

## Stakeholders

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### introduction

When we talk about platforms and processes of platform governance, *who* exactly are we talking about? A growing body of interdisciplinary work has in the past few years begun to theorize platform governance more deeply as a set of political, legal, and economic relationships between a complex set of actors.<sup>1</sup> Part of what has made this work compelling is growing evidence that the policies and practices of platform companies touch diffuse corners of life, and thus involve many policy domains, a huge potential set of actors and interest groups across the digital economy.<sup>2</sup>

In 2021, the actors that are potentially a part of the platform governance ecosystem — seeking to shape the rules and architectures that platform companies deploy in a specific area of their service — might include: individuals with various subject positions, political motivations, and levels of online engagement; individual civil society groups or

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<sup>1</sup> See Tarleton Gillespie, *Regulation of and by Platforms*, in *THE SAGE HANDBOOK OF SOCIAL MEDIA* 254 (Jean Burgess, Alice Marwick & Thomas Poell eds., 2018); Robert Gorwa, *Elections, Institutions, and the Regulatory Politics of Platform Governance: The Case of the German NetzDG*, 45 *TELECOMMUNICATIONS POLICY* 102145 (2021); Nicolas Suzor, Tess Van Geelan & Sarah Myers West, *Evaluating the Legitimacy of Platform Governance: A Review of Research and a Shared Research Agenda*, 80 *INT'L COMMUNICATION GAZETTE* 385 (2018).

<sup>2</sup> See Ariadna Matamoros-Fernández, *Platformed Racism: The Mediation and Circulation of an Australian Race-Based Controversy on Twitter, Facebook and YouTube*, 20 *INFO., COMMUNICATION & SOCIETY* 930 (2017); Katrin Tiidenberg, *Sex, Power and Platform Governance*, 8 *PORN STUD.* 381 (2021); JOSÉ VAN DIJCK, THOMAS POELL & MARTIJN DE WAAL, *THE PLATFORM SOCIETY: PUBLIC VALUES IN A CONNECTIVE WORLD* (2018).

collectives of them across various topical areas (ranging from more digitally-oriented NGOs to others working more broadly on issues like free expression or human rights); platform companies, as well as other commercial actors in various sectors (e.g., advertisers, data brokers, businesses seeking to reach audiences with their products, and traditional media industries); journalists and academics; and of course, a massive number of governmental state and sub-state actors, such as regulators, police departments, national security agencies, and competition authorities across multiple jurisdictions. All of these actors have their own interests, preferences, and strategies, making their interactions, as they seek to shape platform governance, a significant element of the complexity that pervades the contemporary politics of platforms. While all of these groups may be potentially influential, which matter most, and when?

In past work, I proffered the concept of “governance stakeholders” to parse out this terrain, and to provide a better understanding as to which actors might be the object of focus in regulatory-focused accounts of platform governance.<sup>3</sup> Drawing upon existing literature in the transnational regulation world, I outlined the notion of a “governance triangle” of interaction between three stylized groups of actors—firms, government actors, and non-governmental actors.<sup>4</sup> The goal was to provide a heuristic that could map out governance relationships and power relations between these broad camps of actors when it came to informal content regulation, as well as the composition of new styles of “co-regulatory” or “new governance” initiatives (from the Facebook Oversight Board to the Global Internet Forum to Counter Terrorism) that featured a mix of industry, government, and civil society participation.<sup>5</sup> Since then, however, my articulation has been contested and expanded by other researchers, who have highlighted areas where it does not fully capture the complexity of actor relationships in today’s wide-ranging platform regulation landscape. In particular, Flew, Gillett, Martin, and Sunman, in reference to ongoing policy debates around platform competition in Australia, have noted that other companies, especially those in the traditional media sectors, can create a level of “inter-capitalist competition” in certain policy negotiations, and should thus be considered an important stakeholder in platform

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<sup>3</sup> Robert Gorwa, *What Is Platform Governance?*, 22 INFO., COMM’N & SOC’Y 854 (2019).

<sup>4</sup> Robert Gorwa, *The Platform Governance Triangle: Conceptualizing the Informal Regulation of Online Content*, 8 INTERNET POL’Y REV. 1 (2019); see also Kenneth W. Abbott & Duncan Snidal, *The Governance Triangle: Regulatory Standards Institutions and the Shadow of the State*, in THE POLITICS OF GLOBAL REGULATION 44 (Walter Mattli & Ngaire Woods eds., 2009).

