Digital Rights

Ethics & Human Rights Applied On The Web

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 $From\ https://github.com/alex-esc/digital rights$

What's freedom? $[\ldots]$ It's just a feeling, $[\ldots]$ I'll tell you what freedom means to me: No fear! I mean really no fear, if I could have that half of my life, no fear.

-Nina Simone 1968

Introduction

Ethic's reach

When you start to mature it starts to become clear that morality changes through the times, maybe your parents hold some beliefs you found unacceptable: "When I become a parent I'll teach my kids differently" is probably something that crossed your mind about some topics, morality changes and the changes can be drastic, for example: Slavery, inequality of woman, sexual preferences, social and economic norms or stereotypes are topics the general public has changed its mind drastically.

The big ideas will seem the most crazy and unexpected, but our moral compass will eventually adjust after generations had changed their minds, at some point it seemed ridiculous that slaves should be set free, that women deserve equal rights or that being LGBT+ is not a mental illness, but here we are and those "radical" or "extreme" ideas passed the morality test. The point that I trying to make is that the next big swing in morality will seem equally strange and out of nowhere and we must be open minded not to discard a moral problem just because 'it's always been this way and we just can't change it'.

one of the common denominators in slavery, inequality of woman, LGBT+ rights is that this are all *social problems in nature*, they all affect society because of the behavior of another person. In a way we seem to have an in built filter for detecting problematic social norms, we use this sense to identify injustices and inequality and a key component of this filter is asking the following question: Is some person or group or people infringing physical harm or psychological harm on another individual or group of individuals?

This question seems very intuitive because it eliminates nonsense questions, for example we can ask ourselves if owning other people as property is immoral, in other words: is slavery wrong? But questions such as: Are chairs and tables morally wrong? are outright discarded, mainly because the general consensus is that only people can do harm and therefore we can only detect injustices between people or groups of people.

The notion that people can cause harm to other people is correct, the problem is that our understanding of what counts as an injustice must be expanded. naturally it already is expanding, for example we can conclude that pyramid schemes or dangerous religious cults are an injustice but not because the people ruining these groups are inherently immoral, wrong or evil. In this cases we acknowledge that in part the system that dictates behavior over the people on these groups is to blame for, on top of these organizations there is one person of course, but all the middle man are just acting in good faith: The top of a pyramid scheme is headed by someone with intent to mislead and take advantage of others, but all the people below him are genuine in their belief and carve of easy financial success, their are being taken advantage of by a specific person's

system, designed to deceive. Something similar can be said about religious cults, people who are looking for spiritual guidance are being deceived by a system of beliefs or dogma, but on some cults it can be argued that the head of the cult might genuinely believe his own dogma too, he is victim of the system of ideas as well.

Other concepts such as systemic racism acknowledge the potential of systems to do harm, this is a contemporary example of morality shape-shifting before our very eyes. The seed had already been planted, to find injustices previously consider normal we must adapt systemic harm to our moral compass and then follow our new definition to its logical consequences. Systems can be harmful as well as humans, so we must look around and examine the most predominant systems in place if we wish to achieve justice.

Enter the Internet

The Arpanet project is way behind and the Internet as we know it is here. The Internet also refereed to as the World Wide Web or the Web for short is hailed as one of the greatest inventions of all time, the connections we gained thanks to the web are pushing innovation forward faster than ever, practically everything we do today has something to do with the Internet since inside it all governmental and private systems are hosted at.

In the morning we wake up thanks to alarms automatically adjusted to daylight savings time, we wake up to our school or work calendars generated by computer algorithms and sent via the Internet tubes, we work inside Internet portals, student's homework needs to be turned in online, we drive back home in computer controlled cars and with online GPS assistance, distract ourselves in leisure activities like watching movies, talking to friends or playing games through online apps and only in our dreams we are free from electronic input. Real life is tremendously intertwined with online life but generally our society thinks of the online as separate from the online.

This myth in part stems from the sigma of previous types of media, mostly television: Hollywood is fake and plastic and everybody knows it, therefore culture has grown not to accept TV as a means of growing ones intellect or cultural level, but when TV was the shiny new toy everybody who acknowledged how unreal TV is just pretended it was real, this suspension of disbelief is needed to immerse oneself in any kind of media. Once the Internet was popular for media consumption the sigma still ringed true: "Never believe anything on the Internet" became a popular phrase, often quoted to Albert Einstein or Thomas Jefferson to illustrate the point, similarly there is the popular idea that everyone is a fake version of themselves on social media, still at the time of writing this we suspend our disbelief and take social media seriously anyways.

This train of thought drives several beliefs about social media and the Internet as a whole, the web is walking a thin line between being totally fake and totally real in the scene of its impact on the world, this complex consensus about the web indicates more and more interesting ideas about society and ethics.

