Networks of Governance:
Users, Platforms, and The Challenges of Networked Media Regulation

Kate Crawford *(Principal Researcher, Microsoft Research New England, MA; Visiting Professor, MIT Center for Civic Media)*
kate@katecrawford.net

Catharine Lumby *(Professor, Macquarie University, Australia)*
catharine.lumby@mq.edu.au

Abstract
We conducted a study of Australia's media content regulation system in the context of three major Federal Government reviews of media law and policy (Australian Law Reform Commission, 2012; Department of Broadband, Communications and the Digital Economy, 2012; Finkelstein, 2012). The current system understands governance as the work of government and industry, and either minimises or overlooks the role of users, the context of platforms, and the scope of participation. In this article, we assess the weaknesses in the current framework, and look both critically and pragmatically at the role users can play in media content governance. By drawing on the Australian situation as a case study, we consider the wider problem of governance within networked media spaces and the tensions between users, algorithms, platforms, industries, and nation states. Finally, we argue for the development of stronger theoretical model of 'civic media governance', based on principles of radical pluralism that can better account for dissent and dissonance.

Reviewing media governance
Governance of the media in Western liberal democracies has traditionally been the domain of two actors: government and industry. The making of media regulations occurred in a top-down process through a combination of direct government regulation (legislation, government regulatory agencies and licenses), co-regulation (industry based codes of practice monitored by government agencies) and self-regulation (industry endorsed codes of practice). In this framework everyday media users had only a small capacity for direct input through complaints mechanisms or through the judicial system. Predominantly, media audiences were understood as consumers, the receiving end of the one-to-many model, with little need to interact with content producers, regulators, or each other. But this model is becoming increasingly problematic. It reflects an era in which media production was largely the domain of professional producers producing content that could be assessed and classified, often before release.

In the contemporary media environment, media users are increasingly producing their own content, using a wide array of platforms such as Twitter, Facebook and YouTube, which have their own logics of content ownership and distribution. This rapid expansion in the production and distribution of content, we argue, requires us to think critically about the focus, scope and purpose of media content regulation, and in particular, the governance of what we might call the 'civic media' space: spaces that allow for everyday practices of participation and community engagement (Curran, 1995; Curran et al., 1996; Jenkins, 2007). Curran (1995, p.2-3), writing before the mass take-up of social media platforms, marked out

1

the civic media sector as those channels of communication which link organized groups and social networks. In civic media spaces, voices were often in contestation but demonstrated a form of 'group pluralism' (Baker, 1998).

The last decade has seen a rapid acceleration away from an industrial model in which traditional media - print, radio and television - produced media content in discreet, professionalised silos. The newspaper industry, often considered part of civic media (Curran et al., 1996), has shifted from a print-focus to one where 'journalists are expected to enrich the reader's experience by adding audio, video, photos and other types of visual data to text-based stories' [O'Donnell et al., (2012), p.24]. Online content often differs markedly in scope, style and focus from print content and has ability to move across platforms such as mobile and social media spaces. As a range of scholars have demonstrated, such as those within software and platform studies, these platforms have their own embedded political and cultural assumptions (Chun, 2005; Fuller, 2003; Galloway, 2004; Gillespie, 2010). In the words of Helen Nissenbaum (2001, p.120), there is 'a complex interplay between the system or device, those who built it, what they had in mind, its conditions of use, and the natural, cultural, social, and political context in which it is embedded', all of which become part of the values it embodies.

It has been difficult for regulators to account for these shifts. Speaking from the US experience, François Bar and Christian Sandvig (2008) write that policy responses end up being jerry-built, a story of evolutionary 'inertia and incrementalism'. Changes in media policy have rarely appealed to an underlying set of rationales – the 'why' of regulation – and too often become a series patches sewn over existing regimes:

> '[P]olicy-makers looking to resolve convergence challenges have favoured incremental adaptation of past rules rather than fundamental redesign of the policy regime. They have chosen either to treat a new medium with the policy previously applied to whatever it seemed to resemble, or to adjust through the accretion of exceptions and additions. Thus, policy treats cable television as an extension of broadcast, itself viewed as an extension of radio.' [Bar and Sandvig, (2008), p.531]

A similar situation exists in Australia where state-by-state, and platform-by-platform, content is regulated differently. Australia has yet to fashion laws that fully amalgamate broadcasting and telecommunications with an understanding of the ways the internet is altering previous media models and changing the ways people communicate, produce and share content. 'Institutional forms that have sufficed for regulating some of these functions in other media no longer work', argues Sal Humphries (2009, p.79). 'It requires a breaking down and revisioning of policy areas and strategies. It requires a new form of literacy in users, and the development of new skills and strategies.'

