Thesis

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A Decade of Regulating Tech Giants:

Actors, Resources, and Power Dynamics in Platform Regulation in Germany, the United Kingdom, and the United States (2016–2025)

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Abstract

This thesis offers a comparative analysis of platform regulation between 2016 and 2025 across three advanced democracies: Germany, the United Kingdom, and the United States. It foregrounds the power dynamics between two powerful regulatory actors: nation states as traditional loci of geopolitical power and giant technology platforms as increasingly influential private actors.

The research adopts a decisional and interpretive approach to examine how and why platform regulation emerges, what roles states and platforms assume in regulatory processes, and how power is negotiated between them. While existing scholarship often focuses on formalised laws and institutional arrangements, this thesis conceptualises regulation as a relational process between regulator (the state) and regulatee (the platform) which is enacted through the mobilisation of regulatory resources.

To that end, the research develops a framework of four regulatory resources – information, authority, treasure, and organised expertise – as inputs to regulatory capacity and analytically useful indicators of regulatory power. Both states and platforms command these resources, though their distribution is often asymmetric, with platforms holding structural advantages. Such asymmetries introduce tensions into regulatory processes and risk weakening the state's capacity to exercise effective and independent regulatory power.

Drawing on interpretive policy analysis and a comparative case study design, the dissertation investigates the evolving regulatory landscape of tech regulation through 93 elite interviews, document analysis of an archive of 103 policy texts, and process tracing. The German case illustrates how the state, in response to perceived corporate inaction, asserted power by compelling platforms to enforce speech laws. In the UK case, resource constraints hindered regulatory development and posed risks of capture; these gaps were addressed by enrolling platform-held resources into formal regulatory arrangements. The US case reveals not an absence of regulation, but a fragmented federal system in which state and platform power have become entangled, hollowing out the state's capacity to regulate.

The thesis proposes a resource-based, relational perspective on regulatory power, offering a new account of how and why state–platform relationships shape regulation in practice. Across cases, it shows that the capacity to mobilise resources determines regulatory outcomes. While states hold formal regulatory authority, they often lack the resources to regulate resource-rich platforms unilaterally. This creates a structural reliance on platform resources and platform involvement in regulation. In this relationship, the state retains regulatory power only where clear rules exist and it can enforce them.

Keywords: comparative case study, digital governance, interpretive policy analysis, online safety, platform regulation, regulatory capacity, regulatory power, regulatory resources, technology policy

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If a doctoral thesis is a long road, then a part-time thesis must be an off-grid excursion through the woods. Since I first stepped into this research space during my Master's at the Oxford Internet Institute in 2016/17, a lot has changed. Platforms have shifted from being largely unregulated to tightly regulated (in some cases, as you will see), from rule-based systems to AI-driven architectures, from celebrated innovators to threats to public safety and democracy.

And beyond platform regulation, life kept moving too. There were full-time jobs, a university spinout, a global pandemic, an international move, periods of recovery, the occasional wedding or two, a growing little family of my own, and all the ordinary chaos in between. In short, plenty of distractions along the way.

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And Hedwig, who did not leave my side when I finally did it.

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List of Acronyms

AfD: Alternative for Germany (Alternative für Deutschland)

AI: Artificial Intelligence

API: Application Programming Interface

BMJ, and also BMJV: Federal Ministry of Justice and Consumer Protection (Bundesministerium der Justiz und für Verbraucherschutz)

CDA: Communications Decency Act

CDC: Centers for Disease Control and Prevention

CDU/CSU: Christian Democratic Union (Christlich Demokratische Union Deutschlands)

CISA: US Cybersecurity and Infrastructure Security Agency

CMA: UK Competition and Markets Authority

CSO: Civil Society Organisation

CUREC: Central University Research Ethics Committee

DCMS: UK Department for Digital, Culture, Media and Sport

DHS: US Department of Homeland Security

DHSC: UK Department of Health and Social Care

DOC: US Department of Commerce

DOGE: US Department of Government Efficiency

DOJ: US Department of Justice

DRCF: UK Digital Regulation Cooperation Forum

DSA: EU Digital Services Act

DSIT: UK Department for Science, Innovation and Technology

DST: Digital Service Tax

ECD: EU E-Commerce Directive

EO: Executive Order

EU: European Union

FBI: Federal Bureau of Investigation

FCA: UK Financial Conduct Authority

FCC: US Federal Communications Commission

FOSTA: US Allow States and Victims to Fight Online Sex Trafficking Act

FTC: US Federal Trade Commission

GDP: Gross Domestic Product

GDPR: EU General Data Protection Regulation

GroKo: German Grand Coalition (Große Koalition)

ICO: UK Information Commissioner's Office

IPA: Interpretive Policy Analysis

IPO: Initial Public Offering

IT: Information Technology

IRA: Russian Internet Research Agency

KOSA: US Kids Online Safety Act

MSA: Multiple Streams Approach

NetzDG: German Network Enforcement Act (Netzwerkdurchsetzungsgesetz)

NTIA: US National Telecommunications and Information Administration

OECD: Organisation for Economic Co-operation and Development

Ofcom: UK Office of Communications

OLG: German Higher Regional Court (Oberlandesgericht)

OSA: UK Online Safety Act

OSB: UK Online Safety Bill

OSTP: US Office of Science and Technology Policy

PAFACA: US Protecting Americans from Foreign Adversary Controlled Applications Act

SESTA: US Stop Enabling Sex Traffickers Act

SPD: Social Democratic Party of Germany (Sozialdemokratische Partei Deutschlands)

StGB: German Criminal Code (Strafgesetzbuch)

TMG: German Telemedia Act (Telemediengesetz)

UK: United Kingdom

UN: United Nations

US: United States of America

USMCA: US–Mexico–Canada Agreement

USTR: Office of the United States Trade Representative

VLOP: Very Large Online Platform

VLOSE: Very Large Online Search Engines

WTO: World Trade Organization

Chapter 1: **Introduction**

1.1 Opening

"Technology is a useful servant but a dangerous master." – Christian Lange (1921), in his Nobel Prize lecture

1.1.1 States, Meet Your Match

As giant technology platforms have attained extraordinary scale and wealth, they are often compared to nation states – a framing that positions them at eye level with governments (Cohen, 2019; Gorwa, 2024; Lehdonvirta, 2024; Suzor, 2019). Indeed, these platforms enact power in ways that resemble key functions of the state: their revenues rival the gross domestic product (GDP) of nation states, they manage critical infrastructure, they create binding rules that mirror statutory laws, and their user bases surpass the populations of most countries (Baccardax, 2025; Poushter et al., 2024). But platforms are not only likened to powerful state actors; they are increasingly treated as such by states themselves. Platform actors take seats at major policy forums, regularly associate with heads of states, and shape international policy agendas (Gillespie, 2018a; Wynn-Williams, 2025).

In the United States, seated in the front row at President Donald Trump's second inauguration in 2025 were not the president's family, former presidents, or honoured elected officials – for whom these seats are usually held – but big tech executives: Alphabet CEO Sundar Pichai, Apple CEO Tim Cook, Amazon founder Jeff Bezos, Meta CEO Mark Zuckerberg, and Tesla and X CEO Elon Musk (Helmore, 2025). Soon after, Musk assumed a role as a special government employee, briefly leading the Department of Government Efficiency (DOGE), a new initiative to modernise information technology created at his behest. While this moment marked a new level of closeness between the US government and

tech platforms, this was not a Trump-era phenomenon. Under President Joe Biden, former Google CEO Eric Schmidt heavily funded and influenced hiring decisions at the Office of Science and Technology Policy (Thompson, 2022). And during the Obama administration, President Barack Obama cultivated close ties with tech executives and hosted some now infamous dinner parties (O'Mara, 2019). Even after leaving office, Obama has continued to socialise with major tech figures.

In the United Kingdom, similar ideas have gained traction. In 2024, Britain's Secretary of State for Science, Innovation and Technology, Peter Kyle, called for tech companies to be treated like nation states, urging policymakers to approach them with a "sense of humility" and the use of "statecraft" (as quoted by Wright, 2024, para. 1) – effectively positioning platforms as diplomatic peers. Notably, Kyle is not the only senior political figure to suggest that the affairs of the state and those of platforms converge. The parallelism is clearly demonstrated in the fact that Nick Clegg, former UK Deputy Prime Minister, served as Meta's President of Global Affairs from 2018–2025. And UK governments themselves have engaged with platforms in ways that signal recognition of their influence as major global actors. Prime Minister Rishi Sunak hosted a major AI safety summit in 2023, bringing to the same negotiating table world leaders and platform executives from Facebook (owned by Meta), Google (owned by Alphabet), and OpenAI, in which Microsoft is a major investor, to negotiate a collaborative approach to AI safety. Under Prime Minister Keir Starmer, the Labour government has faced criticism over frequent meetings between senior officials and tech lobbyists, as well as over appointments seen as overly tech-friendly (Amin & Geoghegan, 2025). In 2024, Starmer controversially made a public promise to Eric Schmidt to "make sure that every regulator … takes growth … seriously" (Field & Titcomb, 2024, para. 3) in the information technology sector.

In Germany, government engagement with the private sector has been historically more reserved, yet the overall state–platform relationship is unusually close compared to other industries. While Chancellor Angela Merkel was overheard challenging Mark Zuckerberg on hate speech during a United Nations summit in 2015, the German government's approach seemed to soften in subsequent years. In 2019, Merkel's Minister of State for Digitalisation, Dorothee Bär, posted a video of herself arm in arm and smiling with Zuckerberg – calling for mutual trust and understanding between the German government and platforms (Alvarez, 2019; 'Zuckerberg spricht mit Merkel über Hasskommentare', 2019). The post attracted widespread criticism for its apparent informal friendliness, which Germans considered inappropriate for an interaction between a state official and the private sector. However, following this, Chancellor Olaf Scholz's government maintained its distance from platform actors, despite signs of engagement. He delivered an inaugural speech at the opening of Tesla's gigafactory in Germany in 2022 and endorsed major investments by Amazon and Microsoft, yet simultaneously championed European tech sovereignty (Macron & Scholz, 2024). When Elon Musk endorsed the far-right Alternative für Deutschland (AfD) party in 2024, Scholz condemned his involvement in German politics as highly problematic and pushed back against the influence of tech billionaires in politics more broadly ('Kanzler Scholz zu Musk-Attacken', 2025). Under Chancellor Friedrich Merz, government engagement with platforms and giant technology companies more broadly has intensified. Merz has actively positioned platform companies as critical partners and within his first 100 days in office had met with Nvidia CEO Jensen Huang, which political commentators interpreted as a signal of the elevated political status of the digital technology sector (Fokuhl et al., 2025).

1.1.2 Goliath and Goliath: States Regulating Tech Giants

Advanced democracies and platforms – both global powerhouses in their own respect – have become indispensable allies. Yet while platforms may increasingly look, act, and be treated like

states, they are not governed by the public interest. In recent years, it has become increasingly clear – and consequential – that platform priorities do not align with those of democratic states. When dominant platforms undercut markets and form monopolies, circumvent labour or housing laws, erode journalistic freedoms, avoid taxation, or roll out products with significant public safety risks, the state is expected to intervene, including through regulatory measures.

Platform regulation poses an unprecedented regulatory challenge: as advanced democracies confront tech giants that rival them in scale, clout, and geopolitical leverage, are the usual tools of the state still equipped for the digital age? Today's platform companies are among the largest and wealthiest entities in human history. They build technologies so complex, and which change so quickly, that even their operators cannot explain their inner workings. These firms are engines of economic growth, provide essential infrastructure, and drive technical innovation. They deliver access to news and information, maintain the undersea cables that are the backbone of the global internet, and develop frontier AI models that promise unprecedented productivity gains. At the same time, they deploy some of the most well-resourced lobby groups worldwide, consistently ranking among the top political spenders in the US and Europe. As platforms underpin core aspects of contemporary public life, platform regulation has become a power struggle between states and platforms for which the rules are only just being written.

And this power struggle is now playing out in one of the most pressing arenas of regulatory concern: public safety.

This is exactly the regulatory challenge that Germany, the UK, and the US have faced over the past decade. Since 2016, a series of high-profile platform scandals has triggered growing scrutiny over platforms' failures to protect their users from harm. Foreign interference in the 2016 US presidential election, the misuse of personal data in the Cambridge Analytica

scandal in 2018, the Covid-19 infodemic, and the January 6 Capitol attack in 2021 brought to the forefront the real-life harms linked to platforms. A wide range of safety threats have come into focus: algorithmic bias, deepfakes, the viral spread of illegal and harmful content, rogue AI systems, opaque political campaigning, and the fragmentation and polarisation of public discourse (Dommett et al., 2024; Howard, 2020; Schroeder, 2025).

There has been mounting pressure for states to intervene. Institutions like the G7, the United Nations, and the Organisation for Economic Co-operation and Development (OECD) have issued warnings about platform safety risks and called for new guidelines including in the form of regulation (G7 Italy, 2024; OECD, 2025; UNESCO, 2023). Even platform executives like Mark Zuckerberg have publicly pleaded for "new rules for the internet" (Zuckerberg, 2019, para. 1). Since 2016, governments around the world have begun to introduce new regulatory frameworks aimed at mitigating safety risks online, but whether these measures are effective remains contested (Bradshaw et al., 2018; Yadav et al., 2021).

Within this evolving landscape, Germany, the UK, and the US offer three cases of addressing the regulatory challenges and power struggles inherent in platform regulation. Germany moved early and introduced regulation with the Network Enforcement Act (NetzDG) in 2017, compelling platforms to enforce national speech laws – becoming the first country to implement platform regulation. The UK adopted a wide-ranging regime in 2023 with the Online Safety Act (OSA), which imposes statutory duties of care on platforms to perform risk assessments and mitigate safety harms on their networks. In the US, as of 2025, there is no comprehensive regulatory regime, despite sustained momentum across party lines. Instead, regulation has taken the form of a patchwork of fragmented federal and state-level initiatives.

Globally, what has emerged is not a unified regulatory model for platform regulation, but a rapidly evolving field of regulatory practice, which remains poorly understood. Despite its

growing prominence in academic inquiry, important gaps persist in platform regulation research. Predominantly, research has focused on the formal outcomes of regulation – laws, institutions, and corporate policy arrangements – rather than the processes, relationships, and power dynamics shaping regulation in practice (Flew, 2021; Gillespie, 2018a; Kaye, 2019; Papaevangelou, 2023; Suzor, 2019). Even as platforms are increasingly studied as state-like actors with immense "platform power" (Chan & Kwok, 2022; Culpepper & Thelen, 2020; Flew & Gillett, 2021; Nieborg et al., 2024), in this literature their power is often treated as embedded and self-evident rather than analysed as something that fundamentally shapes platform regulation in practice. Yet the power dynamic between states as regulators and platforms as regulatees is at the centre of regulation in a digital age.

1.1.3 Platform Regulation as a Power Play

At the heart of my thesis lies a fundamental puzzle: how can democratic states regulate actors that may, in some respects, be just as powerful or even more powerful than they are?

This is not just a question about the application of laws and the design of institutions. It is a question of power: who has it and how does it become enacted, and what happens when regulation takes place between advanced democratic states and giant technology platforms – with immense geopolitical influence, distinct goals, and intertwined interests.

In this thesis, I propose a fundamental shift in perspective. Rather than viewing platform regulation through laws, institutions, and governance arrangements, I understand regulation as a power dynamic between states and platforms. This power plays out through both formal and informal relationships, is shaped by diverging interests, and is contested by actors on the ground. I adopt an interpretive perspective to examine how regulation is constructed through the interpretations of the regulatory actors directly involved in it.

What makes this regulatory power struggle at the heart of my inquiry particularly consequential is both who is involved and what is at stake. On one side are the advanced

democracies, facing growing pressure to act on safety risks while depending on platforms for digital infrastructure, innovation, and connectivity. On the other side are the giant technology platforms, with vast resources, regulatory leverage, and geopolitical influence. What is at stake is not just effective regulation, but the ability of democratic states to uphold the public interest in the face of unprecedented corporate platform power.

To make sense of this relationship, I develop a framework of regulatory power based on four resources – information, authority, treasure, and organised expertise – and apply it to the empirical study of platform regulation in Germany, the UK, and the US from 2016 to 2025. Across 93 in-depth interviews with regulatory experts and practitioners, document analysis of 103 policy texts, and detailed process tracing across three cases, my research shows how power emerges not just from who holds resources, but from how these resources are mobilised and interpreted in relationships between states and regulators. By doing so, this thesis reveals decisional insights into how and why platform regulation takes shape in practice – placing power at the centre of my inquiry.

The findings show that platforms do wield substantial power and frequently use it to contest regulation – and often command more resources than even the most advanced democracies. Yet states are not powerless. Even under resource constraints, they need not bow to platform power as a structural inevitability. They can use regulation to shift the balance of power in their favour and strategically harness platform resources in ways that serve the public good.

Regulation, my thesis argues, is a power play – and when states play it well, they can ensure that technology platforms remain a servant to regulatory goals, not their master.

1.2 Research Objectives and Focus

At its core, this research seeks to understand platform regulation as a complex power dynamic between states and platforms. I pursue a decisional analysis by asking how and why states

regulate platforms, and what shapes regulation in practice – making power dynamics the focus of the inquiry. I follow three overarching research objectives. First, to explore how platform regulation takes shape across evolving regulatory contexts. Second, to investigate the nature of regulatory relationships between state and platform actors, and to reveal the factors that shape the power dynamics between them. And third, to offer a broader understanding of contemporary platform regulation, and in particular whether and how it differs from established regulation in its actors, approaches, and strategies.

To address these objectives through a focused inquiry, I have made several deliberate scoping decisions. To begin with, in this thesis regulation is broadly understood as the "sustained and focused attempt to alter the behaviour of others according to defined standards or purposes with the intention of producing a broadly identified outcome or outcomes" (Black, 2002a, p. 20). This definition accommodates the focus of my research: understanding regulation as a regulatory process and relationship through which states seek to regulate platforms and to a lesser extent their formalised outcomes – such as laws, orders, and corporate policies.

Two actors are at the centre of my inquiry: states as regulators and platforms as regulatees. When it comes to states, the focus is on advanced democracies with functioning rule of law, public administrations, and democratic representation. Three relevant cases have been selected: Germany, where regulation was early, as the first country to implement specifically platform-aimed regulation; the UK, where regulation was delayed but which eventually established one of the most comprehensive regimes for platform safety; and the US, where regulation is fragmented, but which is home to many of the platform companies at the centre of regulation worldwide. The term 'state' is used to refer to the enduring set of institutions and structures that govern within a defined territory. By contrast, I use the term 'government'

to refer to the temporary, elected leadership of the state including its executive offices and political representatives.

As for platforms, they are broadly understood as networked systems that connect different types of users and facilitate interactions and transactions between them. They are typically operated by for-profit corporations that develop the technology and set the rules that govern activities on their services. This broad understanding spans platforms in social media and search, but also extends to e-commerce, gig work, or shared economy platforms. In this research there is a particular emphasis on giant technology platforms, so-called big tech companies and very large firms, as these are the target of safety regulations. They are typically platforms with substantial user bases or control over markets within their respective jurisdictions. Many of these platforms are owned and operated by big tech companies, a loosely defined group of dominant technology firms characterised by their massive market capitalisation and market power.

Thus platform regulation in this research focuses on the regulation of tech giants, primarily big tech and other very large platforms, as regulatees by state regulators in Germany, the UK, and the US. While platform regulation spans a wide range of domains including competition and markets, labour rights, and media and journalism, this research is centred on platform safety regulation. This focus reflects both the urgency posed by real-life safety concerns and the emergent regulatory practice, which frequently features safety issues. In my thesis, platform safety regulation refers to platform-aimed regulation that aims to reduce risks and protect public safety. These regulations address a variety of harms including algorithmic bias, harmful and illegal content, online abuse, and harms related to platform design.

Power is a central pillar of my research. While I develop a more detailed theoretical conception of power in the literature review in Chapter 2, this research foregrounds power in the relationship between states and platforms. It views power not as a fixed legal mandate but

as a dynamic relationship shaped by how actors access, mobilise, and interpret four regulatory resources – information, authority, treasure, and organised expertise. Conversely, my research does not focus on formal authority in legal frameworks and institutional remits but instead makes visible how power emerges through regulatory resources mobilised in dynamic relationships.

1.3 Research Questions and Rationale

To operationalise these objectives and accommodate the focus of this work, my thesis is guided by three overarching research questions (RQs):

> **RQ1**: What regulatory approaches and relationships characterise platform regulation in Germany, the United Kingdom, and the United States, and what factors explain similarities and differences across cases?
>
> **RQ2**: What roles do public and private actors hold in platform regulation, and how do their relationship dynamics shape regulatory power?
>
> **RQ3**: In what ways does emergent platform regulatory practice challenge established models of regulation?

To answer these questions, I make several empirical, theoretical, and methodological choices. While these will be developed in greater detail in the subsequent chapters, key choices are outlined here.

Theoretically, this research develops a resource- and relationship-based framework of regulatory power in platform regulation. Rather than treating power as a fixed formal mandate or legal authority, I focus on how power is enacted through dynamic interactions between state and platform actors. To conceptualise and make visible these dynamics on a theoretical level, I develop a framework of four regulatory resources – information, authority, treasure,

and organised expertise – that are mobilised in regulatory relationships between states and platforms.

These resources are not merely functional inputs to regulatory capacity; they provide a structured framework for making tractable where power sits, how it is enacted, and how it shapes and is shaped by state–platform interactions. In a rapidly evolving regulatory environment shaped by complex power dynamics, the framework offers a structured way to theorise regulatory power and make it analytically approachable.

Methodologically, I draw on interpretive policy analysis (IPA), which places at its centre how regulatory actors interpret and make sense of regulation, and how these meanings shape regulatory processes. IPA moves away from the solely legal and institutional perspectives which are dominant in platform regulation research; instead, it approaches regulation as a process shaped by the dynamics between regulators and regulatees, who interpret, construct, and attribute meaning to regulatory practice. The interpretive orientation informs the methodological choices made throughout the study. It underpins the selection of data collection and analysis methods – in-depth elite interviews, document analysis, and process tracing – the coding strategy, and the use of triangulation and reflexivity within a comparative case study research design.

Empirically, this research employs a comparative case study design examining platform regulation in three advanced democracies: Germany, the UK, and the US. The analysis is grounded in a uniquely rich empirical data set that captures a decade of regulatory development (2016–2025) in an emerging regulatory field. It draws on 93 in-depth elite interviews with senior policymakers, regulators, platform representatives, and civil society experts who have actively shaped platform regulation from within; a document analysis of an archive of 103 policy texts including laws, policy papers, official statements, and transcripts from hearings and plenary sessions; as well as process tracing across these data to reconstruct

sequences and identify causal relationships in regulatory processes. Together, this data set offers the first interpretive, comparative account of emergent platform regulation in practice – linking practitioner accounts, formal policy stances, and the unfolding of regulatory events over time across three distinct contexts.

In addressing these research questions, my research will: first, reveal empirically grounded accounts of emerging approaches across three cases; second, examine how regulatory power is enacted within state–platform relationships, showing how power is asserted, negotiated, or entangled in regulatory processes in Germany, the UK, and the US; and third, contribute to understanding platform regulation as a form of regulation that necessarily involves platform actors, while showing that the terms of this involvement shape how regulatory power is enacted.

1.4 Relevance

This thesis makes contributions that are both practically and academically relevant. Practically, it speaks to one of the most urgent and wide-reaching regulatory challenges of the past decade: how can democratic states effectively regulate transnational digital platforms? What began as an abstract policy ambition has evolved into a major site of regulatory action on a global scale over the span of only a few years – and it is likely to only increase in importance as digital technologies remain prolific.

Since 2016 a succession of "public shocks" (Ananny & Gillespie, 2016) has brought pressing safety threats surrounding platforms into focus. Such threats are unlikely to disappear and may constitute persistent features of platform environments. Research shows that platforms routinely prioritise scale, speed, and revenue over user safety (Howard, 2020; Zuboff, 2019). Even when companies introduce comprehensive safety measures, unintended consequences continue to emerge. Given the scale of tech giants, even marginal risks can result in significant real-world harms (Gillespie, 2020).

Looking ahead, these risks are likely to become further amplified. Against the backdrop of growing competitive pressure, including from Chinese firms, platforms innovate rapidly, rolling out new features or adjustments to existing ones on a daily basis. These changes are often introduced without rigorous safety testing or safeguards, which increases the likelihood of harms. What is more, as platforms expand into majority world and Global South markets – often by virtue of proprietary internet infrastructure that they provide – differences in access modalities, use cases, and digital literacy heighten safety risks.

Most significantly, these dynamics intersect with the rapid and transformative adoption of complex AI systems. This shift is being accompanied by immense geopolitical pressure for the West to 'win the AI race' against China. As AI systems become adopted at scale and integrated across virtually all digital technologies, their workings and outcomes have remained opaque. Critically, many of the most advanced AI models are operated by the same handful of tech giants that dominate the platform landscape, further underscoring the relevance of both this research and emergent regulation.

My research offers a starting point for making regulation more effective. It highlights how and why states struggle to regulate platforms, shows that contemporary governments frequently lack access to technical information and digital expertise, and develops strategies for countering risks of capture and state overreach in platform regulation.

Academically, my thesis addresses several gaps in existing research on platform regulation. While existing studies offer grounded accounts of regulation, they often remain descriptive and focus on formal outcomes – laws, institutional competences, and corporate policies – frequently set in the domain of content moderation (Gillespie, 2018a; Kaye, 2019; Suzor, 2019). While existing work features comparative accounts, national variations are commonly attributed to regulatory cultures, legal systems, or political events – risking an overemphasis of static background conditions or exceptional, case-specific triggers (Flew, 2021; Gorwa, 2024).

And although ideas of platform power have been articulated in this literature, they are commonly framed in terms of market dominance, gatekeeping control over information flows, or platforms' capacity to set and enforce corporate policies (Klinger et al., 2023; Moore & Tambini, 2018; Nielsen & Ganter, 2022).

My thesis directly addresses these gaps by advancing a decisional understanding of platform regulation, centred on how power dynamics between state and platform actors shape regulatory practice and outcomes. Departing from dominant accounts of laws, institutions, and corporate governance arrangements, I assume an interpretive perspective, a methodological viewpoint rarely taken in platform regulation research. This lens brings into focus the situated meanings, relationships, and everyday power struggles that shape regulation in practice.

To theoretically conceptualise these dynamics, the thesis builds on seminal literature in policy and regulation studies to develop a framework whereby regulatory power emerges from four resources – information, authority, treasure, and organised expertise – and in particular from how actors mobilise and interpret these resources (Black, 2002b; Hood, 1983, 2008). This framework offers a mid-level theory for understanding how regulatory power operates within and across cases to shape platform regulation in practice. Instead of relying on overly abstract theory or case-sensitive narratives, I offer a focused conceptual tool for analysing how regulatory power emerges in practice and why it varies across contexts.

Taken together, these contributions enable a theoretically and empirically grounded understanding of contemporary platform regulation, both as a practical challenge for policymakers and as a subject of academic inquiry. By applying the framework of regulatory power across three national cases, the thesis generates insights relevant for practitioners seeking to develop effective regulatory approaches, while also offering empirical,

methodological, and theoretical anchor points for scholars studying regulatory power and platform regulation.

1.5 Approaching the Field as an Insider

At the start of this thesis, I want to acknowledge and reflect on my positionality in the context of this interpretive research. I approached the field in a dual role: as a part-time doctoral researcher at the Oxford Internet Institute; but also as a full-time researcher and research manager at the Programme on Democracy and Technology at the University of Oxford, and later on as the co-founder of a university spin-off company focused on technology safety.

In this dual role, I have been an insider in the world of platform regulation. In my professional capacity, I have frequently presented at academic or policy conferences; briefed senior officials in the US, the UK, and Germany, and within the EU more broadly; contributed evidence to legislative consultations; testified as an expert in front of parliamentary committees; and provided expert media commentary.

This proximity has afforded me what I believe to be extraordinary and privileged access to the field of platform regulation. Going into the field as a researcher, I had already developed a strong professional network, including with several of the actors featured in this research. In recruiting participants, I was often able to build on my existing professional relationships to reach typically hard-to-access interviewees, such as senior policymakers, platform personnel, and internationally recognised experts.

However, entering as a doctoral researcher the already familiar field that I was part of myself has also posed challenges. I was acquainted with several of the individuals and issues at the centre of this study, which raises the risk of projecting my own views onto the field. My professional affiliations also create ethical concerns and potential conflicts of interest. To mitigate such risks, I have actively employed reflexivity and positionality throughout the research process, used triangulation across data sources, and followed best practices for

informed consent and transparency. A detailed discussion of these strategies is offered in the methods chapter, Chapter 3.

Ultimately, I view my position as an insider not merely as a risk in need of mitigation, but as one of the key contributions of this research: it has enabled an embedded, practice-informed perspective on how platform regulation unfolds between regulatory actors in practice.

1.6 Chapter Overview

My thesis consists of seven chapters, beginning with this introduction, followed by a review of the literature and the development of an original framework of regulatory power, a chapter outlining the interpretive methodological approach, and then its application in three national case studies. I conclude with a comparative synthesis. Here I offer a chapter-by-chapter overview.

Chapter 1: Introduction

This introduction has presented platform regulation as the subject of this research. It opened by outlining the fundamental power dynamic that is at the heart of my inquiry: the tension between states seeking to regulate giant technology platforms – despite their own vested interests in platform systems – and the platforms themselves, which rank among the largest and most valuable corporate entities in history, and whose interests often diverge from those of the state. I have set out the research objectives and focus, explained how these are operationalised through research questions, and then discussed the relevance of the research against the backdrop of key gaps and main contributions. Finally, the introduction provides this chapter-by-chapter overview of the thesis.

Chapter 2: Literature Review

This chapter reviews the key scholarship in the growing body of literature on platform regulation in political communication and policy and regulation studies. It lays the conceptual foundation for the broader decisional analysis developed throughout this thesis. It first introduces the key concepts and terms used in this research – platforms, tech giants, platform regulation – situating them in the literature and clarifying their use in this research. To contextualise the analysis of regulation from 2016 to 2025, it offers a brief historical account of internet and platform regulation. Next, the chapter reviews the literature on states as regulator and platforms as regulatees, the central actors of this thesis. Finally, it integrates existing theories of resources, capacity, and power in regulation, to develop an original framework of regulatory power. This framework is applied in the case study chapters to trace how and why power dynamics shape platform regulation in practice.

Chapter 3: Methodology

This chapter outlines the methodological approach of the thesis. I begin by introducing the use of IPA. This IPA is adopted through a comparative case study research design. I combine in-depth within-case analysis and comparative conclusions to explore platform regulation in three advanced democracies: Germany, the UK, and the US. The chapter explains the criteria for case selection and provides a brief overview of the three cases. It then sets out the data collection and analysis methods, detailing how I apply elite interviews, document analysis, and process tracing in triangulation. The chapter also addresses ethical considerations and features my reflections on positionality. Limitations and mitigation strategies are discussed within the relevant sections.

Case Studies (Chapters 4 to 6)

These chapters present the three empirical case studies of platform regulation in Germany, in the UK, and in the US. In each chapter, I apply the framework of regulatory resources to

reveal decisional perspectives on how and why regulatory power is enacted in platform regulation within its respective context. All three chapters draw from elite interviews, document analysis, and process tracing. As this is an integrated thesis, each chapter functions as a stand-alone research contribution, complete with its own literature review, methods section, discussion, and conclusion, as well as case-specific research questions that are shown in Table 1. A version of the chapter on Germany was published in the *Journal of Information Policy* (Neudert, 2024), and a version of the UK chapter appeared in *Internet Policy Review* (Neudert, 2023). The US chapter is currently under review. The version that was published or submitted has been broadly retained here, including the original titles, with only limited adjustments made for their inclusion in this thesis; and the chapters are presented in the order in which the papers were published. While this approach preserves the integrity of the individual papers, it also results in some repetition between the integrated literature review and methods chapters and the corresponding sections within the published manuscripts. Where this is the case, I point it out.

Table 1: Overview of case study chapters, case-specific research questions, and data.

Chapter	Case-specific research questions	Data
Chapter 4: United Kingdom	**Ch.4-RQ1:** How does the regulatory capacity of state actors compare to that of platform actors in developing platform-focused regulation, and how do the resources available to each inform the United Kingdom's regulatory approach? **Ch.4-RQ2:** How do resource-based dynamics between state and platform actors shape regulatory relationships within an emergent system of platform regulation? **Ch.4-RQ3:** What regulatory measures – considering in particular those outlined in the Online Safety Act – are required to address resource challenges in the regulation of platforms, and how likely are they to achieve the intended goals?	33 interviews with 34 participants; 30 documents; process data
Chapter 5: Germany	**Ch.5-RQ1:** In what ways did problem recognition, policy proposals, and political contexts converge, and how did this convergence promote the adoption of NetzDG as a regulatory approach? **Ch.5-RQ2:** How did the relationship of state and platform actors shape platform regulation in Germany, and what does this reveal about the dynamics of regulatory power in digital regulation?	26 interviews; 30 documents; process data
Chapter 6: United States	**Ch.6-RQ1:** In the apparent absence of comprehensive federal regulation, what regulatory approaches have emerged in the United States in platform safety regulation? **Ch.6-RQ2:** How is regulatory power enacted through the mobilisation of resources between state and platform actors?	33 interviews; 43 documents; process data

Chapter 4: Regulatory Capacity Capture: The United Kingdom's Online Safety Regime [power dynamic: enrolment]

The UK case investigates the development of the OSA. Developing a framework of four regulatory resources, it traces configurations of these resources in state–platform interplay. The analysis finds persistent resource asymmetries between state and platform actors, which policymakers identify as a key reason for delays in the bill's formulation and for risks of capture. The OSA responds directly to these asymmetries by enrolling platform-held resources through safety duties and enhanced information powers, exercised under regulatory oversight. The UK case exemplifies a regulated self-regulation model, in which platforms retain discretion over how to mobilise proprietary resources while working to comply with expectations for outcomes defined and enforced by the regulator.

Chapter 5: Reclaiming Digital Sovereignty: Policy and Power Dynamics behind Germany's NetzDG [power dynamic: assertion]

This chapter examines the German case, focusing on NetzDG as an early mover in platform regulation. The chapter develops a power-integrated view of John Kingdon's (1995) seminal multiple streams approach (MSA) which analyses how and why a specific policy becomes adopted. The analysis shows that policymakers' frustration with platforms' refusal to allocate sufficient resources to address speech harms during a hate speech crisis ultimately catalysed the adoption of the law – channelled through the idea of more effectively enforcing existing speech laws in online environments. The German case illustrates an interventionist regulatory approach, where the state seeks to assert power over platforms by obligating platforms to use their resources towards regulatory goals through strict and detailed legal requirements.

Chapter 6: A Fragmented Landscape, an Entangled Relationship: Platform Safety Regulation in the United States (2016–2025) [power dynamic: entanglement]

This chapter investigates the US case, where no comprehensive platform safety regime has been adopted. It traces how regulation nonetheless emerges across the executive, legislative, and judicial branches of the federal government. Rather than revealing an absence of regulation, the analysis finds an active but fragmented regulatory landscape that is heavily politicised, is institutionally dispersed, and lacks cohesion. Within this landscape, state and platform actors have become structurally entangled: they are mutually interdependent; persistent resource asymmetries allow platforms to outmatch the federal government; and state actors repeatedly enrol platform resources, without a clear mandate and, at times, in constitutionally constrained areas such as speech regulation. The US case illustrates a fragmented regulatory approach, where regulatory resources are entangled between state and platform actors, prompting risks of regulatory inertia, capture, and state overreach – blunting regulatory power and rendering effective regulation unlikely.

Chapter 7: Conclusion

The final chapter concludes my thesis by bringing together the findings from across the three case studies. I start by summarising the within-case findings. Next, I present a comparative synthesis and offer overarching findings. I detail the empirical, theoretical, and methodological contributions brought forward by my research, particularly the value of the framework of regulatory power for understanding platform regulation as a power dynamic. I consider implications for future research and regulatory practice, emphasising the need for regulatory approaches that can both accommodate and actively enrol platform power. The chapter concludes with an outlook on the future relevance of this work, set against the backdrop of heightened regulatory challenges in digital technology – particularly in the domain of AI.

Across these seven chapters, this thesis is about power – about how power is expressed between states and platforms, how it is enacted in platform regulation, and how and why it shapes regulatory decisions in practice. The chapters that follow develop a conceptual framework and methodological approach for making this power tractable, apply them in in-depth empirical analyses across three national cases, and reflect on the broader empirical, theoretical, and methodological contributions and practical implications of the research.

Chapter 2: **Literature Review**

2.1 Positioning the Literature Review

In this literature review I situate my thesis within the growing, multidisciplinary literature on the regulation of digital platforms. I draw on perspectives from policy and regulation studies, political communication, and media and communication research and bring into dialogue evolving accounts of platform regulation with established theories and conceptions of regulatory resources, capacity, and power.

Rather than attempting an exhaustive coverage of the field, this review is strategically focused on the scholarly literatures that are most relevant to the core objective of my thesis: understanding platform regulation as a power dynamic process between advanced democracies and giant technology platforms, set within emergent regulatory contexts in Germany, the UK, and the US.

Therefore, this literature review deliberately adopts a focused scope in several respects. It does not examine perspectives on platform regulation in the majority world in detail, prioritising research on the German, UK, and US contexts, as well as on those of other advanced democracies. In line with the thesis's focus on platform safety regulation, I do not engage extensively with research on regulatory developments in antitrust and competition law, AI safety, or labour regulation. Scholarly work on small, medium, and niche platforms is in fact quite limited; but in any case, this review focuses specifically on tech giants. Finally, as the thesis adopts an interpretive view of platform regulation, legal, institutional, and governance perspectives are introduced as important foundations for this research but are not explored in depth.

This chapter begins by reviewing relevant literature on the key concepts and topics of my research – platforms, tech giants, and platform regulation – and outlines how I use these terms throughout the thesis. It then offers a historical overview of platform regulation, tracing key events and regulatory developments in Germany, the UK, and the US to situate the subsequent empirical case analysis within a broader regulatory trajectory. Next, I examine the roles of states and platforms as regulatory actors, discussing distinct challenges and strategies and specific subgroups of actors involved in platform regulation across the case contexts. I also introduce different approaches to regulation based on the relational constellations between regulators and regulatees. Finally, the chapter connects the nascent literature on platform power to established theories of resources, capacity, and power in regulation. I integrate this literature to develop an original framework for conceptualising regulatory power as resource-based, relational, and interpretively enacted – guiding this thesis across its chapters.

Through the review of the literature, I identify three gaps that my thesis purposefully seeks to address:

- **Conceptual ambiguity**: In the literature, distinct forms of (platform) governance and regulation are often conflated, with a lack of conceptual clarity. This thesis offers a clear definition of platform regulation and develops a theoretical framework for analysing regulatory power as a relational, resource-based dynamic between state and platform actors.
- **Methodological and empirical narrowness**: While platform regulation is increasingly studied, research commonly focuses on legal frameworks, institutional competences, and corporate governance mechanisms foregrounding formalised, static arrangements of regulation. Much of the scholarship remains narrowly focused on content-based harms, leaving other dimensions of platform safety and emergent

regulatory practice unaddressed. This thesis assumes an interpretive perspective of regulation as a dynamic process and grounds it in a comparative-empirical analysis of platform safety regulation in Germany, the UK, and the US.

- **Under-theorisation of power**: Power between states and platforms has predominantly been treated as self-evident or embedded, rather than examined directly. Few studies attempt to theorise power between state and platform actors. The original framework of regulatory power developed in this thesis seeks to address this gap.

2.2 Key Concepts and Terminology

This section outlines the key concepts and associated literature that inform this thesis. For each concept, I review the relevant literature, highlight points of consensus and debate, and explain how the concept is understood in this thesis. The aim is to establish a consistent vocabulary to guide the analysis in the chapters that follow.

2.2.1 Platforms

Platforms have become a defining feature of the digital age. They encompass a wide range of digital technologies – including social media, search, e-commerce, cloud computing, and generative AI – that mediate the digital experiences of billions of daily users worldwide. Their services and products underpin contemporary public life spanning areas such as communication, commerce, and cultural production.

Scholars have described the expansion of digital platforms as a sweeping "platformisation" (Poell et al., 2019). Kenney and Zysman (2016) characterise this as a shift whereby "today's changes are organised around these digital platforms" (p. 61), much like the industrial era was organised around the factory. This transformation has been examined under various labels including "the platform economy" (Kenney & Zysman, 2016), "the platform

society" (van Dijck et al., 2018), "the politics of platforms" (Gillespie, 2010), and "platform capitalism" (Srnicek, 2017). Poell et al. (2019) define platformisation as the penetration of digital platforms in infrastructures, economic processes, governance, and everyday cultural practices, which aligns broadly with the different conceptualisations of platforms brought forward in this research.

Yet despite their prevalence, the definition of 'platforms' remains elusive. They are described variously as businesses, infrastructure, gatekeepers, publishers, and governors – and often all of these things at once. This lack of conceptual precision resonates in regulatory debates. Without clarity as to what platforms are, it remains difficult to assess who should regulate them and how.

Rather than seeking a single definition, this section reviews four influential conceptualisations of platforms – as markets, technologies, sociotechnical systems, and infrastructure – that shape how platforms are studied. I then outline how the term 'platform' is operationalised in this research.

2.2.1.1 Platforms as Markets

An early perspective, pioneered by Rochet and Tirole (2003), defines platforms as multi-sided markets that mediate transactions between interdependent user groups – such as buyers and sellers, or consumers and businesses. This marked a shift in thinking about economic organisations. While "traditional firms create value within the boundaries of a company or a supply chain" (Hein et al., 2020, p. 87), platforms generate value by enabling third-party transactions within an ecosystem they control. Rather than selling goods or services, platforms act as marketplaces that create "value by reducing distribution, transaction, and search costs" (Pagani, 2013, p. 625).

Platforms capitalise on their intermediary role, leveraging their position to collect and monetise user data. Revenue is typically generated through fees on targeted advertising,

transactions, and subscriptions – a business model that Zuboff influentially described as "surveillance capitalism" (2019).

Central to platform markets are network effects: the more users that join, the more valuable the platform becomes, driving further growth. Within user groups, the presence of users becomes a draw for others to join; for example, on social media, users join a network because their peers are already there. Across user groups, growth on one side of the market (e.g., buyers) increases the platform's value for the other side (e.g., sellers). As a result, platform operators are heavily incentivised to pursue growth, which can prompt anticompetitive practices.

Indeed, there is ongoing debate about the role of platforms in competitive markets. While growth can benefit users and generate efficiencies, it also raises concerns about market concentration. However, the ability to multihome – using multiple platforms at the same time at marginal cost – the success of niche platforms such as Etsy or Vinted, and disruptive new entrants such as TikTok or OpenAI complicate the assumption that platform markets naturally tend towards monopoly or oligopoly (Moore & Tambini, 2018; Srnicek, 2017).

2.2.1.2 Platforms as Technology

Technical conceptions view platforms as modular, programmable systems that enable third parties – developers, businesses, and users – to create services and applications (Tiwana, 2014; Poell et al., 2019). Platforms offer a stable "foundation upon which complementary products, technologies, or services can be developed" (Spagnoletti et al., 2015, p. 364), while maintaining control over core components. This strain of research is often referred to as "platform studies" (Plantin et al., 2018; Poell et al., 2019).

Modularity is a key feature of platform technologies: third parties can integrate new components without disrupting the underlying technical architecture. This flexibility relies on

standardised interfaces, plug-ins, and application programming interfaces (APIs), which enable developers to build without requiring deep system-level access (Hein et al., 2020).

2.2.1.3 Platforms as Sociotechnical Systems

Another body of literature conceptualises platforms as sociotechnical systems, where technology and sociality are intertwined, mutually shaping and being shaped by one another (Johnson, 1988). Platforms are not passive tools; they embed social, economic, and political assumptions which shape user interactions and social life more broadly.

Sociotechnical shaping by platforms has been explored across domains, including in research on areas like everyday life, political participation, and platform content moderation (Bucher, 2018; Roberts, 2019). This literature views platforms not as neutral intermediaries, but as active agents that shape and are shaped by the sociality they mediate (Gillespie, 2010; van Dijck et al., 2018; Yeung, 2018).

Sociotechnical shaping occurs on multiple levels. Technological affordances, such as interfaces, ranking systems, and algorithms, shape what users see and do. Additionally, platforms embed implicit norms, for example through default privacy settings, behavioural nudges, and friction patterns. There are also explicit rules, such as terms of service, content moderation policies, and community guidelines, which formally define permissible behaviour.

2.2.1.4 Platforms as Infrastructure

Another line of scholarship conceptualises platforms as essential infrastructure that undergirds public life. This scholarship argues that platforms provide critical resources, facilities, and systems – drawing comparisons to public utilities traditionally provided by the state. "Platform[s]-as-infrastructure" (Helmond et al., 2019, p. 123) are essential to individual users, businesses, public institutions, and society more broadly – serving as gatekeepers to essential goods and services and structuring participation in public life (Constantinides et al., 2018).

Unlike conventional public utilities, platforms are privately owned and are not subject to the regulatory frameworks typically applied to public utility companies. They operate through "social and economic processes that are hidden inside algorithms, business models, and data flows which are not open to democratic control" (van Dijck et al., 2018, p. 29). Platforms do not merely provide infrastructure, they actively shape the conditions of participation, determining who engages, under what terms, and whether viable alternatives exist. In doing so, they govern the distribution of fundamental quasi-public goods and services, raising questions about access, reliability, and control (Plantin et al., 2018; Plantin & Punathambekar, 2019).

A related line of literature conceptualises platforms as gatekeepers. Like infrastructure accounts, this literature holds that platforms control access to core goods and services. However, it assumes a wider scope: platforms not only guard access to utility-like infrastructure but also control access to digital services like search, social media networking, or app downloads (Napoli, 2015; Schroeder, 2025; Zittrain, 2005). The EU Digital Markets Act (DMA) uses this framing in its regulations to define market power.

2.2.1.5 Platforms in This Research

The conceptualisations introduced above highlight central dimensions of what platforms are and do. Market-based accounts emphasise economic processes and incentives. Technical perspectives highlight platforms' modularity alongside their capacity to enable third-party development. Sociotechnical accounts foreground the mutual shaping of technology and sociality. Infrastructure-based approaches discuss platforms as gatekeepers of critical services, products, and contemporary public life more broadly.

It is clear that there is no single conceptualisation or catch-all definition which captures the full complexity of platforms. Rather than attempting an exhaustive definition, this

research adopts a simple but flexible conception of platforms: as heuristic assemblages that span five core components.

- **Users**: Platforms connect distinct groups of users – including private individuals, businesses, and public actors – whose participation generates value and co-constructs platforms.
- **Operators**: Platforms are operated by for-profit companies or other organisations that provide technology, enforce rules, and extract rents.
- **Technology**: Platforms comprise networked, modular software and hardware that enable interaction and third-party innovation.
- **Rules**: Platforms operate through a mix of formal and informal, technical and non-technical rules that coordinate interactions, access, and behaviour.
- **Data**: Platforms collect, analyse, and monetise large amounts of data.

This heuristic definition is intentionally flexible and tailored to accommodate the focus of this research on regulatory practice. It is broad enough to reflect the varying legal definitions of platforms in Germany, the UK, and the US, while foregrounding core components of platforms.

2.2.2 From 'Big Tech' to 'Tech Giants'

The term 'big tech' has emerged as a popular buzzword to describe a range of digital software and hardware firms, but definitions of which kind of company the term refers to vary. The term borrows from labels like 'big oil', 'big tobacco', and 'big pharma'. This framing carries a dual connotation. It describes the most dominant firms in a sector but is also used pejoratively to critique the resulting concentrations of power.

Given this conceptual ambiguity, my thesis adopts the term 'tech giants' to refer collectively to big tech and other very large platforms that are typically at the centre of

regulatory measures in Germany, the UK, and the US. This section reviews existing definitions, examines tech giants as platforms, and explains why I use the term 'tech giants' in this thesis.

2.2.2.1 Popular Use

The first documented use of the term 'big tech' was a 1998 newspaper article in the *Australian Financial Review* discussing internet regulation ('Big Tech', 1998). Yet the term only gained traction after the 2013 Edward Snowden leaks, when revelations of government surveillance implicated major US tech firms such as Google, Facebook, and Microsoft. At the time, public concerns over corporate data-harvesting converged with growing scrutiny of market concentration in the tech sector, prompting the adoption of the term in expert discourse (Hayward, 2021; Oremus, 2017). By the late 2010s, a series of scandals involving social media platforms propelled the term into broader popular discourse. In 2021, it was formally added to the *Oxford English Dictionary* (Oxford University Press, n.d.-a). As of 2025, the *Oxford English Dictionary* recorded 'big tech' as appearing approximately twice in every one million words, reflecting its status as an established term (Oxford University Press, n.d.-a).

The term has also gained traction in policy discourse, where it has been applied to a range of digital companies. References to 'big tech' have appeared in official government reports and legislative debates in Germany, the UK, and the US (Bundeskartellamt, 2021; Congressional Research Service, 2023; House of Commons Digital, Culture, Media and Sport Committee, 2019). Political figures have invoked the term across the case study contexts – among them European Commission President Ursula von der Leyen, German Federal President Frank-Walter Steinmeier, and UK Prime Minister Keir Starmer, as well as US President Donald Trump (Steinmeier, 2021; Trump, 2021; Vernalls, 2023; von der Leyen, 2019b).

2.2.2.2 Market-Based Definitions

Market-based definitions use the term 'big tech' to refer to the world's largest technology companies in terms of size, typically measured by market capitalisation.[1] Common groupings include the 'Big Five' – Alphabet (which owns Google), Amazon, Apple, Meta (formerly Facebook), and Microsoft – and the 'Magnificent Seven', which add Nvidia and Tesla.

Acronyms such as GAFA (Google, Apple, Facebook, Amazon) and FAANG (Facebook, Apple, Amazon, Netflix, Google) are widely used in media and finance discourse. BATX (Baidu, Alibaba, Tencent, Xiaomi) denotes Chinese big tech companies. However, the composition of these acronyms is somewhat arbitrary and tends to evolve with market performance and industry trends (Galloway, 2017).

2.2.2.3 Scholarly Definitions

Academic definitions of 'big tech' are tied to conceptions of power and dominance. They emphasise the capacity of firms to control digital ecosystems, exert influence, and accumulate structural advantages. Inherent to these definitions are ideas of power that extend beyond market share, encompassing broad structural influence across economic, political, and social life.

Birch and Cochrane (2021) define 'big tech' as companies that exert "techno-economic power" (p. 44), by controlling digital ecosystems, setting rules for participation, and extracting economic rents – often through monopolistic practices. Similarly, Fernandez et al. (2020) define 'big tech' as multinational corporations that dominate the digital economy, leveraging network effects to scale. Moore and Tambini (2018) focus on "digital dominance" (p. 6), defining 'big tech' as companies that hold significant influence over global economies, politics, and society through their control of digital markets and infrastructure.

[1] Market capitalisation equals the current share price multiplied by the number of outstanding shares.

2.2.2.4 Tech Giants as Regulated Platforms

Platform regulation commonly targets very large platforms, with legal definitions using user numbers and revenue as size indicators. Large platforms are typically subject to stricter obligations, based on the assumption that they pose greater systemic risks. Meanwhile, smaller companies are often granted exemptions or lighter obligations to reduce compliance burdens and strengthen competitiveness.

For example, the German Network Enforcement Act (NetzDG) applies only to platforms with more than 2 million users in Germany. The UK's Online Safety Act (OSA) sets out more stringent regulations for so-called Category 1 user-to-user services based on size and risk, to be defined in secondary legislation. The EU Digital Services Act (DSA) imposes additional restrictions on very large online platforms and search engines (VLOPs and VLOSEs, respectively), defined as being those with more than 45 million users in the EU.

These size-based definitions capture a wide range of platforms and almost always include big tech firms, which operate some of the world's largest platforms. Table 2 lists key platforms operated by the Big Five, which are typically core to their business model, market positioning, or revenue. For Apple, whose core revenue comes from physical products, platforms are mainly complementary or strategic.

Table 2: Selected platforms of the Big Five.

Category	Big tech companies and platforms
AI development	Alphabet (Vertex AI, Gemini API), Meta (LLaMA API), Microsoft (OpenAI API)
App development	Alphabet (Android, Google Play), Apple (iOS, App Store)
Cloud computing	Alphabet (Google Cloud), Amazon (AWS), Microsoft (Azure)
Messaging	Apple (iMessage), Meta (Messenger, WhatsApp), Microsoft (Teams)
Marketplaces	Amazon (Amazon Marketplace), Meta (Facebook Marketplace)
Payments	Alphabet (Google Pay), Amazon (Amazon Pay), Apple (Apple Pay)
Search	Alphabet (Google), Microsoft (Bing)
Social media	Alphabet (YouTube), Meta (Facebook, Instagram, Threads), Microsoft (LinkedIn)

Source: Author's own compilation based on publicly available company information.

At the same time, other very large companies often fall within regulatory thresholds, but are not commonly labelled as big tech companies. For example, Airbnb, booking.com, X, and Zalando run very large platforms, but are not typically referred to as big tech. Nonetheless these very large companies typically hold substantial market power and societal influence.

2.2.2.5 'Tech Giants' in This Research

In this research, I use the term 'tech giants' to span both big tech platforms and other very large platforms, loosely conceptualised as those companies with very large user bases that are targeted with regulation in Germany, the UK, and the US. I conceptualise 'tech giants' as a heuristic based on three interrelated characteristics that closely trace emergent regulatory practice:

- **Size**: Platforms with significant user numbers. In regulation, size is commonly used as a proxy for market reach, societal influence, and systemic reach.
- **Digital services**: Platforms operating core digital services including social media and search, but also messaging, user-generated content, and video streaming.
- **Regulatory scrutiny**: Platforms that have experienced heightened and targeted regulatory scrutiny in Germany, the UK, and the US.

This flexible heuristic is broad enough to apply to diverse regulatory contexts. At the same time, it is precise enough to capture the key features commonly associated with very large platforms, distinguishing these firms from smaller digital companies that are typically subject to less regulatory scrutiny. I use the terms 'tech giants' and 'giant technology platforms' interchangeably.

In contrast, I use the term 'big tech' to refer to the Big Five (Amazon, Alphabet, Apple, Meta, Microsoft) and their respective platforms, listed in Table 2.

2.2.3 Platform Regulation

In this section, I review key definitions and academic discourse around regulation, with a focus on their relevance to digital platforms. While regulation is a well-established field of academic inquiry, the regulation of digital platforms is a relatively nascent and rapidly evolving area. I begin by reviewing academic definitions of 'regulation', then turn to definitions of 'platform regulation'. Finally, I define the regulatory focus at the core of this research: platform safety regulation.

2.2.3.1 Defining 'Regulation'

Across literatures, regulation is broadly understood as a range of mechanisms by which behaviour is shaped. While legal definitions often emphasise "the means through which policies and laws are imposed" (Flew, 2021, p. 106), social science research understands 'regulation' to capture a wide range of mechanisms, from state-based command-and-control legislations to industry-based codes of conduct.

Baldwin et al. (2011) seminally distinguish three key meanings of 'regulation'. First, regulation as a binding set of rules applied by a designated regulatory body. Second, regulation as deliberate state influence on economic or social behaviour; this type of regulation makes use of regulatory instruments such as command-and-control legislation, incentives, standard-setting, and resource allocation. Finally, regulation as all forms of economic or social influence, including both deliberate and incidental mechanisms, that are enacted by state and non-state actors, including firms, trade bodies, or civil society.

