

Course Outline

Course number	RTL101
Course title	Digital Regulation
Credit points	3 ECTS (2 CP)
Total hours	24
Lecture hours	20
Seminar and other hours	4
Course level	Masters
Prerequisites	None

COURSE RESPONSIBLE

<i>Name</i>	<i>Academic degree</i>	<i>Academic position</i>
Dr M. R. Leiser (Mark)	BSc, LLB, PhD	Assistant Professor

COURSE TEACHERS

<i>Name</i>	<i>Academic degree</i>	<i>Academic position</i>
Dr M. R. Leiser (Mark)	BSc, LLB, PhD	Assistant Professor

COURSE ABSTRACT

The term regulation has gained prominence in recent years in many different (academic) fields, including law, economics and finance, political science and policy making, environmental science, etc.. In this course we will look at the ways in which a wide variations of so-called 'regulation' are used to steer, guide, limit or promote specific behaviours by governments, institutions, businesses, sectors, and individuals across digital environments. We will discuss the strategies of regulation, the reasons why specific forms of regulation are chosen, the specific societal, economic, environmental, legal, political or public policy reasons, and what rationales underlie different forms of regulation and their effectiveness. Students will come to understand different regulatory strategies lawmakers and policymakers can choose from when tackling regulatory challenges. Students should gain an understanding of the pros and cons of different types of regulation, and will learn to make an informed choice for, and to provide proper argumentative underpinnings for, specific forms of regulation in specific cases.

After an introduction we will focus explicitly on regulation and digital technologies. After briefly discussing the ways in which, and the reasons why digital technologies are regulated, we will turn to the main topic of this course: the use of law and technology to steer, guide, and regulate individuals' behaviour. This has come to be known as 'techno-nudging' or 'techno-regulation'. Techno-nudging can take several forms, ranging from nudging and persuading users to follow a certain course of action. Hard-coding normative or legal codes into technologies to make certain behaviours impossible and stimulate others. The theory is that by hard-coding rules into digital technologies and networked environments, users will automatically comply rather than being asked to make a choice on whether to follow these rules. Since regulation by technology is cost-effective, fool proof, and an efficient way of ensuring regulatees' compliance with rules or norms, it is not surprising that this approach has spread rapidly. For policy makers, regulators, and technology developers using nudging is considered a valuable solution in ensuring compliance with a wide variety of norms and rules. Sometimes it is used to enforce legal rules, but often times there is an economic or practical drive behind the choice for this form of regulation. The lecture then moves to specific techniques of regulation before moving towards two different case studies (platform regulation and fake news/disinformation) that puts the lessons of the first nine weeks to practical use.

LEARNING OUTCOMES

COURSE PLAN – SESSIONS

Please specify each teaching session, with a short indication of the session subjects and readings, as well as the session formats

This course has the following objectives:

- To gain a proper understanding of the regulation of digital technologies and the role that law and lawyers might play in regulating these technologies.
- Students will understand the historical ‘waves of regulatory strategies for regulating the online environment.
- Students will learn different regulatory strategies; the pros and cons of each and the challenges of implementing them in the online environment.
- Examine areas of doctrinal and political debate surrounding rules and theories and evaluate those rules and theories in terms of internal coherence and practical outcomes drawing on the analysis and evaluation contained in primary and secondary sources.
- The students are able to demonstrate good legal research skills.

- **Knowledge**

Students will learn the different historical approaches to regulating digital environment.

Students will learn the different strategies and techniques in policymaker’s toolbox for regulating digital environments, the pros and cons of each, and how they are deployed.

Student will study two case studies where different regulatory techniques are put into practice and critically assess their effectiveness.

Understand the doctrinal and political debate surrounding rules and theories for regulating the online environment.

Students should be able to evaluate those rules and theories in terms of internal coherence and practical outcomes drawing on the analysis and evaluation contained in primary and secondary sources.

- **Competencies**

Legal and regulatory analysis: recognize the human, interpersonal and technical sides of a problem; access, analyse and apply knowledge and skills from various disciplines; think critically and strategically; apply knowledge and skills from past experiences to new situations; assess situations and identify problems; explore possible solutions in an innovative and creative way; evaluate solutions to make decisions.

