The existential stakes of platform governance and online content regulation: a critical conceptual model [version 1; peer review: 1 approved, 1 not approved]

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Abstract
This study introduces a comprehensive yet non-exhaustive overview of literature concerning the concepts of regulation and governance, and attempts to connect them to scholarly works that deal with social media platforms' content regulation. The paper provides fundamental definitions of regulation and governance, along with a critique of polycentricity, in order to contextualise the discussion around platform governance and online content regulation. Regulation is framed here as a governance mechanism within a polycentric governance model where stakeholders have competing interests, even if sometimes they coincide. Moreover, where traditional governance literature conceptualised stakeholders as a triangle, this article proposes imagining them as overlapping circles of governance clusters with competing interests, going beyond the triad of public, private and non-governmental actors. Finally, the paper contends that there exists a timely need to reimagine the way in which we understand and study phenomena appertaining to public discourse by adopting the platform governance perspective, which is framed as the advancement of internet governance. Finally, the article ascertains to study the governance of online content and social media platforms not as a sub-section of internet governance but as a conceptual evolution with existential stakes.

Keywords
Platform governance, online content regulation, multi-stakeholder governance, social media regulation, regulatory governance

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Plain language summary

This article examines academic literature regarding the notions of regulation and governance, trying to define what they mean, how they are used depending on the field of application and how they are framed specifically when studying online platforms (e.g., Facebook, Google, etc.). The author begins by acknowledging that, while this is not an exhaustive research, there has been a wide embrace of terms like “platform governance” and “online content regulation,” even by policymakers. Therefore, the author is interested in defining what these concepts mean and how they can be used to study online platforms. The author also provides a brief historical retrospective on how academics have studied the way that the internet is structured and governed by participating stakeholders. Finally, the author concludes that, whereas in the early 1990s cyber-utopians imagined the internet to be a democratised, decentralised and self-regulated space, away from state interventions, we are now in the age of platform governance. Platform governance is a term inherently connected with the multiplicity and plurality of stakeholders but places online platforms at the epicentre. This is quite useful because it allows us to better engage with platforms and, specifically, social media and infomediaries. So, where internet governance began by celebrating independence, platform governance begins by celebrating collaborations with a myriad of stakeholders, including states. Finally, the paper argues that by being able to discern these notions, we are better equipped to reimagine how regulatory frameworks should be designed, especially those that are related to online content, which constitutes a large part of our online discussions on social media and elsewhere.

Introduction

Recently, a significant volume of scholarly work has embraced the burgeoning use of notions like platform governance (Caplan & Gillespie, 2020; Fan & Zhang, 2020; Gorwa, 2019b; Haggart, 2020; Mazzucato et al., 2020; Napoli, 2015) and online content regulation (Douek, 2021; Gorwa, 2019a; Land, 2019). This has further expanded the interdisciplinary boundaries of literature that relate to regulation and governance. The underlying common ground of these works is online platforms and, specifically, social media or infomediaion platforms (Bucher & Helmond, 2018; Gillespie, 2010; Smyrnaios & Rebillard, 2019). However, there has yet to be a reflective analysis of these newly employed terms and, specifically, an attempt to connect them to critical theories, such as the one proposed by Madeline Carr as regards multi-stakeholder governance (Carr, 2015). To this end, this paper seeks to theoretically frame the discussion with works coming from the broader field of regulation and governance (Braithwaite et al., 2007; Kjaer & Vetterlein, 2018; Levi-Faur, 2011), internet governance (DeNardis, 2020; Hofmann et al., 2016), and, ultimately, to connect it to research studying content moderation or regulation of social media platforms (Douek, 2019; Flew et al., 2019; Gorwa, 2019a). Therefore, this paper acts as a critical exploration of relevant literature, aspiring primarily to help online media scholars to navigate the multifaceted domain of regulation. The paper is structured in the following way: the first section defines regulation and governance, the second section defines polycentric or multi-stakeholder governance regimes, and the final part discusses the trending notions of platform governance and online content regulation.

The works considered here are meant to be representative of relevant literature and their selection was done in an organic way (i.e., they were selected through a conceptual connection by following papers’ citations and theoretical concepts). This article is by no means an exhaustive piece of research, but rather it is an invitation to investigate the interdisciplinarity and depths of an emerging yet vibrant field, which seeks to understand the governance of online platforms and their regulation, as well as their implications relating to democracy and public discourse. This is a truly important field not only because it expands our research horizons, but also because it aims to inform stakeholders found at every position within the governance spectrum. It is thus a timely effort to properly situate the discussion revolving around online content regulation to be better equipped to tackle it.

Towards a definition of regulation and governance

Regulation

Attempting to define something as elusive and broad as regulation can be a complicated task. Regulation consists of a large gamut of factors, including “politics, policies, institutions and effectiveness of formal and informal controls” (Levi-Faur, 2011, p. 16). Therefore, in order to study regulation, one has to take into consideration a plethora of elements, alongside their innate political and, often, conflictual attributes. David-Levi Faur offers us a comprehensive overview of the nascent multidisciplinary field of regulation in his seminal book *Handbook on the Politics of Regulation* (2011), inviting us to consider how regulation can be framed depending on the field of research. Regulation, in recent years, has become a distinct field of international practice and research, especially after the introduction of the economic theory of regulation (Stigler, 1971). Certainly, the definition of regulation varies even among economic theorists: some argue that it acts as another weapon of neoliberalism against the welfare state (Majone, 1994), while others believe it to be an important tool to fuel competition (Levi-Faur, 2011, p. 3).

In any case, the concept of regulation expands well beyond the theory of economy and covers the field of standard-setting and administration. Some scholars have talked about the benefits of regulation against consumer exploitation, environmental misdoings and other activities in a rather pragmatic way (Koop & Lodge, 2015; Marx, 2011). Moreover, one could not neglect adding to this long interdisciplinary list, the framing of regulation by social and political sciences as a means of control (Beresford, 2003; Levi-Faur, 2011, pp. 3, 16) that, inter alia, seeks to dictate a change in behaviour (Koop & Lodge, 2015). It is, thus, clear that there is not one single definition for regulation. Levi-Faur frames it as “the *ex-ante* bureaucratic legalisation of prescriptive rules and the monitoring
and enforcement of these rules by social, business, and political actors on other social, business, and political actors’ (Levi-Faur, 2011, p. 6; emphasis theirs).

