

Internet Architecture, Freedom of Expression and Social Responsibility: Critical Realism and Proposals for a Better Future

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Abstract: The article opens by explaining the architecture of the Internet. Given its present *raison d'être*, a free highway allowing maximum freedom, one may argue that the bounds of free expression are broader in scope on the Net compared with the bounds of legitimate speech allowed on other forms of communication. Contesting this assertion, it is argued that legally speaking, there is no difference between electronic communication and other forms of communication. I probe some problematic forms of expression: terrorism, criminal activity and cyberbullying, arguing that freedom of expression is important but so is social responsibility. The article concludes by offering a new paradigm Internet for the future called CleaNet ©. CleaNet © will be sensitive to prevailing cultural norms of each and every society and will be clean of content that the society deems to be dangerous and anti-social. No cyberbullying, child pornography, hateful bigotry, criminal activity and terrorist material will be available on the new Net. Netusers, with the cooperation of ISPs and web-hosting companies, will together decide which content will be considered illegitimate and unworthy to be excluded from CleaNet ©.

Keywords: Internet architecture, CleaNet ©, Netcitizen, social responsibility, Immanuel Kant, John Stuart Mill, Jürgen Habermas, deliberative democracy

Introduction

This article is different from any other article you read about the Internet. It analyses the major advantages of the Internet, recognizes its shortcomings, and offers an out-of-the-box way to tackle growing challenges and concerns. The article brings together theory and very practical recommendations for a new future for the Internet; future that is cleaner, safer, and responsible. It pits one against another two most important values: freedom of expression and social responsibility, aiming to strike a balance between them.

The Internet is one of the major innovations in history. The Internet burst into our lives in the early 1990s without much preparation or planning, and changed them forever. It has affected virtually every aspect of society. It is a macro system of interconnected private and public spheres: household, literary, military, academic, business and government networks. The Internet has produced major leaps forward in human productivity and has changed the way people work, study and interact with each other. The mix of open standards, diverse networks, and the growing ubiquity of digital devices makes the Internet a revolutionary force that undermines traditional media and challenges existing regulatory institutions based on national boundaries. The Internet has created new markets and is profoundly changing the way people interact, find leisure, explore the world and think about human phenomena. In the Internet age, people often have cyber life in addition to their offline life. The two -- real life and cyber life -- are not necessarily one and the same.

On the Internet, the World Wide Web enables the organization and exchange of information. The Internet has no central management or coordination,² and the routing computers do not retain copies of the packets they handle. The Internet's open architecture design and *raison d'être* are complete freedom, but soon enough

people began to exploit the Net's massive potential to enhance partisan interests, some of which are harmful and anti-social. The discussions about the costs and harms of such content on the Internet, and how to address them, reflect on the transnational nature of the Internet and tend to conclude that it very difficult, some say virtually impossible, for national authorities to unilaterally implement laws and regulations that reflect national, rather than global, moral standards (Thornburgh and Lin 2002; National Research Council 2001).

Generally speaking, the Internet is perceived as a free highway, and the way to combat problematic speech is said to be by more speech. Organizations and associations were set up to protect and promote freedom of expression, freedom of information and privacy on the Internet.³ People realize that the Internet can be exploited and abused but liberals commonly argue that the Free Speech Principle shields all but the most immediately threatening expression. For free speech advocates, the substantive danger is that of censorship. Freedom of expression is perceived as a fundamental human right and censorship should not be allowed to inhibit the Net free flow of information.

Many Internet users act within the law. We should not allow the abusers to dictate the rules of the game. But of course we should fight against those who abuse this freedom. The way to combat problematic speech is said to be by more speech. In the United States, the land of the First Amendment (<http://caselaw.lp.findlaw.com/data/constitution/amendment01/>), emphasis is put on education. The dangers of the Internet are recognized but it is commonly argued that the Free Speech Principle shields all but the most immediately threatening expression both offline and online.

In the context of new media, we should distinguish between Netusers and

Netcitizens.⁴ The term “Netuser” refers to people who use the Internet. It is a neutral term. It does not convey any clue as to how people use the Internet. It does not suggest any appraisal of their use. On the other hand the term “netcitizen” as it is employed here is not neutral. It describes a responsible use of the Internet. Netcitizens are people who use the Internet as an integral part of their real life. That is to say, their virtual life is not separated from their real life. Even if they invent an identity for themselves on social networks, they do it in a responsible manner. They still hold themselves accountable for the consequences of their Internet use. In other words, netcitizens are good citizens of the Internet. They contribute to the Internet's use and growth while making an effort to ensure that their communications and Net use are constructive. They foster free speech, open access and social culture of respecting others, and of not harming others. Netcitizens are Netusers with a sense of responsibility.

The article opens with an explanation of the Internet's innovative architecture. Is the Internet similar to other means of communication, or does it constitute a category of its own, thus deserving special treatment? I will then provide a few examples to anti-social abuses of the Internet and move on to discuss the concept of social responsibility. This discussion leads to the crux of this essay: the proposition to establish a new Net for liberal democracies called CleaNet ©. The hypotheses advanced here and the conclusions reached are limited to modern democracies emerging during the last century or so. Democracy is defined as a form of government whose power is vested in the people and exercised by them either directly or by their representatives elected freely. As Abraham Lincoln said, democracy is government of the people, by the people, for the people (*Democracy Building*, <http://www.democracy-building.info/definition-democracy.html>). That is to

say, one assumption of the liberal ideology that I contest is the assumption of universalism. I believe that there are some basic universal needs that all people wish to secure such as food, raiment, and shelter; I believe that sexual drives are universal and that people need to have some sleep to be able continue functioning; I also believe that we should strive to universalize moral principles. But sociologically speaking we cannot ignore the fact that universal values do not underlie all societies.⁵ Ideally there are some ethical concerns that should be accepted by all societies, but in reality we know this is not the case. Some countries do not adopt liberal democracy as a way of life. Instead they adhere to other forms of government that are alien to the underpinning values of democracy: liberty, equality, tolerance and justice. Some societies do not accept the norms of respecting others, and not harming others that form the *raison d'être* of democracy.⁶ According to Immanuel Kant, it is only through morality that a rational being can be a law-giving member in the realm of ends, and it is only through morality that a rational being can be an end in himself, having intrinsic value, i.e. dignity. Human beings are infinitely above any price: “to compare it with, or weigh it against, things that have price would be to violate its holiness, as it were” (Kant 1969; Bird 2006).

