

Preferences and Coalitions in European Union Internet Policy

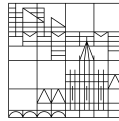
**Doctoral thesis for obtaining the
Doctor of Social Sciences
(Dr. rer. soc.)**

submitted by

Heermann, Max

at the

Universität
Konstanz



Faculty of Politics, Law and Economics
Department of Politics and Management

Konstanz, 2024

Date of the oral examination:

March 19, 2024

1. Reviewer:

Prof. Dr. Dirk Leuffen

2. Reviewer:

Prof. Dr. Gerald Schneider

3. Reviewer:

Prof. Dr. Andreas Jungherr

Dank

Wie die Politik, so ist auch die Promotion ein starkes, langsames Bohren harter Bretter. Und harte Bretter bohrt man nicht allein.

Ich bedanke mich herzlich bei meinem Erstbetreuer Dirk Leuffen, der mir immer großes Vertrauen entgegengebracht hat stets an das Potential meines Dissertationsprojekts geglaubt und es vielfach gefördert hat. Auch möchte ich Dirk dafür danken, dass er mich in weitere Forschungsprojekte einbezog und mich damit zu einem besseren Wissenschaftler reifen lies. Ich danke weiter meinem Zweitbetreuer Andreas Jungherr für die gute Begleitung insbesondere zu Beginn meiner Promotion. Er hat mir einen neuen, kritischen Blick auf das Politikfeld „Internet“ eröffnet. Schließlich danke ich Gerald Schneider, der mein Komitee vervollständigt.

Diese Arbeit hat von zahlreichen erfahrenen Unterstützerinnen und Unterstützern profitiert. Insbesondere danke ich Thomas Malang, Sebastian Koos, Christina Zuber, Michael Herrmann und Gis Jan Brandsma für Wertschätzung und wertvolle Kommentare. Hilfreiches Feedback für diese Arbeit habe ich außerdem bei zahlreichen Konferenzen und Workshops erhalten. Ich danke allen Co-Panellisten sowie den Teilnehmerinnen und Teilnehmern unserer eigenen Brown Bag Reihe. Noch immer inspiriert bin ich von dem ersten wissenschaftlichen Austausch zu meinem Projekt außerhalb von Konstanz bei der Politicologenetmaal in Antwerpen 2019; danke an Danielle Flonk und Thomas Eimer für bleibende Eindrücke. Paper III hat enorm von zwei Special Issue Workshops zum Thema „Digitale Souveränität“ profitiert. Vielen Dank an die Herausgeberinnen und Herausgeber Timo Seidl, Anke Obendiek, Sebastian Heidebrecht und Gerda Falkner, dass ich dabei sein konnte und kann.

Viel gelernt habe ich auch durch die Zusammenarbeit mit Kolleginnen und Kollegen im EU3D Projekt und in den Projekten des Inequality-Clusters. Bedanken für diese fruchtbare Zusammenarbeit und das Verständnis, dass ich nebenbei immer dies Diss zu schreiben hatte möchte ich mich bei Sharon Baute, Julian Schüssler, Lianne de Blok, Catherine de Vries und John Erik Fossum.

Die PhD-Community des Fachbereichs bot eine tolle Umgebung für anregenden wissenschaftlichen und nichtwissenschaftlichen Austausch und stellte sicher, dass die berüchtigte Einsamkeit des Schreibtisches gar nicht erst aufkam. Dafür danke ich Alexander Klein, Anselm Fliethmann, Catalina Ibáñez Gutiérrez, Daniela Kroll, David Knoll, David Steinecke, Fabian Bergmann, Giada Pasquettaz, Hendrik Platte, Kevin Klamann, Lukas Kawerau, Pascal Horni, Philipp Bien, Rebecca Strauch, Sebastian Hellmeier, Sophia Stutzmann, Summer Isaacson und Sven Schmid. Mein besonderer Dank gilt Sophia Timmermann und Philipp Lutscher für ihre Freundschaft und Unterstützung!

Zu guter Letzt bedanke ich mich beim Team des Zebra Kinos, das in all diesen Jahren zu meinem zweiten Wohnzimmer geworden ist und mir einen Ort bot, mich jenseits der Promotion kreativ auszutoben und auf völlig andere Gedanken zu kommen.

Ich widme diese Arbeit meinen Eltern, Bärbel und Eckart, auf deren Unterstützung ich stets bauen kann und für die ich immer dankbar sein werde.

Contents

List of Figures.....	xi
List of Tables.....	xii
Abstract.....	xiii
Zusammenfassung	xv
Chapter 1. Introduction.....	1
1. Introduction.....	2
2. Internet Policy – A Concept Specification	7
2.1 Internet governance	8
2.2 Internet policy	9
2.3 Platform governance	11
3. The Argument: Political Contestation in a Two-dimensional Policy Field.....	12
3.1 Cleavage theory and the dimensionality of political space.....	12
3.2 The two dimensions of Internet policy.....	14
3.3 Political contestation in the two-dimensional Internet policy field	16
4. Policy-seeking Actors in Internet Policy: Parties, Civil Society, and Business	18
4.1 Political parties	19
4.2 Civil society and activism	21
4.3 Business and entrepreneurs.....	23
5. The Case of the EU.....	26
5.1 Internet policy in the EU.....	27
5.2 The European institutions and their preferences	29
6. Studying Internet Policy in Time: A Note on the Period of Investigation.....	34
7. Outline of the Three Studies	37
7.1 Study I: Civil Liberties or Economic Freedom? The Political Space of Internet Policy in the European Parliament, 1999–2014.....	37
7.2 Study II: Of Activists and Platforms – Digital Rights Activism, Business Power and Political Alignments in the Digital Economy	39
7.3 Study III: Undermining Lobbying Coalitions – The Interest Group Politics of EU Copyright Reform.....	40

Chapter 2. Civil Liberties or Economic Freedom? The Political Space of Internet Policy in the European Parliament, 1999 - 2014	45
1. Introduction	46
2. Internet Policy and Political Contestation	48
3. Towards a Basic Space of Internet Policy	49
4. Studying Internet Policy in the European Parliament	52
4.1 Theoretical expectations	52
4.2 Internet policy RCVs in the EP	54
5. Methods	55
5.1 Vote scaling and statistical analysis	55
5.2 Voting coalitions and case studies	56
6. The Dimensionality of Internet Policy	57
7. Voting Coalitions in Internet policy	63
7.1 ACTA	64
7.2 The European Single Market in Electronic Communications Regulation	67
7.3 Discussion	69
8. Conclusion	70
Appendix to Chapter 2	72
A1. Abbreviations of European Party Groups	72
A2. Internet Policy RCVs By Issue Area	73
A3. Vector Inflation Factors for Main Independent Variables	74
A4. The Dimensionality of the Policy Space	75
A5. Robustness: OC Ideal Points with the French Communists as an Anchor	77
A6. Robustness: W-NOMINATE Regressions	78

Chapter 3. Of Activists and Platforms: Digital Rights Activism, Business Power and Political Alignments in the Digital Economy	83
1. Introduction	84
2. Lobbying Coalitions and Regulatory Preferences	87
2.1 The digital civil society: digital rights groups and their preferences	89
2.2 Business preferences in the digital economy	90
2.3 Infrastructural power & intermediary regulation	91
2.4 Intermediary regulation and lobbying coalitions	92
3. Studying Interest Group Preferences in Three Cases: Personal Data, Online Content, Internet Traffic	94
3.1 Case selection and data	94

3.2 Personal data and privacy	96
3.3 Online content and copyright.....	97
3.4 Telecommunications policy and Internet traffic management.....	99
4. Methodological Approach	101
5. Results	103
5.1 Personal data and privacy	104
5.2 Online content and copyright.....	108
5.3 Telecommunications policy and Internet traffic management.....	114
5.4 Discussion	115
6. Conclusion	119
Appendix for Chapter 3	121
A1. Codebooks.....	121
A2. Alternative Community Detection Algorithms.....	128
A3. Hierarchical Cluster Analyses	136

Chapter 4. Undermining Lobbying Coalitions: The Interest Group Politics of EU Copyright Reform

Reform	145
1. Introduction.....	146
2. Heterogeneous Lobbying Coalitions.....	148
2.1 Delegitimising heterogeneous lobbying coalitions	150
2.2 Scope conditions for successful delegitimation	151
3. The Coalitional Politics of Copyright and Online Content Regulation.....	152
3.1 The EU's Internet intermediary liability regime and recent policy changes	153
3.2 Intermediary liability and the Internet business-civil society coalition	154
4. The Case of the Copyright Directive	156
4.1 Empirical strategy	157
5. Analysis.....	158
5.1 Overview of the legislative process.....	158
5.2 Coalition lobbying and counter-lobbying: September 2016 – September 2018.....	159
5.3 From the lobby to the plenary I: September 2018.....	163
5.4 From coalition lobbying to public protests: October 2018 – March 2019	165
5.5. From the lobby to the plenary II: March 2019	167
5.6 Summary.....	171
6. Discussion	171
6.1 Copyright for digital sovereignty?	171
6.2 Endogenous lobbying dynamics and the delegitimation of lobby coalitions.....	172

Appendix to Chapter 4.....	174
A1. Codebook Parliamentary Debates	174
A2. List of Open Letters by the Heterogeneous Lobbying Coalition	175
A3. Results of European Parliament Plenary Votes.....	177
 Chapter 5. Conclusion	 181
1. Discussion of the Findings and Future Research	182
1.1 Study I: Internet policy and party research	182
1.2 Study II: Interest groups, platform power and regulation	184
1.3 Study III: Copyright and digital sovereignty.....	185
2. Overarching contributions.....	186
2.1 An actor-centred analytical framework for the Internet policy field	186
2.1 Coalitional politics beyond Internet policy.....	187
3. Limitations and Extensions	189
3.1 Member states and legislative bargaining	189
3.2 Public opinion and voter-party congruence.....	190
3.3 Implementation, enforcement, impact.....	190
4. Looking Ahead: The Future of EU Internet Policy	191
4.1 The challenge of temporal validity	191
4.2 The EU's Internet policy agenda in the 2020s	192
 Declaration of Authorship	 199
 Bibliography	 201

List of Figures

Figure 1.1. A two-dimensional political space.	12
Figure 2.1. Estimated OC ideal points for MEPs (first row) and ideal points aggregated to national party delegations (row two).....	58
Figure 2.2. ACTA-related cutting lines in EP7.....	66
Figure 2.3. Votes on the European Single Market in Electronic Communications Regulation.	68
Figure 3.1. Interest group network of the ePrivacy Consultation.....	106
Figure 3.2. ePrivacy Consultation: Agreement/disagreement regarding selected policy positions by interest group type.....	107
Figure 3.3. Interest group network of the Creative Content Online Consultation..	110
Figure 3.4. Creative Content Online Consultation: Agreement/disagreement regarding selected policy positions by interest group type.....	111
Figure 3.5. Interest group network of the Copyright Value Chain Consultation.	112
Figure 3.6. Copyright Value Chain Consultation: Agreement/disagreement regarding selected policy positions by interest group type.....	113
Figure 3.7. Interest group network of the Open Internet Consultation.	117
Figure 3.8. Open Internet Consultation: Agreement/disagreement regarding selected policy positions by interest group type.	118
Figure 4.1. Process expectations.....	152
Figure 4.2. Overview of the legislative and lobbying processes.	159
Figure 4.3. Frames employed in speeches.....	163
Figure 4.4. No. of speeches containing delegitimation claims by party group, plenary debates 18/09/2018 and 25/11/2019.....	168

Note: Does not include figures in the appendices.

List of Tables

Table 1.1. Concept specification.	7
Table 2.1. Description of the data set.	55
Table 2.2. Linear regression models for estimated ideal points of national party delegations in EP5.	60
Table 2.3. Linear regression models for estimated ideal points of national party delegations in EP6.	61
Table 2.4. Linear regression models for estimated ideal points of national party delegations in EP7.	62
Table 2.5. Coalition patterns in Internet policy.	63
Table 3.1. Selected public consultations.	95
Table 3.2. Summary of the findings.	116

Note: Does not include tables in the appendices.

Abstract

The Internet and digitalisation profoundly shape our societies, economies, and politics. However, while there is a vast literature on *Internet politics*, i.e., political online communication, and its effects on democracy, political scientists have only started to analyse how democracies regulate the Internet. This is a significant gap because more than just a technical – and technocratic – regulation of a new technology, *Internet policy* is concerned with the allocation of political and material values in the digital age. By determining what is permissible online, Internet policy sets the legal framework in which Internet politics can unfold and digital markets can prosper.

In this cumulative dissertation, I analyse the coalitional politics behind the making of Internet policy and answer the overarching research question: “What are the patterns of political contestation in Internet policy and how can they be explained?” I argue that Internet policy raises both economic questions regarding the appropriate regulation of digital markets and civil rights concerns related to privacy and freedom of expression in a digital society. Therefore, I conceptualise Internet policy as a two-dimensional policy field combining an economic left-right and a socio-cultural libertarian-authoritarian dimension. However, these two dimensions cannot be neatly separated into different policies but are closely entangled. For example, data protection is considered a fundamental right in the EU and thus, clearly a civil rights issue. Personal data, however, is also an important economic asset in the digital economy. Consequently, policy-makers must trade off economic and civil rights considerations when formulating data protection regulations. I argue that this entanglement of civil rights and economic concerns makes Internet policy prone to unconventional political coalitions, for example, when civil society activists and “Big Tech” firms jointly oppose regulations or when leftist and liberal parties form voting coalitions.

In this dissertation, I investigate the conditions for and consequences of such “strange bedfellow” coalitions in three empirical studies. Specifically, I focus on the preferences of three types of actors: political parties, civil society groups, and business interest groups. I study the research question in the case of the European Union (EU), which is widely seen as the global front-runner in regulating the digital economy. The investigation period ranges from 1999 until 2019, when Internet policy emerged as an increasingly prominent and controversial policy field on European policy agendas.

Study I analyses party competition over Internet policy in the European Parliament (EP) across three legislative periods (1999-2014). Analysing all plenary roll call votes on Internet policy issues over time, I find that Internet policy in the EP has become increasingly contested among pro-EU parties, leading to a decline in grand coalition voting. Ideal point estimation shows that political competition in this policy field is best explained by the ‘libertarian-authoritarian’ dimension. A second, albeit less important, dimension captures attitudes towards European integration. Reinforcing this finding, two short case studies illustrate how civil rights concerns motivate left-wing parties and the liberal party group to form voting coalitions despite diverging economic preferences. My analysis advances the literature on party politics in Internet policy by examining actual parliamentary behaviour in contrast to party manifestos only.

Moving from the parliamentary to the societal level, **Study II** investigates interest group networks in Internet policy. Specifically, it studies under what conditions digital rights groups – NGOs focussed on the rights of Internet users – share policy preferences with Internet businesses. I argue that policy proposals determine preference alignment. Specifically, I theorise that the regulation of Internet intermediaries, such as social media platforms, Internet service providers, or app stores, shapes patterns of interest group contestation: When intermediary regulation seeks to constrain citizens’ online freedoms, the preferences of digital rights groups and intermediary firms align. Conversely, when intermediary regulation aims to limit the discretionary power of intermediaries to empower citizens and intermediary-dependent businesses, the preferences of activists and intermediaries diverge. I test and find support for this argument by conducting a discourse network analysis of four EU stakeholder consultations in the areas of data protection, online content, and Internet traffic management. The results contribute to our understanding of lobbying and activism in digital capitalism.

Study III investigates the political consequences of such “heterogeneous lobbying coalitions” between digital rights groups and Internet businesses by zooming into one highly politicised case, the adoption of the 2019 EU Copyright Directive in the EP. Recent studies show that when salience is high, heterogeneous lobbying coalitions are more successful in achieving their lobbying objectives than homogeneous coalitions. However, in the copyright case, an alliance of activists and “Big Tech” firms failed to prevent policy change despite mobilising sizable public protests. I argue that proponents of the policy change – namely publishers from the music, film, and press industries and their party political allies – successfully undermined the lobbying coalition by invoking notions of “digital sovereignty” and delegitimising activists as Silicon Valley’s “useful idiots”. Combining a process-tracing analysis of the lobbying competition and a content analysis of EP plenary debates, I show how legislators employed delegitimation and sovereignty claims to justify their non-responsiveness to civil society opposition and public protests. This finding contributes to the growing debate about the notion of “digital sovereignty” by demonstrating its strategic use in the policy-making process.

In sum, the three studies advance our understanding of the political cleavages shaping digital capitalism. I provide a detailed picture of how parties, civil society, and business interest groups cooperate and compete over the rules and regulations that shape our digital society. This dissertation thus advances (I) the so far scarce research on political parties in Internet policy, and (II) the literature on (heterogeneous) interest group coalitions and their lobbying success.

Zusammenfassung

Das Internet und die Digitalisierung prägen unsere Gesellschaft, Wirtschaft und Politik. Während es jedoch eine umfangreiche Literatur zu *Internet Politics*, d.h. zur politischen Online-Kommunikation und ihren Auswirkungen auf die Demokratie, gibt, beginnt die Politikwissenschaft erst damit zu analysieren, wie Demokratien das Internet regulieren. Dies ist eine bedeutende Forschungslücke, da es bei der *Internet Policy* nicht nur um die technische – und technokratische – Regulierung einer neuen Technologie geht, sondern auch um die Zuweisung politischer und materieller Werte im digitalen Zeitalter. *Internet Policy* setzt damit den rechtlichen Rahmen, in dem sich *Internet Politics* entfalten und digitale Märkte gedeihen können.

In dieser kumulativen Dissertation analysiere ich die Koalitionspolitik hinter der Gestaltung der Internet Policy und beantworte die übergreifende Forschungsfrage: "Was sind die Muster der politischen Auseinandersetzung um Internet Policy und wie lassen sie sich erklären?" Ich argumentiere, dass Internet Policy sowohl wirtschaftliche Fragen bezüglich der angemessenen Regulierung digitaler Märkte, als auch bürgerrechtliche Bedenken in Bezug auf Privatsphäre und Meinungsfreiheit in einer digitalen Gesellschaft aufwirft. Deshalb konzeptualisiere ich Internet Policy als ein zweidimensionales Politikfeld, das eine wirtschaftliche Links-Rechts und eine soziokulturelle Libertär-Autoritär Dimension vereint. Diese beiden Dimensionen lassen sich jedoch nicht sauber in verschiedene Policies aufteilen, sondern sind eng miteinander verwoben. So gilt beispielsweise der Datenschutz in der EU als Grundrecht und ist damit eine Frage der Bürgerrechte. In der digitalen Wirtschaft sind personenbezogene Daten allerdings auch ein wichtiges Wirtschaftsgut. Folglich müssen die politischen Entscheidungsträger bei der Formulierung von Datenschutzgesetzen zwischen bürgerrechtlichen und wirtschaftspolitischen Erwägungen abwägen. Ich argumentiere, dass Internet Policy wegen dieser Verflechtung von Bürgerrechten und wirtschaftlichen Belangen besonders anfällig für unkonventionelle politische Koalitionen ist. Dies wäre beispielsweise der Fall, wenn sich zivilgesellschaftliche Aktivisten und "Big Tech" Firmen gemeinsam gegen Regulierung stellen oder linke und liberale Parteien Abstimmungscoalitionen bilden würden.

Ich untersuche in drei empirischen Studien die Bedingungen für und die Folgen solcher "strange bedfellow" Koalitionen. Insbesondere konzentriere ich mich auf die Präferenzen von dreierlei Akteurs-Typen: politische Parteien, zivilgesellschaftliche Organisationen und Interessengruppen aus der Wirtschaft. Ich untersuche die Forschungsfrage am Beispiel der Europäischen Union (EU), die weithin als globale Vorreiterin bei der Regulierung des Internets und der digitalen Wirtschaft gilt. Mein Untersuchungszeitraum reicht von 1999 bis 2019. In diesem Zeitraum etablierte sich die Internet Policy als ein zunehmend prominentes und kontroverses Politikfeld auf der europäischen politischen Agenda.

Meine **erste Studie** analysiert den Parteienwettbewerb um die Internet Policy im Europäischen Parlament (EP) über drei Legislaturperioden hinweg (1999-2014). Die Analyse aller namentlichen Abstimmungen im Plenum zeigt, dass Internet Policy im Laufe der Zeit zunehmend umstrittener wurde. Infolgedessen wurden große Abstimmungscoalitionen zwischen Christdemokraten (EVP) und Sozialdemokraten (S&D) seltener. Eine Idealpunktschätzung der Abgeordneten- und Parteipräferenzen zeigt, dass der politische Wettbewerb in diesem Politikfeld am besten durch die soziokulturelle "libertär-autoritäre" Dimension erklärt wird. Eine zweite, wenn auch weniger

wichtige Dimension erfasst Parteipositionen zur europäischen Integration. Zwei kurze Fallstudien veranschaulichen, wie Bürgerrechtsbedenken dazu führen, dass linke Parteien und die liberale Parteiengruppe (ALDE) trotz unterschiedlicher wirtschaftlicher Präferenzen Abstimmungscoalitionen bilden. Die Fallstudien untermauern damit die quantitativen Ergebnisse.

Meine **zweite Studie** begibt sich von der parlamentarischen auf die gesellschaftliche Ebene und untersucht Interessengruppen-Netzwerke in der EU Internet Policy. Sie untersucht, unter welchen Bedingungen Digital Rights Groups – Nichtregierungsorganisationen, die sich dem Schutz der Rechte von Internetnutzern verschrieben haben – politischen Präferenzen mit Internetunternehmen teilen. Mein Erklärungsansatz basiert auf der Annahme, dass der politische Wettbewerb zwischen Interessengruppen immer von der Art der jeweiligen Policy abhängt. Eine zentrale Regulierungsform im Politikfeld Internet ist die Regulierung von Online-Plattformen und anderen Internet-Intermediären. Wenn Regierungen nun Plattformen regulieren, um dadurch die Online-Freiheiten der Bürger *einzuschränken*, dann führt das zu einer Angleichung der Regulierungspräferenzen von Plattformunternehmen und Digital Rights Groups. Umgekehrt gehen die Präferenzen von Aktivisten und Plattformunternehmen auseinander, wenn die Regulierung von Intermediären darauf abzielt, die recht der Bürger gegenüber Plattformen zu *stärken*. Ich teste meine Theorie anhand einer Diskursnetzwerkanalyse von vier EU Stakeholder-Konsultationen ins den Bereichen Datenschutz, Online-Inhalte und Netzneutralität. Die Ergebnisse unterstützen mein theoretisches Argument und liefern damit einen Beitrag zum Verständnis von Lobbyismus und Aktivismus im digitalen Kapitalismus.

Meine **dritte Studie** untersucht die politischen Folgen solcher "heterogenen Lobby-Koalitionen" zwischen Digital Rights Groups und Internetunternehmen am Fall der kontroversen Verabschiedung der EU-Urheberrechtsrichtlinie im Europäischen Parlament 2019. Jüngere Studien aus der Lobbyismus-Forschung haben gezeigt, dass heterogene Lobby-Koalitionen dann erfolgreicher sind als homogene Lobby-Koalitionen, wenn eine hohe öffentliche Aufmerksamkeit auf einer Policy-Debatte liegt. Obwohl die Allianz aus Aktivisten und "Big Tech"-Firmen eine große Medienöffentlichkeit generieren und öffentliche Proteste gegen die Urheberrechtsreform mobilisieren konnten, ist es ihnen nicht gelungen, den Politikwandel zu verhindern. Ich argumentiere, dass die Befürworter der Reform – nämlich Presseverleger, Musik- und Filmindustrie sowie ihre parteipolitischen Verbündeten – die heterogene Lobby-Koalition erfolgreich unterminiert haben, indem sie sich auf Frames wie "digitale Souveränität" beriefen und die Aktivisten als "nützliche Idioten" des Silicon Valley delegitimierten. Anhand einer Prozessanalyse des Lobby-Wettstreits sowie einer Inhaltsanalyse der EP-Plenardebatten zeige ich, wie die EU-Abgeordneten Delegitimierungs- und Souveränitäts-Frames einsetzten, um ihre Nicht-Responsivität gegenüber der zivilgesellschaftlichen Opposition und den öffentlichen Protesten zu rechtfertigen. Dieses Ergebnis trägt zur wachsenden Debatte über den Begriff der "digitalen Souveränität" bei, indem es deren strategischen Einsatz im politischen Entscheidungsprozess aufzeigt.

Meine drei Studien vertiefen unser Verständnis der politischen Cleavages, die den digitalen Kapitalismus prägen. Meine Dissertation zeichnet ein detailliertes Bild davon, wie Parteien, die Zivilgesellschaft und wirtschaftliche Interessengruppen Koalitionen schmieden, um den politischen Wettbewerb um die Internet Policy für sich zu entscheiden. Diese Dissertation bringt

somit (I) die bisher spärliche Forschung zu politischen Parteien in der Internet Policy und (II) die Literatur zu (heterogenen) Interessenkoalitionen und ihrem Lobbying-Erfolg voran.

Chapter 1. Introduction

“New policies create a new politics.”

E. E. Schattschneider,

Politics, Pressure and the Tariff, 1935, p. 288

1. Introduction

The spread of the World Wide Web since the 1990s and the associated digitalisation of almost all aspects of our daily lives raises fundamental questions of political rule: How can territorially bound nation-states control global, borderless information and communication networks? Is democratic rule-making able to keep up with the pace of technological change? Does social media topple autocrats or undermine democracy? From the onset, the Internet served as a projection surface for political hopes and fears. Some have praised it as a “liberation technology” (Diamond, 2010) or dreamed of an “independent” cyberspace free from governmental control (Barlow, 1996) that would democratise access to knowledge and enable humans to cooperate more easily for the common good (Benkler, 2006). Others have called such visions “net delusions” (Morozov, 2011). They have worried that the Internet would empower governments to more closely surveil, censor and repress their populations. More recently, critics have argued that the potential of a decentralised web has been increasingly superseded and replaced by powerful platform companies that impose “surveillance capitalism” (Zuboff, 2019) and an attention economy (Wu, 2017) that erodes privacy and encourages political manipulation. Moreover, given the rise of radical right-wing populism across the Western world, some think that the Internet has brought “turmoil” rather than “liberation” (Tucker et al., 2017).

Political science faces two sets of fundamental questions about the relationship between the Internet and politics. First, it studies political online communication, or politics *on the Web*. This line of research investigates how information and communication technologies (ICTs) and digital media facilitate or hinder a wide range of political actions, from protests to electoral campaigning, and how these technologies impact political outcomes, including partisan polarisation and belief in conspiracy theories (for reviews see e.g., Boulianne, 2020; Farrell, 2012; Garcia, 2023; Jungherr et al., 2020; Tucker et al., 2018; Zhuravskaya et al., 2020). We can call this *Internet politics*.

The second set of fundamental questions relates to *Internet policy* or the way that political actors govern and make rules *for the Web*.¹ How can states control the Internet and the powerful private platforms that have come to dominate it? What is an appropriate regulatory model for the digital economy that maintains civil liberties and creates equitable social outcomes, while at the same time preserving economic dynamism? Internet policy provides the conditions and opportunity structures for the ways in which private businesses, individual citizens, and social groups can engage, interact, and make money online. *Internet policy* thus sets the legal framework in which *Internet politics* takes place. More than just a technical – and technocratic – regulation of a new technology, Internet policy is, therefore, concerned with the allocation of political and material values in the digital age.

This dissertation addresses this second set of questions by conceptualising Internet policy as a policy field in-the-making. Specifically, I take an actor-centred perspective to investigate the politics behind the making of Internet policy. Elmer E. Schattschneider famously wrote already in the 1930s that “new policies create a new politics” (Schattschneider, 1935, p. 288). In other words, the emergence of new policy issues creates new political dynamics, coalitions, and conflicts. In this dissertation, I, therefore, seek to answer the following interrelated research questions: (1) *How can we explain the regulatory preferences of different political actors?* (2) *What drives the coalition formation between these actors?* (3) *What are the patterns of political contestation between these coalitions, and how do they shape regulatory outcomes?* I study these questions in the case of the European Union (EU), which is widely perceived to be a global front-runner in the regulation of digital markets and the Internet (Bradford, 2023; Newman, 2020).

There has been surprisingly little research on these questions. As Beyer et al. (2022, p. 285) note, political science has so far paid very little attention to digitalisation and Internet policy in democracies.² Comparative politics “tend to emphasise the public policy aspects of governance more than it stresses the political controversies” over what Internet policy should look like (Farrell & 2019a, p. 163). Indeed, compared to the burgeoning literature on political online communication, the politics of Internet policy-making in democracies is only slowly gaining broader attention among political scientists.

¹ I adopt the terms “politics on the Web” (“Politik im Netz”) and “politics for the Web” (“Politik fürs Netz”) from Schünemann (2019).

² Internet policy has received greater attention in the literature on autocratic regimes. This line of research typically examines the ways in which autocratic governments control digital communication and media (for a review, see Keremoğlu & Weidmann, 2020).

Instead, previous research has treated the Internet as a problem of global governance. Scholars in this line of research have analysed how states and private actors coordinate and manage the Internet's technical architecture, the standards and protocols that make it run (e.g., DeNardis, 2014; Mueller, 2010; Raymond & DeNardis, 2015). In terms of political contestation, these scholars have focused on disputes between democracies and autocracies about the role of the state in the global governance of the Internet (e.g., Flonk et al., 2020; Hofmann & Pawlak, 2023). Regimes types have also been central to comparativist research studying differences in Internet policy output between democracies and autocracies, e.g., with regard to Internet access and content control laws (e.g., Flonk, 2022; Meserve & Pemstein, 2018; Milner, 2006; Norris, 2001; Stier, 2017). While these studies highlight the importance of domestic institutions and veto points, such as courts, they otherwise do little to open up the black box of domestic politics. Likewise, political economists and legal scholars who compare different national regulatory regimes – e.g., the European Union (EU) and the United States (US) – do not engage deeply with the domestic politics that lead to the creation of these regulatory models (Bradford, 2023; for an important exception, see Farrell & Newman, 2019a). Meanwhile, studies that do address political contestation in democracies usually focus mainly on publicly salient cases, such as the Edward Snowden leaks or protests against copyright reforms (e.g., Benkler et al., 2015; Dür & Mateo, 2014; Kalyanpur & Newman, 2019; Laurer & Seidl, 2021).

I address this research gap by conceptualising Internet policy as a two-dimensional policy field that combines an economic left-right and a socio-cultural liberal-authoritarian dimension. My conceptual framework builds on cleavage theory (Lipset & Rokkan, 1967) and on research on contemporary European politics that has shown that, contrary to the post-war era, social and political conflicts in Europe in the 21st century cannot be reduced to a single cleavage. Rather citizens as well as political elites disagree over both economic and socio-cultural issues (e.g., Dalton, 2018; Hooghe et al., 2002; Kitschelt, 1988). Similarly, Internet policy addresses both material and cultural values. The Internet is both a space for economic interactions and a public arena for democratic debate. Very often, the question is not simply whether citizens want more or less governmental interventions on the Internet or more or less economic freedom for Internet businesses. Rather, political interventions might also affect citizens' civil rights and the very structure of the public sphere. This makes Internet policy inherently complex and might create cross-pressures that force policy-makers into normative trade-offs. Political actors, therefore, need to keep both the economic and the socio-cultural dimension in mind when forming their policy preferences.

Beyond measuring individual preferences, this conceptual framework allows me to study the *coalitional politics* of Internet policy. Following the “policies determine politics” assumption, I argue that because economic questions and civil rights concerns are so closely entangled in Internet policy, we should observe volatile and often unconventional political coalitions. As I will show in the three empirical studies that constitute the core of this dissertation, “strange bedfellow” coalitions might emerge when free-market yet socially liberal parties form voting coalitions with left-wing parties against the centre-right (Study I, chapter 2) or when “Big Tech” firms and small non-governmental organisations (NGOs) jointly oppose the regulation of online content (Studies II & III, chapter 3 & 4).

Study I contributes to the scarce literature on party preferences in Internet policy. While previous research has focused only on issue attention in party manifestos (Beyer et al., 2022; König & Wenzelburger, 2019; Siewert & König, 2021), I study actual parliamentary behaviour. Analysing plenary roll call votes in the European Parliament (EP) over three legislative periods (1999-2014), I show how Internet policy emerged as an increasingly contested policy field at the EU level and demonstrate how party groups resolve cross-pressures when forming sometimes unconventional voting coalitions.³

Moving from parties to interest groups, Study II answers the question under what conditions businesses and NGOs share Internet policy preferences. A discourse network analysis of four diverse EU stakeholder consultations (2008-2016) demonstrates that it is indeed the type of Internet policy proposed, which determines the formation of competing interest group camps. In particular, if governments regulate intermediary businesses, such as social media platforms, in order to constrain citizens’ online activities, NGOs and intermediaries jointly oppose such regulations. Beyond Internet policy, Study II also contributes to a growing literature on “heterogeneous interest group coalitions” (Beyers & De Bruycker, 2018; Junk, 2019; Phinney, 2017) by explaining the conditions for preference alignment between business and civil society groups.

Study III brings together the party and interest group strands by zooming into one highly contested case, the negotiations of the EU’s 2019 *Copyright in the Digital Single Market Directive* (in the following Copyright Directive). The qualitative case study traces the lobbying competition between two interest groups coalitions – Internet businesses and civil society groups on the one

³ Study I has been published (online first) in the *Journal of European Public Policy*, <https://doi.org/10.1080/13501763.2023.2175019>.

side and publishers on the other side – across the legislative process (2016-2019). Analysing competing lobbying frames and their resonance among politicians, I show how publishers and their political allies successfully delegitimised civil society opposition against the reform. Study III thus shows how my actor-centred approach can explain a theoretically puzzling (why did an alliance of citizens and “Big Tech” fail to protect the status quo?) and substantively important policy change in the area of online content regulation. Moreover, Study III speaks to a growing debate about “digital sovereignty”, which, in recent years, has become a guiding frame in European Internet policy (e.g., Bellanova et al., 2022; Falkner et al., Forthcoming; Heidebrecht, 2023; Lambach & Oppermann, 2023; Pohle & Thiel, 2020).⁴

Taken together, the three studies provide a theoretically informed and empirically rich picture of the political coalitions and conflicts in EU Internet policy in the first two decades of the 21st century. They show how political parties, civil society and business interest groups cooperate and compete over the rules and regulations that shape our digital society – from network regulation and privacy to content regulation and intellectual property rights. Today, Internet policy is well established on policy agendas around the world. ICTs are continuously evolving, and so are their societal impacts. Internet policy needs to take into account these changes. In the concluding chapter of this dissertation (chapter 5), I discuss the most recent political developments and debate how my empirical findings help us understand upcoming political choices.

In the rest of this introductory chapter, I elaborate on my conceptual framework and its theoretical underpinnings in greater detail. Section 2 clarifies the terminology by distinguishing Internet policy from global Internet governance and from private platform governance. Section 3 discusses how the interplay of economic and civil rights questions affects political contestation and coalition formation. Section 4 reviews the extant literature on parties, civil society and business lobbying in Internet policy. Subsequently, in section 5, I introduce the case of the EU. ICTs and digital markets are constantly evolving, and Internet policy, too, is an evolving policy field. Therefore, in section 6, I briefly discuss what this means for my period of investigation. The introduction concludes with an overview of the three empirical studies that constitute the core of this dissertation.

⁴ Study III has been published online first in the *Journal of European Public Policy* as part of a forthcoming special issue on “Digital Sovereignty: Rhetoric and Reality”, <https://doi.org/10.1080/13501763.2023.2249948>.

2. Internet Policy – A Concept Specification

Internet policies are those public policies that aim to shape, structure and regulate the Internet's infrastructure, the services provided via the Internet, and the communication taking place online (Schünemann, 2019; Stier, 2017, p. 26f.). Like all technologies, the Internet is subject to public regulation. By determining what is permissible online, *Internet policy* sets the legal framework in which Internet users, businesses, and other organisations interact on the web. Internet policy is thus constitutive for the way in which political online communication, or *Internet politics*, can unfold, as well as for the emergence and evolution of online markets. *Internet policy*, therefore, addresses both political and material values in today's digital societies.

While nation-states and regional organisations, such as the EU, can set rules in their territorially defined jurisdictions, a global information and communication network also requires international coordination between states. It is, therefore, important to distinguish domestic rule-making and the global governance of the Internet. Following Mueller (2010, p. 8f.), who differentiates between "Internet public policies" and "Internet governance", I use the term *Internet policy* to distinguish domestic (and regional) legislation from those global governance processes (see also Schünemann, 2019). A third area of research that has gained prominence in the literature is "platform governance", which refers to the corporate policies of large platform companies, such as Facebook and Google, that also shape the daily user experience of citizens online. This section introduces (1) Internet governance, (2) Internet policy and (3) platform governance as important fields of governmental activity, political contestation, and social scientific inquiry. *Table 1* provides an overview of the terminology.

"politics on the Web"	"politics for the Web"		
Internet politics	Internet governance	Internet policy	Platform governance
political online communication	global coordination	domestic legislation	corporate policies
– online campaigning	– technical standards and protocols (e.g. Internet Protocol, Domain Name System etc.)	– online content regulation	– content moderation
– online activism		– data protection	– community standards
– online political advertisement		– copyright	– algorithmic feeds
		– Internet access policies	

Table 1.1. Concept specification.

2.1 Internet governance

The *Internet governance* literature studies the management of the technical infrastructure of global communication networks (DeNardis, 2014, p. 6). It investigates how a complex network of intergovernmental organisations, private actors and organised civil society coordinate the technical standards and protocols that make the Internet work. From a political science perspective, the central puzzle of Internet governance is how sovereign nation-states accommodate a global, borderless information network (e.g., Deibert & Crete-Nishihata, 2012; DeNardis, 2014; Drezner, 2004; Flonk et al., 2020; Hofmann et al., 2016; Hofmann & Pawlak, 2023; Mueller, 2010; Mueller, 2017; Radu, 2019; Raymond & DeNardis, 2015). Domestic Internet policy is considered by this literature mainly with regard to its impact on the global network (e.g., Mueller, 2017). The political process leading to the adoption of such national policies is not studied.

Internet governance has been characterised as a case of “contested multilateralism” (Flonk et al., 2020, p. 367; cf. Morse & Keohane, 2014). Historically, Internet governance has emerged from bottom-up as a form of “networked” and “multistakeholder” governance involving the private business sector and, to a more limited degree, civil society in non-governmental bodies, such as the *Internet Engineering Task Force* (IETF) and the *Internet Corporation for Assigned Names and Numbers* (ICANN).⁵ This “multistakeholder” model has been championed by the US, the EU and other Western democracies. By contrast, authoritarian regimes led by Russia and China, but also democracies in the Global South engage in “regime shifting” attempts towards intergovernmental organisations such as the International Telecommunications Union (ITU) (Flonk et al., 2020; Mueller, 2010, p. 255f.). The conflict over the *locus* of Internet governance reflects diverging governance norms. While Western democracies support a global and unfragmented Internet that supports the free flow of information, China and Russia promote the rights of states to intervene in the Internet’s architecture, even if that leads to an Internet that is segmented along national lines (Flonk, 2021; Flonk et al., 2020; Hofmann & Pawlak, 2023). For instance, authoritarian regimes often disrupt Internet access domestically during periods of political contention (Freyburg & Garbe, 2018; Gohdes, 2015, 2020). They are also increasingly active in the promotion of new technical standards that might facilitate governmental control over information flows (Bradford,

⁵ While ICANN is formally a private sector body, it was until 2016 under the auspices of the US, a situation that was often criticised by other countries. President Obama ended the US’ “ICANN stewardship” in order to increase its credibility as a nongovernmental body.

2023, p. 306).⁶ Democracies from the Global South, in particular Brazil, India and South Africa, take intermediate positions that do not go into the authoritarian direction of China or Russia but do emphasise the importance of national sovereignty, especially with regard to domestic economic development (Hofmann & Pawlak, 2023, p. 12). Thus, at the global level, states have diverging preferences regarding both the institutional *locus* of Internet governance and the relative importance of national sovereignty vs. transnational and multistakeholder governance (Mueller, 2010, p. 255f.).

2.2 Internet policy

While the role of the state in global Internet governance remains heavily contested, all states engage in domestic *Internet policy*. The label “Internet policy” comprises a variety of public policy issues, including but not limited to the rollout of new telecommunications networks, the protection of computer systems against malicious hackers, the protection of personal data, the enforcement of copyright, and the fight against the diffusion of illegal content online (Schünemann, 2019). An alternative label to Internet policy that is increasingly used in politics and research is “digital policy” (cf. Heidebrecht, 2023; Newman, 2020). However, this term is potentially much broader and can relate to more digital technologies than just the Internet, including, for example, networked cars or factories (e.g., some years ago, “Industry 4.0” became a popular buzzword to describe digitally integrated production processes). To avoid concept stretching, I have opted to use the more clearly delineable label “Internet policy”.

The term “Internet policy” bundles diverse policy issues, some new and some pre-existing but newly challenged or transformed by the Internet.⁷ As the Internet became a unified technological platform for all forms of information, telecommunication and media, previously unrelated policies, dealing, for example, with the telecommunications sector, the print or broadcast media, intellectual property rights or governmental surveillance, became interrelated and interdependent (Bauer & Schneider, 2008, p. 132f.; Mueller, 2010, p. 9f.). The public policy literature refers to this process as “policy integration” (Tosun & Lang, 2017; Trein et al., 2019). Consequently, Internet policy has been described as a new or *emerging policy field* (Haunss &

⁶ See also Financial Times, 20/03/2020, “Inside China’s controversial mission to reinvent the internet”, <https://www.ft.com/content/ba94c2bc-6e27-11ea-9bca-bf503995cd6f> (Accessed: 22/11/2023).

⁷ The diversity of Internet policy issues is also reflected in political science data projects. For example, in the Comparative Agendas Project (Baumgartner et al., 2019), Internet policies are distributed across several distinct policy codes (Beyer et al., 2022, p. 285).

Hofmann, 2015; Reiberg, 2018; Schünemann, 2019), whereby a policy field can be defined as a durable constellation of interrelated problems, actors, institutions, and policies (Schneider & Janning, 2006, p. 68f.).

In an attempt to structure the Internet policy field, Stier (2017, p. 26) distinguishes between policies related to “Internet access”, i.e., the rollout of telecommunication networks that enable citizens to connect to the Web, and policies related to “Internet freedom”, namely the protection of the integrity of personal data and communications. To be able to encompass more policy issues, I take this distinction to a higher level of abstraction and distinguish between economic policies and civil rights policies.⁸ Economic Internet policies concern the creation, regulation and taxation of digital markets, from e-commerce and digital finance to online media. This category includes Stier’s “Internet access” policies, yet broadens it to also include issues such as competition policy, copyright, contract law and questions of liability. The political question of economic Internet policies is, *how much regulation do digital markets need?*

Civil rights policies address the rights and freedoms of citizens in the online world, but also governments’ legitimate interest in providing law and order. This category largely mirrors what Stier calls “Internet freedom” and includes issues such as data protection, designations of legal and illegal content, as well as governments’ authority to surveil citizens’ digital communications and to block websites or to filter content. Here, the political question is, *how much control should the state exert over the digital public sphere?*

Internet policy is increasingly contested. Throughout the 2010s, activists in Europe and the US have repeatedly mobilised large public protests against proposals to strengthen copyright law and its enforcement (Benkler et al., 2015; Dür & Mateo, 2014; Sell, 2013). Furthermore, an increase in the public salience of privacy after whistleblower Edward Snowden revealed the extent of US Internet surveillance led to a strengthening of data protection provisions in the EU’s *General Data Protection Regulation* (GDPR) (Kalyanpur & Newman, 2019; Laurer & Seidl, 2021). Moreover, the content moderation practices of online platforms have become increasingly politicised; in the US, this has led to strong partisan disagreements over whether to take down more or less content (Alizadeh et al., 2022; Appel et al., 2023; Farrell & Newman, 2021; Kozyreva et al., 2023). Meanwhile, in Europe, new laws are being developed to constrain the economic and social power of large digital platform companies (Cioffi et al., 2022).

⁸ Following Stier (2017, p. 26), I subsume the digitalisation of public administration, often referred to as “e-Government”, under Internet politics rather than under Internet policy, because “e-Government” relates to the provision of public services online (see also Schünemann, 2019).

In sum, Internet policy can be conceptualised as a two-dimensional policy field combining an economic left-right (i.e., regulation-deregulation) and a socio-cultural liberal-authoritarian dimension. We can also observe an increasing politicisation and contestation of Internet policy issues. In section 3, I discuss what this two-dimensional structure means for the political contestation over Internet policy.

2.3 Platform governance

While *Internet governance* is concerned with the global coordination of the Internet's infrastructure, and *Internet policy* addresses domestic policy-making, a growing literature on *platform governance* highlights the importance and societal impacts of the corporate policies and terms-of-services of large online platforms, such as Facebook, YouTube, or the app stores of Apple and Google (e.g., DeNardis & Hackl, 2015; Gillespie, 2018; Gorwa, 2019; York, 2022). Given their centrality to the daily lives of Internet users and their influence over political online communication, these platforms can effectively act as private governors on the Web. Consequently, researchers study how platforms' business models, algorithms and content moderation practices influence a variety of social phenomena, including, for example, the spread of misinformation and hate speech, political polarisation, or, more positively, mobilisation opportunities for new social movements such as Black Lives Matter (e.g., Jungherr et al., 2020; Jungherr & Schroeder, 2022; Tucker et al., 2018). Platform governance is constrained by public Internet policy. However, regulation in the US and the EU has historically been very light, granting platforms significant discretion (MacKinnon et al., 2014). Nevertheless, as mentioned above, this hands-off regulation is increasingly contested (Farrell & Newman, 2021) and in Europe, new legal responsibilities are being put in place (Cini & Czulno, 2022; Cioffi et al., 2022; Gorwa, 2021). As this dissertation focuses on Internet public policies, I do not analyse how platforms govern. However, Studies II and III of this dissertation (chapters 3 and 4) do analyse the political influence and lobbying power of platform companies.

3. The Argument: Political Contestation in a Two-dimensional Policy Field

I have argued that the Internet policy field contains two issue dimensions: economic policies and civil rights policies (see *Figure 1*). This two-dimensional configuration reflects the cleavage structure in Western democracies in the 21st century, which is also characterised by two cross-cutting cleavages. In this section, I discuss the dimensionality of Internet policy against the background of cleavage theory.

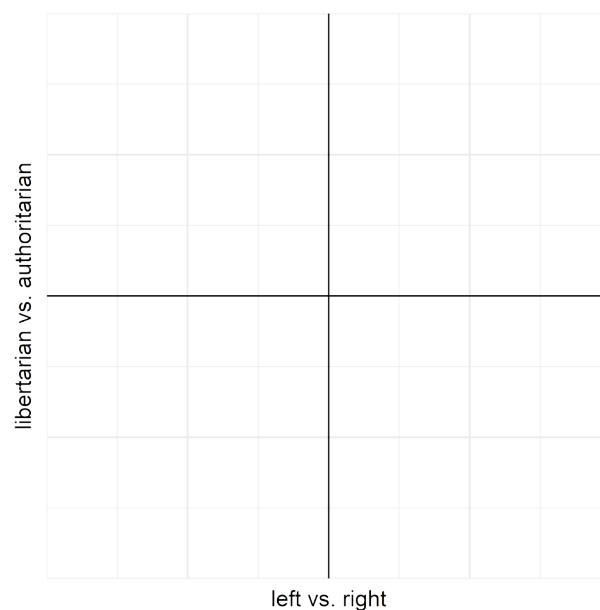


Figure 1.1. A two-dimensional political space.

3.1 Cleavage theory and the dimensionality of political space

“The concept of *political space* is a generalised description of the landscape of political issues that are contested in a given society” (Rovny & Edwards, 2012, p. 57). A large body of literature has characterised the political space in Europe and the US as two-dimensional (e.g., Dalton, 2018; Hooghe & Marks, 2018; Hooghe et al., 2002; Kitschelt, 1994; Kriesi et al., 2008). The first dimension captures the long-standing socio-economic left-right cleavage over redistribution and the role of the state in the economy. The second, cross-cutting dimension reflects a socio-cultural cleavage over issues such as minority rights, immigration, civil liberties vs. law and order, European

integration (in Europe), and, in some conceptualisations, also environmental protection.⁹ Different scholars have proposed different labels for the socio-cultural cleavage, including “materialist-vs.-post-materialist” (Inglehart, 1977), “libertarian-vs.-authoritarian” (Kitschelt, 1994), or most encompassing GAL/TAN for “green/alternative/libertarian vs. traditional/authoritarian/nationalist” (Hooghe et al., 2002).¹⁰ Countless studies have identified and investigated this cleavage structure at the level of the mass public as well as at the party system level and analysed its implications for electoral politics and political competition more generally.

The dimensionality of the political space is central to different research traditions within political science. In the sociological tradition of Lipset and Rokkan (1967), cleavages are deep structural divisions between social groups, such as between labour and business, church and state, centre and periphery. Party systems reflect these cleavages and freeze them into place. By contrast, the behavioural tradition of Riker (1986) is less concerned with the sociological grounding of societal cleavages but approaches the multidimensionality of political competition from a strategic point of view. In this understanding, political entrepreneurs are able to “manipulate” political debates and contestation through strategies such as framing, selective emphasis or position blurring (e.g., de Vries & Hobolt, 2020; Elias et al., 2015).¹¹

In conceptualising Internet policy as a two-dimensional political space, I do not claim that the two dimensions represent cleavages in the sociological sense. Rather, I argue that the diversity of Internet policy issues can be bundled into two cross-cutting dimensions or “issue cleavages”. Following Dalton (2018), I use the term “issue cleavage” to “denote long-term ideological or principled positions on enduring political interests” (Dalton, 2018, p. 28). This bundling is not just an exercise in typology. In practice, political parties, too, bundle issues and their policy preferences into packages that they can link to their broader ideological stances: “In exchange for sacrificing the specificity of voters’ ideal positions in a multi-dimensional space, voters gain predictability over the legislative or executive actions promoted by their chosen party” (Kitschelt et al., 1999, p. 63). In consequence, political contestation generally takes place in a low-dimensional space (Downs, 1957; Hinich & Munger, 1997), and Internet policy is no exception.

⁹ Subsuming environmentalism under the cultural dimension is, however, increasingly contested given its economic implications (Kenny & Langsæther, 2023).

¹⁰ The second dimension is also sometimes conceptualised as a “transnational cleavage” (Hooghe & Marks, 2018) separating “winners and losers” of globalisation (Kriesi et al., 2008).

¹¹ While taking different starting points, these two research traditions can, of course, be fruitfully combined (Rovny, 2015).

3.2 The two dimensions of Internet policy

The question now is: How do the dimensions of Internet policy relate to the general cleavage structure in 21st-century democracies? Does the technological shock of the Internet disrupt the two-dimensional political space? Changes in the cleavage structure can result either from generational changes in the population or from the emergence and politicisation of new issues that “are relatively independent of existing political cleavages. Such issues have the potential to restructure political competition if the societal implications of these issues are significant.” (Dalton, 2018, p. 29).

While the societal implications of digitalisation and the Internet are without doubt significant, the issues Internet policy is concerned with do not cross-cut the established left-right and GAL/TAN cleavages. In contrast to revolutionary proclamations about the transformative power of the Internet (Barlow, 1996), Internet policy fits rather well into the overall two-dimensional space of politics in Western democracies. As described above, one Internet policy dimension captures economic preferences over the regulation of digital markets, while the other dimension is concerned with civil rights issues. These two dimensions thus mirror the general left-right and GAL/TAN cleavages. While there are certainly some actors – primarily in the headquarters of Silicon Valley – who prefer little governmental interventions on both dimensions, these “cyber-libertarian” positions would be captured by my framework in the right-libertarian” quadrant (see *Figure 1*).¹²

What then is special about Internet policy? Typically, economic policy and civil rights policy – the latter is often categorised as part of the justice & home affairs field – are considered to be distinct policy fields with their own ministries, parliamentary committees, and expert communities. However, I argue that this distinction blurs when it comes to Internet policy.

For example, in democracies, privacy and data protection are constitutionally enshrined civil rights. However, data has become an important economic asset (often declared to be “the new oil”) and many business models in the Internet economy are built on the collection and processing of Internet users’ personal data. Data protection policy, therefore, must find a balance between the right to privacy and the economic interest in exploiting personal data. The interlinkage between these two dimensions of data protection policy became apparent when the Court of Justice of the EU, in response to whistleblower Edward Snowden’s revelations about the

¹² There is an argument to be made that the more contested role of the state in global Internet governance has led to the emergence of a new cleavage structure in Internet governance (Mueller, 2010). However, as this dissertation is focused on domestic Internet policy, this argument is not tested here.

surveillance practices of US intelligence agencies, nullified the EU-US “Safe Harbour” agreement, which had enabled commercial data transfers between the two jurisdictions. Suddenly, as a direct result of government surveillance, a cornerstone of the transatlantic Internet economy was in danger of breaking down (Farrell & Newman, 2018).

Online content regulation is another example of the interlinkages between economic and civil rights concerns. The question whether social media platforms should be held liable for illegal content published on their services is ostensibly a matter of business regulation. However, the assignment of liabilities or responsibilities for content moderation potentially shapes the public debates taking place on social media. Civil rights activists, therefore, worry that all too stringent regulation may incentivise platforms to “overblock” legitimate (political) speech, thereby infringing on citizens’ freedom of expression. Activists have voiced similar concerns when it comes to the fight against copyright infringements (again, ostensibly an economic issue), arguing that the algorithmic filtering of potential copyright violations negatively affects the free flow of information, Internet users’ access to knowledge, and their freedom of expression. Consequently, in the US, platform liability is closely linked to the First Amendment, and Internet businesses enjoy broad legal immunity with regard to content published on their services (Kosseff, 2019). In fact, legislators had both civil rights and businesses’ economic freedom in mind when sponsoring the foundation platform liability law, *Section 230 of the Communications Decency Act* (Bradford, 2023, p. 44), a stance that is also reflected in the law’s interpretation by US courts. According to this dual justification, Section 230 “encourages unfettered and unregulated development of free speech on the Internet, which allows the Internet economy and e-commerce to develop” (ibid., p. 46).

In sum, in Internet policy, economic and civil rights considerations are closely entangled, often in the very same piece of legislation. A policy designed to serve an economic function may have repercussions for the civil rights of Internet users. Therefore, effective regulation and the minimisation of unintended consequences require policy-makers to understand these interdependencies and interlinkages. The emergence of the Internet policy field can thus be described as a process of “policy integration” (Candel & Biesbroek, 2016; Tosun & Lang, 2017), in which economic policy experts and civil rights experts come together to create new actor coalitions, frames, institutions and policies.¹³ In the following, I argue that the entanglement of

¹³ Hence, it is unsurprising that there are recurring debates in many countries about the need to bundle Internet policy competencies in a single ministry. However, more common than the formation of dedicated ministries is the creation of specialised parliamentary committees. Note, however, that the European Commission has had a *Directorate-General for Information Society and Media* (DG INFSO) since 2004; in 2012 it was transformed into the *Directorate-General for Communications Networks, Content and Technology* (DG CONNECT).

economic and civil rights consideration can result in distinct patterns of political contestation that are shaping the policy field.

3.3 Political contestation in the two-dimensional Internet policy field

The linkages between the economic and the socio-cultural dimensions of Internet policy affect political contestation in two ways. First, in a two- or multi-dimensional political space, political actors can be cross-pressured, having to balance diverging preferences on the two dimensions. This creates opportunities for new and unconventional political coalitions. Second, multidimensionality makes Internet policy susceptible to strategic behaviour of political actors.

Cross-pressures and strange bedfellows

In a two-dimensional space, political actors may face cross-pressures. If Internet policy simultaneously affects economic and socio-cultural values, should they then follow their economic or civil rights preferences?¹⁴ Political parties, in particular, have to balance their positions on the two dimensions. For example, socially conservative but economically right-wing parties might favour restrictive online content regulation, banning, for example, pornographic content. However, to enforce such bans, they would need to compel Internet businesses, such as social media platforms, to police content. This would go against their economic preference for low levels of market regulation. By contrast, economically left-wing parties are generally more supportive of regulation. However, as left-wing parties typically also take socio-culturally liberal positions, they are faced with the question whether more regulation actually protects the freedom of Internet users or whether it might restrict civil rights. Meanwhile, if regulation explicitly serves the purpose of enhancing civil rights, for example, in the case of data protection, it is the liberal party family that is cross-pressured. Combining economically right-wing and socio-culturally liberal positions, liberal parties must decide whether to restrict economic freedom to protect civil liberties. These cross-pressures may lead to unusual coalitions. If, for instance, liberal parties decide to prioritise their socio-cultural preferences over their economic ones, they might opt for voting coalitions with economically left-wing parties. Study I (chapter 2) explores these cross-pressures and the resulting voting coalitions in the case of the European Parliament (EP).

¹⁴ While there is a growing literature on the voting behaviour of cross-pressured voters (e.g., Gidron, 2022; Hillygus & Shields, 2008), I focus on political elites and interest groups.

In addition to politicians and parties, the entanglement of economic and civil rights considerations in Internet policy also affects the preference alignment of interest groups, leading to the formation of “heterogeneous lobbying coalitions”. While it is conventionally assumed that business opposes regulation and that civil society and consumer organisations support regulation, a growing body of literature studies coalitions of civil society and business groups (Beyers & De Bruycker, 2018; Junk, 2019; Phinney, 2017). I argue that its two-dimensionality makes Internet policy a likely case for heterogeneous interest group coalitions. To empirically substantiate this claim, Study II (chapter 3) investigates the conditions under which the preferences of civil society and business interest groups align.

Political strategies and the manipulation of dimensions

Since Riker’s (1986) seminal work on “the art of political manipulation”, many studies have discussed political strategies for multi-dimensional political spaces, including the selective emphasising of issues (Budge & Farlie, 1983), their (re-)framing (Chong & Druckman, 2007a; Lefevere et al., 2019), the strategic blurring of party positions (Rovny, 2013), and venue shopping (Baumgartner & Jones, 1993). Parties but also interest groups might attempt to raise the salience of one issue dimension over the other or try to reframe issues in order to subsume them under their preferred dimension (Rovny & Edwards, 2012). Moreover, policy entrepreneurs can use framing to build new alliances or to drive a wedge into rival coalitions (Béland & Cox, 2016; Seidl, 2022). Finally, political actors do not only (re-) frame individual issues in specific political campaigns but also seek to establish or shift “collective issue definitions”, i.e. the collective understanding of what an issue (area) is about (Baumgartner & Mahoney, 2008). Thus, whether Internet policy (or a specific Internet policy issue) is collectively considered to be about economics or about civil rights might empower different actors and enable different coalition formations.

A good example for the political struggle over issue dimensions is the making of the EU’s GDPR. The protection of personal data may be a fundamental civil right, but personal data is also an important economic asset in the digital economy (Kemmerling & Trampusch, 2022). Accordingly, business groups heavily lobbied for weak data protection standards and, indeed, for a long time, seemed to be successful in doing so. However, studies by Kalyanpur and Newman (2019) and Laurer and Seidl (2021) respectively, demonstrate how the Snowden leaks raised the public salience of data protection and the privacy risks of the Internet. Even though the GDPR primarily regulated the collection and use of personal data by private actors and not by law enforcement and intelligence services (the latter was addressed in a separate EU law), the revelations of

governmental surveillance strengthened the position of civil rights advocates vis-à-vis businesses. The economic dimension of personal data lost out to the civil rights dimension. As Laurer and Seidl (2021, p. 257) conclude, “the Snowden revelations of 2013 fundamentally changed the discursive and coalitional dynamics during the decision-making stage (2012–2016)”, saving the GDPR “from being watered”.

Riker (1986, p. ix) noted that the art of manipulation (what he called “heresthetics”) is about “structuring the world so you can win”. In Study III (chapter 4), I study competing issue frames in the case of the EU’s 2019 Copyright Directive. Specifically, I investigate how supporters of the copyright reform introduced the notion of “digital sovereignty” in order to drive a wedge into and delegitimise a rival heterogeneous lobbying coalition consisting of civil society actors and Internet business groups.

4. Policy-seeking Actors in Internet Policy: Parties, Civil Society, and Business

This dissertation investigates how Internet policy shapes political contestation over the rules and values of our increasingly digitalised world. My research thus follows the “Schattschneiderian” premise that “policies determine politics”. In other words, different types of policies create different winners and losers and, consequently, different coalitions of policy supporters and opponents (Lowi, 1972). Moreover, past political choices create feedback effects that influence subsequent political conflicts (e.g., Béland et al., 2022; Busemeyer et al., 2021; Pierson, 1993). In short, it is the problem structure of the policy issue and the design of the policy response that explain the preference alignment and coalition formation of political actors.

Hacker and Pierson (2014) have conceptualised this “policy-focused” perspective in contrast to the election- and voter-centric tradition of Anthony Downs: “In the policy-focused approach, pride of place is given not to elections but to policies – to the exercise of government authority for particular purposes. In place of the [Downsian] ‘electoral connection’, the policy-focused perspective stresses the policy connection that promotes and sustains coalitions of (partisan) politicians and organized interests” (Hacker & Pierson, 2014, p. 644). In the context of Internet policy, I, therefore, conceive political actors as policy-seeking rather than as primarily vote- or office-seeking (cf. Strøm & Müller, 1999). Even though Internet policy takes increasing space in parties’ electoral manifestos (see below), and individual events and issues sometimes receive high media attention and mobilise public protests (e.g., Dür & Mateo, 2014), the field of Internet policy

is generally not among the top priorities when voters go to the ballot. In public opinion surveys, Internet policy or digitalisation do not usually score at the top on the “most-important-problem” question. For example, in Germany, “[e]ven in 2013, the year of the Snowden revelations, the share of respondents naming digitisation among the most important topics was only 2.1 per cent” (Siewert & König, 2021, p. 587). Therefore, it is fair to say that Internet policy, in contrast to taxation and redistribution, immigration, crime, or climate policy, is hardly vote-decisive, which justifies my assumption of policy-seeking actors. Accordingly, in this dissertation, I focus on parties and interest groups and leave public opinion aside.

In this section, I review the extant literature on political parties, civil society groups, and business interests in Internet policy and highlight how my three studies contribute to our understanding of the preferences and coalitions of these actors in the policy field.

4.1 Political parties

“Political parties are the most important organisations in modern politics” (Strøm & Müller, 1999, p. 1). However, the literature on political parties in Internet policy is scarce and has mainly focused on when and why parties include Internet policies in their party manifestos (Beyer et al., 2022, p. 285). Across Europe, party manifestos pay increasing attention to Internet policy (König & Wenzelburger, 2019, p. 1687). In Germany’s subnational electoral manifestos, Internet policy has “reached similar importance as registered for established issues such as taxes, law and order, or European integration” (Siewert & König, 2021, p. 584).

A prominent argument in the party competition literature is that new policy issues are more likely to be taken up by challenger parties and by parties that have not been performing well in recent elections (e.g., Abou-Chadi & Stoetzer, 2020; Adams et al., 2004). In line with this argument, Siewert and König (2021) find that between 2011 and 2019, German regional parties, which had lost vote shares in a previous election, allocate more attention to Internet policy in their manifestos. However, in a comparative study of national-level party manifestos in eight West European countries during the same time period, König and Wenzelburger (2019) find the opposite: In their sample, it is governing parties that increase their issue attention to Internet policy to a greater degree than electoral losers. König and Wenzelburger (2019) attribute this result to the greater resources and capacities of larger parties. These parties can also point to their policy achievements while in government. Moreover, in terms of party ideology, König and Wenzelburger (2019) find that both economically right-wing and socio-culturally liberal parties

allocate more attention to Internet policy in their manifestos. The authors argue that Internet policy speaks to the strength of these parties' core issues, economic innovation and civil rights, respectively.

