

LS R1B: Law, Society and the Internet

Cyber Orderings

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Meetings: Strongly encouraged, *by appointment*

I. Course Description and Objectives:

The Ordering of the Internet

What are the Laws of the Internet and who designs them? Is it public policy makers? Is it Websites, or other private parties? Is it all of us as users? Could we think of a *better* order for the Internet? What would define a *better* order for the Internet, and more generally what is “better” law, should context matter to our answer, and if so, how?

This reading and composition course will explore these questions and other related ones, with a focus on test cases of content-based enterprises taking place online, like YouTube, Flickr, Wikipedia, SourceForge and Nature, and their intricate ordering schemes.

Legal Studies R1B is a University required, thematic composition course that emphasizes expository and argumentative writing. We will review paragraph and essay organization, build on writing strategies, as well as discover approaches for academic writing and research. Additionally, we will engage in critical thinking and discussion over provocative selections of reading. We will also review documentation for research writing. The vital skills you gain from this class will help you move through your college career and beyond.

II. Course Assessment and Grading

Assignment 1 (2-3 page paper), submit via email draft 9/20, 10/4 final version, 10 minutes tops presentation and engaging students 9/27, 10/4	10%
Assignment 2 (4-6 page paper), submit via email 10/17, 11/1 final version, 10 minutes presentation 10/25, 11/1 remainder	20%
Assignment 3 (8-10 page paper), submit via email 11/15 first draft, 12/1 second draft due, in class presentations 15 minutes each 11/15, 15 minutes each on 11/22, 12/6 final version due	30%
Posting Reflections to Web Forum	10%
Writing Journal	5%
Participation, presentation peer critique and Attendance	20%
Reading Quizzes	5%

Reflections on Readings, on Topic and on Writing posts to Web Forum:

This semester I am creating an **Online Reading Reflections Forum on bSpace**. Not only is regular engagement with the material crucial to your educational experience, but also for a class like this one, being responsive to each other's perspectives and those of the authors' we read is, I believe, essential.

III. Tentative Reading Plan

a. Sources

1. The Craft of Research, Booth, Colomb and Williams, Third Edition 2008

I recommend that you skim the entire book this week. It will help you in writing in general and for your first assignment.

2. The Penguin and the Leviathan, How Cooperation Triumphs over Self-Interest, Yochai Benkler, 2011

3. Code, Version 2.0, Lawrence Lessig, 2009

4. Materials regularly posted on the website (check often)

First Meeting, Introduction: regulation and cyber regulation, its need, forms, costs and risks.

- The Craft of Research, Research Researchers and Readers, chapters 1 to 4
- The Penguin and the Leviathan, Yochai Benkler, chapter 1, the Penguin v. The Leviathan
- Code 2.0, prefaces and chapter 1

Test Cases

Southwest airlines, Toyota, SourceForge and Github, the Google Transparency Report

2nd Topic, “Architectures” of Collaboration and Control in the online, what forms of regulation are possible, which fit when and who are the regulators of cyberspace?

- Booth et al, Asking Questions, Finding Answers, chapters 3-6
- Benkler, Chapter 2 Nature v. Culture, The Evolution of Collaboration
- Lessig, Chapters 2 to 4

The laws that govern content, the laws that govern privacy, the laws that govern the architecture, relevant regulations, guidelines and norms, Private law, property law, cyber policing and enforcement, user practices, code

Test Cases

The NSA backdoors to cyber space, Google Transparency Report

3rd Topic, “Architectures” of Control

cont.

- Booth et al, Asking Questions, Finding Answers, chapters 3-6
- Benkler, Chapter 3
- Lessig, Chapters 5-6

Test Cases

On LinkedIn, better behave

Tweeter shuts down rebel groups accounts in Somalia

Iranians Gain Access to Facebook and Twitter

(http://www.nytimes.com/2013/09/17/world/middleeast/iran-facebook-twitter-access.html?_r=0 and subsequent backtracking)

[Open Source Values: Transparency in the Post-Snowden Era Sharing, With a Safety Net](#)

4th Topic, REGULATION BY CODE

In class presentations of first writing projects, coupled with critique

- Booth et al, chapters 7-9, Making a Claim and Supporting it.

