

Discourses on Isopublic Podcasts

Transcript and End Notes

Series: Introductory

Episode: 0.3 Features of Isopublic (Part 2)

Posted: 1-Dec-2019

Transcript

Welcome to *Discourses on Isopublic*.

My name is Dean Adair—creator of isopublic, nation of political equals and the “rule yourself and no else” society.

♪ *Intro music*

This is Episode 0.3 titled, “Features of Isopublic (Part 2)”

With this installment, I continue citing features of isopublic. In Part 1, I covered the categories of Ideology, Authority, and International.

Part 2 covers the categories of Law, Integrity, and Personhood.

So, let’s begin. The following are features of isopublic in the category of Law—

No oaths, affirmations or swearings-in are performed in courtrooms or any official functions of the Tricuria. Giving testimony to the Tricuria is with the express acknowledgement that communicating false-factual information or by omission with intent, knowingly, or due to gross negligence is a criminal act of false reporting. All information provided to the Tricuria (e.g. testimony, exhibits, etc.) must be factually correct and complete to the best of one's knowledge.

Religious observances (e.g. prayers, rituals, etc.) are prohibited from all official Tricuria functions. The isopublic is a free society meaning there’s to be religious freedom meaning the authority, the Tricuria, must remain neutral on religion. That doesn’t mean the Tricuria is atheistic, i.e. to take a stance against religion, but rather taking no stance for or against.

The Compact is the political contract between independent persons with the citizenry as the principle signatories. In isopublic, the Compact is a literal social contract containing the totality of public law. Because the Compact is to be written in principle-based law, exclude case law/legal precedence, and isopublic is a free society with minimal law in the first place, the Compact is expected to be no more than the length of a short novel. At this time, the Compact is conceptual and not drafted.

In the isopublic, only citizens are allowed to own land (documented by a title-in-land) and have title to natural resources (documented by a title-in-nature).

A legal tract of privately-owned land in isopublic is called a parceloid. A parceloid is a parcel (i.e. land inscribed by a 2D boundary) plus "100 above and below" (i.e. space 100m above and below the datum surface). Property owners are legally entitled to do all that they will within the parceloid they own such that no nontrivial, nonconsensual effect is done to another's parceloid beyond the boundary.

Each party in a court proceeding, civil or criminal, is granted the right of one appeal without qualification in isopublic. Thus, there could be three total trials per case. In criminal inquests, the parties are called the accused and accuser. In civil adjudications, the parties are called claimant and defendant. By final court decision is the last court judgment after appeals are exhausted, either performed or waived.

Civil dispute resolution in isopublic consists of three steps—Step 1) direct resolution, Step 2) 3rd-party private mediation, and Step 3) binding adjudication by the courts. Prior to courts adjudicating a dispute, one or both parties must file a Record of Mediation from Step 2. Adjudication is binding after both parties exhaust their one appeal, if desired. Court councils are mandated to achieve the most equitable decision which might not satisfy either party but is intended to re-equilibrate social disharmony. With adjudication, the courts act as "mediators of last resort" in the isopublic.

Tricurria courts consist of panels of judge-councilors selected from the Triennial Selectoral and serve a 3-year term. They are expected to be competent amateurs.

Criminal trials in isopublic are inquisitorial not adversarial and there are no lawyers. Court councils act as judge, jury, and prosecution. Adversarial legal systems result in regressive justice, i.e. the rich get justice, not the poor. In isopublic, the accused and accuser each receive the right of one appeal.

Every accused person in isopublic possesses the legal rights of due process, speedy trials, a presumption of innocence, protection against self-incrimination, to face their accusers, protection against double-jeopardy, and of *habeas corpus* (i.e. against unlawful detention or imprisonment).

Personal debt in isopublic is a matter of civil contract meaning failure to pay one's debt falls under the civil dispute resolution process with private 3rd-party mediation followed by court adjudication if mediation fails. No one is imprisoned in isopublic for failure to pay a debt absent fraud. And there is bankruptcy protection and debt relief under Compact law if failure to pay is involuntary (e.g. loss of income, illness, etc.).