Despite these inconclusive findings, the evidence shows that most parties paid scant attention to Internet policy before the 2010s (Beyer et al., 2022). At least in Germany, the rising issue attention of Internet policy among parties at the start of the 2010s can be associated with a challenger party, the Pirates (Siewert & König, 2019). The first Pirate party was founded in Sweden in 2006, and over the following years, Pirate parties emerged in various European countries (Burkart, 2014; Haunss, 2013; Otjes, 2020). The core issues of these parties revolved around copyright (they opposed the criminalisation of file-sharing) and privacy (they opposed government surveillance). Pirate parties also advocated for more participatory forms of democracy using digital tools and applied these in their own internal decision-making¹⁵ (for more detailed discussions of the Pirate parties' beliefs and preferences, see Burkart, 2014; Fredriksson, 2015; Haunss, 2013, p. 186f.).

Despite some short-lived electoral success in German subnational elections in 2011 and 2012, Pirate parties remained, for the most part, electorally marginal. An exception is the Icelandic Pirate party, which has achieved sustained electoral success, being elected in four consecutive parliamentary elections since 2013. The Czech Pirate party, too, has had some electoral success, winning 10.8% in the 2017 Czech elections. In 2021, the Czech pirates joined a centrist electoral coalition and subsequently entered the governmental coalition. Given lower electoral threshold in the European Parliament elections, individual Pirate party politicians have won seats in the EP since 2009 and have joined the Green party group. In the EP, these parliamentarians have acted as policy entrepreneurs for Internet policy issues, most prominently Felix Reda, who became a prominent actor during the debates about the 2019 EU Copyright Reform (see chapter 4). Overall, voting for Pirate parties appears to have been mainly a protest rather than an issue vote. Analysing survey data from 11 countries, Otjes (2020) identifies political distrust as the main driver for voting Pirate, with privacy being a secondary concern. Nevertheless, even if the Pirate parties remained electorally unsuccessful, they might have contributed to the increasing attention of Internet policy of the established parties. Siewert and König (2019) find that previous regional electoral success by the Pirates is positively related to an increased emphasis on Internet policy in regional party

¹⁵ Pirate parties are not the only challenger parties who have used digital tools for internal party democracy. The Italian Five Star Movement is another prominent (and electorally more successful) case. Deseriis (2020) compares the different conceptual and technological approaches of the Five Star Movement and the Pirate parties.

manifestos, especially for socio-culturally liberal parties, who arguably competed for similar voters.

In this dissertation, I contribute to the party politics literature by moving from party manifestos to actual parliamentary behaviour. Study I (chapter 2) analyses voting coalitions in the EP over the course of three legislative periods (1999-2014). In particular, I examine whether party contestation in the EP follows the economic or the socio-cultural dimension and how parties deal with cross-pressures. Study III (chapter 4) investigates how members of the EP respond to lobbying, interest group frames, and public protests in the case of the EU's latest copyright reform (2016-2019).

4.2 Civil society and activism

While the Pirate parties failed to make more than a momentary dent in European party systems, their existence is indicative of a broader civil society interest in Internet policy and digitalisation. Rooted in computer enthusiast, hacker, and open source developer communities, civil society groups focusing on Internet policy and Internet culture have emerged in North America and Europe since the mid-1980s. These so-called “digital rights groups” represent “a form of knowledge society liberalism that has strong conceptual – although only few personal or institutional links to the civil rights liberalism of the 20th century” (Haunss, 2013, p. 200). They emphasise both the emancipatory potential of the Internet and the risk of government or corporate control over the Internet. Digital rights groups formulate policy positions *for the Web* and use social media and similar tools to advocate for these positions *on the Web*: “the values defended and the tools used are deeply rooted in what is to be defended: the internet” (Breindl, 2013, p. 1421). Key issues for digital rights groups are privacy, freedom of expression, and intellectual property rights (e.g., Breindl, 2013; Daskal, 2018; Löblich & Wendelin, 2012; Wright, 2022).

Like other social movements, the activism of digital rights groups stems from a dissatisfaction with dominant regulatory approaches in Internet policy, which are perceived to limit the individual freedoms of citizens in a digital society. As Wright (2022) shows, digital rights groups typically frame government policies as threats to “Internet freedom”. This has led to critiques of digital

rights groups as “cyber-libertarians” and allies of Silicon Valley tech firms.¹⁶ Barbrook and Cameron (1996) have famously coined the term “Californian ideology” to critique the rhetorical closeness of communitarian-oriented digital rights activists and capitalist Silicon Valley entrepreneurs. Turner (2006) traces both digital rights advocacy and Silicon Valley business culture to the Californian counterculture of the 1960s and stresses the many ideational, personal, and financial ties between Silicon Valley and (American) digital rights groups. Indeed, in the 1990s, Silicon Valley corporations were among the top donors to the Electronic Frontier Foundation (EFF), one of the oldest digital rights groups (Goldsmith & Wu 2008: 19). The (in-) famous “Declaration of the Independence of Cyberspace” written by EFF co-founder John Perry Barlow (1996) remains a popular reference point in public debates.

However, painting digital rights groups as cyber-libertarians would misclassify their beliefs and policy preferences. On the one hand, digital rights activism in the US has significantly evolved since its early days: “[I]n the 1990s, activists were saying that it was impossible for the government to control the Internet. Now in the 2000s, many [...] have demanded that the government acts to protect the Internet from perceived threats – whether from telecom firms or foreign governments” (Goldsmith & Wu, 2008, p. vii). On the other hand, digital rights activists in Europe have always been more left-leaning and market-sceptic (Pétin & Tréguer, 2018; Tréguer, 2017).¹⁷ As studies by Breindl (2013) and Löblich and Wendelin (2012) show, European activists do not oppose government regulation but rather advocate for Internet policies that safeguard civil rights online against both governmental control and private market power. Goldsmith and Wu (2008, p. vii), therefore, describe digital rights activism (both in the US and in Europe) as a mix of two “brands of Internet libertarianism: one that distrusts government and one that mistrusts private gatekeepers”.

In terms of policy, digital rights groups oppose governmental surveillance of the Internet but are also sceptical of the data collection practices of Internet businesses and the business model of “surveillance capitalism” (cf. Zuboff, 2019). While digital rights activists highlight encryption as a technological solution to surveillance and censorship, they also use lawsuits to challenge government policies, such as data retention laws in Europe (e.g., Bennett, 2010; Lehoucq & Tarrow, 2020; Löblich & Wendelin, 2012). The legal activism of Austrian lawyer Max Schrems has

¹⁶ See, for example, The Baffler, July 2018, “All EFF’d Up”, <https://thebaffler.com/salvos/all-effd-up-levine>; Frankfurter Allgemeine Zeitung, 19/10/2018, “Nach der Manipulation ist vor der Manipulation”, <https://www.faz.net/-gsf-9fm2b> (Both accessed: 01/12/2023).

¹⁷ In fact, Barbrook and Cameron (1996) pointed to the French state-state run Minitel network as an alternative to the Californian ideology and Pétin and Tréguer (2018) show how French digital rights activists built on Minitel to create open and non-commercial networks.

received particular attention as he skillfully linked government and corporate data collection practices to challenge the EU-US data sharing agreements (Farrell & Newman, 2019a). Moreover, digital rights groups consider intellectual property rights as restricting citizens' access to knowledge and worry that stricter copyright enforcement limits free speech online (e.g., Haunss, 2013; Mueller, 2010, p. 266f.; Postigo, 2008). They support free and open source software, Creative Commons licenses and open access publishing. For example, Leifeld and Haunss (2012) show how, in the early 2000s, digital rights groups like the Free Software Foundation lobbied against the introduction of software patents in the EU, leading to the EP's rejection of a respective legislative proposal in 2005 (see also Haunss & Kohlmorgen, 2010). But it was specifically their opposition to more stringent copyright enforcement and the fight against online file-sharing that allowed digital rights groups to mobilise citizens in Europe and the US (Benkler et al., 2015; Breindl & Briatte, 2013; Dür & Mateo, 2014; Rone, 2018; Sell, 2013). This activism led to the rejection of important bills such as the *Anti-Counterfeiting Trade Agreement* (ACTA) in the EU and the *Stop Online Piracy and Protect Intellectual Property Acts* (SOPA/PIPA) in the US.

Previous research on digital rights groups has taken a social movement perspective, investigating the beliefs of activists and their use of social media to mobilise public protests (e.g., Benkler et al., 2015; Breindl, 2013; Faris et al., 2016; Haunss, 2013; Löblich & Wendelin, 2012; Sell, 2013; Wright, 2022). In Studies II (chapter 3) and III (chapter 4) of this dissertation, I employ a lobbying perspective to assess the role and influence of digital rights groups in EU Internet policy, as well as their relationships and coalitions with other interest groups. Study II explains under what conditions digital rights groups and Internet businesses share policy preferences. Study III demonstrates how European business interests instrumentalise the "Californian ideology" accusation to delegitimise digital rights activists.

4.3 Business and entrepreneurs

Internet or "tech" companies have become some of the most valuable businesses in the world. Given their economic power and societal influence, they are receiving increasing scholarly attention. As discussed in section 2.3 above, there is a vast and growing literature on the way in which digital platforms shape citizens' online interactions and the "digital public sphere" through corporate policies and algorithmic systems (e.g., Gorwa, 2019; Jungherr et al., 2020; Tucker et al., 2018; York, 2022). Given my focus on Internet policy, I here instead review the extant research on the political beliefs of Internet entrepreneurs and the lobbying activities of Internet businesses.

Rather than among digital rights activists and their NGOs, cyber-libertarianism should be searched for in the headquarters of Silicon Valley.¹⁸ In October 2023, leading venture capitalist Marc Andreessen published his “Techno-Optimist Manifesto”, a pompous essay declaring his belief in market-driven, politics-free technological progress.¹⁹ Given Andreessen’s centrality as a financier of Silicon Valley, the manifesto has led to numerous critical and derisive commentaries in blogs and other online publications. Political communication scholar Dave Karpf directly linked Andreessen’s text to the techno-optimist and cyber-libertarian discourses of 1990s Silicon Valley popularised in *Wired* magazine.²⁰ Over the years, the ideology of Internet entrepreneurs has over the years received much attention and was thoroughly debated in the media, the humanities, and the social sciences (e.g., Daub, 2020; Morozov, 2013).²¹ What do we know empirically about the political preferences of Internet entrepreneurs?

Surveying about 8,500 US-American technology entrepreneurs (founders and CEOs) in 2017, Broockman et al. (2019) find that they have a distinct set of political attitudes differentiating them from both the mass public and other economic elites. Technology entrepreneurs are very progressive on socio-cultural issues, migration and globalisation, as well as on redistribution. It is, therefore, not surprising that they overwhelmingly donate to the Democratic Party in the US (Broockman et al., 2019, p. 214).²² At the same time, technology entrepreneurs are very conservative when it comes to economic regulation, on par with Republican donors. Broockman et al. (2019, p. 216) also show that “technology entrepreneurs’ opposition to government regulation can be traced at least partly to positive predispositions toward markets and entrepreneurship”. These predispositions are also reflected in their attitudes towards problem-solving. In a quantitative text analysis of speeches by and interviews with technology entrepreneurs and investors, Nachtwey and Seidl (2023) find that these entrepreneurs, besides appealing to the free market, proclaim a “solutionist ethic”. In other words, they advocate for technological solutions to social problems rather than for collective democratic decision-making (cf. Morozov, 2013). In line with their anti-regulation preferences, Internet entrepreneurs also

¹⁸ Moreover, cyber-libertarian ideas are prominent in the blockchain and crypto-currency communities (Brody et al., 2023).

¹⁹ Marc Andreessen, 16/10/2023, “The Techno-Optimist Manifesto”, <https://a16z.com/the-techno-optimist-manifesto/> (Accessed: 18/11/2023).

²⁰ Dave Karpf, 18/10/2023, “Why can't our tech billionaires learn anything new?” <https://davekarpf.substack.com/p/why-cant-our-tech-billionaires-learn> (Accessed: 18/11/2023).

²¹ See also, for example, a recent series of essays on the Crooked Timber blog, edited by political scientist Henry Farrell: <https://crookedtimber.org/2023/11/29/ct-seminar-the-political-ideologies-of-silicon-valley/> (Accessed: 30/11/2023).

²² Besides campaign donations, journalistic work has highlighted the close connection and “revolving-door” dynamics between Silicon Valley (and in particular Google) and the Obama Administration (Popiel, 2018).

propose technological solutions to the social problems arising from their own products and services (Nachtwey & Seidl, 2023, p. 17). For example, they suggest that algorithmic content moderation might make governmental content regulation superfluous. A recent empirical study by Obendiek and Seidl (2023) illustrates how Internet firms use “solutionist” arguments to influence the problem definitions and regulatory choices in the case of the EU’s cloud computing project *Gaia-X* and in contemporary European security governance. The authors refer to this as “ideational business power”.

Moving from the individual level of entrepreneurs to the company level, Internet businesses are investing heavily in lobbying. Compiling data from the EU’s Transparency Register, the transparency NGO Corporate Europe Observatory finds that in 2021, the technology industry spent €97 million lobbying the EU institutions, a sum that has only continued to rise.²³ “This makes tech the biggest lobbying sector in the EU by spending, ahead of pharma, fossil fuels, finance, and chemicals” (Corporate Europe Corporate Europe Observatory, 2021, p. 6). American “Big Tech” firms are the top spenders, and while the Chinese telecom firm Huawei is also very active in Europe, other Chinese businesses such as TikTok and Alibaba are still far behind (ibid.). American businesses frequently criticise EU Internet policies as protectionist, a claim that is also often echoed by US government trade officials (Bradford, 2023, p. 354). Among European companies, it is specifically telecom providers, such as Deutsche Telekom, Telefónica and Vodafone, who are very active in lobbying.²⁴

Beyond their financial lobbying power and their solutionist “ideational business power” (Obendiek & Seidl, 2023), it has also been argued that digital platform companies can use their popularity among their consumers as a lobbying instrument. Culpepper and Thelen (2020) use the term “platform power” to describe how digital platforms can mobilise their users to advocate against regulation. Having integrated themselves into the daily lives of their users, platforms enjoy high levels of brand attachment and might be able to sway their users’ regulatory preferences. This argument has been applied to the contested regulation of Uber in the US and Europe (Seidl, 2022; Thelen, 2018). I critically assess this proposed mechanism in Studies II and III.

²³ See Corporate Europe Observatory, 08/09/2023, “Lobbying power of Amazon, Google and Co. continues to grow”, <https://corporateeurope.org/en/2023/09/lobbying-power-amazon-google-and-co-continues-grow> (Accessed: 18/11/2023).

²⁴ Internet firms are of course also organised in various business associations (in Europe, for example, Digital Europe, DOT Europe, the Computer & Communications Industry Association (CCIA) or the European Internet Services Providers’ Association (EuroISPA). Moreover, they fund a variety of industry-related think tanks to advance their interests. The report by Corporate Europe Observatory (2021) provides a comprehensive overview.

Despite their huge investments into lobbying the EU, the track record of Internet businesses is, at best, mixed. Their opposition to stricter data protection rules in the GDPR was unsuccessful, given the law's high public salience after the Snowden leaks (Kalyanpur & Newman, 2019; Laurer & Seidl, 2021). More recently, Internet businesses failed to prevent the introduction of new competition rules in the *Digital Markets Act* (DMA), which was adopted in 2022 (Cini & Czulno, 2022; Tarrant & Cowen, 2022). Moreover, as I will show in Study III (chapter 4), Internet businesses also lost the lobbying competition over the 2019 Copyright Directive despite allying themselves with digital rights groups. This defeat was the result of intense counter-lobbying by rights holders and publishers. Indeed, it is not only Internet businesses that lobby on Internet policies but also those firms and industry associations whose economic sectors and business models have been disrupted by the digital economy. Prominent examples are news publishers (e.g., Nielsen & Ganter, 2022) as well as the music and film industries, who have continuously lobbied for stricter copyright rules and more stringent enforcement (e.g., Farrand, 2015; Sell, 2013).

While these high-profile cases do not provide a comprehensive picture of lobbying outcomes, they point to the limits of Big Tech lobbying in the face of counter-lobbying and civil society mobilisation. I study the contentious lobbying relationships between interest groups from different economic sectors and civil society in Studies II and III. I thereby add to existing case studies on the lobbying influence of Internet businesses. For example, Atikcan and Chalmers (2019) and Laurer and Seidl (2021) have previously analysed business preferences with regard to the GDPR, whereas Tarrant and Cowen (2022) have studied lobbying in the case of the DMA. My studies contribute to this literature by (a) theorising and mapping patterns of interest group preference alignment across different Internet policy issues (Study II) and (b) by investigating the changing lobbying dynamics and strategies across the legislative process in an in-depth case study (Study III).

5. The Case of the EU

The focus of this dissertation is on the Internet policy of the European Union. The EU is widely recognised as an ambitious and globally influential regulator of the digital economy that “has emerged in the 21st century with a unique set of public policies, which stand in sharp contrast to other advanced economies including the United States and China” (Newman, 2020, p. 279). However, the EU is not only a global first-mover in regulating digital markets, it also seeks to set global standards and influence regulatory development in other parts of the world (Bradford,

2020). For example, EU data protection law has an explicit extraterritorial dimension, making data transfers to third countries conditional on an “adequate” level of data protection in those countries. Moreover, since EU rules are very often the most stringent regulations, corporations have a business incentive to extend them to their global operations beyond Europe in order to save costs. This mechanism has become famous as the “Brussels Effect” (Bradford, 2020). Researching EU Internet policy and the contentious making of EU regulations is, therefore, important to understand broader developments in global Internet policy.

This section provides a general overview of the Internet policy field in the EU. I first introduce the EU’s regulatory model and its policies. Subsequently, I discuss what we know so far about the preferences and coalitions of member states and EU institutions in this policy field.

5.1 Internet policy in the EU

Drawing on the varieties of capitalism literature (Hall & Soskice, 2001), legal scholar Anu Bradford (2023) contrasts what she calls the European “rights-driven regulatory model” with the US-American “market-driven model” and the Chinese “state-driven model”. According to Bradford, the EU’s regulatory model stems from the tradition of European coordinated market economies and reflects a broader European “view of how markets operate and what the optimal role of government is” (Bradford, 2023, p. 106f.). In this view, government intervention in the digital economy is considered necessary to guarantee individual civil rights but also to protect democratic societies, to safeguard media pluralism, and to achieve socially fair market outcomes. While the US also seeks to protect individual liberties, it puts the First Amendment’s commitment to free speech front and centre. In contrast to the US model, EU Internet policy seeks to balance freedom of expression and other fundamental rights, including privacy and data protection, non-discrimination, and human dignity (Bradford, 2023, p. 106). The EU has thus, for example, created a “right to be forgotten” to protect the privacy of citizens and has adopted much stricter requirements for the moderation of online content to enforce legal bans of hate speech.

However, the EU is not solely focused on the civil rights dimension of Internet policy. Rather, in line with the EU’s core competence of economic integration, EU internet policy follows a dual agenda of *market-making* and *market-correcting* policies (Newman, 2020).²⁵ A key objective has been the creation of a “Digital Single Market” that allows frictionless digital commerce across

²⁵ Newman (2020, pp. 280-284) provides a list of major EU Internet policy initiative between 1984 and 2018.

member state borders by abolishing trade barriers and harmonising regulatory standards. Most prominently, in the 1980s and 1990s, the EU privatised and liberalised the telecommunications sector, which had been dominated by state-owned companies (Schneider, 2001; Thatcher, 2001). Moreover, the *E-Commerce Directive* adopted in 2000 set basic rules for online economic interactions and removed legal barriers to cross-border digital services. It also established a limited liability regime for Internet intermediaries, such as Internet service providers, web hosting services, or social media platforms. This legal regime protects intermediaries from legal liability for user-generated content published on their services (Bradford, 2023; Heidebrecht, 2023, p. 8).

The most prominent *market-correcting policy* is the EU's 1995 *Data Protection Directive* and its successor, the 2016 *General Data Protection Regulation* (e.g., Heisenberg, 2005; Laurer & Seidl, 2021; Newman, 2008). European data protection legislation has not only been criticised by businesses but has also put the EU into repeated confrontations with the US due to its provisions on the transfer of personal data to third countries (Farrell, 2003; Farrell & Newman, 2019a). The EU also diverges from the US when it comes to online content regulation. While the *E-Commerce Directive's* limited liability regime is broadly similar to the US liability system (established by Section 230 of the *US Communications Decency Act* of 1997), it is more conditional (Bradford, 2023, p. 137; MacKinnon et al., 2014, p. 40f.): To keep their liability protections, intermediaries in the EU must set up "notice-and-take-down" procedures for illegal content that go beyond what the US requires. Moreover, the European Commission has also actively encouraged industry self-regulation related to online content moderation (Marsden, 2011). And while the 2022 *Digital Services Act* (DSA) maintains the *E-Commerce Directive's* liability regime, it introduced many new procedural requirements for the content moderation of digital platforms (Cioffi et al., 2022). In addition to the DSA, initiatives such as the 2020 *European Democracy Action Plan* and the proposed *European Media Freedom Act* address the problem of misinformation and disinformation (Bradford, 2023, p. 121). Another important question of content regulation is the protection of copyright and the fight against online piracy. The 2019 *Copyright Directive* imposes new legal requirements on social media platforms and seeks to strengthen the position of news publishers vis-à-vis platforms (ibid.). Furthermore, the EU has also been more active than the US in bringing antitrust cases against large Internet companies to court. Based on these experiences, the 2022 *Digital Markets Act* (DMA) extends EU competition law by introducing new *ex ante* requirements for digital platforms (Cini & Czulno, 2022; Hoeffler & Mérand, 2023).²⁶ Finally, the EU also seeks to become a regulatory front-runner in the area of artificial intelligence (AI). At the

²⁶ Competition law typically focuses on *ex post* remedies to the abuse of market power.

time of writing in late 2023, a novel AI Act is in the final stages of legislative negotiations between the Council of the EU and the EP.

Comparisons between different regulatory models and a focus on policy output have an inherent risk of overlooking the contentious politics behind the adoption of Internet policy. The EU is certainly not a monolithic bloc. Its politics are driven by the competition between actor coalitions pushing for more (or less) market-making or market-correcting policies. At different times, different coalitions have prevailed (cf. Newman, 2020, p. 295). Nevertheless, the dual policy objective of creating and regulating a Digital Single Market has secured support for EU legislation both among pro- and anti-regulation coalitions (Bradford, 2023, p. 130). Besides the functional pressure to regulate a global information network at a transnational level, there are thus clear political incentives for EU policy-making over national Internet policy. Through my three empirical studies, this dissertation contributes to our understanding of the coalitional politics behind the EU's "rights-driven regulatory model".

5.2 The European institutions and their preferences

In the EU, the European Commission formally initiates the legislative process. Today, the ordinary legislative procedure is the most common procedure for passing EU legislation and the relevant procedure for the Internet policies researched in this dissertation. Under this procedure, the Council of the EU, which is composed of member state ministers, and the European Parliament (EP), which is directly elected by the citizens, are co-legislators. In this section, I first discuss previous research on member state coalitions in the Council before moving towards the literature on the European Commission and the European Parliament.

EU member states

To identify member state coalitions in EU Internet policy, Perarnaud (2021) uses data and interviews from the *Decision-Making in the EU (DEU) III* project (Arregui & Perarnaud, 2022; cf. Thomson et al., 2012; Thomson et al., 2006). He finds a liberal coalition composed of Northern and Eastern member states and a more interventionist coalition of Southern member states led by France. On average, Germany takes an intermediate position and does not appear to coordinate closely with either of these two blocs. The coalitional structure in Internet policy thus

broadly reflects the overall North-South divide in EU politics, whereas there does not seem to be an East-West divide (cf. Thomson, 2011).

The loose and informal liberal coalition of Northern and Eastern member states refers to itself as the “digitally like-minded states” (Perarnaud, 2021). This coalition includes both digitally advanced member states, such as Ireland, Sweden and Estonia, as well as countries which still need to catch up, but share a preference for laxer regulation (e.g., Bulgaria). Perarnaud (2021) traces this liberal coalition back to the negotiations on the *Regulation on the Free Flow of Non-Personal Data* in 2015. It grew in the following years to include up to 17 member states in 2019. However, “the format of the digital like-minded group is only used by member states when they share a rather homogeneous position on a particular subject matter. For instance, members of the digital like-minded group were significantly divided in the context of the copyright directive, and thus could not leverage this format” (Perarnaud, 2021, p. 12). From this diverse camp emerged a more formal coalition of digitally advanced countries, the Digital 9+ (D9+) group. Launched by Sweden in 2016, the D9+ group also includes Belgium, Denmark, Estonia, Finland, Ireland, Luxembourg, the Netherlands, and – until Brexit – the UK. Poland and the Czech Republic joined in the following year. The D9+ group holds regular meetings at the ministerial level, coordinates their policy positions, and organises joint public events, such as the D9+ Stakeholder Forum. Taking a liberal approach to the Digital Single Market, the D9+ coalition often finds itself in conflict with the more interventionist approach of France and its Southern allies. For example, during the negotiations on the DSA, the D9+ group successfully defended the established “country-of-origin principle” against a French proposal to set up a new “country-of-destination” principle (Heidebrecht, 2023, p. 12).²⁷

The cooperation between France and Germany, the EU’s two largest member states, is often described as the “engine” of European integration (e.g., Degner & Leuffen, 2019; Krotz & Schild, 2013). However, Perarnaud (2021, p. 13f.) did not find a Franco-German alliance in the field of Internet policy. In the cases he studied, Germany and France had diverging policy preferences and coordinated only to a limited degree. Nevertheless, in more recent years, France and Germany have become a driving force behind a reappraisal of industrial policy and a reform of competition and state aid law (Di Carlo & Schmitz, 2023; Seidl & Schmitz, 2023). They have jointly supported the DMA and pushed for public subsidies for semiconductor manufacturing (the *European Chips*

²⁷ These two principles are alternative ways to solve conflicting member state laws in cases of cross-border trade. According to the country-of-origin principle, the law of the member state applies, in which the company is established. By contrast, in the “country-of-destination” principle, the law of the customer’s country of residence would apply.

Act). Hence, there seems to be a return of the Franco-German tandem in Internet policy under the guiding frame of “digital sovereignty”. In particular, the German Council presidency of 2020 aimed to expand “Europe’s digital sovereignty”, and since then, the term has become commonplace in many policy documents and speeches.²⁸ However, while digital sovereignty is a joint aspiration of France and Germany, the term has somewhat different connotations and interpretations in the two countries. In France, it is more closely associated with industrial policy and an activist state; in Germany, it has a stronger link to civil rights and user autonomy (Bora & Schramm, 2023; Hoeffler & Mérand, 2023; Lambach & Oppermann, 2023; Pohle & Thiel, 2020).

At the start of the 2020s, member state positions and coalitions are in a process of evolution. For example, in the case of the DMA, France and Germany were joined by the Netherlands, one of the leaders of the D9+ group. The trio published joint position papers, calling themselves the “friends of an effective DMA” (Hoeffler & Mérand, 2023). Meanwhile, in the case of the AI Act, France and Italy have departed from their usual interventionist approach, supporting a more hands-off AI regulation.²⁹

European Commission

Turning to the supranational EU institutions, the European Commission has long taken a market-making approach to Internet policy. Starting with a concern about technological dependence on the US and Japan in the 1980s, the European Commission has pushed first for the privatisation, liberalisation and integration of the telecommunications market and then for the broader establishment of a Digital Single Market (Seidl & Schmitz, 2023). A key policy agenda document in this regard is the *Europe and the Global Information Society* report prepared by Internal Market Commissioner Martin Bangemann (also known as the *Bangemann Report*), which “urges the European Union to put its faith in market mechanisms as the motive power to carry us into the Information Age” (European Commission, 1994, p. 3). A qualitative analysis of European Commission strategy papers related to Internet policy reveals a clear market-liberal emphasis from the 1990s until the middle of the 2010s when market-correcting measures started to become

²⁸ Germany’s Presidency of the Council of the European Union, “Expanding the EU’s digital sovereignty”, <https://www.eu2020.de/eu2020-en/eu-digitalisation-technology-sovereignty/2352828> (Accessed: 30/11/20123).

²⁹ See Euractiv, 19/11/2023, “France, Germany, Italy push for ‘mandatory self-regulation’ for foundation models in EU’s AI law”, <https://www.euractiv.com/section/artificial-intelligence/news/france-germany-italy-push-for-mandatory-self-regulation-for-foundation-models-in-eus-ai-law/>; Euractiv, 29/11/2023, “Behind France’s stance against regulating powerful AI models”, <https://www.euractiv.com/section/artificial-intelligence/news/behind-frances-stance-against-regulating-powerful-ai-models/> (Both accessed: 02/12/20123).

more prominent (Heidebrecht, 2023). Thus, with the partial exception of data protection policy, the 1990s and 2000s were dominated by market-making aims.³⁰ For example, in a case study on the abolition of mobile roaming surcharges, Cini and Šuplata (2017) trace the European Commission's successful "policy leadership" in market-making against heavy opposition from the telecom industry over almost two decades.

With the GDPR and the Copyright Directive, Heidebrecht (2023) identifies a gradual shift towards more market-correcting initiatives during the Juncker Commission (2014 – 2019) that turned into more comprehensive policy change during the von der Leyen Commission (2019 – today). This trend is confirmed in a quantitative text analysis of European Commission speeches and press releases, which shows a growing proportion of interventionist statements during the 2010s (Seidl & Schmitz, 2023, p. 18). When Ursula von Leyen became Commission President in 2019, she declared that she would lead a "geopolitical" Coalition. This also set the tone for her Internet policy agenda. In her 2020 State of the EU speech, she declared "European tech sovereignty" a policy priority, thereby endorsing the "digital sovereignty" frame that had been increasingly promoted by France and Germany (see above).³¹

At the centre of von der Leyen's Internet policy agenda is the DSA and DMA package. Both laws were proposed by the Commission in 2020 and adopted remarkably quickly by the Council and the EP in 2022. As such, these laws can be considered the result of policy learning within the European Commission. The DSA updates the old E-Commerce Directive and draws on the experiences from the self-regulatory codes of conduct on hate speech and disinformation, which the European Commission had brokered with social media platforms (Bradford, 2023, p. 120). Meanwhile, the DMA was the direct result of the European Commission's experiences with competition law enforcement. While the Commission had brought numerous cases against large tech companies, they did ultimately little in terms of limiting the market power of "Big Tech". The DMA has, therefore, introduced new "ex ante" obligations for "gatekeepers" in addition to traditional "ex post" competition law enforcement (Cini & Czulno, 2022). Heidebrecht (2023) characterises the policy changes of the DSA and DMA as a "layering" of new public-interventionist elements on top of the existing market-liberal elements, which remain a prominent part of the

³⁰ The harmonisation of national data protection rules could also be framed as an instrument of eliminating trade barriers (Heisenberg, 2005).

³¹ European Commission, "2021 State of the Union Address by President von der Leyen", 15/09/2021, https://ec.europa.eu/commission/presscorner/detail/en/SPEECH_21_4701 (Accessed: 22/11/2023).

laws (for example, the DSA maintains the intermediary liability protections of the E-Commerce Directive).

However, while there was agreement about the need for competition law reform in the European Commission, the scope of the policy change was heavily contested. On the one side, Executive Vice President Margrethe Vestager, who, as Competition Commissioner had been responsible for many competition cases against tech firms, preferred a more gradual policy change in the DMA. On the other side, Internal Market Commissioner Thierry Breton advocated for a more encompassing reform. Hoeffler and Mérand (2023) call these two camps the “market-correctors” and the “market-directors”. While the former support regulatory policies to address market failures, the latter advocate for moving beyond regulation and for using industrial policy and state aid to create “European champions”. In the case of the DMA, the Frenchman Breton arguably won the argument against the more liberal Dane Vestager (Hoeffler & Mérand, 2023). Vestager, who had shaped EU Internet policy since taking office in 2014, left the European Commission in September 2023 to run for president of the European Investment Bank. While the consequences of Vestager’s retreat for EU Internet policy remain to be seen, Breton’s market-directing approach to Internet policy has certainly gained in importance within the European Commission. This arguably strengthens the role of French ideas in EU Internet policy relative to the more liberal ideas of the D9+ group represented by Vestager (cf. Bora & Schramm, 2023; see Thomson & Dumont, 2022 for a more general discussion of the importance of Commissioners’ nationality).

European Parliament

In general, and compared to the Council, the EP as a collective actor is very supportive of European integration and of high levels of regulation (Thomson, 2011, p. 74). Thus, while the EP is not always on board with the European Commission’s market-making approach, it can be an important ally to the Commission when it comes to the harmonisation of consumer-oriented regulations, as was the case in the abolition of mobile roaming surcharges (Cini & Šuplata, 2017).

Moreover, the EP traditionally takes a civil rights-friendly stance in the Area of Freedom, Security and Justice (AFSJ, the EU’s term for justice and home affairs) (Trauner & Ripoll Servent, 2016). With regard to Internet policy, this means that the EP has long been a champion of strong data protection rules (Ripoll Servent, 2013). However, in the inter-institutional legislative negotiation with the Council, the EP often gets the short end of the deal (Costello & Thomson, 2013). Thus, in a series of articles on data protection and government surveillance issues in the 2000s, Ariadna Ripoll Servent shows how the EP made compromises and could not translate its pro-civil rights

stance into law (Kaunert et al., 2012; Ripoll Servent, 2013; Ripoll Servent & MacKenzie, 2011). In particular, the social democratic party group departed from its pro-privacy stance to support the centre-rights security-oriented position in a grand coalition. In contrast, in the case of the GDPR, Laurer and Seidl (2021) and Kalyanpur and Newman (2019) emphasise the influence of the EP and, in particular the policy entrepreneurship of EP rapporteur Jan Philipp Albrecht.

In the area of intellectual property rights, the EP's position is similarly mixed. In some instances, the Parliament supported the extension of copyrights and their enforcement (e.g., in the case of the so-called *Enforcement Directive* in 2004). In other cases, it opposed their extension, vetoing, for example, the Software Patent Directive in 2005 (Haunss & Kohlmorgen, 2010). These diverging outcomes seem to, at least partially, result from civil society and lobbying pressures (ibid.). Most noticeably, the EP rejected the ratification of the ACTA treaty in 2012 after the emergence of sizable civil society opposition (Dür & Mateo, 2014; Farrand, 2015). The EP was also the locus of political contestation when civil society mobilised against the 2019 Copyright Directive, with parliamentarians acting as policy entrepreneurs on both sides (see chapter 4).

This brief discussion of the EP in Internet policy has two implications. First, coalition-building inside the EP matters. Second, members of the EP (MEPs) are responsive to civil society but also to business lobbying. This dissertation contributes to a better understanding of the EP's preference formation in this policy field. In Study I (chapter 2), I move beyond case studies to assess EP voting coalitions over three legislative periods. In Study III (chapter 4), I investigate how MEPs respond to lobbying pressures from opposing interest group coalitions and how they justify their (non-) responsiveness to citizens' concerns.

6. Studying Internet Policy in Time: A Note on the Period of Investigation

The three studies of this dissertation cover the period from 1999 until 2019. In these 20 years, Internet policy emerged as a new and increasingly contested policy field on the European political scene. For example, in Germany, attention to Internet policy in party manifestos and in the German Bundestag increased throughout this period and, in particular, from the beginning of the 2010s (Beyer et al., 2022). Across Europe, issue attention by political parties continued to rise in the second decade of the millennium (König & Wenzelburger, 2019). The same is true at the EU level. As I show in Study I, the number of plenary roll call votes on Internet policy has increased sharply from 72 in the EP's fifth legislative period (1999-2004) to 275 in the seventh legislative

term (2009-2014). Study I also reveals that political contestation in the EP increased over the period of investigation as grand coalition voting declined and conflict dimensions became more clearly delineated.

Growing political contestation reflects a changing understanding of what's at stake in Internet policy. For example, Reiberg (2018) shows that in the 1990s, Internet policy debates in the Bundestag were characterised by an optimistic focus on economic development. This changed in the early 2000s, when security concerns ranging from the protection of critical infrastructure to child safety gained prominence in debates. In response to this development, the late 2000s and early 2010s saw a rise in digital rights activism and the birth of the Pirate parties as activists increasingly problematised state interventions on the Internet from a civil rights perspective (Reiberg, 2018). Perhaps the most visible moment of this politicisation was the mass protests against ACTA across Europe in 2012 (Dür & Mateo, 2014; Rone, 2018).

More recently, the election of Donald Trump to the US presidency in 2016 has led to an increase in critical media attention for Internet policy. US media coverage of Internet businesses and social media has since turned much more negative (Lane et al., 2024; Weiss-Blatt, 2021). This development, popularly termed “the techlash”, reflects the decline of the traditional American idea that democracy and an unregulated Internet reinforce each other (Farrell & Newman, 2021). The US market-driven regulatory model described by Bradford (2023) is increasingly contested by both the left and the right. However, regulatory reform is thwarted by diverging partisan preferences, in particular concerning the regulation of online content (Alizadeh et al., 2022; Appel et al., 2023; Kozyreva et al., 2023).

As discussed in the previous section, the EU's approach to Internet policy has evolved from a focus on liberal market-making in the 1990s to an increasing emphasis on market-correcting regulation in the 2010s and, most recently, the emergence of “digital sovereignty” as a new discursive fix point (Falkner et al., Forthcoming; Heidebrecht, 2023; Seidl & Schmitz, 2023). This latest development gained particular traction with the start of the European Commission Presidency of Ursula von der Leyen in late 2019. It thus largely falls outside of my period of investigation. However, new discursive paradigms do not emerge overnight. In Study III, I argue that the legislative negotiations over the Copyright Directive, adopted in March 2019, are an important precursor of the rise of the “digital sovereignty” frame. Even though the term “sovereignty” was not often used explicitly, similar frames, in particular, an “EU-vs.-US” frame became very prominent in lobbying and parliamentary debates (see chapter 4). My case study on the Copyright

Directive thus already points into a potential future, in which the dimensions of political contestation identified in this dissertation might get reshuffled.

However, while discourse might change, institutions are sticky. The policy feedback literature, highlighted in section 4, suggests that past political choices shape future political conflict (Béland et al., 2022; Hacker & Pierson, 2014). For example, in Study III, I argue that the coalition of digital rights groups and Internet businesses in the copyright debate can be traced back to regulatory choices made in the E-Commerce Directive adopted in 2000.

Moreover, while a prominent anti-regulatory argument holds that government regulation cannot keep up with a fast-changing technological environment, Karpf (2019) argues that “Internet time” has, in fact, slowed down. While the early years of the Internet indeed exhibited fast change, the Internet at the end of the 2010s was remarkably similar to the Internet at the start of that decade, not least in terms of market structure: “The big technology firms of 2019 were also the big technology firms of 2009” (Karpf, 2019, p. 3). My dissertation, therefore, captures a period in which many aspects of the Internet and the digital economy have essentially stabilised. Even though Karpf is open to the idea that the rise of generative AI (think ChatGPT and large language models) leads to a renewed acceleration of “Internet time”, the regulatory questions rising from AI – e.g., data protection, copyright, and online content moderation – are remarkably similar to the policy issues addressed in my dissertation.³²

In sum, my period of investigation captures the emergence of Internet policy as a new policy field with distinct patterns of political contestation. Over this period, the rate of technological and economic change has gradually slowed down, and Internet policy has accordingly stabilised around a core set of issues. Nevertheless, changing political salience, new frames, and the increasing geopolitical rivalry between the US and China might lead to further policy change. In Chapter 5, which concludes this dissertation, I will take a look into the future and critically discuss how new technological and political developments might affect the “temporal validity” (Munger, 2023) of my findings.

³² For Karpf’s critical discussion of the acceleration potential of AI, see “Let’s tap the brakes on this A.I. hype-train”, 25/08/2022, <https://davekarpf.substack.com/p/lets-tap-the-brakes-on-this-ai-hype> (Accessed: 24/11/2023).

7. Outline of the Three Studies

I conclude this introduction with an outline of the three studies that form the core of this cumulative dissertation project. I briefly summarise the research questions, theoretical arguments, methodological approaches and findings of each study. All studies are single-authored. Studies I and III have been published in the *Journal of European Public Policy (JEPP)*. Study III is part of the forthcoming JEPP special issue “Digital Sovereignty: Rhetoric and Reality”, edited by Gerda Falkner, Sebastian Heidebrecht, Anke Obendiek and Timo Seidl (Falkner et al., Forthcoming).

7.1 Study I: Civil Liberties or Economic Freedom? The Political Space of Internet Policy in the European Parliament, 1999–2014

As outlined in this introductory chapter, I draw on cleavage theory to argue that Internet policy raises both economic concerns about market regulation and socio-cultural civil rights concerns. However, these concerns cannot be neatly separated into different policy issues or laws but are closely entangled, for example, when it comes to data protection. This creates cross-pressures for political parties: Should they follow their economic or their socio-cultural preferences? In Study I, I apply my conceptual framework to the European Parliament and ask: “What are the underlying dimensions of political contestation over Internet policy in the EP? And how have these dimensions evolved?”

To answer my research questions, I analyse all plenary roll-call votes (RCVs) concerning Internet policy in the EP’s fifth (1999–2004, 72 RCVs), sixth (2004–2009, 206 RCVs) and seventh (2009–2014, 275 RCVs) legislative period. The EP is an ideal venue to study party competition in Internet policy because, in contrast to parliamentary systems, voting coalitions are formed on a policy-by-policy basis and do not follow a government-opposition divide (Hix & Noury, 2016). To map the political space of Internet policy in the EP, I combine ideal point estimation (using the *Optimal Classification* and *W-NOMINATE* procedures) and regression analyses (Poole, 2000; Poole & Rosenthal, 2000). In addition, descriptive statistics on voting coalitions and two mini case studies on the ACTA treaty and the *European Single Market in Electronic Communications Regulation* show how party groups resolve cross-pressures and trade-offs.

My analysis demonstrates that RCVs on Internet policy have not only quantitatively increased over the three legislative periods (from 72 RCVs in the fifth EP to 275 RCVs in the seventh EP) but that they have also become increasingly contested, resulting in decreasing grand coalition voting.

Instead, I observe a growing proportion of centre-left voting coalitions between the liberal group (ALDE) and the Social Democrats (S&D), frequently including also the Greens (Greens/EFA). This suggests that the ALDE group, which is socio-culturally liberal but economically right-wing, resolves potential cross-pressures in favour of their socio-cultural preferences. Rather than voting with the centre-right European People's Party (EPP), which is close to them on the economic dimension, they opt for alliances with left-wing parties, which are closer to them on the socio-cultural dimension. In line with this finding, the ideal point estimation shows that party competition is best captured by the socio-cultural liberal-authoritarian dimension rather than by an economic left-right dimension. However, the analysis further reveals a second (albeit less important) dimension, which is special to the EP context, namely a pro/anti-European integration dimension. This indicates that the Internet – despite its global nature – is not immune to conflicts over the appropriate level of rule-setting in the EU's multi-level system.

The two mini case studies lend further support to the interpretation that political contestation is structured by the socio-cultural cleavage. In the case of the *ACTA* treaty, which addressed the enforcement of intellectual property rights, amendment votes reveal that ALDE joined centre-left voting coalitions only on issues related to the Internet but not on other parts of the treaty. While the liberal group was generally in favour of a stricter enforcement of intellectual property rights, it worried about the negative consequences of online copyright enforcement for the freedom of expression and privacy of Internet users. In the case of the *European Single Market in Electronic Communications Regulation*, which established net neutrality rules, ALDE sided again with the Social Democrats and Greens, taking a pro-regulation stance in order to protect the freedom of expression and the flow of information.

Study I is, to the best of my knowledge, the first study to systematically assess parliamentary voting behaviour in the field of Internet policy. It thus advances the literature on political parties in Internet policy, which had previously focused on party manifestos (Beyer et al., 2022; König & Wenzelburger, 2019; Siewert & König, 2021). Moreover, Study I moves beyond the focus on a few politically salient cases in the literature on EU Internet policy (e.g., Dür & Mateo, 2014; Kalyanpur & Newman, 2019). By studying EP voting between 1999 and 2014, I shed light on the period in which Internet policy became an established topic on the EU's policy agenda. Since then, the EU's regulatory activity in this policy field has anything but slowed down. Future research should, therefore, investigate whether and how the patterns of party competition in the EP have evolved since the end of my investigation period.

7.2 Study II: Of Activists and Platforms – Digital Rights Activism, Business Power and Political Alignments in the Digital Economy

Moving from parliament to the societal level, Study II investigates interest group networks in the EU. Specifically, it asks, “Under what conditions do the preferences of Internet business and digital rights groups align?” In political debates, digital rights activists are frequently branded as cyber-libertarian adherents of a Californian ideology and, therefore, as the “useful idiots” of Silicon Valley’s Big Tech firms. Moreover, Culpepper and Thelen (2020) have argued that digital platforms can mobilise their users to oppose regulation. However, following Lowi’s (1972) premise that “policy determines politics”, I argue that lobbying coalitions vary according to issues and are determined by the type of policy intervention governments propose. Bringing together the Internet governance literature and the political economy literature on platform capitalism, I theorise how different policy types affect the preference alignment of interest groups.

My argument highlights the central role of Internet intermediaries in the digital economy. Intermediaries such as social media platforms, app stores or Internet service providers (ISPs) have “infrastructural power”: both Internet users and other businesses are dependent on them (Kemmerling & Trampusch, 2022; Rahman, 2017). They are, therefore, prominent targets of regulation. On the one hand, governments regulate intermediaries in order to constrain the online behaviour of a wider set of actors (cf. Farrell, 2006). On the other hand, governments also regulate intermediaries to prevent an abuse of their infrastructural powers. I argue that intermediary regulation that seeks to *constrain* Internet users leads to a preference alignment of digital rights groups and intermediary businesses. By contrast, if intermediary regulation seeks to *empower* users and intermediary-dependent businesses vis-à-vis intermediaries, their preferences diverge. Finally, not all Internet policy is intermediary regulation. In such cases, I expect a more classical business vs. civil society divide and less heterogeneous lobbying coalitions.

I test my argument by analysing four public stakeholder consultations conducted by the European Commission between 2008 and 2016. These cases represent different substantive issue areas, namely data protection, content regulation and Internet traffic management (i.e., net neutrality). I analyse interest group position papers using discourse network analysis, a mixed method approach that combines qualitative content analysis and quantitative network modelling. By mapping interest group discourse networks, I identify camps of interest groups that share policy positions. Furthermore, by analysing the frames and arguments made in position papers, I am able to assess whether the identified preference alignment is, in fact, due to the theorised mechanism.

My empirical results confirm the theoretical argument. Interest group competition is indeed highly contingent on the policy at hand. In the area of content regulation, I find a preference alignment of digital rights groups and Internet businesses. Both oppose *constraining* intermediary regulation. Meanwhile, in the area of Internet traffic management, intermediary regulation seeks to limit the discretionary power of ISPs, hence, *empowering* users. In this case, digital rights groups and intermediary-dependent businesses support the regulation, while ISPs oppose them. We can thus observe heterogeneous lobbying camps in both cases. By contrast, in the area of data protection, I find a clearer civil society vs. business divide.

Study II contributes to the literature on business power and lobbying in the digital economy (e.g., Atikcan & Chalmers, 2019; Kemmerling & Trampusch, 2022). Specifically, it critically engages with arguments about platform-consumer alliances (Culpepper & Thelen, 2020). More generally, the study contributes to a growing strand of interest group research that analyses heterogeneous lobbying coalitions between business and civil society (Beyers & De Bruycker, 2018; Junk, 2019; Phinney, 2017). While previous studies have focused on coalition-building and lobbying success, they have simply assumed a preference alignment. In contrast, my study explains – for the Internet policy field – under what conditions this preference alignment occurs in the first place. However, while Study II clarifies the conditions of interest group preference alignment, it does not assess the lobbying dynamics resulting from this alignment. This is where Study III comes in.

7.3 Study III: Undermining Lobbying Coalitions – The Interest Group Politics of EU Copyright Reform

Building on the insights from the first two studies, Study III brings together the party and interest group research strands. It analyses an important yet highly contested policy change in the EU's approach to online content regulation, the 2019 *Copyright in the Digital Single Market Directive*. Departing from the E-Commerce Directive's longstanding intermediary liability regime, the Copyright Directive is the first EU law that makes digital platforms liable for copyright infringements of their users. This policy change is puzzling: It was opposed by a heterogeneous lobbying coalition of digital rights groups and Internet businesses that mobilised sizeable public protests against the reform. Previous large-N research on the success of lobbying coalitions has shown that if salience is high, heterogeneous coalitions are more successful than homogeneous coalitions, which are either solely composed of business or civil society groups (Junk, 2019). Why then did the heterogeneous defenders of the status quo lose?

To answer this puzzle, I investigate the endogenous dynamics of interest group competition between the heterogeneous coalition and a rival homogeneous business coalition representing the music, film and press industries (the “publishers” coalition). I argue that during a period in which the power of digital platform companies was increasingly problematised, the “strange bedfellow” coalition of digital rights groups and Internet businesses was vulnerable to “delegitimation attacks”. By pointing out how the activism of digital rights groups and protestors helped the material interests of Big Tech, supporters of the policy change tried to delegitimise the civil society opposition and undermine the heterogeneous coalition. Moreover, the publishers coalition attempted to reframe the copyright issue in geo-economic terms as a fight between European culture and US capitalism and as a question of European regulatory sovereignty.

A process-tracing analysis supports my argument. In the policy formulation stage, publishers were able to influence the European Commission’s legislative proposal in their interest. However, once the proposal was published, the heterogeneous coalition mobilised successfully, highlighting potential adverse effects of the proposal on civil rights. In particular, this coalition argued that the bill effectively mandates error-prone “upload filters” to detect copyright infringements, endangering freedom of expression. The EP was initially responsive to this argument. In the first plenary vote, the bill was rejected. In response, the publishers coalition and their political allies in the EP – mainly EPP and some S&D MEPs – started their delegitimation strategy. This proved to be successful. In a second plenary vote, there was now a majority for a slightly modified bill. To maintain their public credibility, digital rights groups had to distance themselves from their business allies, dissolving the heterogeneous coalitions. Moreover, MEPs adopted the delegitimation strategy to discredit protestors and to justify their non-responsiveness to civil society criticism. In a very narrow vote, the EP adopted the Copyright Directive on March 26, 2019. Contrary to previous EP votes on copyright analysed in Study I, a majority of social democrats joined the EPP in support of the Directive. A qualitative content analysis of the two preceding plenary debates shows that the “EU-vs.-US” framing trumped alternative frames about copyright as a civil rights or consumer protection issue.

Study III is published as part of a forthcoming *Journal of European Public Policy* special issue on the “digital sovereignty” discourse and its impact on policy change (Falkner et al., Forthcoming). I demonstrate the strategic value of the “digital sovereignty” frame both for bringing together coalitions – in this case, a grand coalition of EPP and S&D in the EP – and for dividing rival coalitions – here digital rights groups and their Internet business allies (cf. Lambach & Oppermann, 2023; Seidl & Schmitz, 2023). My study thus contributes to the broader debate about the notion of “digital sovereignty” and its impact on European Internet policy. More generally, the paper adds

to the literature on interest group coalitions, highlighting the importance of endogenous lobbying dynamics and counter-framing during the legislative process.

Chapter 2. Civil Liberties or Economic Freedom? The Political Space of Internet Policy in the European Parliament, 1999 - 2014

Abstract

The Internet has become central to economic exchange and political communication, placing regulatory initiatives high on European policy agendas. What cleavages shape the political conflicts surrounding Internet policy? I argue that proposals to regulate the Internet frequently affect not only economic interests but also the civil liberties of citizens in the online environment. Political parties must therefore balance their stance on market regulation and their socio-cultural preferences on the “liberal-authoritarian” dimension of political contestation. To explore party competition on Internet policy in the European Union, I analyse all Internet policy roll-call votes in the European Parliament from 1999 to 2014. Ideal point estimation shows that political competition in this policy field is best explained by the “liberal-authoritarian” dimension. Reinforcing this finding, two case studies illustrate how civil liberty concerns motivate left-wing parties and the liberal party group to form voting coalitions despite diverging economic preferences.

Published as:

Heermann, Max (2023). Civil Liberties or Economic Freedom? The Political Space of Internet Policy in the European Parliament, 1999 – 2014. *Journal of European Public Policy*, online first. <https://doi.org/10.1080/13501763.2023.2175019>

1. Introduction

In the three decades since the invention of the World Wide Web, electronic commerce, digital communication, and online media have profoundly altered our economic, social, and political lives. This transformation entails many political challenges, from unequal access to the Internet, to the misuse of personal data and the spread of hate speech and misinformation. At the start of the 2020s, governments worldwide, both democratic and autocratic, have firmly placed Internet policy on their political agendas. In the European Union (EU), Internet policy has been a political priority at least since the European Commission first published its ‘Digital Agenda for Europe’ in 2010. Yet growing regulatory activity has also brought political conflict. Observers and politicians have called the ‘General Data Protection Regulation’ (GDPR), adopted in 2016, and the ‘Directive on Copyright in the Digital Single Market’, adopted in 2019, the most intensely lobbied legislative files in the history of the EU (Corporate Europe Observatory, 2018).³³

A blossoming political science literature studies the effects online political communication (e.g., Farrell, 2012; Jungherr et al., 2020; Tucker et al., 2018). Likewise, scholars increasingly investigate the political processes producing the rules and regulations for the digital age (e.g., Kalyanpur & Newman, 2019; Laurer & Seidl, 2021; Perarnaud, 2021; Sell, 2013). Much of this work, however, consists of case studies focusing on publicly salient events. Moreover, relatively little research has explored how parties position themselves in this emerging policy field (for an exception, see König & Wenzelburger, 2019). This article moves beyond case studies to investigate the structure of party competition in the field of Internet policy. Drawing on cleavage theory, it asks: What are the underlying dimensions of political contestation of Internet policy in the European Parliament? How have those dimensions evolved? I argue that Internet policy can be seen either as the economic regulation of private businesses active in the digital economy, or as a question of civil rights vs. law-and-order when governments attempt to govern the online behaviour of citizens. Whereas the first perspective speaks to the classical socio-economic left-right dimension, the second perspective implies that it is instead a socio-cultural libertarian-authoritarian cleavage that structures Internet policy-making. But which of the two theoretically plausible dimensions can better explain observed party behaviour in the EU? In other words, is Internet policy about economic freedom (vs. government regulation) or civil liberties (vs. law-and-order)?

³³ For the case of the General Data Protection Regulation, see *Frankfurter Allgemeine Zeitung*, „Europäische Datenschutzreform: Machtprobe mit Silicon Valley“, 11/03/2014, <https://www.faz.net/-hw1-7n99j> (Accessed: 02/12/2023).

The European Parliament (EP) is an ideal venue for studying these questions. In the EU's separated-powers system, EP voting does not follow government-opposition dynamics but is instead ideologically driven (Hix & Noury, 2016). This facilitates the identification of the ideological underpinnings of party competition in Internet policy. More generally, the EU is an important actor in the field of Internet policy. It is widely perceived to be a global frontrunner in regulating the online economy. Given the political will, the EU's large market size and high regulatory capacity, European rules have demonstrated their potential to influence global regulatory trends and firm behaviour, not least on issues such as data protection (Bradford, 2020). Analysing Internet policy-making in the EU therefore helps us to understand global regulatory developments in the digital age.

Analysing EP roll-call votes (RCVs) from three legislative periods (1999-2014), this article uncovers the basic space of Internet policy in the EU and identifies the dominant voting coalitions. The evidence suggests that while Internet policy is best depicted as a two-dimensional political space, voting in the EP during this period has been structured mainly by party preferences on the socio-cultural liberal-authoritarian dimension. A second dimension reflects party positions on European integration, speaking to the question whether Internet policy should be made at the EU level in the first place. The quantitative analysis is complemented by two short case studies, exploring the mechanisms of party competition. The case studies show that civil liberty concerns may cause voting coalitions between parties with otherwise diverging economic preferences.

The article proceeds as follows: I first review previous literature on political contestation over Internet policy. Combining these insights with the literature on party politics in the EU, I subsequently advance my theoretical argument on the political space of Internet policy. In section 4, I introduce the EP as the venue for my empirical analysis and develop venue-specific expectations concerning voting behaviour. Following the description of the RCV data set and the methodology, the empirical analysis proceeds in three steps: First, I present the results of the RCV scaling and related regression analyses (section 6). Second, I explore the overall patterns of voting coalitions in the policy field. Finally, two short case studies zoom into important legislative debates. Taking into account limitations resulting from the studied time frame, the article concludes with a call for future research on this evolving policy field in-the-making.

2. Internet Policy and Political Contestation

Political scientists have long studied the Internet as a challenge for global governance: How can sovereign states accommodate a global, borderless information network (Cogburn, 2016; DeNardis, 2014; Drezner, 2004; Flonk et al., 2020; Mueller, 2010)? This *Internet governance* literature investigates how a complex network of intergovernmental organizations, private actors, and civil society groups coordinate the technical standards and protocols that make the Internet work. Empirically, this research focuses on the international organizations and summits where these debates take place. The main dimension of conflict identified by this work is the appropriate level of rule-setting. Whereas liberal democracies defend the transnational governance structure that evolved bottom-up in the early years of the Internet, authoritarian states, led by Russia and China, seek more discretionary powers for national governments (Flonk, 2021; Flonk et al., 2020).

I use the term *Internet policy* to distinguish domestic (and EU) legislation from those global governance processes. Internet policy serves as an umbrella label for all public policies that aim to structure, facilitate or regulate the Internet's infrastructure and the services provided via the Internet (Stier, 2017, p. 33). While the *Internet governance* literature considers domestic *Internet policy* mainly with regard to its impact on the global network, political scientists are also increasingly studying the political processes leading to the adoption of such national policies.

This is unsurprising, as domestic contestation over the appropriate regulation of the Internet has increased within Western democracies since the late 2000s, calling into question an exclusive focus on regime-type driven patterns of conflict between nation-states and governments (cf. Farrell & Newman, 2019a). For instance, attempts to strengthen the enforcement of copyrights in the face of online piracy have been met with public protests (Haunss, 2013; Sell, 2013). Edward Snowden's revelations concerning US intelligence agencies' Internet surveillance have created transatlantic disputes about government surveillance between the EU and the US. Farrell and Newman (2019) show how struggles between different actors within government bureaucracies, as well as judicial interventions can account for the outcomes of these disputes (see also Kalyanpur & Newman, 2019). Moreover, recent studies address the regulatory challenges and political conflicts resulting from the rise of large platforms such as Facebook and Google (e.g., Culpepper & Thelen, 2020; Gorwa, 2021; Schmitz & Seidl, 2022).

Surprisingly absent in these studies is the role of political parties in Internet policy (exceptions are discussed below). Serving as the main aggregator of societal interests in modern democracies, parties play a vital role in the formulation of public policies. Most importantly, studying how

political parties position themselves on Internet policy helps us understand how conflicts over Internet policy relate to the broader cleavages structuring societies and party systems (Lipset & Rokkan, 1967). I address this research gap by uncovering the basic space of party competition in Internet policy in one important legislative venue, the EP.

3. Towards a Basic Space of Internet Policy

The label ‘Internet policy’ comprises a variety of public policy issues including but not limited to the rollout of new telecommunications networks, the protection of computer systems against malicious hackers, the enforcement of copyright, the protection of personal data and the fight against the online diffusion of illegal content (Schünemann, 2019). The term Internet policy thus bundles a variety of policy issues, some new, some predating but newly challenged by the Internet.

Even though these are diverse issues, basic space theory suggests that they can be collapsed into a low-dimensional political space (Downs, 1957; Hinich & Munger, 1997). Political contestation is generally expected to occur among no more than two or three dimensions of disagreement along which political parties compete for voters. Due to humans’ limited cognitive capabilities, parties bundle their policy preferences into packages that fit into a low-dimensional space and link them to broader ideological stances: “In exchange for sacrificing the specificity of voters’ ideal positions in a multi-dimensional space, voters gain predictability over the legislative or executive actions promoted by their chosen party” (Kitschelt et al., 1999, p. 63). From this perspective, party systems themselves are a reflection of durable cleavages in societies (Lipset & Rokkan, 1967). Correspondingly, the study of parliamentary voting shows that parliamentarians vote very similarly across very different bills, turning parliaments into low-dimensional political spaces (e.g., Hix & Noury, 2016; Poole & Rosenthal, 2000).

The basic space of European politics in the 21st century is generally described as two-dimensional. First, the socio-economic left-right dimension reflects conflict over redistribution and government intervention in markets. The second, cross-cutting dimension captures conflicts over socio-cultural issues, including civil liberties and law-and-order, immigration and minority rights. Different scholars have proposed different names for this second dimension. This article follows Hooghe et al. (2002) encompassing diction in calling the second dimension GAL/TAN for green/alternative/libertarian vs. traditional/authoritarian/nationalist orientations.

Internet policy cannot be easily subsumed exclusively into either of the dimensions. At first glance, Internet policy is clearly related to the socio-economic left-right dimension as it addresses the appropriate level of state intervention in the (globalised) digital economy. However, the Internet also affects the socio-cultural trade-off between civil liberties and law-and-order. Digital communication and social media facilitate citizens' exercise of their freedoms of expression and (virtual) assembly, even in countries with otherwise limited press freedom. On the flip side, the Internet provides governments with unprecedented possibilities to spread propaganda and to surveil not only individuals but large populations. The question of how much control governments should exert over citizens' online activities relates to the socio-cultural dimension.³⁴ This raises the question: Is Internet policy-making characterised primarily by a political contest over market regulation or by a dispute over civil liberties and law-and-order?³⁵

Previous research provides evidence that both the economic and the socio-cultural dimensions matter for Internet policy-making. Measuring the relative emphasis on Internet policy in party manifestos from eight European countries between 2010 and 2018, König and Wenzelburger (2019) show that both economically liberal (i.e., economically right-wing) and socio-culturally liberal parties are more likely to give room to Internet policy in their manifestos. The authors argue that the emphasis on Internet policy strengthens those parties' core competences: economic innovation in the case of economic liberals and international openness and civil rights in the case of GAL parties.

But the perceived importance of one dimension vis-à-vis the other varies over time and context. Analysing plenary debates in the German Bundestag, Reiberg (2018) illustrates the changing perception of Internet policy by German elites. He shows that the early Internet policy debates of the 1990s were characterised by an optimistic focus on economic development, while in the early 2000s, security concerns ranging from the protection of critical infrastructure to child safety gained prominence. In the late 2000s and early 2010s, civil society activists increasingly problematised newly proposed state interventions from a civil rights perspective. König (2018) shows that while a civil rights perspective on Internet policy featured prominently in the election manifestos of German parties in 2009, by 2017, attention had shifted back to an economic and

³⁴ Domestic security issues relate to the civil rights vs. law-and-order trade-off captured by the socio-cultural dimension. International/geopolitical security issues don't fit neatly into either the economic or the socio-cultural dimension. I'll return to the geopolitical concerns regarding Internet policy in the conclusion.

³⁵ Economic and socio-cultural considerations are not mutually exclusive. Protecting civil rights, such as privacy, online may build trust in the integrity of digital service thus increasing consumer demand.

consumer protection perspective. The present study must therefore also be seen in its temporal context.

