

The Autonomy of Regulatory Intermediaries: Meta and The Oversight Board as a Case Study

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Abstract

This paper examines the credibility of the Meta created Oversight Board as a solution to content moderation issues on online social media platforms. It focuses on its autonomy as a self-regulation model of corporate created regulatory intermediary and the dual relationship it has with Meta. The paper aims to answer two questions: (1) What are the condition under which a corporate created regulatory intermediary can operate with a large enough degree of autonomy to become a reliable critic with the ability to affect actions and policies of said corporate? and (2) What outside- and/or inside-factors influence Meta's willingness to comply with the Board non-binding recommendations? To answer the first question, I analyze the Oversight Board institutional design and its de-facto autonomy, using various empiric measures of autonomy to assess the unique case of the Oversight Board. This analysis indicates that the Board was created with a high degree of official autonomy and can operate with a high degree of de-facto autonomy, and thus can operate as a reliable critic. To answer the second question, I use quantitative analysis to assess the influence of outside factors, namely press coverage and stock price, and qualitative analysis, based on interviews with Board personnel, media interviews of Board members and public documents, to assess inside factors, namely the Oversight Board's relationship with Meta and the strategies it employs to garner respect and bolster its autonomy. The quantitative analysis found no significant correlation between Meta's press coverage or

stock price and its willingness to comply with the Board's recommendation. The qualitative analysis identified that the Oversight Board developed a self-image of an independent autonomous entity not beholden to Meta which engages in developing high-end policy solutions to content moderation. This self-image is supported by three practical strategies: (1) acts intend to establish the Board as a professional and impartial entity, (2) developing a communication method with Meta which gives the Board access to relevant information while at the same time prevents interference from Meta and (3) engaging in direct acts of self-assertion. These strategies partially correlate to known strategies used by interdependent organizations to boost respect and autonomy. This paper concludes that the Oversight Board can operate with a high degree of autonomy, and that the strategies it employs influence Meta's compliance with its recommendations, and therefore presents a viable solution to content moderation issues, as well as a model for other industries striving for efficient self-regulation.