

Democracy in Wikipedia

R. Stuart Geiger

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Introduction

In his book Code and Other Laws of Cyberspace, Lawrence Lessig stated, “Most people think that to understand *law*, you need to understand a set of *rules*. That’s a mistake... The law is best understood through stories – stories that teach what is later summarized in a catalog of rules.”¹ As such, there are multiple reasons why American middle school civics students (or even first-year law students) are not simply given the fifty volumes which comprise the U.S. Code and told to memorize it by next Tuesday. Instead, they are told stories of exploration, revolution, and conflict, which explain the present through the past.

For example, a good civics instructor will not simply tell students that the United States is a federal system and then delve into issues and regulations regarding interstate commerce. Rather, the history of the colonies before the American Revolution and the bloody conflict between the Union and the Confederacy should be integrated into this lecture, explaining why this complicated balance of power exists. Likewise, most American Constitutional Law classes begin with the same story: a conflict between two men named Marbury and Madison which established the role of the Supreme Court through the doctrine of judicial review.

While historical narratives are important in fostering an understanding of a government’s legal structure, present-day stories are also an essential mechanism by which a reader can gain unique insight into how exactly a bureaucratic system operates. This is because formalized law, at its most basic level, is nothing but the application of a bureaucracy to the lives of real people. Law does not, and cannot exist outside of society; individuals are, in essence, the medium

¹ Lessig, Lawrence. *Code and Other Laws of Cyberspace* (New York: Basic Books, 1999), 9.

through which law manifests itself. Stories not only make law come alive, but also are necessary for an understanding of how that law operates.

As such, this work – an explanation of the legal culture surrounding the online encyclopedia Wikipedia – will not simply list the rules which govern the project. Instead, I will attempt to illustrate the concept of law and governance through stories as much as possible. The first section is nothing but a history of Wikipedia; like the United States, the government which oversees the project has, since its inception, evolved from an informal association of individuals to a complex bureaucracy. It has experienced sudden revolutions, bloodless coups, and gradual changes, all of which are essential to an understanding of the current Wikipedian government.

In the later parts of this work, I turn my attention towards the current regime which oversees and administrates Wikipedia. While this system is constantly changing, I hope to provide a clear framework for understanding its fundamental nature, mainly through the telling of stories. Like most used in the teaching of government, these stories are ones of conflict: they involve two or more groups who passionately disagree on what the system should do in a certain instance. Unfortunately, as many who have interacted with bureaucratic legal structures already know, these systems are administered through a top-down hierarchy which tells individual enforcers and adjudicators of the law what they can and cannot do. However, as the reader will soon learn, users in Wikipedia can never give the classic excuse, “I don’t make the rules, I just enforce them.”

With over 285,000 contributors who make over six million edits per month on over five million substantial articles which consist, in total, of over one and a half billion words², Wikipedia has become somewhat of a mystery in organizational theory. The project incorporates

² “Wikipedia Statistics.” Accessed online at <http://stats.wikimedia.org/EN/TablesWikipediaZZ.htm>.

a wide variety of opinions from users across the globe, yet disruptions to the natural order are few and far between. In fact, a study by Roy Rosenzweig showed that Wikipedia was roughly as accurate as other major encyclopedias.³

So what is it that keeps this community organized and on-task? If anyone has the power to edit nearly any article in any fashion, vandalism and bias could become significant problems with a system such as Wikipedia's. To combat this inherent lawlessness, there has emerged a group of users dedicated to establishing law and order in the online encyclopedia. While their initial attempts at enforcing behavior were based on building community norms, this group of Wikipedians has grown in both membership and legitimacy so much that it can be considered a government. In addition, a corpus of official policy has emerged which functions as law, guiding the actions of individuals in this system. This notion of law is a central focus in this work, and should be defined and explained due to the various interpretations of law which exist in modern jurisprudence.

H. L. A. Hart, in The Concept of Law, states that law manifests itself in rules through which “human beings are commanded to do or abstain from certain actions, whether they wish to or not.”⁴ However, this is not the only concept of law, Hart argues. That definition includes, for example, the statement, “Give me all your money!” given by a bank robber to a teller. What makes these coercive rules law is that they exist in a cohesive and flexible system; in Hart’s words, “they provide that human beings may by doing or saying certain things introduce new rules ... extinguish or modify old ones, or in various ways determine their incidence or control their operations.”⁵ Therefore, each official rule, statute, or institution in Wikipedia (or any legal

³ Rosenzweig, Roy. *The Journal of American History* Volume 93, Number 1 (June, 2006), 117-46.