<sup>5</sup> Gorwa, *supra* note 4.

governance.<sup>6</sup> In related conceptual work, Papaevangelou has sought to deepen our understanding of the key stakeholders in platform governance by outlining six clusters of interest groups that may be involved in online content regulation: “public authorities, digital platforms, civil society organizations, legacy firms, industry organizations and, last, citizens/users.”<sup>7</sup>

The goal of this essay is thus to more systemically explore the key actors involved in platform governance than has been done so far. What exactly does it mean to be a “governance stakeholder” — and how does it matter for our frames of analysis as to who and what is centered in such definitions? Who are the key “platform governance stakeholders”? And what combinations of actors matter in different domains of platform governance?

In the following, I engage directly with these questions by presenting a typology of platform governance stakeholders intended to help structure more systematic thinking about the politics of platform capitalism on a global, trans-jurisdictional and trans-sectoral scale. Drawing on a brief review of extant literature in both global governance more generally and platform governance more specifically, I break down the key actors across four levels (“supra-organizational”, “organizational”, “sub-organizational”, “individual”) that correspond to various groupings of actors across different political and economic levels of analysis, from the individual worker all the way up to large constellations of firms, governments, or other actors. I then suggest that the relative importance of these actors will vary in their importance depending on the specific *policy issue*, the specific *context*, and the dominant *platform type* that is being discussed.

## Who Matters?

The question of who should be considered as political has long been a contested question in the history of political thought. The concept of governance, as developed by political scientists, initially focused largely on

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<sup>6</sup> Terry Flew et al., *Return of the Regulatory State: A Stakeholder Analysis of Australia’s Digital Platforms Inquiry and Online News Policy*, 37 THE INFO. SOC’Y 128, 129 (2021).

<sup>7</sup> Charilaos Papaevangelou, *The Existential Stakes of Platform Governance: A Critical Literature Review*, OPEN RSCH. EUR. 11 (Mar. 31, 2021), <https://open-research-europe.ec.europa.eu/articles/1-31/v1>.

the capacities of a *government*, and its ability to successfully develop and deploy key services within its territory.<sup>8</sup> Governance frequently refers to something that *states do*, but with the rise of global governance scholarship in political science and international relations, it increasingly refers to the superstructures that support state action.<sup>9</sup> Governance is increasingly used in various strands of academic scholarship to describe interlinkages of governments, institutions, and non-governmental actors that have a political impact on the lives of individuals. A key catchphrase of this global governance literature is the notion of “governance without governments.” It thus is not only about governments, or about formal institutional structures or multilateral organizations. Firms, NGOs, and other groups can all be important actors in governing peoples’ lives.

This turn was partially spurred by scholarship in the 1970s and 1980s, especially within international political economy, that highlighted the various transnational, cross-jurisdictional actors with increasing global political influence. The work of Strange on the political role of markets and financialization,<sup>10</sup> of Vernon on multinational corporations,<sup>11</sup> and of Sikkink on transnational activist movements<sup>12</sup> all shows how companies, economic actors, and civil society groups were exerting novel forms of power in global and domestic politics. Today, scholars are interested in not just the wide array of political actors active on various local, national, and transnational issues, and the assorted organizational (informal, hybrid, or otherwise innovative) features they may have, but also in the way that some of these non-state actors have increasingly begun creating salient forms of private global rulemaking on their own.<sup>13</sup> A major review of “private regulation in the global economy” identifies the following

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<sup>8</sup> Francis Fukuyama, *What is governance?*, 26 GOVERNANCE 347 (2013).

<sup>9</sup> As Craig Murphy notes, if one draws on thinkers like W. E. B. Du Bois, one might argue that “contemporary global governance started as a set of institutions designed to help secure the global dominance of white folks by managing some of the conflicts among Europe’s imperial powers.” Craig N. Murphy, *The Last Two Centuries of Global Governance*, 21 GLOB. GOVERNANCE: A REV. OF MULTILATERALISM & INT’L ORGS. 189, 192 (2015).

<sup>10</sup> Susan Strange, STATES AND MARKETS (1988).

