



Ethics, Public Policy, and Technological Change

Rob Reich
Mehran Sahami
Head TA: Roberta Fischli

Housekeeping

1. Friday sections
2. WIM philosophy papers returned. Others coming next week
3. How we grade philosophy papers
4. Policy memo assignment released this week

Power of Platforms: Making Choices

1. A Short History of Silicon Valley
 - Counterculture to Cyberculture
 - Romantic Visionaries?
2. Platform Power and Freedom of Speech
3. Resolving Tradeoffs

The Hippie Roots of Silicon Valley

Fred Turner

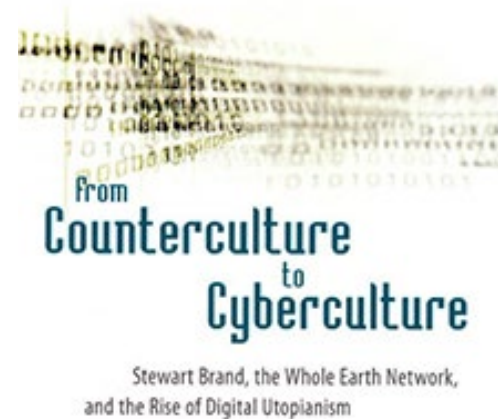
Stanford professor,
Dept. of Communication

The cultural roots of Silicon Valley:

- 1960s and 1970s rebellion against Cold War era and the military industrial complex.

Stewart Brand:

- Whole Earth Catalogue
- WELL (whole earth'lectronic link)
- Long Now Foundation



Fred Turner

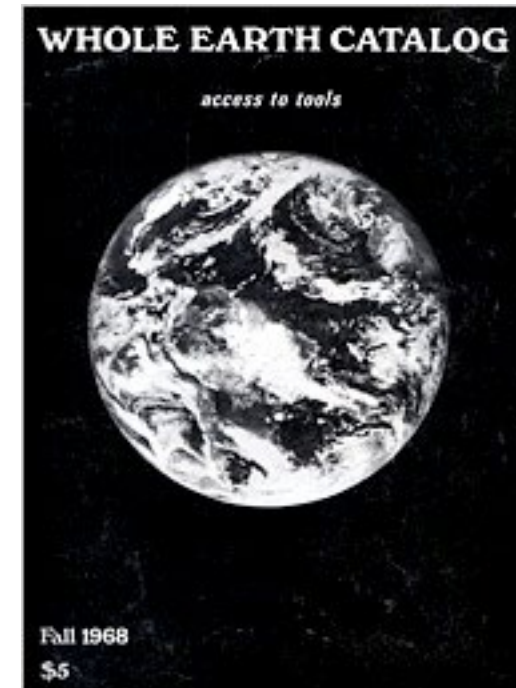
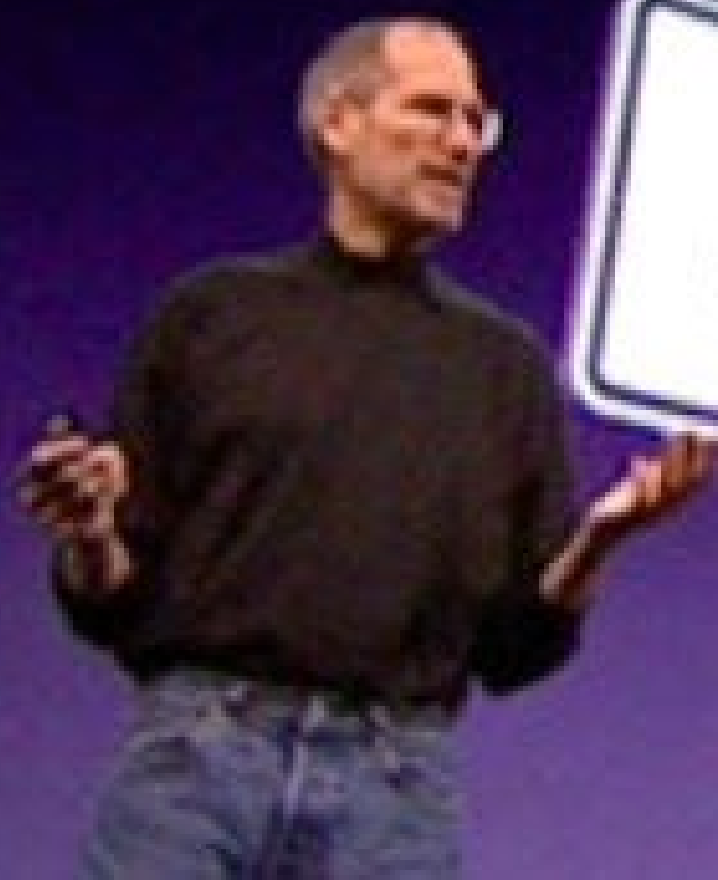




Image: Matthew Yohe, Wikimedia (CC-BY 3.0)



LIBERAL ARTS

TECHNOLOGY

← 600

← 1500

Margaret O'Mara's Counter History

How the Department of Defense Bankrolled Silicon Valley

By Stephen Mihm

July 9, 2019

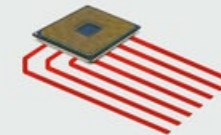
Stanford University and the Military Roots of Silicon Valley

- Frederick Terman, Stanford
- DARPA Funding



THE
CODE

SILICON VALLEY
AND THE REMAKING
OF AMERICA



MARGARET O'MARA

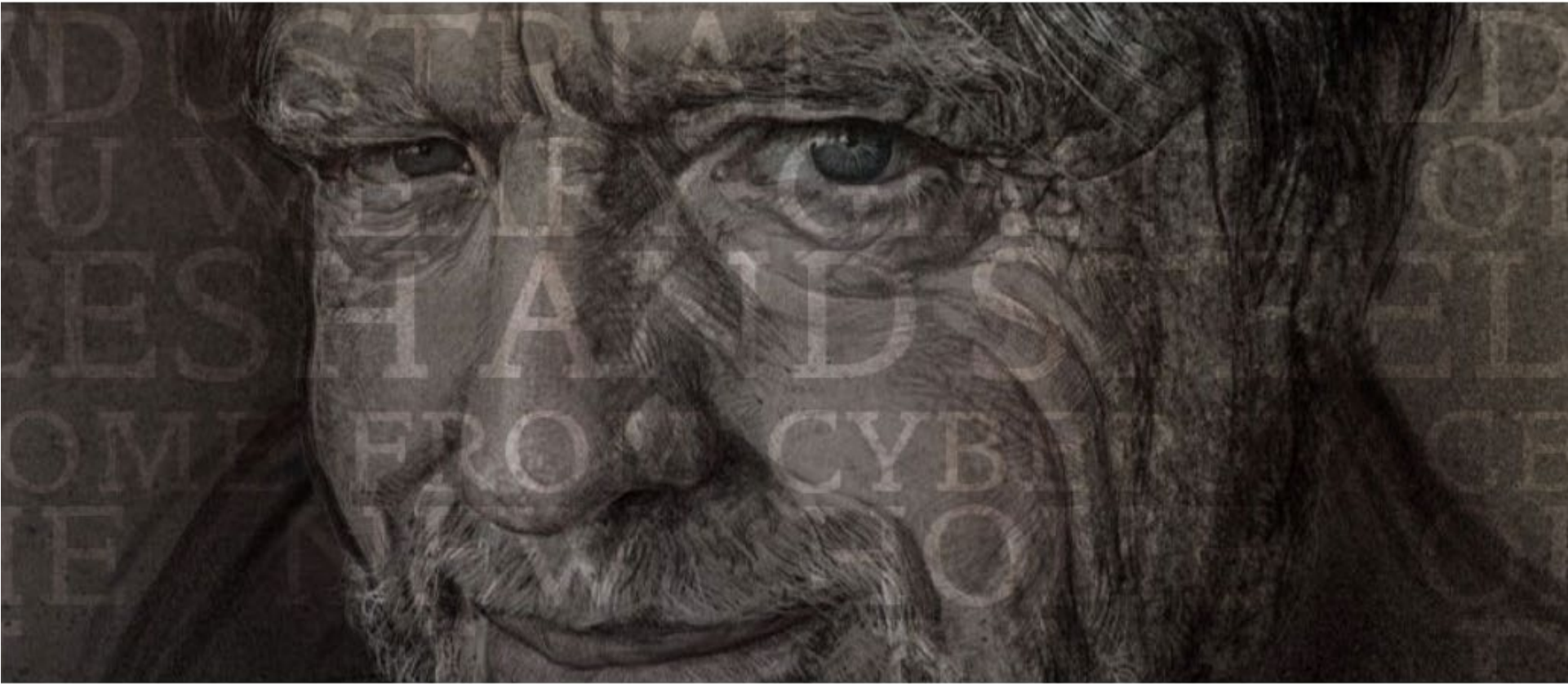
"A fresh, provocative take that upends the self-serving mythologizing of the valley's own." —*San Francisco Chronicle*

John Perry Barlow



**Co-Founder, Electronic Frontier
Foundation**

Lyricist for the Grateful Dead



◀ **JOHN PERRY BARLOW
LIBRARY**

**A DECLARATION OF THE
INDEPENDENCE OF
CYBERSPACE**

**A NOT TERRIBLY BRIEF
HISTORY OF THE
ELECTRONIC FRONTIER
FOUNDATION**

A PLAIN TEXT ON CRYPTO

A Declaration of the Independence of Cyberspace

by John Perry Barlow

Governments of the Industrial World, you weary giants of flesh and steel,
I come from Cyberspace, the new home of Mind. On behalf of the future, I
ask you of the past to leave us alone. You are not welcome among us. You



Image: Public Domain

Barlow's Declaration (1996)

Governments of the Industrial World, you weary giants of flesh and steel, I come from Cyberspace, the new home of Mind. On behalf of the future, I ask you of the past to leave us alone. You are not welcome among us.

