

CS 4873: Computing, Society & Professionalism

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Week 6: Regulating Online Speech

February 24, 2021

Slides adapted from Sauvik Das, Munmun de Choudhury, and Amy Bruckman

The First Amendment

- *Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the government for redress of grievances.*
- Primary purpose is political
 - Allows an open discussion of public issues and allows minority perspectives
- Not an absolute right
 - Private right must be balanced against the public good

The First Amendment

- Restricts what **the government** can do
- Does not restrict what private groups can do
 - TOS's generally written with offensive/controversial speech in mind
- Covers spoken & written words, pictures, art, and other forms of expression of ideas (like wearing an arm band)

Consider This:

- In the US, television commercials for cigarettes are banned.
- Should there be a ban on commercials for violent video games too?
 - Why or why not?

The US Restricts Free Speech in Many Ways

- Our restrictions just seem “natural” to us

Miller v. California (1973)

- Obscenity:
 - Depicts sexual or excretory acts whose depiction is specifically prohibited by law
 - Depicts acts in a "patently offensive matter," appealing to prurient interests as judged by a reasonable person using community standards
 - Has no serious literary, artistic, social, political, or scientific value
- Obscenity is illegal in the US

Child Porn

- Illegal because children are used to make it
 - Not illegal if an adult pretends to be a kid
 - Not illegal if animated, probably
- Illegal to possess the file
 - Cases of someone keeping it as evidence being prosecuted

Federal Funding Power

- Federal funding power has been used to restrict speech
- Almost all libraries and health clinics rely on federal funds
- Law says if you want to be eligible to receive federal funds:
 - Mandate content filters in libraries
 - Prevent clinics from discussing abortion as an option
- End-run around the First Amendment

Print Versus Broadcast

- Government has
 - Less control over print
 - More control over broadcast
- Original reason
 - Spectrum is a scarce, shared resources
 - In return for exclusive use, you agree to regulation
- New reason
 - Comes into homes where kids are

FCC v. Pacifica Foundation (1978)

- George Carlin's sketch "Filthy Words"
 - The seven words you can't say on television
- Station is sanctioned
- US Supreme Court rules that broadcast is different from print
 - Invades the privacy of your home
 - You might miss the warning up front
 - You can only turn it off after you've heard some of it
 - Doesn't apply to cable, satellite

Common Carriers

- Example: your ISP, your cell phone carrier
- No control over content, so no responsibility
- Boundary becomes blurred on the internet

Hate Speech

- Legal in the United States
- Illegal in many countries
 - Canada, Germany, etc.
- Definition varies
 - Not only by country but by province

Free Speech and Hate Speech

- Balancing private rights with public good
 - Free speech essential for democracy — without it, authoritarian governments can suppress opposition
 - Hate speech, unchecked, can promote dangerous ideas (racism, xenophobia) can cause people — especially those with less power — from public debates
- Where to draw the line?
- *How* to draw the line?

Free Speech and Hate Speech

- Social media and the Internet have opened many new arenas for exchanging opinions.
- Freedom of speech is an absolute *value* in any democracy, both for the public and for the media.
- At the same time, opinions and debates challenge us as hate speech are spread widely and frequently on new platforms for publishing.
- Hate speech may cause fear and can be the reason why people withdraw from the public debate
 - Women and minority groups most affected

Yahoo! vs. France

- Yahoo auctions used to sell Nazi memorabilia.
- French court ruled that to be hate speech, demanded Yahoo pay a steep fine.
- Yahoo claimed they were out of French jurisdiction — servers in the U.S., and protected under First Amendment.
- U.S. court agreed
- The global reach of the Internet makes hate speech regulation difficult to enforce from a legal perspective; reliant on judiciousness imposed by individual platforms.

Reddit Limits Noxious Content by Giving Trolls Fewer Places to Gather

The Shift

By KEVIN ROOSE SEPT. 25, 2017



Alexis Ohanian, a founder of the website, which banned several forums in 2015 as part of a broad crackdown on poisonous behavior. David Paul Morris/Bloomberg

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THE SHIFT

This Was the Alt-Right's Favorite Chat App. Then Came Charlottesville. AUG. 15, 2017



Facebook and Twitter Could Face Fines in Germany Over Hate Speech Posts

MARCH 14, 2017

There are — and always have been, and probably always will be — trolls, scoundrels and reprobates on the internet.

It is a problem that has vexed multibillion-dollar corporations and the smartest computer programmers in the world. Facebook, Twitter and YouTube have all declared war on abuse and harassment, spent years training sophisticated algorithms and hired vast armies of moderators to root out hateful content.

And yet, the trolls persist.

Reddit Banned FatPeopleHate

- Reddit introduced a new anti-harassment policy
- Reddit banned a handful of its worst communities, saying: "Our goal is to enable as many people as possible to have authentic conversations and share ideas and content on an open platform"
- Prominent is the removal of r/fatpeoplehate, a forum devoted to posting (among other things) pictures of overweight people for ridicule.
- They said "They are banning behaviors or ideas"
 - Banning policy was based on specific instances of harassment rather than general offensiveness

Reddit Banned FatPeopleHate

- Deciding which subreddits engage in harassment is going to be a difficult problem, especially because it's hard to even agree on what constitutes harassment — and that assumes everyone involved is acting in good faith, which almost certainly won't be the case.



Reddit ran wild with Boston bombing conspiracy theories in 2013 and is now an epicenter for coronavirus misinformation. The site is doing almost nothing to change that.

Paige Leskin Mar 6, 2020, 9:14 AM



r/Coronavirus
u/wucaducadoo • 7d

+ JOIN

Anonymity

- Pre-Internet:
 - Thomas Paine's name wasn't on "Common Sense" pamphlet advocating U.S. independence from Great Britain
 - The Federalist papers urging adoption of the new US constitution was anonymous
- The Internet has made anonymous communication much easier
- Is that a good thing?

Pros and cons of anonymity

- Pros:
 - Can be important to empower minority opinions
 - Encourage sharing of stigmatized experiences / actions
 - Useful for people in support groups, whistleblowers, political dissidents etc.
- Cons:
 - Libel
 - Harassment
 - Fraud
 - Terrorism

Pseudonymity

- Pseudonyms are identifiable handles that are not associated with “real” identity
- Pre-Internet:
 - 19th century women novelists wrote under male names so their books could be published
 - “Deep throat” in Watergate scandal
- Pseudonyms aren’t anonymous – can get some of the benefits of anonymity without affording all of the abuses

It's Hard to be Anonymous

- Most “anonymous” communication isn’t really
 - E.g., Tor
- Most identified communication isn’t really
 - Proving you are who you say you are on the Internet is actually pretty tough if you need firm guarantees
 - E.g., keybase.io