



# Simulacrum: The Emerging Politics and Discourse of Online Harms

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## Abstract

Public interest in internet safety has grown alongside the proliferation of troubling content on social media platforms. The Online Harms White Paper, published in 2019 by the UK government, seeks to regulate an array of problems faced by internet users under the remit of online harms, grouping together both legal and illegal harms such as terrorism, child pornography, addictive content, and disinformation, to name but a few. This paper advances a greater understanding of the field of online harms policy in the UK, situating it within a broader history of internet discourse as well as future sites of debate. The paper elaborates on theories of discursive institutionalism in context of a new policy field and demonstrates the key actors and ideas surrounding the white paper. The government has framed online harms as an aggregated issue in order to propel a more protection-oriented logic of the internet that diverges from its more libertarian beginnings. Contestation over the white paper highlights long-running concerns in internet policy, and concurrently shapes the emerging debate in the new field.

**Keywords:** Online Harms; Content Liability; Internet Governance; Free Speech; Online Censorship; Internet

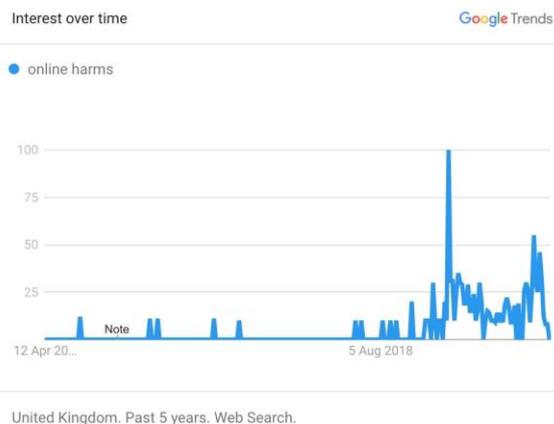
## Introduction

The internet is a site of growing political contestation. The expansive scope of the internet, both in terms of its globalised capacity and empowerment of its users, has proven uniquely challenging for national governments to regulate. The internet thus proves to be extremely fruitful for the study of public policy. It is a policy field that is not entirely emerging, as the technology has firmly established itself and is subject to multi-stakeholder infrastructural governance (ie. ICANN), and yet, unlike other forms of media and communication such as the press or the arts, is largely free from content regulation or state scrutiny. However, social media platforms have allowed an unprecedented amount of communication to be conducted at a level of privacy that is unparalleled in the offline endeavours of society. The individual social costs of unregulated internet content, although long suspected, have only recently

begun to stoke serious government attention. The UK government has, through the publication of the Online Harms White Paper (OHWP) in April 2019, firmly placed the contents of online communication under regulatory scrutiny. The white paper is precautionary and pioneering in equal measure, and study of its reception and the foundations of its discourse will situate this proposal in the emerging policy field from which it is borne.

The internet houses various distinct spheres of policy. Governance at the infrastructural level, including issues such as net neutrality and internet domains, represent a policy area that has been more firmly established. While infrastructural design, particularly in relation to the decentralisation and openness of the internet, is by no means an uncontested issue, it is concern about internet content that has led to greater scrutiny and dissensus in recent years, particularly as the technology embedded itself in society. Child welfare and safety, the illegal drug trade, and in more recent years, algorithmic manipulation and data privacy are all policy problems that have captured public attention. It is the emergence of a generalised concept of online harms, comprising both legal and illegal activity, that is new.

Various socioeconomic concerns have arisen that are driven by the interactions between and products of users online, including cybersecurity, surveillance, media disinformation, terrorist propaganda, hate speech, sexual exploitation and algorithmic manipulation. The OHWP is striking because it represents a first attempt in global history to unite several perceived problems under not only one legislative proposal, but under one policy umbrella. While the internet is not necessarily an emerging policy field, online harms is a relatively new concept that can certainly be heralded as one. Figure 1 demonstrates the low salience of “online harms” operationalised as a Google search term in the United Kingdom from 2015-2019, before reaching a dramatic peak in 2019 upon publication of the white paper, and maintaining spikes of interest in the year following at levels unseen in the term’s history.