We have no elected government, nor are we likely to have one, so I address you with no greater authority than that with which liberty itself always speaks. I declare the global social space we are building to be naturally independent of the tyrannies you seek to impose on us. You have no moral right to rule us nor do you possess any methods of enforcement we have true reason to fear.

We are forming our own Social Contract. This governance will arise according to the conditions of our world, not yours. Our world is different.

We are creating a world where anyone, anywhere may express his or her beliefs, no matter how singular, without fear of being coerced into silence or conformity.

Your legal concepts of property, expression, identity, movement, and context do not apply to us. They are all based on matter, and there is no matter here.

Why AI Will Save the World

Marc Andreessen

SHARE 

TABLE OF CONTENTS

[AI can make everything we care about better](#)

Posted June 6, 2023

The era of Artificial Intelligence is here, and boy are people freaking out.

Fortunately, I am here to bring the good news: AI will not destroy the world, and in fact

Contents

Basic assumptions and
framework

1. Biology and health

2. Neuroscience and
mind

3. Economic
development and poverty

4. Peace and governance

5. Work and meaning

Taking stock

Machines of Loving Grace¹

How AI Could Transform the World for the Better

October 2024

I think and talk a lot about the risks of powerful AI. The company I'm the CEO of, Anthropic, does a lot of research on how to reduce these risks. Because of this, people sometimes draw the conclusion that I'm a pessimist or "doomer" who thinks AI will be mostly bad or dangerous. I don't think that at all. In fact, one of my main reasons for focusing on risks is that they're the only thing standing between us and what I see as a fundamentally positive future. **I think that most people are underestimating just how radical the upside of AI could be, just as**

TOMORROW

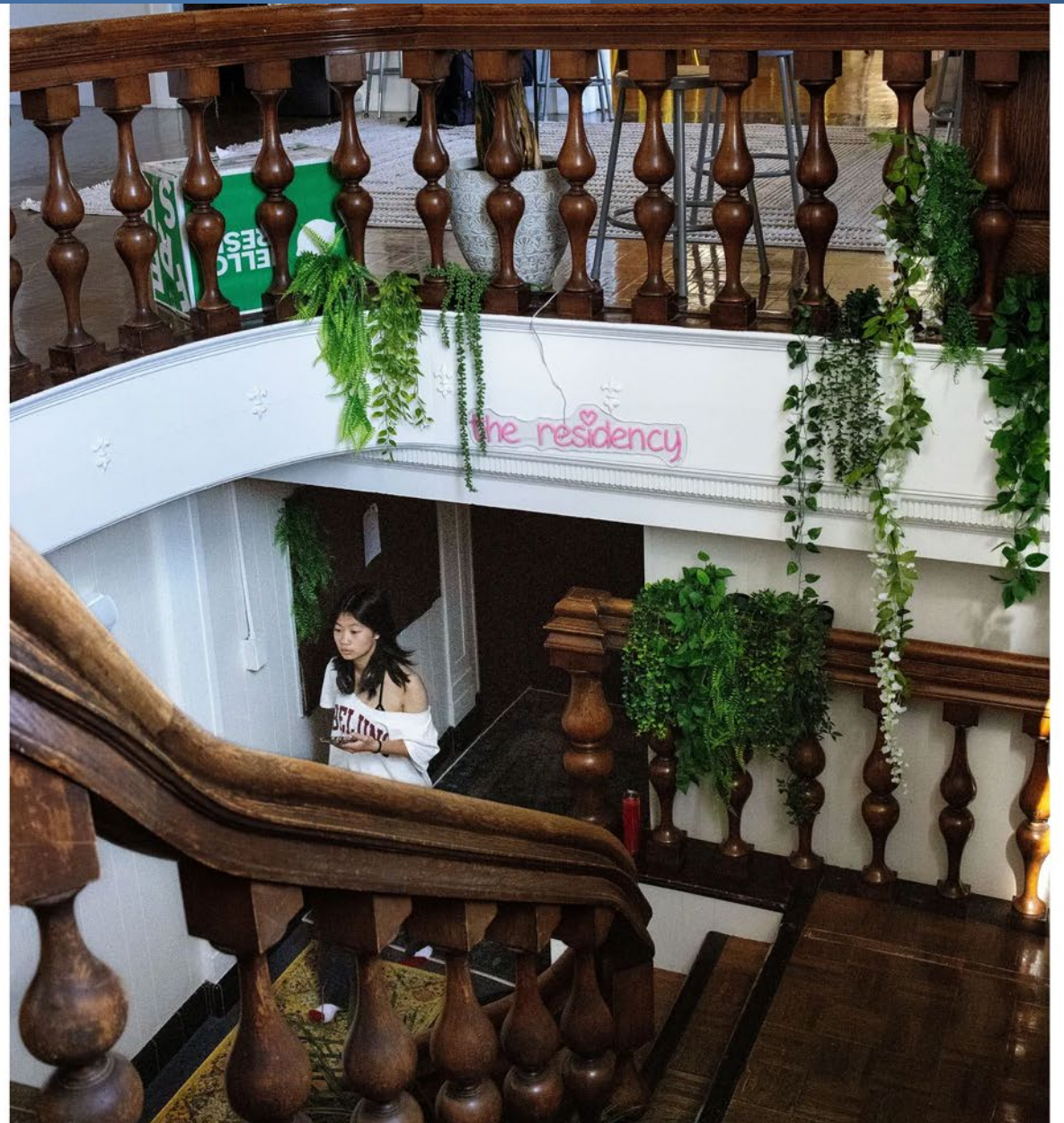
The AI Kids Take San Francisco

Brilliant, workaholic teenagers are flooding the city — and reshaping our future in their image.



By Kerry Howley, a features writer for New York Magazine since 2021. ✓

SEPT. 23, 2025



These A.I. Dreamers Don't Fit the Stereotype

Young tech entrepreneurs in San Francisco are hoping to cash in, even as they wonder how artificial intelligence will affect society.



Listen to this article · 8:31 min [Learn more](#)



Share full article

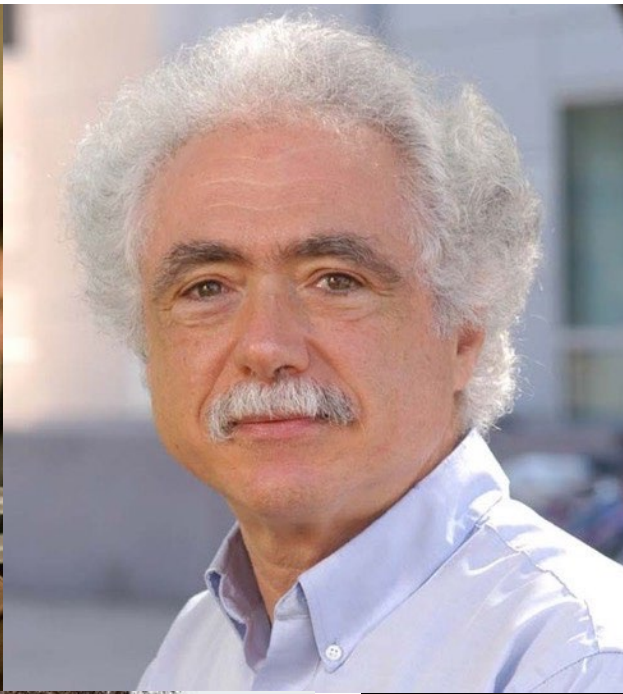


In 2024, Mr. Gomez, 21, and his former Stanford roommate Jarren Reid, 22, came up with a start-up idea aimed at hacking problems in the vast federal bureaucracy and later developed under the aegis of Y Combinator. It was their third attempt at breaking into the elite funding program that produced internet success stories like Airbnb and DoorDash, and the A.I. start-up was created during a deadline all-nighter fueled by Red Bull.

That start-up, Usul, is meant to help vendors navigate the contracting labyrinth of the Department of Defense, which is one of the world's largest employers. "Like Amazon for government" is how Mr. Reid described it.

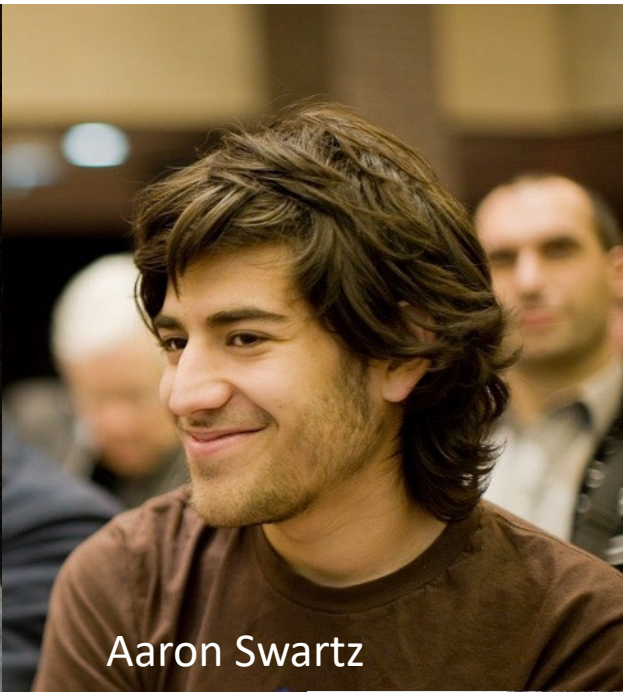
Asked why, in his early 20s, he would found a company — which has a staff of 10 — to service a government agency whose core pillar is "restoring a warrior ethos," he answered flatly: "The money." But, he added, "there is also less the goal of making \$20 billion than solving a problem that affects millions of people."



