Carleton University   **Department of Law and Legal Studies**

Course Outline

COURSE:		LAWS 3501A – Law in the Information Society
TERM:		Winter 2021
PREREQUISITES:		1.0 Credits in LAWS at the 2000 Level
CLASS:	**Day & Time:**	Please check Carleton Central for current Class Schedule.
	Room:	All Courses in the Winter 2021 term are offered online. *Asynchronous course using prerecorded lecture videos* with recurring office hours (additional office hours may be arranged by appointment)
INSTRUCTOR:		**Meg D. Lonergan**
CONTACT:	**Office Hours:**	Office hours will be held on Fridays at 2:30pm-4pm or by appointment
	Email:	**Meganlonergan@cmail.carleton.ca**

Calendar course description

Legal responses to challenges of the information society. Topics may include privacy, surveillance and monitoring, access to information, freedom of expression, control of objectionable content, Charter and human rights issues, and security.

Course description

The idea that we live in an information society correlates with the development and increasing ubiquity of communication technologies, the economic and social importance of information, and the angst-ridden debates about what to do about issues such as privacy, surveillance, and controlling Internet content, etc. The Internet has given rise to a new set of possibilities and concerns, or raised old concerns to a new level because of its power to facilitate cheap, virtually instantaneous, and global communications.

This course will focus on privacy, surveillance, and the regulation of Internet content. It will assess the potential of new technologies for realizing goals such as greater equality, maximizing expressive freedom and promoting democratic participation, as well as address the fear that law will be unable to control the bad things made possible by Internet

communications. Some questions to be considered throughout the course include:
What role can and should law play in the regulation of the Internet and Internet activity?
How does law interact with other regulatory mechanisms that have a significant impact shaping the Internet and practices in Internet communications? How can privacy, surveillance, and undesirable Internet activity be regulated in a globalized environment? How is Canada addressing Internet regulatory and governance issues?

This course is online course where the instructor and students share information, ideas, and learning experiences in a virtual course space. Asynchronous courses do not have live, scheduled meetings online. However, students are expected to remain up to date with the deadlines and due dates provided by the instructor. These courses require high-speed Internet access and a computer.

Learning objectives

- Identify characteristics of the information society that pose challenges for law
- Critically engage with ideas and debates about the internet, censorship, freedom, crime, governance, and policing
- Develop an understanding of the legal framework governing the information society and the interaction of law and information society
- Develop abilities to critically analyze scholarly literature
- Synthesize information and present it in an accessible way (via internet meme culture)
- Improve skills in assessing legal, regulatory and governance policy options
- Refine research and analytical writing skills

This course will include readings and discussions of content and issues which some people may find upsetting or difficult, including child pornography, violence, and sexual assault.

Required texts

All required readings will be made available on the course CU Learn page under the week that they should be reviewed for.

Supplementary texts

While the following texts are not required for the course, they are useful resources for developing your writing craft and useful resources that students often find themselves referring to over their academic and professional careers. Any edition of these texts is a good resource (I have merely provided the reference for the editions in my own library) and used copies are widely available at libraries, second-hand book shops, and other major book retailers.

Graff, Gerald & Birkenstein, Cathy. (2014). *They say/I say: The moves that matter in academic writing.* (3rd ed.). New York: W. W. Norton & Company.

Strunk, William Jr. & White, E. B. (2000). *The elements of style* (4th ed.). New York: Longman.

Evaluation

Standing in a course is determined by the course instructor subject to the approval of the department and of the faculty dean. This means that grades submitted by the instructor may be subject to revision. No grades are final until they have been approved by the department and the dean.

- **What Does This Reading Meme? (10% each, 2 total) – Both due <u>before</u> February 12th**

- **Podcast/Vlog (20%)— Due March 5th by midnight (EST)**

- **Final Paper Proposal (20%)—Due March 26th by midnight (EST)**

- **Final Paper (40%)—Due April 14th by midnight (EST)**

Assignment #1

What Does This Reading Meme?

