



Rationality's role in the online environment

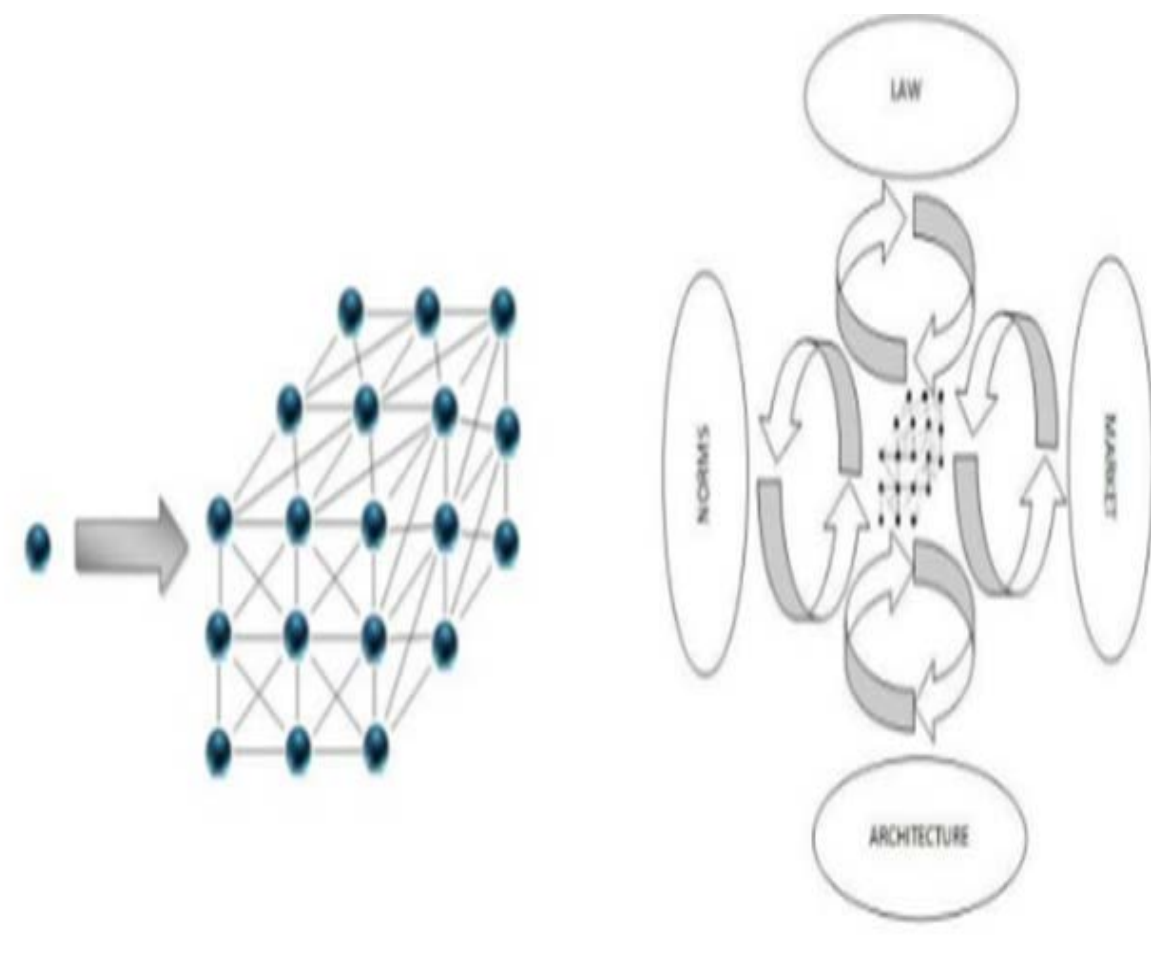
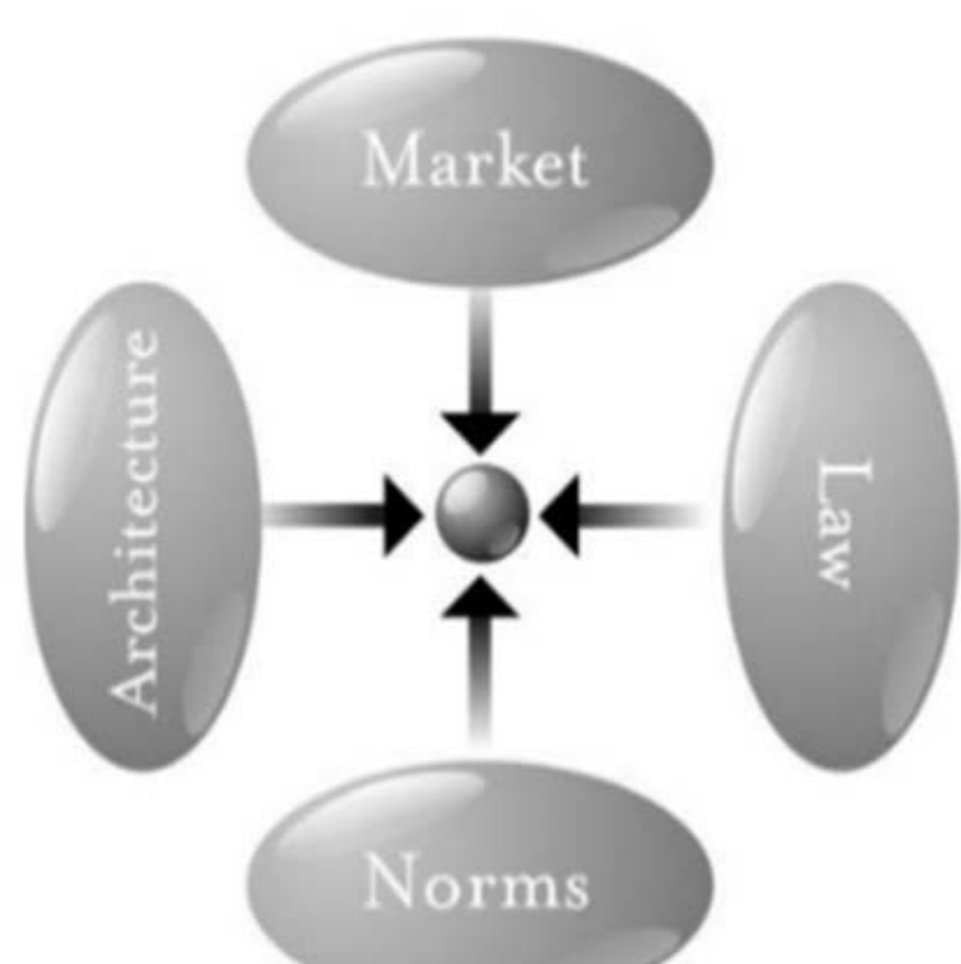