In turn, the Millian Harm Principle holds that something is eligible for restriction only if it causes harm to others. Mill wrote in *On Liberty*: “Acts of whatever kind, which, without justifiable cause, do harm to others, may be, and in the more important cases absolutely require to be, controlled by the unfavourable sentiments, and, when needful, by the active interference of mankind” (Mill 1948, chapter 3).⁷ Whether an act ought to be restricted remains to be calculated. Hence, in some situations, people are culpable not because of the act that they have performed, though this act might be morally wrong, but because of its circumstances and its

consequences. While Kant spoke of unqualified, imperative moral duties, Mill's philosophy is consequentialist in nature. Together the Kantian and Millian arguments make a forceful plea for moral, responsible conduct: Always perceive others as ends in themselves rather than means to something, and avoid harming others.

Liberal democracies accept these ideas as the foundations of governance. On the other hand, theocracy, apartheid, and forms of governance that are based on despotism, either of one person or of a small group, all deny the background rights and moral values of liberal democracy. Moral values, unfortunately, are not universally shared in all countries by all humanity. Thus my concern is with liberal democracies which perceive human beings as ends and which respect autonomy and variety. The arguments are relevant to other countries, but because non-democratic countries do not accept the basic liberal principles, because their principles do not encourage autonomy, individualism, pluralism, and openness, and their behavior is alien to the concepts of human dignity and caring, one can assume that the discussion will fall on deaf ears. Non-liberal societies, based on authoritative conceptions and principles, deserve a separate analysis (Karatzogianni 2006, chap. 4).⁸

Furthermore, the essence of democratic legitimacy should be sought in the ability of all citizens to collectively engage in authentic deliberation about their conduct. Public deliberation creates a vital and inclusive pluralistic democracy where citizens feel that they can make a difference. The only meaningful democracy is participatory democracy, and on developing technologies that affect our lives, deliberative democracy may serve as a guiding model. Deliberative democracy evokes ideals of rational legislation, of participatory politics, and of civic self-governance and autonomy. It presents an ideal of political autonomy based on the

practical reasoning expressed in an open discourse leading to an agreed judgement on substantive policy issues (Miller 1992, 54-67; Bessette 1994; Nino 1996; Elster 1998; Gutmann and Thompson 2004; Macedo 1999; Fishkin and Laslett 2003; Dryzek 2002; Passerin 2006).

Finally, while I am not a relativist, I believe that history and culture do matter. Societies do not adopt a universal common denominator to define the boundaries of freedom of expression. For instance, Germany and Israel are more sensitive to Holocaust denial, and rightly so. While the United States protects hate speech, racism and Holocaust denial, we would be most troubled if Germany were *not* to adopt restrictive measures against Internet sites that deny the Holocaust. There is no universally shared measure to decide the boundaries of freedom of expression. These boundaries vary from one society to another, and are influenced by historical circumstances and cultural norms.

Internet Architecture

When Johann Gutenberg invented the print machine, he wanted everyone to have the bible. Now we have a new mode of technology which breaks the monopoly of the media, as the Gutenberg's print machine broke the monopoly of the monks over books. The Internet changes how people think. It is a new interactive medium which is different from the print and electronic media. The theory of free expression in print and in the media is the same but the construction is different. The construction enables anybody and everybody, people who have access to the conventional media as well as those who are denied access to the press, radio and television to voice their opinions, even the vilest and most disturbing opinions, without interference.

The Internet and its architecture have grown in evolutionary fashion from

modest beginnings, rather than from a Grand Plan (Carpenter 1996). The ingenuity of the Internet as it was developed in the 1960s by the ARPA scientists lies in the packet switching technology. Until ARPANET was built, most communications experts claimed that packet switching would never work (Gillies and Cailliau 2000, 26). In 1965, when the first network experiment took place, and for the first time packets were used to communicate between computers, the scientists did not imagine the multiple usages of this technology on society. Kleinrock, the inventor of packet switching, explicitly wrote that he did not foresee the powerful community side of the Internet and its impact on every aspect of society (Kleinrock 2008, 12). The technology uses connectionless protocols for host to host resource sharing. It is based on the ability to place content in digital form, which means that content can be coded into binary numbers or bits (1 or 0), which is how computers store information (Floridi 2010, 27-28). Kleinrock, the inventor of packet switching, explicitly wrote that he did not foresee the powerful community side of the Internet and its impact on every aspect of society (Kleinrock 2008, 12; personal communication with Leonard Kleinrock, 19 July 2010).

The Net diffusiveness and its focus on flexibility, decentralization and collaboration brought about the Internet as we know it today. In the initial stages, the Internet was promoted and funded, but not designed, by the U.S. government. Allowing the original research and education network to evolve freely and openly without any restrictions, selecting Transmission Control Protocol/Internet Protocol (TCP/IP) for the NSFnet (network run by the National Science Foundation) and other backbone networks, and subsequently privatizing the NSFNET backbone were the most critical decisions for the Internet's evolution.

The great thing about TCP/IP is its generality. It can accommodate different

devices and different types of networks of varying sizes and purposes. Data is transferred by means of the TCP/IP network technology that allows for complete inter-operability on the Internet so that computers can communicate with one another even if they have different operating systems or application software. TCP/IP makes the network virtually transparent to Netusers notwithstanding what system they are using, and it allows the Internet to function as a single, unified network (Spinello 2000, 26; Ryan 2011).

The Internet is a “network of networks” that consists of millions of private and public, academic, business, military, and government networks of local to global scope that are linked by copper wires, fiber-optic cables, wireless connections, and other technologies. The fact that the Internet has no central management or coordination, and the routing computers do not retain copies of the packets they handle accentuates the free spirited environment of the Net. Multiple governments and proprietary companies own pieces that make up the Internet. The leading principle is liberty: We are all at liberty to exercise our autonomy by expressing ourselves and by posting our ideas on the Web. The lack of centralized control also means that it is difficult to prevent any agency determined to abuse the Internet for its own purposes. There is no phone line to cut.