The Compact is changed via *nomothesia*, the legislative process of the Tricurria. There is no dedicated legislative body or branch in the Tricurria. A single instance of *nomothesia* is a *nomothesion*. A *nomothesion* is a 3-step process—

Step 1) Executive deliberation by the National Council,

Step 2) Judicial review by the National Grand Courts, and

Step 3) Adoption or rejection by the National Citizen Assembly.

In Step 1, a National councilor, referred to as the sponsor, must introduce a measure, called the *nomothesis*, to the National Council to change the Compact which must be seconded to initiate a

nomothesion. The measure is then debated and on a 2/3rd majority 'yea' vote goes to the courts. Step 2 of a nomothesion is conducted by the National Grand Courts which perform a judicial review to determine if the nomothesis, if adopted, would conflict with or corrupt unchanging Compact law or the principles of isopublic. The Compact is "prosecuted" by the courts with the pro nomothesis team acting as the "prosecution" and opposition team acting as the "defense" (i.e. in defense of the Compact as it is). This is the only instance of adversarial court process in isopublic. By final court decision of the National Grand Courts after both sides exhaust their one appeal on a 2/3 majority 'yea' vote does the nomothesis go to Step 3. Step 3 of a nomothesion consists of the National Citizen Assembly performing an up/down vote. By a 2/3 majority 'yea' vote is the Compact changed and the nomothesis adopted to become law. There are no debates or deliberations by the Assembly. The procedure is to consist of only a reading of the nomothesis text and by vote as a show of colored paddles on video, white for 'yea' and black for 'nay.'

In isopublic, there are no victimless crimes. Consensual activities traditionally considered vices are legal for example drug possession, manufacture and distribution, prostitution, gambling, etc. Restrictions on dependent persons apply.

There is no capital punishment in isopublic due to the risk of executing an innocent person. However, there is a life sentence for committing murder or treason. Anyone receiving a life sentence is given the option of voluntary, humane assisted suicide at any time while serving their sentence.

Because murder cannot be remedied and the victim incapable of forgiveness, murder is treated as a life for a life. Murder by definition means the murderer acted with intent or knowingly to cause the death of another. Death due to gross negligence would not receive a life sentence though the victim can't be remedied there must be recognition the death was not due to malevolence.

Treason receives a life sentence under the Security of State Allowance. Treason is any act committed by a current or former citizen of the isopublic, as convicted by final court decision, which causes grievous harm to national security and or aids in war against the isopublic.

Under the right of selfdom, assisted suicide is legal in isopublic so long as ample documentation is presented to the courts proving the individual was at the time an independent person of sound mind not acting under duress.

Under the right of selfdom, selling one's organs is legal in the isopublic for an independent person of sound mind and not under duress by others. Thus, there should be no organ shortages in isopublic.

Right of privacy is protected in isopublic under a standard of reasonable expectation of privacy including privacy of mind, e.g. thoughts, dreams, etc. as determined by final court decision. For instance, doxing is likely a privacy violation in isopublic since though physical address information might be public information, publishing it on social media violates the reasonable expectation of privacy standard.

Blackmail is not explicitly illegal in isopublic but contributing factors could be. For instance, blackmail would become illegal if it involves violating a person's reasonable expectation of privacy by secretly recording a phone call, hidden camera, wiretap, etc. However, blackmail over a public activity is legal

under a threat of revealing factual information with no expectation of privacy. What constitutes a "reasonable expectation" of privacy would be by final court decision.

Right of self-defense is to be guaranteed in isopublic. All independent persons are permitted to own guns and other weapons for civil defense, i.e. rightful self-defense or to defend others. Under the Security of State Allowance, military-grade weapons are to be regulated, e.g. delivered explosives, weapons of mass destruction, automatic weapons, cannons, grenades, armed vehicles, etc. The National Defense Council maintains the list of controlled weapons. Since all citizens are members of the militia, all citizens receive firearms safety and use training.

Right of free speech (to mean any form of communication) is protected in isopublic under the right of equal freedom. Facts and opinions (e.g. satire, beliefs, comedy, fiction, etc.) are protected forms of communication. Communicating nontrivial false-factual information is prohibited. Examples of false-factual information are defamation, slander, libel, fraud, deepfakes, half-truths (i.e. omission with the intent to deceive), etc. Courts are to apply a standard of reasonable expectation of fact over complaints involving false-factual communications such as defamation.

