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UNIVERSITY OF MICHIGAN

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SI 507 / 703: Information Policy Analysis and Design

School of Information, University of Michigan
Fall 2009
Instructor: Steven Jackson

(REVISED: 6nov09)

OVERVIEW:

This course, the gateway to SI's Information Policy (IPOL) specialization, introduces students to the conceptual, institutional, and practical foundations of information policy analysis and design. A good deal of our time will be spent exploring the regulatory histories, paradigms, processes, and actors shaping the ongoing development of the information field. Topically, the course provides a comprehensive grounding in telecommunications policy; competition and antitrust; concentration, diversity and expression; intellectual property; standards and innovation; peer production and user innovation; information privacy; digital governance; and transnational information policy. The course also emphasizes the development of core information policy skills, introducing students to relevant analytic contributions from the fields of economics, communication, law, and public policy.

The course is geared to the interests of three primary groups: students pursuing information policy careers in the public, private, or non-profit sectors; current and future information professionals seeking to understand the broader policy forces and principles governing work in the information field; and students pursuing (or intending to pursue) advanced research or further professional training in information policy-relevant domains.

ASSIGNED TEXTS:

The following books are recommended for purchase, and are available at reasonable price and fast delivery from most major online booksellers.

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

David Lazar and Victor Mayer-Schonberger, *Governance and Information Technology: From Electronic Government to Information Government* (MIT Press: Cambridge MA, 2007)

Jessica Litman, *Digital Copyright* (Prometheus Books: Amherst NY, 2001).

Jonathan Nuechterlein and Philip Weiser, *Digital Crossroads: American Telecommunications Policy in the Internet Age* (MIT Press: Cambridge MA, 2005).

Daniel Solove, Marc Rotenberg, and Paul Schwartz, *Privacy, Information, and Technology* (Aspen Publishers: New York, 2006).

LEARNING OBJECTIVES:

By the end of SI 507, all students are expected to be able to:

- *Understand* the key institutional, regulatory, and legal processes and histories shaping current and future information policy in the U.S. (and to lesser extent internationally);
- *Identify* and *analyze* the key policy positions, interests, and strategies of major stakeholders in the information policy field;
- *Analyze*, *argue*, and *contribute* to current debates in information policy;
- *Write* concise, informed, and effective policy briefs and analyses appropriate to work in the policy field; and
- *Compare and contrast* domestic information policy processes and frameworks with those of other countries and international bodies.

These learning objectives will be met through a combination of readings, lectures, discussion, and individual and small group assignments, as described below.

MSI REQUIREMENTS (SI 507):

Short assignments 3 x 10 pts	-- 30%
Country briefing paper	-- 30%
Final exam	-- 20%
Group preparation and leadership	-- 10%
General Seminar Participation	-- 10%

SHORT ASSIGNMENTS:

Students will be expected to complete a minimum of 3 out of 4 short (approximately 2-3 single-spaced pages) assignments, each closely tied to the readings and topics of a particular week and mapping one of the major information policy sub-fields. The precise form and expectations of these will vary according to the issue / policy area at hand; directions for each assignment will be circulated in class and posted to the course Ctools site at least one week prior to their due date. Each assignment will be graded on a scale of 0-5, corresponding to the following rough standards:

0 = F (usually indicates did not complete)
2 = D (assignment is missing significant parts, seriously mistakes core ideas or concepts, demonstrates serious writing or presentation failures, or is otherwise deeply inadequate)
3 = C (assignment is substantially complete, but may miss or mistake important points; writing and argumentation may be unclear)
4 = B (assignment is complete and solid in all respects; covers major relevant points; writing and argumentation are sound; demonstrates good understanding of core concepts)
5 = A (assignment is outstanding in all respects; covers the material thoroughly and effectively; demonstrates significant mastery of core concepts; advances a clear and convincing line of argument)

Given the limits of time and class size, I will *not* be returning exhaustive comments on each individual assignment. Instead, I post to the class Ctools site a grading guide for each assignment charting common strengths and weaknesses showing up across several of the assignments. I'll also post 1-2 anonymized exemplars from the weekly set, i.e. examples of assignments that I regarded as particularly strong or effective. I would strongly prefer *not* to argue about specific assignment grades, but am happy to discuss strategies for improvement. If you feel you are consistently falling short of expectations, and can't understand how your assignments differ from the posted exemplars, please set up an appointment to speak with me.

