Platform Governance's Legitimate Dilemmas

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I. INTRODUCTION

How can we govern if "we don't know what we want?"[1] In characteristically engaging and thought-provoking fashion, Jonathan Zittrain's Essay interrogates our ongoing struggle to answer this thorny question.[2] As Professor Zittrain exposes, governing social media firms like Twitter and Facebook is no easy feat.[3] Part of the challenge is defining the problem itself: it's hard to diagnose what, exactly, "is so 'obviously' wrong" with social media today.[4] Naturally, without a consensus on what is wrong, it is difficult, if not impossible, to make it right.

Professor Zittrain asserts that we can chart a better course by focusing on two competing directions that might define a "healthy public sphere."[5] The first is a *rights* framework, dominant from approximately 1995 to 2010, that builds from a highly individualistic vision of free speech, is comparatively absolutist in its stances, and situates the state as the salient threat.[6] The second is a *public health* framework, ascendant in the 2010s and continuing today, that accounts for collective as well as individual interests, contemplates balancing costs and benefits when it comes to regulating freedom of expression, and recognizes threats from public and private actors alike.[7] What we want, Professor Zittrain suggests, is an

    1. Jonathan Zittrain, *"We Don't Know What We Want": The Tug Between Rights and Public Health Online*, 61 DUQ. L. REV. 183 (2023).
    2. *Id.*
    3. *Id.*
    4. *Id.* at 184.
    5. *Id.* at 186.
    6. *Id.* at 186, 192.
    7. *Id.* at 186, 198.

impossible mix of both frames: we want "free speech for all (rights), along with restrictions against dangerous toxicities (public health)."[8] Because we cannot afford to wait to act while we try to "strike these difficult balances," Professor Zittrain contends that we must "reconcile" the two approaches, squarely confront companies' growing power, and "put on the table ways to channel and use that power that might accrue more legitimacy than simply versioning up a new terms of service every few months."[9]

Reconciliation of these competing frameworks is a noble goal—but what if it, too, is impossible? The foundational problem is the one that Professor Zittrain identifies in his final sentence: it is one of legitimacy.[10] By beginning with legitimacy as a grounding principle, I offer that we might trace the roots of the problem a bit differently and, in so doing, tease out what (not) to do as we seek to cultivate and sustain a healthy public sphere, online and off.

II. LEGITIMACY AND ITS CHALLENGES

Starting with legitimacy and proceeding from there has its own challenges, however. Legitimacy defies easy definition. How it is understood varies across disciplines.[11] Moreover, even within a single discipline like philosophy, legitimacy comes in descriptive, normative, and mixed varieties.[12] Legal scholars writing in the jurisprudential tradition emphasize the different forms of legitimacy, too; for instance, Richard Fallon's work on constitutional law and

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8. *Id.* at 206.
9. *Id.* at 207.
10. *Id.* at 208. Legitimacy is a recurring actor in studies of platform governance. *See, e.g.*, Robert Gorwa, *The Platform Governance Triangle: Conceptualising the Informal Regulation of Online Content*, 8 INTERNET POL'Y REV. 1, 12–13 (2019) (discussing the "legitimation politics" of platform governance); Hannah Bloch-Wehba, *Global Platform Governance: Private Power in the Shadow of the State*, 72 SMU L. REV. 27, 68 (2019) (arguing that, when it comes to platforms' power, "the right question is whether the exercise of that power is legitimate, or worthy of recognition"); Nicolas Suzor, Tess Van Geelen, & Sarah Meyers West, *Evaluating the Legitimacy of Platform Governance: A Review of Research and a Shared Research Agenda*, 80 INT'L COMMC'N. GAZETTE 385, 387 (2018) (assessing "human rights values" and developing "an index of legitimacy of the governance of online intermediaries"). As this Response explores, legitimacy is a slippery concept to pin down. *See* discussion *infra* Part II. Building from Mark Suchman's analysis of moral legitimacy and Professor Zittrain's analysis of eras of platform governance, I offer that we can better understand how contemporary questions of legitimacy are bound up with questions that have haunted us since the earliest days of the internet, and thereby better evaluate which problems the interventions presently on the table can and cannot solve.
11. *See* Fabienne Peter, *Political Legitimacy*, STAN. ENCYCLOPEDIA PHIL., https://plato.stanford.edu/entries/legitimacy/ (last updated Apr. 24, 2017) (discussing different disciplinary approaches).
12. *Id.*; Ari Ezra Waldman, *Power, Process, and Automated Decision-Making*, 88 FORDHAM L. REV. 613, 614 n.12 (2019).

