

SOCIAL MEDIA: THE END OF CIVILIZATION?

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Good evening. I'd like to begin by reading you some words: Twitter, Reddit, Facebook, YouTube, Google, Wikipedia. I'm starting with these words so that in a few year's time when some poor law student finishing a media law essay at four in the morning digs up the transcript of this speech online, he'll know exactly how old and probably obsolete it is.

Let us take a moment to situate ourselves in the social media timeline. Right now, Facebook is less than 10 years old. Google is 14 and Wikipedia 11. Youtube is only seven, and Twitter just six. These services are so new that the Court's word processing software thinks their names are typos. They didn't exist when my computer's spell check dictionary was written. It is fair to say that whatever change we're currently living through, by historical standards, we're barely at the epoch. Having said that, one aspect of this supposed great transition is the speed at which change now takes place. So perhaps we are farther along than we realise. One thing is for sure. We are only just beginning to come to terms with and identify the scope of social media's potential influence, and whether it is capable of fundamentally altering the basic structures of our society.

And so we arrive at the topic of this evening's address: "Will social media spell the end of Civilization?"

At the risk of sounding like the college debating captain, it will be necessary before proceeding to define some terms. What exactly do I mean by civilization? What would have to happen to consider that it has ended? Finally, at least for the members of my generation in the audience, I will spare a moment to define “social media” as well.

After defining terms, I will examine three “tenets” of civilisation and ask whether social media is fundamentally altering them. Hopefully, I will also debunk some myths and misperceptions about social media and civilisation along the way. I may not be of a generation identified by a letter of the alphabet, but I enjoy QI and Mythbusters as much as the next person, and a good bout of myth busting is always very satisfying.

Before I begin, I should also mention that I chose this topic as much for the opportunity it provided me, as for its contemporary relevance. While I am of a generation that is generally excluded from social media culture, I am of a profession and public position that demands I know something about it. This address provided me with the perfect excuse to perform my own stocktake of the social media world. However, this means that you must give me some leeway: I am not a social media guru, and this is not a TED Talk. I will trust to the young people and media faculty members in the room to correct my more egregious errors – gently – during the evening’s refreshment.

So, to terms. It would be easy to define all controversy out of this discussion. For example, if civilization is merely a description of organised human activity, then short

of arguing that social media is going to cause a nuclear holocaust, I am not going to be able to argue that social media will end civilization.

Conversely, if civilisation is taken to mean mere “civility”, there is a reasonable argument that online anonymity has enabled phenomenon like trolling, which, as I understand it, is the practice of deliberately seeking to break down the veneer of civility in social media forums. However, I think titling this talk “the end of civilization” would have been something of an oversell if I was only going to talk about online etiquette, so I will not adopt this definition either.

What I mean by civilization is really the notion of “*Western* civilization”. That term has fallen somewhat out of fashion. It is tied up with unpopular notions of imperialism, paternalism and colonisation, and controversial assumptions about the dominance of capitalism and Christianity. Its unfashionability also suggests that it has been replaced in the social consciousness by the notion of the “global village”.

I am going to take my first stab at myth debunking in a minute by arguing that we are not living in a global village. Rather, the “global village” myth lives in what is still, identifiably, Western civilization.

But first, let me say a little more on what I mean by civilization. Put to one side the negative connotations associated with the term “*Western*”. I am not saying they are incorrect. Rather, that the term is unpopular does not mean it is not useful. Western civilization is still a powerful idea that (mostly) accurately conveys the shared cultural and political history and identity of defined geographic regions.

There is perhaps no more apt an argument that “*Western civilization*” still connotes a defined identity than its use in the Wikipedia entries on civilization and Western culture. I am going to break all of the rules of scholarly research by relying on Wikipedia for portions of this lecture, but hear me out: An online, open source, communally-written encyclopaedia which contains enough English language entries to fill over 1,700 volumes of the Encyclopaedia Britannica is, if nothing else, a very good gauge of the online English-speaking world’s view of itself.¹

The “Civilization” Wiki identifies four contemporary civilizations: The Islamic World, the Eastern World, Sub-Saharan Africa and the Western World. The Western World is categorised into five geographic regions: Europe, The Americas, the Eastern Orthodox Church countries, Australia and Israel.² I would query the extent to which Eastern Orthodox Church countries – particularly Russia – fall within the “Western World”. I also note that by implication of its exclusion, New Zealand must be either Australia’s newest state or is otherwise floating in an uncivilized ether – and I won’t comment on which I think is more likely. But otherwise, this definition suffices for our purposes.

The “Western culture” Wiki, to which users are redirected from a search of the term “Western Civilization”, lists the most significant themes and traditions of Western culture. These are: classical Greco-Latin influence, Catholic and Protestant cultural traditions; rationalism and Enlightenment thinking; formal liberal democracy; and the presence of sub- and counter-cultures.³ I think that’s a fair list for our purposes.

¹ “History of Wikipedia”, Wikipedia.org accessed 20 Nov 2012.