<sup>11</sup> Raymond Vernon, SOVEREIGNTY AT BAY: THE MULTINATIONAL SPREAD OF U.S. ENTERPRISES (1971).

<sup>12</sup> Kathryn Sikkink, *Codes of Conduct for Transnational Corporations: The Case of the WHO/UNICEF Code*, 40 INT’L ORG. 815 (1986).

<sup>13</sup> See, e.g., CHARLES B. ROGER, THE ORIGINS OF INFORMALITY: WHY THE LEGAL FOUNDATIONS OF GLOBAL GOVERNANCE ARE SHIFTING, AND WHY IT MATTERS (2020); Natasha Tusikov, *Transnational Non-State Regulatory Regimes*, in REGULATORY THEORY: FOUNDATIONS AND APPLICATIONS 339 (Peter Drahos ed., 2017); WHO GOVERNS THE GLOBE? (Deborah D. Avant, Martha Finnemore & Susan K. Sell eds., 2010).

potentially important players in global governance: industry associations, NGOs, firms of varying types across the product cycle and supply chain, networks of firms, technical experts, or groups of activists;<sup>14</sup> regulators, or networks of regulators;<sup>15</sup> governments, or fora for intergovernmental cooperation like the EU or the UN;<sup>16</sup> non-governmental international organizations, like the International Monetary Fund;<sup>17</sup> and consumers.<sup>18</sup> This broad set of different actor groups, and the coalitions they form in an increasingly globalized and transnational world, has been coupled with a growing interest in “multistakeholder” forms of governance, where political decisions on policies like technical standards are developed in a crucible of industry, expert, advocate, and government input.<sup>19</sup> All of these actors are potentially relevant for platform governance, as they have been relevant for Internet governance and other transnational governance issues more broadly.

### Insights from the Platform Politics Literature

Alongside this baseline set of political actors and potential stakeholders, the various literatures that relate to a wide array of digital platforms and how they govern their users (through their product design and choice architectures; or the rules, policies, and terms of service that their customers “agree” to) also emphasize the stakeholders that matter. At the most granular level are individual customers using platform services, who may band together and mobilize against unjust policies. For instance, Gillespie describes in detail how breastfeeding mothers and feminist activists organized on Facebook to seek changes to the service’s sexual content and nudity guidelines,<sup>20</sup> and Bivens writes about users pushing back against

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<sup>14</sup> Tim Büthe, Introduction, *Private Regulation in the Global Economy: A (P)Review*, 12 *BUS. & POL.* 1, 1 (2010).

<sup>15</sup> *Id.* at 5.

<sup>16</sup> *Id.*

<sup>17</sup> *Id.* at 6.

<sup>18</sup> *Id.* at 19.

<sup>19</sup> Mark Raymond & Laura DeNardis, *Multistakeholderism: Anatomy of an Inchoate Global Institution*, 7 *INT’L THEORY* 572 (2015).

<sup>20</sup> Tarleton Gillespie, *CUSTODIANS OF THE INTERNET: PLATFORMS, CONTENT MODERATION, AND THE HIDDEN DECISIONS THAT SHAPE SOCIAL MEDIA* (2018).

the gender binary coded into Facebook’s user account settings.<sup>21</sup> The work of legal scholars has in turn highlighted the roles played by individuals within firms in setting those content rules and architectures in the first place. Klonick notably foregrounded the crucial decisions made by the first generation of content “policymakers” who emerged in the Bay Area in the mid-to-late 2000s, such as Google’s Nicole Wong, Facebook’s Dave Willner, and Twitter’s Alexander Macgillivray.<sup>22</sup> Klonick’s work, as well as that of researcher-activists like York,<sup>23</sup> has shown how platform companies are not monolithic, They have important sub-firm constituencies that can have a major influence on policy outcomes — from the policy teams and “cross-functional” teams developing specific content standards, up to the executives that often end up making the final decision as to what the firm should actually do.<sup>24</sup> A related body of work has focused on the role of commercial content moderators enforcing these rules when they are made, detailing their roles within broader networks of global labor, subcontracting, and service provision.<sup>25</sup> This work additionally highlights the role played by interlinked complementor firms (e.g., subcontracted firms providing moderation, but also other interacting companies, such as developers building on top of platform APIs, advertisers using platform ad suites, and media companies and other businesses seeking to build audiences for their content via pages and groups).<sup>26</sup>

The growing literature on the way that these digital platforms are themselves governed, with other political actors seeking to develop rules, practices, institutions, and norms that would shape how digital platforms govern their users, highlight the types of government agencies and actors that can play an important role in platform regulation. For instance,

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<sup>21</sup> Rena Bivens, *The Gender Binary Will Not Be Deprogrammed: Ten Years of Coding Gender on Facebook*, 19 *NEW MEDIA & SOC’Y* 880 (2017).

