

# Media & Arts Law Review (MALR)

## Volume 22 Part 4

*(introduction and articles included in this part are linked to the two LexisNexis platforms)*

### CONTENTS

#### Introduction

'Posting' the law: Emerging narratives of law and justice  
within social media discourses

— *Cassandra Sharp*

361

#### [Lexis Advance](#)

#### Articles

What's in a hashtag? Vulnerability as a transformative disposition  
within social media

— *Cassandra Sharp*

363

#### [Lexis Advance](#)

This article focuses on the disposition of vulnerability as expressed within social media using hashtags. It argues that individuals use and facilitate emotion within social media narratives to frame and contextualise normative expectations of the legal system; and that these stories collectively create one narrative of transformative vulnerability. In particular, the author argues that in times of crisis, vulnerability is constituted and maintained through the prism of fear perpetuated in social media narratives. Yet, at the same time, these narratives also contain within them the blueprints for hope — through narratives of solidarity and unity — resistance to fear is transformed into hope. Although fear and vulnerability are powerful dispositions that can be manipulated, hope is equally commanding and offers significant transformative potential, and this is no more evident than in the moment of a crisis. Using a case study of Twitter responses to a 2017 London terror event, this article will interrogate expectations of law and justice that are mediated through the complex interaction of fear and hope.

'So the justice system was to blame yet again':  
Discourses of betrayal and retribution on Facebook

— *Kate Tubridy*

382

#### [Lexis Advance](#)

There is a significant body of research exploring the participatory capacity of social media across a range of public arenas, including political movements, environmental issues, local government and non-profit advocacy. As interactive and user-generated spaces, social media offers dynamic potential to discuss, contest and engage in public life. This article contributes to the emerging field of research examining the opportunities for public engagement with criminal justice processes and issues through

social media. In particular, the focus of this article is exploring how understandings of criminal justice institutions and criminal punishment are constructed and circulated within social media. To do so, the research draws on a case study of the Facebook response to the murder of Ms Gillian (Jill) Meagher and the arrest of Adrian Ernest Bayley in Victoria, Australia in 2012. Through a qualitative critical discourse analysis of 3200 posts on the Facebook page, RIP Jill Meagher, the article uncovers broader discourses on crime and justice facilitated by social media.

#### Posting the presidency: Cartoon politics in a social media landscape

— *Sara Polak*

403

#### [Lexis Advance](#)

Successfully turning his Twitter presence into political power in a range of ways, Donald Trump is among the first major political leaders to benefit from fundamental changes in the media ecosystem. This article discerns two dynamics at play in reshaping the media landscape: first, the fact that social media can quickly mobilise effective political constituencies. Second, the rhetorical mode Trump employs in effecting this shift from communities to constituencies reconfigures politics to assume the logic of cartoons. Trump presents and is represented as a character to whom the laws of cartoon physics apply, not in a traditional manner, as an object of political cartoons, but as a powerful agent, driving a logic of politics that engages meme-makers in novel ways.

#### Logged in and fed up: Responding to gendered violence in online spaces

— *Olivia Todhunter*

420

#### [Lexis Advance](#)

For decades, feminist activists have challenged cultural narratives of what constitutes gender-based violence, theorising how we may better regulate offending behaviours while supporting the needs of survivors. In the age of the internet, the challenge of identifying, understanding and responding to gender-based violence has become ever more complex, with traditional theories of crime failing to account for modern methods of offending. In the absence of effective legal responses, online spaces are increasingly regulated by DIY justice initiatives. This article considers how we may better leverage existing legal powers to regulate online behaviours, while evaluating how non-legal actors contribute to narratives of justice in an increasingly online world.

#### Social media in social security decision-making in Australia: An archive of truth?

— *Lyndal Sleep and Kieran Tranter*

442

#### [Lexis Advance](#)

Under Australian social security law, the Department of Human Services can gather evidence from diverse sources to determine or check a recipient's eligibility for payment. This extends to gathering evidence about a recipient through social media. This article examines how social media evidence is used by Australian social security decision-makers through an analysis of the publicly available written

decisions of the Administrative Appeals Tribunal. From the decisions, it can be seen that Australian social security decision-makers regard social media evidence — either content about a recipient posted to social media, or evidence of social media use by a recipient — as highly probative. In Australian social security, social media is regarded as an archive of truth, an assessment that is fundamentally antagonistic to social media as a technically mediated curatorial space.

Incongruent selves in social media and privacy law:  
Proposing a humanistic psychological intervention  
— *Yvonne Apolo*

464

#### Lexis Advance

In our present culture of information fetishism and the frivolous pursuit of visibility, the parameters of the private sphere are shifting in unusual ways. Rather than staunchly guarding one's private life, many are seemingly complicit in the demise of their own privacy through, for example, the sharing of personal matters to large social media audiences, or via a more passive participation in networked technologies. The fragmentary, and somewhat feeble, state of privacy law in Australia is illustrative of law's ambivalence towards this contemporary privacy subject. As extant doctrines and discourses struggle to accommodate the incongruences surrounding our engagement with privacy in the networked digital era, this article aims to bring to the law of privacy a more nuanced understanding of subjectivity and the conditions needed to pursue its purported aims. Specifically, this article seeks to explore the potential of Rogerian humanistic psychology to generate an alternative framework within which to critique, re-conceive and transform the dispositions of law's imagined privacy subject.