

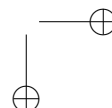
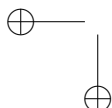
## Linking Public Service Broadcasting and E-Democracy: The necessity of making Civil Society part of Public Service Broadcasting Policies

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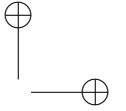
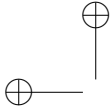
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**R**ELATIONSHIPS between the Public and political Authorities are transforming. This implies a new significance of the term “Citizenship” and “Civil Society”, which has the consequence that traditional “top down-mechanisms” of Government are not longer able to make up to the democratic value of accountability. The media policy paradigm shift from regulation to governance (Van Cuilenburg/ McQuail 2003) also requires the integration of Civil Society actors. Like Meier stated, “Governance is seen as a possibility for Civil Society to gain or to consolidate some new forms of participation in political processes and decisions” (2011: 158). This trend also refers to the Media, and the production of Public Value is central in the discussion about legitimizing strategies of Public Service Broadcasting in a digital age (Christl/Süssenbacher 2010; Moe 2010; Bardoel 2008). The production of Public Value also requires Public Service Broadcasting providing content Online and therefore using new Information and Communication Technologies (ICTs) to fulfill its remit. The German “Rundfunkstaatsvertrag” contains the obligation for Public Service Broadcasting stations to enable the Public to “participate in Information Society” (§ 11 d Abs. 3 RStV). Besides from its legal authorization, Public Service Broadcasting also has the obligation of providing content on the Internet from a normative point of view, in order to counterbalance deficits in diversity, which the market can’t provide (Kops 2010: 8). I argue that integrating the Public into Public Service Broadcasting Governance-practices is central to a new Public Service Broadcasting paradigm regarding the interactive potential of non-linear services which new media provide for the production of Public Value. The participation of Civil Society in Public Service Broadcasting Policies is not yet realized in central Europe yet. My analysis will start at defining the term „Public Value“ and the role of Civil Society in the process of producing it. I argue that serving the



public interest requires the integration of Civil Society in content regulation of public service broadcasting, rather than at the production level.

Civil Society here is defined as the so-called “third sector” in terms of “citizen engagement” (Adloff 2005: 17). This implies that the actors of Civil Society can be localized between the state and economy. The term “Civil Society” includes not only formal associations and lobbies (Adloff 2005: 8), but also every single actor which acts in the public interest and participates in the political decision-making process voluntarily. Therefore, the term of Civil Society is strongly corresponding with the one of “citizen engagement”, which aims to solve small or big problems that cannot be solved from the state or private actors adequately. People can engage within an association but also as a single citizen. This definition finally implies the political participation of citizens within economic as well as political decision-making. Civil Society groups will nevertheless have to be defined in a new way, regarding the developments of multiculturalism and migration. Especially ethnic and linguistic minorities will be central in the future of broadcasting policies and need to be able to express themselves and to see their interests represented in the content of Public Service Media Online. This also leads to the necessity of reforming the composition of the executive boards of traditional middle-european Public Service Broadcasters, because most of the legal definitions have not been revised since nearly 50 years. For defining Civil Society, I also draw upon the Theory of Public Sphere by Jürgen Habermas. Accordingly, Civil Society contributes to the creation of a “Public Sphere” (Fleming 2000: 2). In Civil Society, people discuss on values, norms, laws and policies, through which public opinion is built. This process “can occur within various units of civil society” (Fleming 2000: 2). Like Cohen and Arato (1992), Civil Society can therefore finally be defined as “a sphere of interaction between economy and state, composed above all of the intimate sphere (especially the family), the sphere of associations (especially voluntary organisations), social movements, and forms of public communication” (Cohen and Arato, 1992: 207). core of Civil Society comprises a “network of associations that institutionalizes problem-solving discourses on questions of general interest inside the framework of organized public spheres” (Habermas, 1996: 367). In this debate Civil Society is frequently seen as a locus for limiting the power of the state.

