SOME CHALLENGES
OF THE NEW COMMUNICATIONAL (DIS)ORDER.
RESISTING MYTHS AND PANICS, REINVENTING REGULATION

Erik Neveu
ARENES/CNRS,
Sciences-Po Rennes

1 - Looking at the present with the past's spectacles ?

1.1. Gustave le Bon is back in town.

1.2. Two old-fashioned couples.

❖ The Magister and the follower

❖ Disgust and Rationalism

1.3 Two Alternative approaches

❖ Informalization and reflexivity

❖ *Skholé*. How to democratize it ?

2 - Bringing back regulations.

❖ Regulating concentrations

❖ Taming the GAFAM

❖ Limiting secrets

❖ Redefining the public funding of Media

❖ Why not the big stick ?

❖ An education to media ? Yes but a practical-sociological one...

A NEW REGIME OF MEDIA

o From big "broadcasters" to the multiplication of media, channels and websites.

o From massive to fragmented audiences.

o From clear typologies of genres and "grammars" in media programming to their blurring (When *West Wing* or *Borgen* shed more light on the true logics of politics than the Political newsbeat, When a minister, a soccer player and a novelist sit together in the TV Studio).

o From a profitable activity to the financial crisis of the Press (and Media)

o From journalists as gatekeepers and masters of the agenda to the multiplication of the locations, media and actors participating in news-production and agenda-setting.

o From top-down news-flows to "*multi-axial*" circulations.
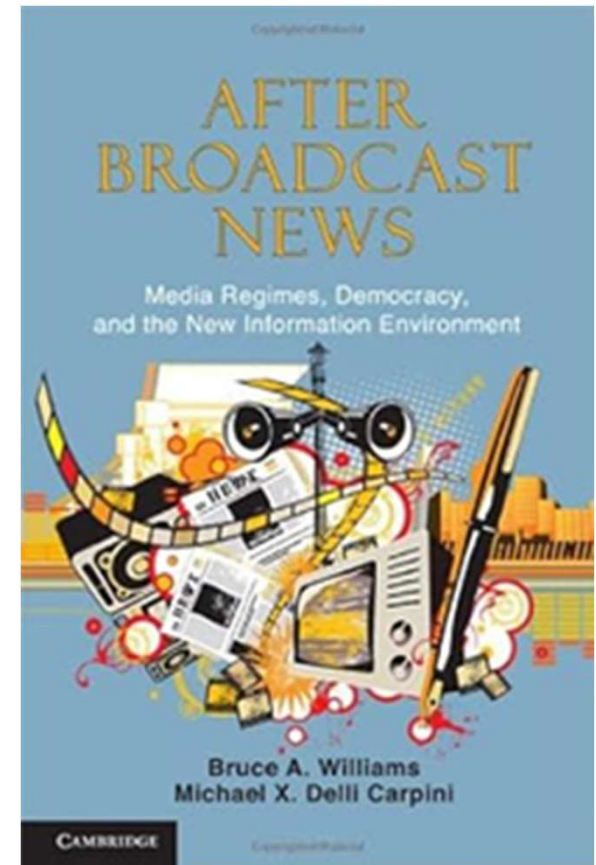
WHERE DO WE FIND PUBLIC OPINION ? IN THE POLLS ? ON THE SOCIAL NETWORKS ?

A "better" public Opinion emerging from social networks and big data ? ?	Or a low-cost public opinion ?
Better... Because emerging bottom-up, spontaneously, not answering to top-down questions coming from those who order opinion polls.	Not really better : its expression is emotional, irrational, even violent and rude.
Better...Because richer than checking a box «Yes »/« No ». Social networks supply access to the very words and frames used by layperson, they create opportunities to argue.	Not really better : those speaking online are not the whole population, a minority of those online produces most of the flow
	Not really better : beware of trolls and bots !

TOWARDS A TYPOLOGY OF « ATTENTION REGIMES »
(D. BOULLIER, 2021)

Two major variables opening four combinations :

➢ **Certainty/ Uncertainty**

• Paying attention to something familiar (my favorite TV program)

• Paying attention to something new and mysterious (a squadron of UFO's over my home)

➢ **Involvement/ Distaniation**

• The neutral, non emotional, non normative attention of the researcher or explorer.

• The deeply involved attention of the fan or faithful

THE « ALERT » REGIME (UNCERTAINTY + DISTANCIATION)
IS IT RULING THE NEW PUBLIC SPHERE ?

o The alert regime structures a communicational space in which one always expects something new or funny, shocking or "breaking". A floating attention, expecting the next "shot" of event or pseudo-event including fake news, kittens playing, Royals' stories.

o A regime which goes from the endless consumption of unsignificant news : Nibbling the "pack of chips" of images and tweets, (Vaidhyanathan, 2018)... to the feverish expectation of something triggering excitement.

o Alert as an attention-wasting regime ? The least reflexivity-friendly regime ?

