalistic and abstract space*' (Alexander, 2006: 196). Indeed, an instantiation of the civil sphere in real time and place inevitably '*reduces the ideal of equal and free participation*' (ibid., 195). The fact that real civil societies are fragmented and embody compromise as claims for inclusion are negotiated is not only a consequence of outside pressures from non-civil spheres but also linked to the inner workings of the civil sphere itself which frequently produce non-egalitarian or anti-civil outcomes and exclusion. This is a matter of intra-sphere contestation (ibid., 195, 409). For instance, and as cited above '*Civil society is (...) constituted by its own distinctive structure of elites, by the institutional oligarchies that direct the legal and communications systems, the influentials who exercise persuasion through civil associations, and the "movement intellectuals" who lead social movements*' (ibid., 54). This points to the fact that the civil sphere is affected by internal inequalities that may harm the ideal of democratic inclusivity. In addition to identifying external factors of civil diminishment it is thus also important to examine how civil society itself can generate forms of exclusion and injustice in contradiction to its normative solidary ideal. This was discussed in Section 3.2.1 where it was pointed out that the ideal of universalising inclusivity exists alongside deep-seated forms of exclusion within the civil sphere. This discussion is picked up here for the purpose of establishing a rationale for the concept of civil diminishment.

Alexander maintains that the fact that real civil society is by necessity anchored to a specific place and time creates '*essentializing restrictions on universalism*' (Alexander, 2006: 196) that cause the internal fragmentation of the civil sphere. Such '*[i]nternal stratifications arise from the "territorialisation" of space and from the nationalist "mythologization" of time*' (Honneth, 2015: 92, referring to Alexander (2006: 196-202)). To take these two in turn, the realisation of civil society within an actual territorial space, be it within national, regional or trans-national boundaries, can be said to create conditions that attribute a civil status to members and construct non-members in anti-civil terms. Civility then is defined in relation

to the sacred sphere of membership which is contrasted with the polluted space inhabited by non-members (citizens vs. foreigners/non-citizens). The temporal dimension of the civil sphere then highlights the fact that *'every civil society has actually been founded by some particular persons at a particular historical time'* (Alexander, 2006: 199). This particular time in history then becomes essentialized and *'the origins of the community are treated as a sacred time'* (ibid.) when civil society existed as a pure category and its founders embodied the ideal of civility. In this way Alexander argues that temporality *'creates a time order of civility, a rank order of categorical qualities that become the basis for claims of privilege within civil society itself'* (ibid., 200).

As a consequence, *'the "purity" of groups who can claim direct descent from the founding community (or even an autochthonous "rootedness" in the soil of the land) is often used to confer normative and economic privileges on elites'* (2015: 17). Excluded groups who cannot claim 'original membership' can however *'use the communicative and regulatory institutions of civil society'* and *'demand to be reconsidered in more civil terms'* (Alexander, 2006: 201).

For the purpose of understanding civil diminishment it can therefore be pointed out that whereas external interference with the civil sphere exercised by the non-civil spheres can be understood in terms of causing functional fragmentation of the civil sphere, Alexander argues that the temporal and geographical dimensions expose civil society to forms of internal fragmentation (Alexander, 2006: 197). In fact, the influence of these three sources of stratification on the civil sphere (functional, temporal and geographical) arguably coincides and can be said to influence the ideal of universal associational inclusion in various types of combinations: *'Polluting temporalities and geographies cannot fail to become articulated with the potentially uncivil inequalities generated by function. The institutional effects of functional processes become intertwined with primordial questions about the capacities generated by race, language, gender, sexuality, ethnicity, time of arrival, and territorial loyalties, often to the nation. This intertwining makes it even more likely that the reactions to these different kinds of conflicts—functional, spatial, and temporal—will be seen primarily as demands for inclusion into civil society as such'* (ibid., 205).

In conclusion, the ideal of the universalising community of the civil sphere is thus always diminished to some extent due to the constant boundary negotiations with and incursive attempts from the non-civil spheres or due to the internal functioning of the civil sphere that gives rise to discourses of repression and exclusion. The institutions of the civil sphere are able to resist such diminishment however to the extent to which the civil sphere has the potential to regulate and mediate the ongoing boundary negotiations within and between the civil and non-civil spheres in ways that support civil ideals over expressions of anti-civil power. These attempts of civil regulation are undertaken by referencing the principle of justification which as outlined above establishes a normative criterion of universal communicative and associative inclusion expressed as a form of (legitimate) democratic self-governance. This criterion can thus be used to evaluate the extent to which the domination of the civil sphere by anti-civil forces is acceptable or not. Importantly, the principle of justification can help determine the extent to which civil society is diminished and thus restricted in its ability to challenge non-civil intrusion and anti-civil, unjust and exclusionary outcomes and practices.

Concluding discussion

What the above shows is that both the normative core and institutional infrastructure of the civil sphere are orientated around a collection of civil ideals. These are generically linked to each other via the concept of solidarity and the principle of justification. What this means for journalism is that within this collection of ideals resides a specific ideal for civil journalism. This particular ideal acts as a clarion call for how civil journalism should be undertaken. It is a call that is more or less attended to in reality. The further away journalism is from its own civil ideal the more diminished it is and the less it adheres to the principle of justification. In other words the civil role of journalism centres on its real capacity to fulfil its civil role through expressing the ideals of solidarity that reside at the heart of the normative core of the civil sphere and to conduct itself independently from external and internal pressures to represent the entirety of the civil sphere itself. Broadly speaking, the civil role of journalism concerns reporting on solidarising civil ideals and forces which have an expansive and inclusive sense of identity, civil conceptions of legitimacy and an understanding of risk that contribute to the boundaries 'we' place around the civil sphere itself (Harrison, 2019). The civil role of journalism and its proximity to the civil ideal of journalism is entirely conditional

on the extent to which it is independent from those anti-civil forces that threaten to diminish it. In short how at risk it is. This, in turn, can be evaluated through the application of the principle of justification to assess the ways in which civil communicative and associative life is diminished.

4.2 Risk to journalism as an indicator of civil diminishment

Bluntly stated risk to journalism is universal and daily. It is real and it is an expression of anti-civil power. This is the reality within which the civil role of journalism resides. Harrison puts the matter accordingly. *'The civil ideal of the news (...) does not simply evaporate when we confront the situations that contemporary news media organisations find themselves operating in and their attendant constraints. Nor does it hang over the modern world as some spectral presence. Rather it is the case that both journalists and audiences navigate a relationship between news as an ideal and its grounded reality. The civil ideal of the news remains as a promise of the news's contribution to civil life and liberal democratic culture and, as such, is an important part of both journalists' and audiences' imaginaries. The plain fact is that the civil ideal of news and the grounded reality of news coexist and constantly engage each other in different ways, in different conditions and under diverse circumstances both positively and negatively'* (2019: Chapter 3, 1). Harrison points the way to understanding that the diminishment of journalism takes place when it is prevented from performing its 'civilising functions' or is detached from what she refers to as the civil ideal of journalism as 'trustworthy and liberal,'⁸ or as Alexander would say is detached from the normative core and institutional infrastructure of the civil sphere itself.

The question now is what occasions journalism to turn away from its civil ideal? And to answer this question requires that the argument turns toward understanding risk to the civil ideal of journalism and how that affects its civil role. In other words, the consequence of the risk it faces. What is now needed is an examination of risk to journalism as a form of civil diminishment.

Thus the aim in this section is to now explore the theoretical underpinning of the argument that when journalism is attacked or restricted this indicates (that is has consequences in the form of) a loss of communicative and associative freedoms that are essential to the civil ideal of universal inclusion. Doing so requires the examination of risk to journalism as an indicator of civil diminishment more broadly. As will be argued, the proposition that risk to journalism can be used as an indicator of civil diminishment is anchored in the normative understanding of an ideal civil sphere as facilitating democratic self-determination by stimulating communicative, and following that associative, activity guided by the principles of inclusion, expression and critique (Young, 2000: 156).

Just as the autonomy of the civil sphere from non-civil spheres is a prerequisite for civil justice and democratic life, so is the integrity and interpretative independence of the media a necessary condition, argues Alexander: *'Situated between hierarchical powers and citizen-audiences, journalism can speak truth to power. Supplying cultural codes and narrative frameworks that make contingent events meaningful, news reports create a mediated distance that allows readers to engage society more critically. The ability to sustain mediation depends on professional independence'* (2016: 11).⁹

While professional organisation and ethics provide means, via self-regulation, for the media to maintain a certain level of autonomy in relation to the state and the market, this independence is always vulnerable and at risk: *'Journalistic boundaries are often fraught and always permeable. The interpretive independence of journalism is never assured. An ongoing accomplishment, partial and incomplete, the profession and its social supporters must engage in continuous struggle for it to be sustained'* (Alexander, 2016: 11). Noting that it is hardly surprising that authoritarian regimes often do their best to prevent the interpretative independence of journalists, Alexander highlights that even in countries that can be considered to be democratic, and where efforts to sustain professional autonomy have been largely successful, journalists still *'experience their institutional independence as fragile and threatened'* (ibid.). In fact, *'Independent journalists and the social groups that support them often feel as if they are losing the struggle for autonomy'* (ibid.). It is this interpretative and professional independence that is at risk when journalism is under attack from various actors and faces anti-civil pressures. The question for anyone interested in the protection of

journalism therefore becomes how, what Alexander refers to as the cultural commitment of journalism to civil life and the discourse of civil society, can be safeguarded against risk that seeks to diminish this.

This civil ideal of journalism as crucially independent is captured by what Arendt (1961) referred to as *'the standpoint outside the political realm – outside the community to which we belong and the company of our peers'*. Arendt considered such a position *'as one of the various modes of being alone'* and identified *'modes of truth-telling'* including *'the solitude of the philosopher, the isolation of the scientist and the artist, the impartiality of the historian and judge, and the independence of the fact-finder, the witness, and the reporter'* (ibid: 259-260). According to Schudson this notion of journalism as standing outside spheres of concentrated power, including political, economic, cultural or national interests, is facilitated by what he refers to as the *'unlovable features of news'* (2008: 51). In fact, he argues, *'the cynicism of journalists with respect to politics and politicians; and the alienation of journalists from the communities they cover make the media hard for people to love but hard for democracies to do without'* (ibid.). Such features then are key to journalism: as a mode of being alone, as a condition for truth telling according to Schudson, and these are thus *'precisely the features that most regularly enable the press to maintain a capacity for subverting established power'* (ibid., 50).

The issue of to what extent journalistic autonomy is possible is however a debated topic that is commonly addressed in relation to the political and economic ideology of journalism. Alexander points out that social scientists have argued that journalism, cannot in fact, remain independent from the market and economic claims: *'(t)he argument over whether news media first emerged from the bourgeois sphere, from private economic life, during the early days of capitalist society is controversial and important precisely because it calls into question the very capacity of such communicative media to create tension between civil and noncivil spheres'* (Alexander, 2006: 82). If media can only function as a commodity *'particularly inside the advertising-saturated milieu that marks television and print news today'* (ibid.) this targets at the very idea of news as factual. Habermas expressed this viewpoint when arguing that with industrialisation and population growth drastically affecting European and North American societies from the mid- 1800s, *'The disintegration of*

the electorate as a public becomes manifest with the realization that press and radio (...) have practically no effect; within the framework of the manufactured public sphere the mass media are useful only as vehicles of advertising' (Habermas, 1991: 217). As *'the scale and scope of social and political communication changed markedly'* (Benson, 2009: 176) with the rise of mass communication and commercialisation *'the press itself became manipulable to the extent that it became commercialized'* (Habermas, 1991: 185). The centrality of the role of the media to Habermas' normative ideal of democracy becomes clear considering that *'(e)ven as voting and other political rights were extended to previous disenfranchised groups, expanding participation in public life, political debate in a commercialized public sphere lost its independent critical edge and became more sensationalized and trivialized'* (Benson, 2009: 177).

Alexander however, argues that journalism did not emerge merely to promote economic claims, but also political, religious and ethnic ones: *'as early modern societies began to cohere in wider and more inclusive communities, moreover, public declarations about the factual nature of social life did, in fact, come to have much greater effect. As diverse and competing publics - plebian, Catholic, Protestant, Jewish, immigrant, black, socialist, and conservative - formed to contest particularistic and restrictive forms of social control, they created more independent news media in turn'* (Alexander, 2006: 82). Rather than restricting the civil and solidarising function of the media Alexander argues that the bourgeois commercialisation in fact worked to encourage it. As news media began to sustain themselves financially through sales they could also be more independent vis-à-vis particularistic publics: *'Such financially independent media allowed the members of civil society, who were also members of these particular groups, to participate vicariously in an anonymous civil collectivity and, at the same time, to articulate their individual wills as consumers'* (ibid., 83). Importantly, these processes allowed journalism within democratic societies (with an independent civil sphere) to engage with the audience understood as society at large rather than particular interests within it. Indeed, without the introduction of market sales and advertising, news media *'would have had to continue to depend on private individual wealth or on the financial resources of such particularistic noncivil spheres as churches, trade unions, and political parties. The emergence of professional norms of objectivity, while in no sense eliminating the journalist's interpretive function, relegated the*

more dogmatic and explicit political opinions of private media owners to the editorial page' (ibid.). Alexander thus sees the process of media differentiation and emergence of professionalised occupational ethics occurring in parallel with the establishment of commercial markets for the news. To the extent that impersonal markets for information deter the domination of particularistic interests and professional journalistic autonomy exists, journalism can *'focus simply on "what is real and accurate" and "what will seem believable and dramatic"'* while becoming *'more truly media of persuasion and less masked instruments for hegemony and domination'* (ibid.). This ultimately means that *'fewer groups and categories of person are polluted by the categories that justify exclusion from civil society'* (ibid.). Considering the fact that dichotomous evaluations characterise civil society, particularistic viewpoints continue to influence journalism even in civil contexts: *'[e]ven when media take society as their reference, their understandings of it are subtly fused with particularistic ideas and influenced by pressures from other spheres. Political parties, social classes, economic exigencies, religious faith, ethnic and racial animosities, gender and sexual groupings—these and other fissures continue to segment even the most differentiated civil societies'* (ibid., 84). As a consequence of this fragmentation journalism is thus always susceptible to pressures from elites in other spheres: *'Their independence makes them vulnerable to "public relations," to staged events, and to more direct forms of corruption like bribes. For in the mass markets for influence and symbolic capital, media are not only sellers but buyers at the same time'* (ibid.). For the purposes of this thesis the above discussion on the role of commercialisation and economic pressures in relation to the independence of journalism illustrates the need to establish a sociological framework that can systematically study to what extent either of these contrasting views can be said to describe reality, the risks facing journalism and its subsequent diminishment.

Discussing journalism in relation to the technological and economic pressures brought on by digitalisation and the emergence of the Internet, Alexander illustrates how journalists have pushed back against *'what they see as the profane logic of market and technology'* while *'refusing to subordinate their sacred professional ethics and idealistic civic morals'* (Alexander, 2016: 20). While acknowledging the destructive force of this upheaval and the need for the reconstruction of news production under these circumstances, Alexander disagrees with what he describes as a *'fatalistic picture of journalism's displacement'* in a

digitised world where news is no longer collected and delivered in the traditional sense but rather *'assembled, shared, and to an increasing degree, even gathered by a sophisticated readership'* (ibid., 16). According to Alexander, this simplistic reasoning originates from the theoretical supposition that journalism is a mere transmitting technology that can straightforwardly be pushed aside by *'the super-efficient, high speed, user-friendly information-processing capacities of the Internet Age'* which render *'traditional methods of story organization, fact-checking, and copyediting'* superfluous (ibid.). Indeed, this completely neglects the cultural anchoring of journalism in civil morals: *'Neither technology nor economics exercises its social effects in isolation. They are mediated by the professional ethics of journalism and the civic morals that anchor them (...) Culture is the dark matter of the social universe, invisible but exercising extraordinary power. The meanings of journalism are fervently formed and fiercely delineated, and the cultural power of the profession resists technological and economic determinism. Cultural power generates individual and collective agency, the resourcefulness that allows journalists and supportive communities and institutions, not only to resist desecration, but also to engage in civil repair. Certainly, the preservation of any professional craft is never guaranteed. The more central a profession to core beliefs and institutions, however, the more its existential struggles generate defense and support'* (ibid., 23). Thus, while the ethical professional trademark of journalism can be said to have come under intense pressure from commercializing and technological advances of the modern age, Alexander also points out that resistance has not only been exercised by the journalistic profession itself but also by outside spheres, which while pressuring journalism to fundamentally reconstruct its production processes, also depend on the upholding of journalistic civil morals: *'Money making machines of Internet technology - whether Google, Facebook, Amazon, or such aggregating engines as the Huffington Post - are compelled to directly or indirectly support journalistic modes of news gathering and reporting. Otherwise, there would not be any news to sell, to aggregate, to advertise, to analyze or satirize'* (ibid., 24).

The above example illustrates how the institution of journalism can be said to resist the forces of diminishment and their expression in the face of direct risk to its civil role while at the same time being forced to negotiate with and adapt to, influencing outside forces. With regard to this point Alexander sees the democratic potential of journalism as emanating

from the autonomy of journalism and its self-imposed and self-regulatory normative code (2006: 84).

Though Benson adds that *'autonomy is not a panacea for the public sphere'* (2009: 185) since *'the record of even the most prominent journalists defending the ideals of pluralism and deliberation is mixed at best'* (ibid.). Benson raises the issue that the shallow and simplistic reporting that can be said to characterise much of present day journalism may in fact not serve the public interest: *'If such (...) coverage is often the best journalism has to offer, then clearly greater journalistic autonomy is not an adequate solution to the problems of the press and the public'* (ibid., 186). In fact, he argues: *'(j)ust as financiers did not act in the best interests of the economy when left by a deregulating state to their own devices in recent years, journalists as well as other public sphere actors also are likely to need incentives and constraints that further public interest ends'* (ibid.). Such incentives and constraints argues Benson come from *'the democratic system itself, as expressed through the lawmaking and regulative operations of the state'* (ibid.). In fact, the problem according to Benson is that *'journalism has gained too much autonomy vis-à-vis the state – that is, the state acting on behalf of various publics to defend and promote forms of journalism that are currently underproduced by market forces'* (ibid., 188). Therefore, he argues, the emphasis on the independence of the institution of journalism from other spheres, and in particular its differentiation from the state, is a problematic indicator or guarantor for democratic outcomes in the public sphere. Benson further highlights the importance of being able to examine the role of media regulation by the state without conceding that it is axiomatically *'necessary detrimental to press freedom'* (ibid., 192). Indeed, the many ways in which state interventions have proven detrimental and restrictive to the practice of free and independent journalism are countless and well documented, but in terms of providing evidence for the potential of journalism to fulfil its civil role, an analysis of how regulatory intervention facilitates journalism's civil role is a necessary complement not least if the purpose of such analysis is to improve the climate for free and independent journalism. Various types of systems of governance must also be taken into consideration, democratic and non-democratic alike (in the latter the structures and institutions of civil society are absent or restricted). Whereas for Alexander the guarantee of democratic outcomes is more likely and conditional upon journalism being able to fulfil its civil role, and this will always

require a greater degree of independence from the influence of the state than Benson would acknowledge.

The only conclusion from this, is that any examination of journalism as an indicator of the democratic nature of the civil sphere can not only be construed by looking at the institution of journalism in isolation (the degree of institutional independence of journalism) from surrounding spheres (intra-sphere) but must necessarily also include inter-sphere relationships, both of which can be diminished and from which journalism can face risks designed to limit its civil role.

However, just as the influence of the economic sphere on the independence of journalism, understood either in negative terms, as contributing to mass commercialisation and defactualisation, or in positive terms, as enabling its independence through self-sustainability, cannot alone explain the actual contribution of journalism to civil life (civil role), nor can a sole focus on the interrelationship between journalism and the state provide such explanations. Instead, it is necessary to study the whole (holistic) spectrum of intra- and inter- sphere relationships (both positive and negative) to understand the potential of journalism to contribute to civil discourse as well as the ways it actually does and does not contribute towards such ends. This is a central contribution of Civil Sphere Theory insofar as it enables the examination of actual (real life) civil and anti-civil contributions of journalism. Alexander's understanding of the civil sphere and the conceptualisation of professional journalism as morally oriented towards civil discourse, establishes the normative possibility for journalism to be exercised in relation to and sometimes in support of this solidarising democratic ideal. However, journalism as exercised in real civil societies often does not live up to this ideal and indeed has both civil and anti-civil expressions. Of key importance therefore will be to facilitate the study of the circumstances under which journalism can be said to perform its civil role and when it is prevented from doing so (when it is diminished).

Using journalistic risk as an indicator of civil diminishment does not mean that journalism alone can produce civil and just civil societies, and facilitate processes of democratisation. Rather, risk to journalism is used here as a means to examine how institutional relationships within and between the civil sphere (via the communicative institution of journalism) and non-civil spheres can be said to give rise to various forms of diminishment of civil life.

Concluding discussion

While determining what is considered to be civil or anti-civil exercise of power in a particular societal context is subject to constant negotiation and renegotiation between the various social spheres and their institution, journalism not only interprets and reports representations of forms of civil and anti-civil power, it also facilitates the process of subjecting civil and anti-civil power to public scrutiny for the purpose of monitoring whether the legitimising principle of justification is being upheld. Subsequently restrictions on this civil role of journalism, as imposed via various types of risks, can be used as indicators to assess how fragile and diminished the civil institution of journalism itself is, as well as more widely, any particular civil sphere.

Put straightforwardly, civil diminishment occurs every time the independence and autonomy of the civil role of journalism is challenged. In other words, civil diminishment occurs as anti-civil forces seek to subvert the civil role of journalism. This can happen across an entire range of different settings and have a myriad form of indications: from minor changes forced upon journalists themselves, and say for example the way the law interprets the protection of sources through to killings of journalists and the rewriting of constitutions. Correspondingly, understanding this enables us to understand that the threat of civil diminishment through the manifestation of risk attached to the performance of the civil role of journalism is both ubiquitous and perennial. And this is vitally important since it points to the fact that risk to journalism is never an isolated phenomenon but is interlinked with relationships within and between the civil and non-civil spheres.

