Blogpost Day 3: What is the role of "the state" in regulating the organisation and the conduct of platforms? *– By Jesse de Pagter*

On day 3 of the DigiGov Virtual Winter School, we discussed the role of the state regarding the regulation of platforms. We had a very interesting pair of speakers on this day, since we first welcomed Dr. Susanne Lackner who talked about the legal ramifications of platform regulation. An interesting fact was that she currently works at the Austrian Communications Authority, which means that she has very specific and applied knowledge about the implications of technology regulation. The second speaker was Prof. Gerda Falkner who talked about the same issue, but from a perspective of political science. More specifically, she discussed the matter in relation to democratic politics. As mentioned, I found this an extremely interesting pair of speakers, that represented how the same topic could be approached from a completely different vantage point. Apart from constituting an interesting contrast concerning the speakers, I argue here that this tension between the applied aspect and the theoretical aspect of technology regulation is something to consider a bit more in detail, since it represents an interesting and recurring tension in the discourse on tech governance.

Concerning the first point, let me elaborate a little bit more on the content. Dr. Lackner presented mostly the material scope of platform regulation. That is to say, arguing from her long-term experience in the field of media regulation and from her position as a chairperson at the communications authority, she provided us with great insights into the way a potential regulatory framework could develop. As a part of that, she demonstrated how specific principles and values define the way this regulation materialises. Interesting for this blogpost is to note that those principles and values looked rather fixed: as a society we agree that those principles and values are to be upheld, the task of regulators is to figure out how. Prof. Falkner, on the other hand, was much more analysing how platform technology could endanger one of the most valued institutional pillars of our society: democracy and its politics. Her presentation was therefore much more focused on critically reviewing the principles and values that define us and our society, while demonstrating how platforms could seriously endanger some of the most valued aspects of open, democratic societies.

I argue that this is a very interesting tension, especially from an academic perspective. Many critical academics take the position of Prof. Falkner. It fits our background and interests: we like to speculatively assess the future of technologies. Preferably with a bit of a dystopian mindset. Optimism is for the delusional entrepreneur, pessimism for the encumbered academic. Does this mean that I am arguing here against critical speculative thinking about technology? Absolutely not. In fact, it is crucial to continuously question contemporary developments, such as the implications of new, disruptive technologies. What I do want to argue here however, is that we might want to critically reflect on the way our speculative thinking can become better: how can we make our analysis stronger and more useful for the big decisions that we will probably need to make in the very near future?

In the last decades, one way to do this has been to study phenomena in an empirical manner. Social scientists and researchers from the humanities have used many different (qualitative and quantitative) research methods in order to find out how technologies are changing our lives. This is good work and it should continue. Nevertheless, in times where changes are happening fast and dilemmas look to become ever bigger, we might want to seek other ways. We might want to invest in the narrative of emergence that comes with technological development, and figure out how we can produce speculative concepts that go beyond dogmatic empirical dystopianism.