

LIS 661: INFORMATION ETHICS AND POLICY SPRING 2020

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Canvas URL:
Office hours: By appointment*

*During Spring 2020 the Information School is hosting numerous job candidates to campus, and I therefore be unable to promise particular office hours. However, I am in the office most every weekday, and more likely to be available in the early afternoon.

Introduction

This course is an intensive introduction to and overview of some foundational issues in information ethics and policy. We will cover theoretical, legal, and policy-level approaches to several issues that are probably already familiar to you. There are three primary components to your work. First is engagement with the course material. You will be responsible for reading and critically assessing the course materials, and engaging with the rest of the class regarding those materials, each week. Second is presentation and discussion leading in two meetings during the semester. Third is a substantial research paper on a topic of your choice. That research paper will be constructed in stages, with deliverable content at several points during the semester.

Statement on credit hours: This is a 3-credit hour course. One credit is the learning that takes place in at least 45 hours of learning activities, which include time in lectures or class meetings, in person or online, labs, exams, presentations, tutorials, reading, writing, studying, preparation for any of these activities, and any other learning activities.

Required Texts

You will not need to purchase any textbooks. All required texts will be available via a Box folder linked in the course Canvas site. I will add supplemental readings (generally news or popular media) as the semester progresses.

There is one open access text that I will use. James Boyle and Jennifer Jenkins, *Intellectual Property: Law & The Information Society* (Center for the Public Domain, 2018). It is available at <https://web.law.duke.edu/cspd/pdf/ipcasebook2018.pdf>

Course Objectives and Learning Outcomes

- Students should understand the various philosophical theories, issues, and ideas that we address and apply those theories, issues, and ideas to problems in information policy and ethics.
- Students should develop the ability to examine and critique the arguments we encounter, and to bring original and creative ideas to bear on those arguments.

Course Learning Objective	Official Program-Level Learning Outcomes	Evidence of Learning Outcomes	Assessing Mastery of Learning Outcome
Students should understand the various philosophical theories, issues, and ideas that we address and apply those theories, issues, and ideas to problems in information policy and ethics.	Students demonstrate understanding of societal, legal, policy, or ethical information issues.	In class presentations.	Presentations describe flaws and advantages of various approaches to policy and ethics, and discussions weigh those flaws and advantages in relation to particular policy debates. Presentations deploy concepts, ideas, and arguments from readings to scenarios and problems they find.
		Research paper.	Paper has clear policy-oriented thesis and defends thesis against reasonable objections.
Students develop the ability to examine and critique the arguments we encounter, and to bring original and creative ideas to bear on those arguments.	Students apply appropriate research methodologies for inquiry or decision-making.	Class participation.	Discussions address problems and advantages of various approaches to policy and ethics, and postings weigh those flaws and advantages in relation to particular policy debates.
		Research paper.	Paper has clear policy-oriented thesis and defends thesis against reasonable objections. Paper is well-written and well-organized. Paper conveys arguments effectively.

Assignments, Evaluation, and Grading

Assignment	Max Points	Due date?
Participation	10 points	Weekly
Major paper/project	50 points (in parts)	Several
Leading class discussion	40 points total (2 presentations worth 20 points each, half of which is an individual grade and half of which is for the whole show)	variable

Assignment Specifics

Class Participation: 10 points

Expectations: You are expected to attend class prepared and to participate vocally and substantively. Quality of participation is much more important than quantity. You can expect full credit if you participate regularly and substantively, but do not talk over other folks in the class.

Purpose: The material we will address in the course is demanding and contested. Discussing the material is an important component in understanding the positions, disputes, and nuances. Moreover, I believe that learning is a collaborative process. You, your classmates, and the instructor all teach and learn from one another; participation by each class member is a crucial part of the process.

In-Class Presentations/Discussion Leading: 40 points total

Teams of five to seven students will lead class discussion for about an hour of class, weeks 2-6 and 8-12. We will pick dates during week 2, once you've had a chance to consider the agenda.

Each student will present twice, and each presentation is worth 20 points. Half (i.e., 10) of the points for each presentation will be based on individual presentation and half will be based on the whole show.

The details are as follows:

- The student team will present material and lead discussion in class for about 60 minutes.
- The presentation will contain the following elements:
 - Very brief presentation of the major points from the required readings.
 - Clear articulation of the key arguments / points of the supplemental readings.
 - Identification of 3-4 major questions stemming from the readings chosen.
 - Lead discussion in class about the above questions for approximately 10-15 minutes each
 - Find and present something else relevant to the week's topic. It could be something in the news, it could be an interesting historical antecedent, it could be a technology, it could be a case. Whatever. It's the group's choice, and a chance to think broadly and be creative.
- Use of AV material or material from the internet is fine (e.g., interviews, conference presentations etc.). For the difficult articles, a terse handout / outline of the main points and arguments may help.

