Rebuttals to Previous 'Yes' Juror Vote Justification Statements

In the court display, it only shows two separate statements that were provided from 'Yes' jurors. "Yes" justification 1/3 was blank. "Yes" justification 2/3 provided a lengthy response addressing a semantic issue of "should" versus "must" in relation to the second guideline. "Yes" justification 3/3 is minimal, but so fundamentally misunderstands the main point of contention that it should still be addressed here.

"Yes" Justification 2/3

Entire statement as given in 2/3 is shown below:

> hmmm, challenging over pedantic issues.
>
> The policy serves one purpose, one purpose alone "Ensuring each entry in this registry represents a unique, living, existing human being."
>
> Submission criteria #2 states "2. Front-facing Submitter Picture - Required."
>
> The registrant has clearly indeed supplied a front facing picture. Now if you want to be pedantic, evidence "The subject in the image is not facing the camera" highlights the details of criteria #2 that "The picture should include the face of the submitter facing the camera and [...]." Key word here is **should**. **should** =/= **must**. Despite this oversight of semantics, the registrant still has clearly provided a photo of the registrant's face facing the camera.
>
> Regarding evidence "Reject This Submission for the Future of PoH"... okay if you are upset with the primary POH policy document, make a proposal in the DAO governance to update the document to reflect your interpretation more clearly. If you are legitimately worried about deepfakes, please provide a reputable citation on the performance of deepfake classification/detection as a function of the angle of the face towards the camera.
>
> With the photo, video, and two vouches from reputable actors, Santi and Clément, the primary directive of the policy document seems satisfied ensuring that Kevin is a "unique, living, existing human being" You win some and you lose some --- but if you act in good faith, in the long run you win.

This is a completely unfounded justification because it essentially eliminates **ALL** other requirements for an acceptable submission picture other than the photo itself being present. This unreasonably loose interpretation of the guideline defeats the entire purpose of even having specific requested features in the Proof of Humanity submission guidelines to begin with.

Refer to the actual subsection language in the Proof of Humanity Registry Policy [1] (bold for emphasis):

2. Front-facing Submitter Picture - **Required**

- **The picture *should* include the face of the submitter facing the camera** and the facial features must be visible.
    - **Face *should* not be covered under heavy make-up, large piercings or masks hindering the visibility of facial features.** Headcover not covering the internal region of the face is acceptable (For example, a hijab is acceptable for a submitter but a niqab is not).
    - It can include items worn daily (ex: headscarf, turban, wig, light makeup, etc) provided they do not violate the previous point. It cannot include special items worn only on special occasions that can, voluntarily or involuntarily, distract humans or algorithms from being able to detect identical faces.

In regards to the first and second bolded guideline elements, following the logic of the juror, if a picture is required and anything that merely "should" be included is not essential, then a submission photo theoretically facing **ANY** direction, not even arguably or minimally front-facing, would also be acceptable. This "non-imperative" interpretation provided by the juror is a completely ludicrous reading of the guideline and should be addressed as such.

The juror's argument gets even more ridiculous if you take it to its logical conclusion: a complete nullification of the third bolded statement about hindering the visibility of facial features. If you are to treat the meaning of "should" as "optimal, but optional", you can also argue that an acceptable submitter's photo could also include a mask, heavy makeup, or large piercings since it only, in the logic of the "should versus must" justification, "should" not include those facial obstructions.

This argument is even more baseless if one considers the fact that "should" is used abundantly (10 times to be precise) in place of the more legally standard "must" or "shall" within the current policy document [1]. One needs only to ctrl-f (search) for "should" in the registry policy for this to be proven.

For the unmotivated jurors, here are a few examples (emphasis added):

- "Face **SHOULD** not be covered under heavy make-up, large piercings or masks hindering the visibility of facial features."
- "The sign **SHOULD** display in a readable manner the full Ethereum address [...]"
- "Submitters **SHOULD** speak in their normal voice and SHOULD not attempt mimicking someone else's voice."
- "The video quality **SHOULD** be at least 360p, at most 2 minutes long, [...]"
- "Lighting conditions and recording device quality **SHOULD** be sufficient to discern facial features and characters composing the Ethereum address displayed."
- "None of the provided information **SHOULD** be purposefully offensive or hateful [...]"

If we were to interpret these examples of "should" as denoting merely moral obligations and not contractual obligations, one could for instance post a video containing Nazi crosses and/or gore imagery without fear of being challenged and removed, but this is clearly not what is intended here.

In my opinion, in the future, contract writers should be careful to define the use of such keywords, taking inspiration from existing legal documents or IETF's RFC2119 [2] for example. Emphasizing these keywords (using all caps for instance) might also help with clarity. Regardless, I believe it has been proven beyond a reasonable doubt that the use of "should" in the current PoH policy document is to be taken as meaning "must" and the jurors must vote "no" accordingly.

"Yes" Justification 3/3

Entire statement as given by the 3/3 is shown below:

"It's possible to recognize the person in the picture and tell that he is the same person in the video, therefore there is no reason to reject this submission."

Despite managing to only provide a single sentence, the juror nevertheless demonstrates three major misconceptions about the nature of the dispute itself:

> **Misconception 1 -** The core disagreement in the case revolves around whether it can be determined the person submitting the application/registration to Proof of Humanity is in fact, a real person.

> **Misconception 2 -** The primary component of demonstrating the above condition is if the person shown in the photo is "recognizable" in the sense that it is the same person in both the submitted photo and video.

> **Misconception 3 -** That the photo and the video are related elements and can buttress each other for the purposes of authenticating a submitter's identity in the absence of other required elements; in effect compounding the degree of confidence in which a juror may ultimately assess a submission as likely valid - even when that submission otherwise demonstrates an obvious failure to comply with other requirements of the submission policy[1], which in the normal course of action would automatically disqualify the submission regardless of proof of humanity being more or less already established.

> Taking into note these blatant misconceptions presented by the juror justification, his argument is not acceptable as a justification and similar justifications should not be used to justify, an ultimately incorrect and unjust, "yes" vote. If you understand the facts of the case and the essential background information, the only logical and ethical choice is for the jurors to **vote "no"**.

Conclusion

The only logical vote for the court to cast is a sound "no" and reject the registry. The guidelines have been justly proven to have a common meaning to different people and should be enforced as such without extrajudicial distractions or dubious semantic tricks. There is no justification for allowing outside factors or dilution of the clear meaning of the guidelines to distract from this fact.

Reject the registration and **"VOTE 'NO' ON CASE #554"**

References:

[1] Proof of Humanity Registry Policy

https://ipfs.kleros.io/ipfs/Qmc7ag5XohnSAozvsKsLCUbvaFyasyLtyi3H7g3mmxznPU/proof-of-humanity-registry-policy.pdf

[2] Key words for use in RFCs to Indicate Requirement Levels

https://tools.ietf.org/html/rfc2119