

# Privacy & Surveillance

*Understanding the roles of privacy & surveillance in society*



This course will explore the effects of surveillance technologies from the everyday devices to the most sophisticated. It will analyze the effects of technology on society, culture and law. Students will gain insights into the impact of surveillance and technological

empowerment on communication. Through the study, analysis and application of privacy & surveillance theory the participant will develop a firmer understanding of the role of surveillance on society and its impact on privacy.

The question of privacy is always connected to people's ability to snoop. The discussion of privacy began to become serious with the development of cheap, portable cameras in the 1880s. Since then our ability to spy on each other has grown exponentially. And our privacy has inevitably declined. The purpose of this course is to explore and analyze what privacy is, and

should be, in the age of everyday technology (such as, social media, smartphones, drones and cheap DNA tests). The course will explore the actions of governments, corporations and neighbors to deepen our knowledge in the rights we have, while opening up for the discussion about the rights we may need in the future.

**Dr Mathias Klang**

**Contact**

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**How to email your professor** [http://klangable.com/blog/?page\\_id=4746](http://klangable.com/blog/?page_id=4746)

**Schedule**

TuWeTh 1-5 pm  
 Room: Leon  
 Lowenstein Bldg. 506

**Course Material** All reading material will be available on the BlackBoard course page or as links in the syllabus.

**Additional**

Additional articles and videos relevant to this course can be found here

<http://klangable.com/blog/teaching/courses-syllabi/dtem4440-summerr8-readings-material/>

## How this course works

As this course has to cover a great deal in a short period of time I have chosen to divide it up so that each week focuses on one aspect of privacy and surveillance. The first week is intended to provide the fundamental theories of privacy and surveillance so that the course participants have the tools with which to analyze the coming weeks. Following this, each week will attempt to explore the ever-expanding zones of privacy where the second week deals with privacy and the body, the third is privacy in relation to the home and family, the fourth week is privacy and surveillance in the city, and finally the last week deals with privacy and surveillance in cyberspace. These divisions are not to be understood as separate from each other, but rather as a way in which we can focus the work of the course as we explore and analyze the ever-changing theory and practice of privacy and surveillance.

We meet on Tuesday, Wednesday, and Thursday, each week will follow a similar pattern. On Tuesdays we will explore the range of the issues. This section will be lecture and class discussion based. Aside from the first week, you are expected to have read through the readings in advance. On Wednesday's class will meet online. The goal is to delve more deeply into the materials. There will be assigned questions on the readings which are to be submitted as individual work via Blackboard, and there will be discussion questions on a Google Doc for each of the compulsory readings, where the whole class will submit discussion questions (and thoughts) based in the readings (you are also encouraged to submit examples from other sources). The instructor is available to discuss difficult concepts on a one to one basis via email, skype or phone. On Thursday we will revisit the theories/ideas presented on Tuesday, discussion questions submitted via the Google Doc, and discuss the state of privacy and surveillance in relation to the readings. Additionally on Thursday students are expected to bring an example of surveillance in relation to the readings/theories discussed that week.



**Graded Exercises**

Digital Participation TOTAL MAX 25% of grade (5% per week)

Presentation TOTAL MAX 25% of grade (5% per week)

Assignments TOTAL MAX 50% of grade (10% per week)

**Grade Scale**

The final grade for the course is based on the following percentage scale:

A 94 or above A- 90–93

B+ 87–89, B 83–86, B- 80–82

C+ 77–79, C 73–76, C- 70–72

D+ 67–69, D 63–66, D- 60–62

F 59 or below.

**Digital Participation**

The class will have a shared Google Doc. This document will be divided both by week and the readings for the week. On Wednesdays each student will, based on the readings, write a discussion question on each reading and a motivation for their question. Don't forget to add your name (in bold) after each paragraph.

**Presentation**

Each student will pick a privacy/surveillance topic of their choice, research it and prepare a short in class presentation. Schedule to be announced.

**Assignments**

The assignments will be made available on Wednesday mornings and they will consist of questions based on the weekly topic. The students are expected to base their answers in the readings and the supplemental readings, using additional materials is also highly encouraged.