on the Supreme Court distinguishes between sociological, moral, and legal forms of legitimacy.[13]   Other legal scholars foreground process, often drawing on Tom Tyler's work on procedural justice and focusing on individuals' "assessments of the fairness of the processes by which legal authorities make decisions."[14]   Still others take a more sociological approach. Ari Ezra Waldman, for instance, rejects Professor Tyler's emphasis on public authorities and procedures as too narrow to capture the nuances of algorithmic legitimacy.[15]

There is no simple, one-size-fits all definition of legitimacy. Even so, because platform governance can be understood as a set of relationships among individuals, firms, and the government, organizational legitimacy provides a helpful lens. The next Part draws from sociologist Mark Suchman's work on organizational legitimacy in general and moral legitimacy in particular to critically assess the pros and cons of different governance frameworks and to position the role of law with respect to proposed interventions.[16]

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13.   RICHARD H. FALLON, JR., LAW AND LEGITIMACY IN THE SUPREME COURT 21 (Thomas LeBien ed., 2018); Richard H. Fallon, Jr., *Legitimacy and the Constitution*, 118 HARV. L. REV. 1790–91 (2005).

14.   Tom R. Tyler, *Procedural Justice, Legitimacy, and the Effective Rule of Law*, 30 CRIME & JUST. 283, 284 (2003) (connecting "procedural elements" to "process-based judgments" that can contribute to "supportive values" such as legitimacy). I have relied on this understanding in past work focused on public actors' use of algorithmic tools, a domain in which process and public perceptions of government officials may be especially important. *See* Alicia Solow-Niederman, *Algorithmic Grey Holes*, 5 J.L. & INNOVATION 116, 123 (2023).

15.   Waldman, *supra* note 12, at 614 & n.12 (contending that procedural legitimacy offers too narrow a frame because algorithmic legitimacy "can be based on the legitimacy of the authority, private or public, using it or on the legitimacy of the decision-making process or on the decision itself").

16.   Mark C. Suchman, *Managing Legitimacy: Strategic and Institutional Approaches*, 20 ACAD. MGMT. REV. 571, 579 (1995). *See* Waldman, *supra* note 12, at 614 & n.12 (embracing Professor Suchman's definition of legitimacy in his analysis of algorithmic accountability). Notably, Professor Suchman's taxonomy is a sociological one that develops "moral legitimacy" as a component of organizational legitimacy and draws connections to Max Weber's influential account of legitimate authority. Suchman, *supra*, at 578 n.2 (tracing relationship between components of moral legitimacy and Weber's typology of legal-rational, traditional, and charismatic authority). Professor Fallon also traces the roots of sociological legitimacy to Weber. FALLON, *supra* note 13, at 1795. However, Professor Fallon sets off moral legitimacy as a distinct category, focusing on constitutional law and public law regimes and decisions. *Id.* at 1796. Other platform governance scholars have defined legitimacy by reference to Professor Fallon's typology. *See, e.g.*, Chinmayi Arun, *Facebook's Faces*, 135 HARV. L. REV. F. 236, 245 (2022) (mining taxonomy to critically assess Facebook's Oversight Board). Because this Response considers organizational dynamics more broadly and is not specifically focused on legal determinations, binding decisions, or any one institutional form, I take a different tack and build from Professor Suchman's taxonomy to position platform governance and legitimacy in relational terms.

III. LEGITIMACY THROUGH THE ERAS

Under the surface, the dawn of the popular internet is bound up in questions of organizational legitimacy: internet governance is all about how individuals, firms, and governments ought to engage with one another as part of complex sociotechnical configurations. Looking back to the emergence of the popular internet in the mid-1990s, Professor Zittrain persuasively traces the rights era of internet governance in part to John Perry Barlow, a cyberlibertarian political activist, and his contemporaries. In Barlow's vision, eschewing government "sovereignty" in "Cyberspace, the new home of Mind" and permitting unlimited free expression is instrumental to realizing a "more humane and fair" world.[17] Tabling critiques of this vision,[18] Barlow's manifesto is noteworthy for the way in which it embeds a normative perspective. To be sure, when Barlow, a lyricist for the Grateful Dead, wrote "A Declaration of the Independence of Cyberspace," perhaps he was merely trying to "channel Thomas Jefferson."[19] Still, the fact remains that he pitched his appeal in terms of who—the state, or decentralized individuals—has the "moral right" to rule.[20]

