

Why Tacit Governance of the Net is an Imperative

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Essay by [JP Rangaswami](#), December 5, 2008 in response to [Tacit Governance](#)

[Tacit Governance](#)

Human beings are complex adaptive systems. We're surrounded by such systems, in nature and in society: our immune systems, our bodies, the natural ecosystems around us, the very society we live in. The Net is no different, both in its complexity as well as in its adaptive nature.

Putting forward the case for tacit governance of the Net, David Weinberger argues that explicit governance is often a response to systematic breakdown; that explicit rules are tacit norms that have failed; and that norms derive strength from fuzziness. He also raises three key questions. How do we mediate conversations about governance? Who mediates? And, since "code is constitution", what are the advantages of a software-mediated world?

David Johnson's rebuttal, on the other hand, squarely supports the need for explicit governance. He concentrates on the question of legitimacy; as long as there are people being governed, and people doing the governing, goals and values need articulating; through this articulation, governors obtain legitimacy. He goes further: The Net "allows people who hate each other" to interact; such "destructive interactions" need explicit governance.

Two Davids, two sides of an argument pondered by Plato and judged by Juvenal, over two millennia ago: [Quis custodiet ipsos custodiet?](#)

I think it's time to take a leaf out of nature's book, particularly given the preponderance of complex systems in nature.

Two decades ago I became aware of research related to the existence of explicit parasite-pest pairings for a given plant. The hypothesis was simple: each plant was paired with a unique parasite and a unique pest; as humans migrated and took their favorite plants with them, the pests and parasites were often left behind. Some plants "migrated" with pest but without parasite; others with parasite but not pest; a few with both; yet others with neither. Some plants "took" in their new habitats, others didn't.

This Blakeian "[fearful symmetry](#)" intrigued me: plant, pest and parasite living happily after.

The plant thrived because the parasite protected it from the pest, while the pest ensured that the parasite did not smother the plant. Plant, pest, parasite, working in close harmony according to tacit rules. The result? Symbiosis. Sustainable symbiosis. It occurred to me then that the plant-pest-parasite triple may well form a sensible governance mechanism for other complex adaptive systems, given its success in nature.

I had occasion to revisit these thoughts recently, triggered by an article headlined "Airlines and their regulator too collaborative, says watchdog". That brought me back to the plant-pest-parasite model, but using less emotionally-charged terms: industry participant, regulator, watchdog.

Explicit governance sometimes fails because of the explicitness. People are tempted to take letter-of-law approaches, doing away with the fuzzy norms. Conversely, tacit governance processes can have an out-of-frying-pan-and-into-fire effect. Governors must behave differently, working very closely with the governed. Sometimes the governors "go native" and become ineffective. Two extremes: head-in-the-sand or motherly-smothery. In both cases the result's the same, an unsustainable market environment.

Complex adaptive systems need complex adaptive forms of governance. Maybe we need to work on a completely different model of governance of the Net, with "parasite" regulators and "pest" watchdogs. The "parasite" regulator would inhabit the Net and have an obligate relationship with it, encouraging a tacit form of governance, allowing for fuzzy norms, smell tests, sanity checks, gut feels and hunches. In tandem, the external "pest" watchdog would ensure that the regulator stayed honest and objective, in check and accountable.

We may already have nascent examples of this outside the natural world. There may be something very similar operating in the open-source world. Every open-source community has something that purports to be the core, the moderator, the 1000lb gorilla. That moderator "governs" the codebase. However, moderators are themselves moderated by the community, which can withhold contribution at will. The moderator role is often not an elected one but one based on contribution and participation; there is no elected term; a tacit role. With tacit principles virally propagated, similar to [You Own Your Own Words](#) or YOYOW in the days of the Well.

There are many people looking at different forms of governance, many we can learn from:

Michael Power and his work on "[The Risk Management of Everything](#)", looking at the problems caused by explicit regulation: the tendency to focus on second-order reputational risks, the tendency to concentrate on the small print and minutiae while discarding valuable yet vulnerable professional judgment.

Cass Sunstein and his work on the issue of "[substitute risks](#)", the "hazards that materialize, or are increased, as a result of regulation". For "regulation" we can read "explicit governance". There is also something attractive about the argument that those who take responsibility for the avoidance of catastrophic outcomes, and take actions based on that responsibility, should be held accountable for the consequences of those actions.

Stafford Beer and his work on the [Virtual System Model](#)  decades ago.

Tacit governance is an evolutionary process, with "natural selection". Things that work get strengthened, things that don't get jettisoned. When it comes under attack, the system adapts. Swarm behaviors are supported, with probabilistic, rather than deterministic, approaches to governance, soft-handed, even-handed. Built around weak interactions between participants. Agile, adaptive, responsive to external stimuli.

The Net is unique. Weinberger touches upon at least one unique aspect, mediation by software. Johnson touches upon

another, the capacity for continued destructive interaction. There is much we have to learn about the Net. But we're not going to learn about it if we place explicit governance models in the way. Because that's what they'll be. In the way. You only have to look at what happened during and after the "[Kathy Sierra incident](#)" early last year; regardless of the specifics of the incident, we have to learn from the communal response. An explicit [Blogger's Code of Conduct](#) was put forward, and was about as successful as plumbic parachutes.

