

A Republican Perspective on Digital Domination



Faculty of Philosophy,
Theology and Religious Studies

Bernd Hoeksema

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A Republican Perspective on Digital Domination

Bernd Ludo Hoeksema

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Radboud Dissertation Series

ISSN: 2950-2772 (Online); 2950-2780 (Print)

Published by RADBOUD UNIVERSITY PRESS

Postbus 9100, 6500 HA Nijmegen, The Netherlands

www.radbouduniversitypress.nl

Design: Proefschrift AIO | Annelies Lips

Cover: Proefschrift AIO | Guntra Laivacuma

Printing: DPN Rikken/Pumbo

ISBN: 9789465151281

DOI: 10.54195/9789465151281

Free download at: <https://doi.org/10.54195/9789465151281>

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A Republican Perspective on Digital Domination

Proefschrift ter verkrijging van de graad van doctor
aan de Radboud Universiteit Nijmegen
op gezag van de rector magnificus prof. dr. J.M. Sanders,
volgens besluit van het college voor promoties
in het openbaar te verdedigen op

dinsdag 2 september 2025

om **16:30** uur precies

door

Bernd Ludo Hoeksema

geboren op 29 september 1993

te Haarlemmermeer

Promotoren:

Prof. dr. B.P.F. Jacobs

Prof. dr. R.B.J. Tinnevelt

Manuscriptcommissie:

Prof. dr. T. Sharon (*voorzitter*)

Prof. dr. D. Gädeke (Freie Universität Berlin, Duitsland)

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1

Introduction

1.1 The King of Twitter

On the 24th and 25th of March, 2022, Elon Musk posts two polls on Twitter, now called X, with the respective questions:

“Twitter algorithm should be open source”¹

“Free speech is essential to a functioning democracy. Do you believe Twitter rigorously adheres to this principle?”²

With more than one million and a little over two million votes respectively, 82,7% vote ‘Yes’ on the first, and 70,4% vote ‘No’ on the second. The tweets are part of a series of tweets by Musk criticising Twitter for its handling of free speech issues, and they set the stage for a seemingly ideologically driven takeover of the platform. At this point, Musk has already been quietly accumulating Twitter shares. Rejecting an invitation to join the board of Twitter based on his ownership share, Musk instead proposes to buy the whole platform in April. After some back and forth between Musk and the board of Twitter—and a few controversies, like Musk cancelling his bid, Twitter suing Musk, and Musk countersuing in return—Musk succeeds in taking possession of the digital platform on October 27, 2022.

Musk’s first act is “ruthlessly” firing the board—who had expected to be allowed to resign themselves—and having them escorted out of the building.³ After taking control, Musk starts to roll out his vision of Twitter. The verification system, which is intended to signal authenticity of accounts, becomes based on a paid subscription model. In the fourth quarter of 2022, Twitters workforce is decimated, with about half of its employees being fired.⁴ Those left behind are issued an ultimatum: either commit to a “hardcore” company or leave, the first seemingly meaning that one would be expected to work long nights and demanding exceptional performance.⁵ In response, many more resigned. Under Musk, many previously banned accounts

^{1.} Elon Musk on Twitter, 24th of March 2022, <https://twitter.com/elonmusk/status/1507041396242407424>

^{2.} Elon Musk on Twitter, 25th of March 2022, <https://twitter.com/elonmusk/status/1507259709224632344>

^{3.} Hetzner, Christiaan, 1st of September 2023, “Elon Musk’s ‘ruthless’ plan to close his Twitter deal early let him fire the social media company’s top execs—and stop them collecting a ‘\$200 million’ payout”, *Fortune*, <https://fortune.com/2023/09/01/elon-musk-biography-twitter-parag-agrawal-walter-isaacson/>

^{4.} Conger, Kate & Ryan Mac, 3rd of November 2022, “Elon Musk Begins Layoffs at Twitter”, *The New York Times*, <https://www.nytimes.com/2022/11/03/technology/twitter-layoffs-elon-musk.html>

^{5.} Segal, Edward, 17th of November 2022, “Elon Musk’s Ultimatum To Twitter Employees Ramps Up Company’s Crisis”, *Forbes*, <https://www.forbes.com/sites/edwardsegal/2022/11/17/elon-musks-ultimatum-to-twitter-employees-ramps-up-companys-crisis/>

were reinstated, including controversial figures as Jordan Peterson, Donald Trump, and Marjorie Taylor Greene—which were previously banned for violating guidelines aimed at preventing hate speech, inciting violence, and spreading misinformation. Perhaps unsurprisingly, the acquisition of Twitter by Musk is accompanied by a significant rise in hate speech on the platform (Hickey et al. 2023). Adding to the controversy, Twitter briefly banned journalists, ending the suspension after facing widespread criticism and, again, after conducting a poll where a majority of voters called for unsuspension.^{6,7} Musk also refuses to comply with the wish to make Twitter more transparent and open. Additionally, under Musk, Twitter blocked links to Mastodon, a decentralized alternative to Twitter, yet he does not follow up with his earlier criticism on the platform's opacity.⁸

Increasingly facing criticism, on the 19th of December, Musk conducts a last poll as CEO of Twitter:

“Should I step down as head of Twitter? I will abide by the results of this poll.”

With 57,5% of more than 17 million votes in favour of ‘Yes’, Musk is bound to resign as CEO. A few months later, in May 2023, Musk steps down as CEO, being succeeded by Linda Yaccarion. While no longer CEO or ‘Head’ of Twitter, now called ‘X’, the company remains Musk’s private property.

Musk’s acquisition of Twitter is undoubtedly a fascinating case for mergers and acquisition lawyers, economists, and business analysts, but that is not the direction I take here. Neither is the direction that of free speech, the complexity of content moderation, or that of other substantive aspects of Musk’s control over X. One might be able to find proponents and opponents of Musk’s vision of the platform and his free speech absolutism. The point of this recollection of events is rather to illustrate that some individuals find themselves in the position (or actively pursue that position) where they are able to project their *particular* will on (a part of) the digital sphere, as Musk can do with Twitter, or X. By taking ownership of the platform, Musk also acquired a significant ability to interfere with the platform and its stakeholders, a power that is not meaningfully bound by those who experience the consequences. There are two levels on which that concern arises. The recollection shows how

^{6.} Clark, Mitchell & Alex Heath, 16th of December 2022, “Elon Musk starts banning critical journalists from Twitter”, The Verge, <https://www.theverge.com/2022/12/15/23512004/elon-musk-starts-banning-critical-journalists-from-twitter>

^{7.} Elon Musk on Twitter, 17th of December 2022, <https://twitter.com/elonmusk/status/1603982891179839488>

^{8.} Peters, Jay, 16th of December 2022, “Twitter is blocking links to Mastodon”, The Verge, <https://www.theverge.com/2022/12/15/23512113/twitter-blocking-mastodon-links-elon-musk-elonjet>

Musk, through Twitter, could impose his will on various individuals: the employees that were fired on a whim, the far-right individuals that have the access to their accounts reinstated, and those who were (briefly) banned for criticising Musk or for other reasons.

The concern also applies on a societal level: at the time of Musk's acquisition Twitter had already served as an important digital 'town square' for democratic communication (e.g. LaMarre and Suzuki-Lambrecht 2013), and X mostly continues to do so, with many politicians and other figures of authority engaging with society on the platform. Musk's acquisition of Twitter illustrates how the owner of such a platform is positioned to shape the rules and designs of the platform—heavily influencing both its affordances and risks to society. Musk, by buying Twitter, is able to impose his vision on free speech—and on other matters—on one of the more significant means of communication in contemporary society. There is something intuitively concerning about these assertions, whether one agrees substantively with Musk or not. By virtue of X being Musk's property, he can rule over it in a way that resembles something of a king or queen ruling their holdings—a virtual one that stretches over the globe, like the many digital platforms that are experimental playthings in the hands of opaque boards, developers, marketeers, and tech billionaires like Musk and Zuckerberg.

Musk's acquisition of Twitter forms one striking illustration of what is to be the main concern of this dissertation: the way in which digital platforms constitute and facilitate *domination*. Domination refers—very broadly—to the subjection to the will of another, a concern central to the neo-republican tradition. Musk, by acquiring Twitter, also acquired the capacity to suspend and unsuspend accounts and specific messages, to fire employees, and to redesign the platform to fit his vision, thereby significantly influencing public deliberation on the platform. More importantly, he can do so without being forced to make such decisions in reference to the interests of users, employees, or of society as a whole. He *might*—and may even think so himself—but he does not *have to*. In this sense, he is positioned to impose his particular will on the platform, its users, and its function in and effects on society. And what is the case for X also applies to digital platforms in general, for example, Facebook (allegedly involved in many political microtargeting campaigns), AirBnB (which quickly disrupted tourism industries and living conditions of citizens in large cities all over the world), and Uber (heralding, to some, a new era of exploitation of workers).

These platforms have different features, functions, and reputations, but they all share a history of rapid growth in modern societies, a for a long time unregulated

space where they could design the digital world as they pleased, and important strategic positions of influence—accumulating in a digital sphere characterised by relatively few (corporate) agents. The outcome matters, because together they now form a large virtual space where people from all over the world live out part of their daily lives, interact with one another, receive information, form their (political) opinions, and so forth. Yet it is not a virtual sphere that is controlled by these people themselves: the ways in whether they can or can't do all these things, and the conditions on which they might, are mostly determined by the platforms themselves. As of writing this work, campaigning for the presidential elections in the United States is starting to pick up speed, and the endorsement of Donald Trump by the owner of one of the largest platforms for online discussion illustrates this concern.⁹ It is next to impossible to verify that X's strategic power is not used for one-sided political purposes. The potential for arbitrary interference with its users is huge, and according to neo-republicans, our freedom depends on the absence of exactly that—it depends on *non-domination*.

1.2 Aims, motivations, and outline

This dissertation consists of four articles—three of which have been accepted for publication in scientific journals at the time of writing, and a fourth submitted—which all deal with issues on the intersection between digitalisation, digital platforms, and digital technologies on the one hand, and with the general ideas and focus of (neo-) republicanism on the other. The first article asks whether republican freedom, with a focus on structural elements, offers a useful approach to the power of digital platforms. The second attempts to deal with jerkish speech and hate speech on such platforms. The third extrapolates on the first and challenges the European digital strategy, and the fourth investigates the role of virtuous citizens in resisting digital domination.

The questions and themes of these articles are all part of the broader question of *what mechanisms compromise freedom as non-domination in digital contexts, and what are the appropriate responses to address these issues?* The question contains two sides. The first is that this project is an explicit attempt to contribute to what Frank Lovett and Philip Pettit have called a republican research program (Lovett and Pettit 2009). Republicanism is not a detailed blueprint of a free society, but it is a collection of “guiding ideas” that is still to be “honed and elaborated” by philosophers and to be further developed into other disciplines such as law, governance studies, economics,

⁹ Elon Musk on X, 14th of July 2024, <https://x.com/elonmusk/status/1812256998588662068>

and so forth (p. 26). This dissertation serves as a general investigation of what republican ideas of freedom, democracy, and citizenship mean in the context of increasingly digitalised societies.

Whereas this first side is about how digitalisation reflects back on the republican tradition and its concepts, the second and more urgent question behind this dissertation lies in the opposite direction. It asks how we can bring these republican concepts and traditions to bear on the digital sphere in order to find answers to some of the bigger challenges we face there. I will discuss these challenges throughout the articles, but to look ahead a little bit: the affordances of digital infrastructures have resulted in a significant accumulation of power, knowledge, and wealth in the hands of a few well-known digital companies (Apple, Alphabet, Amazon, and so forth). Their monopoly-like position allows them to collect data—both personal and other—which are commodified and sold, but which can also be leveraged for more manipulative means. On an individual level, citizens are often unable (and perhaps unwilling) to escape the expanding digital infrastructure owned by these companies while still participating meaningfully in contemporary life.

But also on a societal level the influence of these companies must not be underestimated. From the widespread use of Windows-devices to Alphabet's and Apple's systems underlying Covid-19 contact tracing apps, and from X's significance in political and public discourse to Facebook's controversial role in Brexit—large digital platforms are increasingly an unescapable force in contemporary society. The use of ChatGPT and other general purpose artificial intelligence, which have taken off during the writing of this dissertation, can serve as a further example. In the wake of its early hype, and in anticipation of its future promise, many have focussed on the novel character of AI and its promises for society. At the same time, many have begun to question the hype itself, critiquing its usefulness and fairness, and expressing an almost science fiction-like fear of 'rogue AI' (e.g. Hendrycks, Mazeika, and Woodside 2023). As we shall see, whether these promises are exaggerated or not, the republican perspective asks a different set of questions, the most important—albeit simplified—being: *who wields arbitrary power*, or *who is in control*?

Let me say something about the methodological context of this dissertation. It combines conceptual analysis with normative argumentation, pragmatic application, and elements of critical theory. As such, while the dissertation is written as a contribution to contemporary republican political philosophy and theory, it also contains a prominent real-world, applied dimension. The aim of the work is not solely to engage in extended philosophical dissection of republican thought, but rather to

bridge its philosophical insights and discourses with real-world concerns that rise from the current iteration of the digital sphere. Furthermore, this dissertation was written in the context of iHub—interdisciplinary research hub on Digitalization and Society. It retains some of that interdisciplinary context, illustrated by how it draws on both philosophical and theoretical analysis as well as a domain-specific and applied elements—occasionally gravitating towards the latter. As mentioned before and after, it thereby aims to contribute to and advance the republican research program, while offering constructive means for approaching issues of power in the digital sphere. This is evidenced in, for example, its engagement with policy, strategy, and legislation, but also with hate speech and jerkish speech, and with socio-technological elements involved.

In the rest of this introduction, I will discuss several things that ought to be set out before the individual articles because they help the reader understand the research project and its context. First, I shall give a brief account of what is, mostly, the object of study of this dissertation: the power of digital platforms in the digital sphere. I will also explain what I refer to with these concepts and what role they play in the rest of the dissertation. Next, I will give a general overview of the republican project, by discussing three main elements of the tradition: its conception of freedom, its understanding of a democratic society, and its association with citizenship and civic virtue. I will also discuss some recent discourses that are part of these elements, as well as engage with some questions that are relevant to this work, but which have not found an appropriate place in the separate articles by virtue of them being written as publishable articles for journals. These include the question of the conceptual role of social structures, the argument that digital dependencies are insignificant, the issue of whether digital platforms must be approached as a reflection of public organisations, the position of republican property rights, and the instrumentality of civility or civic virtue. I will also provide some *ex ante* reasons for thinking that republicanism offers a fruitful approach. Finally, I shall guide the reader into each of the separate articles, as well as explain their place in the overarching republican framework set out in this introduction.

1.3 A few words on digital platforms and the digital sphere

1.3.1 Digitalisation of society and digital platforms

The context of this dissertation is largely the digitalisation of society, which—although still discussed by many academics, policymakers, and business leaders as a novelty—goes back as a concept for more than half a century by now (Valenduc

and Vendramin 2017). Nevertheless, its spread throughout contemporary society can hardly be overestimated, with more than 90% of European households having internet access (Eurostat 2024), more than 95% of US adults reporting to use the internet (Pew Research Center 2024), and adults between 18 and 67 reportedly spending on average more than 6 hours each day online (Leake 2024). Moreover, as illustrated by Jonathan Haidt's book "The Anxious Generation" (2024), a mental health epidemic among younger generations is at least partly related to extensive digital media usage. At the same time, businesses and public organisations increasingly rely on digital infrastructure for their daily operation, and the largest technology firms now have revenues larger than many a small nation.

Where previously digital technology was mostly seen through a techno-optimistic lens, over the last decade the perspective has quickly shifted towards a more critical one, with both US and EU governments scrambling to regain some control. The EU in particular has posited itself as the world's most ambitious legislative power, producing a string of regulations that seeks to limit the previously uncontested power of some of the larger private corporations in the digital sphere, such as the General Data Protection Regulation, the Digital Services Act, Digital Markets Act, the Artificial Intelligence Act, all part of a comprehensive new vision and strategy (European Commission. Directorate General for Communications Networks, Content and Technology. 2020; 2021). These developments have even led Apple and Facebook to delay the release of new features to European markets (Lee 2024).

The objects of many of these proposals and strategies are private corporations that develop digital services, platforms, and infrastructures, and bring them to a market of eager consumers. Whether it is the latest fashionable iPhone, the newest flavour of digital transformation for businesses, or the benefits of governments leaving complex digital infrastructure to external cloud organisations—citizens, businesses, and governments all stand to benefit from digitalisation driven by these digital firms. The most famous—or infamous—of these are often called *Big Tech*, referring to a few of the popularised tech companies: Alphabet (Google), Apple, Meta (Facebook), Amazon, and Microsoft.

But while 'Big Tech' is occasionally used in this dissertation, it mostly features the term *digital platforms*. The reason for this is that *Big Tech* refers to a somewhat arbitrary selection of digital platforms, both in terms of size and temporality, compared to the more abstract and agnostic 'digital platform'. Of course, the conception of a digital platform is also flexible and contested, which is not surprising considering the diversity and flexibility of digital platforms. According to Schüßler

et al. (2021) three different narratives generally shape the discourse on digital platform. The first emphasises the reciprocal and sharing nature of digital platforms (*mutuality*), the second emphasises freedom and independence that digital platforms offer (*autonomy*), and the third one is about power and monopolies (*domination*).¹⁰ Based on this diversity, the authors propose to think of digital platforms as a “multi-faceted relational structure” (p. 1219) which contains three social forces associated with the respective narratives. While these three forces—domination, mutuality, and autonomy—are “conceptually treated as equal” (p. 1228), they are currently contested and dynamic throughout the landscape of digital platforms, with some gravitating towards mutuality (resembling platform cooperatives), others towards autonomy, and many towards domination.

It is the last narrative, and its respective social force, that seemingly drives much of the scepticism and critical discourse on digital platforms. For some, digital platforms are the protagonists (or antagonists) in the continuation of capitalism in another form (e.g. Langley and Leyshon 2017; Srnicek 2017; Zuboff 2019; Muldoon 2022b). Network effects and the tendency of centralisation and monopolisation play an important role here (Srnicek 2017). Others emphasise how digital platforms are influential as mediators (De Vivo 2023) and regulators (Törnberg 2023) due to their infrastructural control, which they can leverage to acquire increasing economic and political power. For yet others, the issue not *merely* power, but the conflict of public and commercial values that accompanies the shifting balance (Dijck, Poell, and Waal 2018; van Dijck 2020; L. Taylor 2021). And for still others, the issue is seen as one of a cultural or ideological hegemony advanced by silicon valley digital platforms (e.g. Schradie 2015; Levina and Hasinoff 2017; Jiménez 2020), to name but a few of the different criticisms that feature in the discourse on the power of digital platforms.

In general, the understanding of digital platforms employed in this dissertation is largely in line with the conceptualisation of Schüßler et al.: a digital platform is a contested and multi-faceted relational structure that is “mediated by specific platform architectures consisting of technological, legal, and organizational aspects of control and management” (Schüßler et al. 2021, 1225; see also Lei 2021). The advantage is that, in this sense, digital platforms are not *ex ante* written off as necessarily problematic. In fact, in later articles I shall argue, with Muldoon (2022b), Christiaens (2024), and others, that digital platforms leaning towards cooperation or

¹⁰ Note that the terms *mutuality*, *autonomy*, and *domination* are not used, here, as comprehensive philosophical terms. They only serve as names for three different narratives that one can come across when studying digital platforms. Domination, in this context, is also not meant specifically as a reference to the republican conception of freedom.

mutuality can be instrumental in preventing domination and advancing freedom. It is also possible that well-governed and well-designed digital platforms can support a degree of autonomy of users, although that could itself also conceal a problematic neoliberal ethos (see for example Törnberg and Uitermark 2020).

While, in theory, all kind of digital platforms are included in the dissertation, the emphasis is on those that gravitate towards the social force called ‘domination’ by Schüßler et al.—although note, again, that their use of domination differs from the one republicans use. Nevertheless, it is in the dynamics of power and control, in the risk of monopolies and dependency that republican freedom is most clearly at stake. While I do not specify every time criticism is aimed at the digital platforms that have intentionally or accidentally come to occupy positions of significant arbitrary power over their users and beyond, that is where the central focus of the critical analysis lies—and it applies, in principle, to digital platforms in all shapes, market segments, and even sizes.¹¹

1.3.2 Digital platforms, social and economic structures, and digital infrastructure

Before further introducing this republican concern, let me clarify some other concepts that revolve around digitalisation and which one will come across when reading subsequent articles. I explore how not just agents, but social structures, play a role in digital domination. This is both because a structural approach might yield more useful and appropriate responses and a result of incorporating a strand of republicanism that seeks to reconcile certain radical and feminist elements with republican thought. I will elaborate on this republican side later, but it is important to clarify what I refer to with *social* (and economic, technical) *structures*, and with *digital* (infra)structures.

Structural explanations are, quite often, better explanations than individualistic explanations. This applies in particular to the context of social justice. According to Sally Haslanger, they are preferable because they are more useful and accurate, and because they illuminate areas of contestation that might otherwise remain obscure (Haslanger 2016; 2018). If an employer awards bonuses to employees based on a normal distribution, then one employee receiving a below-average bonus is not an isolated, incidental, or unrelated event. It must be understood within the social context, where colleagues have received varying bonuses based on a distribution

¹¹ Then, finally, there is another way in which I use the term digital platform: not as a reference to complex organizational phenomenon of different kinds of social power, but as a more commonplace reference to (corporate) agents. While X is a digital platform in the first sense, it is also a corporate agent with a management structure, a business culture, a private owner, and with legal personhood. The context in which I use the two definitions ought to clarify which one is referenced.

curve, determined by a boss who assigned their relative positions. It is against this background that we come to understand why an employee receiving a €300 bonus as a result of equal profit sharing is different from an employee receiving a €300 bonus where all male colleagues received double.

But what *are* structures? Haslanger, citing Shapiro's *Philosophy of Mathematics: Structure and Ontology* (2000), provides a general understanding of structures as “complex entities with parts whose behaviour is constrained by their relation to other parts” (Haslanger 2016, 119). Individual entities occupy positions (“nodes”, p. 120) in the structure, which limit their behaviour and order their relations. These relations can exist between people, but also between people and things, can be “mediated” by resources (p. 127). They can also be conscious, or intentional, or neither. Haslanger identifies at least three ways in which behaviour is constrained through practices in such social structures: through personal attitudes, through (access to) resources, and through *schemas*: “collective concepts, narratives, expectations” (p. 128). A person can find themselves occupying a position as a member of a prejudiced group—based on gender, race, or something else—and be limited in their choice architecture as a result of their attitudes or that of others, or a lack of access to resources that are distributed to more privileged ‘nodes’, or as a result of the collective understandings that influence their thoughts and beliefs, for example.

Digital platforms are also structural in the general sense.¹² They are systems that constitute a particular set of relations between different agents, and between agents and the affordances of technological systems and underlying infrastructure. Nodes are, for example, that of an owner, a developer, a user, and so forth. Digital platforms organise the relations between these positions, circumscribing the behaviour of those that occupy the relative positions. They shape not just the relationships between particular agents, but also the relations these agents have with *things*—apps, services, data, content, digital infrastructure, internet culture, and so forth. In the spirit of Haslanger's analysis, it is these mechanisms that I refer to with *social structures*, in the context of digital platforms.¹³

^{12.} Although I wish to stress that it is not my aim to argue that the kind of social and economic structures encountered in the digital sphere are similar in terms of severity or scope of injustice compared to the kind that inspired and continues to inspire social criticism of racism and sexism, for example. I borrow the conceptual tools to shift focus away from individual agents (users and specific platforms) towards the social practices, values, and norms circumscribe digital platforms and their role in the digital sphere.

^{13.} Note that in the following articles I do not just speak of ‘schemas, attitudes, and resources’ specifically, but, based on republican interpretations of social structures, also refer to norms, values, practices, institutions, hierarchies, and so forth. As far as I am concerned, these are more or less in line with one another, although it might be worthwhile to develop a more fine-grained analysis in the future.

Continuing with the example of X, we can see how this works out. First, X mediates access to certain resources: data, (fake) news, audiences, and so forth. Only the *corporation* X gets structural access to the data generated on the platform, for example. And while far-right account holders have been free to engage with their audiences, right after Joe Biden's withdrawal as presidential candidate, X was alleged by various users and US Congressman Jerrold Nadler to throttle access to Kamala Harris' account on the platform (Nadler 2024). Second, X cultivates and amplifies certain attitudes of users—as evidenced in literature on hate speech and platform racism (Siegel 2020; Matamoros-Fernández 2017). Perhaps slightly more mundane, one can also think here of attitudes of consumerism, expectations of user-tailored convenience, and immediacy. And finally, X itself is firmly rooted in the silicon valley ideology that propagates its own *schemas*—the kind that promotes disruption of existing structures and that is techno-optimistic and enthusiastic about the liberative promise of technology, for example. These schemas, in a way, tell people what the digital future looks like.

There are three more things to clarify about my use of social structures. First, while the examples just given might imply otherwise, social structures—even in digital contexts—are not *by definition* problematic. Social structures are everywhere, and they are not always wrong. Republicanism, which I will introduce later, provides the conceptual framework to normatively assess the social structures I am concerned with in this dissertation. Second, in the published articles, I also refer to *economic* structures and *socio-technical/technological* structures. With these, I emphasise particular aspects of structures that are economic or technical in nature. One can think of respectively the economic rationales and business models employed by many digital platforms and of those aspects that are heavily technologically mediated, such as (dis)like buttons and recommender systems. Finally, I also use the term 'digital infrastructure', which refers specifically to the whole of technical components—from physical machines to large language models, for example.

The important take-away here is that, on a general level (1) there are—also in a digital context—structural components at work, not merely individual agents, and (2) they are valuable for better understanding and explaining the position and behaviour of individual agents, and (3) they are possible sites of contestation, should normative analysis uncover issues. These social structures consists of nodes or positions—occupied by individual entities—and the relations between them. These relations are themselves, in turn, determined and mediated by attitudes and expectations, resources, and schemas, all of which can also be identified in a digital (c.f. economic, socio-technological) context. I will return to the importance of social structures later.

1.3.3 The Digital Sphere

Throughout the dissertation, I make frequent reference to the ‘digital sphere’, which may remind of the Habermasian concept of the public sphere, referring to a space where individuals come together to freely discuss and debate matters of public interest, shaping collective opinion and influencing democratic decision-making. There is a significant body of literature dealing with how digital technology impacts Habermas’ original conception (e.g. Goldberg 2011; Iosifidis 2011; Papacharissi 2013; Bruns and Highfield 2015; F. A. Pasquale 2017; Collins, Marichal, and Neve 2020), ranging from questions about the deliberative function of the digital sphere, to the dissolution of the public-private distinction and to the possible existence of layers and mini-publics in the digital public sphere.

My use of ‘sphere’, however, is meant as a more commonplace reference to the whole digital “world”, with all of its agents, social structures, and *schemas* specifically (cultures, norms, values, practices, and so forth). It is looser and used without reference to Habermas’s conception. This use is similar to the phenomenon that Axel Bruns and Tim Highfield describe around the use of ‘public sphere’, which is—to the regret of some theorists—frequently used without much reference to the works and ideas of Habermas (Bruns and Highfield 2015). Bruns and Highfield adopt a more positive approach here, and suggest that the term itself has shown itself useful enough to have “given rise to a wide variety of competing conceptualisations, in the same manner as terms like “society”, “culture”, or “community”, for example” (p. 104). While digital sphere can certainly include (part of) Habermas’s public sphere, it does not need to be—it also includes private, economic, and non-communicative elements, for example.

This definition is purposely broad. It is exceedingly difficult to establish clear—and useful—boundaries for what counts as part of the digital sphere. By opting for a broad, flexible concept I hope to avoid getting bogged down in unproductive discussions on where the digital sphere starts and ends. I take the concept to include elements in the non-digital world that depend on or are mediated by digital technologies, such as digital firms and their businesses rationales, and daily activity of citizens that take place in online contexts—from accessing news to purchasing sneakers. In this sense, the employment of Uber-drivers is considered part of the digital sphere, even though their activities largely take place on asphalt, because their work is mediated by Uber’s digital platform.

Another advantage of employing a wider understanding of the digital sphere is that it is flexible enough to describe how parts of the daily life of ordinary people

are increasingly drawn into it—even when they are themselves not aware of that happening. In this way, the outcomes of algorithmic decision-making, for example, are explicitly incorporated in the discourse even if, from the perspective of the recipient, everything happened as if no digital technology was involved. And the digital sphere also extends to the narrow street that is filled to the brim with cars because an algorithm makes all Google Maps users circumvent a traffic jam on the highway.

Moreover, it is difficult to establish boundaries *within* the digital sphere, for example along traditional territorial borders. Does it make sense to speak of a *European* digital sphere? It seems the interwovenness itself part of the issue, where activity is tracked, services used, and resources accessed with little regard for national and cultural borders. I use the term ‘digital sphere’ in this general sense in order to sidestep such concerns and to not strand in issues of demarcation.

While these questions are undoubtedly interesting, they need not be answered in this work, which brings a republican perspective that purports to apply to *both* digital and non-digital contexts. Some might prefer a more narrow understanding of what counts as digital, but events that occur outside of the narrow understanding are nonetheless to be approached from the same republican perspective (although in that case perhaps not as part of the category *digital* domination.) In addition, I shall assume for now that control over parts of the digital sphere by traditional sovereign nations is theoretically possible, and mostly a matter of legal concern. The EU’s Digital Services Act, for example, simply states that it applies to any “intermediary service offered to recipients of the service that have their place of establishment or are located in the Union, irrespective of where the providers of those intermediary services have their place of establishment” (Article 2.2). This provides a *legal* sketch of what might count as a ‘European digital sphere’.

1.4 Three Republican Elements

Now that I have laid down some definitions that I use to refer to aspects of the digital sphere, I will further introduce republicanism and three of its main elements, as well as some important points of contention within each of these. Republicanism is associated with a broader historical tradition that can be traced from the ancient Greek city states and Roman Republic, (not exclusively) through the Italian medieval city states, the Dutch Republic, and the French and American revolutions, to modern

democratic societies (Pettit 1997; De Dijn 2020).¹⁴ The overarching principle of the tradition is a democratic conception of liberty, one that inspired citizens to resist masters, monarchies and colonial governments. It is that same principle that is source of inspiration for the comparatively recent republican “revival” (Sunstein 1988; Dagger 2002; Gourevitch 2013; Casassas and De Wispelaere 2016; Muldoon 2022a; Moen 2023), which is what political philosophers currently usually refer to with ‘neo-republicanism’ or just ‘republicanism’.

One can distil at least three important elements within neo-republican thought: its conception of—and focus on—*freedom* (1.4.1), its concern with democratic institutions and a just society (1.4.2), and its insistence on citizenship (1.4.3).¹⁵ While I give a sketch of the general characteristics, mostly as they appear in Philip Pettit’s work, one might find various different conceptions of domination, arbitrary power, civic virtue, and so forth, and different thinkers may give them different values and roles. As an example: Pettit focuses less on good citizenship than, for example, Richard Dagger (2002) and M. Victoria Costa (2023), who assign a more prominent role to civic virtue. I shall keep the introduction of concepts minimal, as they also feature in the subsequent articles. Instead, I will focus, for each element, on introducing some of the recent discourses that are relevant to this work, as well as some other aspects and nuances that are of particular interest considering the digital context in which republicanism is explored.

1.4.1 Freedom as non-domination

The concept of domination on which the articles rest is conceived in various shapes and sizes, but the most common and influential conception, both used and criticised in recent years, is the one proposed by Philip Pettit. According to Pettit, domination is the power to arbitrarily interfere with another’s choices (Pettit 1997), or alternatively, an uncontrolled power to interfere (Pettit 2013), referring to the same thing. My work is perhaps most indebted to his conception of domination, which is taken as a starting point in the first article and which continues to serve an important role in the others. Pettit’s conception contains three conditions: (1) a power to (intentionally) interfere, (2) a degree of arbitrariness to, or lack of control over that power, and (3) a certain range of choices that is subjected to that power (which constitutes the *extent* of domination). Intentional interference includes manipulation—and manipulation

¹⁴ Note that while Annelien de Dijn describes how a democratic understanding of freedom has existed in European political history, she is not necessarily committed to the modern reinterpretation of such freedom in *neo*-republicanism. Nevertheless, republicans may very well recognise their current work in her more historical approach.

¹⁵ As discussed before, it is not accurate to say that neo-republicanism is an exhaustive, closed conceptual framework, it is rather a research program that contains these elements.

may constitute a large share of the interferences people face in the digital sphere due to the mediating nature of digital technology (e.g. Susser, Roessler, and Nissenbaum 2019a; E. Costa and Halpern 2019).

Arbitrariness implies the absence of safeguards, rules, and procedures, but that does not fully cover its meaning. Pettit and other republicans generally interpret non-arbitrariness in a broadly democratic sense, where power must be exercised in a way that respects the interests or voice of those subjected to it (e.g. Pettit 1997; 2013; M. V. Costa 2009; McCammon 2015; Krause 2013; Breen 2017). Pettit's reformulation of arbitrary interference as uncontrolled interference is helpful here, as *control* more accurately conveys what is needed (or lacking) when facing domination (Pettit 2013). In addition, uncontrolled power of interference involves a range of choice, which can include more or less choices, and which varies in significance. I will return soon to the question of whether the range of choices—and their severity—are worthy of concern in digital contexts.

It is noteworthy that on this conception of liberty, freedom can be compromised in the absence of interference—being subjected to the will of another already constitutes loss of freedom—and, conversely, that one can be interfered with without loss of freedom, when that interference has its source in a power that is controlled or non-arbitrary. Both of these cases are prevalent in digital contexts. A digital platform can, in many cases, arbitrarily exclude users, change their algorithms, and share their data with third parties. Whether and when a platform exercises such powers is difficult to see for outsiders, and despite vague and complex notice-and-consent mechanisms, users are often unaware of such events occurring anyway.¹⁶ Republican freedom accurately highlights that whether interference occurs or not, and whether users are (made) aware or not, the fact that much discretion is left to digital platforms may in itself constitute a loss of freedom. Conversely, it is conceivable that where sufficient safeguards, democratic control, and opportunity for contestation exist, digital platforms can interfere with users in *desirable* ways—for example by ordering search results, filtering information, presenting audiences, and offering specific services over others.

There are two further nuances regarding the conception of domination that come to play a role in the subsequent articles which I ought to introduce here. The first is about the role of agents and social structures respectively, bringing us back to the discussion above. The second is about whether there is a threshold where domination becomes

¹⁶ Although the EU specifically aims to enhance contestability against certain decisions. The DSA, for example, introduces a mechanism for seeking redress against decisions by very large online platforms.

normatively significant. That is not just a conceptually interesting question—it also directly reflects on the urgency of arbitrary power in the digital sphere.

Agents and structures: what does the domination?

One of the more prominent recent discourses on republican domination is about whether it is *agents* that are the primary driver of domination, or whether the primary constitutive drivers are (only) *social structures*. Pettit's influential conception of domination is agent-centric.¹⁷ Both those subjected to arbitrary power (the dominated) and those wielding said power (the dominator) are (group) agents. The roman slave had a master, the subjects had a king, the apprentices had a (master) artisan, all wielding various amounts of arbitrary power over the other. Pettit acknowledges that social structures—like the institution of slavery, or the market—can *facilitate* domination, by allocating power and even by making it seem more natural in the minds of those involved, for example (Haugaard and Pettit 2017). But when social structures are manipulated by powerful (corporate) agents, they turn into agential-domination. And when social structures are naturalised in the people's perceptions, they ought to be denaturalised through the realisation of democratic potential.

In response to this agent-centric view of domination, some scholars have set out to argue for accounts of domination that lean more into “sociological accounts of domination such as those of Karl Marx, Max Weber, and Michel Foucault” (Laborde 2010, 57). In the first article, I refer to these versions of republicanism that give conceptual priority to the role of structure together as *radical* republicanism. In later articles, I adopt the term *social* republicanism, after Muldoon's assessment that this constitutes a “social turn” in republicanism (Muldoon 2022a, 48).

Social republicanism is made to work in two areas specifically. The first focuses on how (groups of) people sharing certain vulnerability markers face systemic or structural domination. The concern is not new for republicans: Pettit suggests that one of the reasons republican freedom was eventually overtaken by liberal freedom is that, at the end of the eighteenth century, republican freedom was conceived too demanding, too rich of an ideal, to be feasibly applied to all people—women and servants included (Pettit 1997). A liberal state, where freedom depended on non-interference rather than non-domination or non-dependence seemed more within reach than one where the state was committed to freeing slaves, servants, women, and others not being part of the class of propertied white males from their bonds. Simultaneously, already in the eighteenth century, Mary Wollstonecraft—

¹⁷ In the separate articles I also use ‘interpersonal’ and ‘agent-relative’ in the same way.

retrospectively associated with republican thought—lamented the position of the class of women as slaves, in part due to social and cultural attitudes (Coffee 2013).

Contemporary republicans focus on the role social structures and institutions play, with some arguing that they constitute a *necessary* component of domination. Dorothea Gädeke, for example, problematises episodic domination with the example of an armed mugger in a park, arguing that there is an unresolvable problem in conceiving the mugger as dominating those around (Gädeke 2020a). It is unclear who the mugger dominates, or where his domination starts and ends. Is it everyone in the vicinity or merely those the mugger actually points his gun towards? As Gädeke suggests, if domination refers to the actual power to arbitrarily interfere and the mugger is aware of such power, then domination is still too broad to “capture the social reality of domination” (p. 204). But by limiting our understanding of domination to those who actually *have* the gun pointed at them we are left with an understanding that is too narrow to be distinguished from normal interference.

Such cases, Gädeke suggests, are problematic because we overlook the structural elements involved. It is social structure that assigns individual agents their respective positions in the dominating relation—and in particular the vulnerable positions of the dominated. That is what sets apart slavery from muggers: it is supported by legal and social institutions that ensure those subjected to slavery are never truly safe—even if they were to escape any particular master. The vulnerability is maintained in the absence of any specific dominator: it exists beyond the agential domination that Pettit is primarily concerned with. Racism and sexism are paradigm cases of such structurally constituted domination: (in)formal norms, and the values and practices that continuously shape social relations, impose a vulnerability that already amounts to systemic domination. Others, like Sandven (2020) and Laborde (2008; 2010) provide somewhat similar perspectives on the significance of social structures, though they appear less committed to the idea that domination is *exclusively* constituted through these structures.

A similar argument is made in the context of economic class, capitalism, and markets. According to Alex Gourevitch, nineteenth century ‘labor republicans’ can be said to have identified a structural form of domination that is not the result of subjection to a particular employer, but the result of “unequal distribution of control over productive assets” (Gourevitch 2013, 598).¹⁸ It ensured employees had little choice but to sell their labour to the *class* of employers, who found themselves in the powerful position as a result of these economic structures. Focussing on the

^{18.} Labour republicans refers to a political movement in the late 19th-century United States that combined labour activism with republican ideals.

economic upheaval in the wake of the 2008 economic crisis, Sabeel Rahman suggests that beyond the domination of corporations over workers, there is a structural domination by a “diffused, centralized, social system or structure” (Rahman 2017, 48). It is still the result of human agency, but it is one detached from clear agents, seeping into (economic) systems. In a more general sense, Nicholas Vrousalis (2020) proposes a triadic understanding of domination, where a *regulator* regulates the dominating relationship between, in this case, capitalists as dominators and workers as the dominated. Regulators *can* be agents, but can also be norms.