Title-of-easement (which can be added on to any title such as a title-in-land, title-in-nature, etc.) is the legal device used in isopublic to allow another person not the owner to make use of the property. For example, a waterline passing through a parceloid would require a title-of-easement. Other uses could be roads, overhead powerlines, underground fiber optic, etc. Title-of-easement acts as a contract between the property owner and easement holder. Easement transfers with property, for example, a buyer must consent to the easement as a condition of buying land.

Eminent domain, i.e. the authority taking private property for public use, is prohibited in isopublic except under the Security of State Allowance. All works that impact parceloids not owned by the provider must be performed with the informed consent of all owners. An impact is defined as any nontrivial, objective affect caused by a person not nature. Any such affect requires a title-of-easement and the express consent of the impacted owners.

Under the right of property, intellectual property (IP) is protected by law in isopublic. Patents and copyright are protected under public-use-license. Trade- and wordmarks are protected under title-in-mark. The owner of IP is responsible for bringing suit against infringers. The Tricuria does not proactively police IP infringement in the same way it wouldn't act to prevent trespassing on land.

One-sided contracts are prohibited in isopublic. Contracts must be equitable. Thus, hire-at-will, termination without cause, change of terms without remedy, and similar one-sided clauses are not permitted. Isopublic is essentially a contracting society, i.e. all nontrivial exchange is to be contractual whether explicit or implied. Contract disputes are to be subject to the civil dispute resolution process, i.e. direct resolution, 3rd-party mediation, followed by court adjudication if necessary. Contracts can be for marriage, employment, terms of service on a social media site, etc. Compact law is to specify that contracts be equitable and not contain, by opinion of the courts, egregious one-sided clauses. The courts must invalidate such clauses and render an equitable settlement. In principle, one-sided contracts create zero-sum outcomes—the isopublic is a positive-sum society.

All court decisions are by blind vote where each judge places by-hand a flat token with an indentation or other physical mark, one denoting "guilty" the other "innocent," into a special bag presented by the



bailiff. There is no private deliberation, no collusion, no discussion, and no coordinated decision-making between judges. These measures are meant to promote voting of one's conscience and to eliminate any influence of an "alpha" judge or factions on the bench. After collecting all the tokens, the bailiff pours out the bag onto a clear stand in front of the courtroom and tallies the results. A criminal conviction is by 2/3rds and a civil judgment is by simple majority.

Each demy has a court-of-courts which acts as the administrative body over the other demy courts. A court-of-courts is not a supreme court, i.e. it has no authority over the decisions of other courts. A court-of-courts sets courtroom policy, budgets, etc. A court-of-courts is a grand court, i.e. with 27 judge-councilors. A court-of-courts is to try judge-councilors for misconduct. There is to be a National Court-of-courts which acts similarly to a demy court-of-courts but only with respect to national and capital demy courts. The National Court-of-courts is to set nomothesia policy for the Judicial Branch and is to be the first court of a nomothesion.

That ends features of law in isopublic. It's an incomplete list that I'm sure to be refining more over time. The next category is Integrity which is concerned with principles and policies I propose as measures to maintain the integrity of the Tricuria. The democracy of ancient Athens has been very influential on my thinking in this area.

The following entries are features in the category of Integrity.

All meetings of councils, assemblies, and autoselects must be held in a single physical location and not remotely (i.e. not over the Internet or an intranet). The risk of a vote being hacked is too great. Thus, for example, a vote by the National Assembly requires all demy assemblies to convene in-person at their respective meeting hall or arena.

The Triennial Selectorals must be transparent and open to public scrutiny. The Selectoral Lottery is based on open-source code for identifying councilor-selects and the results made available for public review.

National defense of isopublic is militia-based with no standing army per se. The model of isopublican military is generally inspired by the military of Switzerland. 2-5% maximum force strength is a professional, full-time military cadre with 98-95% force strength consisting of the citizen-militia. All citizens of isopublic, male and female, become members of the militia upon signing the Compact. Combat-grade weapons could be stored in community armories.