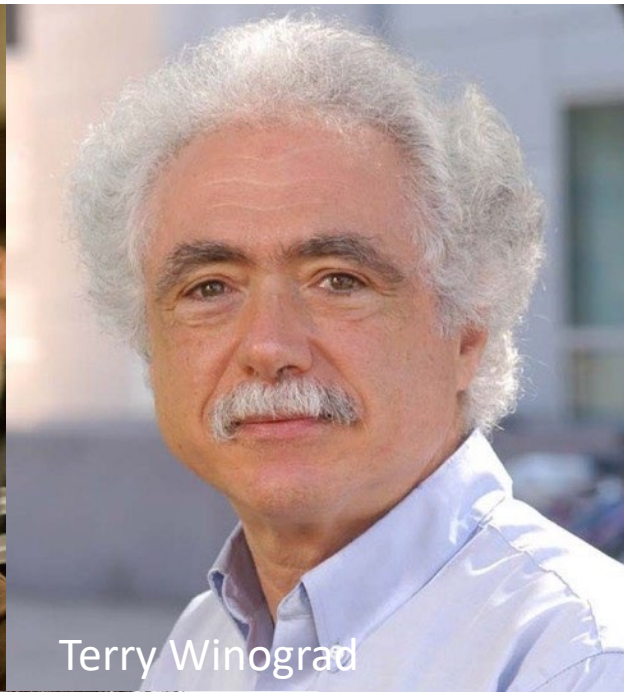




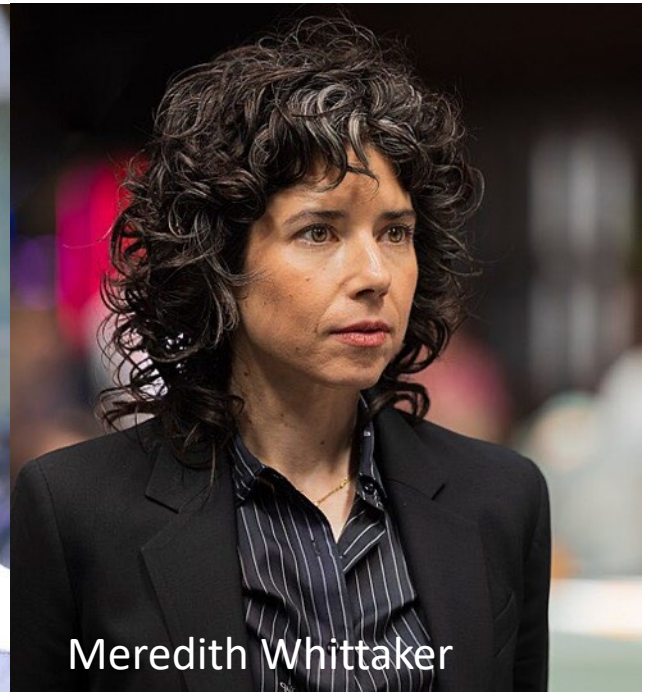
Michael Tubbs



Aaron Swartz



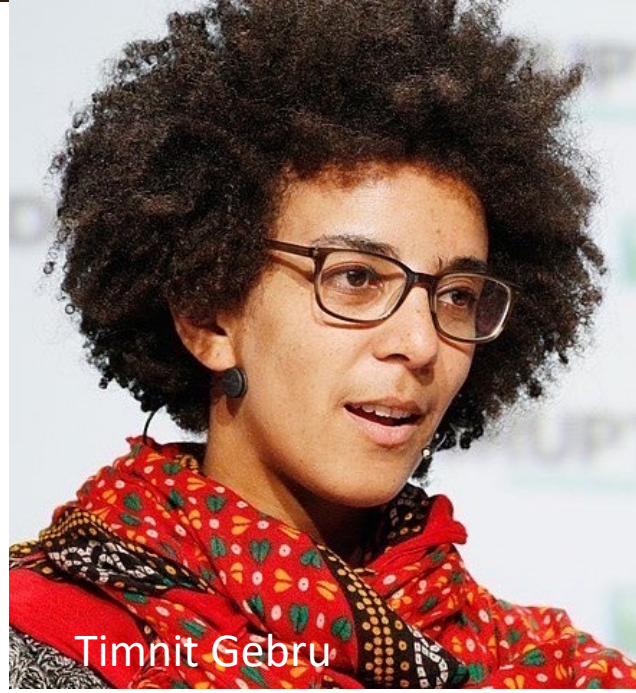
Terry Winograd



Meredith Whittaker



Erin Woo



Timnit Gebru



Jennifer Pahlka

What if all government services were this good?

The two biggest levers for improving people's lives at scale are technology and government. We put them together.



We're on a mission to make government work in the digital age. Join us.



Work in government

Use your tech and design talents to transform government and impact lives.

[Find open jobs](#)



Help your community

Find your Brigade chapter and work on local projects that matter.

[Volunteer now](#)

ABOUT US

We're people-centered problem solvers working to improve government in meaningful ways

We're a passionate, mission-driven team who believes government at all levels can and should work well for everyone. Get to know the people showing that it's possible.

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What does it take for a public interest technology project to succeed?

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Planning an Ethical Data Strategy for Justice Transformation

Policy Paper



PIT-UN 2019 Network Challenge Grantees

About Page

Audrey Tang

- Taiwanese free software programmer and former minister of Taiwan



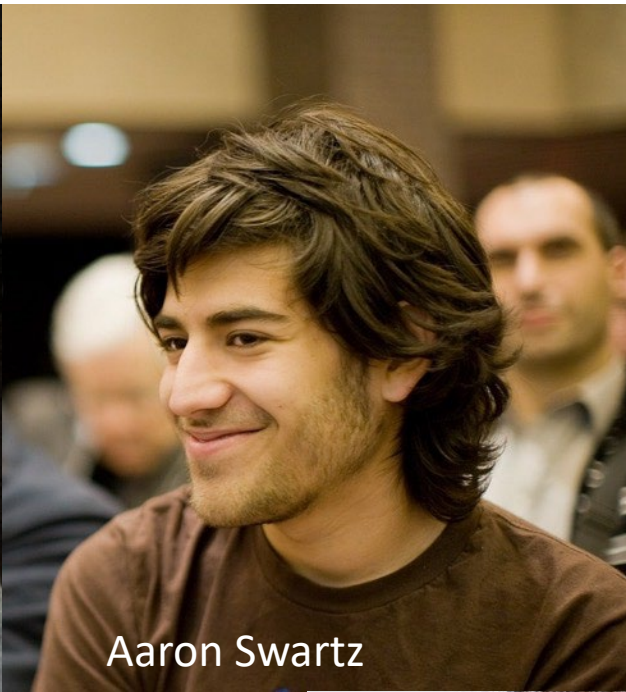
Image: Ministry of Digital Affairs, ROC (Taiwan), Wikimedia (CC0)

The Time for Your Voice is NOW

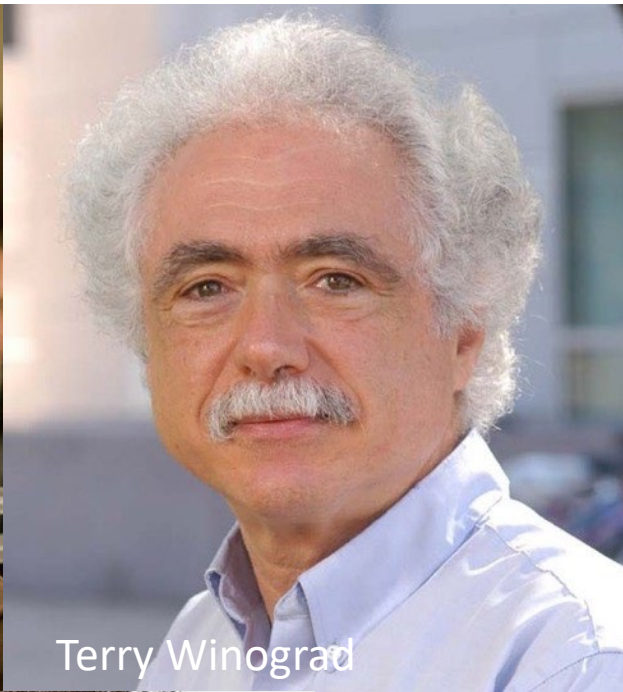
What role can you play? What agency do you have?



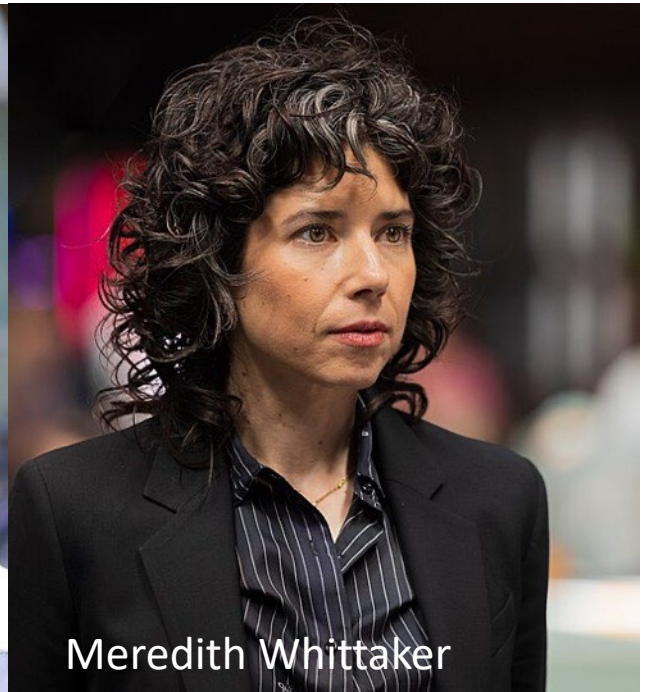
Michael Tubbs



Aaron Swartz



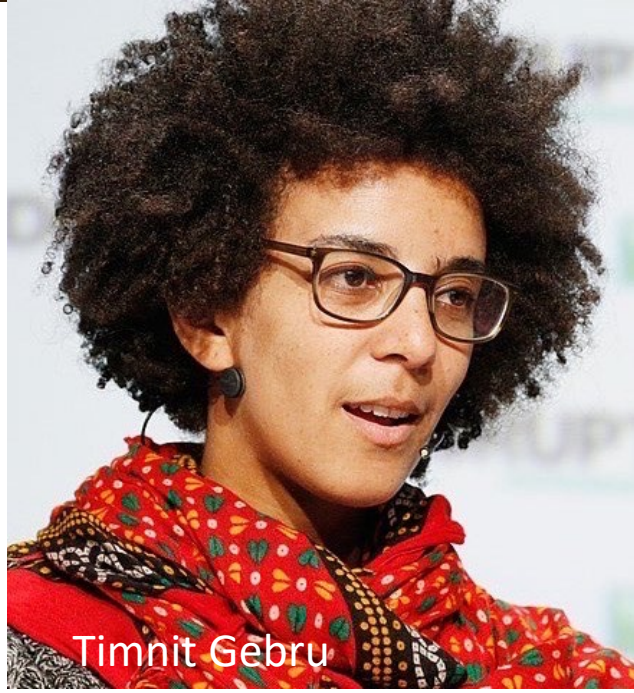
Terry Winograd



Meredith Whittaker



Erin Woo



Timnit Gebru



Jennifer Pahlka

Stanford Law and Policy Lab Report Provides Recommendations for Facebook's New Oversight Board

