Codes of Conduct

Today most Free/Libre and Open Source projects have adopted a Code of Conduct[1]. Projects as diverse as FreeBSD, Python and the Free and Open source Software Developers' European Meeting (FOSDEM) have formulated codes to address the on- and off-line behavior of their community members. These documents explicitly or euphemistically acknowledge the possibility of harassment, and sometimes provide guidelines for the course of action in case an incident would occur.

In 2013, The Python Foundation asked the Libre Graphics Meeting, a community I contributed to at the time, to implement a Code of Conduct. The responses on the mailinglist ranged from fear that the presence of such a code might give the impression terrible things had happened, to people finding it hard to belief that the Libre Graphics Meeting, an event they had always considered to be comfortable and convivial, would need a Code of Conduct to begin with. Some insisted that such codes were a preemptive response to political correctness or that "Free societies rely on open and sometimes heated public debates". Again others worried about the Libre Graphics Meeting Code of Conduct contradicting local laws, or wondered how negativity could be avoided: "Personally, I would like to see language that talks of 'respect' (a positive term) rather than 'anti-harrassment' (a negative term)".[2] After four days of discussion, several people were in favor of formulating a code, if only because the Python foundation had made the presence of such a document a requirement for sponsorship. I joined a workgroup consisting of members from The Gimp Project, the World Wide Web Consortium and a project that then was known as Valentina, to work on a draft and to seek consensus around it. In the spirit of Jo Freeman's *Tyranny of Structureless*,[3] I considered Codes of Conduct to be a feminist project that confronted systemic oppression through the work of articulation; it would make discourse possible on sexism, racism, able-ism and other forms of exclusion that operate in our communities. The Libre Graphics Meeting Code of Conduct was finally adopted in 2015, but the long and confusing process that got us there left many questions unanswered.

The invitation to contribute to this publication is a welcome opportunity to work through some of the issues with Codes of Conduct. I started by tracing a genealogy of their appearance in the context of F/LOSs. It is an incomplete account that will hopefully invite further discussion and history-writing. A close reading of eight actual documents from Python, GNOME, Ubuntu, FreeBSD, Django, KDE, Debian and, of course, the Libre Graphics Meeting, confirmed that their ambitions and phrasings are as dissimilar as the communities that formulate them. Now that the adoption of Codes of Conduct seems ubiquitous, it is even more important to (re-)open a conversation on their feminist potential.

1   Geek Feminism Wiki, "Conference anti-harassment/Adoption".
    http://geekfeminism.wikia.com/wiki/Conference_anti-harassment/Adoption
2   CREATE mailinglist, "Code of conduct", January 2014. https://lists.freedesktop.org/archives/create/2014-January/thread.html#4712
3   Freeman, Jo. "The Tyranny of Structurelessness". http://www.jofreeman.com/joreen/tyranny.htm

A genealogy of codes

Codes of Conduct come in many flavors, even if they repeat similar formulas, and go under the same name. They roughly express three interconnected but different goals: to affirm the inclusivity and diversity of F/LOSs communities, to facilitate the mediation of disagreements, and to prevent and respond to cases of harassment. Some codes read as motivational mission statements, where conduct is linked to the values of the project in question. Others are more like organizational documents that emphasize the importance of efficiently resolving conflicts in order to ensure a productive environment. Again others are explicitly formulated as anti-harassment policies.

These different modes of address seem to reflect the diverse practices that implicitly or explicitly influenced the formulation and (imagined) function of Codes of Conduct in the context of F/LOSs. Historically, the term 'Code of Conduct' appears in relation to changing international business practice in the early 1990s. In the aftermath of state de-regulation and the globalisation of capital, transnational companies were pressured by NGOs and trade unions to adopt voluntary Codes of Conduct. In the absence of state control and international legal frameworks, this would, at least in theory, regulate their impact on social and environmental conditions.[4] It is no surprise that the de-politicised mix of managerial and motivational language of these business codes rings through in documents adopted by projects such as Ubuntu and Python. Both projects operate in a US-based entrepreneurial environment.