To develop an understanding of these relationships and what actually happens in societies when journalism is attacked requires the mapping and profiling of specific societal contexts to understand how and why attacks on journalism occur as well as the societal impact of such attacks in a more specific manner than is currently possible. And in order to get to that point it is necessary to show that civil diminishment occupies its own particular conceptual framework.

4.3 Civil diminishment: a conceptual framework

As explained, this chapter aims to develop a conception of civil diminishment as a means to better understand and examine the multidimensional problem of risk to journalism, and in particular by using the notion of civil diminishment to conceptualise and provide a framework for understanding the consequence of risk to journalism. For the purpose of doing so this section will first chart a set of two conceptual schemas (Table 6 and 7) that capture a generalised understanding and framework for understanding the civil ideal of journalism and its civil diminishment.

Adopting Alexander's binary understanding of what he refers to civil versus anti-civil 'motives, relations and institutions' (2006: 53-59) these schemas can be described as understanding civil ideals and civil diminishment as contrasting each other and standing in opposition. The schemas developed here will thus provide a summary and overview of a set of core principles that can be used to capture and evidence the juxtaposition of ideal functions of the civil sphere and journalism as a civil institution, as well as what is meant conceptually by their respective diminishment. A third schema (Table 8) will then be sketched for the purpose of contrasting the civil ideal and its diminishment.

The normative ideals are illustrated in Table 6 and diminishment in Table 7 below. The intention here is thus to establish how an ideal contrasts with a diminished version of civil society and journalism. This will be used to establish how civil diminishment can be understood in a generic way and to identify and examine processes of diminishment by beginning with a conceptual framework for understanding the civil ideal of journalism from which this fragmentation and diminishment takes place. It is in relation to the proximity of journalistic practice to this civil ideal that allows for the assessment of risk to journalism.

Table 6. Conceptual framework for understanding the civil ideal

| | <i>Civil sphere as an ideal communicative and associative space</i> | <i>Journalism as an ideal civil Institution</i> |
|-----------------------|---|--|
| Normative core | Universalising solidary inclusion (link to democracy as a communicative and associational ideal of self-determination) | Universalising solidary inclusion (link to democracy as a communicative and associational ideal of self-determination) |
| Civil role | Associative inclusion (democratising potential) | Civil mediation and civil discourse (democratising potential) |
| Civil standing | Civil integrity (capacity and commitment to uphold solidary ideal) <ul style="list-style-type: none"> • Autonomy (institutional structure and negotiation capacity in relation to non-civil and civil institutions and anti-civil expressions of power) • Cultural commitment (to achieve solidary ideal) | Professional integrity (capacity and commitment to uphold solidary ideal) <ul style="list-style-type: none"> • Autonomy (negotiation capacity in relation to non-civil and civil institutions and anti-civil expressions of power) • Cultural commitment (to achieve solidary ideal) |

The first row of Table 6 articulates the normative core of civil society and journalism as universalising solidary inclusion. This provides a new starting point for understanding the connection between civil society, understood in an ideal sense, as facilitating democratic self-determination by stimulating associative and communicative activity guided by the principle of inclusion, expression and critique (Young, 2000: 156), and journalism as a civil institution. This connection between the civil sphere and journalism as a civil institution then, is that professional journalism is intrinsically oriented towards the criterion of inclusion as reflected through the normative ideal of the civil sphere (see Section 4.2). Accordingly, the normative potential of a universalistic membership and status in civil society is what grants citizens associative opportunity and influence and by using society at large as its point of reference, journalism directs its messages and arguments to all members of society and not to particular interests. This orientation towards the public good and public interest instills journalism with a normative capacity to scrutinise and reveal exclusionary practices and patterns of particularistic domination within civil society itself and from the non-civil spheres.

The ideal function of civil society is therefore associative inclusion which is facilitated by journalism through its inclination to publicize representations of society that are mediated and negotiated in relation to the inclusionary ideals of the discourse of civil society (see 'Civil role' Table 6 second row). This alignment of journalism with a normative criterion of inclusion is also expressed through the fact that journalism is guided by professional integrity and standards including principles of transparency, independence, balance and accuracy (see 'Civil standing' – defined as above in the following way: the extent to which it has interpretative independence and conducts itself with integrity through its capacity and commitment to uphold solidary ideal - Table 6, third row). As discussed in Chapter 3, Alexander views these principles as underwriting the democratic culture of professional journalism as interlinked with the democratic ambitions of the civil sphere: *'these professional mandates not only create news but contribute to the moral discourse that makes civil solidarity possible'* (Alexander, 2016: 17). It is important to connect this civil role of journalism with the idea that democratic participation is not only about electoral participation but importantly also involves facilitating various forms of associational self-organisation in civil society, upon which democratic legitimacy and accountability depends. The roles journalism performs then are guided by a cultural commitment to a solidarising ideal and when journalists mediate, interpret and scrutinize societal propositions and relationships this is done in relation to the broader discourse of civil society. In this context, the communicative functions of journalism not only consist of providing citizens with factual information as the basis for making informed political decisions, for instance by performing a watchdog role for the purpose of exposing wrongdoing, which is commonly emphasised as important in liberal-procedural conceptions of democracy. It is the case however, that this narrower view, which the data review in Chapter 2 showed, is the point of departure for most assessment approaches that are concerned with measuring safety threats against journalists. As this thesis has shown journalism facilitates the participatory capabilities of citizens more broadly, and crucially contributes towards sustaining and enhancing the deliberative capacity of citizens. It is in doing this that the civil role of journalism most approximates to the civil ideal of journalism. By understanding the ways in and extent to which the capacity of journalism to fulfil this civil role is at risk, it is possible to map and examine various forms and dimensions of societal fragmentation and domination, in short to track instances of civil diminishment. The ability of civil society and journalism to live up to a

solidary ideal of inclusion then is captured by the notion of civil standing (See ‘Civil standing’, Table 6, third row). The standing of civil society depends first on the integrity of the institutional infrastructure of the civil sphere and to what extent it is independent from the non-civil spheres as well as how relationships within the civil sphere, between institutions of regulation and communication, are negotiated, and to what extent institutions within civil society can maintain their autonomy. Secondly, the standing of civil society also depends on its ability to negotiate non-civil and anti-civil influences so as to achieve civil outcomes.

By identifying a set of general criteria for when civil society and journalism can be understood to fulfil their respective ideal roles, the above framework illustrates the normative alignment of the ideal civil society conceived of as a communicative space on the one hand, and journalism as a civil institution on the other.

Turning to the conceptual understanding of the civil diminishment of the ideal of civil journalism then, Table 7 mirrors Table 6 but illustrates the ways in which the civil ideal is compromised and diminished.

Table 7. Conceptual framework for understanding civil diminishment

| | <i>Civil sphere as a civilly diminished associative and communicative space</i> | <i>Journalism as a civilly diminished civil institution</i> |
|-----------------------|--|--|
| Normative core | Universalising solidary inclusion compromised | Universalising solidary inclusion compromised |
| Civil role | Associative exclusion | Non-solidarising/exclusionary mediation and discourse |

| | | |
|-----------------------|---|---|
| Civil standing | <p>Civil integrity compromised (capacity and commitment to uphold solidary ideal compromised)</p> <ul style="list-style-type: none"> • Institutional autonomy and civil negotiation capacity compromised through external and/or internal domination (exercise of anti-civil power) • Cultural commitment to civil inclusion and solidary ideal compromised: external and/or internal domination (exercise of anti-civil power) | <p>Professional integrity (capacity and commitment to uphold solidary ideal compromised)</p> <ul style="list-style-type: none"> • Autonomy compromised through external and/or internal domination (exercise of anti-civil power) • Cultural commitment to civil inclusion and solidary ideal compromised: external and/or internal domination (exercise of anti-civil power) |
|-----------------------|---|---|

As shown in the first row of Table 7, the normative core of the civil ideal can be understood as diminished when the ideal of universalising solidary inclusion is compromised. The extent of such civil diminishment can naturally vary a great deal, but as previously mentioned, any real (actually existing) civil society or example of journalistic practice can be described as diminished to some degree. As previously discussed, forms of exclusion always exist within civil society and possibilities for universal association are restricted by institutional and cultural structures, and their interaction sets boundaries for inclusion. Universality is therefore always restricted and bounded by processes of negotiation between claims for inclusion and exclusionary practices as well as between those who resist domination by the vested interests of power and those who promote it.

Whereas the universalising ideal of solidarity can be used to challenge anti-civil intrusion and exclusion for the purpose of making societies more inclusive, it is the case that there are always boundaries placed upon such claims for inclusion. Chapter 5 uses the analytical insights and conclusions from Chapters 2, 3 and 4 to demonstrate how indicators of civil diminishment can be formulated for the purpose of assessing them. As shown in the second row of Table 7 ('Civil role') diminished civil societies are also characterised by the fact that

association is restricted. In repressive societies this might be expressed through the fact that citizens do not enjoy rights to expression, association and assembly. Another example of forms of associational exclusion can be restrictions on political participation by non-citizens who might not be allowed to vote. When it comes to a diminished civil standing of civil society and journalism this is linked to the extent to which their integrity is compromised through internal and external forms of domination.

To sum up, journalism looked at in this way focuses on the conditions and quality of civil life insofar as it is possible to examine risk to journalism: not in relation to the extent that societies fulfil a specific set of predetermined democratic criteria, but in relation to the social infrastructure of the civil and non-civil spheres, how they interact, and the outcomes of such interactions in terms of producing civil diminishment as a consequence of risk to journalism in any given societal context – democratic or non-democratic. Of course, the reality is that the civil ideal of universalising inclusion is always diminished to some extent (by real forces) due to constant boundary negotiations with and incursive attempts from the non-civil spheres, or due to the internal functioning of the civil sphere that gives rise to discourses of repression and exclusion. To the extent that the institutions of the civil sphere are able to resist such diminishment however, depends on whether civil society has the potential to mediate the ongoing boundary negotiations within and between the civil and non-civil spheres by referencing the principle of justification. The principle of justification, to repeat the point, is the application of a criterion of legitimate democratic self-governance used to evaluate the extent to which the domination of the civil sphere by anti-civil forces is acceptable or not. The exercise of power on and in the civil sphere must accord to the civil ideal of the universal communicative and associative inclusion of all citizens. The extent to which civil society is diminished will determine the extent to which it will be restricted in its ability to challenge anti-civil intrusion as well as unjust and exclusionary outcomes and practices.

Essentially, the civil ideal of solidarising and universalising inclusion aspires to ensure that power is exercised in a way that is acceptable to the citizens in the civil sphere. In short, the exercise of power must accord with the principle of justification and one form of scrutiny (ensuring power is justified) is undertaken by journalism. Here, professional journalism

provides checks and balances and subjects civil and non-civil power to public monitoring. Journalism is in effect, part of the civil sphere's basic institutional infrastructure and facilitating public monitoring forms part of the civil role of professional journalism. Any restrictions on that role can therefore be used as an indicator to assess how fragile and diminished any particular civil sphere is. Understanding to what extent the principle of justification is adhered to at the three levels of analysis indicates how certain civil and societal circumstances produce various types of risk to the civil role of journalism and ultimately the diminishment of civil society. The principle of justification thus reveals how the ideal of journalism is upheld or undermined. It makes it possible to discretely identify categories of risk to, and to display the way specific types of risk, undermine the civil role of journalism. To get to the point where it is possible to identify specific risks, it is therefore necessary to use an abstract conception of the dynamic between the ideal of journalism and its diminishment as a point of departure. This means that it is possible to use risk to the civil role of journalism to evaluate the civil standing/status of the non-civil spheres with regard to the extent to which their exercise of power is tempered by a civil criterion of justification. This can for instance be done by examining if the state and economy allow for the morally universalistic values of the civil sphere to interpenetrate them by enabling free and independent journalism. Essentially, this also enables an understanding of the civil standing of the institutions and actors of the civil sphere in relation to the extent to which they hold themselves accountable to civil norms and have the capacity to uphold them. The extent to which the civil ideal is sustained and the corresponding nature and features of the diminishment of the civil ideal are attributable to the extent to which the principle of justification is adhered to. This is illustrated in Table 8 below by re-representing the multilevel analytical approach developed in Chapter 2 to show how the civil ideal versus its diminishment should be understood in relation to the principle of justification. The table importantly thus captures a conceptual understanding of how civil diminishment impacts how civil life is affected depending on whether the civil ideal is endorsed or rejected.

Table 8. A conceptual framework of civil diminishment: the civil ideal versus civil diminishment

| Level of analysis | | Civil ideal upheld through adherence to the principle of justification | Civil ideal compromised through civil diminishment and the non-adherence of the principle of justification |
|---------------------------|--------|---|---|
| Macro (non-civil spheres) | State | <p>Commitment to civil ideal of solidarity and solidarising ideals. This is reflected by the exercise of state power being tempered by the principle of justification. Thus state power is restrained by civil ideals and respects the integrity and autonomy of the civil sphere and the civil role of journalism (non-domination).</p> <p><u>Consequence:</u> the non-civil sphere of the state facilitates the civil standing and role of the civil sphere and the civil institution of journalism to freely engage in public scrutiny and monitoring.</p> | <p>Non-commitment to civil ideal of solidarity and solidarising ideals. This is reflected by the exercise of state power not being tempered by the principle of justification. Thus state power places forms of illegitimate restraint and domination on the civil sphere and the civil role of journalism.</p> <p><u>Consequence:</u> the non-civil sphere of the state loses civil legitimacy and accountability by diminishing the civil standing and role of the civil sphere and the civil institution of journalism to freely engage in public scrutiny and monitoring.</p> |
| | Market | <p>Commitment to civil ideal of solidarity and solidarising ideals. This is reflected by the exercise of market power being tempered by the principle of justification. Thus market power is restrained by civil ideals and respects the integrity and independence of the civil sphere and the civil role of journalism.</p> <p><u>Consequence:</u> the non-civil sphere of the market facilitates the civil standing and role of the civil sphere and the civil institution of journalism to freely engage in public scrutiny and monitoring</p> | <p>Non-commitment to civil ideal of solidarity and solidarising ideals. This is reflected by the exercise of market power not being tempered by the principle of justification. Thus market power places illegitimate forms of restraint and domination on the civil sphere and the civil role of journalism.</p> <p><u>Consequence:</u> the non-civil sphere of the market loses civil legitimacy and accountability by diminishing the civil standing and role of the civil sphere and the civil institution of journalism to freely engage in public scrutiny and monitoring</p> |
| Meso (civil sphere) | Law | <p>Commitment to civil ideal of solidarity and solidarising ideals. This is reflected by the exercise of legal power being tempered by the principle of justification. Thus legal power, as exercised via the civil institution of law, is restrained by civil ideals with respect to the integrity and independence of the civil sphere and the civil role of journalism.</p> <p>The capacity of law to uphold civil ideal of</p> | <p>Non-commitment to civil ideal of solidarity and solidarising ideals. This is reflected by the exercise of legal power not being tempered by the principle of justification. Thus legal power places illegitimate forms of restraint and domination on the civil sphere and the civil role of journalism.</p> <p>The capacity of law to uphold civil ideal</p> |

| | | | |
|--|------------|---|---|
| | | <p>solidarising non-domination is reflected by the ability of the institution of law to carry out civil regulation of civil and non-civil relationships independently from anti-civil influence.</p> <p><u>Consequence:</u> the civil institution of the law functions as a civil regulator to facilitate civil justice and thus the civil standing and role (integrity and capacity) of the civil sphere and the civil institution of journalism to freely engage in public scrutiny and monitoring.</p> | <p>of solidarising non-domination through civil regulation is restricted or dominated by forms of anti-civil influence.</p> <p><u>Consequence:</u> the civil institution of the law loses its civil standing and cannot function as a civil regulator and facilitator of civil justice due to internal and/or external forms of restraint and domination which cause the diminishment of the civil standing and role (integrity and capacity) of the civil sphere and the civil institution of journalism to freely engage in public scrutiny and monitoring.</p> |
| | Journalism | <p>Commitment to civil ideal of solidarity and solidarising ideals. This is reflected by the exercise of communicative power by and through the civil institution of journalism being tempered by the principle of justification.</p> <ul style="list-style-type: none"> • Communicative power, as exercised by and through the civil institution of journalism is restrained by civil ideals and with respect to the integrity and independence of the civil sphere and the civil role of journalism. • Capacity to uphold civil ideal of solidarising non-domination is reflected by the ability of the institution of journalism to carry out civil mediation of civil and non-civil relationships independently from anti-civil influence. <p><u>Consequence:</u> the civil institution of journalism functions as a civil mediator to facilitate civil discourse and thus the civil standing and role (integrity and capacity) of the civil sphere and the civil institution of journalism to freely engage in public scrutiny and monitoring.</p> | <p>Non-commitment to civil ideal of solidarising non-domination is reflected by communicative power not being tempered by the principle of justification.</p> <ul style="list-style-type: none"> • Communicative power, as exercised through journalism, places internal forms of illegitimate restraint and domination on the civil sphere and the civil role of journalism. • The capacity of journalism to uphold civil ideal of solidarising non-domination through civil mediation is restricted or dominated by external forms of anti-civil influence. <p><u>Consequence:</u> the civil institution of journalism loses its civil standing and cannot function as a civil mediator and facilitator of civil discourse due to internal and/or external forms of restraint and domination which cause the diminishment of the civil standing and role (integrity and capacity) of the civil sphere and the civil institution of journalism to freely engage in public scrutiny and monitoring.</p> |

| | | | |
|-----------------------------|-------------------------|--|---|
| <p>Micro (Civil sphere)</p> | <p>Journ- alist</p> | <p>Commitment to civil ideal of solidarising non-domination is reflected by the exercise of communicative power through the individual journalist being tempered by the principle of justification.</p> <ul style="list-style-type: none"> • Communicative power, as exercised through the individual journalist is restrained by civil ideals and with respect to the integrity and independence of the civil sphere and the civil role of journalism. • Capacity to uphold civil ideal of solidarising non-domination is reflected by the ability of the individual journalist to carry out civil mediation of civil and non-civil relationships independently from anti -civil influence. <p><u>Consequence:</u> the individual journalist functions (has agency) as a civil mediator to facilitate civil discourse and thus the civil standing and role (integrity and capacity) of the civil sphere and the civil institution of journalism to freely engage in public scrutiny and monitoring.</p> | <p>Non-commitment to civil ideal of solidarising non-domination is reflected by the exercise of communicative power through the individual journalist not being tempered by principle of justification (corruption).</p> <ul style="list-style-type: none"> • Communicative power, as exercised through the individual journalist, places internal forms of illegitimate restraint and domination on the civil sphere and the civil role of journalism. • Capacity of the individual journalist to uphold civil ideal of solidarising non-domination through civil mediation is restricted or dominated by external forms of anti-civil influence (coercion). <p><u>Consequence:</u> the individual journalist loses his or her civil standing and cannot function as a civil mediator and facilitator of civil discourse (loss of agency) due to internal and/or external forms of restraint and domination which cause the diminishment of the civil standing and role (integrity and capacity) of the civil sphere and the civil institution of journalism to freely engage in public scrutiny and monitoring.</p> |
|-----------------------------|-------------------------|--|---|

Table 8 shows that the standing of the civil sphere is determined in the contestation between anti-civil forces of civil domination and civil ideals as captured at the macro level of analysis through the non-civil spheres of the state and market, and at the meso level of analysis through the civil institutions of law and journalism and the attendant micro level of analysis of the individual journalist. This is the never-ending process of contestation that constitutes the background against which an assessment of the nature of and how extensive civil diminishment is in any given location. Table 8 is descriptive and summarises the problem of civil diminishment by pointing the way to understanding the key characteristics of a holistic level of assessment (for example of a specific country) and the need for a risk profile which can provide an indication of the civil standing of journalism in a particular

setting and correspondingly estimate how fragile and diminished the civil spheres is. Such a risk profile would need to move beyond the descriptive features of Table 8 and to be able to facilitate specific cross-country comparisons across a set of key risk indicators and variables. This is important with regard to standardising judgments concerning civil diminishment (see Chapter 6), for profiling, and, from a policy point of view for the systematic identification of particularly problematic fragilities in relation to journalistic risk. To achieve an understanding of the extent of civil diminishment and to enable cross-country comparisons will require further elaboration. For this purpose the thesis will now turn to developing Table 8 above into a risk profile that will facilitate the holistic assessment of generic risks to the civil sphere and specific risks to journalism. These risks to the civil sphere and the civil role of journalism can be described to map the real manifestations of a given societal context when it comes to how far removed they are from upholding the civil ideal by adhering to the principle of justification. The further removed a societal context (as disaggregated into the macro level of analysis of the non-civil spheres, the meso level of analysis of the civil institutions of law and journalism, as well as the micro level of analysis of the individual journalist) is from the normative civil ideal and the principle of justification (the bigger the gap), the greater the risk of the civil standing of the civil sphere and journalism being diminished. The task of concern here is thus now to establish the framework that allows for the mapping and subsequent analysis of the aforementioned risk.

¹ As described in Chapter 3 of this thesis Harrison (2019: Chapter 1, 9) understand invariant civil concerns as *'unchanging and ever-present in all civil societies (...) consistently held as simultaneous concerns by diverse civil associative groups and form the basis of the pluralism we take for granted in a modern civil society'*.

² Harrison regards civil norm building as the way the institutions of the civil sphere undertake to a) rebuild a civil sphere or b) following Alexander (2019) undertake to repair civil society. In both cases civil norm building is the response of civil actors to redress post conflict situations or a civil crisis (Personal communication).

³ As described in the Introduction (endnotes 11 and 12) such other forms of diminishment could for include legal and constitutional changes that diminishes rights of association and protest, as well as distortions of public office through corruption and bribery and through the use of office for personal gain.

⁴ See Harrison (2019, Chapter 2, endnote 6, 29).

⁵ See Chapter 3 in this thesis.

⁶ See for instance Hansson (2012) and Lidskog & Sundqvist (2012).

⁷ As understood by Alexander (2006) the non-civil spheres also include spheres of life such as religion, family and community. However, in this thesis, only the non-civil spheres of the state and market are looked at. This follows on from Harrison's understanding of the relationship between political and economic power as largely determining (in the sense of non-civil influence) the extent to which the civil role of journalism is undermined or sustained: *'[I]n essence (...) the non-civil spheres of the state and the market and undermine or limit the civil ideal of news (...) by treating their audiences as either belonging to a partisan political group or as consumers (usually both) rather than as citizens. They regard the news as a product rather than as a (public) service and, as such, news and news journalism as an accessory to vested interests. The expression of political and commercial*

power varies across different geopolitical settings, political and regulatory arrangements and within different commercial and technological contexts' in ways that *'essentially stand in contradistinction and opposition to the civil ideal of news'* (2019, Chapter 3, 4).