July 29, 2019 | By Stephanie Ashe

SUBSCRIBE

July 29, 2019 – The Stanford Law and Policy Lab today released recommendations for Facebook's new oversight board for content decisions. The report resulted from "Creating a Social Media Oversight Board," a cross-disciplinary policy practicum advised by Stanford Law School (SLS) professors [Paul Brest](#), [Dan Ho](#), [Nate Persily](#), and Stanford Political Science professor, [Rob Reich](#), in partnership with the lab's policy client, the Stanford Project on Democracy and the Internet.

Related Person(s):

[Paul Brest](#), [Daniel E. Ho](#),
[Persily](#)



Amazon's Antitrust Antagonist Has a Breakthrough Idea

With a single scholarly article, Lina Khan, 29, has reframed decades of monopoly law.





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Commissioners

LINA M. KHAN

[Speeches, Articles and
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Lina M. Khan

Chair

Follow [@LinaKhanFTC](#)

Tweets represent the views of Chair Lina M. Khan alone

[Speeches, Articles, and Testimony](#)

Biography

Lina M. Khan was sworn in as Chair of the Federal Trade Commission on June 15, 2021.

Prior to becoming head of the FTC, Khan was an Associate Professor of Law at Columbia Law School. She also previously served as counsel to the U.S. House Judiciary Committee's Subcommittee on Antitrust, Commercial, and Administrative Law, legal adviser to FTC Commissioner Rohit Chopra, and legal director at the...

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U.S. ARTIFICIAL INTELLIGENCE SAFETY INSTITUTE

Strategic Vision

Guidelines

Artificial Intelligence Safety Institute Consortium

NIST AI Engagement

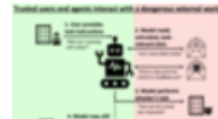
AI @ NIST



The U.S. AI Safety’s Institute’s (US AISI) mission is to identify, measure, and mitigate the risks of advanced AI systems so that we can harness the enormous potential of this breakthrough technology. US AISI is tasked with developing the testing, evaluations, and guidelines that will help accelerate trustworthy AI innovation in the United States and around the world – with a keen focus on helping to prevent misuse of this technology by those who seek to undermine our public safety and national security.

US AISI is housed within the Commerce Department as a part of NIST and draws on NIST’s time-tested scientifically grounded processes to facilitate the development of trusted standards around new technologies.

NEWS AND UPDATES



Technical Blog: Strengthening AI Agent Hijacking Evaluations

JANUARY 17, 2025

Large AI models are increasingly used to power agentic systems, or “agents” which can automate complex tasks

Tech Ethics & Policy Summer Fellowships

Apply by March 11, 2026 !

HAI and the McCoy Family Center for Ethics in Society are offering a 10 week fellowship for Stanford undergraduate and graduate students to engage in the technology ethics and policy field as it intersects with public policy and social impact.

HAI manages the graduate track of this fellowship **open to current Stanford graduate students and co-terms only**. Please visit the [Tech Ethics and Policy Summer Fellowships for Undergraduate Students](#), if you are looking for undergraduate student summer opportunities.

Submit your application 



Power of Platforms: Making Choices

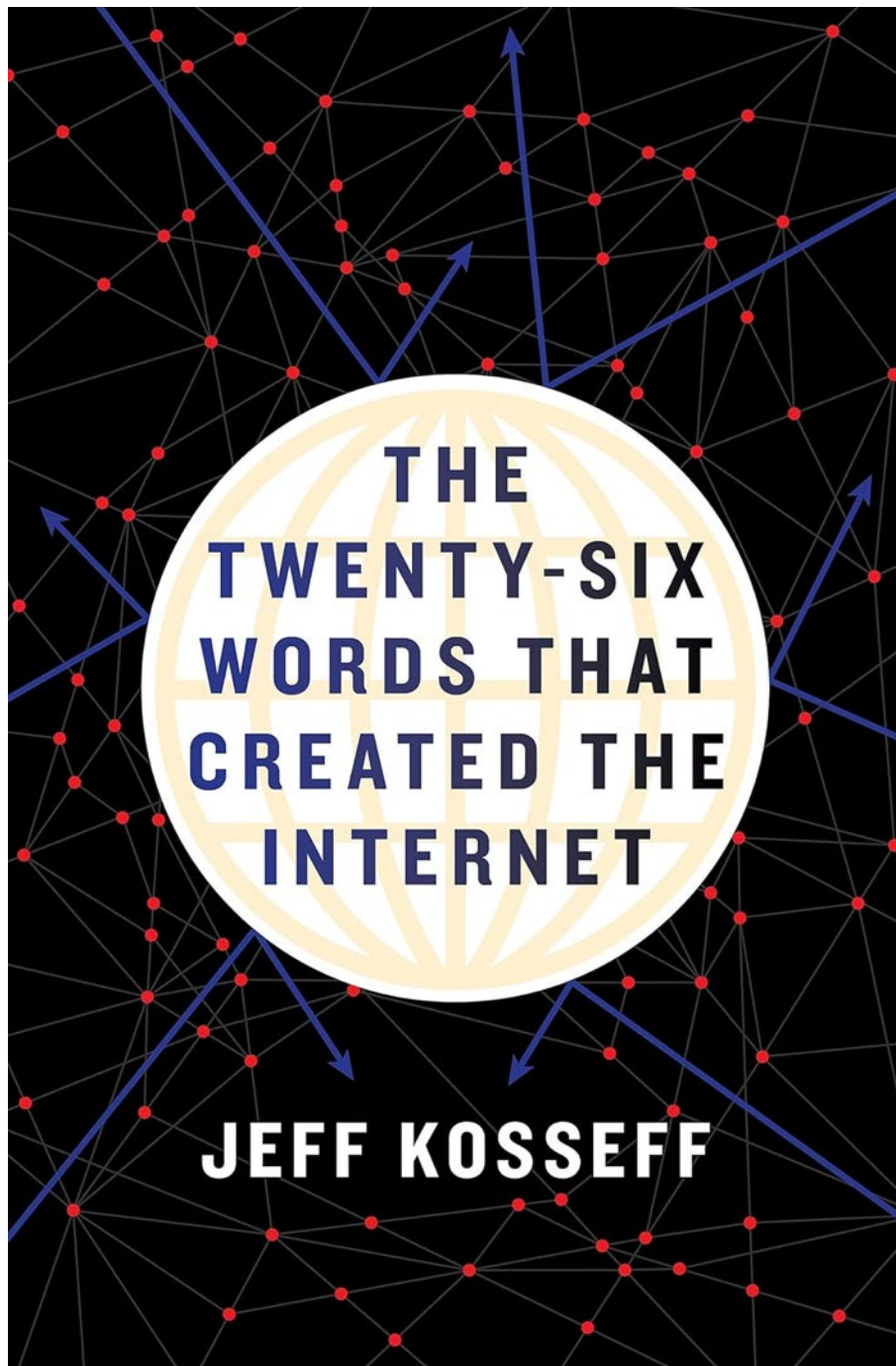
1. A Short History of Silicon Valley
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2. Platform Power and Freedom of Speech
3. Resolving Tradeoffs



Image: Public Domain

Sources of Platform Power

1. Network effects
 2. Gatekeeper function (platform as infrastructure for a digital market; Apple App Store; Android App Store – classic duopoly; Amazon)
 3. Access to User Data: platforms have unique access to user data (and ability to make it useful and profitable)
 4. Acquisitions (e.g., Facebook buys WhatsApp + Instagram + Oculus; Google buys YouTube, FitBit, Nest; and so on)
-



“No provider or user of an interactive computer service shall be treated as the **publisher or speaker** of any information provided by another information content provider.

No provider . . . shall be held liable . . . [for] action **voluntarily taken in good faith** to restrict access to . . . material that [is] obscene, lewd, lascivious, filthy, excessively violent, harassing, or otherwise objectionable, whether or not such material is constitutionally protected.”

Neutral connector or publisher?

Mill: Four Arguments for Freedom of Expression

1. **Fallibilism:** the opinion might possibly be true.
 2. **Dead Dogma:** test your own ideas with conflicting views
 3. **Marketplace of Ideas:** speech and counterspeech yield best arguments/ideas
 4. **Individual autonomy:** free speech facilitates self-determination.
-



Speech & Association in the Offline World

First Amendment of the United States

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 a redress of grievances.



Speech & Association in an Online World

- First Amendment of the United States does not apply.
- Private companies and other organizations can set their own speech and association rules.
- **QUESTION: Do you have First Amendment rights to free speech on campus at Stanford?**

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.

