

## **Legal Studies 152AC Human Rights and Technology**

Fall 2020

**CCN 31736**

**Via ZOOM ONLINE**

Version 1.0

Instructor Michael Chang, Ph.D., J.D.

GSI Yen-Tung

Mondays, 5:10 PM-7:59 PM

ONLINE VIA ZOOM

Email: [michang50@berkeley.edu](mailto:michang50@berkeley.edu)

Email: [ytl@berkeley.edu](mailto:ytl@berkeley.edu)

“Technology” is the new (secular) religion. A form of applied knowledge, it also represents the intersection of biology, politics and power. As exercised by governments, the “biopolitics” of how how bodies are surveilled, regulated, classified modified and incarcerated drive the direction of the development of new technology. Scientific advances promise great increases in social good, but whether those advancements herald a better world, or a worse one, depends on *how* scientific knowledge is applied. Applying scientific knowledge in the service of humanity is challenging, and requires humility and informed, deliberate methods. This course will critically examine the complex relationship between the legal/judicial structures, social and racial formations that undergird technology’s relation to biology, politics and power. In order to unravel the DNA of this relationship, we will investigate the nexus of technology within the context of the formation of citizenship rights; education access; and police and war powers amongst other contexts.

Software, data science, and networked devices are technologies that create challenges for those who work to advance human rights. Technology can limit or expand the exercise of speech. Regulations, policies and practices must balance the governmental, business, and civil liberties and civil rights interests of society. Intelligent machines can save lives, and they can also kill. Data analytics may lead to greater transparency in government but may also result in discriminatory policies. The non-neutral nature of technology puts great responsibility on designers, coders, and analysts. Some of the greatest opportunities to advance human rights involve the use of new technologies; but, if poorly designed, or in the wrong hands, those technologies may harm people in ways that undermine rights.

Through lectures, class discussions, and case studies, this course will give students:

- An understanding of the international human rights framework
- Historical and social context for contemporary human rights violations
- Insights into the interplay of race, gender, LGBTQ and technology in structural inequality, and interventions into those inequalities
- Opportunities to participate in public hearing with the City of Berkeley’s Police Review Commission and learn about the intersection of surveillance and police power
- Experience assessing needs and designing for specific, selected human rights applications

### **Statement of Rights and Responsibilities**

University students and instructors have fundamental rights to “academic freedom,” a First Amendment free speech doctrine developed in order to ensure the respectful and robust dialogue that promotes critical thinking and other aspects of educational excellence. Our classroom and course projects are intended to be safe spaces for all to imagine, express and critique our evolving views and understandings of a controversial subject, viz., how racism and the US law have historically treated people of color (and people racialized as “white”) and how people of diverse races have worked together to build organizations that use the law to advocate for interracial justice. Each of us has the opportunity (and responsibility) to speak freely and respectfully in the learning community that we will together create.

### **Attendance and Late Policy**

Students are expected to attend every lecture and discussion section. It is the responsibility of the student to inform herself about material missed due to class absence. If a conflict arises with an assignment deadline or an exam date, it is the student’s responsibility to notify the instructor in writing. Late assignments may be accepted on a case-by-case basis, but no late assignments will be accepted without prior approval.

### **Academic Integrity**

The UC Berkeley Honor Code states that students will, “act with honesty, integrity, and respect for others.” Cheating and plagiarism are two common examples of misconduct. Cheating involves actions that lead to unfair academic advantages for the student or students involved. For example, cheating can be collaborations with other students or the use of class notes or internet searches on exams or assignments in which these types of actions are prohibited. Plagiarism is using someone else’s work as you own or without proper citation. Cases of cheating or plagiarism will result in an F for that assignment and a referral to The Center for Student Conduct.

### **Statement of Course Content Copyright and Ownership by Instructor**

The course content, which includes, but is not exclusive of, all of the curricular and pedagogical teachings, concepts, written and spoken words, and recordings thereof (video and audio recordings, live content, and transcriptions thereof) is the sole property of the instructor for this course. The course content therefore is the copyright of the instructor who solely owns the rights to such in perpetuity. As such, prior to any dissemination or publication of any of the course content, must be done so by explicit written permission by the instructor. That means that you must not distribute or send to any person or entity outside of the registered students in this class any part (in whole or in part) of the course content without the instructor’s permission. In addition this means that you may not take any part of the course content and alter, adulterate or change it in any shape, form or manner without the explicit permission of the instructor including sending, disseminating or publishing pieces or portions of the course content. This is particularly relevant during an online format of this course where the instructor has exercised his discretion to record the live videoconference courses and provided them to you as a resource. By taking this course you have accepted all of the above.

## **Statement of Accommodation**

Students with a physical, medical or learning disability should meet with the instructor to discuss reasonable accommodation and the resources available through the UC Berkeley Disabled Students Program, <http://dsp.berkeley.edu/>. Similarly, students who's religious beliefs, observations or practices require them to miss class should meet with the instructor to determine a reasonable accommodation.

The Disabled Students' Program (DSP) is the campus office responsible for authorizing disability-related academic accommodations, in cooperation with the students themselves, and their instructors. Students who need academic accommodations, or have questions about their eligibility, should contact DSP, located at 260 César Chávez Student Center. Students may call 642-0518 (voice), 642-6376 (TTY), or e-mail [dsp@berkeley.edu](mailto:dsp@berkeley.edu)(link sends e-mail).

According to the UC Berkeley Religious Creed Policy, “In compliance with California Education Code, Section 92640(a), it is the official policy of the University of California at Berkeley to permit any student to undergo a test or examination, without penalty, at a time when that activity would not violate the student's religious creed, unless administering the examination at an alternative time would impose an undue hardship that could not reasonably have been avoided. Requests to accommodate a student's religious creed by scheduling tests or examinations at alternative times should be submitted directly to the faculty member responsible for administering the examination by the second week of the semester.”

## **Syllabus Organization**

Each Roman numeral refers to readings for one class meeting. I have streamlined the reading to address the core issues and expect students to have read all materials and to be prepared to discuss the interconnections between the readings and the “Discussion Topics” listed at the end of each section. There are fourteen classes during the semester which runs from August 26<sup>th</sup> through December 11, 2020.

