The Final Exam

• The final exam is designed to test your ability to bring three different lenses – that of the engineer, the philosopher, and the social scientist – to bear on a new technological frontier.

• It is structured as follows. You will be given a short case to read and digest. The case will be focused on a new technology and its deployment in a particular context. You will then be given a set of essay questions to address. You will have two hours to complete this.

• To prepare, you should review the course materials with an eye toward identifying the kinds of questions you should be asking about any new technology, and the frameworks you might use for answering them.

• We will dedicate the last hour of the exam to an extra credit essay. To prepare, you should review the ACM code closely and be prepared to revisit the questions we raised in week 1 about its content and enforcement.
Stanford’s Fundamental Standard (1896)

Students at Stanford are expected to show both within and without the University such respect for order, morality, personal honor and the rights of others as is demanded of good citizens. Failure to do this will be sufficient cause for removal from the University.
Understanding the Fundamental Standard

• The Fundamental Standard is an aspirational statement of Stanford's ideal of civic and moral community. Although the spirit of the Fundamental Standard remains unchanged since 1896, these aspirational learning goals for all Stanford students elaborate its basic values today:
  – Students are expected to respect and uphold the rights and dignity of others regardless of race, color, national or ethnic origin, sex, age, disability, religion, sexual orientation, gender identity, or socio-economic status.
  – Students are expected to uphold the integrity of the university as a community of scholars in which free speech is available to all and intellectual honesty is demanded of all.
Rabois’ comments on ‘faggots’ derided across University
Slurs to cottage bring reaction

By June Cohen
Editorial staff

The homophobic slurs hurled by first-year law student Keith Rabois toward the cottage of Otero Resident Fellow Dennis Matthies have come under fire in dorm discussions and on Law School bulletin boards, with Rabois himself emerging as the target of angry community members who say they are exercising their own right to free speech.

The incident, which occurred Jan. 19 but was disclosed late last week, involved three students who were walking through Otero that Sunday night. After exiting the dorm lounge, one of the students began screaming “Faggot! Hope you die of AIDS!” and “Can’t wait 'til you die, faggot!” in the direction of the RF cottage, according to William Shepherd, the head advising associate in Matthies was not in his cottage at the time of the incident.

Officials went public

Powerless to prosecute Rabois, University officials released a statement denouncing his actions and presenting the incident as a target for public condemnation.

Dean of Students Michael Jackson said yesterday he decided to write a public letter to the community because “the incident was already a very public event.” Only a few students had witnessed the incident, however.

According to Jackson, “I wrote the letter to point out that what happened was mean and vicious and needed strong condemnation from someone in the University.

“There’s a question of how we should react as a community, and whether we should always go to the rulebook,” Jackson said.

The decision to step outside the
Stanford Speech Code

• Prohibition on speech or expression at Stanford that:

  – “is intended to insult or stigmatize an individual or a small number of individuals on the basis of their sex, race, color, handicap, religion, sexual orientation, or national or ethnic origin; and
  – “is addressed directly to the individual or individuals whom it insults or stigmatizes; and
  – “makes use of insulting or “fighting” words or non-verbal symbols”

Claim: such speech violates Stanford’s Fundamental Standard
Free Speech at Stanford

Like a platform company, Stanford is a private organization. It is not bound by the First Amendment.

You are in charge of the disciplinary committee to adjudicate alleged violations of the Fundamental Standard/Speech Code.

1. Build a case for taking action against Keith Rabois.
2. Build a case for refraining from disciplining Keith Rabois.
3. What should Stanford do?
Westboro Baptist Church at Stanford
A Provost's Pride

BY JOHN ETCHEMENDY

I attended the counter-demonstration last Friday morning at Hillel, along with hundreds of other faculty, staff and students, when the Westboro Baptist Church brought its unfortunate message of hate to campus.

Through this opinion piece, I want to say how proud I am of the way the campus reacted. I also want to explain why the university agreed to allow people with such an abhorrent message to demonstrate on campus – and why we would do it again.

First the pride. There was a powerful feeling of goodwill and community among those who turned out Friday morning to meet the Westboro demonstrators. We all felt it, and who knows, perhaps the Westboro folks sensed it as well. In an odd way, it turned out to be a wonderful, reaffirming event – precisely the opposite of what our unwanted guests intended.
But why didn't we choose to exclude the Westboro demonstrators from campus? Make no mistake: We could have prohibited the demonstrators from coming onto the Stanford campus. This is, after all, a private university, and Stanford's rights are no different from any other private landholder.