⁸ As explained in the Introduction of this thesis (endnote 2) Harrison (2019: Chapter 2, 4) sees the civil ideal as composed of two key elements: *'a) trustworthiness and b) liberal ideals. The former is achieved through the activity of truth telling and the use of an objective method, the latter is achieved when the news promotes the civil values of social criticism, democratic integration, civility, justice, reciprocity, and mutual respect. Combined the two key elements form a completed picture of what the civil ideal of news journalism consists of and shows under which conditions it can be fulfilled'*.

⁹ See Alexander (2006: Chapter 12 for an analysis of how the role of journalistic autonomy and *'professional commitment to truth-telling'* can be understood in terms of a *'commitment to, and maintenance of, transparency: the values of honesty, publicness, and openness'* as values *'intrinsic to the civil sphere itself'* (ibid., 300).

5. Analysing civil diminishment through a holistic journalism risk profile

Chapter rationale

The aim of Chapter 5 is to build a holistic risk profile of journalism that maps risk to journalism and indicates civil diminishment by combining the macro, meso and micro levels of analysis. What the risk profile does is to provide a distinctly 'civil' rationale for understanding risk to journalism as influencing the civil standing of civil life. It does so by framing what is at stake when journalism is attacked as harmful to civil life and the civil ideal of associative and communicative inclusion as essential for democratic self-determination. Ultimately, when the civil role of journalism is diminished in this way, and is prevented from performing its civil role, it loses the capacity to support the civil ideals of the civil sphere.

In its entirety, the risk profile thus captures the essence of how civil diminishment is played out in terms of how risk is manifest in real world practices that attack the civil role of journalism. The identification of such practices is possible due to the fact that the thesis has established that the normative core of the civil sphere and the civil institution of journalism can be used to identify the underlying causes of risk by assessing whether power influencing journalistic practice is legitimate or anti-civil by referring to the principle of justification.

In this way, the risk profile allows for the examination and disaggregation not only of how risk to journalism is manifest upon journalistic practice and practitioners (its expression) but also, how such risk needs to be understood as having outcomes in terms of the diminishment of the civil sphere itself. It is thus the notion of civil diminishment that ultimately captures the significance and meaning of outcomes of restrictions and constraints placed upon the civil role of journalism (that is what it is society risks losing when journalism is attacked) and that provides the overarching conceptual framing of risk to journalism.

Consequently, the risk profile provides a conceptual pathway, through the notion of civil diminishment, that makes it possible to map a given societal and geographical setting when it comes to the manifestations of risk to journalism and the surrounding contextual

circumstances that cause such risk while at the same time providing a framework for understanding the wider significance of civil diminishment as a consequence of such risk to journalism.

To achieve this, Chapter 5 amalgamates the empirical, conceptual and theoretical work carried out in the previous chapters into an analytical framework, which is called a journalism risk profile. Its purpose is the comprehensive understanding of risk to journalism and to indicate occurrences of civil diminishment. Chapters 1 and 2 served to analyse gaps in our understanding of the complex problems risk to journalism and explaining the need for a holistic risk profile. Chapter 2 concluded by introducing a methodological solution to these knowledge gaps through a holistic approach based on the macro, meso and micro sociological levels of analysis. Chapters 3 and 4 then detailed the necessary conceptual work to understand the complexity of risk to journalism through the dimension of risk that has been described as being interlinked with its wider societal significance. This was done by using Civil Sphere Theory to establish first, how the value of journalism should be understood in relation to its civil role and contribution to democratic civil life (Chapter 3) and secondly, that civil diminishment is best understood as a consequence of risk to the civil role of journalism but also more widely of the civil sphere (Chapter 4). Together, Chapters 1 to 4 have equipped the thesis with the components necessary to develop, from the methodological approach introduced in Chapter 2, a journalism risk profile for the holistic mapping of risk to journalism and the assessment of civil diminishment. Building this risk profile is now the concern of this chapter.

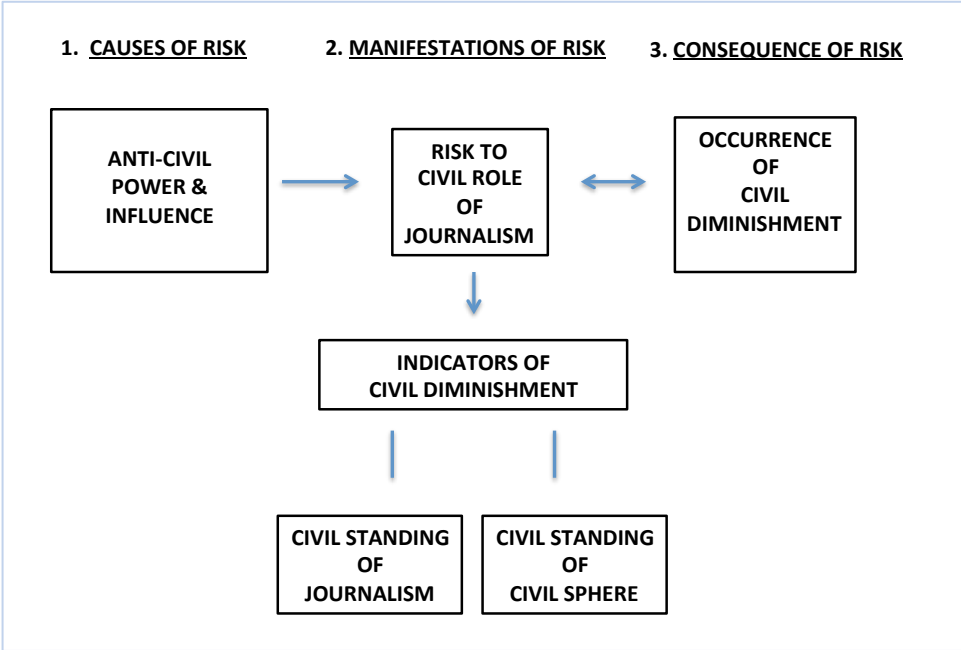
To build the risk profile, Chapter 5 begins by addressing the foundations of the analytical framework, or risk profile (Section 5.1). This explains how the risk profile will capture risk to journalism as a multidimensional problem. It then explains how the three levels of sociological analysis (macro, meso and micro), as the foundation of the methodological approach developed in Chapter 2 and as reconfigured in Chapter 4, will be integrated into and create the very structure of the risk profile. Section 5.2 focuses on the building of the risk profile itself as a means to indicate civil diminishment. This entails revisiting the conceptual framework for understanding civil diminishment that concluded Chapter 4 and developing each level of risk analysis: macro (Section 5.2.1), meso (Section 5.2.2), and micro

(Section 5.2.3) to map instances of risk to the civil role of journalism (that is the proximity of its practice to the civil ideal of journalism) and the civil sphere in order to identify indicators of civil diminishment. Section 5.3 will then conclude by discussing possibilities for methodological application of the risk profile in terms of holistic and disaggregated and reaggregated panoramic or high-level analysis of civil diminishment.¹

5.1 The foundations of an analytical framework

Before turning to the process of building the risk profile in terms of specifying what is concretely understood as risk to the civil role of journalism as an indicator of civil diminishment through the three levels of sociological analysis, this section first delineates what the process of evaluation facilitated by the risk profile entails. This involves illustrating how the risk profile brings together the constituent parts of a holistic assessment of risk to journalism and civil diminishment. Figure 1 outlines the components of a holistic assessment of risk to the civil role of journalism as an indicator of civil diminishment.

Figure 1. The components of a holistic assessment of risk to the civil role of journalism as an indicator of civil diminishment



Using the civil ideal and its normative core to frame the risk profile means that the significance of risk to journalism as interlinked with its civil role can be described as

providing the very point of departure for the holistic analysis. In other words, civil diminishment understood as a consequence of risk to journalism provides the overarching and specific conceptual framing of the risk profile including how the causes and manifestations of risk are approached. Thus, this chapter develops the risk profile as a tool for mapping the causes and manifestations of risk to journalism while providing a conceptual pathway to understanding civil diminishment as a consequence of risk to journalism.

To take the respective dimension of risk in turn:

The *causes* of risk (Figure 1 (1)) to the civil role of journalism are understood in the form of anti-civil power being exercised on (via the non-civil spheres) or within the civil sphere (via the law and / or journalism) and specifically in relation to the civil institution of journalism. Such anti-civil forces that disregard the principle of justification (see above) produce various forms of risk to the civil role of journalism.

These can be understood as *manifestations* of risk to the civil role of journalism (Figure 1. (2)) or detectable expressions of risk that occur in a given societal setting. Such manifestations essentially describe the nature of risk to the civil role of journalism and function as indicators of the civil diminishment of journalism but also of the civil sphere more widely (see Figure 1 (2) 'indicators of civil diminishment' which indicate the diminishment of the civil standing of journalism (its civil role) and of the civil sphere). The reasoning behind using risk to the civil role of journalism to indicate civil diminishment was developed in Chapter 4. It can however be briefly repeated here that the essential role played by journalism for robust and inclusive civil life means that when journalism is attacked so is the very essence of the civil sphere as a facilitator of civilising and democratic sustainability. Accordingly, effectuated risk against journalism will indicate the diminishment of civil associative and communicative life. Obviously, any diminishment of civil life will also create conditions of risk to journalism, as indicated by the double-headed-arrow in Figure 1 between the two boxes 'risk to civil role of journalism' and 'occurrences of civil diminishment'. The intention here is however not necessarily to determine a relationship of directional causality but rather to create a disaggregated approach through the risk profile that allows for the examination of these kinds of interrelationships. In fact, understanding

the circumstances under which the civil sphere and intra civil sphere relationship between journalism as a civil institution and other institutions and circumstances within the civil sphere places journalism at risk is captured (for example by including the civil institution of law in the analytical framework) through the risk profile's multilevel analytical approach. As will be shown in more detail in Section 5.2 where the levels of risk analysis of the risk profile will be outlined in greater detail, risk to the civil role of journalism will be assessed through a set of indicators of civil diminishment. These indicators will identify the nature of risk posed to journalism via forms of anti-civil influence that jeopardise the standing of the civil institution of journalism and the standing of the civil sphere. As explained in Chapter 4 this indicates the diminishment of the civil ideal since the ability of both journalism and the civil sphere to foster and uphold civil solidary and inclusive values, is compromised.

Turning to the dimension of *consequence* of risk (at Figure 1 (3)) this is captured conceptually in the risk profile. In fact, the understanding of civil diminishment as a consequence of risk to journalism is the key conceptual contribution of the thesis. This conceptual rationale is what gives the risk profile analytical direction and determines how causes and manifestations of risk should be framed and subsequently assessed. This understanding of civil diminishment as a consequence of risk to journalism is also what makes it possible to fulfil the holistic requirement to comprehensively understand risk to journalism as a complex and multidimensional problem. To arrive at a disaggregated and holistic understanding of civil diminishment, including its nature and extent it is however first necessary to profile the causes and manifestations of risk to the civil role of journalism. Providing a roadmap to disaggregate causes and manifestations of risk within societal contexts is ultimately what the journalism risk profile developed in this chapter does.

As a point of clarification, the consequence of risk is conceptually understood and empirically pointed to through indicators of civil diminishment (via the overarching dimension of manifestations of risk (Figure 1(2)) in the risk profile. These indicators allow for a basic understanding of the nature of civil diminishment in a given societal context. To empirically assess the civil diminishment of journalism within a societal context will ultimately require that various types of analysis of the indicators of civil diminishment at the different levels of analysis (macro, meso and micro) are carried out. Such analysis could for

instance identify what types of civil diminishment occur in various societal contexts and the varying degree of severity of such civil diminishment as well as their different societal implications. For the purposes of this thesis however, such empirical analysis of the occurrence of civil diminishment (Figure 1(3)) lies beyond the constraints of the thesis. The reasons for this will be elaborated upon further but can be explained briefly here as related to the fact that this type of analysis would require extensive testing and the gathering of data that is not readily available. This means that conclusions with regards to the nature and impact of specific forms and combinations of civil diminishment via risk to journalism, as they occur within a given socio-political-economic-cultural context, will not be drawn here.

It is nevertheless important to recognise that this analytical step is an important part of an empirical assessment aiming to systematically examine the occurrence of civil diminishment across different societal settings for the purpose of for instance finding out whether the same types of risk to journalism have different impact in terms of civil diminishment in different types of societal contexts. This step of empirically assessing civil diminishment as a consequence of risk to journalism is therefore included as step 3 in Figure 1 as a way to point to the potential usage and areas of future development for the risk profile.

To arrive at an understanding of how civil diminishment plays out in real societal contexts, and in order to start to build a profile of risk it is first necessary that the two dimensions of risk 'causes and manifestations' are fully mapped and assessed. Since it is in this way that we begin to understand indicators of civil diminishment. Once systematically mapped and understood, the indicators of civil diminishment describe the nature of the occurrence of risk to the civil role of journalism in any given societal context.

Beginning with the causes and manifestations of risk thus provides the analytical basis for building a holistic risk profile (see Section 5.2). To understand how this is the case Table 9 shows a two-step process that links Step 1 which allows for a disaggregated mapping of risk to journalism as indicators of civil diminishment with Step 2 which shows how the occurrence of civil diminishment can be empirically assessed through a process of reaggregating various levels of risk analysis.

Table 9. The process of mapping risk to the civil role of journalism and analysing civil diminishment

| Step 1. Mapping risk to journalism as indicators of civil diminishment through a process of disaggregation | Step 2. Analysing the occurrence of civil diminishment through a process of reaggregation |
|---|--|
| Mapping macro levels of risk to the civil standing of journalism and the civil sphere and indicators of civil diminishment. | Compositing different levels of risk analysis to understand the nature and scope of the civil diminishment of journalism and the civil sphere. |
| Mapping meso levels of risk to the civil standing of journalism and the civil sphere and indicators of civil diminishment. | |
| Mapping micro levels of risk to the civil standing of journalism and the civil sphere indicators of civil diminishment. | |

Step 1 captures the essence of and what constitutes the risk profile proposed in this thesis as a conceptual framework for understanding risk to journalism in as expressions of civil diminishment. This step entails the identification and mapping of risk to the civil standing of journalism and the civil sphere by identifying indicators of civil diminishment. In this way, Step 1 addresses the need for a holistic understanding of risk and current data limitations through a process of disaggregation and systematisation. This is achieved first through the understanding of risk to journalism as multidimensional and as necessitating a multi-level analysis on the macro, meso and micro levels of risk analysis. Importantly, it also addresses the problem of lack of conceptual grounding that existing approaches that seek to assess risk to journalism suffer from and which was identified in Chapter 2. Indeed, framing the process of disaggregating risk to journalism through a conceptual understanding of civil diminishment steers the analytical assessment of risk by establishing *why* risk should be measured as attacks on the civil role of journalism and by establishing what such risk *means* in terms of wider impact of civil diminishment. In this way, the risk profile as captured in Step 1 guides the data gathering, empirical analysis and subsequent interpretation of findings through the framework of civil diminishment. Therefore, the risk profile, as opposed to the assessment approaches reviewed in Chapter 2 (FH, RSF etcetera) allows for the recording of risk to journalism in a manner that not merely records *the fact that* certain types of risk occur (for instances that lethal aggressions on journalists take place in a country). The risk profile does allow for such information to be recorded but provides a framework for making sense of factual observations through the conceptual approach of civil diminishment. This can be understood in relation to Giddens view on the task of

sociology as not merely being to collect facts to '*show[...] how things occur*' (2009: 10), but rather to focus on making sense of factual observations by introducing a theory of knowledge that makes it possible to '*explain the complexity of societies*' (2009: 11). In the case developed in this thesis, the conceptual framing of risk to journalism through the notion of civil diminishment provides such theoretical guidance with regards to *how the complexity* of problems of risk to journalism needs to be understood and what to look for when collecting data on such risk, including also a means for interpreting any findings. In short, the risk profile develops a theoretical basis for a comprehensive understanding of risk to journalism. By developing this conceptual understanding of risk and combining it with a methodological demand for holism, the thesis is also able to begin addressing existing empirical limitations. Whereas the approaches reviewed in Chapter 2 were revealed to either provide data that is too high-level for the purpose arriving at a comprehensive understanding of problems of risk (for instance generic and descriptive accounts based on FH's and RSF's assessments), or to provide data that is too specific and narrow to provide any understanding of how a specific manifestation of risk can be understood and analysed in relation to contextual factors and causes (such approaches for instance include the statistical data counting how many times a specific safety violation has occurred looked at in Chapter 2). As shown, and discussed above with regards to the introduction of three dimensions of risk through causes, manifestations and consequences, the empirical contribution of the risk profile in comparison to existing frameworks is that it uses a disaggregated and multidimensional understanding of the problem of risk as the very starting point for breaking it down into its component parts. It is thus not the assumed manifestations of risk (for instance threats to what is presumed but not conceptually defined to be an enabling environment for free and independent journalism) and the process of identifying them that is the focus of this approach (as arguably is the approach taken by existing indices) but rather to disaggregating the problem of risk itself. This disaggregation of risk to journalism into three dimensions is then developed further through the introduction of a multilevel analysis of risk through the macro, meso and micro levels (see 5.2 for further elaboration upon what this multidimensional analysis looks like) as framed through the understanding of the interrelationships and institutional infrastructure of the social spheres as developed in Civil Sphere Theory. This again, introduces not only a practical-methodological disaggregated approach to understanding the environment of social spheres within which journalism is

practiced, but introduces a theoretically based conceptual understanding of how these spheres interact and influence each other (through boundary maintenance producing forms of anti-civil intrusion and civil resistance) as a means to understand how risk to journalism (expressions of anti-civil power) occurs. In comparison with the reviewed indices, including the FH index, which does identify risk to journalism produced by the political, economic and legal environments, the approach undertaken here is not simply to describe that risk is produced by these spheres of influence, but how to make sense of and interpret why and the ways in which such risk occurs. Another important contribution of the risk profile is that journalism itself, as a civil institution is included in the framework and understood both as being exposed to diminishment through expressions of anti-civil power as well as potentially producing anti-civil influence and outcomes itself. As shown in the review, journalism itself is currently not systematically scrutinised in this way in existing assessment frameworks.

Whereas Step 1 and the risk profile understands the consequence of risk to journalism in terms of forms of civil diminishment in a conceptual sense, Step 2 of the analytical process (which follows on from having completed Step 1 and the risk profile) has been included here to illustrate how the risk profile can be developed in terms of future research to achieve the empirical analysis of the specifics of occurrences of civil diminishment within and across societal contexts in more depth and for comparative purposes. For this purpose, the information disaggregated in the risk profile can be reaggregated and composited in various constellations to understand how interactions and relationships between the various social spheres and levels of analysis can be understood to produce specific types and varying degrees of civil diminishment in different societal contexts. Step 2 will be discussed further in Section 5.3 and the concluding chapter of this thesis (Chapter 6) where the potential for future research will be discussed. Another limitation that the risk profile addresses in comparison with the approaches to risk reviewed in Chapter 2 is that indices such as those produced by FH and RSF arrive at this second step of data reaggregation and production of high-level descriptions and rankings of country contexts without first going through a process of rigorous data disaggregation. This causes a lack of methodological transparency which makes it difficult to use existing data for systematic analysis of patterns and trends. The risk profile seeks to redress this problem through careful breakdown of conceptually grounded analytical categories.

Having explained the components of the risk profile (Figure 1) as well as the analytical approach to risk as facilitated by a conception of civil diminishment (Table 9), the thesis will now turn to describing how the risk profile will enable the identification and systematic mapping of the causes and manifestations of risk to the civil role of journalism that reveal the nature and specific character of civil diminishment as a particular consequence of occurrences of patterns of risk as they appear with a societal setting.

First, the mapping of causes of risk in the form of expressions of anti-civil power on the macro, meso and micro levels of analysis, developed in Chapter 2, is a solution to the problem of achieving comprehensive understanding of risk against the background of the following problems that this thesis has so far identified with current approaches:

- a) The need to move beyond focusing on the mere manifestations of risk (for instance by only recording instances of violations of the safety of the individual journalist) by redirecting the analytical focus toward explaining *why* risk to journalism occurs and not simply *that* it occurs and *how*.
- b) The need to examine and unpack circumstances and environments that produce risk to journalism through further disaggregation of causes of risk to journalism. This was proposed to be undertaken in relation to the key institutions and actors of society, namely the state, the market, the law and civil society, including also the institution and practice of journalism itself.
- c) The need to examine risk factors endogenous to the institution and practice of journalism as part of a risk assessment.

Secondly, whereas Chapter 2 pointed toward the benefit of a multilevel sociological methodological approach to the macro, meso and micro levels of analysis for achieving holistic and relational assessment of risk, the approach at that stage remained underdeveloped in the sense that it was not able to provide a conceptual rationale for connecting causes, manifestations and the consequence of risk.

By turning to Civil Sphere Theory it was subsequently shown that capturing the value and wider significance of journalism to societies through the civil role of journalism and its

contribution to democratic civil life made it possible to establish a conceptual rationale for ultimately understanding civil diminishment as capturing the consequence of risk to journalism.

In this way, the risk profile consists of a multilevel analytical framework that can be used to map and observe actual societal contexts with regards to the set of circumstances that create restrictions on journalism so that its capacity to fulfil its civil role is limited or even destroyed. Or in other words, the risk profile allows for the examination of the features of the circumstances journalism finds itself in that can be described as inimical to it and that facilitates civil diminishment (of journalism and subsequently the civil sphere).

Thirdly, merging the methodological and conceptual analysis carried out throughout this thesis in this way therefore facilitates the identification and systematic observation of the features of the societal contexts hostile to journalism and the nature of the attacks directed at journalism.

The argument here is thus that risk to journalism operates via these macro, meso and micro levels while also being interrelated across these three levels of analysis. Merely considering one level of analysis without the others does not lead to an understanding of the true nature of the multiple ways assaults on journalism are carried out. While the three levels of analysis obviously overlap in real societies (see 5.3 below)², their analytical separation facilitates the creation of a framework that allows for the systematic identification and examination of risk to journalism as an indicator of civil diminishment while also allowing for the study of how risk to journalism at the various levels of analysis interacts and what types of risk to journalism occur under certain societal circumstances. The three levels of analysis are thus central to developing the proposed risk profile because they facilitate the systematic mapping and analytical disaggregation of the standing of the civil sphere and journalism in relation to the exercise of anti-civil power (causes of risk) within and through the interaction between the civil and non-civil spheres.