## **Course Materials**

Readings will be posted on bCourses and will be referred to as Hand Outs (HO). In addition, we will be reading required readings (which you should purchase); news articles and online content; links are in the syllabus.

## **Required Tests**

- Noble, Safiya and Tynes, Brendesha, Eds. *The Intersectional Internet: Race, Sex, Class, and Culture Online* (Digital Formations), 2016

## **Course Requirements**

1. The final grade of the course will be based on a final research paper (10-12 pages long);

- and;
2. There will be at least two graded written class participation-based Discussion Assignments during the semester.

## Grading

Points will be assigned as grades for each of the assignments. The final grade will be determined by weighing the assignments as follows:

- Class participation (composed of two to three discussion assignments) 25%
- Final Paper 75 %

*Please note that incompletes (I grades) will not be given except in the case of dire emergencies.*

You are expected to do your own, original work. If you paraphrase or quote from another source, you must cite it properly. Any form of plagiarism on the assigned work will result in a failing grade for the course. For information on citations and a definition of what constitutes plagiarism, please refer to the following website: <http://www.lib.berkeley.edu/instruct/guides/citations.html>.

**Instructor's office hours:** To be scheduled in advance via email. I can be reached by e-mail at [michang50@berkeley.edu](mailto:michang50@berkeley.edu). If you would like to discuss the texts, your research paper, or other substantive issues, please make an effort to see me (in person) via Zoom.

## SCHEDULE OF TOPICS AND READINGS

### Unit I. Biopolitics: What is “Human Rights” and what is “Technology”?

**CLASS ONE: Case Studies, Current Events, and Race.** August 31, 2020

The course will begin with a lecture discussing current examples of the role of “biopolitics” with the interplay of biology, power and technology, with the governmental power and socio-cultural norms that govern the role of technology in our society. the socio-cultural factors that shape that relationship. We will discuss the attack on the Doctors Without Borders Hospital in Kunduz, Afghanistan, by American forces. We will also consider the International Bar Association’s Eyewitness to Atrocities app, which is an app to record, store, and transmit images and videos. The class will dive into the technical details of the app, as well as its purpose, marketing, and successes and failures. Students will consider the app in the context of race, gender, tech, and human rights. We will discuss definitions of the word “technology,” the social construction of race, and the complicated history of race and science.

Required Readings:

- Michael Omi & Howard Winant, Introduction, *Racial Formation in the United States*. 2014. HO
- “The Legal Construction of Race” (78-108), Ian Haney-Lopez from *White by Law: The Legal Construction of Race* (2006). HO

- Medecins Sans Frontieres. Kunduz Hospital Airstrike, including linked resources. <http://www.msf.org/en/topics/kunduz-hospital-airstrike>
- Bowcott, Owen. eyeWitness to Atrocities: The App Aimed at Bringing War Criminals to Justice, The Guardian, 7 June 2015. <https://www.theguardian.com/technology/2015/jun/08/eyewitness-to-atrocities-the-app-aimed-at-bringing-war-criminals-to-justice>
- Donnor, J. K.. “Learning from Black folk(s): Race, technology, and society.” In G. Ladson- Billings (Ed.), *Critical race theory perspectives on social studies: The profession, policies, and curriculum* (pp. 231-246), 2003. <http://wmpeople.wm.edu/asset/index/jkdonnor/learningfromblackfolks>
- Zhang, Christoph M. BIOPOLITICAL AND NECROPOLITICAL CONSTRUCTIONS OF THE INCARCERATED TRANS BODY. 37 Colum. J. Gender & L. 257, 2019.HO
- Berkeley CopWatch. “People's Investigation into the events of the #BlackLivesMatter protests in Berkeley, CA on the night of December 6th.” <http://berkeleycopwatch.org/timeline/#4>

#### Recommended Readings:

- Baldwin, James. “On Being White . . . And Other Lies,” in *The Cross of Redemption*, Kenan, Ed. 2010. <http://faculty.gordonstate.edu/lsanders-senu/On%20Being%20White%20and%20Other%20Lies.pdf>
- Braudel, Fernand. *The Structures of Everyday Life*. Fontana Press, London: 1985.

#### Further Recommended Readings on “Digital Humanitarianism”

- Meier, Patrick. *Digital Humanitarians: How Big Data Is Changing the Face of Humanitarian Response*. CRC Press: 2015. Chapter 1: The Rise of Digital Humanitarians
- Hiatt, Keith. “Open Source Evidence on Trial”. *The Yale Law Journal*. <http://www.yalelawjournal.org/forum/open-source-evidence-on-trial>
- Storyful. “Justice through the viewfinder: Eyewitness video is putting power in the hands of the public.” First Draft. January 6, 2016. <https://medium.com/1st-draft/justice-through-the-viewfinder-eyewitness-video-is-putting-power-in-the-hands-of-the-public-daa4f026df41#apji6hx3w>
- Higgins, Eliot. “Piecing together open source evidence from the Syrian Sarin attacks.” First Draft. August, 21, 2015. <https://medium.com/1st-draft/piecing-together-open-source-evidence-from-the-syrian-sarin-attacks-9027f0238857#mc7wopr1>

#### **CLASS TWO: Other People’s Problems.** September 14, 2020

This week will introduce the concept of tech solutionism and will explore alternative approaches to tech design that are more likely to achieve socially desirable results.