A second influence is the informal tradition of 'netiquette' which circulated in the early days of the Internet. Reiterating the way etiquette functions as a framework to govern social interactions through behavioral norms, netiquette established a loose set of conventions that facilitated friction-free interaction over networks.[5] Common-sensical advice such as "Remember that the recipient (of your e-mail) is a human being whose culture, language, and humor have different points of reference from your own," has found its way into many Codes of Conduct.

In some codes, for example the one for GNOME and Ubuntu, you can recognise the ambition of traditional oaths such as *The order of the engineer* or the *Hippocrates oath* that students pledge to before entering professional life. In a similar fashion, Ubuntu requires new contributors to electronically undersign their Code of Conduct as part of a rite of passage into the Ubuntu community.

Last but not least, Codes of Conduct are influenced by feminist and LGBTQ activism for Safe Spaces and also by anti-oppressive practices that try to address racism, sexism, homophobia and trans-phobia head on.[6] These intersectional approaches to privileges and power can be found back in the language and methods of certain Codes of Conduct, such as the one adopted by FreeBSD. This influence can be partially traced back to the persistence of the US-based Ada Initiative that in the period 2011-2015 actively interfered with the internal politics of many F/LOSs projects in order to make sure they would adopt effective Codes of Conduct.

The first code in the context of F/LOSs appeared in 2004. Debian and Ubuntu contributor Benjamin Mako Hill allegedly typed up "one of the key innovations that Ubuntu pioneered in free software

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4   Jenkins, Rhys. "Corporate Codes of Conduct: Self-Regulation in a Global Economy". UNRISD Programme Papers on Technology, Business and Society, 2001

5   The Internet Engineering Task Force (IETF), "Netiquette Guidelines". https://tools.ietf.org/html/rfc1855

6   Fithian, Lisa, Oswald Mitchell, Dave. "Theory: Anti-oppression" in: Beautiful Trouble, OR books, 2012

communities" over lunch.[7] In the rationale for this innovation, Ubuntu explains that the code is the foundation for all of their governance practices and should "help people participate in decisions regarding the Ubuntu community and distribution."[8] Due to its early arrival in a widespread community, and maybe because the exclusively positive terminology it uses, this document has served as a template for many codes to follow.

It took almost ten years before the adoption of CoCs spread wider. From 2008 onwards, contributors to The Geek Feminism Wiki actively documented harassment in the context of F/LOSs, the technology industry, gaming and fandom. They were joined by the ADA-initiative in 2011 and their combined efforts have no doubt had an important influence on the sense of urgency that especially US-based projects felt[9]. ADA-initiative founder Mary Gardiner explains: "Had you asked me in 2003 for troublesome incidents in Free Software ... I don't know that I would have been able to give you examples of anyone doing anything much wrong. A few unfortunate comments about cooking and babies at LUGs, perhaps. Things started to change my awareness slowly."[10] A growing number of conference organisers and speakers now pledged that they would stop contributing to events without a Code of Conduct in place[11] and when both the Python and the Django foundation demanded all projects they sponsored to adopt a Code of Conduct, social and financial pressure aligned to normalise Codes of Conduct even for the most reluctant communities.

The context of conduct

These Codes of Conduct emerged in an environment that is particularly sensitive to the ways words can be made flesh, both as code and as law.[12] The objects of interest that developers and users gather around, are forms of language made executable through regulation: Free, Libre and Open Source software. The worlding power of language is also present through the legal invention of open content licensing. By creatively turning conventional copyright law upside down, these licenses make the re-use, distribution and development of source code possible.

But F/LOSs communities are epistemically and culturally complex environments. While the regulatory frameworks of code and law are at its base, the often-quoted statement "*We reject: kings, presidents and voting. We believe in: rough consensus and running code,*"[13] illustrates that the general spirit is anti-establishment and meritocratic. Even so, as the communities gained in size and age, each developed their own practice of governance in the shape of bespoke guidelines and idiosyncratic norms, if necessary supplemented with conventional institutional forms such as the GNOME foundation, the Django Software Foundation and the Python Foundation.