Paranomom (Greek for "beside the law") means to propose a new law or a change to existing law which conflicts or corrupts unaffected law. Paranomom was practiced in the democracy of ancient Athens. In Athens, any citizen could make an accusation of paranomom which could be abused. In isopublic, an accusation of paranomom is made only by a sitting member of the National Council or the National Grand Courts (participating in a nomothesion). An accusation of paranomom stops the nomothesion until the matter is resolved by a separate national grand court whereby the assigned court conducts an inquest. Paranomom is a political crime making it a crime of high infamy resulting in a much longer sentence than an equivalent civil crime.

Euthyna is an audit conducted on all outgoing executive councilors and cabinet members of financial activities. Euthyna was practiced in the democracy of ancient Athens. Audits are performed by the Fidelis Department. In the event there is evidence of official wrongdoing, Fidelis would file the complaint with the appropriate court-of-courts prompting an inquest into official crimes called an apophasis.

Apophasis is a special investigation by a court-of-courts into official misconduct, i.e. wrongdoing by Tricuria personnel. An apophasis would be convened by motion of an assembly or executive council. If a National councilor becomes the subject, the apophasis is performed by the National Court-of-courts, and for a demy councilor by the respective demy court-of-courts. If there's concern over the objectivity of a local demy court-of-courts, the apophasis could be conducted by grand courts in another demy. Apophasis judge-councilors could do the investigating themselves or use Fidelis Dept. staff. If the apophasis involves national security, the investigating judges are granted the necessary level of security clearance.

All members of the National Council possess Level-1 security clearance, the highest in the Tricuria. Thus, Level-2 is the highest security clearance of anyone not actively serving on the National Council. Thus, the National Council is able to meet in complete secrecy. National councilors have access to all activities of the Tricuria, i.e. no official information is to be withheld from a National councilor without committing an official crime. The Fidelis Dept. is responsible for maintaining internal security.

All councilors and assembly members serve a 3-year term and no more than one term in 30 years.

Cabinet officers are appointed by sitting department councils at the end of their first year. Cabinet officers are appointed every three years and cannot serve again before nine years after their term ends.

That completes the current feature list for the Integrity category. The next category is Personhood with features of isopublic related to legal treatment of persons under Compact law. Subjects in this category include citizenship, guardianship, abortion, adoption, etc. Like the other categories, consider this list incomplete and cursory.

Features of Personhood in isopublic are as follows—

There are two principle legal classifications of person under Compact law—independent and dependent persons. A legally independent person is someone capable of acting responsibly in society and able to comprehend the Compact. Since the Compact is the law of the land and one must expressly agree to the terms and conditions therein, i.e. itself a physical contract, to be an independent person in the isopublic means having read and comprehended the Compact. A dependent person is someone determined by the courts to be unable to act in a legally responsible manner, i.e. unable to comprehend the Compact or the consequences of their actions, e.g. children or mentally incompetent adults. The dependent person must have a Certificate of Guardianship signed by one or more independent persons acting as guardians.

The Rite of Independence is a court procedure (typically to be conducted by a 3-judge petit court) for granting a dependent person independent person status. The dependent person must demonstrate to the court they've read and comprehend the Compact. If the court denies their request, the decision, as with all court decisions in the isopublic, can be appealed. This process is the typical method by which a

minor becomes a legal adult in isopublic. Thus, there is no age of consent per se with legal majority obtained on a case-by-case basis. This, in recognition that everyone matures at a different rate.

Immigration in isopublic is a private matter generally, i.e. there is no state-sponsored immigration or immigration programs. Immigrants are able to reside in isopublic upon invitation by a citizen-sponsor. The immigrant is issued a visa unless denied under the Security of State Allowance. Because there's to be no public welfare or assistance in isopublic, immigrants must be able to support themselves or rely on assistance from private parties. Immigrants convicted of a crime in the isopublic must serve their prison time and pay damages, then are immediately deported to their country of origin. The citizen-sponsor could be held financially liable to pay damages too. The Tricuria is permitted to restrict immigration under the Security of State Allowance if there is a credible threat to national security—which itself could be challenged by vote of the National Assembly.