[File a concern](#)

Freedom of Speech and the Fundamental Standard

As an institution committed to the exchange of ideas, freedom of speech is core to the mission and academic life of our university. At its best, freedom of speech is transformative, elevating our caliber of discourse, giving voice to the marginalized, and inviting connection across difference. At its worst, freedom of speech can become divisive, causing very real hurt to members of our community and harm to the fabric of our campus. Our campus community is therefore called upon to balance the fundamental freedom of speech with the essential goal of fostering an inclusive campus culture.

In their [Notes from the Quad blog](#), President Tessier-Lavigne and Provost Drell co-authored an important statement on advancing free speech and inclusion at Stanford. We recommend that everyone who is interested in or affected by this issue start by reading that statement.

The purpose of this page is to provide further detail on how free speech intersects with the Fundamental Standard and the Office of Community Standards (OCS) student conduct process.



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.

Should Stanford punish or sanction Keith Rabois for his speech?

Stanford Response to Rabois

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 defied 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 govern-

ance — 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 deploring 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 estab-

The *Grey Standard* was intended to reinforce this tendency. 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 Matthies, 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 casual 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."

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...”

Another Student Posted Something Hurtful and Offensive. Why Isn't That a Fundamental Standard Violation?

The Fundamental Standard has set the standard of conduct for students at Stanford since it was articulated in 1896 and states that "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." One of the basic values under the Fundamental Standard is that "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." Another basic value is that "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." We understand that this complex interplay can create some confusion for students, faculty, and staff when determining what constitutes a violation of the Fundamental Standard.

While we sincerely hope that members of our community will express themselves in a respectful manner that does not cause harm to others, a commitment to academic and personal freedom means that many statements that may conflict with our ideals cannot be subject to discipline under the Fundamental Standard.

Even when the speech in question is reprehensible, the *Leonard Law* restricts Stanford's ability to discipline students for engaging in protected speech.

What is the Leonard Law?

As state actors, public universities are held to the strictest of standards when restricting speech and in California, the Leonard Law holds private universities to the same standard (Bird, Mackin, & Schuster, 2006). As a protected constitutional right, speech may not be subject to discipline unless that speech rises to a legal standard of being *unprotected*.

Westboro Baptist Church Protest, Stanford University 2010



Westboro Baptist Church, Counterprotest 2010



Stanford Report, February 4, 2010

A Provost's Pride

BY JOHN ETCEMENDY

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.

The Digital Public Sphere

Imagine now that Keith Rabois creates hundreds of accounts on social media platforms and disseminates as widely as possible hateful messages and videos about LGBTQ+.

1. In what ways is speech in the offline world **dis-analogous** 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?
-

The Distinctive Threat of the Internet for Democracy

Difference in Degree

- Fragmentation/
disintermediation
 - Campaign insiders v. outsiders
 - Media v. Nonmedia
 - Foreign v. Domestic
 - Earned Media v. Paid Media
- Speed of information flow –
difficulty of correction
- Echo chambers leading to
polarization/extremism?

Differences in Kind

- Virality
- Anonymity
 - Bots etc.
 - Hate speech
- Lack of sovereignty
- Beyond the reach of
government regulation?



Timothy Garton Ash, Free Speech in a Connected World

- When it comes to enabling or restricting global freedom of expression, some corporations have more power than most states.
- Facebook has a larger population than China
- *“What Facebook does has a wider impact than anything France does, and Google than Germany. These are private superpowers.”*

Platform or Publisher?

How should we think of Facebook, Twitter, YouTube, Snap, TikTok?

- As infrastructure that hosts content (and therefore have limited liability for content hosted)? Like the telephone company?
 - Or are they publishers, responsible for the content in the way that a newspaper or television show would be?
 - Or neither?
-

Two Distinct Questions

- 1. What material should be deleted/banned?**
- 2. How should an algorithm uprank or downrank content?**

Content Moderation takes many forms:

1. Deletion/Banning content
 2. Downranking/Demoting content (usually via algorithm)
 3. Delay content (depress virality)
 4. Labeling (fact checking; pointing to official sources)
 5. Deplatforming (remove account)
-

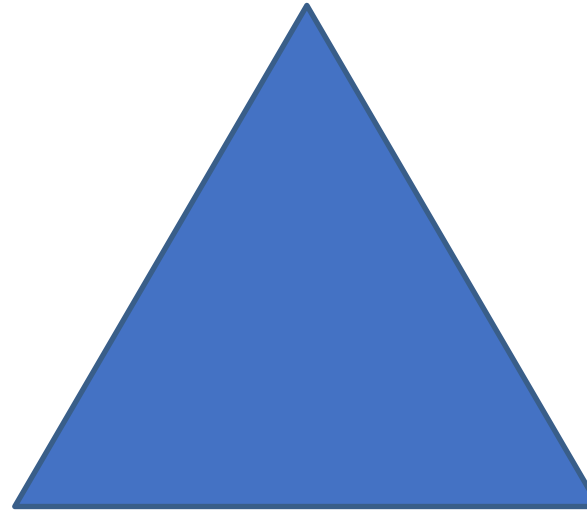
Value Tensions in Online Speech

- 1. Free Expression** (right to free speech without censorship; broad and diverse marketplace of ideas)
 - 2. Individual Dignity and Well-Being** (avoid stigmatizing, derogatory, toxic, hateful speech; diminish bullying, trolling, doxxing)
 - 3. Democracy and a Healthy Public Sphere** (orientation toward truth & fact & high quality information; election integrity; diminish misinformation/disinformation)
-

Trilemma of Platform Speech

Speech

(Right to speech without censorship;
broad and diverse marketplace of ideas)



Dignity

(No stigmatizing, derogatory,
toxic, hateful speech; diminish
bullying, trolling, doxxing)

Democracy

(digital public sphere; truth-seeking;
deliberative; high quality
information)

Enter Social Science!

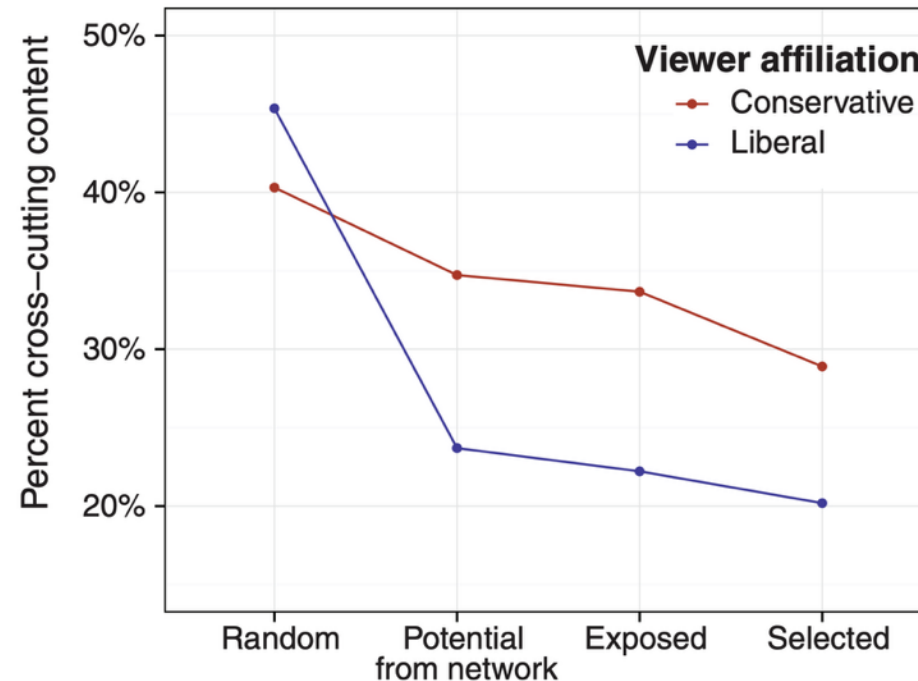
What is the social scientific evidence about:

1. Filter bubbles and echo chambers?
2. Social media and polarization?
3. Effects of misinformation and disinformation?
4. Effects of hate speech?
5. Online speech to offline harms?

Empirical Regularity #1

“[C]ross-cutting interactions are **more frequent** . . . exposure to **diverse news is higher** than through other types of media, and **ranking algorithms do not have a large impact** on the ideological balance of news consumption.” (Barbera 2020)

Social media seems to **expand** interactions outside of close social circles

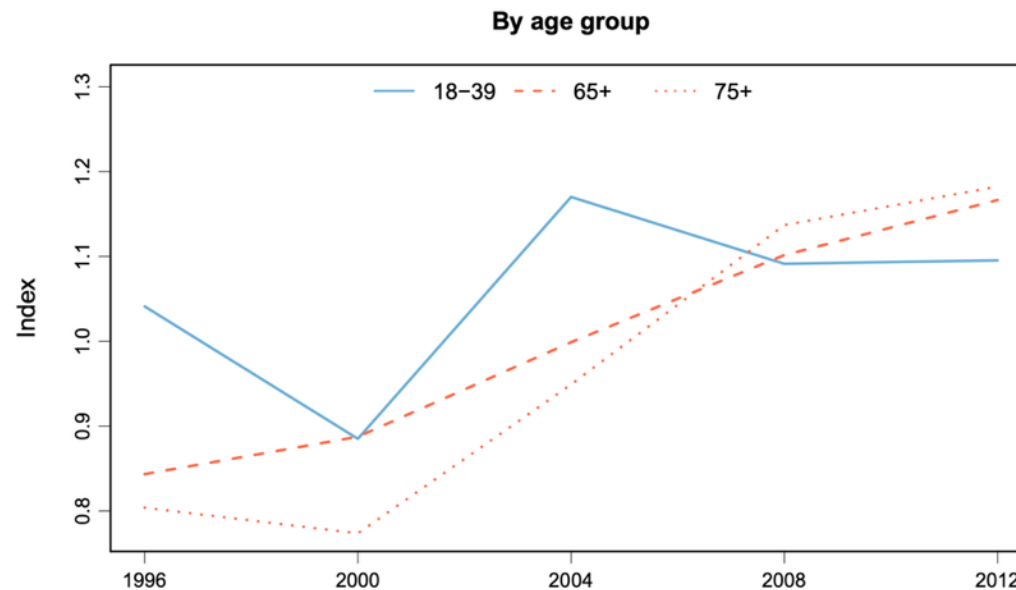


Empirical Regularity #2

A **minority** of individuals is responsible for a majority of hyper-partisan content.

