Adventures in Participatory Nation-Building

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Systems and Systems Failures

- The complexity of our systems mirrors the complexity of our society
- All systems can fail
- Complex systems fail complexly
- Any system can be analyzed
- Different kinds of analysis are acceptable for different [social] systems
- A lack of systems thinkers is causing problems
What is Law?

• System of formal rules that govern a society*
• Contextual
• Temporary settlement between competing interests
• Often very, very messy
• Embedded in the full breadth of human tradition
How is Law Created?

- Enabled and empowered actors accrete law over time
- Constitutional processes are often unique
- Don’t (necessarily) need to deal with full complexity of the legal system
- Must pay attention to cultural and logical context
A Brief History of Analytic Law

- Romans
- Liebniz & Civil Law
- Civilization of Common Law
- Other traditions are more complex for analytics
What Happened in Iceland?

• Economic collapse and civil unrest
• Demand for fundamental changes in government
• National Forum
• Constitutional Assembly
• Court hijinks
What Happened in Iceland?

• Assembly seated by fiat in May
• Agile process
  • Three sub-teams
  • Week-long sprints
• Took longer than originally planned
• Posted each week’s drafts online
• Comments by message board and Facebook
• Document submitted in Alþingi in August
Icelandic Law

- Individual defense in court is taken seriously
- Literal interpretation of text beats case law
- Law becomes more code-like
- A constitution is self-contained and tractable
So, I met this crazy guy in a Thai place in Reykjavik and we got to talking....
What We Did

• Analysis of the “security of law”, using the tools of the security world on law
• Analysis of law is much easier, theoretically, if you have write access
• Entirely unaffiliated amateur process
• Four processes, conducted in parallel
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## Four Part Project

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- Complexity and reading level statistics
- Weasel words
- Boolean structure analysis
- Unbound variable checks
- 19 terms in the current draft
- Ambiguous statements analysis
- Deconstruction into predicate phrases

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Four Part Project

• Translation
• Textual Analysis

• Design Review
• Threat Modeling

• Fast and expedient, but informal and limited
• Focused on identifying responses to anomalous conditions
## Four Part Project

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- Constructing a formal threat model
- Built around work on the Trike project
- Most direct application of security techniques to law
The Trike Threat Modeling Method

- A tool for building formal models of processes and implementations
- Usually business processes and software
- Can be any systems with actors and assets
- Best tool for complex adversarial processes
- Makes smart people smarter
A Separation of Powers Bug

• Particular concern in Iceland

• Three-branch parliamentary democracy

• Supreme court has seven members except when it has another eight

• Alþingi gets to pick who supplements when ruling on constitutionality of law

• Encapsulates what TMs are good at
Civil Rights and Completeness

• Statements of rights often have loopholes

“Congress shall make no law... abridging the freedom of speech....”

• Incomplete:
  • Only controls congress
  • Regulatory capture
  • Chilling affects
Results in Iceland

- Hampered by resources, coordination, and access to process
- Only presented results informally
- Many suggestions included in final document
- Significant improvement in overall quality
- Three articles adopted verbatim
Transparency, Governance, and Resilience

- A crisis in governance
- Mass regulatory capture
- Taking action for resilience
- Transparency in power
- Prototypes for how to run a planet openly

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Coming Soon

to a Post-Revolutionary State Near You
CAST: http://const.is
Trike: http://octotrike.org

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