# Codifying Digital Behavior Around the World:
# A Socio-Legal Study of the Wikimedia Universal Code of Conduct

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## Abstract

The research project aims to examine the Wikimedia Universal Code of Conduct (the "UCoC") as a critical step for the governance of online behavior across Wikimedia projects. The research team will investigate the codification process of the UCoC, focusing on its origins, its structure and the narratives guiding its enforcement. Based on empirical data collected through interviews and document analysis, this project will analyze the dynamics surrounding the adoption of the UCoC and debates concerning its enforcement. The results of this research will be disseminated through various channels, including conferences, a final report and an open-access paper published in an international journal.

## Introduction

The spread of harmful behavior online has raised questions concerning the protection of users' rights and community values. Particularly, hate speech and disinformation have increasingly turned digital environments into hostile spaces which potentially lead users to abandon these spaces. These challenges have encouraged online providers and networks to produce standards and rules on which they can rely when regulating conduct that could affect their communities.

The emergence of the UCoC is a significant development in this regard. The UCoC seeks to "provide a underline universal baseline of acceptable behavior for the entire movement without tolerance for harassment."[1] This set of guidelines is "being developed in consultation with the Wikimedia community with respect to context,

existing local policies, as well as underline enforcement and conflict resolution structures".[2]

The proposed project aims to examine the codification process of the UCoC and its enforcement guidelines. By examining this process, we hope to explore two key questions. The first question is to examine how the drafters of the UCoC identify *universal* values across Wikimedia projects, despite significant differences among these projects. The second question is to understand how the *inclusive* values of the UCoC interact with the existing "enforcement and conflict resolution structures" of the Wikimedia projects, which are often criticized for being *non-inclusive*.[3]

This project will take place from September 2023 until May 2024, and it will involve two scholars and their research teams based in leading academic institutions in Europe.

## Related work

The project combines the expertise and disciplinary traditions of two scholars who have collaborated in the past and wish to co-develop this project.

Florian Grisel is a socio-legal scholar based at the Centre for Socio-Legal Studies, University of Oxford. His research explores the emergence of law beyond the state, in both global and local settings. Florian's most recent work explores the functioning of the Arbitration Committee and the place of law on English Wikipedia based on interviews and quantitative data.[4] He was a member of Facebook's Data Transparency Advisory Group in 2018/2019.

Giovanni De Gregorio is a constitutional and digital law scholar based at Católica Global School of Law, Universidade Católica Portuguesa, in Lisbon. He is the author of the monograph *Digital Constitutionalism in Europe: Reframing Rights and Powers in the Algorithmic Society* (Cambridge University Press 2022) and numerous influential articles in the field of digital governance and policy.

This combination of expertise will play a critical role in providing a theoretical frame for interpreting the data drawn from documentary analysis and interviews (on this point, see "Methods" section). Indeed, our theoretical approach will primarily rely on:

1) Digital constitutionalism**:** One theoretical frame draws on the notion of "digital constitutionalism," which explores the ways in which digital spaces gain values and structures that take the shapes of constitutions.[5] This analytical frame is influenced by research on liberal constitutionalism, global constitutionalism, and the sociological theories of Niklas Luhmann,[6] as revisited by Gunther Teubner under the label of "societal constitutionalism."[7] The notion of "digital constitutionalism" might help understand the reasons why the Wikimedia Foundation, which is the overarching entity of the various Wikipedia projects on a transnational scale, has decided to identify "a minimum set of guidelines of expected and unacceptable behaviour," which resembles "bills of rights" or "constitutional texts" in liberal democracies. This is particularly important considering that Wikipedians usually reject quasi-legal structures in order to preserve their decentralized mode of governance in the hands of volunteers.[8]

2) Private governance**:** Another theoretical frame draws on the notion of "private governance".[9] This area of research looks at how social groups create informal systems of governance, and how these systems interact with formal legal systems. We will rely on the work of scholars such as Robert C. Ellickson[10] or Lisa Bernstein.[11] This conceptual framework could be used to explore the ways in which bottom-up governance (which characterizes, to a certain extent, the ways in which Wikipedians govern their networks) comes into tension with the top-down approach that the UCoC seems to favour. One way of analyzing the codification efforts of the UCoC is the notion of interdependence, whereby bottom-up systems do not exist in isolation from top-down systems of governance, but actively interact with them.[12]