#### *Tech Solutionism Required Readings:*

- Zuckerman, Ethan. “The worst thing I read this year, and what it taught me... or Can we design sociotechnical systems that don’t suck.” <http://bit.ly/2aavW07>
- Martin, Courtney. “The Reductive Seduction of Other People’s Problems.” <http://bit.ly/29Z2s6E>
- Morozov, Evgeny. “The Perils of Perfection.” [http://www.nytimes.com/2013/03/03/opinion/sunday/the-perils-of-perfection.html?\\_r=0](http://www.nytimes.com/2013/03/03/opinion/sunday/the-perils-of-perfection.html?_r=0)

Recommended Readings:

- Ullman, Ellen. “Big Data is Watching You.” May 17, 2013. [http://www.nytimes.com/2013/05/19/books/review/to-save-everything-click-here-by-evgeny-morozov.html?\\_r=0](http://www.nytimes.com/2013/05/19/books/review/to-save-everything-click-here-by-evgeny-morozov.html?_r=0)

**CLASS THREE: Geopolitics, International Law and Due Process.** September 21, 2020

- Conley, Neil J. THE CHINESE COMMUNIST PARTY'S NEW COMRADE: YAHOO'S COLLABORATION WITH THE CHINESE GOVERNMENT IN JAILING A CHINESE JOURNALIST AND YAHOO'S POSSIBLE LIABILITY UNDER THE ALIEN TORTS CLAIM ACT. 111 Penn St. L. Rev. 171, 2006.
- Tourkochoriti, Ioanna. THE BURKA BAN: DIVERGENT APPROACHES TO FREEDOM OF RELIGION IN FRANCE AND IN THE U.S.A., 20 Wm. & Mary Bill Rts. J. 791, 2012
- Stoppard, Lou. Will Mandatory Face Masks End the Burqa Bans? May 19, 2020. NYT's. <https://www.nytimes.com/2020/05/19/style/face-mask-burqa-ban.html>
- The European Court of Human Rights and Face Veil Bans. E-Internatioal Relations. Feb 21 2018 <https://www.e-ir.info/2018/02/21/the-european-court-of-human-rights-and-face-veil-bans/>
- Gosalbo-Bono, Ricardo. THE SIGNIFICANCE OF THE RULE OF LAW AND ITS IMPLICATIONS FOR THE EUROPEAN UNION AND THE UNITED STATES. 72 U. Pitt. L. Rev. 229, Winter, 2010

**II. Racial Construction, Gender and the Tech Industry**

**CLASS FOUR: Gender Disparity and Silicon Valley.** September 28, 2020

This week, the class will ask who designs contemporary computer, software, and network technology. We will examine race and gender disparities in workforces and will ask why these disparities exist. The class will also question the nature of innovation and invention and will interrogate the origin myths of Silicon Valley success stories. What do these myths reveal, and what do they obscure?

*Computing and Gender Disparities:*

- This American Life prologue to the "Origin Story" episode. With Pino Audia (author of Myth of the Garage) <http://www.thisamericanlife.org/radio-archives/episode/383/origin-story>
- Shruti Rana, "Fulfilling Technology's Promise: Enforcing the Rights of Women Caught in the Global High-Tech Underclass," *Berkeley Women's Law Journal*. 272 (2000). <http://scholarship.law.berkeley.edu/cgi/viewcontent.cgi?article=1166&context=bglj> , Pages 273-298
- Barlow, John Perry. "A Declaration of the Independence of Cyberspace." <https://www.eff.org/cyberspace-independence>
- Jane Margolis and Allan Fisher. *Unlocking the Clubhouse: Women in Computing*. MIT Press: 2002. Introduction-Chapter 4
- Gabriela Robb, Marilyn. *Pluralism at Work: Rethinking the Relationship Between Religious Liberty and LGBTQ Rights in the Workplace*. 54 *Harv. C.R.-C.L. L. Rev.* 917 (Summer 2019)
- Hazeldean, Susan. *Privacy as Pretext*. 104 *Cornell L. Rev.* 1719 (November, 2019)

#### Recommended Readings:

- The Economist "The entrepreneurial state," August 31, 2013. <http://www.economist.com/news/business/21584307-new-book-points-out-big-role-governments-play-creating-innovative-businesses> and the first comment by Mariana Mazzucato.
- Harkinson, Josh. "How White is My Valley," *Mother Jones*, June 30, 2015. <http://www.motherjones.com/politics/2015/05/tech-industry-diversity-jesse-jackson>
- Friend, Tad. "Tomorrow's Advance Man: Marc Andreessen's Plan to Win the Future." <http://www.newyorker.com/magazine/2015/05/18/tomorrows-advance-man>

#### *Further Recommended Readings Computing, Privacy Rights and Gender:*

- Sydell, Laura. "The Forgotten Female Programmers Who Created Modern Tech." NPR. <http://www.npr.org/sections/alltechconsidered/2014/10/06/345799830/the-forgotten-female-programmers-who-created-modern-tech>
- Jane Margolis and Allan Fisher. *Unlocking the Clubhouse: Women in Computing*. MIT Press: 2002. Chapter 5-Epilogue
- Fischer, Claude. "Gender and the Residential Telephone, 1890-1940: Technologies of Sociability," *Sociological Forum*, Vol. 3, No. 2 (Spring, 1988), pp. 211-33.
- Lorber, Judith. 2011. "The Social Construction of Gender," p. 318-325 in *The Inequality Reader: Contemporary and Foundational Readings in Race, Class, and Gender* (Second Edition), edited by David B. Grusky and Szonja Szelenyi. Boulder: Westview Press.
- Keller, Evelyn Fox. "Feminist Perspectives on Science Studies." *Science, Technology, & Human Values* 13, no. 3/4 (1988): 235-249.
- Harding, Sandra. "Is There a Feminist Method?" Introduction to *Feminism and Methodology: Social Science Issues*, Harding, Ed. 1987.

#### **Required Cases:**

- *Roe v. Wade*, 410 US 113 (1973)

- *EEOC v. R.G. & G.R. Harris Funeral Homes, Inc.*, 100 F.Supp.3d 594. United States District Court, E.D. Michigan, Southern Division, 2018.
- *Price Waterhouse v. Hopkins*, [490 US 228 \(1989\)](#)

### **Discussion Topics:**

- What is the privacy interest articulated in *Roe v Wade*?
- What does a person's sex have to do with protections for transgender status?
- What does a person's sex have to do with privacy?
- How does human rights related to privacy protections for a woman's choice for abortion?

### **CLASS FIVE: Intersectionality and Tech.** October 5, 2020.

This week's lecture will focus on integrating the readings from past weeks into a basic understanding of intersectionality, and application of theories of intersectionality to the contemporary tech sector. This topic is rich and complex, but the scope of this class is limited to giving students a basic understanding of social theory, including intersectionality, feminism, and white supremacy, and tracing those forces as they play out in the practice of human rights and technology.

