

WHAT'S GOING ON HERE

This zine is part of a series of footnote zines to the project “Memetic Engines of Anticapitalism.” Due to a whole lot of complications (mainly involving chronic illness) the version of this zine is at some stage of draft, not the polished and complete edition.

All of these zines will be available for free online and in perpetuity when they're finished, and updated regularly in the meantime.

If you want to follow up, the QR code on the front of this zine will take you straight to the most recent web page edition and an archive of each iteration that was separately published.

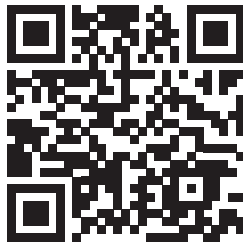
For more general updates and information on the whole project, this QR code will take you straight to memeticengines.com, where you can see the overview and any news about the works, sign up for the mailing list, or get in touch with me to ask clarifying questions.

ZINES IN THE SERIES:

Replicate, Mutate, Select
The Memetic Landscape
This Is Propaganda
Ethical Hypocrisy
Little Ideas in Memetics
Capital's Not Capitalism
What Are Pacta
Some other awful things that are inevitable under capitalism
The Third Derivative of Value
This Is George
Self-Destruct, LLC.

AND COMING SOON,

My Chronic Illness as a Case Study in the Shortcomings of Capitalism



MEMETICENGINES.COM

SELF DESTRUCT, LLC.

By T.X. Watson
version β1



“the purpose of [any] organization is (a) to continue to exist, and (b) to gain and hold power.” —Charles Stross¹

The problem:

When the ideological foundation of an organization inevitably conflicts with survival and growth, that organization will usually choose to abandon its ideology in favor of survival and growth. While any given occurrence of this decision may seem insignificant, and while organizations will sometimes make decisions that harm the organization in favor of the ideologically right choice, over time every part of an organization’s goals decay except to survive and to gain and hold power.

A solution: arrange the organization so that the act of betraying its principles carries with it the innate consequence of catastrophic damage to the organization.

The proposal:

Incorporate a self-destruct clause in the bylaws of the organization.

It would look something like this:

Section X: Self-destruct.

X.1: If any aspect of section X is altered, whether by amendment or by unforeseen intervention externally or internally, or if the organization meets any of the failure criteria outlined in section X.n, the organization immediately, unconditionally releases all of its intellectual property under a Creative Commons o (Public Domain) license, grants permanent, public license to anyone to make use of its patents without informing or compensating the organization, renounces exclusive rights to all trademarks, and grants maximally permissive license to all people in any other forms that exist now or may exist in future.

X.n₁: The full text of section X will be displayed prominently in the organization’s headquarters, in all

and anyone else you can think of who might want to help harm a corporation. Even if they don’t agree 100 percent with the ideology behind the self-destruct clause, making actual use of released IP in ways that directly harm the connected brand will probably have a pretty broad appeal, and if you set it up to build a media story out of it, lots of artists will want to join in to be a part of that moment. This will go a long way toward making sure that the self-destruct clause has actual consequences. Ideally you’d want to know more-or-less for sure that if you break your clause, creative people are definitely going to use your IP in the most damaging possible way.

¹ Charles Stross, “Political failure modes and the beige dictatorship” blog post, Charlie’s Diary, February 8, 2013. <http://www.antipope.org/charlie/blog-static/2013/02/political-failure-modes-and-th.html>.

massively for it.”

People who are interested in supporting maximally-ethical companies could feel safe frequenting self-destruct organizations that meet their values, knowing that their patronage isn't helping to build something that's just waiting for the opportunity to shed its performance of those values (like how Walmart stopped selling exclusively “made-in-America” products once they choked out the local competition whose best marketing asset was local pride).

A company that chooses to trigger its self-destruct clause doesn't lose everything, but it is forced to start very nearly from scratch and rebuild itself from ashes. Furthermore, it will have lost control of the brand identity it was able to build on the strength of its past convictions.

The social architecture to make this work

Copying and pasting this into the bylaws for your startup and assuming it's going to pay off isn't quite enough to make something like this work. Whether it's legal at all to enforce a clause like this is ambiguous at best, so if you want to have a run at this, here are some other ducks you should get in a row first.

1. Have an expert in corporate law look over the language of the clause, and modify it to eliminate loopholes and make sure it does what you want it to. Try to make sure that it's also relatively plain-text readable, for the benefit of non-lawyers (and your marketing team).
2. If you can, set up an organization that's focused on promoting this structure. That organization should be prepared to bring a lawsuit if/when a company meets the criteria. At the very least, talk to existing organizations that protect civil rights and see if you can find one that's prepared to partner with you over enforcing the system.
3. If you want to be really thorough, start off with a company that's set up to fail using this clause. Make it, get it going, then break the clause, take it to court, and lose. That sets precedent, which is far more important in U.S. contract law than legislation. Maybe try to arrange things so that you can repeatedly appeal, getting higher and higher courts to set the precedent.
4. Set up relationships with artists, culture jammers, radical platforms,

satellite locations, and on the organization's website, either on the front page or on a page no more than one hyperlink removed from the front page.

