

Course Outline

COURSE:	LAWS 3501A – Law in the Information Society
TERM:	Winter - 2018
PREREQUISITES:	1.0 credit from LAWS 2201, LAWS 2202, LAWS 2301, LAWS 2302, LAWS 2501, LAWS 2502
CLASS:	Day & Time: Wednesdays 2:35-5:25 Room: Please check with Carleton Central for current room location
INSTRUCTOR:	Alexa Dodge
CONTACT:	Office: B442 Loeb Building Office Hrs: Thursdays 4:00-5:00 Email: alexandradsodge@gmail.com

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 more details visit the Equity Services website: <http://carleton.ca/equity/>

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 visit the Equity Services website: <http://carleton.ca/equity/>

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*). **Requests made within two weeks will be reviewed on a case-by-case basis.** After requesting accommodation from PMC, meet with me to ensure accommodation arrangements are made. Please consult the PMC website (www.carleton.ca/pmc) for the deadline to request accommodations for the formally-scheduled exam (*if applicable*).

You can visit the Equity Services website to view the policies and to obtain more detailed information on academic accommodation at <http://carleton.ca/equity/>

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:
<http://carleton.ca/studentaffairs/academic-integrity/>

Student Services: 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

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.
<http://carleton.ca/law/current-students/>

COURSE DESCRIPTION

This course will analyze academic theory, governmental policy, and case law to answer the question: *How have law and the criminal justice system been challenged and changed by the advent 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.

Learning Outcomes: In this course you will learn to closely read academic theory and case law regarding law in the information society. You will learn to make connections across academic theory, case law, policy, and media to create original insights regarding law in the information society.

REQUIRED TEXTS

No textbook is required for this course. All articles and case law will be either publically available online or available online through the Carleton library.

EVALUATION (all components must be completed to receive a passing grade)

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.

In-Class Activities & Participation	20%	Due: Continuous (2% per week)
Weekly Critical Summaries	(7x6%) 42%	Due: 2:30pm Wednesday for 7 weeks
Research essay	38%	Due: April 4th @ 2:30pm

In-Class Activities & Participation: Learning takes place best when we engage with material through discussion and analysis. This grade will be based on your engagement in class discussions and the completion of in-class activities that allow you to engage with the materials and work on research and critical thinking skills. *You may miss 2 classes without losing any marks.*

Weekly Critical Summaries: Weekly summaries help you learn to take better notes and engage fully with the reading material. The summaries demonstrate your ability to read closely, understand the main arguments and concepts of an article, determine what you think about the argument, and create a record of the readings to draw from when writing the final research paper (it also creates a record for use in future research). *For each week you will critically summarize the first reading listed for that week. The summaries are due before class (by 2:30pm) each week for 7 weeks.*

There are 10 classes between January 17th-March 28th and you are required to do 7 critical summaries - so you can choose 3 weeks to not write a critical summary. I would suggest taking your 3 weeks off from writing later in the semester when you need to focus on writing the research paper or during weeks that you think will be less related to your interests and less useful for your research paper.

Weekly summaries *must* be 500 words minimum and 800 words maximum. Summaries should be written in times new roman size 12. Summaries will be marked on content, clarity, style, and grammar. Summaries should do the following:

- 1) Briefly explain the author's main argument (you should be able to do this in 2-3 sentences)
- 2) Briefly define the main concepts and theories (e.g. networked publics, visual criminology) you found important or interesting in the article
- 3) Discuss how the information and arguments in the article challenged or reaffirmed the way you previously thought about a particular issue or concept
- 4) If applicable, discuss how you might use the article in your final research paper (you only need to do this for articles that you think you will use for future research)
- 5) Come up with at least one original and thoughtful question related to the article that you would like to discuss with the class

Research Paper:

The final research paper must address an issue related to how law, the criminal justice system, or policing have been challenged/changed by the advent of the information society. This paper could be inspired by one of the theories discussed in class, one of the topics discussed in class, a court case involving information/digital technology, or an issue being discussed in the media. This paper must demonstrate that you have engaged critically with both course content and external research related to your selected topic. The paper should demonstrate your understanding of course materials, your ability to take theories and ideas from the course and apply them to other contexts/topics, your ability to compare and contrast various perspectives on a relevant topic, and your ability to clearly express a position/argument on a relevant topic.

