

# Digital Platforms and Right to Information: From Mere Hosts to Responsible Actors

## Las plataformas digitales y el derecho a la información: de meros alojadores a actores responsables

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**Abstract:** Despite the apparent neutrality of digital platforms, they exert a significant influence on the mediation of information and raise questions about their responsibility to guarantee the right to information. This article examines the intermediary role of digital platforms, given that they have transformed the model of public communication. Taking as a starting point Desantes' (1994) argument, that information is a human and social good that entails a duty for those who disseminate it, this research paper argues that digital platforms, like traditional media, must assume structural responsibility for information. Through a discussion of key theoretical perspectives, this article explores how platforms have altered public communication, challenged traditional media principles and highlighted the need to hold them accountable for their operational role, as reflected in recent EU regulations.

**Keywords:** digital platform; social media; accountability; intermediary; right to information; public sphere.

**RESUMEN:** A pesar de la aparente neutralidad de las plataformas digitales, estas ejercen una influencia significativa en la mediación de la información, lo que plantea interrogantes sobre su responsabilidad en la garantía del derecho a la información. Este artículo analiza el papel intermediario de las plataformas digitales considerando que su presencia ha transformado el modelo de comunicación pública. Tomando como punto de partida la defensa que hace Desantes (1994) de la información como bien humano y social que engendra un deber para quien la emite, esta investigación sostiene que las plataformas digitales, al igual que los medios de comunicación, deben asumir una responsabilidad estructural con la información. Este artículo explora, a través de una discusión con las ideas de los principales teóricos, cómo las plataformas han alterado la comunicación pública, desafiando los principios tradicionales de los medios y subrayando la necesidad de exigirles una responsabilidad de funcionamiento, como ha hecho la reciente regulación de la UE.

**Palabras clave:** plataforma digital; redes sociales; responsabilidad; intermediario; derecho a la información; esfera pública.

## 1. Introduction: The Right to Information and Media Responsibility

In 1942, in the United States in the context of World War II, a group of information professionals and scholars examined the state of freedom of the press and how its future was perceived. To this end, they decided to establish the Commission on Freedom of the Press (1947) to address the question “Is freedom of the press in danger?” The Commission’s response was affirmative, but what was most striking about this intellectual milestone in the history of journalism was not the answer itself, but rather the underlying argument supporting the existence of freedom of the press. In the Commission’s view, a free press is a responsible press (Christians & Fackler, 2014). Robert M. Hutchins, then Chair of the Commission and Chancellor of the University of Chicago, emphasized the responsibility of the media due to its role in educating the public on civic matters:

The Commission is aware that the agencies of mass communication are only one of the influences forming American culture and American public opinion. They are, taken together, however, probably the most powerful single influence today. [...] By pointing out the obligations of the press, the Commission does not intend to exonerate other agencies from theirs [referring to schools or churches]. The relative power of the press carries with it relatively great obligations (1947, p. 7).

The Commission’s report roots its argument in the concept of positive freedom, which posits that freedom is not merely the absence of internal or external restrictions (negative freedom), but also the capacity to act according to one’s own will. Paraphrasing Christians and Fackler (2014), through the notion of positive freedom, Hutchins (1947) developed a philosophical framework in which responsibility is seen as an ontological and constitutive part of human existence. The question of the role of the media in democracy has a long history. In the 1950s, Fred Siebert, Theodore Peterson and Wilbur Schramm (1956), following the Commission’s reasoning, wrote *Four Theories of the Press*, further solidifying the idea of the press’s responsibility toward society (Christians et al., 2009).