It could be argued that whether political conflict occurs on one dimension or the other depends on the specific policy issue at hand. However, I argue that a distinct characteristic of Internet policy is the close linkage of the two dimensions *within* single (legislative) issues. A policy designed to serve an economic motivation may have repercussions on the balance between civil rights and law-and-order. For example, initiatives to strengthen the enforcement of copyrights online may harm Internet users' freedom of expression, especially if algorithmic filtering procedures are employed. Data-driven business models based on the tracking of users raise privacy concerns. Targeted advertising may contribute to the spread of disinformation and enable voter manipulation. Encryption protects businesses against corporate espionage supporting economic growth, but also impedes efficient law enforcement. Moreover, in recent years, geopolitical concerns have arisen. Some governments worry that the participation of the Chinese firm Huawei in the build-up of wireless 5G networks gives the Chinese government access to Western networks. This example illustrates that even in the case of network rollout, economic interests must be balanced with other concerns.

Policy-makers thus face trade-offs: Should they decide based on their economic or their socio-cultural preferences? Economically left-wing but culturally liberal parties might oppose regulation if they think it restricts the freedom of Internet users. Meanwhile, culturally conservative parties might favour strict rules on online content even if they would typically prefer less regulation. Likewise, parties who are at the same time economically right-wing and culturally liberal must prioritise one ideological dimension over the other. For example, in the case of data protection, economic freedom conflicts with the right to privacy. Liberals therefore must decide whether to opt for a higher regulatory burden for businesses to protect citizens' privacy or whether to create a more laissez-faire economic environment.

4. Studying Internet Policy in the European Parliament

4.1 Theoretical expectations

This article studies the implications of Internet policy's close linkage between the socio-economic and the socio-cultural dimensions for political contestation between parties in one important legislative venue, the EP. It does not address political contestation between member states in the Council, the EU's other legislative organ (for Internet policy in the Council, see Perarnaud, 2021).

The main advantage of studying party competition in the EP as opposed to national parliaments is that the EU is a separated-powers system in which the executive does not rely on a permanent parliamentary majority. In contrast to member state parliaments, in the EP, ideological positions are "stronger predictors of legislative voting than government-opposition status" (Hix & Noury, 2016, p. 263). Rather than forming a permanent coalition, majorities are organised on a vote-by-vote basis and vary across policy fields (Hix & Høyland, 2013, p. 179). Moreover, it has been argued that parties in the EP are policy-seeking rather than vote-seeking actors (Klüver & Spoon, 2015, p. 554). This argument is based on the second-order nature of EP elections: Voters use the elections to signal disapproval of their national governments instead of voting based on MEPs' actual parliamentary behaviour (Reif & Schmitt, 1980). These characteristics make the EP an ideal venue to identify ideologically-driven policy coalitions for Internet policy.

Previous research has identified a general left-right dimension as the primary competitive dimension in the EP, without, however, explicitly disentangling its economic and socio-cultural components (Hix et al., 2007).³⁶ A second dimension reflects preferences concerning European integration and has gained in importance following the Eurozone crisis, especially for fiscal issues (Hix et al., 2019; Otjes & van der Veer, 2016). While European integration is often subsumed under the socio-cultural dimension (e.g., Hooghe et al., 2002), empirical analyses of party and voter positions show that these are distinct dimensions (Costello et al., 2012; McElroy & Benoit, 2012).

The EP's two-dimensional nature should also hold for the Internet policy field. Since parties may disagree over whether Internet policy should be addressed at the EU or at the national level, it is reasonable to expect that the second dimension reflects conflicts over EU authority and integration. I expect the EP's first dimension to reflect either national party delegations' socio-economic or socio-cultural preferences.

³⁶ A recent working paper by Hix et al. (2019) makes a first attempt to differentiate between economic left-right and GAL-TAN when assessing the EP's first dimension.

Dimensionality Expectation: The political space of Internet policy is two-dimensional. The second dimension is explained by party positions on European integration.

Socio-economic Expectation: Party positions on the socio-economic dimension have a stronger effect on MEPs' Internet policy ideal points than party positions on the socio-cultural dimension.

Socio-cultural Expectation: Party positions on the socio-cultural dimension have a stronger effect on MEPs' Internet policy ideal points than party positions on the socio-economic dimension.

A key challenge for disentangling the relative influence of socio-economic and socio-cultural preferences is that in European party systems, the positions of parties on the economic and the cultural dimension are highly correlated. In Western Europe, parties combine left-wing economic positions with socially liberal policies. In contrast, in Central Eastern Europe, parties frequently couple left-wing economics with social conservatism (Rovny & Edwards, 2012). The exception is the liberal party family which combines economically right-wing and socially liberal positions. This pattern is reflected in the EP's plenary debates where McElroy and Benoit (2012) find that the left-right and GAL-TAN dimensions are congruent for all party groups except for the ALDE group, which is composed of liberal parties from across the EU and which is socially liberal but economically right-wing.³⁷ Consequently, in the field of Internet policy, liberal parties should – more than other party families – be forced to balance their economic and socio-cultural preferences. As discussed above, these parties also tend to put greater emphasis on Internet policy in their manifestos (König & Wenzelburger, 2019).

ALDE's ideological configuration is reflected in its policy-specific coalition patterns. Depending on the policy area, ALDE votes either with the Socialists & Democrats (S&D) group or with the Christen-democrats of the European Peoples Party (EPP). Given its economically right-wing preferences, ALDE is more likely to vote with the EPP on economic policy, including the internal market, foreign trade, and monetary issues. In contrast, on the socio-cultural dimension, ALDE is closer to the S&D group. "Centre-left" voting coalitions between ALDE and the S&D therefore occur "more often than a centre-right coalition on environment and public health, gender equality, civil liberties, and justice and home affairs", issue areas associated with the socio-cultural

³⁷ In 2019, the ALDE group renamed itself "Renew Europe". As this article analyses prior legislative periods, it sticks to the old name.

dimension (Hix & Høyland, 2013, p. 180). These coalition patterns are important to consider because EP voting is generally dominated by a grand coalition between the EPP and the S&D that frequently also includes ALDE MEPs (ibid.). Accordingly, if no consensus between the two largest groups can be build, the ALDE votes are decisive for the policy outcome (ibid.). Therefore, ALDE's decision to vote with either the S&D or the EPP on Internet policy issues is a signal whether the liberal group perceives Internet policy to be about economics or about civil liberties. It does not necessarily follow from this "test" that all party groups base their voting decisions on the same ideological dimension. In fact, losing parties may strategically chose to reframe an issue (cf. e.g., Rovny & Edwards, 2012). A comprehensive picture of party motivations and strategies would require in-depth case studies using interviews and discourse analyses. Nevertheless, ALDE's swing vote is a strong indicator of which dimensions tipped the scale in determining the legislative outcome.

Observable implication ALDE (a): If economic party preferences structure MEPs' voting behaviour in Internet policy, the liberal ALDE group is more likely to form voting coalitions with the EPP group.

Observable implication ALDE (b): If socio-cultural economic party preferences structure MEPs' voting behaviour in Internet policy, the liberal ALDE group is more likely to form voting coalitions with the S&D group.

4.2 Internet policy RCVs in the EP

My dataset includes all RCVs from the EP's fifth (1999-2004), sixth (2004-2009) and seventh (2009-2014) legislative period (EP5-7). Out of this universe of RCVs, I manually selected all RCVs associated with Internet policy. To do so, I relied on the titles (and if necessary, contents) of each – legislative and non-legislative – bill. I included all RCVs associated with the selected bills (*Table 1*).

RCVs on Internet policy issues have steadily increased over the three legislatures, both in absolute and relative terms, pointing to the EU's increasing legislative activity in this field. Between EP5 and EP6, Internet policy's share of all RCVs more than doubled. Further qualitative inspection reveals that across all three parliamentary terms, most of the selected bills can be attributed to one of three issue areas: copyright, privacy or telecommunications. Other votes relate to issues such as cybersecurity, e-commerce and e-government (*Appendix A2*). This reflects the variety of issues in the Internet policy field during this time frame.

	EP5 (1999 - 2004)	EP6 (2004 - 2009)	EP7 (2009 - 2014)
RVCs (total)	5745	6199	6961
Internet Policy RCVs	72	206	275
Internet Policy as share of all RCVs	0.0125	0.0332	0.0395

Table 2.1. Description of the data set.

5. Methods

5.1 Vote scaling and statistical analysis

To determine the political space of Internet policy, I estimate the ideal points of each MEP for each legislative period, using the non-parametric Optimal Classification (OC) procedure by Poole (2000). The OC procedure is related to the widely-used parametric W-NOMINATE technique but does not rely on assumptions regarding the distribution of classification errors, which makes it a preferable solution for the EP (Hix et al., 2019; Rosenthal & Voeten, 2004). Results for scaling with the W-NOMINATE algorithm are reported in *Appendix A6*.

As a necessary identification restriction in the OC procedure, I fix the polarity of each dimension with a MEP known to be right-wing on each dimension to the positive value on each dimension to make sure that right-wing parties appear on the right side of the space. For every estimation, I select a MEP from the Italian Lega Nord to represent both economically and socially conservative as well as Eurosceptic positions.³⁸

The scaling generates “voting maps” in which each MEP is represented as an ideal point. Individual RCVs are depicted as lines “cutting through” the estimated political space separating MEPs voting “yes” and “no”. The dimensions of these maps are inductively generated and have no predefined meaning. Assuming that MEPs’ ideal points correlate with their ideological position, I use linear regressions to explain their location in the political space. Because there are no ideological measures for individual MEPs, I use the party positions as measured by the Chapel Hill Expert

³⁸ *Appendix A5* reports ideal points for an alternative polarity anchor.

Survey (Bakker et al., 2015). For this purpose, I calculate as the dependent variables the mean OC scores for each national party delegation on each dimension in the respective legislative period.

The main independent variables are two ideological scores provided by the Chapel Hill Expert Survey (CHES), the “economic left-right” and the “GAL-TAN” variables. As these variables are conceptually aggregated measures, I include two more narrow “policy” scores from the CHES in separate models: The ‘deregulation’ variable substitutes the “left-right” variable. This narrows the scope of the economic dimension conceptually to a question of regulation, excluding issues of redistribution which do not play a direct role in Internet policy. To substitute the “GAL-TAN” variable, I use the “civil liberties vs. law-and-order” variable. This narrower variable captures more accurately the theoretical expectations, leaving aside other socio-cultural issues such as immigration. As control variables, I include national party positions on the pro-/anti-EU dimension, whether the party is a member of the national government coalition in their respective member state, as well as regional dummies. I use the values collected by the CHES waves of 1999 (for EP5), 2004 (for EP6) and 2010 (for EP7). While the ideological structure of the European party system means that the economic and socio-cultural variables are highly correlated³⁹, vector inflation factors – a standard control for multicollinearity – show only low multicollinearity (*Appendix A3*). I report three models: two including only one of the two explanatory variables and one including both.

5.2 Voting coalitions and case studies

To better disentangle the economic and the socio-cultural dimensions, I descriptively assess the coalition patterns of the three main party groups, EPP, S&D and ALDE. I define a voting coalition between two parties to be established if the majorities of each party vote the same way. I check how often the following four coalition configurations occur: EPP and S&D without ALDE (“grand coalition”) and with ALDE (“grand coalition +”), a “left-wing” coalition of ALDE and S&D and a “right-wing” coalition of ALDE and EPP.

Finally, I complement the large-N quantitative analyses with two short case studies to further explore the mechanisms behind the formation of these voting coalitions. Do we find economic and/or civil rights-based arguments in plenary debates and legislative amendments? I selected two politically salient and controversial cases from EP7, the *Anti-Counterfeiting Trade Agreement*

³⁹ The correlation between the “deregulation” and the “civil liberties vs. law-and-order” variables is somewhat lower than the correlation between the “left-right” and “GAL-TAN” variables.

(ACTA) and the *European Single Market in Electronic Communications* regulation. These cases vary with respect to their substantive issue area; the former concerns copyright, the latter telecommunications. At first glance, both cases seem to be about market regulation but they entail policy instruments that also impact on civil rights and thus the socio-cultural cleavage. They thus pose trade-offs between economic and cultural considerations, especially for ALDE. The cases will be introduced in greater detail in section 7.

6. The Dimensionality of Internet Policy

This section analyses the political space of Internet policy resulting from the scaling of RCVs.⁴⁰ The substantive interpretation of the dimensions proceeds in two steps: First, a descriptive visual inspection of MEPs' ideal points reveals how different political parties align in Internet policy. Second, the regression analysis substantiates the descriptive analysis.

The upper row of *Figure 1* plots MEPs' estimated ideal points in a two-dimensional space for each of the three parliamentary terms. The lower row depicts the aggregated ideal points of each national party delegation.⁴¹ A first visual inspection shows no marked divergence of the Internet policy space from the established patterns of EP politics. The three main pro-EU party groups, EPP, S&D and ALDE form one main cluster at the centre of the space, underlining the importance of grand coalitions in EP voting. The placement of the other party groups supports the interpretation of a second dimension capturing parties' stances towards European integration.

Across the three terms, an ongoing differentiation within the pro-European cluster can be observed. Distinct party group clusters only emerged by the seventh legislative period. While the EPP had clearly occupied the right-end of the main cluster in EP5 and EP6, there had not been clear-cut demarcations between the three groups. The differentiation points to growing contestation among the three party groups over what EU Internet policy should look like.

Looking at the relative positions of the ALDE parties and the S&D parties, it is noticeable, that some liberal parties are consistently placed to the left of most social democratic parties. Since ALDE has more right-wing preferences on economic issues, this is a first indication that the first dimension captures socio-cultural rather than economic preferences

⁴⁰ Statistical information on the estimated number of dimensions are reported in *Appendix A4*.

⁴¹ As a computational artifact, the OC algorithm inverts the y-axis in EP7, putting pro-EU MEPs in the upper half of the map and anti-EU MEPs in the lower half. To ensure consistency for the three legislatures, I have inverted the y-axis by multiplying the second dimension values of the estimated ideal points with -1.

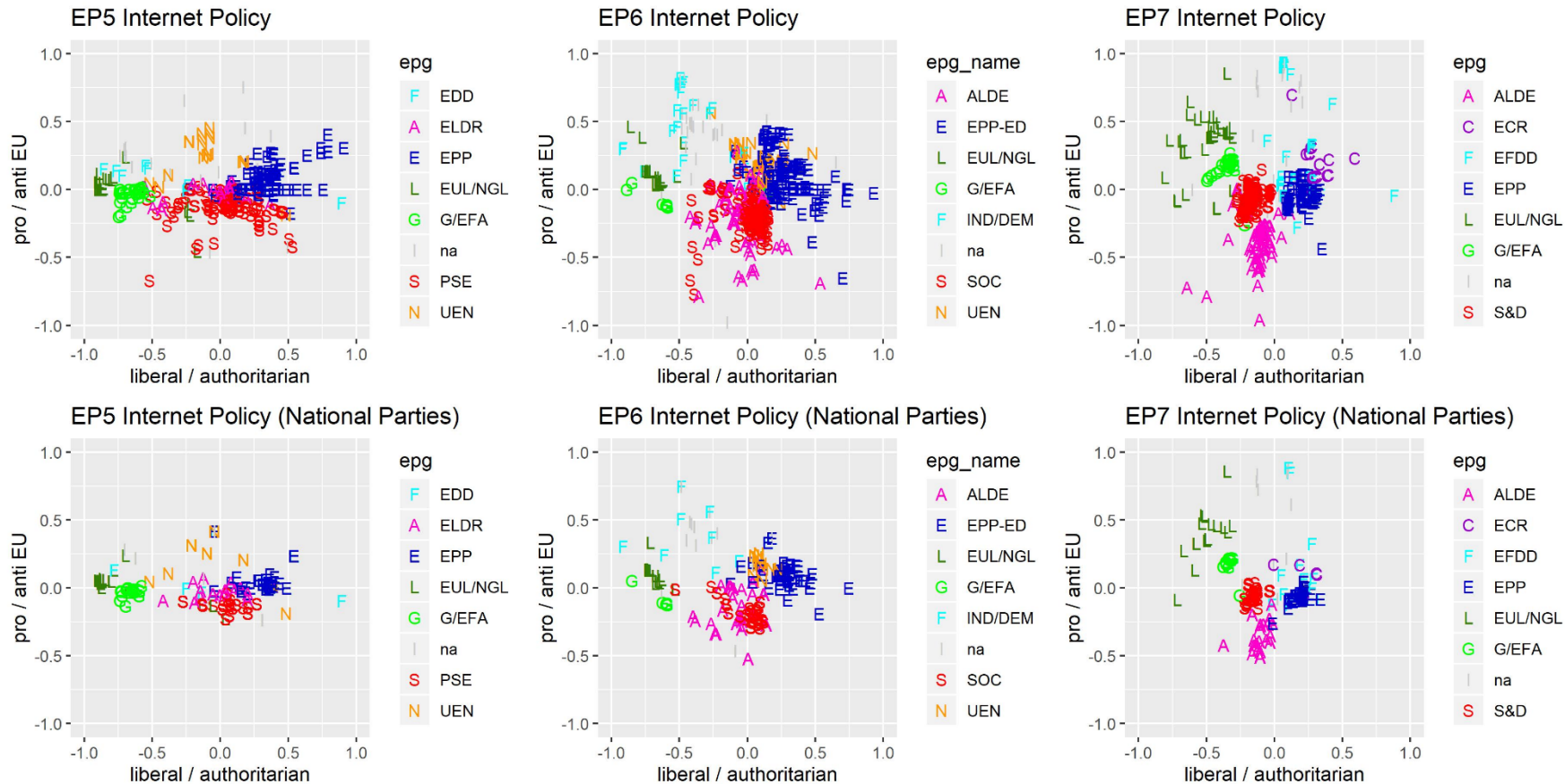


Figure 2.1. Estimated OC ideal points for MEPs (first row) and ideal points aggregated to national party delegations (row two). Colours denote membership in transnational party groups. For abbreviations see Appendix 1.

In EP5, there is little variation along the second dimension, but Eurosceptic positions appear to separate the national-conservative UEN from the main cluster. The second dimension becomes more polarised in EP6 and EP7, with national parties belonging to the Eurosceptic group IND/DEM (later renamed EFDD) and ALDE at the respective ends of the dimension. Notably, in EP7, the second dimension seems to split the radical left EUL/NGL group. Previously, this group was very cohesive and closely aligned with the Greens/EFA. However, in EP7, the Greens remain much closer to the three main pro-EU groups. Another noticeable change in EP7 is that the EPP parties are more consistently clustered around the centre of the second dimension. This results from the exit of the British Conservatives from the EPP after the 2009 European elections. The ECR group, newly founded by the Tories, includes some parties previously part of the then dissolved UEN and takes a somewhat more Eurosceptic position than the EPP. In summary, the distribution of ideal points along the second dimensions indicates that across the three legislative periods, attitudes towards EU integration have become more pronounced.

The next step of the analysis is to explain the position of national party delegations in the political space by their ideological and policy preferences as measured by the CHES (*Tables 2-4*). The regression results for all three legislatures correspond to the interpretation outlined above.

For the first dimension, I find significant positive effects for both the economic and socio-cultural variables. This stems from the high correlation between the explanatory variables. The “GAL-TAN” variable has a larger – or, in EP6, roughly similar – effect size than the “economic left-right” variable, both when tested separately (Model 1 and 2) and when taken together (Model 3). In the separate models, the “GAL-TAN” variable displays a smaller residual standard error and a higher R^2 . Conceptually, both the “GAL-TAN” and the “economic left-right” variable are broad measures. Left-right includes regulation, taxation and redistribution, while “GAL-TAN” captures all kinds of cultural values. For the years of the sixth and seventh legislative periods, the CHES provides more disaggregated policy positions. In Models 4-6, the “deregulation” and “civil liberties vs. law-and-order” scores replace the “left-right” and “GAL-TAN” scores. In these models, the difference in effect sizes between the economic and socio-cultural measures become much larger. The regression results thus lend support to the socio-cultural interpretation of the x-axis.

The analysis also supports the interpretation of the y-axis as the pro/anti-EU integration dimension. While there are also significant effects for the economic variables in all three legislatures and for the socio-cultural variables in EP5 and EP6 (but not EP7), these effects shrink or lose statistical significance in the full models (Models 3 and 6).

To sum up, the analysis so far provides evidence for a two-dimensional political space: The first dimension structures political competition along national parties' socio-cultural preferences. The second dimension captures parties' preferences towards European integration.

EP5 National Party Delegations (Internet Policy RCVs)

	OC Score					
	Model1, Dim1	Model1, Dim2	Model2, Dim1	Model2, Dim2	Model3, Dim1	Model3, Dim2
Economic Left-Right	0.149*** (0.016)	0.016*** (0.006)			0.079*** (0.017)	0.013* (0.007)
GAL-TAN			0.153*** (0.014)	0.012** (0.005)	0.106*** (0.017)	0.004 (0.007)
EU Integration	0.062*** (0.020)	-0.028*** (0.007)	0.124*** (0.018)	-0.022*** (0.007)	0.097*** (0.017)	-0.027*** (0.007)
In National Government	0.035 (0.075)	-0.050* (0.025)	0.023 (0.068)	-0.055** (0.026)	0.058 (0.062)	-0.049* (0.026)
Northern MS	0.170** (0.066)	-0.061*** (0.022)	0.196*** (0.060)	-0.061*** (0.023)	0.206*** (0.055)	-0.059** (0.023)
Constant	-1.318*** (0.122)	0.123*** (0.042)	-1.662*** (0.129)	0.115** (0.049)	-1.697*** (0.118)	0.109** (0.049)
Observations	93	93	93	93	93	93
R ²	0.561	0.378	0.632	0.356	0.701	0.380
Adjusted R ²	0.542	0.350	0.615	0.326	0.684	0.345
Residual Std. Error	0.307 (df = 88)	0.105 (df = 88)	0.281 (df = 88)	0.107 (df = 88)	0.255 (df = 87)	0.105 (df = 87)
F Statistic	28.168*** (df = 4; 88)	13.365*** (df = 4; 88)	37.761*** (df = 4; 88)	12.138*** (df = 4; 88)	40.850*** (df = 5; 87)	10.679*** (df = 5; 87)

Note:

*p<0.1; **p<0.05; ***p<0.01

Table 2.2. Linear regression models for estimated ideal points of national party delegations in EP5.

EP6 National Party Delegations (Internet Policy RCVs)												
	OC Score											
	Model1, Dim1	Model1, Dim2	Model2, Dim1	Model2, Dim2	Model3, Dim1	Model3, Dim2	Model4, Dim1	Model4, Dim2	Model5, Dim1	Model5, Dim2	Model6, Dim1	Model6, Dim2
Economic Left-Right	0.075*** (0.011)	0.034*** (0.006)			0.045*** (0.011)	0.018*** (0.006)						
GAL-TAN			0.076*** (0.009)	0.037*** (0.005)	0.057*** (0.010)	0.029*** (0.005)						
Deregulation							0.074*** (0.011)	0.031*** (0.006)			0.044*** (0.011)	0.020*** (0.007)
Civil Liberties-Law&Order									0.080*** (0.010)	0.031*** (0.006)	0.062*** (0.010)	0.023*** (0.006)
EU Integration	0.055*** (0.016)	-0.078*** (0.009)	0.121*** (0.015)	-0.047*** (0.008)	0.093*** (0.015)	-0.058*** (0.009)	0.052*** (0.016)	-0.078*** (0.009)	0.113*** (0.015)	-0.054*** (0.008)	0.086*** (0.015)	-0.066*** (0.009)
In National Government	0.150*** (0.055)	-0.004 (0.030)	0.092* (0.053)	-0.035 (0.029)	0.082 (0.050)	-0.039 (0.028)	0.159*** (0.055)	0.002 (0.031)	0.063 (0.054)	-0.033 (0.032)	0.063 (0.051)	-0.033 (0.031)
Northern MS	-0.081 (0.056)	0.020 (0.031)	-0.031 (0.054)	0.045 (0.029)	-0.039 (0.051)	0.042 (0.028)	-0.119** (0.057)	0.004 (0.032)	-0.073 (0.053)	0.023 (0.031)	-0.092* (0.051)	0.014 (0.030)
Eastern MS	0.139** (0.061)	0.058* (0.034)	0.113* (0.058)	0.045 (0.031)	0.118** (0.054)	0.047 (0.030)	0.121* (0.062)	0.051 (0.035)	0.138** (0.058)	0.058* (0.034)	0.125** (0.055)	0.053 (0.033)
Constant	-0.783*** (0.090)	0.224*** (0.049)	-1.136*** (0.104)	0.044 (0.056)	-1.112*** (0.098)	0.053 (0.055)	-0.751*** (0.090)	0.242*** (0.050)	-1.105*** (0.103)	0.111* (0.060)	-1.082*** (0.097)	0.121** (0.058)
Observations	122	122	122	122	122	122	122	122	122	122	122	122
R ²	0.551	0.447	0.600	0.525	0.651	0.557	0.537	0.418	0.597	0.438	0.646	0.479
Adjusted R ²	0.531	0.423	0.583	0.504	0.633	0.534	0.517	0.393	0.580	0.414	0.627	0.451
Residual Std. Error	0.244 (df = 116)	0.134 (df = 116)	0.230 (df = 116)	0.124 (df = 116)	0.216 (df = 115)	0.120 (df = 115)	0.248 (df = 116)	0.137 (df = 116)	0.231 (df = 116)	0.135 (df = 116)	0.218 (df = 115)	0.130 (df = 115)
F Statistic	28.454** *(df = 5; 116)	18.741** *(df = 5; 116)	34.831** *(df = 5; 116)	25.601** *(df = 5; 116)	35.716** *(df = 6; 115)	24.104** *(df = 6; 115)	26.887** *(df = 5; 116)	16.691** *(df = 5; 116)	34.423** *(df = 5; 116)	18.105** *(df = 5; 116)	34.938** *(df = 6; 115)	17.587** *(df = 6; 115)

Note:

*p<0.1; **p<0.05; ***p<0.01

Table 2.3. Linear regression models for estimated ideal points of national party delegations in EP6.

EP7 National Party Delegations (Internet Policy RCVs)												
	OC Score											
	Model1, Dim1	Model1, Dim2	Model2, Dim1	Model2, Dim2	Model3, Dim1	Model3, Dim2	Model4, Dim1	Model4, Dim2	Model5, Dim1	Model5, Dim2	Model6, Dim1	Model6, Dim2
Economic Left-Right	0.078*** (0.007)	0.030*** (0.009)			0.038*** (0.007)	0.025** (0.011)						
GAL-TAN			0.076*** (0.006)	0.020*** (0.008)	0.055*** (0.006)	0.007 (0.009)						
Deregulation							0.077*** (0.008)	0.036*** (0.009)			0.035*** (0.008)	0.034*** (0.011)
Civil Liberties- Law&Order									0.079*** (0.006)	0.019** (0.008)	0.061*** (0.007)	0.002 (0.010)
EU Integration	-0.018* (0.009)	0.094*** (0.011)	0.047*** (0.009)	0.112*** (0.013)	0.028*** (0.009)	0.100*** (0.013)	-0.033*** (0.010)	0.087*** (0.011)	0.045*** (0.009)	0.110*** (0.013)	0.023** (0.010)	0.088*** (0.014)
In National Government	0.056 (0.035)	0.077* (0.040)	0.099*** (0.029)	0.104*** (0.039)	0.057** (0.027)	0.077* (0.040)	0.073** (0.037)	0.073* (0.039)	0.076** (0.030)	0.101** (0.040)	0.047 (0.028)	0.073* (0.040)
Northern MS	-0.019 (0.034)	0.035 (0.040)	0.0001 (0.030)	0.038 (0.041)	-0.002 (0.027)	0.037 (0.040)	-0.035 (0.036)	0.028 (0.039)	-0.006 (0.030)	0.036 (0.041)	-0.013 (0.028)	0.029 (0.039)
Eastern MS	0.116*** (0.041)	0.146*** (0.047)	-0.033 (0.036)	0.101** (0.049)	0.018 (0.034)	0.133*** (0.050)	0.103** (0.043)	0.143*** (0.046)	-0.012 (0.036)	0.108** (0.049)	0.021 (0.035)	0.141*** (0.048)
Constant	-0.392*** (0.060)	-0.701*** (0.069)	-0.730*** (0.065)	-0.756*** (0.089)	-0.706*** (0.059)	-0.741*** (0.088)	-0.299*** (0.060)	-0.683*** (0.064)	-0.759*** (0.069)	-0.747*** (0.092)	-0.705*** (0.065)	-0.695*** (0.090)
Observations	123	123	123	123	123	123	123	123	123	123	123	123
R ²	0.566	0.566	0.675	0.550	0.734	0.568	0.512	0.579	0.663	0.544	0.712	0.579
Adjusted R ²	0.547	0.548	0.661	0.530	0.721	0.546	0.492	0.561	0.648	0.525	0.697	0.557
Residual Std. Error	0.158 (df = 117)	0.183 (df = 117)	0.137 (df = 117)	0.186 (df = 117)	0.124 (df = 116)	0.183 (df = 116)	0.168 (df = 117)	0.180 (df = 117)	0.140 (df = 117)	0.187 (df = 117)	0.129 (df = 116)	0.181 (df = 116)
F Statistic	30.499** *(df = 5; 117)	30.570** *(df = 5; 117)	48.519** *(df = 5; 117)	28.566** *(df = 5; 117)	53.474** *(df = 6; 116)	25.468** *(df = 6; 116)	24.585** *(df = 5; 117)	32.197** *(df = 5; 117)	45.947** *(df = 5; 117)	27.915** *(df = 5; 117)	47.866** *(df = 6; 116)	26.615** *(df = 6; 116)

Note:

*p<0.1; **p<0.05; ***p<0.01

Table 2.4. Linear regression models for estimated ideal points of national party delegations in EP7.

7. Voting Coalitions in Internet policy

I now turn towards voting coalitions. The EP generally tends towards grand or extra grand coalitions between the three main pro-European groups. Internet policy is no exception (*Table 5*). However, in EP7, the relative number of grand coalitions decreased, compared to centre-right or centre-left coalitions. This corresponds with the more clearly discernible party group clusters observed above. Internet policy has become less consensual even among the pro-EU party groups.

Comparing centre-left and centre-right coalitions – defined as ALDE voting in line with either the S&D or the EPP – there are overall more instances of centre-left than centre-right coalitions. This finding is particularly pronounced in EP7. Recalling the findings of previous studies – ALDE votes with the S&D on civil rights issues and with the EPP on economic issues (Hix & Høyland, 2013) – these results strengthen the idea that the socio-cultural dimension is dominant in EP Internet policy-making, at least when it comes to the winning coalitions. This finding speaks to first *observable implication ALDE (a)*.

Is it valid to infer the prevalence of the socio-cultural dimension from the coalition patterns of EP groups? In the following, two short case studies illustrate how civil liberty concerns shape voting coalitions.

	Grand coalition <i>(EPP + S&D)</i>	Grand coalition + <i>(EPP+ S&D + ALDE)</i>	Centre-left coalition <i>(S&D + ALDE)</i>	Centre-right coalition <i>(EPP + ALDE)</i>
EP5	6	50	11	4
EP6	36	129	24	16
EP7	23	150	78	21

Table 2.5. Coalition patterns in Internet policy. Number of RCV coalitions for Internet Policy files per coalition configuration. Configurations are not exhaustive.

7.1 ACTA

In 2011, the EU was one of the signatories of ACTA, a multilateral treaty to strengthen the enforcement of intellectual property rights. ACTA has been one of the most visible controversies in EU Internet policy, triggering large public protests against its ratification by the EP and the Council (Dür & Mateo, 2014; Rone, 2018; Sell, 2013). Reflecting its public salience, ACTA accounts for most copyright-related votes in EP7. ACTA's critics problematised first, provisions on patents in the field of medicine and seeds that they perceived to adversely affect developing countries and second, measures against online piracy. The latter included provisions on the deployment of technology to restrict the use of digital media (so-called digital rights management technologies) and obligations for online services to detect and filter copyright infringements by their users. ACTA thus contained rules regarding Internet services and sections unrelated to Internet policy, introducing within-case variation. When it comes to "offline" patents, I would expect an economic left-right conflict. Conversely, I argue that online content filtering constitutes a most-likely case for civil liberties-driven voting coalitions. In fact, all instances of left-wing voting coalitions on copyright policy in EP7 pertained to ACTA.

The EP engaged three times with ACTA. It first adopted a non-legislative resolution in March 2010. A second resolution was drafted in November 2010 but did not pass the plenary. Both resolutions were intended to influence the position of the European Commission, which negotiated ACTA on behalf of the EU. Finally, following the public protests, the EP rejected ACTA in the ratification vote on July 4, 2012.

The first EP resolution supported ACTA. An amendment to restrict the European Commission's negotiation mandate introduced by the radical-left GUE/NGL was rejected by an extra grand coalition. At this stage, the most divisive treaty provision was the sanctioning of illegal downloads. The proposal to suspend Internet access for repeated offenders split the EP between the EPP and the ECR on the one side and ALDE and the left-wing party groups on the other side. The left-wing coalition won the vote, as the black cutting line in the first panel of *Figure 2* illustrates.

The second resolution was hotly debated. The first version was drafted by a broad centre-left coalition of MEPs from ALDE, S&D, Greens/EFA and GUE/NGL. The plenary voted on 44 amendments to this text, an extraordinary number for a plenary session. The closest amendment vote (315:312 votes) rejected a proposal to make Internet service providers (ISPs) liable for their customers' copyright infringements. Such liability would have effectively required ISPs to monitor and filter the Internet traffic of their customers, a practice prohibited by the EU's 2001 *E-Commerce Directive*. In this vote, ALDE sided with the centre-left (see the black cutting line in the

second panel of *Figure 2*). It appears that liberal MEPs put the privacy and speech rights of citizens above the economic interests of rights holders. A closer look at the other amendment votes supports this interpretation: ALDE supported three recitals – non-binding “explanations” of the bill’s intention – explicitly referring to fundamental rights considerations.

That said, ALDE was overall less critical of ACTA than the more left-wing parties. On the issue of medical patents – heavily criticised by many on the political left – ALDE voted with the centre-right. This comparison shows that ALDE was not generally supportive of weakening intellectual property protections, but rather specifically opposed to forms of copyright enforcement that were perceived to threaten civil liberties online.

The amended resolution was very critical of ACTA. However, it was then narrowly defeated with 306:322 votes. In this final vote, a minority of liberal and social democratic MEPs sided with the EPP and ECR, as did the Eurosceptic EFDD (see the red cutting line in the second panel of *Figure 2*). There was not yet a majority to reject ACTA.

Following the anti-ACTA protests in late 2011 and 2012, the EP voted against ratifying the treaty. The ECR, a majority of EPP members, as well as a minority of ALDE MEPs hoped to save ACTA by amending the treaty text. Their request to refer the matter back to the EP’s committees was, however, rejected by a centre-left majority. The EP then voted to reject ACTA with a broad majority. Only 39 MEPs voted in favour of ratification (see the black cutting line in the third panel of *Figure 2*).

Journalistic as well as academic work (e.g., Dür & Mateo, 2014; Sell, 2013) has stressed the importance of the successful mobilization of public protests for the rejection of ACTA. However, the votes on the two parliamentary resolutions show that a centre-left majority already opposed those provisions of the treaty, which threatened to harm civil rights online. While ALDE MEPs had joined the left-wing groups on these issues, they supported the right-wing groups on provisions related to medical patents. This shows that ALDE did not oppose the economic rational of strict protection of intellectual property as such, but rather recognised the potential negative effects in the context of the Internet. The protests themselves mainly changed the position of the pro-ACTA EPP, whose MEPs now either abstained or voted against the ratification.

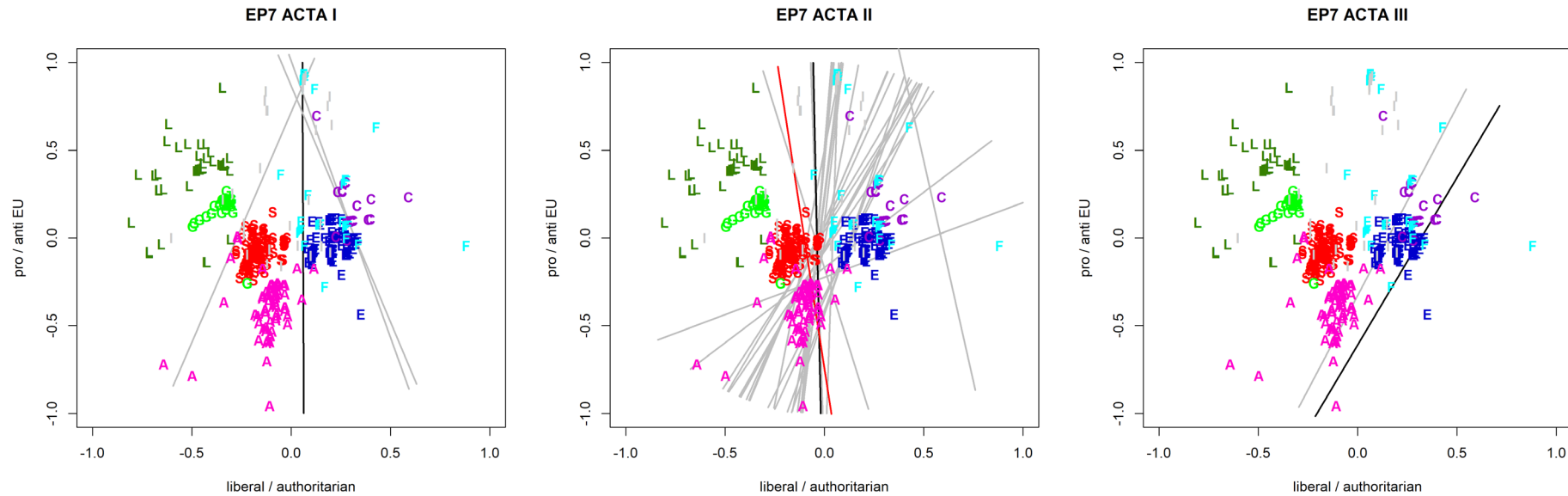


Figure 2.2. ACTA-related cutting lines in EP7. Each line represents a RCV cutting the estimated political space in 'yes' and 'no' votes. Points represent estimated ideal points of MEPs. Colours denote membership in transnational party groups.

7.2 The European Single Market in Electronic Communications Regulation

Compared to copyright, telecommunications policy might arguably seem less likely to be contested on the socio-cultural dimension. Nevertheless, left-wing voting coalitions can be observed in this issue area as well. The second case study sheds light on how MEPs connect telecommunications regulation to civil rights.

For EP7, a central legislative priority in telecommunications was the ‘European Single Market in Electronic Communications’ bill, which sought to facilitate the cross-border provision of telecommunication services by harmonizing regulatory standards. This legislative proposal bundled different issues, including wireless spectrum development, roaming costs and net neutrality. At the committee stage, the EP built a broad consensus on most of these issues. In particular, the end to roaming surcharges for citizens using their mobile phones in another EU country was celebrated by MEPs as a major success of European integration.⁴² However, when the draft regulation reached the EP plenary in early April 2014, one contested issue remained: “net neutrality”. According to the principle of net neutrality, all Internet traffic should be treated equally (Wu, 2003). ISPs should not artificially increase or decrease the speed with which a user can access different websites and services. However, ISPs frequently attempt to bypass net neutrality by offering so-called “specialised services” with guaranteed speeds such as video conferencing or by excluding services such as music streaming from their data limits.

MEPs disagreed about the exact definition of “net neutrality” and about the question which kinds of specialised services should be allowed. Proponents of a strict net neutrality regime criticised the draft prepared by rapporteur Pilar del Castillo Vera (EPP) as too lax. Consequently, at the plenary stage, thirteen amendments aiming at strengthening the net neutrality definition and restricting specialised services were introduced by MEPs from the S&D, the Greens, the GUE/NGL and ALDE. In a series of eight RCVs, all amendments were adopted by a coalition of these four party groups adopted all amendments (see cutting lines in *Figure 3*). The amended text was then adopted by a large majority of 534:73 votes.

⁴² European Parliament, „Debates Wednesday, 2 April 2014 – Verbatim report of proceedings”, https://www.europarl.europa.eu/doceo/document/CRE-7-2014-04-02-ITM-016_EN.html (Accessed: 02/12/2023).

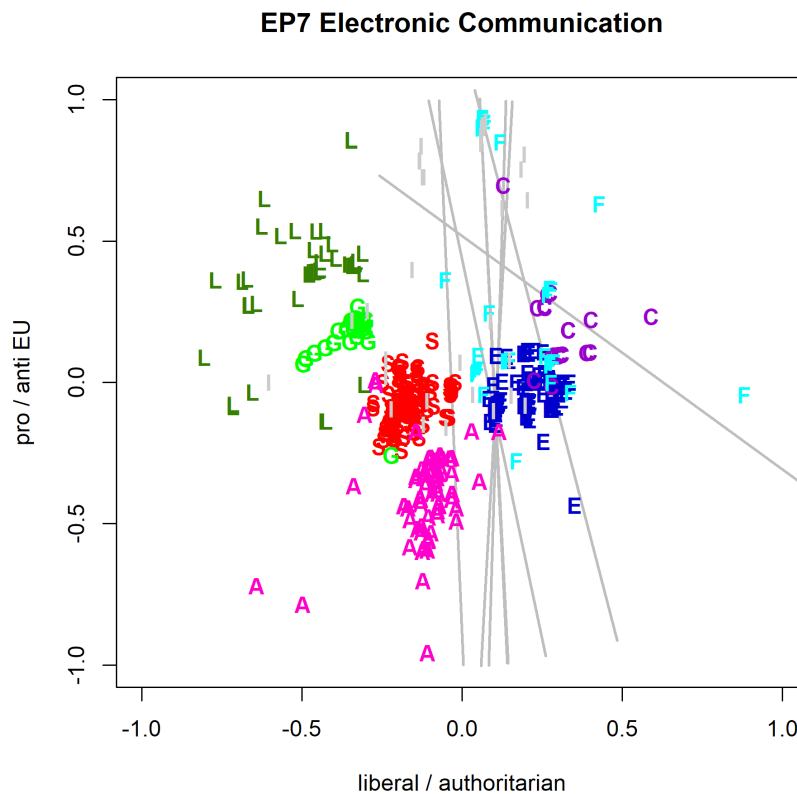


Figure 2.3. Votes on the European Single Market in Electronic Communications Regulation. Each line represents a RCV cutting the estimated political space in ‘yes’ and ‘no’ votes. Points represent estimated ideal points of MEPs. Colours denote membership in transnational party groups.

The plenary debate clarifies the positions of the two opposing camps.⁴³ Both sides proclaimed their support for the principle of net neutrality. But while EPP and ECR MEPs argued that specialised services were compatible with this principle, MEPs from the other groups disagreed. The centre-right MEPs employed economic arguments, arguing that specialised services would enable new services and business models (e.g., MEPs Pilar del Castillo Vera, Gunnar Hökmark, Bogdan Kazimierz Marcinkiewicz). Moreover, they claimed that telecom providers needed the additional revenue from such services to increase their investment in new broadband infrastructure. European Commissioner Neelie Kroes sided strongly with these arguments: “Blocking strangles innovation and, despite what you may have been told in the last few days, that is what some of the plenary amendments will do – block specialized services.”

⁴³ European Parliament, Plenary Debates Wednesday, 2 April 2014. Verbatim report of proceedings, https://www.europarl.europa.eu/doceo/document/CRE-7-2014-04-02-ITM-016_EN.html (Accessed: 02/12/2023).

In contrast, opponents of specialised services criticised them as forms of profit maximization at the cost of an “open Internet” free of discrimination (e.g., Petra Kammerevert, S&D, Green MEP Amelia Andersdotter and Marisa Matias, NGL/GUE). They combined civil rights frames and arguments about fair competition. Green MEP Sandrine Bélier summarised their worries: “The prioritization of flows is an attack on equal access to information, freedom of expression or, in economic terms, a brake on the emergence of start-ups that create jobs.” Liberal MEPs stressed the economic benefits of regulation safeguarding net neutrality; Marietje Schaake said: “By ensuring clear rules of the road for the EU digital single market and the open Internet, competition, innovation and Internet users will benefit.” While her speech did not explicitly invoke civil rights, the reference to an ‘open Internet’ signals that liberal support for net neutrality also comes from a principled vision of what the Internet should be. Indeed, Schaake had previously justified the need for net neutrality on civil rights grounds: “The key driver of this unprecedented innovation has been the simple fact that all information flows and services are treated equally, without discrimination; conform the principle of net neutrality. Through its open nature, the internet has become an increasingly important enabler of human rights. Freedom of expression in particular, but press freedom, access to information and freedom of association as well.”⁴⁴

7.3 Discussion

The two case studies illustrate how in Internet policy questions of market regulation can raise civil liberty concerns and consequently shape voting coalitions. Safeguarding citizens’ rights sometimes requires more regulation, as in the case of net neutrality. However, some regulatory initiatives may have adverse effects on civil rights, as was the case with ACTA. Socio-cultural liberals may then oppose more regulation. Internet policy is therefore a likely field for the emergence of socio-culturally liberal coalitions, which – in the EP – unite ALDE MEPs and left-wing parties.

The coalition patterns are a strong indicator for the importance of the socio-cultural cleavage at least for the winning coalitions. In the two cases, the losing parties unsuccessfully tried to frame the policies as primarily “economic”, downplaying civil rights concerns. Of course, arguments about user rights may be made strategically to mask or complement economic motives. In the net neutrality debate, economic arguments about fair competition between online services featured

⁴⁴ Marietje Schaake, “A digital future needs real net neutrality”, 2013, <https://marietjeschaake.eu/en/oped-new-europe-a-digital-future-needs-real-net-neutrality> (Accessed: 25/01/2021).

prominently alongside concerns about freedom of expression and access to information. This is not a contradiction. Both individual citizens as well as small firms and start-ups are supposed to benefit from the liberal vision of an “open Internet”. In contrast, telecom providers are powerful gatekeepers who can exploit their position for their own material gain; regulation may prevent that. In contrast, in the case of ACTA, governments sought to take advantage of the gatekeeping positions of ISPs and online platforms, to detect copyright infringements. Such a mandate would be a regulatory burden for the platforms and a threat for their users.⁴⁵ This brief discussion indicates that, from a civil rights perspective and depending on the policy intervention at hand, businesses with gatekeeping positions in the online ecosystem may sometimes be allies and at other times opponents of civil rights advocates.

This entanglement of economic interests and socio-cultural preferences is difficult to resolve in a large-N perspective. Future research can help answer this question on a case-by-case basis by investigating the decision-making processes within political parties. To uncover how preferences on and the salience of the two dimensions determine MEPs’ voting behaviour, future research could study party group cohesion and the determinants of intra-group dissent. Moreover, investigating the connection of interest groups and parties can help assess the importance of economic motives compared to cultural dispositions in forming party positions in Internet policy.

8. Conclusion

What cleavages structure Internet policy in Europe? This article has argued that when it comes to the regulation of the Internet, questions of civil liberties and economic freedoms are closely entangled. Policy-makers thus face trade-offs between economic and socio-cultural objectives when setting rules for online services. Analysing RCVs in the European Parliament (1999-2014), it is the first study to systematically assess party contestation over a wide range of different Internet policy issues, irrespective of issue salience.

Scaling RCVs shows that party competition over Internet policy is best captured by a socio-cultural liberal-authoritarian dimension. A second dimension reflecting parties’ position towards European integration is less important for the correct classification of votes. It nevertheless indicates that the Internet – despite its global nature – is not immune from conflicts over the appropriate level of rule-setting in the EU’s multi-level system.

⁴⁵ The EU eventually took a similar approach with the adoption of the 2019 Copyright Directive.

Over the three legislative periods, Internet policy has become increasingly contested among the pro-EU party groups leading to a decline in grand coalition voting. Instead, a rising proportion of centre-left voting coalitions supports the interpretation that political actors in the EP perceive Internet policy to be about the rights of citizens in the digital sphere rather than purely about economic questions of market regulation. A closer look at individual cases illustrates this general pattern. In the case of ACTA, centre-left coalitions opposed rules for Internet businesses to monitor and filter online content. In the net neutrality case, the economically right-wing ALDE group supported stricter rules to safeguard an “open Internet”.

The 15 years studied in this article mark the period in which Internet policy emerged as an important and contested policy field at the EU level. At the onset of the 2020s, the issues which dominated the political agenda during this time – copyright, government surveillance, the rollout and regulation of broadband networks – remain prominent. But as information technologies and online markets evolve, so do problem perception and regulatory approaches. Internet policy therefore remains an evolving policy field, which requires on-going research. In particular, the public debates over the negative impacts of social media platforms on democratic processes may challenge the cohesion of the socio-culturally liberal coalition. Moreover, the growing global influence of Chinese tech companies, such as Huawei and TikTok, has foregrounded geopolitical concerns. Finally, industrial policy ideas are gaining new prominence in the EU, as illustrated by the forthcoming Chips Act, which is supposed to enable public subsidies for semiconductor manufacturing (Schmitz & Seidl, 2022). European policy-makers now regularly call for “digital sovereignty”, a framing which appeals to both security concerns and industrial policy aims (Lambach & Oppermann, 2023). These developments suggest a continued entanglement of economic and socio-cultural motivations in Internet policy. At the same time, they may create new political coalitions as conservatives, free marketeers and socially liberal leftists re-evaluate their preferences.

With this in mind, it is clear that the power of states, private businesses and the rights of citizens remain closely entangled. The Internet is not just another market to be regulated for growth and consumer welfare but also a public arena where citizens exercise their liberties and where states seek to impose their order. Internet policy therefore provides plenty of opportunities for policy entrepreneurs and lobbyists to (re-)frame policies according to their interests. Understanding these dynamics is important given the potential impact of global information flows on political communication and the functioning of democratic debates. This is especially the case in times, in which policy-makers in Europe and North America are debating new laws to reign in the power of “Big Tech”.

Appendix to Chapter 2.

A1. Abbreviations of European Party Groups

ALDE = Alliance of Liberals and Democrats for Europe Group

ECR = European Conservatives and Reformists

EDD = Europe of Democracies and Diversity

EFDD = Europe of Freedom and Direct Democracy

ELDR = European Liberal Democrat and Reform Party Group

EPP = European People's Party

EPP-ED = European People's Party – European Democrats

EUL/NGL = European United Left/Nordic Green Left

IND/DEM = Independence/Democracy

Greens/EFA = Greens/European Free Alliance

PSE = Party of European Socialists

S&D = Progressive Alliance of Socialists and Democrats

SOC = Party of European Socialists

UEN = Union for Europe of the Nations

A2. Internet Policy RCVs By Issue Area

	EP5 (1999 - 2004)	EP6 (2004 - 2009)	EP7 (2009 - 2014)
RVCs (total)	5745	6199	6961
Internet Policy RCVs	72	206	275
Internet Policy as share of all RCVs	0.0125	0.0332	0.0395
Copyright RCVs	7	45	95
<i>(share of Internet RCVs)</i>	<i>(0.097)</i>	<i>(0.218)</i>	<i>(0.345)</i>
Cybersecurity RCVs	1	2	10
<i>(share of Internet RCVs)</i>	<i>(0.013)</i>	<i>(0.01)</i>	<i>(0.036)</i>
E-Commerce RCVs	3	4	12
<i>(share of Internet RCVs)</i>	<i>(0.042)</i>	<i>(0.02)</i>	<i>(0.043)</i>
E-Government RCVs	4	8	29
<i>(share of Internet RCVs)</i>	<i>(0.056)</i>	<i>(0.04)</i>	<i>(0.105)</i>
Media RCVs	12	20	12
<i>(share of Internet RCVs)</i>	<i>(0.167)</i>	<i>(0.097)</i>	<i>(0.043)</i>
Privacy RCVs	32	60	69
<i>(share of Internet RCVs)</i>	<i>(0.444)</i>	<i>(0.291)</i>	<i>(0.251)</i>
Telecommunications RCVs	9	61	30
<i>(share of Internet RCVs)</i>	<i>(0.125)</i>	<i>(0.296)</i>	<i>(0.105)</i>
Other Internet Policy RCVs	4	6	19
<i>(share of Internet RCVs)</i>	<i>(0.056)</i>	<i>(0.029)</i>	<i>(0.069)</i>

Table A1. Description of the data set.

A3. Vector Inflation Factors for Main Independent Variables

	Left/right	GAL/TAN	Deregulation	Civil liberties vs. law & order
EP5	1.802132 ^a	1.859490 ^a	-	-
EP6	1.527813 ^b	1.536357 ^b	1.505724 ^c	1.459988 ^c
EP7	1.995769 ^d	2.179299 ^d	1.971205 ^e	2.002106 ^e

Table A2. Vector inflation factors calculated for the following models:

a: EP5, Model 3; b: EP6, model 3; c: EP6, model 6; d: EP7, model 7; e: EP7, model 8.

A4. The Dimensionality of the Policy Space

To determine the dimensionality of the political space, *Figure A1* shows the scree trees for the 20 largest eigenvalues as calculated by the OC estimation. The eigenvalues fall off after the third value, forming an “elbow”. This indicates a two-dimensional space for each legislative period (Poole, 2005, p. 146). The two-dimensional models correctly classify 96% of Internet policy RCVs in the EP5 period, 94% in EP6 and 97% in EP7. This is an improvement of 2% compared to the one-dimensional model in all three legislatures.

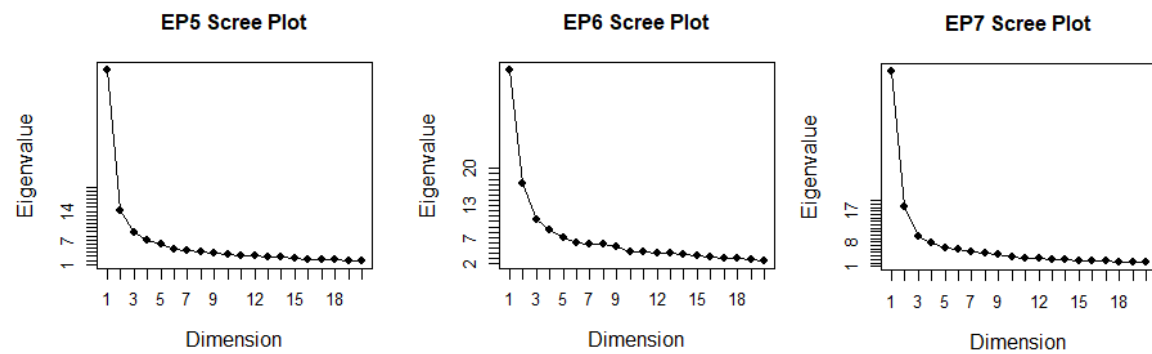


Figure A1. OC scree trees for Internet policy RCVs, EP5-EP7.

The importance of the second dimension can be assessed by comparing the aggregate proportional reduction in classification errors (APRE), which is defined as $APRE = 1 - (\text{total classification errors}) / (\text{total vote on minority side})$, of the two- and one-dimensional models (Poole 2005, p. 129). The inclusion of the second dimension improves the error reduction rate by 10% (EP5 and EP6) and 7% (EP7) respectively.

While including the second dimension clearly improves the estimation, it is far less important than the first dimension. Therefore, the following analysis puts greater emphasis on the first dimension than on the second when explaining MEPs’ Internet policy ideal points.

Legislative period	Scaled RCVs	Scaled MEPs (≥ 20 votes)	Correctly class. votes (1 dim)	Correctly class. votes (2 dim)	Correctly class. votes (3 dim)	APRE (1 dim)	APRE (2 dim)	APRE (3 dim)
EP5	64	605	93.5%	96.0%	97.4%	0.75	0.85	0.90
EP6	192	871	92.0%	94.2%	95.8%	0.64	0.74	0.81
EP7	242	843	94.8%	96.6%	97.4%	0.81	0.88	0.91

Note: $APRE = 1 - (\text{total classification errors}) / (\text{total vote on minority side})$.

Table A3. Goodness-of-fit statistics.

A5. Robustness: OC Ideal Points with the French Communists as an Anchor

The following figure shows the ideal points estimated with the OC algorithm when MEPs from the French Communist Party (EP5 and EP6) and the radical-left La France Insoumise (EP7) are used as polarity anchors.

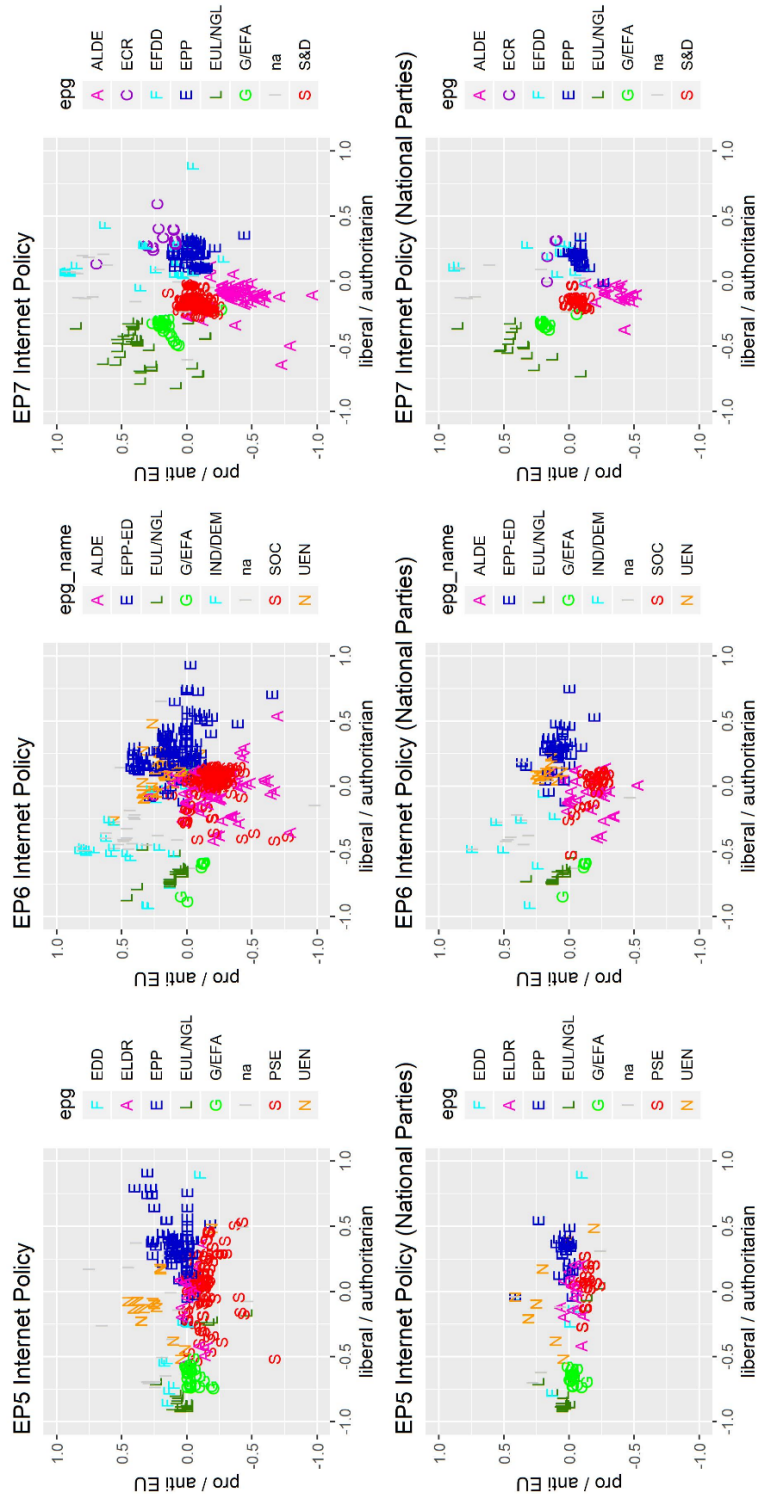


Figure A2: Estimated W-NOMINATE ideal points for MEPs (first row) and ideal points aggregated to national party delegations (row two). Colors denote membership in transnational party groups.

A6. Robustness: W-NOMINATE Regressions

EP5 National Party Delegations (Internet Policy RCVs)						
	W-Nominate Score					
	Model1, Dim1	Model1, Dim2	Model2, Dim1	Model2, Dim2	Model3, Dim1	Model3, Dim2
Economic Left-Right	0.081*** (0.008)	0.054*** (0.017)			0.055*** (0.010)	0.046** (0.022)
GAL-TAN			0.072*** (0.008)	0.039** (0.016)	0.040*** (0.009)	0.011 (0.021)
EU Integration	0.050*** (0.010)	-0.132*** (0.020)	0.082*** (0.010)	-0.113*** (0.021)	0.064*** (0.010)	-0.128*** (0.022)
In National Government	0.007 (0.038)	-0.237*** (0.078)	-0.009 (0.040)	-0.256*** (0.079)	0.016 (0.035)	-0.235*** (0.078)
Northern MS	0.075** (0.033)	-0.177** (0.068)	0.081** (0.036)	-0.179** (0.070)	0.088*** (0.031)	-0.173** (0.069)
Constant	-0.897*** (0.062)	0.619*** (0.127)	-1.016*** (0.076)	0.600*** (0.151)	-1.040*** (0.066)	0.579*** (0.148)
Observations	93	93	93	93	93	93
R ²	0.628	0.527	0.582	0.505	0.692	0.529
Adjusted R ²	0.611	0.506	0.563	0.483	0.674	0.502
Residual Std. Error	0.156 (df = 88)	0.320 (df = 88)	0.166 (df = 88)	0.327 (df = 88)	0.143 (df = 87)	0.321 (df = 87)
F Statistic	37.067*** (df = 4; 88)	24.550*** (df = 4; 88)	30.676*** (df = 4; 88)	22.448*** (df = 4; 88)	39.120*** (df = 5; 87)	19.539*** (df = 5; 87)

Note: *p<0.1; **p<0.05; ***p<0.01

Table A4. Linear regression models for estimated W-Nominate ideal points of national party delegations in EP5.

