

Media Freedom Indexes in Democracies: A Critical Perspective Through the Cases of Poland and Chile

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We analyzed the media freedom indexes of Freedom House and Reporters Without Borders to determine which areas they focus on and which they omit. We also assessed the degree to which these indexes are appropriate for measuring media freedom in democratic countries. We concluded that these instruments—with their focus on violence against journalists and government constraints on media—are more appropriate for assessments in nondemocratic countries than for understanding the subtle problems of democracies, often related to the media ownership structure, media's dependence on advertising, self-censorship, and the scant presence of citizen voices. The instruments examined reduce freedom of expression to its negative dimension, freedom from government interference, and ignore positive freedom that is the universal right to free speech.

Key words: *media freedom indexes, freedom of expression, political economy of the media, Chile, Poland*

The discussion over press freedom indexes, and freedom of expression in the media in general, takes place almost completely outside academic circles. At the same time, extra-academic indexes are very influential in the public debate over the quality of democracy and freedom of expression. This article critically analyzes the methodologies to assess media freedom used by Reporters Without Borders (RWB) and Freedom House, two of the best known and internationally quoted indexes on the matter (Becker, Vlad, & Nusser, 2007; Behmer, 2011; Burgess, 2010; Holtz-Bacha, 2004). Specifically, Chile and Poland are taken as cases of democracies to test how the assessment through these dominating indexes works for those countries. The Media Development Indicators, proposed by UNESCO, are also considered as a broader and more complex model to inquire about the media systems and the freedom of expression.

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At a theoretical level, we compare the approach of methodologies analyzed with the two dominant paradigms regarding the study of restrictions to freedom of expression in the media: on the one hand, the more neoclassic economic paradigm that sees the state as the main enemy of freedom of expression (Djankov, McIiesh, Nenova, & Shleifer, 2003); and, on the other, the political economy of the media that stresses the ownership structure and the commercialization of media organizations, with an emphasis on advertising as a source of financing (Murdock, 2001; Wasko, Murdock, & Sousa, 2011). According to Graham Murdock (personal communication, August 12, 2011), the focus is on "the power of media ownership [...] and two other major forces at work: advertising finance of commercial media and the growth of corporate public relations."

Our conceptual framework further builds on Berlin's (1969) distinction between the *negative* and *positive freedom* (or negative and positive "liberty"). Whereas the negative freedom is the absence of restraints and obstacles, the positive freedom means the possibility of acting freely that leads to self-realization. The negative freedom is often referred to as "freedom from" and the positive freedom as "freedom to." The first one is normally attributed to individuals, and the latter may refer to collectives. In political theory, the classical liberal thinkers such as Spencer or Mill would typically defend a negative concept of freedom (understood as freedom from the constraints imposed by the authorities), and the critics of liberalism spanning from Rousseau through Hegel and Marx would argue for a positive concept of freedom and defend the idea that the state can and should promote it actively (Carter, 2012); hence, the fundamental difference in the understanding of the state's role in relation to freedom of expression resulting from these two concepts of freedom.

The Cases of Poland and Chile

The cases of Poland and Chile were chosen as fundamentally different as far as the historical, cultural, and ethical aspects are concerned. However, at the same time, these countries have some key similarities that make the comparison relevant. Poland and Chile are both examples of administrative democracies among the models proposed by Christians, Glasser, McQuail, Nordenstreng, and White (2009) because the role of civil society is mostly limited to electing, replacing, or removing officials, and politics relies on competition among the elites. At the same time, Polish and Chilean democracies are relatively new given that the authoritarian regimes ended only 25 years ago.

The democratic transitions in Chile and Poland took place almost simultaneously, although they differed greatly in the kind of authoritarian regime experienced and in terms of the political forces that led the transition (Alcántara Sáez, 1991; Linz & Stepan, 1996).² Democratically elected presidents took office in both countries in 1990. Chile put an end to 17 years of the neoliberal, right-wing military dictatorship of Augusto Pinochet, and Poland transitioned out of four decades of a Moscow-aligned communist regime. Both countries experienced deregulation (or reregulation) and privatization, among other neoliberal reforms in general, in the media industry as well, although in different periods.

² However, they share a strong Catholic background, with the Church being involved in the recovery of democracy during the 1980s in both places.

Censorship and direct government control of the media were characteristic traits of the media system prior to the transition process in both Poland and Chile. But the challenges related to freedom of expression the two countries are facing now, 25 years later, are of a different nature. For this reason, we posed the following question: To what extent are the RWB and Freedom House indexes capable of examining the current challenges to freedom of expression in the media in new democracies such as Poland and Chile?

Recent studies of Poland's media system point to a high degree of concentration, both horizontal and diagonal (Štětka, 2013); the latter refers to the development of large media conglomerates that penetrate across media markets, such as Agora, which, in addition to the newspaper business, also participates in radio and digital media. The top-three publishers of newspapers have a 63% market share and the top five account for 82% (Jakubowicz, 2004).

There is also a considerable foreign ownership of the media, a factor that contributed to push several media organizations created during the first few years of democratic transition out of business, highly reducing pluralism in the media (Klimkiewicz, 2009). This is particularly true in the newspaper industry, in which Axel Springer, from Germany, controls more than 20% of the market; in addition, magazine ownership is totally dominated by German companies (Godzic, 2009). There have been reports of political and corporate pressure toward the media in Poland (Dobek-Ostrowska, 2012), constituting a "business parallelism," in which some media owners are also key business leaders (Mancini & Zielonka, 2013). This is the case of businessmen Solorz-Żakand and Hajdarowicz (Štětka, 2013). Journalists themselves perceive a number of limitations to their independence. However, some have reported that the situation has improved with regard to the 1990s (Bajka, 2000; Stępińska & Ossowski, 2011). In addition to being concentrated in a few owners, with key foreign actors, Poland's national daily press is completely aligned with the political right and center-right, as is also the case in Chile (Baltra, 2012),³ effectively restricting pluralism.