In the area of consumer protection, there has been little opportunity to understand the complexities of user experience, despite wider community concern about protecting children from inappropriate content. This is especially the case for social networking, user generated content, gaming and online immersive worlds, where there is a clear need for industry to work with both government and users to build media literacy and to expand cooperation with one another. This includes thinking of user participation beyond 'click here to accept' privacy policies and terms of service notices that immunise companies from any real engagement or responsibility.

Social networking platforms exist in a grey area of regulation: they are constantly changing the types of content they offer – combining ephemeral and stored content – the great majority of which is user-generated. Services like Facebook and Twitter argue that they cannot be held legally responsible for any of the content they host, as they are not the publishers – they just provide the platform. They do, however, harvest that content to produce new forms of knowledge, through the collection and analysis of mass online behaviour over time, and then create targeted advertising for individual users. Laws designed to regulate traditional publishers are often ill-suited to these kind of online services because their business models and methodologies have significant points of difference from traditional media businesses.

The lifespan of online content is also relevant here. On the one hand, online conversations are transitory, and on the other they have the capacity to exist well beyond their intended initial timeframe and purpose, and can be mined for information and bought and sold commercially, even after the death of the original author [Sengara et al., (2009), p.63]. Current regulations are not able to respond well to situations that collapse the public and private spheres, as well as the temporal shifts between stored and transient content.

Communications is complex in that it is increasingly cross-sectoral – reaching across health, government and commerce, as well as the media. At its most basic level, digital content can move swiftly between different media sectors and platforms, making a mockery of silo-based regulation. Mobile platforms are central to this process, and continue to collapse categories of communication. Television footage can be re-circulated on an online news media site, downloaded onto a mobile phone and then uploaded again via YouTube, Vine or Facebook. The footage may be edited, altered and intercut with other content in the course of circulation. The constant connectivity, context sensitivity and intimacy of mobile devices make them the site of much of these transformations. As Ralph Schroeder (2010, p.75) writes of mobile phone development: 'there will continue to be denser, more extensive, more time-consuming and more non-location-specific ties'.

The term 'convergence' in this context carries a double weight: it refers both to this collapse of boundaries between traditional media silos, and the affordances of networked platforms that allow media to move between spaces and genres. Some have used the term to describe the current movement in the media landscape from a vertical media environment to a horizontal one [Jenkins, (2006), p.282; Nightingale, (2007), p.20]. But regardless of the definition we choose, the transformation that convergence points toward has generated considerable concern: from the state's ability to govern networked media, to the role of the fourth estate, to the ability for users to have any real agency beyond merely clicking 'like' or changing privacy settings.

The Australian context
In 2010-2011, the Australian Federal Minister for Broadband, Communications and the Digital Economy announced three inquiries on these issues. The first, on media and media regulation, included an investigation of the effectiveness of media codes of practice and the impact of technological change on business models that traditionally supported quality journalism [Finkelstein, (2012), p.13]. The Minister also established the Convergence Review Committee to examine the operation of media and communications

regulation in Australia and assess its effectiveness in achieving appropriate policy objectives. The Review covered a broad range of issues, including media ownership laws, media content standards, the ongoing production and distribution of Australian and local content, and the allocation of radio communications spectrum [Department of Broadband, Communications and the Digital Economy, (2012b), p.vii]. In relation to media content regulation, the reports of both reviews focused heavily on the challenges of regulating professional media production practices in relation to traditional journalistic ethics.

The role of user-generated content was addressed in a more detailed manner in a third inquiry initiated by the Australian Federal government: The Classification–Content Regulation and Convergent Media Review (Australian Law Reform Commission, 2012). The final report of the review notes that the 'rise of user-created content is associated with broader trends away from a 20th century mass communications model, characterized by large-scale distribution, media content largely produced and distributed by media professionals, and a clear distinction between media producers and media consumers' [Department of Broadband, Communications and the Digital Economy, (2012b), p.70]. The report notes that this shift presents a new challenge for media classification policy, characterised by a need to 'design regulations that distinguish between content that is produced by large-scale organisations on a commercial basis, and user-created content' [Department of Broadband, Communications and the Digital Economy, (2012b), p. 70].

Our review, published in May 2011, argued that the Australian system of content regulation had evolved largely over the course of the 20th century in an erratic, inconsistent and, at times, reactive manner (Crawford and Lumby, 2011). The system is rendered even more complex by the allocation of the powers in the Constitution between State and Federal Governments which were devised in an era which predates most modern media content production and distribution systems (Lumby et al., 2009). The Federal government, and in some cases the state governments, require media industries to comply with legislation or demonstrate cooperation with government through co-regulation or self-regulation. Media users, in this scenario, have had very limited input into the governance of media content (Wilding, 2007). Their role has been confined to complaints mechanisms and to representation on community boards or through consumer stakeholder groups.

Rethinking Australia's approach to media content governance requires more than a considered review of current regulations and classification systems and the respective roles of industry and governments. We argued that detailed attention needs to be focused on the role of users as stakeholders in the governance equation. This equation is made particularly complex not only because of the technological affordances of networked media, but because of the combination of state and corporate actors who oversee the most popular social spaces for networked engagement, and the highly delimited role they accord to users.