#### *Intersectionality Online*

- Noble, Safiya and Tynes, Brendesha, Eds. *The Intersectional Internet*, 2016. Introduction
- Tynes, Brendesha et al., "Digital Intersectionality Theory and the #Blacklivesmatter Movement," Chapter 1 in *The Intersectional Internet*.
- Daniels, Jessie. "The Trouble with White Feminism: Whiteness, Digital Feminism, and the Intersectional Internet." Chapter 2 in *The Intersectional Internet*.
- Gray, Kishonna. *Race, Gender, and Deviance in Xbox Live*, 2014. Chapter 2: "Racing and Gendering the Game."

#### *More Intersectionality:*

- Gray, Kishonna. *Race, Gender, and Deviance in Xbox Live*, 2014. Chapter 3: "Deviant Bodies: Racism, Sexism, and Intersecting Oppressions."
- Washington, Myra. "Asian/American Masculinity: The Politics of Virility, Virality, and Visibility." Chapter 3 in *The Intersectional Internet*.
- Steele, Catherine Knight. "Signifyin', Bitching, and Blogging: Black Women and Resistance Discourse Online." Chapter 4 in *The Intersectional Internet*.

#### Recommended Readings:

- Leonard, David. "*Grand Theft Auto V*: Post-Racial Fantasies and Ferguson Realities."

### **CLASS SIX: Race in Tech, Pipeline Problems and Color-blindness.** October 12, 2020.

#### *"Model Minorities" and Color-blindness:*

- Berdahl, Jennifer and Min, Ji-A. “Prescriptive Stereotypes and Workplace Consequences for East Asians in North America,” *Cultural Diversity and Ethnic Minority Psychology*, Vol. 18, No. 2, pp. 141–152. 2012.  
<http://www2.rotman.utoronto.ca/facbios/file/Berdahl%20&%20Min%20CDEMP%202012.pdf>
- Brown, Kristen V. “In tech, even Asians are left out at the top.” *SFGate.com*. August 24, 2014. <http://m.sfgate.com/technology/article/In-tech-even-Asians-are-left-out-at-the-top-5709457.php>
- Harkinson, Josh. “Asians Are Kicking Ass in Silicon Valley, So Why Are So Few in the Boardroom?” *Mother Jones*. May 14, 2015. <http://www.motherjones.com/kevin->
- Fan, Christopher T. “Not All Nerds.” *The New Inquiry*. November 6, 2014.  
<http://thenewinquiry.com/essays/not-all-nerds/>
- Llenas, Bray. “Despite transparency, Latinos urge tech companies to step up diversity efforts.” *Fox News Latino*. January 22, 2016.  
<http://latino.foxnews.com/latino/money/2016/01/22/despite-transparency-latinos-urge-tech-companies-to-step-up-diversity-efforts/>

#### Recommended Readings:

- Zhou, Min. “Are Asian Americans Becoming ‘White’?” *CSA Academic Perspective*. 2007. [http://www.csasc.org/index\\_files/csa2007\\_ej\\_hss-05.pdf](http://www.csasc.org/index_files/csa2007_ej_hss-05.pdf)
- Vara, Vauhini. “Why Doesn’t Silicon Valley Hire Black Coders?” *Bloomberg Businessweek*. January 21, 2016. <http://www.bloomberg.com/features/2016-howard-university-coders/>
- Nakaso, Dan. “Asian Workers Now Dominate Silicon Valley Tech Jobs,” *The Mercury News*, November 30, 2012.

#### *Further Recommended Readings. Deconstructing the Pipeline Problem Required Readings:*

- Sanchez, Nicole. “Diversity in Tech FAQ v0.1.” 16 July 2016.  
<https://medium.com/@nmsanchez/diversity-in-tech-faq-v0-1-276e5acd25be#.tik2h7cbs>
- Thomas, Rachel. “If you think women in tech is just a pipeline problem, you haven’t been paying attention.” <https://medium.com/tech-diversity-files/if-you-think-women-in-tech-is-just-a-pipeline-problem-you-haven-t-been-paying-attention-cb7a2073b996#.4g5bcrt7p>
- ‘Disrupting’ Tech’s Diversity Problem With A Code Camp For Girls Of Color. *NPR*. August 17, 2015. <http://www.npr.org/sections/ed/2015/08/17/432278262/hacking-tech-s-diversity-problem-black-girls-code>
- Kang, Cecilia and Todd C. Frankel. “Silicon Valley struggles to hack its diversity problem” *The Washington Post*.  
[https://www.washingtonpost.com/business/economy/silicon-valley-struggles-to-hack-its-diversity-problem/2015/07/16/0b0144be-2053-11e5-84d5-eb37ee8ea61\\_story.html](https://www.washingtonpost.com/business/economy/silicon-valley-struggles-to-hack-its-diversity-problem/2015/07/16/0b0144be-2053-11e5-84d5-eb37ee8ea61_story.html)
- “We really just want to work on what we love.” *Model View Culture*. May 22, 2014.  
<https://modelviewculture.com/pieces/an-open-letter-on-feminism-in-tech>
- Beasley, Maya A. *Opting Out: Losing the Potential of America’s Young Black Elite*. Chicago Press: 2011.

Ch 5 Majority Rules: Apprehension, Racism, and Racial Representation in Occupations  
Ch 6 Stereotype Threat: Where Have All Our Scientists Gone?

### III. Racial Formation, Gender and Human Rights

**CLASS SEVEN: “International Human Rights,” the Social Construction of “human rights” as a norm.** October 19, 2020.

In this class we will trace the rise of “international human rights” as a concept and legal doctrine, one that is distinct from “civil rights,” “women’s rights,” “labor rights,” and other rights-based concepts. The class will also discuss the challenge of, and legal mechanisms designed to achieve, accountability for human rights violations. The lecture will consider how the concept of human rights is not static, and as such is in dynamic relationship with movements and organizations considering the usage of human rights in gender and racial equality terms. The class will ask whether the call for an intersectional approach to human rights might effectively frame the complex and multilayered social forces at play in human rights violations. To provide context for the U.S. relationship to the social movements utilizing human rights frameworks, the lecture will discuss the postwar intersection of international politics and domestic concerns of human rights and civil rights.