What is now required is a more sophisticated and systematic disaggregation and identification of these causes of risk to journalism and the manifestations of risk understood

to indicate the civil diminishment of the civil standing of journalism and the civil sphere in a given societal and geographical setting.

5.2 Developing a risk profile of journalism to indicate civil diminishment

Having established the multilevel analytical framework for the risk profile this section will now move on to the development of the risk profile itself which will allow for the identification of risk to journalism as a multidimensional problem in different societal contexts. It will also enable the mapping of the set of circumstances that create the civil diminishment of the civil sphere itself as a consequence of restrictions and constraints placed upon the civil role of journalism.

The risk profile will be assembled through the identification of causes and manifestations of risk at the macro, meso and micro levels that may affect any type of societal context in terms of challenging or threatening the civil standing of journalism and the civil sphere, and taken together ultimately indicate civil diminishment.

Before outlining in more detail what the risk profile actually looks like and how it captures the various dimensions of risk and levels of analysis, the thesis will first clarify how the work conducted and the evidence developed in this thesis are used to inform the content and composition of the risk profile below in terms of capturing civil diminishment through the causes and manifestations of risk to the civil role of journalism. This will be explained in relation to how the theoretical development of the concept of civil diminishment in Chapter 4 (particularly in Sections 4.1.1 and 4.1.2) informs the risk profile and how the empirical data analysis in Chapters 1 -2 has guided the identification of causes and manifestations.

To take these in turn. The theoretical and conceptual rationale for understanding causes and manifestations of risk in the risk profile is informed by what was previously described as a binary approach to contrasting civil ideals with their civil diminishment. This understanding of *'the relationship between universalism and particularism (...) as a condition that determines the status of civil society itself'* as developed by Alexander (2006: 53) allows for the dichotomous relationship between categories of *'symbolic purity and impurity'* (ibid., 55)

to be contrasted and translated here into an understanding of the circumstances that produces risk to journalism as generating forms of civil diminishment. Categories of symbolic expression of civil ideals are thus to be understood as aspiring to universalising solidarity and democratic self-determination (on this see for instance reference to Dahl (1971) on the 'all affected principle' in Section 3.1.1) and as acknowledging values such as the rule of law, justice, equality, inclusivity, liberty and non-domination. These can then be contrasted with their anti-civil counterpart including the notions of injustice, inequality, hierarchy, exclusion and domination. This dichotomous language contrasting the civil and anti-civil has been applied to identify and understand both causes and manifestations of risk to journalism and capture the problem of civil diminishment. The causes of risk are thus captured through expressions of anti-civil power, such as hierarchical and exclusionary policies or other forms of domination being exerted upon the associative and communicative conditions of civil life. Linking the causes of risk to a judgement as to whether power is anti-civil/illegitimate in this way allows for a more nuanced approach to analysing for instance both state and market influence on the civil role of journalism and justifying that judgement rather than assuming for instance that market influence on or state regulation of journalism are axiomatically detrimental (although they might very well be) (see the contrasting views of Benson and Alexander in Section 4.2). This way of building a conceptual rationale for understanding the causes of risk also allows for a more sophisticated understanding of the manifestations of such risk because they are linked to an understanding of the wider significance of risk as occasioning civil diminishment. This makes it possible to understand for instance a killing of journalist as caused by various forms of anti-civil power being generated for instance by the state (macro level) and the law (meso level) while representing the manifestation of that killing not simply as indicating consequences for the individual journalist whose fundamental rights are violated (which is what the reviewed approaches in Chapter 2 do), but in terms manifestations of risk simultaneously disaggregated into indicators of civil diminishment at the macro, meso and micro levels for the purpose of understanding the specifics of how civil associative and communicative life is endangered. The risk profile thus enables a much more precise description and analysis of societal contexts than approaches that simply record the manifestation of risk (such as a killing) and then understand that manifestation in a generic way to harm democracy without explaining how and why.

The second point with regards to how evidence developed in this thesis has informed the building of the risk profile concerns the way in which the risk profile draws upon the review and gaps analysis of literature (grey, legal and academic in Chapter 1) and the indices and data approaches to risk (Chapter 2). These reviews can be described as capturing common practice with regards to how risk to journalism is currently assessed and as explained the risk profile seeks to address identified limitations with those approaches. However, for the purpose of facilitating the practical usage of the risk profile it is also important that it is developed in conversation with established and conventional methods of measurement when it comes to the types of variables and categories of information recorded when seeking to assess dimensions of social, economic and political life as well as risk to journalism. The adoption of Alexander's categorical understanding of the polarities of civil virtue (values such as the rule of law, justice, equality, inclusivity, liberty and non-domination) and civil vice (expressions of injustice, inequality, hierarchy, exclusion and domination) facilitates the framing of conventional indicators and variables used to assess socio-political-economic circumstances in terms of the framework of civil diminishment and allows for the identification of causes and manifestations of risk at the macro, meso and micro level of analysis.³ Overall, the risk profile can be described to amalgamate the empirical, conceptual and theoretical work carried out in the previous chapters into an analytical framework, which is called a journalism risk profile.

Table 10 outlines the risk profile that captures generic risk to the civil sphere and specific risk to the civil role of journalism by identifying causes and manifestations of risk in terms of capturing the anti-civil conditions and dimensions of exercise of anti-civil power on the civil sphere. Outlining the three levels of sociological analysis (macro, meso and micro), Table 10 represents the holistic approach to map and subsequently analyse risk to journalism as one form of civil diminishment that impedes civil life. In effect, the table is the outcome of the preceding analysis. Given this, it is important to provide a detailed account of the table below.

Table 10. A risk profile of journalism and the civil sphere

| 1. Level of Analysis | | 2. Causes of risk through the exercise of anti-civil power on the associative and communicative conditions of civil life | 3. Manifestations of risk: indicators of civil diminishment of the civil sphere | 4. Manifestations of risk: indicators of diminishment of the civil role of journalism |
|--|--------|--|--|--|
| Macro - structural inter-sphere relationships | State | Anti-civil state power compromises the standing of the civil sphere. In exercising such power the state disregards or does not have the capacity to uphold the civil principle of justification. Consequently, the state loses legitimacy as it is unwilling, or unable, to conduct itself in ways that foster civil ideals supporting democratic self-determination. | Anti-civil state power renders the civil sphere fragile by compromising its capacity to facilitate associative and communicative inclusion as essential for enabling democratic self-determination. Consequently, the civil sphere loses its capacity to function as the sphere of justification. | Anti-civil state power renders the civil role of journalism fragile by compromising its capacity to carry out civil mediation and to support the discursive base of the civil sphere. Consequently, the civil institution of journalism loses its capacity to produce civil discourse oriented towards the ideal of universalising inclusion and the criterion of justification. |
| | Market | Anti-civil market power compromises the standing of the civil sphere. In exercising such power the market disregards or does not have the capacity to uphold the civil principle of justification. Consequently, the market loses legitimacy as it is unwilling, or unable, to conduct itself in ways that foster civil ideals supporting democratic self-determination. | Anti-civil market power renders the civil sphere fragile by compromising the capacity of the civil sphere to facilitate associational and communicative inclusion as essential for supporting democratic self-determination. Consequently, the civil sphere loses its capacity to function as the sphere of justification. | Anti-civil market power renders the civil role of journalism fragile by compromising its capacity to carry out civil mediation (of civil and non-civil relationships) and to support the discursive base of the civil sphere. Consequently, the civil institution of journalism loses its capacity to produce civil discourse oriented towards the ideal of universalising inclusion and the criterion of justification. |
| Meso - institutional intra-sphere | Law | Anti-civil legal power compromises the standing of the civil | Anti-civil legal power renders the civil sphere fragile by | Anti-civil legal power renders the civil role of journalism fragile by |

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| relationships | | <p>sphere. In exercising or being used to exercise such power, the civil institution of law disregards or does not have the capacity to uphold the civil principle of justification. Consequently, the law loses civil legitimacy as it is unwilling, or unable, to operate and conduct itself in ways that foster civil ideals supporting justice and democratic self-determination.</p> | <p>compromising the capacity of the civil sphere to facilitate associational and communicative inclusion as essential for supporting justice and democratic self-determination. Consequently, the civil sphere loses its capacity to function as the sphere of justification and the legitimate legal base of civil life is undermined and distorted.</p> | <p>compromising its capacity to carry out civil mediation (of civil and non-civil relationships) and to support the discursive base of the civil sphere. Consequently, the civil institution of journalism loses its capacity to produce civil discourse oriented towards the ideal of universalising inclusion and the criterion of justification.</p> |
| | Journalism/ Communicative circumstances | <p>Anti-civil power prevents journalism from undertaking its civil role and anti-civil power is promoted by journalism who rejects its civil role. Both compromise the standing of the civil sphere. In exercising or being used to exercise such anti-civil power the civil institution of journalism disregards or does not have the capacity to uphold the civil principle of justification. Consequently, journalism loses civil legitimacy, as it is unwilling, or unable, to operate and conduct itself in ways that foster civil ideals supporting justice and democratic self-determination (civil role).</p> | <p>Anti-civil power renders the civil sphere fragile by compromising the capacity of the civil sphere to facilitate civil discourse for supporting democratic self-determination. Consequently, the civil sphere loses its capacity to function as the sphere of justification and the discursive base of civil life is undermined and distorted.</p> | <p>Anti-civil power renders the civil role of journalism fragile by compromising its capacity to carry out civil mediation (of civil and non-civil relationships) and to support the discursive base of the civil sphere. Consequently, the civil institution of journalism loses its capacity to produce civil discourse oriented towards the ideal of universalising inclusion and the criterion of justification.</p> |
| Micro-individual intra-sphere relationships | Journalist | <p>Anti-civil power prevents a journalist from undertaking their civil role and anti-civil power is promoted by individual journalists who reject their civil role. Both compromise the standing of the civil</p> | <p>Anti-civil power renders the civil sphere fragile by compromising the capacity of the civil sphere to facilitate civil discourse for supporting democratic self-determination.</p> | <p>Anti-civil power renders the civil role of journalism fragile by compromising its capacity to carry out civil mediation and to support the discursive base of the civil sphere. Consequently, the</p> |

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| | | <p>sphere. Through the exercise of such anti-civil power, with disregard of the civil principle of justification, the integrity and autonomy of the individual journalist is compromised. Consequently, the individual journalist loses their civil capacity as they are unwilling, or unable, to operate and conduct themselves in ways that foster civil ideals supporting justice and democratic self-determination (civil role).</p> | <p>Consequently, the civil sphere loses its capacity to function as the sphere of justification and the discursive base of civil life is undermined and distorted.</p> | <p>individual journalist loses their capacity to produce civil discourse oriented towards the ideal of universalising inclusion and the criterion of justification.</p> |
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Column 1 of Table 10 identifies the three levels of risk analysis that are included in the risk profile. As previously explained these include the macro, meso and micro level of analysis and they represent the standard sociological accounts of the differences between structure, institutions and agency. At the macro level the non-civil spheres of state and market are included and with regards to the civil sphere itself, the meso level includes the law and journalism whereas the micro level covers risk to the agency of the individual journalist.⁴ For the purpose of mapping and analysing the three levels of risk these are to be applied to a societal and civil context of interest. This would entail analysing a geographical area such as a country, a region or a sub-national state with regards to the types of risks that exist at each level of analysis.

Column 2 identifies the anti-civil conditions of the exercise of anti-civil power on the civil sphere and the failure to uphold the civil principle of justification (rejection of civil ideals). This column identifies the causes of risk to journalism in terms of the anti-civil conditions at each level of analysis that threaten the associative and communicative standing of civil life. Following the understanding of the relational infrastructure (boundary maintenance) of the civil and non-civil sphere the exercise of anti-civil power can be understood through the lens of inter-sphere contestation as external domination of the civil sphere by the non-civil spheres, and accordingly as internal domination of the civil sphere and journalism through

intra sphere contestation. These causes, understood in terms of the anti-civil exercise of power produce risk to the civil sphere (Column 3) and to the civil role of journalism (Column 4). Column 3 and 4 thus capture the manifestation or expression of risk as caused by anti-civil interference. Column 3 and 4 therefore specify how anti-civil conditions exist in the form of certain types of risk that threaten to diminish the civil sphere and the civil role of journalism. Risk here is understood in terms of factors that may render the civil standing of the civil sphere and journalism fragile by restricting or dominating their commitment and capacity to uphold civil ideals. When such risk factors are mapped (identified in a specific societal context) they function as indicators of civil diminishment.

In short, the manifestations of risk captured by indicators of civil diminishment in Column 3 and 4 should be understood as facilitating the identification of the ways in which civil ideals are compromised and how as a consequence various forms of civil diminishment may occur (see Table 8 in Section 4.3 for the juxtaposition of the civil ideal and civil diminishment).

This refers to: the degree of independence journalism has in the civil sphere and the freedom and independence it enjoys from the influence and aims of the non-civil spheres; the capacity it has within the civil sphere itself to pursue its own civil ideals and uphold its integrity; and, finally the quality of professional life and the autonomy experienced by the journalist in pursuit of their civil role.

The entirety of these concerns can be broken down into the following Civil Sphere Theory levels of analysis a) inter-sphere contestation b) intra-sphere contestation and c) freedom in the form of personal autonomy and individual level agency.

These levels also correspond to and reflect the process of boundary negotiation between the macro, meso and micro levels of analysis and cover the context in which the civil and normative standing of journalism are determined. In short, they determine how capable journalism is when it comes to undertaking its civil role and what, if any, (civil) values it holds itself accountable to.

In order to explain the holistic and summative approach of Table 10 above and to justify the fact that risk to journalism should be explained at three levels of analysis, it is now necessary to disaggregate Table 10 into its respective level of analysis to show what is required to be observed at the macro, meso and micro levels.⁵ What follows is an account of the particular levels and societal features that need to be examined in order for an understanding of civil diminishment to be reached.

5.2.1 Macro level of risk analysis

The macro level of analysis in Table 10 focuses on what is ultimately a series of anti-civil forms of contestations and intrusive behaviours by state and market influencing the civil sphere. The aim here is thus to establish a risk profile checklist that is able to facilitate the study of how universalistic aspirations and particularistic manifestations of real civil societies can be analysed through the examination of the anti-civil influences of the non-civil spheres on the civil sphere and journalism. Linking back to Alexander's (2006: 33) understanding of the ideal civil sphere as a sphere of justification '*that makes a clear and decisive reference to the common good in a democratic way*' therefore facilitates the evaluation of the non-civil spheres in relation to the extent to which they uphold the principle of justification⁶ and consequently the civil ideal. In this way, a distinctly civil approach to risk to the civil sphere and journalism is developed.⁷ The macro level in Column 1 is concerned with mapping the degree of influence the two non-civil spheres of state and market have over journalism and the civil sphere. It is thus ultimately concerned with what different types of systemic pressures are exerted on journalism in civil societies in different societal and civil settings and how these can be understood. Such pressures are influenced by global, regional, national and local trends that provide a basis for a general understanding of the environment within which journalism is practised. Macro level pressures thus represent forms of anti-civil power-exercise by the non-civil spheres on the civil sphere and journalism. As previously explained such exercise of anti-civil power can be understood in terms of external intrusions (see Section 4.1.3) into the civil sphere or as forms of domination of the civil sphere by the non-civil spheres. Consequently, if the non-civil spheres are unwilling or unable to conduct themselves in ways that foster civil ideals and thus in accordance with the principle of justification they exercise anti-civil power on the civil sphere and journalism

through forms of external domination. At the macro level of analysis the nature of such anti-civil power can be mapped to capture the inter-sphere relationships between the civil sphere and non-civil spheres of state and market and their impact on journalism. The aim of this level of analysis is to be able to assess to what extent the state and economy do or do not contribute towards fostering the ideal of associative and communicative inclusion in the civil sphere. Or to explore the ways in which *[t]here is built into politically and commercially inspired anti-civil values a hostility towards the value of accurate and sincere news journalism or a public service ethos in news reporting'* (Harrison, 2019, Chapter 3, 27). The concern here is thus to identify the extent to which the non-civil spheres produce circumstances that may have anti-civil outcomes in terms of producing risk to the civil role of journalism and the normative ideal of the civil sphere. Such risk may then indicate the diminishment of the civil standing of journalism as well as the civil sphere.

The State

Column 2: the exercise of anti-civil state power on the associative and communicative conditions of civil life

Column 2 of Table 10 for the macro level captures the conditions under which state power and influence are exercised under anti-civil conditions that produce various forms of risk to the civil sphere and journalism. Here, the state and state functions such as co-ordination, regulation, and administration of society wide plans and policies are evaluated in relation to the extent to which the state acts as a key determinant of the civil standing and functioning of civil societies. On the one hand, the state is essential to the civil sphere when it comes to producing the resources, forms of social control and the protection of human dignity and freedom upon which civil society depends for its existence.⁸ On the other hand the state also has features of anti-civil exercise of power. The exercise of anti-civil state power runs contrary to the principle of justification and the ideal of democratic self-determination which aims to ensure that the state is held accountable through processes of public monitoring and influence. In exercising such anti-civil power the state thus loses legitimacy since the public cannot ensure that their interests are being cared for. In fact, the criterion of justification provides *'the basis of very real differences in the way in which power [is] exercised'*.⁹

This is nowhere more clear than in Dewey's understanding of an inclusive state as facilitating *'the organization of the public effected through officials for the protection of the interests shared by its members'* (Dewey, 1954: 33). This provides a clear link to the all affected principle as a legitimising rationale and as a means as expressed by Dewey to provide a conceptual *'criterion for determining how good a particular state is: namely, the degree of organization of the public which is attained, and the degree in which its officers are so constituted as to perform their function of caring for public interests'* (ibid.). This understanding of the core normative function of the legitimate and inclusive state to care for the public interest provides a rationale for understanding the justification of the exercise of state power in relation the universalising solidarising ideal of the civil sphere, which aims to facilitate the expression of public interest. Conditions of anti-civil exercise of state power can therefore be described, for instance through the aspects of arbitrary and non-accountable forms of governance that restrict and control critical input from and interaction with the civil sphere and associational and communicative civil life and gives rise to various forms of exclusion and societal fragmentation. With regards to the civil role of journalism Harrison (2019, Chapter 3, 6) understands *'[t]he exercise of political power'* to range *'from suppression of free and independent news media with impunity to undue editorial influence and agenda setting, to the active collusion of a news organisation in their support of the politically powerful'*. In addition to identifying anti-civil forms of power abuse by the state, anti-civil influence by the state can also be understood to occur due to the fact that the state does not have the capacity to govern in a way that upholds civil ideals, for instance due to being unable to reduce social conflict and effectively manage organised crime.¹⁰ The point here is to observe the extent to which the anti-civil forces of the state are diminishing the civil sphere via its relationship to journalism. This can be done by following the checklist below which outlines the features of anti-civil state power by identifying the extent to which state power adheres to the principle of justification and thus supports civil ideals.

The following checklist shows the features that state anti-civil power takes:

- Arbitrary use and abuse of influence and coercive power by state authorities and state representatives
- Disregard for and repression of rule of law leads to lack of state accountability

- The state is not responsive to the will, expectations and needs of its citizens and does not value and encourage interaction and exchange with civil society
- Unelected hierarchical power holders including e.g. forms of dictatorial, personal and dynastic power-structures
- Declining institutional forbearance (weakening of the separation of power)
- Lack of political transparency and excessive secrecy leading e.g. to the misuse of national security considerations and the corruption of public office
- Repression of opposition and crackdowns on protests
- Prevention of public scrutiny and criticism
- Non-observance of principles of non-interference, protection and effective implementation of human and civil rights e.g. through:
 - Assaults on human and civil rights by the state, agents of the state or non-state actors
 - Suspension of human and civil rights
- Sectarian bonds of loyalty including fractions that are populist, nativist or partisan sentiment permeate society
- Exclusionary politics which leads to the exclusion of certain groups through the systematic use of disesteem, discrimination and inequalities
- State policies are guided by particularistic rather than universalistic and society-wide concerns
- The information environment is controlled for political purposes and the free flow of information is controlled
- The state closes down spaces for contestation
- State unable to provide its citizens with basic life chances and to transform the concerns of citizens into effective political decisions and policy
 - Poverty, declining economic development
 - The state is unable to regulate market-state relationships in ways that serve the common good and reduce financial inequalities
 - Unequal access to public services
 - Class antagonism
- State unable to maintain monopoly over violence as reflected for example by:
 - Struggle for political power: civil wars, armed conflict and division
 - Widespread crime and organised crime challenging the state

Column 3: manifestations of state risk: indicators of civil diminishment of the civil sphere

Column 3 is concerned with state power in terms of the way it threatens to render the civil sphere fragile by compromising its capacity to facilitate associative and communicative inclusion as an essential condition for enabling democratic self-determination. As a consequence of anti-civil state power, the civil sphere loses its capacity to function as the sphere of communicative and associative justification. This is indicative of civil diminishment occurring. To understand how such risk is effectuated and manifest in ways contrary to the principle of justification it is necessary to translate the types of anti-civil risks posed by the

state to the standing of the civil sphere into how they are manifest in real observable situations. Column 3 therefore captures how exclusionary and non-solidarising anti-civil values as exercised by the state permeate and dominate the civil sphere. In terms of anti-civil state power over the civil sphere, risk is manifest through various political conditions that can be described broadly as preventing the civil sphere from functioning as a system of public contestation and monitoring of political power that facilitates public input and checks on government actions.

