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The Great Reset: “Counterpower” in the context of media concentration and platform dependence

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Abstract

The growing concentration of power and dependence on few platforms in the media sector necessitate regulatory measures to counter the potential threats to media pluralism and editorial independence stemming from this concentration. While some legal initiatives aim to address the imbalanced power dynamics between platforms and news media, such as the efforts at the EU level through the Digital Services Act (DSA) and Digital Markets Act (DMA) to establish a fair playing field in digital markets, it is crucial to empower countervailing forces. This article explores the concept of "counterpower" within the context of media concentration and platform dependence, delving into its theoretical and practical implications. The practical analysis is grounded in 12 semi-structured interviews conducted with news organisations of various sizes in the UK and the Netherlands, revealing a heightened awareness of the necessity to reduce dependences and promote more direct and engaged journalism. The interviews identified specific strategies, albeit with some limitations, highlighting the need for additional support, especially for local news organisations striving for autonomy in reducing dependences. In a nutshell, the article examines the legal prerequisites for news organisations to establish a "counterpower," serving as a complementary piece of the larger puzzle in addressing the broader challenges of media concentration and platform dependence. Finally, alongside the evolving EU regulatory framework, encompassing the DSA, DMA, and EMFA, there is a growing demand for enabling “counterpower” and developing robust media (concentration) laws in Europe, particularly focusing on safeguarding local journalism.

Research questions

This article addresses two main research questions. First, based on the conceptual and empirical analysis, I aim to address RQ1 “What is “counterpower” theoretically, and how does it look like in practice?”. Second, based on a normative legal analysis, I address

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RQ2, which asks “How could the legal conditions be created to facilitate the formation of “counterpower”?”, thereby concluding with a legal and policy analysis.

Contribution

A better understanding of the goals and commitments, strategies, and (legal) challenges underlying the exercise of “counterpower” by news organizations helps inform lawmakers in developing effective responses to the changing media environment. The goal is to bridge the disciplinary gaps between (digital) journalism studies, communication science, and law and policy. To tackle the challenges of increasing opinion power wielded by platforms, growing (structural) dependencies and concentrated power in the media, empirical evidence from the ground (the news organization) is needed to inform effective lawmaking. Further, it will help detect current (legal) gaps in the system and create a (legal) environment more favorable of an independent and autonomous news media, a pluralistic media landscape, and the promotion of public and democratic values.

Methodology

Between March and September 2023, I conducted 12 semi-structured interviews, lasting approximately 45-60 minutes each, with experts from news organizations in the UK (7) and the Netherlands (5). The interviewees included key personnel in areas such as public policy, legal affairs, innovation, data and technology, platform, and commercial strategy. The interviews aimed to explore the concept of “counterpower” in practice and contribute an industry perspective to debates on platform dependence, power concentration, and media pluralism.

The conversations were recorded, transcribed, and analyzed through a mixed method of deductive and inductive coding with Atlas.ti. The analysis focused on three main themes: A) audience relationship and attention, B) technological innovation and independence, and C) economic viability and sustainability. Within each theme, an inductive approach was employed to code relevant passages, identifying goals, strategies, and challenges related to “counterpower.”

During this period, discussions intensified about AI implementation in the media, specifically generative AI. While this article primarily explores platform power in the media, noteworthy is the role of companies like Google and Microsoft, leading in AI development. The consequences of their focus shift on AI and some withdrawing from the news industry remain uncertain but significantly impact ongoing regulatory, policy debates, and industry strategies aimed at balancing power dynamics.

Empirical Findings

The literature review and conceptualization of “counterpower” explore various grounds for its exercise, particularly in response to challenges posed by platform mediation in news distribution. This triggers organizations to implement strategic countermeasures aiming to regain control over their audiences. Interviews reveal a dual commitment to “counterpower”: normative and professional journalistic values and economic control.

Goals and Commitments

Public Interest Driven: Normative and Professional Journalistic Values:

News organizations, classified as "quality news media," integrate their democratic mission into their core identity. Despite concerns, news organizations stay on social media platforms to meet audiences where they are, focusing on building trust, cultivating direct relationships, and upholding ethical and professional principles. This commitment extends to transforming the culture and public perception of journalism as a "public good."

Economic Interest Driven: Commercial and Strategic Control:

Beyond normative goals, organizations are motivated by economic interests, emphasizing integrity and autonomy in digital and innovation strategies. The overarching aim is to exercise control over infrastructures, data, technologies, and skills. Independence from external funding for sustainable business models is crucial, considering external limits on complete control.

"Counterpower" Strategies

1. Direct and Engaged Journalism:

Building direct and engaged journalism emerges as an effective "counterpower" strategy, contributing to both normative and economic goals. This involves building trust, enhancing subscriptions, and fostering a loyal readership. Despite a commitment to direct engagement, interactions often occur via social media, raising questions about the necessity of complete disengagement.

2. Diversify Dependence:

Complementing direct and engaged journalism, diversifying dependence is highlighted as a crucial "counterpower" strategy. Excessive dependence on few platforms creates a "feedback loop," strengthening platform power. Organizations seek control over dependence, considering options such as reliance on various platforms, alternative providers with higher privacy standards, or investing in developing their tools.

In navigating technological innovation and constraints, "counterpower" does not mandate complete independence but emphasizes control over tool usage, relationships with providers, and adherence to professional and ethical standards. News organizations play a pivotal role in shaping the transformation of the news landscape through strategic decisions regarding technology use, including diversifying dependence on different platforms, providers, or investing in proprietary tools and platforms.

Legal Discussion

Numerous regulatory initiatives, such as the DSA, DMA, EMFA, AI Act in Europe aim to address power imbalances, ensure fair competition, and uphold values like media freedom and pluralism. While these proposals present interesting provisions, their effectiveness is subject to limitations.

To foster direct and engaged journalism, power dynamics between news media and the audience must be dispersed. The DSA, for instance, addresses systemic risks from recommender algorithms, mandating transparency and user control. Article 27 requires very large online platforms (VLOPs) using recommender systems to disclose parameters and offer user adjustments, contributing to a potential rebalancing of relationships.

The EMFA proposal focuses on media concentration issues, emphasizing the need for EU Member States to assess and regulate media concentration independently from competition law. Acknowledging platforms' roles in opinion formation, the proposal calls for legislation to effectively assess media concentration in the digital age. Concrete guidance and clarity on the role of national media authorities are essential.

Diversifying dependencies for news organizations necessitates a diverse array of alternative providers. The DMA targets dominant platforms, imposing stricter obligations to counterbalance market concentration. This can create a fairer business environment, encourage innovation, and offer consumers more choices, fostering diversification in the news industry.

Ensuring technologies, platforms, and providers meet security, privacy, and copyright standards is crucial. Effective enforcement of existing laws, particularly in privacy, data protection, security, and copyright, is essential for leveraging the benefits of digitalization. AI regulation should address transparency concerns in development, especially regarding copyright infringements. Reframing tax laws may be necessary to support and subsidize journalism while preventing tech monopolies from exploiting their position.

In essence, "counterpower" should be a central consideration in legal and policy discussions on power concentration and platform dependence in the media. It entails empowering news organizations to exert control over their operations, fostering independence, autonomy, and agency in their relationships, all while striking a delicate balance to safeguard media, promote pluralism, and remove barriers without stifling innovation or creating legal uncertainty.

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