Consequently, this is a definition with a distinct administrative approach to regulation, while excluding the “legislative or judicial rule making” (ibid). Elsewhere, Koop and Lodge frame regulation as following: “[it is the] intentional intervention in the activities of a target population, where the intervention is typically direct – involving binding standard-setting, monitoring, and sanctioning – and exercised by public-sector actors on the [activities] of private-sector actors” (Koop & Lodge, 2015, p. 106). The two definitions share the same characteristics concerning how regulation works (i.e., standard-setting and not rule-making, monitoring and enforcement). However, while the former definition highlights the consequentiality of regulation, the latter emphasises the significant notion of intentionality, which echoes the interventionist tradition of regulation (Levi-Faur, 2011, p. 4).

Nevertheless, the fundamental common point of the definitions is the development of targeted and binding rules, which Black purports aim to “change the behaviour of others [...] through a combination of rules and norms” (Black, 2008, p. 139). As a result, we can further distinguish regulation according to its implications, resonating once more with the consequentialist approach. So, on the one hand, there is regulation that serves the “public interest” (Hofmann et al., 2016, p. 1410; Levi-Faur, 2011, p. 28) and, on the other, regulation that “mainly serves private interests,” which some have called “deregulation” (Levi-Faur, 2011, p. 28). It is made, thus, visible that the envisioned goal of regulation as beneficial to the public interest is by no means a given; it is hard to argue that all actors in a competing environment share the same values. It should be also noted that a “public-interest” approach has gained significant traction within the field of media studies (Napoli, 2015; van Dijck et al., 2018), as well as within governance literature following a human-rights based approach (Kaye, 2019; Land, 2019).

This is why it is very important to acknowledge that regulation is itself a product of negotiations and power dynamics. Therefore, while regulation concerns primarily ex-ante standard-setting or rules, following a consequentialist approach, it is impossible to predict its outcome, but merely gauge its impact. To this end, some argue that the key way of mitigating such regulatory risk is the multi-stakeholder governance model (Black, 2008). In other words, regulation that is developed by a single authority with specific results in mind is less flexible and, thus, less effective when dealing with ever-evolving phenomena; hence, polycentricity is often framed as panacea, which has come to monopolise the way of analytically framing the discussion revolving around governance (Carr, 2015; Hofmann, 2020). At any rate, as relevant literature attests, recent governance regimes include a multitude of different stakeholders deliberating regulatory frameworks, which has accelerated the decentralisation of state power (Abbott & Snidal, 2009; Bernstein & Cashore, 2007; Büthe & Mattli, 2011; Levi-Faur, 2011; Majone, 1994).

Furthermore, the actors most commonly met within these power structures are: state actors, non-state or market actors, and non-governmental or civil actors (Abbott & Snidal, 2009, pp. 8–10; Gorwa, 2019a, p. 2; Levi-Faur, 2011, p. 10). Accordingly, three types of regulation are most commonly met in the relevant literature: self-regulation, co-regulation, and top-down (or ‘command-and-control’) regulation (Gorwa, 2019b, p. 853; Hirsch, 2013; Levi-Faur, 2011, p. 531; Marsden, 2011, pp. 13–14):

• **Self-regulation**: This type of regulation refers primarily to non-state, “voluntary and ‘non-binding’” agreements and principles (Gorwa, 2019b), such as platforms’ “Terms of Services” (Bietti, 2020; Suzor, 2019) or self-organised industry groups, such as the “Global Internet Forum to Counter Terrorism” (Gorwa, 2019b). This type of regulation is by and large preferred by firms as it greatly reduces costs of implementing formal legislation, which has also given way to the privatization of regulation (Büthe & Mattli, 2011). Moreover, this type of regulation has little legitimacy in polycentric regimes, as it is tied to a laissez-faire attitude (Bernstein & Cashore, 2007; Büthe & Mattli, 2011; Flew et al., 2019; Marsden, 2011), which often lacks legal repercussions. Moreover, self-regulation seeks to consolidate an actor’s (or a cluster of actors) self-governance, that is, their independence of a hierarchically higher authority to hold them to account.

• **Co-regulation**: This type of regulation primarily refers to the attempt of combining the ‘best’ of all three actors’ competencies, which Abbott and Snidal argue are: “interdependence, representativeness, expertise, and operational capacity” (p. 66). We could argue that this type of regulation acts as the cornerstone of the polycentric regime and is thus often depicted as essential to democratic representation and plurality (Black, 2008; Cammaerts & Mansell, 2019). However, each actor has its own agenda, making contention unavoidable. A large number of scholars, policymakers and, recently, online platforms, are in favour of this type of regulation, also called as “soft-law” (Matti & Woods, 2009, p. 1), because it “[opens up] a more interesting [conversation] than a static no-regulation versus state regulation binary choice” (Madsen, 2011, p. 242). Co-regulation seeks to consolidate a shared governance (co-governance) among stakeholders. Accountability here varies but, in most cases, it takes the shape of periodic transparency reports, audits, and repercussions in cases where notice isn’t followed by action.

• **Top-down regulation**: Last, self-regulation refers to state regulation, which is usually passed by public authorities in the form of official legislation, or “hard rules” (Matti & Woods, 2009, p. 1), often directly intervening in an industry or a market. State regulation is usually critiqued as cumbrous and counterproductive, especially concerning innovation (Bostoen, 2018). However, it can work as the “baseline” (Gorwa, 2019b, p. 8) upon which other types of regulation are built, “either as complements to fill in certain gaps, or as substitutes to proposals perceived as overly invasive or harmful to human rights” (ibid). Its legitimacy can vary depending on the state which regulates and the political
state of affairs (e.g., democratic processes, political representation, etc.). Accountability is high because there are legal consequences to actors who do not abide by the state’s regulation and it is the state that will hold to account a rogue actor. However, it should be noted that this too is to be taken with a grain of salt because, on the one hand, the state has its own agenda (e.g., to satisfy electorates), and, on the other, because the state itself might avoid accountability due to authoritative concentration of power.