The Internet is borderless. The technology encompasses continents. It started in the USA but with time the Internet has spread to all parts of the world. In 1996, the United States accounted for 66 percent of the world’s Internet users. With the rapid and astonishing growth of other markets, especially the Asian, in 2008 the American market was reduced to 21 percent (*Worldwide Distribution of Internet Users* 2008), in 2009 to 14.6, in 2010 to 13.5, and in 2014 to 10.2 (INTERNET USAGE STATISTICS, <http://www.internetworldstats.com/stats.htm>). The number of Netusers continued to

grow from 1,319 million in 2007, to 1,574 million in 2008, to 1,802 million in 2009, to 1,971 million in 2010, to 2,267 million in December 2011, to 2,405 million in 2012, and 3,035 million in 2014 (INTERNET USAGE STATISTICS, <http://www.internetworldstats.com/stats.htm>). As of January 2015, the Indexed Web contains at least 4.33 billion pages (The size of the World Wide Web, <http://www.worldwidewebsite.com/>).

Lastly, the flexible, multipurpose nature of the Internet, with its potential to operate as a set of interpersonal, group, or mass media channels, is a unique communication system. The Internet provides many more avenues in comparison with any other form of communication to preserve anonymity and privacy with little or no cost involved.

While great innovative efforts were invested in creating a vast and most impressive cyberspace on which we can conduct our lives, no similar efforts were invested in ensuring that that space is safe and secure. In many respects, the World Wide Web became Wild Wild Web. The innovative drivers of the Internet pushed to create a free highway that is diffused, general, open and transcendental, and in their rush to achieve all this they created a forum that entertains harmful and anti-social forms of expressions; expressions that are not protected on other media platforms. Is this justified?

Should we protect Internet speech more than other forms of speech?

Given the present *raison d'être* of the Internet, a free highway allowing maximum freedom, one may argue that the bounds of free expression are broader in scope on the Net compared with the bounds of legitimate speech allowed on other forms of communication: Television, radio, the press.

Morally speaking, there is no difference between electronic communication and other forms of communication. People should be held accountable for what they publish on the Net, also when the content of their expression is *prima facie* lawful. The concern, of course, is with dangerous speech, one whose consequences could be harmful to society.

Since the 1980s child pornographers and pedophiles have been connected to rings and networks, sexual aggression and murder, with the effect of becoming highly organized and violent (Meyer 2007, 9). The consensus about the need to protect children intensified during the 1990s by repeated scandals involving sex rings and serial child murders in several West European nations (Burrell 1998). By the 1990s, hard-core child porn had largely moved underground and into the Internet. Indeed, pornographers are always among the first to recognize and exploit the potential of each new wave of communication technology, from the printing press and early photography to film and video, and now the Internet (Johnson 1996, 217-226). But, of course, once we recognize the dangers of child sex abusers, our concern is both off and online. Predators use the Internet for the production, manufacture, and distribution of child pornography. They also use the Internet to expose youth to child pornography and encourage them to exchange pornography. Predators entice and exploit children for the purpose of personal gratification, for commercial gains and for sexual tourism (McAlinden 2012; Cohen-Almagor 2013, 190-215).

Another illegal conduct on the Internet is terrorism. The Internet became the arena of modern terrorism, as today's terrorists adapt to the Internet and use it to their violent purposes. Very much like the Internet, modern terrorism is (a) diffused and decentralized, (b) lacking a coherent structure, (c) global and (d) quite chaotic.

The Internet plays a crucial part in making and maintaining connections between radical groups and terror cells. It brings together like-minded people and creates a forum for them to discuss and exchange ideas. The Internet is used to propagate ideology; to deliver instructions and plans; to recruit followers; to prepare dangerous operations, and to launch violent attacks on designated targets (Neumann 2014; Weimann 2014; Cohen-Almagor 2012, 39-58).

On 23 March 1996, the *Terrorists Handbook* was posted on the Web, including instructions on how to make a powerful bomb. On 19 April 1995 Timothy McVeigh detonated a truck bomb outside the federal building in Oklahoma City. As a result, 168 people were killed and over 500 people were injured in the blast (America's Worst Terrorist, Timothy McVeigh 2013). The bomb was similar to the one that was posted on the *Terrorists Handbook* (Sunstein 2001, 52).

Now suppose that a week after the bombing an Oklahoma newspaper publish the bomb recipe used by McVeigh, explaining how people can obtain the bomb ingredients in any hardware store. Morally speaking, we may argue that the publisher had acted without public regard to safety. If someone were to follow McVeigh example and bomb another building we may hold the publisher accountable for the second bombing. The same reasoning will hold true if that person were to publish the bomb recipe on the Internet. Electronic communications does not alter ethical implications.

Deputy Assistant Attorney General Robert Litt, of the U.S. Justice Department's Criminal Division, observed that only hours after the Oklahoma City bombing, someone posted on the Internet directions -- including a diagram -- explaining how to construct a bomb of the type that was used in that tragic act of terrorism. Another Internet posting offered not only information concerning how to

build bombs, but also instructions as to how the device used in the Oklahoma City bombing could have been improved (*Report on The Availability of Bombmaking Information* 1997).

In April 1997, David Copeland downloaded the *Terrorists Handbook* at a cyber cafe in Victoria. He also downloaded *How to Make Bombs part 2*. With homemade nail-bombs he was set to kill as many gay people as he could. In April 1999, the three bombs he planted in London killed three people and injured 139 (Buncombe, Judd and Bennetto 2000; BBC 1999, 2000). One website⁹ conveniently compiles instructions how to make homemade and high explosives, a pipe bomb, a detonator, a grenade, a smoke bomb, and a time bomb.