Carlos Soria, a professor of Information Law, explained in his inaugural lecture for the 1987–1988 academic year at the University of Navarra the long intellectual journey through which information had evolved from being considered a property controlled by governmental power in the Ancien Régime to an individual’s *freedom of expression* during the Enlightenment, and finally to be formulated as a citizen’s *right to information* in contemporary societies (Azurmendi, 2015). For what reason is information safeguarded as a right, rather than solely as a freedom? Information is not just another commodity; rather, it is a “message whose circulation, alongside other messages, forms a communicative process that is intrinsic to any democracy” (Menéndez, 1994, pp. 33–34). By recognizing information as a right, what is safeguarded is “the political interest of every individual in forming an adequately informed opinion on any matter affecting their status as a citizen” (Menéndez, 1994, p. 16). Soria took this argument a step further by explaining that the formulation of information as a right also entails the duty of a media company to inform. Although Soria used the term *duty*, he did not refer to a juridical, enforceable obligation imposed on an entity or individual. Rather, he referred to the *moral* and *ontological* responsibility of those engaged in the act of informing. As Josu de Miguel Bárcena (2016) explains, since citizens have the right to receive information, “even if this does not translate into a directly enforceable claim, it at least constitutes a principle that materializes into more or less direct obligations for the media” (p. 154). The foundation of this responsibility, understood as a duty, lies in the intrinsic moral quality of the information itself. The right to information is grounded in the fact that information is, by its very nature, a human and social good that, in turn, generates human and social benefits (Desantes, 1994, p. 16).

The fact that information is a public good justifies the existence of media outlets whose purpose is to participate in, facilitate or foster a social dialectic on issues that occur in reality, affect individuals and shape societal organizations (Noam, 2021). The normative tradition advocating for media responsibility established *freedom* as a fundamental principle for organizing public

communication but also recognizes that “the public or community as also having some rights and legitimate expectations of adequate service.” (Christians et al., 2009, p. 24). Following this theoretical tradition, this research paper argues that digital platforms are responsible for the right to information, thus equating them with media organizations. In 1996, the United States enacted the *Communications Decency Act* to regulate online pornography, a law that introduced the *safe harbor* principle, shielding data hosts from liability for illegal or obscene content created by users. Over time, digital platforms began to define themselves as merely neutral hosts (Gillespie, 2010), a label that obscured their actual role in the communication process. Their mediation in shaping social discourse implies a responsibility for the right to information.

## 2. Theoretical Framework: A Platformized Public Deliberation

Social media platforms and search engines have transformed public communication (Micó et al., 2022; Smyrnaioi & Baisnée, 2023). Unlike traditional media, digital platforms appear to “neither produce, nor edit nor select; but by acting in the global network as intermediaries ‘without responsibility’ who establish new connections [...], they profoundly alter the character of public communication itself.” (Habermas, 2022, p. 15). Some scholars argue that the current process of opinion and will formation facilitated by digital platforms is unproductive or insufficient (Seeliger & Seignani, 2022) for deliberative purposes according to the principles of deliberative democracy (Cohen, 1989; Rawls, 1993; Gutmann & Thompson, 1996; Habermas, 1981). This perspective holds that democracy functions through not only electoral participation, but also communication that takes place among the public (Coeckelbergh, 2023). The conceptualization of deliberation as an essential quality of democracy emerged in the late 20<sup>th</sup> century with roots in the rationalist philosophy of the Enlightenment, particularly in the works of Kant and Rousseau, who viewed democracy as an exercise of public reason and practical discourse among free and equal citizens (Min, 2016; Racimo, 2006). This theoretical tradition sees argumentation as an essential instrument for achieving greater legitimacy and impartiality in democratic decision-making processes (Giuffrè, 2023; Habermas, 2023). The public sphere provides access to information and a diversity of opinions (Habermas, 2022), which is why the flow of information among the public influences the quality of democratic governance. Within the deliberative democracy model, the media is recognized as a key actor in both information exchange and fostering proximity between government and society (Rosanvallon, 2011).

Contemporary public communication, in which digital platforms occupy a central role, adheres to a pattern of reciprocal, unfiltered, deregulated, egalitarian and individualized communication (Staab & Thiel, 2022). A consequence of this transformation is that “the infrastructure of the public sphere can no longer direct the citizens’ attention to the relevant issues that need to be decided and, moreover, ensure the formation of competing public opinions” (Habermas, 2022, p. 167). The resultant effect is the erosion of deliberative democracy and the right to access information (Valle-Jiménez and Pinilla-Escobar, 2023). Habermas (2022) identifies the digitalization of the public sphere as a contributing factor to the decline in democratic quality.