Today's media systems in both countries reflect the "market model" (Croteau & Hoynes, 2001): deregulated, privatized, and lacking public media or, when it exists, faintly supported. Polish public TV is more dependent on income from advertisements than any other public television in Europe (Stysiak & Makarenko, 2014). Chile lacks public radios and the only public television network is legally obligated to finance its own operations, competing with private networks for advertising and audiences. As a result, its program offer is based on market considerations.

Chile is an extreme example of media concentration, particularly in the printed press, in which two economic groups control almost 90% of the circulation of national newspapers and about 80% of advertising investment in newspapers. One of these companies owns a chain of regional newspapers and

³ This statement is less questionable in Chile than in Poland. Nonetheless, there are no national newspapers in Poland today that reflect leftist political positions, such as the post-Communists, the New Left, or the Green Party. *Gazeta Wyborcza*, considered by some analysts as "leftist" (Dobek-Ostrowska, 2012), sympathizes with the Civic Platform, which belongs to the center-right European People's Party in the European Parliament.

the other controls a radio group and magazines (Sapiezynska, 2014b). As of 2010, some of the wealthiest people in Chile have assumed ownership of open television channels, with aggressive purchasing and merging strategies in radio and other media. This was the case of Channel 13, which was bought by one of the wealthiest men in the country, Andrónico Luksic (Cádiz Pozo, 2014), and the case of Mega, which was purchased by Carlos Heller, head of Falabella, one of the major economic holdings in Chile.

Academic research has found that Chilean journalists perceive high levels of restrictions (Sapiezynska, Lagos, & Cabalin, 2013) and point to the importance of economic influence on journalism (Hanitzsch & Mellado, 2011). According to some of these studies, the market and advertising are the main sources of perceived restrictions. In fact, 67% of Chilean journalists perceive high levels of restriction imposed by the market and advertising, surpassing almost three times the results of democratic countries in general (Sapiezynska, 2013). Generalized self-censorship adds to this scenario (Otano & Sunkel, 2003; Sapiezynska, 2014b). On the other hand, nonestablishment social organizations have minimal presence in the Chilean media. Social leaders, indigenous people, women, and the poor are underrepresented and stereotyped by media coverage (Desormeaux, 2011; Lagos, Checa, & Cabalin, 2008; Lagos, Matus, & Vera, 2005; Rebolledo, 2000; Sapiezynska, 2014a).

Despite these problematic areas, both countries usually attain very good scores in the annual international rankings published by RWB and Freedom House, two of the most renowned and quoted international rankings. This is why the definitions and methodologies used by these organizations deserve to be examined in detail.

Measure for Measure

We analyzed how the indexes of RWB and Freedom House are constructed, the annual reports of these international rankings, and the questionnaires, scales, and the documents that explain the methodology with which these indexes are developed.⁴ In addition, we examined the results for Chile and Poland from 2010 to 2014. Our focus was to observe the main thematic components of the indexes and assess to what extent the methodologies applied were adequate to measure press freedom and freedom of expression in the media in Poland and Chile.

Our research questions were the following: How is the concept of freedom of expression in the media conceived by international organizations that defend the right to press freedom and freedom of expression (such as RWB and Freedom House)? What actors are included in this concept, and what roles do they play in it? How do RWB and Freedom House measure freedom of expression and press freedom, and what aspects do they focus on? Are their instruments appropriate for evaluating the pending challenges of democracies such as Chile and Poland?

The hypothesis was the following: The position of RWB and Freedom House is that the state is the main enemy of freedom of expression in the media, and market-related constraints are disregarded. The

⁴ All of this information is available online at <http://en.rsf.org> and www.freedomhouse.org

indexes used by these organizations exclude key areas in assessing the state of freedom of expression in media systems in 21st-century democracies.

Both RWB and Freedom House develop what they call press freedom indexes focused on the freedom of the media, their owners, and their journalists. However, they also usually identify and superpose press freedom with freedom of expression. Freedom House, for example, refers to its methodological principles as follows:

This study is based on universal criteria. The starting point is the smallest, most universal unit of concern: the individual. We recognize cultural differences, diverse national interests, and varying levels of economic development. Yet Article 19 of the Universal Declaration of Human Rights states:

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive, and impart information and ideas through any media regardless of frontiers.

The operative word for this index is “everyone.” All states, from the most democratic to the most authoritarian, are committed to this doctrine through the UN system. To deny that doctrine is to deny the universality of information freedom—a basic human right. (Freedom House, 2012, p. 15)

The reference to Article 19 of the Universal Declaration of Human Rights is of key importance: Freedom House invokes the human right to freedom of opinion and expression, which is then referred to as “information freedom.” Therefore, the subject of this right is universal and the state is responsible for ensuring that this right is respected.

RWB (2013, p. 1) is concerned with the “freedom of information” as a human right, too. The actors involved include the media, journalists, and the state, and, although at a merely declaratory level, the universal subject.

Next, we examine in detail the development of the RWB index, followed by the Freedom House index, taking Chile and Poland during 2010–2014 as case studies for a critical analysis of these indexes, their presumptions, and interpretative capacity. Given that both countries are examples of democracies, the results of this analysis—in terms of the extent to which their instruments are adequate for measuring the pending challenges on the matter in democratic countries—could be extended to an international academic discussion.

