War Reporting
and Justice

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By

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PREFACE

In August 2012 the US President Barack Obama delivered one of the most remembered announcements of his Presidency. When he was asked by NBC News reporter Chuck Todd if he considered using US military for "the safe keeping of the chemical weapons" in Syria, he answered with a stern warning:

> We have been very clear to the Assad regime, but also to other players on the ground, that a red line for us is we start seeing a whole bunch of chemical weapons moving around or being utilized. That would change my calculus. That would change my equation.[1]

The US President's warning to the Assad regime and "other players on the ground" triggered an avalanche of journalists' follow-ups: news media around the world immediately started delivering to their audiences live reports and analyses from Washington, while opinion pieces, comments and editorials were published in the leading newspapers. The crucial argument in news coverage of the Presidents' red line warning was that "something needs to be done" in order to stop the ongoing conflict, abuse of chemical weapons and the Syrian regime onslaught against civilians. And that "something needs to be done" was a military intervention in Syria led by US army.

For many journalists a military intervention was a credible, justifiable solution to the Syrian civil war. The argument that underpinned journalistic support to a military intervention was that a humanitarian (military) intervention is a justifiable solution to the ruthless regime's prolonged onslaught against the civilian population. Opinion pieces published by the major Western newspapers instantly provided some variations to this solution: the Syrian regime could be ousted by the full

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[1] The Public Papers of the Presidents of the United States: Obama, Barack H., Book 02, Presidential Documents July 1 to December 30, 2012, Remarks and an Exchange With Reporters Following a Press Briefing by White House Press Secretary James F. "Jay" Carney, August 20, 2012, p. 1247-1248; Retrieved on 6 September 2018 from https://www.gpo.gov/fdsys/pkg/PPP-2012-book2/pdf/PPP-2012-book2-doc-pg1244.pdf

range of airstrikes with no ground forces involved and no-fly no-drive zones imposed. Journalists also offered their opinions about the necessary logistics: Syrian rebel groups should be supplied by weapons, training and intelligence and UN Security Council should be much more involved.

But, as the Syrian conflict dragged on and Russian military stepped in to save the Assad regime, journalistic arguments about a just solution to the Syrian conflict gradually changed from open calls for humanitarian military intervention in Syria to calls for a political solution that would end the Syrian conflict. What was represented by journalists as a black and white picture of an evil dictator slaughtering the country's population, is now redefined into a complicated puzzle of different political, religious, ideological, and economic interests that involve not only the Assad regime and its opposition, but also Russia, Iran, Turkey, Jordan, Saudi Arabia, Iraq, Israel, USA, Lebanon, etc. What – from August 2012 to today (December 2018) - did not change in this journalistic argumentation of the just solution for the Syrian conflict is a paradoxical argument: that the international community's responsibility to end the Syria's war and civilians suffering should not exclude a military intervention in one or another form.

This book analyses how journalists understand, construct and interpret the notion of justice while commenting on wars and armed conflicts. The book argues that journalists perceive justice and argue about it, not only as members of the journalistic community, or as representatives of nation-states directly involved in armed conflicts, but also as members of the transnational community emotionally, morally, politically and economically affected by these conflicts. More precisely, the effects of armed conflicts on the transnational community turn journalistic argumentation of justice in war reporting into a specific mediator of transnational public reasoning.

The book provides several theoretical concepts to better understand why journalists in their coverage of wars and armed conflicts align their argumentation of justice with the transnational community. The book argues that during times of war journalists conceptualise the notion of the transnational community as a discursive community. The transnational community is understood as a community that arises in times of conflict to protect civilian lives and liberty and therefore serves as an authority of normative criteria for justice. The discursive nature of the transnational community enables members of different national or local communities to join the transnational community in an active deliberation of justice in times of conflict, and to retreat to the routine of their lives as members of a

particular national or local community, when the deliberation has concluded. This book argues that it was the Yugoslav conflicts of the 1990s in particular that gave birth to this modern notion of the transnational community.

This book also demonstrates that war reporting involves not only information and arguments related to a particular war or armed conflict, but employs and reinforces collective memories related to that war. The book argues that media coverage of war routinely employs collective memories to convince the audiences that journalistic argumentation of justice is firmly grounded within a historically proven continuity of similar events and their meanings. Therefore, to make their argumentative claims plausible to their audiences, journalistic coverage of wars continuously employs collective memories of historical events and personalities, or collective memories of procedures and institutions such as those that constitute international law or the international community. But, the book also acknowledge that this argumentation of justice during times of war is not linear: war reporting approaches the concept of justice as a notion that is understood differently following changes in a wider social context.

The book is based on my PhD completed at the University of Melbourne in 2012, my talks given at different conferences, and articles "Journalism, Justice and the Transnational Community" published in *International Journal of Communication* (2014, vol. 8, pp. 1964–1982), and "Journalism and Formation of Argument" published 2016 in *Journalism: Theory, Practice and Criticism (2016,* vol. 17/7, pp. 868-881).