*History and Mechanisms of Human Rights Required Readings:*

- Anderson, Carol. *Eyes Off the Prize, The United Nations and the African American Struggle for Human Rights, 1944-1955*, Introduction, pp. 1-8. Cambridge University Press, 2003.
- Leitner Center. *International Criminal Tribunals*  
<http://www.leitnercenter.org/files/News/International%20Criminal%20Tribunals.pdf>
- Weinstein, Harvey. “Editorial Note: The Myth of Closure.” Oxford University Press: 2011. <http://ijtj.oxfordjournals.org/content/5/1/1.extract>
- Moyn, Samuel. “Human Rights in History,” *The Nation*, August 11, 2010.  
<http://www.thenation.com/article/human-rights-history/>

Recommended Readings:

- Hoffman, Stephen-Ludwig. “Genealogies of Human Rights,” *Introduction to Human Rights in the Twentieth Century*, Hoffman, Ed., 2011.
- Anderson, Carol. Video: “Human Rights, Civil Rights, and the Cold War,”  
<https://www.facinghistory.org/resource-library/video/human-rights-civil-rights-and-cold-war>
- *The Universal Declaration of Human Rights*. 1948. United Nations.  
<http://www.un.org/en/universal-declaration-human-rights/>
- Van Schaack and Slye, *Essentials: International Criminal Law*, Chapter 6 (section on jus in bello), Chapter 8

*Further Recommended Readings. Critical Perspectives on Human Rights Required Readings:*

- Madley, Benjamin. *An American Genocide: The United States and the California Indian Catastrophe, 1846-1873*, Introduction, pp. 1-15, Yale University Press, 2016.
- Madley, Benjamin. "Reexamining the American Genocide Debate: Meaning, Historiography, and New Methods," *The American Historical Review* (2015) 120 (1), pp. 103-08.
- Anderson, Carol, "A Hollow Mockery: African Americans, White Supremacy, and the Development of Human Rights in the United States," Chapter 3 in *Bringing Human Rights Home: A History of Human Rights in the United States*, Soohoo, Albisa, Davis, Eds., 2007.
- Headrick, "The Tools of Imperialism: Technology and the Expansion of European Colonial Empires in the Nineteenth Century" (p. 231-263).  
[https://www.jstor.org/stable/pdf/1879216.pdf?\\_=1465426663628](https://www.jstor.org/stable/pdf/1879216.pdf?_=1465426663628)
- Shulman, Aaron. "The Rise of Femicide," *New Republic*, 28 December 2010.  
<https://newrepublic.com/article/80556/femicide-guatemala-decree-22>
- De Waal, Alex. "Writing Human Rights and Getting it Wrong," *Boston Review*, June 6 2016. <https://bostonreview.net/world/alex-de-waal-writing-human-rights>

#### IV. Biopolitics: Technology, Biology and Power

**CLASS EIGHT: National Security, Technology and Civil Liberties.** October 26, 2020

##### *Terrorism, Hacking, and Breaches*

- Data & Society Research Institute. "Data, Human Rights, and Human Security." June 22, 2015. <http://www.datasociety.net/pubs/dhr/Data-HumanRights-primer2015.pdf>
- Winter, Charlie and Jordan Bach-Lombardo. "Why ISIS Propaganda Works: And why stopping it requires that governments get out of the way." *The Atlantic*. February 13, 2016. <http://www.theatlantic.com/international/archive/2016/02/isis-propaganda-war/462702/>
- "Behind the Dutch Terror Threat Video: The St. Petersburg 'Troll Factory' Connection." *Bellingcat*. April 3, 2016. <https://www.bellingcat.com/news/uk-and-europe/2016/04/03/azov-video/>
- Adams, Michael. "Why the OPM Hack Is Far Worse Than You Imagine." *Lawfare*. March 11, 2016. <https://www.lawfareblog.com/why-opm-hack-far-worse-you-imagine>
- Ben Hassine, Wafa. "The Crime of Speech: How Arab Governments Use The Law To Silence Speech Online," *Electronic Frontier Foundation*, 28 April 2016.  
<https://www.eff.org/files/2016/04/28/crime-of-speech.pdf>

##### Recommended Readings:

- "Cybersecurity Incidents." *Cybersecurity Resource Center, Office of Personnel Management*. <https://www.opm.gov/cybersecurity/cybersecurity-incidents/>
- Responsible Data Forum. *The Hand-Book of the Modern Development Specialist*. Responsible Data, 2016. Introduction and Section 2.  
<https://responsibledata.io/resources/handbook/assets/pdf/responsible-data-handbook.pdf>

- Peterson, Andrea and Ellen Nakashima. “U.S. charges three suspected Syrian Electronic Army hackers.” March 22, 2016. <https://www.bellingcat.com/news/uk-and-europe/2016/04/03/azov-video/http://www.theatlantic.com/author/jordan-bach-lombardo/>

*Further Recommended Readings. Authoritarianism in Cyber Speech and Culture :*

- Jebreal, Rula. “Cairo’s Soviet-Style Silencing.” Foreign Policy Magazine. February 11, 2016. <http://foreignpolicy.com/2016/02/11/cairos-soviet-style-silencing-egypt-sisi-bassem-youssef-arts-culture/>
- Diebert, Ron. “Cyberspace Under Siege.” Journal of Democracy, Volume 26, Number 3. July 2015. pp. 64-78. <http://muse.jhu.edu/article/586479>
- Bulut, Ergin. “The Nation-State in Intersectional Internet: Turkey’s Encounters with Facebook and Twitter.” Chapter 10 in The Intersectional Internet.

