

6.805/6.806/STS.085, Ethics and Law on the Electronic Frontier
Lecture 5: International Issues

Lecturer: Mike Fischer

privacyinternational.org – does a survey of court cases that come up and is an interesting way to chart things

UK – has been narrowing the international differences

Creating an environment for the internet, there are 4 unique tools:

1. Market
2. Code or architecture
3. law
4. Norms or standards

The norms are what we will focus on:

In China, they try to use the code/architecture to exercise control. (International Diagram here)

Singapore is one of the most technologically advanced in the world and has the appropriate infrastructure to set up appropriate laws and regulations.

CompuServe case in Munich

- prosecution for transmitting pornography

Akamai – various servers located throughout world in various geographical locations

- this makes removing content offensive to specific countries accessible and easily identifiable

Can you block off some parts of the Internet to certain countries?

Three components of moral rights: attribution, no false attribution or authorship, prevent others from modifying, destroying, or interfering with the integrity of the work

Moral rights – inalienable rights and deal with human rights laws

Case: Waiting for Godo

Cultural rights – access

- Mawry vs. Lego case
- Harmonization makes sure that Lego wins in this kinds of cases. Also free trade agreements.

In this class, the legal system can be thought of in terms of a Venn diagram.

#####

Snapshots of different parts of the world to look at their struggles around digital commons and the Internet:

(Guest lecturers)

Presentation: Anita Chan

Latin America: free software development in Latin American countries. The struggle is also around the citizenship and society is demanding that countries provide or mandate free software use from administration

Reasons government will cite for implementing free software:

- free software has financial incentive - is cheaper and more sustainable in Latin American countries.
- Can lock in with single service provider
- No longer exorbitant rates
- Promote digital literacy
- Local industry can be strengthened

Cases site that consumer has a right to access to information and privacy.

Scandals around voting fraud happen on a semi –regular basis.

In many of these countries, there is free software in use, but who has access to these tools is the real question and how to legislate it.

Gov. training programs also have to do with training. Free software movements can be traced as a rise to the liberal policy. Free software programmers see themselves as having a part in the digitization of the world.

Software development across institutions will hopefully be shared.

Constant PC project was launched. Lots of development within Brazilian universities.

There are lots of bodies working around the development of free software. However citizens that are free software users and developers are most important in pushing this forward.

Sovereignty rights – citizens accountability by and access to training (Brazilian example)

#####

Kelty & Punt Culture – What are the norms between culture and legality?

What are the creative common licenses? There are various levels of licenses that you can choose to associate with your work or property. There are about 12 different modes.

Where do the ideas of the different licenses come from? Brown describes this result of licenses as the outcome of discussions from different groups he spoke with. He and Chris Kelty argue that they are “operationalizing culture” in terms of copyright. This is somewhat enforceable.

Presentation:

India

OpenSource Sharing on Proprietary Software

There is an idea of middle space between commercial property and government property. The split makes up civil society.

Focus on the structural split and how the practices of architecture and software have affected the city of Bombay.

CRIT (Collective Resources Interactive Toolkit) ?

Software industry – there is a small elite group that have the software and those become the pirates because others are priced out. This is also similar in architecture as well.

The citizens don't have the information so they end up having to pay for it.

freemap.in : website to review

The laws in India are much more porous and are not as serious.

Top down things don't work in India, that's what the independence was about. This is also the difference in architecture between China and India. Top-down approach vs. bottom-up approach.

#####

Guest Presentation:

Iran:

Iran has been going through a whole series of revolutionary acts to get the government to a diplomacy. In the late 1970's, there were revolutions to usurp the monarchy that had taken over the citizen's rights.

The politics of Iran are still stuck in a dual power structure. Since the revolution, we are now up to the 7th Parliament.

The Quoran is not used to derive at the legal structure of the Iranian society. There is a split struggle between appeals to an Islamic religion and to the historical views of the constitution.

The gov. does things extra-legally. There are periods when consecutive newspapers get shut down.

Cyberlaws and Hacking

There is a need for regulatory laws on hacking and content on the Internet (pornography, etc.)

There are 3 bills being deliberated in the Iranian Parliament. All deliberations have to be public.

1. cyber crime bill – presented to Parliament 2 months ago, but has not been discussed

- deals with hacking, access to classified information, age distinction on the provision of inappropriate content to certain groups (ie. minors); libel and discredit person's character
- 2. freedom of information – strong promoter of VP Affairs
 - idea to promote democracy and transparency; citizens have access to information with being questioned and is free to criticize gov. behavior with penalty
- 3. privacy protection – surveillance
 - every kind of search and seizure; illegal to wire tap and track without warrant

Iran is also supporting its own filtering software material