INTRODUCTION

This book discusses how the media discursively construct the transnational community through an argumentation of justice during a time of war, and how collective memories are employed to support this argumentation. It means that this book is also about war reporting. Conflict reporting attracted and still attracts much attention from media and journalism studies, with a long list of research particularly related to the media's work during armed conflicts and wars. This attraction to conflict and war reporting is due partly because conflict itself, as a dominant force of news values, deeply influences journalism practices and journalism as a profession.

Journalism research rarely debates the journalistic argumentation of justice during armed conflicts or wars. When the argumentation of justice is evoked, it is usually addressed indirectly. It was journalism as a profession, which tried to directly address the issue of justice during the Yugoslav wars of the 1990s, particularly through "peace journalism" (Lynch & McGoldrick 2005a, 2005b) and the "journalism of attachment" (Bell 1998).

Modern conflict reporting is strongly influenced by new developments in information and communications technologies. Journalists reporting from the battlefields of distant wars now inform audiences that are more active and feel much more engaged because of the Internet and related digital technologies. Every major armed conflict during the last decades, from the Kosovo war in 1999, and the Afghanistan war in 2001, to the Iraq war in 2003, the Libyan Wars in 2011 and 2014, and the ongoing war in Syria, was reported with the use of advanced innovations in the communication and information technologies which are characterised as "digital, interactive, hypertextual, virtual, networked, and simulated" (Lister et al. 2009). Reports on other types of conflicts, such as political conflicts in Iran in 2009 or in Egypt in 2011, were also delivered to national and transnational audiences with the use of new media, demonstrating "how powerful media convergence and convergence culture have become in terms of shaping politics, democracy, and world history" (Stoddard 2010, p. 267). For example, conflicts related to the disputed presidential election

in Iran in 2009 were even dubbed by the Western media as the "Twitter Revolution," in contrast to Iranian academics who argue that these protests were possible because of the "tradition of public and open social protest in modern Iran" (Mirsepassi 2010, p. x).

The employment of new media in reporting conflicts consequently opened up a wide range of possibilities for understanding and analysing journalistic accounts of armed conflicts or "diffused wars" (Hoskins & O'Loughlin 2010). Contemporary conflict reporting is now analysed as a product of journalistic practices blended with increased speed of news delivery, with a continuous 24-hour flow of content across multiple media platforms, but it is also viewed in the context of a cultural shift in a modern society of more active audiences (Jenkins 2006). New media also open up the space for the inclusion of citizen journalists in conflict reporting which rewrote traditional rules of journalism and influenced debates over "whether 'real journalism' could take place in cyberspace" (Allan 2006, p. 15).

The dominance of Western-based news outlets in reporting conflicts or wars is increasingly counterbalanced on the transnational level by non-Western broadcasters such as Al-Jazeera, or Russia Today, TeleSUR, TRT, PTI and other international broadcasters, exposing "the myth of the mediated centre" (Couldry 2003, p.45). National media routinely deliver to their audience reports with fragmented versions of conflicts that affect a particular country. Nevertheless, these fragmented war reports are increasingly challenged by transnationally shared media reports on wars that leave strong impacts on transnational communities, collective identities and on shared memories.

While it is now accepted that the Internet and digital technologies have a new relevance for conflict reporting, it could also be argued that new technologies "will not resolve long-standing struggles over the representation of war, but rather will pose them in new, challenging way" (Matheson & Allan 2009, p. 7). However, I would argue that it is this form of "representation" as a crucial discursive component of war reporting, including representations of roles of national and transnational communities and justice, which re-emerges in public debates in times of war. It has been argued that what constitutes relevant discursive spaces of conflict reporting are not so much platform-related debates of journalism but rather the "the epistemological commitments underpinning the very idea of journalism" (Matheson & Allan 2009, p. 21). While it should be acknowledged that modern media technologies radically changed media

presentations of conflicts and wars, any analysis of these presentations needs to approach them through a careful analysis of particular media and against a particular social contexts which provides their final framework (Tumber & Webster 2006).

The book's core analysis scrutinises one particular journalistic genre— editorial—to better understand how journalists argue about justice when commenting on events that happened during armed conflicts or wars. While closely examining meanings related to the concept of justice and disseminated through the news media texts, the book also investigates how journalists employ collective memories of national and transnational communities to argue about justice.

The discourse analysis focuses on editorials about conflicts in the former Yugoslavia published by *The New York Times* and the Serbian newspaper *Politika* between 1992 and 2008. These two newspapers represent distinctively different journalistic practices due to their spatial reach and target audience. The former is American-based, but is transnationally present in influence and prestige, and the latter, the Serbian national daily, is also transnationally available online, but confined to a nation space by a language barrier. Nevertheless, it is necessary to underline that both newspapers during the Yugoslav Wars of the 1990s used each other's writings as a mutual reference point and regularly and routinely disseminate each other's writings whenever they refer to American/Serbian media coverage of a particular issue.

