

Course Outline

COURSE:	LAWS 3501 A – Law and the Information Society
TERM:	Fall 2023
PREREQUISITES:	1.0 credit in LAWS at the 2000 level.
CLASS:	Day & Time: Thursday 11:35am – 2:25pm
	Room: Please check Carleton Central for current Class Schedule
INSTRUCTOR:	Dr. Michael Christensen
CONTACT:	Office: C476 Loeb Building
	Office Hrs: Tuesdays 3:00pm – 4:00pm
	Telephone: 613-520-2600 #3608
	Email: Michael.christensen@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

This course explores some of the social, political and legal challenges that have emerged with the rise of our contemporary information society. As more social and political processes are moved online or become guided by algorithms processing ever greater amounts of personal data, scholars have been forced to rethink the basic legal principles related to privacy, inequality, identity, public speech, and political autonomy. While levels of online engagement vary, the lives of all Canadians are increasingly shaped by data and information regimes that regulate the criminal justice system, the financial sector, education, and other areas of Canadian civil society.

The key learning objectives of the course will put students in a better position to understand contemporary and future issues within legal studies. Firstly, students will learn basic facts about the actors, systems and platforms that collect and use personal data. Understanding how these systems work is a step towards developing a critical analysis of big data and algorithmic regulation, as well as debates about future applications of artificial intelligence and machine learning. Secondly, students will become familiar with the scholarly literature that has uncovered and challenged the actions of governments, large media companies and fringe political actors that have exploited the lax regulation of personal data to anti-democratic ends. Thirdly, students will learn to engage in these debates by completing assignments that ask students to collect and analyze social media data, and to write a critical research paper about a contemporary legal issue related to challenges posed by the emerging information society.

REQUIRED TEXTS

All readings will be posted on Brightspace

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.

<u>Assignment</u>	<u>Description</u>	<u>Due Date</u>	<u>Weight</u>
Reading Quizzes	Completed online each week	BEFORE each lecture	10%
Reading Commentary	3-5 pages	October 5	10%
Social Media Group Project	5-7 pages	November 2	20%
Critical Research Paper	10-12 pages	December 7	30%
Final Exam	On lectures AND readings	TBD	30%

COURSE COMPONENTS*Reading Quizzes (10%)*

Reading is extremely important in this course and as such, students are expected to do all of the weekly required readings **BEFORE** each class. To help encourage weekly reading, students are required to complete a short quiz on the week's assigned readings. Quizzes will be posted on Brightspace and will open on Thursdays at 2:30pm and close the following week on Thursdays at 11:30am. There will be a quiz each week, excluding the first class for a total of 12 quizzes. Missed quizzes cannot be made up but the lowest two quiz scores will be dropped (10 quizzes, worth 1 point each = 10%). Quizzes will be composed of multiple choice or true/false questions and you must get at least 50% of the questions on each quiz correct in order to get full credit. Please ensure that you have a secure and reliable internet connection when completing the quizzes as they will be timed.

Reading Commentary (10%)

Students are required to write a reading commentary meant to develop their critical reading skills. Students may select any one of the weekly readings required for the course to use for this assignment. Commentaries should be **3-5 pages** (12-point font, double-spaced with appropriate margins), and should follow the questions listed on the assignment sheet (instructions will be posted on Brightspace). Reading Commentaries will be due on **October 5**.

Social Media Analysis Group Project (20%)

The goal of this exercise is to provide students with some practical experience organizing and conducting a content analysis of social media data. For this exercise, you will be using the Commanalytic web software to collect data from social media platforms. This will be a group project and your group will write a report based on your analysis. Groups should be small, ideally 2-3 people and no more than 4 people. The paper should be **5-7 pages** (12-point font, double-spaced with appropriate margins), and should follow the instructions outlined in the assignment sheet (instructions will be posted on Brightspace). Groups will also give a short presentation on the day the papers are due (**November 2**).

Critical Research Paper (30%)

To help students apply what they learn about law and the information society, they will be required to write a critical research paper on a topic related to big data, algorithms, AI, social media, privacy or another topic related

to the course content. The paper should be **10-12 pages** (12-point font, double-spaced with appropriate margins), and should follow the instructions outlined in the assignment sheet (instructions will be posted on Brightspace). The papers will be due on **December 7**.