**Figure 1. Issue salience of online harms.**

The advent of the OHWP reflects the emerging nature of these concerns. The proposal is the first of its kind, as the UK in the past, alongside other countries, regulated content on a more sectoral basis. Historically, internet policies have been largely discrete, with targeted proposals advanced by and for relevant interests. The Investigatory Powers Act (2016), a bill extending government surveillance to strengthen criminal prosecution powers, as well as the highly controversial “porn-block” proposed in the Digital Economy Act (2017), which would have mandated age verification for online pornography, are examples of this approach ( HM Government, 2017, 2016). A refrain adopted by the OHWP and its proponents to make the UK “the safest place in the world to be online” reflects the proposal’s inaugural quality and its somewhat lofty goal to address a vast array of dangers at once (2019, p. 4). The level of intervention proposed by the government is also indicative of the wider debate on how the

state should respond to the growing dangers on the internet. As an initiator of broad internet safety policy, the UK serves as an ideal site for analysis due to its pioneering role in the global online harms field.

The politics of online harms is thus deserving of study. Beyond the white paper, harms have shortly before and since its publication been discussed at length by the UK government, interest groups and researchers alike, in particular given the growing fervor surrounding artificial intelligence and online algorithms; yet it is the Online Harms White Paper which is most emblematic of the emerging politics of online harms, having almost single-handedly birthed the concept into existence in the UK. It is this white paper which has gifted online harms its political significance.

### **Theoretical and Analytical Scope**

The framework of discursive institutionalism (DI) is applied to understand the discourse of online harms: the ideas giving rise to online harms policy. DI asserts the power of discourse to bring about policy change through clashes between ideas, which are systematically advanced by interests (Sabatier, 1995; Schmidt, 2008). Ultimately, more successful discourses are institutionalised when they are converted into policy, through the recruitment of existing institutions and creation of new ones, in order to legitimise particular problems and solutions in a policy field (Hajer, 1997; Pohle et al. 2016). More broadly, discourses 'win' when they attain the status of quasi-factual phenomena, accepted by a wide number of policymakers and the public as the shared narrative upon which policy is based. Despite this possibility, the path of institutionalisation is not a straightforward nor absolute one, as discourses can be continuously contested in the policy arena.

A relatively new policy field such as internet safety will be subject to more contestation given the diverse number of actors and discourses at hand which are seeking to embed themselves in the national conversation and the political landscape beyond. The OHWP illustrates the conversion of discourse into policy, as the proposals therein are based on a conception of the internet as a public space with structurally grouped harms, as opposed to discrete problems private to each user experience.

Ultimately, this paper seeks to employ discourse analysis to build an understanding of a new policy field in terms of the ideas that have brought it to fruition, that have stoked the contestation which has followed, and that have been wielded by key actors. DI draws on the tradition of studying the power and content of argumentative discourse in policy change, as found in the discourse coalition framework, the argumentative turn and deliberative democracy (Dryzek, 1990; Fischer, 2003; Hajer, 1997). DI explicates the power of discourse not simply as a tool of persuasion or as a reflection of belief, but as a mode of power which converts ideas and speech into institutionalised practise (Schmidt, 2008).

### **Methodological Overview**

This paper employs a qualitative, process-tracing based methodology to examine the role of competing discourses in online harms both as an emerging policy field and as a developing discourse in the wider field of internet policy.

The analysis is developed in three parts.<sup>1</sup> Firstly, the Online Harms White Paper (April 2019) is summarised to set the scene for within-case analysis. Secondly, the DI framework is applied

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<sup>1</sup> Readers should note that this methodology would have been enhanced by the use of interviews, particularly of experts within interest groups, to strengthen understanding of the discourse, coordination patterns and motivations

to several pieces of key political text that illustrate the ideological basis for online harms policy. This section seeks to answer the question: how has the online harms discourse been articulated and ultimately expressed as a legislative proposal? Several pieces of key grey literature (policy proposals from public and private sources) will be used to trace the development of the online harms discourse and ultimately demonstrate its emergence at the head of a new policy field. Thirdly, drawing on insights from the previous sections on the ideological basis of the OHWP, contestation which has erupted around the white paper is analysed as emblematic both of emerging issues surrounding internet content regulation and long-running concerns endemic to the internet policy field. Finally, the conclusion will reiterate primary arguments of the paper and discuss the broader implications.

