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# Advancing the Moral legitimacy of digital platforms as gatekeepers: a critical analysis from a political corporate social responsibility perspective

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## Abstract

This study focuses on digital platforms, such as Google or Meta, that function as “gatekeepers” that dominate their respective markets. They face serious moral legitimacy issues, due to their power to act as private rule-makers in underregulated digital spheres. Such legitimacy issues have remained underexplored thus far, as have gatekeepers’ options for addressing them. Yet moral legitimacy represents a vital resource for organizations, as a justification of their essential right to exist. Drawing on recent advances in political corporate social responsibility theory, this study offers a systematic conceptualization of how gatekeepers can exhibit ethical responsibility in their efforts to gain, maintain, and sustain their moral legitimacy. This systematic conceptualization encompasses different agreement-seeking procedures, online deliberation, a hybrid governance approach that combines regulation and self-regulation, and the provision of public goods.

**Keywords** Digital platforms · Political CSR · Gatekeepers · Deliberative democracy · Online deliberation · Moral legitimacy

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## 1 Introduction

Large digital platform companies, also known as “gatekeepers,” such as Amazon, Meta, and Google, dominate their markets while also fundamentally affecting consumer behavior and industry structures, due to their capacity to “bring together producers and consumers in high-value exchanges” (van Alstyne et al. 2016: 4). Driven by demand-side economies of scale and positive network effects, they have triggered a “platform revolution” (Gupta 2018; Parker et al. 2017; Peruchi et al. 2022; Tarzijan and Snihur 2024) or “platformization” of the economy (Nambisan et al. 2019). Because these powerful digital platforms control access to digital markets, the business terms and structures of those markets, and valuable consumer data (European Commission 2022; USASACAL 2022), gatekeepers possess unique economic power (Cappai and Colangelo 2021; de los Reyes and Scholz 2023). In particular, as gatekeepers of information, the platforms maintain vast amounts of data on user behavior, preferences, and demographics and then determine which information gets prioritized and how it is shared (Alexiadis and Streel 2020; Theocharis et al. 2023). Considering how effectively such data can be used to target specific groups through tailored messages, advertisements, or political content, they potentially sway public opinion and voter behavior (Aytac 2024; Zuboff 2019a). Such a means to mobilize, inform, or misinform large groups of people grants these platforms political power and transforms them into political actors (Törnberg 2023; Warnke et al. 2024)—though without any actual political mandate.

As key sites for market and information exchanges, gatekeepers have affected democracies (USASACAL 2022), prompting authorities in the European Union (EU) and United States to launch public investigations into the legitimacy of their business models and series of related regulatory measures (e.g., European Commission 2022; Gesley 2023; USASACAL 2022).<sup>1</sup> Even as such regulatory measures gain significance though, the moral responsibility of gatekeepers remains a critical consideration. Regulatory frameworks are new and incomplete, and gatekeepers often operate in gray areas, or governance gaps, where what is legal remains unclear, and legislation is unable to predict and address all emergent practices and rapid technological developments (Cennamo et al. 2023; Cusumano et al. 2021a; Whelan 2019). Furthermore, in the absence of any political mandate, gatekeepers’ considerable influence over information dissemination, user behavior, and market dynamics creates a range of moral challenges related to distortions of public and political opinion, potential misuses of personal user data, the spread of false information, and restricted market access or innovation among smaller competitors (Cusumano et al. 2021a, 2022).

Against this backdrop, academic discourse features a significant increase in critical examinations of digital platforms using various theoretical perspectives. Researchers

<sup>1</sup> Recent regulations include the Digital Markets Act (DMA), which aims to address gatekeepers’ market power, and Digital Services Act (DSA), focused on regulating online platform services to enhance user safety, protect fundamental rights, and ensure accountability and transparency in digital interactions in the EU (European Commission 2023a; Turillazzi et al. 2023), as well as the U.S. Platform Competition and Opportunity Act, designed to address competition concerns in digital markets (Wong 2023), and the Digital Platform Commission Act of 2023, which establishes a federal commission to pursue investigations, assess fines, and engage in public rule-making for digital platforms (Congress 2023).

from different disciplines, including politics (Gorwa 2019a, b), management theory (Chen et al. 2022; Rahman et al. 2024; Suzor et al. 2018), business ethics and corporate social responsibility (CSR) (Lischka 2019; Martin 2022; Zuboff 2019b), and law (Cappai and Colangelo 2021; Cennamo et al. 2023), have devoted intensive attention to the negative externalities created by the platform economy, such as privacy, fairness, discrimination, and transparency issues linked to big data (Martin 2022), as well as the forms of “surveillance capitalism” (Zuboff 2015, 2019a, b). Despite these valuable contributions, we lack a detailed understanding of the *moral* legitimacy issues of gatekeepers and their pathways for addressing them. Moral legitimacy implies a positive normative evaluation of a firm that grants it a license to operate, based on approval from stakeholders (Suchman 1995). It constitutes a vital resource for any organization; in some views, it represents the only justification for an organization’s right to exist (Freeman et al. 2020; Maurer 1971). Because platform gatekeepers are not designed to promote social welfare or civic participation though, stakeholders question the legitimacy of their business models, which rely on surveillance technologies to capture and analyze data (Haggart and Keller 2021; Schneider 2020; Suzor et al. 2018; Zuboff 2019b). Moreover, the business conduct of gatekeepers frequently diverges from stakeholder expectations, as is clearly evident in public discourses that question the moral legitimacy of platforms (Arai and Hayashi 2021; de los Reyes and Scholz 2023; Lischka 2019). Noting the lack of a consensual understanding of the underlying moral norms and values, which can serve as a theoretical foundation for responsible business conduct (de los Reyes and Scholz 2023; Lischka 2019; Mueller 2022; Zuboff 2022), we start with the notion that continued research into the negative effects of digital platforms requires a solid normative foundation. To clarify and articulate concrete norms and guidelines that enable gatekeepers to assume responsibility in the digital sphere (Lobschat et al. 2021), we ask: *How can gatekeepers address their moral legitimacy issues, taking into consideration their peculiarities?*

We regard the moral legitimacy of gatekeepers as particularly important, because it can reveal ethical guidance for how digital platforms should act, beyond what is required by the law, and thereby guide decision-making in morally ambiguous situations and foster a culture of ethical responsibility. Therefore, we adopt political corporate social responsibility (PCSR) as a potentially relevant framework of moral legitimacy (Scherer and Palazzo 2007, 2011). This normative approach is heavily influenced by the theory of deliberative democracy (Habermas 1996, 2022) and its recent developments (Elstub et al. 2016; Mansbridge et al. 2012). Because PCSR deals with how to assess the moral legitimacy of corporate activities and highlights firms’ responsibilities to address governance gaps, with an emphasis on deliberation, self-regulation, and concern for the public good (Scherer and Palazzo 2011; Scherer et al. 2016), we consider it well-suited for systematic analyses and management of the ethical issues surrounding gatekeepers. Noting the limitations of PCSR though—such that it may be too optimistic about firm profit imperatives (Caulfield and Lynn 2024; Dawkins 2022; Sabadoz and Singer 2017)—we also draw on more recent advances in deliberative democratic theory (Dryzek 2010; Mansbridge et al. 2012).

With this perspective, our conceptual paper makes two main contributions. First, we contribute to business ethics literature, and literature on PCSR in particular, by offering a conceptualization of PCSR in the digital age, targeted toward digital plat-

form firms. In this context, we particularly address the relationship of gatekeepers' own moral responsibilities and self-regulation with the need to regulate them by subjecting them to hard (in addition to soft) law. In the extended version of the PCSR of gatekeepers that we propose, a hybrid governance approach combines deliberation, self-regulation, and regulation by governments. We further argue that a combination of hard and soft law offers the best way to address both governance gaps in the platform economy and the legitimacy issues that confront gatekeepers.

Second, we make a practical contribution by developing a systematic conceptualization of how gatekeepers can acquire, uphold, and preserve moral legitimacy. Taking a PCSR perspective, our conceptualization provides strategies for gatekeepers to engage in deliberation and self-regulation, as means to manage the moral legitimacy challenges raised by their stakeholders (Scherer et al. 2013; Suchman 1995). Our systematic conceptualization of the PCSR of digital platforms suggests concrete norms and guidelines that can promote the responsible management of gatekeepers in practice.