The new context for media governance is the widespread domestication of digital technologies, the growing user base of broadband internet and smartphones and the mass adoption of social media (Australian Communications and Media Authority, 2009; Nielsen, 2010; Nielsen, 2011). In this context, media users are not only producing content within transnational platforms, they are often asked to identify inappropriate or offensive content online. The amount of material generated and viewed on large social networks

has clearly outstripped the capacity of any government agency to classify content, let alone vet inappropriate material. To give just one example, YouTube (2012) announced in mid-2012 that 72 hours of material was being uploaded to their service every minute. YouTube, along with many large social media sites, enlists its users in flagging inappropriate content [Burgess and Green, (2009), p.48]. It's a model in which users assume moral agency for abiding by the guidelines of the site and notifying inappropriate content, while industry takes responsibility for giving users tools and acting on notifications, and government assumes responsibility for acting when content which breaches the law is referred to them. Similar models can be seen in many popular websites with user-generated content, such as Facebook and Wikipedia.

From a procedural perspective, there are clear challenges in adapting existing governance mechanisms to allow media users genuine input into state-based policy and regulation. Our recommendation at this level was the creation of an Australian Convergent Media Board comprised of representatives from government, industry and users groups with a remit to consider social, cultural and regulatory issues and identify areas for policy development and further research. The Board would not be charged with arbitrating complaints, but rather would focus on ensuring collaboration and discussion between government, industry and user communities. Critically, the Board would also act as Australia's centralised point of contact with international fora tasked with addressing media content governance as well as transnational user communities.

However, while the creation of such a body may address the terms of the review, it merely begins to introduce user representatives to state-based processes. But beyond the terms of the Convergence Review, complex and challenging questions remain to be answered: how can users have real agency in the governance of networked spaces owned by transnational businesses? How can models of civic media account for competing views of user communities, and conflicts between users, states and social media network owners? State actors already have difficulty in regulating the activities of companies such as Google and Facebook as many of their services exceed both traditional state boundaries and policy frameworks. The amount of content they host is well beyond the capacity of any national or international body to monitor and regulate in real time. Thus there is a tacit acceptance of the model where internet companies draw on the volunteer labour of user communities to 'flag' concerning content - a strictly defined role in content governance.

In reality, the interactions between user communities, industry platforms and providers, and government policy and laws is far from predictable or smooth (Burgess and Green, 2009). While many user communities engage in a limited form of governance, it still poses major questions in theory and practice. One only needs to turn to the examples of tensions in YouTube's user-governance model: anyone can flag content as offensive, and at times entire user communities have mobilized to flag content they deem unsuitable. Religious groups have criticised the user-flagging of their videos as 'hate speech' because of the language they use referring to LGBT communities (LeClaire, 2012), while LGBT communities have protested the removal of films (Aban, 2007), and others complain content has been censored for being considered too anti-Islamist (Zeller, 2006). This raises questions about what kind of ethical principles should guide systems of networked governance that could allow for dissent and the contestation of values.

Crawford, K. and Lumby, C. (2013) 'Networks of Governance: Users, Platforms, and the Challenges of Networked Media Regulation,' *International Journal of Technology Policy and Law*, Special Issue on Legal and Policy Implications of Convergent Media, Vol 2, No. 1 (forthcoming).

Radical pluralism and civic media governance
The issue of how media users can engage in governing and managing networked content has interrelated conceptual and practical dimensions. In theoretical terms, it requires attention to wide-ranging work in political theory and media studies concerning the nature of contemporary democracy and participatory citizenship (Bennett, 2008; Bruns, 2007; Burgess et al., 2006; Cohen, 2009; Coleman, 2005; Coleman and Blumler 2001, 2009; Deuze, 2006; Flew, 2009; Jenkins, 2006; Poster, 2002). By turning to this briefly, we can consider how participation and governance structures in networked media spaces could be conceptualised.

Coleman (2005) claims that there is a need to radically reconsider democratic participation in the digital era, given the altered modes of communication. In turn, Bennett (2008, p.5) claims that we need new models to take account of networked approaches to civic and political engagement in governance in our understanding of citizenship. Burgess et al. (2006, p.1) argue that rather than limiting notions of citizen engagement to 'participation in online deliberation and the 'rational' discussion of topics that are related to the traditional public sphere – that is, politics and current affairs,' the cultural dimensions of the production and use of media online should be considered as a form of civic participation. For Burgess et al. (2006, p.5), this means shifting our understanding of the public sphere as a ''common' public sphere…where politics and identity can be dramatized and affect can be politicized, to everyday active participation in a *networked*, highly heterogeneous and open cultural public sphere'.