The following checklist shows the manifestations of state risk to the civil sphere through indicators of civil diminishment:

- The civil sphere cannot influence and negotiate the exercise of anti-civil state power through association and communication as a means to achieve just outcomes
- The civil sphere cannot function as a system of public monitoring of and checks on political power and government actions (submission to political power)
- The civil sphere cannot function as a space where the relationship between the state and the citizens can be negotiated and renegotiated e.g. by facilitating the representation of citizens' interests, needs and expectations, enabling political reform and the creation of a reciprocal 'social contract' between the state and its citizens
- Members of civil society are subjects of state power rather than citizens having the capacity for self-determination
- The civil sphere becomes unable to handle social conflict peacefully through means of communication and association
- The non-observance or suspension of human and civil rights including the rights to opinion, expression, association, peaceful assembly, access to public information, and principles such as non-discrimination in disregard of international standards restricts the capacity of the civil sphere to facilitate universalising inclusion
- Political participation is conditioned and restricted (not universal)
- Citizens and/or certain groups in society become excluded from informal ways of asserting political influence
- Restrictions on civil discourse and association leads to polarising discourse / anti-civil discourse
- Political, social and economic inequalities fragment the universalising and inclusionary ideal of civil life
- The state uses the law and legal system as a means of influence, coercion and domination rather than as tool for justice
- Delegitimization and stigmatisation of civil society activities and actors
- Online and offline spaces for contestation are closed down
- Social inequalities disrupt the universalising ideal of the civil sphere
- Social conflict and violence break down the universalising inclusionary ideal of civil life

Column 4: manifestations of state risk: indicators of civil diminishment of the civil role of journalism

In Column 4 the emphasis is upon the particularity of the effects of anti-civil state forces on the civil role and subsequent diminishment of journalism. That is, the extent to which the state requires journalism to serve particular political aims through various means of coercion or simply prevents journalistic practice from being undertaken. Here, state power seeks to undermine the inter-sphere arrangements that support journalistic independence as well as professional and editorial integrity. In effect, state power seeks to undermine the civil role of journalism through domination. As a consequence, the civil institution of journalism loses its capacity to produce civil discourse and engage in civil mediation oriented towards the ideal of universalising inclusion and the criterion of justification. In short, the civil role of journalism is diminished. Such risk is manifest through conditions of influence of anti-civil state power including for instance the control and censorship of journalistic practice, production, content and professional standards and the monopolisation of the media. Other such circumstances include forms of state sponsored assault as well as cases where the state is unable to protect journalists, prevent crimes against journalists from taking place (for example from agents of the state, and non-state actors such as criminal groups and the public) and effectively prosecute such crimes.¹¹

The following checklist shows the manifestations of state risk to the civil role of journalism through indicators of civil diminishment:

- Control and censorship of journalistic practice, production, content and professional standards
 - Media repression or oppression
 - Online and offline censorship
 - Censorship as prior restraint
 - Censorship post-publication
 - Media organisations forced to close down
 - State monopolisation and regulation of the media through the law
 - Lack of media pluralism and capacity to act as an opposition
 - Media organisations become partisan and take sides
 - Corruption in media organisation
- Assaults and targeted attacks on journalism and journalists
 - The state uses legal means to target journalism and journalists
 - Journalist labelled as non-citizens, traitors or terrorists

- State-sponsored violence and targeting journalists and journalism through physical and psychological attacks including killings, forms of intimidation, harassment, arbitrary detention and arrest and the use of impunity
- The state is unable to protect journalists, prevent crimes against journalists from taking place (e.g. from agents of the state, and non-state actors such as criminal groups and the public) and effectively prosecute such crimes
- Verbal attacks by political actors
- Use of surveillance of journalists
- Journalists seen as combatants and participants in conflict and crime
- The state is unable to regulate market pressures so as that they do not detrimentally influence journalism

Table 11. A risk profile of state domination of journalism and the civil sphere

| 1. Level of Analysis | | 2. Causes of risk through the exercise of anti-civil power on the associative and communicative conditions of civil life | 3. Manifestations of risk: indicators of civil diminishment of the civil sphere | 4. Manifestations of risk: indicators of diminishment of the civil role of journalism |
|----------------------|--------------|--|--|--|
| Macro level | State | <p>Anti-civil state power compromises the standing of the civil sphere. In exercising such power the state disregards or does not have the capacity to uphold the civil principle of justification. Consequently, the state loses legitimacy as it is unwilling, or unable, to conduct itself in ways that foster civil ideals supporting democratic self-determination.</p> <p>Conditions of anti-civil exercise of state power can be described accordingly:</p> <ul style="list-style-type: none"> • Arbitrary use and abuse of influence and coercive power by state authorities and state representatives • Disregard of and repression of rule of law leads to lack of state accountability • The state is not responsive to the will, expectations and needs of its citizens and does not value and encourage interaction and exchange with civil society • Unelected hierarchical power holders including e.g. forms of dictatorial, personal and dynastic power-structures • Declining institutional forbearance (weakening of the separation of power) • Lack of political transparency and excessive secrecy leading e.g. to the misuse of national security considerations and the corruption of | <p>Anti-civil state power renders the civil sphere fragile by compromising its capacity to facilitate associative and communicative inclusion as essential for enabling democratic self-determination. Consequently, the civil sphere loses its capacity to function as the sphere of justification.</p> <p>Such risk is manifest through the following conditions:</p> <ul style="list-style-type: none"> • The civil sphere cannot influence and negotiate the exercise of anti-civil state power through association and communication as a means to achieve just outcomes • The civil sphere cannot function as a system of public monitoring of and checks on political power and government actions (submission to political power) • The civil sphere cannot function as a space where the relationship between the state and the citizens can be negotiated and renegotiated e.g. by facilitating the representation of citizens' interests, needs and expectations, enabling political reform and the creation of a reciprocal 'social contract' between the state and its citizens • Members of civil society are subjects of state power rather than citizens having the capacity for self- | <p>Anti-civil state power renders the civil role of journalism fragile by compromising its capacity to carry out civil mediation and to support the discursive base of the civil sphere. Consequently, the civil institution of journalism loses its capacity to produce civil discourse oriented towards the ideal of universalising inclusion and the criterion of justification.</p> <p>Such risk is manifest through the following conditions:</p> <ul style="list-style-type: none"> • Control and censorship of journalistic practice, production, content and professional standards <ul style="list-style-type: none"> ○ Media repression or oppression ○ Online and offline censorship ○ Censorship as prior restraint ○ Censorship post publication ○ Media organisations forced to close down ○ State monopolisation and regulation of the media ○ Lack of media pluralism and capacity to act as an opposition ○ Media organisations become partisan and take sides ○ Corruption in media organisation • Assaults and targeted attacks on journalism and journalists <ul style="list-style-type: none"> ○ Journalist labelled as non-citizens, traitors or terrorists ○ State sponsored violence and targeting journalists and journalism |

| | | | |
|--|--|---|---|
| | <p>public office</p> <ul style="list-style-type: none"> • Repression of opposition and crackdowns on protests • Prevention of public scrutiny and criticism • Non-observance of principles of non-interference, protection and effective implementation of human and civil rights e.g. through: <ul style="list-style-type: none"> - Assaults on human and civil rights by the state, agents of the state or non-state actors - Suspension of human and civil rights • Sectarian bonds of loyalty including factions that are populist, nativist, or partisan sentiment permeate society • Exclusionary politics which leads to the exclusion of certain groups through the systematic use of disesteem, discrimination and inequalities • State policies are guided by particularistic rather than universalistic and society-wide concerns • The information environment is controlled for political purposes and the free flow of information is controlled • The state closes down spaces for | <p>determination</p> <ul style="list-style-type: none"> • The civil sphere becomes unable to handle social conflict peacefully through means of communication and association • The non-observance or suspension of human and civil rights including the rights to opinion, expression, association, peaceful assembly, access to public information, and principles such as non-discrimination in disregard of international standards restricts the capacity of the civil sphere to facilitate universalising inclusion • Political participation is conditioned and restricted (not universal) • Citizens and/or certain groups in society become excluded from informal ways of asserting political influence • Restrictions on civil discourse and association leads to polarising discourse / anti-civil discourse • Political, social and economic inequalities fragment the universalising and inclusionary ideal of civil life • The state uses the law and legal system as a means of influence, | <p>through physical and psychological attacks including killings, forms of intimidation, harassment, arbitrary detention and arrest and the use of impunity</p> <ul style="list-style-type: none"> o The state is unable to protect journalists, prevent crimes against journalists from taking place (e.g. from agents of the state, and non-state actors such as criminal groups and the public) and effectively prosecute such crimes o Verbal attacks by political actors o Use of surveillance of journalists o Journalists seen as combatants and participants in conflict and crime • The state is unable to regulate market pressures so that they do not detrimentally influence journalism |
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|--|--|--|---|--|
| | | <p>contestation</p> <ul style="list-style-type: none"> • State unable to provide its citizens with basic life chances and to transform the concerns of citizens into effective political decisions and policy o Poverty, declining economic development o The state is unable to regulate market –state relationships in ways that serve the common good and reduces financial inequalities o Unequal access to public services o Class antagonisms • State unable to maintain monopoly of violence as reflected e.g. by: <ul style="list-style-type: none"> o Struggle for political power: civil wars, armed conflict and division o Widespread crime and organised crime challenging the state | <p>coercion and domination rather than as tool for justice</p> <ul style="list-style-type: none"> • Delegitimisation and stigmatisation of civil society activities and actors • Online and offline spaces for contestation are closed downs • Social inequalities disrupt the universalising ideal of the civil sphere • Social conflict and violence break down the universalising inclusionary ideal of civil life | |
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The Market

Column 2: the exercise of anti-civil market power on the associative and communicative conditions of civil life

The market, as the second non-civil sphere, exists on the one hand as an essential sphere that provides societies with essential goods and services through functions of production, exchange and the accumulation and distribution of wealth and income. In this way, market power exists at the level at which it is regarded as an organised way for the conduct of social life. It emphasises individualism and the pursuit of market freedoms. On the one hand the market arguably has civilising qualities that overlap with the requirements of functioning civil societies. Indeed, Keane (2006: 28) argues that *[c]ivil societies and their market*

processes functionally require non-violence; money and the capacity for monetary calculation; the self-restraint of actors and their carefully defined self-love (otherwise known as sympathy); and a sense of level-headed responsibility for one's actions, even the expectation that a price must be paid for mistakes (...) neither civil society nor markets can function without the cultivated ability of actors to negotiate with strangers (...) to trust others, and to make sense together (as in the social identity formation that takes place through advertising-driven consumption of commodities).' However, markets also *'regularly spoil social interaction [,] stir up social competition and (...) reduce social pluralism; they vandalize the quest for social equality. The much-vaunted civilizing effects of markets are constrained, counter-balanced by uncivil effects'* including the generation of market failures, public bad, and *'socially destructive storms of technical innovation'* (ibid., 30). Market behaviour can thus also be described as the antithesis to civil life due to its well-recognised non-solidarising effects. Forms of anti-civil market power can therefore be linked in a general sense to the ways in which the life chances, needs and interests of the public are limited by the way that the market conducts itself by creating circumstances of economic deprivation, inequality and societal stratification and fragmentation. The rationale and justificatory premises of the market are thus made in terms of personal well-being achieved through wealth, success and property. The list below therefore outlines the features of anti-civil state power by identifying the extent to which market power adheres to the principle of justification and supports civil ideals.

The following checklist shows the features that market anti-civil power takes:

- Structural economic inequalities and their anti-civil outcomes
 - Uneven economic development
 - High levels of economic inequality in wealth, income and public goods
 - Poverty and economic decline
 - Market emphasis on wealth generation producing systematic inequalities
- Market distortions
 - The acceptance by firms of practices that allow for the stockpiling of capital and/or shareholder value
 - Acceptance of policies of unemployment and the casualization of labour
 - The crisis tendency of markets (e.g. causing socially destructive storms of technical innovation)
- Market unable to provide citizens with essential goods and services and respond to the needs of the public
- No market resilience to external shocks generating financial crises

- Market limitations and failures generating “public bads”
- Lack of economic public welfare projects
- Illicit economy¹²
- Limited market sustainability
- Human flight, emigration, brain drain and loss of human capital¹³
- Under consumption
- State of economic transformation

Column 3: manifestations market risk: indicators of civil diminishment of the civil sphere

Manifestations of anti-civil risk on the civil sphere emanating from market power can be understood in terms of the civil sphere being interpenetrated and compromised by the non-solidarising and exclusionary values of and inequalities generated by the market. Anti-civil market power is to be found where market vicariousness and shocks to economic systems take no account of the consequences to the fabric of solidarising communities. Here the idea that non-market communities are held together by ties of allegiance that do not conform to economic rationalism is seen as unimportant and contributes towards driving the diminishment of the civil sphere. The mantra that there is no such thing as social and civil bonds informs the predatory nature of the market in its anti-civil forms. One consequence of such anti-civil exercise of market power is that the idea of an inclusionary and universal membership in the civil sphere is undermined by economic criteria, such as the possession of wealth, as a determinant of the status and extent of political influence of citizens.

The following checklist shows the manifestations of market risk to the civil sphere through indicators of civil diminishment:

- The civil sphere cannot function as a system of public monitoring of and checks on market power (submission to market power)
- The civil sphere cannot function as a space that can have a civilising effect on the market which means that functions such as the production and distribution of resources and essential goods and services, the generation and distribution of income and wealth (wealth generation above justice)
- The civil sphere cannot ensure that the market works for the common good
- Market generated inequalities disrupt the universalising and inclusive foundation of the civil ideal
- Property rights prioritised over civil rights
- The ability to exercise civil and political influence and participate in civil life through association and communication is determined by economic criteria of wealth rather than through principles of universal citizenship

- Members (status of) of civil society are predominantly valued as consumers rather than citizens

Column 4: manifestations of market risk: indicators of civil diminishment of the civil role of journalism

Anti-civil market power as influencing the civil role of journalism is manifest as risk through processes of excessive commercialisation that seek to dominate journalistic values, identities and professional practices. Harrison (2019, Chapter 3, 14-15) notes that commercial influence has an *'explicit behavioural as well as a hidden persuasive element (...) in that it seeks to attract as big an audience as possible, influence their commercial decisions and accord with their expectations whilst all the time pursuing the simple aim of maximising revenues. Two things need to be noted: first, news organisations are very attractive commercial propositions in their current cross-platform formats and as such, are targets for a variety of other commercial groups because of the way they can drive particular agendas'*. The dispute between the value of private sector owned journalism and journalism with a public (civil and democratic) purpose is contested here at the level of economic advantage. Essentially, this means that notions of *'the public service remit'* (Harrison, 2019: Chapter 3, 1) of journalism as serving *'the public interest'* (ibid., 2) are *'subject to (and the target of) the commercial imperatives of maximising revenues and forms of cost control that take little account of the cost of the 'investigative investment' necessary to produce reliable news journalism, or that attends to the complex nature of audiences'* (ibid., 16).¹⁴ This level of risk analysis thus captures how the idea of journalism as a merit good is this undermined by anti-civil economic values. As explained by Harrison (ibid, 14), this can also occur when *'[c]ommercial power colludes with political power typically in terms of commercial necessity and commercial priorities, which further typically involve commercial organisations in demanding to be unregulated or deregulated'*. The conflict here also extends across the determination and the responsibility for the funding of journalism. The obligation that the state has to assume responsibility for public service journalism and the determination of new models of financing public service journalism stand in contra distinction to the commodification of journalism as securing audiences that consist of partisan consumers.

The following checklist shows the manifestations of market risk to the civil role of journalism through indicators of civil diminishment:

- Commercialising values dominate journalistic values, identities and professional practices e.g. selling news paper copies is more important than the civil role of journalism
- Uneven economic development generate media infrastructural inequalities and basic access inequalities
- Monopolistic media ownership of media organisations generating a lack of media pluralism¹⁵
- Nature of private media financing lead to excessive commercialisation generating price barriers and unequal access to media
- Excessive competition among producers of journalism leads to journalistic ideals and products being compromised
- Insecurity of employment conditions and low wages for journalists make journalism susceptible to bribes thus threatening the ethics of the profession (E.g. through brown envelope journalism.¹⁶
- The civil role of journalism is replaced by journalism as an artefact or mere information dissemination technology¹⁷
- Prioritisation of certain content for the purpose of generating income
- Excessive commercialization of media organisations
 - The devaluation of public service journalism
 - The commodification of journalism
- Reduced investment in journalism
- Excessive rationalisation and cost-cutting of media organisations reduces suppliers of content
- Loss of local news¹⁸
- Shocks to journalism caused by technological transformation that undermines editorial integrity, privacy and promotes the acceptance of fake news
- Absence of media regulation in favour of pure market regulation of media content
- Free market driven unregulated communication technology and developments that disrupt journalism and journalistic practices
- Poor and uneven quality of media management
- Poor and uneven quality of editorial policy
- Poor and uneven quality of news services
- Poor and uneven quality of programmes

Table 12. A risk profile of market domination of journalism and the civil sphere

| 1. Level of Analysis | | 2. Causes of risk through the exercise of anti-civil power on the associative and communicative conditions of civil life | 3. Manifestations of risk: indicators of civil diminishment of the civil sphere | 4. Manifestations of risk: indicators of diminishment of the civil role of journalism |
|----------------------|--------|--|--|--|
| Macro level | Market | Anti-civil market power compromises the standing of the civil sphere. In exercising such power the market disregards or does not have the capacity to uphold the civil principle | Anti-civil market power renders the civil sphere fragile by compromising the capacity of the civil sphere to facilitate associational and communicative inclusion as essential | Anti-civil market power renders the civil role of journalism fragile by compromising its capacity to carry out civil mediation (of civil and non-civil relationships) and to |

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| | <p>of justification. Consequently, the market loses legitimacy as it is unwilling, or unable, to conduct itself in ways that foster civil ideals supporting democratic self-determination.</p> <p>Conditions of anti-civil exercise of market power can be described accordingly:</p> <ul style="list-style-type: none"> • Structural economic inequalities and their anti-civil outcomes <ul style="list-style-type: none"> ○ Uneven economic development ○ High levels of economic inequality in wealth, income and public goods ○ Poverty and economic decline ○ Market emphasis on wealth generation producing systematic inequalities • Market distortions <ul style="list-style-type: none"> ○ The acceptance by firms of practices that allows for the stockpiling of capital and or shareholder value ○ Acceptance of policies of unemployment and the casualization of labour ○ Tendency of markets to whip up socially destructive storms of technical innovation • Market unable to provide citizens with essential goods and services and respond to the needs of the public • No market resilience to | <p>for supporting democratic self-determination. Consequently, the civil sphere loses its capacity to function as the sphere of justification.</p> <p>Such risk is manifest through the following conditions:</p> <ul style="list-style-type: none"> • The civil sphere cannot function as a system of public monitoring of and checks on market power (submission to market power) • The civil sphere cannot function as a space that can have a civilising effect on the market which means that functions such as the production and distribution of resources and essential goods and services, the generation and distribution of income and wealth (wealth generation above justice) • The civil sphere cannot ensure that the market works for the common good • Market generated inequalities disrupts the universalising and inclusive foundation of the civil ideal • Property rights prioritised over civil rights • The ability to exercise civil and political influence and participate in civil life through association and communication is determined by economic criteria of wealth rather than through principles of universal citizenship • Members (status of) of civil society are predominantly valued as consumers rather than citizens | <p>support the discursive base of the civil sphere. Consequently, the civil institution of journalism loses its capacity to produce civil discourse oriented towards the ideal of universalising inclusion and the criterion of justification.</p> <p>Such risk is manifest through the following conditions:</p> <ul style="list-style-type: none"> • Commercialising values dominate journalistic values, identities and professional practices. E.g. selling copies more important than civil role of journalism • Uneven economic development generating media infrastructural inequalities and basic access inequalities • Monopolistic media ownership of media organisation generating a lack of media pluralism • Nature of private media financing leading to excessive commercialisation generating price barriers and unequal access to media • Excessive competition among producers of journalism leads to compromising of journalistic ideals and products • Insecurity of employment conditions and low wages makes journalism susceptible to bribes thus threatening the ethics of the profession. E.g. brown envelope journalism. • The civil role of journalism is |
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|--|--|---|--|--|
| | | <p>external shocks generating financial crises</p> <ul style="list-style-type: none"> • Market limitations and failures generating “public bads” • Lack of public welfare economic projects • Illicit economy • Limited sustainability and transformation management • Human flight and brain drain loss of human capital • Under consumption • State of economic transformation | | <p>replaced by journalism as an artefact/mere dissemination technology</p> <ul style="list-style-type: none"> • Prioritisation of certain content for the purpose of generating income • Excessive commercialization of media organisations • The devaluation of public service journalism • The commodification of journalism • Reduced investment in journalism • Excessive rationalization and cost-cutting of media organisations reduces suppliers of content • Loss of local news • Shocks to journalism caused by technological transformations that undermines editorial integrity, privacy and promotes the acceptance of fake news • Absence of media regulation in favour of pure market regulation of media content • Free market driven unregulated communication technology and developments that disrupt journalism and journalistic practices • Poor and uneven quality of media management • Poor and uneven quality of editorial policy • Poor and uneven quality of news services • Poor and uneven quality of programmes |
|--|--|---|--|--|

5.2.2 Meso level of risk analysis

While the macro level in Table 10 focuses on what is ultimately a series of structural level anti-civil forms of contestations and intrusive behaviour by the state and market influencing the civil sphere, the meso level focuses on the institutional conditions of the civil sphere. While Alexander acknowledges that there exist a number of regulatory and communicative civil institutions, the focus here will be only on the institution of law and journalism.¹⁹ The meso level in Table 10 is thus its own discrete area of sociological analysis that focuses on the way that the institutions of law and journalism define themselves with regard to each other. The meso level is also assessed with regards to the extent to which forms of anti-civil

external contestation and domination generated from the non-civil spheres influence and co-opt the institutions of the civil sphere for the purpose of exercising influence and ultimately to what extent civil ideals are able to regulate the non-civil spheres in turn. The meso-level also captures how anti-civil values exist within the civil sphere itself and can be reinforced by anti-civil influence for example from the non-civil spheres. As such, anti-civil values within the civil sphere such as sectarianism, lack of pluralism and discourses of exclusion can interact with anti-civil influences from governmental and economic powers. In short, the meso level captures the integrity and autonomy of the civil institutions. Consequently, the intention here is to look at and examine institutional contestation whether those sources of that contestation have derived from macro forces (inter-sphere contestation) or institutional contestation from within the civil sphere itself (intra-sphere contestation) – concerning clashes of civil sphere legitimacy. In essence, what is examined at this level of analysis is nothing other than the standing and institutional relationship between the civil institutions of law and journalism.

