

OSTROM WORKSHOP COLLOQUIUM SERIES

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“Supracompetitive Privacy”

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Platform-based technology firms are fundamentally different than businesses of the past. By harvesting user data, platforms can accrue monopoly power. As a result, platforms do not generate efficiencies as much as they inflict a variety of quantifiable privacy harms on individuals. Given the relationship between insufficient competition and privacy, I argue that it is troubling that the laws meant to protect consumers from the dangers of uncompetitive markets—i.e., the antitrust laws—are wholly unable to remedy privacy harms. The reason for this blind spot is that consumers enjoy services for free or at a very low cost, even in the absence of robust competition. Indeed, antitrust’s architects likely never foresaw an age in which firms could render anticompetitive effects without charging a price. I argue that antitrust law must modernize to accommodate the real costs of “supracompetitive privacy.”



[Abbey Stemler](#) is an assistant professor of business law and ethics at the Kelley School of Business. Her research explores the interesting spaces where law has yet to catch up with technology. In particular, her aim is to expose the evolving realities of Internet-based innovations and find ways to effectively regulate them without hindering their beneficial uses. As she sees it, many modern firms inhabit a world that operates under alien physics—where free is often costly and “smart” is not always better. She therefore employs tools and insights from economics, behavioral science, and rhetoric to understand how we, as a society, can better protect consumers, privacy, and democracy.

Presentations are open to the public and are live streamed (see our website for URL and papers). You are welcome to bring your lunch. For questions, contact Allison Sturgeon (sturgeon@iu.edu; 812/855–3151).