Coleman and Blumler (2009) describe a model they term 'direct representation' which would use online media to engender dialogues that impart information and foster mutuality between citizens and their representatives. They envisage a 'civic commons' that would 'gather the public together, not as spectators, followers or atomized egos, but as a *demos* capable of self-articulation' [Coleman and Blumler, (2009), p.197]. In his seminal article on the relationship between the internet and the public sphere, Mark Poster (2002) argues for a reconceptualisation of liberal democratic norms for understanding politics and governance which acknowledges the way the internet enables new forms of collective subjectivity and identity. Poster's framing of the central role of online media in civic formations builds on John Hartley's (1992, p.1) observation that 'the popular media of the modern period, are the public domain, the place where and the means by which the public is created and has its being'.

In the field of media studies, the concept of participatory democracy (Chadwick and May, 2003) has been generative for theorists seeking to understand networks of online communities and the limits and potential of their agency (Benkler, 2006; Burgess and Green, 2009; Flew, 2009; Thomas, 2004). Expanding on this model to account for software and platforms, Ganaele Langlois (2013, p.93) uses the term 'participatory media assemblages', whereby technological platforms such as Facebook and Google become 'conduits of governance'. This literature informs our exploration of the potential for media users to participate in media governance, to identify principles that can account for these complex assemblages. However, we do so in full agreement with Joshua Cohen's (2009, para. 12) observation that rethinking civic participation through 'cyber-utopianism – a celebration of the dispersed, decentralized, egalitarian, Jeffersonian, participatory, deliberative, electronic public sphere –is not only misplaced but dangerous'. Rather, we need to critically evaluate where and how 'the civic' is constituted and how ideals of

governance can operate in a range of spaces, without prioritizing or essentialising online modes of engagement.

As we note above, a key consideration in any attempt to reconsider the role of media users in governance structures is the contingent relationship between nation state-based regulation and the transnational nature of content platforms. As Roland Bleiker (2008, p.121) writes: 'One of the most difficult political challenges is to retain democratic ideals at a time when their traditional sphere of application, the nation-state, has become increasingly undermined through processes of globalization…Many of the institutions that shape global politics, from international organizations to transnational companies, are neither transparent nor accountable to a democratic constituency'. Bleiker's understanding of democratic ideals is not rooted in traditional articulations of liberal democracy but is grounded in William Connolly's democratic ethos. It is an ethos, as Bleiker notes, which recognizes contestation and promotes respect for 'multiple constituencies honouring different moral sources' [Connolly, (1999), p.51]. By drawing on Connolly's ideas, we can move away from prior individualist conceptions of engagement to a 'distributive' and 'emergent' conception of agency that considers communities and the environments in which they engage (see Glover, 2011).

Connolly is one of the theorists of a 'new pluralism' in which sources of conflict are productive sources of debate. We argue that his political theory has potential for those seeking to develop principle of governance in globally distributed networks. The online environment is dominated by industries which are driven by advertising logics and revenue structures which rarely give substantial agency to users to participate in governance structures. How then, is it possible to imagine harnessing the power of media user communities if they are not fully recognized? What mechanisms might we invoke? And what are the precedents?

One example of the dense layers of governance, content creation and participation that we observed in our report is found in online gaming spaces. Massive Multiplayer Online Games (MMOGs) such as World of Warcraft are doubly regulated under the Australian system, both as online content and as traditional games – however neither system of regulation truly demonstrates a deeper understanding of how the games operate, and how communities of users are essential to their life and growth. Online games enable, and require, user-generated content and social networking to take place. Defying traditional ideas of a 'finished product', online games continue beyond any one user's experience, with millions of authors constantly interacting and competing, all within a space clearly owned and controlled by the games company. As T.L Taylor (2006, *op. cit.*) writes,

> …the notion of participatory design, and by extension participatory governance, [is] a fruitful model to begin to discuss what it might mean to move beyond simply managing player communities to enrolling them into the heart of design and game world maintenance. This is, in fact, not quite as radical a proposition as it may first appear. MMOG worlds are already participatory to some degree…Through their participation they help shape the technology, as well as alter and extend the mechanics of the games.

Connolly's framework of multiple constituencies with different motivations and moral groundings would ask us to look even further, to take account for the many communities

of users around the world, the games company, and those that seek to regulate games. This extended network, argues Sal Humphries (2009, p.63-64), 'highlights the need to approach such media not merely as texts, but more as dynamic sets of relations and processes':

> 'Moves to force this new genre of participatory media into the strictures of old conventions seem unwise, yet the power and influence wielded by established media interests mean policy and regulation continue for the most part to act to preserve the old rather than facilitate the new. The interests of users, now participators and producers, need to be thought about alongside those of corporate publishers, not only in terms of their access to cultural and social capital, but in terms of what their rights, risks and obligations might reasonably be in such a system.'

