

**Municipalism, Anarchism, and Polyarchy:
Some Thoughts on a Series of Writings by Ryan Neugebauer
and Ryan McGaughey**

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"Audre Lorde counsels us that 'The Master's Tools Will Never Dismantle the Master's House,' while MLK said "the law cannot make a man love me, but it can restrain him from lynching me." Somewhere between replacing the system and using the system lies a pragmatic – if easily derailed – course.

"Lorde is telling us that a rotten system can't be redeemed by using its own chosen reform mechanisms. King's telling us that unless we live, we can't fight – so anything within the system that makes it easier for your comrades to fight on can hasten the end of the system."¹

From the 19th century utopian socialists on, Henri de Saint-Simon's concept of replacing "legislation over persons" with the "administration of things" has been reiterated in various forms by one thinker after another. In *General Idea of the Revolution in the XIX Century*, Pierre-Joseph Proudhon described it as "dissolving the state in the social body." Marx and Engels referred to the same process as the state "withering away," and it clearly influenced Marx's view of the Paris Commune as prefiguring the dictatorship of the proletariat. Since then, the same general principle has been restated by countless anarchists and libertarian socialists.

In a 2017 piece for C4SS, Ryan Neugebauer described his view of anarchism as a practical project:

Anarchism, for me, is less about "end goals" and more about a particular ethic and outlook. It should reject the idea of "final" states of existence altogether and instead emphasize the importance of a never-ending discovery process in producing a better world....

Quite to the contrary of many anarchists, I think changes that make the present system more open and free are very helpful. This allows for greater ease in building alternative organizations that can flourish and help people and communities become less dependent on state-backed institutions.²

This briefly stated approach became the basis for a series of subsequent pieces of writing, all relevant to the question of how the state can be made to become less statelike. As he developed this approach, he tied it in with a number of practical issues, including the nature of the state and of authority, and how the overall authoritarianism – or "statism" – of the system can be reduced in a realistic manner.

In this paper, I will survey his development of these lines of thought, and follow up with some ideas of my own in light of them.

¹Cory Doctorow, "Pluralistic: How to shatter the class solidarity of the ruling class (08 Apr 2024)," <<https://pluralistic.net/2024/04/08/money-talks/>>.

²Ryan Neugebauer, "An Evolving Anarchism," Center for a Stateless Society, July 13, 2017 <<https://c4ss.org/content/49567>>.

I.

In an article written January of last year (*Medium*, January 27, 2023), Neugebauer elaborated on the question of what “state” or “government” even means in practical terms, and which forms of organization are most compatible with human flourishing.

Though it may seem obvious to many Anarchists, what counts as “authority” and “government” is not exactly clear to many others. Whereas some Anarchists, including the first self-described anarchist Pierre-Joseph Proudhon, saw having some sort of established governance like a federation as necessary, many individualist and free-market-oriented Anarchists reject even that. The latter Anarchists want a hodgepodge of fluid and non-centralized organizations addressing concerns, often within a competitive market environment. Anarcho-capitalist thinker David D. Friedman points out in *The Machinery of Freedom* that in a Market Anarchist society, law will take the shape of what people in a given area want. He would hope it would be in a more libertarian direction, but he admits that it may not. Putting aside how one might feel about that, one must wonder who is doing the enforcing and how do they not count as some form of “government” or “authority”? Furthermore, if some form of authoritarian/harmful rules are being enforced on you, who cares how you classify the enforcers? Whether they are called “private protection agencies” or “municipal government” doesn’t change the anti-libertarian outcomes and nature of what is going on.³

Even an anarchist society requires some sort of constitutional structure, “some form of enforcement,” by which “it maintains itself and doesn’t end up becoming something other than itself.”

We can quibble over what counts as “authority”, but we can’t get around the idea that once we start bouncing around each other in a social context, we need to make decisions over conflict and property ownership — and some entity is going to do the enforcing. If we are to have an actual society with thousands of people clustered around each other, where people are not living miles apart on their own individual homesteads, *there is no getting around this reality*. Pierre-Joseph Proudhon, the first self-described anarchist, understood this and believed that there had to be some sort of federation that organized things.

Hence, some form of imposition or delimitation within a geographically defined area cannot be escaped.⁴

Regarding the last sentence, Neugebauer further elaborated in a private communication that “there are going to be some form of property rules that are enforced in some way,” which are “limited to a specific area.”⁵

³Neugebauer, “Market, State, and Anarchy: A Dialectical Left-Libertarian Perspective,” *Medium*, January 27, 2023 <<https://medium.com/@ryanneugebauer/market-state-and-anarchy-a-dialectical-left-libertarian-perspective-7a26a4d0f8e1>>.

⁴*Ibid.*

⁵Neugebauer, Facebook private message, March 26, 2024.

For example, if a system of land ownership based on occupancy and use, or communal ownership through land trusts, is not to degenerate into a form of absolute private property based on alienable, fee-simple commodity ownership, some social provision for adjudicating disputed claims must exist, and there must be some principled basis on which they act. (For that matter, the ancap vision of a society based on that same fee-simple private property would require enforcement and adjudication mechanisms to prevent their system from degenerating into occupancy and use.)

There must, in short, be an agreed on set of principles, and some way of enforcing them.

What would [a constitutional framework] look like under a Mutualist Anarchist arrangement? I imagine there would be some formalized commitment to the property norms of the Mutualist framework in order to ensure that it doesn't turn into something that it isn't. Such a commitment communicates an expectation that certain norms are to be followed. A constitution or constitution-like framework would seem to be proper for this kind of enforcement. I do not think such a framework is necessarily incompatible with Anarchism.⁶

To the extent, not only that nominally stateless entities can be prone to degenerating in an authoritarian manner, and acquiring a de facto governmental character, but that whatever actual state elements persist over time in an ongoing anarchist project can be either more or less oppressive to human agency, we are left with the practical question of what forms of organization are most conducive to human agency. More specifically, if elements of state action like social democracy are incorporated on a transitional basis, as substitutes for corporate capitalist elements, what is the least "statelike" — and most conducive to individual and community autonomy — organizational form they can take?

...[M]ore broadly, within left-wing thought (Socialist, Communist, or otherwise), there is an overemphasis on collectivization and community control. This is even more problematic when it gets equated with government control, but it is also problematic when it's just common people collectivizing things or being overly controlling over the lives of others. Local tyranny can be far worse than centralized tyranny because it is harder to escape. It's right in your backyard, so to say. Any successful left-wing movement is going to need to respect individual autonomy and not be overly controlling even on the community level. Community is important and some level of community decision-making is necessary for any society. However, it too needs limits, and I don't find many leftists taking that seriously enough.⁷

On the assumption that an anarchist society with no constitutional structure (at least, presumably, in the small-c sense) is unlikely to remain viable in the long run, Neugebauer appeals to Chris Sciabarra's concept of Dialectical Libertarianism to consider the best path forward from where we are right now. He uses this quote from

⁶Neugebauer, "Market, State, and Anarchy: A Dialectical Left-Libertarian Perspective."