² “Civilization”, Wikipedia.org accessed 20 Nov 2012.

³ “Western Culture”, Wikipedia.org accessed 20 Nov 2012.

I have told you that I will next select some “tenets” of civilization for the purpose of assessing whether social media is causing it to “end”. It turns out I can kill the proverbial two birds by using commentary on the ending of civilizations to select my fundamental tenets.

So, what has been said about the ending of civilizations? Edward Gibbon’s classic work *The Decline and Fall of the Roman Empire* is an obvious start. Gibbon describes the decline of Rome as “the natural and inevitable effect of immoderate greatness.”⁴ Other descriptions of the fall of major civilizations over the course of human history embody a similar inevitability. These theories are unified by an underlying assumption that civilizations have an organic life cycle, transitioning through genesis, growth, senescence, collapse and decay.⁵

The next question is, what causes the transition to collapse and decay? A number of prominent works identify inevitable outcomes of the growth of a civilization, including: (i) a transition from democracy to imperialism⁶ (ii) the exhaustion of environmental resources⁷ (iii) increasing economic disparity⁸ and (iv) the transformation of the cultural elite into a parasitic elite.⁹ Each of these is said to lead to internal and external uprisings and eventual societal collapse. These outcomes, although identified by different theorists and authors, share common underlying assumptions

⁴ Edward Gibbon *The History of the Decline and Fall of the Roman Empire* republished by JJ Harper (1826: Collins & Hanney) Vol 3, 506.

⁵ See eg, Theodor Mommsen *History of Rome* (1856), Trans. William Purdie Dickson (1886: R. Bentley & Son), Arnold Toynbee *A Study of History* (1961: Oxford UP) and Oswald Spengler *The Declien of the West* (1923), Trans. Charles F. Atkinson (1991: Oxford UP).

⁶ Ibid Spengler.

⁷ Jared Diamond, *Collapse: How Societies Choose to Fail or Succeed* (2005: Viking Press); Jeffery McNeely “Lessons from the Past: Forests and Biodiversity” (1994) *Biodiversity and Conservation* Vol 3(1).

⁸ Peter Turchin *Historical Dynamics* (2003: Princeton UP).

⁹ Above n 5, Toynbee; Peter Heather *The Fall of the Roman Empire: A New History of Rome and the Barbarians* (2005: Oxford UP)

about the nature of civilization that can be used to judge whether social media has a similarly destructive potential. These tenets are, in my opinion: first, democratic governance, second, a stable system of property rights, and third, the all important rule of law.

I will not pretend these tenets are uncontroversial. Certainly there are civilizations that defy this characterisation. Although I should remind you at this stage that by “civilization” I am referring particularly to contemporary notions of “Western civilization”. I must also accept that my selection of these as basic tenets is no doubt influenced by my legal bias. Nevertheless, I hope to make a case that these three characteristics are, if not the only tenets, certainly fundamental tenets to modern Western civilization. More importantly, they provide an adequate platform from which to assess whether social media has the potential to spell the end of the world as we know it.

Finally, before I move on, I must set out for the non-lettered generation members in the audience, what I mean by social media. By unlettered I don't mean those without professional degrees or honours, I mean those not from Gen X, Y, Z or “i”.

(Unfortunately, this lettering does seem to be the more relevant mark of importance these days).

Many people think only of platforms like “Facebook” when they think of social media. Facebook is certainly a social “network”; socialising is its raison d’etre. But social media is broader than platforms for socialising. To my mind, social media is any media service that defies the traditional one-way model of distribution and consumption. In traditional models, such as print, TV and radio, content is created at

a central source and distributed to consumers in a one-way, usually dead-end direction. Letters to the editor and talk back radio are limited exceptions within this traditional model. With social media, content is not merely consumed by users, it is also created, organised and distributed by them.

Take again the example of Wikipedia. It is an encyclopaedia to which anyone may contribute or edit. It is free and not for profit. Almost half a billion different individuals access Wikipedia each month, and approximately 77,000 people are regular contributors or editors.¹⁰ What is perhaps most surprising is how well it works. Its coverage is extremely broad, and its content is generally accurate and relevant. Although I stress the word “generally”. Users need not join Wikipedia to access its content, create new articles or edit old articles, although they may create a profile if they wish. Posts that are irrelevant, polemic or insufficiently referenced are quickly identified by other users and corrected or deleted.

I conducted a small experiment to this end. I decided to anonymously edit my own Wiki to see how long it would take to be corrected. Well, I say “I edited”, really I conscripted a Gen-Y co-conspirator to edit on my behalf. Under “personal life”, my Wiki read: “His personal interests are described as rugby, tennis, opera and travel.” My co-conspirator added: “He is also an avid bungy jumper and hip hop enthusiast.” And then I waited.

