A model for intuitive internet governance
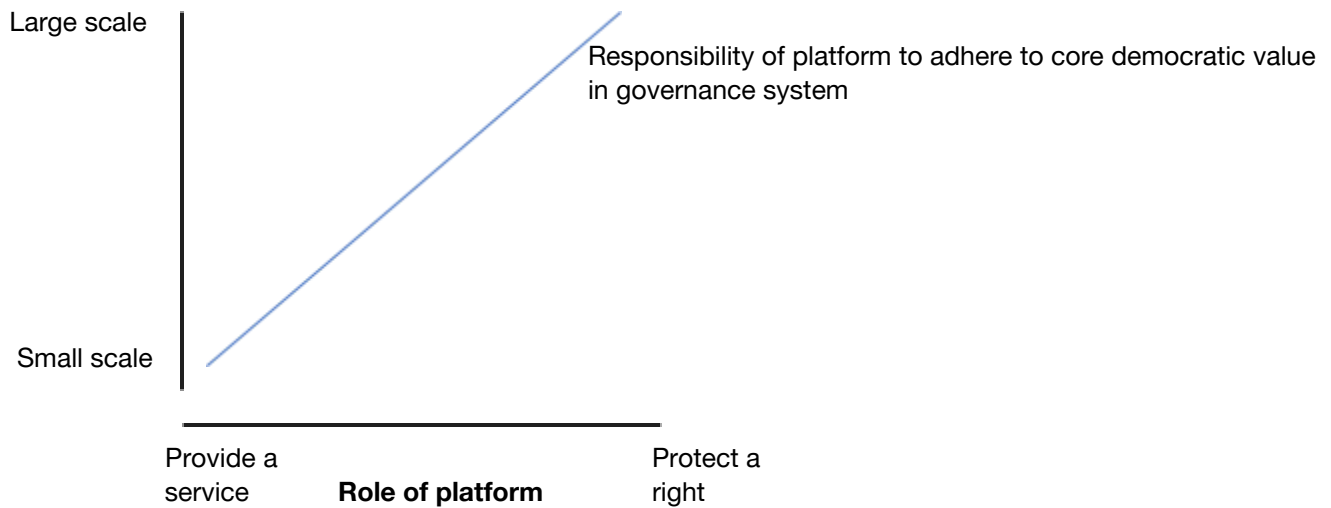
By Kate Klonick

The question presented to this panel as a point of discussion was, "What is the platform's role and responsibility for information disorder during the 2020 presidential election season?" That's a fairly specific and narrow question — and arguably one tainted with the bias of hindsight. But it does serve as an essential case study of how to answer the general inquiry that is closing this conference: "Which internet architecture or platform governance system would best contribute to resolving information disorder in online and social media environments?"

This essay aims to introduce a model for understanding when platforms have a responsibility to create governance systems that adhere to core democratic values, such as transparency, accountability, and participation.

There is no one answer to the question of "best" internet architecture or platform governance system, just as there is no "best" architecture for running a small business or structuring a constitutional court. The precise architecture of a governance system will depend on (1) what you are trying to govern and (2) at what scale. For instance, the governance structure around municipal garbage removal has very different implications than the governance structure around the board of elections. Garbage removal is a service provided by a government agency, not an entitlement or right. In contrast, elections and voting are rights protected by an entity like a board of elections. Government systems that are transparent and participatory are more critical where rights are concerned, while outcome might be more important where the subject matter of governance is around a service. In either case, the government architecture will likely change not just based on subject matter, but scale. The architecture of governance of a small seaside resort town in Massachusetts bears little resemblance to that of Kansas City, never mind the European Union.