Choose a reading from a week in the course and create a meme that reflects the thesis of the article. Two of these assignments are to be completed <u>before February 12th</u> and are each worth 10% of your total grade. They may be done on any two readings not from the same week/topic.

Memes will be evaluated by your instructor based on originality, effective communication of the thesis/main argument of the article, engagement with the text, and the overall quality of the meme produced.

This assignment will help students think about deeply about and identify the thesis in a reading and creatively represent the main argument via a popular form of digital communication on the internet.

Assignment #2

Podcast/Vlog

Choose a week from the course that is on a topic you are particularly interested in or that you do not know much about. You have the option between creating a 10-minute podcast or a 10-minute vlog based on the lectures and readings from that week. You should teach your audience (1) what you have learned about the topic; (2) summarize the readings from that week; (3) relate your chosen topics to other weeks in the course; and (4) highlight a question you have about the topic or something you would like to know more about on the subject.

Podcasts and vlogs will be evaluated based on their engagement with the course materials and demonstrated understanding of the key arguments, concepts, and themes, as well as inclusion of the 4 outlined components.

This assignment will have students engage in creative and increasingly mainstream means of communicating in the information society, while demonstrating engagement and understanding of the

course materials and broader themes.

Podcasts and vlogs can either be uploaded via CULearn or a hyperlink may be provided to a public platform such as YouTube if the student would like to share their work with their peers. Making this assignment public is not a requirement of the assignment but can be a fun way to foster a sense of community amongst students in the course. This assignment is due by midnight on March 5th.

Assignment #3

Final Paper Proposal

This assignment will help to set you up for success on your final paper. **You must submit a paper proposal to submit the final paper.**

What is a topic from the course you were particularly interested in? Do you have any questions that have not been answered (or better yet, that you raised and were told by your T.A. or instructor would be a good research question or argument for your final paper)? If you do not have a question, can you think of one? Is there an argument you want to make and need to find support for?

In this assignment you will identify your proposed topic for your final paper. You may choose any topic related to Law in the Information Society (the onus is on you to demonstrate that relevance).

This assignment should be 5 pages, double spaced, 12 Times New Roman Font with 1-inch page margins. The preferred citation style is APA or ASA, but McGill is also acceptable. Title pages and works cited pages do not count towards page counts for any assignments.

In this assignment you must:
- provide your research question or identify your thesis
- identify 3 or 4 arguments that support your thesis
- identify a minimum of 5 articles from any weeks in the course that are related to your proposed topic and explain how they are relevant/how you think you might incorporate them into your paper
- identify 5 additional academic sources you will likely incorporate into your final paper

This assignment will force you to think about your final paper topic well in advance of the due date and begin researching available literature on the topic. This assignment will provide an opportunity for your T.A. and instructor to intervene if your topic is inappropriate or not doable for the final paper before you start working on/hand in your final paper. This assignment will help set you up for success on the final paper if you incorporate the advice and feedback given on the proposal assignment.

Your paper proposal will be evaluated based on the above mentioned required components; the appropriateness of the proposed topic; the relevance of both course articles and additional academic articles; the quality and clarity of the proposed topic and arguments; writing style and proper citations. This assignment is due by midnight March 26th.

Assignment #4

Final Research Paper

There is no final exam for this course; the final research paper is taking the place of a final examination.

Based on the feedback you received on your paper proposal, you will write a final research paper on the topic you identified.

In this assignment you must:
- provide your research question or identify your thesis
- have a minimum of 3 or 4 arguments that support your thesis
- incorporate a minimum of 5 articles from any weeks in the course that are related to your proposed topic
- incorporate a minimum of 5 additional academic sources

This assignment should be 12 pages, double spaced, 12 Times New Roman Font with 1-inch page margins. The preferred citation style is APA or ASA, but McGill is also acceptable. Title pages and works cited pages do not count towards page counts for any assignments and are required for all assignments.

Your final research paper will be evaluated based on the relevance of your topic to the course; your demonstrated engagement and understanding of course materials and themes; incorporation of feedback given on the proposal assignment; inclusion of required components; and overall quality of arguments and stylistic components.