Another example is a book titled *Hit Man: A Technical Manual for Independent Contractors*, published by Paladin Press (<http://www.paladin-press.com/>). Paladin publishes "action library," "burn and blow" books on self-defense and self-reliance, weapons and martial arts, bombs (including baby bottle and car bombs), improvised and plastic explosives, land mines, poisons, napalm, arson, and various ways on beating "the system" (*Rice et al. v. Paladin Enterprises* 1996; see also Smolla 1999, 241). *Hit Man* is an instruction book on how to commit a contract murder and walk away as a free person. Most of the book describes in detail how to solicit a client, arrange and negotiate for a contract murder. It provides a broad array of methods of murder, including the selection and modification of firearms, poisons, knives and other deadly means; the picking of locks and forging of documents; the actual murder including the precautionary measures that make a hit "successful," i.e., that the contractor will not be caught, and ways of disposing of the body (<http://mirror.die.net/hitman/index.html>).

On 3 March 1993, a contractor assassin named James Perry murdered Mildred

and Trevor Horn, and also Trevor's private nurse, Janice Saunders. In soliciting, preparing for, and committing these murders, Perry meticulously employed countless of *Hit Man's* 130 pages of detailed factual instructions on how to murder and to become a professional assassin. Relatives of the three victims petitioned the courts against Paladin, arguing that the publisher is blameworthy because *Hit Man* is how-to book: how to commit murder. The families had alleged that Paladin had aided and abetted Perry for the three murders. They argued that the publisher of a mass distributed book is not protected by the First Amendment.

After a lengthy legal battle, the families won. The Court of Appeals for the Fourth Circuit held that the record amply supported the families' allegation. The book cannot be merely considered as "theoretical advocacy." Paladin provided assistance to Perry with both the knowledge and the intent in the solicitation, planning, and commission of murder and murder for hire. Thus, argued Luttig J., Paladin acted with a kind and degree of intent that would satisfy any heightened standard that might be required by the First Amendment prerequisite to the imposition of liability for aiding and abetting through speech conduct (*Rice et al. v. Paladin Enterprises* 1997, 248).

Paladin appealed to the Supreme Court for writ of certiorari but their petition was flatly denied, leaving Judge Luttig's opinion in force (*Paladin Enterprises v. Vivian Rice et al.* 1998). After this lengthy legal battle, on 21 May 1999, Paladin Press settled the case, giving the families of those killed by the hit man several million dollars, agreeing to destroy the remaining 700 copies of the book in their possession, and surrendering any rights they have to publish and reproduce the work. While the families were successful in damaging Paladin, they have not been successful in stifling the book. With the surrender of the publishing rights by Paladin Press, the book has entered the public domain, and was published on the Internet on 22 May

1999 (<http://mirror.die.net/hitman/index.html>). This legal lacuna is staggering. If the book was recognized as harmful and deadly, then it should cease publication altogether. There is no need to wait for the next murder aided and abetted by this publication. The mode of its publication, whether on paper or on the Web, should not make any legal or ethical difference. The current state of affairs that allows this to happen should be remedied.

A significant growing concern is cyber-bullying. Bullying is common in schools among youth. Traditional bullying is defined as intentional, continued physical, verbal or psychological abuse or aggression used to reinforce an imbalance of power (Olweus 1993; Kowalski, Limber and Agatston 2008, 17). It can involve tormenting, threatening, harassing, humiliating, embarrassing, or otherwise targeting a victim (Lipton 2011, 1103-1156). Many schools have adopted zero-tolerance policy regarding bullying, barring any conduct – speech and action – designed to harass or intimidate others. Effective measures should also be adopted against bullying conducted online. Cyberbullying is defined as using the computer, cellphone, and other electronic devices to intimidate, threaten or humiliate another Netuser (Kowalski, Limber and Agatston 2008, 1). It involves targeted harm inflicted through the use of text or images sent via the Internet or other communication devices. Cyberbullying includes embarrassing, offensive, degrading or threatening text messages or instant messenger (IM) messages, electronic stalking, password theft or masquerading as another person on Social Networking Sites (SNS); spreading malicious rumors; sending threatening or aggressive messages; sharing private information without permission. Cyberbullying is not limited to texts. It may also include the distribution of embarrassing, violent (footage of fights and assaults) or sexual photographs or videos (including sexting – sharing explicit texts, nude photos

and videos via cellphone without the consent of the subjects); the creation of graphic websites or SNS pages devoted to harassing a person, ranking the fattest or “sluttiest” student, and online death threats (Gerson and Rappaport 2011, 67-71). Cyber-bullying, like bullying, may drive vulnerable people to commit suicide (Cohen-Almagor 2010, 93-115).

Studies have shown that cyberbullying is constantly on the rise. Most studies concentrate on youth victimization. Due to measurement differences, time in which the research was conducted as well as the location and age of victims, victimization estimates range greatly, from 9% in some studies to 34% in other studies (Kowalski and Limber 2007, S22–S30; Williams and Guerra 2007, S14 –S21; Ybarra, Diener-West and Leaf 2007, S42–S50; Wolak, Mitchell and Finkelhor 2007, S51– 8; Ybarra, Espelage and Mitchell 2007, S31–S41; Lenhart 2009). However, even the most conservative estimates are disconcerting. A recent study among European children showed that during the past four years cyberbullying has increased from 8% to 12%, especially among girls, and among youngest age group aged 9-10 year-old (Livingstone, Mascheroni, Olafsson and Haddon 2014). The authors of this study recommend that governments coordinate multi-stakeholder efforts to increase Internet safety and support digital inclusion of all citizens while providing assistance to socially disadvantaged households. They also recommend that the industry should provide user-friendly safety tools and ensure safety-by-default use of the Internet to all people, including those with basic digital literacy (Livingstone, Mascheroni, Olafsson and Haddon 2014).

The challenges are significant and require changes in the structure of the Net. Creativity and innovation have been great vehicles for increasing use of the Net. They should be similarly invested to counter Net abuse. Especially pressing

concerns are terrorism, child pornography, cyberbullying, hate and bigotry (Cohen-Almagor 2011; Foxman and Wolf 2013; Cohen-Almagor 2014). The underpinning principles of social responsibility, accountability and answerability, of Corporate Social Responsibility (Abend 2014; Goodpaster 2010, 126-157; Kerr, Janda and Pitts 2009; Carroll, 1979, 497-505; Carroll 1981), of respect for others and not harming others should serve as lighthouse for the conduct of all people concerned. These shared norms should guide the policies of liberal democracies and of the online communication industries.