The answers to the above questions will then define expectations around the role of the platform and how robust the platform governance system should be in its commitment to the values of democratic governance. This graph visually represents this idea:

Large scale

Responsibility of platform to adhere to core democratic value in governance system

Small scale

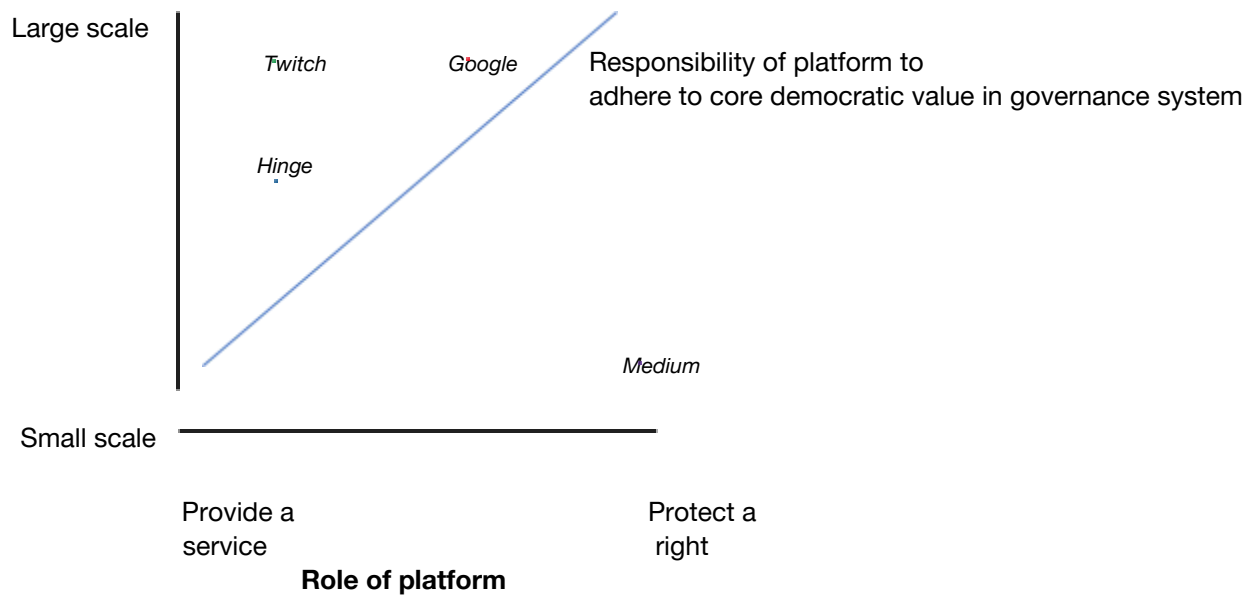Provide a service

Role of platform

Protect a right

So what does this framework have to say about the underlying question of this panel and the next? What would be the best type of internet governance structure for platforms in response to information disorder during the 2020 presidential election season?

In a fundamental way, when it comes to information disorder, platforms are both providing the service that causes *and* protecting a right (which is perhaps why state action doctrine has often been an appealing comparison in internet speech law). While internet platforms are private businesses, their undeniable role in today's information ecosystem makes them fundamental to the right of freedom of expression necessary to allow for democratic self-governance (this is only all the more true as it pertains to political elections). But providing the service of video hosting and streaming doesn't per se create obligations to protect that right of expression. This is how scale interacts with the role of the platform: the larger the platform, the greater the potential impact of the role of the platform — and, accordingly, the responsibility of the platform towards good governance.

This all might seem like a very long way of demonstrating what many have long assumed: that platforms have a duty to stop information disorder. But that answer, like so many talking points, does not move us forward into how to practically make that happen. The goal of the framework laid out in this short essay is to instead highlight the fundamental variables that create our expectations for platforms — so we can define what exactly we mean when we ask what the best internet architecture or platform system governance is to solve a given problem in social media environments in all kinds of contexts. Consider Google Search, for example, though search is arguably more a service than a right of expression (or access). The massive scale at which it operates demands a system of governance which more strongly adheres to democratic values like transparency, accountability, and participation. Compare three other companies: Hinge, also a medium scale platform but which primarily provides a service of

dating; with Twitch, a video game streaming site; and Medium, a small scale long-form free blog service.

Large scale

Twitch   Google   Responsibility of platform to
                                adhere to core democratic value in governance system

Hinge

                                                Medium

Small scale

Provide a   Protect a
service   right
Role of platform

This model is important for one key reason: it does not caveat the responsibility of the platform to create a good governance structure on its nexus to causing, contributing to, or amplifying information disorder or on the presence or absence of an election. Instead, the governance obligations arise purely from descriptively neutral facts: the size of the platform, and the scope of its role.

It leaves for another essay what specific systems designs would best serve that function and where the proper points of leverage are to motivate their implementation.

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