CS210: Regulating Commerce and Speech

CS210 Fall 2017
Lecture 7
Announcements

• Midterm is Oct 20\textsuperscript{th} in class (next week!)
  – \(\approx\) 30 multiple choice questions (\(\approx\) 90%)
  – 1 short (1-2 paragraph) essay question (\(\approx\) 10%)
  – graded on logic, writing, and course knowledge
• Practice midterm posted today or tomorrow
• Yes, we will have discussion section
• W5, R4 due today
• W6, R5 due AFTER MIDTERM
Amy: Either ghosts are real, or everyone who believes in them is a liar.

Jeff: That’s a false dichotomy, so you must be mistaken. Ghosts don’t exist.

a) Fallacy fallacy
b) Non sequitur
c) Ad hominem
d) Strawman
A police officer’s sworn duty is to protect and serve. Therefore, it is moral from a deontological perspective for them to execute a search warrant.
REGULATION
Four Modes of Regulation

1. Laws
2. Norms
3. Markets
4. Architecture (Code)

Lawrence Lessig
Regulation by Code

• “Code is law” - Lessig
• Programs and devices sets the terms on which we interact with cybertechnology
• Code is not up for public debate
• Example: Digital Rights Management (DRM)
  – Fair use and first-sale rights have vanished
  – “Private use as fair use” is also gone
• Example: Blizzard’s “Warden”
Medium vs. Place

• Is cyberspace a *medium* or a *place*?

• Medium - a means for communicating
  – Similar to telephone, radio, or television
  – Regulated as a common carrier

• Place - a public space
  – Similar to a park, street, or house
  – Regulated like a store
REGULATING SPEECH
restrict or limit access to an expression, portion of an expression, or category of expression which has been made public by its author, based on the belief that it will be a bad thing if people access the content of that expression

- Tavani
Is DRM censorship?

a) Yes.
b) No.
Is ad blocking software censorship?

a) Yes.
b) No.
Two Types of Censorship

1. Censorship by suppression
   – Prohibiting material from being distributed
   – Banning the material

2. Censorship by deterrence
   – Punishing those who make content available
   – Punishing those who seek to acquire it
A Facebook user posts an image of pornography. Facebook deletes the post.

a) suppression
b) deterrence
It’s Not That Simple
Paradox of Tolerance

Articulated by philosopher Karl Popper:

_Unlimited tolerance must lead to the disappearance of tolerance.

If we extend unlimited tolerance even to those who are intolerant, if we are not prepared to defend a tolerant society against the onslaught of the intolerant, then the tolerant will be destroyed, and tolerance with them._
Subtle Censorship

• Content filtering...
  – Spam filter - discarding unsolicited/unwelcome electronic messages
  – Ad blocking - removing advertising from web
  – Up-voting/Liking/Down-voting content

• ... is censorship!
Harmful Speech

• Defamation - publishing false statements to damage a person’s reputation (libel)
• Dangerous info (e.g. bomb schematics)
• Child pornography
• Harassment (stalking, bullying)
• Supreme Court: “clear and present danger” and “imminent lawless action”
  – Threats, extortion, blackmail
Clear and Present Danger?

• 2008 Mumbai attacks
  – Live feeds of video gave attackers tactical advantage over counterterrorism raids
  – Television services were shut down

• 2008 Epilepsy Foundation
  – Trolls posted flashing images to induce seizures
Public Forum

• Under US law, an area that the First Amendment protections of speech apply
• Public (government) property: streets, parks, sidewalks, some government buildings, etc.
• Even in public forum, restrictions are allowed on time, place, and manner
  – as long as it is neutral to the content
  – as long as alternatives are available
Hate Speech

- Perpetuates marginalization of vulnerable populations (e.g. race, gender, religion, sexual orientation)
- Instills fear in marginalized population
- May incite violence
Radicalization

- Process of adopting extreme political views
- Rejecting mainstream society so completely that terrorism and violence seen as legitimate
- Groups like ISIS/ISIL and the KKK recruit and organize online
- Internet may create more opportunities to be radicalized
Secondary Traumatic Stress

• Investigators viewing child pornography or child abuse experience trauma
• Symptoms similar to PTSD - relive trauma, experience anxiety, lose a sense of safety and trust
REGULATING COMMERCE
Network Neutrality

- Phrase coined by Tim Wu
- Principle in which “a maximally useful public information network aspires to treat all content, sites, and platforms equally”
- 2015, FCC used title II of Communications Act to enforce Net Neutrality
FCC regulating ISPs

- ISPs regulated as a “telecommunications service” rather than “information service”
- Three requirements for ISPs:
  1. No blocking of legal content
  2. No “throttling” (slowing down competitor data)
  3. No “fast lanes” (paid prioritization of packets)
- Current FCC administration has voiced intent to roll back this regulation
What do you think? Should FCC regulate ISPs and enforce net neutrality?

a) Yes
b) No
The law should regulate in certain areas of culture — but it should regulate culture only where that regulation does good.

- Lawrence Lessig