# Chapter 12. Democracy for the rest of us: The minimal compact and open-source government

## By Adam Greenfield

In many ways, we human beings are cursed with a relatively short lifespan, not least because `any` one of us rarely lives long enough to perceive the longer waves unfolding through human history.

As a result, we tend to believe that the structures and agreements that obtain at the time of our first awareness of the world are somehow eternal. Even when, intellectually, we know better, emotionally it's frequently difficult to let go of the idea that (say) the nation state has both been here from the morning of the world, and is here to stay.

Countering this is a nascent recognition in some circles of my acquaintance that this form of sociopolitical organization while endemic to and characteristic of the twentieth century had historically arisen, and equally so, will one day subside. Some obvious questions then become *What comes afterward?* and, still more importantly, *What might come afterward if encouraged to do so?*

In other words: what kinds of constitutional structures are appropriate to an internetworked, interdependent age? What sorts of arrangements of power between humans can account for the deep variation in beliefs and assumptions among the six billion of us who share this planet, while still providing for a common jurisprudence? What measures can be taken that enhance the common security without unduly infringing on the sovereignty of the individual?

I believe that a useful model can be found in the open-source or "free" software movement. This mode (and ethos) of development provides several fertile metaphors, not least the basic, deeply appealing idea of a voluntary global community empowered and explicitly authorized to reverse-engineer, learn from, improve and use-validate its own tools and products.

Given the open-source software movement's self-evident success in spurring the spontaneous cooperation of a widely dispersed community, in an impressively short

period of time, and without recourse to conventional incentives, it has to be taken seriously as a potential source of organizing principles for other realms of human endeavor. An added attraction is that open-source software is generally held to be superior in utility, adaptability and robustness to proprietary alternatives.

**What does "open-source" mean?**

The open-source or "free" software movement is a rich nexus of ideas about the constitution of arbitrarily distal individuals into a community, as well as features of emergent cooperation and self-correction among the members of that community. Seeing how and why these innovations may be relevant to the political realm requires a more detailed analysis of the movement's innovations.

Ordinarily, when computer software is "compiled" for use in a given processor environment, its source code is obscured. Users can thereafter only see what the software does, not how its designers achieved those effects; without unusual (and illegal) exertion, they are forced into a consumer-product relationship with the software.

By contrast, some software is distributed along with its source code, ensuring that whatever methodological and structural innovations it presents are shared equally with all users. This is effectively a grant of intellectual property to the public domain, with certain licensure provisions designed to ensure that the insights literally thus encoded remain public and available for free use and reuse. Such software is known as "open source" or "free." [1]

Here is gnu.org's natural-language definition of "free" software:

Free software…refers to four kinds of freedom, for the users of the software:

- The freedom to run the program, for any purpose (freedom 0).
- The freedom to study how the program works, and adapt it to your needs (freedom 1). Access to the source code is a precondition for this.
- The freedom to redistribute copies so you can help your neighbor (freedom 2).
- The freedom to improve the program, and release your improvements to the public, so that the whole community benefits (freedom 3). Access to the source code is a precondition for this.

A program is free software if users have all of these freedoms. Thus, you should be free to redistribute copies, either with or without modifications, either gratis or charging a fee for distribution, to anyone anywhere. Being free to do these things means (among other things) that you do not have to ask or pay for permission.

You should also have the freedom to make modifications and use them privately in your own work or play, without even mentioning that they exist. If you do publish your changes, you should not be required to notify anyone in particular, or in any particular way…

In order for these freedoms to be real, they must be irrevocable as long as you do nothing wrong. If the developer of the software has the power to revoke the license, without your doing anything to give cause, the software is not free.[2]

Key to this understanding is that users are free to make any desired modification to the code at all, *except those that restrict the freedoms enunciated in the license*. From version 2 of GNU General Public License, June 1991:

To protect your rights, we need to make restrictions that forbid anyone to deny you these rights or to ask you to surrender the rights. These restrictions translate to certain responsibilities for you if you distribute copies of the software, or if you modify it.