⁷*Ibid.*

Sciabarra, which explains that one of the core principles of dialectical analysis is that one cannot examine any fact, event, issue, or problem by neglecting its place in a larger systemic context examined across time. Every fact, event, issue, or problem is constituted by a *cluster of relations* — that is, its connections to other facts, events, issues, or problems. These connections cannot be ignored without doing irreparable damage to our ability to grapple with and/or resolve the issues or problems at hand. Tracing *relations* is key to understanding how a fact, event, issue, or problem came to be what it *is* — while providing a necessary grasp of what it can be, might be, or *ought to be*.⁸

He also quotes from an article of mine on dialectical anarchism: “Individual parts receive their character from the whole of which they are a part, and from their function within that whole.”⁹ And, I would add, the character of the parts changes as the character of the system in which they are embedded changes.

For Neugebauer, acting on a dialectical understanding of the present system entails an eclectic approach: the state is replaced with voluntary, horizontal, and self-managed alternatives wherever possible, and the state functions that are retained for the time being are organized in a way best calculated to promote human flourishing with a minimal level of authoritarianism.

...I support a wide diversity of libertarian, social democratic, and socialist policies to increase freedom and flourishing.... Any use of regulations or social insurance measures are grounded in a commitment to expanding individual freedom and flourishing rather than some sort of top-down collectivism or elitist technocracy....

The major point with all these approaches is to pragmatically embrace liberating policies in the now, which uplift the individual and oppose problematic private and public relations.¹⁰

As a practical example, he quotes my description of a society build primarily around decentralized, self-managed commons as an organizing principle:

In particular, it is to a large extent a transition to a post-capitalist society centered on the commons. As Michel Bauwens puts it, the commons paradigm replaces the traditional Social Democratic paradigm in which value is created in the ‘private’ (i.e. corporate) sector through commodity labor, and a portion of this value is redistributed by the state and by labor unions, to one in which value is co-created within the social commons outside the framework of wage labor and the cash nexus, and the process of value creation is governed by the co-creators themselves. Because of the technological changes entailed in what Bauwens calls ‘cosmo-local’ production (physical production that’s primarily local, using

⁸Chris Matthew Sciabarra, “A Dialectical Rand for an Egoist Anarchism,” Center for a Stateless Society, February 21, 2022 <<https://c4ss.org/content/56075>>.

⁹Kevin Carson, “Dialectical Anarchism,” Center for a Stateless Society, December 21, 2012 <<https://c4ss.org/content/15318>>.

¹⁰Neugebauer, “Market, State, and Anarchy: A Dialectical Left-Libertarian Perspective.”

relatively small-scale facilities, for local consumption, but using a global information commons freely available to all localities), the primary level of organization of this commons-based society will be local.¹¹

II.

In an article the following year, Neugebauer developed this line of analysis further. Criticizing ideological tendencies to dismiss either negative or positive liberty, he argued:

Both positive and negative liberty concerns are important and need to be taken seriously. And though there can be a tension between the two, this dialectical left-libertarian approach seeks to shrink that tension as much as possible and live with an open-ended balancing of the two.¹²

In his outline of possible reforms in this direction, aimed at making society more anarchist in spirit if not absolutely so, and increasing both positive and negative liberty for the average person, he repeated his earlier call for a bottom-up libertarian municipalism, an economy centered on worker cooperatives, a shift of taxation onto land value, and a welfare state streamlined and robbed of much of its authority over individuals through a Basic Income or other similar measure.

III.

Against this background, Neugebauer recently recorded a podcast with Ryan McGaughey, in which they discussed all these issues as part of a general consideration of the strengths and weaknesses of Austrian economics (“weaknesses” referring, in particular, to its association with right-libertarianism and “anarcho”-capitalism), and the role it can play in conjunction with other economic approaches.¹³

Early on in the podcast, McGaughey brought up the informational and coordinative functions of price. Neugebauer noted that the understanding of prices as a coordinating and informational mechanism is a tool that is not adequately acknowledged, or taken seriously enough, by the mainstream Left.

I would add that the informational value of prices depends on the prior definition of institutional and property rules. Any number of alternative property arrangements is compatible with the unfettered formation of market-clearing prices; depending on how well, or how badly, the rules are defined, they can do a good or bad job of reflecting relative scarcity, incentivizing productive behavior, and so forth.¹⁴

¹¹Carson, *Libertarian Municipalism: Networked Cities as Resilient Platforms for Post-Capitalist Transition* (Center for a Stateless Society, 2018), p. 4
<<https://c4ss.org/wp-content/uploads/2018/01/community-platforms.pdf>>.

¹²Neugebauer, “A Dialectical Left-Libertarian Platform,” *Medium*, March 17, 2024
<<https://medium.com/@ryanneugebauer/a-dialectical-left-libertarian-political-platform-a112fbb95d08>>.

¹³“Austrian Economics, Political Economy, and the Case for the Mixed Economy,” YouTube, March 22, 2024 <<https://www.youtube.com/watch?v=-lrLisgyfOs>>.

¹⁴See Carson, “Decentralized Economic Coordination: Let a Hundred Flowers Bloom,” Center for a

Neugebauer observes that people from a right-wing Austrian background frequently go immediately to debating the legitimacy of redistribution, and goes on to mention my writing on predistribution as an alternative. As he summarizes the principle, desirable outcomes are built into “the rules of the game at the very outset” through “property rights rules” and “institutional structures”; free markets can coexist with “all kinds of societal arrangements”; depending on the nature of those arrangements, the free market society might produce results that are “drastically different” from ours.

McGaughey notes, in agreement, that “we don't really spend a great deal of time looking at the foundations of the market Society, with the rules and the laws that came prior to [it], because you don't have exchange and all that unless you have a system of property that goes first...”

Neugebauer also bolsters his starting assumption, quoted from earlier pieces of writing above, that any viable approach will be evolutionary, by pointing to the case of Haiti. Since, all things considered, most people would regard the United States as preferable to Haiti as a place to live, it seems fairly obvious that the rapid implosion of a state with nothing already in place to take over its functions would be disastrous.

McGaughey adds that the gangs currently controlling Haiti started out as private militias hired by Haitian elites — essentially ancap “private protection agencies” — that went rogue and decided they'd be better off holding down chunks of territory in their own right than acting on behalf of the plutocrats who hired them. He also points to the common tendency for anarchist, socialist, and right-libertarian/ancap ideologues to say “that kind of thing can't happen here.”

The obvious lesson, seemingly, is that one set of institutional arrangements can only supersede another on a viable basis when the transition occurs against a backdrop in which there are large elements of continuity during the process.

This points to the importance of the Law of Unintended Consequences, and of avoiding hubris, in envisioning the transition to a post-state and post-capitalist future. As McGaughey notes, in contradiction to the sort of Hayekians who create a false dichotomy between the state as “constructed” and the economy and society as “spontaneous,” the totality of the present system — the political, economic, and social order, including the state apparatus and the law — is an emergent order. And every caveat that applies to the possible unforeseen consequences of arbitrarily changing the economic system — the unpredictable emergent results of altering one facet of a complex system — applies equally to the political and economic system as a whole.