Wittingly or not, Barlow's invocation of moral rights taps into what Professor Suchman identifies as a fundamental component of organizational legitimacy: "moral legitimacy."[21] Moral legitimacy

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17. Zittrain, *supra* note 1, at 193–94. Notably, the original vision of a world free from government sovereignty does not engage with the question of *which* governments matter—although the question is an especially pressing one in a globalized era. *See, e.g.*, Arun, *supra* note 16, at 246–47 (emphasizing that the goals of any one social media company are not as "consonant or as easily identified as one might think," and that a platform's engagement with states is not "uniform and consistent," but rather varies both across and within different states).

18. Barlow did not account, for instance, for the lived experiences of historically marginalized populations, nor for those whose voices were less traditionally well-received. Moreover, Mary Anne Franks has noted Barlow's failure to attend to the politics of gender. *See* Mary Anne Franks, *Censoring Women*, 95 B.U. L. REV. 61, 62 (2015) ("It is perhaps telling that Barlow . . . did not name gender as one of the categories of privilege or prejudice to be discarded in cyberspace."). For a summary of other scholarship more generally questioning Barlow's vision of internet exceptionalism, see Bloch-Wehba, *supra* note 10, at 35–36. For further discussion of what Barlow's vision omits, see discussion *infra* text accompanying notes 29–31 and sources cited *infra* note 30.

19. Zittrain, *supra* note 1, at 193 & n.37 (citing Cindy Cohn, *Inventing the Future: Barlow and Beyond*, 18 DUKE L. & TECH. REV. 69–77 (2019)).

20. *Id.* at 193 (quoting John Perry Barlow, *A Declaration of the Independence of Cyberspace*, EFF (Feb. 6, 1996), https://www.eff.org/cyberspace-independence).

21. Suchman, *supra* note 16, at 579. Professor Suchman's typology of "organizational legitimacy" also identifies "pragmatic legitimacy," defined as "self-interested calculations of an organization's most immediate audiences" and "cognitive legitimacy," which refers to "affirmative backing for an organization or mere acceptance of the organization as necessary or inevitable based on some taken-for-granted cultural account." *Id.* at 578, 582 (emphasis removed). As Professor Suchman explains, "[a]ll three types involve a generalized perception

is normative and reflects assessments that an organization's activities are "the right thing to do."[22] This concept provides a helpful way to think about the early days of internet governance: Barlow's message represents a particular understanding of what kinds of "organizational activities are desirable, proper, or appropriate within some socially constructed system of norms, values, beliefs, and definitions."[23] "A Declaration of the Independence of Cyberspace" is the product of a particular "normative evaluation" of how the organizational form of the internet should operate. Specifically, Barlow's normative vision casts aspersion on conventional government's moral right to rule the internet and, in so doing, promotes a world of near-infinite First Amendment activity.[24] His pronouncements about which actors do and do not have a moral right to regulate online speech implicitly reflect "beliefs about" what kinds of "activit[ies] effectively promote[] societal welfare, as defined by the audience's socially constructed value system."[25]

In appealing to moral legitimacy in this way, Barlow's declaration implicitly defines what makes organizational interactions right and wrong. From the cyberlibertarian perspective, it is illegitimate to regulate online speech because doing so would undermine societal welfare within the accepted value system. Governance frameworks and associated organizational relationships that keep the state out of the business of individual freedom are seen as the key to a healthy online public sphere. And this implicit understanding, over time, entrenched itself in the dominant legal and regulatory understanding of the rights era.[26]

This cyberlibertarian, rights-oriented framework, however, both reflects a particular socially constructed value system and assumes a working consensus that it's an acceptable one. And therein lies the rub. As Professor Zittrain argues, the rights framework relies in part on a dichotomy between online and offline life,[27] drawing from an underlying belief that "the digital space [is] . . . one of

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or assumption that organizational activities are desirable, proper, or appropriate within some socially constructed system of norms, values, beliefs, and definitions." *Id.* at 577. Because I take the central question for platform governance to be what is right and wrong for the public sphere, and because such normative assessments are the province of "moral legitimacy," *id.* at 577 n.1, I focus on Professor Suchman's concept of moral legitimacy in this Response.

