

The existential stakes of platform governance: a critical literature review

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Open Peer Review

Reviewer Status: ✓ ✓ ✓

Reviewer Reports

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1. Philip Napoli, Duke University, Durham, NC, USA
 2. Jolo Carlos Magalhães, Alexander von Humboldt Institute for Internet and Society, Berlin, Germany; University of Groningen, Groningen, The Netherlands
 3. Terry Flew, The University of Sydney, Sydney, Australia

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(Spoiler alert) Much work still needed



1. INTRODUCTION

Research context, why & how

INTRODUCTION

BACKGROUND

Thesis's theoretical
framework

HOW

Literature synthesis &
operationalisation

WHY

Platform governance
lacked a certain nuance


SO WHAT?

New insights can be inferred by
expanding our analytical lens of
platform governance



2. LITERATURE REVIEW

From governance to regulation and vice-versa



REGULATION & GOVERNANCE

Towards a definition of regulation

Business-oriented

Protecting consumers against exploitation or environmental misdoings (Koop & Lodge, 2015; Marx, 2011)

Market-oriented

Antitrust policies, fuelling competition (Levi-Faur, 2011)

“Regulation consists of a large gamut of factors, including “politics, policies, institutions and effectiveness of formal and informal controls” (Levi-Faur, Handbook on the Politics of Regulation, 2011, p. 16);

Societal impact

Change in behaviour through rules & norms (Black, 2008; Levi-Faur, 2011)

Politically charged

Regulation as an extension of power (Kjaer & Vetterlein, 2018)

REGULATION & GOVERNANCE

CO-REGULATION (SOFT-LAW)

- The de-facto type of regulation envisioned through governance.
- Typically the state sets rules that other stakeholders might or might not be obliged to follow.
- Accountability depends on the type of arrangement (usually includes reports, audits and scalable repercussions)
- The task of enforcement/oversight is dispersed to all stakeholders (co-governance)
- The issue of power imbalance is mitigated but not resolved

TOP-DOWN REGULATION (HARD-RULES)

- State as the central authoritative node
- Often seen as “stifling innovation”
- High accountability for stakeholders / potentially low for state

SELF-REGULATION (LAISSEZ-FAIRE)

- Voluntary & non-binding agreements
- “Anything goes”
- Little accountability/legitimacy

REGULATION & GOVERNANCE

Towards a definition of governance

Neoliberalism

Governing without government
(Rhodes, 1996) & the state's
limited role (Héritier, 2002)

Multi-stakeholderism

The dispersion of power & accountability
to networks of stakeholders
(Black, 2002; Puppis, 2010)

Governance is defined as a complex networked structure that accommodates different stakeholders, who are connected to and coordinated through various types of regulations, norms and practices (Héritier, 2002; Offe, 2009; Stoker, 1998).

Governance as structure

Conceptual model

Governance as power

Power relations & regulatory
processes | Analytical lens

REGULATION & GOVERNANCE

Regulation is defined as a governance mechanism, involving the intentional – direct or indirect - intervention in the activities of a stakeholder, with the intention to change a stakeholder's modus operandi, which, in turn, may have unpredictable – yet measurable - consequences to the governance structure (Black, 2008; Koop & Lodge, 2015; Levi-Faur, 2011).

INTERNET & PLATFORM GOVERNANCE

Internet governance

Materiality & private ordering (Radu et al., 2021; ten Oever, 2020; Hofmann et al., 2016)

Platform governance

Technical systems (platforms) & the inherently global arena within which they function (Gorwa, 2019)

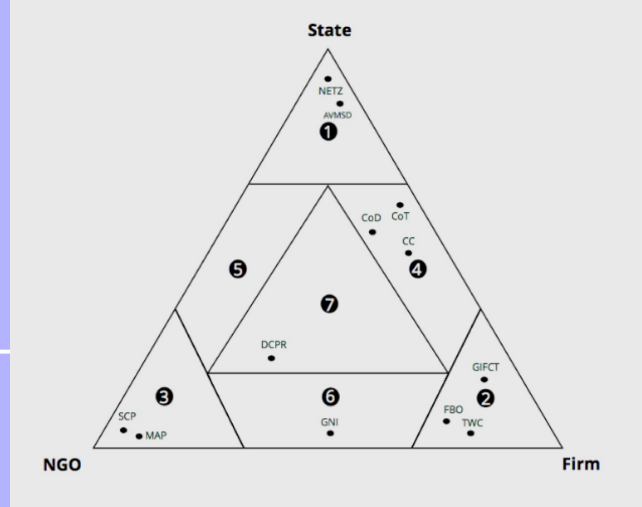
Platform governance allows us to study the governance of and by platforms. Yet, both as a field of study and as a governance structure, it poses an existential risk to the internet governance, precisely because of the domination of private platforms both as actors and as actants (i.e., as centre of policy-making and as field of scholarly study).