3) Field theory**:** Yet another conceptual tool that will be helpful in analyzing the codification of the UCoC is the notion of "field" elaborated by Pierre Bourdieu and taken up by other scholars.[13] Bourdieu's notion of field understands social life through the prism of competing forces that enter into conflict and come to a resolution through the imposition of values by the most powerful actors in the field. As a consequence, the field is constantly shaped by these struggles and, most importantly, by the social forces that dominate these struggles. An analogy could be drawn between the codification of the UCoC (which arguably opposes different values embedded in various Wikimedia projects) and this notion of field.

By looking into the debates that led to the formulation of the UCoC and connecting these narratives to the perspectives of digital constitutionalism, private governance, and field theory, we hope to identify salient points in the resistance/acceptance of the UCoC on Wikimedia and its enforcement.

This research will also serve as a pilot study leading to a broader project on the interpretation and application of the UCoC across different Wikimedia projects and spaces.

## Methods

Our methodology is empirical and inductive. As such, we are wary of using pre-established theoretical frames before conducting the data collection.[14] Our goal is to give voice to the actors who have prime knowledge of the UCoC, before identifying theoretical frames that provide relevant explanations for the users' experience. We have listed a few theoretical frames that can have potential relevance (see above, "Related Work" section). We will gather empirical data to address the research questions of this project.

Firstly, the research team will conduct a series of semi-structured interviews with the members of the UCoC drafting committees, revisions committee and coordinating committee, as well as administrators and members of the arbitration committees in two language editions of Wikipedia (English and French).

We have selected the latter editions for several reasons: (i) they are, respectively, the first and fifth largest Wikipedias, which will make the results of our research more representative and generalizable, (ii) they allow to contrast the ways in which editors grounded in different cultural environments react towards the UCoC, and (iii) they open up the possibility for the project to expand towards areas of the world that are currently understudied (e.g., Africa) as a subsequent step.[15] We have identified a list of potential interviewees in **Annex A** and a preliminary list of questions in **Annex B**.

Secondly, the team will track the ongoing discussions and debates within Wikimedia communities relating to the codification of the UCoC and its enforcement in content and discussion pages, and email lists. We will do a content analysis of these pages with the coding of key terms and discussion items. The goal is to explore the ways in which Wikipedians talk about and make sense of the codification efforts initiated by the Wikimedia Foundation.

We note in this regard that "Wikipedians are [...] passionate about the issue of governance by and for their decentralized group of volunteers" and that "[t]he messaging from the Wikimedia Foundation about the new UCoC has been careful to make clear that Wikipedia is not intending to become more centralized or professionalized in the manner of Facebook and Twitter."[16]

We have identified different places in which these discussions take place: (i) the 2020 initial consultations launched by the Trust & Safety Team of the Wikimedia Foundation;[17] (ii) the 2021 local consultations;[18] (iii) the 2021 global consultations;[19] (iv) the various ratification surveys and votes;[20] (v) the online archives of Wikipedia's newspaper (*The Signpost*);[21] and (vi) the online archives of Wikipedia's email lists such as Wikimedia-I, Wikipedia-I and WikiEN-I.[22]

## Expected output

During the project, the research team will issue two **interim reports** detailing the progress in the research (in November 2023 and February 2024).

At the end of the project (May 2024), the research team will issue a **final report** (around 5,000 words) explaining the main findings of the research. This report will also serve as a first step for the research team to initiate a broader project on the UCoC.

The three reports (interim and final) will be advertised for comments on MetaWiki:Research and the final report will also be used for dissemination activities (e.g., conference submission).

We will subsequently write a **scientific paper** (around 10,000 words) based on the results of this project. We will submit this paper to an international journal specializing in law and social sciences.