McGaughey argues that the political division of labor, the support functions of the state, the institutional memory of agencies that perform regulatory functions, the expertise and distributed knowledge of those who staff them, etc., are all complex emergent phenomena that took time to evolve. He refers to the ancaps who say that, because we're all the best judges of our own preferences, we should just immediately abolish all those functions and “collapse politics into commerce essentially,” noting that

the result will be that “the ideas and the knowledge that’s embedded in all that is just lost....”

Toward the end of the podcast, the conversation moves on to the question of justice in policy formulation, as it is typically framed by apologists for the present system who fear primarily for the property rights of those currently on top. McGaughey and Neugebauer both point out that the present market capitalist system, as a totality, has a significant number of both losers as well as winners — harmed (as McGaughey indicates) by the functioning of the money system, by intellectual property, by entry barriers, etc., and (as Ryan Neugebauer adds) the history of slavery, of enclosure of the commons, etc., which essentially robbed the majority of the population of their rights of access to the means of livelihood in order to force them into the wage system and create capitalism as we know it.

And, Neugebauer continues, all this must be borne in mind when a right-libertarian or ancap purist says “We can’t consider this policy, because it includes this or that element of coercion” in some way. In the case of redistribution, any policy that’s chosen — to redistribute income, or not, to redistribute property, or not — will wind up with some undeserving beneficiaries and some undeserving victims. Every choice is a tradeoff between different kinds of injustice. McGaughey comments, likewise, on the mentality of those who care entirely about process — e.g. the nonaggression principle — to the total exclusion of outcome.

In the comments under his Facebook post announcing the video, Neugebauer added this:

Something I've discussed with Ryan since posting this, and was something I didn't add in the video due to the flow we had going, is that I think one can make a case that you can satisfy the "government" requirement with certain forms of anarchist organization (like versions of libertarian municipalism that still have what could be called a government but isn't the modern nation state and is more locally, bottom-up in its government). However, it wouldn't necessarily be satisfied by the specifically Anarcho-Capitalist/Market Anarchist perspective.

It would be a much more libertarian/anarchist version of this [a link to the Wikipedia article on “City-state”].¹⁵

He also posted a link to an article by David D’Amato on federalism in Proudhon’s and Vincent Ostrom’s thought. In it D’Amato stressed, as the title suggests, the possibly *overlapping* nature of the multiple centers of power.

Following Proudhon, Ostrom treats federalist processes as both a goal and as a pathway to the achievement of that goal, a way to erode the power of “states as monopolies of authority relationships and instruments of force” without the need to destroy the state through violence. For Ostrom, then, the idea of a “federal

¹⁵Neugebauer, Facebook, March 22, 2024

<<https://www.facebook.com/ryan.neugebauer.1994/posts/pfbidoQxGGY1VMvVticNu6g2KYK4UNSSmBu3R8MWfTVvXuSmqJiTPVGspkiDb9arJxKPAil>>.

state” is a contradiction in terms, federalism representing an *alternative* to the nation state, not a way to organize one. Both Proudhon and Ostrom envision a network of intersecting spheres, at once cooperative *and* competitive....

Ostrom’s highly federalized system is a vast complex of associations, cooperatives, guilds, clubs, and communes, each one autonomous and reflecting the goals and values of its members.

He also stressed Proudhon’s emphasis on the largely automatic nature of governance by such centers of power:

With social and economic relations properly structured and organized, after-the-fact political intervention becomes unnecessary and counterproductive, harmful to the social order and its own goals. In Proudhon’s thought, the perceived need for the intervention of a supposedly external political authority itself demonstrates that the ordering of social and economic relations was amiss in the first place. Proudhon sees federalism as the key (or at least as among the most important keys) to unlocking society’s latent ability to govern itself, with social and economic relations ordered spontaneously by everyone simply “doing what he wishes and only what he wishes.”¹⁶

With this lengthy summary out of the way, now I’ll add my own comments on the previous discussions.

IV.

Let’s start with Neugebauer’s observation that there is no policy decision that doesn’t involve a tradeoff that incorporates some element of injustice. Two points stand out for me:

First: inaction — not making a change — is a choice. The choice not to replace or radically alter a system which is causing active harm on a large scale, is the positive choice to impose that system on society.

Second: a policy decision about the structure of property rights or other institutional structures is — for that very reason — not a criminal trial, and is not subject to the same constraints. By the very nature of the situation, it is not necessary to show the illegitimacy of the property and possessions of every winner in the current system beyond a shadow of a doubt, in order to justify changing the distribution of property or the basic rules of acquisition and transfer. If we leave the present distribution in place, that will also without question leave people who have suffered unjust harm — and quite likely a much larger number of victims than our proposed redistribution would result in.

To address it in terms of those to whom McGaughey referred as more concerned with process than with outcome, the simple fact of the matter is that coercion and aggression are baked into every aspect of the present system. Any approach that insists on formal

¹⁶David S. D’Amato, “Modern political economist Vincent Ostrom & classical anarchist Pierre-Joseph Proudhon envisioned societies with overlapping centers of power,” *Libertarianism.org*, December 6, 2018 <<https://www.libertarianism.org/columns/federalism-proudhon-ostrom>>.

“non-aggression” will simply ratify aggression on a large scale. Right-libertarians who demand a reasonable doubt standard for undoing the injustice of primitive accumulation, in effect, demand the *certainty* that the majority of our society suffer forever from a distribution in which most property is owned by the heirs and assigns of robbers and enclosers, based on the *possibility* that redistribution will result in some minority of legitimate and innocent owners suffering dispossession.

This argument is further strengthened by the likelihood that virtually no property holding is likely to be 100% legitimate.

Given the share of the total population who at various times were dispossessed for various reasons, the inclusion of that illegitimacy in the chain of title from the dispossessor’s time on, and the diffusion of the dispossessed’s right of redress throughout society over the generations, it makes more sense to regard every property title in land as having a moral and historical lien on it, and society as a whole having a communal eminent right to it.

In addition, the requirement to justify the redistribution of property — or, more properly, the redefinition of property rules on a more equitable basis — on grounds defined by the right-libertarians concedes far too much to their Lockean conception of property.

Right-libertarians are prone to view property as a sort of Platonic eidolon that exists outside of history, and its various features (i.e. in their view a fee-simple, marketable commodity) as all inherent in the concept of “property” as such and logically deducible from the axiom of self-ownership. The extent and shape of property rights, for them, are not socially defined; states simply come into existence to defend something whose existence is self-evident.

This is ahistorical nonsense. There are a near-infinite number of possible alternative rule-sets governing rights of possession, and in particular of land — with different provisions governing initial acquisition, transfer, extinction, and abandonment. None is self-evident; all are conventional and socially constructed.

