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Recommended Citation

Silke, Henry; Rieder, Maria; and Siapera, Eugenia () "Hybrid Media and Political Trials: How legacy journalism perceives citizen journalism and social media in political trials - the case of #jobstownnotguilty," *Irish Communication Review*. Vol. 17: Iss. 1, Article 3.

Available at: <https://arrow.tudublin.ie/icr/vol17/iss1/3>

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Hybrid media and political trials: How legacy journalism perceives citizen journalism and social media in political trials – the case of #jobstownnotguilty

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Abstract

The relationship between Social Media and Legacy Media has been of much interest to scholars. This paper investigates an interesting, contentious and politicised court case where the heretofore monopoly of professional journalism, court reporting, was challenged by citizen journalists. The case concerned a 2014 sit down protest in Jobstown, Tallaght, a working-class suburb of Dublin, where a government minister, Joan Burton TD, was blocked in her car for several hours by local protesters. A number of protesters, many months after the incident, were arrested and charged with false imprisonment.

Introduction

The relationship between Social Media and Legacy Media has been of much interest to scholars. This paper investigates an interesting, contentious and politicised court case where the heretofore monopoly of professional journalism, court reporting, was challenged by citizen journalists. The events leading to the case had been previously marred by extremely biased and hyperbolic coverage in legacy media (see Power et al., 2016).

The case concerned a 2014 sit down protest in Jobstown, Tallaght, a working-class suburb of Dublin, where a government minister, Joan Burton TD, was blocked in her car for several hours by local protesters. A number of protesters, many months after the incident, were arrested and charged with false imprisonment, in other words kidnapping the Minister. It should be noted that the minister was surrounded by police at all times and was never in any danger of kidnapping. The trial took place in June 2017 and all defendants were acquitted. An earlier non-jury trial, involving a minor, found him guilty of falsely imprisoning the minister (see below).

A separate paper by the authors (Silke et al., 2020) looked at the legacy media coverage of the trial, with op-ed and analysis articles post trial, alongside some social media commentary from two pro-defendant Facebook pages. The paper found a profound division between legacy media and the Facebook pages. Legacy media gave more coverage to the prosecution case during the trial, and the analysis, commentary and op-eds were found to be biased against the defendants in the coverage after their acquittal. The coverage on two of the social media pages that were supportive of the defendants (Right2Water and Jobstownnotguilty Facebook pages) was as expected, with both sites being partisan sites, including one directly campaigning in support of the defendants. What was less expected was the audience engagement with the sites. While many of the posts on those pages were coded with what we termed 'call to action', that is calling for action in protests, attendance at the courts etc., the largest engagement (measured in likes and shares) were those Facebook posts that we coded as 'media critical' – that is, critiquing legacy media coverage, including pointing at the lack of coverage of key points in the trial. This underlines the conception of hybrid media involving an interplay, and sometimes a form of competition, between new and old media.

This paper will look at the legacy media representation of the social media intrusion into an area where they previously held a monopoly: court reporting. We look at articles in legacy media print publications that discuss the incursion of citizen journalism and social media in this case. Social media challenged legacy media's coverage of the court itself as well as reporting in the events leading up to and the aftermath of the case. The paper will begin with a brief overview of the water-protest movement and the sit-down protest leading to the trial. We will

then explore some of the literature around legacy media coverage of social movements before briefly looking at legacy media constraints around court reporting. Finally, we will discuss the literature around hybrid media and the interaction between legacy and social media. In our empirical section, we will explore the representation of social media reporting in legacy media, finding a generally negative view that sees the intrusion of social media in the courts as 'subversive', 'menacing' and a 'threat'.

Irish water protest movement

The mantra that the Irish don't protest was no more than a myth of Celtic exceptionalism. Ireland had a long history of agrarian movements, such as the Land League, and a rich working class history of struggle, to say nothing of a very recent history of a near civil war in Northern Ireland. Ireland as a late and stunted industrial nation did not have the kind of mass social democratic and communist movements common across Europe. Nonetheless at the beginning of the financial crisis in 2008 there were many small struggles and large-scale trade-union-sponsored marches. The trade union leadership, however, after what seemed to be strategically organised stikes, returned to a new form of social partnership with the state; the Labour Party, with which many unions have ties, entered government with Fine Gael in 2011. Nonetheless, smaller mainly sectoral protests did take pace during the crisis period, and the Occupy movement took over public spaces in four Irish cities (see Cox, 2016 for a detailed breakdown of Irish protest movements in the period prior to the water protests).

The first hint at a radical mass response to austerity was a movement against the property tax. The property tax was considered by many to be a regressive tax in that it did not take into account whether a property was mortgaged or owned outright. In fact, after the 2008 crash many who had bought in the previous five years were in severe negative equity and most likely had faced pay cuts or lost their jobs completely. Economist Thomas Piketty, on a visit to Dublin, critiqued the tax as unfair as it was based on property values rather than net wealth (RTE, 2014).