**CLASS NINE: Biopolitics: Agency and Activism in Biology, Politics, Power.** November 2, 2020

*Agency, Activism and Revolution:*

- Berlatsky, Noah. “Hashtag Activism Isn’t a Cop-Out,” The Atlantic, January 7, 2015. <https://www.theatlantic.com/politics/archive/2015/01/not-just-hashtag-activism-why-social-media-matters-to-protestors/384215/>
- Gladwell, Malcolm. “Small Change: Why the Revolution Will Not be Tweeted,” The New Yorker, October 4, 2010. <https://www.newyorker.com/magazine/2010/10/04/small-change-malcolm-gladwell>
- Olorunnisola, Anthony and Martin, Brandie. “Influences of media on social movements: Problematizing hyperbolic inferences about impacts,” Telematics and Informatics, Vol. 30, Issue 3, August 2013, pp. 275-288. <http://www.sciencedirect.com/science/article/pii/S0736585312000226>
- Luong, Dien. “US Court: Muslims can sue NYPD over mass surveillance.” Al Jazeera. October 27, 2015. <https://www.aljazeera.com/features/2015/10/27/us-court-muslims-can-sue-nypd-over-mass-surveillance>

*Recommended Readings:*

- Pew Research Center, “Social Media and the Spiral of Silence,” August 26, 2014. <http://www.pewinternet.org/2014/08/26/social-media-and-the-spiral-of-silence/>
- Matias, J. Nathan. “Were All Those Rainbow Profile Photos Another Facebook Study?” June 28, 2015. <http://www.theatlantic.com/technology/archive/2015/06/were-all-those-rainbow-profile-photos-another-facebook-experiment/397088/>
- Hill, Symon. Digital Revolutions : Activism in the Internet Age <http://site.ebrary.com/lib/berkeley/detail.action?docID=10673137> , Chapter 1: The Menace of Cyberspace, Chapter 4: We are Next

- Schmidt, Eric and Jared Cohen. *The New Digital Age: Reshaping the Future of People, Nations and Business*. Vintage Books: New York 2014, Chapter 4: The Future of Revolution & Chapter 6: The Future of Conflict, Combat and Intervention.

*Further Recommended Readings. Privacy, Surveillance, Encryption:*

- Electronic Frontier Foundation. "Patterns of Misconduct: FBI Intelligence Violations from 2001 - 2008." February 23, 2011. <https://www.eff.org/wp/patterns-misconduct-fbi-intelligence-violations>
- Berkman Center. Don't Panic: Making Progress on the "Going Dark" Debate. Berkman Center. February 1, 2016. [https://cyber.law.harvard.edu/pubrelease/dont-panic/Dont\\_Panic\\_Making\\_Progress\\_on\\_Going\\_Dark\\_Debate.pdf](https://cyber.law.harvard.edu/pubrelease/dont-panic/Dont_Panic_Making_Progress_on_Going_Dark_Debate.pdf)
- Mateescu, Alexandra; Alex Rosenblat; and Danah Boyd. "Police Body-Worn Cameras: Working Paper." *Data and Society*. February 2015. <http://www.datasociety.net/pubs/dcr/PoliceBodyWornCameras.pdf>
- Waddell, Kaveh. "Encryption Is a Luxury." *The Atlantic*. March 28, 2016. <http://www.theatlantic.com/technology/archive/2016/03/the-digital-security-divide/475590/>
- Cagle, Matt. "This Surveillance Software is Probably Spying on #BlackLivesMatter." *ACLU*. December 15, 2015. <https://www.aclunc.org/blog/surveillance-software-probably-spying-blacklivesmatter>
- Luong, Dien. "US Court: Muslims can sue NYPD over mass surveillance." *Al Jazeera*. October 27, 2015. <http://www.aljazeera.com/indepth/features/2015/10/court-muslims-sue-nypd-mass-surveillance-151027075128228.html>
- Kayyali, Dia. "EFF Fights Back Against Oakland's Disturbing Domain Awareness Center," *Electronic Frontier Foundation*, 4 March, 2014. <https://www.eff.org/deeplinks/2014/03/eff-fights-back-against-oaklands-disturbing-domain-awareness-center>

**Class Ten: National Security: Tech, Power and Exigency.** November 9, 2020

*Drones, Killer Robots, Extraterritoriality and Due Process:*

- Andresen, Joshua. DUE PROCESS OF WAR IN THE AGE OF DRONES, 41 *Yale J. Int'l L.* 155. Winter, 2016.
- Currier, Cora. "The Drone Papers." *The Intercept*. October 15, 2015. <https://theintercept.com/drone-papers/the-kill-chain/>
- Tayler, Letta. "The Truth about the United States Drone Program." *Human Rights Watch*. March 24, 2014. <https://www.hrw.org/news/2014/03/24/truth-about-united-states-drone-program>
- Schmitt, Michael, N. "Autonomous Weapon Systems and International Humanitarian Law: A Reply to the Critics." *Presidents and Fellows of Harvard College and Michael Schmitt*: 2013.

[http://www.unog.ch/80256EDD006B8954/\(httpAssets\)/1A01036E67B87540C1257CC20041FFC6/\\$file/Autonomous+Weapon+Systems+and+International+Humanitarian+Law\\_Schmitt.pdf](http://www.unog.ch/80256EDD006B8954/(httpAssets)/1A01036E67B87540C1257CC20041FFC6/$file/Autonomous+Weapon+Systems+and+International+Humanitarian+Law_Schmitt.pdf)

- Leti Volpp, *Critical Race Studies: The Citizen and the Terrorist*, 49 UCLA L.Rev. 1575 (June 2002). HO
- “Losing Humanity: The Case against Killer Robots.” Human Rights Watch. November 19, 2012. <https://www.hrw.org/report/2012/11/19/losing-humanity/case-against-killer-robots>
- Deepa Kumar, *Framing Islam: The Resurgence of Orientalism During the Bush II Era*, 34 Journal of Communication Enquiry 254 (2010)
- Kessler, Glenn. “The harsh interrogations of al-Qaeda detainees: Was it ‘torture’ and did it help find bin Laden?” Washington Post, March 20, 2018. [https://www.washingtonpost.com/news/fact-checker/wp/2018/03/20/the-harsh-interrogations-of-al-qaeda-detainees-was-it-torture-and-did-it-help-find-bin-laden/?no\\_nav=true&p9w22b2p=b2p22p9w00098](https://www.washingtonpost.com/news/fact-checker/wp/2018/03/20/the-harsh-interrogations-of-al-qaeda-detainees-was-it-torture-and-did-it-help-find-bin-laden/?no_nav=true&p9w22b2p=b2p22p9w00098)

#### Recommended Readings:

- Dredge, Stuart. “Apple removed drone-strike apps from App Store due to 'objectionable content',” *The Guardian*, 30 September 2015. <https://www.theguardian.com/technology/2015/sep/30/apple-removing-drone-strikes-app>
- In-class screening of Nova documentary, “The Deadly Deception,” January 26, 1993.