Assignments should be posted to your personal drop box of the class Ctools site by no later than 11 pm of the day immediately preceding the seminar. Please also bring 2 paper copies to class: one for me, and an additional copy for you to reference during class and small group discussions.

COUNTRY BRIEFING PAPER:

Working in groups of 3-4, students will prepare a 20-25 page (double-spaced) **country briefing paper**, designed to provide an overview of key **information policies**, **issues**, **events, actors**, **institutions** and **challenges** in a selected national context. Your paper should include: a one-page executive summary; a clear introduction; relevant references, footnotes, diagrams, and illustrations; appropriate section headings; and a conclusion identifying 3-4 pressing information policy challenges or opportunities for your country moving forward. While the primary focus will be domestic, groups are also encouraged to take note of national participation in or relationship to information policies at the regional (e.g. European Union) and/or multilateral (e.g. international treaty) levels.

Country briefing papers may reference any of the information policy areas discussed in class, but should **definitely** include attention to:

a) telecommunications policy (broadband penetration and universal service policies; competition among telephone, wireless, or cable carriers; key regulatory bodies; major recent decisions or changes in the sector (e.g. major pieces of legislation, privatizations, etc.);
b) competition, investment, and industrial policy (e.g. antitrust law and/or national champion strategies; foreign direct investment (FDI)in the information sector; import and/or export restrictions; government procurement policies)
c) intellectual property policy (copyright, trademark, and patents);
d) privacy, security, and freedom of information;
e) digital government policies and initiatives.

Papers will be **due** in the discussion section of the class Ctools site no later than **9 p.m. on Sunday, Dec 6th.** Groups will be asked to prepare a carefully-organized 15 minute presentation of their country briefing paper in class on **Tuesday, Dec 8th.** *Papers are expected to be of professional-grade quality in writing and presentation, and may be shared within the wider IPOL, SI, and broader information policy communities. I will circulate more information and possible document formats and conventions later in the semester.*

FINAL EXAM:

A short-answer in-class exam reviewing course materials and concepts will be conducted during the course's assigned exam slot on **Friday, Dec 18th, 10:30-12:30 in** . As this falls outside our weekly scheduled class time, those of you with unavoidable conflicts should let me know ASAP, and we can talk about alternate arrangements. The exam is designed to test your knowledge of key concepts, principles and terms from across the field of information policy, and will draw strongly on keywords, readings, lectures, and discussions throughout the term. More details of the exam will be circulated closer to the time.

GROUP PREPARATION AND SEMINAR LEADERSHIP:

Each student, working in groups of 2-3, will take responsibility for preparing and introducing the seminar topic for one of the sessions during the course. Groups will have three primary responsibilities:

A) posting to the discussion section of the course Ctools site a 1 page (single-spaced) set of **questions and keywords** around the weekly readings. The questions should draw out important themes, problems, etc. from the weekly readings, and will be used in part to help guide class discussions. The keywords are intended to map some of the key details, acronyms, and incidents that characterize the information policy field. These could be institutions, cases, regulatory decisions, principles, or relevant concepts drawn from economic, political, or sociological analysis. The number of these will vary by week; something on the order of 10-20 terms per week might serve as a rough guide.

B) producing a 2-3 page (single-spaced) set of **collaborative notes**, that pulls out what you as a group find most interesting, useful, or provocative about the readings and/or topics in question. These needn't address the readings in point-by-point detail, and you may choose to relate the readings to other ideas in the course or elsewhere in the IPOL or SI curriculum. Think of your notes as a document designed to ground, guide, and provoke a useful seminar discussion. The collaborative notes should be posted, along with your questions and keywords, to the Ctools site by no later than 6 pm on the day immediately preceding the seminar.