The editorial format has been chosen for the analysis, as it is one of the most important journalistic genres. The position of an editorial writer is praised as the highest achievement within different journalistic communities and the editorial space is highly limited within a newspaper and attracts great competition among journalists (Hilgarten & Bosk 1988). As a representation of the newspaper's stance on the issues of the day an editorial, an argumentative and persuasive discursive form, it is also a form of legitimation of power and a reproduction of acceptable norms and values (van Dijk 1992).

The analysis of journalistic arguments provided in this book focuses on the Yugoslav conflicts in the 1990s. Conflicts in the former Yugoslavia offer a wealth of issues for research because exposure to the media turned these conflicts into highly symbolic events. Human rights violations and genocides happened in other parts of the world as well, but the transnational community radically intervened with military forces to stop

atrocities in the former Yugoslavia, which was not, for example the case in Rwanda in 1994, where in just one hundred days around 800 thousand people were slaughtered. It was the former Yugoslavia where international law was continuously applied through a series of exceptions and innovative readings of international law, reaching a peak with the claim that the US-led NATO war against Serbia in 1999 was "illegal, but legitimate" (IICK 2000). The transnational community did not intervene in the Yugoslav wars because of the CNN effect (Robinson 2002), but journalistic discourses about "just" or "unjust" acts committed during the Yugoslavian wars influenced the understanding of these wars and the national and transnational memories of these wars.

How journalists argue about justice while reporting on conflicts is the main question this study seeks to examine and discuss. The notion of justice is approached broadly drawing on three distinctive conceptualizations of justice. The first one sees justice as a "confused notion" (Perelman 1980), or as a concept that is always distorted because it cannot be clarified following an absolute truth or a mechanical application of normative principles, but according to the demands of a concrete situation and a wider social context. It is important to acknowledge that a public argumentation of justice includes value judgments and, as in the case of journalistic practices, also includes argumentation as an element of persuasion of the public. Therefore, I will not make any attempt to define the notion of justice, but will instead focus on discussing how journalists perceive and construct the concept of justice while arguing about armed conflicts or wars. This is in line with the conceptualization of justice as a set of mutually accepted principles that can open possibilities towards the realisation of the transnational community, which desires to achieve equality and fairness among different people (Rawls 2001). What can bind different people together is the understanding of humankind as the essential social cluster defined by the right to life and right to liberty as universal norms which "cannot be both chosen and rejected, they can only be observed and infringed" (Heller 1987, p. 41). For the transnational community it means that political actors and their actions during an armed conflict or war should not be judged only by standards of their own cultures, but by the standards of those who experience the consequences of these actions. In this sense the consistent application of the same norms and rules to all members of the transnational community should be understood as a moral imperative during an armed conflict or war.

In this book I argue that the transnational community should be understood not as a simple sum of dispersed individuals or diasporic

communities, or as an abstract global community without national roots that emerged by forces of the Internet, digital technologies or transnational businesses. Rather, the transnational community should be conceptualized as a deliberative and discursive community (Delanty 2010) that arises with transnational media events, such as armed conflicts or wars, which affect the transnational community's members emotionally or politically, and enables this community to discursively transcend national state borders without being abstracted from the local.

The research executed for this book resulted in another theoretical concept: the definition of conflict that could be useful analytical tool in media texts analysis and particularly in war reporting analysis. I broadly define conflict as a disagreement beyond the point of compromise, where compromise is understood as the politics of civility (Balibar 2002), which regulates a coexistence of opposing identifications. Hence, conflict is approached as a dynamic social phenomenon, which is not completely eliminated by politics of civility, but is regulated to exclude extreme violence and to create space for a deliberation of contested issues. The tension between opposing identifications is a crucial issue when conflict reporting is seen as a public deliberation or representation of contested issues, actors and actions involved in a particular conflict. When a particular conflict develops into an armed conflict or war, the journalistic argumentation of opposing identifications inevitably crosses a nation state's borders and increasingly reaches the wider transnational community that become a witness emotionally or politically affected by the same war. In this sense a journalist who reports or comments on an armed conflict or war unavoidably becomes a part of a transnational deliberative community.

This book is organised into seven chapters. Chapter One outlines different theoretical approaches to justice focusing on works by Perelman, Rawls and Heller, in order to define a formal concept of justice. The chapter also explains why this approach to understanding of justice could be very useful for journalists who cover wars and how this approach to justice can be useful to conceptualise modern, multicultural and harmonious societies in times of wars. The chapter also discusses the role of media in the emergence of the transnational community and the transnational public sphere.

