SI: Manifesto

Social Media Governance

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Abstract
This short article proposes an institutional framework for understanding questions of social media governance, based around the four axes of formal and informal institutions, national and supranational governance, public and private, and large-scale and smaller scale governance.

Keywords
governance, institutions, regulation

At first glance, governance does not look like an obvious topic for a new journal on social media. It was once predicted that like other institutions of the "Industrial Age," the nation-state may simply wither away in the face of a global digital commons bringing forth new modes of human interaction. More generally, concepts such as policy and regulation and the state have tended to be associated with mass communications media such as broadcasting. There has been an implicit assumption that more savvy digital media users could always find a way of working around externally imposed rules and norms. The quasi-stateless structure that evolved around WikiLeaks, where different aspects of the organization's activities could be located in different parts of the world in a form of regulatory arbitrage, was perhaps the most potent symbol of this. But as its peripatetic Australian founder Julian Assange continues to find himself in the Ecuadorian Embassy in London, his future being very much bound up with the law and the system of states, it may indeed be timely to return to governance questions as they pertain to social media.

As a concept, governance is broader in scope than policy or regulation. Des Freedman (2008) has defined governance as "the totality of institutions and instruments that shape and organize a policy system—formal and informal, national and supranational, public and private, large-scale and smaller-scale" (p. 14). It includes all laws, policies, and regulations specific to media and communications, as well as those outside the field but which impact upon it, for example, corporations law, copyright law, freedom of expression laws. It also includes those institutions and agencies responsible for the administration and enforcement of such laws, rules, and regulations.

But in order to better understand how the concept is relevant to everyday social media practices, we can look at the four sub-categories Freedman identifies: formal and informal, national and supranational, public and private, and large-scale and smaller scale.

Formal and Informal Institutions

Institutional economics has advanced thinking on the distinction between formal and informal institutions. Douglass North (1990) has defined institutions as "the humanly devised constraints that shape human interaction," arguing that they "reduce uncertainly by providing a structure to everyday life . . . [and] a guide to human interaction" (p. 3). From this perspective, governance appears as the *rules of the game* that are shaped by a combination of formal and informal institutions, which can be changed through conscious human action, but which also appear as historically derived constraints at any point in time. Formal institutions include the organizations that shape the institutional environment and enforce its rules: government agencies, corporations, trade unions, universities, lobby groups, and so on. But they co-exist with informal institutions that include norms of behavior, conventions, customs, traditions, norms and values, codes of conduct, ideologies, and belief systems through which the rules of the game are shaped. The institutional economic approach argues that informal institutions change more slowly than formal ones, as they are historically and culturally embedded in society, but that it is also difficult to

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maintain formal institutional arrangements that fail to align with informal constraints and conventions.

National and Supranational Governance

The nation-state has been the locus of formal institutions for much of contemporary human history. But the 20th and early 21st centuries saw rapid growth in the number of supranational governmental and non-governmental institutions. This has raised concerns about whether forms of supranational governance are usurping the sovereign power of nation-states (Held & McGrew, 2003). But supranational governance in terms of the transmission of particular "rules of the game" is more informal and open-ended than this. Mohamed Bamyeh (1993) has made the point that in contrast to the specific sets of rules that pertain to state governance, "the arenas of markets and cultures are inherently more fluid . . . [and] their rules are neither formal in character nor do they correspond by necessity to particular national borders or to notions like 'sovereignty'" (p. 4). Many of the questions surrounding national and supranational governance for social media sit within this continuum of relatively formalized rules of national governance at one end, and more fluid regimes of supranational governance at the other.

Public and Private

Almost all forms of social media interaction occur on platforms that are both transnational and private. The companies that administer these social media platforms (Google, Facebook, Twitter, etc.) have national headquarters as well as legal obligations with various governments of different national territories. As it is largely impossible for national regulatory agencies to undertake the kinds of policing of content on these platforms that they once undertook through censorship and classification laws, due to the scale and the speed of interactions on such sites, governments are now very much dependent upon the responsible self-management of such sites by companies themselves to achieve broad compliance with social norms and user expectations. This has opened up a large domain of activities that are subject to *soft law*, or forms of self-regulation and quasi-regulation that rely upon responsive corporate governance of social media platforms. Needless to say, this opens up a range of questions about the bases on which these companies are making decisions about what is or is not permissible content on their platforms, and the openness of such decisions to broader public scrutiny.

Large-Scale and Smaller Scale Governance

The bottom-up and community-driven nature of social media interactions, as distinct from the corporate platforms through which they largely occur, encourages a degree of experimentation with governance among user communities themselves. The possibility of spontaneous ordering of conduct (Solum, 2009), or self-regulation among user communities themselves, has presented itself as one of the great democratic possibilities of the social media age. At the same time, it has also proven to be a governance principle more easily adopted in relatively smaller scale user communities than in the vast global social media platforms that have evolved over the last decade.

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