### **Background: The Online Harms White Paper**

The Online Harms White Paper is a policy proposal on new online safety measures, published as a joint undertaking by the Home Office and the Department for Digital, Culture, Media and Sport (DCMS) on 8 April 2019. There is a particular focus on social media platforms given the amount of user interaction and content which is present. The white paper hopes to foster a culture of transparency and accountability.

Online harms are defined as both illegal and legal content which could cause physical or emotional harm. As a great deal of harms were discussed and alluded to in the proposal, an exhaustive list of all the harms and their sub-categories, sometimes overlapping, will not be provided. Summarily, illegal harms are primarily comprised of terrorist content, child pornography, content which encourages suicide, incitement to violence and the sale of illegal goods; while legal harms primarily encompass cyberbullying, disinformation and content which encourages self-harm. Although the harms are enumerated fully in the white paper, nebulous legal boundaries between some types of content, such as the difference between terrorist content and extremist content, or incitement to violence and violent content, are fully acknowledged ( see Table 1, 2019, p. 31).

In response, the OHWP proposes the imposition of a statutory duty of care on companies operating online platforms, in effect making corporations responsible for the safety of their users. This legislation would apply to all companies which provide platforms for users to share user-generated content or interact with other users, including but not limited to social media platforms, discussion forums, search engines and messaging services. This duty of care is to be overseen and enforced by an independent regulator, which has since been indicated to likely be Ofcom, the existing regulator for telecommunications and broadband ( Department for Digital, Culture, Media & Sport, 2020). The approach is risk-based and proportionate, such that platforms with greater scale and known harms will be regulated first, with funding provided by industry in the medium-term and potentially fees/charges/levies in the long-term. Enforcement involves issuing of fines and the imposition of liability on senior management figures.

### **The Discourse of Online Harms**

This section examines the origins of online harms as the central discourse put forward by the OHWP, through the theoretical lens of DI. The OHWP is emblematic of a new approach to online safety which groups both legal and illegal dangers under one jurisdiction of online harms. Contestation over the legal implications of this discourse underscore the embedding of online harms as a policy idea, as various interests compete for policymaker attention in light

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for action. Regrettably, at the time of writing the Covid-19 pandemic has made this method less feasible and textual analysis was chosen as the sole mode of investigation.

of the government's publication. DI allows for an examination of the rise of the online harms discourse and the dissensus that has followed.

### *Methods*

The history of regulation of the internet will not be outlined, but selected legal and political texts illustrate critical moments in the development of online harms both as a concept and as a policy problem. The conditions for the development of ideas in the OHWP and the discourse in the OHWP itself will be analysed by tracing several key shifts in the discourse on internet safety in the UK. These shifts are operationalised in legislation and various policy proposals. The development, creation and reception of ideas in the OHWP ultimately underscores the emergence of a new online harms discourse that both creates the conditions for and highlights the sites of contestation in the emerging policy field of online safety. In short, the online harms discourse is emblematic of the emerging field from which it is borne.

### *The e-Commerce Directive: the previous model of online harms policy*

The internet has traditionally been free from content regulation of online platforms. Platforms are defined, according to the terms used by the OHWP, as services that "allow users to share or discover user-generated content, or interact with each other online" (Home Office and Department for Digital, Culture, Media & Sport, 2019, p. 49). Platforms are also spoken of in terms of their intermediary status, as curators of user-generated content. Historically, intermediaries in the UK have been regulated by supranational legislation. The e-Commerce Directive (2000) of the European Union (EU) emblematises an original model of the internet prior to the advent of the online harms discourse. The directive provides limited liability exemptions, often termed safe harbours, for internet intermediaries, in effect allowing platforms to be legally separate from the content and activities of their users. The directive mirrors Section 230 of the Communications and Decency Act (1996) in the United States, which also protects platforms from liability from the content of their users, creating a legal precedent for 'platform not publisher' (Murray, 2019). Section 230 has enabled the growth of platforms globally as they are primarily headquartered in the US, as is the case for social media companies such as Facebook or search engine operators such as Google (Banerji, 2019). Platform content liability has grown as a site of interest for regulators across the globe ( see generally Schlesinger and Kretschmer, 2020).