<sup>22</sup> Kate Klonick, *The New Governors: The People, Rules, and Processes Governing Online Speech*, 131 *HARV. L. REV.* 1598 (2017).

<sup>23</sup> Jillian C. York, *SILICON VALUES: THE FUTURE OF FREE SPEECH UNDER SURVEILLANCE CAPITALISM* (2021).

<sup>24</sup> Klonick, *supra* note 22.

<sup>25</sup> See Sarah T. Roberts, *BEHIND THE SCREEN: CONTENT MODERATION IN THE SHADOWS OF SOCIAL MEDIA* (2019); Elinor Carmi, *The Hidden Listeners: Regulating the Line from Telephone Operators to Content Moderators*, 13 *INT’L J. COMMC’N* 19 (2019).

<sup>26</sup> This is also a central insight of the management literature on platforms. See, e.g., Annabelle Gawer, *Bridging Differing Perspectives on Technological Platforms: Toward an Integrative Framework*, 43 *RSCH. POL’Y* 1239 (2014); David B. Nieborg & Thomas Poell, *The Platformization of Cultural Production: Theorizing the Contingent Cultural Commodity*, 20 *NEW MEDIA & SOC’Y* 4275 (2018).

Bloch-Wehba discusses the role that police agencies and the national security establishment play in shaping firm content moderation decisions via a network of informal pressure and backroom dealing.<sup>27</sup> Recent work by Borelli shows how security-focused actors in Europe and the US (e.g., interior ministers, EUROPOL, and national intelligence agencies) all have played an important role in shaping platform company action on violent extremism.<sup>28</sup> These types of government actors work in parallel, or occasionally in concert, with regulatory agencies such as data protection agencies or competition regulators often foregrounded in work on transnational privacy or platform competition. At an even more granular sub-state level, individual politicians, political staffers, and political parties might be important actors in shaping and executing a regulatory agenda,<sup>29</sup> and their motives can conceivably vary, from constituent needs and electoral goals to pressure from key interest groups, such as competing platform or non-platform firms. While much public discourse focuses on “Big Tech” and groups them via various acronyms (FANG, GAFA, etc.), different platform companies are not always aligned as a bloc in policy negotiations. For example, Facebook and Apple have clashed on issues of cross-application tracking for advertisements specifically and on data protection issues more broadly.<sup>30</sup> Microsoft, which has a more enterprise-focused business model than firms like Alphabet, has sought to position itself as an especially ‘responsible’ alternative to other tech firms.<sup>31</sup> Across digital policy issues, other non-platform corporate actors, such as internet service providers, media companies, and broadcasters, may also clash (or align themselves with) platform firms on policy negotiations relating to intermediary liability, competition, or copyright. For instance, Flew and colleagues have shown how traditional ‘legacy media’ companies in Australia successfully advocated for new competition and media

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<sup>27</sup> Hannah Bloch-Wehba, *Content Moderation as Surveillance* (Tex. A&M U. Sch. L. Legal Stud. Rsch. Paper, Paper No. 21-37, 2021), <https://ssrn.com/abstract=3872915>.

<sup>28</sup> Marguerite Borelli, *Social Media Corporations as Actors of Counter-Terrorism*, 24 *NEW MEDIA & SOC’Y* (forthcoming 2022), <https://journals.sagepub.com/doi/abs/10.1177/14614448211035121>.

<sup>29</sup> Gorwa, *supra* note 1.

<sup>30</sup> Kif Leswing, *Facebook Says Apple iOS Privacy Change Will Result in \$10 Billion Revenue Hit This Year*, CNBC (Feb. 2, 2022, 7:54 PM), <https://www.cnbc.com/2022/02/02/facebook-says-apple-ios-privacy-change-will-cost-10-billion-this-year.html>.