RWB

RWB was founded in 1985 in France. At the beginning, the organization promoted alternative journalism but later changed its focus toward press freedom. Even though RWB is most famous for its

annual World Press Freedom Index, another important sphere of its activity is related to assistance to journalists assigned to dangerous areas.

To develop the 2010 index, RWB sent a questionnaire to approximately 130 correspondents in the world, among them journalists, researchers, attorneys, and human rights activists. The questionnaire consisted of 43 questions, divided into seven sections: (1) physical violence; (2) number of journalists killed, arrested, physically attacked, or threatened, and the role of government officials in those cases; (3) indirect threats, harassment, and access to information; (4) censorship and self-censorship; (5) control of media; (6) judicial, business, and administrative pressures; and (7) the Internet and new media.

However, none of these sections included questions about the media ownership structure or about their economic concentration in private hands. The questions in the "control of media" section inquired only whether there were privately owned media in the country and whether they were "free to determine their editorial policy." And with regard to independent media, the questionnaire assumed that they were privately owned. The same section asked about unjustified layoffs of journalists, but only concerning public media, not privately owned media (Question 30). The questionnaire in general focused on government constraints on media freedom, largely ignoring the limitations posed by the market.

In addition, the emphasis on physical violence, murder, torture, and jailing of journalists (14 of the 43 questions) made the questionnaire more appropriate for dictatorships, authoritarian regimes, and countries at war than for democracies not undergoing armed conflict. The questionnaire better captured extreme situations of lack of freedom. For example, Question 10 about the number of journalists imprisoned recorded only those with sentences longer than 1 year.

The section on censorship and self-censorship consisted of five questions, but only Question 23 asked about self-censorship and, specifically, about the existence of "generalized self-censorship," focusing again on the most extreme situations only.

Chile had a positive ranking in the 2010 index, which covered the period between September 1, 2009, and August 31, 2010. It was ranked 33 among 178 countries around the world, with 10.5 points.⁵ That year, among Latin American nations, only Costa Rica had a better position than Chile, with a ranking of 29. Poland ranked just over Chile, at 32, with 8.88 points.

The methodology changed slightly for the next measurement for which the 2011–2012 index was developed. Among other aspects, it included more responses with negative points, so that countries that scored high in the ranking got results below zero: Both Finland and Norway had scores of -10. In this index, which covered the period between December 1, 2010, and November 30, 2011, Poland rose to position 24 (with a very good score of -0.67), and Chile fell to position 80, with 29 points, among a total of 179 countries. This drop in 47 positions was one of the steepest among all of the countries examined

⁵ See <http://es.rsf.org/press-freedom-index-2010,1034.html>. In all of the earlier measurements with available results, Chile enjoyed a good ranking, especially in 2002, when it held the 24th position. Between 2003 and 2008, it varied from position 38 to 56.

that year. Among Latin American nations, Chile fell below Costa Rica (19), Uruguay (32), El Salvador (37), Argentina (48), and Nicaragua (72). Chile's fall was so significant that doubt was cast over the consistency of the method. The RWB report on the general classification 2011–2012 stated the following concerning Chile:

In Chile, where student protesters questioned the over-concentration of media ownership, violence against journalists included beatings, cyber-attacks and attacks on editorial staffs. Many of these assaults, often accompanied by heavy-handed arrests and destruction of equipment, were carried out by abusive armed police who were rarely called to account. (RWB, 2012a, p. 10)

The report highlighted two factors of change: violence against reporters, and, with less emphasis, because it was a subordinate phrase, the concentration of media ownership.

Comparing the questionnaires used for the 2010 and the 2011–2012 indexes, it is worth noting the introduction of a question about pluralism and the economic concentration of the media, aspects that had been absent until then. The new question was the following:

Question 37: [Are there] Serious threats to media diversity, above all as a result of media ownership being concentrated in few hands? Which of the following statements applies best to your country? Put a cross beside the statement that best matches the situation in your country:

1. Media pluralism is not in danger.
2. There are some threats or limitations to media pluralism.
3. Media pluralism exists, but is seriously threatened.
4. Media ownership is concentrated in very few hands and there is no pluralism. (RWB, 2012b, p. 7)

This was the only question related to the market structure and pluralism. However, it did not change the focus of the instrument because with Option 4—media ownership concentrated in very few hands—a country could obtain 3 points, whereas the maximum score on the questionnaire for countries with extremely limited press freedom could reach 249 points. These three points for extreme media concentration therefore represent only 1.2% of the maximum score a country could reach in the measurement.

The only question about generalized self-censorship (Question 22) could grant the country up to three points; that is, another 1.2% of the maximum score. On the other hand, questions about violence against journalists and arrests could assign more points, and that is what caused Chile's substantial fall in the 2011–2012 ranking.

The index continued to focus on government constraints on press freedom in general, and this aspect became even more acute with some of the questions, such as the one mentioned above on self-censorship, whose responses changed from a 0–5 scale in 2010 to four possible options:

1. No self-censorship.
2. A bit of self-censorship that is limited to highly sensitive subjects.
3. Frequent self-censorship. Many journalists have learned *which subjects should not be tackled because they would anger the authorities* [emphasis added].
4. Almost all of the media censor themselves for fear of reprisals. (RWB, 2012b, p. 5)

Option 3 expressly mentions only the authorities, but not the private media owners or private advertisers.

