

Internet Bill of Rights and the Social Contract

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<https://internetrights.net/>

Part I - Problem and Objective

In a modern civilized society, there often arises a multitude of competing values and objectives to promoting the best possible culture and society to and for the benefit of the citizens that form that culture and society. The rise of technology creates a tectonic shift for the expansion, advancement, and benefit of the values and goals of modern civilization and the liberal values that have been the evolutionary result of the advancement of human civilization. But along with those benefits come concomitant hazards in the form of not only potential avenues of causing harm, but also of competing interests and values increasingly at odds and increasing competition for any subset of those values.

As is the case with all technological advancements, these trades must be accounted for, accommodated, and evolved into the fabric of human society. Each new technology always presents a set of challenges, some recurring, some new. In the past, humanity has usually been able to adapt and adapt to those benefits that accrue with those technologies as well as moderating, with varying degrees of success, the concomitant risks and consequences. However, with each new iteration of technological advancement, there is increasingly forces that pull humanity in directions which humanity was not evolved to cope with in behavior and nature. In addition, those forces also stress many of the basic founding principles of modern liberal civilization, that at one time seemed simple and obvious, in ways never before imagined.

The latest technology revolution of the Internet has been such a tectonic shift of seemingly epic proportions. Never before has humanity had at our fingertips this degree of the ability to obtain and disseminate information. While this has been a transformative benefit to humanity in more widespread access to information that ever before possible and all that accrues, it also creates conflict in ways and to degrees that only such widespread capability can.

One effect is that while this ability to access and to disseminate information and speech is a huge benefit to society, it also creates opportunity for the dissemination of information and speech that is incorrect or fraudulent and even possibly in some way harmful. This raises the question of how should we cope with the possibility of avenues of speech being used to

disseminate ideas or concepts that are incorrect or even fraudulent, and to what degree should we attempt to control that, if at all.

In the US we at least have institutionalized in our Constitution the role of Free Speech in the political realm and the injunctions against government assuming the role of adjudicator of permissible speech. This does not extend to a framework of governance for and of Free Speech in the realm of discourse outside of government. We do not currently have a framework to establish how principles of Free Speech are to be enabled, protected, or facilitated in the social and cultural framework outside of the realm of government.

While the US Constitution defines that the government cannot constrain what one says, by whatever means one chooses that are at one's disposal, it does not address what support a possessor of a means of speech must provide to another. In the past this has not been a huge issue as many means of "speech" were readily available to people in one form or another. Printing of papers was not beyond the reach of moderate means. Whether by printing press, copier, or even manual pen and paper, or more modern copier or copier service provider, or advertising in printed or broadcast media, etc., these avenues have traditionally been widely available and accessible. It is also important to note that historically, levels of censorship was traditionally minimal and usually only in the interest of "decency" standards. For example, in the interest of prohibitions against things like "profanity", nudity, etc, various print and broadcast channels might restrict such things.

But today, not only has technology amplified the expected and known potential negative consequences, but has been complicated by a rising tide of "interventionalism" agendas toward speech. That is, the providers of means of exercising speech have become more activist in intervening in the speech that passes via their means of speech. There are a lot of forces acting in and on the Internet to pull it into different directions and to impose various agendas upon it. This is a threat to the openness, freedom, entrepreneurialism, and democratization of the Internet that has made it such a transformative force for humanity.

This is then where another conflict arises. And that is the realm of private property rights. Whereas the US Constitution institutionalizes prohibitions against intervening in speech in the sphere of and means of public (governmental) entities, it says nothing about speech via privately held media. That being the case, the conflict arises between principles of free speech and principles of property rights and the rights of the property holder to control the use of their property as they freely choose.

Thus the top two conflicts are the conflict between principles of free speech and property rights and the rise of censorship on the means of communication that has become increasingly crucial for communication, and thus the exercise of free speech and the principles attached to that. This being the case, the objective here is to present a solution for this dilemma that provides for the advancement and respect for both principles of free speech as it serves modern civilization and of property rights.

Part II - Definitions

Property - Some tangible or intangible item that is associated or attached to a person or entity which that person or entity has dominion over that one has obtained by means of one's labor either directly or in exchange for one's own labor. The libertarian principle is that one owns one's own labor and thus that which accrues of one's labor. If one builds something, then that thing is their property by virtue of it being made extant by one's labor. As one owns one's labor and by extension the product of their labor, they then also own anything which they obtain in exchange for their labor or the product of their labor.