<sup>31</sup> Robert Gorwa & Anton Peez, *Big Tech Hits the Diplomatic Circuit: Norm Entrepreneurship, Policy Advocacy, and Microsoft’s Cybersecurity Tech Accord*, in *GOVERNING CYBERSPACE: BEHAVIOUR, POWER, AND DIPLOMACY* 263 (Dennis Broeders & Bibi van den Berg eds., 2020).

policy initiatives targeting platform companies like Facebook and Google.<sup>32</sup>

### **Governance Stakeholders: A Definition**

There are a few insights that are worth noting from this broad overview. The first is that there are many potentially interesting actors involved in contemporary platform governance discussions, and it is understandable that the focus that researchers place on these actors change with the specific focus of an article or its level of analysis (international, local). Secondly, whereas the political science literature on transnational regulatory issues tends to focus on large-scale units and actor groups (e.g., governments, firms, and civil society), much of the platform governance literature also highlights a range of sub-unit actors. Depending on the topic at hand, governments are likely to be of interest, but so are sub-state actors within a government (such as specific regulatory agencies, ministries, political parties, or even individuals). Similarly, NGOs may be of note, but as are larger or smaller networks of NGOs or activist individuals, journalists, and academics. The platform companies may figure as part of the analysis, but one might wish to look within the firm, and across firms, and not just view the company as a cohesive unit of analysis.

Following this logic, we can extend a simple notion of who constitutes a “platform governance stakeholder.” These are the actors with a stake in the processes of platform governance, understood along the lines of Gillespie as constituting both governance *of*, and *by*, platform companies and services.<sup>33</sup> These actors can vary in size, from the largest firm down to the individual user or activist, and also can feature stakeholders within an actor (e.g., interest groups within firms, such as unions or specific policy teams, or within governments, such as specific government agencies) as well as collections of aggregated actors (e.g., coalitions of states or associations of firms). To have a stake one does not need to necessarily act on it; arguably all individuals affected (or governed) by the outcome of a policy process are stakeholders within it, although various stakeholders will be more active or hold more power and influence within negotiations than others.

In my “Platform Governance Triangle” article, I focused on a general heuristic grouping of actors categorized within three broad camps: state,

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<sup>32</sup> Flew et al., *supra* note 6.

<sup>33</sup> Gillespie, *supra* note 1.



firm, or NGO.<sup>34</sup> Papaevangelou has elaborated with more specificity within these categories, developing what he sees as six key actor clusters: platforms (e.g., social media and search engines), citizens and users (e.g., community users and digital activists), civil society organizations (e.g., digital rights and press freedom advocates), industry organizations (e.g., think tanks and industry associations), legacy firms (e.g., news media publishers and indie outlets), and public authorities (e.g., governmental bodies and regulators).<sup>35</sup> While this is a helpful list that broadens our horizons as to which kinds of actors are relevant, it features overlapping categories and multiple levels of abstraction. For example, a platform company might also be an influential member and funder of an industry association that it uses to further its interests in certain policy negotiations. Legacy firms also have their own associations, and citizens may also be involved within activist campaigns or with civil society organizations. Furthermore, there are many different types of governmental bodies that do not necessarily work in parallel (how do we conceptualize the various branches of government and the different types of government agencies with different sizes, mandates, and government affiliation?). What would it look like to come up with a maximally expansive list that keeps these kinds of levels in mind, at least as a sort of clarifying exercise?

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<sup>34</sup> Gorwa, *supra* note 5.

<sup>35</sup> Papaevangelou, *supra* note 7.