The remainder of this article therefore is structured as follows: In the next section, we define the key concepts of our paper, gatekeepers, and moral legitimacy. In reporting on our narrative literature review (Snyder 2019), we incorporate the most relevant perspectives on the moral legitimacy of gatekeepers and insights from emerging literature. On the basis of these insights, we introduce PCSR as a moral lens, suitable for addressing the needs identified in the narrative review. We then derive a systematic conceptualization of the PCSR of gatekeepers. Specifically, we propose three ways for gatekeepers to gain, sustain, and maintain their legitimacy relative to civil society and other stakeholders. In this setting, we also discuss the possibilities and challenges of both self- and government regulations of the platform economy. Finally, we provide a critical discussion of our conceptualization and elaborate on some limitations of our approach while also proposing avenues for further research.

## 2 Key concepts

### 2.1 Gatekeepers: defining the scope of analysis

To define the scope of our analysis, we first address the notion of a gatekeeper, which for our study context refers to a type of digital platform that dominates its respective markets (European Commission 2022). In practice, we can distinguish between non-digital and digital platforms, though both types of platforms create what Rochet and Tirole (2006) refer to as two-sided markets, in which producers and consumers reciprocally influence each other's behavior. As the number of producers or consumers grows, the value of the platform increases, due to network effects (van Alstyne et al. 2016, p. 56). Information technology (IT) has dramatically reduced the need for physical infrastructures, so firms can build and scale platforms more easily and inexpensively. The resulting *digital* platforms establish two-sided markets in which various actors interact and create value by drawing on digital technologies. These digital platforms also provide a more or less open infrastructure for interactions among actors (Tarzijan and Snihur 2024). Traditional firms might gain competitive

advantages by controlling a range of scarce, valuable, tangible, and intangible assets, but for a digital platform, the chief asset is the digital technologies it uses to build networks of consumers, producers, and other actors (e.g., advertisers), who jointly create value for end-users of the system (Cennamo 2021; Chen et al. 2022). Furthermore, digital platforms generate economies of scale in supply and in demand. They rely on a distinct technological architecture (e.g., algorithm), which often requires big data (Nuccio and Guerzoni 2019; Zeng and Glaister 2018).

Today, digital platforms compete in nearly every market and take various forms, which in turn can be described by various typologies (for an overview, see Doligalski 2023). For example, Cusumano et al. (2020) differentiate between innovation and transaction platforms, Moazed (2022) distinguishes between exchange and maker platforms, and Staub et al. (2021) present four archetypes of digital platforms based on the distinctions of business versus consumer innovation or exchange platforms. Our goal is not to review different types of digital platforms but rather to focus on data-driven, dominant platforms such as Google and Meta, which the European Commission (2022) and United States (USASACAL 2022) define formally as “gatekeepers” and which dominate their respective markets (European Commission 2023a).

Even if gatekeepers adopt various business models and differ in important ways (Cennamo et al. 2023), they share four defining characteristics (European Commission 2022; USASACAL 2022): Gatekeepers (1) provide a core platform service, which is an important gateway, and therefore control access to markets and key distribution channels or platform services, such as social networking or search engines; (2) have significant impacts on the market, impose contract terms on business partners and users, and extract valuable data from people and businesses; (3) exploit their gatekeeper function to maintain their market power, such as by surveilling other businesses, copying ideas, or buying out potential competitors; and (4) have abused these gatekeeper functions to expand and entrench their market dominance (e.g., providing misinformation, swaying voter behavior). Using this definition, only very few firms with strong economic standing and entrenched positions are gatekeepers: Meta (Facebook, Instagram, WhatsApp), Apple, Amazon, ByteDance, Microsoft, and Alphabet (Google, YouTube) (European Commission 2023b, 2024). They are the objects of our analysis. Considering their political power and the adverse effects of their business practices—including dissemination of misinformation, misuses of personal data, and manipulation of voting behavior—the moral legitimacy of these gatekeepers has faced heightened scrutiny.

## 2.2 Moral legitimacy

Legitimacy is an extensively debated and controversial construct in theory (Bitektine 2011; Cutler 2001; Dowling and Pfeffer 1975; Suchman 1995). We apply a widely accepted definition by Suchman (1995, p. 574), as “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.” Furthermore, we anticipate that stakeholders perceive legitimate organizations as more meaningful, whereas without legitimacy, gatekeepers risk losing the active support of their stakeholders (Haack and Rasche 2021). Suchman (1995) also draws a distinc-

tion across three types of legitimacy: pragmatic, cognitive, and moral. *Pragmatic legitimacy* refers to the perceived usefulness or functionality of an organization's actions (Suchman 1995, p. 578), so an organization is pragmatically legitimate if it meets practical needs and expectations (Schiopoiu Burlea and Popa 2013). *Cognitive legitimacy* relates to the cultural and cognitive expectations of stakeholders (Suchman 1995, p. 582), implying a fit with existing mental models and cultural norms of the society in which the organization operates. *Moral legitimacy* implies the alignment of the organization's actions with societal values, norms, and ethical standards. According to Suchman (1995, p. 579), it implies the perception that the organization is doing what is morally right. Therefore, moral legitimacy pertains to the ethical character of an organization and its perceived commitment to doing what is just and socially responsible, in the eyes of its stakeholders and the broader society.

We assert that gatekeepers have been particularly successful in managing the first two types of legitimacy. Through various strategies (e.g., product development, innovative business models, lobbying), they have gained market power and accumulated enormous economic profits, thereby boosting their *pragmatic* legitimacy (Lindman et al. 2023). They also have successfully shifted their organizational practices and adapted to societal expectations through isomorphic adaptation, enabling them to maintain *cognitive* legitimacy. Amazon, Apple, Meta, and Alphabet all represent taken-for-granted institutions today; most users depend heavily on their products and services. But even as gatekeepers have applied strategic manipulation and isomorphic adaptation to various situations to maintain their pragmatic and cognitive legitimacy, gaining *moral legitimacy* requires them to go further, by engaging in discourse with their various stakeholders and practicing responsible self-regulation (Scherer and Palazzo 2007). In the next section, we assess the academic debate surrounding their moral legitimacy.

### 3 The moral legitimacy of gatekeepers: a narrative literature review

In this section, we review scholarly works that integrate investigations of digital platforms, with a specific emphasis on gatekeepers, together with analyses of moral legitimacy issues. Methodologically, our narrative literature review aims not at encompassing every publication related to this research topic but rather at integrating the most pertinent perspectives and insights from extant literature (Saz-Gil et al. 2021). During our literature review, it quickly became evident that current scholarship is sparse. Studies of gatekeepers and moral legitimacy are only sporadically represented in the existing academic discourse, and searches in the Web of Science database and Google Scholar revealed a very limited number of investigations that address both digital platforms and moral legitimacy (Arai and Hayashi 2021; de los Reyes and Scholz 2023; Lischka 2019; Newlands and Lutz 2020; Semiz and Paylan 2023).

Three of these contributions entail empirical studies (Lischka 2019; Newlands and Lutz 2020; Semiz and Paylan 2023). Semiz and Paylan (2023) survey social media platforms and show that the perceived pragmatic, cognitive, and moral legitimacy of influencers has an impact on consumers' brand trust. Newlands and Lutz (2020)



conduct vignette surveys and conclude that platforms can mitigate the need for regulation and enhance their moral legitimacy by treating stakeholders fairly. Both studies thus offer relevant insights into the moral legitimacy of digital platforms, with the salient finding of a close association between fairness toward stakeholders and moral legitimacy. Strategic communication as a means for shaping legitimacy judgments is at the heart of Lischka's (2019) study, which analyzes Mark Zuckerberg's testimony before the EU Parliament in May 2018. She concludes that signaling pragmatic, cognitive, and moral legitimacy relates to different "legitimacy defense narratives." Her comprehensive study thus describes various response strategies that Zuckerberg employed to signal pragmatic, cognitive, and moral legitimacy, but she does not develop a conceptual framework that gatekeepers might apply to gain, sustain, and maintain legitimacy, as we seek to do with the current article.