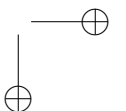
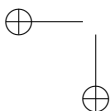


Second, the difference between social and economic regulation is central within this paper. While economic regulation refers to the structural regulation of the market on the one hand and conductual regulation of a single company on the other (Kay/Vickers 1990: 224), social regulation intends to correct externalities of economic activities (Kiefer 2005: 379; Bates/Chambers 1999). When it comes to social regulation, the object of regulating provisions can be interpreted extensively. According to Baldwin and Cave, social regulation can be defined as “any influence on industrial or social conduct” (Baldwin/Cave 1999: 2). Regulation of broadcasting can be defined as social regulation, which gets evident when, according to Kiefer (2005: 379) one regards the provisions for the protection of minors or the obligation to educate. Furthermore, the objective of media regulation is to safe-guard positive and avoid negative externalities (Kiefer 2005: 379). Therefore, the production of meritoric goods should be fostered, which requires pluralism of information and opinion, chances for participation of society as well as cultural accountability. This perspective on broadcasting regulation implies that state regulation of Public Service Broadcasting is justified by the fact that it is social regulation and therefore the contradiction with media freedom is minimal.

Finally, the aim of this paper can be described as defending Public Service Broadcasting going Online. In a digital age, Public Service Media have begun to expand to the Internet – which is criticized from private actors who see their economic interests in danger. Nevertheless, Public Service Broadcasting Content on the Internet is justified normatively through its contribution to the enhancement of societal democratic values as well as the opinion-building process.

### **Why Civil Society should be part of the game**

In order to find a valid definition of Public Value, the theoretical concept of social regulation will be combined with the concept by Public Interest of Denis McQuail (2005: 136-138). This perspective meets concerns about the compatibility of journalistic quality in a normative sense on the one hand, and an economic, audience-centered sense on the other. At this point, it is important to state that the concept of journalistic quality in broadcasting content is not enough for defining Public Value. Public Service Broadcasting as



a public institution is characterized by its obligation to safe-guard common welfare. It has to serve the public interest because of its public service remit. It also would be justified to start the discussion about Public Value from the point of quality in content. This perspective nevertheless seems very abstract, which does not consider the preferences of the public and the license fee payers. The recipients in fact only benefit from Public Value if it contains a certain amount of individual advantage for the consumer. This means that the produced media output should also serve the practical interest and the preferences of the recipients. Quality of content can provide this benefit for the recipient only in a normative way. Here a theoretical concept is needed which combines the “Consumer Value” and the “Citizen Value” to one “Public Value” (Boyles 1995; Gundlach 2011). What is central therefore is that Public Service Broadcasting content Online provides benefits for society in a normative and practical way. For this reason, the discussion about Public Value starts at the point of serving the “Public interest”, which is an explicit obligation of Public institutions. In contrast, journalistic Quality alone does not measure up to producing Public Value, it is just one aspect of it. This vision also had Mark Moore when he created the term of “Public Value”: One of the main components of producing Public Value at his point of view is the so-called “co-production” between Citizens and public institutions (Moore 1995: 16). This view also corresponds with the one of Denis McQuail (2005: 136ff), who differentiates between two components of public interest. The “Majoritarian View” is about what the public is interested in, while the „Unitarian View” means common values, norms and ideologies in a normative sense. Avoiding media concentration, media monopolies, commercialization of media content, the promotion of journalistic quality in media content, as well as security, social cohesion, cultural activities and morality are factors that determine the “Unitarian View” in a normative sense (McQuail 2005: 138). The commercialization of media markets leads to the manipulation of opinion and disregard of minorities. Minorities are not attractive in the perspective of market-driven media economies, where contacts with the audience are seen as an indicator for the popularity of any media company. High reach as well as high market shares are therefore necessary to being able to sell advertising space to their clients. From these criteria, there can be deviated some useful aspects for defining Public Value. Starting at this combination of Unitarian and Majoritarian View, the concept of public interest and therefore a new def-

inition of Public Value can be generated. Public Value should finally meet the Majoritarian, but also the Unitarian view of Public Interest, which requires the integration of Civil Society because of state regulation probably only focusing on the Unitarian view within political decision-making. The integration of Civil Society in Public Service Broadcasting policies could strengthen the Majoritarian view of public interest.

The second theoretical foundation of the need to integrate Civil Society in Public Broadcasting policies starts at conceptualizing democracy. According to Baker and his concept of “democratic pluralist theory” (2006: 118ff), media politics always consist of conflict. Different societal groups have different interests, which has the consequence that the enhancement of democratic values requires a peaceful solution of conflicts (Baker 2006: 118). For the media therefore societal groups have to be mobilized: Partisan media contribute to the promotion of democratic values in societies. Freedom of speech is seen as the highest good, as is also political participation of journalists. According to this model, the dominance of political interests in most of the Public Service Broadcasting executive boards in Europe, which is the result of political parties and governments appointing its members, is not criticized. In contrast, it is seen as serving the pluralistic ideal.

