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Why Tacit Governance of the Net is an Imperative

Essay by JP Rangaswami, May 14, 2008 in response to 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 mothery-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 opensource world. Every opensource 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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