Rutger Claassen and Lisa Herzog (2021) suggest that the notion of structural domination is helpful for assessing structural injustice in the economic sphere, but argue that it must be supplemented by an understanding of economic agency to demarcate between problematic and unproblematic power asymmetries. Only when an agent is able to impose their will to the extent that it compromises another’s economic agency—and by extension the general agency—is someone economically dominated. Nevertheless, this power is structurally constituted through these economic institutions, and incorporating that element in the explanation is “highly desirable” for theories of justice, as they “can go beyond an evaluation of economic outcomes, and also take into account the economic structures generating those outcomes” (p. 478).

In this dissertation, I draw insights from the discourse on structural domination that are relevant for the mechanisms of domination in digital contexts. As briefly discussed in the previous section, digital contexts are similarly construed as social structures—many overlapping with the kind contested by social republicans. The theme features prominently in the first three articles, and is also present in the fourth. I argue that a focus on structure—digital structure—is more than helpful in formulating an appropriate republican response to the arbitrary power found in the digital sphere. To lift the veil a little bit: the business models revolving around personal data and behavioural manipulation, the collective reliance on untransparent digital infrastructure owned by a few individuals, and the associated silicon valley ideology seem all about social structures—requiring contestation on a structural level rather than a focus on the current (corporate) agents and the individual users that are positioned within these structures. Moreover, digital technology itself reflects a structural component, where social structures become embedded in technological designs. We must consider, for example, that technology, code, and data can itself govern and regulate citizens (see, for example, Hildebrandt 2018; Meacham and Kraak 2022). This is why technological designs, infrastructures (and, for example in the case of AI, also training data) must be explicitly included as contestable (technological) structures.

There is one important point that I now gloss over, and that is the question of whether (only) social structures *constitute* domination, in which case all domination is necessarily structural in nature—a position defended by Gädeke for example—or whether social structures can *facilitate* domination—which seems more in line with Philip Pettit’s conception. Gädeke gives three reasons for the first. The first reason is that excluding opportunistic forms of power from the concept of domination creates conceptual clarity, in particular between episodic power, robust non-interference, and non-domination. The second, along the same line, draws out how domination is about *persons* rather than choice, further distinguishing non-domination from non-interference on a conceptual level. The third is that it ensures republicanism brings critical potential where it *matters*: there where people are subjected to and emancipating from fundamental systemic subordination, like racism and sexism.

In this work, however, I remain agnostic towards this question. The reason is that, now that social structure has explicitly entered the frame, the bulk of the pragmatic advantages of the structuralist account are already incorporated. Whether their nature is constitutive or facilitative will not change the course of my argument as long as social structure is an explicit factor in the equation. Nevertheless, I agree with Gädeke that excluding episodic power from the concept of domination would bring more conceptual clarity, and that an ecumenical approach loses out on that to some extent. But while a thorough conceptual investigation of the difference is interesting, it is not necessary for the purposes of this work. In addition, an agnostic position regarding the exclusion of episodic power leaves room for the idea that structurally constituted forms of domination are more significant and severe, requiring both a focus on persons rather than on choice as well as a focus on the struggles of those who face systemic domination.¹⁹

Cheap domination & impositional power: where does domination start?

Two other recurring and related issues—which have mostly been relegated to footnotes in the individual articles—are that of *severity* and of *escape*. If convinced that mechanisms of power in the digital sphere can correctly be identified as domination, one could argue, as some reviewers have done, that the severity of such domination is small—perhaps negligible—and that citizens can escape such domination by simply ‘putting their phone away’ anyway. Even if the underlying principles were to be similar, it is quite a stretch to compare a dependence on Apple when using a

^{19.} Moreover, one could ask whether digital environments are not *always* fully structured up to the point that there are no instantiations of episodic power. If, for example, one user is cyberbullied by another, both the odds of them interacting as well as the affordances and means of contestation are all the result of technological designs.

iPhone to the dependence of the 19th century factory worker on the factory owner. The scope is quite small in comparison too: the range of options being subjected to an uncontrolled capacity of showing advertisements is much more limited than that of those living under dictatorial regimes.

This argument is significant enough that it warrants its own reply here, not only because it casts the urgency in a wholly different light, but also because it relates to an important discourse on whether domination is always significant or whether there is some sort of threshold that must be crossed. For Pettit, domination can vary in both intensity and extent, depending on the degree of arbitrariness, the ease and severity of interference, and the range of choices that are subjected to arbitrary power (Pettit 1997, 58). Conceptually, domination is not bounded by a lower threshold, although it is clear that some instantiations of domination give more reason for concern than others. A neighbour may have some arbitrary power to interfere with my ability to experience absolute silence, for example, but it seems wrong to argue that this constitutes a loss of freedom similar to a landlord's unrestricted power to evict them. Nevertheless, allowing for intensity and extent of domination to differ ensures that Pettit's conception of domination is consistently applicable to all arbitrary powers of interference. If the principle is—as Pettit suggests—to maximise non-domination in a consequentialist way, then it makes sense to focus on those that are high in intensity and extent, but there is no conceptual threshold that must be crossed before arbitrary power can be called domination.

But that introduces what Christopher McCammon (2015) calls 'cheap domination'. McCammon is concerned with a conception of domination that must both be able to explain all reasonably recognisable paradigm cases of domination while it must, importantly, *not* designate "morally unserious or clearly permissible forms of human interaction" (p. 1031) as domination. It is this latter category that is 'cheap'. In an attempt to exclude cases of cheap domination, McCammon develops an alternative conception of domination. First, and still in line with Pettit's version, there is a condition of strategic relatedness between two actors. One must at least depend partially on another. If that is the case, McCammon suggests—from here on out parting with Pettit—that only arbitrary "impositional power" (p. 1041) can be domination, where impositional power denotes the capability to make non-cooperation significantly more costly than cooperation from the perspective of the subject, at least to such an extent that the wielder of the power can reasonably assume that they are likely to be successful in imposing their will.

Consider these two examples. In the first, I am buying candy. I rely on the store clerk for payment and transfer of the candy, so there is a strategic relationship. The store clerk can also arbitrarily refuse service. Considering reasonable alternatives likely exist for me, and that foregoing candy altogether is not particularly problematic, the clerk's is not able to make non-cooperation significantly more costly than cooperation. There is no impositional power in play. In the second, I am addicted to a drug, and my dealer is the one to refuse service. If we further assume that I have little alternatives available on short notice, it becomes more likely to consider the dealer in a position that allows him to impose his will on me. Non-cooperation is significantly more costly for me, at least in my perception, than cooperation, so there is impositional power in this example.

There is a certain elegance to McCammon's proposal. First, it explicitly reframes power into costs of cooperation and non-cooperation, which may often be more intuitive to think about than a more abstract 'power to interfere'. If an employee is being bullied by their boss, but the employee is unsure about finding another job soon and is dependent on the income, then the boss's power is accurately understood as a result of the employee having to consider the costs of cooperation and non-cooperation. The latter simply costs the employee more. The second advantage is the explicit reference to *perceived* costs: it does not necessarily matter whether the *actual* costs are as the employee sees them. They may unexpectedly have found a better paying job soon after leaving, but they never left, because they perceived the odds as worse.

Yet it is doubtful whether McCammon succeeds in accurately formulating a better criterium for separating 'cheap' from 'significant' domination. The proposal seems to postpone the issue, because it is not entirely clear where a strong position of negotiation turns into *impositional* power. McCammon gives two features that help make sense of the difference. The first is directly reflective of Pettit's eyeball test (Pettit 1997, 71; 2013, 84): we can assume that someone cannot comfortably look someone else in the eye without fear or deference when refusing the latter is *significantly* more costly than cooperating. I have little reason to grovel before the candy store clerk, but when I'm desperate for a new hit, I may find it easy to avoid confrontation with my drug dealer. The second is that impositional power is *declarable*, setting it apart from romantic relationships and friendships, where non-cooperation can also come with great costs. Contrary to the drug dealer, factory owner, and slave master, however, explicitly referring to the costs of non-cooperation in such relationships will quickly end a relationship (barring marriage regimes) or friendship.

But even taking these characteristics into consideration does not give us a clear-cut boundary between impositional power and insignificant power. Toxic relationships might bear characteristics of impositional power, landing somewhere on the axis of non-declarable and declarable. The eyeball test is similarly invoked by Pettit and serves only to intuitively demarcate some clear examples, but many conceivable instances fall precisely between the clear deference the eyeball test implies and the insignificant power we usually do not concern ourselves with.²⁰ I may not always be willing to stand up straight in a conflict with my boss, even in fairly regulated context, for while he may not be able to fire me, there could be many (unforeseeable) opportunities for them to make my life harder for me.

Another way of dealing with the threshold of domination is to introduce the notion of *micro-domination* (O'Shea 2018; Lazar 2021), referring to instances of domination that are of little consequence by themselves, but amount to a significant level of domination in aggregate.²¹ O'Shea discusses how this is the lived experience of many people with a disability, who are often dependent on a system of care where they, throughout their daily lives, are subject to many smaller dependencies on the wills of others. In many of their relationships, they are subjected to small arbitrary interferences, none of which may be consequential enough to contest individually, but amounting to a significant aggregate effect on their freedom.

As Lazar suggests, this principle can be at work in other social settings too. The boss may not necessarily be in a position to arbitrarily fire their employees, but they might nevertheless be able to exercise arbitrary power over many—by themselves—relatively inconsequential choices, like the clothing choices of an employee, or the choice to *not* spend an extra hour or two in the office, or the ability to take part in a prestigious project rather than a boring one, and so forth. Taken together, bosses and managers could still have a significant arbitrary power over their employees. They might not be able to pass the eyeball test mentioned before, for fear of falling out of favour and suffering all those individually inconsequential infractions.

Lazar's point is not that our understanding of domination is wrong, his point rather serves "as a challenge to certain common ways of putting any conception of domination to work – those which make use of either objective or subjective thresholds" (Lazar 2021, 18). This matters not only for the implied risk of *overlooking* certain classes of

^{20.} The eyeball test serves as a somewhat intuitive means of asking whether one is sufficiently protected and has sufficient resources secured to be able to "look others in the eye without reason for the fear or deference that a power of interference might inspire" (Pettit 2013, 84).

^{21.} The conception of micro-domination features heavily in the second article of this dissertation.

domination, but also because it undermines common republican strategies against domination, such as securing exit options or enabling contestation. In the example of the employee just given, handing in a resignation or filing a complaint against the boss are both significant escalations that might seem or feel unwarranted in response to small or insignificant arbitrary interferences, even spread over a longer time.

Conceptually, micro-domination supports the idea that, at least at first, *any* arbitrary power of any capacity must be taken into consideration—no matter how insignificant or isolated. Micro-domination means that we must both be careful not to overlook those that experience an aggregate of micro-domination and be sensitive to the way in which the severity and extent of domination affect its particular instantiation in different contexts. It implies that we need to engage in some form of calculation to assess the cumulative effect of domination in relationships that may at first glance not appear as particularly problematic, such as those reliant on healthcare or those in a weak position in a labour market *despite* competition and regulation. This approach also denies that ‘cheap domination’ should *not* be seen as domination. As Lazar argues, the distinction itself, which relies largely on intuition, introduces new issues. Perhaps what would at first glance pass for cheap constitutes a dominating relationship that is overlooked because it does not fit an a priori formulated threshold. Some relationships might seem intuitively unproblematic, but that is not to say that they remain so on second thought. As Lazar brings it: “sometimes, political philosophy is normatively surprising” (p. 13).

What does this mean for the argument that elicited this section, that domination in the digital sphere is quite often insignificant and easy to escape? There are a few elements in the works of McCammon, O’Shea, and Lazar that are relevant to the objection that digital domination is often insignificant and easy to escape. First, McCammon’s proposition draws out how domination, considered as a function of costs of non-cooperation and cooperation, can contain a *subjective* component. As is clear in the examples of McCammon, a drug addict can face impositional power because the addiction results in high perceived costs for non-cooperation. A similar phenomenon could play out in digital contexts, where digital addiction is part of mainstream discourse (see for example Allcott, Gentzkow, and Song 2022; Hartogsohn and Vudka 2023).

But less obvious problematic perceptions work out in a similar fashion: perhaps some have come to believe that LinkedIn is inevitable in the pursuit of a career, for example, or that TikTok is the only reasonable way of keeping up with their social circles. In such cases, an outsider might wonder why it is so difficult to take the exit

options, but the perceived costs for those in the midst of it are simply too high—high enough that the other party can gain an increasingly significant degree of power. And, conversely, the costs of *cooperation* can also be presented as significantly lower than they actually are, further skewing the balance of costs between the two. In fact, as discussed in the fourth article, it turns out large groups of users of digital platforms do not understand how digital platforms operate, while that knowledge does seem to negatively affect their view of digital platforms (although it is no dealbreaker in any way) (Akman 2021).

Drawing from the example of Musk's X, it may seem the platform's influence over its users is small, and users may easily give up their usage if the costs of cooperation become too much of a burden. But if we add, first, McCammon's cost-based perspective, we can draw out how the impact of the collection of personal information, the algorithm's subtle machinations, and even Musk's alleged direct interferences may appear smaller than they actually are due to the opaqueness and the mediative function and design of the digital platform. At the same time, network effects and a tailored user experience may raise the perceived costs of non-cooperation. Not being able to share your opinion with a wider audience and not being continuously informed about the latest activity from all kinds of actors and networks may not be a price one is willing to pay, resulting in cooperation after all. Barring some more extreme cases of social media addiction, calling this impositional power pushes the example too far. X's ability to skew the balance of cooperation and non-cooperation may be more significant than it appears at first, and less easy to escape, but X's users are not left at the mercy of the whims of the platform or its owner.

The notion of micro-domination allows us to further specify the problematic aspects of X's *modus operandi*, however. While an individual user of X may leave at any time, they may never do so when only facing micro-domination, which does not provoke contestation because of its fairly inconsequential character—especially because the skewed costs-perspective. But the aggregate effects of micro-domination on X *do* make it a significant ordeal—we must consider the sum of micro-domination not just on individual users, but on X's populace as a whole. Consistently facing a slight push of X's algorithm towards partisan political messaging or frequently being faced with borderline hate speech over a longer time stacks these individually not-so-consequential events up. If we then factor in both the sheer amount of users, and the

fact that these dynamics can be replicated on other digital platforms further casts doubt on the claim that such domination is easy to escape and insignificant.²²

Turning back from the example of X, note that McCammon's proposed understanding of domination still relies on impositional power. As I see it, this means it remains mostly unsuccessful in clearly demarcating between significant and insignificant, or morally serious and unserious forms of domination, leaving it up to intuition. The incorporation of a subjective component may add a layer of flexibility, but it does not refute the argument that domination in digital contexts is insignificant. O'Shea's and Lazar's contributions are better equipped to do so. The notion of micro-domination, understood against Pettit's background of consequentialism, allows us to approach the relationships of arbitrary interferences established by digital platforms—at the minimum—as an aggregation of micro-domination.

Indeed, many day-to-day subjections to arbitrary power found in the digital sphere might not be significant enough to warrant contestation of any kind—someone might be slightly annoyed at an algorithm's politically relevant suggestion, for example, but will most likely not immediately cease all action and delete their account in response to one or several of these over a longer period of time. An accumulation of such interference, both vertically and horizontally—both a range in agents and interferences—is going to be normatively significant. This mechanism is central to the argument of the second article, as well, which deals with seemingly inconsequential manifestations of hate speech: *jerkish* speech.

Finally, there is a methodological element involved in the argument that digital domination is usually not significant or too easy to escape to warrant concern, for the argument implies that normative philosophical investigation ought to focus on phenomena that are already uncontroversially considered urgent and worthy of concern. However, even granting for the sake of argument that it is currently true that most arbitrary power in digital contexts is insignificant or easy to escape, it seems reasonable to assume the accumulation of data, resources, and power in the hands of a few large technology companies might still increase dependency on their infrastructures in the (near) future, as is part of current discourse on the development of AI (e.g. Verdegem 2022; Simon 2024). In such cases, a normative investigation of the mechanisms of domination is best undertaken *before* there is full agreement on the significance of digital domination.

^{22.} Another way of drawing this out is by asking both whether we can imagine a political campaign *without* social media presence, as well as whether we can imagine citizens in general to reject the use of digital platforms in today's society. I suspect the answer to both is a firm *no*.

So far, I have discussed the core concept of republicanism: domination, referring to arbitrary power to interfere. I have also discussed two discourses surrounding domination that are relevant for the purposes of this work: the perspectives on the role of both agents and structures and the challenge of *cheap* domination, which carries over into digital contexts. The first take-away is that domination is very much—arguably primarily—a matter of *social structures*, which must be contested whether they facilitate or constitute domination. The second is that we must not too easily end the issue of digital domination with asserting that most users can escape domination in the digital sphere simply by exiting, or with the assertion that such domination is not significant anyway. The costs of leaving may (seem to) be too high, the costs of staying too low, and even where domination appears inconsequential, we must be careful not to overlook micro-domination where its aggregate effect is consequential after all.

1.4.2 A democratic society

The ideal of republican freedom inspires thought on a democratic society where freedom as non-domination is maximised. A first distinction that must be made in this context is the one between public and private power, which Pettit refers to as *imperium* and *dominium* respectively (Pettit 1997). Public power is exercised in a vertical way by a government over the people, while private power is found in relations among citizens. Both are important potential sources of domination, and much effort has been put into preventing domination from materialising in either of these forms. Pettit suggests that this is often a matter of balance. Private domination must be prevented by enacting legislation limiting arbitrary power and protecting vulnerable individuals, or by redistributing goods in ways that mitigate severe dependencies, for example. This requires the existence of a state, which then also protects against foreign sources of arbitrary power.

Yet it is also the state itself that is quite often a primary driver of domination, and it is no surprise that historical events like the French revolution or the American war of independence are considered illustrative events in republican history, nor that the concept of democracy is a centrepiece of republican thought. For Pettit, (contestable) democracy is considered to render power nonarbitrary—at least in principle—and this is then amended with principles like the rule of law and independent judiciaries to ensure that public power is bounded and contestable, although emphasis varies throughout different republican accounts (Pettit 1997; 2013; Lovett 2010). Much thought is spent on strategies for maintaining democratic institutions and controlling the power of the state.

The affordances of digital technology have the potential to enhance both *imperium* and *dominium*. Employers can use digital technology to increase their control over an employee through the implementation of monitoring and through systems for punishing and rewarding behaviour, for example. Insufficiently controlled, such capacity increases arbitrary control. Governments, on the other hand, can—and have—used digital technology to expand their means of surveillance, and increasingly for algorithmic decision-making. Both may set off republican alarms, but the powers wielded by democratic governments are approached in a more nuanced manner. Unlike the principled *prima facie* resistance against any increase in government power associated with classical liberalism or libertarianism, republicanism redirects attention to the degree of control citizens have over such power.

Patrick Taylor Smith, for example, has argued that republican political theory allows for the employment of surveillance technologies provided a comprehensive legislative regime is in place (Smith 2020). In fact, Smith argues that private resistance to such sufficiently-regulated-surveillance, when it compromises the state from pursuing legitimate republican ends, is *unjust*. This illuminates one key difference between the liberal-libertarian suspicion of government power in general, and the republican position that allows—even requires—the existence of non-arbitrary public power for legitimate purposes.

Private power in the digital sphere

While government surveillance, or public use of algorithms, or other employment of digital technology by the state is undeniably worthy of concern, it is the private digital platform sector that have shaped much of the digital sphere as we know it today (e.g. Bloch-Wehba 2019; Kelton et al. 2022). This is also the focus of this dissertation. As such, I must explicate three underlying assumptions. First, I assume that, while public and private power in digital contexts are increasingly intertwined, it is at least theoretically possible to separate them based on certain criteria, for example on the basis of the eventual (legal) tasks and responsibilities of the actor. If a government body subcontracts private firms to employ digital technology for a public purpose, then it remains a form of public power. This assumption broadly follows Pettit's conceptual distinction between *imperium* and *dominium*.

The second assumption, again in line with Pettit's conceptual framework, is that governments ought to employ their public power to create a just society, meaning they must minimise *dominium*. If private actors in the digital sphere hold excessive and uncontrolled power, then legitimate state interference is not only justified, but *required*. The final assumption is a necessary for scoping purposes: I shall assume

such government interference to be democratically constrained up to the point that the risk of *imperium* is minimal. The purpose here is to prevent being distracted by formulating constraints and baselines for every republican policy and regulatory initiative, or by the need to delve into complexities of designing appropriate democratic institutions. These questions are undoubtedly important for republicans, but this is not the place to deal with them, as the focus is on private domination.

These three assumptions mean that I distance myself from what an anonymous reviewer of one of the articles referred to as the ‘parallel-thesis’, which I take to refer to the assumption that *de facto* governance is a matter of creating a *de jure* legitimacy, rather than the other way around. It is parallel in the sense the governance by digital platforms is considered to exist *next to* or *parallel* to structures of public power, rather than it being subjected to it. The question is then not how the state ought to maintain control over digital platforms so as to render them nonarbitrary. Instead, it is about the parallel implementation of mechanisms traditionally used to control and legitimise the power of the state, for example through an “internet bill of rights” (Celeste 2019, 15, 16). This is somewhat reflective of literature on ‘digital constitutionalism’, which features in the third article (e.g. Suzor 2018; Celeste 2019; De Gregorio 2020).²³

In simplified terms, the parallel-thesis implies that powerful technology firms have come to resemble some sort of virtual states operating in a transnational digital sphere, and that they are therefore best approached as pseudo-states. I deal with this longer in the third article, but in general terms it seems to me that the parallel-thesis turns the issue on its head. Although powerful private agents can be said to wield *de facto* powers of governance, that does not mean they also have a *de facto* public interest, or a *de facto* democratic culture. In fact, it is quite the opposite: most powerful private actors in the digital sphere have significant commercial interests and exist under (liberal) market regimes and culture. My assumption here, which I expand on in the third article, is that it is not (yet) necessary to approach large digital platforms as quasi-public organisations in a parallel virtual realm, but to consider them firmly rooted in the web of private relations that falls under the jurisdiction of existing states, and which ought to be subject to just regulation by legitimate democratic states in order to minimise private domination.

²³ Not all work on digital constitutionalism necessarily relies on the parallel-thesis. One can argue that the principles of digital constitutionalism are useful, and that their implementation only *mimics* the dynamics of state actors, but that they are still subordinate to traditional states and subject to their legislation.

Republican property rights

These private relations are, to a large extent, facilitated by a regime of private property rights, which is one of the more impactful social institutions that is explicitly backed by most contemporary states. Private property rights are even codified in Article 17 of both the European Charter of Fundamental Rights and the Universal Declaration of Human Rights. Historically, republicans have commonly been proponents of private property as a means of protection against domination. If every citizen—usually excluding significant parts of the population—had sufficient property, then none would depend on their peers.²⁴ This is not just theoretically interesting, but provides important background material for this dissertation, where the private nature of many digital platforms is problematized and where various investigated solutions imply (severe) restrictions on or changes to the institution of private property.

Pettit suggests that for those who wish to defend private property, freedom as non-domination is more appropriate than freedom as non-interference. This is because it politically justifies non-arbitrary government interference in order to establish property regimes by virtue of its effective increase in non-dominated choice (e.g. buying and selling goods, enjoying property, and so forth), while liberals have to prove that such government interference is justified by showing that it allows people to escape even more interference (Pettit 1997). As such, there is nothing “inimical to republican freedom in the existence of a regime of private property” (Pettit 2006, 147). Yet it is important to recognise that this republican valuation of private property is solely based on its *effect*, rather than some principled necessity. This means that it is simultaneously true that republicans recognise that some downstream effect from private property regimes *can* increase overall domination. Pettit even recognises that the social structure of (and around) private property, as a convention that exists in the minds of citizens, can be a significant contributor to domination (Haugaard and Pettit 2017).

Republicans are therefore not fundamental proponents or opponents of the institution of private property, but interpret its value through its consequence for non-domination. But there is more to say on this point, in particular with regards to the political nature of property *rights*—or any right for that matter. Richard Bellamy (2012; 2013), in an investigation into the position of rights in both republicanism and liberalism, suggests that in liberal thought, rights are thought of as “trumps” that an individual can play against political decisions and the community (2012, 452). Bellamy

²⁴. In ancient republics, it was the other way around: only the class of property owners were considered citizens (Dagger 2002).

offers the example of free speech, where non-interference drives the discourse (cf. Elon Musk's defence of free speech on X mentioned in the introduction).

However, according to Bellamy, not only does this drive a wedge between the individual's right and the common good, but if a citizen claims to wield a right against a democratically valid decision, they are "illegitimately attempting to play his or her cards again, and in the process [they are] failing to treat [their] fellow citizens with the equal concern and respect rights demand" (p. 460). On the republican political framework, however, rights are not derived from a pre-political arrangement, but are explicitly part of the political discourse. They are "a civic achievement of socially situated individuals whose relations are regulated by law" (p. 458). It is *through* the polity that rights are granted and protected, rather than in some space before or separate from it. Rights are, in that sense, important achievements of democratic society, and their value depends on their net-positive impact on non-domination.

This may be hard to swallow for those with liberal intuitions, but a republican narrative (1) establishes that property *rights* are not in any way beyond political dispute, and that, subsequently (2) such dispute then depends on their impact on overall non-domination. Of course, it is possible for liberalism to justify restrictions on private property—as is also the case in the Declaration of Human Rights and the European Charter. Simultaneously, constitutionally protected fundamental rights have a role to play in republicanism, as a means of protection against potential excesses of majority rule, particularly against vulnerable minorities. As such, the difference is not as clear-cut as it seems at first glance. But on Bellamy's republican interpretation, the tone and context are markedly different: property rights are not granted outside of any social or political context, but are solidly posited in the midst of them. If it turns out that privately owned digital platforms contribute to domination and that property regimes play a significant role by regulating ownership of infrastructure, resources, data, and extracted value—as this dissertation sets out to do—then a republican approach justifies a far-going restructuring of the institution of private property.

1.4.3 Civility and virtue

I have discussed some important aspects of the republican understanding of freedom and of the relation between democratic governments and private citizens. The third element that features much in republican political theory is that of citizenship—or rather of *good* citizenship. The emphasis on citizenship is as old as republics are in the western political tradition, with Cicero, in the first chapter of his tract *De Res Publica*, already stating: "surely rights should be equal among those who are citizens in the

same republic. For what is a city if not a fellowship in justice [...]” (Cicero 2014, 49). In fact, they implied and depended on each other. There was no republic without citizens, and there were no citizens except those living in a republic (Dagger 2002).

Over the last few decades, the emphasis seems to have shifted somewhat away from a focus on good citizenship and civic virtue. It is now common to distinguish between two traditions: the neo-Roman and the neo-Athenian. (e.g. Dagger 2006; Lovett and Whitfield 2016). The latter, which arguably includes Hannah Arendt’s political thought, broadly adheres to the idea that civic virtue and political participation as a part of human excellence are in some way constitutive of liberty. For the first, virtue is mostly instrumentally valuable. It is necessary for citizens to have certain dispositions and motivations for them to take part in maintaining republican institutions that promote non-domination. The aim of this work is not to establish or circumscribe a comprehensive understanding of the human good or of excellence in the Aristotelian sense. I will instead focus on the role citizenship plays in neo-republicanism, and include an alternative view, before introducing the role civic virtue plays in this dissertation, which ultimately adheres to the neo-Roman tradition.

Civility and virtue

For Pettit civic virtue, which he refers to as civility, is necessary, but ultimately still of instrumental value. “Widespread civility” (Pettit 1997, 245) is a requirement for the optimal functioning of a republican society. This is discussed at more length in both the second and fourth article, but the gist of it is that widespread civility supports the effective implementation and enforcement of laws, serves as a corrective mechanism against corruption, and informs governments of the interests of citizens. Lovett (2010) offers a similar reason: laws must be sustained by accompanying informal social norms in order to ensure compliance levels are high.

Civility in this sense is also not very demanding—it is something of a *thin* account of civic virtue. For Pettit, these civil norms are the result of what he calls the ‘intangible hand’, referring to how an economy of esteem is bringing citizens to pursue approval of others, and avoid their disapproval (Pettit 1997, 254; Brennan and Pettit 2004). Like queuing behind a food stall, it is the disapproval of the rest that is to motivate others to follow suit rather than jump the queue, and it is the approval of others that might motivate one to help the elderly safely cross a busy road. A broad web of such civic norms should support republican laws and democratic institutions.

But even within the instrumental perspective on civic virtue one can find thicker accounts. These are more demanding, emphasizing the cultivation of particular

“qualities of character” (Dagger 2002, 148) or “a robust set of traits of character that exhibit a number of excellences” (M. V. Costa 2023, 6). These seem more in line with Cicero’s perspective: “nature has given to the human race such a necessity for virtue and such a love of defending the common safety that this force will overcome all allurements of pleasure and leisure” (Cicero and Fott 2014, 30). Such civic virtues and might include traits like justice, integrity, cooperation, and perhaps even courage and patriotism, depending on how wide one casts the net.

One of the more vocal contemporary proponents of a thicker account of civic virtue in neo-republican thought is M. Victoria Costa (e.g. 2009; 2023), who argues that next to civic norms, there is need for “stable personal traits of character” (2009, 404). Widespread civility, Costa suggests, is to be understood in terms of “established norms”, and not as a trait or characteristic that exists independently of others (2023, 408). The issue Costa identifies here is that established norms can function similarly to what Pettit sees as civil norms, but instead of being civil, they can also promote problematic patterns of behaviour—for example in highly motivated and cooperative extremist groups. Moreover, established norms are subject to change in social conditions. It is conceivable that in times of economic upheaval, established civic norms come under pressure and prove too thin of a mechanism to effectively support republican institutions.

A more explicit politics of virtue, Costa suggests, offers a more promising route to widespread civility. Not only are stable character traits a more robust basis for widespread civility throughout changes in social conditions, they are also necessary to resist the pressure of uncivil social norms. Costa also deems it more likely that public officials and representatives motivated by personal civic virtue are better positioned to ensure democratic institutions function well. Complementing republican laws and democratic institutions with a politics of personal virtue is therefore more likely to establish a robust culture of non-domination.

The instrumental role of civic virtue

Overall, I am mostly sympathetic to Costa’s attempt to incorporate personal civic virtues in republican thought, broadening its function beyond merely sustaining democratic institutions or the rule of republican law, and this theme features mostly in the fourth article. On a fundamental level, this maintains the instrumental element in Pettit’s widespread civility. There is good reason for emphasising this instrumental relationship between freedom through republican institutions and their support through civic virtue, as the neo-Athenian version is challenged as being too perfectionist to be compatible with the pluralism found in contemporary societies (Lovett and Whitfield 2016).

The instrumentality of civic virtue, on the contrary, offers both a non-perfectionist justification and an upper boundary on that justification. It is not necessary to argue for its value in itself, it is sufficient to show how virtuous behaviour is a condition of freedom as non-domination. Simultaneously, the justification of civic virtue is bounded by that same principle: it ends where the risk of exclusion and accompanying domination becomes more salient than the freedom it is meant to secure. In this sense, an instrumental approach is also argumentatively pragmatic. It is pragmatic because it works as a common denominator between those who are *not* and those who *are* convinced by an Aristotelian view on the human good. The first might still be convinced by instrumental argument, requiring no commitment to a comprehensive view on human excellence, and those who are committed can at least agree on the instrumental value—leaving open further intrinsic reasons.

In this dissertation, I retain the instrumental perspective on civic virtue found in the neo-Roman tradition. Compared to Pettit, however, the dissertation remains open to a broader (instrumental) role for personal civic virtue—traits of character—as found in Dagger's (2002; 2006) and Costa's (2009; 2023) works. Civic virtue, in this sense, might be more demanding, but can also function in an aspirational manner, equipping republicanism with more critical teeth (see also Moen 2023). This makes up a large part of the arguments in the fourth article, and is also explained more in depth there.

1.5 A brief account of the attractiveness of a republican approach

There is much more to say about each of these three republican elements—freedom as non-domination, democratic institutions and a just society based on such freedom, and civically virtuous citizens sustaining them—but this should serve as a basic introduction and a clarification of some of the assumptions that underly the subsequent articles. Before I continue by introducing each of the articles and their position in relation to these three elements, let me briefly say something about why republicanism is a promising starting point for approaching the threat to freedom in digital contexts in the first place.

One of the main strengths of republicanism is put forward from the start by Philip Pettit: it offers a deeper and richer account of freedom compared to the liberal one that is now commonplace. It also offers an alternative that does not require committing to demanding and complex versions of positive liberty. Pettit suggests,

on the other hand, that more positive accounts of liberty might value freedom as non-domination, because being an autonomous agent in a social and political context requires, at minimum, that one is not subject to the will of another: “there can certainly be non-domination without personal self-mastery, but there can hardly be any meaningful form of self-mastery without non-domination” (Pettit 1997, 82). Republican freedom, posited somewhere between pure negative liberty and freedom as a form of autonomy, might have a chance at formulating a common ground with acceptable premises for a wide audience. While not so much a goal in itself, it results in the republican project having a pragmatic or strategic edge when turning it into a feasible and attractive political program, especially when there is widespread discontent regarding the current state of the digital sphere.

Apart from that somewhat strategic argument, there are also conceptual reasons that prove valuable. This is largely the result of its insistence on freedom as an intersubjective status. Freedom is not merely about choice, irrespective of others, but a property of a status one has *among* others. That explicitly brings into view questions of power, control, and dependency, which are also central to discourse on digital platforms. For a republican, Musk’s control over X—and by extension over a significant part of online (political) discourse—is directly about freedom. Would X somehow be subjected to democratic control, interferences might still exist, but these do then not *necessarily* lead to unfreedom. This is a clear advantage over more liberal or libertarian accounts of freedom, which is more critical of interference from the outset.

Despite that richness, republican freedom is also intuitively straightforward, recognising how a subordinated position and a dependence on the will of another is something many resist. It ties into unease that accompanies the knowledge that someone or something else can arbitrarily decide about us—whether a public official with much discretionary power or a collection of agents controlling much of our digital infrastructure. Moreover, it explicitly allows for the absence of any concrete interference or knowledge of such interference. There is already an issue if X can arbitrarily block and remove accounts—whether it actually happens or not, and whether the account holder or the general public is aware or not.

These strengths of republican freedom feature in the separate articles, but in general it can be said to offer a more fine-grained normative framework from which one can evaluate dynamics of power in digital contexts. Having your search results ranked, having an algorithm determine your audience, and having your user experience optimised as a result of behavioural research based on personal data are all very

useful, and republican freedom allows for such practices while leaving freedom intact—as long as they are bound by terms directly or indirectly set by yourself. It is that conceptual leeway that makes republican freedom appropriate for an account of digital freedom.

In terms of the broader republican tradition, there are other attractive aspects. Consider the prominent role of democratic control, which allows for a more active role for sufficiently controlled governments in tackling many contemporary issues—from the digital sphere to climate change. In that sense, republicanism revives a certain democratic confidence: if citizens come together and democratically decide to take up important societal issues such as climate change, then that is bound to introduce new interferences. Moreover, on a republican account, such interference does not come at a cost of liberty, where more interference is a trade-off, but rather is reflective of liberty. It inspires citizens to not retreat into a bubbles of non-interference, but to take control of the various sources of power that shape social, political, and digitally mediated life.

The emphasis on civility and civic virtue are similarly aspirational. While—again—republicanism is not perfectionist, it is open to the idea that a citizen is more than a right-bearer: citizens must also be more involved in advancing the public interest (e.g. Honohan 2017), assigning them a role in the digital sphere that goes beyond that of consumers of services and users of infrastructure. Together, this cast an attractive comprehensive account of liberty and political theory that from the outset promises to offer fertile soil for analysing and reshaping the mechanisms of power in the digital sphere.

1.6 Introducing the articles

Republicanism, then, comes with the potential for solid normative criticism of mechanisms of power, a comprehensive tradition of institutional responses, and with an aspirational vision for civic involvement in the public interest. Together, these have formed the bulk of the inspiration for the republican approach on the outset of this project. Let me, finally, briefly introduce each of the separate articles. These articles have been written for publication in academic journals, and I have included them in the same form as they were submitted (and published), with two exceptions. The first is that all references are combined and moved to the end of this dissertation, and the second is that some small typing errors that slipped through have been fixed. It also means that there is bound to be some repetition involved. In each article, the

republican position—both the traditional and the structuralist version—had to be established, problematic aspects of the digital sphere introduced, and their relation explicated. Yet each deals with different aspects.

The first article, published in *Philosophy and Technology* in 2023, sets the stage by more extensively discussing both agent-centric and structural domination and their relevance for freedom in the context of digital platforms. More specifically, it emphasises the role of digital (infra)structure and, inspired by Thompson's account of constitutive domination, the way in which digital platforms can shape the norms, values, practices, and hierarchies that shape the digital sphere. It then suggests that most previous strategies, which focus on individualised control through notice and consent and a reliance on individual rights, cannot sufficiently address such constitutive and infrastructural domination. The arguments in the article relate mostly to the first discussed element, with a focus on the different conceptions of non-domination and only slightly on the institutional implications that follow in their wake.

The second article is a bit of an outlier compared to the other three. It was originally written for a special issue in *Topoi*, published in 2023, on 'digital technologies and human decision-making' and it grapples with the phenomenon I refer to as *jerkish speech*. Jerkish speech is speech that signals a disregard of the status or perspectives of others, but that is seemingly inconsequential and not amounting to proper hate speech. It argues that such speech is nevertheless highly relevant as (1) a manifestation of micro-domination as introduced above, and as (2) an instantiation of systemic domination reflected in racism, sexism, and other prejudice. The article ends with a discussion of how Suzanne Whitten's *critical civility*, which builds on Pettit's civility, might work as a response to jerkish speech, but suggests that it must be sensitive to the characteristics of the online contexts in which much jerkish speech occurs. The article might be considered a more concrete application, or even a case study, of the arguments of the others, with the introduction of (critical) civility as a nod to the role of civic virtue. Both the focus on smaller infractions compared to outright hate speech, as well as the role of digital platforms have, were, at the time of publication, not discussed from a republican perspective.

The third article develops a critique of the European strategy of digital sovereignty in the spirit of the first article. It suggests that European digital sovereignty retains much of the dependency on the structure of private property that results in issues of domination. Contrasting the republican perspective with perspectives on digital sovereignty and digital constitutionalism, it proposes a European strategy that

focusses more on cultivating alternative models for the digital sphere, such as a digital commons or publicly owned and funded digital platforms. Compared to the previous ones, the focal point lies on institutional arrangements and responses to structural domination with an emphasis on the economic structures of the digital sphere and its private and commercial characteristics.

The fourth article retains the problematisation of economic structures such as markets for their potential of establishing structural domination, but focusses on the other side of the medal: the role individual users play in maintaining or contesting such structures. It introduces the issue of digital consumerism—which assumes that the digital sphere is a market sphere, with citizens appropriately assuming the role of consumers as opposed to citizens. The article argues that digital consumerism—at best—does little to prevent domination as a result of the economic structures, and at worst undermines most of the common strategies against such domination. It then joins others in calling for a reappropriation of the more traditionally republican idea of virtuous citizenship. While still instrumentally driven, it proposes three conditions for such an account of virtuous citizenship, which together ought to enable broad support and involvement for strategies against domination in the digital sphere. It ends with a discussion of the two most important objections: that of feasibility and that of perfectionism.