GUSTAVE LEBON IS BACK IN TOWN
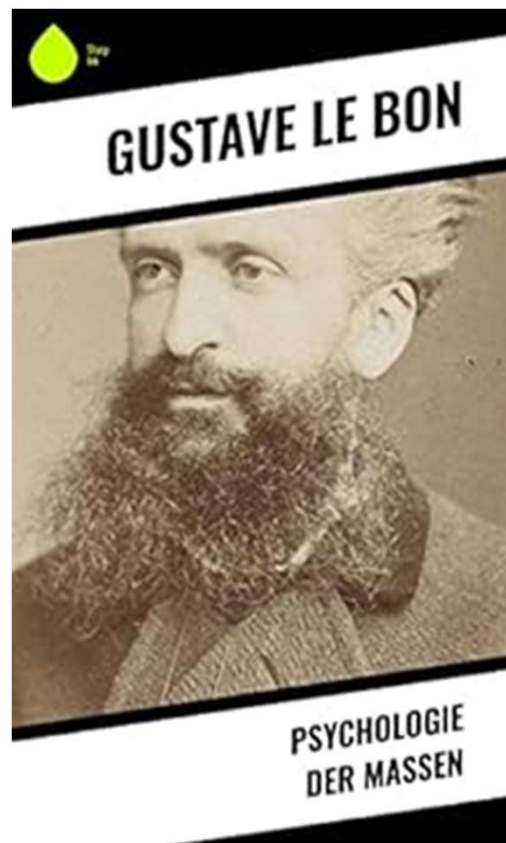
WHAT IS A CROWD ?
A MOST HOSPITABLE DEFINITION !

o *"The word crowd (foule) represents a gathering of individuals, whatever their nationality, profession or sex, whatever the reasons of their meeting".*

o Some crowds are *"homogenous"* : *"sects, individuals sharing the same beliefs, classes sharing habits and lifestyles, castes sharing education of profession (clergy, army)".*

o Other crowds are *"heterogenous"…. "criminal crowds, parliamentary assemblies, juries in courts"*, and *"electoral crowds"…*

SOME PECULIARITIES OF CROWDS SEEN BY LEBON

For any individual belonging to a crowd, his/her peculiarities vanish into a « *collective soul* ».

➤ Crowds are :

○ A *"Regression in the scale of civilisation"*, with a week ability for reasoning

○ Sharing the feeling of power

○ *Poor ability for critical behaviour, irritable, gullible*

○ *"Female"*, they are the revenge of emotions over rationality, always ready to go to the *"extremes"*.

○ Like a herd they need a *"leader"*, who will soon become their master.

THE MAGISTER

o Online crowds fall prey to fake-news, to merchants of "alternative facts".

o Journalism must thus supply them some help, guide them towards improving their media-literacy and critical skills.

o Fact-checking as an antidote, Fact-checking as a precious tool.

But… Why not fact-check journalists' production too ? And Why no extend "Frame-checking" ? If Journalism all too often spoke of/to elites, forgetting many issues and stories that are meaningful for laypersons ? (Zelizer, Bockowski & Anderson, 2022)

THE FOLLOWER

La Ballerina

o Not above opinion but among it.

o Searching in the flow of online data a compass and an agenda. Open to the « ambient journalism » (Hermida, 2010) of social networks.

o A more interactive vision, closer to audiences but…

• Which representativity of online opinion ?

• Which limits to followership ? Overbidding on audiences, being an echo ? Relaying their issues to make sense of a complex world, even if challenging online common sense ?

DISGUST… A DISGUSTING VIRTUAL PUBLIC SPHERE ?

○ Should we always consider that rude, aggressive, uncourteous messages online express "Opinions" ? Or should we have in mind Jakobson's (1960) vision of the plural functions of language, which are not limited to the "referential" function of speaking of/about the "real world".

○ "Hello, I'm here" (phatic function).

○ "Who wants to fight with me" (The troll : Conative function targeting receivers)

○ "Look how clever, important and provocative I am !"
(Emotive function centered on the speaker)

○ The pleasure of typing words together
(poetic function)….

IT'S DISGUSTING—
TELL ME MORE !

