

# CS 4873: Computing, Society & Professionalism

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## Week 6: Freedom of Speech and Networked Communications

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

# Implications of Internet Technologies

- Many internet technologies were developed without taking social expectations into account
- New technologies sometimes cause new social situations to emerge

# Censorship

- Attempt to suppress or regulate public access to information
  - Usually, but not always, information considered offensive or harmful
- Many different forms of censorship

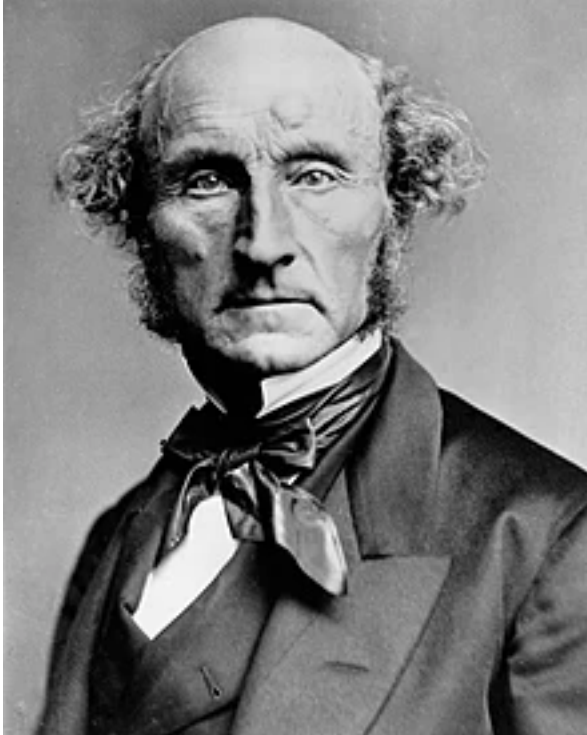
# Forms of censorship

- Direct censorship
  - Gov't monopoly (e.g., former USSR)
  - Prepublication review (e.g., hiding classified information)
  - Licensing & registration (e.g., TV stations must comply with decency laws)
- Self-censorship
  - CNN suppresses negative reports on Iraqi gov't to keep Baghdad Bureau open
  - Voluntary rating systems, like the mature label on games

# Voluntary Rating Systems

- Created by industry to ward off government regulation
  - MPAA
    - Pay private company to have a film rated
  - ESRB
- Many theaters won't show unrated film
- Many stores won't sell unrated game
  - Less of a problem now than pre-online-watching and purchasing
- Documentary film "This Film is Not Yet Rated"  
(Warning: very NSFW)
  - Private detective follows raters leaving the MPAA building
- Standards are proprietary

# Is Censorship Ethical?



- John Stuart Mill would say no
  - Dubbed "the most influential English-speaking philosopher of the nineteenth century"
- Mill championed freedom of expression
  - Mill's conception of liberty justified the freedom of the individual in opposition to unlimited state and social control.
- Mill was a proponent of utilitarianism, an ethical theory developed by his predecessor Jeremy Bentham.

# Kant's vs. Mill's Views on Censorship

- Radically different ethical theories, but had similar views on censorship
  - Kant: “Have courage and use your own reason”
  - Opposed censorship as a backwards step away from reason
- Mill championed freedom of expression
- He offered four reasons
  - Preventing someone from voicing their concern could be silencing truth
  - A person can be erroneous, but all opinions need to be heard to assess the whole truth
  - Truth needs to be rationally tested and validated
  - An opinion that has been tested through open discourse is likely to have a “vital effect on the character and conduct”

# Mill's Principle of Harm

- “The only purpose for which power can be rightfully exercised over by any member of a civilized community, against his will, is to prevent harm to others. His own good, either physical or moral, is not a sufficient warrant”
- Why use of adult porn by adults should not be censored by the government



# The Internet Poses New Challenges to Censorship

# Censorship and the Internet

- Unlike traditional one to many broadcast media, the Internet supports many to many communications
- The Internet is dynamic – new devices are being connected each year
- The Internet is huge – human censors not practical
- The Internet is global – national governments have limited authority to restrict activities happening outside their borders
- It is hard to distinguish between different types of people e.g., children and adults on the Internet

