At the Digital Crossroads: The Attention Economy, Freedom of Expression, and Platform Regulation — Challenges and Prospects for Solutions in the European Union

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Abstract

This article presents a literature review examining issues emerging from the contemporary digital landscape, with a particular focus on the complexities of digital platforms. These platforms often operate under business models that employ strategies deemed detrimental, either by excessively capturing users' attention or facilitating the unrestricted circulation of harmful content. In this context, there is an urgent need for reflection and the development of regulatory frameworks to foster a safer and fairer online environment. However, a critical question arises: how will major technology companies (*big tech*) commit to imposing limits on content dissemination when such interactions are integral to their business models? This study explores key themes, including the attention economy and freedom of expression, offering a critical analysis of these concepts within the digital sphere. Additionally, it examines European Union legislation that has been in force since 2024, providing a regulatory perspective on addressing these challenges. The analysis highlights the social consequences of the attention economy and the complexities involved in regulating digital platforms.

Keywords

attention economy, freedom of expression, digital platform regulation

Na Encruzilhada Digital: Economia da Atenção, Liberdade de Expressão e Regulação de Plataformas — Análise de Problemáticas e Perspectivas de Solução da União Europeia

Resumo

Este artigo conduz uma revisão bibliográfica explorando problemáticas decorrentes do cenário digital contemporâneo. Destaca-se a complexidade associada às plataformas digitais, as quais possuem modelos de negócios que frequentemente adotam estratégias consideradas prejudiciais. Ao capturar excessivamente a nossa atenção ou ainda ser espaço para livre circulação de conteúdos nocivos, estamos diante de um momento de reflexão e criação de regras que possam estabelecer uma realidade online mais segura e justa. No entanto, de que forma as chamadas *big techs* (gigantes tecnológicas) irão se comprometer em estabelecer limites nas publicações, já que estas interações estão interligadas com seu modelo de negócio? Este trabalho percorre por temas fundamentais, como a economia da atenção e a liberdade de expressão, oferecendo uma análise crítica desses conceitos no âmbito digital. Além disso, foram incluídos alguns artigos de legislação da União Europeia, obrigatórios desde 2024, proporcionando uma perspectiva regulatória sobre o enfrentamento desses desafios. Dessa forma, foi possível

observar, por exemplo, consequências sociais causadas pela economia da atenção e direções complexas para a regulação das plataformas digitais.

Palavras-chave
economia da atenção, liberdade de expressão, regulação de plataformas digitais

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1. Introduction

With the advent of online applications and services, the internet has undergone a profound transformation, becoming an integral part of daily life. Companies such as Google and Facebook (now Meta) have created a highly efficient data ecosystem, capturing both who we are and what we like. In this digital environment, attention has become a valuable asset, particularly as advertising constitutes a major source of revenue. Digital platforms, including social media and search engines, monetise users' attention by displaying targeted advertisements informed by data on their behaviour and interests (Cooke, 2018; Patino, 2019). Large corporations have invested millions in researching human impulses, intentions, decision-making processes, and the factors influencing consumer choices (Willians, 2018/2021).

Far from being a tool used sporadically, the internet has permeated nearly every aspect of daily life. It is no longer merely a source of information; it has become a space where we work, seek entertainment, and interact with individuals worldwide, establishing a virtual presence that transcends temporal and spatial boundaries. This continuous engagement with the internet reshapes the way we live, redefining our relationships, daily activities, and the very structure of contemporary society. As Lins (2013) observes, "the internet is no longer a network that we access but a network that involves us" (p. 14).

