

Theories and Evidence: How the Internet Changed Society (Law 666) – Spring 2022

The Past and Future Internet

Prof. Jane Bambauer

Thursdays 4:00-6:00 p.m.

Via Zoom (link provided by email)

Password: Bambauer

This course is designed to provide a rich and multilayered foundation for thinking about Internet policy. During the first eight weeks of the course, we will develop an understanding of how the Internet functions technologically, economically, and administratively, and we will discuss readings that predict or describe how the Internet will (or does) affect society. These readings and discussion are grouped into eight themes that tend to reemerge in public and policy debates. In our class sessions, we will extract the descriptive and normative claims that have been made about the Internet, and we will spend some time discussing existing empirical evidence that can help us understand whether the descriptive claims are correct.

During the remainder of the class, you will actively shape class discussion and your final projects. Each student will select one hypothesis about how the Internet has changed society (for better or worse), and will identify the best available empirical evidence or theoretical counterarguments to test the hypothesis. Each student will lead a portion of a class discussion on their selected topic. Student-led class discussions should include a critique of existing laws and regulations (or lack thereof) that mediate the effect of the Internet on society. At the end of the semester, you will prepare a policy white paper.

Instructor and Contact Information:

Instructor: Jane Bambauer

Email: jbambaue@gmu.edu

Office Hours: Fridays at 12:00 p.m. via Zoom

Required Books: The only two books that you will need to buy for this course are readily available on Amazon. They are:

[LAWRENCE LESSIG, CODE \(1999\)](#) [NOTE: Get the original, not “Code 2.0.” The point is to use this book as a portal to the mind of somebody very smart and wise who was anticipating the impact of the Internet before its mass adoption.]

[DAVID CLARK, DESIGNING AN INTERNET \(2018\)](#)

All other materials are either hyperlinked on this syllabus or will be available on [this shared google drive](#).

Course Objectives:

In this course, students will:

1. Improve their understanding of how the Internet works and how it is currently regulated under U.S. law
2. Improve their ability to critically analyze a claim with the use of empirical studies
3. Meaningfully contribute to a live technology policy debate by writing a cogent and well-researched policy white paper

Expected Learning Outcomes:

Upon successful completion of this course, students will be able to:

- Accurately describe past and current predictions about how the Internet affects society
- Understand and synthesize normative claims about how the Internet should affect society
- Isolate and test descriptive theories related to the Internet with the use of empirical evidence
- Describe some of the most important laws that currently regulate the Internet
- Provide an account of how current Internet law and regulatory policy affects society, and make a convincing argument about how current law can be improved

Assignments and Assessment of Performance

- 20% In-class participation
(Weeks 1-8; I will call on each student to comment on each of the four questions listed below)
- 10% Preparation for Part II
(Identifying topic and finding suitable readings for the class)
- 20% Leading Part II Class Discussion
- 50% Final White Paper (8-12 pages, based primarily on class reading materials and discussion)

See below for more details about the course components, presented in chronological order.

Part I:

For each of the first eight weeks, the class will meet via Zoom. Please read the materials and prepare to answer the following questions in class:

- A. What are (some of) the descriptive claims about how the Internet will/does affect society?

- B. What are (some of) the normative claims about how the Internet *should* work for society?
- C. How do the readings relate to the previous class discussions and readings?
- D. How well do past predictions seem to hold up? What are the markers of good predictions related to the Internet (and technology shocks more generally)?

Week 1: The Internet Is Coming

- Eugene Volokh, [Cheap Speech and What It Will Do](#)
- John Perry Barlow, [A Declaration of the Independence of Cyberspace](#)
- LAWRENCE LESSIG, CODE Pages 3-60

Week 2: Architecture

- DAVID CLARK, DESIGNING AN INTERNET Pages 1-80
- [ICANN Beginners Guide](#)

Week 3: Markets

- DAVID CLARK, DESIGNING AN INTERNET, 237-58
- Avi Goldfarb & Catherine Tucker, [Digital Economics](#)
- [Statement of the Federal Trade Commission Regarding Google's Search Practices](#), *In re* Google Inc., FTC File Number 111-0163, (Jan. 3, 2013).
- [Gilad Edelman](#), *Google's Antitrust Cases: A Guide for the Perplexed*, WIRED (Dec. 10, 2020, 10:40 AM).
- [Press Release](#), Fed. Trade Comm'n, FTC Sues Facebook for Illegal Monopolization (Dec. 9, 2020).