Astrid Wagner (2023) delves deeper and specifies three factors contributing to the current democratic disengagement that hinder both citizen participation and political deliberation. First, there is the decay of a culture of political debate that necessitates respectful interaction; second, the weakening of professional informational structures, namely the media; and lastly, Wagner (2023) points to the blurring of boundaries between public and private spheres facilitated by digital platforms. In this context, Rosanvallon (2011) analyzes authority and democratic legitimacy, and describes how the Internet has eliminated the distinction between the hidden and the visible, such that, previously, “public opinion used to exist only when it was represented (by polls or in the media or else when given voice by a political party or other group). Now it has a direct and autonomous existence.” (Rosanvallon, 2011, p. 215). Ultimately, the mediation of platforms in public communication has led to the fragmentation of audiences (Habermas, 2023) and damaged the deliberative process that helped legitimize democracy as a political system.

Social media platforms and search engines have changed the *guardian paradigm* (Sevignani, 2022) by creating platforms (van Dijck et al., 2018; Gillespie, 2018) for public communication, as these platforms have assimilated the tasks of creating, producing and distributing content traditionally associated with the media. This assemblage has made it difficult to establish a dividing line between the media and platform functions (van Dijck & Poell, 2013; Nielsen & Sarah, 2022; Salonen, 2024; Papaevangelou, 2024). Now, for advertising, audience engagement and content distribution, media outlets find themselves contending with platforms that are simultaneously facilitators of the process and competitors in the market (Radsch, 2023; Haugen, 2023). They have contested the historically established position of the media and have acquired a role as intermediaries of information. As Nielsen and Ganter (2018) explain, working with them implies losing control over communication channels and increases the risk of becoming dependent on new intermediaries.

To some extent, social media has sought to realize the desire for access to pure, unmediated, neutral and unbiased information (Mitchell et al., 2018) and to change the guardian paradigm, as it appeared insufficient for deliberative democracy. In contrast to the guardian monopoly, the Internet eliminated the technical bottleneck, thus transforming public communication into a network-based model; however, information remains a mediated good (Neuberger, 2022). The emergence of digital platforms has also affected the business models of media outlets. While these generate content to capture audience attention and sell advertising, the latter are designed to exploit user data (Radsch, 2023; Zuboff, 2020) to maximize persuasive capacity and predict audience behavior. This capitalist exploitation of the hegemonic guardian model had been criticized by Marxist theorists, such as Noam Chomsky (1988), Raymond Williams (1976), and Stuart Hall (1982), who argued that the media consisted of instruments controlled by the elite and that it constructed the reality that the audience was expected to accept while imposing American values on other local cultures.

The media has been criticized for its inherent deficiencies in a unidirectional information mediation process (Jarvis, 2014), as well as for prioritizing corporate profit over content of public interest, a business decision that can compromise the public service function of information performed by the media (Vara-Miguel and Sánchez-Blanco, 2023). Due to such issues, the process of disintermediation promised by digital platforms was understood as “the end of the monopoly of reality interpreters” (Innerarity and Colomina, 2020, p. 15), and some platforms positioned themselves as tools capable of strengthening individual freedoms (Romm, 2019) and facilitating democratic participation in the public sphere (Gillespie, 2010). A clear example of the mobilizing and participatory potential offered by social media was witnessed during the Arab Spring in 2010 (Khamis and Vaughn, 2011), when in countries such as Tunisia, Egypt, Libya, Syria, Bahrain and Yemen, uprisings and rebellions unfolded with people demanding democratic systems, social rights and an end to repression by various totalitarian governments. In that same year, Facebook increased its number of users from 350 to 600 million, and Twitter from 75 to 175 million, thus playing a crucial role in the dissemination of revolutions (Calvo Macías and Iriarte, 2021). Social media appeared to facilitate citizen participation in social discourse by creating enthusiasm for digital media with the expectation that they would improve public communication.

The process of the platformization of the media system has fundamentally altered the landscape by transforming platforms into primary channels for information dissemination to audiences, as evidenced by the Digital News Report (Newman et al., 2023). Furthermore, in the contemporary context, there is growing public skepticism regarding the journalistic function of media as guardians of democracy (Neuberger et al., 2019; Brenan, 2023). Consequently, the guardian paradigm no longer adequately represents the media’s position in modern public communication, nor does it encompass digital platforms, given their role as intermediaries of communication.