The parties of the 'further left', the Trotskyist Socialist Party (SP) and Socialist Worker Party (SWP), as well as the anarchist Workers' Solidarity Movement (WSM) organised much of the movement against the property tax, in the form of

the Campaign against the Household and Water Tax (CAHWT). The main strategy of CAHWT was 'mass non-payment', a tactic used in a previous battle to prevent water charges in 1997. The various parties and independents involved organised branches around the state. The campaign was successful and mobilised tens of thousands in action and even more in the act of non-payment. However, the government finally intervened by bringing in legislation to allow the treasury to take the tax directly from salaries, effectively ending the campaign. The movement, which was in the process of splitting along party lines, was somewhat demoralised after the defeat. But it had popularised the tactic of non-payment.

It is against this backdrop that in September 2014, after the proposal by the government to establish the Irish Water utility and introduce a regime of water charges, the broad umbrella group 'Right2Water' (R2W) was established by more left leaning trade unions including Unite, Mandate, the Communications Workers' Union, CPSU and OPATSI as well as left parties including Sinn Fein, The Workers' Party, People Before Profit and the Anti Austerity Alliance (later to be remained Solidarity) (Hearne, 2015, p. 6). It is worth emphasising that this was a more broad coalition than the previous anti-property tax movement, without the same level of organisation or consensus. Moreover, the public strategy of Right2Water, unlike the previous movement, was to remain within legal frameworks, which meant that the major strategy of the anti-property-tax movement, non-payment, was not adopted by Right2Water. Postures differed among the groups within the organisation: Sinn Fein were lukewarm on the issue, tending to not support the tactic while the further left parties actively promoted non-payment of the water charges (Adshead, 2017, p. 13). The unions, possibly for legal reasons, did not publicly support or oppose the strategy. The various groups continued to act independently; for example, the Socialist Party set up a separate solo campaign entitled 'We Won't Pay' specifically around the tactic of non-payment. Most local groups had little real connection to the central organisation of Right2Water (R2W). However, R2W's real strength lay in its political capital to call mass demonstrations far beyond what any of the political or local groups could do alone. The movement was also far too large for the small political parties to intervene, and some would allege seek to control, compared to the previous bin tax and property tax campaigns.

It became obvious that the water movement was going to be something historical after the first Right2Water mass mobilisation in Dublin on October 11th 2014: an estimated 100,000 people took to the streets. This magnitude was of double significance, firstly, as 100,000 is a very large number for a country as small as Ireland, and secondly, as it was not particularly well advertised or well supported by the Irish Congress of Trade Unions (ICTU) or SIPTU (Ireland's largest trade union and the only movement capable of organising such numbers previously). The anti-property tax movement, for example, which is a better representation of leftist forces, would tend to attract 10,000 to 20,000 people. Like the small local protests in the communities that preceded it, it seemed more spontaneous and locally organised. The march far exceeded the expectations of the organisers and took the media by surprise – it received little coverage.

On the same day as the mobilisation, Paul Murphy, a former Socialist Party MEP, won a by-election in the Dublin South West constituency standing for the Anti Austerity Alliance (later to be renamed Solidarity). This was of note for several reasons: firstly, because Murphy had no previous presence in the area (normally a necessity for a leftist in Ireland winning a seat) and secondly, because he beat the favourite, a Sinn Fein candidate, in an electoral stronghold for that party (Adshead, 2017, p. 13). Sinn Fein, as discussed above, while also opposed to water charges and aligned with Right2Water, at that time, did not support the more militant tactic of non-payment of bills and this discussion of strategy, rather than the water charge itself, had been the major electoral issue.

Following this, on November 1st, Right2Water, the *de facto* leadership of the movement, called a round of local protests, taking place in approximately 90 locations around the country and believed to have included up to 200,000 people (Power et al., 2016). This was possibly of greater relevance than the previous march, as small Irish towns, some with little history of recent mobilisation, saw hundreds and sometimes thousands marching on the issue. Right2Water would go on to hold numerous mass protests over the next two years (see Cox, 2016 for details).

Localised militant blockades of water-meter installation, which had begun early in 2014, spread sporadically all over the country. These blockades saw the entrance to estates blocked by activists who would prevent contractors from setting up sites, digging and installing meters, usually by standing in front of machinery and

preventing work. These water charge groups, sometimes calling themselves 'water warriors', were locally organised and established and usually had no party-political activist involvement (distinguishing it from the typical political campaigns in Ireland). Meetings were called locally by activists and, often using social media tools, especially Facebook. It was often these local groups that would come under attack by the media.