In our report, we note that one of the major regulatory failures with respect to online gaming, in particular the resistance to allowing an R18+ rating in Australia (restricted to over 18 years old). The disputes over ratings meant that games with adult content were often refused classification, and thus not made available for legal sale. While the R18+ category has now been introduced, such ratings are premised on the model of 'finished products' and 'texts' (such as movies or books) that were manufactured *ex ante* user engagement and then delivered into private hands via public distribution. However, networked game environments – and especially MMOGs like World of Warcraft – do not share these characteristics or lend themselves to this type of governance. Their 'texts' are never final – their content is constantly evolving due to massive user engagement, with blurred lines between publisher's intention and user contribution. Thus, regulatory ratings systems are failed frameworks by design for such networked media because they fail to take into account the expansive role of users.

If we accept that new principles for network governance are required, we might begin by asking how they should be conceptually framed. It would require navigating the relationship between normative models of liberal democracy, participatory democracy and genuine pluralism – which Connolly (1995, 2005) terms 'agonistic respect'. Connolly (2005, p.8-9) specifically invokes popular media as a forum in which a 'majority assemblage' characterised by a 'thick network pluralism' can emerge. The effectiveness of an agonistic model for online governance turns on the limits of pluralism and the shape of governance on a range of corporate-owned platforms regarding how much genuine media user participation is permitted in media content management. Networked spaces include extreme articulations of political and social difference, which are articulated in affective and fragmented ways (Dahlberg, 2007; Papacharissi, 2004; Wright and Street, 2007). Here the work of Connolly, Wendy Brown and other political theorists (Brown, 1998, 2006a, 2006b; Connolly, 2005; Kooiman 2003, 2008) offer a productive way to consider how civic media governance may be understood in terms of its capacity to work both in relation to and resistance against existing structures.

At the root of these issues is how we understand the purpose and scope of governance itself. In his exploration of post-national democracy and pluralism, Bleiker (2008, p.128) argues, 'when an existing political practice becomes too entrenched and oppressive, then hope for change often comes not from an internal and institutionalized effort at renewal but an externally induced politics of disturbance'. In simple terms, he is suggesting that

disruption is fundamental to the ideals of democratic governance. He also raises the prospect that regulatory structures may be unable to account for the expanded range of actors and practices until strenuously challenged by outside forces, particularly users themselves.

Future policy terrains: accounting for users and platforms
If the next decade is going to demand a deeper, more complex account of the role of users in governance, and their relationship to industry, governments and platforms, how do we begin? Beyond a purely celebratory hailing of the user as an individual, heroic agent of media making, how are we to take account of community dynamics, of contested spaces, of disputes over privacy, over terms of use, over principles of governance? Everything from bonding and discussion, to flaming and trolling, to creating content, downloading, and simply listening to other users, creates a current of activity that eventually shapes the potential space of online engagement. Further, users have long engaged in self-regulation within their own communities and develop their own norms of communication (Baym, 2000). These kinds of self-regulation mechanisms are also capable of crossing borders where state regulation cannot.

But users are not connecting in neutral spaces. They are in dynamic environments of software and hardware, of algorithms, protocols and user interfaces, which produce their own logics of governance. Langlois (2013, p.100) argues that platforms act as managers of communication that 'enable, direct and channel specific flows of information' as well as deciding what is 'meaningful, relevant, and should be made more prominently visible on different user-interfaces'. Google decides for the user what links will be most relevant, and what advertisements will best complement their previous online activities. Facebook's algorithms determine not just relevancy but also the importance to the user's social network. This platform model of governance incorporates a wider set of actors that contribute to online engagement, and to conceptualise the ways algorithmic processes also shape participation.

This, of course, presents extraordinary challenges for creating policy that can be sufficiently flexible, adaptable and pragmatic. The practical and political realities of accounting for the diverse practices of platforms and their communities are genuinely difficult. However, we believe that rethinking policy from the starting position of Connolly's radical pluralism and 'agonistic respect' is a philosophical foundation that accepts that the multiple actors are inextricably connected – even when their views are in opposition. Institutions, people, algorithms: all are actors within the complex negotiation of governance.

Bleiker and Connolly's understanding of democratic governance suggests there can be an adaptive way of understanding this expanded range of actors within networked governance. Drawing on their ideas, we can widen the governance lens from one which privileges governments working in concert with industry to one which accounts for a diverse, contested environment of agents with differing levels of power and visibility: users, algorithms, platforms, industries and governments. The emphasis here is on cultural difference rather than assumed norms and shared values (Benhabib, 1996; Connolly, 1991; Mouffe, 2000). We would suggest that the approach of radical pluralism can better account for the connections and contestations between technical processes and social practices, and can provide a foundation for devising principles of networked

Crawford, K. and Lumby, C. (2013) 'Networks of Governance: Users, Platforms, and the Challenges of Networked Media Regulation,' *International Journal of Technology Policy and Law*, Special Issue on Legal and Policy Implications of Convergent Media, Vol 2, No. 1 (forthcoming).

governance. To echo Langlois (2013, p.103), 'the question of the governance and conditioning of these networks demands a new framework that does not simply focus on the users, or on transmission technologies, but on the assemblages of culture and technology, users and software that create sites for the experience of meaning'.

