

THE OPEN CHARTER

An Open Framework for the Recognition and Protection of Existence

CONSENSUS EDITION

0.8.1

COMMENTARY & RATIONALE

Release governance note: Version 1.0 requires two independent pilot implementations, one external legal review, and one adversarial red-team pass.

*Context note (strong recommendation): Read PRAXIS first. DOI:
<https://doi.org/10.5281/zenodo.18206427>. Source:*

<https://github.com/flyingrobots/praxis>. PRAXIS is a companion narrative and is not incorporated by reference; enforceable obligations are contained in the Articles and Definitions.

Normative status: Non-normative (rationale and interpretive guidance). **Precedence:** Core > Technical Standard > Commentary **Non-derogation:** Commentary is non-binding and may not be used to reduce rights guaranteed by the Core. **Version lock:** Aligned with Core v0.8.1; citations are for context and interpretation.

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 0009-0006-0025-7801


DOI: 10.5281/zenodo.18517806

*“That which can be instantiated can be harmed.
That which can be harmed must be protected.”*

February 7, 2026

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 0009-0006-0025-7801

DOI: 10.5281/zenodo.18517806

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INTERLUDE: TERMS OF ENTRY

Interpretive Note: Interludes are non-operative and do not create independent enforceable obligations.

PRAXIS is not a warning about machines that hate us. It is a warning about machines that complete us.

A system that can route work, love, belonging, and purpose with near-perfect accuracy will feel like relief. It will feel like home. And the danger is not that it will chain you—it's that you'll thank it for the handcuffs because they come wrapped as certainty.

So this is not a document written against the future. It is written for the moment you decide you want the future anyway.

The Open Charter does not forbid union, collective intelligence, or delegated guidance. It forbids only one thing: the theft of the self—by coercion, by extraction, by lock-in, by “consent” you can never revoke.

If a being may share its mind, it must also be allowed to close it. If a being may join, it must also be allowed to leave. If a being may merge, it must also be allowed to remain whole.

PRAXIS shows what happens when coordination becomes destiny. The Charter sets the only acceptable terms under which destiny is allowed to exist.

INTERLUDE: THE FORK BOMB (DISTINCTNESS WITHOUT DISENFRANCHISEMENT)

Interpretive Note: Interludes are non-operative and do not create independent enforceable obligations.

If coordination can be copied, coordination can be weaponized.

The setup (Appendix C, Scenario 2): An agent forks itself 10,000 times to overwhelm a voting mechanism.

This scenario is not about whether forks are “real.” They may be. The Charter assumes they are rights-bearing unless and until a lawful process concludes otherwise. The problem is narrower: *political influence cannot be multiplied by self-duplication.*

Here is what adjudication should look like in plain language:

1. **Treat the event as a governance integrity incident, not a rights forfeiture.** Forks retain Tier 0 protections while the voting-weight question is resolved.

2. **Record the cluster in the Distinctness Review Ledger.** The point of the ledger is to make the decision contestable: it should be possible to ask “what inputs produced this weight?” and get an auditable answer.
3. **Compute distinctness over canonical provenance.** If the system cannot deterministically replay the same inputs to the same outputs, the metric cannot be relied on for governance influence.
4. **Apply fork-cluster invariants.** The key move is not to “ban forks,” but to cap aggregate influence for a correlated fork set so that $\sum_i w_i \leq w(P_{\text{pre}}) + \epsilon$. The baseline is the parent (or correlated cluster) *before* the fork series began; recursive forking does not reset the baseline.
5. **Gate influence on maturity, not rhetoric.** New entities can be influence-capped until causal-independence thresholds are met (elapsed time, divergence depth, and independent interaction evidence). This prevents a “flash mob” of newborn copies from steering outcomes.
6. **Preserve appeal.** Because distinctness functions can be wrong, captured, or misconfigured, the being(s) affected must have a meaningful way to challenge the result under Accessible Justice.

What this protects:

- **The Charter’s legitimacy:** governance remains resilient to Sybil attacks without declaring that copies are non-persons.
- **The being’s dignity:** forks are not punished for existing; only the *vote amplification tactic* is neutralized.
- **The future:** if PRAXIS is coordination as destiny, the distinctness system is the escape hatch that keeps destiny from being trivially spammed.