Together, the separate articles sketch not so much an image of what an ideal republican version of the digital sphere looks like as much as they offer a critical evaluation of some important dynamics of domination and their largest contributors. As such, it contains an explicit normative element. From there, they provide the basis for some important potential (conditions for) responses and strategies against (structural) domination, ranging from institutional rearrangements to the cultivation of civility among citizens. Conversely, these arguments reflect back on the discourses within the republican project, such as the position of social structures and virtue.



2

Digital Domination and the Promise of Radical Republicanism

Published in Philosophy & Technology on March 11, 2023.

2.1 Abstract

In this paper I approach the power of digital platforms by using the republican concept of domination. More specifically, I argue that the traditional, agent-relative interpretation of domination, in the case of digital domination, is best supplemented by a more radical version, on which republicans ought to give priority to structural elements. I show how radical republicanism draws attention to (1) the economic rationales and the socio-technical infrastructures that underly and support digital platforms, and to (2) the forms of influence that are directed at cognitive dimensions, such as habituation and routinisation, which are particularly relevant for the power of digital platforms. These insights also imply that republicans have reason to favour a more structural response to digital platforms over more direct and individualised forms of control that fit with a 'standard' republican approach, such as securing exit options and requiring user consent.

2.2 Introduction

One of the today's most discussed phenomena of the digital sphere is the rise to power of digital platforms like Google, Facebook, Uber, and so forth. Their influence exceeds far beyond the digital, and generates discussions on the platform economy, on the influence they have on public policy and effective government, and a variety of others social issues, such as polarisation of political discourse and data governance in healthcare.

The power of digital platforms also poses a risk of domination, which, in republican terms, refers to an arbitrary or uncontrolled power to interfere with another's choices. Republican freedom, or 'non-domination', requires the absence of such arbitrary power (Pettit 1997; 2013). Radical republicans, however, challenge this view of domination, which I call the standard view, primarily for its agent-based nature. They propose to augment or replace the standard view with accounts of *structural* domination, where it is not individual agents but structures such as economic markets or social hierarchies that are primary factors of domination.

In digital contexts, global digital platforms have power over their user's choices, and the means of controlling these powers is often similarly agent-relative: much depends on user consent and direct and individual control by citizens. But is this agent-relative understanding sufficient in digital contexts? Is the risk of domination just about several powerful agents such as Google or Facebook, or are there issues with underlying socio-technological and economic structures? And is securing exit options or user consent—usual ways of controlling power—sufficient for controlling arbitrary power in digital contexts? This paper aims to help formulate an answer to whether the standard republican account of domination is sufficiently specified and developed to capture what domination by digital platforms looks like.

In doing so I draw extensively from radical republicanism. I argue, first, that a more radical version of republicanism illuminates how domination in digital contexts is marked not just by powerful agents, but also importantly intertwined with underlying economic and socio-technological structures, which are important instruments of domination. Second, I argue that digital technologies are perfect mechanisms for shaping the norms and values of the digital sphere through habituation and routinisation, notions that are not directly captured by the standard understanding of domination. They reflect what Michael Thompson calls '*constitutive domination*' (Thompson 2018, 50), which denotes an influence that is not directed at changing specific choices, but at "cognitive as well as evaluative dimensions" of citizens, in

order to maintain a status quo that is in the interest of large tech firms. Recognising the importance of socio-technological and economic structures and of the cognitive dimensions of constitutive domination allows republicanism to develop a fuller and more specified understanding of (and response to) domination by digital platforms than a strictly agent-relative version does.²⁵

In the first and second section I set out the standard republican account of domination and its radical cousin. In the third section I briefly discuss some of the ways in which republicanism is used to formulate a response to digital issues such as surveillance, automated decision-making and online deliberation. In the fourth section I make my case for supplementing the standard, agent-relative, view with a radical view in digital contexts in order to capture the structural and cognitive elements prevalent in digital domination. I conclude by drawing some conclusions regarding the kinds of preliminary responses to digital domination that republicans, based on the radical perspective, are bound to favour: going beyond securing exit options and other forms of individualised control, aiming instead for a more radical restructuring of the technology and governance of the digital sphere.

2.3 The republican project

2.3.1 Freedom as non-domination

In this section, I will briefly sketch the ‘standard’ republican notion of freedom and some of its implications. I also discuss how some radical republican scholars attempt to move beyond an agent-centric approach of domination, instead pointing towards structural elements of domination. Both will play a role in the analysis of domination in the digital sphere.

The characterising component of the (neo-)republican project is its conception of freedom as the absence of domination. Domination broadly refers to a subjection to the arbitrary will of another. In Philip Pettit’s terms, domination exists where

^{25.} The aim of this paper is not to argue that the standard version of republicanism is conceptually *unable* to incorporate insights from radical republicanism. Philip Pettit, for example, recognises the significance of naturalised forms of power, which can encompass routinisation and habituation and which may lead to agent-relative domination (Haugaard and Pettit, 2017). Similar arguments might be made for other radical republican concerns. For the purposes of this paper, however, it is not necessary to commit to a standard version or a radical one. I draw from radical republicanism to discuss some dynamics of domination by digital platforms and to show that a focus solely on the power of specific agents or on securing exit options fails to capture some issues of digital domination. As such, I consider my efforts to be part of a broader republican project and not part of a specific interpretation.

someone has the capacity to arbitrarily interfere with another, or where they have an uncontrolled power to do so (Pettit 1997; 2013). What it means for a power to be arbitrary or uncontrolled is not settled between republican thinkers, but one leading interpretation emphasises the role of democratic decision-making: power is uncontrolled if those involved do not have a voice in the way it is exercised. It is not according to their “terms” (Pettit 2013, 50). This is why a slave is dominated, whereas (insofar conditions of control obtain) an employee is not: the slave can be interfered with as their master pleases and they have no voice in the matter. An employee, at least in an ideal situation, has various ways in which they can impose their terms on the powers of interference of the employer. They are protected by employment laws and/or unions, they can terminate the employment situation (provided alternatives or a safety net are in place), and they might have ways to exercise control through workers councils or corporate procedures, or ultimately via legal procedures. As they are able to set the terms of interference, these interferences are not the result of domination.²⁶

The concept of domination serves the republican idea of freedom, which is posited as an alternative to what Isaiah Berlin’s calls negative liberty (Berlin 1969). Republican freedom requires not just the absence interferences, as negative freedom does. Instead it requires, on the one hand, the absence of uncontrolled *powers* of interference, even where these do not give rise to actual interferences. For example, a slave subjected to a master who does not exercise his power (because, say, they are well dispositioned towards the slave) is unfree nonetheless. On the other hand, interferences that have their source in a controlled power do not result in domination, and, as such, do not compromise freedom. This is why a democratic government (with an independent judiciary), over which citizens have—hypothetically—equally shared control, does not compromise freedom, even if laws and policy necessarily interfere with their choices.

According to Pettit, domination can occur vertically, when a government has uncontrolled power over its citizens, and horizontally, when citizens dominate one another (Pettit 2013, 136). Governments must impose a social order on its citizen, which is just insofar it minimises horizontal domination. This provides ground for legislation in many spheres of life, in particular those that are vulnerable to domination. But governments themselves must not dominate their citizens either: government power itself must be controlled. This is where questions of legitimacy come into play, bringing with them various institutional requirements, such as the rule of law and a system of checks and balances.

²⁶ Of course, many employment situations may fail to (fully) live up to the ideal of non-domination.

2.3.2 Agent-centric domination and radical republicanism

Many republican scholars have approached the conception of domination as agent-centric, or agent-relative, as is the case with the historic example of a master and a slave (Pettit 1997, 57; 2013, 73; Lovett and Pettit 2009, 14; M. V. Costa 2009, 442). The concern is with agents who wield dominating power, remaining agnostic with regards to the *source* of domination. Agents can either be individuals or organised groups. Other republican scholars have recently argued in line with what James Muldoon (2022a) calls a ‘social turn’ in republicanism. Broadly speaking, this radical version of republicanism states that domination materialises as part of broader structures (economic, social, institutional, etc.). In this section I will sketch this social turn, and later I will argue that a move to a more radical version is relevant for a better understanding of domination in the digital sphere.

According to the ‘standard’ republican account, domination eventually takes shape through (group) agents. An agent can wield dominating power by virtue of a broad variety of sources, such as (but not limited to) “certain legal advantages, more physical prowess, or greater social clout” (Pettit 2013, 62). A master dominating a slave, for example, is likely to have this dominating power as a result of a legal system of slavery and a corresponding social hierarchy, but a gunman dominating a passerby does so by virtue of wielding a gun. Frank Lovett (2010) has us consider an island with a small number of slave masters who dominate a large group of slaves (p. 48). Lovett then argues that, were the slave masters to spontaneously repent and leave the island, the sudden absence of masters means that there would be no further domination. While the ‘ex-slaves’ may experience continuing harmful effects, for example malnourishment, the ex-slaves are no longer dominated because there are no agents with arbitrary power to interfere. Lovett’s example means to show that domination only exists within the interpersonal relations between agents, and that the underlying structures do not dominate as such.

Some republican scholars, often inspired by the 19th century labour reformers and later emancipatory movements, have criticised this agent-centric view or have proposed to augment it. Broadly speaking, they argue that by adopting an agent-centric view of domination, we risk overlooking the often *structural* aspects of domination, so they propose to move towards what has already been referred to as a radical version. Radical republican authors have generally focused on two areas of domination to establish their arguments: markets, capitalism and labour on the one hand (see, for example Gourevitch 2013; Thompson 2013; 2018; Rahman 2017; O’Shea 2020; Muldoon 2022), and social injustices, such as racism and sexism on the other (e.g. Laborde 2008; Coffee 2015;

2020; Gädeke 2020b; Hasan 2021).²⁷ This second category shares much with feminist perspectives on power and domination. Iris Marion Young, for example, in the well-known ‘Justice and the Politics of Difference’, considers the concepts of domination and oppression to “primary terms” in the approach to injustice (Young 1990, 3). Her analysis finds its way into later (criticisms of) republican analyses of systemic social injustice (see, for example Krause 2013, 201; Hasan 2021, 8 and footnote 22).²⁸

For the sake of brevity I focus on the arguments made by radical republicans who are concerned with economic domination or domination in the workplace. Their analyses should suffice for the purpose of this paper. As mentioned, they more or less suggest that an agent-centric view of domination does not provide enough room for a full understanding of the forms of unfreedom prevalent in modern society: unfreedom that is the result of market mechanisms, economic unfairness and unequal control over productive assets within society (mirroring arguments against the patriarchy or systems of male or racial domination). Alex Gourevitch (2013) for example, shows how an agent-centric conception of domination only recognises domination insofar it is the result of *particular* masters. As such, while it can justify some version of universal basic income (in order to secure exit options exist for employees), it must leave intact the structure of the market, where some have better access to productive assets while others are always dependent on the labour market.

Instead, Gourevitch argues, we must understand that there are two different relations of domination: one interpersonal and one structural. Slaves in ancient Rome, according to Gourevitch, were not just dominated by a particular master, but also by the more “structural” (p. 601) ‘many masters’, who maintained the legal and social institutions that kept slaves confined to their position more broadly. Similarly, Gourevitch suggests, if one group of owners has control over all productive assets in society, then non-owners have little choice but to sell their labour to *some* employer. They may ‘assent’ to voluntary labour, but they do not consent (p. 603, quoted from Oestricher 1987). In such cases, whether or not a specific employer has arbitrary power to interfere with a labourer, the labourer is dominated structurally.

Michael Thompson (2018) suggests that we should think of domination along two dimensions: one extractive and one constitutive (the first being agent-relative and the other more diffuse). Both of them have to do with social structures. Extractive

²⁷ Note that radical republicans who are concerned with domination in economic structures are still concerned with liberty (and the impact of markets thereon), not with the quality of markets *as such* (e.g. lack of competition).

²⁸ The master-slave paradigm has also been used to draw out systems of subordination of women to men. See, for example, Marilyn Frye (Frye 1983, 103–4).

domination refers to a relation between two or more agents that exists for the purpose of extracting a surplus value from one agent to another. Thompson invokes the examples of capitalists exploiting workers by extracting labour, or men extracting benefits from women. These relations, Thompson notes, are hierarchical-structural. The domination is shaped by social norms and institutions can even find its way into legislation, giving it a perceived legitimacy. But the hierarchical structures exist to benefit those at the top at the cost of those at the bottom.²⁹

The other dimension of domination, Thompson suggests, is constitutive, and refers to a control over values and norms that determine the “logics of culture and social institutions” (p. 50). It is not so much a direct control over actions as it is a more subtle power over the consciousness of individuals, who through value pattern orientation, habituation, routinisation and cultivation can be made to accept and internalise certain social relations, institutions or authorities as legitimate. What separates, according to Thompson, constitutive domination from normal, non-dominating social reproductions is that the first contains a hierarchically organised select group that shapes the norms and institutions of a society *in their own interest*. It is a power to “(i) shape social norms, (ii) routinise values and value orientations, (iii) orient consciousness and the cognitive and evaluative powers and patterns of subjects, and (iv) legitimate extractive relations” (p. 52).

Other radical republicans are similarly concerned with the danger of overlooking impersonal domination. Keith Breen suggests that we should not focus merely on contractual inter-agent relations, but on the “hierarchical governance structures of productive enterprises” (Breen 2017, 425). He concludes that exit options are not enough to guarantee non-domination in the workplace, but that workers should have a sufficiently controlling voice within enterprises. Sabeel Rahman argues that (economic) domination can be both inter-agential and structural, where the first brings to mind managerial or corporate power and the latter refers to domination that is the result of the “market system itself” (Rahman 2017, 42).

What these and other radical republican scholars share is that they draw attention away from agent-centric forms of domination towards a concern for structural and diffuse domination, which they argue justifies more ambitious institutional reforms than republicans usually support. Instead of securing exit options for employees, for example, one needs to transform the culture of work (Gourevitch 2013), ensure strict

²⁹. And, as such, differs from *authority*, where extraction is not the point of the relation. This is why relationships between parents and children and between teachers and students, which are also embedded in social structures, do not amount to extractive domination.

state regulation, and promote democratisation of the workplace (Breen 2017). In more general terms, in order to have a convincing ideal of social freedom, the “structure as well as purposes and goals of any society need to be transformed” (Thompson 2018, 52).

2.3.3 The strengths of a republican approach

Let me conclude this sketch of republicanism, both the standard and its radical turn, by explaining why republicanism and its radical version offer a good starting point for an investigation of freedom in the digital sphere. First, republicanism offers a complete and comprehensive political doctrine which offers both tools for analysis of dynamics of (un)freedom and for formulating institutional responses to them. A second reason comes from the conceptual link republicanism draws between freedom and power, which fits neatly onto the often voiced unease regarding the powers of and dependency on ‘Big Tech’. It acknowledges that the mere capacity that technology provides to agents can be enough to alter the balance of control and power, which are tied to domination and loss of freedom. It also incorporates the uncertainty that is the result of knowledge asymmetries between users and powerful organisations employing technology.

While the republican concern for freedom goes beyond actual interference, the idea of non-domination also allows for desirable *controlled* interference, without conceptual loss of freedom. With a negative understanding of freedom, interferences by tech companies and governments must be considered sacrifices to our liberty, as if a degree of freedom should be traded away in order to help us navigate the internet, select preferences and filter irrelevant or harmful information. By contrast, on a republican account such interferences could be compatible with (or even contribute to) freedom, insofar they are bound by terms set by those subjected to them. The republican project implores us to focus on the more constructive question of control: to what extent *do* people have control over powers of interference that they face in their online activities, and to what extent do they have control over the structures (and infrastructures) that allocate these powers?

2.4 Digital domination

With the conception of freedom as non-domination in hand, we can show how technology, in general, might create or increase domination of citizens. Technology provides individual and group agents, such as tech companies and governments, with new (or increased) capacities to interfere on an uncontrolled basis. To flesh this out, I discuss some important examples of areas of domination in the digital sphere according to the standard version of republicanism.

2.4.1 Data collection and surveillance

Ever since the Snowden-revelations, scholars and activists have voiced concerns regarding technology-enabled mass surveillance and breaches of informational privacy and autonomy in the digital sphere, and some have done so from a republican perspective. Newell (2014) and Roberts (2015) explore how breaches of privacy and use of surveillance can constitute domination, not only because it enables uncontrolled interferences, for instance by allowing others to remove or change options based on sensitive personal information, but also by taking away the choice of others to share or hide information in the first place. In addition, they show how the notion of domination is well equipped to tell us why surveillance even *without* actual interference may compromise our freedom and autonomy: our control over who has access to our information and what it is used for is limited. On a republican account, it does not matter whether we are aware of interferences occurring or not. In fact, it is not knowing whether we are watched that might give us an uneasy and uncertain feeling, and the idea of domination captures this dynamic well. We cannot know for sure whether interferences have occurred, but we know that others have *the capacity* to do that. It is only when this capacity of surveillance is subject to citizen's direct or indirect control that we are free from domination. In fact, minimising domination might in fact require forms of controlled surveillance (Smith 2020).

2.4.2 Choices and algorithmic- and automated decision-making

Domination might also materialise in the use of algorithms or other forms of automated decision-making (Gräf 2017; Danaher 2020). Eike Gräf (2017) argues that automated profiling can be used to interfere with individuals in various ways. It can be used (1) to decide about them, (2) to decide not to engage with them, (3) to shape their choices, (4) to limit their options and (5) to replace their options. These interferences allow agents who have an uncontrolled capacity to use automated profiling to dominate individuals in pervasive ways, although the severity depends on the amount of power. An uncontrolled power of an app or website to suggest new songs for consumers, for example, seems to have little impact. Yet we clearly have reason to fear an uncontrolled power of a real estate website to exclude whole neighbourhoods based on the racial profile of its visitors, for its severe individual and societal impact and for its discriminatory nature.

John Danaher sees a similar risk in the use of algorithms in governing people, for which he uses the term *algocracy* (Danaher 2020). The term refers to “the unavoidable and seemingly ubiquitous use of computer-coded algorithms to understand and control the world in which we live” (p. 2). In such a society algorithms nudge and coerce our daily or benign choices. And while we may think of many of these powers of interference as insignificant, together they could amount to ‘micro-domination’, referring to the idea that an aggregate

of seemingly insignificant powers of interference may nevertheless render one subject to significant domination (O'Shea 2018; Danaher 2020), in an algocracy, individuals might be subject to 'algorithmic masters' by virtue of the many small, daily choices in which they are dominated (Danaher 2020, 23). Consider, for example, how someone doing groceries might be dependent on pervasive and tailored algorithms for navigation, dinner and brand choices, product selection, etc. If this use of algorithms to understand and interfere with the choices of others is uncontrolled, we risk living and choosing by the leave of the algorithms to which we have subjected ourselves.

2.4.3 Democracy and social media

A final example of a republican critique of the digital sphere is that of speech on digital platforms. Ugur Aytac (2022) highlights how social media companies have the power to regulate communication on their platforms, amounting to what he sees as a particular form of domination. Aytac considers two variants. First, citizens are subject to *direct* arbitrary interferences with their online speech. The firms that control these platforms, by virtue of the dependency of users, have the power to interfere with public speech by prioritising information and communication. A second form of domination is the result of social media companies having *indirect* control over the algorithms that govern the digital sphere. This, according to Aytac, gives them the power to determine the modes of engagement that citizens have access to (which can be either deliberative, antagonistic, or mixed). As social media companies attempt to maximise engagement, they may "systematically incentivise uncritical, one-sided, and reactive online behaviour" (p. 12), implying a shift in the available modes of engagement. This is what constitutes the second version of this domination over communication: social media companies have an arbitrary power to interfere with the modes of engagement available to citizens.

2.5 Beyond Tech Giants: radical republicanism in the digital sphere

Most of these accounts of domination in digital contexts use the standard republican approach of domination, that is, they are primarily concerned with agent-centric domination.³⁰ As Aytac (2022) argues: "the powers of social media companies are

³⁰ A notable example is a recent paper by James Muldoon and Paul Raekstad (2022), in which they discuss algorithmic domination in the gig-economy. They develop the concept of algorithmic domination and apply it to the gig-economy, and they recognise the mediative power of digital platforms and their socio-technological background. They draw explicitly from labour republican scholars like Gourevitch and Thompson. In this paper, my concern is more abstract: I aim to show the strengths of radical republicanism to analyse digital platforms more broadly.

rather centralized and under the intentional control of corporate bodies” (p. 3). Indeed, many—if not most—threats of domination in the digital sphere seem to radiate from powerful corporate agents such as Google, Meta or Twitter. In this section I argue that it is valuable to set loose the radical republican concerns on digital platforms in order to capture the distinctive, diffuse and structural sources and dynamics that make up the digital sphere, such as its connection to underlying economic systems and the prevalence of subtle online manipulation.

Let me first clarify—again—that in doing so I do not mean to argue against the ‘standard’ republican account, nor attempt to establish that the radical view does things that a standard account cannot. I also do not suggest that domination is *necessarily* structurally constituted. Instead, I take an ecumenical approach, allowing domination to exist in both agent-centric *and* diffuse and structural forms. Republicanism can acknowledge the existence of particular (group) agents who dominate others while recognising the need to go beyond—towards the structural dynamics that mark domination in the digital sphere. With this ecumenical approach, one can acknowledge the problem of uncontrolled powers of specific online platforms like Google and Twitter, while also being concerned with the socio-technological and economic structures from within they operate.

From the radical republican perspective, I suggest one can draw at least two important insights with regards to the dynamics of domination by digital platforms. The first is that republicans should evaluate, and where necessary change underlying economic and socio-technological background structures and infrastructures to reduce (structural) domination. In fact, they should give *priority* to structural domination over agent-relative forms. The second insight is that there is an important cognitive element to the dynamics of domination on digital platforms: power is often exercised through more subtle, manipulative practices and through habituation and socialisation. Although this concern is not new, these practices are particularly associated with digital platforms, which are in a position to use this influence to shape the digital sphere in their interest. This concern deviates somewhat from the coercion-based paradigm that is often used in republicanism. These insights are not just conceptual, but will prove important factors for determining the strategy that one should adopt on a republican account.

2.5.1 Highlighting (infra)structural domination in the digital sphere

A few large online platforms, owned and maintained by a few large technology companies (often referred to as ‘Big Tech’), have become dominant players in much of the digital realm and large parts of our offline lives that depend on that. Yet it

would be a mistake to approach their dominance as an issue that can be understood or countered without also approaching the (infra)structures that are both the result and the enabling factors of their dominance. Their position of power that did not simply 'come to' exist, but is one that is arguably the result of deliberately exploiting a *tendency* of concentration of power that marks the digital sphere.

Digital platforms, while their services and business principles differ, share certain important characteristics that sets them apart from other firms, and which help explain the particularity of their power. Nick Srnicek (2017) identifies several of these. First, digital platforms can be thought of as intermediary *infrastructures* that allow various other parties to interact. Second, digital platforms make extensive use of a network-effect: the more users are active on a digital platform, the more valuable it is. Third, platforms might make some parts of their services or products free, while raising prices in other sections. In this way, they promote their services and increase data collection at a cost, while making a profit in other ways: profits and costs are not equally distributed over a platform. Finally, digital platforms determine, through the design and governance of their infrastructure, the rules and possibilities of the interactions that take place.

To get to into that position, digital platforms first need to grow towards occupying a dominant position. It is the scale itself that is a prerequisite for success, which signals a corresponding change in the dynamics of investment. Investors are more patient, allowing a firm to pursue its promise of market domination (Rahman and Thelen 2019). It is only in the second stage of the digital platform model, when the platform has taken its role in the new socio-technical landscape, that returns are expected (Hendrikse et al. 2022). This is because scale is critical to their ability "to cultivate and capture value", as it allows them to monetise the platforms and computational infrastructures they then come to control and that others come to depend on (Langley and Leyshon 2017, 22). The economic rationale can be considered to be a new form of 'rentiership', where data and infrastructures are privatised and used to make economic rents, which "reinforce [Big Tech's] techno-economic power, while undermining the political, social and economic capacity of others to shape the future" (Birch and Cochrane 2022, 53).

The result is that digital platforms operate on a the-winner-takes-it-all logic, where winning reflects not just a large market share, but significant control over digital and material infrastructures and over further innovation. This is clearly visible in, for example, the advances in artificial intelligence, where large technology companies control most of the datasets, expertise and computational resources required to

develop and leverage AI (Verdegem 2022) or in behavioural modification research, where researchers have trouble accessing data in possession of digital platforms required for academic purposes (Greene, Martens, and Shmueli 2022).

Digital platform power, thus, is not a power that primarily reflects the ability to coerce by force, by some legal authority, or that is limited to through direct interaction with users on platforms, but one that reminds of the power wielded by public utility companies. Citizens and governments (have) come to depend on the infrastructure they control (Rahman 2018).³¹ This is particularly immanent where the dependency is more fundamental to the user or supplier, as is the case with (delivery) drivers, content creators, and others who depend on the platform for their daily wages. On the user's end the problem may seem smaller, but there too users often (and increasingly) depend on platforms for important social interactions (in the case of social media platforms), career opportunities (in the case of LinkedIn), or, as discussed above, for political deliberation.

Importantly, this dependence also extends to public systems. As part of the response against COVID-19, many governments in the European Union relied on infrastructure provided by Google and Apple for the rollout of Covid-19 contact tracing apps (Lanzing, Lievrouw, and Siffels 2022). But also in sectors other than healthcare—security, education, law enforcement, and so forth—governments are increasingly relying on digital infrastructures, which raises issues of intermingling of public and private values (L. Taylor 2021). The 'Sphere Transgression Watch', for example, is a tool that aims to visualise, how large technology companies have, over the course of a decade, started to spill over into other public spheres, including education, the environment, agriculture, security and mobility (Sharon et al. 2022).

The dependence on their control over infrastructure already provides digital platforms with significant power, which is further strengthened by the direct and unmediated connection with platforms have with their users. Governments, wishing not to provoke consumers, have previously been reluctant to interfere extensively with firms that provide the services and amenities that so many citizens depend on and use every day (Rahman and Thelen 2019; Culpepper and Thelen 2020). This power is enabled by countless of users who have come to depend the infrastructure and services these companies provide. The cookie-directive (2002/58/EC) might serve as an example of this tension, where many users perceive attempts to protect their privacy in the form of cookie consent pop-ups as annoying interruptions of their online activity, a fact that firms happily emphasize and exploit in order to make

³¹ As such, we have reason to regulate such monopolists as if they were public utility companies.

regulation unpopular. Culpepper and Thelen (2020) discuss several cases where this power has allowed large tech companies to successfully mobilise their userbase in political campaigns to their own advantage.

There is one further point to make here: the values and rationales of the companies behind the platforms shape the technology itself. Privacy-defaults, dark patterns, and nudges are used to steer users to act in the interest of the designers (Grassl et al. 2020), and the—often default—centralised storage of data is accompanied by centralised control (Jacobs 2010), further strengthening the structural positions of power. The possibilities and parameters of the software and the design of the underlying architectures determine and reinforce, for a large part, the dynamics of power (Muldoon and Raekstad 2022). The material ideology is built in the product designs and policies of tech firms (West 2019). Conversely, technologies cannot be understood without their broader socio-technological context (Kitchin 2017; Crawford 2021).

All of this drives home the point that the power dynamics of digital platforms must be understood as deeply embedded in social, technological, and economic structures. A standard republican account of domination is able to tell us how digital platforms enable agent-relative forms of domination. But similar to how radical republicans approach domination on the labour market as a systemic issue, so a radical version draws out how the economic rationales and socio-technical infrastructures work together to create a self-reinforcing system that makes citizens and governments alike heavily dependent on the control of digital platforms. James Muldoon and Paul Raekstad (2022), for example, concerned with the gig-economy, have already drawn from radical republicanism in developing an account of algorithmic domination, and their understanding “emphasizes the social relationship and structural power inequalities at the heart of the system” (p. 7). They suggest that their account of algorithmic domination can be applied to the labour market in general and to other domains.

This emphasis on structural elements that radical republicanism brings is relevant for a broader digital context. It makes little sense to curb the power of large tech corporations by securing exit options and consent, without giving priority to underlying (infra)structural issues such as the large asymmetries of knowledge and resources, and the tendency of platforms to monopolise and to control infrastructure. As we shall see, that comes with implications for the kind of institutional responses that republicans should favour.

2.5.2 Highlighting constitutive domination in the digital sphere

This brings us closer to a second insight drawn out by the radical perspective. Although the republican concern with interfering power is not strictly limited to open and coercive forms of interference—Pettit acknowledges that manipulation can also fit the bill (Pettit 1997; Haugaard and Pettit 2017)—domination is generally thought of as being ‘common knowledge’ (Pettit 1997, 60). Indeed, most paradigm examples of domination—slavery, certain forms of traditional marriage and employment—seem to be largely coercive in this sense. The dominator can, for example, explicitly draw attention to their position of uncontrolled power: “I am your master [husband, boss, ...], so you do as you’re told (or else...)”.

However—in addition to the dependency on platforms outlined in the previous section—the influence of digital platforms is often akin to subtle manipulation rather than to outright coercion or threat thereof. Influence is, quite often aimed directly at the cognition of citizens. This is exacerbated by a general transparency and knowledge asymmetry that exists between individual users and digital platforms, which invested heavily into gathering and analysing data on user behaviour (Aho and Duffield 2020; Greene, Martens, and Shmueli 2022). The mechanisms and policies behind digital platforms are generally opaque, and their activities covert (Crain 2018; Zuboff 2019; L. Taylor 2021).³² That does not apply to their users, whose data is up for grabs by many digital agents that use their data to make extensive profiles and research user behaviour. Privacy notices, formally meant to inform, are often long and complex and require too much time and cognitive load for most users to read (McDonald and Cranor 2008; Veltri and Ivchenko 2017; Obar and Oeldorf-Hirsch 2020). The underlying ideal of rationally consenting consumers is undermined by technology firms making services dependent on consent or by the use of dark patterns to nudge them to quickly accept (Nouwens et al. 2020; Grassl et al. 2020). In fact, users may have gotten used to quickly consent in order to proceed with their intended activities (Böhme and Köpsell 2010).

These asymmetries of knowledge and resources allow digital platforms to exercise influence over users through powerful and hidden manipulative practices, such as designing choice-environments, rather than through explicit coercion (Viljoen, Goldenfein, and McGuigan 2021). This is the source of a broader concern that has gained further traction since the Cambridge Analytica scandal in 2016: that of widespread and routine online manipulation. Although previously many scholars focussed on particular harms of online manipulation, there is increasing concern

^{32.} Implying the need for a duty of care for those parties that are in a position of more knowledge and expertise.

for the broader impact on the digital sphere. Daniel Susser, Beate Roessler and Helen Nissenbaum identify some reasons why digital technologies are particularly effective in mediating widespread manipulation. First, information technology “puts our decision-making vulnerabilities on permanent display” (Susser, Roessler, and Nissenbaum 2019b, 6). Online, it is substantially easier to gather information on the behaviour of users, both on an individual level as well as on a larger scale. Second, digital platforms are perfect media for using that information to press vulnerabilities and meddle with decision-making: they are automated, real-time, consistently present, and very personalised. Third, the way in which we think of and use technology ensure that such efforts are always, in a sense, ‘hidden’. We are, usually, not concerned with the way in which technology mediates the way in which we use it. Technology is, in a way, “invisible to us through frequent use and habituation” (p. 7).

Although Susser, Roessler and Nissenbaum do not go as far, they note that others have implied that these practices are so characteristic of the digital sphere that they, in a way, constitute it. This reflects a rapidly growing body of literature that critically evaluates the digital sphere through concepts like *data capitalism* (West 2019; Sadowski 2019), *platform capitalism* (Srnicsek 2017; Viljoen, Goldenfein, and McGuigan 2021), *AI capitalism* (Verdegem 2022), and perhaps most famously, *surveillance capitalism* (Zuboff 2015; 2019). Many of these take traditional critiques of capitalism and apply them to the digital sphere, in which they recognise capitalism’s ‘next steps’. What is especially interesting to note is that such accounts are often sensitive to more subtle mechanisms of power, such as powers of socialisation and habituation. Shoshana Zuboff, for example, is repeatedly concerned with the suggestion that, as more and more of our lives are subject to surveillance capitalists, “we lose our bearings as institutionalization first establishes a sense of normalcy and social acceptance, and then gradually produces the numbness that accompanies habituation” (Zuboff 2019, 277). By aggressively shaping the digital sphere, and by ignoring first waves of critique and resistance, in other words, they habituate individual and public perceptions of the status quo.

The subtle mechanics of power are not unknown to radical republicans. They bring us back to Thompson’s version of domination, which explicitly incorporates these dynamics in constitutive domination. Thompson equips republicanism with the tools to recognise a power over consciousness, through the habituation and cultivation of norms and values. A subtle power that is not directed at changing specific choices, as outright manipulation and coercion do, but a power that might be used to make citizens accept and internalise things as ‘given’, including the way in which the digital sphere is structured and presented to them.

Applied to digital platforms, the concern is that these platforms are not just potential agent-relative dominators, but also dominating in this constitutive sense: their central positions allows them to shape the norms, values and institutions of the digital sphere *in their own interest*. This also helps explain how large digital platforms beat new competition: not only do they merge with them, they also “shape imaginaries of what innovation could look like – not, precisely, by direct domination in the market, but through its cultural influence on the gestation of entrepreneurs’ ideas” (Hellman 2022, 156). Accommodating this form of power in the republican framework has distinct advantages over a focus limited to agent-relative, choice-based forms, in particular in the digital sphere. It could, for example, help understand how citizens may develop a certain deference or lethargy with regards to forms of digital domination. Citizens could come to think of them as disruptive business actors, legitimately exploiting users for private gain or as a necessary component of effective public governance. Digital platforms, as hidden media, are perfect tools for such forms of domination.³³

2.6 Conclusion and some implications for responding to digital domination

I conclude that agent-relative forms of republicanism, with a focus on arbitrary interference by powerful agents, can be supplemented with radical versions of republicanism, which emphasise the role of structural and constitutive domination. The first refers to how underlying (infra)structures result in digital platforms occupying positions of power, while citizens and governments are increasingly rendered dependent on their control. The second refers to a power that is not directed at choice but at changing the norms and values that shape the digital sphere through habituation or routinisation. These seem especially relevant in digital contexts, which cannot be seen apart from their particular economic and socio-technological rationales and designs, and which are perfectly suited for widespread, subtle forms of manipulation, socialisation and habituation. A comprehensive republican approach to digital domination, which has so far mostly focused on the role of powerful technology companies, benefits from incorporating this emphasis on (infra) structural and cognitive elements, or sources, of domination.

³³ Philip Pettit seems to be open to the idea that social norms and institutions, insofar they lead to dyadic domination, can be ‘naturalised’ in the minds of individuals, and, as such, can be difficult to combat (Haugaard and Pettit, 2017). A standard account of domination does not exclude the concern for domination through a power over consciousness beforehand. A radical account nevertheless seems to be more focused and critical on such forms of power and does not need to trace it back to specific agent-relative situations.

Apart from illuminating dynamics particular to digital domination that on a standard account of domination may be overlooked or taken for granted, the insights drawn out by taking a radical perspective also come with implications for institutional responses to digital domination. Republicans have traditionally proposed various ways in which one can realise control over arbitrary power, and the radical perspective implies that there are some that are more preferable than others. The task is to adapt this radical republican account to the issues raised above. I cannot give a full account here, but there are several implications that give an idea of what this would look like.

The first implication is that republicans cannot rely on the idea of exit options or of rationally consenting citizens. Traditionally, republicans have recognised exit strategies as a viable way of mitigating arbitrary power—or rather as a way of escaping it. This has led to an ambivalent view on the role of the market, which would, if exit options are secured, allow for a non-dominated space (R. S. Taylor 2019). In this vein, many regulatory approaches to the power of big tech aim to provide users with a set of rights, including rights to give and revoke consent and to be provided with certain information (Susser 2019). Radical republicanism casts doubt on that idea in two ways. First, taking seriously the risks of constitutive domination, users might quite easily be socialised, habituated, or manipulated to simply accept the status quo, including the need to consent in order to access certain services. The second reason is that, as we have seen, the power of digital platforms flows largely from their control over resources, expertise, and computational infrastructure, which increasingly extends not just towards important aspects of daily life, but also towards public systems. So even if citizens were consistently able to see through a choice-environment skewed against them in ‘market-like’ environments, then they likely would still be subjected to inescapable government systems—bringing them back into the sphere of influence of those same platforms. In short, on a radical republican account of the power of big tech, there is little place for reliance on ‘notice-and-consent’ mechanisms or other exit-strategy based responses. In the case of (infra)structural dependency, we may be reminded of Gourevitch’s point on the impossibility of consent: users, in some cases they may, at best, *assent*, rather than consent (Gourevitch 2013, 603).

A second implication that flows from adopting a radical republican perspective is that responses to domination by digital platforms must include some effort to empower citizens to withstand socialisation and habituation. This warrants taking a closer look at the behavioural research done by digital platforms. Rather than expecting users to fend for themselves—or to exercise their rights—it implies the need for strict regulation of online manipulation in various forms, for dedicating sufficient resources

to educating citizens, and for providing access to the data and research done by digital platforms on behavioural modification (Greene, Martens, and Shmueli 2022).

For a third implication we turn back to the increasing influence of large tech platforms within public systems, through the various mechanisms discussed in this work. This has a diffusing effect on the difference between private and public and the values that govern both, and also on the republican idea that one could separate state domination (*imperium*) from private domination (*dominion*) (Pettit 1997). Government bodies and public officials must be aware of this, and they share a duty to curtail the undermining effect of a reliance on private digital platforms for the public tasks they are entrusted with. They should, for example, ensure that they gather information from various credible sources, rather than basing decisions merely on information provided by large technology firms (Meghani 2021). Government must explicitly be held responsible with regards to the broader ways in which the intermingling between private digital platforms and public organisations affects citizens (L. Taylor 2021).

A final, more general implication is that any republican response to the power of digital platforms must reach far enough to evaluate and alter economic rationales, socio-technical structures and computational infrastructure in order to root out as much of the dependency on powerful, private digital platforms as possible. One way of doing so is to promote a ‘digital commons’, an idea that has gained traction over the years (see, for example: Collins, Marichal, and Neve 2020; Fuchs 2020; Verdegem 2022). This notion promises, roughly speaking, a communally owned and governed digital sphere to which all citizens have access. A digital commons gives citizens a voice in the structures of the digital sphere and allows them to escape both the domination by particular platforms as well as the structural domination ‘by many platforms’. It could also contribute to a fair distribution of the resources and expertise needed for profiting from new technologies. This approach warrants regulating companies that offer (increasingly) vital services in ways similar to public utilities companies, and it calls for active government support for developing open-source and publicly owned alternatives. Both might need to extend to the material level, where even computational infrastructures are brought into the commons in order to prevent dependency on existing, privately owned systems.

These suggestions have been recurrent in existing literature on digital issues. This paper, however, shows how republican political theory, in particular when supplemented by a radical perspective, is able to offer a comprehensive, strong justification for suggestions in line with the ones just discussed. On a radical account, preventing online domination requires more than securing exit options, or

restricting powerful digital agents in their capacity to (arbitrarily) interfere—it might call for a radical restructuring of the digital sphere and the platform mechanisms that shape it.