⁴ Hart, H.L.A., *The Concept of Law* (Oxford: Oxford University Press, 1961), 78-79.

⁵ *Ibid*, 79.

system) should not be considered ‘a’ law, but rather part of ‘the’ law, which is inextricably linked to a mechanism by which the entire system can be changed, interpreted, or applied.

In utilizing such an interpretation of law, it is of relevance to note the difference between common law and civil law, two dominant conceptions of the law in modern jurisprudence. Civil law, also called continental law, is founded on specific statutes that have been created by a legislature and are simply applied by a judge to a specific case; common law, in contrast, has its basis in broad legislative decrees that are interpreted by a judge, usually through applying previous court decisions and legal traditions. Civil law systems are often codified into detailed and specific laws, and no individual adjudicator of the law can deviate from them. Common law systems are often more fluid, and a ruling can change depending on the specific judge. Civil law judges are often heavily involved in a trial, examining witnesses and evidence, while a common law judge will often only act as a neutral referee, keeping the lawyers on both sides from overstepping their respective bounds.⁶

While few real-world legal systems are wholly common or civil, most are based more on one than the other. While there exist some mixed systems, these generally use common law in one area (such as property law) and civil law in another (such as criminal law). As will be shown, the Wikipedian legal system does not cleanly fit into one of these categories. Because of this, the reader is encouraged to keep both frameworks in mind when conceptualizing this system and resist the temptation to force Wikipedian law into one of these traditions at the expense of the other. Although Wikipedians (including the project’s founder) often describe the project in terms of common law and contemporary common law systems (such as the United States and the

⁶ Apple, James and Deyling, Robert. “A Primer on the Civil-Law System.” *Federal Judicial Center*. Accessed online 29 Apr 2007 at <http://www.fjc.gov/public/pdf.nsf/lookup/CivilLaw.pdf>.

United Kingdom), one should not wholly accept the common law tradition as representative of the project without taking into account the civil aspects of the system.

The Wikipedian Pageant

What is Wikipedia?

In the words of its co-founder Jimmy Wales, Wikipedia is “an attempt to create and distribute a multilingual free encyclopedia of the highest quality to every single person on the planet in their own language.” For most Wikipedians, the best way to achieve this is an on-line compendium of knowledge in which access to both view and edit the project are almost universally unrestricted. To take an analogy from Richard Stallman and the open source software community, Wikipedia is considered both free as in beer (*gratis*) and free as in speech (*libre*).

One aspect of Wikipedia’s doubly-free nature comes from its non-traditional stance towards copyrights: while most encyclopedias require contributors to waive certain rights to the owner of the project, Wikipedia requires these rights to be given to the public at large. Whenever a user creates, updates, or otherwise edits Wikipedia, they automatically agree to release their contribution under the GNU Free Documentation License, a modified copyright license which grants universal rights to “copy and redistribute it, with or without modifying it, either commercially or noncommercially.”⁷ This is, however, not the same as being placed in the public domain; if one makes derivative works, they must be released under the same license.

⁷ Free Software Foundation. “GNU Free Documentation License.” November 2002. Accessed online 2 Mar 2007 at <http://www.fsf.org/licensing/licenses/fdl.html>.



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Strawberry

From Wikipedia, the free encyclopedia

For other uses, see *Strawberry (disambiguation)*.

The **strawberry** (*Fragaria*) is a genus of [plants](#) in the family *Rosaceae*, and the [fruit](#) of these plants. There are more than 20 named [species](#) and many hybrids and [cultivars](#). The most common strawberries grown commercially are cultivars of the [Garden strawberry](#), *Fragaria × ananassa*. Strawberries are a valuable source of [vitamin C](#). See [Garden Strawberry](#) for information about the fruit as a food.

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Morphology [edit]

The strawberry is an [accessory fruit](#); that is, the fleshy part is derived not from the ovaries which are the "seeds" (actually [achenes](#)) but from the peg at the bottom of the [hypanthium](#) that held the ovaries. So from a technical standpoint, the seeds are the actual fruits of the plant, and the flesh of the strawberry is modified receptacle tissue. It is greenish-white as it develops and in most species turns red when ripe.

