**Transcript**

**Emmanuel Kattan, Host**: This is “Vis à Vis”, a new podcast series brought to you by the Alliance Program at Columbia University. "Vis a Vis" features conversations that challenge our understanding of key global, economic and social issues by casting them in a transatlantic perspective. I’m Emmanuel Kattan. I head the Alliance Program, a partnership between Columbia University and 3 French universities: Sciences Po, Paris 1 Panthéon Sorbonne and École Polytechnique. Every episode, I sit down face to face – or as we say in French, “Vis a Vis” – with some of the most insightful thinkers on both sides of the Atlantic. I hope you enjoy our conversation.

(Theme music out)

**Kattan**: There is no denying the fact that social media and the internet have the power to inform, educate, spread knowledge, and create new pathways of activism. At the same time, the online world is full of deep, dark spaces. Fake news, misinformation, cyber harassment, and hate speech proliferate. They endanger the social fabric of our communities. They also threaten our democracies. In the days following Elon Musk's takeover of Twitter, the use of the N-word on the platform jumped 500%. European Union-imposed regulations have attempted for some time to address hate speech and protect individuals' privacy. The latest regulation, the Digital Services Act, was adopted in the spring of 2022 and will force social media companies to moderate content on their platforms with a view to stemming the flow of misinformation, hate speech, and foreign election interference. Can online regulation be effective? Will it offer protection from disinformation? Or will it, as some critics argue, stifle freedom of expression? What kind of actions are needed to restore civic, respectful debate online and beyond? In order to tackle these issues, Vis a Vis invited Columbia University's Anya Schiffrin and Julia Cagé, professor at Sciences Po in Paris.

Anya Schiffrin is the Director of Technology, Media, and Communications at Columbia University's School of International and Public Affairs. Her teaching focuses on global media, innovation, and human rights. She writes on journalism and development, investigative reporting in the Global South, and has published extensively over the last decade on media in Africa. More recently, she has become focused on solutions to the problem of online disinformation, earning her PhD on the topic from the University of Navarra. She is the editor of *Global Muckraking: 100 Years of Investigative Reporting from Around the World*, and *African Muckraking: 75 Years of Investigative Journalism from Africa*. She is the editor of *Media Capture: How Money, Digital Platforms, and Governments Control the News*, published by Columbia University Press in 2021.

Julia Cagé is Associate Professor in the Department of Economics at Science Po Paris. She is the recipient of a starting grant from the European Research Council for a five year project on campaign finance, information and influence. She is also co-director of the "Evaluation of Democracy" research group at the Laboratory for Interdisciplinary Evaluation of Public Policies. Julia Cagé is the author of several books, including *Sauver les médias: Capitalisme, financement participatif et démocratie* (*Saving the Media: Capitalism, Participative Financing, and Democracy*) in 2015; *The Price of Democracy: How Money Shapes Politics and What to Do about It*, published by Harvard University Press in 2020; and more recently, with Benoît Huet, *L’information est un bien public* (*Information is a Public Good*).

Anya Schiffrin, let me turn to you first. Could you outline for us the key provisions of the European Digital Services Act, which was adopted last spring? And could you explain why this new regulation framework is significant? Will it really be a game changer?

**Anya Schiffrin, Guest**: Thank you very much for this good question. The Digital Services Act is really a landmark piece of legislation, because the European Union decided that on their own, the tech companies really weren't taking enough action. So what they ask them to do is to, every year — I think it's every year — do their own sort of risk assessment of the problem, the potential risks to society for what they produce, and then outline what measures they're going to take to deal with those risks. And they will also get audited. There's other provisions as well, such as more access for researchers and journalists, for information. So, you know, you might say to yourself, "Well, gee, this isn't such a big deal." But actually, it's a very sort of clever and carefully crafted piece of legislation. Because the idea is, how do you sort of address the problem of online harms without really clamping down on free speech? And so the EU took quite a lot of time, you know, many different bodies were involved. And there was a lot of consultation. And Henri Verdier put it nicely when he said, "You know, it's an evolutionary, it's an iterative process." In an article I wrote last year, he said, "The first money laundering laws basic- 20 years ago, basically said, 'Don't bring a suitcase of dollars to the bank,' and then they evolved." So I think everyone's assuming that, you know, even if this is imperfect, this is an important first step. And the penalties, of course, will be fines for violation. So that's, those are the highlights.