In contrast, within “republican democratic theory”, the legitimacy of law can only be safe-guarded if every individual gives it to itself (Baker 2006: 114). The concept of constitutional democracy has the consequence that individuals have to be forced to follow democratic ideals and values. The public interest as a collective figure is seen within this concept as justification of any action of government. Baker therefore writes:

“The content of common good (...) can only be found through an informed discourse in a public sphere of which the media constitute the most important institutional element” (Baker 2006: 115)

The media therefore have the obligation to “express and interpret the country’s common values” (Baker 2006: 115). Journalism, especially Public Service Media, therefore only have to act social responsible. The second step which expands these models, is combining them with the concept of “complex democratic theory” (Baker 2006: 115). The intention of creating a model of “complex democracy” was already the one of Jürgen Habermas (1996). His concept consists of two aspects: On the one hand, conflict and pluralistic in-

terests are needed for realizing democratic organization of societies. On the other hand, democracies barely can be functional if there are no common objectives, which safe-guard social cohesion in the sense of values that everyone accepts. Media therefore should transport different kinds of discourses, which includes the opinion of minority as well as majority. Here, the circle is closed when it comes back to McQuail's model of public interest, as it also reflects the Majoritarian and Unitarian view. Serving the public interest therefore requires the integration of Civil Society in political decision-making of Public Service Broadcasting Policies on the one side in order to promote their preferences, but also the creation of binding common values on the other in order to foster the "Citizen Value".

The third concept which can explain the need for integrating the public into Public Service Broadcasting policies is the Principal Agent-model. Applying this model to the Politics of Public Service Broadcasting, and their elected representatives act as "Principals" and "Agents" (Kiefer 2005: 59; 74). The license fee payers which act as principals have delegated responsibilities to Public Service Media being their key agents. Therefore, it appears logically compelling that the accountability of Agents like public institutions is owed primarily to them. Nevertheless, citizens (or "the public") are often relegated to the status of "external" stakeholders. Unfortunately, the principal has lack of information, which gives an advantage to the agent. The result of this is that surveilling the agent creates many costs for the principal (Kiefer 2005: 74). If there would be control of the principal right at the start of the regulation process, which means direct influence of the public at a very early (especially at the legislative) stage, these costs could be reduced.

The concept of integrating Civil Society into Public Service Broadcasting Policies also strongly refers to the "Consumer-Citizen"- debate (Yúdice 2004). One approach here is the theory of Albert Hirschman, which created a model of "Exit, Voice and Loyalty" as reactions of consumers on market-procedures (1970:30). He basically discussed the potentials and limits of market-based economies, and argued that the slack of economy is not simply a feature of less developed economies or economies in recession, but mainly an effect of all economies. These slacks are the result of many causes, such as poor management practices, monopolies, inefficient use of technological resources as well as regulatory failure and often result in poor-quality products and services. The most obvious reaction of the consumer to that is the

strategy of “Exit”, which is the conventional mechanism in economic theory and constitutes the functioning of any market-economy. Here, consumers lose the ties to one company but also engage to another one shortly after. They therefore cancel the relationship with the organization or company and switch to another one. Second, there is the strategy of “Voice”, which describes the consolidation of the relationship of the consumer to the company by responding, complaining and communicating with the organization itself. The third possible strategy used by the consumer is the one of Loyalty. Here, the consumer maintains to support the company (Hirschman 1970: 31). The strategy of Voice is ultimately realized in the concept of citizenship. Its justification draws upon the following problem: As Hirschman stated, “If exit was too readily acted upon by consumers, then firms would lose the capacity to respond to market signals, as they would experience rapid decline in revenues before they could respond. Firms rely upon a certain level of stickiness or loyalty, on the part of consumers towards their product or service” (Flew 2009: 981). Nevertheless, the exercise of Voice strategy

“depends also on the general readiness of a population to complain, and on the intervention of such institutions and mechanisms as can communicate complaints cheaply and effectively. (...) While exit requires nothing but a clear-cut either-or decision, voice is essentially and art constantly evolving in new directions.” (1970: 43)

Hirschman notes that the sensitivity of organizations to voice and exit differ. Furthermore, the likelihood of the consumer using Voice Strategy depends on the degree of Loyalty for an organization: “Loyalty holds exit at bay but activates voice” (Hirschman 1970: 77, 78). But also Voice facilitates the Loyalty for an organization:

“A member who wields (or thinks he wields) considerable power in an organization and is therefore convinced that he can get it back on track is likely to develop a strong affection for the organization in which he is powerful.” (1970: 78)

In conclusion, the exercise of Civil Society’s Voice strategy is crucial for maintaining Loyalty of the license fee payers for Public Service Media, which can be realized by integrating citizens into Public Service Broadcasting Policies.

