

WHEN OLD DEBATES WERE NEW AGAIN: EXPLORING THE THEORETICAL ORIGINS OF INTERNET POLICY

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OH: MW 3:00 – 5:00

The goal of this course is to equip students with the knowledge needed to form their own opinions on questions of internet policy by introducing them to the theoretical and philosophical arguments underlying some of the most pressing internet policy issues today. While generally focused on US policy, relevant international policy will be discussed. The class is organized around five topics: “the wisdom of the multitude” (Jeremy Waldron), civil disobedience, speech, privacy, and surveillance. Following introductory sessions on the history and pre-history of the internet, the class moves on to discuss each theme in turn. Two sessions are devoted to each topic, with the first session offering the philosophical context for the second session, which is devoted to the relevant law, policy, and academic literature. While technology is always changing, the guiding refrain for the course is that seemingly novel concerns can often be traced back to old debates.

With that goal in mind, this is a reading-intensive course. The assignments are designed to help students build a strong knowledge base in the topics discussed by drawing on works from across the disciplinary spectrum. There will be dense policy reports, legal documents, and academic articles, but there will also be theory readings that are difficult in their own way, as they are often closer in style to poetry than a policy memo. Nietzsche said he wanted his readers to be like cows, unhurriedly grazing on his words. Although we don’t usually like thinking of ourselves as cows, that is how you will want to approach the political theory assignments. While it would be great to do the same for the other texts, they give you the opportunity to be a different animal—Isaiah Berlin’s fox—instead of knowing one thing very deeply, you will be asked to quickly grasp a variety of topics by swiftly making your way through the various documents, while keeping an eye on main points and takeaways. The fox is clever but not glib.

MATERIALS

- Browne, Simone. 2015. *Dark Matters: On the Surveillance of Blackness*. Durham, NC: Duke University Press.
- Gandhi, M. K. 2009. *Hind Swaraj and Other Writings*. Edited by Anthony Parel. New York: Cambridge University Press.
- Grimmelmann, James. 2019. *Internet Law: Cases and Problems*. Semaphore Press.
This text is available for download at www.semaphorepress.com. The publisher suggests that students pay \$1 for each class session in which the material is assigned. We will be using material from this book for two class sessions, so students are suggested to pay \$2.
- Plato. 2002. *Five Dialogues: Euthyphro, Apology, Crito, Meno, Phaedo*. Indianapolis, IN: Hackett.
- Thoreau, Henry David. 1992. *Walden and Resistance to Civil Government: Authoritative Texts, Thoreau's Journal, Reviews, and Essays in Criticism*. Edited by William Rossi and Owen Thomas. New York: Norton.

All other materials are linked to in the syllabus (below) or posted to the course website.

PARTICIPATION

Participation is, as reflected in the grade distribution below, a vital component of this course. Students are expected to have done the reading prior to the class meeting and to come prepared to substantially engage in class discussion.

MISSED MEETINGS

Students are expected to provide notice for excused and unexcused absences. All students are given one "free" no questions asked absence per semester, all other absences will reflect negatively in their participation grade.

ASSIGNMENTS

Group Memorandum and Briefing Due: TBD at first class session
Research Paper (10-15 pages) Due: **May 5th**

ELECTRONIC DEVICES

Electronic devices are not permitted in the classroom with the exception of accessibility requirements.

GRADING

Participation: 30%
Group Memorandum and Briefing: 35%
Individual Research Paper: 35%

SCHEDULE OF COURSE MEETINGS

Week 1: Monday, February 1 - Friday, February 5, 2021: Class Introduction and Pre-History

- a. Arendt, Hannah. 1958. *The Human Condition*. Chicago: University of Chicago Press. Prologue.
- b. Winner, Langdon. 1980. "Do Artefacts Have Politics?" *Daedalus* 109, no. 1: 121-136. DOI: 10.2307/20024652.
- c. Marvin, Carolyn. 1988. *When Old Technologies Were New: Thinking About Electric Communication in the Late Nineteenth Century*. New York: Oxford University Press. Selections.
- d. Kleiman, Kathy. 2018. "[Kathy Kleiman on the Women Who Invented Coding.](#)" Interview by Conn Ó Muíneacháin. The Blacknight Podcast, March 2, 2018. <https://blacknight.blog/podcast-kathy-kleiman.html>.