C) preparing an **introductory presentation** meant to introduce the readings and topics in class**.** Your introduction should draw out key themes and problems in the weekly reading set, and provide basis and structure for the subsequent class discussions. You may draw on the pre-circulated questions and keywords and collaborative notes in doing this, but *under no circumstances* should you simply read what you've already sent around. Groups will be *strictly limited* to 15 minutes total for this, and are strongly encouraged to prepare and practice their presentation in advance. In most cases, I will provide brief background lectures either before or after the group introduction, to provide background, set context, and convey relevant information not covered in the assigned readings.

GENERAL SEMINAR PARTICIPATION:

This is intended as a serious graduate research seminar, and all students are expected to arrive on time, prepared, and ready to engage in both full-class and small-group discussions. Excessive absence, lateness, or lack of preparation will negatively impact your participation grade – and in severe cases, your overall grade. If you know in advance that you won't be able to attend a session, please let me know via email or in person.

DOCTORAL REQUIREMENTS (SI 703):

Seminar participation	20%
Weekly reading notes	20%
Research paper	60%

Doctoral students enrolled in the class will be expected to complete all regularly assigned readings and participate actively in all weekly seminar meetings. Doctoral students are also strongly encouraged to complete all readings listed as optional. Additional readings in the student's particular area of research activity may be determined in consultation with the instructor. Doctoral students will also post approximately 2-3 single-spaced pages of reading notes to the discussion section of the C-Tools site each week, summarizing key arguments, contributions, and questions raised by the weekly reading set (the precise form and style of these may vary, and will be negotiated on an individual basis between student and instructor). I will not grade each of these on an individual basis, but will touch base periodically throughout the term with feedback, comments and ideas (and will certainly let you know if I think you're going off-track). Doctoral students will also be expected to contribute to *one* of the 507 presentation groups during the course of the term (see "Group Preparation and Seminar Leadership" above).

Finally, doctoral students will be required to submit a substantial research paper (20-30 pages double-spaced) in the area of information policy, to be chosen and developed in consultation with the instructor. The rough standard here should be journal or conference quality; indeed, students will be encouraged to think early on about potential journal/conference venues, and to pursue publication following revisions in response to comments after the end of the term. On Dec. 8th, doctoral students will provide a 15-20 minute conference-quality presentation of the research to the wider class.

Doctoral students will *not* be required to complete the short assignments or the final exam.

WEEKLY SCHEDULE
NB: Most sources are available for download through C-tools. Sources listed with web addresses may be accessed directly online. Additional media and online sources will be circulated periodically via email and/or posted in C-tools.

INTRODUCTION AND OVERVIEW (Sept 8th)
There are no assigned readings or assignments due for this class.

TELECOMMUNICATIONS POLICY (PT 1) (Sept 15th)
* Sandra Braman, "Bounding the Domain: Information Policy for the Twenty-First Century," in *Change of State: Information, Policy, and Power* (MIT Press: Cambridge MA, 2006), pp 56-78.
* Patricia Aufderheide, "Background," "The Shaping of the 1996 Act," and "Overview of the Act," in *Communications Policy and the Public Interest: The Telecommunications Act of 1996* (Guilford Press: New York, 1999), pp 1-79.
* Jonathan Nuechterlein and Philip Weiser, *Digital Crossroads: American Telecommunications Policy in the Internet Age* (MIT Press: Cambridge MA, 2005), pp 1-30, 45-68, and 225-290.

*** optional: Robert Horwitz, "The First Amendment Meets Some New Technologies: Broadcasting, Common Carriers, and Free Speech in the 1990s," *Theory and Society* 20:1 (1991), pp 21-72.

No assignment due.

TELECOMMUNICATIONS POLICY (PT 2) (Sept 22nd)
* Jonathan Nuechterlein and Philip Weiser, *Digital Crossroads: American Telecommunications Policy in the Internet Age* (MIT Press: Cambridge MA, 2005), pp 149-190 and 407-429.
*** plus additional readings associated with assignment one ***

Assignment One: Network Neutrality Debate (details TBA).

