

The Will to Code: Nietzsche and the Democratic Impulse

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Abstract: This paper examines the moral claims of free software through the lens of a (re)reading of their theory and practices together with aspects of Nietzsche's works. It seeks to make a preliminary sketch of how such an analysis might draw attention to oft-neglected aspects of the free software and open source movements. Does an aristocratic moment within the free software (and more generally the free culture) movements point toward a necessary revitalisation of the *res publica* and should we view this movement as central to the democratic project rather than anathema to it.

Introduction: The Moral Claims of Free Software

'To refrain from injury, from violence, from exploitation, and put one's will on a par with that of others: this may result in a certain rough sense in good conduct among individuals when the necessary conditions are given (namely, the actual similarity of the individuals in amount of force and degree of worth, and their correlation within one organisation). As soon, however, as one wished to take this principle more generally, and if possible even as the fundamental principle of society, it would immediately disclose what it really is – namely, a Will to the denial of life, a principle of dissolution and decay'

Nietzsche, *Beyond Good and Evil*, §259

Free Software has been described by theorists such as Benkler (2002) as commons-based peer-production. It is hailed for the revolutionary potentials inherent in its oft-described decentred, non-hierarchical and egalitarian (dis)

organisation (e.g. Moglen 1999; Hardt & Negri 2004). However in this paper we intend to see whether reading Nietzsche offers an alternative insight into the workings of free software projects. Particularly one that starts from a different point to that of an egalitarian theory and points rather to explanation that may cohere around a coding aristocracy. Does an analysis that focuses on the will to power (or perhaps more accurately the will to code) provide any explanatory value in understanding the extremely complex interactions and processes involved in software development in copyleft groups? How might reading Nietzsche help us to question the morality instantiated in such software and associated cultural projects? This short article is a preliminary sketch of how we feel a reading of the practices of the free software movements could be usefully understood through Nietzsche.

In *Beyond Good and Evil*, *On the Genealogy of Morals* and elsewhere, Nietzsche examines the origins of ‘conventional’ morality, claiming that prevailing ascriptions of the labels ‘good’ and ‘evil’ are the secularized legacy of Judeo-Christian ‘resentment’. Ideals of compassion and neighbourliness, originating in the ‘slave’ mentality of the oppressed and marginalised Jewry of antiquity have, through the rise of Christianity, come to exert a pernicious sway over European morality and politics. Reflecting upon the 19th century European milieu, he argued that the democratic-egalitarian impulse is not intrinsically ‘good’ at all, but rather the product of an extended historical process of contest between aristocracy and slaves, rulers and ruled.

But this genealogical analysis was not the endpoint of Nietzsche’s investigation. His work can be understood as an extended commentary upon and dialogue with this democratic impulse in which its core premise – that of the possibility and desirability of the drawing of moral and political equivalences between human beings – is subjected to normative (r)evaluation. Possibility, because in the concept of ‘will to power’ he claimed that humans were fundamentally competitive rather than compassionate; desirable, because he forcefully claimed the implications for the health of the community of a moral complex which elevates facility to its central ethical core, was fundamentally deleterious.

The claim that the democratic egalitarian impulse is immoral makes for

difficult reading, particularly in an age notable for its proselytizing of choice, freedom and liberty. But in the spirit of ‘untimely meditation’ – to think outside or against the times – it raises some pertinent questions about the form and consequences of morality instantiated in contemporary contestations over intellectual property regimes. The aristocratic moment in Nietzsche’s philosophy, where the majority exist to facilitate the pursuit of Beauty, Truth and Legacy by a select group of *ubermensch*, is redolent of a hierarchical social form to which few would today subscribe. And yet, insofar as he sought to rethink the legitimating narratives of his day in such a way that the contestation of authority became problematic for the ‘health’ of the community, rather than its salvation, we argue that it provides an important corrective to uncritical, unreflexive assumptions that the morality inscribed in the free software moment is ‘good’. Indeed, reading Nietzsche calls on us to (re)consider how to understand and evaluate the moral claims of the free software movement and its contributors in toto. So, for example, insofar as this movement accentuates the democratic-egalitarian impulse, do its members not inadvertently contribute to the ongoing enervation of the *res publica* in which they are located? Or, conversely, might they be understood as a code aristocracy which, in undertaking a ‘copyright’, instantiate a process of self-overcoming through which the *res publica* is revitalised? And what moral judgement might we ourselves pass on them as a result?

The Morality of Free Software – A Code Aristocracy?