It should be noted here that the movement was ultimately successful. The government introduced a number of concessions including a €100 'conservation grant' to those who registered with the new utility (Finn, 2015, p. 57). The government continued in this manner with a series of stand-downs and postponements of deadlines. Mass non-payment proved to be a successful strategy and in July 2015 Irish Water finally released its own figures and was forced to acknowledge that well over 50% of households had not paid the charges (Finn, 2015, p. 63). In the 2016 general election a majority of TDs elected had declared opposition to water charges. The Labour party (part of the coalition government that introduced water charges) held only seven of its 37 seats. Water charges became a major issue in the talks on government formation: eventually a minority Fine Gael administration agreed not to pursue water-bill arrears as part of their agreement to secure Fianna Fáil support.

Criminalisation of the movement

A 'critical discourse moment' (Carvalho, 2008) came with an incident on November 15th 2014 in Jobstown in southwest Dublin, in Murphy's constituency. The Minister for Social Protection, Labour TD Joan Burton, was to confer awards at a ceremony. Jobstown, one of the least well off districts in Dublin, had suffered from austerity measures in that period. Locals staged a spontaneous rally leading to a sit-down protest in front of Burton's car lasting approximately two hours. The protest was cast as violent in the press and protesters were deemed menacing and even compared to ISIS by one government backbencher (Silke, 2014). The Irish Daily Mail in one particularly hyperbolic article compared the Minister's ordeal to two British soldiers that had been killed by the Provisional IRA after driving into a funeral in the 1990s, and the press in general described protesters as 'a mob', their actions as 'violent' and local politicians as 'anti-democratic'; there was a clear classist tone to much of the coverage (see Silke, 2014 for more examples). There was a consistent framing of the movement as being violent, being manipulated

by dissident republicans (i.e. terrorists) and containing a 'sinister fringe' (Power et al., 2016).

A Garda investigation led to the arrest, months later, of 27 people (including minors) on a variety of charges including 'violent disorder' and 'criminal damage'; 13 of the activists were charged with 'false imprisonment', in other words kidnapping, a charge that could theoretically lead to life imprisonment (Cox, 2016, p. 21). Murphy, who had taken part in the protest, was among those awakened before dawn and arrested. Two other local politicians were also arrested. The arrests were stretched over a period of two weeks (Finn, 2015, p. 59).

The police were accused by defendants of 'political policing' (Minihan & Lally, 2015) with the intention of crushing the movement.. The first seven adults accused endured a full jury trial lasting over 40 days in June 2017. When six defendants were found not guilty and the seventh had charges dropped, in the immediate press coverage of the outcome, the Irish Times (Editorial Irish Times 30 June 2017) concentrated on the issue of people tweeting from the courthouse rather than on the political aspect of the trial itself, nor on the fact that the judge had cast doubt on the veracity of no fewer than 180 police statements.

Journalism and protest/social movements

An early study on the treatment of protest movements in the mass media by James Halloran, Philip Elliott and Graham Murdock (1970) looked at the media's treatment of a 1968 anti-Vietnam war protests in London. The seminal study found that the news media came to anticipate, interpret and then depict the protest through a frame of violence, although the protest was largely peaceful on the day (Cottle, 2008, p. 856). Likewise, Todd Gitlin (1981) showed how US based protesters were subject to negative news framing that emphasised violence at demonstrations. The studies put forward sophisticated explanations grounded in an understanding of both journalistic work practice and the structures of news organisations alongside wider issues of political economy and a Gramscian understanding of ideology (Cottle, 2008, p. 856).

Simon Cottle (2008) makes the argument that, already early in this century, protest was moving in from the margins, based on several surveys that showed positive attitudes towards protest. For example, 47% of people regard street

protests against capitalism as justified (ICM poll cited in Doherty et al., 2003; Cottle, 2008, p. 857). And the media itself can sometimes champion single-issue campaigns in what Kirsty Milne (2005, in Cottle, 2008) describes as consumer driven politics and heightened media competition. Moreover, Cottle points to examples of protest movements such as environmental protests and major mobilisations against the 2003 Iraq war as evidence of more progressive treatments of demonstrations and protests compared to the past (*ibid.*, p. 858). Likewise, Irish movements especially around sexuality and gender have come from the margins and into the mainstream. For example, the movement for LBQT rights culminated in a constitutional referendum for marriage equality which was supported not only by liberal and leftist parties but also by traditionally conservative political parties such as Fine Gael. Similarly, the movement for abortion legislation, only a few years ago on the margins of Irish society, saw a landslide victory in a constitutional referendum.

According to Cottle (2008, p. 853) protests today have been reflexively conditioned by the pursuit of media attention and it is via the news media that the politics of the organisers is conveyed to a wider audience. Likewise, for Andrews and Caren (2010) the news media play a pivotal role for social movements' ability to generate broad social change. Cottle maintains that, while a social movement can itself be described as a form of media (Melucci, 1996, p. 9), there is no avoiding the centrality of the mainstream media for the wider communication of the movement.

According to these authors, it is therefore not the spectacle of the protest or movement itself that is key but rather the broadcasting of the protest to the mass audience watching/reading the media coverage of the protest at home, alongside elites and authorities (Cottle, 2008, p. 854). Although media may cast a negative light on a social movement, media attention overall is said to be mostly advantageous to organisations (Andrews & Caren, 2010, p. 842; Vliegenthart et al., 2005, p. 370).