It took just four hours for this anomaly to be picked up by a Wikipedia user and deleted. While this makes my point, I must admit I find it hard not to take personally

¹⁰ “Wikipedia:About” Wikipedia.org accessed 20 November 2012.

the idea of me bungy jumping or listening to hip hop is so blatantly ridiculous that it was dismissed by a complete stranger without second thought.¹¹

Services like Twitter and Youtube are also content driven: an individual user creates content which is then shared and triggers conversations and further content. By contrast, Reddit and Google might seem at the very fringes of social media. I include them because their method of sorting and presenting information is fundamentally social. Reddit is essentially an online bulletin board which organises content based on the ranking given by users to posted links. The links (for example to news or commentary websites) with the fastest growing rankings appear at the top of the page.

So for example, the “worldnews” subreddit at 9am this morning had as the top two ranking links: a story about the Israeli air force dropping leaflets across Gaza City warning residents to evacuate homes immediately, from the Lebanon Daily Star, and a story titled “We are all to blame for the agony of Congo” from the UK Guardian. By 3pm, the top spot had been taken over by a link to a Business Week story about the sentencing of the rogue UK trader who caused \$2.3 billion in loss. Using Reddit is a way of crowd sourcing the news.

Google, by which I mean specifically the search engine, is not a content creator at all. Nor do users actively rank pages. However, at the heart of Google’s success is the PageRank algorithm. Simply speaking – which is all I can do in this area – the algorithm ranks the importance (and so search result position) of a web page based

¹¹ I should also stress that I did not intend to disrespect the Wikipedia space with this self-vandalising, but rather to highlight its strengths.

on the number and importance of other web pages that have human-generated links to the ranked page. In other words, the more other people link to your page from their site and the higher those people's site ranks are, the higher your page rank will be.

This is "social" in the sense that the search results reflect and magnify the importance attributed to an individual webpage by other website authors. As a gateway to web content, Google's search results are socially sourced.

This all sounds very democratic: user-generated content, crowd-sourced news, socially-sourced search results. Power to the people, and so on... Surely social media is therefore enhancing the first of my three tenets of civilization: democratic governance. Well, perhaps. But I think there are other ways of looking at it.

I will move now to consider the impact social media has on each of the three tenets of civilization I have identified: democratic governance, a stable system of property rights and the rule of law, in order to determine whether we should all be stocking up on tinned food and water treatment tablets.

Democracy

Social media is thought to impact democracy in two ways: first, by creating a global egalitarian space in which information is democratically created and shared, and second, by its role in actual political democratic processes. I will consider each.

First, it is often assumed that social media is an inherently democratic platform; that the social manner of creating, distributing and ranking content is an equalising force

in which content monopolies are destroyed and power is vested in “the people”. To the extent this is accepted, it may be said that social media is in fact keeping in check the cultural elite who risk becoming the parasitic elite that strike a death toll for civilization.

But a number of things challenge this assumption. First, the creators of the content that is most widely distributed are, generally speaking, members of a fairly small and homogenous group. This has been variously expressed as the 1 per cent rule or the 1 – 9 – 90 rule, which suggests that within most online communities 1 per cent of people create the majority of the content, 9 per cent edit or modify that content and 90 per cent view the content without contributing to it.¹² The ninety per cent are referred to rather unattractively as “lurkers”. This is not to say that most internet users do not contribute online, but rather that within a given forum most of the content is generated by 1 per cent of users and most other users are lurkers.

This will obviously vary in specific instances. For example, a user cannot join Facebook without generating content in the form of their user page. And recent research conducted by the BBC suggests that across the internet as a whole, rates of contribution are increasing.¹³ However, within individual forums it appears that an approximation of the 1 per cent, or perhaps we might now call it the 10 per cent rule, continues to apply.¹⁴

¹² See Eszter Hargittai and Gina Walejko “The Participation Divide: Content creation and sharing in the digital age” 2008 *Information, Communication & Society* 11(2) 239; “1% Rule”, Wikipedia.org accessed 20 November 2012; cf Holly Goodier “The Participation Choice” BBC Online Briefing: Spring 2012.

¹³ A recent BBC study indicates that nearly 77 per cent of internet users are now content producers; however, this is a reference to the overall internet, and not individual internet communities, within which the 1 per cent rule appears still to apply: Ibid Goodier.

¹⁴ See eg Kristen Purcell, Lee Rainie, Amy Mitchell, Tom Rosenstiel, Kenny Olmstead, “Understanding the Participatory New Consumer, Part 5: News gets personal, social and

Let's make another small experiment of Wikipedia. I'm going to ask the regular social media users in the room to raise their hands: how many of you have accessed Wikipedia in the last week? How about just today? Now, how many people in this room have ever edited a Wikipedia page? And how many regularly, by which I mean at least monthly, create, write or edit Wikipedia content?

I would expect the ratio of regular content contributors to be particularly high in a group such as this: university affiliates spending their Wednesday evening at a lecture on social media. Yet even still, the majority of people in this room are Wikipedia "lurkers" rather than contributors. I'll repeat the figures I cited earlier: half a billion unique users access Wikipedia each month, but only 77,000 individuals regularly create or edit content. That's just 0.001 of one percent.

