

SEVENTH ANNUAL DETLEV F. VAGTS ROUNDTABLE ON TRANSNATIONAL LAW: TRANSNATIONAL REGULATION OF THE PLATFORM ECONOMY

This roundtable was convened at 9:00 a.m. on Friday, April 8, 2022 by its convener, Rebecca Hamilton of American University Washington College of Law, who introduced the presenter, Salomé Viljoen of Columbia Law School, and the discussants, Asaf Lubin of Indiana University Maurer School of Law and Kirk Nahra of WilmerHale.

REMARKS BY REBECCA HAMILTON

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Good morning and welcome. I am Professor Rebecca Hamilton from American University, Washington College of Law, and I am so grateful for the opportunity to convene this Roundtable on Transnational Law in honor of Detlev Vagts.

As many of you know, the Vagts Family established this Roundtable in Professor Vagts' memory to promote the work of an emerging scholar. I never met Professor Vagts but in researching more about his career in the course of pulling this together, I came across one memorial in which a former student described him as a formidable generalist. In an increasingly siloed world, that description captured my attention, and it guided me toward selecting the emerging scholar we have with us today—Salomé Viljoen.

Salomé is an Academic Fellow at Columbia Law School. She is also an Affiliate at the Berkman Klein Center for Internet and Society at Harvard University (NYU Information Law Institute, Cornell Tech Digital Initiative). She has a JD from Harvard Law School, an MSc from the London School of Economics, and a BA in Political Economy from Georgetown University. She was previously an associate at Fenwick and West, LLP, where she worked with tech company clients on a broad array of information law and corporate matters. But beyond that, what I find extraordinary about Salomé is that in addition to her legal publications she has published in computational Biology and Chemistry, and is a reviewer for Science & Engineering Ethics, and AI for Social Good.

Salomé is interested in how information law structures inequality and how alternative legal arrangements might address that inequality. Today we will hear about Salomé's work, drawing on her recent *Yale Law Journal* publication, "A Relational Theory of Data Governance," regarding the political economy of social data.¹ Her presentation will frame our discussion of competing conceptions of governance, and their implications for transnational regulation of data in our digital world. To help us, we have Professor Madhavi Sunder from Georgetown Law, Professor Asaf Lubin, from Indiana University's Maurer School of Law—whose work was highlighted in the Assembly yesterday as the winner of the 2022 Baxter Prize, and Kirk Nahra, who is a Partner at WilmerHale and cochairs their Big Data Practice and their Cybersecurity and Privacy Practice.

I will hand the floor to Salomé to present her work, then we will hear responses from each of our discussants, before turning to audience questions.

¹ Salomé Viljoen, *A Relational Theory of Data Governance*, 131 *YALE L.J.* 573 (2021).