### 3. Methodology

In this article, due to the interdisciplinary nature of the object of study, an exploratory manual review methodology was carried out on narrative of theoretical contributions in the fields of communication theory, the right to information and digital platforms in communication. This methodological choice responds to the need to address the breadth of the phenomenon under study, including both classical and contemporary authors, and provide greater flexibility in addressing different perspectives and theoretical nuances that may not have become evident under a stricter methodology. This process has enabled aggregation of the intersection between communication, law and technological innovation into one question: What is the responsibility of digital platforms as information intermediaries?

#### 3.1 Between Old and New

In 1996, researchers Merrill Morris and Christine Ogan raised concerns in *The Internet as Mass Medium* about not considering the Internet as a mass medium in communication studies, given that the Internet model affected the “source-message-receiver” framework on which the field [of mass communication theories] is based. As a criterion for considering the Internet as a mass medium, they pointed to the volume of users connected to the network that had been reached by the late 90s (40 million) and also described each Internet service as a mediating technology:

Each of these specific Internet services can be viewed as we do with specific television stations, small-town newspapers, or special-interest magazines. None of these may reach a strictly mass audience, but in conjunction with all other broadcasters, newspapers and magazines distributed in the country, they constitute mass media categories. So the Internet itself would be considered the mass medium, while the individual sites and services are the components of which this medium is comprised (1996, p. n/a).

In another article, Christian Sandvig (2015) equates the cultural industry—using the term coined by the Frankfurt School to refer to the media—with the social media industry. He points out that, although there seems to be apparent opposition between the media and social media because they offer citizens a different model of participation in communication, they have evolved “into an elaborate system that selects social products and makes them popular based on obscure determinations of economic value” (Sandvig, 2015, p. 1). Sandvig indicates that social media also has a system of control over the visibility of content like that of media (Tambini and Labo, 2016; Nemitz and Pfeffer, 2021). For Sandvig, social media is merely an extension of the media, and their novel feature is the social aspect, i.e., while the cultural industry constructs reality based on common life, digital platforms base their activity on human sociability.

In social media, the phenomenon of mass communication—understood as the transmission of messages to a very broad audience through one or several media channels —converges with that of mass media as the organization or instrument that mediates information. The description provided by McQuail and Deuze (2020) helps explain how the reality of mass media intertwines with the dynamics of mass communication. The authors also state that media can be personal or mass media, as perceived in the type of relationship media enable between audiences: symmetrical or institutionalized. Therefore, according to these variables, it can be said that social media platforms are personal media where a symmetrical relationship occurs between users. However, considering their reach, the effect they produce is self-communication of the masses (Castells, 2007).

On the other hand, from a more economic perspective, due to the monopolistic position digital platforms have occupied in the market, authors like Paul Nemitz and Matthias Pfeffer (2021) propose that they should be treated as media within the framework of media concentration law.

What the set of these proposals contributes is, first, that social media and the media resemble each other in their dominant position over the distribution of content in the public sphere.

Second, social media is personal media that disseminates content en masse. Thus, in terms of power and mass reach, social media can be considered to be on the same level as mass media. In any case, the study of social media in the field of communication should not try to fit them or compare them with the structure of a hierarchical 19<sup>th</sup>-century corporation that controls public opinion; rather, it is necessary to expand the interpretative paradigm of a medium based on its purpose. Martín Algarra (2020) contrasts two paradigms from which media can be interpreted. On one hand, the transmission paradigm refers to the technical system that allows a message to be transported from one point to another regardless of its meaning, since the system is not concerned with “what is said in a message, why, for what purpose or how it is said” (Martín Algarra, 2020, p. 67). With this approach, one can understand that a telecommunications company offers connections and its service is based on the requirement that these connections are effective. If this were the interpretative point for media, they would be mere instruments with no responsibility for what occurs within them. It is precisely this narrative that platforms have attempted to uphold. On the other hand, the integration paradigm is one in which the purpose of communication is understood as the communion of individuals, and “in this case, communication fundamentally relates to the social dimension of human beings and the existence of a shared common world” (Martín Algarra, 2020, p. 67). From this paradigm, it is possible to assume that, just as a traditional medium aggregates the contributions of the public and creates public opinion, a social network serves as a medium for communion and relations among the audience.