Wikipedia is a particularly useful model because, like the internet generally, participation is open to anyone with a connection and browser. This leads conveniently to my next point. Part of social media's "democracy" story is the idea that if anyone can access it, it breaks down borders thereby creating a global village of users. On the one hand, the "global village" idea is a useful way of reminding us that the world is a closed system: Western consumption demands can drive exploitation in the developing world; pollution and environmental degradation in one country is felt in many others; and the atmosphere, the oceans and the forests are borderless. This is an important message, and one which should be stressed.

participatory" Pew Internet & American Life Project, 2010, accessed at: <http://www.pewinternet.org/Reports/2010/Online-News/Part-5/4-News-participators.aspx> on 21 November 2012.

However, in relation to the social world, we are not a global village. At least not yet. For a start, access requires a computer and a connection. Right off the bat you're excluding approximately 65 per cent of the world that is not "online".¹⁵ Of the online population, between sixty-three and seventy-five per cent are located in the developed world.¹⁶ Having said that, the rate at which access is increasing is high, and is many times higher in the developing world than in the developed.¹⁷

However, perhaps the more important measure is not how many people are online, but the extent to which they are using social media to talk to one another across traditional borders and boundaries. This is where the clearest picture emerges which suggests that a truly global social village is a long way off. Most people's online social networks appear to very closely resemble their - for want of a better term - "real world" networks. Take Facebook. On average, what percentage of a Facebook user's friends are located in countries other than that user, do you think? The answer is approximately 10 to 15 per cent.¹⁸ This is because social media technology is, in almost all cases, "overlayed on a pre-existing matrix of relationships" which the technology does not displace.¹⁹

Let's conduct another quick survey – how many people in this room have friends on Facebook that they've never met in real life? And of those who do, keep your hands

¹⁵ International Telecommunications Union, *The World in 2011: Facts and Figures* (2011).

¹⁶ Including China. Ibid; cf Miniwatts Marketing Group "World Internet Users and Population Statistics", worldinternetstats.com accessed 20 November 2012.

¹⁷ Ibid, International Telecommunications Union.

¹⁸ Parmy Olson, "How Your Lack Of Foreign Facebook Friends Points To The Truth About Globalization" *Forbes Magazine* 27 June 2012, <http://blogs.forbes.com/parmyolson/> accessed 20 November 2012; Pankaj Ghemawat "Actually, the world isn't flat" (TED Talk, June 2012, Edinburgh), http://www.ted.com/talks/pankaj_ghemawat_actually_the_world_isn_t_flat.html accessed 20 November 2012.

¹⁹ Ibid Ghemawat.

up if the number of solely online friends account for more than 1 in 5 of your total number of facebook friends.

My next question: how many people here have heard of QQ.com? What is it? QQ started in the late nineties as the instant messaging service ICQ, which some of you may remember. It is now a social network site, calling itself a “one-stop online life service” that is the ninth most visited website in the world. But in China, it is the second most visited site, following Baidu. Baidu is the most popular Chinese language search engine. It is also the most proactive and restrictive censor of search results in accordance with the demands of the Chinese Government.²⁰ In China, Baidu has far more users than Google, and QQ has far more users than Facebook.²¹ This reminds us that along with geographic borders come legal, cultural and language barriers that are not broken simply because social relationships and content move online.

Now, before you get carried away, I am by no means suggesting that social media isn't changing the world as we know it in some ways. For example it is arguable that English has become the dominant global second language in part because it is an access point for more than half of all online content, including social media.²² This is despite the fact that only 27 per cent of internet users speak English as a first language.²³

²⁰ Jonathan Stempel, “Baidu Sued in U.S. for Internet Censorship” Reuters, 19 May 2011.

²¹ Alexa, “Top Sites” & “Top Sites in China”, alexa.com/topsites/ accessed 20 November 2012.

²² Web Technology Surveys, “Usage of content languages for websites”, http://w3techs.com/technologies/overview/content_language/all updated and accessed 20 November 2012.

²³ *Miniwatts Marketing Group*, “Number of Internet Users by Language” *Internet World Stats*, 31 May 2012 <http://www.internetworldstats.com/stats7.htm> accessed 20 November 2012. Also in relation to languages, social media is also often credited with the spread of English pidgin dialects, such as

However, this suggests that far from creating a democratic, global conversation, the internet is dominated by content created in the English-speaking developed world. In other words, those unpleasant connotations of Western civilization – imperial domination and colonisation – are very much alive and well online. We are not a global village; not yet.

The other way in which social media is said to impact upon democracy is its role in actual, political democratic processes. Commentators point to the Obama campaigns' use of social media as instrumental in his election to both terms, and the events that have come to be known as the Arab Spring, as evidence of social media's democratising nature.