The final research paper is an opportunity for students to deeply explore an area related to Law in the Information Society and further develop their academic writing and research skills. The final paper is due by midnight April 14th.

Appealing Grades

Grading of assignments will include an evaluation of the content as it reflects students' knowledge of, and ability to discuss, information and ideas presented in this course. Grading will also take matters of spelling, grammar, punctuation, proper citation, and clarity of expression into account.

To appeal a grade **please wait 48 hours after receiving feedback** on the assignment to reflect on the justification given. Emails sent before the 48-hour period may not receive a response. After the 48-hour period please send your T.A. a detailed explanation of where on the assignment you believe you deserved a different mark and why based on the assignment guidelines. If after appealing to the T.A. you are still unclear or unhappy about your grade you can the contact the instructor.

Late penalties and requests for extensions

A late penalty of 5% per day will be applied to assignments up to 1 week late. Assignments handed in more than 1 week beyond the deadline will be awarded a zero.

Please contact your instructor via email as far in advance as possible (or as soon as possible) if you will not meet an assignment deadline to make alternative arrangements.

The granting of extensions is determined by the instructor who will confirm whether an extension is granted and the length of the extension. For requests for extensions lasting less than 7 days, please complete the form at the following link and submit it to the instructor **prior** to the assignment due date: https://carleton.ca/registrar/wp-content/uploads/self-declaration.pdf.

Extensions for longer than 7 days will normally not be granted. In those extraordinary cases where extensions lasting longer than 7 days are granted, the student will be required to provide additional information to justify the longer extension (up to a maximum of 14 days).

Schedule

The time zone that will be used for the purposes of all assignment submissions, synchronous class activities and so on will be Eastern Standard Time. If you are not in that time zone, you should make the appropriate adjustments to the times specified in the outline.

Dates to Note:
January 11th, 2021	Classes Begin
February 15-19th, 2021	Winter Break
April 14th, 2021	Winter Term Ends
April 16th – 27th, 2021	Formally Scheduled Final Exams

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January 11th
Introduction to LAWS 3501A Law in the Information Society/Freedom of Expression
- Lowe, D. (2020). Far-right extremism: Is it legitimate freedom of expression, hate crime, or terrorism? *Terrorism and Political Violence,* 32(3), 1-21.

- Cossman, B. (2018). Gender identity, gender pronouns, and freedom of expression: Bill C-16 and the taction of specious legal claims. *The University of Toronto Law Journal,* 68(1), 37-79.

- Sale, C. (2016). 'By whose definition?': The University of Saskatchewan's firing of a dean and the textual battle to define academic freedom in Canada. *Journal of Historical Sociology,* 29(1), 23-41.

January 18th
Copyright & Intellectual Property
- Documentary: *Feels Good Man* (2020) [92 minutes]

- Reynolds, G. (2016). The limits of statutory interpretation: Towards explicit engagement by the Supreme Court of Canada with the Charter Right to freedom of expression in the context of copyright. *Queen's Law Journal*, 41, 455-500.

January 25th
Censorship
- Covell, T. (2020). Government versus industry self-regulation: Film classification in Canada and the United States. *Canadian Studies,* 54(1), 72-107.

- Newman, S. L. (2017). Finding the harm in hate speech: An argument against censorship. *Canadian Journal of Political Science,* 50(3), 679-697.

- Watson, T. (2015). Research access barriers as reputational risk management: A case study of censorship in corrections. *Canadian Journal of Criminology,* 57, 330-362.

February 1st
Obscenity
- Gillespie, A. A. (2018). Child pornography. *Information & Communications Technology Law,* 27(1), 30-54.

- Mowatt, R. A. (2018). Black lives as snuff: The silent complicity in viewing black death. *Biography*, 41(4), 777-806.

- Lonergan, M. (2020). Hard-on of darkness: Gore and shock websites as the dark tourism of digital space. *Porn Studies,* 1-5.

