

Meta as a Digital Sovereign: Digital Aspects of non-state normative system in 21st century

Abstract:

This thesis examines the normative system applicable at Meta platforms through the lens of the theory of legal pluralism and by analysing the decisions of the Oversight Board and attempts to answer the question of whether there is such a thing as Facebook law.

In the second chapter, I describe the development of legal pluralism and its transition from a descriptive analysis of the plurality of legal orders to a normative theory of how to deal with this plurality. Within this chapter, I confront traditional views and understandings of the concept of law with alternative definitions and conceptions penned by the authors of legal pluralism, along with alternative views of the concept of authority. I conclude this chapter with three main strands of critique of legal pluralism that I have identified in the literature.

In Chapter Three, I describe the phenomenon of digital platforms from four different perspectives. First as online services, second as a public space that is now absolutely essential to the exercise of fundamental rights, especially freedom of expression, third as an infrastructure on which a good deal of both ordinary interactions and economic operations are beginning to be built, and fourth as a power architecture that enables highly effective rule enforcement. The fourth chapter is primarily descriptive. It is concerned with describing the normative system of Meta, both in substantive and procedural terms.

The fifth chapter is the main empirical part of the thesis. In this chapter, based on an analysis of Oversight Board decisions, I identify the main failures of the Meta normative system and what their impact is on the exercise of fundamental rights, including an assessment of the Oversight Board's position within this system.

Chapter Six then synthesises the introductory theoretical and descriptive passages, together with the insights gained from the analysis in Chapter Five. In its first half, I describe the interactions of the Meta normative system with international law and the law of supranational organizations and nation-states. In the second half of the chapter, I seek to answer the question of whether the Meta normative system can be described as legal.

Keywords:

Legal pluralism, Oversight Board, content moderation