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FACULTY OF SOCIAL SCIENCES

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Department of Security Studies

Master's Thesis

2023 **Jakub Rybnikár**

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Treating social media platforms as public utility: The case of the DSA package

Master's thesis

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Declaration

1. I hereby declare that I have compiled this thesis using the listed literature and resources only.
2. I hereby declare that my thesis has not been used to gain any other academic title.
3. I fully agree to my work being used for study and scientific purposes.

In Prague on the 3rd of May 2023 Jakub Rybnikár

References

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Abstract

Social media platforms have become deeply entrenched in contemporary social reality. For this, there has been a surge in scholarship investigating the numerous harms and risks such technoscientific artifacts pose to society. To tackle the risks, the European Union has put forward a set of policy initiatives and legislative proposals that ought to provide a comprehensive response to the increasingly fragile security environment. Despite recent efforts to take on this emerging security threat, there has been very little theoretical and empirical scholarship regarding the intersection between security, technology and law. One of the most intriguing, yet heavily understudied, areas of this intersection is the conceptual understanding of social media platforms. Based on recent insights from security, media and legal scholars, this thesis seeks to introduce a new agenda to the discipline of security studies by applying a novel concept, it being public utility, on social media platforms and thus producing crucial empirical evidence.

Utilizing the multiple streams framework, the thesis performs a qualitative content analysis on the EU stakeholders' contributions to the European Commission consultation on the Digital Services Act package. The analysis of the selected texts reveals a significant overlap between the theoretical conceptualization and the problem frames used by the stakeholders. For this, the thesis concludes that the platforms may be treated as public utility which allows for the introduction of much more stringent security provisions and opens an entirely new research agenda for security studies.

Abstrakt

Platformy sociálnych médií sa stali neoddeliteľnou súčasťou sociálnej reality. Odpoveďou na tento trend sa stal neustále zvyšujúci sa počet vedeckých prác, ktoré skúmajú riziká týchto platforiem a ich dopadov na spoločnosť. Prihliadnuc na neustále sa zhoršujúcu situáciu predložila Európska Únia súbor opatrení a legislatívnych návrhov, ktoré by mali poskytnúť komplexnú odpoveď na celý set bezpečnostných rizík spojených s platformami sociálnych médií. Aj napriek snahám o riešenie tejto vznikajúcej bezpečnostnej hrozby existuje len veľmi málo teoretických a empirických štúdií týkajúcich sa prieniku medzi bezpečnosťou, technológiami a právom. Jednou z najzaujímavejších, avšak málo preskúmaných oblastí tohto prieniku je koncepčné chápanie platforiem sociálnych médií. Na základe najnovších poznatkov z bezpečnostných, mediálnych a právnych odborov sa táto práca snaží predstaviť novú agendu do bezpečnostných štúdií a tým prispieť k vytvoreniu koncepčného rámca potrebného pre ďalšie skúmanie týchto nových techno-vedeckých artefaktov. Predmetná diplomová práca aplikuje concept verejných služieb na platformy sociálnych médií, a tak prináša dôležité empirické dôkazy o relevantnosti skúmanej problematiky.

Práca využíva inovatívny teoretický rámec, tzv. multiple streams framework, a na jeho základe vykonáva kvalitatívnu obsahovú analýzu príspevkov jednotlivých účastníkov konzultácie Európskej Komisie k pripravovanému legislatívnemu balíku o digitálnych službách. Analýza vybraných textov poukazuje na výrazný prekrytie medzi teoretickou konceptualizáciou a jej použitím v praxi cez tzv. problem frames. Na základe týchto zistení práca dospieva k záveru, že platformy možno naozaj považovať za verejné služby, čo v budúcnosti umožňuje zavedenie oveľa prísnejších bezpečnostných ustanovení a otvára úplne novú oblasť výskumu v disciplíne bezpečnostných štúdií.

Keywords

social media, regulation, EU law, public utility, security

Klíčová slova

sociálne médiá, regulácia, právo EÚ, verejné služby, bezpečnosť

Title

Treating social media platforms as public utility: The case of the DSA package

Název práce

Platformy sociálnych médií ako verejné služby: prípadová štúdia balíku aktu o digitálnych službách

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Introduction

Social media platforms have increasingly taken over much of the digital public space. As Helberger et al. (2018, p. 1) argue, "*they have started to play a vital role in the realization of important public values and policy objectives*". As such, the platforms have become inextricably intertwined with the freedom of speech and thought, democracy and public safety. In recent years, however, there has been a surge in scholarly evidence detailing the numerous harms and risks the platforms pose to society. For instance, as Fisher (2022) reports, the platforms have become a major contributor to democratic erosion, radicalization and offline harms.

Until recently, the state response to this emerging threat was piecemeal and covered either only a part of the platform ecosystem or was geographically limited. Besides, the platforms have for long avoided any public scrutiny, especially with regard to the content they carry under the platform liability protection clause. Having seen Russia's malign use of the platforms during the invasion of Crimea in 2014 or ISIS' recruitment strategies in 2016, the EU has decided to pursue global leadership in digital platform policy. Arguably, this move was complementary to Junckner's Commission Digital Single Market Strategy unveiled in 2015 (European Commission, 2015). A part of the European Commission's (EC) (2015) strategy was to investigate the growing importance of online platforms and their impacts on societal harms. Following a series of groundbreaking legislative proposals, including the General Data Protection Regulation (GDPR) as well as the Regulation on addressing the dissemination of terrorist content online (TCO), the Commission proposed, in 2020, a brand new risk-based regulatory framework, the Digital Services Act (DSA) package, for making the platforms accountable to the public (European Commission, 2020a).

Arguably, the proposal stems from a convergence of prior work of media and legal scholars on the topic of platform governance and inputs from the security and political science community. As a result, the DSA package contains provisions imbued with public values that may be linked to the work of Rahman (2018), van Dijck et al. (2018) and Helberger et al. (2018). The provisions within the DSA package proposals, namely the Digital Services Act, have triggered a fierce discussion on the legal status of the platforms. One party to the argument, represented best by Rahman (2018), argues that the platforms ought to be treated as public utility. This is disputed by other scholars, such as Thierer (2013), who claim that such a conceptualization is neither feasible nor desirable. Although much has been written on the issue at hand, no empirical research has been conducted to settle this scholarly argument.

Taking the argument at face value, it may seem more relevant for legal scholars. However, this thesis argues that tackling emerging security risks requires a multidisciplinary and multimodal approach, which in turn justifies its inclusion in security studies. Moreover, the concept of public utility, native to political science, may be considered a novel conceptual tool in the decision-makers' regulatory toolkit that fosters important security measures that eventually tackle, or at least minimize, the threats and risks posed by social media platforms. For it is acknowledged that the topic itself is a borderline case for security studies as a discipline, the thesis seeks to expand, or perhaps stretch, the scope of security studies by introducing a new research agenda and filling a gap in the scholarly literature. As a matter of fact, the platforms, and their governance, has been neglected in the discipline. While security governance is a well-researched and quite popular area of the discipline, its application to novel technoscientific artifacts, such as social media platforms or artificial intelligence powered tools, has been effectively absent. Thus, the thesis strives

to open a new field of research within security studies by the so-called coupling of the public, and its values, as the referent objects and treating the platforms as a security threat.

In pursuing this objective, the thesis presents the reader with a timely approach to social media platforms' governance. Building on the work of distinguished contemporary scholars, the thesis makes a case for treating social media platforms as public utility. The first chapter of the thesis is constructed in a four-fold fashion. First, the literature provides a comprehensive overview of the context within which the platforms operate using van Dijck et al.'s (2018) concept of platform society. It defines the researched object and dismantles it into its individual elements. Second, the literature review enumerates the risks posed by social media platforms to society according to the EC's DSA package impact assessment categories. Third, the chapter further lays out the regulatory efforts taken to minimize or tackle the risks emanating from the platforms. It compares the traditional, top-to-bottom, approach to the regulation of the platforms with its less stringent and more cooperative counterparts, namely self and meta-regulation. Fourth, the literature review thoroughly introduces the concept of public utility, starting with its historic roots drawing on the work of Brandeis and Sallet. Consequently, the key features of public utility are refined to reflect the contemporary sociotechnical setting and applied to social media platforms. In this regard, the thesis relies predominantly on Rahman's (2018) prior research on the intersection between public utility and social media platforms.

The second chapter of the thesis conceptualizes public utility, using Habermas' (1973) concept of the public sphere and van Dijck et al.'s (2018) public values, as both a particular line of thought concerning social media platforms and a conceptually-driven approach to the regulation of the platforms imbued with public values that effectively constitutes a valid instrument for tackling emerging security threats. As such, the concept

comes into being through a set of attitudes, beliefs and claims whose common linkage is the protection of public values by tackling the outsized impact of private power.

Following a proper conceptualization, the third chapter introduces the theoretical underpinning of the thesis. For its novelty and multimodal scope, the thesis goes beyond the traditional theoretical frameworks used in security studies. As a matter of fact, no conventional theoretical framework facilitates the necessary level of policy change analysis as does the multiple streams framework (MSF). The framework is based on the seminal works of Kingdon (1993) and scholars, such as Cairney and Jones (2016) and Knaggard (2015), who have developed the theory further.

The fourth chapter explains the choice of methodological methods applied in this thesis. To introduce a new area of research into a discipline, it is necessary to conduct an exploratory case study which is, in this case, represented by the DSA. Furthermore, the chapter explains the data collection and analysis methods while drawing on Drisko and Maschi's (2016) work on qualitative content analysis (QCA).

Based on the selected theoretical framework and methodology, the thesis puts forward two research questions:

RQ1: What problem frames are used in the problem stream, in light of the MSF theory, of the EC's consultation of the DSA package by the pre-selected stakeholders in relation to social media platforms governance?

RQ2: Considering the empirical evidence at hand, to what extent do these problem frames connotate a desire to conceptualize social media platforms as public utility?

The fifth, and last substantial, chapter covers the empirical dimension of this thesis. It is important to note that the empirical part is limited at the expense of the extensive literature

review, which introduces a new concept to security studies. The analysis provides answers to both of the proposed research questions and evaluates the empirical evidence in light of the argument that social media platforms have already been conceptualized as public utility by the stakeholders involved in the DSA package consultation process.

1. Literature Review

Treating social media platforms as public utility must seem, at least from the outset, ludicrous and far-fetched. The lack of scholarly literature on subjecting multi-stakeholder and internet-powered artifacts to the test of public utility makes any research into the topic difficult. There are, however, authors, such as van Dijck, Rahman, or Helberger, who have written extensively on the need to re-conceptualize the regulatory approach to platforms to reflect on their pervasive power. For this, the literature review builds upon the authors' seminal works and introduces the relationships between the analyzed concepts. First, I interrogate van Dijck et al.'s (2018) concept of 'platform society' which constitutes the contextual foundation of this thesis. Second, the numerous societal risks posed by platforms are examined in light of the works of Beck, Bauman, and Habermas. Third, I introduce the case of the analysis, it being the EU's Digital Services Act package (DSA). Lastly, I review the individual features of public utility, using Rahman's (2018) seminal work on the topic, and apply them on the platforms to prove that the platforms constitute, albeit on exclusively theoretical grounds, public utility.

1.1 Platform Society

Nowadays, social media platforms constitute an irreplaceable part of the social fabric binding much of modern contemporary society. They have become both the harbingers of technological innovation and progress as well as societal polarization and economic capture. As van Dijck et al. write, digital platforms "*have penetrated the heart of*

societies—affecting institutions, economic transactions, and social and cultural practices"(2018, p. 2). As Couldry and Hepp (2016) argue, the platforms have essentially transformed, if not in some instances replaced, the societal structures of mankind. Although often touted as revolutionary, van Dijck et al.(2018) consider the platforms' penetration of everyday lives as one continuous convergence process between the online and offline practices of democratic governance. As a result of this relationship, van Dijck et al. coined the term 'platform society' in 2018. They argue, by using the concept of platform society, that digital platforms have become integral to the functioning of modern societies to such an extent that they infringe on public values and common goods. Turning it upside down, the authors claim that much of the information traffic relies upon a few corporate structures forming an ecosystem "*driven by algorithms and fueled by data*" (van Dijck et al., 2018, p. 4). According to van Dijck et al. (2018), this ecosystem is best described as an assemblage of interconnected platforms whose infrastructural power allows a handful of tech companies to shape social and cultural practices through algorithmic decision-making.

Arguably, as the seemingly never-ending spree of news reports and scientific studies demonstrate, the penetration described by van Dijck et al. (2018) is most evident in the platforms' ability to spread information and connect people. In other words, none of the digital platforms have had such a profound effect on human society as social media platforms have by facilitating communication. According to van Dijck et al. (2018), a digital platform is "*a programmable architecture… fueled by data, automated and organized through algorithms and interfaces, formalized through ownership relations driven by business models, and governed through user agreements.*" (p. 9). Building on this definition, I utilize boyd and Ellison's (2007) list of key features of social networks to develop a workable definition of a social media platform. According to boyd and Ellison,

the key features of social networks are unique profiles, a traversable list of connections, and the ability of users to produce or interact with other user-generated content(2007; 2013). As such, the original premise of social media platforms was to facilitate offline connections by translating them into a maturing digital ecosystem. However, as Helberger (2020) claims, these platforms have developed into influential political actors with excessive reliance on their users through user-generated content and user interaction (Effing et al., 2011; Obar & Wildman, 2015). This data is consequently used as training material for recommender systems, arguably the algorithms van Dijck et al. (2018) refer to, whose importance as infrastructural information exchange facilitators for social media platforms is highlighted by Russo et al.(2008) and Agichtein et al.(2008).

Therefore, social media platforms are taken out of their conceptual shell as digital platforms to provide the necessary conceptual granularity. They, however, still retain the defining characteristics, as per van Dijck et al.'s argument (2018), of platforms as their functioning is nevertheless reliant on data, algorithms, and terms of service. Furthermore, in light of Fisher's (2022) book on social media platforms, I argue that the nexus between machine learning and unprecedented quantities of freely available user data creates formidable security risks to individuals and communities. The following section draws upon the work of Beck, Bauman, and Habermas and sheds light on the most profound risks social media platforms pose.

1.2 The risks of social media platforms

Looking at the problem in exclusively quantitative terms, the use and reliance on social media platforms have skyrocketed over the past two decades. In 2022, social media platforms had over 4.76 billion users (Kemp, 2023). Pew Research Center (2021) points out that seven of ten Americans use one of the largest social media platforms daily. In

addition, Global Web Index's (2022) data shows that social media users spend, on average, 150 minutes on the platforms every day (2022). These quantitative metrics, although far from impeccable, all support van Dijck et al.'s (2018) notion of the platform society. The integration of social media platforms into daily lives to such an intrusive extent has had, however, numerous positive and negative impacts. As for the former, social media platforms facilitate social connections (Throuvala et al., 2021), create space for grass-roots movements (Bastos et al., 2015), allow businesses to promote their products efficiently (Appel et al., 2020), and serve as the primary means of communication in crises (Jain & Vaidya, 2021; Tiffany, 2022; Williams et al., 2017). On the other hand, the platforms have been ill-famed for their harmful influence over societal and economic matters. To narrow down the list of detrimental effects of social media platforms, I turn to the impact assessment conducted by the EC for its DSA package proposal. The impact assessment distinguishes between three areas of serious security concerns, namely illegal activities, systemic societal risks, and insufficient protection of fundamental rights (European Commission, 2022c).

1.2.1 Illegal activities

The first problem area identified by the EC relates to several illegal activities, ranging from the sale of illegal goods and provision of illegal services to the dissemination of illegal content, facilitated by social media platforms. As for the former, the variety of illegal goods marketed and sold via social media platforms seems endless. For example, Chaudhry (2022) investigates the sale of counterfeits by social media influencers, Demant and Bakken (2019) note the shifting nature of drug dealing, and Xu et al. (2020) analyze the impact of Facebook as a platform utilized for the sale of illegal wildlife. Similarly,

Holroyd and Khatsenkova (2022) inform that Facebook is used as a gun market in the Middle East.

Secondly, the platforms provide users with malicious intent with a legitimate service that may be exploited for nefarious practices. For instance, Anthony (2018) claims that social media platforms are utilized in almost all types of trafficking (labor, sex, etc.). Kunwar and Sharma (2016) argue that such platforms offer a new venue for cyberattacks, including scams and phishing. As a matter of fact, OECD issued a policy brief in light of COVID-19 asserting that social media platforms served as the primary contact point for loan sharks offering payday loans (2020).

Lastly, individuals using social media platforms may encounter content featuring child sexual abuse, illegal hate speech, pirated content, or cyberbullying. According to the EC (2020), the US National Centre for Missing and Exploited Children reported a significant increase, from 8.2 million in 2016 to 16.9 million in 2019, in reports of child sexual abuse material online. Bursztein et al. (2019) further warn of the increasing prevalence of video content shared via social media platforms that features child sexual abuse. Furthermore, as the EC's evaluation of the code of conduct countering illegal hate speech demonstrates, malicious users often publish content that is deemed illegal according to the EU and national law(2022b). For example, Kuchta and Rybnikar (2022) point out that social media platforms host not only illegal hate speech but also neo-Nazi propaganda and terrorist content. Frick et al. (2014) further claim that social media platforms have become a key dissemination platform for pirated content, especially when it comes to entertainment. Finally, social media platforms enable, to a worrisome degree, cyberbullying. As Patchin's (2016) research suggests, 70% of bullying occurs online, most usually via social media or

texting platforms. Vogels (2022) supports Patchin's findings by demonstrating the outsized impact social media platforms have on cyberbullying in the US.

1.2.2 Systemic societal risks

According to the impact assessment conducted by the EC, the second problem area refers to the nature and scale of social media platforms (2022c). As mentioned by van Dijck et al. (2018), the business model of such platforms is the primary driver behind their outsized impact on societal affairs. For it is their aggressive data collection behavior, as detailed by Zuboff(2019), van Dijck(2014), and Turow(2011), that enables algorithms in recommender systems, as investigated by Gillespie (2014) and Fisher (2022), to steer the behavior and attention of users through targeted advertising or simple information dissemination to content that is deemed most relevant for them. The dangers of systemic societal risks lie predominantly in their seeming invisibility, as the inner workings of such platforms remain concealed from both users and researchers. In other words, and perhaps even poetically, the visible effects stemming from systemic societal risks come into being only after it is often too late.

One of the major issues related to systemic risks is social media platforms' impact on individual's mental well-being. For example, Keles et al.'s (2020) review presents a worrisome trend wherein the use of social media among individuals results in a variety of mental health problems, including depression, anxiety, and psychological distress. The problems with social media use were later confirmed by the Wall Street Journal's 2021 Facebook Files and Haugen's testimonies in both the US Senate and the European Parliament (Internal Market and Consumer Protection Committee & Haughen, 2021; Milmo & Skopeliti, 2021; Wells et al., 2021). Furthermore, as reported by Fu et al., social media users tend to experience information and sensory overload, potentially escalating

into social exhaustion (2020). Lastly, the Covid-19 pandemic has exposed the tendency of individuals to social conformity and hence cognitive dissonance (Verner Venegas-Vera et al., 2020)(Brennen Scott et al., 2020).

Speaking of cognitive dissonance, the platforms have become ill-famed primarily for their ability to amplify illegal and harmful content, notably disinformation and misinformation. As Tucker et al. (2018) argue, dis/misinformation is spread primarily through channels that amplify homophily and allow users to interact with each other in settings facilitating social affirmation. In essence, Tucker is referring to Pariser's (2011) notion of 'echo chambers', them being environments with no opposing or contradictory views or voices. Although immensely influential, the concept remains disputed in academia. For instance, Del Vicario et al. (2016) considers the echo chambers vital for understanding social polarization by highlighting the importance of social homogeneity vis-à-vis content dissemination. In contrast, Törnberg (2022) argues that social polarization is a result of social heterogeneity amplified by the very nature of social media platforms characterized by partisan sorting.

