

# There is no code of honor in cyberspace—or software

BY MARK WILLIAMS

## Code and Other Laws of Cyberspace

By Lawrence Lessig  
230 pages, \$30  
Basic Books

## In the Beginning... Was the Command Line

By Neal Stephenson  
151 pages, \$10  
Avon Books

**L**AURENCE Lessig's *Code and Other Laws of Cyberspace* begins with a simple truth: cyberspace is made from code, which—far from having some manifest destiny to be unregulated—does whatever it's designed to do.

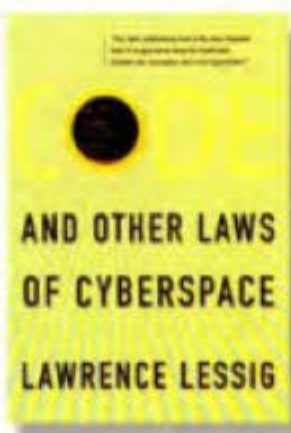
But Mr. Lessig, a Harvard Law professor and an expert witness in the Justice Department's recent suit against Microsoft, proceeds to more thoroughly heterodox opinions. Perhaps you recall such rhetoric as John Perry Barlow's "Declaration of the Independence of Cyberspace?" ("Governments of the Industrial World, you weary giants of flesh and steel, I come from Cyberspace.... On behalf of the future, I ask you of the past to leave us alone.... You have no sovereignty where we gather.") Well, all that swagger, Mr. Lessig tells us, was wet behind the ears. Not only is the accepted wisdom about the impossibility

of regulating the Internet wrong, but indeed "the challenge of our generation" will be to prevent cyberspace from becoming the most regulated space ever known. Today, he insists, we face the prospect that an alliance of commerce and government is bringing that to pass.

## COMPLIANCE BUREAU

Mr. Lessig maintains that today—as opposed to four years ago, when users had a large degree of anonymity and free speech—electronic commerce is structuring an Internet architecture where surveillance is the default mode, and digital certificates (with increasingly specific descriptions of individuals) are more widely accepted. In this climate, the government won't need to regulate citizens' behavior directly if it can regulate companies or provide strong incentives for their compliance. Companies would then implement architecture that satisfies the government's demand for expanding the tracking and regulation of citizens in cyberspace. Internet users accept all this—even when they're aware of it—in return for those incentives provided by doing business with specific companies.

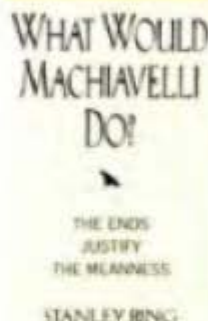
Specifically, how might this work? Starting with gambling and porn sites, for instance, the government could require



## SHIRAZ LIT

### The Prince and the paupers, updated

Are you willing to do whatever it takes to get ahead in business? Before you answer, there's a new book with a few other questions you should ask yourself. *Fortune* columnist Stanley Bing's *What Would Machiavelli Do?: The Ends Justify the Meanness* (Harper Business, \$21) cuts to



the chase and exhorts executives to follow the precepts outlined by the 16th century philosopher Niccolò Machiavelli in *The Prince*—that is, behave as callously and aggressively as possible.

The result is a clever lampooning of corporate culture that mischievously and deliberately distorts Machiavelli's actual writings.

If Machiavelli were alive today, Mr. Bing writes, he "would make a virtue out of his obnoxiousness," "he would have no conscience to speak of," and "he would be satisfied with nobody but himself." Readers, he continues, must embrace these qualities if they wish to make it to the top of the corporate food chain. Mr. Bing sarcastically adopts the air of the Machiavellian in his dedication, in which he bypasses the usual family and friends in favor of himself. The irony shines through subtly, as he spells out the things that we fear other businesspeople really think, and in the process satirizes all those "get ahead in business" books filling store shelves these days. Let's hope that no clueless executive takes the book seriously and decides to follow Mr. Bing's advice that Machiavelli would, among other things, "permanently cripple those who disappoint him." Give it as a gift to your favorite power-hungry executive.