Josu de Miguel Bárcena (2016) presents a historical fact that can serve as a reference by explaining that, in the late 1990s in Germany, with the advent of the Internet, there was debate regarding the categorization of the media used for transmitting communications. The division was made “taking into account whether the presentation of information or opinions primarily affected the formation of public opinion constituted by an indeterminate number of recipients” (García Morales, 1999). Bárcena proposes:

If we begin with a broad concept of the right to information, it is easy to conclude that, in the context of the digital press, the individualization of the medium does not prevent us from considering Facebook and Twitter as formats that contribute to shaping public opinion (2016, p. 150).

### 3.2. Towards a Theory of Social Media

The literature that seeks to develop a theory for social media as a distinct communicative phenomenon is limited and dispersed over time, and existing work tends to focus more on the field of public relations rather than on media studies. This is evident in issue 23 of the *Atlantic Journal of Communication* (Volume 1, 2015), which aimed to present normative preliminaries regarding social media. Authors such as Carr and Hayes (2015) contributed to this issue by highlighting that there is no commonly accepted definition of what social media are, either functionally or theoretically, within communication studies. They stated that “although we know *what* social media are, we are not necessarily able to articulate *why* they are what they are” (p. 46). They proposed a paradigm shift in communication theory that would include the role of computational or algorithmic elements, as well as the adoption of new methodologies to study interactions within the infrastructure of social media. Finally, they called for “a reconsideration of the convergence of communication and media studies, to better account for the role of the medium as both a modifier and a moderator in transmission of a message” (Carr and Hayes, 2015, p. 58). Additionally, in that issue of the journal, Ariel and Avidar (2015) explained that, considering the role individuals play in social media, three elements can distinguish a platform as a social network: information, interaction and sociability. Information pertains to what is shared, interactivity depends on how content is shared and sociability is the result of the number of interactions among users. Through their study, Ariel and Avidar demonstrated the importance of defining social media not so much by their technological characteristics but by how interactivity and sociability manifest within them.

Fuchs (2017) pointed out that the need for a social theoretical foundation to understand the communication processes of social media within society is marked by an excessive quantitative focus in their studies.

Digital positivism's limit is that it remains stuck in the narrowness of the Lasswell Formula, focusing its research on the following question: Who communicates what to whom on social media with what effects? It forgets users' subjectivity, experiences, norms, values and interpretations, as well as the embeddedness of the media into society's power structures and social struggles. We need a paradigm shift from administrative digital positivist big data analytics towards critical social media research. [...] Challenging big data analytics as the mainstream of digital media studies requires us to think about theoretical (ontological), methodological (epistemological) and ethical dimensions of an alternative paradigm (2017, p. 40).

The nomenclature of entities bears significant influence on their prescribed treatment. Conventionally, a platform is conceptualized as a business model wherein interactions among its constituents generate value (Kumar, 2023). Gillespie (2010), referencing Bazerman (1999), elucidated that as the term "platform" evolved into a "discursive resting point," innovations and regulations would align themselves with this technological interpretation. In the context of social media, the designation "platform" attenuates the understanding that information mediation is a fundamental function of these entities (Silverstone, 2002). It is insufficient to characterize social media as a structure facilitating horizontal relationships among users who connect and interact instantaneously, with content contingent upon individual contributions. This characterization must incorporate the platform's mediating role in information dissemination, as it elucidates why social media are attributed with an opinion-forming capacity (Seipp et al., 2023) previously associated with traditional media. A paradigm is requisite to elucidate that the mediating function of social media in public communication engenders their accountability.

#### 4. Analysis of Results

The contributions cited indicate that it is necessary to define what social media platforms are in themselves to understand what they do. However, a theory cannot merely remain in the description of an invention as an isolated element; it must be capable of explaining that element in its environment. At the beginning of the issue mentioned in the *Atlantic Journal of Communication*, Michael L. Kent (2015) pointed out the need for a "coherent theoretical body" that explains the phenomenon of social media and to assess the social medium itself and give it meaning. The need for a theory on social media arises because they are a consequence of an ideological stance that challenges the power held by traditional media (Coudry, 2008). Any change in media is a challenge to the dominant media power of each era (Gehl, 2015). The transformation caused by social media demands a theory that contextualizes them in public communication as mediators of information (Livingstone, 2009). When information is mediated, it circulates, creates new concepts and transforms the meaning and value of things, and this mediation influences the interpretation of reality (Silverstone, 2002; McQuail and Deuze, 2020).