#### Required Cases:

- *Plyler v. Doe*, 457 U.S. 202 (1982)
- *Korematsu v. United States*, 323 U.S. 214 (1944) (Court held that national security outweighed individual rights of plaintiff who challenged the President’s executive exclusion order which resulted in internment of Japanese Americans)
- *Ashcroft v. Iqbal*, 129 S.Ct. 1937 (2009) (Court held government officials provided qualified immunity against claims that they knew/condoned religious or race based discrimination post-911 in detaining suspects)

#### Movie:

“9066 to 9/11: America’s Concentration Camps, Then ... and Now?” Produced by the Frank H. Watase Media Arts Center of the National Museum. (2004)

#### Discussion Topics:

- What is an “enemy combatant”?
- Should it be permissible for a U.S. citizen to be designated an “enemy combatant”?
- Can the Japanese internment be compared to the post-911 detainment of terrorists?
- When it comes to the detainment of suspected terrorists, where should the balance be

struck between individual rights (civil rights, due process, etc. versus society's rights (national security)?)

- Does the above balance change when the suspect is a U.S. citizen? Should non-U.S. citizens have any less right to individual rights or human rights than a U.S. citizen when suspected of a terroristic activity?
- Are the policy interests involved with U.S. border enforcement convergent or at conflict with our anti-terrorism?
- In what ways do race and immigration structure the social and legal-political status of Asian Americans and Latino Americans?

## VI. TECH DESIGN AND ITS CONSEQUENCES FOR INCLUSION AND EQUALITY

**CLASS ELEVEN: Tech, Inclusion, and Discrimination.** November 16, 2020

*Disability, Accessibility and Universal Design*

- Fruchterman, Jim. "Accessible e-books for equal opportunity." UNICEF. <http://sowc2015.unicef.org/stories/accessible-e-books-providing-equal-opportunity-for-all-children/>
- Wu, Shaomei; Hermes Pique; and Jeffrey Wieland. "Using Artificial Intelligence to Help Blind People 'See' Facebook." Facebook Newsroom. <http://newsroom.fb.com/news/2016/04/using-artificial-intelligence-to-help-blind-people-see-facebook/>
- "Tyranny of the Algorithm? Predictive Analytics and Human Rights." Videos. <http://www.law.nyu.edu/bernstein-institute/conference-2016>

Recommended Readings:

- Hiatt, Keith. "Innovation and Inclusion in Cyber Spaces: The Process of Accessibility in New Media and Devices."

*Further Readings. How design discriminates:*

- Sweeney, Latanya. "Discrimination in Online Ad Delivery," Communications of the ACM, Vol. 56 No. 5, Pages 44-54, <http://cacm.acm.org/magazines/2013/5/163753-discrimination-in-online-ad-delivery/fulltext>
- Edelman, Benjamin and Luca, Michael. "Digital Discrimination: The Case of Airbnb.com," Harvard Business School NOM Unit Working Paper No. 14-054, [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2377353](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2377353)
- O'Donovan, Caroline. "Airbnb Owns Up To Its Race Problem," BuzzFeed, June 9, 2016. <https://www.buzzfeed.com/carolineodonovan/vowing-change-airbnb-owns-up-to-its-race-problem>
- Sydell, Laura. "Can Computer Programs Be Racist And Sexist?" NPR. March 15, 2016. <http://www.npr.org/sections/alltechconsidered/2016/03/15/470422089/can-computer-programs-be-racist-and-sexist>

- “Why Machines Discriminate—and How to Fix Them.” Science Friday. November, 20, 2015. <http://www.sciencefriday.com/segments/why-machines-discriminate-and-how-to-fix-them/>

## **VII. THE HUMAN RIGHTS CONSEQUENCES OF RACE AND GENDER IN TECH**

### **CLASS TWELVE: Case Studies on Gender and Sexuality.** November 23, 2020

- Dewey, Caitlin, “The Only Guide to Gamergate You’ll Ever Need to Read.” The Washington Post. Oct. 14, 2014. <https://www.washingtonpost.com/news/the-intersect/wp/2014/10/14/the-only-guide-to-gamergate-you-will-ever-need-to-read/>
- Soraya Chemaly. “The problem with a technology revolution designed primarily for men.” Quartz. March 16, 2016. <http://qz.com/640302/why-is-so-much-of-our-new-technology-designed-primarily-for-men/>
- Grinberg, Emanuella. “‘Siri, I was raped’: Study compares smartphone responses in crises.” CNN. March 14, 2016. <http://www.cnn.com/2016/03/14/health/smartphone-responses-rape-violence/>
- Levy, Karen. “Rape is not a Data Problem,” The Atlantic, October 30, 2014, <http://www.theatlantic.com/technology/archive/2014/10/rape-is-not-a-data-problem/381904/>

#### Recommended Readings:

- Horton, Helena. “Microsoft deletes 'teen girl' AI after it became a Hitler-loving sex robot within 24 hours.” The Telegraph. March 24, 2016. <http://www.telegraph.co.uk/technology/2016/03/24/microsofts-teen-girl-ai-turns-into-a-hitler-loving-sex-robot-wit/>
- Weisbaum, Herb. “‘Hell No Barbie’: Social Media Campaign Targets Talking Doll.” NBC. November 9, 2015. <http://www.nbcnews.com/business/consumer/hell-no-barbie-social-media-campaign-targets-talking-doll-n459936>

#### *Further Recommended Readings. Trans/Sexuality Required Readings:*

- Cracker, Miz. “Facebook’s ‘Real Name’ Fix Isn’t a Fix at All.” Slate. Nov. 4, 2015. [http://www.slate.com/blogs/outward/2015/11/04/facebook\\_real\\_name\\_policy\\_the\\_changes\\_for\\_trans\\_people\\_drag\\_queens\\_and\\_others.html](http://www.slate.com/blogs/outward/2015/11/04/facebook_real_name_policy_the_changes_for_trans_people_drag_queens_and_others.html)
- Violet Blue, Facebook: I Want Out. <https://medium.com/@violetblue/facebook-i-want-out-e1e891975531#.8drztoryo>
- Megan Dickey, The Future of Trans\*H4CK, Nov. 29, 2015. <https://techcrunch.com/2015/11/29/the-future-of-transh4ck/>