## WEEK ONE. THEORIES OF PRIVACY AND SURVEILLANCE

While privacy and surveillance are not new phenomenon the systematic academic discussion and understanding of the field is still young. This section will look at the development of privacy/surveillance in different cultural and historical contexts while presenting the theories of privacy and surveillance developed over the last century. The goal of this section is to help the participants in recognizing what privacy is, how it develops, and to better understand the theoretical underpinnings of the various aspects of privacy.

**Tue 29 May** Histories and theories of Privacy and Surveillance

**Wed 30 May** Assignment 1, Discussion Questions on Google Doc

**Thu 31 May** Student Presentations, Theory Discussion

### Readings week one

Galič, M., Timan, T., & Koops, B. J. (2017). Bentham, Deleuze and beyond: An overview of surveillance theories from the panopticon to participation. *Philosophy & Technology*, 30(1), 9-37. **PDF on BB**

John, N. A., & Peters, B. (2017). Why privacy keeps dying: the trouble with talk about the end of privacy. *Information, Communication & Society*, 20(2), 284-298. **PDF on BB**

Wacks, R. (2015). *Privacy: A very short introduction*. OUP Oxford. Chapter 2 **PDF on BB**

Warren, S. D., & Brandeis, L. D. (1890). The Right to Privacy. *Harvard Law Review*, 193-220. **PDF on BB**

## WEEK TWO. PRIVACY, SURVEILLANCE AND THE BODY

When exploring the barriers of privacy it is often easy to speak about the body as being the absolutely most intimate limit. This section will explore the ways in which the body interacts with our ideas of privacy and where the limits of surveillance are set in relation to the body. This week will explore our ideas of modesty and our rights to either cover or expose our bodies in different settings, and how the norms and laws of the state support (or not) these desires/needs. In addition to these questions this week will also explore the role of body parts and biometrics in relation to privacy and surveillance.

**Tue 5 June** Looking at Bodies: Intimate Privacy, Technology, and Society

**Wed 6 June** Assignment 2, Discussion Questions on Google Doc

**Thu 7 June** Student Presentations, Theory Discussion

### Readings week two

Allen, A. (2011). Unpopular privacy: what must we hide?. Oxford University Press. Chap 3. **PDF on BB**

de Casanova, E. M., & Webb III, C. L. (2017). A Tale of Two Hoodies. *Men and Masculinities*, 20(1), 117-122. **PDF on BB**

Doe, G. (2014). With genetic testing, I gave my parents the gift of divorce. *Vox*. 9 September, <https://www.vox.com/2014/9/9/5975653/with-genetic-testing-i-gave-my-parents-the-gift-of-divorce-23andme>

Maddox, T. (2015). The dark side of wearables: How they're secretly jeopardizing your security and privacy. *TechRepublic* <https://www.techrepublic.com/article/the-dark-side-of-wearables-how-theyre-secretly-jeopardizing-your-security-and-privacy/>

Singer, R. W., & Perry, A. J. (2015). Wearables: The Well-Dressed Privacy Policy. *Intellectual Property & Technology Law Journal*, 27(7), 24. **PDF on BB**

Winet, E. D. (2012). Face-Veil Bans and Anti-Mask Laws: State Interests and the Right to Cover the Face. *Hastings Int'l & Comp. L. Rev.*, 35, 217. **PDF on BB**

### Supplemental

Oscapella, E. (2012). Genetic Privacy and Discrimination: An Overview of Selected Major Issues. <https://bccla.org/wp-content/uploads/2012/03/2012-BCCLA-Report-Genetic-Privacy1.pdf>

Krimsky, S. & Johnston, D. C. (2017) Ancestry DNA Testing and Privacy: A Consumer Guide. Council for Responsible Genetics <http://www.councilforresponsiblegenetics.org/img/Ancestry-DNA-Testing-and-Privacy-Guide.pdf>

**WEEK THREE. PRIVACY AT HOME**

Sir Edward Coke wrote in 1628 that “a man’s house is his castle”, expressing an idea that the homeowner has a great expectation of privacy against the state. The home is often specifically mentioned in legal privacy documents, in for example the 4th Amendment to the US Constitution we see that “The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures...” This section of the course will look more closely at the protection of privacy in the home, and we will call into question what expectations of privacy we have in our homes from the surveillance of our family, society, and the state.