These meanings suggest that regulation can be state-based or hybrid, centralised or decentralised, formal or informal, coercive or enabling, targeting both social and economic behaviour. While these meanings are useful to map the field, in this research I adopt a more focused definition. I draw on Julia Black's definition:

> [Regulation is the] sustained and focused attempt to alter the behaviour of others according to defined standards or purposes with the intention of producing a broadly identified outcome or outcomes. (Black, 2002a, p. 20)

According to Black's (2002a) definition, regulation is actor-agnostic. However, the definition excludes forms of pure self-regulation, requiring some degree of external intervention by others. She views regulation as an ongoing, iterative process that includes both ex ante (preventative) and ex post (corrective) measures. According to this definition, regulation is intentional but open-ended. While it aims at altering behaviour, the intended outcomes are broadly defined but not fixed and do not necessarily need to be reached. Finally, according to Black regulation is behaviour-focused, and can include a range of measures aimed at behaviour modification, including prescriptive legal rules and softer mechanisms such as codes of conduct, nudging strategies, or investment incentives.

I argue that Black's (2002a) definition is particularly well suited to platform regulation research, as it allows for the examination of diverse regulatory approaches and measures – including those involving both state and platform actors.

2.2.3.2 Platform Regulation in Social Science Research

Amid increasing calls for regulatory oversight, the topic of platform regulation has gained traction as a subject of academic inquiry. The Web of Science topic analysis displayed in Figure 1 shows a substantial rise in the use of the term in titles, abstracts, and keywords in academic publications from 2016 onwards, with publications nearly doubling from 959 in 2016 to 1,808 in 2020. This growth accelerated after 2020, surging to 2,630 papers in 2024, reflecting the intensified scholarly attention.

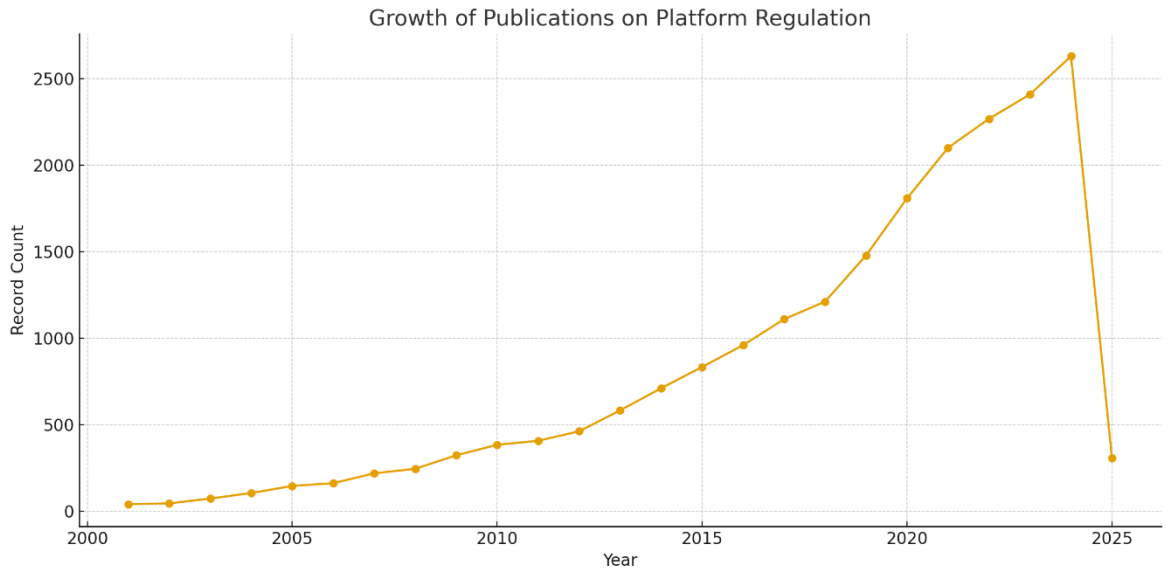

Figure 1: Web of Science Core Collection, search conducted by the author in February 2025, filtering for 'platform regulation' appearing in publication titles, abstracts, or author keywords. The 2025 data is partial and subject to change as indexing is still in progress.

While the term 'platform regulation' has been used in varied contexts, it is generally used to refer to regulatory initiatives that target digital platforms. Gillespie (2018b) has played a key role in popularising and shaping the concept of platform regulation within social science research. He distinguishes between the "regulation of platforms" (Gillespie, 2018b, p. 254) – state-imposed laws and policies affecting platforms – and "regulation by platforms" (Gillespie, 2018b, p. 254), describing the internal policies, terms of service, and standards developed by platforms themselves.

While Gillespie broadly uses the terms 'regulation' and 'governance' as interchangeable, many scholars have since opted for a clearer distinction. 'Platform regulation' typically refers to external rules imposed directly by the state or involving the state. By contrast, 'platform governance' encompasses both state regulation and corporate self-regulation, including forms of platform-led self-regulation without state involvement (Flew, 2021; Gorwa, 2019b). This research adopts this distinction and uses the term 'platform regulation' to refer to regulations in which state actors are involved in rule-setting.

Research on platform regulation involving the state has emerged across a range of disciplines, but three main perspectives shape social science literature: legal, institutional, and governance-oriented approaches.

First, legal analyses spotlight the emergent laws, legal frameworks, and case law relating to platforms. This body of work is primarily concerned with the analysis of formal laws, legal texts, and case proceedings. Legal scholars have explored whether existing legal frameworks – particularly constitutional protections, human rights approaches, and limited liability laws from the 1990s and early 2000s – can be applied to contemporary platform contexts (Bayer, 2022; Citron, 2023; Griffin, 2023; Liu, 2022; Suzor, 2018). Commonly, this literature also examines new, platform-specific measures with regard to their legal design, implications, and compatibility with existing practice. For example, Liesching et al. (2021) evaluate compliance mechanisms of NetzDG, Coe (2022) examines the liability implications of NetzDG and the OSA, and Clausius (2022) analyses the legal justifications for the US TikTok ban. Comparative legal perspectives juxtaposing different national approaches for addressing similar platform issues are also featured. For example, Theil (2019) compares the German NetzDG to online safety regulation in the UK, and Soeiro et al. (2025) compare platform labour regulations across Brazil, Portugal, and Spain. This body of work offers in-depth accounts of formal legal regulations, but is typically less concerned with the development, implementation, or negotiation of these frameworks.

Second, institutional approaches have explored the formal institutional arrangement of platform regulation. These perspectives explore the actors, instruments, and institutional architectures of platform regulation. This work commonly maps the emergent regulatory landscape with regard to the different roles state, platform, and non-state actors assume, and often involves typologies of regulatory measures. For example, Gorwa (2019a) maps content regulation measures using a triangle model with seven dimensions, while Papaevangelou

(2021) employs a three-dimensional framework. This literature often explores remits of regulatory agencies, exploring questions related to the reach, overlap, and adequacy of regulatory mandates. For example, Jaursch (2022) examines which institutions would be best suited for overseeing digital services in Germany; Heywood (2022) examines the powers and duties of the UK Office of Communications (Ofcom) under the OSA; and Kovacic (2024) assesses the competences of the US Federal Trade Commission (FTC) in platform regulation. To a lesser extent, this line of inquiry has featured political perspectives, highlighting the role of actor coalitions and institutional politics in shaping institutional mandates. For instance, Flew et al. (2021) conduct a stakeholder analysis of actors involved in Australian platform regulation, Gorwa (2021) examines political conflicts over regulatory competences between the EU and German governments, and Trithara (2024) analyses civil society coalitions in US platform regulation.

Third, governance perspectives have examined platform regulation led by platforms. This body of work features three main lines of inquiry. The first of these is research on platform-internal corporate rules, including analyses of corporate policies such as community guidelines and content standards; for example, Medzini (2021) analyses the evolution of Facebook's content policies over time. Another line of inquiry is research on governance through technical systems, including algorithmic governance and automated content moderation, such as Gillespie's (2020) account of AI in content moderation and Gorwa et al.'s (2020) study of algorithmic content moderation. The final line of inquiry is research on the corporate practices and bodies for overseeing and enforcing corporate rules, such as content moderation practices or internal oversight boards; for example, Klonick (2020) examines the Facebook Oversight Board, and both Gillespie's (2018a) and Kaye's (2019) studies offer in-depth accounts of platform content moderation. Together, these governance accounts frequently conceptualise platforms as "new governors" (Klonick, 2017) with quasi-regulatory authority.

While governance processes often take place "in the shadow of the state" (Bloch-Wehba, 2019) or involve state actors directly, this research frequently omits the role of the state.

To a lesser extent, there are also critical accounts of platform regulation that foreground issues of inequality and exclusion (Griffin, 2023; Papaevangelou, 2021). Historical perspectives have offered analyses of regulatory trajectories of digital platforms, often embedded in broader histories of internet governance and regulation (Bietti, 2021; Flew, 2021). Conversely, interpretive accounts are absent in the literature, broadly speaking, with the exception of Soeiro et al.'s (2025) account of labour regulation, which features some perspectives from workers on the ground.

In summary, while the literature on platform regulation is evolving rapidly, several key limitations have emerged across this review. First, conceptions of platform regulation are often ambiguous, conflating state-based regulation with governance arrangements and platform self-regulation that do not involve the state. Second, interpretive accounts of platform regulation have remained largely absent, privileging perspectives on formalised regulatory arrangements. This has resulted in a focus on formal regulatory outcomes as opposed to meaning-centred understandings of regulatory processes. Lastly, content regulation has been disproportionately featured, whereas other domains, such as antitrust and competition, labour regulation, or platform safety more broadly, have received less scholarly attention. This thesis seeks to address these gaps by examining platform regulation as a dynamic relationship between state and platform actors, with a particular focus on platform safety.

2.2.3.3 Platform Regulation in Regulatory Practice

Despite its growing prominence in academic literature, the term 'platform regulation' has remained largely absent from regulatory practice, including from legal texts and political rhetoric. The inflationary use of the term in academia contrasts with its limited uptake in

regulatory practice, highlighting a disconnect between scholarly and policy framings of the regulatory challenges that platforms pose.

When addressing platform-related issues, state actors tend to discuss specific regulatory domains – such as competition, content moderation, data governance, and online safety – rather than adopting 'platform regulation' as a coherent regulatory category. Table 3 provides an overview of key domains relevant to platform-aimed regulation, including the primary issues they address, alongside examples from Germany, the UK, the US, the European Union, Australia, and Canada as examples of advanced democracies. While not all regulations listed exclusively target platforms, platforms and their parent companies are central targets of the regulations listed.

Table 3: Platform-aimed regulatory domains.

Regulatory domain	**Key issues**	**Examples**
Advertising	Advertising transparency, digital campaign spending	UK Electoral Commission Statutory Guidance on Digital Imprints, US Honest Ads Bill
Artificial intelligence	AI safety, AI transparency	EU AI Act, US Executive Order on AI
Child safety	Age verification, child-safe content	UK OSA, US Kids Online Safety Act
Competition and antitrust	Market concentration, monopolistic practices	EU Digital Markets Act, US Department of Justice antitrust cases against Google & Meta, UK Competition and Markets Authority investigations against Apple & Google
Data governance and privacy	Data protection, cross-border data transfers, data localisation	EU–US Data Privacy Framework, UK–US Atlantic Declaration
Infrastructure	Platform-built undersea cables, data centres, content delivery networks	US Creating Helpful Incentives to Produce Semiconductors Act, US Stargate public–private partnership
Labour concerns	Worker protections, wages	EU Platform Work Directive, UK Supreme Court Uber ruling
Media	Publisher revenue-sharing	Australian News Media Bargaining Code, Canadian Online News Act
National security	Election interference, Chinese technology bans, cybersecurity	US Protecting Americans from Foreign Adversary Controlled Applications Act, US audits of undersea cables, Huawei & ZTE restrictions
Online safety	Algorithmic bias, harmful or illegal content, platform duties of care, risks to minors	Australian Online Safety Act, Canadian Online Harms Bill, German NetzDG, UK OSA

Note: This is the author's own non-exhaustive compilation based on publicly available policy documents and legislation.

2.2.3.4 Platform Regulation in This Research

With the absence of a clear scholarly definition of 'platform regulation', this thesis draws from Black's (2006) definition of 'regulation' to develop an operationalisation of 'platform regulation' that is suited to the scope of this research:

> A sustained and focused attempt to alter the behaviour of platform actors through externally imposed regulatory measures, with the intention of producing broadly defined outcomes across multiple policy domains. (adapted from Black, 2002a, p. 20)

While platform regulation constitutes a broader regulatory field, this thesis focuses on a specific subset. First, I examine regulatory measures that involve state actors in regulation. Second, I focus on regulations that specifically or implicitly target digital platforms as opposed to tech industry regulations more broadly. Third, the regulations examined primarily address platform-related risks to the safety of private users of platforms and to a lesser extent to security, where relevant. I refer to this domain as 'platform safety regulation'.

Additionally, there is an implicit focus on tech giants – big tech and other very large platforms – as the platform regulations examined in Germany, the UK, and the US primarily target these actors.

2.3 A History of Platform Regulation

While platform regulation is a relatively recent phenomenon, it is deeply rooted in the history of the internet. This history is crucial for contextualising current debates, recognising the historical trajectories that continue to shape the field. Drawing on accounts by Bietti (2021), Flew (2021), O'Mara (2019), and others, this section synthesises existing scholarship to offer an overview of major regulatory developments in Germany, the UK, and the US during the period from 2016 to 2025. I identify three distinct phases, shaped by shifts in regulatory practice, changing views of technology, and the role of the state.

This overview is necessarily US-centric, as many of the companies at the centre of regulatory inquiry originated in the US. For the same reason, the focus here is primarily on giant technology platforms. Finally, it is important to emphasise that regulation is still unfolding. While the third phase marks a clear transition toward greater regulatory oversight of platforms, the direction and scope of this regulatory turn remain in flux.

2.3.1 1990s–2000: The Open Internet

The historical development of platform regulation is closely tied to the broader history of the internet. The early internet had its technical foundations in ARPANET, a decentralised network established by the US Department of Defense in 1969. Designed during the Cold War to provide resilient communication channels in the event of a Soviet attack, ARPANET connected university research centres and military sites across the United States.
On 1 January 1983, ARPANET transitioned to the TCP/IP protocol suite, a milestone widely regarded as the official birth of the internet (Leiner et al., 2009; Ryan, 2010).

Through the 1990s, the internet grew into a publicly accessible and increasingly privatised space. This transformation was driven by the creation of the World Wide Web by Tim Berners-Lee in 1989, the arrival of dial-up internet, and the development of user-friendly web browsers. Major digital tech platforms such as Amazon (1994), eBay (1995), and Google (1998) were launched during this time period, marking the advent of the commercial internet.

Although it was born from state investment, the internet was shaped by ideals of decentralisation, openness, and freedom from state interference. Early accounts of the internet portrayed cyberspace as ungovernable, framing it as a Wild West that transcended traditional jurisdictions (Deibert et al., 2008, 2010). This techno-libertarian ethos was captured by John Perry Barlow in his 1996 'Declaration of the Independence of Cyberspace', where he declared the internet a "naturally independent" (Barlow, 2019, p. 5) realm. He envisioned the internet as "a utopian and anarchic space for open access, social interaction, and creative

freedom" (Bietti, 2021, p. 13), situated outside the reach of both state and corporate control. These ideas remain evident in contemporary regulation, as can be seen in the tendency to create separate frameworks for online spaces instead of applying existing regulations (Bietti, 2021).

At the same time, critical voices challenged the myth of an ungovernable internet. Lawrence Lessig's seminal work, *Code: And Other Laws of Cyberspace* (Lessig, 1999), laid out the idea that the internet was already regulated – though not through law ("East Coast Code") but through computer code ("West Coast Law"). He argued that code functions as an architecture that structures what is possible and what is not – an idea that resonates with ideas of platforms as sociotechnical systems.

Early regulatory stances by the administration of US President Bill Clinton (1993–2001) favoured light-touch approaches, emphasising self-regulation, free markets, free speech, and the commercial expansion of the internet. Clinton famously likened regulating the internet, and online speech in particular, to "trying to nail Jell-O to a wall" (Clinton, 2000).

These stances informed key policies that remain influential today, notably the US Telecommunications Act of 1996, which deregulated the telecoms sector and promoted the expansion of internet services. As part of that Act, the Communications Decency Act (CDA) created safe harbours under CDA Section 230 that exempted internet services from liability for user-generated content while at the same time allowing them to moderate it freely (CDA, 1996). Meanwhile in the European Union, the E-Commerce Directive (ECD) of 2000 similarly pursued limited liability exemptions under a notice-and-takedown approach (E-Commerce Directive, 2000).

Under the impression of light-touch regulations and growing user numbers, investors poured billions into internet-based companies – many of which still lacked viable business models. This speculative boom ultimately culminated in the dot-com bubble burst in 2000,

resulting in a dramatic decline in tech stock valuations and the collapse of numerous companies (Flew, 2021).

2.3.2 2000–2016: Platformisation

The following period saw the rise of tech giants and the increasing platformisation of the internet, a transformation deeply entwined with the monetisation of digital data. Following the dot-com crash, internet companies faced mounting pressure to convert user traction into profits (Flew, 2021). Targeted advertising emerged as a dominant revenue model, pioneered by Google with AdWords (2000) and AdSense (2003), and later scaled by Facebook. This strategy built on the logic of "datafication" (Cukier & Mayer-Schönberger, 2013), transforming online interactions – clicks, likes, locations, browsing patterns – into data.

This monetisation imperative emerged in tandem with a broader shift in the design of digital services. Companies increasingly adopted platform architectures aimed at harvesting data. Platforms emerged as a suitable model: their centralised infrastructure enabled operators to collect user data at scale, while the modular design allowed for seamless integration and analysis across services. This data could then be monetised by selling analytics and targeted advertising. In turn, platforms optimised their systems for interaction, tracking, and continuous data analysis (Wu, 2017). In this way, platformisation is inherently tied to the monetisation of data with regard to both platforms' business models and their technical design.

Scholars held differing views on platforms. Early critics of platforms raised concerns about the opacity of algorithmic systems, privacy infringements, and the growing market concentration among a small number of dominant firms (Nissenbaum, 2009; Pasquale, 2015; Vaidhyanathan, 2011). More optimistic accounts emphasised the potential of platforms to enable connections, support co-production, facilitate grassroots organisations, and empower marginalised voices (Benkler, 2007; Howard & Hussain, 2013; Shirky, 2009).

Against the backdrop of the growing commercial success of data-driven monetisation strategies, the 2000s saw the internet enter a phase of platformisation. A thriving financial climate – marked by surging technology stocks, rising venture capital, and record-breaking tech initial public offerings (IPOs) – fuelled the growth of the platform industry (Flew, 2021). In the mid-2010s, the success of social media and user-generated content platforms like Facebook, YouTube, and Twitter led to the emergence of Web 2.0. In the late 2010s, the platform model extended into the shared economy with firms like Airbnb and Uber. During this time period, legacy tech firms and early internet companies, including Amazon, Apple, Google, and Microsoft, restructured around platform-based models or acquired platforms.

By 2016, platforms had fundamentally reshaped the architecture of the internet. Access to information, commerce, and social interaction was increasingly mediated by a small number of dominant tech giants: Alphabet's Google controlled more than half of the global advertising revenue, Facebook had 1.8 billion daily users, and Amazon was the top online retailer, selling more than the next eight largest retailers combined (Facebook, 2016; Fuchs, 2018, p. 7; Kim, 2016). Google, YouTube, and Facebook consistently ranked among the top three most visited websites worldwide (Alexa Internet, 2016).

This growing concentration was strategic. Silicon Valley's ethos celebrated fast, expansive growth, oriented toward securing dominant market positions, and even monopolies, as an ideal business strategy (Thiel & Masters, 2014). Internet entrepreneur Reid Hoffman coined the concept of "blitzscaling" (Yeh & Hoffman, 2018) to describe the pursuit of market dominance through disruption, rapid user acquisition, and network effects. This logic was encapsulated in Facebook's early motto "move fast and break things" (Blodget, 2009). Market concentration was not treated as a risk but as a strategic goal.

In Germany, the UK, and the US, this period was accompanied by an ongoing commitment to light-touch regulation and broad political support for the growing digital

economy. In the US, the digital tech sector was widely celebrated as a driver of innovation, growth, and competitiveness. The administration of President George W. Bush (2001–2009) largely continued the Clinton-era legacy of limited government intervention. Notably, Silicon Valley voices were embedded in federal policy, for instance through the newly founded President's Council of Advisors on Science and Technology (Reichhardt, 2001). In the wake of 9/11, the administration significantly expanded government surveillance as part of its counterterrorism and national security strategy. This included programmes like PRISM, which mandated the collection of data from companies such as Apple, Google, Facebook, and Yahoo (Greenwald, 2015).

Under the administration of President Barack Obama (2009–2017), state–platform collaboration reached a high point in the US. Obama's presidential campaign leveraged early digital advertising through Facebook, launched the US Digital Service to bring tech expertise into government, and maintained close ties to industry. Yet tensions emerged following the Edward Snowden revelations in 2013, which exposed the extent of industry involvement in surveillance programmes under President Bush, including PRISM, and prompted a public backlash (O'Mara, 2019).

The UK by and large viewed digital transformation as an opportunity for economic growth, seeking to position itself as a leader in the emerging digital economy. Under the premierships of Tony Blair (1997–2007) and Gordon Brown (2007–2010), the government invested in infrastructure, championed digital innovation, and welcomed US platforms as partners (O'Mara, 2019). Under the premiership of David Cameron (2010–2016), the UK deepened ties with the tech sector, openly courting big tech firms for investment. Notably, that administration supported the development of London's so-called Silicon Roundabout, a central tech hub, which became home to major platform offices, including those of Google and Facebook (Williams, 2021).

Germany embraced digital technologies as drivers of competitiveness and state modernisation but adopted a more cautious approach. Under the chancellorships of Gerhard Schröder (1998–2005) and Angela Merkel (2005–2021), the government launched several initiatives to advance the digital transformation – expanding internet access, investing in domestic industries, and modernising public administrations (Bundesministerium des Innern, 2001; Bundesministerium für Wirtschaft und Klimaschutz, 2025). The government also involved executives from German tech companies in advisory roles (Balzer et al., 2008).

However, Germany maintained a more arm's-length relationship with US tech giants, due to concerns over privacy, monopolisation, and surveillance – particularly after the Snowden revelations in 2013. Germany positioned itself as an early regulatory counterweight against US platforms. The Federal Cartel Office (Bundeskartellamt) was among the first competition authorities worldwide to initiate antitrust proceedings against major US platforms, including Amazon's price parity clauses in 2013 and Facebook's data processing practices in 2016 (Bundeskartellamt, 2013, 2016).

2.3.3 2016 Onwards: Techlash and the Regulatory Turn

Starting in 2016, this third phase is marked by a growing backlash against digital platforms and a turn toward increased regulation. The case study chapters of this thesis are situated within this ongoing shift and provide detailed accounts of how and why regulatory approaches have taken shape in Germany, the UK, and the US.

While early concerns around digital platforms had been building – particularly in the aftermath of the Snowden revelations and a series of antitrust cases – they only entered the mainstream following a series of platform-related "public shocks" (Ananny & Gillespie, 2016) beginning in 2016. The first were reports about Russian interference in the 2016 US presidential election. Though platforms initially denied any wrongdoing – Facebook's Mark Zuckerberg infamously called it a "pretty crazy idea" (Wong, 2017, para. 9) – subsequent

studies found that Russian campaigns had reached millions of users with manipulative messaging on Instagram, Facebook, Twitter, and YouTube (Bradshaw et al., 2019; Howard et al., 2018). While the democratic implications of such campaigns remain unclear, these reports sparked mounting public and political scrutiny of platforms (Jungherr & Schroeder, 2021).

Amidst an already charged atmosphere, a new public shock hit in 2018: the Cambridge Analytica scandal revealed that Facebook had allowed the British consulting firm Cambridge Analytica to harvest data from up to 87 million users without their consent. The revelations ignited outrage, sparking both regulatory concern and public calls to boycott Facebook (Wylie, 2019).

Subsequently, a series of incidents exposed platforms' failure to protect user safety as a systemic, industry-wide issue. Facebook was criticised after the 2019 Christchurch shooting was livestreamed (Kaye, 2019). Google and YouTube came under attack for their location tracking practices and for steering users toward extremist content (Nakashima, 2018; Whittaker et al., 2021). Amazon faced criticism over reports that Alexa devices had been recording children's voices (Boewe & Schulten, 2019). In Germany, the viral spread of falsehoods surrounding the 2015–2016 migrant crisis alarmed policymakers (Kaye, 2019). In the UK, the suicide of teenage girl Molly Russell in 2017, after repeated exposure to self-harm content on social media, sparked national concern about the online safety of children (Woodhouse, 2025).

Gradually, public perceptions of platforms began to sour and mounted to what has been described as a 'techlash'. The term was first coined by *The Economist* to describe rising disillusionment with major tech companies (Wooldridge, 2013). It then gained broader visibility after a 2017 article predicted a user backlash against platforms ('Internet Firms', 2017). It was soon picked up in public, policy, and academic discourse as a shorthand for the growing scrutiny of platform power (Wheeler, 2023). The term gained such traction that it

was named a runner-up for the 2018 Oxford Word of the Year (Oxford Languages, 2018). Opinion research at the time confirmed rising public concern over platform safety (Newman et al., 2017, 2018, 2019; Rohleder, 2017).

In parallel, attitudes among many policymakers and regulators began to shift. Since 2016, a growing number of countries, both democracies and autocracies alike, have implemented legislation targeting digital platforms (Bradshaw et al., 2018; OECD, 2020; Yadav et al., 2021). Flew and Gillett (2021) describe this development as a fast-unfolding "policy turn" (p. 231) aimed at curbing platform power. Kretschmer et al. (2022) refer to an "emerging regulatory field" (p. 3) of platform regulation, while Stockmann (2023) identifies a "new consensus" (p. 1) in favour of more state-based platform regulation. Content moderation and online safety concerns emerged as early priorities, yet attention soon broadened to related issues such as algorithmic bias, competition, and targeted advertising. Notable examples from advanced democracies include France's Law Avia (2020, revised in 2022), Australia's News Media Bargaining Code (2021), and Canada's Online News Act (2023).

Similarly, more tech-sceptical views appeared in academic research. Moving away from early utopian accounts, a growing body of research began to highlight concerns over platform safety. Scholars such as Dommett et al. (2024), Gillespie (2018a), Howard (2020), Noble (2018), and Zuboff (2019) demonstrated how platforms embedded systemic harms, enabled manipulation, reproduced structural oppression, and harvested user data for profit, oftentimes putting public safety at risk.

Yet these concerns did not result in a downturn for the companies themselves (Auxier, 2020). User numbers remained stable or continued to grow, while the firms sustained strong revenue growth and rising stock valuations – including record-breaking figures during the Covid-19 pandemic (OECD, 2020). At the same time, industry leaders – including Alphabet's Sundar Pichai, Apple's Tim Cook, Meta's Mark Zuckerberg, and Microsoft's Brad Smith –

began publicly advocating for safety-aimed regulation of their services (de la Garza, 2019; Pichai, 2020; Smith & Browne, 2019; Zuckerberg, 2019). Companies introduced internal oversight mechanisms, tightened platform policies, and overhauled key features – though the impact of these measures remains difficult to assess (Gorwa, 2019a).

Platform safety risks have not been fully addressed by these measures. During the Covid-19 pandemic, the viral spread of falsehoods related to the virus raised widespread concern, prompting collaboration between governments and platforms (Kettemann & Fretman, 2020). The Capitol insurrection in the US on 6 January 2021 drew renewed attention to the real-world consequences of social media misinformation. In an op-ed, Thierry Breton, the then-European Commissioner for the Internal Market, called the Capitol riot "the 9/11 moment" (Breton, 2021, para. 1) of digital platforms, urgently necessitating regulation. Against this backdrop, the case study chapters in this thesis investigate platform regulations in Germany, the UK, and the US.

2.4 Actors in Platform Regulation

This section offers a foundation for the actor-centric interpretive policy analysis (IPA) of platform regulation developed in this thesis. It introduces the two main actor groups at the centre of the inquiry: states as regulators of platforms and platforms as regulatees. It outlines key challenges that states face in regulating platforms, examines platforms' regulatory interests, identifies the relevant institutional actors, and presents four ideal-typical approaches to regulation based on regulator–regulatee relationships.

2.4.1 The State as a Regulator of Platforms

Regulation is a core function of the state. Formal systems of state oversight have existed for centuries across advanced democracies, with governments intervening in sectors such as transportation, finance, and telecommunications (Wheeler, 2023). The regulation of digital platforms is relatively nascent and not simply an extension of existing regulatory activity into a

new domain. Rather, it presents a distinctive set of challenges. I identify three key challenges to regulating platforms.

First, platforms reach beyond jurisdictions, extending across borders with distributed data centres, teams, and operations. State regulation typically functions at national or regional levels, resulting in jurisdictional mismatches. Platform actors often exploit their transnational structure to minimise regulatory exposure through regulatory arbitrage, for example, by locating subsidiaries in jurisdictions with more favourable regulations (Li, 2024b).

Second, platforms are complex, constantly evolving technical systems. While regulation has long engaged with technically sophisticated sectors, such as aviation or pharmaceuticals, platforms are distinct in that they are "black boxes" (Pasquale, 2015) by design. Their technologies are shielded behind non-disclosure agreements, trademarks, patents, and a general reluctance of platforms to share information. This is particularly true of AI systems, which are generative and non-deterministic – making their output difficult to predict or explain (Mittelstadt et al., 2019). These challenges are compounded by the rapid speed of innovation common in digital technology, which often outpaces regulation.

Third, platforms raise cross-cutting policy issues that intersect with diverse regulatory remits, such as competition, consumer protection, infrastructure, and media. While some regulatory efforts apply existing legislation to platform contexts, many approaches treat platforms as distinct entities that require tailored rules. Cross-cutting regulation raises challenges of coordination, overlapping responsibilities, and institutional competences.

2.4.2 State Actors in Regulation

Regulation at the state level typically spans a set of institutions across the executive, legislative, and judicial branches. The roles these institutions play in the regulatory process differ across national contexts. This section outlines key state actors and their role in platform regulation across Germany, the UK, and the US.

I. Executive Branch: Develops Regulatory Policy

Ministries, Departments, and Executive Offices. These actors play key roles in shaping regulatory policy. In parliamentary systems, such as Germany and the UK, ministries or departments play a central role in initiating and drafting primary legislation, and proposing it to the legislature. They define the overall direction of regulatory policy, which is then implemented and enforced by specialised regulatory agencies. Examples include the German Federal Ministry of Justice (BMJV), which developed NetzDG, and the UK Department for Digital, Culture, Media and Sport (DCMS), which led work on the OSA (the relevant UK department now is the Department for Science, Innovation and Technology).

In the presidential system of the US, policy development is distributed across executive departments and executive offices under the president. Executive departments develop regulatory policy and enforce federal laws. Executive offices inside the White House provide strategic policy direction, coordinate initiatives across agencies, and influence regulatory priorities, primarily through executive orders and presidential appointment of key agency staff. Examples include the Department of Justice (DOJ), which has led major lawsuits against tech companies, and the White House Office of Science and Technology Policy (OSTP), which coordinated President Joe Biden's executive actions on AI.

Regulatory Agencies. Regulatory agencies are independent or semi-independent bodies tasked with drafting secondary legislation, issuing guidance, monitoring compliance, and enforcing rules. In Germany, regulatory functions are often integrated into government ministries, although several independent agencies operate at arm's length from ministries. These include the Federal Cartel Office (Bundeskartellamt), which oversees antitrust and competition including proceedings against platforms, and the Federal Network Agency (Bundesnetzagentur), which is the designated regulatory agency under the DSA. In the UK, regulatory agencies operate independently from the executive. Examples include the UK

Digital Markets Unit, which oversees competition in digital markets, and Ofcom, which regulates online safety under the OSA. In the US, independent regulatory agencies operate at arm's length from the executive, unlike executive agencies. For instance, the FTC has pursued impactful investigations and enforcement actions against platforms.

II. Legislative Branch: Creates and Reforms Regulatory Laws

Legislative Bodies. Legislatures are responsible for debating, amending, and enacting regulatory policy proposals. In parliamentary systems like Germany and the UK, legislative bodies review and formalise bills initiated by the executive. In Germany, legislative bodies include the Bundestag and in particular its Committee on Digital Transformation (Ausschuss für Digitales, Ausschuss Digitale Agenda). In the UK, legislative bodies are the House of Commons and the House of Lords, which are supported by issue-focused committees including the DCMS Select Committee and House of Lords Select Committee on Democracy and Digital Technologies.

In presidential systems, such as the US, legislators more frequently introduce and draft bills independently. In the US, this role is carried out by the Congress, which consists of the House of Representatives and the Senate. What is more, parliamentary committees often play a key role in shaping regulation, holding hearings and conducting inquiries. Relevant committees include the House Judiciary Committee, the Senate Judiciary Committee, and the Senate Intelligence Committee.

III. Judicial Branch: Interprets and Reviews Regulatory Laws

Constitutional or Supreme Courts. These courts assess and rule on the constitutional and legal boundaries of regulation. They determine whether laws or regulatory practices are consistent with fundamental rights, legal principles, or constitutional protections. In Germany, this is done by the Federal Constitutional Court (Bundesverfassungsgericht) and in the US by

the Supreme Court. The UK does not have a constitution, but its Supreme Court reviews regulation for compatibility with common law principles.

National Courts and Lower Courts. These courts handle the enforcement and interpretation of regulation through litigation. They resolve disputes involving platforms, state actors, and third parties in areas such as competition, consumer protection, and data protection.

2.4.3 Platforms as Regulatees

As regulatees, platforms are not merely subjects of regulation but actively involved in regulatory efforts, while also setting rules of their own. This section explores three dimensions of their role as regulatees: as political actors, as disruptors, and as quasi-regulators.

First, platforms are political actors that actively seek to shape regulation (Gillespie, 2010; Popiel, 2022). They pursue policy agendas, engage in lobbying, and influence public processes. Their political interests are complex. Platforms are corporate entities driven by profit, shareholder value, and long-term growth. Yet their decisions and design are also shaped by the personal views and ideological orientations of their leadership and staff, often reflecting Western and US-centric values (Gillespie, 2018a; Neff, 2012).

When it comes to regulation, platform representatives have often stated that they seek "new rules" (Zuckerberg, 2019, para. 1). Yet scholars have shown that their primary interest is to avoid unfavourable measures that threaten their business model or dominance (Moore & Tambini, 2018; Popiel, 2018). Gillespie (2010) seminally argues that from their early days, platforms have purposefully positioned themselves as neutral intermediaries in order to avoid responsibility.

To advance their policy agendas, tech giants maintain well-resourced lobbying operations (Popiel, 2018). Tech giants have become one of the largest lobbyists in Europe and the US. In the EU, the top five lobby spenders in 2024 were all big tech firms – Meta, Microsoft, Apple,

Alphabet, and Amazon (Soler, 2025). In the US, the digital technology sector spent a record US$85.6 million on lobbying in 2024, up from US$68 million the previous year. Meta alone employed one lobbyist for every eight members of Congress (Minkin, 2025). Amazon, Alphabet, Meta, Microsoft, OpenAI, and Uber each contributed US$1 million to Trump's 2025 inauguration committee, while Elon Musk personally donated US$250 million to pro-Trump groups (Yang, 2025).

Second, platforms are regulatory disruptors. The idea of disruption is quintessential to the logic of platforms, not only in business but also in regulation. In digital tech, disruption refers to the widely popular practice of entering markets by breaking with existing business models, industry standards, or legal frameworks through technological innovation. It is often tied to aspirations of rapid scaling and dominance (Christensen, 2000; Yeh & Hoffman, 2018).

As a lobbying strategy, platform companies have been shown to purposefully exploit legal grey zones and regulatory blind spots to scale rapidly before policymakers can respond, seeking to become too big to fail by the time regulation catches up (Chan & Kwok, 2021). Collier et al. (2018) identify two phases in platform-based disruption: first, regulatory arbitrage, where the new entrants exploit the absence of regulation; and second, regulatory entrepreneurship, in which platforms actively seek to shape emerging regulation. Notable examples include Uber, which bypassed taxi regulations; Airbnb, which undermined local housing and rental rules; and gig economy platforms like Deliveroo, which sidestepped labour protections by classifying workers as independent contractors.

Third, platforms have emerged as quasi-regulators that steer user behaviour through technical affordances and explicit rules, such as terms of service and community guidelines. Scholars have increasingly likened this role to state regulation (Moore & Tambini, 2018; van Dijck et al., 2018). Klonick (2017) describes platforms as "new governors", Gillespie (2018b) refers to "regulation by platforms" as a form of de facto rule-making, Bloch-Wehba (2019)

calls platforms "privately owned bureaucracies" (p. 27), and Suzor (2019) argues that platforms operate as law-like authorities. What is more, these corporate rules have been shown to shape not only user behaviour but also broader social norms, public discourse, and political decision-making (Kaye, 2019). All accounts emphasise how platforms shape user behaviour in ways that resemble state-based regulation.

Yet unlike democratic states, platforms lack systems for accountability, due process, and democratic legitimacy. This absence also brings advantages: platforms can act with greater agility than most legal systems, enforce their decisions directly through technical systems, and rapidly evaluate the efficacy of their measures. Still, their capacity to steer user behaviour at scale without oversight has raised fundamental concerns about the legitimacy of their authority (Haggart & Keller, 2021).

2.4.4 Platform Actors in Regulation

As regulatees, a range of platform actors actively engage with regulation, shaping how regulatory policy is interpreted, implemented, and contested.

Operators and Executives. This refers to the leadership and senior executives of platforms that make high-level decisions about platform services and actions. These actors define the organisation's overall stance on regulation and determine whether and how regulatory activities will be pursued. They are often the formal addressees of regulation. In some jurisdictions, platform CEOs are held personally liable for non-compliance, including through fines.

Lobbyists and Government Affairs Staff. These teams represent platform interests in engagements with regulators, policymakers, and civil society. They participate in public consultations, attend parliamentary hearings, and brief state actors. Big tech platforms in particular are known for their high lobbying expenditures and often maintain relationships

with political decision-makers in Berlin, Brussels, London, and Washington DC (Popiel, 2018).

Trust and Safety Staff, and Policy Staff. These teams oversee compliance with regulation. They develop internal rules and practices, and are responsible for compliance practices, including risk assessments and transparency reporting. In some cases, these personnel directly implement legal requirements; in others, they design or implement voluntary measures and corporate policies.

Legal Counsels. In-house and external legal teams play a key role in shaping litigation strategies, responding to enforcement actions, and contesting the legality or scope of regulation in court.

2.4.5 Approaches to State–Platform Regulation

Scholars have conceptualised different approaches to platform regulation, often focusing on the different relationship constellations between regulators and regulatees. One of the most widely used frameworks is Abbott and Snidal's (2009) governance triangle model, which distinguishes between three key actors – states, firms, and civil society – and classifies governance arrangements based on which actor group holds dominant influence. Gorwa (2019a) and Papaevangelou (2023) apply versions of the governance triangle to map platform regulations related to content moderation, distinguishing state-led, firm-led, and civil society-led regulatory constellations.

While governance triangle models have offered useful mappings of platform regulation based on actor dominance, this thesis seeks to foreground the varied relationships between state and platform actors, rather than focusing solely on which actor is in charge.

Drawing on foundational work in regulatory studies by Knill and Lehmkuhl (2002), and Knill and Lenschow (2003), as later adapted by Cairney (2019), this thesis follows a well-established conception of four regulatory approaches, based on two analytical axes: the degree

of cooperation between regulator and regulatee, and the degree of legal obligation imposed on the regulatee. This model is based on an understanding of regulation as a relationship between a state regulator and a regulatee, reflecting the understanding of regulation adopted in this research.

First, interventionist regulation, also referred to as command-and-control or top-down regulation, is characterised by strong state involvement and high levels of legal obligation. In this model, the state sets and enforces legally binding rules 'from above'. Regulation in this approach is highly prescriptive: the state not only defines the outcomes that regulatees must achieve but also sets out specific compliance requirements. This often includes detailed procedures, timelines, and reporting obligations. Regulatees have little discretion in interpreting the rules. Non-compliance typically results in fines or legal proceedings. While this approach ensures legal certainty and enforceability, it lacks flexibility.

Second, regulated self-regulation, also known as meta-regulation, describes approaches characterised by high legal obligation and structured cooperation between regulator and regulatee. In this model, the state imposes binding obligations on platforms to self-regulate within a state-defined framework. The regulator defines the outcomes and mandates specific activities, but the regulatee retains discretion in how these are implemented. The relationship operates in the shadow of hierarchy, where the state intervenes if mandated self-regulation fails. Common regulatory tools include statutory duties of care, mandatory risk assessments, and transparency reporting. While this type of regulation allows flexibility, it can result in uneven implementation and place additional burdens on regulators due to ongoing assessments.

Third, co-regulation, which involves high levels of cooperation between regulators and regulatees and relies primarily on voluntary or soft law instruments. In this model, rules are developed jointly through negotiation and multi-stakeholder dialogue. The resulting measures

may take the form of non–legally binding codes of conduct, standards, or voluntary agreements. Co-regulation is typically endorsed or monitored by public authorities. Evaluation may be carried out by the state or by third-party actors. It may also involve organisations such as industry associations, civil society groups, or independent advisory bodies, but the measures are not legally enforced. While this approach offers quick intervention and strong buy-in from regulatees, it lacks enforceability and consistent uptake.

Fourth, private self-regulation refers to a type of regulation in which regulatees govern themselves without state involvement or binding legal requirements. In the platform context, this typically includes terms of service, community standards, internal content policies, and technical standards, which are set by the platforms themselves. These frameworks may also involve independent third parties, such as oversight boards, users, industry associations, or standards bodies. In this thesis, this type of self-regulation is not considered a form of regulation, as it does not involve the state.

While the model provides a framework for distinguishing regulatory approaches based on state–platform constellations, it also leaves room to explore the interpretive dimensions of regulatory relationships within each approach. Therefore, this model is employed in the subsequent case analysis to categorise regulatory approaches across different national contexts, while also exploring state–platform relationships in greater interpretive depth.

2.5 Towards a Framework of Regulatory Power

This section builds toward the development of an original framework for understanding regulatory power in platform regulation. It begins by reviewing key theories of power in policy and regulation studies, internet scholarship, and in platform research. It then examines how resources, capacity, and power have been conceptualised in policy and regulation studies. Finally, it integrates these literatures to introduce an original framework of regulatory power that explains how power operates between states and platforms.

2.5.1 Power in Research

Power is a pervasive yet contested concept across the social sciences. It has been variously defined as the ability to coerce or persuade, shape preferences, or structure the field of action and has been theorised as observable and hidden, as centralised and networked, as direct and diffuse, as soft and hard (Castells, 2013; Dahl, 1957; Foucault, 2019; Lukes, 2022; Nye, 1990). There is no singular definition of power. Rather, different conceptualisations highlight distinct aspects, offering different lenses through which to understand how power works.

In policy and regulation studies, power is a central subject of inquiry. A prominent line of research examines power through the question of who is able to shape the behaviour of others; in particular, whether and how state actors can influence the behaviour of a public, or a regulator that of a regulatee. While exact definitions vary, this line of scholarship commonly theorises power as a causal influence on behaviour (Barnett & Duvall, 2005; Mann, 1984; Weiss, 2006). Robert Dahl's (1957) seminal definition "A has power over B to the extent that A can get B to do something that B would not otherwise do" (pp. 202–203) is foundational in this context, framing power as causal, actor-centric, and behavioural.

Building on this behavioural conception of power, scholars have investigated the mechanisms through which power is exercised in regulation. This includes research on power in formal rule-making, institutional design, and the use of instruments like incentives, standards, or societal norms, as well as broader conceptions of power as the capacity to influence behaviour through the mobilisation of key resources (Black, 2003; Lindvall & Teorell, 2016; Purdy, 2012; Wood & Alexander, 2016) – a perspective this chapter returns to in the following section.

Internet scholarship has likewise treated power as a central subject of inquiry. Early analyses depicted the internet as inherently resistant to centralised power, envisioning that power would be distributed and empower disenfranchised actors to exert more influence than

in non-virtual domains (Nye, 2010). A major line of inquiry has since challenged this view, by examining power as embedded in and working through networks of electronically processed information. These digital networks are not decentralised, and power accumulates among those who control these networks or hold central positions within them (Benkler, 2007; Castells, 2013). Scholars have further shown how existing power constellations are reproduced or amplified online: for example, through the commodification of data, state-backed internet filtering, and the dominance of US-centric actors (Couldry & Mejias, 2019; Deibert et al., 2010; DeNardis, 2014).

Against the backdrop of the platformisation of the internet, scholars have turned their attention to platforms as key loci of power on the internet. Often discussed under the term 'platform power' (Jhaver et al., 2023; Nielsen & Ganter, 2022), this literature tends to centre on dominant technology platforms. Just like in the broader literatures on power, different conceptions of platform power have emerged, each emphasising different aspects of power – often framed as intermediary capacity, market control, or rule-making authority. For example, Nielsen and Ganter (2022) spotlight platform power as a form of gatekeeping, where platforms shape how media publishers reach audiences. Culpepper and Thelen (2020) argue that platform power derives from user loyalty, whereby consumers depend on platforms, which exerts pressure on regulators. Similarly, Moore and Tambini (2018) understand platform power as market dominance and monopoly dynamics. Bloch-Wehba (2019) conceptualises platform power as the ability of platforms to set and enforce rules on their own services.

Reviewing different conceptions of platform power, Nieborg et al. (2024) distinguish between two main types of platform power. Endogenous platform power refers to the direct control platforms exercise over their own ecosystems – through technical protocols and internal rules. Exogenous platform power, by contrast, captures how platforms shape external

systems, including political institutions, markets, and digital media – such as through lobbying, standard-setting, or influencing regulatory agendas.

Within this literature, a small and dispersed body of scholarship examines power in state–platform relationships. Flew and Gillett (2021) interpret platform regulation as a state-led attempt to assert control over the unchecked corporate power in online speech and digital media policy. Drapalova and Wegrich (2024) broadly understand power in the relationship between states and platforms as "the ability of platforms to successfully ignore established rules and disrupt existing patterns of regulation" (para. 2) in local housing and transport regulations, positioning platforms as a counterpower to the state. Bloch-Wehba (2019) argues that platform power can function as a substitute for state power in content governance, operating in the shadow of the state when governments outsource responsibility for their policy preferences.

While this body of literature has offered initial accounts of power dynamics between states and platforms, it treats power as an embedded background feature rather than as a concept requiring stand-alone theorisation or empirical analysis. What is more, this literature is spread across different disciplines and research traditions. It typically examines state–platform power in the context of specific issue domains, primarily content moderation, as opposed to offering an overarching understanding of power that cuts across regulatory contexts. This research seeks to address this gap and develops a framework for conceptualising regulatory power in platform regulation in the following sections – one that treats it as a dynamic process between states and platforms.

2.5.2 Resources, Capacity, and Power

Across policy and regulation studies, there is broad agreement that states require certain resources to govern. This view was seminally introduced by Hood (1983), who argues that functional governments possess four key resources "by virtue of being government" (as cited

in Margetts & John, 2024, p. 970) that they use to govern. He categorises these resources through his so-called NATO framework: nodality (being at the centre of information networks), authority (legal power and legitimacy), treasure (fungible financial resources), and organisation (capacity to act directly through government infrastructure and personnel). Different resources or combinations of resources are required to perform different public functions, depending on the nature of the task. For example, a public health campaign on Covid-19 vaccines relies heavily on nodality to disseminate information to the public. Conversely, an incentivisation programme for electric vehicles may depend more on treasure to offer subsidies and encourage uptake.

With the growing adoption of digital technologies in government in the early 2000s, Hood and Margetts (2007) revisit this framework, showing how digital innovations transform the use of these tools in government. They find that IT enhances informational reach, automates rule enforcement, digitises transfers and payments, and enables more efficient and precise bureaucracies. Their framework remains fundamentally state-centric, showing how technologies become embedded in government – but without fully addressing whether private actors, particularly those in the tech sector, might also use the tools they provide.

Dunleavy and Carrera (2013) also revisit Hood's NATO model in the context of digital-era governance and expand it through another dimension by introducing a fifth tool: organised expertise. This resource denotes the highly specialised knowledge, professional skill, and know-how embedded in organisations and held by their staff.

While these accounts emphasise the role of resources in government, other scholars have reframed resources as the foundation for understanding an actor's capacity to govern or regulate. Both Black (2002b, 2003) and Lindvall and Teorell (2016) contend that in order to perform public functions, state actors require access to and the ability to mobilise certain

resources. While both conceptualise capacity in resource-based terms, they pursue distinct framings.

Black (2002b, 2003) challenges Hood's notion of a regulatory toolkit, "for it suggests that a regulator occupies a position from which it has an overview above other actors, and can unilaterally select instruments and deploy them to control others" (Black, 2003, p. 63). Instead, she argues that any actor, whether state or non-state, who has the ability to mobilise certain resources in an attempt to achieve regulatory goals possesses what she terms regulatory capacity. According to Black (2003), an actor's resource endowment – the specific configuration of resources they possess or can access – directly shapes their capacity to regulate.

> Regulatory capacity is the actual or potential possession of resources plus the existence of actual or potential conditions that make it likely that those resources will be deployed both now and in the future in such a way as to further the identified goals of the regulatory system or resolve identified problems. (Black, 2003, p. 68)

Black (2003) identifies six regulatory resources: information (specialist and technical information), expertise (competence to perform regulatory functions), financial resources (finances used to acquire or gain access to other resources), authority and legitimacy (influence and legal power), strategic position (advantageous placement in a regulatory network or market), and organisational capacity (infrastructure to operationalise regulation).

In her research, she analyses the resource constellations of different actors to inform what she refers to as "regulatory enrolment" (Black, 2003, p. 1): from a resource-based perspective, she evaluates which actors are best suited to take on regulatory roles. Based on resource endowments, she makes recommendations as to which institutions, agencies, or private actors should be enrolled in regulatory functions.

Similarly, Lindvall and Teorell (2016) contend that state actors require three specific resources to achieve policy outcomes: finances, human capital, and information. In their

framework, state capacity refers to the potential to implement policy, based on the extent to which these resources are available. They conceptualise this capacity as something that is uniquely held by state actors. They draw directly on Dahl's (1957) causal conception of power as the ability of one actor to get another to do something they otherwise would not do, and argue that state capacity is "a form of power that is exercised by using specific resources to enhance the effectiveness of specific policy instruments" (p. 16), whereby this power is exercised by a state actor over other actors.

According to this framing, while capacity itself is a matter of potential, power arises when this capacity becomes actually exercised. In their model, a state actor's resource endowment is not only a measure of their capacity but also serves as a direct proxy of power. The more resources an actor holds, the greater their capacity to potentially implement policy – and therefore, the greater the likelihood that this capacity is exercised, and thus, the greater their power. Their view on power is a positivist-deterministic one: if two actors have the same resources, they have the same capacity to regulate, and the same level of regulatory power.

2.5.3 A Resource-Based Framework of Regulatory Power in Platform Regulation

Finally, I integrate theoretical accounts of resources, capacity, and power with an interpretive understanding of regulation as a relationship between state regulators and platform regulatees, to develop an original framework of regulatory power in platform regulation. I argue that regulatory power can be understood through three premises. First, power between states and platforms is constituted by specific *regulatory resources* necessary to perform regulatory functions. Second, only if actors have the *regulatory capacity* to access and mobilise these resources can regulatory power potentially emerge. Third, *regulatory power* ultimately derives from how regulatory actors interpret and enact these resources within dynamic state–platform relationships.

Regulatory Resources

Building on the accounts of regulatory resources introduced in this literature review and the empirical analysis conducted in later chapters, I distinguish four core regulatory resources relevant to the regulation of digital platforms. I argue that these resources are necessary but not sufficient inputs required to regulate platforms:

- **Information**: Specialist and technical information that is relevant to policy decisions; information about regulatee behaviour; ability to access timely, relevant, and reliable information.
- **Authority**: Legal or de facto power to demand, forbid, guarantee, and adjudicate; what an actor with authority requires makes a practical difference to the way other actors act.
- **Treasure**: Financial resources or fungible money enabling the possession of, exchange of, or access to other relevant regulatory resources.
- **Organised expertise**: Professionalised staff with expert knowledge and practical know-how relevant to regulatory processes.

Contra Hood (1983), I contend that these regulatory resources are not exclusively held by the state but can be mobilised by both state and non-state actors. I further argue contra Hood (1983) that states do not automatically possess the regulatory resources needed to regulate platforms by virtue of being states.

Building on Black (2003), this research examines the resource configurations of state and platform actors – the resources they possess or lack – and the relative constellations between them. Relative resource constellations can provide an indication as to which actor has capacity to regulate or is better positioned to regulate. For example, if between two actors A and B, B has substantially greater access to information than A, B is better positioned to regulate. Therefore, B – or at least their resources – should be enrolled in regulation.

However, an actor does not necessarily need to directly possess a resource in order to mobilise it, as resources can also be accessed through other actors. Resources can be shared freely between actors, but they can also be transactional or create dependencies or interdependencies.

As the subsequent empirical chapters will show, platforms often hold significant resource advantages over state actors, leading to asymmetric resource constellations. These asymmetries create distinct risks, as the subsequent case analysis shows: regulatory capture, where platforms mobilise their superior resources to influence state regulation; and state overreach, where states overstep their remit to access platform resources. The case study chapters provide an in-depth analysis of these risks and the mechanisms through which they emerge.

Regulatory Capacity

Having identified four regulatory resources relevant to platform regulation, I now turn to the second component of the framework: regulatory capacity. In the framework, regulatory capacity is conceptualised as an actor's ability to mobilise resources – whether held directly or accessed through others – in an attempt to influence the behaviour of a regulatee and pursue regulatory outcomes. Following Black (2002b, 2003), both state and non-state actors can have this capacity.

While Lindvall and Teorell (2016) conceptualise capacity as the potential to achieve policy outcomes, I follow Black's (2002a) definition of regulation "as the sustained and focused attempt to alter the behaviour of others" (p. 20). This framing emphasises regulation as a process rather than an outcome and positions capacity as relational: it arises in the interaction between regulator and regulatee. Regulation is not seen as a fixed arrangement but as a dynamic relationship.

Importantly, unlike power, capacity is not enacted. It reflects an actor's potential to mobilise resources in regulation. An actor may hold significant regulatory capacity without ever enacting power.

Regulatory Power

Finally, I turn to regulatory power in platform regulation. At the core of my framework is Dahl's (1957) causal conception of power: "A has power over B to the extent that A can get B to do something that B would not otherwise do" (pp. 202–203). This conception centres on the ability of an actor to shape the behaviour of another actor. It aligns closely with Black's (2002a) definition of regulation as "the sustained and focused attempt to alter the behaviour of others" (p. 20). Similarly, Mann's (1984) conception of infrastructural power conceives of power as the "institutional capacity of a central state, despotic or not, to … logistically implement decisions" (p. 189) through a public. This in turn, resonates with Lindvall and Teorell's (2016) view of power as the exercised form of state capacity – where power is proxied by resource endowments and realised when those resources are used to implement policy.

Rather than viewing regulatory power solely as the outcome of successful behaviour change, this framework treats it as emerging through the process of regulation. Power arises not only from outcomes, but also from the attempt to achieve these outcomes – an attempt situated within state–platform interactions. In this view, power is not only exercised when behaviour changes but is continually enacted through power dynamics between regulator and regulatee. I argue that how and whether resources become regulatory power depends on three factors: resource configurations, actor interpretations, and how these resources become enacted.

First, regulatory power is resource-based. Power arises from an actor's capacity to mobilise regulatory resources – information, authority, treasure, and organised expertise. To

have power, a regulator must access relevant regulatory resources; have the capacity to mobilise these resources; and actually enact this capacity in an attempt to shape the behaviour of a regulatee. For example, imagine that two regulators hold the legal authority to fine platforms for risky behaviour. One regulator opts to mobilise this resource and initiate enforcement, whereas the other opts to tolerate risky behaviour. Only the regulator that mobilises authority enacts regulatory power. The other holds regulatory capacity, not power. This shows that resources are necessary inputs to regulatory power, but they do not themselves constitute power.