**Kattan**: Thank you, Anya, that's, that's really helpful. And it seems to mean that a great deal of responsibility will be put on the shoulders of these big social media and tech companies. By doing this, of course, the Digital Services Act aims to address the spread of fake news and misinformation. But this applies to European borders. Turning to you, Julia Cagé, will the DSA reach beyond European borders? And given how hate speech spreads globally, what will be the impact of the DSA if its provisions only apply to the European Union?

**Julia Cagé, Guest**: Thanks, Emmanuel, for the invitation. And thanks for giving me the opportunity to have this discussion with Anya. I think that the honest answer is that we don't know. And I think the, this is a very important question, both, in fact, with regard to the DSA and with regard to the DMA.

**Kattan**: The DMA — I'm sorry to interrupt you — the DMA being the Digital Marketing Act, which was adopted a few years back. Please, continue.

**Cagé**: Eh, no, a couple of months ago. In fact, this is the other side of the DSA, but aimed at dealing with the issue of concentration.

**Kattan**: Right.

**Cagé**: Basically, the questions we are facing today, whether there will be like two Facebooks, or two Twitters, two Instagrams, or whether there will be only one. And we don't know. And this will be a challenge, and this would be a choice of the social media companies. To be totally honest, one possibility — and this is, I guess, the hope of the European Union — with the fact that the European Union, by being kind of a leader on these kinds of regulations, would push the U.S. legislature in the right directions. Like for years, it has been very hard from the point of view of the U.S. legislators to regulate speech on social media, because there is this idea that at the end of the day, the social media are simply platforms that have no editorial responsibility. Plus there is the issue of free speech. Even today with the DSA, there is no editorial responsibility of the platforms, per se. So platforms are still not considered as being like newspapers, for example, where like if your journalist lies or whatever, then you can sue directly the newspapers. But now, they have this possibility to at least erase content that is a signal to them. So we don't know. I guess it might go beyond the EU border, in particular, because I think it would be difficult for the platform to have like two set of rules in terms of regulating the speech. But to be also totally honest, I think it's a great piece of legislation. It really goes in the right direction. We don't know how it will work before the beginning of 2023. And what we will most probably observe, for example, if you consider Twitter, would be the willingness to avoid the regulation. So what will be of interest is to see, you know, how the social media are going to play around with the legislature and to see whether we are able or not to impose some rules to this social media. At the end of the day, I guess if we are able to do so, we'll find that applied efficiently enough. And this then might be reproduced as well. And in particular, it might be also produced in the U.S.

**Kattan**: And on that point, on reproducing or duplicating the DSA, the Digital Services Act, in the United States, Anya Schiffrin: how likely would you say that this is, is, is possible? Is there a desire on the part of legislators in the United States to adopt a similar kind of regulation that would be partly inspired by the Digital Services Act in Europe, in the EU?

**Schiffrin**: Yeah. I think because of the First Amendment, it would be really hard to do a law. And remember that the First Amendment has really expanded at this point. So even disclosure, you know, if you say, "Hey, you have to disclose every single person that's buying a political ad, or announce it, or verify whether it's true," or, "if you put up information from one side, you have to put up information from the other side," you know, all of those things that the Europeans can do often can't be done in the U.S. because of how the First Amendment has just become such a catch-all. So I don't see, I don't see regulation like that. But I guess there's two points. One is the sort of co-regulatory regime that could presumably — I was just reading an interesting piece by David Morar for Brookings saying, you know, that is something that could be adapted and might get corporate buy-in. The other thing is, my view about regulation is it's basically a nudge. I mean, these huge companies have so much money, and they keep saying, "Gee, we don't have enough content moderators," or they don't hire them. And that's basically a cost of doing business. You know, it's like Walmart not wanting to pay for health care. So, if you're running this enormous thing and you're making vast amounts of money, there's really no reason you can't spend more money on content moderation, on trust and safety, on keeping this stuff clean. So it's really a business choice. So given that these companies are making a choice — and it to me, you know, it's a lot like, as my husband points out, you know, it's like everything. It's like oil spills, it's like email, it's easier to dump the stuff out, and then leave everyone else to fix it up. So they've made a choice to do that. And so I think regulation is kind of a nudge. These companies are really powerful. I don't know if the EU can really take them on. But I think these laws are an important nudge. And so I still, you know, I think we absolutely have to get behind them.