**Tue 12 June** Homes as Private Spaces

**Wed 13 June** Assignment 3, Discussion Questions on Google Doc

**Thu 14 June** Student Presentations, Theory Discussion

**Readings week three**

Newell, B. C., Metoyer, C. A., & Moore, A. D. (2015). Privacy in the Family. *Social Dimensions of Privacy: Interdisciplinary Perspectives*, 104. **PDF on BB**

Shapiro, S. (1998). Places and spaces: The historical interaction of technology, home, and privacy. *The Information Society*, 14(4), 275-284. **PDF on BB**

Sicari, S., Rizzardi, A., Grieco, L. A., & Coen-Porisini, A. (2015). Security, privacy and trust in Internet of Things: The road ahead. *Computer networks*, 76, 146-164. **PDF on BB**

Waddell, K. (2016) The Privacy Problem with Digital Assistants, *The Atlantic*, May 24 <https://www.theatlantic.com/technology/archive/2016/05/the-privacy-problem-with-digital-assistants/483950/>

**Supplemental**

ACLU Know Your Rights When Encountering Law Enforcement [https://www.aclu.org/sites/default/files/field\\_toolkit\\_file/kyr\\_english\\_3.pdf](https://www.aclu.org/sites/default/files/field_toolkit_file/kyr_english_3.pdf)

Farb, R. L. (2002). The fourth amendment, privacy, and law enforcement. *Popular Government*, 13-19. <http://sogpubs.unc.edu/electronicversions/pg/pgspro2/article2.pdf>

Stanley, J., Crump, C., & Speech, A. C. L. U. (2011). Protecting Privacy From Aerial Surveillance (Vol. 6, No. 6). American Civil Liberties Union. (December 2011). <https://www.aclu.org/files/assets/protectingprivacyfromaerialsurveillance.pdf>

Wald, C. (2016) The secret history of ancient toilets, p 456-458. **PDF on BB**

Weingart, K. (2015) An Interview with Photographer Arne Svenson, PetaPixel, May 16. <https://petapixel.com/2015/03/16/interview-with-photographer-arne-svenson/>

## WEEK FOUR. SURVEILLANCE IN THE CITY

Large concentrations of people with different backgrounds, norms, and needs are a challenge to privacy. In order for collectives of people to function together certain compromises have to be made – the question therefore becomes one of balance of rights and needs. In order to maintain well-functioning cities, the state needs to enforce norms and regulations which challenge the freedoms of individuals. This section of the course will explore the ways in which the city challenges privacy expectations and creates stresses on individuals' ideas of what common behavior should be.

**Tue 19 June** Public Privacy: Surveillance and Privacy in the City

**Wed 20 June** Assignment 4, Discussion Questions on Google Doc

**Thu 21 June** Student Presentations, Theory Discussion

### Readings week four

Miles, M. (2015). Photography, Privacy and the Public. *Law, Culture and the Humanities*, 11(2), 270-293.

**PDF on BB**

Reidenberg, J. R. (2014). Privacy in public. *U. Miami L. Rev.*, 69, 141. **PDF on BB**

Smith, S. & Low, S. M. (2006). "Introduction: The Imperative of Public Space," Pp 1-30, in Low, S., & Smith, N. (Eds.). *The politics of public space*. Routledge. **PDF on BB**

Siegel, L., Perry, R. A., & Gram, M. H. (2006). Who's watching? Video camera surveillance in New York City and the need for public oversight. A Special Report by the New York Civil Liberties Union. **PDF on BB**

Van Zoonen, L. (2016). Privacy concerns in smart cities. *Government Information Quarterly*, 33(3), 472-480. **PDF on BB**

### Supplemental

Baldwin, P. C. (2014). Public privacy: Restrooms in American cities, 1869-1932. *Journal of Social History*, 48(2), 264-288. **PDF on BB**

Cavoukian, A. (2013). Surveillance, then and now: Securing privacy in public spaces. Information and Privacy Commissioner of Ontario, Canada. **PDF on BB**