Chapter Two discusses how journalists approach the issue of justice while reporting on conflicts. The first part of the chapter highlights the transition from Communism to post-Communism which was distinguished by armed conflicts and wars, and discusses relationships between conflict reporting,

journalism practices and changes in a wider social environment. The chapter briefly examines recent changes in journalistic practices during the Bosnian War in the 1990s that triggered discussions related to the notion of objectivity in journalism. These issues are discussed in relation to the media's reports on conflicts in the former Yugoslavia as the case study for this research.

Chapter Three approaches the Yugoslav Wars as conflicts intertwined with globalising processes of the 1990s and discusses how the transnational media, during the Yugoslav Wars, delivered not only information, but also disseminated and reinforced collective memories related to these conflicts. After discussing relationships between memory studies and conflict reporting, the chapter analyses why Kosovo, viewed as a place of great sentiment for the Serbian nation, became the breaking point of the former Yugoslavia and Serbia itself. The chapter discusses why the transnational media frequently employed collective memories of the Holocaust as a yardstick for the formal concept of justice in their argumentation of justice and how collective memories of the Balkans were contextualized within the news media's argumentation on the atrocities that followed.

Chapter Four explains how and why the Yugoslav Wars became a model for war reporting and policy makers engaged in finding solutions to post-Yugoslav wars. The chapter gives an overview of the dissolution of the former Yugoslavia, and explains in detail the symbolic and practical importance and consequences of the three events which were transformed into transnational media events: the publication of photographs from Serb-run concentration camps in Bosnia in 1992; the US-led NATO war against Serbia in 1999; and the declaration of Kosovo's independence from Serbia in 2008. The chapter discusses why these three events were crucial for the dissolution of the former Yugoslavia, and how these three events, with the help of the media, became part of the collective memories of the national and transnational communities.

Chapter Five explains how the main methodology for this research was chosen and applied and explaines how this methodology, including a new model of media texts analysis developed during this research, could be applied while analising different media contents, from print to digital forms. Because this research is primarily interested in argumentation and meanings related to the notion of justice disseminated through editorials, the chapter proceeds with a discussion on editorials as a specific journalistic genre, followed by comparison different media systems and journalistic practices.

Chapter Six analyses how and why journalistic argumentation of justice is frequently organised around three semantic fields: Holocaust, just war and sovereignty. The chapter discusses how journalistic argumentation of justice about different events, employs particular lexical items to adjust to changes experienced by the transnational community in relation to these events: the Serb-run concentration camps in Bosnia in 1992, the US-led NATO war against Serbia in 1999, and the declaration of Kosovo's independence from Serbia in 2008.

Chapter Seven discusses how echoes of cognitive and argumentative patterns established during the media coverage of the Yugoslav Wars of the 1990s resonate in media coverage of post Yugoslav wars, from Afghanistan, to Iraq, Libya and Syria.

CHAPTER ONE

JUSTICE AND CONFLICT:
POLITICAL PHILOSOPHY AND JOURNALISTIC PRACTICE

Despite the expectations that the demise of the old bipolar conflicts would bring about a stable world, "the post-Cold War has not been peaceful" (Hammond 2007a, p. 2). The Heidelberg Institute on International Conflict Research (2003) demonstrates the continuous rise of armed conflicts from 76 in 1945 to 218 in 2003[1]. Armed conflict is understood as "contested incompatibility which concerns government and/or territory where the use of armed force between two parties, of which at least one is the government of a state" (UCDP 2010; see also Wallensteen & Sollenberg 2001). The difference between armed and "major" armed conflict is in the number of battle-related deaths, where an armed conflict results in at least 25 battle-related deaths in one calendar year, and major armed conflict "resulted in at least 1000 battle-related deaths in any single year" (Eriksson, Sollenberg & Wallensteen 2003). According to the Stockholm International Peace Research Institute (SIPRI 2010), during the last decade (2000- 2009) only three out of a total of 30 major armed conflicts have been interstate; the rest have been conflicts within a nation state borders.

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[1] Data for armed conflicts are different in different research depending on the threshold used. For example, the International Peace Research Institute, Oslo uses "the relatively high threshold of 1,000 battle-deaths. The Upsala [University's] dataset on armed conflict has lower threshold, 25 annual battle-deaths" (Gleditsch et al. 2002).
According to Stockholm International Peace Research Institute (SIPRI) between 1990 and 2001 the world experienced 57 different major armed conflicts in 45 different locations. In 2009, there were 17 major armed conflicts active in 16 locations around the world. While Gleditsch et al. (2002, p. 616) states that between 1989 and 2001 "a total of 115 armed conflicts have been recorded", Eriksson and Wallensteen (2004 p. 627) state that between 1989 and 2003 there were 116 armed conflicts. According to the SIPRI yearbook for 2006 between 1990 and 2005 there were 57 active conflicts, of which 53 were fought within states (SIPRI 2006).

A discourse of justice from topic to social contract

The concept of justice has been an issue of discussion and conflict since the dawn of our civilization, but it was Plato who detached justice from place, time or status and approached "the problem of justice as a topic, converting it into a conceptual entity and making it a normative principle" (Havelock 1978, p. 14). As the written word started to take over from oral culture, the concept of justice became the central yardstick for a good or properly organized society.