The role of the state was also more highlighted this time in terms of the composition of the questionnaire in the seven thematic sections; the first part on violence and other abusive treatment of journalists now had a new subsection: state responsibility in abuses against the media (RWB, 2012b, p. 2). The second section had a new title and focused on the state as well: the state's role in combating impunity for those responsible for violence and abuses (RWB, 2012b, p. 4). Obviously, this focus was rooted in the Universal Declaration of Human Rights, of which states are party and are as such obligated to guarantee the respect of those rights. However, the problem that arises from the present analysis is the almost total absence of concern about the constraints on freedom of information—because this is the concept most preferred by both organizations—imposed by the market. If we refer to this in terms of the state's responsibility, it lies in the absence or weakness of laws and public policies to prevent market-derived constraints. Again, this is an area the questionnaires did not cover.

In general, the perspective on freedom in RWB's approach was essentially negative ("freedom of," according to Berlin's [1969] distinction). Despite frequent references to the state and authorities, what was being measured was whether they interfered in the activities of private persons (resulting in a lower index) and not whether they supported positive actions of promoting and deepening of freedom of information in the media. State responsibility was mentioned, therefore, as the direct violator of media freedom or in terms of allowing impunity for those responsible for violence against journalists.

Another aspect lacking in RWB's methodology was a citizen perspective—citizens' right to be informed through the media and to express themselves through it—although the organization referred to the right of expression and information of the universal subject in its methodological notes. This dimension has been acknowledged in specialized literature (Loreti, 2005) and by international human rights organizations, such as the Special Rapporteur for Freedom of Expression of the Inter-American Commission on Human Rights, and the United Nations.

RWB's methodology changed substantially in the 2013 index, which covered the period from December 2011 to November 2012. Country results were defined on a scale from 0 to 100, and this was maintained in the latest classification in 2014. Zero was the best score (negative scores were eliminated) and 100 was the worst. Questions about human rights violations against journalists and media organizations were eliminated from the questionnaire; this information is now provided by the

organization's staff members. The number of journalists killed, attacked, kidnapped, imprisoned, and threatened, and the media organizations censored and attacked were evaluated separately in a "violence score" ranging from 0 to 100.⁶

The questionnaire, sent this time to a network of 150 correspondents around the world, consisted of 74 questions⁷ divided into five thematic sections⁸: (1) media legal status, (2) legal status of journalists, (3) pluralism and editorial independence, (4) legal doctrine and practice, and (5) the Internet and technical resources.

To calculate the results, RWB again divided the questions, this time into six criteria, assigning countries a score from 0 to 100 for each of them: (1) pluralism (*Plu*), (2) media independence (*Ind*), (3) environment and self-censorship (*EnA*), (4) legislative framework (*CaL*), (5) transparency (*Tra*), and (6) infrastructure (*Inf*). The score in each of the six criteria, plus the violence score, determined a country's overall result, and thus its ranking. RWB has begun calculating two results, the first based on the questionnaire, with the following weighting:

$$SCOA = 1/3 * Plu + 1/6 * (Ind + EnA + CaL) + 1/12 * (Tra + Inf).$$

The second result incorporates the violence score, giving it a weight of 20%:

$$SCOB = 1/5 * Exa + 4/15 * Plu + 2/15 * (Ind + EnA + CaL) + 1/15 * (Tra + Inf).$$

The final score is determined with the following formula:

$$ScoreFinal = \max(SCOA, SCOB),$$

that is, selecting as the final score, the higher of the two scores.

Such substantial methodological changes interrupt the continuity of the ranking and the comparative value through time. RWB argues that although the new scores cannot be compared with

⁶ The violence score is estimated according to the formula: $10 * \log(90 * Mor + Coeff_i * Emp_i + 10 * Enl + 5 * Med + 3 * Exi + Arr + Agr + noteHT)$, where *Mor* = number of killed journalists; *Emp_i* = number of imprisoned journalists since *i* years; *Enl* = number of kidnapped journalists; *Med* = number of media attacked and ransacked journalists; *Exi* = number of journalists who have fled the country; *Arr* = number of arrested journalists; *Agr* = number of physical attacks; *noteHT* = score on respect for freedom of information in foreign territory. The longer a journalist is imprisoned, the more this imprisonment penalizes the country's score. The weighting coefficient *Coeff_i* assigns a value of 10 for imprisonment up to one year, 20 in the case of two years, 35 in the case of three years, 60 in the case of four years, and so on.

⁷ This is many more than in previous years: The 2010 questionnaire had 43 questions and the 2011–2012 questionnaire had 44.

⁸ See <http://rsf.org/index/qES.html>.

those for the same country in previous years, the world ranking and the position the country has with regard to others continue to be valid.

Nevertheless, these changes in the instrument point in the right direction, improving some of the deficiencies mentioned earlier. The new measurement, for example, assigns more weight to criteria such as pluralism and media concentration. The questionnaire section on pluralism and editorial independence includes, for the first time, the following questions, all on a scale from 1 to 10:

- D.2 Do media reflect the range of opinions among members of the public?
- D.3 Do public media provide coverage of and access by all political currents?
- D.4 Is investigative journalism developed enough to uncover matters of significance?
- D.9 To what extent do radio and television stations with the largest audiences present independent and critical news?

Question D.11 on media concentration is more sensitive than before because respondents are asked to evaluate it on a scale from 1 to 10. Moreover, another question is included to assess economic concentration in general and possible conflicts of interests:

- D.12 What proportion of general-interest media is owned by companies with other interests in non-media sectors of the economy? (5 if 50%; 10 if 100%)

The questionnaire introduces several questions on self-censorship:

- D.7 Do journalists practice self-censorship for fear of the following consequences?
 - a) Civil lawsuits or criminal prosecution
 - b) Professional reprisals or attacks on reputation
 - c) Threats to physical safety of the journalist or his family and friends, to his workplace or his home
- D.8 Are media owners' conflicts of interest frequently the cause of journalists' self-censorship?
- D.10 Do public media ignore some news that is sensitive for the government, but which private media cover?