Before passing moral judgement, then, a moral assessment of the free software projects and contributions to them is required. This assessment has two dimensions: first, does the Free Software/open-source movement’s elite group of individuals, such as Richard Stallman, Eric Raymond, Linus Torvalds, Alan Cox, Bruce Perens, Tim O’Reilly, Brian Behlendorf, Eben Moglen et al, amount to a Nietzschean coding aristocracy; and second, does the will to power represented by Stallman et al signify the refraction of a novel moral complex through the social whole in which they are embedded, or are they merely (re)articulating more widely held and understood concepts of what counts as good and evil? What

then is the morality instantiated in the free software movement by its contributors – the desire to ‘level’ or the desire to lead?

In the first case it is clear that there is indeed a case to be made for the existence of an upper tier of programmers, self-selected and their authority legitimated by the claims to ‘hacker’ status. These hackers are often extremely productive and active in their coding activities, sometimes even having the title ‘benevolent dictator’ bestowed upon them (Linus Torvalds being a notable example). They also feel free to proclaim the morals and ethics of the communities they nominally claim to represent and sometimes take extremely controversial positions and actions (e.g. the Torvalds bitkeeper debacle). Much research is underway in a number of disciplines to understand the free software and open-source movements but the empirical studies undertaken so far seem to point towards a large number of developers in these projects but with a much smaller core cadre of programmers who undertake the majority of the work. When it comes to discussing difficult issues, decisions and future directions, those that have a ‘reputational’ weight can carry a particular position or decision (of course, notwithstanding the dangers of ‘forking’ and the need therefore to keep some semblance of consensus – or perhaps more pessimistically, hegemony). In the first case then, it is clear that there is indeed an argument to be made for the existence of an upper tier of programmers, self-selected and their authority legitimated by the claims to “hacker” status.

Additionally, nobody can ignore the proclamations of individuals like Richard Stallman and Eric Raymond (whose controversial and widely differing views on the ethics of these software communities we cannot go into here, see for example Berry 2004). But suffice to say that the two movements (i.e free software and open-source) are important ‘nodal points’ around which discussions are often polarised. Here we concentrate particularly on the arguments made by those who support the position of the Free Software movement, as we believe that they can and should be separated from the more individualistic and rational choice theory presented by the open-source community. Additionally, their explicitly moral and ethical claims allow us to examine their arguments within the framework we have discussed. We intend to return to the question of the open-source counter-claims in a later article.

Secondly, although a Kantian notion of a categorical imperative seems to underlie the philosophical foundations of the position advocated by Richard Stallman (i.e. what is ethical for the individual must be generalisable to the community of coders), the nature of the language which is utilised by the Free Software Foundation (FSF), and Stallman in particular, draws on the benefits and importance to society as an original reading of the republican values of the US constitution. Separating a ‘free as in free speech’ (i.e. *libre*) from a ‘free as in free beer’ (i.e. *gratis*) he argues forcefully against the dangers threatened through the ownership and control of knowledge. He advocates a voluntaristic project that can counter the damaging constriction of human knowledge through corporate or governmental control (i.e. the right to access code, tinker, use and reuse ideas and concepts). He is also remarkably active internationally, giving Zarathrusta-like warnings of the dangers from the coming intellectual dark ages in presentations to governments, corporations and ‘civil society’ organisations.

A lone voice in the wilderness for many years, Stallman has had the last laugh, as all warnings regarding the enclosure and restrictions placed on knowledge through intellectual property law (e.g. patents and copyright) have come to pass. Yet, during this time, although to a large degree distanced from the wider community, he continued to (almost single-handedly) develop the most important tools necessary to build a philosophy and an operating system that remained outside of the private ownership of individuals (e.g. GNU). Indeed, it could be argued that the Free Software Foundation, which controls the development, is more akin to *Res Universitatis* than *Res Privatae* (i.e. it remains outside of private property as normally understood due to both its non-profit status and the ingenious General Public License). However, in a cruel twist of fate it was left to a young Finnish student, Linus Torvalds, to write the essential core kernel, to name it ‘Linux’, and thus complete the system. Perhaps more surprisingly, Torvalds also demonstrated a political naivety and lack of appreciation of the underlying ethical and political project that made his work possible in the first place. It could even be argued that Torvalds apolitical technocratic mentality has aided Stallman’s critics and the open-source movement’s project of de-politicisation of Free Software rather than confirming Stallman’s prescient forecasts. Nonetheless, Stallman’s project of the GNU/Linux

system has paid off in a global debate which has truly unforeseen consequences (witness for example the spectacle of a music industry finding itself for the first time on the wrong side of the argument against ‘the system’, appearing less a radical/progressive force in tune with youth culture and more as corporate suits allied with the conservative hierarchy fighting file-sharing and peer2peer networks). The consequences of this project gradually revealing themselves: from technical questions over software to the (always implicit but now increasingly evident) concerns with morality... sharing or profit; our ‘right’ to information against the private ownership of knowledge.