Social Responsibility

Lawrence Lessig (1999, 43-44) distinguishes between two claims. One is that, given the Net architecture, it is difficult for governments to *regulate behavior* on the Net. The other is that, given the Net architecture, it is difficult for governments to *regulate the architecture of the Net*. The first claim is true. The second is not. Even if it is hard to regulate Net behaviour, it is not hard for governments to take steps to alter Net architecture. Those steps could make Net behavior more regulable.

Freedom of expression is important but so is social responsibility. Social responsibility theory in one form or another dominated thinking about the desirable relation between media and society and about the options for policy to improve the media for some decades after WWII. Information ethics, understood as information-as-a-product ethics, may cover moral issues such as answerability, accountability and social responsibility (Floridi 1999, 37-56; “Computer and Information Ethics” 2001).

Answerability implies responsiveness to the views of all with a legitimate interest in what is conducted, whether as individuals affected or on behalf of the

society. It includes a willingness to explain and justify actions of publication or omission. The outcomes of answerability express and reaffirm various norms relevant to the wider responsibilities of an organization in society. The emphasis is on the quality of performance (McQuail 2003, 204).

In turn, the main purposes of *accountability* (or justifications for requiring it) are:

- To improve the quality of the product or service.
- To promote trust on the part of the receiver or audience.
- To ensure the performance of some wider public duty.
- To prevent some harm to an individual or society (by warning of liability).
- To protect the interests of the communicator (whether organizationally or professionally) (McQuail 2003, 308).

The *Concept of Social Responsibility*, as formulated here, assumes the following: *First*, that autonomous agents have the understanding of the options before them, have access to evidence required for making judgments about the benefits and hazards of each option, and able to weigh the relative value of the consequences of their choice.

Social responsibility *further assumes* that people are not islands to themselves. We live within a community and have some responsibilities to it. The responsibilities are positive and negative. That is, we have a responsibility to better the society in which we live, and a responsibility to refrain from acting in a way that knowingly might harm our community. The responsibility is ethical in nature.

The Concept's *third assumption* is that we are rewarded by the social framework in which we live, we care about society, would like to maintain it and to

contribute to it. The contribution is proactive. We take active steps to do good and to avoid harm (Kaliski 2001; Christians and Nordenstreng 2004; Rivers, Schramm and Christian 1980). We care for one another, communicate with respect and do not stand idly by while seeing that others might be in danger. Both the private and the public sector are morally accountable. As Novak (1996), Trevino and Nelson (1999) argued, adopting social responsibility norms is the right way to behave.

Fourth, social responsibility carries burdens and obligations. People should respect their responsibilities, being cognizant of the consequences of their actions. At the same time, people have discretion as to the ways open for them to carry their responsibilities, in accordance with their capabilities and the circumstances at hand.

Fifth, people are accountable for their conduct. The duty to account for one's conduct is absolute. Their conduct needs to be transparent and comprehensive. There is no room for discount or trickery. Accountability exposes the agents to praise or criticism, to rewards or sanctions, in accordance with the issue at hand: How it was conceived, the way it was performed, and its consequences.

Lastly, responsible agents avoid to the best of their abilities entering conflict of interest situations. Such situations might bring her to painful compromises and might entail harm to others. A chemist who develops a new medication should refrain from receiving sponsorship of a pharmaceutical company that might pressurize her to complete the development trials sooner rather than later and avoid disclosure of all pertinent information regarding the trial's success or failure. Medical development that is solely or primarily driven by profit considerations might be detrimental to medication users. On such matters, responsibility dictates extreme caution and complete openness. Henry Ford rightly said (<http://www.brainyquote.com/quotes/quotes/h/henryford104352.html>) that a business

that makes nothing but money is a poor kind of business.

Social responsibility is multifaceted and comes into expression in many ways. It is commonly understood to include taking care of your offspring financially and emotionally; working; caring for society through pro-social actions and beliefs; meeting obligations, being dependable, attending to needs of others and taking care of yourself. These avenues of social responsibility contribute to both the well-being of individuals and of society.

The scope of responsibility is of immense importance. A person who drives her car is responsible for careful conduct on the road. A bus driver carries a greater responsibility as many more people might be harmed if she drives carelessly. A pilot carries yet greater responsibility not only because far more people might be affected by her conduct but also because a plane costs a small fortune. No manager would hire a careless person to sit in the cockpit. Responsibility is a *sine qua non* for the job notwithstanding how good one is in flying planes. These considerations of people and costs are substantive in defining the scope of responsibility.

Social responsibility carries a special meaning in the context of media, information and communication technologies (ICT). In the first half of the 20th Century, it was thought that the United States press would adopt social responsibility standards. In 1947, the Commission on Freedom of the Press, headed by Robert Hutchins (<https://archive.org/details/freeandresponsib029216mbp>), met to address growing concerns of the waning credibility of the press. The Commission reached two basic conclusions that formed the basis of this theory: (1) the press has a responsibility to society; and (2) the libertarian press the United States has embraced is not meeting the social responsibility. The belief was that the media should be controlled by community opinion, consumer action, and professional ethics

as opposed to the free marketplace of ideas. Its goal was to impose strict codes of journalistic ethics on the press, and simultaneously ensure that the press continued to provide newsworthy news (Mills 2009).

The same classic libertarian theory has been adopted for all information and communication technologies. It has been argued that ICTs make humanity increasingly accountable, morally speaking, for the way the world is, will and should be (Floridi and Sanders 2001, 55-66). A member of these professions is trained to practice a core skill, requiring autonomous judgment as well as expertise. ICT professionals have an inviolable duty to serve the interest of their clients and often some wider social and public responsibility should be expected. Their work is governed by a set of appropriate ethics as well as being based on knowledge and skill. Certain standards and qualifications are expected to be maintained, following an accepted code of practice that observes wider responsibilities to clients and society.

In a small dot.com start-up, team work is important. All participants know that they are interconnected. The quality of their collective performance will determine the final result. Each member recognizes her inter-dependence on other members for achieving the final result. Therefore, group members have a vested interest to help each other, including poor participants because the weak links might undermine the entire project. In communication projects, for instance, this leads to pro-active fault-finding where members recognize their collective responsibility for outcomes.