For the first time, there are questions about the power of advertisers and their influence on editorial policy (Question D.18) and the influence of economic interests on media staff (Question D.17). Also for the first time, there is an indication that independent media are not necessarily equivalent to private media, as in Question D.1:

Do completely independent media exist—that is, media whose staff may take positions of any kind on public issues with no limits of any kind from the owners or the government?

Other new criteria were also taken into account, such as gender discrimination⁹ and language discrimination in the exercise of journalism or the status of union freedoms for journalists.

The introduction of two results (*SCOA* and *SCOB*) seeks to give more weight to the pending challenges in countries where violence against journalists is not a problem because for those countries the final score will be equal to *SCOA*, where the indicators on pluralism, independence, environment and self-censorship, legal framework, transparency, and infrastructure have more weight than in the case of countries with medium or high violence scores, whose final score is equivalent to *SCOB*.

Despite this positive development of RWB's instrument, it continues to emphasize freedom of expression as a negative freedom (freedom from interference) and not a positive one (freedom to express oneself). The state continues to be regarded as the main potential menace to media freedom and not as an active guarantor given that there are no questions on public policies to foment pluralism.

The main focus is still on political, and not economic, constraints. Question B.2, for example, "What are the factors apparently preventing the creation of independent, privately owned media?" has political, religious, ethnic, or linguistic responses, but not an economic response. The citizens' perspective is still lacking in relation to the perspective of journalists and media organizations despite improvements from earlier questionnaires, such as the broader criteria on pluralism, as mentioned above.

The period covered in the 2013 index was a time of less social protest and aggression against journalists in Chile when compared with 2011. This was the main reason Chile climbed 20 positions in the ranking, to position 60,¹⁰ but it was still behind Costa Rica (18), Uruguay (27), and El Salvador (38), and very far from position 33 it held in the 2010 ranking. The following year, again in a context of less social protest and fewer attacks against journalists, the 2014 ranking gave Chile a similar position: 58. Chile's meek improvement can be explained partly because of methodological changes. The annual report on the 2013 index says the following of Chile:

Chile . . . rose 20 places to 60th in the index after the previous year's student protests abated in 2012. Crackdowns were concentrated in the Aysén region, which saw big protests in the first quarter. But Chile's improvement must be put in perspective. Its media landscape is skewed, community broadcast media are criminalized, especially in the Mapuche region, and journalists have run into difficulties when trying to investigate the 1973–90 military dictatorship. (RWB, 2013, p. 8)

⁹ The questionnaire for the 2011–2012 ranking already included a question on gender but only with regard to very extreme situations: "Were journalists impeded from exercising their occupation due to gender, origin, sexual orientation or religion? (Yes/No)" (Question 6). The 2013 questionnaire asked about the degree to which women could work in the media on a scale from 1 to 10 (Question C.4). Although this is a positive change, limiting gender discrimination to women is questionable.

¹⁰ Chile's score in this case, 26.24, is not comparable to previous scores because of the substantial changes in the instrument.

These aspects, such as the criminalization of community radios, difficulties for journalists investigating the dictatorship, or the unequal media landscape in Chile, appeared for the first time in RWB annual reporting in 2013, although they were not new. It is a sign that RWB had changed its diagnosis of the state of media freedom in Chile from a very positive view in 2010 to a much more critical one in the following period.¹¹

The diagnosis of Poland under the new methodology applied in the 2013 and 2014 rankings proved very good. The country was ranked in positions 22 and 19, respectively. The methodological changes, then, not only have not allowed the detection of additional problems, but have also raised the country to a higher position. Poland is usually not mentioned in the reports that accompany and comment on the world ranking, and therefore RWB does not provide any additional explanation for Poland's positive evaluation or its possible weaknesses or pending challenges. Figure 1 shows the evolution of the positions held by both countries in RWB's world rankings over the past five years.

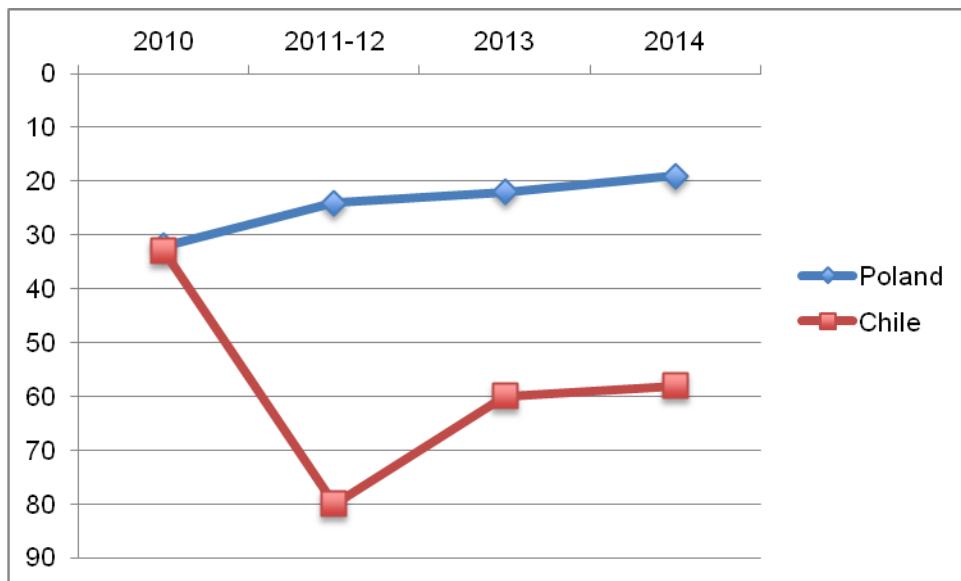


Figure 1. Positions held by both countries in Reporters Without Borders' world rankings.

