15. Concluding Comments: An Assessment of Governing the Digital Society

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Introduction

The governance of the digital society is very diverse and highly complex. The various chapters in this rich book discuss practices as diverse as promoting constructive comments by news outlets, the precarious position of platform workers, and the regulation of military AI. In all these chapters, the complexity of the interaction between rapid technological developments and various normative positions plays a key role. The overarching concern is whether the public values that we find important can be safeguarded in this complex and rapidly changing world.

Governance, a concept commonly used in the discipline of public administration, plays a key role in safeguarding public values in a digital society. In this concluding chapter, I will present a broad reflection on the various issues that arise around these values for governance from a public governance perspective. This means that I will use the term "governance" to refer broadly to the coordination of a societal sector, such as policing, media, health care, or education. This coordination can occur through markets, networks, or state policies, but in all these structures, the state plays a key role (Thompson 1991). From this perspective on governance, government is certainly not the only actor "doing" governance but there is still a specific role for government as this is the only general institution based on a broad democratic mandate (Pierre and Peters 2020; Sorensen and Torfing 2009).

More specifically, looking at different modes of governance, we can distinguish between (1) situations where commercial companies are in the lead (markets such as the media sector), (2) situations where civil society plays a key role (for example, poverty relief in some countries), (3) domains where the state provides services to citizens directly (public services such

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as unemployment benefits), or (4) situations where the state regulates the provision of services by other actors (for instance, regulation of the media). Building on these insights on the nature of governance, this concluding chapter provides a broad assessment framework for discussing the governance of the digital society.

The assessment framework presented here should be seen as a starting point for an academic debate on the governance of the digital society. It aims to provide an umbrella for bringing together the host of interesting and important arguments presented in this book. I will not systematically analyze all the chapters but I want to show how they are connected to the overarching issue of how we should govern the digital society to ensure the realization of public values in a legitimate manner.

Questions for an assessment of governing the digital society

From a public governance perspective, the key questions for assessing governance relate to the ability to produce public value and whether this is done in a legitimate manner (Moore 1997). The production of public values should be understood very broadly as being able to realize the values that society deems important, such as prosperity, social justice, health, and sustainability. "Legitimacy" refers to the acceptance of the institutional approach for realizing these public values through non-discriminatory methods and the avoidance of abuse of power. A well-known definition is provided by Suchman (1995, 574): "Legitimacy is a generalized perception or assumption that the actions of an entity are desirable, proper, or appropriate within some socially constructed system of norms, values, beliefs, and definitions."

Questions regarding public value and legitimacy can be raised for commercial actors, for civil society actors, and for government. One can assess whether Big Tech companies such as Google and Facebook contribute to the economic and social well-being of society and whether they use their market power in an acceptable manner, but one can also ask these questions for a civil society actor such as Wikipedia and for a state actor like the Dutch National Police. What is the value Wikipedia produces for society and does it have adequate measures to prevent the display of harmful information? Does the police use digital technologies to make society safer and does it respect citizen privacy in their use of these technologies?

In the role of government, we can make a—very crude—distinction between the provision of services and the regulation of society. Provision

of services includes services to citizens, such as providing social benefits, education, and health care but also policing and military protection for the country. Regulation includes legal frameworks for food safety and protection of workers as well as oversight over free media and quality of education. The emphasis on government regulation has only increased in the past decades due to an increased reliance on markets.

Building upon (1) the distinction between market, civil society, and state, (2) the distinction between government as public services provider and as regulator, and (3) the distinction between the public values safeguarded by governance and the legitimacy of this government, the complexity of governing a digital society can be assessed in eight questions (see table 15.1).

Table 15.1. Governance Assessment Framework

	Market	**Civil society**	**Government**	
			Public services	***Regulation***
Public values	1. Do commercial actors produce the public values we want?	3. Do civil society actors produce the public values we want?	5. Does government produce the public values we want through public services?	7. Does government ensure through regulation that societal actors produce the values we want?
Legitimacy	2. Do we accept how commercial actors function?	4. Do we accept how civil society actors function?	6. Do we accept how government provides public services?	8. Do we accept how government regulates society?

Even though addressing the questions separately is already challenging, an assessment of governance also means that these questions need to be connected. Specific assessments can focus on the possible trade-offs between public values and legitimacy, for example, when it comes to privacy and security. More general assessment can focus on the relations between market, civil society, and government. In that sense, a negative answer to the questions about commercial actors raises the question to what extent services should be in the civic or public domain rather than in the private domain and, also, whether better regulation is needed to ensure that commercial actors make a positive contribution to society. These are the broader questions—central to political philosophy—about the organization of society: Where, when, how, and on what conditions do we combine markets, civil society, and the state?

