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## The Good Governance Mix

Essay by [Charlie Leadbeater](#), June 17, 2008 in response to [Tacit Governance](#)

One of the outstanding features of David Weinberger's writing about the web is his unwillingness to fall into the trap of making all or nothing, simple dichotomies. More than anyone writing about the web he understands and enjoys its miscellaneous messiness.

So I was slightly surprised when I read his apparently cut and dried [argument](#) in favor of tacit norms over explicit rules. (Thanks to [James Cherkoff](#) for alerting me to the debate.)

David's argument, if I have it straight, is:

Norms organise us without being imposed top down.

Rules are usually imposed because norms fail.

Tacit governance is usually healthy, whereas rules are a social scar.

The net is self-governing, like a good public space, because no one is in control and so people take responsibility for it themselves rather than relying on an external authority to police it for them. (Some Dutch cities have got rid of traffic lights at junctions for just this reason: it encourages people to self-moderate their driving.)

David's argument (rules are failed norms) seems rather one sided. It's reminiscent of the debate about [Michael Polyani's](#) distinction between tacit and explicit knowledge, a distinction widely used in the knowledge management industry.

Polyani did not say there were two different kinds of knowledge but that all knowledge has a tacit and an explicit component. In [The Knowledge Creating Company](#) Hirotaka Takeuchi and Ijuro Nonaka explained how Japanese companies innovated by turning tacit knowledge (how a great pastry chef made croissant) into explicit knowledge (the design for a bread making machine) which in turn required would be chefs to develop their own tacit knowledge to use the machine in their kitchens. What counts is the way that tacit and explicit knowledge are combined.

Much the same interaction is at play in most efforts at governance in cities, groups and especially in governing an open, liberal, individualistic society (like the Internet) where people cannot be instructed by a higher authority.

Are rules always failed norms? Norms can survive even if they breed rules. In the UK the law is that you drive on the left. But it's also a norm that people follow even when there is little prospect of enforcement.

Rules can provide the framework in which norms develop. This is the familiar story in many projects, often involving multiple partners. Initially there is a lot of haggling about contracts. Once that is all done and dusted, the contracts are put away and the project runs according to the norms the participants establish. The success of the project (a film, play, research venture) depends on the norms; but the contracts provide a baseline which allows the project to get going in the first place. In the days when I was employable, I never started a job without a contract. But I never once looked at the contract after it had been signed. In the organizations I worked for (newspapers mainly) work was governed by norms rather than rules.

The norm-based net is not a closed world; it might need protecting by rules. A recent poll found a large majority of UK internet users wanted rules to control how television and newspapers could use information on social networking sites.

Rules can also help groups (online and offline) to collaborate.

The [development of the 19th century postal system](#) in the US and UK depended on new rules linking people to addresses. Streets had to be named and houses numbered. All of this involved a massive formalisation of previously tacit organised private life: where you lived was your business. Yet these rules then allowed a flowering of a peer-to-peer communications culture in which hundreds of thousands of Americans and Britons taught one another how to write and reply to letters. No central authority set down rules for writing letters: that was a norm-governed activity. But it depended on a postal system that was rule-governed.

David's argument suggests that living by norms is better than living by rules. Living by norms means you are freer, less prey to external authority and more likely to be part of a collaborative society. Norm based governance is an end in itself.

A different point of view is that both rules and norms are just means. They should be judged by how they help us to reach goals we value. Let me suggest two goals that we might agree upon: equality of opportunity and advances in science that benefit mankind.

On equality, norms are often just as scarring as rules, not least because they are less explicit and so difficult to challenge. (Women should give up their jobs when they have their first child) is not made good by being a norm. Decades of legislation were needed to challenge norms that entrenched gender inequality. Rules are sometimes needed because norms are too powerful and entrenched, not because they have failed.

What of science and knowledge? The Human Genome Project, probably the most impressive example of global scientific collaboration for the public good, depended on strong norms of sharing information. But after a while those norms were sustained only by a simple set of rules: [the Bermuda Principles](#) - codified with the help of the Wellcome Trust. Those rules for sharing data then underpinned the rest of the project.

I think the question is: what sort of rules are needed to sustain norm based governance that promotes equality, openness and democracy? Explicit rules may particularly matter to make sure norms give people equal chances and serve a larger purpose than sustaining the power of the insiders who established them. Explicit governance through simple rules is often essential to create a framework of tacit self governance.

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