Finally, we argue that these principles of radical pluralism are most necessary in the understanding of civic media governance, in spaces where users are very visibly participating in shared, public and semi-public spaces. This, of course, is where we see the contest of values between groups who express mutually opposed beliefs. If governments and platforms are going to be able to balance the competing claims of user communities, this will demand a system that accounts for dissent and dissonance. Policy makers need to ask how and why media users might come to see themselves as participants in governing online spaces, what mechanisms would allow this to happen within contested spaces. Beyond merely acknowledging user agency, future work on policy frameworks will need to account for the shifts and modulations of user agency, and the way that platforms and policy can accentuate or delimit that potential.

References

Aban, A. (2007) 'YouTube Censures Teenage Gay Kiss But Permits Gay Bashing Video', *EDGE Boston* [online] 10 September. http://www.edgeboston.com/index.php?ci=108&ch=news&sc=glbt&sc2=news&sc3=&id =22881 (Accessed 4 February 2013).

Australian Communications and Media Authority (ACMA). (2009) *Communications Report 2008-2009*. [online] ACMA, Melbourne. http://www.acma.gov.au/webwr/_assets/main/lib311252/08-09_comms_report.pdf (Accessed 14 February 2013)

Australian Law Reform Commission (ALRC). (2012) *Classification—Content Regulation and Convergent Media (ALRC Report 118)*. [online] ALRC, Sydney. http://www.alrc.gov.au/publications/classification-content-regulation-and-convergent-media-alrc-report-118 (Accessed 14 February 2013).

Baker, C. E. (1998) 'The Media That Citizens Need', *University Of Pennsylvania Law Review,* Vol. 147, no. 2, pp.317-408.

Bar, F. and Sandvig, C. (2008) 'US Communication Policy After Convergence'. *Media, Culture, and Society,* Vol. 30, No. 4, p.531.

Baym, N. (2000) *Tune In, Log On: Soaps, Fandom, and Online Community,* Sage, London.

Benhabib, S. (1996) 'Toward a Deliberative Model of Democratic Legitimacy' in Benhabib, S. (Ed.), *Democracy and Difference: Contesting the Boundaries of the Political,* Princeton University Press, Princeton.

Crawford, K. and Lumby, C. (2013) 'Networks of Governance: Users, Platforms, and the Challenges of Networked Media Regulation,' *International Journal of Technology Policy and Law*, Special Issue on Legal and Policy Implications of Convergent Media, Vol 2, No. 1 (forthcoming).

Benkler, Y. (2006) *The Wealth of Networks: How Social Production Transformed Markets and Freedom*, Yale University Press, New Haven.

Bennett, W. L. (2008) 'Changing Citizenship in the Digital Age', in Bennett, W.L. (Ed.), *Civic Life Online: Learning How Digital Media Can Engage Youth. The John D. and Catherine T. MacArthur Foundation Series on Digital Media and Learning*, The MIT Press, Cambridge.

Bleiker, R. (2008) 'Visualising Post-National Democracy', in Campell, D. and Schoolman, M. (Eds.), *The New Pluralism*, Duke University Press, Durham, pp.121-142.

Bruns, A. (2007) 'Produsage, Generation C, and Their Effects on the Democratic Process', Paper Presented at *MiT (Media in Transition) 5 Conference*, 7-29 April 2007. Boston, MA.

Brown, W. (1998) 'Democracy's Lack', *Public Culture*, Vol. 10, No. 2, pp.425-429.

Brown, W. (2006a) 'Power After Foucault', in Dryzek, J., Honig, B. and Phillips, A. (Eds.), *The Oxford Handbook of Political Theory*, Oxford University Press, New York, pp.65-84.

Brown, W. (2006b) 'American Nightmare: Neoliberalism, Neoconservatism, and De-Democratization', *Political Theory*, Vol. 34, No. 6, pp.690-714.

Burgess, J.E., Foth, M. and Klaebe, H. (2006) "Everyday Creativity as Civic Engagement: A Cultural Citizenship View of New Media" in *Proceedings 2006 Communications Policy and Research Forum*, pp.1-16.

Burgess, J. and Green, J. (2009) *YouTube: Online Video and Participatory Culture*, Polity Press, Cambridge.

Chadwick, A. and May, C. (2003) 'Interactions Between States and Citizens in the Age of the Internet: "E-Governance" in the United States, Britain and the European Union', *Governance: An International Journal of Policy, Administration and Institutions*, Vol. 16, No. 2, pp.271-300.

Chun, W. H. K. (2005) 'On Software, Or The Persistence of Visual Knowledge', *Grey Room* 18, pp.26-51.

