

FOUR MODES OF REGULATION IN CYBERSPACE

Norms / Education

In order to function and be accepted in a society, a person will live by its norms. You believe in the role of educating people so that new norms may develop as new technology is used.

As an example of the change of attitudes that result from education programs you might look back on smoking ads that once portrayed cigarette smokers as beautiful, sophisticated, sexy people with the ads of today, where a blackened sponge is wrung out to show the impact of smoking on the lungs.

Once education creates a new norm, community behaviour it is regulated by peer and social pressure. Norms can involve the adoption of "rules" for regulating behaviour. These rules may not have the force of law but they create a level of behaviour that anyone wanting to be accepted in that group ought to adopt.

People that breach norms may incur sanctions. These sanctions do not have the force that penalties or custodial sentences might have in a legal setting. The sanction when imposed may result in an infringer being placed outside a norm group. On showing contrition, particularly where there contrition is matched by entry into a re-education program about the norm, the infringer may be readmitted. Usually a body or entity that is a part of the group will make findings about any infringements and the sanction that ought to apply.

The norms that come about as a result of education may need to be put into writing. In a technological era this writing might take the form of Acceptable Use Policies, Terms of Engagement and other policies that act as a norm but may not be legally enforceable like a contract.

Over time norms, can be made into law through legislation or litigation (case law).

Law

You believe in parliament's capacity to make laws to regulate the behaviour of its citizens. Where parliaments are silent, the courts will make precedents.

People who break the law suffer sanctions - these can be civil penalties of loss of money when an infringing party is ordered to pay damages to another. There is also criminal law through which you believe society establishes what constitutes acceptable and unacceptable behaviour. Unacceptable behaviour is regulated through a sentencing regime – lesser offences might incur fines and bonds, more serious ones some form of custodial sentence.

You are satisfied that if parliament makes a law then it is made by the people. What is parliament if nothing other than a representative body of the people as expressed at elections?

Once a matter becomes law the law itself ought to be black letter – it ought to be clearly understood, free from doubt and dispute. Breaches should result in similar punishments.

Architecture

You believe in the power of human to design systems that regulate behaviour. To control speeding in a back street you would design and build speed humps. In a digital world you believe in the power of software code to be able to create a form of regulation. For example, you might design a technological protection measure in your software that prevents a program with a licence of ten users from allowing an eleventh user to open it over a network.

You find education / norms too slow to bring about change. You find law too expensive. You can design the world you want and have people regulate their behaviour because such restrictions in behaviour are inherent in what you have created. You consider yourself a geek and technological master of non-technical people who use other forms of regulation.

You also realise that if you can regulate behaviour through design then your product will be more valuable. You usually work in the private sector though increasingly your skills might be sought in publicly owned entities wanting to develop monitoring and surveillance systems.

Market Forces

You are convinced that market forces regulate behaviour. If a manufacturer creates an unsafe product this will become known to the market and consumers will not purchase these products. If a software designer wants to copyright and licence his or her work, then the market will determine if the software is worth buying as compared with that of competitors. Markets will determine what survives and what doesn't in the market place. Market forces also use price as a form of regulation. It is said consumers regulate their behaviour based on a cost/benefit analysis. For example, at least theoretically, as the price of petrol rises, consumers will travel less in their cars and take public transport, or push for its installation. In its purest form, you believe that free markets, rather than government, will best regulate human activity.