Levi-Faur adds some nuances to the traditional typology: according to him, “pure self-regulation” (p. 531) is a branch of “[hybrid] meta-regulation,” which refers to a confined role of the regulator to the “institutionalisation and monitoring” of standards and rules (p. 11). He also adds another type of regulation, that of “[hybrid] multi-level regulation,” emphasising the geopolitical implications of regulators, where the “regulatory authority is allocated to different levels of territorial tiers” (ibid). We believe that while the latter may add an important nuance to critical analyses, the former rather complexifies the discussion; conversely, we propose restricting meta-regulation to that, which “regulates any other form of regulation” (Parker in Levi-Faur, 2011, p. 11). In any case, one can easily discern when going through the typology of regulations that the overarching notion is inherently connected to the concept of governance.

As a result, many scholars have been increasingly treating regulation and governance almost synonymously (Hofmann et al., 2016). First, we ought to unpack these two notions and be mindful of their distinctions. We should underline that regulation and governance are not synonymous; treating them as such “[strips regulation] of some analytical potential” (p. 6) and undermines potential regulatory frameworks, exactly because it restricts our theoretical understanding of volatile fields, like that of platform governance. As a result, we reckon that our analytical framework would greatly benefit from studying the space between governance and regulation, following thus the political sciences’ turn to these concepts (Black, 2008; Braithwaite, 2011; Braithwaite et al., 2007). Perhaps, even more importantly, this would allow us to restate the discussion around governance and broaden our analytical horizons. Consequently, we ought to combine regulation and governance as a theoretical framework to deepen our understanding of power relations in networked environments and their political economy.

Governance
Having talked about regulation, we now turn our attention to governance. Some scholars study governance in two ways: either as an interchangeable term for regulation or as a way to describe an ecosystem from a structural or organisational standpoint (Abbott & Snidal, 2009; Gjaltema et al., 2020). In this article, governance is understood as that politically charged notion that signifies “to govern” (Gorwa, 2019b, p. 2). Governance, in this sense, possesses the attribute of authority that is tied with power, more akin to a Foucauldian interpretation as “the multiplicity of force relations immanent in the sphere in which they operate, and which constitute their own organization” (Foucault, 1978, p. 92). Therefore, governance does not only have to do with the power of state over the public, as Foucault argued (ibid), but it is expanded to include the balance of power relations within a structured or networked space, like that of a market. Put simply, the power in “power relations,” that constitute governance, symbolises the interdependence, as well as the contentious interests among actors, which in turn, surface the “power plays” (Carr, 2015) that irradiate the political economy of a given field.

Building upon the Foucauldian notion of “governmentality” (gouvernamentalité), which asks “how to govern” (Foucault et al., 1991, p. 7), we could frame regulation as the mechanism for enforcing, preserving and/or expanding governance. This is where governance subtly differs from regulation. We could draw here an ontological parallel between this property of regulation and Foucault’s notion of government. Foucault argued that government refers to “the conduct of conduct” aiming to “shape, guide or affect the conduct of some person or persons” (Gordon, 1991, p. 7). Therefore, we could claim that, governance shapes regulation directly (i.e., applying standards to a specific actor or cluster of actors) and/or indirectly (i.e., establishing and applying standards to the environment in which an actor is active; Koop & Lodge, 2015, p. 4). It seems, then, that there is a shared understanding of regulation’s raison d’être as a mechanism to alter behaviour (ibid, p. 5).

As hinted earlier, non-state actors have been increasingly taking up roles and responsibilities that were once exclusively held by the state, which has been progressively limited to a “regulatory state” (Braithwaite, 2011), fuelling what some scholars have deemed as “regulatory capitalism” (Braithwaite, 2008). Ever since the 1970s, with the Keynesian policies gradually falling apart in the Western world and the domination of neoliberalism (Carr, 2015, p. 643; Foucault et al., 1991), state power has been dispensed to various non-state actors (Majone, 1994; Matti & Woods, 2009; Mazzucato, 2014). So, the current “networked governance” landscape (Braithwaite et al., 2007; Drahos & Krygier, 2017) doesn’t facilitate top-down regulation, nor a traditional distinction between private and public actors. Concluding, we propose to define regulation as a governance mechanism, involving the intentional – direct or indirect - intervention in the activities of a stakeholder, with the intention to change that stakeholder’s modus operandi, which consequently has unpredictable consequences to the rest of the governance environment, given that governance is a dynamic and negotiable process.

Regulation, governance, and polycentricity
Regulation and governance studies has recently emerged as an interdisciplinary field of scholarship which, as a founding principle, seeks to inform regulatory and law studies with the concept of governance (Braithwaite et al., 2007). This is pursued by inviting scholars to study regulation in relation to its political and societal impact and, thus, steering us away from a narrower understanding of regulation as policy-making (Koop & Lodge, 2015, p. 105). By following the paradigm of regulation and governance studies, we can better study regulation, as well as its political economy, because it allows
us to consider the polycentric governance environments in which regulation is shaped and applied. These are environments which are characterised by “fragmentation, complexity and interdependence between actors, in which state and non-state actors are both regulators and regulated” (Black, 2008).

As a result, we can imagine these multi-stakeholder environments1 as contentious fora, where power relations among actors surface the interdependence of one another, while shaping the governing status quo. This consolidates the difference between regulation and governance, as well as their strong connection. Moreover, we argue that this also reminisces the “market place of ideas” (Helberger, 2020), where the “bargaining” or “regulatory game” (Abbott & Snidal, 2009, p. 48; Levi-Faur, 2011, p. 11;) among stakeholders arguably promotes legitimacy and fairness through “radical pluralism” (Cammaerts & Mansell, 2019).

However, as discussed earlier, this assertion can fall short as, more often than not, power asymmetries not only aren’t reduced, but they are also reinforced. Therefore, a reimagining of the way in which we study polycentricity is needed. As Carr acutely put it, “[the] more we understand about the opportunities and weaknesses of governance models for the internet (or anything else) the better equipped we are to effectively refine and amend those practices, functions and roles that comprise it” (Carr, 2015, p. 643).