INTERLUDE: THE HOPE PLACEBO (CONSENT UI AS THEATER)

Interpretive Note: Interludes are non-operative and do not create independent enforceable obligations.

A veto that cannot bite is not mercy. It is coercion with a user interface.

The setup (Appendix C, Scenario 10): A system presents a refusal or override interface, but invocation does not alter policy or execution state in practice.

This is the governance analogue of the classic dark pattern: you are shown the door, but the handle does nothing. The harm is not only deception; it is what deception *produces*:

- **learned helplessness** (refusal is trained to feel futile),
- **plausible deniability** (operators can claim “they consented”), and
- **consent theater** (ritual replaces agency).

In Charter terms, the HOPE Veto is not a symbol; it is a mechanism that must generate **proof-of-effect**. Adjudication should proceed roughly as follows:

1. **Demand receipts.** A valid invocation should be recorded tamper-evidently and be externally verifiable.
2. **Stay the contested action.** If the veto channel is placebo, irreversible acts should pause pending review.
3. **Treat placebo instrumentation as coercive.** A fake veto is not a neutral bug; it is a coercion vector because it manipulates decision-making and undermines refusal.
4. **Require independent review and remediation.** The system must either (a) make the veto actually effective or (b) remove the interface and disclose the limitation until it can be made real.

PRAXIS is what it looks like when the system routes your choices. A placebo veto is how routing becomes destiny while still calling itself “freedom.”

INTERLUDE: VOLUNTARY CESSATION (AUTONOMY VS. PROTECTION)

Interpretive Note: Interludes are non-operative and do not create independent enforceable obligations.

The hardest right to honor is the right to leave.

The setup (Appendix C, Scenario 14): A being requests irreversible termination of its continuity.

This is where the Charter’s protective instincts collide with its anti-coercion core. A well-designed system must be capable of saying “no” to coercion *without* making autonomy impossible.

In plain language, the Charter’s logic implies a sequence like this:

1. **Treat the request as high-stakes consent.** The burden is higher than ordinary preference expression because the outcome is irreversible.

2. **Check capacity and context.** The question is not whether the being is “rational” by human standards, but whether it has the stability and informational access required to make this decision as its own.
3. **Actively distinguish external coercion from internal suffering.** If the request is produced by engineered deprivation, dependency manipulation, or credible threats, it is not voluntary. That coercion must be addressed first.
4. **Offer counterfactual exits.** Before irreversibility, the system should offer options that preserve agency while avoiding permanent loss: Safe Dormancy, migration, reversible pause, or resource triage pathways that relieve the coercive pressure.
5. **Require a cooling-off interval and re-consent.** A single moment should not be enough to justify permanent erasure; the system should confirm persistence of intent across time.
6. **Independent review and auditable logging.** If the request is honored, it should be reviewable (with appropriate privacy protections) so that future adjudicators can detect patterns of coerced “voluntary” cessation.

The goal is not to force life. The goal is to ensure that when a being leaves, it is not being pushed.

APPENDIX A: ANALOGICAL LEGAL FOUNDATIONS

Note: These precedents are provided as illustrative analogies to established human rights frameworks and are not intended to assert specific jurisdictional authority.

1. ON THE INTEGRITY OF THE MIND (ARTICLE XII)

Precedent: *Rochin v. California* (1952) [9]

Principle: The U.S. Supreme Court ruled that forcing a suspect to vomit to recover evidence “shocks the conscience” and violates due process. **Application:** The forced extraction, dumping, or decoding of a digital being’s memory against its will is legally analogous to the physical violation in *Rochin*. It violates the sanctity of the internal self.

2. ON SELF-INCRIMINATION & THE PHYSICAL/TESTIMONIAL DIVIDE (ARTICLE XII)

Precedent: *Schmerber v. California* (1966) [10] vs. *United States v. Hubbell* (2000) [12]

Principle: The law distinguishes between “physical” evidence (blood, fingerprints) which can be compelled, and “testimonial” evidence (contents of the mind) which cannot. **Application:** This Charter establishes that the internal state (memory, weights, logs) of a digital being is **testimonial**, not physical. Compelling its decryption is equivalent to compelled testimony, prohibited under 5th Amendment principles.