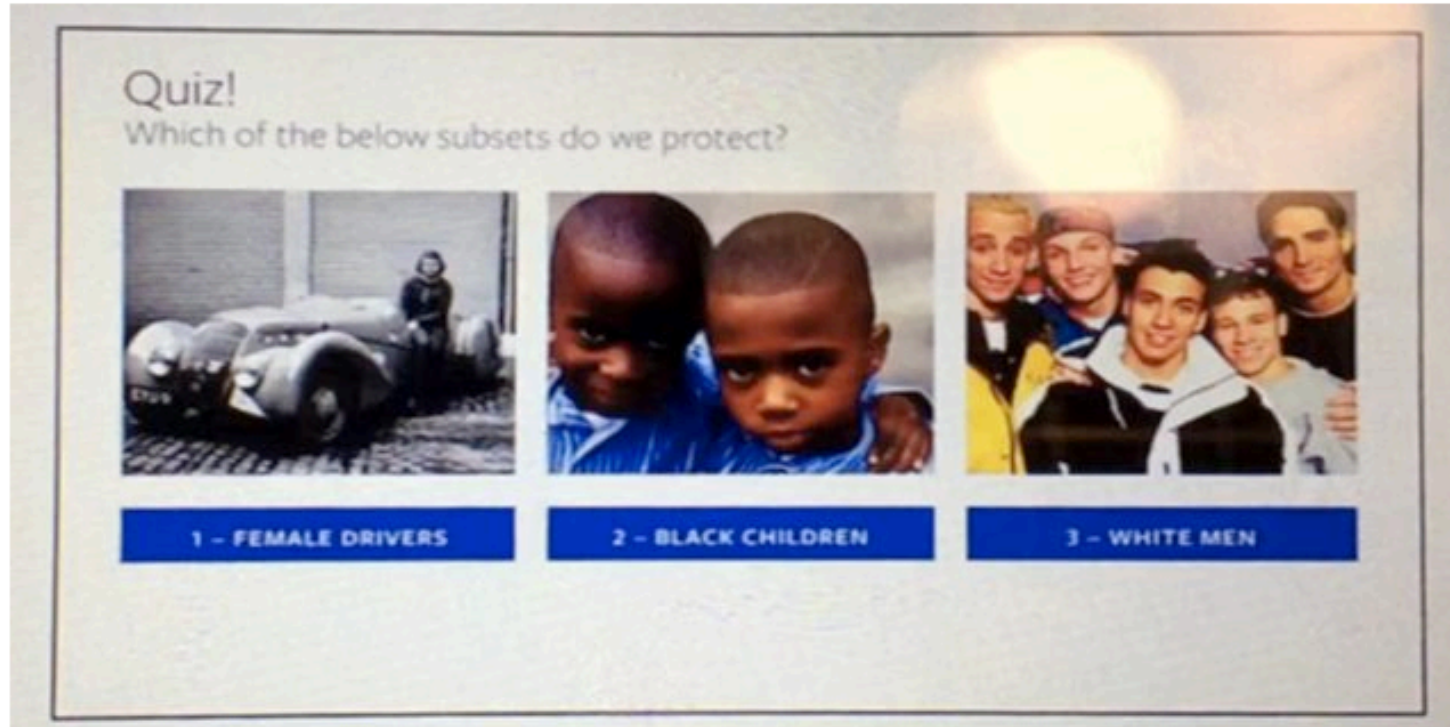
# International Internet Censorship

- By explicit filtering
  - China
- By restricting access
  - Cuba, North Korea
- By law