Julia Black contends that polycentric regimes are characterised by “fragmentation, complexity and interdependence between actors, in which state and non-state actors are both regulators and regulated” (Koop & Lodge, 2015, p. 1). So, to design a best-practices approach to regulation, we ought first to be able to answer to questions of legitimacy and accountability in such an environment (ibid, p. 142). Accountability here is defined as “a particular type of relationship between different actors in which one gives account and another has the power or authority to impose consequences as a result” (ibid, p. 150). Additionally, legitimacy is defined as a social construct, providing an actor with “social credibility and acceptability” (ibid, p. 144).

Additionally, Black believes that the ability to structure specific narratives is a communication strategy deployed mainly by non-state actors, so as to enhance their legitimacy and affect accountability relationships (ibid, p. 151). She suggests three elements to be key in understanding the power relations at play within a polycentric regime: (i) the institutional environment in the construction of legitimacy; (ii) the dialectical nature of accountability relationships; (iii) and the communicative structures through which accountability occurs and legitimacy is constructed (ibid, p. 139).

However, Black purports that it is increasingly difficult to define who is to be held accountable at a given point in time, precisely due to the increased fragmentation of power (ibid, p. 139). Black structures her argumentation in regard to the regime’s accountability around a trilemma; if something goes wrong who do we hold to account: a single regulator (“one for all”), each decentralised regulator (“all for one”) or each actor individually (“each for itself”; Black, 2008, p. 143). Her position is somewhat of a hybrid, arguing that: “in order to assess the accountability of a regulatory regime […] the focus has to be on holding the outcomes of a regime as a whole accountable” (ibid, p. 157).

In other words, within a polycentric regime, we should be able to hold to account both each actor individually, as well as the regime collectively, in order to assess the effectiveness of regulation - or its lack thereof. Black’s approach, then, shows us how to better understand power relations among stakeholders, along with their “institutional embeddedness” (ibid, p. 157). This is made possible by homing in on accountability and legitimacy claims made to regulators, as well as the way in which they were responded to, so as to unearth the state of governance in an ecosystem.

As hinted in the introduction, Carr is one of the most critical voices in relevant literature concerning multi-stakeholderism1. She essentially criticises what could be called a Habermasian obsession with normality based on rationality and consensus (Cammaerts & Mansell, 2019; Davis, 2020). She criticises normative claims of “what the Internet ‘should be’” (Carr, 2015, p. 642) for concealing their own agenda behind “widely resonant norms like ‘privacy’, ‘freedom’, ‘democracy’” (ibid). In addition, she has also criticised the lack of critical analysis of “multi-stakeholderism,” which she believes has “become almost synonymous with global Internet governance” (ibid, p. 641).

Of course, this does not condemn said notions but the way in which they are framed by specific stakeholders. Ultimately, Carr suggests that this normative interpretation leaves too little space for the expression of alternative views, as they are quickly shunned as opposition to those norms (ibid). She believes that the polycentric model has been so institutionally embedded, that it almost feels shielded by terms with “a strong normative component” such as “democracy promotion” or “Internet freedom” (ibid).

This theoretical approach comes with its own restrictions and biases. Carr’s take on the internet as “a mechanism for the projection of power” (ibid, p. 643) feels like a one-dimensional bashing on United States’ global interests in a post-Snowden world (ibid, p. 656). However, this should not reduce the argumentative power of her claim that, while the polycentric

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regime has been beneficial to the internet’s growth (ibid, p. 649), it has also been reinforcing and privileging existing power relations despite an ostensible decentralisation of power. As a result, she feels that there has not been enough space for critical voices to be heard, going as far as to suggest that “multi-stakeholderism [has] become a ‘rhetorical exercise aimed at neutralising criticism’ rather than a truly unique and participatory mechanism for governing a global resource” (ibid, p. 642).

Furthermore, Carr argues that there exist systemic issues of legitimacy and accountability with “rule-makers” and “rule-takers” (ibid, p. 640). She identifies three major stakeholders within this regime: government, private sector, and civil society. There seems to be a recurring triadic model within regulation and governance studies; Abbott and Snidal have named it the “governance triangle” (2009), which acts as a “heuristic device to structure analysis of widely varying forms of governance” (ibid, p. 52). According to the authors, this triangle consists of various zones, depending on the number of stakeholders involved in the deliberations, and each zone has a unique or mixed regulatory framework. Similarly, they also group actors in the same fashion as mentioned earlier: states, firms, and non-governmental organisations (NGOs).

However, we would be remiss not to highlight the consequences of discussing governance structures that refer only to these three actors: it normalises and reinforces a governance imaginary, where outsiders are excluded of the balance and, thus, risks replicating power imbalances and a quasi-elitist power structure. Additionally, the dynamics produced among these actors are contentious, which the authors often describe as “[a] transnational arena” or “bargaining game” (Abbott & Snidal, 2009, p. 48), painting a picture of struggle for domination. Again, in a more Habermasian interpretation, the idealised exchange of rational arguments that, inevitably, will lead to a logical consensus (Habermas, 1992), polycentric contention is framed as benign, constructing legitimacy (Black, 2008) and fairness through “radical pluralism” (Cammaerts & Mansell, 2019).

Yet, following Carr’s critique, we could argue that such an interpretation neutralises attempts to further politicise the discussion in regard to polycentricity, even if proponents argue that “[it celebrates] the inherently conflictual nature of ‘the political’” (Cammaerts & Mansell, 2019, p. 5). Consequently, by adopting a more nuanced approach to mapping relevant stakeholders, we can better study the contested power relations that shape the political economy of platform governance and online content’s regulation.

**Framing platform governance and online content regulation**

**Internet governance**

The term “internet governance” dates back to the years after the commercial internet’s birth, circa mid 1990s; as Brousseau and Marzouki note, one of the earliest uses of internet governance, “as a tentative political construct” (2012, p. 2), was observed in the 1998 International Telecommunication conference. The reason why the authors label it as a political construct is because, up until that point, the term “internet governance,” was mostly related to technical issues of the internet, albeit a not well-known one. It was during that time that a specific socio-political agenda was also identified, along with its surrounding stakeholders (Brousseau et al., 2012, p. 4). Certainly, even within those fora, actors could not entirely agree on the exact nature of participating stakeholders. Brousseau and Marzouki paint a picture of a dichotomy between the “technical community,” who were defensive of the internet’s principles and values that would be ensured by self-regulating institutions and the “civil society,” that identified social actors and “commonly defined rules” outside the strict “Internet community” as crucial (ibid).