### **CLASS THIRTEEN: Technology, Race and Resegregation.** November 30, 2020.

*Tech’s Local “Spillover Effects” (Gentrification, Policing, Displacement, and Immigration)*

- Stenberg, Amandla. “Don’t Cash Crop on My Cornrows, 15 April 2015. [https://www.youtube.com/watch?v=O1KJRRSB\\_XA](https://www.youtube.com/watch?v=O1KJRRSB_XA)
- Cutler, Kim-Mae. “East of Palo Alto’s Eden: Race And The Formation Of Silicon Valley.” January 20, 2015. TechCrunch. <http://techcrunch.com/2015/01/10/east-of-palo-altos-eden/>
- Fernandez Kelly, Patricia. “Technology and Employment Along the U.S.-Mexican Border,” Chapter 6 in *The United States and Mexico: Face to Face With New Technology*, Ed. Thoryup, Catheryn, 1987.
- Avins, Jenni. “The Dos and Don’ts of Cultural Appropriation.” *The Atlantic*. 20 Oct. 2015. <http://www.theatlantic.com/entertainment/archive/2015/10/the-dos-and-donts-of-cultural-appropriation/411292/>

#### Recommended Readings:

- Solnit, Rebecca. “Death By Gentrification,” *The Guardian*, 21 March 2016. <https://www.theguardian.com/us-news/2016/mar/21/death-by-gentrification-the-killing-that-shamed-san-francisco>
- Kerr, Dara. “East Palo Alto: Life on the other side of Silicon Valley's track.” CNET. August 31, 2015. <http://www.cnet.com/news/east-palo-alto-life-on-the-other-side-of-silicon-valleys-tracks/>
- Kazak, Don. “The end of the road for Whiskey Gulch.” Palo Alto Online. March 5, 1997. [http://www.paloaltoonline.com/weekly/morgue/cover/1997\\_Mar\\_5.COVER05.html](http://www.paloaltoonline.com/weekly/morgue/cover/1997_Mar_5.COVER05.html)
- Kumar, Amitava. “Temporary Access: The Indian H-1B Worker in the United States.” In *Technicolor: Race, Technology and Everyday Life*, eds. Alondra Nelson and Thuy Linh N. Tu with Alicia Headlam Hines. New York: New York University Press, 2001. 66- 87.

#### *Further Readings. Cultural Appropriation and Virality:*

- Lester, Neal. “Playing Black for Laughs.” January 10, 2014. <http://www.tolerance.org/blog/playing-black-laughs>
- YouTube Video. “Rappin’ for Jesus.” February 5, 2013. <https://www.youtube.com/watch?v=Kppx4bzfAaE>
- YouTube Video. “Taylor v. Treadmill.” 1 April 2016. [https://www.youtube.com/watch?v=fK\\_zw1-lnmc](https://www.youtube.com/watch?v=fK_zw1-lnmc)
- YouTube Video. “Verizon: A Better Prepaid.” 25 May 2016. <https://www.youtube.com/watch?v=stbt12Arkag>

#### **Class Fourteen: Police Power, Surveillance, and Human Rights/Civil Liberties.** December 7, 2020

Police powers are used for the enforcement of community safety for effective crime prevention and detection. However, sometimes certain policing practices, policies, techniques, and tools have been criticized and found in courts to have violated civil liberties and civil rights. Racial profiling covers a range of governmental activities. One such activity, stop and frisk, for example, allows for a reduced standard of reasonable suspicion to stop a person on a public street, and to “frisk”

him or her. This triggers the civil liberties associated with the Fourth Amendment's search and seizure protections.

## **Readings**

- The Fourth Amendment  
<https://www.uscourts.gov/about-federal-courts/educational-resources/about-educational-outreach/activity-resources/what-does-0>
- Cato Institute. Policing in America. Chapter 4. Body Worn Cameras.  
<https://www.cato.org/policing-in-america/chapter-4/police-body-cameras>
- Annual Stop-and-Frisk Numbers (in NYC)  
<https://www.nyclu.org/en/stop-and-frisk-data>
- *Why 'Stop-and-Frisk' Inflamed Black and Hispanic Neighborhoods*  
<https://www.nytimes.com/2019/11/17/nyregion/bloomberg-stop-and-frisk-new-york.html>
- A Federal Court Holds New York Stop-and-Frisk Policy Unconstitutional in *Floyd v. City of New York*.  
<https://verdict.justia.com/2013/08/21/a-federal-court-holds-new-york-stop-and-frisk-policy-unconstitutional-in-floyd-v-city-of-new-york>
- NYPD STOP AND FRISK, PERCEPTIONS OF CRIMINALS, RACE AND THE MEANING OF TERRY v OHIO: A CONTENT ANALYSIS OF FLOYD, ET AL. v CITY OF NEW YORK. 15 Rutgers Race & L. Rev. 65, 2014.
- TIME IS NOT ON OUR SIDE: WHY SPECIOUS CLAIMS OF COLLECTIVE BARGAINING RIGHTS SHOULD NOT BE ALLOWED TO DELAY POLICE REFORM EFFORTS. 15 Stan. J. Civ. Rts. & Civ. Liberties 137, 2019
- State of CA AB 392: Use of Force Law:  
[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201920200AB392](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB392)

## **Cases**

- *Whren v. United States*, 517 U.S. 806 (1996)
- *Terry v. Ohio*, 392 U.S. 1 (1968)
- *Floyd, et al. v. City of New York, et al.* 959 F. Supp. 2d 540 (2013)

## **Discussion Questions**

- What are the police's interest in community safety that were raised in NYC and what data was provided Rutgers Race & Law Review say about the difference between disparate impact evidence versus intentional discrimination evidence?
- What is the civil liberty or civil right interest raised by the plaintiff's suing NYC in *Floyd, et al*?
- How does the technology of the body worn camera impact human rights and civil rights?

END