Cuador, C. (2016). From Street Photography to Face Recognition: Distinguishing between the Right to Be Seen and the Right to Be Recognized. *Nova L. Rev.*, 41, 237. **PDF on BB**

Find a POPs Privately owned public spaces in New York <https://apops.mas.org/find-a-pops/>

Mensel, R. E. (1991). "Kodakers Lying in Wait": Amateur Photography and the Right of Privacy in New York, 1885-1915. *American Quarterly*, 43(1), 24-45. **PDF on BB**

Németh, J. (2009). Defining a public: The management of privately owned public space. *Urban Studies*, 46(11), 2463-2490. **PDF on BB**

Thomas, E. (2016). The Privacy Case for Body Cameras: The Need for a Privacy-Centric Approach to Body Camera Policymaking. *Colum. JL & Soc. Probs.*, 50, 191. **PDF on BB**

Tucker, J. (2012). Eye on the street: photography in urban public spaces. *Radical History Review*, 2012(114), 7-18. **PDF on BB**

Walz, C. & Brookins, D. S. (2016) Privacy in Public? A Look at Recent Efforts to Recognize Privacy Protections in Public Spaces, *Communications Lawyer*, Summer 2016. **PDF on BB**

## WEEK FIVE. ONLINE PRIVACY AND SURVEILLANCE

Digital mobile technology provides users with a wide range of convenient and practical applications that have changed many facets of our behavior. However, this convenience comes at a cost to our privacy. The ability of technology companies to gather and analyze huge amounts of data creates a new challenge to our understanding of privacy. The goal of this week is to explore the many ways in which the technology upon which many of us rely has had widespread implications on our privacy and enabled a massive private surveillance industry to flourish.

**Tue 26 June** Privacy, Surveillance, and Technology

**Wed 27 June** Assignment 4, Discussion Questions on Google Doc

**Thu 28 June** Student Presentations, Theory Discussion

### Readings week five

Trotter, D. & Lyon, D. (2013). Key features of social media surveillance. In Fuchs et al Internet and Surveillance (pp. 109-125). Routledge. **PDF on BB**

Marwick, A. E. (2012). The public domain: Social surveillance in everyday life. Surveillance & Society, 9(4), 378. **PDF on BB**

Rainie, L. (2016). The state of privacy in post-Snowden America. Pew Research Center FactTank (Sept. 2016). URL: <http://www.pewresearch.org/facttank/2016/09/21/the-state-of-privacy-in-america>

Patton, D. U., Brunton, D. W., Dixon, A., Miller, R. J., Leonard, P., & Hackman, R. (2017). Stop and Frisk Online: Theorizing Everyday Racism in Digital Policing in the Use of Social Media for Identification of Criminal Conduct and Associations. Social Media+ Society, 3(3). **PDF on BB**

### Supplemental

Smith, A., & Anderson, M. (2018). Social media use in 2018. Pew Research Center <http://www.pewinternet.org/2018/03/01/social-media-use-in-2018/>

Social Networks <https://www.eff.org/issues/social-networks>

Surveillance Technologies <https://www.eff.org/issues/mass-surveillance-technologies>

Locational privacy <https://www.eff.org/issues/location-privacy>

Mobile Devices <https://www.eff.org/mobile-devices>



*Attendance.*

Attending class means more than going to class. It requires speaking up in class and group discussions. Attendance wise, you are allowed to miss ONE classes without a penalty to your grade, exclusive of serious emergencies. [If you are very ill, or have extenuating circumstances, you need to be proactive about contacting me. If you do that, makeup assignments are possible—but they **MUST** be cleared with me first]. 3 absences automatically take your final grade down one tier of grade lower (i.e. from an A- to a B+). 3 absences result in a full letter grade lowering (A- to B-). Fordham's university-wide policy is that 4 unexcused absences results in a failing grade. It is your responsibility to get readings/assignments for missed days from other students, and you are encouraged to come to my office to discuss topics you're unclear on.

Once you have read this syllabus to completion please email me a picture of your favorite bagel.

*Class Cancellation.*

Should classes be cancelled due to extreme weather or other unforeseen circumstances the classes will be conducted online via Blackboard. If many classes are cancelled, there may be

additional classes scheduled at the end of the term.