—Peter Rojas

that Internet businesses impose conditions on their customers to prove their age and residency using digital certificates. Tax breaks might be given, Mr. Lessig asserts, to individuals who filed tax returns signed by government-certified accountants; these accountants would receive government credentials based on whether they coded individuals' certificates as the government wished. Furthermore, the Feds could impose a 10 percent Internet sales tax, exempting those purchasers who had certification of their state of res-

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idence—whereupon the state would collect whatever local tax applied.

Mr. Lessig, a constitutional law specialist, concludes *Code* with warnings that "we will watch as important aspects of privacy and free speech are erased by the emerging architecture.... There are choices we could make, but we pretend that there is nothing we can do." The Internet's architecture is *de facto* its constitution, he points out. Yet the judiciary won't act to create policy, because they know Americans don't want courts choosing among contested values. And Congress shouldn't do it because Americans will distrust the results, knowing (Mr. Lessig doesn't put it this way, but I will) that the government we've paid for may be the one we wanted, but not the one we need. Particularly, Mr. Lessig is pessimistic because he believes a climate of knee-jerk libertarianism has brought thoughtlessness about molding government institutions: "We are proud to leave things to the invisible hand. We make the hand invisible by looking the other way.... We are no more ready for this revolution than the Soviets were ready for theirs."

*Code* did not absolutely convince me. Granted, the Internet is creating a global electronic village where knowledge of any individual's history could become the whole community's property—as it was when we lived in real villages. The privacy we've known in our cities for the last few centuries may be a historical

anomaly. Still, I don't think either the world or cyberspace works quite as Mr. Lessig pictures it.

### WIZARD OF OS

*In the Beginning...* Was the *Command Line* sums up why. Neal Stephenson has dashed off a free-wheeling meditation about how different types of computer operating systems reflect users' mind-sets. Because he first learned to program in the days of teletype machines and paper tapes, and through the years has worked on every OS, he can make keen—and funny—assessments of them all.

Essentially, he says, readers should picture four competing auto dealerships. Microsoft, the biggest, sells bloated station wagons (Windows) to the masses and hulking off-road vehicles (NT) to industrial users. A smaller dealership, Apple, sells Euro-style sedans and spends a lot of money on ad campaigns. Recently, two new competitors have set up shop. Former Apple executive Jean-Louis Gassé's Be sells fully operational Batmobiles: more stylish and advanced than the Euro-sedans, and cheaper. Then there's Linux, the open-source OS, which isn't a business at all but, as Mr. Stephenson puts it, "a bunch of RVs, yurts, teepees, and geodesic domes set up in a field and organized by consensus. The people who live there are making tanks.... Anyone who wants can simply climb into one and drive it away for free." Given that, he insists, it's unclear how much longer the OS business will be tenable—and Microsoft has no real monopoly. What it has is mindshare in the interface culture.

And what that reflects, Mr. Stephenson claims, is America's mass culture—exemplified by Disney—which we've exported to the world. Whether a result of Darwinian processes or social engineering, our mass culture is designed to allow large numbers of differing folks to live beside each other without bloodshed and to enable indi-

viduals to function as members of society without—if they choose—ever thinking one hard thought. Citizens are educated in the mass culture's tenets through the media in which everybody is steeped: Hollywood promotes "diversity" and the wrongness of "judging others." Of course, while it's magnificent as democratic engineering, the mass culture is riddled with idiocies (starting with the inconsistency inherent in making the judgment that making judgments is wrong), rendering it useless for much of our civilization's serious work.

### RULING MASS

That work—which includes developing graphic user interfaces like Windows, full of easy metaphors the masses can understand—is done by the minority who, while paying lip service to the mass culture's tenets of nonjudgment, either are born or assimilated into America's *other* culture. This group remains as it always has been: profoundly elitist, more or less meritocratic, and our secret ruling class.

We've all thought something like this, and other writers have made similar analyses. Still, Mr. Stephenson does it at least as well as his predecessors and *In the Beginning* would be worth your time for that alone, because it draws persuasive connections between our user interfaces and our society.

"If you don't like having choices made for you, you should start making your own," Mr. Stephenson writes. If you accept his analysis—and I do—Mr. Lessig's warnings in *Code* are well-founded but almost extraneous. However it plays out, the many folks who don't want to bother with understanding the technology that supports

them will accept the situation, the intelligent people will choose to learn, and the wealthy will buy the requisite expertise to have the privacy and options they desire. It will not, in other words, be unlike today. ☺

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### Neal Stephenson