Freedom House

Freedom House was established in 1941 in the United States and focused first on the threat to freedom represented by Nazism. After the war, in its own words, it "took up the struggle against the other great twentieth century totalitarian threat, Communism" (<https://freedomhouse.org/content/our-history>) and defined its mission as working for the spread of democracy and human rights in the world.

¹¹ The 2014 world ranking again mentions that the Chilean media are highly concentrated.

Indeed, one of the instruments developed by Freedom House to spread its mission was the Press Freedom Index, which has not changed practically at all since its creation in 1980. Given this methodological continuity for more than 3 decades, this index is amply used and quoted within and outside academia (Becker et al., 2007; Behmer, 2011; Holtz-Bacha, 2004). During the analyzed period 2010–2014, the questionnaire suffered minor but significant changes: As of 2011, the word *bloggers* was introduced in some of the questions, together with professional journalists. The instructions for answering another question indicate that the respondent should "consider written, audio visual and Internet media." Freedom House included the latter in the measurement as a response to criticism of its exclusive focus on traditional media and disregard of digital media (Burgess, 2010).

Freedom House uses a scale of 0 (best score) to 100 (worst score) based on 23 questions and 109 indicators divided into three categories: legal environment (a country may obtain up to 30 points), political environment (maximum of 40 points), and economic environment (maximum of 30 points).

Both the legal and political environment criteria focus on state constraints on media organizations' freedoms, and in second place, those of journalists. Question 6 of the legal environment section asks, for example, "Can individuals or business entities legally establish and operate private media outlets without undue interference?" "Undue interference" is a key concept that reflects Freedom House's skepticism of regulations on the media and its tendency to understand freedom of expression as a negative freedom.

The issue of self-censorship among journalists—so significant in Chile (Otano & Sunkel, 2003)—is included in the political environment criteria, but a country can obtain a maximum of only 4 points on that aspect (see Question 4 in the political section). The emphasis is on physical attacks against media workers; Question 7 in the political section about violence against journalists allows a maximum of 10 points.

On the other hand, there is only one question from the perspective of audiences: Question 5 in the political section, which inquires about people's access to media coverage reflecting a diversity of viewpoints. There are no questions about the existence of citizen or public media.

The questions relating to the economic environment do not focus on the general property structure of the media system, but rather on state ownership in particular and possible state and government interference as constraints to press freedom. The only question referring to control of the media through advertising, Question 6 in the economic section, seems to refer to several actors and not just the state ("Do the state or other actors try to control the media through allocation of advertising or subsidies?"). However, the three specific questions that assign a score between 0 and 3 focus on the state or government ("Are state subsidies allocated fairly?" "Is government advertising allocated fairly and in an apolitical manner?" "Does the government withdraw advertising as a way to pressure the media?"). Excessive economic concentration and its impact on the diversity of content are considered only in Question 3 in the economic section, for which a country can obtain a maximum of 3 points.

A team of regional experts and academics determines a country's score. Countries with a score from 0 to 30 are classified as "free," those with scores from 31 to 60 are "partly free," and those with scores more than 61 are considered "not free."

Poland was included in Freedom House's ranking in 1994 and since then has been placed in the free category. The first year, it obtained 30 points and improved its score every year until 2002, when it got 18 points; after that, Poland's score dipped (due to connections between political actors and the media that were exposed in "Rywin-Gate,"¹² among other reasons) and then stabilized at 22–24 points in the past few years (see Figure 2).

Chile was in the free category from the first year it was included in the ranking (2002) through 2012, increasing its score year by year (see Figure 2). It obtained its best score in 2002 (22 points) and reached 30 points in 2007. From 2008 to 2010, its score ranged from 29 to 30 points. Chile got 29 points in the 2011 index, which reflected the situation in 2010, placed 61st among the 196 countries included in the ranking. In the Latin American region, only Costa Rica and Uruguay had better positions: 18 and 48, respectively.

It is no surprise that Chile and Poland remained in Freedom House's free category given that the measurement does not give much weight to problems relating to freedom of expression present in those countries, such as self-censorship or the concentration of media ownership.

In 2012, for the first time, Freedom House gave Chile 31 points in its ranking, changing its category from free to partly free, essentially because of the arrests and attacks on journalists covering the student protests in 2011. The organization's annual report explained it as follows:

Chile's score worsened from 29 to 31, pushing it into the Partly Free category, due to the obstacles faced by journalists covering protests on education and environmental issues that took place throughout the year. Several journalists were harassed or detained in connection with their reporting. Meanwhile, Chile's commercial press remained concentrated in the hands of two media conglomerates that have advertising interests and control distribution channels across the country. (Freedom House, 2012, p. 6)

¹² Rywin-Gate is a still not clarified corruption scandal in Poland that began in 2002 involving politicians and the media. In exchange for a bribe, film producer Lew Rywin offered the editor of Poland's main newspaper *Gazeta Wyborcza* to arrange for a change in a draft law aimed at limiting media concentration, a change that would benefit the owner of the paper. Rywin said he was acting on behalf of a "group in power."