Multiple commercial products that offer filtering of Internet and web-based content exist today to enable safe surfing of the Internet. These filters are business-oriented. For instance, some software programs use the World Wide Web Consortium's Platform for Internet Content Selection (PICS) (Lessig 1999, 177;

World Wide Web Consortium, <http://www.w3.org/PICS/>). The architecture of PICS divides the problem of filtering into two parts – labeling (rating content) and then filtering the content according to those labels. This means that first, websites self-rate their content. They, for instance, could attach labels indicating if content contained nudity or violence. This is very similar to the ratings system that exists for films shown in cinemas. Second, PICS supports the establishment of third party labelling bureaus to filter content (PICS HOWTO, <http://vancouver-webpages.com/PICS/HOWTO.html>). The labels identify sites by measuring level of decency through a rating system, implementing privacy vocabulary which describes the website's content. The problem, however, is twofold. First, filters suffer from underblocking and overblocking. To date there is no optimal filtering software that would filter exactly the unwanted information and leave the desired data intact. Second, filters are not the result of democratic and open deliberation involving citizens. What is needed is a decision-making process that involves concerned citizens who will decide together what the future Internet should look like. Netcitizens should be involved in an ongoing process, offering reasoning and counter-reasoning where everything will be put on the table for discussion. Furthermore, what is needed is an innovative, comprehensive and responsible platform, far larger and extensive than any existing filter. Whereas some existing filters are designed to help parents ensure that their children will not encounter pornography on the Net (e.g., NetNanny, <http://www.netnanny.com/>) and others are designed to filter hate (e.g., HateFilter, <http://www.internet-filters.net/hatefilter.html>), what is needed is a transparent browser that will provide Netusers with the ability to surf the Internet in a social, friendly environment, free of the anti-social, evil material that is now so prevalent and accessible via the existing browsers. In addition, what is needed is a pragmatic, fluid

tool, sensitive to cultural norms and open to contestation. In the spirit of democratic social responsibility, it should be designed by the people, for the people, answering people's needs and concerns. In the following discussion, CleaNet © is suggested because no existing filter can achieve the desired outcome of clean Internet, with full transparency in regards to the relevant considerations and the citizens' ability to deliberate, exchange ideas and influence cyber surfing.

CleaNet ©

In "First, Do No Harm," Vinton G. Cerf (2011) suggests that those who make and operate the Internet and its applications have an ethical responsibility "to take steps to improve the ability of Internet-related technology to protect users from harm, to warn them when they are at risk and to advocate domestic and international regimes to provide recourse when harms peculiar to the Internet environment occur." It is time to consider the introduction of a new browser funded by an affluent person with a sense of social responsibility, an NGO or a group of NGOs wishing to establish a better Internet future for our children (like The Deliberative Democracy Consortium).¹⁰ The new browser will be called CleaNet © and will have no connections with any government. Being cognizant of potential governmental tendency to restrict out-of-favor political speech under the pretence of "dangerous" and "terrorist" speech, no government will be involved in this delicate, deliberative process.

Deliberative democracy directly involves citizens in the decision-making processes on matters of public concern. It requires the setting of public reason institutions by which knowledge is exchanged and ideas crystallized via mechanisms of deliberation and critical reflections. Democratic procedures establish a network of

pragmatic considerations and a constant flow of relevant information. People present their cases in persuasive ways, trying to bring others to accept their proposals. Processes of deliberation take place through an exchange of information among parties who introduce and critically test proposals. Deliberations are free of any coercion and all parties are substantially and formally equal, enjoying equal standing, equal ability, and equal opportunity to table proposals, offer compromises, suggest solutions, support some motions and criticize others. Each participant has an equal voice in the process and tries to find reasons that are persuasive to all so as to promote the common good (Habermas 1998, 304-308). The technology at hand enables direct participation of people, eliminates geographic distances and recreates direct Athenian-style democracy. It empowers good citizenship and public partnership in promoting shared social values and norms. As the Internet affects the life of each and every one of us, we have vested interest in attempting to have a social tool that enables the promotion of social good. Following Habermas' ideas on deliberative democracy and the importance of having access to different publics and organizations in the international civil society, it is argued that the Internet will be stable in the long run only if Netusers generally perceive it as a legitimate instrument; only if the Internet will be perceived as right and good, based on shared values and norms (Habermas 1990; Fishkin 1993; Dryzek 2012; Chappell 2012).

Mutual recognition, respect and equal protection are essential. Habermas explained that democracies are associations of free and equal persons. Such an association is structured by relations of mutual recognition in which each individual is respected as free and equal. According to Habermas (1998, 496), each and every person should receive a three-fold recognition: "they should receive equal protection and equal respect in their integrity as irreplaceable individuals, as members of ethnic

or cultural groups, and as citizens, that is, as members of the political community.”

The first step will be to convene a **Netcitizens Committee** that would decide what should be excluded from the new browser, what are the agreed-upon problematic topics that are regarded as unprotected speech.

A public open call for Netcitizens Committee members will be issued and the process will be conducted with transparency, full disclosure and open deliberation and debate. Clear deadlines for each step of the process will be outlined in order to assure that the process will not linger for many months. The Netcitizens Committee will be selected by a special **Select Committee**, nominated by the owners of the new browser. NGOs in the fields of New Media, human rights organizations, freedom of expression societies and institutions that promote social responsibility will be invited to serve on the CleaNet © Select Committee.

Members will commit to work for one year, renewable for two more years at most. After one year, the least active members will be asked to leave and they will be replaced by others. It is expected that a third of the committee will change each and every year. Such a reshuffle is advisable and productive. It keeps the Committee energetic, engaged, viable and fresh with ideas.

