

# Centre for Media Transition



Hi there

## Taming the wild west



The internet has been described as a kind of wild west, where the law can't reach. If that's true, when will the sheriff ride into town before pushing through the doors of the saloon, stopping the pianist mid-song and the card sharps mid-deal?

If you ask European Commissioner Thierry Breton, it's already happened. 'It's time to put some order in the digital "Wild West",' [tweeted Breton two years ago](#). 'A new sheriff is in town — and it goes by the name #DSA.' The tweet was accompanied

by a video of a wild west gunfight, in which Clint Eastwood is identified as the 'EU Internal Market' up against 'illegal content', 'hate speech' and 'lobbying efforts'. No prizes for guessing who wins the shootout.

The #DSA is the Digital Services Act, one of the sweeping laws transforming the way Europe oversees the internet. Europe, in fact, is a world-leader when it comes to digital regulation, setting precedents copied in other jurisdictions in a phenomenon known as '[The Brussels Effect](#)'. It started with the General Data Protection in 2018, which six years later is still resetting global oversight of privacy. Then came the Digital Services Act in

2022, followed by the Digital Markets Act in 2023. And two weeks ago, the [Artificial Intelligence Act was approved](#) by European Parliament with a resounding 523-46 vote.

In today's newsletter, we reflect on the ways our digital frontiers are shifting, and how they're being policed. After Monica explores the vexed issue of social media and impartiality at the ABC, Ayesha addresses the question: what exactly do we want our digital sphere(s) to look like? Tim then ponders the merits of digital spheres without news, before I look at some recent legal developments.

In stark contrast to all this conflict, may your Easter weekend be joyous and peaceful.



**Sacha Molitorisz**  
Senior Lecturer, UTS Law

## The ABC's of impartiality



CMT was in the news [this week](#) – rather unexpectedly. Our Double Take [podcast](#) interview with the new chair of the ABC, Kim Williams, caused somewhat of a stir – on social media in any event.

In the interview, Williams says the ABC is obliged by law to produce accurate and impartial journalism, and that any ABC journalist who can't produce public interest journalism according to the principles of accuracy and impartiality might think about another job. When Williams cites the law,

he is referring to section 8 of the [ABC Act](#), which prescribes that one of the duties of the ABC board is 'to ensure that the gathering and presentation of news and information is accurate and impartial according to the recognised standards of objective journalism'.

But mention impartiality publicly, and social media reaction follows. There is the camp that believes that the ABC has recently been failing the impartiality test across all its news and current affairs output, although some in this camp conclude the national broadcaster

clearly leans to the left, while others say it leans to the right. Their claims were often attached to calls to sack this, that or another person because of their tone or their reporting. Then there is the camp that holds impartiality is a nonsense, a fiction designed to uphold the status quo. As the Australia Institute's Greg Jericho argued, referencing his 2019 [defence](#) of advocacy journalism, 'the desire for balance and the desperate need of journalists to appear neutral will be the death of us'.

The feud played out on X over several days – with some questioning whether the impartiality policy applies to everyone who works at the ABC, even the weatherperson. (It does if the weatherperson has anything to say about issues of the day; it attaches to the output rather than the position held.) Others asked whether the impartiality policy applies to the ABC's [social media guidelines](#), which require staff to be cautious in their public musings so as not to bring the corporation into disrepute and their own impartiality into question. Lawyer Josh Bornstein argued that it is near impossible to define what 'disrepute' means and that arbitrary definitions have a capacity to be oppressive, making it impossible to determine which speech on social media is ok and which is not. As we write, the arguments are still raging on X. Kim Williams has a lot to work with.