Introduction: Regulatory theories for the online environment are built on the faulty premise of rationality. From Lawrence Lessig's *'pathetic dot'* to Andrew Murray's *'network communitarianism'* to Emily Laidlaw's *'gatekeeper theory'*, almost all mainstream regulatory design is built on the premise that actors ultimately behave rationally. My work focuses on the role heuristics (both fast & frugal and heuristics & biases schools) play in the online environment.

Research Questions:

Normative : Can traditional models of nodal and decentred regulation, as applied to cyber-governance theory in the works of Lessig and Murray, adequately design models to regulate online deceptive practices?

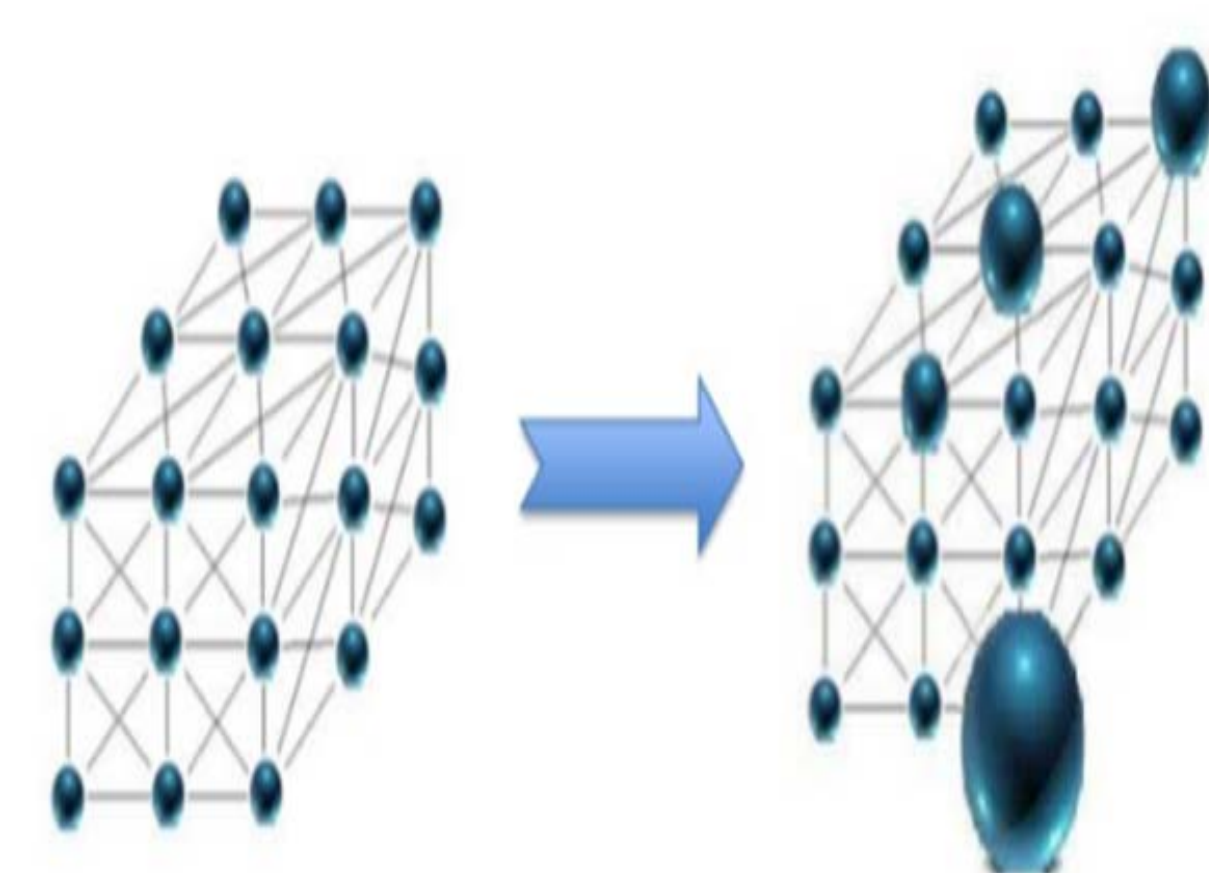
Supplementary : As traditional nodal and decentred regulatory models assume the actors in the network will act rationally, do their failure to account for heuristics lead to a weakness that exploited through online deceptive practices?



Source: Murray



Regulatory Gravity



Theoretical Framework

(Rationality, heuristics, errors/biases, fast and frugal, deception)
Lessig's *Code* models a 'pathetic' dot, subject to four modalities: law, social norms, markets, and architecture/code. However, Lessig's 'dot' is a rational actor. My theoretical framework challenges this presumption: regulators have not taken into account that the dot can be irrational, subject to heuristics (fast & frugal, as well as prone to errors and biases).

Actors have figured out what regulators have not: that our reliance on heuristics makes us prone to making bad decisions. The online environment lacks the ability to provide users with the clues normally present during traditional methods of communication. Users do not calculate risks, nor compute all of the calculations before doing tasks normally associated with the online environment — entering into contracts, communicating in public forums, sharing personal data, etc.

Practical Application

(Fake news, online manipulation, unfair commercial practices, algorithmic decision-making, GDPR, cybersecurity)
We live in an age of disinformation and organized/networked deception resulting in 'engineered polarization'. My research focuses on ways the law/regulation should respond to the deception game, whether undertaking commercial transactions, online decision-making, or security.



AstroTurfing and 'engineered polarization' are just two methods used to take advantage of users' irrationality. This risks amplifying filter bubbles/echo chambers, undermining democracy.

