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Winter School Blog Post

In February 2022, I attended a two week digital winter school created by the University of Vienna to address the topic of "Taming the iMonster" and to widely discuss topics related to platform regulation through an interdisciplinary lens. I found the session on Day 8, presented by Paul Dunshirn, Professor Barbara Prainsack, and Professor Alice Vadrot, on self governance and polycentric governance, to be a particularly interesting topic.

The session proceeded in three parts. First, the presenters discussed the topic of self governance, with a particular reference to "the commons". We discussed the tragedy of the commons, and both supply-side and demand-side social dilemmas that can bring about over or under consumption. We also discussed empirical cases where effective self governance has emerged, showing that in cases with the right circumstances, self governance can emerge and can lead to good outcomes that solve real problems. This les to the second discussion component, which was an overview of both theoretical and empirical research related to what makes self-governance work, looking specifically to Ostrom's seminal work (Ostrom 1997 and Hess and Ostrom 2007) on design principles for self governance and Carlisle and Gruby's (2019) more recent work on functional polycentric governance. We concluded the formal component of the discussion with a case study on the genetic sequence commons and a particular focus on biodiversity as a commonly shared resource.

Following this formal lecture component of the course, we broke into small groups to analyze resource characteristics, social dilemmas, and the possibility of polycentric governance in the case of commonly shared resources related to digital platforms. In my small group we discussed both the cases of medical data but also the case of Wikipedia. While the presentation had focused on the potential benefits of self governance and polycentric governance, our group focused on potential limitations of tools and concepts associated with this regulatory paradigm.

One limitation of polycentric governance is that, if ineffective, it may be used as a rhetorical device to lobby against more centralized but possibly more effective centralized regulation. For example, we discussed how platforms may sometimes use the mirage of polycentric governance to effectively promote non-governance. We discussed that large tech companies, all platforms or arguably offering many distinct platforms, frequently employ the rhetorical strategy of emphasizing that they operate in many jurisdictions and are therefore in theory subject to many distinct and autonomous national regimes. However, in practice, these large companies have for a long time been effectively treated as beyond the law.[1]

Another limitation of polycentric governance in practice is that - where this is thought to regulate a social dilemma - it can be difficult to assess whether a social dilemma, such as a supply-side

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[1] Admittedly, this seems to be changing more recently, as in the case of Google conforming its behaviorally targeted ads to an international standard to bring it in conformity to many sets of related laws, which are beginning to be enforced more strictly.

or demand-side problem in fact exists, particularly when it comes to cases of goods found on or affected by digital platforms. For example, in the case of many platforms, it is difficult to assess whether what a platform "produces" is in fact monotonically good, or even good at all. For example, should Facebook produce more or fewer connections? Should Wikipedia product more or fewer words per entry? It is not clear, and therefore it can be difficult to identify whether a social dilemma actually exists for which some kind of self regulatory or polycentric governance could solve the problem.

This session was thought provoking in particular because much of the discourse today about regulating platforms involves the exercise of strong state authority (EU level regulations or US federal regulations). The idea that platforms might be regulated from the ground up is a through provoking one, and one which reminded me of [Professor Angela Zhang](#)'s work, in which she highlights how Chinese companies have creatively turned to crowdsourcing some elements of platform regulation. It seems that this is an idea Western legislators and regulations might be able to mine creatively for more solutions to the problem of platform regulation.