In their conceptual study, Arai and Hayashi (2021) discuss the necessary and sufficient conditions for regulation from a legitimacy perspective and advocate for increased regulation to govern digital platforms effectively and foster fair competition. To encourage a competitive environment in which platform-based businesses can prosper though, moral legitimacy is also necessary. In emphasizing the relevance of moral legitimacy, Arai and Hayashi (2021) fall short of providing detailed strategies for digital platforms to attain such legitimacy. In their study, de los Reyes and Scholz (2023) build on research into PCSR and corporate political activity (CPA) and analyze the legitimacy of different CPAs. By studying Uber's political campaign in New York in 2015, they investigate what makes certain CPAs morally legitimate and how companies can deploy CPA responsibly. Of relevance to our research is that de los Reyes and Scholz (2023) derive a CPA legitimacy framework by drawing distinctions among different modes of communication and approaches to stakeholder inclusion. Ultimately, they reach the conclusion that moral legitimacy can be enhanced by engaging in deliberation and including stakeholders, though without expounding on the specifics of designing such inclusive deliberation processes.

A detailed examination of the wider body of literature uncovers that the highly cited and influential studies by Martin (2015, 2022) and Zuboff (2019b, 2022) are also pertinent for addressing the research question of this paper. Even if they do not explicitly address the moral legitimacy of gatekeepers, for our narrative literature review, they expand understanding of the topic (Snyder 2019). In particular, taking a comprehensive approach to dealing with ethical issues, Martin (2015) critically analyzes the roles of different firms in information supply chains and finds that big data firms create both positive and negative externalities. In an extension, Martin (2022) also offers a profound summary of key ethical questions related to (big) data, including privacy, fairness, discrimination, and transparency. Negative externalities mainly result from the vast surveillance systems that gatekeepers like Google or Meta use to collect and aggregate data, which conflict with users' rights to not be observed. Surveillance is also a central problem for Zuboff (2022), who refers to big data as an autonomous social and economic process run by digital platforms. In an effort to deal with such forms of "surveillance capitalism," Zuboff (2015, 2019a, b) offers in-depth, critical analyses of how gatekeepers like Google exploit users' information to both predict and shape their behavior. She also argues that platforms gather more user data than is necessary to support their services, then use the surplus of behavioral



data as free raw material to support hidden extraction, prediction, and sales practices, without users' consent (Zuboff 2019b). In summary, both Martin (2022) and Zuboff (2019b) implicitly criticize gatekeepers for focusing on pragmatic and cognitive legitimacy, without devoting enough effort to developing their moral legitimacy.

It can be concluded that literature dealing with ethical issues related to digital platforms has expanded significantly in recent years, but the question of how *moral legitimacy* can be achieved and maintained remains underappreciated. According to our narrative literature review, research focused explicitly on the moral legitimacy of digital platforms is still rare; even though studies dealing with the ethical issues surrounding digital platforms are increasing, we still need more research on the “values and norms guiding an organization's operations with respect to the creation and operation of digital technology and data” (Lobschat et al. 2021, p. 876). As Zuboff (2019b) and (Martin 2022) have shown, gatekeepers have been highly successful in acquiring and maintaining their *pragmatic* and *cognitive* legitimacy, yet they have not dedicated sufficient effort to cultivating their *moral* legitimacy. Furthermore, despite the contributions of several empirical studies on gatekeepers and legitimacy (Lischka 2019; Newlands and Lutz 2020; Semiz and Paylan 2023), they predominantly offer descriptive approaches to business ethics, rather than advancing theory with regard to moral ethics or taking a strong normative perspective. What remains lacking is a comprehensive conceptual framework that gatekeepers can apply to gain, maintain, and sustain moral legitimacy. Again, de los Reyes and Scholz (2023) contribute significantly in this regard, by underscoring the importance of deliberation and stakeholder inclusion for enhancing moral legitimacy, but they do not detail the specifics of *how* to design such deliberation processes. Our review also indicates that legitimacy and regulation are closely interrelated and mutually influential (Arai and Hayashi 2021), such that a conceptual approach to moral legitimacy should address issues of regulation and self-regulation.

In proposing a framework of gatekeepers' moral legitimacy, we thus suggest a hybrid governance approach that incorporates both regulation and self-regulation. We accordingly adopt a PCSR lens, as a normative perspective to analyze the ethical consequences of business activities for stakeholders and the moral legitimacy of gatekeepers' business models, as well as for introducing actual strategies for gatekeepers to consider in their efforts to gain, maintain, and sustain their moral legitimacy. As a theoretical lens, PCSR is particularly well-suited to address both the ethical challenges linked to gatekeepers and the challenges of gaining, maintaining, and sustaining moral legitimacy, which we lay out in the next section.

#### 4 Political corporate social responsibility as a framework for moral legitimacy

At its heart, CSR is “a concept whereby companies integrate social and environmental concerns in their business operations and in their interaction with their stakeholders on a voluntary basis” (European Commission 2011, p. 3). Reflecting a political turn in CSR literature (Frynas and Stephens 2015; Lindman et al. 2023; Scherer and Palazzo 2007), PCSR extends the CSR concept in reference to how firms might shape

their institutional environments and establish legitimacy as political actors, including efforts to go beyond selfish calculations and provide public goods (Scherer et al. 2016, p. 273). We adopt Scherer et al.'s (2016, p. 276) definition of PCSR as

“those responsible business activities that turn corporations into political actors, by engaging in public deliberations, collective decisions, and the provision of public goods or the restriction of public bads in cases where public authorities are unable or unwilling to fulfil this role.... These corporate engagements are responsible because they are directed to the effective resolution of public issues in a legitimate manner, often with the (explicit) aim of contributing to society or enhancing social welfare, and are thus not limited to economic motivations.”

Despite calls to apply PCSR to firms in the digital age (Scherer et al. 2016), such applications are rare. Instead, the general ethical opportunities and challenges of digitalization have been discussed under the umbrella term Corporate Digital Responsibility (CDR) (Lobschat et al. 2021; Mueller 2022). This relatively new concept broadens CSR to include “an extension of a firm’s responsibilities which takes into account the ethical opportunities and challenges of digitalization” (Herden et al. 2021, p. 17). Overall, CDR “articulates companies’ extended responsibilities regarding the new opportunities and challenges that technology development and use can bring” (Mihale-Wilson et al. 2022, p. 127), by addressing, for example, how corporations can engage in responsible practices related to AI and algorithms (Trier et al. 2023), ethical data handling (Flyverbom et al. 2019), and discrimination or manipulation (Martin 2019, 2022). Yet in this realm too, research mostly lacks a normative grounding and is limited in its capacity to serve as a framework of moral legitimacy for our purposes.

We propose that PCSR is unique in its capacity to function as a framework of moral legitimacy (Scherer et al. 2013; Suchman 1995), in that it provides a means to assess corporations’ business conduct against the background of stakeholders’ judgments of whether their activities are “the right thing to do” (Suchman 1995, p. 579). Furthermore, in contexts marked by increasing globalization and global governance gaps, PCSR reflects the need for corporations to be political actors and actively manage their moral legitimacy by contributing voluntarily to global governance through public deliberation and self-regulation and by providing public goods (Eberlein 2019; Scherer and Palazzo 2011).

*Public deliberations* refer to “a process through which participants address their conflicts, share information, exchange arguments and make decisions” (Palazzo and Scherer 2006, p. 80). The theory of deliberative democracy, as notably shaped by the German philosopher Jürgen Habermas, suggests that the legitimacy of governmental law is greater when it features some public deliberation (Habermas 1996, 1999, 2006, 2022). As an analytical framework, this theory has informed elaborations on CSR, firms’ political responsibility, stakeholder management, multistakeholder initiatives, and corporate legitimacy (Reed 1999; Scherer and Palazzo 2007; Scherer et al. 2014). Deliberative stakeholder engagement creates an inclusive communication process, which can fill regulatory voids when global governance institutions fail (Schrage and Gilbert 2021). In this view, firms are both economic and political actors, and they

must engage in deliberations with their stakeholders to resolve social, ecological, and digital challenges, as well as to ensure their moral legitimacy (Gilbert et al. 2023).