Second, regulatory power is interpretively constructed. While actual resource configurations are a proxy for power, resources alone do not create power. Instead, regulatory power depends on how regulators interpret the sufficiency, appropriateness, or actionability of their resource configurations relative to those of others. In turn, these interpretations shape whether and how resources are mobilised in regulation. For example, three actors may hold the same level of information about a platform's content moderation system. One actor interprets this information as insufficient and abandons regulation. Another also views their information as insufficient and creates a mandate for enhanced reporting obligations. A third actor views their information as sufficient and develops legal obligations for platform behaviour in content moderation, though the law turns out to have important gaps. All actors have the same regulatory capacity, but only two enact regulatory power. This example shows that even similar resource configurations may be interpreted in different ways, leading to divergent power dynamics. This view challenges positivist-deterministic accounts that assume identical inputs produce identical outcomes.

Third, regulatory power is relational and emerges in state–platform interactions. Regulatory power is not simply a static attribute that can be possessed or that emerges automatically from having resources. Instead, power is enacted when a regulator mobilises

resources in an attempt to influence the behaviour of a platform regulatee, regardless of whether that attempt results in immediate compliance. While successful behavioural change is one indicator of enacted power, regulatory power also emerges in how actors interact. For example, a regulator may mandate that platforms conduct risk assessments. If a platform complies, this illustrates enacted power. But if the platform contests the measure, these interactions still reflect unfolding power dynamics within the regulatory process. Rather than just emerging from outcomes, regulatory power is shaped through dynamic relationships. Power is not binary (outcome achieved or not), it unfolds through regulatory processes as the dynamics between actors.

The Framework of Regulatory Power

At its core, the framework of regulatory power builds on a few simple premises. Regulators need access to resources and the capacity to actually mobilise these resources, and when they do mobilise these resources in regulatory interactions, power emerges in dynamic relationships. By tracing four resources – information, authority, treasure, and organised expertise – through the regulatory process, the framework makes power dynamics in regulation visible and analytically tractable. This is where the strength of the framework lies: it cuts through the complexity of regulation and offers a structured lens for empirical and comparative analysis. The framework of regulatory power enables researchers to identify, interpret, and compare power dynamics between state and platform actors – and provides a language for characterising these relationships. An overview of the three core features of the framework – resources, capacity, power – and the literatures integrated is available in Table 4.

Table 4: Features of the framework of regulatory power in platform regulation with explanation and overview of the key literature that has been integrated.

Feature	Explanation	Key literature
Resources	Four resources – information, authority, treasure, and organised expertise – mobilised by actors regulating platforms	Black, 2003; Dunleavy & Carrera, 2013; Hood, 1983; Hood & Margetts, 2007
Capacity	An actor's potential ability to access and mobilise these resources in regulation	Black, 2002b, 2003; Lindvall & Teorell, 2016
Power	The enactment of regulatory capacity within dynamic state–platform relationships	Dahl, 1957; Lindvall & Teorell, 2016; Mann, 1984

2.6 Connecting the Literature Review to the Thesis

This literature review lays the foundation for the case-based IPA developed in subsequent chapters. It directly informs its focus, research design, and theoretical underpinnings – and how these elements are operationalised across the three overarching research questions.

As for the focus and empirical scope of this research, the literature review has identified a conceptual ambiguity and empirical narrowness in platform regulation research. Existing research often conflates different forms of regulation – state regulation, corporate self-regulation, and multi-stakeholder governance – typically focusing on content moderation and classifying regulatory models based on which actors hold dominant roles. To address this, heuristic yet bounded definitions of platform regulation have been introduced. In the subsequent empirical chapters, my thesis grounds these definitions in an empirical, comparative inquiry focused on platform safety regulation. The aim is to offer a grounded, situated understanding of platform regulation, its emergent practices, approaches, and actor relationships.

With regard to the research design, the literature review has revealed a lack of interpretive accounts of regulatory practice. To understand regulation not as formal laws, institutions, and governance arrangements, but as actor-mediated, dynamic processes, the thesis adopts an interpretive perspective. It employs an IPA to address this gap, spotlighting the lived experiences, actor interpretations, and dynamic relationships through which regulation is

enacted. Chapter 3 offers a detailed account as to how interpretive methods are adopted in this research.

With regard to the theoretical underpinnings of my research, the literature review has highlighted an under-theorisation of power in platform regulation research. Although power is frequently invoked, it is often treated as an embedded or self-evident feature rather than a concept that requires theorisation and empirical inquiry. In my research, I address this gap by developing an original framework of regulatory power; I apply it to the analysis of platform regulation in Germany, the UK, and the US, and use it to compare power dynamics across cases.

Together, the gaps observed in the literature justify and inform the three overarching research questions (introduced in Chapter 1 in Section 1.3) that guide this thesis: spotlighting regulatory approaches and relationships, examining regulatory power between state and platform actors, and assessing in what ways emergent regulatory practice reconfigures power dynamics and challenges established models of regulation.

Chapter 3: Methods: An Interpretive Policy Analysis of Platform Regulation

3.1 Methodological Approach: Interpretive Policy Analysis

There is no single methodological approach to studying platform regulation. As a rapidly evolving regulatory domain, researchers have deployed a range of approaches to analyse platform regulation. Each carries distinct ontological and epistemological assumptions about what regulation is, and how it can be studied. In this thesis, I adopt an interpretive stance, understanding regulation as a socially constructed process, shaped by the interpretations, interactions, and dynamic relationships of powerful state and platform actors. Building on this perspective, I draw on interpretive policy analysis (IPA) to examine how regulatory actors make sense of regulation, interpret policy problems, and define potential solutions.

IPA is a qualitative approach that foregrounds subjective meanings, interpretations, and understandings of regulation (Fischer, 2003, Chapter 7; Wagenaar, 2007; Yanow, 2000). Originally developed during the interpretive turn in the social sciences of the 1970s, IPA challenges the idea that policy decisions are purely objective or that policy goals carry fixed intentions and uncontested meanings. Rather than conceiving of regulation as a formal legal-institutional or technocratic arrangement, IPA produces thick descriptions of regulation as a dynamic process – constructed through policy actors' ambiguous interpretations embedded within complex contexts.

In this study, IPA advances prevailing analytical perspectives in platform regulation research in three key ways. First, IPA shifts attention away from static regulatory outcomes – such as laws, institutional frameworks, or platform policies – and towards the dynamic processes through which regulation is dynamically constructed over time. Second, IPA foregrounds actor-centric accounts of meanings that underpin regulation, revealing intentions

and motivations rather than inferring them solely from legal texts or regulatory practice. Third, IPA centres the analysis on a diverse array of regulatory actors – such as legislators, staff at regulatory bodies, platform representatives, influential politicians, and policy experts – whose competing interpretations actively shaped regulation.

These advantages closely align with the research questions presented in the introductory Chapter 1, which seek to reveal the relationships, power dynamics, and practices shaping emergent platform regulation across three cases. IPA's focus on actors, their relationships, and lived experiences is therefore well positioned to cater to the objectives of this research.

Yet there are also important limitations. IPA is, by definition, shaped by subjective interpretation. The method prioritises subjective accounts over objective, measurable truths in a quantitative sense. Moreover, because it relies on the researcher's interpretation of meaning, there is a risk of the researcher over-imposing their own assumptions onto the data. To mitigate this risk and ensure empirically grounded accounts, I have pursued two main strategies. First, I embedded reflexivity throughout the research process to critically examine my assumptions and relationship to the field. Second, I used triangulation across three methods – elite interviews, document analysis, and process tracing – to bring to the surface relationships, tensions, and patterns of consensus and ensure interpretations did not rely on a single source.

In this thesis, to answer the questions this research asks, I have applied IPA not as a monolithic method, but as a flexible analytical orientation shaping the design, data collection and analysis, and coding across all stages of the study. I operationalise IPA through three interrelated components:

- **Comparative case study design**: This structures the interpretive analysis by enabling both in-depth within-case analysis of the German, UK, and US cases and also

systematic cross-case comparison of broader trajectories. This research design accommodates the comparative focus set out in the research questions.

- **Data collection and analysis**: This combines elite interviews, document analysis, and process tracing to generate rich empirical data. Together these methods triangulate across sources, including actor interpretations, formalised policy positions, and detailed timelines of regulatory processes.

- **Coding**: This serves as the core analytical process of this research. Relying on an iterative and triangulated strategy, qualitative coding brings into dialogue subjective interpretations, official policy positions, and regulatory developments.

Together, these components provide a multidimensional IPA, whereby the comparative case study design situates interpretations within distinct contexts and broader regulatory landscapes. The data collection and analysis foreground actors' accounts, formal policy positions, and process data. Qualitative coding generates complex interpretations of platform regulation in practice across cases, sources, and time.

3.2 Research Design: Comparative Case Study

The thesis adopts a comparative case study design to structure the application of IPA, examining platform regulation in Germany, the UK, and the US. Comparative case studies enable empirical inquiry into real-world phenomena within and across multiple cases that share common features (e.g., similar regulatory challenges) but differ in key aspects (e.g., the regulatory strategy adopted). I first analyse each case in depth (within-case analysis) in Chapter 4, Chapter 5, and Chapter 6 and then comparatively discuss the cases in Chapter 7 to identify broader patterns (cross-case analysis).

In this research, I use within-case analysis to examine how regulation is constructed within national contexts. Cross-case analysis synthesises overarching findings across the three cases, identifying broader regulatory trajectories and exploring decisional insights into how and why similar regulatory challenges give rise to divergent regulatory responses. This research design offers insight into both the situated nature of regulatory processes and the broader patterns of contemporary platform regulation.

3.2.1 Design Rationale

Case study-based research designs form "a good part of the backbone of policy analysis" (Pal, 2005, p. 227). A widely established research design, case studies generate deep empirical insights into the making, implementation, and outcomes of policies in real-world contexts. Comparative case studies, in particular, are employed to understand how and why similar policy problems produce different outcomes across contexts, offering insights into regulatory decision-making practices (Parreira do Amaral, 2022). This makes the design well suited for analysing platform regulation, where states have adopted different regulatory approaches despite facing similar issues posed by globally operating digital platforms.

A growing body of research in platform regulation uses the comparative case study design. For example, Chan and Kwok (2021) compare how the ride-hailing platform Uber exploited legal grey areas to reshape local political dynamics in China, Taiwan, and Hong Kong. Langley and Leyshon (2023) analyse fintech regulation in the UK and China, and find that while UK regulations are broadly supportive of innovation, China's approach is "working against the furtherance of platform power" (p. 257). Dommett et al. (2024) compare data-driven campaigning in Australia, Canada, Germany, the UK, and the US and identify regulator variables as a key driver behind country-level variations. Gorwa (2024) compares content moderation policies in Australia, Europe, New Zealand, and the US, pinpointing political will and institutional capacity as key factors that explain national differences. Soeiro et al. (2025)

examine how labour protections for gig workers differ in Brazil, Portugal, and Spain, showing that regulatory variation stems from national legal-institutional trajectories. This research demonstrates how similar regulatory challenges are interpreted in context-specific ways by both state and platform actors.

Building on this work, I have adopted a comparative case design for three main reasons, which are closely aligned to the questions and objectives of this research. First, it accommodates in-depth accounts of regulation in different contexts, which is well suited to understanding platform regulation as a novel and evolving phenomenon in Germany, the UK, and the US. Second, the design links national findings to broader dynamics, connecting case-specific findings to broader regulatory trajectories. Third, it reveals both similarities and differences across cases, highlighting common ground as well as variations in interpretations (Gerring, 2007; Merriam, 1998; Mills et al., 2010; Yin, 1994).

Comparative case study research also presents a number of methodological limitations, which are addressed through tailored mitigation strategies. A first key concern is selection bias. In small-N, qualitative research, purposive case selection can limit the explanatory strength of findings and introduce bias (Leuffen, 2007). To address this risk, I developed clear selection criteria, ensuring that the cases were both varied and sufficiently comparable. A second limitation concerns generalisability. While case studies provide rich explanatory insight, they offer limited opportunity for generalisation (Tsang, 2014). Rather than aiming for statistical generalisation, I have focused on analytic generalisation, which commonly relies on a broader theoretical framework – here, the resource-based framework of regulatory power – to guide the empirical interpretation of findings across cases. This approach seeks to identify mechanisms or patterns that can be transferred to other cases (Yin, 2013). Finally, when data quality or availability varies across cases it can be challenging to ensure analytical consistency.

To address this challenge and generate comparable types of data, I have applied a shared theoretical framework across all cases and used the same combination of methods.

3.2.2 Selection Criteria

Since 2016, a growing number of countries have introduced platform-specific regulations, creating a wide array of potential cases for comparative analysis (Bradshaw et al., 2018; Yadav et al., 2021). In this research, I examine national approaches to platform safety regulation. I sought out cases that are both sufficiently comparable while also offering variation in their regulatory approaches. To select relevant cases in a methodological way, I developed five dimensions of selection criteria: issue scope, similarity of institutions, variance in regulation, relevance of regulation, and field access.

Before delving into the selection criteria, it is worth emphasising that my case selection purposefully pursued cases of advanced Western democracies. While this narrow focus allows for depth and comparison, it excludes a range of national contexts. These include countries with small domestic user bases, including in non-Western contexts, where platforms have been shown to deprioritise safety measures and policy engagement, as well as large emerging markets like Brazil, India, or Nigeria, where cultural and legal perspectives on issues like freedom of speech, state censorship, and surveillance diverge from those in the US – where many of the tech giants are based (Keller, 2021; Nguyen, 2020; Obia, 2025).

I. Issue Scope

As a first dimension, I considered cases that pursue platform safety regulation, addressing threats to user safety such as addictive design features, algorithmic bias, harmful content, and lack of transparency. Additionally, I selected cases where there is significant market penetration by giant technology platforms. Platform usage in these countries is well established, they are key markets for platform companies, and internet penetration rates are

high. Thus, platform safety regulation is a broad regulatory concern rather than a niche subject.

II. Institutional Similarity

In a first step, I identified cases with institutional similarity. To do so, I focused on advanced democracies, commonly defined as democratic states with well-functioning public institutions. These states typically have strong rule-of-law traditions, high levels of political participation, and robust protections for civil liberties and human rights (Dalton et al., 2004).

III. Regulatory Variance

Next, I turn to the selection criteria designed to ensure regulatory variance. As a first aspect, I considered the regulatory approaches for platform regulation. To achieve this, I drew directly on the four regulatory approaches identified in my literature review in Chapter 2:
1) interventionist regulation, where states impose and enforce detailed legal obligations on platforms; 2) regulated self-regulation, where states impose legal mandates on platforms but rely on platform capacity to design compliance measures under regulatory oversight; 3) co-regulation, where state–platform cooperation is high but state oversight is light-touch; and 4) private self-regulation, where platforms independently make corporate rules without state oversight (Knill & Lenschow, 2003; Papaevangelou, 2023).

As a second aspect, I examined the state model, which describes the broader regulatory culture of a state. I distinguished three key models: 1) an "ensuring state" (Schuppert, 2003) emphasising state oversight anchored in detailed legal frameworks; 2) an "enabling state" (Sainsbury, 2013) favouring principle-based, adaptable regulation under state oversight (Sainsbury, 2013; Taylor, 2000); and 3) a "liberal state" (Schmidt, 2005, p. 83) prioritising industry self-regulation, with state intervention occurring through litigation, executive actions, and scattered regulatory initiatives (Aglietta, 1976/2000; Schmidt, 2005).

The third aspect refers to the stage of regulatory development, aiming to include variation in the maturity of platform-aimed regulations. However, against the backdrop of an emergent regulatory landscape, emphasis was put on development.

IV. Regulatory Relevance

Aiming to select cases likely to shape international regulatory trajectories, I focused on countries that are widely recognised as influential in digital technology policy. Germany, the UK, and the US participate in major global forums such as the Group of Seven (G7), the Organisation for Economic Co-operation and Development (OECD), the United Nations (UN), and the World Trade Organization (WTO) and conclude impactful trade agreements, where international platform regulation is debated.

V. Access to the Field

Finally, field access is an important dimension. For each case study, I drew on my own personal professional network and my established relationships with experts working on platform regulation issues. My fluency in German and English ensured access to interview participants and policy documents.

3.3 Case Overview

In this section I offer a detailed overview of the three selected cases, linking them directly to the selection criteria.

Table 5 provides a comparative overview of the cases, including the key regulations examined. Together, these cases examine regulatory developments from 2016–2025, capturing a decade of platform regulation. The start date of the case inquiries was set to 2016, as this was the year when concerns about platform safety began to emerge on the global public agenda.

Germany (2016–2024)

The German case examines the Network Enforcement Act (NetzDG). Enacted in 2017, this law was the first platform-specific regulation by a democratic country. It pursued an interventionist approach, mandating the enforcement of existing laws on illegal speech online. To achieve this, NetzDG imposed detailed legal obligations on large social media platforms, requiring them to establish procedures for promptly removing illegal content. Germany represents a case of policy development and enforcement, as the law was in active use at the time of fieldwork, yet the case study also highlights the development of NetzDG.

NetzDG exemplifies an ensuring state model, imposing precise legal obligations under strict state oversight. This model assumes "shared responsibility" (Schuppert, 2003, p. 55), where both the state and platform actors collaborate, yet under state oversight. When markets fall short or fail, the state intervenes (Bohne, 2011). Compliance with detailed legal frameworks is strictly monitored through independent regulators that operate in close coordination with federal ministries and agencies (Ruffert, 2013). This model – shaped by Germany's history of authoritarianism under the Nazi regime and in East Germany – underscores a commitment to the rule of law (Döhler & Wegrich, 2010).

The ensuring state model is apparent in German digital technology policy more broadly. Data privacy, intellectual property, and cybersecurity are examples of policy areas subject to strict regulation.

United Kingdom (2017–2023)

The UK case focuses on the Online Safety Act (OSA), which establishes comprehensive duties of care on internet services to mitigate harms associated with their technologies. Unlike the German NetzDG, which set out detailed legal obligations, the OSA allows platform discretion. It follows a regulated self-regulation approach, where platforms are obliged to meet safety duties and conduct risk assessments, but retain flexibility in how they comply.

Rather than enforcing prescriptive legal rules, the regulator Ofcom (the Office of Communications) issues non–legally binding guidance and codes of practice. The UK is a case of policy development, as the OSA was in active development during the time of my fieldwork, providing insight into a regulatory process in progress.

The OSA reflects the UK's enabling state model, favouring market-driven solutions over prescriptive state control (Taylor, 2000). Regulation is principle-based and outcome-oriented, allowing companies flexibility in compliance. Independent regulators operating at arm's length from the state are tasked with oversight (Sainsbury, 2013). Rooted in the UK's common law system, this model prioritises adaptability and precedent over rigid frameworks (Bohne, 2011).

This model is a key pillar of the UK government's ambition to position the country as a technology leader, by emphasising free markets, private sector innovation, and adaptive compliance in its digital technology regulations (Department for Science, Innovation, and Technology & Foreign, Commonwealth and Development Office, 2023).

United States (2016–2025)

The US case examines federal-level regulations aimed at platform safety across the executive, legislative, and judicial branches of the federal government. It investigates a patchwork of fragmented regulatory measures that were politicised, dispersed, and lacked a comprehensive regulatory approach. The US case exemplifies both regulatory development and resistance, with no consistent approach of platform regulation emerging, while several more limited measures did take shape.

More broadly, the US is a liberal regulatory state, prioritising individual liberties, free markets, and the private provision of public goods and services, with minimal state intervention (Aglietta, 1976/2000; Schmidt, 2005). This model favours market-driven solutions, with state interventions limited to light-touch measures. There is a strong focus on innovation, individual liberties, and entrepreneurialism. Limited state interventions are

enforcement-oriented, relying on ex post penalties, sanctions, and litigation rather than ex ante oversight. Regulation occurs across federal agencies – some independent and others part of the executive branch – alongside state and local administrations, often resulting in inconsistencies and overlap.

This model underpins US digital technology policy, which has historically promoted the growth and innovation of the tech sector through safe harbours, tax incentives, and light-touch regulatory oversight at the federal level. State-level laws have emerged as an important instrument to fill gaps in federal regulation (Brennen et al., 2024).

Table 5: Comparative case overview.

	Germany	**United Kingdom**	**United States of America**
Regulatory policy	Network Enforcement Act (2017)	Online Safety Act (2023)	Fragmented federal measures
Regulatory measures	State-led obligations for enforcement of existing speech laws by platforms	Comprehensive safety duties for platforms, implemented through regulatory guidance and codes of practice	Patchwork measures across the three branches of government
Scope	Social media platforms with more than 2 million users in Germany	User-facing internet services with differentiation by size and impact set out in regulatory guidance	A wide range of digital platforms including social media, search, and shared economy companies
Regulatory approach	Interventionist	Regulated self-regulation	Blended
State model	Ensuring state	Enabling state	Liberal state
Stage of development	Development and enforcement	Development	Development and resistance
Regulatory style	Legalistic, prescriptive, rule-based	Principle-based, outcome-oriented, adaptive	Reactive, fragmented, litigious
Legal basis	Statutory law with prescriptive obligations	Statutory duties of care, regulator-issued guidance, and codes of practice	Constitutional constraints (First Amendment), CDA Section 230, executive orders, and federal statutes
Regulatory institutions	Independent but ministry-linked regulators with legal mandates	Independent regulators at arm's length	Decentralised across executive, federal agencies, Congress, and courts

3.4 Data Collection and Analysis

This IPA of platform safety regulation triangulated three core methods, each offering a different entry point into understanding regulation and, together, providing a comprehensive

view of contemporary platform regulation. The methods were selected to complement one another, mitigating "deficiencies and biases that stem from any single method" (Mitchell, 1986, p. 19):

- **Elite interviews**, which captured interpretations of resource constellations, regulatory capacity, and power dynamics, revealing how regulatory actors construct platform regulation.
- **Document analysis**, which examined how regulatory positions are articulated in formal policy documents, highlighting both explicit content and implicit framings.
- **Process tracing**, which traced causal pathways and provided non-generalisable explanations and thick descriptions of regulatory processes.

This triangulated combination of methods has been widely applied in platform regulation research, foregrounding laws, institutions, and political processes. Medzini (2021a) uses this combination of methods to examine the integration of Data Protection Officers under the General Data Protection Regime (GDPR), showing that concerns about the credibility of regulatory measures were a driving factor. He also applies these methods to trace the evolution of Facebook's internal content policies, showing that the platform increasingly delegated content decisions to third parties (Medzini, 2021b). Gorwa (2021) applies this approach to study domestic and EU-level politics in German platform regulation, focusing on electoral concerns and coalition negotiations. Soeiro et al. (2025) adopt a triangulated case study design to examine platform-aimed labour regulation, tracing how institutional legacies and political dynamics led to divergent responses. The analysis is grounded in institutional approaches but also attends to interpretive dimensions by examining worker understandings of regulatory problems.

Overall, while this combination of methods has been widely employed in platform regulation research, interpretive dimensions remain largely unexplored, as demonstrated by the research detailed above. Within this research, elite interviews are primarily used as a complementary source, rather than to spotlight the experiences of regulatory actors on the ground. Documents are analysed as records but rarely as social artefacts, eclipsing factors like their production context, likely audience, or intended outcome. Process tracing maps sequences of events but less so to identify causal pathways within the data.

To address these gaps, I built on this established combination of methods but applied IPA as a novel interpretive lens to guide the analysis. The remainder of this section explores the data collection and analysis in detail, introducing the use of each method. While this section acknowledges my role as a researcher embedded in the field, a detailed discussion of positionality and reflexivity is provided in Section 3.7.

3.4.1 Elite Interviews

Elite interviews are often described as a "staple of state politics research" (Beamer, 2002, p. 86). Interviews with experts and decision-makers in Germany, the UK, and the US served as the core data collection method here.

Between March 2021 and June 2025, I conducted 93 elite interviews, generating nearly 5,000 minutes of recordings and hundreds of pages of notes and transcripts. Participants included experts from academia, civil society, and the law, government policymakers, regulators, and platform personnel. Interview evidence opens a rare window into the lived experiences and everyday dynamics of state–platform interplay shaping platform regulation on the ground. Table 6 provides a high-level overview of the interview sample, the data collection period, and the number of participants for each country case.

Elite interviews serve three key functions in this study. First, they provide insight into regulatory policymaking in practice, capturing firsthand accounts from experts and decision-

makers. Second, they highlight the relationships between state and platform actors, exposing the power dynamics and resource constellations. Third, they reveal how regulatory policies are intended, constructed, and contested, offering rich actor-centric perspectives.

Rather than treating interviews as neutral data points, I approached them reflexively, considering how both participants' positionality and my own shaped access, the interview process, and the interpretation of data.

Table 6: Overview of interview sample by country case including data collection period, participant count, and gender split.

Country case	Interview period	Number of participants	Gender (f/m)
Germany	January 2023–April 2023	26	6/19
United Kingdom	March 2021–November 2021	34	17/17
United States	March 2024–June 2025	33	14/18
Total		93	37/54

Note: Two participants did not report their gender.

Recruitment

Platform regulation is shaped by a range of actors. They are connected within "policy networks" (Peterson, 2003, p. 33): bounded groups of interconnected public and private stakeholders with vested interests in regulatory outcomes that are directly involved in policy processes (Knoke, 2011; Peterson, 2003). To capture how these actors shape emergent platform regulation, I recruited participants from three broad target groups: government and regulatory officials, platform representatives, and experts from academia, civil society, and law, as shown in Table 7.

Recruitment strategies were adapted to case-specific contexts. For example, in Germany ministries frequently function as regulators. By contrast, in the UK and the US, regulators typically operate at arm's length from government, so I have distinguished between government and regulators in those cases. Adjustments are detailed in the respective case studies.

Because both functional elites (senior decision-makers) and professional experts (specialists with deep domain knowledge) play central roles in platform regulation, the sample included both formal decision-makers and influential subject-matter experts (Littig, 2009). A full list of interview subjects is provided in Appendix C.

Table 7: Overview of professional fields targeted.

Professional field	Description	Number of participants
Government and regulators	Staff from all three branches of government, including legislators and legislative aides, senior civil servants and bureaucrats in government departments and parliamentary committees, and officials in regulatory agencies	29
Platform and tech	Lobbyists, government affairs professionals, policy staff, and trust and safety personnel working at major digital platforms, primarily big tech companies	11
Academia, civil society, and law	Experts based in universities, civil society organisations (CSOs), and the legal sector, including staff at non-profit organisations, think tanks, civil rights organisations, law firms, and courts	53
Total		93

Note: All interviews were conducted by the author between March 2021 and June 2025. Where participants did not hold a current organisational affiliation, they were classified based on their most recent professional field.

Elite subjects are often easy to identify but difficult to access, as they are typically difficult to contact directly and constrained in time. To mitigate recruitment challenges, I used a combination of warm outreach, cold outreach, and snowball sampling. Warm outreach drew on my existing network and mutual connections to initiate contact with potential participants. For cold outreach, I identified relevant potential participants via LinkedIn and organisational websites, contacting them through LinkedIn messages or email. Finally, I used snowball sampling by inviting interviewees to introduce or recommend further participants from their networks.

Diversity in Elite Interviews

Demographic representativeness is not always a goal in elite interview sampling. Following Li (2024), I situate my research as "policy oriented … where elite interviews are used to uncover … the origins of public policies" (p. 185). In such contexts, elites are interviewed primarily for their positions as decision-makers and experts in regulation. This sampling strategy aimed to

capture the structural compositions and power dynamics of the field, rather than aiming at including under-represented voices. This design acknowledged that demographic constellations shape which interpretations become dominant within the field.

My sampling strategy was purposive, aimed at representing the policy network surrounding platform regulation by focusing on key organisations, senior roles, and influential experts. The goal of sampling was to reach "the most relevant and informative participants … who are involved in the evolution of the problem/policy" (Li, 2024a, p. 185) rather than to achieve demographic balance.

At the same time, I aimed to capture diverse viewpoints within this policy network. To do so, I targeted a wide range of participants with different professional backgrounds, political orientations, and organisational affiliations. I included both functional elites as well as experts. While the latter group of actors were active participants in the policy network, they were selected primarily for their expertise rather than formal regulatory decision-making roles.

I collected demographic data on gender, ethnicity, and education. A full table of participants is available in Appendix C, though potentially sensitive personal demographic information at the participant level is excluded from the table for privacy reasons. Clear structural imbalances became apparent. An overwhelming 94 percent of participants were White, reflecting broader patterns of under-representation in the technology policy sector (Benjamin, 2019; Cave & Dihal, 2020; Noble, 2018). Fifty-eight percent of participants reported their gender as male and 40 percent as female, with the remainder not reporting. This aligns with research showing that the digital technology domain is a male-dominated space (Chang, 2018; Criado-Perez, 2020). Without exception, participants held a bachelor's degree or higher, with 47 percent holding a master's degree or equivalent and 39 percent holding a doctorate – illustrating that the elite policy network surrounding platform regulation is overwhelmingly highly educated.

These patterns reflect the demographic composition of the policy network itself. Platform safety regulation in Germany, the UK, and the US is overwhelmingly shaped by the views of White, male, and highly educated voices. My interviews reproduce the demographic realities of the field rather than correcting them. While I critically reflected on whose voices were the most dominant in my data and ensured that there were minority participants in my data, I did not pursue additional recruitment from under-represented groups outside the elite policy network. This aligns with the aims of this research: to examine the real-life, situated interpretations and power dynamics shaping contemporary platform regulation.

Interview Process

All interviews were conducted via Zoom. Each interview was scheduled for 55 minutes, though actual durations ranged from 20 to 71 minutes, with a median duration of 52 minutes, measured from the start of the recording. I audio- and/or video-recorded all interviews with participant consent obtained in accordance with the guidelines of the University of Oxford's Central University Research Ethics Committee. No participant objected to being recorded.

I used a semi-structured questionnaire to ensure consistency across interviews, while also remaining flexible to address case-specific issues and individual participant experiences. An example questionnaire is available in Appendix B.3. At the start of interviews, I typically engaged in informal small talk with the participant before explaining my role as a researcher, the use of data, and the interview process – reiterating details shared during recruiting. Next, I verbally confirmed consent and started the recording. If participants had not provided written consent, I obtained their consent verbally at the start of the recording. I began with easy-to-answer questions on the participant's background (e.g., name, preferred pronouns, job title, how they became involved in platform regulation) to help ease participants into the conversation. I then moved on to more probing questions, which were often participant-

specific. I also used unstructured, improvised questions to ask for follow-up clarifications and to maintain a natural rhythm in the conversation.

The analysis of interviews involved field notes and transcripts. During and after interviews, I took notes on talking points, the interview set-up and setting, and participant behaviour in an interview memo document. All interviews were fully transcribed using the transcription software Trint and then manually reviewed. Within 72 hours of each interview, I listened to the full recording and extracted key quotes and observations, which I recorded in the interview memo document. To track recurring topics and early findings, I compiled synthesis memos for every five interviews.

Interviews were carried out over a multi-year period (2021–2025), with fieldwork taking place at different points in time in each case, as shown in Table 6. Because platform regulation evolved rapidly during this period, I often asked participants to reflect on past and present developments as well as anticipated future events. Some accounts featured in this research inevitably reflect time-bound positions that later shifted. These temporal differences are significant, offering insight into how platform regulations and actors' interpretations changed over time. I used process tracing to anchor participant accounts and documents within evolving regulatory trajectories.

Interviews were conducted in English or German, depending on the participant's preference. All analysis was carried out in English and all translations from German to English were made by me.

3.4.2 Document Analysis

Document analysis offered insight into how regulatory ideas were documented in official policy materials. Such documents reflect formalised policy stances and often undergo multiple rounds of review by lawyers, communications experts, and government staff – the inclusion or exclusion of specific viewpoints, the choice of words, and even the formatting is usually

purposeful and reflective of institutional views. While widely used in policy research, as a method, document analysis has remained "if not underdeveloped, at least under-communicated" (Karppinen & Moe, 2012, p. 177). As a result, there are varied definitions of document analysis as a method and its use is often inconsistent. Drawing on Davie and Wyatt (2021), I define document analysis as the systematic analysis of content, production, function, and use of text, audio, and visual artefacts produced independently of the researcher.

In this thesis, I make use of two complementary analytical perspectives in the document analysis. Traditional policy analysis treats "documents as sources" (Karppinen & Moe, 2012, p. 185), viewing them as records that directly present facts, actions, and objectives within policy processes. In contrast, interpretive traditions view "documents as text" (Karppinen & Moe, 2012, p. 186). They understand them as social artefacts that shape how policy problems are framed, interpreted, and contested. In this research, I integrated both perspectives, extracting explicit content while also interpreting latent meanings (Morgan, 2022, p. 65).

For example, in the German case, I analysed an open letter from Justice Minister Heiko Maas to Facebook. As a source, the document marked a key moment in Germany's regulatory trajectory, articulating prominently for the first time the idea of enforcing existing laws in online spaces. As a text, Maas angrily framed the online hate speech crisis as a direct consequence of Facebook's policies and negligence, shifting responsibility for a political crisis onto platforms. This framing resonated across a broad range of people, both among the public and German policymakers, putting platform regulation on the public agenda.

The documents analysed in this research are official policy materials generated by government departments, regulatory bodies, courts, or other regulatory actors including politicians, platform spokespeople, and industry associations. The archive included: laws, legal texts, official drafts, government statements, court proceedings, regulatory evaluations, meeting minutes, written correspondence, and industry press releases. I identified relevant

documents through targeted keyword searches – using strategic combinations and Boolean operators – on government websites, legal archives, press release repositories, and news databases such as LexisNexis. A list of keywords is provided in Table 8. A list of the 103 documents identified is available in Appendix D.

Reflexivity underpinned this part of the research. I recorded details on document production (e.g., author, funding source, intended audience) alongside my own prior assumptions, including whether I was already familiar with the document and its use.

Document analysis served two key functions in this research. First, accessing formal records of policy positions as sources provided insight into official regulatory developments. Second, examining the framing of policy issues as texts revealed formalised, actor-specific interpretations of regulation.

Table 8: Case-specific search terms used by the author to locate relevant documents.

Case	Search terms	Date of production	Number of documents
Germany	Facebook-Gesetz*, hate speech, Hassrede*, Netzwerkdurchsetzungsgesetz*, NetzDG, Plattform*, Plattformregulierung*, Rechtsdurchsetzung*, social medi*, sozial* Medi*, sozial* Netz*	2016–2022 + selected documents from 2015	30
UK	DCMS, dut* of care, legal but harmful, lawful but harmful, Ofcom, Office of Communications, online harms, online platform*, online safety, Online Safety Act, Online Safety Bill, user-to-user service*	2017–2023	30
US	Algorithm*, AI*, big*, censorship*, content*, content moderation*, digital*, election*, misinformation*, platform*, safety*, Section 230, speech*, tech*	2016–2025	43
Total			103

Note: The date of production refers to the publication year of the document as included in the final archive. While the databases were queried across the full range indicated, not every year necessarily yielded relevant documents.

3.4.3 Process Tracing

As one of the three core methods in this study, process tracing was used to extract process data from interviews and documents to identify causal pathways and develop context-sensitive explanations of regulatory processes. Process tracing was especially suited to this research, as it covered roughly a decade of regulatory developments, was based on multi-year fieldwork,

and examined cases that unfolded across different time frames. By linking events, decisions, and actions, the method reveals both how and why certain outcomes occurred, "as they play out in real-world cases" (Beach, 2020, p. 699). While process tracing does not establish causality in a statistical sense, unlike large-N methods, it identifies "the causal chain and causal mechanism" (George & Bennett, 2005, p. 206) that links causes and effects within specific case contexts.

I used process tracing to support analytic generalisation, drawing on the theoretical framework of regulatory resources to guide my interpretation of process data and to generate explanations of causal sequences within single cases (Kay & Baker, 2015). Instead of focusing on statistical generalisability, I focused on transferable insights. The aim was not to predict outcomes elsewhere, but to develop theoretically informed causal pathways that may help make sense of similar dynamics in comparable settings. This approach supports analytic generalisation by linking findings to the theoretical framework of regulatory resources, enabling insights that can inform the analysis of similar cases in similar contexts.

For example, in the analysis of the UK case, I observed that limitations in access to information from platforms hindered the development of regulatory policy, eventually informing OSA provisions for enhanced information powers. This sequence revealed the interplay of resources, limitations to regulatory capacity, and regulatory policy aimed at re-establishing power. Rather than generalising the specific events themselves, I identified a broader link between resource asymmetries and regulatory policy.

I used process tracing in tandem with theory to analyse three key aspects of platform regulation. First, I traced the timelines of regulatory developments, mapping how events unfolded over time. Second, I identified key events and turning points – moments where regulatory debates gained momentum, shifted direction, or became salient. Third, I examined

causal pathways by analysing how resource constellations between state and platform actors shape specific regulatory developments.

Unlike elite interviews and document analysis, which are data collection methods, process tracing is primarily an analytical tool. I applied it to data drawn from elite interviews and document analysis, systematically extracting process data – including sequences of events, timelines of decision-making, and causal links – to explain regulatory developments. I stayed close to the data and resisted constructing linear narratives when evidence was partial or conflicting.

3.5 Coding

Throughout this research, I used qualitative coding to analyse interview, document, and process data. In line with IPA, I adopted an interpretive orientation aimed at uncovering actor-centric accounts of regulatory processes. I applied a structured five-step coding process: from familiarisation with the data (Step 1), to open-ended codes (Step 2), to broader conceptual categories (Step 3), to interpretive themes (Step 4), and additionally to causal pathways (Step 5).

Coding combined inductive and deductive approaches to ensure openness and conceptual rigour. Thus, themes emerged from the data while also being informed by theoretical frameworks and cross-case analysis (Saldaña, 2009). I used inductive coding to allow codes to emerge directly from the data without preconceived categories. I used deductive coding to bring theoretical concepts of resources, capacity, and power, as well as causal explanations identified in other cases, to the data. The movement between inductive and deductive coding was iterative, whereby I progressively introduced theoretical concepts as themes began to stabilise across the data.

Initially, I used NVivo for qualitative coding, completing Oxford University training in the use of the software, but I found that the user experience drew my attention more to the

software features than the data. I eventually transitioned to primarily paper-based methods and digital annotations, using interview memos, transcripts, and qualitative coding sheets, which I found enabled deeper, interpretive engagement with the material. Working with the data in a tangible way – particularly through hand-coding using coloured markers, handwritten annotations, and sticky notes – allowed me to stay attuned to the material.

Steps 1–5: Iteration, Reflexivity, and Triangulation

To ensure robust interpretive insights, coding was iterative (spanning multiple rounds of coding), reflexive (examining how my own positionality shaped the coding decisions), and triangulated (connecting interpretations across data sources).

Iteration involved multiple rounds of coding and sustained engagement with the material over time, rather than a single pass through the data. I integrated reflexivity throughout the coding process, using reflexive notes and prompts for self-reflection as detailed in Section 3.7.3. Triangulation ensured that interviews, documents, and process data were brought into dialogue with one another – identifying similarities, differences, or contradictions between subjects' interpretations, official records, and timelines of regulatory events. I used it both to cross-check findings across sources and to develop a more comprehensive, grounded understanding of platform regulation over time. Triangulation was iterative and involved going back and forth between data sources and coding steps to revisit data, coding decisions, and interpretations as findings evolved.

One example of how triangulation supported the analytical depth of this research comes from the analysis of information limitations across data sources. Interview data revealed that government officials in the UK were frustrated by platforms' refusal to share data. Document analysis reinforced these accounts. Government requests for data appeared in numerous documents including evidence hearings with platforms, letters, and transcripts of speeches. Process tracing showed that policy development stalled due to prolonged negotiations over

data access – for instance, when internal government reports aimed at aiding regulation were rejected on the grounds that they lacked sufficient evidence about platform harms.

Step 1: Familiarisation with the Data

As a first step, I familiarised myself with the data. For interviews, I transcribed and repeatedly listened to recordings, generated memos with key quotes, observations, and reflexivity notes, and made annotations of my thoughts on physical and digital copies of transcripts and memos. For document analysis, I read materials in full and made initial annotations and reflexivity notes, often using physical copies and a marker to highlight relevant sections. For process tracing, I began connecting documents to major real-life events (e.g., readings in parliament, enactment of bills), bringing them into chronological sequence.

Step 2: First-Cycle Coding

In the first cycle of coding, I used open-ended, exploratory coding enabling me "to see the direction in which to take" (Glaser, 1978, p. 56) my analysis. I assigned provisional descriptive codes, identified key phrases, and collected early ideas for conceptual categories. At the same time, I also started identifying key actions, events, and observable activities to prepare for process coding.

For example, one interviewee noted: "Platform organisations are developing de facto standards by virtue of their market share. That means that everybody has to follow them" (interview 19, anonymous 12, Government and regulators, 27 August 2021). In this case, I assigned provisional descriptive codes such as *platform policy*, *de facto power*, *market power*, and *state vs platform regulation*, which helped bring core themes to the surface.

Step 3: Second-Cycle Coding

In the second cycle of coding, I grouped descriptive first-cycle codes into broader conceptual categories. These categories captured recurring analytical topics and helped to structure the

data. They provided the foundation for the thematic analysis in Step 4, where I identified relationships between the categories identified to develop interpretive themes.

For example, drawing on the quote mentioned earlier ("Platform organisations are developing de facto standards by virtue of their market share. That means that everybody has to follow them"; interview 19, anonymous 12, Government and regulators, 27 August 2021), first-cycle codes such as *platform policy*, *de facto power*, and *market power* were grouped into the broader conceptual category *platforms as quasi-regulators*, highlighting how platform technologies, corporate rules, and market position translated into regulatory power.

Step 4: Thematic Analysis

Building on these structured categories, I used thematic analysis to identify relationships between categories and to develop broader themes. While categories organised the data, themes now identified relationships between them. In this step, I moved from categorisation to interpretation by "identifying, organising, and offering insight into patterns of meaning (themes) across a data set" (Braun & Clarke, 2012, p. 57). I applied thematic analysis within each case, but it also informed my higher-level discussion across cases, particularly regarding the role of regulatory resources.

For example, one interpretive theme that emerged was the tension between platforms as quasi-regulators and the authority of the state. During the Covid-19 pandemic, US regulators acknowledged that platforms were better equipped to moderate harmful content than government – due to their large content moderation teams, their direct control over technical infrastructures, and their ability to address harmful but legal content. The US government worked directly with platforms without a formal mandate or oversight structures. This collaboration has since become highly contested, sparking concerns about state overreach and escalating to the Supreme Court. This underscores the tension between platforms' superior authority over content on the one hand, and government's ultimate authority on the other.

Step 5: Process Coding

In a final step, I used process coding to map causal pathways of regulatory events. I connected the key events and sequences identified to construct explanations, illustrating how interpretations of resources shaped regulatory developments over time.

For example, one causal pathway traced through process coding explained how regulatory pressure escalated in response to platforms' failure to acknowledge the authority of German politicians. The pathway began with an official visit by Secretary of State Gerd Billen to Facebook's offices. He felt that Facebook representatives did not treat him with the adequate respect and reported this to Justice Minister Heiko Maas, who thereupon abandoned voluntary measures and instructed his staff to begin work on NetzDG on the same day. This sequence illustrates how interpretations of resources – here, the failure to acknowledge state authority – shaped regulatory processes.

3.6 Ethics

Ethical considerations underpinned every stage of my research concerning not only participants and myself as a researcher but also other third parties impacted by my research. To ensure ethical conduct, I followed the University of Oxford's Research Ethics Policy (University of Oxford, 2022). The Central University Research Ethics Committee (CUREC) reviewed and approved my research under the approval number SSH_OII_CIA_21_070. A copy of my CUREC approval documents is available in Appendix A. In this section, I outline the measures taken to ensure data security, informed consent, confidentiality, and CUREC compliance.

3.6.1 Data Security

As my research heavily relied on human subject data and frequently captured sensitive information, I was especially committed to offering secure and privacy-respecting data

management. I pursued a data minimisation strategy, collecting only data directly relevant to the research. I distinguished between two types of data. The first was personal or sensitive data, defined as any data that could identify a subject, that could cause harm or adverse consequences if disclosed, or that was not intended for public access. This included personally identifiable information, special category data such as information on religion or health, and confidential material such as proprietary corporate documents. The second category was other research data, comprising publicly available data collected for this research, such as official policy documents available to the public.

I implemented a series of data security measures. All digital data were stored on encrypted, password-protected devices or in an end-to-end encrypted University of Oxford cloud hosted by Microsoft, protected by secure passwords and two-factor authentication. I kept physical copies of personal and sensitive paper records in a locked metal container in my home. All participants were given the option to communicate via encrypted messenger services or email, although no participant chose encrypted communication. In line with CUREC best practices, all data will be deleted three years after project completion.

To maintain consistent encryption protocols across devices, I relied on Apple's Keychain and 1Password and used the Microsoft and Google authenticator apps.

3.6.2 Informed Consent

Informed consent is an essential best practice that not only ensures transparency but also builds trust with participants. To ensure that all participants participated voluntarily and fully understood the implications of their participation, I implemented a two-stage consent process, which was approved by CUREC.

I. Pre-Interview Stage

When approaching subjects in interview recruitment – typically via a personalised email or a LinkedIn message – I sent them a participant information sheet and brief consent form upon

making contact for the first time. I asked participants to read these documents carefully before agreeing to an interview. These documents were based on CUREC templates and were available in English or German. The participant information sheet covered:

- the purpose and scope of the study
- the interview process and the use of quotes in research outputs
- the data security measures and confidentiality protocols
- complaint mechanisms and the right to revoke consent at any point during or after the interview

The consent form asked participants to initial and sign the document to confirm their agreement with:

- the interview procedures
- the storage and use of their data for research
- video and/or audio recording
- the use of their quotes in research
- their option to revoke their consent at any stage during or after the interview

Both in my recruitment messages, and at the start of the interview, I encouraged participants to ask questions about their participation and the interview. Several did, and I often used the Zoom screen share feature to show participants details of the informed consent and consent form to help address their concerns. A handful of participants requested sample questions or

even the full list of interview questions before an interview. I complied with these requests to enable clarity and build trust.

II. Consent Collection Stage

Consent was obtained in two forms. Participants had the option to provide their consent either in written form before the interview or verbally, recorded at the start of the interview. The process ensured that both the participant and I had a clear record of their consent. In writing, participants initialled and signed either a digital or physical copy of the consent form before the interview. Verbally, participants gave recorded consent at the beginning of each interview.

Overall, this process appeared straightforward for participants. However, several noted that the consent form, which required initialling multiple boxes and providing a signature, felt overly complicated. In response to this feedback, I requested and received CUREC permission to offer a verbal consent process. Most participants opted for the verbal process. No participant opted to revoke their consent.

3.6.3 Confidentiality

Participants were informed of their confidentiality options during interview recruitment. They were asked to formally confirm their choice – either by signing the consent form or through a verbal recording – during the consent collection stage. There were four levels of attribution for participants to select from:

a) I agree to the use of direct quotes, attributed to my name, in research outputs.

b) I agree to the use of pseudonymised quotes in research outputs.

c) I agree to the use of anonymised quotes in research outputs.

d) I do not wish to be directly quoted or to contribute off the record.

These options turned out not to be sufficient. Participants frequently chose different levels of attribution for specific sections of their interviews. For example, several participants asked to take certain sections off the record or to anonymise them. Some participants who initially said they wanted to contribute off the record later changed their minds or allowed me to obtain permission for the use of individual quotes.

Participants could adjust their confidentiality preferences at any point during or after the interview. I often highlighted this option when I sensed that participants were hesitant to share certain information. In these moments, I also offered to share specific quotes for approval, which helped reassure participants and encouraged them to speak on the record.

Maintaining anonymity sometimes posed challenges—a known limitation of elite interviewing—due to the small and interconnected nature of elites in specialised fields, where individuals can be identified by others within their networks (Lancaster, 2017). To mitigate risks of unwanted attribution, when I thought that a participant's identity might be inferred by others from an anonymous quote I intended to include in my research, I shared the quote for additional approval.

3.6.4 Central University Research Ethics Committee

CUREC granted ethical approval for this research in March 2021 (Approval No. SSH_OII_CIA_21_070). The University reviewed and approved the following documents:

- **Form CUREC/1A** detailing the research design, recruitment strategies, and data management protocols, including copies of the participant information sheet and consent form.

- **Amendments** submitted to obtain permission for verbal consent (May 2021) and to include German-language translations of recruitment materials (January 2022).

The latest version of the CUREC/1A form is included in Appendix A. Additionally, as a part-time DPhil student, I disclosed all professional affiliations to the Oxford Internet Institute through the University's OA1 form for outside appointments, to ensure transparency and manage potential conflicts of interest.

3.7 Reflexivity and Positionality

Reflexivity is the continuous acknowledgement and critical examination of the researcher's positionality – the biases, assumptions, and experiences shaped by their social, cultural, and professional identity (Bourke, 2014; Takacs, 2003). In this research, I used reflexivity to help me stay attuned to how my positionality shaped the research process.

Approaching the field, I held a dual role: as a junior researcher examining a policy network, and as a young professional engaged in this very network – having frequently presented my research, participated in roundtables, and given evidence to government inquiries. As an insider, I had privileged access to participants, enabling me to secure interviews. I also already had an existing understanding of the field – its discourse, shared language, and conflicts. At the same time, this position introduced risks of over-relying on existing connections and reinforcing viewpoints that I was already familiar with or that I held myself.

While I used reflexivity throughout the entire research process, there were three areas where I particularly relied on it, as discussed in this section:

- **Field access**: My professional network facilitated access to participants but also introduced risks of limiting engagement with less familiar perspectives.

- **Interviews and data collection**: I entered the interview process already familiar with key debates and stakeholders, posing risks of imposing my own assumptions.

- **Interpretation**: Prior exposure to regulatory debates informed my analysis but required self-awareness.

3.7.1 Reflexivity in Field Access

Recruiting as an Insider

My insider position meant I was able to build on existing relationships by recruiting people from my professional network, asking them to make introductions or allow me to mention their name when I reached out to other potential participants.

Recruitment rates were notably higher within this group of participants. This appeared to be due to good relationships but also reciprocity. For example, Dr. Jens Zimmermann, a Bundestag member involved in shaping NetzDG, told me that he had agreed to the interview because I had previously accepted his invitation to provide evidence to a Bundestag committee he chaired.

Recruiting through Cold Outreach

Cold outreach was essential for recruitment. Response rates were notably lower than for warm outreach. To improve recruitment, I used personalised email scripts. I often highlighted common interests, sending congratulations on career progressions, or commented on publications or social media posts.

I also leveraged institutional affiliations, emphasising my affiliation with the University of Oxford in email subject lines and introductions to enhance credibility. In the US context, my role as a former Fulbright student at Georgetown University proved useful in accessing Washington DC policy circles, where many professionals have ties to the institution.

Achieving Varied Perspectives

While demographic diversity among elite subjects was limited, I sought to ensure variation in perspectives by including participants with different viewpoints on key issues, different

political orientations, and varied organisational affiliations. This strategy helped me avoid reinforcing dominant perspectives. I was particularly mindful of achieving variance in opinions in the US context, where platform safety regulation and politics more broadly are highly politicised and even polarised across the political landscape and partisan divides.

For example, I interviewed Joel Thayer, affiliated with the right-wing think tank the Heritage Foundation, which led Project 2025, a controversial political initiative designed to advance ultra-conservative politics and eliminate so-called woke[2] agendas (Wendling, 2025). At the same time, I engaged with experts at the other end of the political spectrum, such as Nina Jankowicz, who had been accused of being part of a leftist "censorship industrial complex" (Committee on the Judiciary & Select Subcommittee on the Weaponization of the Federal Government, 2024) supposedly censoring conservative voices in the US.

3.7.2 Reflexivity in Interviews

Online Interviews

All interviews were conducted via Zoom. Initially, this was necessary due to the Covid-19 pandemic. I had originally planned a networked ethnography approach with face-to-face interviews and observation, but was forced to adapt during the pandemic. Even once travel and contact restrictions were lifted – which in my home base, Germany, occurred only in 2021 – I retained virtual interviews to maintain consistency, eliminate the need for travel, and accommodate busy elite participants.

But there were also downsides. Because virtual interviews are generally a lower-commitment format, participants may have been more likely to cancel – though, apart from a handful of cases, this was not a problem I encountered. In addition, participants often took

[2] This term is used to mean alert to racial or social discrimination and injustice, but has recently become politicised by the political right to discredit leftist and progressive causes as performative (Oxford University Press, n.d.-b).

my calls from home or from work, and I frequently observed distractions that might have been easier to control in a physical setting – such as interruptions from colleagues, spouses, pets, or cleaners. Yet this setting also enabled insights that would have been difficult to obtain during an interview in a café or restaurant, offering glimpses into the real-life environments of participants.

To maintain a neutral and consistent setting on my end, I used a plain white cabinet front as my background and invested in a ring light, a high-resolution camera, and high-speed internet access. I deliberately used hand gestures, eye contact, and an open posture to signal my interest and attentiveness.

Relationship Dynamics

My insider role shaped interactions with participants. Some interviewees with whom I had prior professional connections assumed I held expert knowledge of the field. I noticed this early on, when a familiar participant cut their account short and stated that I probably already knew "all this". To counter this, I reminded participants of my role as a researcher rather than a peer. I frequently asked follow-up questions, encouraged participants to explain events in detail or share personal opinions or experiences, and openly admitted to gaps in my knowledge of regulation.

Conversely, when interviewing participants with whom I had no prior connection, I focused on building trust early on in the interview by using icebreaker questions and small talk, and emphasising any commonalities such as shared alma maters or organisational affiliations.

As a White woman with a university degree, I shared many demographic characteristics with elite participants – potentially offering a sense of familiarity or connection with participants. The majority of my subjects were White, reflecting the overall Whiteness of the technology industry (Benjamin, 2019; Cave & Dihal, 2020; Noble, 2018). As a female

researcher in the male-dominated tech space, I remained aware of gendered dynamics, though I did not personally experience any overt challenges.

I made a number of strategic adjustments to my appearance and interview tone to create a comfortable environment for participants. I wore blouses and suit jackets for policy-oriented interviews and dressed more casually when speaking with tech professionals or participants at civil society organisations. I mirrored professional etiquette in my language. In Germany, I used the formal "Sie" to address participants. I conducted interviews in German with German participants and in English with English-language participants. When interviewing UK and US participants, I commonly shared at the start that I had lived in these countries and mentioned a few of my favourite places.

Reflexive Memos and Interview Adjustments

Before each interview, I engaged in a structured reflexivity exercise. Around 15–30 minutes before every interview, I opened a Microsoft Word interview memo template, which I had previously pre-populated with questions and headings designed to prompt me to reflect on my relationship with the participant, my expectations, and anticipated challenges.

This practice helped me realise that I approached an interview with a big tech lobbyist with scepticism, assuming their responses might be rehearsed talking points. To address this concern, I purposefully incorporated more open-ended and hypothetical questions, prompting the participant to be creative and giving me more confidence in their answers.

I used the same interview memo to take notes during the interview. I noted down key conversation topics to help me keep track of the conversation and refer back to them during the interview. I also took notes on tone, hesitations, or visible reactions – ensuring that my interpretations were not shaped solely by spoken content. I later used the same interview memo document to record key quotes and observations, enabling a comprehensive summary of the interview.

During interviews, I adjusted to participants' preferred engagement levels and communication styles. Some participants preferred direct, technical questions, while others engaged better with discussion-based framing or hypotheticals. I was mindful of recall bias and narrative construction, particularly when asking participants to reflect on past events.

3.7.3 Reflexivity in Interpretation

Reflexive Coding

I integrated reflexivity directly into coding, using prompts for written self-reflection while coding interview, document, and process data. These reflexive notes captured not only reflections on the data – such as my assumptions and observations on possible participant intentions, the likely intended audience of documents, or likely sequences of events – but also my emotional reactions to the material.

For interview data coding, I returned to the interview memos that I had previously used for pre-, mid-, and post-interview notes and for recording key quotes and observations. I annotated physical copies of these interview memos and recorded coding decisions in the margins – though I also used the full transcripts, synthesis memos, and qualitative coding sheets.