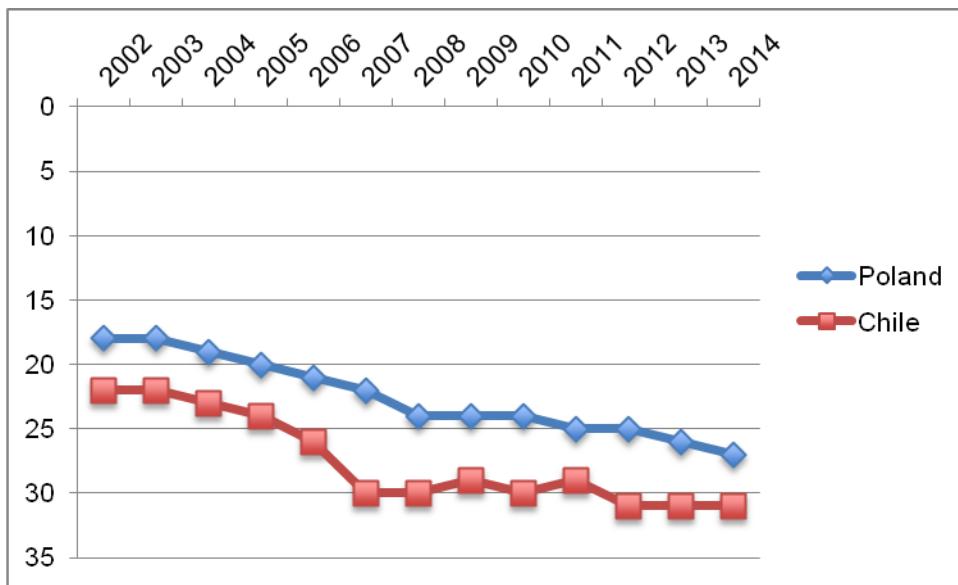


Figure 2. Scores for Chile and Poland 2002–2014 from Freedom House.

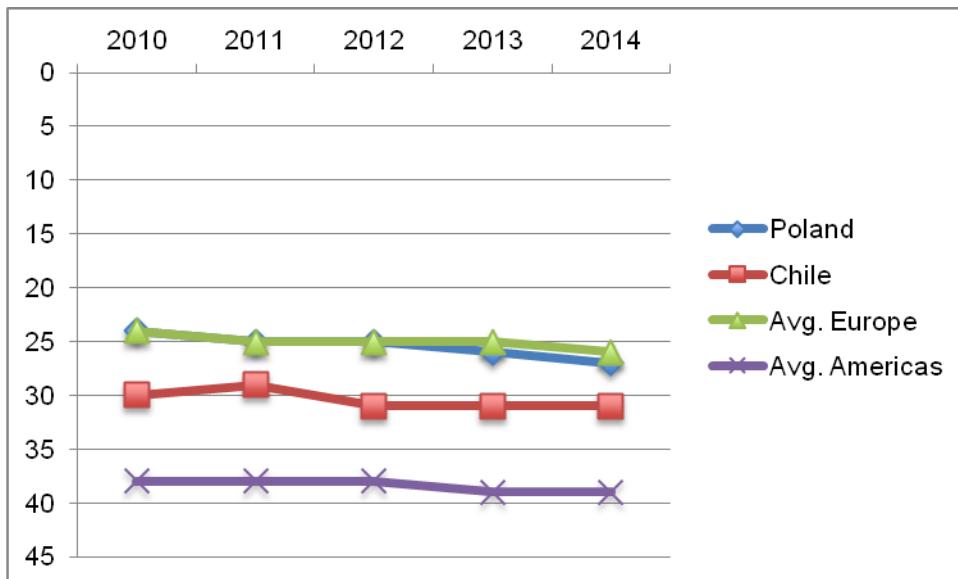


Figure 3. Scores for Chile and Poland from Freedom House in the past 5 years and average scores in Europe and the Americas.

This explanation first points to the reasons why Chile fell in the ranking, but in the second part it brings up the issue of media concentration in Chile in the hands of two conglomerates. This issue—somewhat

revived after the printed version of the public newspaper *La Nación* was closed down at the end of 2010, but in no way new—became so obvious in 2011 that it was included for the first time in Freedom House's reports, which, as we have mentioned, are based on expert opinions and not on measurements of the concentration of ownership, circulation, or readership.

Despite Chile's fall, Costa Rica and Uruguay continued to be the only Latin American countries with a better position in the ranking. In the 2013 and 2014 indexes, Chile maintained a score of 31. Again, only Costa Rica and Uruguay enjoyed a better position than Chile among Latin American nations.

As for Poland's score, the evaluation has worsened slightly over the past few years, but it remains similar to the European average and always within the free category (see Figure 3). Thus, Freedom House's evaluation does not identify weak areas or discuss pending issues. The annual reports that accompany the index do not provide any additional information on either country.

Freedom House's methodology, far from evaluating freedom of expression, focuses on freedom of the press and even more so on the freedom of private media owners, in detriment to the rights of journalists and ignoring citizens, the holders of the right to freedom of expression. Its questionnaire seeks to discover, in the first place, the extent to which states "interfere" in the freedom of private media companies, and in second place, the physical attacks and legal and governmental constraints against journalists. Restrictions on the freedom of expression, information, or communication in the media by private actors—and not just the state—are included, but minimally and with scant weight in the methodology.

UNESCO Proposal

Although RWB and Freedom House's rankings are two of the most widely known and cited measurements of freedom of expression around the world, they are not the only ones. In fact, as Behmer (2009) points out, globalization and the international human rights framework have contributed to the spreading of comparative research initiatives addressing some of the philosophical, methodological, and practical challenges in this field.