Immersed in the digital sphere, we are now able to express our ideas and opinions on an unprecedented scale. Social media, in particular, play a crucial role in amplifying freedom of expression, offering individuals a global platform for diverse forms of sharing. However, the widespread dissemination of harmful and offensive discourse has become a pressing concern, as illustrated by the numerous xenophobic comments identified by researcher Valle-Nunes (2020):

> Brazilians only come to Portugal because they are too dumb to learn another language. As they speak more or less Portuguese, we have to put up with these dumb people who are as worthless as mud. It's a shame that the Eastern European countries are already better off than this make-believe country — those are people who truly work and take pride in it. (p. 139)

In a similar context, Alice Nderitu, a United Nations adviser on the prevention of genocide, highlights the gradual dehumanisation of certain groups. This phenomenon has historically culminated in major genocides, such as those suffered by the Tutsis in

Rwanda and the Jews during the Second World War. Her observation underscores how the seed of hatred is sown through narratives that dehumanise and marginalise, ultimately leading to devastating consequences. Reflecting this concern, in June 2023, the United Nations issued a warning about "the link between hate speech and genocide" (Organização das Nações Unidas, 2023, para. 1), identifying social media as key platforms for the dissemination of such narratives. Consequently, effective content management in digital spaces has become imperative to safeguard the integrity of these platforms as channels for responsible expression.

In the not-so-distant past, specifically in 1996, John Perry Barlow — an influential figure in the creation of the Electronic Frontier Foundation, an organisation dedicated to safeguarding freedom of expression — penned *A Declaration of the Independence of Cyberspace*. This proclamation championed absolute and unrestricted freedom of expression in the digital space, rejecting any form of government control (Patino, 2019). However, the proliferation of hate speech and the circulation of false or harmful content online has sparked debates on the need for regulatory limits to safeguard individuals' safety and dignity. In this context, digital platforms face the challenge of balancing the promotion of their services and the protection of freedom of expression with the imperative to curb the spread of problematic content (P. R. Costa, 2020). This issue has sparked debate and reflection, prompting a critical reassessment of Barlow's initial stance, as the evolving nature of cyberspace and contemporary challenges call into question the feasibility of absolute digital freedom without consideration of its inherent responsibilities and consequences. In *In Search of Politics*, Bauman (1999) argues that security is a gift of civilisation, but attaining it requires relinquishing some degree of freedom. To what extent should limits on expression be imposed in the interest of collective security? Who should define and enforce these boundaries? More importantly, how will the so-called big tech companies commit to setting restrictions on content, given that such interactions are deeply embedded in their business models? How does the attention economy shape this landscape? These are questions that do not lend themselves to straightforward or entirely definitive answers but serve as a foundation for the theoretical discussion explored in this article.

Therefore, given that these challenges are of public interest and that the moderation policies and effectiveness of content removal on these platforms remain questionable, we propose a discussion on the attention economy, freedom of expression, and key European Union (EU) initiatives for the regulation of digital media.

2. The So-Called "Attention Economy"

Companies, social media, content producers, and other actors are constantly competing to attract and retain our attention. This is achieved through strategies designed to create engaging and captivating content, capturing the public's interest amid an overwhelming flow of information. A "war" has emerged to seize readers' attention: who will

claim the most user time? The longer a company can keep a user distracted and engaged with its content, the greater the likelihood of generating interactions, clicks, and conversions — ultimately translating into revenue. This is the key challenge for organisations, which, by understanding their audience and navigating an "excess of stimuli [and] information", generate a form of attention economy (Han, 2010/2014; Patino, 2019; Willians, 2018/2021).

The widespread accessibility of devices such as smartphones, tablets, and computers has placed a plethora of information and entertainment at our fingertips. However, this constant connectivity has also led to a notable rise in distractions (Willians, 2018/2021). One of the primary ways technology diverts our attention is through incessant notifications. Whether from emails, text messages, or app updates, these frequent interruptions fragment our focus, making it harder to concentrate on important tasks. As a result, we often find ourselves instinctively checking our devices, even when engaged in activities that demand our full attention (Willians, 2018/2021).

Thus, social media and other digital platforms are intentionally designed to be engaging and addictive. Features such as endless scrolling, likes, shares, and comments foster a continuous pursuit of instant gratification, keeping users engaged for longer than they initially intended. At present, the global average time spent online per day is 6 hours and 37 minutes (wearesocial & Meltwater, 2024). This dynamic can create a cycle of procrastination, ultimately leading to reduced productivity (Willians, 2018/2021).

James Willians (2018/2021), an Oxford researcher and former Google employee, argues that strategic distractions are a key component of the attention economy, serving as a "smokescreen" for significant social and political issues. In some cases, these distractions function as political tools, with the author citing the controversial content of Donald Trump's social media account on X as an example.