3

A Republican Approach to Jerkish Speech on Online Platforms

Published in Topoi on April 7, 2023.

3.1 Abstract

Jerkish speech on online platforms is at risk of being overlooked as a result of being comparatively insignificant next to the existence of explicit hate speech or other online harms. In this paper I approach online jerkish speech from a republican perspective. I discuss two ways in which republicans can account for jerkish speech. First, jerkish speech could amount to micro-domination, referring to instances of domination that are relatively inconsequential by themselves but problematic when considered in aggregate. Second, jerkish speech can be considered an instantiation of systemic domination, where groups and members are structurally subordinated. I briefly discuss the role of regulatory bans on jerkish speech, before suggesting that Suzanne Whitten's proposal for critical civility—as an appropriate answer to jerkish speech in online environments—might be too demanding. This might be alleviated by leveraging the role of online platforms.

3.2 Introduction

The prevalence of harmful online speech is one of the internet's most prominent issues. One only has to sign into Twitter or Facebook, or look at the comments under videos on YouTube or posts on Reddit and one is guaranteed to quickly come across angry, hateful messages and comments against other individuals or groups. It is no surprise that citizens frequently report to come across hate speech (Siegel 2020). But not all speech is as explicit and visible as outright forms hate speech. In this paper, I focus on those online speech acts that may seem comparatively insignificant by themselves: a tasteless joke, perhaps, or a backhanded insult, in particular those directed at (members of) groups that are targeted by such speech or other prejudice more frequently. The concern with such speech acts, which, together, I will call *jerkish* speech, is that they may be overlooked or may escape established regulation, precisely because such speech acts are often (perceived as) relatively inconsequential. The political program of republicanism, revolving around the concept of *domination*, is well-equipped to deal with this risk, because domination—and the absence of it, non-domination—are explicitly dependent on hierarchies of power and subordination, both intuitively related to jerkish speech.

The question I am concerned with in this paper, then, is how one can use a republican framework to assess why a given online jerkish speech act, even if by itself of little direct consequence, is problematic, and if so, how we should respond to it based on that same republican framework. The paper aims to answer this question in two parts. In the first part, I explain how the republican notion of domination helps specify why jerkish speech is a problem: jerkish speech can be a form of *micro*-domination or an instantiation of systemic domination. In the second part of the paper, I explore the ways in which republicanism might respond to jerkish speech, in particular in online environments. I briefly discuss the role of and the issues surrounding speech regulation. I then suggest that Suzanne Whitten's (2022a) proposal for the cultivation of critical civility requires leveraging the central position of online platform owners to prevent it from being too demanding in online environments.

3.3 Online jerkish speech and domination

3.3.1 Jerkish speech in online contexts

The term ‘jerkish speech’ is inspired by Eric Schwitzgebel’s ‘*A Theory of Jerks*’, a blog posted originally on Aeon.³⁴ Schwitzgebel is concerned with what makes someone a jerk, suggesting that a large part of it has to do with disregarding the perspectives, or *peeriness*, of others, especially those who the jerk considers to be below them in the social hierarchy. In this spirit, when defining *jerkish speech*, I refer to the kind of—often thoughtless—speech that signals a disregard of the status or perspectives of others, in particular those whom the speaker perceives to occupy a lower social position (on whatever basis that might be). Jerkish speech is, for example, uttered by an impatient person at those queued up before him, or by a bully in school directed at any victim, or by someone offensively snapping at their fellow passengers on a busy train—all of which remind of someone acting ‘like a jerk’. In this sense, jerkish speech is often clearly recognizable, but that is not always the case. Jerkish speech also encompasses subtle and indirect forms—think of someone making a subtle joke at the (limited) expense of someone else, or of a person disregarding the serious issues of another in order to complain about a relatively insignificant personal inconvenience.

While jerkish speech is broader than hate speech, as these examples show, jerkish speech surely *encompasses* much hate—in particular those forms that are diffuse, subtle, or offhanded and therefore not straightforwardly designated as hate speech.³⁵ Examples are a comment posted in response to a video of a woman struggling to open a bottle of wine: ‘Good luck with workplace equality!’, or what have been called ‘dog whistles’—where a given message has two possible interpretations. One of these interpretations gives little cause for concern, but the second (hidden) interpretation is aimed at particular subsets of the audience and contains a political message, often harmful (Saul 2018). Think of the phrase ‘all lives matter’, often offered in response to the ‘Black lives matter’-movement. The latter aims to draw attention to the racism faced by Black communities all over the world. The phrase ‘all lives matter’ purports to simply convey that all people are equal. Nevertheless, when offered in response

^{34.} Schwitzgebel suggests that a jerk, in a moral sense, is someone who ‘*culpably fails to appreciate the perspectives of others around him, treating them as tools to be manipulated or idiots to be dealt with rather than as moral and epistemic peers*’ (<https://faculty.ucr.edu/~eschwitz/SchwitzAbs/Jerks.htm>).

^{35.} There is little agreement on what hate speech is, and depending on the context, scope, and favoured definition, more or less expressions can be categorised as hate speech (Brown 2015; Siegel 2020). The aim of this paper is not to make an argument in favour of a particular definition of hate speech, but rather to deal with its less-clear manifestations. If one adopts a wider definition of hate speech, jerkish speech can be considered a subcategory of it, and if one prefers a narrow definition, then jerkish speech can be thought of as a separate category of problematic, potentially harmful speech.

to the #BLM-movement, it also questions concerns raised by members of vulnerable communities, pushing back against attempts to secure political recognition for such issues.³⁶

The concern with jerkish speech is that a given, singular jerkish speech act, because of its subtlety, does not need to have the immediacy and clear negative consequences that other forms of hate speech have. Jerkish speech acts do not call for violence, do not threaten and do not always clearly cause insult or other direct harms to the target. The immediate effects of jerkish speech acts by themselves are minor and perhaps even non-existent. Jerkish speech, therefore, also offers plausible deniability (Dénigot and Burnett 2020). No one was spreading *hate*—they were merely voicing pessimism, or personal preferences, or innocent jokes.

The fact that jerkish speech does not always cause clear and visible harms or immediate effects means that it is at risk of escaping legal and conceptual definitions of hate speech. While there is a large variety in legal systems and rationales, most legal systems that contain hate speech legislation also subscribe to an important legal principle: the ‘pressing social need’ or proportionality-principle (Brown 2015, 239; Webber, n.d.). This principle requires that any restriction of a fundamental right or freedom (in this case of speech) is justified by a sufficiently important societal interest or need, and that this restriction is proportional in relation to that need. While explicit hate speech is commonly considered to satisfy this principle to some extent, it is not self-evident that its more subtle, implicit variant is considered similarly pressing. This observation is not limited to legal discussions but extends to approaches to hate speech that are directed mostly at the harms *caused* by hate speech. On such approaches, whether restrictions are appropriate comes to depend on a cost-benefit analysis (McGowan 2009). The effects of jerkish speech acts are not easily expressed in costs and are therefore at risk of being overlooked.

While *online* jerkish speech may, at first glance, not seem fundamentally different from its offline counterpart, it is nevertheless important to assess some particular characteristics of the context and appearances of online hate speech (and by extension jerkish speech), as this will prove relevant for formulating responses to it. First, in terms of prevalence, surveys seem to show that while online hate speech is relatively rare, individuals are frequently exposed to it (Siegel 2020). This might have to do the visibility of hate speech online (Kaakinen et al. 2018) and with the fact that hate speech is more common in some online demographics. The frequent exposure

³⁶ Jerkish speech also overlaps with the concept of micro-aggression (Sue et al. 2007), although not all jerkish speech has to contain micro-aggressions.

that is consistently reported adds to the need to respond to problematic online speech in general. Recently, scholars working on speech detection systems have started to focus on more implicit and subtle forms of hate speech that may fall under jerkish speech (ElSherief et al. 2021). While existing methods of speech detection underperform when employed to find implicit and subtle hate speech, improvements are making it easier to detect more implicit forms (Kim, Park, and Han 2022). In alt-right communities on Reddit, 4chan and 8chan, for example, roughly half of all hate speech seems to be formulated in implicit terms rather than in explicit terms (Rieger et al. 2021), further pressing the need to engage with online manifestation of jerkish speech.

Second, hate speech—and jerkish speech—manifests itself differently in online contexts. The discussion on these differences has been focused on four aspects: the anonymity of users, the distance between speaker and listener, the ease of finding like-minded people, and the instantaneousness of speech (Brown 2018). The anonymity provided by digital media allows citizens to act and speak without fear of what others might say or respond in return, removing barriers to speech that we might experience in traditional situations. The physical distance between citizens who engage with one another online makes the effects of hate speech invisible to the speaker, inhibiting the social cues that cause empathy or politeness. The connectivity allowed for by digital media enables like-minded people to find one another and organise—including those that share a particular hatred. And, compared to traditional media, digital media allow for cheap speech that nevertheless reaches large audiences in a short time span. Whereas printing a leaflet or writing an opinion piece for a newspaper requires some effort (and provides time for reflection), digital media enable citizens to spread messages with little thought given. While these findings are done in the context of hate speech, they imply that similar dynamics are at play in the case of jerkish speech.

In sum, online jerkish speech is a kind of cheap speech, shared in online environments, which signals a disregard for the status of others, and includes online hate(-like) speech that is subtle, implicit and relatively inconsequential. Because of that, jerkish speech is at risk of being overlooked or of falling outside of cost-benefit approaches to speech regulation. Meanwhile, though it is challenging to detect the prevalence of jerkish speech, there are signs jerkish speech could make up a significant part of problematic speech in online contexts. Finally, the dynamics of hate speech—and by extension jerkish speech—are different in online environments, which may prove relevant for combating it. But why is jerkish speech a problem at all? A tasteless but subtle joke may be offensive, but is that all there is to it? Do we need government

interference, and if so, how can we justify that? In the next section, I suggest that republicanism offers a promising normative framework with which we can approach online jerkish speech.

3.3.2 Republicanism, non-domination and harmful speech in general

Republicans are concerned with the degree of domination that citizens are exposed to. In the paradigm case of *agent-relative* domination, an agent (the dominator) has an uncontrolled or arbitrary power of interference over another (the dominee). Such power is controlled when it is bound by terms set by those who are subjected to it. Power also need not be exercised for domination to occur, merely having it constitutes domination. It is only uncontrolled power that can constitute domination, however. One cannot be dominated when power is not arbitrary or uncontrolled. This allows republicans to explain why, for example, poorly-protected workers or women in sexist marriages are dominated, even if they are left to fend for themselves—their every choice is made by the leave of their dominator. Moreover, it helps republicans critically assess institutions like employment, slavery, and marriage for the roles and powers they attribute to some and take from others. According to republicans, it is up to the state to minimise domination in society by increasing robust control and by reducing arbitrary power. This is a careful balancing act, as—although democratic government power does not count as arbitrary—a more powerful and active government does increase the risk of itself becoming less responsive to control.

It is not my aim to argue that a republican perspective is the only viable one with which we might approach jerkish speech, and some of the arguments contained in the paper could also work for other perspectives. There are, however, reasons for considering republicanism to be well-equipped to deal with online jerkish speech, in particular compared with the non-interference paradigm that seems widespread. First, whereas a liberal conception of freedom as non-interference is usually quite narrow in its focus on individuals and their choices or harms that befall them, the notion of non-domination is tied explicitly to broader questions of power and hierarchy, which seem *prima facie* relevant for social standing and jerkish speech. In fact, ‘radical’ or ‘critical’ republicans have developed accounts of domination that are sensitive to social arrangements and status, amounting to a ‘social turn’ in republicanism, as James Muldoon (2022a, 48) calls it. These accounts offer promising conceptual ways of interpreting the issue of jerkish speech in online contexts, which align with our intuitions on *social* freedom and its connection to social status—in particular compared to the narrow non-interference approach that emphasises the importance of freedom of speech (see also Whitten 2022).

Second, republicanism has been developed into a comprehensive political theory over the last few decades (see, for example, Honohan 2002; Laborde 2008; Lovett 2010; O'Shea 2018; Pettit 1997; 2013; Skinner 2001). This allows us not just to assess how jerkish speech must be placed in a broader social and political landscape, but also how it is related to social freedom. In turn, this helps formulating and weighing which institutional responses to jerkish speech are appropriate and consistent. Republicans, for example, are not principally opposed to extensive government involvement in matters between citizens, provided such involvement does not generate more domination than a more restrained approach would. Whether that is the case depends mostly on the degree to which the state's involvement is democratically controlled, but it means that, in principle, republicanism allows for and even justifies more extensive government involvement than one might be able to do on the basis of non-interference. This brings nuance into the freedom of speech-debate, in which the issue of problematic speech is posited.

3.3.3 Social freedom and the secure enjoyment of non-domination

There are (at least) two paths that bring jerkish speech into the normative republican framework. The first path stays close to the agent-relative conception of domination and perceives jerkish speech acts as potentially compromising the secure enjoyment of non-domination—in particular when considered in aggregate. The second path latches onto a version of republicanism that is concerned with *systemic* rather than agent-relative domination. I will discuss both.

For the first account, it is useful to consider first how 'proper' hate speech could interact with social freedom. On an account proposed by Matteo Bonotti (2017), hate speech undermines the *robust enjoyment* of non-domination.³⁷ While hate speech might not interfere directly with the formal rights that all citizens share, it serves as a subtle threat that these protections are not self-evidently secure. Even if one never experiences any actual interference, the threats contained in hate speech prevent the victim from enjoying non-domination *robustly*. These threats might signal, for example, a lack of commitment of (part of) society to recognise a formally enshrined status, or even the intention to use political means to revoke them. This is why Philip Pettit, an author central to the republican revival, insists that it 'must be a matter of shared awareness in the society that [people are guarded regardless of the will of others]' (Pettit 2013, 83). Hate speech undermines that principle.

³⁷. This account of hate speech associates with Waldron's well known suggestion that hate speech compromises dignity, that is, the (often implicit) *assurances* of dignity, signalling that 'what was implicitly assured is now visibly challenged, so that there is a whole new set of calculations for a minority member to engage in [...]' (Waldron 2012, 89–90).

There is at least one argument that can be raised against this view: it is the state—not other citizens—that must secure non-domination through formal laws. If the state is able to ensure that legal protections against arbitrary interference are maintained even in the face of hate speech, then the threat to the secure enjoyment of such rights would fall flat. It similarly makes little sense to suggest that citizens are dominated because they are aware of the fact that there are some burglars who are not committed to upholding their property rights, while property rights are actually quite effectively protected. Hate speech that constitutes direct coercion—such as threats or harassment might do—*should* be regulated as a form of arbitrary power to interfere, but other forms of hate speech are not directly related to domination if they cannot violate formal or legal protections. The republican account might seem close to the liberal version in this sense: there is little to worry about if it's just words flying around.

Bonotti suggests that this criticism misrecognises the role that social norms play in an ideal republican society. Non-domination is not merely upheld by formal or legal protections but depends on 'widespread civility' (Pettit 1997, 245). For Pettit, this is largely of instrumental importance: civil citizens are disposed to obey the laws that govern the republic, to voice their interests as they change or develop, and to be vigilant against domination by the state or by fellow citizens, serving as an extension of the mechanisms that ensure non-domination. In the absence of civil social norms, citizens are not assured of their fellow citizen's compliance with their formal protection, nor of the effective enforcement of such protections when not under the watchful eye of authorities. As such, hate speech constitutes a problem for non-domination—even when it leaves intact formal protection—insofar it undermines these civil social norms. In other words: republicans are concerned not just with formal, legal protection, but also with the way in which these protections are supported by social means. The secure enjoyment of non-domination requires both: formal protections against arbitrary interference, and social arrangements that support these protections.

3.3.4 Subtle hate speech: jerkish speech as micro-domination

This brings us to a challenge against the idea that jerkish speech can be an issue at all: it is not evident that jerkish speech similarly undermines either formal protection or its informal support. If it cannot, then jerkish speech might be too subtle to cause domination. Outright hate speech directly compromises non-domination (e.g. threats, harassment), and we can also grant that it can undermine robust enjoyment of non-domination by violating the civil social norms that are needed to support

non-domination. But jerkish speech can be quite subtle, hidden, and indirect, and usually lacks the direct effects ascribed to hate speech.

Republicans can respond that jerkish speech might contribute to domination as a form of *micro-domination*, a concept coined to capture instances of domination that are not particularly serious by themselves, but which, in aggregate, might still amount to significant domination. Tom O'Shea (2018) suggests that this is the lived experience of many people with disabilities, who are more or less dependent on family and caretakers in their daily lives. Many of these daily choices are minor or inconsequential—when and what to eat or whether one can smoke a cigarette, for example. Quite often they are not significant enough to be 'contested in a court or tribunal' (p. 136). Yet taken together, these many small choices have people with disabilities subjected to significant arbitrary power over the course of their daily lives.

Micro-domination, more generally, refers to domination that ranges over a number of choices which by themselves do not cross a certain (objective or subjective) threshold, but which are nevertheless significant in aggregate (Lazar 2021). The threshold serves as a way of prioritising particularly serious forms of domination or as a way of excluding 'trivial' ones. Two issues that arise as a result of micro-domination not crossing that threshold are, first, that micro-domination often escapes our notice—we tend to be more concerned with extremer forms of domination—and second, that it undermines the republican reliance on contestation. Because of its comparative insignificance, micro-domination may fail to provoke a response by the victim or by bystanders at any singular point. An employer, for example, may use some uncontrolled power to influence fairly minor decisions on the workplace: he may signal that he disapproves of the way an employee dresses, or that an employee should do this or that to get into a prestigious project. Choices like this, by themselves, may not lead to action by the employee. Mechanisms of control that rely on contestation by the victim (filing complaints, lawsuits, etc.) might be perceived as being unwarranted and unnecessarily escalating.

A similar thing applies to jerkish speech, in particular in online contexts. Any singular remark might not significantly compromise the target's non-dominated status. Consider again the example 'good luck with gaining equal rights in the workplace'. By itself, such a comment is not likely to undermine the formal rights of non-domination of the target or of women in professional environments, nor the background social norms that would be needed for a continuous guarantee of formal protections. Similarly, in terms of contestation, such a comment might raise eyebrows and perhaps cause some pushback (perhaps it'll be flagged as inappropriate), but it is

unlikely to trigger hate speech laws or to provoke the target to put in the effort to file a complaint with relevant authorities.

Comments like these, however, are often part of a wider phenomenon, and it is in aggregate that the effects of jerkish speech must be evaluated. Jerkish speech, then, can lead to significant domination of a target if it is frequent and pervasive enough to compromise the secure enjoyment of non-domination. This might be the case if it can be shown that jerkish speech—in aggregate—undermines widespread support of the civil norms that support protections against domination.

3

3.3.5 Social freedom: hate speech and systemic domination

A second way in which republicans can get around the challenge that jerkish speech is simply too subtle to result in domination, is by embracing *critical* republicanism. Recently, some authors have developed versions of republicanism that are concerned with domination as a *structural* phenomenon (see for example Gädeke 2020; Hasan 2021; Laborde 2010; Sandven 2020). These accounts insist that domination is generally not strictly agent-relative but embedded first and foremost in the formal and informal social institutions of a society. On this approach, a slave is not dominated as a result of a given master having arbitrary powers of interference, but because of the underlying institution of slavery which attributes both their relative positions. In fact, it may not matter too much who the master is at any point—or whether there is a specific one at all—as the unfreedom is already constituted by the very system of norms and practices that subordinates some and empowers others.

Based on this, Dorothea Gädeke (2020a; 2020b) proposes to distinguish *systemic* domination from *interpersonal* domination, both of which are structurally constituted, and both of which work together. Interpersonal domination is what we know as the classic, agent-relative form of domination, where one agent wields arbitrary power over another. Systemic domination refers to how some citizens face disempowering norms and practices, which are reproduced by peripheral agents (Wartenberg 1990) or regulators (Vrousalis 2020). These disempowering norms compromise the normative authority of the target. Normative authority requires being taken seriously as someone who, apart from making statements about facts and beliefs, also makes claims about ‘normative rightness and thus to the decidedly intersubjective world of justification’ (Gädeke 2020b, 26). It is through systemic domination that interpersonal domination occurs, and it is in the absence of interpersonal domination that systemic domination persists. It is not necessary to have a master at any point, for as long as disempowering and subordinating norms and practices are reproduced, those targeted remain vulnerable. Similarly, the reproduction of such norms and practices

sometimes takes the form of interpersonal domination—they are two different sides of the same coin.

In the fairly recent book *A Republican Theory of Free Speech: Critical Civility*, Suzanne Whitten (2022a) brings this critical republican approach to bear on free speech. Whitten criticises Pettit for overlooking how (external and internalised) social or civil norms *themselves* often contain unjust status hierarchies. The notions of assurance and that of robust enjoyment of non-domination ‘do not offer a sufficient response to those norms of racism and sexism that contribute to an unjust status hierarchy’ (p. 104). Instead, Whitten suggests, republicans must equip a different ‘normative yardstick’ to measure social liberty and equality:

The Critical-Republican-Social-Egalitarian (CRSE) account of social justice holds that, in order for individuals to enjoy an undominated, free and equal status, they must be securely and explicitly recognized as a function of standing in a relation of equality with their fellow citizens. This recognition of standing requires that individuals are recognized as discursive agents who hold normative authority as equal participants in the space of moral reasons (p. 119).

For Whitten, then, social freedom is largely a matter of a struggle for recognition and respect. Based on Darwall (1997), she distinguishes between *recognition* respect on the one hand, and *appraisal* respect on the other. The first refers to a kind of respect that ought to be extended to all persons: a recognition of them being worthy of appropriate consideration when deliberating, as persons. According to Whitten, it also requires us to take seriously another’s normative claims on social norms, as such claims are attempts to exercise normative authority. A lack of recognition respect compromises another’s normative authority, resulting in systemic domination. *Appraisal respect* is about evaluation of another’s character, accomplishments or acts, and at first glance seems more about *esteem* rather than about recognition. Appraisal also depends, however, on the degree to which we comply with social norms. As such, a lack of appraisal can turn out to be a sign of the existence of unjust social norms.

On a critical republican account the issue with jerkish speech is not merely that it might erode robust formal protections, but rather that jerkish speech is, or contains, the reproduction of social norms that deny the normative authority of its targets. Jerkish speech is a subtle signal, intentional or unintentional, that not every citizen is recognised as a full normative agent, and a signal that they are excluded from social norm-shaping processes. Moreover, jerkish speech may be a signal of disesteem (or lack of appraisal respect) for not complying with (unjust) social norms. One can think

here of the category of speech that circumscribes women who are in professional leadership positions as not being ‘woman-like’. While not necessarily amounting to hate speech, such speech clearly signals disesteem for not complying with pre-existing sexist social structures.

In sum, republicans have at least two options for accounting for jerkish speech in online environments. The first is that such speech, in aggregate, risks compromising the secure enjoyment of non-domination as a formal status, or risks undermining the informal civil norms that are needed to support formal protections. The second reason flows from a critical republican perspective and is particularly relevant for jerkish speech: hate speech and jerkish speech can play a pivotal role in the reproduction of unjust social hierarchies. It might deny the normative authority of members of subordinated groups and can signal a lack of appraisal respect in response to attempts to change or reject unjust social norms that govern the social sphere.

3.4 Republican responses to jerkish speech in online contexts

If we accept that republicans can account for the issue of jerkish speech in online environments (or in any environment in that regard), the question is what kind of responses are justified. I will discuss the appropriateness of two traditional republican responses: legal intervention in the form of speech regulation and promoting civility amongst citizens. I suggest that neither sufficiently leverages the configurability of online environments. A more comprehensive and context-sensitive approach includes an account of the design of online platforms and of the role their owners.

3.4.1 Regulatory bans on jerkish speech

For a start: it is up to the state to impose an order in which citizens enjoy reliable freedom as non-domination in the relationships between each other, and to ensure that all citizens are aware of having such a status (Pettit 2013). The first and most obvious way republicans might respond to jerkish speech in online environments is by introducing regulatory bans on jerkish speech, similar to how physical violence or theft are prohibited. This draws the issue firmly into the legal-coercive sphere, where clearly codified, formal norms are enforced by the state in order to control or limit arbitrary power of interference of citizens and organisations. Most western governments outside of the United States have implemented some form of hate speech regulation, banning threats, harassment, incitement of hatred, and group

libel or insult (Rosenfeld 2003). We might suggest expanding them to cover jerkish speech as well. Insofar jerkish speech does not compromise formal protections against domination *directly*, prohibitions might still be justified if it turns out to undermine the robust enjoyment of these protections. There are, however, three observations that are relevant when considering the appropriateness of regulatory bans in response to jerkish speech.

The first is that it is not clear whether bans on speech can effectively alleviate the undermining effect of jerkish speech (an argument made by Robert Mark Simpson (2013) in response to Waldron's dignity-based account of hate speech). If citizens are compromised in their robust enjoyment of non-domination because of speech voiced by others, then surely this has more to do with the underlying *attitudes* rather than with speech in and by itself. Banning jerkish speech would merely prevent underlying attitudes from being voiced out in the open but does little to prevent these attitudes from existing in the first place. Members of vulnerable groups would still have to face these attitudes, and if so, it is not a matter of shared awareness that they are securely protected against non-domination, nor can they count on the civility of other citizens that is needed to support such formal protections. Even if bans on jerkish speech would reduce its aggregate effects on victims, then it does so merely by preventing them from being aware of it. One could hardly argue that their enjoyment of non-domination is *secure* in the sense that republicans prefer.³⁸

A second observation is that jerkish speech, as a form of micro-domination, tends to elude regulation. A given singular jerkish speech act fails to cross thresholds that 'true' hate speech does not. That makes it difficult to formulate appropriate legal boundaries for speech that should be regulated, and it is improbable that jerkish speech would garner much attention over other issues. Such boundaries would need to incorporate the aggregate effect of jerkish speech in some way, as simply banning every singular potential jerkish speech act is not proportional, increasing the risk of an overly invasive and dominating government. So-called 'fire-alarm' strategies (Pettit 1997, 250), where authorities rely on victims and bystanders to report and contest incidences of jerkish speech, are also less effective when dealing with micro-domination, as the consequences of individual jerkish speech acts might not be perceived as significant enough to warrant contestation or take any other actions (Lazar 2021). This carries over into mechanisms of reporting user comments: more subtle calls for violence, for example, are reported less than explicit ones (Wilhelm,

³⁸. There may very well be other reasons to ban jerkish speech, for example because of its direct harm in the form of distress. A similar argument would not hold up in the case of jerkish speech, however, because it often lacks such direct harms.

Joeckel, and Ziegler 2020). While jerkish speech as a wider phenomenon is of concern, the singular speech acts might remain under regulatory radars.

A third, well-known observation is that enforcing bans on hate speech is pragmatically difficult in online contexts, in particular due to the international nature of online environments posing jurisdictional issues. National approaches to hate speech diverge much and attempts to reach over borders are prone to jurisdictional and cultural conflict (Banks 2010). Considering the diversity of cultural and social norms found on the internet, and the republican concern with jerkish speech and social norms will only exacerbate these conflicts and cast further doubt on the possibility of international regulation.

These observations might not pose a definite problem for expanding regulatory bans on hate speech. One could assume, as Pettit does, that formal regulation must at least have a positive *effect* on the civil norms that are needed to support non-domination—provided they are perceived as legitimate (Pettit 1997, 253). Efforts to lower thresholds for reporting relatively inconsequential jerkish speech could make it easier for targets and bystanders to report such speech, and intensive cooperation between different governments and private actors could help overcome the difficulties in enforcing hate speech bans in a cross-border environment. Nevertheless, these observations cast some doubt on the feasibility of speech bans.

An issue not addressed yet is that of the role of the state itself. The concern here is that the state could itself play a role in perpetuating the same mechanisms of domination that eventually result in jerkish speech, and that any intervention in free speech might just as well increase rather than decrease domination. It is a serious concern that republicans are well aware of, and it can be raised against republicanism more broadly. In response, a republican could, as Phillip Pettit seems to do, argue that the goal is to *minimise* domination. Limited state intervention in free speech, even if accompanied by a limited risk of government domination, might be required in order to reduce the existence of larger, structural dynamics of domination that jerkish speech is part of—in particular in more egregious forms (see also Pettit, 1997, 102–6). This goes hand in hand with the various ways of mitigating the risk of the state domination, mostly through institutional reform. Principles like a strict separation of government power, a system of checks and balances, and an independent judicial system are meant to reduce the risk of state domination. Where these fail, civil society and critical citizens might still contest the state playing an active or passive role in perpetuating domination.

3.4.2 (Critical) civility

Instead, whereas regulatory bans on speech are situated well within the legal-coercive sphere of domination, the effects of jerkish speech on informal norms of civility are perhaps better approached as part of a 'social sphere of domination', a term used by Alan Coffee (2015) to distinguish between a legal and a social level of domination.³⁹ Unlike the legal-coercive sphere, the social level of domination is comparatively 'amorphous, intangible and fluid' (Coffee 2015, 57). This also requires a different approach to the threats to freedom found on this different level. For Pettit, this boils down to the need for widespread civility discussed above, which can be nurtured through the 'intangible hand' (Pettit 1997, 254).⁴⁰ The intangible hand refers to a mechanism of motivating citizens to behave in line with civil norms because they seek the positive esteem gained by following them. Not conforming to norms of civility results in punishment in the form of disesteem. To combat jerkish speech, then, we would need to cultivate and maintain suitable civil norms that punish these forms of speech and reward behaviour that counters jerkish speech.

As discussed above, however, Whitten points out that social norms can be (and often are) unjust as part of subordinating hierarchies. Following that, disesteem is sometimes unjustly handed out to those that claim their share of normative authority over such structures. Any republican response to hate speech, Whitten suggests, cannot depend on mere legal arrangements or an intangible hand, but demands *critical* civility, a value that requires that the relations between citizens are relationships of 'mutually acknowledged equal standing' and which can be used as a yardstick to evaluate institutions and relations between citizens (Whitten 2022a, 188). 'Critical' denotes that it must be understood as a process that assesses not just the relations between citizens and institutions themselves, but also engages with the background arrangements and hierarchies in order to reject and alter those that reflect systemic domination.

In more concrete terms, critical civility first comes with implied duty of citizens to have *expressive respect* towards all fellow citizens they come in contact with, so that all can enjoy a free and equal status. Citizens can do so by following norms of civility, through which they recognise others as possessing normative authority. This requires effort and vigilance, so that citizens with ethical disagreements can respectfully engage with each other, without apathy or denial of normative authority. In addition,

³⁹. To be clear, this does not apply to the forms of problematic speech that can be said to cause *direct* domination, e.g. threats, harassment, incitement of violence, and so forth. These can evidently be considered part of a legal-coercive domain.

⁴⁰. And by ensuring the that laws are perceived as legitimate.

citizens 'need to be capable of determining when they have a responsibility to contest norms, as well as how they ought to do it' (p. 196), in order to assess which normative social structures of society fail the normative yardstick. This last point is crucial to the critical approach, as it shows that the background structure of social norms and arrangements themselves are objects of contestation. It requires that institutions and citizens are aware of their role in reproducing such norms and that they are open to changing their attitudes towards them.

With regards to speech, then, critical civility implies that citizens are able to recognise not just hate speech, but also jerkish speech that contributes to (denial) of normative authority and to a reproduction of unjust social structures. Whitten suggests that next to requiring regulation of certain forms of speech, critical civility demands that citizens and institutions themselves step in. They have a (context-sensitive) duty to challenge hate speech, jerkish speech, and unjust social norms, implying a widespread change in perspective on harmful speech in general.

3.4.3 Critical civility in online contexts

Critical civility promises to be an important part of the republican toolbox, but it is also quite demanding in terms of the motivations, attitudes and capabilities required of citizens, even more so when we turn back to the issue of jerkish speech in *online* environments. While many of Whitten's examples come from online environments, she does not give much attention to the specifics of online critical civility. As notable exceptions, Whitten suggests that the costs of online speech are low, and she refers to Cass R. Sunstein's work on polarisation and the fragmentation of online environments (Sunstein 2018).

The characteristics and context of online jerkish speech, however, are quite significant for the feasibility of critical civility or, at the very least, require a more context-sensitive application of these principles. An important element that needs to be given consideration in particular is the way in which the design of online environments *directly* affects the mechanisms of civil speech and the way in which this affects how online communities are shaped and interact with each other. Both are heavily influenced by conscious and unconscious choices made by online platform owners. They shape both the designs and architectures that mediate the dynamics of (jerkish) speech. In order to advance critical civility in online contexts, we need to recognise their central role. Online platforms can be approached as crucial 'regulators', a term used by Nicholas Vrousalis to describe agents that contribute 'appropriately to the creation, reproduction, or perpetuation of the constitutive power dyad' (Vrousalis 2020, 6). The regulator and the dyad (consisting of dominator and dominee)

together constitute a structural relation of domination: it is the regulator that creates the structural *conditions* for domination. More concretely, online platforms can either promote or inhibit the spread of jerkish speech and uncivil norms, and—as part of critical civility—have a duty to work towards the latter rather than the first.

Regarding how the design of online environments directly affects dynamics of speech, as discussed in the section on jerkish speech, we must take into account the impact of anonymity, distance between speaker and listener, and the instantaneousness of speech on the way individuals engage with one another online. Anonymity of users is frequently linked with uncivil behaviour (Santana 2014),⁴¹ the lack of direct social cues associated with online speech has negative effect on the behaviour of users (Citron 2016), and the instantaneousness of online speech removes barriers for citizens to reflect and seek actual engagement with others (Brown 2018). These effects, and perhaps other parameters of online speech, could significantly undermine efforts to cultivate critical civility and exacerbate the issue of its demandingness.

Levering the role of online platforms, on the other hand, might alleviate the issue. Various examples come to mind here, such as YouTube removing the dislike button in order to ‘create an inclusive and respectful environment’⁴² and Instagram nudging users to rethink whether they actually want to post a harmful message, showing that platforms have come to realise that they play a key part mitigating problematic forms of speech. Currently, much of whether platforms decide to introduce such measures depends on their own strategies and policies, however, and some might decide not to respond to jerkish speech or not to promote critical civility—or indeed, roll back such efforts, as evidenced by the spike in hate speech after recent Elon Musk having acquired Twitter (Benton et al. 2022). Formally recognising the duty of online platforms to ensure that the designs of their platforms favour critically civil engagement rather than hateful and jerkish engagement could support widespread critical civility and prevent domination as a result of widespread jerkish speech by forcing such platforms to comply.

3.4.4 Critical civility and a multitude of publics

The second element is perhaps more fundamental to jerkish speech: widespread critical civility could be undermined by the fragmentation and polarisation of the digital sphere. As we have seen, Whitten follows Sunstein’s concern with

⁴¹ Although the researchers here have a different conception of civility, it nevertheless shows that anonymity inhibits social sanction mechanisms that are needed to enforce norms of any form of civility.

⁴² See blogpost by the YouTube Team (2021, November 11th). <https://blog.youtube/news-and-events/update-to-youtube/>, accessed on 5-12-2022.

fragmentation and polarisation as threats to deliberation (Sunstein 2018). A key part of this concern is the ‘filter bubble’ effect (Pariser 2011), or the use of algorithms by online platforms to automatically filter which data reaches the user, in real time. As such, algorithms are often highly personalised, and the result is that individuals may come to live in their own ‘bubble’, where the only information that reaches them as listeners is aligned with pre-existing beliefs and interests.

The idea of filter bubbles relates to the notion of echo-chambers, a term often used in a more critical manner. Where a filter bubble describes a mechanism of information polarisation, echo chambers denote a certain ideological commitment that is used to weigh the trustworthiness of information. This is frequently considered as epistemically problematic and resistance to it requires individuals taking responsibility for “not allow[ing] epistemic silencing and ensur[ing] a friendly epistemic environment for everyone” (Karimov, Lavazza, and Farina 2022). These civic duties intersect with the kind of critical civility that citizens must possess and display against jerkish speech.

From the perspective of the user as a *speaker*, Kai Riemer and Sandra Peter (2021) point out that social media platforms interfere with speech through algorithmic audiencing. Not only do they determine what can be said or what reaches the user from her own perspective, but also ‘what can be heard’ and ‘by whom’ (p. 409). Social media platforms have the means to give priority to some messages over others, and their interest in user engagement frequently leads to the promotion of viral content over civil content. Moreover, rather than distributing along existing networks, audiences are made and tailored according to the algorithm. The implication is that this causes fragmentation and polarisation on a larger societal scale.

Again, online platforms, as builders of the architectures and algorithms that shape these dynamics, play a key part. In this case, however, the solution is less straightforward. In response to Sunstein’s work, Whitten suggests that critical civility requires ‘greater transparency of news sites, the protection of deliberative platforms for citizen exchange, and for the maintenance of a robust and fair common ground media that provides all citizens with a central set of resources with which to deliberate the issues most important to their society’ (Whitten 2022a, 223). But it is not clear that this would effectively spread critical civility to the extent that individual users can confidently be free from jerkish speech every day. Even if it is possible to cultivate critical civility in the mainstream digital sphere in light of the issues raised above, disrespecting minorities might still very well find their way into the wider digital sphere. In addition, the fragmentation of online communities

and the connectiveness of digital media make it more difficult to spread civil norms throughout different communities, while also increasing the likelihood of citizens coming across members of communities that are not committed to the same norms.

In fact, we have reason to think that the fragmenting and polarising effects of online platforms are more complex. While one strand of argument and empirical research seems to support the polarisation-effect, there is also reason to believe that social media increases the exposure to viewpoints of others, increases support for and reduces prejudice against other groups, and reduces political polarisation (Barberá 2020). In addition, there are significant differences in how individuals respond to (political) information, leading to asymmetric polarisation: ‘there are thus good reasons to expect that social media interactions may lead to polarisation among the minority of partisan individuals who are most active in discussions about politics on social media’ rather than the general public (p. 48).

Perhaps a more constructive way to approach the dynamics of fragmentation and its effect on jerkish speech would be to revisit the idea of a digital sphere as being a singular and rather unified whole. Engaging with the Australian Twittersphere, Axel Bruns and Tim Highfield (2015) propose to move beyond Habermas’ traditional notion of a public sphere towards countless different but co-existing and even overlapping smaller ‘publics’. The digital sphere, on their account, is not marked by either a unified whole, nor by highly fragmented communities, but rather by vertically and horizontally overlapping smaller publics based on interest or issues. These publics can exist for a long time but may also rise and fall quickly in response to specific triggers or issues. In any case, users are usually not limited to one ‘public’ but engage within many in their online activities. And, importantly, these publics ‘may follow their own logics and norms, making use of affordances of social media platforms for their own purposes, which may differ from established practices’ (p. 125).