And so, to our next podcast. Tim Koskie speaks to Sam Koslowski, co-founder of youth news website [The Daily Aus](#), a publication with a large Instagram following. The recent decision by Instagram's owner, Meta, to stop funding news in Australia for its soon to be redundant Facebook News Tab carries a lot of weight for The Daily Aus, even though it didn't make a deal with Meta in the shadow of the News Media Bargaining Code. Instagram's [decision](#) last month to stop 'proactively' recommending political content posted on accounts that users don't follow may be a portent of things to come. You can hear Sam's thoughts [here](#).



**Monica Attard**  
CMT Co-Director

## Future-proofing public spheres

A philosophical disagreement between Jürgen Habermas and his supervisor Theodor Adorno at the Frankfurt School culminated in Habermas's 1981 magnum opus: *The Theory of Communicative Action*. With its central premise that human action is fundamentally based on communication and language, his theory envisions a utopian



ideal where human communication transcends boundaries of power, coercion, and inequality, creating opportunities for participants to learn from others and from themselves, leading to a truly inclusive and egalitarian public sphere.

Four decades later, media, communication and democracy academics continue to deliberate over the fragilities of the public spheres where citizens can engage, coordinate and shape political meaning, including at last week's two-day workshop

on 'Future Proofing the Public Sphere', organised by the Queensland University of Technology Digital Media Research Centre (DMRC) and the Centre for Deliberative Democracy and Global Governance at the University of Canberra.

The presentations and panels explored the changing definition of the public sphere(s), the progressively blurring line between the 'online' and 'offline' world, and diminishing normative ideals about what makes a thriving public sphere. And what particularly engaged many of us was the focus on activating a dynamic interdisciplinary network of scholars, and pushing the boundaries of western-centric research norms that exclude broader discussions on networked publics in the Majority World as well as their changing ideas and ideals of democratic renewal. For instance, University of Melbourne's Sofya Glazunova, whose research focuses on digital activism and anti-regime publics in the Russian context, questioned the sustainability of democratic public spheres under authoritarian regimes. On another panel, DMRC's Katharina Esau raised a pressing concern about whether those who cannot directly participate in the process of activism or mobilisation are accurately represented in these movements, and what deliberative practices are needed to make sure democratic representation is occurring in all contexts.

Studying individual public spheres in isolation risks overlooking the interconnectedness of global issues and the potential for shared solutions. Digital authoritarianism, including internet shutdowns and censorship, may be an untreaded terrain for many in the west, but far-right extremism and polarisation are too well known to all publics globally. The future-proofing of digital public spheres will require more than just facilitating normatively desirable outcomes for western democracies, which rely heavily on striking bargains with big tech to 'allow' such spheres to thrive.



**Ayesha Jehangir**  
CMT Postdoctoral Fellow

## Your voice! Your world! Not your news!



Meta promises to help ‘build community’, ‘bring the world closer together’ and ‘give people a voice’. These are laudable goals embraced as Meta’s [mission](#) on their website. What raises concerns, however, is how they are going to do this without news, given their [abandonment of the NMBC and their sidelining of news content](#). Defining ‘news’ is certainly [a challenge](#), but giving people a voice is clearly part of it. As the Society of Professional Journalists prescribes in its [Code of Ethics](#): ‘Give voice to the voiceless’. Presumably [The](#)

[Voice, Voice of America](#) and [Vox agree](#). Building a community without knowing what is happening in the community is how you end up with [insert dystopia of choice].

We now face a kind of collision course between internet ideals and entrepreneurial aspirations. On the one hand, we have [platforms](#) positioning themselves as neutral spaces that aren’t there to dictate how users utilise their software and the online capacity they provide to broadcast content, aspiring to fit Barlow’s [vision](#) of the internet as this freedom-loving libertarian cyber utopia. On the other hand, we see companies trying to expand into every aspect of our lives, acting as our [marketplace](#) and [event planner](#), our pathway for ordering cuisine and paying for it, and, for now, [our place to source news](#). Meta wants to be the place where ‘the world comes together’, buying up the personal messaging app Whatsapp and the photosharing site Instagram, and launching Threads to tackle even more communication spaces. [‘Given the importance of news to Australia’s democracy and public debate’](#), will Meta direct people to leave its expanding and expansive online environment to consume this news elsewhere?