For example, if you distribute copies of such a program, whether free or for a fee, you must give the recipients all the rights that you have. You must make sure that they, too, receive or have easy access to the source code. And you must show them these terms so they know their rights…[3]

This guarantee of free self-replication in perpetuity gives open-source software several important advantages that packaged, proprietary software does not share. By lowering the barriers to entry associated with proprietary code notably, cost and technical controls on reproduction open-source code is "released into the wild," made available for use and testing by a highly-motivated international community of largely self-educated programmers, each pursuing their own end.

A free software advocate named Rob Bos put it this way, in February 1999:

Open source programs are tried and proven, they are constantly pressed from every direction to do specific tasks, and do them well; and for the simple reason that they are written to work, not simply to sell copies. Free software doesn't just work better, it works orders of magnitude better. Open sourcing an application gives the source code to a large number of developers, instead of a small, tight group. Free software projects have a pool of developers and an effective budget multiple times higher than an equivalent proprietary development project, and will, given all other equal things, advance at a rate many times faster because of their access to an much larger development team. Peer review of code isn't just a pipe dream, it is an essential means to writing superior applications, no matter where they are written.[4]

**Constitution as codebase and distribution**

Of particular interest to our concerns is the concept of a "codebase," a core of universally-recognized and accepted instructions maintained on a public registry, and a "distribution[5]," which offers a praxis for supporting locally differing, self-contained (but essentially interoperable) variations on the single codebase.

Taking these as model, in February 2003 I published a paper called "The minimal compact: Preliminary notes on an 'open-source' constitution for post-national entities" (available at http://v-2.org/minimalcompactpublicbeta1.pdf). The paper described the conceptual framework for a post-national, virtual mode of political organization: a hyperlocal polity whose constitution is conceived as codebase. Such a constitution would specify a minimum number of articles to which all signatories subscribe, allowing an instantiation of the compact to form anywhere and anywhen one or more signatories is present.

Compact communities, or "instantiations," would be free to supplement the core agreement with an arbitrary number of articles appropriate to local contexts and concerns. They would be further invited to submit such innovations to a central (but distributed) registry for prospective enactment by other signatory communities, and potentially even adoption into the core itself.

Provided thusly, the compact could manifest in and adapt to widely separated locations and contexts, much as anyone can produce, package and release distributions of "free" software, so long as the distribution itself offers in turn the same provisions for free licensure.

**Why minimal?**

The core articles are envisioned as guaranteeing the individual signatory certain inalienable and unabridgeable rights, prescribing certain modes for resolution of the inevitable conflicts between signatories and no more. They would remain explicitly mute as to questions of a community's internal organization, ethical or moral norms, modes of resource allocation, ethnic or linguistic composition, and so on. They merely suffice to establish an arena for individuals and communities to pursue their ends in ways that are maximally mutually beneficial.

Implicit in the proposal was my belief that, in devising arrangements under which to live, human beings might (at least contingently) agree on the meaning and importance of concepts such as the basic security of the individual from coercion, but are likely to agree on little else.

I described the agreement under discussion as "minimal" simply because, as a practical matter, it is unlikely that effective percentages of the planetary citizenry could be persuaded to adopt any framework that spoke to anything other than an essential core of agreed principle. To be acceptable to meaningful numbers of potential signatories, it must limit itself to that which can be agreed on by all, at least provisionally. (As things stand, it is already easy to caricature any such project as guilelessly utopian.)

Provisions of the core agreement that seem crucial to its success as envisioned are those guaranteeing any given signatory individual freedom of movement, freedom of association, and freedom from coercion, as well as specifying that no human person may be kept from choosing to become a signatory.

**Why post-national?**

I tend to think of nation states as essentially moribund, a recognition which stems from a variety of inputs, not least of which is personal experience. At the very least, it's inarguable that the nation state is the subject of increasing centrifugal tensions its power devolving both upward (toward hemispheric and global agreements), outward (toward transnational corporations, nongovernmental organizations, and media such as CNN) and downward (toward regional, local, metropolitan, watershed, ethnic and other constituencies, as well as various forms of "direct democracy").