A specific theory of social media is needed to explain their role as mediators of information, given that their responsibility lies in that function. Social media has changed the way information is mediated in the public sphere, but information remains a public good. Neuberger et al. (2019) explain that digital transformation has altered the knowledge process by shifting from a linear model to a cyclical one. The Internet has created a continuous flow that flexibly reshapes roles and blurs boundaries, resulting in hybrid roles between speakers, journalists and audiences. On one hand, this change generates uncertainty in the audience regarding the reliability of providers, but it also creates opportunities to improve time management through participation, interaction and transparency. The authors question whether, in this more variable circumstance, it is possible to build a network of trust in which there is a willingness to recognize and rely on the knowledge of others.

For democracy to continue functioning, any medium that appears in the field of public communication must adopt conditions that include the principles of freedom of expression, right to information and plurality of ideas. Although the model of public communication has changed, the epistemic principles of democracy have not (Nieminen, 2024). The criteria for the validity of knowledge, such as truth and rationality, remain constant in the acquisition of knowledge through mediated public communication (Neuberger et al., 2019). Regardless of social media companies' liberalizing intentions and the empowering intention for citizens to decentralize the political conversation and democratize access to knowledge, these companies operate within the realm of public communication, which entails responsibility. They exert control and dominance over information and information is a democratic good, a right of citizens protected by the right to information.

The link between the right to information and the responsibility of platforms is direct because the intervention of the digital platform in the public sphere implies an alteration in the freedom to receive information (Eskens et al., 2017). The mediation of information in the public sphere carries an ontological responsibility: With epistemic rights, how is that responsibility specified?

## 5. Discussion

On April 22, 2022, during a speech at Stanford University, Barack Obama highlighted the discussion about the responsibility of platforms in society as a top political issue: “the social media platforms called themselves neutral platforms with no editorial role in what their users saw.” In his speech, Obama pointed to the object that has been the focus of the discussion on platform responsibility: content. Raising the issue of platform responsibility for authorship of the content that circulates on them has deepened the conception of platforms as neutral hosts by allowing them to disengage from irregularities in the public space (Gillespie, 2010).

### 5.1. Focusing on the Subject, Not the Object

To address the discussion about the responsibility of social media, it is necessary to shift the focus from the object (content) to the subject (platforms). The discussion has centered on content such as misinformation, fake news and incitement messages, which have emerged in social conversation and disrupted coexistence among citizens and the political processes of democracy. However, while this content may cause problems, it is not the problem. The discussion on the relevance of a series of messages in the public sphere is bound to enter a deadlock between content moderation and freedom of expression while raising questions such as which messages are intolerable and who should censor them. In societies in which freedom of expression is a foundational value necessary for coexistence, the dissemination of opinions, no matter how extreme, should not be a problem. On the other hand, for content classified as illegal, judicial procedures have been established in each country's legal system.

By referencing media organizations as a media phenomenon in which social media are compared, the sender-receiver-message scheme is used as a model to assign responsibilities. However, without digital platforms, this is unfair. Poell (2020) argues that, although platforms play a fundamental role in public communication, it is not the same as that of media organizations, and states “it is highly questionable whether it is a good idea to give corporations, with little editorial expertise or understanding of particular political-cultural contexts and histories, full editorial responsibility over what is shared through their platforms” (Poell, 2020, p. 653). Given how content is created in media companies, it can be asserted that they have editorial responsibility for such content, given that the content creator, host and distributor are the same, which is not the case with social media, where the user is the creator, but the platform is the host and distributor. Helberger, Pierson, and Poell (2018) argue that the difficulty in determining where the platform's responsibility ends and the user's begins is due to the unequal power relationship between users and platforms; it is also common in law to assign responsibility to the party that



is the source of a risk that may give rise to legal responsibilities. The problem presented by assigning responsibility to platforms is what the authors call the “problem of many hands,” using Thompson’s (2014) concept to explain “the difficulty of assigning responsibility in organizations in which many different individuals contribute to decisions and policies” (Thompson, 2014, p. 259). In response, Thompson (2014) proposes that we “shift our perspective from the responsibility for outcomes to the responsibility for the design of organizations.” (Thompson, 2014, p. 261). In other words, one should not speak of the editorial responsibility of digital platforms concerning content (Boix Palop, 2016), but rather of a structural responsibility as intermediaries of information. This is the connection between the responsibility of digital platforms and the right to information.