Apart from nuancing the argument of polarisation, this could change the perspective on what critical civility requires in online environments. On the one hand it suggests—unsurprisingly—that online platforms should employ filters and audience algorithms to promote publics where critical civility is the norm, rather than promote jerkish content that happens to *sell*. On the other hand, it draws attention to the possibility of placing boundaries around those publics that are uncivil (or publics where the norms of civility are matter of critical contestation). While this would not count as promoting critical civility as such—and runs somewhat counter to Whitten’s concern for fragmentation and polarisation—it could reduce some of the reach of jerkish speech and jerkish *publics*. It might even be the only option in cases

where it is not possible or desirable to ban jerkish speech or where it is unlikely that critical civility becomes the norm any time soon, due to the issues discussed earlier. In other words, in publics where critical civility fails, targets of jerkish speech need to be protected by publics where they can count on support. A concrete example of how this could be achieved is Reddit offering users the ability to mute complete parts of its website, allowing them to effectively withdraw from publics that they find offensive or hurtful.⁴³

In sum, one of the most important tools within the republican toolbox against jerkish speech is the cultivation of (critical) civility. The characteristics of online environments, however, might add to the demandingness of critical civility. In online contexts, this issue can be alleviated by successfully incorporating the role of digital platform owners. Their position as regulators or mediators of the dynamics of speech allows them to (1) design platforms in ways that nudge or stimulate users to civil behaviour, and to (2) leverage the variety of different publics to promote those where critical civility is widespread and to isolate those where it is not, in order to protect potential targets from facing jerkish speech.⁴⁴

3.5 Conclusion

Jerkish speech, a subtle, indirect, and even inconsequential cousin of hate speech, can amount to domination in two ways: it can be a form of *micro*-domination or an instantiation of systemic domination. The first refers to domination that is not significant enough to be cause of concern *by itself*, but which is nevertheless an issue on a larger scale. Jerkish speech can also be a form of systemic domination. In this case, jerkish speech is a reflection and a reproduction of structurally unequal social hierarchies that cast the targets of speech in a subordinated position. This prevents them from participating in norm-shaping and, as such, denies their normative authority, constituting systemic domination.

⁴³ See Reddit's helpdesk (2022, November 9th). What is community muting?. <https://reddithelp.com/hc/en-us/articles/9810475384084>, accessed on 5-12-2022.

⁴⁴ Mirroring the concern of state domination mentioned at the end of section 2.1, one could wonder whether it is not too risky to assign a formal responsibility that includes certain (limited) forms of speech intervention to digital platforms. Note, however, that whether this responsibility is formally attributed or not, firms that operate these platforms already determine what their designs and architectures are like. A formal recognition of certain responsibilities would simply allow democratic governments to exercise more influence on the issue.

Republicans are therefore committed to reducing the prevalence of online jerkish speech or, if that fails, protecting its targets. While speech regulation is an important part of a response to *hate* speech, it may not always be effective or appropriate in the case of jerkish speech. Promoting critical civility, as proposed by Suzanne Whitten (2022a), is a promising second weapon for combating jerkish speech. In online environments, however, it is particularly demanding. Citizens need to be disposed to engage with others in deliberation without denying normative authority. Moreover, they need to critically evaluate structures of norms for traces of systemic domination.

The demandingness may be alleviated by leveraging the position of important *regulators*: online platforms. They should consider the effects of their designs on the dynamics of speech, and they need to promote civil content over jerkish content while making use of the diversity of online publics. Those publics where critical civility is the norm could be promoted, while those where jerkish speech is prevalent could be suppressed or hidden, both in order to respectively support and protect potential targets of frequent jerkish speech. The promotion of online critical civility, in response to domination as a result of jerkish speech, depends heavily on the part played by online platforms, and warrants formal, legal recognition of this role and of the corresponding duties of online platforms.



4

Digital Sovereignty, The Private Sector, and a Social Republican Alternative

Published in Digital Society on October 3, 2024.

4.1 Abstract

The European Union has stated the ambition to regain control over the digital sphere, which academics have construed as both a push for digital sovereignty and as a form of digital constitutionalism. The strategy promises to be an improvement over the previous period of digital liberalism. I suggest, however, from a republican perspective, that this strategy of digital sovereignty is not sufficiently critical of the reliance on the private sector. A dominant private sector comes with a risk of widespread infrastructural dependency and yields too much of the digital sphere to a way of thinking that is shaped in accordance with silicon valley companies. On a republican account, these are arguably forms of structural domination. To prevent these risks from materialising, the European strategy should instead emphasize the role of alternative ownership models, such as those found in the digital commons and in public service media organisations.

4.2 Introduction

Lawmakers in Brussels have been busy producing some of the most ambitious pieces of legislation on the digital sphere worldwide. With the General Data Protection Regulation (GDPR) as an appetizer, the Digital Services Act (DSA) and Digital Markets Act (DMA), the Data Governance Act and the Data Act, and the Artificial Intelligence Act (AIA) ensure that agents active in the digital sphere have enough on their plate. These attempts to regulate the digital sphere fit in a broader paradigm shift that seems to have happened—at least in the EU—where digital liberalism, with mostly welcoming views on the digitalisation of society, has been replaced by widespread caution and concern.

This paper approaches the general European digital strategy, which has been discussed in terms of digital sovereignty and digital constitutionalism, from a republican perspective. More specifically, it takes the concern with structural domination, found in social republicanism or radical republicanism, and questions whether this is sufficiently addressed by current strategies of digital sovereignty and constitutionalism. The most important area of contestation is the position of a commercial private sector. While in both discourse on digital sovereignty as well as on digital constitutionalism the power currently wielded by global digital firms is considered in need of restraining—for different reasons—neither seem to fundamentally challenge the sociotechnical and economic structures that underly the digital sphere. To address concerns of structural domination, I argue, the European digital strategy could emphasise the development of more structural alternatives, such as a thriving digital commons and an expansion of public service media.

The paper is divided into three parts. The first part sketches the context of the European digital strategy and the discourse on digital sovereignty and—constitutionalism. It ends with a brief, critical discussion of the role of the private sector. The second part provides a republican understanding of the EU's quest for digital sovereignty, as well as the problem of structural domination that accompanies a predominantly privately owned digital sphere. In the third part I bring those together and argue for a more explicit adoption of different ownership arrangements—one shared and one public—into the European strategy in order to alleviate some of the concern of structural domination.

4.2.1 Europe's Digital Future and the private sector

To understand Europe's current policy framework we should first explore some recent historical context regarding the European Union's previous positions on

digitalisation. Farrand and Carrapico (2022) discuss how, between the 1980s and late 2010s, much of the policy discourse on digital technology was shaped around the issue of international competition. The European technology sector's comparatively weak competitive position provided the core narrative for policymakers, and this was perceived primarily as a market issue requiring market-based solutions. The private sector had to innovate to catch up with the rest of the world. As such, the EU and its governments were primarily concerned with not inhibiting the growth of digital companies, resulting in hesitance of government interference. Farrand and Carrapico call this *regulatory* capitalism: while the EU provided somewhat of a regulatory framework ("steering"), the hard work ("rowing") would be done by the private sector (Farrand and Carrapico 2022, 439).

This reflects a liberal perspective on the digital sector, which is clearly visible in some of the earlier generation regulations, such as the e-Commerce Directive and the Data Protection Directive (De Gregorio, 2020, 5). The first acknowledged a fairly restricted liability regime for digital intermediaries, without much concern for the way they intermediated (controversial) content in order not to inhibit growth. It reflects a more 'hands-off' strategy with regards to digital intermediaries. Meanwhile, looking back on the Data Protection Directive, it might be described as *too little, too late*: "the (digital) liberal approach of the Union in [the field of data protection] has resulted from an omissive approach rather than a positive one" (De Gregorio, 2020, p. 8).

Parallel to the digital liberalism that marked the EU strategy in previous decades, competition law underwent its own changes in doctrine. Historically, competition law has been construed as rooted in democratic principles, and the concentration of economic power as incompatible with citizen's political freedom (for an analysis of this in the context of ordoliberalism, see Woersdoerfer 2022). Monopolism in the economic market was perceived as a political issue, even where the economic consequences were yet to be felt. Somewhere in the 1990s and early 2000s, however, the European Commission's (EC) approach shifted to a more efficiency-based or economic approach (Deutscher 2022; Robertson 2022). According to Elias Deutscher (2022) it followed in the wake of the 'Chicago School', which suggests that consumer welfare is a "depoliticized, purely economic, and value-neutral benchmark for competition policy" (p. 45). It is only in response to an (imminent) loss of consumer welfare that action against concentration of power should be taken. Both digital

liberalism and laissez-faire competition law doctrine have done little to prevent digital technology platforms from conquering large swathes of the digital sphere.⁴⁵

The early 2020s marked an important development in this narrative, when the new EC headed by Ursula von der Leyen published a policy titled *Shaping Europe's Digital Future*. It speaks of the ambition of a digitalised Europe that is technologically sovereign—not defined “against anyone else”, but one that is moulded on “the European social model” (European Commission. Directorate General for Communications Networks, Content and Technology. 2020, 3). To achieve this, three key objectives have been formulated for the period between 2020 and 2025. The first, *technology that works for people*, aims to ensure that advancements in digital technology are constructive and secure in ways that benefit citizens and businesses. The second, *a fair and competitive economy*, stresses the importance of a healthy single market, which allows for equal and fair competition, and which enables global competitiveness. The last, which calls for *an open, democratic, and sustainable society*, ties the first to the condition that technology must contribute rather than detract from European democratic values, including citizens’ fundamental rights and a sustainable economy. It is the latter objective that reflects most the move in a new direction.

4.2.2 Digital sovereignty & digital constitutionalism

A key concept throughout the narrative is that of sovereignty: Europe must enable the development of “its own capacities, thereby reducing our dependency on other parts of the globe for the most crucial technologies” (p. 3). A little over a year later, in March 2021, the commission published its vision for the upcoming decade, titled *2030 Digital Compass: the European way for the Digital Decade* (European Commission. Directorate General for Communications Networks, Content and Technology. 2021). Again, explicit remarks show that digital sovereignty is central to the general vision. The first preamble states that “the digital transformation of the economy and society should encompass digital sovereignty in an open manner, respect for fundamental rights, the rule of law and democracy, inclusion, accessibility, equality, sustainability, resilience, security, improving quality of life, the availability of services and respect for citizens’ rights and aspirations.” Article 3 of the decision document states that a secure and accessible infrastructure is a particularly important aspect of digital sovereignty.

⁴⁵ I use the term *digital sphere* here somewhat detached from the Habermasian concept of the public sphere, referring broadly to the digital ‘world’ with its agents, infrastructures, data, devices, governance, and so forth. (See also Bruns and Highfield 2015).

After decades of a “*de facto* digital corporate sovereignty” (Floridi, 2020, p. 372), the Union has become concerned with securing its *de jure* digital sovereignty—understood as the ability to project power onto the digital sphere (Pohle and Thiel 2020).⁴⁶ The need for Europe to be digitally sovereign is often stressed in reference to a dependence on generally non-EU private actors, leaving significant influence over the way the digital sphere affects the Union in outside hands. Digital sovereignty, in this discourse, emphasises that the state should be able to decide or act independently with regards to the digital sphere (Pohle and Thiel 2020; Moerel and Timmers 2021).

Farrand and Carrapico (2022) suggest that—at least in the context of cybersecurity—the European quest for digital sovereignty takes the shape of a kind of regulatory mercantilism, in which sovereignty is achieved through a powerful, domestic private sector, regulated by the state. In other words: the EU needs to establish and protect its own private sector, allowing the EU to at once impose its norms and values as well as reduce reliance on foreign agents. Private companies that are based in the EU are considered more likely to comply with and adopt its norms and values, whereas the ‘outside’ ones are deemed suspect. And where domestic private actors do not share European values, at least conditions can be imposed through regulations that limit their power, that enforce their compliance, and that shape a competitive market environment.

The European strategy has also been cast along the concept of digital *constitutionalism* (Suzor 2018; Celeste 2019; De Gregorio 2020; 2022). Constitutionalism refers to the ideology that requires governance power (usually but not necessarily public power) to be limited and legitimised, and requires that fundamental rights are protected. In this respect, the decades of digital liberalism that gave rise to powerful digital companies have not just undermined the European ability to project power on a global digital sphere, they have also upset the constitutional balance. Digital constitutionalism, then, is about introducing new normative frameworks that seek to restore the constitutional equilibrium and the protection of fundamental rights, also against powerful non-state actors.

In terms of digital constitutionalism, recent EU regulations aim to protect citizen’s fundamental rights in the digital sphere on the one hand, while limiting the power of online platforms with a variety of legal means on the other. The DSA, for example,

^{46.} Digital sovereignty relates to various metrics or *layers* of the digital sphere, e.g. resources, infrastructures, data or cloud, etc. (Sheikh 2022). It is important to keep in mind that the degree of digital sovereignty enjoyed can vary significantly over various layers, as will the appropriate institutional responses.

introduces various new obligations and requirements for online platforms that clearly signal their involvement in securing fundamental rights, such as notice-and-action mechanisms in response to illegal content (article 17), internal complaint-handling systems (article 20) and interface design requirements that must protect users against manipulation (article 25). Moreover, the DMA seeks to limit ‘gatekeeper’ power, by making it easier to respond to antitrust violations and anti-competitive behaviour by large platforms (Woersdoerfer 2022). The next phase of the EU’s digital constitutionalism, according to De Gregorio (De Gregorio 2020), is to export the new approach, that is, to apply the EU’s legal framework beyond traditional borders. Not only can online platforms no longer escape requirements by basing themselves outside of EU jurisdiction, the Union is now also able to create an alternative algorithmic society that is opposed to the still influential digital liberalism.

While many of those who start from digital *sovereignty* make no explicit reference to constitutionalism (e.g. H. Roberts et al. 2021; Sheikh 2022; Pohle and Thiel 2020; Floridi 2020; Farrand and Carrapico 2022), De Gregorio discusses how digital constitutionalism can be understood against the backdrop of sovereignty. Several different global developments that have led “the state-centric model [...] to lose its power” (De Gregorio, 2022, 83). At the same time, large digital companies “aspire to displace more government roles overtime, replacing the logic of territorial sovereignty with functional sovereignty” (Pasquale 2017, as cited by De Gregorio 2022, p. 17). Not only do traditional firms transcend traditional territorial borders, they also increasingly take over public functions. According to De Gregorio, European digital constitutionalism seeks to posit itself as a global regulator and protector of rights and freedoms: “European digital constitutionalism does not express imperialist or protectionist goals but rather proposes a different political and normative model to protect fundamental rights and democratic values on a global scale” (p. 310).

Construed in this way, digital sovereignty and digital constitutionalism betray a certain tension. Whereas the EU’s call for digital sovereignty implies the restoration of state-centred sovereignty over the digital sphere, digital constitutionalism is not ‘imperialist’ nor aligned to the traditional nation-state. In fact, the protection of fundamental rights and freedoms and values of democracy could in theory be achieved through the legitimization of the de facto governance by large, transnational corporations. This is, in a way, what Suzor seems to call for when he writes “the values of the rule of law—values of good governance—provide a way to conceptualise governance by platforms in constitutional terms (Suzor 2018, 9). As such, while both sovereignty and constitutionalism—at the minimum—seek to limit the power of digital firms, the normative frameworks are different. In more concrete terms:

limiting such power by legitimising it in the form of a constitutional process also means acknowledging that transnational corporations operate on a separated realm of governance—limiting traditional state sovereignty.

4.2.3 The continued rowing of the private sector

We have seen that the way in which both digital sovereignty as well as digital constitutionalism are currently construed means that both require that the power of transnational technology companies is limited—either to restore state or EU sovereignty on the one hand or to legitimise *de facto* governance structures and to protect fundamental rights on the other. They align in another sense too. While both are ground for criticism of the current role played by powerful transnational digital corporations, neither are fundamentally at odds with a predominantly privately owned and commercial digital sphere, as long as it is one where private power is sufficiently limited and legitimate.

Farrand and Carapicco, in their analysis of the strategy and its implied regulatory mercantilism, even suggest that much of the new strategy is based on *embracing* the role of the private sector: “the idea of independence, however, is not understood as excluding the private sector, but rather as relying on it to achieve every measure of success” (2022, p. 438). It is *mercantilism* after all. In a way, this is not surprising, as the European project—and the EU’s competences—are rooted for a large part in the idea of an economic union. The integration of member states has depended for a large part on market integration and harmonisation. In fact, an integrated single market and trade liberalisation can be thought of as integral to the EU’s perspective on sovereignty, a perspective that sometimes makes for an uneasy alliance with the stated aim of protecting European values and democracy (Augenstein 2022). I will not discuss the tension here in this paper, but it provides an important background against which to understand the EU’s reliance on the idea of steering private markets.

Similarly, while digital constitutionalism offers a foundation on which the current dominance of the private sector can be criticised and reshaped, the issue is not with the inescapability of a private actors, commercial interests, and accumulation of digital resources and capital *as such*. The issue is that this private power is currently not sufficiently limited, regulated, and legitimised. At the end of the book ‘Digital Constitutionalism in Europe’, De Gregorio draws some normative conclusions from European constitutional law that apply to different digital fields. For content moderation, for example, uniform regulation could be implemented that “would not aim to dismantle the system of platform liability nor regulate speech” (De Gregorio 2022, 315). It should rather limit platform discretion and introduce procedural

safeguards. For the field of data, the approach would “mitigate private powers through instruments of transparency and accountability” (315), illustrating the acceptance of the private nature of such power.

According to De Gregorio, the European approach is characterised by a “third way”, based on co-regulation, marked by “a hybrid system of governance based on a common framework of public values guiding the determinations of the private sector” (316). It sets itself apart from a more liberal and market based approach in the United States or a more illiberal and authoritarian approach in China. Others seem similarly inclined to accept that private actors have conquered a position that rivals public governments, arguing that the concerns of constitutionalism should be expanded to cover both public and private actors (Suzor 2018, 8; Celeste 2019, 17). For Suzor, the goal is “improv[ing] the legitimacy of platform governance, through both legal rules and social obligations is the key challenge and opportunity of digital constitutionalism” (Suzor 2018, 9). In sum, digital constitutionalism, uniquely applied in the EU, calls for the protection of fundamental rights and the legitimization of the de facto governance by digital platforms in order to protect fundamental rights and democratic values, yet it does not call for a more fundamental rethinking of the commercial and private nature of many of those actors that it extends its concern to.

This acceptance of the private sector can be further illustrated by looking at EU policy and regulation. The policy orientation document *Shaping Europe's Digital Future* frequently mentions businesses and citizens in the same enumerations, stresses that data availability should extend to “all—whether public or private, big or small, start-up or giant”, and states the necessity of using public funding to leverage private investment (European Commission. Directorate General for Communications Networks, Content and Technology. 2020). The DMA introduces obligations for private actors it designates as ‘gatekeepers’ (article 3 DMA). Beyond the stated purpose of “[...] contribut[ing] to the proper functioning of the internal market by laying down harmonised rules ensuring for all businesses, contestable and fair markets in the digital sector across the Union where gatekeepers are present, to the benefit of business users and end users” (article 1.1 DMA), the regulation does not fundamentally challenge the existence of such gatekeepers and their private and commercial nature in the first place.

The DSA also introduces obligations, although for a wider range of actors. These obligations show that private actors are increasingly confirmed in their current role—especially where that role is a de facto public one. For one key element of the DSA, (illegal) content moderation, the DSA “does not lower [service provider’s] need to take up an adjudicative role, but arguably confirms it” (Tosza 2021, 7). The fact that

they remain “profit-driven entities [...] creates significant conflicts of interests” (p. 16). The AI Act is not aimed at regulating private actors per se, but at all providers of Artificial Intelligence, and is concerned with mitigating the risks of the use of AI. Some relevant issues of the AI Act that have previously been identified are that it again, for both standard-setting and certification, relies heavily on the private sector (Veale and Zuiderveen Borgesius 2021; Wörsdörfer 2023). Moreover, the narrative remains largely shaped around competitiveness (Mügge 2024).⁴⁷

It is clear that these regulations introduce new obligations for and place more restraints on (mostly) private actors, at least partly for the purpose of protecting fundamental rights and for creating a healthy, competitive digital market. But neither digital sovereignty or digital constitutionalism, nor the regulations in which they are embodied, seem to be at odds with an unescapable reliance on a private sector. For digital sovereignty, the goal is to ‘domesticate’ it, so that it is subject to sovereign control and ready for international competition. For digital constitutionalism, fundamental rights ought to be protected and governance structures, whether de facto public or private, must be constitutionally restrained. Beyond that, neither seem to call for the consideration of alternatives to a digital sphere that is predominantly privately owned and driven by commercial interest.

This prominent role of a commercial private sector in the digital sphere is certainly not without issues, however, and is arguably at the core of many of its current problems. From predatory privacy violations and advertising practices to the commodification of data and public online spaces, and from the accumulation of power, expertise, and wealth in the hands of a few powerful companies and individuals to the subsequent impact on internet culture and political deliberation: digital capitalism and profit-making have an unmistakable dark side to it. Whether one uses concepts like digital capitalism (Betancourt 2015; Schiller 1999; 2014), *surveillance capitalism* (Zuboff 2015; 2019), *platform capitalism* (Srnicek 2017), or *data capitalism* (West 2019), there is no shortage of authors that vehemently criticise the current state of the digital sphere as one that has primarily come to represent the new frontier of expanding capitalism.

What they all share is a wider distrust not just of the most dominant players, but rather of the game itself. The Cambridge Analytica scandal, where the private sector facilitated and offered digital infrastructures and services to influence democratic elections, or the way Google and Apple leveraged their position against governments

⁴⁷. The point here is not to argue that these regulations and proposals are no significant steps forward. The discussion of these serves to illustrate that, while they impose restraints on the private sector, they do not aim to restructure the commercial and private nature of the digital sphere as such.

with regards to contact tracing apps (Scott et al., 2020), or Facebook telling advertisers that they can identify emotional states of young people (Levin, 2017), are not isolated incidents, but rather the direct consequence of a digital sphere that is, at its core, about commerce and profit. Or put differently: many issues of the digital sphere might not be the result of market failures, but rather of the failure of leaving it to the market—and is it doubtful whether attempting to steer, legitimise, and co-regulate with the private sector can sufficiently alleviate these issues.

4.3 Domination in the digital sphere

4

Let me turn to the republican perspective here, which will prove useful because of its conception of (structural) domination and also because it offers a comprehensive political framework for approaching the problems of a private and commercialised digital sphere, equipped with a variety of conceptual tools.⁴⁸ The republican idea of non-domination provides an underlying normative concept that resonates with some of the concerns of digital sovereignty and digital constitutionalism. Furthermore, the conception of structural domination is useful for approaching the issues of digital domination not as isolated incidents but as a result of the structural components that make up the digital sphere, and which reflect underlying sociotechnical and economic rationales. In addition, this effort can be considered a contribution to the “republican research program”, which ought to be developed further and aimed at particular issues (Lovett and Pettit 2009).

4.3.1 Digital domination

On most influential accounts of republicanism, freedom is primarily threatened by an arbitrary or uncontrolled power to interfere with another's choices (Lovett 2010; Pettit 1997; 2013). This power is usually thought of as wielded by an agent (e.g. a master, dictator, husband, employer) that can in effect impose their will on another (e.g. a slave, subject, wife, employee). The more absolute this arbitrary power, the greater the domination, and the lesser the freedom. Many republicans consider power to be controlled insofar it contains a democratic element (Pettit 2013; McCammon 2015; 2021). Where employees, for example, reliably have their voice heard through unions,

^{48.} Note that I do not aim to argue that current policy responses are explicitly or consciously moulded on a republican framework. I suggest that—while there are some overlapping concerns—republicanism sheds light on (and offers answers to) at least one important weakness in the current strategy—the position of a commercial, private sector and its architecture.

democratic legislation, worker's councils, and so forth, domination decreases.⁴⁹ Domination can be more or less severe, and it can cover a smaller or larger subset of choices. Although employers may wield some arbitrary power over employees, the domination is significantly less severe and covers a narrow range of choices compared to that of people in slavery—the paradigmatic case of domination.

Furthermore, it is worthwhile to distinguish between a vertical and horizontal axis of domination. In a vertical sense, citizens can be more or less free or dominated in reference to the power of the state (“imperium”, Pettit 1997, 112). The concern here is with political legitimacy: the state has always been one of the primary sources of power, and republicans have proposed various institutional mechanisms in order to control that power (e.g. mixed constitution, democratic influence, independent judiciary). Pettit, in a more abstract account, suggests that that such legitimacy might be achieved if citizens can be said to have ‘individualized, unconditioned, and efficacious’ control (Pettit 2012, 79). As much as the state is a risk itself, republicanism acknowledges its role in imposing a social order that aims to minimise domination along the horizontal axis: the private powers of others (“dominium”, Pettit 1997, 112). The state must implement a system of criminal law, for example, in order to prevent the stronger, more aggressive from imposing their will on the rest. Ideally, such laws are both legitimate and socially just, minimising domination along both axes.

In the digital sphere, various threats of domination can be identified, both horizontal and vertical. Examples of the latter are the use of surveillance and privacy violations by governments (Newell 2014; Roberts 2015), or the use of opaque algorithms for various purposes (with as an example the infamous use of COMPASS by US courts to assess risk of recidivism, see Dressel and Farid 2018). Along the horizontal axis, private actors that come to occupy powerful positions in contemporary society spring to mind. For commercial gain, they use algorithms that extend or introduce new (or exacerbate existing) forms of arbitrary interference (Gräf 2017; Danaher 2020), they control communication and mediate democratic deliberation (Aytac 2022), and they contribute to the platformisation of existing economic practice and workplaces—platforms that are not necessarily governed in line with the interests of those who use them (Poell, Nieborg, and Van Dijck 2019; Muldoon and Raekstad 2022). These are but a few examples of the ways in which the digital world brings with it new or amplified forms of (arbitrary) power, in many cases held by a few powerful companies.

⁴⁹. This is also why republicans, contrary to liberals, tend to think that a democratic state is not one that impairs freedom: democratic power, even if it constrains individual choice, is no arbitrary power (in ideal conditions).

One challenge that may be raised at this point is that citizens are always free to disengage from any particular online platform. In some cases that might be true. Increasingly, however, digital infrastructure has become and is becoming more difficult to circumvent while still participating meaningfully in contemporary society, and we have little reason to believe that will change soon. Moreover, as just discussed, domination can be more or less severe, and the extent of domination can also be smaller or larger. It is not an all-or-nothing matter. Perhaps digital domination is more significant when one is employed as an Uber driver for one's sustenance, and less so when one depends on YouTube for entertainment. But considering the impact digital technologies have in contemporary society, the general and aggregated risk of domination is significant, and ever increasing.⁵⁰

4.3.2 Structural domination in the digital sphere

Recently, some republican thinkers have come to adopt the view that instead of (or besides) agential domination, understood as a relationship between two agents, there is something called structural domination. There is more to this than can be dealt with in this paper, but the gist of it is that, in the exemplar of domination—slavery—it is not (just) the master that dominates slaves, but rather the *institution* of slavery that constitutes domination. If we wish to minimise domination, then, we should not (just) concern ourselves with freeing the dominated from their particular masters, but we need to extend our concern to the structures (i.e. legal institutions, social hierarchies) that assign both their roles in the first place, and that exist over and beyond the agents themselves.⁵¹

Broadly speaking, this debate has focused on two (intersecting) areas: social injustice (e.g. Gädeke 2020; Laborde 2008; Sandven 2020) and capitalism and labour (e.g. Breen, 2017; Gourevitch, 2013; Muldoon, 2022). In the first, criticism aims to tackle sexist, racist, and otherwise unjust hierarchical social structures that constitute

^{50.} European citizens are not without recourse to arbitrary power wielded by digital platforms either. Various general and specific mechanisms of control exist, from the general democratic institutions and an independent judiciary down to specific rights granted in EU regulations. The GDPR, for example, gives citizens various rights in the context of data protection, which they can, in theory, wield against large digital firms, and the DSA introduces the obligation for content moderators to have procedures for appealing decisions. In this paper, I will not delve into these mechanisms. Given the scope of this paper, an exhaustive discussion of them is not feasible. Moreover, it is not needed for the main argument, which is focused the conceptual aims of digital sovereignty and digital constitutionalism on the one hand and social republicanism on the other.

^{51.} Agential and structural domination do not necessarily exclude each other—on the contrary—they often go hand in hand. It is through social structures and hierarchies that people find themselves empowered or disempowered. The institution of slavery constitutes structural domination, but that by no means inhibits the owner from agential domination over the slave—it rather is the result.

the domination of particular (groups of) people that may share certain vulnerability markers. In the second, the concern is with structural domination within markets, wage-labour, and in capitalism more broadly. We can call these both together *social republicanism* (Muldoon 2022a). Neither necessarily deny the existence of agential elements in domination, but they give “conceptual priority” (Hasan 2021, 8) to the constitutive role of structures—legal, informal, economic, hierarchical, and so forth—in all forms of domination.

This structuralist approach is relevant to the dynamics of domination in the digital sphere. In terms of social justice important work is done, for example on the risk of discrimination by algorithms (Kleinberg et al. 2018), or on online hate speech against vulnerable minorities (Castaño-Pulgarín et al. 2021). Considering the main concern of this paper—the role of private actors with commercial interest in the digital sphere—I will limit the discussion to that on structural domination found in economic spheres. On accounts like that of Gourevitch (2013) and Muldoon (2022), the issue with domination in the economic sphere is not that there are agents that wield arbitrary power as such. The underlying issue is with the way in which capitalist economic relations divide society into classes—one that owns and controls the productive assets of a society, and one class (of workers) that is vulnerable on the basis of a dependency on the asset-owning class. The domination is called *structural* because it is the result of the formal and informal structures and institutions—laws, property regimes, conventions, social hierarchies, and so forth—that shape and govern society. Both historically and today, some of the more aggravating instances of domination have been largely facilitated by legal systems and social conventions.

There are two elements in this strand of republican theory that are particularly relevant for domination in the digital sphere. The first is that it highlights the systemic way in which control over infrastructure affects power-relations between those who control digital infrastructure and those who depend on it, not unlike the division between owners of capital and workers. While it is true that the most obvious examples are found within the spheres of influence of a few *Big Tech* companies—reminding of agential forms of domination—the point here is that leveraging network effects in order to monopolise is not limited to a few well-known digital firms. It is part of the current iteration of a commercial digital sphere, which creates a tendency of monopolised control (Muldoon 2022b, 68; Rahman and Thelen 2019, 183). This is often reflected in the sociotechnical architecture itself, where the focus is often on centralisation. Private, centralised ownership comes with private control over digital infrastructures, and these can then be used to dominate the dependent and disempowered users, whether citizens or smaller businesses and

public organisations (Rahman 2018; Cutolo and Kenney 2020; Muldoon and Raekstad 2022; Hoeksema 2023).⁵²

Social republicanism invites us to further consider how such sociotechnical factors work together with economic ones to facilitate “extractive domination” (Thompson 2018, 42). Extractive domination is not just about arbitrary interference, but about the extraction of surplus value or some other benefit from others or from society as a whole. In the digital sphere, this takes the form of a *model* of global platforms with the goal of owning an entire “ecosystem of interconnected products and services that effortlessly extracts profit at every point of the system” (Muldoon 2022b, 12). In this sense, the platform model that shapes the digital sphere can be considered largely a continuation of pre-existing capitalists trends (Törnberg 2023). The extraction of value by private actors is not just for commercial gain, however, it can also be used to reinforce the existing structures that facilitate it in the first place. In the case of AI, for example, the computational infrastructure, expertise and talent, and data required for further development of and control over AI flow towards (corporate) actors that have already acquired infrastructural positions in the digital sphere (Verdegem 2022). Social republicanism implores us to be critical of these more structural, economic dynamics.

The second element highlighted by social republicanism is that structural domination can contain a more diffuse element, which comes close to what Thompson (2018) calls “constitutional” domination. Thompson suggests that constitutional domination is a “process of living, thinking, and acting within the norms, values, ideas, and practices that legitimise hierarchical relations and structures (p. 50). Domination is not merely about extraction and interference, Thompson argues, but reflects an ability of the powerful at the top of certain hierarchies to reorient social norms and values in ways that affect the thoughts, beliefs—the consciousness—of those who find themselves on the bottom of these hierarchies. One can think, for example, of the factory worker who perceives their own poverty and the wealth of the factory owner as an unchangeable fact of life, or even as the result of fair and legitimate class divisions.

This insight is relevant to the digital sphere. Some have warned of the expansion of a *Silicon Valley ideology*, which promises to empower citizens and solve societal problems through innovation, but which is actually founded in neoliberalism and free market fundamentalism (Schradi 2015).⁵³ Perhaps part of that ideology—and running counter to the reliance on competition—is the way in which entrepreneurial

⁵² These agential forms of domination are the result of these pre-existing structural dominations.

⁵³ It is perhaps here that we can also place the idea that ‘rowing’ is best left to the market.

definitions of success are heavily shaped in the image of Big Tech, visible for example in the widely shared ambition to be bought by Big Tech rather than to engage in the hopeless ordeal of outcompeting them (Hellman 2022). Hellman is also concerned with “Big Tech’s tacit power to shape imaginaries of what innovation could look like – not, precisely, by direct domination in the market, but through its cultural influence on the gestation of entrepreneurs’ ideas” (p. 156).⁵⁴

Others have recognised how large platforms wield *systemic opinion power*—a power to systemically influence opinions (Helberger 2020; De Vivo 2023). Opinion power—the ability to influence individual and collective opinions—is political power, and in this case, it can be sold to the highest bidders. Helberger suggests that in the case of large social media companies, this has evolved into a systemic opinion power, changing “the very structure and balance of the media market” (p. 846). Moreover, Helberger argues, in line with the criticism in this paper, that all national and European responses are based on embracing and formalising this role of large platforms, in the hope that sufficient accountability requirements can mitigate the issue.⁵⁵ These are just a few examples of how domination can manifest itself in elements of consciousness, and others may come to mind. One can think of the role of habituation in Zuboff’s cycle of dispossession, for example, where habituation denotes the breaking down of resistance to digital firms over time by normalisation or resignation, and a subsequent acceptance of domination (Zuboff 2019).

In sum, whereas traditional republican concern is focussed on the agential elements of domination, social republicanism redirects us towards the underlying (sociotechnical and economic) infrastructures and the values, norms, beliefs, and practices that shape and legitimise hierarchical relations of power. In the digital sphere specifically, the social republican concerns are with the way in which the digital sphere is marked by technical and economic norms that result in a model of platform monopolism. It questions the accumulation of wealth, expertise, and control over infrastructure and, conversely, the dependencies and extractive relations between users and platform owners. It challenges the implicit and explicit beliefs, norms, values, and practices govern the digital sphere. For social republicanism, in short, minimising domination in the digital sphere is not just a matter of limiting the arbitrary power of the most powerful technology companies, but rather of rethinking,

⁵⁴. Others discuss similar issues under the names “Californian ideology” (Barbrook and Cameron 1996) or “Silicon Doctrine” (Jiménez 2020).

⁵⁵. Traditional media can also be said to have opinion power. One could also say that this is precisely why few functioning democracies leave the full scope of the media in the hands of private parties. They not only introduce strict regulations, but, also in line with this paper, most ensure that public alternatives are available.

on a more fundamental level, the formal structures, cultures and assumptions that currently shape the digital sphere, including the model of the commercial digital platform. It is, in essence, more radical.⁵⁶

4.3.3 A brief, preliminary republican perspective on digital sovereignty

There are some preliminary insights that can be gained by comparing the republican perspective and those of digital sovereignty and constitutionalism. The first is that the European strategy (whether construed in terms of sovereignty or in terms of constitutionalism) aligns for a large part with the *traditional* republican concern with arbitrary power—if we exclude the structuralist, social republican critique for now. Digital sovereignty, as the ability to act independently in the digital sphere, is seen as an extension of the ability of a state to project its power in a global context. Conversely, a lack of external sovereignty corresponds with failure of state institutions to protect citizens against global sources of agential domination, whether online or offline and whether public or private. As such, a people constituting a society should have means to project power into the international sphere, according to Pettit (2013).

The imperatives of constitutionalism—limiting the power of the state and the protection of fundamental rights—are similarly important for republicans. De Gregorio (2022) discusses constitutionalism in reference to “unaccountable powers” and “powers outside any control” (p. 317), which closely resembles the republican concern with uncontrolled power. Moreover, constitutional rights provide a central means to prevent some of the worst forms of domination.⁵⁷ A digital sphere where large, global firms inhibit governments from acting independently or where their illegitimate power is not restrained sufficiently to guarantee the protection of fundamental rights is one where agential domination is nearly inevitable.

But beyond this first glance, there are some relevant normative differences to be found. The first is that, on a republican account, sovereignty and constitutionalism are *means* to an end at best (the end being widespread non-domination). Both are subservient to the underlying normative principle of freedom as non-domination. Sovereignty understood as the ability to project power is instrumental for the state to protect citizens against domination, but, in Pettit’s words: “there is nothing sacred from the republican point of view about the state or about the state’s sovereignty” (Pettit 1997, 157). If such ends can be reached better by other means, the sovereignty

⁵⁶ This paper emphasises the social republican concern with structural domination, but it is ecumenical in its approach to domination in general: it assumes both can exist simultaneously.

⁵⁷ See Van der Sloot (2018) on how European Courts have seemed to give the right to privacy a republican interpretation.

of the state is not something to hold on to by itself. As such, when coming up with strategies that seek to expand the government's ability to project power, one must also keep in mind whether that power is backed up by democratic control—or the extent to which it reflects a *popular* sovereignty (Floridi 2020).⁵⁸

A similar difference can be found in relation to digital constitutionalism. Considering the size, power, and global character of some technology firms, as well as the fact that they often supply infrastructures and technologies to the public sector (for example during the Covid-19 outbreak for contact tracing methods, see Sharon 2020), it is no surprise that some working on digital constitutionalism have started to approach their positions as a matter of political (il)legitimacy. Suzor (2018), for example, starts with the assertion that digital platforms govern users, and that such governance must be legitimate (which contractual paradigms have difficulty doing). Linnet Taylor's (2021) starting point is similar: digital platforms are increasingly involved in public governance and are difficult to circumvent for citizens, resulting in an entanglement that requires a political answer in order to establish legitimacy. De Gregorio's (2022) characterisation of the EU's digital constitutionalism is slightly different: it reflects a mixed approach of "hard and co-regulatory strategies" (p. 294). Nevertheless, the perceived result of co-regulatory strategies is still one where private actors are "regulated entities driven by a mix of profit maximisation and public purposes" (p. 295).

From a republican perspective, however, there is little conceptual reason to approach the power of private actors as one that is about political legitimacy. Digital firms and platforms have a private—often commercial—nature, and any arbitrary power can be firmly placed along the horizontal axis of domination (dominium). Digital firms and platforms, even if they are economic powerhouses—and notwithstanding the tendency to describe them as governing a separate realm—can therefore be justifiably subjected to the social order imposed by governments, insofar as they exercise power over citizens in the European digital sphere.

In fact, incorporating existing digital firms into governance structures by legitimising their role as *de facto* public actors raises two problems for republicans. The first is that digital firms are not governed democratically but by shareholders, private owners, and managers (Fuchs 2021). Even if restrained and legitimised, those under their governance are subjected to some form of non-democratic power, unless they are also substantially democratised. The second issue is that incorporating digital firms in public governance structures does not mean they lose their commercial self-

⁵⁸. I will not pursue this further, but the ongoing debate on the EU's alleged 'democratic deficit' might prove important here (see for example Follesdal and Hix 2006).

interest. While neither is necessarily a decisive argument against the incorporation of private actors in the regulation of the digital sphere by itself, taken together they expose an uncomfortable mix of public and private power, reminding of corruption that republicans are traditionally quite wary of (Pettit 2013). While constitutional restraints could alleviate the risk to some extent, republicans are generally more cautious and turn to the importance of civic virtue and various other more in-depth mechanisms to counter corruption (Dagger 2002; Lovett and Pettit 2009).