Information management: think critically and gather, sort, store and use information to turn data into knowledge; research and interpret relevant information from a range of sources; review, retain and apply ideas; evaluate the validity and bias of information; use gathered data to draw conclusions or to create new sources of information that can be shared with others; document your sources of information; document your sources of information.

Communication: develop listening and note-taking skills, participate in classroom environment, collaborate on academic tasks, legal research and persuasive academic writing.

- **Skills**

Student will develop academic skills in advanced scholarship on regulation in the online environment; these include self-study skills, interpersonal skills, and self-conceptualizing skills, as well as development in communication and writing academic work; working in small groups.

Students will develop legal skills including critical analysis and interdisciplinary research and applications.

GRADING CRITERIA

Criteria	Weighting
Essay	100%

COURSE PLAN – SESSIONS

Please specify each teaching session, with a short indication of the session subjects and readings, as well as the session formats

COURSE PLAN – MAIN SUBJECTS

<i>No.</i>	<i>Main subjects</i>	<i>Planned hours</i>
1	Introduction: Digitization and Regulation of the Online Environment	3
2	Theories of Digital Regulation: Introduction to cyber-libertarianism, cyber-paternalism; network communitarianism, behavioral regulation	5
3	Rational Regulation: From Homo Economicus to Homo Heuristicus (From Mr Spock to Homer Simpson)	4
4	Behavioural Regulation: Behavioural Economics, Nudging and Boosting in Digital Choice Architectures	4
5	Regulating the Online Environment: Ethical Considerations	2
6	Platform Regulation: Regulatory Strategies in Action	2
7	The Regulation of Fake News and Disinformation: A Case Study	2

COURSE PLAN – SESSIONS

Please specify each teaching session, with a short indication of the session subjects and readings, as well as the session formats

<i>Session</i>	<i>Session subjects and readings</i>	<i>Lecture/seminar</i>
Lecture 1, Hour 1	<p>Course Introduction:</p> <ul style="list-style-type: none"> • Lecturer Introductions • Expectations and Objectives • Course Introductions 	Lecture (Dr Mark Leiser)
Lecture 1, Hour 2	<p>From Atoms to Bits:</p> <ul style="list-style-type: none"> • Computerization, Digitization, Convergence and Datification. • Cyberspace vs the internet vs the online environment <p>Mandatory Reading: Murray, Information Technology and the Law, Chapters 1 and 2</p> <p>Suggested reading:</p> <ul style="list-style-type: none"> • Barlow: The Economy of Ideas: Available at http://www.wired.com/wired/archive/2.03/economy.ideas_pr.html • Negroponte, Being Digital 	Lecture (Dr Mark Leiser)
Lecture 2, Hour 1	<p>Introduction to Digital Regulation:</p> <ul style="list-style-type: none"> • A brief history of how we regulate the Internet • Cyberlibertarians v Cyberpaternalism • Is there a Cyberspace fallacy? <p>Mandatory Reading:</p> <ul style="list-style-type: none"> • Barlow, J.P. (1996) A Declaration of Independence for Cyberspace: http://memex.org/barlow.html. [2 p.] <p>Suggested Reading:</p> <ul style="list-style-type: none"> • Johnson, D.R., & Post, D. (1996) Law and Borders – The Rise of Law in Cyberspace, Stanford Law Review, Vol. 48, No. 5, p. 1367-1402; Available at: http://papers.ssm.com/sol3/papers.cfm?abstract_id=535 [37 p.] 	Lecture (Dr Mark Leiser)
Lecture 2, Hour 2	<p>Techno-Regulation:</p> <ul style="list-style-type: none"> • Code and other laws of cyberspace • Lessig's Modalities • East-Code vs West-Coast Regulators <p>Mandatory Reading</p> <ul style="list-style-type: none"> • Lessig, L. (2006) <i>Code 2.0</i>, New York: Basic Books. http://codev2.cc/download+remix/Lessig-Codev2.pdf. Chapters 4 and 7. 	Lecture (Dr Mark Leiser)
Lecture 3, Hour 1	<p>Network Communitarianism and Symbiotic Regulation</p> <ul style="list-style-type: none"> • From Code to Community • Dots and Nodes • From gravity to legitimacy <p>Mandatory Reading:</p> <ul style="list-style-type: none"> • Murray: "Nodes and Gravity in Virtual Space" (2011) 5 <i>Legisprudence</i> 195 • Laidlaw, E. B. (2010) A framework for identifying Internet information gatekeepers. <i>International Review of Law, Computers & Technology</i>, 24(3), 263-276, Available at https://ueaeprints.uea.ac.uk/29193/1/A_Framework_for_Identifying_Internet_Information_Gatekeepers.pdf. [15 p.] <p>Suggested Reading:</p> <ul style="list-style-type: none"> • Murray, A.D., and Scott, C. (2002) Controlling the New Media: Hybrid Responses to New Forms of Power. <i>Modern Law Review</i>, Vol. 65, No. 4, p. 491-516. • Leenes, R. (2011) Framing Techno-Regulation: An Exploration of State and Non-State Regulation by Technology. <i>Legisprudence</i> 5 (2): 143–69. Available online at http://dx.doi.org/10.5235/175214611797885675. 	Lecture (Dr Mark Leiser)