While detrimental to social cohesion, social polarization deepens political divides which in turn exploit vulnerabilities in democratic regimes. In other words, computational propaganda and precise targeting via social media platforms have become standard tools for political campaigners and foreign influence agents. As Bradshaw and Howard (2019) reveal, there was a "*150% increase in countries using organized social media manipulation campaigns*" from 2017 to 2019 (p. 2). The authors further claim that such campaigns are not limited only to domestic politics but have found their use in foreign influence operations (Bradshaw & Howard, 2019). For example, Gunitsky (2015) believes that social media platforms have become a stabilization tool, not an obstacle, for authoritarian regimes. Similarly, the Mueller(2019) and European Parliament's (Kalniete,

2022) reports on foreign interference in democratic processes point out the risks associated with the use of social media platforms by foreign influence agents. Besides traditional state actors leveraging social media platforms, non-state violent actors, such as ISIS or the transatlantic alt-right community drawing on the work of the Christchurch shooter, have become proficient users of the platforms so as to disseminate terrorist content to the masses and recruit new members (Hammer et al., 2022; Zelin, 2015).

Lastly, social media platforms constitute opaque techno-scientific artifacts which neither users nor expert researchers fully understand. Although perhaps far-fetched, consider a comparison between cars and social media platforms with regard to the availability of information provided to both users and experts. For the user to properly navigate in traffic and use the purchased tool efficiently, there ought to be a detailed and comprehensible manual, or a set of instructions, regarding the use of such an artifact. Once the tool breaks down, an expert (an auto mechanic) can access the vehicle to assess the damage properly. Consequently, the expert can deduct the problem and repair the damaged components. In the case of social media platforms, which are arguably far more complex, users are not provided with clear and comprehensible terms of service and, as the EC's impact assessment states, "*have very little agency in their interactions with these systems*"(2022c, p. 17). This is in line with van Dijck et al.'s argument (2018) claiming that the power dynamic between users and platforms is heavily shifted towards the latter. Moreover, the complexity of systems used by such platforms and the power dynamics in platform society offer experts very few opportunities to investigate harms and systematic risks properly. Access to algorithms fueling recommender systems or data used for training is seemingly impossible without, as the EC argues, platforms' willingness to cooperate and voluntarily open up their systems(2022c).

1.2.3 Infringements upon fundamental human rights

The EC believes that fundamental human rights are not sufficiently protected under the contemporary regime of the platform society(2022c). As a matter of fact, the Commission points out two fundamental human rights, freedom of expression and information (art. 11) and freedom to conduct a business (art. 16), as enshrined in the Charter of Fundamental Rights of the European Union (2016), that are most usually infringed upon by the platforms. As for the former, Jørgensen and Zuleta(2020) explain the platforms' misconduct vis-à-vis the freedom of expression as follows:

"From the perspective of freedom of expression, particularly two challenges are at stake. First, individual expression, public debate, and so forth are governed by private actors operating outside the direct reach of human rights law, placing freedom of expression in a vulnerable position. Second, EU policy initiatives combatting illegal content on social media platforms encourage and legitimise this private regime of content regulation – without adequate human rights safeguards. " (p. 51).

The outsized impact of the platforms is relevant for other fundamental rights, such as the protection of personal data (art. 8) and non-discrimination (art. 21), too. The platforms do not offer sufficient protection to the already collected personal data and, in some instances, directly sell those to third-party advertisers, as noted by Chopra (2019). Bonneau and Preibusch(2010) further argue that privacy is a dysfunctional feature of the social media platforms market. Even if personal data is protected, Prince and Schwarz (2019) list numerous instances of discrimination through proxy variables. Lastly, Kennedy and Moss (2015) warn of the oppressive data-mining practices employed by the platforms that often lead to increased surveillance, loss of privacy, and discrimination.

Another problematic area concerning the use of social media platforms is the probable loss of freedom of thought (art. 10) and the right to mental integrity (art. 5). The nexus between freedom of thought and the right to mental integrity is defined here according to McCarthy-Jones' three-fold distinction as *the right not to reveal one's thoughts, the right not to have one's thoughts manipulated, and the right not to be penalized for one's though*(2019, p. 5). According to McCarthy-Jones (2019), social media platforms have grown increasingly proficient at understanding human-decision making through their extensive data collection practices. Here, I argue, in light of van Dijck et al.'s (2018) concept of platform society, that the use of social media platforms precludes the development and maintenance of free thought due to the pervasiveness and outsized impact of recommender systems as, for example, highlighted by Fisher (2022).

Considering the risks of social media platforms, one could easily object that using such platforms is unnecessary. At first sight, this commonsensical approach to the nexus between technology and security seems warranted. It is, however, important to recall van Dijck et al.'s (2018) concept of platform society wherein the platform ecosystem has become so pervasive and all-encompassing that it essentially constitutes an entirely new level of infrastructure, which is as essential for everyday life as road or electricity infrastructure. To put it bluntly, the platforms have become so big and powerful that their non-use effectively precludes full participation in modern society. Comparatively, one could consider the example of capitalism. For years, left-leaning critics, such as Piketty(2017) or Zizek (2020), have pointed out the economic disparities and social disadvantages produced by the unequal distribution of capital and labor. Economists, such as Raworth(2017) and Wright and Nyberg (2015), argue that capitalism is incompatible with the actions needed to tackle climate change effectively. Yet, despite the critique, capitalism is still the prevalent means of wealth distribution in all modern societies making

the detachment of an individual, or a small community, virtually impossible. The same applies to social media platforms. Despite the apparent risks, users' lives are so inextricably intertwined with the digital infrastructure provided by the platforms that any sort of detachment is simply unthinkable. For instance, the lack of access to social media may contribute to, as per O'Keeffe and Clarke-Pearson, social and economic exclusion(2011). Therefore, simply not using the services provided by the platforms is not a viable solution for individuals or communities insofar as the social and cultural practices remain the same. For this, governments and public bodies ought to regulate such platforms to limit the risks while retaining and bolstering their positive impacts.

1.3 Social media platforms' governance

The new set of socio-technical problems associated with social media platforms highlights the absence of any democratically enforceable measures, other than self-regulation, that would regulate and prevent the risks laid above. Arguably, the absence of rules and standards to hold social media platforms accountable for the risks they pose calls for a legitimate and appropriate security measure. In light of Levi-Faur's (2011) seminal work on regulation, I argue that this measure ought to be conceptualized as a regulatory tool. According to Black (2002), the purpose of regulation, in its functionalist definition, is to minimize risks and prevent potential harm. Thus, a regulatory tool may constitute a valid instrument utilized by decision-makers to enhance the security of referent objects.

Owing to its complexity, regulating social media platforms represents a formidable challenge for decision-makers. On the one hand, as Napoli (2015) argues, the platforms are clearly embedded within the media environment, yet they do not fulfill the necessary requirements to be treated as media companies. On the other hand, the platforms are technology-driven companies which implies a regulation of the underlying technology

rather than focusing on the content such platforms carry. This precarious condition has effectively misplaced the regulatory focus. Until now, governments have usually opted for a rather quaint decision to consider social media platforms as mere technology companies. As a result, the conversation regarding social media governance has largely drifted either toward anti-trust and monopoly issues or content moderation alone. I consider both approaches inefficient regulatory exercises, as neither comprehensively addresses the core causes of the risks introduced above. It is as if the decision-makers believed that breaking the platforms into smaller individual entities would significantly dampen, for example, the addiction caused by such services. Bayer's (2021) work supports this line of argument by listing all the activities in which social media platforms engage that go beyond the mere transition of content. In Bayer's words, which strikingly resemble van Dijck et al.'s (2018) line of inquiry, "[social media engage in]… *moderating, ranking, prioritizing, and targeting actions, they govern and tailor the public discourse*"(2021, p. 25).

The traditional approach to social media platform regulation would be, according to Bayer (2021), to treat such platforms as traditional media companies. For this to happen, however, the regulators would need to clearly distinguish between the producer and disseminator of content, because social media platforms are merely publishers of user-generated content, while traditional media enjoy a certain degree of editorial power. Thus, considering the sheer size and nature of the platforms, they cannot be held liable for the content they carry. In other words, social media platforms enjoy the benefits of liability protection. Bertolini et al.(2021) define liability in the context of social media governance as a legal obligation of the service operator to bear responsibility for the content circulating on the platform. As Lefouili and Madio (2022) point out, the current liability protection mechanisms in the two largest democratic digital markets, them being the US and the EU, were set up in the late 1990s to protect the fast-growing segment of information services.

Understandably, the lack of such protection would result in a never-ending spree of litigations, effectively stifling innovation and curbing freedom of expression. In terms of legislation, such provisions are part of Section 230 of the Communication Decency Act in the US and the e-Commerce Directive in the EU. This protection, however, seems to have taken a treacherous turn and turned out to be a major obstacle in the regulation of social media platforms.

Even for the stoutest of regulators, regulating content online is a risky political business. The most frequent critique, both in Europe and the US, is that regulating content is not far from censorship. Coupled with the lack of access to platforms' data as well as fragmented communication channels between state authorities and platforms, regulatory efforts have shifted towards self-regulation. For the reasons laid above, it may be concluded that regulating social media platforms as traditional media outlets will never yield satisfactory results. Platform regulation ought to go beyond the traditional approach that focuses almost exclusively on the output while discarding the means through which such content gets disseminated at ever-increasing speeds.

In contrast to the traditional approach, self-regulation denotes a more cooperative, perhaps best described as willing, approach to regulating social media platforms. Cusumano et al.(2021) point out that the willingness of the platforms to align their activities and objectives with the government's regulatory agenda is primarily driven by the corporate desire to preempt further governmental meddling. Similarly, Abbott et al.(2017) perceive self-regulation as merely an act of shifting governance responsibility from states to corporations(2017). On the other hand, Hofmann et al.(2017) adopt a more sector-specific approach to self-regulation by highlighting the conditions under which regulation is possible. For example, the governance of content-driven internet intermediaries requires

significantly more coordination than a chemistry-focused industry with clear top-to-bottom chains of command. Regardless of its elements, self-regulation is to be understood minimalistically, according to Coglianese and Mendelson's(2010) definition, as any system of regulation that the target imposes on itself.

In recent years, there has been a proliferation of various self-regulatory efforts on behalf of the platforms. For example, Facebook launched, in 2018, a quasi-supreme court that ought to oversee the fairness of appeals made by the public regarding content take-downs (Klonick, 2021). On the other hand, the EU-powered 2022 Strengthened Code of Practice on Disinformation constitutes a form of external self-regulation, meaning that the governments offered sufficient incentives for the platforms to regulate their businesses willingly. Coglianese and Mendelson consider this approach as meta-regulation, wherein a regulator encourages the industry to help develop regulatory measures acceptable for a range of actors (2010).

The Code of Practice, first signed in 2018, was considered a landmark pact wherein all parties agreed on a shared definition of disinformation and committed to taking action in fields such as advertising or user empowerment(European Audiovisual Observatory, 2019; European Commission, 2018). The EC has, however, deemed the first version of the code insufficient for tackling disinformation and identified several key issues, such as the lack of clear key performance indicators (KPIs)(2020a). Consequently, the revised version of the code includes more granular and precise commitments coupled with an increase in the number of signatories(European Commission, 2022; Lomas, 2022). In exchange for cooperation, the EC translated the contents of the Code to the emerging regulatory framework – the DSA. In other words, the platforms involved in the Code are not required to adopt any additional measures for tackling disinformation under the DSA regime.

Strikingly, the EC has merged a meta-regulation measure with an actual legislative regulatory framework.

Regardless of its apparent success, neither self nor meta-regulation alone is enough to tackle the most pressing risks associated with social media platforms. In the case of self-regulation, companies reliant on user-generated content would never voluntarily adopt any too self-restraining measures. On the other hand, meta-regulation appears to be too weak of an instrument to bring around a robust and systemic change. The risks embedded within van Dijck et al.'s (2018) platform society require a truly comprehensive multi-modal regulation that requires persistent monitoring and consistent enforcement, which, as noted previously, resembles a traditional approach to governmental scrutiny.

1.3.1 Digital Services Act package

Although still in its preparatory phase, the EU's DSA package may constitute the first building brick of a robust legal framework tackling the risks associated with social media platforms. As a matter of fact, the EU has been building up its regulatory capacities within the digital space since the adoption of the GDPR and information warfare launched in light of the Russian invasion of Crimea. According to Kalbhenn (2021), the GDPR and Copyright Directive demonstrated the feasibility of a government-led intervention in the functioning of online intermediaries.

Building on these prerequisites, the EC proposed a set of rules, known as the Digital Services Act package(2022), that ought to introduce new obligations on internet intermediaries with regard to their position as gatekeepers and information providers. The package contains a set of distinct legislative proposals, such as the Digital Markets Act (DMA), Digital Services Act, or Regulation on political advertising. As the names already

imply, the DMA addresses the exclusive position of some internet intermediaries, such as Google, within the Single Digital Market(European Commission, 2020b). According to Kalbhenn(2021), the DMA is largely built upon competition law and draws upon the numerous EC-filled lawsuits against the Big Tech for breaching competition rules.

Secondly, the Digital Services Act represents the so far most ambitious regulatory approach to tackling social media platforms' risks. The Digital Services Act goes beyond the mere harmonization of rules as it also tackles the individual elements of van Dijk et al.'s (2018) definition of a platform. The legislation attempts to regulate all aspects of social media platforms' ecosystem by addressing gaps in transparency, data protection, access to data, and Terms of Service. Moreover, it mandates the very large online platforms to assess and mitigate systemic risks while protecting fundamental human rights. Finally, it empowers both the regulators overseeing the implementation of the regulation with the possibility to issue fines of up to 6% of the platform's annual turnover and the EC which is now allowed to force the very large online companies to adopt particular risk mitigation measures in the case of a crisis (European Commission, 2022).

Thirdly, as explained by the European Group of Regulatory Authorities, the Regulation on political advertising addresses the lack of transparency on online platforms that allow political entities to purchase ads. The proposal utilizes the competent authority established under the DSA and empowers media regulators to monitor political advertising through platforms' repositories of political advertising (2022).

Overall, the package provides for a revolutionary case of an interplay between the traditional and self-regulatory approaches. As a matter of fact, it goes well beyond any regulation covering social media platforms that has ever been adopted. For it is the ambitious scope and nature that the DSA package constitutes the primary case for treating

social media platforms as public utility. Besides, the legislative proposals represent a new type of regulation as it combines the market and risk-oriented approaches to market regulation. Thus, it opens novel ways for governments to secure a part of the social infrastructure that has been neglected and exploited by malign actors for malign purposes. In other words, the DSA package constitutes a novel approach to security utilizing legal and contractual measures that foster transparency, accountability, and the protection of society.

1.4 Public Utility

Considering the security risks associated with social media platforms, one cannot help but think of Bauman and Beck's postulations regarding modernity. Whereas Bauman(2000), with his concept of liquid modernity, meticulously investigates the 'melting of the solids', Beck(1992, 2002) develops a theoretical model assessing the new role of risks in the post-WW2 world. Despite being constructs of social science, these ideas have penetrated and significantly contributed to the development of other fields such as international politics and security. For it is the unprecedented legacy of these thinkers that allows the application of such concepts to the new socio-technical problems tackled by this thesis. The thesis utilizes Beck's conceptualization of risk society to develop a solid foundation for a new progressivist model of social media platforms regulation: social media platforms as public utility.

According to Beck, the interpretation of risk society as the quantitative increase in risks and dangers humankind is facing is incorrect. Instead, the concept attempts to address the underlying foundation of such risks, which Beck calls de-bounding. The process of de-bounding takes place, as Beck explains, in three dimensions simultaneously: temporal, spatial and social(2002). Despite being developed as a response to environmentally

cataclysmic events of the 20th century, the concept applies to a range of problems inextricably linked to the information age. Consider the example of the risks associated with social media platforms as a case of Beck's de-bounding. Social media platforms are largely free of any geographical, or spatial, boundaries, as they are widely available across many nation-states and regions. Besides having no spatial boundaries, social media platforms are quasi-time-less. Digital traces of users and personal data have no 'best-before' date, making storing them increasingly cost-effective. Although the risks of such new media are usually coupled with current events, content circulating online is always stored, freely available and easily searchable. Additionally, the negative impacts of social media platforms have proven to have a long-lasting effect on society's micro and macro levels. Therefore, social media platforms and the risks thereof are de-bounded from both spatial and temporal limits.

Similarly to the two dimensions of Beck's theorem, social media platforms are inherently de-coupled from the social dimension. This dimension is particularly important for the thesis as it deals with the liability for the risks associated with the platforms and the responsibility to develop appropriate solutions to mitigate such risks. In Beck's words, the determination of the actor causing harm has become virtually impossible (2002). Surprisingly, this reflects both the popular discourse as well as the traditional approaches to regulating the platforms. Are the societal harms of social media exclusively linked to the platforms acting as mere conduits of user-produced information? Or is machine learning and seemingly unexplainable and non-transparent algorithms of such platforms the main culprit? Eventually, some might argue that the users themselves are at fault. In other words, the number of forces at play is too large to allow navigation through its social dimension.

Having reviewed the individual dimensions of Beck's thesis, it may be concluded that the new socio-technical issues resemble the risks Beck himself envisioned (e.g., nuclear waste or climate change). For this, it is possible to categorize such problems as 'uncontrollable risks'(Beck, 2002). Circling back to the ideas of Bauman, these uncontrollable risks are equivalent to his notion of liquidity(Bauman, 2000; Al Jazeera English, 2016). For it is the uncertainty and lack of rigid structures that make these risks uncontrollable. Therefore, the pertinent question is profoundly practical. What steps should society and its actors take to manage and control such risks?

The answer to this question is seemingly beyond reach, as there is one distinctive disparity between Beck's and socio-technical risks. For Beck (2002), these hazards are induced by humanity, whereas the socio-technical problems cannot always be attributed to a rational and explainable actor. For instance, the lacking transparency of ML-powered recommender systems is caused, at least to some extent, by the technology itself rather than the sheer unwillingness of the operators to disclose data and ranking algorithms. Considering the pace of innovation and rapid development of new technologies, it seems implausible to reach a point wherein the responsibility is attributable to one actor insofar as the human-technology nexus goes. Therefore, it is as if the uncontrollable risks represented the final destination of mankind's progress, meaning that man is merely an agency-free subject to the risks it has created without the ability to tackle them effectively.

Although seemingly disastrous, the European group of intellectuals engaging with the ailments of modernity, such as Giddens, Bauman, or Beck, provide a theoretical solution grounded in reflexivity. For the father of this thought, Giddens(1990), reflexivity in modernity consists of the constant re-examination of social practices in light of the received feedback. According to Lee's explanation of Giddens' work, "*[reflexivity] is*

embedded within an action-oriented approach to social change that sharpens the awareness of social responsibility and culpability." (2006, p. 356). Therefore, reflexive modernity does not only acknowledge and accept the risks posed by the contemporary social reality but actively attempts to solve them by constant re-examination (Giddens, 1999). However, this cyclical process of reviewing the social reality is inadequate insofar as the role of science remains unchanged. As Cohen and Kennedy (2007) remark, reflexivity is intertwined with the scientific principle of doubt, providing space and opportunities for innovation. Beck concurs with the authors above by highlighting the role of the public in reflexive modernization (1992). Hence, reflexivity should guide the actions of the public required for re-defining and re-shaping the social reality in order for it to grapple with uncontrollable risks.

To summarize the theoretical underpinning of the following sections, the information era is not dissimilar, despite the lack of scholarly attention, to the era described by the likes of Bauman or Beck. Their postulates may, thus, be extended and used for tackling emerging socio-technical problems. As demonstrated, these issues transcend all of Beck's dimensions and rightfully belong to the category of uncontrollable risks. Interestingly, some hazards, such as environmental pollution, have a long scientific track record with precise guidelines and goals for risk mitigation. In other words, scientists have been able to penetrate the imaginary bubble of politics, consisting of decision-makers and the general public, to devise a set of rules that may, if implemented in time, effectively prevent irreversible damage. This is, however, not applicable in the case of the Internet and social media platforms. Presumably, considering the outsized impacts of social media platforms, the regulatory attempts to provide guidance or boundaries have largely failed. To explain this failure, the thesis turns to the prerequisites of reflexive modernity. The rules and regulations concerning social media platforms have been developed in a silo-like fashion,

meaning that such services were treated exclusively as an unregulated business sector needing some preliminary boundaries without compromising innovation and economic growth. This runs counter to Beck's premise, as it completely omits the critique of technology and science, the inclusion of the general public and the values thereof. The absence of reflexivity in the solutions to the socio-technical problems proposed thus far invites a seemingly radical thought of treating social media platforms as public utility. It is radical in the sense that it completely overhauls the fundamental outlook society and governments have adopted while searching for suitable regulatory tools. Thinking of such services as public utility resolves many of the contentious points so characteristic of the traditional approaches. The following sections explain the concept of public utility and consequently build a coherent conceptual framework for regulating social media platforms.