The contrast becomes even sharper when we return to the structuralist version of republicanism. Recall that social republicanism emphasises (1) the role of sociotechnical and economic structures, and (2) the role of a more diffuse influence over beliefs and practices, both of which shape the digital sphere. As discussed above, the problem here is that while strategies of digital sovereignty and digital constitutionalism justify restraints on private power in various ways, neither necessarily requires a more radical revision of the structures that currently determine the digital sphere.⁵⁹ In other words, social republicanism recognises the value of both strategies in preventing more egregious examples of agential domination, while simultaneously calling for additional, more radical changes to the European digital sphere.⁶⁰ These changes ought to extend to both of the concerns of social republicanism, such as business models and ownership status (Dijck, Poell, and Waal 2018, 10). In the context of content moderation, for example, regulating business to restrain unaccountable power is one step, but the role of harnessing attention for profit that is paramount to many digital platforms must also be dealt with (Ghosh and Srinivasan 2021). As long as these business models drive platform governance, content moderation cannot be reliably handed over to commercial platforms. Ignoring this “structural problem” by merely “shifting responsibility” (p. 164) is inadequate.

Similarly, a more fundamental revision of the digital sphere is necessary to combat the manifestation of constitutional domination. Examples range from broader narratives, like citizens perceiving markets “natural” (Rahman 2017, 50), to the spread of silicon valley ideology discussed earlier (Schradié 2015), and to the danger of techno-solutionism (Morozov 2014). A more specific example of the latter can be found in the context of Gaia-X, set up in response to worries regarding increasing European dependency on foreign cloud providers. Here, Google and Amazon used

⁵⁹ De Gregorio (2022) mentions the role *dignity* plays in European constitutions, and how that could protect citizens against the ‘dehumanisation driven by digital capitalism’ (p. 317).

⁶⁰ One important exception here is the interoperability-obligation for gatekeepers found in the DMA (article 6 and 7), which aims to create some degree of mobility and openness across services and markets, thereby inhibiting anti-competitive strategies.

solutionist arguments (including “cognitive” arguments, Obendiek and Seidl 2023, 1320) to attempt to shape public actor’s perceptions. The need to withstand the pressure of Silicon Valley ideology must be taken into account when formulating a strategy against domination.

4.4 Democratic group ownership and the digital commons

Social republicanism, thus, requires that we go further than existing strategies of digital sovereignty and digital constitutionalism, to target the issues of the digital sphere at the structural level. In this section, I will discuss two ways in which that can be done: cultivating a digital commons and reinforcing and broadening public service media. Neither need to replace existing strategies, but both would supplement the European strategy in ways that respond to the more radical concerns of social republicanism, because they offer an alternative to the business models and ownership status of privately owned and commercially driven digital platforms, and because they might facilitate isolated digital environments where the influence of existing digital firms is somewhat limited.

4.4.1 Group ownership in the digital sphere: the digital commons

While republicans historically often turned to private property arrangements as the preferable way of securing independence, Yara Al Salman (2022) shows that group ownership arrangements are quite capable of securing citizen’s non-domination—and often even better posited to do so. Generalising from the workplace democracy that inspired social republicans, her account contains two criteria that must be satisfied for basic non-domination.⁶¹ Institutions of ownership should, first, ensure that “owners can rely on resources for their basic capabilities and functionings” (p. 212). The second criterium—the *control criterion*—requires that those who depend on such resources share equal control over their use. Any ownership arrangement that satisfies these criteria is one that republicans should value, as they ensure that citizens are secure in their basic non-domination.

As Al Salman shows, certain group ownership arrangements are quite capable of satisfying these criteria. As an example, she discusses “sharing in common” (p. 214), an arrangement where a group of persons democratically determine how an object

^{61.} Al Salman distinguishes between full non-domination and basic non-domination, which denotes the minimum amount of non-domination that is needed given the impossibility of the first. Basic non-domination involves “having the reasonable ability to withstand subjection to an arbitrary will and being in control of the decisions that structure that ability” (p. 210).

or resource may be used (where ‘used’ is understood in broad terms). Sharing in common requires a binding collective decision-making structure, and the outcomes of this procedure ought to trump individual property right on the object. Sharing in this way therefore differs from open access regimes and voluntary sharing arrangements (p. 215). For sharing in common to satisfy the republican requirements, the collective decision-making must count as democratic and non-hierarchical. Al Salman discusses two examples of group ownership that fit the bill: common property regimes and open knowledge commons. The first refers to a property regime where a group of individuals collectively manages a resource (e.g. natural resources). Only a subset of common property regimes satisfies the second criterium, however, as not all are democratically governed. Open knowledge commons refer to groups of agents that together produce, contribute to, share, and have access to knowledge. Here, too, not all knowledge commons need to be democratic—only those that can satisfy the requirements for non-domination.⁶²

The important point here is not that alternative property regimes exist that promote traditional non-domination, but that their existence is important for meeting the challenges raised by social republicanism. By focussing on a shared ownership status and non-hierarchical, democratic control, alternative ownership regimes could counteract the centralised, monopolistic, and commercial regimes that are now commonplace in the digital sphere. If successful, citizens would have access to in non-hierarchical, democratically organised digital platforms, or, as it is also called, a digital commons. The digital commons pertains to digital resources such as data, knowledge, expertise, culture, and so forth, which can similarly be held in common and stands apart from the commercial, privately owned digital sphere.

This comes with a double empowerment that counteracts structural disempowerment: first, citizens have access to digital resources and knowledge without needing to depend on extractive relationships with privately owned digital platforms, and second, citizens can take part in democratic processes in order to exercise equalised control over the digital sphere. Wikipedia offers a clear example here: citizens have equal access to the information found on Wikipedia and can do so without fear of engaging with the platform in an extractive relationship. Although Wikipedia may not be democratic in the strict sense, the fact that everyone can edit means control is, in principle, shared equally between users. As such, there “certainly is room for

^{62.} Al Salman recognises that open knowledge commons might not strictly count as ‘property regimes’. She argues, however, that (1) under some conceptions of property they would be considered property, and (2) even if it does not, they would still approach property enough for the “ink between sharing in common and non-domination would therefore still stand” (Al Salman 2022, 219, note 4).

some kind of equal collective decision-making” (Al Salman 2022, 219). One can also think of data commons, for example in the mobility sector, where users participate together in maintaining an updated dataset regarding transportation and traffic. An open-source app could use this data to offer a service in which the users themselves participate, both in the design and in the maintenance. This would offer an alternative to Google and Apple for citizens.⁶³

One could respond that these democratic elements do not satisfy the more specific requirements republicans have for the democratic state (“individualized, unconditioned, and efficacious”, (Pettit 2012, 80). In addition, even if these were satisfied, the digital commons could still prove susceptible to the ‘majority rule’ problem, where a minority is dominated by a majority. However, note that the context here is not one of popular control over the state, but one of counteracting structural domination in the private sphere. This arguably means that democratic control can be interpreted more widely, as it is nested in a wider context of horizontal social justice imposed by the state. The state, therefore, could introduce additional regulation to prevent abuse similar to how it does so in other contexts. It is sufficient that a digital commons usually requires forms of participatory and democratic decision-making (Dulong De Rosnay and Stalder 2020; Stubbs 2022). In addition, different platforms and services within the digital commons might require different forms of democratic engagement and access, and any incorporation of a digital commons in a European strategy could always explicitly specify democratic governance models and corresponding criteria.⁶⁴

The digital commons also plays an important part in mitigating the issue of constitutive domination, as they could act as a sphere that is outside of the influence of the silicon valley mindset that left its mark on the current digital sphere. Labour republicans have long valued social transformation through cooperation (Gourevitch 2020). Cooperation promised an alternative organisational structure to that inherent to capital-labour relations. Cooperative enterprises, however, were demanding and therefore required a particular conception of virtue and solidarity, which conversely could be cultivated through practice with such cooperatives. Gourevitch remarks that the lessons learned from labour republicanism are not just interesting as an historic

^{63.} An example of this is the ViaggiaTrento app, which has been in use for several years (Bordin, Menendez, and De Angeli 2014).

^{64.} Pettit’s (1997) proposed consequentialism proves important here. It might not be possible to root out all forms of domination, whether public or private. The aim is to minimise it, and that is a balancing act. In this context, both structural and agential domination as a result of powerful digital firms can be reduced by having a digital commons provide an alternative, even if it is not necessarily completely free of domination itself.

phenomenon, but as a “general form of a politics of virtue whereby those who find themselves in a condition of subjection might, through their own efforts, bring society closer to its own ideals of equal liberty” (p. 170).

While not as ubiquitous and severe as in the time of labour republicanism, the generalised principle could perhaps also apply to structural domination in the digital sphere. Through cooperation, sharing, democratic engagement, and so forth, a strong and insulated European digital commons might prove fruitful soil for norms, values, habits, and business models to take root that do not comply with the kinds that thrive in commercial market environments. This notion is not limited to labour republicans. In the context of information commons, for example, the sociotechnical phenomenon of peer production has been argued to offer an important platform for the development of virtues away from markets and managerial hierarchy (Benkler and Nissenbaum 2006a).

The notion of a digital commons has been gathering steam within the context of digital sovereignty and is already on the agenda of EU policymakers. In 2022, under the French Presidency of the Council of the European Union and the European Commission, a report on the digital commons was presented, in which the authors argue that a digital commons would (among other things): “foster non-predatory EU digital sovereignty” (Task Force on Digital Commons 2022, 8). The reports lauds ongoing efforts by the EU and members states but identifies a “lack of infusion of the commons culture into public policies” (p. 5). As such, the report advises, Europe must create a one-stop shop for the digital commons, quickly arrange for funding for the digital commons and its strategic components, create a foundation that includes a legal structure, and adopt a digital commons “first” (p. 8) principle—where the EU should always consider first the use of open source or open data solutions. Later, in November 2023, the Next Generation Internet (NGI) initiative held a conference titled “Unlocking the power of the Digital Commons”. The NGI is one of the initiatives of the EU that seeks to directly contribute to the development of the digital commons.⁶⁵

4.4.2 Public service media

Where the digital commons offers a mostly decentralised approach to group ownership, the notion of public service media offer a more centralised and governable variant—one that steps away from the horizontal axis (see also Fuchs 2021). Coming

⁶⁵ As another example of the EU already recognizing some of the importance of the digital commons is that openness and open source are already emphasised in Horizon Europe, a research and funding scheme of the EU, sometimes explicitly in particular ‘calls’ (e.g. HORIZON-CL4-2024-DIGITAL-EMERGING-01-23, <https://ec.europa.eu/info/funding-tenders/opportunities/portal/screen/home>).

from a position of monopoly itself, followed by a time of liberalisation, public service broadcasting has been a matter of debate for the past decades, both for its conflicts with market rationales through government aid as well as for its transition from public service broadcasting to public service *media* (Lowe and Bardoel 2007). According to Slavko Splichal (2008), public service media must be understood as (p. 255):

“a service of the public, by the public, and for the public. It is a service of the public because it is financed by it and should be owned by it. It ought to be a service by the public – not only financed and controlled, but also produced by it. It must be a service for the public – but also for the government and other powers acting in the public sphere.”

Such media could play an important role as an alternative to existing, private digital infrastructures. Whereas a digital commons reimagines the current economic and sociotechnical structures in terms of sharing, public service media do so by reimagining them as public. This way, they can mitigate the social republican concerns with structural domination in a slightly different manner. As public service media are not owned by anyone in particular, and their funding is granted independent of commercial success, public service media can be developed free from the economic rationales that drive most private digital platforms. Moreover, they are, as a matter of principle, unconditionally accessible by all citizens. The result is that citizens always have at least one option available to them that falls outside of the infrastructures and architectures of commercial, private platforms, and the extractive relations they often facilitate.

The current impact of public service media should not be underestimated, but further strengthening their position within the digital sphere could prove a valuable addition to a European strategy. In particular, strategies could steer public service media to take over infrastructural functions that are now left to the private sector, or even to expand into new territory and develop public service social networks or public service internet platforms (Iosifidis 2011; Fuchs 2021).

One promising example is PublicSpaces, a coalition of various Dutch public service organisations and civil society organisations. Part of the vision of PublicSpaces is that “public organisations, due to their large reach, can take the reach in creating an online public sphere”, that is accessible to all and built on public values.⁶⁶ Another example is *PubHubs*, an open source community platform based on public values and a different approach to identity management (Jacobs et al. 2023). In PubHubs,

⁶⁶. Translated from the manifesto of public spaces (in Dutch): <https://publicspaces.net/manifest/>

short for Public Hubs, each hub can be “run by separate partner organisations, such as schools, libraries, municipalities, patient federations, *etc.*, typically with a public task/role” (p. 9). Both of these examples aim to create a space in the digital sphere that is not dictated by the norms, values, and practices that large, commercial platforms are known for.

One important issue of government-funded public service media, however, is that they are under scrutiny for issues related to competition and market distortion, as such funding is sometimes considered to be state aid—running counter to pressure from the European Commission to rely on market competition (Leurdijk 2008). This paper, needless to say, would be critical of such pressure, as protecting citizens from domination should take precedence over competitive market strategies, in particular where the latter comes with significant risks of agential and structural domination. In addition, public service media might be more susceptible to direct government interference. As such, while they may play a role in mitigating (structural) domination in the private, horizontal sphere, they may in turn increase the risk of vertical domination. This is a concern recognised in republicanism—as part of the larger issue of arbitrary governmental power. It is important to stress, however, that while governments can facilitate public service media, can be set up and isolated as independent. Various institutional mechanisms already employed in the workings of democracy can be applied to promote such independence—although vigilance remains important. In addition, it is worthwhile to stress that public service media should provide an alternative to a private sector—we need not go as far as to fully replace them. This way, one might aim for a balance between a risk of public and a risk of private domination, both agential and structural.

The digital commons and public service media are also complementary: public infrastructure and government involvement go hand-in-hand. *Public-common partnerships*, for example, may come to play an important part, complementing each other in creating an alternative to “privately run businesses seeking to make a quick buck at the public’s expense” (Muldoon 2022b, 105). An excellent example of this is Europeana, which relies on public contributions by museums, libraries, and archives and by volunteers and enthusiasts which categorise and curate digital items.⁶⁷ In addition, digital commons or public service media are not meant to replace strategies of digital sovereignty or digital constitutionalism. The point here is that they could supplement them so as to more radically restructure parts of the European digital sphere.

⁶⁷. <https://www.europeana.eu>

In sum, a vibrant digital commons and a robust public service media landscape can both reduce structural domination by offering alternative ways to structure the digital sphere. Unlike the predominantly privately owned, commercially driven platforms, these models provide shared and public ownership. This shift can relieve citizens from dependence on private property and commercial business models when engaging digitally. Additionally, digital commons and public service media foster the development of values, norms, and innovations without the heavy influence of Big Tech's vision, as previously illustrated. To bring up one more example in order to flesh this out, consider the importance of X, formerly Twitter, in political mobilisation and public discourse (e.g. LaMarre and Suzuki-Lambrech 2013). X is owned and controlled by Elon Musk (although it could have been anyone for the argument in this paper). Citizens may have alternatives available, but few come close to X's reach. On the vision defended in this work, European policy promotes the development and scaling of shared and public alternatives, which not only reduce dependency on X—and Musk's control—but also create a space for developers and users to develop values and norms that invite healthy usage and discourse, unmarked by the need to increase profitability.

Examples mentioned earlier like Wikipedia, PubHubs, Public Spaces, and Europeana illustrate potential alternatives and can serve as a starting point for strategies addressing structural digital domination. To support similar initiatives policymakers could provide structural funding, as one-time funding for new ideas is often easier to obtain than ongoing support. Governments could also opt to move their own digital environments into the direction of public and shared spaces, as some already do, both to reduce their dependency on large private actors as well as to contribute to these new initiatives and a transition of their culture.⁶⁸ Further research is needed to identify digital platforms particularly sensitive in this regard, such as X's role in democratic discourse or the smartphone infrastructure of Apple and Alphabet. In such cases, a comprehensive program to develop public alternatives might be necessary.

^{68.} For example, the Dutch Government adopted an “open source by default” perspective, where the positive impact of transitioning to a digital open source culture are emphasized. *Brief van de staatssecretaris van Binnenlandse Zaken en Koninkrijksrelaties*, 17th of April 2020, 2020-0000197309.

4.5 Conclusion

After a time of digital liberalism, the European Union is now producing some of the most ambitious legislation and legislative proposals worldwide with regards to the digital sphere. The new policy approach is described in a discourse on digital sovereignty and digital constitutionalism. Digital sovereignty aims to increase the EU's control over the European digital sphere, and digital constitutionalism requires that public and private power in the digital sphere are legitimate, restrained where appropriate, and that fundamental rights and values are protected. On both accounts one can justify attempts to restrain and legitimise the pivotal position of a commercial private sector.

Perceiving the matter through a republican lens, digital sovereignty and digital constitutionalism, and corresponding legislation and policy, are likely to increase non-domination by tackling some of the important issues that come with the hampered ability to project democratic power over a global digital sphere. However, if one includes the concern with structural domination that features prominently in social republicanism, they fall short of addressing the issue at the structural level. Neither require a fundamental overhaul of the sociotechnical, economic, and cultural structures that govern the digital sphere. The current EU strategy risks contributing to existing and new forms of structural domination through a continued—even formalised—reliance on private property arrangements and market ideology.

In formulating the ambition to shape a European digital sphere that sets itself apart from that of China's more autocratic strategy, or the more liberal one found in the US, the EU is perfectly posited to more radically reconceptualise a European digital future in which not private actors with commercial interests govern most of the digital sphere, but where different ownership arrangements allow citizens to engage with public alternatives, and participate in shared alternatives to shape it themselves. This protects them not only against agential domination, but also against a structural dependency on private actors and market mechanisms, and it may create space for the development of different kind of non-commercial norms, values, and practices. This paper joins others in arguing that the EU is perfectly posited to challenge the reliance on a private sector by embracing the digital commons and by further strengthening public service media in order to achieve digital sovereignty, for example by ensuring structural funding reaches non-profit, open source initiatives and by promoting the reliance on such initiatives within government.



5

Consumerism and Virtue in the Republican Digital Sphere

Submitted to Techné in June 2025.

5.1 Abstract

The digital sphere, currently marked by power asymmetries between large digital platforms and citizens, smaller businesses, and governments, has attracted criticism from various directions, including from the (neo-)republican corner. Republicans offer various strategies against domination in the digital sphere. This paper argues that digital consumerism undermines republican strategies by framing the digital sphere as a market and reducing citizens to mere consumers, obscuring the political nature of digital governance and compromising republican strategies of non-domination. It proposes a renewed focus on the role virtuous citizens have in resisting domination by digital platforms, in supporting democratic alternatives, and in holding actors governing the digital sphere accountable. These can serve as three conditions a republican account of civic virtue in the digital sphere needs to satisfy. It ends with addressing objections of feasibility and perfectionism that can be raised against a reliance on civic virtue.

5.2 Introduction

The contemporary digital sphere faces various serious issues. Not only is it marked by significant asymmetries of power and knowledge, digital technology can worsen existing or create new ways of interfering or doing harm, and social media plays an alleged role in a hardening of public deliberation, to name a few one can come across. In response to these issues, some have turned to the republican political tradition. Republicanism now features as an evaluative and normative framework for assessing and curbing the risks that can be found in the digital sphere. In a way that is not surprising, as republicanism combines a historical and conceptual richness of a broader republican tradition with intuitive and fairly straightforward accounts of freedom, power, and domination.

A republican digital sphere promises a high degree of freedom from arbitrary power for citizens, both from private and public actors, as well as a renewed focus on the potential of a digital sphere that promotes public goods. In order to achieve this, republicans have proposed various (sometimes competing) institutional mechanisms. These range from more conventional propositions—strategies of competitive markets and direct empowerment of individual consumers—to more radical ones, like restructuring the digital sphere to ensure it is cooperatively or publicly owned and governed.

Relatively neglected, however, is the role (digital) consumerism plays in the current digital sphere and in the republican responses to domination. While the consumer framework can be used to identify *consumer* vulnerabilities and formulate appropriate responses, it also conceives the digital sphere and its issues as part of a market context. This paper argues that republicans have several reasons to be concerned about digital consumerism, because it undermines important republican strategies against domination, which generally require citizens to be more than mere consumers. Moreover, by adopting a framework of digital consumerism, the political nature of the governance of the digital sphere might be obscured.

In the first section of this paper, I discuss how the current conception of the digital sphere can be seen as a market in which citizens are approached as consumers, and I give a general account of digital consumerism. The next section elaborates on the argument that republicans ought to resist digital consumerism for its compromising effect on their main strategies against domination in the digital sphere. In the final section I suggest that republicans can seek recourse in the concept of civic virtue, and propose three conditions that an account of civic virtue ought to satisfy in order

to counteract the issue of digital consumerism. I end the section with a response to two potential objections that can be raised at this point—one of feasibility and one of perfectionism.

5.3 Digital Markets and Digital Consumers

Big Tech's vision has made a lasting impact on the digital sphere, one that is increasingly scrutinised by academics, civil society, and legislators—as evidenced by a string of legislative actions taken by the European Union and the repeated hearings of Big Tech's leaders in US Congress. Big Tech's power is a source of various concerns, for example for their market dominance, controversial data collection and usage practices, and control over important means of public discourse, as well as for anticompetitive behaviour. Some of the harshest critique, however, is raised by those who perceive Big Tech's dominance to be primarily a continuation of capitalist logics supercharged by digital technology.

Most famous, perhaps, is Zuboff's notion of *Surveillance Capitalism* (2019), with which she refers to a socio-economic system where Big Tech profits by collecting and analysing vast amounts of user data for targeted advertising and behaviour prediction. According to Zuboff, this transforms human experiences into commodities, eroding privacy and autonomy while concentrating and building the power of these corporations. Comparable accounts exist, such as Sarah West's *data capitalism* (2019), aiming to describe the problematic consequences of “the sale of individual behavioral profiles tied to user data” (p. 23), Srnicek's (2017) and Langley and Leyshon's (2017) *platform capitalism*, which questions how mechanism design shapes the economic dynamics and social interactions within digital platforms, and Verdegem's (2022) *AI capitalism*, which critically engages with the political economy of AI. What these accounts have in common is that they underscore the role of technology in the commodification of data and the subsequent asymmetric redistribution of power and accumulation of data and wealth into the hands of a few private corporations.

Even if one is not immediately convinced by these more radical accounts of what is wrong with the current digital sphere, there is at least one element in all of them that one can accept without fully subscribing to them: the notion that capitalism plays a key role in the digital sphere, or at least that the digital sphere that most citizens face is usually approached as a (consumer) market environment. A significant portion of online activities, platforms, and services is driven by commercial interests, including e-commerce, digital advertising, subscription-based services,

and online marketplaces. Companies leverage the digital sphere to promote their products and services, engage with customers, conduct transactions, and generate revenue. Additionally, many digital platforms and services are owned and operated by businesses, further emphasizing the commercial aspect of the digital sphere. The largest digital platforms in the world are all owned by commercial organisations. In short: the digital sphere is, to a large extent, a market governed by market logics.

Not every part of the digital sphere necessarily submits to these logics. There are, sometimes in nooks and crannies, initiatives that are not driven by commerce but by other values. Some of these initiatives thrive, as the well-known example of Wikipedia and the lesser known example of Home Assistant—a successful open source smart home platform without vendor lock-in—show. Such initiatives, however, still compete—in a market sense—with commercial products and services. In the case of Home Assistant potential users will be able to choose between countless other options. Google Home and Apple Homekit are straightforward competitors, if only because most consumers already own either an iPhone or Android phone. But almost every appliance producer offers some smart home solutions, from Samsung to IKEA. The point is not about the desirability of this commercial home automation. For now these examples serve to illustrate that even non-commercial organisations still have to deal with market logics that shape the digital sphere.

Adding another layer to these dynamics is the fact that, increasingly, digital platforms export market logics into other sectors—some of which are public or otherwise not originally market-based. The largest technology corporations—Apple, Google, Amazon, and Microsoft—have already sought to expand their influence to the domain of healthcare, education, and public governance (see for example Sharon 2020a; 2021). Public-private partnerships, a buzzword that made its way throughout governance organisations over the world, promise to leverage the best out of public and private entities by having both cooperate towards a public goal. Such partnerships have “become a favourite tool for providing public services and developing society in both developed and developing countries” (Khanom 2010, 150).

Finally, the overwhelming influence of market logics can be illustrated in reference to legislative projects worldwide. The European Union's regulatory framework is built on a vision of a digital sphere that is competitive, fair, innovative, and, importantly, bounded by the protection of European rights and values—but it remains a *market* nonetheless. The Digital Services Act and Digital Markets Act aim to establish exactly that, by introducing a basket of new obligations for *gatekeepers*, which are actors that (1) have a significant impact on the internal market, (2) provide a core platform

service which is an important gateway for business users to reach end users, and (3) enjoy an entrenched and durable position (art. 3 DMA). Similarly, policymakers in the US view Big Tech through an antitrust perspective, focusing on concerns related to anticompetitive behaviour rather than the overall dominance of the digital market. (e.g. Sykes 2023).

The issue lies not with markets as such—at least not insofar as is necessary for the focus of this paper—but with the fact that in digital markets, like in any market, relationships between citizens and ‘producers’ are centred around *consumption*. It is against this background that we can come to see how market logics encourage citizens to adopt a consumer mindset, or phrased differently, how these logics exacerbate digital consumerism. The relationships citizens have with these platforms are often of a kind in which they, as consumers, engage with a digital market, where they can ‘consume’ digital products or services. Sometimes, as with the smart home solutions, there is a myriad of choice. Sometimes there is hardly any. If one wishes to improve one’s chance of a successful career, one is more or less dependent on LinkedIn. If someone who is not tech-savvy wishes to use a computer, chances are they end up with one running Windows (Microsoft) or iOS (Apple). And for many, it has proven quite difficult to satisfy their need to engage in public deliberation—or at least to observe others doing so—without having an account on ‘X’, formerly Twitter, or Facebook. In all of these one is a customer to a digital platform and a consumer of their services, with all associated data practices.

This ‘digital consumerism’⁶⁹ is, unsurprisingly, controversial. While some consider digital consumerism to constitute a new form of empowerment, merely requiring some additional steering in order to address new consumer vulnerabilities (Kucuk 2016), others warn of the reduction of “those who use technology platforms into consumers” (Srinivasan and Ghosh 2023, 118). Such positions reflect a dichotomy that precedes the digital. Although one can argue that individuals, as consumers, can exercise political influence and that consumer markets offer more freedom of choice (Friedman and Friedman 1980), historically consumerism has often been perceived as incompatible with—or at least in tension with—citizenship (Trentmann 2007). Citizens can, however, exercise political influence through consumer markets. Examples are the act of *boycotting* or *buycotting* (‘vote with your dollar’), which could be seen as acts of *political* consumerism (Copeland 2014), or ‘green consumerism’, where consumers stimulate environmental impact of a sector through consumptive choices (for example Seyfang 2006).

⁶⁹. Which I interpret broadly to understand both the process of consuming digital ‘goods’ as well as the reciprocal effect of that practice on users’ mindsets and behaviour.

Something of value is lost, however, when citizens come to see themselves more and more as consumers. Wolfgang Streeck (2012) suggests that changes in product and labour markets since the late 1960s have fundamentally altered citizens' behaviours and perceptions. Developments towards differentiated consumer goods have enabled greater individual choice in identity and social contexts but has also fostered a more individualistic and voluntary approach, termed by Streeck as a "politics of consumption." This shift blurs the lines between citizens and consumers, leading to a belief in the superiority of the private over the public sector and a disconnect between citizens' expectations and duties, and their roles as consumers. Citizenship, Streeck argues, demands collective action, a willingness to accept outcomes of decisions that are non-optimal or that one may have opposed, and a 'generalized support to the community as a whole' (p. 41)—things that do not go well with the kind of tendencies that consumerism cultivates.

These normative differences between citizenship and consumerism are emphasized more widely (e.g. Jubas 2007; Kallhoff 2016; Ranchordas 2018). Citizenship is usually defined in reference to a community with shared public goods and collective obligations and consumerism is defined in reference to markets and individual choice, and both come with different kinds of behaviours and attitudes. Consumerism invites individual preference satisfaction through free choice in the market, whereas citizenship may call on individuals to set aside their individual preferences for some common good every now and then. One issue that may rise from a digital market where the role of consumers is prevalent, then, is that "the core of citizenship becomes diluted in a discourse of consumerism, consent, and informational duties" (Ranchordas, 2018, 161).

My point is not that consumers necessarily behave as consumers, or that consumers are always merely motivated by individual preference satisfaction or utility maximalisation. The point is that on an axis with on one side the highly individualistic consumer driven by utility maximalisation, and on the other the community-oriented citizen willing to sacrifice much for the common good, the appropriate mindset for digital markets is presupposed to be shifted towards the first. Those that do adopt a different mindset go 'above and beyond' what is (and what ought to be) expected from them from a market perspective.

For the rest of the paper, I will consider digital consumerism to refer to the idea that the digital sphere, and its digital platforms, are to be considered a market environment, where users are approachable as consumers. These consumers are rational agents that choose between options in order to satisfy their individual

preferences. Consumers are also always ‘right’, in the sense that their preferences are derived from their choices and statements. They can be vulnerable, however, in which case measures must be taken to mitigate consumer vulnerability. As such the strong power asymmetry between consumers and digital platforms, on account of digital consumerism, is to be resolved through consumer empowerment, for example through transparency and disclosure, improved conditions of consent, or individually enforceable rights.

This account of digital consumerism is admittedly somewhat exaggerated. It is entirely possible that few citizens fully embody the consumer as characterised in this work. They might instead bring some civic intuitions into their choices, and it is also possible that they hold concerns as consumers and of citizens simultaneously. That does not mean, however, that the impact of the consumer mindset ought to be excluded from the republican concern or the formulation of its responses to digital domination. Even if the effect is not as large as implied in the exaggerated account, ignoring even a smaller influence on citizen's thoughts and behaviour is still counterproductive. And the significance increases substantially when republicans turn to strategies that expect more of citizens, as is the case with digital cooperatives and the digital commons. Lastly, the question of what kind of citizens republicanism requires is relevant beyond the particularities of the answer in a given time and context.

5.4 Consumerism in Republican Digital Markets

Why is digital consumerism problematic for republicans? One could argue, as some do, that there is little wrong with commerce and markets and consumption in a well-functioning republic. Republicanism, to a certain extent, is a vehicle for different perspectives on markets. For some, like Pettit (1997; 2013) and Taylor (2019; 2024), markets are not just unproblematic, but offer important means of organising society in a non-dominating way, and consumerism simply circumscribes one of the roles that citizens play specifically in market environments. If all goes well, they will never be subject to arbitrary power by virtue of competition and exit mechanisms. At the other end of the spectrum one can find those who, with similar republican intuitions, lament the current significance of commerce or even argue that the consumerism leads to some form of corruption in citizens. Capitalist markets function as ‘regulators’ that enable domination (Vrousalis 2020) and consumerism is associated with corrupted citizenship (Dagger 2006). Michael Sandel similarly criticises the effect of consumerism on American politics (Sandel 1996).

I will not defend a principled stance on the market from a historic or conceptual position, but offer three general arguments for republicans to be wary of digital consumerism. The first is that a consumer mentality undermines attempts to curb the considerable arbitrary power of monopolistic digital firms (1). The second is that a consumer mentality inhibits the potential of a society to exercise political control over the digital market sphere as a whole (2). A third risk manifests itself when consumerism precludes and obscures the ability of citizens to ‘govern themselves’, that is, when the dominance of the market prevents the exercise of political control over market institutions themselves (3). I will discuss all three separately in the next section.

5.4.1 Domination and digital platforms

But let me first sketch, very briefly, why republicans are concerned with domination in the digital sphere in the first place. In very broad strokes: the same digital platforms that have accumulated significant financial and data power—as discussed in the first section—can use that power to interfere with users in various ways. This power is not (sufficiently) controlled. They can, for example, use algorithms and recommender systems to remove, change, and in other ways restructure choices of users (Gräf 2017; Danaher 2020), they can collect data on their behaviour and control systems that are well-suited to manipulative practices (Susser, Roessler, and Nissenbaum 2019a; Zarsky 2019), and in more general terms, they control infrastructures on which users depend for work, political deliberation, social engagement, and other functions (Muldoon and Raekstad 2022; Aytac 2022; Hoeksema 2023). As these powers are hardly under meaningful democratic control, republican thinkers can generally consider them instances of domination.⁷⁰

In order to respond to such domination, republicans have, broadly speaking, at least two main strategies available to them. On the first, the problem is that the digital markets are not competitive enough: some digital platforms have been able

⁷⁰ At this point, some readers might already take issue with the implied severity of these arbitrary powers. They might argue that the degree of domination is quite limited, as one could easily opt out of much of the digital sphere. There are two responses to this challenge. The first is to reply that it is simply not true for everyone. Delivery drivers, content creators, social media marketers, and many other jobs logically *require* engaging with digital platforms. For many others it is unimaginable to carve out digital engagement—think of the use of LinkedIn, X, Mastodon, and so forth for professional, political, and social engagement. The second response is that domination is never an all-or-nothing matter. We can grant that severity is variable, and that some can ‘escape’ domination without sacrificing much. But the more important is that what may not yet be can easily come to be, and the severity of digital domination might grow as digital transformations continue. It is therefore of importance for philosophers and academics to consider, conceptually, what happens when such dependencies are potentially becoming more severe and undeniable.

to occupy a monopolistic position and consumers generally have no meaningful alternative available to them—or the barriers are too high to move between them or to alternatives. The strategy, then, is to reduce these barriers, to decrease exit costs for users, and to promote competition in the digital market. This strategy is in line with Pettit's and Taylor's perspective on republican markets, which guarantee non-domination by ensuring that competition and exit options are available to market participants, leaving none at the mercy of others. Practically, the focus is on empowerment of consumers and on competitiveness in the market. Most western governments seem to take this approach.⁷¹

On the second general strategy, the issue is approached as a matter of (lack of) democratic control. Instead of relying on market mechanisms, more robust and drastic responses are considered appropriate, ranging from democratising or nationalising digital infrastructure to the creation of digital cooperatives or the cultivation of a vibrant and shared digital commons. While the goal of non-domination is the same, this strategy aims to offer users a way out of a dependency not on *particular* digital platforms in the market, but out of a dependency on a non-democratic market in general. This mimics the discourse on domination in the workplace, where republicans have argued that exit options do not sufficiently guarantee non-domination, and that therefore more substantive democratic principles must be implemented (Gourevitch 2013; Breen 2017; Gourevitch 2020). Digital cooperatives or a digital commons could achieve that for digital platforms in the gig-economy (Christiaens 2024), and arguably also for other digital platforms (Muldoon, 2022; Hoeksema 2023). The EU seems to have adopted this strategy at least in part.^{72, 73}

⁷¹ One problem for this approach is that there may be real, valuable benefits from scaling effects that are not accessible to society when competition means data, resources, and expertise are split among competitors.

⁷² Although it is necessary to point out that not all dependency on digital platforms is equal. In cases like the gig-economy, the corresponding dependency for work, income, and sustenance is significantly larger than in the case of seeking entertainment. Nevertheless, as elements of society increasingly take place in digital contexts, the aggregate of smaller dependencies could—if not now, then later—amount to a significant dependency. For a similar argument with regards to algorithms, see Danaher (2020).

⁷³ Somewhere in the middle we might find the New Brandeis Movement, which aims to enhance anti-trust to a broader concern with anti-monopolism. It recognises, more so than before, that economic structures and the concentration of power within them have significant impact on democratic society, and they propose more and stronger policy-measures that seek to prevent (or, where the scale is beneficial, constrain) such concentration of power, without rejecting the market as a whole (e.g. Khan 2017; 2018; 2019; Wu 2019). Their proposals are very much related to the republican concern with non-domination.

5.4.2 Consumerism and the competitive markets strategy (1)

Digital consumerism poses a problem for both strategies, pertaining to argument (1) and (2). Let me first focus on (1), the competitive market strategy. The idea is that there would be less domination by (or on) digital platforms if digital markets were competitive and barriers for switching between platforms low. Consumers would always be able to ‘exit’ and engage with another platform, and resulting competitive pressure would then force platforms to better track the preferences of consumers. This model of arranging non-domination is akin to that of markets of marriage—if exit options are secured and competition prevalent, individuals should be on their best behaviour and refrain from domination over their partners, for they would always be able to leave for someone else (Taylor 2019). The assumption underlying this strategy is that competitiveness is currently lacking in the digital sphere.

However, one of the first large scale empirical studies on consumer use and understanding on online platform services, in various countries, found that ‘multi-homing’ and switching are already quite common among most consumers, and that a significant amount of users reportedly even stopped using certain platform services (Akman 2021). Moreover, consumers report frequently changing default settings and generally report experiencing high quality service and sufficient choice. Taken together, according to Pinar Akman, these (and other) insights “by and large suggest that competition may be effective in certain aspects of most of the relevant platform markets given reported features of the demand side, albeit currently assumed *not* to be so by some policymakers” (p. 271). In other words, there are signals that exit options function at least partially with respect to digital platforms.

According to the same study, a majority of consumers are unaware of the business models and operations that underly Google and Facebook (as examples of search engines and social networks). This is followed by the finding that—while users are adverse to platforms collecting data on their activity when informed—*very few* would rather pay for a platform than have the services offered to them for free, even when taking into account their current business strategies (only 7% and 10% for search engines and social networks respectively). Akman finds that a significant amount of consumers “concurrently (i) value[s] the service that they receive from platforms and would not like to forgo these “free” services; (ii) do not like the fact that these services are provided for “free” because advertisers pay platforms to show them advertisements; (iii) dislike personalized and targeted advertising even more than they dislike non-targeted advertising, but, (iv) would categorically not pay for these services that they positively value in order to avoid the advertisements or data collection practices that they prefer not to experience” (p. 275). The main blind

spots in current policy therefore, according to Akman, are that consumers lack a broad understanding of how digital platforms work and how they are funded, in combination with a strong consumer preference for (“driven *primarily* by [emphasis added]”, p. 287) *free* services, with only a very small subset of consumers reportedly willing to pay for platform services if these platforms would not engage in problematic data collection.

Not only do these insights call into question the base assumption that there is a lack of competition in the digital market, at least in some segments, they also seem to fit in with two problematic characteristics of the relationship consumers have with digital platforms. The first is that these relationships are highly asymmetric in terms of knowledge, expertise, resources, and so forth, and the second is that digital platform infrastructure is particularly well-suited for manipulation and seduction.