The argument in this chapter is that we need to connect the specific analyses presented in the various chapters to the broader question of how

we want to govern the digital society. After reviewing the eight leading questions, I will return to this broader issue in the final section.

Rich answers to the assessment questions

This book provides a host of insights into practices of governing the digital society. The studies were done by researchers from many different disciplines and therefore I will certainly not claim that these can come neatly together in a set of answers to the eight questions I presented above. At the same time, the questions can be used to highlight key topics discussed in the various chapters and to show how the chapters connected to different assessment questions.

1. Do commercial actors produce the public values we want?
Commercial actors operating in market settings to produce welfare and well-being for society are considered in various chapters. A key question here is whether these market dynamics produce what we want or whether they result in negative values such as discrimination, abuse of power, infringements on privacy, etc. The precarious position of platform workers discussed by Gabriël van Rosmalen is a clear example of such negative values that need to be avoided. Other chapters touch upon the risk of negative values such as fake news and invasion of privacy through the activities of commercial actors. In fact, this general analysis that commercial actor dominance creates risks for public values seems to form a starting point for the subsequent in-depth analyses.

2. Do we accept how commercial actors function?
In markets, commercial actors have been given certain freedoms to pursue their goals but they also function within systems of legal and societal norms regarding what is acceptable behavior. An interesting example of this issue is the discussion of practice by internet intermediaries of "flagged content" which allows engagement with expertise of governmental and non-governmental organizations within the framework of government regulation by Jacob van de Kerkhof. Another example is the promotion of constructive comments by news media to identify and ban unwanted comments, as discussed by Waterschoot. A key question is how and whether these two types of practice contribute to the legitimacy of the commercial actors, in this case the internet intermediaries and news media. In addition, Jing Zeng and Karin van Es critically interrogate whether moral agency can

contribute to the legitimacy of commercial actors. Fabian Ferrari discusses generative AI and provides requirements for governance of generative AI systems to ensure the legitimacy of the commercial actors that develop them: analytical observability, public inspectability, and technical modifiability (see also the interview with Natali Helberger). Finally, Lisanne Hummel discusses the intricate entwinement of the power of (American) Big Tech companies with the rise of (generative) AI as a process that delegitimizes the role of commercial actors.

3. Do civil society actors produce the public values we want?

Depending on the country, civil society organizations rather than commercial actors play a key role in certain sectors. Examples from the Netherlands are education, where most schools are run by civil society organizations, and public housing, where most housing corporations are non-profit organizations. These civil society actors play a more limited role than commercial actors in this book. However, Gabriël van Rosmalen discusses platform cooperatives as an alternative model for governing digital labor platforms and highlights how these cooperatives, characterized by democratic structures and worker ownership, have the potential to effectively tackle specific labor issues.

4. Do we accept how civil society actors function?

Even though civil society organizations are often more trusted than commercial companies, their legitimacy can also be at stake, for example, when it comes to adequate spending of public money. An example of the debate about the legitimacy of civil society actors is the discussion of decentralized online social networks (DOSNs), such as Mastodon or BlueSky, by Mathilde Sanders and José van Dijck. They propose a combination of both centralized and decentralized technological and organizational elements.

5. Does government produce the public values we want through public services?

A key question for government is whether it brings society what it wants or, more precisely, whether it produces the values society needs through public services such as education, health care, and policing. The chapter by Niels Kerssens and Karin van Es presents a nuanced discussion of the transition to digital education and highlights the importance of not only focusing on data autonomy but also on pedagogical autonomy. The chapter by Michiel de Lange, Erna Ruijer, and Krisztina Varró highlights the importance of inclusivity as a public value in co-creating people-centric urban neighborhoods.

6. Do we accept how government provides public services?
Questions about the legitimacy of public services are often connected to the question to what extent these public services result in the production of public values in an effective and efficient manner but also with respect for privacy and equal treatment. This issue has been a key focus in academic debates in public administration (Hood 1991); it is also central to the analysis provided by Gerwin van Schie, Laura Candidatu, and Diletta Huyskes of a welfare fraud risk-scoring algorithm used by the city of Rotterdam between 2018 and 2020. Their analysis focuses on the values of inclusivity, nondiscrimination, and fairness and reveals how the algorithm interprets structural social disadvantages as a higher risk for welfare fraud. This pattern delegitimizes the government's production of public services.