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7   Mako Hill, Benjamin. "Updating the Ubuntu Code of Conduct". https://mako.cc/copyrighteous/updating-the-ubuntu-code-of-conduct
8   "Governance". Ubuntu website. https://www.ubuntu.com/community/governance
9   "Timeline of Incidents". Geek Feminism Wiki. http://geekfeminism.wikia.com/wiki/Timeline_of_incidents
10   Gardiner, Mary. "Why we document". Geek Feminism Blog, 2009 https://geekfeminism.org/2009/08/19/why-we-document
11   #cocpledge https://twitter.com/cocpledge
12   'We understand the internal perspective of legal regulation—for example , that the restrictions the law might impose on a company's freedom to pollute are a produc t of self-conscious regulation, reflecting values of the society imposing that regulation. That perspective is harder to recognize with code. It could be there, but it need not. And no doubt this is just one of many important differences between.' Lessig, Lawrence. Code is law. Basic books, 2006
13   Clark, David D. "A Cloudy Crystal Ball -- Visions of the Future". Presentation given at the Internet Engineering Task Force, 1992

The widely discussed results of the large-scale F/LOSs survey held in 2003 and 2013 helped grow awareness of the fact that Free, Libre and Open Source communities were even less diverse than commercial software environments.[14] In the mean time, reports of harassment kept surfacing. It confirmed F/LOSs communities as hostile environments where figureheads such as Richard Stallman considered it funny to make so-called "EMACS virgin jokes"[15], where a bug-report on the presence of rote misogyny in a software manual was flooded with misogynous comments[16], and where using non-feminine IRC nicknames became a necessary strategy for many women[17]. This culture of oppressive behaviour embarrassed the professional ambitions of certain projects and deeply troubled others. It is in this paradoxical context of uncomfortable governance, of do-ocracies with a legal leaning, that codes are chosen as the medium of choice for conducting conduct.

Gaining strength from diversity

The TODO Group, an initiative that developed the Open Code of Conduct, believes that it helps "set the ground rules for participation in communities, and more importantly helps to build a culture of respect and improve diversity."[18] Many Codes of Conduct follow this same reasoning and open with a diversity statement:

> *"The Python community is made up of members from around the globe with a diverse set of skills, personalities, and experiences. It is through these differences that our community experiences great successes and continued growth."(Python)*

With the majority of F/LOSs contributors being white, male and from the affluent North,[19] this imagined 'diversity' is still sadly at odds with reality. Explicitly articulating diversity in a Code of Conduct can be part of a strategy to change the culture from within, and might have an effect on diversification in the long term. It is also fair to say that Ubuntu, Debian and Python have not only adopted a Code of Conduct but initiated multiple activities and policies to address gender disparity in their communities.

> *"We gain strength from diversity, and actively seek participation from those who enhance it. This code of conduct exists to ensure that diverse groups collaborate to mutual advantage and enjoyment. We will challenge prejudice that could jeopardise the participation of any person in the project" (Ubuntu)*

Such hopeful diversity statements run the risk though of obscuring the systemic problems operating within and around these projects. The insistence on being already-inclusive might make it harder to

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14 "Free/Libre and Open Source Software: Survey and Study". International Institute of Infonomics University of Maastricht, The Netherlands; Berlecon Research GmbH Berlin, Germany, 2002 and "FLOSS survey 2013". Libresoft, 2013

15 Garrett, Matthew. "RMS and virgins", 2009 https://mjg59.livejournal.com/113408.html

16 Lena. "Bug 155385 - complaint about geli(8) manpage". FreeBSD Bugzilla, 2011 https://bugs.freebsd.org/bugzilla/show_bug.cgi?id=155385

17 Meyer, Robert, Cukier, Michel. "Assessing the Attack Threat due to IRC Channels" Conference paper: Dependable Systems and Networks, 2006.