COURSE PLAN – SESSIONS

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<p>Lecture 3, Hour 2</p>	<p>Leiser’s Critique of Lessig, Murray, and Laidlaw</p> <p>Mandatory Reading:</p> <ul style="list-style-type: none"> • Leiser, M. (2016) The problem with dots: questioning the role of rationality in the online environment. <i>International Review of Law, Computers and Technology</i>, Vol. 30, No. 3.. [30 p.] • Alan Schwartz, ‘Regulating for Rationality’, <i>Stanford Law Journal</i> (US), Available https://digitalcommons.law.yale.edu/cgi/viewcontent.cgi?article=5977&context=fss_papers <p>Suggested Reading</p> <ul style="list-style-type: none"> • Sunstein: Republic.com ver2.0 Ch.3 • Post: “What Larry Doesn’t Get: Code, Law and Liberty in Cyberspace” (2000) 52 <i>Stanford Law Review</i> 1439: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=251014we regulate from the premise of rationality? 	<p>Lecture (Dr Mark Leiser)</p>
<p>Lecture 4, Hour 1</p>	<p>Rational Regulation & <i>Homo Heuristicus</i></p> <ul style="list-style-type: none"> • What does it mean to be rational? • What is meant by rational regulation? • From <i>Homo Economicus</i> to <i>Homo Heuristicus</i> <p>Mandatory Reading</p> <ul style="list-style-type: none"> • Alan Schwartz, ‘Regulating for Rationality’, <i>Stanford Law Journal</i> (US), Available https://digitalcommons.law.yale.edu/cgi/viewcontent.cgi?article=5977&context=fss_papers 	<p>Lecture (Dr Mark Leiser)</p>
<p>Lecture 4, Hour 2</p>	<p>Behavioural Economics, Nudging, and Boosting</p> <ul style="list-style-type: none"> • Nudging as Regulatory Technique: Pushing users in the online environment • Can we use same insights to boost competences? • What is a boost? Non-fiscal and noncoercive intervention • Fostering people’s competence to make their own choices—that is, to exercise their own agency. • Comparing Nudging w/ Boosting <p>Mandatory Reading</p> <ul style="list-style-type: none"> • Thaler, R.H., and Sunstein, C.R. (2008) <i>Nudge: Improving Decisions About Health, Wealth, and Happiness</i>. New Haven: Yale University Press. Introduction + Chapters 1-5 + Chapter 17, Available here. [116 p.] • Hansen, P.G., and Jespersen, A.M. (2013) <i>Nudge and the Manipulation of Choice: A Framework for the Responsible Use of the Nudge Approach</i>. <i>European Journal of Risk Regulation</i> 1: 3–28. Available here [26 p.] <p>Suggested Reading</p> <ul style="list-style-type: none"> • Yeung, K. (2012) ‘Hypernudge’: Big Data as a Mode of Regulation by Design. <i>Information, Communication & Society</i> (2016) 1,19; Available online. at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2807574 [22 p.] • Nudge, nudge, wink wink – How far is too far in influencing consumer behaviour, Available at https://www.cmo.com.au/article/619877/nudge-nudge-wink-wink-how-far-too-far-influencing-consumer-behaviour/ <p>Additional Reading if interested</p> <ul style="list-style-type: none"> • Hertwig, R., & Grüne-Yanoff, T. (2017). Nudging and boosting: Steering or empowering good decisions. <i>Perspectives on Psychological Science</i>, 12(6), 973-986. • Hertwig, R. (2017). When to consider boosting: some rules for policy-makers. <i>Behavioural Public Policy</i>, 1(2), 143-161. • Sunstein, C. R. (2016). <i>The ethics of influence: Government in the age of behavioral science</i>. Cambridge, England: Cambridge University Press. 	<p>Lecture (Dr Mark Leiser)</p>