This tension is expressed acutely in Niels Albertsen and Bülent Diken's paper "Mobility, Justification and the City." Albertsen and Diken[6] define power as inherently mobile "action at a distance," while understanding politics to hinge on a "hopelessly local" reliance on concentration, reflection and dialogue. Following this recognition, they diagnose an "increasing gap between power and politics": the inherent mobility of power in a networked age appears to be inimical to the civic and communal virtues that politics depends on vitally.

**The immanent polity: Portable citizenship for a mobile age**

Partially, this is due to the survival of the historical identification of polity and territory into an age in which the binding makes little practical sense. The Marxist historian Eric Hobsbawm provides the best pithy definition of a nation state I've yet come across: "a bounded territory with its own autonomous institutions." The minimal compact, by contrast, imagines a situation that decouples allegiance from territoriality, finding physical location to be a remarkably poor predictor of a person's deepest beliefs and motivations.

Accordingly, the minimal compact is intended to allow for the formation of polities organized around whatever axis (or axes) of affinity the individual finds most definitive, rather than sintering people selected by a common accident of birth into a notional community. It is anticipated that the formation of such polities would go some way toward resolving the contradiction identified by Albertsen and Diken (following Virilio, Bauman and others), in that the compact's common framework for the resolution of political questions has been endowed with the same quality of escape enjoyed by power itself.

The rights and responsibilities of citizenship are thus made portable, set free to follow their holder wherever he or she may venture or settle in the physical world.

**Subsume, not supplant**

Realistically, any hope for usefully widespread adoption of these ideas resides in the ability of elites privileged by *status quo ante* arrangements to perceive an enlightened self-interest in a world governed by compact. Toward this end, a great deal of thought

should be given to the problem of how to reformulate nation states as compact states, effectively translating them into a new idiom.

The present political situation offers at least some reassurance that this is realizable: despite the inevitable chafing, nationalists of various European origins have found themselves able to maintain their autonomous national and linguistic identity as citizens of a European Union. Similarly, adherents to one or another national identity would ideally come to realize that their essential Greekness or Americanness or Chineseness (or Basqueness, etc.) need not wither under the aegis of a minimal compact. Indeed, it is likely that many compact communities would accrete around just such notions of identity.

Given that some extant political entities (chiefly, the liberal democracies) would maintain far more of their character as instantiations of the compact than others, it is also worth noting that non-compact states could readily coexist with signatories. It is my hope that in the fullness of time, life in the latter would prove so overwhelmingly appealing that significant fractions of humanity would "vote with their feet."

**An open-source world?**

What would an open-source logic look like, if extended to the documents that organize governance of human polities? Would conceiving of a given community's constitution as analogous to a distribution of software help resolve any of the issues that beset the nation state?

Some features of post-national states and other entities with "open-source" constitutions are foreseeable. Such an entity is

**Flexible, adaptive and extensible**: Given a relatively immutable core agreement of principles, a registrar to maintain and guarantee access to the current version of same, and a mechanism to supplement this body of understanding with locally-appropriate law, the instantiation is free to adapt to such circumstances as it may encounter. In areas where the compact is mute, there can be no puzzling over (nor recourse to) the "framers' intention."

By contrast, the minimal compact was designed to recognize what Toyota famously did, in applying the lessons of management consultant W. Edwards Deming: that very often it is the people "on the ground" that have the most intimate knowledge of, and creative solutions to, the problems that confront any human organization.

Such innovations as confer extraordinary advantages might be referred (by the originating instantiation or others) to the registrar for prospective adoption in future versions of the core agreement itself.

**Infinitely reproducible and nonlocal**: Much in the way "ad-hoc" wireless networks arise and subside as needed, a sovereign compact instantiation appears wherever and whenever one or more signatories appears. Law is thus freed from dependence on

national or statutory borders; no longer does jurisdiction or venue override the rights afforded an individual.