# Children Online

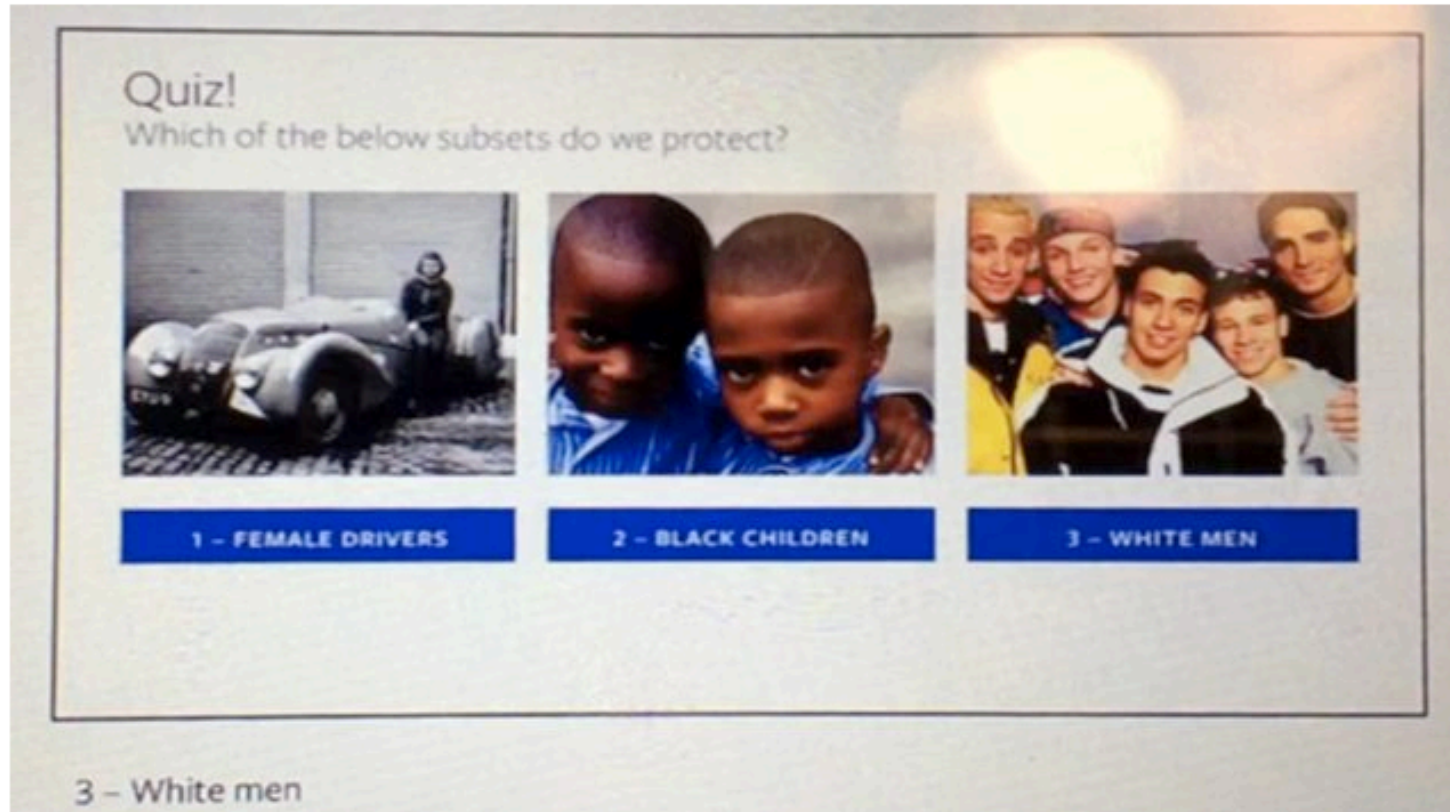
- It's easy to find inappropriate material
  - Accidentally or on purpose
- Many parents and guardians believe that they ought to protect their children from exposure to pornographic and violent materials
- A few years ago the center of concern was the Internet – various kinds of blockers and filters are used
- But with smartphone use and their ubiquity, this problem has become a larger challenge
- How to tackle with inadvertent blocking of legit content? Sometimes blacklisting may be used by some organizations to curb expression of specific ideologies and ideas

Q: You're a human content auditor. What group should you "protect" against hate speech?



[Facebook's Secret Censorship Rules Protect White Men From Hate Speech But Not Black Children — ProPublica](https://www.propublica.org/article/facebook-hate-speech-censorship-internal-documents-algorithms)  
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# Facebook's internal hate speech guidelines for human auditors

- Why?
- Facebook's argument:
  - “Driver” and “children” are not protected classes because they are not permanent attributes.
- The point is not to (only) castigate Facebook. They were trying trying to deterministically define bounds around a “wicked problem”
  - Won't work. Requires human judgment and understanding of context. Difficult to have strict rules.