The internet was conceptualised by its creators as a free and open public sphere (Mostert, 2019; Murray, 2019). It was to facilitate a free flow of information without censure to foster innovation and competition in a way that is unparalleled offline. Some have argued that this discursive model of the internet reflects its infrastructural features of decentralisation, non-hierarchy of information (see generally net neutrality) and accessibility to all (Lessig, 2000; Schulze 2016, cited in Pohle et al. 2016). In its more expansive libertarian vein, the internet has been also conceived of as a vast public sphere that should be and will be resistant to regulation, encompassing grandiose notions of liberty such as network sovereignty and an independence of cyberspace (Barlow, 1996; Feick and Werle, 2010; Wu, 2010). Neither the OHWP nor the e-Commerce Directive make explicit reference to these ideologies, but it is clear that the concern with online safety develops in rejection to this brand of internet liberty.

Nevertheless, the e-Commerce Directive echoes aspects of these 'original' narratives of the internet in its contextual protection of intermediaries, which are exempt when they are 'conduits' of information (Article 12). Platforms which host and curate user-generated content are thereby exempt on the basis of their perceived passivity in the online sphere of information flow; in other words, they were exempt from the structural regulation anathema to cyber-libertarianism. However, the evolution of internet platforms has complicated the legal sphere,

as intermediaries play an increasingly active role in the curation and monetization of content and ultimate control over information flow (Murray, 2019). The e-Commerce Directive has been thought to appear antiquated and mismatched to the present state of technological affairs, yet constructing a new model of liability was acknowledged to be complex, as reflected in Theresa May, then Prime Minister's comments to the World Economic Forum (2018):

**“As governments, it is also right that we look at the legal liability that social media companies have for the content shared on their sites. The status quo is increasingly unsustainable as it becomes clear these platforms are no longer just passive hosts. But applying the existing standards of liability for publishers is not straightforward so we need to consider what is most appropriate for the modern economy.”**

The e-Commerce Directive typifies a kind of traditional internet mythos which has been challenged by the emergence of the online harms discourse, which, in the imposition of legal responsibility onto intermediaries, firmly transfers the internet from a decentralised public-yet-private sphere to the remit of social regulators. The UK's forthcoming exit from the EU alongside the proposed online harms legislation facilitates this shift.

#### *Development of the online harms discourse*

The development of a politics of online harm in the UK is most clearly reflected in the successful framing of the internet as a public sphere by the online safety policy community, as particularly expressed in two policy proposals produced by public and private actors. It is this framing which has precipitated the government's ultimate drafting of a new liability framework for intermediaries, the central and most contested proposition of the OHWP. The use of frames allow actors to structure phenomena according to their values and belief systems, highlighting particular problems and causal theories to the detriment of others (Hajer, 1997).

Framing is the first stage in a process of conversion of discourse into institutions (Fischer, 2003; Pohle et al. 2016; Schmidt, 2008). Ideas are first employed to structure empirical phenomena, giving rise to meaning, arguments and corresponding belief systems, before certain belief systems come to prominence in society such that they are crystallised into political institutions, normative practise and policy. Evaluating the exact mechanics of this discursive process and whether it is the top-down influence of elite discourse or the bottom-up swell of democratic views that drives such change is beyond the scope of this paper. DI is applied to the evolution of internet safety proposals to illuminate the framing and institutionalisation of a UK discourse of online harms.

The first significant text which employs framing central to the online harms discourse is a report titled “Regulating in a digital world” by the House of Lords Select Committee on Communications (2019). Technology companies, largely those operating social media platforms, are framed as utilities in their provision of online network infrastructure and information which modern society now expects and requires. The report justifies regulation on the basis that platforms wield significant market power akin to that possessed by network utilities, yet confer harms beyond consumer welfare concerns. The curational role which is central to the business model of platforms has decreased the relevance of the intermediary liability model, as platforms are more like brokers and controllers of information rather than conduits or inactive hosts (Murray, 2019). The report acknowledges this shortcoming of the regulatory landscape through the framing power of ‘utilities’ and ‘gatekeepers’ in describing the intermediaries, and crucially employs the concept of a “public space” (House of Lords Select Committee on Communications, 2019, p. 53). The public space narrative casts the internet as no longer a libertarian sandbox on the one hand or an extension of offline life on

the other, but as a discrete social sphere which necessitates the protection of fundamental liberties and upholding of welfare. Although the select committee does warn of the chilling effect of content regulation, as stringent liability could cause platforms to unnecessarily censure the speech of their users, the choice to uphold a public space framing demonstrates the political shift towards a more paternalist logic of the internet. The public space frame legitimises particular concerns over others, giving credence to internet safety interests over those of speech liberty.

