

**Comparative Analysis of Media Censorship and Terrorism  
in the United States and Australia**

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### **Abstract**

The mutual and parasitic symbiotic nature of the relationship between terrorists and the media has been acknowledged and studied for some time. In the last two decades the growth of the internet and social media have given rise to instant communication and the ability of anyone to contribute, increasing the aptitude of terrorist organizations to spread propaganda and broadcast acts of terror live through new media. Accessing data from the Global Terrorism Database (GTD) managed by the National Consortium for the Study of Terrorism and Responses to Terrorism (START) housed at the University of Maryland on the number of terrorist events in Australia and the United States, I compare it to a document analysis of media censorship and internet restriction for the years 2000 to 2019. I find that Australia has higher levels of censorship in general and as it relates to terrorism yet significantly lower incidents of terrorist events than the United States.

## **Comparative Analysis of Media Censorship and Terrorism in the United States and Australia**

The relationship between terrorist organizations and media can be described as symbiotic—a mutual and parasitic relationship. The media relies on viewership and terrorist groups use the media to share their story (White, 2017, Chapter 4). An infotainment cycle, where media is created to both inform and entertain in order to keep audience attention, has led to increased attention to and sensationalization of terrorist stories. Infotainment is designed to create revenue by keeping audiences entertained, the focus is not on providing objective information (White, 2017, p.89). The sensationalization of media is nothing new, from the yellow journalism practiced in the 19th and 20th centuries, assuring headlines that “if it bleeds, it reads,” to modern day click-bait luring readers into digital ‘doom scrolling’—the act of mindlessly consuming news about disasters and human suffering. Media sources use sensationalized stories to boost ratings and viewership while terrorists need platforms to spread their ideology and fear (White, 2017, p.79). A terrorist event is only successful if others know about the act that occurred, that is if it is communicated to a wider audience by the media. In turn the media profits from covering such events (Shoeman, 2017).

America is no stranger to the phenomena of terrorist incidents arresting the attention of the media cycle. The September 11, 2001 terrorist attacks by Al-Qaeda on the United States is one of the more notable examples in recent history. Al-Qaeda’s founder and former leader, Osama bin Laden, is infamous for his role in 9/11 in the general public. However, among media researchers, bin Laden’s mastery of media manipulation provides a useful illustration. Bin Laden organized Al-Qaeda’s propaganda efforts, invited film makers to accompany him to the front lines, established a media office in London, and sent written and recorded statements to local

new organizations for years prior to the attacks on 9/11 (Burke, 2016). However most of his messages were either ignored, altered, or only shown in short excerpts, thus failing to have the effects he intended. To solve this problem, bin Laden relied upon the fundamental concept of terrorism as “propaganda of the deed.” In short, Bin Laden needed an event so shocking and sensational that the action itself would capture global attention – the hijacking and use of civilian commercial airplanes as missiles into icons of American financial and military power, with cells of terrorists committing martyrdom and mass murder. The devastating attacks on American soil on 9/11 succeeded. Following this event for a matter of years every single word said by bin Laden was broadcast, repeated, and discussed (Burke, 2016). According to START Director Gary LaFree (2012), an event like 9/11 is a black swan incident- an event that is rare yet shocking and effects policy decisions. Bursty incidents on the other hand are highly concentrated smaller incidents that reflect trends in terrorist events.

Several studies have been conducted on the symbiosis between media and terrorism, the media and counterterrorism, effects of the media on the audience and are discussed below. Most focus on macro levels of press freedom, information flow, or media attention. Additionally there are differing opinions surrounding the policies of censorship. What is seemingly lacking in these debates and macro-analysis is whether censorship as policy, when applied, is effective in deterring terrorism. In this paper, I explore the extent of this gap and its impact, when applied, are actually effective in deterring acts of terrorism. I proceed by discussing the theoretical framework and hypothesis of my study along with a review of the relevant literature. I provide a case selection justification for the comparative analysis followed by a data and methods section. Finally I analyze results and make conclusions on my hypothesis and research question.

## **Definitions**

There is an important distinction between old media and new media. Old media is what is considered traditional media, it encompasses television, radio, and print news sources. New media describes the wide availability of stories and connections on the internet and social media (White, 2017, Chapter 4). A mutually symbiotic relationship is one where both participants in the relationship benefit. The media-terrorist relationship is mutually symbiotic in that the media benefits from increased viewership from terrorism headlines and terrorist organizations benefit from the press on their organization, activities, and ideology.