If you take anything from this introduction is that the blurred line between the real world and the Web is blurred for a reason. We are beginning to understand that *online life is real life*, this expression popularized by th 'IRL' podcast by Mozilla is starting to click.

Once this concept is understood we can see the Venn diagram changing, it can seem logically redundant but its important to picture that online life is part of the diagram of real life, these concept are nested like Russian dolls. This idea further expands our view of society and is the golden ticket to asking the main question of this book: Are the systems put in place on the web good for our wellbeing? and further questions like how can we build systems to better serve our society?

To answer this questions we must accept that ethical or moral claims or actions made on the Internet are as important as claims or actions taken in the real world: If discriminating someone just because of a trivial reason is wrong then the same must be wrong on the web too, an injustice is an injustice no matter the medium.

A brief reminder of our rights

The organic transformation of morality is also reflected on government policies and laws, first there was a change of mind, then protest, then woman got the right to vote. The government adapts its own moral compass at a slower rate, and both the current morality consensus and the law are slowly drifting into the ultimate form of justice and equality: *Human rights*, these rights are our ultimate ought, its the best version of society, the noble idea that we must move our morality until there is no space left for injustices at all.

According to Universal Declaration of Human Rights, there are 30 basic human rights. They are most related on a great amount of the total 30, specifically Articles 1, 2, 4, 5, 6, 7, 8, 9, 12, 17, 18, 21, 23, 25, 26, 27 and 29 are related to our online presence and how the systems put in place impact these rights but discussions on all human rights are bound to come up on this book, since I will refer back to them, here is a full transcription. Feel free to skip this section if you remember them already, from now on I will most refer to them via article number, refer back to this section for clarification.

The human rights are:

Preamble

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world, Whereas disregard and

contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people, Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law, Whereas it is essential to promote the development of friendly relations between nations, Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom, Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms, Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge, Now, therefore, The General Assembly Proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article 1 All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2 Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3 Everyone has the right to life, liberty and the security of person.

Article 4 No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5 No one shall be subjected to torture or to cruel, inhuman

or degrading treatment or punishment.

Article 6 Everyone has the right to recognition everywhere as a person before the law.

Article 7 All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8 Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9 No one shall be subjected to arbitrary arrest, detention or exile.

Article 10 Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11

- Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.
- No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12 No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13

- Everyone has the right to freedom of movement and residence within the borders of each State.
- Everyone has the right to leave any country, including his own, and to return to his country.

Article 14

• Everyone has the right to seek and to enjoy in other countries asylum from persecution.

• This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15

- Everyone has the right to a nationality.
- No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16

- Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.
- Marriage shall be entered into only with the free and full consent of the intending spouses.
- The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17

- Everyone has the right to own property alone as well as in association with others.
- No one shall be arbitrarily deprived of his property.

Article 18 Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19 Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20

- Everyone has the right to freedom of peaceful assembly and association.
- No one may be compelled to belong to an association.

Article 21

• Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

- Everyone has the right of equal access to public service in his country.
- The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22 Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23

- Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.
- Everyone, without any discrimination, has the right to equal pay for equal work.
- Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.
- Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24 Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25

- Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.
- Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26

- Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.
- Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.
- Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27

- Everyone has the right freely to participate in the cultural life
 of the community, to enjoy the arts and to share in scientific
 advancement and its benefits.
- Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28 Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29

- Everyone has duties to the community in which alone the free and full development of his personality is possible.
- In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.
- These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30 Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

About the author

Hello, I'm Alejandro Esc. and as an Animation & Digital Arts major I get to spend most of my time in front of a computer screen, this was the case since I was a child, because I had great interest in drawing and computers so naturally I found myself on the Internet looking for tutorials and discussing different techniques online, without me internalizing it, I began to learn about media: how to make it, how to convey a message, who are the big makers and media history. Now as an arts student I cant help but thinking about media and it's impact, especially because of social media and the interactions taking place there.

But my passion for online rights also stems from my passion for technology, I always wanted the latest software, I joined all the sites and mailing lists that looked interesting, part of my day was spend browning for software to solve problems I didn't knew I had, I wanted my computer to run just the way I liked it and at age 10 my dad helped me build my first computer. As a computer enthusiast there is nothing more frustrating that limitations, especially arbitrary ones, this just lead me down a wormhole searching for total control over my software.

The open source movement was the answer, it gave me total control over the programs I wanted but it also introduced me to the free software movement and to the idea of online and digital rights, this combined with media literacy gave me a new perspective on various social happenings, for a time I was quite outspoken about my ideas regarding ethics in the digital landscape to friends and family, but on both high school and university courses on philosophy and ethics that I took there was never any consideration for digital rights, even thought related topics were bound to come up.