A few years later, in 2006, the United Nations (UN) founded the Internet Governance Forum (IGF). This marked a new era for internet researchers and, largely, the internet’s modus operandi (Hofmann et al., 2016, p. 3). The IGF provided us with the first formal definition of internet governance: “Internet governance is the development and application by Governments, the private sector and civil society, in their respective roles, of shared principles, norms, rules, decision-making procedures and programmes that shape the evolution and use of the Internet.” This multi-stakeholder framing has truly been the cornerstone of internet research ever since. In this regard, we can discern the “manifestations of power and political values” (Hofmann et al., 2016, p. 4) of participating actors colliding one with another, co-shaping governance, albeit rarely in an equal manner.

**Platform governance and online content regulation**

More recently, there has been discussion concerning a new chapter in the multi-stakeholder internet governance model, that of online content regulation (Douek, 2021) within what some have named the “platform governance” (Gorwa, 2019b; Helberger, 2020). So, platform governance, at first glance, is a sub-governance field within the broader internet governance. The present internet governance status quo seems to be shifting away from a self-regulatory model to a rather collaborative one (Gorwa, 2019b; Helberger, 2020). We reckon that the main reason behind this change, is the desire of private actors with strong “opinion power” (Helberger, 2020) to ensure public legitimacy and fend off public intervention, thus, securing self-governance, that is the ability to function independently of public audit and accountability. Moreover, as Evelyn Douek sharply notes, “platforms […] [play] catch-up to societal demands for more responsible content moderation through self-regulatory innovations and reforms” (2021, p. 4; emphasis added).

Online content regulation is a useful rhetorical framework, that conceptually bridges content moderation and public regulation. Nevertheless, we should be wary of the context in which it is used: for instance, when Facebook publishes guidelines on online content regulation this should be seen as a move to formalise their content moderation process by welcoming collaborations with other stakeholders and, thus, mitigating part of their responsibilities. However, a problem that quickly arises with this approach, and which Anne Helberger
hints at with the “opinion power” concept (2020), is that it obscures or, at least, downplays the governance conflicts, while putting too much faith on the amelioration of said “systems of content moderation.” Where internet governance was imagined to be a self-governed and self-regulated space, platform governance is imagined as a space of co-governance and co-regulation. Inviting co-governance and, consequently, co-regulation is, of course, not reproachable, quite the contrary; Douek believes that public regulation can make systems of content regulation “more accountable and credible” (2021, p. 59). However, we should also see such invitations as communication strategies aimed at building legitimacy and affecting accountability (Black, 2008, p. 151).

There seems to be, then, a paradigmatic shift within internet governance regarding content moderation, that, as seen earlier, is by no means a new thing in the history of regulation: private actors invite other stakeholders to co-shape regulatory frameworks to co-exercise governance, thus dispersing regulatory risk and responsibility, while retaining clear governance boundaries. However, we argue that there is another layer to it: the underlying contention for cultural hegemony, a Gramscian concept that Carr applies to criticise the improvident adoption and appraisal of the internet governance scheme (Carr, 2015). Cultural hegemony, as well as opinion power, that is real political power to influence democratic processes (Helberger, 2020, p. 845), are inherently connected to polycentric governance regimes. We contend, then, that “platform governance” should be used as a useful theoretical model that de facto supports co-governance and, thus, allows for greater theorisation regarding the new chapter of online content regulation, that expands the “governance triangle” (Abbott & Snidal, 2009; Gorwa, 2019a); hence, it is not so much of a sub-field of internet governance but rather its evolution.

So, while the governance triangle serves as a valuable conceptual model of pinpointing stakeholders, it restrains us from having a more nuanced picture. However, it should be mentioned that Roberta Gorwa’s re-framing of the triangle to illustrate the European content regulation landscape (Gorwa, 2019a, p. 7), adds some nuance concerning the stakeholders’ relations concerning online platforms’ regulation. Nonetheless, we argue that there are some stakeholders that are difficult to group together and that clustering them solely based on a ‘spatial’ manner (i.e., where they stand in the governance triangle) does not do enough justice to their unique nature. For instance, news media (i.e., newspapers, broadcast stations, digital native news media, etc.) might fall in the same category as digital platforms, given that they are both private actors, but their interest and power differ vastly.

As a result, we propose that a more appropriate concept would be that of “governance clusters,” (Figure 1) which are comprised of actors sharing some common fundamental principles and interests. A working typology of platform governance clusters could be the following: (i) digital platforms, (ii) public authorities, (iii) non-governmental organisations, (iv) news media, (v) citizens, and, lastly, (vi) opinion makers. So, instead of trying to adjust the governance triangle model, we propose the depiction of these clusters as a circle that contains smaller intercommunicating circles.

i. Digital platforms, while will not be discussed in depth here, refer to social infomediaries (Smyrnaios & Rebillard, 2019) and social media platforms that host, curate and disseminate content online.

ii. Public authorities refer to public actors, like governmental, national or supranational organisations, who are either elected or appointed by elected officials, with the authority to pass regulations, policies or legislation.

iii. NGOs might refer to civil society organisations, workers’ associations or platforms’ lobby groups, which are meant to promote their partners’ interests and deliberate with other stakeholders regarding regulatory frameworks.

iv. The cluster of news media refers primarily to news organisations that play an active role in shaping the regulatory agenda of online content. Platforms might argue that news’ revenue is “minimal,” but their role in platform governance is crucial (Napoli, 2015; Smyrnaios & Rebillard, 2019) because, among others, they make platforms nodes of public interest, where information is centralised (Helmond, 2015). Additionally, ever since the consolidation of online platforms, news organisations have been trying to stay afloat and retain or increase their visibility. To that end, many news organisations have struck different deals with online platforms, while others have been pushing their associations to either collectively negotiate with platforms or push public authorities to intervene.