Conclusions and Perspectives

Users are susceptible to deceptive strategies designed to manipulate our psychological responses to stimuli. The "dot" is neither pathetic or static, but rather a free-flowing amoeba, subject to a variety of influences which, in turn, can be amplified by the environment in which it resides. If we are to make better laws, regulators should analyze both the type of decision and the environment in which it is made, especially when users are prone to act less than rationally and form policy where necessary to compensate for any irrational or quasi-rational behavior.

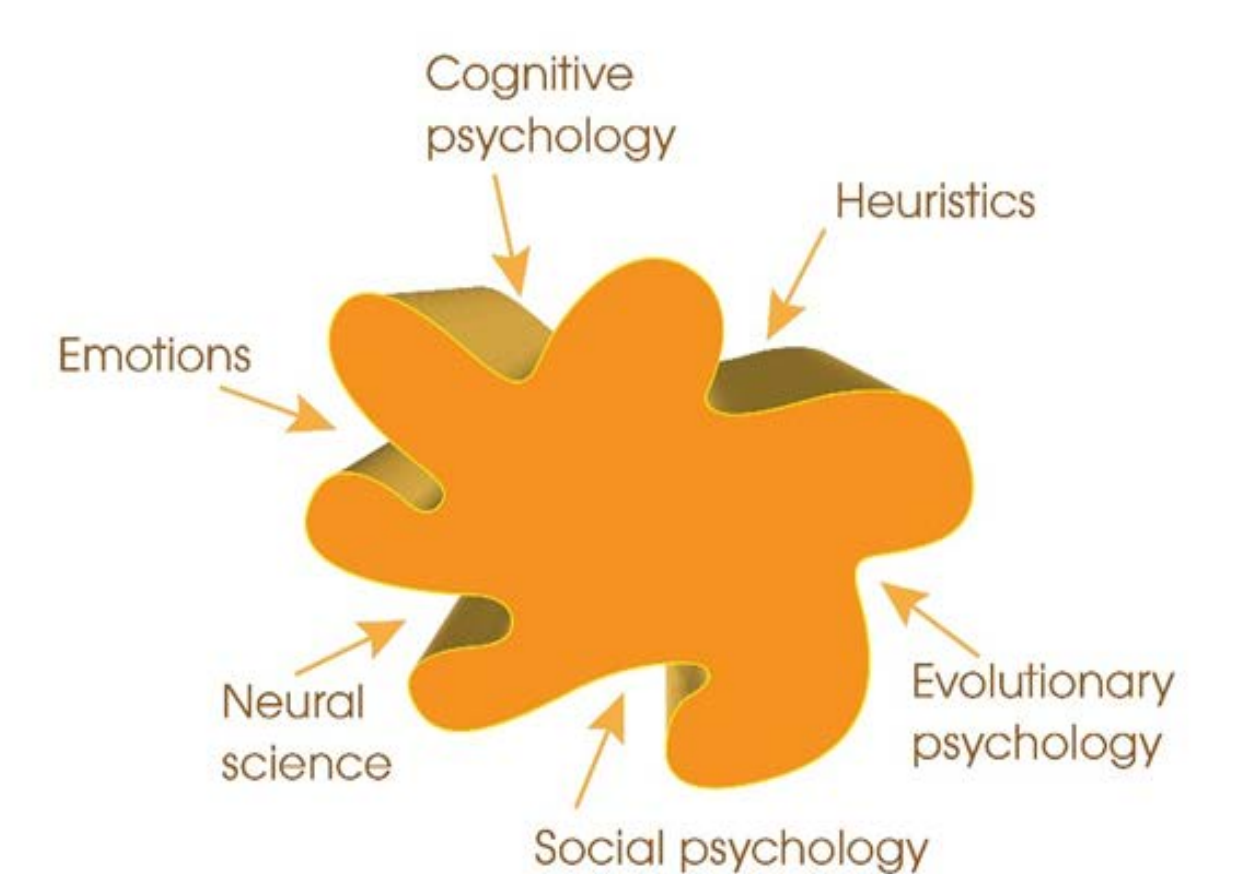


Figure 2: Homo Heuristicus