In the context here, examples of property can be things like networking equipment that one has purchased to build out a network system. For example, it could be an internal network among equipment which they also own, or it could be a network which one provides for information transmittal between other parties. It could be a website that one has created and provides access to others. As the website is the product of their own ideas, labor, or labor they have obtained from others in exchange for other goods or services or money. It could also be the ideas or information which one puts on to such property for transmission to others.

Private Property - This refers to the actual property as well as the principle that the owner of such property have a right to determine who has access to, use of, and how it is used by others, if at all. This includes denial of access. This arises from the principle that as privately held property, other parties cannot compel the owner of that property to yield it or its use to other parties against their desires or will.

Speech - In the abstract, "speech" refers to, but is not limited to, the communication of concepts, ideas, knowledge, information.

Free Speech as a right - The US Constitution recognizes Free Speech as a right. In the context of the US Constitution, this means that the Government may not act to inhibit, impair, or obstruct the free communication of concepts, ideas, knowledge, information, etc. It says nothing about non-government or public entities, nor does it compel any particular action or inaction on the part of such entities.

Free Speech as a principle - While the US Constitution identifies Free Speech as a right, this only covers or applies to government action vis a vis the exercise of free speech by the citizenry. That is, there is no Constitutional guarantee of exercise of free speech necessarily in any and all other contexts that do not involve the government. The principle of a "right" of free speech extends to a prohibition against interference or obstruction with the exercise of free speech but only to such extent as it does not violate the rights of others. There is no right to compel the

allowance for free speech or exercise thereof in other contexts. The reason is simple. A principle of a right to Free Speech does not connote, confer, or convey any right to violate extant rights of others. Specifically in the context here, there is no right to compel another to yield their property rights against their will so as to provide one with a means by which to exercise one's speech. However, it is a *principle* in society that the concept of freedom of speech should be upheld in all contexts to the extent possible.

Merit - A qualia that connotes authenticity, objectivity, veracity, value, etc. For example, laws of Newtonian physics has merit born of the demonstration of it's analytical and predictive value and veracity. An ad hominem claim lacks merit in that it carries no utility in adjudicating the veracity of the actual claim at issue.

“Unacceptable” Speech -

Censorship - The denial, removal of, or creation of obstruction to the presenting of one's ideas for public discourse and consideration in the “marketplace of ideas”. Typically some set of “easons” is given as supposed justification for doing so. Irrespective, such denial, removal, or obstruction is still censorious.

Criticism - Criticism is that which provides contradictory evidence or questioning of merit, legitimacy, ethics, etc. of an idea or concept, or notion that has been present as one's free speech. That which is criticism is often mistaken for censorship.

“Marketplace of ideas” - It is not possible in a free society for any individual or entity to be sole or unilateral arbiter of what is correct or incorrect speech, acceptable or unacceptable speech. The ideal would be an objective metric by which to judge ideas and concepts objectively, but short of that, the next best “arbiter” of such matters has be determined by society after considering evidence, arguments, analyses, etc. that are presented into the society for consideration and contemplation. This “marketplace of ideas” is that public realm where all members of society are free to hear and read all ideas and contribute their own argumentation and analyses into that body of ideas and concepts for debate. In this space, the best or most compelling concepts are adopted and those that do not measure up when fully considered in the full context of all ideas and debate are rejected.

Negative Rights -

Positive Rights -

Government -

Regulation -

Internet -

Networking Technology and resources - Any of the defined protocols, methods, etc. for generating, handling, processing, transmitting, and receiving data and information via networks between nodes and the equipment that implements such protocols, methods, etc. For example, see any of the IEEE specifications and equipment that implements those specifications.

Internet Service -

Internet Resource - Any component, element, resource, technology, etc. that is used at some point in the path of providing an internet connected service from data source or provider to data sink or consumer. This includes but is not limited to things such as: routers and switches, computers, servers, cables, power and cooling, physical premises, software and firmware and applications, RF spectrum (eg for WiFi.), staff.

Organic - Arising naturally or emergent from normal activities.

Artificial - Deliberately constructed or fabricated or caused to occur in spite of what would or might have otherwise been the case.