Aristotle led further distinctions between formal, abstract, or procedural justice, and "justice as substantive moral category" (Cullen 1992, p. 16), was referred to as social or distributive justice. Aristotle's dictum (1996) from his *Politics* (III/12) that equals should be treated equally and unequals unequally in proportion to their position or merit, gave a definition of justice that could be further explored and adjusted for modern times.

The Aristotelian idea of "proportionality" refers to social inequalities such as merit or excellence, where equality refers to norms and rules applied to all, and proportionality is judged by different forms and acts of labour (Heller 1987). What is assumed in this formal approach to justice is the existence of "a common yardstick" in the form of sets of norms and rules that will be used to judge individual merit or excellence. Aristotle's approach to justice intends to discuss the problem of justice through these norms and rules rather than to give a universal and final resolution of the problem of justice for all situations and all people (Schaefer 2007). But together with a set of rules and norms that Aristotle proposes as a guide to recognise virtues and vices, he "leaves it to the reader to determine whether any given action or character tend more to the former or the latter" (Schaefer 2007, p. 23). Following Aristotle's writings, the concept of justice in later philosophical discussions was inevitably "concerned with good judgment and a sense of fairness" (Solomon & Murphy 2000, p. 35). Ancient Greek philosophers were not concerned with individual rights (Ryan 1983, p. 3), but their writings laid foundations for different perspectives in the relationships between society and its members.

With theories of social contract, discussions related to the concept of justice entered a radically new phase of debating this issue. As Solomon & Murphy (200, p. 60) write, "Before the establishment of such an agreement, there is no justice." The concept of justice that we find in different writings (or that we experience in practice) is influenced by a

particular political perspective, which confirms that discussions about justice are not related to "the meaning of a word, but a view of the world" (Gaus 2000, p. 262). Therefore, the role of the sovereign in the Hobbesian tradition, as the allocated authority to efficiently handle conflicts, to maintain peace and to protect people, was transformed by Locke into the authority that is to be responsible for resolving conflicts while respecting the rights of individuals. But only Kantian tradition brought a definitive perspective of individual human beings and their rationality (inevitably) related to morality that is attached to a universal law. The categorical imperative became a desirable law for the republic, where the source of law is the will of "an entire people" (Kant 1983). It is the same cooperative side of humans that was seen by Rousseau as a presumption to the social contract that binds people together, balancing individual interest with a fair society.

Journalistic practices and the formal concept of justice

Because this book focuses on the argumentation of justice in war reporting, the concept of justice is approached here as a set of mutually accepted principles (Rawls 2001) organised around the formal concept of justice (Heller 1987). A similar approach is argued by Aalberg (2003, p. 25) who also emphasises that "the most fundamental element of comparative justice is its formal principle." As Heller (1987) argues, the formal concept of justice accommodates common properties of different types of justice ("formal" or "substantive"). As a result the formal concept is both formal and substantive, because it is "abstracted not only from all normative content, criteria and procedures of justice, but from the (finite) ideal types as well, which are reasonably construed via different combinations of content, criteria and procedures" (Heller 1987, p. 1). The formal concept of justice is also the response to the process of "socialization" and a simplified expectancy that the same rules should be symmetrically applied to members of the same group of people and asymmetrically applied to outgroup members or members of different societies. The application of the formal concept of justice is the answer to demands of justice, complexities of social relations and changing positions of individuals, especially during times of armed conflicts. It is because the application of this concept, as "the maxim of justice," reveals that a procedure is just or unjust "if the norms and rules of the procedure constitute a social cluster" (Heller 1987, p. 3). The social cluster to which the norms and rules apply is understood by Heller as "humankind":

> […] the essential social cluster is the unity of empirical humankind and the idea of humankind. It is empirical humankind because it encompasses the sum total of human beings who inhabit our globe. It is also the idea of humankind because membership of the essential social cluster is constituted by universal and binding norms (p. 40).

This book broadly incorporates a definition of the formal concept of justice as "the consistent and continuous application of the same norms and rules to each and every member of the social cluster to which the norms and rules apply" (p. 5). This approach to justice is appropriate for the research, which presumes that during an armed conflict or war application of the same norms and rules to all members of the social cluster is, "together with consistency in application, a moral imperative" (p. 7).

In a comparative investigation of different journalistic practices employed in war reporting, humankind should not be understood as a simple sum of "single individuals who can enter into a social contract, real or virtual, under the veil of ignorance or otherwise" (p. 45). As Heller argues, when we speak of humankind we actually speak about the sum total of human cultures, because only culture interacts—symbolically speaking—by accepting universal norms such as the right to life and the right to liberty of all. With the Nuremberg Trials, the right to life and the right to liberty were confirmed as universal and binding common norms that belong to every culture and every human being. Hence, the right to life and the right to liberty, as universal norms, "cannot be both chosen and rejected; they can only be observed and infringed" (p. 41). The right to life and the right to liberty define humankind as the essential social cluster united both through practice and through the idea of humankind.