1.4.1 History of public utility

According to Rahman (2018), the concept of public utility is deeply intertwined with the Progressive Era in the US. The Progressive Era was driven by a particularly controversial political movement of the same name. As Watson (2020) puts it, progressivism is characterized by its profound belief in social progress, one that goes beyond the traditional political divisions of left/right and conservativism/liberalism. Progressivism of the early 20th century is ideologically fundamentally different from contemporary progressive political movements. As a matter of fact, May considered many progressivists politically conservative (Rubin&May, 1990). The envisioned social progress, supported by the likes of T. Roosevelt and W. Wilson, was supposed to effectively tackle the undesired consequences and by-products of modernity (Robertson, 2015). The progressive initiatives of the 1920s had numerous goals. However, Robertson emphasizes the overarching

objective of tackling the rising inequality caused by rapid industrialization and the inefficient regulatory tools at the government's disposal (2015).

According to Sallet, Brandeis was one of the fiercest progressivist advocates who argued for more robust antitrust policies and governmental response to the accumulation of private power (2018). Regardless of Brandeis' active stance on antitrust, Rahman (2018) and Sallet (2018) both explain that his primary goal was to create a mechanism of accountability in which businesses providing essential goods or services would be also accountable to their passive stakeholders, not merely their active shareholders. In other words, the state needs to pro-actively participate, presumably through legislation and regulation, in the distribution of essential goods and services to all citizens because, as Rahman's account of Brandeis' theory explains, unchecked private power can never be expected to act in the genuine interest of the community within which it operates (Rahman, 2018).

Despite being often considered a synonym of progressivism, the anti-trust movement, led by Brandeis, is merely a strand in a broader spectrum of approaches to regulating essential goods and services. One such additional approach is epitomized by the work of Berle and Means who argue for the necessity of reforming corporate governance. In their opinion, the corporate revolution has effectively undermined the traditional, perhaps even Smithian, perception of economic performance, wherein the invisible hand of the market would regulate both demand and supply and in itself produce public values. In contrast, it allowed for an unprecedented concentration of private power in industries vital for human existence and progress altogether void of any competition rules (Berle & Means, 1991). In essence, Berle and Means do not necessarily believe in the top-to-bottom approach to regulation so characteristic of Brandeis' anti-trust movement. Instead, their theory seeks to balance

profits and the promotion of sustainability, including public values, from within the company itself through a reshuffle of internal dynamics between the corporation owners, managers, and experts (Berle & Means, 1991). As Rahman puts it, Berle and Means strived to develop a framework for corporations to address the moral and political challenges of corporate power (2018).

Considering the binarity of the approaches above to private power, Rahman (2018) explains that Brandeis recognized the need for a third, perhaps the most optimal, approach to the regulation of essential goods and services. Considering that Brandeis' primary concern was the 'bigness' of players within the essential industries, Rahman (2018) argues that in some cases anti-trust, or breaking up the players, is not a feasible option (Sallet, 2018). According to him, "…*in many instances, the good or service in question requires a consolidated mode of production and distribution, whether because of economies of scale or because of social importance of the good in question, or both*."(Rahman, 2018, p. 1632). Rahman (2018) explains, using Brandeis' arguments from the landmark case of New State Ice Co. v. Liebmann, that treating large corporate structures within essential industries as public utilities constitutes a comprehensive tool of governance. It offers the much-needed flexibility compared to the rigid focus on monopoly and 'bigness' of anti-trust, as it allows for the establishment of a multitude of measures, ranging from pricing and ownership to boundaries to business activities.

For instance, consider the regulation of railroads in the US during the Gilded Era. According to the archives of the US Congress (1887), the US government, prompted by the increasing public demand and the Granger movement, imposed several restrictions on the railroad companies operating in the West and the South of the US territory through the Interstate Commerce Act. The regulation consisted of guidelines, a cap on charged freight

rates, and mechanisms prohibiting discrimination. Its provisions were, however, often contradictory, meaning that some parts of the legislation strived to boost competition while others consequently penalized it (*Interstate Commerce Act*, 1887). Nevertheless, the regulation was revolutionary for its unprecedented scope and theoretical framing as it attempted to deliver on social objectives without resorting to draconic regulatory policies. Thus, this case allows for the theoretical analysis of state intervention in market affairs using the framework of public utility insofar as it is used merely as a tool in the governmental regulatory toolkit.

Although often used interchangeably, as in the case of The Interstate Commerce Act, public utility does not automatically invoke the common law provision of common carriage. According to Noam (1994), the common carriage is a legal obligation of a service provider to provide its services to customers in a non-discriminatory fashion. However, this provision is applicable only insofar as there is an established price for which the customer seeks to use the advertised service given a reasonable demand, as Noam points out(1994). Historically speaking, as per Noam's (1994) review of the concept, common carriage provisions originated in Roman Law and were enforced only in the context of transportation (shipowners, innkeepers). Although relatively widespread in the early England, including professions such as bakers and surgeons, the rapid Smithian industrialization limited the scope of such a provision. Now, its use has been rendered to transportation and infrastructure.

1.4.2 Public utility for the contemporary era

Having reviewed the historical roots of public utility, refining the concept for the contemporary setting is necessary. For this, however, it is imperative to detach the concept from the traditional perception of private power, monopoly, and public goods. As Thierer

puts it, the application of the concept of public utility is feasible only insofar as the service or good in question is of essential nature (2013). Lipsky and Sidak's (1994) examination of the concept of essentiality produces two important elements. Firstly, they argue that there needs to be a level of uniqueness and market control. Secondly, the duplication of the essential service or goods must be too burdensome to implement, albeit not impossible (Lipsky & Sidak, 1994). This line of thought is especially problematic as it automatically adopts a purely economic perspective. The term, insofar as legislation and popular discourse matter, connotates a particularly reductionist perception of public utility, meaning that its use is limited to natural monopolies, such as water or gas, which are characterized by high sunk costs and expensive infrastructure. According to Thierer, the state can either take over the ownership of an essential facility or impose a range of commercial regulatory measures (2013). For instance, states often resort to politically non-demanding regulatory activities, such as price regulation or common carriage provisions. This approach, however, lacks the Brandeisian dimension of public utility, the social accountability of private power to citizens.

The introduction of the social element in the public utility equation accommodates the concept's historical roots. As Rahman puts it, progressive thinkers believed that any good or service of sufficient social value could be labeled as a necessity and hence require public utility provisions (Rahman, 2018). However, this abstract notion of public utility would prove unfeasible as it could include any business activity insofar as the public deemed it essential. Writing in 1932, Hamilton proposed a solution to this problem in the form of a three-way progressivist division of economic actors. First, industries that produce goods or services that are not essential for the functioning of the community require very little to no public oversight. Second, important but not essential industries, such as steel and coal, may be regulated by the interaction between the producers and customers as both

constitute distinctive groups of players. Lastly, industries essential for all economic and social aspects of societal functioning, such as railroads and water, require constant public oversight so as to not get captured by stakeholder interests (Hamilton, 1932). Hamilton further warns that "*this problem is not to be solved by any 'either this or that' formula; its solution demands clear vision, full knowledge, and neat adjustments."* (1932, p. 593). Therefore, as Rahman explains, the progressive era movements did not seek to transfer the ownership of the industry from corporations to the state (2018). Instead, as Miller concurs, these reformers sought to establish new lines of responsibility and accountability to the public in the economic fields of social importance (2000).

To summarize, regulating industries or corporations as public utilities has been a tedious and controversial task. Much of the regulatory efforts have been embedded in the traditional understanding of natural monopoly, which is, according to Mosca, still not clearly defined (2008). To avoid a debate as to what constitutes a natural monopoly, I turn to Thierer who defines it as the capability of a single company to satisfy the demand of the entire market inexpensively due to economies of scale (Thierer, 2013). The definition precisely captures how outdated this model is, as it cannot possibly account for the major societal changes associated with the information age. The essentiality of the goods or services in question cannot be perceived in the strict economic sense but rather in a broader societal one. According to Rahman, the progressivists of the 20th century understood public goods as merely non-rival and non-excludable but instead as constituting the infrastructural fabric of modern society (2018). This is in line with van Dijck et al., who claim that digital infrastructure has been largely privatized by a handful of powerful companies (2018). Therefore, this thesis considers public utilities to be providers of unique goods or services who are difficult to replace and have an exceptionally high societal impact.

1.4.3 Conditions for public utility

Following Rahman's work on the topic, it is necessary to define the conditions upon which the thesis crafts the case for treating social media as public utility. Rahman, drawing on the previous scholarly work in the field of anti-trust and monopoly regulation, develops three conditions: "*the economics of production; the downstream uses of the good or service; and the degree to which the good or service is a necessity that makes its users particularly vulnerable to exploitation."*(2018, p. 1641). These three conditions warrant an increased governmental oversight over the goods/services in question.

1.4.3.1 Production

For Rahman, the first condition, the economics of production, is embodied by the traditional understanding of natural monopoly (2018). Being bipartisan, this condition entertains the arguments of both academics opposing the progressivist approach to public utility, such as Thierer (2013), and academics arguing for state intervention in market failures, such as Wu (2007). The intersection between the traditional understanding of natural monopoly and public goods almost automatically invokes the imaginery of infrastructure projects, such as water and electricity.

To apply the first condition on social media platforms, it is necessary to consider a range of economic features. According to Rahman, social media platforms constitute well-functioning economies of scale as they create a quasi-centralized platform setting that further mediates access to online information and media content (2018). The traditional counterargument here would be that information and media content can still be retrieved via other means, not just social media. This, however, epitomizes the sort of wishful thinking that effectively precludes a successful and united societal response to private power. Therefore, rather than focusing on the possible and theoretically feasible

alternatives, it is crucial to tackle the actual and factual reality. As a matter of fact, social media platforms have steadily increased not only their number of users, which is perhaps the most important metric, but also their revenue and thus impact (Meta, 2022; Statista, 2022).

Social media platforms provide goods/services that are both non-rival and non-excludable. Consider the example of content consumption online. Users interacting with a piece of online content boost its visibility, as recommender systems rank items based on their desirability among users, making the service non-rivalrous. As for the latter, the consumption of online content is largely prohibited by the lack of internet connectivity rather than the restrictions issued by the service itself (e.g., paywall)[1]. However, the internet penetration in regions displaying the most acute symptoms of social media harms, such as Europe, has reached 92% in 2021(Eurostat, 2021). Thus, the very nature of social media platforms is non-excludable.

Furthermore, social media platforms represent well-established industries long portrayed as 'emerging innovative businesses'. According to the chief of EU competition policy, Vestager, as cited in Stolton(2022), social media platforms pose additional challenges for anti-trust regulators, especially in the field of competition. This means that the market of social media platforms has high-sunk costs and high barriers to entry. Besides, the platforms depend on Metcalfe's Law and thus the network effect. Zhang et al. define network effect as "*the effect that a network's value V is dependent on its size n (the number of its nodes)"*(2015, p. 246). In other words, the value derived from a single social media platform is inextricably linked to the number of users it can attract and retain. This mode of functioning provides further incentives for the big players on the market to consolidate

[1] The only social media platform that has managed to profit, albeit only temporarily, from branding itself as exclusive (i.e. was behind paywall) was ClubHouse.

power through mergers and acquisitions, as it increases their profitability while decreasing their R&D and maintenance costs. In other words, social media platforms have formed distinct economies with increasing returns to scale (i.e., economies of scale). This is again in line with van Dijck et al.'s concept of platform society, wherein the largest platforms rely on an ever-increasing set of auxiliary services controlled by the platforms themselves.

Considering all the flawed aspects of such platforms in terms of competition, it is reasonable to assume that there is a high chance of concentration. As a matter of fact, Glick and Reutschlin's review of the Big Tech's recent acquisitions shows a rather aggressive market behavior. For example, Google has acquired over 270 companies since 2001, while Facebook has bought over 90 start-ups since 2007(Glick & Ruetschlin, 2019). This evidence, therefore, supports the progressive theoretical assumption that economies of scale dominate the market to a significant degree which hampers innovation. For this, the state's responsibility is to intervene to such an extent as to provide conditions for fair competition. Having reviewed the individual features of the first condition, it may be concluded that social media platforms do meet the necessary economic conditions for being treated as social infrastructure.

1.4.3.2 Downstream use

The second Rahman's condition assesses the downstream use of the goods/service in question. According to Frischmann, some infrastructure resources are so important for the proper functioning of society that they ought to be managed as commons (2012). For instance, the absence of essential goods/services, such as water or electricity, may render society unproductive and diminish the quality of life simply because these resources serve as inputs to many distinct activities. Following the progressivist line of thought, it may be

argued that social media platforms constitute social infrastructure precisely because of their numerous downstream uses.

Primarily, social media platforms serve as the means of connection between online users while providing information online. In regard to the access to information online, the platforms play, as Matsa and Naseer write, an increasingly important role as almost a third of Americans get their news primarily from social media. At the same time, over 60% of the surveyed rely on various search engines (2021). More importantly, the demographics of social media users are heavily skewed toward younger generations, implying that this behavior correlates with technology adoption rates (Shearer & Mitchell, 2021). Although of paramount significance, these findings constitute merely a fraction of social media platforms' impact on information dissemination. All things considered, social media platforms increasingly act as the underlying infrastructure for accessing news and content online.

Furthermore, recommender systems employed by social media platforms significantly shape how individuals receive information online. This is predominantly caused by the technological limitations of such systems, such as a reductionist approach to content diversity, over personalization, and metrics. A case in point is Pariser's (2011) concept of filter bubbles, which refers to the reductionist approach to content diversity. In other words, users tend to encounter only re-affirming information as, drawing on the work of Ciampaglia et al.(2018), content diversity gets impaired by the inherent technological underpinning of recommender systems built on rudimentary indicators of popularity, such as direct interactions. This inevitably leads to over-personalization of one's feed, further reducing the variety of available information. The continuous exposure to seemingly identical content, insofar as worldviews go, is prone to result in detrimental cultural or

ideological narratives. Lastly, according to van Dijck et al.'s (2018) theory, the recommender systems nudge users toward pre-selected desirable content, as research shows that TikTok algorithms suppress LGBTQ+ content and Youtube punishes users who go against desirable genres (Biddle et al., 2020). Therefore, social media platforms act not only as quasi-centralized places for accessing information but also have a performative function in selecting content and prescribing the way people communicate.

Lastly, social media platforms have become an indispensable tool in the marketers' toolkit by leveraging the vast pools of user data to deliver precisely targeted advertisements while facilitating small to medium enterprises' (SMEs) access to customers online for affordable costs. According to Crotts(1999), services and goods that are experiential in their nature, such as dining or hairdressing, are disproportionately reliant on customer reviews. In an ever-increasing number of instances, it is virtually impossible for SMEs to remain competitive and survive without the successful implementation and use of social media platforms. According to Rahman, this unbalanced setting benefits the platforms as it allows for more extensive control over the rules and norms of exchange and trade (2018). Therefore, social media platforms represent societal infrastructure because of their widespread downstream use, unbalanced power relationship with other stakeholders, and a seemingly profound necessity for economic functioning.

1.4.3.3 Necessity and Vulnerability

Rahman's third condition puts the previous one upside down, effectively testing the effects of a hypothetical absence of infrastructural goods. In his opinion, the absence, or even only mere discrimination when accessing such goods/services, inevitably leads to increased inequality and decreased quality of life (Rahman, 2018). Considering this problem, Rahman (2018) turns to Fishkin (2014) whose work on the inequality of opportunity builds

a particularly persuasive case. For Fishkin, the essential goods/services are often accompanied by several bottlenecks, them being the structural obstacles preventing access to such resources which in turn decrease the number of elements in a hypothetical array of life opportunities (2014). Therefore, this concept is applicable in all cases in which a particular good/service has an outsized impact on an individual and his future. Insofar as the element of vulnerability goes, Rahman's third condition also attempts to assess the extent to which an individual's access to particularly essential goods/services may be restricted by private power. In other words, thesis argues that the presence on social media platforms necessitates the social survival of an individual or a community.

To investigate the necessity to 'be' on such platforms, the thesis interacts with the following question: 'Would the lives of individuals have worse quality in case they did not have access to social media?". In the vast majority of cases, the answer to this question is affirmative. In other words, the absence of access to social media platforms creates inequality large enough to negatively affect individuals' lives. Consider the example of the C-19 pandemic. Social media channels prevented the complete social exclusion of many individuals during the pandemic. Despite advocating for a somewhat controversial approach to social media platforms, it is clear that they will not, at least in the near future, constitute the traditional understanding of necessity, meaning that their absence would be life-threatening. Instead, the study judges the element of necessity based on Hassoun's (2022) concept of the minimally good life.

According to Hassoun (2022), individuals living the minimally good life have access to a range of utilities that enable them to secure pursuits, relationships, knowledge and other activities. Firstly, as described above, the network effect of social media presents quite a challenge for adequate participation in public and social life. As van Dijck et al. (2018) put

it, the public square has been captured by private actors. Moreover, a report by Common Sense Media highlights the increasing daily use of social media among the youth (67% in the US) which implies a particularly problematic social necessity (Rideout et al., 2022). For this reason, the absence of access to social media could significantly dampen public participation and hamper social participation in community affairs, ultimately leading to the inability to lead a minimally good life. Secondly, all individuals should be able to reap the benefits of the digital social domain: instant communication, enhanced knowledge, freedom and opportunity to express oneself, and access free information. Thirdly, this necessity to access and 'be' on the dominant means of communication is merely morally desired. Rather, it is also pragmatically beneficial for individuals and their respective social groups. Although far from perfect, the developed and well-of democracies worldwide are largely deliberative and contain epistemic elements, meaning that the legitimacy of the decisions made is correlated with the citizens' ability to form opinions and partake in public affairs.

Therefore, the necessity to use and 'be' on social media platforms is not to be assumed a priori. Instead, it stems from the contemporary empirical evidence at hand. The services themselves have created an environment that obligates individuals to partake in order to reap the benefits of communication and participation in social, public, and cultural life. As a result, this necessity cannot be compared to the necessity of water or food but rather to the necessity of electricity. While life without electricity is bearable, the lack of it creates barriers to a minimally good life in the 21st century. The same principle may thus be applied to the information infrastructure comprised of social media platforms. For it is their outsized effect on individuals that such services ought to be discussed in terms of necessity.

Besides necessity, social media platforms produce two interlaced vulnerabilities on two distinct levels, individual and societal. On the individual level, social media facilitate free access to an unprecedented amount of information. The platforms make it easy to either actively produce or passively consume content while expanding their penetration to previously unbothered social groups, such as seniors or children. According to Bontcheva et al. (2013), the combination of these conditions leads to information overload and overlook, meaning that individuals often feel overwhelmed by the sheer number of posts and content they encounter online. This problem is further exacerbated by the type of information they receive or consume.

For Rahman(2018), the consumption of tainted information is by far the most significant threat posed by social media platforms. In contrast, Wardle(2018) introduces a fluid spectrum of information disorders, ranging from making false connections to manipulated content, which makes it easier to investigate and analyze the vulnerabilities created by social media. Entertaining Wardle's categories of information disorders, individuals who fail to navigate through the pits and traps of social media fall further behind. In other words, the services in question emphasize information disorders that exacerbate the existing inequalities and social disparities.

On the other hand, the technological underpinning of social media platforms coupled with the societal reliance on such modes of communication constitutes a worrying vulnerability wherein the primary means of communication, and hence some forms of cultural, social, and political deliberation, have been delegated to algorithms and gamified social interactions. The vulnerability of such a nexus stems from the absence of liability for the results social media produce, because there is no framework for holding algorithms accountable. This vulnerability then transcends into the social aspect of living wherein

human lives are subject to technological determinism, meaning that the available technology heavily shapes human actions. For example, according to Klein (2022), the gamification elements of Twitter significantly shape the form and content of political communication. Coupled with the character limit of tweets, Twitter users are more likely to communicate in a very rigid and politically correct, perhaps even mainstream, manner not to upset their followers. Although beneficial on many levels, over-reliance on social media has the potential to reshape and aggravate social and communication behavior significantly.

Considering the contents of this sub-chapter, it may be argued that social media platforms may be treated, even if only on exclusively theoretical grounds, as public utility. This is in line with the arguments, although worded differently, of leading European scholars in the field of platform regulation, such as van Dijck et al. (2018) or Helberger (2020; 2018).