History [edit]

Strawberry

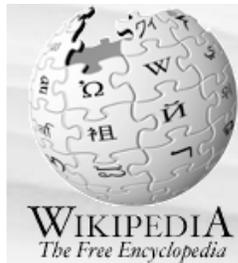


Scientific classification

Kingdom:	Plantae
Division:	Magnoliophyta
Class:	Magnoliopsida
Order:	Rosales

A screenshot of the Wikipedia article on strawberry. Notice the **edit this page** link at the top of the article.⁸

⁸ Wikipedia Contributors, "Strawberry." *Wikipedia: The Free Encyclopedia*, 5 Apr 2007. Accessed online 15 Apr 2007 at <http://en.wikipedia.org/w/index.php?title=Strawberry&oldid=120399218>.



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Editing Strawberry

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The ''strawberry'' (''Fragaria'') is a genus of [[plant]]s in the family ''[[Rosaceae]]'', and the [[fruit]] of these plants. There are more than 20 named [[species]] and many hybrids and [[cultivar]]s. The most common strawberries grown commercially are cultivars of the [[Garden strawberry]], ''Fragaria'' stimes; ''ananassa''. Strawberries are a valuable source of [[vitamin C]]. See [[Garden Strawberry]] for information about the fruit as a food.

==Morphology==

The strawberry is an [[accessory fruit]]; that is, the fleshy part is derived not from the ovaries which are the "seeds" (actually [[achene]]s) but from the peg at the bottom of the [[hypanthium]] that held the ovaries. So from a technical standpoint, the seeds are the actual fruits of the plant, and the flesh of the strawberry is modified receptacle tissue. It is greenish-white as it develops and in most species turns red when ripe.

Content that violates any [copyright](#) will be deleted. Encyclopedic content must be [attributable to a reliable source](#). You agree to license your contributions under the [GFDL](#)^{*}.

[Edit summary](#) (Briefly describe the changes you have made):

-
-
-
- | [Editing help](#) (opens in new window)

Do not copy text from other websites without permission. It will be deleted.

A screenshot of a user editing the Wikipedia article on strawberry.⁹

⁹ Wikipedia Contributors. "Editing Strawberry." *Wikipedia: The Free Encyclopedia*, 5 Apr 2007. Accessed online 15 Apr 2007 at <http://en.wikipedia.org/w/index.php?title=Strawberry&action=edit>. This image has been condensed from its original version due to space constraints. The text box in the center of the screen is over two times as large on the actual Wikipedia page.

While this “copyleft” access is a central tenet of the project, what makes Wikipedia truly unique is the ability for any individual to edit any page, with a few minor exceptions.¹⁰ Users are not even required to register in order to change an article; the “edit this page” link is proudly displayed throughout the website. However, as many newcomers to the project soon realize, this change may not be permanent as all other users enjoy the same privilege.

Considering that Wikipedia has over 75,000 active registered contributors¹¹ who make over eight million edits per month on almost five million substantial articles¹² which consist, in total, of over one and a half billion words,¹³ one could easily imagine Wikipedia degenerating into a lawless anarchy. However, a quick look at the project shows that this is not the case. While many pundits and scholars criticize Wikipedia for having certain flaws, a systemized ruleset and power structure have been formed that enable the efficient maintenance and improvement of the free encyclopedia. In any case, the project should not be considered what political scientists call a *failed state*, a title that may initially seem more appropriate for Wikipedia’s satirical doppelganger Uncyclopedia.

In fact, through comparing and contrasting Wikipedia and Uncyclopedia, it can be made clear what exactly differentiates the governing structure of Wikipedia from the physical limitations and tendencies created by the system. Both projects are based on the same wiki model; in fact, Uncyclopedia uses the same software and layout as Wikipedia. This is the

¹⁰ Such as the main page, the login screen, other special pages, and articles that have been recently heavily vandalized.

¹¹ Registered users who make at least five edits per month – unregistered users and users who edit less than this raise the number of contributors, but the Wikipedia statistics program does not track them. “Wikipedia Statistics.” Accessed online 10 Apr 2007 at <http://stats.wikimedia.org/EN/TablesWikipediansEditsGt5.htm>.