However, as discussed by Andrews & Caren (2010), the long established scholarship on news-values alongside the constructivist school's discussion on journalistic news practices and routines (Tuchman, 1973; Hall et al., 1978), journalists' reliance on so called 'official sources' such as the police put subaltern political movements at a disadvantage in terms of both coverage and

representation. Moreover, few, if any mainstream news organisations have social movement ‘beats’ and in recent years the industrial beats who may have followed the trade union movement has declined. Hence, reportage often goes no deeper than a superficial recount of statements or sometimes no more than a consumerist framing of strikes, with the primary focus often being on the effects on customers rather than staff or wider issues.

Court reporting and *sub judice* contempt

Court reporting is seen as one of the core roles of journalism, given that justice must not only be done, ‘but be seen to be done’ (Brants 1993). There have been some fears of a retreat from this key role internationally (Davies 2011; Greenslade 2016; Simon 2009). At the same time there has always been an understandable fear of ‘trial by media’ and for this reason court reporting is carefully regulated, albeit in widely divergent ways internationally, and professional journalists and their editors are trained and mindful of the regulations surrounding the role, especially being wary not to prejudice a case. A case in point concerns the rule of *sub judice* contempt. This is a category of contempt which is related to the prejudgment of the issues or outcome of proceedings, for example, by the publication of a newspaper article. In other words, information which may sway the trial or jury should not be published throughout a trial (R v Daily Mirror, 1927, p. 848; Farrel, 1994).

Legacy media companies normally have highly developed processes that take to ensure the legality of the material they publish. Moreover, as discussed by Hew and Suzor (2017), the concept that an editor or producer is responsible at law for all content published by a newspaper or broadcaster means that legal reviews have been inserted into the workflows of most media organisations. Moreover, as media companies may be liable if their journalists breach the law, those institutions have a strong incentive to exercise control over the conduct of their staff (*ibid*).

As discussed by Brants (1993), while contempt of court law does not constitute a complete ban on the reporting and publication of information concerning *sub judice* cases, it does include what he describes as the cardinal sins of journalism: ‘asserting the guilt of the accused, publishing the accused's past record, publishing an alleged confession, or printing a photograph when identity has not yet been

established' (*ibid*, p. 63). Citizen journalists, on the other hand, may be unaware or not mindful of such regulatory issues. Moreover, while court reporting and the analysis of cases in professional newspapers see themselves as objective (whether this is the case or not), citizen journalists operate under different conditions. In our specific case, citizen journalists were campaigners, and especially those working around the hashtag and Facebook page 'Jobstown not guilty', were campaigning against what they saw as a political show trial aimed primarily at discouraging future political protests. This is not to say that they did not attempt to report objectively from the case, nor that they didn't believe that their campaign was objectively the truth. In fact, it could be argued that the acquittal of the defendants lends credence to their coverage.

Internationally there has been some concern about the potential impact of social media on the integrity of criminal trials. This involves the danger that information published on social media might influence jurors and therefore prejudice an ongoing trial. Such rapid information spread is less easily controlled compared to information disseminated through legacy media channels (Hews & Suzor, 2017). Following a study on the role of Twitter in a criminal trial in Australia, Hews and Suzor (*ibid*) maintain that the doctrine of *sub judice* contempt is 'largely effective in regulating the way professional journalists report and communicate news...' (*ibid*, p. 1606). In contrast, they found that non-journalists were more often than not likely to respond to news in ways that they maintained were 'opinionated and prejudicial'. However, the authors also noted, '...a tendency, as in mainstream media headlines, for journalists to craft short tweets that are strongly suggestive or emotive without technically being prejudicial' (*ibid*, p. 1606). Moreover the authors found a tendency for tweets from both journalists and non-journalists alike to focus on the prosecution narrative (*ibid*, p. 1606).

This discussion shows that there are important differences between professional and citizen journalists in terms of expectations and attitudes towards court reporting, as well as in terms of the costs likely to incur for breaching regulations. As we shall discuss below, the co-existence of professional journalists, citizen journalists and ordinary users within an expanded media sphere intensifies existing tensions and may create new ones.

Hybrid Media: The interplay between legacy journalism, citizen journalism and social media

The changed media ecology, including the advent of online publishing, has led to a disruption of the vertical top down flows of information and has led to far more opportunities for mediating political dissent. Moreover, the easy dissemination of content globally online, alongside the advent of global news channels has allowed protesters to go beyond the normal gatekeepers. The revolution in communication technologies has allowed for the easy organisation of coordinated protest movements including the dissemination of localised issues to a global audience (Dahlberg & Siapera, 2007; Cottle, 2008, p. 855).

