
The Empowered Dot: Towards Community Governance

Casey Fiesler

University of Colorado Boulder
Boulder, Colorado
casey.fiesler@colorado.edu

Abstract

A major challenge of regulating potential bad actors is knowing what “bad” is. What happens when rules conflict—for example, from different levels of policy, or norms from overlapping communities? What if a rule exists in a place no one looks or in a form no one understands? How do people decide which rules to follow? If externally imposed rules often suffer from a lack of clarity, perhaps a solution is bringing governance closer to the communities themselves. Rather than the “pathetic dot” simply being acted upon by outside forces, it might gain some agency of its own.

Copyright held by the author.

Author Keywords

governance; harassment; online communities; policy; regulations; values

ACM Classification Keywords

H.5.m. Information interfaces and presentation (e.g., HCI): Miscellaneous

Introduction

The concept of “regulation” seems pretty simple. Make a rule; people follow it; if they don’t, there are consequences. However, this ideal makes two strong assumptions: (1) that there is only one relevant rule, or if there is more than one, they do not conflict; and (2) that everyone knows what the rule is. Unfortunately, we rarely see this kind of simplicity.

Therefore a major challenge we face in regulating potential bad actors is knowing what “bad” is in a given context. How do we weigh official policies against community norms when they conflict? What do we do when one person (or community) has a completely different definition of “bad” than another? What if the rule exists in a place no one looks or in a form no one understands? In sum: How can people follow rules if it isn’t clear what they are in the first place?

My research is concerned in part with examining the interactions between different sources of rules, with an emphasis on understanding which rules people follow, why, and how we might create systems of governance that can best encourage positive community-created rules or norms for behavior.

Rules, rules, everywhere

One of my previous studies of the role of copyright in online communities revealed an interesting case study [5]. The potential “bad” actor was a fan fiction writer who wrote a new story incorporating elements from another fan fiction writer’s story, without asking for permission. There were three relevant rules: (1) copyright law, which suggests this is fine, that the concept of fair use applies just as it would to the original fan fiction writer borrowing characters from *Harry Potter*; (2) the platform’s official policy, which stated that writers should ask permission first, but that if they received no negative response, they could go ahead (“opt-out”); and (3) the social norms of the community, that strongly suggested never doing this without permission (“opt-in”).

Rules can come from so many different sources—law at different levels, policy at different levels, norms from overlapping communities—that it isn’t surprising that they sometimes conflict. My research into copyright behavior [4,5] revealed that in cases like the one above, most commonly, people follow norms over more formal law, for two reasons: (1) law is ambiguous, confusing, or difficult to find at all; and/or (2) penalties for violating norms are more immediate and more likely than penalties for violating law. Moreover, norms are likely to fill in gaps in formal rules in situations where rules are unclear [3].

“Behavior that harasses”

Rules can be unclear even when there is no conflict. For example, harassment as a type of bad behavior can be particularly challenging with respect to understanding rules. Different communities may have *very* different understandings of what constitutes harassment. A 2017 Pew survey found that what people consider to be “online harassment” is highly contextual, varying from person to person, even among those who are experiencing the worst of it [2].

Similarly, platform policies may define harassment inconsistently, or not at all. Prior work has shown that harassment rules vary greatly across platforms, and definitions tend to be vague [11]. If the rule is only “don’t harass people,” community members may not have a shared understanding of what that means. Tight knit online communities with shared norms may have better luck, but what about a platform like Twitter where users represent countless different communities? Twitter’s policies prohibit “behavior that harasses, intimidates, or uses fear to silence another user’s voice” but users may have different opinions on where the line is drawn before “harasses.”

Of course, this assumes that users can even find the rule in the first place. Platform policies are often obscured within the lengthy blocks of legalese of Terms of Service. These documents are often incomprehensible [6,8], ambiguous [12], and/or inconsistent across platforms [6,11].

The empowered dot

In sum, there are reasons why “bad actors” might not be so bad—breaking rules can happen for other reasons. Maybe someone is following another rule, or

doesn't know about or understand the rule. These challenges also have something in common: they are exacerbated by the *externally imposed* nature of rules. When lawyers write policies, they are often incomprehensible. When rules come from sources at multiple levels, the ones at the top tend to be the most ambiguous and the most distant from community values. One solution might be to rely on community norms, but norms can be difficult to learn, for individuals inside a community to see at all, particularly for newcomers.