Abortion is unconditionally legal in isopublic for legally independent women up to the first day of the third trimester, i.e. the Day of Attainment. Attainment means the fetus attains legal personhood as a dependent person. Attainment is intended to be near but prior to the onset of sentience which seems to occur well into the third trimester. Sentience being defined as the capacity to suffer (as opposed to only a pain response).

A dependent female (for example, a teenager with a Certificate of Guardianship) who becomes pregnant is not allowed to obtain an abortion without guardian consent. She has the option of petitioning the courts for the Rite of Independence to gain her legal independent person status. If granted, she could choose abortion without guardian consent. No abortion service provider is legally permitted to perform an abortion on a dependent person without guardian permission.

With respect to having a child, the biological mother is the de facto guardian of her offspring under Compact law. Only with the mother's consent would the father become a guardian by signing the child's Certificate of Guardianship. This, because though the father contributes DNA to start the child, the mother provides her body to carry the child beyond its Day of Attainment. Thus, in isopublic, the biological father would have no legal responsibility for a child until being voluntarily added as a guardian by the mother. Under circumstances of rape or paternal deception or negligence, the biological father would be compelled by the courts to provide child support.

If the mother is a legally dependent person after the fetus' Day of Attainment, her guardians are to be de facto guardians of her child until she is granted independent person status at which time guardianship would normally transfer to her. In the event either the mother or guardians dispute the Certificate of Guardianship, the courts could rule the mother was acting as an independent person prior to Attainment, thus making her the sole guardian. The biological father would have no financial responsibility for the mother's pregnancy; thus, females are to be the de facto financially responsible party. It would be important in isopublic that any woman who could become pregnant either has an agreement with the father (e.g. marriage contract) or is able to take care of the child herself before becoming pregnant. Thus, in isopublic, sexual responsibility is encouraged. The Tricuria is to be the guardian of last resort should no one be available to care for the child.

In isopublic, adoption is a simple matter of changing guardian names on the Certificate of Guardianship. As a matter of policy, courts might be required to approve the change. Children could be bought and sold in isopublic so long as the child is not subject to harm under Compact law.

Vaccines for dependent persons (e.g. infants or anyone under a Certificate of Guardianship) are prohibited in isopublic by right of selfdom unless proven to be 100% safe for those dependents receiving the vaccine. This, because a dependent person can't by definition give their informed consent to the risk of vaccine injury. The exceptions are 1) there is an overwhelming threat the dependent person is at credible risk of imminent infection by a disease threatening life or limb, or 2) a disease that threatens the state under the Security of State Allowance. If an administered vaccine causes a nontrivial harm to the dependent, the vaccine giver and producer could be required to remedy by the courts and even face criminal penalties if the risk was known.

In the isopublic, if harm is done intentionally, knowingly, or due to gross negligence in the opinion of the courts, a crime has been committed. It's immoral under the Eudemic Code and illegal under Compact law to do harm to one person to prevent injury or death by disease of another. Disease is an act of nature and, though tragic, vaccine injury is an act by a human hand and unacceptable under the Eudemic Code.

Male and female genital mutilation (e.g. male circumcision, female cutting, etc.) for dependent persons (e.g. infants) is generally illegal in isopublic. This, because genital mutilation, as a nontrivial body alteration, is a violation of the right of selfdom and dependent persons are by law unable to give their informed consent. The only exception to a general ban on circumcision, or any nontrivial body alteration of dependents, is for medical necessity.

Anyone visiting the isopublic for a short stay, a tourist for example, has the choice of either signing the limited Compact for non-citizen independent persons or stay under the sponsorship of a willing citizen-sponsor. For example, an adult traveling to the isopublic on vacation would either sign the limited Compact or perhaps a tour guide citizen would act as the tourist's legal sponsor.

That concludes my features of isopublic under the categories of Law, Integrity, and Personhood. I complete the features list in the next episode, Part 3, with the categories of Nature, Society, and Economy.

The complete Features of Isopublic table can be found at isopublic.org/features. As I noted in the last episode, I will continue to make additions and revisions to the table on an ongoing basis. My hope is for these features to be integrated into the future *Treatise on Isopublic* followed by the *Annotated Compact*.

Here ends this episode of *Discourses on Isopublic*.

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This is Dean Adair signing off until next time.

♪ *Outro music*



End Notes

No end notes for this episode.