**Interoperable and mutual**: Compact instantiations considered in the aggregate constitute a "metapolity," a hyperstate within which interaction is intended to be as nearly frictionless as possible. No matter what their other features, areas recognizing the compact by definition uphold the provisions specifying free flows of people, ideas and information.

In order to preserve the rights afforded compact members, as well as the economic advantages that flow as a consequence of membership in the ultimate free-trade zone (hopefully, sufficiently strong incentive), all signatories are enjoined to extend this full range of core freedoms to all other signatories.

**Highly robust:** As open-source software is constantly tested and validated by its community of users, and suboptimal code reformulated, so the compact is continually acid-tested by its signatories. By setting local communities free to innovate by the thousandfold; by providing for the incorporation of provisions that have been found to enhance the viability of signatory communities, promote wider-spread adoption, or otherwise further compact goals into the core agreement; and by similarly providing for the deletion of provisions that tend to work against such goals, this framework searches the space of possible constitutional forms more efficiently than comparable political arrangements.

Given the orientation of the core agreement toward personal freedom of choice, and the fact that there are arbitrarily many compact instantiations, running in parallel, those instantiations whose supplemental policies result in lowered quality of life for their membership would simply lose population to others not so burdened. Under such circumstances, any failure of policymaking would be local and self-limiting.

Interestingly, when taken together, all the above also implies that the compact metapolity is effectively indestructible, at least from without, at any level below that of extinction. With no national targets to strike at, no particular real estate or symbolic center, for strategic purposes the compact is a state with "no there there." As Deleuze and Guattari said of their figure of the rhizome:

You can never get rid of ants because they form an animal rhizome that can rebound time and again after most of it has been destroyed...may be broken, shattered at a given spot, but it will start again on one of its old lines, or on new lines.[7]

That the Internet also, at least notionally, "routes around failure" in just such a manner only buttresses the contention that communities self-consciously constituted in this way are harnessing usefully robust organizing principles.

# Conclusion: Democracy for the rest of us, redux

Ever since the emergence of the Internet as a force capable of transfiguring business conventions and social arrangements in the late 1990s, an interested subset of its participants have awaited signs of a parallel effect on politics that went beyond, e.g., the relatively banal application of mass email techniques to fundraising and canvassing.

The minimal compact described in the 2003 paper, and elaborated here, is to the best of my knowledge the first political program derived explicitly from the paradigm that has elsewhere been so transformative. While it is not an "Internet state" proper, it nevertheless has certain natural affinities with the "end-to-end" logic and original underlying ethos of the Internet, and would have been difficult if not impossible to imagine without its example of a shared community decoupled from physical space.

Whatever else it achieves, if anything, I hope you take from it the essential recognition it shares with open-source development: that we can teach ourselves what we need to learn, share whatever knowledge we glean, build on the insights of the others engaged in the same efforts. Just as the novice programmer is invited to learn from, understand, and improve upon to "hack" open-source software, the minimal compact invites us to demystify and reengineer government at the most intimate and immediate level.

*We can hack democracy*. You have all my faith.

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Endnotes:

1. Note: I have used the term "open-source" in preference to "free software" because, for better or worse, it has become the more prevalent of the two terms, and widely understand to mean the same thing despite meaningful distinctions between the two terms (and in the case of the latter term, the coiner's clear intentions).

2. gnu.org, the Free Software Definition, *http://www.gnu.org/philosophy/free-sw.html*

3. Ibid., the GNU General Public License, *http://www.gnu.org/copyleft/gpl.html*

4. From a no-longer extant *32bitsonline* article, quoted at http://academic.evergreen.edu/h/hardav14/section6.htm

5. See, in this regard, *http://www.orionlinux.com/distribution.html*, "What is a distribution?"

6. Albertsen, N., and Diken, B, "Mobility, Justification and the City"
http://www.comp.lancs.ac.uk/sociology/soc082bd.html

7. Deleuze, G., and Guattari, F., from "A Thousand Plateaus: Capitalism and
Schizophrenia," http://www.gseis.ucla.edu/courses/ed253a/kellner/deleuze.html