EP6 National Party Delegations (Internet Policy RCVs)

	W-Nominate Score											
	Model1, Dim1	Model1, Dim2	Model2, Dim1	Model2, Dim2	Model3, Dim1	Model3, Dim2	Model4, Dim1	Model4, Dim2	Model5, Dim1	Model5, Dim2	Model6, Dim1	Model6, Dim2
Economic Left-Right	0.096*** (0.014)	0.080*** (0.012)			0.051*** (0.014)	0.054*** (0.013)						
GAL-TAN			0.106*** (0.011)	0.072*** (0.011)	0.084*** (0.012)	0.049*** (0.012)						
Deregulation							0.089*** (0.015)	0.076*** (0.013)			0.049*** (0.014)	0.060*** (0.014)
Civil Liberties- Law&Order									0.105*** (0.012)	0.059*** (0.012)	0.084*** (0.013)	0.034*** (0.013)
EU Integration	0.060*** (0.020)	-0.151*** (0.017)	0.149*** (0.018)	-0.084*** (0.017)	0.118*** (0.019)	-0.118*** (0.018)	0.059*** (0.021)	-0.153*** (0.018)	0.135*** (0.018)	-0.098*** (0.018)	0.106*** (0.020)	-0.134*** (0.019)
In National Government	0.245*** (0.071)	-0.074 (0.061)	0.155** (0.065)	-0.122* (0.062)	0.144** (0.061)	-0.133** (0.058)	0.260*** (0.073)	-0.063 (0.062)	0.128* (0.069)	-0.116* (0.068)	0.128* (0.066)	-0.117* (0.064)
Northern MS	-0.134* (0.073)	-0.008 (0.063)	-0.062 (0.065)	0.039 (0.063)	-0.071 (0.062)	0.029 (0.059)	-0.181** (0.075)	-0.047 (0.064)	-0.122* (0.068)	-0.005 (0.067)	-0.144** (0.065)	-0.032 (0.063)
Eastern MS	0.160** (0.079)	0.081 (0.068)	0.124* (0.071)	0.057 (0.068)	0.128* (0.067)	0.062 (0.064)	0.139* (0.082)	0.063 (0.070)	0.158** (0.074)	0.082 (0.073)	0.144** (0.071)	0.065 (0.068)
Constant	-0.927*** (0.116)	0.367*** (0.100)	-1.443*** (0.127)	0.053 (0.123)	-1.416*** (0.121)	0.082 (0.115)	-0.878*** (0.118)	0.405*** (0.101)	-1.358*** (0.131)	0.189 (0.129)	-1.332*** (0.125)	0.221* (0.120)
Observations	122	122	122	122	122	122	122	122	122	122	122	122
R ²	0.548	0.455	0.643	0.457	0.681	0.528	0.521	0.429	0.608	0.374	0.644	0.463
Adjusted R ²	0.529	0.431	0.627	0.433	0.664	0.504	0.501	0.405	0.592	0.347	0.626	0.434
Residual Std. Error	0.315 (df = 116)	0.271 (df = 116)	0.280 (df = 116)	0.271 (df = 116)	0.266 (df = 115)	0.253 (df = 115)	0.325 (df = 116)	0.277 (df = 116)	0.294 (df = 116)	0.290 (df = 116)	0.281 (df = 115)	0.270 (df = 115)
F Statistic	28.129** *(df = 5; 116)	19.343** *(df = 5; 116)	41.743** *(df = 5; 116)	19.487** *(df = 5; 116)	40.909** *(df = 6; 115)	21.468** *(df = 6; 115)	25.274** *(df = 5; 116)	17.465** *(df = 5; 116)	36.044** *(df = 5; 116)	13.854** *(df = 5; 116)	34.741** *(df = 6; 115)	16.495** *(df = 6; 115)

Note:

*p<0.1; **p<0.05; ***p<0.01

Table A5. Linear regression models for estimated W-Nominate ideal points of national party delegations in EP6.

EP7 National Party Delegations (Internet Policy RCVs)												
	W-Nominate Score											
	Model1, Dim1	Model1, Dim2	Model2, Dim1	Model2, Dim2	Model3, Dim1	Model3, Dim2	Model4, Dim1	Model4, Dim2	Model5, Dim1	Model5, Dim2	Model6, Dim1	Model6, Dim2
Economic Left-Right	0.159*** (0.015)	0.082*** (0.016)			0.077*** (0.015)	0.071*** (0.021)						
GAL-TAN			0.155*** (0.011)	0.053*** (0.015)	0.114*** (0.013)	0.015 (0.018)						
Deregulation							0.156*** (0.017)	0.091*** (0.017)			0.069*** (0.016)	0.084*** (0.021)
Civil Liberties- Law&Order									0.163*** (0.012)	0.052*** (0.016)	0.127*** (0.014)	0.010 (0.018)
EU Integration	-0.038* (0.019)	0.175*** (0.021)	0.095*** (0.019)	0.223*** (0.025)	0.056*** (0.019)	0.188*** (0.026)	-0.068*** (0.021)	0.157*** (0.021)	0.092*** (0.019)	0.220*** (0.025)	0.048** (0.021)	0.166*** (0.027)
In National Government	0.171** (0.071)	0.136* (0.077)	0.259*** (0.058)	0.214*** (0.077)	0.174*** (0.055)	0.137* (0.077)	0.209*** (0.075)	0.139* (0.075)	0.211*** (0.061)	0.203** (0.078)	0.155*** (0.058)	0.135* (0.076)
Northern MS	-0.083 (0.070)	0.073 (0.075)	-0.044 (0.060)	0.082 (0.079)	-0.049 (0.055)	0.077 (0.076)	-0.115 (0.075)	0.056 (0.075)	-0.057 (0.062)	0.076 (0.080)	-0.071 (0.058)	0.059 (0.075)
Eastern MS	0.234*** (0.083)	0.333*** (0.090)	-0.072 (0.073)	0.211** (0.096)	0.031 (0.069)	0.306*** (0.095)	0.206** (0.089)	0.323*** (0.089)	-0.030 (0.074)	0.230** (0.096)	0.037 (0.071)	0.310*** (0.092)
Constant	-0.674*** (0.122)	-1.372*** (0.131)	-1.370*** (0.132)	-1.502*** (0.173)	-1.320*** (0.120)	-1.456*** (0.166)	-0.478*** (0.123)	-1.300*** (0.123)	-1.426*** (0.139)	-1.491*** (0.180)	-1.322*** (0.132)	-1.364*** (0.172)
Observations	123	123	123	123	123	123	123	123	123	123	123	123
R ²	0.588	0.602	0.696	0.564	0.752	0.604	0.529	0.609	0.682	0.557	0.726	0.610
Adjusted R ²	0.571	0.585	0.683	0.546	0.739	0.584	0.509	0.593	0.669	0.538	0.712	0.590
Residual Std. Error	0.323 (df = 117)	0.348 (df = 117)	0.278 (df = 117)	0.364 (df = 117)	0.252 (df = 116)	0.348 (df = 116)	0.345 (df = 117)	0.344 (df = 117)	0.284 (df = 117)	0.367 (df = 117)	0.264 (df = 116)	0.345 (df = 116)
F Statistic	33.459** *(df = 5; 117)	35.406** *(df = 5; 117)	53.483** *(df = 5; 117)	30.305** *(df = 5; 117)	58.663** *(df = 6; 116)	29.540** *(df = 6; 116)	26.310** *(df = 5; 117)	36.515** *(df = 5; 117)	50.214** *(df = 5; 117)	29.427** *(df = 5; 117)	51.207** *(df = 6; 116)	30.291** *(df = 6; 116)

Note:

*p<0.1; **p<0.05; ***p<0.01

Table A6. Linear regression models for estimated W-Nominate ideal points of national party delegations in EP7.

Chapter 3. Of Activists and Platforms: Digital Rights Activism, Business Power and Political Alignments in the Digital Economy

Abstract

Under what conditions do business and civil society groups form heterogeneous lobbying coalitions? While previous research has investigated the conditions for successful cooperation between these “strange bedfellows”, there has been less work on when and why their policy preferences align in the first place. This article studies this question in the case of the digital economy, focusing on the relationship between platform companies and digital rights activists. It argues that intermediary regulation shapes patterns of interest group contestation: When intermediary regulation seeks to constrain citizens’ online freedoms, the preferences of digital rights groups and platform companies align. Conversely, when intermediary regulation seeks to limit the discretionary power of platforms or of other intermediaries to empower citizens and platform-dependent businesses, the preferences of activists and intermediaries diverge. The results of a discourse network analysis of four European Union stakeholder consultations in the areas of data protection, online content, and Internet traffic management support the theoretical argument. By analyzing under what conditions digital rights groups and platform companies share preference regarding the regulation of digital markets, the article contributes to our understanding of the political cleavages shaping digital capitalism.

1. Introduction

In early 2019, thousands of citizens took the streets to protest the European Union's (EU) copyright reform. Mobilized by digital rights groups – civil society organizations dedicated to the protection of civil and consumer rights on the Internet – the protestors worried that the new EU Copyright Directive would mandate “upload filters” that would endanger free expression and disrupt the way users communicate and share content on social media platforms such as Youtube and Facebook. Politicians supporting the reform harshly criticized the protestors, claiming that they were manipulated by Silicon Valley companies into advocating for the interest of big (tech) business. European Parliament rapporteur Axel Voss said in his plenary speech on March 26, 2019: “Google, Facebook, YouTube are doing governance by shitstorm here, spreading disinformation, using a lot of money to trick public opinion”.⁴⁶

The idea that digital rights advocates or “Internet activists” are political allies of “Big Tech” and other Internet business interests has repeatedly come up in political debates about the appropriate regulation of the digital economy. Already in the mid-1990s, Barbrook and Cameron (1996) coined the term “Californian ideology” to criticize the rhetorical closeness of capitalist entrepreneurs and communitarian-oriented digital rights advocates (see also Barbrook, 2002). More recently, Culpepper and Thelen (2020) have argued that digital platforms have the distinct ability to mobilize consumers against state intervention in digital markets. Being an integral part of their users' daily lives, platforms enjoy high levels of consumer trust and brand attachment. This tacit support can, in turn, be leveraged to prevent costly regulation. While Culpepper and Thelen's (2020) argument has become prominent in the research on the political influence of platform companies and has been fruitfully applied to “sharing economy” cases such as Uber and AirBnB (e.g., Seidl, 2022; Thelen, 2018), it has one glaring omission: organized civil society is absent from its analysis.

However, ignoring civil society paints an incomplete picture of the political struggles and coalitional politics shaping digital capitalism. While Culpepper and Thelen (2020) emphasize how platform companies might mobilize consumers for their cause, it is more commonly civil society groups that raise public salience through strategies of outside-lobbying (cf. Dür & Mateo, 2014). Moreover, stereotyping digital rights groups as anti-regulatory “cyber-libertarians”, misrepresents

⁴⁶ European Parliament, Plenary Debate, 26 March 2019. Verbatim report of proceedings, https://www.europarl.europa.eu/doceo/document/CRE-8-2019-03-26-ITM-002_EN.html (Accessed: 02/12/2023).

the ideas and normative beliefs of many of these groups and ignores that European civil society groups may not simply be importers of a “Californian ideology” (see also Breindl, 2013, p. 1434).

By aggregating and articulating public interests and normative ideas, civil society groups are a crucial actor in the formulation and transmission of societal preferences. As social movement organizations, they provide durable organizational structures and networks for activists and protest movements (Earl, 2015). Civil society groups are therefore often portrayed as opponents of business groups, which represent “private” as opposed to “public” or “diffuse” interests. Nevertheless, sometimes the policy preferences of civil society and business groups overlap and they form “heterogeneous” interest group coalitions (Beyers & De Bruycker, 2018). Such heterogeneous coalitions can become formidable lobbying alliances, which can be more successful than “homogeneous” coalitions of either only businesses or only civil society groups (Junk, 2019). Taking digital rights groups as principled civil society actors seriously, the purpose of this article is to answer the question: when do the preferences of digital rights groups and Internet businesses align?

Following Theodore Lowi’s classical dictum that “policies determine politics” (Lowi 1972, p. 299), preference alignment and coalition formation among different (types of) interest groups depend on the content of the policy in question (see also Beyers, 2008). Whereas Lowi (1972) distinguished between distributive, redistributive, regulatory and constituent policies, I highlight one type of regulatory policy that is central to the digital economy and the Internet: *intermediary regulation* (e.g., DeNardis, 2014; Farrell, 2006; MacKinnon et al., 2014; Tusikov, 2017). Internet intermediaries are firms that can act as gatekeepers and bottlenecks in the online environment. They include, for example, digital platforms such as social media sites and app stores, but also search engine, cloud providers, and Internet service providers (ISPs). These intermediaries have “infrastructural power” on which both other businesses and Internet users depend, and can therefore act as private governors in the digital economy (Gorwa, 2019; Kemmerling & Trampusch, 2022; Rahman, 2017). Due to their privileged position, they are also an attractive target for government interventions. By regulating intermediaries, governments can exert influence on a wider range of other actors (Farrell, 2006; Tusikov, 2017).

Bringing together the literatures on Internet governance and digital capitalism, I argue that the patterns of interest group contestation depend on whether intermediary regulation aims to constrain or to empower users and intermediary-dependent businesses. If intermediary regulation is deployed to constrain the behavior of Internet users, the preferences of digital rights groups and of the concerned intermediaries align; both oppose this type of regulation. By contrast,

if intermediary regulation strengthens the position of users and intermediary-dependent businesses vis-à-vis the intermediary, digital rights groups and intermediaries find themselves on opposite sides of the political debate. Finally, not all Internet regulation is intermediary regulation. If regulation constraints intermediaries and other businesses alike, a more conventional business vs. civil society divide should emerge.

I test this argument in three issue areas that are central to the digital economy: personal data, online content, and Internet traffic management. Using discourse network analysis, I analyze four public stakeholder consultations conducted by the European Commission between 2008 and 2016. Based on a qualitative content analysis of position papers submitted by interest groups to these consultations, I map the interest group networks of EU Internet policy to identify lobbying camps and extract the arguments that groups advance to justify their policy positions.

In line with my theoretical expectations, I find that in the area of online content, digital rights groups and Internet intermediaries both oppose the introduction of new intermediary obligations demanded by publishers because they perceive them as constraining the free expression of Internet users and the free flow of information. In the area of Internet traffic management, digital rights groups, online platforms and publishers all support intermediary regulation that would limit the discretionary power of ISPs; the latter naturally oppose it. Meanwhile, the data protection consultation did not specifically target intermediaries. Rather online platforms and digital rights groups disagree whether there is a need for new legal rules or whether self-regulation is enough. The analysis thus supports the argument that intermediary regulation leads to heterogeneous interest group coalitions. If intermediary regulation is employed to constrain different actors, including citizens, digital rights groups align with intermediaries. Conversely, if intermediary regulation empowers users and intermediary-dependent businesses, digital rights groups compete with intermediaries.

This article contributes to several debates on digital capitalism and the power of online platforms. First, the article brings together the Internet governance literature and the political economy research on digital platforms to clarify the logic of interest group preference alignment in the digital economy. By mapping interest group networks across three issue areas central to the digital economy, it sheds light on the patterns of interest group mobilization and contestation in EU Internet policy. The article thus provides a theoretical explanation for and detailed empirical picture of the political cleavages surrounding the regulation of digital capitalism in Europe. Understanding coalitional politics in the EU is particularly important as the EU is widely seen as the globally leading regulator of digital markets. EU policy also frequently shapes regulatory

developments and firm behavior in other parts of the world (Bradford, 2020, 2023). Second, the article qualifies Culpepper and Thelen's (2020) argument about the political power of online platforms. Rather than focusing on platforms and their users, it shows under what conditions platforms and other intermediaries may count on support from organized civil society and, conversely, when digital rights groups and intermediaries are lobbying opponents. Third, the article looks at "digital rights activism" through an interest group lens. By contrast, previous studies had primarily applied social movement perspectives to explain protest tactics in the "networked public sphere" (e.g., Benkler et al., 2015; Breindl, 2013; Wright, 2022). By documenting how digital rights groups are positioned in the broader EU interest group space, the article moves beyond this literature's focus on a limited number of salient protest events such as the ACTA agreement (Dür & Mateo, 2014) and the EU Copyright Directive (Heermann, 2023b) and takes digital rights advocacy serious as a durable political force. This perspective is important because to be effective and successful in the long term digital rights activism requires durable advocacy structures (Earl, 2015). More generally, the article contributes to the literature on heterogeneous interest group coalitions (e.g., Beyers & De Bruycker, 2018; Junk, 2019; Phinney, 2017) by explaining how market structures and policy interventions shape preference overlap between business and civil society groups.

The article is structured as follows: Section 2 develops the theoretical argument in three steps. It first introduces digital rights groups as the central civil society actors in Internet policy. Building on previous literature on business power in the digital economy, it then explains preference heterogeneity on the side of the business community. Subsequently, the hypotheses on interest group alignments in the case of intermediary regulation are derived. Section 3 applies the theoretical argument to the three issue areas – data, content and Internet traffic – and introduces the empirical cases. Section 4 explains the analysis' methodological approach; Section 5 presents the results. The article concludes with a discussion of the findings and their theoretical and policy implications.

2. Lobbying Coalitions and Regulatory Preferences

We usually think of interest group competition as a contest for political influence between clearly separable lobbying camps: producers vs. consumers, employers vs. employees or importers vs. exporters. However, recent research indicates that heterogeneous interest group coalitions – uniting both business and civil society organizations – not only exist but that such diverse

coalitions can be, under certain conditions, more successful than homogeneous alliances in attaining their policy preferences (Beyers & De Bruycker, 2018; Junk, 2019; Phinney, 2017). Nevertheless, we still know little about what factors determine why different *types* of interest groups happen to be on the same side in the first place (Atikcan & Chalmers, 2019, p. 544). What accounts for an alignment of preferences between business and non-business interests in a policy controversy and thus lays the ground for alliances of strange bedfellows?

Interest group researchers stress that lobbying coalitions are issue-specific (Beyers, 2008; Klüver, 2013). Preference alignment varies across economic sectors, policy fields or even legislative issues. In other words, policy content determines interest group contestation. I argue that the digital economy is a likely case for heterogeneous interest group coalitions because regulatory interventions not only affect economic outcomes but frequently also the rights of citizens in the online environment (Heermann, 2023a). Thus, governments face trade-offs, for example, between the growth potential of a data-driven economy and citizens' right to privacy or between the protection of intellectual property and the free expression of users. The economic and the socio-cultural civil rights dimensions of Internet policy meet when governments decide to leverage the intermediary positions some firms hold in the digital economy in order to constrain the behavior of a wider set of users (Farrell, 2006; Tusikov, 2017). For example, regulating search engines shapes the flow of information, regulating social media sites alters public debates and individual expression. I argue that in the case of intermediary regulation, when governments seek to constrain users, the preferences of civil right groups and these intermediaries align. In contrast, when a policy proposal aims to strengthen the positions of Internet users vis-à-vis businesses, preferences tend to diverge, reflecting a more conventional business/civil society divide.

To explain preference alignment between different interest groups, I first need to explain where their respective preferences come from. In this section, I start by introducing digital rights groups and their normative positions. Turning towards business groups, I then discuss the literature on business preferences in the digital economy. Subsequently, I outline my theory on how intermediary regulation shapes preference alignments between civil society and Internet intermediaries.

2.1 The digital civil society: digital rights groups and their preferences

Digital rights groups address and problematise the impact of digitization on civil rights such as privacy and freedom of expression as well as the impact of intellectual property rights on access to information and knowledge (Löblich & Wendelin, 2012; Wright, 2022).⁴⁷ Rooted in the hacker and free software scenes and related subcultures, they emerged since the mid-1980s “as direct responses to the techno-legal regimes and institutions which seek to privatize and control digital space and data” (Wright, 2022, p. 3). Digital rights groups are concerned about the imposition of state and private control of information and communication technologies leading to a loss of individual freedoms through surveillance, censorship, or algorithmic governance. “Similar to other social movements, [digital rights] activism is motivated by discontent with current regulatory approaches” (Löblich & Wendelin, 2012, p. 912). Public regulations, but also corporate policies of private companies, are often framed as “threats” to “Internet freedom” and digital rights (Wright, 2022). Thus, in contrast to many other NGOs, digital rights groups tend to be more skeptical of state interventions, problematising their negative (side) effects on the open nature of the Internet.

In the public debate, digital rights activism is often associated with a “cyber-libertarianism”, as expressed in the “Declaration of the Independence of Cyberspace”, written in 1996 by John Perry Barlow, co-founder of the US-based digital rights group EFF. However, digital rights groups are also concerned about private power. Goldsmith and Wu (2008, p. vii) emphasize this evolution of digital rights activism by pointing to net neutrality advocacy: “The net neutrality movement, with some similarities to the environmental movement, asks the U.S. government to protect the original, unpredictable, and uncontrolled nature of the Internet. The contrast is clear: in the 1990s, activists were saying that it was impossible for the government to control the Internet. Now in the 2000s, many [...] have demanded that the government act to protect the Internet from perceived threats – whether from telecom firms or foreign governments”.

And while critics have pointed to the ideational, financial and personal ties between (American) digital rights groups and Silicon Valley (Turner, 2006), scholars of European digital rights advocacy emphasize different histories of activism in Europe, which has been more market-sceptic and supportive of alternative, non-commercial communication systems (Pétin & Tréguer, 2018;

⁴⁷ Prominent digital rights groups today include, for example, Access Now, and the Electronic Frontier Foundation (EFF) in the US; in Europe the European Digital Rights Initiative (EDRI) serves as the EU-level umbrella association of 44 digital rights groups from across the continent.

Tréguer, 2017). Breindl (2013, p. 1434) points out that “contrary to cyber-libertarians, European activists do not favor an internet free from state intervention.” Rather, “the internet’s openness or the free and open source software model should be legally protected” (ibid.). Likewise, in a study on German digital rights activism, Löblich and Wendelin (2012, p. 912) conclude that “[t]hese activists share the value of freedom on the internet. [...] They fight surveillance, censorship and data collection. But they are no supporters of cyber libertarian utopias. None of the activists we interviewed demanded an internet without any rules but all see the real challenge as finding the right rules.” Digital rights groups today thus combine and balance what Goldsmith and Wu (2008, p. vii) call the two “brands of Internet libertarianism: one that distrusts government and one that mistrusts private gatekeepers”. In sum, digital rights groups have historically been critical of state interventions which they perceived to have adverse effects on the freedom and rights of citizens online. However, they are not per se opposed to regulation:

Hypothesis 1: Digital rights groups in the EU support regulation that protects civil rights online but oppose regulation that may negatively affect these rights.

2.2 Business preferences in the digital economy

A binary conception of interest group competition in which civil society groups support and businesses oppose regulation ignores not only heterogeneous lobbying coalitions but also preference divergence among businesses. Lobbying scholars explain heterogeneity among business preferences with the fact that different firms or economic sectors have different adjustment costs to regulatory change. If a firm’s adjustment costs are lower than those of a competitor, it may decide to support the regulatory effort (e.g., Kennard, 2020).

Differentiated adjustment costs may result from the institutional context in which a firm operates. In the context of international standard-setting, such as in the EU, firms may support a proposal that transfers regulatory standards that are already in place in its home market to the supranational level (Holzinger & Sommerer, 2011; Vogel, 1997). Superseding such national differences, regulatory adjustment costs also vary by industry (e.g., Atikcan & Chalmers, 2019; Genovese & Tvinnereim, 2019). Certain industries may simply be less affected by a regulatory change due to their primary business activities or models. Adjustment costs are therefore often not country- but industry-specific and as such have a transnational character (Atikcan & Chalmers, 2019, p. 545). For example, Atikcan and Chalmers (2019) find that in the case of the EU’s General

Data Protection Regulation (GDPR), industry-specific differences where more important than from which member state a business came. Moreover, adjustment costs may even vary within economic sectors, as dominant, market-leading firms may welcome regulation as barriers to entry for potential competitors, as described in economic theories of regulation (den Hertog, 2012). For example, Kennard (2020) has shown how different adjustment costs explain firms' differentiated support for climate policies.

Regarding the digital economy, previous research has highlighted both the differentiated adjustment costs across (Atikcan & Chalmers, 2019; Kemmerling & Trampusch, 2022) and within industries (Newman, 2010; Trampusch, 2023). Newman (2010) as well as Kemmerling and Trampusch (2023) argue that in the digital knowledge economy, businesses' access to important intangible assets (Newman speaks of "information assets") such as data and intellectual property rights determines their regulatory preferences.⁴⁸ For example, firms which already have privileged access to data, may support (or are less opposed to) legislation that limits data-sharing (Newman, 2010; Trampusch, 2023). Kemmerling and Trampusch (2022) conceptualize access to or control over intangible assets as a "digital power resource" that shapes businesses' market power and political preferences. Accordingly, the following hypothesis can be derived from the literature:

Hypothesis 2: Differentiated access to/control over intangible assets determines different regulatory preferences among business interest groups in the digital economy.

2.3 Infrastructural power & intermediary regulation

The second "digital power resource" in the conceptual framework of Kemmerling and Trampusch (2022) is "infrastructural power". This concept refers to the "private control over 'infrastructural' goods that comprise the backbone for much of modern social and economic activity" (Rahman, 2017, p. 1622). "Companies such as Google and Amazon are not just service providers in their own right. They also provide the infrastructure to which an entire economic ecosystem—consisting of myriad other businesses—is now attached" (Culpepper & Thelen, 2020, p. 294). Kemmerling and Trampusch (2022) "understand infrastructural power resources as a firm's control of general purpose resources that are essential for (a broad range of) downstream activities of other actors"

⁴⁸ On intangible assets more generally, see Durand and Milberg (2020).

(ibid., p. 2). Online platforms, financial and telecommunications intermediaries are typical examples of firms with infrastructural power.

Infrastructural power is arguably the key feature of the digital economy, which scholars have characterized as a “platform economy” or as “platform capitalism” (e.g., Culpepper & Thelen, 2020; Kenney et al., 2021; Rahman & Thelen, 2019; Srnicek, 2017).⁴⁹ Platforms’ intermediate position gives them the possibility to shape interactions of different user groups (say between a business and their customers, or between two citizens) on their platform, extract valuable user data, and may make users – firms and individuals – platform-dependent. Accordingly, researchers have studied platforms as “private governors” of online content and data (DeNardis & Hackl, 2015; Gillespie, 2018; Gorwa, 2019).

While the political economy literature has in recent times focused on platforms – and in particular social media and gig/sharing economy platforms – they are only one type of Internet intermediary. The Internet governance literature has long highlighted the importance of other intermediaries, including ISPs, webhosting services, app stores, and search engines (DeNardis, 2014; MacKinnon et al., 2014). All these intermediaries constitute “Internet points of control” (Farrell, 2006; Zittrain, 2003) or “chokepoints” (Farrell & Newman, 2019b; Tusikov, 2017) that can shape the flow of information on the Internet. This makes them prime targets of policy interventions: By regulating intermediaries, governments can not only regulate the firm holding the intermediary position but also the wider set of users which rely on the intermediary.

2.4 Intermediary regulation and lobbying coalitions

Instead of trying to control the end points of digital exchange (sources and destinations), states typically choose to regulate Internet intermediaries. Through intermediary regulation, policy-makers are able to constrain the actions of a greater variety of private actors. This is because intermediaries “control chokepoints in the information infrastructure or in other key networks of resources. They can block or control flows of data or of other valuable resources among a wide variety of other private actors. Thus, it is not always necessary for a state to exercise direct control

⁴⁹ Synthesizing the literature, Seidl (2023, p. 6) defines “platforms” as follows: “Platforms are digital infrastructures that intermediate the interactions of two or more groups. By making it easier for people to find, trust, and transact with each other, platform companies often transform existing markets or create entirely new ones”.

over all the relevant private actors in a given issue area in order to be a successful regulator” (Farrell, 2006, p. 361).

I argue that intermediary regulation is likely to cause an alignment of preferences between the targeted intermediaries and digital rights groups. Digital rights groups oppose both the purpose of the regulation – constraining the freedom of users or their access to information – and its means, outsourcing law enforcement to private companies. Intermediaries oppose the regulation because compliance is costly.

Content regulation is one area in which intermediary regulation is prevalent. Platforms may be tasked with controlling the illegal sharing of copyright-protected works, the spread of hate speech or misinformation and of other content that is deemed indecent (Adler, 2011; DeNardis, 2014; Tusikov, 2017). Such mandates would be costly for Internet intermediaries that would need to invest in human content moderators and automated filtering systems. Digital rights groups, in turn, perceive content regulation as a threat to free expression. Moreover, they criticize that private companies are made to judge whether a particular piece of content is legal or not.

Hypothesis 3a: If a policy intervention targets intermediaries in order to constrain Internet users, intermediaries and digital rights groups align in opposition to the intervention.

If both the intermediaries and digital right groups oppose such legislation, who supports it? First, business groups from other sectors may profit from restrictions on what can be done online. As the introductory anecdote illustrates, copyright legislation, is the prime example. Creative industries seek to limit the (illegal) sharing of protected works online. Alternatively, some civil society groups may support content restrictions in the name of, for example, youth protection or the fight against hate speech.

However, intermediary regulation can also be employed for a second purpose, namely to bind intermediaries in exercising their infrastructural power and to empower intermediary-dependent users and businesses. For example, in the EU, the recently adopted Digital Markets and Digital Services Acts set detailed rules and requirements for “very large online platforms” to safeguard fair competition and transparent content moderation practices (Cini & Czulno, 2022; Cioffi et al., 2022). These laws are arguably the most prominent results of the increased worries about the economic and political influence of online platforms in recent years (Cioffi et al., 2022; Farrell & Newman, 2021). This “empowering” type of intermediary regulation has also long been established in sectors such as financial payments and telecommunications. In these cases, I expect

that digital rights groups as well as intermediary-dependent businesses support regulation while intermediaries, again, oppose regulation.

Hypothesis 3b: If a policy intervention targets intermediaries in order to empower Internet users and/or other businesses, digital rights groups and intermediary-dependent businesses align in favor of the intervention, while the intermediaries oppose the intervention.

So far, I have kept the hypotheses at an abstract-theoretical level. In the next section, I introduce three empirical test cases and derive case-specific expectations.

3. Studying Interest Group Preferences in Three Cases: Personal Data, Online Content, Internet Traffic

3.1 Case selection and data

Following the strategy of selecting “diverse cases” (Seawright & Gerring, 2008, p. 300), I test my theoretical argument in three issue areas that are fundamental to the digital economy: personal data, online content and Internet traffic management. These issue areas vary with regard to the distribution of infrastructural powers and intangible assets across industries and firms. Moreover, all three areas have implications for citizens’ digital rights. They therefore allow me to explore and show how different issues and different regulatory aims or approaches shape interest group coalitions in the digital economy.

I study the issues and coalitions in the context of the EU, which, throughout the 2010s, proposed regulatory initiatives in all three issue areas and invited interest groups and other stakeholders to voice their preferences in the European Commission’s public consultations. The EU is an important case for understanding the politics behind the regulation of digital capitalism. Widely seen as front-runner in regulating digital markets, the EU has been described as a global regulator whose rules often apply extraterritorially and which influences regulatory developments around the world (Bach & Newman, 2007; Bradford, 2020, 2023).

I analyze the responses of interest groups to the European Commission’s public consultations in order to identify interest group preferences and lobbying camps. Responses to the public consultations are a valuable data source for studying interest group competition. They are publicly available on the website of the European Commission and reveal not only which interest groups

are mobilized by an issue but also their policy preferences (cf. Beyers, Bonafont, et al., 2014; Klüver, 2013). By relying on the submitted responses to the consultations, the data collection process follows a top-down policy-centered approach to the sampling of interest groups (Beyers, Dür, et al., 2014). This means the starting point is not an assumed interest group population (i.e. bottom-up sampling) but a set of selected policies. In this way, all mobilized groups are taken into account.

The European Commission usually conducts online public consultations before finalizing their legislative proposals. The study accordingly focuses on interest group networks during the policy formulation stage. During this stage of the policy process, there is an elevated demand for information from policy-makers. Interest groups have an incentive to start lobbying early on in the policy process, because it provides the opportunity to influence the writing of the legislative proposal (Crepaz et al., 2023). Once the policy formulation stage is over and a formal proposal is published, it is much harder to change its shape and content (Klüver, 2013, p. 156). Moreover, at the policy formulation stage, interest groups are likely to express positions closer to their ideal points than at later points in the policy cycle, when strategic considerations have greater weight and legislative negotiations may have narrowed to specific details.

Issue Area	Consultation	Year	No. of responses
Personal data	Public Consultation on the Evaluation and Review of the ePrivacy Directive	2016	141
Content	Public Consultation on Creative Content Online	2008	224
Content	Public Consultation on the Role of Publishers in the Copyright Value Chain and on the "Panorama Exception"	2016	395
Internet traffic management	Public Consultation on Specific Aspects of Transparency, Traffic Management and Switching in an Open Internet	2012	118

Table 3.1. Selected public consultations.

In the following, I introduce the three issue areas – personal data, content, traffic – and derive case-specific expectations. *Table 1* summarizes the public consultations I have selected per issue area.

3.2 Personal data and privacy

Countless authors and reports have described data as the most important asset of the digital economy, which makes control over data an important power resource for businesses (Kemmerling & Trampusch, 2022). At the same time, the ubiquitous collecting and processing of personal data has created fears of corporate and government surveillance. Data protection regulation thus needs to balance economic interests and fundamental rights. While digital rights advocates and other civil society groups advocate for a better legal protection of personal data, businesses tend to prefer less strict regulation (Atikcan & Chalmers, 2019; Laurer & Seidl, 2021). But is business united?

Kemmerling and Trampusch (2022, p. 5) summarize why data matters for companies' market power: "First, data and digital technologies have economies of scale. Data analysis and the development of AI algorithms require (a) huge amounts of (b) sufficiently heterogeneous and (c) up-to-date data. Second, data ownership creates entry barriers. Only few firms can extract enough data themselves to enable big data analyses. Third, data ownership drives innovation potential. Controlling and analysing data enable the improvement or development of products, software and processes." Accordingly, it has been argued that companies' position in the "data value chain" shape their regulatory preferences (Durand & Milberg, 2020; Newman, 2010; Trampusch, 2023). Newman (2010) has argued that firms which already "own" a large stock of data assets are more supportive of data protection regulation and restrictions to data sharing.

Internet intermediaries have an advantage in the collection of personal data. They "have inserted themselves as key social and economic intermediaries, providing often essential services, products, and infrastructures in exchange for our personal data" (Birch et al., 2021, p. 1; see also Fourcade & Kluttz, 2020; Prainsack, 2020). Other businesses, which do not have this direct exchange relationship with consumers, rely on data-sharing agreements with intermediaries or on data brokers (who could themselves be classified as intermediaries) to get access to data. More stringent data protection rules that limit the collection and sharing of personal data could therefore further advantage firms with more "data assets" compared to those with less control over data. In line with Newman (2010) and Trampusch (2023), one may expect that the former

actually support regulation that limits data sharing (see *Hypothesis 2*). However, compliance with data protection is costly for all businesses. It could therefore also be argued that firms are less concerned with the relative costs of regulation (vis-à-vis their competitors) than with the absolute costs of stricter regulation. This leads to two competing expectations:

Data protection expectation I: Digital rights groups support data protection regulation. The preferences of business interest groups vary depending on their differentiated access to/control over personal data.

Data protection expectation II: Digital rights groups support data protection regulation. Business interest groups are united in their opposition to stricter data protection regulation.

I test the expectations in the case of the 2016 *Public Consultation on the Evaluation and Review of the ePrivacy Directive*. The *ePrivacy Directive* (Privacy and Electronic Communications Directive) was first enacted in 2002 to protect the confidentiality of electronic communications, enshrined in Article 7 of the Charter of Fundamental Rights of the EU. It was revised in 2009 to include rules on website “cookies”. After the adoption of the GDPR in 2016, the revision of the ePrivacy Directive was supposed to complete the update of the EU’s privacy regime. However, the revision turned out to be controversial and EU member states so far could not agree on a common position. The public consultations inquired about stakeholders’ preferences regarding website cookies, “over-the-top” communication services such as video telephoning and instant messaging, terminal telecom equipment, and their overall evaluation of the ePrivacy Directive.

3.3 Online content and copyright

While Internet intermediaries are in a privileged position to harness user data, they are less advantaged when it comes to online content. For the most part, they do not produce their own content but rely on user-generated content or on the sharing or aggregating of professional content from the press and cultural industries (music, film and other entertainment industries – hereafter: “publishers”). These latter industries, by contrast, hold significant intellectual property rights, but they increasingly depend on intermediaries such as search engines, news aggregators and social media platforms to reach their audiences (Nielsen & Ganter, 2022). Thus platforms’ “value does not derive from the things they produce but from their ability to benefit from the matches they both facilitate and organize.” (Seidl, 2023, p. 6). Even though this seems to be a relationship of mutual dependence, platforms, thanks to their infrastructural power, have the

upper hand. Nielsen and Ganter (2022, p. 7) quote Axel Springer CEO Matthias Döpfner, who said in 2014: “Google doesn’t need us. But we need Google”. Media and cultural industries have therefore long advocated for intermediary regulation in two areas of online content policy: the fight against copyright infringements and the participation in the revenues that platforms generate through the aggregation and distribution of their content.

Since the 1990s, publishers and rights holders have identified online piracy – illegal file-sharing or streaming – as a central problem of the Internet. In the absence of direct enforcement opportunities, they have demanded that Internet intermediaries enforce copyright by filtering out infringements of their users. However, Western democracies have, since the late 1990s, legally protected intermediaries from liability for user-generated content (Kosseff, 2019; MacKinnon et al., 2014). With regard to copyright infringements, they put into place notice-and-takedown systems, in which intermediaries only had to act once they’ve been notified of illegal content on their services. While intermediary exemptions have become increasingly contested due to worries about online disinformation and hate speech (Farrell & Newman, 2021), copyright has long been one of the most salient issues in online content regulation. Legal proposals to make intermediaries liable for their users’ copyright violations have been repeatedly met with strong public opposition, as the cases of the SOPA/PIPA bills in the US, the multilateral ACTA treaty and the EU Copyright Directive show (Benkler et al., 2015; Dür & Mateo, 2014; Heermann, 2023b; Sell, 2013). Indeed, digital rights groups favour a less strict, more consumer-friendly copyright law and worry about an adverse impact of content filters on freedom of expression and privacy. The use of intermediary regulation to enforce copyright law is therefore a most likely case for *Hypothesis 3a*: I expect a preference alignment between intermediaries, who want to keep their liability protections, and digital rights groups.

Copyright expectation I: Intermediaries and digital rights groups oppose content filtering, publishers support it.

In addition to the fight against online piracy, publishers also want to participate in the revenues of intermediaries. They argue that it is their content – for which platforms do not pay – that makes them attractive to users. A prominent proposal has been the introduction of “neighboring rights” or “ancillary copyrights” for press publishers. The concept of neighboring rights is that if online services such as news aggregators or search engines are reusing press products created by press publishers, they should be required to pay fees to or acquire licenses from said publishers. National neighboring rights in Germany and Spain triggered strong opposition from Google, which threatened to shut down its Google News aggregation service in these countries, as well as from

digital rights groups (Nielsen & Ganter, 2022, p. 47ff.). Nevertheless, the concept of neighboring rights found its way into the EU's 2019 Copyright Directive and has also been implemented in Australia and Canada. In the case of neighboring rights, the infrastructural power of intermediaries and the intellectual property rights of publishers clash. It might therefore also affect the digital rights of platform users, and in particular their access to information. As in the case of copyright filtering discussed above, platforms might also need to police the sharing of their users' content for links to news articles for which they do not have licenses. Accordingly, I expect that *Hypothesis 3a* also holds for this case.

Copyright expectation II: Intermediaries and digital rights groups oppose neighboring rights, publishers support it.

I test the two expectations in the case of two public consultations, the 2008 consultation *Creative Content Online* and the 2016 *Public Consultation on the Role of Publishers in the Copyright Value Chain and on the Panorama Exception*. The 2008 consultation asked whether intermediaries, and in particular ISPs should be tasked with filtering out copyright infringements. Moreover, the consultation picked up a proposal that had recently been adopted in France: Should repeated violations of copyright laws be sanctioned by a suspension of the infringer's Internet access? The 2016 consultation asked interest groups for their positions on introducing neighboring rights for publishers. As a second part, the consultation inquired about preferences regarding the so-called "panorama exception", which addressed the reproduction of works located in public places, such as sculptures.

3.4 Telecommunications policy and Internet traffic management

Intermediary regulation is central to telecommunications policy. Since the privatization of previously state-owned telecommunications infrastructure in the 1980s, states have regulated access to telecommunications networks and services (Schneider, 2001). Managing Internet traffic, ISPs have a key infrastructural role in the digital economy. Through their intermediary position, they can prioritize, throttle or block Internet traffic. This infrastructural power makes traffic management a matter of economic fairness for businesses that depend on ISPs to reach their customers and a question of digital rights for Internet users. For example, ISPs could exploit their gatekeeper position by prioritizing their own services such as music streaming or video conferencing over that of competitors (DeNardis, 2014, p. 131ff.).

The regulation of traffic management has therefore been debated as a question of “net neutrality”. The net neutrality principle states that ISPs should treat all internet traffic on its network equally, without blocking, slowing down or speeding up individual kinds of data, services or applications (DeNardis, 2014; Wu, 2003). “Net neutrality, as a principle, suggests that Internet providers should not give preferential treatment to the transmission of certain Internet traffic over other traffic. Net neutrality, if enacted by law, would legally prohibit service providers from executing differential treatment of some traffic over other traffic” (DeNardis, 2014, p. 141).

The regulation of Internet traffic management through the net neutrality principle is therefore a likely case for *Hypothesis 3b*, namely that a regulatory intervention that targets an intermediary (here ISPs) in order to empower a broader range of private actors (here: users and firms offering content online) leads to a preference alignment between business and digital rights groups.

Net neutrality expectation: ISPs oppose the regulation of Internet traffic management. Other businesses and digital rights groups support the regulation of Internet traffic management.

I test the net neutrality expectation in the case of the 2012 *Public Consultation on Specific Aspects of Transparency, Traffic Management and Switching in an Open Internet*. The consultation inquired, which forms of traffic management are considered by stakeholders as legitimate or necessary without harming the general “openness” of the Internet. In addition, the consultation addressed rules for contracts between consumers and ISPs, including transparency requirements and the switching to other providers. The two aspects of the consultations are connected because if traffic management would be allowed and become a differentiator between different ISPs, then for the telecom market to work, consumers would need to be informed and able to switch between service providers.

Following the public consultation and the subsequent legislative process, the EU has regulated traffic management as part of its *Telecommunications Single Market Regulation* (Regulation (EU) 2015/2120). While the net neutrality question seemed to be settled in the EU, in the US, net neutrality regulation has varied significantly between Democratic and Republican Administrations and has remained a political controversy (Jamison, 2018). Nevertheless, the conflictual relationship between telecom providers and online businesses has also recently resurfaced in the EU with proposals that big online platforms which cause a lot of Internet

traffic should pay special levies to telecom providers to pay their “fair share” on the expansion of broadband networks.⁵⁰

4. Methodological Approach

To test the hypotheses, I map the interest group camps active in EU policy debates using discourse network analysis (DNA). This mixed-method approach combines qualitative content analysis with quantitative modelling of networks (Leifeld, 2017). DNA thus allows me to identify not only the relative positions of interest groups but also the arguments and frames they use to justify their policy positions. The basic idea of DNA is that the more two actors use and agree on the same statements or – in the DNA terminology – “concepts”, “the more similar they are in terms of common arguments in the discourse, and the more likely they will belong to the same discourse coalition” (Leifeld & Haunss, 2012, p. 392), or, in my case, to the same lobbying camp.

I consider each of the selected public consultations (*Table 1*) as a case with its own issue-specific interest group network. I qualitatively code the interest group position papers submitted to each consultation to identify the policy positions and arguments advanced by each group. The subsequent network modelling reveals how interest groups are positioned relative to each other in the political space. For the coding, I use the Discourse Network Analyzer, a specialized software for qualitative content analysis that structures the data in a network format (Leifeld, 2023). For the subsequent analysis and visualization of the data, I use the corresponding package rDNA (Leifeld, 2023) for the statistical software environment R.

I develop an initial codebook for each consultation based on my theory and the European Commission’s consultation questionnaire. Throughout the coding process, I expand the codebook iteratively, to include additional positions and arguments that I identify inductively (cf. Mayring, 2015, p. 85ff.; Schreier, 2012, p. 89f.). The complete codebooks are available in *Appendix A1*. Following the coding procedure developed by Leifeld (2017), I first identify what “concepts” – policy positions and arguments – an interest group refers to. I then code a binary agreement variable indicating whether an interest group agrees or disagrees with a given concept. This yields data in the structure of a “bipartite” or “two-mode” network. Such a network is composed of two types of nodes, interest groups and concepts. The two node types are connected by (weighted)

⁵⁰ Euractiv, 23/02/2023, “EU Commission launches Connectivity Package with ‘fair share’ consultation”, <https://www.euractiv.com/section/digital/news/eu-commission-launches-connectivity-package-with-fair-share-consultation/> (Accessed: 06/09/2023).

edges representing either an interest group's agreement or disagreement with a concept (Leifeld & Malang, 2009, p. 382). Using the DNA software, I then transform the network into a "one-mode", "actor congruence network", where edges and their weights represent similarities among interest groups in terms of (dis)agreement over concepts (Leifeld & Haunss, 2012, p. 392).

In order to identify clusters of interest groups with similar preferences, i.e. lobbying camps, I employ two related methods, namely *community detection* (Girvan & Newman, 2002) and *hierarchical cluster analysis* (Wasserman & Faust, 1994, p. 381f.).⁵¹ Both approaches are based on the structural equivalence of nodes in networks. Structural equivalence refers to the similarity or dissimilarity of entities determined by their connections in a network (Wasserman & Faust, 1994, p. 347f.). In other words, the greater the number of jointly supported (opposed) concepts between two interest groups, the greater their structural equivalence.

From the community structure perspective, a network is composed of "tightly knit groups" of network nodes "between which there are only looser connections" (Girvan & Newman, 2002, p. 7821). The *community detection* approach thus refers to "a collection of techniques for the identification of cohesive subgroups in networks, i.e., subgraphs with many connections internally but few connections to the outside world" (Leifeld et al., 2017, p. 11). There is a broad range of community detection measures available, that – while serving the same purpose – rely on slightly different definitions of what a "community" is, and they therefore might lead to slightly different results (Yang et al., 2016). To ensure the robustness of my results, I thus employ and compare multiple community detection algorithms: Louvain, Edge-Betweenness, Equivalence, Fast & Greedy, Infomap, K-means, Leading eigenvector, and Walktrap. These procedures "are among the most widely used community detection algorithms" (Leifeld et al., 2017, p. 11; cf. Yang et al., 2016). Below, I report the results from the Louvain algorithm (Blondel et al., 2008); the results from the other algorithms are presented in *Appendix A2*. *Hierarchical cluster analysis* is an alternative approach to determine clusters of structurally similar nodes in a network (Wasserman & Faust, 1994, p. 381). In my analysis, hierarchical clustering leads to similar results as the community detection approach. The results are presented as dendrograms (tree diagrams) and reported in *Appendix A3*.

Both, *community detection* and *hierarchical clustering* are exploratory methods that require theoretical interpretation. Therefore, having mapped the interest group space for each

⁵¹ For a comparison between the two approaches, see, e.g., Girvan and Newman (2002).

consultation, I compare the identified interest group clusters.⁵² Visual inspection reveals whether interest group preference indeed align as hypothesized. Moreover, building on the qualitative content analysis, I discuss the arguments advanced by each interest group cluster to confirm whether the theorized logic of preference alignment is reflected in the groups' reasoning.

It is important to emphasize that the clusters show “camps” of interest groups with similar policy preferences but do not tell us whether they also coordinate their lobbying activities.⁵³ Rather than identifying actively cooperating lobbying coalitions (cf. Beyers & De Bruycker, 2018), I identify “discourse coalitions” of interest groups, that advocate for similar positions using similar frames and arguments, without necessarily working together (cf. Leifeld & Haunss, 2012, p. 384f.). Since I’m interested in the composition of interest group camps and not in individual groups, the analysis focuses on interest group (sub-) types. Specifically, I distinguish between business groups according to economic sectors – or “what they do” (Atikcan & Chalmers, 2019) – e.g., finance, advertising, or publishing. On the civil society side, I differentiate between digital rights groups, consumer organizations and other civil society groups. Internet intermediaries may fall, depending on the policy issue, into one of two business categories, “telecom” or “Internet business”. The “telecom” category includes network and Internet access providers (ISPs). By contrast, I code as “Internet business” those firms or sectoral interest groups that provide services via the Internet (e.g., e-commerce, social media, streaming). It is important to distinguish these two business types, because they are potentially targeted by different kinds of intermediary regulation (see discussion in section 3).

5. Results

This section presents and discusses the results of the discourse network analysis of the four public consultations starting with the area of personal data, followed by online content and Internet traffic. *Figures 1, 3, 5 and 7* plot the interest group networks. In the first panel of these figures, node colors represent the interest group types distinguishing between different economic sectors and different civil society groups, enabling a first visual inspection of the data. To better demarcate the different lobbying camps, the second panel of each figure visualizes the clusters identified by

⁵² I use the term “cluster” for the results of both methods.

⁵³ Some scholars use the term “coalition” only for active forms of cooperation between interest groups, e.g., by pooling of resources and making joint public statements (e.g., Beyers & De Bruycker, 2018; Junk, 2019), other also apply it to more broadly to groups sharing the same preferences (e.g., Klüver, 2013; Mahoney, 2007).

the “Louvain” community detection algorithm (Blondel et al., 2008); here node colors represent cluster membership.⁵⁴ The results of the community detection approach are robust to hierarchical cluster analyses, which identifies the same clusters (see *Appendix A3*). To illustrate the discourse, *Figures 2, 4, 6 and 8* depict a selection of the most prominent policy positions and arguments of each consultation. The bar plots show which interest group types agree or disagree with the respective positions or arguments. In the following, I will discuss each consultation in detail.

5.1 Personal data and privacy

Following the adoption of the GDPR in April 2016, the European Commission’s questionnaire for ePrivacy Consultation raised a fundamental question: is a sector-specific regulation of the electronic communications sector still necessary? Or would the absence of EU rules necessitate national legislation? Many business groups from different sectors took the opportunity to call for deregulation, among them Internet businesses, software firms, advertisers, and finance companies. Interestingly, however, telecom firms tended to disagree with the statement that sectoral regulation was now redundant (see *Figure 2, Panel I*). What explains this intra-business divide? The ePrivacy Directive had protected the right to confidentiality in electronic communications, however, newer technologies were not yet covered. Specifically, “over-the-top” (OTT) services – i.e., audio and video services distributed via the Internet such as voice-over-IP telephony and instant messaging – did not yet fall under the scope of the Directive. That meant that traditional telecommunications providers were more strongly regulated than new competitors such as Skype. However, rather than joining the call for deregulation, telecom firms argued that the ePrivacy Directive’s scope should be broadened to include OTT services in order to establish a level-playing field in the sector. Telecom firms thus sided with digital rights groups and consumer protection organizations that strongly objected to deregulation and also supported a stronger regulation of OTT services (*Figure 2, panel III*).

However, as the community detection analysis shows, digital rights groups did not form a heterogeneous lobbying camp. On other policy issues, namely direct marketing and “cookies, telecom firms sided with Internet businesses, advertisers and publishers (*Figure 1, red cluster*). Browser cookies track the behavior of Internet users and thereby enable the targeted and

⁵⁴ The results are robust to the use of alternative community detection algorithms (*Appendix A2*). In some cases, some algorithms identify additional clusters, however, these represent smaller subgroups and do not impact the identification of the main pro-/anti-regulation clusters. Other algorithms – e.g., “Fast & Greedy” (Clauset et al., 2004) – tend to identify only two main clusters, one supportive of and one opposed to regulation.

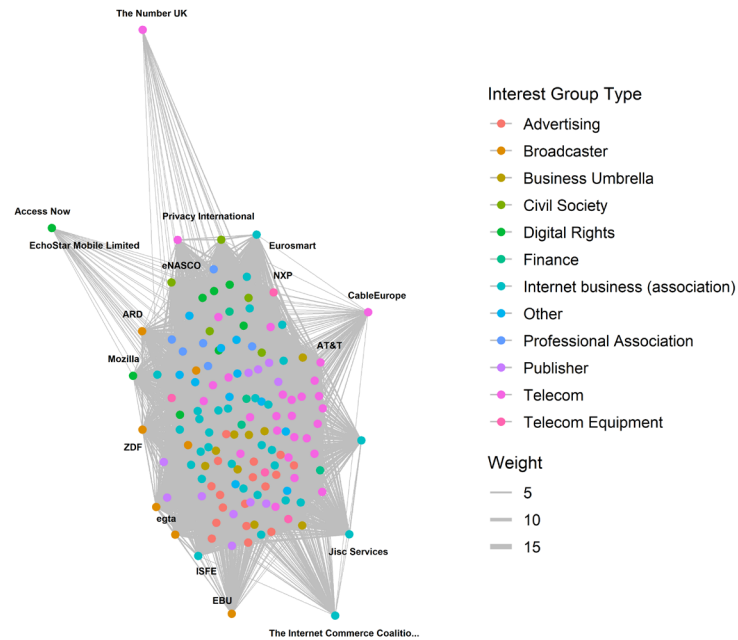
personalized deployment of online advertisement. The regulation of cookies had been included in the ePrivacy Directive in a previous revision in 2009. Now business interest groups called for the self-regulation of cookies (*Figure 2*, panel II). By contrast, digital rights and consumer groups advocated for new restrictions to online tracking, e.g., through the introduction of mandatory “do-not-track” and “privacy-by-default” standards, as well as a switch from “opt-out” to “opt-in” systems in the area of social media marketing. These proposals were widely opposed by business groups (*Figure 2*, panel IV). Online platforms, advertisers and publishers were united in their fear that more stringent consent requirements for user tracking and more privacy-friendly default settings in web browsers would threaten their business models. Still, one argument that distinguished publishers and advertising groups from Internet businesses was their claim that strict cookie regulations would disadvantage them compared to online platforms which had more direct access to data from their registered user base.

In sum, the cluster and content analyses of the ePrivacy Consultation suggest a rather classical business-vs-civil-society divide as formulated in my *Data Protection Expectation II*.⁵⁵ In contrast to arguments made by, for example, Newman (2010) or Trampusch (2023) online platforms did not support stricter cookie regulation even though for them such a policy intervention would have been less costly than for publishers. The ePrivacy case therefore does not support *Hypothesis 2*. Nevertheless, business was not united on all policy issues. Especially telecom firms sought to establish a regulatory level-playing field with their Internet-based competitors, which meant extending the scope of the regulation. Rather than a business divide based on the control over intangible assets (here access to users’ personal data) as formulated in *Hypothesis 2*, preference divergence among businesses was rooted in their different affectedness by the regulatory status quo.

⁵⁵ It should be noted that the pro-regulation camp was not exclusively civil society. The blue civil society cluster in *Figure 1* shows that public broadcasters as well as some private businesses also chose this side.

ePrivacy Consultation

Interest Group Network



Community Detection: Louvain

Colors indicate cluster membership

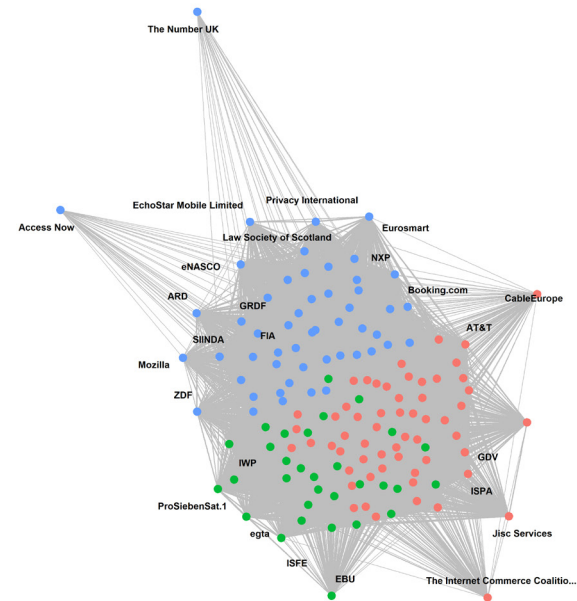


Figure 3.1. Interest group network of the ePrivacy Consultation. In the first panel, node colour depicts interest group types (see legend). In the second panel, node colour depicts cluster membership based on the Louvain community detection algorithm (blue = pro-regulation, orange & green = regulation-sceptic).

ePrivacy Consultation
Selected Policy Positions



Figure 3.2. ePrivacy Consultation: Agreement/disagreement regarding selected policy positions by interest group type.

5.2 Online content and copyright

Copyrights are an important intangible asset in the digital knowledge economy. Publishers and other rights holders therefore have an incentive to protect and enforce copyrights limiting the spread of illegal or unlicensed online content (see *Hypothesis 2*). They have an interest in enlisting online intermediaries in their fight against copyright infringements (the topic of the Creative Content Online Consultation) and to partake in the revenue of online platforms (the topic of the Copyright Value Chain Consultation). I have theorized that intermediary regulation in the area of online content has a constraining character that would lead to an alignment between intermediaries and digital rights groups (*Hypothesis 3a*).

In line with *Hypothesis 3a*, the analysis of the 2008 Creative Content Online Consultation reveals a heterogeneous lobbying camp that unites Internet and telecom businesses on the one hand, and digital rights groups and consumer organizations, on the other hand (the green cluster in *Figure 3*, panel II). The rival camp (blue cluster) is predominantly composed of publishers and collective management organizations. Professional associations representing artists took intermediate positions forming their own smaller cluster together with a few collective management organizations (the orange cluster). Publishers lobbied for the introduction of new liabilities for intermediaries and mandates to filter copyright infringements. By contrast, intermediaries such as ISPs and other Internet businesses advocated for the maintenance of their liability exemptions and opposed costly filter mandates (*Figure 4*, panels I – IV). Their preferences thus aligned with those of digital rights groups, which highlighted the risks that traffic filtering might pose for the freedom of expression and privacy. Filtering was also criticized by all opponents as being ineffective and for turning telecoms into private law enforcers. Instead, the heterogeneous lobbying camp took the stance that online piracy was best fought by creating new and attractive legal offers for creative content on the Internet (*Figure 4*, panels IV & VI). The two rivaling lobbying camps also disagreed over the appropriateness and proportionality of restricting Internet access for repeated copyright violations (“gradual response system”, colloquially “three-strikes” law) as it had been adopted at the national level in France at the time (*Figure 4*, panel V).

The 2016 Copyright Value Chain Consultation reveals a similar split between a publisher camp and a heterogeneous camp (*Figure 5*). Publishers clustered at the upper and left-hand sides of the network (pink and blue clusters in *Figure 5*, panel II).⁵⁶ Unsurprisingly, they were overwhelmingly in favor of introducing new neighboring rights for press publishers. The publisher camp argued that neighboring

⁵⁶ While the Louvain algorithm separates the pink and blue clusters, other community detection algorithms such as Fast & Greedy put them into the same cluster. Clearly both Louvain clusters are supportive of neighbouring rights.

rights would secure and encourage investment in news and support a diverse media ecosystem thus benefitting democracy and democratic debate (*Figure 6*, panels I & III). An exception were book publishers, who, because they were not themselves in the press business, would not be affected by the neighboring rights proposal and therefore took a neutral position (the golden cluster at the bottom-right of the network).

Opponents of neighboring rights clustered on the lower right-hand side of the network (green cluster in *Figure 5*, panel II). This lobbying camp was diverse. It included Internet businesses, who would be required to pay for licenses to continue their current business practices, as well as digital rights and consumer groups, libraries, and some research institutions. The interest groups in this heterogeneous camp argued that neighboring rights would harm the free flow of information, reduce traffic to news websites and create new barriers of entry into the market (*Figure 6*, panels II, IV, V & VI). Accordingly, media diversity would be undermined rather than strengthened. Interestingly, a small number of professional associations representing creatives, including journalists, also opposed neighboring rights. Their main argument was that such rights would favor primarily publishers rather than creatives, thereby tilting the power balance of publishers as employers and creatives as employees further towards the former's side. While this argument was rather at the margins of the overall discourse, it illustrates that copyright laws entail more conflicting interests than those of online platforms and publishers.

In addition to the debate about neighboring rights, the Copyright Value Chain Consultation also included a section about the “panorama exception”, regulating the reproduction of works located in public places. Interest groups invested in this issue barely engaged with the neighboring rights debate and therefore formed a separate cluster at the upper right-hand side of the network (orange cluster in *Figure 5*, panel II).

In sum, the two online content/copyright cases confirm the two *Copyright Expectations* and support *Hypotheses 2 and 3a*. Publishers and collective management organizations lobbied for the introduction of new intermediary regulations to protect their intellectual property, an important intangible asset in the digital economy. In the 2008 consultation they sought to strip intermediaries from their liability protections for user-generated content and require them to filter online content to detect copyright infringements. In 2016, they advocated for the introduction of new neighboring copyrights to gain new revenues from online platforms. In both cases, intermediaries and digital rights groups opposed these policy proposals using a combination of economic and rights-based arguments. That said, the latter camp was broader, also including a variety of other (civil society) actors, such as libraries and research institutions. Noticeably, in both cases, the professional associations of artists and journalists took more moderate positions than publishers, even though the latter typically claim to speak for them.

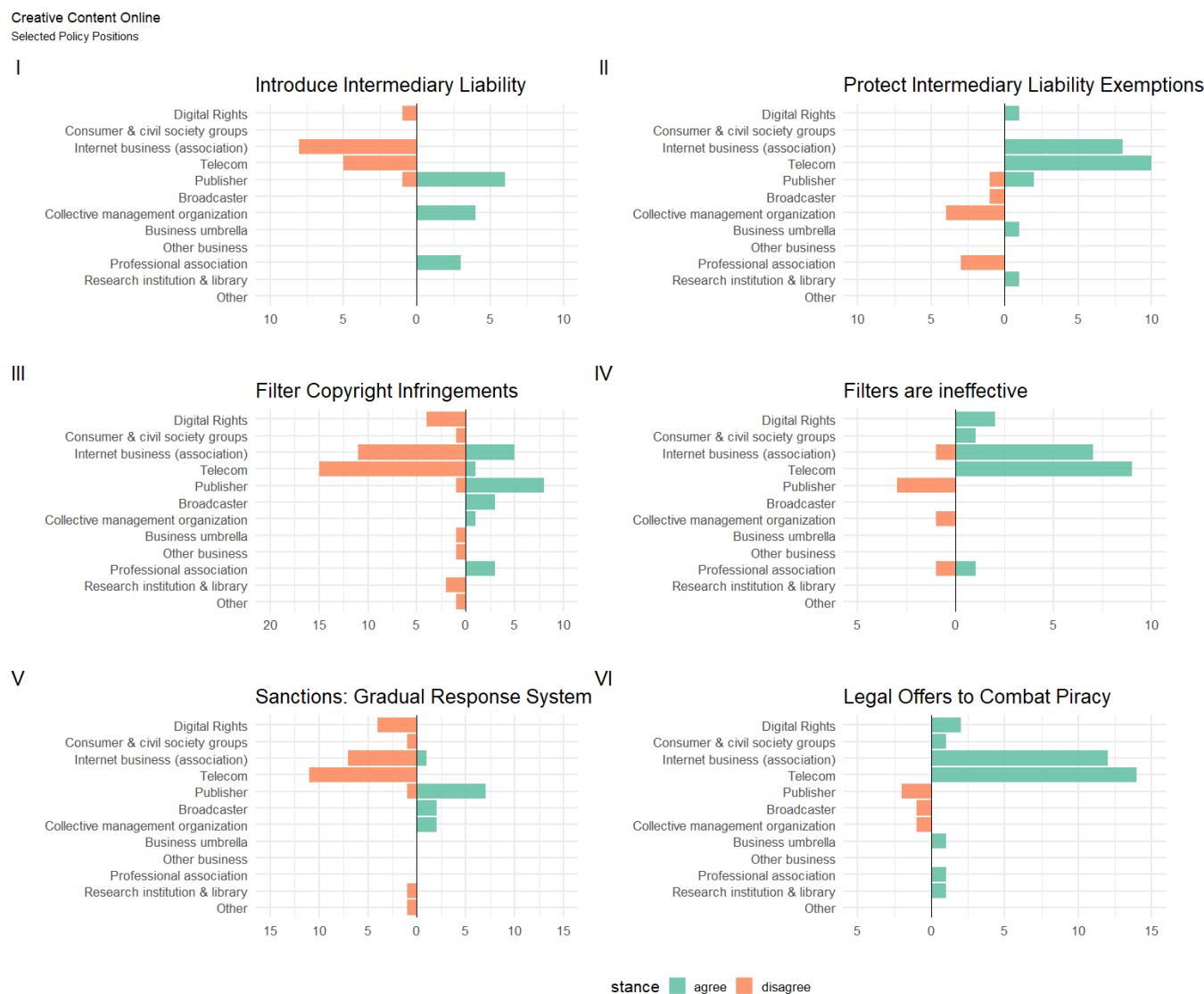
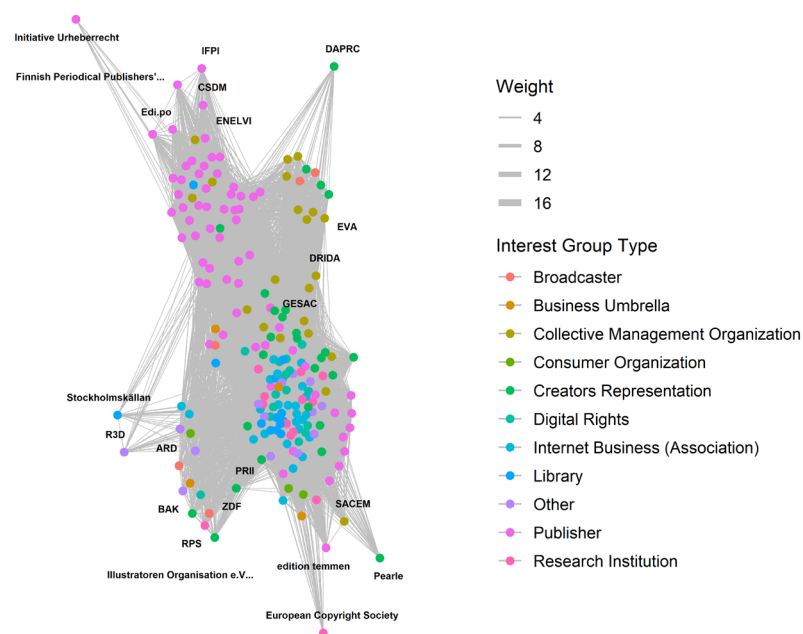


Figure 3.4. Creative Content Online Consultation: Agreement/disagreement regarding selected policy positions by interest group type.

