Overview: There is no place to hide from the eyes of state and society – or so goes the claim. Each of us is a living – breathing – data emitting object, we leave data wherever we go and virtually in whatever we do, it is just a matter of that data being consumed and interpreted into meaningful information by individuals, groups, and organizations. Social phenomena like norms and law structure the data terrain of social life, creating protections for some data while providing multiple avenues for much data to be transmitted, processed, and used for a variety of purposes. This course is designed examine the growing social and political significance of data and the law’s role in structuring the data terrain and the ways in which data images may be manipulated and acted upon. While this is a vast and growing terrain, we will focus on the discourses of surveillance and privacy in the Anglo-American tradition. And particularly, we will be largely exploring two prongs of that inquiry – (i) that which is concerned with production and consumption of information about individuals in the everyday “living of their lives” and (ii) that which is concerned with searches and/or seizures by the State for investigation purposes.

Work and Evaluation: Quizzes and/or response essays (40%); Exam(s) (50%) ; Participation (10%). Quizzes or exams can only be made up if you clear it in advance w/ Professor. ONE extra credit project (details TBA).

Materials: There will be a course packet available from Collective Copies. There will be several books from Food for Thought in Amherst (or you can get them online or elsewhere as you like). There will be online materials that you will be provided instructions as to how to access.

Books: George Orwell’s 1984, Margaret Atwood’s Handmaid’s Tale, Franz Kafka’s The Trial (optional – if you want to do extra credit).

Schedule: Course is broken into three overlapping phases. Phase One sets the stage metaphorically and theoretically. Phase Two Survey (not exhaustive) of Privacy and Surveillance in law / theory up through contemporary. Phase Three is more specific case studies in particular issue areas – w/ respective treatment of statutory and/or case law as necessary.
1. Phase 1: Introduction and Thought Provokers (9/2 – 9/11)


2. Phase 1: Metaphors of Privacy (9/16 – 9/25)

Atwood’s Handmaid’s Tale; “I Spy Doesn’t Everyone?” NYT 9/7/06 (handout); “When Information Becomes T.M.I.” NYT 9/10/06 (handout); “In Your Facebook.com” NYT 1/8/06 (handout); “This is your space,” Amanda Gefter, NewScientist, September 16–22, 2006, pp. 46 – 48, “I’ll have to ask my friends,” Sherry Turkle interviewed by Liz Else pp. 48 – 49, “Things you wouldn’t tell your mother,” Alison George, pp. 50 – 51, “I saw the best minds of my generation destroyed by Google,” Bruce Sterling, pp. 52-53 (handouts); “Bilking the Elderly, With a Corporate Assist,” NYT 5/20/07 (handout); “28 Mile Virtual Fence Is Rising Along the Border,” NYT 6/26/07 (handout); “FBI vs. spies on campus: Agency warns, offers advice on detection,” Hamp. Gazette, 6/13/07 (handout); “Full Constitutional Protection for Some, but no Privacy for the Poor,” NYT 7/16/07 (handout). Other readings and materials TBA.

3. Phase 1: Metaphors of Meaning for Surveillance Society and Spheres of Privacy (9/30 – 10/9)

Orwell’s 1984; Kafka’s The Trial (if you want to do the extra credit – details TBA); Solove’s Chapter 3 “Orwell and Kafka” – Course Packet; McVeigh v. Cohen (983 F. Supp. 215 (D.C. 1998)) – online; Remsburg v. Docusearch (816 A. 2d. 1001 (N.H. 2003)) – online; “British Miscreants Caught on Camera Face Loudspeaker Lectures,” NYT 4/5/07 (handout); Other readings and materials TBA.
4. **Phase 2: Privacy and Surveillance Survey (10/16 – 10/23)**


5. **First Exam (TBD)**


7. **Phase 3: Datamalance and the Naked Machine (11/6 – 11/11)**

   Rosen, Prologue – **Course Packet**; Lyon, Chapter 1 – **Course Packet**.

8. **Phase 3: Case Studies and Second Exam– (Remainder of Semester)**

   - **Background Checking** –O’Harrow Chapter 5 – Look Me Up Sometime – **Course Packet**; *Other materials TBA.*

9. **Second Exam (TBA)**