So we are not in the position of a court of law, indicting the owners of concentrated property holdings either for theft or receipt of stolen goods, with a sufficiently strong case to overcome the presumption of innocence and justify seizing property which would otherwise be self-evidently absolute and sacrosanct. We are choosing between two contingent rule sets, based on which is likely not only to produce the greatest benefit and cause the least harm, but which is likely to produce the highest degree of human agency and flourishing.

Our task, therefore, is to choose, not a *verdict*, but a *rule* — a rule whose operation will minimize the number of victims — and in addition, will include side constraints that guarantee to even the innocent victims of redistribution some minimal level of secure and comfortable subsistence far superior to that of the losers in the present system. The solution is not pareto optimal, insofar as not everyone is better off, and there are arguably some possible victims of unjust dispossession; nevertheless, it is not only a net

improvement in terms of justice, material well-being, and flourishing, but the previous owners of concentrated property holdings will be guaranteed some minimal level of comfortable subsistence along with everyone else; there is no one in the after-state who is even remotely as bad off as the bottom strata of society today. Because the wealthy would be better off under such a regime than the median person is under the present system, I believe any rational wealthy person would choose it to be born into under Rawls' Veil of Ignorance.

Ryan McGaughey, as we saw above, discussed the present system — both political and economic — as an emergent order, and critiqued the ancap proposal of immediately “collapsing politics into commerce.” I don't know if the Proudhonian character of that phrase was deliberate, but it strikes me as appropriate. For Proudhon, the process of “dissolving the state into society” (or “into the economy”) was to be a prolonged, evolutionary one, with time for society to coalesce around a new set of institutions and build up the human capital and institutional capacity for it to function properly — in exactly the same way that the present system evolved over time and developed a division of labor with distributed knowledge. The state has, over generations, preempted many necessary coordinating and stabilizing functions in the economy, while the ability to exercise those functions by other means has atrophied. And those functions entail a great deal of human capital and distributed knowledge that is dispersed among many nooks and crannies of the bureaucracy and their links of interaction with each other and with the businesses they regulate. No one is in a position even to know where all that human capital and distributed knowledge is, let alone aggregate it and transfer it to non-state structures. The process of rebuilding a new body of human capital and appropriate institutional capacity in society at large implies a large element of continuity, as society reconfigures itself. The experience of Haiti is suggestive of what might happen if the entire political structure implodes with no other framework in place.

Some might point out, entirely correctly — as Murray Bookchin did — that much of the complexity of the present system is unnecessary, and grew over time under the pressure of those whose profit models or livelihoods depended on that unnecessary complexity. He writes of those who,

because of the “complexities” of modern society, cannot conceive of the administration of economic affairs without some kind of coercive mechanism.... So conceived, production and distribution seem more formidable — with their bureaucratic machinery, irrational division of labor, and “global” nature — than they actually need be.

He argues, in response, that most of this complexity is artificially generated by the interests of those running the system, and not because they are technically necessary to provide the system's output of goods and services:

This logistical and in some cases frankly authoritarian view of the human condition... reminds one of a dog chasing its tail. Simply because the “tail” is there — a metaphor for economic “complexity” or market systems of distribution

— does not mean that the metaphorical “dog” must chase it in circles that lead nowhere. The “tail” we have to worry about can be rationally simplified by reducing or eliminating commercial bureaucracies, needless reliance on goods from abroad that can be produced by recycling at home, and the underutilization of local resources that are now ignored because they are not “competitively” priced: in short, eliminating the vast paraphernalia of goods and services that may be indispensable to profit-making and competition but not to the rational distribution of goods in a cooperative society.... It would take no great wisdom or array of computers to show with even a grain of imagination how the present “global” system of production and distribution can be simplified and still provide a decent standard of living for everyone.¹⁷

The point is that eliminating all that unnecessary complexity is not like ripping off a bandaid. In some cases, institutions that are horribly inefficient and should be unnecessary *are* nevertheless indispensable right now, because of their connection to the many elements of society that have grown up in dependence on them. Eliminating them will also eliminate those functions, with catastrophic human consequences. At the same time, actually transforming them and their structural relations with the other elements of society depending on them is much like trying to convert a sedan into a motorcycle by taking off two of the wheels. The only viable approach is to allow a new complex of institutions to grow organically from the ground up, and form new connections with the rest of society — a process which takes time.

An excellent example of the proper understanding of the need to maintain elements of continuity during the process of transition is Karl Marx’s famous refusal to write “recipes for the cook shops of the future,” on the assumption that socialism would be built from socialist elements already arising within the capitalist system.

An acute commentator on social science issues on Twitter — Cosmist Insurrection, Inc./@yungneocon — suggested a transition model of the successor society as an emergent phenomenon coalescing around a few “attractor” institutions:

I also *trust* people, and do not think we *can*, let alone need, to figure out every detail ahead of time — such arrogant confidence in the ability to predict, plan, control, and address contingencies, localities, novelties, etc, is fatal to success & emancipation.

If I were to somewhat mis-use the terminology of complexity & systems, I think our positive projects are best seen as 'attractors' — focal points around which dynamic systems adapt & to which they tend; catalysts & resources for action, but not pre-determined outcomes.

On the other hand, it is really easy to see what in the current world, and in history, we want destroyed — so, for example, for me these basically come down,

¹⁷Murray Bookchin, “The Ecological Crisis and the Need to Remake Society,” in *The Next Revolution: Popular Assemblies & the Promise of Direct Democracy*. Edited with an introduction by Debbie Bookchin and Blair Taylor (London and New York: Verso, 2015). Hosted at The Anarchist Library <<https://theanarchistlibrary.org/library/murray-bookchin-next-revolution>>.

at the end of it, to prisons and private landownership, two vices which interpenetrate nearly every other....

Thinkers, ranging across eras, disciplines & ideologies as Aristotle, Ibn-Khaldun, Smith, Darwin, Kropotkin, Hayek, Taleb, Ostrom, Meadows, Bookchin, Scott, Polanyi, Collins, Sahlins, Ward, Graeber & others, emphasize complex, evolved, decentralized, organic systems.

These emerge in time & space through slow plodding, tacit knowledge, learning, trial & error, cooperation, evolution, selection, internalization, canalization, and so on, without unitary top-down planners global/universal in time & space.

Obviously, what the Smith, Hayek, Taleb, style crew ignores is that these systems *do* involve planning — indeed, even central planning, at times — but they do so in a piecemeal, often local, temporary, evolved, contingent, and, if not spontaneous, at least novel fashion.

Now, in the cases where systems have built up, by trial and error, habits, norms, practices, knowledge, skills, traditions, cultures, histories, systems, and so on, over a long period of time, it is the case that these systems will tend to be more robust, adaptable & unique

When someone comes in and tosses out these decentralized, evolved tacit traditions, and attempts to impose grids & order, they often end up doing devastating damage, sometimes losing incredibly robust knowledge irreparably

James Scott gives the ideas of peasants, land enclosure, forest planning in Germany, villageization in Kenya, Hausmann/Le Corbusier/Robert Moses in urban planning, and other royal fuck ups....