The public space framing of the internet is derived primarily from a model of internet harm reduction drawn up by Carnegie UK Trust, first conceived of in 2018 and refined in the months leading up to the publication of the OHWP (Woods and Perrin, 2019). The proposal for a statutory duty of care outlined by Woods and Perrin was further endorsed in the select committee report and promptly institutionalised in the OHWP. The duty of care proposition derives directly from the framing of platform services as public spaces, thus imposing responsibility onto companies for the welfare of their users. The conversion of discourse into institution by the OHWP can be thus traced to the ideational origins of the Woods and Perrin model. The model drafted a regulatory manifesto which included use of the precautionary principle, an independent statutory regulator, and enforcement through corporate sanctions and personal liability. It is the provision of the public space frame and the following conception of online harms as a generalised policy problem, however, that is the model's central philosophical contribution.

#### *Institutionalisation of discourse*

As a sociological phenomenon, the institutionalisation of discourse occurs when ideas develop into shared reality (Scott 1987, cited in Schmidt, 2008). As a political process, institutionalisation is defined by the marriage of ideas and competences, birthing policy (Pohle et al. 2016). By proposing a duty of care and the public space framing of the internet therein, the OHWP institutionalises a role for the state in online speech, prioritising safety potentially to the detriment of some civil liberties. These proposals reflect the legislative power which flows from government discourse, which do not only express the views and intentions of actors but their desire and capacity to change the course of the debate in their favour; as discourses do not simply express views, but shape them (Fischer, 2003; Hajer, 1997; Pohle et al. 2016).

The OHWP was advanced not by sector-specific regulators relevant to online conduct, such as the Competition and Markets Authority (CMA) or the Centre for Data Ethics and Innovation (CDEI), but jointly by DCMS and the Home Office. The inclusion of the Home Office speaks to the identification of online harms as a sphere of national security, as noted in the white paper itself (2019). Although subtle, this shift is more revolutionary than it may first seem. The OHWP's prescription for a single statutory regulator characterises online harms as an agglomerated issue of national safety. Past regulatory debate in Germany over the role of existing competition policy for the internet illustrates the significance of institutional choice in the ultimate outcome of discursive struggle and is deeply analogous to the UK's occupation with online harms (Pohle et al. 2016). In Germany, the eventual establishment of a new unit for digital policy connected online concerns with new competences and institutional structures, and the Home Office's involvement in the OHWP is certainly no different.

The OHWP, through its framing of cyberspace in terms of public spaces and national safety, has linked online harms with the particular institutional practises, competences and norms invoked by the question of national security. Internet policy is no longer constrained to media and communications concerns, nor will its varied harms be solely policed by the sectors within which the harms reside. Discrete concerns of online privacy, disinformation, child safety and the various innumerable problems outlined in the white paper have now been transferred to

one singular jurisdiction, to that of online harms. The particulars of the white paper, such as its remit, enforcement and liability regime, will no doubt be subject to great contestation, but the employment of such powerful frames has anchored the debate in public safety. Although at present a proposal, the OHWP has through its discourse shaped the contours of the internet policy field, and embedded a particular view of the internet in the national policy space.

### **Emerging Sites of Contestation**

It is no coincidence that the primary proponent of the OHWP is child protection advocates, while the primary opponent is freedom of expression advocates. The disagreement between the two groups has underscored the entire debate on the legitimacy of online harms policy, which has pre-dated the white paper. The two advocacy groups reflect the contestation that has erupted over the OHWP, as well as long-running concerns in the field of online safety.