Copyright Value Chain Consultation

Interest Group Network



Louvain

Colors indicate cluster membership

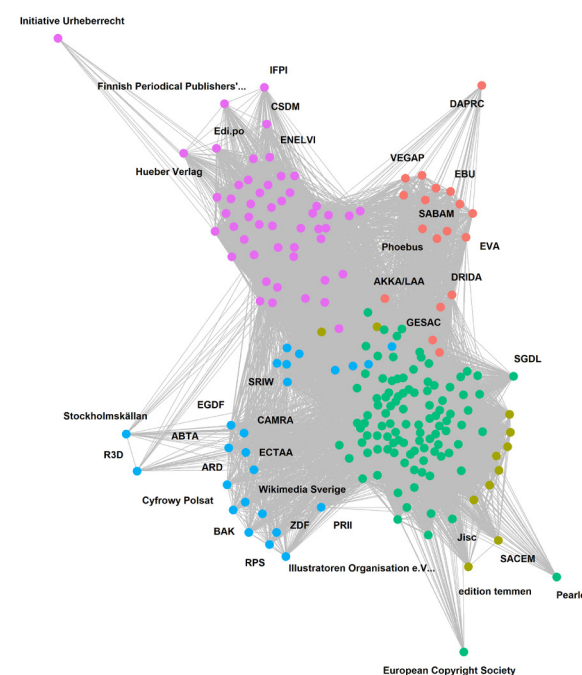


Figure 3.5. Interest group network of the Copyright Value Chain Consultation. In the first panel, node colour depicts interest group types (see legend). In the second panel, node colour depicts cluster membership based on the Louvain community detection algorithm (pink & blue = pro-regulation, green = anti-regulation, gold = neutral, orange = focused on “panorama exception”).

Copyright Value Chain Consultation
Selected Arguments: Neighbouring Rights...

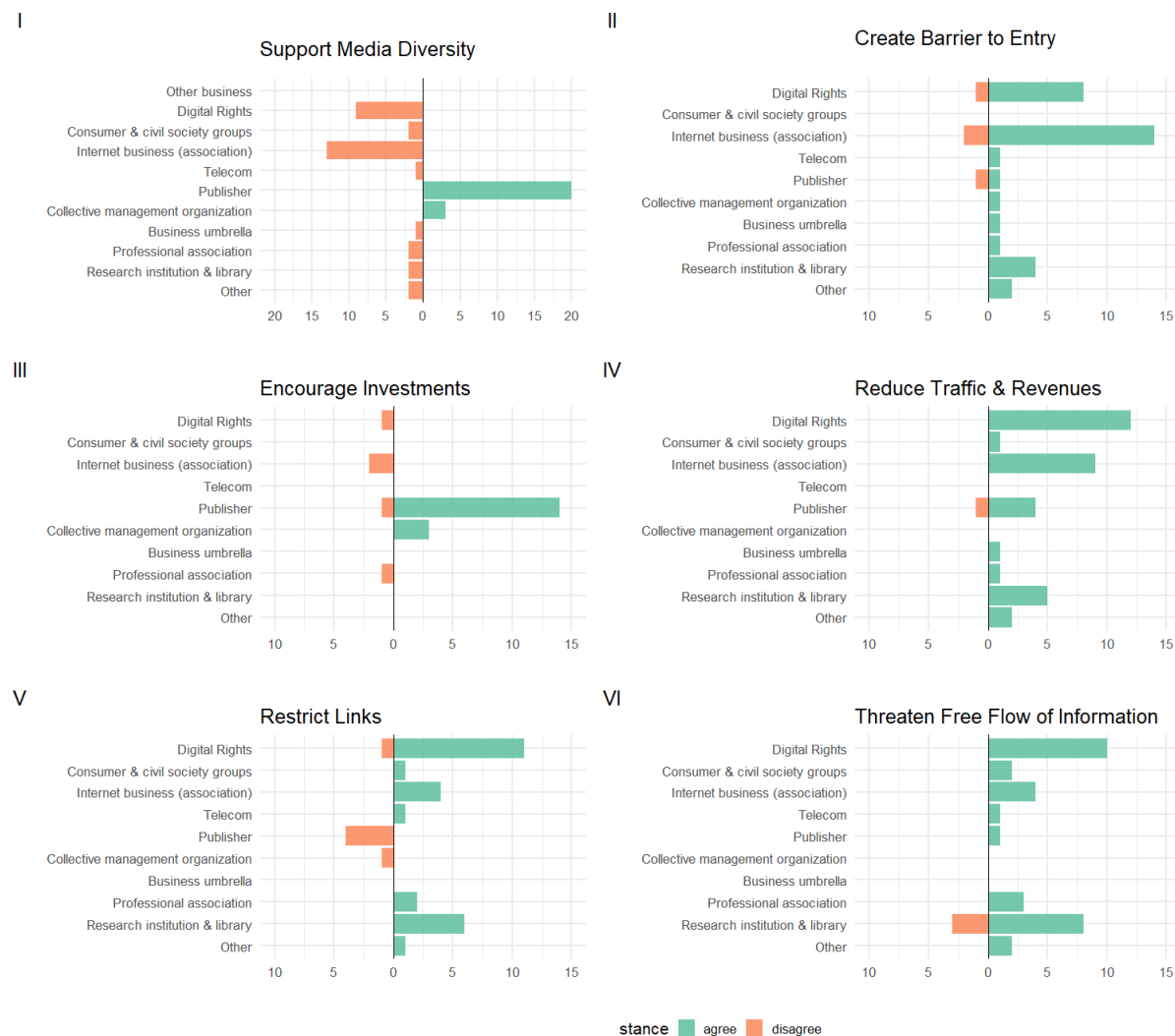


Figure 3.6. Copyright Value Chain Consultation: Agreement/disagreement regarding selected policy positions by interest group type.

5.3 Telecommunications policy and Internet traffic management

Managing the flow and speed of Internet traffic, telecom network and Internet service providers are crucial intermediaries in the digital economy. The regulation of Internet traffic management through the legal enshrinement of the net neutrality principle therefore constitutes an “empowering” form of intermediary regulation that constrains the discretion of ISPs. Following *Hypothesis 3b*, I therefore expect that ISPs oppose regulation while a heterogeneous lobbying coalition of digital rights groups and businesses from various other sectors supports net neutrality.

The structure of the discourse network of the Open Internet Consultation supports this expectation. The blue cluster on the left side of the network plot is largely composed of firms from the telecom sector that oppose net neutrality regulation (*Figure 7*, panel II). In addition, the US-American ISPs AT&T and Verizon form a smaller orange cluster on the upper left side. They seem to have taken an even stronger stance against the proposed net neutrality regulation as compared to their European peers. By contrast, the large green cluster on the right-hand side of the network is far more heterogeneous. It includes not only digital rights groups and consumer organizations but also Internet businesses and broadcasters. Publishers are split between the two clusters. Press publishers (e.g., FEP, VDZ, BDZV) support net neutrality and in their statements stress the importance of net neutrality for media plurality. By contrast, publishers focusing on entertainment rather than on news (e.g., ICMP) argue that traffic management may be used to fight copyright infringements and therefore side with the telecom cluster. Moreover, it is interesting to see that Digital Europe, the biggest Internet business group in Europe, as well as its German equivalent Bitkom are also part of the anti-regulation cluster, even though many of their members support net neutrality regulation. Indeed, it turns out that Internet businesses including Google and Skype have used a different association to express their opposition to traffic management, the Voice on the Net Coalition Europe (Von Europe), which has a narrower focus on Voice-over-IP applications and is located in the pro-regulation cluster.

Looking at the positions and arguments expressed by the interest groups, the stark opposition between telecom firms and most other business and civil society groups becomes clearer (*Figure 8*). The telecom sector stands out by its clear rejection of EU regulation is necessary and the denial that there are still barriers for consumers to switch between different ISPs. Instead, they express their support for managed services, i.e., subscription services for e.g., video-conferencing or streaming which get priority speeds. They argue that managed services as a new business model would incentivize investments in the network infrastructure and therefore benefit the overall Internet ecosystem. Digital rights groups and Internet businesses disagreed. They argue that allowing traffic management would allow telecom firms to favor their own managed services, create barriers of entry and thus reduce competition. To meet the increasing demand for Internet traffic, telecom providers should invest in

their network infrastructure rather than trying to manage existing capacities. In addition to this economic debate, net neutrality supporters also raise a civil rights argument. They worry that the use of “deep packet inspection”, a method to classify and manage Internet traffic, constitutes a privacy infringement as it would allow ISPs to collect data on what kind of online content their customers consume.

In sum, the analysis of the Open Internet Consultation confirms the *Net Neutrality Expectation* and thus supports *Hypothesis 3b*. Net neutrality creates a cleavage between the targeted intermediaries – telecom firms – and those expected to profit from constrained intermediaries: firms offering content and services on the Internet as well as digital rights groups and consumer organizations. An exception is that some entertainment-focused publishers apparently saw an instrumental opportunity to use traffic management and deep packet inspection as ways to fight copyright-infringements.

5.4 Discussion

The four public consultations provide a comprehensive picture of interest group alignments in the digital economy (see *Table 2*). First, in line with *Hypothesis 1*, the analysis shows that digital rights groups are far from being anti-regulatory cyber-libertarians. Rather, they support stronger legal protections of personal data in the case of the ePrivacy Consultation and the legal enshrinement of the net neutrality principle as well as strict limits to Internet traffic management in the case of the Open Internet Consultation. Digital rights groups did, however, oppose intermediary regulation in the area of online content. They rejected both copyright filters and neighboring rights, citing worries about adverse effects on free expression and the free flow of information. Importantly, in all four consultations, digital rights groups were aligned with other civil society groups and in particular with consumer organizations. There is no evidence that digital rights groups exhibit a specific “Californian ideology” that would separate them from other parts of European civil society.

Moreover, the four consultations reveal important intra-business divides in the areas of online content and Internet traffic management, but less so in the area of personal data. When it comes to online content, publishers and other rights holders supported intermediary regulation to protect their intellectual property rights and to partake in the economic gains of online platforms. Internet businesses and telecom firms opposed these regulatory proposals: In the case of Internet traffic management, telecom firms wanted to avoid regulation, while business interests from other sectors sought to constrain their gatekeeping powers. In contrast, in the ePrivacy case, there was no clear divide between different economic sectors (with the important exception of the OTT issue). Businesses

across the board preferred increased self-regulation over new rules regarding cookies and direct marketing. *Hypothesis 2* can therefore be only partially confirmed.

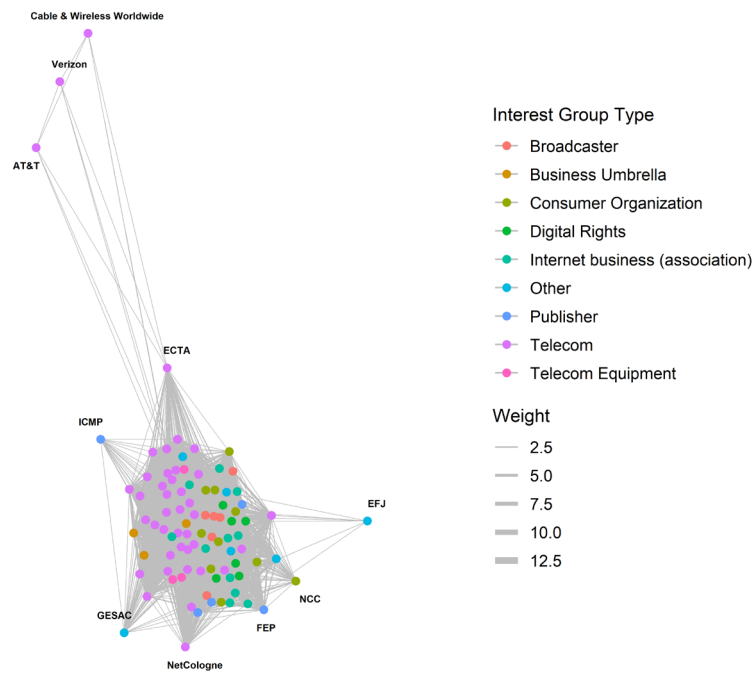
Hypotheses 3a and 3b addressing the conditions for a preference alignment between digital rights groups and Internet businesses can be confirmed. Both, digital rights groups and Internet intermediaries opposed intermediary regulation in the area of online content, which was perceived to constrain not only the intermediary businesses but also Internet users (*H3a*). Meanwhile, Internet traffic regulation constitutes an “empowering” form of intermediary regulation from which both users, and a variety of business actors would profit. Accordingly, there was a broad heterogeneous lobbying camp in favor of intermediary regulation (*H3b*). By contrast, data protection is not primarily a form of intermediary regulation but constrains businesses across the board. Consequently, the ePrivacy Consultation revealed a clearer business-civil society divide.

Hypotheses	Personal data	Online content	Internet traffic
Hypothesis 1. Digital rights groups in the EU support regulation that protects civil rights online but oppose regulation that may negatively affect these rights.	Confirmed	Confirmed	Confirmed
Hypothesis 2. Differentiated access to/control over intangible assets determines different regulatory preferences among business interest groups in the digital economy.	Not confirmed	Confirmed	Confirmed
Hypothesis 3a. If a policy intervention targets intermediaries in order to constrain Internet users, intermediaries and digital rights groups align in opposition to the intervention.	Not applicable	Confirmed	Not applicable
Hypothesis 3b. If a policy intervention targets intermediaries in order to empower Internet users and/or other businesses, digital rights groups and intermediary-dependent businesses align in favor of the intervention, while the intermediaries oppose the intervention.	Not applicable	Not applicable	Confirmed

Table 3.2. Summary of the findings.

Open Internet Consultation

Interest Group Network



Community Detection: Louvain

Colors indicate cluster membership

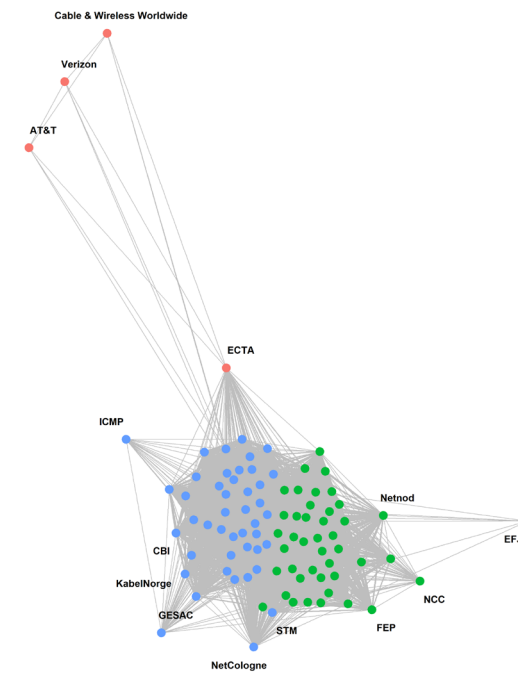


Figure 3.7. Interest group network of the Open Internet Consultation. In the first panel, node colour depicts interest group types (see legend). In the second panel, node colour depicts cluster membership based on the Louvain community detection algorithm (green = pro-regulation, blue & orange = anti-regulation).

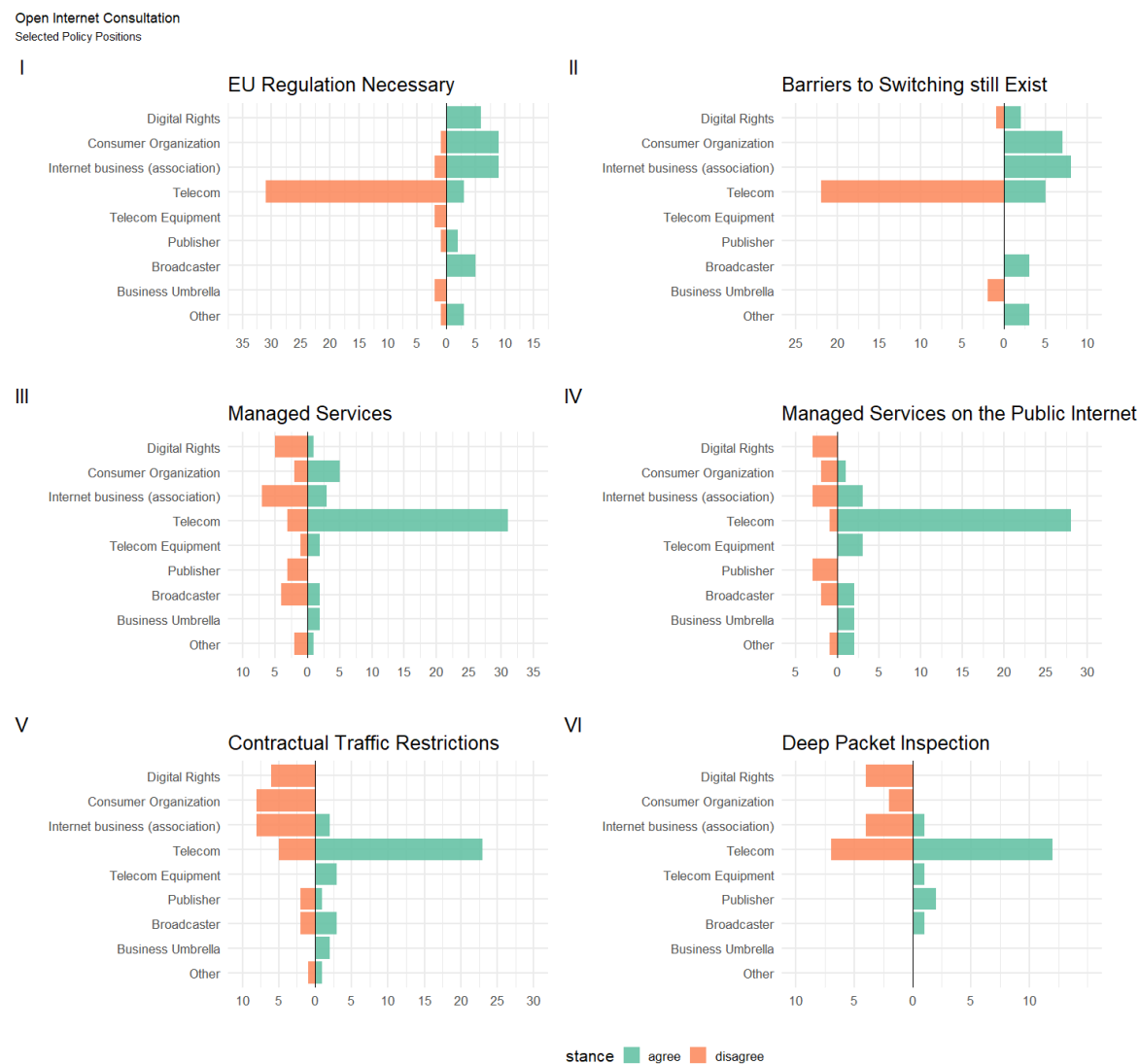


Figure 3.8. Open Internet Consultation: Agreement/disagreement regarding selected policy positions by interest group type.

6. Conclusion

Online platforms have become some of the most valuable companies in the world, and they are investing enormous resources in their lobbying operations (Corporate Europe Observatory, 2021). Beside their spending power, it has been argued that platforms are able to mobilize their users to prevent the costly regulation of their business models (Culpepper & Thelen, 2020). Moreover, critics of “Big Tech” have claimed that digital rights activists share a cyber-libertarian “Californian ideology” with Silicon Valley firms. In this article, I have argued that Culpepper and Thelen’s focus on consumers neglects digital rights groups as principled civil society organizations and that the “Californian ideology” critique misrepresents the beliefs and preferences of European digital rights groups.

Instead, I have developed a structural explanation for the conditions under which digital rights groups and online platforms may become lobbying allies. Building on the insight that online platforms and other Internet intermediaries have the “infrastructural power” (Kemmerling & Trampusch, 2022; Rahman, 2017) to act as “chokepoints” (Farrell & Newman, 2019b; Tusikov, 2017) in the digital economy, I have formulated expectations regarding the preference alignment and contestation among (different types of) interest groups. Specifically, I have argued that the preferences of digital rights groups and online platforms align, when governments use *intermediary regulation to constrain* the freedom of Internet users. By contrast, when intermediary regulation aims to limit the discretionary power of intermediaries in order to *empower* users and intermediary-dependent businesses, digital rights groups should welcome the regulation of platforms and other intermediaries.

Empirically, the article has charted the patterns of interest group contestation in three issue areas central to the digital economy – data protection, online content, and Internet traffic management – using the case of the EU, a widely recognized frontrunner in the regulation of digital markets. The analysis of interest group position papers submitted to four European Commission consultations supports my theoretical expectations. In the area of online content, digital rights groups and online platforms were aligned in their opposition to intermediary regulation, which, in their view, constrains Internet users’ freedom of expression and the free flow of information. The area of Internet traffic management also saw the formation of a heterogeneous lobbying camp. In this case digital rights groups and businesses from many different economic sectors supported the “net neutrality” principle in order to limit the discretionary power of ISPs. In contrast to these two areas, the data protection case was not a regulation that specifically targeted intermediaries. Accordingly, a more conventional business-vs.-civil society divide emerged.

My empirical analysis covers four public consultations conducted between 2008 and 2016. The policy issues addressed in these consultations remain, nevertheless, relevant and politically contested in and

beyond Europe. European data protection law continues to influence legislative developments around the world (Bradford, 2020), while at home its implementation and enforcement remains a debated issue.⁵⁷ In the last two years, Australia and Canada have introduced neighboring rights for press publishers similar to those developed in the EU, despite heavy counter-lobbying by Google and Meta.⁵⁸ Net neutrality in the US remains a partisan issue with subsequent US administrations drastically revising the rules formulated by their predecessors (Jamison, 2018). The topic has also reemerged in the EU in the context of a European Commission proposal on the financing of broadband networks.⁵⁹ Furthermore, in light of rising worries about misinformation and foreign influence campaigns, the regulation of online content and of social media content moderation has become increasingly politicized (Alizadeh et al., 2022; Farrell & Newman, 2021). As democratic governments around the world seek to regulate digital markets and in particular large online platforms, the theoretical mechanisms developed and tested in this article thus contribute to our understanding of the interest group coalitions and lobbying dynamics in this important policy field.

Political scientists have long understood that policy determines politics. By applying this notion to Internet policy, the article contributes not only to our understanding of digital capitalism but also to the interest group literature on heterogeneous lobbying coalitions (Beyers & De Bruycker, 2018; Junk, 2019; Phinney, 2017). In particular, I move beyond previous studies which have looked at the formation and success of heterogeneous coalitions and also address the fundamental questions when and why the preferences of business and civil society groups align in the first place.

⁵⁷ For political developments see, Politico, 16/12/2021, “Ireland frets as criticism over Big Tech links goes mainstream”, <https://www.politico.eu/article/ireland-frets-criticism-over-big-tech-links-goes-mainstream/>; Politico Europe, 04/07/2023, “European Commission cooks up GDPR steroids shot”, <https://www.politico.eu/article/eu-commission-cooks-up-gdpr-steroids-shot/> (Both links accessed 22/10/2023). For research on enforcement see, e.g., Sivan-Sevilla (2022) and Li and Newman (2022).

⁵⁸ For Canada’s Online News Act, see The Associate Press, 22/06/2023, “Canada will require Google and Meta to pay media outlets for news under bill set to become law”, <https://apnews.com/article/google-meta-canada-news-online-bill-47b782ca56ecec25bc633c9a9b5417f9>; for Australia’s News Media and Digital Platforms Mandatory Bargaining Code see The New York Times, 18/02/2021, “A New-Media Showdown in Australia”, <https://www.nytimes.com/2021/02/18/opinion/Australia-Facebook-Google-news.html> (Both links accessed 22/10/2023).

⁵⁹ Euractiv, 23/02/2023, “EU Commission launches Connectivity Package with ‘fair share’ consultation”, <https://www.euractiv.com/section/digital/news/eu-commission-launches-connectivity-package-with-fair-share-consultation/> (Accessed: 06/09/2023).

Appendix for Chapter 3

A1. Codebooks

All “concepts” below are coded in a two-stage process. First, does an interest group refer to the concept? Second, does the interest group agree or disagree with the concept (see Section 4 of the main text).

A1.1. Codebook: ePrivacy Consultation

1. Is there still need for a sector-specific regulation?

- GDPR makes the sector-specific privacy regulation redundant.
- Support self-regulation with regard to tracking cookies.
- National measures would be needed if there were no EU legislation on e-Privacy for the electronic communication sector.
- Specific rules at EU level are necessary to ensure an equivalent level of protection (full protection) across the EU regarding the right to privacy and confidentiality with respect to the processing of personal data in the electronic communications sector.
- Specific rules at EU level are necessary to ensure the free movement of personal data processed in connection with the provision of electronic communication services.
- Specific rules at EU level are necessary to ensure free movement of electronic communications equipment and services.

2. Behavioural advertisement as a business model:

- Legislation should not preclude certain business models.
- Information society services should be required to make available a paying service (without behavioural advertising), as an alternative to the services paid by users' personal information.
- Information service providers should not have the right to prevent access to their non-subscription-based services in case users refuse the storing of identifiers in their terminal equipment (i.e., identifiers not necessary for the functioning of the service).
- Adopt legislation defining mechanisms for expressing user preferences regarding whether they want to be tracked (do-not-track mechanism).
-

3. Over-the-top services:

- The scope of the Directive should be broadened to include OTT service providers.

4. Terminal equipment

- Require manufacturers of terminal equipment including operating systems and browsers to place on the market products with privacy by default settings.
- Introduce provisions prohibiting specific abusive behaviours, irrespective of user's consent (e.g., unsolicited recording or filming by smart home devices).

5. Direct Marketing: Opt-in vs. Opt-out

- Member States should retain the possibility to choose between a prior consent (opt-in) and a right to object (opt-out) regime for direct marketing telephone calls (with human interaction) directed toward individual citizens.
- Consent (opt-in) regime for direct marketing communications by telephone calls with human interaction.
- Apply opt-in rules to marketing messages sent through social media the same rules as for email rather than opt-out rules (opt-in regime for social media marketing).

6. Other:

- A regulation is preferable to a directive.
- The costs of compliance with the ePrivacy Directive are proportionate to the objectives pursued.
- Privacy protection should not be commodified.
- Governments should not ban, limit or undermine encryption tools.

A1.2. Codebook: Creative Content Online Consultation

1. Policy Positions regarding intermediary regulation (liability):

In favour:

- Intermediaries should be held liable.
- Intermediaries should cooperate more actively.
- Mandate the filtering of copyright infringements.

Against:

- Protect intermediary liability regime of the e-Commerce Directive.
- Maintain notice-and-take-down system.
- Prevent privatized law enforcement.

2. Arguments regarding content filtering

General:

- Filtering is disproportionate.

Rights-based:

- Filtering endangers freedom of expression.
- Filtering endangers privacy.
- Filtering needs stronger safeguards against unintended consequences.
- Filtering is unable to distinguish legal and illegal uses of content resulting in overblocking.

Economic:

- Costs of filtering are detrimental to competition and exacerbate digital divide.

Procedural:

- Filtering is ineffective/can be easily circumvented.

3. Sanctions for copyright violations

- Graduate response system (replicate French sanctions).
- Termination of Internet access is disproportionate.
- Do not prosecute non-profit file-sharing.
- Legal offers better suited than sanctions to combat piracy.

4. Digital rights management:

- Support the use of digital rights management.
- Digital rights management must become more user friendly.

5. Multi-territorial licenses for creative content:

- Support multi-territorial licensing.
- Multi-territorial licensing with adequate compensation for creators.
- Multi-territorial licensing without regulatory action.

6. General:

- Balance rights holder and consumer interests.
- Take into account user-generated content.
- News aggregators have a parasitic business model.

A1.3. Codebook: Copyright Value Chain Consultation

1. Neighbouring Rights

1.1. Positions

- Introduce Neighbouring Rights: yes/no.
- Protect existing intermediary liability regime.

1.2 Arguments in favour:

Democracy:

- Neighbouring rights promotes media diversity/media pluralism.
- Positive impact of neighbouring right safeguards democracy.

Economic:

- Neighbouring rights enables more investments in journalism/creative works.
- Neighbouring rights facilitates copyright enforcement.
- Protect European media against unfair competition.
- Positive experiences with national neighbouring rights.

Beneficiaries:

- Authors benefit from neighbouring rights.
- Consumers benefit from neighbouring rights.
- Publishers benefit from neighbouring rights.
- Online service providers benefit from neighbouring right.
- Other rights holders benefit from neighbouring right.
- Research institutions benefit from neighbouring rights.

1.3 Arguments against:

General:

- No copyright problem to solve/relevant rights already in place.
- Publishers already in control.
- Neighbouring rights creates legal uncertainty.
- Aggregators/search engines provide a distinct, legitimate service.

Rights-based:

- Neighbouring rights restrict ability to link to and to share content.
- Negative impact of neighbouring rights on the free flow of information online.
- Negative impact of neighbouring right on the free flow of scientific knowledge.
- Negative impact of neighbouring rights on open access publishing and creative commons licenses.

Economic:

- Neighbouring rights foster territorial fragmentation/inhibits digital single market.
- New rights create new barriers to entry/harm start-ups.
- Neighbouring right reduce innovation.
- Neighbouring right reduce traffic and therefore revenues.
- Negative impact of neighbouring right on text and data mining.

Distributive: Authors vs. publishers

- Neighbouring rights for publishers diminish author rights.
- Need to strengthen authors' bargaining position vis-a-vis publishers.

2. Panorama exception

- EU-level panorama exception for non-commercial use of works.
- EU-level panorama exception for commercial and non-commercial use of works.
- Distinction between commercial and non-commercial uses of photographs is unworkable.

3. Other

- Ad blocking is illegitimate.

A1.4. Codebook: Open Internet Consultation

Policy Positions:

1. General

- EU regulation is necessary.

2. Against intermediary regulation: unregulated traffic management

- Managed services on the public Internet.
- Applying traffic management to managed services.
- Traffic management implemented at the full discretion of the ISP.
- Traffic management targeting heavy users.
- Traffic management against services competing with the ISP's own services.
- Explicit contractual restrictions (e.g. on P2P or VoIP).
- Deep packet inspection.
- Net neutrality exception to combat piracy.

3. In favour of intermediary regulation: restrictive traffic management

- Limit traffic management to technical reasons.
- Application-agnostic traffic management.
- Customers should be able to easily opt out from certain contractual restrictions (up to a completely unrestricted offer) by the same operator.

Arguments:

1. General arguments:

- Barriers to switching between ISPs still exist.
- Business-2-Business requires different regulatory approach than Business-2-Consumers.

2. Positive consequences of traffic management:

- Managed services incentivizes/enables investment in network capacity.

3. Negative consequences of traffic management (economic):

- Managed services reduce network capacity for best-effort Internet.
- Managed services/traffic management reduce competition.

4. Negative consequences of traffic management (civil rights):

- Deep packet inspection endangers privacy.

5. Infrastructure vs. managed services:

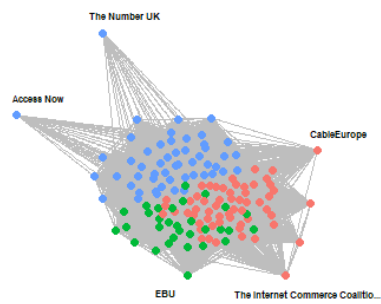
- Infrastructure-competition rather than service-competition.
- Upgrade the necessary network capacity rather than applying network management measures.
- There should be a limit on the discrepancy between advertised and actual service parameters (e.g. speed).

A2. Alternative Community Detection Algorithms

A2.1. ePrivacy Consultation

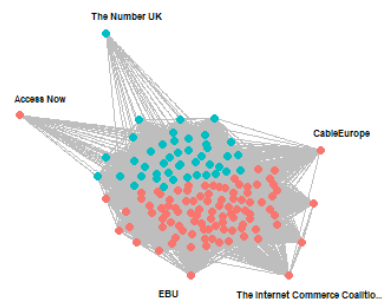
Louvain

Colors indicate cluster membership



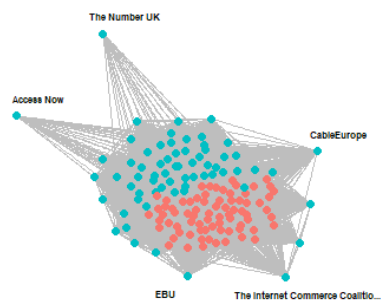
Infomap

Colors indicate cluster membership



K-Means

Colors indicate cluster membership



Fast & Greedy

Colors indicate cluster membership

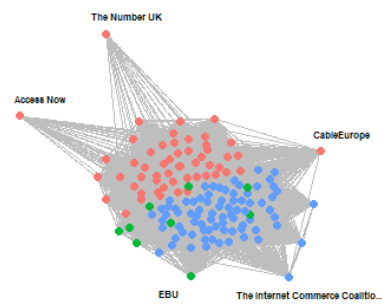
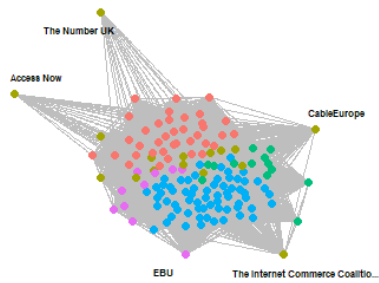


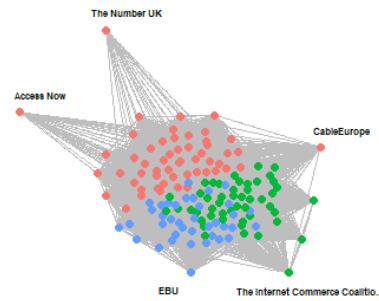
Figure A2.1.1. ePrivacy Consultation: Community Detection.

Equivalence

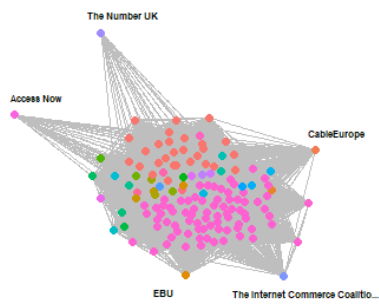
Colors indicate cluster membership

**Leading Eigenvector**

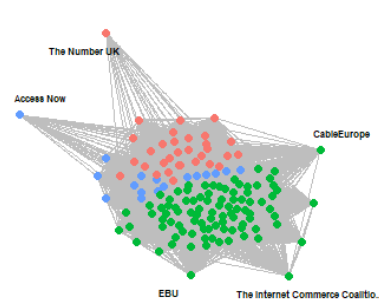
Colors indicate cluster membership

**Edge Betweenness**

Colors indicate cluster membership

**Walktrap**

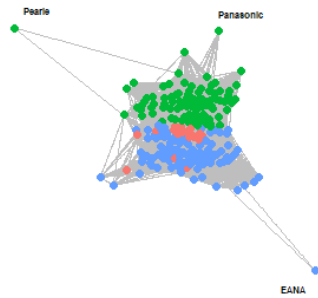
Colors indicate cluster membership

**Figure A2.1.2.** ePrivacy Consultation: Community Detection.

A2.2. Creative Content Online Consultation

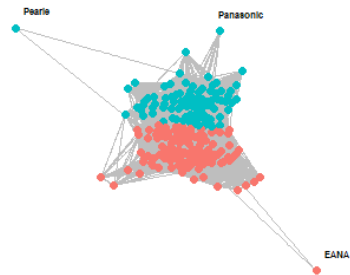
Louvain

Colors indicate cluster membership



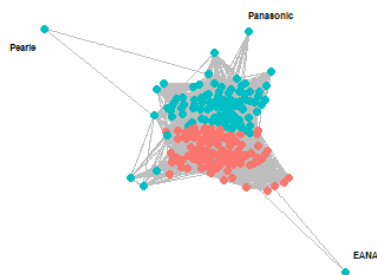
Infomap

Colors indicate cluster membership



K-Means

Colors indicate cluster membership



Fast & Greedy

Colors indicate cluster membership

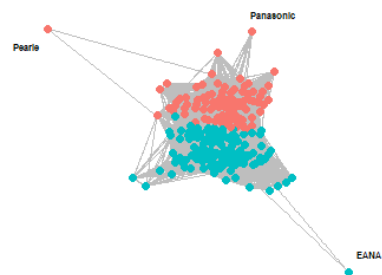
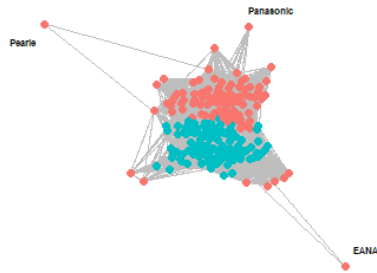


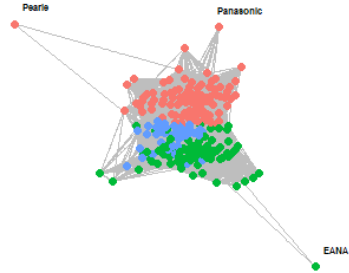
Figure A2.2.1. Creative Content Online Consultation: Community Detection.

Equivalence

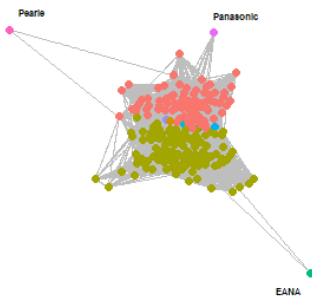
Colors indicate cluster membership

**Leading Eigenvector**

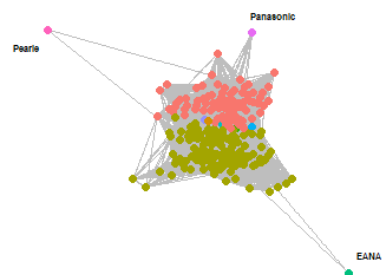
Colors indicate cluster membership

**Edge Betweenness**

Colors indicate cluster membership

**Walktrap**

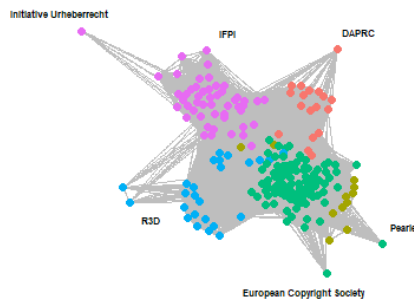
Colors indicate cluster membership

**Figure A2.2.2.** Creative Content Online Consultation: Community Detection.

A2.3. Copyright Value Chain Consultation

Louvain

Colors indicate cluster membership



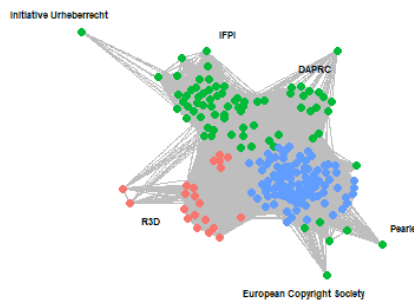
Infomap

Colors indicate cluster membership



K-Means

Colors indicate cluster membership



Fast & Greedy

Colors indicate cluster membership

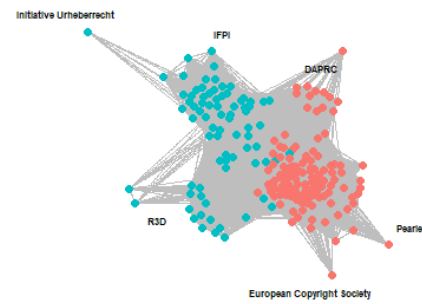
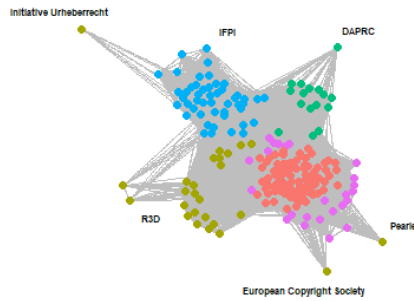


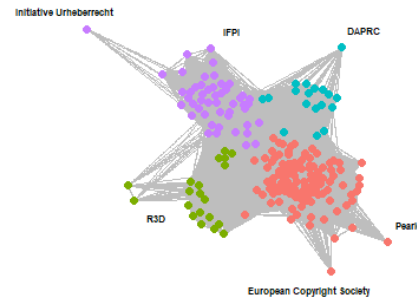
Figure A2.3.1. Copyright Value Chain Consultation: Community Detection.

Equivalence

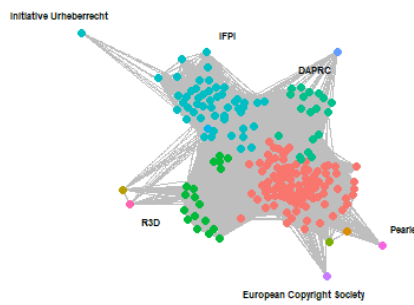
Colors indicate cluster membership

**Leading Eigenvector**

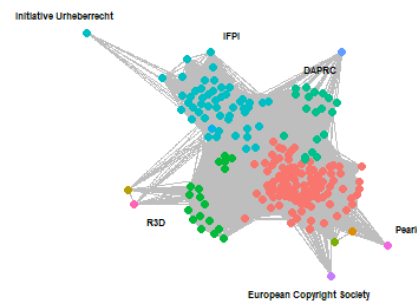
Colors indicate cluster membership

**Edge Betweenness**

Colors indicate cluster membership

**Walktrap**

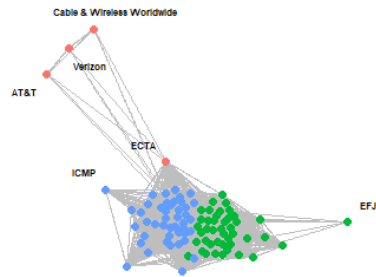
Colors indicate cluster membership

**Figure A2.3.2.** Copyright Value Chain Consultation: Community Detection.

A2.4. Open Internet Consultation

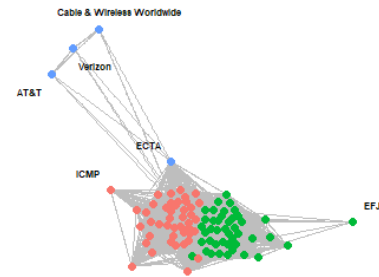
Louvain

Colors indicate cluster membership



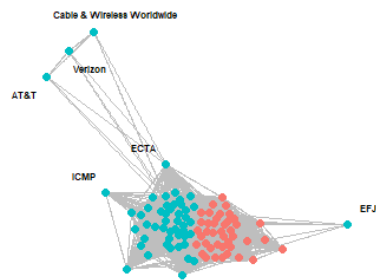
Infomap

Colors indicate cluster membership



K-Means

Colors indicate cluster membership



Fast & Greedy

Colors indicate cluster membership

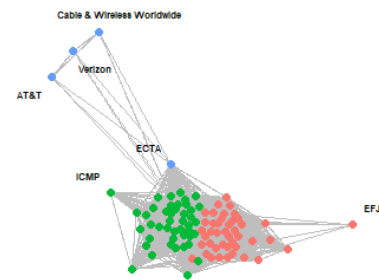
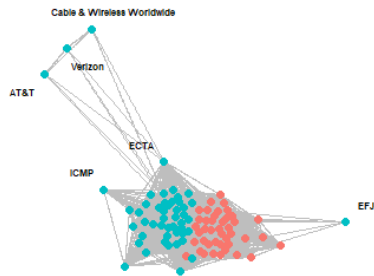


Figure A2.4.1. Open Internet Consultation: Community Detection.

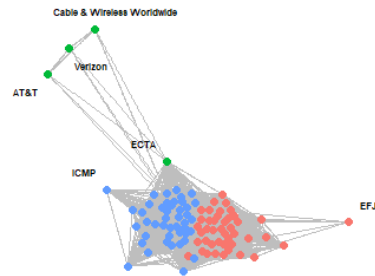
Equivalence

Colors indicate cluster membership



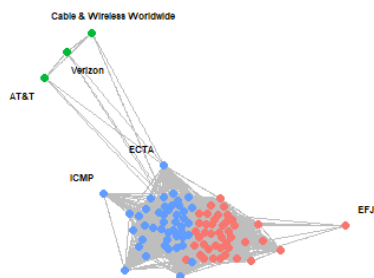
Leading Eigenvector

Colors indicate cluster membership



Edge Betweenness

Colors indicate cluster membership



Walktrap

Colors indicate cluster membership

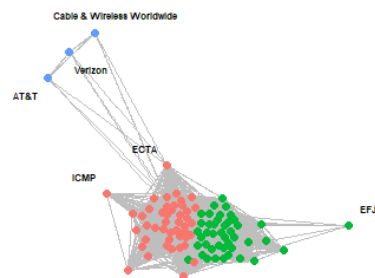


Figure A2.4.2. Open Internet Consultation: Community Detection.

A3. Hierarchical Cluster Analyses

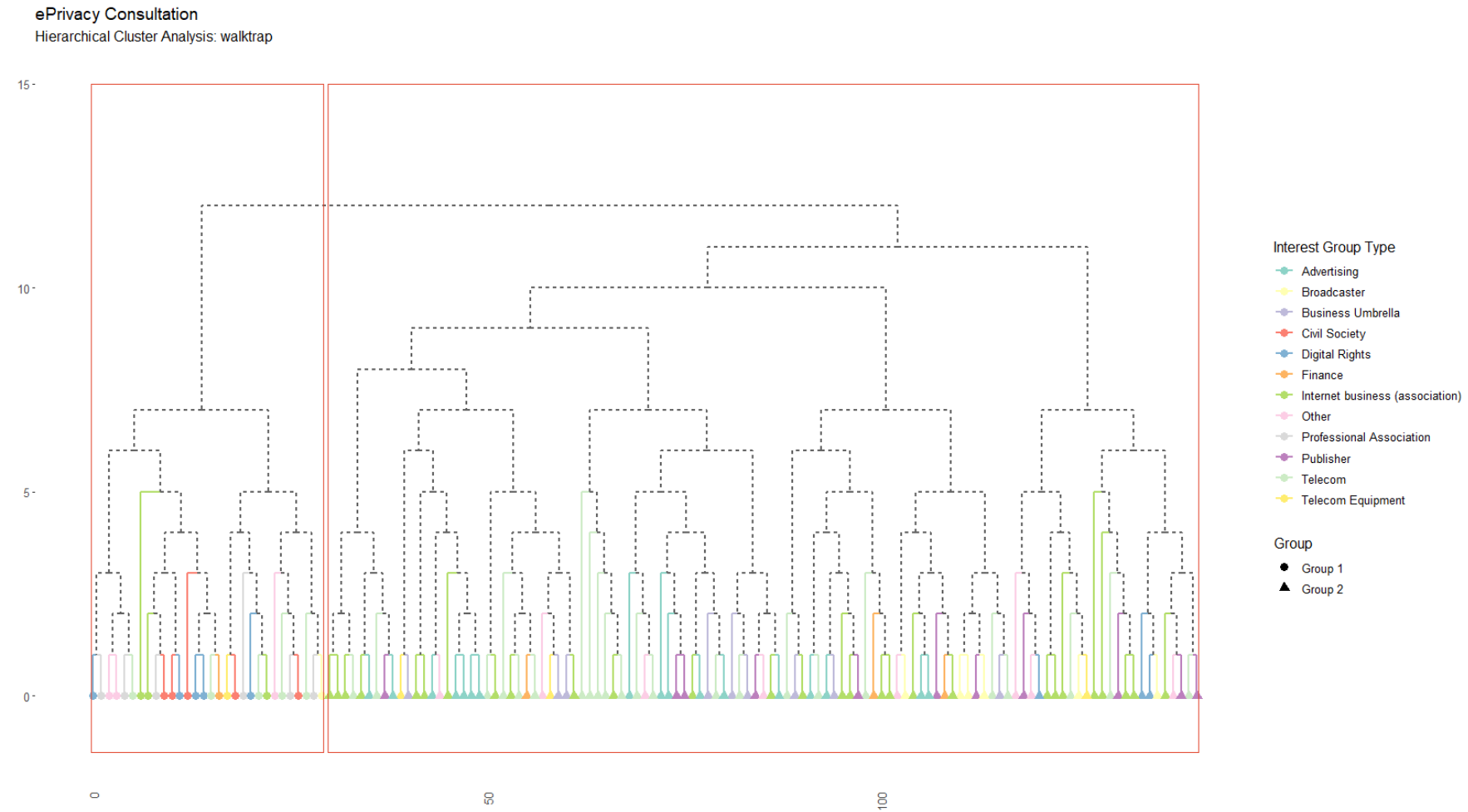


Figure A3.1. ePrivacy Consultation: Hierarchical Cluster Algorithm using the walktrap algorithm.

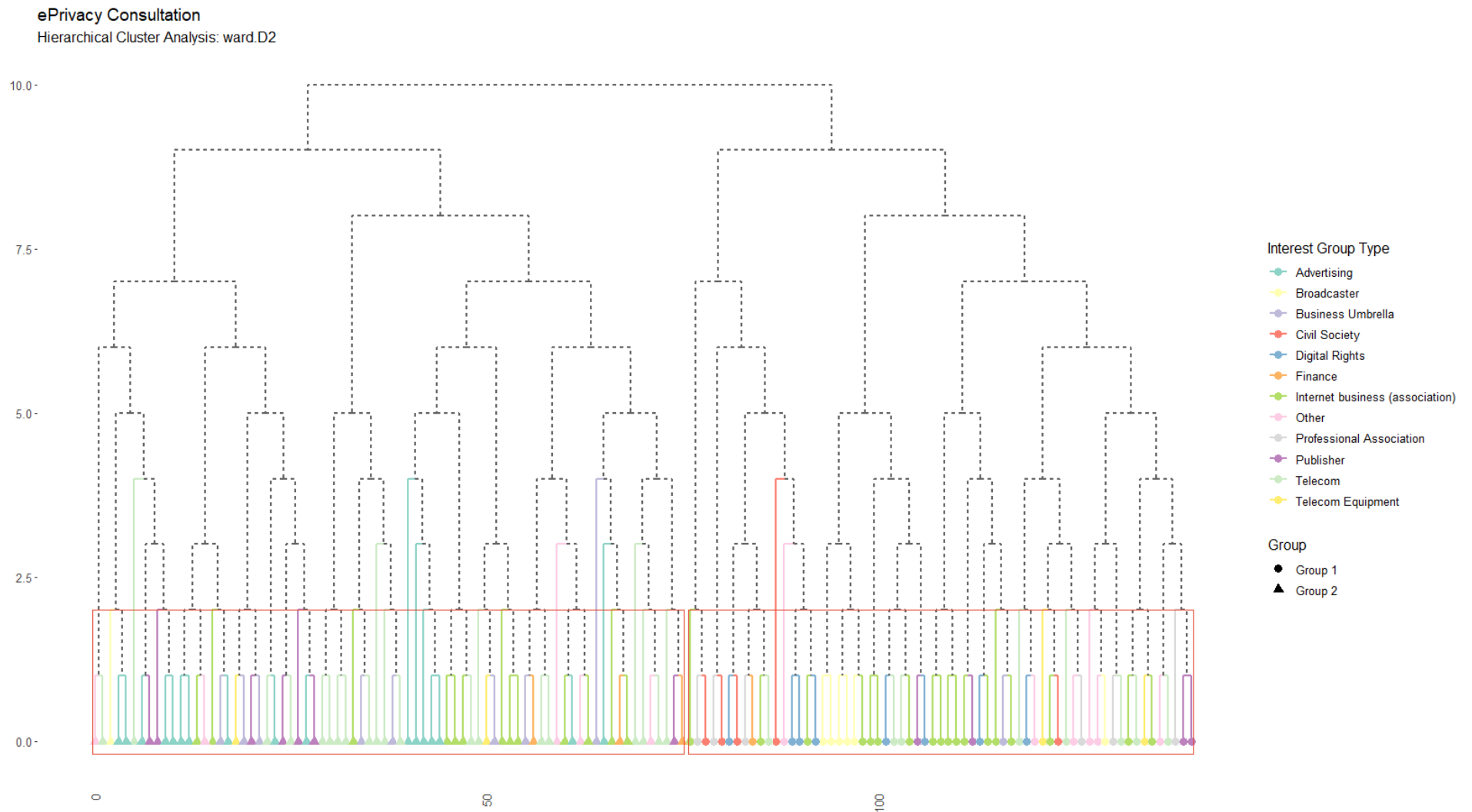


Figure A3.2. ePrivacy Consultation: Hierarchical Cluster Algorithm using the wardD2 algorithm.

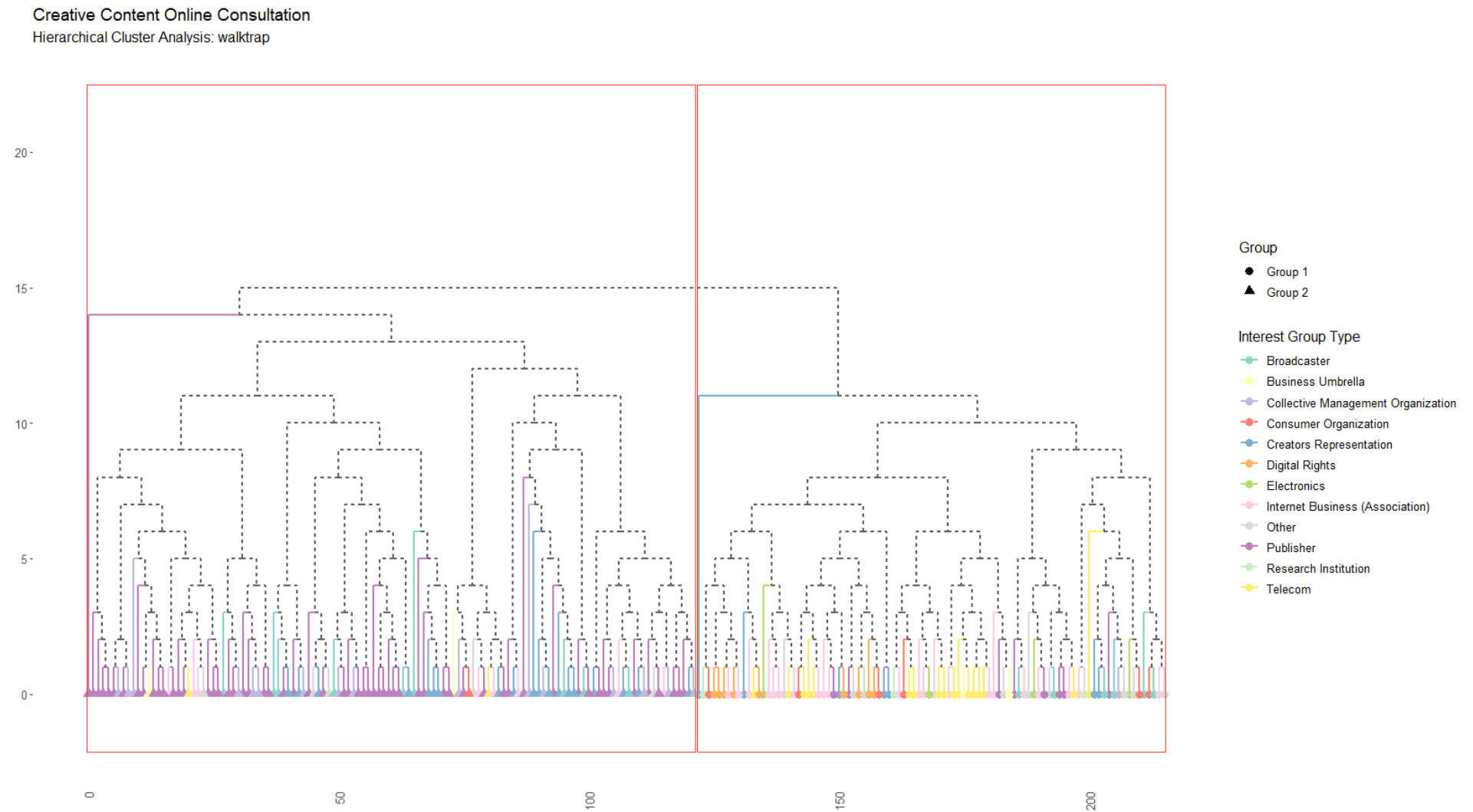


Figure A3.3. Creative Content Online Consultation: Hierarchical Cluster Algorithm using the walktrap algorithm.

Creative Content Online Consultation
Hierarchical Cluster Analysis: ward.D2

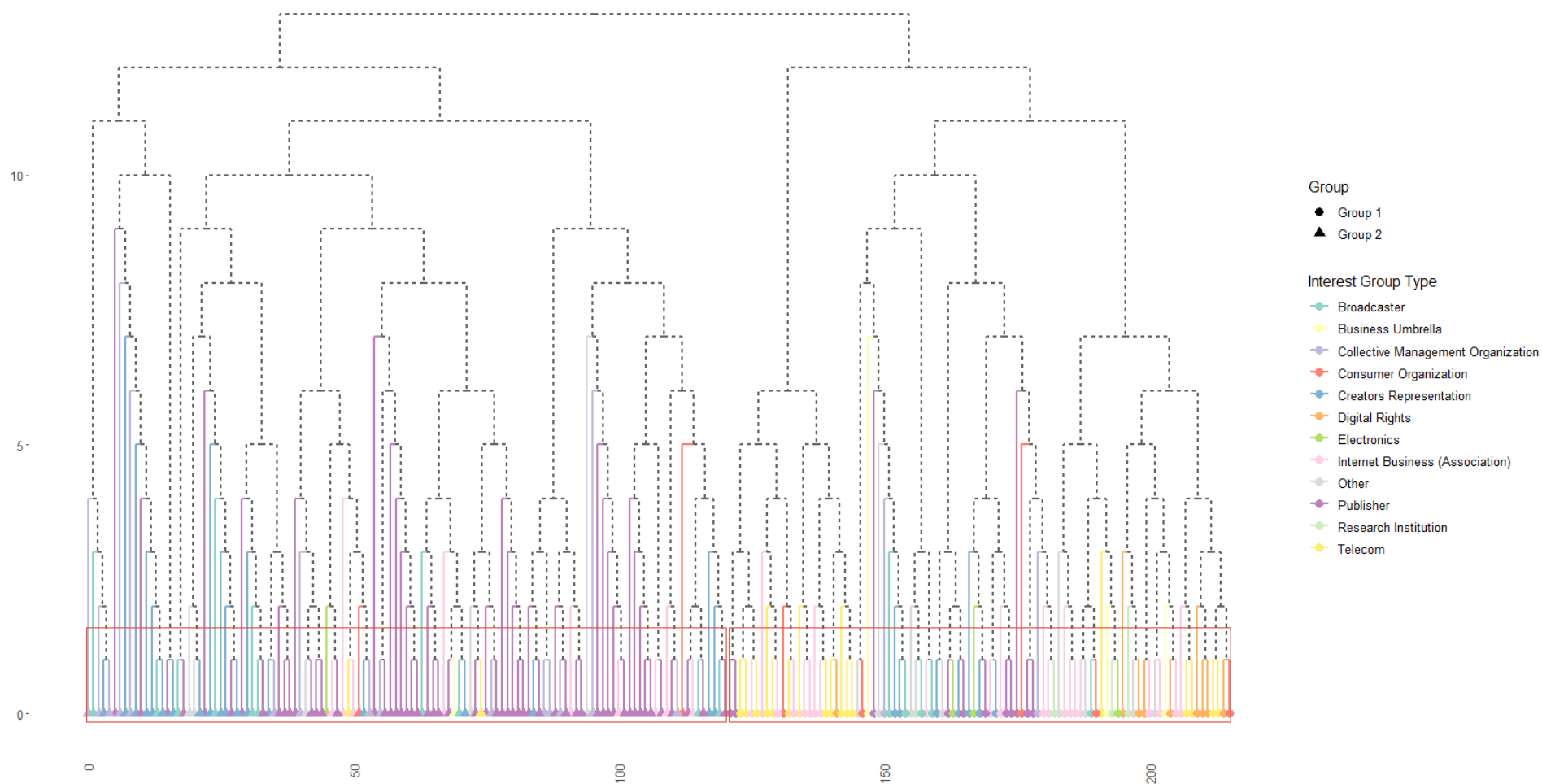


Figure A3.4. Creative Content Online Consultation: Hierarchical Cluster Algorithm using the wardD2 algorithm.

