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

Course Outline

**COURSE: LAWS 3501—LAW AND THE
INFORMATION SOCIETY**

TERM: SUMMER 2020
(JULY 1ST TO AUGUST 31ST)

**PREREQUISITES: L1.0 Credits in
LAWS at the 2000 Level**

CLASS: Online

INSTRUCTOR: MEG D. LONERGAN

CONTACT:
MEGANLONERGAN@CMAIL.CARLETON.C
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Day & Time: Tuesdays and Thursdays 5:35-8:25pm
Room: Lectures will be posted on Tuesdays on CU Learn
                   and Thursday classes will be held *live* via Big Blue
                   Button

TA: Meral Tan

Email: meraltan@cmail.carleton.ca

CALENDAR COURSE DESCRIPTION

Law in the Information Society

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, in particular, 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 on the shape of the Internet and practices in Internet communications?
How can privacy, surveillance, and undesirable Internet activity be regulated in a globalized environment? How is Canada, in particular, addressing Internet regulatory and governance issues?

COURSE 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.

A resource list is provided at the end of the syllabus.

REQUIRED TEXTS

All readings (including required videos) will be posted and available on CU Learn.

EVALUATION

- There is a 5% late penalty per day (including weekends).
- Please contact the professor regarding extensions as far in advance as possible. Extensions will only be granted in exceptional circumstances.

Methods of Evaluation:

Participation on Thursdays 10%

- **Midterm Exam 30%**
  Online exam via CULearn on key course concepts, themes, content from readings and lectures will be tested.
    o Tuesday, August 4th portal will be open 5:30-9pm

- **Research Paper Proposal 20%**
    o Due August 11th by noon
    o Students will submit a 2-page (not including refences) paper proposal outlining their research paper design. This proposal should include (at minimum): the week(s) of the course the topic relates to; 3 readings from the course that will be incorporated; 5 additional peer-reviewed academic sources; the thesis of the paper; and 3 key arguments to support the proposed thesis. This assignment will be graded on originality of the topic, relatedness to the course, thoroughness of the paper outline, and quality of writing and references. This assignment provides an opportunity to ensure you're on the "right track" and preparing to write your final research paper in advance of the due date.

- **Research Paper 40%**
    o Due Friday, August 14th by midnight
    o The final paper should be 10-12 pages in length (not including references) and can be on the topic of your choosing, as long as it is related to the course. The Research Paper Proposal Assignment will be key to success on this assignment.

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.

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.

Any request for an extension must be supported by a medical certificate or other appropriate documentation. Students must complete ALL assignments in order to meet course requirements and to be eligible to pass the course.

Course Schedule

Introduction: What is an "Information Society"?
Thursday, July 2nd via Big Blue Button

- Introductory lecture
- Overview of course themes and structure
- Course evaluations and breakdown

Required Readings
- Walby, K. & Larsen, M. (2011). Getting at the live archive: On access to information research in Canada. Canadian Journal of Law and Society, 26(3), 623-633.
- Kazmierski, V. (2011). Accessing democracy: The critical relationship between academics and the Access to Information Act. Canadian Journal of Law and Society, 26(3), 613-622.
- Sherwin, R. K. (2-12). Visual jurisprudence. New York Law School Review, 57(1), 11-39.

Freedom of Expression
Tuesday, July 7th:

Required Readings
- Schutten, A. & Haigh, R. (2015). Whatcott and hate speech: Re-thinking freedom of expression in the charter age. National Journal of Constitutional Law, 34(1), 1-30.
- Dawkins, R. (2001). Online liberty: Freedom of expression in the information age. Dalhousie Journal of Legal Studies, 10(1), 102-140.

Censorship
Thursday, July 9th:

Required Readings
- Barber, S. (2018). Power struggles, regulation and responsibility: Reappraising the Video Recordings Act. Media History, 24(1), 99-114.
- Piepenburg, C. (2018). Not yet rated: Self-regulation and censorship issues in the U.S. film industry. UCLA Entertainment Law Review, 25(1), 97- 131.
- Jardine, E. (2018). Privacy, censorship, data breaches and internet freedom: The drivers of. Support and opposition to dark web technologies. New Media & Society, 20(8), 2824-2843.