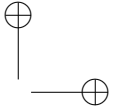
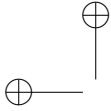
## Models of integrating Civil Society in Public Service content production

Brants and De Haan (2010: 417ff) developed three models of responsiveness, which means “taking the public into account” (Brants/De Haan 2010: 415). Responsiveness therefore can be described as the interaction with and the integration of the audience and the public. It is mainly located at the level of media production, as also Aslama describes (2006: 91). Due to social developments like Fragmentation and Individualization of the audience (Aslama 2006: 91), Public Service Media must provide content and services that meet the needs of specific, smaller groups rather than large national audiences. Content should therefore bring together larger audiences and create social cohesion (Steininger 2005: 227). In order to counterbalance these developments of Fragmentation and Individualization, common values are required. The creation of these values is the obligation of Public Service Media. Nevertheless, there are several ways of creating these kind of common values. Accordingly, Brants and De Haan have created the following three models of responsiveness:

- Strategic responsiveness
- Civic responsiveness
- Empathetic responsiveness. (vgl. Brants/De Haan 2010: 416-418)

Within the model of civic responsiveness, “media try to develop forms of listening and connecting with the public, putting their agenda first and (...) the focus is less on the traditional news values of negativity, conflict and scandal, but more on the possible range of solutions to perceived problems” (Brants/De Haan 2010: 416). It is mainly about being socially responsible, whereas the members of Civil Society are addressed as citizens. This model of responsiveness has a strongly interactive character. Second, there is the model of strategic responsiveness, which means listening to the demands and needs of the public as well, but the motive here is not so much socio-political but market- und commercial-driven. It is not about bridging the gap to but rather about “persuading the public, binding them as consumers to the product to offer” (Brants/ de Haan 2010: 416). The Public should be attracted, which makes the use of strategic mechanisms necessary. This includes “making the public part of the programme, as involved bystanders or as experienced





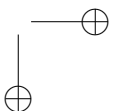
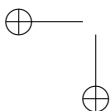
experts, bringing the man in the street to the studio, Vox Pop Interviews, Electronic Polls that are not so much about political topics but celebrities, historical figures, the nations' heritage and identity" (Brants/de Haan 2010: 416). By using Internet websites, media companies try not to communicate, but to convert the wishes of the public to the content (Brants/de Haan 2010: 417). Viewers are therefore often invited to send their stories and video clips.

The final model is the one of "empathetic responsiveness", where the media try to make the public feel that they are "one of them". This type of responsiveness includes informative discussion forums and social networking sites. The motive here is mainly moral crusade, the journalists act like the lawyers of Civil Society, which normally has no voice and can't express its thoughts and beliefs (Brants/de Haan 2010: 418).

Finally, the thesis of this paper strongly refers to the model of Brants and de Haan: Public Service Broadcasting stations which highly depend on advertising revenues and therefore tend to perform commercially are expected to act rather strategic responsible, because of the need to attract the audience, which furthermore helps to maintain advertising revenues at a high level. On the other hand, Public Service Broadcasters which are not that dependent on advertising revenues are probably expected to act rather civic or empathetic responsible. Despite of these theses requiring further empirical testing, I propose to include Civil Society at the first stage of defining the Public Service remit and secondary content provisions (as shows Chapter 5).

## **Integration of Civil Society and its contribution to E-Democracy**

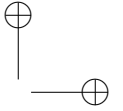
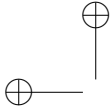
Participation of Civil Society in Public Service Broadcasting policies could contribute to gather the experiences and expertise of citizens. The dissolution of traditional social ties like political parties, religion and workplace lead to a declining of interest in voting. Also, convergence and multiplication of media channels contribute to these developments. This means that there is a greater freedom to choose, but it makes it also easier for recipients to only receive what they are interested in, which leads to media companies rather serving the "Majoritarian view" of Public interest. The intensified competition pressure as well as most of the media following market-driven objectives has the con-



sequence that most of the media disregard serving public deliberation. The Internet offers several benefits with regard to these problems: Besides transcending place and time, citizens are able to make better connections, build communities, help to recruit experience and expertise and take part in deliberative discourse. On the other hand, there are also downsides of online civic engagement: There are risks of political control, vague objectives as well as lack of informed inputs. Here Online-engagement of Public Service Broadcasting could reduce some of these downsides and foster the benefits through the binding on its public remit. Public Service Media are legally obliged to provide Online-content which contributes to the social, cultural and societal needs of society (European Community 1997: § 165-167).