The research outputs will be presented at the LSA Annual Meetings (June 2024), Wikimania 2024 (July or August 2024), and the GigaNet Annual Symposium (November 2024).

## Risks

The research team has conducted an analysis of the risks for this project. For each of these risks, we have defined the following mitigation measures:

1) Access (low risk): Some individuals might be reluctant to talk about the UCoC. We will mitigate this risk by providing all the necessary information in our cover email. In this way, we can clearly explain the purpose of our research, the process of data collection and the output of the project to our prospective interviewees. It is likely that some interviewees may accept to speak on condition of confidentiality (redaction of name and removal of usual identifiers), and we will therefore offer this possibility in our cover email. One of the team members has already interviewed 28 Wikipedians in his past research, and we are therefore reasonably confident that we will be able to conduct these interviews.

2) Delay in the hiring of the Research Assistant (low risk): the hiring process of an RA can take time due to the internal hiring procedures at the University of Oxford. For this reason, we have ensured that there is sufficient time between the notification of the selection results (May 2023) and the starting date of the project (September 2023). We will also ensure that the call for hiring the Research Assistant will be published as soon as possible after the notification of the results.

3) Ethics clearance (low risk): we are planning to apply for research ethics clearance from our respective institutions after the notification of the results in May 2023 (see, in the case of Oxford, the Central University Research Ethics Committee Form[23]). We have allowed sufficient time to obtain ethics clearance before the starting date of the project (September 2023). Both applicants have extensive experience with research ethics application. We do not expect this ethics clearance process to raise any issue.

4) Data protection (low risk): We will comply with the applicable laws (eg, GDPR) when processing personal data. We will obtain consent to process personal data from the individuals concerned and interviewees will be informed about the collection of their personal data. The data will be stored in ways that are compliant with these regulations.

## Community impact plan

The project will help understand the ways in which Wikimedia communities are trying to cope with and monitor harmful behavior and harassment. The UCoC is the most significant and recent development in these ongoing efforts.

In this context, documenting the ways in which the UCoC and its enforcement guidelines are codified will help us (i) better understand the social dynamics of the Wikimedia communities, (ii) and contribute to the 2030 Wikimedia Strategic Direction (from which the UCoC is derived) of "creat[ing] a culture of hospitality where contributing is enjoyable and rewarding."[24]

We are hoping that this research will support the enforcement process of the UCoC in ways that are compatible with the diversity of values of the Wikimedia projects, particularly by examining

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the articulation of the UCoC with Wikimedia's governance structures.

In order to maximize impact, we have contacted Wikimedia's project coordinators in Portugal (Sofia Matias) and the UK (Stuart Prior). One of the team members has been in contact with Patrick Earley, Lead Policy Manager, Trust & Safety Team at the Wikimedia Foundation, and has informed him of this project. We have also been contacted by a journalist who covers Wikipedia for *Slate* (Stephen Harrison). The collaboration with various stakeholders will improve the dissemination of our research and the interaction with different Wikimedia projects.

In the same spirit of dissemination, we will:

1) Seek comments from the Wikimedia movement on our interim and final reports on MetaWiki:Research;

2) Ensure that our scientific paper is published open access to maximize dissemination;

3) Present our findings at various conferences (the Law and Society Association Annual Meetings, Wikimania 2024 and the GigaNet Annual Symposium) and through our networks at the University of Oxford (e.g., the Centre for Socio-Legal Studies) and Universidade Católica Portuguesa; and

4) Disseminate research outputs through blogs (e.g. The Digital Constitutionalist) and other online platforms (e.g. Twitter), also relying on the accounts of our institutions.

## Evaluation

The research team suggests three milestones and two deliverables to evaluate this project and measure its success. We will:

1) Milestone 1: Gather a critical mass of empirical data (25 interviews in two languages and content analysis of multiple Wikipedia pages, between September 2023 and May 2024);

2) Milestone 2: Finalize the transcripts of 25 interviews (between September 2023 and May 2024);

3) Deliverable 1: Issue two interim reports (in November 2023 and February 2024) and a final report (in May 2024);

4) Deliverable 2: Draft a paper and publish it open access in an international journal (after May 2024);

5) Milestone 3: Dissemination of the research outputs in at least three international conferences and connections across Wikipedia stakeholders.