*Readings.*

Readings must be completed before the day they are assigned on the course schedule. Be sure to do the readings in light of the discussion questions and take notes while reading.

*Deadlines.*

All assignments and exams must be completed and turned in on or before the date assigned. As they form the basis for the class discussion on a specific date they cannot be submitted after the final deadline.

*Digital Devices.*

Unless you have prior approval from the instructor, all digital devices (phones, tablets, laptops) must be silenced and put away. Students who disregard the policy will be asked to leave class and will be considered absent that day.

*Grading.*

For more on my grading practices see <http://klangable.com/blog/teaching/grading/>



**Effort.**

While it may seem odd to include in a syllabus, your effort is a required component of this course.

The federal definition of course credit hours assumes a minimum of “two hours of out-of-class student work per week for a semester hour.”

According to this metric, a student should assume at least six hours of out-of-class work per week for each 3-credit course.

**Academic Honesty.**

Academic Integrity/Plagiarism:

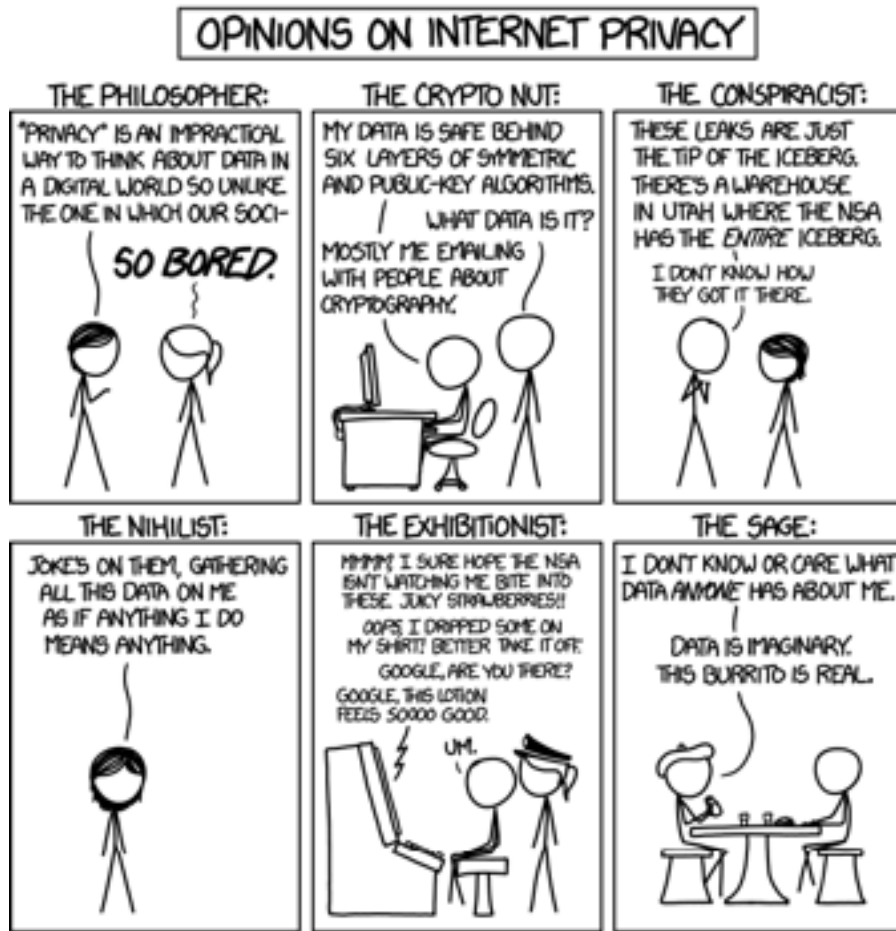
The following is a university-wide policy and those violating it will be subject to failure of the course. If you have any question concerning the plagiarism policy or about documentation of sources in work you produce in this course, come talk to me.