Examples for discussion:

1. Sharing, With a Safety Net, on the California online erases bill:
http://www.nytimes.com/2013/09/20/technology/bill-provides-reset-button-for-youngsters-online-posts.html?_r=1&. Analysis at
<http://www.forbes.com/sites/ericgoldman/2013/09/24/californias-new-online-eraser-law-should-be-erased/>, California's New 'Online Eraser' Law Should Be Erased, Eric Goldman on Forbes.
2. Open Source Values: Transparency in the Post-Snowden Era. See at:
http://www.concurringopinions.com/archives/2013/09/open-source-values-transparency-in-the-post-snowden-era.html?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed%3A+ConcurringOpinions+%28Concurring+Opinions%29#sthash.iG6NIQ3t.dpuf

5th Topic, Regulation of Cyber Spaces

- Booth et al, chapters 10-12
- Benkler, chapter 4
- Lessig, chapters 7-8

Is Digital Advertising a New Form of Market Manipulation? See <http://sloanreview.mit.edu/article/is-digital-advertising-a-new-form-of-market-manipulation/>, published on September 24, 2013, [Big Idea: Data & Analytics Blog](#), New applications of big data and digital technology are a form of “market manipulation,” contends new research from the University of Washington School of Law. Here is the paper itself: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2309703

6th Topic, Why Don't We Sit Down or Talk About It

- Booth et al, chapters
- Benkler, chapters 5-6
- Lessig, chapters 9-10

The Google Book Search Issue, and who regulates cyberspace and beyond, the perspectives of search engine competition, service provider competition and what it means, and where misunderstanding that nearly brought us.

7th Topic, What's Right is Right-or At Least Moral, Morals and Norms in Cooperation

- Booth et al, chapters
- Benkler, chapter 7
- Lessig, chapters 11-12

The example of Unix

8th Topic, For Love or Money: Rewards, Punishments and Motivation

- Booth et al, chapters
- Benkler chapter 8
- Lessig, chapters 13-14

The example of SourceForge, Github and hacker mentality

9th Topic, The Business of Cooperation

- Booth et al, chapters
- Benkler chapter 9
- Lessig, chapters 15-16

Online Creative Communities, YouTube, Vimeo, Flickr

The Online Encyclopedia

10th Topic, COMPETING SOVEREIGNS and How to Raise a Penguin

- Booth et al, chapters
- Benkler chapter 10
- Lessig, chapters 17-18

Online Education and Academic Publishing

11th class, Wrap Up, Regulation, Regulators, Regulated of Cyberspace

IV. Accommodation Policy

Please contact me as soon as possible if you need any special accommodation for this class. If you require accommodations, please provide me with a copy of your accommodation letter.

Some associated campus resources:

Disabled Students Program (DSP): <http://dsp.berkeley.edu> Campus Access Guide: <http://acads.chance.berkeley.edu/CAG>

V. A Word About Papers and Academic Dishonesty

All papers are to be typed and should include a bibliography or works cited page of the readings used. You may include either footnotes or citation to the author and page number within the text of your paper or posting to the forum. For example: Some critics assert that pornography represents, and thus perpetuates the subordination of women, even though the acts are pictorial (MacKinnon, 26-27). You may cite either the page number of the document as formatted by the reader, or use the original document's pagination.

Please make sure to use a readable font (ones used in advertisements and for most "design" type projects are typically not great for formal essays). Font size should be 12 point, in a professional font style. Papers are to

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be double-spaced, and should have 1-inch margins. All work is to be stapled, and no plastic covers or folders are necessary.

Since there are various components to the writing process, I'll expect that you take the time to revise and proofread your papers. These are separate tasks. Papers that contain numerous errors in proofreading will be returned to you without an evaluation. You will need to fix these errors and re-submit the paper to me.

You may not plagiarize under any circumstances. Plagiarism is stealing or passing off as one's own the ideas or words of another, or using a creative production by another person without properly citing its source. If you are unclear as to what constitutes plagiarism, you should speak to me about it, and immediately review *Academic Honesty: A Guide for Students*, prepared by the Office of Student Conduct, which provides information on academic integrity and social conduct at UC Berkeley.

You may access the Code of Student Conduct online at: <http://students.berkeley.edu/uga/conduct.asp> Remember, ignorance of the law is no excuse!

VI. Additional Writing Resources

Purdue Online Writing Lab (OWL) link: <http://owl.english.purdue.edu/> UC Berkeley Student Learning Center link: <http://slc.berkeley.edu/general/index.htm>

The University of Wisconsin Madison Writer's Handbook link:

<http://writing.wisc.edu/Handbook/index.html>

