

法律: 算法责任

Law: Algorithmic Accountability

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适用领域: 算法、法律、科技平台

单元要点:美国一条备受争议的互联网法律条款,两桩与科技平台推荐视频相关的

案件,积累社交媒体、科技平台、法律、美国政治等相关知识与词汇。

精读预习

1. 听录音,填空(每个空格填写一个单词,含连字符的单词算一个)。

Should tech platforms be liable for the content they carry?

America's Supreme Court grapples with their fiercely contested "Section 230"
(1) In 1941, in "The Library of Babel", Jorge Luis Borges imagines a vast collection of books containing every possible permutation of letters, commas and full stops. Any wisdom in the stacks
is by endless volumes of gibberish. With no locatable index, every search for
knowledge is Librarians are on the verge of suicide.
(2) Borges's nightmarish repository is a cautionary tale for the Supreme Court next week, as it
takes up two cases involving a fiercely contested of a nearly 30-year-old law
regulating web communications. If the justices use $Gonzalez\ v\ Google\ and\ Taamneh\ v\ Twitter$ to
crack down on the algorithms online platforms use to curate content, Americans may soon find it
much harder to the 2.5 quintillion bytes of data added to the internet each day.

(3) The law, Section 230 of the Communications Decency Act of 1996, has been
by federal courts to do two things. First, it immunises both "provider[s]" and "user[s]" of "an
interactive computer service" from liability for potentially harmful posts created by other people.
Second, it allows platforms to take down posts that are "obsceneexcessively violent, harassing
or otherwise objectionable"—even if they are protected—without risking
liability for any such content they happen to leave up.
The state of the s
(4) Disgruntlement with Section 230 is bipartisan. Both Donald Trump and Joe Biden have called
for its repeal. Scepticism on the right has focused on licence the law technology
companies to censor conservative speech. Disquiet on the left stems from a perception that the
law permits websites to spread and vitriol that can fuel events like the
insurrection of January 6th 2021.
(5) Tragedy underlies both Gonzalez and Taamneh. In 2015 Nohemi Gonzalez, an American
woman, was murdered in an Islamic State (IS) attack in Paris. Her family says the algorithms on
YouTube (which is owned by Google) fedvideos to the terrorists who killed her.
The Taamneh plaintiffs are relatives of Nawras Alassaf, a Jordanian killed in Istanbul in 2017. They
that Section 230 should not hide the role Twitter, Facebook and Google played
in grooming the IS perpetrator.
(6) The Biden is taking a nuanced stand against the tech giants. In its brief to
the justices, the Department of Justice says Section 230 protects "the dissemination of videos" on
YouTube by users—including terrorist training videos by the likes of IS. But the platform's
"recommendation message[s]" are another story, the department says. These,
auto-loaded videos in a user's "Up next" sidebar, arise from "YouTube's own platform-design
choices" and should not be protected under the umbrella of Section 230.
(7) Some 30 amicus (or friend-of-the-court) briefs urge the justices to rein in social-media
websites' immunity from lawsuits. The Anti-Defamation League, a civil-rights group, writes that
the companies' strategy of keeping us "scrolling and clicking" through
algorithms threatens "vulnerable communities most at risk of online harassment and related
offline violence". Ted Cruz, a senator, along with 16 fellow Republican lawmakers, decries the
"near-absolute immunity" that lower courts' decisions have "on Big Tech
companies to alter and push harmful content" under Section 230

(8) But nearly 50 amicus briefs opposing a rejigging of Section 230 warn of unintended
consequences. An internet resembling Borges's useless library is one worry. Meta, which owns
Facebook, notes that "virtually every online service" highlights content that is "relevant" to
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blog, thinks such a reconceptualisation of the law would invite "havoc". The crux of Section 230,
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(1) Based on federal courts' interpretation, what is Section 230 meant to do?
(2) According to the article, what do US political parties think of Section 230?
(3) According to Paragraph 8, why are tech platforms opposed to reforming Section 230?

精读(1)

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精读(1)练习

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(2)	该网站的"推荐视频" 秽或过度暴力的内容。	(也就是在网页右侧自动加载的那些视频)给青少年? (suggested videos, auto-loaded, web page, obscene, fe	

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精读(2)

(1) Some 30 amicus (or friend-of-the-court) briefs urge the justices to rein in social-media websites' immunity from lawsuits. The Anti-Defamation League, a civil-rights group, writes that the companies' strategy of keeping us "scrolling and clicking" through targeted algorithms threatens "vulnerable communities most at risk of online harassment and related offline violence". Ted Cruz, a senator, along with 16 fellow Republican lawmakers, decries the "near-absolute immunity" that lower courts' decisions have conferred "on Big Tech companies to alter and push

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(4) Thomas Wheeler, who chaired the Federal Communications Commission under Barack Obama, worries that tech companies have too much freedom to "bombard" users with potentially harmful content. When platforms "alert specific users" of videos or articles, Mr Wheeler says, "conduct becomes content" and should no longer receive Section 230 protection. Some advocates of curbed immunity distinguish between benign and destructive algorithms. "Somebody has to draw a line," Mr Wheeler says. The question facing the justices is whether a line can be found with something to recommend it.