Your paper must make an original argument that is expressed through a coherent academic essay format. This format should at minimum include: An introduction section that provides the context and background of your topic; this introductory section should end with a thesis statement that clearly (in one or two sentences) states the main point/argument of your essay and an "essay blueprint" that clearly states (in 3-4 sentences) the main points you will make to support this thesis; the body of your essay where the 3-4 points from your blueprint are explained and argued (and counter arguments are pre-empted and addressed); and a conclusion section where you reiterate your thesis statement, review how you have successfully supported this thesis, and point to the continued relevance of your argument/topic and how it might develop in the future. Additional essay writing tips will be reviewed in-class.

Required Style/Format:

- 10-12 double-spaced pages (plus a reference page)
- Size 12 times new roman font
- Must use and reference at least 3 readings from the course syllabus
- Must use at least 3 external academic sources such as academic journal articles or books (newspaper articles or case law do not count towards these 3 sources)

- It is suggested (but not required) that you also utilize additional sources such as case law, news articles, social media terms of reference, policy documents etc.
- A reference page & in-text citations that are consistent with a chosen reference style (I would suggest using APA or MLA): Reference style-guides can be found at: <https://owl.english.purdue.edu/owl/resource/747/02/>
- You are required to closely edit your essay and ensure appropriate formatting, grammar, use of quotes and referencing. Grammar and formatting are essential for writing a clear essay that is easy to read and understand. Examples of issues to watch for (and to consult the writing center about if you struggle with them) include: inconsistent referencing; overly vague sentences; over use of quotes or quotes that are not properly introduced and explained; overly lengthy or confusing sentences; improper or overuse of commas and semi-colons; switching of tenses.
- You are encouraged to meet with me during office hours to discuss your proposed topic/thesis (the sooner the better). You will also have opportunities to develop a topic, thesis statement, bibliography & title in class.

Late Policy:

Students are encouraged to begin writing their assignments far in advance of the due date to alleviate the impact of any unforeseen circumstances that may arise. Additionally, students should save their work in 3 places (e.g. on your computer, in dropbox, on a flash drive, copy & pasted into an email to yourself or a friend) to avoid any issues regarding computer failure. Therefore, last minute technology issues and scheduling conflicts will not be accepted as valid excuses for late assignments. Late assignments will be deducted a penalty of 5% for each day submitted after the due date (including week-end days) except under exceptional circumstances (i.e. grave illness). I require third party documentation in order to get an extension. Assignments submitted more than one week after the due date will receive a 0.

SCHEDULE

January 10th: Introduction: What is an Information Society?

(Suggested Reading – Not Required) Frank Webster (2006) “Chapter 2: What is an Information Society?” In *Theories of the Information Society: Third Edition*. Oxon: Routledge: Pages 8- 31.

January 17th: Techno-Panics & Cybercrime: How New Technologies Challenge Law

Majid Yar (2013) “Cybercrime and the Internet: An Introduction” In *Cybercrime & Society 2nd Edition*. London: Sage Publications: Pages 2-20

Nancy Baym (2011) “Making New Media Make Sense” In *Personal Connections in the Digital Age*. Cambridge: Polity: Pages 22-49

January 24th: Networked Crime: The Impacts of Networked Society on Law

Danah Boyd (2010) “Social Network Sites as Networked Publics: Affordances, Dynamics, and Implications” In *Networked Self: Identity, Community, and Culture on Social Network Sites*. New York: Routledge: Pages 39-58

Majid Yar (2012) “E-Crime 2.0: The criminological landscape of new social media” In *Information & Communications Technology Law 21(3)*: Pages 207-219

January 31st: Protecting Canadians From Online Crime Act I: Legal Responses to Non-Consensual Intimate Image Sharing

Michael Salter & Thomas Crofts (2015) “Responding to revenge porn: Challenging online legal impunity” In *New*

views on pornography: Sexuality, politics and the law. Praeger Publisher: Westport: Pages 233-256