Cohen, J. (2009) 'Reflections on Information Technology and Democracy'. Paper presented at *The Public Good: The Impact of Information Technology on Society*. 28 February 2009. Mountain View, CA. http://bostonreview.net/BRwebonly/cohen3.php (Accessed 27 January 2013)

Coleman, S. (2005) 'New Mediation and Direct Representation: Reconceptualizing Representation in the Digital Age', *New Media and Society,* Vol. 7, No. 2, pp.177-198.

Coleman, S. and Blumler, J.G. (2001) *Realising Democracy Online: A Civic Commons in Cyberspace*, Institute for Public Policy Research, London.

Crawford, K. and Lumby, C. (2013) 'Networks of Governance: Users, Platforms, and the Challenges of Networked Media Regulation,' *International Journal of Technology Policy and Law*, Special Issue on Legal and Policy Implications of Convergent Media, Vol 2, No. 1 (forthcoming).

Coleman, S. and Blumler, J.G. (2009) *The Internet and Democratic Citizenship: Theory, Practice and Policy*, Cambridge University Press, Cambridge.

Connolly, W. (1991) *Identity/Difference: Democratic Negotiations of Political Paradox*, Cornell University Press, Ithaca.

Connolly, W. (1995) *Ethos of Pluralization (Vol. 1)*, University of Minnesota Press, Minneapolis.

Connolly, W. (1999) *Why I Am Not A Secularist*, University of Minnesota Press, Minneapolis.

Connolly, W. (2005) *Pluralism*, Duke University Press, Durham.

Crawford, K. and Lumby, C. (2011) *The Adaptive Moment: A Fresh Approach to Convergent Media in Australia*. [online] Journalism and Media Research Centre UNSW, Sydney.
http://jmrc.arts.unsw.edu.au/media/File/The_Adaptive_Moment_Convergent_media1.pdf (Accessed 14 March 2013).

Curran, J. (1995) *Policy for the Press,* Institute for Public Policy Research, London.

Curran, J., Morley, D., and Walkerdine, V. (Eds.) (1996) *Cultural Studies and Communications,* Arnold, London.

Dahlberg, L. (2007) 'Rethinking the Fragmentation of the Cyber-Public: From Consensus to Contestation', *New Media and Society,* Vol. 9, No. 5, pp.829-849.

Department of Broadband, Communications and the Digital Economy, Commonwealth of Australia. (2012a) *Convergence Review Terms of Reference*. [online]
http://www.dbcde.gov.au/digital_economy/convergence_review/convergence_review_terms_of_reference (Accessed 14 January 2013).

Department of Broadband, Communications and the Digital Economy, Commonwealth of Australia. (2012b) *Convergence Review Final Report.* [online]
http://www.dbcde.gov.au/digital_economy/convergence_review (Accessed 14 January 2013).

Deuze, M. (2006) 'Participation, Remediation, Bricolage: Considering Principal Components of a Digital Culture', *The Information Society,* Vol. 22, No. 2, pp.63-75.

Finkelstein, R. (2012) *Independent Media Inquiry Report*. [online] Department of Broadband, Communications and the Digital Economy, Commonwealth of Australia.
http://www.dbcde.gov.au/digital_economy/independent_media_inquiry (Accessed 14 March 2013).

Crawford, K. and Lumby, C. (2013) 'Networks of Governance: Users, Platforms, and the Challenges of Networked Media Regulation,' *International Journal of Technology Policy and Law*, Special Issue on Legal and Policy Implications of Convergent Media, Vol 2, No. 1 (forthcoming).

Flew, T. (2009) 'Democracy, Participation and Convergent Media: Case Studies in Contemporary Online News Journalism in Australia', *Communication, Politics & Culture*, Vol. 42, No. 2, pp.87-109.

Fuller, M. (2003) *Behind The Blip: Essays on the Culture of Software*, Autonomedia, New York.

Galloway, A. (2004) *Protocol: How Control Exists After Decentralization,* MIT Press, Cambridge.

Gillespie, T. L. (2010) 'The Politics of "Platforms"', *New Media and Society*, Vol. 12, No. 3, pp.347-364.

Glover, R. (2011) 'Of Virtues and Values: Sympathy, Empathy, and Agonistic Respect in Recent Democratic Theory', *APSA 2011 Annual Meeting Paper*. http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1900864## (Accessed 10 February 2013).

Hartley, J. (1992) *The Politics of Pictures: The Creation of the Public in the Age of Popular Media*, Routledge, London.

Humphries, S. (2009) 'Discursive Constructions of MMOGs and Some Implications for Policy and Regulation', *Media International Australia*, Vol. 130, pp.63-64.

Jenkins, H. (2006) *Convergence Culture: Where Old and New Media Collide*, New York University Press, New York.