Throttle - To deliberately control, limit, modulate the rate of data transmission by some control mechanism different that might result otherwise. The ability to throttle data rates is a crucial mechanism to manage link bandwidth to assure varying data needs for different types of services or applications (eg Diffserv) that may have distinct data needs to provide necessary quality of service levels (eg QoS) that may be attempting to operate over the same link and possibly competing for shares of the finite link bandwidth. Throttling is thus a mechanism to assure that all services or applications served by a link can obtain a “fair share” of that finite bandwidth to provide their service with an optimal or adequate level of quality..

Net Neutrality -

Public Space -

Private Space -

Vigilantism - The acting unilaterally and in an authoritarian manner so as to impose punishment, such as ostracism, upon someone or some entity, for perceived bad behavior or action as perceived by the entity acting as vigilante. Specifically here, this is as regards behavior or actions perceived as “bad” that are otherwise legal.

Part III - Goals, Values, and Objectives

Why a principle of Free Speech?

As humanity has learned throughout history, it is usually a problem when a single entity presumes to have unilateral right to adjudicate what is or is not acceptable, permissible, correct, or incorrect speech or thought. The problems are manifold.

At a basic level of human knowledge, we have seen the problems created when an entity presumes to adjudicate what is correct or incorrect knowledge. This almost always has stifling and repressive consequences for the advancement of human knowledge. This can be to place certain knowledge or pursuit thereof out of bounds, depriving humanity of the beneficial utility of this knowledge. The result is usually the inability to formulate effective solutions to problems desired to be solved by making inaccessible relevant knowledge to inform what solutions are good effective solutions and which are bad and ineffective or even possibly harmful “solutions”. The problem can even be one of mandating acceptance of an use of objectively false or incorrect “knowledge”. This is even more deleterious as no solution informed of incorrect information can ever possibly be effective in solving problems and the result is almost always adverse negative consequences and outcomes.

Examples of historical problems of dictating knowledge are the classical and well known cases such involving The Church and the thinkers bringing advancement in scientific knowledge such as Copernicus and Galileo and Darwin. We now know this knowledge to be objective truth but a self-appointed adjudicator of knowledge attempted to unilaterally declare this knowledge as incorrect. This is, unfortunately, not a settled issue as even today as there are still battles being fought to suppress or deny objective knowledge.

At a level of culture and governance, the entity presuming to adjudicate speech is usually doing so with the aim of protecting positions of authority or power or to promote and advance self-serving interests and objectives, which also encompasses the former. Of course the historical lessons of dictatorships and authoritarianism inform the importance of not allowing institutional authorities the power to adjudicate what is permissible speech. The result is usually to prohibit speech that would criticise or call into question the authority, efficacy, or legitimacy or whatever entity is desirous of protecting their position of authority, control, or influence.

Thus we have three basic fundamental tenets of the principle of Free Speech.

- *Free Speech is necessary to present new ideas to expand human knowledge.*
- *Free Speech is necessary to criticize beliefs and ideas that have been presented.*

- *Only after all Speech has been presented and considered, is it possible to hope to assess that which is objectively true to be added to the sum of human knowledge and that which it objectively false to be added to the sum of lessons learned.*

Free speech is necessary in order to present new ideas. As it cannot be known a priori what speech is correct and which is flawed or false, there can be no basis upon which to a priori censor speech under claims of fallacy or incorrectness. As no entity, individual or organization can presume to possess such a priori knowledge or wisdom to unilaterally determine veracity or fallacy, no entity, individual or organization should presume to take it upon oneself to so adjudicate any speech.

That being said, concomitant with presenting ideas is the necessity of critique and criticism. Thus, contrary to seemingly popular opinion, free speech is in fact not freedom from criticism. Criticism is not restriction of free speech. In fact, as listed above, criticism is a core integral component of free speech. It is fundamentally impossible to have free speech without speech of criticism. That one would claim criticism of the content of their free speech as somehow censorious of their act of free speech is both patently wrong and ignorant of what is actually free speech.

Only after all ideas and their criticism have been submitted to the “marketplace of ideas” can it be possible to consider, contemplate, and evaluate the merits of those ideas and the counterpoints, and arguments to try to discern truth and reality from fallacy and fraud.