Final Exam (30%)

There will be a final exam on the content covered in class and in the readings. The exam will be held during the final exam period in December and will be a proctored exam. The date, time and location of the exam will be provided by Scheduling and Exam Services sometime in October.

LATE PENALTIES AND REQUESTS FOR EXTENSIONS

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 may be required to provide additional information to justify the longer extension (up to a maximum of 14 days).

Late assignments will only be accepted in consultation with the TA and instructor. As soon as you know that you will not be able to turn in an assignment on time, please contact me or your TA. All other late assignments will be assessed with a standard late penalty of 5% per day.

***Important: all assignments should be submitted via Brightspace. It is your responsibility to upload assignments BEFORE the deadline and in readable formats that are compatible with the Brightspace system (e.g. PDF, .docx, etc.).

SCHEDULE

September 7: Course Introduction and Syllabus Review

- No readings due

September 14: The World of Data and Algorithms

- O’Neil, Cathy (2016) *Weapons of Math Destruction: How Big Data Increases Inequality and Threatens Democracy*. New York: Crown. Pgs. 1-31.
- Suzor, Nicolas (2019) *Lawless: The Secret Rules that Govern our Digital Lives*. Cambridge; New York: Cambridge University Press. Pgs. 88-102.

September 21: Inequality and Information Online

- Noble, Safiya Umoja (2018) *Algorithms of Oppression: How Search Engines Reinforce Racism*. New York: New York University Press. Pgs. 15-63.

September 28: The Architecture of Social Media and its Regulation

- Helmond, Anne (2015) “The Platformization of the Web: Making Web Data Platform Ready.” *Social Media + Society*. 1(2). Pgs. 1-11.
- van Dijck, Jose., & Thomas Poell (2013) “Understanding Social Media Logic.” *Media and Communication*, 1(1). Pgs. 2-14.

- **Optional content:** Law Bytes (Michael Geist's Podcast) #174, July 17, 2023: <https://law-bytes.castos.com/episodes/episode-174-chris-waddell-on-the-missing-context-for-bill-c-18-and-the-challenges-faced-by-canadian-media>

October 5: Legal Gray Areas of Internet Culture: Trolling and Online Harassment

- Phillips, Whitney (2015) *This Is Why We Can't Have Nice Things*. Cambridge, MA: MIT Press. Pgs. 1-36.
- Citron, Danielle (2015) "Addressing Cyber Harassment: An Overview of Hate Crimes in Cyberspace." *Journal of Law, Technology, & the Internet*. 6(1). Pgs. 1-11.

October 12: Social Media and the Global Politics of Information (and Disinformation)

- Vaidhyathan, Siva (2018) *Antisocial Media: How Facebook Disconnects Us and Undermines Democracy*. Oxford & New York: Oxford University Press. Pgs. 175-195.
- Tufekci, Zeynep (2017) *Twitter and Tear Gas: The Power and Fragility of Networked Protest*. London & New Haven: Yale University Press. Pgs. 223-259.

October 19: What is AI?

- Marcus, Gary, and Ernest Davis (2020) *Rebooting AI: Building Artificial Intelligence We Can Trust*. Knopf Doubleday Publishing Group. Chapter 3, pgs. 41-66.
- Heikkila, Melissa (2022) "This artist is dominating AI-generated art. And he's not happy about it." *MIT Technology Review*: <https://www.technologyreview.com/2022/09/16/1059598/this-artist-is-dominating-ai-generated-art-and-hes-not-happy-about-it/>
- **Optional Content:** Hard Fork podcast. February 17, 2023. "The Bing Who Loved Me, and Elon Rewrites the Algorithm.": <https://www.nytimes.com/2023/02/17/podcasts/hard-fork-bing-ai-elon.html>

October 26: No Class (Fall Break)

November 2: Do AI Solutions Increase Inequality?