2. Conceptualizing public utility

Having reviewed a sizable body of literature, it is necessary to establish a coherent conceptual framework. The primary purpose of the literature review is to delimit the scope of the study and introduce a range of ancillary concepts to establish the central concept. So far, the concept at hand has been captured by lawyers and economists who used it to develop regulatory frameworks covering areas of essentiality, such as electricity and water. To de-couple the concept from its traditional conceptual stream, the thesis consults the available scholarly literature. Arguably, the literature used for crafting the concept is not empirical. As a matter of fact, the conceptual neglect of an emergent security threat, it being the sum of threats emanating from social media platforms, coupled with the absence of any suitable solution represents a major gap in the literature that is yet to be filled. As such, the literature review takes a general approach and touches upon van Dijck et al.'s

(2018) conceptualization of platforms, details their security risks and presents the reader with a contextual overview of the concept at hand. Now, building on the literature review, this chapter seeks to narrow down the concept by postulating that treating social media platforms as public utility is a valid conceptual perception of a threat that fosters a value-laden approach to regulation and thus enhances the security of the referent objects, them being the society, the public and democracy.

To even begin thinking of the platforms as socially accountable actors, it is necessary to establish a contextual foundation by connecting the ancillary concepts introduced in the literature review. Using van Dijck et al.'s (2018) concept of platform society, the thesis argues that social media platforms have become irreplaceable for the proper functioning of modern societies. Primarily, they fulfill an important role in information dissemination. For communication to happen, there ought to be channels and networks facilitating the exchange of information. Habermas, writing in 1964, recognized the importance of the newly emerging nexus between information channels and public values. For this, he coined the term 'public sphere' which he defines as a realm where public opinion may be formed according to the principles of the French Revolution - *liberté, égalité, fraternité*. Practically, Habermas speaks of freedom of expression and assembly, equality of access, and liberty from tyrannical state oppression (Habermas et al., 1974). Considering Habermas' close intellectual association with the ideas of Enlightenment, one cannot help but see the influence of Rousseau's primordial society, one with idyllic connotations, innocence, and lack of private power. For this private power and corporate interests, Habermas (1974) believes in the actual and practical inconceivability of the public sphere.

Although seemingly out of reach in the 1970s, many believed that the Information Era would transform communication channels into a properly functioning public sphere. As

such, it was believed that the emerging digital intermediaries would adopt the values of the public sphere. According to van Dijck et al. (2018), the list of values pertaining to the public sphere is essentially endless but includes values such as transparency, accountability, fairness, accuracy, consumer protection and privacy. Considering the current state of affairs, it may be argued that the evolution has failed miserably as the platforms have never embraced such values. This, however, does not preclude further inquiry into treating the platforms as public utility from the perspective of their stakeholders.

As a matter of fact, it makes the case for treating the platforms as socially accountable actors even stronger. Clearly, the platforms now constitute the public space of the 21st century. Considering the ever-increasing importance of the platforms in individuals' lives, the distinction between the physical and digital public space has slowly faded. As van Dijck et al. (2018) argue, this novel digital space has become public because of the public's vested interest. Thus, it may be posited that the public space has been conquered by private actors who have accumulated outsized control and influence over matters pertaining to the public without sufficiently addressing the risks posed to their stakeholders. Put differently, the security of the public, including both individuals and communities, as well as democracy is endangered by unconstrained private power.

To protect the public space, democracy and its citizens, the state must devise a tool allowing it to constrain private power by imposing and enforcing rules within the emerging digital domain. According to Rahman (2018), the power of private players is best controlled by imposing public-driven obligations on the providers of essential goods or services, which effectively facilitates the players' accountability to the public. As the literature review demonstrates, the platforms may, even if on exclusively theoretical

grounds, be treated as an infrastructural service providing essential goods or services. Thus, the concept of public utility is to be conceptualized, within a multimodal and interdisciplinary setting, as a conceptually driven approach to regulation imbued with public values that produces a valid instrument for tackling emerging security threats. As such, the concept comes into being through a set of attitudes, beliefs and claims whose common linkage is the protection of public values by tackling the outsized impact of private power.

At face value, however, a regulation of this type is often preemptively dismissed on the grounds of its political connotation. In other words, the concept of public utility is often painted as a socialist phenomenon. Rather than succumbing to this reductionist thinking, the thesis assumes that a regulatory tool imbued with the concept of public utility is essential for tackling the malignant tentacles of unconstrained private power.

Although proven feasible on both conceptual and theoretical grounds, the empirical dimension of the posited argument is essentially non-existent. In other words, no study has investigated whether thinking of social media platforms as public utility is present in either implicit or explicit narratives of the relevant stakeholders. In the pursuit of filling a gap in the literature and introducing a new agenda to the discipline of security studies, the following chapters seek to provide the much-needed empirical evidence by analyzing the content of 31 contributions to the EC's consultation process regarding its latest regulatory tool, the DSA package in light of the multiple streams framework.

3. Multiple streams framework

While the previous sections provide a broader theoretical framework explaining and contextualizing the theoretical shift toward emerging security threats, this thesis analyzes

the interplay between values and problem framing of security threats in one instance, namely the EU Digital Services Act package proposal. This represents, as mentioned earlier, a step in a new theoretical direction as the nexus between security, regulation, and technology requires the merger of several theoretical frameworks. Novelty requires flexibility. To accommodate this, the thesis adopts Kingdon's multiple streams framework, henceforth the MSF, as it introduces the concept of problem frames and touches upon the normative role values play in decision-making.

According to Cairney and Jones, Kingdon's theory has significantly contributed to the study of public policy (2016). For one, Kingdon seems to complement earlier Hall's (1993) work on the importance of ideas in policymaking. Heikkila and Cairney (2018, p. 365) define the role ideas play in politics as follows:

"[ideas are] ways of thinking or the knowledge that plays a role in the policy process. [ideas] may include beliefs, knowledge, worldviews, and shared definitions of policy problems, images, and solutions within groups, organizations, networks, and political systems. Some ideas or beliefs may be taken for granted or rarely questioned – such as core beliefs, values, or paradigms. Others may be more malleable, such as proposed solutions to policy problems."

Heikkila and Cairney(2018) further argue that the meaning of ideas in the political discourse is often linked, although perhaps implicitly, to the proposed solution to the problem at hand. Therefore, it is possible to argue that all solutions to policy problems are, to a particular extent, shaped by implicitly voiced ideas and attitudes of the involved stakeholders.

Kingdon's MSF is based on, according to Cairney and Jones, three pillars of the policymaking metaphor, namely problem identification, solution production, and choice

(2016). Kingdon refers to these three pillars as the 'problem, policy, and politics' streams. Kingdon further argues that major policy changes, which the DSA arguably is, occur when these three independent streams converge (1995). According to Goyal et al. (2021), the problem stream is defined as both the sum of societal conditions (events, attitudes) preceding the conceptualization of a problem as well as any policy feedback decision-makers receive in its aftermath. The policy stream refers to the various policy alternatives, including their respective amendments, that get developed as a result of the problem formulation. Lastly, the politics stream comprises of political attitudes, financial availability, and party ideologies (Goyal et al., 2021).

To attain the goals set in the research question, this study investigates the nexus between problem frames and values in the contributions of pre-selected actors involved in the EC's consultation process regarding the DSA package. For this, the thesis needs to narrow down its theoretical scope by focusing only on one of Kingdon's streams, namely the problem stream. For this, it is necessary to develop the conception of the stream beyond Goyal et al.'s brief explanation.

Kingdon(1995) asserts that before a particular phenomenon becomes a problem, it is considered as merely an indicator of performance. Knaggard (2015) as well as Baumgartner and Jones(2009) adopt a more intelligible term and label such indicators as conditions. This approach seeks to go beyond the immediate quantification of the observed phenomenon and consider the contextual information within which the phenomenon occurs. The transition from a condition to a problem occurs when, according to Kingdon(1995), people compare the status quo with the desired state of affairs in light of their values, performance, or organizational preference. However, the simple act of defining a problem does not constitute a political urgency compelling the government to

act. This is done, as Knaggard (2015) puts it, via a problem broker. According to her, "*A problem broker is a role in which actors frame conditions as public problems and work to make policy makers accept these frames*" (Knaggard, 2015, p. 452). Therefore, the process of turning a mere problem into a public policy issue worth the attention of decision-makers may be considered performative, meaning that it is the act of problem framing that eventually compels the government to take an appropriate action.

According to Druckman (2001), framing refers to the emphasis put on particular elements of a problem to steer the policy-makers' focus toward the highlighted considerations. Scholars have investigated several lines of inquiry with regard to framing, ranging from the frames adopted by individuals to make sense of reality (Chong & Druckman, 2007; Kinder & Sanders, 1990) to the impact of frames on decision-making (Entman, 2004). For the purpose of this study, framing is defined, according to Entman as "*selecting and highlighting some facets of events or issues, and making connections among them so as to promote a particular interpretation, evaluation and/or solution*" (2004, p. 5). Therefore, considering Zahariadis' (2008) work on the MSF, framing refers not only to the selection of certain problem facets but also implies some preferred solution.

The contents of such frames remain, however, still disputed in academia (Knaggard, 2015). Nevertheless, Knaggard argues that "*all problem frames, to some extent, include elements of knowledge, values and emotions*" (2015, p. 455). Best's review of Gusfield's work on problem framing further highlights the cultural and structural contexts facilitating the value-based construction of problems and their solutions (2017). As per Douglas and Wildavsky's (1982) essay, values connotate the underlying preferences embedded within the desired end-state. For example, Butler et al. (2015) demonstrate the feasibility of a value-based approach to the problem stream in their work on public values in the energy

sector by emphasizing the importance of stakeholders' underlying beliefs embedded in the solutions they envision. As for the second element of a problem frame, emotions are to be understood, as Knaggard (2015) argues, as the 'tone' of the message. Zahariadis (2009) further explains that emotions are invoked mostly through discourse by referring to resonating symbols, events, and publicly desired values. Lastly, Knaggard (2015) treats the knowledge element as the necessary epistemic prerequisite for the construction of an objective problem frame. As a matter of fact, Knaggard (2015), referring to Goodwin et al.'s research (2001), argues that contemporary decision-making structures are prone almost exclusively to persuasion by a legitimate cognitive authority whose claims are based on sound scientific knowledge.

Therefore, the MSF's problem stream constitutes the operational part of the theoretical framework, as it facilitates the analysis of the gathered data. First, it narrows down the theoretical scope of this thesis to one instance of the decision-making process. Second, it creates a theoretical lens for the analysis of values and ideas within the stakeholders' problem definition. Lastly, its flexibility complements the selected methodology as the problem stream does not prescribe a strict list of steps or processes. Instead, it allows the researcher to conduct inductive content analysis within the boundaries set by Kingdon (1992) and Knaggar (2015).

4. Methodology

The inquiry into the three-fold nexus between technology, security, and regulation requires an exceptionally high degree of academic entrepreneurship. The problem at hand, it being a heavily under-researched phenomenon with severe gaps in the literature, poses a formidable scholarly challenge. To tackle this, the study takes the form of an exploratory case study. According to Yin(2013), the rationale for conducting an exploratory case

study is to develop the initial understanding of an under-researched phenomenon. To provide for an appropriate level of detail, as per Baxter and Jack's (2015) work on case study methodology, the thesis chooses to adopt a single case study approach.

As such, the thesis has two objectives. First, it strives to test a normative theory, which has not yet been applied to a particular case, through inductive reasoning and derive potential venues for further research. Second, it seeks to produce empirical evidence to validate the theoretical underpinning of treating social media platforms as public utility. Therefore, the outcomes of this study shall not only prove the validity of a normative theory but also help to further refine the future lines of inquiry.

As previously noted, the literature on the issue of social media governance is fragmented and effectively precludes the establishment of clear theoretical and conceptual frameworks serving as a reference point. To overcome this obstacle, the study analyzes the manifest and latent meanings of 31 pre-selected participants in the EC's consultation procedure regarding the proposed Digital Services Act package. Thus, this line of inquiry relies on a combination of constructivist epistemological and ontological approaches. As Merriam (2009) puts it, the constructivist epistemology seeks to describe the perceived reality of the selected actors, which is performative and context dependent. To pursue this goal further, the thesis adopts qualitative content analysis (QCA) as its primary methodological tool.

The data used in this thesis is of primary and qualitative nature. Furthermore, both the list of stakeholders as well as the documents analyzed are publicly accessible via the EC's 'Have Your Say' portal. Considering the objectives outlined above, the selection of the analyzed stakeholders is not random. To understand the selection process, it is necessary to start with the framework of the EC's consultation procedure. When consulting, the EC

puts forward a lengthy pre-structured questionnaire inquiring about the preferences and attitudes of the participating stakeholders. The stakeholders may, however, submit any supporting documents alongside the answers to the questionnaire. In practice, this is used to go 'off the script' and provide the EC with a more granular and lengthy response. To answer the first research question, and to investigate the problem frames utilized by the relevant stakeholders, the thesis analyzed only the supporting documents, as they are not pre-structured by the EC and provide the stakeholders with sufficient argumentative flexibility.

As for the selection process, the EC received 2863 feedback forms related to the DSA package proposal. However, 90% of all responses were submitted primarily by individuals (1849), corporate entities (211), or business associations (180). All such responses were excluded from the final dataset as well as any responses not submitted in English. The lack of potential bargaining power coupled with the unsure relevance of individuals' contributions rendered their responses impractical. On the other hand, corporate entities and business associations represent powerful decision-making actors, but their responses are motivated by the desire to limit state intervention in business affairs, which effectively makes their contributions useless. For this, the final dataset contained 287 relevant stakeholders.

Having reduced the number of stakeholders on preliminary criteria, such as stakeholder category and language, the dataset was further refined using qualitative assessment. For instance, 'the Council of European Dentists' is neither an impactful organization regarding digital legislative files nor a relevant stakeholder vis-à-vis the regulation of social media platforms. Moreover, not all 287 stakeholders submitted supporting documents alongside the questionnaire. As a result of the assessment coupled with the

availability of data, the thesis analyzes 31 unique supporting documents submitted by the most relevant stakeholders for the regulation of social media platforms. The list of the analyzed stakeholders consists of NGOs, public authorities, academic institutions, trade unions, and consumer organizations.

Turning to the QCA, this method is defined, according to Drisko and Maschi (2016), as a "*research technique for making systematic, credible, or valid and replicable inferences from texts and other forms of communication*"(p. 7). Using the QCA inductively, the thesis seeks to identify the main problem frames used by the respective stakeholders utilizing the insights from the MSF. This is achieved by carefully inspecting and analyzing text documents submitted by the stakeholders. Put differently, the thesis seeks to uncover the stakeholders' understanding of the problem by interacting with their means of communication. As Drisko and Maschi further claim (2016), the QCA is a flexible methodological tool that allows the researcher to select the appropriate unit of analysis. This study chooses a paragraph as its preferred unit of analysis, as paragraphs provide a conceptually coherent set of ideas.

It is nevertheless noted, as Sandelkowski (2000) argues, that the QCA constitutes an inherently descriptive methodology. Moreover, according to Anderson (2010), the reliability of findings using the QCA without cross-checking to reduce bias is heavily constrained. To tackle this and increase the findings' accuracy, the analytical process consists of three iterations through the selected documents. During the first iteration, all paragraphs are coded intuitively based on the inductively detected problem frame. Consequently, the individual codes are bundled into coherent and precise clusters of problem frames. During the second iteration, all paragraphs are coded deductively according to the pre-defined clusters. The third iteration consists of a careful analysis of

each cluster from which the most relevant and used problem frames are then selected. Therefore, this inquiry is heavily reliant upon qualitative analysis which makes it prone to bias and error, but its design, including multiple rounds of analysis, ensures that such inevitable features of research are held at bay.

Lastly, the methodology is operationalized, considering Sandelkowski's (2000) argument maintaining that QCA is characterized by the constant updating of datasets and codes, by using Nvivo, a coding software used for qualitative data analysis.

5. Analysis

This chapter aims to examine the problem frames utilized by the 31 pre-selected stakeholders in the consultation process of the EC regarding the Digital Services Act package. The stakeholders' contributions were submitted to the EC's 'Have Your Say' portal between June and September 2020 and hence do not reflect on any of the recent security issues related to social media platforms' governance. The final dataset contains 2050 hand-coded paragraphs divided into five broad categories: 'a lack of a regulatory structure', 'protection of users or the public', 'a lack of transparency', 'an outsized impact of the platforms, and 'undecisive'. Each category was developed inductively and named after its binding element, representing the most used problem frame.

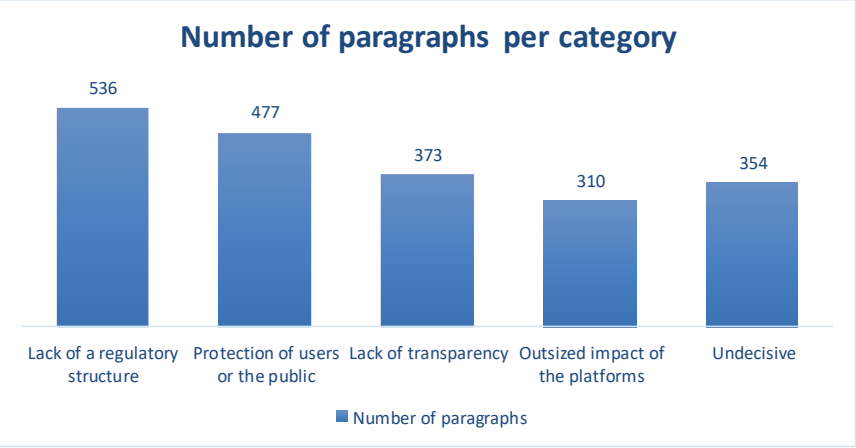


Figure 1 - an overview of the number of paragraphs per identified category of problem frames

From 2050 paragraphs, 536 fall within the ‘a lack of a regulatory framework’ category. The second most used category of problem frames among the stakeholders, found in 477 instances, is the protection of users or the public from the harms directly caused or facilitated by social media platforms. The third category of problem frames, utilized 373 times, refers to a lack of transparency surrounding the platforms. Fourthly, and most importantly, 310 paragraphs refer to problem frames akin to the various elements of public utility. Lastly, 354 of the analyzed paragraphs belong to the ‘undecisive’ category.

5.1 A lack of a regulatory framework

The most sizeable category of coded paragraphs refers to a range of problem frames that all refer to a lack of a coherent regulatory structure addressing the risks associated with social media platforms. The category may be further deconstructed into six distinct problem frames (see Appendix 1).

First, the stakeholders consider the lack of oversight and enforcement of current rules governing social media platforms as a major problem. This includes calls for compliance monitoring, cooperation between competent authorities, proportionate sanctions, or the importance of the judiciary in interpreting the legality of content.

Second, almost all stakeholders wish to include a good Samaritan clause in any future regulatory tool governing social media platforms to provide at least some level of liability protection for the platforms. A good Samaritan clause, interpreted in light of Section 230 of the US Communications Decency Act (1996), shields platforms from liability for any voluntary action taken against seemingly problematic content.

Third, the stakeholders believe that a general monitoring obligation, meaning that platforms would be obliged to screen all content uploaded by users for potential harm or

illegality, could have unforeseen impacts on fundamental human rights, market structure, and future regulatory efforts.

> The European Commission should not underestimate the importance of a legislative framework specifying details of Notice-and-Action (N/A) procedures because it significantly improves foreseeability and legal certainty for all regulated parties. The DSA legislative package should establish N/A procedures for online platforms that curate and moderate user generated content. Different types of illegal online content and activities require different responses specifically tailored to the type of user-generated content that they should respond to. However, the legislative framework has to clearly define the procedures and provide appropriate safeguards for their application. Access Now recommends a scaled model of responsibility for online platforms and adoption of adequate N/A procedures that are tailored to specific categories of user-generated content. As an example of a good practice, we recommend the following models of N/A procedures:

Excerpt 1 - an example of the 'lack of a regulatory structure' problem frame

Fourth, there is a convergence of opinions between the analyzed stakeholders on the importance of the contemporary intermediary liability regime. Currently, social media platforms cannot be held liable for any user-generated content available on their services.

Fifth, any future regulation of social media platforms is ought to solve a range of issues clustered around the concept of legal uncertainty. For instance, the stakeholders posit that legal certainty in matters pertaining to the enforcement of any rules is bound to the notion of 'country of origin', meaning that such rules may be enforced only in the country the company is established in.

Lastly, the stakeholders notice, although only in a few instances, other regulatory shortcomings, such as a need for a tiered regulatory approach or coordination and assistance at the EU or national level.