A negative consequence of “unfettered” free speech is that bad, incorrect, or fraudulent ideas also have access to those channels. However, as the issue is that one cannot presume to unilaterally determine a priori what is correct or incorrect, true or false, the proper way to “combat” ostensibly bad, incorrect, or fraudulent ideas is to provide critique, criticism, analysis, argumentation, via free speech in turn, to refute and counter such speech. That is, the problem with the perception that “bad” ideas must be ex-ante expurgated as the “only means” to “deal” with “bad” ideas is that it is a fallacy. Part of the beauty in Free Speech is that not only does it allow and enable “good” ideas to be promoted and communicated, the freedom to criticize provides the “self-correcting” aspect to free speech to eliminate the bad. This is why free speech as criticism is such a crucial component to Free Speech as this is the mechanism by which Free Speech is “self-correcting” and enables the best and only real means to effectively and accurately discern good from bad, correct from fallacy, truth from fraud. This has the added advantage that only by demonstrable refutation of bad ideas, can we eliminate, or at least try to mitigate, the power of bad ideas to repeatedly rise again to haunt us. Without such demonstrative refutation, bad ideas can not be defeated in perpetuity. And to do so requires the ability to freely discuss even those bad ideas.

Thus it is with these principles that those who would presume to be providers of the means of speech, information, and communication must uphold the legitimacy and opportunity to freely present ideas, criticism, argumentation, and analyses. To be in

service of free speech is to be in service of the “marketplace of ideas” to adjudicate that speech and not to presume a role in the adjudication thereof.

Why property rights?

Just as principles of Free Speech have a core foundational place in modern civilized societies, so to do the principles of property rights. This derives from the modern principle that one owns their labor and has dominion over their labor and person, and by extension that which is produced of their labor. It is fundamentally immoral and unacceptable to compel a person to labor against their will on behalf some other party.

While by the definition given above, it is in violation of the principles of property rights to compel a person or entity to yield their property or the control of their property to others. Where such property relates to the exercise of free speech, it implies a sort of “social contract” to uphold the principles of free speech in the use and utilization of that property. This is, in that one procures, builds, and provisions property for the means of public speech, there should be an expectation of managing that property such that principles of public free speech are provided for and upheld. That being said, that such a “social contract” exists *viv a vis* the exercise of free speech, this does not connote a “right” to violate one’s private property rights on behalf of “free speech” rights”. It does not connote a right to “take” the private property of others to exercise one’s free speech. The “negative right” of free speech does not connote a “right” to impose “positive rights” upon others to violate *their* “negative rights” of property.

Thus it is with these principles that where one is engaged in providing privately held and operated property for the purposes of communication, including speech, information, etc., while respecting rights of private property, it should be a principle that to the full extent possible, one allows such communication, speech, information, etc. to pass freely, unhindered, and unobstructed and otherwise free from interference regardless to the interests or biases or agendas of the property holder and regardless of the content of that communication, speech, or information, etc.

Information transmission and technology

Having said the foregoing, it must be acknowledged that in the function of providing services, it can be necessary to deploy technologies that may interact with the transmission of information in various ways in support of the effectual provisioning of those services. This is an important concept that is not popularly understood. The popular narrative is that “all information is equal

and should be treated equally". While a glittering generality, it is in point of fact and reality not true. Information does not exist in a vacuum but in the context of the service being provided and in the context of other services competing for resources. At a fundamental level, the Internet provides for manifold *disparate* services that must coexist over the same conduits cooperatively to their objectives and intended service. Many services can exist in competition for resources that must be managed to best suit the functioning of the intended services.

To take a sidebar for a moment, it is the case, also misunderstood that the capacity to transmit information is not infinite. Information transmitted over a network appears to many as an abstraction. It has no physical appearance, has no substance to which people can point to and see or touch. People intuitively grasp that there is a finite capacity to deliver water, for example, over some conduit as they can see the water and that it occupies physical space. However, while information transmitted over a network may not have any apparent physical form, it is nonetheless subject to *finite* transmission capacity. If you buy a router for your home, it will have a bandwidth specification that indicates the maximum amount of data that can be transmitted through it or through any of its network connection ports. Given this, it should be obvious that when someone, some entity, or some organization procures equipment to provide a network system to connect various users, such as a backhaul backbone or an ISP, they aren't buying a couple of router designed for home use and calling it good. It requires massive amounts of equipment, requiring significant resources of space and energy (in both powering and cooling the equipment), sophisticated technologies to provision for all of the variegated services that will be transmitted across the equipment, and personnel to setup and maintain proper operation of all of that are also required. Much of which may need to be replaced when new technologies or capabilities are created. This is neither free nor infinite.

