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SOCIAL MEDIA GOVERNANCE VIA AN “ANEMIC” POLICY REGIME? HOW BOUNDARY SPANNING, COMPETING ISSUE DEFINITIONS, LACK OF COHESION, AND ADMINISTRATIVE FRAGMENTATION IMPEDE REGULATORY REFORM

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Across the globe, lawmakers have enacted a range of reforms targeting the operations of large digital platforms. Within the United States, however, the push to regulate platform companies—specifically, social media—has faltered. Neither standard interest group politics, nor partisan deadlock, nor the clash of liberal versus conservative ideologies adequately account for this situation. Drawing upon historical sources, an examination of political-ideational foundations, and an empirical analysis of recent Congressional hearings, this paper argues that an “anemic” policy regime has emerged for governance of the social media sector in the United States over the past two decades. Key attributes of this regime—its boundary-spanning nature, competing issue definitions, lack of policy cohesion, and administrative fragmentation—combine to impede the capability for problem-solving on the topic of regulatory reform.

What are Policy Regimes?

At its core, the “policy regime” perspective offers a means to “construct a conceptual map that considers the constellation of ideas, institutional arrangements, and interests (IIs) that are involved in addressing policy problems” (May & Jochim, 2013, p. 426). In simpler terms, policy regimes are “governing arrangements for addressing policy problems” (p. 428), and boundary-spanning regimes refer to those that span multiple policy areas. In practice, boundary-spanning regimes “foster integrative action among subsystems by putting pressure on players within those elements that are relevant to a given, messy problem” (Jochim & May, 2010, p. 307). For instance, “public education” is a boundary-spanning problem because it contains multiple dimensions (e.g., access, cost, effectiveness) and intersects with other policy areas such as healthcare, employment, and criminal justice.

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May, Jochim, and Sapotichne's (2011) study of the emergence of homeland security as an "anemic" policy regime in the United States is instructive for approaching developments in the social media sector. Anemic policy regimes are marked by disorganized and discordant policymaking activity carried out by members of a policymaking community. Examining Congressional hearing testimony in the four-year period after the September 11, 2001, terrorist attacks on the country, the authors identified eight different issue areas in which governmental actors prioritized "homeland security" through policymaking activities. Ultimately, these efforts were uneven and incongruous, reflecting each issue area's historical-institutional mode of operating, not to mention different understandings of what constituted "homeland security." Interagency competition and conflicts over Congressional Committee jurisdiction further undermined policymaking. All these factors contributed to the anemia of the emerging policy regime, the weakness of which affected the coherency of policy responses and the integration of related policy activities.

Building upon these theoretical foundations, this project undertakes a comparable analysis of social media policy making in the United States, using the policy regime lens to provide a "thick" understanding of the forces that shape government action toward social media platforms. This project also highlights that the controversy over reforming social media platforms did not arise "out of thin air." In fact, the U.S. government had well-established governing arrangements for internet policy that predated contemporary concerns about social media platforms (Braman, 2010). However, conflict and disarray within the policy realm have weakened this regulatory foundation over time.

A Mixed Methods Analysis

The first part of this paper presents an historical-institutional analysis of the emergence of the policy regime that now governs the operation of the social media industry. Using the ideas, interests, and institutions (IIIs) framework common in policy regime analysis, and relying upon secondary works that evaluate the ideational, legal, and policy foundations of Internet policy, this work illustrates the incremental evolution of what has become the policy regime for social media platforms. Many observers originally greeted the arrival and spread of the commercial internet in the U.S. with unbridled optimism, extolling its potential as a catalyst for social change. However, this "California Ideology," which married 1960s counter-cultural aesthetics and romantic individualism with the acquisitive logic of capitalism (Barbrook & Cameron, 1996; Streeter, 2011), also characterized the internet as an ungovernable space best left untouched by government. From the commercialization of the internet to the structuring of online speech laws, this tension would shape regulatory battles over the next two decades (Flew, 2021; Bietti, 2023).

The second part of this paper is a quantitative analysis of all Congressional hearings that contain the term "social media" from 1990-2015. The full corpus of 1,123 hearings was collected using a keyword-based approach, consistent with scholarship exploring other policy regimes (May et al., 2011). Each of the hearings was categorized by year, chamber (House versus Senate), and Congressional Committee. Focusing on the period *before* social media platforms became a salient policy concern provides insight into the scope, intensity, and nature of governmental attention within this policy area

during a key formative period. My analysis reveals that social media (and the platforms that offer such services) constitute a public issue that is fragmented, multi-stakeholder, and multi-dimensional. A total of 43 different Congressional Committees held hearings that included discussion of the issue, with the Committees on Foreign Affairs, Oversight and Governmental Reform, Energy and Commerce, and Homeland Security featuring the topic the most. Congressional interest has largely focused on “e-government” and the desire to use social media to deliver faster, more efficient, and more accessible public services. Interestingly, no hearings explicitly focused on the behavior of any specific platform operator, although a number of hearings featured topics now prominent in contemporary regulatory debates, including online censorship, privacy, cybersecurity, and safety issues for children.

Social Media Platform Regulation as an Anemic Policy Regime?

Guided by the theoretical and empirical findings from this work, this paper argues that the U.S. federal government’s inability to pass contemporary regulatory reforms for the social media sector results from: 1) the boundary-spanning nature of this task; 2) the disparate historical-institutional legacies of the governing bodies now responsible for its oversight; and 3) the increasingly politicized character of social media platforms as a public policy issue.

As this analysis suggests, social media platform regulation is not a one-dimensional issue. It has many facets and intersects with other policy areas, many of which also deal with boundary-spanning problems (e.g., privacy). From this situation, many problems flow. Solutions devised in one area may impede progress in another. Additionally, integrating policy agendas across institutional domains requires greater coordination, resource allocation, and attention for all parties involved. Institutional fragmentation, at both the federal and state level, further hampers reform, as evidenced by the recent tensions between California’s privacy regulators and Congress with respect to a proposed national privacy law.

Decades of regulatory roll-back have enfeebled the federal agencies that must now rein in abuses of the social media industry, an adversary of unanticipated power. Those agitating for reform remain optimistic, with several agencies exhibiting a renewed interest in privacy laws and antitrust enforcement. Yet the absence of a coherent policy regime for regulating social media platforms is as much a product of the institutional environment as it is a result of Congress grappling ineffectually with the diffusion of a new technology. And as the scope of conflict surrounding the regulatory debate inevitably grows, a firm and consistent policy response will be a necessity.

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