But even where a positive project doesn't accompany a project of destruction or erasure, it can still be, all things considered, less wise to 'create' than it is to 'destroy' or change or remove or restore or evolve.

This is because positive projects — whether policies, bureaucracies, technologies, organizations, architectures, infrastructures, cultural shifts, inventions, etc — have *staying* power — if they turn out to be ill advised, they can be hard to remove....¹⁸

In selecting negative focal points or “attractors” in the current system for removal, the most obvious candidates are those institutions which facilitate rent extraction: private property and absentee ownership in land, resources, etc.; the restriction of the credit function to highly capitalized lenders that charge interest for the service; intellectual property; etc.

One potential candidate for positive attractors around which a successor society might coalesce is a set of institutions built around the principle of predistribution. As I explained it in a C4SS paper:

18@yungneocon, Twitter thread Sept 26 2018

<<https://twitter.com/yungneocon/status/1045047763258535951>> *et seq.*

Instead of central planning and development according to a centralized design, we should pursue something like the decentralized development of a pattern language, in which a very large set of basic building blocks — an alphabet — is endlessly combined and recombined into an infinity of molecular forms by local initiative, according to a basic grammar. Instead of redistribution, or distribution by planning bureaucracies, we have predistribution — primarily through the definition of basic property rules. As opposed to redistribution, predistribution designs the system for optimal distribution in the first place.¹⁹

Among the forms of predistribution advocated by Chris Dillow, a libertarian Marxist economist who holds a deathly hatred for managerialism and frequently appeals to the principle of distributed knowledge, are initially defining property rights so as to build workers' bargaining power and broad claims to income streams directly into the system. Under such a model, equality of distribution automatically results from the the distribution of bargaining power and property rights, rather than requiring the ongoing intervention of a managerial state. Among the examples Dillow himself suggests are "increasing unions' strength; encouraging the growth of worker coops; and a citizens basic income sufficiently high to allow people to reject low wages and poor working conditions."

Dillow also notes that such predistribution through redefined property rights would have the advantage of increased productivity, which stands to reason given that the existing definition of property rights largely reflects the role of the rentier classes in state policy, with property rules mostly designed to enable rentiers to extract unearned surpluses from the productive — to increase the size of the rent-extractors' slice of the pie, in other words — rather than to maximize productivity....

As Dillow argues, not only do existing property rules under capitalism decrease efficiency at the point of production, but the resulting inequality diverts resources into wasteful and irrational avenues.²⁰

I suggested further modification of the property system, including the elimination of intellectual property as a source of artificial scarcity in ideas and a barrier to their most productive utilization; the replacement of private title to residential, commercial, and agricultural land by their incorporation into community land trusts; and the transfer of control over natural resources to Ostromite commons management bodies.²¹ To these suggestions I would also add the reorganization of all public and private utilities as stakeholder cooperatives.

It's a common refrain among neoliberals that "strong property rights" are a source of productivity and prosperity, but — as I noted before — this is false as stated. Property rules can be well or badly designed, and badly ones produce distorting effects and

¹⁹Kevin A. Carson, *Hayek's Fatal Conceit* (Center for a Stateless Society, 2020), pp. 18-19 <https://c4ss.org/wp-content/uploads/2020/12/Hayek_s-Fatal-Conceit.pdf>.

²⁰Dillow, "Predistribution — Good, Bad & Unoriginal," *Stumbling and Mumbling*, September 6, 2012, cited in *Ibid.*, pp. 19-20.

²¹*Ibid.*, p. 19.

perverse incentives.

Predistribution is about changing the distribution of power — arguably in ways that are more rational, insofar as they vest it in parties that make the highest contribution to productivity, possess the most vital knowledge, or have the highest monitoring costs, as per New Institutionalists like Oliver Williamson — and then stepping back and letting the system run itself.²²

Another useful approach, in “destatifying” the state during a transition period, is replacing as many functions of territorially-based governance bodies (especially at the municipal level) as possible with a polyarchy of self-managed stakeholder cooperatives and commons management bodies, with overlapping and interlocking memberships. The ultimate goal is to eliminate any entity with authority, derived from a unified source, to exercise police power over a defined geographic area; the intermediate goal is to shift as much of the power exercised by such entities to polyarchic bodies, and to make them as un-statelike as possible in their exercise of the rest.

With no unified source of territorial governance vested in a single source, it is nevertheless plausible that whatever need for coordination to evolve, on an emergent basis, entirely through the interaction of non-sovereign bodies with self-selected memberships, whose policies are binding only on their members.

Let’s assume, in a postcapitalist society based on the maximum possible degree of decentralization and direct democracy, that most of the institutions affecting people’s lives — workplaces, electrical and water utilities, telecommunications, land trusts, co-living projects, natural resource commons, mail, etc. — are organized cooperatively and democratically managed by their customers, rate-payers, and/or workers. Many people — the self-employed, those who generate power off-grid, etc. — may fall between the cracks. And none of these bodies has the authority to make decisions that are binding on anyone but its own members. Nevertheless, the vast majority of people in a given locality will almost certainly belong to one or more of them, and probably a majority will belong to multiple such bodies. Every such body, therefore, will have interlocking or overlapping memberships in common with many others. The result is that a body of common law emerges, through an invisible hand process, over a given area, and acquires constitutional status — not as the sovereign will of any unified political actor, but as a long-term emergent phenomenon of the general culture.

As we have already seen, Saint-Simon first introduced the idea of replacing legislation over human beings with administration of things — a principle which has been endlessly developed and mirrored on the Left. One early development of the principle was Proudhon’s, as described by Shawn Wilbur, in which a “non-governmental state” exists as one corporate body parallel to many others in society, interacting with them on a horizontal basis.

1) We have a level “field of play” where the beings we are accustomed to consider “individual” and a range of organized collectivities can actually only

²²*Ibid.*, pp. 20-21.

claim “individual” status by the same title, their status as groups organized according to an internal law which gives them unity. People, families, workshops, cities, nations and “humanity”. . . . occupy non-hierarchical relationship with one another, despite differences in scale and complexity, and despite the participation of individuals at one scale in collective-individualities at another. . . . Without a governmental principle to elevate any of these individuals “above the fray” in any way, mutuality becomes absolutely vital. . . .

2) We have “rights” manifested by nothing more than the manifestation of capacities—which means we have rights that are going to conflict and clash, and which are to be balanced by some sort of (broadly defined) commutative justice.

