



Selected Papers of #AoIR2020:
The 21st Annual Conference of the
Association of Internet Researchers
Virtual Event / 27-31 October 2020

COMPETITION POLICY DISCOURSES AND PLATFORM POWER

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Digital platforms present new policy challenges, while eluding traditional media regulatory frameworks. The effort to articulate policy responses includes debates about how to regulate speech flowing across these platforms (Gillespie, 2018), how to address data collection (Zuboff, 2019), and how to stem the growing market concentration in several sectors (Khan, 2017). Among these, using competition law to promote market competition increasingly gains currency globally as the dominant policy response to platform power amassed by predominantly US companies. Policy scholarship has documented the shifting dynamics of competition within digital platform markets and explored potential reforms (Moore & Tambini, 2018). Such approaches conceptualize platform power as market dominance in several markets (e.g., social media, online search, digital advertising) with political implications. However, the politics underlying these reform debates remains unexamined. Mapping this politics is an essential component of accounting for platform power and contesting it, since implementing policy solutions is not a technocratic process, but a political one.

To provide an account of the politics underlying addressing platform power via competition policy, this study analyzes policy debates in six 2019-2020 U.S. congressional hearings on “Online Platforms and Market Power.” The hearings—the first investigation by the US Congress into digital platforms’ business activities—examined how platforms impact the economy and democratic politics and sought to identify potential policy solutions. They drew established stakeholders, experts, and prominent representatives from the tech industry, representing a microcosm of ongoing policy discussions. The discourses that circulated during the hearings not only aimed to inform policy, but also to signal to regulators in other countries grappling with these issues and to shape public opinion. Consequently, the hearings sought to influence domestic politics and to contribute to ongoing international debates about how to address platform power.

Suggested Citation (APA): Popiel, Pawel. (2020, October). *Competition Policy Discourses and Platform Power*. Paper presented at AoIR 2020: The 21st Annual Conference of the Association of Internet Researchers. Virtual Event: AoIR. Retrieved from <http://spir.aoir.org>.

Methodology

My primary object of analysis comprises 98 publicly available documents, including the witnesses' testimonies, statements submitted by other stakeholders for the record, and video recordings of the hearings. These stakeholders (n=50) fall into six groups: 1) competitors and online services (e.g., Basecamp, DuckDuckGo), 2) economists and legal scholars (Tim Wu, Fiona Scott Morton), 3) progressive advocacy groups and think tanks (e.g., Open Markets Institute), 4) conservative think tanks (e.g., American Enterprise Institute), 5) platform representatives, including industry lobbyists (e.g., Mark Zuckerberg), and 6) regulators from various governmental agencies (e.g., Joe Simons, Chair of the Federal Trade Commission).

Drawing on critical policy studies, which foreground how politics and ideology operate through policymaking (Fischer, 2003), I examine how the assumptions underlying stakeholders' policy problem definitions and intervention proposals negotiate the boundary between state and market jurisdiction over competition within platform markets. I use critical discourse analysis to illuminate the internal contradictions of these policy proposals, their blind spots, and their implications for addressing platform power, particularly with reference to stakeholders' strategic interests and ideological stances.

Addressing platform power

The policy debates during the congressional hearings reveal a lack of consensus not only about appropriate policy interventions, but also about the definition of platform power. Competitors and online services saw platform power as a privileged gatekeeping position in two-sided markets that platforms anticompetitively exploit to their advantage. However, the benefits accrued to them by platforms' size and reach, their dependence on platform markets, and their reticence about regulation constrained their policy proposals. Progressive stakeholders approached platform power as private governance over digital markets with political dimensions, facilitated by data and economic concentration. Their interventions were two-fold. First, they offered a diagnosis of competition within digital markets that revealed gaps in existing antitrust approaches and challenged claims about contestability of platform dominance over those markets. Second, they outlined a robust case for state intervention: economic regulation, stronger antitrust enforcement, and data and privacy protections. While this "regulated competition" aimed to rein in platforms' market power, several stakeholders extended the approach to non-economic concerns like the spread of disinformation and privacy concerns. Thus, user data and privacy became subsumed into antitrust calculus as commodities, obscuring their social and public dimensions (Napoli, 2019). Nevertheless, though in the minority, certain stakeholders stressed the limits of competition in addressing platform power, emphasizing the need to safeguard public rights related to social activity in digital spaces.

Conservative stakeholders and digital platforms contested accounts of platform power, characterizing the digital marketplace as bustling and regulated by the disciplining forces of innovation and market competition. Conservative stakeholders redefined the problem as one of state disruption of natural market mechanisms. Strategically defending narrow competition law, they argued for removing regulations on Internet

Service Providers in adjacent, marginally overlapping markets to address any market distortions. Thus, they contributed little to the debate about changing competition in digital markets beyond the familiar refrain of regulatory restraint. Meanwhile, platforms argued that fetishizing competition not only ignored their contributions to economic growth, but also created inefficiencies in addressing a range of policy issues from moderating hate speech to national security. They promoted co-regulatory regimes that would keep their businesses largely intact, while obscuring and naturalizing their growing market dominance.

The analysis of politics underlying these policy debates suggests that formulating policy interventions to tackle platform power requires addressing the neoliberal logic of both narrowed antitrust and deregulation, *as well as* platform-driven co-regulatory frameworks. To a degree, the maintenance of this power rests on the absence of a robust policy discourse to articulate platforms' expanding presence in multiple spheres of socio-political and economic life. The progressive critique attempts to provide this discourse by denaturalizing existing dynamics within digital markets and forcefully reasserting the state's role in platform governance. Its reform proposals seek to introduce a "taxonomy of techno-commercial mechanisms that can adequately delineate power relationships between various actors" (van Dijck et al., 2018, p. 157) amidst ongoing platformization. This discourse contests platforms' governance regimes over digital markets and, to a degree, their role in ongoing processes of datafication (Mejias & Couldry, 2019). Nevertheless, without expanding complementary policy discourses that fundamentally contest platform "common sense regarding digital technology and market innovation involving the unfettered commodification of individuals' data and the individualization of responsibility for the avoidance of harms" (Cammaerts & Mansell, 2020, p. 145), such interventions risk naturalizing the expression of non-economic dimensions of platform power in market terms—ranging from unrestricted logics of accumulation to a more democratically managed arena of commerce.

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