- The grades for the presentations will be based on:
 - Clarity of presentations
 - Demonstration of understanding the major issues
 - Success in explaining the major concepts from the readings
 - Articulating important questions from the readings
 - Novelty, creativity, and appropriateness of external ideas and materials
 - Peer review (each group member will evaluate other group members and group as a whole, and each class member will evaluate the group as a whole)

Purpose: The purpose of in class presentations is several fold. First, it is for you to understand material in sufficient depth to both explain it to others and to offer worthwhile critiques. Second, it is for you to have sufficiently disciplined an understanding of the material to explain it succinctly to others. Third, it is to give you the opportunity to look beyond the readings and find examples that illustrate the points being addressed. Finally, it is to develop your presentation skills and foster group work.

Research Paper/Project

You will be required to write a research paper on a topic of your choosing, subject to my approval. The paper will be completed in a series of steps, each turned in and evaluated: proposal, annotated bibliography, outline and expanded bibliography, short presentation, final paper. The presentations will take place on the last day of class. The final paper will be 12-15 pages, *not* including references.

Purpose: The project as a whole is intended to foster depth of understanding of *both* value theory and particular issues in information ethics and policy. It is also intended to develop your ability to conduct independent research, manage a project, and write sophisticated papers.

Paper Parts	Due Date – all items due at start of class on due date unless otherwise indicated	Points
Proposal: ½ page, less than 200 words	March 9	1
5-7 item annotated bibliography	March 27 (NOTE: Friday, not a class day)	1
Initial outline and 10+ item annotated bibliography	April 6	3
Extended outline Topic sentences for each major section. “In this section I...”	April 20	5
Flash talk (2 mins max) (last day)	April 27	10
Final paper 15-20 pages not including sources.	Paper copy and electronic copy due by 5pm May 4.	30
		50 total

The purpose of the short presentation is to get you to hone your ideas into a format approachable by educated non-experts and to help develop your presentation skills. Just as important, it is to help educate your classmates and instructor about your topic.

The purpose of the intermediate steps is to help you develop a project over a longer period of time, and to create a structure that will help you write a better paper and to have a deeper learning experience. The longer and more ways in which you engage a project, the better you will understand it.

Expectations: Papers should be written in an academic style, rather than in a memo format. They should demonstrate thoughtfulness, creativity, and deep engagement with the underlying issues. You will choose a topic that is subject to debate or controversy and offer some argument about it (e.g., that policy should go in some direction, that some practice is morally problematic, that a certain danger lurks in a policy or practice). I will provide a list of potential topics, and I will periodically forward other potential topics for you to consider.

Your proposal should:

- State the nature of an information ethics/policy controversy.
- Say something about its importance.
- State very roughly what direction you would like to go on the project.

Your annotated bibliographies should:

- Show some understanding of each source and how it relates to your topic.

Your initial outline should:

- Have a thesis.
- Have a coherent structure.
- Show how the paper will support the thesis.
- Point to enough background information to demonstrate understanding.
- Recognize counterarguments and opposing views.
- Be long enough to convey your strategy; likely a page.

Your extended outline should:

- Have a clear, succinct thesis.
- Have a logical structure.
- Provide enough information to show how each part supports your thesis.
- Describe enough background information to help the reader understand what's at issue.
- Explain opposing views and show how the paper will handle them.
- Be long enough and detailed enough to explain background and demonstrate strategy; likely two or more pages.

Your presentation should:

- Introduce the topic clearly and succinctly;

- Provide sufficient background information to motivate the project;
- State your position clearly;
- Provide enough argument to see how you arrive at your thesis;
- State counterarguments clearly enough for audience to understand why there is some controversy;
- Have some *simple* visual aid for the audience: handout, slides, outline on board, model, video, interpretive dance, etc.

Your paper should:

- State and address a clear, non-trivial thesis that is possible to address within the limits of the assignment;
- Demonstrate depth of understanding of your topic;
- Persuasively use underlying value theory;
- Thoroughly explain its arguments and conclusions;
- Scrupulously address contrary positions, counterarguments, and the limits of your thesis;
- Have a logical and effective structure (e.g., clear roadmaps, thesis statements, sections, and headings) ;
- Be well-written (passive voice is avoided! Aren't rhetorical questions annoying?) and thoroughly edited.

Course Management

Contacting the Instructor

I will be available by appointment only this semester. I'm in the office most every weekday, but my schedule in Spring 2020 is highly variable. Please email for an appointment. Email is the best way to communicate with me. Allow me a day to respond, though I'll generally respond more quickly than that. Please put "LIS 661" and a brief description in the subject line. I get a lot of email, and that will make it easier to see.