COURSE PLAN – SESSIONS

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<p>Lecture 5, Hour 1</p>	<p>Understanding Choice Architecture in Action:</p> <ul style="list-style-type: none"> • What is meant by nudging? • What is a boost? Non-fiscal and noncoercive intervention • Fostering people’s competence to make their own choices—that is, to exercise their own agency. <p>Mandatory Reading:</p> <ul style="list-style-type: none"> • Hansen, P.G., and Jespersen, A.M. (2013) Nudge and the Manipulation of Choice: A Framework for the Responsible Use of the Nudge Approach. <i>European Journal of Risk Regulation</i> 1: 3–28. Available online at http://www.lexxion.de/pdf/ejrr/02%20Nudge%20and%20the%20Manipulation%20of%20Choice.pdf • Leiser, M. (2020, July 16). 'Dark Patterns': the case for regulatory pluralism. https://doi.org/10.31228/osf.io/ea5n2 <p>Suggested Reading:</p> <p>Leiser and Caruana, ‘Dark Patterns: Light to be found in the EU’s consumer protection regime?’, <i>Journal of EU Market and Consumer Law</i>, (forthcoming)</p>	<p>Lecture (Dr Mark Leiser)</p>
<p>Lecture 5, Hour 2</p>	<p>Regulation via Laws and Legislation</p> <ul style="list-style-type: none"> • Command and Control (CAC) Regulation • Socially-mediated Regulation • State Regulation • Self-Regulation • Technologically-Neutral Legislation <p>Mandatory Reading:</p> <p>Baldwin, R., Cave, M., and Lodge, M. (2012) <i>Understanding Regulation: Theory, Strategy, and Practice</i>, Oxford: Oxford University Press. Second edition. Chapters 1, 2, and 3. [39 p.]</p>	<p>Lecture (Dr Mark Leiser)</p>
<p>Lecture 6, Hour 1</p>	<p>Regulating the Online Environment: Ethical Considerations (Part 1)</p> <ul style="list-style-type: none"> • What do we mean by ‘ethics’? • Different types of Ethics and ethical strategies? • Can ethics replace regulation? <p>Mandatory Reading:</p> <ul style="list-style-type: none"> • Kaptein, M., and Wempe, J.F. (2011) Three General Theories of Ethics and the Integrative Role of Integrity Theory, Available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1940393 [47 p.] <p>Suggested Reading:</p> <ul style="list-style-type: none"> • Cass R. Sunstein, Nudging and Choice Architecture: Ethical Considerations (Harvard John M. Olin Discussion Paper Series Discussion Paper No. 809, Jan. 2015, Yale. <i>J. Reg.</i> Available here. 	<p>Lecture (Dr Mark Leiser)</p>
<p>Lecture 6, Hour 2</p>	<p>Regulating the Online Environment: Ethical Considerations (Part 2)</p> <ul style="list-style-type: none"> • Bullet Point • Bullet Point • Bullet Point <p>Mandatory Reading:</p> <ul style="list-style-type: none"> • Bovens, L. (2008) The Ethics of Nudge, In: Till Grüne-Yanoff and S.O. Hansson (eds.) <i>Preference Change: Approaches from Philosophy, Economics and Psychology</i>, Berlin and New York: Springer, Chapter 10, Available at http://www.bovens.org/assets/docs/TheEthicsOfNudge.pdf <p>Suggested Reading:</p> <ul style="list-style-type: none"> • Van der Burg, W. (2009) Law and Ethics: The Twin Disciplines. In: B. van Klink and S. Taekema (eds.), <i>Interdisciplinary research into law</i>. Siebeck. Available at SSRN: https://ssrn.com/abstract=1631720 [26 p.] <p>Kerr, I.R. (2010) Digital Locks and the Automation of Virtue. In: From “Radical Extremism” to “Balanced Copyright”: Canadian Copyright and the Digital Agenda, p. 247–303. Available online at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2115655.</p>	<p>Lecture (Dr Mark Leiser)</p>
BREAK		
<p>Lecture 7, Hour 1</p>	<p>Digital Regulation Recap</p> <ul style="list-style-type: none"> • Positive aspects of regulation • Negative aspects of (over) regulation • Regulatory Challenges 	<p>Lecture (Dr Mark Leiser)</p>