Copyright and Intellectual Property
Tuesday, July 14th:

Required Readings

- McCutcheon, M. A. (2016). Fair dealing: We've got it, let's use it. Digital Studies, 6(4).
- Reynolds, G. (2017). Moving past Michelin: Towards judicial reconsideration of the intersection of copyright and the Charter right to freedom of expression. Intellectual Property Journal, 30(1), 25-70.
- Last Week Tonight [Feb. 15, 2015] Season 2 Episode 2 "Tobacco"

Technologies
Thursday, July 16th:

Required Readings

- Barss, P. (2010). The erotic engine: How pornography has powered mass communication from Gutenberg to Google. Canada: Anchor Canada, pp. 42-84.
- 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.

Obscenity
Tuesday, July 21st

Required Readings
- Lonergan, M. (2020). Hard-on of darkness: Gore and shock websites as the dark tourism of digital space. Porn Studies, [online version], 1-5.
- Mowatt, R. A. (2018). Black lives as snuff: The silent complicity in viewing black death. Biography, 41(4), 777-806.
- Martin, R. (2001). Case comment: R. v. Sharpe. Alberta Law Review, 39(2), 585-596.
- Nair, A. (2010). Real porn and pseudo porn: The regulatory road. International Review of Law, Computers & Technology, 24(3), 223-232.

Thursday, July 23rd
Midterm 5:30-9pm on CULearn

Digital Governance and Policing
Tuesday, July 28th

- **Research Paper Proposal due by noon**

Required Readings

- 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.
- Clarke, A., Lindquist, E. A., & Roy, J. (2017). Understanding governance in the digital era: An agenda for public administration research in Canada. Canadian Public Administration, 60(4), 457-475.

Privacy
Thursday, July 30th

Required Readings
- Stella-Bourdillon, S., Papadaki, E., & Chown, T. (2014). From porn to cybersecurity passing by copyright: How mass surveillance technologies are gaining legitimacy…The case of deep packet inspection technologies. Computer Law & Security Review, 3-(1), 670-686.
- Tortell, D. M. (2017). Surfing the surveillance wave: Online privacy, freedom of expression and the threat of national security. Review of Constitutional Studies, 22(2), 211-238.
- South Park Season 18 Episode 5 "The Magic Bush"

Social Media
Tuesday, August 4th

Required Readings
- Oozeer, A. (2014). Internet and social networks: Freedom of expression in the digital age. Commonwealth Law Bulletin, 40(2), 341-360.
- Tufecki, Zeynep (2017) Twitter and Tear Gas: The Power and Fragility of Networked Protest. London & New Haven: Yale University Press. Pgs. 223-259.

Internet Cultures
Thursday, August 6th

Required Readings
- Nakamura, L. (2007). "Introduction: Digital racial formations and networked images of the body," in Digitizing race: Visual cultures of the internet. Minneapolis: University of Minesota Press, pp. 1-35.
- Massanari, A. (2017). "#Gamergate and The Fappening: How Reddit's Algorithm, Governance, and Culture Support Toxic Technocultures." New Media & Society 19(3): 329–346.

Final paper workshop

Tuesday, August 11th

Required Readings
- "Writing processes of research papers" and "Sources in your paper" chapters in Reinecker et al. (2015). The good paper: A handbook for writing papers in high education. Denmark: Samfundslitteratur.

Wrap up/feedback session
Thursday, August 13th
- ~ Final Research Paper Due Tomorrow by Midnight~

ACADEMIC ACCOMMODATIONS

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

Pregnancy obligation: 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 Equity Services website: https://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: https://carleton.ca/equity

Academic Accommodations for Students with Disabilities: 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/

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/

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

Evaluation Grading Key
In accordance with the Carleton University Undergraduate Calendar (p 34), the letter grades assigned in this course will have the following percentage equivalents:

A+ = 90-100	B+ = 77-79	C+ = 67-69	D+ = 57-59
A = 85-89	B = 73-76	C = 63-66	D = 53-56
A - = 80-84	B - = 70-72	C - = 60-62	D - = 50-52
F = Below 50	WDN = Withdrawn from the course		

Resources

- Carleton University Counselling Services: https://carleton.ca/health/counselling-services/#SeeC
- Ottawa Rape Crisis Centre: http://www.orcc.net
- Minwaashin Lodge: https://www.minlodge.com