Law and the Internet

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<tr>
<th>Academic Year</th>
<th>2017-18, Hilary Term</th>
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<tr>
<td>Day and Time</td>
<td>Thursdays, Weeks 1-9, 09:15-11:15</td>
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<td>Location</td>
<td>Seminar Room, Oxford Internet Institute, 1 St Giles, Oxford, OX1 3JS</td>
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<td>Course Providers</td>
<td>Professor Viktor Mayer-Schönberger (VMS), Oxford Internet Institute, <a href="mailto:viktor.ms@oii.ox.ac.uk">viktor.ms@oii.ox.ac.uk</a></td>
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<td>Prerequisites</td>
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Background
Much has been written about emerging legal issues on the Internet. But most of these “novel” challenges are neither particularly novel, nor are they particularly interesting (except perhaps for the parties directly involved). It may get lawyers and legal academics excited, but won’t move the public at large (and the few exceptions – when much-liked online services are ordered offline or personal data is compromised – only seem to prove the general point). This does not warrant teaching a course about it (except at law schools, or except by instructors who can’t stop talking about the things they research about). So this options course is NOT about the latest and greatest legal issues online. Sorry.

Rather, the focus of this course is the role of the legal system itself – law as being a central social institution and fundamental innovation in our society. In other words, we will investigate whether, to what extent and why law's role in our society is diminishing caused or fostered by the Internet, and what consequences this change affecting a core institution in our society may have.

Course Objectives
In this course we build a conceptual framework to understand traditional (and novel) rules and their role online, utilizing legal, economic, historic, and sociological analysis (and anything else that's helpful).

Learning Outcomes
At the end of the course students will:
- Be able to judge what is a fundamental shift in societal institutions and values and what is just another boring legal tussle online
- Have a framework to conceptualize the debates about rules and rulers on the Internet
- Understand the normative needs in a exceedingly digital society, and who may be able to fulfill these needs (including identifying opportunities for innovation)
- Be able to think normatively
- Help save the legal system by reinventing it – should we conclude it deserves being saved

Students are expected to have done the required readings prior to each session. Course providers
will “cold call”, i.e. call on students as part of class discussion. This is a fun course, but it is not for the faint-hearted as it may make your head spin around and require unconventional thinking.

Teaching Arrangements
The course will be taught during Hilary term in eight weekly classes, each consisting of a short lecture, class discussions, and occasional group exercises. The date, time and venue will be communicated to students during Michaelmas Term. Teaching will occur in weeks 1-4 and 6-9 of Hilary term.

Formative Assessment
Students will be required to write one short (advised length: 3000 words) essay on any of the 8 topics covered. This essay will provide a means for students to obtain feedback on the progress they have achieved. This essay will be due at COB on Friday in week 5 of Hilary Term.

Summative Assessment
Students will be assessed through a final essay that is no longer than 5000 words which must be submitted online by 12 noon of Monday of Week 1 of Trinity term (23 April). The essay will cover one or several of the course topics, and students will choose a topic in consultation with the course providers in advance. The essay should be clearly related to the topics of the course.

Submission of Summative Assessment
The summative assignment for this course is due on Monday of Trinity Term Week 1 (23 April) by 12.00pm and should be submitted electronically. The assignment should also be submitted electronically by 5:00 pm on the same day to teaching@oii.ox.ac.uk. If anything goes wrong with your submission, email teaching@oii.ox.ac.uk immediately. In cases where a technical fault that is later determined to be a fault of the WebLearn system (and not a fault of your computer) prevents you from submitting the assessment on time, having a time stamped email message will help the Proctors determine if your assessment will be accepted.

Please note that you should not wait until the last minute to submit materials since WebLearn can run slowly at peak submission times and this is not considered a technical fault.

Full instructions on using WebLearn for electronic submissions can be found on Plato under General Information. There is also an FAQ page on the Assignment Submission WebLearn Site.

Please note that work submitted after the deadline will be processed in the standard manner and, in addition, the late submission will be reported to the Proctors’ Office. If a student is concerned that they will not meet the deadline they must contact their college office or examinations school for advice. For details on the regulations for late and non-submissions please refer to the Proctors website at https://www.admin.ox.ac.uk/proctors/examinations/candidates/

Any student failing this assessment will need to follow the rules set out in the OII Examining Conventions regarding re-submitting failed work.

Topics
1. Monuments of Cyberlaw Valley
2. No Longer a “Valley of Men”
3. Ida’s Alternative I
4. Ida’s Alternative II
5. Break
6. Pluralism of Rules
7. Pluralism of Interpretation
### Key to Readings

A reading list is given below for each class. Those items marked with an asterisk (*) are essential reading and MUST be read by all students in preparation for the class. Items that are not marked with an asterisk are additional readings that are entirely optional (but hopefully helpful).

#### Week 1: Monuments of Cyberlaw Valley

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<th>Source</th>
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<td>* Lessig, Lawrence</td>
<td>Code is Law: Does Anyone Get This Yet?, <a href="https://www.youtube.com/watch?v=us5CUAsH0U0">https://www.youtube.com/watch?v=us5CUAsH0U0</a></td>
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#### Week 2: No Longer a “Valley of Men”

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#### Week 3: Ida’s Alternative I

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#### Week 4: Ida’s Alternative II

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**Week 5: BREAK**

**Week 6: Pluralism of Rules**
* Berman, Paul Schiff  

**Week 7: Pluralism of Interpretation**
* Asimov, Isaac  
I Robot (HarperVoyager 2013).

* Schelly, Judith  
Interpretation in Law: The Dworkin-Fish Debate (or, Soccer amongst the Gahuku-Gama), 73 Cal. L. Rev. 158 (1985); http://scholarship.law.berkeley.edu/californialawreview/vol73/iss1/4

* Fish, Stanley  
Is There a Text in This Class? (Harvard University Press 1982)

* Campos, Paul F.  

**Week 8: The Future of Lawyering**
* Susskind, Richard and Daniel Susskind  

**Week 9: The Future of Rules – and Us**
* Joy, Bill  

* Ridley Scott  
Blade Runner (Movie 1982).

Please note: Option papers will only run if selected by at least three students.