## Budget

Our budget amounts to US$ 48,057.71. This budget is detailed in **Annex C**. It covers:

1) 0.15FTE of each applicant's time for research over nine months;

2) 0.2FTE of a bilingual research assistant (English and French) over nine months to support the applicants in the data collection process (reviewing interview transcripts, transcribing the five interviews conducted in French, and collecting digital archives concerning the UCoC) and to document progress concerning the project on MetaWiki:Research;

3) subscription to a transcription software (Otter AI) for 20 interviews (in English);

4) costs relating to travel and subsistence for both applicants to attend Wikimania 2024 (each applicant will also attend individually the Law &

Society Association Annual Meetings and the GigaNet Annual Symposium); and

5) 15% overheads.

# Annex A: List of Potential Interviewees

As we intend to conduct 25 interviews, we have selected a list of ca 35 potential interviewees to account for the fact that some of these individuals will not respond or turn down our requests for interviews.

1. Members of the UCoC Drafting Committees (22 individuals)

We have identified all members of the UCoC drafting committees (Phase 1 and Phase 2) save for two members (one was a reserve member and the other one stepped down).

- Civvì
- RachelWex (St. Cloud State University, US, associate professor)
- Sami Mlouhi (President Wikimedia Tunisia User Group, Secretary Wikimedia Affiliates Committee)
- Uzoma (Wikimedia Incubator)
- Jrogers (WMF)
- KMpumlwana (WMF)
- THasan (WMF)
- SRientjes (WMNL)
- Alhen
- Barkeep49
- Blossom Ozurumba
- FULBERT
- Htchien
- Luke081515
- MJL
- Ruby D-Brown
- Taylor 49
- Vermont
- Waltercolor
- ADavenport (WMF)
- CLo (WMF)
- I JethroBT (WMF)
- NahidSultan (WMF)

2. Members of the UCoC Revisions Committee (10 individuals, 9 of which are already listed above)

We have identified all members of the UCoC revision committee.

- Barkeep49
- FULBERT
- MJL
- ProtoplasmaKid
- Ruby D-Brown
- Uzoma
- Vermont
- Waltercolor
- CLo (WMF)
- THasan (WMF)

3. Members of the UCoC Coordinating Committee (or "Enforcement Committee")

The members of this Committee are yet to be appointed.

4. Administrators and Arb Com Members of English Wikipedia (7 individuals)

We have randomly selected current administrators/members of English Arb Com.

- Beeblebrox
- Cabayi
- CaptainEek
- L235
- Primefac
- SilkTork
- Wugapodes
- Worm That Turned

5. Administrators and Arb Com Members of French Wikipedia (7 individuals)

We have randomly selected current administrators/members of French Arb Com.

- [Bastoche*](#)
- [Braaark](#)
- [Fanchb29](#)
- [Gratus](#)
- [Ledublinois](#)
- [Racconish](#)
- [Sir Henry](#)

# Annex B: Potential Questions for Interviewees

This list of questions is conceived as a broad, flexible, frame for the interviewing process. We will specify these questions in light of the answers. Our methodological choice is to let the interviewees guide the process and progressively narrow down our focus depending on their answers.

1. <u>General questions</u>

Could you please describe who you are (career, education, nationality, age, etc..)?

Where does your interest for Wikipedia come from? When did you become an active member of Wikipedia?

Which pages do you like to edit on Wikipedia? OR What are the community/ies in which you are active on Wikipedia?

What are the values Wikipedia to which you relate? Are there values to which you don't relate?

2. <u>For those who have been involved in the codification process of the UCoC</u>:

Could you please describe in your own terms the main steps of the codification process?

What are your general views on this process?

Have you faced specific challenges when working on the UCoC?

Could you please tell us the ways in which you have identified "universal" values?