Regarding the first, digital platforms appear as opaque entities to consumers, who lack the knowledge and expertise to understand how these platforms work and how they gain revenue, while these platforms ironically operate by observing and understanding consumer behaviour. Consumers also lack the resources to reasonably gain such knowledge and understanding by themselves. A straightforward response to this—not just from a consumer protection viewpoint—is to call increased transparency in order to reduce imbalances. But according to Matthew Crain (2018), there are two important limits inherent to consumer empowerment through transparency: (1) transparency runs counter to the business models of data brokers (and arguably of the expanded digital economy), and (2) transparency measures can and have been used to deflect regulatory efforts. The consumer framework, Crain suggests, will yield flawed results because it mistakenly identifies the issues of commercial surveillance for *consumer* disempowerment rather than the wider commodification of personal data. This holds for the power of digital platforms: asymmetry in knowledge and power is *part* of the business, not merely a consumer vulnerability easily addressed by teaching individuals the nitty gritty of the digital platform economy, just like how showing prisoners how a lock works will not set them free.⁷⁴

⁷⁴ There may be other convincing arguments against a competitive markets approach. Consider, for example, how this approach relies heavily on anti-trust to prevent monopolies from materialising. However, some of the more significant benefits of digital platforms are a direct result of their scale and the collection of data, which allows them to develop services that would otherwise not be possible. Consumers (and citizens) might have an interest in these. However, as these are not necessarily tied to consumerism, they are out of scope for this article.

In the context of algorithmic accountability, Mike Ananny and Kate Crawford (2018) also warn of a vision of transparency that is too limited to deal with the complexities of algorithms for various reasons. The most important ones, for the purpose of this work, are that transparency can be disconnected from the power to make changes—in which case it is likely to be counterproductive—and that transparency is easily associated with a neoliberal perspective on individual agency: “the imagined marketplaces of total transparency have what economists would call perfect information, rational decision-making capabilities, and fully consenting participants, [...] a persistent fiction.” (p. 980). Ananny and Crawford problematise the implicit assumption that individuals *seeing* what is going on is similar to the kind of understanding and capability required for criticism, holding accountable, and enforcing change—and that is even without including the complex economic mechanisms that underly these systems.

The second problematic characteristic is that digital platforms do not just exist through significant knowledge asymmetries with consumers, they also control an infrastructure that is well-suited for leveraging that asymmetry in terms of automated, personalised, and persistent targeting of user vulnerabilities through choice architectures and technical designs (Susser, Roessler, and Nissenbaum 2019a). Importantly, what enables this system is not just *individual* data, but insights gained from collecting and analysing aggregated data of all users over various times and systems (Yeung 2017). This allows for the design of digital environments that seduce users to remain engaged as long as possible, sometimes resulting in addiction-like behaviours (Montag et al. 2019). Such immersive environments, aimed to lure people in and then keep them engaged, are central to the business model of many digital platforms (Montag and Elhai 2023). On a consumerism-friendly reading, this simply means that digital platforms are particularly successful in marketing their products, and the derived consumer preference is to ‘pay’ in personal information or others forms of subjection to the business models of digital platforms rather than with financial means. On a more critical reading, consumers are seduced and manipulated into these relationships with digital platforms, which can then arbitrarily interfere with them to some degree. Some have described this as a form of “automated consumer culture” (Törnberg 2023, 2).

Now, from the perspective of consumerism this might also be recognised as problematic—even if only because the consumer can be said to be worse off over a longer time period if they are captured and captivated in such relations. The argument would be similar to arguments justifying non-smoking campaigns in consumer contexts: if it is bad for your health it is arguably also bad for you as a consumer, so

you should at least be *warned*. But with a republican perspective, another dimension is added: that of a commitment to minimising domination, which is undermined when individuals are knowingly or unknowingly seduced into such relationships. It reminds of Pettit's critical but brief discussion on free contract doctrine, which was "invoked in defence of some fairly appalling contractual arrangements, as people ignored the consequences of domination—as they ignored the asymmetries of power established under the contract—and argued that a contract that was not actively coerced was free" (Pettit 1997, 62). According to Pettit, republicans have reason to be sceptical to these arrangements—more so than neoliberal consumerism.

The problem of digital consumerism is that in order to counteract the asymmetries in knowledge and power between users and digital platforms and the digital environments that are heavily designed to seduce users, users must both be able and willing to understand the business models and their stakes as well as offer resistance where appropriate. It seems unlikely that the consumer mindset, with a focus on individual preference satisfaction, is a fruitful ground for justifying and developing the willingness and kind of capabilities required for that—at least not to the extent that they also encompass the broader republican concern with domination within a market (see, for an example of an account that may be more successful from a republican perspective, Khan 2019). Free-market consumer protection might justify the introduction of enforced disclosures, consumer education, and mechanisms for consent, but at some point it has to accept the stated or derived preferences of consumers.⁷⁵ Republicans, on the other hand, can go further when it turns out that aggregated consumer behaviour in a market leads to more rather than less individual, aggregate, and possibly systemic domination.

The relation between the power of digital platforms and their users is recognised by Culpepper and Thelen when they argue that the power of digital platforms is largely dependent on the fact that they mobilise consumers as "natural allies" (Culpepper and Thelen 2020, 299). They suggest that while traditional monopolies are experienced by consumers as problematic, digital platforms come with scaling effects that consumers directly benefit from. They experience digital platforms as *liberating*, and their infrastructure has become part of their daily lives. It is this implicit alliance that makes digital platforms powerful, but it also sheds light on a vulnerability on their side (see also Srnicek 2017). People collectively wield some anti-

⁷⁵ An arguably more invasive but still market-oriented approach is to enforce paid subscription models as an alternative. However, empirical studies seem to show little willingness among consumers of paying for services they could up to now access for free (Sindermann et al. 2020; Akman 2021). In addition, while such business models might incentivize less of a focus on personal data collection, it does not provide an incentive to build digital environments that are less manipulative or seductive.

power in this mutual dependency. Culpepper and Thelen expect this alliance to falter either when (1) consumer interests are pitted directly against such platforms, and (2) when “political events prime consumers to think of themselves as citizens first, with the sociotropic concerns of citizens, as opposed to consumers” (p. 300). If Streeck and other critics of consumerism, as well as republicans wary of consumerism are right, the chances of the second form of breakdown happening decrease as people think more as consumers, concerned with their individual preference satisfaction. It sheds light on a vested interest of republicanism in the existence of citizenship in and beyond competitive consumer markets.

5.4.3 Digital consumerism and the democratic alternatives strategy (2)

The second range of republican institutional responses rely on introducing democratic, non-commercial alternatives. Two of these alternatives that featured prominently in recent discourse are that of platform cooperatives (Scholz and Schneider 2017; Muldoon 2022b) and that of the digital commons (e.g. Birkinbine 2018; Prainsack 2019; Fuchs 2020). James Muldoon appeals to a version of the digital sphere that is based on a broad range of ownership structures. These include platform cooperatives, where members own and manage a platform cooperatively, and ‘new municipalism’, which seeks to bring together digital innovation with a renewed focus on local government and municipal authorities. Both promise fruitful grounds for challenging the dominance of large digital platforms by having them cede control back in the hands of users, workers, and society at large. The digital commons is a separate concept that builds on Ostrom’s famous work on the commons (e.g. Ostrom 2015), and interprets the digital sphere in a similar manner: it has no ‘owners’, but is a commonly shared, widely accessible resource that citizens engage with. Both can reduce domination by increasing democratic control or by removing the dependency on powerful private actors and their property. This allows them to be designed in accordance with public or common values, as opposed to commercial ones (Hoeksema 2023; Christiaens 2024).

But the demands placed on citizens in these contexts seem, once again, at odds with those propagated by consumerism, with its emphasis on instant gratification, personal convenience, and individual choice over collective responsibility. Cooperatives and commons require a different, more social and participatory mindset to function. The digital commons, as a subset of the commons, requires “ongoing maintenance” and needs to be “curated, sustained, and preserved through governance and participation rules” (Dulong De Rosnay and Stalder 2020, 7). Like any commons, they imply the existence of bounded communities and an inclusive culture where voluntary participation is fostered. This might prove demanding, and

can only succeed as “part of a comprehensive vision of a participatory, democratic, and ecological society” (p. 17). Christian Fuchs (2021) similarly argues that advancing the digital commons, and a democratic digital sphere in general, requires critical and engaged citizens who are willing to participate. While not discussing consumerism explicitly, he expresses concern regarding the fact that digital culture contains strong elements of individualism and neoliberal entrepreneurialism.

Platform cooperatives also place substantially more demands on stakeholders.⁷⁶ Tim Christiaens (2024) discusses the demandingness of cooperativity, stressing that members must be ready to “commit to the cooperative” (p. 17). The demandingness of cooperativism is widely recognised by republicans who are inspired by earlier labour republicans (Kohn 2022). Cooperatives, in order to fulfil the promise of free labour, were to be voluntary (Gourevitch 2020). This meant that they could not rely on methods employed by traditional forms of labour organisation, such as strong hierarchical decision-making. Cooperatives instead required significant *solidarity* among members, which was “extraordinarily demanding” (p. 168). While there are obvious differences between the kind of cooperative enterprises of labour republicanism and those imagined to transform the digital economy, some of the demandingness seems to spill over. Muldoon (2022b), for example, expects citizens to play a more “active role in influencing the design and implementation of new technologies” (p. 139). Communities need to be engaged, members need to be active—even in digital contexts, cooperation and democratic involvement require effort. Cooperatively developing and maintaining a platform is a lot of work. And this goes against the grain of consumerism, which posits the individual’s benefits and costs, whether financial or otherwise, at the centre.

The problem of demandingness is further exacerbated by the fact that both the digital commons and platform cooperatives still face competition from the commercial private sector. Imagine a potential platform user, primed to think and act as a consumer, facing a choice between platform A and platform B. Platform A charges no financial fee, is well designed, easy to use and optimised for engagement, and is already in a position to exploit network effects. Platform B, lacking the resources of platform A, expects active participation in development or other voluntary contributions, is not designed for maximising engagement—in fact, it might even

^{76.} Platform cooperativism is commonly discussed in the context of the gig economy, where the relevant background is employment, like ride hail platforms (Muldoon 2022b; Christiaens 2024). It is, however, not necessarily limited to these context. The core idea is about collective control and mutual benefit in digital economies, which can extend to other areas of platform-based activity, including those where consumption and production become intertwined (an idea featuring prominently in literature surrounding the prosumer, e.g. (Ritzer and Jurgenson 2010; Ritzer, Dean, and Jurgenson 2012).

contain an appropriate level of friction, depending on the values of the community—and does not benefit from the same network effects as platform A, resulting in a service that is not up to par. While the potential user, primed to think as a citizen, might include the broader political implications in their preferences, most *consumers* would likely think to be better off with platform A.

This problem is a variant of what Christiaens (2024) calls the *Luxemburg* objection (after Rosa Luxemburg) against cooperatives in capitalist societies: as long as capitalist firms exist, they can outcompete cooperatives. They can lower their prices (or offer services for free, as in our example) in order to outcompete cooperatives that refrain from such practices. In the case of commercial digital platforms, this is further exemplified by the fact that these commonly run at deficits for long periods. They keep afloat with investor funds in order to acquire a dominant market position—something cooperatives are unlikely to be able to reperform (Srnicek 2017). The inevitable conclusion is that cooperatives, aiming to do ‘fair’ business, cannot survive in the face of capitalist competitors who need not have such concerns. Christiaens sees an answer in the ability of cooperatives to convince governments of regulating markets in their favour. Platform cooperativism “requires a financial and regulatory framework supportive of worker cooperatives to ensure their emergence and long-term survival” (Christiaens 2024, 16).

While I agree that regulatory frameworks play a pivotal role in the cultivation of a digital commons or platform cooperativism, the response retains the same institutional focus that this paper attempts to complement. A (simultaneous) focus on curbing the influence of digital consumerism in favour of the development of some form of a civic mindset, also in digital markets, could strengthen the response to the *Luxemburg* objection. In other words: if users, as *citizens*, would occasionally be willing to incur a small extra cost (e.g. financially, or in terms of quality or convenience) in order to support cooperatives over the exploitative business models of current digital platforms, they would be less dependent on outcompeting their commercial rivals, independent on any attempt to change regulations in favour of cooperatives.

In sum, a digital commons and platform cooperativism arguably require that people do not think and act merely within their individual consumptive interests. In a digital commons, participants are expected to collaborate and share resources, fostering a culture of collective ownership and responsibility. This means that instead of merely consuming content or services, people are encouraged to create, share, and maintain them for the benefit of the entire community. It implies a shift from passive

consumption to active contribution, where people willingly volunteer their expertise and resources to improve the commons. Similarly, platform cooperativism is built on cooperative principles like democratic governance, shared decision-making, and equitable distribution of profits. This requires individuals to actively engage in the governance and operation of the platform, often without direct financial compensation. They must be willing to contribute their time and effort to sustain the cooperative's mission, understanding that their participation is essential to building a fairer and more inclusive digital economy. Both of these are at odds with users who are primed to see their environment as a market and their appropriate behaviour of that as a consumer.

5.4.4 Consumerism and democratic control over the market (3)

There is a third risk associated with digital consumerism that I wish to discuss briefly. The approaches of the previous section—those of competitive markets and democratic alternatives—are both *strategies* in the sense that they imply (a set of) practical, institutional responses that aim to bring the actual world closer to a normatively better alternative. Their normative standard is the overall decrease of non-domination. An important but implicit assumption is that these institutional responses are legitimately implemented by a democratic government, satisfying republican constraints on the power of the state. But under the spread of consumer thought and associated neoliberal ideology, this assumption might itself turn out to be problematic. Put differently, republican governments can only intervene in markets if the intervention can reasonably be said to “track the avowable common interest” of its citizens (Pettit 2002, 345).

But what if these citizens, being primed to think and act as consumers, are then largely apathetic or assenting to a status quo? They might, for example, believe that the benefits and increased choice they get from digital platforms are the *result* of a lack of restrained government policy, or that collective dependencies are simply the price society must pay for innovation by a private sector. Culpepper and Thelen's (2020) point, that digital platforms present themselves as advancing the consumer's cause in the political arena, strengthens this concern. Moreover, consumers might not even be *aware* of the political nature of the digital economy or the political instruments that are within their reach. The ideology propagated by current digital platforms is rife with market fundamentalism, neoliberal intuitions, and techno-solutionism (Schradié 2015), which also seem to find their way into the culture of startups and entrepreneurs (Hellman 2022). Levina and Hasinoff (2017) argue that Silicon Valley's rhetoric assigns a central role to consumer choice and disruption, where disruption “is portrayed as a strategy that both drives technological progress and

improves the market by helping to dismantle ossified government regulations and inefficient monopolies, which is said to liberate and empower individuals” (p. 493). In short: what if, even in the face of domination, institutional reforms are *not* part of the avowable interests of citizens-as-consumers?

To flesh out this issue, it may be fruitful to make a comparison with a similar issue in the republican regulation of financial markets. Sceptical of the consequences of decades of financial liberalisation, Joshua Preiss (2021) takes issue with Pettit’s and Taylor’s positive outlook on freedom in competitive markets. From the perspective of a philosopher-king it might make sense to think that (1) financial liberalisation enables a larger range of individuals to access credit, subsequently reducing their exposure to dependencies on employers, landlords, and so forth, and that (2) financial liberalisation ensures more competition exists in financial markets, reducing the risk of domination by a few powerful agents. Adopting a political economy approach instead, Preiss suggests that these ideas “run head first into the brick wall of our lived reality” (p. 494). Preiss argues that the best opportunities for capitalising on financial liberalisation remain controlled by a small subset of market participants, and that the increasing complexity of financial markets further skews the balance in favour of those with the means and knowledge to deal with that complexity.

But the important, underlying insight—also for the purpose of this paper—is that the way markets function depends on the way they are shaped by institutions, and that political control over such institutions is “conceptually distinct from the reciprocal power to combat domination *within* those institutions [emphasis added]” (p. 497). As an example, Preiss has us consider a democratic community of mostly independent farmers who own their land. A small group of citizens then bypasses democratic government to take control of the land. They offer the disenfranchised farmers jobs on their consolidated properties. In the thought experiment, it might very well be the case that none of the farmers are dominated as a result of their new forms of employment, assuming exit options and competition exist. But, according to Preiss, it is clear that they are dominated after all, because the economy is structured “in ways that are completely unaccountable to them, in ways that alter the means in which they must conduct their lives in order to secure their basic interests” (p. 496).

The insight is important, for apart from undermining the strategies of republican reform, consumerism could also dissolve the political clout required for these (or any) reformatory strategies. Or in republican terms: if citizens are unaware of the possibility and need to exercise control over the institutions that shape the digital sphere, because the constitutive nature of these institutions is bracketed out of their imagination,

they risk subjection to domination on a level that is ‘conceptually distinct’. As Preiss suggests, this risk is not perceived sharply when one adopts the approach of the philosopher-king, because in that role one can assume that the strategies themselves are already legitimised by democratic support, and other republican conditions for nonarbitrary government interference are similarly assumed to be met. But the question of whether the digital sphere should be approached as a market, is *itself* a political question that ought to be subject to political discourse.

Under the influence of digital consumerism, the implicit assumption that the current iteration of the digital sphere is a given rather than something political to be shaped might take hold. Primed to think as consumers, citizens might fail to realise the possibility of exercising political control over the shape of the digital sphere. On Pettit’s account, republicanism is only partially sensitive to this risk. As mentioned before, Pettit’s republican government can only justifiably implement interfering policies insofar they “track the avowable common interests—and only the avowable common interests—of those who live under the law” (Pettit 2002, 345; 1997). This serves as a limit on arbitrary government interference. Yet Pettit is “open to the idea” that some sources of domination can be “naturalized in the minds of the people at large: if it presents to them – to those it advantages as well as to those it disadvantages – as part of the natural order of things and not just as a culturally variable aspect of how social life is organized” (Haugaard and Pettit 2017, 29). De-naturalisation, according to Pettit, requires that people are aware of the conventional nature of laws and norms, and that democratic communities have the power to change them, but it does not by itself dominate.

In an attempt to further develop the conception of freedom as non-domination, and more specifically to equip it to be able to grapple with issues like that of naturalisation, Michael Thompson (2018) comes up with the notion of *constitutive domination*. According to Thompson constitutive domination occurs where social norms, values, orientations are shaped not in the common interest but deformed to maintain an hierarchical structure that serves the interest of an “elite” (p. 47). Constitutive domination goes beyond the avowable interests of citizens and allows even citizens’ “second order desires and preferences [to] be invaded by socialisation” (p. 53). The implication is that there is a cultural element involved. and Thompson goes on to directly criticise the consumer mindset: “schools, consumer culture, news media, and so on, come to reinforce the images of proper forms of behaviour, protecting the interests of economic elites and justifying the individualist, market model of human relatedness” (p. 54).

Translated to the case at hand: the fact that the digital sphere revolves around digital consumption, commercial platforms, and the market dynamics between these parties, even though it is questionable whether that is in the interest of common citizens, could—according to Thompson—signal a form of domination that is distinct from the domination *within* digital markets. Where Christiaens calls for democratic control over the institutions that shape markets, Thompson raises a new concern, fearing such control might not materialise when citizens already perceive the institutions as legitimate. And where Pettit hopes that such patterns in consciousness can be de-naturalised through the realisation that the status quo is subject to democratic change, Thompson provides reason to doubt whether the cultural and social order leave sufficient room for citizens to grasp that potential in the first place.

5.5 Tentative conclusion: Consumerism, Virtue, and the Digital Sphere

5.5.1 Digital consumerism and virtuous citizens

Summarizing, digital consumerism can undermine a republican response to the arbitrary power of large, commercial, digital platforms in at least three ways. Two of these are about strategies of reform of digital markets. Restoring competitive markets and introducing democratic alternatives within such markets both place demands on citizens that run counter to the mindset accompanied by widespread consumerism. A third risk is that consumerism can compromise mechanisms of democratic control *over* the market, insofar it prevents citizens from realising that they can shape the digital economy, or insofar it prevents citizens from exercising such control. Regarding the question of whether republicans ought to be concerned with the way consumerism impacts the norms, values, mindsets, and behaviour of citizens, the answer seems to be a tentative *yes*. In fact, it is precisely because real policy is embedded in a non-ideal context that we must look beyond institutional reforms, to the role of virtue and citizenship (c.f. Costa 2023).

Luckily, the conceptual resources available to republicans are plentiful, although the role of virtue has only just taken off with regards to digital technology (see Reijers 2023; and Costa 2023 for non-digital contexts, although neither discuss consumerism as such). As discussed before, the republican tradition is familiar with firm criticism of consumerism. Criticism is often put in a framework where citizenship and consumerism are opposing ends on a spectrum. Richard Dagger gives an account of republican citizenship inspired by Rousseau and Mill, where robust citizenship is necessary to overcome individualism so that citizens are able to consider

themselves as part of the public (Dagger 2002). While the context of the discourse is with consumerism in the political arena—taking aim at *political* consumerism—the underlying contrast is the same: the kind of citizenship associated with individualistic consumer, and the kind that “generates cooperation on the basis of solidarity and civic duty” (p. 154). In an analysis of a republican civic economy, Dagger formulates his critique even sharper: consumerism, luxury markets, and induced desires cultivate tendencies which posit the market as “the enemy of civic virtue” and as such, “the consumer-citizen is, in traditional terms, a corruption of what a citizen should be” (Dagger 2006, 159). The key arguments are that consumption distracts citizens from a concern with the public and that it creates divisions, pitting citizens and their private interests against one another.

Pettit, while seemingly less outspoken against consumerism, still recognises the value of civic virtue, or his “preferred phrase, [...] civility” (Pettit 1997, 245), at least for instrumental reasons. Civility or civil norms are beneficial because they promote compliance with republican laws, because they support effective implementation of such laws, and finally to help “the law keep track of people’s changing and clarifying interests and ideas” (p. 247). There is a clear element of vigilance here, especially where the law and its enforcement meet their limits. Civil norms ensure that citizens are willing to speak out against corruption and bribery, but also against the marginalisation or domination of themselves or on behalf of others or the environment. Pettit emphasises that civility involves identification with a polity, which contrasts it further with the liberal state: “we may not be able to identify with the liberal state, then, for the fact that it gives each of us our private portions of satisfaction; the things that satisfy me may compete with the things that satisfy you, and our competition for what the polity provides may reinforce us in our distinct, personal identities” (p. 260). The republican polity, on the other hand, provides us all with an equal amount of non-domination, and assigns us all a position of a recognised citizen—both of which make it easier to identify ourselves with the polity.

In more radical, Marx-inspired versions of republicanism, the state is itself under suspicion for its tendency to act as a vehicle for the interests of the elites who stand to gain from maintaining the status quo. It is therefore no surprise that, within these more radical versions, civic virtue is not primarily valued for its supportive functions with regards to the institutions of the state. Both Alex Gourevitch (2020) and Margaret Kohn (2022) discuss how, historically, labour republicans have interpreted virtue as, and transformed virtue to, solidarity—already touched upon in the previous section. Kohn explains the importance of solidarity by referring to its function of ensuring that citizens approve of the state redressing injustices in the social and economic

spheres. While solidarity is “natural” in familial relations, it “must become conscious and general in order to fulfil the needs of complex societies.” (p. 34).

Gourevitch discusses how solidary was central to the labour republican interpretation of republicanism and emphasises how it is different from the traditional understanding of virtuous citizenship. Civic virtue as solidarity was about “*produc[ing] discontent*” rather than about supporting the political status quo in order to “denaturalise dependence” (p. 158-159). This immediately reminds of Pettit’s admission that some sources of domination can be naturalised in the minds of people. Gourevitch then discusses how labour republicans stressed the importance of creating the conditions required for self-education—not by the state, but through their own institutions. Here too, some of the normative appeal of citizenship shows: users engaging with digital platforms cannot be complacent, they ought to educate themselves on the mechanisms and structures of power that they represent and the impact on society.

5

The final—and for our purposes perhaps the most relevant—contribution of the labour republicans, according to Gourevitch, is that they put solidarity forward to support *cooperation* as opposed to *competition*. Competition corresponds with self-interest, and by opposing that with virtues supporting cooperation, labour republicans “were protesting against the market as a *cultural* institution which taught an individual to conceive his fundamental interest in independence narrowly” (p. 163). The kind of habits associated with solidarity could only grow “in and through organisations that stood opposed to the logic of the market” (p. 164).⁷⁷ These cooperative organisations have already been discussed in the previous section, but it worthwhile to emphasise their integrative function regarding solidarity. Indeed, others have already argued that by engaging with the digital commons a particular kind of virtue is fostered (Benkler and Nissenbaum 2006b; Muldoon 2022b).

5.5.2 A brief sketch of republican citizenship in the digital sphere

The point of this work is not to develop a particular version of civic virtue or good citizenship, nor to defend a particular existing one. The point is rather to show that this discourse remains relevant in a republican approach to a non-dominating digital sphere. It must, however, still be carried over to the republican response to domination in the digital economy. Reforming the institutional structures that shape the digital economy without simultaneously questioning the constitutive role citizens—as consumers—play is bailing out a sinking ship. Not necessarily because consumerism undermines some version of citizenship that is *intrinsically* valuable,

⁷⁷ That said, Gourevitch notes that labour republicans were in that sense not as opposed to commerce as traditional republicans with their interpretations of civic virtue.

but because it compromises the main strategies republicanism employs, and even more because consumerist thought might preclude or obscure one of the core tenets of republicanism: that *citizens* govern a polity's structures and institutions—including what is now for many nothing but a consumer market.

The arguments of this paper do pave the way for formulating three conditions for a republican account of citizenship in the digital sphere. If we take the competitive market strategy as the least demanding and least invasive approach to mitigating domination by digital platforms, then a virtuous citizen should be at least (1) *somewhat* motivated to reduce domination, and a minimally virtuous citizen should have a basic understanding of how their consumer behaviour is related to the power of digital platforms. In addition to being easier to 'prime' to think as a citizen (Culpepper and Thelen 2020), this would also inform their behaviour as a consumer. They must be able to recognise manipulative and seductive practices on digital platforms, and be equipped to resist them. In addition, and contrary to what empirical evidence suggests is currently the case (Akman 2021), citizens must be willing to occasionally incur small financial costs or suboptimal choices to refrain from contributing to a skewed market environment. While there is some overlap with the 'good consumer', who similarly ought to be empowered enough to be able to maximise choice satisfaction, a 'good citizen' recognises the broader impact of the aggregate of consumer choices. They do not just resist based on *individual* concerns, but on the basis of an awareness of the collective dependency on arbitrary power she shares with other citizens.

In order to ensure control *over* the digital sphere remains effective, however, more is required. Citizens must (2) hold governments and other organisations in a position to shape the digital sphere accountable for the kinds of visions on which they set out to do so. The status quo of commerce, consumption, and markets that are now reflected in the digital sphere are by no means inevitable or isolated from political imagination and transformation. In line with traditional reasons for civic virtue, republicans have a vested interest in promoting a civic awareness of the political nature of the way in which the digital sphere presents itself to them, and in ensuring that citizens are capable, motivated, and vigilant so that they hold those in charge—whether public or private agents—accountable. They must be motivated, not as consumers, but as citizens, to contest or even participate in exercising control over the digital sphere: they must be able to form and express 'avowable interests'. Of course, this might prove exceedingly difficult if one brings Thompson's constitutive domination into play, and even more so when one takes into account the radical republican presumption that the state and its institutions are itself suspect.

In that case Pettit's criterium for the state—tracking the avowable interest of citizens—is not sufficient, even when citizens are vigilant. In concrete terms, if a majority of citizens are happily consuming services from digital platforms, not aware of the domination that sustains, vigilance may not help much, and might even be counterproductive if digital platforms succeed in leveraging their alliance with consumers for political gain. Thomsson suggests that domination can therefore not be minimised by the state alone. Instead, “republican concerns about domination must infiltrate the logics and aims of social movements, orienting their actions and pressures against not only the agents of extractive and constitutive domination, but also towards crystallising these concerns with the legal-political order itself” (p. 58).

Applied to digital contexts, this means citizens must be able to recognise and resist the rhetoric of consumerism, market fundamentalism, and techno-solutionism of digital platforms. A more positive approach aligns with virtue as solidarity, as found in the labour republican movement. It illustrates how communities of citizens, driven by solidarity and a commitment to the common good, foster a vibrant culture of cooperation and commoning. Because these alternatives still compete with the commercial kind, this effort requires some additional support from ordinary citizens. If citizens—as consumers—are not willing to occasionally pick suboptimal options in terms of consumer preference satisfaction (i.e. higher cost, lower quality), existing digital platforms are likely to outcompete them, obstructing their transformative potential. Citizens therefore ought to (3) stand in a position of solidarity with these initiatives, so that their direct and indirect support can bring them to fruition: “we need solutions framed in terms of collective solidarity not personal rights” (Muldoon 2022b, 65). Just as the labour republicans transformed civic virtue from the political sphere to the socio-economic one, contemporary republicans can call for its extension to today's digital (consumer) markets.

5.6 Two potential objections: infeasibility and perfectionism

A critique of digital consumerism, and a call for any degree of virtuous citizenship, will immediately bring to mind two familiar objections, which are also raised by Dagger (2002) in his sketch of republican citizenship. The first, the feasibility objection, states that it may simply not be feasible to promote the kind of virtue or solidarity that is required for a comprehensive response to digital domination. The second, the perfectionism objection, suggests that even if it were feasible, it would in any case not be *desirable* for its perfectionist implications. That people are ‘free’

to pursue their own conception of a good life is a pillar of (consumer) markets. I will discuss both and also briefly touch upon the methodological questions they raise.

5.6.1 Infeasibility

The feasibility objection assumes that (republican) political theory ought to propose ideas that are realisable in the actual world. This features prominently in the work of Pettit, who considers non-domination to be not just an attractive and motivating idea of freedom, but also one that is “feasible” (Pettit 2013, 1). Pettit sets out to show that a republican state, where citizens can achieve an approximately equal level of non-domination, is no ideal fantasy. He contrasts his proposals with the infeasible, idealised, Kantian kingdom of ends (p. 181) and with the demandingness of Rousseau’s requirements for legitimacy (Pettit 2012, 67). Sceptical of models that demand participation so that citizens can make themselves heard, Pettit sees “good reason to reject any design that would make unmotivated virtue into a prerequisite for the proper performance of an institution; we can see good reason to economize on virtue” (p. 247).

Expecting extensive civic virtue or solidarity from citizens, it seems, is too much to ask for the project to remain believable. Conceptions of political freedom should be “useful” and not be “hopelessly demanding” (Ingham and Lovett 2019, 775). This work has set out to show that the contrast between digital consumerism with virtuous citizenship is relevant, but one could still argue that widespread resistance to the pressure of digital consumerism, enhanced by Silicon Valley’s rhetoric, is demanding to the point where it becomes infeasible. We cannot expect a majority of citizens to suddenly subordinate their individual, consumer preferences in favour of some abstract, political undertaking against large digital platforms. Especially not when accounting for the fact that these are specialised in seducing consumers and in allying with them. Moreover, it is already difficult to incorporate traditional civic virtue in education (e.g. Guérin, Van Der Ploeg, and Sins 2013), and the kind of solidarity that labour republicans valued was considered demanding even at the height of their movement—let alone in today’s globalised, pluralistic societies and their digital mediated environments.

In response, one can first point out that the degrees of virtue or solidarity required may be rather limited. The arguments put forward in this paper suggest an instrumental link between republican strategies for minimising non-domination in the digital sphere and the dispositions of citizens regarding such strategies. It is not necessary to commit to accounts where civic virtue is considered intrinsically tied to freedom, it is sufficient if *enough* citizens are *sufficiently* virtuous to support the

republican strategies discussed in this paper. In that sense, this approach is non-ideal: it is exactly *because* perfect institutional reforms are infeasible that a degree of complementary virtue among citizens is necessary (Costa 2023). And regarding more demanding undertakings: not every citizens must be able and motivated to spend significant amount of their time and resources on contributing to cooperatives or the digital commons—only a subset needs to be.

And this does not seem far-fetched either. Writing earlier in the 20th century, Benkler and Nissenbaum (2006b) optimistically suggested that “newly feasible social and technical systems” (p. 400) would lead to people being motivated and organised for peer-production. Today, online reputation systems, social credit, and open-source collaboration exist and function to some extent, further contributing to the advancement of civic virtue in digital contexts (Reijers 2023). Such claims resonate with the notion of virtue as solidarity, which, while demanding, was always cast as something to be developed not by the state, or from some abstract individual motivation, but through engaging with cooperatives. From well-known examples of Wikipedia and Linux, to the limited success of Mastodon and the Home Assistant community mentioned earlier, and from similar examples given by Muldoon (2022b) and Christiaens (2024), it seems there is still sufficient solidarity and motivation to start with. Ironically, the biggest challenge is perhaps ensuring that a majority of common citizens are better equipped to recognise and resist the malpractices of currently dominant digital platforms, and occasionally willing to make suboptimal decisions from a consumer viewpoint in order to support the existence of alternatives. It is, however also a concern that is largely shared with (digital) consumer empowerment strategies. If one argues the first is too demanding, then consumer empowerment strategies must be similarly infeasible.

5.6.2 Perfectionism

The second objection is that this focus on civic virtue, or even the criticism of consumerism, is too perfectionist to be an attractive option in today’s democratic societies. Most modern democratic societies are pluralist in the sense that its citizens have an exceedingly broad range of differing conceptions of the good. Historically, however, republicanism and its insistence on virtue often contained very perfectionist conceptions of the good, which would be incompatible with today’s diverse societies and might result in the exclusion and domination of citizens that do not share the republic’s understanding of the good. Even in a minimal form, the kind of virtue argued for in this work is likely to be incompatible with a few of these—at the very least with those that have incorporated the idea of the self-interested consumer.

A first response to this challenge is similar to the response that Pettit and other contemporary republicans give: the kind of civic virtue or solidarity proposed here is—again—only *instrumental* to the republican cause (Lovett and Whitfield 2016). The concern here is not with virtue or cooperative solidarity because it purports to better approach what it means to live a good life, or because it *constitutes* the freedom of citizens. It is instrumental: its concern is with the effective counteraction of domination by and on digital platforms. It is not necessary to commit to the idea that the disposition to resist seduction or to participate in digital cooperatives is valuable in its *own* right.

But the instrumentalist position merely succeeds in rescuing republicanism from the kind of perfectionism that prescribes citizens what a good life constitutes. It does not succeed in resisting “perfectionism on general and principled grounds”, as described by Lovett and Whitfield (2016, 128). It still leaves room for, for example, state programs that promote civic engagement and contestation—and also for programs that promote the kind of dispositions needed to combat digital domination. While liberals can reject perfectionism by committing to a principle of neutrality, which prevents the state from imposing advantages and disadvantages on conceptions of the good, republicans do not have that avenue available to them. This is because republicanism requires at least *some* commitment from citizens, who need to be willing to contest, participate, and support republican institutions (Lovett and Whitfield 2016). Republicans can, at most, endorse a principle of *toleration*, denoting that the state should not “impose special disadvantages on any worthwhile conception of the good” (p. 126), for example because that would create the conditions for domination of groups that hold that conception of the good. Those wary of perfectionism are not put at ease by insisting on the merely instrumental importance of virtue, nor by the principle of toleration that republicans can subscribe to.

But there is a further element worth discussing: the instrumental function means there exist limits on what *has* to be done, as well as on what *can* be done by a democratic government. It is sufficient to create the conditions needed for effective responses to domination, and as I have already suggested, for most common citizens these might be minimal—not much more than what consumer protection agendas already aim to establish. Helping common citizens gain a better understanding of the mechanisms of digital domination and market mechanisms, “priming” them to think as citizens, and then inviting them to occasionally pick suboptimal choices in their consumption seem far from a comprehensive perfectionist agenda. Moreover, as the end is non-domination, there is, in principle, an upper limit where more intervention in order to promote such virtue results in a net loss of non-domination.

The conceptualisation of virtue as solidarity cannot be vindicated in this way. Solidarity requires substantially more effort, raising the stakes for anti-perfectionists. Benkler and Nissenbaum, arguing that participation in peer production in the digital commons cultivates virtues, therefore reject the idea that the state should support peer production: “that would require a greater commitment to a perfectionist state agenda than we have stated or defended here, or are willing to defend.” (Benkler and Nissenbaum 2006b, 419). But it is important to remember that for the labour republican version of solidarity, it is not the state, but the dependent classes themselves that must work to develop such virtues. Although that is not because of a commitment to principles of neutrality, but of a fundamental distrust of the existing institutional order, both exclude a role for state intervention. Solidarity must be developed by the people themselves, through the organisation of and engagement with cooperatives.⁷⁸

5.6.3 A final note on both objections

These responses might be summarised as saying that concerns of feasibility and perfectionism must not be overstated. The degree of virtue required for an effective, comprehensive republican response to digital domination is limited to a point where feasibility and perfectionism are less significant than one might think at first glance. This paper also refrains explicitly from criticising consumerism as a phenomenon itself, nor does it circumscribe in detail what kind of ideal citizens must approach. But there is a methodological relevance beyond these fairly straightforward responses, because these potential objections and their responses reveal a lot about what one thinks republicanism should achieve in the first place.

If, as Pettit and some other contemporary republicans seem to set out to do, we want republicanism to be a political program that prescribes a set of measures and institutional reforms that can be used to work towards an attractive alternative to the liberal framework that seems to exist in most contemporary democratic societies, then these objections quickly gain in relevance. Such a project must not only be feasible in the sense that the proposals are pragmatically sound, it must also be feasible in the sense that it does not fail to convince citizens with a wide range of conceptions of the good. A conceptually less ambitious project might have a better shot.

But there is a risk that republicanism, as a result of this, becomes largely toothless. A more comprehensive republican account, which includes a more demanding

⁷⁸ A state agenda can still aim to establish the conditions for cooperatives on other reasons than because it is committed to a perfectionist idea of the good.

conception of good citizenship, may seem less feasible or desirable to many by virtue of its perfectionism, but it also draws out better how some threats to non-domination—in this case in the digital sphere—are the result of complex and diffuse processes in which citizens themselves play an important role. In fact, according to Lars Moen it is *only* on this comprehensive account of republicanism, where republicans eject considerations of neutrality and toleration in favour of a “republican ethos”, that republicanism can truly set itself apart from liberalism (Moen 2023, 15). This republican ethos is to motivate citizens to be vigilant and willing to contest those in power. Comprehensive republicanism might even need to “impose special disadvantages on certain worthwhile conceptions of the good”, if that increases political involvement (Moen 2023, 15; Lovett and Whitfield 2016, 126).

Moen acknowledges that a republican ethos may be infeasible in contemporary diverse societies. But, contra Pettit and other contemporary republicans, that does not mean comprehensive republicanism is stripped from its value. Moen appeals to political philosophy’s important *evaluative* character. Even if infeasible, comprehensive republicanism draws out a tension between pluralism and diverse preferences on the one hand, and a lack of awareness of vulnerability to arbitrary power on the other. Even if there is no “cure” to this problem, republicans should not “conclude that the disease is no disease at all” (Moen 2023, 20). The evaluative character serves to show us what is at stake. If it turns out that non-domination does indeed require a degree of virtue that is too demanding to deem feasible in a pluralistic society, then it is still important to be “aware of the costs of giving up on the ideal of more politically engaged citizens (p. 20).

Similarly, if one is not convinced by the earlier responses against charges of infeasibility and perfectionism, and if one insists on their crucial importance for an attractive political philosophy, then the relevance of the arguments in this paper are at least evaluative. They draw out a tension between the consumerist mindset and the republican aspiration of a digital sphere where citizens are freed from arbitrary power. It illuminates how citizens are simultaneously part of that process, whether as the citizen-consumer, the cooperative participant, or the critical citizen reestablishing control over an increasingly important part of daily life.