For document analysis, I annotated printed and digital versions. For each document, I noted the author or affiliated organisation, the likely intended audience, and the purpose of the document. I also took notes on the production context. For example, in the German context, I noted that industry press releases criticising NetzDG were published shortly before the Bundestag voted on the Act.

In process coding, reflexivity was an important tool to ensure that I did not merely make logical inferences about how events likely unfolded and risk imposing causal pathways. I used written notes and mind maps to map out sequences of events, which helped me identify gaps in evidence or inconsistencies in timelines.

Perspective, Power, and Relationships in Interpretation

Through reflexivity, I identified three key risks in interpretation: imposing my own perspectives, favouring the accounts of powerful elite participants, and overemphasising perspectives from trusted contacts.

First, I recognised that I risked imposing my own knowledge and professional or personal opinions on the data. I often held preconceived notions about regulatory processes when approaching interpretation, raising the risk of privileging my own perspectives over the data. Embedding reflexivity throughout the research process and in coding helped me notice when my own assumptions took over.

Second, I noticed a tendency to favour the accounts of elite participants who projected power. I often returned to transcripts of interviews with especially senior or especially eloquent subjects. I eventually noticed that in some cases I was impressed by participants' careers and articulateness, but that they did not always share the most valuable insights. I used reflexivity to remain cautious about conflating status with expertise.

Third, I reflected on how my prior relationships with participants shaped both the data and the way I interpreted it. Several participants were trusted professional contacts or even friendly acquaintances. Frequently, these participants were especially open in interviews because our conversations built on mutual trust. I was mindful to avoid privileging their accounts over others, while also acknowledging them as valuable and potentially trustworthy sources.

Triangulation and Peer Feedback

Triangulation proved to be a useful reflexivity tool. Cross-checking insights from interviews, documents, and process data, I noticed patterns, conflicts, and changes in the data. Especially when I identified variations across data sources, triangulation prompted reflexivity –

encouraging me to think about why certain perspectives were more visible and what might explain apparent contradictions.

I also sought feedback from peers in my field. I regularly discussed my research with colleagues, including my supervisors, Professors Helen Margetts and Philip Howard, and my College Advisor, Professor James Forder. I also presented my work at conferences and informal colloquia. Feedback from peers helped me reflect critically on my research approach, data, and emergent findings.

Chapter 4: Regulatory Capacity Capture: The United Kingdom's Online Safety Regime

4.1 Introduction

Digital platforms are integral to contemporary public life. A handful of giant technology corporations have emerged as central conduits of economic, social, and political activity. Unparalleled in size and valuation, these internet platforms provide access to information, foster democratic mobilisation, drive economic growth, and connect billions of users to each other every day (Chadwick, 2013; Dommett et al., 2024; Howard & Hussain, 2013; Margetts et al., 2015). Yet, as internet services become ubiquitous, concerns about their impact mount. A growing body of research reveals that platforms are host to a variety of online harms. They amplify nefarious content, harvest sensitive user data, abuse their market power to stifle competition, profit from foreign information operations, promote polarisation, and enable oppressive surveillance – putting their users' online safety at risk (Au et al., 2022; Chan & Kwok, 2021; Howard, 2020; Zuboff, 2019).

States worldwide have grown concerned about pressing platform safety issues and platforms' inability to solve them. Since 2016, at least 100 countries – among them countries like Australia, France, Germany, Spain, Singapore, and South Korea, as well as notably the European Union – have implemented regulation intended to safeguard against online harms on internet platforms. Emergent regulatory measures aim at creating a safer digital space and often span an array of policy issues, including content controls, data protection, transparency and increasingly AI safety (Bradshaw et al., 2018; Cha, 2024; Yadav et al., 2021).

While many democratic states had already implemented regulatory frameworks aimed at platform safety, the development of platform regulation had stalled in the UK in 2021 –

similar to California and Ireland at the time. Proposals for a platform-aimed regulatory regime, the Online Safety Act (OSA),[3] were first put forward in 2017. Despite strong public demand for internet protections and sustained political support in favour of the new regime – even during the Covid-19 pandemic and several government leadership crises – the Act was repeatedly delayed. Given this sustained political momentum and continuous administrative efforts at regulatory reform, why did the UK struggle to develop platform regulation?

Against the backdrop of the then pending online safety regime, which was in active development at the time of fieldwork, I use the UK as a case study to analyse resource- and capacity-based challenges underpinning the development of platform regulation. My research questions are:

- How does the regulatory capacity of state actors compare to that of platform actors in developing platform-focused regulation, and how do the resources available to each inform the United Kingdom's regulatory approach?
- How do resource-based dynamics between state and platform actors shape regulatory relationships within an emergent system of platform regulation?
- What regulatory measures – considering in particular those outlined in the Online Safety Act – are required to address resource challenges in the regulation of platforms, and how likely are they to achieve the intended goals?

To answer these questions, the chapter proceeds as follows. I begin by offering a review of scholarly literature on platform regulation and regulatory resources, capacity, and power. Bringing these bodies of research into dialogue to identify the key challenges to platform regulation, I develop an original framework of four regulatory resources – information,

[3] A version of this chapter was published in *Internet Policy Review* in December 2023, with final revisions having been completed in July 2023. Accordingly, the chapter primarily references the developing OSA rather than the final OSA. Some sections, however, were updated during the final editing of this thesis in 2025 to reflect subsequent developments.

treasure, authority, and organised expertise – that are essential for building regulatory capacity and enacting regulatory power in this space. This is followed by a methods section, detailing how the evidence from 33 elite interviews with 34 participants in government, regulatory agencies, industry, and civil society was analysed and supplemented with a document analysis and process tracing. Applying the original framework of regulatory resources to the empirical study of platform regulation, I draw on empirical evidence and regulatory theory to analyse state–platform interplay in regulatory development in the UK and thus contribute to the development of this research area.

I find that: 1) UK state actors lacked essential regulatory resources, frustrating their capacity to act as a regulator; 2) platforms held resource advantages over state actors, resulting in resource asymmetries in state–platform dynamics; and 3) asymmetric resource constellations gave rise to regulatory capture, whereby platforms leveraged their own resources to influence regulation. The discussion examines the regulatory measures necessary to address resource asymmetries and resulting power dynamics in platform regulation, with a specific focus on the measures in the UK's OSA and their potential to overcome capacity challenges.

This chapter concentrates primarily on giant technology platforms, which are likely to be subject to the strictest requirements under the OSA as so-called Category 1 services – the largest and highest-risk user-to-user platforms. As of September 2025, the exact list of Category 1 services has not yet been published, and the Office of Communications (Ofcom) has not formally designated which services will fall into this category.

Moving forward, the resource-based approach developed here provides a unique analytical framework for understanding challenges in regulatory relationships between regulator and regulatee. By identifying these challenges as a resource-based power dynamic between the

state and platforms, this approach offers insights into strategies for overcoming resource asymmetries and mitigating risks of regulatory capture.

4.2 Platform Regulation: Challenges, Capacity, and Capture

4.2.1 Challenges to Regulation

As states worldwide pursue online safety regulation, a growing body of literature is devoted to the study of emergent regulatory measures, often captured under the umbrella term "platform regulation" (Bayer et al., 2021; Gillespie, 2018b; Laux et al., 2021). This literature commonly revolves around challenges to regulation, which are described as hurdles, obstacles, or barriers that states must overcome to pursue the regulation of platforms (Flew & Gillett, 2021; Hoffmann-Riem, 2020; Taeihagh et al., 2021). Drawing from and distilling the existing literature, I identify three fundamental types of challenges to platform regulation – technical, institutional, and political challenges – that are commonly discussed in the discourse on platform safety regulation. By examining evidence from the UK, I offer an analytical lens to explore the impact of these challenges on the development of platform regulation, both in the UK and beyond.

Scholarship on technical challenges postulates that digital platforms pose a fundamental barrier to established regulatory practice. This line of inquiry argues that existing regulatory tools are ill-equipped for the regulation of complex technical features (Gorwa et al., 2020; Neudert, 2020). This challenge is widely acknowledged in the UK context. For example, the Department for Science, Innovation, and Technology (DSIT), which took over the digital remit from the Department for Digital, Culture, Media and Sport (DCMS) in 2023, argues that "the distinctive features which make digital businesses and applications unique" (DSIT, 2023, para. 3) make necessary a "distinct regulatory approach" (DSIT, 2023, para. 5) to be set out in original regulation.

Scholarship on institutional challenges focuses on barriers connected to regulatory frameworks with regard to their suitability for platform regulation. This research details challenges around regulatory remits that are not fit for purpose, gaps in legislation, and unintended or otherwise undesirable policy outcomes (Schlesinger, 2022; Woods, 2019). In the context of the UK's developing online safety regime, experts have raised concerns over stifling effects on freedom of speech in connection to provisions for the removal of harmful but legal speech – speech that is legal offline but that could be subject to intervention online (Coe, 2022; Dittel, 2022; Trengove et al., 2022). Similarly, Neudert (2020) argues that platforms escaped regulatory oversight during the 2018 Cambridge Analytica scandal because of unclear regulatory mandates in the UK at the time.

The literature on political challenges emphasises "processes through which the domestic regulatory activities of states and other actors set effective rules" (Farrell & Newman, 2010, p. 1). Tracing regulatory processes, scholars show that factors such as electoral considerations, regulatory activism pursued by influential politicians, and logistical constraints – for example, around parliamentary schedules – impact platform regulation (Flew et al., 2021; Gorwa, 2021). In the UK context, Dommett and Zhu (2022) find that policymakers struggled to harmonise and find consensus around conflicting policy proposals for an online safety regime, causing delays. Experts also connected delays to Covid-19 and the government leadership crises of 2022 (Hern, 2022; Kent et al., 2020).

4.2.2 Resources, Capacity, and Power in UK Platform Regulation

The literature discussed highlights persistent problems faced by state regulators in developing platform regulation but has not dealt with questions as to why challenges arise and how they can be overcome. I argue that there is value in shifting perspective from challenges that impede regulation – a focus on non-regulation – and simultaneously towards regulatory capacity that enables regulation – a focus on regulation.

To support this analytical focus, I develop an original framework that links regulatory resources to capacity and power. In this framework, resources serve as a proxy for an actor's capacity to regulate, whereby capacity denotes an actor's potential ability to access and mobilise resources towards regulation. This view draws from Black (2003):

> Regulatory capacity is the actual or potential possession of resources plus the existence of actual or potential conditions that make it likely that those resources will be deployed both now and in the future in such a way as to further the identified goals of the regulatory system or resolve identified problems. (Black, 2003, p. 68)

Black (2003) advances a resource-centric understanding of regulation in which an actor's capacity to regulate is directly related to its potential ability to deploy relevant resources. She contends that some actors have greater capacity to regulate than others, depending on their relative resource configurations. Resource constellations, in turn, should inform what she refers to as enrolment decisions on how regulatory functions "are and should be distributed between diverse actors in a regulatory system" (Black, 2003, p. 63). Thus, regulators can overcome deficits by collaborating with other actors – and enrolling their resources – that hold complementary resources (Black, 2003, p. 74). Throughout this thesis, I follow Black (2003) and use the term 'enrolment' to describe how actors mobilise their own regulatory resources or draw on those by others.

Black develops a model of six resources – information, expertise, financial resources, authority and legitimacy, strategic position, and organisational capacity – that regulatory actors can enrol in regulation. However, the model lacks conceptual clarity, as the six resources intersect.[4] Black's framework builds directly on Hood's "tools of government" (1983) approach, which postulates that there are four tools – nodality (the property of being in the middle of a network), authority, treasure, and organisation – that governments use to govern.

[4] For example, Black's (2003) conception of financial resources as a resource provides that financial resources are "largely instrumental" (p. 6) whereby the possession of financial resources enables the possession of other regulatory resources. In her view, financial resources themselves are not directly deployed towards regulatory functions (Black, 2002a, 2003).

Hood conceives of these tools as "basic resources that governments tend to possess by virtue of being governments" (Hood & Margetts, 2007, p. 5).

Based on the interaction between these conceptions of regulatory resources, and taking into account Hood and Margetts's (2007) work on the tools of government in a digital age and Dunleavy and Carrera's (2013) conception of organised expertise as a tool of government, I propose a modified framework that distils four resources relevant for platform regulation: information, treasure, authority, and organised expertise, as shown in Table 9.

Table 9: Regulatory resources in platform regulation.

Regulatory resource	**Definition**
Information	Specialist and technical information that is relevant to policy decisions; information about regulatee behaviour; ability to access timely, relevant, and reliable information
Authority	Possession of legal or de facto influence to demand, forbid, guarantee, and adjudicate; authority means that what an actor requires makes a practical difference to the way other actors act
Treasure	Possession of financial resources or fungible money that enables the possession, exchange, or access to other relevant regulatory resources
Organised expertise	Professionalised staff with expert knowledge and know-how relevant to regulatory processes

Source: Author's own conceptualisation of regulatory capacity drawing from Black's (2003) six-part model of regulatory capacity; Hood's (1983) four-part framework of tools of government; Hood and Margetts's (2007) work on computerising the tools of government; Dunleavy and Carrera's (2013) conception of organised expertise; and the synthesis of interview data collected for this research.

These four resources serve as a proxy for regulatory capacity. Regulatory capacity denotes an actor's potential to regulate – the ability to access and mobilise resources towards regulation. Yet potential alone does not explain regulatory outcomes. I therefore introduce the notion of regulatory power, understood as the realisation of capacity in regulatory relationships: when resources are enacted and recognised in sustained attempts to alter the behaviour of a regulatee (Black, 2006; Dahl, 1957; Lindvall & Teorell, 2016; Mann, 1984).

Through this conceptual grounding, the framework offers a contemporary understanding of regulation used to situate the state as the primary regulator and platforms as the regulatees, while foregrounding the shifting, resource-based power dynamics between them. It challenges

accounts that focus solely on the state and instead points to hybrid regulatory models that involve both state and platform actors (Hood, 1983; Levi-Faur, 2011).

In this way, the framework extends the existing literature on platform regulation, which has commonly oversimplified state–platform dynamics. It tends to envision regulatory systems as monolithic, dominated by either state or platform actors: Research on state-led regulatory arrangements often spotlights platforms as subject to superordinate state power in hierarchical systems (Barrett et al., 2021; Theil, 2019; Woods, 2019). Conversely, studies of platform-led self-regulation often portray platforms as potent "new governors" (Klonick, 2017) that can supersede state power (Suzor, 2019). Work on "platform governance" (Gorwa, 2019b) and "multi-actor governance structures" (Papaevangelou, 2021, p. 5) recognises the role of multiple actors, but tends to prioritise voluntary coordination over state regulation – an approach increasingly out of step with emerging state-based regimes.

This research puts forward a resource-based framework of platform regulation to examine how the interplay of the UK government and its regulatory agencies as a state regulator and digital platforms as regulatees shaped the evolving online safety regime in the UK. By analysing resource constellations, the framework reveals capacity advantages, deficits, and asymmetries – which translate into regulatory power when enacted between regulator and regulatee.

4.2.3 Regulatory Capture

To reflect on the impact of resource constellations in particular on regulation, I bring the framework of regulatory resources into dialogue with theories of regulatory capture. On a basic level, regulatory capture occurs when a regulator becomes co-opted by the interests of the regulatee or another third party (Dal Bó, 2006). In the context of platform regulation, scholars show that resource asymmetries – particularly where platforms hold informational advantages over the state – are a potent vehicle for regulatory capture.

Laux et al. (2021) argue that platforms influence regulatory audits by purposefully withholding information from unfavourable auditors. Nechushtai introduces the notion of "infrastructural capture" (2018) to describe the fact that actors tasked with platform oversight are reliant on platform infrastructure, prompting capture. Exploring the impact of information asymmetries between the media, as the fourth estate, and platforms, Dommett (2021) finds that platforms withhold information to obstruct scrutiny.

In line with these findings, I argue that resource asymmetries – whereby platforms hold a resource advantage over the state – prompt risks of regulatory capture that can obstruct the development of platform regulation. When states must rely on platform resources to regulate, platforms can withhold them to impede regulation and entrench capacity deficits; or selectively share partial and biased resources, especially information, to shape the direction and salience of regulatory debates in ways that serve their interests. I refer to this as regulatory capacity capture. Resource deficits result in a weakened regulatory capacity of the state, where the state lacks resources to mobilise in regulation. When platforms hold an advantage in areas where the state is weak, this constellation can erode the state's regulatory power in the relationship with platforms, enabling platform actors to challenge effective regulation.

4.2.4 A Resource-Based Framework for the Study of Platform Regulation

I argue that the resource-based framework, applied to the study of regulatory processes pursued in this chapter, advances the research on platform regulation in three central ways. First, by tracing the enrolment of regulatory resources in an emergent regulatory landscape, I provide assessments of actor-specific regulatory capacity. Second, by highlighting resource advantages, deficits, and asymmetries in state–platform interplay, the chapter offers insights into how these constellations shape actor relationships and condition the development of regulation. Third, by pinpointing resource-based constraints, the framework informs debates

on the feasibility of regulation and supports recommendations for strategies to strengthen the state's regulatory power over online platforms.

4.3 The United Kingdom as a Case Study in Platform Safety Regulation

This research employs an interpretive case study of the emergent regulatory landscape in the UK drawing on elite interviews and supplemented by document analysis and process tracing. Building on Dommett and Zhu's (2022) research on the Online Safety Bill (OSB), I have adopted an instrumental approach "to provide insight into a particular issue [and] redraw generalisations" (Mills et al., 2010, p. 474). The case study aims to develop a deep understanding of the emergent regulatory system and reveal transportable patterns for comparison.

The UK was selected as a case study for three reasons. First, the UK is a high-capacity democracy that often sets precedent for international regulation (Busch et al., 2005). Second, because interest groups have historically played a significant role in UK regulation and platforms have established an affluent lobby, this case offers a rich context to study state–platform interplay (Lombardi, 2022; Miller & Dinan, 2008; Popiel, 2018). Third, while platform safety regulation had been declared a government priority and had enjoyed the backing of top politicians, progress on regulation was repeatedly delayed (Kent et al., 2020). While the UK case has unique political aspects, the insights of this research are relevant to other nations and international bodies that face similar delays and obstacles in establishing platform regulation.

Seeking to create thick descriptions of how regulatory actors used resources towards emergent regulation in state–platform interplay, I have adopted a qualitative interpretive approach using elite interviews as the key method supplemented by document analysis and process tracing. Interview-based methods are frequently used in platform regulation scholarship aimed at revealing context-rich accounts, as in research on regulatory

development in Australia (Duguay et al., 2020), Germany (Gorwa, 2021), the UK (Dommett, 2021; Dommett & Zhu, 2022), and the US (Kadri & Klonick, 2019; Kettemann & Schulz, 2020).

With ethics approval from the University of Oxford, I conducted 33 semi-structured interviews with 34 participants from March to December 2021; this meant that during my fieldwork, the OSA was in active development, with a new draft bill (the OSB) being introduced in May 2021, eventually becoming the OSA upon its passage into law in 2023. Details on the target groups for interview recruitment are shown in Table 10. Because regulators operate largely independently from government in the UK, I distinguished between government and regulators during the recruitment and analysis phases of research relating to this chapter. A full table of interview participants is available in Appendix C, however the two groups are combined there to ensure consistency and comparability across the thesis. All interviews were conducted via Zoom and lasted 47–70 minutes.

Table 10: Overview of target groups for interviews carried out by the researcher between 26 March 2021 and 16 December 2021.

Target group	Description	Number of participants
Regulator	Staff at regulatory agencies including the Office of Communications (Ofcom), the Competition and Markets Authority (CMA), the Information Commissioner's Office (ICO), the Financial Conduct Authority (FCA), and the Digital Regulation Cooperation Forum (DRCF)	8
Government	Civil servants in government departments and on committees including the Department for Digital, Culture, Media and Sport (DCMS), the DCMS Sub-Committee on Online Harms and Disinformation, and the House of Commons Science and Technology Committee	11
Platforms and tech	Lobbyists and public affairs staff at giant technology platforms and likely Category 1 companies	5
Academia, civil society, law	Experts in civil society organisations and academia including non-profit organisations, think tanks, fact-checking organisations, universities, and legal consultancies	10

Note: Regulators and government actors were treated as separate groups in recruiting UK participants, because regulators are independent from the UK government, broadly speaking.

This data was supplemented through triangulation with evidence from a document analysis of key policy texts produced between the publication of the DCMS Internet Safety Strategy Green Paper, which marked the UK government's first official consultation on

online safety, and the enactment of the OSA (2017–2023). The archive included transcripts from parliamentary hearings, reports, press releases, and other official communications. To identify and select relevant documents, I conducted a comprehensive search of UK government websites, online databases, and legislative archives. I used strategic Boolean combinations of keywords including: *DCMS*, *dut* of care*, *legal but harmful*, *lawful but harmful*, *Ofcom*, *Office of Communications*, *online harms*, *online platform**, *online safety*, *Online Safety Act*, *Online Safety Bill*, *user-to-user service**. Key documents reviewed included the Internet Safety Strategy Green Paper, the Online Harms White Paper, the Draft Online Safety Bill, and the Online Safety Act (DCMS & Home Office, 2019; DCMS, 2017; DCMS & Home Office, 2021; Online Safety Act, 2023). A full archive of documents analysed is available in Appendix D.

To analyse evidence, I employed interpretive coding moving from open-ended codes to interpretive themes. Additionally, I used process tracing to reconstruct event sequences and causal pathways in the data (Saldaña, 2009).

4.4 Platform Regulation and Online Safety in the UK, 2000s–2023

In recent years the regulation of platforms has emerged as a pressing issue on the UK's public agenda in response to concerns over online safety and platform power. But not long ago, during the 2000s, large internet platforms were celebrated as beacons of democracy, growth, and innovation. They enjoyed what one interviewee described as a "carte blanche" (interview 24, anonymous 14, Platform and tech, 16 September 2021). At the time, platforms enjoyed regulatory freedoms, tax incentives, and safe harbours designed to promote platform investment. Poppy Wood, former Downing Street advisor, noted that up until the mid 2010s policymakers had rolled out a metaphorical "red carpet" (interview 28, Wood, 29 September 2021) to attract tech giants.

Following what scholars coined a stream of "public shocks" (Ananny & Gillespie, 2016) – possible foreign interference in the Brexit referendum and the 2016 US elections, the suicide

of teenage girl Molly Russell that was linked to social media self-harm content in 2017, the Cambridge Analytica scandal in 2018, attacks on 5G infrastructure in 2020, and Covid-19 misinformation online – regulatory scrutiny of platforms intensified in the UK. Policymakers examined the state's capacity to regulate platforms under existing legal frameworks, and regulatory agencies – including the Competition and Markets Authority (CMA), the Information Commissioner's Office (ICO), the Financial Conduct Authority (FCA), and Ofcom – developed codes of conduct, and pursued official investigations or litigation (Strowel & Vergote, 2018).

In 2019, the government published the Online Harms White Paper, which proposed a single regulatory framework to counter a range of online harms (DCMS & Home Office, 2019). The paper received mixed reactions. Experts stressed concerns over chilling effects on freedom of speech linked to content removal requirements (Nash, 2019). Policymakers vowed "to build momentum" (Secretary of State for DCMS, 2020, Section 2.46). Yet with the onset of the Covid-19 pandemic in early 2020, plans to introduce an online safety regime got "caught in the middle of a pandemic and Britain's ongoing divorce from Europe" (Kent et al., 2020, para. 2) and the government announced substantial delays.

At the same time, heightened state–platform interplay shaped this period, as government and platforms collaborated to combat information threats. For example, DCMS, the Department of Health and Social Care (DHSC), and several large platforms including TikTok and YouTube launched a joint public health campaign (DHSC et al., 2021). The government also created the Counter Disinformation Policy Forum, which brought together stakeholders from across government departments, platforms, academia, and civil society to pool resources for content moderation and counter Covid-related misinformation (Dinenage, 2020).

In 2021, a revised draft of the OSB was introduced (DCMS & Home Office, 2021). After several rounds of scrutiny and revision, the Bill was introduced into Parliament in 2022

(Walker, 2022). It then remained in limbo amid debates over provisions on the removal of legal but harmful content – which were eventually dropped for adults but retained for children (Hern, 2022, 2023). At its core, the draft Bill proposed a statutory duty of care on platforms towards their users, overseen by Ofcom. It required platforms, depending on their size and functions, to conduct ongoing risk assessments of their services, take measures to mitigate users' exposure to illegal content, and comply with transparency requirements. With these core provisions intact, the Bill passed through Parliament and became the Online Safety Act 2023.

4.5 Analysis and Findings: Capacity Capture in an Emergent Regulatory System for Platform Safety

My interviews revealed wide support for adopting platform safety regulation yet also showed that policymakers struggled with regulatory policy development. Participants frequently argued that platforms challenged the state's regulatory capacity. As a result, at the time of interviews in 2021, platform safety regulation was described as "stuck" (interview 28, Wood, 29 September 2021) in a state of "regulatory inertia" (interview 21, Naik, 8 September 2021). Paradoxically, while these views were widespread, state stakeholders were vigorously preparing for the new regime and expressed conviction that the OSA would succeed and soon give the UK state greater power over platforms.

To examine state–platform dynamics and trace decisional perspectives of how and why regulation developed in the UK, this chapter applies the framework of four key regulatory resources – information, authority, treasure, and organised expertise – to a systematic empirical analysis of platform regulation. By analysing the relative configurations of these resources between the state and platforms, the resource-based approach is well equipped to pinpoint where regulatory capacity was insufficient or actively challenged, and how these

constellations shaped power dynamics. In doing so, it highlights resource-based factors that explain persistent shortcomings of the UK's regulatory system for online safety.

4.5.1 Information

With regard to information, my interviews revealed a wide-reaching "information vacuum" (interview 7, anonymous 2, Government and regulators, 21 April 2021) and "basic lack of information on how platforms act" (interview 13, anonymous 6, Government and regulators, 15 July 2021) among government staff and regulators vis-à-vis platform regulatees throughout the development of the OSA. As a result of these information limitations, policy issues related to platforms remained "ill-defined" (interview 21, Naik, 8 September 2021) and "opaque" (interview 13, anonymous 6, Government and regulators, 15 July 2021), thereby diminishing the capacity of the UK regulatory system. Highlighting the impact of information gaps on emergent regulation, one interviewee argued:

> We know what is in each pack of cigarettes. And we know every time someone buys it, that that's what they're getting. With tech, with social media, every single person sees something different. And we have no idea why they're seeing what they're seeing and what they're seeing. So that's where the transparency bit comes in, which is: how do we even start to figure out what the harms are and how to regulate it? If right now we don't even know really what the problem is, we can only see that there are bad outcomes. (interview 14, anonymous 7, Academia, civil society, and law, 16 July 2021)

This statement underscores that policymakers viewed information as a critical, but in this context scarce, resource for developing regulatory measures. An interviewee involved in developing online safety measures at DCMS put it succinctly: "it's hard to establish [regulatory policy] when you don't have the evidence base" (interview 2, anonymous 1, 6 April 2021). Table 11 provides an analytical overview of the types of platform data that participants considered relevant to the development of regulation.

Table 11: Platform data and its accessibility to external parties including state stakeholders.

	Types of platform data	**Sharing mechanism**	**Level of state access**	**Access limitations**
Platform design and product development	Algorithm design, machine learning design, code, developer documentation, A/B testing	None	None: no access to platform data	Access protected by trade secrets, NDAs, protected intellectual property, patents, organisational safeguards
Behavioural data	Engagement metrics, interaction statistics, A/B testing, aggregate-level and user-level user statistics	APIs, bespoke data sharing programmes, proprietary analytics tools, proprietary account and ad management tools	Low: limited access to restricted platform data	Aggregate-level data only; state often excluded from direct access; state access through third-party analysis
Phenomenological evidence	Examples of individual narratives, content moderation decisions, and events on platforms	Bilateral meetings and other interaction, written evidence	Low: limited access to restricted platform data	Platform discretion, case by case
Service agreements and operational data	User agreements, terms of service, community guidelines, content moderation guidelines, user policies, aggregate-level content moderation decisions	Publicly accessible documents, blog posts, announcements, public transparency reports, formal staff presentations	Medium: public access to restricted platform data	Publicly available data considered unclear, insufficient, or incomplete

Source: Author's analysis based on interview data collected between 26 March 2021 and 16 December 2021 and on document analysis.

On an administrative level, policymakers struggled to comply with formal requirements for providing sufficient evidence in policy processes due to the overall lack of information. Participants described difficulties they had in adhering to best practices and government requirements for evidence-based policymaking (see Nutley et al., 2002). For instance, they reported issues in sourcing evidence for policy briefings, which then prompted requests for revisions. The effects of this scarcity of information became evident in pre-legislative scrutiny of the draft OSB, where policy proposals were repeatedly criticised for insufficient evidence (DCMS, 2022; Secretary of State for DCMS, 2020).

Prompted to discuss the causes of information limitations, participants overwhelmingly attributed them to "information asymmetries … between them [platforms] and any other actors" (interview 13, anonymous 6, Government and regulators, 15 July 2021). There was a

broad consensus that platforms held an information advantage and tightly restricted external access to information. The interviewees indicated that platforms regularly rejected government pleas for information. This included both broad appeals and concrete requests for particular data, such as on the effects of anti-vax content policies.

Several interviewees argued that platforms deliberately withheld information, in order to frustrate the state's capacity to develop regulation. Similarly, a Member of Parliament argued in an oral evidence hearing that platforms were "kicking all this into the long grass, playing for a bit of time … because it suits [their] purposes" (DCMS Sub-Committee on Online Harms and Disinformation, 2020, p. 47).

To the extent that platforms shared information – through expert hearings, submission of written evidence, multi-stakeholder roundtables, or policy events – interviewees expressed concern that platforms instrumentalised information-sharing to influence regulation. Participants echoed that platforms had positioned themselves as the sole brokers of information. As a result, policymakers necessarily had to rely directly on platforms for evidence, undermining their capacity to verify claims or source independent information – putting them at risk of regulatory capture. One interviewee involved in gathering information argued:

> [When talking to platforms there] was a concern about not being captured or being seen as captured. Platforms have an ability to talk about the specifics in a way that sounds much more authentic and informed than any other actors do. And that's partly because of the information asymmetries that exist. (interview 13, anonymous 6, Government and regulators, 15 July 2021)

Participants noted that platforms used bilateral conversations as "an opportunity to say something positive from their perspective" (interview, 17 anonymous 10, Government and regulators, 26 August 2021) while obscuring information about risks and harms. Several observed that platforms volunteered extensive detail on harmful but legal content – the focus of ongoing controversy – in what Lorna Woods, Professor of Internet Law, described as a

strategic "muddying of the waters by the emphasis on types of content" (interview 23, Woods, 15 August 2021). Two interviewees also reported instances where platform staff gave conflicting information to different policymakers, "like a naughty child between parents" (interview 18, anonymous 11, Government and regulators, 27 August 2021).

4.5.2 Authority

Participants considered state authority inadequate for platform regulation and emphasised the need for a platform-focused legal mandate – commonly equated to the yet-to-be-implemented OSA. Interviews showed that regulatory agencies, confident in the eventual passage of the Act and the establishment of legal authority over platforms, attempted to mandate platform compliance even while the OSA was still in development. As one interviewee at a large platform put it, the agencies "flexed their regulatory muscle" (interview 24, anonymous 14, Platform and tech, 16 September 2021). For instance, according to Simon McDougall, former ICO Deputy Commissioner, regulatory agencies like the CMA and Ofcom offered voluntary audits for platforms against anticipated regulatory requirements (interview 29, McDougall, 29 September 2021).

By contrast, a handful of participants pointed to the lax implementation of existing legal authority. They argued that failure to enforce, in their view, fit-for-purpose frameworks on competition, tax, and free speech encouraged neglectful platform behaviour (interview 21, Naik, 8 September 2021). An interviewee in a senior position at Ofcom argued that as long as the OSA was still in development, platforms benefitted from "a little bit of leeway" (interview 19, anonymous 12, Government and regulators, 27 August 2021).

Interviewees further indicated that platforms actively challenged existing legal authority. Consistent with prior research, participants revealed that platforms exploited legal gaps and political benevolence as an integral strategy of their disruptive business models (Lobel, 2016). For example, participants accused platforms of manipulative advertising practices despite

being aware of their potential harms. They also noted that platforms often pursued litigation against interventions such as fines or information requests (interview 21, Naik, 8 September 2021).

Beyond challenging state authority, the data revealed that platforms were often regarded not just as regulatees but as quasi-regulators in online safety. Many interviewees described platform policies and technology as de facto binding rules that steered user behaviour, which they compared to the way state regulation steers the public. An interviewee from a regulatory agency argued:

> [Platform] organisations are developing de facto standards by virtue of their market share. That means that everybody has to follow them. And I think we know what we're talking about there, as opposed to potentially what impact a state actor could have on pushing a standard that then is expected to be implemented. (interview 19, anonymous 12, Government and regulators, 27 August 2021)

This statement exemplifies that participants not only acknowledged platform authority but sometimes considered it superior to state authority. Owing to tech giants' vast user base, platform measures affected users worldwide, whereas state measures only applied in the UK, explained Chloe Colliver at Ofcom (interview 5, Colliver, 12 April 2021). A member of the DCMS Sub-Committee said that "it's a public policy issue, what [platforms'] internal policies are" (interview 13, anonymous 6, Government and regulators, 15 July 2021), effectively likening corporate to public policy.

However, most interviewees took issue with platform authority, stressing its lack of legitimacy and the failure of platforms to self-regulate. Even platform representatives expressed unease with the potential impact of platform actions, especially with regard to content moderation decisions.

Despite those concerns, participants described how state actors relied on platform authority to compensate for resource deficits. This reliance typically took the form of

government officials evaluating the spread of harmful but legal content online as an urgent safety threat and then requesting platform intervention. This included formal requests to review individual pieces of content under trusted flagger programmes,[5] but also more informal demands to review content ranging from comments on the "suitability" (interview 7, anonymous 2, Government and regulators, 21 April 2021) of existing policies, to requests for new policies, to calls for removing or blocking broad categories of content.

Participants were acutely aware that state actors held no legal authority over harmful content, instead having to co-opt platform authority and organised expertise. An interviewee from a government department recalled complex considerations:

> None of this content is illegal … but we are worried about the effects … we don't want this image spreading, people getting attacked or property damaged, or people get seriously ill and die … but at the same time, we've got to be absolutely sure we're on the right side of democratic principles. (interview 2, anonymous 1, Government and regulators, 6 April 2021)

Civil servants showed detailed knowledge of platform policies, with participants explaining that policymakers studied corporate service agreements and standards. This illustrates that while the government co-opted platform authority, it did so on the platforms' terms. A prominent example was Oliver Dowden, then DCMS Secretary of State, who in 2020 reportedly "summoned" (Kelion, 2020, para. 1) platform staff after several 5G masts were set on fire following viral misinformation linking 5G to Covid-19. He demanded stricter content policies, which platforms subsequently adopted (interview 3, Aitken, 7 April 2021).

4.5.3 Treasure

The analysis revealed major resource asymmetries in treasure – here, financial resources for platform safety issues – between the UK government and giant technology platforms.

[5] Programmes run by platforms in which organisations are accredited as so-called trusted flaggers. These organisations can then report potentially illegal or harmful content for review by the platform's content moderation systems and teams.

In 2021 the UK government allotted "over £110 million … through the passage and implementation of the Online Safety Bill" (HM Treasury, 2020, p. 115) after years of restrictive spending. Participants considered this budget adequate and even generous.

Yet compared to platform spending, it was marginal. Meta spent US$13 billion on trust and safety between 2016 and 2021, while Google and Microsoft pledged US$30 billion from 2021 to 2026 (Feiner, 2021; Robertson, 2021). Although the UK share of these sums is unclear, this evidence suggests that major platforms hold far superior monetary capacity for safety issues. Many participants subscribed to the notion of tech giants as fiscally affluent, though several noted resource limitations among smaller platform companies.

In light of the relative wealth of platforms, participants criticised them for failing to contribute to the costs of platform safety. An interviewee at a civil society organisation explained:

> We have had big industry creating emissions and then regular citizens had to bear a lot of the costs for that. And now we are trying to think of models for how to internalise the costs [of online harms] a little bit more. (interview 14, anonymous 7, Academia, civil society, and law, 16 July 2021)

This analogy resonates with notions of internalising negative externalities, costs associated with business activities – here, the platform-based online harms that are borne by the public rather than the firm (Verveer, 2019). Participants noted that requiring companies to absorb such costs was integral to the OSA. They discussed government-issued fines rather than taxation, arguing that limits on the existing fines were far too low given platforms' vast treasure (interview 4, Taylor, 7 April 2023; interview 5, Colliver, 12 April 2021).

Across several interviews, participants raised concerns about the effects of platform treasure. Government and regulatory staff viewed internet services as pillars of innovation and growth but warned that platforms' economic weight risked capturing policymaking. Tensions

emerged between proposals for platform safety regulation and aspirations for British tech sovereignty (DCMS & DSIT, 2023; interview 21, Naik, 8 September 2021; AI Council, 2021).

Participants were divided. Some described regulation as a clash between "American tech capital vs European governments" (interview 9, Durham, 27 April 2021), aimed at rebalancing "what's good for business … [with] what's good for the people" (interview 10, anonymous 4, Government and regulators, 2 June 2021). Others thought that politicians sought to shield platforms' economic interests from regulatory scrutiny to sustain their UK ventures. Maria Luisa Stasi, Senior Legal Officer at Article 19, argued:

> If I were a CEO of a big company, I would say it could have been way worse. Our business model is safe … we just need to be a little more serious on the [voluntary] efforts and tick a few more boxes … We might lose some money, but the entire ship is safe. (interview 30, Stasi, 12 October 2021)

Finally, interviews highlighted the use of platform treasure for lobbying. Civil servants often described interactions with platform staff as lobbying, noting that "platform policy people are basically slightly lobbyists" (interview 11, anonymous 5, 6 June 2021). Platforms rank among the biggest spenders on lobbying in Europe, with both spending and staff increasing over time (Lombardi, 2022). In the UK, firms sponsored or co-hosted events with government departments, including events on platform safety regulation (Westminster eForum, 2022). While the OSA was still in development, platforms made large donations to political groups and heavily funded tech-focused civil society and research organisations, including fact-checkers and watchdogs (Clarke et al., 2021).

4.5.4 Organised Expertise

Several interviews pinpointed insufficient technical expertise among staff in government departments and regulatory agencies, causing capacity deficits. Participants judged state technical expertise inferior to that of the firms, especially on platform technologies and algorithms. The sharpest deficiencies were attributed to politicians, who high-profile officials

described as "misinformed" (interview 17, anonymous 10, Government and regulators, 26 August 2021) and reliant on "lived experience" (interview 18, anonymous 11, Platforms and tech, 27 August 2021) as private users of internet platforms – resulting in oversimplified views of complex policy issues. A platform public affairs professional said:

> I think the bigger risk isn't that people don't understand it. It's the people who think they do understand it … I don't believe many people who regulate the aerospace industry, do you really think they know how planes fly? (interview 18, anonymous 11, Platforms and tech, 27 August 2021)

Paradoxically, despite recognising these deficits, interviewees still judged state expertise sufficient to develop platform regulation. A participant at a regulatory agency cited precedents – the experience of DCMS in broadband spectrum policies, or Ofcom's background in content regulation – as proof of technical expertise, but did not consider whether such expertise was transferable (interview 22, anonymous 13, Government and regulators, 13 September 2021).

Despite ambiguous views on public expertise, interviews highlighted several initiatives aimed at building capacity for the emergent platform regulation regime. Participants described a "surge in staffing" (interview 32, anonymous 18, Government and regulators, 12 November 2021) at key regulatory offices. Ofcom created 350 new roles for the OSA (Ofcom, 2022) and the CMA launched a unit for overseeing "the most powerful digital firms" (CMA, 2021, para. 1). Interviewees also described a push towards "greater cooperation on online regulatory matters" (CMA et al., 2021, para. 1), culminating in the launch of the Digital Regulation Cooperation Forum (DRCF), tasked with pooling organised expertise across key agencies regulating the digital sphere.

Beyond building in-house capacity, the state relied on input from platforms to supplement insufficient organised expertise. As noted in the section on authority, government departments hosted regular meetings with major platforms, especially during crises. These

meetings aimed to establish a "collective understanding" of the information environment though not "a collective response" (interview 7, anonymous 2, Government and regulators, 21 April 2021), according to a government department representative. But several interviewees described "grey area conversations" (interview 7, anonymous 2, Government and regulators, 21 April 2021) in which the government called on platforms to deploy their organised expertise to counter emerging threats.

My data documented instances where officials asked platform personnel to moderate content using human or technical content moderation. Civil servants acknowledged that the UK government lacked the staff and technical resources to moderate content at scale but generally thought that large platforms had adequate organised expertise. Interviewees voiced concerns about the appropriate level of state involvement without a legal mandate yet stressed the need for agile interventions at scale during crises – something they argued could not be achieved through lengthy law-making processes such as the OSA, thus necessitating platform involvement.

Conversely, interviews also revealed rivalry over organised expertise. Public and private sectors competed directly for highly skilled technical talent. To match platform salaries, government departments and regulatory agencies overhauled pay structures for technical roles. A participant from a regulatory agency explained:

> There was a limited talent pool available anyway in the country. Because you had to have taken an altruistic approach to end up working in [the public sector] … Now we can actually get employed on a proper salary, which is always nice, and the skill sets we have range across all the different spectrums, networks, cybersecurity, image text classification. (interview 19, anonymous 12, Government and regulators, 27 August 2021)

What is more, highlighting the state–platform interplay around organised expertise, my analysis revealed a revolving door in which senior government employees moved into public affairs roles at platforms. Among my interviewees, four of the five participants working in industry had previously held roles in UK government departments, including at DCMS and

the Cabinet Office. By contrast, none of the state interviewees were previously affiliated with industry. Experts have also noted platforms' hiring of UK politicians in policy roles (Courea, 2022; Gemmell, 2021). The most prominent case is Nick Clegg, former Deputy Prime Minister, who served as Meta's Head and later President of Global Affairs from 2018 to 2025. According to Corporate Europe Observatory, about three-quarters of Google's and Meta's lobbyists accredited with the European Parliament in 2022 had formerly worked in government (Corporate Europe Observatory, 2022). Researchers link revolving-door dynamics to regulatory capture and spillover effects of sensitive organisational expertise (Dal Bó, 2006).

4.5.5 Interim Summary of Findings

Summarising the resource-based dynamics between state and platform actors during the development of the OSA, with regard to information, government and regulatory bodies lacked information on platform activities and relied on platforms to provide it, while platforms strategically restricted access to limit regulatory capacity. As for authority, even with the OSA promising enhanced legal authority, platforms held what many government and regulatory staff regarded as superior de facto authority. Government departments enrolled this corporate authority for content moderation without a clear mandate, blurring the boundaries of regulatory power. When it comes to treasure, both state and platform actors held substantial, though unequal, treasure for safety regulation, but state resources were tied to domestic platform business activity, incentivising states to shield platform interests rather than exercise regulation. Finally, looking at organised expertise, there was a persistent gap: government departments and regulators increasingly competed with platforms for limited resources and informally requested that platforms deploy their organised expertise at scale, enrolling platform capacity without a mandate.

4.6 Discussion

In this chapter, I developed and applied a resource-based framework to study the UK's emerging approach for platform safety regulation. Building on empirical data from 34 elite interviewees, document analysis, and process tracing, as well as policy studies and regulation theory, I identified four salient resources – information, treasure, authority, and organised expertise – as central to building regulatory capacity for regulating digital platforms (Black, 2003; Hood, 1983; Hood & Margetts, 2007). I argued that regulatory capacity – and by extension regulatory power – can be proxied by resources and is best understood by analysing resource dynamics between states and platforms.

Using this framework, I traced the resource constellations of state and private actors in interplay, revealing persistent deficits and asymmetries in which platforms held resource advantages over the state during the development of the OSA. My analysis shows that regulatory capacity and power were interwoven with platform resources in ways that created dependencies, rivalry, and contestation, but also opportunities for collaboration. Overall, however, asymmetric resource constellations diminished the state's regulatory capacity – hollowing out its regulatory power – created risks of capture as platforms leveraged their resources to impede regulatory development, and led to the enrolment of superior platform resources to perform quasi-public functions without a state mandate – such as managing harmful but legal content during the Covid-19 crisis. These dynamics enabled platforms to influence both the development of the OSA and emerging regulatory practice, even before the Act's enactment.

This section situates these empirical findings in relation to the OSA. At the time of the interviews, the Act was still under development, reflecting a period of pre-legislative uncertainty. However, it has since been enacted, in 2023. This discussion considers whether the overarching regulatory approach outlined in the OSA is equipped to mitigate the resource-

based challenges identified in the analysis. I identify three core regulatory strategies in the OSA and discuss their potential to strengthen regulatory capacity.

Risk Assessments, Safety Duties, and Terms of Service

The OSA mandates that platforms conduct risk assessments on their services, including design, operation, and content, to evaluate the risk of users encountering illegal content (Part 3, Chapter 2, Section 9). For services likely to be accessed by children, a separate risk assessment is required to evaluate potential harms to children from harmful content (Part 3, Chapter 2, Section 11). The Act also imposes safety duties on platforms, requiring them to adopt proportionate measures to mitigate risks through content moderation, technical features, and user support measures (Part 3, Chapter 2, Section 10). Additionally, the OSA creates a duty for platforms to adopt clear and accessible terms of service and apply them consistently to protect users from illegal or harmful content, for example by setting out age restrictions on access (Part 3, Chapter 2, Sections 10 & 12). The OSA leverages the platforms' organised expertise – in this context, predominantly staff and technology – to identify and mitigate risks associated with complex technologies, system-level outcomes, and content, enabling the state to draw on superior platform capacity while also offsetting limited state resources given the scale of services and content in scope. The Act actively enlists platform authority in its safety regime, requiring platforms to define and apply proprietary rules for the mitigation of illegal and harmful content.

Information Powers and Transparency Requirements

Second, the OSA grants Ofcom wide-ranging powers to request from platforms "any information that they [Ofcom] require for the purpose of exercising, or deciding whether to exercise, any of their online safety functions" (Part 7, Chapter 4, Section 100). This includes information necessary to assess compliance, evaluate the accuracy and effectiveness of technology, and carry out research on online safety issues, such as illegal content and user

exposure to risks (Part 7, Chapter 4, Section 100). Under these provisions, Ofcom is authorised to view information demonstrating the operation of systems, including algorithms, in real time (Part 7, Chapter 4, Section 100). All requests must be proportionate to their regulatory purpose. Ofcom may also appoint skilled persons within companies to provide reports for compliance assessments and risk understanding (Part 7, Chapter 4, Section 104). The OSA further requires platforms to produce regular transparency reports (Part 4, Chapter 5, Section 77). With these information powers, Ofcom can address persistent information asymmetries and enhance the state's position in information resources. Going forward, increased information capacity can inform more data-driven decision-making on the use and development of other capacities. Additionally, the state enrols platforms' organised expertise by requiring firms to collect and make information on online safety issues accessible in reports (Part 4, Chapter 5, Section 77).

Enforcement Powers, Codes of Practice, and Guidance

Finally, the OSA empowers Ofcom to oversee and enforce compliance with the new regulations and corresponding duties, including the ability to issue penalties of up to 10 percent of a platform's annual global revenue or daily rate penalties for ongoing non-compliance (Part 7, Chapter 6, Section 137 & Schedule 13). Thus, the OSA enables the transfer of substantial treasure to the state from platforms that violate the law. Ofcom may also seek court orders to impose business disruption measures in serious cases, including revoking a platform's access to third-party services such as internet service providers or payment services (Part 7, Chapter 6, Sections 144–148). Additionally, Ofcom must produce codes of practice specifying the measures that platforms should take to comply and provide guidance documents on implementation (Part 3, Chapter 6). However, experts note that adherence to the codes is mandatory, though compliance would establish a presumption of fulfilling the relevant duty (Heywood, 2022). To summarise, the OSA invests considerable

authority in Ofcom and creates a legal basis for state intervention in online safety, while placing a significant burden on the regulator Ofcom to help firms interpret evolving risks and compliance requirements. Ultimate authority rests with Ofcom and UK courts.

When examining the OSA in terms of regulatory resources, it becomes evident that platform regulation in the UK remains characterised by a complex interplay between the state and platforms. The state can mandate access to platform resources, partially levelling resource asymmetries. But what is more, the Act also relies on a risk-based duty of care that directly enrols platforms in the regulatory regime and requires them to use their resources to develop and enforce measures in line with the regulatory framework. In this sense, platforms assume quasi-regulatory functions, drawing on their own resources to self-regulate their services under the stipulations in the OSA.

This is perhaps the Act's most significant achievement. The OSA establishes a regulated self-regulation approach: the state provides the mandate and oversight, while platforms are enrolled to exercise quasi-regulatory functions using their own resources. By enrolling platform resources on the basis of a clear legal mandate, the state taps into platform capacity while ultimately retaining regulatory power: how platform resources are mobilised for regulatory functions is defined in the OSA and in further codes of practice and guidance by Ofcom, and is enforced by the regulator.

Nevertheless, the risk-based approach leaves platforms with substantial discretion, particularly as codes of practice and guidance are still being developed during implementation. If the state remains short on essential resources and dependent on platforms, the OSA's success rests primarily on the state's legal authority and its ability to devise and enforce effective governance mechanisms. Especially crucial for strengthening regulatory capacity in relation to platforms are information – independently collected or at least verified – and

technical organised expertise, without which the regulatory regime risks being overly reliant on platform resources.

The research in this chapter has narrowly focused on state–platform interplay in the UK, spotlighting the interpretive perspectives of experts and, to a lesser extent, the positions formally encoded in policy documents. While this approach is well suited to uncover how policy actors interpreted resource constellations, mobilised them in regulatory relationships, and formally codified them, it leaves unanswered questions about the actual scale and composition of resources – questions that quantitative-comparative approaches would be best equipped to address.

Future research is also needed to test whether the framework of regulatory capacity and its four resources can explain regulatory processes across other states and in adjacent regulatory domains such as AI, cryptocurrencies, or virtual metaverses. In this context, it is crucial to examine how platform resources can be formally enrolled in regulated self-regulatory arrangements while mitigating risks of capture in regulatory practice. Moreover, civil society organisations and research institutions are likely loci of regulatory capacity that remain underexplored here.

A systematic, multi-method analysis of state, corporate, and civic actors with regard to their capacity to fulfil regulatory functions could offer a stronger empirical basis to inform the ideal enrolment of actors and their respective resources in regulation going forward, with particular attention on levelling power relations between different actor groups.

4.7 Conclusion

In this chapter, I examined the United Kingdom's developing online safety regime as a case study to investigate how and why even high-capacity, well-resourced democracies struggle to regulate platforms. I introduced a framework of four resources to analyse regulatory capacity in platform regulation and drew on original data from 34 elite participants across government,

regulatory agencies, digital platforms, and civil society triangulated with document analysis and process tracing.

The study has three key findings. First, state actors lacked critical regulatory resources. As a result, the state lacked necessary regulatory capacity, hindering the development of platform regulation. Second, platforms held substantial resource advantages over the state, which produced resource asymmetries in state–platform relationships. Third, these asymmetries created risks of regulatory capture, whereby platforms could leverage their superior resource position to influence the emergent regulatory regime.

Finally, I applied these findings to the OSA. The analysis shows that the Act seeks to mitigate imbalanced power dynamics by legally mandating that platforms enrol their resources in the emergent regime and creating detailed mandates for how they must be deployed – thereby installing safeguards and legal guardrails to prevent capture. The success of this approach ultimately depends on Ofcom's capacity to oversee and enforce compliance, alongside the development of independent resources within the state.

Chapter 5: **Reclaiming Digital Sovereignty: Policy and Power Dynamics behind Germany's NetzDG**

5.1 Introduction

"What is prohibited offline is also not allowed online and will be punished." – Heiko Maas, 2015

Germany's Network Enforcement Act (NetzDG) marked the beginning of a new era of internet regulation, characterised by an increasing assertion of government power over private platforms. Introduced, passed, and enacted within an unusually rapid time span of nine months in 2017, this law stood as the first in the world to specifically target digital platforms (Heldt, 2019b; Hemmert-Halswick, 2021; NetzDG, 2017; Zurth, 2020). NetzDG required that giant social media platform companies with more than two million registered users in Germany enforce German speech laws on their networks. The law pursued an interventionist approach setting out detailed legal obligations: it imposed stringent deadlines for the swift removal of illegal content, obligated companies to establish content moderation and review systems, mandated transparency reporting, and imposed severe fines for non-compliance – establishing a regulatory approach both bold and unprecedented.

Described as "the first of its kind worldwide" (Hemmert-Halswick, 2021, p. 416; Zurth, 2020, p. 1048), NetzDG represented a departure from the previously dominant light-touch approaches to internet speech regulation. Previously, the EU E-Commerce Directive, enacted in 2000, had granted internet services broad immunity from liability for user-generated content. It had introduced a notice-and-takedown regime that required providers to remove illegal content only once they became aware of it (E-Commerce Directive, 2000).

Conversely, NetzDG required large platforms to establish comprehensive systems for content review and removal. While still notice-and-takedown-based, NetzDG compelled companies to proactively manage and resource moderation procedures in order to comply with German law. This approach shifted the legal compliance burden onto platforms and significantly enhanced state oversight (Heldt, 2019a). In doing so, NetzDG set a precedent for "new-school speech regulations" (Balkin, 2014;[6] Klausa, 2023), which mandate that platforms proactively establish effective procedures for handling illegal content rather than relying on reactive removal upon notice.

Following NetzDG's adoption, several democratic governments adopted laws obliging digital platforms to establish systematic procedures for swiftly removing content deemed illegal under national laws. For instance, France's Law Avia in 2020,[7] Austria's KoPl-G in 2021, Australia's Online Safety Act in 2021, and the United Kingdom's Online Safety Act in 2023 – as well as the EU's Digital Services Act (DSA), which largely superseded NetzDG when it came into effect in Germany in 2024 (Digitale-Dienste-Gesetz, 2024). Reflecting on NetzDG's impact, Hemmert-Halswick argues that it was evident that "NetzDG has already done pioneering work and paved the way for similar laws on content regulation" (2021, p. 430).

While NetzDG has been praised by some as a landmark law, concerns about its impact emerged both within Germany and internationally. Its effectiveness in content moderation was questioned by researchers like Heldt (2019b), Schmitz and Berndt (2018), and particularly Liesching et al. (2021), who found that platforms removed only a marginal amount of content under NetzDG, concluding that the law had "no immediate, significant regulatory effect" (Liesching et al., 2021, p. 359). The requirement for private companies to enforce complex

[6] Balkin argues that the widespread emergence of digital networks has prompted the emergence of so-called new-school speech regulation. These regulations aim directly at digital networks and assign them regulatory roles pertaining to speech regulations, reflecting a shift in how free speech is regulated in digital environments.
[7] Though key provisions of the law were struck down by the French Constitutional Council in 2020.

legal standards raised concerns not only about a chilling effect on speech, but also about the capacity and appropriateness of private actors performing state functions (Griffin, 2022; United Nations Human Rights Council, 2018). Perhaps most alarmingly, autocratic states, including Russia, started using NetzDG as a blueprint for their own legislation, leveraging it for censorship under the guise of compliance with national speech laws (Delcker, 2020; Mchangama & Fiss, 2019; Reporters Without Borders, 2017; Windwehr & York, 2020).

Given the criticisms and concerns about its impact, the swift enactment of NetzDG in Germany – coupled with continued international uptake of regulatory frameworks that require the procedural enforcement of national laws by private platforms – presents a paradox. Does NetzDG represent a universally appealing "idea whose time has come" (Kingdon, 1995, p. 5)?