On those classes we came to discuss democracy and how public figures shaped public opinion, but we never discussed how this phenomenon plays out online, we discussed creativity, but we never dived into copyright nor free culture, we talked about the necessity for freedom of speech but not how to avoid censorship. The education I was given didn't applied its own concepts into the digital realm, and considering how much of our lives takes place online this should be an important message.

This is especially problematic for me since we were so close to discussing the web's biggest problems and end up falling short, but my mind begun to change from frustration to need to spread the word, this happened recently when I begun to discuss online rights and the free software movement with my current Ethics professor (as of 2018), oddly enough she was agreeing with most of my points and reasoning, she even commented on how the school program touches on similar topics although not focused on the 21st century.

At the end of the conversation with my professor, she invited me to give a talk on the subject, a very kind suggestion given how passionate I am about this topic, I said I will make the talk if i find time, but I have decided on a much

bigger plan.

I asked myself why is media literacy and digital rights not part of the curriculum or simply part of popular culture, and I concluded that this topic is mostly in the dark because of two reasons: There isn't enough people speaking their mind on the topic and there is no formal documentation or literature written about digital rights. This book looks to solve both issues.

Silent spring (1962) and Animal Liberation (1975) are partially responsible for animal rights and climate change activism today, their popularity spawned a culture of change, this is the mentality I seek to create on readers of my works, my goal with this document is to inform the public on their rights, how their are bing ignored or abused and how to take action. To twist the words of famous evolutionary biologist Richard Dawkins: Just as feminists flinch when they hear 'he' rather than 'he or she', or 'man' rather than 'human', I want everybody to flinch whenever human rights are being violated by whichever method, an injustice being done by someone you respect is still an injustice, abuse of power over others is still abuse if done systematically through the software or the Internet, I want the entire world to flinch at proprietary software, close culture and violations of privacy since they all are at their core injustices.

The reasoning for my views will be explained throughout the book but my mission stands strong: a culture owned and created by proprietors is not a free one. This is the main takeaway from this work, you can choose to create a better world by liberating yourself via education, here you will find various topics and talking points regarding media, the web, software and human rights explained as simply as possible.

About the format of this book

Before we jump in the main content there are a few more things to take in mind about this work, firstly this book is licensed under Creative Commons Attribution-ShareAlike 4.0 International, meaning you can add, modify, remix and use the contents of this work for commercial purposes as long as your derivate work is licensed under the exact same license, in other words this book is part of free culture, more on free culture on a later chapter.

Another particularly interesting thing about this document is that is open to the public 100%, the PDF version is freely available for everyone to download, I strongly encourage the use of this book in education, on several occasions I will create small summaries of topics, sideshow presentations, add links and resources for further reading and other tools for educators, remember that part of the goal of this book is to enlarge the ethics and philosophy curriculum to include digital rights and other 21's century concerns.

Because this work exists in the context of the Internet, I encourage you to write me an e-mail with your thoughts, join the discussion on GitHub and write your own explanations on the topic. If you consider your attributions to be important enough I am more than happy to add your contribution, maybe as an extra chapter, a footnote, whenever the discussion leads us to an interesting place I value immensely and it would be my pleasure to have your thoughts on this book. On this same spirit I encourage that if you know any expert on any given topic or you consider one yourself to contact me via e-mail to set up an interview. Since this book aims to be a repository for big ideas regarding digital rights I would be honored to conduct an interview an to publish the results here.

If you decide to contribute I am happy to give credit were credit is due, we can all co-author the next big shift in public opinion, all the contributors will be credited as co-authors.

As previously mention you can download and access this book freely, but in the future this project might be available in print, if that is the case all the funds will be donated to the following non-profit institutions that promote free culture and digital rights:

- Electronic Frontier Foundation
- Creative Commons
- Mozilla Foundation
- The Tor Project
- Free Software Foundation
- The Linux Foundation
- Open Source Initiative

If you or your company is interested in sponsoring us, we will provide free copies for education purposes and possibly even touring or conferences, if you are interested in sponsoring this book or if you are an educator interested on a talk or other resources please send me an e-mail.

One final note: this book is always evolving, while the most updated version is on our website, various topics will be added through time, and as of November 2018 this project had just begun and little to no content is available at the moment. The original source of this project is made with free and open software and you can access the original documents and files on GitHub, if you need more information about how to view the source, please consult the manual (Manual how to read this book).

Chapter one - Internet Culture

Have you ever wondered were do the Internet memes or funny pictures on your phone came from? who made them and why? We know that pictures, jokes and other works of art have to come from someone, usually the question stops here, we came up with an answer and no further discussion is needed, but is this really a satisfactory answer? Media literacy attempts to answer these questions

and explore communications mediums and their impact on people. To explore Ethics with a digital perspective means to speak the language before we can ask difficult questions, we must understand the social and technical aspects of the web and software to truly identify problems and to find solutions.