In a sense, the interests and discourses which have been illuminated are not new, but have been emerging actors in the internet policy field for at least a decade. Discourse-oriented theories of public policy conceptualise policymaking as a process of argument which ultimately produces winning discourses (Fischer, 2003; Pohle et al. 2016). Through its narratives and policy prescriptions, the victor is then able to frame future problems that arise in the field, set the agenda for future policy initiatives and determine the legitimacy of proposed solutions. The purpose of this section is not to determine the empirical soundness of these assertions nor to determine a likely winner, but to examine the discursive struggle at hand as the major players in an emerging field. Struggle over the OHWP has not yet produced a victor, but the white paper has certainly produced a policy debate that is likely to characterise the future of internet content regulation in the UK, as well as the history of internet policy debate. The future of the internet has been said to be emerging not out of “rational planning or strategic games [but of] ... countervailing forces” and discourses (Feick and Werle, 2010, p. 19).

#### *Child protection v.s. freedom of expression (or safety v.s. liberty)*

As is often the case in policy debates, the most significant site of contestation in the online harms field is a normative one. The child protection community represents an ideology which is rivalled most consistently by the voice of free speech activists. Other interests such as cyber-libertarians, or indeed general libertarians, as well as free-marketeers or anti-authoritarians, also have an ideological place in this debate, but it is under the umbrella of freedom of expression that most dissenters of the OHWP or internet content regulation as a whole have coalesced.

As harbingers of ideas and concerns with great social significance, it is not surprising that protection of children and freedom of expression are the two interests which have most exemplified contestation over regulation of the internet and have captured most media attention. While child protection advocates generally support the most contentious proposals of the OHWP such as the statutory duty of care, in effort to induce greater responsibility on the part of internet platforms for the safety of children, freedom of expression advocates fear the chilling effect such liability could have on citizens' speech. Arguably the most significant activist organisation for child protection, the NSPCC, promotes application of the precautionary principle to social media platforms; if it is reasonably suspected that a platform could harm children, regulation is justified despite a lack of a solid evidence base (2019). Furthermore, the NSPCC espouses the legal tenets of the Woods and Perrin model from which the OHWP has drawn much inspiration, such as enforcement through fines and personal prosecution, an independent regulator inter alia.

In opposition, freedom of expression advocates are wary of the OHWP's proposals due to the potential for platforms to become overzealous in their policing of user content, both in terms of refusing to publish wide varieties of content or censoring content which has already been published, on the grounds of avoidance of liability for potentially harmful speech (Global Partners Digital et al. 2019; House of Lords Select Committee on Communications, 2019). Subsets of the freedom of expression community include press and media interests which seek special exemptions for news organisations from online harms law in order to ensure freedom of reporting (Bowden, 2019; Rasaiah, 2019).

Without (yet) explicitly addressing the concerns of the other, each advocacy group puts forward their own narrative of policy importance. As child protection advocates uphold a change in the regulatory status quo in the name of child welfare, freedom of expression advocates caution change in the name of civil liberties, with each making tacit value judgements about the relative importance of particular types of wellbeing and freedom. The primary cleavage between these two interests largely reside in the balance between the rights of children and adults (Livingstone and O'Neill, 2014). The policy proposals of child protection advocates and indeed the OHWP itself appear to embody a shift from the dominant liberal discourse of the internet that has thus far resisted content regulation. The concerns of child protection advocates and their support for the OHWP reflect the deeper ideological shift towards a more safety-oriented, protective model of the state's role in the internet in the UK, although this trend can also be observed across Europe (see NetzDG in Germany, Avia Bill in France, and in some sense GDPR in the EU).

### *Broad normative contestation*

The divide between child protection and freedom of expression advocates speak to broader normative debates and historical narratives which have characterised political struggle for centuries. Questions of the internet as a public space, or the relative balance between child welfare and freedom of expression, ultimately derive from the age-old conflict between those who desire more state intervention and those who do not. Often expressed in struggle between free-marketeters and socialists, or neoliberals and social democrats, the tradeoff between societal welfare and individual liberty is an ancient site of contestation, and has been reignited by an emerging policy field (Pohle et al. 2016). While unfettered liberalism and individualism appears to be embedded in the original design and purpose of the internet, they now face challenges from growing, cross-cutting concerns about seemingly unfettered dangers, and not merely those limited to children. The balance between the rights of children and adults appear to be a facet of the debate on the rights of the state to intervene in matters which are deemed harmful. The road ahead for internet policy appears, then, to be set for further challenges, as successful discourse will need to emerge from a complex ideological structure whose roots have pre-dated the field itself.