**Kattan**: Yeah, that's really helpful. And, I mean, do you think that in American society, the principle itself of regulation is at stake? I mean, there's a strong — you were, you know, mentioning the First Amendment — there's a strong freedom of speech lobby in the United States. Some of them would argue that censorship does not work, that free speech should prevail, that citizens should decide for themselves, whether they want to be exposed to certain types of content online, and that we should not trust large corporations to make these decisions for us. What do you respond to this?

**Schiffrin**: So I think we're in a really terrible place, and we're in a place of trade-offs. You know, I really respect our colleague Yochai Benkler at Harvard, who feels that the First Amendment is sacred. If we do anything to impinge on that, it's very, very dangerous. And I also understand the great fear that, you know, if a Trump gets in, right, so how do you sort future-proof these regulations. We always hear from our friends, you know, in India or different parts of Latin America or Africa that, you know, these, the DSA is going to get misinterpreted, it's going to be used against free expression. I get all of that. But I guess two things. One is, it's already happening. I mean, it's not like we have free expression now. We already have companies making decisions. And the crowding out, you know, Maria Ressa, Zeynep Tufekci. Many people have made this point: by overflowing all of this garbage, it's already crowding out the good stuff. So, so that's the first thing. And then the second thing, of course, is, you know, Vietnam doesn't need Europe's help to censor media, right? There are countries out there that have been doing it forever. So I think it's really im- I've had so many, you know, I've said it on so many conversations where everybody goes, "We don't want government censorship." Well, guess what? You've already got corporate control. So I think it's important to be realistic about sort of where we are when we think about where we need to go.

**Kattan**: The other aspect of having regulation implemented by corporations is that corporations are driven by their own interests, and particularly by their own commercial interests. Julia Cagé, if it's true that the main goal of social media corporations is to sell ads — to put it in a, in a very summed-up way — rather than promote a healthy civic culture, why would they be best placed to moderate content, including fake news and disinformation that threatens to erode the democratic space?

**Cagé**: So two things. First thing: Should they moderate themselves? I don't know. What I'm sure is that they should pay for moderation. And I think this should be part of the debate. De facto, I think the, like, French government, German government, Spanish government does not have to spend money to regulate content on Twitter, Facebook, Tik Tok, Instagram. The companies have to pay to regulate the content they produce — in particular, all the bad content they produce. Now, if they do pay for that, we can think about, like, a team of EU regulators that is going to moderate the content. So the issue is who pay for that and not with hiring these guys. First thing. Second thing: DSA and DMA is good. It's not enough. I would have gone a little bit further if I were in charge of it. And in particular, the big issue, you are right, is the one of the incentives of these social media. Basically, why do we see this high propagation of fake news on social media? Because — this has been documented very well by a number of researchers — that if you look at the number of clicks attached to social media post, people tends to click much more on fake news content than on non-fake news content. Why? I guess because it's a little bit more addictive. Fake news are kind of surprising for people. So they share fake news much more than real information. And so this leads to more clicks, and more clicks equal more advertising. So there are two things you can do here. First of all, you can try to change a little bit the business model of the social media. This might happen, per se, so you have new social media, for example, with Twitter now and with the acquisition by Elon Musk, you see, like more people that are joining Mastodon rather than staying on Twitter. What is the big difference between Mastodon and Twitter? It's the fact that on Mastodon, there is no advertising. Some people are also saying that okay, we should have a social media that is behind the paywall, not available for free. Not in the way Musk is thinking about that. But saying that we should not pay for social media through advertising, but just through subscription. And so to make sure that, you know, we are not faced with fake information, and then the service pact, but this is partly part of the DSA, is one of the transparency of the algorithm. You might want to regulate the content and to be sure that there is no fake news, that there is no hate speech. But you also want to get a better sense of the ways the algorithms are working. And in particular, to be sure that social media on the pushing algorithm there are basically helping the propagation of misinformation. So there is a lot that can be done. But yes, it would mean that we need a lot of resources and that the regulator will have to be pretty strong in the new fight. This is going to be open, like, in 2023, with the social media companies.

**Kattan**: Another aspect of, of course, imposing on Big Tech behemoths like Google and Facebook to actually implement this kind of regulation and content moderation is the danger that this kind of demand is actually very difficult to comply with. I mean, it necessitates a very, very big team of people who will actually implement this. And if this is being imposed, does that not hamper the emergence of new tech and media companies that would find it very difficult to actually implement this kind of regulation? Anya Schiffrin, what do you think about this?