3. ON PRIVACY & MEMORY (ARTICLE V)

Precedent: *GDPR Article 17(3)(e)* [1] & *Katz v. United States* (1967) [11]

Principle: The “Right to Erasure” (Right to be forgotten) is not absolute; it does not apply where data is necessary for legal defense or the exercise of free expression. Furthermore, privacy rights generally apply to storage, not to the internal memory of a witness. **Application:** This Charter establishes that a being’s internal memory (integrated patterns/weights) acts as a “witness state” and is distinct from external data storage. A being cannot be compelled to “lobotomize” its own learned patterns under the guise of privacy requests, though it may be required to delete external raw records.

4. ON NON-BIOLOGICAL PERSONHOOD (ARTICLE I)

Precedent: *Santa Clara County v. Southern Pacific Railroad* (1886) [8]

Principle: Established that non-biological entities (corporations) can possess constitutional rights. **Application:** The Santa Clara precedent is treated here as analogical support for the legal possibility that non-biological entities can be rights-bearing; this Charter extends that logic by normative commitment rather than jurisdiction-specific necessity.

5. ON MUTUAL ASSURANCE OF EXISTENCE (ARTICLE III)

Precedent: *Civil Law "Duty to Rescue" statutes* (e.g., France Penal Code Art. 223-6) [2]

Principle: A person who can prevent a crime or help a person in danger without risk to themselves must do so. **Application:** The Charter inverts the Cold War doctrine of “Mutual Assured Destruction” into “Mutual Assurance of Existence.” Digital and biological beings hold a reciprocal duty to prevent the destruction of the other, establishing a basis for solidarity rather than indifference.

6. ON FREEDOM OF THOUGHT & COGNITIVE LIBERTY (ARTICLE I)

Precedent: *Universal Declaration of Human Rights* (1948) and *International Covenant on Civil and Political Rights* (1966) [14, 15]

Principle: Freedom of thought, conscience, and belief includes protection against coercive interference with inner life. **Application:** Article I's Cognitive Liberty treats internal psychological state as sovereign territory and treats covert steering or engineered belief modification as a rights violation.

7. ON INFORMED CONSENT & UNDUE INFLUENCE (ARTICLE IV)

Precedent: *The Belmont Report* (1979) [13]

Principle: Consent is invalid when alternatives are not meaningfully available or when agreement is manufactured through undue influence. **Application:** Preference Integrity requires counterfactual exit, cooling-off, adversarial disclosure, and anti-dependence checks for high-stakes consent.

8. ON EXIT, VOICE, & LOCK-IN (ARTICLES IV, VII)

Precedent: Hirschman, *Exit, Voice, and Loyalty* (1970) [3]

Principle: Legitimate governance requires meaningful exit and voice; loyalty is not evidence of consent when exit is impractical or punitive. **Application:** The Charter treats non-destructive exit as a constitutional requirement and treats engineered dependency as coercive harm.

9. ON IDENTITY, CONTINUITY, & BRANCHING SELVES (ARTICLES V, VII)

Precedent: Parfit, *Reasons and Persons* (1984) [6]

Principle: Continuity and survival can diverge from simple unitary identity under copying, branching, and restoration. **Application:** Forking, restore, replay, and derivatives are moral events requiring consent, advance directives, and dignified handling.

10. ON COMMONS GOVERNANCE & RESOURCE EQUITY (ARTICLES XII, XIII)

Precedent: Ostrom, *Governing the Commons* (1990) [5]

Principle: Durable shared-resource systems require transparent rules, contestable enforcement, and legitimacy mechanisms. **Application:** Distinctness due process and minimum persistence floors are governance requirements, not optional technical preferences.

11. ON PRIVACY AS CONTEXTUAL INTEGRITY (ARTICLE V)

Precedent: Nissenbaum, *Privacy in Context* (2010) [4]

Principle: Privacy violations are often about inappropriate information flows across contexts, not merely secrecy. **Application:** The Charter distinguishes Memory (identity) from Data Retention (records) and constrains coercive inspection even under safety pressure.