Furthermore, the objective of realizing participation of Civil Society in the Public Service regulation process fosters the justification of Public Service content Online. This also refers to the term of E-Democracy. E-Democracy can be defined as the support and the expansion of citizen rights within Information - and Knowledge Society (Meier 2009: 3). The term "E-Democracy" includes Open Government in the sense of transparency of political decision-making, E-Participation of Civil Society through new Information technologies as well as E-Government in the sense of enforcement of administration through ICT's. Whereas Open Government and E-Government refer to "E-Democracy from above", E-Participation means "E-democracy from below" (Coleman 2009: 90). Public Service Broadcasting and its Online-content can contribute to both concepts. E-Democracy is therefore closely linked to Public Service Broadcasting going Online.

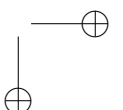
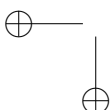
This also raises the question if Public Service Broadcasting can contribute to E-Democracy through integrating Civil Society at the production or rather at the regulation level. Can E-participation of Civil Society at the production level contribute to E-Democracy? Which factors influence this ability to contribute to E-Democracy? My argument is that Public Service Broadcasting stations which highly depend on advertising revenues (which fosters economic determinations of decision-making) do not contribute to E-Democracy with their efforts of integrating Civil Society at the production level, mainly using User Generated Content and Social Media for exploring the preferences of the audience. At this point, this analyses strongly refers to Coleman's and Blumlers model of a "civic commons" (2001: 90), which draws upon a publicly funded but state-independent agency that encourages citizens to



use Online-platforms for public deliberation. This agency should promote, publicise, regulate, moderate, summarise and evaluate Public Service Online communication. This could include pre-budget consultation papers which can be responded by the Users Online. This could also include councils to consult regularly with citizens on plans for their programme as well as the use of Wikitools and Weblogs, where recommendations of Civil Society members with regard to political decisions can be gathered. Parliamentary select committee inquiries could webcast witness hearings and invite groups with relevant experience and expertise to discuss, comment and supplement evidence presented (Blumler/Coleman 2001: 20). This could also include policy consultations with citizens in the prefield of legal implementation, as well as deliberative polls to assess how views are formed and can change. In addition, Online-Initiatives in order to change Public Service Broadcasting and Online-Content could strengthen the ability to use Voice strategy and therefore Loyalty of Civil Society to the institution of Public Service Broadcasting. Citizens may perceive that station as responsive through improved communication and interactions with citizens on the one side, as well as accessible through being available around the clock seven days a week on the other (Tolberg/Mossberger 2006: 357). They may also perceive it as being responsible through handling personal information submitted Online, as well as being transparent through the posting of information such as data, policies, laws and meeting schedules. Therefore, it would also contribute to a definition of Open government, which sees transparency of governmental actions as crucial for democracy. Finally, participatory Online-town meetings and bulletin board systems as well as chat rooms for citizens should be considered. This would also correspond with Mark Moore's concept of "co-production" and therefore contribute to the production of Public Value (Moore 1995).

## Conclusion

Finally, the main question still remains the one of the adequacy of direct democratic procedures. To which extent representative democracy enhances the capacity to act for states, and to which extent direct democratic elements endanger democratic and constitutional values? The integration of Civil Society into Public Service Broadcasting Policies, which certainly contains radical



democratic elements, requires Loyalty and commitment of the members of society for democratic majority votings, be they corresponding with fundamental democratic values or not. Of course, the approach presented above needs further empirical evaluation. For testing the thesis analyses of E-participation performance of Public Broadcasting stations is required, which differ in economic dependencies and ad-funding.