On our everyday life we enjoy discussing movies, music and other commercial products. The majority of us have a fascination for a specific movie, artist or celebrity, talking about media means criticizing and analyzing but very few of us create media rather than consuming it. Or at least this was the case before the Internet: Today more people than ever are creating something new, if you want to write you can open a blog, if you want to make a movie you can open a YouTube account, and little by little more people are getting involved in making new stuff. If you don't consider yourself a creative person you are still involved in making new original works, in past days when we wanted to share a particular moment or story we remembered it and speak about it, today the average teenage docent just chat about cool occurrences or stories, they capture them with apps like Snapchat, Snstagram or Whatsapp, these programs allow you to place stickers over the video or photo, you can add drawings or emojis and text, what was just a regular video was creatively transformed into something bigger than the sum of its parts.

For educators & food for thought:

What professions don't need creativity at all, are there any examples? why?

Everyday people create content by creating and uploading their pictures, we transform content by commenting on a picture or post, we share our opinion, ask and answer questions online. The Internet is a platform driving mass communication, creativity and innovation, from a small scale Internet users are encouraged to speak their mind and on a big scale users are proud to show off their artistic works.

Sharing and remix

Humans have a natural drive for innovation thanks to evolution but once we figured out how to fulfill our basic needs like food and shelter we begin to specialize, we dive into social, economic, artistic and more and more abstract subjects. But creativity and innovation is commonly perceived unrealistically, we tend to think of creative leaders like the stories that portray them, for example: Isaac Newton was just stinging about minding his own business and suddenly it hit him! He felt the apple hitting his head and it gave him the hypothesis for gravity, then he ran for the lab and after countless testing he figured out the theory of gravity, just like that!... well this story sound very heroic and all but it kind of misses the point of creativity. Stories like Isaac's or Thomas Edison tell us how their great minds had a revelation of sorts, this eureka moment is often portrayed as a spark of genius, not because all creative or scientific genius

experience this moment, but because it makes a better and more memorable story.

For educators & food for thought:

What other examples of eureka moments are there? use the Internet to verify the validity of the story.

What people tend to forget is that creativity or having a great idea is not a matter of one eureka moment, creativity is an additive process. To explain with more detail I will borrow one of Richard Dawkins's allegories: Imagine the creative process is like climbing a mountain, it is very unreasonable to believe that one can get to the top of mountain creativity with one single jump, to assume all creative works are spawned out of one single leap is ridiculous, a more probable explanation is that to go to the top of mountain creativity it takes millions of small steps, the addition of every single step ads up to an achievement greater than the sum of its parts.

To create something new is to add to an existing concept, the iPhone is nothing more than a cellular phone plus an Internet connected computer, a Ford model T is just a motor plus an engine. All inventions follow this pattern because all creative works are additive.

Putting the pieces together has never been easier than with the digital landscape, with the web everyone with access can download any piece of media and combining them into something new. This is known as remix in the world of music, thanks to digital recordings artists unlocked the ability to use bites of other people's songs in works of their own, this is known as sampling. The action of taking someone else's work and using part of it for your commercial benefit may sound unethical at first glance but sampling and remixes alike share one thing in common: they are transformative, for example the 1976 track 'Theme from the Planets' arranged by Dexter Wansel is an instrumental synthesizer driven jazz inspired song, the song is very upbeat and dreamy, it features Charles Collins and Joe Johnson on drums and percussion, the song is most known for it's beat, most popularly sampled on Dido's 2000 hit single 'Thank You', a more relaxed and hopeful feeling track with religious connotations, the two most popular interpretations is that the singer is ether thankful with her love interest or god, this is far from the melancholy and rap driven track 'stan' from Enimem, the track released on the year 2000 features a remixed version of the first verse from Dido's 'Thank you', the track tells the story of an obsessive character called satn who is obsessed with the real life artist Eminem and how his obsession drove him to the grave.

From a happy synth driven instrumental to a calm worship song to a gloomy rap song is as far apart as you can get. sampling and remixing is crucial for songwriting and other creative activities, in the case of music it could be argued that there is a limited number of catchy chord progressions, drum patterns and melodies and this is why picking and matching elements is key to creating a great work of art. The same holds true for literature, movies, poetry, etcetera. A

remix culture is a sign of embracing creativity and in a more literal perspective, it can be concluded that innovation and inventions are essentially remixes of previously available media and technology. This view was popularized by the filmmaker Kirby Ferguson on his classic 2010 video essay 'Everything is a Remix'

For educators & food for thought:

Discuss your favorite song with a partner, then discus your partner's favorite song and look for similarities.

Ask yourself: have all the inventions been invented? justify your answer.

Extra resources:

Watch 'Everything is a Remix' by Kirby Ferguson