18 TODO. "Open Code of Conduct" https://github.com/todogroup/opencodeofconduct/tree/13611b3023881dbf5a2914e73873dea178e160fc

19 Demby, Gene. "Why Isn't Open Source A Gateway For Coders Of Color?" Code Switch, December 2013 https://www.npr.org/sections/codeswitch/2013/12/05/248791579/why-isnt-open-source-a-gateway-for-coders-of-color
Dryden, Ashe. "The Ethics of Unpaid Labor and the OSS Community" https://www.ashedryden.com/blog/the-ethics-of-unpaid-labor-and-the-oss-community

report incidents that would contradict these claims. "Diversity provides a positive, shiny image of the organisation that allows inequalities to be concealed and thus reproduced".[20]

Other uses of the term 'diversity' address differences within the relatively homogeneous but internationally distributed communities of F/LOSs, where proud auto-didacts, opinionated computer scientists, engineering students, hobbyists and professionals gather. To communicate in many flavors of English across varying social and cultural backgrounds can have undesired effects:

> *"Diversity is one of our huge strengths, but it can also lead to communication issues and unhappiness. To that end, we have a few ground rules that we ask people to adhere to." (Django)*

> *"We accept that people have differences of opinion, that they communicate those in various ways, and that social norms may vary across cultures. Sometimes the impact our behaviour has on others isn't immediately apparent to us." (Libre Graphics Meeting)*

The acknowledgment of 'communication issues' hints at the cost of conflict that can paralyse development more than anything. It becomes clear that Codes of Conduct not only express a desire for diversity, but also propose ways to manage the flow of collaboration in order to secure a productive environment.

> *"Debian contributors have many ways of reaching our common goal of a free operating system which may differ from your ways. Assume that other people are working towards this goal. Note that many of our contributors are not native English speakers or may have different cultural backgrounds." (Debian)*

> *"The FreeBSD Project is inclusive. We want the FreeBSD Project to be a venue where people of all backgrounds can work together to make the best operating system, built by a strong community." (FreeBSD)*

Conflict resolution for healthy communities

Techno-ideological conflicts can be relentless in FLOSs environments. These 'disagreements' prove hard to resolve on the basis of meritocratic values such as technical excellence, effort or achievement alone. Because conflicts can paralyze projects for long periods of time, it became important to develop practices which prevent the costly re-negotiation of core aims as much as possible.[21] It is telling that even Linus Torvalds, notorious for testing the limits of conduct himself,[22] decided to merge a 'Code of Conflict' into the Linux Kernel documentation.[23]

> *"In a project the size of Debian, inevitably there will be people with whom you may disagree, or find it difficult to cooperate. Accept that, but even so, remain respectful. Disagreement is no excuse for poor behavior or personal attacks, and a community in which people feel threatened is not a healthy community." (Debian)*

20 Ahmed, Sarah. On Being Included: Racism and Diversity in Institutional Life. Duke University Press, 2012
21 Mateos-Garcia, Juan, Steinmueller, W. Edward. "The Institutions of Open Source Software: Examining the Debian Community" in: Information Economics and Policy Volume 20, Issue 4, December 2008, Pages 333-344
22 Corbet, Jonathan. "How to enforce Debian's code of conduct". lwn.net, September 2012 https://lwn.net/Articles/611317/
23 Linux Kernel Documentation Code of Conflict https://www.kernel.org/doc/html/v4.10/process/code-of-conflict.html

In the "'socially-light' and 'intimacy-averse'"[24] on-line environments of IRC channels and mailing-lists, a disagreements can easily turn into a development-crippling flame-war. In their respective codes, the Django and KDE project carefully formulate their idea of constructive conduct in such case:

> *"Disagreements, both social and technical, happen all the time and Django is no exception. It is important that we resolve disagreements and differing views constructively. Remember that we're different."* (Django)

> *"Disagreements both political and technical, happen all the time. Our community is no exception to the rule. The goal is not to avoid disagreements or differing views but to resolve them constructively."* (KDE)

Dealing with the consequences

All documents but one (Debian has published a separate diversity statement) highlight the diversity and inclusiveness of their respective communities and all but one (FreeBSD) pay attention to how disagreements should be dealt with. The prevention of and response to harassment receives much less attention, arrives at the end of the documents and is often not present at all.