The idea of *self-regulation* suggests that firms set and enforce their own standards of behavior, such as by voluntarily engaging in political discourse or multistakeholder initiatives (MSIs), in attempts to agree on regulations and standards beyond legal obligations, often referred to as soft law. Hard law refers to legally binding obligations; soft law is non-binding and not as precisely formulated (Abbott and Snidal 2000, 2021). As we establish subsequently, the direct applicability of international law to digital platforms is often limited or impossible, so self-regulation offers a realistic, timely solution to legitimacy issues.

Scherer et al. (2016) also claim that firms are responsible for providing public goods and restricting public bads. *Public goods* are services or commodities provided to all members of society, without profit, by the state, an individual, or an organization. Enderle (2018, p. 621) argues that the wealth of societies depends on private and public goods, which are closely interrelated, such “that the creation of private goods depends on the availability of public goods, and, in turn, the creation of public goods is dependent on the availability of private goods.” Therefore, public and private actors alike should be interested in upholding wealth by providing public goods and avoiding public bads.

Although PCSR, as developed by Scherer and Palazzo (2007), offers a robust, cross-cultural system for achieving business ethics, scholars criticize its normative core and limited real-world applicability (Banerjee 2010; Barlow 2022; Caulfield and Lynn 2024; Dawkins 2022; Moog et al. 2015; Singer and Ron 2020; Smith 2019; Whelan 2012). The very nature of corporations may leave them ill-suited for real deliberation, and firms’ interactions with various stakeholders generally involve bargaining (Caulfield and Lynn 2024), which starts from the inequalities and power imbalances across stakeholders. Furthermore, stakeholders may struggle to separate themselves from their strategic interests when deliberating; a deliberative approach to management also may threaten to undermine state authority or responsibility (Sabadoz and Singer 2017; Whelan 2012). Acknowledging these criticisms, we note three advances in deliberative democratic theory that support applications of deliberation to digital platforms, in accordance with our research objective.

First, deliberative theorists have lowered the threshold for what constitutes deliberative communication and allow (constrained) self-interest to be part of deliberation (Mansbridge et al. 2010). For example, Warren and Mansbridge (2016) reformulate the deliberative ideal and suggest various forms of deliberative negotiations that can be compatible with deliberative ideals (Beccarini et al. 2023; Dawkins 2022). In this updated view, *deliberative negotiations* involve respect, mutual justification, and a search for fair outcomes and interactions.

Second, in line with Habermas (2008), states should be central to efforts to close legitimacy and governance gaps on both international (e.g., EU) and national (e.g., Germany) levels. According to Caulfield and Lynn (2024), traditional PCSR leaves the division of moral labor between corporations and the state underspecified. To resolve legitimacy challenges in the digital world, a hybrid governance approach may be best, in that it combines self-regulation by corporations with public regulation by the state (Berkowitz and Souchaud 2019).

Third, a recent systemic turn in deliberative democracy (Krüger 2023; Owen and Smith 2015) leverages the concept of “deliberative systems,” as first developed by Mansbridge (1999), and defines deliberation as a communicative activity that may occur in diverse, overlapping spaces. In this sense, “deliberation should not be reduced to face-to-face dialogue, but understood in terms of a wider discursive process” (Elstub et al. 2016, p. 143). A deliberative systems approach also can apply to the Internet and its capacity to improve the public sphere (Castelló and Lopez-Berzosa 2023). As we show, a deliberative systems approach offers a new conceptualization of the online deliberation between gatekeepers and stakeholders, whose combined aim is to gain, maintain, and sustain their legitimacy and increase their capability to take ethical responsibility for their business models.

Overall, a PCSR view, complemented by recent advances in deliberative democratic theory, can serve as a framework of moral legitimacy for the purposes of this article. We apply PCSR to the particular moral challenges of gatekeepers in the next section.

## 5 Toward a systematic conceptualization of the PCSR of gatekeepers

Using the results of our narrative literature review, we develop a systematic conceptualization of the PCSR of gatekeepers (see Table 1). Then the PCSR framework represents a hybrid governance approach that combines *deliberation*, *self-regulation*, and the provision of *public goods* with direct regulations on national and international levels. Moreover, we seek to propose an effective allocation of responsibility among gatekeepers and governments with regard to protecting and promoting users’ rights on digital platforms.

### 5.1 Deliberation as a precondition of legitimate business models

#### 5.1.1 Deliberative agreement-seeking procedures

Do corporations, as market actors, have social responsibilities, and if so, how should they take on those responsibilities, relative to the state? We concur with Singer (2018) and Caulfield and Lynn (2024), who assert that corporations in general and gatekeepers in particular (de los Reyes and Scholz 2023) have positions of power and thus can respond effectively to governance gaps and failures. In the absence of sufficient regulation on supranational (e.g., United Nations), international, or national levels, gatekeepers need to take on ethical responsibility by following laws but also proactively combatting inequalities and ethical conflicts through deliberation (Arai and Hayashi 2021; Martin 2019, 2022). Because gatekeepers are not states, they may be relatively poor forums for deliberation, but they still must find ways to establish moral legitimacy in the contexts in which they operate.

Although individuals and firms depend on the services offered by gatekeepers, our literature review suggests that these technology companies lack any interest in engaging in dialogues with stakeholders (Newlands and Lutz 2020; Nuccio and Guerzoni 2019; Zuboff 2022). Therefore, we propose that gatekeepers should engage in deliberation.

**Table 1** Systematic conceptualization of the political corporate social responsibility of gatekeepers

Domain	Characteristics of PCSR of Gatekeepers
<b><i>Deliberation as a Precondition of Legitimate Business Models</i></b>	<ul style="list-style-type: none"> <li>• Gatekeepers must recognize the differences among pragmatic, cognitive, and moral legitimacy. Many stakeholders lack moral legitimacy.</li> <li>• Gatekeepers are politically co-responsible to engage in deliberative dialogue to address governance gaps and to gain, maintain, and sustain their moral legitimacy.</li> <li>• Agreement-seeking procedures: PCSR of gatekeepers should include different types of deliberative agreement-seeking procedures:               <ul style="list-style-type: none"> <li>◦ pure deliberation</li> <li>◦ deliberative negotiation</li> <li>◦ agreeing to disagree</li> </ul> </li> <li>• Online deliberation: Deliberation is not limited to face-to-face dialogue but also encompasses online deliberation, with specific design features:               <ul style="list-style-type: none"> <li>◦ online moderation</li> <li>◦ asynchronous discussions</li> <li>◦ availability of information</li> <li>◦ information about the identity</li> <li>◦ a well-defined topic</li> <li>◦ gamification</li> </ul> </li> </ul>
<b><i>Regulation and Self-Regulation as a Precondition of Legitimate Business Models</i></b>	<ul style="list-style-type: none"> <li>• A hybrid governance approach, combining self- and public regulation, works best to address governance gaps in the digital economy.</li> <li>• Responsibility should be distributed between gatekeepers and governments according to respective circumstances and on the basis of structural features of gatekeepers, rather than equally.</li> <li>• There are many ways to self-regulate, such as codes of practice and common guidelines. Self-regulation through MSIs is a promising approach, because most relevant information regarding gatekeepers' business models is held by the digital platforms themselves.</li> <li>• Governments should try to regain control over some activities rather than allowing gatekeepers to operate in gray areas or governance gaps. They should define rules for gatekeepers to prevent them from imposing unfair conditions on end-users and businesses.</li> </ul>
<b><i>Providing Public Goods</i></b>	<ul style="list-style-type: none"> <li>• Gatekeepers should assume political co-responsibility for providing public goods and reducing public bads.</li> <li>• Gatekeepers should create public goods in collaboration with stakeholders in MSIs.</li> <li>• With data deliberation, gatekeepers can take over political co-responsibility through disclosures of relevant data and algorithms as public goods.</li> </ul>

eration for their own benefit. Deliberation is effective, even when power is distributed unevenly among stakeholders and in settings in which applying PCSR might seem naïve (Acosta et al. 2021; Dryzek et al. 2019). Thus, gatekeepers should take the opportunity to deliberate purposefully, with the aim of gaining, maintaining, and sustaining their moral legitimacy. It is unnecessarily risky to limit legitimacy management to pragmatic and cognitive legitimacy and exclude moral legitimacy from the equation (Lischka 2019). As legitimacy theory has shown, the long-term success and survival of a firm depend on its ability to meet stakeholders' expectations and avoid PCSR strategies that are solely symbolic or without substance (Velte 2022).

