

## Course Outline

<b>COURSE:</b>	<b>LAWS 3501A -- Law in the Information Society</b>
<b>TERM:</b>	<b>Winter 2009-10</b>
<b>PREREQUISITES:</b>	<b>One of LAWS 2003, or LAWS 2004, or LAWS 2005 or permission of the Department</b>
<b>CLASS:</b>	<b>Day &amp; Time: Friday 11:35 – 14:25</b>
	<b>Room: Please check with Carleton Central for current room location</b>
<b>INSTRUCTOR: (CONTRACT)</b>	<b>John Shiga</b>
<b>CONTACT:</b>	<b>Office: D476 LA (contract instructors' office)</b>
	<b>Office Hrs: I am available to discuss course-related issues with you. Please email me and I will arrange to time to meet with you.</b>
	<b>Email: <a href="mailto:jshiga@connect.carleton.ca">jshiga@connect.carleton.ca</a></b>

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"Students with disabilities requiring academic accommodations in this course must contact a coordinator at the Paul Menton Centre for Students with Disabilities to complete the necessary Letters of Accommodation. After registering with the PMC, make an appointment to meet and discuss your needs with me in order to make the necessary arrangements as early in the term as possible, but no later than two weeks before the first assignment is due or the first test requiring accommodations. For further information, please see: [http://www.carleton.ca/pmc/students/accom\\_policy.html](http://www.carleton.ca/pmc/students/accom_policy.html) . If you require accommodation for your formally scheduled exam(s) in this course, please submit your request for accommodation to PMC by **March 12, 2010 for April examinations**.

For Religious and Pregnancy accommodations, please contact Equity Services, x. 5622 or their website: [www.carleton.ca/equity](http://www.carleton.ca/equity)

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**COURSE DESCRIPTION**

From transgenic organisms to file-sharing networks to electronic implants, information technologies challenge traditional modes of regulating communication, culture and biological life and open new possibilities for control. This course introduces students to information jurisprudence, emphasizing the interrelations between law, technology and other forms of knowledge, action and regulation. The primary aim of this course is to develop students' capacity to critically engage with constructions of the information society in legal and regulatory discourses. Students will be introduced to a variety of theoretical frameworks for conceptualizing and analyzing law and the social relations of information technology. We will explore competing definitions and perspectives of the information society articulated in disputes about access, ownership, surveillance, censorship, security, privacy, and expression.

**REQUIRED TEXTS**

Most required texts are available online via the course's WebCT site or the Library's website. Required texts which are not available online will be placed on reserve at the MacOdrum Library and the Chet Mitchell library in the Loeb building.

## **EVALUATION**

(All components must be completed in order to get a passing grade)

### **1. Participation: 20%**

Your participation grade will be based on attendance, in-class discussions and activities, and contributions to WebCT discussion. Detailed instructions will be provided in class.

### **2. Midterm exam: 25%**

The midterm will be written in-class on February 5. It will cover material from the readings and lectures. More detailed information will be provided in class.

### **3. Group presentation: 20%**

At the beginning of term, each student will sign up for a group presentation topic. Students will prepare and deliver a presentation with their group in class. Groups should also submit a one-page typed summary for the instructor. The presentation must be given in class on the day for which the group has signed up. Detailed instructions will be provided in class.

### **4. Final essay: 35%**

Each student will prepare a final paper due on March 26. Your essay should be 10-12 pages including a bibliography. Detailed instructions will be provided in class.

## **SCHEDULE**

### **Jan 8 Introduction**

### **Jan 15 Mapping the field**

Boyle, James. (1996). "The Information Society," "Four Puzzles," and "The Public and Private Realms." In *Shamans, Software, and Spleens: Law and the Construction of the Information Society* (pp. 1-34). Cambridge, MA: Harvard. [On reserve]  
Lessig, Lawrence. (2006). "What things regulate." In *Code Version 2.0* (pp. 120-137). New York, NY: Basic Books. [WebCT]

### **Jan 22 Filtering content, regulating expression**

Zittrain, Jonathan and Palfrey, John. (2008). "Internet Filtering: The Politics and Mechanisms of Control." In R. Deibert, J. Palfrey, R. Rohozinski and J. Zittrain (Eds.), *Access Denied: The Practice and Policy of Global Internet Filtering* (pp. 29-56). Cambridge, MA: The MIT Press. [WebCT]  
O'Keefe, Kevin and Seltzer, Wendy. (n.d.). "United States and Canada (regional overview)." Retrieved from OpenNet Initiative website, <http://opennet.net/research/regions/namerica>