**A Stakeholder Typology**

<b>SUPRA</b>	<ul style="list-style-type: none"> <li>- Industry Associations</li> </ul>	<ul style="list-style-type: none"> <li>- Policy Networks</li> <li>- Multilaterals</li> <li>- International Organizations</li> </ul>	<ul style="list-style-type: none"> <li>- Transnational Advocacy Networks</li> </ul>
<b>ORGANIZATIONAL</b>	<b>Firms</b>	<b>Governments</b>	<b>NGOs</b>
<b>SUB</b>	<ul style="list-style-type: none"> <li>- C-Suite</li> <li>- Policy Teams</li> <li>- Corporate Boards</li> <li>- Unions</li> </ul>	<ul style="list-style-type: none"> <li>- Executive Branch</li> <li>- Ministries</li> <li>- Regulatory Agencies</li> <li>- Intelligence Services</li> <li>- Police Agencies</li> <li>- Parliaments</li> <li>- Courts</li> </ul>	<ul style="list-style-type: none"> <li>- Boards of Trustees</li> <li>- Legal Teams</li> <li>- Policy + Research Teams</li> </ul>
<b>INDIVIDUAL</b>	<ul style="list-style-type: none"> <li>- Executives</li> <li>- Moderators</li> <li>- Employees</li> </ul>	<ul style="list-style-type: none"> <li>- Legislators</li> <li>- Regulators</li> <li>- Staffers</li> <li>- Judges</li> </ul>	<ul style="list-style-type: none"> <li>- Activists</li> <li>- Academics</li> <li>- Journalists</li> <li>- Community Mods</li> <li>- Ordinary Users</li> </ul>

*Table 1: List of Potential Platform Governance Stakeholders*

The table above provides an overview of this expansive array of potentially relevant stakeholders in platform governance. It begins with the three ideal types articulated by Abbott and Snidal for transnational

regulation writ large: firm actors, governments, and other non-state actors that are not firms, styled “non-governmental organizations” for short.<sup>36</sup> I call this the “organizational” level: in some analyses, especially those of international politics, it is helpful to look at the actors at this level as unitary actors, akin to what old-school international relations scholars imagined as the “billiard balls” moving around the world in pursuit of their interests.<sup>37</sup> For example, in some accounts, authors might describe France (depicted as a unitary government actor) seeking to regulate Facebook (unitary firm actor) in a certain way with a certain strategy. In research featuring more complex policy negotiations, or seeking to provide more granularity, however, researchers may wish to zoom up or down levels. For example, one can think of a “supra” level composed of groupings of these ideal type actors, such as industry associations,<sup>38</sup> transnational networks of national regulatory authorities,<sup>39</sup> multilateral organizations with state membership,<sup>40</sup> and organized “transnational advocacy” collectives of civil society organizations.<sup>41</sup> Similarly, below the level of an individual firm, government, or NGO actor, there is also conceptually a within-organization level: we can break down the unitary state or firm into its various important constituent groups and political actors that compose it. For firms, this may include various arms of the company (the board, the c-level executive, specific teams or groups, or collectives of workers like unions) which may not necessarily align on decisions and issues.<sup>42</sup> For governments, the range of actors with varying interests is even larger, from the executive branches that wield an outside role on the policy development of many governments, especially those with a Westminster model of government, to specific issue-based ministries (e.g., finance, international affairs, or national security), independent regulators (like data

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<sup>36</sup> Abbott & Snidal, *supra* note 4.

<sup>37</sup> Benjamin O. Fordham & Victor Asal, *Billiard Balls or Snowflakes? Major Power Prestige and the International Diffusion of Institutions and Practices*, 51 INT’L STUD. Q. 31 (2007).

<sup>38</sup> See Luc W. Fransen & Ans Kolk, *Global Rule-Setting for Business: A Critical Analysis of Multi-Stakeholder Standards*, 14 ORG. 667 (2007).

<sup>39</sup> See Henry Farrell & Abraham L. Newman, *Linkage Politics and Complex Governance in Transatlantic Surveillance*, 70 WORLD POL. 515 (2018).

<sup>40</sup> See John Gerard Ruggie, *Multilateralism: The Anatomy of an Institution*, 46 INT’L ORG. 561 (1992).

<sup>41</sup> See Margaret E. Keck & Kathryn Sikkink, *Transnational Advocacy Networks in International and Regional Politics*, 51 INT’L SOC. SCI. J., March 1999, at 89.

<sup>42</sup> See Matthias Hofferberth, *CORPORATE ACTORS IN GLOBAL GOVERNANCE: BUSINESS AS USUAL OR NEW DEAL?* (2019).

protection agencies, competition regulators, and media regulators), and the courts. Parliaments and other elected bodies have increasingly emerged as potentially important agenda-setting and policy-development actors in the platform space,<sup>43</sup> holding inquiries, hearings, and, in some political systems, developing legislation.