Terrorism is an exceedingly difficult term to define. There is no general consensus on what definition to use as terrorism means different things to different nations. For the purposes of this paper there are three important similarities. Terrorism is usually an act of violence or intimidation. It is usually committed against a symbolic or noncombatant/civilian target. Finally it is usually done for the purpose of advancing a political, religious, or social/moral motive. Given that I will be looking at two specific countries and their legislation in this paper it may be helpful to provide the definitions given by those countries in their legislation-

**Australia Terrorism:** terrorist act means an action or threat of action where: (a) the action falls within subsection (2) and does not fall within subsection (3); and (b) the action is done or the threat is made with the intention of advancing a political, religious or ideological cause; and (c) the action is done or the threat is made with the intention of: (i) coercing, or influencing by intimidation, the government of the Commonwealth or a State, Territory or foreign country, or of part of a State, Territory or foreign country; or (ii) intimidating the public or a section of the public (Criminal Code 100.1).

**United States (International Terrorism):**(1) the term “international terrorism” means activities that - (A) involve violent acts or acts dangerous to human life that are a

violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or of any State; (B) appear to be intended - (i) to intimidate or coerce a civilian population; (ii) to influence the policy of a government by intimidation or coercion; or (iii) to affect the conduct of a government by mass destruction, assassination, or kidnapping; and (C) occur primarily outside the territorial jurisdiction of the United States, or transcend national boundaries in terms of the means by which they are accomplished, the persons they appear intended to intimidate or coerce, or the locale in which their perpetrators operate or seek asylum; (18 U.S.C. § 2331).

**United States (Domestic Terrorism):** (5) the term “domestic terrorism” means activities that - (A) involve acts dangerous to human life that are a violation of the criminal laws of the United States or of any State; (B) appear to be intended - (i) to intimidate or coerce a civilian population; (ii) to influence the policy of a government by intimidation or coercion; or (iii) to affect the conduct of a government by mass destruction, assassination, or kidnapping; and (C) occur primarily within the territorial jurisdiction of the United States; (18 U.S.C. § 2331).

Other terms important to define as they will appear in this paper include the following – Counterterrorism is the policies and efforts to prevent or thwart terrorist activity. Extremism refers to the use or advocacy of extreme measures or views. By extension, radicalism refers to the process by which a person develops extremist views. However having extremist views does not make one a terrorist. Finally a hate crime is an act of violence or intimidation motivated by prejudice on the basis of race, religion, sexual orientation, etc. This is important to define as

oftentimes an act that technically fits the definition of a terrorist act is labeled instead as a hate crime.

### **Theory and Hypothesis**

As mentioned there is a mutually symbiotic relationship between the media and terrorists. The media allows terrorists to achieve their goals of spreading ideology, creating fear, and recruiting members (Wilkinson 1997; Mahmood and Jetter 2020). The media in turn profit from higher ratings surrounding coverage of terrorist events (Wilkinson 1997). Therefore my first hypothesis is that states that have no censorship of media coverage for terrorist events will have more terrorist events than those countries that have policies limiting or censoring coverage.

While Hoffman argued in 2008 (when Bin Laden was still alive) that the leaders of Al Qaeda still had control over their terrorist network, Sageman challenged this by saying the real problem to be addressed are the internet chat rooms for extremism. Sageman pulled many of his ideas from Kaplan's ideas on leaderless resistance. Leaderless resistance refers to the phenomena of a single person or small group of people who carry out a terrorist attack in support of a particular ideology without the direction or assistance of a formal terrorist organization. With the internet and its chat rooms, extremist websites, and streaming capabilities it is easier than ever to validate extremist views and witness terrorist events from all over the globe (Kaplan 2011; Sageman 2012). Therefore my second hypothesis is that those countries that restrict or monitor internet usage and content will have less terrorist events than those who do not restrict and monitor internet usage and content.

### **Literature review**

#### ***The Media and Terrorists***

A case study on the Mumbai attacks in 2008 show that the media favors a theme of awe and terror, with graphic images and testimony and overdramatic claims, for extended periods of time rather than themes such as responsibility for the attacks or emergency responses (Iqbal, 2014). Continual dramatic coverage and fear mongering is more likely to keep viewer attention and audience rates up, therefore lending a hand to the terrorists' motives. This "infotainment" tendency to overdramatize, sell, and over represent terrorist events has been well discussed by many Scholars (Wilkinson. 1997; Nacos et al., 2011; Shoeman, 2017; White, 2017, etc.) During the first three weeks of the Tehran hostage crisis in 1979 audience ratings for all the major US TV networks increased by 18 percent. That same year it is estimated that there was an annual revenue increase of \$30 million for each percentage (Wilkinson, 1997).