The civil institution of law is central to the standing of the civil sphere and the civil institution of journalism as a key determinant as to what extent it is possible for civil society and journalism to uphold civil ideals. This is true in both a positive and negative way. Positively the law plays an important role in impartially upholding a regulatory environment that makes it possible for journalism to uphold its own civil ideals (integrity) and the freedom to maintain and uphold good journalistic practice (autonomy). In other words, for the law to do this, it too must be possessed of its own integrity and autonomy. The key to a positive relationship (in terms of civilising effects) between the two civil institutions is nothing other than that both have civil integrity and autonomy.

As such the aim here at the meso level is to establish a risk profile checklist that is able to facilitate the study of how universalistic aspirations in both law and journalism and particularistic institutional manifestations of the relationship between the two in real civil societies can be analysed through an examination of the extent to which anti-civil influences diminish their respect of and ability to perform their civil roles. The question is quite simply if the institutions of the civil sphere justify their claim to act in ways that uphold civil ideals and thus on behalf of *'the common good in a democratic way'* (Alexander, 2006: 33).²⁰

The Law

Column 2: the exercise of anti-civil legal power on the associative and communicative conditions of civil life

Alexander (2006: 153) views the law as *'a highly significant boundary mechanism for civil society'* and *'a powerful conduit for civil morality in the universalizing sense'*. Accordingly, the civil force of law allows civil society to confront and sanction and anti-civil forms of power *'from a position of legal counter power'* (ibid., 154) and to *'compel states to enforce civil obligations vis-à-vis such other noncivil institutions'*. In this way there is a *'democratic side to legal regulation'* (ibid., 152) which is reflected in the *'commitment to rules that allow solidarity and autonomy'* (ibid.). This thus indicates how the ideal of civil regulation should be understood.

It is however also the case that this capacity for civil regulation can be compromised in ways that transform the law into an anti-civil force. This is also the concern of Column 2 of the risk profile (Table 14 below) which examines how anti-civil power is exercised through and by law in ways that compromises the standing of civil life. This can occur through forms of external domination²¹ as exercised by anti-civil state or economic power. As explained by Alexander (ibid., 185) this can be understood as *'[b]latant efforts to undermine the legal capacity for civil regulation'*. Here it is possible for *'[t]hose who have achieved high positions in one or another noncivil sphere, or inside the institutions of civil society itself, [to] use their disproportionate control of wealth, knowledge, power, race, sex, or salvation to threaten or bribe lawyers, judges, or juries'* (ibid.). Consequently, when the civil force of law is compromised or restricted, the law becomes unable to confront and counter anti-civil influences caused by intra- and inter-sphere contestation. At its most basic and negative level, the institutions of law can be thus be corrupted by external state and market domination whose values, ambitions and aims it inculcates within the life and conduct of the institutions of law.

Civil regulation can also be compromised is through expressions of anti-civil power within the civil sphere itself. Here, *'[a]nticivil domination is covered with the patina of legality'* (ibid., 186) and the law loses sight of its solidarising regulatory role and does not distribute

any *'real fairness and actual reciprocity'* (ibid.). Conditions of anti-civil exercise of legal power apply thus applies to situations where the application of rule of law is not universal but partial or even non-existent, and in situations where the law becomes a coercive force used as a tool to serve particularistic interests (e.g. political and economic).

In exercising or being used to exercise such anti-civil power, the civil institution of law thus disregards or does not have the capacity to uphold the principle of justification to ensure that it is aligned with the *'civil ideals of social criticism, democratic integration, civility, justice, reciprocity and mutual respect'* (Harrison, 2019: Chapter 2, 4).

Consequently, the civil legitimacy of the legal system is compromised due to the lack of independence of the legal system, including the police service and judiciary, which may result in a loss of institutional forbearance and the undermining of the separation of powers. Again, this comes down to whether the law has its own civil integrity and autonomy. The anti-civil status of law is expressed through the loss of the ability and inclination of law to function as a civil regulator of civil and non-civil relationships.

The following checklist shows the features that legal anti-civil power takes:

- Application of rule of law is not universal but partial or non-existent
 - Scope of civil justice is restricted and partially applied
 - Criminal justice is restricted and partially applied
 - Informal justice is an acceptable alternative to the rule of law
 - Extra-judicial mechanisms used
- The law (formal laws and procedures, both administrative and criminal law) used as a coercive force serving particularistic interests (e.g. political and economic) – justified in the interests of national security, identity and traditional values
- Excessive use of privacy or national security laws to restrict public scrutiny
- The law is used as a tool to suppress civil and human rights:
 - Constitutional guarantees and rights suspended, changed or ignored
 - Legal suspension of civil institutions and all forms of civil associations – unions, parties, public offices, informal assemblies
 - Legal restrictions on freedom of expression
 - Legal restrictions on social criticism
- There is little or no independence for the legal system, including the police service and judiciary, resulting in a loss of institutional forbearance and the separation of power being undermined
- The legal system is corrupt, biased and politically influenced and used to serve particularising and vested interests – civil values compromised

Column 3: manifestations of legal risk: indicators of civil diminishment of the civil sphere

Column 3 captures how anti-civil power as exercised via the law (by lack of commitment to and capacity to uphold civil ideals) renders the civil sphere fragile by compromising the capacity of the civil sphere to facilitate justice through civil regulation. Such risk to the civil sphere is manifest for instance through circumstances where associational and communicative civil life is not protected but restricted by law. This also includes situations when the law is unable to contest, negotiate and sanction the exercise of anti-civil forms of intrusions from within the civil sphere and from the non-civil spheres and to carry out civil regulation for the purpose of achieving civil repair. Essentially, extensive associative life depends on the support by law and where the law does not protect rights such as the right to assembly and the related right to collective protest, the law undermines fundamental civil associative rights and consequently the civil sphere loses some of its capacity to speak and oppose anti-civil forces.

The following checklist shows the manifestations of legal risk to the civil sphere through indicators of civil diminishment:

- Associational and communicative civil life is not protected by law
- Associational and communicative civil life is restricted by the use of law
 - Obedience to law indicates subservience to authority rather than commitment to rules that allow solidarity and autonomy.
- Associational and communicative civil life is subjected to legal control and oversight.
 - Legislation, administrative rules and practice are not in line with international standards
 - Access to justice is restricted
- The law is used to stigmatise and sanction expression and civil association e.g. through libel and lese-majesty laws and through the use of ill-defined notions of national security and national stability which are used by ruling elites to misrepresent expression and political dissent as terrorism
- Members of civil society are subjects of power rather than citizens who have the capacity for self-determination (through justice)
- The law is unable to contest, negotiate and sanction the exercise of anti-civil forms of intrusion from within the civil and non-civil spheres and to carry out civil regulation for the purpose of achieving civil repair
- The law is unable to regulate disputes and resolve conflict peacefully
- Human and civil rights are suspended in disregard of international standards²²
 - Expression
 - Access to information
 - Association
 - Peaceful assembly
 - Non-discrimination

- Political participation

Column 4: manifestations of legal risk: indicators of civil diminishment of the civil role of journalism

Column 4 at the meso level of analysis focuses on the use of the law to protect or restrict journalistic expression and practice and ultimately on how law can facilitate or hinder the civil role of journalism to carry out mediation (of civil and non-civil relationships) and the ability of journalism to support the discursive base of the civil sphere. When the law exerts anti-civil power in this context the civil institution of journalism thus risks losing its capacity to produce civil discourse oriented towards the ideal of universalising inclusion and the criterion of justification. The manifestation of such exercise of such anti-civil power thus indicates that civil diminishment occurs.

Such risk is manifest for instance by the conditions when the law is used as a means to control, target and silence journalism and/or journalists and not as a civil bulwark to thwart attempts to suppress and silence journalism. When the law becomes a coercive force: by being used to create repressive or oppressive conditions for the practice of journalism, or when the law and courts fail to protect journalism and journalists. In other words, the institution of law can be used as an institution of repression and oppression where it seeks to undermine journalistic integrity and autonomy (Pukallus *et al.*, 2019). In repression this is usually undertaken alongside the existence of impunity under circumstance where the law is constantly ‘turning a blind eye’ to injustices perpetrated against journalism. In states of oppression, the law is used to justify and apply constitutional amendments that restrict the freedom of the press and laws of censorship. Thus, the institution of law can equally be used as a tool to enable the state and economy to diminish the civil role of journalism by upholding legislation hostile to free and independent journalism, or by failing to ensure that justice is upheld, for instance by not holding perpetrators of attacks against journalists accountable. In other words the institution of law is vulnerable to state or market power which deems to use that power to repress or oppress critical journalism. Both the repressive and oppressive use of law against journalism obstructs and diminishes civil life by rendering civil society, as a communicative space, increasingly fragile. Correspondingly when it comes to the meso level of analysis, Column 4 of the risk profile also captures the intra-institutional

relationships between civil regulation and civil mediation and the civil standing of the communicative institution of journalism. This is a relationship that depends on the one hand on the civil force of law and the extent to which it is able to regulate journalism in accordance with civil ideals, but also on the extent to which the institution of journalism is internally guided by and capable of conforming to the civil ideals of the profession. Again, this comes down to whether the law has its own integrity and autonomy.²³

The following checklist shows the manifestations of legal risk to the civil role of journalism through indicators of civil diminishment:

- The law is used as a means to control, target and silence journalism and/or journalists and not as a civil bulwark to thwart attempts to suppress and silence journalism.
- Law becomes a coercive force: by being used to create repressive or oppressive conditions for the practice of journalism
- Failure of the law and courts to protect journalism and journalists
- Impunity for crimes against journalists is used and not eliminated
- The law fails to sanction and contain vigilantism and violence against journalists
- Existence of extra-judicial attacks on journalism and also the increasing use of extra-judicial settings to limit journalism
- The law is used to prevent the media from enabling civil repair to achieve just and peaceful outcomes
- Source confidentiality and protection undermined
- The constitutional guarantees of a free press do not exist, are undermined or ignored
- Fair representation and access to legal redress for loss of rights is denied to media personnel
- Permanent mechanisms in place for the supervision of freedom of expression and media content
- No effective professional or organised representation for media workers is tolerated.
- The legal and law enforcement (police etcetera) system target and attack journalism and journalists

Table 13. A risk profile of legal domination of journalism and the civil sphere

| 1. Level of Analysis | | 2. Causes of risk through the exercise of anti-civil power on the associative and communicative conditions of civil life | 3. Manifestations of risk: indicators of civil diminishment of the civil sphere | 4. Manifestations of risk: indicators of diminishment of the civil role of journalism |
|---|-----|--|--|---|
| Meso - institutional intra-sphere relationships | Law | <p>Anti-civil power is exercised on and via the law in ways that compromises the standing of the civil sphere. In exercising or being used to exercise such power, the civil institution of law disregards or does not have the capacity to uphold the civil principle of justification. Consequently, the law loses civil legitimacy as it is unwilling, or unable, to operate and conduct itself in ways that foster civil ideals supporting justice and democratic self-determination.</p> <p>Conditions of anti-civil exercise of legal power can be described accordingly:</p> <ul style="list-style-type: none"> • Application of rule of law is not universal but partial or non-existent <ul style="list-style-type: none"> ○ Scope of civil justice is restricted and partially applied ○ Criminal justice is restricted and partially applied ○ Informal justice is an acceptable alternative to the rule of law ○ Extra-judicial mechanisms used • The law (formal laws and procedures, both administrative and criminal law) used as a coercive force serving particularistic interests (e.g. political and economic) – justified in the interests of national security, identity and traditional values • Excessive use of privacy or national security laws to restrict public scrutiny • The law is used as a tool to suppress civil and human rights: | <p>Anti-civil power exercised on and via the law renders the civil sphere fragile by compromising the capacity of the civil sphere to facilitate associational and communicative inclusion as essential for supporting justice and democratic self-determination. Consequently, the civil sphere loses its capacity to function as the sphere of justification and the legitimate legal base of civil life is undermined and distorted.</p> <p>Such risk is manifest through the following conditions:</p> <ul style="list-style-type: none"> • The civil sphere cannot influence and negotiate the exercise of anti-civil state power through association and communication as a means to achieve just outcomes • The civil sphere cannot function as a system of public monitoring of and checks on political power and government actions (submission to political power) • The civil sphere cannot function as a space where the relationship between the state and the citizens can be negotiated and re-negotiated e.g. by facilitating the representation of citizens' interests, needs and expectations, enabling political reform and the creation of a reciprocal 'social contract' between the state and its citizens • Members of civil society are subjects of state power rather than citizens having the capacity for self- | <p>Anti-civil legal power renders the civil role of journalism fragile by compromising its capacity to carry out civil mediation (of civil and non-civil relationships) and to support the discursive base of the civil sphere. Consequently, the civil institution of journalism loses its capacity to produce civil discourse oriented towards the ideal of universalising inclusion and the criterion of justification.</p> <p>Such risk is manifest through the following conditions:</p> <ul style="list-style-type: none"> • Control and censorship of journalistic practice, production, content and professional standards <ul style="list-style-type: none"> ○ Media repression or oppression ○ Online and offline censorship ○ Censorship as prior restraint ○ Censorship post publication ○ Media organisations forced to close down ○ State monopolisation and regulation of the media ○ Lack of media pluralism and capacity to act as an opposition ○ Media organisations become partisan and take sides ○ Corruption in media organization • Assaults and targeted attacks on journalism and journalists <ul style="list-style-type: none"> ○ Journalist declared non-citizens, traitors or terrorists ○ State sponsored violence and the |

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| | | <ul style="list-style-type: none"> ○ Constitutional guarantees and rights suspended, changed or ignored ○ Legal suspension of civil institutions and all forms of civil associations – unions, parties, public offices, informal assemblies ○ Legal restrictions on freedom of expression ○ Legal restrictions on social criticism • There is little or no independence for the legal system, including the police service and judiciary, resulting in a loss of institutional forbearance and the separation of powers being undermined • The legal system is corrupt, biased and politically influenced and used to serve particularising and vested interests – civil values compromised | <p>determination</p> <ul style="list-style-type: none"> • The civil sphere becomes unable to handle social conflicts peacefully through means of communication and association • The non-observance or suspension of human and civil rights including the rights to opinion, expression, association, peaceful assembly, access to public information, and principles such as non-discrimination with disregard to international standards restricts the capacity of the civil sphere to facilitate universalising inclusion • Political participation is conditioned and restricted (not universal) • Citizens and/or certain groups in society become excluded from informal ways of asserting political influence • Restrictions on civil discourse and association leads to polarising discourse / anti-civil discourse • Political, social and economic inequalities fragment the universalising and inclusionary ideal of civil life • The state uses the law and legal system as a means of influence, coercion and domination rather than as tool for justice • Delegitimisation and stigmatisation of civil society activities and actors • Online and offline spaces for contestation are closed downs • Social inequalities disrupt the universalising ideal of the civil sphere • Social conflict and violence break down the universalising inclusionary ideal of civil life | <p>targeting journalists and journalism through physical and psychological attacks including killings, forms of intimidation, harassment, arbitrary detention and arrest and the use of impunity</p> <ul style="list-style-type: none"> ○ The state is unable to protect journalists, prevent crimes against journalists from taking place (e.g. from agents of the state, and non-state actors such as criminal groups and the public) and effectively prosecute such crimes ○ Verbal attacks by political actors ○ Use of surveillance of journalists ○ Journalists seen as combatants and participants in conflict and crime ○ The state is unable to regulate market pressures so as they do not detrimentally influence journalism |
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Journalism

Column 2: the exercise of anti-civil communicative power on the associative and communicative conditions of civil life

Column 2 of the meso level seeks to capture expressions of anti-civil communicative power

as interrelated with the normative civil standing of journalism (its autonomy and integrity) as a communicative institution of the civil sphere. The understanding of journalism as normatively oriented towards the civil criterion of universalising inclusion can be linked to the propensity of journalism to direct its messages to society as a whole rather than particularistic interests and its inclination to enable the associative and communicative participation of citizens through the mediation and publicising of representations of society in relation to an inclusionary ideal. Such a normative role however depends on the capacity of the journalistic profession to uphold its civil integrity and autonomy. This capacity, as previously explained, is determined, in part, by to what extent journalism itself is committed to upholding professional ethics and principles such as accuracy, sincerity and objectivity or to the extent that journalism is dedicated to what Alexander refers to as the cultural commitment of professional journalism that speaks to citizens. Adherence to these ways of 'doing' journalism makes journalism less susceptible to accepting the forces of anti-civil domination from within and from outside the communicative basis of the civil sphere. Adopting modes of professional and internal self-regulation are seen as a guarantor for the civil standing of journalism. Journalistic integrity and autonomy depend on the intra- and inter-sphere relationships with the law, state and market and the extent to which their negotiation capacities facilitate or diminish the civil role of journalism. Ultimately journalism not only serves the macro function of providing the communicative base for democratic civil life, it also, at the meso level, enables and undertakes civil resistance to intrusion from both without and within the civil sphere itself. It is in short the key communicative institution of the civil sphere only insofar as it maintains its own integrity and autonomy, that is, its civil standing and normative status. To return to the arguments in Chapter 4, the institution of journalism should provide the means for citizens within the civil sphere to discuss the civil ideal of universalising inclusion and solidarity. In other words the normative ambitions of the civil sphere should be captured in and through the daily practices of journalism. To be precise, the normative core of the civil sphere should in some form or other be referred to in and through journalism which serves the public interest and treats its readers and viewers as citizens (Alexander, 2016: Introduction).

When anti-civil power is exercised upon and/or via journalism in ways that compromise the standing of the civil sphere this signals that journalism disregards or does not have the

capacity to uphold the civil principle of justification. Consequently, journalism loses civil legitimacy, as it is unwilling, or unable, to operate and conduct itself in ways that foster civil ideals supporting justice and democratic self-determination (civil role). Such conditions of anti-civil exercise of communicative power and influence, can be described as characterised by an information environment that is restricted, manipulated and controlled through un-transparent state, economic or legal power, where journalism is used to serve particularistic and vested interests rather than the interests of the public. Anti-civil communicative power exists at the meso level when it is regarded as an organised means for the conduct of political and social life. In such contexts journalism is partisan and not concerned with reporting news in a way that *'is transparently homologous with the world'* and thus with reporting *'what is going on'* (Harrison, 2019: Chapter 2, 3) in society in a reliable and trustworthy way. Rather, it emphasises an anti-civil outlook or particularism. The rationale for this is twofold. Politically, it is a populist and nativist statement of how things should be. Economically, it is a statement of libertarianism masked as a form of consumer sovereignty. In this way, *'political and commercial power diminish the civil standing of their audiences/users/readers by conceiving of them as partisans from whom is demanded their blind loyalty, or consumers from whom is demanded their undivided attention, rather than [as] citizens'* (ibid., 27). Here journalism reports on life from an ideological point of view that is anti-civil. These both negate the solidarising terms of civil life. Journalism's anti-civil communicative power is naturally enough derived from state and market sponsorship. Sponsorship here ultimately determines how at the institutional level, editorial policy and journalism report what it decides is newsworthy, and how it is reported.

The anti-civil power of journalism is that it takes sides with regard to political and economic value. What is reported is what is sponsored by anti-civil values and is aimed at creating the circumstances of civil stratification and fragmentation. News outlets removed from the civil role can be describe to *'peddle political dogma and bigotry, prefer punditry and journalistic opinion, value market efficiency and regard themselves as simply in commercial competition with other news organisations. Importantly, they regard the numerical maximisation of audience engagement as a blanket justification for regarding people as consumers and nothing else'* (Harrison, 2019: Chapter 2, 2). In exercising or being used to exercise such anti-civil power the civil institution of journalism disregards or does not have the capacity to

uphold the civil principle of justification. Consequently, journalism loses civil legitimacy, as it is unwilling, or unable, to operate and conduct itself in ways that foster civil ideals supporting justice and democratic self-determination (civil role).

The following checklist shows the features that communicative anti-civil power via journalism takes:

- The information environment is restricted, manipulated and controlled through state, economic or legal power and journalism is used to serve particularistic and vested interests rather than the interests of the public
 - Propaganda permeates public and journalistic discourse
 - Expression of dissent, critique and contestation is discouraged or restricted. This results in the censoring of certain forms of expression and information and the exclusion of certain groups from communicative processes
 - Loyalty and obedience to power holders is encouraged and required instead of critique and scrutiny
 - The public is denied public scrutiny
- Limited access to sources of information and restrictions on the circulation of information restricts the public's right to know²⁴ as a foundation of making informed decisions
- The principle of transparency is disregarded and viewed as dangerous which means that the exercise of power (in ways that influence the public) is not held accountable through public scrutiny

Column 3: manifestations of communicative risk via journalism: indicators of civil diminishment of the civil sphere

Column 3 captures how anti-civil power as exercised via journalism renders the civil sphere fragile by compromising the capacity of the civil sphere to facilitate associational and communicative inclusion as essential for supporting democratic self-determination. Consequently, the civil sphere loses its capacity to function as the sphere of justification and the discursive base of civil life is undermined and distorted. Such risk is manifest for instance through circumstances where the communicative and discursive base of the civil sphere is altered because the civil institution of journalism cannot perform its civil role with integrity and autonomously from anti-civil influence. Such risk is manifest in the breakdown of the infrastructure of the civil sphere as a system of checks and balances and a system for civil mediation of civil and non-civil relationships. The promotion of anti-civil values through journalism also corrupts the civil sphere and constrains civil discourse and deliberative will formation while restricting and compromising the public's right to be informed and freely access information. In essence then, communicative risk to the civil sphere occurs when its

communicative base is opposed to civil ideals and cannot be trusted. That is when the journalistic system is known to be serving some particular viewpoint or interest. This occurs when the journalism ecology is so subtly or formally controlled by forces representing anti-civil values, that the institutional independence of journalism is a façade. Under conditions like these the appearance of the free and independent institution of journalism may still be held to be an important value. The point here is the nature of the appearance (of freedom and independence) and the subtlety with which oppression hides itself and masquerades itself as supporting free and independent journalism. The claim made here by anti-civil forces is that they support a free civil sphere and/or they are upholding constitutional guarantees of journalism freedom and independence. The appearance is what matters. Beneath the façade of freedom and independence the communicative base of the civil sphere is distorted and deliberative will formation is impaired. In short the public's capacity to access information is compromised.