Certainly, the Obama campaign was an early adopter of social media technology. Although the extent to which this differs from other early adopters may be questioned: FDR, for example, was an early adopter of radio as Governor and then as President, speaking directly to voters in their living rooms in what were dubbed "Fireside chats". In this country, Sir Robert Menzies won a collective total of 18 years as Prime Minister by copying Roosevelt, having radio conversations with what he described as "middle Australia", which has now morphed into "hard working Aussie families". Back in the United States, Eisenhower was an early adopter of TV ads. In 1952 he filmed a Q and A session with voters at Radio City Music Hall and split the questions and answers into 40 second TV ads. Kennedy had over 200 different TV spots, and Lyndon B Johnson's Daisy Girl ad, which graphically played on America's fear of the A-Bomb, was credited with winning him the election. Bill Clinton was next

Singlish. However, these dialects have histories as old as the British Colonial rule of their regions, and their areas of origin are typified by histories as trade route crossroads.

to break traditional models, this time by engaging directly with young people through MTV. While Obama has certainly made very effective use of the latest media, I am far from convinced it has in any fundamental way changed the nature of democracy in the United States, or anywhere else.

The role social media played in the Arab Spring seems also to have been exaggerated. Lisa Anderson, President of the American University in Cairo, puts it beautifully. She says:

“In Tunisia, protesters escalated calls for the restoration of the country’s suspended constitution. Meanwhile, Egyptians rose in revolt as strikes across the country brought daily life to a halt and toppled the government. In Libya, provincial leaders worked feverishly to strengthen their newly independent republic.

[The year] was 1919.

That year’s events demonstrate that the global diffusion of information and expectations – so vividly on display [during the protests in Cairo last year] – is not a result of the Internet and social media. The inspirational rhetoric of U.S. President Woodrow Wilson’s Fourteen Point speech, which helped spark the 1919 upheavals, made its way around the world by telegraph. The uprisings of 1919 also suggest that the calculated spread of popular movements, seen across the Arab world... is not a new phenomenon. The Egyptian Facebook campaigners are the modern incarnation of Arab nationalist networks whose

broadsheets disseminated strategies for civil disobedience throughout the region in the years after World War I.”²⁴

Other commentators have observed that traditional media was far more important than social media in most of the “uprising” events. While conversations about social uprising occurred over social media *in relation to* both Egypt and Tunisia, the proportion of Egyptian and Tunisian *citizens* on Facebook or Twitter was extremely low. Mobile phone technology, on the other hand, in particular the ability of ordinary citizens to take and disseminate photos and videos, was very important. However, wider dissemination was still dependent on television, radio and newspapers.²⁵

It is by no means my intention to be a social media naysayer. However, at this point in my inquiry, I had found little to suggest that social media is anything other than a new tool through which familiar patterns of human civilization will be expressed.

There is much more I would like to say about social media and democracy, but time is against us. I will mention only one other issue. Social media is challenging the traditional role of journalism and therefore has the potential to threaten an institution essential to modern democracy: the free press. Traditional news media – newspapers, radio and network news – are failing to secure sufficient advertising revenue to stay in business, in part because social media content aggregators like Google are able to distribute content and collect advertising revenue without having

²⁴ Lisa Anderson “Demystifying the Arab Spring: Parsing the Differences Between Tunisia, Egypt and Libya” (2011) 90(2) *Foreign Affairs* 2.

²⁵ See eg, Ramesh Srinivasan, “Taking power through technology in the Arab Spring” Aljazeera, accessed 13 November 2012; Catherine O’Donnell “New study quantifies use of social media in Arab Spring” University of Washington: News, accessed 13 November 2012; Social Media and the Arab Spring: Transcript of PM with Mark Colvin interviewing Mishal Husain, broadcast 15 March 2012, accessed at www.abc.net.au/pm on 13 November 2013; Sara Reardon “Was the Arab Spring really a Facebook revolution?” *New Scientist* 2859 13 April 2012, accessed at www.newscientist.com on 13 November 2012.

to invest in creating the content.²⁶ Further, as the avenues for accessing news expand exponentially, and are updated by the second rather than the day or week, the value of individual advertising spots has plummeted.

Advertising services, such as those provided by Google and Facebook, have adapted by offering ads that target individual users, but the consequent drop in the value of individual ad spots means that only enormous content aggregators such as Google can sell sufficient advertising space to cover operation costs. Local news services, such as those that cover regional politics and support local and state level investigative journalism, are struggling (and failing) to stay afloat.

On the flip side, political campaigns are no longer dependent on traditional news services for coverage, and minority view holders can harness social media to access wider audiences than before. It is, as they say, a mixed bag. While it is easy to say that news media will, as with all other things, simply adopt and adapt, there does seem to be a real threat that established journalistic ethics are being corroded. Personal privacy, national security and even the administration of justice have all been threatened by the publication of sensitive information by social media users who are not bound by journalistic ethics. The scandal and furore surrounding Wikileaks is one obvious example.