Several scholars have pointed out that the traditional media does not actually spread ideology of terrorism as the messages of extremist groups are filtered and altered. Some say this leads the public to see the terrorists as illogical and mentally unstable and therefore undermines terrorist claims to legitimacy (Shoeman, 2017). However the objective of undermining the state by implying it cannot keep its citizens safe and spreading fear is still achieved. Mahmood and Jetter conducted a study using Konjunkturforschungsstelle (KOF) index of information flow and numerical data of terrorist events from the Global Terrorism Database by year and concluded the level of communications technology is systematically related to terrorism (Mahmood and Jetter 2020). An analysis of 201 countries extending the methodology of Rohner and Frey (2007) concluded that increased New York Times coverage encourages further attacks in the same country (Jetter 2017). The original Rohner and Frey (2007) study measured mentions of the word terrorism while this study measured mentions of a countries name following an attack. However another study replicating Rohner and Frey (2007) extended the time period being analyzed and



included data on media coverage from Fox News and Neue Zuercher Zeitung in addition to the New York Times. This study found that the Granger causal relationship did not hold (Akil and Sonnabend 2019). Granger causal relationships are used to show that data from one time series can be used to predict future data from a second time series. In sum, most literature attempts to show some kind of positive relationship between the media and terrorists however the understanding around the nature and magnitude of this relationship is fuzzy at best.

Others attempt to show that media coverage in fact does the opposite. One report by the European Broadcasting Union conducted a statistical analysis between a countries' rank on social, political and development indicators and the status of their Public Service Media organizations. The report found that a strong and well-funded Public Service Media is correlated with a high degree of press freedom and lower levels of right-wing extremism. Additionally, a well-funded Public Service Media leads to less public interest in right wing extremism (European Broadcasting Union, 2016).

Users of social media platforms like Facebook seek out others who have the same viewpoint, creating filter bubbles that keep out opposing viewpoints. Not to mention there are plenty of platforms that allow individuals to further radicalize themselves. A study of 223 convicted UK terrorists shows that most went online not to have their beliefs changed but rather to reinforce them (Shoeman, 2017). A controlled laboratory experiment also showed that undifferentiated news sources, in this case news sources that do not clearly distinguish between news coverage of Muslims and Muslim terrorists, can have serious negative consequences for outgroup perceptions (Fahmy, 2017). Several scholars also point out the impact of the internet to cut out formal news organizations, the middleman so to say, when it comes to media and terrorism. The distinction between producer and consumer is disappearing. Now anyone can

contribute the content they want without geographical and corporate limitations (Shoeman, 2017). Terrorists themselves can now self-report on their activities, posting ideologies, acts of violence, instructions, and calls to arms online. ISIS is perhaps most notorious for this. The group has posted numerous graphic videos of violent death and torture. One experiment using footage of an ISIS mass execution showed, however, that graphic violent visuals can have prosocial effects (Fahmy, 2017). Prosocial behavior describes voluntary actions to help or benefit others. This suggests that the greater moral sensitivity from viewing violence may motivate the viewers to desire an end to the violence. Conversely a separate study shows that media coverage of terrorist events decreases prosocial behaviors towards outgroup members (Fahmy, 2017).

### ***The Media and Counter-Terrorism***

Governments, like terrorists, have made use of the media in attempts to influence public opinion. However, as is often pointed out, there is ample room for corruption and abuse of power when the government gets involved in the media. Russia and Turkey have implemented many restrictions under the guise of combatting the spread of extremist messages, but in reality they are meant to curb opposition to government (Shoeman, 2017). Another example is Egypt's 2015 anti-terror law authorizes the state to limit journalists' freedom and preventing the publication of news on terrorism (Shoeman, 2017).

Governments have had difficulty implementing appropriate regulations on new media technologies in face of the technologies growing use for violent extremism (Shoeman, 2017). However some scholars believe these regulations would be ineffective as the internet is not the underlying cause of extremism (Shoeman, 2017). Public outcry has also been prevalent not just on possible restrictions on the internet but on media as a whole. Many see such restrictions as a violation of the freedom of expression. However one online experiment showed that respondents

who perceived the government as monitoring online activity supported restriction of others online activities and civil liberties, including free speech and fair trial (Fahmy, 2017). The results show how online mass surveillance can contribute to a culture of mistrust, leading many to support policies that encroach on the freedoms of others.

Additionally there is evidence of the media influencing the government on matters of terrorism. For example in the aftermath of 9/11, questions concerning greater security from future attacks appeared in the news within hours after the attack. At the same time discussions on whether civil liberties would be sacrificed for greater security also appeared. The new media arguably framed the war of terrorism before George W. Bush had the chance, quickly finding a figure to blame in the Middle East (Nacos et al., 2011).

Returning to the Mahmood and Jetter study, although increasing levels of communication technology is initially correlated with an increase in terrorism, it peaks at intermediate ranges and then decreases following a bell-shaped curve. This is because improvements in the levels of communication technology also improve the monitoring and arrest of terrorists by authorities (Mahmood and Jetter 2020). Therefore, although their research supports a positive correlation between communication technologies and terrorism initially, in the long run it suggests communication technologies will lead to a decrease in terrorist acts and an increase in terrorist arrests.