In line with PCSR, the process of deliberation can initiate a transition, from a principal focus on ethical conflicts to taking on responsibility for the consequences and outcomes of the business model, which can support moral legitimacy (Singer and Ron 2020). If gatekeepers engage actively in deliberation, they can understand the ethical issues associated with their business models and foster collaboration with relevant stakeholders, such as the state and civil society. However, practical deliberation

is never free of domination or constraints. The goal of deliberation is not to strive for consensus between stakeholders of a digital platform at any expense (Dawkins 2022; Sabadoz and Singer 2017); conflicting claims and different positions are beneficial for finding satisfactory agreement among various stakeholders (Beccarini et al. 2023; Gutmann and Thompson 1996; Rasche 2020). An advanced version of PCSR for gatekeepers does not require eliminating self-interested claims or ignoring power differences. Instead, we suggest organizing deliberations in such a way that coercion is minimized. A simplistic debate or dichotomy, such as between fully implementing theoretically ideal PCSR and deliberative democracy in organizations versus implementing no aspects of PCSR, is nonsensical. Instead, in line with advances in deliberative democratic theory (Dawkins 2022; de los Reyes and Scholz 2023; Gilbert and Behnam 2009; Mansbridge et al. 2012; Schormair and Gilbert 2021), we suggest an updated, realistic version of PCSR that comprises three options for organizing deliberation and dealing with ethical conflicts between gatekeepers and their stakeholders.

First, gatekeepers might try to foster *pure deliberation* and establish a governance structure to support it. The platform players then search for informed consensus, assuming that they share common interests and that conflict resolution is possible, on the basis of inclusive exchanges among salient stakeholders. Opportunities to take part in public deliberation processes have increased; an emerging institutional infrastructure has grown up around CSR, offering the platforms new spaces to engage in dialogue, perform critical evaluations, and shift their business models. As de los Reyes and Scholz (2023, pp. 58–62) demonstrate, engaging stakeholders in deliberation on a digital platform can foster consensus grounded in reasons, arguments, and principles, which in turn enhances moral legitimacy. Practical deliberation also is not limited to conventional, well-established standards, such as mutual respect, inclusion, equality, or minimization of coercive power (Bächtiger et al. 2018; Gilbert et al. 2023). If broader circumstances hamper deliberation, it may be necessary for stakeholders to exploit their power to establish fair, open dialogues; deliberative democrats may become deliberative activists (Fung 2003). According to this argument, gatekeepers should not strive for full implementation of deliberative ideals in interactions with stakeholders but rather for becoming actively embedded in deliberative processes to tackle ethical issues as effectively as possible (Gilbert and Behnam 2009).

Second, if informed consensus is not easy to achieve or is not an immediate option, gatekeepers can deploy *deliberative negotiation*, defined as “negotiation based on processes of mutual justification, respect, and reciprocal fairness. Such negotiation includes elements of arguments on the merits made by advancing considerations that the other party can accept” (Warren and Mansbridge 2016, p. 92). The underlying assumption is that both self-interest and power imbalances shape interactions, so platform players recognize conflicting interests but still pursue mutual justification and seek fair interactions and outcomes. In reality, consensus is not always an option (Begović and Ilić 2021; Dittrich 2018), so gatekeepers must strive for compromises that all affected stakeholders find acceptable (de los Reyes and Scholz 2023; Gilbert and Behnam 2009) and that meet three criteria (Habermas 1996, pp. 165–166): (1) it is more advantageous to participants than no arrangement, (2) it excludes free riders, and (3) the solution does not exploit stakeholders who contribute more to the

cooperation than they ultimately benefit from it. By drawing on these principles, gatekeepers and their stakeholders can establish guidelines for how to solve conflicts and design future deliberative negotiations.

Third, if differences of opinion and positions diverge too much, despite all efforts to deliberate, stakeholders may need to *agree to disagree*, because they are not able to come to a consensus or compromise. In this respect, dissent may result from a deliberative process. From a PCSR perspective, dissent is an acceptable result, as long as the affected stakeholders have had the chance to discuss the issue in an open process of deliberation. In such cases, other options to solve conflicts may be necessary, such as governmental regulation.

Stakeholders have many opportunities to participate in agreement-seeking procedures. Using Habermas's (1996, 2022) theory of the public sphere, we draw a distinction between formal (institutional) and informal (noninstitutional) spheres of communication. With regard to the business models of gatekeepers, the central topic for this study, we investigate the potential of online deliberation as a more informal method of participation for affected stakeholders.

### 5.1.2 Online deliberation in the public sphere

As recent advances based on the concept of deliberative systems indicate, deliberation as a communicative activity is not limited to face-to-face dialogue and instead can be understood as part of a wider discursive process (Elstub et al. 2016, p. 143). The primary stakeholders involved in a digital platform, such as producers, consumers, platform owners, and society, are frequently dispersed across various countries and time zones, which requires them to depend on online deliberation (Gilbert et al. 2023; Manosevitch 2014; Strandberg and Grönlund 2018). In turn, network-based applications must provide the technology required to conduct online deliberation. Establishing online deliberation is a challenging process though. The (deliberative) quality of a decision-making process determines the legitimacy of a (political) decision, and inclusive, reciprocal, respectful discussions represent a necessary starting point for dealing with conflicts among stakeholders (Friess and Eilders 2015). Gatekeepers offer particularly great potential for decreasing the level of institutionalization in interactions among stakeholders and fostering less formal deliberation processes, due to their capacity to act as private rule-makers and their function as bottlenecks between end-users and businesses. In turn, stakeholders can interact online without formal hierarchies, and power differences are less important than they might appear in traditional firms (Castelló et al. 2016).

Online deliberation encourages participants to share information, engage in debates, and mutually learn from one another (Chen et al. 2024). If gatekeepers become more active in this arena, they can gain, maintain, and sustain their moral legitimacy (Strandberg and Grönlund 2018). Adapting the different types of deliberative agreement-seeking procedures to online interactions promises vast potential for enhancing the quality of discussions, the pace of decision-making, and the coordination of stakeholders from different backgrounds (Davies 2009; Davies and Gangadharan 2009; Fishkin 2009; Rasche 2020). Prior research identifies six specific design



features of digital platforms that promote the quality of online deliberations (Esau et al. 2017; Friess and Eilders 2015; Gilbert et al. 2023; Shortall et al. 2022):

1. Active *online moderation* should increase the quality of deliberation, because it ensures that comments are respectful, and it establishes a fair and friendly basis for all sorts of agreement-seeking procedures. Moderating online discussions poses significant challenges for gatekeepers, especially when attempting to scale up deliberation. In such instances, automated techniques, such as artificial intelligence, can aid human moderators in handling repetitive tasks, thereby saving time and enhancing the overall deliberative quality of discussions. However, it is neither technically feasible nor desirable to fully automate online moderation (Shortall et al. 2022), because it carries the risk of replacing human bias with inherent bias embedded in the algorithms (Alnemer 2020). Therefore, gatekeepers should continue to rely on proactive and personalized online moderation to generate moral legitimacy. Only through personal online moderation does it appear possible to implement deliberative principles such as inclusivity, authenticity, and fairness.
2. The level of *synchronicity or asynchronicity* is key; real-time discussions like chatrooms provide small talk or jokes, whereas asynchronous discussions without time constraints (e.g., forums) are better suited to rational, critical debates (Strandberg and Berg 2015), including those involving agreement-seeking procedures.
3. The *availability of information* serves as a catalyst for online deliberation and supports improved reasoning. Gatekeepers also must address the quality of information, beyond making it available to all stakeholders.
4. It must be decided deliberately whether to include *information about the identity* of the participants. Deciding between identification and anonymity in online deliberations involves various trade-offs related to deliberative ideals. Anonymity can be associated with a potential loss of accountability and respectfulness, leading to a negative impact on civility in online discussions. Yet it also creates a more egalitarian environment, where parties feel freer to express their honest, even if unpopular, points of view. Reducing anonymity may increase respectfulness and thoughtfulness while enhancing transparency (Coleman and Moss 2012), but it also can have a negative effect on engagement, because identifiable persons tend to contribute less to the overall discussion (Shortall et al. 2022).
5. A *well-defined topic* has a positive impact on online contributions and the quality of online deliberation; the more specific the questions, the better targeted the discussion and responses.
6. *Gamification* enhances not only the quality of online deliberation but also stakeholder engagement in such deliberation (Shortall et al. 2022). Gatekeepers can apply different reward functions to foster online deliberation, such as award scores, discussion points, or peer rating systems. However, they should consistently assess the influence of such gamification, considering that the experience of and appreciation for gamification varies across different stakeholders (Hassan and Hamari 2020).