Grade Distribution

A 94 - 100

AB 88 - 93

B 82 - 87

BC 77 - 81

C 72 - 76

Students with Disabilities

It is my intention to fully include persons with disabilities in this course. To request academic accommodations, you must register as soon as possible with McBurney Disability Resource Center (1305 Linden Drive; 263-2741; www.mcburney.wisc.edu.)

Agenda v2.10.20

Week 1, January 27: Introduction, Syllabus, Background

Readings

Kashmir Hill, "The Secretive Company That Might End Privacy as We Know It," *New York Times* Jan. 18, 2020 (in class)

Russ Shafer Landau, "Ethical Relativism," Russ Shafer Landau, *The Fundamentals of Ethics* (Oxford University Press, 2010) (optional)

Due: Volunteers for first presentation week.

Week 2, February 3: A bit of theory, a bit of expression

Required Readings

Russ Shafer Landau, "Consequentialism: Its Nature and Attractions," Russ Shafer Landau, *The Fundamentals of Ethics* (Oxford University Press, 2010)

Kent Greenawalt, "Rationales for Freedom of Speech," Adam Moore, ed., *Information Ethics: Privacy, Property, and Power* (University of Washington Press, 2005)

U.S. Constitution, First Amendment

Ken White, "Don't Use These Free Speech Arguments Ever Again"

Supplemental readings (students present):

Brandenburg v. Ohio, 395 U.S. 444 (1969) (excerpt)

Donohoo v. Action Wisconsin, 2008 WI 56.

Howard, *Dangerous Speech*, *Philosophy & Public Affairs*, 47(2) (2019)

Due: Pick presentation weeks, share some ideas for paper projects.

Week 3, February 10: Free Expression II

Required Readings

Elizabeth Anderson, *Private Government* ch. 2

Kate Klonick, "The New Governors: The People, Rules, and Processes Governing Online Speech"

Llanso, "Misconceptions about section 230"

Supplemental readings (students present):

Tim Wu, *The Master Switch: The Rise and Fall of Information Empires*, chs. 7-8

Ann Cudd, Harassment, Bias, and the Evolving Politics of Free Speech on Campus, *Journal of Social Philosophy*

Sarah Roberts, excerpt from *Behind the Screen*

Week 4, February 17: Privacy I

Required Readings

Anita Allen, "Privacy"

Solove, Nothing to Hide

U.S. Constitution, Fourth and Fifth Amendments

Supplemental readings (students present):

Olmstead v. U.S., 277 U.S. 438 (1928)

Katz v. U.S., 389 U.S. 347 (1967)

Carpenter v. U.S., 585 U.S. ____ (2018)

Washington Post (editorial board), "Apps are selling your location data. The U.S. government is buying." Feb. 9, 2020.

~~*U.S. v. Jones*, 565 U.S. 400 (2012)~~

Meg Leta Jones [Ctrl+Z], chapters 1 & 2

Google, Search removal request under data protection law in Europe ("Right to be Forgotten Form")

Week 5, February 24: Privacy II

Required Readings

Helen Nissenbaum, *Privacy as Contextual Integrity* chapter 7

Alan Rubel and Kyle Jones, "Student Privacy in Learning Analytics: An Information Ethics Perspective," *The Information Society* 32(2): 143-159 (2016)

Supplemental readings (students present):

Harwell, "Colleges are turning students' phones into surveillance machines, tracking the locations of hundreds of thousands"

MacMillan and Anderson, "Student tracking, secret scores: How college admissions offices rank prospects before they apply"

Alan Rubel and Mei Zhang, "Four Facets of Privacy and Intellectual Freedom in Licensing Contracts for Electronic Journals"

Richard Posner, "An Economic Theory of Privacy"

Ifeoma Ajunwa et al, "Limitless Worker Surveillance"

Week 6, March 2: Security I (Security and Privacy)

Required Reading

Waldron, "Security and Liberty: The Image of Balance"

Supplemental readings (students present):

Maass, "How Laura Poitras Helped Snowden Spill His Secrets"

U.S. Senate Select Committee on Intelligence (Report), "Russian Active Measures Campaigns and Interference in the 2016 U.S. Elections" **vols I and II**

Privacy and Civil Liberties Oversight Board, "Report on the Telephone Records Program Conducted under Section 215 of the USA PATRIOT Act and on the Operations of the Foreign Intelligence Surveillance Court": Intro, Executive Summary, and Description

Week 7, March 9: Security II

Required Readings

Lundgren, Björn, and Niklas Möller. "Defining Information Security." *Science and Engineering Ethics* 25, no. 2 (April 1, 2019): 419–41. <https://doi.org/10.1007/s11948-017-9992-1>.

Macnish, Kevin, Ana Fernandez Inguanzo, and Alexey Kirichenko. "Smart Information Systems in Cybersecurity." *ORBIT Journal* 2, no. 2 (February 20, 2019). <https://doi.org/10.29297/orbit.v2i2.105>.