(Platform) Governance triangle

State – NGO – Firms
(Abbott & Snidal, 2009)

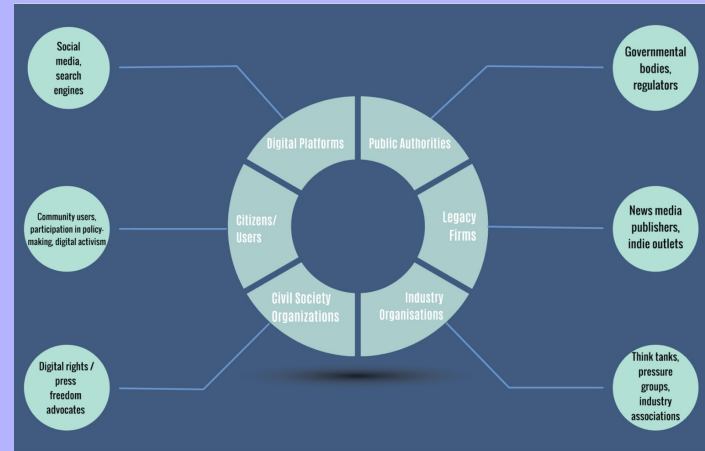
Beyond the triadic model

The role of citizens/users & media



Robert Gorwa's formulation of the 'Platform Governance Triangle' depicting the EU content regulation landscape (2019)

Formulation of the proposed expansion of the governance triangle





3. SYNTHESIS

Platform governance and a new
conceptual model



KEY CRITICAL POINTS OF INQUIRY

Governance arrangements

Who partook in decision-making deliberations, and how?

Regulatory frameworks

What kind of regulation? And, how does it affect power relations?

By examining these four elements, we can have a holistic understanding of regulatory frameworks, as well as of the governance structure in which they were developed

Legitimacy

Who gets to write the rules, why, and to what end?

Accountability

How does the regulation proposed and the governance structure facilitate accountability?

Example: EU Code of Practice on Disinformation

- A self-regulatory framework that was gradually transformed into a co-regulatory one (e.g. obligation for transparency reporting)
- From a governance point-of-view, it only involves two stakeholders: the European Commission & the Code's signatories (i.e. Big Tech platforms)
- The new Guidance on strengthening the Code invite other stakeholders to participate in the oversight of compliance, yet in a rather vague way (e.g. access to data)
- Such regulations are welcomed by strong stakeholders because not only don't they interfere with their way of self-governing (i.e. do not challenge their power or their place within a governance structure) but they further consolidate them as central nodes of power
- Such regulations also surface the advertised yet practically non-existent openness and participation of multi-stakeholderism (e.g. lack of civil society's meaningful contribution)

Example: Australia's New Media Bargaining Code

- A top-down regulatory framework that was quickly transformed into a co-regulatory one (i.e. a government mandate to develop commercial arrangements between platforms and media companies became an incentive for platforms to strike preferable deals to avoid further scrutiny)
- The initial version of the Code was seen as a direct intervention from the government to platforms' way of governing; hence the fierce reaction from platforms
- By studying the Code's trajectory through the expanded governance model, we can see how complicated the governance arrangement is: civil society organisations and industry organisations contributed to the Code's consultations held by the Australian Competition and Consumer Commission, media companies attempted to sway public opinion in their favour while negotiated individually with platforms, citizens/users were practically excluded and experienced collateral damage



4. CONCLUSION

Remarks & beyond

CONCLUDING REMARKS

- The field of platform governance is rich yet has ample space for critical contributions & further theorisation
- Current models cannot do justice to the increased complexity of governance arrangements
- We ought not to conflate platforms with the internet
- By focusing on regulatory processes/procedures we can observe governance structures & power relations (Gorwa, 2021)
- By studying regulation in tandem with governance & taking into account hybrid entities (e.g. Wikipedia/Mozilla), influential stakeholders (e.g. media), and citizens/users we can contribute to a re-consideration of the ways in which decisions are made and, finally, to a “re-imagination” of the rules that govern our public spheres.

THANK YOU!

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