The priorities of the Ada-Initiative are clearly elsewhere. According to them, an effective Code of Conduct includes first of all, "Specific descriptions of common but unacceptable behavior (sexist jokes, etc.)" and additionally, "reporting instructions with contact information, information about how it may be enforced, a clear demarcation between unacceptable behavior (...) and community guidelines such as general disagreement resolution." According to a survey on the Geek Feminism Wiki, not many Codes of Conduct fulfill these first three requirements.[25]

> *"Overall, we're good to each other. We contribute to this community not because we have to, but because we want to. If we remember that, these guidelines will come naturally."* (Python)

The insistence of the ADA Initiative on enforceable mechanisms of responsibility combines two arguments: listing unacceptable behavior takes away the burden from someone reporting harassment to define the nature of harassment itself, and clear guidelines will guarantee that in case something happens, reporters of incidents can trust that they will be heard.

When it comes to enforcement, some codes assume that guidelines lead to better conduct naturally. Others explicitly state that their Code of Conduct will not be enforced:

> *GNOME creates software for a better world. We achieve this by behaving well towards each other. Therefore this document suggests what we consider ideal behavior, so you know what to expect when getting involved in GNOME. This is who we are and what we want to be. There is no official enforcement of these principles, and this should not be interpreted like a legal document.* (GNOME)

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24 The institutions of Open Source Software: Examining the Debian CommunityMateos-Garcia, Juan, Steinmueller, W. Edward. "The Institutions of Open Source Software: Examining the Debian Community" in: Information Economics and Policy Volume 20, Issue 4, December 2008, Pages 333-344

25 "Code of conduct evaluations". Geek Feminism Wiki
    http://geekfeminism.wikia.com/wiki/Code_of_conduct_evaluations

The phrase 'this should not be interpreted like a legal document' points at the complicated relation that these codes have with the law. It seems, at least partially, related to the reluctance to summon external governing bodies, unless absolutely necessary.

> *"If you believe anyone is in physical danger, please notify appropriate law enforcement first."* (FreeBSD)

Communication on mailinglists happens between geographically dispersed participants, so it is not always clear which local laws apply. For conferences, it might be that the legal situation of a host country does or does not cover the terms specified in the code. In many cases, anti-discrimination statements reiterate international and national agreements as if they are community-specific values.

> *"To achieve the goals of the Code of Conduct, the organizers of the Libre Graphics Meeting will check before the selection of a location is made, if local laws are compatible with the CoC."* (Libre Graphics Meeting)

Whenever a Code of Conduct includes a clause with reporting instructions and ways the code may be enforced, this comes down to assigning specific community members as 'community liason' or 'Code of Conduct Committee'. They are charged with information gathering, deciding whether a violation was committed, and carrying out a sentence if applicable. This can be a private or public reprimand, a permanent or temporary ban, a request for public or private apology or a process of mediation. As a consequence, the way community-members relate to each other radically changes. Not enforcing a Code of Conduct that promises to do so is alienating for those experiencing or reporting a violation. But when some volunteer members become responsible for policing others, this can create difficult and destabilising situations for everyone involved: reporters of harassment, perpetrators of violations and liasons alike. There is no easy way out.

> *"We will do our best to respond within one week to the person who filed the report with either a resolution or an explanation of why the situation is not yet resolved. Once we have determined our final action, we will contact the original reporter to let them know what action (if any) we will be taking."* (FreeBSD)

> *"The contact person(s) will take appropriate measures when necessary, such as removing someone from the premises or channels."* (Libre Graphics Meeting)

Only two of the eight documents that I worked with demarcate unacceptable behavior. Django lists desired conduct first (be respectful, considerate, collaborative, open, patient, generous, assume people mean well, take responsibility ...) before arriving at the following definition:

> *"Violent threats or language directed against another person. Discriminatory jokes and language. Posting sexually explicit or violent material. Posting (or threatening to post) other people's personally identifying information ("doxing"). Personal insults, especially those using racist or sexist terms. Unwelcome sexual attention. Advocating for, or encouraging, any of the above behavior. Repeated harassment of others. In general, if someone asks you to stop, then stop."* (Django)

Such dictionaries of harassment are painful to write and read. But as intersectional activist Lisa Fithian warns us, discomfort comes with facing oppression and is a necessary part of the process.[26]

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26 Fithian, Lisa, Oswald Mitchell, Dave. "Theory: Anti-oppression" in: Beautiful Trouble, OR books, 2012

