# Software & Internet Law 2008
## Law in Internet Time

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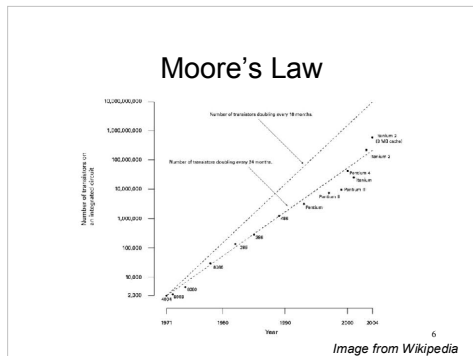http://wendy.seltzer.org/neu/ilaw/
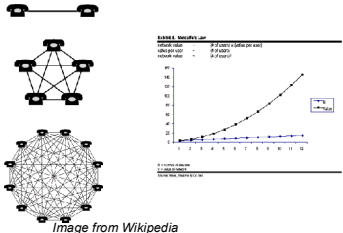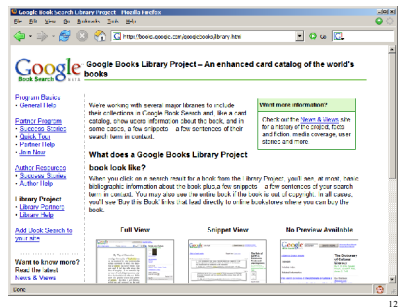
1



2





4



5

## Moore's Law



*Image from Wikipedia*

6

## Metcalfe's Law



*Image from Wikipedia*

## Layers of communication



POP

HTTP

SMTP

www.yahoo.com
66.94.230.37

neu.edu
155.33.17.151
(mozart.neu.edu)
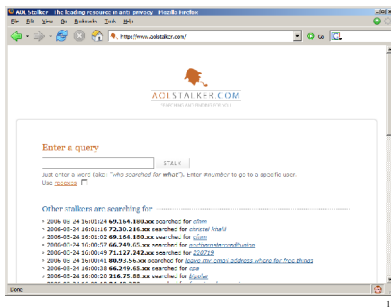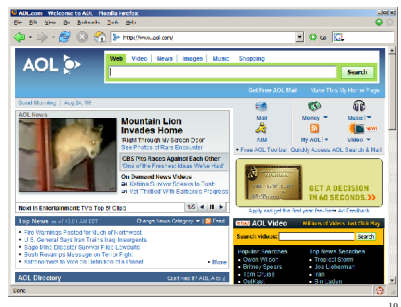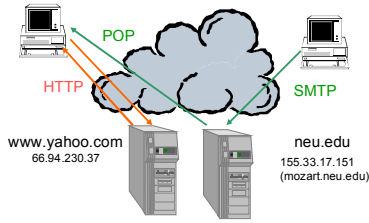
## What does the 'Net look lie?

- Compare Barlow's 1996 vision of the Internet with Lessig's 1999 view and the Internet of 2006. Which do you find most attractive?

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## John Perry Barlow (1996),
### *A Declaration of the Independence of Cyberspace*

- Governments of the Industrial World, you weary giants of flesh and steel, I come from Cyberspace, the new home of Mind. On behalf of the future, I ask you of the past to leave us alone. You are not welcome among us. You have no sovereignty where we gather.

  We have no elected government, nor are we likely to have one, so I address you with no greater authority than that with which liberty itself always speaks. I declare the global social space we are building to be naturally independent of the tyrannies you seek to impose on us. You have no moral right to rule us nor do you possess any methods of enforcement we have true reason to fear.

  Governments derive their just powers from the consent of the governed. You have neither solicited nor received ours. We did not invite you. You do not know us, nor do you know our world. Cyberspace does not lie within your borders. Do not think that you can build it, as though it were a public construction project. You cannot. It is an act of nature and it grows itself through our collective actions.

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## Lawrence Lessig (1999),
### *The Law of the Horse*

- [For each feature,] law faces a choice whether to regulate to change this architectural feature, or to leave cyberspace alone and disable this collective or individual goal. Should the law change in response to these differences? Or should the law try to change the features of cyberspace, to make them conform to the law? And if the latter, then what constraints should there be on the laws effort to change cyberspaces nature? What principles should govern the laws mucking about with this space? Or, again, how should law regulate?
- * * *
- Cyberspace has no nature; it has no particular architecture that cannot be changed. Its architecture is a function of its design – or, as I will describe it in the section that follows, its code. This code can change, either because it evolves in a different way, or because government or business pushes it to evolve in a particular way. And while particular versions of cyberspace do resist effective regulation, it does not follow that every version of cyberspace does so as well. Or alternatively, there are versions of cyberspace where behavior can be regulated, and the government can take steps to increase this regulability. To see just how, we should think more broadly about the question of regulation. What does it mean to say that someone is "regulated"? How is that regulation achieved? What are its modalities?

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