The following checklist shows the manifestations of communicative risk on the civil sphere through indicators of civil diminishment:

- The communicative and discursive base of the civil sphere is altered because the civil institution of journalism cannot perform its civil role with integrity and independently
 - The infrastructure of the civil sphere as a system of checks and balances breaks down
 - Civil mediation of civil and non-civil relationships is restricted or breaks down
- The promotion of anti-civil values through journalism corrupts the civil sphere and constrains civil discourse and deliberative will formation
 - Public discourse is not guided by universalistic and inclusionary ideals but by anti-civil forms of fragmentation and particularisation (civil discourse becomes anti-civil, repressive and non-democratic)
 - Conditions of equal and plural representation are restricted
- The public's right to be informed and freely access information is compromised

Column 4: manifestations of communicative risk: indicators of civil diminishment of the civil role of journalism

In Column 4, the risk to the civil role of journalism is directed at its ability to carry out civil mediation (of civil and non-civil relationships) and support the discursive base of the civil sphere and so is rendered fragile. As a consequence, the civil institution of journalism loses its capacity to produce civil discourse oriented towards the ideal of universalising inclusion

and the criterion of justification. Such risk is manifest by the civil role of journalism being replaced by a form of journalism promoting anti-civil values and having anti-civil influence. Such examples include journalism being co-opted to serve vested interests or being corrupted merely representing narrow perspectives while simply reproducing power relations in favour of those who control the means of production (uncritical of power). Other forms of manifestation of anti-civil risk affect the capacity and willingness of journalism to accord with the demands of the principle of justification – observing respectively the application of the *'civil ideals of social criticism, democratic integration, civility, justice, reciprocity and mutual respect'* (Harrison, 2019: Chapter 2, 4) collectively expressed as a form of (legitimate) democratic self-determination. Diminished journalism displays the following features: it is self-serving with regard to anti-civil values and it supports opinion over accuracy and sincerity; it is an outcome of the success of any particular set of anti-civil values and vested interests; editorial integrity and investigative reporting are replaced by opinion and dogma; and, prejudice is supported by mis- and disinformation.

The following checklist shows the manifestations of communicative risk to the civil role of journalism through indicators of civil diminishment:

- The civil role of journalism is replaced by the institution promoting anti-civil values and influence
- Journalism is co-opted to serve vested interests
- Journalism is corrupted by being subject to an orthodoxy of beliefs and a narrowness of perspective
 - Journalism merely reproduces power relations in favour of those who control the means of production (uncritical of power)
- Media self-regulation is lost
- The replacement of professional standards and ethical codes by an orthodoxy
- Editorial integrity is replaced by a journalism of 'correct views', online and offline censorship
- The capacity and willingness of journalism to undertake social critique and criticism restricted
- Hate speech becomes acceptable when applied to those judged to be heterodoxical
- The civil standing of journalism will be defined through a commitment to a set of particular beliefs and not through professional standards of inquiry and investigation (including principles of accuracy, truthfulness etcetera.)
- Journalism becomes partisan and a tool for dis- and misinformation and the spread of hate speech

Table 14. A risk profile of the communicative domination of journalism and the civil sphere

| 1. Level of Analysis | | 2. Causes of risk through the exercise of anti-civil power on the associative and communicative conditions of civil life | 3. Manifestations of risk: indicators of civil diminishment of the civil sphere | 4. Manifestations of risk: indicators of diminishment of the civil role of journalism |
|---|---------------------------|--|--|---|
| Meso institutional intra-sphere relationships | Journalism/ Communication | <p>Anti-civil power prevents journalism from undertaking its civil role and anti-civil power is promoted by journalism that rejects its civil role. Both compromise the standing of the civil sphere. In exercising or being used to exercise such anti-civil power the civil institution of journalism disregards or does not have the capacity to uphold the civil principle of justification. Consequently, journalism loses civil legitimacy, as it is unwilling, or unable, to operate and conduct itself in ways that foster civil ideals supporting justice and democratic self-determination (civil role).</p> <p>Conditions of anti-civil exercise of communicative power can be described accordingly:</p> <ul style="list-style-type: none"> • The information environment is restricted, manipulated and controlled through state, economic or legal power and journalism is used to serve particularistic and vested interests rather than the interests of the public <ul style="list-style-type: none"> ○ Propaganda permeates public and journalistic discourse ○ Expression of dissent, critique and contestation is discouraged or restricted. This results in the censoring of certain forms of expression and information and the exclusion of certain groups from communicative processes ○ Loyalty and obedience to power holders is encouraged and required instead of critique and scrutiny ○ The public is denied public scrutiny • Limited access to sources of information and | <p>Anti-civil power renders the civil sphere fragile by compromising the capacity of the civil sphere to facilitate civil discourse for supporting democratic self-determination. Consequently, the civil sphere loses its capacity to function as the sphere of justification and the discursive base of civil life is undermined and distorted.</p> <p>Such risk is manifest through the following conditions:</p> <ul style="list-style-type: none"> • The communicative and discursive base of the civil sphere is altered because the civil institution of journalism cannot perform its civil role with integrity and independently <ul style="list-style-type: none"> ○ The infrastructure of the civil sphere as a system of checks and balances breaks down ○ Civil mediation of civil and non-civil relationships is restricted or breaks down ○ The promotion of anti-civil values through journalism corrupts the civil sphere and constrains civil discourse and deliberative will formation ○ Public discourse is not guided by universalistic and inclusionary ideals but by anti-civil forms of fragmentation and particularisation (civil discourse becomes anti-civil, repressive and non-democratic) ○ Conditions of equal and plural representation is restricted • The public's right to be informed and freely access information is compromised | <p>Anti-civil power renders the civil role of journalism fragile by compromising its capacity to carry out civil mediation (of civil and non-civil relationships) and to support the discursive base of the civil sphere. Consequently, the civil institution of journalism loses its capacity to produce civil discourse oriented towards the ideal of universalising inclusion and the criterion of justification.</p> <p>Such risk is manifest through the following conditions:</p> <ul style="list-style-type: none"> • The civil role of journalism is replaced by the institution promoting anti-civil values and influence • Journalism is co-opted to serve vested interests. • Journalism is corrupted by being subject an orthodoxy of beliefs and a narrowness of perspective <ul style="list-style-type: none"> ○ Journalism merely reproduces power relations in favour of those who control the means of production (uncritical of power) • Media self-regulation is lost • The replacement of professional standards and ethical codes by an orthodoxy • Editorial integrity is replaced by a journalism of 'correct views' • Online and offline censorship • The capacity and willingness of journalism to undertake social critique and criticism restricted • Hate speech, becomes acceptable when applied to those judged to be heterodoxical • The civil standing of journalism will be defined through a commitment to a set of particular beliefs and not through professional standards of inquiry and investigation (including principles of accuracy, truthfulness) |

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| | | restrictions on the circulation of information restricts the public's right to know as a foundation of making informed decisions <ul style="list-style-type: none"> • The principle of transparency is disregarded and viewed as dangerous which means that the exercise of power (in ways that influence the public) is not held accountable through public scrutiny | | etc.) <ul style="list-style-type: none"> • Journalism becomes partisan and a tool for dis- and misinformation and the spread of hate speech |
|--|--|--|--|--|

5.2.3 Micro level of risk analysis

In sociological terms, the micro level of analysis is essentially concerned with accounts of human agency and experience. In some cases this is broken down into categories that attest to the 'human condition' such as '*human welfare, justice equity and suffering*' (Smelser, 1997: 3), at other times it emphasises interaction, specifically everyday interactions of both the formal and informal kind. In the risk profile above the micro level is concerned with the journalists' own freedoms (agency) and their experiences of the formal and informal forces that structure their professional life and the extent to which that accords with the civil ideal of journalism. At this level of analysis the emphasis is on local social action and what it means and how it is understood by those particular local actors. The micro level of analysis is thus concerned with the issues of the journalist's own experiences and vulnerabilities. As such it focuses on the individual level experiences of being a journalist in a particular local setting which restrains personal autonomy of the individual journalist, impedes the civil role of journalism, and distorts the civil standing of the journalist. Specifically, the extent to which professional journalistic integrity can be sustained as a working ethic, the degree of autonomy that a journalist has (typically derived from their attributed civil standing), the scope the journalist has for non-coerced decision making and the affective circumstances the individual journalist finds themselves in professionally within the civil sphere (or what remains of it). It is the degree to which the journalist is able to perform their civil role that helps civil society to maintain its solidarising ideal and to enable it to resist diminishment. In short, journalists are a focal point of both civil representations and civil resistance, and how free they are and how they experience their civil role and the accounts they can provide of

their own situation are methodologically invaluable. The exercise of anti-civil power against the journalist acts in disregard for the civil principle of justification and civil capacity of the individual journalist, to serve a journalism that supports civil ideals including justice and democratic self-determination (civil role). How the individual journalist copes with these powers is at issue here. To return to sociological terms the concern is that they provide indexical accounts of themselves and their retelling of what has happened to them and others and what they profess to know of things are accounts from 'the ground up.'

The individual journalist

Column 2: the exercise of anti-civil power on the associative and communicative conditions of civil life

The micro level of analysis of Column 2 (Table 15 below) focuses on the scope for freedom and agency experienced by the individual by identifying how anti-civil power restricts or dominates it and consequently compromises the standing of civil life. On this level of analysis such anti-civil predation can be understood in terms of a range of different forms of domination that control or suppress the autonomy and integrity of an individual. From a human rights perspective this can be understood in terms of anti-civil forces that circumscribe and negate the acknowledgement that *'[a]ll human beings are born free and equal in dignity and rights'* (UN, 1948). Column 2 therefore captures how anti-civil power produces risk to the individual journalist and his or her normative status as agents of civil mediation that are essential to journalism fulfilling its civil role. As a result, the individual journalist loses their civil capacity as they are unable but potentially also unwilling (for example due to corruption or non-commitment to professional ethics) to operate and conduct themselves in ways that foster civil ideals supporting justice and democratic self-determination (civil role). As explained, this level of analysis recognises the experiential level of restrictions of individual freedom and agency. This level of analysis thus seeks to capture the restrictions and the extent to which the professional journalist can maintain their professional integrity and autonomy in the context of structures and institutions that purposefully attempt to delimit the scope of free and independent journalism.

Importantly, by gaining an understanding of the local journalist's immediate circumstances it is also possible to begin understanding the local societal characteristics of these risks and their psychological and physical impact upon local journalists and the strategies deployed (if any) to cope with them. From this information it is possible to derive the basis for cataloguing the typical features of these different types of local violence that can be used for comparative purposes. In sociological terms the micro level provides a further basis for understanding the structural and institutional typifications of violations against journalists.

The following checklist shows the features that anti-civil power on the individual journalist takes:

- Restriction of personal autonomy
- Restriction of personal integrity
- Repressive measures that limit the ability to set the agenda

Column 3: manifestations of risk to the individual journalist: indicators of civil diminishment of the civil sphere

Whereas Column 3 on the journalistic meso level captured how anti-civil power as exercised on and via the institution of journalism renders the civil sphere fragile, Column 3 on the micro level also captures the conditions of risk that the civil sphere finds itself under when the civil role of journalism is restricted. On the micro level this is however not examined at the institutional level but on the level of individual agency and how journalists in their daily life, routines and work-based practices sustain their civil capital, personal autonomy and personal integrity – combined as their standing and dignity in support of sustaining the values and function of the civil sphere. Essentially therefore Column 3 captures manifestations of risk to the civil sphere under circumstances where the individual journalist is not able to carry out his or her civil role of mediation.

Such risk is manifest through the following conditions understood to indicate civil diminishment:

- As the individual journalist loses the capacity to be an agent of civil mediation the civil sphere is no longer able to effectively undertake its discursive and justificatory

role. Consequently the infrastructure of the civil sphere as a system of public checks and balances is disrupted or falls apart.

Column 4: manifestations of risk to the individual journalist: indicators of civil diminishment of the civil role of journalism

When it comes to the manifestations of risk in terms of how this is experienced by the individual journalist this is illustrated below to capture ways in which the individual journalist loses his or her capacity to produce civil discourse oriented towards the ideal of universalising inclusion and the criterion of justification. In outlining that, it is possible to show that the purpose of including the micro level of analysis is to facilitate a detailed study of the types of safety threats that journalists face while carrying out their profession, while also aiming to examine the relationship between certain types of attacks and the micro societal circumstances in which they operate. In discussing types of attack it is important to note here that physical and psychological dimensions of risk are treated as distinct however the idea is also to recognise how they overlap, for example in the case of impunity and with regards to crosscutting issues such as gender and self-censorship.²⁵

Such risk is manifest through the following conditions understood to indicate civil diminishment:

- Personal experiences of and vulnerabilities related to restrictions and loss of personal autonomy and integrity of the individual journalist
- Physical dimensions:
 - Extent of intimidation and violence and intimidation against the individual journalist (within or outside workplace)
 - Extent of support and protection afforded to the individual journalist
- Psychological well-being
 - Feeling vulnerable, helpless, fearful, isolated
 - Feeling a loss of professionalism
 - Feeling required to self-censor
 - Anxiety over sources and source protection
 - Anxiety over risk to family members
- Additional cross-cutting dimensions of intimidation and violence for the individual journalist
 - Chilling effects as a totality, a gestalt (including self-censorship)
 - Victimization due to gender and sexuality
 - Lack of support due to public indifference
 - Confiscation of equipment

○ The extent of digital threats

Table 15. A risk profile of the domination of the agency of the individual journalist and the effects on the civil sphere

| 1. Level of Analysis | | 2. Causes of risk through the exercise of anti-civil power on the associative and communicative conditions of civil life | 3. Manifestations of risk: indicators of civil diminishment of the civil sphere | 4. Manifestations of risk: indicators of diminishment of the civil role of journalism |
|---|------------|--|---|---|
| Micro/ individual/ agency intra-sphere relation-ships | Journalist | <p>Anti-civil power prevents a journalist from undertaking their civil role and anti-civil power is promoted by individual journalists rejects their civil role. Both compromise the standing of the civil sphere. Through the exercise of such anti-civil power, with disregard of the civil principle of justification, the integrity and autonomy of the individual journalist is compromised. Consequently, the individual journalist loses their civil capacity as they are unwilling, or unable, to operate and conduct themselves in ways that foster civil ideals supporting justice and democratic self-determination (civil role).</p> <p>Conditions of anti-civil exercise of power can be described accordingly:</p> <ul style="list-style-type: none"> • Restriction of personal autonomy • Restriction of personal integrity • Repressive measures that limit ability to set the agenda | <p>Anti-civil power renders the civil sphere fragile by compromising the capacity of the civil sphere to facilitate civil discourse for supporting democratic self-determination. Consequently, the civil sphere loses its capacity to function as the sphere of justification and the discursive base of civil life is undermined and distorted.</p> <p>Such risk is manifest through the following conditions:</p> <ul style="list-style-type: none"> • As the individual journalist loses the capacity to be an agent of civil mediation the civil sphere is no longer able to effectively undertake its discursive and justificatory role. Consequently the infrastructure of the civil sphere as a system of public checks and balances is disrupted or falls apart. • | <p>Anti-civil power renders the civil role of journalism fragile by compromising its capacity to carry out civil mediation and to support the discursive base of the civil sphere. Consequently, the individual journalist loses his or her capacity to produce civil discourse oriented towards the ideal of universalising inclusion and the criterion of justification.</p> <p>Such risk is manifest through the following conditions:</p> <ul style="list-style-type: none"> • Personal experiences of and vulnerabilities related to restrictions and loss of personal autonomy and integrity of the individual journalist • Physical dimensions: <ul style="list-style-type: none"> ○ Extent of intimidation and violence and intimidation against the individual journalist (within or outside workplace) ○ Extent of support and protection afforded to the individual journalist ○ Psychological well-being ○ Feeling vulnerable helpless fearful isolated ○ Feeling a loss of professionalism ○ Feeling required to self-censorship ○ Anxiety over sources and source protection ○ Anxiety over risk to family members • Additional; cross-cutting dimensions of intimidation |

| | | | | |
|--|--|--|--|---|
| | | | | and violence for the individual journalist <ul style="list-style-type: none"> ○ Chilling effects as a totality, a gestalt (including self-censorship) ○ Victimization due to gender and sexuality ○ Lack of support due to public indifference ○ Confiscation of equipment ○ The extent of digital threats |
|--|--|--|--|---|

5.3 Methodological conclusion: reaggregating the macro, meso and micro levels of risk analysis to understand the specifics of civil diminishment

As argued throughout it is not enough to simply ask whether countries have an environment in which journalism thrives and its civil role approximates an ideal. Rather it is necessary to understand the causes and manifestations of risk to journalism. Causes and manifestations that reveal the scope and complexity of risk to journalism. The fact that this scope and complexity can be broken down in macro, meso and micro levels of details, shows how to disaggregate and to compartmentalise data pertaining to understanding risk. Specifically the macro level of detail focuses on the inter-sphere structural level, while the meso-level of detail focuses on the intra civil sphere institutional level, and the micro level of detail focuses on journalistic agency. Importantly, this understanding of risk is framed conceptually through the notion of civil diminishment. This allows for the identification of civil diminishment as a consequence of risk to journalism in terms of how restrictions of the capacity of journalism to perform its civil role also renders the civil sphere of associative and communicative life fragile.

As explained in the beginning of this chapter, the consequence of risk are conceptually understood and empirically pointed to through the risk profile and the indicators of civil diminishment. These indicators allow for a basic understanding of the nature of civil diminishment in a given societal context. This is in itself important and addresses the formulated need for comprehensive understanding of problems of risk to journalism. In Section 5.1 it was pointed out that further development of the risk profile can be undertaken

when it comes to its empirical testing and analysis of the consequences of risk to journalism within societal contexts. Doing so would for instance allow for the identification of the types of civil diminishment that occur in various societal contexts and the varying degree of severity of such civil diminishment.

This process (described as Step 2 in Section 5.1) effectively consists of the reaggregation of various constellations of the levels of analysis that were disaggregated through the risk profile to provide an account the specific features of civil diminishment in a societal setting that can then be compared with accounts of other settings. While disaggregation provides us with an adequate identification of the causes and manifestations and an understanding of their meaning and significance in terms of civil diminishment, the reaggregation of these three levels of analysis will finally enable us to specify the occurrences of risk to journalism in any particular setting. For instance, the risk profile serves to identify a problem of risk to journalism such as lethal violations against journalists as problematic within a societal context and allows for the identification of manifestations of this problem at the macro level as anti-civil power being exercised by a state which is unable to prevent organised crime groups from killing journalists; at the meso-level as manifestations of anti-civil legal power being expressed through corruption of the judiciary which colludes with or fails to prosecute perpetrators of killings of journalists; and, at the micro level of the experiences of individual journalists who are either killed, or targeted and threatened by criminal groups and forced to work in an environment where self-censorship is the only means to survive. Whereas the process of disaggregation through the risk profile allows for the identification of these circumstances and for the understanding them as producing consequences in terms of civil diminishment a subsequent process of reaggregation then serves to facilitate an understanding of the interrelationships between the identified manifestations or risk. Large scale empirical data gathering and analysis of the manifestations of risk identified in the example above would allow for a deeper understanding of the reasons for limitations in state capacity to prevent killings of journalists and how those are linked to meso-level legal factors and influence journalist practitioners on the micro level. Carrying out this type of analysis in a systematic manner to uncover how such relationships play out in various societal settings would ultimately make it possible to identify and classify contexts with regards to the types of civil diminishment they are experiencing as well as make judgements

with regards to the extent and severity of various types of civil diminishment through ranking tools. Reaggregation thus returns us from the analytical separation of risk to its real and felt consequence of what those risks actually generate and which become a social fact for those who reside in a diminished setting.

Since the data on causes and manifestation of risk in a particular setting does not yet exist. The reaggregation cannot be *physically demonstrated* in this thesis. The risk profile is at the moment a theoretical and conceptual proposition (description). Though one based on an understanding of the empirical limitations of studies of safety and risk and one that points to the sociological need for reaggregation. Real life data will not exist until such time as the risk profile above is actually empirically tested. Nevertheless, the design of the risk profile does anticipate and allow for the reaggregation of data.

In the daily reality of civil and associative life these analytically disaggregated levels of risk will appear in a particular combination of one form or another. In short, the levels always overlap in the real and as a consequence civil diminishment can be experienced differently, sometimes gradually and over time, sometimes suddenly as in the case of 'shocks' or dramatic events. Civil diminishment can also be experienced as only affecting a few or everyone; in short and in reality, civil diminishment can be partially hidden or the extent to which it is occurring can be disguised or appear as if it has been suddenly foisted upon unsuspecting citizens. The point here is methodological and not existential and concerns how the genuine aetiology of civil diminishment might be understood. It is a methodological conclusion that is undertaken to realistically account for civil diminishment.

As a methodological conclusion, the reaggregated findings can be combined to provide a life like but panoramic picture of how the macro, meso and micro levels are combined in a certain way in a certain setting and how they are experienced in general terms in daily life. A risk profile in a reaggregated format reveals the generic nature of risk incurred by journalism and journalists. That is, the overall effect of combined discrete actions and explicit movements in all settings, which whilst different in situ can be compared according to indicators that are specifically designed for producing a 'life like' panoramic picture of plural but ultimately comparable settings. To achieve this, the assembled levels of data need to

show the interrelationships of anti-civil forces that work to limit the civil role of journalism in the civil sphere, its corresponding and increasing fragility and ultimately its subsequent diminishment. Or put another way, where there exists a desire for free and independent journalism which is being frustrated by countervailing forces of domination these anti-civil forces can be summarised around a specific set of features as indicated in the risk profile. Looking for such features is to look for how the interrelationships between the three levels of analysis manifest themselves in daily life. And once these interrelationships are understood and once they are combined they form the basis for judgements. Such judgement can be made with very robust levels of certainty and accuracy. This is because a 'lifelike' panoramic picture combines structure, institution and agency in ways that are both unique to the area being monitored but are ultimately capable of being simplified into generalisable generic features. Methodologically speaking this is a top-down approach where the general level of analysis determines how a particular set of findings should be interpreted, what specific features should be looked for and what should be left out and so on.

Finally, sociological realism is what the risk profile aims for when the data is reaggregated. That is a realistic account which captures the diversity of the impact of the contestation that occurs between and within the macro, meso and micro levels. Overall, this enables us to understand the historical and a real way civil diminishment is structured and how it actually restrains the civil role of journalism and pushes it away from the civil ideal of journalism. Currently there are no studies of risk to which combine structural, institutional and agency levels of description and analysis. To put the matter another way the risk profile when reaggregated hold together both the levels of social systems theory insights with interactionist and ethnographic detail.