### ***Effects of the Media on Audiences***

While the interaction between the media, terrorists, and government has been well documented, little attention has been paid to the psychological effects on viewers. One empirical study that sought to remedy this conducted an experiment with 300 Israeli college students aged 21-30 of roughly equal gender. Participants were shown either media coverage of a terrorist

event or a non-terrorist violent event and their responses to questionnaires documented pre- and post-exposure. Results showed a positive correlation between post state anxiety and state anger (negative defensive emotions experienced after viewing the material) with attributing negative stereotypes to Palestinians and perception of enemy hostility towards Palestinians. This correlation was significantly higher in the group exposed to terrorist violence (Shoshani & Slone, 2007). The videos in question were approximately 7 minutes long and yet clearly had significant impact on the viewers given that they were able to produce attitudinal changes. Generalization may be somewhat limited, however, given that the study occurred in an area of chronic conflict and given that Israel has one of the longest and most complicated histories of terrorism and is still experiencing the highest death percentage of the population by terrorism of any democracy. Replications of the study with a diverse array of participants would be beneficial to the ongoing discussion. Still the results of viewers reaction to non-live coverage of a terrorist event are not to be ignored and highlight the impact media coverage of terrorism event has on viewers.

The phenomena of availability heuristics (a cognitive shortcut where we believe information recalled immediately due to its recentness or reoccurrence must be more important) has shown that a disproportionate amount of media coverage has led citizens to overestimate the threat of terrorist attacks (Borgenson & Valeri, 2009). Another study in Argentina gave newspapers to 12–13-year-old students and directed to discuss them in class once a week. They found that the students had more tolerant attitudes to differing viewpoints and were less susceptible to extremist views (Morduchowicz et al., 1996). However this is the result of middle school aged kids in a school setting, and unlikely to be reflective of society as a whole. In the maxim of the “real world” people are not exposed to various viewpoints through the media but rather select into sources that confirm their already existing biases.

### *Policies on Censorship*

Most scholars agree that something needs to be done to address the relationship between the media and terrorists yet there seems to be no consensus on how to do it. Some warn that too much censorship just like other overly aggressive counter terrorism responses simply play into extremist motives as they are inherently undemocratic strategies (Anderson, 1993; Wilkinson, 1997; Shoeman 2017). Nevertheless most agree that more responsible reporting is necessary. Wilkinson identifies 3 major policy options: laissez faire, media censorship or statutory regulation, and voluntary self-restraint. A laissez faire approach is incontestably the most risky. In a laissez faire approach there is no regulation of any kind. There is ample opportunity for terrorists to take advantage of the media. Best case scenarios include encouragement of attacks while worst case scenarios can lead to all out civil war (Wilkinson, 1997). Media censorship through statutory regulation requires trusting the government not to overstep its bounds. On one hand there is evident risk that freedom of speech will be impaired. On the other hand voluntary self-restraint relies on the media being able to reign itself in.

Several states have used media censorship and statutory regulations in efforts to curb terrorist agendas. Some argue the 1960 Broadcasting Authority act, a media ban on Sinn Fein, the Irish Republic Army and other terrorists, damaged Sinn Fein's ability to garner sympathy, legitimacy, and electoral support (Wilkinson, 1997). However, soon the media was exploiting a loophole by paying actors to voice overlay videos of Sinn Fein leaders, rendering the ban ineffective. Still the policy measure had shown some promise. Even so, scholars like Wilkinson and Shoeman warn against this type of government censorship. They claim that any type of censorship is anti-democratic, insults the intelligence on the public, and does more harm than good. They stress the importance of a free media in a successful democracy. Good examples of

the government taking censorship too far include the 1976 Anti-Constitutional Advocacy Act of Germany that made publicity encouraging others to commit an offense against the stability of the state an offense itself (Wilkinson, 1997) or the long history of state-controlled media in Russia (Simmons, 2010). A notable contrast is with Al Jazeera, a television and web-based news source that is uniquely free of government censorship (Kaplan 2011).

Most scholars advocate for the voluntary self-restraint approach where the media employs policies of self-censorship. Journalists themselves are not so sure they should self-censor. Even having experienced five additional years as a hostage due to media exposure, Terry Anderson does not believe in censorship of media in democracies or that lack of publicity will make terrorists go away. Despite agreeing that lives are at stake she maintains that restraint should be an individual decision (Anderson, 1993). Shoeman maintains that media can help undermine terrorist by exposing their cruelty and hypocrisy. However as Wilkinson so aptly puts it media remains “blissfully unaware” of any such guidelines for reporting on terrorism coverage. Several instances of the media being unable to restrain itself are available. During the Iranian Embassy siege in London in 1980, an ITN film crew rescuers abseiling down the building despite police instruction otherwise. Rescue operations of hostages for a Hezbollah hijacking of a Kuwait airliner in Cyprus in 1988 were impossible due to international media not backing off and compromising operations. The trial of five IRA members was abandoned due to intrusive media (Wilkinson, 1997). An empirical study of the media’s coverage of the hijacking of TWA Flight 847 show that the extensive exposure of the event increased the price of the American hostages and led to government being forced to negotiate with terrorists, increasing the likelihood of imitations (Schmid, 1989).