Figure 2 - a word cloud of the 50 most used words within the 'a lack of a regulatory structure' problem frame

While seemingly irrelevant to the task at hand, a word cloud of the most 50 used words within each category of problem frames is used to improve the accuracy and validity of the findings. Moreover, the choice of words facilitates the construction of both a particular problem frame and solution thereof. As expected, the word cloud for this category includes words such as regulatory, enforcement, regulation, framework, or legal. The choice of words confirms that the stakeholders desire at least some sort of a new regulatory framework which would constitute the foundational building block for more delicate requirements. To investigate the problems conceptualized by the stakeholders as a follow-up to a regulatory structure, the study turns to the rest of the categories.

5.2 Protection of users or the public

Almost a quarter, 23%, of all paragraphs contain problem frames related to the protection of users or the public. Put differently, the most prevalent problem frame explaining the rationale behind the need for a new regulatory tool refers to a range of negative impacts social media platforms have on both their users and the general public. The category may be further deconstructed into six unique problem frames (see Appendix 2).

First, the stakeholders are concerned by the ever-increasing volume of harmful or illegal content circulating on the platforms. It is, however, important to note that in this case, the stakeholders are not principally interested in the intent behind such content. Instead, they argue that the very design of the platforms, or rather their systemic unwillingness to tackle the issue, constitutes the core of the problem, as excerpt 2 demonstrates.

> In our own research, we discovered that Facebook's recommendation algorithm was promoting pages with disinformation from a French white supremacist group5. Facebook's algorithm extended the reach of this group, helping it achieve nearly a half million followers. In fact, Facebook's recommendation system actually helped the group generate revenue by guiding Facebook users to the group's payment and monetisation services. Similar mechanisms have been described for instance around QAnon Facebook groups6 or YouTube conspiracy videos such as the Plandemic video7

Excerpt 2 - an example of the 'harmful or illegal content' problem frame

Second, in contrast to the first problem frame, stakeholders often argue that the real problem to be tackled is the malign use of the platforms rather than the content itself. For instance, as excerpt 3 shows, stakeholders are worried about the increasingly normalized malign behavior of some users who utilize the platforms to engage in harmful or violent behavior, such as sexism, racism, ageism, or other types of prejudice towards the perceived out-groups.

> Platforms take insufficient steps to protect children from bullying, sexism, racism, and hate online. (Sec. I(1)(C), Qs. 1/3). A 2018 Common Sense survey found that 64% of teen
> social media users say they come across hateful content on social media; one in five report they "often" see inappropriate content. And about as many parents whose younger kids watch 26
> YouTube say their child has encountered content they felt was unsuitable for children. A recent 27
> 2020 survey from the ADL found that nearly half of respondents report harassment online; more problematic, 28% of respondents experienced severe online harassment, which includes sexual harassment, stalking, physical threats, swatting, doxing and sustained harassment. And a majority of teens (59 percent) have experienced "some sort of cyberbullying." 29

Excerpt 3 - an example of the 'malign use of platforms' problem frame

The third problem frame identified within the category refers to fundamental human rights abuses. According to the stakeholders, social media platforms pose a formidable challenge to the enjoyment of such rights in the 21st century. The vast majority of participants consider freedom of speech at special risk, primarily because of the outsized power over discourse accumulated by the platforms, as per the example in excerpt 4. For instance, the arbitrary application of terms of service of a particular platform may preclude some individuals from enjoying their freedom of speech, even though the speech itself is not considered illegal. In other words, platforms serve, to a particular extent, as a censor of speech. In other instances, the stakeholders mention abuses of the right to privacy (surveillance regime) or the right to non-discrimination (discriminatory advertisement, recommender systems).

The rise of social media and other online platforms has brought unprecedented global connectivity. Despite the real value of online platforms enabling human rights online, the services come at a serious human rights cost.2
The
increasing power of online platform companies has led to a systemic erosion of the right to privacy in the digital space, and corresponding impacts on a range of other rights including non-discrimination, freedom of expression and opinion, and freedom of thought. It has become virtually impossible for users to engage in the digital world without being subject to ubiquitous corporate surveillance and intrusive profiling. Such practices are only increasing in breadth and depth in parallel with the erosion of any meaningful alternatives. As with all systems of surveillance, this has disproportionate impacts on marginalised groups, and exacerbates existing structural inequalities.3

Excerpt 4 - an example of the 'human rights abuses' problem frame

Fourth, the stakeholders demonstrate a particular affinity to problematizing consumer protection. As a matter of fact, this problem frame consists of a particularly wide range of issues. The texts reveal that platforms often engage in user manipulation, unlawful data collection, use of dubious contractual clauses or the sale of users' data. Furthermore, the stakeholders posit that social media platforms effectively preclude consumer choice by

using algorithms that nudge customers towards products based on social engagement metrics.

Taking a step back, the fifth problem frame is linked to the dangers the platforms pose to democracy. Within this frame, the analyzed contributions highlight the risks to media plurality and high-quality journalism as well as to values inextricably linked to a democratic form of governance. Interestingly, there is a noteworthy focus on the prominence of the platforms for the public discourse. For instance, excerpt 5 showcases a problem framing arguing that platforms have the necessary means to not only shape the direction of 'democratic deliberation', but also to significantly tweak the very process of communication (e.g., where and how it takes place).

> The trend is especially worrisome with regard to online platforms that serve as content hosting providers. Today, these intermediaries play a key role in democratic deliberation. Algorithmically-driven content curation, on social media platforms in particular, can introduce a host of risks that affect the functionality of communication processes necessary for democracy4, ranging from hate speech, to extremist content to algorithmic curation that discriminates against certain groups/parts of society.

Excerpt 5 - an example of the 'protecting democracy' problem frame

Lastly, some of the paragraphs emphasize the negative impacts of platforms on public health. However, this problem frame goes beyond the mere dissemination of misinformation regarding, for example, cures for Covid-19[2]. On the contrary, the stakeholders point out that social media platforms contribute to a significant decrease in the overall well-being of individuals and communities by, for example, highlighting the extent to which such platforms induce or contribute to addictive behavior.

[2] Considering the time frame of the consultation, C-19 was a heavily featured topic with regard to the dissemination of harmful content

Figure 3 - a word cloud of the 50 most used words within the 'protection of users or the public' category

Looking at the list of the most used words within the category, the analyzed stakeholders highlight the negative impacts such platforms have on individuals and communities. As indicated in the description of the individual problem frames, this category refers primarily to the negligent approach of the platforms towards users' data, dissemination of illegal and harmful content, and fundamental human rights.

Overall, this category of problem frames is primarily concerned with the risks associated with the use of the platforms. This is in line with Knaggard's (2015) construction of problem frames as the coded paragraphs represent a quasi-enumeration of problematic conditions related to the platforms. Furthermore, all the problem frames are based on sound empirical evidence and imply, although often very subtly, a particular set of values. In comparison with other clusters of problem frames, this category refers to a broad set of problems without necessarily proposing a particular solution.

5.3 A lack of transparency

The third category of problem frames, identified in 373 paragraphs, refers to a lack of transparency. Arguably, transparency requirements constitute the prerequisite for future regulatory tools as neither the public nor competent authorities currently have enough information about social media platforms' functioning and impacts. This category consists

of four distinct problem frames (see Appendix 3) that all portray the lack of transparency as a major issue.

First, the analyzed stakeholders point out the lack of transparency regarding the operations of the platforms. Put differently, social media platforms operate in an obfuscated environment as they are not transparent with their internal procedures regarding content moderation or decision-making, as shown in excerpt 6. Furthermore, the texts deplore both the lack of basic information about the platforms, such as the number of users, as well as their terms of service, which are notoriously difficult to understand.

> Content moderation is currently a "black box". The public is asked to trust the companies and their so called "transparency reports", which are a non-verifiable form of self-reporting. A more transparent reporting and compliance system must include: explanations of the individual automated moderation tools; the technical compliance system as a whole; a better understanding of the application of and compliance with voluntary policies, government regulation or third party guidance; and capable oversight.

Excerpt 6 - an example of a problem frame problematizing a lack of transparency with regard to content moderation

Similarly to the first problem frame, stakeholders problematize the ambiguity surrounding the algorithms used in the platforms' recommender systems. For instance, as excerpt 7 demonstrates, the stakeholders call for more transparency concerning the curation of content by publishing key criteria according to which the content is promoted and ranked as well as assessing the relevance of the promoted content.

Distribution of content: digital companies should provide essential information and explain to the public how their algorithms are used to present, rank, promote or demote content. Content that is promoted should be clearly marked as such, whether the content is promoted by the company or by a third-party for remuneration. Companies should also explain how they target users with (unsolicited) promoted content, whether at their own initiative or on behalf of third parties as a paid service. Equally, companies should clearly highlight content whose reliability is in doubt or content that has been fact-checked.

Excerpt 7 - an example of a problem frame featuring the lack of transparency with regard to algorithm functioning

The third cluster of problem frames steers the discussion toward issues related to advertisements, notably of political and commercial nature. In regard to political ads, the stakeholders highlight the lack of disclosure vis-à-vis sponsors' identity, amounts spent, and targeting criteria used. Interestingly, the vast majority of analyzed texts call for a publicly accessible repository of all political ads to boost transparency and facilitate public scrutiny. In regard to commercial ads, it is claimed that the lack of transparency facilitates discriminatory and potentially illegal advertising practices as well as provides incentives to not comply with data protection and privacy laws, as excerpt 8 illustrates.

To protect consumers and strengthen businesses: For commercial advertising, transparency by default benefits both brands and users. Universal ad transparency will help combat discriminatory and potentially illegal advertising practices, and help ensure compliance with privacy and data protection laws as they apply to ad targeting. At the same time, transparency also helps protect consumers - particularly those from vulnerable groups - from advertising for illegal and harmful products, and potentially increases trust in brands and in the platforms.7
Businesses that act in good faith and comply with regulation (including the GDPR) also benefit, as transparency levels the playing field by preventing bad-faith advertisers from breaking the law with impunity. Transparency on the advertiser, engagement and targeting criteria is only one part of a company's advertising strategy and therefore does not imply a disclosure of trade secrets. Transparency mechanisms would have to be built into the platforms in an easy-to-use format so that it doesn't prove a burden for advertisers.

Excerpt 8 - an example of a problem frame highlighting the lack of transparency with regard to advertisements

The fourth problem frame refers to the consequences of the lack of transparency on behalf of the platforms. For instance, it is often argued that the lack of access to data by users, researchers, and competent authorities precludes research into harms facilitated by the

platforms, prevents the application and enforcement of the law, prevents public scrutiny, and facilitates the use of the platforms by malign actors. Interestingly, this problem frame highlights a set of values and preferred outcomes that indicate that the analyzed stakeholders wish to make the platforms more accountable, as per excerpt 9, and scrutinize their functioning by giving access to the platforms' data to researchers and competent authorities. Finally, it is argued that increased transparency easily translates into user empowerment by allowing users to choose, for example, between a chronological and algorithmic feeds.

> Such public-facing transparency is a necessary yet in itself insufficient first step for enhancing the accountability of platforms and advertisers. While the measures described below will enhance the transparency of advertisers, this needs to go alongside transparency of the ad optimisation processes on the part of the platforms, as well as user-level transparency explaining why exactly an ad is reaching them individually.8 Transparency in and of itself is only instrumental to accountability and needs to therefore be backed up with further action to safeguard rights and democratic processes online. For example, transparency may reveal widespread harmful practices that may in fact be prohibited but have escaped meaningful enforcement, or even novel practices that should be regulated.

Excerpt 9 - an example of a problem frame highlighting a particular approach to transparency imbued with a public-oriented value

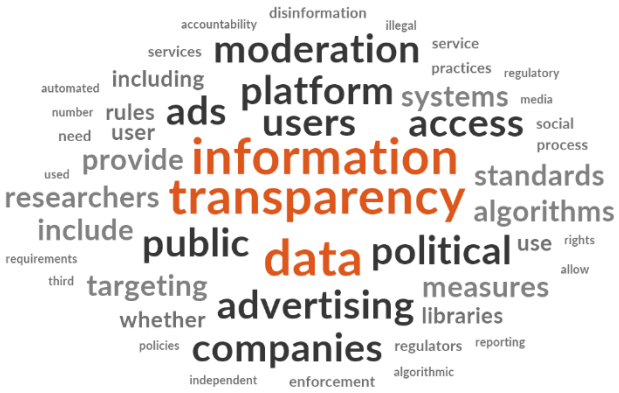


Figure 4 - a word cloud of the 50 most used words within the 'a lack of transparency' category

According to the most used words, the stakeholders seemingly converge on the approach to accessing the platforms' data, addressing political advertising, and allowing for public scrutiny.

In contrast to the categories mentioned above, the problem frames within this category balance between framing a problem and proposing a solution. As already mentioned, there is a strong agreement between the analyzed actors to force platforms into opening up their ecosystems and allowing researchers access to their data, especially regarding algorithmic transparency and political advertising. Finally, all problem frames carry a very implicit notion of public accountability, which is the prerequisite for the last meaningful category of problem frames.

5.4 Outsized impact of the platforms

The last identified cluster of problem frames, found in 310 instances, refers to the outsized impact of the platforms. The concept of a gatekeeper is the binding element of all the problem frames within this category. As the name already implies, a gatekeeper is an actor controlling access to a service or good. In this instance, all problem frames see social media platforms as gatekeepers to essential good – information. The category is split, just like in the cases above, into four distinct problem frames (see Appendix 4).

The first problem frame refers to a claim, shared by a majority of stakeholders, that people have delegated too much power to private companies, namely the platforms. This problem frame unites a range of arguments. For instance, as demonstrated in excerpt 10, the stakeholders believe that the platforms have become the gatekeepers of fundamental human rights. While some argue that the platforms have replaced the state in some areas, others see the role of the platforms limited to the new public square. As a matter of fact, a majority of the stakeholders agree that the platforms have indeed become a new type of digital infrastructure facilitating communication and deliberation online, which makes them an essential part of the public sphere. Besides this, it is argued that the environment

in which the platforms operate is so lenient that it effectively precludes them from feeling any sort of accountability to the public.

The dominance of the 'gatekeeper' platforms means in practice people have become reliant on their services to facilitate the enjoyment of rights such as freedom of expression, the rights of peaceful assembly and association.10 This has created a paradoxical situation where for people to exercise their rights in the digital age, they are forced to accede to a business model that inherently undermines their human rights. This false choice and its impact on people's rights was recently recognised by Germany's federal court in a ruling on Facebook and antitrust.11

Excerpt 10 - an example of a problem frame highlighting the role of the platforms with regard to fundamental human rights

Second, the stakeholders highlight the dominant position of the platforms in the market. Using empirical evidence, these problem frames feature concepts such as lock-in, network effect, high switching costs, and economy of scale, as illustrated in excerpt 11. Moreover, the texts emphasize two competition-related problem frames, namely the barriers to entry for other competitors and the power of the Big Tech to acquire any challenger to the status quo. The dominant position in the market is showcased in paragraphs wherein the platforms are portrayed as actors reducing the freedom of choice or the innovative potential of digital service. Strikingly, one problem frame equates the current situation of social media platforms to the situation of the telecom industry before it was regulated and considered a public utility service.

Large platform companies provide a wide array of meaningful services to users around the world. They give us the ability to connect with friends and family, listen to music, travel nearly anywhere, and connect with others in a variety of other helpful ways. The increased growth of many platform companies serves a helpful purpose, as their widespread use leads to "network effects" that enhance the utility of their product. However, as some large platform companies grow, they may abuse their dominant positions by blocking competitors from fair competition. Among the main examples of anticompetitive practices we can list: distorting information availability, lock-in measures, and practices against multi-homing.

Excerpt 11 - an example of a problem frame containing an enumeration of the range of features linked to the dominant position of social media platforms on the digital market

The third set of problem frames is grouped under the notion of platform power. While similar to the above-mentioned clusters of problem frames in terms of its content, this set of problem frames puts special emphasis on the asymmetrical power relationship between the platforms and their respective users. In other words, it is more specific about the various ways platforms utilize their outsized power. For instance, as excerpt 12 demonstrates, platforms with significant intermediary power (SIP) may arbitrarily deny access to essential goods, such as information, the new digital public square, or a marketplace. In regard to the access to essential goods, the stakeholders point out that the platforms have gained the power to distort information availability for individuals and communities. According to the stakeholders, the freedom to monetize and rank content in global information networks allows the platforms to control the information flows.

As for the structural issues, BEREC recognises that the control of some large DPs over a digital bottleneck and/or key inputs/assets provides them with SIP and therefore the ability to behave independently from their users (business users but also consumers), regardless of their behaviour. The fact that such DPs with SIP may represent an unavoidable gateway to access a wide variety of services on the Internet, or to reach other users, raises concerns as to their effect, even beyond their area(s) of business, on competition, innovation as well as users' freedom of choice.

Excerpt 12 - an example of a problem frame postulating that some platforms represent a gateway to other services on the Internet

The last problem frame is of marginal importance, as it is implicitly distributed throughout all the other categories. It argues that the core problem of social media platforms is their business model, which relies heavily on questionable data-collecting practices and obfuscated machine-learning models with millions of parameters while leveraging their immense market power through the ecosystem and network effects, as illustrated in excerpt 13.

> business model that is based on harvesting and profiting from users' personal data. These big tech companies have become virtually indispensable and they enjoy the ability to monitor users' activities and create profiles to sell or use for targeted advertising. These companies, according to the information fiduciary model, are similar to older fiduciaries, and are legally obliged to be trustworthy. This would ensure stricter privacy rules but without similar legislation to the GDPR. Elements of the fiduciary model can be found in models Facebook, Google, or Twitter suggest.

Excerpt 13 - an example of a problem frame that highlights the business model of social media platforms

Figure 3 - a word cloud of the 50 most used words within the 'gatekeepers' category

Strikingly, the list of the most used words for this category is dominated by a mix of user/public-centric words and words that indicate that the stakeholders perceive the platforms mainly through the market and competition lenses.

Therefore, it is concluded that the stakeholders frame the problems associated with social media platforms as a situation wherein the contemporary division of power is tilted in the platforms' favor. Put differently, and in light of Knaggard's (2015) understanding of framing, it may be argued that this cluster of problem frames is by far the most value-saturated category of problem frames. The texts reveal a close affinity with public-oriented

values and highlight a preferred solution that treats the platforms the way the telecom markets were treated in the 1990s.

5.5 Undecisive

Although sizeable, this category refers to paragraphs containing a wide variety of information irrelevant to the task at hand. Put differently, this category refers to units of analysis that either contain no problem frame (see excerpt 14) or their problem frame is not explicitly connected to social media platforms (see excerpt 15).

> At most of the conferences dedicated to digitalization, the same argument eventually surfaces: the dystopian, mass unemployment scenario due to digitalization is like the story of the "boy who cried wolf". At every technological leap, people have made such projections, and none of them became true. Ironically, the "moral" of this fable, is that once the boy told the truth, no one believed him, and the sheep ended up being eaten by the wolf.

Excerpt 14 - an example of information in the empty category of problem frames

> Examples of good practices can be found, for instance, in Wikipedia. With the aim to prevent the spread of dangerous misinformation, the organization has applied stricter editorial standards to articles regarding the pandemic, meaning that unregistered users are restricted from editing, and actual editors need to have acquired a certain amount of experience. In the area of online marketplaces, we have seen enhanced action against price gouging and increased support for small businesses. In March alone, Amazon suspended thousands of accounts for violating its pricing policies and removed hundreds of thousands of items from its website. Walmart took a similar action by automatically removing listings that were priced substantially higher than other listings. In addition to blocking or removing items that were making false health claims, eBay also launched an accelerator program to empower retailers without an e-commerce presence to transition to selling online. Social media services have also taken various steps to limit the spread of misinformation. For instance, Facebook has been directing its users to resources from the WHO and other reliable health authorities and expanded its fact-checking program for reviewing and rating content.

Excerpt 15 - an example of information in the 'undecisive' category of problem frames

The category includes introductory paragraphs, concluding remarks and statements that were impossible to code. Thus, the 'undecisive' category contains information that could be discarded in the pursuit of the goals of this thesis. Regardless of its relevance, the category completes the chosen methodology and concedes that no problem frames were identified in a portion of the selected texts.

