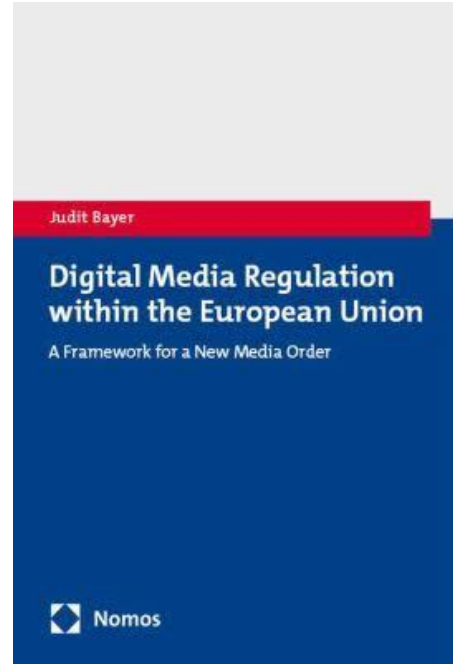


Judit Bayer, **Digital Media Regulation Within the European Union: A Framework for a New Media Order**, Baden-Baden, Germany: Nomos, 2024, 382 pp., €94.00 (paperback).

Reviewed by
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Judit Bayer's *Digital Media Regulation Within the European Union: A Framework for a New Media Order* arrives at a pivotal moment. Published shortly after the European Union (EU) finalized its landmark 2020–2024 legislative package, the book offers the first comprehensive scholarly synthesis of how the Digital Services Act (DSA), Digital Markets Act (DMA), European Media Freedom Act (EMFA), and the proposed Artificial Intelligence Act (AI Act) collectively reshape the conditions for democratic public discourse. Bayer, a media-law scholar affiliated with the University of Münster's Institute for Information, Telecommunication and Media Law and Budapest Business University, writes with both legal precision and interdisciplinary accessibility. The 382-page volume is explicitly designed to speak to nonlawyers—media scholars, communication researchers, and policy makers—while delivering rigorous doctrinal analysis. It succeeds admirably on both counts.



The book's central thesis is deceptively straightforward yet profoundly important: The EU's recent regulatory wave does not merely patch discrete market failures or curb platform power; it consciously constructs the institutional scaffolding of a new media order grounded in democratic values. Bayer argues that the platform age has fundamentally altered the public sphere, rendering traditional negative-liberty conceptions of media freedom insufficient. In their place, she advocates a positive obligation on the part of the state—and, crucially, the EU as a nascent political community—to actively foster the structural conditions for rational, pluralistic, and inclusive public discourse. This argument threads through three tightly organized parts.

Part I, "The Media Order," lays the theoretical groundwork. Bayer begins with a concise but incisive diagnosis of the "crisis of democracy" (p. 23), linking 2016's twin shocks—Brexit and the Trump election—to Cambridge Analytica-style manipulation, state-sponsored disinformation, and the broader platformization of public communication. Drawing on Habermas, Meiklejohn, Mill, and contemporary communication theory, she interrogates the classical liberal "marketplace of ideas" (p. 27) metaphor and finds it wanting in an algorithmic environment. Chapter 2 reframes media freedom and pluralism for the platform age. Media freedom, Bayer insists, is not an individual right of publishers but an instrumental guarantee whose primary beneficiary is the audience. Platforms are not neutral conduits; algorithmic ranking, data-driven personalization, and corporate ownership distort the conditions of public discourse. Bayer's treatment of "microscopical rights and big data" (p. 67) is particularly sharp: She shows how the aggregation of individual

expressive rights into platform-scale power necessitates new positive obligations. The state must not only refrain from interfering but also ensure resilience of the market, institutional independence, and structural diversity—concepts she develops with refreshing clarity for nonlegal readers.