*"Comments that reinforce systemic oppression related to gender, gender identity and expression, sexual orientation, disability, mental illness, neurodiversity, physical appearance, body size, age, race, or religion. Unwelcome comments regarding a person's lifestyle choices and practices, including those related to food, health, parenting, drugs, and employment. Deliberate misgendering. Deliberate use of "dead" or rejected names. Gratuitous or off-topic sexual images or behavior in spaces where they're not appropriate. Physical contact and simulated physical contact (e.g. textual descriptions like "*hug*" or "*backrub*") without consent or after a request to stop. Threats of violence. Incitement of violence towards any individual, including encouraging a person to commit suicide or to engage in self-harm. Deliberate intimidation. Stalking or following. Harassing photography or recording, including logging online activity for harassment purposes. Sustained disruption of discussion. Unwelcome sexual attention. Pattern of inappropriate social contact, such as requesting/assuming inappropriate levels of intimacy with others. Continued one-on-one communication after requests to cease. Deliberate "outing" of any private aspect of a person's identity without their consent except as necessary to protect vulnerable people from intentional abuse. Publication of non-harassing private communication without consent. Publication of non-harassing private communication with consent but in a way that intentionally misrepresents the communication (e.g. removes context that changes the meaning). Knowingly making harmful false claims about a person."* (FreeBSD)

The feminist potential of Codes of Conduct

Now that many FLOSs projects have adopted Codes of Conduct, the attention for these documents rapidly diminishes. The Ada Initiative closed in 2015, the Geek Feminism wiki is currently in archive mode, and TODO announced that it "will not be continuing work on the open code of conduct."[27]

Obviously the project is far from finished. There are a lot of questions to ask about the way these codes actually function. Do the communities that adopt them, indeed diversify? Did the amount of disagreements diminish, and were they dealt with more constructively? Are there less incidents of harassment to report? And have communities gotten better at handling incidents?

Hidden in the meticulous but confused wordings of these Codes of Conduct, I think there is feminist potential. The process of formulating them provided a much needed platform for community-wide conversations on harassment and mechanisms of exclusion. Codes that contain explicit examples of harassment, have made people reflect on their own contribution to the pervasiveness of oppressive behaviour, even if reluctantly and awkwardly. They have opened up the possibility to identify and call out such behaviour, and made it clear that there exists relentless resistance to do so as well.

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27 Ada-Initiative. "The Ada Initiative closed in October 2015 but we encourage you to continue supporting women in open technology and culture by continuing and building on the Ada Initiative's work." https://adainitiative.org/2015/08/announcing-the-shutdown-of-the-ada-initiative/
Geek Feminism Wiki. "The Geek Feminism Wiki is effectively in archival mode. New accounts are restricted from editing due to vandalism, and we do not have the volunteer labor available to whitelist new accounts and monitor activity" http://geekfeminism.wikia.com/wiki/Geek_Feminism_Wiki
TODO. "Update: We will not be continuing work on the open code of conduct." http://todogroup.org/opencodeofconduct/#Open+Code+of+Conduct

When it comes to enforcement, I wonder about the way projects seem to agree on trusting dedicated community members with the task. It means essentially a move of containment that makes it very hard to address these issues beyond individual perpetration. We might learn from radical feminist hacker-initiatives how to build collective spaces that allow us to address systemic oppression together.

Without collective attention and experimentation, Codes of Conduct risk to produce a sense of already-safe and already-diverse environments where diversity work is efficiently outsourced to the document. We need to keep activating these tools to articulate trouble, to language communities of conduct that can operate with difference, that can keep conflict in the room and that are ready to work through mistakes. We should not leave these documents alone. They deserve our persistent interaction and intervention.

This text is based on a close reading of the following Codes of Conduct:

- FreeBSD https://www.freebsd.org/internal/code-of-conduct.html

- Debian https://www.debian.org/code_of_conduct

- Ubuntu https://www.ubuntu.com/community/code-of-conduct

- Libre Graphics Meeting https://libregraphicsmeeting.org/lgm/public-documentation/code-of-conduct/

- KDE https://www.kde.org/code-of-conduct/

- Django https://www.djangoproject.com/conduct/

- GNOME https://wiki.gnome.org/action/show/Foundation/CodeOfConduct

- Python https://www.python.org/psf/codeofconduct/