The UCoC is defined as "a minimum set of guidelines of expected and unacceptable behaviour" or a "baseline of behaviour for collaboration on Wikimedia projects worldwide." What was the methodology used to identify this minimum or baseline?

How did you deal with the variety of cultural values and languages involved on Wikipedia?

3. <u>For those who have not been involved in the codification process of the UCoC</u>:

What has been your exposure to the codification process of the UCoC?

How do you view this codification process?

Do you think it is useful, unnecessary, redundant?

Do you see overlaps and/or differences between the values of the community/communities in which you are involved and the UCoC?

As a member of Arb Com/as an administrator, have you ever referred or considered the UcoC when deliberating/making decisions? Why?

## Annex C: Detailed Budget

| Expense type | Expense details | Number of Units | Unit Price (Local) | Unit Price (USD) | Expense Total (Local) | Expense Total (USD) |
|---|---|---|---|---|---|---|
| *Please select an Expense type* | *Please describe any related details regarding this expense* | *State the number of units or requested quantity* | *Please state the cost of each Unit in your local currency* | *Please convert the cost stated in column D to the US Dollars using OANDA Currency Converter. If the local currency is US Dollars, plase copy paste column D in here.* | *The calculations are automatically generated If not, please multiply Column C \* Column D* | *The calculations are automatically generated If not, please sum up as neeeded* |
| Travel and accommodation | Flights for FG & GdG to Wikimania 2024 | 2 | 1,250.00 | $1,250.00 | 2,500.00 | $2,500.00 |
| | Accommodation at Wikimania 2024 - 3 nights for 2 people (shared 2 bed AirBnB) | 3 | 250 | $250.00 | 750.00 | $750.00 |
| | Flights for FG to LSA (Denver) | 1 | 1500 | $1,500.00 | 1,500.00 | $1,500.00 |
| | Accommodation at LSA - FG x 3 nights | 3 | 218.75 | $218.75 | 656.25 | $656.25 |
| | Flights for GdG to GigaNet 2024 - venue likely to be Montreal | 1 | 1500 | $1,500.00 | 1,500.00 | $1,500.00 |
| | Accommodation at GigaNet 2024 - GdG x 5 nights | 5 | 187.5 | $187.50 | 937.50 | $937.50 |
| Total Travel and accommodation | | | 4,906.25 | $4,906.25 | 7,843.75 | $7,843.75 |
| Fees and Services | Transcription services - Otter.ai annual subscription | 1 | 240 | $240.00 | 240.00 | $240.00 |
| | Conference registration fees - Wikimania 2024 | 2 | 400 | $400.00 | 800.00 | $800.00 |

| | | | | | | |
|---|---|---|---|---|---|---|
| | Conference registration fees - LSA 2024 | 1 | 400 | $400.00 | 400.00 | $400.00 |
| Total Fees and Services | | | 1040 | $1,040.00 | 1,440.00 | $1,440.00 |
| | FG & GDG - 0.15 FTE for 9 months | 1 | 23744.1 | $23,744.10 | 23,744.10 | $23,744.10 |
| | Research Assistant - 0.2 FTE for 9 months | 1 | 8761.46 | $8,761.46 | 8,761.46 | $8,761.46 |
| Total Staff costs | | | 32505.56 | $32,505.56 | 32,505.56 | $32,505.56 |
| **Overheads at 15%** | | | | | **6,268.40** | **$6,268.40** |
| **Total requested** | | | | | **48,057.71** | **$48,057.71** |

*Note 1*: we have not included Open Access costs as we will select journals with which our institutions have open-access agreements (see, eg, https://openaccess.ox.ac.uk/publisher-deals/). We are confident that we can identify journals that are covered by these agreements (eg, Law & Society Review, Journal of Law and Society, Social and Legal Studies).

*Note 2*: we have not included translation costs as one of the contributors is a French native speaker, and that the other contributor can read French. Our research assistant will be bilingual and transcribe the five interviews that will be conducted in the French language.

*Note 3*: The "Pro" subscription plan for Otter AI is (significantly) cheaper for 12 months than for 9 months. See < https://otter.ai/pricing> (last checked March 21, 2023).