### **Case Selection Justification**

Initially I was going to do a comparative analysis of the Five Eyes Intelligence Alliance, the original five countries under a series of documents creating bilateral intelligence-sharing agreements in 1946. These were the United States, the United Kingdom, Canada, Australia, and New Zealand. Due to timing and feasibility constraints it was necessary that I choose just two of these nations for my study. I chose the United States as my first country as being my home country it is what I am most interested in and would generate the most impactful results. A brief look at the numbers for terrorist events showed that New Zealand and Canada did not have as much to go on. That left me with the United Kingdom and Australia. There was a greater difference in the trends for the number of terrorist events between the United States and Australia than with the UK and therefore was more likely to produce meaningful analysis.

There are many similarities between the United States and Australia that make them suitable for this case study. Both are Anglo-Saxon countries that were once colonies of Great Britain. They are both westernized, first world countries with developed economies. The system of government, though not the same (Australia places more emphasis on the legislative body as the United States has a stronger executive), have many similarities. Both place a strong value on separation of powers and contain a national federal government and state/territory governments with their own legislation and constitutions.

The turn of the millennium presented challenges for both countries with a mind towards strengthening defenses against terrorism. 2000 marked the year that Australia was to host the summer Olympics. Although the 2000 Olympics did not face a terrorist threat, at the summer Olympics prior in 1996 a domestic terrorist pipe bomb attack took place in the Centennial Olympic Park in Atlanta, Georgia. Security around the highly televised international event would need to be enhanced for future ceremonies. The year following in 2001 the United States

experienced its largest terrorist event, nearly 3,000 people dying in the attack on the twin towers that millions watched on their TV screens. Additionally, following the Dunblane and Tasmania massacres in 1996 the Australian government created additional censorship guidelines and required that all new television sets be fitted with a V-chip that allows parents to block content coded as violent. Australia was the only country to introduce such comprehensive measures in efforts to curb violent content (Wilkinson, 1997).

### **Data and Methods**

I used numerical data for terrorist events from the Global Terrorism Database (GTD) at University of Maryland accessible at <http://www.start.umd.edu/gtd/> . Terrorist events recorded in the database include assassination, armed assault, bombing/explosion, hijacking, hostage taking, attack on facility/infrastructure, and unarmed assault. I used the data for the United States and Australia from the years 2000 to 2019 and focused on those events that originated from within each country regardless of perpetrator type. Number of fatalities and injuries are not what is being analyzed here but simply the number of incidents regardless of the magnitude of the crime.

To study the interaction between censorship policies and terrorist events I conducted a document analysis of the written record to compare the United States and Australia. I collected and analyzed Australian legislative documents from the Federal Register of Legislation. I searched for acts that pertained to terrorism and/or the media. I obtained information on legislative acts from govinfo and Legislation Online for the United States. I looked for policy and regulations for terrorism content in the Federal Communications Commission (FCC) for the United States and the Australian Communications and Media Authority (ACMA).

Finally to touch on the self-censorship policies on the media side I conducted a document analysis of the policy statements and community guidelines of the four major social media sites –



Facebook, Instagram, Twitter, and Snapchat. Each site has a presence in both the United States and Australia. Further I conducted a short phone interview with a reporter from Fort Wayne, Indiana about organizational policy on terrorism self-censorship.

## **Results**

### ***Terrorist Events***

From the years 2000 to 2019 Australia experienced 47 terrorist events while the United States experienced 641 (see figure 1). While the attacks on September 11<sup>th</sup>, 2001 certainly had the highest fatality of any attack in the United States (and Australia for that matter), this study focuses only on the number of events and not the death or injury toll. This is to prevent large scale but uncommon black swan events from skewing the data.