Week 2: Monday, February 8 - Friday, February 12, 2021: A Very, Very Short Introduction to the Internet

- a. Sterling, Bruce. 1993. "A Short History of the Internet." *The Magazine of Fantasy and Science Fiction* (February): 99-107.
- b. Rosenzweig, Roy. 1998. "[Wizards, Bureaucrats, Warriors, and Hackers: Writing the History of the Internet.](#)" *The American Historical Review* 103, no. 5: 1530-1552. DOI: 10.2307/2649970.
- c. Leiner, Barry M., Vinton G. Cerf, David D. Clark, Robert E. Kahn, Leonard Kleinrock, Daniel C. Lynch, Jon Postel, Larry G. Roberts, and Stephen Wolff. 1997. "[A Brief History of the Internet.](#)" Internet Society.

Week 3: Monday, February 15 - Friday, February 19, 2021: "The Wisdom of the Multitude" I

- a. Aristotle. *Politics*. 2013. Translated by Carnes Lord. Chicago: University of Chicago Press. Book III, chapter XI.
- b. Schwartzberg, Melissa. 2015. "Epistemic Democracy and Its Challenges." *Annual Review of Political Science* 18: 187-203. <http://dx.doi.org/10.1146/annurev-polisci-110113-121908>.
- c. Knight, Jack, Hélène Landemore, Nadia Urbinati, and Daniel Viehoff. 2016. "Roundtable on Epistemic Democracy and Its Critics." *Critical Review* 28, no. 2: 137-170. DOI: 10.1080/08913811.2016.1206744.

Week 4: Monday, February 22 - Friday, February 26, 2021: "The Wisdom of the Multitude" II

- a. [Executive Order—“Making Open and Machine Readable the New Default for Government Information.”](#)
- b. [Open Data Policy - Managing Information as an Asset \(M-13-13\)](#)
- c. [H.R.4174 - Foundations for Evidence-Based Policymaking Act of 2018 115th Congress](#) (2017-2018).

- d. [Data.gov](https://data.gov)
- e. Horrigan, John B., and Lee Rainie. 2015. "[Americans' Views on Open Government Data](#)." Pew Research, April 21, 2015.
- f. Williamson, Vanessa, and Norman Eisen. 2016. "[The Impact of Open Government: Assessing the Evidence](#)." Brookings, December 7, 2016.
- g. Reshamwala, Saleem. 2020. "[Mexico City](#)." *Pindrop*, June 24, 2020.

Week 5: Monday, March 1 – Friday, March 5, 2021: Civil Disobedience I

- a. Plato. 2002. *Crito*. In *Five Dialogues: Euthyphro, Apology, Crito, Meno, Phaedo*, 45-57. Indianapolis, IN: Hackett.
- b. Thoreau, Henry David. 1992. "Resistance to Civil Government." In *Walden and Resistance to Civil Government: Authoritative Texts, Thoreau's Journal, Reviews, and Essays in Criticism*. Edited by William Rossi and Owen Thomas. New York: Norton.
- c. Gandhi, M. K. 2009. *Hind Swaraj and Other Writings*. Edited by Anthony Parel. New York: Cambridge University Press. Selections.
- d. Arendt, Hannah. 1970. "Reflections: Civil Disobedience." *New Yorker*, September 5, 1970.
- e. Martin Luther King, Jr. 2014 [1963]. "Letter from Birmingham Jail." In *The Radical King*. Edited by Cornel West. Boston: Beacon Press. Chapter 12.
- f. Rawls, John. 1999. *A Theory of Justice*. Cambridge, MA: Belknap. Chapter VI, 319-343.

Week 6: Monday, March 8 - Friday, March 12, 2021: Civil Disobedience II

*****Spring Recess begins at the end of classes on Friday, March 12 and runs through Tuesday, March 16*****

- a. [The Computer Fraud and Abuse Act \(CFAA\)](#)
- b. Denning, Dorothy E. 2001. "[Activism, Hactivism, and Cyberterrorism: The Internet as a Tool for Influencing Foreign Policy](#)." In *Networks and Netwars. The Future of Terror, Crime and Militancy*. Edited by John Arquilla and Donald Ronfeldt, 239-288. Santa Monica, CA: RAND Corporation.
- c. Wray, Stefan. 1999. "On Electronic Civil Disobedience." *Peace Review: A Journal of Social Justice* 11, no. 1: 107– 111. DOI: 10.1080/10402659908426237.
- d. Manion, Mark, and Abby Goodrum. 2000. "Terrorism or Civil Disobedience: Toward a Hactivist Ethic." *ACM SIGCAS Computers and Society* 30, no. 2: 14-19. DOI: 10.1145/572230.572232.
- e. Coleman, Gabriella, Richard Forno, and Paul Rosenzweig. 2011. "[Hactivism, Vigilantism and Collective Action in a Digital Age](#)." Interview by Allan A. Friedman. Brookings, December 9, 2011.

- f. Knappenberger, Brian. 2012. *We Are Legion: The Story of the Hacktivists*. Los Angeles, CA: Luminant Media.