**University Statement on Academic Integrity**

A University, by its nature, strives to foster and recognize originality of thought. Originality can only be recognized, however, when people acknowledge the sources of ideas or works that are not their own. Therefore, students must maintain the highest standards with regards to honesty, effort and performance. As a Jesuit, Catholic University, Fordham is committed to ensuring that

all members of the academic community strive not only for excellence in scholarship but also for integrity of character. In the pursuit of knowledge and personal development, it is imperative that students present their own ideas and insights for evaluation, critique and eventual reformulation. As part of this process, each student must

acknowledge the intellectual contribution of others.... Violations of academic integrity include, but are not limited to, plagiarism, cheating on exams, falsification, unapproved collaboration, and destruction of library materials. For further details, consult the Standards of Academic Integrity on the University website.”



**Citations.**

All coursework shall be original and created by the student. Plagiarism is not tolerated. Students are required to adhere to the University Policies on Academic Standards, Cheating, and Plagiarism

For more information about how to cite see <http://klangable.com/blog/teaching/honesty-plagiarism-citations/>

## ACCOMMODATIONS

### *Equal educational access for all students*

The Office of Disability Services at Fordham University helps to ensure equal educational access and opportunity for all members of our community. In the Jesuit tradition of *cura personalis*, members of the ODS staff work individually with each student to understand his or her strengths and limitations in order to develop their most effective and comprehensive accommodation plan. Fordham will offer reasonable and appropriate auxiliary aids and services to assist otherwise qualified persons in achieving access to its programs, services, and facilities once students meet with ODS for an initial intake meeting to develop an accommodation plan directly with the student in accordance with Section 504 of the Federal Rehabilitation Act of 1973 and Title III of the Americans with Disabilities Act of 1990. Students seeking accommodation(s) should the Rose Hill Office of Disability Services, (718) 817-0655 or email [disabilityservices@fordham.edu](mailto:disabilityservices@fordham.edu).

If you believe that you have a disabling condition that may interfere with your ability to participate in the activities, coursework, or assessment of the object of this course, please visit the Office of Disability Services, email, or call them.

Schedule.

Changes to the syllabus may be made at the instructors discretion and if circumstances require. Participants will be notified of changes via Blackboard/university email. Participants are responsible for keeping up to date with these changes.

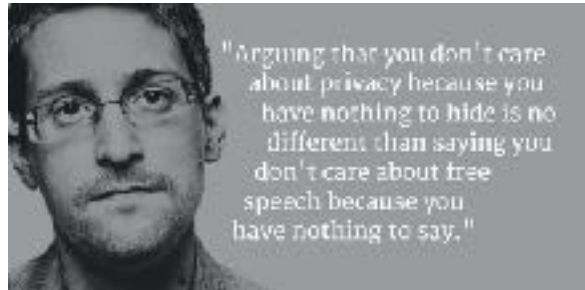
### *Inclusivity*

All students are encouraged to speak up and participate during class. Therefore everyone in class should listen actively and respect the ideas, background, and beliefs of every member of this class. For more see <http://klangable.com/blog/teaching/inclusivity-policy/>

### *Writing aid*

Writing is a painful, but rewarding, process. For help and tips see <http://klangable.com/blog/teaching/writing-resources/>

For a handy collection of resources to help students excel in college visit <http://klangable.com/blog/teaching/>



### *Writing Center.*

If you struggle with the writing required in this course, please make use of the Writing Center. For more information about their services see [www.fordham.edu/academics/programs\\_at\\_fordham/english/writing\\_center/index.asp](http://www.fordham.edu/academics/programs_at_fordham/english/writing_center/index.asp)

### *Counseling.*

Counseling and Psychological Services: University life is full of challenges. Fordham offers support for anyone who feels like they need help dealing with the pressures of life as a student. CPS offers free individual and group counseling and psychotherapy in a safe and confidential setting. For more information about their services see [www.fordham.edu/campus\\_resources/student\\_services/counseling\\_and\\_psych/index.asp](http://www.fordham.edu/campus_resources/student_services/counseling_and_psych/index.asp)

### *Academic Coaching.*

Academic Coaching: Any student who struggles with time-management and/or organization is invited to one-on-one academic coaching sessions (typically once a week for 45 minutes). Please contact [disabilityservices@fordham.edu](mailto:disabilityservices@fordham.edu) for more information.