Accounting for the consequences of macro, meso and micro contestation and risk also requires evaluative judgements. To reaggregate is to invite an evaluative assessment of a totality – usually that involves monitoring a particular nation state, region or some other form of geopolitical setting and where what is being evaluated is done so in terms of how independent a particular civil sphere actually is. That is independence understood positively in terms of the freedom from constraint of the normative core of the civil sphere and the

extent of the acceptance of its solidarising aims and the application of the principle of justification. Negatively understood, independence resides in the way the institutions of the civil sphere resist anti-civil force (civil resistance).

Understanding civil diminishment as a consequence of risk to journalism in any particular setting is thus evaluative, though such evaluation is constantly benchmarked against a particular version of the civil sphere derived from Alexander's Civil Sphere Theory as consisting of certain kinds of associative life and institutions which more or less uphold the normative outlook and nature of that life. Simultaneously, because reaggregation of the risk profile combines all three levels of the data gathered evaluation about any particular setting is *per force of necessity* historically and sociologically grounded. Evaluation is in short always evidence based. A fact that enables the evaluation of civil diminishment as a consequence of risk to be undertaken holistically and accurately. In this way this thesis reaches out for a new understanding of risk to journalism, the consequences of such risks and hopefully suggestions for redressing risk.

¹ The Media Pluralism Monitor is an example of an instrument that analyses, '*risks to media pluralism and media freedom in EU member states and some candidate countries*' (Brogi & Luigi Parcu, 2018: 1). Accordingly, '*The MPM is a "structural" index that predicts risks that may or may not materialize in the future. In this sense, it can be loosely interpreted as being an "ex-ante" index showing a probability that media pluralism will be in jeopardy given the legal, economic and socio-political configuration of a country*' (ibid., 11). As pointed out in Leuven (2009) there exists a range of approaches to risk monitoring that are applied to a range of different fields of research, including the media, but also to '*industries such as finance, health, and social security*' (2009: 81). The MPM project understands risk as '*[t]he combination of the probability of an event occurring and the possible impact of that event (positive or negative)*' (ibid., 82). A comparison between the MPM and other indices ranking freedom of expression (Brogi & Luigi Parcu, 2018) further clarifies that the MPM '*was designed to identify potential risks to media pluralism*' and '*to flag up certain issues in the legal, political and economic areas that carry the risk of jeopardising media pluralism*' (ibid., 1). Identifying and assessing '*the conditions that constitute a risk for media pluralism in any given EU country*' the academic contribution of MPM is described as providing '*a granular analysis of the media context at the country level*' and '*[f]rom a policy point of view, the MPM provides very detailed data and a grid on which to focus on potential problems, it is thus similar to an early warning system*' (ibid.). The essence of this approach to risk corresponds well to what is the aim with the proposed profile which seeks to map risks to the civil ideal of journalism and assess how and under what conditions such risks are translated and materialised into forms of civil diminishment. The risk-based approach of the MPM is also described as assessing the probability of future risk (ex-ante assessment) whereas other freedom of expression indices, including those of RSF and FH which have been reviewed in this thesis, evaluate the state of freedom of expression in countries by recording relevant events that have already occurred (ex-post). The MPM is thus described as '*a "structural" index that predicts risks that may or may not materialize in the future. In this sense, it can be loosely interpreted as being an "ex-ante" index showing a probability that media pluralism will be in jeopardy given the legal, economic and socio-political configuration of a country.*' (ibid.,11). It is pointed out however that the distinction between ex-ante and ex-post assessments '*should not be stretched too far*' as '*[f]rom one side, the MPM evaluates the implementation of laws and evaluates socio-political variables that are unavoidably already "realized" variables, from the other, certain structural and objective elements are included also in the other indices, besides their emphasis on the concrete realization of actual events*' (ibid.). In terms of the risk profile of journalism developed in this thesis, it can be described as

assessing the likelihood of civil diminishment as a result of risk to the civil ideal of journalism. This can be understood as being achieved through a two-step process that first maps and identifies risk, and secondly carries out a risk assessment that can be understood as a '*[s]ystematic process based on predetermined risk criteria' which makes it possible 'to determine the probability (high, moderate or low) that an event will occur and the possible impact (high, moderate or low) if this event occurs'* (ibid., 82). Whereas it is beyond the scope of this thesis to achieve such a systematic risk assessment since it would require gathering data for the purpose of carrying out empirical testing of the risk profile the thesis will produce a framework for achieving the first step concerning the identification and mapping of risk to the civil role of journalism. As pointed out in the literature related to the MPM: '*Risk assessment is not a one-time activity, but is a continuous and iterative interplay of actions. The objective of assessing risks is to identify which events are important enough and significant enough to be the focus of management attention. Uncertainty of potential events needs to be evaluated from the perspectives of likelihood and impact. Likelihood represents the possibility that an event will occur in a given period of time, whilst impact represents the scale of the effect that the event will have on the entity's ability to achieve its objectives'* (ibid.) The above also points to the value of what is of concern to this thesis, namely building a conceptual framework for identifying risk to journalism for the purpose of indicating instances of civil diminishment in a way that facilitates the systematic and re-occurring assessment of both the likelihood of civil diminishment occurring when journalism is at risk as well as the potential impact of such diminishment. Achieving such evaluation would arguably provide important insights into how best manage risk to journalism for the purpose of reducing the likelihood of civil diminishment occurring all together or at least reducing the severity of the impact of such diminishment.

² See also discussion in Chapter 1.

³ For example terminology and variables measured at the macro and meso levels of analysis to capture economic, social, political and legal see for instance the USAID Fragility Index (http://pdf.usaid.gov/pdf_docs/Pnadd462.pdf), the IFIT Inclusive Transitions Framework (<http://www.ifit-transitions.org/publications/major-publications/inclusive-transitions-framework/ifit-inclusive-transitions-framework.pdf/view>), the G7+ Fragility Spectrum (<http://www.g7plus.org/sites/default/files/resources/g7%2B%2BEnglish%2BFS%2BNote%2BDesign.pdf>), the World Bank Country Indicators for Foreign Policy (CIFP) Fragility Index (<https://data.worldbank.org/data-catalog/CPIA>), the Fragile States Index (Fund for Peace) (<http://fundforpeace.org/fsi/>), the Global Peace Index (<http://visionofhumanity.org/>) and the Index of State Weakness in the Developing World (<https://www.brookings.edu/research/index-of-state-weakness-in-the-developing-world/>). Whereas certain aspects of risk to journalism are captured in these, they are not formulated and designed with the explicit purpose of analysing risk to journalism, but rather including risk to journalism as an indicator of societal. For examples of terminology and variables used to specifically capture risk to journalism and journalists see the approaches and indices reviewed in Chapter 1 and 2.

⁴ See Chapter 2 for further detail.

⁵ These levels are different and have their own methodological requirements. See Section 2.3.2.

⁶ To refer back to the understanding of the principle of justification it is the application of a criterion of legitimate democratic self-governance used to evaluate the extent to which the domination of the civil sphere by anti-civil forces is acceptable or not. The exercise of power on and in the civil sphere must accord to the civil ideal of the universal communicative and associative inclusion of all citizens. Essentially, the civil ideal of solidarising and universalising inclusion aspires to ensure that power is exercised in a way that is acceptable to the citizens in the civil sphere. In short, the exercise of power must accord with the principle of justification.

⁷ This brings us to back to the civil ideal understood as facilitating universal inclusion as a means to achieve legitimate self-governance. As discussed in Chapter 3 and 4, democratic accountability can be broadly understood in relation to the 'all affected principle' which (in theory) sees legitimate self-determination as being derived from processes that enable those affected by decisions to have a say in their making. From this point of view, civil society, by facilitating associative life, functions as a legitimising sphere guided normatively by the principle of universalising inclusion. While the actual realisation of 'the all affected principle' is always circumscribed in real life situations, it provides a normative highpoint for understanding the democratising potential of the civil sphere. Also, as pointed out by Warren (see Chapter 3 in this thesis), public deliberation as enabled by civil association is in itself a source of legitimacy for a political order as deliberation is an expression of how the principle of inclusion is practised in everyday life. This should thus also be understood as a manifestation of how democracy is more than a procedural-electoral and needs to be understood more broadly in terms of associative civil life.

⁸ See for example Young (2000)

⁹ McLean & McMillan (2009) (keyword: legitimacy)

¹⁰ The understanding of the state as lacking capacity and/or willingness to address societal problems is captured in the extensive literature on the empirical assessment of the fragility of social, political and economic regimes. In general terms this literature sees fragile statehood as interlinked with *'a fundamental failure of the state to perform functions necessary to meet citizens' basic needs and expectations'* and the incapability to *'assuring basic security, maintaining rule of law and justice, or providing basic services and economic opportunities for their citizens'* (Grimm *et al.* (2014: 7). The literature often focuses on a state-centric understanding of fragility, which links the functioning or malfunctioning of the state to the underlying concepts of effectiveness and legitimacy. If the state *'fail[s] to meet basic needs and to keep societal expectations and state capacity in equilibrium'* it may result in a failure *'to establish reciprocal state-society relations or create a binding social contract.'* (*ibid.*). Weak state legitimacy then has increasingly come to be viewed as one of the key elements of fragility *'undermining the predictability, transparency and accountability of public-decision making processes and the provision of security and social services to the population'* (McLoughlin, 2012: 9). For the purpose of this thesis, the legitimacy dimension of state power (see for example Call (2010)) provides a point of connection between the approach proposed here with regards to the evaluation of power (here governance) in relation to the principle of justification and the acceptance of solidary ideals of universal communicative and associative inclusion. In relation to this literature on state fragility, this thesis contributes with a distinct perspective on understanding how fragile societies are by examining the standing of the civil sphere and the diminishment of its discursive base (via risk to journalism). This dimension of fragility is previously largely unexamined for the purpose of empirical assessment of societies and by providing a multilevel analytical approach this thesis also allows for an integrated yet disaggregated assessment beyond the mere macro level of the state itself by emphasising the dimension of associative civil life as essential to societal fragilities. Indeed, a key contribution of Civil Sphere Theory is that it opens up for the exploration of the interdependent nature of the social spheres (civil society cannot replace the state and the state cannot be legitimate without civil society) and how processes of negotiation and mutual influence can create conditions of fragility that removes real societies away from the civil inclusionary ideal.

¹¹ See Section 1.1 for the underpinning of such state responsibilities in International Human Rights Law.

¹² The Fragile States Index (2019) uses an Economic Decline Indicator (indicator E1) which focuses on the formal and informal economy of a country. The informal, or *'illicit dimension of the economy can accordingly be understood in relation to factors including illicit trade, the drug and human trafficking, and capital flight, or levels of corruption and illicit transactions such as money laundering or embezzlement'* (*ibid.*).

This dimension of the informal or illicit economy have been proven to have severe consequences for journalists and journalistic practice not least through their targeting of criminal groups (see for example RSF (2018e) and Poynter (2016))

¹³ The Fragile States Index (2019) uses a Human Flight and Brain Drain indicator (indicator E3) to capture: *'the economic impact of human displacement (for economic or political reasons) and the consequences this may have on a country's development'*. For instance, *'this may involve the voluntary emigration of the middle class – particularly economically productive segments of the population, such as entrepreneurs, or skilled workers such as physicians – due to economic deterioration in their home country and the hope of better opportunities farther afield. On the other hand, it may involve the forced displacement of professionals or intellectuals who are fleeing their country due to actual or feared persecution or repression, and specifically the economic impact that displacement may wreak on an economy through the loss of productive, skilled professional labor'* (*ibid.*). For the purpose of understanding this aspect in relation to risk to journalism it can for instance be understood in relation to the persecution of journalists who are forced into exile. See for example CPJ, (2015b, d)

¹⁴ In this context of commercial influence over the civil role of journalism Harrison (2019, Chapter 3, 16) sees *'[n]ews aggregation systems and editorial algorithms [as] just two of the most obvious forms of cost control on newsgathering and reporting that are on the increase because, as more than one commentator believes, social media is (for the time being) the most common way news is shared and consumed'*.

¹⁵ See for instance the Media Pluralism Monitor (available at <http://cmpf.eui.eu/media-pluralism-monitor/>) (accessed 22 September 2019)

¹⁶ Brown envelope journalism refers to the bribery and acceptance of *'informal gratitude offered to journalists'* (Skjerdal, 2018:163). The acceptance of bribes arguably distorts the civil role of journalism and makes journalism inclined to serve vested interests rather than serving the universalising public interest.

¹⁷ See Alexander's reasoning on journalism being more than a mere information dissemination tool in Section 4.2 of this thesis.

¹⁸ See for example: 'Public funds should be used to rescue local journalism', The Guardian, 11 February, 2019. Available at: <https://www.theguardian.com/media/2019/feb/11/public-funds-should-be-used-to-rescue-local-journalism-says-report> and 'The loss of newspapers and readers. The loss of local news: and what it mean for communities', The Center for Innovation and Sustainability in Local Media. Available at: <https://www.usnewsdeserts.com/reports/expanding-news-desert/loss-of-local-news/loss-newspapers-readers/> (accessed: 22 September 2019).

¹⁹ According to Alexander (2006) civil society consists of a set of communicative and regulative communicative institutions. In addition to mass media, or journalism which is the term used in this thesis, Alexander also includes public opinion, polls and associations as communicative institutions of the civil sphere (Alexander, 2006: Chapter 5). The regulatory institutions include, aside from the law, also: voting, parties and office (ibid., Chapter 6).

²⁰ The meso level of relationships between legal and journalistic institutions have the problem of settling the extent to which anti-civil macro forces matter. Or to put it in another way, the meso level is where the issue of fundamental freedom of expression rights is settled.

²¹ Alexander (2006: 185) refers to this as *"external" evasions of legal accountability [that] threaten democracy*'.

²² See Section 1.1 on international human right law.

²³ The subvention of law to suit macro anti-civil forces defines its relationship to the institution of journalism. Equally, the way that jurisprudential arguments play out within the institution of law also matter. This is well understood and can be illustrated for instance through the endless debates about the force of the First Amendment of the Constitution of the United States as well as the consequences of hate speech and other concerns constraining freedom of expression. The source of anti-civil forces derived from legal institutions can be judged as to how they value the protection they provide with regard to the pursuit of free an independent journalism. Any form of legal framework in any situation can thus be assessed with regards to free and independent journalism as to how it observes this simple criteria. This criteria covers enforcement of legal protection and the willingness of the legal framework (under consideration) to consider the provision of extending new protections for journalists and journalism. The issue at the meso level is how relevant legal frameworks are with regard to the civil role of journalism, how far they go in terms of enforcing protection, how far they go in terms of prosecution of crimes against journalists and how willing they are to consider new protections. There are significant differences in how these aspects of legal frameworks are regarded and supported constitutionally and through the courts. There is no consensus here as to what constitutes freedom of the press. However, and negatively, the extent to which these aspects are written in the legal framework and pursued by law is the extent to which free and independent journalism is valued as a civil norm.

²⁴ See Stiglitz (1999)

²⁵ That is the meso level of Column 3 presumes that the nature of risk and attack covers matters of both physical and psychological well-being. And whilst the former is well documented in the grey literature (see Chapter 2) little attention has been paid to the latter – a point this thesis hopes to redress in the discussion of column 4). In both cases though these attacks pose real risks to the journalist doing their job. Journalism can only provide and retain its capacity to fulfil its civil role if editors and journalists are free to adhere to codes and standards that promote the integrity and autonomy of the journalists. Where the individual journalists has such integrity and autonomy they are well placed and particularly well suited to foster social solidarity and act as agents of civil mediation.

6. Conclusion: the roadmap toward comprehensive understanding of civil diminishment through the causes and manifestations of risk to the civil role of journalism

The roadmap by which this thesis arrives at an understanding of a risk profile which captures a comprehensive and holistic understanding of civil diminishment by encapsulating the understanding of causes and manifestations of risk to journalism began with an understanding of the deficiencies of empirically analysing safety and risk; the inadequacies of methodological approaches to risk to journalism; the narrow and one dimensional understanding of the role of journalism; the need for a theoretical turn toward understanding risk to journalism through the use of Alexander's Civil Sphere Theory and Harrison's understanding of the civil power of the news; the need for multi-dimensional risk profile that captured how civil diminishment occurred when the civil role of journalism was itself diminished; the claim of that the risk profile provides for a new approach to understanding risk to journalism. To this end the following arguments have been made.

First, the thesis opens with an argument that safety and risk is contextualised as an assault on democracy. But it was argued this focus is too narrow - with journalism being conceived of democratic for no other reason than to supply citizens with information. What is needed is a broader approach that encapsulates the scope of the role of journalism in civil terms. This can only be achieved by a comprehensive and holistic approach that calculates the relationship between the way a society is built and how the design of what is built affects the civil role of journalism. In short, understanding all the societal factors and features that impact upon journalism and which journalism seeks to report on.

The second argument was that a comprehensive and holistic approach that wished to capture the societal factors that influence the civil role of journalism and its proximity to the civil ideal of journalism could only be made by using Civil Sphere Theory. In short, a theory which simultaneously shows how a civil ideal of journalism is tolerated or not both by the forces of the state and the market and the institutions of law and journalism, in effect the societal factors that determine the civil role of journalism itself. The relationship between the civil role of journalism and anti-civil forces could be looked at comprehensively and

holistically by accepting that attacking journalism and distracting it, or forcing it away from any semblance it might have to the civil ideal of journalism is a form of civil diminishment. In essence, the risk to journalism is only properly understood if one could profile the anti-civil forces opposed to the civil role of journalism which brought about or sustained civil diminishment. From here it is argued that the concept of civil diminishment forms the basis for a new and comprehensive understanding of risk to journalism.

The third argument was that risk to journalism needed to be understood in terms of its causes, manifestations and consequences. To do anything less was to present an incomplete picture of the entirety of the social factors inimical to the civil role of journalism in any particular setting. This insight has been developed in and through the claim that only a comprehensive and holistic profile could properly capture the civil diminishment of journalism.

The fourth argument was that such a profile methodologically requires following the sociological convention of disaggregating the analysis into an understanding of macro-structural processes, meso-institutional processes and micro-agency processes that define the scope, nature and features of risk to the civil role of journalism. The macro level looks at risk in and through the systemic or structural circumstances of fragility that jeopardise the independence and integrity of the civil sphere. The meso level deals in a more direct way with the performance of the civil sphere itself and its inner workings by focusing on the standing of two of its central institutions: law and journalism. Whilst the micro level examines the way individual editors and journalists perceive levels of risk when undertaking journalism in their local setting.

The fifth argument entailed building a risk profile that could act as a template for empirically observing and monitoring risk at the macro, meso and micro level, which captures the particular features of risk in terms of their causes, manifestations and consequences in any given societal context by revealing the nature and scope of the anti-civil forces that wished to diminish journalism and thus the civil sphere itself. Such a risk profile captures the features of risk to the associative and communicative conditions of civil life, to the civil

sphere itself and to journalism and journalists and understands the consequence of such risk as forms of civil diminishment.

These five arguments are the basis for the claim that the risk profile provides positive answers to the three research questions posed at the beginning of the thesis. The questions were:

Research question 1: Can the concept of civil diminishment be disaggregated (divided into its component parts) to identify risk to the civil role of journalism to form a holistic 'risk profile' of journalism?

Research question 2: Can such a risk profile capture the complexity of civil diminishment identifying the causes and manifestations of risk to the civil role of journalism?

Research question 3: Can such a risk profile serve as the basis for a universal template to identify various types and combinations of risk to journalism understood as generating civil diminishment?

To sum up, it has been shown that the concept of civil diminishment can indeed be disaggregated to identify risk to the civil role of journalism for the purpose of establishing a holistic "risk profile" of journalism' (Research question 1). It has also been shown that the risk profile is able to capture the multidimensional nature of risk to the civil role of journalism through the identification of causes and manifestations of such risk (Research question 2). Finally, the thesis has concluded that a risk profile of journalism can serve as a universal template to show how different types and combinations of risk generate various forms of civil diminishment (Research question 3). Combined these three answers as detailed in the arguments in Chapters 1-5 form the basis for a holistic approach that provides a comprehensive understanding of problems of risk to journalism.

This leaves one final claim that needs to be made with regard to the aims and research questions. In accordance with Aim 1 it has been shown that Civil Sphere Theory can be used as the basis for the development of a holistic approach for establishing a new

comprehensive framework for understanding the consequence of risk to the civil role of journalism through the utilisation of the concept of civil diminishment. And that in accordance with Aim 2: it has been shown that the concept of civil diminishment forms the basis for a new and comprehensive understanding of the causes and manifestations of risk to the civil role of journalism by building a risk profile, as a conceptual framework, that provides the foundation for mapping indicators of civil diminishment of any geo-politico-socio setting in which journalism is undertaken.

Having said this one challenge remains unaddressed. With regard to the risk profile further work is required to challenge the way comparisons between societal and country settings are currently done when it comes to assessments of risk to journalism for the following reasons. Currently the grey literature produces many league tables and lists or indices of risk and safety of journalism. These carry with them a simple comparative force – they detail where somewhere is less risky or more safe with regard to journalism. The subtext is always one place being ‘better’ than another. This judgement is usually reinforced with thin evaluative evidence that simply points to whether human rights or freedom of expression are abrogated or not. Furthermore, support for these judgements is typically provided for by the way that international law support the view that a particular place has abrogated freedoms and rights or not. It is as if a circular relationship between judgements made via monitoring and legal decisions mutually reaffirm each other as to the standing of a particular location. To be clear this thesis is not disputing the value of this. Rather that it is insufficient for comprehensive understanding – understanding that should in fact always be the basis for actions.

The problem is that league tables and lists or indices of risk combined with legal judgments (if made) depict the normative ‘character’ of a particular setting, and if the character is seen to sufficiently delinquent sanctions or policy recommendations may be proposed and introduced. Beneath this edifice of judgement is a belief that settings can be compared. That there are ‘like for like’ determinants of how high or low in a table or list or an index a particular setting is placed. It is this particular belief that a comparison can be undertaken in this way and that this is sufficient for understanding a particular setting that this thesis seeks

to challenge. It does so by suggesting a more comprehensive and holistic understanding of how a setting can be compared.

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