In this chapter, I examine NetzDG as an instrumental case study to analyse how the idea of procedural enforcement of national speech laws emerged as successful. Integrating Kingdon's multiple streams approach (MSA) – a well-established framework for analysing the role of ideas in the context of policy change across the *problem*, *policy*, and *political* streams (Hoefer, 2022; Kingdon, 1995) – with theories of regulatory power, the research develops an original, power-integrated MSA. I use this approach to analyse how power was negotiated between regulatory actors and how these actor dynamics drove complex regulatory processes. The chapter reveals a tug of war over key regulatory resources between the German government and platforms, highlighting how regulatory power dynamics shaped regulation in practice. My analysis not only sheds light on the specific case of NetzDG but also provides insights applicable to understanding regulatory challenges in platform regulation globally.

The chapter is structured as follows. It begins with a literature review that synthesises scholarship on platform regulation, Kingdon's (1995) MSA, and theories of regulatory power, introducing an original power-integrated MSA. The methodology section details my use of elite interviews with 26 experts, document analysis, and process tracing to conduct an

interpretive analysis of platform regulation in Germany. The analysis section applies the power-integrated MSA to examine the regulatory processes leading to the adoption of NetzDG. It dissects the power dynamics between the government and platforms across the multiple streams, highlighting the significant role of regulatory power in shaping policy change. The discussion explores the implications of NetzDG for platform regulation in Germany and more widely, extending to its broader impacts in Brussels and internationally. This research demonstrates that the power-integrated MSA provides a comprehensive analytical lens for understanding the dynamics of regulatory power and its effects on digital regulatory policy.

5.2 Power in the Regulation of Digital Platforms

5.2.1 Platform Regulation in Germany

The early days of the internet were marked by a belief in a "naturally independent" (Barlow, 2019, p. 5) cyberspace beyond the constraints of traditional regulation. This perception was rooted in the idea that the internet transcends jurisdictions, making it inherently ungovernable (Deibert et al., 2008, 2010). Scholars and policymakers alike were quick to challenge "utopian visions of space beyond the state" (Bloch-Wehba, 2019, p. 36). Nonetheless, a deep-seated preference for limited government intervention persisted well into the mid-2000s, favouring light-touch approaches and policies in support of the burgeoning digital economy in Europe and the US (Bietti, 2021; Bloch-Wehba, 2019).

In the late 1990s and early 2000s, early regulation in areas such as privacy, copyright, and e-commerce emerged, designed to introduce some legal boundaries while protecting the budding digital sector. Fundamentally, the EU E-Commerce Directive (ECD) of 2000 introduced limited liability protections for internet services, granting them immunity from liability for illegal content and requiring removal only upon prior notice (E-Commerce

Directive, 2000). In Germany, these provisions are further defined under Sections 7–10 of the Telemedia Act (TMG) of 2007 (TMG, 2007).

In the 2010s, there was a trend towards increasing centralisation of the internet, with a handful of dominant platforms emerging as central infrastructures of social, economic, and political life (Zuboff, 2019). Increasingly, it became evident through a growing body of research that these digital platforms are not mere neutral conduits of information, but actively contribute to a range of online harms such as disinformation, privacy violations, manipulative digital campaigning, cyber bullying, hate speech, and the erosion of trust in institutions (Dommett et al., 2024; Howard, 2020). High-profile scandals involving these platforms, such as Russian interference in the US presidential elections in 2016 and the Cambridge Analytica scandal in 2018, triggered a critical re-evaluation of the need for government intervention in the late 2010s (Bradshaw et al., 2018; Klinger et al., 2023).

Against the backdrop of mounting evidence about safety risks associated with platforms, a "new consensus seems to be emerging among policymakers, companies, and civil societal actors" (Stockmann, 2023, p. 1) that state-led regulatory measures targeting platform safety have become imperative. Since 2016, an increasing number of nation states have adopted regulatory measures specifically aimed at platform safety (Yadav et al., 2021).

5.2.2 The Network Enforcement Act

Enacted in 2017 following an unusually rapid adoption process, NetzDG was the first dedicated law from a democratic state to specifically address digital platforms – compelling giant social media companies to enforce German law by creating procedural obligations for the removal of illegal speech. While the notice-and-takedown approaches specified in the ECD and in the TMG remained in place for internet services more broadly, NetzDG went beyond this established approach. It introduced procedural obligations for social media

platforms with more than two million users in Germany requiring them to actively manage content in line with German law rather than acting only after receiving a complaint.

Platforms were legally required to maintain systemic procedures for reviewing and, if necessary, removing or blocking potentially illegal content after receiving a user complaint – with strict timelines, liability for non-compliance, and reporting duties. The law mandated the removal of manifestly illegal content within 24 hours and all other illegal content within seven days. Failure to comply could result in fines of up to €5 million for responsible individuals, such as company executives and compliance officers, and up to €50 million for companies. Additionally, companies were required to maintain a trained content moderation team and publish biannual transparency reports on complaint handling.

The law did not create new categories of illegal speech but applied existing definitions. Under §1(3) of NetzDG, illegal content is defined as certain offences listed in the German Criminal Code (Strafgesetzbuch [StGB], 1871), as shown in Table 12; manifestly illegal content is a narrower subset where the unlawfulness of content is sufficiently clear and obvious without further legal examination. While this approach covered "only relatively vile statements" (Hemmert-Halswick, 2021, p. 419), the law refrained from defining phenomena such as hate speech or disinformation.

Table 12: Criminal offences listed in NetzDG as specified by the German Criminal Code (StGB).

Paragraph	Content description
§86 StGB	Dissemination of propaganda materials of terrorist and unconstitutional organisations
§86a StGB	Use of symbols of terrorist and unconstitutional organisations
§89a StGB	Preparation of a serious violent act endangering the state
§91 StGB	Instructions for committing a serious violent act endangering the state
§100a StGB	Treasonous forgery
§111 StGB	Public incitement to commit crimes
§126 StGB	Disturbing the public peace by threatening to commit crimes
§129 StGB	Formation of criminal organisations
§129a StGB	Formation of terrorist organisations
§129b StGB	Criminal and terrorist organisations abroad; support for such organisations
§130 StGB	Incitement of the people
§131 StGB	Representation of violence
§140 StGB	Rewarding and approving of crimes
§166 StGB	Defamation of religions or religious and ideological associations
§184b StGB	Distribution, acquisition, and possession of child sexual abuse material
§185 StGB	Insult
§186 StGB	Defamation
§187 StGB	Slander
§189 StGB	Defamation of the memory of the deceased
§201a StGB	Violation of the intimate personal sphere through image recordings
§241 StGB	Threatening
§269 StGB	Falsification of data with evidential value

Source: German Criminal Code, Strafgesetzbuch (StGB). Translations provided by the author.

As the earliest example of platform-aimed safety regulation, NetzDG sparked wide-ranging interest. Reviewing the literature on its regulatory processes reveals three main categories of inquiry. The first category includes *journalistic* investigations into the background of the law. These encompass long-form reporting on content moderation teams outsourced by platforms, their deletion practices, and their working conditions, as well as investigations into the political dynamics surrounding the law, particularly conflicts with right-wing actors and the role of Heiko Maas in its creation (Ahmad et al., 2018; Fleischhauer, 2016; Krause & Grassegger, 2016). The second category is *legal-institutional* analysis. Scholars have assessed NetzDG's compatibility with both German and EU law, including the ECD, and contextualised its development within the broader history of international speech and technology regulations (Schmitz & Berndt, 2018; Tworek & Leerssen, 2019; Zurth, 2020). The

third category focuses on empirical *political* analysis. This work has highlighted the domestic and international political processes that shaped the law, challenging views of NetzDG as a sudden or disruptive piece of legislation. For example, Gorwa (2021) traces the role of EU-level negotiations, electoral concerns, and coalition politics, while He (2020) shows how ideas of the rule of law were central to policy discourse led by state actors, platforms, and civil society around NetzDG.

While the existing literature offers valuable insights into the regulatory processes of NetzDG, most scholarship examines these factors in isolation. As a result, an integrated account that connects detailed journalistic accounts of events and legal-institutional and political perspectives underpinning the emergence and adoption of NetzDG as a successful policy idea remains largely unexplored. This chapter develops and applies a power-integrated MSA to achieve this.

5.2.3 Kingdon's Multiple Streams Approach

In this analysis, I draw from Kingdon's (1995) MSA to effectively bridge the critical gap identified in the study of NetzDG.[8] Widely acclaimed in agenda-setting and policy change research, the MSA introduces a conceptual framework to dissect policy processes through three interconnected streams: *problems* – the public and political perception of issues; *policies* – available solutions including legislative proposals; and *politics* – policymakers' receptivity towards solutions and the wider political climate.

Kingdon utilises the MSA as an explanatory tool to understand how and why, among numerous potential problems and solutions, a specific idea is adopted (Cairney, 2019, p. 189; Kingdon, 1995). He posits that for a policy idea to become adopted, multiple conditions must

[8] Related concepts for the study of policy change, including the advocacy coalition framework and punctuated equilibrium, were considered less suited for this analysis. The former typically focuses on coalitions of people with shared beliefs, whereas NetzDG was characterised by a direct government response to pressing online safety issues. The latter emphasises non-linear policy shifts following long periods of stability, whereas NetzDG arose from existing yet evolving policy frameworks regulating speech on the internet.

align, creating a transient "policy window" (Kingdon, 1995, p. 88) for policy change. Kingdon's approach challenges the notion that an idea can be so compelling that it simply "sweeps over our politics and our society, pushing aside everything that might stand in its path" (Kingdon, 1995, p. 1).

When applied to the study of platform regulation, the MSA offers a valuable theoretical framework to bridge gaps in existing research for three key reasons. First, its tripartite analysis provides a comprehensive heuristic, enabling an analytical understanding of regulatory policy change. Second, by treating these streams as interrelated, the MSA effectively reveals the dynamic interplay of actors, their ideas, and their relationships across the streams. Third, the MSA's emphasis on the dynamic nature of regulatory processes shifts the focus from merely cataloguing timelines of events to offering in-depth explanations and causal pathways – explaining not just what happened, but how and why specific ideas were adopted in regulation (Cairney, 2019, p. 189).

Adhering to Kingdon's original framework, in this case study I conceptualise the three streams as follows (Cairney, 2013, 2019; Kingdon, 1995):

- **Problem stream**: Problems are policy issues that are deemed to require attention. Problems are ambiguous and there are no objective indicators to determine which problems will receive attention. Problems are often brought to the forefront of attention by "focusing events" (Kingdon, 1995, p. 19), critical moments or crises that attract widespread attention.

- **Policy stream**: Policies are feasible solutions to problems. They are actively proposed by policy actors and take time to develop. Policy ideas whirl around in what Kingdon calls a "policy primeval soup" (Kingdon, 1995, p. 116), evolving as they get proposed and modified.

- **Politics stream**: The politics stream considers policymakers' receptivity to a proposed policy solution. Policymakers' motives are informed by personal beliefs and ambitions but are also embedded in wider political contexts. The stream responds to shifts in national mood, electoral events, or coalition politics.

Kingdon contends that commonly the convergence of streams is promoted by "policy entrepreneurs" (Kingdon, 1995, p. 20), actors who promote specific ideas, try to build support for them, and push them onto the public agenda. While Kingdon's MSA developed from the study of US politics, the framework has been used prolifically to study policy change and regulatory reform worldwide, including in the German context (Jones et al., 2016).

5.2.4 Conceptions of Regulatory Power

Platform regulation unfolds within a complex power dynamic between state actors and private platforms. In particular, giant technology platforms have emerged as influential political actors who actively shape policy internationally. They engage with global elites, leverage their influence for lobbying agendas, and create de facto binding rules for millions of users (Gillespie, 2010; Popiel, 2018, 2022). Scholars have likened platforms to nation states, arguing that they have attained a level of sovereignty, wealth, and control over critical resources that can rival – or at least complement – state power (Moore & Tambini, 2018; van Dijck et al., 2018).

Recognising the inherent role of power in regulatory processes, this case study examines the power dynamics between the German state and tech giants. Focusing on the adoption of NetzDG as a regulatory policy idea, it highlights how relationships between powerful actors shaped regulation. To this end, this research understands regulatory power as both relational and resource-driven.

At the core of the conception of regulatory power put forward here is Dahl's influential definition: "A has power over B to the extent that he can get B to do something that B would

not otherwise do" (Dahl, 1957, pp. 202–203). Fundamental theories of regulation likewise emphasise this relational view of power, where a regulator A seeks to impact the behaviour of a regulatee B (Baldwin et al., 2011; Black, 2002a). For example, Mann posits that 'infrastructural power'[9] is the "institutional capacity of a central state, despotic or not, to … logistically implement decisions" (Mann, 1984, p. 59) vis-à-vis a public (Lindvall & Teorell, 2016). This perspective positions the state's capacity to implement policy – specifically, the regulator's ability to influence a regulatee – as a critical component of regulatory power (Lindvall & Teorell, 2016).

Lindvall and Teorell (2016) connect Dahl's relational view of power and Mann's focus on infrastructural capacity. Their conception of state capacity emphasises the formative relationship between policies, their outcomes, and resources mobilised for enforcement. They define state capacity as "a form of power that is exercised by using specific resources to enhance the effectiveness of specific policy instruments" (Lindvall & Teorell, 2016, p. 16). Black (2003) complements this perspective by introducing the concept of regulatory capacity, applicable to any type of regulatory actor, as the ability to mobilise certain resources towards regulation.

[9] According to Mann (1984), the concept of 'infrastructural power' contrasts with what he refers to as 'despotic power', which is the power of an elite class to impose its will over society through the control of their own elite support system. Conversely, 'infrastructural power' is the state's ability to exercise power through society by using institutions and various resources, such as the legal system, the welfare system, and public health, to effectively implement policies (Lucas, 1998; Mann, 1984).

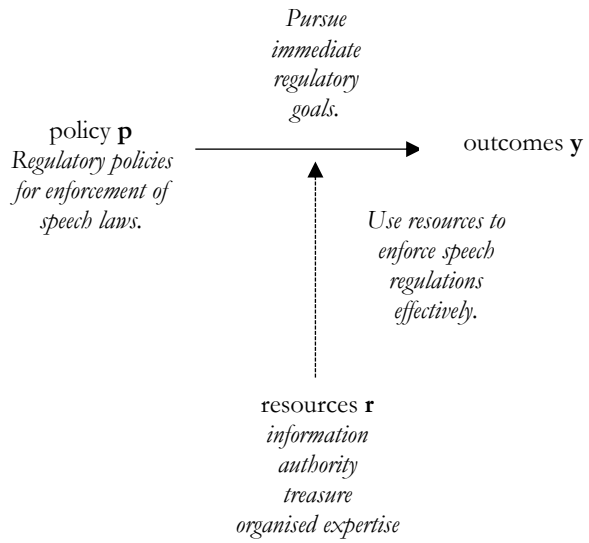

Figure 2: Regulatory capacity conceptualised as the effect of regulatory policies on outcomes through resources. The figure is based on the author's adaptation of Lindvall and Teorell's (2016) conception of state capacity.

Building on these insights, this research puts forward a relational and resource-based conception of power: regulatory power is the capacity of actors – whether states or platforms – to mobilise and use resources to achieve regulatory goals by influencing the behaviour of others. Figure 2 depicts this conceptualisation visually. In the context of NetzDG and drawing from the author's previous research on platform regulation in the UK detailed in Chapter 4 (Neudert, 2023), this case study identifies four key resources, summarised in Table 13: information, authority, treasure, and organised expertise. While treasure and organised expertise are distinct resources, they are often discussed together here because they are typically allocated in combination to enforce speech policies.

Table 13: Regulatory resources in the NetzDG case.

Resource	**Definition**
Information	Access to up-to-date information relevant for decision-making and monitoring compliance
Authority	The state's legal power and legitimacy to order within its legal system
Treasure	Financial resources that enable access to other relevant regulatory resources, including organised expertise
Organised expertise	Professionalised staff with relevant training, education, and experience; such staff cannot be built instantaneously but is a resource that needs to accumulate over time

Note: The framework of regulatory resources is based on the author's own theoretical conceptions advancing Black (2003) and Hood (1983, 2008). The development of this framework is detailed in Chapter 2 and Chapter 4 (previously published in *Internet Policy Review*; Neudert, 2023).

5.2.5 A Power-Integrated Multiple Streams Approach

This case study develops a novel analytical framework that integrates Kingdon's (1995) MSA with a relational, resource-based view of regulatory power: the power-integrated MSA. By tracing the mobilisation of resources between regulator and regulatee across the streams, the approach highlights how power dynamics influenced the convergence of streams and the adoption of ideas. It advances the study of platform regulation in three ways:

- **State–platform power dynamics**: The approach unveils the complex interplay between the state and platforms, offering analytical insights into how and why their relationship shapes the adoption of ideas.
- **Strategic resource use**: In mapping the use of resources, frequently directed by policy entrepreneurs, this approach reveals how states and platforms strategically influence regulatory policy.
- **Actionable strategies for boosting policy impact**: By highlighting resource configurations, and pinpointing areas of diminished resources, this method provides targeted recommendations to amplify regulatory efficacy.

The empirical case analysis addresses two research questions:

- In what ways did problem recognition, policy proposals, and political contexts converge, and how did this convergence promote the adoption of NetzDG as a regulatory approach?
- How did the relationship of state and platform actors shape platform regulation in Germany, and what does this reveal about the dynamics of regulatory power in digital regulation?

5.3 Methods

In this chapter, I employ the power-integrated MSA in an instrumental case study of NetzDG, using interpretive methods. Through the instrumental approach, the chapter seeks to develop a nuanced understanding of the German case and to generate deeper insights into the phenomenon of platform regulation more broadly – particularly regulations that impose obligations on platforms to enforce national laws (Dommett & Zhu, 2022; Mills et al., 2010).

Germany was selected as an instrumental case study for several compelling reasons. First, it was the first advanced democracy to implement platform-aimed regulation. Second, Germany wields significant influence over European politics and within the institutions of the EU, shaping the trajectory of platform regulation beyond NetzDG (Schoeller, 2019). Third, Germany's role as a thought leader of digital policy, evidenced by early regulations on data protection and copyright, provides a relevant context for studying policy ideas aimed at regulating platforms (Pohle, 2020).

I employ an interpretive, case-based approach that incorporates elite interviews, document analysis, and process tracing (Collier, 2011; Yanow, 2000). This approach is particularly effective for providing contextual understandings of complex regulatory processes, revealing underlying motivations, relationships, and explanations constructed by involved actors (Bevir & Rhodes, 2003; Wagenaar, 2011). The utility of this combination of methods has been demonstrated in prior research on emergent platform regulation, supporting its applicability in this field (Gorwa, 2021; Medzini, 2021b).

Table 14: Overview of professional fields targeted including government and regulators, platform and tech, academia, civil society, and law alongside number of participants.

Target group	Description	Number of participants
Government and regulators	Senior civil servants, government officials, regulators, and legislators in government departments and on committees including the German Bundestag, the Bundestag Digital Agenda Committee, the German Federal Chancellery's Digital Policy Office, and the Ministry of Justice; also, personnel at European institutions, if there was a direct connection to NetzDG and platform regulation in Germany	9
Platform and tech	Lobbyists, government affairs staff, and policy professionals at large social media platforms and their parent companies; this category also includes a former Facebook podcast host, who acted as a spokesperson for the company	1
Academia	Researchers at universities and academic research institutions that have conducted research on NetzDG, or topics related to it including platform regulation, German digital policy, and German regulatory politics	8
CSO	Experts in civil society organisations (CSOs) including non-profit organisations, think tanks, and civil rights organisations	5
Law	Lawyers, legal experts, and judges at law firms, legal counsels, and German courts who have led prominent cases or published research, case law, or legal evaluations on NetzDG in Germany	3
Total		26

Note: All interviews were conducted by the author between 4 January 2023 and 14 April 2023. Where participants did not hold a current organisational affiliation, they were classified based on their most recent professional field. In the German case, the overarching category "Academia, civil society, and law" was reported as separate subgroups to provide greater analytical detail on this expert community.

I conducted 26 qualitative, elite interviews between January and April 2023. Table 14 displays the target groups selected for interview recruitment. A full list of participants is available in Appendix C. Participants were selected based on their expertise or role within the field of platform regulation. My recruitment strategy focused on elites with relevant insights into NetzDG and the wider German digital policy landscape. LinkedIn and the team sections of relevant organisations were used to identify relevant participants. Additionally, I employed snowball sampling techniques.

Despite attempts to contact current and former platform personnel, only one interview was secured with an individual from these groups. This participant, Hendrik Wieduwilt, had previously moderated an official multi-episode podcast run by Facebook (now part of Meta), acting as a spokesperson for the company. At the time of the interview, he had no formal organisational affiliation but was working as a freelance consultant, including for platform

platforms. Two participants, Torben Klausa and an anonymous participant interviewed on 2 February 2023, had current or previous affiliations with the German digital lobby association Bitkom, which represents over 2,000 member companies in the digital economy, including major platforms like Google, Facebook, and TikTok. To address the absence of platform perspectives in interviews, official statements issued by Meta, Bitkom, and eco – another key digital lobby association in Germany – as well as media statements made by official spokespersons for Meta and Google were included in the analysis.[10]

Interview data were collected through Zoom interviews, which were audio- and video-recorded with participants' consent. Interviews lasted between 20 and 69 minutes and followed a semi-structured design combining open-ended and probing questions. Transcription of the interviews was performed manually or with the assistance of the transcription software Trint. Interviews were held in English and German. Following each of the interviews I created a synthesis memo to record key quotes and relevant topics.

During the interview period, NetzDG was in active use. Although no official provisions were in place at the time of fieldwork, there was widespread speculation that the DSA would replace and largely make NetzDG obsolete (Krempl, 2023). This timing enabled participants to evaluate NetzDG retrospectively, considering it in the context of its legal practice and in relation to new regulations aimed at digital platforms. However, this approach also introduced significant limitations, particularly the potential distortion of participants' recollections of events due to effects such as hindsight bias, recency effects, or selective memory.

To triangulate the interview-based research, this case study also employs document analysis, focusing primarily on documents produced between the official beginning of government work on NetzDG and February 2024, the point at which the DSA became fully

[10] Note: No official statements on NetzDG issued by Amazon, Google, TikTok, Twitter, or their subsidiaries were identified. Similarly, no media commentary made by spokespersons for Amazon, TikTok, or Twitter was identified.

applicable, partially superseding NetzDG (2016–2024). In addition, I purposefully selected four key documents from 2015, an evaluation of the Task Force, an open letter from Heiko Maas, and two related interviews Maas gave in this context; while these four early documents predate the formal regulatory process and focus on voluntary cooperation rather than regulation, they helped establish the political framing and laid important groundwork for the policy developments that followed. To select relevant documents, I conducted targeted searches on government websites, policy archives, and legal databases. Additionally, archives of press releases, spokesperson statements, and blog posts of large platforms including Amazon, Google, Meta, and Twitter were queried.

Keywords included were: *Facebook-Gesetz**, *hate speech*, *Hassrede**, *Netzwerkdurchsetzungsgesetz**, *NetzDG*, *Plattform**, *Plattformregulierung**, *Rechtsdurchsetzung**, *social medi**, *sozial* Medi**, *sozial* Netz**. These keywords were strategically combined using Boolean search operators to construct search strings. The archive included the NetzDG law; official draft proposals for the law made by the Federal Ministry of Justice (BMJ or BMJV), the federal government, and political factions; official statements issued in response to the proposed law; official evaluations; and public letters from Justice Minister Heiko Maas. A total of 30 relevant documents were identified. The archive of documents analysed is available in Appendix D.

To analyse data, a combination of interpretive coding and process tracing was used to identify underlying patterns and gain a comprehensive understanding of their relevance to the research questions. The analysis systematically categorised key phrases and concepts, progressing from open-ended codes to interpretive themes. A more detailed account of the coding process is provided in Chapter 3.

Finally, a note on terminology. Throughout this chapter and when referencing Germany in this thesis, I use the terms 'government' and 'state' with different emphases. Empirically,

my analysis focuses on the actions of the German federal government, including its regulatory agencies, involved in the adoption and enforcement of NetzDG. Conversely, when discussing theory, I use the term 'state' more broadly to encompass public institutions beyond the German case, particularly in discussions of regulatory resources, capacity, and power.

5.4 Case Analysis and Findings

This case analysis of Germany's NetzDG integrates the traditional MSA with an analysis of regulatory power. The power-integrated MSA enables rich contextual understandings of how and why a specific policy idea succeeds. Specifically, I have examined how and why regulatory power – embodied in the mobilisation of information, authority, treasure, and organised expertise by the German government and large platforms – was interpreted, contested, and enacted within their interactions. By exploring how these resources influenced the problem, politics, and policy streams, the research reveals the intricate power dynamics of regulatory relationships that underpin policy adoption in digital regulation.

5.4.1 Problem: Failing Regulatory Power

Official documents reveal that NetzDG was introduced to address significant enforcement problems. The Bundestag's official justification for NetzDG recognised "significant problems in the enforcement of existing law" (Gesetzentwurf der Fraktionen der CDU/CSU und SPD, 2017, p. 1; Gesetzesentwurf der Bundesregierung, 2017, p. 1) particularly concerning laws related to illegal speech such as incitement of the people, insult, defamation, and disturbance of public peace by threatening to commit crimes. Based on this justification, NetzDG aimed to achieve an "improvement in the enforcement of law" (Gesetzentwurf der Fraktionen der CDU/CSU und SPD, 2017, p. 1; Gesetzesentwurf der Bundesregierung, 2017, p. 1) by introducing new compliance rules to compel the effective removal of illegal content – an objective that was not being met under the ECD and TMG.

These enforcement problems first became evident to many during the 2015–2016 migrant crisis, when Germany welcomed hundreds of thousands of Syrian refugees under Chancellor Angela Merkel. This period saw a rampant spread of illegal hate speech, racial extremism, and disinformation on social media not only in Germany (Neudert et al., 2019; Risam, 2018; Schwarz, 2017) but also across Europe (Froio & Ganesh, 2019; Hameleers, 2019; Neudert et al., 2019), exposing platforms' insufficient efforts to adhere to existing content removal requirements. As Dr. Stefan Dreyer, Senior Researcher for Media Law at the Leibniz Institute, recalled: "The migrant crisis marked the very first time that there was a political discourse about the responsibility of digital intermediaries … and their legal liability" (interview 50, Dreyer, 6 February 2023).

The refugee crisis and subsequent "hate speech crisis" (interview 53, Meßmer, 7 February 2023) acted as a backdrop for a series of focusing events that propelled issues around online illegal content onto the public agenda. The widespread circulation of a so-called Merkel selfie with a Syrian migrant in defamatory online campaigns, the viral spread of online fake maps alleging widespread refugee crime, and the harassment of female politicians and politicians of Turkish descent, including Aydan Özoğuz and Cem Özdemir, were referenced as prominent focusing events (interview 54, Meßmer, personal communication, 7 February 2023; interview 55, Holznagel, 14 February 2023).

Concurrently, extremist groups, notably the far-right Alternative für Deutschland (AfD) party and the anti-Islam Patriotic Europeans Against the Islamisation of the West (Pegida) gained substantial momentum on social media (Stier et al., 2017, 2020). In Germany, these trends were met with particular sensitivity, sparking concerns about a resurgence of racist and xenophobic sentiments reminiscent of the Third Reich. Increasingly, platforms became a gathering place "for neo-Nazis and amplifiers of the kinds of speech that are illegal under German law" (Kaye, 2019, p. 66). Reports about interference in the 2016 US presidential

election and the UK Brexit referendum further fuelled concerns over illegal content, according to my participants.

Amidst growing awareness of online hate speech issues, Heiko Maas, serving as the Minister for the BMJV and known for his strong stance against right-wing extremism, emerged as an early proponent of government intervention and "policy entrepreneur" (Kingdon, 1995, p. 20). Maas was instrumental in framing the hate speech crisis as a problem of insufficient enforcement of German law by platforms, laying the groundwork for subsequent legislative action.

His 2015 open letter to Facebook (now part of Meta), following incidents of racial hatred online, marked a critical moment. He declared that the internet should not be a "lawless space" (Huber, 2015, para. 3) and emphasised platforms' legal obligation to remove illegal content. In a later interview, Maas coined the phrase "What is prohibited offline is also not allowed online" (Krauss, 2015, para. 3). This principle became the foundational idea behind NetzDG (see also Gorwa, 2021). He persistently promoted it through numerous interviews and public appearances, making it synonymous with NetzDG.

Maas's framing of the policy problem as an enforcement issue resonated widely. In 2015, Merkel expressed her support for Maas and stressed in an interview that platforms, and specifically Facebook, urgently needed to enforce their own policies to counter hate online, adding that the government could not look away if companies failed to act (Merkel, 2015). In 2016, Federal President Joachim Gauck expressed support for political and civil measures to "more effectively tackle internet hate speech" (Gathmann et al., 2016, para. 10). In 2017, in his inaugural interview as the Federal President, Frank-Walter Steinmeier voiced concern over the brutalisation of online discourse, arguing for reform (Steinmeier, 2017). Thus the spread of illegal content facilitated by platforms was a problem at the forefront of those most influential in German politics.

The problem also captured broader public interest. Surveys indicated that a majority of Germans supported more stringent controls on online content (Rohleder, 2017; Weichert & Kramp, 2018). Media coverage extensively highlighted platforms' failures to enforce protections against illegal speech. A notable example was the article 'The Hate Machine' (Fleischhauer, 2016) by influential journalist Jan Fleischhauer. The article criticised the brazenness of social media companies for their failure to remove illegal content under the ECD and TMG, as well as the government's insufficient enforcement. Described as a "historic document" (interview 55, Holznagel, 14 Feb 2023), the article highlighted growing demand for improved enforcement and was critical in driving the salience of hate speech issues in Germany.

Against this backdrop, Maas initially championed voluntary, collaborative efforts between the German government and platforms. In 2015, Maas initiated a collaborative task force against illegal hate speech online that included Facebook, Google, Twitter, and various civil society organisations. Building on Maas's central idea of enforcing laws more effectively online, companies made voluntary commitments to review complaints about illegal content and, if necessary, remove illegal content within 24 hours. Platforms initially appeared to embrace the task force. An official statement issued by all task force members acknowledged that "the review of complaints poses challenges for companies" (Bundesministerium der Justiz und für Verbraucherschutz, 2015, p. 2) but nevertheless platforms made commitments to improve. Spokespersons from Facebook and Google publicly committed to hiring more German-speaking staff to manage complaints (Krempl, 2015). Yet in 2016, official evaluations raised doubts about platform compliance with voluntary measures, marking the start of regulatory scrutiny (Jugendschutz, 2016).

In a letter to Facebook, Maas contended that the company's efforts were insufficient, criticising them as too little, too slow, and often misdirected in removing the wrong type of

content (Maas, 2016). At the same time, public pressure over hate speech and disinformation intensified amidst the ongoing refugee crisis. My participants reported that Maas felt betrayed by the companies' failure to make substantial progress in combatting hate speech and instructed legislative lawyers at the Ministry of Justice to initiate work on a law, aimed at finally ensuring the enforcement of existing laws online (Kaye, 2019). The first draft, introduced on 14 March 2017, coincided with the publication of the final evaluation report about the task force (Gorwa, 2021, p. 7). This timing was noted by several participants as unusually swift, emphasising the perceived momentum and urgency behind regulatory actions in this domain.

In summary, issues around illegal speech were brought into focus by the 2015–2016 refugee crisis and the subsequent online hate speech crisis. While these developments set the stage, it was in 2016 that formal regulatory efforts began, following the failure of voluntary measures. Heiko Maas played a crucial role in this shift, characterising the situation as a problem of insufficient enforcement. This framing emphasised that the primary problem was not the absence of laws, but the German state's failure to effectively enforce existing frameworks.

Resources in the Problem Stream

Exploring the systemic reasons behind the enforcement problems through the lens of regulatory power revealed critical resource deficiencies in terms of information, authority, and treasure and organised expertise.

Participants identified an information gap in understanding platform technologies and practices, particularly relating to content moderation and the spread of illegal content on their networks. According to my interviews, this shortfall limited the state's capacity to assess the scale and causes of such issues, leading to oversimplified problem definitions. Dr. Daniel Holznagel, then a Legal Officer at the BMJV involved in drafting NetzDG, recalled that

policymakers were approaching issues around platforms and online content "from scratch" (interview 55, Holznagel, 14 February 2023), focusing mainly on visible issues. Conversely, thinking on complex technological phenomena, such as algorithms and platform design, was "in its infancy" (interview 55, Thiel, 9 February 2023) and therefore these factors were largely overlooked. Lubos Kuklis, later serving on the EU's DSA enforcement team, underscored the consequences of this information gap. Without information, authorities struggled to evaluate platform compliance with legal and voluntary obligations, resulting in persistent enforcement problems (interview 41, Kuklis, 18 January 2023).

State actors faced limitations in authority. The existing notice-and-takedown approach under the ECD and TMG set out obligations for the removal of illegal content but provided generous safe harbours. When apparently illegal content was not removed, only the most severe content disputes advanced to judicial reviews, often resulting in lengthy drawn-out proceedings and minimal fines (interview 38, Kahl, 12 January 2023). A notable example is the Merkel selfie case, in which the Syrian refugee depicted in the photo sued Facebook for defamation and false accusation. The court ruled against the claimant, holding that platforms were not liable for third-party content (Eddy, 2017). Participants further noted jurisdictional challenges and the transnational nature of firms as enforcement hurdles. These authority limitations left the government ill-equipped to regulate, exposing a deficiency in regulatory power.

Participants also described deficits in treasure and organised expertise. The ECD and TMG had already recognised that the vast volume of online content necessitated novel oversight systems, leading to the adoption of notice-and-takedown approaches. Several participants argued there was an implicit expectation that platforms would invest in a robust content moderation workforce in Germany. Yet the pervasive spread of illegal content showed that platform efforts were insufficient. When government experts started exploring

possible interventions, expanding public involvement in existing notice-and-takedown systems was dismissed for resource-related reasons. Dr. Thorsten Thiel, a professor of political science, noted that decades of streamlining had left the German government short of staff, making a government-operated solution impractical (interview 53, Thiel, 9 February 2023). Increased judiciary involvement was also deemed impractical, given the sheer scale of content, which would overwhelm the courts. Nor could the government develop a technical solution: it lacked the expertise to develop one, and such measures risked raising concerns about surveillance (interview 40, Fanta, 17 January 2023). Consequently, the necessity to rely on the organised expertise and capital of platforms was seen as "without alternative" (interview 35, Liesching, 4 January 2023).

5.4.2 Politics: Challenged Regulatory Power

Examining the political dynamics behind NetzDG's adoption revealed a landscape marked by acute concerns over online hate speech, electoral issues, and long-term political ambitions. The law's reception varied across the political spectrum. Proposed by the Social Democratic Party's (SPD) Heiko Maas during an election year and swiftly introduced in the Bundestag, the GroKo – the governing majority coalition of the Christian Democratic Party (CDU/CSU) and the SPD – backed the bill, emphasising the urgency of regulation. In the final reading, Maas described NetzDG as a "prerequisite for the exercise of freedom of expression" (Plenarprotokoll 18/244, 2017, p. 25116) while suggesting that additional measures would be necessary. Nadine Schön from the CDU/CSU likewise acknowledged that NetzDG might not be the "ultimate solution" (Plenarprotokoll 18/244, 2017, p. 25121) but argued that it was important to "get a legal regulation in place now" (Plenarprotokoll 18/244, 2017, p. 25122).

Participants noted that this tolerance for gaps and flaws was unusual in German politics, emphasising the strong political momentum and sense of urgency. Politically, the coalition positioned NetzDG as an imperfect step within a broader regulatory trajectory. At the same

time, as the law garnered significant public attention, it presented both the GroKo and rising political star Maas a valuable opportunity to celebrate a political achievement in the run-up to the 2017 federal election.

The reception of NetzDG among opposition parties was either reserved or rejecting. Bündnis 90/Die Grünen (the Greens) voiced concerns over potential speech restrictions. Renate Künast, a senior member of the Bundestag, emerged as a vocal critic, arguing that under NetzDG "the incentive to delete is greater than the incentive to uphold law and freedom of expression" (Plenarprotokoll 18/244, 2017, p. 25123). However, in an official motion to the Bundestag, the Greens expressed support for the law, although they ultimately abstained in the final vote on the NetzDG (Antrag der Fraktion Bündnis 90/Die Grünen, 2017). Die Linke (the Left), the smallest faction in the Bundestag, opposed the bill vehemently, arguing that the law outsourced complex legal decisions to private platforms (Kleine Anfrage der Fraktion Die Linke, 2017).

The public reception of NetzDG was divided. Surveys showed broad support for platform regulation. Similarly, the media landscape was broadly critical of social media platforms. Yet numerous civil society organisations and industry lobby groups voiced strong objections (Reporter ohne Grenzen, 2017; Weber & Bitkom, 2017). Bitkom and eco, representing the interests of major tech companies, submitted public comments on the law voicing concerns of chilling effects on freedom of speech (eco – Verband der deutschen Internetwirtschaft e. V., 2017; Weber & Bitkom, 2017). Facebook's Head of Public Policy contended that the law would burden private companies with judicial responsibilities (Kirschsieper, 2017). Google's Head of Legal expressed concern that it would prioritise swift removal over careful review (Neuerer, 2018). In contrast, supporters pointed to Germany's robust jurisprudence in handling illegal speech offline and to public demand for more rigorous platform regulation (Rohleder, 2017; Weichert & Kramp, 2018).

Discussing the broader political significance of NetzDG, participants observed that it was perceived not only as a measure to combat illegal speech but also as a response to rising right-wing extremist sentiments, which carry particular weight in Germany due to its Nazi past. NetzDG was described as a "law against the AfD" (Pergande, 2016), a party known for using hateful rhetoric on its hugely popular social media channels (Jungherr et al., 2019).

Another crucial factor in support of NetzDG was Germany's aspiration to lead in digital policy. Policymakers saw the law as an opportunity for Germany to position itself at the forefront, building on its long-standing influence in areas like data protection and digital copyright (interview 48, Wieduwilt, 3 February 2023). The law also aligned with European digital sovereignty strategies aimed at promoting a safer EU tech sector (European Parliament, 2021; von der Leyen, 2019a, p. 13). As Dr. Torben Klausa, who has published legal research on NetzDG, remarked: "NetzDG may not have been the best law, but it was the first one" (interview 52, Klausa, 6 February 2023).

Initially proposed in March 2017, NetzDG's final reading in the Bundestag – strategically scheduled, as several interviewees noted – took place immediately after a high-profile vote on same-sex marriage and just before the summer recess in July 2017. This timing was designed to minimise media focus in case of its failure and secure its passage before the federal election that autumn, the last viable window for enactment. Ultimately, NetzDG was approved with support from the GroKo, opposed by the AfD and the Left, and with an abstention from the Greens (Plenarprotokoll 18/244, 2017).

Resources in the Politics Stream

Tracing the role of regulatory resources in the politics stream revealed explanations for why policymakers were receptive to regulating platforms.

With regard to information, my analysis indicated that limited access was largely attributed to platforms withholding data. This lack of engagement first became evident during

the 2015 refugee crisis, which exposed the absence of substantive relationships between government and platform officials. Platform representation in Germany was often a very small team or even non-existent, with the largest companies managing their European public affairs through small teams stationed in Ireland or the US, making requests for information difficult (interview 37, Bennett, 18 January 2023).

Under the direction of Maas, the German government – particularly through the BMJV and the Digital Agenda Committee – attempted to bridge this gap. Officials invited platforms to testify, organised visits to company offices, and established the task force on illegal hate speech. However, interviewees reported that these efforts proved ineffective and left government officials frustrated with platforms' lack of engagement (interview 43, Zimmermann, 31 January 2023; interview 47, Sängerlaub, 20 February 2023).

Dr. Martin Husovec described a fundamental information asymmetry between public and platform actors, arguing that the lack of insight into how platforms managed content made it difficult to "pin down the problems [and therefore] impossible to regulate" (interview 58, Husovec, 17 Feb 2023). Several participants suggested that platforms strategically withheld information to challenge the state's regulatory capacity, since regulation could potentially threaten their business model or interfere with operations. One participant questioned whether platform staff in Germany even had sufficient access to information or were deliberately kept in the dark by US leadership (interview 47, Sängerlaub, 20 February 2023).

In the context of authority, between 2016 and 2017, the lack of government authority over platforms became starkly evident as interactions devolved into frustrating encounters, highlighting an intensifying struggle for power. For example, Alexander Sängerlaub, an expert on NetzDG, recalled that Gerd Billen, then the Secretary of State for the BMJV, felt disrespected during an official visit to Facebook's offices in 2016. According to Sängerlaub, Billen reported this to Maas, and the incident motivated Maas to abandon voluntary efforts,

and he instructed BMJV staff to resume work on a hard law approach on the same day. Sängerlaub described this as a "policy process sparked by anger" (interview 47, Sängerlaub, 20 February 2023).

Similarly, Dr. Jens Zimmermann, Member of the German Bundestag and Chair of the Digital Agenda Committee, recalled an encounter with a senior government affairs representative from a platform who stated: "German laws simply don't align with our business model" (interview 43, Zimmermann, 31 January 2023). Zimmermann considered the remark audacious and inappropriate, interpreting it as evidence of platforms' disregard for government authority.

Dr. Torben Klausa emphasised that policymakers' significant frustration with platforms' failure to acknowledge authority was a key factor in implementing NetzDG. He framed the law not just as a regulatory solution but as a symbolic wake-up call directly targeted at platforms:

> NetzDG was fuelled by an acute political dissatisfaction of feeling that they [policymakers] were not taken seriously by the big tech concerns. They wanted to make a point. (interview 52, Klausa, 6 February 2023)

In summary, frustrations over platform behaviour towards German officials, laws, and institutions ignited what one participant described as "big, big regulatory energy" (interview 40, Fanta, 17 January 2023).

Finally, the analysis revealed that it was the acute frustration over platforms' reluctance to allocate sufficient treasure and organised expertise to counter illegal speech that brought the relationship to a boiling point. Under the task force, major platforms had made voluntary commitments to implement effective processes and hire adequate staff to handle complaints. Yet they continued to withhold information about their moderation practices.

Dr. Jens Zimmermann identified a turning point that, in his view, propelled policymakers to swiftly enact Maas's proposal:

> The emergence of the NetzDG can be tied to a specific event. Back then, we had invited representatives from major platforms to the [Digital Agenda] Committee. When I asked the Facebook representative how many moderators they had in Germany, the answer was that it couldn't be disclosed as it was a company trade secret. It was obvious that there couldn't have been many, and they simply didn't want to embarrass themselves. This led to great outrage at the time and to the decision, okay, enough is enough, we need to legislate here and quickly. (interview 43, Zimmermann, 31 January 2023)

This exchange underscored that platforms not only neglected their voluntary obligations but also prioritised commercial interests over German law. As an anonymous interviewee put it, "platforms are pretty skilled at circumventing by design" (interview 51, anonymous 21, Academia, civil society, and law, 6 February 2023).

5.4.3 Policy: Reasserting Regulatory Power

In the policy stream, from a range of feasible options, NetzDG emerged as the favoured regulatory measure to curb the spread of illegal content, with Maas driving its adoption as a policy entrepreneur. At its core, NetzDG is rooted in the principle that what is illegal offline should also be illegal online, a formulation Maas himself coined, as noted above. The law primarily sought to enhance the enforcement of existing laws on criminal speech in the online sphere.

The legal principles underpinning the regulation of speech in Germany are embedded in the Basic Law (Grundgesetz für die Bundesrepublik Deutschland [GG], 1949) and deeply shaped by the country's legal and cultural history. Established in the aftermath of World War II to establish a democratic order, the Basic Law permits restrictions of fundamental rights, including freedom of expression, since the aim expressed by a general law "outweighs that of freedom of expression" (Appleman, 1995, p. 450) – Article 5 of the Basic Law guarantees freedom of expression, but subject to limitations imposed by general laws, including the

German Criminal Code (StGB).[11] This balancing act – originally designed to guard against political extremism and the resurgence of authoritarian control over speech – becomes important in the context of NetzDG.[12]

Rather than introducing entirely new speech regulations for the online domain, for example by legally redefining phenomena like digital fake news or hate speech – an approach that was considered but ultimately dismissed – NetzDG relies on well-established laws, entrenching policies that had long circulated in the country's primeval policy soup.

Analysis of the interviews revealed strong support for bolstering the enforcement of existing laws, significantly contributing to the acceptance of NetzDG. Participants described the idea of enforcing well-established laws as "embarrassingly obvious" (interview 43, Zimmermann, 31 January 2023) and "hard to object to" (interview 35, Liesching, 4 January 2023), recognising not only the widespread acceptance of these laws but also the unfulfilled obligations of platforms under legal frameworks.

Yet the appeal of NetzDG extended beyond this pragmatic reasoning, resonating with principles fundamental to German democracy. Participants stressed that amid a surge of xenophobic hate speech online, concerns about the resurgence of nationalist sentiments in Germany had intensified and many politicians believed the situation required urgent regulatory intervention.

Various approaches were considered. Maas initially championed a voluntary approach, yet when evaluations raised doubts about their effectiveness in 2016, calls for enhanced legally binding obligations grew louder. The reformation of existing legal frameworks was widely dismissed. Instead, a targeted intervention aimed specifically at platforms was deemed

[11] For example, §130 StGB criminalises incitement to hatred and Holocaust denial. If someone in Germany denies the Holocaust, this would prompt an investigation under §130 StGB.
[12] As also pointed out by Klausa (2023, p. 55; citing Appleman) in his discussion of NetzDG and online speech regulations.

necessary to take a strong stance towards tech giants. A dedicated law was seen as imperative to "send a strong political signal" (interview 52, Klausa, 6 February 2023) in response to escalating calls for intervention.

Non-domestic approaches were largely discounted. Dr. Daniel Holznagel disclosed that German policymakers saw little prospect of action from the European Commission, which under Jean-Claude Juncker favoured light-touch approaches designed to support digital markets (European Commission, 2015). With other alternatives exhausted, Maas introduced NetzDG. NetzDG proposed binding obligations on platforms and empowered the German government with stronger enforcement and oversight tools. Although it was widely known that NetzDG would likely require revision in the future, it met demands for urgent intervention, after other options had failed or proved impractical.

Resources in the Policy Stream

Interview analysis highlighted that the government's effort to reclaim resources critical for enforcement played a significant role in shaping NetzDG.

When it comes to information, NetzDG mandated extensive reporting and documentation responsibilities, obliging platforms to document content decisions. Interview participants believed that such transparency measures could provide "knowledge and empiricism" (interview 52, Klausa, 6 February 2023) and "inject more light" (interview 58, Husovec, 17 February 2023) into opaque platform processes. Enhanced information access was intended to uncover systematic compliance issues, though some participants viewed transparency measures as a "stepping stone" (interview 49, Geese, 3 February 2023) towards future interventions.

With regard to authority, NetzDG empowered the government by establishing new enforcement tools, including transparency obligations and specific procedures for content review and removal. The law shifted focus away from the legality of individual pieces of

content to platforms' overall procedures for content moderation, emphasising procedural compliance. Substantial fines reinforced these obligations. Dr. Stefan Dreyer, Senior Researcher for Media Law at the Leibniz Institute, highlighted why these provisions marked a significant shift from previous regulations:

> Where we think on a large scale about content moderation, we recognise the Basic Law relevance of the decision-making systems. This means we move away from focusing on individual content and towards the procedures. This was already a first realisation in Germany for NetzDG. (interview 50, Dreyer, 6 February 2023)

Thus the emphasis on procedural obligations and compliance marked a transition towards more comprehensive platform regulation and enhanced government authority.

What is more, NetzDG put the onus of enforcing German law on platforms, with the BMJV as the regulatory agency, overseeing compliance – creating obligations for platforms to enrol their treasure and organised expertise. Moving beyond the existing notice-and-takedown framework, NetzDG set out detailed obligations such as maintaining personnel based in Germany, establishing user complaint mechanisms, and setting out procedures for content moderation. Interviewees emphasised that acknowledging the substantial resource demands for skilled personnel, technology, and finances was central to the decision to entrusting platforms with the enforcement. Technology journalist Alexander Fanta argued:

> If we were to employ 30,000 moderators, it would certainly not be sufficient … Weighing that, considering it, sleeping on it, it's extremely difficult to design a good process. Therefore, I would argue that a solution must be inherently structurally embedded within platforms. (interview 40, Fanta, 17 January 2023)

An evaluation of NetzDG calculated that the cost of implementing the law over the first three years amounted to €20.4 million – less than the initially estimated €29 million, due to fewer instances of content removal than anticipated. Of this, €2.2 million covered BMJV administrative expenses with the remainder borne by platforms (Bundesregierung, 2020,

p. 29). At the time of the three-year evaluation, no fines had been imposed (Bundesregierung, 2020, p. 69).

5.4.4 A Policy Window for NetzDG

The adoption of NetzDG represents a critical juncture in platform safety regulation, marked by the convergence of multiple streams that catalysed a fundamental policy change. Using a power-integrated MSA, this analysis shows that the state's struggle to establish regulatory power over platforms was deeply intertwined with the adoption of the law. NetzDG emerged as a viable *policy* idea to tackle the *problem* of insufficient enforcement of German law online, as state actors' limited regulatory resources hampered their capacity to regulate platforms; *politically*, platforms were held accountable for this enforcement gap, fuelling demand for regulatory intervention. Heiko Maas acted as a *policy entrepreneur* who actively orchestrated a *policy window*.

Three decisive factors explain the adoption of NetzDG. First, Maas's formulation that "what is prohibited offline is also not allowed online" (as quoted by Krauss, 2015, para. 3) became the central regulatory idea of NetzDG. By entrenching existing laws already widely accepted and embedded in the Basic Law, it enabled the state to reclaim power in the digital sphere. The promise to empower the state – by enforcing already well-established laws – appealed to policymakers' frustrations and concerns over platform non-compliance. Rather than introducing new concepts, NetzDG strengthened ideas already present in Germany's primeval policy soup, representing an incremental yet powerful policy change.

Second, contentious power struggles between state and platform actors shaped the adoption of NetzDG. Prior to NetzDG, platforms in Germany had resisted regulation by strategically withholding critical resources, acting as political actors pursuing corporate interests. Against the backdrop of failed voluntary measures, policymakers sought to assert their power through an interventionist approach imposing detailed legal obligations on

platforms to enrol their resources towards regulation. NetzDG required platforms both to enforce German law and to report back to the government. In doing so, policymakers aimed not only to mandate compliance but also to reclaim strategic regulatory resources. While engaging platforms' expertise and infrastructure to manage vast volumes of content was necessary due to state-based resource constraints, NetzDG wrested control from the platforms and empowered the state.

Third, Heiko Maas emerged as a policy entrepreneur for NetzDG, playing a pivotal role in orchestrating the convergence of the multiple streams. Beyond offering a policy idea, he rooted NetzDG in broader aspirations of strengthening government power over the digital sphere, and in particular, over giant technology platforms. Driven by both concern over online hate and political ambition, he framed illegal online content as an enforcement problem stemming from insufficient regulatory power over large US platforms, particularly Facebook, which strongly resonated with the public and German politicians. Maas persistently campaigned for NetzDG through numerous interviews and public appearances and coined the idea which became synonymous with NetzDG. Backed by the GroKo coalition in an election year, Maas positioned NetzDG as a flagship policy initiative.

5.5 A German Export?

This instrumental case study set out to examine the regulatory policy processes that shaped NetzDG, with a particular emphasis on the power dynamics between the German government and giant technology platforms. The analysis revealed that NetzDG was fundamentally driven by ambitions to establish regulatory power in the digital sphere. More than a tool for curbing the spread of illegal speech on digital networks, NetzDG enabled German state actors to reclaim power over large platforms – an objective that Maas leveraged as a policy entrepreneur.

Across the problem, policy, and politics streams, an ambivalent dynamic between state and platform actors emerged. On the one hand, escalating antagonism and platform resistance fuelled the adoption of NetzDG as a binding legal intervention. On the other hand, the German government simultaneously relied on these same platforms to supply the resources necessary for its implementation.

Reflecting on why NetzDG-like regulations – mandating procedural obligations for platforms to enforce national laws – have since emerged in other democratic jurisdictions, such as Australia, the United Kingdom, and, most notably, the European Union, this section discusses whether NetzDG has become a German export success in platform regulation.

It may be tempting to assume a simple diffusion effect: that Germany, as a G7 state, EU leader, and one of the world's largest economies, directly induced international regulation. Without question, NetzDG was a trailblazer – the first platform-focused regulation to emerge from a democracy – demonstrating the feasibility of platform regulation and offering a compelling model for doing so. Yet the power-integrated MSA brings to the forefront a nuanced explanation, which could be applicable beyond the German context. NetzDG introduced a regulatory idea centred on reclaiming and enrolling critical resources and reasserting power over giant technology platforms, while also tackling pressing issues surrounding illegal speech online.

Table 15 comparatively summarises the approaches of NetzDG and the DSA to regulating illegal content online. While the DSA pursues a "broader scope of application" (Schleif & Kettemann, 2021, p. 34) in terms of the services and issues addressed, the two frameworks share crucial parallels (Jaursch, 2022a). Both emphasise the procedural enforcement of national laws by platforms, transparency obligations, detailed procedures for compliance and complaints handling, and substantial fines. However, the DSA diverges from NetzDG by not imposing strict content removal timelines and by introducing new procedural

obligations for platforms such as audits and risk assessments. While NetzDG is an interventionist approach, the DSA opts for an interventionist approach with elements of regulated self-regulation.

Table 15: Comparative overview of provisions concerning content in NetzDG and the DSA.

Features	Network Enforcement Act (NetzDG)	Digital Services Act (DSA)
Legislative framework		
Approach	Interventionist with regulated self-regulation	Interventionist with co-regulatory elements; multi-level governance
Implementation	German law enacted in 2017; updated in 2021 and 2022	EU law enacted in 2022
Scope	Online platforms with ≥2m users in Germany; excludes services with journalistic-editorial content (§1(1, 2) NetzDG)	Wide range of online services including cloud, messaging, social networking, search, and marketplaces (Art. 2 DSA); enhanced regulation of very large online platforms (VLOP) & very large online search engines (VLOSE) with ≥45m monthly active users in the EU (Art. 33 DSA)
Oversight & enforcement	BMJV (§4 NetzDG)	Multi-layered oversight framework consisting of National Digital Service Coordinators (Art. 49–51), the European Commission for VLOPs & VLOSEs (Art. 56, 64–76), and European Board for Digital Services (Art. 61–63)
Fines	Substantial fines: up to €5m for individuals, up to €50m for companies (§4 NetzDG)	Substantial fines: up to 6% of global turnover for VLOPs & VLOSEs (Art. 74 DSA); member states lay down rules for other services (Art. 52)
Content moderation		
Content subject to removal	Illegal content defined as offences listed in §1(3) NetzDG (StGB provisions); manifestly illegal content triggers the 24-hour deadline	Illegal content as defined in EU- and national-level laws (Art. 3 DSA); content specified in services' terms and conditions (Art. 14 DSA)
Content reporting	Users can report content for review (§3 NetzDG)	Users and trusted flaggers can report content for review, whereby reports from trusted flaggers are prioritised (Art. 16, 22 DSA)
Complaint-handling process	Internal system for users to contest content decisions (§3(2) NetzDG)	Internal system for users to contest content decisions (Art. 20 DSA)
Data access	Limited access for researchers (§5a NetzDG)	Limited access for vetted researchers from VLOPs & VLOSEs (Art. 40 DSA)
Out-of-court dispute resolution process	Encourages out-of-court dispute resolution; requirements for mediation body and processes (§3b NetzDG)	Encourages out-of-court dispute resolution; requirements for mediation body and processes (Art. 21 DSA)
Time frames for action	Removal or blocking within 24 hours after receiving a complaint for manifestly illegal content, 7 days for illegal content upon receiving user complaint (§3(2) NetzDG)	Prompt removal or disabling upon receiving user complaint, but no specified timeframe (Art. 16 (6) DSA)

Features	Network Enforcement Act (NetzDG)	Digital Services Act (DSA)
Transparency reporting	Comprehensive reporting obligations on content moderation processes (§2 NetzDG)	Reporting obligations on content moderation processes for all intermediaries (Art. 15 DSA) and online platforms (Art. 24 DSA); additional requirements for VLOPs & VLOSEs (Art. 42 DSA)
Selection of new content-related obligations under DSA		
Audits	-	Mandatory independent audits for VLOPs & VLOSEs, including for content moderation systems (Art. 37 DSA)
Crisis response mechanism	-	Crisis response mechanisms for serious threats to public health and security for VLOPs & VLOSEs; the EC can require enhanced content moderation and other measures (Art. 36 DSA)
Risk assessment	-	Mandatory risk assessment and mitigation for VLOPs & VLOSEs including for content moderation systems (Art. 34 DSA)

Note: This table is based on the author's own comparative analysis, and analysis by Jaursch (2022b) and Kahl and Liepert (2022a, 2022b). §§3b–3f NetzDG, §4a NetzDG, and §5a NetzDG were introduced after the initial enactment of NetzDG. In 2023, a German court (OLG) ruled that the NetzDG complaint-handling process is non-compliant with EU law (Dachwitz, 2023).