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<p>Lecture 7, Hour 2</p>	<p>Regulatory Challenges for the Digital Environment</p> <ul style="list-style-type: none"> • Latent Ambiguity • Dematerialisation • Competing Sovereigns • Privatisaztion <p>Mandatory Reading:</p> <p>Supplementary Reading</p>	<p>Lecture (Dr Mark Leiser)</p>
<p>Lecture 8, Hour 1</p>	<p>Student-Led Discussions and Regulation Workshop</p>	<p>Seminar (Dr Mark Leiser)</p>
<p>Lecture 8, Hour 2</p>	<p>Student-Led Discussion and Regulation Workshop</p>	<p>Seminar (Dr Mark Leiser)</p>
<p>Lecture 9, Hour 1</p>	<p>Assessment Discussion: Discussion on the expectations of the assessment essay</p>	<p>Lecture (Dr Mark Leiser)</p>
<p>Lecture 9, Hour 2</p>		<p>Lecture (Dr Mark Leiser)</p>
<p>Lecture 10, Hour 1</p>	<p>Case Study #1: Intermediary Liability & Platform Regulation</p> <ul style="list-style-type: none"> • What is a platform? • The Platform/Publisher problem • The European Union’s e-Commerce Directive <p>Mandatory Reading:</p> <ul style="list-style-type: none"> • Boyd, Danah M., and Nicole B. Ellison. Social network sites: Definition, history, and scholarship. <i>Journal of computer-mediated Communication</i> (2007). <p>Suggested Reading:</p> <ul style="list-style-type: none"> • Communications Decency Act of 1996, (CDA), Pub. L. No. 104-104 (Tit. V), 110 Stat. 133 (Feb. 8, 1996), codified at 47 U.S.C. §§223, 230. • E-Commerce Directive: Articles 12-15 • Carr, C. T., & Hayes, R. A., <i>Social media: Defining, developing, and divining.</i> (2015); European Commission, ‘Full report on the public consultation on the regulatory environment for platforms, online intermediaries and the collaborative economy’ (Consultation Results) (2015) 	<p>Lecture (Dr Mark Leiser)</p>