COMPETITION and ANTITRUST (Sept 29th)
* John Kwoka and Lawrence White, "Introduction," and "The Economic and Legal Context," in *The Antitrust Revolution: Economics, Competition, and Policy (5th ed.)* (Oxford University Press: Oxford, 2009), pp 1-29.
* Massimo Motta, "Objectives of Competition Policy and Other Public Policies," in *Competition Policy: Theory and Practice* (Cambridge University Press: Cambridge, 2004), pp 17-30.
* Daniel Rubinfeld, "Maintenance of Monopoly: U.S. v. Microsoft (2001)," in John Kwoka and Lawrence White, eds. *The Antitrust Revolution: Economics, Competition, and Policy (5th ed.)* (Oxford University Press: Oxford, 2009), pp 530-557.

* Dennis W. Carlton and Hal Sider, "Regulation, Antitrust, and *Trinko* (2004)," in John Kwoka and Lawrence White, eds. *The Antitrust Revolution: Economics, Competition, and Policy (5th ed.)* (Oxford University Press: Oxford, 2009), pp 487-506.

*** optional: Hal Varian, "Competition and Market Power," in Hal Varian, Joseph Farrell, and Carl Shapiro, *The Economics of Information Technology: An Introduction* (Cambridge University Press: Cambridge, 2004), pp 1-47.

No assignment due.

CONCENTRATION, DIVERSITY and EXPRESSION (Oct 6th)
* Robert Horwitz, "On Media Concentration and the Diversity Question," *The Information Society* 21 (2005), pp 181-204.
* Jack Balkin, "Digital Speech and Democratic Culture: A Theory of Freedom of Expression for the Information Society," *New York University Law Review* 79 (2004), pp 1-55.
*** plus additional readings associated with assignment two.

*** optional: C. Edwin Baker, *Media Concentration and Democracy: Why Ownership Matters* (Cambridge University Press: Cambridge, 2007), pp 5-53 and 163-202

INTELLECTUAL PROPERTY: COPYRIGHT (Oct 13th)
* Jessica Litman, *Digital Copyright: Protecting Intellectual Property on the Internet*, pp 15-34, 89-100, 111-191.
* A&M Records v. Napster (2001)
* Recording Industry Association of America v. Verizon (2003)
* MGM v. Grokster (2005)

*** optional: Pamela Samuelson, "Preliminary Thoughts on Copyright Reform" (2007) (manuscript available at http://ssrn.com/abstract=1002676)

Students may also find the following online summaries helpful:
"Copyright Basics," Library of Congress (http://www.copyright.gov/circs/circ1.html)
"Copyright and Fair Use," Stanford University Libraries:
(http://fairuse.stanford.edu/Copyright_and_Fair_Use_Overview/index.html)
"The Digital Millennium Copyright Act: Highlights of New Copyright Provision Establishing Limitation of Liability for Online Service Providers," Medical Library Association:
(http://www.mlanet.org/government/dmca/ospanalysis.html)

Assignment Two: Competition Analysis (details TBA).

**** No class Oct 20th – university fall study break ****

INTELLECTUAL PROPERTY: PATENTS (Oct 27th)
* Dan Burk and Mark Lemley, The Patent Crisis (and How the Courts Can Solve It) (University of Chicago Press: Chicago, 2009), pp 3-94 and 109-141.
*** plus additional readings associated with assignment three.

Assignment Three: Intellectual Property Analysis (details TBA)

INFRASTRUCTURE, INNOVATION, and TECH TRANSFER (Nov 3rd)
* David Mowery and Bhaven Sampat, "The Bayh-Dole Act of 1980 and University-Industry Technology Transfer: A Policy Model for Other Governments?" in Brian Kahin and Dominique Foray, eds. *Advancing Knowledge and the Knowledge Economy* (MIT Press: Cambridge MA, 2006), pp 169-189.
* Carl Cargill, "Eating Our Seed Corn: A Standards Parable for Our Time" (manuscript)
* Robin Cowan, "Universities and the Knowledge Economy," in Brian Kahin and Dominique Foray, eds. *Advancing Knowledge and the Knowledge Economy* (MIT Press: Cambridge MA, 2006), pp 135-150.
* Steven Jackson, Paul Edwards, Geoffrey Bowker, and Cory Knobel, "Understanding Infrastructure: History, Heuristics, and Cyberinfrastructure Policy," *First Monday* 12:6 (June 2007); available online at: http://www.firstmonday.org/issues/issue12_6/jackson/index.html

*** optional: National Science Foundation Cyberinfrastructure Council, "Cyberinfrastructure Vision for 21st Century Discovery." National Science Foundation, April 2007.