Gatekeepers purposefully employing these design criteria have the capacity to shape a deliberative system and foster respectful and thoughtful discussions while offering the potential to mitigate polarization. As research on deliberation indicates, ordinary people (e.g., platform users) are capable of high-quality deliberation when the processes are well arranged (Castelló and Lopez-Berzosa 2023; Dryzek et al. 2019). On some popular platforms (e.g., Facebook), gatekeepers promote populism and polarized opinions, thereby creating echo chambers and filter bubbles (Semiz and Paylan 2023; Shortall et al. 2022). But if they encourage more deliberative conditions, through the organization and implementation of the actual digital platform, they could overcome negative outcomes and promote more considered judgments (de los Reyes and Scholz 2023; Lischka 2019). Online deliberation also is subject to constraints and challenges, including people's (lack of) motivation to take part, diminished social cues, or cultural and linguistic differences (Price 2009; Strandberg and Grönlund 2018). Such challenges highlight the need for complementary forms of engagement by gatekeepers, beyond online deliberation. That is, digital platforms should take on public responsibilities by participating in self-regulation and regulation.

## **5.2 Regulation and self-regulation as preconditions of legitimate business models**

### **5.2.1 Challenges of regulation and self-regulation and the need for a hybrid governance approach**

On the basis of extant literature, we draw a distinction between regulation and self-regulation in international governance (Abbott and Snidal 2000; Black 1996). Regulation refers to the creation and enforcement of rules or laws by a governing body or authority to control and guide behaviors in a particular sector or industry (Abbott and Snidal 2000). In contrast, self-regulation refers to the voluntary efforts of individuals, groups, or organizations within an industry to set their own standards and codes of conduct, then monitor and enforce compliance with these standards (Busch 2020; Cafaggi and Renda 2012). Whereas regulation is mandatory and enforced by a regulatory authority, self-regulation is voluntary and relies on the internal motivation of individuals and organizations to comply with agreed-upon standards (Berkowitz and Souchaud 2019). As indicated in our literature review (Arai and Hayashi 2021), regulation of gatekeepers can be particularly challenging, because traditional, state-centric approaches to regulating other industries do not match the legal, political, and economic realities of platform businesses, whose value creation is decentralized and often beyond hierarchical control; autonomous platform users have no legal linkages or obligations to platform owners (Cusumano et al. 2021a; Fadlallah 2022; Finck 2017).

Thus, the structural features of gatekeepers should inform decisions about whether to regulate or self-regulate (Cusumano et al. 2022; Parker et al. 2017; van Alstyne et al. 2016). Several key features are unique to gatekeepers. In particular, privacy, cybersecurity, and competition in the digital economy are so deeply complex that they require unique expertise. More governmental regulation may be needed to

ensure these complex issues get addressed effectively, but establishing regulations is technically difficult to execute (Berkowitz and Souchaud 2019). Social media and algorithms are based on artificial intelligence and continuously evolve as users interact on platforms (Martin 2022). Implementing regulations therefore is difficult for any outsiders and would probably limit the functionality and innovativeness of the platforms (Parker et al. 2017). Furthermore, the cross-border nature of digital services can make it difficult for regulators to enforce regulations, so self-regulation may be more viable (Finck 2017). Because gatekeepers and their business models have significant impacts on the public interest though, regulation may be necessary to protect the public interest (Mayer-Schönberger and Ramge 2022). Here again, regulation could stifle innovation, whereas self-regulation might promote innovation by allowing companies to experiment and find solutions to challenges in the digital economy (Cennamo et al. 2023; Cusumano et al. 2021a). Finally, most gatekeepers exhibit relatively poor track records in terms of self-regulation, so regulation may be necessary to build trust among the public (Cusumano et al. 2021b; de los Reyes and Scholz 2023).

These contrasting observations imply the need for both regulation *and* self-regulation. We accordingly argue for collaborative forms of governance among nation-states, gatekeepers, and other affected stakeholders, to combine public and private regulation (Abbott and Snidal 2000; Black 1996; European Commission 2011). Schrempf-Stirling and Wettstein (2023) propose that regulation and self-regulation can evolve in mutually reinforcing ways, which also reinforces the legitimacy of stakeholders involved. In this sense, gatekeepers should take the opportunity to co-shape this reinforcing process by engaging in self-regulation. With regard to how to allocate shared responsibility among various actors, we do not suggest that responsibility should be distributed equally between gatekeepers and governments (Berkowitz and Souchaud 2019; Busch 2020). Rather, we suggest dividing the responsibility among affected stakeholders, according to the current circumstances and the structural features of digital platforms. New regulations can be designed to foster more effective self-regulation, as happened in relation to advertisements for alcohol or tobacco, movie ratings, and self-prefencing in the airline industry (Cusumano et al. 2021a, 2022).

Finally, noting debates about legal regulations of the platform economy (Arai and Hayashi 2021; Berkowitz and Souchaud 2019; Dittrich 2018; Finck 2017), we emphasize that even if gatekeepers assume ethical responsibility and engage in deliberation and self-regulation, it is unlikely that full responsibility can be achieved without strict regulations. Gatekeepers compete in their markets and are opportunistic by nature; even if they are willing to address governance gaps on a global level, such willingness probably is not sufficient to address the various ethical issues that digital platforms raise. We cannot expect gatekeepers to subordinate their business interests, neutralize their power over other stakeholders, and police their own business activities voluntarily (Lindman et al. 2023); it would be absurd to anticipate that PCSR can render government regulation unnecessary. Rather, and in line with Scherer et al. (2016, p. 284), we posit that PCSR makes no normative claim about the superiority of soft or hard law. Gatekeepers instead need voluntary deliberation and MSIs, *together* with strict regulations on international and national levels (de los Reyes and Scholz

2023). In their empirical study of a digital sharing platform, Berkowitz and Souchaud (2019) concur that a *hybrid governance approach*, combining self- and public regulation, works best to address governance gaps in the digital economy. We therefore outline self-regulation and regulation, from a PCSR perspective, for gatekeepers.

### 5.2.2 Self-regulation as a precondition of legitimate business models

There are many ways to self-regulate in relation to economic activities, such as codes of practice or ethics, informal agreements, or proactive CSR initiatives (Cohen and Sundararajan 2015, pp. 124–125; Cusumano et al. 2021a; European Union 2003). Gatekeepers already self-regulate, by choosing the terms and conditions of their business models and defining their own standards of behavior (Finck 2017). But in the face of threats of further government regulation, they likely engage in additional self-regulation, to avoid more stringent government oversight (Cusumano et al. 2021b, 2022). Cusumano et al. (2021a) also caution that the business models of digital platforms may be at risk, considering that the challenges they face are similar to those that affected other industries in the past (e.g., movies, radio, television, advertising). When dominant firms misuse their market power, they tend to confront growing calls for government intervention. On the basis of an analysis of the histories of other industries, Cusumano et al. (2021a, p. 1259) suggest that avoiding self-regulation can be detrimental to long-term economic success, leading them to ask if “self-regulation can save digital platforms.” Gatekeepers have the ability to modify their business models and design their digital platforms; the question is to what extent they possess the will to self-regulate and address the issue of their fading moral legitimacy.