THE RATIONALIST

o To face the crisis of the public sphere and debate, he/she works to restore the rule of the Aufklärung/Enlightenment, to recreate a public sphere only ruled by the strength of arguments.

o A politically stimulating goal, but a is it sociologically realistic ?

o Interests could be stronger than arguments.

o In real life do we change our minds after discussions on topics about which we have strong involvement (emotional, practical..) ? Or do such shifts require biographical turns, emotional shocks, destabilizing encounters or events ?

o And (Alas…) did a rational Habermassian public sphere ever fully existed?

WHAT IS INFORMALIZATION ?

Cas Wouters

Informalization

Manners & Emotions since 1890

❖ A new stage in the "civilization process" (Elias) : Self controls on emotions and drives are so strong that a "*controlled decontrolling of emotional controls*" becomes possible.

❖ The appearance of **less** : **less** social distance between genders, generations, rank and file and executives, **less** formal language (use of first names), **less** fear of unveiling feelings and desires.

❖ But less is **more** : **more** reflexive management of emotions, **more** self-control in informalized situations (women with bare breasts on beaches), **stronger** anticipation of how not to go "too far".

PLAYING WITH THE ANALOGY : INFOMALIZING THE PUBLIC SPHERE

❖ The "**less**" side. Debates are **less** formal, **less** polite, **less** rational. Experts are lampooned. The agenda of issues on-line is **less** serious : private issues, money, lifestyles, sexuality and health more than politics or foreign affairs.

❖ What if less were also **more** ? The desire to check and understand. Demonopolizing of expert knowledge by comparing experiences, debating (even rudely) online. Rise of monitoring skills of the online flow. Reflexivity emerging from illegitimate cultural or informational goods : non-fiction narratives, graphic novels, movies, TV series.

❖A new habitus, less deferential, more autonomous, more distant from legitimate culture and language, more permeable to emotions... but to temotions now more permeable to reflexivity.

WHAT IS SKHOLÉ

(BOURDIEU, 1997)

❖ A concept borrowed from Plato.

❖ A time freed from everyday rhythms, worries and pressures. (*Askholia* being the experience of urgency, stress, the impossible distance from experience)

❖ The possibility of a suspension (opened by schools, holidays, social or spatial mobility) of the entanglement in everyday life, a door opened to reflexivity.

❖ An ambivalent potential. *Skholè* is linked to the adjective *Scholastic*… risk of disconnecting from the real, vision of the world as made of ideas and discourses (Cf The US « campus radicalism »)… or… *Skholè* as a booster for reflexivity, for challenging what is taken for granted.
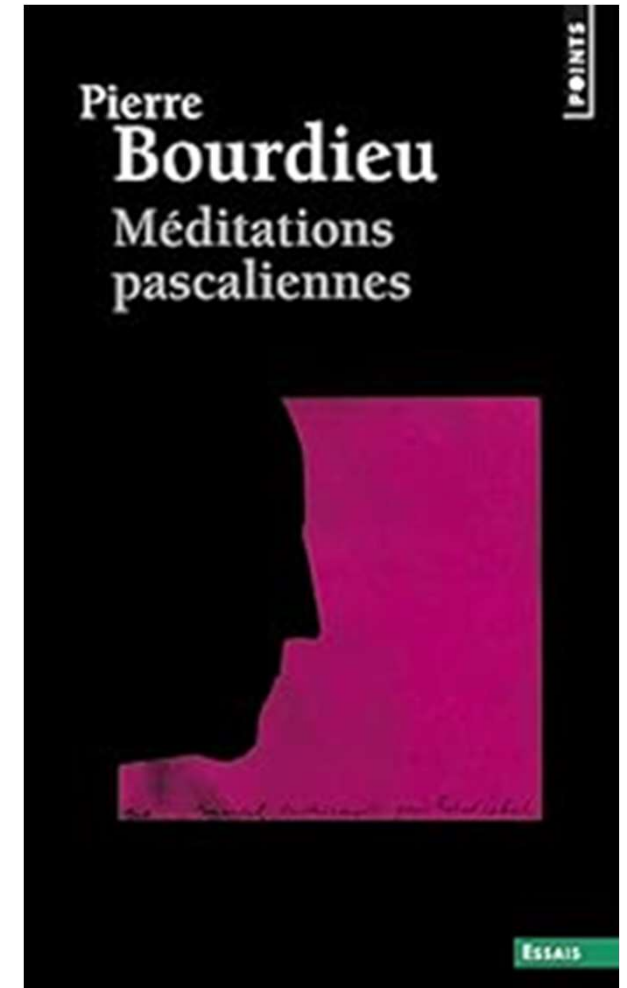
WAYS OF DEMOCRATIZING SKHOLÉ

❖ By ensuring good conditions of work and wages enabling a decent life.