7. Does government ensure through regulation that societal actors produce the values we want?
Societal actors function within regulatory frameworks and practices. The question here is whether the way government enacts its regulatory functions makes societal actors produce the public values we want. Does government regulation, for example, enable companies to produce needed products and services such as food and travel options while avoiding negative impacts on the physical environment and on workers? The question of regulatory effectiveness is addressed by Machiko Kanetake in her analysis of cyber surveillance items and the regulation of platform workers by Gabriël van Rosmalen focused on the question of how regulation can prevent the production of negative values. Some authors are quite critical of regulatory effectiveness. Lisanne Hummel, for instance, highlights that the EU's explicit focus on specific sectors neglects the earlier stages of the AI lifecycle and maybe therefore fail to address problems arising from the significant impact Big Tech companies have on the conditions for developing generative AI.

8. Do we accept how government regulates society?
An important question is whether governments abuse their power in the effort to regulate society: To what extent do governments use their data power to identify undesirable practices? Does this use of power result in undesirable infringements on privacy? This issue was touched upon in the analysis of government regulation of platform work by Gabriël van Rosmalen and in the discussion of cyber surveillance by Machiko Kanetake, even if was not explicitly analyzed.

From the empirical to the normative: Call for a next book

This concluding chapter—and, in fact, this whole book—emphasizes the need to discuss the governing of the digital society in a broader scope, to ensure that we develop governance structures and practices that bring us the digital society we want rather than ending up in a dystopian one. The risks are many and they are discussed daily in newspapers and academic journals: concentration of power, suppression of workers, discrimination of various groups, loss of fundamental human capacities, infringements on various human rights, and so forth.

The various chapters in this book highlight that there really is a need to be concerned about the governance of the digital society. Limitations of new approaches such as the European Artificial Intelligence Act (AI Act) and moral agency are clearly presented. There is no reason to assume that current governance approaches are sufficient for bringing us the digital society we want. We can conclude that many problems have been acknowledged but that it is now time to use this information to continue the broader debate about the governance of the digital society. There is much work to be done!

Thus, there is an urgent need to discuss how to safeguard the values that we find important. The assessment framework presented in this final chapter can be used as a lens to connect the different analyses and to discuss the connections between the various forms of governance. Based on my crude analysis of the rich material presented in these chapters, I would like to highlight the following four points to serve as a research agenda for the academic analysis of governing the digital society:

1. *Metagovernance of the digital society.* There is ample reason to question the contribution of commercial actors and their legitimacy. An important question is to what extent we want to rely on stronger regulation of markets or whether an alternative mode of governance—civil society or public services—is needed. More academic work is required that connects empirical insights into market dynamics to broader debates about the role of markets, civil society, and the state in the governance of the digital society. The concept of "metagovernance" (Sørensen and Torfing 2009) may form an important starting point.
2. *Potential of civil society for governing the digital society.* Civil society actors still play a quite marginal role even though their potential contribution to the governance of the digital society is promising. Based on the success of initiatives such as Linux and Wikipedia, there has been a plea for a stronger civil society to safeguard public values. This

plea, however, has hardly resulted in a growing civil society role in the governance of the digital society. More research is needed to find out why this promise has not yet materialized and what is needed to assign civil society a stronger role in the governance of the digital society.

3. *Normative framework for the governance of public services.* One chapter in this book was highly critical of the use of algorithms for risk analysis in the provision of government services. This connects directly to current debates on the child benefit fraud (Peeters and Widlak 2023). These critical analyses are important but also need to be followed up by a stronger normative analysis, for instance, of how and when public services can tap into the potential of AI for the provision of public services.
4. *Framework for the organizational practice of regulating the digital society.* The need for regulation has been acknowledged by lawmakers, especially in Europe, but legal frameworks still need to be translated into action. The AI Act was quite central to many analyses, but few questions were raised regarding the legal framework itself or its translation into regulatory practice. More research is needed to establish how practices of regulation can ensure that this government role in safeguarding public values can be carried out adequately.

This book highlights the importance of connecting various types of academic analysis to obtain a comprehensive understanding of the complexities of governing a digital society. At the same time, the overall picture is still highly fragmented. A next step would be to "connect the dots" and obtain an understanding of the required forms of governance of the digital society that bring together the various domains. We need to find ways to connect the specific analyses related to the different domains and different types of governance to an overall analysis. Such a normative quest may be an excellent topic for a follow-up to this highly informative book on governing the digital society.

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