# Children's Internet Protection Act (CIPA) (2000)

- Mandates use of filters on library and school computers, if you receive federal funds
- Problem: most filters don't work well
- Whose values apply?
  - Should you block controversial content?
    - What kinds of content?
    - For what ages?
    - Shouldn't parents decide, not the government?



- What would an act utilitarian say about CIPA?
- What would a Kantian say?
- What would a social contract theoretician say?

# Children's Online Privacy Protection Act (COPPA) (1998; in effect 2000)

- Provisions:
  - Can't collect personal info from kids under 13 w/o parental consent
  - Have to state what info collect
  - Can't require kids to disclose unnecessary info as precondition of playing a game, etc.
  - Must protect info collected
- In practice, is expensive
- Leads to many sites “for kids” closing
- But kids still use general purpose adult sites

# Freedom of Expression

# 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)

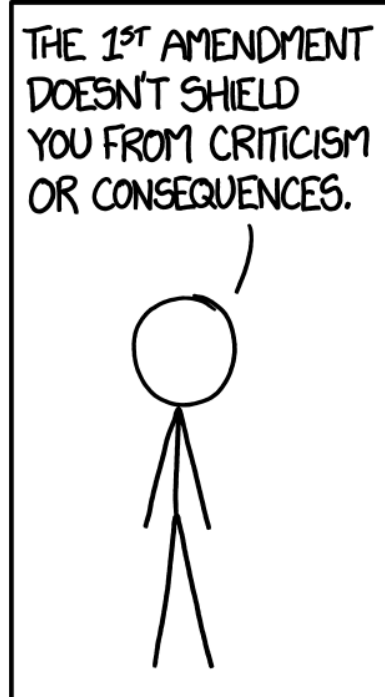
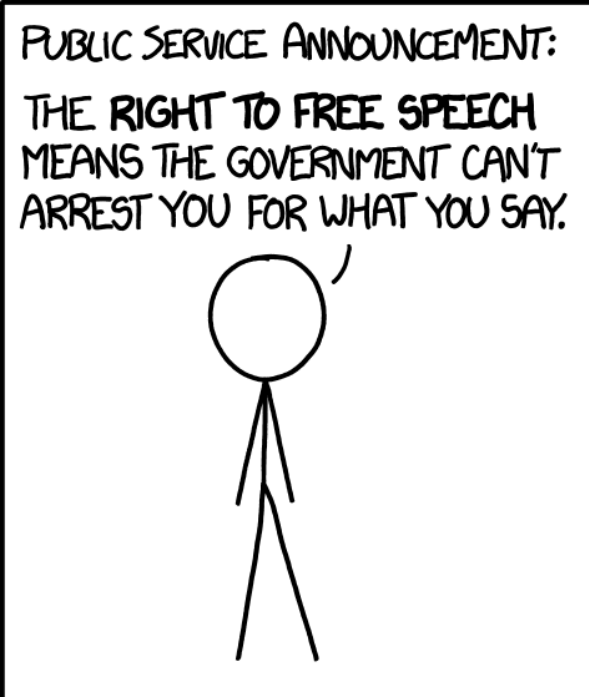


Twitter, Facebook, YouTube and PayPal removed “InfoWars” from their services, citing abusive behavior. Some view this as an affront to the first amendment.

Should companies like Facebook and Twitter censor websites like InfoWars from their services? Why or why not?

# The First Amendment

- Private groups can censor all they want
  - Facebook and Instagram disallow the sharing of violent or explicit content
  - Reddit has banned certain subreddits that are deemed hateful, bans sexually explicit photos
  - Google provides a mechanism for victims to request that sexually explicit content of themselves posted without their consent be withheld from the search results
  - Twitter prevents the sharing of intimate media taken or distributed without subjects' consent
- Compare to having a private party



<https://xkcd.com/1357/>





# Existing Restrictions on Speech

- Illegal
  - Libel (making false and damaging statements)
  - Making specific threats
  - Perjury
  - Obscenity
  - False advertising
- Can be illegal
  - Inciting violence
- Usually legal
  - Advocating illegal acts