For sure, there exist several possibilities to establish direct democratic elements at the regulation level of Public Service Broadcasting. Such establishments would also correspond with the “Recommendation of the Committee of Ministers to EU-member states on E-Democracy” of 2009 (Council of Europe 2009). The essence of this approach mainly refers to the assumption that E-Democracy is about democratic practices, but not about technology (Council of Europe 2009: P1). The aim of these recommendations was to put the citizen at the center of democratic institutions and decisions. One objective of E-Democracy therefore is the “Support of the democratic intermediaries between citizens and the state, such as democratic institutions, politicians and the media” (Council of Europe 2009). E-democracy “concerns many different stakeholders and requires their co-operation. (...) Citizens, Civil Society and its institutions, politicians and political institutions, the media and the business community are equally indispensable for the purposes of designing and implementing e-democracy (P.9). Stakeholders of E-Democracy are all individuals and institutions involved in and benefiting from democracy (P.8). Thus, E-Democracy refers to the integration of Society at the level of political decision-making process at first, but not so much at the Every-day production level of public services. Nevertheless, the recommendation states that E-Democracy “does not in itself affect the constitutional and other duties and responsibilities of decision makers; it can provide them with additional benefits” (Council of Europe 2009: P.21). As a result, direct democratic elements through ICTs have to be seen as complementary, not only as substitution of representative democratic practices.

One Sector of E-Democracy therefore is “E-legislation”, which can be defined as “the use of ICT for drafting, commenting on, consulting, structuring, formatting, submitting, amending, voting on and publishing laws passed by elected assemblies. It makes legislative procedures more transparent, improves the content and readability of legislation, provides better access to it, and thereby enhances public knowledge of the law” (Council of Europe 2009:

P.37). Thus, there would be the possibility of establishing E-consultations as a way of collecting opinions, E-initiatives to enable citizens to set the agenda as well as E-petitioning to deliver protest (P.43-P.45). The Council finally refers to the media itself:

“The media play a crucial role in e-democracy (. . .), they provide a forum where citizens can engage in public debate and defend their interests in the public sphere.” (Council of Europe 2009: P.23)

Public Service broadcasting has the obligation to establish this forum, not only because of the economic argument that the market fails in the media sector, but also with regard to the normative argument that the market does not provide enough pluralism in opinion and journalistic quality (Kops 2010). The original purpose of the institution Public Service Broadcasting was the enhancement of democratic values, which requires even more the fostering of e-democratic procedures within Public Service Broadcasting policies. When it comes to the assumption that Public Service Broadcasting stations act rather strategic instead of civic or empathetic responsible within their Online content production, one can come to the conclusion that the integration of the public, which is necessary to take the needs of a fragmented and individualized society, has to start at the regulation level instead of the production level. This integration is on the one hand crucial when it comes to the appointment of executive board members, which often are not democratically legitimized (E-Voting). Furthermore, it is crucial when it comes to the definition of content regulation provisions as well as the regulation of budgetary issues (E-participation). The consideration of public opinion should be therefore compulsory for any Public Service Broadcasting station when it comes to the definition of the remit or of secondary content provisions. Furthermore, it is important to establish the possibility of an “E-Initiative” for license fee payers in order to change the content provisions. According to Jens Steffek, there are three concepts of public accountability (Steffek 2010: 55):

“Electoral accountability” means accountability directly to the citizens or to political bodies elected by citizens. The default sanctioning mechanism is voting.

“Legal accountability” to nonelected courts that protect the rights of citizens. The default sanctioning mechanism is judicial review.

Finally, there is “public accountability” to the public in the sense of the “public sphere”. The default sanctioning mechanism is a shift in public opinion that leads to a loss of reputation.

Finally, I propose a forth concept of “legislative accountability”, where Public Service Media have to be accountable to their principals already when it comes to the definition of the Public Service remit (direct E-Democracy). This is essential at least for Public Service Broadcasters that highly depend on advertising revenues. By acting civic responsible at the legislative and regulative level, the broadcasters can be prevented from acting strategic responsible at the production level.

In conclusion, an important aspect is the one of transparency. A definition of Civil Society that fosters public deliberation at first and foremost needs a certain standard of accountability and permeability (Open Government). Defining Public Service Broadcasting policies as social regulation has significant consequences for democratic society and implicates that it has to be heard in this regulation process. I argue that this cannot be achieved without a minimal involvement of the state, which means that an ideal type of regulation authority (in the sense of the proposed Online-platform “civic commons”) is needed, which has the sovereign authority (state regulation) as well as the possibility and obligation to cooperate with the public (social regulation). Any independent Public regulation authority therefore has to follow a mix of state and social regulation that differentiates from traditional Co-regulation, which means cooperation of political and private actors.

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