   22. *Id.* at 579.
   23. *Id.* at 577.
   24. Zittrain, *supra* note 1, at 193–94.
   25. Suchman, *supra* note 16, at 579.
   26. Zittrain, *supra* note 1, at 186–88.
   27. *Id.* at 199.

speech rather than action."[28] That is certainly no longer true to-
day.[29] Moreover, the belief that speech was ever "just" speech, eas-
ily cabined to less-"real" cyber contexts, has always reflected the
perspectives of the privileged few and not the voices of historically
marginalized or more vulnerable populations.[30] That's not to say
free speech does not matter. But it is to suggest that a rights fram-
ing works best, if ever, in the context of a narrow understanding
about how far speech on the internet reaches,[31] which in turn limits
the range of norms and values that are affected by online determi-
nations.

One response is to try to move from the realm of individual rights
and negative liberty to speak without interference, and toward col-
lective interests and positive liberty for all to thrive without inter-
ference. The public health framework that Professor Zittrain iden-
tifies[32] can be understood as an effort to reconfigure online and of-
fline networks of relationships and responsibilities to cure the "dan-
gerous toxicities" in the public sphere.[33] It can also be understood
as an effort to update the basis for platform governance's moral le-
gitimacy, attempting to shift the "socially constructed system of
norms, values, beliefs, and definitions"[34] away from rights and to-
ward broader social responsibility for public and private actors
alike.

Moving from the individual to the collective is tricky, though.
The problem is not merely that online and offline worlds are blur-
ring. A strong free speech stance has long affected people in the

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28. *Id.* at 193.
29. *Id.* at 199. On the metaphor of cyberspace and its relationship to physical space as
well as questions of power, see Julie E. Cohen, *Cyberspace As/And Space*, 107 COLUM. L.
REV. 210 (2007). On the onli*fe* world, a "domain "situated beyond the increasingly artificial
distinction between online and offline," see MIREILLE HILDEBRANDT, SMART TECHNOLOGIES
AND THE END(S) OF LAW 8 (2015).
30. For a small sampling of many relevant works, see, for instance, CYBERGHETTO OR
CYBERTOPIA?: RACE, CLASS, AND GENDER ON THE INTERNET (Bosah Ebo ed., 1998); RACE IN
CYBERSPACE (Beth E. Kolko et al. eds., 2000); DANIELLE KEATS CITRON, HATE CRIMES IN
CYBERSPACE (2010); RACE AFTER THE INTERNET (Lisa Nakamura & Peter A. Chow-White
eds., 2012); VIRGINIA EUBANKS, AUTOMATING INEQUALITY: HOW HIGH-TECH TOOLS PROFILE,
POLICE, AND PUNISH THE POOR (2017); SAFIYA UMOJA NOBLE, ALGORITHMS OF OPPRESSION:
HOW SEARCH ENGINES REINFORCE RACISM (2018); MARY ANNE FRANKS, THE CULT OF THE
CONSTITUTION 160–65 (2019). *See also* Zittrain, *supra* note 1, at 202 ("When online activities
result in persistent harassment, that amplifies the true costs of speech—at least for some—
in the Rights framework.").
31. *Cf.* Mary Anne Franks, *Unwilling Avatars: Idealism and Discrimination in Cyber-
space*, 20 COLUM. J. GENDER & L. 224, 237 (2011) (arguing that the stance of "cyberspace
idealists" such as Barlow "necessarily ignores the fact that cyberspace's very legitimacy is
grounded in a highly legalistic conception of free speech").
32. Zittrain, *supra* note 1, at 198–99.
33. *Id.* at 206.
34. Suchman, *supra* note 16, at 577.

offline, "real" world; indeed, as Professor Zittrain recounts, there is a fairly direct thread between the prospect of Nazis marching in front of Holocaust survivors in Skokie, Illinois, and calls to maximize free speech online.[35] Nor is the problem only that the cyberlibertarian vision disregarded the felt impact of wholly online activities, as experienced by many individuals since the early days of the internet.[36] There is also an antecedent problem: if we are trying to protect collective interests, who are "we"? The two interact, moreover: if the impact of online activities reaches offline, and far more people are affected (for good and for bad) by actions taken online, then the relevant we is far more complex and multifaceted than the rights framework contemplated. A bigger we, however, makes it even harder to craft an acceptable working consensus around how to govern our sociotechnical system.