Protecting Canadians from Online Crime Act, S.C. 2014, c. 31

R v Verner 2017 ONCJ 415 (CanLII) <http://canlii.ca/t/h4dj4>

February 7th: Protecting Canadians From Online Crime Act II: Youth Non-Consensual Child Pornography Law **Sexting VS**

Lara Karaian & Katherine Van Meyl (2015) "Reframing Risqué/Risky: Queer Temporalities, Sexting, and Freedom of Expression" *Laws* 4(1): Pages 18-36 Teenage

Alexa Dodge & Dale Spencer (2017) "Online sexual violence, child pornography, or something else entirely?: Police responses to non-consensual intimate image sharing amongst youth" *Social & Legal Studies*, Online First

February 14th: Pre-crime, Surveillance, & Cyber Police

Richard Jochelson, James Gacek, & Lauren Menzie (2018) "Creating Police Powers: A Canadian Judicial Innovation (Chapter 2)" In *Criminal law & Precrime: Legal Studies in Canadian Punishment and Surveillance in Anticipation of Criminal Guilt.* New York: Routledge: Pages 15-41

Philip K Dick (1956) "Minority Report" (available online in PDF or audiobook)

Guest Lecture: Lauren Menzie <https://carleton-ca.academia.edu/LaurenMenzie>

February 21st: Winter Break – No Class

February 28th: Digital Evidence in the Information Society

John Browning (2011) 'Digging for the Digital Dirt: Discovery and Use of Evidence from Social Media Sites'. *SMU Science and Technology Law Review* 14: Pages 465-96

Sveinung Sandberg & Thomas Ugelvik (2017) "Why do offenders tape their crimes? Crime and Punishment in the Age of the Selfie" *British Journal of Criminology* 57(5): Pages 1023-1040

March 7th: Digital Image Evidence in the Information Society

Katherine Biber (2007) "Chapter 1: The hooded bandit" In *Captive Images: Race, Crime, Photography.* New York: Routledge: Pages 1-26

Richard Sherwin, Neal Feigenson, & Christina Spiesel (2005) "Law in the Digital Age: How Visual Communication Technologies are Transforming the Practice, Theory, and Teaching of Law" *NYLS Legal Studies Research Paper* No. 05/06-6

(Suggested Reading-Not Required) *R v Nilsson* 2011 BCSC 1654 (CanLII) <http://canlii.ca/t/fp4qw>

March 14th: Privacy Law in the Information Society

Judith Rauhofer (2008) "Privacy is dead, get over it! Information privacy and the dream of a society" *Information & Communications Technology Law* 17(3): 185-197 risk-free

R v Fearon 2014 SCC 77 [2014] S.C.R. 621

(Suggested Reading - Not Required) Richard Jochelson (2009) "Trashcans and Constitutional Custodians: The Liminal Spaces of Privacy in the Wake of Patrick" *Saskatchewan Law Review*: Pages 199 -222

Guest Lecture: Garrett Lecoq <https://carleton-ca.academia.edu/GarrettLecoq>

March 21st: The 'Right to be Forgotten': Digital Memory & Law in the Information Society

Noam Tirosh (2017) "Reconsidering the 'Right to be Forgotten' – memory rights and the right to memory in the new media era" *Media, Culture & Society* 39(5): 644-660

Hand, Martin (2016) "Persistent traces, potential memories: Smartphones and the negotiation of visual, locative, and textual data in person life" *Convergence: The International Journal of Research into New Media Technologies* 22(3): 269-286

March 28th: Police Accountability in the Information Society: Civilian Recordings & Body Cameras

Gregory Brown (2015) "The Blue Line on Thin Ice: Police Use of Force Modifications in the Era of Cameraphones and YouTube" *British Journal of Criminology* 56: Pages 293-312

Alexandra Mateescu, Alex Rosenblat, & danah boyd (2016) "Dreams of Accountability, Guaranteed Surveillance: The Promises and Costs of Body-Worn Cameras" *Surveillance & Society* 14(1): Pages 122-127

Guest Lecture: Gregory Brown <http://www.cbc.ca/news/canada/ottawa/camera-phone-pervasiveness-reduces-police-violence-study-finds-1.3125510>

April 4th: Reflection Class

Final Papers Due Before Class @ 2:30

Final In-Class Activity