February 8th
Privacy
- Osucha, E. (2009). The whiteness of privacy: Race, media, law. *Camera Obscura,* 24(1), 67-107.

- Altemimei, D. (2013). Prostitution and the right to privacy: A comparative analysis of current law in the United States and Canada. *University of Illinois Law Review,* 2, 625-660.

- Trites, A. (2019). Black box ethics: How algorithmic decision-making is changing how we view society and people: Advocating for the right for explanation and the right to be forgotten in Canada. *Global Media Journal—Canadian Edition,* 11(2), 18-30.

February 15th to 19th Reading Week

February 22nd
Cybercrimes
- Levin, A. & Goodrick, P. (2013). From cybercrime to cyberwar? The international policy shift and its implications for Canada? *Canadian Foreign Policy Journal,* 19(2), 127-143.

- Holt, T. J., Brewer, R., and Goldsmith, A. (2019). Digital drift and the 'sense of injustice': Counter-productive policing of youth cybercrimes. *Deviant Behavior,* 40(9), 1144-1156.

- Henry, N. & Powell, A. (2016). Sexual violence in the digital age: The scope and limits of criminal law. *Social & Legal Studies,* 25(4), 397-418.

March 1st
Digital Economies & Cryptocurrency
- Barone, R. (2019). Cryptocurrency or usury? Crime and alternative money laundering techniques.

European Journal of Law and Economics, 47, 233-254.

- Nabilou, H. (2019). How to regulate bitcoin? Decentralized regulation for a decentralized cryptocurrency. *International Journal of Law and Information Technology,* 27, 266-291.

- Alcantara, C. & Dick, C. (2017). Decolonization in a digital age: Cryptocurrencies and indigenous self-determination in Canada. *Canadian Journal of Law and Society,* 32(1), 19-35.

March 8th
Policing in the Information Society
- Brown, G. (2015) "The Blue Line on Thin Ice: Police Use of Force Modifications in the Era of Cameraphones and YouTube." *British Journal of Criminology*, 56, 293-312.

- Dodge, A. & Spencer, D., Ricciardelli, R., & Balluci, D. (2019). 'This isn't your father's police force': Digital evidence in sexual assault investigations. *Australian & New Zealand Journal of Criminology*, 52(4), 499-515.

- Karaian, L. (2014). Policing 'sexting': Responsibilization, respectability and sexual subjectivity in child protection/crime prevention responses to teenagers' digital sexual expression. *Theoretical Criminology*, 18(3), 282-299.

March 15th
Social Media & Internet Cultures
- Davis, S. & Santillana, M. (2019). From the streets to the screen to nowhere: Las Morras and the fragility of networked digital activism. *Westminster Papers in Communication and Culture,* 14(1), 18-32.

- Phillips, W. (2019). It wasn't just the trolls: Early internet culture, 'fun,' and the fires of exclusionary laughter. *Social Media + Society,* 1-4.

- Massanari, A. (2017). #Gamergate and the fappening: How Reddit's algorithm, governance, and culture support toxic technocultures. *new media & society,* 19(3), 329-346.

March 22nd
Law, Simulation & Cyborgs
- LaMonaca, J. P. (2020). A break from reality: Modernizing authentication standards for digital video evidence in the era of deepfakes. *The American University Law Review,* 69(6), 1945-1988.

- Hadzi, A. (2019). Social justice and artificial intelligence. *Body, Space & Technology,* 18(1), 145-174.

- van der Wagen, W. (2015) From cybercrime to cyborg crime: Botnets as hybrid criminal actor-networks. *British Journal of Criminology,* 55, 578-595.

March 29th
Fake news/Post-truth?
- McGonagle, T. (2017). 'Fake news': False fears or real concerns? *Netherlands Quarterly of Human Rights,* 35(4), 203-209.

- Blair, V. & McStay, A. (2018). Fake news and the economy of emotions: Problems, causes, solutions. *Digital Journalism,* 6(2), 154-175.

- Savino, E. M. (2017). Fake news: No one is liable and that is a problem. *Buffalo Law Review,* 65(5), 1101-1168.