When analysing war reporting, Heller's work is important as it enables an identification of the sphere of justice on the international level by being aware of the diverse approaches to justice in different journalistic practices during wars, for example the influence of different individual, cultural, religious, economic or political backgrounds. This book, while drawing on the formal concept of justice given by Heller, therefore will not defend, endorse or accept one conception of justice over another for arbitrary reasons. As Sterba (Sterba et al. 1995) argues different political ideals, from libertarian to welfare liberals to socialists, endorse different requirements of a society or state, which again lead to different conceptions of justice.

In the context of the transnational community, I would argue that different journalistic communities or different cultures could be bound by the

criteria of civic or public responsibility. Political actors involved in an armed conflict or war cannot be evaluated only by the criteria of their own culture but also "by the standards of those cultures which bear the consequences of their actions" (Heller 1987, p. 46). Political actors and their actions committed during an armed conflict or war should be compared with regard to their respect for the lives and liberties of all people. In this sense we could say that political actions committed during the Yugoslav Wars, or wars in Afghanistan, Iraq, Libya or Syria, are remembered by people affected by those actions, but also by the media reporting on those actions. When those actions are remembered and disseminated by the transnational media they are also remembered and judged by the different communities that see and understand themselves as part of the transnational community.

The idea of justice is understood in this book as a notion, which "is not static but highly dynamic, since it seeks to relate the evolving values of the community to what is done on its behalf" (Friedrich 1963, p. 34). This approach to justice accepts the reasoning that, in practice, and especially during a time of war, justice is realised incompletely, not because of the complex rules and norms applied, but because justice as a concept cannot be "reduced to clarity without being distorted" (Perelman 1980, p. vii). The notion of justice is related to a universal value, which is understood within a particular context and in a particular way.

The concept of justice as a "confused notion" and as fairness

Perelman (1980) sees justice as an example of a "confused notion" because justice "cannot be clarified according to the test of absolute truth but can only be developed in the course of responding to the practical demands of political action in a manner informed by reasonable belief" (Mootz 2006, p. 21). The formal approaches to justice cannot be applied in concrete cases without the intervention of value judgements and—as in the case of a judge—without the power to interpret "the text in such a way to eliminate obscurities, antinomies and gaps in the law" (Perelman 1980, p. 98). For this reason it is crucial to use "confused notions" like justice cautiously in public communication, such as war reporting. Justice, as any other concept, is used in public deliberation by media or political leaders "to enhance understanding and illuminate action, [and] explain, predict, and control the course of events" (Jenkins 1963, p. 192). Especially during social disorders such as armed conflicts or wars, political or military actors

often abuse justice in public discourse that, as the result, often it is held that the concept of justice "is so ambiguous, so vague and variable in meaning, that it is useless as a rational tool" (Jenkins 1963, p. 192). The search for a meaning of justice is what political leaders and journalists try to achieve during armed conflicts or wars, and is their justification for opposing political, media and military campaigns.

A conception that understands justice as a set of principles mutually accepted by different people under fair conditions is outlined by Rawls in his major works, *A Theory of Justice (*1971), *Political Liberalism* ([1993] 2005) and *The Law of Peoples* ([1999] 2001). *A Theory of Justice* "has dominated the philosophical discussion of justice" since it was published (Cullen 1992, p. 18; Reichberg et al. 2006). Rawls attempts to use the idea of the social contract in "explaining the concept of justice" (Raphael 2001, p. 196). Rawls's work is extremely complex, "notoriously difficult to interpret" (Gaus 2003, p. 179), and sometimes even self-contradictory, but above all it encompasses a wide range of issues including ethics, political philosophy, economic theory, the political and constitutional history of the USA, and international relations (Pogge 2007, p. 4).

It is not my attempt to provide a comprehensive analysis or commentary on all Rawls's writings on justice, but I will, instead, broadly follow his conception of justice as "fairness", and draw on ideas of justice he developed in *The Law of Peoples*. This is because this book focuses on how journalists from different journalistic practices conceptualise justice in war reporting and *The Law of Peoples* attempts to show "how justice as fairness can be extended to international law" (Rawls 2001, p. 4). For similar reasons many authors already attempted to apply Rawls's theory of justice on a global level (Barry 1974, 1982, 1989; Beitz 1999; Pogge 1989, 2007).

As individuals, different people could disagree, but despite these disagreements "they each have a conception of justice" (Rawls 1971, p. 5). A just outcome of a particular armed conflict or war reported by the media could be understood not only as a victory of good over evil, but following Rawls's argument that the principles of justice would be accepted by equal, free and rational persons as fundamental for their future association. Rawls calls this way of considering the principles of justice "justice as fairness" (Rawls 1971, p. 11). In this conception of justice "all social values—liberty and opportunity, income and wealth, and the bases of self-respect—are to be distributed equally unless an unequal distribution of any, or all, of these values is to everyone's advantage" (Rawls 1971, p.