COURSE PLAN – SESSIONS

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Lecture 10, Hour 2	<p>Case Study#1: Platform Regulation: The Erosion of Platform Immunity?</p> <p>Mandatory Reading</p> <ul style="list-style-type: none"> Mark Leiser & Edina Harbinja, Content Not Available - Why the United Kingdom's Proposal For a "Package of Platform Safety Measures" Will Harm Free Speech, Technology and Regulation, 2019, 78–90 https://techreg.org/index.php/techreg/article/view/53 Digital Services Act: Consultation Response. Prepared on behalf of the British Irish Law Education and Technology Association (BILETA), Available here. <p>Suggested Reading:</p> <ul style="list-style-type: none"> Online Harms White Paper: Consultation Response. Prepared on behalf of the British Irish Law Education and Technology Association (BILETA), Available here Commission Recommendation on measures to effectively tackle illegal content online, C (2018) 1177 final. European Union, Code of Conduct on Countering Illegal Hate Speech Online (2016). Communication from The Commission To The European Parliament, The Council, The European Economic And Social Committee And The Committee Of The Regions European Strategy for a Better Internet for Children COM/2012/0196 final. EU Internet Forum: Bringing together governments, Europol and technology companies to counter terrorist content and hate speech online, Brussels, 3 December 2015 	Seminar (Dr Mark Leiser)
Lecture 11, Hour 1	<p>Case Study #2: Fake news, computational propaganda, disinformation, and manipulation</p> <ul style="list-style-type: none"> Defining fake news, disinformation, and computational propaganda The harms to the information ecosystem associated with false information Why the methods of dissemination matter Mappign the regulatory domains <p>Mandatory Reading</p> <ul style="list-style-type: none"> Leiser, "Regulating Fake news", Available here 	Lecture (Dr Mark Leiser)
Lecture 11, Hour 2	<p>Case Study #2: Regulatory Strategies for Fake news, computational propaganda, and disinformation</p> <p>Mandatory Reading:</p> <ul style="list-style-type: none"> Leiser, "Regulating Computational Propaganda: Lessons from International Law", Available here. <p>Suggested Reading</p> <ul style="list-style-type: none"> Network Enforcement Act (Netzdurchsetzungsgesetz, NetzDG), Federal Law Gazette I, p. 3352 ff. Valid as from 1 October 2017. European Data Protection Supervisor (EDPS), 'EDPS Opinion on Online Manipulation and Personal Data' (19 March 2018) Opinion 3/2018, 19 <https://edps.europa.eu/sites/edp/files/publication/18-03-19_online_manipulation_en.pdf> accessed 9 May 2019. European Commission, <i>A Multi-dimensional Approach to Disinformation: Report of the Independent High Level Expert Group on Fake News and Online Disinformation</i> (European Commission, Luxembourg, 2018) 20–21. Advertising Industry Response to the European Commission Public Consultation on Fake News and Online Disinformation' (23 February 2018) <https://eaca.eu/wp-content/uploads/2018/02/Fake-News_Advertising-Industry_Position-Paper_Final.pdf> accessed 5 June 2019. 	Lecture (Dr Mark Leiser)
Lecture 12, Hour 1	Questions and Answers on Assessment	Class Review & Essay Discussion (Dr Mark Leiser)
Lecture 12, Hour 2	Question and Answers on Assessment	Class Review & Essay Discussion (Dr Mark Leiser)

COURSE ASSESSMENT & Results

COURSE PLAN – SESSIONS

Please specify each teaching session, with a short indication of the session subjects and readings, as well as the session formats

The assessment is a 2000-word essay in the form of a policy brief. Students will be offered three regulatory challenges for the online environment that government ministers have identified as needed state intervention. With reference to the appropriate literature, students will develop a regulatory strategy to combat one of these three policy problems. The topics will be published on the course Intranet page.

Length: 2000 words (excluding the title page, footnotes, bibliography and any annexes).

Rules:

1. The essay (including the footnotes) must be formatted according to the guidelines indicated in the Master Thesis Manual (available on the Intranet).
2. All essays will go through the plagiarism control program. Therefore, please make sure that all sources are properly cited.
3. Although you are encouraged to include your own opinion/thoughts, these should be backed up to with reference to the relevant literature. Please do not make a compilation of the existing sources.
4. The essay must be submitted via Intranet.
5. This is an individual piece of work.

By completing the study course and successfully passing examination, the student will be able to:

<i>Study results</i>	<i>Evaluation criteria</i>		
	<i>(40-69%)</i>	<i>(70-89%)</i>	<i>(90-100%)</i>
Knowledge	The student has acquired only basic knowledge of the course subject. The student lacks understanding of some of the core issues of the course subject.	Overall, the student's knowledge complies with the expectations. However, there are issues that the student does not fully understand.	The student has demonstrated in-depth knowledge and understanding of the issues related to the course subject.
Skills	The student has demonstrated only basic level of skills.	The student has demonstrated good skills.	The student has demonstrated excellent skills.
Competences	The student can apply the knowledge only at a basic level. The student struggles with assessment and evaluation of legal issues. The student can identify the relevant legal norms. However, the student cannot correctly apply them.	The student can apply the knowledge at a reasonably good level. However, the student does not have the necessary level to be able to fully apply the acquired knowledge independently. The student has some problems to correctly apply the legal norms.	The student is able to apply the knowledge independently and correctly. The student can assess and evaluate legal issues, identify the relevant legal norms, and correctly apply them.