No assignment due.

PRIVACY, SECURITY, and FREEDOM OF INFORMATION (Nov 10th)
* Daniel Solove, Marc Rotenberg, and Paul Schwartz, *Privacy, Information, and Technology* (Aspen Publishers, 2006), pp 8-54, 57-107, 309-316.
http://news.cnet.com/8301-13578_3-9947499-38.html
*** plus additional readings associated with assignment 4.

No assignment due.

PEER PRODUCTION, USER INNOVATION, and PLAY (Nov 17th)
* Yochai Benkler, *The Wealth of Networks: How Social Production Transforms Markets and Freedom* (New Haven: Yale University Press, 2006), pp 35-90.
* Jonathan Zittrain, "Tethered Appliances, Software as Service, and Perfect Enforcement," and "Strategies for a Generative Future," in *The Future of the Internet: And How to Stop It* (New Haven: Yale University Press, 2008), pp 101-126 and 175-199.
* Jack Balkin, "Law and Liberty in Virtual Worlds," in Jack Balkin and Beth Noveck, eds., *The State of Play: Law, Games, and Virtual Worlds* (New York: NYU Press, 2006), pp 86-117.
Plus ONE of the following:

- Julian Dibbell, "Owned! Intellectual Property in the Age of eBayers, Gold Farmers, and Other Enemies of the Virtual State," in Jack Balkin and Beth Noveck, eds., *The State of Play: Law, Games, and Virtual Worlds* (New York: NYU Press, 2006), pp 137-145.
- Susan Crawford, "Who's In Charge of Who I Am? Identity and Law Online," in Jack Balkin and Beth Noveck, eds., *The State of Play: Law, Games, and Virtual Worlds* (New York: NYU Press, 2006), pp 198-216.
- Tal Zarsky, "Privacy and Data Collection in Virtual Worlds," in Jack Balkin and Beth Noveck, eds., *The State of Play: Law, Games, and Virtual Worlds* (New York: NYU Press, 2006), pp 217-226.

Assignment Four: Privacy Analysis (details TBA).

DIGITAL GOVERNANCE (Nov 24th)
David Lazar and Victor Mayer-Schonberger, eds. *Governance and Information Technology: From Electronic Government to Information Government* (MIT Press: Cambridge MA, 2007), 17-38, 63-98, 101-176.

No assignment due.

TRANSNATIONAL INFORMATION POLICY: GOVERNANCE AND DEVELOPMENT (Dec 1st)
* Akash Kapur, "Internet Governance," United Nations Development Information Program, 2005. Wikibook available at: http://en.wikibooks.org/wiki/Internet_Governance
* Milton Mueller, "The Politics and Issues of Internet Governance," available at: http://www.institut-gouvernance.org/en/analyse/fiche-analyse-265.html
* Kerry McNamara, "Information and Communication Technologies, Poverty, and Development: Learning from Experience," background paper presented at the infoDev Annual Symposium, Dec 9-10 2003 in Geneva, Switzerland. Available online at: www.infodev.org/en/Document.17.aspx

*** optional: Steven Jackson et. al., *Extending African Knowledge Infrastructures: Sharing, Creating, Maintaining*. Report for the World Bank Knowledge for Development Program, March 2008; available at: http://hdl.handle.net/2027.42/61201

No assignment due.

COUNTRY CASE STUDIES AND 703 RESEARCH PRESENTATIONS (Dec 8th)
There are no pre-assigned readings for this class. 507 country case groups will present a 15 minute professional quality presentation of their country briefing paper highlighting main findings, recommendations, and emerging challenges. 703 students will pre-circulate a one-page (single-spaced) abstract and provide a 15-20 minute conference-quality presentation on their course seminar paper. Doctoral abstracts should be posted to the discussion section of the class Ctools site no later than 12 p.m. on Monday, Dec 7th.

FINAL EXAM: Friday, Dec 18th, 10:30-12:30 (location TBA)

Nb: On Tuesday, December 15th we *may* schedule an optional exam review session; attendance is entirely voluntary, and students will be encouraged to bring their notes, questions, and possible keywords to class.