Although different forms of self-regulation have their own benefits, in line with PCSR, we propose that self-regulation often is more successful when coalitions of firms and other stakeholders work together in MSIs, which offer assistance to firms that want to analyze their business models and social and environmental performance systematically (de Bakker et al. 2019; Gilbert et al. 2011; Haack and Rasche 2021). In these rapidly proliferating initiatives, private businesses, NGOs, trade unions, and other stakeholders jointly develop standards and soft laws (Arenas et al. 2020; Mena and Palazzo 2012), so they represent instruments “for the expansion of corporate influence and the private capture of regulatory power” (Moog et al. 2015, p. 469).

Rather than reviewing literature on MSIs (de Bakker et al. 2019; Haack and Rasche 2021), we highlight their potential for contributing to the (self-)regulation of the behavior of gatekeepers, on a global level. Considering the limited capacity of national governments to develop or impose norms and standards to prevent negative externalities related to digital platforms, MSIs represent a useful form of governance in the platform economy (Berkowitz and Souchaud 2019; Cohen and Sundararajan 2015; Haggart and Keller 2021). Self-regulation through MSIs can help firms achieve their economic objectives and raise their social consciousness (Marques 2017). Because stakeholder integration through deliberation is a key pillar of building moral legitimacy (de Bakker et al. 2019), platform owners and providers have both obligations and opportunities to accept larger public responsibilities in exchange for organizational benefits, including legitimacy and reputation. In line with deliberative democracy, firms might join or initiate MSIs to seek greater under-

standing of the social, environmental, and digital standards that are relevant to the interactions and outcomes on their digital platforms. Such self-regulation through MSIs appears particularly promising for the platform economy, because relevant information about gatekeepers' business models is exclusively at the disposal of the digital platforms themselves (Finck 2017). Information asymmetry makes it difficult for states to establish relevant regulations, whereas MSIs offer a reasonable alternative to regulate.

The Global Network Initiative (GNI) is a prominent MSI that deals with freedom of expression and privacy rights on the Internet. Some gatekeepers (Google, Meta, and Microsoft) already have joined; its overall mission is to set global standards for responsible company decision-making by expressing multistakeholder voices. The so-called GNI Principles provide concrete guidance to IT industry members regarding "how to respect, protect, and advance user rights to freedom of expression and privacy, including when faced with government demands for censorship and disclosure of user's personal information" (The Global Network Initiative 2024). In line with the basic ideas of PCSR, the GNI also seeks collaborative strategies to regulate behavior by involving various stakeholders: firms, industry associations, civil society, investors, and academics.

Prior research on MSIs is ambivalent about their outcomes (Arenas et al. 2020; Barrientos and Smith 2007; de Bakker et al. 2019; Haack and Rasche 2021; Knudsen 2011). Baumann-Pauly et al. (2017) conclude that MSIs like the GNI have great potential to enhance legitimacy. But their overall success in the digital sphere may depend on whether basic principles of deliberation truly get put into practice (Lindman et al. 2023). In more practical terms, MSIs can improve their outcomes by initiating practical deliberation processes with all stakeholders and establishing standards based on rational consent, transparency, sufficient control, and balanced power (Gilbert and Rasche 2007, p. 205). As Cohen and Sundararajan (2015, pp. 126–131) suggest, successful self-regulation of digital platforms through MSIs requires credible enforcement mechanisms, an emphasis on reputation, and sufficient perceived legitimacy of the initiative.

### 5.2.3 Regulations on international and national levels

A hybrid governance approach can overcome traditional legal liability models of responsibility, in which one actor alone is responsible for harm done. The conditions of the platform economy make it more appropriate to allocate responsibility among various actors. Still, a hybrid governance approach also requires a strong regulatory framework that can protect different platform actors and society in general. Governments should try to regain control over some activities of gatekeepers rather than allowing them to "operate in a gray area, or a governance gap..., where what is legal or illegal remains unclear and where incumbent industry regulation is unsuited to oversee their emergent practices and technological developments" (Berkowitz and Souchaud 2019, p. 961). Although some gatekeepers claim that their technology is too complex to be legislated, they spend billions of dollars on lobbying and oversight (Naughton 2019), which we regard as proof of the need for a stronger regulatory framework for digital platforms that are "too embryonic to self-regulate" (Berkowitz

and Souchaud 2019, p. 961). Representatives of Google alone have met 375 times with high-ranking members of the EU Commission since 2011, trying to influence its regulations (Lobbyfacts.eu 2024). Yet even Google's CEO Sundar Pichai, on his inaugural visit to the EU Commission, called for more regulation of digital platforms.

In response, many political states, including China, Russia, the United States, and the EU, have implemented stricter regulations for internet and platform businesses; growing discussions center on how to respond to and regulate the rising power of digital platforms (Cappai and Colangelo 2021; Dittrich 2018; European Commission 2023a; Suzor 2019). Deloitte (2022) cites more than 250 bills proposed or enacted globally since 2019 that put regulatory pressure on digital platforms. In the United States, multiple states (e.g., California, Colorado, Virginia, Nevada) have enacted comprehensive consumer data privacy laws (National Conference of State Legislatures 2021). Moreover, a lively discussion continues regarding whether legislators should amend Sect. 230 of the Communications Decency Act of 1996 that protects platforms from liabilities related to the content they disseminate (Cusumano et al. 2022; Stigler Committee on Digital Platforms 2019). Revised versions could hold gatekeepers accountable for distributing harmful content (Cusumano et al. 2021a).

Another important issue for regulation is the need for greater antitrust scrutiny. The economics of platform markets create incentives for firms to pursue growth over profits, and gatekeepers control the essential infrastructure on which their rivals and users depend. Therefore, short-term price effects as metrics of market efficiency are no longer sufficient for capturing a gatekeeper's market power (Lindman et al. 2023). In this sense, regulators need to redesign traditional antitrust and competition policies. The Stigler Committee on Digital Platforms, as well as CEOs of gatekeepers such as Amazon and Meta, have endorsed the creation of a new U.S. federal regulatory authority to address the challenges associated with their digital platforms (Stigler Committee on Digital Platforms 2019; Wheeler 2022).

In Europe, lively discussions of legislative initiatives have led to some recently enacted laws, including the DMA and DSA (Cennamo et al. 2023; Turillazzi et al. 2023). Thus, in the EU, gatekeepers must ensure that the online environment on their platforms is fair for all stakeholders and open to innovation, subject to various rules (see Table 2) (European Commission 2023a). After it was designated on September 6, 2023, gatekeepers received a six-month period to adhere to the complete set of rules outlined in the DMA, providing increased options and freedom for both end users and business users of the gatekeepers' services (European Commission 2023a). The European Commission will oversee the successful implementation and adherence to these obligations. Gatekeepers can gain, maintain, and sustain their moral legitimacy and take over ethical responsibility by complying with these rules, which are enshrined in the DMA. Otherwise, the EU Commission can impose fines equal to 10% of the company's total worldwide turnover; following systematic infringements, it could enact other remedies, like banning gatekeepers from acquiring other firms or selling intellectual property (European Commission 2022).