Now, as for those services, the flow of information across these systems must be managed and manipulated to provide for optimum performance of competing services. For illustration, consider these services: streaming video, VoIP or video conferencing, file or web page download. These different services have different properties that they must meet in their functioning. These different properties, that can be competing, may then result in a need to *treat data differently* depending on the service for which it is used in order to provide the optimal quality of service (QoS) as appropriate for each service. That is, the networking equipment may in fact need to discriminate data in different ways depending on the particular needs of services and competing services. Consider a scenario where there is a video conference going on, someone else is watching streaming video, and someone else downloads a large file. Should all that data be treated the same or should data be treated differently depending on the type of service it is for? Consider the properties of the data for each services. Data for the video conference and the streaming video will tend to be bursty in nature. That is, each service will transmit a bit of data at a time sufficient to transmit a frame of video data at the rate at which the frame are displayed. Thus there will be gaps in time between frames when no data is transmitted. Now, a distinction with a video conference, data must arrive exactly on time without delay ("real time") or there will be delays in what you hear of see which will be very annoying while trying to carry on a conversation. For the streaming video overall delay is acceptable as

long as it is without gaps or stutter. Because of this, buffering is used (as everyone knows) in order to be able to tolerate temporary delays in data arrival, for example. So right here we can see that there should be a preference in how data is handled between these two streams. The data for the videoconference must be given priority over all else to ensure that it arrives without delay, in real time. The video stream can tolerate momentary delays because it has buffered up data to continue filling the frame buffer while waiting for the delayed data to arrive. But once the buffer is drained, then further delay causes a drop in service quality. Thus the video stream can tolerate waiting for the video conference data to be transmitted, the reverse is not true. The file download can consume all available bandwidth. Certainly we would like to use as much bandwidth as possible in order to obtain the file in as short a time as possible. But how much is a delay in that annoying compared to glitches or dropouts in the videoconference or streaming video? Generally people are more accepting of delays in a file download than in glitches in video conferences or streaming video. Because of this, data for the file download has to be stalled, discriminated against, until bandwidth is available after the two other streams have had their momentary data needs satisfied.

Thus it is with these principles that data transmission must be allowed to classify and discriminate data types so as to provision for optimal quality of service of the manifold disparate services possible.

As the Internet is finite in capacity and that capacity is obtained by virtue of the development and deployment of physical resources and the labor to develop, deploy, and maintain those resources, it also consumes economic resources to do so. This being the case, the Internet is subject to economic principles and properties.

People seem to love to use analogy (often incorrectly) to illustrate their belief of how the internet works. As it consumes economic resources to transmit data, the capacity to do so is finite, and to be effective and efficient in that delivery, those resources must be allowed in the most effective and efficient use and application as determined in the market. By the actions of the people in the market. Thus the analogy I use is that of parcel delivery services. People innately understand that there are legitimate reasons why it may cost more to ship a package under various conditions. For example if it is physically large or heavy it consumes more space or fuel that are then not available to transport other packages. Also, if it is to be delivered "overnight", this costs more because it requires more expensive resources or more of them to transport it more expeditiously. And again, those resources are then not available to transport other packages that expeditiously. People generally get this intuitively because packages are something physical they can see and touch and weigh. But this concept goes out the window for Internet data because people cannot see or touch or weigh the data. But this does not mean those same principles do not apply. People get intuitively when they are charged more to ship a package that is large, heavy, or overnight. It should also be intuitively understood that the same applies to Internet data. It is not unreasonable to charge more for large volumes of data or the transmission expeditiously thereof.

We have these the ability to have the benefit of these parcel delivery services because they were free to *innovate* various business models. And this is not limited to parcel services, but business can and do offer “free shipping” or “free overnight shipping”, and different shipping cost provisions based various conditions of the order being placed (eg. “free shipping on orders over \$100”). Amazon Prime is another businesses model dealing with shipping costs. The point here is the importance of innovation not just with technology and services but also how business operates.

Consumers then pick and choose which business models they like and those they don't. The ones that people don't like must then adapt to ways that people will use or go out of business or at least suffer losses, but again freely in the ways they feel will be beneficial. This is the “marketplace of business models”.

Thus it is with these principles that entities must be allowed to freely innovate business models in which they contribute to the Internet.

