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, enabling protections for some data while providing multiple avenues for much data to be transmitted, processed, and sold / used for a variety of purposes. This course is designed pay attention to the ever growing social and political significance of data and databases – 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 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: Weekly quizzes and/or response essays (40%); Exam(s) and/or final project (50%) – perhaps have second exam be replaceable by a project/research paper; Participation (10%). Quizzes can only be made up if you clear it in advance w/ Professor. Lateness will be treated accordingly on anything else. At least one quiz and/or response essay will be dropped. There are often extra credit points available on quizzes and other assignments – generally no separate extra credit assignments however.

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 (cases and other readings) that you will be provided links to (or instructions as to how to access otherwise). Books: Franz Kafka’s The Trial, George Orwell’s 1984, Margaret Atwood’s Handmaid’s Tale.

Schedule: Course is broken into three overlapping phases. Phase One sets the stage metaphorically and theoretically. Phase Two Survey of Privacy and Surveillance in law / theory up through contemporary. Phase Three is your more specific case studies in particular issue areas – w/ respective treatment of statutory and/or case law as necessary.
1. **Phase 1: Introduction (9/7)**: Course introduction and “everyday surveillance” case study: UMass video cameras. **Read**: start Atwood’s *Handmaid’s Tale*.

2. **Phase 1: Digital Identities, Categorizing, and Databases (9/12 – 9/14)**: Identity, exposure and data images and how they relate to categorization. **Read**: Minnow, “Making All the Difference” – Course Packet; finish Atwood’s *Handmaid’s Tale*.

3. **Phase 1: Metaphors of Meaning for Surveillance Society (Big Brother, The Trial) (9/19 – 9/21 – 9/26 – 9/28)**: Fictional accounts that provide metaphorical meaning and case study (e.g. the tracking system for US students recently proposed – so called “Unit Record DB”). **Read**: Orwell’s 1984; Handouts in class (or online) - TBD

4. **Phase 1: Metaphors cont. (9/28 – 10/3 – 10/5)**: **Read**: Finish Orwell, Kafka’s *The Trial*; Solove’s Chapter 3 “Orwell and Kafka” – Course Packet; Handouts in class (or online) - TBD

5. **Phase 2: Privacy and Surveillance (10/10 – 10/12 – 10/17 – 10/19)** – History / survey. **Read**: J.S. Mill’s excerpt from “On Liberty” (Handout or online) and John Locke’s Theory of Civil Government (Handout or online). Solove’s Chapters 4 and 10 from Course Packet. Cases (e.g. Boyd, Olmstead, Goldman, Katz, etc.) will be assigned on ad hoc basis – they will available online.

6. **MIDTERM (10/24)**

7. **Phase 2: Datavalance and Digital Dossiers (10/24 – 10/26 – 10/31 – 11/2)**: **Read**: Ball, Chapter 1 – Course Packet; Rosen, Prologue – Course Packet; Lyon, Chapter 1 – Course Packet; Solove, Chapter 2 – Course Packet.

8. **No Class Likely – AG will be away 11/6-7**

9. **Phase 3: Case Studies and Second Exam (or paper? Project?) – (11/9, 14, 16, 21, 28, 30, 12/5, 7, 12)**. NOTE: We may have to adjust when we reach this point – possible that four case studies are too much now.
   - **Keeping Track / Real time surveillance in policing / probation / parole** – GPS use to keep track of parolees is primary case study here – maybe situate w/ sex offender registries and/or DNA databases for tracking purposes (not predictive or other sorting purposes) of populations under suspicion or care (prisoners, ex-prisoners, others??). Guests: Legal Studies grad and Mass. Probation officer Brian Mirasolo w/ Deputy Commissioner (NAME??) of Mass. Probation. **Read**: TBD
   - **Drug Testing / Medical information (and related)** – Workplace, and other, bio-metric, background checks (i.e. data image production and identity assessment) and DNA or other medical analysis for authoritative decision making. **Read**: Tunnel, Chapters 1, 4 from Course Packet – Cases will be assigned on ad hoc basis.
   - **Background Checking** – Blurring of public / private divide in the management and use of digital dossiers. **Read**: O’Harrow Chapter 5 – Look Me Up Sometime –Course Packet.
   - **ID Theft** – Proliferation of fraud w/ the proliferation of individualized data. **Read**: TBD