Without Regard For Persons? Or, The *res publica* vs human beings

In turning to Nietzsche we tread a familiar path in contemporary political thought. Such is the scope of his works that his texts have provided a rich seam for thinkers during the past four decades or so. In fact, there has been no time since his death when he has not been a feature of the political terrain. And yet for all this attention to Nietzsche, the normative core of his political diagnoses is all too often elided, particularly where he has been mobilised to refine various schema – democracy, feminism and socialism – to which he was implacably opposed. To acknowledge the legitimacy of the method is one thing – his work is a resource to be played with. But we argue that to invoke Nietzsche it is necessary to recognise and engage with his emphatically anti-democratic injunctions. We are not advocating Nietzsche’s binary social distinction: our intention is not to recalibrate the aristocratic moment. But we are intrigued by the possibility of invoking his untimely challenge to the conviction that human beings can be the subject of moral evaluation qua human beings. That we might, in Nietzsche words, be able to undertake some form of ‘revaluation of values’.

In this vein we suggest that it is not origins on which moral evaluation should be based, but on consequences. In an era in which social democracy’s pact with the market demands that citizen’s rights be balanced by ‘responsibilities’, and political philosophy continues its Sisyphean struggle to resolve the unresolvable – to proclaim the ethos of community while retaining that lonely figure of the modern sovereign individual as its real ethical core – we wonder whether this revaluation might include re-consideration of the yardstick by which we judge

moral agents. And to extend this line of thought, it might be possible to envisage a moral schema in which evaluation of a citizen be accomplished in terms of the service they perform to the community. In other words, that people be adjudged in terms of actions, and that actions be judged in terms not of their service to human beings qua human beings but to the social whole.

In the Free Software world that hackers inhabit, participants believe themselves to live in a meritocracy, where only the best programmers rise through the ranks to decide the rules of the game for others. But even here there are stark differences in how the contributions hackers make to a community might be judged: witness for example the different ethical standpoints of the free software versus the open-source movement (e.g. community based ethics against a form of selfish utility maximisation). It is also instructive to see how technological tools are developed by the hackers to discuss technical issues but also inevitably politics, economics and social issues (see for example slashdot.com for a good example). Yet key to a Nietzschean assessment of the morality of the Free Software movement is the establishment of a meta-morality that enables us to view its claims not oppositionally but historically: to provide a basis for moving beyond evaluation of which is the ‘most good’ to think anew about what is ‘good’ in the first place.

If the defeat of old values creates nihilism, the task confronting us is precisely not to place faith in our agency, to think that we can ‘build’ our way out of the moral impasse (as might be implied by the moral topology of contemporary resistance/struggle). The subversion of the old values by their own call to truth does not mean that we now exist in a moral vacuum into which we can add our own progressive morality (borne of countering authority, in this case in the form of IPRs). No, reading Nietzsche compels us to pause and consider anew the moral topography in which we are located and to which we all contribute. The task is not to innovate values through our agency, but to think how we may contribute to a revaluation of values through that agency – how we may help recalibrate the hierarchy of values. Not to make new morality but to refashion the existing one. Within Free Software and Free Culture there is an assumption of a certain group of norms and values, a commitment to an uncontested but implicit set of rights and obligations. Here and elsewhere, Nietzsche, then, calls upon us to

question whether, in this age of utterly unreflective indulgence of the democratic impulse, we might not serve ourselves, and our community better by pausing to *think what we are doing*.

Short Bibliography

Benkler, Y. (2002). Coase's Penguin, or Linux and the Nature of the Firm. *The Yale Law Journal*, 112, 369-446.

Berry, D. M. (2004). The Contestation of Code: A Preliminary Investigation into the Discourse of the Free/Libre and Open Source Movement. *Critical Discourse Studies*, 1.1.

Bull, M.(2000) Where is the Anti-Nietzsche?, *New Left Review*, 3.

Hardt, M., & Negri, A. (2004). *Multitude: war and democracy in the age of Empire*. New York: The Penguin Press.

Moglen, E. (1999). Anarchism Triumphant: Free Software and the Death of Copyright. Retrieved 01/03/2003, from

http://www.firstmonday.org/issues/issue4_8/moglen/index.html#author

Nietzsche, F. (1997). *Beyond Good and Evil*, Mineola: Dover Publications.

Nietzsche, F. (1998). *On the Genealogy of Morals: A Polemic*, Oxford: Oxford University Press.

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