Polarization has increased most among the groups that are **least likely to use the internet and social media**—people in the oldest age cohorts.

Figure 3: Trends in polarization by demographic group



Empirical Regularity #3

As a share of overall activity, the volume of misinformation online is **low**.

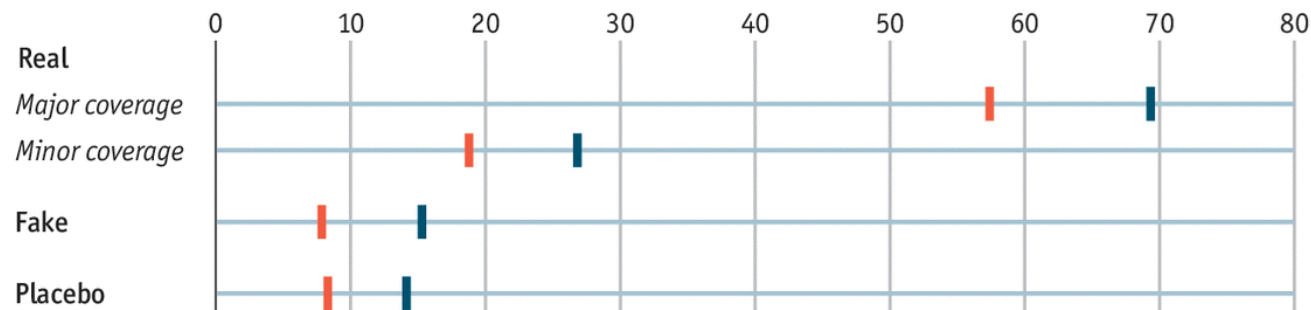
Some groups (e.g., elderly) are more **vulnerable** to misinformation.

Corrections are hard and can **backfire**.

Believe it or not

Americans' recall and belief of 2016 US presidential-election news*, by type, %

■ Recall seeing ■ Recall seeing and believing

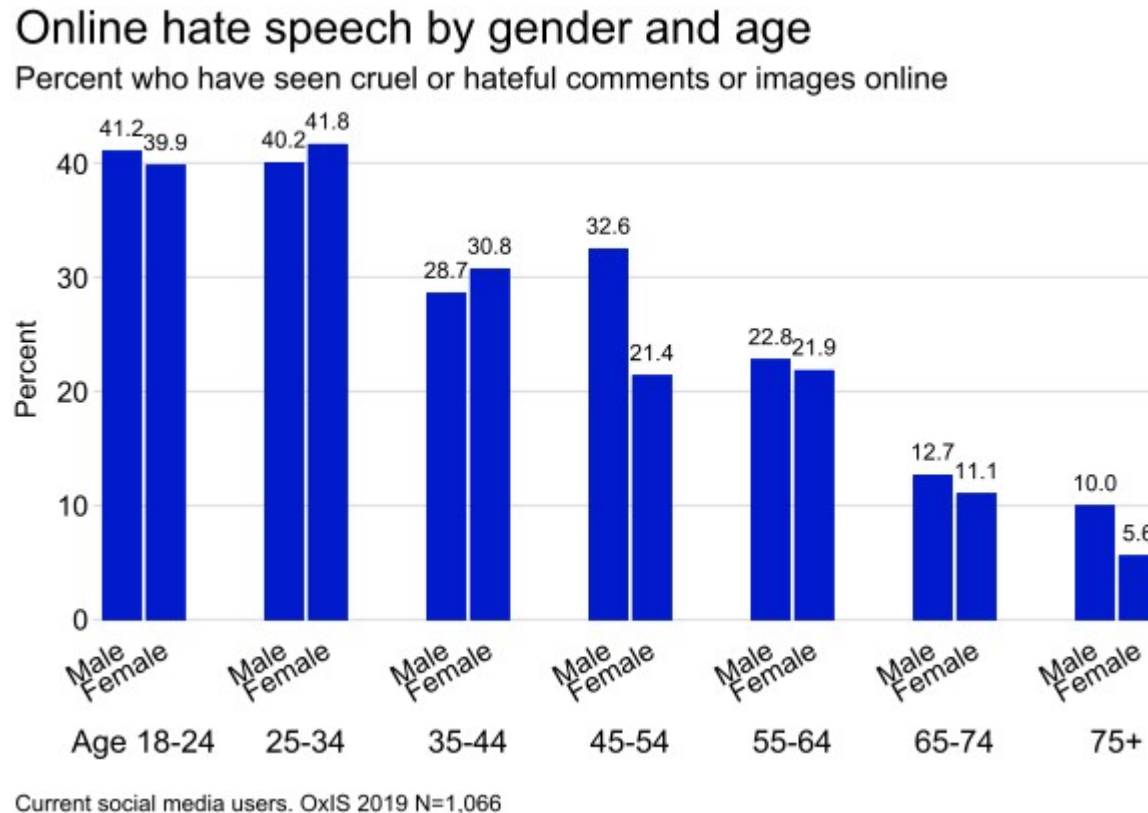


Source: "Social media and fake news in the 2016 election",
Hunt Allcott and Matthew Gentzkow, January 2017

*In three months leading up to election

Empirical Regularity #4

Hate speech is a relatively small fraction of content, but **many users are exposed** to it.

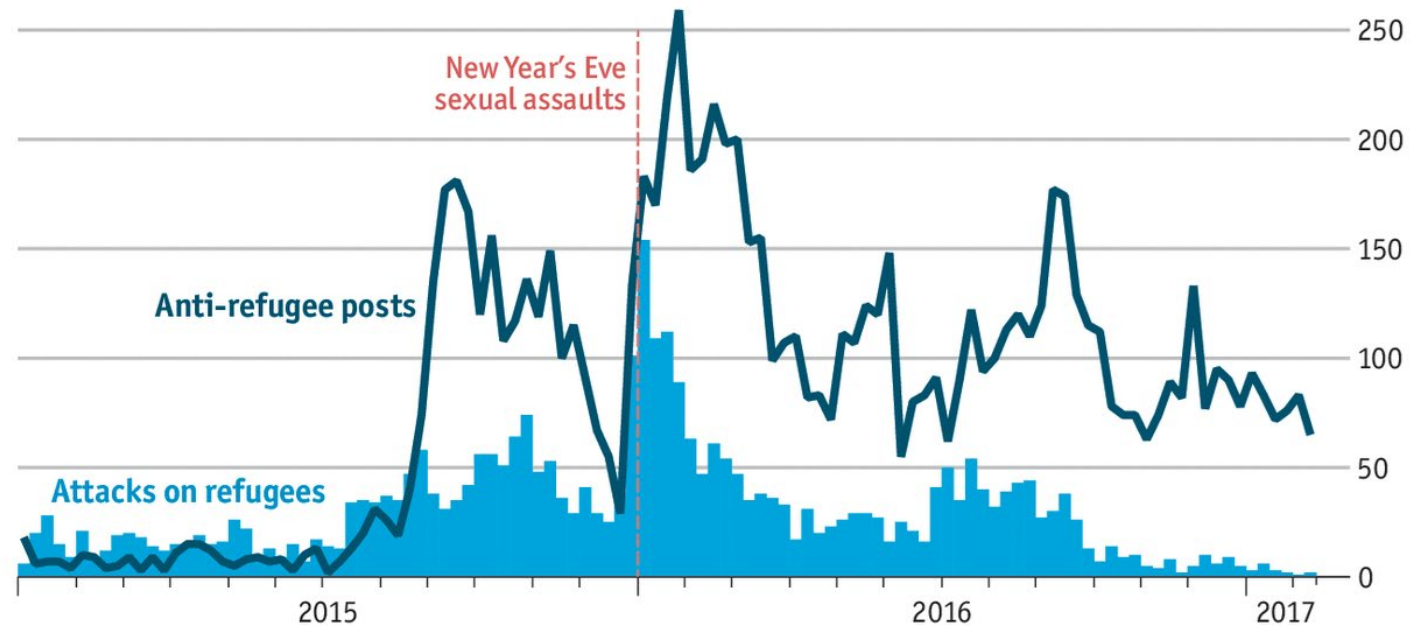


Empirical Regularity #5

Hate speech online, even a small number of posts, can cause **real-world violence**.

Anti-social media

Germany, number of anti-refugee posts on the AfD's Facebook page and attacks on refugees



Source: "Fanning the Flames of Hate: Social Media and Hate Crime", by K. Müller and C. Schwarz, Dec 6th 2017

Other Social Science Questions

And many other empirical questions:

1. Social media use and anxiety/depression
2. Cyberbullying
3. Frequency of CSAM, child sexual abuse material
4. Frequency of NCII, non-consensual sexual imagery

And so on...

Power of Platforms: Making Choices

1. A Short History of Silicon Valley
 - Counterculture to Cyberculture
 - Romantic Visionaries?
2. Platform Power and Freedom of Speech
3. Resolving Tradeoffs
 - Content moderation policies
 - Self regulation
 - Revise Section 230, and other regulatory proposals
 - Anti-trust
 - Bans

Resolving Tradeoffs

1. Content moderation policies
2. Self regulation
3. Revise Section 230, and other regulatory proposals
4. Anti-trust
5. Bans

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Types of Content Moderation

- Flag questionable/misleading content
 - Tags can be ignored (mixed results due to confirmation bias)
 - Down-rank or limit/slow distribution of objectionable content
 - Content is still available
 - Reactions/reposting by viewers can potentially up-rank/spread content
 - Delete objectionable content
 - Modified versions (that get through filters) can be posted
 - May take time before content is detected/deleted
 - Sequester user/content (i.e., shadow banning)
 - Poster sees content and believes it is posted normally
 - Content not seen by other users in the system
 - Lack of response aims to discourage objectionable content
 - Suspend or expel user (content poster) from platform
 - Can come back under a different username
 - More effective for well-known personalities (e.g., Donald Trump)
-

Resolving Tradeoffs

1. Content moderation policies
2. Self regulation
3. Revise Section 230, and other regulatory proposals
4. Anti-trust
5. Bans

The Policy Menu

Free market



- Self-regulation
- Private litigation
- Disclosure
- Licensing
- Tax
- Auditing
- Premarket approval



Ban



“These New Governors are private self-regulating entities that are economically and normatively motivated to reflect the **democratic culture and free speech expectations** of their users.”