¹² Articles of a length more than 200 characters, disregarding special wiki and HTML codes. “Wikipedia Statistics.” Accessed online 10 Apr 2007 at <http://stats.wikimedia.org/EN/TablesArticlesTotalAlt.htm>.

¹³ Wiki and HTML codes not included. “Wikipedia Statistics.” Accessed online 10 Apr 2007 at <http://stats.wikimedia.org/EN/TablesDatabaseWords.htm>.

strongest similarity between the projects: they both grant users the near-unlimited right to access and edit most articles. The key difference is that Uncyclopedia has significantly different rules and policies regarding what happens after those edits have been made. Both in Uncyclopedia and Wikipedia, the physical ability to edit a page does not always entail a full right to that edit, especially if it violates the goal of the project. Uncyclopedia's contributors are expected to revert a user's edit (and occasionally request the ban of the individual) if the addition contains hate speech, commercial advertisements, shocking images of violence or sexuality, or is simply not funny. Other than these restrictions, however, virtually everything else is permitted.

Wikipedia's users, in contrast, are expected to follow a much more stringent ruleset, which includes a neutral point of view, verifiable accuracy, and adherence to a manual of style. Because of this, Wikipedia's articles are predominantly more factually accurate than Uncyclopedia's (although Wikipedia's articles are less interesting and humorous, according to many Uncyclopedians). The figures below show the two projects' articles for the United States of America. It is of note that both pages are typical of their respective projects and do not include vandalism.

Despite the fact that both projects have the same structure from a technical standpoint (what Lawrence Lessig would call *architecture*¹⁴) and have a similar goal (an encyclopedic collection of knowledge), Uncyclopedia and Wikipedia are strikingly dissimilar projects. It may initially appear that this is because of the users who edit such projects: Wikipedians are generally more dedicated to factual accuracy while Uncyclopedians place more emphasis on humor and creativity. However, such an assumption ignores the dominant legal structures present in the projects which create political subjects who not only follow the law but enforce it as well.

¹⁴ Lessig, 1999.

It is this structure that attracts those with a scholarly or factual interest in encyclopedias to Wikipedia and those with a humorous or ironic take to Uncyclopedia. If these projects were simply creative anarchies, neither project would be as pure; users would edit Wikipedia humorously with no consequence while factual information and bad jokes would become part of Uncyclopedia. As these communities were founded upon a desire to achieve their respective goals, these policymaking and enforcement apparatuses are essential to the integrity of the project.

It is this community of Wikipedians that create and enforce community standards that will be the main subject of investigation. While there are some “external” entities that influence behavior on the project (from an op-ed article in a national newspaper that criticizes a certain policy to a governmental law regarding intellectual property), this project focuses on how the Wikipedian community regulates itself and various implications of this style of governance.

The **United States of America** (often shortened to the **United States**, **USA**, **U.S.** or colloquially **America**) is a [country](#) of the [western hemisphere](#), comprising fifty [states](#) and numerous [territories](#). Forty-eight contiguous states lie in central [North America](#) between the [Pacific](#) and [Atlantic Oceans](#), [bound on land](#) by [Canada](#) to the north and [Mexico](#) to the south; [Alaska](#) is in the northwest of the continent with Canada to its east, and [Hawaii](#) is in the mid-Pacific.^[2] The United States is a [federal constitutional republic](#); [Washington](#), its [capital](#), is coextensive with the [District of Columbia](#) (D.C.), the [federal capital district](#).^[3]

At over 3.7 million [square miles](#) (over 9.6 million [km²](#)) and with over 300 million people, the United States is the third largest country by both [total area](#) and [population](#).^[4] With a [gross domestic product](#) (GDP) of over \$13 trillion, the U.S. has the largest national economy in the world.^[5] GDP per capita ranks first among the larger economies of the world, and [third](#) or [eighth](#) overall, depending on the measurement. The product of large-scale historical [immigration](#) and home to a complex [social structure](#)^[6] as well as a wide array of [household arrangements](#),^[7] the U.S. is one of the world's most ethnically and socially [diverse](#) nations.^[8]