Nonetheless, some of these comparative research efforts are characterized by the same shortcoming we described in the cases of RWB and Freedom House as the project Varieties of Democracy: Global Standards, Local Knowledge (<https://v-dem.net/>). This project, launched by the University of Gothenburg, Sweden, and the Kellogg Institute at the University of Notre Dame in the United States, has as its aim to better conceptualize and measure democracies in almost 200 countries with a cross-national and longitudinal perspective. One of its four topics is "Civil Society Organizations, Media, and Political Equality," considering the mass media as one of the dimensions of democracy. Although the Varieties of Democracy project is a worldwide effort to improve the way that democracy is conceptualized and measured, it still remains a negative freedom approach, excluding a positive freedom perspective from media systems. For example, it has a curious way of understanding self-censorship as the self-censorship of journalists "when reporting on issues that the government considers politically sensitive" (Coppedge et al., 2014, p. 264), the right to criticize is understood as the right to criticize the government (Question

13.4), and the concept of pluralism is considered only in its political dimension (Question 13.5). Hence, those indicators are insufficient and inaccurate for analyzing freedom of expression and the media systems of such democracies as Poland and Chile.

Certainly, those are neither the first nor the only efforts to promote and guarantee the human right of freedom of expression. Indeed, at the end of the 1970s, UNESCO convoked an international commission to analyze the issues of freedom of expression, the right to information, and pluralism globally. The diagnosis about global inequalities in the access to information was overwhelming, and the report suggested policies to guarantee the freedom of expression as a human right around the world (MacBride et al., 1980).

Following that historical path, in 2008, the Intergovernmental Council of the International Program for the Development of Communication of UNESCO approved the Media Development Indicators: A Framework for Assessing Media Development. It is a complex and broad tool to measure the status of media systems around the world.

UNESCO's media indicators are grouped into five categories: (1) a system of regulation conducive to freedom of expression, pluralism, and diversity of the media; (2) plurality and diversity of media, a level economic playing field, and transparency of ownership; (3) media as a platform for democratic discourse; (4) professional capacity-building and supporting institutions that underpin freedom of expression, pluralism, and diversity; and (5) infrastructural capacity sufficient to support independent and pluralistic media (UNESCO, 2008). Each category has two to five subcategories, which are operationalized by several means of verification available in different contexts. In this sense, UNESCO's proposal aims to be adapted to national and specific environments. It is suggested to follow more than a limited list of indicators.

To date, there are at least 10 countries where UNESCO's media indicators have been applied, totally or partially.¹³ In contrast to the instruments used by RWB and Freedom House, UNESCO's media indicators can be applied by local actors in a country; they are not applied by UNESCO itself. Although there are no worldwide results of this instrument, precisely because of its characteristics, it is a tool to take into account in further reflections and research on the subject.

Conclusion

As we have seen, the media freedom indexes of Freedom House and RWB are much more useful for evaluating nondemocratic countries and fail to detect the problem areas and challenges regarding media freedom in democracies. One of the reasons for this is that the indexes focus on attacks on journalists and state constraints. On the one hand, these instruments ignore other sources of possible

¹³ National Media Development Indicators assessment reports are available at <http://www.unesco.org/new/en/communication-and-information/resources/publications-and-communication-materials/publications/publications-by-series/assessments-based-on-unescos-media-development-indicators/>.

restrictions, such as economic ones related to the media ownership structure and its dependency on advertising, and, on the other, they implicitly assume that any state interference in the media sector is a constraint on freedom of expression. Thus, they do not consider, for example, the implementation of public policies that foment pluralism. Moreover, these indexes underestimate problems such as self-censorship and pressure on journalists. They also disregard the positive and collective dimension of freedom of expression in the media because they do not take sufficiently into account a citizen's perspective or the rights of the universal subject to inform and express him- or herself, which, according to their stated principles, they promote.

In addition, the methodology proposed by the academic Varieties of Democracy project fails to capture the complex scenario of obstacles faced by democracies in this sphere, reproducing the same omissions made by the two indexes and focusing almost exclusively on state and government constraints. Therefore, all of the methodological instruments analyzed here limit the concept of freedom of expression in the media to its negative dimension: the absence of state interference.

UNESCO's media indicators are broader and more complex than those used by RWB, Freedom House, and even the Varieties of Democracy project. They are the only instrument among the ones we reviewed here that represent a positive freedom approach, embracing positive actions by the state to protect and promote the freedom of expression. UNESCO's indicators also cover issues related to advertising and media ownership structure, including ownership concentration, just as the political economy of the media postulates. In addition, they take into account the quality of the democratic debate and the diversity of views and voices in the mediated public sphere.

The way and characteristics by which a human right such as freedom of expression is measured internationally affect, in turn, what we understand as freedom of expression. Since the Enlightenment, the boundaries of the concept of freedom of expression are becoming broader and more complex and involve not only a "freedom from" (negative freedom) approach but also the positive, "freedom to," frame. The role of the market and commercialization, as well as citizens' access to expression through the media, are inevitable issues, and it is a challenge not only for the academic community concerned with freedom of expression but also for governments and international organizations. As McChesney and Scott (2004) point out, "In this commercial system, no matter how free speech is protected, there will be many whose voices remain unheard for lack of media to express them" (p. 5).

The RWB and Freedom House's methodologies should not be dismissed. They offer useful tools and frames to take the temperature in very specific contexts (countries at war and those ruled by authoritarian regimes). However, they are not enough to describe and analyze carefully and deeply the challenges that democracies are facing in a worldwide media environment characterized by concentration, deregulation, and market-driven journalism.

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