❖ By decelerating some communicative practices, by producing incentives to disentangle from the "alert regime" of attention stuck on screens, limiting online time, leaving the roller-coaster of breaking news, retweets, striking images.

❖ By developing situations interrupting intellectual and practical routines of everyday-life : deliberative polls, citizen committees, participative democracy.

❖ By supplying other media and news-logics : slow journalism, use of culturally non-intimidating mediums allowing for a relaxed, informalized reflexivity : graphic novels, TV series, etc.

WHEN NON LEGITIMATE CULTURAL GOODS TRIGGER REFLEXIVITY. THE POWER OF THE INFORMAL
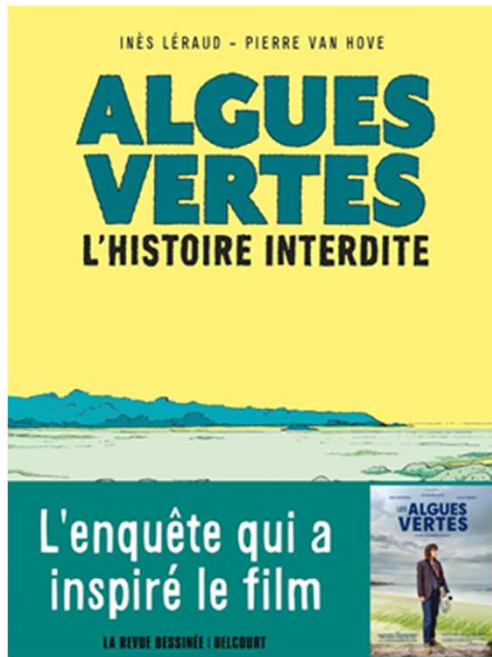
Les Algues vertes / Green Seaweed is a graphic novel (originating in radio reporting). It explains the reasons of the development on the coast of Brittany of these sea-weeds, fed by chemical and organic pollution coming from industrial food industry. It tells the stories of whistle-blowers, of people killed by the gases coming from this rotting seaweed.

150,000 copies of the book were sold, 400,000 people (mostly in Britany) saw the movie inspired by the book.

➢ The combination stories on radio + graphic novels + movie + relayed by environmental associations triggered a huge debate and changed the image of industrial food industry.

THE EUROPEAN UNION GENERAL DATA PROTECTION REGULATION (GDPR)

Regulation (EU) 2016/679 of the European Parliament and of the Council, the European Union's ('EU') new General Data Protection Regulation ('GDPR'), regulates the processing by an individual, a company or an organisation of personal data relating to individuals in the EU.

➢ It doesn't apply to the processing of personal data of deceased persons or of legal persons.

➢ The rules don't apply to data processed by an individual for purely personal reasons or for activities carried out within one's home, provided there is no connection to a professional or commercial activity. When an individual uses personal data outside the personal sphere, for socio-cultural or financial activities, for example, then the data protection law has to be respected.

SARL/GMBH VS « SOCIÉTÉ DE MÉDIA » (CAGÉ, 2015)

In a « *Société de media* », owning shares beyond 10 % is linked to a decreasing right of vote and conversely, small shareholders have increased voting rights

		Rights of Votes	
Media company X. Capital 2,200 000 euros		**SARL/GMBH**	**Société de Média**
2 Founder members			
(500 000 euros each) **14 % + 14 %**	1 000 000		20 % + 20 % /
Investment Fund /	1 000 000 **40 %**		50 %
40 staff members		/	
	Newsroom Society		
(5000 euros each) **16 %**	200 000		10 % /
2000 * 100 gifts (crowdfunding) 200 000		Too fragmented /	Readers' society
	Nothing	/	**16 %**

THE ANTI-SLAPP (STRATEGIC LAWSUITS AGAINST PUBLIC PARTICIPATION) A FIRST STEP BY THE EUROPEAN COUNCIL (MARCH 2024, THE 19TH)

The Council adopted a law to protect persons who speak out on matters of public interest against abusive lawsuits meant to silence them. Persons targeted by so called strategic lawsuits against public participation, typically journalists and human rights defenders, will benefit from a number of procedural safeguards and measures. These safeguards and measures will apply to manifestly unfounded claims or abusive court proceedings in civil matters with cross-border implications. Individuals targeted by SLAPP cases can request the court to dismiss a manifestly unfounded claim at the earliest possible stage. If proceedings are found abusive, the court can decide that the original claimant must bear the costs of the proceedings, including the costs of legal representation incurred by the SLAPP victim.

NB : A first step… but strong fines against companies bullying journalists would also be needed.

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