Finally, we can also conceptualize a “sub-sub-” level of actor that might be called the “individual” layer, breaking down the level of analysis down to specific key individual actors or decision makers. This is often the contribution of platform studies scholarship that critically evaluates the statements of executives like Mark Zuckerberg, Sheryl Sandberg, Jack Dorsey, Sundar Pichai, Susan Wojcicki, or Jeff Bezos.<sup>44</sup> This scholarship also engages with the decision-making of individual employees within firms, whether they be content moderators having to evaluate a photo or video that has been flagged to them, tech workers deciding whether or not to organize, or other individuals with important policy development roles (as outlined by scholars like Klonick and douek when it comes to the companies generally, and to initiatives like the Facebook Oversight Board more specifically<sup>45</sup>).

On the government side, it has become clear that various individuals operating within the unitary construct of a government — whether they be a head of state, a cabinet minister, or an influential policy staffer providing advice to higher-ups — often exert major influence on policy decisions and direction. From Macron’s speech at the Paris Internet Governance Forum to the infamous “anti-Twitter” executive order signed by Trump, to thinking about the role that influential parliamentarians like Damian Collins in the UK or Heiko Maas in Germany have played in shaping the broad thrust of platform related policy discourse and action within their countries, the “great men” of policymaking are still at the fore of much public, policy-oriented, and academic work around platform governance. Finally, another broad set of individuals that are not clearly working within firms or government may also be relevant in certain cases, from specific journalists and academics that might exert policy influence, to individual activists, community moderators, or ordinary users, all of

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<sup>43</sup> Terry Flew & Rosalie Gillett, *Platform Policy: Evaluating Different Responses to the Challenges of Platform Power* (SSRN Scholarly Paper No. ID 3628959, 2020), <https://ssrn.com/abstract=3628959>.

<sup>44</sup> E.g., Anne Lauren Hoffmann, Nicholas Proferes & Michael Zimmer, “*Making the World More Open and Connected*”: *Mark Zuckerberg and the Discursive Construction of Facebook and its Users*, 20 *NEW MEDIA & SOC’Y* 199 (2018)

<sup>45</sup> Klonick, *supra* note 22; evelyn douek, *Facebook’s Oversight Board: Move Fast with Stable Infrastructure and Humility*, 21 *N.C. J.L. & Tech.* 1 (2019).

whom may take part in, and be affected by, the processes of platform governance.

Ideal Type	Firms	Governments	Non-Governmental Organizations
Examples	<ul style="list-style-type: none"> <li>• Platform Companies</li> <li>• Non-Platform Tech Companies</li> <li>• 'Legacy' and Incumbent Firms</li> <li>• Advertisers</li> <li>• Complementor Firms</li> <li>• Venture Capital Firms</li> </ul>	<ul style="list-style-type: none"> <li>• National-level governments ('states')</li> <li>• Sub-national governments (e.g. Federal states)</li> <li>• Local governments (municipalities)</li> </ul>	<ul style="list-style-type: none"> <li>• Civil Society Groups</li> <li>• Funders and Philanthropic Foundations</li> <li>• Universities and Research Institutions</li> </ul>

*Table 2. Examples of each ideal type of actor at the 'organizational' level of the typology.*

The final point of note here is that these broad categories of firm, government, and NGO can apply to many different types of actor (see Table 2). For instance, a range of potential firm actors are also relevant, as Flew et al. and Papaevangelou have pointed out, including legacy traditional media firms, or legacy firms in other platform sectors (taxi companies or hotels, in the instance of ride-sharing or transportation platforms), as well as advertisers, developers, and other related corporate actors.<sup>46</sup> Government actors in my typology can thus consist not just of national states like China, Brazil, India, or France, but also sub-national governments like the U.S. or German states (who may have their own legislatures, policy making apparatuses, or even regulatory agencies). Municipalities have also emerged as crucial government actors when it comes to the governance of what researchers affiliated with the Fairwork project have called “locally-” or “geographically-tethered” platforms, providing services like grocery and food delivery, ride-sharing, or bike and scooter rentals.<sup>47</sup> In the NGO camp, civil society organizations are important actors in the platform governance ecosystem, but they are not the only ones: funders and philanthropic foundations providing money to researchers and to

<sup>46</sup> Flew et al., *supra* note 6; Papaevangelou, *supra* note 7.