The observed parallels might suggest a direct influence of German ideas on platform regulations in Brussels. However, the mere presence of apparent commonalities does not establish a causal relationship. An in-depth comparative legal assessment of regulatory practice would be required to determine whether they are more similar or more divergent. And in any case, to comprehend why a particular regulatory policy idea succeeds, a nuanced analysis of the factors contributing to regulatory processes, like the one conducted here, is essential for uncovering the underpinnings of such policies.

In offering an in-depth examination of empirical explanations for regulatory processes within the German case, the analysis identified persistent issues which may underpin platform regulation across cases. It highlights the central role of power dynamics between nation states and influential, transnational tech corporations in shaping emerging technology regulations. The German experience illustrates the challenges faced in regulating illegal online speech due to gaps in information, authority, treasure, and organised expertise – issues directly linked to the dynamics between state and platform actors. Platforms resisted German regulatory efforts, withholding crucial resources. NetzDG offered an appealing policy idea to recuperate

regulatory power by enrolling state authority, mandating transparency reports, outlining content management procedures, and strengthening enforcement mechanisms – strategies which are also encoded in the DSA.

Although the analysis does not provide a detailed account of policy transfer or learning to demonstrate conclusively the impact of NetzDG on international regulation, applying the power-integrated MSA developed here in other contexts may highlight the significance of state–platform power relations in platform regulation more broadly. Given the transnational nature of platforms, it is plausible that platform companies employed similar tactics across jurisdictions, thereby motivating comparable concerns among governments internationally. Future research could apply the power-integrated MSA in other jurisdictions to explore whether disputes over regulatory power have prompted NetzDG-like regulations or whether alternative explanations are more compelling.

In summary, attributing the emergence of procedural obligations for the removal of illegal content to a simple diffusion of a German idea overlooks the complex power and resource struggles between nation states and platforms. Rather than treating NetzDG as a German export success, this case study shows that platform regulation is underpinned by a complex, relational interplay of ideas, resources, and regulatory power.

5.6 Conclusion

This chapter has offered an empirical analysis of regulatory policy processes and underlying power dynamics in the interactions between a state and giant technology platforms, culminating in the adoption of Germany's NetzDG. Entwining Kingdon's (1995) MSA with theories of regulatory power, it introduced a power-integrated MSA to analyse digital platform regulation. Through an interpretive analysis of an instrumental case study of NetzDG, combining 26 elite interviews, document analysis, and process tracing, the chapter examined

the regulatory journey that led to the adoption of NetzDG, with a specific emphasis on the role of regulatory power in shaping emergent platform regulation.

The power-integrated MSA intertwined two core inquiries, providing complex, decisional explanations for how and why NetzDG emerged as a successful policy idea. It assessed the convergence of problem recognition, policy proposals, and political opportunities. Additionally, it explored the impact of the relationship between the German government and tech giants, focusing on the dynamics of regulatory power among these actors within the context of contemporary digital regulation.

From this case analysis, three central explanations emerged as pivotal in influencing the adoption of NetzDG in Germany, while also providing insights into the broader regulatory approaches to emerging platform regulation. First, the core idea of aligning offline and online illegality gained wide acceptance by reinforcing existing German law and allowing policymakers to reclaim power over the digital sphere. Second, the relationship between the German government and giant technology platforms was marked by contention, with platforms strategically withholding critical resources that NetzDG subsequently mandated they enrol for regulatory purposes. Third, Justice Minister Heiko Maas played an instrumental role as a policy entrepreneur, championing NetzDG as a politically viable idea to address both the issue of illegal speech online and the state's diminished control over platforms.

While procedural obligations for the removal of illegal content by platforms have become widely adopted, it is crucial to look beyond the simple view of NetzDG as a German policy export. The case analysis revealed that platform regulation is shaped by a complex interplay of ideas, resources, and regulatory power between regulator and regulatee. Moving forward, the power-integrated MSA offers a robust framework for analysing contemporary technology regulation, particularly spotlighting the power dynamics between nation states on the one hand, and tech giants on the other. This approach is especially well suited for examining

regulations concerning platform-centric emerging technologies, such as social media, generative artificial intelligence, or virtual metaverses.

Chapter 6: A Fragmented Landscape, an Entangled Relationship: Platform Safety Regulation in the United States (2016–2025)

6.1 Introduction

The US is home to many of the world's most powerful digital platforms. Broadly defined as web-based infrastructures that enable users to interact, transact, and access information, these platforms have become integral to everyday public life, central to the US economy, and foundational to the country's geopolitical influence (Gillespie, 2010; Plantin et al., 2018; Rochet & Tirole, 2003). From AI development and e-commerce to social media, search, and user-generated content, US-based firms dominate key sectors of the global digital economy. Among the 10 largest companies globally by market capitalisation, eight are US-based technology companies. For five of them – Alphabet, Amazon, Apple, Meta, and Microsoft, often referred to jointly as 'big tech' – user-facing platforms are core to their product portfolio (Birch & Bronson, 2022; CompaniesMarketCap.com, 2025). These firms are part of a much broader domestic ecosystem of giant technology platforms in the US, which spans a cohort of very large, often publicly listed companies like Airbnb, DoorDash, Netflix, and Uber.

Yet while digital platforms are thriving in the US, their rise has not been without notable downsides. Platforms have emerged as key sites of significant safety risks. In the US context, their algorithms have been shown to discriminate against people of colour, minorities, and marginalised communities; their services have been linked to polarisation, civil unrest, and violent attacks; and they have repeatedly played host to foreign interference, viral

misinformation, and efforts at undermining the integrity of democratic processes (Howard, 2020; Noble, 2018; Woolley & Howard, 2018).

Platform-based safety risks have not gone unnoticed. Across advanced democracies worldwide, there has been a wave of platform-aimed regulation. Jurisdictions like Australia with its Online Safety Act, the UK with its Online Safety Act (OSA), and the European Union with the Digital Services Act and the AI Act have introduced comprehensive regulatory regimes aimed at platform safety regulation. Conversely, no comprehensive federal law regulating platform safety has emerged in the US.

As a result, the US is often described as an outlier, or at the very least a regulatory exception, when it comes to platform safety regulation across advanced democracies (Bayer et al., 2021; Flew & Martin, 2022). Yet narratives of the US as a digital Wild West where giant technology platforms remain unchecked oversimplify the complex regulatory reality. Since 2016, the US federal government has undertaken a range of measures aimed at safeguarding platforms, including executive orders, agency investigations, and limited legislative efforts. Additionally, several US states have adopted their own platform safety initiatives (Brennen et al., 2024).

In the US, platform safety regulation is not absent. On the contrary, the regulatory field is active, but often ineffective: measures lack consistent enforcement, prove short-lived, or are ill-equipped to address digital contexts, or even raise constitutional concerns around civic freedoms (Bloch-Wehba, 2019; Citron, 2023; Gorwa, 2024). As this chapter will show, while there are a growing number of platform safety–focused measures, the regulatory landscape remains fragmented, structurally dysfunctional, and heavily dependent on the platforms it seeks to regulate.

This raises a central puzzle: why, after nearly a decade of regulatory activity, has platform safety regulation in the US remained so dispersed and by and large ineffective? In search of

answers, this research shifts attention away from frequently discussed explanations like legal limitations, historical trajectories, or self-governance traditions. Instead, it examines the relationship of the US federal government and giant technology platforms – and the power dynamics that shape this relationship – to offer a novel understanding of platform safety regulation, or the lack thereof, in the US.

The research addresses the following questions:

- In the apparent absence of comprehensive federal regulation, what regulatory approaches have emerged in the United States in platform safety regulation?
- How is regulatory power enacted through the mobilisation of resources between state and platform actors?

To answer these questions, the chapter draws on a document analysis of an archive of 43 policy texts and 33 in-depth elite interviews with US tech policy experts. These methods are triangulated with process tracing, aimed at identifying sequences and causal pathways. The analysis proceeded in two stages. First, it mapped the regulatory landscape across the executive, legislative, and judicial branches of the US federal government, identifying key actions aimed at platform safety. Second, it examined power dynamics between state and platform actors, using a framework of four regulatory resources – information, authority, treasure, and organised expertise.

What emerged was not a functional emergent regulatory landscape, but a structural entanglement between state and platform power that blunted the federal government's capacity to regulate. This entanglement takes shape through three constellations of power:

- **Interdependence**, where state and platform actors co-produce regulatory capacity, blurring public–private boundaries.

- **Asymmetry**, where platforms hold resource advantages that diminish public oversight.
- **Enrolment**, where the government relies on platform-held resources to perform public functions it cannot fulfil alone.

6.2 Literature Review

6.2.1 Platform Regulation in the United States

This section offers an overview of platform regulation in the US. While specific regulatory measures from 2016 to 2025 are examined in detail in the analysis section, this section offers a broader trajectory of the evolving relationship between the US federal government, successive presidential administrations, and giant technology platforms.

The rise of digital platforms in the US is closely connected to the research, support, and funding of the US federal government. This connection dates back to the beginnings of the internet. ARPANET, which predated the modern internet, was established in 1969 as a Cold War communication network by the US Department of Defense. While initially developed for military use, it quickly gained adoption by universities and research institutions. In 1983, ARPANET switched to a TCP/IP protocol that created a network of networks – often referred to as the internet's official birthday. Yet it was the invention of the World Wide Web in 1989 that marked a turning point. Over the following decade, the internet developed into a privatised, user-facing space, and became a mainstream technology that reached the stage of mass adoption (Leiner et al., 2009; O'Mara, 2019).

Throughout the 1990s, state oversight of the burgeoning internet was limited, with US federal policy aimed primarily at market growth and innovation. The administration of President Bill Clinton (1993–2001), along with Vice President Al Gore, championed ideas of the internet as an "information superhighway" (Gore, 1994), expected to catalyse public

access to information, economic growth, and US leadership. The 1996 Telecommunications Act became a key policy embodying this vision, aiming to support the competitiveness and innovativeness of the emerging internet. Yet, the Act also reflected early online safety concerns in relation to pornography, obscenity, and child safety through a last-minute amendment, the Communications Decency Act (CDA; CDA, 1996). The Act was largely struck down in court, but CDA Section 230 survived and still fundamentally shapes the US internet landscape. It shields internet services from liability for content posted by third parties, while also allowing them to moderate content without liability (Bietti, 2021; Gasser & Schulz, 2015).

Throughout the 2000s and 2010s, under the administrations of President George W. Bush (2001–2009) and President Barack Obama (2009–2017), the light-touch approach to internet regulation remained largely intact, fuelling the increasing commercialisation and platformisation of the internet. Dominant platforms in app development, e-commerce, social media, search, and user-generated content evolved and expanded, often relying on the mass harvesting of user data to monetise their services (Moore & Tambini, 2018; Zuboff, 2019). While concerns about market concentration and data protection began to surface – especially in connection to the 2013 Edward Snowden revelations of widespread state surveillance that relied on data from US tech giants – no major regulation emerged in the US during this period (Greenwald, 2015).

From 2016 onwards, however, the relationship between digital tech and the US federal government began to come under strain, marking the beginning of heightened regulatory scrutiny. A series of high-profile scandals – most prominently reports about foreign interference in the US 2016 presidential election and the Cambridge Analytica scandal in 2018 – brought to light the real-life risks to public safety associated with platform services. Safety concerns surrounding algorithmic recommender systems, online extremism, digital

interference in democratic processes, manipulative digital campaigning, and viral misinformation gained increasing traction in US policy discourse.

Under the first administration of President Donald Trump (2017–2021), the relationship between state actors and platforms was ambivalent. Democrats criticised platforms for their failure to protect users from harms from viral misinformation and data misuse, while Republicans accused tech giants of censorship of free speech and anti-conservative bias. Trump heavily relied on Twitter (now X) for his public communication but also attacked the platform for flagging or fact-checking his posts, especially around Covid-19 and the 2020 election. At the same time, Trump himself cultivated close ties with some corners of the US digital tech industry, particularly in venture capital and security technology. Peter Thiel, a prominent investor and co-founder of the surveillance tech firm Palantir – which secured major federal contracts during the Trump administration – was an early supporter of Trump. He prominently donated to his campaign, served on his transition team, and became a key figure in rallying parts of Silicon Valley behind the administration (Chafkin, 2021).

Under the administration of President Joe Biden (2021–2025), the relationship between the state and tech giants remained complex (Schaake, 2024). The administration pursued renewed efforts towards increasing state oversight of giant technology platforms, with a focus on algorithmic bias, AI safety, child safety, and misinformation – though these initiatives mainly took the form of voluntary measures. The January 6 Capitol attack of 2021 and the ongoing spread of Covid-19 misinformation on social media platforms instilled new momentum into policy debates surrounding platforms among both Democrats and Republicans. Biden distanced himself from giant technology platforms in rhetorical terms, and famously stated that platforms were "killing people" (as quoted in Kanno-Youngs & Kang, 2021, para. 1) due to their failure to effectively moderate Covid-19 misinformation. At the same time, his administration appointed several individuals with close ties to technology

platforms into senior advisory and government roles. The administration also collaborated closely with Google's former CEO Eric Schmidt at the Office of Science and Technology Policy (OSTP), and accepted major funding from him for technology-related initiatives (Thompson, 2022).

As of 2025, the return of Trump for his second administration (2025–expected 2029) signals a deepening of ties with platform actors and tech giants more broadly. Trump has appointed several major figures of the digital tech sector to government roles: Trump's Vice President J. D. Vance is a former Silicon Valley venture capitalist with close ties to Peter Thiel. Tesla and X CEO Elon Musk and tech entrepreneur David Sachs were appointed to senior government positions. Big tech companies and several very large platforms including Amazon, Alphabet, Meta, Microsoft, OpenAI, and Uber each contributed US$1 million to Trump's 2025 inauguration committee and Elon Musk became the largest individual donor to the Trump 2024 presidential campaign, donating US$250 million (Yang, 2025).

While this section has provided an overview of the regulatory landscape up to 2016 and contextualised the broader developments shaping platform governance in the US, a detailed analysis of federal-level regulation from 2016 to 2025 is offered below in Section 6.4 of this chapter.

6.2.2 Challenges to Federal Platform Safety Regulation

Unlike many other advanced democracies, the US has not introduced comprehensive platform safety regulation, though several more dispersed efforts have emerged at the federal and state levels. In the literature, scholars commonly identify three key challenges that impede platform regulation in the US: *legal-historical* constraints, *political-institutional* fragmentation, and the dominance of *industry-led self-regulation*.

First, legal-historical trajectories shape US regulation. The country is often characterised as a liberal regulatory state that favours individual liberties, industry-led solutions, free markets,

and limited government intervention (Aglietta, 1976/2000; Schmidt, 2005; Wheeler, 2023). While regulation of the private sector does take place, compared to international counterparts, regulations in the US tend to be more industry-friendly, less precautionary, and more reactive and ad hoc (Wheeler, 2023). With regard to platform safety regulation, there are also important constitutional constraints. The First Amendment of the US Constitution provides strong protections and individual liberties for freedom of speech which are more wide-reaching than those of other advanced democracies (Appleman, 1995; Gasser & Schulz, 2015). Together with CDA Section 230, which shields internet services from liability for third-party content, scholars have argued that this historical-legal trajectory renders state intervention in matters of speech both politically unviable and legally difficult (Citron, 2023; CDA, 1996; Kaye, 2019). Conversely, platform safety regulations in countries like Germany and the UK often revolve around issues like illegal and harmful speech, which are generally off-limits for regulatory intervention in the US.

Second, scholars have pointed to political-institutional challenges. The regulatory system of the US is dispersed. No single federal agency holds dedicated oversight over the digital sector or platforms, and existing, limited regulatory remits are stretched across multiple institutions at the federal, state, and local levels (Brennen et al., 2024; Gorwa, 2024). Additionally, recent Supreme Court rulings have limited the influence of regulatory agencies. The major questions doctrine is a principle in US law that requires clear congressional authorisation for federal agencies to regulate matters of major economic or political influence. It was affirmed in 2022, shifting influence to the US Congress (*West Virginia et al. v. Environmental Protection Agency et al.*, 2022). The Chevron doctrine, a principle of US law that required courts to defer to federal agencies to interpret ambiguous statutes, was overruled in 2024 – restricting federal agency discretion (*Loper Bright Enterprises et al. v. Gina Raimondo, Secretary of Commerce, et al.*, 2024). And in 2024, the Supreme Court ruled that executive agencies must use federal courts when imposing significant penalties, weakening agency

enforcement capacity (*SEC v. Jarkesy*, 2024). Meanwhile, since the rise of giant technology platforms in the 2010s, Congress has been frequently divided along partisan lines including during the periods 2011–2015, 2019–2021, and again since 2023 – making legal reform difficult across all domains.

Third, research has highlighted the dominant role of *industry self-regulation*. Since 2016, giant technology companies have increasingly undertaken self-regulatory initiatives in the US. Researchers have documented how platforms have developed internal technical systems and policies to address online safety, have established bodies for adjudicating safety decisions, and maintain large trust and safety teams devoted to keeping the platforms secure (Gorwa et al., 2020; Kettemann & Schulz, 2020). Scholars note that this aligns with the long-standing US preference for market-led solutions over direct state intervention. Additionally, several scholars have suggested that industry self-regulation may be more effective or better suited than state-led approaches (Bloch-Wehba, 2019; Citron, 2018). However, existing research has often eclipsed the role of the state in self-regulation – whether through public pressures, legislative threats, or coordination. What is more, the effectiveness of self-regulatory measures remains difficult to evaluate, especially as platforms withhold data about the safety risks and mitigation measures on their services.

While this research has identified important challenges to comprehensive regulation, it has largely focused on legal, institutional, and governance arrangements in isolation. However, it has overlooked the dynamics between state and platform actors that underpin regulatory development in the US. This research seeks to address this gap.

6.2.3 Regulation as State–Platform Relationship Dynamics

To explain how platform regulation takes shape in practice, or how and why it fails to materialise, I argue that it is necessary to shift focus to the relationship between state and platform actors. While a rich body of interpretive policy analysis has demonstrated that power

dynamics between regulator and regulatee, actors' understanding of regulatory meanings, and lived experiences shape regulation in practice, this perspective has rarely been applied to platform regulation. In US platform regulation, this power dynamic is especially high stakes: the federal government as a regulator – a high-capacity advanced democracy – interacts with giant technology platforms as regulatees – extraordinarily influential drivers of domestic wealth, growth, and innovation in the US.

This research treats regulation not as a static legal-institutional arrangement but approaches it as a power dynamic enacted between states and platforms. It draws on a relational definition of regulation as "the sustained and focused attempt to alter the behaviour of others … with the intention of producing a broadly identified outcome" (Black, 2002a, p. 20). From this perspective, regulation is not merely the outcome of legislation, institutional design, or governance arrangements, but an ongoing process shaped through the interactions of regulatory actors on the ground.

To understand how power dynamics operate within this regulatory relationship, this research builds on Lindvall and Teorell's (2016) conception of state power as the capacity to achieve intended policy outcomes through the mobilisation of resources. In their model, resources function as "inputs" (2016, p. 9) to regulatory capacity and power emerges when capacity is put to use to implement regulation. Thus, resources are necessary but not sufficient for power to emerge. As such, they suggest that analysing an actor's resource endowments offers a practical proxy for power in regulation. From this perspective, the greater a state's resource base – and its capacity to use those resources – the greater its potential to exercise power.

Black (2002b, 2003) offers a complementary view that brings together ideas of resources, capacity, and power in the domain of regulation. She defines regulatory capacity as an actor's ability to mobilise relevant resources toward regulatory goals. Both state and non-state actors

can hold relevant resources, and may access and mobilise the resources of other actors in pursuit of regulatory goals. Entwining Black's (2002b, 2003) emphasis on resource-enabled regulation with Lindvall and Teorell's (2016) understanding of power as the capacity to mobilise resources, I define regulatory power as the capacity of a regulator to mobilise resources in order to influence the behaviour of a regulatee in pursuit of regulatory goals.

Building on this theoretical foundation, I draw from an original framework of four key regulatory resources developed in Chapter 2 of this thesis and employed in previous research on platform regulation in the UK (Chapter 4) and Germany (Chapter 5), published in the *Internet Policy Review* (Neudert, 2023) and the *Journal of Information Policy* (Neudert, 2024) respectively: information, authority, treasure, and organised expertise. While not all resources are always mobilised in every regulatory context, each plays a critical role in enabling platform regulation. Table 16 defines the four resources and their roles in platform regulation.

Table 16: Overview of key regulatory resources.

Regulatory resource	Definition and use in regulation
Information	Relevant and timely data about regulatee behaviour, necessary for regulatory policymaking, informed decision-making, and monitoring of compliance
Authority	The legal or de facto influence and legitimacy of the state to demand, forbid, guarantee, and adjudicate within its legal system; critical for the enforcement of regulatory policy
Treasure	Financial capital required to fulfil regulatory functions and to acquire other relevant regulatory resources, including organised expertise
Organised expertise	Professional staff with expert knowledge and domain-specific know-how relevant to the regulatory context

Note: This conceptualisation of key regulatory resources builds on the author's prior research on platform regulation in Germany and the United Kingdom. It adapts existing frameworks, including Black's (2002b, 2003) "regulatory resources", Dunleavy and Carrera's (2013) "organised expertise", and Hood's (1983) "tools of government", and draws on the synthesis of empirical interview data to distinguish four key regulatory resources relevant in platform regulation.

I argue that this relational and resource-centric approach is especially well suited for studying platform regulation in the US context, where regulation is dispersed across multiple branches of the federal government and rarely exercised through comprehensive, formalised frameworks. It foregrounds regulatory power as something enacted not only through laws, institutional mandates, and governance arrangements, but also through the configuration,

mobilisation, and enactment of resources within the relationship between regulator and regulatee.

6.3 Methods

This research spotlights the US as an instrumental case study of platform regulation. This approach affords deep insights into the US case but also allows for drawing broad interpretive generalisations that offer insights into platform regulation in other contexts (Mills et al., 2010). This section details the methods underpinning this case analysis, though a more detailed discussion of the methods is provided in Chapter 3.

There were three key reasons for selecting the US as a case study. First, it is home to the headquarters of many of the giant technology platforms at the centre of international regulatory interest, making its regulatory action especially consequential. Second, the US is an advanced democracy and a thought leader in regulation, likely shaping regulatory trajectories internationally. Third, unlike many other major advanced democracies, the US has not introduced comprehensive legal frameworks aimed at platforms, but instead pursued more dispersed measures, reflecting a distinctive regulatory strategy in the broader landscape of platform regulation.

This research adopts an interpretive policy analysis (IPA) to generate thick descriptions of decisional insights into how and why emergent platform regulation is interpreted and enacted by state actors in the US. The analysis triangulated across three methods: a document analysis of 43 policy texts including bills, court rulings and proceedings, and executive orders; 33 elite interviews with experts and practitioners in US technology policy; and process tracing across these sources aimed at reconstructing detailed timelines and regulatory trajectories. The time period for analysis begins in November 2016, coinciding with the election of Donald Trump and the widespread emergence of public debate about the safety of user-facing platforms, and extends to July 2025 – spanning almost a decade of regulatory activity.

While these methods were triangulated throughout the research, the first part of the analysis – which maps regulatory measures across the three branches of the federal government – draws primarily on document analysis. To identify relevant documents on platform safety regulation, targeted searches were conducted across government archives and document repositories, including the Federal Register, the White House Archives (catalogued in the National Archives), and the archival collections of relevant regulatory agencies and departments. These included the Department of Justice (DOJ), the Federal Communications Commission (FCC), the Federal Trade Commission (FTC), the OSTP, the Office of the United States Trade Representative (USTR), and, where relevant, the Department of Commerce (DOC) and its subagency the National Telecommunications and Information Administration (NTIA), the Department of Homeland Security (DHS), and the Centers for Disease Control and Prevention (CDC).

To query archives, Boolean operators were combined with keywords including *algorithm**, *AI**, *big**, *censorship**, *content**, *content moderation**, *digital**, *election**, *misinformation**, *platform**, *safety**, *Section 230*, *speech**, *tech**. The archive included action plans, bills, draft bills, court rulings and proceedings, guidance documents, executive orders, memoranda, press releases, speeches of public officials, and webpage materials on official .gov domains. The archive of documents analysed is available in Appendix D.

The second part of the analysis, on regulatory relationships and resources between state and platform actors, draws primarily on 33 elite interviews conducted between March 2024 and June 2025, in triangulation with document analysis and process tracing. Following Littig (2009), elite interviews targeted both functional elites with formal decision-making roles inside the federal government and giant technology platforms, and professional experts with specialised knowledge of platform regulation and US technology policy.

There were three primary groups for recruitment: first, experts and policy practitioners based in federal government departments and regulatory bodies; second, lobbyists and public affairs staff at giant technology platforms at the centre of ongoing regulatory efforts in the US; and third, experts from academia, civil society, and law who work on platform-focused policy issues, often advising, collaborating, or engaging with US federal actors.

All interviews were conducted over Zoom and lasted between 36 and 72 minutes. Recruitment combined cold outreach via LinkedIn and public email addresses with warm outreach through the researcher's professional network. Snowball sampling was also employed, with participants recommending further interviewees.

In 27 of the interviews, the participants came from academia, civil society, and law – reflecting the maturity of the tech policy field outside of formal government structures. Five participants held current positions in major platforms and tech, with two additional participants drawing on prior experience in this sector. Only one interviewee held a current government or regulatory position at the time they were interviewed. However, nine others had previously served in such roles, and several maintained ongoing ties to their former institutions through advisory roles or continued consulting. Table 17 offers an overview of the three target groups and the distribution of participants.

Despite sustained outreach efforts, no interviews were secured with representatives from the judiciary or legislative branches, due to non-response or constraints related to professional codes of conduct that prohibited potential participants from taking part in research interviews. Contacting US lawmakers and their staff proved particularly difficult through official channels, many of which required proof of constituent status which I do not hold. In this area in particular, interview data were supplemented and triangulated with document analysis of key policy materials produced by these institutions. Moreover, several participants

across groups had extensive experience interacting with federal state actors, offering valuable insights into the perspectives of policymakers.

Table 17: Overview of key target groups for interview recruitment.

Target group	Description	Number of participants
Government and regulators	Current or former policy experts from federal government departments and regulatory agencies focused on tech policy	1
Platform and tech	Lobbyists and public affairs staff from major US-headquartered technology companies including Alphabet, Meta, Niantic, and OpenAI	5
Academia, civil society, law	Experts from tech policy–focused civil society organisations (CSOs), non-profit organisations, think tanks, civic tech firms, universities, and legal consultancies; this group also includes tech journalists	27
Total		33

All interviews were fully transcribed using the Trint transcription software. Participants were given the option to contribute on the record, off the record, pseudonymously, or anonymously. Where requested, participants reviewed and approved their quotes prior to inclusion in this research.

Data were analysed using qualitative coding, beginning with open-ended codes and progressing toward broader conceptual categories and interpretive themes. Process coding was used to identify sequences of events (Saldaña, 2009). A detailed account of my coding strategy is offered in Chapter 3.

6.4 Analysis: Platform Regulation in a Fragmented Federal System

6.4.1 Mapping Federal Regulatory Measures (Document Analysis)

The document analysis revealed not an absence of platform regulation, but rather a rich, if dispersed, regulatory landscape spread across the three branches of the federal government. While comprehensive federal legislation, such as that which has emerged in the EU or the UK, remained elusive, regulatory measures aimed specifically at platform safety were widespread. These included measures like executive orders, agency investigations and guidance, limited legislative action, and judicial rulings aimed at altering platform behaviour.

However, these interventions were often disjointed across administrations, politicised along ideological lines, and scattered across different institutions.

In this section, I draw from the document analysis to present a comprehensive overview of regulatory measures aimed at the online safety of digital platforms across the executive, legislative, and judicial branches of the US federal government. Insights from the elite interviews provided additional empirical context and offered further evidence to understand the impact of these regulatory measures.

To identify relevant measures from the archive of documents collected, I applied a flexible and empirically grounded understanding of platform safety regulation. The research broadly conceptualises platforms as web-based digital infrastructure that allows different users to interact and transact. Reflecting the state of the regulatory field, I predominantly focused on giant technology platforms in the US and, to a lesser extent, the Chinese platform TikTok, which is operated by ByteDance – because these platforms were the main targets of US platform safety regulation.

Regulation was defined here as the attempt by a regulator – in this case, the US federal government – to change the behaviour of a regulatee – in this case, giant technology platforms – in pursuit of a broadly defined outcome (Black, 2002a; see also Section 2.2.3). I specifically focused on safety-oriented regulations: measures aimed at mitigating platform-associated harms, such as those related to algorithmic bias, content and speech, and user privacy. Reforms to CDA Section 230 and measures aimed at preventing alleged online censorship were also included, as they were closely connected to debates about platform accountability, user safety, and democratic harms – in particular threats to freedom of speech. In addition, selected executive measures on trade, tariffs, and industrial policy were included where they were commonly associated with concerns about US tech sovereignty and leadership over China, as these measures were frequently framed as matters of national

security and public safety in the US. In contrast, antitrust and competition measures were excluded, as they fall outside the scope of safety-focused regulation in this analysis.

6.4.1.1 Executive Action

Executive Orders

In the US legal system, executive orders (EOs) are binding directives issued by the president. Their use has intensified since 2021 with both Biden and Trump heavily relying on EOs as a regulatory instrument. In his first 100 days in office, Biden signed 89 EOs, more EOs than any president since President Harry Truman, including the reversal of several of the 220 EOs signed by Trump during his first term. In his second term in office, Trump signed 143 EOs in his first 100 days in office, more than any other president – rescinding several of Biden's EOs (Peters & Woolley, 2025). In the context of platform regulation, both administrations have focused executive actions on issues around AI safety, online censorship, and freedom of speech.

During Trump's first term, in 2020, 'Preventing online censorship' (Exec. Order No. 13925, 2020) was the first major EO directly aimed at digital platforms and followed a public feud between Trump and the platform Twitter (now X) after the company had fact-checked one of his tweets on mail-in voting. The order instructed a petition for the FCC to review CDA Section 230 and the conditions for platform immunity, reflecting concerns that platforms were censoring conservative voices, causing democratic harms, and posing threats to freedom of speech. The order was later rescinded by Biden before any formal action was taken.

Under Biden, the most significant order concerning platforms was 'Safe, secure, and trustworthy development of AI' (Exec. Order No. 14110, 2023), which aimed to guide responsible AI development. It required major tech companies to conduct and share results of safety tests and transparency reports with federal agencies, including the DOC. While not

exclusively targeted at platforms, the order applied to companies developing major AI models, including companies such as Alphabet, Microsoft, and Meta, whose platform services increasingly integrate these AI systems.

In his second term, Trump issued a series of platform-aimed EOs, signalling a renewed focus on perceived safety threats associated with alleged anti-conservative bias and demands for ideological neutrality, as well as for the promotion of American leadership. On day one in office, he issued 'Restoring speech and ending federal censorship' (Exec. Order No. 14149, 2025), which banned federal agencies from coordinating with platforms on content moderation. It instructed the attorney general to review the Biden administration's state–platform interactions during events such as the 2020 presidential election, the January 6 Capitol attack in 2021, and the Covid-19 pandemic.

The order 'Removing barriers to American leadership in AI' (Exec. Order No. 14179, 2025) rescinded Biden's 'Safe, secure, and trustworthy development of AI' (Exec. Order No. 14110, 2023). It explicitly rejected so-called ideological bias or social agendas in AI development. It also suspended corporate safety testing and disclosure obligations.

In a follow-up order, 'Preventing woke AI in the federal government' (Exec. Order No. 14319, 2025) published alongside 'Winning the race: America's AI action plan' (OSTP, 2025), Trump introduced new procurement rules for the federal use of AI, effectively requiring vendors to demonstrate ideological neutrality and reject so-called woke ideas.[13]

Additionally, in 2025 Trump issued the EO 'Application of Protecting Americans from Foreign Adversary Controlled Applications Act to TikTok' (Exec. Order No. 14166, 2025) that formally invokes the Protecting Americans from Foreign Adversary Controlled Applications (PAFACA) in relation to TikTok; however, the order simultaneously delayed the

[13] According to the Oxford English Dictionary, the term 'woke' previously described a state of being aware of social and racial injustice but has since come to be used by conservatives to criticise liberal and progressive views as performative. The term is considered derogatory (Oxford University Press, n.d.-b).

implementation of the Act, postponing a ban or sale. A subsequent order 'Extending the TikTok enforcement delay' (Exec. Order No. 14258, 2025) further extended this postponement, delaying any decisions regarding a ban or forced sale.

Executive Trade, Tariff, and Industrial Policy

Another form of executive action concerns the inclusion of CDA Section 230–style provisions in trade agreements. Since the mid-2010s, the US has frequently included such provisions in trade agreements (Liu, 2022). Under Trump, such clauses were included in the United States–Mexico–Canada Agreement (2020) and the United States–Japan Trade Agreement (2020), requiring partner countries to adopt similar liability protections for online platforms (USTR, 2020a, 2020b). These inclusions were made by the USTR, a cabinet-level office reporting directly to the president. Under Biden, the USTR withdrew CDA Section 230 clauses from trade agreements, aligning with broader calls for reform within his administration (Kern, 2022).

While not exclusively aimed at platform safety, tariffs have become a central executive tool of tech policy. Under the first Trump administration, the USTR initiated investigations into foreign digital services taxes (DST), finding that they unfairly burdened US firms, including Amazon, Meta, and Google. This led to proposed retaliatory tariffs on countries such as Austria, France, and the UK, as well as the EU. The incoming Biden administration immediately paused implementation and instead pursued OECD and G20 negotiations (USTR, 2021). In 2025, Trump issued a presidential memorandum instructing the USTR to revive and expand DST investigations, framing foreign taxes and regulations as "discriminatory, disproportionate" (Trump, 2025, Section 2). The memorandum also ordered investigations into whether any EU or UK policy "incentivizes US companies to develop or use products and technology in ways that undermine free speech or foster censorship", thereby explicitly framing these tariff measures as a matter of platform safety (White House,

2025, para. 1). Since 2016, the USTR has maintained sweeping tariffs on Chinese technology goods and restricted exports of AI-enabling supplies, citing security concerns (USTR, 2025). By targeting platform-adjacent technologies, the tariffs indirectly impact US platforms by incentivising domestic investments and limiting Chinese competition.

Industrial policy has likewise emerged as a channel of executive action directed at platforms. In 2022, Biden signed the CHIPS and Science Act, a congressional statute aimed at supporting the US semiconductor industry (CHIPS and Science Act, 2022). Its implementation is controlled by executive agencies, including the DOC, whose priorities are shaped by presidential agendas. In alignment with presidential priorities, CHIPS funding has been allocated toward infrastructure – citing supply chain security as a key objective – supporting cloud computing, AI development, and backbone computing technologies that also enable large-scale platforms (Office of Public Affairs, 2022).

At the start of his second term, Trump announced the Stargate Project, a US$500 billion AI infrastructure initiative, described by researchers as a public–private partnership (ZEW – Leibniz Centre for European Economic Research, 2024). While the federal government is not a direct investor, Trump has formally endorsed the project as a driver for US leadership in the global AI race. The administration has invoked emergency declarations to accelerate infrastructure permits and cut red tape. In addition, government agencies are reportedly involved in coordinating energy supply and siting decisions (Maloney, 2025).

Executive Agencies

In the US, most federal agencies are part of the executive branch. Their leadership is appointed by the president, and their agendas are shaped by presidential policy priorities. Some bodies, including the FCC and FTC, are independent agencies that operate at arm's length from the president, but are still subject to executive influence. With regard to platform

regulation and online safety issues, three key agencies have led the majority of efforts since 2016: the FTC, the DOJ, and the FCC.

The FTC, responsible for civil antitrust law and consumer protection, has become an important site of platform safety regulation. During Trump's first term, the FTC focused on consumer protection and high-profile enforcement. In 2019, Facebook was fined a record sum of US$5 billion for privacy violations related to Cambridge Analytica (FTC, 2019b). In 2019, TikTok (then known as Musical.ly) agreed to a settlement for allegedly violating children's privacy (FTC, 2019a). Under Biden, Lina Khan, a prominent big tech critic, was appointed chair of the FTC. In 2022, it initiated a rule-making process on commercial surveillance and algorithmic targeting (FTC, 2022). In Trump's second term, the FTC opened an inquiry into safety risks related to content moderation under the EO 'Restoring speech and ending federal censorship' (Exec. Order No. 14149, 2025), signalling a shift toward a more politicised agenda focused on platform content moderation and alleged censorship.

The DOJ, responsible for enforcing federal laws, entered platform safety regulation late in Trump's first term by issuing recommendations in 2020 to narrow CDA Section 230 protections for platforms, aimed at addressing speech harms in line with Trump's broader online censorship agenda (Office of Public Affairs, 2020). Under Biden, in 2024, its Civil Rights Division issued guidance on algorithmic bias and discrimination, aimed at mitigating civil rights harms arising from platform decision-making (DOJ, Civil Rights Division, 2024). In Trump's second term, the attorney general was instructed to investigate Biden-era coordination between federal agencies and platforms regarding Covid-19 and election-related content under 'Restoring speech and ending federal censorship' (Exec. Order No. 14149, 2025).

The FCC has also played a role in platform safety oversight. Following Trump's 'Preventing online censorship' (Exec. Order No. 13925, 2020), it was tasked with clarifying

the interpretation of CDA Section 230 regarding platforms' immunity for content moderation. While the agency initiated a rule-making process under the EO, the incoming Biden administration did not pursue the proposal, and no formal rule-making followed. Under Biden, the FCC largely withdrew from platform safety issues (Wheeler, 2021). As of mid-2025, the FCC under the new Trump administration has not revived platform-focused actions. However, Project 2025 – a controversial political blueprint, co-authored by the current FCC Chair Brenden Carr, which is intended to reshape the federal government along Trump-aligned priorities and which has substantially shaped the policies of the second Trump administration – proposes that the FCC should rein in big tech platforms (Dans & Groves, 2023).

Other agencies have also contributed to platform safety regulation. Under Biden, the OSTP released a 'Blueprint for an AI Bill of Rights' (OSTP, 2022), addressing platform harms in areas like algorithmic bias and lack of transparency. The CDC coordinated with platforms to flag health misinformation during the Covid-19 pandemic and the DHS engaged with platforms on election integrity (DHS, Office of Inspector General, 2024; Kettemann & Fretman, 2020). Under Trump's second administration, the NTIA has become involved in supporting the reinterpretation of CDA Section 230 as directed in the EO on 'Preventing online censorship' (Exec. Order No. 13925, 2020).

6.4.1.2 Legislative Action

While there has been sustained bipartisan interest in platform safety issues over the years, federal legislative action in the US has remained limited. Initial momentum emerged after the 2016 US presidential elections and concerns about foreign interference.
Between 2017 and 2018, the Senate Judiciary and Senate Intelligence Committee held hearings on election interference, questioning top tech executives from platforms like Facebook, Google, and Twitter. Lawmakers expressed frustration over platforms' lack of transparency

and accountability, sparking calls for regulation (Committee on the Judiciary House of Representatives, 2018; Senate Select Committee on Intelligence, 2018).

In 2017 the Honest Ads Bill, a proposed bill aimed at regulating digital campaigning, gained bipartisan support but ultimately failed (Honest Ads Bill, 2017). Following the Cambridge Analytica scandal in 2018, Facebook's Mark Zuckerberg testified before Congress. While no legislation followed, the FTC imposed a substantial fine (FTC, 2019b). In 2019, the Senate held hearings on alleged anti-conservative bias prompted by Trump, and other Republicans made claims of social media favouritism toward Democrats (Shepardson, 2019).

One of the most substantial legislative actions regarding platform safety materialised in 2018 with the passage of the Stop Enabling Sex Traffickers Act (SESTA) and the Allow States and Victims to Fight Online Sex Trafficking Act (FOSTA) – collectively known as SESTA–FOSTA – the first and only legislative reform to CDA Section 230 to date (SESTA, 2018). The Acts excluded content that assists, supports, or facilitates sex trafficking from liability exemptions. Though criticised by pro–free speech groups, the initiative received bipartisan support. Since 2020, Congress has introduced a range of bills targeting CDA Section 230 reform, though none of them have been passed into law. Democratic proposals have aimed to remove immunity for certain types of harmful content, while Republican proposals have focused on curbing alleged state overreach in online speech matters and platform online censorship, mainly related to collaboration between state and platform actors around Covid-19, the 2020 presidential election, and the January 6 Capitol attack of 2021 (Citron, 2023).

Under Biden, the Senate Commerce and Science Committee held a hearing following revelations made in 2021 by Facebook whistle-blower Frances Haugen, who released internal documents showing the company's awareness of safety risks associated with its services, particularly to teenagers (Senate Committee on Commerce, Science, and Transportation,

Subcommittee on Consumer Protection, Product Safety, and Data Security, 2021). In response to this and broader concerns around child safety, the bipartisan Kids Online Safety Bill (KOSA) was introduced in 2022, alongside several other bills on platform safety, but none passed into law (Kids Online Safety Bill, 2025).

The second substantial legislative effort emerged with PAFACA in 2024, which allows the president to ban or require the divestment of foreign apps under national security concerns (PAFACA, 2024). The bipartisan bill materialised in response to ongoing concerns about Chinese data access and surveillance, particularly relating to TikTok.

Between 2023 and 2025, Congress held several hearings on AI risks to public safety, featuring high-profile tech executives from companies such as Google, Microsoft, and OpenAI (House Judiciary Committee, 2025). Several AI-focused bills emerged addressing harms around facial recognition, deepfakes, and criminal exploitation of AI (American Action Forum, 2025). Notably, a 10-year moratorium preventing states from enforcing AI rules was proposed in the One Big Beautiful Bill Act (2025), but this clause was removed before the Act was passed.

6.4.1.3 Judicial Action

The US federal judiciary is an active regulatory actor in platform regulation. While the Supreme Court, as the highest court in the federal system, sets national precedent, lower federal courts, including district courts (which handle trials) and circuit courts of appeals (which hear appeals), have also made relevant decisions shaping the regulatory landscape. Importantly, the role of courts in regulation has been strengthened relative to that of executive agencies, as discussed in Section 6.2.2 of this chapter.

Since 2016, US federal courts have played an important role in affirming CDA Section 230 (CDA, 1996). For example, *Herrick v. Grindr LLC* (2019) and *Force v. Facebook, Inc.* (2019) from the Second Circuit Court of Appeals upheld broad interpretations of platform immunity.

In *Twitter, Inc. v. Taamneh* (2023), the Supreme Court ruled that platforms could not be held liable under antiterrorism law for failing to remove terrorist content, reinforcing core protections of the CDA Section 230. In *Gonzalez v. Google LLC* (2023), the Supreme Court avoided directly addressing whether algorithmic recommender systems are protected by CDA Section 230, leaving intact the prevailing interpretations that such systems are generally covered. In *Moody v. NetChoice, LLC* (2024), the Supreme Court vacated rulings on Florida and Texas laws that had sought to restrict platform content moderation following claims of censorship. While remanding the cases for further review, the court affirmed that platforms have a First Amendment right to make editorial decisions on content. Taken together, these decisions underscore the federal judiciary's role in reaffirming CDA Section 230, even as the executive and legislative branches have explored reform.

Furthermore, the federal judiciary has shaped platform regulation through constitutional interpretation, particularly concerning the First Amendment. In *Knight First Amendment Institute v. Trump* (2019), the Second Circuit ruled that Trump, who was the president at the time, could not block people from his Twitter (now X) account, treating it as a public forum subject to First Amendment protections. When the case reached the Supreme Court, the ruling was vacated due to Trump leaving office. In *Murthy v. Missouri* (2024), the Supreme Court reviewed lower court injunctions against executive agencies, where judges had argued that coordination on content between agencies and platforms amounted to unconstitutional coercion by the government to strong-arm platforms into suppressing free speech. In the US context, this practice is also commonly referred to as "jawboning" (Bambauer, 2015; Harbath & Perault, 2023), a form of state actor overreach in speech matters, describing efforts by public officials to coerce private actors, here platforms, to remove or suppress content, without formal mandates. The Supreme Court ultimately dismissed the case for lack of standing, leaving unresolved the constitutional boundaries of government–platform engagement.

6.4.1.4 Interim Summary: A Fragmented Regulatory Field

This analysis has challenged the assumption that the US is a wholly unregulated digital Wild West. Rather, over the last decade, a plethora of regulatory measures aimed at platform safety emerged. Table 18 offers an overview of the platform regulation measures that have been discussed. Nevertheless, federal regulation remained fragmented in three key ways: it is politicised along partisan lines, dispersed across the branches of the federal government and its institutions, and piecemeal in its character.

First, platform regulation was highly politicised along partisan lines, particularly across the executive and legislative branches of the federal government. Executive-level efforts under both Trump administrations focused on perceived threats of online censorship, anti-conservative ideological bias in tech and especially AI, and national security risks stemming from Chinese-owned technologies. Trump-era executive measures banned agency–platform coordination, imposed new rules requiring ideological neutrality, and rescinded EOs on AI safety put in place by the Biden administration. In contrast, under Biden executive action focused on AI safety, child protection, and algorithmic accountability. Similar partisan divides emerged in Congress. While Republicans focused their efforts on penalising alleged platform censorship, limiting content moderation, and exposing perceived jawboning of tech platforms by the Biden administration, Democrats advocated for stronger oversight of the digital realm – including through narrowing or reforming CDA Section 230 protections. This divide directly undermined the prospect of legislative efforts, especially the possibility of coherent bipartisan legislation, with most proposals stalling or being dismissed.

Second, platform safety regulation was highly fragmented across all three branches of the US federal government and their respective institutions. Rather than being homed in a dedicated regulatory agency – such as Germany's Federal Network Agency or the UK's Office of Communications (Ofcom) – platform regulation in the US was distributed across a range

of executive agencies, departments, legislative committees, and courts. On the executive level, presidential EOs were a central mode of regulatory action emerging directly from the White House, occasionally in coordination with the OSTP. Additionally, enforcement measures and regulatory guidance came from a range of agencies including the FCC, the FTC, and the DOJ. There were also several examples of overlapping initiatives across branches and agencies, with multiple actors pursuing similar regulatory aims without coordination and sometimes with conflicting measures. For example, Biden's executive actions on AI safety, the OSTP 'Blueprint for an AI Bill of Rights', and FTC rule-making all addressed algorithmic bias, but without coordination or even a joint approach. Legislative activity involved multiple Senate and House committees, though aside from increased scrutiny and hearings, only a few substantial measures were passed. SESTA–FOSTA remained the only legislation. On the judicial level, the Supreme Court and federal courts reinforced CDA Section 230 liability exemptions but largely fell short of interpreting constitutional limits on state–platform interactions through First Amendment jurisprudence. In sum, the regulatory efforts remained disjointed, overlapping, and even conflicting, reflecting a wider pattern of institutional fragmentation.

Third, regulation was piecemeal and at times contradictory, lacking an overall direction. Executive actions proved vulnerable to reversal and were frequently short-lived in scope. Trump's orders were often impulsive, reactive, and marked by personal grievance, whereas Biden's reflected a more programmatic and long-term agenda. Yet his administration still failed to bring durable change, with key EOs being revoked, as demonstrated when Trump rescinded Biden's executive actions on AI within his first 100 days in office in 2025, replacing them with a deregulatory approach that suspended safety and reporting obligations. Additionally, the strong emphasis on executive action over legislation raises concerns about the democratic legitimacy of measures. Legislation measures also proved fragile. Though carried by bipartisan support, major proposals such as the Honest Ads Bill or KOSA were

never signed into law. Ambitions for CDA Section 230 reform stand in contrast to the actions of the newly empowered federal judiciary, which reaffirmed the existing liability exemptions in recent rulings.

Taken together, these patterns reveal a fragmented regulatory landscape characterised by political volatility, institutional dispersion, and a lack of regulatory direction. While rich in activity, no coherent, stable, and effective measures aimed at ensuring platform safety emerged. While the document analysis has mapped this emergent regulatory field over the past decade, it has left unaddressed how and why this fragmented regulatory development is shaped by underlying power dynamics between state and platform actors.

Table 18: US platform regulation measures across the executive, legislative, and judicial branch of the federal government (2016–2025).

Branch	Year	Measure	Type/focus	Status
Executive	2016	Tariffs on Chinese tech goods (2016–2025)	Trade restrictions on Chinese tech	Active
Executive	2019	FTC: US$5bn fine to Facebook	Platform privacy and enforcement	Completed
Executive	2019	FTC: TikTok privacy settlement	Children's data privacy	Completed
Executive	2020	Exec. Order No. 13925	Preventing online censorship	Rescinded by Biden
Executive	2020	FCC: Rule-making process on interpretation of CDA Section 230	CDA Section 230 reform	Initiated but abandoned under Biden
Executive	2020	USMCA Trade Agreement	CDA Section 230 clauses in trade agreements	Active
Executive	2020	US–Japan Trade Agreement	CDA Section 230 clauses in trade agreements	Active
Executive	2020	DOJ: Recommendations to narrow CDA Section 230	CDA Section 230 reform	Issued
Executive	2022	OSTP: Blueprint for an AI Bill of Rights	Guide for society on AI safety	Released
Executive–Legislative	2022	CHIPS and Science Act	Industrial policy supporting platform infrastructure	Active
Executive	2022	FTC: Rule-making on commercial surveillance	Commercial surveillance and algorithmic targeting	Initiated under Biden
Executive	2023	Exec. Order No. 14110	Safe, secure, and trustworthy development of AI	Rescinded by Trump
Executive	2024	DOJ Civil Rights Division: Guidance on algorithmic bias	Algorithmic bias and discrimination	Issued

Executive	2025	Exec. Order No. 14149	Restoring speech and ending federal censorship	Active under Trump
Executive	2025	Exec. Order No. 14166	Application of PAFACA to TikTok	Active under Trump
Executive	2025	Exec. Order No. 14179	Removing barriers to American leadership in AI	Active under Trump
Executive	2025	Exec. Order No. 14258	Extending the TikTok enforcement delay	Extended delay
Executive	2025	Exec. Order No. 14319	Preventing woke AI in the federal government	Active under Trump
Executive	2025	FTC: Content moderation inquiry	Content moderation and political censorship	Launched under Trump
Executive	2025	Presidential memorandum on DSTs	USTR instructed to revive and expand DST investigations	Active
Executive	2025	Stargate Project	Endorsing public–private AI infrastructure initiative	Endorsed, not publicly funded
Legislative	2017	Honest Ads Bill	Digital campaigning transparency	Failed
Legislative	2017	Senate hearings on election interference (2017–2018)	Election interference and platform transparency	Held
Legislative	2018	Cambridge Analytica hearings	Platform accountability and data privacy	Held
Legislative	2018	SESTA–FOSTA Act	Sex trafficking carve-out from CDA Section 230	Passed
Legislative	2019	Senate hearings on anti-conservative bias	Online censorship and algorithmic bias	Held
Legislative	2020	CDA Section 230 reform proposals (2020–2025)	CDA Section 230 reform	Not passed
Legislative	2021	Senate hearings with Frances Haugen testimony	Online child safety	Held
Legislative	2022	Kids Online Safety Act	Online child safety	Not passed
Legislative	2024	PAFACA	Foreign platform ban on national security grounds	Passed
Legislative	2025	One Big Beautiful Bill Act	AI regulation and state moratorium proposal	Vacated
Judicial	2019	Force v. Facebook, Inc.	Reaffirming CDA Section 230 liability	Affirmed
Judicial	2019	Herrick v. Grindr LLC	Reaffirming CDA Section 230 liability	Affirmed
Judicial	2019	Knight First Amendment Institute v. Trump	Social media as a public forum	Dismissed
Judicial	2023	Gonzalez v. Google LLC	Algorithmic recommendation systems liability	Vacated
Judicial	2023	Twitter, Inc. v. Taamneh	CDA Section 230 and terrorism content immunity	Avoided
Judicial	2024	Moody v. NetChoice, LLC	First Amendment and content moderation	Vacated
Judicial	2024	Murthy v. Missouri	First Amendment and content moderation	Dismissed

Legislative	2023–2025	Congressional hearings and bills on AI	AI risks including deepfakes and facial recognition	Held; not passed

Note: All measures listed here were identified by the author based on their relevance to platform safety regulation in the US.

6.4.2 Analysing Resources, Relationships and Power (Elite Interviews)

The previous section offered a detailed analytical mapping of safety-focused platform regulations in the US from 2016 to 2025, presenting a rich, yet fragmented regulatory landscape. In this section, I shift the focus from *what* regulations have been imposed to decisional perspectives into *how* and *why* regulation is enacted through the relationship between regulator and regulatee, as shaped by complex constellations of resources and power. This interpretive analysis moves away from the formalised regulations spotlighted in the previous section to consider regulation as an actor-constructed process that is deeply shaped by interpretations of resources, capacity, and power.

Drawing on resource-based conceptions of regulatory power and informed by 33 in-depth elite interviews with US tech policy experts, this section traces the mobilisation of four regulatory resources: information, authority, treasure, and organised expertise. Three central resource constellations emerged from this analysis:

1. **Interdependence**, where state and platform actors mutually exchanged, shared, and co-produced resources, posing risks of alignment and dampened regulatory oversight.
2. **Asymmetry**, where platforms held a resource advantage over the federal government, diminishing its capacity to regulate.
3. **Enrolment**, where the federal government enlisted platform resources and delegated self-regulatory and quasi-public functions to private platforms, without a legal mandate and against constitutional obligations.

Taken together, these resource constellations paint a picture of deep and structural entanglement between state and platform actors – an entanglement that often blurred public–private boundaries and blunted the federal government's capacity to enact regulatory power.

6.4.2.1 Interdependence

Interviews revealed a persistent pattern of resource interdependence between the US federal government and giant technology platforms, in which resources – predominately organised expertise and treasure – were actively exchanged, shared, and co-produced.

The most commonly cited example was the circulation of organised expertise between the federal government and giant technology platforms. Multiple interviewees described a well-established revolving door spanning both working-level policy professionals and high-ranking advisory or board positions. Rather than a series of individual career moves, participants described an elite, networked professional community, characterised by overlapping affiliations, shared language, and deep familiarity with their respective organisational cultures.

Alissa Cooper, who has held roles in both sectors, described a "melding of people from the tech industry directly into government" (interview 88, Cooper, 19 December 2024). Similarly, Mark Scott, a journalist who has covered US tech policy for more than a decade, described a close-knit community where "everyone in the space knows each other … [There is] a chumminess, a closeness … They all went to the same colleges, the same conferences" (interview 76, Scott, 4 June 2024). Thus, not only was there an overarching network, but it was also characterised by close personal ties, friendly relationships, and mutual familiarity – with blurred boundaries between the professional and the personal.

Interview participants disagreed whether this interdependent relationship strengthened or compromised regulatory capacity vis-à-vis platform actors. Some participants saw this shared expertise and overlapping professional networks as beneficial. They argued it facilitated productive working relationships and mutual understanding. Several participants described

emergency situations where, by virtue of personal relationships, government and platform actors could "just pick up the phone" (interview 81, anonymous 27, Platform and tech, 14 August 2024) and speak directly to someone in charge – bypassing the complex hierarchies that characterise both the federal government and giant technology platforms.