“The best solution . . . is to increase **transparency and internet literacy** . . . and to build these powerful curatorial systems with a sense of **responsibility**”

Stanford Law and Policy Lab Report Provides Recommendations for Facebook's New Oversight Board

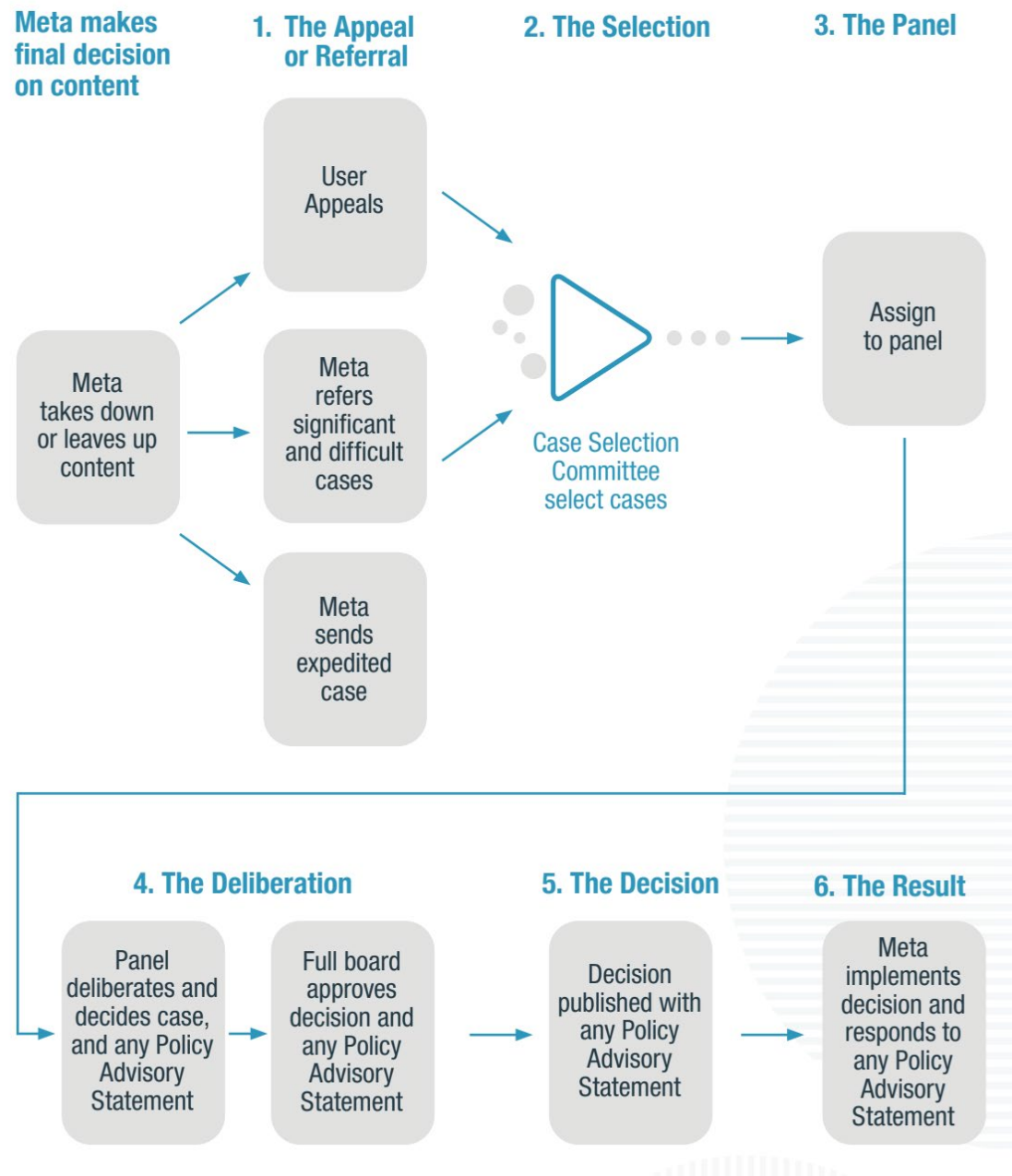
July 29, 2019 | By Stephanie Ashe

SUBSCRIBE

July 29, 2019 – The Stanford Law and Policy Lab today released recommendations for Facebook's new oversight board for content decisions. The report resulted from "Creating a Social Media Oversight Board," a cross-disciplinary policy practicum advised by Stanford Law School (SLS) professors [Paul Brest](#), [Dan Ho](#), [Nate Persily](#), and Stanford Political Science professor, [Rob Reich](#), in partnership with the lab's policy client, the Stanford Project on Democracy and the Internet.

Related Person(s):

[Paul Brest](#), [Daniel E. Ho](#),
[Persily](#)



Created and funded (\$130M) by Facebook

Binding decision only in specific cases

Can recommend policy changes

~90 days

Q3 2021: Six of 339,325 decided

The Washington Post

Meta created a ‘Supreme Court’ for content. Then it threatened its funds.

Once hailed as a model for internet governance, Meta’s Oversight Board has been criticized as slow-moving and increasingly irrelevant.



“The Oversight Board had tried for years to find **new clients**, approaching YouTube, TikTok, Pinterest”

The Washington Post

Meta's Oversight Board should just quit, critics say

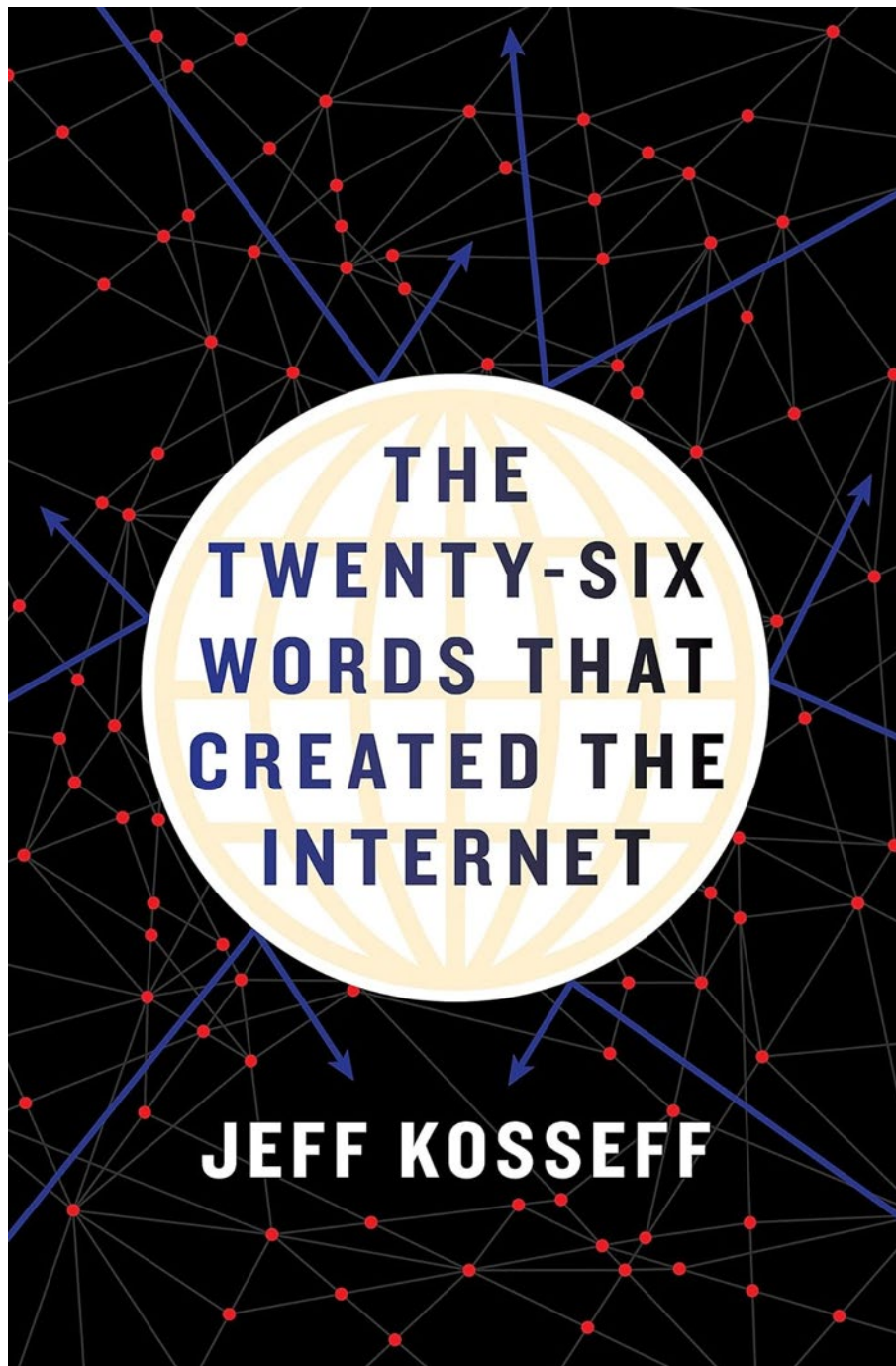
“The choice before you is stark: either lend credibility to a company that is willfully dismantling safeguards for democracy and human rights, or **take a stand** in defense of the very principles you were appointed to uphold.”