²⁶ See eg, USC Annenberg School Center for the Digital Future, *Special Report: America at the Digital Turning Point* January 2012, accessed at <http://annenberg.usc.edu/News%20and%20Events/News/111214CDF.aspx> on 21 November 2012; Glenn Dyer, "Online, print ad revenues continue to plummet in the US" *Crikey* 6 September 2012 and generally "Newspaper Death Watch": www.crikey.com.au/topic/newspaper-death-watch/ accessed 21 November 2012; Jessica Bruder "Is the death of newspapers the end of good citizenship?" *Christian Science Monitor* 11 November 2012, www.csmonitor.com accessed 21 November 2012.

To conclude my inquiry into the impact of social media on democracy, for the most part I do not see social media as posing a serious threat; nor do I see it as yet a serious democratising force. That's rather an anticlimactic conclusion. So let me say this: the health of the free press does seem, at the moment, to be in jeopardy, and this is not something to be taken lightly or for granted. If nothing else, the impact of social media on the press has caused independent, often publicly funded, media, such as we have in Australia, to become all the more important.

Stable System of Property Rights

But onto the next tenet: Property. I am conscious that by including “a stable system of property rights” as a tenet of civilisation I run the risk of sounding like a curmudgeonly old capitalist or a John Locke-loving signatory to the American Constitution. Life, liberty and property: and so on. So I will ask you a second time this evening to bear with me, and hear me out.

By “stable system of property rights” I mean a system in which the rules of property ownership and use are well known and protected and there is general agreement as to what can, and cannot, constitute property. In modern Western civilization, for example, we distinguish between private and public property. Private property cannot be seized by the Crown or government without good reason or compensation. Others cannot take, alter or trespass upon our private property without our permission.

You can readily appreciate how these notions form the bedrock of our economic system: at the most basic level, there is little incentive to build and invest in any form of business, from farming to technological innovation, if the fruits of one's labour can

be seized without compensation. Public property, by contrast, is held in the public interest, and public spaces are generally accessible to all. A human being cannot constitute property, although this is a relatively recent development. Animals and natural resources can be owned, although as to their less tangible products, such as CO₂ and oxygen, it is less clear. Our relationships, likes, dislikes and hobbies are generally not considered property, and are not things we readily ascribe monetary value to.

As a society develops, there are ongoing conversations about what constitutes property and how it should be valued. For example, genetic information, or the oxygen emissions of a rainforest have obvious value to humanity, but we do not yet have consensus as to whether they can constitute property, who should own them and how, if at all, they should be monetarily valued. Other ongoing questions include how public property should be gathered and maintained, for example by compulsory acquisition, conquest or taxation. How a civilization resolves such questions as they emerge can mark the difference between prosperity and decline.

For example, both excessive taxation and under-funded public resources can enliven internal rebellion. On the other hand, failure to manage or protect natural resources can create degradation and shortages. Such failure can be the result of failing to recognise *public* proprietary interest in natural resources, or by failing to attribute adequate value to privately held resources, such as CO₂ or oxygen emission for example. And resource shortages are a classic cause of internal and external resistance and uprising.

But what does this have to do with social media?

In my inquiry, I have come to form the opinion that social media is quietly increasing the number of things in our lives that are proprietary, while at the same time amalgamating ownership of those things in fewer and fewer hands. And I am not convinced that this is widely appreciated. We are therefore potentially in a situation in which our *actual* system of property rights is at odds with *common assumptions* about what sort of property ownership is possible and fair. A system in which the rules do not match common perception cannot be described as stable.

Let me expand. Social media has brought the standard form contract into our lives on a more regular basis than ever before. Every time you join a new service, from platforms like Facebook to each individual app, you enter into a contract with new terms and conditions. Lawyers refer to standard form contracts as “boilerplate” - but I am not sure that term can readily apply to the contracts we regularly enter into on social media.

The contracts are standard to the extent that every user of the service must agree to the same terms and conditions; it's a take it or leave it situation. But the rights being contemplated by social media services are quite new and unprecedented, and so, inevitably, are their contracts of service.

These contracts create and assign property rights in things we do not traditionally think of as proprietary. Your personal information, photos and videos, your network of friends, even your likes and dislikes are now valuable commodities. For example, such information enables advertisers to target you directly and provide valuable data

to retailers, service providers and campaigns that want to target your demographic. Never has so much data on so many people been so readily available.

I am curious – how many people here (hands up again social media users) have read the Facebook terms and conditions? Section 2 is titled “Sharing Your Content and Information”. It states:

“You own all of the content and information you post on Facebook, and you can control how it is shared through your privacy and application settings.”

That sounds pretty good. However, it then continues:

“In addition:

1. For content that is covered by intellectual property rights, like photos and videos (IP content), you specifically give us the following permission, subject to your privacy and application settings: you grant us a non-exclusive, transferable, sub-licensable, royalty-free, worldwide license to use any IP content that you post on or in connection with Facebook”.

In other words, you are the owner, but the default setting is that Facebook can use it. Some other aspects of Facebook’s conditions may surprise you. For example, unless you amend your privacy settings specifically, if you “like” a brand or product, your name and profile can be used in connection with it. Similar settings apply with each of the apps you download. Google goes further, storing information based on your computer’s IP address even if you don’t log in.