Another strategy used to capture attention is the exploitation of emotions. A study analysing 100 million articles shared on Facebook (Lineham et al., 2023) found that headlines with strong emotional appeal, as well as those that suggest group belonging — such as "only people like this will understand" — are particularly effective at driving engagement. Emotions play a crucial role in the attention economy, shaping what captures the audience's interest and how messages are received. Understanding these dynamics is essential for assessing the psychological and social impact of the strategies used in the competition for attention online.

Every aspect of the digital environment is designed to minimise users' opportunities for contemplation or reflection. From algorithms that filter content to advertisements, posts, and even personalised recommendations, these elements increasingly make decisions on users' behalf, fostering an environment driven by automation. In this context, the attention economy emerges as a dominant paradigm, with organisations investing heavily in strategies to capture and retain user attention amid an oversaturated information landscape and relentless competition (Patino, 2019; Willians, 2018/2021).

We can envision this relentless pursuit of our attention as a multi-layered structure mirroring the complexity of human skin. On the surface, while undeniably significant, this process is remarkably time-consuming, often depriving us of goals, exercise, sleep, and other essential daily activities. At a deeper level, these layers directly shape our personality, as the constant search for validation and acceptance in the digital sphere often drives behaviours we might otherwise avoid (Willians, 2018/2021). This process profoundly influences our emotions, sometimes provoking indignation, and its effects extend beyond the individual, creating a ripple effect that permeates society as a whole (Willians, 2018/2021). The attention economy, therefore, is deeply intertwined with how we express ourselves.

3. Is Self-Expression in Online Bubbles and Social Media a Prelude to Real-World Consequences?

The rise of cyberspace has facilitated social progress by making access to information faster and more readily available worldwide. This has contributed to a form of democratisation in communication, granting countless users a voice and the freedom to express themselves (Bittencourt, 2020). With this broad avenue for expression, it is often assumed that individuals have been emancipated simply by having a smartphone connected to the internet at their fingertips.

The transformation of the digital landscape extends beyond opinions on politics, fashion, music, education, and consumer goods; such opinions have now evolved into professions. Advertising, once dominated by television, has migrated to Instagram stories, where each short post offers an opportunity for exposure — its value is determined by audience size and engagement levels. This shift underscores the vast range of functions cyberspace now accommodates, transcending entertainment to enable the professionalisation of digital influencers and content creators. Additionally, cyberspace fosters communities dedicated to noble causes, such as animal rights and social justice, serving as a platform for exposing crimes, injustices, and corruption.

On the other hand, the online environment is a breeding ground for disinformation, polarisation, and hate speech. The study "Stoking the Flames: The Influence of Press and Government Rhetoric on Far-Right Anti-Migrant Engagement" (Ahmad et al., 2023) by researchers from the organisation HOPE Not Hate presents an alarming scenario, revealing a surge in far-right anti-immigrant groups on the messaging app Telegram. These groups not only exploit but actively manipulate media coverage as a platform for discussions often laced with racist rhetoric. The study also highlights how government statements are misappropriated to advance extremist agendas, with the interplay between media narratives and official discourse serving as a powerful tool for these groups.

In Portugal, in mid-2021, the project *#MigraMyths - Desmistificando a Imigração* (#MigraMyths – Demystifying Immigration) published a diagnostic report titled *Discurso de Ódio e Imigração em Portugal* (Hate Speech and Immigration in Portugal; A. P. Costa,

2021), which examines social media polarisation and the rise of anti-immigration narratives — an issue of concern both online and offline. For instance, in June 2023, a Brazilian man was assaulted in a café in Braga after being asked about his nationality and identifying himself as Brazilian (*Brasileiro Agredido em Braga. "Chutou a Minha Cara e as Minhas Costelas"*, 2023). However, as Valle-Nunes (2020) highlights, the online environment facilitates the rapid and widespread dissemination of xenophobic discourse. The researcher analysed comments on newspaper Facebook pages and found a proliferation of xenophobic statements. By focusing on news comment sections related to the rise in Brazilian immigration, the study underscores the broader social issue and the role of Facebook pages as moderators of these discussions.