In accounting for the changed media landscape, Chadwick's (2013) hybrid media system develops a theoretical account of the media system as a dynamic assemblage that develops hybrid norms and practices, drawing upon its component parts. This process in practice means that mainstream, legacy media and social media-based outlets both compete for dominance while at the same time mutually adapt to each another. In this system, which acts as a hybrid to blend both old and new media logics, power is defined as the ability of agents to create, tap or steer information flows in ways that suit their goals (Chadwick, 2013, p. 4). In other words, power is not already an attribute of certain actors, but emerges from within the network, and among media, publics and political actors.

This is particularly the case with the use of Twitter. Hermida has argued that Twitter facilitates what is termed an 'ambient' journalistic practice (2010) or what could be considered a 'hybrid space' populated by journalists and citizens (Callison & Hermida, 2015). In a study exploring the 'evolution and adaptation of journalistic practice in response to discourses taking place in networked and shared media environments', Quinn et. al. (2019) examine the agenda-setting potential of Twitter and consider how it feeds into and affects journalistic output by investigating the Irish media's framing of the coverage of the Hawe murder-suicide case, the coverage of which drew widespread criticism on social media for its perceived 'omission' or 'significant silence' about the female victim, Clodagh Hawe. Criticism of the initial coverage of the incident was in large part driven by a Twitter campaign which went on to influence the coverage.

On the other hand, Siapera (2013) warns that some of the opportunities for citizens and political activists opened by the new forms of media production and distribution may be in danger. This is due to the further development of the new online media ecosystem that sees an increased concentration of distributive power on internet platforms such as Facebook or Google (Siapera, 2013, p. 14). The new powerful internet distributors operate by the logic of what Siapera, following Rebillard and Smyrnaioi (2010), defines as *infomediation*. This is defined as the process of bringing together information producers and information users to firstly exchange contents and to secondly record user data which is then sold onto third parties. This logic can see new forms of censorship based on algorithms, which may cut out alternative news sources.

In understanding the current context as a hybrid media system, we accept a certain unpredictability of outcomes. Although mainstream media still enjoy a great deal of visibility, power and esteem (Newman et al., 2019), their control of the narrative is no longer guaranteed. In these terms, and returning to the present case, the extent to which mainstream media or citizen-based narratives prevailed becomes an empirical question. Moreover, when there are significant tensions and a divergence of perspectives between mainstream media and citizen-based narratives, the former are likely to seek to defend and justify their role and their approach. In doing so, they may reveal important dimensions of their perceived social role and political function. These constitute the main issues that the paper is seeking to address. The following section outlines our methodological approach.

Methodology

To investigate the print media's representation of social media reporting after the Jobstown trial, we performed a framing and critical discourse analysis (Scheufele & Tewksbury, 2007), with the article as the unit of analysis, to see the main issues under discussion by the print media post trial. The articles were sourced using Lexis Nexis and the search term 'Jobstown', which returned 145 articles from eight newspapers for the period between the April 25th and July 6th – the entire period of the trial and one week after. As mentioned above, an earlier article by the authors (Silke et al., 2020) used this data-set to discuss the coverage of the trial and compared it with social media coverage. For this article, we are concentrating on the treatment of the social media coverage by legacy outlets, largely post-trial.

For this we focused on articles that specifically dealt with the social media aspect of the trial (13 articles) and five op-ed/analysis articles that specifically mention or discuss social media. It should be noted that all five op-ed articles that mentioned social media had earlier been coded as ‘editorialising against the defendants’ and all were published post-trial. We coded segments of the articles around key frames on social media (see figure 2); numerous frames could be found in individual articles.

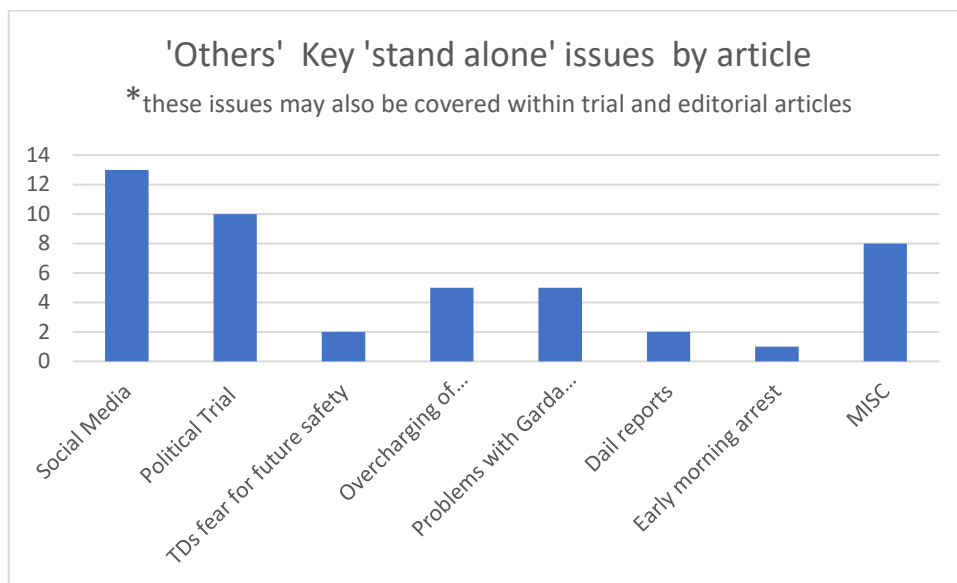


Figure 1, other key stand-alone issues by article.