COURSE LITERATURE

(Please specify mandatory and supplementary reading materials)

<i>No.</i>	<i>Author, title, publisher</i>
Mandatory reading materials	
1	Required readings for this course are chapters from books and several journal articles. All mandatory books and journal articles are freely available online, except for one book (Understanding Regulation). This book is available for less than 50 euro at online retailers.
2	Baldwin, R., Cave, M., and Lodge, M. (2012) Understanding Regulation: Theory, Strategy, and Practice, Oxford: Oxford University Press. Second edition. Chapters 1, 2, and 3. [39 p.]
3	Johnson, D.R., & Post, D. (1996) Law and Borders – The Rise of Law in Cyberspace, Stanford Law Review, Vol. 48, No. 5, p. 1367-1402. http://papers.ssrn.com/sol3/papers.cfm?abstract_id=535 [37 p.]
4	Kesan, J.P., and Shah, R.C. (2006) Setting Software Defaults: Perspectives from Law, Computer Science and Behavioral Economics. Notre Dame Law Review, 583–634. Available online at http://law.bepress.com/uiuclwps/art54/ . [53 p.]
5	Calo, R. (2013) Code, Nudge, or Notice? Iowa Law Review. Available online at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2217013 . [29 p.]
6	Baldwin, R., Cave, M., and Lodge, M. (2012) Understanding Regulation: Theory, Strategy, and Practice, Oxford: Oxford University Press. Second edition. Chapters 4, 5, and 6.
7	Custers B.H.M. (2008), The Exclusivity of Ultrafast Communication Networks, Journal of International Commercial Law and Technology 3(4): 247-253.

COURSE PLAN – SESSIONS

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8	Baldwin, R., Cave, M., and Lodge, M. (2012) Understanding Regulation: Theory, Strategy, and Practice, Oxford: Oxford University Press. Second edition. Chapters 7 and 8. [59 p.]
9	Lessig, L. (2006) Code 2.0, New York: Basic Books. http://codev2.cc/download+remix/Lessig-Codev2.pdf . Chapters 6-15.
10	Lessig, L. (2006) Code 2.0, New York: Basic Books. http://codev2.cc/download+remix/Lessig-Codev2.pdf . Chapters 6 and 7. [57 p.]
11	Barlow, J.P. (1996) A Declaration of Independence for Cyberspace: http://memex.org/barlow.html . [2 p.]

Supplementary reading materials	
12	Post, D.G. (2000) What Larry Doesn't Get: Code, Law and Liberty in Cyberspace (2000) 52 Stanford Law Review, p. 1439-1459. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=251014 [21 p.]
13	Murray, A.D. (2011) Nodes and Gravity in Virtual Space, Legisprudence Vol. 5, Issue 2, p. 195. https://works.bepress.com/andrew_murray/10/ [27 p.]
14	Laidlaw, E. B. (2010) A framework for identifying Internet information gatekeepers. International Review of Law, Computers & Technology, 24(3), 263-276. https://ueaeprints.uea.ac.uk/29193/1/A_Framework_for_Identifying_Internet_Information_Gatekeepers.pdf . [15 p.]
15	Leiser, M. (2016) The problem with dots: questioning the role of rationality in the online environment. International Review of Law, Computers and Technology, Vol. 30, No. 3. [30 p.]
16	Murray, A.D., and Scott, C. (2002) Controlling the New Media: Hybrid Responses to New Forms of Power. Modern Law Review, Vol. 65, No. 4, p. 491-516.
17	Leenes, R. (2011) Framing Techno-Regulation: An Exploration of State and Non-State Regulation by Technology. Legisprudence 5 (2): 143–69. Available online at http://dx.doi.org/10.5235/175214611797885675 .
18	Kaptein, M., and Wempe, J.F. (2011) Three General Theories of Ethics and the Integrative Role of Integrity Theory. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1940393 [47 p.]
19	Van der Burg, W. (2009) Law and Ethics: The Twin Disciplines. In: B. van Klink and S. Taekema (eds.), Interdisciplinary research into law. Siebeck. Available at SSRN: https://ssrn.com/abstract=1631720 [26 p.]
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**Once you have finished drawing-up the course outline, please delete all the instructions that are in italic.*

COURSE PLAN – SESSIONS

Please specify each teaching session, with a short indication of the session subjects and readings, as well as the session formats

Programme director		
	/signature/	/date/

Field expert		
Course responsible		
	/signature/	/date/
	/signature/	/date/