“[I]t certainly looks like this is buckling to **political pressure.**”

Resolving Tradeoffs

1. Content moderation policies
2. Self regulation
3. Revise Section 230, and other regulatory proposals
4. Anti-trust
5. Bans



“No provider or user of an interactive computer service shall be treated as the **publisher or speaker** of any information provided by another information content provider.

No provider . . . shall be held liable . . . [for] action **voluntarily taken in good faith** to restrict access to . . . material that [is] obscene, lewd, lascivious, filthy, excessively violent, harassing, or otherwise objectionable, whether or not such material is constitutionally protected.”

Neutral connector or publisher?

Bipartisan Consensus for Reform?



Donald J. Trump
@realDonaldTrump



Section 230, which is a liability shielding gift from the U.S. to "Big Tech" (the only companies in America that have it - corporate welfare!), is a serious threat to our National Security & Election Integrity. Our Country can never be safe & secure if we allow it to stand.....

6:45 PM · Dec 1, 2020 · Twitter for iPhone

THE
WALL STREET
JOURNAL.



“[W]e must **fundamentally reform** Section 230 of the Communications Decency Act, which protects tech companies from legal responsibility for content posted on their sites”



Florida Social Media Platforms Bill



Texas: Platforms may not “**cancel**” a “user’s expression” based on “**viewpoint**”

Source: <https://gov.texas.gov/news/post/governor-abbott-signs-law-protecting-texans-from-wrongful-social-media-censorship>

US Supreme Court *Moody v. NetChoice* (2024)



Kagan, 9-0

“[A] State may not interfere with private actors’ speech to advance its own vision of ideological balance

On the spectrum of **dangers to free expression**, there are few greater than allowing the government to change the speech of private actors in order to achieve its own conception of speech nirvana.”



Please join our [live blog](#) on Monday, March 2, starting at 9:30 a.m. EST, for oral argument in [United States v. ...](#)

ARGUMENT ANALYSIS

“Not, like, the nine greatest experts on the internet”: Justices seem leery of broad ruling on Section 230



By Amy Howe
on Feb 21, 2023



Resolving Tradeoffs

1. Content moderation policies
2. Self regulation
3. Revise Section 230, and other regulatory proposals
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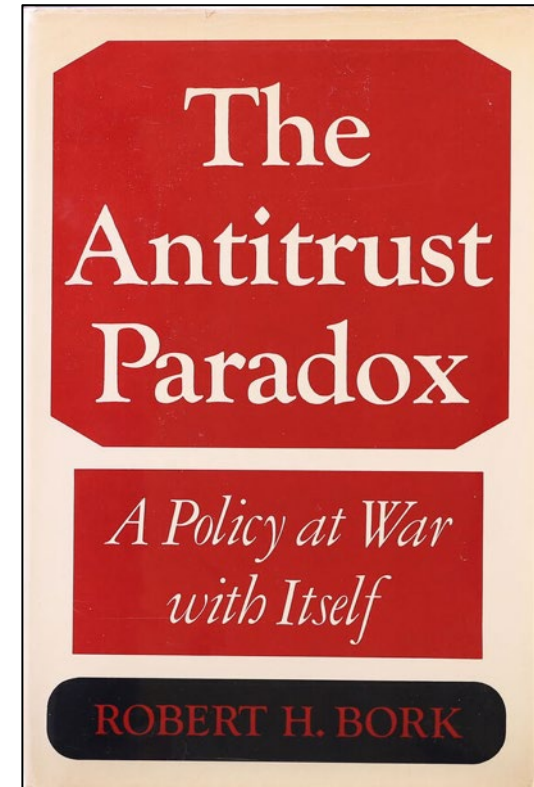
A Role for Competition?

Digital public sphere may require competition between platforms that vary in content moderation

But the nominal “price” is zero

Competition can induce sharper tradeoffs: e.g., lower profit margins may induce companies to undercut user privacy

Cohen and Fung: shift from professional norms of legacy media to digitally mediated public sphere



Is Anti-Trust Really a Remedy?

- U.S. v. IBM
 - DOJ charged IBM in Jan. 1969 with monopolizing digital computer market
 - Trial began in May 1975
 - Case is dropped in 1982, dismissed as “without merit”
 - U.S. v. Microsoft
 - Microsoft charged with monopolizing OS market to stifle competition
 - Specifically, bundling Internet Explorer with Windows
 - Trial began in May 1998. Microsoft ordered to be broken up in 2000.
 - Overturned after appeal
 - Case settled in 2001 with agreement by Microsoft to share APIs with third parties (and appointment of oversight panel)
 - Real impact: Microsoft did take care to avoid actions that could be perceived as anti-competitive
 - *Story time: what happened to my online greeting cards?*
-

Resolving Tradeoffs

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Licensing
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Premarket approval

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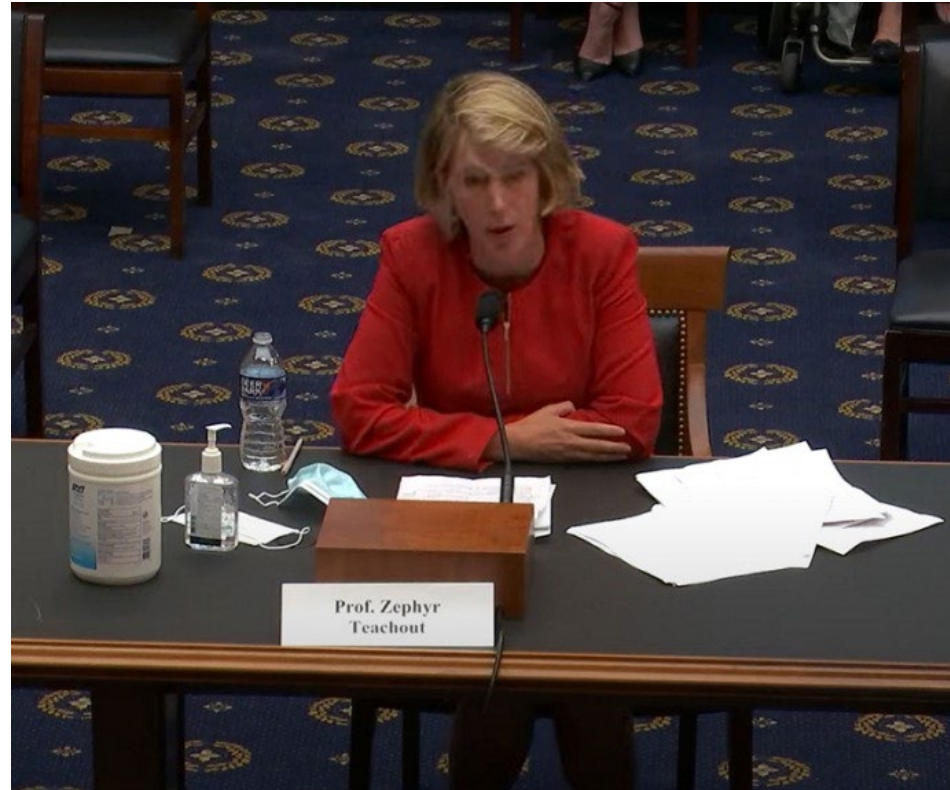
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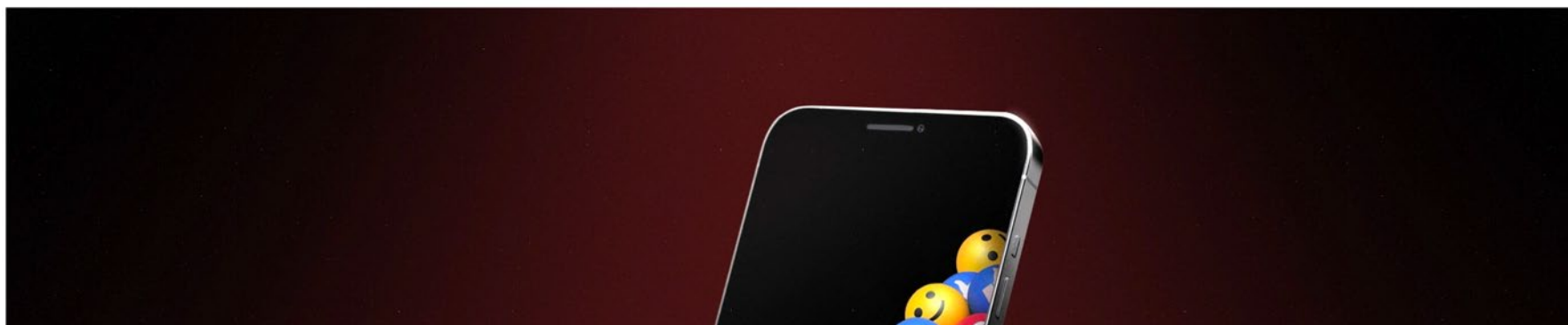


IDEAS

A Social-Media Ban Really Could Do a Lot of Good

Australia's experiment is the first of its kind, but the evidence from alcohol, drug, and other bans is promising.

By Keith Humphreys and Jonathan Caulkins



Resolving Tradeoffs

1. Content moderation policies
2. Self regulation
3. Revise Section 230, and other regulatory proposals
4. Anti-trust
5. Bans
6. One final option....

Individual Responsibility

- Distinguish information from manipulation
 - Exercise restraint
 - Promote norms for public deliberation
 - Avoid narrow news diets
 - Embrace learning about other perspectives
-

NEW YORK TIMES BESTSELLER

dopamine

Finding
Balance in
the Age of
Indulgence

nation

ANNA LEMBKE, MD

“I urge you to find a way to **immerse yourself fully in the life that you’ve been given.**

To stop running from whatever you’re trying to escape, and instead to stop, and turn, and face whatever it is.”