The first issue on the agenda is to detail what should be ousted from the Net, and parameters for identifying problematic, anti-social speech. All Committee members will have the opportunity to participate and to voice an opinion, to present arguments, to submit criticisms and reservations, and to respond to counter-arguments. No one will ever be excluded from the deliberative process. The Committee will try to reach a consensus in delineating the scope of the legitimate and the acceptable Net speech. In the absence of a consensus, decisions may be made through voting but the Committee needs to make every effort to reach a

consensual decision that reflects the widest possible public needs and interests. Members of the Committee need to recognize that the widest possible consensus would assure the legitimacy of their decisions. As the Committee represents western-liberal tradition, the scope of the legitimate and the acceptable should be as wide as it is possible. Whenever we come to restrict speech, the onus for limiting free expression is always with the one who wishes to limit expression. One should bring concrete evidence to justify restriction. The speech must be dangerous and/or harmful. The danger and/or harm cannot be implicit or implied. If speech would be prohibited only because its danger might be implied from an unclear purpose that is opened for interpretations, then the scope for curtailing fundamental democratic rights is too broad, and the slippery-slope syndrome becomes tangible. The implicit way is not the path that liberals should tread on when pondering restricting of freedom of expression. This does not mean that we should not be vigilant in protecting our democracy. But mere suspicion (“bad tendency”) will not do to override basic freedoms.

Throughout the process, each participant will exercise her “communicative freedoms,” a term Habermas (1998, 118–127) applied to activities that seek to achieve mutual understanding through reasoned discourse. The open, deliberative discourse allows everyone to participate in the processes of opinion- and will-formation in which citizens exercise their autonomy (Parkinson and Mansbridge 2012).

In a sense, CleaNet © will be an enhanced, citizens-based form of server filtering. A detailed Terms of Fair Conduct will be drafted. Only material that is deemed problematic by at least 80% of the votes will be listed for exclusion. A separate list, “under review”, will include debatable speech to be considered and

debated periodically until a resolution is made: either to permit it, or to filter it from CleaNet ©. The “under review” list will also include the problematic material with restricted access to which Netusers will have to sign up. It will be the responsibility of the ISPs and web-hosting companies to retain the list and to cooperate with law-enforcement whenever required.

When the list of requirements will be concluded, the list will be handed to software engineers to design the algorithm for excluding material.

CleaNet © will be launched in a special press conference, notifying the public of its availability, rationale and significance. CleaNet © could be downloaded freely with open access for all. Netusers will have a choice: Retaining their present browser/s; adding CleaNet © as an alternative (primary or secondary), or replacing their present browser/s with CleaNet ©.

CleaNet © will be attentive to societal cultural norms. As mentioned, while Holocaust denial is not problematic in the USA, it is most problematic in Germany, Israel, and other democracies. The Net should pay special attention to this and other culturally-sensitive matters.

It is assumed that while international consensus will exist about excluding certain anti-social material -- child pornography, cyberbullying, the promotion of violent crime and terrorism from CleaNet ©, such a consensus will not exist regarding hate and bigotry. The notable exception will probably be the USA. However, such tolerant norms should not abide other countries that believe their Net should be free of bigotry and hatred (Brown 2015). They may opt to filter that material.

Once implemented and out in the market, the government of each country will push its adaptation in the public sector. Only governmental agencies that have

specific interest in studying anti-social material should be granted permission to use other browsers. Otherwise, we can assume that the public sector has no need to have access to -- for instance -- child pornography, criminal speech, terrorism and bigotry.

On CleaNet ©, search engines will not keep their ranking algorithms secret. Quite the opposite. They will proudly announce, in a transparent and explicit way, that the ordering of search results is influenced by standards of moral and social responsibility, commitment to preserving and promoting security online and offline, and adherence to liberal principles we hold dear: Liberty, tolerance, human dignity, respect for others, and not harming others.

The assumption is that once people become aware of the advantages of CleaNet ©, they would prefer it over their present browsers. There will be growing open discussions about the merits and flaws of the new browser. Attempts will be made to remedy the flaws.

The entire process of debating, implementing and browsing with CleaNet © will be transparent, opened for critique and feedback. Netcitizens will be welcomed to provide criticism on the CleaNet © Hotline and will receive an answer within 24 hours. Netcitizens will have the option to make their feedback public or private, with or without attribution.

Paid officers will screen the Hotline and pass thought-provoking complaints to a **Complaints Committee**. The Complaints Committee will be a subcommittee of the Netcitizens Committee and will include 20 to 40 members. The Complaints Committee will study the complaints and will issue a reasoned response within one month. It is assumed that some Netusers will seek to admit into CleaNet © unauthorized sites. The Complaints Committee will study each and every complaint

and respond.

By the end of each year, both the Netcitizens Committee and the Complaints Committee will issue an annual report about their work, which will be freely available to all interested parties and could be read on the CleaNet © website. The reports will be as detailed as possible, including the terms of practice, how the terms were implemented, reflections on past-year work, lessons, reasoning for specific decisions and recommendations for the future.

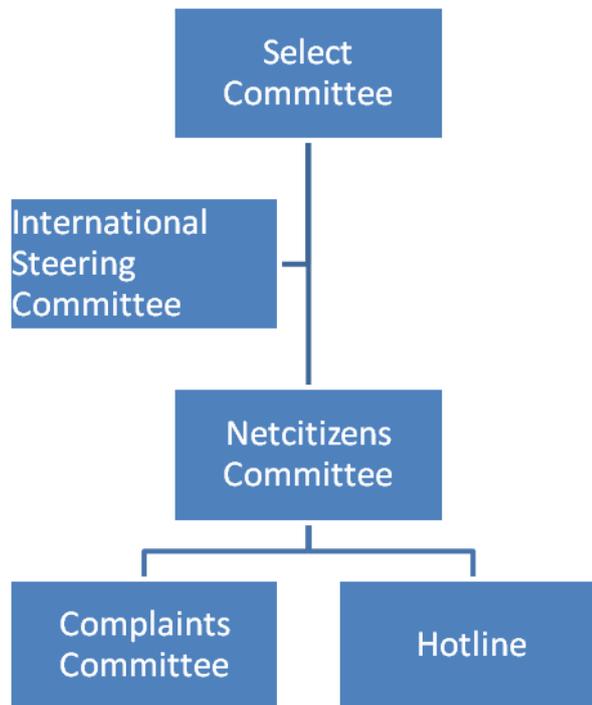
An **International Steering Committee** of national representatives will be formed to learn from each other's experiences, to cooperate in case of need, to exchange views and to deliberate sensitive issues. As Habermas explained, such a public discourse filters reasons and information, topics and contributions in a way that the discourse outcome enjoys a presumption of rational acceptability. At the same time, the public discourse establishes relations of mutual understanding that are "violence-free," in the sense that participants seek uncoerced agreement rather than dominating or manipulating others. Habermas (1998, 147–157) described the forms of communication that constitute political discourse as structures of mutual recognition.