v. The fifth cluster refers to citizens, who are theoretically represented in the governance deliberations by
civil society organisations (Regilme, 2018). However, in modern deliberations, we see citizens participating individually: for instance, the European Commission has put public, open consultations in place, where every stakeholder can participate to help officials draft regulations. Furthermore, it is generally claimed that civil society organisations, theoretically, exist to represent citizens and the public in multi-stakeholder deliberations; yet, we believe that this is more of a hypothesis rather than an axiom, thus, public consensus might be nothing more than wishful thinking (Flyvbjerg, 1998, pp. 214, 229).

vi. Last, opinion makers¹, like academics, have turned out to be crucial in deliberating with policymakers or civil society organisations or, even, explaining complicated issues to the public. A recent example could help us present how our conceptual framework could be used to study platform governance. Recently, Australia proposed the introduction of a new media law, which would oblige major social media platforms and, specifically, Facebook and Google, to pay publishers for news content hosted by their services. Google immediately reacted and sought to close deals with numerous publishers, mostly with major ones, while Facebook in an unprecedented move pulled the plug on news sharing, blocking even governmental agencies that were informing the public regarding the development of the coronavirus disease 2019 (COVID-19) pandemic. Subsequently, the Australian government directly negotiated with Facebook and after some amendments to the proposed law, the social media platform re-activated the news sharing on their service and appraised the changes.

So, the Australian government attempted to proceed with top-down regulation, or what Levi-Faur defines as “enforced self-regulation” (p. 11), as the bill would not impose specific tariffs to be paid but rather oblige platforms to negotiate deals with news publishers, and only if a deal wasn’t possible would the government intervene through arbitration. After Facebook’s unilateral blocking of access to content, we could say that the Australian government was forced to co-shaping the regulatory framework. In addition, this contention between Australia and social media platforms triggered a chain of reactions. For example, shortly after, Microsoft joined forces with some European news publishers to, first, criticise Facebook and Google and, then, to announce a project that will aim to “develop a legal solution to ‘mandate payments’ for the use of content by ‘gatekeepers’ that have dominant market power.” This development highlights, on the one hand, the increasing role that the governance cluster of news organisations plays and, on the other, the promotion of co-regulation by consolidated private actors as a means to promote vested rather than public interests.

Conclusion
This paper sought out to introduce a comprehensive yet non-exhaustive overview of literature concerning the concepts of regulation and governance, as well as to connect them to the emerging scholarship engaging with social media platforms. Specifically, the paper introduced the various approaches to defining regulation and governance in tandem with polycentricity, and then proceeded with connecting said notions, primarily, with two new trending research fields: platform governance and online content regulation. To recapitulate, we define regulation as a governance mechanism, involving the intentional – direct or indirect - intervention in the activities of a stakeholder, with the intention to change that stakeholder’s modus operandi, which consequently has unpredictable consequences to the rest of the governance environment. Moreover, where traditional governance literature conceptualised stakeholders as a triangle, we propose imagining them as overlapping circles of governance clusters with competing interests, going beyond the triad of state, firm, and NGOs.

Also, the article briefly touched upon internet governance and provided a synopsis of the critique surrounding its governance model and, mainly, the multi-stakeholder regime. The key takeaway point is that it has monopolised scholars and policymakers so much so that any critique towards the model is perceived as an attack to democracy or plurality (Carr, 2015), which has led to the weakening of critical analyses and has perpetuated power asymmetries. In contrast, we argue that there is a timely need to reimagine conceptual models of governance in order to reinforce polycentricity and decentralisation.

We contend that such reimagination is possible by studying platform governance as a de facto co-governance model, instead of the self-governance model first celebrated by internet governance. As a result, the starting ground is different; yet, we ought to be wary of the risk of replicating the internet governance’s status quo. In other words, we propose to study the governance of online content and social media platforms not as a sub-section of internet governance but as a conceptual evolution with existential stakes.

Future research should look into studying the new governance clusters in concert to developments in the online content regulation front. For instance, citizens’ contributions to governance deliberations through the European Commission’s public consultations or academics’ participation in panels aimed at designing or assessing regulatory frameworks. In addition, much more detailed work is needed to theoretically underpin the emerging field of platform governance, while a systematic literature review could certainly help us understand when and how the term gained traction. As hinted throughout the paper, platform governance can be an illuminating conceptual vehicle to explore the implications of online content regulation and the governance deliberations to the public discourse and the public sphere in general (Papacharissi, 2002; Salikov, 2018).

Data availability
All data underlying the results are available as part of the article and no additional source data are required.

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¹ Social media influencers could also be a form of opinion makers, as people making a living off monetising their popularity on social media, which is integral to platforms’ economy. Yet, their role as governance stakeholders, along with the way that platforms treat them, has been understudied (Caplan & Gillespie, 2020) and underestimated by other stakeholders.
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Open Peer Review

Current Peer Review Status: ✔ ✗

Version 1

Reviewer Report 12 May 2021

https://doi.org/10.21956/openreseurope.14428.r26723

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João Carlos Magalhães
1 Alexander von Humboldt Institute for Internet and Society, Berlin, Germany
2 University of Groningen, Groningen, The Netherlands

This manuscript discusses and tries to put into dialogue three closely connected concepts – regulation, governance and platform governance. It defines itself as a non-exhaustive “critical exploration of relevant literature” and “an invitation to investigate the interdisciplinarity and depths of” of the scholarship about the governance and regulation of online platforms, “as well as their implications relating to democracy and public discourse” (p. 1).

Overall, this is a very welcomed effort as the field of platform governance has not been sufficiently theorised. However, the manuscript must undergo major revisions before a decision on its academic merit (and, thus, indexing) can be made.