- Eubanks, Virginia (2017) *Automating Inequality: How High-Tech Tools Profile, Police and Punish the Poor*. New York: St. Martin's Press. Pgs. 1-38
- Brown, Simone (2012) "Race and Surveillance" in Bell et al. *Routledge Handbook of Surveillance Studies*. New York: Routledge. Pgs. 72-79.

November 9: Big Data Approaches to Law and Order

- Ferguson, Andrew Guthrie (2017) *The Rise of Big Data Policing: Surveillance, Race, and the Future of Law Enforcement*. New York: New York University Press. Pgs. 62-83
- Angwin, Julia, Jeff Larson, Surya Mattu & Lauren Kirchner (2016) "Machine Bias" (a ProPublica report): <https://www.propublica.org/article/machine-bias-risk-assessments-in-criminal-sentencing>

November 16: Fintech and the rise of Cryptocurrencies

- Henshaw, Alexis. 2023. "'Women, Consider Crypto': Gender in the Virtual Economy of Decentralized Finance." *Politics & Gender* 19(2):560-84.
- Lowrey, Annie. 2023. "Is Crypto Dead?" *The Atlantic*: <https://www.theatlantic.com/ideas/archive/2023/06/crypto-down-or-it-dead/674442/>

November 23: The Gig Economy and the Automation of Work

- Cottom, Tressie McMillan (2020) "The Hustle Economy." *Dissent Magazine*, (Fall). Retrieved

from <https://www.dissentmagazine.org/article/the-hustle-economy/>

- Pasquale, Frank (2020) *New Laws of Robotics*. Harvard University Press. Chapter 1, Pgs. 1-32.
- Kaplan, J. (2016). *Artificial Intelligence: What Everyone Needs to Know*. Oxford University Press. Chapter 5, pgs. 89-112.

November 30: Data, Surveillance, and Control

- Liang, Fan, Vishnupriya Das, Nadiya Kostyuk, & Muzammil M. Hussain (2018) “Constructing a Data-Driven Society: China’s Social Credit System as a State Surveillance Infrastructure.” *Policy & Internet*. 10(4). Pgs. 415-438.
- Tapu, Ian Falefuafua, and Terina Kamaileauli’i Fa’agau. (2022) “A New Age Indigenous Instrument: Artificial Intelligence & Its Potential for (De)Colonialized Data.” *Harvard Civil Rights-Civil Liberties Law Review* 57(2):715–54. [READ SECTIONS III & IV, pgs. 734-753]

December 7 – Review Day

December 10-22 – Formally scheduled exam period

University and Departmental Policies

DEPARTMENT POLICIES AND REGULATIONS

Please review the following webpage to ensure that your practices meet our Department’s expectations, particularly regarding standard departmental protocols and academic integrity requirements:

<https://carleton.ca/law/student-experience-resources/>.

PLAGIARISM

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. The “works of others” in this sense also includes material generated by AI chatbots. **FOR EXAMPLE, USING TEXT GENERATED BY CHATGPT WITHOUT STATING YOU HAVE DONE SO IS PLAGIARISM.** Plagiarism is a serious offence. More information on the University’s Academic Integrity Policy can be found at: <https://carleton.ca/registrar/academic-integrity/>.

ACADEMIC ACCOMMODATIONS

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows:

Pregnancy Obligation

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 accommodation regarding a formally-scheduled final exam, you must complete the [Pregnancy Accommodation Form](#).

Religious Obligation

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 [click here](#).

Academic Accommodations for Students with Disabilities

[The Paul Menton Centre for Students with Disabilities](#) (PMC) provides services to students with Learning Disabilities (LD), psychiatric/mental health disabilities, Attention Deficit Hyperactivity Disorder (ADHD), Autism Spectrum Disorders (ASD), chronic medical conditions, and impairments in mobility, hearing, and vision. If you have a disability requiring academic accommodations in this course, please contact 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 to ensure accommodation arrangements are made. Please consult the PMC website for the deadline to request accommodations for the formally-scheduled exam (if applicable).

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 where 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/equity/sexual-assault-support-services>

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. Read more here: <https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf>.

For more information on academic accommodation, please visit: <https://students.carleton.ca/services/accommodation/>.