I propose an analogy: a company that manufactures plastic caps for bottles is not responsible for those caps littering beaches, as they ended up there due to the irresponsible behavior of other people. However, the company is responsible for manufacturing caps with materials that have minimal environmental impact because the company introduced a risk factor that could harm a good (the environment) and that risk did not exist before it intervened. The existence of a good to be protected justifies responsibility, and responsibility lies with the subject that relates to that good that must be protected. In the case of social media, although harmful content generates problems in society, it is not the problem; rather, it is evidence of the platform’s prior omission of responsibility. Digital platforms must assume responsibility for the risk factors they have introduced into public communication through their designs, algorithms and dominant position by subjecting their services to scrutiny.

## 5.2. The Structural Responsibility of Social Media

The discursive positioning on which digital platforms have based their defense of neutrality is that they are mere services for connecting users (Spindler, 2020). This narrative was reflected in the legislation regarding them. The E-Commerce Directive 2000/31/EC, whose aim was to establish a legal framework for the entire European Union to regulate information society services, to guarantee the free movement of services and to protect consumers and users, established various legal aspects of information society services and categorized platforms as “service providers” (E-Commerce Directive, 2000/31/EC, p. 4) of the information society. The E-commerce law established several premises as a starting point for platform services; perhaps the most notable in this case is the argument regarding the responsibility of intermediary services, outlined in Section 4. In this section, Article 12 recognizes them as mere intermediaries in the transmission of communications, data and accessibility to other services; Article 13 exempts them from responsibility for the automatic, temporary and provisional storage of data to provide their services; Article 14 addresses the hosting of actual data, and Article 15 exempts them from any responsibility by stating “Member States shall not impose a general obligation on providers, when providing the services covered by Articles 12, 13 and 14, to monitor the information which they transmit or store, nor a general obligation actively to seek facts or circumstances indicating illegal activity” (E-Commerce Directive, 2000/31/EC, p. 13). The exemptions from liability established by the 2000 Directive were granted on the condition that the platform service was unaware of any type of information or illegal activity, meaning that it should act only to remove such information if it became aware of it. The problem is that framing responsibility in this way has favored the conception of platforms as mere content hosts. As Valpuesta points out,

this rule has long served Internet intermediaries to claim exemption from responsibility for illegal activities carried out by the pages they link to, with the well-known grey areas, when such intermediaries are aware or should be aware of that illegal activity (2021, p. 57).

Knowledge of the illegality (or lack thereof) of content was an essential requirement for determining the responsibility of an information intermediary service regarding content.

However, as Valpuesta (2021, p. 26) points out, this argument gained relevance in the case of platforms, which are often claimed to be merely intermediaries providing access to services to avoid being considered providers of the main service.

In October 2022, the European Union adopted the Digital Services Act (DSA) (Directive 2000/31/EC), which builds on the aforementioned directive and aims to define the responsibility of digital platforms and search engines, especially large ones, and protecting citizens' rights. The DSA aims to regulate "intermediary services" (Directive 2000/31/EC, p. 1) in the information society. The change or adjustment in nomenclature (from "providers" to "intermediaries") is not a minor issue; it has ontological implications in the conception of the responsibility of platforms. Regarding the liability regime, the DSA maintains the conceptual framework of the E-Commerce Directive (platforms are responsible if they know) but adds specific obligations for these intermediaries: it implements alert mechanisms for the awareness of illegal content and a series of procedures for overall transparency in the functioning of online platforms. Why expand the responsibility of platforms by adding procedural obligations? Although the initial premise is that platforms are not responsible for the content disseminated on them, it is now established that they must subject their services to continuous evaluation because of the impact of their services may cause societal risks (Regulation (EU) 2022/2065, recital 76). Does this phenomenon arise from the inherent implication that the mediation of information in the public sphere confers natural responsibility to those who function as information intermediaries? The role of social media platforms as information intermediaries enables them to manage information flows by providing space for content and serving as channels for its distribution and organization (De Gregorio, 2022; van Dalen, 2023; Marta-Lazo, 2023). This function defines their information mediation process.