We first performed a framing analysis using coded segments of the articles as the unit of analysis. Here we search for key frames throughout the corpus of the 18 articles. Framing describes how a news item is characterised and presented by news reports (Scheufele & Tewksbury, 2007, p. 11). Entman (2004) has proposed a model where framing begins with negotiations between key political actors and interest groups and the media, which then cascade downwards into the public sphere. The news frames once constructed feed back to the political elites.

Following this, we performed a discursive analysis on the language used in the articles. As we show below, social media are largely discredited by legacy media on several discursive levels. By ‘discourse’, we broadly understand the expression of different perspectives on aspects of reality (Fairclough, 2015) – in our case, on the world of social media and its place in the media landscape. Any society is characterised by competing perspectives and ideas about how it should be run, and different discourses are carried by different ideologies, i.e. fundamental

cognitive beliefs, needs and interests of the different institutions and social actors involved, as discussed above in relation to power relations arising from political economy. In newspaper discourse, these ideologies appear in the shape of arguments which are repeatedly voiced in and across many texts and channels, seeking to legitimate a certain viewpoint. Recurring legitimation strategies, i.e. linguistic patterns which argue that something should or should not be viewed in a certain way, thereby have the power to condition discourses and other social practices (van Dijk, 2004; Foucault, 1980) and can have decisive effects on the wider public's opinion, on the formation and perpetuation of how certain things are viewed and talked about and, hence, can produce historical transformation or stagnation. Hence, in what follows, we investigate how textual strategies such as semantic patterns, verbal elements and other grammatical relations, sentence structures and metaphors in the description and evaluation of social media promote certain ideas about social media as a threat and an area that is in need of regulation.

In order to investigate linguistic features, their patterned reoccurrence across the 18 articles and, hence, the shaping of discourse, we closely examined the fragments which contained arguments in relation to aspects of social media influence. We concentrate on semantic patterns such as adjectives, verbs and nouns used to describe the social media reportage, other grammatical relations such as clause connectors and the use of passive and active modes, as well as metaphorical expressions.

Enemy at the Gates? How legacy media perceived citizen journalism and social media

A number of key frames were evident in the discussion about social media following the acquittal of the Jobstown defendants. Here we discuss them in the order of their weight in the corpus.

1	Social media use by defendants and supporters in contempt of court
2	Need for regulation on social media use in courts
3	Social media coverage biased (towards defendants)
4	Media critique (in social media) is a conspiracy theory
5	Social media campaign (#jobstownnotguilty) attempt to subvert case/derail justice

6	Legacy media more regulated and objective
7	Social media commentary menacing
8	Acknowledgement of mistrust of legacy media

Figure 2, key frames about social media

The most common issue highlighted by journalists was that SM reporting was a breach of the law, and the term ‘contempt’ was regularly used. It was pointed out that Paul Murphy, one of the defendants and a parliamentarian, was tweeting during the case and subsequently deleting the tweets (see below). In some articles, it was maintained that the DPP should have acted upon this. This led to a second frame: the need to regulate social media use in courts; this was sometimes used alongside arguments that maintained legacy media was more regulated, with the inference of it also being more objective. This was partly fueled by a Minister proposing a bill to ban tweeting in the courts. Sometimes, the act of tweeting from the courts was defined as an attack on the justice system itself (see below). A related frame was that social media coverage was biased in its coverage, again with the inference that legacy media was more objective. In a frame that relates well to the theory of hybrid media, the issue of the representation of legacy or the ‘mainstream media’ was discussed. As reported in our earlier paper (Silke et al., 2020), legacy media were often presented on social media as biased against the protesters. This perception was to some extent borne out in our earlier analysis when we found the prosecution case had twice the coverage (in word count) compared to the defence, and in op-ed and articles analysing the case the vast majority editorialised against the defendants, even after their acquittal (Silke et al., 2020). The accusation of bias was discussed in the coverage in two ways: in a minority of cases it was acknowledged that legacy media is losing trust:

The Jobstown social media phenomenon was fuelled, at least in part, by a mistrust of mainstream media coverage. Some journalists were verbally berated at the courthouse by supporters in the early stages of the trial. They were criticised because it was felt their reports did not sufficiently reflect the cross-examination of Joan Burton. (Shane Phelan, Irish Independent, 30th June 2017)

However, in the majority of cases, accusations of bias were treated as a ‘conspiracy theory’ and counter accusations were made:

Seemingly without irony, given the amount of ongoing and utterly partial comment about the evidence from his supporters on social media as the trial was ongoing, Murphy alleged last Thursday that ‘large sections of the

media effectively convicted us before trial’ and that ‘biased coverage against us continued in the course of the trial’. The comments were sweeping, and played to a base that believes in a mainstream media conspiracy, but they were not backed up with any specific instances. (Matt Cooper, Sunday Business Post, 1st July 2017)

The accusations and counter accusations seem to cast journalists as actors in a political struggle rather than impartial observers,. Journalist Michael Clifford was unusually frank in characterising the attitude of the journalistic corps towards the defendants:

[F]ew among the mainstream would have wept had Murphy been convicted. He has been the poster boy for the water charge protest, which has seen all main parties twist in the wind over the last two years. There was also a feeling in many quarters that the brand of politics his party espouses – combining parliamentary democracy with street protest – is a dangerous development. (Michael Clifford, Irish Independent, 1st July 2017)

The social media campaign was portrayed as unprecedented and organised to subvert the case and deny justice. The challenge to the erstwhile monopoly on court reporting was taken very seriously and the campaign itself in some cases was portrayed as an attack on the judicial system itself.

But the Jobstown trial highlighted the challenge more sharply. By harnessing social media on such a scale, systematically chipping away at one of the pillars of our jury system, those campaigners have done themselves and their cause a great disservice (Irish Times Editorial, 30th June 2017).

Moving on to the textual, linguistic analysis, all the articles analysed display a heavy bias against the accused and their supporters which is, apart from often being made explicit in their content, especially evident in more subtle and recurring linguistic patterns that characterise legacy media reports on the issue. These patterns concern both the power imbalance created between the social actors involved, as well as descriptions of social media in general and in their role during the trial as criminal, a threat, and as biased and conspiratorial.

In relation to the former, the characterisation of different social actors, the issue of power is, in two instances, openly expressed when articles refer to the fact that the Judge or the counsels of the DPP would have had ‘the right’ or ‘the power’ to hold those accused in contempt of court. That this right was not exercised was

described as a sign of the Judge and the counsels having mercy on the accused when they saw that Paul Murphy promised to stop and delete his tweets. Most of the time, however, there is a more subtle and diffuse sense of power, caused mainly by the overuse of the passive mode, for instance in 'were found not guilty' or in 'should have been punished'. Here, the source of power is hidden, creating a sense of what Foucault (1975) describes as the disciplinary society of surveillance where power is decentred and systematically present through unseen forces. This is further evident in the many articles that refer to a warning Murphy and other tweeters received, and that he was 'ordered to stop and delete tweets'. Both warnings and orders need to come from a more powerful institution than the recipient, which is, however, unnamed.

While the power lies with the DPP, the Judge and society, Murphy is described as having humbly 'promised to stop', putting him in a position of weakness and acceptance of not just his defeat, but also of guilt. His being portrayed as guilty is also helped by him and other solidarity supporters being mostly found in the subject position of sentences that describe what they did during the court hearing: posting videos, tweeting evidence heard in court, making critical comments on witnesses and evidence, and encouraging others to do the same. The active mode and Paul Murphy and Solidarity supporters in the subject position focuses the readers' attention on particular agents or enhances the image of them as aggressors involved in unlawful activity, while others, such as witnesses, are backgrounded in an object position. Some articles go a step further and, by using adverbs such as 'most importantly' and 'astonishingly', point to the extremity of especially Paul Murphy's actions, who is 'not just a parliamentarian, but one of the defendants', reporting and tweeting evidence straight 'as the trial was ongoing' and 'right from the moment charges were brought in'. He did this 'without a hint of embarrassment' sitting only a few feet away from the Judge. This phrasing over-emphasises the boldness of his actions and clearly stirs the readers towards questioning the credibility and even sanity of the defendants and their supporters.

Turning to the second area where a bias becomes evident in the use of recurring linguistic features, the description of social media and the commentary on the trial, three themes appear from the data: the Solidarity supporters' activities as criminal and subverting the court case, as a threat to the judicial system, and as biased and misleading public opinion.

In relation to the first of these, most articles point out that a lot of the commentary could be seen as ‘extremely prejudicial material’ which was deliberately posted ‘in an effort to influence the jury’ and therefore making the activity an offence. The seriousness of the whole issue is also helped by including precise and imprecise – the latter causing some insecurity around the degree of threat that could spring from them – numbers of tweets published on ‘various platforms’, the number of tweets posted and retweeted by Paul Murphy, as well as the number of followers he has and on which he could make a potential impression. Expressions such as ‘on such a scale’ are used.