# References

[1] See <https://meta.wikimedia.org/w/index.php?title=Universal_%20Code_of_Conduct&oldid=20931352> (last checked March 21, 2023, emphasis added).

[2] *Ibid*. ((last checked March 21, 2023, emphasis added).

[3] See, *eg*, Zachary McDowell & Matthew A. Vetter, *Wikipedia and the Representation of Reality*, Routledge, 2021. We note that the Dutch arbitration committee referred to the UcoC in one of its recent decisions (see <https://nl.wikipedia.org/wiki/Wikipedia:Arbitragecommissie/Zaken#Deblokkade_Hans_Muller_(3)> (last checked March 21, 2023).

[4] Florian Grisel, "Cancelling Disputes: How Social Capital Affects the Arbitration of Disputes on Wikipedia," (2023) *Law & Social Inquiry* (forthc.)

[5] See Giovanni De Gregorio, *Digital Constitutionalism in Europe: Reframing Rights and Powers in the Algorithmic Society*, Cambridge, Cambridge University Press, 2022.

[6] See, eg, Niklas Luhmann, *Theory of Society*, vol. 1, transl. by Rhodes Barrett, Redwood City, Stanford University Press, 2012.

[7] See, eg, Gunther Teubner, "Societal Constitutionalism: Alternatives to State-Centered Constitutional Theory?," in C. Joerges, I.-J. Sand and G. Teubner (eds), *Constitutionalism and Transnational Governance*, Oxford, Oxford University Press, 2004, p. 3.

[8] See Florian Grisel and David Nelken, "The Anxiety of Influence: Wikipedia and the Law," Working Paper.

[9] See Florian Grisel, *The Limits of Private Governance: Norms and Rules in a Mediterranean Fishery*, Oxford, Hart Publishing, 2022.

[10] Robert C. Ellickson, *Order without Law: How Neighbors Settle Disputes*, Cambridge, Harvard University Press, 1991.

[11] Lisa Bernstein, "Opting out of the Legal System: Extralegal Contractual Relations in the Diamond Industry," (1992) 21 *The Journal of Legal Studies* 115.

[12] Id, ch. 5.

[13] See, eg, Neil Fligstein and Doug McAdam, *A Theory of Field*, Oxford, Oxford University Press, 2015.

[14] See, eg, Bruno Latour, *Reassembling the Social: An Introduction to Actor-Network-Theory*, Oxford, Oxford University Press, 2005, pp. 146-147.

[15] In particular, a non-trivial proportion of contributors to French Wikipedia are based in West Africa, Central Africa, and Madagascar. See <https://en.wikipedia.org/wiki/Wikipedia#cite_note-PLoS_One_2012-179> (last checked March 21, 2023).

[16] Stephen Harrison, "The Tensions Behind Wikipedia's New Code of Conduct," *Slate*, March 2, 2021.

[17] See <https://meta.wikimedia.org/wiki/Universal_Code_of_Conduct/Initial_2020_Consultations> (last checked March 21, 2023).

[18] See <https://meta.wikimedia.org/wiki/Universal_Code_of_Conduct/2021_consultations/Enforcement> (last checked March 21, 2023).

[19] See <https://meta.wikimedia.org/wiki/Universal_Code_of_Conduct/2021_consultations> (last checked March 21, 2023).

[20] See, eg, <https://meta.wikimedia.org/wiki/Universal_Code_of_Conduct/2021_consultations/Ratification_survey> (last checked March 21, 2023).

[21] See <https://en.wikipedia.org/wiki/Wikipedia:Wikipedia_Signpost/Archives/Years> (last checked March 21, 2023).

[22] See, eg, <https://en.wikipedia.org/wiki/Wikipedia:Mailing_lists> (last checked March 21, 2023).

[23] See <https://governance.admin.ox.ac.uk/central-university-research-ethics-committee> (last checked March 21, 2023).

[24] See <https://meta.wikimedia.org/wiki/Strategy/Wikimedia_movement/2017/Direction> (last checked March 21, 2023).