Why not regulation?

The problem with regulation is that fundamentally it violates property rights in that it compels the use of private property in ways that may be contrary to the desire and free will of the property owner. The principles of private property rights exist not only because it is a violation of person and property to compel people to act in their person or property against their will, but because giving government power and authority to do so is problematic for rights liberties and freedoms. This creates a couple of core problems. One is that it erodes those rights. The other is that *it entrenches a government power and a “solution” that may be ineffective or counterproductive and may in future prove obstructive to future beneficial technologies.*

That the Internet has been mostly free from government meddling has been a large factor in how and why it has become all that it is today as an indispensable tool in society. This has enable all manner of inventiveness, entrepreneurialism, and innovation to flourish to produce all the services and capabilities we enjoy today. But yet, there are those factions who seem to think that suddenly, lack of government oversight is an existential threat rather than the enabler for all it has been. When did this happen? Why now? The reason lack of government meddling has been so beneficial is because that is a fundamental principles, not because “this time it is different” or that it is somehow contingent on circumstances. No, we must recognize this as a fundamental principle and resist the temptation to trample that principle that has been such a boon for the Internet in the short-sighted interests of determinism and expediency.

It also assumes that no other means can be effective is dealing with the issue. The is almost always, if not always, a fallacy. For example, there are many things that drive businesses and product development in a “quasi-regulatory” manner that is still consistent with free market

principles. For example, there are many industry organizations and working groups that provide things like specifications and best practices to provide guidance and direction to businesses and developers. For a short list of examples: [IEEE](#), [ANSI](#), [JEDEC](#), [ISO](#), [SAE](#), [USB-IF](#), [Bluetooth SIG](#), [OSI](#) and [Opensource.com](#) and [GNU](#).

As an example, it is not regulation that is responsible for networking equipment to be able to plug together and interoperate but IEEE. It is not government regulation that is responsible for USB equipped products to be able to plug together and interoperate but USB-IF. The same is true for Bluetooth.

However, even though such core principles or skepticism of regulation may be understood and favored, it can still arise that for some issue, there will be a temptation to rush to regulation. This temptation is a direct result of a desire for determinism and expediency. That is, it is human nature to desire a state of determinism - a state of knowing (presumably) that some state of condition will exist. And it is a temptation to obtain such a state in an expedient fashion. So as government regulation would seem to offer both, thus there is huge temptation to resort to regulation to obtain the desired outcome. However, the problem is that just because a law can be crafted to state deterministically by fiat and decree that a desired outcome shall be the result obtained, that does not mean that will in fact be the result obtained in the end. In general, a government decree is powerless to subvert laws of physics and nature to the whim of a desire for a particular outcome in a particular time frame. So the challenge is to resist the temptation for (apparent) determinism and expediency to allow for "organic" resolution to come to the fore to obtain a more optimal solution in both short and long terms as well as a sustainable solution.

In the case of the Internet specifically, one of its core features that has made it such a transformative effect on humanity is its democratizing effect. It creates broad based access to both information and opportunity. It creates an open basis for human creativity in all its forms to flourish and evolve. By democratization and the lack of barriers, it has fostered entrepreneurialism both internally in the technologies themselves but also externally in the utility provided to humanity in information, services, and opportunities never before imagined. This is due to its distributed and democratizing nature, not direct government involvement or regulation. In fact, it largely the lack of such intervention that has made this possible. The Internet is highly creative and adaptive and adaptable. Government regulation is not. The distributed and open nature is what allows the Internet to become that which the people want and best serves their needs and wants. Once regulation becomes put in place, that is it, that is all you can get, that is all you can have. The Internet has evolved in positive ways completely unimaginable that might not have been possible had government imposed regulation early on. Why stop that now?

Thus it is with these principles that the proposed approach to obtain the best possible result for the desired respect and upholding of principles of free speech as well as of property rights and entrepreneurialism and continued evolution is to follow a model of the various industry working groups rather than one of government regulation.

Examples may be: The setting forth of a set of goals and objectives, such as these here, outlining the “specifications” and practices by which entities may act to fulfil and promote these objectives. Entities could then petition to obtain the endorsement of the working group as upholding those principles, much like a business obtains the USB logo for their products, or entities might obtain OSI or Opensource.com endorsement. This would be the preferred route, such that entities would then not only pledge to uphold those principles, but that they would be held accountable to those principles as condition of obtaining organization endorsement. But also, it could be the case that in a parallel effort, the organization can rate entities to the degree and manner they uphold these principles, much like is done by Heterodoxacademy.org for universities and free speech and diversity of opinion.