5.6 Discussion

One of the objectives of this study is to generate empirical evidence to investigate the emerging conceptual understanding of social media platforms as public utility. In the pursuit of this goal, the thesis puts forward two research questions. First, it seeks to understand how the relevant stakeholders on the EU level frame the problems pertinent to social media platforms' governance. This is achieved by conducting a thorough QCA on the gathered data. Second, it connects the problem frames with the literature review so as to examine the overlap between the public utility features and the problem frames used. The following section, therefore, attempts to answer the research questions by connecting the empirical evidence at hand with the conceptual underpinning of the thesis.

While already presented in the previous chapter, it seems fitting to reflect on the findings of the QCA in light of the concepts introduced in the literature review. Overall, the analysis has identified five distinct categories of problem frames utilized by the stakeholders. While the prevalent category, 'a lack of a regulatory structure', does not feature claims explaining why social media platforms ought to be regulated, it still constitutes an important problem frame. As a matter of fact, it showcases the desire of the stakeholders to regulate the platforms. Moreover, the category problematizes the contemporary approach to regulating the platforms, thus creating a space for a more stringent, or at least different, approach to tackling the risks associated with the platforms. This is noticeable mostly in the problem frames highlighting the importance of enforcement and oversight over the platforms. Besides, the enumerated technical requirements, such as the retention of the intermediary liability regime or the good Samaritan clause, essentially mimic the regulation of, for example, the telecom industry in the US concerning the provisions related to the common carriage (Pitsch & Bresnahan,

1996). Hence, the contents of this category, although not directly addressing the defects of the artifact, indicate a shift in the normative priorities of the stakeholders vis-à-vis the direction of future regulation. For it is the failure to regulate the platforms properly that such actors may no longer be perceived as mere businesses providing a service for their customers without the baggage of social responsibility. Their corporate interests and private power ought to be scrutinized by a strong enforcement and oversight mechanism, which is in line with Hamilton's (1932) approach to securing access to essential goods and services.

The second category of problem frames, 'protection of users or the public', is more specific regarding its contents than the previous category. All problem frames within this category refer to the various risks the platforms pose either to individuals or society at large. Interestingly, the variation of problem frames corroborates the enumeration of risks included in the literature review that emphasized illegal activities, systemic risks and infringements of fundamental human rights. From a security perspective, stakeholders' use of these problem frames is important for the theory at hand as it problematizes the effects of the artifact. Put differently, the list of negative impacts not only sets the scope of a possible government intervention but also compels the government to protect its citizens and society from the platforms' adverse effects. Besides, the overlap between the literature review and the problem frames confirms Knaggard's (2015) claim that all problem frames are based on knowledge, values and emotions. Therefore, it may be argued that the second category of problem frames complements the first one as it states the reasons for regulating the platforms.

Building upon the previous categories, the third cluster of problem frames, 'a lack of transparency', refers to claims featuring the (non)disclosure of information by the

platforms. The problem frames in this cluster touch upon many pertinent areas of social media platforms' functioning, such as their decision-making, algorithm design, or ad placement. These problem frames demonstrate the glaring absence of information about actors who have grown increasingly powerful and resilient to regulatory pressures. For instance, the stakeholders often problematize the lack of even basic information about the platforms, such as the number of monthly active users. Moreover, the stakeholders seem to be worried about the lack of transparency regarding the platforms' content moderation and ranking activities as both are conducted mostly by using obfuscated algorithms without the possibility of redress. In regard to Knaggard's (2015) three elements of a problem frame, this cluster is heavily saturated by public-oriented values. According to van Dijck et al. (2018), public-oriented values are values that connotate a common good, such as equality, fairness, transparency and accountability. As a matter of fact, the stakeholders demonstrated their affinity toward such values quite frequently throughout the analyzed texts. This is in line with Habermas' concept of the public sphere (1974). Therefore, the analyzed actors believe that transparency fosters accountability which in turn implies, as per the analysis findings, a view wherein the platforms' ought to operate in the public's interest.

The last significant category of problem frames, 'outsized impact of the platforms', is crucial for furthering the conceptualization of the platforms as public utility. On a document level, most stakeholders (17), explicitly voiced their perception of the platforms as gatekeepers. Conceptually, a gatekeeper controls access to a particular good or service. In this context, the platforms are treated as gatekeepers, because they control access to the modern digital infrastructure required for public and democratic deliberation and general access to information or other assets/services (such as marketplaces). Moreover, the findings confirm van Dijck et al.'s (2018) notion of platform society as the stakeholders

highlight, on numerous occasions, the inextricably intertwined relationship between the platforms and the functioning of modern society. This relationship is, however, not harmonious but rather characterized by a noteworthy imbalance of power between the platforms and the rest of the actors (users, competent authorities, researchers, etc.). According to the stakeholders, the platforms leverage their outsized power over other actors to exploit the dominant position in the digital market. Interestingly, the problem frames claim that the enabling component of the structural market exploitation is essentially the very nature of the platforms, as their technological setup is imbued with features such as lock-in, network effect or economy of scale. The problem frames within this category thus problematize the outsized power wielded by the platforms as well as the capture of the public sphere by private power.

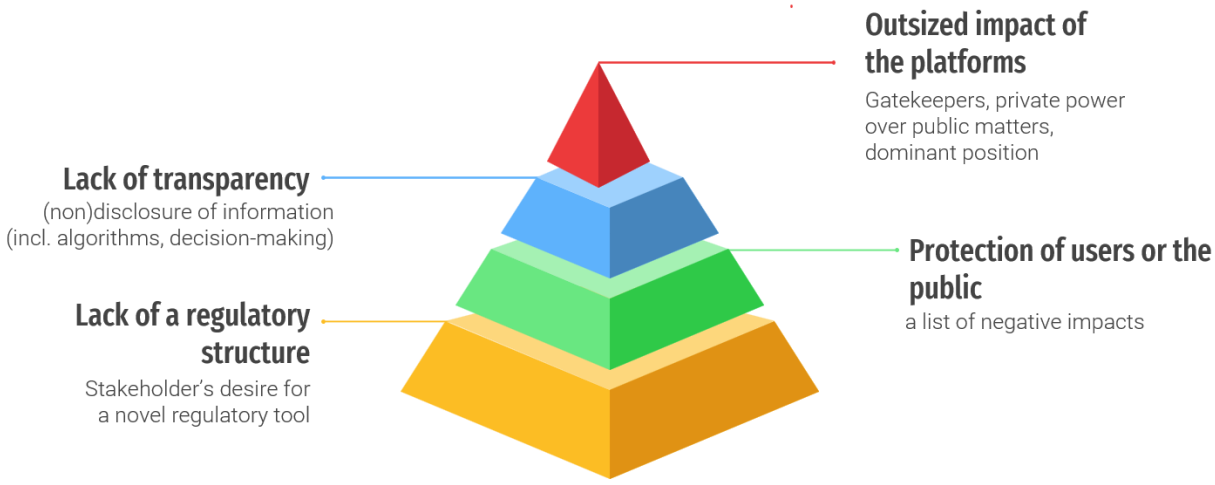


Figure 4 - a structure of the identified problem frames *Inforgraphic design credits: Slidesgo*

All in all, it may be argued that the problem frames found within the contributors' texts form a pyramid-like structure, as illustrated in Figure 7, wherein each layer represents the proportion of paragraphs in the analyzed texts as well as their respective relevance for the

task at hand. Regardless of their perceived relevance, each layer builds the case for treating social media platforms as public utility in their own right.

The analysis of the textual artifacts has revealed four important categories of problem frames. To answer the second research question, it is necessary to examine the overlap between the identified frames and the conceptualization criteria of public utility introduced in the literature review. Insofar as the scope of this thesis goes, the criteria for public utility include four intertwined components. First, there ought to be a connection to the Habermasian (1973) public sphere which denotes public-oriented values. Second, public utilities should constitute economies of scale displaying high concentration and utilizing various types of anti-competitive behavior, such as network effect and ecosystem design. Third, the service considered a public utility should constitute a gateway to numerous downstream uses (e.g., a social infrastructure for providing various goods/services). Lastly, public utilities need to demonstrate an exceptionally high level of necessity and vulnerability.

The first component of the conceptualization is to be found primarily within two categories of problem frames, namely ‘a lack of transparency’ and ‘protection of users or the public’. Both of these categories feature public-oriented values and address the shortcomings of the platforms with regard to their responsibility toward the public. As a matter of fact, there is a significant overlap between the values inscribed in the coded paragraphs and the values identified in the literature review. Moreover, the idea that essentially a public space has been conquered by private power is present throughout all of the problem frame clusters. In this regard, it may be thus concluded that the stakeholders treat the space within which the platforms operate as belonging to the public, which informs their desire to see the platforms held accountable. Put differently, the stakeholders recognize the numerous

threats posed by the platforms to the public space and seek to address such harms by invoking public-oriented values as part of their preferred solution. As a result, the stakeholders implement the Brandeisian dimension of public utility, it being the social accountability of private power to the citizens.

The cluster of problem frames referring to gatekeepers is quintessentially the second component of the public utility conceptualization. The component emphasizes market-related features, such as economies of scale and characteristics thereof. In Lipsky and Sidak's (1994) terms, there ought to be an exceptionally high level of market control. According to the theory, for an industry to be treated as a public utility, it must display a range of symptoms, such as high concentration, high sunk costs and high barriers to entry. Strikingly, the cluster of problem frames related to gatekeepers perfectly captures the essence of this component by not only using the same ideas but also using the same discourse. The overlap between the theory and practice is so precise that it provides little leeway for an alternative interpretation. The capture of a branch of the digital market by a handful of private corporations using ecosystem design to maintain their dominant position in the market may be considered the most relevant prerequisite for treating social media platforms as public utility. Document after document, the stakeholders highlight the asymmetries in power wielded by the largest social media platforms, which significantly hampers innovation and limits freedom of choice. As such, considering the stakeholders' contributions, it may be argued that the platforms constitute public utility in its normative market-oriented sense.

The problematization of downstream uses of the platforms is difficult to capture in one single category of problem frames. Instead, this element of the public utility framework seems to be defused throughout the texts without any notable prevalence or attention.

Arguably, it is used by some stakeholders to build the case for the problem frames of either the ‘protection of users or the public’ or the ‘gatekeepers’ category. For instance, it is often invoked in cases where the stakeholders highlight the importance of such services for the participation in the public life and the access to information or marketplaces. While the absence of an exact overlap may suggest a failure to connect the empirical evidence with theory, the thesis argues that it is rather challenging to problematize the downstream use of such platforms without featuring other problem frames, especially frames detailing the alleged market capture or the necessity and vulnerability components of the public utility framework. As a matter of fact, it seems that these components may not be treated as standalone features. Instead, as the contributions show, it is necessary to examine them simultaneously. Considering the contents of the above-mentioned clusters of problem frames, the stakeholders are genuinely convinced that restricting access to the services offered by the platforms may significantly hinder the pursuit of what Hassoun (2022) calls a minimally good life.

Similarly, the ‘protection of users or the public’ cluster of problem frames is heavily saturated by vulnerabilities of both individuals and societies. Therefore, it seems that the intertwined nature of the individual components of the public utility framework precludes their assessment as standalone theoretical units. Instead, it is necessary to adopt a whole-of-system approach wherein the assessment is primarily concerned with the situation.

In this regard, the analysis of the findings demonstrates quite clearly that the selected stakeholders consider the platforms a form of public utility. Their problem framing covers all four conceptual areas of public utility and is inscribed with a set of public-oriented values and solutions that promote them. They seek to regulate the platforms in a way that addresses the risks and vulnerabilities while restraining private power to protect the

interests of the public. Put differently, the stakeholders strive to secure and protect the newly established digital infrastructure which is currently controlled by a handful of private corporations. It may be further argued that the analyzed texts reveal a strong desire for a socially accountable digital reality, which social media platforms clearly constitute.

Additionally, the findings indicate a shift from a purely market-oriented approach to regulation towards a risk-oriented one. Essentially, a government-mandated intervention into market affairs is fueled not only by antitrust concerns but increasingly by the risks posed to individuals and society by the subjects at hand. As a result, I argue that state regulation in digital affairs, especially with regard to social media platforms and hosting services, has become a useful instrument for governments to increase the security of both the population and the digital infrastructure.

Therefore, the overlap between the problem frames utilized by the selected stakeholders and the literature review proves that social media platforms have already been conceptualized, albeit perhaps implicitly, as public utility. The four clusters of problem frames indicate a particularly strong desire of the stakeholders to protect public values and constrain the tentacles of private power.

Conclusion

This thesis ventures into the unknown and borderline areas of security studies. As such, it aims to introduce a new agenda to the discipline by filling a gap in the literature and providing empirical evidence to prove the validity of the researched topic. As Haraway (2016) puts it, innovative research agenda requires taking steps in novel conceptual, theoretical and empirical directions. For this, the thesis argues that the current approach to tackling harms and risks emanating from social media platforms is flawed. As a matter of

fact, there has been, thus far, no systemic and methodic treatment of the risks posed by the platforms. However, there has been a surge in normative and theoretical scholarly claims in recent years arguing that such risks may be tackled only through a robust and multimodal solution. According to Rahman (2018), this solution is best put into practice through a legal regulatory tool imbued with public-driven obligations. For this, the thesis analyzes, using the QCA, the case of the EU DSA package in light of the concept of public utility. The theoretical lens, the MSF, was not selected randomly but rather because it allows for a comprehensive analysis of policy change, as showcased by Goyal et al. (2021) or Zohlnhöfer et al. (2015). Using the problem stream of the MSF as a theoretical crutch, the analysis of the stakeholders' contributions points out several critical empirical conclusions which are in line with the set research questions.

Prior to analyzing the contents of the stakeholders' contributions, it was necessary to provide a rich and comprehensive literature review due to the novelty of the topic. As already mentioned, the literature review is not to be understood in the generic traditional sense, as it is not empirical. Instead, it reviews the risks associated with the platforms and touches upon many ancillary concepts, which are later used to craft the case for treating social media platforms as public utility. The concept of public utility is not well established in security studies, despite its relevance for political science. To introduce the concept into the discipline, the literature review investigates the roots of public utility and applies the concept to social media platforms. Therefore, the concept is thought of as both a particular line of thought concerning social media platforms and a conceptually driven approach to the regulation of social media platforms represented best through a set of beliefs, attitudes, and values that have the interests of the public at their core.

The conceptualization of public utility alone is not enough for the concept to be introduced into the discipline. To complete the research agenda-setting cycle, empirical evidence needs to be presented. For this, the thesis set two research questions.

RQ1: What problem frames are used in the problem stream, in light of the MSF theory, of the EC's consultation of the DSA package by the pre-selected stakeholders in relation to social media platforms governance?

RQ2: Considering the empirical evidence at hand, to what extent do these problem frames connotate a desire to conceptualize social media platforms as public utility?

The analysis of the findings provides answers to both questions. In regard to the first research question, the analysis reveals five distinct and unique categories of problems frames utilized by the selected stakeholders, namely 'lack of a regulatory structure', 'protection of users or the public', 'lack of transparency', 'outsized impact of the platforms, 'undecisive'. The order of the categories refers to their prevalence in the analyzed texts, and their names refer to their respective binding elements. The results demonstrate a strong desire among the stakeholders to witness the establishment of a new regulatory framework tackling the risks of the platforms. Besides, the future framework ought to be complemented, according to the stakeholders, with obligations that foster user and/or public protection, transparency on behalf of the platforms, and constraints on private platform power.

Considering the problem frames identified in the first part of the analysis, the second part assesses the overlap between the theoretical and conceptual planes of the concept with the actual empirical evidence. As the identified categories of problem frames suggest, there is a significant overlap between the conceptual and empirical dimensions. The analyzed texts all treat, albeit to different extents, the platforms as actors who have accumulated too much

power over public affairs and thus ought to be held accountable to the public. As such, the texts cover all public utility conditions and features explained in the literature review. For this, it may be argued that the empirical evidence proves that some stakeholders treat the platforms as public utility and demand the decision-makers to adopt rules and obligations to minimize the risks emanating from the platforms. Put differently, the analyzed stakeholders conceptualize the platforms as public utility.

Despite its results, the thesis is subject to several theoretical and methodological weaknesses. Perhaps the primary drawback of this thesis is its ambitious scope. As already stated, the aim of the thesis is to expand the current limits of security studies and introduce a new and innovative research agenda. To truly introduce a new agenda, it is necessary to produce much more research and have the necessary scholarly experience to do so. In this regard, the thesis may be treated only as a foundational stone for future research. Furthermore, the thesis lacks a traditional theoretical framework that would have a track-record in security studies. While for some this may be a major obstacle in a qualification thesis, I choose to exploit the novelty of the topic and experiment with novel theoretical and conceptual frameworks. For this, the thesis approached the topic in a multimodal and multidisciplinary fashion, which is in line with the ongoing merger of disciplines in research. Finally, the research relies exclusively on qualitative methods which makes it prone to researcher bias. Despite the three rounds of text analysis, it may still be argued that some problem frames may have been categorized differently. Moreover, it is acknowledged that the sample size is limited, due to time and labor constrains, and may produce different results once expanded. For the QCA method to produce truly valid and reliable results, the coding needs to be conducted by at least two coders, which was not possible to achieve due to the nature of this work. Therefore, the ultimate methodological weakness of this thesis may be the arbitrariness of coding.

Regardless of the theoretical and methodological drawbacks, this thesis has a number of theoretical and practical implications. For one, the thesis contributes to the further widening and broadening of the security studies agenda. In this regard, the focus is shifted towards the emerging technology-driven actors and private power. This is in line with the recent efforts, in Europe best embodied by the Dutch-based AlgoSoc program, to study and analyze societal implications of automated-decision making and digital intermediaries. Furthermore, the conceptualization of public utility, as well as the empirical evidence presented, prove that risk-based legal instruments are increasingly being used to tackle the emerging security risks. For this, the results go beyond a mere theoretical and conceptual contribution but empirically open up, as well as explicitly point out, new venues for tackling risks using non-coercive measures. In other words, the concept of public utility effectively justifies the decisions of the political elites to impose much stricter and more stringent rules and obligations on the regulated subjects.

Lastly, as already hinted in the methodology, the thesis strives to identify new venues for future research and does so in a two-fold fashion. On one hand, future research could elaborate on the findings of this thesis and strengthen its empirical dimension. In this regard, it would be beneficial to investigate the patterns in discourse practices of the 1920/1930s American progressivists as well as the deliberations around regulating the telecom industry and compare these patterns to the ongoing discussion regarding social media platforms. Furthermore, the empirical part of this thesis may be further strengthened by conducting expert interviews with the relevant stakeholders (e.g., national regulatory authorities, EC officials, NGOs). Lastly, future scholarly efforts could utilize all three streams of the MSF and investigate the interplay between the identified problem frames and other policy options that were available prior to the DSA proposal.

On the other hand, the concept of public utility may be used as an underlying conceptual driver for future research in other emerging areas of security studies, such as algorithmic systems (AI/ML) or climate change. Alternatively, public utility features may serve as a potent source of inspiration for future research into the various elements of the platforms. For instance, the DSA consists of data access obligations that allow vetted researchers to access previously undisclosed data, which is in line with the objectives of this thesis. In this regard, future scholarly efforts could investigate the impacts of the platforms on society in minor markets, such as the CEE region, or analyze the security risks related to recommender systems used by the platforms.

List of References

Abbott, K. W., Levi-faur, D., & Snidal, D. (2017). Theorizing Regulatory Intermediaries. *The ANNALS of the American Academy of Political and Social Science*, *670*(1), 14–35. https://doi.org/10.1177/0002716216688272

Agichtein, E., Castillo, C., Donato, D., Gionis, A., & Mishne, G. (2008). Finding high-quality content in social media. *Proceedings of the International Conference on Web Search and Web Data Mining - WSDM '08*, 183. https://doi.org/10.1145/1341531.1341557

Al Jazeera English, (2016, July 23), Zygmunt Bauman: Behind the world's 'crisis of humanity' l Talk to Al Jazeera, [Video], youtube.com, https://www.youtube.com/watch?v=EG63MkQb1r4&t=198s

Anderson, C. (2010). Presenting and Evaluating Qualitative Research. *American Journal of Pharmaceutical Education*, *74*(8), 141. https://doi.org/10.5688/aj7408141

Anthony, B. (2018). *On-Ramps, Intersections, and Exit Routes: A Roadmap for Systems and Industries to Prevent and Disrupt Human Trafficking*.