X.n₁a: If any location, physical or otherwise, fails to prominently display the full text of section X for a continuous period of time greater than one month, the organization members responsible must publicly acknowledge the failure and correct it. If they do not publicly acknowledge the failure within the following month, or if the absence of display continues for a further month, this condition is considered 'met' and the full contents of section X.1 are executed immediately.

X.n_{etc}a: Things the founders care about and want to hold themselves accountable to.

X.n_{etc}a: Failure conditions that allow for accidents but punish negligence.

This proposal has some more moving parts than just the text there, but that's the core of it.

Elaborations on the proposal

First of all: Why should the organization relinquish intellectual property?

Why not, say, a fine?

Losing money is the most obvious way to harm a company, so that seems like the sensible place to aim a self-destruct mechanism, right?

The problem is, the systems that govern organizations under capitalism are designed to make it extremely easy to hang on to money once you've got enough of it. Here are some ways that a financial sanction isn't really a sanction at all.

1. As argued (succinctly, in the title itself) in a 2000 paper by Uri Gneezy and Aldo Rustichini, “A Fine is a Price.”

If a company knows they face a fine if they do something they're not allowed to do, that just goes into the budget. It happens all the time with companies that exist now. They break safety regulations, pollute, defraud

their customers, and take the slap on the wrist that comes from it. As long as they can make more money from the crime than they'll lose in the fine, that's the sound business decision.

But what about "Just make it all the company's money?" Or define it as a percentage of their value? That way it's always too much to afford?

That's what money laundering is for. There are plenty of ways that a company can arrange so that it technically doesn't "have" the money at the moment when they change the rules. Then they vote to change section X, suffer the loss of the money they officially have, and bring all that other money back in.

2. To whom would they pay the fine?

If they have to pay it to the shareholders, then the people who benefit financially from the company breaking the rules are the people who have the power to make that change. If they pay it to the government, then you need to get the government on board with demanding the money, even though there's no actual law in place and they aren't party to the contract. If there's an organizing body for this strategy, and they would have to pay them, then that organizing body has a reason to get companies to break their self-destruct clauses.

3. What if they just... don't?

Who's going to call them out on it? The state has no reason to go out of its way to legitimize this system; and everyone with standing to try to enforce the fine has an interest in the well-being of the company -- so they probably aren't going to do it.

Because giving up a finite material takes actual action, the company would have to participate in its own dismantling. It's strongly incentivized to find a way to not do that.

IP doesn't present this problem. Since it's an infinitely replicable material, the company doesn't have to lose access to it in order for other people to gain that access. And because of the way the Self Destruct clause is written, the only action the company has to take is the action of breaching the terms of the self-destruct clause. That act **is** the act of releasing the IP rights.

That "standing" thing I mentioned is a huge deal. In the United States, you can only bring a lawsuit if you're a wronged party -- one of the people directly negatively impacted by the breach. Lots of things don't get prosecuted just because there's nobody with standing to bring the suit, and the state doesn't do it.

But with the release of IP into the public domain, everyone everywhere becomes a wronged party. The company could be sued for false or misleading advertising if they tried to keep using TM marks. They could be sued for withholding information if they fail to publish all the materials they own after the contract breach. If they tried to sue other people for unflattering use of their brand, they'd have a very hard time in court. (See section: the social architecture to make this work)

But if the thing that's supposed to happen is "Everything becomes public domain," and the company tries to not follow through on that, then everyone's a wronged party, everywhere. Or if not, then anybody who decides they want to use any of the intellectual property the company is trying to retain.

Why display?

To start, there's already a legal architecture for it. Companies are required to prominently display all kinds of materials, like licenses, workers' rights explanations, safety information -- so pinning the "Make sure people know about this" part to that existing precedent is a good way to make sure it happens in a manner that doesn't evade the intention of the display.

This policy would be pretty useless if people outside the company didn't know that it existed, or what the conditions were for triggering it. In order for this clause to be harmful to a company that betrays its principles, the consequence of other groups using their IP must actually play out. The longer a company could duck the actual consequences of removing its clause, the more stability and IP it can build up in the post-clause period while still benefiting from the work it was supposed to have forfeited.

Plus, it should be easy for people to evaluate the clause for themselves. Ideally, having a self destruct clause will be a marketing point for ethical companies: "Not only do we live by these standards we've set for ourselves, but if we ever fail to meet them we've voluntarily arranged to lose out