

**Technology, Law, Society, Values and Design**

Tuesdays 6:00-8:00 p.m.  
Seminar Leader: Michael Zimmer

The starting point of this reading group is the position that the spheres of technology, society, law, and values are engaged in an eternal dance, each guiding, influencing, and reacting to the other. Technologies are socially constructed, but also shape society. Values are embedded in technologies and reflected in law. Laws react to technologies and form the basis for society. Where these spheres intersect rests the notion of design, the ways in which technologies are built, laws are crafted, values are embedded, and society is shaped.

This reading group will map the terrain of the complex interrelationships between technology, society, law, values, and design, bringing together disparate theories from law, philosophy, ethics, sociology, media theory, science and technology studies, and information science. The reading group will cover key readings selected on the basis of: 1) their depth, rigor, aspirational ideals, contribution to foundational thinking, influence on discourse, etc. and 2) their coverage of as broad a range of topics as possible, including privacy, social software, information policy, information intermediaries, sustainable technologies, digital rights, and Internet governance.

Recognizing that each topic could itself fill a semester, the reading group aims for a broad overview of issues and perspectives, and a sufficient grasp of basic concepts and principles, providing a solid foundation for independent future explorations, and an ability to apply these concepts and principles to innovative research questions.

Readings (subject to change)

- Feb 5      **Foundational Concepts: Values in Technology**  
Friedman, Batya, and Nissenbaum, Helen. "Bias in Computer Systems." *ACM Transactions on Information Systems* 14, no. 3 (1996): 330-47.  
Mumford, Lewis. "Authoritarian and Democratic Technics." *Technology and Culture* 5, no. 1 (1964): 1-8.  
Shneiderman, Ben. "Human Values and the Future of Technology: A Declaration of Responsibility." *ACM SIGCHI Bulletin* 23, no. 1 (1991): 11-16.  
Winner, Langdon. "Do Artifacts Have Politics." In *The Whale and the Reactor*, 19-39. Chicago, University of Chicago Press, 1986.
- Feb 12     **Foundational Concepts: Technology as Law**  
Grimmelmann, J. "Regulation By Software." *Yale Law Journal* 114 (2005): 1719-58.  
Lessig, L. *Code and Other Laws of Cyberspace*. New York: Basic Books, 1999. (chapters 1-2)  
Wu, T. "When Code Isn't Law." *Virginia Law Review* 89, no. 4 (2003): 679-751.
- Feb 19     **Foundational Concepts: Technology and Society**  
Heilbroner, R. "Do Machines Make History?" In *Does Technology Drive History? The Dilemma of Technological Determinism*, edited by Merritt Roe Smith, and Leo Marx, 53-65. Cambridge, MA: MIT Press, 1994.  
Heilbroner, R. "Technological Determinism Revisited." In *Does Technology Drive History? The Dilemma of Technological Determinism*, edited by Merritt Roe Smith, and Leo Marx, 67-78. Cambridge, MA: MIT Press, 1994.  
Postman, Neil. "[Five Things We Need to Know About Technological Change.](#)"  
Sunder, Madhavi. "IP3." *Stanford Law Review* 59 (2006)
- Feb 26     **Foundational Concepts: Design Pragmatics**

Flanagan, Mary, Daniel Howe, and Helen Nissenbaum. "Values in Design: Theory and Practice." In *Information Technology and Moral Philosophy*, edited by Jeroen van den Hoven, and John Weckert, Cambridge University Press, in press.

Friedman, Batya, Kahn, Paul, and Borning, Alan. "Value Sensitive Design: Theory and Methods." (*Technical Report 02-12-01*) (2002)

Manders-Huits, N. & Zimmer, M., *Values & pragmatic action: The challenges of engagement with technical design communities*

March 4 **Information Intermediaries**

Elkin-Koren, Niva. "Let the Crawlers Crawl: On Virtual Gatekeepers and the Right to Exclude Indexing." *University of Dayton Law Review* 26 (2001): 180-209.

Goldman, E. "Search Engine Bias and the Demise of Search Engine Utopianism." *Yale Journal of Law & Technology* (2006): 188-200.

Introna, Lucas, and Nissenbaum, Helen. "Shaping the Web: Why the Politics of Search Engines Matters." *The Information Society* 16, no. 3 (2000): 169-85.

March 11 **Social Software**

Agre, Philip. "P2P and the Promise of Internet Equality." *Communications of the ACM* 46, no. 2 (2003): 39-42.

Benkler, Yochai. *The Wealth of Networks: How Social Production Transforms Markets and Freedom*. New Haven: Yale University Press, 2006. (pp. 356-377)

Madison, Michael. "Social Software, Groups and Governance." *Michigan State Law Review* 1 (2006): 153.

Shirky, C. [Social software and the politics of groups](#)

March 25 **Sustainable Technologies**

Selected position papers from *Workshop on Ubiquitous Sustainability: Technologies for Green Values*

Additional reading: *TBD*

April 1 **Privacy**

Cohen, Julie. "A Right to Read Anonymously: A Closer Look At 'Copyright Management' in Cyberspace." *Connecticut Law Review* 28, no. 4 (1996): 981-1039.

Kang, Jerry. "Information Privacy in Cyberspace Transactions." *Stanford Law Review* 50, no. 4 (1998): 1193-294.

Microsoft Corporation, [Privacy guidelines for developing software products and services](#)

Rotenberg, M. "Fair Information Practices and the Architecture of Privacy (What Larry Doesn't Get)." *Stanford Technology Law Review* 1 (2001):

April 8 **Digital Rights**

Balkin, Jack. "Digital Speech and Democratic Culture: A Theory of Freedom of Expression for the Information Society." *New York University Law Review* 79, no. 1 (2004): 1.

Balkin, Jack. "Virtual Liberty: Freedom to Design and Freedom to Play in Virtual Worlds." *Virginia Law Review* 90, no. 8 (2004): 2043-98.

April 15 **Internet Governance**

Crawford, Susan. *The Radio and the Internet*

Mueller, Milton. *Ruling the Root: Internet Governance and the Taming of Cyberspace*. Cambridge, Mass: MIT Press, 2002. (excerpts)