Net Neutrality

Privacy and security

Why not ostracism?

There is a strong desire to ostracise people who express “unacceptable behavior”. This is strongly encoded in evolutionary human behavior. This behavior evolved from a need to achieve social order and cohesion in prehistory tribal groups. As human had not yet invented formal governmental concepts, a small society punished its members by ostracism from the tribe. As survival at that time was hugely dependant on group membership, ostracism from the group was a huge means for the tribe, or group, to punish “antisocial” behavior, meaning behavior that “the tribe” holds to be detrimental to the group. Thus, as group membership was an evolutionary survival strategy, humans evolved behaviors to promote groups effective to that end.

As humanity evolved, this human behavioral tendency did not. Humans still possess a strong urge to ostracise members it finds “antisocial” in accordance with the beliefs or values held by the individual. But two things happened. Small group dynamics are no longer a relevant mechanism for survival of the species. Furthermore, as groups became larger, more diverse and more disperse, humans invented government to organize these vastly larger group structures. Along with that develop, people also realized the toxicity when such pre-historic urges mixed with these governmental structures. One example of this realization is the desire to create a separation between church and state. It is also why totalitarian and dictatorial forms of government have been rejected by modern humanity. To combat such behavior, modern humanity developed the notion of government as the adjudicator of what is or is not allowable behavior in the *larger* society.

It is worth taking a moment to discuss what is the “larger society”. As groups of humans have grown larger and larger, any given such group typically involves people who do not even know or even interact with large numbers of members of that group. Where once humans existed only in small “fully connected” groups where all members interacted with and knew every other member, now we have societies with multiple levels of familiarity and interaction. It becomes a problem when behaviors evolved within those “fully connected” groups are applied to these larger groups and social structures.

And this is why modern humanity has determined that the adjudication of “acceptable” and unacceptable behavior in the context of these larger groups is better and more justly and morally determined and adjudicated by the governmental structures we put in place for that purpose. Thus to attempt to unilaterally impose economic and financial ostracism from the larger society is then technically a form of extrajudicial punishment or even outright vigilantism, authoritarianism, or even tyranny.

But the urge still persists. And this is why we have been seeing what we have been seeing where individuals and small groups of individuals attempt to exert forces of ostracism on other individuals as a form of “justice” (aka “social justice”). That is, individuals and small groups take it upon themselves to impose their adjudication of what they see as “unacceptable” behavior (or even just things they *believe* to be unacceptable) in others. And they do this by the prehistoric behavioral desires to ostracise those they hold in such regard.

Thus it is with these principles that the proposed approach to is to allow democratic governmental structures to make the determination of what is or is not acceptable behavior across these larger groups and societies and to not presume at the individual or “tribal” level to seek to unilaterally impose their own justice, such as by ostracism, of their own particular values contrary to what the larger group and society (ie via democratic governmental jurisdiction and jurisprudence) determine.

Part IV - The Internet Rights

1. Free Speech

Access to present information and ideas shall not be infringed. Access to obtaining information and ideas shall not be infringed. Ability to criticise that information and those ideas shall not be infringed.

2. Innovation

The ability to freely innovate is at the core of the power of the Internet to expand access to information. Freedom of innovation of technology or business models shall not be infringed.

Part V - Best Practices

1. Do Not Presume To Be The Police of the Actions of Others

This applies in any transactional relationship. Do not presume to police others in their lives outside of the transaction at issue. Whether to engage in a transaction that is itself legitimate, it should not be made contingent on factors outside of the transaction. That is, to engage in a legal and legitimate transaction should not be predicated on any other factors not related to the conducting of the transaction. Nor should transactions be withheld for the purpose of punishment for any other activities, legal or not. You are not the adjudicator of the legality nor legitimacy of the actions of others not related to the transaction at issue.

2. Any Transaction That Is Legal and Legitimate In and of Itself Is To Be Conducted Without Embargo

The decision to conduct a transaction should be determined only on factors directly relevant to the transaction. If a transaction is itself legal to conduct, then that transaction should be conducted regardless of any other factors not directly associated with the legitimacy of that transaction.