The best we may be able to do, then, is to lean into the complexity of moral legitimacy itself and carefully consider the factors that affect evaluations of legitimacy, rather than judging legitimacy as a single output. Indeed, part of why it is so hard to ascertain "what we want" in platform governance stems from the complexity of moral legitimacy. Moral legitimacy, in Professor Suchman's framing, is multifaceted. It generally "takes one of three forms: evaluations of outputs and consequences," or consequential legitimacy; "evaluations of techniques and procedures," or procedural legitimacy, and "evaluations of categories and structures," or structural legitimacy; and at times also includes "evaluations of leaders and representatives."[37] Moreover, perceptions of legitimacy can change and evolve over time.[38]

To make this point more concrete, consider Twitter. When Elon Musk purchases the company formerly known as "the free speech wing of the free speech party,"[39] why should we care? It's not just a

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35. Zittrain, *supra* note 1, at 188–92.

36. *See id.* at 198 (noting that hate, doxing, and harassment were present "from the earliest days of the Internet" and quoting Whitney Phillips' work on early internet culture). *See also* Mutale Nkonde, *Elon Musk Says He Wants Free Speech on Twitter. But for Whom?*, SLATE (Apr. 27, 2022, 3:39 PM), https://slate.com/technology/2022/04/elon-musk-free-speech-twitter-for-whom.html (discussing how marginalized groups disproportionately suffer from online abuse and predicting that Musk's acquisition of Twitter would worsen the outlook for Black women and other minorities).

37. Suchman, *supra* note 16, at 579. As Professor Suchman notes, "[t]hese four types of moral legitimacy roughly parallel Weber's (1978) discussion of legitimate authority." *Id.* at 579 n.2.

38. *Id.* at 583–84 (contemplating the "temporal texture" of legitimation and presenting a figure that classifies different types as episodic or continual).

39. Zittrain, *supra* note 1, at 198 (quoting Josh Halliday, *Twitter's Tony Wang: 'We Are the Free Speech Wing of the Free Speech Party,'* GUARDIAN (Mar. 22, 2012, 11:57 AM), https://www.theguardian.com/media/2012/mar/22/twitter-tony-wang-free-speech).

matter of whether one thinks Musk is a business genius or a boor. Nor is it merely a matter of political preferences. It's also about the ways in which Musk's specific choices change the organizational dynamics of the platform in ways that ripple out into the broader public sphere.

Musk's acquisition of the platform implicates multiple forms of moral legitimacy. Perhaps most obvious are the personal and consequential effects. Musk has a strong personality, appealing to some and not to others, such that evaluations of him are inevitably bound up in evaluations of the company. Furthermore, Musk's free speech absolutist stance will likely make the firm less able to achieve results that eliminate dangerous toxicities and thereby accord with Professor Zittrain's articulated public health framework.[40] Musk's actions affect moral legitimacy in more subtle ways, too. Take Musk's elimination of the firm's "ethical AI" team shortly after his acquisition of the platform. This decision affects consequential legitimacy because it will make it harder to study fairness or bias on Twitter.[41] This single action also affects procedural and structural legitimacy because it removes the staff necessary to support the "discrete routines" (procedures) and "organizational features" (structures) that might have made users feel confident that the platform is one capable of determining the range of speech "activities [that] are desirable, proper, or appropriate," with an eye to protecting all users.[42] Seeing each platform as a complex, networked organization and critically evaluating how specific choices implicate aspects of moral legitimacy thus helps us to identify how and why particular moves may be more or less in line with what we want for the public sphere.

To be sure, all of this analysis ducks the underlying, antecedent question: who is the we that Twitter, or any other, platform is meant to serve? There is no easy answer; still, thinking in terms of

40. There is evidence that this bad outcome has already been realized. *See* Shera Frenkel & Kate Conger, *Hate Speech's Rise on Twitter Is Unprecedented, Researchers Find*, N.Y. TIMES (Dec. 2, 2022), https://www.nytimes.com/2022/12/02/technology/twitter-hate-speech.html (reporting that, in the weeks after Musk's acquisition of Twitter, the average number of daily slurs against Black Americans on the platform increased from 1,282 to 3,876 and the average number of daily slurs against gay men on the platform increased from 2,506 to 3,964, and further reporting that anti-Semitic posts increased over 61% in the two weeks following the acquisition).

41. Will Knight, *Elon Musk Has Fired Twitter's 'Ethical AI' Team*, WIRED (Nov. 4, 2022, 12:20 PM), https://www.wired.com/story/twitter-ethical-ai-team/.