<sup>47</sup> Jamie Woodcock & Mark Graham, *THE GIG ECONOMY: A CRITICAL INTRODUCTION* (2020).

NGOs are arguably also stakeholders that could potentially influence policy. The same can be said for research institutions seeking to influence policy agendas, especially ones with a clear political angle that may or may not be connected to industry or government. All of these actors, seen through the lens of the model, have potentially relevant sub- and individual actors within them that might be important platform governance stakeholders.

### **When do Stakeholders Matter?**

Having developed this expansive list of potential stakeholders to look at, how do we know which ones are important, and when? If one has a more expansive understanding of platform governance than one that only pertains to user-generated content platforms and harmful speech, it seems as if the broad set of potential actors will vary in their importance across contexts and platform type. To return to the example provided by Flew et al.,<sup>48</sup> who rightfully highlight the role of traditional media industries in the negotiation of platform competition policies in Australia, in similar debates in other countries relating to ranking and recommenders, news feeds, and content delivery, such as copyright debates about “link taxes” paid by platform companies to media outlets, we might expect a similarly outsized role to be played by publishers and the industry associations that represent them. But intuitively, media industries are not major players on all platform-related policy debates: in my analysis of the policy development of the German Network Enforcement Act, which is concerned with the application of a broad range of German criminal law into the popular user-generated content platform domain, I did not find significant participation from traditional media industries, which were not meaningfully impacted by the law; instead, the main actors in the national policy debate appeared to be a range of platform companies and an array of civil society groups working on digital rights, free expression, and issues relating to hate speech and extremism.<sup>49</sup>

Following this logic, we can expect the key stakeholders to vary across *platform policy issue areas*: for instance, with competition policy debates featuring different mixes of stakeholders from content-based to data-protection-related ones. As well, the stakeholders might be expected to vary across the related question of *platform type*: firms operating

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<sup>48</sup> Flew et al., *supra* note 6.

<sup>49</sup> Gorwa, *supra* note 1.

infrastructural, industrial, labor, or other service-based platforms may become important governors over time, but their governance debates are likely to feature different actors at different levels with varying groupings of “legacy” and “newer” actors depending on this specific context. For instance, one would be surprised if regulation implicating accommodation platforms like Airbnb did not feature a mixture of national-level and local-level government actors, a mix of legacy and platform firm actors (the platform companies and associations they might be part of, but also hotel groups and hospitality lobby organizations), and non-governmental actors of varying types with assorted policy areas of focus (local tenants associations, advocacy movements like FairBnb, consumer protection NGOs, etc.). The specific breakdown of actors on a policy issue is likely additionally influenced by local political economy and local political context: we can expect the tradition of government in Germany or Australia, and the way that these governance systems structure the participation of different industry and civil society in their policymaking process, to vary significantly from other countries with distinct national traditions of regulation, such as Singapore, Brazil, or South Africa.

While a full breakdown of these various issues and the key stakeholders involved is out of scope here, and these politics are highly complex, the question of which actors matter, and which actors we focus on, is evidently an important one for platform governance researchers of all stripes to consider in their work going forward. Where does this take us in terms of a future research agenda? One helpful potential area of research would be to try and use this kind of conceptual typology to drive an analysis of the existing literature, and explore which actors, stakeholders, and approaches currently predominate. Are there significant stakeholder groups who may play an important role in policymaking processes, but their input remains understudied?

Another promising area of work is incorporating political economic frameworks, like the notion of “varieties of digital capitalism,”<sup>50</sup> to gain additional conceptual insight into the breakdown of these features across different national contexts. There are a huge number of important policy variables that can vary in these debates, and thus presumably have a meaningful impact on contestation across stakeholders when policy negotiation occurs. For this reason, comparative policy research addressing factors like the relative balance of platform firm versus legacy industry

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<sup>50</sup> See Jean-Marie Chenou, *Varieties of Digital Capitalism and the Role of the State in Internet Governance: A View from Latin America*, in *POWER AND AUTHORITY IN INTERNET GOVERNANCE* 195 (Blayne Haggart, Natasha Tusikov & Jan Aart Scholte eds., 2021).

power, the specific historical-institutional trajectories of government actors, and the strength and resources of civil society in certain contexts, seems a highly promising way to more closely examine not just the key stakeholders in platform governance, but also their collaboration, contestation, and interaction.