We're going to have to learn more about identity in the Net; about intellectual property rights in a Net-influenced world; about the internet itself, about net neutrality, multi-tier speeds, traffic shaping. About how to keep paths unpolluted. None of this will be possible if we impose explicit governance models. They just won't be adopted.

The Net needs tacit governance. Tacit governance with a difference, potentially based on our learnings from the world of biology rather than just physics. Yielding sustainable symbiosis.

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Comments (5)

- [Jon Garfunkel wrote:](#)

JP-

In his essay, Clay approvingly quoted William James, "thinking is for doing." The doing, I presume, must be some sort of lasting construction. And thus any sort of tacit codes that emerge, to quote Samuel Goldwyn, isn't worth the paper it's written on. New people to the community aren't as well informed unless the codes are uniformly written down. The Constitution, in the U.S., established our "document nation" (which Alex Wright attributes to Brian Stock). (See more on [Constructive Media](#)).

Whether this conversation becomes constructive is up to you and your fellow conversants, what you want to do with this website.

I realize I am missing out on many of the oral conversations at Berkman@10 yesterday and today. As long as someone can take notes— or enough people can review the proceedings— they can be made constructive.

- [JP wrote:](#)

Jon, thanks for your input. I am sure that your references would be of interest to those amongst us that are more inclined towards the use of explicit governance techniques.

I am intrigued by what you mean when you say that you "theory of constructive media measures the success of a conversation by the words, rules or codes that come forth".

In your theory, does it matter whether the rules or codes that emerge from conversation stay tacit, or must they be explicit? Do you mean all conversation (including oral) or are you only referring to written conversations such as this one?

- [Jon Garfunkel wrote:](#)

JP,

Thanks for responding.

The blogosphere that I am aware of is not a place where a closed group could "better market" something, any attempt to do so will probably elicit adverse reactions.

Let's agree that marketing/messaging is not in and of itself a bad thing. Marketing is not the same thing as "gaming the system." Anti-marketing is still marketing.

Look in the mirror: take this new website. This did not arise sui generis. It was carefully planned by the Berkman Center to get all of these smart folks here contributing essays, and the release was targeted to friends-of-Berkman. These are not mere off-the-cuff blog posts, and it shows.

There's nothing wrong with that. I welcome it. But I should contrast it to O'Reilly's off-the-cuff "Blogger's Code of Conduct," which quickly became red meat for anyone taking sides between Chris Locke and Kathy Sierra. My theory of constructive media measures the success of a conversation by the words, rules or codes that come forth. To the extent that there are advocates on this bench who would like to introduce frameworks for rules into online communities, I offer the abovementioned links.

- [JP wrote:](#)

Jon, thanks for joining the discussion.

I'd like to touch on two things that struck me while reading your comments and references.

One, you make a good point about YOYOW, it does not work well with anonymity. I need to think about that.

Two, you speak of Tim introducing the code of conduct to the "wolves of the blogosphere", and contrast them to closed groups "who could have better marketed it". The blogosphere that I am aware of is not a place where a closed group could "better market" something, any attempt to do so will probably elicit adverse reactions.

And I think there's a reason for it. I think people tend to come together in the blogosphere because they have common interests, not because they have common views. This provides a diversity of opinion that pushes back against groupthink, against herd instinct. As a result, you will find it very hard to find pockets where controlled marketing is possible, there's too much heterogeneity. Maybe you see this pushback as wolflike.

As the Cluetrain guys said, markets are conversations. Markets aren't liquid when everyone wants to do the same thing; they're liquid because of participant numbers and the diversity of opinion. And when markets are as populous and as heterogeneous as the blogosphere, it is not easy to "fix the price" or "game the system".

To my mind, the origins of the word "bankrupt" show the power of tacit governance very well. You gave your word. You let your peers down. So they came and broke your bench. Not because you broke explicit rules, but because you broke tacit rules.

- [Jon Garfunkel wrote:](#)

re: You only have to look at what happened during and after the "Kathy Sierra" incident early last year; regardless of the specifics of the incident, we have to learn from the communal response. An explicit Blogger's Code of Conduct was put forward, and was about as successful as plumbic parachutes.

I did a "lot" of research into this, speaking to many of the participants. I have some theories as to why it failed (one of them — Tim O'Reilly introduced it to the wolves of the blogosphere, and not, say, to a closed group who could have better marketed it).

Tim's conception of the BCoC was to resemble the Creative Commons model of a modular EULA. That's what I put together for him, calling it

[Comment Management Responsibility](#). Tim gave it his tacit approval in the comments of his blog; JZ gave it some tentative support in response to a question at the Yale Reputation Economics Conference in December; other Berkfolks expressed interest in private talks with me, but there's been no other formal endorsements.

I also put together the [Protocol of Online Abuse Reporting](#). I've had a number of positive discussions with Berkman people on this, but again, no formal endorsements have been provided (let alone endorsing the putting forth of a mere proposal). I don't mean to be "sour grapes" about this; I welcome this Publius effort and am merely providing the contributors and readers with some of the practical thinking that has been undertaken in the realm of social media governance.

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