It may seem incompatible for social media to be responsible for being information mediators while simultaneously not being responsible for content freely created by users. Consciously or unconsciously, the DSA goes one step further. Even when the platform is not responsible for the content because it has no knowledge of it, the DSA stipulates that the platform must fulfill certain obligations, including transparency, accountability and empowering the user with a series of functionalities. If the natural state of a platform is non-responsibility for content, why does the Commission require it to comply with certain protocols? Because it does not oblige them as content creators, but as hosts of that content, as intermediaries and as a structure that has power over the flow of information. In other words, by imposing obligations on their services, this legislation recognizes that it is fair to demand something from platforms in their structural conception and responsibilities can only be demanded from those who do something with what they have. This is the natural responsibility of a platform for being an intermediary. Therefore, it is coherent to assert that digital platforms are not responsible for the authorship of content and that they are responsible for being hosts of the content generated by users. Structural responsibility is not based on censoring or controlling content, but on creating an environment in which the right to information is respected and protected in a balanced manner with transparent processes and accountability to users. In this case, Thompson states

we also need to adopt a forward-looking conception of responsibility—what may be called prospective design responsibility. We examine past failures—but chiefly for the purpose of preventing future ones. In carrying out such an examination, we first need to locate, as far as possible, not only the structural defects in the organization but also the individual actions that may have contributed to the failure. That is necessary so that we can separate the structural defects from the individual errors (2014, p. 261).

It is the platform's responsibility to create a space conducive to exercising fundamental rights (Regulation (EU) 2022/2065, recital 79; recital 81). Digital platforms must be able to think and evaluate whether their funding model, technical elements or the dynamics of their processes promote or undermine rights, such as access to information, knowledge, the right to understand, the right to receive truthful information and the right to privacy.

## 6. Conclusion

Despite attempts and promises made regarding the Internet, public communication remains a process mediated by new actors such as digital platforms (Gillespi, 2018; Helberger et al., 2018). The problem is not that the flow of information is directed, but the number of platforms directing that flow, based on specific criteria and how it is done, because such mediation impacts social and political life. Moreover, the sustainability of democracy depends on the reliability of the information mediation process (Silverstone, 2002). This implies that explanations, i.e., responsibilities, can be requested from those who mediate information in the public sphere. For a time, the condition of merely being a host for digital platforms helped justify their lack of responsibility for what users said in their spaces, but it is necessary to move forward in explaining and demonstrating that the performance of information mediation entails a responsibility in itself, in addition to that of content creator.

Is it possible for digital platforms to change their behavior and thoughts due to their role as intermediaries in public communication? On one hand, the first impact being remodeled by the most recent European regulations on digital matters is the behavior of platforms toward actions that prioritize social welfare, through the establishment fines, strategic sanctions and obligations in cases of noncompliance with the law (Feher, 2024). On the other hand, in terms of cultural change, history shows how the earliest press did not define itself as a tool to expose abuses of power. In fact, the opposite was true, as the first press publications were created for partisan purposes (Skovsgaard & Bro, 2011). Just as the professionalization of journalism allowed the press to evolve from being a means for party advertising to acting as the “watchdog of democracy,” it should also be possible for digital platforms to undergo a conceptual evolution as providers of connections to responsible media outlets.

## 7. Project Data

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## 8. Contribution

| Task                         | Author 1 | Author 2 |
|------------------------------|----------|----------|
| Conceptualization            | x        |          |
| Formal analysis              | x        |          |
| Funding acquisition          |          |          |
| Project administration       |          |          |
| Investigation                | x        |          |
| Methodology                  | x        |          |
| Data curation                |          |          |
| Resources                    | x        |          |
| Software                     |          |          |
| Supervision                  |          | x        |
| Validation                   |          | x        |
| Visualization                |          |          |
| Writing – original draft     | x        |          |
| Writing – review and editing | x        | x        |

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