### **Conclusion**

The stage is set for a new understanding of online dangers and the mechanisms to overcome them. Online harms have been skilfully constructed as a policy jurisdiction, requiring structural solutions beyond sector-specific regulation. Whether this narrative will prevail remains to be seen; but it is clear that legitimisation of online harms as a concept in a white paper has demonstrated the extent of serious government scrutiny of the issue, or rather the conglomerate of issues. This paper endeavoured to contribute to an understanding of internet safety as a nascent policy subsystem, subject to discourses which have yet to entrench themselves in the political landscape or national conversation, but have certainly begun the process in earnest.

Through the lens of DI, the paper first documented the conversion of discourse into policy, as the frames employed by the online harms framework sought to embed the idea of unified harms into the internet regulatory space. The logic of institutionalisation called attention to the power of frames, used to structure the debate in favour of the framer. The central frame of the OHWP, of the internet as a public space, formed the foundation for the agglomeration of discrete social concerns under a singular jurisdiction of online harms. This discourse begins to embed itself through recruitment of the Home Office and the following implications for national security, as well as liability policy which invokes corporate responsibility.

As highlighted most clearly in the conflict between child protection and freedom of expression advocates, contestation over the OHWP demonstrates the discursive battle which erupts in an emerging policy field prior to the success of particular narratives over others. Of course, contestation is neither linear nor ultimately conclusive, as any discourse that emerges victorious is not guaranteed to rule the policy space indefinitely; but if it gives rise to policies and is accompanied by institutions it will gain further legitimacy. It is not clear what the future of the internet policy struggle holds. Deep normative struggle is unlikely to yield hard and fast winners in the same way that a more empirical debate might once a sufficient level of knowledge has been generated. Winning in the context of online harms might simply be the adoption of a dominant policy approach, rather than becoming an absolute hegemon in the cultural narrative. The passing of an Online Harms Bill as per the white paper's current proposals would certainly cement a protectionist approach to internet safety. At present, online harms policy and internet policy more broadly is a clear site of normative struggle, as has been argued by scholars (Pohle et al. 2016). By examining the differences in discourse between key coalitions and communities, it was found that contestation that has erupted following publication reflects an emerging debate in the UK as well as long-running concerns in the internet regulatory space.

Many questions are left answered and there is much space for further development. As an agglomerated concept, online harms nonetheless comprise many specific harms which all deserve their own body of work in the extent of danger, the policies that are proposed, and how they interact with the other harms at hand. Patterns of international diffusion and coordination, a question entirely unexplored by this paper, would be a similarly fascinating endeavour, given the international scope of internet infrastructure as well as the parallel initiatives and concerns on internet safety across the EU and the world.

Regardless of one's ultimate belief system, some sympathy must certainly be had for a future internet regulator. Designing legislation for the internet appears to be an extraordinarily difficult task. Struggle over online harms is normative at heart. Contestation, at least for the immediate future, is quite likely to remain fairly intractable as new values and ideologies of the internet develop and mature, refining the coalitions and interests at hand. For the time being, the UK government has chosen to group harms under one jurisdiction, in effort to harmonise regulation across sectors, assert itself as an international pioneer, and ultimately to address the structural power asymmetries inherent to platforms, who have come to dominate the flow of information online. This white paper acknowledges that the internet has come a long way from its infrastructural beginnings. Its 'local' public sphere and decentralised international reach make it uniquely challenging to create legislation that is effective and proportional. Its rapid entrenchment in societal functions since its inception also makes its users subject to an endowment effect, where encroachment on its expansive freedoms by a concerned state appear to be all the more invasive, unwarranted, and sinister. Policymakers of the present and the future will have to contend with the question of regulating this private-yet-public space, which ostensibly empowers individuals with its decentralised, borderless expanse and yet increasingly subjects them to the structural algorithmic control of companies whose primary trade is the data and attention of their users, not the free flow of information as internet creators

once intended. The internet purports to be an imitation of the physical world, and it comes as no surprise that regulators would have such difficulty regulating a version of reality. Onto it is projected the fears and hopes of individuals, the waxing and waning of company power, and many of the same advantages and harms that the offline world offers to society. It is a vast and complex space which regulators must navigate: our most troublesome simulacrum.

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