精读(2)练习

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2.	请翻译下列原文句子。
(1)	Ted Cruz, a senator, along with 16 fellow Republican lawmakers, decries the "near-absolute immunity" that lower courts' decisions have conferred "on Big Tech companies to alter and push harmful content" under Section 230.
(2)	The crux of Section 230, he says, is pinning responsibility for harmful speech on the "proper party": the person who made the content, not the "tool" he uses to communicate it.
3.	请运用括号中的表达写出下列句子。
(1)	如今,科技巨头们可以用未经审查的内容轰炸人们。而更糟糕的是,年轻用户却可能没有能力分辨虚假信息和事实。(bombard with, distinguish between, misinformation)
(2)	如果让豆瓣为用户的影评负责, 让大众点评为用户给餐厅的打分负责, 那会惹来大量官司。(be liable for, review, invite, an onslaught of)

写作练习

请按照课程视频要求完成相应写作练习。

泛读文章

The Supreme Court could throw the internet into chaos

(1) Section 230 of the Communications Decency Act is vexing: No one likes it, but neither can

anyone come up with a satisfying proposal for fixing it. Now, with good outcomes elusive, the

Supreme Court is in a position to produce an especially bad one.

(2) On Tuesday, the justices will hear Gonzalez v. Google, a case whose decision could wipe away

what are called the 26 words that created the internet. Section 230 protects platforms from

liability for most content contributed by third parties — which means that when individuals send

defamatory tweets or post inciting comments, Twitter, Facebook, YouTube and their peers aren't

held legally responsible. Gonzalez asks a slightly more complicated question: When platforms

algorithmically promote those tweets, comments or, in this instance, videos, does their legal shield

disappear?

(3) The facts of the suit are tragic, although attenuated. The case was brought by the family of a

23-year-old American college student killed in a Paris restaurant during an attack by Islamic State

followers. But rather than alleging that the murderers in question were radicalized on YouTube,

they allege that YouTube more generally promoted radicalizing material via its "Up Next"

recommendation feature.

(4) The theory behind treating material that platforms promote differently from material that

platforms simply host has some appeal. It's easy enough to say sites can't be responsible, either

morally or logistically, for everything that their millions and sometimes billions of users decide to

stick on the web. But arguing that they aren't responsible for the decisions their own employees

encode into their own systems is more difficult.

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- (5) On the other hand, the consequences of removing Section 230 immunity for algorithmically recommended content could be catastrophic. Platforms would likely abandon systems that suggest or prioritize information altogether, or just sanitize their services to avoid carrying anything close to objectionable creating, as some have put it, either a wasteland or a Disneyland. Part of the trouble is there's no clear way to distinguish one type of recommendation from another. Elevating content relevant to whatever a user has recently interacted with is different from elevating content based on subject matter, which is in turn different from elevating content determined to be high-quality. But all these types of curation are at once under threat.
- (6) Imagine a YouTube where "Peppa Pig" videos are forced to commingle with monster truck highlight reels or footage of humanitarian disasters. Imagine, also, a Google in which searches return results with no rhyme or reason.
- (7) The centrality of algorithmic recommendation to today's internet is, indeed, the greatest problem for the plaintiffs' argument. Those who want to see Section 230 gutted argue that its drafters never meant for the provision to apply to this type of promoted material. But the drafters certainly did mean for it to give platforms the freedom to moderate content and, by the way, they've filed an amicus brief saying as much. Today, algorithmic recommendation is exactly what makes this content moderation possible amid those millions or billions of users generating hundreds of millions or hundreds of billions of posts a day. By ruling that this practice is out of bounds, the Supreme Court would get the modern internet all wrong. It would get the statute at hand wrong, too.

(8) That doesn't mean there's nothing to be done about Section 230, and it certainly doesn't mean there's nothing to be done about algorithms' role in shaping platforms. That starts with greater transparency surrounding the outcomes these algorithms are designed to produce, as well as the outcomes they actually produce in practice. Perhaps there's even room to harness those findings so that platforms may be held liable for negligence when they systematically elevate illegal content and don't attempt to remedy that failing. (First Amendment issues, in almost any attempt at reforming this thorny law, will inevitably arise.)

(9) But all that is work for Congress. Lawmakers wrote the 26 words that created the internet. It's their job to write the words that determine its future.

^{*} 摘自《华盛顿邮报》2023年2月20日文章

泛读阅读理解

(1) According to Paragraph 2 and 3, what is the connection between the case <i>Gonzalez v. Goog</i> and Section 230?	gle
(2) According to the article, what are the consequences of revoking Section 230's protection algorithmically recommended content?	of
(3) In the author's opinion, what measures can be taken on Section 230 and algorithms' role shaping platforms?	in