Another pressing concern in the virtual world is the unrestricted circulation of disinformation. Disinformation "violates the notion of freedom of expression" (Oliveira & Gomes, 2019, p. 111) by discrediting traditional news media, legitimising extremist theories, and misleading citizens into making decisions based on falsehoods. In this way, disinformation itself becomes a tool against freedom of expression (Oliveira & Gomes, 2019). Hannah Arendt (1972/1995) was unequivocal in stating that the opposite of truth "is neither error nor illusion nor opinion, no one of which reflects upon personal truthfulness, but the deliberate falsehood, or lie" (p. 40). Lies often gain traction due to ideological biases and serve as instruments of manipulation to advance specific agendas. Thus, the spread of disinformation not only distorts the pursuit of truth but also erodes people's ability to engage in informed and meaningful discourse, ultimately threatening the fundamental pillars of a free and democratic society (Oliveira & Gomes, 2019).

Another critical aspect to consider when analysing online content is the existence of structured divisions, such as categorised sections, that shape users' experiences. This is particularly evident on social media platforms and search engines, where personalised algorithms curate and present content based on users' behaviour, data, browsing history, and interactions (Cardoso et al., 2018; Cooke, 2018; Wardle & Derakhshan, 2017). These algorithms continuously refine users' profiles by supplying them with information — whether beneficial or harmful — as well as opinions and perspectives that reinforce their pre-existing beliefs, thereby restricting their exposure to diverse content (Cardoso et al., 2018).

Some authors refer to these divisions as "filter bubbles" or "echo chambers", which function as mechanisms that perpetuate misinformation (Cooke, 2018; Patino, 2019; Wardle & Derakhshan, 2017). When individuals are immersed in a filter bubble, they may remain unaware of information or viewpoints that challenge their own, leading to a narrow and polarised perception of reality. This phenomenon can exacerbate societal polarisation, making it more difficult to foster constructive dialogue and mutual understanding between groups with differing perspectives (Cooke, 2018).

The belief that the Earth is flat (Novais, 2019) exemplifies how such ideas find fertile ground on social media, websites, and even dedicated conferences. This phenomenon

underscores the internet's role in amplifying fringe theories, enabling them to reach a wider audience through digital tools. Online engagement within these communities often transcends geographical boundaries, allowing once-marginal ideas to gain global traction. This not only illustrates the dissemination potential of these theories but also highlights the significant influence of social networks in shaping and expanding communities that challenge established scientific knowledge (Patino, 2019). As Patino (2019) observes, "the dependency that emerges, the effects of information bubbles, imbalance, and the spread of fake news and counter-realities are also (...) inherent products of the platforms' economic model" (p. 117).

In Brazil, experts suggest that violent attacks in schools can be fuelled by offensive content found on websites (Iory & Mariano, 2023). One such case involved a 13-year-old boy who killed a teacher and injured three others at a school in São Paulo. The teenager had posted content related to his violent intentions and was active in groups that used extremist hashtags. According to researcher Letícia Oliveira, who monitors Nazi cell activities on the internet and was cited in the report, there is an online community that idolises mass shooters, which has been expanding and promoting itself primarily through hashtags within a restricted digital bubble. Attacks like the one in São Paulo break this bubble, allowing the content to spread more widely.

On the other hand, there is still no theoretical consensus on the definition of these concepts (Arguedas et al., 2022; Bruns, 2021). Arguedas et al. (2022) argue that filter bubbles are algorithmically generated echo chambers, as the information delivered to users is tailored without active choice. Echo chambers, in contrast, are shaped more by user preferences. The authors pose the question: "what is the relative importance of active users' choices versus algorithmic filtering in determining the diversity of sources people access?" (Arguedas et al., 2022, p. 11). It remains unclear how rigidly echo chambers and filter bubbles isolate users from diverse content (Arguedas et al., 2022; Bruns, 2021).