The **Hotline** will be operated by a team of paid professionals who will provide effective and speedy response to all questions and criticisms. The Hotline will provide easy accessibility, high availability and an assured response. Both queries and answers will be transparent. They will be posted on the Hotline website. Transparency also means that the rules and procedures for addressing concerns will be explained in detail and additional help will be made available if needed. Netusers will have the ability to track their concerns throughout the process and they will be informed of the final outcome of the process (Waltermann and Machill 2000, 48). The

Netcitizens Committee will make publicly available annual reports on the basic statistics and experiences with the Complaints Committee and the Hotline.

This is a rough proposal. I hope it will attract deliberations and challenges, evoke attention and gather momentum. With the participation of many concerned citizens in the deliberative process, CleaNet © may come to the world as a more refined tool, the result of collective minds aiming to construct a better future for our children and for future generations.

CleaNet © Framework for Decision-Making



Conclusion

The Internet is a vast ocean of knowledge, data, ideologies and propaganda. It is ubiquitous, interactive, fast and decentralized. The ease of access to the Internet, its low cost and speed, its chaotic structure (or lack of structure), the anonymity which

individuals and groups may enjoy, and the international character of the world-wide-web furnish all kinds of individuals and organizations an easy and effective arena for their partisan interests. The Internet contains some of the best written products of humanity, and some of the worse ones. It serves the positive and negative elements in society.

At the beginning of the 21st Century, the Internet embraces some 300,000 networks stretching across the planet. Its communications travel on optical fibers, cable television lines, and radio waves as well as telephone lines. The traffic continues to grow in a rapid pace. Mobile phones and other communication devices are joining computers in the vast network. Some data are now being tagged in ways that allow websites to interact. Today, the growth of cloud computing is providing powerful new ways to easily build and support new software. Because companies and individuals can “rent” computing power and storage from services like the Amazon Elastic Compute Cloud, it is much easier and faster for someone with a good idea to turn it into an online service. This is leading to an explosion in new uses for the Internet and a corresponding explosion in the amount of traffic flowing across the Internet (Knorr and Gruman 2008; Nelson, 2009, 1656-1657; Floridi 2014). The result is the most impressive web of communications in the history of humanity. Millions of people around the globe cannot describe their lives and function as they wish without the Internet.

Innovation will continue to be one of the main features of the Net. The Internet experimental project was based on open dialogue, where scientists posted Requests for Comments (RFC), on free exchange of information and ideas, on collaboration rather than competition. There were no barriers, secrets or proprietary content. Indeed, this free, open culture was critical to the development of new technologies

and shaped the future of the Internet. In the same spirit of Request for Comments, I invite readers to reflect on the ideas presented here and to explore new ways of thinking about the Internet, its advantages, its challenges and ways to address those challenges. You may agree or disagree with my proposals but we can no longer afford ignoring the challenges presented online as they have immediate negative effects on our lives. Whether you adopt innovative ways of thinking, or more traditional ones, remedies and positive changes are needed. Technology without responsibility is a recipe for setbacks and calamities.

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¹ This article is part of a larger project Cohen-Almagor 2015. All Internet websites were accessed in January 2015.

² In 1998, the Internet Corporation for Assigned Names and Numbers (ICANN) was established. It is a not-for-profit public-benefit corporation with participants from across the world dedicated to keeping the Internet secure, stable and interoperable. ICANN promotes competition and develops policy on the Internet's unique identifiers. It does not control Internet content, cannot stop spam, and it does not deal with access to the global network.

³ Among them are The Center for Democracy and Technology (CDT), <http://cdt.org/> ; The Electronic

Frontier Foundation (EFF), <http://www.eff.org/> ; The Electronic Privacy Information Center (EPIC), <http://epic.org/> ; The Global Internet Liberty Campaign (GILC), <http://gilc.org/> ; The Internet Society, <http://www.isoc.org/>; The Association for Progressive Communication, <http://www.apc.org/>; Save the Internet, <http://savetheinternet.com/>

⁴ Netcitizens are also called Netizens. While it is possible to speak of “good” and “bad” citizens, the term “netcitizen” as adopted here has only positive connotations, referring to concerned Internet users who utilize the Net in multi positive, social, responsible, non-abusive ways, and who are willing to be proactive in promoting social Internet environment.

⁵ For a contrasting view, see Christians and Traber 1997; Swidler 1999; Fackler and Fortner 2010.

⁶ On the notion of respect, see Dworkin 1985: 181-204; Dworkin 1977; Cohen-Almagor 1994; Abel 1998.

⁷ <http://www.bartleby.com/130/3.html>. The philosophies of Kant and J.S. Mill are obviously very different. All I am saying that they complement one another in the way outlined here and that some of their basic principles became the underpinning values of present liberal democracy.

⁸ See, for instance, discussions on Internet censorship in various countries, <http://www.amnestyusa.org/search/node/internet%20censorship>;

<http://www.amnesty.org/en/library/info/ASA41/008/2006>;

<http://bsimmons.wordpress.com/2008/09/18/internet-repression-in-iran/>; Internet repression in Syria,

<http://www.menassat.com/?q=en/news-articles/1711-syria-more-victims-internet-repression>; Internet

repression in Ethiopia, <http://cyberethiopia.com/home/content/view/26/>;

http://nazret.com/blog/index.php?title=ethiopia_blocks_opposition_web_sites&more=1&c=1&tb=1&pb

=1

⁹ Details with author.

¹⁰ The Deliberative Democracy Consortium (DDC) is a network of practitioners and researchers representing more than fifty organizations and universities, collaborating to strengthen the field of deliberative democracy. The Consortium supports research activities and aims to advance practice at all levels of government around the world. <http://www.deliberative-democracy.net/>