62). But to achieve fair and equal deliberation of the principles of justice the parties involved should be placed behind a "veil of ignorance": they do not know facts about themselves (their social status, intelligence, wealth) or particularities of their own society. This approach to justice could be criticised for not recognising how our identities are crucial for our projection for life, since identities are meanings that define us and people around us, and that "ignorance is exactly what does not characterize real life" (Alexander 2006, p. 14). Similar critiques to Rawls's came from other communitarian conceptions (MacIntyre 1981, 1988; Sandel 1982; Walzer 1983; Taylor 1989; see also Mulhall & Swift 2003, 2005).

Rawls elaborates (2001) his ideas while emphasising that political liberties—the right to vote, freedom of speech and thought, the right to hold property or freedom from arbitrary arrest—are a precondition for individuals to develop a full understanding of justice. It is important to clarify that if we are to agree with Rawls's approach to justice we have to make an "a prior acceptance of modern social democratic tradition" (Sterba 1995, p. 1). This approach to justice should be in broad agreement with the modern development of the constitutional, social and media environment of the countries and journalistic practices that are under researchers' scrutiny (in this book the countries are USA and Serbia where the journalistic practices of *The New York Times* and *Politika* belong). But on the level of transnational communities we face different approaches and different conceptions of justice competing not only via realpolitik, but also through discursive and journalism practices. Especially during an armed conflict or war, different conceptions of justice compete for primacy and try to exclude each other from the public domain, while at the same time arguing how justice as fairness should be understood and defended.

CHAPTER TWO

WAR REPORTING AND THE QUESTION OF JUSTICE

To avoid potential international conflicts some basic principles of the "law of nations" should be respected, from the principle that states are free and equal to the principle that each nation has a specific conception of good and that this conception should be protected by the basic principle of international law, the principle of equality. From these principles it is logical to accept the principle of self-determination—"the right of a people to settle its own affairs without the intervention of foreign powers" (Rawls 1971, p. 378). But, while respecting these principles, states must respect and execute their obligations as members of the international community.

Justice, sovereignty and the transnational community

Rawls has been criticised because of his reluctance to widen his theory of justice to the transnational or international level, despite the fact that his book *A Theory of Justice* is "generally considered to be the most complete and systematic account of a right-based justice in contemporary philosophy" (Tan 2004, p. 54). In his later works, especially in *The Law of Peoples* (2001), Rawls extended his conception of justice to an international level where representatives of different peoples (behind a veil of ignorance) decide on a just solution to potential conflicts between different peoples who, unlike states, "are fully prepared to grant the very same proper respect and recognition to other people as equals" (Rawls 2001, p. 35). In this sense the crucial difference between "states" and "peoples" is related to sovereignty, which according to Rawls (Rawls 2001, p. 27), should "deny to states the traditional rights to war and to unrestricted internal autonomy." This distinction is important for this book as a new way of conceptualising the role of the transnational community and the notion of sovereignty in a context of armed conflicts or wars. While the role of the transnational community has gained more importance in relation to armed conflicts and wars, the traditional notion of sovereignty of nation-states has been restricted by international law since

World War II and is understood much more closely in relation to a state's respect of human rights.

Furthermore, drawing on Rawls's work (2001), the transnational community could be also conceptualised by acknowledged differences between "five types of domestic societies": reasonable liberal peoples; decent peoples; outlaw states; societies burdened by unfavourable conditions; and benevolent absolutism. According to Rawls, to be worthy of membership of a Society of Peoples, a society needs to satisfy certain criteria of "well-ordered peoples." Members of a Society of Peoples will make the whole Society of Peoples reasonably just by accepting and following "the reasonably just Law of Peoples in their mutual relations" (p. 5). The term "peoples" refers to "the actors in the Society of Peoples, just as citizens are the actors in domestic society" (p. 23). Liberal peoples share constitutional democratic governments, a nationality and a moral nature, which is firmly attached "to a political (moral) conception of right and justice" (p. 24). Free and democratic peoples also share several principles of justice: they are free and independent and their freedom and independence are respected by other peoples; they respect treaties; they are equal; they respect the duty of non- intervention; they can start war only as a self-defence; they respect human rights; and they have "a duty to assist other peoples living under unfavourable conditions that prevent their having a just or decent political and social regime" (p. 37). These principles of justice, understood from the point of the formal principles of justice, could provide a deeper understanding of armed conflicts by members of the transnational community, but also by various groups or individual members that live within existing nation-states. Different understandings of these principles of justice could be also traced down in transnational and national media coverage of armed conflicts.