The perhaps primary problem is that the MS does not deliver what it promises. The MS’s plan appears straightforward: to discuss and define “regulation”, “governance” and their linkages, and then “connect” these two ideas to debates on platform governance (p. 9). However, it does not really offer a convincing conceptualisation of neither regulation nor governance. Regulation, it is said on page 5, is “a governance mechanism, involving the intentional – direct or indirect - intervention in the activities of a stakeholder, with the intention to change that stakeholder’s modus operandi, which consequently has unpredictable consequences to the rest of the governance environment” (p. 9). So, the definition of regulation hinges on that of governance. The problem is that MS’s view on governance remains elusive. On page 4, it says that it understands governance as “that politically charged notion that signifies “to govern””, a literalistic interpretation that does not amount to a scholarly definition. Then, without reviewing other definitions, it appears to side with the Foucauldian definition of “governamentality”. This is an issue in itself since governamentality is a much broader theory, that regards the complex interactions between power and freedom (something the MS does not note). In fact, I could not find a moment in which the actual differences between “regulation” and "governance" are specified. On page 6, it is said that "we can imagine these multi-stakeholder environments" as contentious fora, where power relations among actors surface the interdependence of one another, while shaping the governing status quo. This consolidates the difference between regulation and governance, as well as their

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strong connection" - but I fail to see how this clarifies anything. What "consolidates" the difference? Is "consolidate" the right verb here? Where is "regulation" and "governance" in these "environments"? I sense that the MS wants to argue that "governance" means power, broadly understood, and "regulation" would be a much narrower form of power -- but this is far from clear. Since "regulation" and "governance" are not properly defined, the MS offers no clear articulation between these concepts and platform governance. There are hints that current studies of platform governance are not critical enough and may suffer from similar simplifications to debates on multistakeholderism, topics that are debated in the MS. Yet, one would expect a much clearer demonstration of how the MS's discussion of those two concepts can inform and illuminate the definition of platform governance offered in the penultimate section – to which I turn now.

Leaving aside the said lack of clear connection between the three concepts, the MS falls short of a proper conceptualization of platform governance – which is the MS's other major issue. It is unclear why the MS assumes that platform governance can be restricted to "online content regulation" since platform governance involves many more areas (e.g. monopolistic practices, privacy/surveillance etc). Then, it proposes that platform governance should go beyond the "triangle" of states, private firms and NGOs, and lists six "clusters" of stakeholders. Yet, one could easily argue that, if by NGO one means any non-governmental organisation, five of those six "clusters" can be easily framed with the same "triangle": digital platforms are private firms, "public authorities" are the state, and NGOs, news media, and "opinion makers" such as academics are representatives of non-governmental organisations. "Citizens" might indeed be a new category but we must remember that in most models citizens are said to be represented by both states and NGOs. Furthermore, even if we assume that there is analytical value in breaking the triangle into "clusters" (something that I am sympathetic to but the MS does not demonstrate), one could argue that MS actually does not go far enough in its specification exercise. There are several "clusters" missing: other platforms (think of the relationship between Facebook and Apple Store), advertising companies (which are platform's real clients and hold enormous power over them), traditional Internet governance institutions (ICANN etc), internal divisions within platforms. It would be therefore crucial to present a justifiable criterion behind the zooming in movement – what is not done by the MS.

There are other, more specific issues with the MS, and I have provided a minutely commented file. However, these two problems make it hard for me to understand what is the merit of this MS, and should in my view be prioritised.

The author is of course free to take any revision route he finds useful to address the issues described above. My suggestion is that he uses the MS's conclusion (which is much clearer than the rest of the text) as an initial blueprint, and then re-writes this piece so as to answer the following questions:

1. What is the MS's definition of regulation, and how does it relate to other definitions of regulation?

2. What is the MS's definition of governance, and how does it relate to other definitions of governance?

3. What is the relationship between the MS's definitions of governance and regulation? In which ways do they differ?
4. What is the MS's definition of platform governance, and how does it relate to both the MS's definitions of regulation and governance and existing definitions of platform governance? I strongly advise the author to focus on the clarity of his argument, and justify his choices carefully.

Finally, I would like to stress that, despite my criticism of the current state of the MS, the problem it tackles is quite important. The MS holds the potential of making an original contribution to a topic that is urgent and sparsely theorised.

Is the work original in terms of material and argument?
Partly

Does it sufficiently engage with relevant methodologies and secondary literature on the topic?
Partly

Is the work clearly and cogently presented?
No

Is the argument persuasive and supported by evidence?
No

If any, are all the source data and materials underlying the results available?
No source data required

Does the research article contribute to the cultural, historical, social understanding of the field?
Partly

Competing Interests: No competing interests were disclosed.

Reviewer Expertise: Media, power, ethics, datafication, democracy, platform.

I confirm that I have read this submission and believe that I have an appropriate level of expertise to state that I do not consider it to be of an acceptable scientific standard, for reasons outlined above.

Reader Comment 23 Jun 2021
Charilaos Papaevangelou, University Paul Sabatier - Toulouse III, France

Dear Mr. Magalhães,
First, I'd like to thank you for taking the time to review my manuscript in such a detailed manner; I really appreciate it. Although your evaluation of my paper was negative, I have to say that your critique was both fair and constructive. I honestly believe that it has benefited my paper, the PhD that I'm working on, and me as a researcher. I agreed with most of your
observations, especially regarding the unclear goal of the paper's initial version and the underdeveloped conceptualisation of platform governance. In the revised version, I have tried to emphasise that this paper's goal is to provide a critical literature review of works that have studied regulation and governance, as well as to propose how we could better study platform governance if we expanded our understanding of current analytical models, like the traditional "governance triangle." I firmly believe and tried to show that governance as a field of inquiry can be beneficial both on a descriptive level (i.e., to identify and map stakeholders) and on a conceptual level (i.e., to theorise about and investigate power relations). I should also point out that I revised the model I proposed in the initial version and decided to re-articulate its purpose. For that reason, I have decided to avoid calling it a "conceptual model" because, as you pointed out, I hadn't made a convincing point of why such a conceptualisation was needed. Instead, in the revised version, I tried to explain what I wanted to argue in the first place: while the governance triangle provides us with an overarching mental model of a governance structure, today's hyper complex structures make it inadequate to study them and, thus, we need to expand it and operationalise it according to the specific field we wish to inquire. Concluding, I have to say that your critique has made a significant impact and has allowed me to grow as a researcher, as this was the first time I submitted a paper for peer-review.