What is of concern to me is the way these conditions implicitly make our personal information, privacy and social networks, proprietary. Your social network is now something you own; as opposed to simply enjoy. I am also not saying that this is a bad thing; what concerns me is that it is happening by default. I don't know what the implications might be of a society in which all of our memories, relationships and experiences are commodified – but I know that it will be different to the society we are living in now, and that we are heading in that direction seemingly without much dialogue as to whether it is the direction in which we want to head.

The other half of the “proprietary” coin is, that as our social lives move online, the digital space we occupy is not owned by us. The internet doesn't have public roads, squares or parks. It has the digital equivalent of shopping malls: Pleasantly controlled environments that mimic public space – but which, make no mistake, are not. It only takes the arrival of some undesirable element – for example, a vagrant or group of rowdy teenagers - for the owners of the pseudo-public space to quickly exercise their prerogative to exclude. Nearly every social media service I looked into reserves its right to exclude users for behaviour or content it deems unacceptable – even the notorious free-speech advocate Reddit. It is not surprising or even a bad thing that services that host psuedo-public space want to police that space.

However, unlike real public space, the actions of the enforcers are not subject to external review. There is no right to participation. Pseudo-public cyberspace is governed not by civic rights, but by the proprietary and contractual rights and obligations of the owners. Popular conceptions of the internet and social media as a “public commons” or “global village” therefore do not match the reality that the vast majority of social media is privately held and regulated.

This brings me to my final comment on the “stable system of property rights” tenet, which is in fact also a comment on the democracy tenet. The pseudo-public social media space that we inhabit is increasingly designed by service providers and advertisers to target each of us individually based on data derived from our personal details and social networks.

Take Google. As we saw in that opening clip from the ABC program *Hungry Beast*, when you conduct a search on Google, all of your past search history as well the histories of those in your area, both geographically and socially, may be used to refine the order of the search results you see. For example, the top five results from a search of the term “pizza” from my Court computer are for Australian brand pizza shops, and Google also auto-generates a map of pizza shops in Sydney. This is despite the fact that I have not logged in or expressly identified my location or what I am looking for. And I am pretty sure the same search conducted in Melbourne, or Paris or Johannesburg would not feature Pizza shops in Sydney.

The information Google collects is also used to determine which paid advertising you will see. Similar manipulation is used to suggest friends for you on Facebook, and to determine the advertising you are subjected to on most other social media services.

But who cares, and what does this have to do with property and democracy? Well, unlike a book, newspaper or TV show that must deliver the same content to everyone, the content I access online is partially pre-determined for me based on my history and social networks. I am liable, therefore, to more readily encounter those who agree with me, and also to have a skewed perspective on what the world

outside my window looks like. My ability to freely form opinions and make choices about what I consume and who I vote for, for example, is being subtly undermined.

I can sum up my thoughts on social media's impact on our stable system of property rights, and civilization generally, by asking you to stretch your imaginations to consider whether a world in which your memories and friendships are commodities, public space is a distant memory, and your exposure to the outside world is subtly tailored by the owners of pseudo-public space to reflect your past behaviour and preferences – can be the same as the world we live in today. I truly do not know the answer. I would urge you, at least, to make active choices about whether you consent to aspects of your life being commodified, query whether you occupy any truly public spaces, and be mindful of the fact that your online and social media environments are far more tailored to your past preferences and experiences than the material world can ever be. Then, at least, whatever changes social media may bring, for better or worse, we will proceed into the future with a measure of choice and with eyes open.

The Rule of Law

Finally, with the few minutes remaining, I want to say something about what is probably the most important tenet of civilization: The rule of law.

The rule of law is both the foundation and also the last bastion to fall in a stable and prosperous civilization. At its most basic, it means that no person is above the law, that all are equal before the law, and that anyone may easily discover what the law is.

Social media is thought to pose threats to the rule of law in a number of ways. I have and will in future speak and write elsewhere about the impact of social media on the administration of justice, so I will save those comments for another time. Tonight, I will address the threat to the rule of law that you may have expected to come up in relation to property: file sharing.

Now, despite what movie and recording studios would have us believe, file sharing is probably not, in itself, the end of civilization as we know it. However, two issues bound up with file sharing do challenge fundamental aspects of the rule of law. These are: widespread disregard for the law and barriers to enforcement.

In many jurisdictions, copying content for private purposes was permitted under fair use exceptions when the earliest file sharing services, like Napster, were founded.²⁷ This was not so in all jurisdictions; for example, the United Kingdom did not permit private copying. In Australia, this very University was a litigant in the leading case, *UNSW v Moorhouse*,²⁸ in which it was held that the university was liable for student's infringing copyright because it provided photocopy machines in the library. However, the laws of our respective jurisdictions were not sufficient to influence the wider practice.