Armed conflicts or wars could be better understood if they are approached from comparative points of views of the national and transnational communities as well as the transnational and national media, and through a comparative analysis of their understandings of and responses to events that jeopardise their own interests, endanger international security or violate human rights. In this context, Rawls's conception of the "outlaw state" is crucial for the analysis of wars and armed conflicts. The international community sees an outlaw state during wars as a state ruled by a regime that refuses to respect and follow international law or "refuse[s] to comply with a reasonable Law of Peoples" (p. 5). By rejecting the international community's demands to respect international law, the state put itself in the position of an outlaw state that violates

human rights and "is to be condemned and in grave cases may be subjected to forceful sanctions and even to intervention" (p. 81). What is crucial is that the transnational community perceives an outlaw state as a state in which sovereignty should not be protected by international law. It is because outlaw states are aggressive and dangerous to the rest of the transnational community. Hence, following Rawls, it could be argued that liberal democracies' refusal to tolerate outlaw states "is a consequence of liberalism and decency" (p. 81). Human rights, understood as universal rights, therefore are not confined to a nation state's borders, but have a binding moral and political effect on the transnational community. Following ideas developed by Walzer (1977), Rawls supports a proposal of a just war as the solution for extreme situations when outlaw states seriously affect the international climate. Rawls's idea (2001, p. 126) behind this support for a just war is that the great evils of human history, from unjust war to genocide, follow on from political injustice, and - as Rawls argues - once the gravest forms of political injustice are eliminated these great evils will eventually disappear.

But an action against an outlaw state opens up another controversial dilemma formulated by Walzer's (1977, p. xii) question: "How much human suffering are we prepared to watch before we intervene?" Rawls himself left this dilemma to foreign policy and to political wisdom. He suggests the establishment of a confederative centre and a public forum that will formulate and express well-ordered people's "common opinion and policy toward non-well-ordered regimes" (Rawls 2001, p. 93), and especially towards outlaw states. Rawls also underlines a crucial role that journalism should play in this context, exposing to the public the unjust and cruel institutions and practices of oppressive regimes.

The ideas of a just war and humanitarian intervention during the 1990s were criticized as an example of American hegemony. Critics related justification of a just war to sovereignty and the state of exception (Agamben 2005). What characterises relationships between international law, the transnational community, the media and sovereign states during humanitarian interventions is precisely this "no-man's-land between public law and political facts and between the juridical order and life" (Agamben 2005, p. 1). The state of exception applied during or after humanitarian interventions also influences the ways in which the concept of justice is understood, constructed and reported in both the transnational and national media during times of armed conflicts (Gilboa 2002; Allan & Zelizer 2004; Cottle 2006; Tumber 2008). Arguments outlined in war reports or in editorials about wars against Serbia in the 1990s, to wars in

Afghanistan, Iraq, Libya, and Syria - demonstrate how the concept of justice is mediated from both national and transnational media perspectives (at the same time) very differently and very similarly. Both perspectives, even when addressing opposing viewpoints, discursively construct the transnational community in relation to a well-ordered society and as a stable association of free and moral beings, an association that cares for its members, and is "effectively regulated by a public conception of justice" (Rawls 1971, p. 453). This possibility – that the transnational community could be conceptualised and called into being as a discursive and deliberative community – is what gives distinctive power to the media's presentation of justice in times of war.

Conflict as a transition from Communist to post-Communist societies

After the collapse of the Soviet Union as a superpower, the major armed conflicts in Europe were conflicts within post-Communist societies. Europe experienced seven major armed conflicts between 1990 and 2005, and four of these were located in the former republics of Yugoslavia, which have been internationally recognised since 2008 as independent states: Bosnia and Herzegovina, Croatia and Kosovo. Three other conflicts were located within the former Russian Empire in Azerbaijan, Georgia, and in Russia (Chechnya) (Harbo & Wallensteen 2006). During the period of the wars in the former Yugoslavia (1991-1999) there were 56 major armed conflicts in 44 locations (SIPRI 2010) around the world. Only three of these were interstate conflicts: Iraq–Kuwait, India–Pakistan and Eritrea–Ethiopia. Even later periods of our history did not experience a significant decline in numbers of conflicts than before. Between 2007 and 2016 – according to the Uppsala Conflict Data Program - the number of active armed conflicts decreased from 52 to 49 in 2016 (SIPRI 2017, p. 2). During 2017 there were still 63 multilateral peace operations active (SIPRI 2018, p. 103). As SIPRI reports (p. 103) "this was one more than in 2016 and the second-highest number of operations conducted in the period 2008–17." As the result of these armed conflicts, at the end of 2016 number of forcibly displaced people reached 65.6 million (SIPRI 2018).

Conflicts and wars during the post-Cold War era not only changed the geopolitical map, but also profoundly influenced the understanding of the notion of national and transnational. In the context of the post-Cold War era media played a crucial role and influenced our understanding of changing notions of the nation-state and the transnational community, and