But this is, first and foremost, a university. And a university stands for nothing if not a place where divergent beliefs – true or false, agreeable or distasteful – can be aired.

Still, aren't there limits to what should be allowed? Before Friday's event, we received many requests from members of the community to prohibit the Westboro group from demonstrating on campus. Their bizarre collection of beliefs hardly merits serious consideration. So many understandably felt we should draw a line between legitimate points of view that are perhaps false, and views so abhorrent they should not even be allowed expression.

The problem is that once we draw this line, the university takes on a role it should not have. The line between legitimate positions and objectionable beliefs falls in very different places for different people, even quite reasonable people. I regularly receive requests not to allow a person or group to speak on campus – people and groups who are positively mainstream in comparison to the Westboro cult. But once we go down the road of silencing, rather than refuting, those whose beliefs we consider objectionable, we stray from one of the core values that defines the university.
Kennedy: Sense of tolerance is weapon against provocation

We are a delicate community, in part because we are so heterogeneous. Stanford's educational purposes are served by gathering young people of outstanding promise who come from many different ethnic, cultural, religious and economic backgrounds. Then we ask them to live together — with our help, but largely by their own rules.

Delicate though it is, the Stanford community survives frequent challenges, which often arise out of our differences. Misunderstandings, mistakes, even serious affronts are an inevitable consequence of the way we live. Where they are especially important and visible, we may have to respond with sanctions or by changing the rules under which we govern ourselves.

In the past these challenges have arisen randomly, and our responses have tended to improve our system and our rules — in much the same way as the process of evolution makes use of random genetic variation acted upon by natural selection. But when the challenges are not random but systematic, and all in the same direction, the outcome is likely to be very different.

During recent weeks, students and organizations that claim to be "conservative" have issued a series of challenges to the Stanford community. These have included an issue of The Stanford Review containing attacks on campus policies on sexual assault and an incident in which a student formerly associated with that publication shouted obscene homophobic insults toward the residence of a faculty member.

When asked about his conduct by an officer of the University, he replied that he knew exactly what was permissible and what was not, and defined the University to undertake prosecution.

It is unlikely that we will. But two points nevertheless need to be made about such actions. First, they are deliberate efforts to test our form of governance — not the random challenges through which we respond and thereby improve our arrangement, but something else entirely.

Challenges organized as purposeful provocations are designed to destroy trust and comity. They invite us to make the most unpleasant of choices: either watch in horror as decency decays or engage in a level of repression that is distasteful to us all.

Second, the provocations afforded to speech on this campus and in the American society more generally protect community members against sanctions — on the part of the University against students in the first case and the State against its citizens in the second.

Our respect for freedom of speech may stop us short of formal sanctions in this disturbing case. But it need not prevent us from naming the behavior for what it is: vile, vicious and unworthy of Stanford.

Nor need it prevent us from discerning and deploping its purpose, which is to damage our community by sowing mistrust. Against deliberate and systematic provocation, the only weapon is a sense of tolerance and a conviction that what we have is too important to risk by overreacting.

Donald Kennedy
University President

Rabois: My intention was to make a provocative statement

Stanford has been a very active place over the past five years. An institution once respected across the nation for its educational competence has been ridiculed, derided and dismissed in every single publication of note across the nation.

It has not been because of indirect costs or misinformation. Rather, it is precisely because of the multicultural decision-making that has occupied Stanford's leadership over the past decade.

Quite simply, this school has subverted its educational mission to the establishment of The Grey Standard, an official policy against particular kinds of speech could only chill constructive comments.

Under such a prevailing atmosphere, it usually isn’t worth the hassle to speak up. Most expect an education, and to enjoy four years of California. Being harassed for your views doesn’t contribute to either objective.

Why, after every one of the 31 columns I’ve written, have I had many people come up to me to congratulate me on challenging trendy thinking?

While these words were about Dennis Matthes, they were NOT directed at him. There was absolutely no reason to believe he was home. The entire point was to expose these freshman ears to very offensive speech.

Admittedly, the comments made were not very articulate, not very intellectual, nor profound. The intention was for the speech to be outrageous enough to provoke a thought of “Wow, if he can say that, I guess I can say a little more than I thought.”