I might also alert the younger members of the audience to the fact that music copying was not invented by the internet generation. In 1984, twice as many blank cassette tapes were sold as pre-recorded music cassettes and LPs: it was the

²⁷ Chris Reed, *Making Laws for Cyberspace* (Oxford UP: 2012), 12.

²⁸ [1975] HCA 26

generation of the romantic mixed-tape (and if you don't believe me, ask your parents).²⁹

In any event, lawmakers in most Western jurisdictions have now made it clear that file sharing of copyright works is infringement, and penalties apply. Yet what is now uncontroversially called illegal downloading remains the norm.³⁰

Electronic Commerce Professor Chris Reed describes the situation this way:

“The case of file sharing is an extreme one, where the rules of law and the social norms of cyberspace are in diametric opposition. For many cyberspace activities there are no strongly established social norms, and it might be thought that here the generalized social norm that laws should be obeyed would apply. However, this will only result in compliance with any particular law if the individual cyberspace user understands that law to be applicable to him in some meaningful way.”³¹

Professor Reed suggests that one reason (among others) why copyright law is failing to make inroads into illicit downloading is practical difficulties with enforcement: “A law which is never enforced or is clearly unenforceable sends a message that it is not really intended to be complied with”.

It could be argued that most illegal downloaders equate their actions with jaywalking or blasphemy – laws not expected to be followed or enforced. Admittedly, blasphemy

²⁹ *CBS Songs Ltd v Amstrad Consumer Electronics plc* [1988] AC 1013, 1048.

³⁰ *Ibid* 13.

³¹ *Ibid*.

is probably no longer illegal in most parts of Australia. A notable exception is the Commonwealth prohibition on registering ships with blasphemous names. (So to all the future boat owners in the audience: You have been warned.) However, the amount of attention and media coverage of illegal downloading suggests to me that few internet users could truly still be ignorant or readily believe that law makers do not intend illegal download laws to apply to them.

It has also been suggested that en masse copyright infringement may be the single largest instance of civil disobedience in history. Except that it's not really. Most illegal downloaders don't do it because they have decided to non-violently resist oppressive laws that are unjust, inhuman and intolerable. They're not Ghandi. They do it because it's easy, attractive and still largely unpoliced.

So what's the big deal? Rampant online law breaking doesn't appear to be invading our "real world lives". I know of no evidence that suggests that your average illegal downloader is more likely to commit crimes in the "real world". And while phenomena like trolling and cyber bullying suggest that the social media world is not constrained by the social norms and morals that govern our real world lives, it is by no means clear that such abhorrent behaviour is transitioning back into, again for want of a better term, the "real world." This suggests that the social media world is not as much a reflection of the real world as I earlier indicated.

Here's the problem: The distinction between our "real worlds" and our online worlds is fast dissolving. Cyberbullying is an excellent example. It may be an option for someone of my generation to simply opt out of any social media services in which we are subjected to objectionable material or personal attack. But this is not a

realistic option for young people. Social networks are the primary, not supplementary, form of socialisation. And socialisation is not something a young person can “opt” out of, if for no other reason than that it is an essential part of human development.

I am sure many of you have seen the video clips of infants and toddlers who don't yet possess spoken language but can operate an iPad, or who become vexed when a glossy magazine doesn't respond to their finger movements the way a tablet does. Those childrens' worlds will never *not* include social media; more to the point, social media will be integrated into their lives in the same way that religion or formal education has been integrated into generations past. Thus while we are not yet in a global social village, for the next generation in the Western world the difference between being “online” and being “offline” will be more akin to arbitrary states like “indoors” and “outdoors”, rather than definitive states like “real” and “not real”.

And so we get back to the challenge to the rule of law. When we stop thinking of the online world as “not real”, the symbolic power of widespread lawbreaking and impunity is far more threatening to this fundamental tenet of civilization.

That is as highly as I can put it this evening – I don't have the answers in relation to online fileshare or policing. However, unlike the comodification of personal information and friendships, the debate about filesharing is at least being had. I would also suggest that the debate is so vigorous, not only because powerful property holders believe their rights are being violated, but also because lawmakers recognise an enormous arena of human life in which they appear, at present, to be impotent.

The rule of law is being challenged by social media in this way, and although file sharing will not spell the end of civilization on its own, it reveals the vulnerability we open our civilization to by integrating social media into our lives before the rule of law has been integrated into it.

In conclusion this evening, while the world is undeniably being changed by social media, it is, on the whole, on a more modest scale than many seem to think. It is the standard human condition to believe that our experience is revolutionary and unprecedented, and that the change we are experiencing will shake the very foundations of the world as we know it. David Livingstone, the great Victorian explorer, writing in the 1850's described how the railroad, steamship and telegraph were integrating East Africa perfectly with the rest of the world. What happened? Human behaviour got in the way. Just like the telegraph and railroad, social media is a brand new tool, and it may increase the speed of change, but it alone does not alter the nature of that change, or the nature of human civilizations and their cycles.

I will leave you with this: Should social media one day spell the end of our civilization, at the very least, no one will be able to say it was not of our own doing.