Remedying Wrongs on a Decentralized Internet: An Exploratory Dialogue

Workshop convened by the Empirical Legal Studies Discussion Group (Oxford University) in collaboration with the Institute for Work and Employment (FAA-HSG, University of St. Gallen) and the Maastricht Law and Tech Lab (Maastricht University)

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Rewind to the early 1990's: an infant World Wide Web recently created by Tim Berners-Lee was starting to redefine the way people were connected globally. First came communication services (e-mail) and a shift from physical to digital marketplaces (e-commerce). Then came the rise of Internet platforms, in what is now deemed to be Web 2.0 – prosumers generate content on platforms such as Youtube, Facebook, Instagram (social media), or offer their individual services on Uber, AirBnB or Taskrabbit (peer-to-peer/gig platforms). These developments have been both lauded and criticized. On the one hand, the Internet as we know it dissolved geographic distances, created new industries, facilitated the distribution of goods of services and empowered individual employment. On the other hand, it gave rise to new questions about what is real and what is fake: what to do if someone posts fake reviews; who to hold accountable for fake news; how to prevent a new wave of labour exploitation, etc. The critics of Web 2.0 claim it is a spoiled version of early Internet promises: freedom from surveillance, online safety (even through anonymity) – in a nutshell, more control and power for the user. Painful public scandals like the sort of Equifax or Cambridge Analytica make it easy to argue that with the rise of data as a commodity, Internet users have indeed lost a lot of this control to data brokers, surveillance agencies and hackers.

The answer to the problems of Web 2.0 is thought to be the third era of the Internet, namely the Decentralized Internet. Blockchain platforms like Steem are used to make decentralized equivalents of a lot of apps we have grown accustomed to: DTube instead of Youtube, Graphite Docs instead of Google Docs, or Storj instead of iCloud. The main benefit of decentralization – beyond privacy – is said to be the freedom from monopolies held by centralized platforms that now determine, through their own intransparent algorithms, who gets to see what information on the web. In addition, decentralization proposes a new, trustless constellation of behavioural incentives (e.g. Smart Media Tokens, etc.) and communication infrastructure devoid of intermediaries.

But while there might be some strong market opportunities to embrace in a new Internet era, the law does not move into new ages with the same speed. Decentralization has already been occurring, in the form of individual accessibility: citizen reporters are disrupting press, entertainment and advertising services, and gig drivers are replacing taxis. Emerging practical issues are under-regulated, and challenge legal systems to determine if their classical paradigms are still fitting: is posting fake negative reviews a crime? Are Youtubers professionals or individuals? Do Internet platforms have a duty of care? Moreover, not just public institutions, but platforms themselves face a problem of scale, and struggle with enforcing legal standards. These are problems that have yet to be solved, which a new Internet version might very well inherit.

This small-scale event aims to kickstart an interdisciplinary debate on decentralization interpreted in two ways: (i) the decentralization of accessibility (as described above); and (ii) the decentralization of Internet services as proposed by cryptonetworks, which use consensus mechanisms and cryptocurrencies for maintenance and incentives. These interpretations take decentralization to be a central theme for the development of the Internet. The workshop will focus on different contributions that identify potential legal wrongs arising out of decentralization, with the goal of exploring old and new remedies (both substantive and procedural) that could correct them, while emphasizing the role of technology in delivering these potential remedies.

Based on an initial theme exploration by
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Sandra Wachter (Oxford University)
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Jan Zglinski (Oxford University)

20 min presentation per paper/20 min discussant total/40 min discussion

09:45-10:00   Welcome and introduction

10:00-12:00   The fitness of centralization
Chair: **Nikita Aggarwal** (Oxford University)
Jeremias Prassl (Oxford University) – Platforms as Employers? Rethinking the Legal Analysis of Crowdwork
Mathias Siems (Durham University/EUI) & **Daithi Mac Sithigh** (Queen's University Belfast) – The Chinese Social Credit System: A Model for Other Countries?
Sandra Wachter (Oxford University) – Re-Thinking Data Protection Law in the Age of Big Data and AI
Discussant: **Isabelle Wildhaber** (University of St. Gallen)

12:00-13:00   Lunch

13:00-15:20   Decentralization Beyond the State: Web as Platform
Chair: **Jan Zglinski** (Oxford University)
Sofia Ranchordás (University of Groningen) – Data-driven regulation and governance in smart cities
Felix Pflücke (Oxford University) – Platform self-regulation and disclosures
Gina Neff (Oxford University) – IoT and ethics
Isabel Ebert (University of St. Gallen) – Safeguards for new technologies to protect employees' privacy at the workplace
Discussant: **Anna Beckers** (Maastricht University)

15:20-15:30   Coffee break

15:30-16:50   Decentralization Beyond the Market: Blockchain Governance
Chair: **Felix Pflücke** (Oxford University)
Mireille Hildebrandt (VUB/Radboud University) – Blockchain: Automated Decision-making
Catalina Goanta (Maastricht University) – Blockchain as a legal order: A qualitative analysis of perceptions in the Silkroad v1.0 community
Discussant: **Gijs van Dijck** (Maastricht University)

16:50-17:30   Reflections on a shared research agenda

18:00   Dinner