As previously mentioned, beyond the issues of bubbles and hate speech, this online dynamic exacerbates the challenges of disinformation, accelerating the spread of biased and harmful narratives. Addressing these challenges requires a cautious and critical approach to mitigate their negative impact on the digital public sphere (Silveira et al., 2017). These factors underscore the need to establish clear boundaries for freedom of expression and implement comprehensive digital media regulation.

4. European Union Initiatives for Digital Media Regulation

The regulation of the digital environment raises several key questions, including user data protection (Rosa, 2019), the effectiveness of platform self-regulation, the establishment of fairer competition, the criteria for reporting or removing content, the scope of regulation, appropriate penalties, and the role of public opinion in this process. These issues, still far from being fully answered, are at the heart of the European Media

Freedom Act – Proposal for a Regulation and Recommendation (European Commission, 2022). This initiative sets out a series of articles aimed at establishing clearer guidelines for the development of digital media, which has expanded largely without regulation. The legislation primarily seeks to uphold media pluralism, ensure transparency in economic resources, and promote high-quality journalism.

In addition, the EU has established the Digital Agenda For Europe (Petit et al., 2024), with objectives stating that "at least 80 % of all adults should have basic digital skills and there should be 20 million ICT specialists employed in the EU, with women taking up such jobs" (p. 2). The agenda also aims to support the creation of secure digital services and markets, as well as to strengthen cybersecurity.

Despite the challenges of regulation, particularly concerning freedom of expression, the EU has sought to create a fairer digital environment through initiatives such as the action plan eEurope 2005: An Information Society for All (Commission of the European Communities, 2002) and the recently approved set of rules for digital services (January 2022): the Digital Services Act and the Digital Markets Act (European Economic and Social Committee, 2021).

The Digital Services Act (União Europeia, 2022) was published in October 2022. Since then, the EU has been requesting information from big tech companies under its framework, including Amazon (Comissão Europeia, 2023d), AliExpress (Comissão Europeia, 2023a), Meta (Comissão Europeia, 2023c), and TikTok (Comissão Europeia, 2023b). Among its various regulatory provisions, the regulation particularly emphasises:

> in particular, the concept of "illegal content" should be defined broadly to cover information relating to illegal content, products, services and activities. In particular, that concept should be understood to refer to information, irrespective of its form, that under the applicable law is either itself illegal, such as illegal hate speech or terrorist content and unlawful discriminatory content, or that the applicable rules render illegal in view of the fact that it relates to illegal activities.
>
> Illustrative examples include the sharing of images depicting child sexual abuse, the unlawful non-consensual sharing of private images, online stalking, the sale of non-compliant or counterfeit products, the sale of products or the provision of services in infringement of consumer protection law, the non-authorised use of copyright protected material, the illegal offer of accommodation services or the illegal sale of live animals. In contrast, an eyewitness video of a potential crime should not be considered to constitute illegal content, merely because it depicts an illegal act, where recording or disseminating such a video to the public is not illegal under national or Union law. (União Europeia, 2022, art. 12)

In this area of regulation, a fine line is being drawn in an attempt to clearly distinguish between illegal content and content that, while depicting illicit activities, is not itself unlawful under applicable laws. Regarding the direct issue of freedom of expression, the regulation repeatedly emphasises the obligation to uphold the "right to freedom of expression and of information". However, it does not explicitly define each concept.

Another noteworthy aspect is the set of guidelines governing the platforms' business model, which can be linked to the previously discussed concept of the "attention economy". The regulation aims to safeguard freedom and rights, including expression, as well as "the right to private life, data protection, the right to non-discrimination, the rights of the child and consumer protection" (União Europeia, 2022, art. 81). These rights, however, may be jeopardised by the very way in which the platforms operate:

> Such risks may arise, for example, in relation to the design of the algorithmic systems used by the very large online platform or by the very large online search engine or the misuse of their service through the submission of abusive notices or other methods for silencing speech or hampering competition. When assessing risks to the rights of the child, providers of very large online platforms and of very large online search engines should consider for example how easy it is for minors to understand the design and functioning of the service, as well as how minors can be exposed through their service to content that may impair minors' health, physical, mental and moral development. Such risks may arise, for example, in relation to the design of online interfaces which intentionally or unintentionally exploit the weaknesses and inexperience of minors or which may cause addictive behaviour. (União Europeia, 2022, art. 81)