Appel, G., Grewal, L., Hadi, R. *et al.* The future of social media in marketing. *J. of the Acad. Mark. Sci.* **48**, 79–95 (2020). https://doi.org/10.1007/s11747-019-00695-1

Baldwin, D. (2016). *Power and International Relations : A Conceptual Approach*. Princeton University Press.

Balzacq, T., Léonard, S., & Ruzicka, J. (2016). 'Securitization' revisited: theory and cases. *International Relations*, *30*(4), 494–531. https://doi.org/10.1177/0047117815596590

Bastos, M. T., Mercea, D., & Charpentier, A. (2015). Tents, Tweets, and Events: The Interplay Between Ongoing Protests and Social Media. *Journal of Communication*, *65*(2), 320–350. https://doi.org/10.1111/jcom.12145

Bauman, Z. (2000). *Liquid Modernity* (1st ed.). Polity.

Baumgartner, F., & Jones, B. (2009). *Agendas and instability in American politics* (2nd ed.). The University of Chicago Press.

Baxter, P., & Jack, S. (2015). Qualitative Case Study Methodology: Study Design and Implementation for Novice Researchers. *The Qualitative Report*. https://doi.org/10.46743/2160-3715/2008.1573

Bayer, J. (2021). Rights and Duties of Online Platforms. In J. Bayer, B. Holznagel, P. Korpisaari, & L. Woods (Eds.), *Perspectives on Platform Governance* (1st ed., Vol. 1, pp. 25–45). Nomos Verlagsgesellschaft mbH & Co. KG.

Beck, U. (1992). *Risk Society* (1st ed.). Sage Publications.

Beck, U. (2002). The Terrorist Threat. *Theory, Culture & Society*, *19*(4), 39–55. https://doi.org/10.1177/0263276402019004003

Belás, J., Amoah, J., Dvorský, J., & Šuleř, P. (2021). The importance of social media for management of SMEs. *Economics & Sociology*, *14*(4), 118–132. https://doi.org/10.14254/2071-789X.2021/14-4/7

Berger, P. L., & Luckmann, T. (1911). *The Social Construction of Reality: A Treatise in the Sociology of Knowledge*. Penguin Books.

Berle, A., & Means, G. (1991). *The Modern Corporation and Private Property* (2nd ed.). Routledge.

Bertolini, A., Episcopo, F., & Cherciu, N.-A. (2021). *Liability of online platforms* (Panel for the Future of Science and Technology).

Best, J. (2017). Joseph Gusfield and Social Problems Theory. The American Sociologist, 48(1), 14–22. http://www.jstor.org/stable/44982700

Biddle, S., Ribeiro, P. V., & Dias, T. (2020, March 16). *Invisible censorship*.

Black, J. (2002). Critical Reflection on Regulation. *Australian Journal of Legal Philosophy*, *27*.

Bonneau, J., & Preibusch, S. (2010). The Privacy Jungle:On the Market for Data Protection in Social Networks. In *Economics of Information Security and Privacy* (pp. 121–167). Springer US. https://doi.org/10.1007/978-1-4419-6967-5_8

Bontcheva, K., Gorrell, G., & Wessels, B. (2013). *Social Media and Information Overload: Survey Results*.

Booth, K. (1991). Security and emancipation. *Review of International Studies*, *17*(4), 313–326. https://doi.org/10.1017/S0260210500112033

boyd, danah m., & Ellison, N. B. (2007). Social Network Sites: Definition, History, and Scholarship. *Journal of Computer-Mediated Communication*, *13*(1), 210–230. https://doi.org/10.1111/j.1083-6101.2007.00393.x

Bradshaw, S., & Howard, P. (2019). *The Global Disinformation Order 2019 Global Inventory of Organised Social Media Manipulation* (Project on Computational Propaganda).

Brennen Scott, J., Simon, F., Howard, P., & Nielsen, R. (2020). *Types, Sources, and Claims of COVID-19 Misinformation*.

Bronner, S. E. (2011). *Critical Theory: A very short introduction*. Oxford University Press.

Bursztein, E., Clarke, E., DeLaune, M., Elifff, D. M., Hsu, N., Olson, L., Shehan, J., Thakur, M., Thomas, K., & Bright, T. (2019). Rethinking the Detection of Child Sexual Abuse Imagery on the Internet. *The World Wide Web Conference*, 2601–2607. https://doi.org/10.1145/3308558.3313482

Butler, C., Demski, C., Parkhill, K., Pidgeon, N., & Spence, A. (2015). Public values for energy futures: Framing, indeterminacy and policy making. *Energy Policy*, *87*, 665–672. https://doi.org/10.1016/j.enpol.2015.01.035

Buzan, B. (1991). *People, States and Fear: An Agenda for International Studies in the Post-Cold War Era* (2nd ed.). Lynne Reiner.

Cairney, P., & Jones, M. D. (2016). Kingdon's Multiple Streams Approach: What Is the Empirical Impact of this Universal Theory? *Policy Studies Journal*, *44*(1), 37–58. https://doi.org/10.1111/psj.12111

Charter of Fundamental Rights of the European Union (2016) Official Journal C202, 7 June.

Chaudhry, P. E. (2022). Dupe influencers exploiting social media to peddle luxury fakes. *Business Horizons*, *65*(6), 719–727. https://doi.org/10.1016/j.bushor.2022.07.005

Chong, D., & Druckman, J. N. (2007). Framing Theory. *Annual Review of Political Science*, *10*(1), 103–126. https://doi.org/10.1146/annurev.polisci.10.072805.103054

Ciampaglia, G. L., Nematzadeh, A., Menczer, F., & Flammini, A. (2018). How algorithmic popularity bias hinders or promotes quality. *Scientific Reports*, *8*(1), 15951. https://doi.org/10.1038/s41598-018-34203-2

Coglianese, C., & Mendelson, E. (2010). Meta-regulation and self-regulation. In M. Cave, R. Baldwin, & M. Lodge (Eds.), *The Oxford Handbook on Regulation* (pp. 146–168). Oxford University Press.

Cohen, R., & Kennedy, P. (2007). *Global Sociology* (2nd ed.). Palgrave Macmillan.

Interstate Commerce Act, (1887) (testimony of Congress of the United States of America).

Communications Decency Act, 47 U.S.C. § 230 (1996).

Couldry, N., & Hepp, A. (2016). *The Mediated Construction of Reality*. Polity.

Crotts, J. (1999). Consumer Decision Making and Prepurchase Information Search. In A. Pizam & Y. Mansfield (Eds.), *Consumer Behavior in Travel and Tourism* (1st ed., pp. 149–168). Routledge.

Cushion, S. (2022). Are public service media distinctive from the market? Interpreting the political information environments of BBC and commercial news in the United Kingdom. *European Journal of Communication*, *37*(1), 3–20. https://doi.org/10.1177/02673231211012149

Cusumano, M. A., Gawer, A., & Yoffie, D. B. (2021). Can self-regulation save digital platforms? *Industrial and Corporate Change*, *30*(5), 1259–1285. https://doi.org/10.1093/icc/dtab052

Deacon, D. (2015). Common Carrier Essentialism and the Emerging Common Law of Internet Regulation. *Administrative Law Review*, *133*(13), 133–185.

Del Vicario, M., Bessi, A., Zollo, F., Petroni, F., Scala, A., Caldarelli, G., Stanley, H. E., & Quattrociocchi, W. (2016). The spreading of misinformation online. *Proceedings of the National Academy of Sciences*, *113*(3), 554–559. https://doi.org/10.1073/pnas.1517441113

Demant, J., & Bakken, S. (2019). *Technology-facilitated drug dealing via social media in the Nordic countries*.

Douglas, M., Wildavsky, A. (1982). Risk and Culture: An Essay on the Selection of Technological and Environmental Dangers (1st ed.). University of California Press. http://www.jstor.org/stable/10.1525/j.ctt7zw3mr

Drisko, J., & Maschi, T. (2016). *Content Analysis*. Oxford University Press.

Druckman, J. N. (2001). On the Limits of Framing Effects: Who Can Frame? The Journal of Politics, 63(4), 1041–1066. http://www.jstor.org/stable/2691806

Effing, R., van Hillegersberg, J., & Huibers, T. (2011). *Social Media and Political Participation: Are Facebook, Twitter and YouTube Democratizing Our Political Systems?* (pp. 25–35). https://doi.org/10.1007/978-3-642-23333-3_3

Ellison, N. B., & Boyd, D. M. (2013). *Sociality Through Social Network Sites* (W. H. Dutton, Ed.; Vol. 1). Oxford University Press. https://doi.org/10.1093/oxfordhb/9780199589074.013.0008

Entman, R. (2004). *Projections of Power*. The University of Chicago Press.

European Audiovisual Observatory. (2019). *Online platforms and the advertising industry deliver EU Code of Practice on disinformation*. Iris Merlin.

European Commission. (2015). *Digital Single Market Strategy: European Commission agrees areas for action*. Brussels. Press Release.

European Commission. (2018). *Code of Practice on Disinformation*. Brussels.

European Commission. (2020a). *Europe fit for the Digital Age: Commission proposes new rules for digital platforms*.

European Commission. (2020b). *Disinformation: EU assesses the Code of Practice and publishes platform reports on coronavirus related disinformation*.

European Commission. (2022a). *The 2022 Code of Practice on Disinformation*.

European Commission. (2022b). *7th evaluation of the Code of Conduct*.

European Commission. (2022c). *Impact Assessment* (SWD(2020) 348 final).

Eurostat. (2021, December). *Internet access of households, 2016 and 2021*. Digital Economy and Society Statistics - Households and Individuals .

European Group of Regulatory Authorities (2023). *Regulation on the transparency and targeting of political advertising. ERGA priorities for the trilogue negotiations.* European Commission. Brussels.

Filimon, L. M. (2016). An overview of the Copenhagen school's approach to security studies: constructing (in)security through performative power. *Revista Română de Studii Baltice Şi Nordice*, *8*(2), 47–72.

Fisher, M. (2022). *The Chaos Machine*. Little, Brown and Company.

Fishkin, J. (2014). *Bottlenecks, A New Theory of Equal Opportunity*. Oxford University Press.

Foucault, M. (2003). *"Society Must Be Defended": Lectures at the Collège de France, 1975-1976* (1st ed.). Picador.

Frick, T., Tsekouras, D., & Li, T. (2014). The Times They Are A-Changin: Examining the Impact of Social Media on Music Album Performance. *Academy of Management Proceedings*, *2014*(1), 16984. https://doi.org/10.5465/ambpp.2014.16984abstract

Frischmann, B. M. (2012). *Infrastructure*. Oxford University Press. https://doi.org/10.1093/acprof:oso/9780199895656.001.0001

Fu, S., Li, H., Liu, Y., Pirkkalainen, H., & Salo, M. (2020). Social media overload, exhaustion, and use discontinuance: Examining the effects of information overload, system feature overload, and social overload. *Information Processing & Management*, *57*(6), 102307. https://doi.org/10.1016/j.ipm.2020.102307

Giddens, A. (1990). *The Consequences of Modernity*. Polity Press.

Giddens, A. (1999). Risk and responsibility. *Modern Law Review* , *62*(1), 1–10.

Gillespie, T. (2014). The Relevance of Algorithms. In *Media Technologies* (pp. 167–194). The MIT Press. https://doi.org/10.7551/mitpress/9780262525374.003.0009

Glick, M., & Ruetschlin, C. (2019). Big Tech Acquisitions and the Potential Competition Doctrine: The Case of Facebook. *Institute for New Economic Thinking Working Paper Series*, 1–60. https://doi.org/10.36687/inetwp104

GlobalWebIndex. (2022). *Social*.

Goyal, N., Howlett, M., & Taeihagh, A. (2021). Why and how does the regulation of emerging technologies occur? Explaining the adoption of the EU General Data Protection Regulation using the multiple streams framework. *Regulation & Governance*, *15*(4), 1020–1034. https://doi.org/10.1111/rego.12387

Gunitsky, S. (2015). Corrupting the Cyber-Commons: Social Media as a Tool of Autocratic Stability. *Perspectives on Politics*, *13*(1), 42–54. https://doi.org/10.1017/S1537592714003120

Habermas, J., Lennox, S., & Lennox, F. (1974). The Public Sphere: An Encyclopedia Article (1964). *New German Critique*, *3*, 49–54.

Hall, P. A. (1993). Policy Paradigms, Social Learning and the State: The Case of Economic Policy-Making in Britain. *Comparative Politics*, *25*(3), 275–296.

Hamilton, W. (1932, May 25). The Control of Big Business. *The Nation*, 591–593.

Hammer, D., Rübbert, Z., & Schwieter, C. (2022). *In the blind spot – How right-wing extremists use alternative platforms for radicalisation*.

Haraway, D. J. (2016). *Staying with the Trouble*. Duke University Press.

Hassoun, N. (2022). Good Enough? The Minimally Good Life Account of the Basic Minimum. *Australasian Journal of Philosophy*, *100*(2), 330–341. https://doi.org/10.1080/00048402.2021.1905674

Heikkila, T., & Cairney, P. (2018). Comparison of Theories of the Policy Process. In C. M. Weible & P. A. Sabatier (Eds.), *Theories of the Policy Process* (4th ed., pp. 363–389). Routledge. https://doi.org/10.4324/9780429494284

Helberger, N. (2020). The Political Power of Platforms: How Current Attempts to Regulate Misinformation Amplify Opinion Power. *Digital Journalism*, *8*(6), 842–854. https://doi.org/10.1080/21670811.2020.1773888

Helberger, N., Pierson, J., & Poell, T. (2018). Governing online platforms: From contested to cooperative responsibility. *The Information Society*, *34*(1), 1–14. https://doi.org/10.1080/01972243.2017.1391913

Herweg, N. (2015). *Against All Odds: The Liberalisation of the European Natural Gas Market—A Multiple Streams Perspective* (pp. 87–105). https://doi.org/10.1007/978-1-4471-6645-0_5

Hofmann, J., Katzenbach, C., & Gollatz, K. (2017). Between coordination and regulation: Finding the governance in Internet governance. *New Media & Society*, *19*(9), 1406–1423. https://doi.org/10.1177/1461444816639975

Holroyd, M., & Khatsenkova, S. (2022, August 17). *Why the sale of guns on Facebook in Iraq is so "rife" Access to the comments*.

Institute for Economics & Peace. (2022). *Global Peace Index 2022: Measuring Peace in a Complex World*.

Internal Market and Consumer Protection Committee, & Haughen, F. (2021, November 8). *Whistleblower's testimony on the negative impact of big tech companies' products on users*. European Parliament.

Jain, P. N., & Vaidya, A. S. (2021). Analysis of Social Media Based on Terrorism — A Review. *Vietnam Journal of Computer Science*, *08*(01), 1–21. https://doi.org/10.1142/S2196888821300015

Jones, R. W. (1999). *Security, Strategy, and Critical Theory*. Lynne Rienner Publishers.

Jørgensen, R. F., & Zuleta, L. (2020). Private Governance of Freedom of Expression on Social Media Platforms: EU content regulation through the lens of human rights standards. *Nordicom Review*, *41*(1), 51–67. https://doi.org/10.2478/nor-2020-0003

Kalbhenn, J. C. (2021). European Legislative Initiative for Very Large Communication Platforms. In *Perspectives on Platform Governance* (1st ed., Vol. 1, pp. 47–76). Nomos Verlagsgesellschaft mbH & Co. KG.

Kalniete, S. (2022). *European Parliament resolution of 9 March 2022 on foreign interference in all democratic processes in the European Union, including disinformation*.

Kang, C. (2021, May 5). *What Is the Facebook Oversight Board?*

Keles, B., McCrae, N., & Grealish, A. (2020). A systematic review: the influence of social media on depression, anxiety and psychological distress in adolescents. *International*

Journal of Adolescence and Youth, *25*(1), 79–93. https://doi.org/10.1080/02673843.2019.1590851

Kemp, S. (2023, January 26). *Digital 2023: Global Overview Report*. Report.

Kennedy, H., & Moss, G. (2015). Known or knowing publics? Social media data mining and the question of public agency. *Big Data & Society*, *2*(2), 205395171561114. https://doi.org/10.1177/2053951715611145

Kinder, D. R., & Sanders, L. M. (1990). Mimicking Political Debate with Survey Questions: The Case of White Opinion on Affirmative Action for Blacks. *Social Cognition*, *8*(1), 73–103. https://doi.org/10.1521/soco.1990.8.1.73

Kingdon, J. (1995). *Agendas, Alternatives, and Public Policies* (1st ed.). Harpercollins College Div.

Klein, E.(Host). (2022–present). Best of: A Life-Changing Philosophy of Games [Audio Podcast] Code switch [Audio podcast]. The New York Times. https://open.spotify.com/episode/4kIhNCJKP7DvcceaWSKsdcM?si=76cc6d8801134c47

Klonick, K. (2021, February 12). *Inside the Making of Facebook's Supreme Court*.

Knaggård, Å. (2015). The Multiple Streams Framework and the problem broker. *European Journal of Political Research*, *54*(3), 450–465. https://doi.org/10.1111/1475-6765.12097

Kolodziej, E. (2005). Constructivism. In *Security and International Relations* (pp. 259–304). Cambridge University Press. https://doi.org/10.1017/CBO9780511614903.008

Kuchta, R., & Rybnikar, J. (2022). *The Bratislava Shooting: Report on the role of online platforms*.

Kunwar, R. S., & Sharma, P. (2016). Social media: A new vector for cyber attack. *2016 International Conference on Advances in Computing, Communication, & Automation (ICACCA) (Spring)*, 1–5. https://doi.org/10.1109/ICACCA.2016.7578896

Lee, R. L. M. (2006). Reinventing Modernity. *European Journal of Social Theory*, *9*(3), 355–368. https://doi.org/10.1177/1368431006065717

Lefouili, Y., & Madio, L. (2022). The economics of platform liability. *European Journal of Law and Economics*, *53*(3), 319–351. https://doi.org/10.1007/s10657-022-09728-7

Levi-Faur, D. (2011). *Handbook on the Politics of Regulation*. Edward Elgar Publishing. https://doi.org/10.4337/9780857936110

Lipsky, A., & Sidak, G. (1994). Essential Facilities. *Stanford Law Review*, *51*, 1187–1211.

Lomas, N. (2022, June 16). *EU unveils tougher industry Code to combat disinformation*.

Loseke, D. R. (2017). *Thinking about Social Problems* (2nd ed.). Routledge. https://doi.org/10.4324/9781315135601

Matsa, K. E., & Naseer, S. (2021, November 8). *News Platform Fact Sheet*.

McCarthy-Jones, S. (2019). The Autonomous Mind: The Right to Freedom of Thought in the Twenty-First Century. *Frontiers in Artificial Intelligence*, *2*. https://doi.org/10.3389/frai.2019.00019

Merriam, S. (2009). *Qualitative Research: A guide to design and implementation* (2nd ed.). Jossey-Bass.

Meta. (2022). *Meta Reports First Quarter 2022 Results*. Meta.

Milmo, D., & Skopeliti, C. (2021, September 18). *Teenage girls, body image and Instagram's 'perfect storm.'*

Mosca, M. (2008). On the origins of the concept of natural monopoly: Economies of scale and competition. *The European Journal of the History of Economic Thought*, *15*(2), 317–353. https://doi.org/10.1080/09672560802037623

Mueller, R. S. (2019). *Report On The Investigation Into Russian Interference In The 2016 Presidential Election*.

Napoli, P. M. (2015). Social media and the public interest: Governance of news platforms in the realm of individual and algorithmic gatekeepers. *Telecommunications Policy*, *39*(9), 751–760. https://doi.org/10.1016/j.telpol.2014.12.003

Noam, E. (1994). Beyond liberalization II: the impending doom of common carriage. *Telecommunications Policy*, *18*(6), 435–452.

Nowak, M. (1993). UN Covenant on Civil and Political Rights: CCPR Commentary.

Kehl am Rhein: N. P. Engel.

Obar, J. A., & Wildman, S. (2015). Social media definition and the governance challenge: An introduction to the special issue. *Telecommunications Policy*, *39*(9), 745–750. https://doi.org/10.1016/j.telpol.2015.07.014

OECD. (2020, April 28). *Protecting online consumers during the COVID-19 crisis*.

Office of Commissioner Rohit Chopra. (2019). *Dissenting Statement of Commissioner Rohit Chopra* .

O'Keeffe, G. S., & Clarke-Pearson, K. (2011). The Impact of Social Media on Children, Adolescents, and Families. *Pediatrics*, *127*(4), 800–804. https://doi.org/10.1542/peds.2011-0054

Pariser, E. (2011). *The Filter Bubble: What The Internet Is Hiding From You*. Penguin Books Limited. https://books.google.cz/books?id=-FWO0puw3nYC

Patchin, J. (2016). *New National Bullying and Cyberbullying Data*.

