

Course Outline

COURSE:	LAWS 3501A– Law in the Information Society
TERM:	Winter 2022
PREREQUISITES:	1.0 Credits in LAWS at the 2000 Level
CLASS:	Day & Time: Room: Lectures will be available on Brightspace Tuesdays at 6:05pm.
INSTRUCTOR:	Meg D. Lonergan

Office Hours: *Office hours available by request and will be held via Zoom.*

Email: Megan.lonergan@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.

Course Assignments

Weekly Quizzes 30%

Quizzes will unlock on Tuesday at 7pm and close Monday at 6pm

- Best 10/12 quizzes will count towards your grade
- Quizzes will be on readings and lecture materials
- Missed quizzes cannot be made up

What Does This Article Meme? 4 at 10% each (40%)

- Students will submit one meme assignment every three weeks on one required reading of their choice
- The assignment will compose of a meme representing the main thesis of the chosen article and 1-page written component unpacking the relationship of the meme to the article
- The assignments must include a title page, the meme and written component, and a works cited page (citing the article with proper formatting at minimum)
- **The written components should be double-spaced, in size 12 Times New Roman Font, with standard 1 inch (2.54 margins), and must be submitted in .doc format**
- The written component should use in-text citations
- You can use meme generators (some will be posted on the Brightspace page)
- This assignment has been popular with previous students because it allows for a creative demonstration of understanding the content of an article and is relevant to contemporary internet culture

Meme 1 due by Friday, January 28th at midnight: Introduction to Law in the Information Society; Copyright and Intellectual Property; Data and Privacy

Meme 2 due by Friday, February 18th at midnight: The Internet; Algorithms and Biometrics; Digital Economies and Cryptocurrencies

Meme 3 due by Friday, March 18th at midnight: Cybersex; Cybercrime and Policing; Social Media

Meme 4 due by Friday April 8th at midnight: Simulation and the Artificial; Fantasy, Fiction, and Criminalization; Cyborgs and Posthumanism

Take-Home Exam: 30%

Due April 17th at midnight

- Students will prepare a research paper on one of four topics (to be released at the end of the course)
- The paper must use a minimum of 5 required readings from the course and an additional 3 academic sources
- The length of the submission should be 10 pages (not including title page and references)

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).

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>.

Winter 2022 Sessional Dates and University Closures	
<i>Please find a full list of important academic dates on the calendar website:</i> https://calendar.carleton.ca/academicyear/	
January 5, 2022	University Reopens.
January 10, 2022	Winter term classes begin.

January 31, 2022	Last day for withdrawal from winter term and winter portion of fall/winter courses with full fee adjustment. Withdrawals after this date will result in a permanent notation of WDN on the official transcript.
February 18, 2022	April examination schedule available online.
February 21, 2022	Statutory holiday. University closed.
February 22-25, 2022	Winter break, no classes.
March 29, 2022	Last day for summative tests or examinations, or formative tests or examinations totaling more than 15% of the final grade before the official examination period (see examination regulations in the Academic Regulations of the University section of the Undergraduate Calendar/General Regulations of the Graduate Calendar).
April 12, 2022	Winter Term Ends. Last day of fall/winter and winter term classes.
April 13, 2022	No classes or examinations take place.
April 14- 28, 2022	Final examinations in winter term and fall/winter courses may be held. Examinations are normally held all seven days of the week.
April 15, 2022	Statutory holiday. University closed.
April 28, 2022	All take home examinations are due on this day, with the exception of those conforming to the examination regulations in the Academic Regulations of the University section of the Undergraduate Calendar/General Regulations of the Graduate Calendar.

Course Schedule

Week 1: Introduction to Law in the Information Society

January 11th

Chun, Wendy Hui Kyong. (2008). On ‘sorcery,’ or code as fetish. *Configurations*, 16(3), 299-324.

Darlington, Joseph. (2018). Techno-wizardry and movie magic: The trace of labour (or lack thereof) in 3D digital animation. *Information, Communication & Society*, 21(9), 1246-1262.

Oster, Jan. (2021). Code is code and law is law—the law of digitization and the digitization of law. *International Journal of Law and Information Technology*, 29, 101-117.

Week 2: Copyright and Intellectual Property

January 18th

Callison, Camille., Owen, Victoria., and Nayyer, Kim. (2021). Engaging respectfully with Indigenous knowledges: Copyright, customary law, and cultural memory institutions in

Canada. *KULA: Knowledge Creation, Dissemination, and Preservation Studies*, 5(1), 1-15.

Lucchi, Nicola. (2007). The supremacy of techno-governance: Privatization of digital content and consumer protection in the globalized information society. *International Journal of Law and Information Technology*, 15(2), 192-225.

Sachdev, Rajeev. (2016). Towards an improved framework for trade-mark law and regulation in social media usernames: A study of the Canadian, U.S., and U.K. positions. *Intellectual Property Journal*, 28(3), 379-418.

Week 3: Data and Privacy

January 25th

O'Brien, Mark. (2008). Law, privacy and information technology: A sleepwalk through the surveillance society. *Information & Communications Technology Law*, 17(1), 25-36.

Osucha, Eden. (2009). The whiteness of privacy: Race, media, law. *Camera Obscura*, 24(1), 67-107.

Sriram, Nivedita. (2020). Dating data: LGBT dating apps, data privacy, and data security. *University of Illinois Journal of Law, Technology & Policy*, 2, 507-528.

Week 4: The Internet

February 1st

Milivojevic, Sanja., & Radulski, Elizabeth Marie. (2020). The 'future internet' and crime: Towards a criminology of the Internet of Things. *Current Issues in Criminal Justice*, 32(2), 193-207.