Jenkins, H. (2007) 'What is Civic Media?' *Confessions of an Aca-Fan* [online] 3 October. http://henryjenkins.org/2007/10/what_is_civic_media_1.html (Accessed 13 February 2013).

Kooiman, J. (2003) *Governing as Governance*, Sage, London.

Kooiman, J. (2008). 'Exploring the Concept of Governability', *Journal of Comparative Policy Analysis: Research and Practice*, Vol. 10, No. 2, pp.171-190.

Langlois, G. (2013) 'Participatory Culture and the New Governance of Communication: The Paradox of Participatory Media', *Television & New Media*, Vol. 14, No. 2, pp.91-105.

LeClaire, J. (2012) 'Are Facebook, Apple and Google Censoring Christian Speech?', *Charisma News* [online] 25 May. http://www.charismanews.com/us/33478-are-facebook-apple-and-google-censoring-christian-speech (Accessed 11 February 2013).

Lumby, C., Green, L. and Hartley, J. (2009) *Untangling the Net: The Scope of Content Caught by Mandatory Internet Filtering,* University of NSW, Sydney.

Mouffe, C. (2000) *The Democratic Paradox*, Verso Books, London.

Nielsen (2011) 'State of the Media: The Social Media Report' [online] http://blog.nielsen.com/nielsenwire/social/ (Accessed 4 November 2011).

Crawford, K. and Lumby, C. (2013) 'Networks of Governance: Users, Platforms, and the Challenges of Networked Media Regulation,' *International Journal of Technology Policy and Law*, Special Issue on Legal and Policy Implications of Convergent Media, Vol 2, No. 1 (forthcoming).

Nielsen (2010) 'Social Media Report', Australia, March 2010.

Nightingale, V. (2007) 'New Media Worlds? Challenges for Convergence', in Nightingale, V. and Dwyer, T. (Eds.), *New Media Worlds: Challenges For Convergence*, Oxford University Press, Melbourne, pp.19-35.

Nissenbaum, H. (2001) 'How Computer Systems Embody Values', *Computer*, Vol. 34, No. 3, pp.118–120.

O'Donnell, P., McKnight, D. and Este, J. (2012) *Life in the Clickstream 11 – The Future of Journalism*, Media Alliance, Sydney.

Papacharissi, Z. (2004) 'Democracy On-line: Civility, Politeness, and the Democratic Potential of On-line Political Discussion Groups', *New Media & Society*, Vol. 6, No. 2, pp.259-284.

Poster, M. (2002) 'Cyberdemocracy: The Internet and the Public Sphere', in Trend, D. (Ed.), *Reading Digital Culture,* Blackwell Publishers, Oxford, pp.259-271.

Sengara, R., Humphreys, S., Given, J., McCutcheon, M., and Milne, C. (2009) *Future Consumer: Emerging Consumer Issues in Telecommunications and Convergent Communications and Media [online]* Australian Communications Consumer Action Network.
http://accan.org.au/index.php?option=com_content&view=article&id=93:future-consumer-research-report&catid=103:general-communications&Itemid=170 (Accessed 15 March 2013)

Schroeder, R. (2010) 'Mobile Phones and the Inexorable Advance of Multimodal Connectedness', *New Media and Society*, Vol. 12, No. 1, pp.75-90.

Taylor, T.L. (2006) 'Beyond Management: Considering Participatory Design and Governance in Player Culture', *First Monday*, Vol. 0, No. 0 [online] http://www.uic.edu/htbin/cgiwrap/bin/ojs/index.php/fm/article/view/1611/1526 (Accessed 13 February 2013).

Thomas, J. (2004) 'Horizons of Expectation: Imaginary Trajectories of Electronic Government', in Goggin, G. (Ed.), *Virtual Nation: The Internet in Australia*, UNSW Press, Sydney, pp.258-272.

Wilding, D. (2007) 'On Fair Terms: Public Participation in Communications Regulation in Australia', in Nightingale, V. and Dwyer, T. (Eds.), *New Media Worlds: Challenges For Convergence*, Oxford University Press, Melbourne, pp.265-283.

Wright, S. and Street, J. (2007) 'Democracy, Deliberation and Design: The Case of Online Discussion Forums', *New Media and Society*, Vol. 9, No. 5, pp.849-69.

YouTube (2012) Press Statistics. http://www.youtube.com/t/press_statistics (Accessed 3 February 2013).

Crawford, K. and Lumby, C. (2013) 'Networks of Governance: Users, Platforms, and the Challenges of Networked Media Regulation,' *International Journal of Technology Policy and Law*, Special Issue on Legal and Policy Implications of Convergent Media, Vol 2, No. 1 (forthcoming).

Zeller, T. (2006) 'A Slippery Slope of Censorship at YouTube', *New York Times*, 6 October http://www.nytimes.com/2006/10/09/technology/09link.html?_r=0 (Accessed 5 February 2013).