Willison, Robert, and Merrill Warkentin. "Beyond Deterrence: An Expanded View of Employee Computer Abuse." *MIS Quarterly* 37, no. 1 (March 2013): 1–20.

Due: Paper Proposal.

March 16: SPRING BREAK

Week 8, March 23: Algorithms, Big Data, and Automated Systems I

Required Readings

Julia Angwin, "Machine Bias"

Solon Barocas and Andrew Selbst, "Big Data's Disparate Impact"

O'Neil, *Weapons of Math Destruction* (excerpt)

Supplemental readings (students present):

Liptak, "Sent to Prison by a Software Program's Secret Algorithms"

Corbett-Davies et al, "A computer program used for bail and sentencing decisions was labeled biased against blacks. It's actually not that clear." <https://www.washingtonpost.com/news/monkey-cage/wp/2016/10/17/can-an-algorithm-be-racist-our-analysis-is-more-cautious-than-propublicas/>

Obermeyer et al, "Dissecting racial bias in an algorithm used to manage the health of populations, Science 2019

LaTanya Sweeney, "Discrimination in Online Ad Delivery"

Reuben Binns, "Fairness in Machine Learning: Lessons from Political Philosophy"

Due: 5-7 item annotated bibliography (March 27)

Week 9, March 30: Algorithms, Big Data, and Automated Systems II

Required Readings

Alfano et al, "Technological Seduction and Self Radicalization"

Nguyen, "Why it's as hard to escape an echo chamber as it is to flee a cult"

Lewis, "'Fiction is outperforming reality': how YouTube's algorithm distorts truth"

Supplemental readings (students present):

Howard et al (Computational Propaganda Research Project), "The IRA, Social Media and Political Polarization in the U.S., 2012-2018"

DiResta et al (New Research), "The Tactics and Tropes of the Internet Research Agency"

Rubel, Castro, and Pham, "Agency Laundering and Information Technologies"

Castro and Pham, "Is the Attention Economy Noxious?"

Week 10, April 6: IP I

Required Readings

Center for the Study of the Public Domain, Duke University. *Bound by Law: Tales from the Public Domain* <https://www.thepublicdomain.org/wp-content/uploads/2009/04/bound-by-law-duke-edition.pdf> 60pp.

(Note: comic book pages!)

Boyle and Jenkins, chapter 1 (1-38), 79-89

Boyle and Jenkins, 267-283

Supplemental Readings (Students Present)

Siva Vaidyanathan, *Copyrights and Copywrongs* (excerpts)

Adler, "Moral Rights"

Hi Phi Nation, Cops of Pop, <https://hiphination.org/complete-season-one-episodes/episode-5-the-cops-of-pop/> (podcast)

Matal v. Tam, (582 U.S. ____ ; 137 S. Ct. 174, 2017) (Boyle and Jenkins 149-156)

Due: Initial outline and 10+ item annotated bibliography.

Week 11, April 13: IP 2

Required Readings

Edwin C. Hettinger, "Justifying Intellectual Property," *Philosophy and Public Affairs* 18: 31-52 (Learn@UW)

Felix Cohen, "Transcendental Nonsense and the Functional Approach," 35 *Columbia Law Review* 809 (excerpt) (9pp.) (Learn@UW)

Supplemental Readings (Students Present)

John Locke, "Of Property," excerpted from *Treatise (2nd) of Civil Government* (Learn@UW)

Jeremy Waldron, "Two Worries about Mixing One's Labour," *The Philosophical Quarterly* 33: 37-44 (1983) (Learn@UW)

Wexler, Code of Silence, *Washington Monthly* 2017

(<https://washingtonmonthly.com/magazine/junejulyaugust-2017/code-of-silence/>)

Week 12, April 20: More IP

Required Readings

Boyle and Jenkins (subject matter): 293-313

Boyle and Jenkins (Fair Use): 423-440, 448-459

Boyle and Jenkins (Secondary Liability and Safe Harbor): 519-521, 543-561

Brown, Who Owns Native Culture 1-68

Supplemental Readings (Students Present)

Cambridge University Press v. Becker, (N.D. GA, March 31, 2016) (slip opinion): **1-69**

Michelle Caswell, "Thank You Very Much, Now Give Them Back": Cultural Property and the Fight over the Iraqi Baath Party Records," *The American Archivist*, 74: 211-240 (2011)

Kay Mathiesen, "A Defense of Native Americans' Rights over Their Traditional Cultural Expressions," *The American Archivist*, 75: 456-81 (2012)

Due: Extended Outline

Week 13, April 27: Wrap Up, Flash Talks

Wrap up

Due: Flash talks

May 4: Final Paper due