Mirea, Mihnea., Wang, Victoria., and Jung, Jeyong. (2019). The not so dark side of the darknet: A qualitative study. *Security Journal*, 32(2), 102-118.

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

Week 5: Algorithms & Biometrics

February 8th

Lee, YongJei., and O, SooHyuan. (2020). Flag and boost theories for hot spot forecasting: An application of NIJ's real-time crime forecasting algorithm using Colorado Springs crime data. *International Journal of Police Science & Management*, 22(1), 4-15.

Magnet, Shoshana. (2011). "Conclusion: Biometric failure and beyond," in *When biometrics fail: Gender, race, and the technology of identity*. Durham: Duke University Press, pp. 149-157.

Treleaven, Philip., Barnett, Jeremy., and Koshiyama, Adriano. (2019). Algorithms: Law and regulations. *Computer*, 52(2), 32-40.

Week 6: Digital Economies and Cryptocurrency

February 15th

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

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

Shade, Leslie Regan. (2014). Missing in action: Gender in Canada's digital economy agenda. *Signs*, 39(4), 887-896.

Week 7: Reading Week

(February 22nd to 25th)

Week 8: Cybersex

March 1st

Coopersmith, Jonathan. (2006). Does your mother know what you *really* do? The changing nature and image of computer-based pornography. *History and Technology*, 22(1), 1-25.

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.

Mendel, Jonathan., & Sharapov, Kiril. (2020). 'Stick them to the cross': Anti-trafficking apps and the production of ignorance. *Journal of Human Trafficking*, 1-17.

Week 9: Cybercrime & Policing

March 8th

Aucoin, Kaleigh E. (2018). The spider's parlor: Government malware on the darkweb. *Hastings Law Journal*, 69(5), 1433-1469.

Contini, Francesco. (2020). Artificial intelligence and the transformation of humans, law and

technology interactions in judicial proceedings. *Law, Technology and Humans*, 2(1), 4-18.

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.

Week 10: Social Media

March 15th

Andorfer, Alexandra. (2018). Spreading like wildfire: Solutions for abating the fake news problem on social media via technology controls and government regulation. *Hastings Law Journal*, 69(5), 1409-1432.

Macdonald, Stuart., Correia, Sara Giro., and Watkin, Amy-Louise. (2019). Regulating terrorist content on social media: Automation and the rule of law. *International Journal of Law in Context*, 15, 183-197.

Shapiro, Ivor., & Rogers, Brian MacLeod. (2016). How the 'right to be forgotten' challenges journalistic principles. *Digital Journalism*, 5(9), 1101-1115.

Week 11: Simulation & The Artificial

March 22nd

Bart, V. (2020). Artificial intelligence as law. *Artificial Intelligence and Law*, 28(2), 181-206.

Goding, Vincent., and tranter, Kieran. (2021). 'The machine runs itself': Law is technology and Australian embryo and human cloning law. *Griffith Law Review*, 1-30.

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.

Week 12: Fantasy, Fiction, and Criminalization

March 29th

Ek, Kaitlin. (2015) Conspiracy and the fantasy defense: The strange case of the Cannibal cop. *Duke Law Journal*, 64(5), 901-945.

Nair, Abhilash. (2010). Real porn and pseudo porn: The regulatory road. *International Review of Law, Computers & Technology*, 24(3), 223-232.

Presdee, Mike. (2001). "S&M and the criminalisation of consent," in *Cultural criminology and the carnival of crime*. New York: Routledge, pp.87-106.

Week 13: Cyborgs and Posthumanism
April 5th

Chandler, David. (2015). A world without causation: Big Data and the coming of Age of Posthumanism. *Millennium: Journal of International Studies*, 43(3), 833-851.

Quigley, Mureann, and Ayihongbe, Semande. (2018). Everyday cyborgs: On integrated persons and integrated goods. *Medical Law Review*, 26(2), 276-308.

Viljanen, Mika. (2017). A cyborg turn in law? *German Law Journal*, 18(5), 1277-1308

University and Departmental Policies**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. Plagiarism is a serious offence. More information on the University's Academic Integrity Policy can be found at: <https://carleton.ca/registrar/academic-integrity/>.

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/student-experience-resources/>.

COVID-19 PREVENTION MEASURES

All members of the Carleton community are required to follow COVID-19 prevention measures and all mandatory public health requirements (e.g. wearing a mask, physical distancing, hand hygiene, respiratory and cough etiquette) and [mandatory self-screening](#) prior to coming to campus daily.

If you feel ill or exhibit COVID-19 symptoms while on campus or in class, please leave campus immediately, self-isolate, and complete the mandatory [symptom reporting tool](#). For purposes of contact tracing, attendance will be taken in all classes and labs. Participants can check in using

posted QR codes through the cuScreen platform where provided. Students who do not have a smartphone will be required to complete a paper process as indicated on the [COVID-19 website](#).

All members of the Carleton community are required to follow guidelines regarding safe movement and seating on campus (e.g. directional arrows, designated entrances and exits, designated seats that maintain physical distancing). In order to avoid congestion, allow all previous occupants to fully vacate a classroom before entering. No food or drinks are permitted in any classrooms or labs.

For the most recent information about Carleton's COVID-19 response and required measures, please see the [University's COVID-19 webpage](#) and review the [Frequently Asked Questions \(FAQs\)](#). Should you have additional questions after reviewing, please contact covidinfo@carleton.ca

Please note that failure to comply with University policies and mandatory public health requirements, and endangering the safety of others are considered misconduct under the [Student Rights and Responsibilities Policy](#). Failure to comply with Carleton's COVID-19 procedures may lead to supplementary action involving Campus Safety and/or Student Affairs.

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 will be provided to students who compete or perform at the national or international level. 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: <https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf>

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/>.