**Table 2** Rules for gatekeepers according to the Digital Markets Act source: own figure based on European Commission (2022)

Dos	Don'ts
<ul style="list-style-type: none"> <li>• Allow end-users to uninstall apps and change default settings easily on operating systems, virtual assistants, or web browsers that steer them to the products and services of the gatekeeper and provide choice screens for key services.</li> <li>• Allow end-users to install third-party apps that use or interoperate with the operating system of the gatekeeper.</li> <li>• Allow end-users to unsubscribe from core platform services as easily as they subscribe to them.</li> <li>• Allow third parties to interoperate with the gatekeeper's own services.</li> <li>• Allow business users to promote their offers and conclude contracts with customers outside the gatekeeper's platform.</li> <li>• Provide business users with access to the data generated by their activities on the gatekeeper's platform.</li> </ul>	<ul style="list-style-type: none"> <li>• Exploit business users' data when gatekeepers compete with them on their own platform.</li> <li>• Rank the gatekeeper's own products or services higher than those of third parties.</li> <li>• Require app developers to use the gatekeeper's services (e.g., payment systems, identity providers) to appear in its app stores.</li> <li>• Track end-users outside of the gatekeeper's core platform service for targeted advertising, without effective consent having been granted.</li> </ul>

### 5.3 Providing public goods

According to PCSR, gatekeepers also must provide public goods. Due to their capacities to collect and use data, gatekeepers are particularly well-positioned to create value for not just shareholders but broader society, through the provision of such public goods. Despite the possibility of regarding a social network like Facebook as a public good, gatekeepers are for-profit corporations, so their offerings do not represent truly public goods. Even if many gatekeepers offer services for “free” and claim that no one is excluded from their use, the firms are not dedicated to doing good for the benefit of humankind. They have concrete financial and political interests. People may be users of digital platforms, but they are also being used, and gatekeepers often adopt illegible data extraction and processing mechanisms to gain access to new markets, such as by relying on behavioral prediction and modification (Zuboff 2015, 2019b). The power of gatekeepers mainly stems from their ability to collect and analyze data and then retain exclusive control over it. The power of the “surveillance capitalist giants” continues to grow, because they have gathered data from billions of users on their servers, and these data represent critical raw materials for innovation (Zuboff 2022, p. 1). Therefore, and in line with Mayer-Schönberger and Ramge (2022), we claim that gatekeepers must assume political co-responsibility for providing public goods and reducing public bads if they want to gain, maintain, and sustain moral legitimacy.

We note two starting points for assuming co-responsibility. First, it may take place in MSIs, such as the recently founded Digital Public Goods Alliance (2021, 2023), which is a direct result of a report by the United Nations Secretary-General's High-level Panel on Digital Cooperation (2019). In close collaboration with multiple stakeholders, it develops strategies and partnerships to offer digital public goods, especially those that support sustainable development goals. Second, such co-responsibility might result from open disclosures and sharing of relevant data and algorithms as public goods. Schultz and Seele (2020) refer to this type of political behavior as *data deliberation*. Successful data deliberation demands close coopera-



tion between gatekeepers and the public sector, as well as other key stakeholders, to define data analytics methods and algorithms. It also requires compliance with existing data security and competition regulations (Dierksmeier and Seele 2020). Data deliberation then can contribute to fairer, more open dialogue, which should produce decisions that benefit society at large. Only close cooperation among the state, NGOs, users, and other relevant stakeholders can manage the manifold ethical challenges. The provision of true digital public goods in turn should foster innovation and inclusive digital products and services (United Nations Secretary-General's High-level Panel on Digital Cooperation 2019). Data deliberation therefore should become a key feature of the PCSR of digital platforms, which can increase their ability to contribute to the provision of public goods. Still, data deliberation implies that gatekeepers have been forced, whether by governments or the public, to open their vast data to others (Mayer-Schönberger and Ramge 2019), so we also suggest regulations on international and national levels.

## 6 Discussion

This article offers two distinct contributions: one is theoretical in nature, while the other features practical implications for gatekeepers. First, we extend business ethics literature, and in particular literature on PCSR, by establishing a systematic conceptualization of PCSR as it applies to gatekeepers. In this context, we introduce an account of PCSR in the digital age. Prior literature mostly focuses on governance gaps arising from rapid globalization and deals only marginally with issues due to digitalization (Scherer et al. 2016). With its focus on the role of self-regulation in the digital sphere, the current study challenges some core assumptions of PCSR. Gatekeepers can function as political actors and take over governmental roles, but they might avoid doing so, due to stakeholder pressures. Whereas global multinational enterprises might implement CSR in their global supply chains, digital gatekeepers take over public functions, such as channeling information and market access, to such an extent that their actions can affect democracies and liberal market structures. Because even the platform can be considered a “public good,” it furthers the powerful position of these gatekeepers. But because such gatekeepers also operate in grey regulatory areas, if they seek to maintain moral legitimacy or their “license to operate,” they should engage in deliberation and self-regulation. Our extended approach to PCSR acknowledges a division of moral labor among gatekeepers, the state, and other institutional actors. That is, PCSR for gatekeepers makes no normative claim about the superiority of soft or hard law. Considering persistent barriers to effective accountability of gatekeepers, we need a comprehensive approach, involving voluntary deliberation, self-regulation, MSIs, and strict regulations. Accordingly, we argue that the responsibility for protecting and promoting standards of responsible behavior on digital platforms should be shared by private (gatekeepers) and institutional (e.g., national governments, MSIs) actors alike.

Second, we make a practical contribution by developing a systematic conceptualization of how gatekeepers can gain, maintain, and sustain moral legitimacy from a PCSR perspective. In this context, we put forward concrete norms and guidelines

suitable to promote the responsible management of gatekeepers in practice (Mihale-Wilson et al. 2022; Mueller 2022). From a PCSR perspective, gatekeepers should engage in different types of deliberative agreement-seeking procedures, self-regulation, regulation, and public good provision to gain, maintain, and sustain their moral legitimacy (see Table 1). The concrete implications that we identify for gatekeepers demonstrate how they can act in accordance with PCSR to increase the benefits and reduce the negative consequences of their business models. As a particularly relevant finding, gatekeepers face a huge threat of government regulation and therefore should engage in much more self-regulation. Moreover, we recognize that online deliberation in the virtual public sphere is possible. The reality of digital platforms currently is far from a deliberative ideal, but this gap can be closed (Dryzek et al. 2019; Esau et al. 2017; Friess and Eilders 2015; Gilbert et al. 2023). If gatekeepers apply specific design features (e.g., online moderation, asynchronous discussions, availability of information, information about identity, well-defined topics, gamification), they can enhance the quality of online deliberation. Gatekeepers should be aware that there are many ways to self-regulate, such as codes of practice, common guidelines, or self-regulation through MSIs. Finally, gatekeepers should create public goods in collaboration with stakeholders in MSIs to foster their moral legitimacy (Mueller 2022, p. 689).

## 7 Limitations and further research

Several limitations of our study provide avenues for continued research. First, we ground our study in the PCSR perspective (Scherer and Palazzo 2007, 2011), which remains a much-debated concept. For example, it assumes that through deliberative discourses, actors can reach a universal understanding of norms and values, which might not be the case across different regions of the world (Maier 2021). Toward gatekeepers, countries of the EU favor a more regulated approach, whereas North America and China are currently considerably more liberal. Continued research could adopt other lenses, such as a paradox lens (Smith and Lewis 2011), to incorporate and compare contradictory assumptions and values across different institutional contexts (Schrage and Rasche 2022).

Second, we take a conceptual approach and thus do not provide empirical accounts. Scant research deals with the facilitation or accommodation of diverse cultures in deliberation or the management of disparities in cognitive abilities, as well as cultural and linguistic variations (Shortall et al. 2022). Future research should undertake processual, empirical studies of international deliberation across countries and the appropriate interplay of hard and soft legislation to address gatekeepers' moral legitimacy concerns. Many studies call for moving beyond traditional divides between private and governmental regulation (Dahan et al. 2023; de Bakker et al. 2019), and we hope research will address the complex relationships among these different actors and empirically investigate models of shared responsibility in the platform economy.

Third, despite emerging literature, such as that involving CDR, our analysis reveals the continued need for insights at the crossroads of digital platforms and business ethics. Continued research on digital platforms can address more stakeholders than the

multiple actors directly involved in platform business models. We do not primarily take the perspective of the regulator but focus instead on what gatekeepers can do in an underregulated sphere. It also seems imperative though to investigate the ethically relevant effects of platforms for various stakeholders and ask critical questions: How can we safeguard the benefits of digitalization (e.g., new ways to ensure corporate legitimacy through social media) while mitigating the downsides of digital platforms (Flyverbom et al. 2019; Lischka 2019)? Do we need new public institutions, legal frameworks, and charters of rights to control gatekeepers (Zuboff 2022)? Finally, we need more theory on optimal methods to deliberate in this field, both online and offline (Lobschat et al. 2021).

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## Declarations

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**Ethical approval** Our article does not contain any studies with human participants or animals, performed by any of the authors.

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