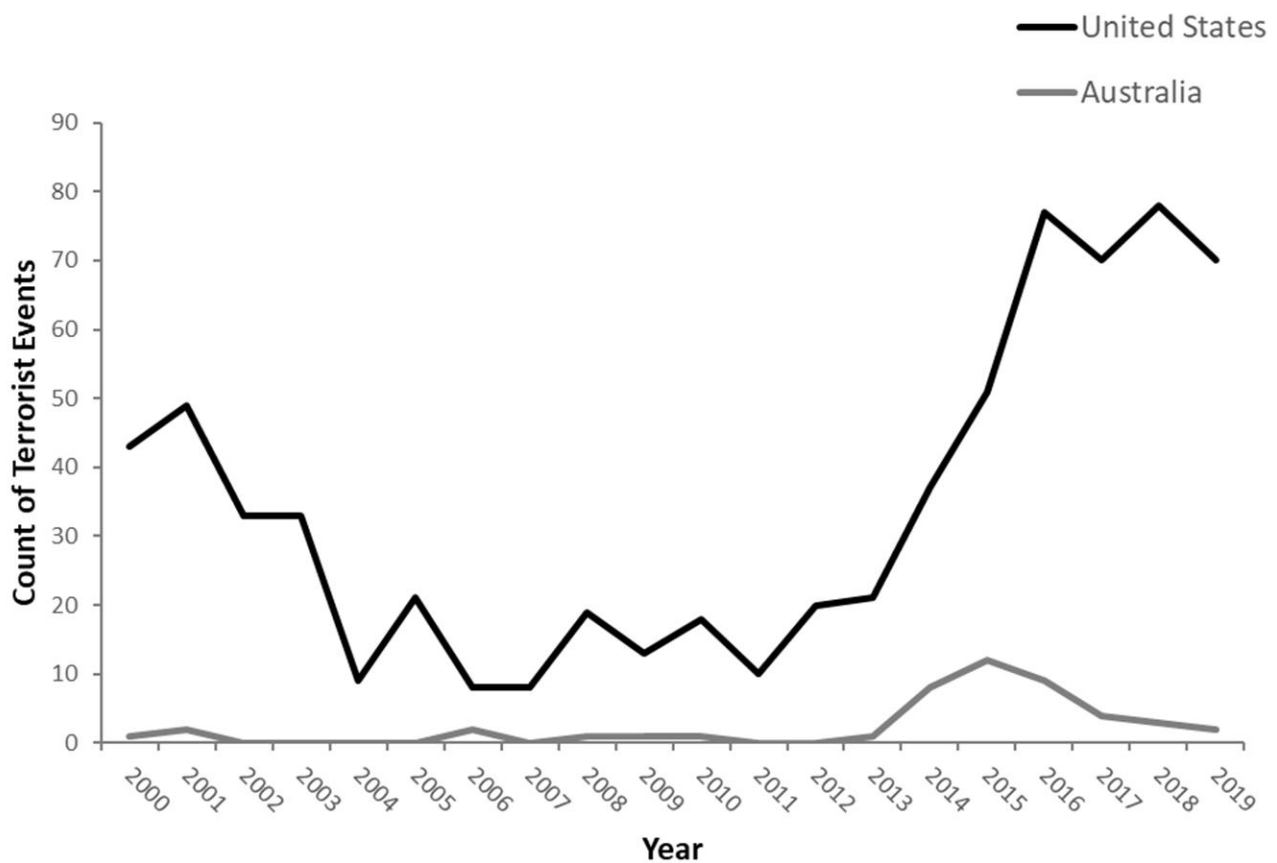
However, for comparison purposes a notable event that occurred in Australia on December 15<sup>th</sup>, 2014 was the Lindt Café Siege. Mon Haron Monis took 18 people hostage in the Lindt Chocolate cafe in Sydney, New South Wales. After 16 hours Monis shot a hostage and police stormed the cafe. Monis and two hostages were killed, and four hostages were injured. No group has claimed responsibility for the incident and Monis is considered to have been a lone wolf actor (Australian Institute for Disaster Resilience). What is notable about this event was the media response. False information quickly spread of Monis being a member of the Islamic State (Posetti, 2014). There is still debate on whether Monis had become radicalized or was simply a violent narcissist.

That being said, the united states has continuously had higher numbers of terrorist events from 2000 to 2019. A common misconception is that terrorist events were increasing in the years leading up to 9/11, however they were on a decline in the United States (LaFree, 2012). Terrorist events did not begin increasing significantly in either country in the time period studied until the

second decade of the 21<sup>st</sup> century. Additionally Australia peaked at 12 events in 2015 and had been on steady decline since with only 2 events in 2019. Conversely the United states has bounced around between 39 (in 2015) and 75 (in 2018) in the same time frame, ending 2019 with 68 events (see figure 1).

**Figure 1**

*Terrorism in the United States and Australia from 2000-2019*



Another often claimed myth surrounding terrorism is that the United States is more frequently targeted than other countries by terrorist organizations, mainly foreign groups (LaFree, 2012). The reality is that the United States is no more targeted than other countries, including Australia. Not including those events with unknown perpetrators, the top perpetrator groups for the United States are White Supremacists/nationalist (51 events), the Earth Liberation Front (51 events), Anti Muslim extremists (43 events) Jihad-inspired extremists (38 events), Anti-Government extremists (37 events), and Antiabortion extremists (32 events). The majority of Australian events are listed as unknown perpetrator, the only group standing out being Jihad-inspired extremism at 10 events.

### ***Federal Legislation***

The primary documents I will be referring to for Australian federal legislation are the Classification (Publications, Films and Computer Games) Act 1995 (2007 Amendment), the Criminal Code Act 1995, and the Broadcasting Services Act 1992; hereinafter the Classification Act, Criminal Code, and the BSA, respectively. The primary documents I will be referring to for the United States federal legislation are the US Code Title 6- Domestic Security, the US Code Title 18- Crimes and Criminal Procedure, and US Code Title 47 – Telecommunications; hereinafter simply Title 6, Title 18, and Title 47, respectively.