There was no thought of prosecution at Grey Standard — hence, my explicit refusal to meet with Angela Rickford and challenge to send the case to Sally Cole.

In other words, the original intent was not to challenge the Grey Standard, but to make a provocative statement to the freshmen present. The University’s decision to investigate was a surprise — and I then hoped that the administration would bend the rules of the Grey Standard in an attempt to prosecute me. I figured it would look really bad if they tried to do it to a student who had constantly been a thorn in their side.

In The Daily. Actually, I truly don’t care nor think too much about the issue. I don’t necessarily hate homosexuals, but do believe in Jack Kemp’s suggestion that they may not be the best teachers of young children in public schools and recognize that the spread of AIDS has a direct causal link back to their activity.

I hate Democrats, not homosexuals; they’re the ones that have hurt the country.

Unfortunately, I have also affected a number of other people in a manner that was certainly not intended. I have been affiliated with a large number of organi-
NEWS RELEASE

02/12/92

CONTACT: Stanford University News Service (650) 723-2558

Officials condemn homophobic incident; no prosecution planned

STANFORD -- University officials will not attempt to apply the Fundamental Standard against a Stanford student who admitted that he shouted homophobic slurs in the direction of a lecturer's home. Instead, Dean of Students Michael Jackson has made details of the case public, in an effort to stimulate campuswide debate and bring the pressure of public disapproval upon such actions. The incident, which occurred Jan. 19, involved three students who were walking through Otero House, in Wilbur Hall. After exiting the dorm lounge, witnesses said, one of the students began screaming "Faggot! Hope you die of AIDS!" and "Can't wait until you die, faggot," in the direction of the resident fellow cottage of lecturer Dennis Matthies. University officials later questioned two of the students, who denied making the comments. The third participant - first-year law student Keith Rabois - refused to answer their questions, but sent a letter to the Stanford Daily confirming the allegations. "Admittedly, the comments made were not very articulate, not very intellectual nor profound," Rabois wrote. "The intention was for the speech to be outrageous enough to provoke a thought of 'Wow, if he can say that, I guess I can say a little more than I thought.' " According to Jackson, the case could not be prosecuted as a violation of the Fundamental Standard because the 1990 interpretation concerning discriminatory harassment has several restricting criteria - among them that the speech or other expression must be directed to the targeted person in a face-to-face encounter. "This vicious tirade is protected speech," Jackson said in a Feb. 4 statement to the Daily. "Protection from judicial review and formal sanctions, however, does not translate to silence and inaction on other fronts. "Quite the contrary: We must loudly reject their mean-spirited actions against a resident fellow and a valued member of the Stanford community. This speech may have been 'free,' but it was also juvenile and brutal." Since it was publicized, the incident has prompted emotional debate and condemnation among students and faculty in Stanford residences, on Law School bulletin boards and in letters to campus publications. "My hope was to foster lots of community discussion about the First Amendment, and about the words used by these particular students," Jackson said. "The important fact is that everyone is talking about it and debating it, and reaching their own conclusions. That's terrific and I couldn't have hoped for anything better." Jackson said he would consider doing the same thing again in the future, but added that "each incident deserves to be evaluated singularly." "It may turn out that if something like this happens again, I might try to organize a forum for public discussion," he said. "It depends on the circumstances. I'll have to evaluate each case and make the best judgment."

-tj-
Corry v. Stanford

• “On its face, the Speech Code prohibits words which will not only cause people to react violently, but also cause them to feel insulted or stigmatized. . . . Defendants cannot proscribe speech that merely hurts the feelings of those who hear it.”

• “As written, the Speech Code clearly punishes students for words which may not cause an imminent breach of the peace, but instead merely ‘conveys a message of hatred and contempt.’ To this extent, the Speech Code is overbroad...”
Imagine now that Keith Rabois creates hundreds of accounts on social media platforms and disseminates as widely as possible hateful messages and videos about homosexuals.

1. In what ways is speech in the offline world disanalogous to speech in the online world? What is distinctive, if anything, about speech/expression online?

2. Does the digital public sphere require different rules/norms about speech and expression than real world speech/expression? Think especially about counter-protest in the online world.
Tech companies are faced with policing content on their sites on their own or turning to public regulation to determine content standards.

Should global tech companies look to nation-states to determine rules about content?

1. Decide as CEO of tech company.
2. Decide as a democratically elected representative.