3) We also have a theory of freedom. . . . which is not primarily concerned with permissions and prohibitions, but with the strength and activity (the play) of the elements that make up the individual, and the complexity of their relations.²³

The State has preserved its power, its strength, which alone renders it respectable, constitutes its credit, creates awards and prerogatives for it, but it has lost its authority. It no longer has anything but Rights, guaranteed by the rights and interests of the citizens themselves. It is itself, if we can put it this way, a species of citizen; it is a civil person, like families, commercial societies, corporations, and communes. Just as there is no sovereign, there is no longer a servant, as it has been said, that would be to remake the tyrant: he is the first among his peers.²⁴

The concept of the Partner State, or Enabling State, is an important recent illustration of the same general principle. In essence, it represents an evolution in which whatever federative body may exist over a given territory, as a residuum of the state, loses its statelike character as a body which makes policy or legislation, and develops into a standing support platform. As John Restakis describes it:

The idea of the Partner State proceeds directly from the principle that civil society is the source of political legitimacy in a democracy. In this view, the state is in the service of civil society as a vehicle to advance and protect the common good.

Thus, the Partner State is above all an enabling state. Its primary purpose is to maximize the capacity of civil society to create social value and to act as the primary agent in the formation of public policy. It is citizens, acting through civil institutions that they control, that ultimately decide and direct the implementation of public policy. The enabling role of the state is not confined to the promotion of social value. It also entails the promotion of open access to the economy. It provides space for the

²³Wilbur, “Notes on Proudhon’s changing notion of the state (3 of 3),” *Two-Gun Mutualism and the Golden Rule*, January 20, 2013 <https://web.archive.org/web/20151022083252/https://libertarian-labyrinth.blogspot.com/2013/01/notes-on-proudhons-changing-notion-of_6242.html>.

²⁴Proudhon, *Theory of Taxation* (1861), in Wilbur, “Proudhon on the State in 1861,” *Two-Gun Mutualism and the Golden Rule*, February 17, 2013 <<https://libertarian-labyrinth.blogspot.com/2013/>>; URL defunct, no longer preserved at Internet Archive.

operation of many models of entrepreneurship, including collective and commons-based forms of enterprise such as cooperatives and peer-to-peer networks, and the promotion of participatory politics.

The Partner State enlarges the scope of personal autonomy and liberty and guarantees personal economic security while reinforcing the social bonds that build healthy communities and a vibrant civil society. Central to this process is the democratization of the state itself. Ultimately, the Partner State acts primarily as an administrative support for the coordination of policies decided upon by institutions of civil society on the basis of cooperative, direct democracy.²⁵

Michel Bauwens of the Foundation for P2P Alternatives argues that that the Partner State is not precisely “democratic” in the traditional majoritarian sense, because majoritarianism is a tool for managing scarcity.

First of all, these communities are not democracies. Why is that so? Because democracy, the market, and hierarchies are all modes of allocation of scarce resources. In hierarchy, our superiors decide; in the market, prices decide; in a democracy, “we” decide.

But where resources are abundant, as they are with knowledge, code, and design — which can be copied and shared at a marginal cost — they are truly unnecessary.²⁶

In some ways Wikipedia, which serves as a platform for facilitating and coordinating self-selected and self-directed effort on a stigmergic basis, is an apt analogy. So the Partner State, arguably, is not so much a “government” as a system of *governance*.

The Partner State, or Enabling State, is a platform operating in a geographical area which provides support and facilitation, primarily administrative rather than political, for the cooperative and commons-based bodies operating within that territory.

Peer production also rests on a sometimes costly infrastructure of cooperation. There would be no Wikipedia without the funding for its servers, no free software or open hardware without similar support mechanisms. This is why open source communities have created a new social institution: the for-benefit association.... [T]he new for-benefit associations have only an active role in enabling and empowering the community to cooperate, by provisioning its infrastructure, not by commanding its production processes. These associations exist for the sole purpose of ‘benefiting’ the community of which they are the expression....

Now, here is the kicker, how would you call an institution that is responsible for the common good of all the participants, in this case, not the people involved in a

²⁵John Restakis, *Cooperative Commonwealth & the Partner State* (The Next System Project, 2017), p. 11

²⁶Bauwens, “The ‘welfare state’ is dead - long live the ‘partner state’?” *Al Jazeera English*, March 15, 2012 <<http://www.aljazeera.com/indepth/opinion/2012/03/20123111423139193.html>>. I cannot cite Bauwens as an authority without feeling ethically bound to note his far-rightward drift in recent years, and his active promulgation of alt-right ideological tropes. See this “Letter of Disassociation From Michel Bauwens,” from the P2P Left Facebook group (hosted by Anarchist Federation) <<https://www.anarchistfederation.net/letter-of-disassociation-from-michel-bauwens-repost/>>, and the Appendix which documents his problematic statements <<https://p2p-left.gitlab.io/statement/appendix/>>.

similar project, but the inhabitants of a territory? I would argue that this type of for-benefit institution has a very similar function to what we commonly assign to the state....

Can we then, imagine, a new type of state? Enter the concept of a Partner State! The Partner State... is a state form that enables and empowers the social creation of value by its citizens. It protects the infrastructure of cooperation that is the whole of society. The Partner State can exist at any territorial level, as a set of institutions that protect the common good and enable the citizens to create value. It does, on a territorial scale, what the for-benefit institutions do on a project-scale. While the for-benefit associations work for the commoners as to particular projects, the Partner State works for the citizens.²⁷

Bauwens and Vasilis Kostakis argue, similarly, that the Partner State is part of a larger ecology of commons. In a commons-based economy, an ecology of enterprises (ideally mostly cooperative or peer-to-peer) grows up as a value-added layer on top of information and natural resource commons. The small-scale institutions for managing and supporting the commons — e.g. the Mozilla Foundation, Wikimedia Foundation, etc. — are mini-Partner States. To turn that around, the Partner State is a sort of commons-administering foundation writ large, a meta-organization supporting the commons and civil society.²⁸

Stacco Troncoso and Ann Marie Utratel, compare it to the support function of foundations in the open-source world.

Imagine a radically reconfigured and democratically accountable structure. One that, while preserving the more desirable characteristics of the Welfare State — social and public health provision and large infrastructure management and upkeep — radically democratizes them. It would do away with the State's cozy symbiosis with market entities, while deconstructing its pernicious monopolies over money creation and exchange, and property and judicial rights. A second radical set of measures would prohibit the structural enforcement of inequality and the often violent repression of emancipatory alternatives. This structure would function in much the same way as foundations do in the Open Source software economy: providing the infrastructure for cooperation and the creation and upkeep of commons but not directing the process of social value creation and distribution. In other words, it would empower and protect the practice of commoning.

This enabling metastructure — often referred to as “The Partner State” — would also take on new functions derived from already existing P2P/Commons practices. Among these, we would see a promotion of real, needs-oriented entrepreneurship, bolstered by explicit recognition and support of bottom-up productive

²⁷Bauwens, “Evolving Towards a Partner State in an Ethical Economy,” in Andrea Botero, Andrew Gryf Paterson and Joanna Saad-Sulonen, eds., *Towards Peer Production in Public Services: Cases from Finland* (Helsinki: Aalto University School of Arts, Design and Architecture, Department of Media, 2012), pp. 57-58.