Week 7: Wednesday, March 17 - Friday, March 19, 2021: Speech I

- a. Mill, John Stuart. 1989. *On Liberty and Other Writings*. Edited by Stefan Collini. New York: Cambridge University Press. Selections.
- b. Nietzsche, Friedrich. 1994. *On the Genealogy of Morality*. Edited by Keith Ansell Pearson. Translated by Carol Diethe. New York: Cambridge University Press. Selections.

Week 8: Monday, March 22 - Friday, March 26, 2021: Speech II

- a. Grimmelmann, James. 2019. *Internet Law: Cases and Problems*. Semaphore Press. Chapter 3.
- b. Rainie, Harrison, Janna Quitney Anderson, and Jonathan Albright. 2017. "[The Future of Free Speech, Trolls, Anonymity and Fake News Online](#)." Pew Research Center, March 29, 2017.
- c. Phillips, Whitney. 2011. "Meet the Trolls." *Index on Censorship* 40, no. 2: 68-76. DOI: 10.1177/0306422011409641.
- d. Sivertson, Amory, and Ben Brock Johnson. 2018. "[Turning Hate into Humor](#)." *Endless Thread*, September 27, 2018.

Week 9: Monday, March 29 - Friday, April 2, 2021: Privacy I

- a. Aristotle. *Politics*. 2013. Translated by Carnes Lord. Chicago: University of Chicago Press. Book I.
- b. Locke, John. 2003. "The Second Treatise: An Essay Concerning the True Original, Extent, and End of Civil Government." In *Two Treatises of Government and a Letter Concerning Toleration*. Edited by Ian Shapiro. New Haven, CT: Yale University Press. Chapters I-V.
- c. Berlin, Isaiah. 1959. *Two Concepts of Liberty: An Inaugural Lecture Delivered before the University of Oxford on 31 October 1958*. Oxford: Clarendon Press.
- d. Pateman, Carole. 1989. "Feminist Critiques of the Public/Private Dichotomy." In *The Disorder of Women: Democracy, Feminism, and Political Theory*, 118-140. Stanford, CA: Stanford University Press.

Week 10: Monday, April 5 - Friday, April 9, 2021: Privacy II

- a. Grimmelmann, James. 2019. *Internet Law: Cases and Problems*. Semaphore Press. Chapter 4.
- b. Nissenbaum, Helen. 2011. "[A Contextual Approach to Privacy Online](#)." *Daedalus* 140, no. 4: 32-48. DOI: 10.1162/DAED_a_00113.
- c. [General Data Protection Regulation](#).

- d. [California Consumer Privacy Act of 2018.](#)

Week 11: Monday, April 12 - Friday, April 16, 2021: Surveillance I

- a. Bentham, Jeremy. 1995. *The Panopticon Writings*. Edited by Miran Božovič. New York: Verso. Selections.
- b. Foucault, Michel. 1995. *Discipline and Punish: The Birth of the Prison*. Translated by Alan Sheridan. New York: Vintage. Selections.
- c. Browne, Simone. 2015. *Dark Matters: On the Surveillance of Blackness*. Durham, NC: Duke University Press.
- d. University College London. 2020. [The Bentham Project](#).

Week 12: Monday, April 19 – TUESDAY, April 27, 2021: Surveillance II

- a. [The Foreign Intelligence Surveillance Act \(FISA\)](#).
- b. [USA PATRIOT Act](#).
- c. [Privacy and Civil Rights Oversight Board Reports](#).
- d. Swire, Peter P. 2004. "The System of Foreign Intelligence Surveillance Law." *George Washington Law Review* 72: 1306-1372.
- e. Snowden, Edward. 2019. "[Edward Snowden Speaks Out: 'I Haven't And I Won't' Cooperate With Russia](#)." Interview by Dave Davies. NPR, September 19, 2019.

Spring 2021 Dates and Deadlines for End-of-Term Assessments

Reading Period: Wednesday, April 28 - Wednesday, May 5, 2021. Note that faculty may hold supplementary course meetings during this period.

Senior Thesis Deadline: Friday, April 30, 2021.

Junior Independent Work Deadline: Monday, May 3, 2021.

Dean's Date: May 5, 2021. All final papers, projects, or problem sets should be submitted by this date. Extensions for final work beyond this deadline require approval from a student's Dean or Director of Studies and the course instructor.

Senior Comprehensive Exams: Thursday, May 6 and Friday, May 7, 2021.

Spring Final Examinations: Saturday, May 8 - Friday, May 14, 2021.

Take-Home Examination Deadline: Wednesday, May 12, 2021. Extensions for take-home examinations submitted beyond this date require approval from a student's Dean or Director of Studies and the course instructor.