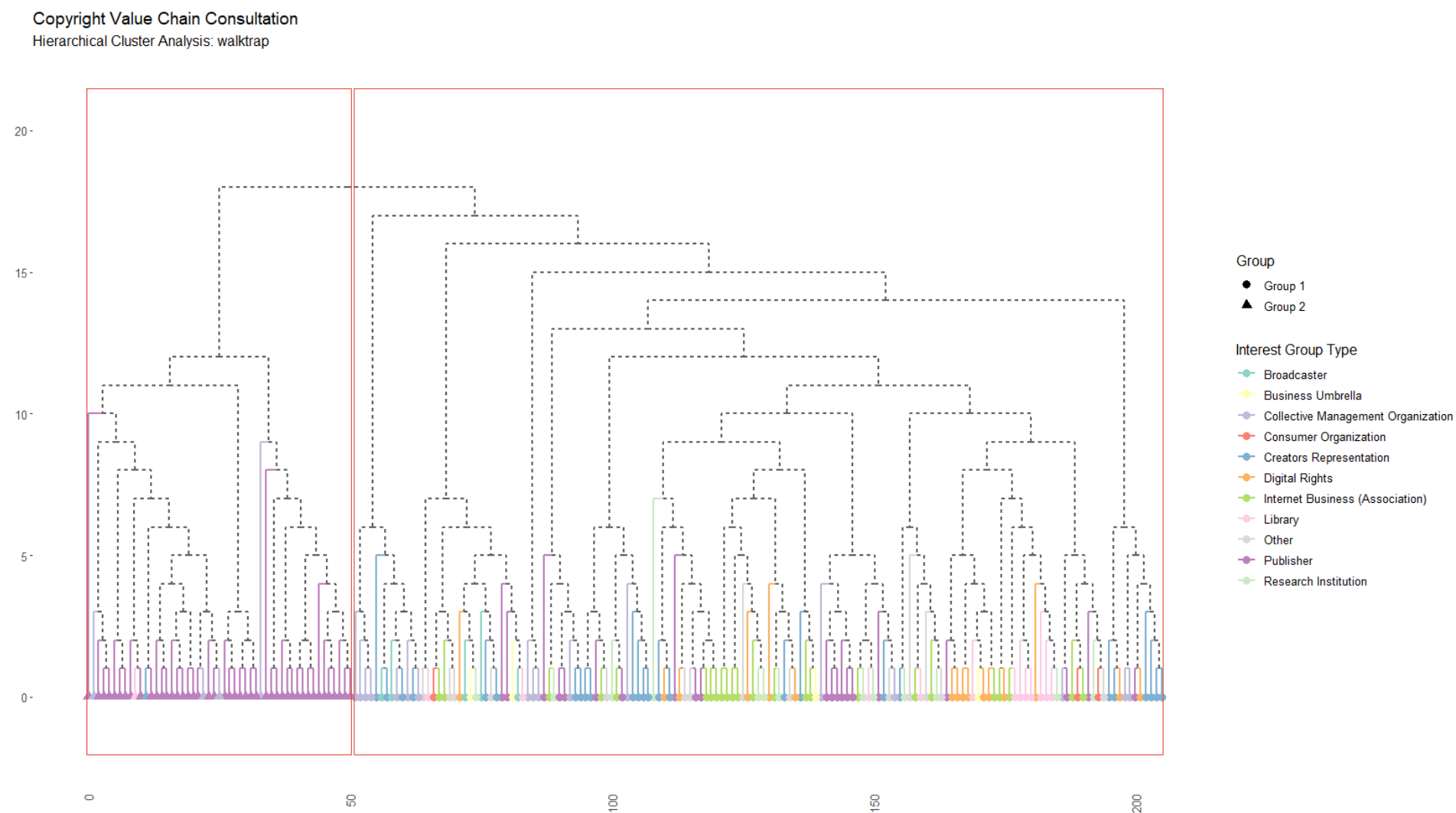


Figure A3.5. Copyright Value Chain Consultation: Hierarchical Cluster Algorithm using the walktrap algorithm.

Copyright Value Chain Consultation
Hierarchical Cluster Analysis: ward.D2

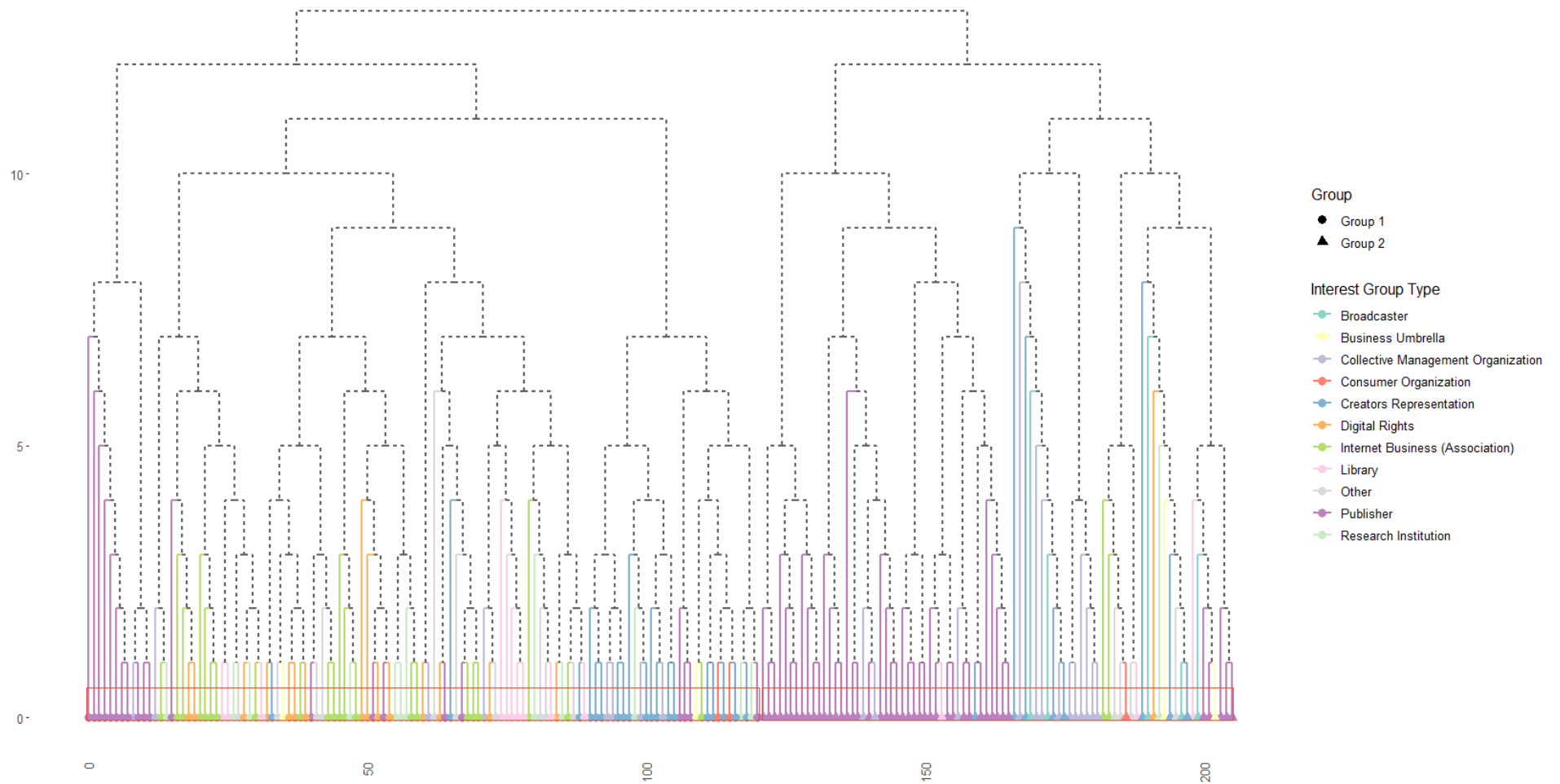


Figure A3.6. Copyright Value Chain Consultation: Hierarchical Cluster Algorithm using the wardD2 algorithm.

Open Internet Consultation
Hierarchical Cluster Analysis: walktrap

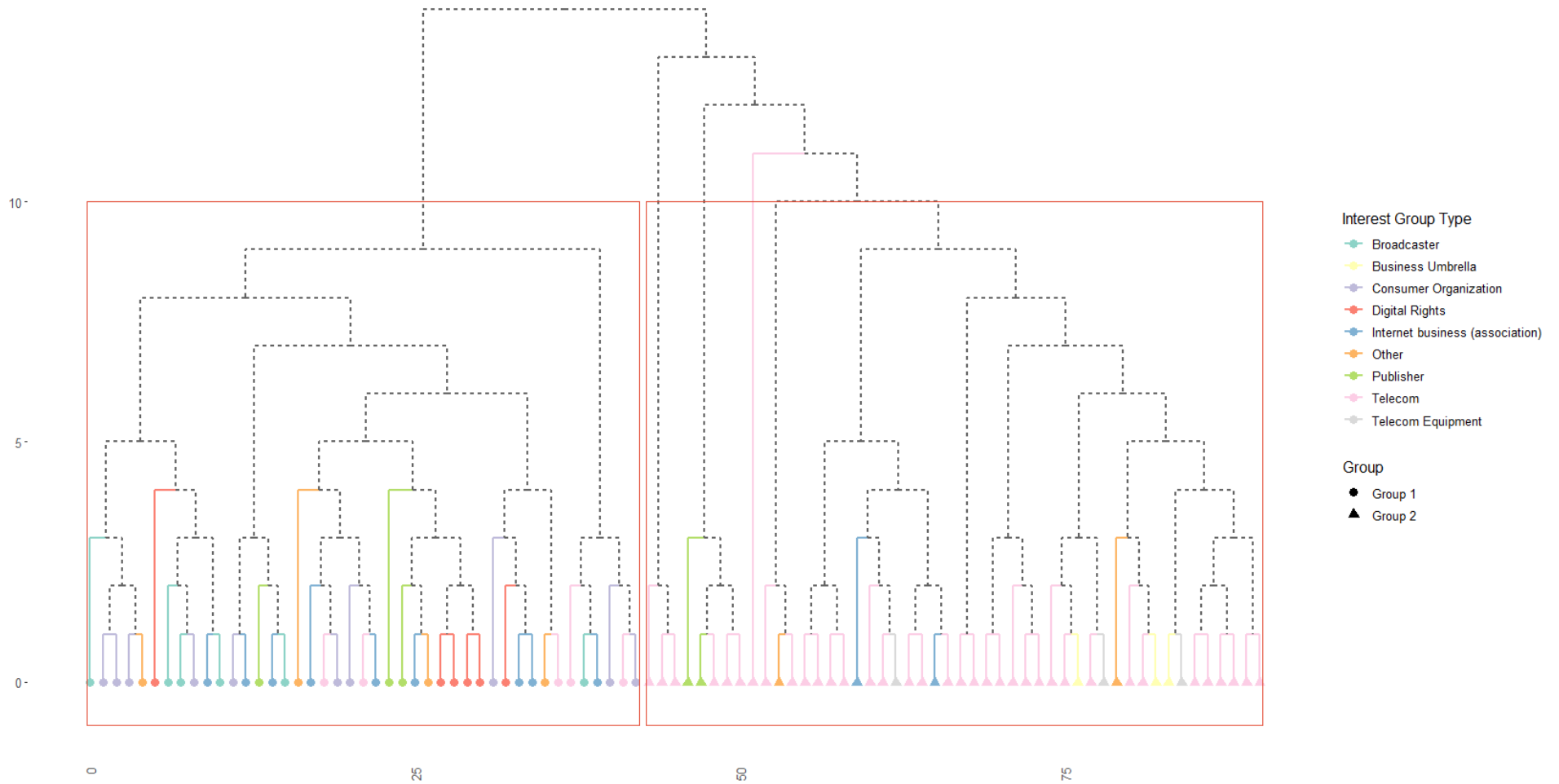


Figure A3.7. Open Internet Consultation: Hierarchical Cluster Algorithm using the walktrap algorithm.

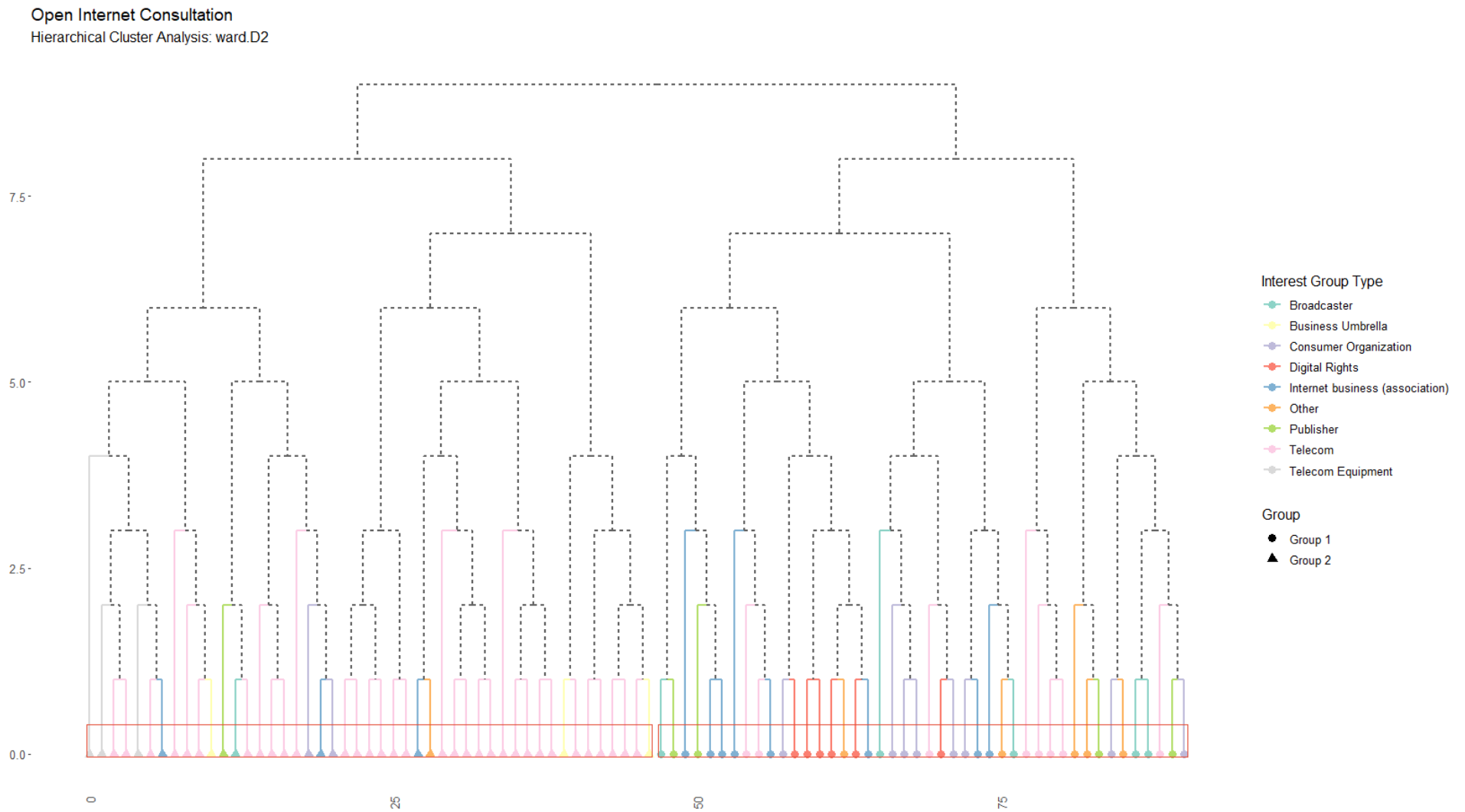


Figure A3.8. Open Internet Consultation: Hierarchical Cluster Algorithm using the wardD2 algorithm.

Chapter 4. Undermining Lobbying Coalitions: The Interest Group Politics of EU Copyright Reform

Abstract

Recent studies show that, when salience is high, ‘heterogeneous lobbying coalitions’ uniting business and civil society groups are more successful in achieving their lobbying objectives than homogeneous coalitions. It is therefore surprising that a coalition of tech firms and civil society activists failed to prevent the adoption of the EU’s contested 2019 Copyright Directive, which constitutes a significant shift in the Union’s approach to online content regulation. This article argues that proponents of the policy change successfully undermined the lobbying coalition by invoking notions of ‘digital sovereignty’ and by delegitimising activists as Silicon Valley’s ‘useful idiots’. Combining process-tracing of the lobbying processes and content analysis of European Parliament debates, the article shows how legislators employed delegitimation and sovereignty claims to justify their non-responsiveness to public protests. The article contributes to the interest group literature and debates on ‘digital sovereignty’ by demonstrating its strategic use in the policy-making process.

Published as:

Heermann, Max (2023). Undermining Lobbying Coalitions: The Interest Group Politics of EU Copyright Reform. *Journal of European Public Policy*, online first.
<https://doi.org/10.1080/13501763.2023.2249948>

Part of the forthcoming special issue “Digital Sovereignty: Rhetoric and Reality” (eds. Falkner G., Heidebrecht, S., Obendiek, A. and Seidl, T.)

1. Introduction

After a heated plenary debate, the European Parliament (EP) adopted the new *Copyright in the Digital Single Market Directive* (hereafter Copyright Directive) on March 26, 2019. Opponents of the law were only five votes short of sending it back to the drawing board. The Copyright Directive constitutes a significant policy change in the regulation of online content in the European Union (EU). By making commercial Internet platforms directly liable for their users' copyright infringements, it is the first EU law to explicitly diverge from the intermediary liability regime established by the EU's *E-Commerce Directive* in 2000 (Spindler, 2020). Critics argue that to comply with the new rules, platforms would need to employ "upload filters", automated tools to detect and filter copyright violations.

From a lobbying perspective, the adoption of the Copyright Directive is surprising. It was opposed not only by major tech corporations such as Google and Facebook, but also by many civil society groups. Public salience was high, and opponents of the law mobilised large public protests. The political outcome thus was the opposite of what the literature on lobbying success would suggest: Recent studies by Junk (2019) and Phinney (2017) have shown that under conditions of high salience, *heterogeneous* lobbying coalitions, which unite business and civil society groups, are more successful in achieving their lobbying objectives than *homogeneous* coalitions, which only include either business or civil society actors. Why then did the heterogeneous coalition of activists and tech firms fail to prevent the adoption of the Copyright Directive?

To answer this question, this article studies how political opponents react to heterogeneous lobbying coalitions. While previous research has focused on the formation of heterogeneous coalitions (Beyers & De Bruycker, 2018), the endogenous dynamics of lobbying competition between heterogeneous and homogeneous coalitions have received less attention. I argue that rival homogeneous lobbying coalitions and policy entrepreneurs in parliament can undermine the effective signalling of the heterogeneous coalition by highlighting that civil society and business groups are "strange bedfellows" who are not to be trusted. They can attempt to delegitimise the ideational motives of civil society activists by pointing out how they help the material interests of their business allies. This "delegitimation strategy" is especially likely to succeed when the reputation of these businesses among political elites and the wider public decreases.

The legislative negotiations on the Copyright Directive fell into such a period. In public discourse, social media was partly blamed for the political upheavals of the 2010s, such as Brexit and the election of Donald Trump. Corporate scandals surrounding the content moderation and data protection practices of online platforms, and their perceived inability to adequately deal with hate

speech and disinformation undermined the self-regulatory governance models of Internet platforms (Farrell & Newman, 2021). Accordingly, the previously prominent idea that liberal democracy and unregulated information flows reinforce each other became politically contested (*ibid.*). In Europe, policy-makers increasingly called for “digital sovereignty” over private online platforms (Falkner et al., *Forthcoming*), devising new regulatory initiatives such as the EU’s Digital Services and Digital Markets Acts to reign in the power of “Big Tech”.

Combining a process-tracing analysis of the lobbying dynamics between rival lobbying coalitions and a content analysis of the EP’s plenary debates, my in-depth case study on the Copyright Directive shows that in this discursive environment, proponents of stronger copyright enforcement – most prominently interest groups representing the rights holder industries (music, film, and press publishers) – were able to successfully deploy a “delegitimation strategy” to counter the heterogeneous lobbying coalition of digital rights groups and tech firms. Despite mobilizing large public protests, the heterogeneous coalition failed to achieve its goal of preventing the inclusion of *de facto* filtering mandates in the Copyright Directive. Their rivals from the publishing sectors successfully framed the legislative debate as a fight between Silicon Valley and European artists (rather than between businesses and consumers). This strategy explicitly discredited the coalition between digital rights activists and their business allies. Members of the EP (MEPs) adopted these delegitimation frames to justify their non-responsiveness to the public protests.

The article contributes to several debates on the developments in digital policy and digital capitalism. First, the study contributes to the aim of the special issue by investigating one important policy change towards “digital sovereignty”, understood as the assertion of political “control over the digital” (Falkner et al., *Forthcoming*). Specifically, the article highlights the strategic value of “digital sovereignty” frames in the policy-making process and their potential to serve not only as “coalition magnets” but also as “coalition wedges” (Seidl, 2022), delegitimising and ultimately breaking up (lobbying) coalitions. Second, by employing an actor-centred perspective, the article sheds light on the coalitional politics behind the on-going contestation of the “liberal international information order” diagnosed by Farrell and Newman (2021). Third, the article contributes theoretically and empirically to the debate on platform-consumer coalitions in the literature on digital capitalism (Culpepper & Thelen, 2020), highlighting their limits. More generally, the article contributes to the literature on lobbying coalitions by theorizing and analysing the endogenous (counter-) lobbying dynamics between heterogeneous and homogeneous coalitions.

The article proceeds as follows. First, I discuss the literature on heterogeneous lobbying coalitions and outline the delegitimation strategy and its scope conditions. Subsequently, I introduce the case of copyright regulation, discussing how the legislative status quo contributed to the preference alignment of Internet businesses and civil society groups. Against this background, I formulate my empirical expectation and research strategy. The empirical analysis proceeds chronologically, tracing the lobbying competition between the heterogeneous coalition and the rival publisher coalition and their resonance among MEPs. Discussing my empirical findings, I situate the copyright case in the conceptual framework of the special issue and conclude with reflections on the impact of the discursive change towards digital sovereignty on interest representation and policy-making.

2. Heterogeneous Lobbying Coalitions

A coalition between Internet firms and civil society groups is one example of what the interest group literature calls “heterogeneous” or “diverse” lobbying coalitions. Such coalitions comprise both business and civil society groups. In the EU, heterogeneous interest group coalitions are comparatively rare; most coalitions are “homogeneous”, meaning they consist solely of either business or civil society (Beyers & De Bruycker, 2018). Following previous work on lobbying coalitions, I use the term “coalition” for the active cooperation between interest groups through, for example, joint public statements or the pooling of resources (Beyers & De Bruycker, 2018; Junk, 2019; Mahoney, 2007).

Even though heterogeneous coalitions are comparatively rare, Beyers and De Bruycker (2018) find that business and civil society groups are more likely to cooperate if policy issues are publicly salient, receive substantive media attention, or are salient for the groups themselves. Moreover, high salience not only incentivises cooperation, but is also a favourable condition for the success of heterogeneous coalitions. In a large-N study, Junk (2019) shows that heterogeneous coalitions are more successful than homogeneous coalitions when an issue is salient.

Two mechanisms can account for the success of heterogeneous coalitions: First, they produce differentiated information for legislators, thereby reducing their uncertainty about the consequences of policy change (Phinney, 2017). Informational theories of lobbying argue that interest groups “reduce uncertainty about how a policy will work [...], draw attention to potential unintended consequences [...], and offer insights into the hypothesised causal relationship between a policy and its intended outcome.” (Phinney, 2017, p. 20). Heterogeneous coalitions can

pool information by bringing together different know-how, experiences with and perspectives on a policy problem. Moreover, information provided by a heterogeneous coalition may be perceived as more credible exactly because it is ensemble and supported by a diverse set of actors (Phinney, 2017, p. 21f.).

A second advantage of heterogeneous lobbying coalitions is that they signal broad support for (or opposition to) a legislative proposal, thereby minimizing potential future backlash (Junk, 2019; Mahoney, 2007). Heterogeneous coalitions “send a signal of consensus on behalf of a wide and diverse set of stakeholders” that “rises above the ingrained controversies between business and non-business interests.” (Beyers & De Bruycker, 2018, p. 967). Conversely, homogeneous coalitions by definition speak only for a narrower set of stakeholders. By being responsive to heterogeneous coalitions, politicians thus minimise cross-societal backlash and criticism for “particularistic decisions” (Junk, 2019, p. 662).

Under conditions of low salience, these advantages matter less because, in the absence of public attention, politicians do not need to fear backlash (Junk, 2019, p. 663). Moreover, if an issue is not very salient for the participants of the heterogeneous coalition, they have fewer incentives to smooth their differences leading to “higher internal conflict” (ibid.). Indeed, lobby coalitions are less successful if they fail to speak with “one voice” (Junk & Rasmussen, 2019).

Despite their promises, heterogeneous lobbying coalitions can be difficult to build and maintain. Lobbying in coalitions “involves continuous coordination costs and collective action problems, such as free-riding or competition for reputation and leadership” (Junk, 2019, p. 661). Building heterogeneous coalitions in particular requires finding compromises between “organizations that are not used to collaborating intensively or whose general policy views and supportive constituencies may diverge” (Beyers & De Bruycker, 2018, p. 980f.). Business and civil society groups typically have a greater ideological distance and a different understanding of their own purpose compared to groups of the same type, even if their preferences align on specific issues. For business groups representing the economic self-interest of their members, cooperating with civil society groups is relatively unproblematic. By contrast, “members and supporters of NGOs are strongly driven by expressive benefits and normative views [...], whereas direct and tangible self-interests are much less paramount” (Beyers & De Bruycker, 2018, p. 963). Therefore, alliances with businesses may be perceived as threatening the organizational identity of civil society groups. Despite the promise of greater political influence, “it might be difficult to explain to the supportive constituency that organizational representatives cooperate with groups that have a somewhat different mission (for instance, left-leaning NGOs versus neo-liberal business interests)” (ibid.).

Indeed, Beyers and De Bruycker (2018) find that civil society organizations, which rely on donations are less likely to cooperate with businesses.

2.1 Delegitimising heterogeneous lobbying coalitions

While previous research has analysed the formation and success of heterogeneous lobbying coalitions, there has been less attention on the endogenous dynamics of lobbying competition between heterogeneous and homogeneous coalitions. In other words, we know little about how lobbying coalitions react to each other and how they adapt their strategies throughout the policy process. Addressing this gap, I argue that the opponents of a heterogeneous lobbying coalition can turn the advantages of coalition diversity into liabilities. By pointing out that civil society groups and businesses are “strange bedfellows”, rival homogenous lobbying coalitions can attempt to undermine the effective messaging of heterogeneous coalitions. Specifically, they can adopt a delegitimation strategy targeting the civil society members of the coalition. By highlighting how their arguments – ostensibly made in the public interest – also serve the economic interests of their coalition partners from the business community, they can put into doubt the motives and independence of civil society activists. If successful, such a strategy not only diminishes the signalling benefits of heterogeneous coalitions but also turns them into a disadvantage for the participating civil society groups. They might be caught in a lasting backlash that originally targeted their business allies, possibly hurting their credibility and legitimacy in the eyes of policy-makers, the public and possibly their own members or donors.

Delegitimation claims can be considered a form of “framing”, since they – as in the classical definition of framing – emphasise “some aspects of a perceived reality and make them more salient in a communicating text, in such a way as to promote a particular problem definition, causal interpretation, moral evaluation, and/or treatment recommendation” (Entman, 1993, p. 52). However, the (lobbying) literature usually considers the framing of *issues* rather than the framing of *actors* (De Bruycker, 2017). The delegitimation strategy conceptualised here is not about issue framing but about the portrayal of one’s political opponent. These conceptual differences aside, in practice, delegitimation claims can be expected to complement issue framing strategies. Certainly, raising concerns about “who benefits from a policy choice” is a common component in framing strategies (e.g., Binderkrantz, 2020). A delegitimation strategy would therefore seek to identify businesses rather than civil society or the wider public as the potential “winners” of lobbying. Importantly, for a delegitimation strategy to be successful, it does not need to become

the dominant framing of a policy debate supplanting rival frames. It might be enough to swing a decisive subset of decision-makers (De Bruycker, 2017, p. 784).

Once delegitimation frames have gained traction among decision-makers or even the public at large, civil society groups have to re-evaluate the costs and benefits of their continuous participation in a heterogeneous coalition. Especially grassroots activists and donors may become disenchanted with the coalition. As Beyers and De Bruycker (2018, p. 963) point out, “[t]o ensure continued constituency support, NGOs need to protect their image as a distinctive advocate for their cause”. Therefore, civil society groups may decide that they, to protect themselves from lasting delegitimation, need to distance themselves from their business allies. Consequently, the heterogeneous coalition may disintegrate.

2.2 Scope conditions for successful delegitimation

Under what conditions is a delegitimation strategy likely to succeed? There needs to be a cause that makes delegitimation claims credible. One such reason could be the economic success of businesses within the coalition. Economic success might create the perception that these businesses have profited from insufficient regulation. Their economic competitors may then appeal to politicians by claiming unfair business practices or excessive market power. Beyond economic power, corporate scandals may generate calls for political interventions. In short, the economic power of their business allies can be a double-edged sword – while powerful businesses can offer greater lobbying resources, they also attract critical scrutiny. Another favourable condition for delegitimation claims concerns the plausibility of civil society groups’ normative or ideational arguments. Policy-makers may question whether these arguments work in practice or whether they are worth the associated trade-offs. Rival interest groups or other policy entrepreneurs can reinforce this re-evaluation by strategically delegitimising the normative arguments of the civil society groups.

In short, heterogeneous lobbying coalitions can be very successful in influencing policy-makers. However, if the businesses involved in such a coalition attract critical scrutiny, they may become a liability for their civil society allies. If the public discourse or political debate focuses on the economic power of those firms, the ideational arguments advanced by civil society organizations may be discounted or even delegitimised. Even previously successful heterogeneous coalitions may then find themselves on the losing side of a legislative conflict. In sum, the following stylised

process expectations can be derived from the discussion of endogenous lobbying dynamics (*Figure 1*):

Process Expectation 1. Business and civil society groups form a heterogeneous lobbying coalition to advocate for/against a policy proposal.

Process Expectation 2. In response, competing interest groups or policy entrepreneurs engage in counter-lobbying, employing a delegitimation strategy to discredit the heterogeneous coalition.

Process Expectation 3. Delegitimation claims are adopted by legislators.

Process Expectation 4. Faced with the delegitimation campaign, civil society groups distance themselves from their business allies. The heterogeneous lobbying coalition dissolves.

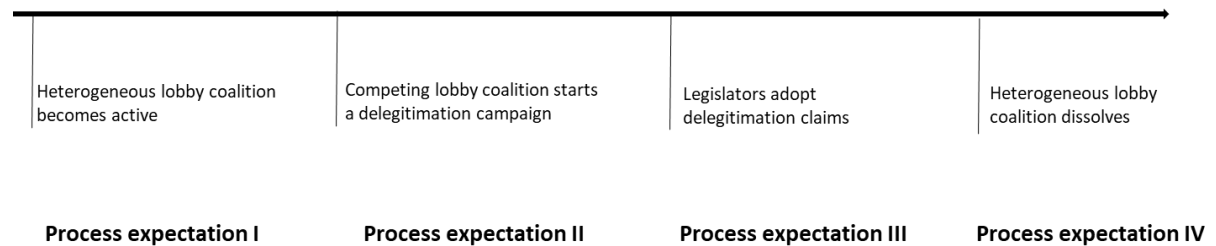


Figure 4.1. Process expectations.

3. The Coalitional Politics of Copyright and Online Content Regulation

Before analysing the lobbying competition between heterogeneous and homogeneous interest group coalitions in the case of the Copyright Directive, I first need to establish why there should be preference alignment between civil society groups and Internet businesses in the first place. Taking a “policy-determines-politics” perspective, I argue that this heterogeneous interest group coalition can be traced back to the two-decades-old *E-Commerce Directive*, which has laid the foundation for the regulation of online content in the EU. I here follow the policy feedback approach, which argues that “policies once created, reshape politics and [...] in turn affect subsequent policymaking” (Mettler & Sorelle, 2014, p. 151). Past policies thus shape the “terrain”

of interest group competition, influencing which coalitions are formed and which lobbying strategies might succeed in influencing policy-makers (Hacker & Pierson, 2014).

3.1 The EU's Internet intermediary liability regime and recent policy changes

The key question of online content regulation is to what extent intermediaries or platforms should be liable for user-generated content published on their services. Internet intermediaries such as Internet service providers (ISPs), search engines, social media platforms, and app stores are valuable targets for regulation because they constitute “points of control” on the global web: “They can block or control flows of data or of other valuable resources among a wide variety of other private actors” (Farrell, 2006, p. 361). Countries around the world have adopted intermediary liability laws to determine the responsibilities of intermediaries for (illegal) third-party content on their services.

Liberal democracies have limited the liability of intermediaries for illegal content published by their users (MacKinnon et al., 2014). The US implemented the broadest immunity with Section 230 of the *Communications Decency Act* in 1996. More common in democracies – including in the EU – is a regime of conditional liability, which exempts intermediaries from liability, if they meet certain specified conditions. The most common of these conditions is that they take down illegal content once they've been notified of it. The EU has established its regime of conditional liability exemptions with the *E-Commerce Directive* adopted in 2000. This law exempts intermediaries from liability and prohibits EU member states to impose a “general monitoring obligation”. This means that intermediaries cannot be obliged to check the legality of every piece of content hosted or transmitted by their service. Instead, they have to act only once they receive “actual knowledge” of illegal content, e.g., through a notification procedure. This “notice-and-takedown” process also applied to copyright infringements.

As a result of these limited liability regimes, online content in democracies has been governed primarily by private companies, especially in the burgeoning sphere of social media (DeNardis & Hackl, 2015). However, more recent legislative developments have put the E-Commerce Directive's liability regime into question (De Gregorio, 2018). EU member states have started to regulate platforms more forcefully, demanding a more proactive moderation of third-party content on their sides. To make the notice-and-takedown process more effective, laws such as the German *Netzwerkdurchsetzungsgesetz* set very short time frames for platforms to react when notified of illegal content. While the EU's revision of the E-Commerce Directive, the *Digital*

Services Act adopted in 2022, keeps the old intermediary liability regime in place, the EU has adopted two content-specific laws, which diverge from the liability regime: the 2021 *Regulation on Addressing the Dissemination of Terrorist Content Online* and the 2019 *Copyright Directive*.

The Copyright Directive defines commercial platforms such as Youtube and Facebook, which are built around user-generated content, as “online content sharing service providers”. These platforms are explicitly excluded from the general liability regime and directly liable for copyright infringements of their users if the platforms did not previously sign a licensing agreement with the respective rights holder. To maintain their liability protections, platforms are obliged to use “best effort” preventive measures to identify and filter out infringements. Departing from the previously established “notice-and-takedown” approach, platforms now have to act on their own initiative. While the Directive does not explicitly mention the use of algorithmic filters, there is little doubt that platforms need to employ “upload filters”, i.e., automatic content recognition tools, to comply with the law (Quintais & Schwemer, 2022). (Montagnani, 2020, p. 295) argues that these rules “contribute to the formation of an emerging liability regime for unlawful content” that is distinct from the old regime because it mandates organizational ex ante measures that intermediaries need to fulfil to avoid liability for user content. The Copyright Directive thus constitutes a significant policy change in online content regulation, de-facto introducing algorithmic filters as a new policy instrument (see introduction to this special issue, Falkner et al., Forthcoming).

3.2 Intermediary liability and the Internet business-civil society coalition

I argue that the establishment of the E-Commerce Directive’s limited liability regime has created a heterogeneous lobbying coalition that supports its maintenance. The coalition includes Internet intermediaries (e.g., Google, Meta, Deutsche Telekom) and their business associations (e.g., Digital Europe, EDiMA, CCIA, EuroISPA) who benefit from a regime that shields them from liability and thus reduces the risks and costs of doing business significantly. The second crucial faction in this coalition are civil society groups advocating for the protection of civil liberties online. These “digital rights groups” have embraced the liability regime on the ground that it protects the freedom of expression of Internet users (e.g., EDRI, EFF, Access Now). They argue that if private intermediaries would face liability for user-generated content, they would be required to assess the legality of – possibly controversial – speech and have economic incentives to “overblock” legal content to avoid sanctions. To effectively moderate content at scale under the threat of liability, intermediaries would be forced to resort to automatic monitoring and filtering of user-generated

content. That would not only affect freedom of expression but also the privacy rights of users. Previous research has identified the existence of platform-civil society coalitions, for example, in the case of the German *Netzwerkdurchsetzungsgesetz* (Gorwa, 2021). An earlier example from the US is the opposition against the SOPA/PIPA copyright bills between 2010 and 2012 (Benkler et al., 2015).

On paper, this alliance should be well-placed to achieve the information and signalling benefits of a heterogeneous interest group coalition. It provides both economic and normative arguments in favour of the limited liability regime. This dual justification makes the policy regime compatible with both, economically right-wing – i.e., free-market-oriented – parties and with more left-wing but socio-culturally liberal parties. Indeed, in the EP, economically and socio-culturally liberal parties frequently form voting coalitions in digital policy (Heermann, 2023a). Moreover, heterogeneous lobbying coalitions may benefit from high public salience as social media content moderation has increasingly become a politicised issue (Alizadeh et al., 2022). Among the different facets of content regulation, copyright is a most-likely case for the successful mobilization of the public. In today's "knowledge societies", intellectual property rights are contested and can be politicised (Haunss, 2013; Sell, 2013). Most prominently, in 2012, digital rights groups successfully mobilised large public protests against the ratification of the *ACTA* treaty, an international agreement that would have imposed liability on Internet intermediaries (Dür & Mateo, 2014; Farrand, 2015).

My explanation for the heterogeneous coalition has relied on the classical notion that "policies determine politics" (Lowi, 1972). In their work on platform capitalism, Culpepper and Thelen (2020) make a different but related argument: Platform businesses enjoy a direct relationship with their users, which creates consumer trust and brand attachment. In turn, platforms can leverage this tacit user support to prevent costly regulation. The direct relationship between platforms and users may indeed be a further advantage of the Internet business-civil society coalition, not least when it comes to raising the public salience of a legislative proposal. However, what distinguishes my argument from Culpepper and Thelen's, is that they ignore the ideational background of digital rights groups. Indeed, their argument has mainly been applied to consumer support for gig economy services such as Uber, rather than to online content regulation (Culpepper & Thelen, 2020; Seidl, 2022).

To sum up, the interest group literature suggests that a heterogeneous lobbying coalition of digital rights groups and Internet businesses should be well-placed to influence copyright reforms in their favour, especially if the coalition manages to raise the public salience of the issue. This raises the

question, why was the coalition unable to prevent the introduction of intermediary liability in the EU's 2019 Copyright Directive, despite high public salience and sizeable protests?

4. The Case of the Copyright Directive

I argue that the lobbying efforts of the Internet business-digital rights coalition failed to prevent the introduction of new liability provisions in the 2019 Copyright Directive because proponents of the policy change – the rights holders from the publishing industries – successfully employed a counter-lobbying strategy delegitimising the heterogeneous coalition.

The Copyright Directive was negotiated in a discursive context, which was favourable for a successful delegitimation strategy. The political upheavals of the second half of the 2010s – the Brexit referendum, the election of Donald Trump in the US, and the rise of right-wing populist parties across Europe – had cast doubt on the promises of the Internet and social media as “liberation technologies” that would foster and spread liberal democracy (Farrell & Newman, 2021). Weiss-Blatt (2021), for example, shows that since the 2016 US presidential election, media coverage has become much more critical of the business practices of social media platforms. Worries about online misinformation, hate speech, and foreign influence campaigns became prominent in public debates and among policy-makers. The perception that social media platforms’ self-regulatory content moderation practices were insufficient to address these challenges led to calls for a revision of the intermediary liability rules (Farrell & Newman, 2021). In Europe, concerns about the Internet’s effects on democracy went hand in hand with economic concerns about the market power of large, predominantly US-based, online platforms. European policy-makers increasingly called for “digital sovereignty” (Falkner et al., Forthcoming), to safeguard “the self-determination of European societies in the digital age [and] to make European digital industries globally competitive.” (Lambach & Oppermann, 2023, p. 694).

In short, the reputation of Internet platforms has suffered and ideational notions about the benefits of “Internet freedom” have lost their appeal. Instead, a vaguely defined “digital sovereignty” has become “an attractive narrative hook for diverse political entrepreneurs to advance their specific priorities so that the concept can be used to build political coalitions across a wide range of policy fields [...]” (Lambach & Oppermann, 2023, p. 694). Under these conditions, delegitimising the heterogeneous coalition of digital rights groups and Internet businesses became an attractive strategy for policy entrepreneurs and rival interest groups. The Copyright Directive is therefore a most-likely case for a successful delegitimation strategy and an ideal case

to study the plausibility of this lobbying tactic for the competition between heterogeneous and homogeneous lobbying coalitions.

4.1 Empirical strategy

The case study combines a process-tracing analysis of the lobbying and legislative processes with a qualitative content analysis of EP plenary debates. I trace the legislative process from the publication of the European Commission's legislative proposal in September 2016 to the EP's final vote in March 2019. The analysis focuses on lobbying dynamics, examining which lobbying strategies are used by which interest group coalitions at what point in the process. To reconstruct the process, I use primary lobbying documents, media reports, and data on lobby meetings provided by the EU institutions.

The content analysis of EP debates investigates the impact of lobbying on legislators. I focus on the two plenary debates preceding the EP's plenary votes on September 11, 2018, and March 26, 2019.⁶⁰ The analysis of the debates identifies (a) how the political conflict around the Copyright Directive is framed, (b) how MEPs justify their position on the Directive, and (c) if and how they respond to (or make use of) delegitimation claims advanced by interest groups (see *Appendix A* for the coding scheme). The analysis of the parliamentary debates is complemented by a discussion of the related roll-call votes.

The Copyright Directive was adopted in the EU's ordinary legislative procedure, in which the EP and the Council of the EU serve as equal co-legislators. I focus on the EP and refrain from studying the bargaining between member states in the Council.⁶¹ While Council deliberations are private, the EP debates serve as a public forum in which MEPs justify their vote choices. It is therefore a suitable venue to assess how claims advanced by interest groups are feeding into the debates and negotiations among politicians.

⁶⁰ European Parliament, Plenary Debate, 11 September 2018. Verbatim report of proceedings, https://www.europarl.europa.eu/doceo/document/CRE-8-2018-09-11-ITM-012_EN.html, and Plenary Debate, 26 March 2019. Verbatim report of proceedings, https://www.europarl.europa.eu/doceo/document/CRE-8-2019-03-26-ITM-002_EN.html (Both accessed: 02/12/2023).

⁶¹ On member state cleavages in EU digital policy, see Perarnaud (2021).

5. Analysis

In this section, I first provide an overview of the legislative process. I then trace the lobbying dynamics over time, showing how different interest groups adapted their tactics over the course of the legislative negotiations and how these arguments are, in turn, taken up by MEPs in the EP plenary debates. *Figure 2* summarises the timeline linking the observed lobbying dynamics to the theorised process expectations.

5.1 Overview of the legislative process

The European Commission published its legislative proposal for the Copyright Directive on September 16, 2016. Departing from the E-Commerce Directive’s “notice-and-takedown” formula, Article 13 of the proposal mandated platforms to “prevent the availability” of copyright-protected works on their services by taking “measures, such as the use of effective content recognition technologies”. In other words, the article outright required the use of algorithmic filters to detect and ban copyright-protected materials for which the platform does not have a licensing agreement with the rights holders. Without such proactive measures, the platform would become liable for its users’ copyright infringements. In the public debate, Article 13 would become associated with the term “upload filters”.

Following the publication of the European Commission proposal, the EU’s two co-legislators, the Council and the EP, started their internal debates on the bill. EU member states in the Council reached a common position on May 25, 2018, maintaining the liability provisions set out in Article 13. In the EP, the responsible Legal Affairs committee retained the provisions in its legislative report from June 20, 2018. However, the EP plenary rejected the committee’s report on July 5, sending it back to the committee. Over the summer of 2018, Article 13 was redrafted. The revised text focused on safeguards and exceptions for smaller and non-commercial platforms and did no longer explicitly mention “content recognition technologies”. However, critics within and outside the EP argued that it would still be impossible for platforms to comply with the requirements without employing upload filters. Nevertheless, the EP plenary approved the new text on September 12, 2018.

After the two legislative institutions adopted their position on the bill, the EP, the Council, and the European Commission started the inter-institutional *trilogue* negotiations to find a common text. The trilogues concluded on February 11, 2019. The resulting agreement maintained the liability provisions, which were moved to Article 17. The Council approved the trilogue agreement on

February 20, 2019, and the EP voted on March 26. It had three options: approve or reject the agreement or renounce the trilogue outcome by introducing further amendments. After the motion to allow amendments failed by only five votes (312:317), the plenary approved the trilogue outcome with 348 to 278 votes. The Copyright Directive was thus adopted and came into force on June 6, 2019.

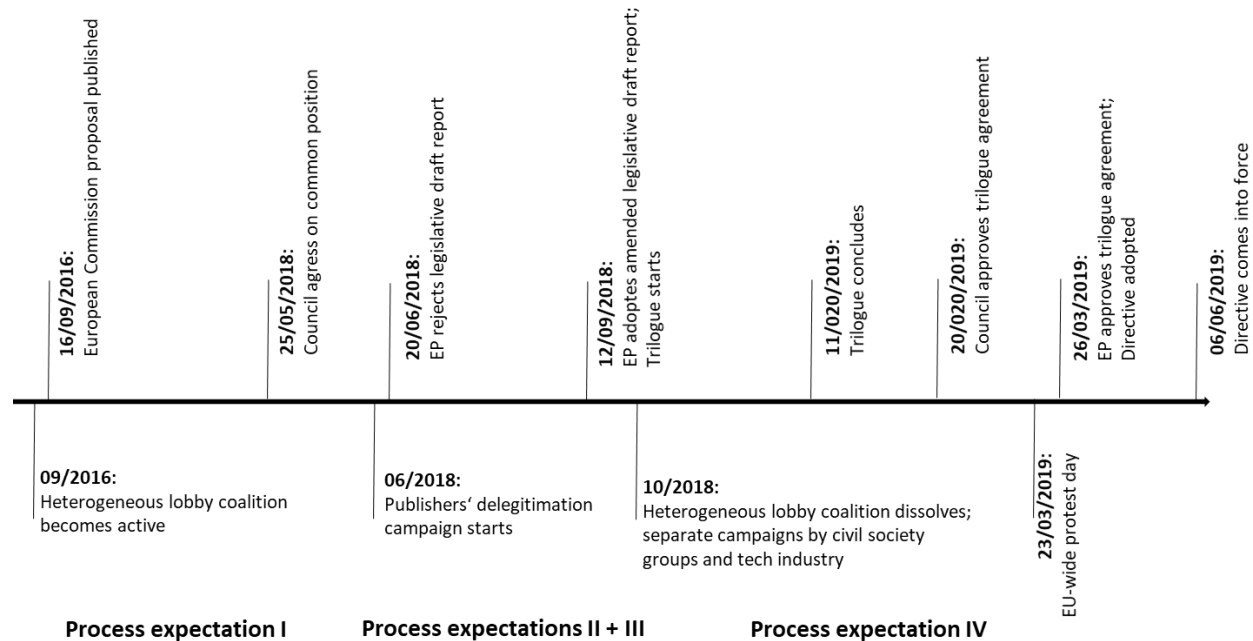


Figure 4.2. Overview of the legislative and lobbying processes.

5.2 Coalition lobbying and counter-lobbying: September 2016 – September 2018

The European Commission's proposal to overhaul EU copyright law spurred many diverse firms and interest groups into action, among others, publishers and rights holder associations, Internet businesses, libraries, consumer and digital rights groups. On the liability question, two competing lobbying coalitions emerged. The legislative proposal was supported by a coalition of rights holders and collective rights management organizations from the media, press, music, and film industries (e.g., European Publishers' Council, Eurocinema, IMPALA, Eurocopya).⁶² I refer to this

⁶² E.g., see IFPI, "European Parliament Vote on EU Copyright Directive – 84 major European organisations call MEPs to support the Parliament's report", 27/06/2018, <https://www.ifpi.org/european-parliament-vote->

homogeneous business coalition as the “publisher coalition”. On the other side was a heterogeneous coalition that united civil society groups, library associations and Internet business groups.⁶³ Digital rights groups played a prominent role in this coalition, namely the EU-level group European Digital Rights (EDRi) and their member organizations (e.g., Open Rights Group, Bits of Freedom) but also US-based groups such as the Electronic Frontier Foundation (EFF). Other prominent participants were the Wikimedia Foundation and the European consumer umbrella organization BEUC. On the business side, the heterogeneous coalition included the main software and Internet business associations such as Digital Europe, EDiMA, CCIA, and the telecom umbrella group EuroISPA.

Many of the interest groups on both sides were long active in the debates about EU copyright policy, taking part in the European Commission’s public consultations as well as seeking out direct meetings with Commission officials. The publisher coalition has long engaged in inside-lobbying and was successful in gaining access to the European Commission. Reporting on the European Commission’s transparency reports, the NGO Corporate Europe Observatory (2018) highlights that between November 2014 and early December 2018, 93% of lobby meetings concerning the subject of “copyright” took place with business as opposed to civil society. Most of these meetings included publishers (e.g., Universal Music Group, the Federation of European Publishers) and copyright collecting societies (e.g., GESAC). In contrast, “of the top 20 lobbyists by meetings, only two represented tech interests – Google, ranking number seven, and one of the trade associations it belongs to, DIGITALEUROPE, ranking 18th – while one sole NGO, the independent consumer organization BEUC, ranked 12th.” (Corporate Europe Observatory, 2018). Enjoying high levels of access to the European Commission, the publisher coalition appears to have had a first-mover advantage and possibly exerted significant influence on the Commission proposal (cf. Crepaz et al., 2023).

The heterogeneous coalition of Internet firms and digital rights groups took action in the week before the European Commission’s proposal was published. In an open letter published on September 9, 2016, they called for the maintenance of the E-Commerce Directive’s limited liability regime: “An undermining of [...] the E-commerce Directive would have immediate and far-reaching chilling effects on innovation, consumer rights and freedom of expression and would risk

[on-eu-copyright-directive-84-major-european-organisations-call-meps-to-support-the-parliaments-report/](#) (Accessed: 27/01/2023).

⁶³ See joint letters of the heterogeneous coalition discussed below and listed in Appendix B.

turning back the clock on Europe's Digital Single Market."⁶⁴ A series of open letters from 2016 to 2018 documents the joint lobbying effort of the heterogeneous coalition (see *Appendix B*). For example, in late May 2017, the coalition published an open letter calling for the removal of Article 13 from the Directive. This letter was sent under the banner of the Copyright for Creativity (C4C) alliance, one forum in which the heterogeneous coalition coordinated. C4C was originally set up in 2010 and brought together tech firms, libraries, and civil society groups. Funding from the CCIA business association and the Open Society Foundation enabled C4C to set up a permanent lobbying bureau in Brussels (Corporate Europe Observatory, 2018). The heterogeneous coalition thus lobbied together through joint public letters as well as through a more institutionalised body.

In the EP, there was sizeable opposition to the Commission proposal and especially to Article 13. The responsible Legal Affairs committee was divided, approving the legislative report of rapporteur Axel Voss (EPP), which maintained Article 13, with 14 to 9 votes (2 abstentions). Meanwhile, the Internal Market and Consumer Protection committee adopted a non-binding opinion criticizing Article 13 for creating market barriers for new businesses and harming user interests.⁶⁵ These developments indicate that the lobbying efforts of the heterogeneous coalition were showing results.

The publisher coalition responded with counter-lobbying. Complementing its inside-lobbying approach, it started an outside-lobbying campaign focused on delegitimising the heterogeneous coalition. C4C became a prime target. On July 3, 2019, two days before the first plenary vote, the industry group UK Music drew attention to C4C's sources of funding: "Google's memberships include the Computer and Communications Industry Association [CCIA] and OpenForum Europe. They both provide grants to Copyright for Creativity, a dedicated campaign against attempts to introduce changes to copyright law that would hold Google's YouTube to account."⁶⁶ On the same day, the CEO of German press publisher group BDZV, Dietmar Wolff, asked in an op-ed in the newspaper *Die Welt* whether the EP really wants to engage in an "America First" policy.⁶⁷ Moreover, music industry group IMPALA sent an open letter to MEPs, claiming that Google and

⁶⁴ Open Media, "OpenMedia signs joint letter regarding upcoming Copyright Reform Package", 12/09/2016, <https://openmedia.org/article/item/openmedia-signs-joint-letter-regarding-upcoming-copyright-reform-package> (Accessed 03/12/2022).

⁶⁵ European Parliament, "OPINION of the Committee on the Internal Market and Consumer Protection (COM(2016)0593 - C8-0383/2016 - 2016/0280(COD))", 14/06/2017, https://www.europarl.europa.eu/doceo/document/IMCO-AD-599682_EN.html (Accessed 25/01/2023).

⁶⁶ UK Music, "UK Music chief slams Google as 'corporate vultures' as figures show Google's €31m EU lobbying bid", 03/07/2018, <https://www.ukmusic.org/news/uk-music-chief-slams-google-as-corporate-vultures-as-figures-show-googles-3/> (Accessed: 03/12/2022).

⁶⁷ *Die Welt*, 03/07/2018, "America First – im EU-Parlament?" https://www.welt.de/print/welt_kompakt/webwelt/article178646262/America-First-im-EU-Parlament.html (Accessed: 03/12/2022).

other tech firms “manipulated” the press and critical academics, referring to opponents of the reform as “pro-tech campaigners”.⁶⁸ The European Publishers’ Council complained that “anti-copyright radicals, US Internet giants and vested interests [...] wage a loud and misleading campaign” against the reform.⁶⁹ The publishers’ lobbying strategy had two aims: First, it framed the copyright debate as a conflict between Europe’s creative industries and the “Big Tech” corporations of Silicon Valley. Second, the campaign delegitimised civil society critiques by claiming that they serve the interests of Big Tech.

Rapporteur Voss took up these claims in his speech introducing the EP plenary vote on July 5.⁷⁰ Citing an “extreme campaign by Google, Facebook and Amazon”, Voss said:

“[W]hat is this reform about? It is about ending the exploitation of European artists that is taking place on the internet. We are talking about the big US platforms like Google and Facebook, which have been making huge profits for years, at the expense of European creatives. We should not continue to accept this, and it is completely inexplicable to me how some people can actually promote this extreme internet capitalism. While the others shout America first, abuse our data and exploit our artistic content, we should slowly start to stand by our European creatives, protect our values.”

However, Voss failed to convince his colleagues. The EP plenary rejected the Legal Affairs committee’s report with 318 to 274 votes (*Appendix C*).

This delegitimation campaign continued after the July vote. For example, in a series of guest articles in the German daily *Frankfurter Allgemeine Zeitung*, Stefan Herwig, a music industry consultant, and Volker Rieck, an entrepreneur working on content recognition software – and therefore a potential beneficiary of the proposed policy change – called the lobbying efforts of the heterogeneous coalition “manipulation”, “networked propaganda” and “political hacking”.⁷¹ Delegitimation claims also remained prominent in the official press releases of the publisher

⁶⁸ IMPALA, “Open letter to all members of the European Parliament ahead of the plenary vote on copyright on 5th of July”, 28/06/2018, <https://www.impalamusic.org/copyright-say-no-to-scaremongering-and-yes-to-creators-getting-paid/> (Accessed: 27/01/2023).

⁶⁹ European Publishers Council, “Future of Press Freedom and professional journalism put in the hands of MEPs”, 27/06/2018, <https://www.epceurope.eu/post/future-of-press-freedom-and-profesional-journalism-put-in-the-hands-of-meps> (Accessed: 27/01/2023).

⁷⁰ While there was no plenary debate scheduled, it is the rapporteur’s privilege to speak before the vote.

⁷¹ *Frankfurter Allgemeine Zeitung*, 19/08/2018, „Anatomie eines Politik-Hacks“, <https://www.faz.net/-gsf-9dfes>; *Frankfurter Allgemeine Zeitung*, 05/09/2018, „Lobbyismus per Mail-Lawine“, <https://www.faz.net/-gsb-9e18r>; *Frankfurter Allgemeine Zeitung*, 06/09/2018, „Vernetzte Propaganda“, <https://www.faz.net/-gsf-9e2pd> (All accessed: 03/12/2022).

coalition. For example, music industry groups condemned the “cynical and manipulative behaviour of some platforms to protect their interests”.⁷²

5.3 From the lobby to the plenary I: September 2018

The plenary debate on September 11, 2018, shows that the “US platforms and European artists” framing advanced by the publisher coalition was widely adopted by MEPs supporting the bill. The main framing used by civil society groups – “consumers vs. rights holders” – was expressed less frequently. Likewise, the framing of a conflict between two powerful business lobbies “Big Tech vs. publishers” did not receive as many mentions (see *Figure 3*).

Frames in the EP debates

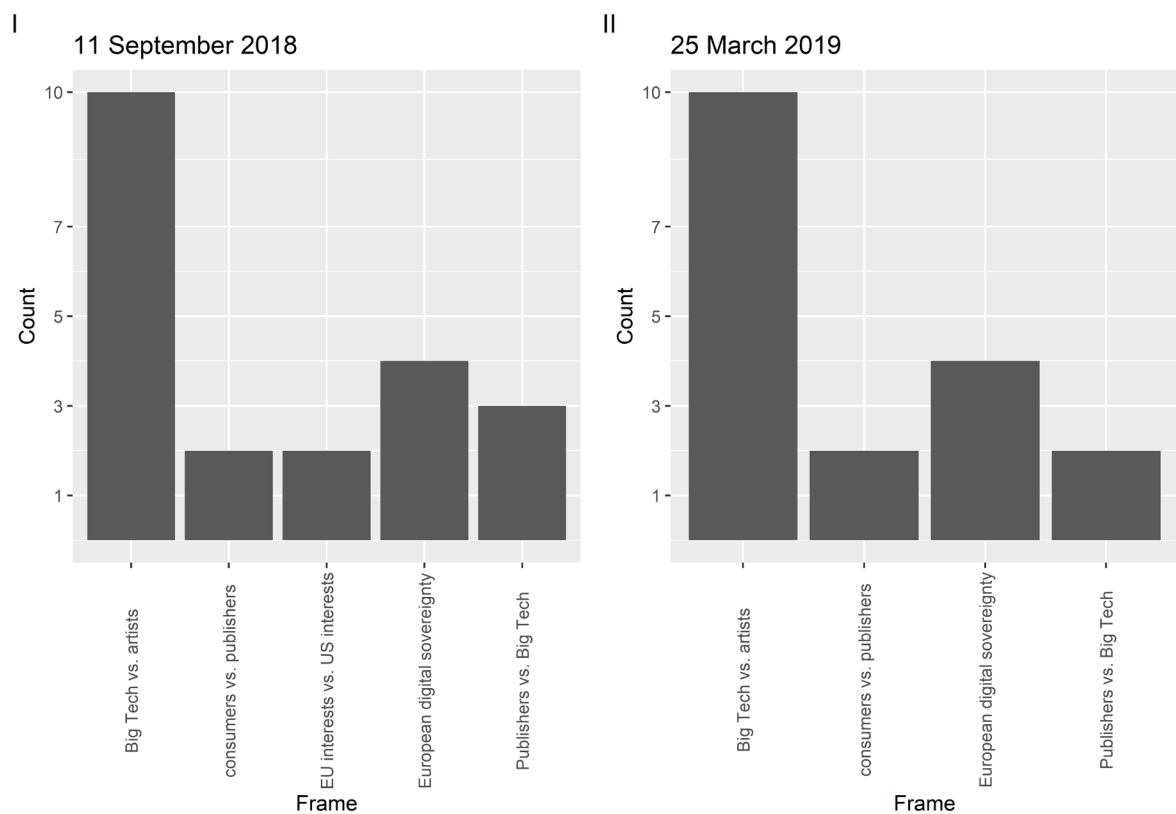


Figure 4.3. Frames employed in speeches (No. of speeches in which a frame is used).

⁷² IFPI, “Joint Music Sector Statement – Upcoming European Parliament Copyright Directive Vote”, 11/09/2018, <https://www.ifpi.org/joint-music-sector-statement-upcoming-european-parliament-copyright-directive-vote/> (Accessed: 27/01/2022).

Supporters of the bill also delegitimised the public opposition to the Directive and downplayed worries about filtering by arguing that the revised text did not foresee any upload filters. The speech by Marc Jouland (EPP) is exemplary in this regard:

“The new proposals guarantee, in black and white, the fundamental rights of everyone. The truth is that some people are using citizens as an excuse to kill this directive. [...] If this directive is reduced to an empty shell, our artists will continue to be paid by tips and platforms will continue to be unaccountable to anyone. Tomorrow, the choice will be very simple: either the Parliament will defend the interests of the American giants, or it will defend European interests.”

In terms of votes, the largest shift between July and September took place in the S&D group (Appendix C). While the group was evenly divided in July (80 yes, 82 no, 5 abstentions), now a majority supported the amendments proposed by rapporteur Voss (93 yes, 77 no, 4 abstentions). Subsequently, most S&D members voted in favour of starting the trilogue (140 yes, 26 no, 9 abstentions). S&D members supporting the bill also engaged in delegitimation and sovereignty frames:

“[L]et us sweep away the fake news: copyright reform does not restrict the freedom of web users, let alone authorise a generalised system of control over citizens. [...] [T]he decision we have to make is whether to try to give some rules to the digital world or whether to let the online dimension remain a Wild West where a handful of large platforms steer markets and public opinion in an almost private way. This is where the future of politics, the future of democracy, and the role of parliaments as an expression of popular sovereignty is at stake.” (Nicola Danti, S&D)

The party groups remaining opposed to the Directive were the Greens, the radical-left GUE/NGL and Eurosceptic EFDD; the liberal ALDE, conservative ECR, and nationalist ENF remained divided. S&D dissenter Catharine Stihler, who was rapporteur of the Internal Market committee’s opinion, expressed the concerns of the opponents, referring also to the heterogeneous lobbying coalition:

“The proposals to protect copyright owners are so restrictive that they could have a detrimental effect on the freedom of expression. There’s a broad consensus across this

House that we should protect the work of artists, but I agree with consumer organisations, user groups, academics, developers – and the list goes on – that Article 13, as proposed, goes too far and could dramatically restrict the internet freedoms of our citizens. To fundamentally change platform liability through copyright and not the e-Commerce Directive is dangerous and deceitful. What will this lead to? Filtering, where error-prone and hypersensitive algorithms will remove anything that could pose a risk. This includes legal content. If this is not censorship then I don't know what is."

5.4 From coalition lobbying to public protests: October 2018 – March 2019

After the EP plenary voted to start the trilogues on September 12, civil society organizations reacted by distancing themselves from their business allies. In December, 54 civil society groups – many of which were previously part of the C4C coalition – published an open letter reiterating their normative concerns regarding upload filters and platform liability without any signatures of business groups.⁷³ Another open letter was published in early 2019. This time, civil society groups partnered with start-up business associations. However, the letter is notable for not including any of the main Internet business associations with whom they had collaborated before, highlighting how civil society organizations sought to avoid further association with Big Tech without completely abandoning cooperation with business.⁷⁴

Business groups opposed to the Directive also adjusted their course. On the one hand, Google and other Internet firms intensified their inside-lobbying.⁷⁵ On the other hand, Youtube CEO Wojcicki tried to mobilise famous Youtube influencers against the law.⁷⁶ In fact, prominent influencers had voiced their opposition to Article 13 already in the summer.⁷⁷ Youtube's strategy speaks to the close connections between platforms and their users, which they – as Culpepper and Thelen (2020) argue – can potentially leverage for political gains. It is therefore interesting to note that

⁷³ EDRI, "Letter to the EU Council: Stand for citizen's rights and the European digital economy in the copyright negotiations!", 19/11/2018, <https://edri.org/our-work/letter-to-the-council-stand-for-citizens-rights-in-the-copyright-negotiations/> (Accessed 03/12/2022).

⁷⁴ EDRI, "Copyright: Open Letter calling for the deletion of Articles 11 and 13", 29/01/2019, <https://edri.org/our-work/20190129-coalition-deletion-art-11-and-13/> (Accessed 03/12/2022).

⁷⁵ Politico, 12/12/2018, "Google's last stand on copyright", <https://www.politico.eu/article/google-last-stand-copyright-rules-silicon-valley-eu-fight/> (Accessed 03/12/2022).

⁷⁶ Youtube, "Ein letztes Update zu unseren Prioritäten für 2018", 22/10/2018, <https://blog.youtube/intl/de-de/news-and-events/ein-letztes-update-zu-unseren/> (Accessed 03/12/2022).

⁷⁷ Netzpolitik, 19/06/2018, "Copyright Update #4: YouTuber mobilisieren gegen Upload-Filter", <https://netzpolitik.org/2018/copyright-update-4-youtuber-mobilisieren-gegen-upload-filter/> (Accessed 03/12/2022).

even though civil society groups tried to distance themselves from Internet firms, the latter continued to welcome the support from Youtube creators in mobilizing the public.