Looking back to Lawrence Lessig's *Code* and the "pathetic dot" being regulated by multiple outside factors (law, norms, markets, code) [9], I wonder, how we can turn that pathetic dot into an *empowered* dot that feels as if it has some agency rather than just being acted upon? My research so far suggests that the answer may be in bringing governance as close as possible to the community itself, that people are more likely to follow rules that they feel that have a stake in. Bringing the *law* and *norms* of Lessig's forces closer together might result in something that is both visible *and* comprehensible.

Elinor Ostrom also puts forth that self-governance may be most effective, when communities are involved in their own rule creation [10], and criminology suggests that reintegrative enforcement ("here is how to be a better community member") is more effective than disintegrative enforcement ("you are bad!") for strengthening a community [1]. Rules that *reflect the values* of the community are more likely to be followed, and enforcement practices that *reinforce those values* rather than pushing people out may result in a healthier community.

Some of my ongoing work, for example, considers how different types of communities on Reddit create their own rules—for example, different conceptualizations of harassment. If we move beyond site-wide Reddit policies against harassment and consider how individual communities define it themselves, are these definitions more likely to be understood, accepted, and abided by?

However, one caveat to the idea that not all bad actors *mean* to be bad is the recognition that not all community values are positive. And unfortunately, communities with norms towards arguably "bad" behavior (such as harassment) are rarely entirely self-contained, particularly when communities cut across platforms such as Twitter. However, some of my prior work regarding a community-created platform shows that not only can existing norms be built into the design of a system, but that design can be used to reinforce or even nudge values [7]. So can we both encourage communities to govern themselves *while also* nudging values towards more pro-social behavior? This is a difficult challenge that I am eager to discuss.

Author's Statement

I began researching online communities in 2003 during my MS program in HCI, which sparked an interest in internet law and regulation. I focused on this area in law school, and then conducted research in the area of online communities, law, and social norms for my PhD.

Many years ago, I also moderated a number of Livejournal communities (most related to fan fiction) and now I am on the legal committee for the Organization for Transformative Works, which is tasked in part with setting content policies for the fan fiction site Archive of Our Own. This platform has faced a

number of interesting challenges regarding content, particularly when it comes to competing values, and has also helped inform my thinking around community-centric policies.

References

1. John Braithwaite. 1989. *Crime, Shame, and Reintegration*. Cambridge University Press, New York, NY.
2. Maeve Duggan. 2017. Online Harassment 2017. *Pew Reserch Center*.
3. Robert C Ellickson. 1986. Of Coase and Cattle: Dispute Resolution Among Neighbors in Shasta County. *Stanford Law Review* 38: 623–687.
4. Casey Fiesler and Amy S. Bruckman. 2014. Remixers' understandings of fair use online. *Proceedings of the ACM Conference on Computer-Supported Cooperative Work & Social Computing (CSCW)*: 1023–1032.
5. Casey Fiesler, Jessica Feuston, and Amy S. Bruckman. 2015. Understanding Copyright Law in Online Creative Communities. In *Proceedings of the ACM Conference on Computer-Supported Cooperative Work & Social Computing (CSCW)*.
6. Casey Fiesler, Cliff Lampe, and Amy S. Bruckman. 2016. Reality and Perception of Copyright Terms of Service for Online Content Creation. In *Proceedings of the ACM Conference on Computer-Supported Cooperative Work & Social Computing (CSCW)*, 1450–1461.
7. Casey Fiesler, Shannon Morrison, and Amy S. Bruckman. 2016. An Archive of Their Own: A Case Study of Feminist HCI and Values in Design. In *Proceedings of the ACM Conference on Human Factors in Computing Systems (CHI)*.
8. Carlos Jensen and Colin Potts. 2004. Privacy Policies as Decision-Making Tools: An Evaluation of Online Privacy Notices. In *Proceedings of the ACM Conference on Human Factors in Computing Systems (CHI)*.
9. Lawrence Lessig. 2006. *Code: And other Laws of Cyberspace, Version 2.0*. Basic Books, New York.
10. Elinor Ostrom. 2000. Collective Action and the Evolution of Social Norms. *Journal of Economic Perspectives* 14, 3: 137–158.
11. Jessica A. Pater, Moon Kim, Elizabeth D. Mynatt, and Casey Fiesler. 2016. Governing Online Harassment: Characterizing Policies Across Social Media Platforms. In *Proceedings of the ACM Conference on Supporting Group Work (GROUP)*.
12. Joel R. Reidenberg, Travis Breaux, Lorrie Faith Cranor, and Brian French. 2015. Disagreeable Privacy Policies: Mismatches Between Meaning and Users' Understanding. *Berkeley Technology Law Journal* 30, 1: 39–68.