However, other participants expressed concern that shared organised expertise could suppress dissent and compromise the regulatory process, as state actors may withhold scrutiny to avoid putting at risk their own career trajectories.

> The revolving door is a reciprocal relationship that does incentivise people not to push the boat too far. You don't want to do anything too controversial, because you don't want to alienate a company you might later want to work for. (interview 80, anonymous 26, Platform and tech, 6 August 2024)

A stint in government was seen as a stepping stone up the corporate ladder and a potential salary bump. Several participants explained that tech giants viewed experience in the federal government – and especially government relationships – as extremely valuable, both for internal expertise on public policy issues and as strategic entry points for lobbying efforts. Johannes Bauer, Chief Economist at the FCC, pointed out that there were also substantial financial incentives to incentivise career moves from federal government into platforms: "Some people come from a tour in government and then cash in later. Salaries are typically double or triple" (interview 83, Bauer, 21 February 2025).

Yet resource interdependence also extended beyond organised expertise to other types of resources: participants often pointed to the structural entanglement of state and platform treasure, as financial and economic resources. While formal budgets remained distinct, the economic interests of the US federal government and tech giants, especially those affiliated with big tech platforms, were inherently aligned. Platforms were generally seen as major drivers of employment, GDP growth, and innovation – especially in strategically important areas, such as the AI sector, which has become a key area of geopolitical interest to the US

federal government. As one participant put it, the logic was simple: a thriving platform industry generates national wealth, advances US competitiveness internationally, and, in turn, strengthens the domestic economy (interview 86, Drake, 26 November 2024).

When asked whether platforms' economic importance resulted in preferential or exceptional treatment, participants were divided. While several were quick to agree, others argued that "the tech exceptionalism is not around American platforms" (interview 93, Nelson, 13 June 2025), insofar as the federal government would treat any major industry as valuable to the US economy. As technology policy expert and government advisor John Perrino explained, the relationship was not unusual at all: "These are American companies. Part of the government's job is to protect American companies" (interview 92, Perrino, 2 August 2024).

Several interview participants believed that this structural alignment of financial and economic interests hampered the US federal government's willingness to regulate or even to seriously consider regulation of tech giants. This hesitation was seen as rooted in a deep-seated, quintessentially American belief that regulation could "break the magic" (interview 84, Wheeler, 5 November 2024) of markets. And beyond that, it could even lead to geopolitical vulnerability vis-à-vis the US's main strategic rival, China. Tom Wheeler, former Chairman of the FCC, explained:

> We have been drinking the Kool-Aid that has been dished out by big tech, saying that if you impose regulation, you will harm the innovative success of the US … The argument is they are the big secret to us beating China. (interview 84, Wheeler, 5 November 2024)

Mark Scott argued that, if made to choose between public safety and economic strength, the US federal government would opt for the latter – effectively blunting prospects of platform safety regulation: "The US would rather have an industry-first approach … safety is important but not at the detriment of the US Inc." (interview 76, Scott, 4 June 2024).

Beyond mere alignment of interests, interviews revealed forms of direct financial transactionality between state and platform actors, undermining prospects of regulation and giving platforms leverage to shape policy agendas. "Silicon Valley writes a lot of big cheques in Washington" (interview 71, Jackson, 23 April 2024) shared Dean Jackson – formerly involved in congressional committees and regularly interfacing with US policymakers – referring to the role of lobbying and campaign expenditures. Tech journalist and investigative reporter Matthew Ingram described a broader culture of "quid pro quo", in which elected officials were "always thinking about a future campaign and how to get it funded" (interview 78, Ingram, 2 August 2024) and adjusted their policy stances accordingly. Alissa Cooper directly connected this dynamic to democratic backsliding, describing it as the "oligarchs' playbook", whereby "currying favour and spending money" (interview 88, Cooper, 19 December 2024) is exchanged for favourable policy.

Conversely, platforms were also reliant on public treasure through major government contracts, infrastructure investments, subsidies, and tax breaks. Alondra Nelson, former Director of the OSTP, challenged the prevailing myth of tech-sector wealth as self-made, noting that public investment underpinned the early success of platforms such as Google Search and Amazon Web Services. She stressed that "a lot of the big platform technology companies were built in small part or large part in collaboration with the federal government" (interview 93, Nelson, 13 June 2025). Tom Wheeler went so far as to refer to tech giants – and Elon Musk in particular – as the "government corporate welfare queen" (interview 84, Wheeler, 5 November 2024), emphasising that capital-intensive platform ventures such as AI development would not be feasible without sustained federal financial support.

Taken together, this empirical evidence of resource interdependence suggests that, rather than a mere alignment of interests, state and platform actors have become systemically interdependent and their resources entangled – a dynamic Alondra Nelson encapsulated in her

remark that "the US government and digital platforms have always needed each other" (interview 93, Nelson, 13 June 2025). Courtney Radsch, a director at the Open Markets Institute, put it more starkly, describing this interdependence as "an unprecedented fusion of technology and political power" (interview 91, Radsch, 23 January 2025) a dynamic she saw as signalling the breakdown of the traditional separation between regulator and regulatee.

6.4.2.2 Asymmetry

Interviews identified persistent resource asymmetries, with platforms holding superior regulatory resources, and often actively withholding them, relative to the federal government. These asymmetries were seen to diminish the federal government's capacity to regulate platforms. Asymmetries were evident across three key resources: authority, information, and, to a lesser extent, organised expertise.

Across interviews, asymmetries in authority were the most widely discussed. Participants saw this authority in particular as a form of direct platform influence exercised over their users, networks, and technology that enabled them to issue orders and make binding decisions.

While the US federal government holds formal legal authority over the public, participants often described giant technology platforms as exercising a form of de facto authority that resembled that of the state. Several participants drew comparisons between nation states and platforms: they likened user bases to publics, corporate policies to laws, their content moderation to regulation, and their appeal systems to courts – albeit without the checks and balances of the US federal system.

Platform authority over speech, in particular, emerged as a major discussion point. Jack Balkin, Professor of Constitutional Law at Yale, argued that platform authority over speech matters was in some respects superior to that of the US federal government. He noted that platforms possess "methods of regulation that are not available to nation states"; and

emphasised that, in the US context, "private parties are allowed to regulate speech in ways the state is not" (interview 72, Balkin, 25 April 2024) under CDA Section 230.

Similarly, Thomas Berry, a director at the Cato Institute, highlighted the capacity of platforms to make binding decisions about the content on their networks. He drew parallels to other private actors in the US – such as newspapers or bookstores – who also enjoy constitutional protections to curate content. However, he acknowledged that tech giants' decisions are more wide-reaching due to their enormous scale (interview 62, Berry, 26 March 2024).

Furthermore, participants identified asymmetries in information, with platforms gatekeeping access to basic knowledge and data about their systems, practices, and threat assessments. While platforms shared some information with state actors – for example, via briefings, public reports, data repositories, or when legally required – participants argued that these disclosures were insufficient to adequately assess safety risks – and, in turn, the need for regulatory intervention. Dean Jackson, a tech policy expert and former analyst to the House Select Committee on the January 6 Capitol attack, described a fundamental information gap: there still was "no solid evidence base on what the harms are or how they can be mitigated", making it "hard for policymakers to come up with the appropriate rules" (interview 71, Jackson, 23 April 2024).

Participants offered different explanations for platforms' limited information-sharing. Several participants emphasised that US technology platforms have been historically "cautious about the government getting involved" (interview 75, Bode, 30 May 2025), citing concerns about data security, privacy, and state surveillance programmes – including PRISM, introduced under President George W. Bush, which relied on access to platform data.

Some believed that platforms intentionally withheld information as a deliberate strategy to "shape policy by virtue of their asymmetric control … of information about their activities"

(interview 86, Drake, 26 November 2024). At the same time, government requirements for scarce information also created points of contact through which platforms could engage with politicians, their staffers, and agency experts: state–platform briefings were not only opportunities for the state to obtain information, but also for platforms to influence state actors.

One anonymous participant, a senior global affairs executive at a very large social media platform, openly acknowledged this as an intentional corporate strategy: "The number 1 goal of government engagement is to prevent negative government interference in the business" (interview 80, anonymous 26, 6 August 2024). Furthermore, this participant described limiting information-sharing with state actors – whom the participant viewed as insufficiently tech-savvy to make sense of platform information – as an easy way to avoid unwanted scrutiny.

While interviewees acknowledged personnel interdependencies related to organised expertise, many also described a pronounced expertise gap between the US federal government and tech giants. This gap was widely attributed to the tech sector's aggressive hiring strategies and significantly higher salaries, which drew technical talent away from the government, as well as to a perceived lack of digital competence among many elected officials and government employees. Several participants argued that, due to this lack of in-house expertise, regulatory proposals were often driven more by political motives than technical substance. One anonymous participant described them as a "performative chastisement of multi-billion-dollar companies … to score political points" (interview 81, anonymous 27, Platform and tech, 14 August 2024). As a result, proposals for regulation lacked a substantive understanding of the underlying technologies, and failed, in part because of that.

Yet several participants pushed back on the idea that federal organised expertise was insufficient for regulation. For instance, Alondra Nelson suggested that the perception of platforms as uniquely expert was at least partly shaped by lobbying narratives that portray

platforms as so complex that "mere mortals" could not "possibly create a governance structure that is appropriate" (interview 93, Nelson, 13 June 2025). Courtney Radsch echoed this framing, arguing that platforms had purposefully pushed the idea that technology "is so complicated, so innovative, so advanced that the ordinary person and regulator cannot possibly understand it" (interview 91, Radsch, 23 January 2025). In doing so, platforms effectively positioned any kind of organised expertise as inadequate to regulate tech giants.

6.4.2.3 Enrolment

My interviews identified several instances where state actors actively enrolled platform resources – particularly, in domains where platforms held a resource advantage, including authority, information, and organised expertise, but also treasure – and mobilised them to fulfil quasi-public functions and self-regulatory tasks. This occurred not only in areas where the state lacked a mandate and had little prospect of securing one, but also, more complexly, in domains where the state was constitutionally obligated to abstain from action.

A key example raised across numerous interviews concerned the enrolment of platform resources in content moderation during moments of crisis under the Biden administration. Participants referenced the Covid-19 pandemic, national and local election security efforts, including around the 2020 presidential election, and foreign digital interference from states like China or Russia. To address such risks, states and platforms directly coordinated, whereby both sides initiated contact. Touchpoints often took the form of joint briefings, but also informal meetings and personal outreach over email, calls, and text messages – many occurring outside formal oversight structures.

Some of these interactions were even institutionalised through formal coordination mechanisms, particularly under Biden. For example, the Foreign Influence Task Force of the DOJ and the Federal Bureau of Investigation (FBI), originally established in 2017 under Trump, was expanded under Biden to facilitate information-sharing about foreign malign

influence operations. It was shut down in 2025 following political pressure around allegations of unconstitutional jawboning (Dilanian, 2025). Similarly, the misinformation teams at the Cybersecurity and Infrastructure Security Agency (CISA) coordinated with social media platforms around election and public safety, but these initiatives were suspended in 2025 under Trump (Geller, 2025). Finally, the Disinformation Governance Board, established under Biden in 2022 to counter online disinformation, was disbanded after only a few months following immense political backlash. Its former director, Nina Jankowicz, described facing "threats and doxxing" (interview 85, Jankowicz, 20 November 2024) from right-wing extremists even years later.

Participants described how, in these contexts, platforms were regularly called upon to assist federal actors by sharing corporate threat intelligence, amplifying trustworthy information from government agencies on their networks (for example, about vaccines or mail-in voting), and enforcing internal content policies in response to illegal and harmful but legal content flagged by public actors. Not only did the government enrol platform resources, but platforms performed what participants described as quasi-public functions: disseminating public health guidance, preserving the integrity of electoral information, and mitigating national security threats.

While some participants described these efforts as legitimate forms of coordination, others raised concerns about state overreach and the potential for jawboning – where government actors pressured platforms, for example by threatening regulation, to moderate harmful but legal content that the state itself could not constitutionally restrict. Thomas Berry explained that this kind of platform enrolment risked blurring the line between voluntary cooperation and government coercion:

> The question is, were these just suggestions that the platforms were free to take or leave, or … did the platforms make choices … because they were worried that the government

> is essentially saying: "We're going to use our unique government power to make life difficult for you." (interview 62, Berry, 26 March 2024)

Participants also identified AI safety as a key domain where platform resources were enrolled by the state, specifically under Biden's EO on AI safety from 2023, which was rescinded under Trump in 2025, as discussed earlier in Section 6.4.1 (Exec. Order No. 14110, 2023). The order required major AI companies to conduct safety testing, establish transparency reporting, and develop risk evaluation standards. In doing so, the federal government enlisted platform resources – particularly, information, organised expertise, and by extension treasure – to perform self-regulatory tasks.

Participants' opinions diverged. Several participants viewed the EO as a form of regulated self-regulation or light-touch governance that granted platforms flexibility while also establishing federal "guardrails" (interview 93, Nelson, 13 June 2025). Others were more sceptical, arguing that high-stakes regulatory decisions had been effectively outsourced to private actors without adequate oversight, guidance on compliance, or enforcement mechanisms. Rather than constituting a true public mandate, one participant described this as the "heavy lift" (interview 76, Scott, 4 June 2024) of regulation being offloaded to industry through self-regulation.

Joan Donovan, a researcher and vocal critic of tech giants, added that these measures reflected a broader ideological acceptance in the US of entrusting the private sector with self-regulatory functions without state oversight or guidance, even at the expense of accountability:

> In the US there is this idea that corporations can run something [regulation] better or more efficiently than government. But we lose a lot of our rights in the process of that. (interview 66, Donovan, 9 April 2024)

A small number of participants flagged concerns about the enrolment of platform resources – namely, treasure and organised expertise – in the provision of critical

infrastructure without sufficient oversight. Areas of concern included data storage, chip manufacturing, and backbone infrastructure such as fibre-optic cables and data transmission networks, but also energy and water supply – which are increasingly required to operate AI centres. Participants noted that the federal government had often directly incentivised or supported the development of such infrastructures, for example through initiatives such as CHIPS and Science Act or the Stargate Project, as discussed earlier in Section 6.4.1.1.

However, several participants explained that infrastructure projects remained largely exempt from the types of regulatory obligations applied to traditional public infrastructure, such as "public utility regulation, must-carry regulations, or service guarantees" (interview 91, Radsch, 23 January 2025). As a result, platforms provided critical infrastructure functions without being subject to formal state oversight. Participants argued that this created risks to public safety, as platforms were not legally obligated to ensure access to these infrastructures – even in times of crisis or high public demand.

6.4.2.4 Interim Summary: Entangled Regulatory Power

This analysis found that the US federal government and giant technology platforms have become deeply entangled as regulatory actors, blunting regulatory power and diminishing the prospects for future regulation. It identified three resource constellations that structure interactions between state and platform actors: interdependence, asymmetry, and enrolment. Many participants regarded these resource constellations not as short-term and fluid, but as structural features of the relationship between state and platform actors. Rather than seeing them as challenges to be addressed, they viewed them as entrenched, accepted them as part of the status quo, or even considered them mutually beneficial.

First, there was interdependence, marked by the co-production, sharing, and mutual reliance on regulatory resources by state and platform actors. On the one hand, this dynamic fostered proximity and mutual understanding. On the other hand, interdependence also

introduced forms of transactionality and structural alignment between state and platform interests, which complicated efforts at mutual scrutiny and undermined accountability. These deep structural ties blurred traditional boundaries between public and private actors, particularly the line between regulator and regulatee.

Second, there was asymmetry, where platforms controlled key regulatory resources that the state was unable to mobilise. Interview evidence suggested that platforms strategically restricted access to these resources in order to hinder the state's regulatory capacity while retaining autonomy over their own services and self-regulatory practices. Resource asymmetries were viewed not simply as deficits to be addressed, but as manifestations of a deeper entanglement – where platforms leveraged their advantages to stay close to the state and obstruct regulation.

Third, there was enrolment, where the state drew on superior platform resources to perform self-regulatory and quasi-public functions on its behalf that it could not fulfil alone. This enrolment often took place in informal or high-pressure political environments, without formalised legal guardrails. It often concerned areas such as content moderation, harmful but legal speech, and misinformation, where the US government not only lacked a legal mandate but was also constrained by First Amendment protections around free speech.

6.5 Fragmented Yet Entangled: A Risk to Regulatory Power?

This case study set out to analyse platform regulation in the US over the period from 2016 to 2025, using a twofold approach. First, it mapped regulatory measures across the executive, legislative, and judicial branches of the federal government. Rather than revealing an absence of regulation, the analysis found an active yet fragmented regulatory landscape. Regulation was politicised, dispersed, and lacked cohesion. Second, it analysed the power dynamics between state and platform actors by tracing their mobilisation of regulatory resources. This revealed a pattern of structural entanglement: state and platform actors were mutually

interdependent; platforms held resource advantages; and state actors repeatedly enrolled platform resources, often without a clear mandate. This discussion section offers reflections on the implications of this fragmented yet entangled regulatory landscape and identifies three key risks that arise from it: regulatory inertia, capture, and state overreach.

First, as state and platform actors have become increasingly interdependent, and federal resources are entangled with those of tech giants, there is a risk of regulatory inertia. The federal government has a disincentive to implement regulation that could jeopardise platform resources – or state access to them – which are critical to its own economic and geopolitical agenda. This dynamic proved especially high-stakes with regard to treasure: participants argued that platforms were not only integral to the US economy, but also to long-term ambitions to maintain global leadership, particularly in the context of the AI race with China. State–platform interdependence could facilitate mutual alignment and cooperative relationships, potentially enabling future soft law approaches and light-touch governance. Yet it could also lead the federal government to refrain from regulatory intervention, having become structurally invested in maintaining a mutually beneficial status quo. In this dynamic, the state may retain the formal regulatory capacity to regulate platforms. But the entanglement of critical resources blunts its regulatory power and incentivises continuity over reform – by undermining the state's autonomous capacity to mobilise and enact resources independently of platform actors.

Second, platforms' resource advantages pose a risk of regulatory capture, whereby the state advances private interests over public ones. As the federal government relies on platforms to supply critical regulatory resources, platforms are in a position to withhold those resources or use them to shape the direction and scope of regulation to their advantage. This creates a risk of regulation becoming shaped by platform logics. Information asymmetries emerged as a particularly relevant dynamic. While state actors often cited insufficient

information as a barrier to regulation, participants noted that the actual informational requirements may not be as high as assumed. Rather, platforms deliberately framed their technologies as so complex that they could not be meaningfully understood – constructing an impossibly high standard for information while simultaneously withholding the very information needed to meet it. In a functional regulatory environment, resource advantages can render platforms well-positioned for self- or co-regulatory arrangements, potentially offering an avenue for industry-led solutions to the mitigation of harm – an approach often favoured in the US context. Yet with no legal guardrails, platforms in the US were able to frustrate the federal government's regulatory capacity and shape how that capacity was interpreted and enacted. This dynamic can result in regulatory capture, where regulation is either obstructed or reflects platform-defined interests.

Third, the federal government enrolling these superior resources without a legal mandate poses risks of state overreach. Voluntary, arm's-length state–platform collaboration can serve as a stopgap regulatory mechanism in moments of crisis or rapidly emerging safety threats, but ongoing reliance on such enrolment without legal authority raises concerns about the democratic legitimacy of such measures. In the US, this risk was especially acute in areas related to speech, where the federal government not only lacked a clear mandate, but is also constitutionally obligated to abstain from direct intervention. Rather than expanding the state's regulatory capacity, this form of enrolment risks hollowing out the federal government's regulatory power – by inviting platforms to perform self-regulatory and quasi-public functions without clear oversight, accountability, or legal authority. This creates both risks of capture and of state overreach, where state actors pressure platforms to act where the state itself cannot – but they do so without the legal authority required in democratic regulation. In contrast, the UK OSA and the EU Digital Services Act (DSA) also enrol platforms in regulatory regimes, requiring them to conduct risk assessments or share data. But

this cooperation occurs within the boundaries of clearly defined legal mandates and accountability structures, reducing risks of informal overreach.

6.6 Conclusion

This research investigated platform regulation through an interpretive case analysis of the US as a liberal regulatory state. It draws on document analysis of 43 key policy texts, 33 interviews with experts in US tech policy, and process tracing. The chapter offers a new perspective on platform regulation, understanding regulation not as a fixed set of formal rules, but as a relationship shaped by resource dynamics and the enactment of power between state and platform actors.

The inquiry mapped the emergent regulatory landscape in the US, tracing measures across the executive, legislative, and judicial branches of government. While the US is often portrayed as a largely unregulated Wild West when it comes to the regulation of giant technology platforms, the analysis revealed a patchwork of executive orders, agency initiatives, limited legislative action, and court rulings – politicised along partisan lines, dispersed across institutions, and lacking coherence in scope.

To understand how regulatory power is enacted within this fragmented landscape, the analysis examined relational dynamics between the US federal government as a regulator and platforms as regulatees. Drawing on a framework of four regulatory resources – information, authority, treasure, and organised expertise – the chapter traced how state and platform actors have increasingly become entangled.

Three resource constellations shaping interactions between the federal government and platforms were identified. First, interdependence, where the sharing, co-production, and mutual reliance on critical resources may support soft law approaches and alignment, but also creates incentives for continuity over regulatory reform. Second, asymmetry, where platforms hold significant advantages in key resources, diminishing the state's regulatory capacity and

prompting structural dependence on platforms – creating risks of inertia, regulatory capture, and state overreach. Third, enrolment, whereby the federal government relies on platform-held resources to perform self-regulatory and quasi-public functions, often without formal legal mandates or regulatory guardrails.

When evaluating the impact of this research, several limitations should be acknowledged. This study focused on federal-level, safety-focused platform regulation. Yet scholars such as Brennen et al. (2024) have shown that platform regulation in the US often occurs at the state level, particularly in high-capacity states like California, New York, and Texas. This analysis also did not attend to platform self-regulation, another important focal point of regulatory action. Similarly, the role of civil society remained unexplored. In the US, civil society and university-based researchers have been highly active in the tech policy space, but many have faced growing political pressure, accusations of censorship, loss of funding, and even violent threats – resulting in a chilling effect on platform scrutiny.

Future research should address these shortcomings. Another worthwhile avenue for inquiry is to investigate the risk areas identified here, both in the US and other national contexts. For example: Is the strategic importance of winning the AI race hindering safety regulation? Are framings and even wordings of key issues introduced by platforms adopted by state actors? And, amid evidence of eroding press freedoms, are platform actors under Trump's second administration experiencing political pressure to moderate content in specific ways?

In summary, this inquiry into resource-based power dynamics between regulator and regulatee offers a novel interpretive perspective on how regulation is produced and enacted in practice. While this approach may not fully capture legal or institutionalised forms of power, it is well suited to analysing regulation in environments that are dynamic, fragmented, and informal – as is the case with platform regulation in the US.

Chapter 7: **Conclusion**

7.1 Introduction

This conclusion draws together a decade of my research on platform regulation in Germany, the United Kingdom, and the United States, from early reforms in Germany in 2016 to ongoing developments in the United States in 2025. In it, I synthesise findings from the interpretive policy analysis (IPA) developed through comparative case studies in the preceding research chapters. Rather than just recapping the within-case analysis, this conclusion answers the overarching research questions, distils insights across cases, and identifies key similarities and differences between the cases. I reflect on the conceptual, empirical, and methodological contributions of this research and highlight its implications for both future research and regulatory practice. In doing so, my integrative conclusion offers something new – a comparative, between-case analysis – beyond the sum of the national cases.

At the outset, my thesis sought to reveal decisional insights into how and why platform regulation is developed – not simply what it says on paper, but how it emerges, who shapes it, and the power dynamics it reflects. My aim was to shift the focus from static legal, institutional, and corporate outcomes to regulatory processes in practice, understanding platform regulation as a contested relationship between regulatory actors.

In platform regulation, two powerful actor groups face each other as regulator and regulatee: advanced Western democracies with established regulatory apparatus but varied regulatory cultures; and tech giants, among the largest and most valuable companies in history, at the forefront of innovation, and deeply embedded in the daily lives of billions of people worldwide. The tensions between these two immensely powerful sets of actors raise fundamental questions about how and why platform regulation emerges, how it is shaped, and what that reveals about regulation in a digital age.

To operationalise these inquiries, my research was guided by three overarching research questions:

RQ1: What regulatory approaches and relationships characterise platform regulation in Germany, the United Kingdom, and the United States, and what factors explain similarities and differences across cases?

RQ2: What roles do public and private actors hold in platform regulation, and how do their relationship dynamics shape regulatory power?

RQ3: In what ways does emergent platform regulatory practice challenge established models of regulation?

I examined these questions through case studies of three democratic nation states. While the cases share important characteristics, each case exhibits a distinct regulatory path. Germany was the first country to introduce platform-specific legislation with the Network Enforcement Act (NetzDG) in 2017, aimed at enforcing existing laws online. The UK followed with the Online Safety Act (OSA) in 2023, creating a regime that combines statutory duties of care with regulator-issued codes and guidance, appointing the Office of Communications (Ofcom) as the new platform regulator. In the US, regulation has been dispersed across the branches of government, fragmented in its approach but far from absent. Together, these cases were selected to offer comparative insights into how powerful democracies address the regulatory challenges posed by dominant digital platforms.

Analysing these cases in line with the objectives of this research required using a consistent conceptual lens. Drawing on regulation and governance research, policy studies, and political science, I developed in the literature review in Chapter 2 a relational, resource-based conception of regulation to examine how regulatory power is enacted in state–platform interplay. Building primarily on Hood's (1983) framework of the tools of government, Black's (2002b, 2003) work on regulation and regulatory capacity, and Lindvall and Teorell's (2016)

analysis of state power, the approach centred on four types of regulatory resources: information, treasure, authority, and organised expertise. These resources provided a means to trace regulatory relationships between regulator and regulatee across the three cases, analysing who holds which resources; in what ways resource constellations enhance or constrain an actor's capacity to regulate; and how resources are interpreted, enacted, and dynamic – shaping regulatory power. My thesis shows that regulatory power emerges from these resource-based interactions between state and platform actors, shaped by both resource constellations and actors' interpretations of them.

To ground these theoretical conceptions in empirical evidence, I employed an IPA, as detailed in the discussion of methods in Chapter 3. This approach moved beyond the analysis of legal, institutional, and corporate policy arrangements, the mapping of actors and competences, and the evaluation of regulatory outcomes, which often dominate platform regulation research. Instead, it emphasised the lived experiences, interpretations, and relationships of regulatory actors, making visible the often-unseen dynamics that shape and give meaning to regulatory processes in practice.

My analysis employed three key methods. As the first method, I used interpretive elite interviews. I conducted 93 in-depth elite interviews with lawmakers, regulators, platform practitioners, and experts from academia, civil society, and law, amounting to close to 5,000 minutes of recordings across three countries. The second method was document analysis. I compiled a wide-ranging archive of 103 policy documents spanning legislative texts and drafts, regulatory guidance, government reports, press releases, letters, speeches, and other public communications in German and English. Finally, as the third method, I applied process tracing across these data to reveal sequences of events and identify causal underpinnings of regulatory processes.

This concluding chapter now brings together the findings and contributions of this IPA. It begins by directly answering the three overarching research questions, offering an overview of the findings from the case study chapters. In doing so, it also anticipates the contributions developed in the remainder of the chapter, where these findings are synthesised comparatively and situated within the empirical, theoretical, and methodological contributions of the dissertation. The chapter then details the empirical contributions of this work, highlighting the main findings from each case study, before moving to a comparative synthesis that identifies overarching findings. This comparative synthesis offers a distinctive empirical perspective into how advanced democracies regulate giant technology platforms by spotlighting key differences and similarities across the cases. Following that, I reflect on the theoretical contributions of this research on regulatory power, presenting a new lens through which to understand platform regulation and, more broadly, regulation itself. A section on methodological contributions follows, highlighting how the use of IPA advances platform regulation research. Finally, I outline key limitations of the study and offer an outlook for future research and regulatory practice, before I close with a reflection on the wider implications of my work for democracy, technology, and regulation in a digital age.

7.2 Answering the Research Questions

Following the case analysis in the preceding chapters, this section returns to the three overarching research questions and answers them directly. In doing so, it necessarily anticipates elements of the comparative synthesis as well as the empirical, theoretical, and methodological contributions developed later in this chapter. Yet by answering the questions here, the section helps to contextualise those later contributions and foregrounds the central challenge detailed in my thesis: the power struggle between advanced democracies and giant technology companies. Table 19 offers a detailed comparative overview including case

findings on regulatory approaches, resource constellations, and actor interpretations that are also discussed in this section.

RQ1: What regulatory approaches and relationships characterise platform regulation in Germany, the United Kingdom, and the United States, and what factors explain similarities and differences across cases?

The interpretive case analysis shows that although state actors in Germany, the UK, and the US held similar resource configurations for regulation – lacking independent access to information, holding legal but not readily operational authority over safety threats, possessing sufficient but relatively limited treasure to regulate, and lacking organised expertise within the state – they adopted different regulatory approaches. These differences can be explained by the fact that regulatory actors across the cases interpreted these configurations very differently, resulting in differences in how regulatory resources were mobilised. In Germany, frustration with platforms' perceived failure to address safety threats strained state–platform relationships and eventually prompted an interventionist approach: NetzDG mobilises state authority through detailed legal obligations imposed on platforms. In the UK, there were persistent resource asymmetries between state and platforms, leading to tensions in their relationship. Interview participants argued that asymmetries even prompted delays in developing the OSA. Rather than treating these asymmetries as structural problems in need of some type of intervention, policymakers reframed them as functional. The OSA employs a regulated self-regulation approach, which extends principle-based, outcome-oriented duties of care that oblige platforms to mobilise their own resources towards safety goals. These goals are defined and overseen by Ofcom. By contrast, in the US no comprehensive mandate emerged. State–platform relationships were marked by interdependence, with platform resources becoming increasingly entangled with state functions. Instead, a patchwork of regulatory measures developed across the federal government, leaving state regulation of

platforms fragmented and producing a structural entanglement between state and platform power.

RQ2: What roles do public and private actors hold in platform regulation, and how do their relationship dynamics shape regulatory power?

Across all three cases, platforms emerged not as passive regulatees but as active regulatory actors that mobilised their own resources to influence regulation in dynamic relationships with the state actor. In Germany, this power dynamic was characterised by an assertion of state power over platforms: policymakers' and senior politicians' anger at platforms' inaction over safety threats prompted binding legal requirements under NetzDG that are enforced through strict compliance obligations and sanctions. In the UK, the power dynamic was defined by the enrolment of platform resources for state-led regulation, whereby platforms are obliged to mobilise their resources towards regulation. Platforms retain discretion over how they design and implement measures, while Ofcom sets regulatory goals through guidance and codes of practice and enforces compliance under the OSA. Regulatory power is negotiated in day-to-day practice, with the state maintaining ultimate authority. In the US, the power dynamic was marked by entanglement: where the state lacked independent resources, it repeatedly enrolled critical resources held by platforms without a legal mandate. This dynamic blurred the boundary between state and platform roles. The result is a structural entanglement that has hollowed out the state's regulatory capacity over platforms. In each case, regulatory power was enacted through these dynamics: asserted in Germany, shared in the UK, and depleted in the US, depending on how resource constellations were interpreted and mobilised between regulators and regulatees.

RQ3: In what ways does emergent platform regulatory practice challenge established models of regulation?

Established models remain useful for conceptualising regulatory approaches, such as interventionist regulation, regulated self-regulation, and self-regulation. Yet what distinguishes emergent regulatory practice is that regulatory arrangements necessarily involve platforms and their resources, equipping platforms with substantial leverage over regulatory power. As states lack sufficient information, operational authority over platform systems, financial resources, and technical expertise, involving platform resources in regulation is not optional or complementary but essential. Because platforms control these critical resources, they can determine if and how states can access their resources and influence regulatory power: they can withhold, selectively disclose, or strategically mobilise their resources in ways that strengthen, undermine, or otherwise shape regulation. In this sense, platform regulation cannot take place without platforms. State authority, as the legal and legitimate basis for rule-making, is indispensable to enrol platform resources in regulation – both to make sure this enrolment is legitimate and to make sure resources are directed towards public interests. Whether exercised through interventionist mandates or regulated self-regulation, states must apply formal authority; without it, state–platform relationships are vulnerable to risks of regulatory capture and state overreach. Taken together, the cases show that contemporary platform regulation is necessarily shaped by ongoing state–platform power struggles, but that state authority can direct the mobilisation of platform resources towards regulatory goals.

Table 19: Comparative overview of case findings on regulatory approaches, resource constellations, and actor interpretations.

	Germany (NetzDG)	**United Kingdom (OSA)**	**United States**
Regulatory approach	Interventionist	Regulated self-regulation	Fragmentation
Power dynamic	Assertion of power over platforms through detailed legal obligations	Enrolment of platform capacity under principle-based oversight; power is continuously negotiated in regulatory practice	Entanglement of state–platform power hollowing out regulatory capacity

	Germany (NetzDG)	**United Kingdom (OSA)**	**United States**
Resource constellations			
Information	Initial constellation: Regulators lacked access; dependent on platforms. Regulatory arrangement: Detailed reporting obligations.	Initial constellation: Regulators lacked access; dependent on platforms. Regulatory arrangement: Risk assessments and reporting obligations; Ofcom gains information powers.	Initial constellation: Entrenched information asymmetry. Regulatory arrangement: Disclosure still voluntary or crisis-driven; no binding obligations.
Authority	Initial constellation: Authority interpreted as insufficient; urgency to act. Regulatory arrangement: Detailed legal obligations; substantial fines; BMJV oversees and enforces compliance.	Initial constellation: Authority interpreted as insufficient and inferior to platform authority. Regulatory arrangement: Safety duties; guidance and codes of practice; substantial fines; Ofcom oversees and enforces compliance.	Initial constellation: Authority interpreted as structural; fragmented across branches; constitutionally constrained on speech. Regulatory arrangement: No comprehensive mandate; authority remains dispersed.
Treasure	Initial constellation: Public resources modest relative to platforms. Regulatory arrangement: Platforms use their treasure for providing organised expertise; substantial fines but not enforced; imbalance persists.	Initial constellation: Public resources modest relative to platforms but viewed as sufficient. Regulatory arrangement: OSA allows regulator funding through platform fees; substantial fines; imbalance persists.	Initial constellation: Interdependence through lobbying, partnerships, and macroeconomic impact. Regulatory arrangement: Industrial policy channels state treasure into tech sector; no dedicated regulatory funding for safety.
Organised expertise	Initial constellation: Limited technical expertise. Regulatory arrangement: Enforcement outsourced to platforms' organised expertise.	Initial constellation: Limited technical expertise. Regulatory arrangement: Platforms allocate organised expertise towards compliance with safety duties, guidance, and codes.	Initial constellation: Interdependent, limited technical expertise with access through revolving door. Regulatory arrangement: Dependence persists via lobbying, contracts, revolving doors; little independent state capacity built.
Interpretation of resource constellations	Asymmetries viewed as problematic, sparking frustrations and anger	Asymmetries viewed as a challenge to developing regulation, then enrolled as functional	Asymmetries viewed as structural and interdependent, becoming widely entrenched
Risks	Over-blocking, chilling effects, and reliance on platform resources though mitigated through statutory oversight and strict compliance	Regulatory capture, whereby platforms use their resources to influence outcomes, though mitigated through Ofcom's oversight	Regulatory inertia; regulatory capture; state overreach as platform resources are enrolled without a mandate

7.3 Empirical Contributions: Case Findings

In this section, I synthesise empirical contributions. I set out the case-specific findings, highlighting insights across Germany, the UK, and the US.

7.3.1 Germany: Asserting Power over Platforms

> NetzDG was fuelled by an acute political dissatisfaction of feeling that they [policymakers] were not taken seriously by the big tech concerns. They wanted to make a point. (interview 52, Klausa, 6 February 2023)

The German case analysed the adoption of NetzDG as an early example of platform safety regulation. Enacted in 2017, the Act was the first law specifically aimed at platforms, introducing detailed procedural obligations for social media companies with more than two million users in Germany to review and remove content deemed illegal under German law. Its rapid adoption and interventionist approach illustrate how advanced democracies can swiftly mobilise authority to assert regulatory power over platforms when resource asymmetries are perceived as a problem.

The analysis in Chapter 5 drew on 26 elite interviews, document analysis of an archive of 30 documents, and process tracing. I developed a power-integrated multiple streams approach (MSA) integrating the MSA of Kingdon (1995) with the four-part framework of resource-based regulatory power. This approach analytically examined the adoption of NetzDG across the problem, policy, and politics streams, through the lens of how regulatory resources are interpreted in each stream.

At the problem level, the salience of online hate speech linked to the 2015 migration crisis propelled concerns about illegal content online onto the public agenda. Confronted with a pressing hate speech crisis, the state lacked the legal authority to compel platform action under existing notice-and-takedown regimes. Simultaneously, it lacked insight into the mechanisms and scale of the spread of viral illegal speech on social media networks – insights

held by the platforms. Although policymakers repeatedly requested information through official and more informal channels, platforms failed to comply.

Politically, NetzDG was controversial due to concerns about censorship, yet it was supported by the majority in the German Bundestag, including the governing coalition. My interviews revealed that it was frustration, and at times outright anger, over platforms' refusal to share information and to adequately draw on their organised expertise to staff content moderation that drove support for regulation. Platforms' refusal was perceived as a deliberate attempt to avoid scrutiny of their services, coupled with a lack of respect for state authority – for German politicians, laws, and national understandings of freedom of speech that differ markedly from those in the US but are deeply enshrined in Germany's post–World War II political culture. Both policymakers and the wider public attributed the problem of online hate speech, and the state's inability to act on it, directly to the platforms.

As for the policy stream, Justice Minister Heiko Maas emerged as a policy entrepreneur, championing the idea of better enforcing existing speech laws online – ultimately tasking platforms themselves with enforcement. This idea offered a solution not only to enforcement challenges but also to strengthening legal authority over politically unpopular Silicon Valley platforms. At the same time, participants viewed the enrolment of platforms' superior information and organised expertise in content moderation as both a logistical necessity and a way to mitigate concerns about direct state censorship.

The German chapter is a case study of an interventionist regulatory approach marked by asserted regulatory power. While the online hate speech crisis was driven by a range of issues, it was platforms' refusal to share information – perceived as a strategic move to prevent scrutiny – their failure to allocate sufficient organised expertise for content moderation, and their lack of respect for state authority that drew blame from policymakers and the wider public. NetzDG was not merely a policy solution to address problems concerning illegal

speech online; it was actively understood as a way to substantially strengthen state authority – and, with it, to assert regulatory power over rogue platforms.

Yet resource constellations between the state and platforms remained imbalanced. NetzDG heavily relied on platforms' organised expertise and treasure, imposing detailed procedural requirements for the removal of illegal speech that necessitated technical and human content moderation. It also drew on platform-held information, mandated through reporting obligations. However, with clear legal obligations and strict enforcement mechanisms in place, the use of platform resources eventually occurred on the state's terms. NetzDG created detailed rules for the use of platform resources towards regulatory goals – asserting regulatory power by virtue of its legal authority.

7.3.2 United Kingdom: Enrolling Platform Capacity

> [When talking to platforms there] was a concern about not being captured or being seen as captured. Platforms have an ability to talk about the specifics in a way that sounds much more authentic and informed than any other actors do. And that's partly because of the information asymmetries that exist. (interview 13, anonymous 6, Government and regulators, 15 July 2021)

The UK case spotlighted the development of the OSA, which sets out comprehensive safety duties of care for internet services – enrolling platforms into a new regime that requires them to conduct risk assessments, share information, and comply under the oversight of the regulator, Ofcom. In development since 2017 and adopted in 2023, the OSA was the product of a protracted policy process. The analysis highlights that resource asymmetries initially posed a hurdle to regulation but ultimately contributed to the emergence of a regulated self-regulation approach – where the state directly enrolled platforms into the regulatory process, under principle-based regulatory oversight at arm's length. Here, regulatory power was not asserted outright but continually negotiated between platforms and the regulator.

Chapter 4 collected evidence from 33 elite interviews with 34 participants, document analysis of 30 key policy texts, and process tracing to analytically examine the role of the four regulatory resources in the development of the OSA. With regard to information, the analysis revealed persistent challenges within government in obtaining the information deemed necessary for developing the regulation that became the OSA. Interview participants frequently attributed this deficiency to platforms strategically withholding information to impede regulation or selectively sharing biased and incomplete information through their lobby personnel to influence the emerging regulatory framework.

Interviews revealed that platforms strategically overemphasised the impact of harmful but legal content – a highly controversial area, as the government lacked a clear mandate to regulate such content and was deemed highly unlikely to broaden definitions of illegal speech – as a straw man issue that diverted attention from other regulatory challenges.

As for authority, while the emergent OSA did promise enhanced legal authority, platforms' de facto authority over their technical infrastructure, content, and operations was seen as well equipped to address safety issues – yet lacking democratic legitimacy.

While the state's available treasure for implementing the OSA was widely viewed as sufficient, platforms' financial resources were described as superior. According to interviews, this gave the platforms privileged access to competitive resources, especially technical staff, and positioned them to address – and pay for – the very problems they had contributed to creating.

With regard to organised expertise, the state experienced persistent deficiencies and increasingly competed with platforms for talent from a limited technical labour pool. Experts often moved from government into high-salary industry roles – but rarely in the opposite direction. At the same time, platforms' authority and organised expertise were seen as indispensable. With the OSA still pending, the UK state drew on platforms' corporate

authority and expertise to moderate harmful and illegal content during times of crisis, including the Covid-19 pandemic. In this context, enrolling platforms without a clear legal mandate posed risks of regulatory capture. Platforms could impose their own technical standards and content policies in quasi-regulatory roles, while maintaining the appearance of acting in the public interest. In addition, interview data showed that state stakeholders frequently advised platforms on how to apply their internal rules or proposed new ones altogether. This dynamic illustrated risks of capture, in which the state adjusted its own regulatory activities in response to platform authority.

In summary, my analysis showed that during the development of the OSA, policymakers recognised the state's regulatory resources as limited. More importantly, the majority of them believed that platforms held superior resources and saw the involvement of those resources as essential – not only for shaping the regulatory regime, but also for addressing urgent online safety concerns. However, this reliance occurred without a legal mandate or clear oversight mechanisms, prompting significant risks of regulatory capture – though the OSA was already on the horizon at the time, so these actions occurred in the shadow of potential regulation.

These interpretations of resource constellations during the development of the OSA have become encoded in the final Act. While early drafts of the online safety regime suggested a more interventionist approach, including new legal definitions of various online harms, the OSA takes a different path. It enrols platform capacity into the regulatory process under Ofcom's oversight, imposing duties of care, risk assessments, and transparency reporting. Unlike the interventionist model adopted by NetzDG, these obligations are largely grounded in non–legally binding codes of practice and guidance issued by Ofcom, reflecting a principle-based and adaptive approach to regulation. Platforms retain discretion to design their own measures for compliance, with Ofcom evaluating whether these measures meet the requirements.

The UK chapter is a case study of resource enrolment within a regulated self-regulation approach. While this model mobilises state authority and expands Ofcom's power, it does so in a softer and more principle-based manner than the German case. Whereas Germany relies on legally binding, command-and-control rules, the UK adopts a comply-or-explain model – platforms are expected to follow Ofcom's codes and guidance or justify alternative approaches. Although the UK regime requires platforms to enrol their resources to address safety issues, it is up to them to decide how, as long as Ofcom deems their approach sufficient. Ofcom sets expectations, platforms interpret and implement them using their own resources, and Ofcom evaluates the outcome. In this model, regulatory power is not unilaterally imposed but continually negotiated through ongoing state–platform interaction.

7.3.3 United States: Entanglement of State–Platform Power

> In the US there is this idea that corporations can run something [regulation] better or more efficiently than government. But we lose a lot of our rights in the process of that. (interview 66, Donovan, 9 April 2024)

The US case study analysed fragmented platform regulation at the federal level across all three branches of the federal government. Unlike Germany and the UK, the US did not develop a comprehensive federal law mandating platform safety regulation. Instead, Chapter 6 demonstrated how a fragmented and evolving patchwork of executive orders, agency actions, limited congressional measures, and judicial rulings emerged between 2016 and 2025. The US case shows how resource-based state–platform interplay can result in an entanglement of interdependent, asymmetric, and highly politicised resources in ways that ultimately blunt regulatory power. The chapter highlighted how structural interdependencies, entrenched asymmetries, and sustained enrolment in the absence of statutory authority produced an entanglement of resources that ultimately hollowed out regulatory power and renders future regulation unlikely.

The analysis built on 33 elite interviews, document analysis of an archive of 43 policy documents, and process tracing. Based on this evidence, the case analysis analytically mapped regulatory measures across the executive, legislative, and judicial branches of the federal government over the 2016–2025 decade. At the executive level, a series of executive orders and fragmented agency initiatives addressed questions of alleged state censorship, AI safety, and platform accountability. In the legislature, measures focused on partial Communications Decency Act (CDA) Section 230 reform, IT industrial policy, and national safety and security, while numerous bills on platform safety were introduced but failed to pass. Judicial measures reinforced CDA Section 230 jurisprudence, upholding platform immunity and broad First Amendment protections. The evidence showed that regulatory measures across all three branches were highly volatile, frequently challenged in the courts, deeply politicised, and shifted sharply with changes in administration.

Building on my resource-based framework of regulatory power, the analysis identified three principal resource constellations in state–platform interplay. The first constellation was interdependence, in which economic treasure and organised expertise were co-produced in state–platform interplay, particularly with US-based tech giants. These resources circulated through lobbying, the revolving door, government contracts, private investment, and campaign spending, and more broadly through platforms' contributions to the domestic GDP and geopolitical power, including in the AI race with China. The second was asymmetry, whereby platforms restricted access to information and technical expertise, leaving the state dependent and structurally weakened – that is, not through temporary gaps but through enduring resource imbalances. While in the German case such asymmetries were framed as an urgent problem to be redressed, and in the UK they were eventually understood as a functional opportunity for resource-savvy enrolment, in the US case they remained unaddressed and were accepted as a structural reality: an embedded resource constellation that was treated as part of the system rather than a problem to solve. The third constellation was

enrolment, whereby the state repeatedly relied on platform resources in times of crisis, but without a legal mandate. In contrast to Germany prior to NetzDG or the UK prior to the OSA, where statutory authority was already pending, in the US no comprehensive regulation with binding authority had been on the horizon. Importantly, the state not only lacked such a mandate but through the First Amendment was constitutionally constrained from intervening in speech matters. This rendered enrolment structural rather than exceptional, as statutory authority never materialised and is highly unlikely to do so in the future.

Taken together, the resource constellations identified in the US case revealed a picture of entanglement. Critical regulatory resources either were embedded in structural interdependencies that incentivised non-intervention, so as not to disrupt mutually beneficial relationships; remained out of reach for the state with platforms withholding access; or were enrolled without a mandate or prospect of a mandate. The state's regulatory capacity was thus not only deeply dependent on platforms, but resource imbalances created a structural entanglement between state and platforms that actively worked against the development of comprehensive platform regulation.

The US case study is one of a fragmented regulatory approach and the entanglement of regulatory power. Regulation exists across all branches of government, but has remained ad hoc, volatile, and highly politicised across partisan divides. Chapter 6 showed that executive orders and agency initiatives swung with administrations, legislative proposals have largely stalled in the face of lobbying and gridlock, and judicial rulings have entrenched platform discretion under CDA Section 230 and the First Amendment. My analysis revealed that critical resources remain concentrated within platforms: information and expertise are withheld or selectively shared, enrolment occurs without statutory mandate, and interdependencies circulate through lobbying, contracts, and the revolving door. The result is

a structural entanglement in which state capacity is hollowed out and regulatory power is blunted, leaving the United States dependent on platforms even if it seeks to regulate them.

7.4 Empirical Contributions: Comparative Synthesis

Together, the German, UK, and US case studies capture a decade of emerging platform regulation in three of the world's most influential democracies. Between 2016 and 2025, these states confronted the question of whether – and how – to regulate some of the most powerful companies in the world. Across all three, this period was marked by evolving regulatory scrutiny. Germany was the first to act with NetzDG, which has since been largely superseded by the EU-level Digital Services Act. The UK's OSA faced delays but has emerged as one of the most comprehensive national regulatory approaches to date. In contrast, the US has produced a fragmented stream of federal measures, while digital platforms have become established as an economic and geopolitical policy priority.

At the outset, one might have anticipated that these countries would adopt similar approaches. All three are advanced democracies, are experienced in digital technology policy, and have faced comparable challenges that concern the very same handful of tech giants. Moreover, the empirical analysis showed that key resource configurations were broadly consistent across the cases: platforms held superior regulatory resources in those domains where states were lacking. Yet in practice, the regulatory responses varied. Germany adopted an interventionist approach. The UK developed a regulated self-regulation model. The US, meanwhile, enacted a series of fragmented measures that fall short of a comprehensive regime.

It is my interpretive analysis of regulatory power that has revealed decisional insights into how and why this diversity emerged. In Germany, NetzDG was used to assert regulatory power over platforms perceived as disrespectful and unaccountable. In the UK, a principle-based model enrolled platform resources under regulatory oversight, with regulatory power

continuously negotiated through ongoing state–platform interactions. In the US, the entanglement of state and platform resources – especially given the dominance of domestic tech giants central to the domestic GDP and geopolitical positioning – makes the emergence of robust, enforceable regulation unlikely.

Despite these differences and the rich nuance that was drawn out in the case-based analysis, several patterns cut across all three. This section identifies three overarching findings that are relevant for platform safety regulation well beyond the cases examined here.

7.4.1 States Lack Regulatory Resources but Retain Authority

First, the states lacked the necessary resources needed to regulate platforms. While Germany, the UK, and the US are all advanced democracies with highly functional and generally well-resourced regulatory administrations, my thesis finds that they faced significant deficits in information, treasure, and organised expertise.

When it came to information, policymakers and regulators often lacked even basic insights into platform safety threats and their origins, scope, and mechanisms. This gap was widely acknowledged among interview participants and also in analysed documents. It was especially those experts actively involved in developing and implementing regulation who described the lack of information as a regular challenge in their daily work. They reported persistent difficulties in obtaining data and other information from platforms. In turn, interview participants reported that this lack of access hampered their ability to determine which regulatory measures might be needed or effective.

This leads to the second resource deficiency: treasure. While interview participants in Germany, the UK, and the US generally described regulatory efforts targeting platforms as adequately funded, giant technology platforms were widely perceived to be financially dominant. They possessed vast, fungible resources, making them well positioned to absorb the high costs of safety measures, particularly the development of technical systems and the

employment of a large number of content moderation staff, as well as other trust and safety personnel. Importantly, interviews revealed that there was also a prevailing view that platforms should use their financial resources to help internalise the societal costs generated by their business models – costs often borne by society in the form of safety risks – rather than expecting states to carry this burden. In Germany and the UK, these ideas materialised in regulatory design: through the enrolment of platform resources requiring their use of significant treasure as well as through the introduction of substantial fines. In the US, by contrast, such measures have not materialised. Here, state and platform treasure were more deeply entangled – not only through macroeconomic dependence on the tech sector, but also via direct financial flows, including government contracts, campaign donations, and public–private partnerships.

As for organised expertise, my analysis revealed that states generally lacked sufficient staff with technical backgrounds. Across the three cases, government departments and regulators described difficulties in attracting technical talent, as the tech sector offered significantly higher salaries and more attractive career development opportunities than public service. Again, this was a resource deficiency that states acknowledged and sought to address. For example, document analysis showed that in the UK, the regulator Ofcom was equipped with additional resources to recruit technical staff, and the hiring of several former senior platform employees suggest that this strategy was at least partially successful.

While my interview participants also noted shortages of organised expertise in the US, they described a well-established revolving door between government and industry, where a stint in public service often led to faster career progression and salary increases upon return to the tech sector. Although this kind of talent transfer into government was largely described as temporary, it appears that the US benefits from a broader base of organised technical expertise in the public sector compared to Germany and the UK.

Finally, my interviews linked interpretations of insufficient state expertise to the perceived scope and complexity of safety issues on platforms. Various participants considered states to be ill-equipped for the immense tasks at hand. Among interview participants, there was broad agreement that safety measures – particularly in content moderation or AI safety testing – required substantial human and technical capacity that states could not efficiently provide in-house.

Yet where states hold a clear advantage – and in some respects an exclusive position – is in the domain of authority. While platforms exercise de facto authority over their infrastructures, users, and content through technical standards, internal rules, and moderation practices – which have often been likened to state power, as my thesis has discussed – this authority lacks democratic legitimacy and is limited in enforcement to their own user bases. By contrast, democratically elected governments governed by the rule of law – as in Germany, the UK, and the US – hold de jure, legitimate authority. Both the German and UK cases demonstrated that even in the absence of other relevant proprietary regulatory resources, authority alone can be sufficient to compel platform safety measures. In Germany, regulatory power was asserted through detailed legal obligations backed by enforcement. In the UK, authority was exercised more softly, negotiated in regulatory practice between platforms and Ofcom. The US case showed that, even in the absence of comprehensive regulation, the state was capable of wielding authority vis-à-vis platforms. As I discussed in Chapter 6, the creation of FOSTA–SESTA as a CDA Section 230 carve-out for content related to sex trafficking, and the resulting platform removal of services and sections hosting such content, demonstrated regulatory authority in action – though its scope was narrow. Conversely, authority has not been applied to a cross-cutting safety framework in the US, reflecting deep resource entanglements that render such measures politically and economically costly.

Across all three cases, persistent deficiencies in state-held regulatory resources – information, treasure, and organised expertise – posed challenges to developing and implementing effective regulation. As digital technology policy is likely to remain central with the widespread adoption of generative AI as well as emerging technologies such as cryptocurrencies and virtual metaverses, it will be crucial for states to actively invest in developing these regulatory resources in-house. This includes using their information-gathering powers to obtain information from platforms, designing strategies to attract and retain digital expertise, and mobilising public funding to build regulatory capacity.

7.4.2 Platforms Challenge Regulation

Second, platforms actively sought to impede regulation and constrain regulatory power. Across all three cases, they withheld information and organised expertise and by extension treasure, selectively shared resources to influence the shape of regulation, and contested the authority of states.

At the level of information, platforms consistently restricted state access to key data such as information on content removals, algorithmic functioning, or data logs on user complaints. In some cases, they cited legitimate concerns – including risks of state surveillance or potential infringements on user privacy and rights. However, my analysis showed that platforms also withheld low-risk information or aggregate-level data, such as the number of content moderators employed in Germany, which senior policymakers had requested. Some interview participants attributed this not to a refusal to share information, but to a lack of knowledge among the platform representatives contacted, arguing they were either uninformed or strategically kept in the dark. More often, however, participants thought that platforms' resistance to sharing data and other information was a deliberate strategy to withhold resources critical to regulation.

Participants also raised concerns that platforms selectively shared or strategically amplified certain narratives through lobbying to influence regulatory outcomes. In the UK, the platforms disproportionately emphasised harmful but legal content to steer discourse towards redefining illegal speech, a move considered politically unviable. Across cases, platforms commonly framed regulatory proposals as technically unworkable. In Germany, they warned that NetzDG's removal obligations would require surveillance-like filtering systems, which would likely prompt public backlash. In the UK, they argued that high implementation costs under the OSA would drive smaller firms out of business, benefitting big tech platforms. In the US, proposed regulations were portrayed as existential threats to business models, innovation, and international competitiveness.

With regard to organised expertise, platforms appeared to under-resource or withhold these critical regulatory inputs. While states routinely invited platform staff to testify or participate in workshops and task forces, participants across all three cases described difficulties in securing engagement in the early years. My thesis revealed that this began to shift as regulation became more viable and widespread following the adoption of NetzDG. Even then, engagement from technical engineers remained rare, while public affairs staff were more readily available. There were also local differences. In Germany, participants reported challenges in even identifying relevant staff when NetzDG was first being developed, as platforms often had no personnel based in Germany, with teams located in the US or Ireland. By contrast, US participants described fewer such issues, suggesting platforms were more responsive or better resourced in domestic markets.