Linked to the allegedly deliberate jury influence, social media and the commentary on this particular case are seen as ‘menacing’ as they are a ‘threat to the rule of law’ and ‘systematically chip[...] away on one of the pillars of our jury system’ (IT 30/6/2017). The systematicity of these actions is pointed out by several articles which affirm that there was clearly a ‘massive’ and ‘cleverly executed campaign’ and a ‘detailed plan to use social media to undermine public confidence’. The legitimacy of such a campaign is denied by explaining that the commentary included ‘regular abuse’, was characterised by a ‘disturbing tone’, was ‘shocking in its verbal violence and unconcealed hatred’ and ‘seemed to mirror some of the shouting and venom that could be seen on the video footage’, warning the public of believing the reportage coming from Solidarity supporters. Moreover, mainstream media depict themselves as the victim of this campaign by concluding that it is mainly intended as a ‘relentless attack’ on mainstream media, spreading false beliefs about a conspiracy of mainstream media.

Lastly, and as a final blow to the credibility of the social media campaign, the reportage is depicted as untrue, partial and partisan due to its ‘sweeping comments’ and ‘skewed interpretation of evidence’. As such, it is equated with fake news, hate speech and populism against which immediate action needs to be taken in the form of a review of Irish contempt laws in order to prevent such unlawful and dangerous behaviour in the future.

Discussion

As discussed, the theory of hybrid media considers the tug of war between legacy and social media, in this case we see the conflict of a supposedly impartial and

professional print media grappling with an activist social media, itself partly born from the distrust of legacy media. The relationship between legacy or mainstream media, social media and social movements is of interest here. The legacy media representation of the water movement was more inclined towards the traditional journalistic view of protesters as potentially violent and a danger to society. While Cottle's (2008) thesis of the mainstreaming of protest seems to align with some recent social movements in Ireland, such as marriage equality and abortion rights, the coverage of protests in a working-class area continues to be reported in a way that represents protesters as violent or dangerous. This may be construed as evidence of a media that is socially liberal on certain issues but deeply conservative on economics and class. Within our corpus social media reporters and activists (in the case of the Jobstown trial) are primarily seen as a threat and as 'menacing'.

In addition to the issue of legacy media's relationship to social movements, the issue of hybrid media and the courts is of interest and in need of discussion. At least in part the reaction of legacy media to this case may be seen as a form of boundary work looking to protect established journalism from potential usurpers (Lewis, 2012). However, the evident over-reaction in this case is difficult to explain only as boundary work. It is important to remember that professional journalism's previous monopoly on court reporting is rooted in the fact that journalism needs funding and training, and what is generally termed citizen or voluntary journalism is unlikely to replace legacy journalism in day to day court reporting. While politically important and contentious cases such as the Jobstown trial may attract citizen journalists, it should be further noted that the involvement of the Socialist Party in the case meant that there was some institutional support (i.e. professional politicians, party workers etc.) for the defendants. Most criminal trials will not be attended by citizen journalists, nor could they be without funding or support. Critical court reporting *is* needed and needs the paid professional journalists with the backing of *critical* media agencies.

However, at least with this case, a clear bias in the professional media was found against the defendants, even after their acquittal. While the day to day reporting of the case may have been more or less professional, editorial decisions meant the weighting was skewed and post-trial a clear bias was found in the analysis of the trial. Moreover, it is important to note, that while the trial itself was covered under

sub judice rules, the coverage of the protest itself, across the press, was hyperbolic and left no question that people involved were involved in wrongdoing. In this case it can be justifiably argued that social media activists offered a view that was contrary to the dominant press view of the protesters, and in fact was more in keeping with the reality of the case, as found by their acquittal.

The question of power is paramount in this case and as discussed, we see journalistic corps overtly opposing the defendants, and more importantly opposing their supporters use of social media to publish their version of events. While the legacy media casts itself as impartial, regulated and objective, our analysis found the coverage of the prosecution case to be double that of the defendants (Silke et al., 2020), and post-trial the coverage was overtly biased against the defendants and their supporters – whose use of media was seen, unlike the legacy coverage, as criminal, subversive and against natural justice, and something that must be stopped.

Social media offers an alternate view and in particular offered an alternate view to mainstream coverage of the water movement throughout the controversy. In an age of increasing media concentration and a lack of political plurality (within legacy media) this is to be welcomed, especially if court reporting in the press declines. The journalistic response which focused on denouncing citizen journalists alludes to a persistent self-perception as the only legitimate mediating voice. In the light of our current analysis, this emerges as an effort to silence other voices rather than a bona fide attempt to preserve the integrity of the trial. Ultimately, the insistence on criticizing other voices was at the expense of serious in-depth reporting of the issues flagged by the trial: political policing, potential perjury by the police and heavy handed treatment of protesters.

However, in the case of court reporting, we do not claim that citizen journalism is without danger nor in need of regulation. Trial by social media is as problematic as trial by media. Nonetheless, it is important to allow for multiple voices to be heard in the case of highly charged political trials, and to this end, that activists and campaigners should develop and adhere to a set of guidelines and offered training on the issue of prejudicing a trial. Ultimately, journalism in the service of the public has more to gain by enabling the expression of multiple voices rather than by silencing them.

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