Whether platforms continue to play an impactful role in [funding the news media](#) that is purportedly essential to our democracy, the apparent desire to host all of our society’s

diverse interactions is increasingly implicating a responsibility to make visible and available this crucial component of our communication and community.



**Tim Koskie**  
CMT Researcher

## I fought the law ...



Digital issues have been keeping the law busy.

This week, [Elon Musk was roundly rebuked](#) by a Californian judge after the avowed free speech champion tried to stifle free speech. Specifically, the judge dismissed Musk's lawsuit against the Center for Countering Digital Hate, a not-for-profit that's been diligently documenting the rise of racist, antisemitic and extremist content since Musk took over X. The judge called the lawsuit 'vapid', dismissing it under

California's anti-SLAPP (Strategic Lawsuit Against Public Participation) law, which targets nuisance lawsuits that seek to limit free speech.

'This case is about punishing the defendants for their speech,' wrote the judge, Charles Breyer.

Free speech is also firmly on the agenda of the US Supreme Court, with [five social media cases](#) currently or recently before the court. Earlier this month, [the court held unanimously](#) that public officials can block someone from their social media feed if posting doesn't form part of their official duties. [Another case](#) was initiated in 2022, when two US states brought a lawsuit against the Biden administration, arguing that it violated the First Amendment by 'coercing' or 'significantly encouraging' social media companies to block content related to COVID-19, vaccines, and the legitimacy of the 2020 presidential election. Throughout it all, the creaking you hear is the sound of the First Amendment being bent into interesting new shapes to accommodate our digital interactions.

Some of the law's biggest moves, however, are coming from competition regulators. Last week, the US government filed a momentous [antitrust lawsuit](#) against Apple, accusing the Silicon Valley behemoth of having a 'broad, sustained and illegal' monopoly over the smartphone market. European regulators are thinking along similar lines, with [Apple this month hit with a €1.8 billion penalty](#) from the European Union following an investigation into whether it shut out music-streaming rivals, including Spotify, from its platforms.

Meanwhile, the [EU has announced it is investigating](#) Apple, Alphabet (Google) and Meta for potential anti-competitive breaches of the Digital Markets Act, which came into force on March 7. As EU Commissioner Thierry Breton posted on X on Monday, 'The #DMA has been in place for 18 days and we've witnessed more change from Big Tech than in the past 10 years.' Globally, it seems, sheriffs' trigger fingers are getting itchy.



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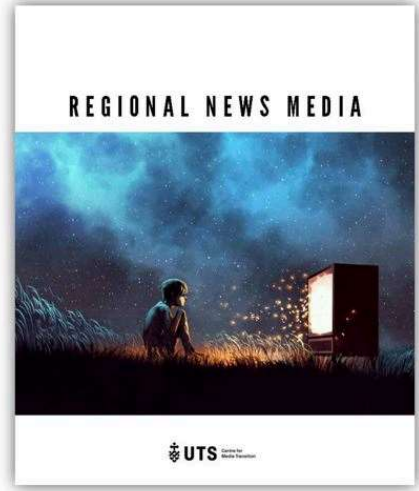
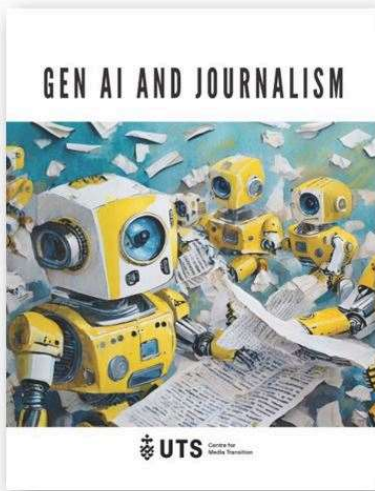
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