As for authority, platforms contested its use across all three contexts – positioning their own authority as superior and more appropriate to that of the state. In Germany, they framed NetzDG as a censorship tool, arguing that it illegitimately outsourced public functions normally exercised by the judiciary to private companies. In doing so, they strategically

invoked Germany's historical sensitivities around authoritarianism during the Nazi era and East Germany. In the UK, platforms emphasised their capacity to remove a wide range of harmful but legal content, offering state stakeholders privileged access to internal content moderation systems. These moves positioned platforms' de facto authority as a viable form of intervention, given the state's limited mandate over legal harms. In the US, platforms invoked First Amendment protections, framing proposals such as CDA Section 230 reform or advertising restrictions as unconstitutional. They also leveraged concerns about state overreach in the form of jawboning, particularly around Covid-19 and the January 6th Capitol insurrection, arguing that state actors sought to exert informal pressure where formal authority was lacking.

In summary, my research showed that platforms actively mobilised regulatory resources to challenge both emergent and existing regulation across all three cases. This stands in stark contrast to the public rhetoric of platform executives, who have repeatedly called for better rules for the internet and appealed to states for help in addressing the safety challenges posed by their own services. While platforms have outwardly presented themselves as welcoming regulation, their actions during the development of platform safety regimes tell a different story. Platforms are not passive regulatees but active regulatory actors – deploying their resources to stifle regulatory power. Future regulatory efforts must anticipate this strategic resource mobilisation, by closing information gaps, building in-house expertise, and safeguarding legal authority from lobbying and politicisation.

7.4.3 Platform Resources Are Critical for Regulation

Third and finally, platform resources were required in their own regulation. With evident gaps in regulatory capacity, states needed to rely on external resources to fill these deficits. Platforms had strategically positioned themselves as providers of such resources, creating resource monopolies that made their involvement in regulatory arrangements a necessity.

However, how these resources were mobilised fundamentally shaped regulatory power, as this thesis has demonstrated.

With regard to information, the analysis highlights that platforms monopolised information in ways that make their involvement in regulation necessary. While there are valid concerns about data protection, surveillance, and the protection of trade secrets and patents, giant technology platforms have increasingly closed off their services to external scrutiny. Public and research access to platform APIs has become more restrictive or been abolished altogether. Strict non-disclosure agreements were standard among platform employees and partners, and even government requests for information were often only partially fulfilled or denied. While experimental and audit research can offer some insight in the absence of access to platform information, my research has shown that regulators cannot independently generate or source sufficient information about platforms from third parties.

As for authority, only democratically elected governments hold democratic authority. But platforms exercise de facto authority over their infrastructures, users, and content, which – while not replacing or rivalling state authority as some literature suggests – can both complement and undermine it. For example, document analysis showed that both NetzDG and the Digital Services Act (DSA) have relied on platform authority for the day-to-day removal of illegal content, while state authority defined the legal framework and was employed to oversee compliance. The DSA further requires that platforms apply their internal rules, such as community standards and policies, in a diligent, objective, and non-arbitrary manner. Combined with obligations for risk assessments and due diligence, which create incentives for internal safety rules, these measures can channel platform authority towards regulatory goals.

Government platform safety budgets were marginal compared to the treasure held by tech giants. While public funding might have been generous, the unprecedented market valuations

and revenues of these firms, combined with their responsibility for the societal costs of online harms, make their contribution to the costs of online safety both proportionate and legitimate – a view held by many interview participants. Several models exist for this: mandating the use of cost-intensive resources such as organised expertise, imposing fines for non-compliance, introducing digital tax models, or adopting fee structures like Ofcom's model under the OSA, which funds its operations through fees levied on regulated services (Ofcom, 2025).

As for organised expertise, platform organisations typically held the technical know-how and expert staff that were necessary for regulating safety risks on their networks. This includes both human expertise – engineers and trust and safety teams – and safety technology, such as systems for automated testing, algorithmic content moderation, and behaviour monitoring. Much of this expertise remained locked within platform firms. But states can draw on external sources, such as third-party developers, consulting firms, or academic research. However, the scale of safety issues that require human attention – particularly in areas such as content moderation – demands substantial organised expertise, and by extension, treasure. To address these immense requirements for treasure, one widely adopted strategy has been to outsource these responsibilities directly to platforms, for example by requiring that they maintain and fund their own content moderation teams. This approach is used in NetzDG, the OSA, and the DSA, which all enrol platform actors and their resources in regulatory tasks. While this type of outsourcing creates the need for coordination and oversight by a regulator, it is a pragmatic and potentially effective solution.

Yet the enrolment of platform resources can also create important risks. There is a risk that platforms use touchpoints with states as opportunities to influence regulation, which can lead to regulatory capture when platforms succeed in steering or shaping regulation – for example, when regulators adopt problem framings and salience advanced by platform lobby groups as almost happened in the UK when debates on harmful but legal content threatened

to dominate the agenda. There are also risks of state overreach, when state actors access platform resources without a mandate or at least in anticipation of a future mandate. For example, in the US the state repeatedly leaned on platform authority to remove harmful content in relation to elections, protests, and Covid-19. These are areas for which the state not only lacked a mandate but in which it had a constitutional obligation to abstain. Yet even when enrolment happens on the basis of a legitimate mandate, there are risks. For example, in Germany the enforcement of German laws by private platforms through their private authority tasked platforms with quasi-public functions of adjudicating the legality of content. However, this risk was mitigated by oversight and due process, and options to appeal content decisions in courts.

In conclusion, enrolling platform resources into regulatory regimes is in some cases indispensable, in others proportionate, and often the most practical solution. In principle, there is little reason to oppose such enrolment; involving regulatees is common in sectors like finance or telecommunications (Wheeler, 2023). What matters is a clear legal basis that sets the terms of involvement, protecting states from regulatory capture and platforms from concerns over unlawful overreach, and making sure this enrolment serves the public good.

7.5 Theoretical Contributions

The key theoretical contribution of my thesis is the development of a resource-based framework of regulatory power for understanding platform regulation in practice. It reconceptualises regulation as a power dynamic between states and platforms, shaped by resource constellations, struggles over these resources, and state–platform interplay. My theoretical contribution operates on three levels. First, it integrates and extends existing theories of resources, capacity, and power in regulation to establish a novel coherent theoretical foundation. Second, it operationalises this synthesis into a framework of four resources – information, authority, treasure, and organised expertise – that offers a conceptual

tool for analysing platform regulation within and across cases. Third, it shows regulation as resource-based, relational, and enacted: emphasising platform regulation as a power dynamic between regulator and regulatee.

7.5.1 Integrating Theories of Regulatory Resources, Capacity, and Power

As a first contribution, my resource-based framework of regulatory power integrates three main strands of existing theory on resources, capacity, and power in regulation. First, the literature on resources in governance and regulation emphasises resources as the instruments through which governments govern, and in particular through which regulatory actors regulate (Black, 2002b, 2003; Dunleavy & Carrera, 2013; Hood, 1983; Hood & Margetts, 2007). Drawing on this literature and empirical analysis, the thesis has identified four resources – information, authority, treasure, and organised expertise – as core to platform regulation. Second, conceptions of regulatory capacity define an actor's capacity to regulate as their potential to access and mobilise these resources towards regulatory goals; and suggest that, when enacted in regulation, capacity becomes power, whereby resource endowments provide a proxy for power (Black, 2002a, 2002b; Lindvall & Teorell, 2016; Mann, 1984). Third, established conceptions of power as the ability to shape the behaviour of others are integrated into and expanded in this framework by defining regulatory power as the attempt to alter the behaviour of regulatees in line with regulatory aims (Black, 2002a; Dahl, 1957; Mann, 1984). By integrating these accounts and situating them in an interpretive understanding of regulation, I position regulatory power as the enactment of resource-based capacity within dynamic regulator–regulatee relationships aimed at regulatory goals.

In synthesising this literature, I established three premises: that regulatory capacity is resource-based; that when enacted in a relationship between regulator and regulatee this regulatory capacity becomes power; and that relative resource constellations are a proxy for regulatory power, but ultimately regulatory power is shaped by how those constellations are

interpreted and enacted within this relationship. Together, these premises provide the theoretical foundation underpinning the framework developed in this research.

7.5.2 Operationalising an Empirical-Comparative Framework

The second theoretical contribution is the operationalisation of these theoretical premises into a framework of four regulatory resources that can be applied for both within-case and across-case analysis of platform regulation. These resources were identified from theory and from empirical interview, document, and process data evidence across Germany, the UK, and the US. I deductively searched the material for evidence of known resources drawn from existing models (Black, 2002b, 2003; Dunleavy & Carrera, 2013; Hood, 1983; Hood & Margetts, 2007). Additionally, I inductively coded the data to identify resources that diverged or were not captured in existing frameworks. Four resources emerged as consistently relevant for understanding regulatory power in platform regulation:

- **Information**: Regulators require access to timely and reliable information about regulatee behaviour in order to design and enforce rules. In the context of platforms, this primarily refers to access to data and knowledge about platform actions, technologies, workflows, and internal policies.
- **Authority**: Regulators require a legal mandate and legitimacy to make binding rules and to order. Platforms exercise a form of de facto authority over their technical systems and users, enabling them to set and enforce binding rules, but this authority is not democratically legitimised.
- **Treasure**: Regulation requires financial resources to fund staff and infrastructure, and to access relevant resources. In platform regulation, tech giants hold vast financial resources of their own that are used for safety measures. What is more, state and platform wealth are often interlinked. Governments rely on platforms for economic

returns, growth, and innovation, while platforms in turn depend on government contracts, private–public partnerships, or research and development funding.

- **Organised expertise**: Regulation requires specialised knowledge used by staff in regulatory organisations in the pursuit of regulatory goals. In platform regulation, much of this expertise resides with platforms, embedded in professional teams and technical infrastructures for trust and safety functions.

Operationalising the framework through these four resources offers a conceptual tool for understanding platform regulation in practice. Focusing on information, authority, treasure, and organised expertise makes complex power dynamics between regulatory actors not only visible but also analytically tractable. The framework lends itself not only to mapping dynamics within a single case but also travels across cases: it provides a lens for comparing relative resource constellations and power dynamics empirically and comparatively. Its core value lies in providing a focused tool to cut through the noise and make sense of complex, dynamic regulatory processes.

7.5.3 Advancing an Interpretive Theory of Regulatory Power

The third theoretical contribution of my thesis is to advance an interpretive view of regulatory power. While existing accounts often treat power as a direct function of resource endowments – the more resources an actor holds, the greater their regulatory capacity, and the greater their power. Ultimately, I argue that regulatory power does not deterministically arise from an actor's resource configuration alone, but from how those resources are interpreted and mobilised towards regulation in regulator–regulatee relationships. This view breaks with positivist accounts that treat regulatory power as directly measurable through resource configurations, static, and possessed by actors. Instead, I advance existing conceptions by showing power to be resource-based, interpretive, and relationally enacted. A closer account of this conceptualisation including examples is provided in the literature review in Chapter 2.

First, regulatory power is resource-based. This thesis argues that resources are necessary but not sufficient inputs to regulatory power. In order to enact power, an actor requires access to and the capacity to mobilise regulatory resources. Without resources, there is no basis for power or regulation. Yet resources alone do not automatically constitute power: only when resources are mobilised in regulator–regulatee relationships does power emerge. This interpretive view challenges positivist approaches that treat regulatory power as objectively measurable.

Second, regulatory power is interpretive. It derives from how regulatory actors interpret resource configurations. Resource constellations are not self-evident, and different actors may view the same configuration as sufficient, inappropriate, or inadequate for regulation. These interpretations shape whether and how resources are mobilised. Regulatory power does not flow automatically from resource endowments, but is enacted through actor interpretations, which in turn shape how regulatory resources are understood and used. In my view, power is not static but dynamic, challenging views that assume that identical resources will always generate identical outcomes.

Third, regulatory power is relationally enacted and emerges only in the interaction between regulators and regulatees. In my framework, I challenge ideas of regulatory power as something that actors possess or do not possess, showing that it is actively enacted through the mobilisation of resources in regulator–regulatee relationships where resources may be shared, made interdependent, or purposefully contested and withheld in attempts to shape regulation. Without this relational enactment, a resource remains a resource but not power. Thus, regulatory power is not an actor attribute but something that is dynamically produced in regulator–regulatee interactions.

7.6 Methodological Contributions

Methodologically, interpretive policy analysis is not a novel method in itself. What is novel, however, is applying it to the emergent field of platform regulation paired with a comparative case study research design and triangulated with rich empirical data – a combination that offers unique methodological contributions.

First, my thesis offers a novel interpretive perspective to platform regulation research. While different forms of interviewing, content analysis of policy texts, and process tracing have become well established in platform regulation research, what has remained absent is an interpretive approach. Existing work often applies these methods through positivist, descriptive approaches, pursuing legal or institutional analysis. Where qualitative insights are yielded from interviews, they are often used to generate illustrative quotes or corroborate other sources of evidence, instead of to foreground the experiences and interpretations of regulatory actors. The analysis of texts often treats documents as factual records rather than as sites of meaning. And process tracing is mostly used to map descriptions of event sequences, rather than to reconstruct causal explanations of regulatory developments. While all of these methods offer valuable entry points into understanding platform regulation, I argue that only by approaching them interpretively can they effectively capture regulatory dynamics between states and platforms. The interpretive approach injects life into platform regulation research: spotlighting the lived experiences, actor dynamics, and everyday power struggles that shape how regulation is enacted in practice.

The second methodological contribution lies in pairing IPA with a comparative case study design. As discussed in the methods in Chapter 3, multi-case inquiry into platform regulation is now well established. However, interpretive methods are mostly used for in-depth analysis within each case, but less so for comparison across cases. Paired with a comparative design, IPA is well suited to uncover the meanings that regulatory actors ascribe to regulation within

cases, as well as to offer grounded explanations for how and why these meanings differ across contexts (Yanow, 2014). In this research, I applied a resource-based framework of regulatory power across three national cases. A non-interpretive, comparative approach might have stopped at comparing resource constellations. The interpretive approach instead investigated how these constellations are understood by actors on the ground, how they perceived their capacity to regulate, and how they interpreted power relations – revealing why similar structural conditions have led to divergent regulatory outcomes in Germany, the UK, and the US. It is through comparative interpretive analysis that my research revealed that it was actors' interpretations of resource constellations that prompted those actors to assert power, enrol platform capacity, or step back from regulation due to entanglement.

The third methodological advancement of my thesis lies in the triangulation of rich empirical evidence, establishing interpretive depth and rigour, and comprising a rich qualitative data set. By combining elite interviews, document analysis, and process tracing, I brought together in-depth actor accounts, formal policy stances, and timelines of regulatory developments. This enabled a multidimensional understanding of platform regulation, whereas a single-method approach would have fallen short of providing this level of dimension. Triangulation also strengthened rigour by enabling checking across sources. Rather than relying solely on what interview participants said, I traced how their interpretations aligned with policy documents and how the evidence related to observable regulatory developments over time. Each method addressed the limits of the others: interviews provided rich insight but risked anecdotal bias; policy documents revealed formal positions but lacked production context; process data mapped sequences but, on its own, just offered timelines instead of explanatory interpretations.

Finally, the triangulation of evidence produced a robust empirical data set. Examining a decade (2016–2025) of emergent regulatory practice across three countries, the elite interviews

generated over 5,000 minutes of recordings from 93 experts involved in platform regulation. Document analysis collected an archive of 103 key policy texts that captured formal regulatory positions and social artefacts of problem framings. I used process tracing to construct causal pathways of regulatory developments across Germany, the UK, and the US, identifying key moments and long-term trajectories. Together, this constitutes a rich qualitative-interpretive, cross-country data set of a decade of platform regulation that is unique in its scope.

7.7 Limitations

My interpretive policy analysis of platform regulation in advanced democracies inevitably faces several major limitations. While minor limitations and mitigation strategies have been discussed in the relevant chapters, the empirical, methodological, and theoretical limitations discussed here are overarching.

Empirically, the most significant limitation of this work lies in its scope. Striving to understand platform regulation in advanced democracies, the thesis neglects other important arenas of contemporary platform regulation. These include intergovernmental bodies such as the United Nations and the OECD; supranational institutions like the European Union; smaller democratic and non-democratic states that have experienced salient platform safety incidents and developed regulatory responses, such as Myanmar (e.g., viral social media campaigns promoting the genocide of the Rohingya) or New Zealand (e.g., the Christchurch shooting that was livestreamed on multiple platforms); and large developing countries that are key markets for tech platforms, such as Brazil, India, and Nigeria, which have also considered or already implemented regulation. Constellations of resources and actor interpretations are likely to vary substantially from those in advanced democracies, raising important questions about how regulatory power operates in these contexts – or whether the framework proposed here applies at all.

A similar scope limitation concerns the regulated platforms. The regulations examined in this inquiry have focused on tech giants including big tech and other very large platforms. Although regulatory frameworks such as the OSA differentiate between types of internet services, smaller platforms have been largely eclipsed in this analysis. Yet smaller companies are still subject to regulation. Typically, they have far less treasure and organised expertise to address safety risks, their internal authority mechanisms are less developed, and they lack tools for automated risk detection. What is more, smaller and fringe platforms are key sites of online harms, including the coordination of terrorist activity or the spread of self-harm content (Griffith & Stein, 2021; Herasimenka et al., 2023). Examining platform regulation aimed at non-dominant companies is therefore crucial.

A final empirical issue is that this analysis has centred on state–platform interactions, largely excluding the role of other stakeholders such as civil society. These actors are often involved as expert consultants, independent auditors, or evaluators, and possess relevant resources – including information and organised expertise – that can shape regulation. Their resources and resource interpretations shape platform regulation in practice, which this research does not address explicitly.

Theoretically, the model developed here offers a comprehensive but bounded account of regulatory power. The four-resource framework provides a high-level analytical lens for within-case analysis and enables cross-case comparison. However, it also makes implicit or eclipses several other important factors that shape regulatory practice, including regulatory cultures, historical context, media reporting, and public reactions. These dynamics are not absent from my research; they emerge in the analysis through actor interpretations, social artefacts in document analysis, and process tracing. Yet they are not explicitly captured by the framework itself.

What is more, by focusing on resource-based, relational conceptions of power specifically in the context of regulation, the framework leaves aside other influential perspectives, such as governmentality or network power, which could provide complementary theoretical additions in the future. Moreover, the model also risks a degree of tautology. Regulatory capacity is defined as a function of resource endowments, and regulatory power is likewise defined as a function of those same endowments – but power is not shaped by resources alone, but also by the interpretations of actors that enact it in dynamic relationships. This distinction is conceptually valid but only becomes fully meaningful through empirical application.

Methodologically, the interpretive approach limited the external validity and reliability of the study. While the analysis offers thick descriptions, its findings are not statistically generalisable. However, the research design accommodates analytic generalisation, developing concepts and causal pathways that can travel beyond the cases studied. The analysis identified recurring resource constellations, patterns of sequences in resource-based interaction, and common power dynamics in state–platform relations, pointing to potentially transferable mechanisms. However, these mechanisms remain context-dependent: they may operate across cases and guide the analysis, but thorough empirical evidence is needed to assess this.

I also want to acknowledge that the richness of the interview data was enabled by my privileged position as an insider in the field. My professional role as a researcher affiliated with the University of Oxford allowed me to become part of a network of experts on platform regulation. Most interviews built on warm outreach, or at the very least referenced my institutional affiliation and role in the field. Anecdotally, several participants noted that they agreed to an interview because they knew me personally, owed me a favour, or were familiar with the Oxford Internet Institute's work. Conducting this research from a less privileged position likely would not have afforded the same level of access.

7.8 Outlook

Having outlined the overarching findings, contributions, and limitations of this research, I look outward and consider avenues for future research and regulation.

7.8.1 Directions for Future Research

The limitations identified above offer a logical starting point for future research. Empirically, future research should interpretively examine platform regulation across a wider range of contexts. It should explore less advanced democracies, authoritarian regimes, and majority world and Global South settings – all of which are likely shaped by very different resource constellations and state–platform relationships. Research should also focus more closely on non–giant technology platforms, which often have fewer resources to allocate towards regulatory goals under formal regimes. In addition, the role of civil society in regulation should be more systematically analysed to understand how these actors and their resources shape regulatory practice.

Relatedly, the framework of regulatory power should be applied to adjacent regulatory domains. With rapid developments in generative AI, large language models, and metaverses – many emerging from the same group of tech giants – this research offers a starting point for analysing how resource constellations are and can be mobilised to enhance regulatory power in the regulation of digital technologies. The ways in which platforms challenge regulation by withholding or selectively sharing resources and the risks identified that relate to the enrolment of their resources offer starting points for future research in this context.

A final empirical advance would be that, while this study focused on the development and adoption of regulation, future research should trace implementation and evaluate outcomes. This includes examining whether the regulatory approaches adopted in Germany, the UK, and the US meet their intended goals; whether reliance on platform resources undermines or

strengthens regulatory power over time; and whether resource constellations shift as regulation matures.

Theoretically, the framework should be more firmly situated within the broader social science literature on power. Future research should not only build on accounts of power as the potential to achieve regulatory goals but also explore how the framework relates to theories of power as diffuse, networked, and embedded in social relationships. For example, Chapter 5 on Germany examined regulatory power in the context of agenda-setting and policy change, developing a power-integrated MSA based on Kingdon's (1995) theoretical foundations. Future research could extend this by bringing resource-based power into dialogue with key theories on the different dimensions of power across the regulatory process.

While the four resources conceptualised here are grounded in theory and empirical evidence, the framework may need to be adapted when applied in different contexts. For example, in the case of small platforms with limited fungible resources, treasure may not be a meaningful or relevant factor in shaping regulatory relationships. Similarly, authority in authoritarian contexts is mostly not derived from legitimacy and democratic processes, but from force. It could be worthwhile exploring how changes in resource constellations shape regulatory power.

Methodologically, the IPA of resource constellations and their meanings could be extended through a quantitative dimension. Developing ways to operationalise and measure regulatory resources would enhance empirical understanding, improve cross-case comparability, and enable predictive analysis of regulation. Such an approach could also support empirically grounded recommendations for the enrolment of different actor groups based on their resource configurations. That said, interpretive analysis will remain pivotal for understanding regulatory power as inherently enacted in dynamic relationships.

7.8.2 Practical Lessons for Regulation

This research offers some valuable lessons for how regulators should address the regulation of powerful tech giants.

First, modes of enrolment matter. Resource deficiencies frequently make platform involvement in regulation a necessity. However, when the enrolment of platform capacity occurs informally, voluntarily, or on an ad hoc basis – as seen in the US case – it comes with significant risks. Regulation becomes prone to capture by platforms, creating dependencies on platform-led solutions and risks of entanglement with public regulatory power. But there are also risks of state overreach, whereby states enrol platform capacity in areas where they do not hold a mandate, such as the deletion of harmful but legal content. By contrast, when states use their authority through legally mandated, binding modes of access with clear rules of engagement – as seen in Germany and the UK – this offers a more stable foundation for the legitimate enrolment of platform resources.

Second, resources give platforms regulatory leverage. Large technology companies often have ample resources at their disposal, including in domains where states are lacking. This makes their enrolment in regulatory regimes to direct their resources to regulatory goals under a public mandate a viable regulatory strategy. When platforms control access to critical resources that states need to enrol in order to regulate, this gives platforms leverage over regulation. It is important for regulators to remember that platforms, no matter how state-like they look or act, do not optimise for the public interest – they optimise for growth, strategic advantage, and shareholder value. Importantly, I have shown that platforms are acutely aware of the regulatory leverage embedded in their resources. Platforms withhold information to stifle regulation, strategically offer access to partial information to shape regulatory strategies, and deploy resources in ways that can influence or even capture the regulatory process. It is

critical that state actors recognise the power embedded in platform resources and enrol only necessary resources through regulatory design that safeguards the public good.

Third, building state capacity strengthens regulatory power – and regulation can be a mechanism for building it. While the involvement of external platform resources will likely remain indispensable, or at least efficient, states should invest in developing their own capacity to regulate digital systems. This primarily concerns access to information about technical systems and the cultivation of proprietary digital organised expertise. The latter can be supported through training, targeted recruitment, and competitive employment packages. The former is more difficult, as critical information is often withheld by platforms, protected by non-disclosure agreements, trade secrets, or platforms' outright refusal to share information with state actors. Regulation, however, can be used to address this constraint by introducing reporting obligations and expanding regulators' information powers.

7.9 The Regulatory Powers That Be

Against the backdrop of pressing threats to public safety associated with digital platforms, I have examined a decade of emergent platform regulation in Germany, the UK, and the US. At the heart of my analysis lies a power struggle between two immensely powerful sets of actors. One of these groups consists of some of the world's richest and most influential advanced democracies, which increasingly treat platforms and their executives as key allies for growth, innovation, and digital transformation. The other group includes the giant technology platforms – among the largest and wealthiest entities ever to exist – which have become indispensable intermediaries of public life in these same democracies. This is a power struggle with very different outcomes across different settings.

Conducting an interpretive policy analysis of three cases, across 93 interviews, 103 documents, and process tracing, my thesis offers rich contributions. Empirically, it shows that platform regulation is a dynamic field of diverse practices in which states assert regulatory

power, negotiate it with platforms, or see it hollowed out through entanglement – and in which the involvement of platforms is a necessity but not without risks. Theoretically, I have developed an original framework of regulatory power based on four resources – information, authority, treasure, and organised expertise – offering a focused conceptual tool that makes power dynamics analytically tractable and explains how and why they shape platform regulation. Methodologically, I have applied a new lens to studies of platform regulation, using an IPA to foreground the lived experiences and actor interpretations of regulation in practice, dimensions that prior research has often eclipsed.

In reflecting on this thesis, one central insight stands out to me: state power and platform power are not made equal. State power is public, oriented towards the collective good; platform power is private, directed towards private interests. While tech giants have undeniably emerged as central loci of power in the political world order – in some regards matching or even challenging state power – they lack what is essential to democratic power: authority, democratically legitimised, encoded in law, backed by force. When states choose to exercise this authority to exert regulatory power over platforms, platforms have little choice but to comply, face sanctions, or leave a market. For all the academic rhetoric and political practice that casts platforms as new sovereigns, platforms are fundamentally unlike states.

The power struggles between states and platforms are likely to remain a defining feature of contemporary regulation in a digital age. As AI systems proliferate, the same handful of giant technology companies that are at the centre of this thesis are also driving the AI transformation. This time, the stakes might be even higher. Not only have these companies gained even greater geopolitical influence by virtue of controlling the technologies that promise to transform life as we know it, but the West, in particular the US, and China have declared AI development a race, the winner of which is forecast to become the new global hegemon. Without effective regulation, that winner might not be a state at all but the tech

giants themselves. In a digital age, I believe that regulation is what ensures that democratic states, not private platforms, remain the powers that be.

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Appendix A: CUREC Approval Documents

This appendix contains documentation of the ethical approval granted by the University of Oxford Central University Research Ethics Committee (CUREC). The initial approval for CUREC 1A research activities was granted on 19 March 2021 (Ref: SSH_OII_CIA_21_070), followed by an amendment for major changes to the consent mechanism without wet ink signatures approved on 1 May 2021. Copies of both letters are included below.

A.1 Initial Ethics Approval Letter

19 March 2021

Re: The Governance of Disinformation: Policymaking for Public Issues on Private Platforms

Dear Lisa-Maria,

The above application has been considered on behalf of the Social Sciences and Humanities Interdivisional Research Ethics Committee (IDREC) in accordance with the procedures laid down by the University for ethical approval of all research involving human participants.

I am pleased to inform you that, on the basis of the information provided to the Oxford Internet Institute's Departmental Research Ethics Committee (DREC), the proposed research has been judged as meeting appropriate ethical standards, and accordingly approval has been granted.

In line with current guidance please do not undertake any data collection involving in-person interactions with participants. Once in-person research is permissible again, you will need to notify the SSH IDREC via email *before* undertaking any recruitment for in-person interaction with participants. More detailed guidance is available via https://researchsupport.admin.ox.ac.uk/governance/ethics/coronavirus.

Your CUREC 1A Research Ethics Approval Ref Number is **SSH_OII_CIA_21_070.** This reference should be stated in any written work resulting from this research.

Should there be any subsequent changes to the project that raise ethical issues not covered in the original application you should submit details to the DREC for consideration.

On behalf of the Oxford Internet Institute's DREC, I wish you every success with your research.

Best wishes,

Lucy Hennings
Research Support Officer
Oxford Internet Institute
University of Oxford

+44 (0)1865 687017
lucy.hennings@oii.ox.ac.uk

A.2 Amendment Approval Letter

24 May 2021

Dear Lisa-Maria,

Amendment of research ethics application (CUREC 1A)

Ref: SSH_OII_CIA_21_070

Title: 'The Governance of Disinformation: Policymaking for Public Issues on Private Platforms'

Number of Amendment and month of approval received: 1 May 2021.

Subject of Amendment: Major amendment to consent mechanism without wet ink signature

The above request for amendments have been reviewed by the Oxford Internet Institute DREC on behalf of the Social Sciences and Humanities Inter-Divisional Research Ethics Committee (IDREC).

I am pleased to inform you that, on the basis of the information provided to the DREC, this amendment has been judged as meeting appropriate ethical standards.

Best wishes,

Lucy Hennings
Research Support Officer
Oxford Internet Institute
University of Oxford

+44 (0)1865 687017
lucy.hennings@oii.ox.ac.uk

Appendix B: Interview Materials

This appendix contains interview materials. The participant information sheet and consent form were provided to participants before the interview. These materials follow University of Oxford templates.

The semi-structured interview guide was not routinely shared with participants but was made available upon request. All participants were asked the same questions about their background including demographic characteristics and professional experience. Icebreaker questions and probing follow-ups varied depending on the case context and participant profile and were frequently developed in the course of the conversation. Interview questions were translated to German, when interviewing German participants.

All interview materials were approved by the University of Oxford's Central University Research Ethics Committee under reference SSH_OII_CIA_21_070.

B.1 Written Consent Form

OXFORD INTERNET INSTITUTE
University of Oxford, 1 St Giles', Oxford OX1 3JS

Lisa-Maria Neudert
Oxford Internet Institute
1 St Giles', Oxford OX1 3JS, United Kingdom
Email: lisa-maria.neudert@oii.ox.ac.uk

Platform regulation: Policymaking for public issues on private platforms.

PARTICIPANT CONSENT FORM

Central University Research Ethics Committee (CUREC) Approval Reference: **SSH_OII_CIA_21_070**

Purpose of Study: Digital social media platforms have emerged as new governors. They shape everyday civic life through their algorithms, technological affordances, terms of service and content moderation. New rules, mechanisms and organisational structures are being created by platforms, effectively governing speech in countries around the world and exporting American laws and values. And governments around the world are proposing and implementing regulation aimed at curbing the spread of disinformation on social media and regulating digital markets. This research will reveal how platforms regulate and are being regulated, how policy decisions are made and implemented, and how they impact life online.

		Please initial each box
1	I confirm that I have read and understand the information sheet for the above study. I have had the opportunity to consider the information, ask questions and have had these answered satisfactorily.	☐
2	I understand that my participation is voluntary and that I am free to withdraw at any time, without giving any reason, and without any adverse consequences or penalty.	☐
3	I understand that research data collected during the study may be looked at by authorised people outside the research team (**i.e.:** Doctoral Supervisors Professor Helen Margetts & Professor Philip Howard). I give permission for these **two** individuals to access my data'.	☐
4	I understand that this project has been reviewed by, and received ethics clearance through, the University of Oxford Central University Research Ethics Committee.	☐
5	I understand who will have access to personal data provided, how the data will be stored and what will happen to the data at the end of the project.	☐
6	I understand how this research will be written up and published.	☐

7	I understand how to raise a concern or make a complaint.	☐
8	I consent to being audio recorded	☐
9	I consent to being video recorded	☐
12a	I agree to the use of direct quotes, attributed to my name, in research outputs **OR**	☐
12b	I agree to the use of pseudonymised quotes in research outputs **OR**	☐
12c	I agree to the use of anonymised quotes in research outputs **OR**	☐
12d	I do not wish to be directly quoted	☐
13	I agree to take part in the study	☐

Name of Participant	Date	Signature

Name of person taking consent	Date	Signature
Lisa-Maria Neudert		

B.2 Participant Information Sheet

OXFORD INTERNET INSTITUTE
University of Oxford, 1 St Giles', Oxford OX1 3JS

Lisa-Maria Neudert
Oxford Internet Institute
1 St Giles', Oxford OX1 3JS, United Kingdom
Email: lisa-maria.neudert@oii.ox.ac.uk

Platform Power and Public Regulation: Navigating the Relationship of Big Tech and Government

PARTICIPANT INFORMATION SHEET
Central University Research Ethics Committee (CUREC) Approval Reference: **SSH_OII_CIA_21_070**

1. ***Why is this research being conducted?***
   Digital platforms have emerged as new governors. They shape everyday civic life through their algorithms, technological affordances, terms of service and content moderation. New rules, mechanisms and organisational structures are being created by platforms, effectively governing speech in countries around the world and exporting American laws and values. And governments around the world are proposing and implementing regulation aimed at curbing the spread of disinformation on social media and regulating digital markets.

   This research will trace the relationship between the big tech sector and governments in Germany, the United Kingdom, and the United States, spotlighting their joint history across innovation, regulation, and politics.

2. ***Why have I been invited to take part?***
   You have been invited because you are an expert on issues surrounding the regulation of platforms. In your role you have been at the forefront of social media governance and dispose of unique knowledge and expertise, that is valuable to this research. I would like to interview you as an expert.

3. ***Do I have to take part?***
   No. You can ask questions about the research before deciding whether or not to take part. If you do agree to take part, you may withdraw yourself from the study, without giving a reason, by advising me of this decision. You can withdraw at any point and all data collected until the point of withdrawal will be deleted.

4. ***What will happen to me if I take part in the research?***
   You will be invited to participate as an expert in a research interview with me, the lead researcher. The interviews will last between 45-60 minutes and will take place digitally over Microsoft Teams or another video conferencing platform.

   When begin the interview I will start by introducing the study procedures to you and give you the chance to ask any questions. If you are still happy to take part, I will ask you to sign a consent form or give oral consent to participate in the research. Oral consent will be recorded.

   If you are happy to take part in the research, you then will be interviewed.

   With your consent, I would like to audio or video record you because, so I can have an accurate record of your thoughts. I will ask you at the beginning of the interview if you consent to this.

5. ***Are there any potential risks in taking part?***
   There is no physical or medical component to this research, and there is no risk of physical injury. However, participating in this study may have risks. First, it is possible my representation of community values may not coincide with those you specifically represent during the interview or over the course of the professional survey. Although I will do my best to represent minority opinions, I may be unable to completely represent your particular opinion on key issues. Breach of confidentiality is a risk to being in the study, for example, if your responses or observation notes linked to your name were accidentally given to or were taken by someone who should not have them. Please assess the advantages and risks, along with the methods I use to protect your confidentiality. In the event of a research related injury, please contact the director of this study, Lisa-Maria Neudert, via email or phone.
6. ***Are there any benefits in taking part?***
   There will be no direct or personal benefit to you from taking part in this research, but you will contribute to cutting-edge research that may impact current policymaking tasked with combatting the spread of disinformation online and protecting democratic liberties.

7. ***What happens to the data provided?***
   The information you provide during the study is the **research data**. Any research data from which you can be identified, like your name, job title, audio recording etc. is known as **personal data**.

   Personal / sensitive data will be stored on secure, encrypted, laptops and hard drives associated with the University of Oxford that have been encrypted according to procedures. All data will be deleted 3 years after publication or completion of the research project.

   Other research data (including consent forms) will be stored for at least 3 years after publication or completion of the work of the research.

   You will be given the option to remain **anonymous** or to choose a **pseudonym** at the beginning of the research. Any taped conversations, paper notes, or other research materials associated with our exchanges will be stored anonymously or identified with the pseudonym. The only code sheet identifying you with your pseudonym will be kept on an encrypted external hard drive. If you choose later on, that you do not wish to be identified in this research, your contribution will be anonymized by default. If you choose later on, that you do wish to be identified in this research, your contribution will be personally attributed. You can notify me over email if your preferences change after the interview.

   I have an ethical and legal obligation to protect confidential information used or obtained in the course of research and all policies on confidentiality apply equally to data stored both in the computer and on paper records. Any non-disclosure agreements to which you are a party will be respected and maintained by the security of aggregation and pseudonyms.

   The lead researcher, Lisa-Maria Neudert, and her supervisors Professor Helen Margetts and Professor Philip Howard will have access to the research data. Responsible members of the University of Oxford may be given access to data for monitoring and/or audit of the research.

   I would like your permission to use direct quotes and for your name to be attributed to these. Or if you prefer anonymously or against a pseudonym in any research outputs.

8. ***Will the research be published?***
   The research may be published in academic publications and online, as my Doctoral thesis.
   The University of Oxford is committed to the dissemination of its research for the benefit of society and the economy and, in support of this commitment, has established an online archive of research materials. This archive includes digital copies of student theses successfully submitted as part of a University of Oxford postgraduate degree programme. Holding the archive online gives easy access for researchers to the full text of freely available theses, thereby increasing the likely impact and use of that research.

On successful submission of the thesis, it will be deposited both in print and online in the University archives to facilitate its use in future research. If so, the thesis will be openly accessible.

9. ***Who has reviewed this study?***
This study has been reviewed by, and received ethics clearance through, the University of Oxford Central University Research Ethics Committee (Reference number: **SSH_OII_CIA_21_070**).

10. ***Who do I contact if I have a concern about the study or I wish to complain?***
If you have a concern about any aspect of this study, please contact Lisa-Maria Neudert at lisa-maria.neudert@oii.ox.ac.uk or supervisor Professor Helen Margetts at helen.margetts@oii.ox.ac.uk, or supervisor Professor Philip Howard at Philip.howard@oii.ox.ac.uk and we will do our best to answer your query. I/we will acknowledge your concern within 10 working days and give you an indication of how it will be dealt with. If you remain unhappy or wish to make a formal complaint, please contact the Chair of the Research Ethics Committee at the University of Oxford who will seek to resolve the matter as soon as possible:

11. ***Data Protection***
The University of Oxford is the data controller with respect to your personal data, and as such will determine how your personal data is used in the study.
The University will process your personal data for the purpose of the research outlined above. Research is a task that is performed in the public interest.
Further information about your rights with respect to your personal data is available from http://www.admin.ox.ac.uk/councilsec/compliance/gdpr/individualrights/.

12. ***Further Information and Contact Details***
If you would like to discuss the research with someone beforehand (or if you have questions afterwards), please contact:

Principal Investigator: Lisa-Maria Neudert
Oxford Internet Institute
1 St Giles', Oxford OX1 3JS, United Kingdom
Email: lisa-maria.neudert@oii.ox.ac.uk

B.3 Semi-structured Interview Guide

Questions about the participant

1. What is your name?
2. What pronouns do you use and how do you identify your gender?
3. How would you describe your ethnicity?
4. What is your current job title?
5. Which organisation(s) are you affiliated with?
6. How long have you been in this role?
7. When did you first start working on issues related to technology policy and platform regulation?
8. Can you walk me through the main stages of your education and career?

Examples of icebreaker questions from the German context

9. Heiko Maas famously said about NetzDG, 'What is prohibited offline is also not permitted online'. Hasn't that always been the case?
10. The internet has long been described as a lawless Wild West. Do you think that was an accurate description in the context of Germany?
11. Germany is sometimes described as the 'king of regulation' in the European Union. As one of the first democracies to implement regulations aimed directly at platforms, Germany took a pioneering role with NetzDG. How do you perceive this characterisation, especially with regard to technology policy?
12. Angela Merkel reportedly scolded Mark Zuckerberg at a UN banquet in 2015, suggesting that social media platforms have a moral obligation to combat hate speech. Do you agree with this perspective?

Examples of open-ended and probing questions from the German context

13. Reflecting on the global impact of NetzDG, can you identify any trends or shifts in international policymaking inspired by NetzDG? What do you think prompts similarities and differences between different approaches?
14. NetzDG has evolved over time and has been amended on numerous occasions. What prompted these updates? Can you identify any patterns or trends? Why were these updates necessary and were they necessary at all in your opinion?
15. Looking back on the operation of NetzDG, did it achieve its intended objectives? Were there any unintended consequences or benefits?
16. Evaluations of NetzDG reveal that only a marginal amount of content was deleted on the grounds of NetzDG compliance. Why do you believe this is the case? Was there not as significant a hate speech crisis as initially thought? What implications does this have for the BMJV?
17. NetzDG has been in place for several years now. Reflecting on the time of its introduction, what were the major concerns? What were the biggest hopes and goals, and have they been realised? Why did concerns about over-blocking not materialise as anticipated?
18. Before NetzDG, a number of more collaborative approaches were attempted. What can you tell me about that period? What was the relationship like between different stakeholder groups? What complicated these relationships? Do you think the relationship between platforms and government prompted NetzDG?
19. Was there a pivotal moment or event that led to the adoption of NetzDG that stands out to you? How does this moment align with the medium- and long-term technology policy landscape?
20. When NetzDG was first proposed, platforms were celebrated as beacons of democracy and connectivity. However, in Germany, platforms, especially Facebook,

came under criticism for their role in disseminating hate speech. Can you elaborate on this context? How did the public and political perception of platforms evolve over time?

21. How does NetzDG fit into the tradition of limited liability regimes in Europe? Was NetzDG a break from the status quo, or an extension of prevalent strategies?
22. NetzDG introduced a hard law approach. Why was this considered necessary? What aspects of the collaborative or voluntary efforts were falling short?
23. NetzDG was implemented relatively swiftly. How did the BMJV and platforms prepare for this new regulatory regime? Were stakeholders able to comply within the given timeframe? What new roles and responsibilities were created?

Appendix C: Interview Participants

This appendix provides an overview of the interview participants across Germany, the United Kingdom, and the United States.

Table 20: Overview of interview participants in Germany, the UK, and the US.

ID	Name	Field	Organisation	Title	Relevant current or former title	Date	Length in mins
1 UK	Edward Orlik	Government and regulators	Cabinet Office	Senior Policy Advisor Internet Policy Team		26/03/ 2021	70
2 UK	Anonymous 1	Government and regulators		Security and Online Safety		06/04/ 2021	55
3 UK	Nicola Aitken	Academia, civil society, law	Full Fact	Policy and Government Relations Manager	Former: DCMS, Head of Counter Online Manipulation (2018–2020)	07/04/ 2021	60
4 UK	Emily Taylor	Academia, civil society, law	Oxford Information Labs	CEO		07/04/ 2021	60
5 UK	Chloe Colliver	Academia, civil society, law	Institute for Strategic Dialogue	Head of Digital Policy & Strategy	Current: Ofcom, Principal Online Safety (2024–)	12/04/ 2021	38
6 UK	Phoebe Arnold	Academia, civil society, law	Full Fact	Partnerships Manager		16/04/ 2021	53
7 UK	Anonymous 2	Government and regulators		Online Safety		21/04/ 2021	54
8 UK	Christian Schwieter	Academia, civil society, law	Institute for Strategic Dialogue	Policy and Research Analyst		26/04/ 2021	56
9 UK	Conor Durham	Government and regulators	DCMS Sub-Committee on Online Harms and Disinformatio n	Digital and Technology Specialist		27/04/ 2021	57
10 UK	Anonymous 4	Government and regulators		Security and Online Safety		02/06/ 2021	48
11 UK	Anonymous 5	Government and regulators		Data and Online Safety		06/06/ 2021	49
12 UK	Pierre Andrews	Government and regulators	UK Parliament	Senior Parliamentary Assistant to Damien Collins		18/06/ 2021	50
13 UK	Anonymous 6	Government and regulators		Online Safety	Current: Ofcom	15/07/ 2021	59
14 UK	Anonymous 7	Academia, civil society, law		Online Safety	Current: Ofcom	16/07/ 2021	60

ID	Name	Field	Organisation	Title	Relevant current or former title	Date	Length in mins
15 UK	Anonymous 8	Platform and tech		Trust & Safety	Former: Government	16/08/ 2021	61
16 UK	Anonymous 9	Platform and tech		Trust & Safety	Former: Government	16/08/ 2021	61
17 UK	Anonymous 10	Government and regulators		AI and Online Safety		26/08/ 2021	51
18 UK	Anonymous 11	Platform and tech		Public Affairs	Former: Government	27/08/ 2021	52
19 UK	Anonymous 12	Government and regulators		Online Safety		27/08/ 2021	52
20 UK	Off the record	Government and regulators				02/09/ 2021	54
21 UK	Ravi Naik	Academia, civil society, law	AWO; Oxford Internet Institute	Legal Director; Visiting Fellow		08/09/ 2021	55
22 UK	Anonymous 13	Government and regulators		Online Safety		13/09/ 2021	60
23 UK	Lorna Woods	Academia, civil society, law	University of Essex	Professor of Internet Law		15/09/ 2021	54
24 UK	Anonymous 14	Platform and tech		Public Affairs	Former: Government	16/09/ 2021	60
25 UK	Anonymous 15	Platform and tech		Public Affairs	Former: Government	17/09/ 2021	49
26 UK	Anonymous 16	Government and regulators		Data & Competition		17/09/ 2021	53
27 UK	Anonymous 17	Government and regulators		Data	Current: CMA	28/09/ 2021	51
28 UK	Poppy Wood	Academia, civil society, law	Reset	Senior Advisor	Former: Prime Minister's Office, Advisor (2012–14)	29/09/ 2021	54
UK	Simon McDougall	Government and regulators	No affiliation at the time of interview		Former: ICO, Deputy Commissioner (2018-22)	29/09/ 2021	59
30 UK	Maria Luisa Stasi	Academia, civil society, law	Article 19	Senior Legal Officer		12/10/ 2021	59
31 UK	Off the record	Government and regulators				12/10/ 2021	53
32 UK	Anonymous 18	Government and regulators		Online Safety		12/11/ 2021	47
33 UK	Kate Brand	Government and regulators	CMA	Director of Data Science		15/11/ 2021	48
34 UK	Off the record	Government and regulators		Disinformation & Online Safety		16/12/ 2021	49
35 GER	Marc Liesching	Academia, civil society, law	Hochschule für Angewandte Wissenschaften Leipzig	Professor for Media Law		04/01/ 2023	49
36 GER	Keno Potthast	Academia, civil society, law	Leibniz Institute for Media Research	Junior Researcher		10/01/ 2023	51

ID	Name	Field	Organisation	Title	Relevant current or former title	Date	Length in mins
37 GER	Owen Bennett	Government and regulators	Ofcom	International Online Safety Principal	Former: Senior Public Policy Manager at Mozilla (2018–22)	18/01/ 2023	45
38 GER	Jonas Kahl	Academia, civil society, law	Spirit Legal	Lawyer		04/01/ 2023	59
39 GER	Julian Jaursch	Academia, civil society, law	Stiftung Neue Verantwortun g	Project Lead		04/01/ 2023	79
40GE R	Alexander Fanta	Academia, civil society, law	Netzpolitik	Journalist (Brussels correspondent)		16/01/ 2023	57
41GE R	Lubos Kuklis	Government and regulators	No affiliation at the time of interview		Former: European Platform Regulatory Authorities, Chair (2020–22)	17/01/ 2023	55
42 GER	Rachel Griffin	Academia, civil society, law	School of Law at Sciences Po	PhD Candidate		24/01/ 2023	46
43 GER	Jens Zimmerma nn	Government and regulators	Bundestag; Digital Agenda Committee; Social Democratic Party (SPD)	Bundestag Member; SPD Spokesperson for Digital Policy		31/01/ 2023	50
44 GER	Amelie Heldt	Government and regulators	Federal Chancellery	Officer for Digital Policy		08/02/ 2023	48
45 GER	Anonymous 19	Government and regulators		Legal Research		01/02/ 2023	53
46 GER	Anonymous 20	Academia, civil society, law		Data and Information Law		02/02/ 2023	49
47 GER	Alexander Sängerlaub	Academia, civil society, law	Futur1	Director	Former: Stiftung Neue Verantwortun g, Project Lead Misinformatio n (2016–21)	02/02/ 2023	46
48 GER	Hendrik Wieduwilt	Platform and tech	Self-employed	Consultant & Communicati on Strategist	Former: Facebook, Podcast Host, (2020–21)	03/02/ 2023	52
49 GER	Alexandra Geese	Government and regulators	Member of European Parliament, Shadow Rapporteur DSA	European Parliament		03/02/ 2023	53
50 GER	Stefan Dreyer	Academia, civil society, law	Leibniz Institute for Media	Senior Researcher		06/02/ 2023	49

ID	Name	Field	Organisation	Title	Relevant current or former title	Date	Length in mins
51 GER	Anonymous 21	Academia, civil society, law		EU Advocacy		06/02/ 2023	46
52 GER	Torben Klausa	Academia, civil society, law	University of Bielefeld	PhD Candidate	Former: Bundestag Digital Agenda Committee, Assistant (2016–17); Bitkom, Public Policy Officer (2017–18)	06/02/ 2023	48
53 GER	Katharina Meßmer	Academia, civil society, law	Stiftung Neue Verantwortung	Project Lead	Former: Social Democratic Party, Communications Lead (2006–09)	07/02/ 2023	49
54 GER	Thorsten Thiel	Academia, civil society, law	University of Erfurt	Professor		09/02/ 2023	65
55 GER	Daniel Holznagel	Academia, civil society, law	Court of Berlin	Judge	Former: Ministry of Justice, Legal Officer NetzDG (2017–21)	14/02/ 2023	58
56 GER	Anonymous 22	Government and regulators		Public Policy		16/02/ 2023	47
57 GER	Anonymous 23	Government and regulators		Public Policy		23/02/ 2023	51
58 GER	Martin Husovec	Academia, civil society, law	London School of Economics	Assistant Professor		17/02/ 2023	62
59 GER	Martin Kettemann	Academia, civil society, law	University of Innsbruck	Professor		20/03/ 2023	20
60 GER	Anonymous 24	Government and regulators		Digital Policy		14/04/ 2023	54
61 US	Joel Thayer	Academia, civil society, law	Digital Progress Institute	President	Current: The Heritage Foundation, Affiliate; Former: FTC, Legal Clerk (2014–2015); FCC, Legal Clerk (2014)	22/03/ 2024	69
62 US	Thomas Berry	Academia, civil society, law	Cato Institute	Director of Constitutional Studies		26/03/ 2024	54
63 US	Anton Dahbura	Academia, civil society, law	Johns Hopkins University, Information Security Institute	Executive Director		28/03/ 2024	56

ID	Name	Field	Organisation	Title	Relevant current or former title	Date	Length in mins
64 US	Brandi Geurkink	Academia, civil society, law	Coalition for Independent Technology Research	Executive Director	Former: Mozilla, Legal Fellow (201–2024)	04/04/ 2024	48
65 US	David Greene	Academia, civil society, law	Electronic Frontier Foundation	Civil Liberties Director		05/04/ 2024	55
66 US	Joan Donovan	Academia, civil society, law	Boston University	Assistant Professor		09/04/ 2024	65
67 US	Brent Skorup	Academia, civil society, law	Cato Institute	Research Fellow	Former: FCC, Legal Clerk (2011)	11/04/ 2024	52
68 US	Katie Harbath	Academia, civil society, law	Anchor Change	CEO	Former: Facebook, Director of Public Policy (2011–2021)	11/04/ 2024	50
69 US	Renee DiResta	Academia, civil society, law	Stanford Internet Observatory	Technical Research Manager	Former: Congress, Advisor (not reported); State Department, Advisor (not reported)	15/04/ 2024	54
70 US	Clare Melford	Academia, civil society, law	Global Disinformatio n Index	CEO		18/04/ 2024	50
71 US	Dean Jackson	Academia, civil society, law	Public Circle	Principal	Former: House of Representative s Select Committee to Investigate the January 6th Attack on the US Capitol (2020–2022)	23/04/ 2024	59
72 US	Jack Balkin	Academia, civil society, law	Yale Law School	Knight Professor of Constitutional Law		25/04/ 2024	49
73 US	Larry Norden	Academia, civil society, law	New York University School of Law	Senior Director for Elections and Government Program		26/04/ 2024	44
74	Emerson Brooking	Academia, civil society, law	Atlantic Council	Director of Strategy	Former: Department of Defense, Cyber Policy Advisor (2022–2023)	21/05/ 2024	44
75 US	Leticia Bode	Academia, civil society, law	Georgetown Knight Institute	Research Director		30/05/ 2024	44
76 US	Mark Scott	Academia, civil society, law	Politico	Chief Technology Corresponden t		04/06/ 2024	49

ID	Name	Field	Organisation	Title	Relevant current or former title	Date	Length in mins
77 US	Jack Stubbs	Academia, civil society, law	Graphika	Chief Intelligence Officer	Former: Reuters News Agency, Journalist (2015–2021)	18/06/ 2024	45
78 US	Mathew Ingram	Academia, civil society, law	Columbia Journalism Review	Chief Digital Writer		02/08/ 2024	57
79 US	Anonymous 25	Platform and tech		Government Affairs	Former: Government	06/08/ 2024	48
80 US	Anonymous 26	Platform and tech		Government Affairs	Former: Government	06/08/ 2024	46
81 US	Anonymous 27	Platform and tech		AI Safety and Threat Intelligence	Former: Government	14/08/ 2024	71
82 US	Jennifer Weedon	Platform and tech	No affiliation at the time of interview		Former: Niantic, Head of Red Teaming (2022–2024); Facebook, Senior Manager Threat Intelligence (2015–2022)	19/08/ 2024	48
83 US	Johannes Bauer	Government and regulators	FCC	Chief Economist		23/08/ 2024	72
84 US	Tom Wheeler	Academia, civil society, law	Brookings Institution	Visiting Fellow	Former: FCC, Chairman (2013–2017)	05/11/ 2024	54
85 US	Nina Jankowicz	Academia, civil society, law	American Sunlight Project	CEO	Department for Homeland Security Disinformation Governance Board: (Head)	20/11/ 2024	55
86 US	William Drake	Academia, civil society, law	Columbia University Business School	Director of International Studies		26/11/ 2024	57
87 US	Off the record	Platform and tech		Policy & Government Affairs	Former: Government	12/12/ 2024	48
88 US	Alissa Cooper	Academia, civil society, law	Georgetown Knight Center	Executive Director	Former: Cisco Systems, VP Engineering (2013–2024)	19/12/ 2024	48
89 US	Scott Babwah Brennen	Academia, civil society, law	New York University Center on Technology Policy	Director		16/01/ 2025	46
90 US	Chinasa Okolo	Academia, civil society, law	Brookings Institution	Fellow		22/01/ 2025	36
91 US	Courtney Radsch	Academia, civil society, law	Open Markets Institute Center for Journalism and Liberty	Director		23/01/ 2025	50

ID	Name	Field	Organisation	Title	Relevant current or former title	Date	Length in mins
92 US	John Perrino	Academia, civil society, law	Internet Society	Senior Policy and Advocacy Expert US		23/02/ 2025	55
93 US	Alondra Nelson	Academia, civil society, law	Institute for Advanced Studies	Professor	Former: OSTP, Director (2022)	13/06/ 2025	41

Note: All interviews were conducted by the researcher between March 2021 and June 2025. Out of the 93 participants, 54 identified as male and 37 as female, and 2 participants did not report their gender. Where participants did not hold a current organisational affiliation, they were classified based on their most recent professional field. The median interview duration was 52 minutes.

Appendix D: Archives of Documents Analysed

D.1 Archive of Documents Analysed in the UK Case Study

AI Council. (2021). *AI roadmap* [Independent report]. UK Government. https://www.gov.uk/government/publications/ai-roadmap

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D.2 Archive of Documents Analysed in the German Case Study

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D.3 Archive of Documents Analysed in the US Case Study

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