European Internet businesses also tried to distance themselves from their US-based peers, with whom they share membership in many umbrella organizations. In March 2019, the German cloud computing company Nextcloud initiated an open letter signed by 130 technology firms from 16 European countries highlighting the risks of a new liability regime for the European tech sector. The signatories attempted to use the “digital sovereignty” framing to their advantage: “Although the purpose of these regulations is to limit the powers of big US Internet companies like Google or Facebook, the proposed legislation would end up having the opposite effect. Article 13 requires filtering of massive amounts of data, requiring technology only the Internet giants have the resources to build. European companies will be thus forced to hand over their data to them, jeopardizing the independence of the European tech industry as well as the privacy of our users.”⁷⁸ The fact that European tech companies took up the “EU vs. US” framing underlines how important this framing had become in the debate.

While the delegitimation strategy had led to the dissolution of the heterogeneous coalition, the opponents of the Copyright Directive were nevertheless successful in further raising public salience, mobilizing large public protests in multiple cities across the EU in February and March 2019. On the main protest day, March 23, reportedly 170.000 protesters took to the streets. While protest events happened in cities across Europe, the largest events were clearly concentrated in Germany, Austria and Poland.⁷⁹ An associated online petition gained more than 5 million signatures.⁸⁰

Throughout the trilogues, the publisher coalition worried that the opponents’ lobbying would lead to a weakening of liability rules as their letters to the EU institutions show.⁸¹ In the heated last weeks before the EP’s final vote, the publisher coalition and their allied MEPs continued to

⁷⁸ Nextcloud, “130 EU businesses sign open letter against Copyright directive (Art. 11 & 13)”, 19/03/2019, <https://nextcloud.com/press/pr20190319/> (Accessed: 15/04/2022).

⁷⁹ Netzpolitik, 23/03/2019, “Demos gegen Uploadfilter: Alle Zahlen, alle Städte”, <https://netzpolitik.org/2019/demos-gegen-uploadfilter-alle-zahlen-alle-staedte/> (Accessed: 09/02/2022).

⁸⁰ Change.org, 15/06/2018, “Stop the censorship-machinery! Save the Internet!”, <https://www.change.org/p/european-parliament-stop-the-censorship-machinery-save-the-internet> (Accessed: 27/01/2023).

⁸¹ IFPI, “Joint Music Sector Statement – YouTube’s Fact-Free Fear-Mongering”, 21/11/2018, <https://www.ifpi.org/joint-music-sector-statement-youtubes-fact-free-fear-mongering/>; IMPALA “Rightsholders unite in calling for an effective solution to the value gap”, 13/12/2018, <https://www.impalamusic.org/rightsholders-unite-in-calling-for-an-effective-solution-to-the-value-gap/>; IFPI, “European creatives and rightsholders caution that new draft of Article 13 requires urgent changes in key areas”, 17/01/2019, <https://www.ifpi.org/european-creatives-and-rightsholders-caution-that-new-draft-of-article-13-requires-urgent-changes-in-key-areas/> (All access: 27/01/2023).

question the legitimacy and integrity of the protesters, suggesting financial ties to Google. EPP MEP Daniel Caspary told the tabloid Bild: “When American corporations use massive amounts of disinformation and bought protesters to try to block legislation, our democracy is threatened.”⁸² The same Bild article suggested that Wikimedia’s opposition to the Copyright Directive may be connected to donations the foundation had received from Google.

5.5. From the lobby to the plenary II: March 2019

The final plenary debate on March 25 was very heated. The large protests just days before the plenary session clearly left a mark on the debate. MEPs from both the supporting and the opposing camps made frequent references to the protests and to the lobbying campaign against the Directive. *Figure 4* shows that MEPs from across the party spectrum employed delegitimation claims to justify their non-responsiveness to the protesters. Only the Greens and the Eurosceptic EFDD group did not engage in this rhetorical tactic but rather criticised such claims as harmful for the democratic process.

MEPs making delegitimation claims argued that the protesters were influenced and misled by Silicon Valley firms about the content or impact of the Copyright Directive. Moreover, they pointed to financial ties between these firms and civil society groups. In addition, they complained about citizens sending e-mail chain letters to MEPs, a form of activism civil society groups had encouraged. Rapporteur Voss’s speech is exemplary (see also speeches by Juan López Aguilar, S&D, Jean-Marie Cavada, ALDE, Sajjad Karim, ECR):

“Google, Facebook, YouTube are doing governance by shitstorm here, spreading disinformation, using a lot of money to trick public opinion. They show how easy it is to instrumentalise younger groups of the population in particular, or how they allow themselves to be instrumentalised. That is why the question today is whether a parliament and our democracy can still assert themselves at all against powerful platforms.”

⁸² Bild, 23/03/2019, “Deutscher Abgeordneter bekam Morddrohungen”, <https://www.bild.de/politik/ausland/politik-inland/upload-filter-im-europarlament-abgeordneter-bekommt-morddrohung-60746158.bild.html> (Accessed: 15/04/2022), own translation.

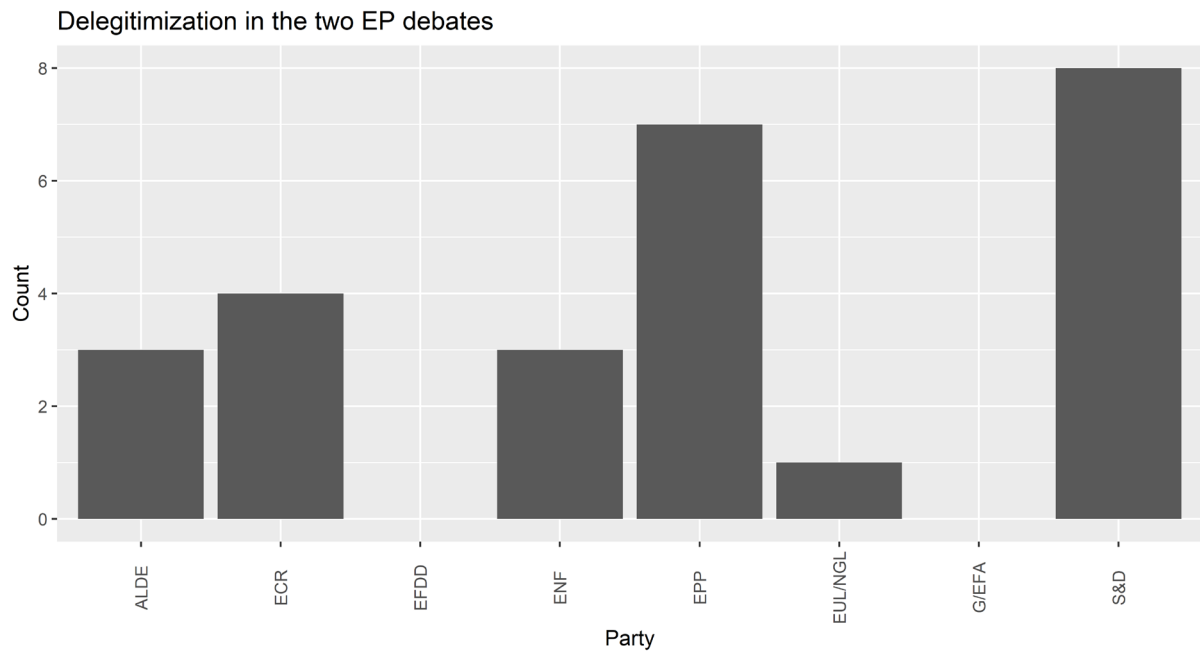


Figure 4.4. No. of speeches containing delegitimization claims by party group, plenary debates 18/09/2018 and 25/11/2019.

Opponents of the Directive rejected the claim that civil society opposition was misled or manipulated, arguing instead that these allegations were disrespectful to citizen engagement and harmful for democracy. Felix Reda (Greens/EFA) said (see also Timo Wölken, S&D):

“First: 200,000 people demonstrated against this reform this weekend. Five million signed a petition against upload filters. Never before has there been such a broad protest against an EU directive. Second: Never before have protests been so consistently ignored by this House. Voters already faced a massive disinformation campaign in the summer. Instead of dealing with criticism, every critical voice was covered with insults.”

In terms of framing and policy substance, the debate was similar to the previous one in September 2018 (Figure 3). MEPs disagreed over the risks of a liability reform, whether the interests of rights holders, platforms and consumers were sufficiently balanced, and whether suitable safeguards were in place. Again, the “US platforms vs. EU artists” framing dominated the debate.

Notably, the idea that the Copyright Directive is an instrument of “European digital sovereignty” had gained traction among speakers, even though they did not necessarily use this exact terminology:

“It is also proof that Europe is capable of asserting its sovereignty in the face of companies that have become monstrous in their size, but also in their practices of plundering our personal data, our private lives, our time, but also, in this case, the work of European authors and artists.” (Virginie Rozière, S&D)

However, the notion that copyright law is a suitable instrument to achieve digital sovereignty was contested. MEPs opposing the adoption of the Directive worried about its implications for the European tech sector and raised the concern that the required technology would favour Google, as Youtube’s content recognition software was widely seen to be the most advanced (e.g., speech by Evelyn Gebhardt, S&D). This argument echoes concerns raised by European tech companies in the open letter coordinated by Nextcloud. Opponents of the Directive argued that copyright law was not a suitable instrument to reign in the power of platforms:

“I would like to hit Google and Facebook where it hurts. I would like them to pay their taxes. I’m fighting for a digital tax. We’re fighting for strong e-privacy regulation, and we’re fighting for them to take editorial responsibility for what they’re doing. This is not the right thing to do. I don’t trust Google and Facebook, but I do trust all the experts who say that Articles 11 and 13 are bad for the Internet and should not be allowed to cause collateral damage.” (Max Andersson, Greens/EFA).

MEPs opposing the Copyright Directive employed rights-based arguments to justify their stance. They argued that the use of algorithmic filters was prone to mistakes, unable to recognise lawful uses of copyright-protected materials such as satire or citations and would therefore lead to an “overblocking” of legal content, infringing on user rights. More generally, these MEPs worried about the creation of a (digital) environment, in which algorithms shape human behaviour. Some speakers more explicitly linked copyright filters to political censorship. This claim was most strongly voiced by far-right and Eurosceptic MEPs, while more moderate MEPs tried to be more nuanced in their arguments against filters. Importantly, many of these critical MEPs emphasised that they primarily opposed Article 13/17 on intermediary liability. They called for the deletion of

these provisions while recognizing the value of other parts of the Directive (e.g., speeches by Michał Boni, Lidia Geringer de Oedenberg, Felix Reda, Timo Wölken).

In sum, the parliamentary debates show that the outside lobbying of the Copyright Directive's opponents was successful in raising the salience of the issue, putting pressure on supporters to justify their position. They did so by framing the Directive as an instrument against US platform power. At the same time, supporters of the Directive downplayed worries about adverse consequences for consumers and delegitimised the public opposition to the bill. MEPs opposing the Directive criticised the delegitimation campaign, questioned the "digital sovereignty" frame, and emphasised the risks for freedom of expression resulting from the new liability provisions.

Following the heated debate, the EP voted in favour of the Copyright Directive on March 26, 2019 (*Appendix C*). A motion to reject the Directive in its entirety tabled by the Eurosceptic EFDD group was defeated with 443 to 181 votes (32 abstentions). While flat-out rejection of the Directive had relatively little support, a second motion to allow further amendments to the bill was highly contested: 312 voted yes, 317 voted no, 24 abstained. While the supportive EPP had few dissenters and the Greens, the GUE/NGL and the EFDD overwhelmingly opposed the Directive, the S&D, ALDE, ECR, and ENF groups were all internally split into two sizable camps. After the two motions were defeated, the plenary approved the trilogue agreement without changes: 348 MEPs voted in favour of adoption, 278 against, 36 abstained. From the roll-call votes, it is clear that in particular, S&D members but also many ALDE and ECR MEPs were not willing to see the Copyright Directive as a whole fail, despite their opposition to its liability reform.

The internal divisions within the party groups occurred along national lines. Social Democrats in the Nordics and the Baltics, in Austria, Germany, Ireland, and the Netherlands were opposed to the liability reform. In contrast, their colleagues from Southern Europe, France, and the UK supported the reform. The picture for the centre-left in Central Eastern Europe is more mixed with many abstentions. On the one hand, it seems that S&D MEPs from countries with large protests – especially Germany, Austria, Denmark, and Poland – decided to fight against "upload filters". On the other hand, these divisions within the S&D group also reflected divides in the Council (Perarnaud, 2021). Maybe more importantly, the centre-right, even in Germany where the largest protests took place, did not abandon its support for the Directive. This is a stark contrast to the ACTA case in 2012 when public protests prevented the ratification of the international treaty that also threatened the established liability regime (Dür & Mateo, 2014). Rather MEPs from the German CDU/CSU party doubled down on their delegitimation claims.

5.6 Summary

In sum, the case study supports the theorised delegitimation strategy and confirms the process expectations. The proposal to introduce intermediary liability for copyright infringements mobilised a heterogeneous lobbying coalition of civil society and Internet business groups. At first, they seemed successful; the EP rejected the copyright bill in its first reading. However, in response, the rival homogeneous publisher coalition launched a delegitimation campaign problematising the alliance of NGOs and businesses by framing copyright as a conflict between US companies and European artists. This framing was widely adopted by MEPs, including by rapporteur Axel Voss. Consequently, civil society groups distanced themselves from their business allies, dissolving the heterogeneous coalition. Nevertheless, supporters of the reform continued to wield delegitimation claims to justify their non-responsiveness to public protests.

6. Discussion

6.1 Copyright for digital sovereignty?

By breaking with the established limited liability regime, the Copyright Directive constitutes a significant policy change towards more control over online platforms. The introduction to this special issue (Falkner et al., Forthcoming) has raised the question how such policy change relates to the emerging digital sovereignty discourse. Do discourse and policy change go hand in hand? I have shown that the publisher coalition and its political allies in the EP indeed invoked notions of digital sovereignty by framing copyright as a conflict between European artists and American tech platforms. As the analysis of the EP debates demonstrates, this framing quantitatively dominated an alternative perspective of copyright as a consumer or civil rights issue.

That said, while some MEPs directly emphasised “sovereignty” and “regulatory autonomy”, most references to “sovereignty” were implicit. Instead, MEPs highlighted “European values and culture”. Accordingly, digital sovereignty cannot be classified as a central reference point as defined by Falkner et al. (Forthcoming). Therefore, in the conceptual framework of the special issue, the Copyright Directive constitutes “inconspicuous change”, i.e., significant policy change without digital sovereignty as the central discursive reference (ibid.).

Timing might explain why we observe “inconspicuous change” in the copyright case. The legislative proposal stemmed from 2016 and was drafted by the Juncker Commission, whose digital policy initiatives still relied prominently on market-making frames (Heidebrecht, 2023).

Indeed, the Commission proposal justified the Copyright *in the Digital Single Market* (sic) Directive as an instrument of harmonization to facilitate cross-border exchange. Nevertheless, Günther Oettinger, the European Commissioner responsible for the Copyright Directive, was an early adopter of the “digital sovereignty” frame (Heidebrecht, 2023, p. 9), which was also increasingly used by national leaders (Falkner et al., Forthcoming). It could therefore be argued that the intense copyright debate was a precursor of a more explicit digital sovereignty discourse, which has gathered steam since the Copyright Directive’s adoption and especially under European Commission President Ursula von der Leyen.

My case study demonstrates that even implicit claims for digital sovereignty can have important strategic value. On the one hand, “digital sovereignty” can serve as a “coalition magnet” (Béland & Cox, 2016) mobilizing interest group and party coalitions. In this case, it provided a unifying frame for the centre-right and centre-left in the EP. While the EPP had long been a proponent of stricter copyright enforcement, the S&D had previously been more sceptical and more responsive to civil society criticism (Heermann, 2023a). Now, the “US platforms vs. EU artists” framing allowed left-wing MEPs to present themselves as protectors of “European culture” fighting against an unregulated digital “wild west”. On the flip side, the digital sovereignty framing also served as a “coalition wedge” (Seidl, 2022, p. 370) that delegitimised and divided the heterogeneous coalition of civil society groups and tech firms. The delegitimation of activists enabled MEPs to be non-responsive to the significant public opposition to the directive. The copyright case thus demonstrates how notions of digital sovereignty can be used strategically in the lobbying and policy-making process (see also Lambach & Oppermann, 2023; Seidl & Schmitz, 2023 in this special issue discuss the strategic use of “sovereignty” frames in EU industrial policy). In particular, the article has demonstrated the value of actor-centred perspectives to explain the future trajectory of the Internet intermediary liability regime and the “liberal information order” (Farrell & Newman, 2021) more generally. Future research on digital policy therefore should pay attention to how the digital sovereignty discourse affects coalition formation and political contestation.

6.2 Endogenous lobbying dynamics and the delegitimation of lobby coalitions

The interest group literature is increasingly paying attention to heterogeneous lobbying coalitions uniting business and civil society groups. Recent studies have explained their formation and lobbying success, highlighting the role of public and organizational salience (Beyers & De Bruycker, 2018; Junk, 2019; Phinney, 2017). The endogenous lobbying dynamics resulting from competition between heterogeneous and homogeneous interest group coalitions have received less scrutiny.

I have argued that heterogeneous coalitions are vulnerable to delegitimation attacks. Rival interest groups can attempt to strategically delegitimise civil society activism by pointing out its link to business interests.

The case of the EU Copyright Directive demonstrates how such a delegitimation strategy plays out. I have shown how the coalition of digital rights groups and Internet firms was successfully undermined by a delegitimation campaign of the rival publisher coalition. When adopting the Directive, MEPs justified their non-responsiveness to civil society opposition by delegitimising activists and protesters as manipulated by Silicon Valley.

The article thus contributes to the literature on lobbying coalitions by foregrounding the importance of endogenous dynamics in interest group competition. Beyond the dominant focus on issue, group, and coalition characteristics, future research on lobbying success should further explore and assess the importance of endogenous lobbying and (counter-) framing strategies in comparative and large-N research designs.

In the field of digital policy, the on-going “techlash” against Internet firms and the quest for digital sovereignty may have done lasting harm to advocacy prospects of digital rights groups and their strange bedfellows from Silicon Valley. As online content regulation, for example in the area of misinformation, remains high on European policy agendas, digital rights activists will have to re-evaluate the cost and benefits of engaging in heterogeneous coalitions.

Appendix to Chapter 4.

A1. Codebook Parliamentary Debates

1. General Position

- a. Support platform liability for copyright infringements of users (i.e.; support for current draft of Article 13): yes/no
- b. Explicitly support upload filters

2. General framing of political conflict

- a. Big Tech vs. Artists
- b. Big Tech vs. Publishers
- c. Consumers vs. Publishers
- d. EU interests vs. US interests
- e. European digital sovereignty

3. Delegitimation

- a. Disinformation campaign by Big Tech; Big Tech manipulates public opinion/protesters
- b. Disinformation campaign by publishers
- c. Politicians delegitimises legitimate protests

4. Justifications PRO

- a. Right to fair remuneration
- b. Appropriate safeguards for user rights
- c. Censorship claims are overblown
- d. Exemption for non-profits
- e. Failure to adopt would serve Big Tech interests
- f. Changing role of platforms

D. Justifications CONTRA

- a. No adequate balance between interests
- b. Filters threaten freedom of expression
- c. Overblocking incentives
- d. Privatised legality assessment
- e. Risks of algorithmic governance
- f. Punitive regulation targeting specific platforms
- g. Copyright law not the right instrument to achieve aims
- h. Filter technology is also monopolised by Big Tech
- i. Rights holders' interests do not equal creator interests

E. References to previous legal acts

- a. E-Commerce Directive liability regime outdated
- b. EP voted against ACTA

A2. List of Open Letters by the Heterogeneous Lobbying Coalition

Date	Title/Occasion	No. of signing groups	Source
23/04 /2015	Consumer associations and digital industries joint letter on copyright reform for the Digital Single Market	2	https://www.digitaleurope.org/resources/consumer-associations-and-digital-industries-joint-letter-on-copyright-reform-for-the-digital-single-market/
07/04 /2016	A Digital Single Market for Creativity and Innovation: Reforming Copyright Law without curtailing Internet Freedoms	30	https://www.beuc.eu/letters/open-letter-copyright-reform
09/09 /2016	Joint Letter regarding upcoming Copyright Reform Package	25	https://openmedia.org/article/item/openmedia-signs-joint-letter-regarding-upcoming-copyright-reform-package
03/20 17	Open Letter civil society: Stop the censorship machine!	33	https://www.stopthecensorshipmachine.net/
29/05 /2017	Copyright for Creativity initiative: Message in light of the Competitiveness Council – 29 May 2017	64	https://wiki.creativecommons.org/images/2/26/29May_OpenLetter_Council.pdf
13/09 /2017	Digital stakeholders urgently requests clarity on article 13 of the proposal for Directive on Copyright in the Single Market	17	https://www.digitaleurope.org/news/digital-stakeholders-urgently-requests-clarity-on-article-13-of-the-proposal-for-directive-on-copyright-in-the-single-market/
29/09 /2017	Open Letter to Secure Free and Open Source Software Ecosystem in the EU Copyright Review	17	https://savecodeshare.eu/#research
16/10 /2017	Civil society Open Letter Article 13	57	https://www.liberties.eu/en/stories/delete-article-thirteen-open-letter/13131
27/10 /2017	Joint Industry Open Letter from CCIA, DIGITALEUROPE, EDiMA and EuroISPA	4	
30/11 /2017	Copyright for Creativity initiative: Open letter in light of the Competitiveness Council on 30 November 2017	84	https://cdt.org/insights/open-letter-in-light-of-the-competitiveness-council-on-30-november-2017/
19/01 /2018	DIGITALEUROPE and its National Trade Associations call for balance and evidence-based debate on Copyright in the Digital Single Market proposal		https://www.digitaleurope.org/news/press-release-digitaleurope-and-its-national-trade-associations-call-for-balance-and-evidence-based-debate-on-copyright-in-the-digital-single-market-proposal/
27/02 /2018	Offener Brief an Rapporteur Axel Voss	15	https://www.bitkom.org/Presse/Presseinformation/Brei

			tes-Buendnis-zwischen-Internetwirtschaft-und-zivilgesellschaftlichen-Organisationen-gegen-europaeische-Upload-Filter-Regelung.html
26/04/2018	OPEN LETTER IN LIGHT OF THE 27 APRIL 2018 COREPER I MEETING	147	https://wiki.creativecommons.org/wiki/File:Open_Letter_on_Copyright_Reform_27_April_COREPER_Meeting.pdf
02/07/2018	Open Letter on EP Plenary Vote on Negotiation Mandate	167	https://copybuzz.com/wp-content/uploads/2018/07/Copyright-Open-Letter-on-EP-Plenary-Vote-on-Negotiation-Mandate.pdf
19/11/2018	Open Letter by civil society groups	55	https://edri.org/our-work/letter-to-the-council-stand-for-citizens-rights-in-the-copyright-negotiations/
20/12/2018	Open Letter: Open Source Software and the Copyright Trilogues	31	https://openforumeurope.org/open-letter-open-source-software-and-the-copyright-trilogues-2/
29/01/2019	Open Letter by civil society and start-up associations	89	https://edri.org/our-work/20190129-coalition-deletion-art-11-and-13/
19/03/2019	Nextcloud Letter	130	https://nextcloud.com/pres/s/pr20190319/

A3. Results of European Parliament Plenary Votes

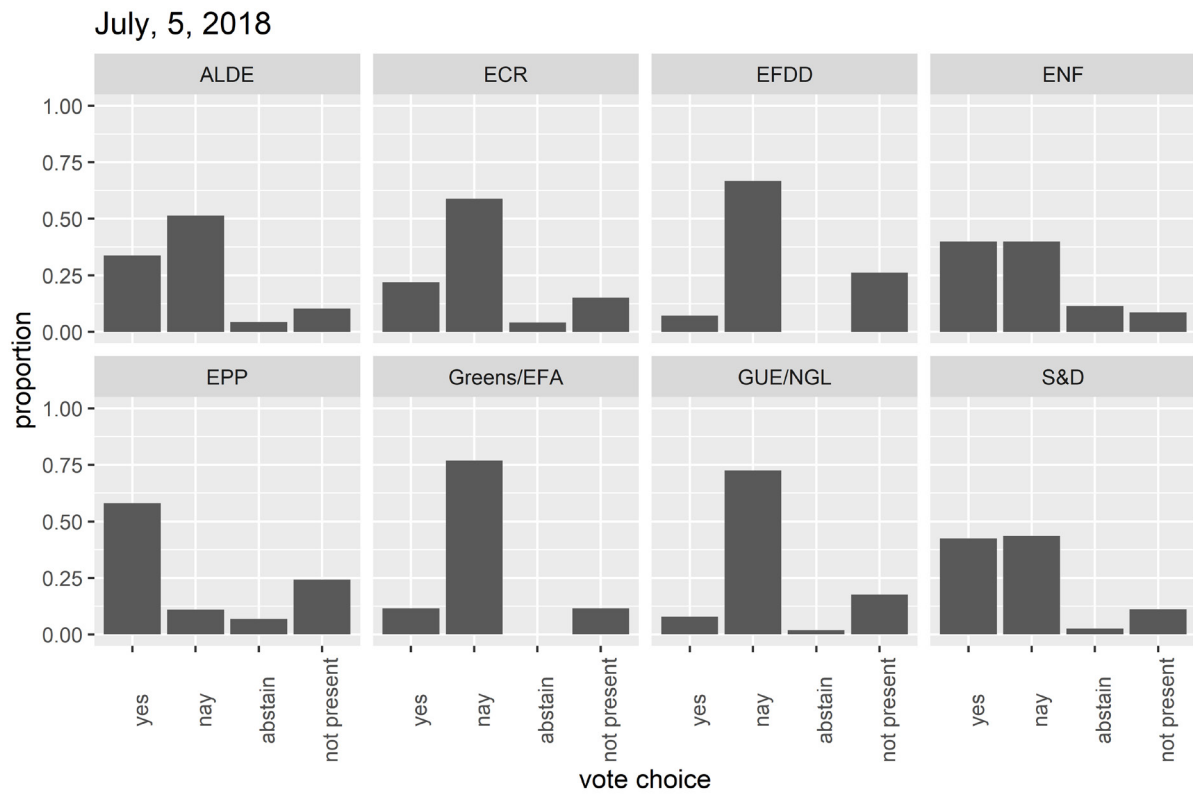


Figure A1. EP vote by party group, 05/07/2018.

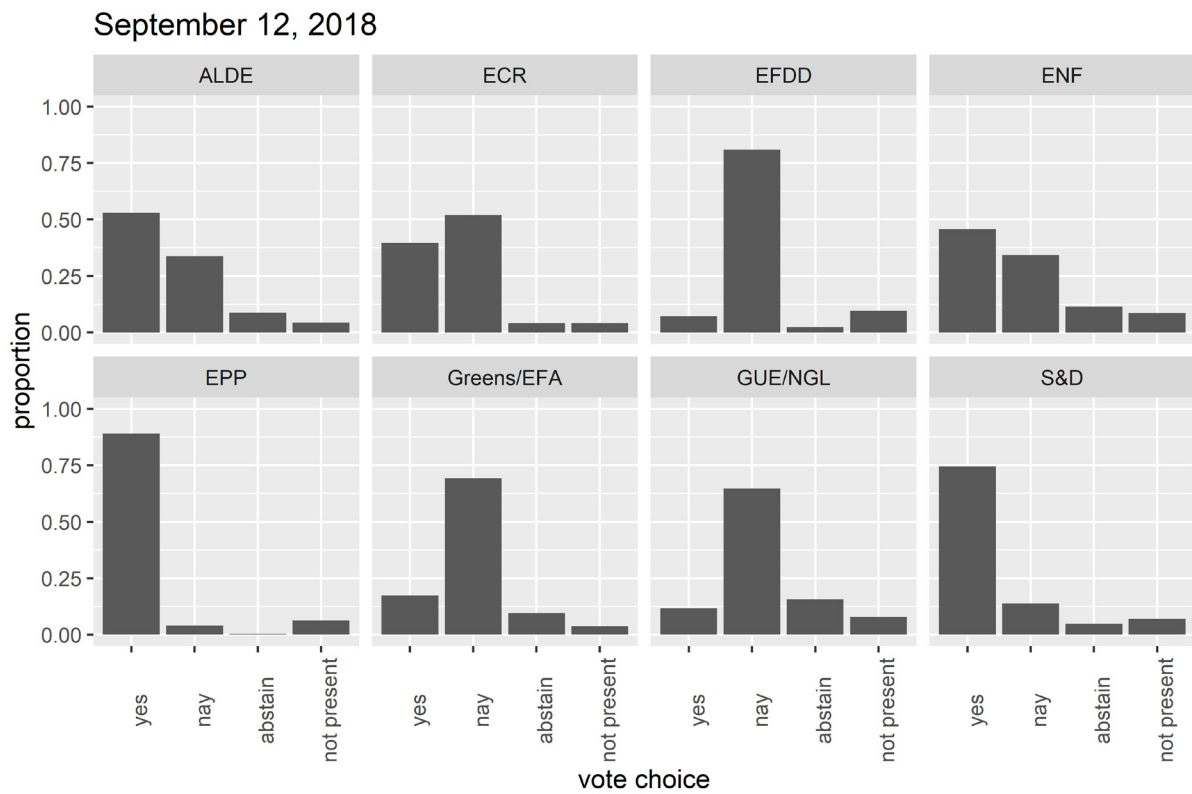


Figure A2. EP vote by party group, 12/09/2018.

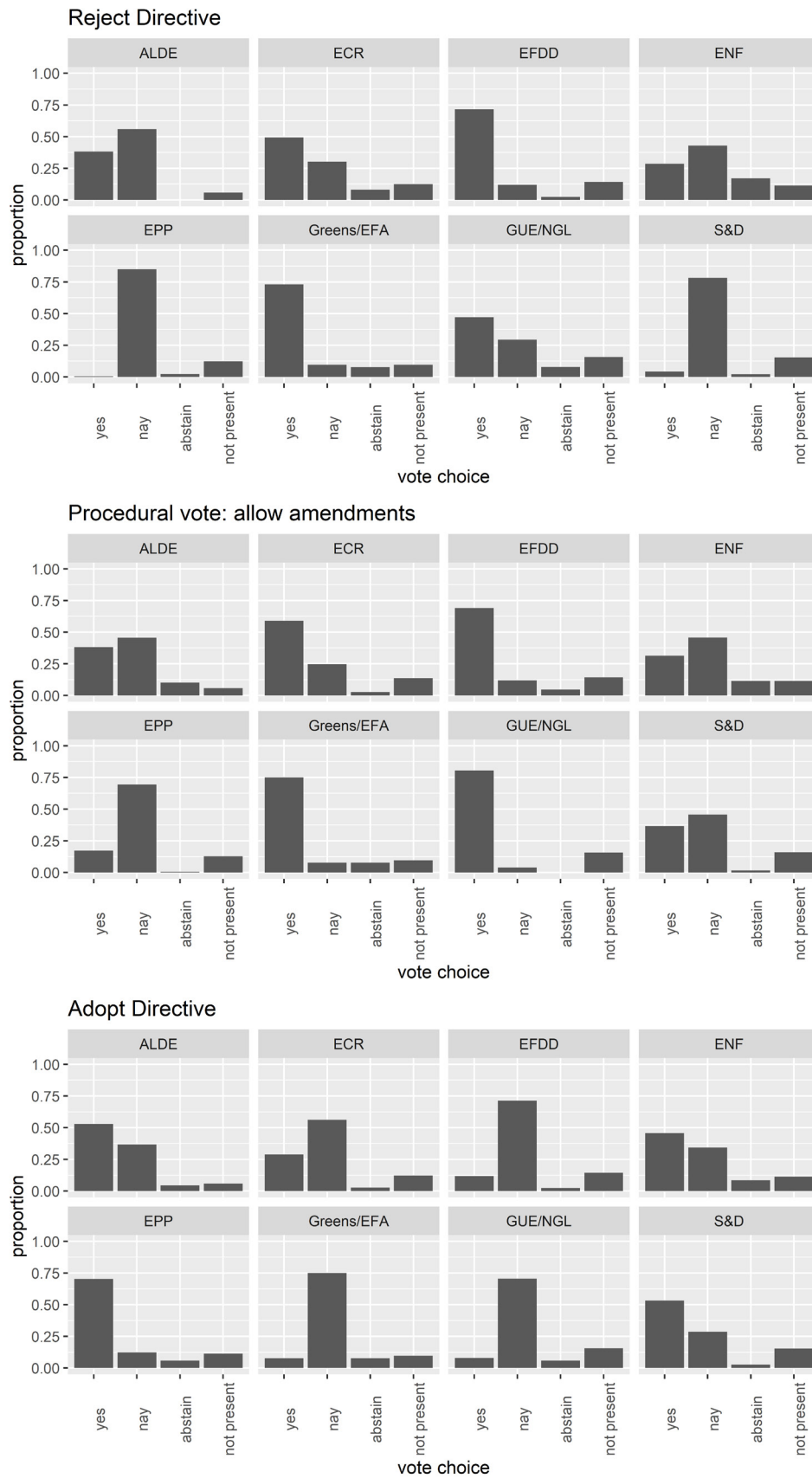


Figure A3. EP votes by party group, 26/03/2019

Chapter 5. Conclusion

Over the last two decades, Internet policy has transformed from a niche topic into a political priority of the European Commission (von der Leyen, 2019). During this period, the EU has established itself as the leading global regulator of the digital economy, offering a distinct alternative to both the US-American market-driven model and the Chinese authoritarian model (Bradford, 2023). Naturally, the EU's approach to Internet policy is not without its critics. Some argue that overregulation prevents the EU from developing a competitive home-grown tech industry. By contrast, others think that the EU is still stuck in neoliberal thinking and is, thus, not doing enough to fight the societal harms attributed to Big Tech. Moreover, while some praise the EU's "rights-driven regulatory model", others point to member states' reoccurring surveillance scandals and legislative pushes for more surveillance powers.

These contradictory assessments are the result of the democratic competition over the "best" approach to Internet policy. This dissertation has, therefore, studied the politics behind the making of the EU's famed regulatory model. In particular, I have analysed the preferences and coalitions of political parties, civil society groups, and business interests in this new policy field. In this concluding chapter, I first present the findings and contributions of each of my three studies, before summarising the overarching contributions of the dissertation. Subsequently, I discuss limitations and avenues for future research. Finally, I give an overview of recent political developments that have occurred after the end of my period of investigation. In particular, I debate how a changing political context and discourse might affect political contestation over Internet policy going forward.

1. Discussion of the Findings and Future Research

In this section, I summarise the results of each of my three studies and discuss their contributions, their political implications, and avenues for future research.

1.1 Study I: Internet policy and party research

Study I analyses 15 years of European Parliament (EP) roll call votes on Internet policy issues. It is the first study that systematically assesses party competition over Internet policy by looking at

actual parliamentary decision-making rather than studying party manifestos only. In particular, it examines how parties respond to cross-pressures and trade off their socio-cultural and economic preferences.

My data shows that Internet policy votes have increased significantly and become more contested over the course of the three legislative periods. Especially in the seventh EP (2009-2014), the relative share of grand coalitions decreased compared to centre-left (defined as S&D + ALDE) and centre-right (EPP + ALDE) coalitions. Moreover, in all legislative periods, the liberal ALDE group more often formed centre-left coalitions with the S&D group compared to centre-right coalitions with the EPP. I interpret this finding as an indication that ALDE follows its preferences on the socio-cultural rather than its preferences on the economic dimension. This corresponds to the result of the vote scaling analysis. I find that the political space of Internet policy in the EP was structured by two cross-cutting dimensions: the socio-cultural libertarian-authoritarian dimension and a pro-/anti-European integration dimension. Political contestation in the EP is better explained by the socio-cultural rather than by the economic cleavage. Moreover, the presence of an EU integration dimension indicates that conflicts over EU authority extend even to Internet policy, which is, given the global nature of the Internet, an almost ideal-typical case of a cross-border challenge.

In the conceptual framework laid out in the introductory chapter of the dissertation, I have argued that the Internet is structured by two issue dimensions: economic left-right and socio-cultural libertarian-authoritarian. The results of Study I do not refute this conceptualisation. Instead, the fact that the cross-cutting second dimension is a pro-/anti-EU dimension is a feature of the studied venue. Given the significant and growing presence of Eurosceptic parties, the EP is always an arena to debate the merits and desirability of European integration. In this regard, Internet policy votes are not distinct from the general EP voting patterns (see Hix & Høyland, 2013; Hix & Noury, 2016). In fact, the importance of the pro-/anti-EU dimension has actually increased since the end of Study I's investigation period (Börzel et al., 2023; Hix et al., 2019; Otjes & van der Veer, 2016).

That is why future research should also analyse voting behaviour in member state parliaments. However, a caveat of national parliaments is the usual dominance of government vs. opposition dynamics that are likely to obscure important parts of ideological party competition in Internet policy (Hix & Noury, 2016). Another avenue to examine the resolution of trade-offs between the economic and socio-cultural dimensions could hence be the analysis of government coalition agreements between parties with diverging preferences on one of the two dimensions. For example, Perarnaud (2021, p. 14) finds that disagreements between ministers from different coalition parties complicate Germany's preference formation in the Council of the EU.

1.2 Study II: Interest groups, platform power and regulation

Study II analyses interest group networks in three important Internet policy issue areas: privacy, online content, and Internet traffic management. Starting from the observation that Internet businesses and digital rights groups sometimes form heterogeneous lobbying coalitions, I theorise and demonstrate that the preference alignment of interest groups depends on the policy proposal under consideration. In particular, I highlight the role of “intermediary regulation”. If governments (or, in my case, the EU) propose intermediary regulation to *constrain* the behaviour of Internet users, digital rights groups and intermediaries jointly oppose this regulation. Conversely, if intermediary regulation seeks to *empower* users or intermediary-dependent businesses, intermediaries oppose this regulation, while digital rights groups and intermediary-dependent businesses support it. Beyond mapping preferences, my discourse analysis shows how interest groups employ economic and civil rights-based arguments to justify their policy positions.

By analysing the coalitional politics of what is often termed “platform capitalism” (Srnicek, 2017), Study II contributes to the literature on the business and lobbying power of digital platforms (Culpepper & Thelen, 2020; Kemmerling & Trampusch, 2022; Rahman & Thelen, 2019; Tarrant & Cowen, 2022). Following my argument, the importance of digital platforms and other Internet intermediaries (e.g., Internet service providers) in the digital economy makes Internet policy a likely policy field for heterogeneous interest group coalitions composed of business and civil society groups (cf. Beyers & De Bruycker, 2018; Junk, 2019). However, contrary to what is sometimes suggested, there is no special connection between Internet businesses and digital rights groups. My analysis shows that in the case of “empowering” intermediary regulation, digital rights groups are at odds with intermediary businesses. Instead, they share regulatory preferences with other businesses that rely on intermediaries. Moreover, Study II highlights the intra-business conflicts as firms from different sectors and with different “digital power resources” (Kemmerling & Trampusch, 2022) compete over regulations favourable to them.

Governments worldwide are considering new laws to reign in the power of platform companies. The “policy determines politics” argument suggests that new regulatory approaches might lead to new interest group coalitions. Future research should, therefore, extend the test of my theoretical argument to more cases beyond the four public consultations studied in this dissertation paper. In particular, new “omnibus” laws, such as the EU’s *Digital Services Act* (DSA), contain many different rules. This means that some interest groups might share preferences on one aspect of a legislative proposal but take opposite positions on another aspect. For example, in the case of the DSA, digital rights groups supported upholding the intermediary liability protections but otherwise

supported new legal obligations for platforms. I, therefore, concur with Cioffi et al.'s (2022, p. 831) prediction that “[t]he new regulatory politics of platforms will produce shifting alliances (often of odd bedfellows) and new conflicts among powerful firms that previously have been jointly opposed to governmental oversight and intervention into their affairs”.

1.3 Study III: Copyright and digital sovereignty

Study III brings together Study I's focus on party coalitions in the EP and Study II's focus on interest group preference alignment. It explains the contested adoption of the 2019 *Copyright in the Digital Single Market Directive* from a lobbying perspective. The case study shows why the heterogeneous coalition of digital rights groups and Internet businesses failed to preserve the regulatory status quo, even though they managed to raise public salience and mobilise protests. My explanation emphasises an interaction between the discursive context and interest groups' strategic use of lobbying frames. In a discursive context that increasingly problematised the economic power and societal influence of digital platforms, supporters of the copyright reform successfully delegitimised the activism by digital rights groups by pointing out how their activism helps the economic interests of their Big Tech allies. Moreover, by framing copyright as a conflict between European and US-American interests and values, supporters were able to disregard alternative frames of copyright as a conflict between consumers and rights holders or as a civil rights issue.

Study III contributes, on the one hand, to the literature on interest group competition by theorising the “delegitimation strategy” as part of the repertoire of lobbying tactics. It thus qualifies the literature's optimistic picture of the lobbying success of heterogeneous interest group coalitions (Junk, 2019). On the other hand, Study III also speaks to the growing debate about the meaning of “digital sovereignty” (Couture & Toupin, 2019; Falkner et al., Forthcoming; Obendiek, 2021; Pohle & Thiel, 2020). While it is not always clear what political actors understand as “digital sovereignty”, this ambiguity “makes digital sovereignty an attractive narrative hook for diverse political entrepreneurs to advance their specific priorities so that the concept can be used to build political coalitions across a wide range of policy fields” (Lambach & Oppermann, 2023, p. 694).

In the copyright case, the “digital sovereignty” frame served a dual purpose. On the one hand, it acted as a “coalition magnet” (Béland & Cox, 2016) that helped create an EP majority for the Directive, bringing together MEPs from the centre-right and the centre-left (and even some

Eurosceptics from the far-right). In particular, it is important to note that this time, the social democratic party group was split while – as I have shown in Study I – in previous copyright debates, it had sided with civil society. On the other hand, in conjunction with the delegitimation strategy, digital sovereignty also served as a “coalition wedge” (Seidl, 2022) that undermined the coalition of digital rights groups and Internet businesses. In light of the ongoing “techlash”, this raises questions about the continued political viability of this particular heterogeneous interest group coalition.

Since the adoption of the Copyright Directive, digital sovereignty has become a guiding notion of the EU’s Internet policy (Heidebrecht, 2023). In the copyright case, it was used to emphasise European economic interests and regulatory sovereignty over global digital platforms. However, in an alternative interpretation, digital sovereignty could also refer to “user autonomy and individual self-determination” (Pohle & Thiel, 2020, p. 12). Study III illustrates that these different conceptualisations of digital sovereignty are not necessarily compatible or mutually reinforcing. Civil rights arguments about the dangers of algorithmic content filtering were swiped aside in the name of European interests and values. If digital sovereignty is to be the goal of EU Internet policy, policy-makers need to be more precise as to what that sovereignty should look like (Obendiek, 2021).

As political scientists are increasingly studying the political use of “digital sovereignty” frames (Hoeffler & Mérand, 2023; Perarnaud & Rossi, 2023; Seidl & Schmitz, 2023), future research should investigate how different conceptions of digital sovereignty are employed in discourse and enshrined in laws and regulations.

2. Overarching contributions

2.1 An actor-centred analytical framework for the Internet policy field

Research on Internet policy is scarce and has primarily focused on policies and issue attention rather than on political contestation (Beyer et al., 2022, p. 285; Farrell & Newman, 2019a, p. 163). Addressing this research gap, my dissertation has taken an actor-centred approach to studying this new policy field. I have conceptualised Internet policy as a two-dimensional policy field composed of an economic regulation-deregulation and a socio-cultural libertarian-authoritarian dimension. These two dimensions are closely entangled and cannot be easily separated into

different policies. Rather, Internet policies might simultaneously affect economic outcomes and civil rights.

This framework provides a fruitful analytical lens for understanding the (coalitional) politics of Internet policy. First, it explains why political parties may face ideological cross-pressures leading to changing and perhaps unconventional political coalitions (see Study I). Second, the framework also explains why we sometimes observe “strange bedfellow” coalitions on the societal level. In Study II, I have shown that digital rights groups may oppose intermediary regulation due to civil rights concerns and thereby find themselves in the same lobbying camp as platform companies, which oppose regulation for economic reasons. However, different types of policy interventions create different sets of winners and losers (Lowi, 1972). By recognising that Internet policy affects both economic outcomes and civil rights, researchers can identify the conditions for preference alignments between different political actors. Finally, a large literature on (party) strategies has investigated how actors seek to reshape the political space in their favour (e.g., de Vries & Hobolt, 2020; Riker, 1986; Rovny & Edwards, 2012). As a two-dimensional policy field, Internet policy is susceptible to such strategies. In Study III, I have illustrated how competing lobbying coalitions tried to (re-) frame the copyright issue in their favour. My framework, thus, also helps us to understand the continued evolution of the Internet policy field. By drawing on the party competition literature, scholars can study how actors’ strategies lead to variations in the salience of dimensions over time, changing collective issue understandings (cf. Baumgartner & Mahoney, 2008), and ultimately, policy change.

Beyond the EU case, my analytical framework is applicable to democracies worldwide. In autocratic systems, party and interest group competition is much more constrained (if they exist at all). Nevertheless, the conceptualisation of a two-dimensional policy field also helps to pinpoint a key trade-off that autocratic regimes face: How much economic openness (and thus the potential of economic growth) can they risk without losing control over their population? Like in democracies, the salience of the two dimensions varies over time in autocracies, too. The Chinese crack-down on its leading domestic Internet businesses in 2021 and 2022 is a stark example thereof.

2.1 Coalitional politics beyond Internet policy

Beyond Internet policy, my dissertation contributes to our understanding of party and interest group coalitions. In particular, Studies II and III of this dissertation contribute to the literature on

interest group competition. Lobbying scholars increasingly pay attention to “diverse” or “heterogeneous” interest group collation, in which business groups cooperate with civil society groups. Previous research has investigated the incentives and hurdles of forming such “strange bedfellow” coalitions (Beyers & De Bruycker, 2018; Heaney & Leifeld, 2018; Phinney, 2017) and their lobbying success (Dwidar, 2022; Junk, 2019; Lorenz, 2019; Phinney, 2017).

However, these studies have mostly assumed that civil society groups and businesses share policy preferences rather than explained why they do so in the first place. My dissertation has built on Lowi (1972) and the policy feedback literature (Béland et al., 2022; Pierson, 1993) to explain interest group preference alignment in the case of Internet policy. Additionally, Study II shows that making predictions regarding preference alignments in regulatory policies requires a deep understanding of the respective policy issue and its political economy.

Junk (2019) and Phinney (2017) have explained the lobbying success of heterogeneous interest group coalitions with their signalling and information advantages compared to homogeneous coalitions. A heterogeneous coalition can draw on more diverse expertise and experiences, making its policy input more credible. Moreover, they can signal broad societal support for or opposition to a policy proposal. These information sources and signals are valuable for policy-makers. However, previous studies have paid less attention to the counter-lobbying strategies of rival homogeneous lobbying coalitions and policy entrepreneurs. In Study III, I have conceptualised a “delegitimation strategy” as a tactic in the repertoire of (counter-) lobbying strategies that was previously unexplored in the literature. By drawing attention to the fact that the activism of civil society groups helps the material interest of their business allies, policy opponents can seek to delegitimise civil society advocacy. Delegitimation claims are a form of framing. However, framing research usually considers the framing of issues rather than the framing of actors (De Bruycker, 2017). By introducing the delegitimation strategy, I, thus, also contribute to the literature on framing in the lobbying context. More generally, I have emphasised the importance of endogenous lobbying dynamics that emerge from changing lobbying and counter-lobbying strategies throughout the legislative process.

Heterogeneous interest group coalitions exist in many policy fields beyond Internet policy (Junk, 2019; Lorenz, 2019; Phinney, 2017). For instance, the insights of this dissertation might be valuable for understanding the interest group politics in environmental and climate policy, in which environmental NGOs and renewable energy companies are likely to form heterogeneous lobbying coalitions.

3. Limitations and Extensions

3.1 Member states and legislative bargaining

I have studied Internet policy at the EU level. However, while every country has its idiosyncrasies, the preferences, cross-pressures and coalition opportunities should also broadly generalise to the level of the member states and Western democracies more generally. Nevertheless, for the study of a policy field at the EU level, my dissertation has one limitation. It does not analyse the preferences and coalitions of EU member states.

As discussed in Chapter 1, Perarnaud (2021) has mapped member state coalitions in Internet policy in the second half of the 2010s using some of the best data available, the *DEU* data set (Arregui & Perarnaud, 2022; Thomson et al., 2012). However, like my own research, Perarnaud's work is limited to a specific time period (in his case, 2016-2019). The rise of the digital sovereignty frame might reshape member state coalitions in similar ways as it affects party and interest group coalitions. In the introduction, I have suggested that the digital sovereignty frame might lead to greater coordination between France and Germany. Therefore, future research should study the evolving member state coalitions and extend Perarnaud's analysis further back in time. Research on member state preferences is not easy. The *DEU* data is limited by sampling constraints – there are simply not that many Internet policies covered. In addition, Council voting is, despite the increased option of qualified majority voting, highly consensual (Hagemann et al., 2017; Heisenberg, 2005). However, the video recordings of public Council deliberations offer a promising – and, so far, rarely exploited – opportunity to study member state preferences in the Council. Thanks to advances in automated video and text analysis, these recordings can be increasingly leveraged for large-N research (Wrtil & Hobolt, 2019). Nevertheless, in-depth case studies will remain indispensable for a better understanding of member state preference formation and Council bargaining dynamics in Internet policy.

Another remaining research gap is the bicameral politics of EU Internet policy (cf. Hagemann & Høyland, 2010). In the ordinary legislative procedure, both the Council and the EP need to adopt legislation. Together with the European Commission, they usually negotiate the final text in the informal *trilogues* (on trilogues, see, e.g., Brandsma et al., 2021). To fully explain Internet policy output in the EU, future research should not limit itself to the EP or the Council only but also systematically assess trilogues.

3.2 Public opinion and voter-party congruence

Another research area I did not address in this dissertation is public opinion. In Chapter 1, I have argued that despite increasing political contestation and moments of high public salience, Internet policy is not (yet) a top priority for most voters. Nevertheless, given the potential societal impact of Internet policy, it is important to understand citizens' preferences regarding Internet policy.

For example, recent studies show that US citizens are strongly divided over online content regulation (Appel et al., 2023; Kozyreva et al., 2023). Supporters of the Democratic Party prefer stricter content moderation rules and want more potentially harmful content, such as hate speech or misinformation, to be deleted. By contrast, Republican voters are more critical of content takedowns. In this case, citizens' preferences reflect the positions of their preferred party (cf. Farrell & Newman, 2021). Future research could explore (1) whether public preferences concerning Internet policy are similarly polarised in Europe and (2) whether the preference alignment of European voters also aligns with the positions of their preferred parties.

Like political parties, citizens might also be cross-pressured by the economic and socio-cultural dimensions of Internet policy. Hence, an important question is how citizens form their preferences on Internet policy. To what extent do citizens follow their preferred parties' Internet policy positions? Future research could investigate the role of party and elite cues in Internet policy (cf. Boudreau & MacKenzie, 2014; Chong & Druckman, 2007b; Druckman et al., 2013). In addition to this top-down perspective, it is important to study party or government responsiveness to voters. From the perspective of democratic representation, parties' positions should correspond to the preferences of their respective voters. A large body of literature analyses the congruence between party positions and voter preferences in different policy fields (e.g., Arnold & Franklin, 2012; Costello et al., 2021; Ibenskas & Polk, 2022; Traber et al., 2018). This line of research could be extended to the Internet policy field.

3.3 Implementation, enforcement, impact

My dissertation has focused on the making of Internet policy. However, to achieve its politically desired outcomes, the implementation of EU law in the member states and its efficient enforcement is crucial. For instance, the enforcement of the GDPR has received considerable media and scholarly attention (Jang & Newman, 2022; Li & Newman, 2022; Mizarhi-Borohovich et al., 2023; Sivan-Sevilla, 2022). Other major EU Internet policies – not least the landmark DSA and DMA – deserve similar attention. Furthermore, the impact of EU Internet policy on private

platform governance, on the one hand, and global Internet governance, on the other hand, should be investigated. For example, Perarnaud and Rossi (2023) examine whether the EU's rhetoric turn towards digital sovereignty affects its position in global governance processes.

Studying the enforcement and impact of EU Internet policy is essential for a normative assessment of the EU's regulatory model. Moreover, the outcomes of Internet policy will shape future policy-making and political contestation. Following the policy feedback theory, positive feedback effects might reinforce a political choice and entrench its winners (Pierson, 1993). Alternatively, negative policy feedback might undermine current policies and lead to policy change (Jacobs & Weaver, 2015). Actors might learn and adjust their positions, and new winning coalitions might emerge.

4. Looking Ahead: The Future of EU Internet Policy

4.1 The challenge of temporal validity

"The Internet has been *new* for a very long time" (Karpf, 2020, p. 87). With this pithy quote, Dave Karpf reminds us that the World Wide Web has now existed for three decades and that, throughout this period, it has transformed significantly. He identifies three Internet ages. First, "[t]he Internet of the 1990s was defined by static web pages (Geocities), early search engines (Mosaic and Netscape), and walled-garden Internet portals like AOL" (Karpf, 2020, p. 88). Second, the Internet of the 2000s – labelled "Web 2.0" – was widely portrayed as a space for citizen collaboration through blogs and projects like Wikipedia (*ibid.*). However, these decentralised communities were gradually replaced by centralised social media platforms. The third age then is "the platform society", which "locates power within the handful of major platform companies (Facebook, Amazon, Twitter, and Google, in particular) and raises questions about their algorithms, quasi-regulatory power, and social responsibility" (Karpf, 2020, p. 89). Accordingly, research on the Internet and politics needs to be clear on "*when* in Internet time" it is conducted (*ibid.*).

This is particularly relevant for the study of Internet politics, i.e., political online communication. Not only does the digital public sphere evolve – e.g., from web forums to blogs to social media platforms – but platforms also frequently change their algorithms and content moderation practices. For instance, Twitter – now called X – has significantly changed since it was acquired by Elon Musk in 2022. Social scientists, therefore, face the problem of "temporal validity": empirical findings may be valid only for a limited amount of time (Munger, 2019, 2023).

In contrast to Internet politics, the challenge of temporal validity is less pronounced when it comes to research on Internet policy. Institutions, including laws, are sticky and create path dependencies. As discussed in section 4 of chapter 1, the policy feedback theory holds that political choices today create the “terrain” for future political contestation (Béland et al., 2022; Hacker & Pierson, 2014). For example, in Study III, I have argued that the EU’s 2000 E-Commerce Directive explains the heterogeneous lobbying coalition of digital rights groups and Internet businesses. The preferences of digital rights groups and Internet businesses aligned because both wanted to maintain the limited liability regime of the E-Commerce Directive in the area of copyright. Thus, even if external circumstances change, past political decisions cast their shadow over future political contests.

In this dissertation, I have studied the formative years of Internet policy (1999-2019). My cases fall into the “Web 2.0” and “platform” eras outlined by Karpf (2020). As my research shows, during this period, several key issue areas have been prominent: data protection, intellectual property rights, content regulation, as well as broadband network expansion and traffic management. These issues have since remained politically contested. Moreover, Karpf (2019) has argued that Internet time has slowed down during the platform era. Digital markets at the beginning of the 2020s look remarkably similar to digital markets a decade earlier. The same American platform companies dominate, even though Chinese firms like TikTok have emerged as new competitors.

I am therefore confident that my dissertation's theoretical arguments and empirical findings remain substantively valuable, even as the digital economy and Internet policy continue to evolve. In the following, I conclude with a look beyond my investigation period and into the future.

4.2 The EU’s Internet policy agenda in the 2020s

My period of investigation ended with the adoption of the Copyright Directive in March 2019, the last major Internet policy project of the EP’s eighth legislative turn. In May 2019, a new EP was elected, and in the fall of the same year, Ursula von der Leyen followed Jena-Claude Juncker as President of the European Commission. As described in chapter 1, EU Internet policy took a stronger market-correcting turn under the Juncker presidency. The GDPR and the Copyright Directive are arguably the most prominent examples of this development (Heidebrecht, 2023). Declaring “digital sovereignty” a policy priority, the von der Leyen Commission not only continued on this path but also extended the agenda towards “market-directing” industrial policies (Hoeffler

& Mérand, 2023; Seidl & Schmitz, 2023). While market-correcting policies focus on regulation, market-directing policies seek to shape markets through subsidies and similar interventions.

Two market-directing policy initiatives stand out. First, the *Digital Markets Act* (DMA), proposed in December 2020 and adopted in July 2022, reforms EU competition policy by designating online “gatekeepers”, which have to fulfil additional legal obligations outside of regular antitrust proceedings. The formulation and adoption of the DMA has already received substantive scholarly attention, which emphasises both political struggles within the Commission (Hoeffler & Mérand, 2023), and learning effects from the use of traditional competition law in an Internet policy context (Cini & Czulno, 2022). By distinguishing “gatekeepers” with a high level of market power from other Internet businesses, the DMA (as well as the DSA discussed below) introduces a more finely graded approach to Internet regulation. Instead of treating all firms alike, some face more stringent rules than others. This may create new preference heterogeneity in the business community and may, consequently, lead to opportunities for heterogeneous lobbying coalitions between smaller firms and civil society groups.

A second prominent market-directing policy is the *European Chips Act*, which was proposed in February 2022 and adopted in July 2023. It provides public subsidies for semiconductor manufacturing. With this law, the EU moves away from its restrictive approach to state aid and increases its attention to computer hardware. This adds a new component to EU Internet policy. With the exception of research funding, hardware had previously not been a prominent item on the Internet policy agenda (Seidl & Schmitz, 2023). The European Chips Act is a response to the concentration of semiconductor manufacturing in Taiwan and the increasing geopolitical tensions between the US and China over Taiwan’s de facto independence on the one hand and technological dominance on the other hand (cf. Farrell & Newman, 2023; Miller, 2022). The Chips Act must, therefore, be seen as part of the EU’s broader re-appreciation of industrial policy and its ambition to become a “geopolitical” actor (McNamara, 2023; Seidl & Schmitz, 2023). Internet policy framed as a matter of “digital sovereignty” can serve as a laboratory for studying the changing coalitional politics in the EU’s “geopolitical turn” towards industrial policy (see also McNamara, 2023, p. 12). Hence, an important question for future research is whether a new “geopolitical” dimension emerges in EU Internet policy or whether these issues are ultimately subsumed in the two-dimensional space identified in this dissertation.

Besides these market-directing policy innovations, the EU has increased its focus on the regulation of online content. The most important policy in this area is the DMA’s “sister act”, the *Digital Services Act* (DSA) (Cioffi et al., 2022). The DSA updates the E-Commerce Directive and introduces

a comprehensive set of procedural rules for online content moderation on digital platforms. Like the DMA, the DSA adopts a multi-tiered regulatory regime. So-called “very large online platforms” face more stringent rules than smaller businesses. However, in contrast to the Copyright Directive and despite worries by digital rights groups and Internet businesses, the DSA maintains the E-Commerce Directive’s limited liability regime. In particular, member states from the D9+ coalition (cf. Perarnaud, 2021) advocated for keeping the liability protections.⁸³ In contrast to the DMA, the making of the DSA has so far received less scholarly attention. It would, however, be an important new test case for my theoretical argument concerning the conditional preference alignment between digital rights groups and Internet businesses developed in Study II of this dissertation.

One specific focus of the EU’s current content regulation initiatives is misinformation and disinformation. The DSA, as well as the soft law *European Democracy Action Plan* and the *European Media Freedom Act* (proposed in 2021 and currently in the legislative process), formulate procedural rules for the treatment of mis- and disinformation on digital platforms (Bradford, 2023, p. 121). This issue raises difficult normative questions – what is the truth, what is false? Moreover, the magnitude of the problem is empirically disputed (e.g., Bouza García & Oleart, 2023; Jungherr & Schroeder, 2021). Hence, the regulation of misinformation is highly contested, and Bouza García and Oleart (2023) have recently called for research into the coalitional politics behind the issue. For example, in the case of the *European Media Freedom Act*, news publishers do not want to see their social media content moderated by platforms and hope to get a “media exemption” into the law – a position that is heavily contested.⁸⁴ My analytical framework provides a good starting point for this research into the regulatory politics of “fake news”.

Another highly controversial content regulation issue concerns the fight against child sexual abuse material online. In 2022, the European Commission proposed a *Regulation laying down rules to prevent and combat child sexual abuse*. While strongly supported by law enforcement agencies, the bill has been heavily criticised by digital rights groups for endangering privacy and undermining encryption. This policy is thus a good example of the entanglement of the civil rights and the

⁸³ D9+ Group, 13/05/2020, “One voice of D9+ Group on new regulations concerning provision of digital services in the EU”, <https://www.gov.pl/web/digitalization/one-voice-of-d9-group-on-new-regulations-concerning-provision-of-digital-services-in-the-eu> (Accessed: 03/12/2023).

⁸⁴ See e.g., Netzpolitik, 01/12/2023, “Europäisches Medienfreiheitsgesetz: Abgeschwächter Sonderstatus für Medien auf großen Plattformen”, <https://netzpolitik.org/2023/europaeisches-medienfreiheitsgesetz-abgeschwaechter-sonderstatus-fuer-medien-auf-grossen-plattformen/>; EDRI, 07/09/2023, „European Parliament’s CULT committee set to greenlight controversial amendment to the EMFA in today’s vote“, <https://edri.org/our-work/european-parliaments-cult-committee-greenlight-controversial-amendment-to-the-emfa/> (Accessed: 03/12/2023).

economic dimensions of Internet policy. The bill affects not only the fundamental right to privacy and confidential communications. It also has important economic implications because encryption is crucial for conducting safe economic transactions and for protecting businesses against economic espionage. As my theoretical framework would predict, a large heterogeneous lobbying coalition composed of civil society and business associations opposes the proposal.⁸⁵ Given this broad opposition, EU member states are divided, and the EP wants to weaken the controversial parts of the legislative proposal. Accordingly, the bill is currently stalled in the Council.⁸⁶

Finally, the EU seeks to regulate Artificial Intelligence (AI). AI raises many questions that have already been prominent in Internet policy, including data protection, algorithmic discrimination, and intellectual property rights (for a comprehensive discussion of AI's potential impact on democracy, see Jungherr (2023)). For example, Internet business associations argue that questions of intellectual property rights are already appropriately regulated in the Copyright Directive's rules on text- and data-mining.⁸⁷ The European Commission proposed its *AI Act* in April 2021; at the time of writing (December 2023), it is in the trilogue negotiations. There is no political consensus yet. The EP wants strict and binding rules for AI companies and seeks to limit the use of AI for law enforcement purposes.⁸⁸ Meanwhile, Germany, France and Italy advocate for self-regulation, a stance that appears to be driven by the lobbying of French and German AI start-ups.⁸⁹

In sum, Internet policy in the EU is continuously evolving. As a consequence, its coalition politics may change as new preference alignments emerge or old coalitions fall apart. In particular, the

⁸⁵ See, EDRI, 29/08/2023, "Is this the most criticised draft EU law of all time?", <https://edri.org/our-work/most-criticised-eu-law-of-all-time/>; CCIA, 04/04/2023, "CSA: Industry Associations Suggest Improvements to EU Regulation in Joint Statement", <https://ccianet.org/news/2023/04/csa-industry-associations-suggest-improvements-to-eu-regulation-in-joint-statement/> (Both accessed: 03/12/2023).

⁸⁶ See, Netzpolitik, 23/11/2023, "Immer mehr EU-Staaten gegen unverhältnismäßige Chatkontrolle", <https://netzpolitik.org/2023/internes-protokoll-immer-mehr-eu-staaten-gegen-unverhaeltnismaessige-chatkontrolle/> (Accessed: 03/12/2023).