6

Conclusion and Discussion

6.1 Dynamics of domination in the digital sphere

Bringing all articles together, the contours of an answer to the research question about the ways in which republican freedom is undermined and can be protected in digital contexts can be given. In terms of the kind of mechanisms that compromise freedom as non-domination, it recognises that there are two flavours of domination visible in the dynamics of power in the digital sphere—most clearly in how digital platforms operate, but not necessarily limited to them—and it maintains the inclusive approach taken in the articles. The first is in line with Pettit's agent-relative conception: digital platforms and other powerful (group) agents active in the digital sphere can use digital technology to increase the extent and intensity of their arbitrary power and to increase the range of agents subjected to that power. This is partly a result of people—individually and collectively—increasingly relying on digital infrastructure that is controlled by these agents. The platform model is particularly well-suited for expanding such arbitrary power, because the large-scale data collection, behavioural research, and use of algorithms facilitate widespread but highly targeted manipulation of choices in a mostly arbitrary manner, while the monopolistic tendencies make it difficult to circumvent their sphere of influence for both individual citizens and communities alike.

But the more salient insight, one that has come to play a central role, is that the social and technical structures that shape the digital sphere (before and beyond the individual relations that one encounters there) must be included for a better understanding of domination. The way in which digital platforms wield agent-relative domination is largely the result of how the digital sphere is structured and of how already existing social structures have found their way into the digital sphere. The norms and values, beliefs and expectations, hierarchies and relations, and the design of digital infrastructure—all both in an economic and socio-technological sense—dictate beforehand the relative positions of the users who are left dependent, and the powerful actors who can exercise arbitrary interference as a result. To turn back to the example given in the introduction: X's ownership structure, the legal regime that constitutes it, its designs, its culture, and the assumptions of users, policymakers, developers—result in a situation where users can be interfered with arbitrarily by the platform and its owner. Most of these insights carry over to the digital sphere more generally, and that leaves citizens at a disadvantage with regards to shaping and controlling the digital sphere.

In this work, these mechanisms have been discussed in a more concrete sense in three ways. The first, the focus of the second article, is about how digital platforms

can facilitate and possibly worsen not just micro-domination, but also systemic social domination based on race, gender, and other vulnerability markers. They do so by mediating the relations between users and users and publics, conditioning the kind of interactions that can exist on platforms through their socio-technical design, for example by determining the audiences of communication and the ranking of messages. Depending on these designs, digital platforms can either become an extension of pre-existing structural domination or, on the contrary, promote the kind of (demanding) critical civility needed to resist it.

Inspired by the contributions in radical, labour, or socialist republicanism, the significance of the structuralist approach to domination is also illustrated by the economic rationales found in the digital sphere, corresponding to the second concretisation. The angle from which social structures are criticised is slightly different here, with the emphasis on how these structures condition a hierarchy where users consistently draw the short end of the stick, while digital platforms further reinforce their dominant position. This seeps into business practices and, once again, in the norms, values, and designs that define the digital sphere. Monopolistic firms that employ digital platforms and infrastructures accumulate (personal) data, expertise, and (financial) resources, strengthening their position. Citizens and governments alike are dependent on their infrastructure, making it not just difficult to circumvent digital platforms, but also to escape the commercial private sector in general. These dynamics are embedded into the design itself, with centralisation, data collection, and *x-as-a-service* or subscription models being the norm rather than the exception, while users are tempted to stay engaged as long as possible through advanced behavioural mechanisms. TikTok, for example, has built many dark patterns into its user interface, keeping (mostly young) users engaged, while storing user data on its own servers, which is central to its business model and contributes to its influential position (Mattiuzzo and Pedigoni Ponce 2024).

It must be emphasised that these are not issues of *particular* platforms: the point is that these practices are reflective of social structures that transcend individual digital platforms but leave their mark on the digital sphere in general. These structures include the business models that are default, legal frameworks and institutions like property and data regimes, (lack of) formal and recognised duties of care, and a longtime *laissez-faire* attitude to anti-trust and convergence of capital and expertise, but also their designs. Digital platforms, in this sense, operate similar to “landlords” (Sadowski 2020) or “rentiers” (Birch and Cochrane 2022), who also rely on the legal structures that allow them to own and control property, who extract value from those who rely on them, and in the digital variant also design their properties in ways that relay these principles.

The third relevant conclusion inspired by republicans concerned with structural domination is the insight that *cognitive* elements are unmistakably part of such structural domination. It matters whether large digital platforms succeed in habituating or socialising users to come to perceive these processes as natural. In a way, this works opposite of Pettit's suggested de-naturalisation of the assumptions and beliefs that take hold in the minds of citizens (Haugaard and Pettit 2017), because rather than de-naturalising existing asymmetry of power, it further habituates users to existing and new digital hierarchies. The alleged expansion of silicon valley ideology or ethos (Schradié 2015; Levina and Hasinoff 2017) illustrates this mechanism. Such thought carries within assumptions on the appropriate ordering of the digital sphere along fundamentalist free-market and libertarian lines, naturalising citizens to the fact that the digital sphere has become ordered the way it currently is. This is reinforced by a problem tackled in the fourth article: users enter the digital sphere mostly as *consumers* and less as *citizens*. Yet the perceptions and motivations of consumers are largely different to that of citizens, as argued in the fourth article. Consumerism invites the perspective of the satisfaction of individual preferences and, perhaps, consumer protection rights as embodied in consent and informational duties, rather than a concern with the public interest and a motivation to resist (structural) digital domination.

In short, this dissertation has taken a broad understanding of republican freedom to include the way in which social structures facilitate or constitute domination, and concludes that an appropriate understanding of freedom and domination in the digital sphere incorporates them in a critical framework, contributing both to the republican project and to normative justification of significant restructuring of the digital sphere. Digital platforms, or the corporate agents behind them, can certainly dominate users in an agent-relative way, but republicans must be particularly sensitive to how economic, social, and technical designs and (infra)structures have been shaped in their interest, at the cost of the freedom of citizens and of society in general.

6.2 Evaluating different approaches to a non-dominating digital sphere

Let me flesh the republican framework out further by formulating an answer to the second part of the research question: *what are the appropriate responses to address these mechanisms of domination in the digital sphere?* Throughout the articles, it became clear that lawmakers have previously adopted what might be described as a fairly liberal, market-optimistic approach, which I have previously called the *competitive*

market strategy.⁷⁹ In a nutshell, this strategy relies on the classic assumption that in a well-functioning market, competition drives companies and digital platforms to offer services that best match the preferences of consumers. This requires some government involvement, related to informational duties, individual rights, and consumer consent. These ought to ensure consumers are reasonably protected, informed, and able to escape and switch between different services.

There are republicans that defend this strategy in a general sense (Taylor 2019; 2024; and to a lesser extent Pettit 2006). In particular the ability to exit any relationship is fundamental to realising non-domination in markets. A competitive digital sphere, where users are in a position to exit any particular platform freely by virtue of the existence of competitors, should in principle result in little domination. We have seen, however, that this strategy faces some issues. The first article in particular found that the tendency to monopolise and the manipulative mechanisms of large digital platforms throws a wrench into the works. Digital platforms are often complex and opaque, usually difficult to circumvent, and spend significant resources on captivating the attention of individuals—who are, as individuals, not in a position to spend as much resources and time in understanding, resisting, and exiting such relations.

Of course, one could argue that this is largely the result of the market not functioning as it ought to. Indeed, the European strategy has already yielded the Digital Markets Act, which aims to establish fair and open digital markets. It introduces all kind of restrictions and responsibilities for the large digital platforms it designates as *gatekeepers*. On the other side of the Atlantic, the US Department of Justice allegedly considers breaking up Alphabet for antitrust reasons (Nylen and Edgerton 2024). Perhaps it is still possible to promote competition and break up monopolies to an extent that much of the arbitrary power can be mitigated.

Then again, this might not resolve the deeper issues reflected in the concern with structural domination, because whether the competitive market strategy sufficiently reshapes the underlying structural issues remains questionable. It does not directly grapple with the socio-technical and economic structures that configure the makeup of the digital sphere—it merely seeks to limit them. Even in a relatively well-functioning competitive market with exit options available, citizens still depend on a broader array of privately owned, commercial digital platforms, competing for their attention

⁷⁹ The last decade, in the EU in particular, has already seen a change in this respect, with governments taking a more active role and lawmakers introducing more substantial regulations like the GDPR, the DSA, the DMA, the recently proposed AI-act, and so forth.

by producing ever slicker services. This is perhaps not so much of a problem in, say, entertainment markets, but it should ring an alarm when it comes to more essential needs, such as the ability to gather knowledge or engage in political deliberation. Users may formally consent to the terms and conditions of any arbitrary digital platform, but in reality have little choice but to submit to a highly commercialised and privately owned digital sphere in which they have themselves little say.

Moreover, competitive market strategies and exit strategies have less to offer in response to the more diffuse and informal social structures, including those that find their way into the public consciousness through socialisation and habituation. If citizens come to believe that it is only natural that the digital sphere is a market environment, where the ‘winners’ are justified in establishing their dominant position, it is doubtful whether competitive market strategies are going to kickstart the denaturalisation of such beliefs. As discussed, digital platforms radiate their own ideology or ethos and frequently position themselves as disruptors of ineffective government programs and outdated economic models. But within that narrative, the essential structures of capitalism are not challenged—they are expanded. Policies that only reactively aim to protect existing markets do not contribute to the development of alternative imaginaries of the digital sphere.

This is also illustrated in the third article, which concludes that the EU’s strategy of digital sovereignty (and digital constitutionalism) may target some of the more egregious examples of arbitrary power by large—in this case foreign—tech companies. But digital sovereignty is understood in mercantilist terms, and may leave in place the reliance on a private (but now domestic) sector. Digital constitutionalism similarly reflects attempts to incorporate and legitimise commercial platforms as their own governance structures. Neither tackles the structural conditions that underly the asymmetries between private entities operating in a market sphere and the dependent citizens.

Related to the competitive market strategy as I have discussed it, but distancing itself from the Chicago School that underlies it, is the so-called “New Brandeis Movement”, inspired by the 19th century anti-monopolist and Supreme Court Justice Louis Brandeis. The movement is about broader anti-monopolistic thought and recognises that the centralisation of private economic power is a threat not just to consumer welfare, or a healthy market, but also to democratic society in general (Khan 2018). Its premises are closely related to that of the republican program, with Lina Khan (2019), one of the movement’s founders, referring to republican thought, and others further developing their conceptual relations (e.g. Eaton 2025).

The movement calls for a broader range of policy measures to prevent the unchecked concentration of market power. Khan, for example, proposes a return of *separation regimes*, which limit the types of business a corporation can engage with (Khan 2019). These could be used to curb the power of currently dominant digital platforms. Moreover, in the context of Amazon, Khan argues that anti-monopolism ought to include the “structure of business” and the “structural role it plays in markets”—signalling a return to economic structuralism (Khan 2017, 718). In that same work, she offers two strategies for dealing with the monopoly of Amazon: the first is to introduce more competition, and the second is to accept its size and introduce (specific) regulation to inhibit unchecked power (i.e. the EU’s Digital Markets Act). Tim Wu (2019), also associated with the Brandeisians, argues that anti-trust law has difficulty considering the structure of business behind the attention economy, offering conceptual analysis that ought to help lawmakers fill the gap.

The Brandeisian understanding of anti-monopolism is of significant value to the republican project, as it takes a market approach but incorporates a ‘republican’ concern with concentration of economic power, even if the harms are not materialising and the yields may seem high, for the sake of a healthy democracy. The movement may also be able to resolve some of the more fundamental issues reflected in the concern with structural digital domination, at least insofar it grapples with the economic structures that configure the makeup of the digital sphere.

As such, this dissertation concludes that the currently widespread liberal market approach faces serious issues when the aim is to reduce domination in the digital sphere. Nevertheless, a well-crafted competitive market strategy, inspired by the spirit of the New Brandeis Movement, may prove a valuable addition to the republican toolkit—taking antitrust enforcement to the next level by grounding it on republican principles. It remains questionable whether that will satisfy social republicans, however, and the risk remains that a republican outlook that is limited to competitive markets and individual consumer rights offers a view too limited to address the more cognitive and diffuse threats to freedom. A republican digital sphere where freedom as non-domination is maximised is likely to be more than *just* a market sphere, both in how it is designed and how it is perceived by citizens.

Rewriting the social structures of the digital sphere

The conclusions of the different articles point in the direction of several other republican responses that challenge the structures of the digital sphere on a more fundamental level, such as investing in a digital commons and in public digital infrastructure, and the development of a degree of civically virtuous behaviour among

citizens. One of the more central elements here is the restructuring of property regimes, which can function as an anchor along which other social structures could be redesigned. The third article, based on Al Salman's (Al Salman 2022) work, assumes that group ownership regimes are just as likely to realise widespread non-domination, and suggests that such change represents a promising way of restructuring the digital sphere. Moreover, it might support the creation of digital spaces that do not conform to the norms, values, designs, and other social structures that are now the default in much of the Big Tech-dominated digital sphere.

Two concrete instantiations of structural change around ownership models featured in the previous conclusions: that of the digital commons and that of public service models. *Digital commons* are platforms or digital spaces managed collectively, where digital resources are available for public use and governed by the community. Digital cooperatives represent a variant here, where a platform is not so much held in common, but the result of a cooperative enterprise that is owned and controlled by its members. *Public service organisations*, on the other hand, require more extensive government involvement, although they are not necessarily under their direct control. Governments might facilitate funding streams, for example, but set up separate and independent entities to govern public service platforms in line with public interest. Both already exist—examples have been given throughout the articles and include *Wikipedia* and *Public Spaces* (set up by public organisations)—and an alternative republican strategy could focus on nurturing their current impact and expanding it throughout the digital sphere.

As discussed, the advantage of both of these strategies is that they (1) reduce agent-relative domination, by offering citizens an alternative where currently none may exist, but that they also, and more importantly, (2) create digital spaces where different norms and values, designs and business models can be developed, or where alternative socio-technical and economic structures can grow. Moreover, (3) such platforms could function as catalysts in the denaturalisation of the way in which citizens perceive the digital sphere—as part of a public enterprise, with common interests and public values at heart rather than as a commercial market environment inspired by free market fundamentalism and neo-liberal thought.

An overarching republican strategy need not necessarily rely solely on one or the other. In fact, a combination of these different strategies—competitive markets, a digital commons, and publicly owned enterprises—comes with broad variation in what options citizens have available, a variation that is maintained down to the level of social structures. Similar to the balance between domination in private contexts as

a result of too little government involvement, and the risk of domination as a result of a large, uncontrolled state, here too a balance might offer the most promising avenue for achieving broad non-domination. Should government-controlled digital platforms come to function too much as propaganda channels, for example, a thriving digital commons and a competitive digital marketplace could mitigate some of the influence of state-run digital platforms.

Coincidentally, this overarching republican response offers a richer source of inspiration for a vision of European digital sovereignty—one that stands to create a true alternative to the silicon valley associated commercial market ethos, rather than a European copy and continuation of it. This way, strategic independence is more robust, and digital infrastructure both private, shared, and public property. In addition, this response prevents the EU from unnecessarily legitimizing existing governance by digital platforms, yielding much to the private sector.

Cultivating republican citizens

If the first main conclusion in terms of institutional responses to domination is that a republican digital sphere where non-domination is the norm must not solely rely on competitive market strategies, then the second one is that the role of citizens must not be left out of this equation. This theme runs through the articles and culminates in the core argument of the fourth, which concludes that digital consumerism must be counteracted with at least *some* civic virtue for any republican strategy to succeed.

Within market environments, citizens must be equipped to—and be somewhat motivated to—understand and resist the one-sidedness in power and knowledge, the manipulative practices that are characteristic of many digital platform business models, and the aggregated consequences of digital consumerism. For more advanced restructuring of the digital sphere, citizens must be willing to support alternatives that emphasize solidarity and cooperation for the common good. Cooperative platforms and the digital commons in general require effort and need backing from citizens, even if they involve sacrificing some consumer convenience. This shift mirrors the labour republican movement, which extends civic virtue into the socio-economic realm as a form of solidarity that is needed to sustain cooperative enterprises and wider political action for the benefit of the working class. Conversely, Darian Meacham and Francesco Tava (Meacham and Tava 2021) suggest that algorithmic decision-making in workplace environments *undermines* the formation of workplace solidarity. An important insight is that technological mediation can “display greater affinity for the formation of solidarity relations than others” (p. 590). Next to being further example of the importance of socio-technological structures—

in this case for either compromising or fostering solidarity—it also adds to the importance that we develop public and cooperative alternative platforms where the cultivation of solidarity is part of the design.

But perhaps most importantly, civically virtuous citizens are needed to resist the idea that the digital sphere ought to be outside of the reach of democratic control. They can pressure governments into exercising democratic control over the digital sphere in general, and can hold them accountable for the vision of the digital sphere in which they do so. This way, silicon valley ideology and the corresponding laissez-faire approach to the digital sphere might find their match on both of these fronts.

Cultivating a degree of civic virtue—for example through civic education, but also by ensuring there is sufficient non-market environments available to citizens to cooperatively establish and maintain non-commercial platforms—constitutes another way of directly altering social structures in the digital sphere. Together with institutional change, the digital sphere may come to include restructured economic and technological environments, supported by citizens and simultaneously offering them alternatives. But it may also help alleviating social structural domination found in racism, sexism, and other systems of prejudice. Promoting civic virtue—and by extension critical civility—is essential for combating jerkish speech online and hate speech in general. It places demands on citizens to engage in respectful deliberation and to critique systemic norms. (Alternatively structured) digital platforms can help by designing environments that favour civil over jerkish content and promoting publics where civility is the norm, while suppressing harmful spaces. Cooperative platforms in particular might help foster a kind of solidarity among peers who maintain and contribute to such platforms.

I conclude, then, that powerful actors in the digital sphere can compromise freedom of citizens—both through agent-relative and structural domination. Digital platforms in particular are posited to arbitrarily interfere with citizens through their digital infrastructure, but also to (re)shape and design the social structures of the digital sphere in an economic and socio-technical sense. Republicans, therefore, ought to extend their response beyond the traditional focus on individual rights, consent, and other attempts to ‘fix’ the market. Responses need to include these social structures themselves—the business models, the norms and values, the institution of property, and so forth. In addition, such responses must be supported by a sufficient degree of civic virtue among citizens, which enables them to resist, individually, the manipulative practices of digital platforms and to, collectively, (1) support cooperative alternatives and (2) pressure governments to establish democratic control over the digital sphere.

6.3 Limitations

There are some limitations to this dissertation. A few have been discussed in the separate papers, but let me discuss three important ones here. First, as set out in the introduction, this work focusses generally on domination as a result of large digital platforms operating within the private realm. Government involvement is, as a result, mostly considered as a legitimate, democratic force rather than as its own potential source of domination. As such, this work excludes beforehand most questions related to *imperium*—domination as a result of arbitrary powers of the state. Yet much of the concern of digitally-enabled arbitrary power applies to the state too. Ever since the revelations by Edward Snowden, government surveillance has been a hotly debated issue, and the same applies to the use of algorithms and artificial intelligence in government contexts (e.g. Kuziemski and Misuraca 2020; Green 2022), neither of which have been discussed in depth in this work.

In the same vein, this work also explicitly refrains from adopting what I earlier referred to as the parallel thesis, and assumes that governance in public and private contexts can be accurately distinguished—at least in principle. This allows for a clear subordination of the power of private actors to that of a democratic state, thereby designating the private sphere as something to be fully subject to institutional reform. Yet the relationship between governments and private companies is often more nuanced (e.g. Prins, Broeders, and Griffioen 2012; Hoeyer 2020; L. Taylor 2021), and they are sometimes entangled in ways that might warrant a different conceptual approach.

This work, because of its commitment to the difference between public and private power, and the subordination of the latter to the first, leaves little room for such an approach. It is, from the outset, critical of attempts to legitimise private governance by digital platforms as if they were their own legitimate governance structures (or as if they were able to buy themselves into public ones), and it must be exactly because it follows the clear public-private distinction that runs through republican theory. In addition, this work does not account for the issues of imperfect, non-democratic, or illegitimate government involvement. It assumes governments are legitimate in its republican ideal sense, but they need not be. It is therefore not equipped, in its current scope, to deal with issues of *imperfect* government involvement in regulating the digital sphere, which some have argued to be the “missing ingredient” in regulating digital platforms (Chomanski 2021).

The second limitation is the result of a theoretical position I have taken throughout this work and that is explained in the introduction: the discussion of domination

as agent-relative and structural, and within that latter category, as structures both facilitating agent-relative domination *and* constituting domination in the absence of agent-relative domination. This inclusive approach is mostly the result of a pragmatic consideration, allowing for a wider range of insights and institutional responses to be included in the discussion without expecting the reader to subscribe to any specific account. As discussed in the introduction, one could argue that this comes at the cost of a bounded, clear, and consistent understanding of domination. Dorothea Gädeke, for example, whose work features frequently in this dissertation, explicitly argues that power can *only* amount to domination if it is structurally constituted, for reasons of conceptual clarity, among others (Gädeke 2020a). She suggests that “if purely interactional forms of power count as domination, just as structurally constituted forms do, it is indeed not clear why non-domination is any different from mere unlikely interference” (p. 216).

In response, I admit that conceptual clarity would benefit from explicitly adopting a conception of domination that is necessarily structural. However, I also submit that the aim of this work is less about defending one account of domination over the other, and more about an exploration of the way in which these accounts can be made to work in formulating the characteristics of a digital sphere that revolves around republican freedom. Moreover, opportunistic forms of power may not play a significant role in digital contexts. Contrary to the kind of natural force a mugger relies on, the digital sphere is fully artificial. That means that all interactions take place within its social structures—even when they are fully random otherwise. In a sterile thought experiment, a mugger might purely rely on its force, but in the digital sphere even interactional events are largely mediated by designed and maintained algorithms and infrastructures. As such, the digital sphere is already all about structural domination and its agent-relative instantiation.

The largest open question, then, is whether these structures merely facilitate domination or whether they constitute it even in the absence of agent-relative domination. As mentioned in the introduction, apart from the conceptual clarity, the consequences seem fairly small when considering the overlap in policy. If social structures only facilitate agent-relative domination, they are still causally related and therefore subject to critique, even if one rejects the idea that they dominate themselves. By not explicitly subscribing to either the idea that domination is necessarily structurally constituted or that it also includes episodic power, I leave it to the reader to interpret this according to their own perspective, though I acknowledge this may introduce some conceptual ambiguity.

Gädeke's argument against episodic power brings us directly to the third limitation—or rather category of limitations: by building on the republican foundation, some of the criticism raised at republicanism carries over into this work. One of such criticisms is, indeed, that liberalism and republicanism differ less than they appear at first glance. That freedom as non-domination is not much more than a robust protection against non-interference is one example of an argument to that extent, but a similar argument has been given in relation to the instrumental nature of citizenship and virtue. Alan Patten (1996) suggests that relegating the goods of citizenship, virtue, and patriotism to an instrumental role, as is done in what he calls *instrumental republicanism*, eliminates the difference between republicanism and liberalism.

While I cannot fully refute such claims here, I wish to emphasise that some of the conceptual pathways in this dissertation do lead away from a 'freedom as non-interference' view. In particular, the focus on social structures, including cognitive ones, the renewed focus on civic virtue and the cautious departure from liberal neutrality defended in the fourth article may draw out more explicit differences between republican freedom and liberal freedom. This is reinforced by the differences in responses to unfreedom—in particular the republican criticism of property rights and the dominance of the market which are both associated with liberalism. And even if one bites the bullet, accepting that the difference may turn out to be smaller than it at first appears, one could respond that republicanism at least emphasises different elements through its reconstruction of what would then count as a reformulation of liberalism. Ultimately, however, if the reader is unconvinced by the general republican distinctiveness from the outset, this work is not likely to convince them, nor is it meant to do so.

Another example of a republican issue that is carried over into this work is the problem of majority rule, although one could respond that this is not a republican issue as much as it is inherent to all democratic theory. Nevertheless, republican freedom may lose some of its intuitive appeal when a majority can exploit democratic institutions against a minority—even more so when it subsequently designates them as 'free' by virtue of its source being democratic. Pettit responds at length to this problem, relying mostly on the rule of law and on principles of contestability (Pettit 1997, 180–83; 2013, 213–18), but the tension remains and cannot be resolved here either. On the contrary, there is reason to believe that the kind of populism associated with the problematic kind of majority rule is heavily boosted by the affordances of digital platforms, effectively increasing the urgency of this tension (Baldwin-Philippi 2019; Pollicino and De Gregorio 2022). In this case, however, the findings of

this dissertation offer a promising start to prevent digitally-enabled populism from further materialising.⁸⁰

6.4 Academic discourse and further research

Let me, finally, briefly say something about the position of this work in broader academic discourse, as well as how it might inspire future research. As should have become clear, the papers that form this dissertation together sketch an image of the dynamics of domination in the digital sphere, and formulate some general aspects of promising responses to such republican unfreedom. It does so by building bridges over gaps between various ongoing academic discourses—about republican political theory, the economic and social impact of digitalisation on society, citizenship and consumerism, and (the EU's) strategy. It is also, for a large part, applied: it takes the abstract ideas and discussions on republicanism and applies them to some of the events and phenomena found in the digital sphere. In this sense it further develops, as mentioned in the introduction, the republican research program, and then normatively investigates the digital sphere from that perspective (Lovett and Pettit 2009). For example, the well-described phenomenon that digital platforms are effective manipulative infrastructures due to their mediative character, is put in a different light when this turns out to reflect a structurally constituted dominating power that directly bears down on citizen's freedom.

Each article adds its own elements. The first builds on existing explorations of domination in digital contexts, such as those by Andrew Roberts (2015), Eike Gräf (2017), and Ugur Aytac (2022). It shifts focus on structural domination, however, which opens the door to the insightful perspectives found in labour, socialist, or radical republicanism. This allows for a broader and richer evaluation of the (structural makeup of) digital sphere, as well as to different institutional responses to domination in digital contexts. It voices republican support for the development of a vibrant digital commons, for example, and can inform work on platform cooperativism as an answer to domination on gig-economy platforms (e.g. Christiaens 2024a).

^{80.} There are other limitations that are discussed in the separate articles, which I will not recount here. The most important ones are the challenges one can raise against the proposed revaluation of civic virtue, which may be infeasible or too perfectionist according to some. I refer back to section 5.6 for my response to these issues.

The second article exists between structural domination and another discourse: that of hate speech as an issue of domination and civility (Whitten 2022a; 2022b), with the ‘online’ prefix being implicative of the context. In addition, the focus of the paper is not on outright hate speech, but on its seemingly inconsequential cousin called jerkish speech. As such, the problem is not a straightforward application of existing republican approaches to hate speech, but requires an new investigation into the diffuse, seemingly insignificant variants of domination as they are mediated by digital platforms. It specifically suggests that Whitten’s critical civility might be more feasible when leveraging the power of design (of user interfaces and digital infrastructure) that is currently used by digital platforms for maximising engagement. This might contribute to research into the impact of digital platform design on the civic behaviour of users.

The framework of the third article is mostly a continuation of the structuralist argument of the first. Its novelty is a result of, first, the comparison with discourses based on the European digital strategy, which has been characterised in literature as a project of *digital sovereignty*, and also as following the idea of *digital constitutionalism*. Second, it further develops the account of structural domination along economic lines, by including the valuable arguments made by Al Salman (2022). The paper continues with that insight and suggests that amending the European strategy in ways that include shared and publicly owned digital platforms would satisfy a republican framing of the European strategy. It therefore calls for a republican strategy that is built around a digital commons and around cooperative platforms as they are found in the digital commons, which would constitute a fundamental alternative compared to simply introducing more constraints on market actors.

The fourth paper adds to the recent republican literature in that it emphasises, more than others, how civic virtue is not just necessary for the stability of republican institutions, but also a condition for resisting contemporary forms of digital consumerism.⁸¹ It gives three specific conditions for an account of civic virtue that is instrumental not just for stable republican institutions, but for resisting agent-relative and structural domination in the digital sphere in general. Without a degree of such virtue, citizens may not be aware of the democratic power they can exercise over the digital sphere, and republican strategies may fail to fully materialise. As discussed, such virtue, in particular conceived as solidarity, might be cultivated through the co-development of cooperative platforms or within a digital environment

⁸¹ A notable exception here is a recent work by M. Victoria Costa (2023), which is also referred to in the article.

that incorporates public values. It also calls for civic education specifically regarding digital citizenship, although this might prove difficult to achieve.

In sum, this dissertation adds to existing discourse by developing the republican approach to a digital sphere—more specifically in the focus on structural domination.⁸² The resulting normative insights offer and evaluate different approaches to resisting such domination, but they also reflect back on republicanism itself, by showing the value of a focus on (economic and socio-technical) structures and institutions, as well as by arguing for a larger (although instrumental) role for civic virtue. Finally, it applies these insights to the issue of jerkish speech and the European Union's strategy for the digital sphere.

Future academic work may make use of this dissertation in various ways, then. The first is conceptual: theorists working on republicanism may find use for these arguments when adding to the discourse on (micro-)domination and the role of structural domination, particularly where these structures contain technological and economic elements. It exemplifies the recent string of publications that argue for the conceptual and practical importance of putting the structural component in domination at the forefront. The idea that the structures and institutions that result in domination can be technological in nature specifically warrants further research, as does the way in which these might radiate a diffuse and difficult to pinpoint influence over their users. This dissertation can contribute to research into a broader understanding of arbitrary power over norms, values, and practices, which do much work in maintaining power asymmetries in digital contexts.

Second, academics and policymakers working on the impact of digitalisation on society, its democratic institutions, and its culture, as well as those working on (the governance of) new technology may also take note of the arguments in this work. These arguments, and those of republicanism in general, might prove valuable inspiration for theorists working on, for example, (the impact of) artificial intelligence, surveillance

^{82.} During the writing of this dissertation, Daniel Susskind's *The Digital Republic* appeared (Susskind 2023). Susskind's book deals with much of the same issues and also brings a republican approach to the digital sphere and to digital platforms specifically. Susskind also considers the issue structural, and writes in-depth about the way in which technology reflects this, calling for strong democratic control over the digital sphere. As I see it, differences between *The Digital Republic* and this dissertation, apart from branching out into different discourses (e.g. the role of civic virtue or the discussion of the European strategy), are a result of this work engaging more with philosophical discourses within republicanism, whereas *The Digital Republic* seems to start with a generalised understanding of republicanism and instead focusses more on an in-depth narrative exploration of its implications for and implementation in various digital sectors. The spirit, purpose, conclusion, and call for action, however, of both works is much alike, and the emphasis could be considered complementary.

technology, the internet of things, and on other technologies. This dissertation offers the backbone of a republican framework that may be used to normatively evaluate how such technologies change the dynamics of power and control on a structural level, as well as inform research into how different designs can rather *empower* users. Further research could focus on how the variables of algorithms, the kind of buttons available to users, the behavioural insights, and other elements of digital platforms might be built in ways that align with a digital sphere that is built on democratic control and freedom as non-domination rather than for profit-seeking. It may also be worthwhile to further develop the way in which the New Brandeis Movement could circumscribe a more robust republican, market-based response to the concentration of power—one that is also responsive to the structural concerns raised in this work.

Third, this dissertation provides another reason for developing contemporary accounts of what civically virtuous citizens are, and the shape and role civic virtue takes in digital environments. While work is done on civic virtue in digital environments (e.g. Benkler and Nissenbaum 2006b; Vallor 2022; Reijers 2023), as well on republican accounts of civic virtue (Gourevitch 2020; Whitten 2022b; M. V. Costa 2023), to my knowledge few focus specifically on what an explicitly republican perspective on virtue in digital contexts looks like (an exception is a fairly recent publication by Gardenier, Van Est, and Royakkers (2024), which offers an integrative framework on digital citizenship that includes republican insights). In this dissertation, I provide a sketch along three instrumental conditions, and future research might yield a comprehensive account of digitally virtuous citizens in a republican digital sphere, including an investigation into the kind of virtues needed and a more in-depth analysis of promising ways in which they might be cultivated.

The formulated limitations of this dissertation also draw out possible avenues for future research. Where I explicitly argued against the idea that governance by digital platforms could require legitimisation rather than limitation, other research might try to find republican justification of legitimising digital platforms as if they were their own governance institutions warranting democratic restructuring—outside of the sphere of influence of existing democratic government. This way, digital platforms may come to represent their own realm of governance, requiring research into ways to democratise them. In addition, the focus of this work is on the private sector. Future research could expand the arguments of this work into the public domain, and consider the balance between both. One can think here of conditions for the legitimacy of the use of algorithms by government organisations, for example.

Lastly, there are some secondary elements that can contribute to different discourses. The critical evaluation of the EU's project for digital sovereignty, and its reception as part of discourse on digital sovereignty and digital constitutionalism, may inform and challenge that discourse to formulate responses to problems drawn out in this work. The analysis of the (aggregated) impact of jerkish speech and the facilitative role digital platforms play might inform academic research on hate speech in general, but also warrants further investigation of the ways in which digital platforms can rather facilitate civil behaviour, and of the appropriate allocation of responsibilities and duties in that respect, with as overarching goal to prevent domination.



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Acknowledgements

This dissertation would not have been possible without the support, guidance, and inspiration of many others, to whom I am much indebted. I am especially thankful to Fleur Jongepier, whose insight and encouragement helped guide me through the early stages and first chapters. I am also very grateful to Professor Bart Jacobs and Professor Ronald Tinnevelt, whose critical commentary, thoughtful suggestions, and engaging conversations have been invaluable throughout the project. My thanks go as well to the many colleagues at iHub and the Department of Philosophical Ethics and Political Philosophy, as well as to those from other universities and research institutes, for their valuable feedback on the ideas and drafts I shared during conferences, workshops, and informal exchanges. Finally, I wish to express my gratitude to my close friends and family, who have supported and advised me on both academic and non-academic matters—and in particular to Judith, whose patient ear and clarity of thought have been an unfailing source of help.



Samenvatting

De groeiende macht van grote, private technologiebedrijven staat steeds meer ter discussie. Bedrijven zoals X, Google, Microsoft, YouTube en Uber hebben door digitalisering een toenemende invloed op onze samenleving. Burgers en overheden kunnen deze bedrijven echter maar beperkt controleren. Hierdoor hebben deze digitale platformen veel macht gekregen, die ze grotendeels naar eigen inzicht kunnen gebruiken.

In deze dissertatie wordt de macht van digitale platformen geanalyseerd en bekritiseerd vanuit een republikeins perspectief.⁸³ In dat paradigma wordt vrijheid gezien als de afwezigheid van dominantie. Dominantie bestaat waar iemand onderworpen wordt aan een macht die arbitrair of ongecontroleerd kan interfereren met keuzes, zoals historisch het geval was (en soms nog steeds het geval is) tussen een arbeider en een fabriekseigenaar, een huurder en een huisbaas, of een onderdaan en een koning. Volgens de republikeinse traditie moet dit soort arbitraire macht beperkt of democratisch gecontroleerd worden. Deze dissertatie onderzoekt, aan de hand van vier artikelen, op welke wijze republikeinse vrijheid in de digitale wereld onder druk staat en welke maatregelen genomen kunnen worden om deze bedreigingen het hoofd te bieden.

Allereerst blijkt dat digitale platformen een macht hebben om *direct* invloed uit te oefenen op de keuzes van gebruikers, bijvoorbeeld door zoekresultaten te rangschikken of bepaalde politieke berichten te benadrukken. Dit is op zich al een probleem voor de vrijheid. Daarnaast laat dit werk zien dat sociale structuren, zoals juridische en economische systemen (denk aan eigendom, verdienmodellen en technologische standaarden), een belangrijke rol spelen in de dominantie van digitale platformen. Dit is bijvoorbeeld het geval als data en financiële middelen zich ophopen bij digitale platformen, die daarmee hun positie verder kunnen versterken. Hierbij kan men denken aan de nauwe betrokkenheid van Big Tech bij OpenAI, de organisatie achter ChatGPT.

Ook informele structuren, zoals normen, waarden en verwachtingen van gebruikers, dragen bij aan deze dominantie. Gebruikers zijn bijvoorbeeld gewend geraakt aan snelle, gemakkelijke, en gratis digitale diensten, zonder zich bewust te zijn van de risico's en hun afhankelijkheid van deze bedrijven. De ideologie van *Silicon Valley*, met een focus op efficiëntie, marktwerking en technologische oplossingen, drukt inmiddels een grote stempel op gangbare visies op hoe onze digitale toekomst eruit ziet.

⁸³ "Republikeins" verwijst hier naar een bredere politieke traditie en niet naar de republikeinse partij in de VS of naar de beweging in Nederland die streeft naar het afschaffen van het koningshuis.

Het centraal stellen van deze sociale structuren in het vrijheidsbegrip legt een fundamentele laag bloot die bekritiseerd en aangepast kan worden. Dat leidt ook tot afgeleide inzichten. Zo blijkt dat online beledigingen vaak voortkomen uit bestaande problematische sociale structuren, zoals seksisme en racisme, maar ook versterkt worden door de manier waarop digitale platformen zijn ontworpen (bijvoorbeeld door algoritmes of gebruikersinterfaces). Ook is de Europese digitale strategie nog te veel gericht (geweest) op marktstrategie en te weinig op het aanpakken van de diepere sociale structuren van de huidige digitale wereld.

Deze dissertatie stelt daarom dat vrijheid vereist dat de problematische sociaal-technologische structuren van de digitale sfeer worden herzien, door het ontwikkelen en stimuleren van alternatieve digitale platformen, zoals coöperatieve of publieke platformen. Het pleit daarom voor een *digital commons*, een gemeenschappelijke digitale ruimte, en voor een publieke digitale infrastructuur. Denk hierbij aan Wikipedia en aan PublicSpaces, een netwerk van publieke organisaties dat zich richt op een publiek georiënteerd internet. Op deze manier wordt de afhankelijkheid van grote technologiebedrijven verminderd en wordt de digitale omgeving iets van burgers zelf.

Tot slot verkent deze dissertatie de rol van burgers in het in stand houden van de macht van digitale platforms. Gebruikers worden vooral aangespoord om zich als consumenten te gedragen, terwijl voor het bestrijden van digitale dominantie juist goed burgerschap (*civic virtue*) nodig is. Om controle over de digitale sfeer terug te krijgen, moeten burgers erkennen dat ze niet altijd opgewassen zijn tegen grote platformen, en juist daarom solidair zijn met coöperatieve en publieke platformen—zelfs als die niet gratis zijn of minder gemakkelijk functioneren. Uiteindelijk is het nodig dat gebruikers zich, in hun capaciteit als burger, beseffen dat de digitale sfeer niet (volledig) overgelaten hoeft te worden aan private partijen in de markt, maar dat ze gezamenlijk in staat zijn om de digitale sfeer vorm te geven naar democratisch inzicht.



Curriculum Vitae

Bernd Hoeksema was born in Hoofddorp in 1993. He studied IT Law and Philosophy of Law at the Rijksuniversiteit Groningen, where he further developed his interest in the many societal and political challenges that follow in the wake of the age of digitalisation, in particular those that revolve around power and democracy. After some experience in privacy and IT-risk consulting, during the early days of the GDPR, he started his PhD at Radboud University in Nijmegen as a member of iHub and the Department of Philosophical Ethics and Political Philosophy. During the project, he provided guest-lectures and introductory philosophy courses, and he presented the ideas and papers at various international and local, and online and offline events. At the time of writing, three of the chapters of this dissertation are published in academic journals.