42. Lawmakers have questioned, for instance, how Musk plans to address Spanish-language misinformation after cutting the company's safety team. *See* Cristiano Lima, *Lawmakers Want to Know Musk's Plan to Fight Misinformation in Spanish*, WASH. POST (Nov. 23, 2022, 9:05 AM) https://www.washingtonpost.com/politics/2022/11/23/lawmakers-want-know-musks-plan-fight-misinformation-spanish/.

moral legitimacy is clarifying. Musk's moves exemplify a rights era framing: to obtain moral legitimacy, all that matters is that we craft an environment that maximizes freedom to speak, even if that perspective requires assuming a less diverse body of interests and limited reach for online speech. From that point of view, his changes bolster moral legitimacy, leveraging his personality while enhancing consequential legitimacy by increasing free speech and eliminating unhelpful "woke" procedures and structures that do nothing but inject liberal bias at the expense of hardcore work.[43] This vision appeals to a particular we.[44] I personally don't subscribe to that vision, and I find such a narrow definition of which we matters to be problematic. But you do not have to agree with me to see the broader point: whether one sees these changes as good or bad is bound up in an underlying assessment of how legitimate the organization is, with an eye to all the forms of moral legitimacy affected by a particular individual or action and mediated by whose voice gets what weight in the assessment.

IV. LOOKING TO THE FUTURE: ON LEGITIMACY AND LAW

The idea that platform governance is inevitably contextual, relative, and tied to questions of moral legitimacy does not itself help us to decide what to do. If anything, it might get in the way of direct interventions, especially insofar as this complexity makes it harder to figure out the role of law. If legitimacy is a single, simple thing— say, a legal stance that cashes out in free speech maximalism—then the role of law is much more clear-cut. But if legitimacy is multifaceted and variable, then the role of law is not self-evident. There are in fact incentives for the legal system to attempt to flatten and simplify legitimacy—to, say, understand it in only formal First Amendment terms, or to equate it with a normative vision that excludes certain perspectives and interests. Doing so will make law easier to apply and may make law seem like a more potent force.

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43.   *See* Matt Binder, *Elon Musk Mocks '#StayWoke' Shirts at Twitter HQ*, MASHABLE (Nov. 23, 2022), https://mashable.com/article/elon-musk-stay-woke-twitter-shirts-black-lives-matter (describing and linking to video in which Elon Musk discovers, and mocks, "#stay woke" t-shirts left in closet at Twitter); John Lopez, *Elon Musk Tweets 'Stay at Work' Twitter Merch Day After Finding 'Stay Woke' Shirts at HQ*, TECH TIMES (Nov. 24, 2022, 8:11 AM), https://www.techtimes.com/articles/283911/20221124/elon-musk-tweets-stay-work-twitter-merch-day-finding-woke.htm (describing and linking to Tweet in which Elon Musk reveals "new Twitter merch:" t-shirts that read "#stay @ work").

44.   There are clear connections back to the early days of cyberspace. *See, e.g.*, FRANKS, *supra* note 30, at 161 (labelling Barlow and other early "cyberspace pioneers" as "white men who felt entitled themselves to speak for the collective 'we'"); Cohen, *supra* note 29, at 216–17 (identifying Barlow as a cyberspace utopian and analyzing how "the cyberspace utopians sought to use intellectual affinity to construct a sense of place" (internal citations omitted)).

However, such moves reflect only a limited understanding of moral legitimacy. Attempting to paper over underlying complexity will not eliminate it.

Accordingly, in crafting platform governance interventions, I echo Professor Zittrain's call to move past relying on private actors to deliver improved terms of service. Yet efforts to think creatively about interventions must take care not to privilege one form of moral legitimacy at the expense of others. For instance, many proposed reforms touch on particular aspects of moral legitimacy. Two especially common ones are procedural moves that foreground transparency or structural moves that implement institutional forms, such as a review board. These measures may be undertaken in good faith. The problem arises when any one tactic is understood as exhausting what legitimacy requires or foreclosing contestation concerning what we believe, particularly because there is no one we. The solution, then, is to create legal forms that offer guidance, but do not lock in just one understanding of legitimacy. We do not have to be able to determine what we want. It is unlikely that we'll ever know, at least if knowing requires a one-shot, firm answer. What we do need is to embrace legitimacy's essentially contested nature. Only then can we consider how different potential interventions empower us to navigate platform governance's legitimate dilemmas, over time.