**Australia.** The 2007 amendment to the Classification Act instilled a Refused Classification for publications, films or computer games that advocate terrorist acts. Media that is given a refused classification is illegal to view. Refused classification is given for material that “directly or indirectly counsels, promotes, encourages or urges the doing of a terrorist act”, “directly or indirectly provides instruction on the doing of a terrorist act”, or “directly praises the doing of a terrorist act”. However what is not included is media that simply depicts or describes a

terrorist act, but the “depiction or description could reasonably be considered to be done merely as part of public discussion or debate or as entertainment or satire.”

Division 80 of the Criminal Code explicitly makes advocacy of terrorism a crime. This includes advocations directly for a terrorist attack, advocacy that is reckless as to if another will engage in a terrorist act and applies even if a terrorist attack does not occur. Divisions 101-103 are dedicated to legislation on terrorism however most legislation that pertains to any form of censorship or restriction of terrorist content is included elsewhere. Division 101.5 make it illegal to collect or create documents likely to facilitate terrorist acts. It is conceivable that this information be placed on the internet and therefore is a restriction on that media, but this is a stretch.

Division 474 contains the Telecommunications offences, Subdivision H specifically refers to use of carriage service for sharing of abhorrent violent material. Abhorrent violent material is audio material, visual material, or audio-visual material that records or streams violent conduct. Providing access to abhorrent violent material is prohibited and its immediate removal required by internet service providers, content service providers and hosting service providers. One of the qualifiers given for violent conduct is a person who engages in a terrorist act.

The BSA Part 9 contains rules for content, program standards, and codes of practice. Among the number of guidelines are “preventing the broadcasting of programs that simulate news or events in a way that misleads or alarms the audience” and “community attitudes to the following matters are to be taken into account: (a) the portrayal in programs of physical and psychological violence;”.

**United States.** Title 47 explicitly bars censorship in section 326 saying, “Nothing in this chapter shall be understood or construed to give the Commission the power of censorship over the radio communications or signals transmitted by any radio station, and no regulation or condition shall be promulgated or fixed by the Commission which shall interfere with the right of free speech by means of radio communication.” Title 47 also emphasizes parental choice when it comes to violent material viewed by children, rather than place any restriction on the broadcast of such material. However section 230 provides protections for people who attempt to restrict access excessively violent material on the internet even if it is constitutionally protected. Therefore even if the government itself will not restrict violent material it encourages private citizens to do so.

Chapter 113b of Title 18 is dedicated to legislation on terrorism however there is little to no mention of any form of media or communication or therefore censorship or restriction. Section 2339A prohibits providing material support to terrorists, which can include “expert advice” and “training”. It is conceivable that this information be placed on the internet and therefore is a restriction on that media, but this is a stretch. Section 798 prevents the disclosure of classified information, given that classified information can be information related to terrorists this too can be construed to place a restriction on media content however this too is a stretch. Similarly Title 6 sets up the organization of homeland security and contains many passages related to terrorism however the only mentions of media are in relation to how the government would utilize media technologies in regards to communicating information surrounding domestic security concerns.

***The FCC and ACMA***

The Federal Communications Commission (FCC) and the Australian Communications and Media Authority (ACMA) are the preeminent authorities on regulating media content in the United States and Australia, respectively. The AMCA website hosts a page for Anti-Terrorism Standards for TV narrow casters warning against broadcasting specific content that relates to terrorism or terrorists (ACMA). The specific content that is prohibited is outline in Broadcasting Services (Anti-terrorism Requirements for Subscription Television Narrowcasting Services) Standard 2011 and Broadcasting Services (Anti-terrorism Requirements for Open Narrowcasting Television Services) Standard 2011, as well as guidelines for the standards provided by the AMCA. This prohibited content includes content that would reasonably be understood to recruit for, solicit funds for, or advocate for the doing of a terrorist act regardless of whether the broadcaster is aware the program content is in violation of these standards. This helps to hold broadcasters accountable for review of their content. It is important to note that content meant only to inform viewers about the beliefs and opinions of terrorist in not in violation of the standard, and it does not apply to excerpts that are included in news report, current affairs program, documentary, or other program, as part of a bona fide report or comment on a matter of public interest (Australian Communications and Media Authority, 2019). The FCC on the other hand has no source for standards on terrorism related content and states on its website that “The FCC is barred by law from trying to prevent the broadcast of any point of view. The Communications Act prohibits the FCC from censoring broadcast material, in most cases, and from making any regulation that would interfere with freedom of speech. Expressions of views that do not involve a "clear and present danger of serious, substantive evil" come under the protection of the Constitution” (Federal Communications Commission, 2019).

### ***Media Self-Censorship***

Where federal legislation and government oversight is lacking private entities are picking up the slack. Social media powerhouses Facebook, Instagram, Twitter, and Snapchat all have policies in their community guidelines addressing terrorism and hateful speech.