²⁸Bauwens and Vasilis Kostakis, “Peer-to-peer production and the partner state,” *Red Pepper*, Aug. 27, 2017 <<http://www.redpepper.org.uk/peer-to-peer-production-and-the-partner-state/>>.

infrastructures, such as Open Coops, mesh wireless networks or community renewables through public-*Commons* partnerships. It would allow commoners to repurpose or take over unused or underutilised public buildings for social ends while giving legal recognition to the act of commoning, whether through copyleft-inspired property-law hacks or through a longer process of gradually institutionalizing commons practices. Its grassroots democratizing ethos would create new financing mechanisms and debt-free public money creation, which, alongside social currencies, could fund environmentally regenerative work and the creation of new, distributed Open-source infrastructure. These would be supported by taxation schemes favouring the types of labor described above, while penalizing speculation, parasitic rents and negative social and environmental externalities. The overall system has to be kept in check through a pervasive culture of participatory politics — made feasible through its attendant pedagogy — to involve a newly enfranchised citizenry in the deliberation and real-time consultation of political and legislative issues and budgeting. In issues of power, the Partner State shifts to being a fluid facilitator to assist and emancipate the bottom-up counter-power that keeps it in check.²⁹

Christian Iaione, of LabGov, describes the Partner State as a “State-Platform,” a “new form of State, a State which is plural because distributed,” because it can be found in the different worlds of society, economy and knowledge and not anymore confined to the offices and hallways our institutions. Thus, a program of large-scale experimentation is needed to regenerate institutions, a program able to strengthen administrations’ institutional capacity to manage change without suffocating it nor attempting to direct it. The State should accompany, enable, monitor and value such change by becoming a platform. A State-Platform will be ready to make his time, competences, human, technical and logistic resources available in order to organize processes and territorial laboratories where things begin to happen regardless of the administration, but in a more controlled and legitimate way. It will grant everyone the possibility to experiment, allowing everyone to be informed on what projects others citizens are undertaking and perhaps to join them. Making sure that basic norms on security and inclusion are respected, it should provide a free license to experiment and imagine.³⁰

Italian Water Commons activist Tommaso Fattori describes it as a “public but not state arena”:

Commonification basically consists of its democratization, bringing back elements of direct self-government and self-managing, by the residents

²⁹Stacco Troncoso and Ann Marie Utratel, “Commons in the time of monsters: How P2P Politics can change the world, one city at a time,” *Commons Transition*, June 5, 2017 <<http://commonstransition.org/commons-time-monsters/>>.

³⁰Christian Iaione, “The Platform-State. Government as an enabler of Civic Imagination and Collaboration,” in *The City as a Commons Papers: The founding literature and inspirational speeches* (CO-Cities, LabGov et al, 2019), pp. 32, 34.

themselves, of goods and services of general interest (or participatory management within revitalized public bodies). Commonification is a process in which the inhabitants of a territory regain capability and power to make decisions, to orientate choices, rules, and priorities, reappropriating themselves of the very possibility of governing and managing goods and services in a participatory manner: it is this first-person activity which changes citizens into commoners....

These are resources which do not belong to and which are not at the disposal of governments or the State-as-person, because they belong to the collectivity and above all, to future generations, who cannot be expropriated of their rights. Distributed participatory management and self-government, inclusion and collective enjoyment, no individual exclusive rights, prevalence of use value over exchange value, meeting of primary and diffuse needs: commons, in this understanding, means all these things.... This is a road which could be the beginning of a general transformation of the role of the state and of local authorities into partner state, “namely public authorities which create the right environment and support infrastructure so that citizens can peer produce value from which the whole of society benefits”....³¹

Bertie Russell, a Research Fellow at the University of Sheffield's Urban Institute, frames this whole complex of interrelated ideas as a sort of non-state democracy which aims to transcend

an interpretation of democracy which is fundamentally wedded to the *state*. We conventionally think of the state as if it were some form of machine – an ever-modifying series of mechanisms, and the associated buildings, weaponry and technical infrastructure to support it – which is passed from one group to another. Under state-democracy (sometimes called liberal or bourgeois democracy, but these terms don't quite fit here), elections are used to determine which small group of people should be controlling this machine. They are seen as the least-worst way of ascertaining a mythical “general will” of the people which is then entrusted to those controlling the machine, but also as a safety-valve to guard against its excessive misuse. This understanding of state-democracy is by no means the preserve of the ‘right’. From social-democracy through many interpretations of socialism, the democratic question remains *who* controls the machine, *how* the population choose them, and *what* they do with it. Whilst the electoral process itself may be tweaked (for example, a move to proportional representation) or interstitial ‘participatory’ processes introduced (such as referenda), the concept of the machine itself – as a necessary infrastructure which sits on top and *does-to* society – is left unquestioned.

³¹Excerpts from text prepared by Tommaso Fattori as part of the book-project "Protecting Future Generations Through Commons", organized by Directorate General of Social Cohesion of the Council of Europe in collaboration with the International University College of Turin. Quoted in "Research Plan," FLOK Society Wiki <http://en.wiki.floksociety.org/w/Research_Plan> Accessed August 9, 2014.

Traditional Marxist approaches to state-democracy understand the state as an instrument of domination that must ultimately be dissolved, and that its “withering away” is an essential pre-requisite to the establishment of a society of freely associating individuals. Whilst there are different interpretations of how this might happen, they largely share the perception of the state as an indispensable tool which must be seized (through election, violent revolution, or otherwise) as the method of transition to a world without the state.

What he proposes, instead, is “another reading of democracy.” This non-state democracy is

a challenge to the idea of state-democracy itself – a rejection of the *form* of social relations that we’ve nick-named ‘the state’ – and an affirmation that we can develop very different ways of organising our own everyday activity. It was a restatement of the democratic principle that the *demos* can organise itself, a refusal to wait for the state to deliver its own antithesis, and a belief in the possibility of us beginning to ‘freely associate’ together *now....*

There are thus two almost diametrically opposed understandings of ‘democracy’; either a commitment to the idea that we can develop a plurality of approaches to organising our own everyday activity, or a commitment to being alienated from governing our own affairs through the *form* of social relationships we call ‘the state’.

As Ana Mendez, an activist in Madrid 129 and former cultural-policy advisor puts it, municipalism is “not a way to implement the state conception of the world in a smaller scale. It’s a way to actually modify this level of the local government into something that is different, that actually operates at a different scale”. In other words, many municipalist activists are guided by this principle of autogestion – that we should be able to take on the responsibility of governing ourselves – and that this means trying to fundamentally reshape the bundle of social relationships that constitute the alienating state-machine in favour of new forms of collective social organisation.

But Russell stresses that “this commitment to developing the self-organizing capacity of society does not mean forsaking working *within* existing state processes.”