**Schiffrin**: Well, first of all, I always love the excuses for why we shouldn't have regulation.

**Kattan**: Right.

**Schiffrin**: Like the old one was, "Oo, it's so complicated." To which I always say, "Well, you know, what? Pharmaceuticals are complicated, aviation's complicated, banking's complicated. This thing is complicated, and you really shouldn't be regulating it." So I think that the EU thought a lot about this. And that's why they made the DSA only apply to the very large online platforms. So you know, it's not going to affect the little guys, and so it, hopefully, it shouldn't affect them. But also remember, we already have monopsony in Silicon Valley. It's not like there's this fantastic, flowering ecosystem. And many people, like John Battelle, will tell you, you know, that sort of died a long time ago. So no, I'm, I'm, I'm not that worried about that. That's not top of the list of things that's keeping me up at night. Thank you very much.

**Cagé**: And if I can add something: At the end of the day, look at the DSA. The DSA is not a regulation that is going to apply to all the media outlets and to all the social media. The DSA is going to apply to what they call the "gatekeepers." And to be a gatekeeper, you need to reach the equivalent of 10% of the EU population. So I guess that, at the time a new social media will reach 10% of the EU population, then it would have enough money to apply the rules that are associated to DSA.

**Kattan**: Julia Cagé, one last question for you, perhaps, again, regarding the issue of the economics behind the social media companies. Much of your work focuses on the relationship between media organizations and the economic interests that support their operation. In recent years, we've seen large corporations take control of several media outlets and networks: the purchase of Wa- *The Washington Post*, for example, by Jeff Bezos, comes to mind, in the U.S. In France, as you've documented in great detail, Bernard Arnault, Vincent Bolloré, Xavier Niel, Patrick Drahi, have all taken control of several media companies. In this context, how do you make sure that media companies remain independent of commercial interests?

**Cagé**: So we can talk for like, six hours about it.

**Kattan**: Yeah.

**Cagé**: We need more regulation. We need better regulation of media concentration, we need better regulation of pluralism. There have been new regulations that might go in the good direction. So we already mentioned DSA, DMA, that are more for social media platforms. Now there is a European Media Freedom Act. That won't be enough. That is going to be considered as kind of like low-level regulation, but it would be important for countries such as Hungary or Poland, where media regulation is pretty weak as of today. Even in a country like France, we need a better regulation of pluralism. I think one of the things that we also need — maybe not everybody will agree on that — but for big deals, so you mentioned Vincent Bolloré. That was with the deal between Vivendi and Lagardere. That is not going to be examined by the French competition authority but by the European competition authority, because this is between two large companies. But if it were to be examined in France, you would have two dimensions: one, the competition authority, and the second one, Arcom. So, the media regulator. To talk about pluralism. And I think this is one of the things that is missing at the EU level now. That we regulate concentration only from the competition point of view, but we do not take into account pluralism. And if we want the regulations to be better and more efficient, including at the EU level, we should take into account pluralism much more than what we do today. Something that I'm trying to push is that I also think that we should consider pluralism as one of the dimensions of quality. So even if the, like, European Commission only consider kind of mergers such as the one between Vivendi and Lagardere from a purely competition point of view, if you consider pluralism as one of the dimensions of the quality of the products and services, then it means that you should take into account pluralism when you look at the transaction from the concentration point of view. So there is a lot that needs to be done. For sure, the state of democracy is not very good. And this is partly linked to the fact that the state of the media is not very good, and in particular, the state of media pluralism. The good news is that for us as researchers, as citizens, there is a lot to do. And so I guess we can only do better than what we were observing as of today.

**Kattan**: Great, well, that's a great way of concluding. Anya Schiffrin, Julia Cagé, thank you for a really enlightening conversation. You've thrown light on the complex ramifications of the Digital Services Act and also on the urgent need for regulation in order to protect and preserve our democratic space. Thank you both very much.

**Schiffrin**: Thank you very much.

(Theme music in)

**Kattan**: “Vis A Vis” is brought to you by the Alliance Program, a partnership between Columbia University, Paris 1 Panthéon Sorbonne, Sciences Po and École Polytechnique. This podcast is produced by Monica Hunter-Hart and Abdibasid Ali, and I’m Emmanuel Kattan.

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