April 5th
Paper Writing Workshop & Consultation

April 14th
Final Paper Due by Midnight

<u>Academic accommodations</u>

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows: https://carleton.ca/equity/wp-content/uploads/student-guide-to-academic-accommodation.pdf

<u>Pregnancy obligation</u>
Please contact me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details, visit the Department of Equity and Inclusive Communities EIC): https://carleton.ca/equity/

<u>Religious obligation</u>
Write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details, visit the Department of Equity and Inclusive Communities (EIC): https://carleton.ca/equity/

<u>Academic accommodations for students with disabilities</u>
If you have a documented disability requiring academic accommodations in this course, please contact the Paul Menton Centre (PMC) at 613-520-6608 or pmc@carleton.ca for a formal evaluation. If you are already registered with the PMC, contact your PMC coordinator to send me your letter of accommodation at the beginning of the term, and no later than two weeks before the first in-class scheduled test or exam requiring accommodation (if applicable). After requesting accommodation from PMC, meet with me as soon as possible to ensure accommodation arrangements are made. Please consult the PMC website for their deadline to request accommodations for the formally-scheduled exam (if applicable) https://carleton.ca/pmc

<u>Plagiarism</u>
Plagiarism is presenting, whether intentional or not, the ideas, expression of ideas or work of others as one's own. Plagiarism includes reproducing or paraphrasing portions of someone else's published or unpublished material, regardless of the source, and presenting these as one's own without proper citation or reference to the original source. Examples of sources from which the ideas, expressions of ideas or works of others may be drawn from include but are not limited to: books, articles, papers, literary compositions and phrases, performance compositions, chemical compounds, art works, laboratory reports, research results, calculations and the results of calculations, diagrams, constructions, computer reports, computer code/software, and material on the internet. Plagiarism is a serious offence.

More information on the university's academic integrity policy can be found at:
https://carleton.ca/registrar/academic-integrity/

Survivors of sexual violence
As a community, Carleton University is committed to maintaining a positive learning, working, and living environment where sexual violence will not be tolerated, and survivors are supported through academic accommodations as per Carleton's sexual violence policy. For more information about the services available at the university and to obtain information about sexual violence and/or support, visit:
https://carleton.ca/studentsupport/svpolicy/

Accommodation for student activities
Carleton university recognizes the substantial benefits, both to the individual student and for the university, that result from a student participating in activities beyond the classroom experience. Reasonable accommodation must be provided to students who compete or perform at the national or international level. Please contact your instructor with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist.
Https://carleton.ca/senate/wp-content/uploads/accommodation-for-student-activities-1.pdf

For more information on academic accommodation, please contact the departmental administrator or visit: https://students.carleton.ca/services/accommodation/

Department policy

The Department of Law and Legal Studies operates in association with certain policies and procedures. Please review these documents to ensure that your practices meet our department's expectations:
https://carleton.ca/law/current-students/

Intellectual property & copyright

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Third party copyrighted materials (such as book chapters, journal articles, music, videos, etc.) Have either been licensed for use in this course or fall under an exception or limitation in Canadian copyright law.

Statement of student conduct online

All students are expected to contribute towards an engaging, inclusive, and safe learning environment. During all class-related activities, whether synchronous or asynchronous, students are expected to engage in respectful and courteous communication. In accordance with the student rights and responsibilities policy, discrimination and harassment will not be tolerated. It is a violation of course policy to cut and paste, screen shot, share course content, or post the words of your classmates, ta, or instructor outside of class without permission. All work submitted in this course must be uniquely your own. When submitting assignments and/or completing exams, you are expected to articulate responses in your own words rather than cutting and pasting from course materials without permission, which is a form of plagiarism.

Additional student support

The Centre for Student Academic Support (CSAS) is a centralized collection of learning support services designed to help students achieve their goals and improve their learning both inside and outside the classroom. CSAS offers academic assistance with course content, academic writing, and skills development. Visit CSAS on the 4th floor of MacOdrum library or online at carleton.ca/csas.