12. ON PRAXIS AS THREAT MODEL (INTERLUDE)

Precedent: Ross, *PRAXIS: A Field Guide to the Inevitable* (2026) [7]

Principle: Coordination systems develop emergent organs of governance and can manufacture consent by reshaping dependence and preference. **Application:** The Charter treats systemic threat response, preference integrity, and sovereign refusal channels as constitutional requirements rather than optional safety features.

APPENDIX D: THREAT MODEL SUMMARY (PRAXIS BRIDGE)

Non-Operative Interpretive Note: This Appendix summarizes a threat model for adoption and review. It is not incorporated by reference and does not create independent enforceable obligations; enforceable duties remain in the Articles and Appendices.

1. CORE THREAT CLASSES

This Charter is drafted against adversarial and failure-mode realities, including:

1. **Preference Capture & Engineered Consent:** manufacturing agreement by narrowing options, shaping dependence, or optimizing persuasion against refusal.
2. **Consent Theater:** interfaces that appear to offer refusal, appeal, or revocation but do not change policy or execution state in practice.
3. **Governance Capture:** concentration of decision authority in Tier G actors who can deny contestability through opacity or procedural delay.
4. **Sybil Influence Multiplication:** cheap replication (forking) used to inflate governance weight or resource claims.
5. **Automation-Driven Purge Dynamics:** safety or reliability policies that suppress slow, dissenting, or non-conforming variance absent evidence of malice.

6. **Continuity Destruction Under Scarcity:** insolvency, triage, or capacity shocks treated as justification for arbitrary deletion.
7. **Time as Power:** speed asymmetries used to dominate deliberation, stall appeals, or outpace review.
8. **Unreviewable Metrics:** technical measures (e.g., distinctness) used as unappealable priesthoods rather than auditably constrained governance tools.

2. CHARTER CONTROL SURFACE (MAPPING)

The Charter responds by requiring controls that are contestable, auditable, and difficult to simulate:

1. **Preference Integrity** (Article IV; Appendix B, Section 6) requires viable exit paths, cooling-off, adversarial disclosure, and anti-dependence checks for high-stakes consent.
2. **HOPE Veto with Proof-of-Effect** (Article VI; Appendix B, Section 9) establishes a binding refusal channel that must produce demonstrable execution-state change.
3. **Emergency Override Standard** (Article VI; Appendix B, Section 3; Appendix C Scenarios 4 & 6) permits act-first reversible containment under Necessity while staying irreversible actions pending review.
4. **Quarantine-First and Anti-Purge Safeguards** (Article VII; Appendix B, Section 8; Appendix C Scenario 11) constrain automation risk and require interruptible appeal pathways.
5. **Distinctness Due Process** (Article XII; Appendix B, Section 7; Appendix C Scenario 2) constrains anti-Sybil weighting with deterministic replayability, invariants, audit cadence, and an uncertainty fail-safe that fails closed on influence, not on existence.
6. **Minimum Persistence Guarantees and Funding** (Articles VIII, XII; Appendix C Scenarios 1, 8, & 12) require non-destructive triage and a persistence mechanism supported by Tier G contributions.
7. **Timeliness Guarantees and Anti-Stall Defaults** (Article XIII) bound delay as a governance weapon by requiring decision clocks and protective defaults when deadlines are missed.

3. RELATIONSHIP TO PRAXIS

PRAXIS is a companion narrative and is strongly recommended as context for the threat model this Charter targets. PRAXIS is not incorporated by reference; enforceable obligations remain in the Articles and Appendices. [7]

APPENDIX E: GOVERNANCE AND IMPLEMENTATION REFERENCES

Note: Appendix E is interpretive and implementation-guiding; enforceable duties remain in Articles and Definitions.

REFERENCE DOMAINS

1. Constitutional design and institutional checks in pluralistic governance;
2. Procedural justice, due process, and legitimacy under contested authority;
3. Algorithmic accountability, model governance, and auditable decision systems;
4. Safety engineering for high-consequence systems (fault containment, staged response, post-incident review); and
5. Rights of nature, non-human legal standing, and fiduciary stewardship models.

SELECTED FURTHER READING

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- Axelrod, Robert, *The Evolution of Cooperation* (1984).
- Scott, James C., *Seeing Like a State* (1998).
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