Have a look at ONI's filtering maps: <http://opennet.net/research/map>

**Jan 29 Privacy, commerce and surveillance**

- Cameron, Alex. (2009). "Learning from Data Protection Law at the Nexus of Copyright and Privacy." In I. Kerr (Ed.), *Lessons from the Identity Trail: Anonymity, Privacy and Identity in a Networked Society* (pp. 43-63). Oxford: Oxford University Press. [WebCT]
- Campbell, John Edward and Carlson, Matt. (2002). "Panopticon.com: Online Surveillance and the Commodification of Privacy." *Journal of Broadcasting and Electronic Media*, 46(4), 586-606. [WebCT]
- CBC News. (2009, July 16). "Facebook Breaches Canadian Privacy Law: Commissioner." Retrieved from <http://www.cbc.ca/technology/story/2009/07/16/facebook-privacy-commissioner.html>

**Feb 5 Hackers, hacktivists and cybercriminals**

- Thomas, Douglas. (1998). "Criminality on the Electronic Frontier: Corporality and the Judicial Construction of the Hacker." *Information, Communication & Society*, 1(4), 382-400. [WebCT]
- Genosko, Gary. (2006). "The Case of 'Mafiaboy' and the Rhetorical Limits of Hacktivism." *Fibreculture*, 9, Retrieved from [http://journal.fibreculture.org/issue9/issue9\\_genosko.html](http://journal.fibreculture.org/issue9/issue9_genosko.html)

**Feb 12 MIDTERM (in-class)****Feb 19 READING WEEK – NO CLASS****Feb 26 Code as object and agent of regulation**

- Lessig, Lawrence. (2006). "Code is law" and "Four Puzzles from Cyberspace." In *Code Version 2.0* (pp. 1-30). New York, NY: Basic Books. [WebCT]
- Geist, Michael. (2003). "Cyberlaw 2.0." *Boston College Law Review*, 44, pp. 545-575. [WebCT]

**Mar 5 Artificial intelligence in ecommerce law**

- Hamilton, Sheryl N. (2009). "Machine intelligence: Computers as posthuman persons." In *Impersonations: Troubling the person in law and culture* (p. 143-183). Toronto: University of Toronto Press. [On Reserve]
- Hayles, N. Katherine. (1999). "Narratives of Artificial Life." In *How We Became Posthuman: Virtual Bodies in Cybernetics, Literature and Informatics* (pp. 222-246). Chicago: University of Chicago Press. [On Reserve]

Guest lecturer: Prof. Sheryl Hamilton

**Mar 12 Copyright, authorship and freedom of expression**

- Sanjek, David. (2006). "Ridiculing the 'White Bread Original': The Politics of Parody and Preservation of Greatness in Luther Campbell a.k.a. Luke Skywalker et al. v. Acuff-Rose Music, Inc." *Cultural Studies*, 20(2-3), 262-281. [WebCT]
- McLeod, Kembrew. (2005). "Confessions of an Intellectual (Property): Danger Mouse, Mickey Mouse, Sonny Bono, and my Long and Winding Path as a Copyright Activist-Academic." *Popular music and Society*, 28(1), 79-93. [WebCT]

**Mar 19 Piracy networks**

- Gaines, Jane. (2006). "Early Cinema, Heyday of Copying: The Too Many Copies of *L'arroseur arrose* (*The Waterer Watered*)." *Cultural Studies*, 20(2-3), 227-244. [WebCT]
- Geist, Michael. (2009). "Piercing the peer-to-peer myths: An examination of the Canadian experience." *First Monday*, 10(4), n.p. Retrieved from <http://firstmonday.org/htbin/cgiwrap/bin/ojs/index.php/fm/article/view/1217/1137>

**Mar 26 Digital and genetic identification****ESSAYS DUE TODAY**

Kerr, Ian. (2009). "Reflections on the Future Regulation of Human-Implantable Radio Frequency Identification." In I. Kerr (Ed.), *Lessons from the Identity Trail: Anonymity, Privacy and Identity in a Networked Society* (pp. 335-357). Oxford: Oxford University Press. [WebCT]

Nelkin, Dorothy and Andrews, Lori. (2002). "Surveillance Creep in the Genetic Age." In D. Lyon (Ed.), *Surveillance as Social Sorting: Privacy, Risk, and Digital Discrimination* (pp. 94-110). New York, NY: Routledge. [MyLibrary]

**Apr 2 GOOD FRIDAY – NO CLASS****Apr 5 Bioinformational networks; Wrap-up**

Elliott, Charlene. (2006). "Unlabelled: Law, Language, and Genetically Modified Foods in Canada." *Canadian Journal of Communication*, 31(1), n.p. Retrieved from <http://www.cjc-online.ca/index.php/journal/article/viewArticle/1674/1812>