Rather, we can see these movements as functioning transversally, developing strategies for organising in, against and beyond the state, where the radical democratic impulse – perhaps paradoxically – is to try and turn these institutions against themselves through ‘transforming the institution itself and its mechanisms in order to distribute power’.³²

At this point I should note that the majority of the public have been raised to see multi-party representative government, private property that is alienable without

³²Bertie Russell, “Fearless Cities municipalism: experiments in autogestion,” *Open Democracy*, February 21, 2019 <<https://www.opendemocracy.net/en/can-europe-make-it/fearless-cities-municipalism-experiments-in-autogestion/>>.

exception, and unlimited free contract, as the defining features of genuine democracy and freedom. For them, the very idea of a society in which inalienable commons-based ownership of land and resources and democratic worker control of the firm are baked into the fundamental constitutional structure, is bound to appear totalitarian. But there is no reason for our notions of “freedom” and “democracy” to be defined by the contingent forms which have arisen under capitalism and the Westphalian nation-state. There are fundamental property norms built into our own Constitution — e.g. the provision against impairment of the obligations of contract — that are beyond political debate regardless of the party in power. There is no reason that a different set of property norms — much more democratic than capitalist ones, I might add — should not likewise be part of a society’s fundamental constitutional structure. There is likewise nothing less democratic about a society built around direct democratic governance of community and workplace institutions, and apolitical federative bodies responsible to them, than one built around a legislature composed of representatives elected from one of two party slates — just the opposite, in fact.

Ryan Neugebauer’s proposals of Universal Basic Income (or something similar in principle, like a guaranteed minimum income through negative income tax) and land value taxation are arguably steps toward making the state less statelike along the lines advocated by the Partner State model. Either of the income measures would essentially eliminate the entire welfare bureaucracy and its intrusive gate-keeping functions, causing social safety net to function in a largely automatic manner with greatly reduced discretion. To the extent that absentee landlordism is a state-enforced privilege, land rent is a form of unearned economic rent resulting from such privilege and landlords are a component of the state. Therefore, taxation of land rent is a net reduction in their state-derived authority.

As I have argued elsewhere, the primary function of the state is to enforce the privileges of an economic ruling class, and facilitate their extraction of surplus labor through unearned rentier incomes of various sorts. Therefore, any taxation of such unearned income, and any regulation that restricts the abuses of such state-granted privileges, is a net reduction in statism.³³

An excellent fictional illustration of the Partner State concept is the Martian planetary government in Kim Stanley Robinson’s Mars Trilogy, which barely qualifies for a state at all. During the revolutionary period of resistance against the UN’s Martian development organization, and the consortium of corporations engaged in terraforming and mining Mars, a majority of the human population lived in widely separated communities; the underground consisted of numerous communes and self-governing communities, with loose federal ties between various groupings of them. It followed of necessity that the post-independence polity would be a community of communities. The

³³Carson, “Formal vs. Substantive Statism: A Matter of Context.” Paper written for *The Dialectics of Liberty* anthology, Chris Matthew Sciabarra and Roger E. Bissell, eds. (2019)
<https://www.academia.edu/39646225/Formal_vs_Substantive_Statism_A_Matter_of_Context>.

primary function of the Martian constitution was to establish a system of predistribution through property rules (all land was declared to be a social commons, and all enterprises with more than one worker were automatically worker-owned and self-managed), to set up a system of civil courts to enforce human rights and property claims, and in addition to establish an ecological court which was for all intents and purposes a steward administering the land and resource commons on behalf of its public owners. There was little in the way of legislative authority vested in any body.

Closely related to the concept of the Partner State is that of open-source legal codes or wikified regulations. Here's how Nikos A. Salingaros and Federico Mena-Quintero describe it:

In parallel to the free/open-source software movement, designing a city and one's own dwelling and working environment should be based upon freely available design rules rather than some 'secret' code decided upon by an appointed authority. Furthermore, open-source urban code must be open to modification and adaptation to local conditions and individual needs, which is the whole point of open-source.³⁴

Let us consider briefly the kinds of participation that can be open to different people. Architects of course deal with the design of buildings. An architect familiar with the needs of a certain region may know, for example, that an 80cm eave is enough to protect three-metre tall storeys from rainfall, in a particular region with a certain average of wind and rain. A builder may be well versed in the actual craft of construction, that to build this kind of eave, with the traditional forms used in this region, requires such and such materials and techniques. The final dweller of a house will certainly be interested in protecting his windows and walls from rainfall, but he may want to have a say in what kind of window he wants: if he wants it to open to the outside, then it must not bump against the wide eave. Thus it is important to establish communication between users, builders, designers and everyone who is involved with a particular environment.

Our hypothetical rainy region will doubtless have similar problems to other similar regions in different parts of the world. P2P-Urbanism lets these geographically separated people connect together to learn from each other's experience. Trial-and-error can be reduced by being able to ask, "who knows how to build windows and eaves that will stand this kind of rainfall?", and to get an answer backed by evidence.³⁵

The fictional wikified construction project of the Belt and Braces co-living space/inn in Cory Doctorow's *Walkaway* is in some ways suggestive of how an open-source regulatory code might work, in microcosm.

³⁴Nikos A. Salingaros and Federico Mena-Quintero, "A Brief History of P2P Urbanism (*excerpts*)," in *Build the City: Perspectives on Commons and Culture* (Krytyka Polityczna and the European Cultural Foundation, 2015), p. 119.

³⁵*Ibid.*, p. 121.

She helped build the Belt and Braces, scavenging badlands for the parts its drone outriders had identified for its construction....

The codebase originated with the UN High Commission on Refugees, had been field-trialled a *lot*. You told it the kind of building you wanted, gave it a scavenging range, and it directed its drones to inventory anything nearby, scanning multi-band, doing deep database scrapes against urban planning and building-code sources to identify usable blocks for whatever you were making. This turned into a scavenger hunt inventory, and the refugees or aid workers... fanned out to retrieve the pieces the building needed to conjure itself into existence.

These flowed into the job site. The building tracked and configured them, a continuously refactored critical path for its build plan that factored in the skill levels of workers or robots on-site at any moment. The effect was something like magic and something like ritual humiliation. If you installed something wrong, the system tried to find a way to work around your stupid mistake. Failing that, the system buzzed your haptics with rising intensity. If you ignored them, it tried optical and even audible. If you squelched that, it started telling the other humans that something was amiss, instructed them to fix it....

If you planted a piece of structural steel in a way that the building really couldn't work with and ignored the rising chorus of warnings, someone else would be told that there was a piece of "misaligned" material and tasked to it, with high urgency. It was the same error that the buildings generated if something slipped. The error didn't assume that a human being had fucked up through malice or incompetence. The initial theory had been that an error without a responsible party would be more socially graceful. People doubled down on their mistakes, especially when embarrassed in front of peers. The name-and-shame alternate versions had shown hot-cheeked fierce denial was the biggest impediment to standing up a building.

So if you fucked up, soon someone would turn up with a mecha or a forklift or a screwdriver and a job ticket to unfuck the thing you were percussively maintaining into submission. You could pretend you were doing the same job as the new guy, part of the solution instead of the problem's cause. This let you save face, so you wouldn't insist you were doing it right and the building's stupid instructions (and everything else in the universe) was wrong.³⁶