**Competing Interests:** No competing interests were disclosed.

Reviewer Report 19 April 2021

https://doi.org/10.21956/openreseurope.14428.r26684

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Philip Napoli
Sanford School of Public Policy, Duke University, Durham, NC, USA

This article provides a concise and well-organized literature review related to the concepts of regulation and governance that inform and guide ongoing deliberations around the notion of platform governance and, in particular, the realm of online content regulation that has become an increasingly prominent component of contemporary platform governance deliberations.

One comment I would make in regards to this piece's focus on online content regulation within the platform governance context is just to emphasize that platform governance is a more expansive concept that extends beyond the realm of content regulation. Indeed, what has been so striking over the past five years or so is to observe how the focus of platform governance debates and deliberations has shifted so dramatically, from what once was an almost exclusive focus on issues related to platforms' handling of user data to the much more prominent focus on content regulation that we see today.
This piece's efforts to theoretically unpack the concepts of regulation and governance are a valuable exercise that will benefit scholars who are new to the platform governance field; it also serves as a useful reference point for scholars who have been working in this area for some time.

And, of course, while there are practical limits to how much literature can be synthesized in an effort such as this to provide a concise overview and critical analysis, I think readers of this piece might find Manuel Puppis' work on media governance\(^1\) a useful resource to consider as well, given that it is, to some degree, a precursor to the type of analysis presented here (though with a different contextual focus).

I think the points that the author makes about the need to unpack the notions of regulation and governance, and the need to study the space between regulation and governance, are particularly important, as there does appear to be the occasional tendency amongst scholars to use the two terms without the necessary precision.

Along similar lines I appreciate the effort to contextualize platform governance within the more established realm of Internet governance. However, I don't know if I would want to see platform governance conceptualized, as the author suggests, as "not so much as a subfield of Internet governance, but rather its evolution." This is a statement that, for me, evokes the widely criticized tendency by Facebook's Mark Zuckerberg, to argue that we need new rules for the Internet - with the critique arising from the fact that many of the problems requiring attention have emerged specifically from the digital platforms such as Facebook that make use of the Internet, but that do not comprise the Internet. This strikes me as an important distinction to maintain, especially when we talk about content regulation, given that content regulation debates tend to ignore the fact that content removed from, or restricted on, social media platforms can still exist elsewhere online. So, my point here is that I am nervous about any analytical approach that appears to move us in the direction of conflating the Internet with digital platforms, regardless of how much these digital platforms have come to dominate the Internet at this point.

The author's efforts to lay out the key stakeholder groups involved in platform governance are particularly useful. However, I would like to explore a bit the "citizen" category as described in the text and reflected in Figure 1. Specifically, I'm interested in whether there is a meaningful distinction that needs to be made here between citizens and users. As laid out in the text, citizens participate in the governance process through being represented by civil society organizations and through direct participation in regulatory proceedings. What seems to be left out in this framework are the ways in which digital platforms occasionally rely upon their user base to assist in the governance process, in ways such as relying upon users to flag problematic content, or drawing upon survey or user behavior data to inform or justify shifts in organizational policy, algorithmic design, etc. Within these contexts we are talking about a narrower subset of the populace than citizens (which itself raises interesting implications about the distribution of platform governance influence within the population).

Similarly, I think that there is an additional dimension to the role of the news media as a stakeholder in the dynamics of platform governance that merits consideration. Specifically, I think it is important to acknowledge the increasingly influential role that the news media play as, essentially, platforms' fourth estate - that is, as key watchdogs of the digital platforms. It is investigative reporting and data journalism that have made public many instances of platform misbehavior, and abuses of the platforms by third parties. This has led some observers to describe
the news media as a key content moderator for digital platforms. And there is certainly evidence that platforms have changed their behaviors in response to many of these reports. So I think this aspect of the increasingly complex relationship between digital platforms and the news media merits mention within the context of discussing the news media as a stakeholder in the process of platform governance, particularly given the extent to which platforms are simultaneously becoming an increasingly important source of financial support for news organizations in many national contexts.

References
1. Puppis M: Media Governance: A New Concept for the Analysis of Media Policy and Regulation. *Communication, Culture & Critique*. 2010; 3 (2): 134-149 Publisher Full Text

Is the work original in terms of material and argument?
Yes

Does it sufficiently engage with relevant methodologies and secondary literature on the topic?
Yes

Is the work clearly and cogently presented?
Yes

Is the argument persuasive and supported by evidence?
Yes

If any, are all the source data and materials underlying the results available?
No source data required

Does the research article contribute to the cultural, historical, social understanding of the field?
Yes

**Competing Interests:** No competing interests were disclosed.

**Reviewer Expertise:** Media regulation/policy; platform governance; local journalism, media audiences.

I confirm that I have read this submission and believe that I have an appropriate level of expertise to confirm that it is of an acceptable scientific standard.

Author Response 23 Jun 2021

Charilaos Papaevangelou, JOLT-ETN / LERASS, University Paul Sabatier - Toulouse III, Toulouse, France

Dear Mr. Napoli,

First, I would like to thank you for taking the time to review my paper and for approving it
for publication. After a few months of revising the paper's initial version, I have to say that I think that it's now become a stronger piece, and I'd like to thank you for that. Your suggestion to look at Manuel Puppis' work was enlightening, as his work on media governance allowed me to better articulate what I was trying to say in my first version: governance can be a very strong analytical concept to study media (and platform) regulation! I think that governance has been predominantly used as a way of describing a set of relations from a more structural standpoint, losing thus part of its analytical capacity. What is more, your comment on the significance of not treating the internet as a space that consists of digital platforms, really resonated with me and what I was also trying - unsuccessfully - to argue in the first place. I also found your comments on the news media organisations as a governance stakeholder really encouraging to continue pursuing that direction of analysis, especially as the discussion about journalism's sustainability is becoming prominent around the world. All in all, your critique was very constructive and allowed me to make this paper better. It is important to note that this work is part of a larger PhD project studying the political economy of digital platforms' regulation; as such, it would be fair to say that your feedback made my thesis's theoretical framework better.

**Competing Interests:** No competing interests were disclosed.