Optional:

- Excerpts from **ITHIEL DE SOLA POOL, TECHNOLOGIES OF FREEDOM**
 - [Ch. 8 and 9 will be provided on course website]

Week 4: Privacy

- Garrett Johnson, [The Impact of Privacy Policy on the Auction Market for Online Display Advertising](#)
- Natasha Lomas, [Targeted Ads Offer Little Extra Value for Online Publishers, Study Suggests](#)
- [The HEW Report](#) Summary and Introduction and Chapter 3, 'Safeguards for Privacy' (Origin of the Fair Information Practice Principles, or "FIPPs")

- LAWRENCE LESSIG, CODE, Pages 142-163
- [CCPA Is a Win for Consumers, but Businesses Must Now Step Up](#)

Optional:

- Excerpts from **SETH STEPHENS-DAVIDOWITZ, EVERYBODY LIES**
 - [INTRO AND CHAPTER 4 will be provided on course website]

Week 5: Security

- DAVID CLARK, DESIGNING AN INTERNET, Pages 189-235
- Danezis & Diaz., *A Survey of Anonymous Communication Channels* [available on course website]
- Daniel Solove, [‘I’ve Got Nothing to Hide,’ and Other Misunderstandings of Privacy](#)

Starting this week, I will use the second half of class to meet individually with students

Week 6: Beliefs and Politics

- LAWRENCE LESSIG, CODE, Pages 154-209
- Excerpts from **MARTIN GURRI, THE REVOLT OF THE PUBLIC (Ch 2, 3, 4)**
- Excerpts from **CASS R. SUNSTEIN, #REPUBLIC (Ch. 1, 2, 3)**
- Excerpts from **YOCHAI BENKLER ET AL., NETWORK PROPAGANDA (Ch. 1, 2, and 9)**

Week 7: Education, Employment, and Economic Development

- Excerpts from **YOCHAI BENKLER, THE WEALTH OF NETWORKS (Ch. 1,3, and 4)**
- Excerpts from **JONATHAN ZITTRAIN, THE FUTURE OF THE INTERNET AND HOW TO STOP IT ((Ch. 4 and 5)**
- Excerpts from **KAI-FU LEE, 2041 (Ch. 8)**
- Slate Star Codex, [Meditations on Moloch](#)

Week 8: Equality

- LAWRENCE LESSIG, CODE, 213-34
- DAVID CLARK, DESIGNING AN INTERNET, Pages 287-327
- Danielle Keats Citron, [Law’s Expressive Value in Combatting Cyber Gender Harassment](#)
- Olivier Sylvain, [Platform Realism, Informational Inequality, and Section 230 Reform](#)
- Access and adoption reading: Choose two articles on similar topics from [PEW’s Digital Divide](#) series: one from before 2005, and one from the last five years.

Optional:

- Excerpts from **NICOLAS P. SUZOR, LAWLESS (Ch. 2, 3, and 4)**

Weeks 9 – End

The class will meet in-person twice during the weeks of March 28 and April 11 as follows:

Thursday, March 31 (4:00 – 6:00 p.m.)

Friday, April 1 (9 a.m. - 12:00 p.m.)

Thursday, April 14 (4:00 – 6:00 p.m.)

Friday, April 15 (9 a.m. – 12:00 p.m.)

These class sessions will be student-led discussions based on your topic of choice.

(I will work with each of you to develop reading materials that we will distribute to the class ahead of your session. Plan to lead the class for approximately 40 minutes.)

Final Project: Policy White Paper - DUE MAY 12 by 11:59 p.m.

You will turn in an 8-12 page policy paper that makes a clear contribution to the policy debates surrounding the regulation of the Internet. Typically, this will involve identifying and isolating a hypothesis (e.g. “the Internet causes severe income inequality” or “Social Media is biased against conservatives” or “Google’s market dominance is bad for consumers”), discussing the theories that undergird the hypothesis and the credible counterarguments that challenge it, describing the best available empirical evidence that supports or contradicts the claim (with some explanation for why other evidence, that runs in the other direction, is more flawed or less reliable), and then proposes a pragmatic legal or regulatory change that could benefit society. You should discuss the strengths and drawbacks of your proposal, and explain why you have concluded that it is better than alternative proposals and the status-quo. (Alternatively, if you recommend maintaining the status quo, you should explain why others’ proposals are worse than the status quo.) After grades have been posted, I will work with students who have written excellent policy papers to get their drafts published in an appropriate forum.

Final Comment.

One note about what we are learning in this course: we are learning about the Internet, yes, but we are also learning about how to understand and regulate technology when their effects are uncertain. Much of the reading in this class, particularly sources from the 1990s, will be weird: semi-prescient, and also at times comically, howlingly, wrong. I have enduring interest in technology policy because it requires acknowledgment of very high stakes while coping with epistemic humility. I expect my own understanding of the impact of the Internet to be changed during the course of the semester, and I strongly suspect yours will, too. And yet, the uncertainty about how the Internet is changing society should not discourage you from contributing to policy debates and taking a strong position on how law should regulate the Internet. To the contrary, those with an open mind and a willingness to consult lots of evidence to test and challenge their own theories are precisely the people who have the most to contribute to our national and international debates. My sincere hope is that the policy papers we produce as a class during this semester will be valuable to many readers across industry, academia, government, and civil society.