Part II, “European Initiatives to Develop a New Democratic Media Order,” turns to European policy evolution. Bayer traces media-pluralism initiatives from the 1980s through the “tumultuous story of the media landscape in the new millennium” (p. 90), demonstrating how the EU’s competence creep and political compromises gradually prepared the ground for the EMFA. Her chapter-length analysis of the Media Freedom Act is the most detailed and critical in the book. She praises its transparency rules on media ownership, state advertising safeguards, and the new European Board for Media Services, yet she does not shy away from shortcomings: the Act’s limited bite on media concentration, its awkward treatment of the “Russia Today” precedent, and the persistent tension between audience rights and provider freedoms. Bayer’s epilogue to this section frames the EMFA as the culmination of decades of staggered policymaking rather than a sudden rupture—an important corrective to narratives that treat the 2022–2024 package as entirely novel.

Part III, “A Regulatory Framework for Online Platforms,” specifically examines the governing rules and legal structures that apply to these digital intermediaries. Chapters 6–9 dissect the DSA (with its due-diligence obligations, very-large-online-platform rules, and co-regulatory Code of Practice on Disinformation), the DMA’s gatekeeper regime, the Political Advertising Regulation’s targeting prohibitions, and the AI Act’s high-risk-system rules as they intersect with media and journalism. Bayer consistently evaluates each instrument through the lens of public-discourse impact. She is especially effective on the DSA’s notice-and-action procedures, risk assessments, and the “soft power” of codes of practice—showing how Elon Musk’s 2022 acquisition of Twitter (now X) and subsequent withdrawal from the Code of Practice illustrated both the fragility and necessity of these mechanisms. Her discussion of generative AI (ChatGPT’s 2022 public release) in journalism is forward-looking, weighing authorship, copyright, deepfakes, and liability for AI-generated content without descending into hype or panic. The final chapter offers a “Bird’s Eye View”(p. 333), synthesizing the package as a value-centered European order that treats platforms’ “functional sovereignty” as a governance challenge rather than an inevitability.

Bayer’s methodological strengths are evident throughout. First, the book is genuinely interdisciplinary. Legal doctrine is never isolated from communication theory; Habermas sits comfortably alongside ECtHR jurisprudence and empirical platform studies. Second, it is empirically grounded in real-time events—Musk’s X, the war in Ukraine, the Russia Today ban—without sacrificing analytical distance. Third, the writing is lucid and pedagogical. Each chapter opens with a short, nontechnical introduction, making the volume usable in graduate seminars on media policy or digital democracy.

Critically, the book is not without limitations—none fatal, all productive. Bayer’s self-imposed scope (explicitly omitting the Data Act, Data Governance Act, and SLAPP Directive) keeps the volume focused but occasionally leaves the reader wanting a fuller picture of the EU’s data ecosystem. Her optimism about the EU’s capacity to act as a “nascent political community” (p. 16) sometimes underplays persistent rule-of-law fractures within member states that could undermine uniform enforcement. Finally, while Bayer acknowledges the global dimension (noting non-Western regulatory paths), the analysis remains resolutely

Eurocentric—an understandable choice given the book's title, yet one that invites future comparative work with the U.S., UK, or Global South frameworks.

These quibbles notwithstanding, *Digital Media Regulation Within the European Union* makes three lasting contributions to communication scholarship. First, it provides the definitive English-language map of the EU's 2020–2024 regulatory architecture viewed through the prism of the public sphere. Second, it reframes media freedom as a positive, structural guarantee rather than a negative liberty—an argument that will resonate with scholars working on platform governance, algorithmic accountability, and democratic resilience. Third, it models how legal analysis can be rendered intelligible and relevant to communication researchers without sacrificing rigor. For an audience trained in effects studies, political economy, or digital journalism, Bayer offers a clear pathway into the doctrinal “black box” of EU law.

In an era when platforms' functional sovereignty increasingly rivals that of states, Bayer demonstrates that Europe has chosen not to accept this shift passively. Whether the new framework will succeed in restoring rational discourse amid polarization, disinformation, and AI-driven fragmentation remains an open empirical question. Bayer's book does not pretend to answer it; instead, it equips scholars with the conceptual and legal tools to investigate that very question. For that reason, it deserves an important place on the shelves—and syllabi—of anyone studying digital media, democracy, and regulation. Judit Bayer has written the essential reference work on Europe's attempt to civilize the platform age. Communication scholars would do well to read it closely.