**Facebook** bans organizations and individuals who engage in violence or have violent mission, specifically including terrorist groups and organized crime. Content that expresses praise or support of these groups is removed. Symbols of these organizations posted without condemnation or neutral discussion is removed. Hate speech is unallowed unless used self-referentially or in an empowering way, if the intention is unclear the content will be removed. Graphic content is allowed with limitations, it must not glorify or celebrate violence. Graphic content is given a warning label and is unviewable to minors. Facebook removes content, disables accounts, and works with law enforcement when there is a risk of physical harm or direct threats to public safety.

**Instagram** is owned by Facebook and shares many of its policies. Terrorist content and hate speech is not allowed and will be removed. Videos of intense graphic violence may be removed. Instagram does not have a built-in feature like Facebook to warn of graphic content but instead encourages users to include a warning in caption content.

**Twitter** bans violent organizations or affiliates including terrorists and extremists. Banned content includes recruitment, support, and use of a symbol or insignia to promote a violent group. This policy does not apply to state or governmental organizations. Additionally exceptions are made for groups that have reformed or are currently engaging in a peaceful resolution process, groups with representatives who have been elected to public office through democratic elections, and possibly for the discussion of terrorism or extremism for clearly educational or documentary purposes. Threats of violence and glorification of violence are

prohibited. A zero-tolerance policy towards violent threats results in permanent suspension of accounts. Content that wishes, hopes, or otherwise incites violence is also banned. Content that references violence and is sent to a target group (such as media that depicts lynching for the holocaust) is also prohibited as a form of harassment. This does not include content used for political commentary.

**Snapchat** has a very succinct policy and states that “Terrorist organizations and hate groups are prohibited from Snapchat and we have no tolerance for content that advocates or advances violent extremism or terrorism.” Snapchat also prohibits hate speech and hate content of any kind.

**Traditional News Organizations** such as newspapers, television news and even online content from traditional sources have proven difficult to find written terrorism policy or written censorship policy of any kind. A reporter from Fox 55 Fort Wayne, says, “My understanding is that most organizations don’t have a written or uniform policy. Big questions of judgement like that typically come down to the discretion of News Directors, but sometimes it will come from higher ups as well” (A. Frey, personal communication, March 17, 2021). He also acknowledged that Europe tends to have more defined standards, then pointed me to the Society of Professional Journalists. The code of ethics for the Society of Professional Journalists contains four overreaching principles one of which is to minimize harm. It then goes into some detail about balancing the need for information against the potential for harm but remains vague in its wording (Society of Professional Journalists, 2014). There is no explicit mention of censorship, terrorism, or extremism.

## **Discussion**



The most stringent form of censorship and restriction of terrorist content surprisingly come from the community guidelines and content policies of social media companies. At least on paper, in practice the stringency of these policies is up for debate. Conversely the most lenient, and in this case nearly nonexistent, policy comes from the traditional news sources.

Both the United States and Australia have a sizable amount of legislation devoted to terrorism, very little of which is devoted to censorship and/or the media. However a very important difference between the two is found in their telecommunications legislation. While Title 47 section 326 of the US code explicitly prohibits censorship on the grounds of the first amendment freedom of speech, all three Australian documents of federal legislation examined in this paper (the Classification Act, Criminal Code, and the BSA) contain passages restricting content that advocates, supports, or in any way encourages terrorism, content that is abhorrently violent, or misleads the audience. However most of these restrictions do not pertain to traditional news organizations or political commentary.

Federal oversight on broadcast material comes from the FCC and AMCA. However whereas the AMCA contains clear guidelines on content related to terrorism the FCC has none. Further the FCC defends its lack of action when it comes to complaints on the broadcast of extremist views with the first amendment right to free speech.

A final misconception to address is the belief that terrorist attacks are a universal phenomenon that reach every corner of the world (LaFree, 2014). They do not, so the presence of terrorist attacks in both countries is significant. However it is clear that the problem of terrorism is more prevalent in the United States than Australia both in size and scope. The United States has had over thirteen times the amount of terrorist events as Australia. Additionally while Australia has faced mostly jihad inspired terrorism or event of unknown affiliation, the United

States has experienced events from over 50 different perpetrator groups ranging from the far right to the far left both domestic and foreign.

## **Conclusion**

There does seem to be a correlation between media regulation and terrorist events, although limitations should be kept in mind. That being said there is more regulation of the media both in general and in regards to terrorism in Australia and far fewer terrorist events than there are in the United States. The implication for policy would seem to be then that in order to curb terrorism there should be more censorship, regulation, and restriction of the media and the internet. However balance must be kept in mind in regards to the benefits of free speech and free press. Additionally the sample size for this study was only two countries, while the results provide a preliminary insight replication on a larger scale is necessary. Additionally the countries considered were two western, developed, Anglo-Saxon states. Although these similarities were beneficial to the purpose of this study, the study could also benefit from replication using countries with different characteristics than two described herein.

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