Those mentioned above and other major technology companies had until mid-March 2024 to comply with the established regulations. Failure to meet these obligations could result in prosecution by the EU Court of Justice, with penalties proportionate to the severity of the non-compliance. In July of the same year, X (formerly Twitter) was accused by the EU of violating this regulation, particularly in relation to key aspects such as advertising transparency and account authenticity (F. Costa, 2024). The platform remains under investigation amid suspicions that its owner, Elon Musk, has manipulated content on X to favour the far right in Europe (Ramos, 2025).

Regarding disinformation content, Portugal took a significant step in July 2021 by implementing the Carta Portuguesa de Diretos Humanos na Era Digital (Portuguese Charter on Human Rights in the Digital Age) through Law No. 27/2021 (Lei n.º 27/2021, 2021), marking a milestone in the country's digital regulation. This charter aims to combat online disinformation by introducing concrete measures to address the issue. Among its provisions is the possibility of reporting organisations engaged in disinformation to the Portuguese Regulatory Authority for the Media. Additionally, the charter supports institutional fact-checking by official bodies. Additionally, the charter provides institutional support for fact-checking by official organisations and the establishment of quality seals,

offering official endorsement and recognition to reliable institutions that play a crucial role in fostering accurate information and curbing the spread of fake news.

5. Final Considerations

This article has explored the literature to gain insights into the complexities of online interactions while also outlining some of the strategies proposed by the EU to address these evolving challenges. Despite the clarity of the evidence presented, the fundamental questions raised at the outset remain unanswered.

The theory presented highlights the increasing dominance of the attention economy as a powerful instrument, particularly in the commercial strategies of tech giants that shape the online landscape. This mechanism now appears to dictate their business models, often taking precedence over fundamental social values, raising concerns due to its harmful effects across various societal domains. These impacts extend beyond the excessive distraction caused by digital devices to include the creation of information bubbles that shape — and at times distort — perceptions of reality.

Nevertheless, it is crucial to acknowledge that filter bubbles are an integral part of the intricate dynamics of the attention economy. They shape how content is presented to users, profoundly affecting the diversity of perspectives and the nature of interactions on digital platforms. Driven largely by personalised algorithms, these bubbles curate information in a way that reinforces users' pre-existing views. This not only influences individual perceptions but also fosters polarisation and the emergence of echo chambers, where ideas are continuously reinforced in a self-perpetuating cycle.

The urgency of addressing freedom of expression online has also been highlighted. The regulation of digital media by democratic states has become essential to ensuring that platforms operate responsibly. While instances of xenophobia and hate crimes serve as notable examples, they represent only a fraction of the broader issue. Many problematic situations and crimes originate in the virtual sphere before manifesting in the real world.

The EU, for its part, is charting complex paths for regulating these platforms, with measures that seem strict, even if certain details, such as penalties for non-compliance, remain unclear. This legal development reflects a growing awareness of the challenges in cyberspace and aims to establish regulatory mechanisms that uphold information integrity and protect human rights amid the digital revolution. On the other hand, are big tech companies truly willing to adapt their business models and comply, or are they mobilising human and financial resources to once again harness technology to their exclusive advantage?

In spite of a wealth of evidence and reflections, the article acknowledges the ongoing gaps in understanding these complex phenomena, underscoring the need for further research. Thus, this paper not only seeks to broaden the scope of the discussion but also aims to stimulate it, pinpointing areas that demand deeper exploration. Among these is the effectiveness, or lack thereof, of platform self-regulation, a topic requiring more

comprehensive analysis to grasp its full implications. Additionally, the instrumentalisation of the attention economy as a smokescreen for pressing social issues presents another area that warrants further investigation.

Another important point which deserves deeper investigation concerns the practical cases involving disinformation and hate speech. The complexity of these situations calls for a comprehensive analysis to uncover nuances and patterns that can guide the development of more effective prevention and mitigation strategies.

Translation: Anabela Delgado

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