Peoples, C., & Vaughan-Williams, N. (2021). *Critical Security Studies: An Instruction* (3rd ed.). Routledge.

Piketty, T. (2017). *Capital in the Twenty-First Century*. Harvard University Press.

Pitsch, Peter K. and Bresnahan, Arthur W. (1996) "Common Carrier Regulation of Telecommunications Contracts and the Private Carrier Alternative," Federal Communications Law Journal: Vol. 48 : Iss. 3 , Article 4.

Prince, Anya and Schwarcz, Daniel B., Proxy Discrimination in the Age of Artificial Intelligence and Big Data (August 5, 2019). 105 Iowa Law Review 1257 (2020), Available at SSRN: https://ssrn.com/abstract=3347959

Rahman, K. (2018). The New Utilities: Private Power, Social Infrastructure, and the Revival of the Public Utility Concept. *Cardozo Law Review*, *39*(5), 1621–1692.

Raworth, K. (2017). *Doughnut Economics: Seven Ways to Think Like a 21st-Century Economist*. Chelsea Green Publishing.

Rideout, V., Peebles, A., Mann, S., & Robb, M. B. (2022). *The Common Sense Census: Media Use by Tweens and Teens, 2021*.

Robertson, D. B. (2015). The Progressive Era. In D. Béland, C. Howard, & K. Morgan (Eds.), *The Oxford Handbook of U.S. Social Policy* (pp. 41–58). Oxford University Press.

Rubin, J. S., & May, H. F. (1990). Henry F. May's the End of American Innocence. *Reviews in American History*, *18*(1), 142. https://doi.org/10.2307/2702740

Rush, F. (2006). *The Cambridge Companion to Critical Theory*. Cambridge University Press .

Russo, A., Watkins, J., Kelly, L., & Chan, S. (2008). Participatory Communication with Social Media. *Curator: The Museum Journal*, *51*(1), 21–31. https://doi.org/10.1111/j.2151-6952.2008.tb00292.x

Sallet, J. (2018). Louis Brandeis: A Man for This Season. *Colorado Technology Law Journal*, *16*(2), 365–398.

Sandelkowski, M. (2000). Whatever happened to qualitative description? *Research in Nursing & Health*, *23*(4), 334–340.

Shearer, E., & Mitchell, A. (2021). *News Use Across Social Media Platforms in 2020*.

Statista. (2022, June). *Number of social media users worldwide from 2018 to 2027*.

Stolton, S. (2022, January 18). *Vestager: Metaverse poses new competition challenges* .

The European Commission. (2022, July 5). *The Digital Services Act package*. Press Release.

Thierer, A. (2013). The Perils of Classifying Social Media Platforms as Public Utilities. *CommLaw Conspectus: Journal of Communications Law and Policy*, *21*(2), 249–297.

Thorston, K., & Walls, C. (2015). How Gatekeeping Still Matters: Understanding Media Effects in an Era of Curated Flows. In T. P. Vos & F. Heinderyckx (Eds.), *Gatekeeping in Transition* (pp. 25–44). Routledge .

Throuvala, M. A., Griffiths, M. D., Rennoldson, M., & Kuss, D. J. (2021). Perceived Challenges and Online Harms from Social Media Use on a Severity Continuum: A Qualitative Psychological Stakeholder Perspective. *International Journal of Environmental Research and Public Health*, *18*(6). https://doi.org/10.3390/ijerph18063227

Tiffany, K. (2022, March 10). *The Myth of the 'First TikTok War.'*

Törnberg, P. (2022). How digital media drive affective polarization through partisan sorting. *Proceedings of the National Academy of Sciences*, *119*(42). https://doi.org/10.1073/pnas.2207159119

Tucker, J., Guess, A., Barbera, P., Vaccari, C., Siegel, A., Sanovich, S., Stukal, D., & Nyhan, B. (2018). Social Media, Political Polarization, and Political Disinformation: A Review of the Scientific Literature. *SSRN Electronic Journal*. https://doi.org/10.2139/ssrn.3144139

Turow, J. (2011). *How the New Advertising Industry Is Defining Your Identity and Your Worth*. Yale University Press. http://www.jstor.org/stable/j.ctt5vkx84

United Nations. (1948). Universal Declaration of Human Rights.

Vaidhyanathan, S. (2020, May 9). *Facebook and the Folly of Self-Regulation*.

Van Dijck, J. (2014). Datafication, dataism and dataveillance: Big Data between scientific paradigm and ideology. *Surveillance & Society*, *12*(2), 197–208. https://doi.org/10.24908/ss.v12i2.4776

van Dijck, J., Poell, T., & de Waal, M. (2018). *The Platform Society* (Vol. 1). Oxford University Press. https://doi.org/10.1093/oso/9780190889760.001.0001

Verner Venegas-Vera, A., Colbert, G., & Lerma, E. (2020). Positive and negative impact of social media in the COVID-19 era. *Reviews in Cardiovascular Medicine*, *21*(4), 561–564. https://doi.org/10.31083/j.rcm.2020.04.195

Vogels, E. (2022). *Teens and Cyberbullying 2022*.

Wakabayashi, D., & Kang, C. (2021, June 8). Ohio's attorney general wants Google to be declared a public utility. *The New York Times*.

Wardle, C. (2018). The Need for Smarter Definitions and Practical, Timely Empirical Research on Information Disorder. *Digital Journalism*, *6*(8), 951–963. https://doi.org/10.1080/21670811.2018.1502047

Watson, B. (2020). *Progressivism : The Strange History of a Radical Idea*. University of Notre Dame Press.

Wells, G., Horwitz, J., & Seetharaman, D. (2021, September 14). *Facebook Knows Instagram Is Toxic for Teen Girls, Company Documents Show*.

Williams, G. A., Woods, C. L., & Staricek, N. C. (2017). Restorative Rhetoric and Social Media: An Examination of the Boston Marathon Bombing. *Communication Studies*, *68*(4), 385–402. https://doi.org/10.1080/10510974.2017.1340901

Wright, C., & Nyberg, D. (2015). *Climate Change, Capitalism, and Corporations*. Cambridge University Press. https://doi.org/10.1017/CBO9781139939676

Xu, Q., Cai, M., & Mackey, T. K. (2020). The illegal wildlife digital market: an analysis of Chinese wildlife marketing and sale on Facebook. *Environmental Conservation*, *47*(3), 206–212. https://doi.org/10.1017/S0376892920000235

Yin, R. (2013). *Case Study Research* (5th ed.). SAGE Publications, Inc.

Zahariadis, N. (2008). Ambiguity and choice in European public policy. *Journal of European Public Policy*, *15*(4), 514–530. https://doi.org/10.1080/13501760801996717

Zelin, A. Y. (2015). Picture Or It Didn't Happen: A Snapshot of the Islamic State's Official Media Output. *Perspective on Terrorism*, *9*(4), 85–97.

Zhang, X.-Z., Liu, J.-J., & Xu, Z.-W. (2015). Tencent and Facebook Data Validate Metcalfe's Law. *Journal of Computer Science and Technology*, *30*(2), 246–251. https://doi.org/10.1007/s11390-015-1518-1

Zizek, S. (2020). *A Left that Dares to Speak Its Name*. Polity Press.

Zohlnhöfer, R., Herweg, N., & Rüb, F. (2015). Theoretically refining the multiple streams framework: An introduction. *European Journal of Political Research*, *54*(3), 412–418. https://doi.org/10.1111/1475-6765.12102

Zuboff, S. (2019). *The Age of Surveillance Capitalism: The Fight for a Human Future at the New Frontier of Power* (1st ed.). PublicAffairs.

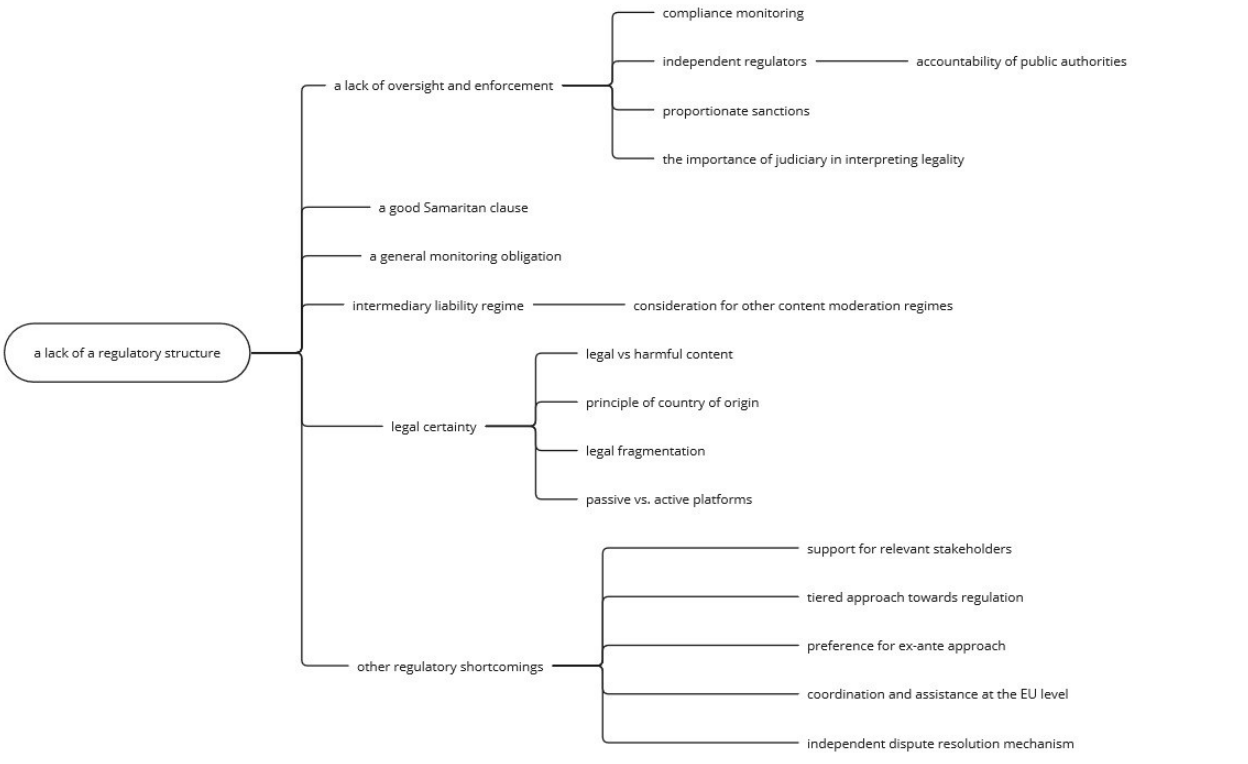
List of Appendices

Appendix no. 1: problem frames linked to a lack of a regulatory structure problem frame (chart)

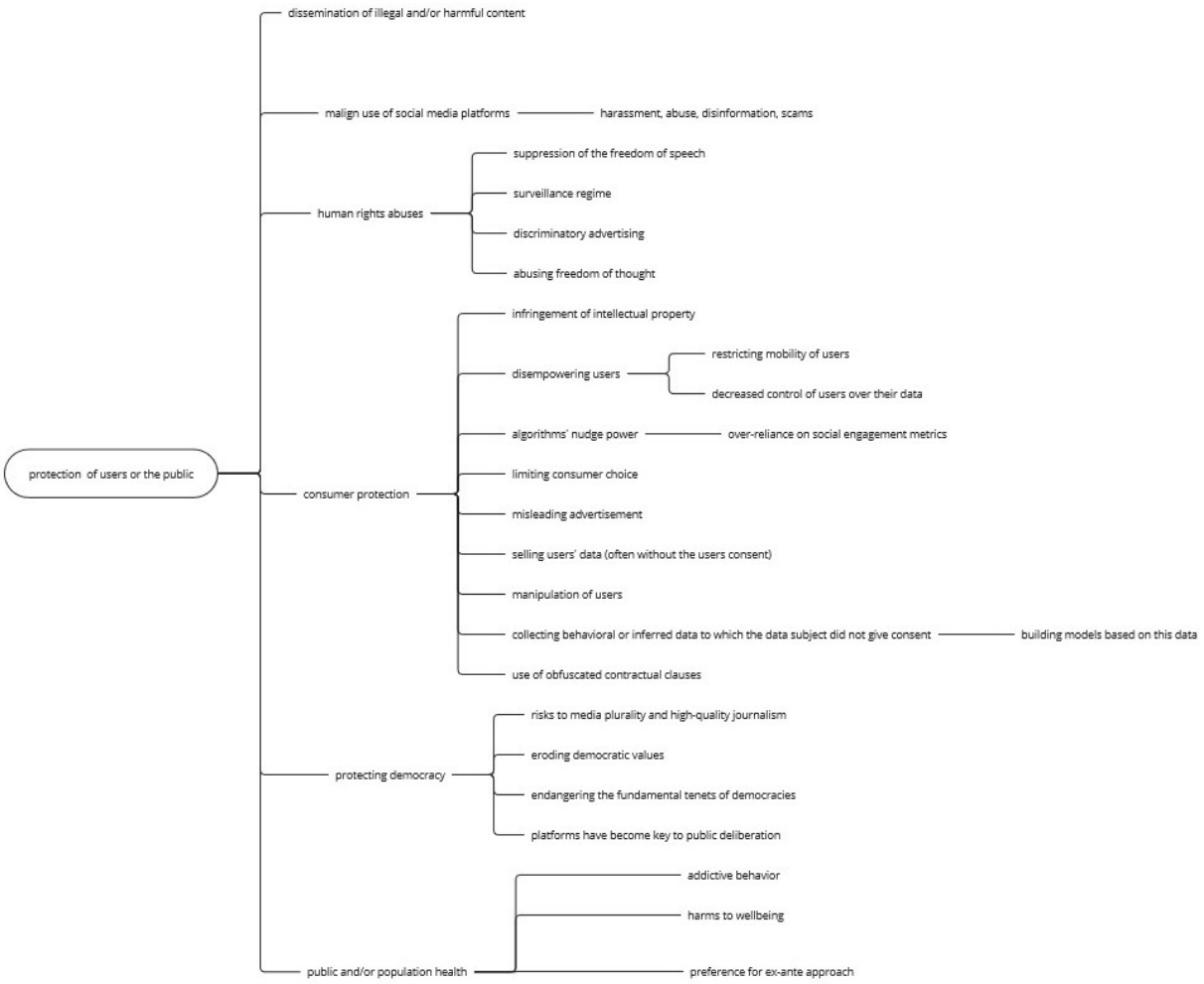
Appendix no. 2: problem frames within the category of 'protection of users or the public' (chart)

Appendix no. 3: problem frames within the ' a lack of transparency' category (chart)

Appendix no. 4: problem frames within the ‘outsized impact of the platforms’ category (chart)



Appendix no. 1



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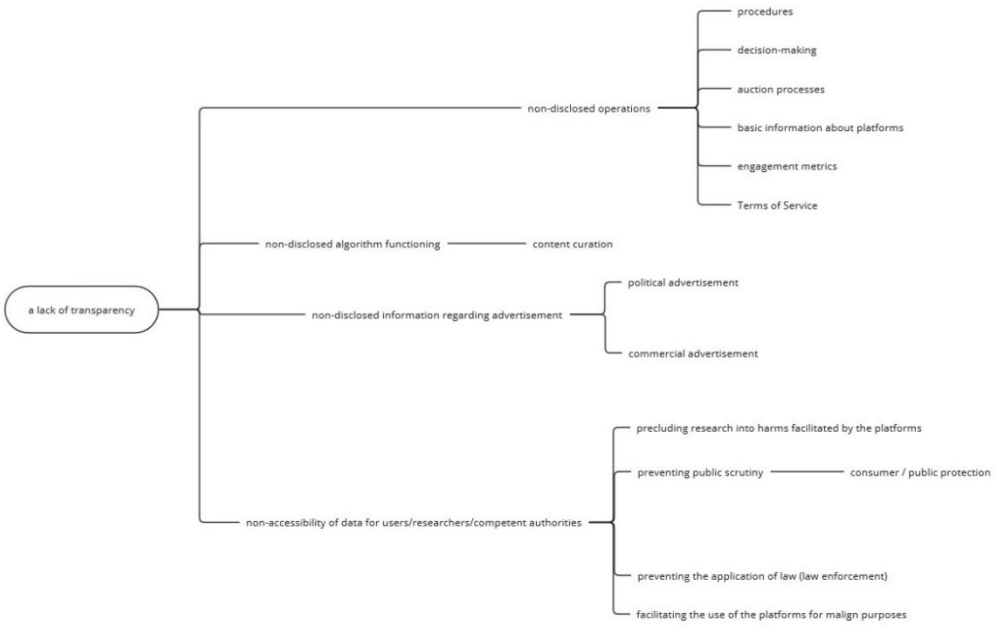

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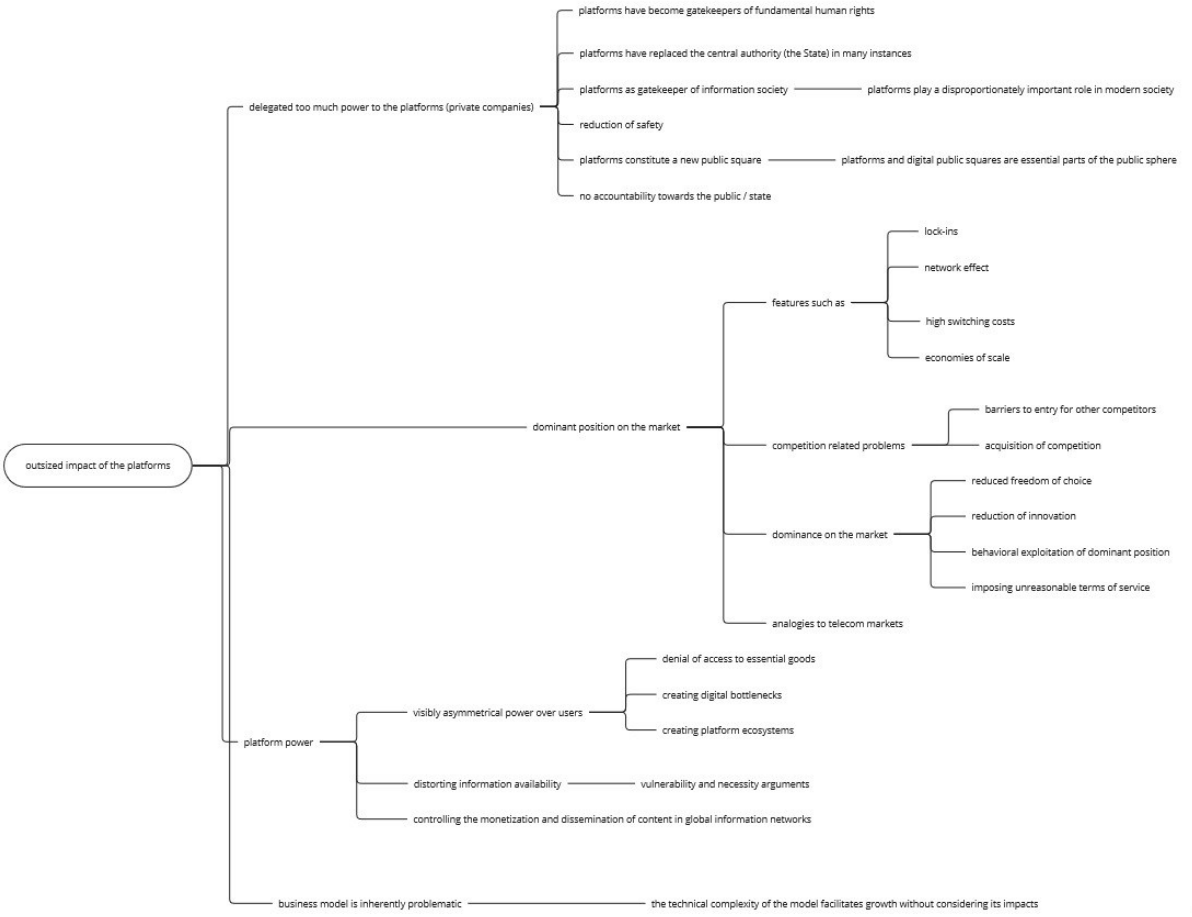

Appendix no. 4