⁸⁷ Digital Europe, 23/11/2023, "Joint statement: Let's give AI in Europe a fighting chance", <https://www.digitaleurope.org/news/joint-statement-lets-give-ai-in-europe-a-fighting-chance/> (Accessed: 03/12/2023).

⁸⁸ Euractiv, 24/11/2023, "Foundation model discussions heat up, EUCS mediation attempt", <https://www.euractiv.com/section/digital/news/foundation-model-discussions-heat-up-eucs-mediation-attempt/>; Euractiv, 01/12/2023, "AI Act's COREPER mandates, CRA final agreement", <https://www.euractiv.com/section/digital/news/ai-acts-coreper-mandates-cra-final-agreement/> (Both accessed: 03/12/2023).

⁸⁹ See Euractiv, 19/11/2023, "France, Germany, Italy push for 'mandatory self-regulation' for foundation models in EU's AI law", <https://www.euractiv.com/section/artificial-intelligence/news/france-germany-italy-push-for-mandatory-self-regulation-for-foundation-models-in-eus-ai-law/>; Euractiv, 29/11/2023, "Behind France's stance against regulating powerful AI models", <https://www.euractiv.com/section/artificial-intelligence/news/behind-frances-stance-against-regulating-powerful-ai-models/> (Both accessed: 02/12/2023).

increasingly dominant digital sovereignty frame may serve as a coalition magnet or wedge. Nevertheless, as the overview of the current legislative debates shows, Internet policy continues to be shaped by the entanglement of its economic and socio-cultural dimensions, leading to more opportunities for “strange bedfellow” coalitions. Therefore, the analytical framework developed in this dissertation offers a valuable vantage point for studying the evolution of Internet policy in the EU and beyond.

Declaration of Authorship

All three studies of this dissertation are single-authored.

Bibliography

Bibliography

- Abou-Chadi, T., & Stoetzer, L. F. (2020). How Parties React to Voter Transitions. *American Political Science Review*, 114(3), 940-945. <https://doi.org/10.1017/S0003055420000155>
- Adams, J., Clark, M., Ezrow, L., & Glasgow, G. (2004). Understanding Change and Stability in Party Ideologies: Do Parties Respond to Public Opinion or to Past Election Results? *British Journal of Political Science*, 34(4), 589-610. <https://doi.org/10.1017/S0007123404000201>
- Adler, J. (2011). The Public's Burden in a Digital Age: Pressures on Intermediaries and the Privatization of Internet Censorship. *Journal of Law & Policy*, 20(1), 231-266.
- Alizadeh, M., Gilardi, F., Hoes, E., Klüser, K. J., Kubli, M., & Marchal, N. (2022). Content Moderation as a Political Issue: The Twitter Discourse around Trump's Ban. *Journal of Quantitative Description: Digital Media*, 2. <https://doi.org/10.51685/jqd.2022.023>
- Appel, R. E., Pan, J., & Roberts, M. E. (2023). Partisan Conflict over Content Moderation Is More Than Disagreement About Facts. *Science Advances*, 9(44). <https://doi.org/10.1126/sciadv.adg6799>
- Arnold, C., & Franklin, M. N. (2012). Introduction: Issue Congruence and Political Responsiveness. *West European Politics*, 35(6), 1217-1225. <https://doi.org/10.1080/01402382.2012.713741>
- Arregui, J., & Perarnaud, C. (2022). A New Dataset on Legislative Decision-Making in the European Union: The DEU III Dataset. *Journal of European Public Policy*, 29(1), 12-22. <https://doi.org/10.1080/13501763.2021.1991983>
- Atikcan, E. Ö., & Chalmers, A. W. (2019). Choosing Lobbying Sides: The General Data Protection Regulation of the European Union. *Journal of Public Policy*, 39(4), 543-564. <https://doi.org/10.1017/S0143814X18000223>
- Bach, D., & Newman, A. L. (2007). The European Regulatory State and Global Public Policy: Micro-Institutions, Macro-Influence. *Journal of European Public Policy*, 14(6), 827-846. <https://doi.org/10.1080/13501760701497659>
- Bakker, R., De Vries, C., Edwards, E., Hooghe, L., Jolly, S., Marks, G., Polk, J., Rovny, J., Steenbergen, M., & Vachudova, M. A. (2015). Measuring Party Positions in Europe: The Chapel Hill Expert Survey Trend File, 1999–2010. *Party Politics*, 21(1), 143-152. <https://doi.org/10.1177/1354068812462931>
- Barbrook, R. (2002). The Regulation of Liberty: Free Speech, Free Trade and Free Gifts on the Net. *Science as Culture*, 11(2), 155-170. <https://doi.org/10.1080/09505430220137225>
- Barbrook, R., & Cameron, A. (1996). The Californian Ideology. *Science as Culture*, 6(1), 44-72. <https://doi.org/10.1080/09505439609526455>
- Barlow, J. P. (1996). A Declaration of the Independence of Cyberspace. <https://www.eff.org/cyberspace-independence>
- Bauer, J. M., & Schneider, V. (2008). Cooperation, Competition, and Mutualism in the US Information and Communications Sector. In J. R. Grote, A. Lang, & V. Schneider (Eds.), *Organized Business Interests in Changing Environments: The Complexity of Adaptation* (pp. 130-152). Palgrave Macmillan https://doi.org/10.1057/9780230594913_7
- Baumgartner, F. R., Breunig, C., & Grossman, E. (2019). *Comparative Policy Agendas: Theory, Tools, Data*. Oxford: Oxford University Press.
- Baumgartner, F. R., & Jones, B. D. (1993). *Agendas and Instability in American Politics*. Chicago: University of Chicago Press.
- Baumgartner, F. R., & Mahoney, C. (2008). The Two Faces of Framing: Individual-Level Framing and Collective Issue Definition in the European Union. *European Union Politics*, 9(3), 435-449. <https://doi.org/10.1177/1465116508093492>
- Béland, D., Campbell, A. L., & Weaver, R. K. (2022). *Policy Feedback: How Policies Shape Politics*. Cambridge: Cambridge University Press.

- Béland, D., & Cox, R. H. (2016). Ideas as Coalition Magnets: Coalition Building, Policy Entrepreneurs, and Power Relations. *Journal of European Public Policy*, 23(3), 428-445. <https://doi.org/10.1080/13501763.2015.1115533>
- Bellanova, R., Carrapico, H., & Duez, D. (2022). Digital Sovereignty and European Security Integration: An Introduction. *European Security*, 31(3), 337-355. <https://doi.org/10.1080/09662839.2022.2101887>
- Benkler, Y. (2006). *The Wealth of Networks: How Social Production Transforms Markets and Freedom*. New Haven: Yale University Press.
- Benkler, Y., Roberts, H., Faris, R., Solow-Niederman, A., & Etling, B. (2015). Social Mobilization and the Networked Public Sphere: Mapping the Sopa-Pipa Debate. *Political Communication*, 32(4), 594-624. <https://doi.org/10.1080/10584609.2014.986349>
- Bennett, C. J. (2010). *The Privacy Advocates: Resisting the Spread of Surveillance*. Cambridge, MA: MIT Press.
- Beyer, D., Breunig, C., Green-Pedersen, C., & Klüser, K. J. (2022). Punctuated Equilibrium and the Comparative Study of Policy Agendas. *Politische Vierteljahresschrift*, 63(2), 275-294. <https://doi.org/10.1007/s11615-022-00400-y>
- Beyers, J. (2008). Policy Issues, Organisational Format and the Political Strategies of Interest Organisations. *West European Politics*, 31(6), 1188-1211. <https://doi.org/10.1080/01402380802372654>
- Beyers, J., Bonafont, L. C., Dür, A., Eising, R., Fink-Hafner, D., Lowery, D., Mahoney, C., Maloney, W., & Naurin, D. (2014). The Intereuro Project: Logic and Structure. *Interest Groups & Advocacy*, 3(2), 126-140. <https://doi.org/10.1057/iga.2014.8>
- Beyers, J., & De Bruycker, I. (2018). Lobbying Makes (Strange) Bedfellows: Explaining the Formation and Composition of Lobbying Coalitions in EU Legislative Politics. *Political Studies*, 66(4), 959-984. <https://doi.org/10.1177/0032321717728408>
- Beyers, J., Dür, A., Marshall, D., & Wonka, A. (2014). Policy-Centred Sampling in Interest Group Research: Lessons from the Intereuro Project. *Interest Groups & Advocacy*, 3(2), 160-173. <https://doi.org/10.1057/iga.2014.10>
- Binderkrantz, A. S. (2020). Interest Group Framing in Denmark and the UK: Membership Representation or Public Appeal? *Journal of European Public Policy*, 27(4), 569-589. <https://doi.org/10.1080/13501763.2019.1599041>
- Birch, K., Cochrane, D. T., & Ward, C. (2021). Data as Asset? The Measurement, Governance, and Valuation of Digital Personal Data by Big Tech. *Big Data & Society*, 8(1), 20539517211017308. <https://doi.org/10.1177/20539517211017308>
- Blondel, V. D., Guillaume, J.-L., Lambiotte, R., & Lefebvre, E. (2008). Fast Unfolding of Communities in Large Networks. *Journal of Statistical Mechanics: Theory and Experiment*, 2008(10), P10008. <https://doi.org/10.1088/1742-5468/2008/10/P10008>
- Bora, S. I., & Schramm, L. (2023). Toward a More 'Sovereign' Europe? Domestic, Bilateral, and European Factors to Explain France's (Growing) Influence on EU Politics, 2017–2022. *French Politics*, 21(1), 3-24. <https://doi.org/10.1057/s41253-022-00203-y>
- Börzel, T. A., Broniecki, P., Hartlapp, M., & Obholzer, L. (2023). Contesting Europe: Eurosceptic Dissent and Integration Polarization in the European Parliament. *JCMS: Journal of Common Market Studies*. <https://doi.org/10.1111/jcms.13448>
- Boudreau, C., & MacKenzie, S. A. (2014). Informing the Electorate? How Party Cues and Policy Information Affect Public Opinion About Initiatives. *American Journal of Political Science*, 58(1), 48-62. <https://doi.org/10.1111/ajps.12054>
- Boulianne, S. (2020). Twenty Years of Digital Media Effects on Civic and Political Participation. *Communication Research*, 47(7), 947-966. <https://doi.org/10.1177/0093650218808186>
- Bouza García, L., & Oleart, A. (2023). Regulating Disinformation and Big Tech in the EU: A Research Agenda on the Institutional Strategies, Public Spheres and Analytical

- Challenges. *JCMS: Journal of Common Market Studies*.
<https://doi.org/10.1111/jcms.13548>
- Bradford, A. (2020). *The Brussels Effect: How the European Union Rules the World*. Oxford: Oxford University Press.
- Bradford, A. (2023). *Digital Empires: The Global Battle to Regulate Technology*. Oxford: Oxford University Press.
- Brandsma, G. J., Greenwood, J., Ripoll Servent, A., & Roederer-Rynning, C. (2021). Inside the Black Box of Trilogues: Introduction to the Special Issue. *Journal of European Public Policy*, 28(1), 1-9. <https://doi.org/10.1080/13501763.2020.1859600>
- Breindl, Y. (2013). Assessing Success in Internet Campaigning. *Information, Communication & Society*, 16(9), 1419-1440. <https://doi.org/10.1080/1369118X.2012.707673>
- Breindl, Y., & Briatte, F. (2013). Digital Protest Skills and Online Activism against Copyright Reform in France and the European Union. *Policy & Internet*, 5(1), 27-55.
<https://doi.org/10.1002/poi3.21>
- Brody, A., Kneese, T., & Frizzo-Barker, J. (2023). Building Blockchain Frontiers: Ethereum as an Extension of the Californian Ideology. *INTERNATIONAL JOURNAL OF COMMUNICATION*, 17, 4161-4182.
- Broockman, D. E., Ferenstein, G., & Malhotra, N. (2019). Predispositions and the Political Behavior of American Economic Elites: Evidence from Technology Entrepreneurs. *American Journal of Political Science*, 63(1), 212-233.
<https://doi.org/10.1111/ajps.12408>
- Budge, I., & Farlie, D. (1983). Party Competition: Selective Emphasis or Direct Confrontation?: An Alternative View with Data. In H. Daalder & P. Mair (Eds.), *Western European Party Systems : Continuity & Change* (pp. 267-305). Sage.
- Burkart, P. (2014). *Pirate Politics: The New Information Policy Contests*. Cambridge, MA: MIT Press.
- Busemeyer, M. R., Abrassart, A., & Nezi, R. (2021). Beyond Positive and Negative: New Perspectives on Feedback Effects in Public Opinion on the Welfare State. *British Journal of Political Science*, 51(1), 137-162. <https://doi.org/10.1017/S0007123418000534>
- Candel, J. J. L., & Biesbroek, R. (2016). Toward a Processual Understanding of Policy Integration. *Policy Sciences*, 49(3), 211-231. <https://doi.org/10.1007/s11077-016-9248-y>
- Chong, D., & Druckman, J. N. (2007a). Framing Public Opinion in Competitive Democracies. *American Political Science Review*, 101(4), 637-655.
<https://doi.org/10.1017/S0003055407070554>
- Chong, D., & Druckman, J. N. (2007b). A Theory of Framing and Opinion Formation in Competitive Elite Environments. *Journal of Communication*, 57(1), 99-118.
<https://doi.org/10.1111/j.1460-2466.2006.00331.x>
- Cini, M., & Czulno, P. (2022). Digital Single Market and the EU Competition Regime: An Explanation of Policy Change. *Journal of European Integration*, 44(1), 41-57.
<https://doi.org/10.1080/07036337.2021.2011260>
- Cini, M., & Šuplata, M. (2017). Policy Leadership in the European Commission: The Regulation of EU Mobile Roaming Charges. *Journal of European Integration*, 39(2), 143-156.
<https://doi.org/10.1080/07036337.2016.1275607>
- Cioffi, J. W., Kenney, M. F., & Zysman, J. (2022). Platform Power and Regulatory Politics: Polanyi for the Twenty-First Century. *New Political Economy*, 27(5), 820-836.
<https://doi.org/10.1080/13563467.2022.2027355>
- Clauset, A., Newman, M. E. J., & Moore, C. (2004). Finding Community Structure in Very Large Networks. *Physical Review E*, 70(6), 066111.
<https://doi.org/10.1103/PhysRevE.70.066111>
- Cogburn, D. L. (2016). Cyberspace and Social Media. In A. Acharya (Ed.), *Why Govern?: Rethinking Demand and Progress in Global Governance* (pp. 252-271). Cambridge

- University Press. <https://www.cambridge.org/core/books/why-govern/cyberspace-and-social-media/609EAD2A90BFC81949693681B578D6D0>
- Corporate Europe Observatory. (2018). Copyright Directive: How Competing Big Business Lobbies Drowned out Critical Voices. <https://corporateeurope.org/en/2018/12/copyright-directive-how-competing-big-business-lobbies-drowned-out-critical-voices#>
- Corporate Europe Observatory. (2021). *The Lobbying Network: Big Tech's Web of Influence in the EU*. <https://corporateeurope.org/en/2021/08/lobby-network-big-techs-web-influence-eu>
- Costello, R., Thomassen, J., & Rosema, M. (2012). European Parliament Elections and Political Representation: Policy Congruence between Voters and Parties. *West European Politics*, 35(6), 1226-1248. <https://doi.org/10.1080/01402382.2012.713744>
- Costello, R., & Thomson, R. (2013). The Distribution of Power among Eu Institutions: Who Wins under Codecision and Why? *Journal of European Public Policy*, 20(7), 1025-1039.
- Costello, R., Toshkov, D., Bos, B., & Krouwel, A. (2021). Congruence between Voters and Parties: The Role of Party-Level Issue Salience. *European Journal of Political Research*, 60(1), 92-113. <https://doi.org/10.1111/1475-6765.12388>
- Couture, S., & Toupin, S. (2019). What Does the Notion of "Sovereignty" Mean When Referring to the Digital? *New Media & Society*, 21(10), 2305-2322. <https://doi.org/10.1177/1461444819865984>
- Crepaz, M., Hanegraaff, M., & Junk, W. M. (2023). Is There a First Mover Advantage in Lobbying? A Comparative Analysis of How the Timing of Mobilization Affects the Influence of Interest Groups in 10 Politics. *Comparative Political Studies*, 56(4), 530-560. <https://doi.org/10.1177/00104140221109441>
- Culpepper, P. D., & Thelen, K. (2020). Are We All Amazon Primed? Consumers and the Politics of Platform Power. *Comparative Political Studies*, 53(2), 288-318. <https://doi.org/10.1177/0010414019852687>
- Dalton, R. J. (2018). *Political Realignment: Economics, Culture, and Electoral Change*. Oxford University Press.
- Daskal, E. (2018). Let's Be Careful out There ... : How Digital Rights Advocates Educate Citizens in the Digital Age. *Information, Communication & Society*, 21(2), 241-256. <https://doi.org/10.1080/1369118X.2016.1271903>
- Daub, A. (2020). *Was Das Valley Denken Nennt: Über Die Ideologie Der Techbranche*. Berlin: Suhrkamp.
- De Bruycker, I. (2017). Framing and Advocacy: A Research Agenda for Interest Group Studies. *Journal of European Public Policy*, 24(5), 775-787. <https://doi.org/10.1080/13501763.2016.1149208>
- De Gregorio, G. (2018). From Constitutional Freedoms to the Power of the Platforms: Protecting Fundamental Rights Online in the Algorithmic Society. *European Journal of Legal Studies*, 11(2), 65-104. (104)
- de Vries, C. E., & Hobolt, S. (2020). *Political Entrepreneurs: The Rise of Challenger Parties in Europe*. Princeton: Princeton University Press.
- Degner, H., & Leuffen, D. (2019). Franco-German Cooperation and the Rescuing of the Eurozone. *European Union Politics*, 20(1), 89-108. <https://doi.org/10.1177/1465116518811076>
- Deibert, R. J., & Crete-Nishihata, M. (2012). Global Governance and the Spread of Cyberspace Controls. *Global Governance: A Review of Multilateralism and International Organizations*, 18(3), 339-361. <https://doi.org/10.5555/1075-2846-18.3.339>
- den Hertog, J. (2012). Economic Theories of Regulation. In G. De Geest (Ed.), *Encyclopedia of Law and Economics*. Edward Elgar Publishing Limited. <https://doi.org/10.4337/9781782540465.00007>
- DeNardis, L. (2014). *The Global War for Internet Governance*. New Haven: Yale University Press.

- DeNardis, L., & Hackl, A. M. (2015). Internet Governance by Social Media Platforms. *Telecommunications Policy*, 39(9), 761-770. <https://doi.org/10.1016/j.telpol.2015.04.003>
- Deseriis, M. (2020). Digital Movement Parties: A Comparative Analysis of the Technopolitical Cultures and the Participation Platforms of the Movimento 5 Stelle and the Piratenpartei. *Information, Communication & Society*, 23(12), 1770-1786. <https://doi.org/10.1080/1369118X.2019.1631375>
- Di Carlo, D., & Schmitz, L. (2023). Europe First? The Rise of EU Industrial Policy Promoting and Protecting the Single Market. *Journal of European Public Policy*, 1-34. <https://doi.org/10.1080/13501763.2023.2202684>
- Diamond, L. (2010). Liberation Technology. *Journal of Democracy*, 21(3), 69-83. <https://doi.org/10.1353/jod.0.0190>
- Downs, A. (1957). *An Economic Theory of Voting*. New York: Harper & Row.
- Drezner, D. W. (2004). The Global Governance of the Internet: Bringing the State Back In. *Political Science Quarterly*, 119(3), 477-498. <https://doi.org/10.2307/20202392>
- Druckman, J. N., Peterson, E., & Slothuus, R. (2013). How Elite Partisan Polarization Affects Public Opinion Formation. *American Political Science Review*, 107(1), 57-79. <https://doi.org/10.1017/s0003055412000500>
- Dür, A., & Mateo, G. (2014). Public Opinion and Interest Group Influence: How Citizen Groups Derailed the Anti-Counterfeiting Trade Agreement. *Journal of European Public Policy*, 21(8), 1199-1217. <https://doi.org/10.1080/13501763.2014.900893>
- Durand, C., & Milberg, W. (2020). Intellectual Monopoly in Global Value Chains. *Review of International Political Economy*, 27(2), 404-429. <https://doi.org/10.1080/09692290.2019.1660703>
- Dwidar, M. A. (2022). Diverse Lobbying Coalitions and Influence in Notice-and-Comment Rulemaking. *Policy Studies Journal*, 50(1), 199-240. <https://doi.org/10.1111/psj.12431>
- Earl, J. (2015). The Future of Social Movement Organizations: The Waning Dominance of Smos Online. *American Behavioral Scientist*, 59(1), 35-52. <https://doi.org/10.1177/0002764214540507>
- Elias, A., Szöcsik, E., & Zuber, C. I. (2015). Position, Selective Emphasis and Framing. *Party Politics*, 21(6), 839-850. <https://doi.org/10.1177/1354068815597572>
- Entman, R. M. (1993). Framing: Toward Clarification of a Fractured Paradigm. *Journal of Communication*, 43(4), 51-58. <https://doi.org/10.1111/j.1460-2466.1993.tb01304.x>
- European Commission. (1994). *Europe and the Global Information Society: Recommendations to the European Council (Conference G7 - Rapport Bangemann)*. <https://op.europa.eu/en/publication-detail/-/publication/44dad16a-937d-4cb3-be07-0022197d9459>
- Falkner, G., Heidebrecht, S., Obendiek, A., & Seidl, T. (Forthcoming). Digital Sovereignty - Rhetoric and Reality: Special Issue Framework Paper. *Journal of European Public Policy*.
- Faris, R., Roberts, H., Etling, B., Othman, D., & Benkler, Y. (2016). The Role of the Networked Public Sphere in the US Net Neutrality Policy Debate. *INTERNATIONAL JOURNAL OF COMMUNICATION*, 10, 5839-5864.
- Farrand, B. (2015). Lobbying and Lawmaking in the European Union: The Development of Copyright Law and the Rejection of the Anti-Counterfeiting Trade Agreement. *Oxford Journal of Legal Studies*, 35(3), 487-514. <https://doi.org/10.1093/ojls/gqu028>
- Farrell, H. (2003). Constructing the International Foundations of E-Commerce—the EU-U.S. Safe Harbor Arrangement. *International Organization*, 57(2), 277-306. <https://doi.org/10.1017/S0020818303572022>
- Farrell, H. (2006). Regulating Information Flows: States, Private Actors, and E-Commerce. *Annual Review of Political Science*, 9(1), 353-374. <https://doi.org/10.1146/annurev.polisci.9.060804.162744>

- Farrell, H. (2012). The Consequences of the Internet for Politics. *Annual Review of Political Science*, 15(1), 35-52. <https://doi.org/10.1146/annurev-polisci-030810-110815>
- Farrell, H., & Newman, A. (2023). *Underground Empire: How America Weaponized the World Economy*. New York: Henry Holt and Company.
- Farrell, H., & Newman, A. L. (2018). Linkage Politics and Complex Governance in Transatlantic Surveillance. *World Politics*, 1-40. <https://doi.org/10.1017/S0043887118000114>
- Farrell, H., & Newman, A. L. (2019a). *Of Privacy and Power*. Princeton: Princeton University Press.
- Farrell, H., & Newman, A. L. (2019b). Weaponized Interdependence: How Global Economic Networks Shape State Coercion. *International Security*, 44(1), 42-79. https://doi.org/10.1162/isec_a_00351
- Farrell, H., & Newman, A. L. (2021). The Janus Face of the Liberal International Information Order: When Global Institutions Are Self-Undermining. *International Organization*, 75(2), 333-358. <https://doi.org/10.1017/S0020818320000302>
- Flonk, D. (2021). Emerging Illiberal Norms: Russia and China as Promoters of Internet Content Control. *International Affairs*, 97(6), 1925-1944. <https://doi.org/10.1093/ia/iiab146>
- Flonk, D. (2022). *Content Control Contestations: How and Why Internet Governance Norms Emerge and Develop*. Hertie School of Governance: Berlin. <https://doi.org/10.48462/opus4-4203>
- Flonk, D., Jachtenfuchs, M., & Obendiek, A. S. (2020). Authority Conflicts in Internet Governance: Liberals Vs. Sovereignists? *Global Constitutionalism*, 9(2), 364-386. <https://doi.org/10.1017/S2045381720000167>
- Fourcade, M., & Klutts, D. N. (2020). A Maussian Bargain: Accumulation by Gift in the Digital Economy. *Big Data & Society*, 7(1), 2053951719897092. <https://doi.org/10.1177/2053951719897092>
- Fredriksson, M. (2015). Piracy & Social Change: The Pirate Party and the Politics of Communication. *INTERNATIONAL JOURNAL OF COMMUNICATION*, 9, 16.
- Freyburg, T., & Garbe, L. (2018). Authoritarian Practices in the Digital Age - Blocking the Bottleneck: Internet Shutdowns and Ownership at Election Times in Sub-Saharan Africa. *INTERNATIONAL JOURNAL OF COMMUNICATION*, 12.
- Garcia, D. (2023). Influence of Facebook Algorithms on Political Polarization Tested. *Nature*, 2023(620), 39-41. <https://doi.org/10.1038/d41586-023-02325-x>
- Genovese, F., & Tvinnereim, E. (2019). Who Opposes Climate Regulation? Business Preferences for the European Emission Trading Scheme. *The Review of International Organizations*, 14(3), 511-542. <https://doi.org/10.1007/s11558-018-9318-3>
- Gidron, N. (2022). Many Ways to Be Right: Cross-Pressured Voters in Western Europe. *British Journal of Political Science*, 52(1), 146-161. <https://doi.org/10.1017/S0007123420000228>
- Gillespie, T. (2018). *Custodians of the Internet: Platforms, Content Moderation, and the Hidden Decisions That Shape Social Media*. Yale University Press.
- Girvan, M., & Newman, M. E. J. (2002). Community Structure in Social and Biological Networks. *Proceedings of the National Academy of Sciences*, 99(12), 7821-7826. <https://doi.org/10.1073/pnas.122653799>
- Gohdes, A. R. (2015). Pulling the Plug: Network Disruptions and Violence in Civil Conflict. *Journal of Peace Research*, 52(3), 352-367. <https://doi.org/10.1177/0022343314551398>
- Gohdes, A. R. (2020). Repression Technology: Internet Accessibility and State Violence. *American Journal of Political Science*, 64(3), 488-503. <https://doi.org/10.1111/ajps.12509>
- Goldsmith, J., & Wu, T. (2008). *Who Controls the Internet?: Illusions of a Borderless World* (2nd edition ed.). Oxford: Oxford University Press. <https://doi.org/10.1093/oso/9780195152661.001.0001>

- Gorwa, R. (2019). What Is Platform Governance? *Information, Communication & Society*, 22(6), 854-871. <https://doi.org/10.1080/1369118X.2019.1573914>
- Gorwa, R. (2021). Elections, Institutions, and the Regulatory Politics of Platform Governance: The Case of the German Netzdg. *Telecommunications Policy*, 45(6), 102145. <https://doi.org/10.1016/j.telpol.2021.102145>
- Hacker, J. S., & Pierson, P. (2014). After the “Master Theory”: Downs, Schattschneider, and the Rebirth of Policy-Focused Analysis. *Perspectives on Politics*, 12(3), 643-662. <https://doi.org/10.1017/S1537592714001637>
- Hagemann, S., Hobolt, S. B., & Wrátil, C. (2017). Government Responsiveness in the European Union: Evidence from Council Voting. *Comparative Political Studies*, 50(6), 850-876. <https://doi.org/10.1177/0010414015621077>
- Hagemann, S., & Høyland, B. (2010). Bicameral Politics in the European Union. *JCMS: Journal of Common Market Studies*, 48(4), 811-833. <https://doi.org/10.1111/j.1468-5965.2010.02075.x>
- Hall, P. A., & Soskice, D. (2001). *Varieties of Capitalism: The Institutional Foundations of Comparative Advantage*. Oxford: Oxford University Press.
- Haunss, S. (2013). *Conflicts in the Knowledge Society: The Contentious Politics of Intellectual Property* (Vol. 20). Cambridge: Cambridge University Press.
- Haunss, S., & Hofmann, J. (2015). Entstehung Von Politikfeldern – Bedingungen Einer Anomalie. *dms: der moderne staat*, 8(1), 7-8. <https://doi.org/10.3224/dms.v8i1.19109>
- Haunss, S., & Kohlmorgen, L. (2010). Conflicts About Intellectual Property Claims: The Role and Function of Collective Action Networks. *Journal of European Public Policy*, 17(2), 242-262. <https://doi.org/10.1080/13501760903561534>
- Heaney, M. T., & Leifeld, P. (2018). Contributions by Interest Groups to Lobbying Coalitions. *The Journal of Politics*, 80(2), 494-509. <https://doi.org/10.1086/694545>
- Heermann, M. (2023a). Civil Liberties or Economic Freedom? The Political Space of Internet Policy in the European Parliament, 1999–2014. *Journal of European Public Policy*, 1-28. <https://doi.org/10.1080/13501763.2023.2175019>
- Heermann, M. (2023b). Undermining Lobbying Coalitions: The Interest Group Politics of EU Copyright Reform. *Journal of European Public Policy*, 1-29. <https://doi.org/10.1080/13501763.2023.2249948>
- Heidebrecht, S. (2023). From Market Liberalism to Public Intervention: Digital Sovereignty and Changing European Union Digital Single Market Governance. *JCMS: Journal of Common Market Studies*, Online first. <https://doi.org/10.1111/jcms.13488>
- Heisenberg, D. (2005). *Negotiating Privacy: The European Union, the United States, and Personal Protection*. Boulder: Lynne Rienner Publishers.
- Hillygus, D. S., & Shields, T. G. (2008). *The Persuadable Voter: Wedge Issues in Presidential Campaigns*. Princeton: Princeton University Press.
- Hinich, M. J., & Munger, M. C. (1997). *Analytical Politics*. Cambridge: Cambridge University Press.
- Hix, S., & Høyland, B. (2013). Empowerment of the European Parliament. *Annual Review of Political Science*, 16, 171-189. <https://doi.org/10.1146/annurev-polisci-032311-110735>
- Hix, S., & Noury, A. (2016). Government-Opposition or Left-Right? The Institutional Determinants of Voting in Legislatures. *Political Science Research and Methods*, 4(2), 249-273. <https://doi.org/10.1017/psrm.2015.9>
- Hix, S., Noury, A., & Roland, G. (2019). Changing Political Cleavages in Advanced Democracies: Evidence from the European Parliament. *Working Paper*.
- Hix, S., Noury, A. G., & Roland, G. (2007). *Democratic Politics in the European Parliament*. Cambridge: Cambridge University Press.
- Hoeffler, C., & Mérand, F. (2023). Digital Sovereignty, Economic Ideas, and the Struggle over the Digital Markets Act: A Political-Cultural Approach. *Journal of European Public Policy*, 1-26. <https://doi.org/10.1080/13501763.2023.2294144>

- Hofmann, J., Katzenbach, C., & Gollatz, K. (2016). Between Coordination and Regulation: Finding the Governance in Internet Governance. *New Media & Society*, 19(9), 1406-1423. <https://doi.org/10.1177/1461444816639975>
- Hofmann, S. C., & Pawlak, P. (2023). Governing Cyberspace: Policy Boundary Politics across Organizations. *Review of International Political Economy*, 1-28. <https://doi.org/10.1080/09692290.2023.2249002>
- Holzinger, K., & Sommerer, T. (2011). 'Race to the Bottom' or 'Race to Brussels'? Environmental Competition in Europe. *JCMS: Journal of Common Market Studies*, 49(2), 315-339. <https://doi.org/10.1111/j.1468-5965.2010.02135.x>
- Hooghe, L., & Marks, G. (2018). Cleavage Theory Meets Europe's Crises: Lipset, Rokkan, and the Transnational Cleavage. *Journal of European Public Policy*, 25(1), 109-135. <https://doi.org/10.1080/13501763.2017.1310279>
- Hooghe, L., Marks, G., & Wilson, C. J. (2002). Does Left/Right Structure Party Positions on European Integration? *Comparative Political Studies*, 35(8), 965-989. <https://doi.org/10.1177/001041402236310>
- Ibenskas, R., & Polk, J. (2022). Congruence and Party Responsiveness in Western Europe in the 21st Century. *West European Politics*, 45(2), 201-222. <https://doi.org/10.1080/01402382.2020.1859756>
- Inglehart, R. (1977). *The Silent Revolution: Changing Values and Political Styles among Western Publics*. Princeton: Princeton University Press.
- Jacobs, A. M., & Weaver, R. K. (2015). When Policies Undo Themselves: Self-Undermining Feedback as a Source of Policy Change. *Governance*, 28(4), 441-457. <https://doi.org/10.1111/gove.12101>
- Jamison, M. A. (2018). Net Neutrality Policies and Regulation in the United States. *Review of Network Economics*, 17(3), 151-173. <https://doi.org/doi:10.1515/rne-2018-0041>
- Jang, W., & Newman, A. L. (2022). Enforcing European Privacy Regulations from Below: Transnational Fire Alarms and the General Data Protection Regulation. *JCMS: Journal of Common Market Studies*, 60(2), 283-300. <https://doi.org/10.1111/jcms.13215>
- Jungherr, A. (2023). Artificial Intelligence and Democracy: A Conceptual Framework. *Social Media + Society*, 9(3), 20563051231186353. <https://doi.org/10.1177/20563051231186353>
- Jungherr, A., Rivero, G., & Gayo-Avello, D. (2020). *Retooling Politics: How Digital Media Are Shaping Democracy*. Cambridge: Cambridge University Press.
- Jungherr, A., & Schroeder, R. (2021). Disinformation and the Structural Transformations of the Public Arena: Addressing the Actual Challenges to Democracy. *Social Media + Society*, 7(1). <https://doi.org/10.1177/2056305121988928>
- Jungherr, A., & Schroeder, R. (2022). *Digital Transformations of the Public Arena*. Cambridge University Press. <https://www.cambridge.org/core/elements/digital-transformations-of-the-public-arena/6E4169B5E1C87B0687190F688AB3866E>
- Junk, W. M. (2019). When Diversity Works: The Effects of Coalition Composition on the Success of Lobbying Coalitions. *American Journal of Political Science*, 63(3), 660-674. <https://doi.org/10.1111/ajps.12437>
- Junk, W. M., & Rasmussen, A. (2019). Framing by the Flock: Collective Issue Definition and Advocacy Success. *Comparative Political Studies*, 52(4), 483-513. <https://doi.org/10.1177/0010414018784044>
- Kalyanpur, N., & Newman, A. L. (2019). The MNC-Coalition Paradox: Issue Salience, Foreign Firms and the General Data Protection Regulation. *JCMS: Journal of Common Market Studies*, 57(3), 448-467. <https://doi.org/10.1111/jcms.12810>
- Karpf, D. (2019). Something I No Longer Believe: Is Internet Time Slowing Down? *Social Media + Society*, 5(3). <https://doi.org/10.1177/2056305119849492>

- Karpf, D. (2020). Two Provocations for the Study of Digital Politics in Time. *Journal of Information Technology & Politics*, 17(2), 87-96. <https://doi.org/10.1080/19331681.2019.1705222>
- Kaunert, C., Léonard, S., & MacKenzie, A. (2012). The Social Construction of an EU Interest in Counter-Terrorism: US Influence and Internal Struggles in the Cases of PNR and Swift. *European Security*, 21(4), 474-496. <https://doi.org/10.1080/09662839.2012.688812>
- Kemmerling, M., & Trampusch, C. (2022). Digital Power Resources (Dpr): The Political Economy of Structural and Infrastructural Business Power in Digital(ized) Capitalism. *Socio-Economic Review*, mwac059. <https://doi.org/10.1093/ser/mwac059>
- Kennard, A. (2020). The Enemy of My Enemy: When Firms Support Climate Change Regulation. *International Organization*, 74(2), 187-221. <https://doi.org/10.1017/S0020818320000107>
- Kenney, M., Bearson, D., & Zysman, J. (2021). The Platform Economy Matures: Measuring Pervasiveness and Exploring Power. *Socio-Economic Review*, 19(4), 1451-1483. <https://doi.org/10.1093/ser/mwab014>
- Kenny, J., & Langsæther, P. E. (2023). Environmentalism as an Independent Dimension of Political Preferences. *European Journal of Political Research*, 62(4), 1031-1053. <https://doi.org/10.1111/1475-6765.12549>
- Keremoğlu, E., & Weidmann, N. B. (2020). How Dictators Control the Internet: A Review Essay. *Comparative Political Studies*, 53(10-11), 1690-1703. <https://doi.org/10.1177/0010414020912278>
- Kitschelt, H. (1994). *The Transformation of European Social Democracy*. Cambridge: Cambridge University Press.
- Kitschelt, H., Mansfeldova, Z., Markowski, R., & Toka, G. (1999). *Post-Communist Party Systems: Competition, Representation, and Inter-Party Cooperation*. Cambridge: Cambridge University Press. <https://www.cambridge.org/core/books/postcommunist-party-systems/17E6F6F698800A1A6E3E58AEA27A86DC>
- Kitschelt, H. P. (1988). Left-Libertarian Parties: Explaining Innovation in Competitive Party Systems. *World Politics*, 40(2), 194-234. <https://doi.org/10.2307/2010362>
- Klüver, H. (2013). *Lobbying in the European Union: Interest Groups, Lobbying Coalitions, and Policy Change*. Oxford University Press.
- Klüver, H., & Spoon, J.-J. (2015). Bringing Salience Back In: Explaining Voting Defection in the European Parliament. *Party Politics*, 21(4), 553-564. <https://doi.org/10.1177/1354068813487114>
- König, P. D. (2018). Digitalpolitische Positionen Im Deutschen Parteiensystem. *Zeitschrift für Vergleichende Politikwissenschaft*, 12(2), 399-427. <https://doi.org/10.1007/s12286-018-0390-0>
- König, P. D., & Wenzelburger, G. (2019). Why Parties Take up Digitization in Their Manifestos: An Empirical Analysis of Eight Western European Economies. *Journal of European Public Policy*, 26(11), 1678-1695. <https://doi.org/10.1080/13501763.2018.1544268>
- Kosseff, J. (2019). *The Twenty-Six Words That Created the Internet*. London: Cornell University Press.
- Kozyreva, A., Herzog, S. M., Lewandowsky, S., Hertwig, R., Lorenz-Spreen, P., Leiser, M., & Reifler, J. (2023). Resolving Content Moderation Dilemmas between Free Speech and Harmful Misinformation. *Proceedings of the National Academy of Sciences*, 120(7), e2210666120. <https://doi.org/10.1073/pnas.2210666120>
- Kriesi, H., Grande, E., Lachat, R., Dolezal, M., Bornschie, S., & Frey, T. (2008). *West European Politics in the Age of Globalization*. Cambridge: Cambridge University Press.
- Krotz, U., & Schild, J. (2013). *Shaping Europe: France, Germany, and Embedded Bilateralism from the Elysée Treaty to Twenty-First Century Politics*. Oxford: Oxford University Press.
- Lambach, D., & Oppermann, K. (2023). Narratives of Digital Sovereignty in German Political Discourse. *Governance*, 36(3), 693-709. <https://doi.org/10.1111/gove.12690>

- Lane, D. S., Overbye-Thompson, H., & Gagrčin, E. (2024). The Story of Social Media: Evolving News Coverage of Social Media in American Politics, 2006–2021. *Journal of Computer-Mediated Communication*, 29(1). <https://doi.org/10.1093/jcmc/zmad039>
- Laurer, M., & Seidl, T. (2021). Regulating the European Data-Driven Economy: A Case Study on the General Data Protection Regulation. *Policy & Internet*, 13(2), 257-277. <https://doi.org/10.1002/poi3.246>
- Lefevere, J., Sevenans, J., Walgrave, S., & Lesschaeve, C. (2019). Issue Reframing by Parties: The Effect of Issue Salience and Ownership. *Party Politics*, 25(4), 507-519. <https://doi.org/10.1177/1354068817736755>
- Lehoucq, E., & Tarrow, S. (2020). The Rise of a Transnational Movement to Protect Privacy. *Mobilization: An International Quarterly*, 25(2), 161-184. <https://doi.org/10.17813/1086-671X-25-2-161>
- Leifeld, P. (2017). Discourse Network Analysis: Policy Debates as Dynamic Networks. In J. N. Victor, A. H. Montgomery, & M. N. Lubell (Eds.), *The Oxford Handbook of Political Networks* (pp. 301-325). Oxford University Press. <https://doi.org/10.1093/oxfordhb/9780190228217.013.25>
- Leifeld, P. (2023). *Discourse Network Analyzer (DNA)*. <https://github.com/leifeld/dna>
- Leifeld, P., & Haunss, S. (2012). Political Discourse Networks and the Conflict over Software Patents in Europe. *European Journal of Political Research*, 51(3), 382-409. <https://doi.org/10.1111/j.1475-6765.2011.02003.x>
- Leifeld, P., & Malang, T. (2009). Anhang A. Glossar Der Politiknetzwerkanalyse. Schneider, V., Janning, F., Leifeld, P. and Malang, T. (Hg.) *Politiknetzwerke. Modelle, Anwendungen und Visualisierungen*. Wiesbaden: VS Verlag für Sozialwissenschaften, 371-389.
- Leifeld, P., Wankmüller, S., Berger, V. T. Z., Ingold, K., & Steiner, C. (2017). Collaboration Patterns in the German Political Science Co-Authorship Network. *PLOS ONE*, 12(4), e0174671. <https://doi.org/10.1371/journal.pone.0174671>
- Li, S., & Newman, A. L. (2022). Over the Shoulder Enforcement in European Regulatory Networks: The Role of Arbitrage Mitigation Mechanisms in the General Data Protection Regulation. *Journal of European Public Policy*, 29(10), 1698-1720. <https://doi.org/10.1080/13501763.2022.2069845>
- Lipset, S. M., & Rokkan, S. (1967). *Party Systems and Voter Alignments: Cross-National Perspectives*. New York: Free Press.
- Löblich, M., & Wendelin, M. (2012). Ict Policy Activism on a National Level: Ideas, Resources and Strategies of German Civil Society in Governance Processes. *New Media & Society*, 14(6), 899-915. <https://doi.org/10.1177/1461444811432427>
- Lorenz, G. M. (2019). Prioritized Interests: Diverse Lobbying Coalitions and Congressional Committee Agenda Setting. *The Journal of Politics*, 82(1), 225-240. <https://doi.org/10.1086/705744>
- Lowi, T. J. (1972). Four Systems of Policy, Politics, and Choice. *Public Administration Review*, 32(4), 298-310. <https://doi.org/10.2307/974990>
- MacKinnon, R., Hickok, E., Bar, A., & Lim, H.-i. (2014). *Fostering Freedom Online: The Role of Internet Intermediaries*. Paris: UNESCO Publishing.
- Mahoney, C. (2007). Networking Vs. Allying: The Decision of Interest Groups to Join Coalitions in the US and the EU. *Journal of European Public Policy*, 14(3), 366-383. <https://doi.org/10.1080/13501760701243764>
- Marsden, C. T. (2011). *Internet Co-Regulation: European Law, Regulatory Governance and Legitimacy in Cyberspace*. Cambridge: Cambridge University Press.
- Mayring, P. (2015). *Qualitative Inhaltsanalyse: Grundlagen Und Techniken* (12 ed.). Weinheim: Beltz.
- McElroy, G., & Benoit, K. (2012). Policy Positioning in the European Parliament. *European Union Politics*, 13(1), 150-167. <https://doi.org/10.1177/1465116511416680>

- McNamara, K. R. (2023). Transforming Europe? The EU's Industrial Policy and Geopolitical Turn. *Journal of European Public Policy*, 1-26.
<https://doi.org/10.1080/13501763.2023.2230247>
- Meserve, S. A., & Pemstein, D. (2018). Google Politics: The Political Determinants of Internet Censorship in Democracies. *Political Science Research and Methods*, 6(2), 245-263.
<https://doi.org/10.1017/psrm.2017.1>
- Mettler, S., & Sorelle, M. E. (2014). Policy Feedback. In P. A. Sabatier & C. M. Weible (Eds.), *Theories of the Policy Process* (4 ed., pp. 151-181). Westview Press.
- Miller, C. (2022). *Chip War: The Fight for the World's Most Critical Technology*. London: Simon and Schuster.
- Milner, H. V. (2006). The Digital Divide: The Role of Political Institutions in Technology Diffusion. *Comparative Political Studies*, 39(2), 176-199.
<https://doi.org/10.1177/0010414005282983>
- Mizarhi-Borohovich, I., Newman, A., & Sivan-Sevilla, I. (2023). The Civic Transformation of Data Privacy Implementation in Europe. *West European Politics*, 1-30.
<https://doi.org/10.1080/01402382.2023.2184108>
- Montagnani, M. L. (2020). A New Liability Regime for Illegal Content in the Digital Single Market Strategy. In G. Frosio (Ed.), *Oxford Handbook of Online Intermediary Liability* (pp. 295-311). Oxford University Press. <https://doi.org/10.1093/oxfordhb/9780198837138.013.15>
- Morozov, E. (2011). *The Net Delusion: The Dark Side of Internet Freedom*. New York: Public Affairs.
- Morozov, E. (2013). *To Save Everything, Click Here: The Folly of Technological Solutionism*. New York: Public Affairs.
- Morse, J. C., & Keohane, R. O. (2014). Contested Multilateralism. *The Review of International Organizations*, 9(4), 385-412. <https://doi.org/10.1007/s11558-014-9188-2>
- Mueller, M. L. (2010). *Networks and States: The Global Politics of Internet Governance*. Cambridge, MA: MIT Press.
- Mueller, M. L. (2017). *Will the Internet Fragment? Sovereignty, Globalization, and Cyberspace*. Cambridge: Polity Press.
- Munger, K. (2019). The Limited Value of Non-Replicable Field Experiments in Contexts with Low Temporal Validity. *Social Media + Society*, 5(3).
<https://doi.org/10.1177/2056305119859294>
- Munger, K. (2023). Temporal Validity as Meta-Science. *Research & Politics*, 10(3).
<https://doi.org/10.1177/20531680231187271>
- Nachtwey, O., & Seidl, T. (2023). The Solutionist Ethic and the Spirit of Digital Capitalism. *Theory, Culture & Society*. <https://doi.org/10.1177/02632764231196829>
- Newman, A. L. (2008). Building Transnational Civil Liberties: Transgovernmental Entrepreneurs and the European Data Privacy Directive. *International Organization*, 62(1), 103-130.
<https://doi.org/10.1017/S0020818308080041>
- Newman, A. L. (2010). What You Want Depends on What You Know: Firm Preferences in an Information Age. *Comparative Political Studies*, 43(10), 1286-1312.
<https://doi.org/10.1177/0010414010369068>
- Newman, A. L. (2020). Digital Policy-Making in the European Union. In H. Wallace, M. A. Pollack, C. Roederer-Rynning, & A. R. Young (Eds.), *Policy-Making in the European Union* (8 ed., pp. 275-296). Oxford University Press.
- Nielsen, R. K., & Ganter, S. A. (2022). *The Power of Platforms: Shaping Media and Society*. Oxford: Oxford University Press.
- Norris, P. (2001). *Digital Divide: Civic Engagement, Information Poverty, and the Internet Worldwide*. Cambridge University Press.
- Obendiek, A. S. (2021). Take Back Control? Digital Sovereignty and a Vision for Europe. *Jacques Delors Centre Policy Papers*. <https://doi.org/10.48462/opus4-3934>

- Obendiek, A. S., & Seidl, T. (2023). The (False) Promise of Solutionism: Ideational Business Power and the Construction of Epistemic Authority in Digital Security Governance. *Journal of European Public Policy*, 1-25. <https://doi.org/10.1080/13501763.2023.2172060>
- Otjes, S. (2020). All on the Same Boat? Voting for Pirate Parties in Comparative Perspective. *Politics*, 40(1), 38-53. <https://doi.org/10.1177/0263395719833274>
- Otjes, S., & van der Veer, H. (2016). The Eurozone Crisis and the European Parliament's Changing Lines of Conflict. *European Union Politics*, 17(2), 242-261. <https://doi.org/10.1177/1465116515622567>
- Perarnaud, C. (2021). A Step Back to Look Ahead: Mapping Coalitions on Data Flows and Platform Regulation in the Council of the Eu (2016-2019). *Internet Policy Review*, 10(2), 1-21. <https://doi.org/10.14763/2021.2.1566>
- Perarnaud, C., & Rossi, J. (2023). The EU and Internet Standards – Beyond the Spin, a Strategic Turn? *Journal of European Public Policy*, 1-25. <https://doi.org/10.1080/13501763.2023.2251036>
- Pétin, P., & Tréguer, F. (2018). Building and Defending the Alternative Internet: The Birth of the Digital Rights Movement in France. *Internet Histories*, 2(3-4), 281-298. <https://doi.org/10.1080/24701475.2018.1521059>
- Phinney, R. (2017). *Strange Bedfellows: Interest Group Coalitions, Diverse Partners, and Influence in American Social Policy*. Cambridge: Cambridge University Press. <https://www.cambridge.org/core/books/strange-bedfellows/31A2350975654FA78C48123ACA2F016A>
- Pierson, P. (1993). When Effect Becomes Cause: Policy Feedback and Political Change. *World Politics*, 45(4), 595-628. <https://doi.org/10.2307/2950710>
- Pohle, J., & Thiel, T. (2020). Digital Sovereignty. *Internet Policy Review*, 9(4), 1-19. <https://doi.org/10.14763/2020.4.1532>
- Poole, K. T. (2000). Nonparametric Unfolding of Binary Choice Data. *Political Analysis*, 8(3), 211-237.
- Poole, K. T., & Rosenthal, H. (2000). *Congress: A Political-Economic History of Roll Call Voting*. Oxford: Oxford University Press.
- Popiel, P. (2018). The Tech Lobby: Tracing the Contours of New Media Elite Lobbying Power. *Communication, Culture and Critique*, 11(4), 566-585. <https://doi.org/10.1093/ccc/tcy027>
- Postigo, H. (2008). Capturing Fair Use for the Youtube Generation: The Digital Rights Movement, the Electronic Frontier Foundation and the User-Centered Framing of Fair Use. *Information, Communication & Society*, 11(7), 1008-1027. <https://doi.org/10.1080/13691180802109071>
- Prainsack, B. (2020). The Political Economy of Digital Data: Introduction to the Special Issue. *Policy Studies*, 41(5), 439-446. <https://doi.org/10.1080/01442872.2020.1723519>
- Quintais, J. P., & Schwemer, S. F. (2022). The Interplay between the Digital Services Act and Sector Regulation: How Special Is Copyright? *European Journal of Risk Regulation*, 13(2), 191-217. <https://doi.org/10.1017/err.2022.1>
- Radu, R. (2019). *Negotiating Internet Governance*. Oxford University Press. <https://doi.org/10.1093/oso/9780198833079.001.0001>
- Rahman, K. S. (2017). The New Utilities: Private Power, Social Infrastructure, and the Revival of the Public Utility Concept. *Cardozo Law Review*, 39, 1621-1692.
- Rahman, K. S., & Thelen, K. (2019). The Rise of the Platform Business Model and the Transformation of Twenty-First-Century Capitalism. *Politics & Society*, 47(2), 177-204. <https://doi.org/10.1177/0032329219838932>
- Raymond, M., & DeNardis, L. (2015). Multistakeholderism: Anatomy of an Inchoate Global Institution. *International Theory*, 7(3), 572-616. <https://doi.org/10.1017/S1752971915000081>

- Reiberg, A. (2018). *Netzpolitik: Genese Eines Politikfeldes*. Baden-Baden: Nomos Verlag.
- Reif, K., & Schmitt, H. (1980). Nine Second-Order National Elections—a Conceptual Framework for the Analysis of European Election Results. *European Journal of Political Research*, 8(1), 3-44.
- Riker, W. H. (1986). *The Art of Political Manipulation* (Vol. 587). New Haven: Yale University Press.
- Ripoll Servent, A. (2013). Holding the European Parliament Responsible: Policy Shift in the Data Retention Directive from Consultation to Codecision. *Journal of European Public Policy*, 20(7), 972-987. <https://doi.org/10.1080/13501763.2013.795380>
- Ripoll Servent, A., & MacKenzie, A. (2011). Is the Ep Still a Data Protection Champion? The Case of Swift. *Perspectives on European Politics and Society*, 12(4), 390-406. <https://doi.org/10.1080/15705854.2011.622957>
- Rone, J. (2018). 'Don't Worry, We Are from the Internet': *The Diffusion of Protest against the Anti-Counterfeiting Trade Agreement in the Age of Austerity* European University Institute]. Florence. <http://hdl.handle.net/1814/51824>
- Rosenthal, H., & Voeten, E. (2004). Analyzing Roll Calls with Perfect Spatial Voting: France 1946–1958. *American Journal of Political Science*, 48(3), 620-632. <https://doi.org/10.1111/j.0092-5853.2004.00091.x>
- Rovny, J. (2013). Where Do Radical Right Parties Stand? Position Blurring in Multidimensional Competition. *European Political Science Review*, 5(1), 1-26. <https://doi.org/10.1017/S1755773911000282>
- Rovny, J. (2015). Riker and Rokkan. *Party Politics*, 21(6), 912-918. <https://doi.org/10.1177/1354068815602588>
- Rovny, J., & Edwards, E. E. (2012). Struggle over Dimensionality: Party Competition in Western and Eastern Europe. *East European Politics and Societies*, 26(1), 56-74. <https://doi.org/10.1177/0888325410387635>
- Schattschneider, E. E. (1935). *Politics, Pressure and the Tariff*. New York: Prentice-Hall.
- Schmitz, L., & Seidl, T. (2022). Protecting, Transforming, and Projecting the Single Market. Open Strategic Autonomy and Digital Sovereignty in the EU's Trade and Digital Policies. *SocArXiv*. <https://doi.org/10.31235/osf.io/wjb64>
- Schneider, V. (2001). *Die Transformation Der Telekommunikation: Vom Staatsmonopol Zum Globalen Markt (1800-2000)* (Vol. 41). Frankfurt a. M.: Campus Verlag.
- Schneider, V., & Janning, F. (2006). Politikfeldanalyse: Akteure, Diskurse Und Netzwerke in Der Öffentlichen Politik. Wiesbaden: Verlag Für Sozialwissenschaften. In.
- Schreier, M. (2012). *Qualitative Content Analysis in Practice*. London: Sage.
- Schünemann, W. J. (2019). E-Government Und Netzpolitik—Eine Konzeptionelle Einführung. In W. J. Schünemann & M. Kneuer (Eds.), *E-Government Und Netzpolitik Im Europäischen Vergleich* (2 ed., pp. 17-49). Nomos.
- Seawright, J., & Gerring, J. (2008). Case Selection Techniques in Case Study Research: A Menu of Qualitative and Quantitative Options. *Political Research Quarterly*, 61(2), 294-308.
- Seidl, T. (2022). The Politics of Platform Capitalism: A Case Study on the Regulation of Uber in New York. *Regulation & Governance*, 16(2), 357-374. <https://doi.org/10.1111/rego.12353>
- Seidl, T. (2023). Commodification and Disruption: Theorizing Digital Capitalism. *Weizenbaum Journal of the Digital Society*, 3(1), 1-35. <https://doi.org/10.34669/wi.wjds/3.1.2>
- Seidl, T., & Schmitz, L. (2023). Moving on to Not Fall Behind? Technological Sovereignty and the 'Geo-Dirigiste' Turn in EU Industrial Policy. *Journal of European Public Policy*, 1-28. <https://doi.org/10.1080/13501763.2023.2248204>
- Sell, S. K. (2013). Revenge of the "Nerds": Collective Action against Intellectual Property Maximalism in the Global Information Age. *International Studies Review*, 15(1), 67-85. <https://doi.org/10.1111/misr.12021>

- Siewert, M. B., & König, P. D. (2019). On Digital Front-Runners and Late-Comers: Analyzing Issue Competition over Digitization in German Subnational Elections. *European Political Science Review*, 11(2), 247-265. <https://doi.org/10.1017/S1755773919000109>
- Siewert, M. B., & König, P. D. (2021). Becoming Mainstream? The Emergence of Digital Policies in German Regional Party Politics. *German Politics*, 30(4), 583-604. <https://doi.org/10.1080/09644008.2021.1890040>
- Sivan-Sevilla, I. (2022). Varieties of Enforcement Strategies Post-Gdpr: A Fuzzy-Set Qualitative Comparative Analysis (Fsqa) across Data Protection Authorities. *Journal of European Public Policy*, 1-34. <https://doi.org/10.1080/13501763.2022.2147578>
- Spindler, G. (2020). Copyright Law and Internet Intermediaries Liability. In T.-E. Synodinou, P. Jougoux, C. Markou, & T. Prastitou (Eds.), *EU Internet Law in the Digital Era: Regulation and Enforcement* (pp. 3-25). Springer International Publishing. https://doi.org/10.1007/978-3-030-25579-4_1
- Srnicek, N. (2017). *Platform Capitalism*. Cambridge, MA: Polity Press.
- Stier, S. (2017). *Internet Und Regimotyp: Netzpolitik Und Politische Online-Kommunikation in Autokratien Und Demokratien*. Wiesbaden: Springer-Verlag.
- Strøm, K., & Müller, W. C. (1999). Political Parties and Hard Choices In W. C. Müller & K. Strøm (Eds.), *Policy, Office, or Votes?: How Political Parties in Western Europe Make Hard Decisions* (pp. 1-35). Cambridge University Press.
- Tarrant, A., & Cowen, T. (2022). Big Tech Lobbying in the EU. *The Political Quarterly*, 93(2), 218-226. <https://doi.org/10.1111/1467-923X.13127>
- Thatcher, M. (2001). The Commission and National Governments as Partners: EC Regulatory Expansion in Telecommunications 1979-2000. *Journal of European Public Policy*, 8(4), 558-584. <https://doi.org/10.1080/13501760110064393>
- Thelen, K. (2018). Regulating Uber: The Politics of the Platform Economy in Europe and the United States. *Perspectives on Politics*, 16(4), 938-953. <https://doi.org/10.1017/S1537592718001081>
- Thomson, R. (2011). *Resolving Controversy in the European Union: Legislative Decision-Making before and after Enlargement*. Cambridge: Cambridge University Press.
- Thomson, R., Arregui, J., Leuffen, D., Costello, R., Cross, J., Hertz, R., & Jensen, T. (2012). A New Dataset on Decision-Making in the European Union before and after the 2004 and 2007 Enlargements (Deuui). *Journal of European Public Policy*, 19(4), 604-622. <https://doi.org/10.1080/13501763.2012.662028>
- Thomson, R., & Dumont, P. (2022). A Comparison of Two Views on the European Commission: Engine of Integration and Conduit of National Interests. *Journal of European Public Policy*, 29(1), 136-154. <https://doi.org/10.1080/13501763.2021.1991982>
- Thomson, R., Stokman, F. N., Achen, C. H., & König, T. (2006). *The European Union Decides*. Cambridge: Cambridge University Press.
- Tosun, J., & Lang, A. (2017). Policy Integration: Mapping the Different Concepts. *Policy Studies*, 38(6), 553-570. <https://doi.org/10.1080/01442872.2017.1339239>
- Traber, D., Giger, N., & Häusermann, S. (2018). How Economic Crises Affect Political Representation: Declining Party-Voter Congruence in Times of Constrained Government. *West European Politics*, 41(5), 1100-1124. <https://doi.org/10.1080/01402382.2017.1378984>
- Trampusch, C. (2023). Regulating the Digital Economy: Explaining Heterogenous Business Preferences in Data Governance. *Journal of European Public Policy*, 1-25. <https://doi.org/10.1080/13501763.2023.2181853>
- Trauner, F., & Ripoll Servent, A. (2016). The Communitarization of the Area of Freedom, Security and Justice: Why Institutional Change Does Not Translate into Policy Change. *JCMS: Journal of Common Market Studies*, 54(6), 1417-1432. <https://doi.org/10.1111/jcms.12397>

- Tréguer, F. (2017). Gaps and Bumps in the Political History of the Internet. *Internet Policy Review*, 6(4), 1-21. <https://doi.org/https://doi.org/10.14763/2017.4.714>
- Trein, P., Meyer, I., & Maggetti, M. (2019). The Integration and Coordination of Public Policies: A Systematic Comparative Review. *Journal of Comparative Policy Analysis: Research and Practice*, 21(4), 332-349. <https://doi.org/10.1080/13876988.2018.1496667>
- Tucker, J. A., Guess, A., Barberá, P., Vaccari, C., Siegel, A., Sanovich, S., Stukal, D., & Nyhan, B. (2018). Social Media, Political Polarization, and Political Disinformation: A Review of the Scientific Literature. *Political Polarization, and Political Disinformation: A Review of the Scientific Literature (March 19, 2018)*.
- Tucker, J. A., Theocharis, Y., Roberts, M. E., & Barberá, P. (2017). From Liberation to Turmoil: Social Media and Democracy. *Journal of Democracy*, 28, 46-59. <https://doi.org/10.1353/jod.2017.0064>.
- Turner, F. (2006). *From Counterculture to Cyberculture: Stewart Brand, the Whole Earth Network, and the Rise of Digital Utopianism*. Chicago: University of Chicago Press.
- Tusikov, N. (2017). *Chokepoints: Global Private Regulation on the Internet*. Oakland: University of California Press.
- Vogel, D. (1997). *Trading Up: Consumer and Environmental Regulation in a Global Economy*. Cambridge, MA: Harvard University Press.
- von der Leyen, U. (2019). *A Union That Strives for More: My Agenda for Europe - Political Guidelins for the Next European Commission 2019-2024*. Retrieved 25/11/2023 from https://commission.europa.eu/strategy-and-policy/priorities-2019-2024_en
- Wasserman, S., & Faust, K. (1994). *Social Network Analysis: Methods and Applications* (19 ed.). Cambridge: Cambridge University Press.
- Weiss-Blatt, N. (2021). *The Techlash and Tech Crisis Communication*. Bingley: Emerald Group Publishing.
- Wratil, C., & Hobolt, S. B. (2019). Public Deliberations in the Council of the European Union: Introducing and Validating DICEU. *European Union Politics*, 20(3), 511-531. <https://doi.org/10.1177/1465116519839152>
- Wright, J. M. (2022). "The Future of the Internet Hangs in the Balance": The Perception and Framing of Political Opportunity and Threat in the Contentious Politics of Data. *Social Movement Studies*, 1-18. <https://doi.org/10.1080/14742837.2022.2123313>
- Wu, T. (2003). Network Neutrality, Broadband Discrimination. *Journal on Telecommunications & High Technology Law*, 2, 141.
- Wu, T. (2017). *The Attention Merchants: The Epic Scramble to Get inside Our Heads*. New York: Vintage Books.
- Yang, Z., Algesheimer, R., & Tessone, C. J. (2016). A Comparative Analysis of Community Detection Algorithms on Artificial Networks. *Scientific Reports*, 6(1), 30750. <https://doi.org/10.1038/srep30750>
- York, J. C. (2022). *Silicon Values: The Future of Free Speech under Surveillance Capitalism*. London: Verso Books.
- Zhuravskaya, E., Petrova, M., & Enikolopov, R. (2020). Political Effects of the Internet and Social Media. *Annual Review of Economics*, 12(1), 415-438. <https://doi.org/10.1146/annurev-economics-081919-050239>
- Zittrain, J. (2003). Internet Points of Control. *Boston College Law Review*, 44(2), 653-688.
- Zuboff, S. (2019). *The Age of Surveillance Capitalism: The Fight for the Future at the New Frontier of Power*. London: Profile Books.