The nation was founded by [thirteen colonies](#) declaring their independence from [Great Britain](#) on [July 4, 1776](#) and ratifying the [Articles of Confederation](#), on [March 1, 1781](#). It adopted the current [constitution](#) on [September 17, 1787](#). The country greatly [expanded](#) in territory throughout the [19th century](#) acquiring lands from France and Mexico. With the [collapse of the Soviet Union](#) in 1991, it became the world's sole remaining [superpower](#). The United States continues to exert dominant economic, political, cultural, and military influence around the

United States of America	
	
Flag	Great Seal
Motto: <i>E Pluribus Unum</i> ("Out Of Many, One") (traditional) <i>In God We Trust</i> (1956 to date)	
Anthem: <i>The Star-Spangled Banner</i>	
	
Capital	 Washington, D.C. 38°53'N 77°02'W
Largest city	 New York City

United States of America article on Wikipedia¹⁵

United States of America = *Satane Dictatore, Fuse Mei!* A latin sentence which means: *Satan dictator, fuse with me!*, is an experiment by God to develop a prototype for his next planetary creation. The budget was considerably lower than the first one, allowing for only 3 days to create it, so was likely to contain a mass of things God had already created. The prototype will, in theory, provide an insight into what happens when a naked land is populated by other nationalities and was easily and rapidly filled by hopeful degenerates whos own country was sickened by them.

Of course, the prototype has back-fired for God and so his other-worldly project has since been abandoned. The experiment did proved useful for the [World Health Organisation](#), who now at least have something to back up claims that we should all eat healthily and exercise more.

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The United States of America	
	
United Statesian flag	United Statesian Coat of Fat Arms and Legs
Motto	1..2..3 Macarena!

United States of America article on Uncyclopedia¹⁶

¹⁵ Wikipedia contributors, "United States of America," *Wikipedia: The Free Encyclopedia*, Accessed online 1 May 2007 at http://en.wikipedia.org/w/index.php?title=United_States&oldid=110905308.

¹⁶ Uncyclopedia contributors, "United States of America," *Uncyclopedia, The Content-Free Encyclopedia*, Accessed online 1 May 2007 at http://uncyclopedia.org/index.php?title=United_States_of_America&oldid=1623037.

The Origin of the Wikipedians

As Alexis de Tocqueville explained¹⁷, knowing the origin of a state is crucial to understanding its current social and political landscape. Political philosophers such as Thomas Hobbes¹⁸ and John Locke¹⁹ also recognized this necessity, founding their theories on a hypothetical conception of the state's inception. This fact is no less true in the digital realm than the physical; Wikipedia's founding history tells much about the values and norms the project holds dear. Furthermore, the establishment of the project and the emergence of law seems to follow the thought experiment of the state of nature and the social contract, utilized by a multitude of political theorists during the Enlightenment.

Wikipedia was created in January of 2001 by Jimmy Wales and Larry Sanger of Bomis Inc. to assist the company's Nupedia project, which aimed at being a freely accessible on-line encyclopedia authored by professionals and experts. Like in most governments, Wikipedia's legal structure has been radically changed since its inception, albeit rather peacefully. The project has always had guidelines that informally govern behavior; an early introduction to the list of these policies stated:

Since this is a wiki, there are no editors. We must rely on developing our own good habits and occasionally taking a bit of time to correct the results of someone else's bad habits. But it might help to specifically enunciate particularly rules that *some* of us wish we'd make an effort to follow. So here's a page containing such rules. Two suggested features of this page are: add your name to a list of the rule's "supporters" to get an idea of how strongly WikiPeditians support a rule, and "[nameofrule]Debate" pages where we

¹⁷ De Tocqueville, Alexis. *Democracy in America, Volume I* (New York: Random House, 1990), 26-27.

¹⁸ Hobbes, Thomas. *Leviathan* (New York: Penguin Classics, 1982).

¹⁹ Locke, John. *Second Treatise of Government*. Accessed online 22 April 2007 at <http://www.gutenberg.org/dirs/etext05/trgov10h.htm>.

can talk about the merits of the proposed rule. [...] Rules are established according to the vigor of their enforcement.²⁰

The original enforcement structure was based solely on reverting edits that were made outside of a certain norm. While Jimmy Wales and Larry Singer used their authority as creators and owners of the project (and thus developers with access to the server) to influence these informal norms, there is no evidence to suggest that they authoritatively handed down decrees during Wikipedia's early history other than this initial declaration. This can be seen by Jimmy Wales's comment on a "Policy Policy" discussion in the first month of Wikipedia's existence:

We should not, of course, expect at the outset that we will get it all right, and so we should be prepared to change course in the future. The interesting thing about the wiki software is that social norms are ultimately the only policy. Saying, today, that we will have "loose" social norms, versus "tight" social norms, is *itself* a policy, set today, with a particular vision of the future in mind.²¹

Because users were not forbidden (under penalty of force) to violate these guidelines, it can be claimed that Wikipedia had no government. Rather, there was a world (the software and database) inhabited by free and rational individuals. Like in Locke's state of nature, the only law to guide these users was "law of nature,"²² or their own sense of right or wrong. While individuals could (as Wales did) attempt to influence the conscience of others, this was a social force as opposed to a sovereign one.

As would be expected in such an environment, these loose guidelines were ignored by some users fairly quickly. The first documented violation of one of these norms was made on 9 February 2001. On that day, Jimmy Wales posted to the wikipedia-l listserv, explaining that he

²⁰ "Wikipedia: RulesToConsider," Internet Archive, accessed online 20 April 2007 at <http://web.archive.org/web/20010416035716/www.wikipedia.com/wiki/RulesToConsider>

²¹ "Wikipedia: PolicyPolicy," Internet Archive, accessed online 20 April 2007 at <http://web.archive.org/web/20010416040317/www.wikipedia.com/wiki/PolicyPolicy>

²² Locke, John. *Second Treatise of Government*, Chapter II. Accessed online 22 April 2007 at <http://www.gutenberg.org/dirs/etext05/trgov10h.htm>.

had found a previously-written and copyrighted article posted to Wikipedia, presumably without an authorization from the copyright holder. Upholding his previous statement regarding norms, Wales simply deleted the offending text. At this time, Wales also reaffirmed the system of informal community enforcement: “We just need to instill a very strong social norm on the wikipedia that copyright violations will not be tolerated.”²³

As Wikipedia began to grow, several contributors close to the project began calling for a stronger system with an “editorial board” or “democratic rules ... set in stone.”²⁴ However, in June of 2001, Wales was still adamant about the free and open nature of Wikipedia. In a response to a message labeled “Controversial Thoughts,” he defended the laissez-faire community consensus model upon which Wikipedia was based while acknowledging that the system may have to change if it kept growing. Furthermore, he explained the theoretically dictatorial role he held through his status as Bomis’s majority owner and how that might influence a future formal governing structure:

While I'm a much bigger fan of freedom and anarchy, I'm also in favor of Wikipedia being run for the benefit of the community of authors, which means that we should work in a friendly way to reach a consensus about where we want to go and how we want to control the community in the long run.

Probably the most astounding fact about Wikipedia is that it is so good without any formal rules or restrictions at all. There are social customs and social pressures that do a really good job of keeping things in line.

But someday, we will have to move beyond that. As the site gets more popular, it will attract vandals, and so we'll need to lock down the front page, or somehow *gently* raise the barriers to entry... but we'll want to be very cautious to not upset the "wiki magic".

[...]

²³ Wales, Jimmy. *Wikipedia-l*, accessed online 10 March 2007 at <http://lists.wikimedia.org/pipermail/wikipedia-l/2001-February/000020.html>.

²⁴ Jasiutowicz, Krzysztof P. *Wikipedia-l*, accessed online 10 March 2007 at <http://lists.wikimedia.org/mailman/htdig/wikipedia-l/2001-June/000182.html>.

This (along with the free license) that guarantees that I'll continue to be a "benevolent" monarch to the project. If I decided unilaterally to make some changes that upset the contributors, that'd pretty much kill the growth of the project. My goal is to prevent fragmentation or "forking" by working hard to keep as many people happy as I can.²⁵

Larry Singer further echoed these comments in his response, claiming that:

You can't control it--you can try to influence it (and I unashamedly do), you can argue strenuously, but you can't say, "This is how it will be," because as soon as you do that, the nature of the project changes entirely. It seems that a lot of your objections are along the lines of, "Wikipedia is disorganized. This is alarming! We should organize it and direct it!" But consider this--perhaps one main reason why Wikipedia works so well is *that* it is disorganized.²⁶

Wikipedia continued to grow quickly over the next few months, gaining notable recognition by news organizations like The New York Times, The New Scientist, and Slashdot. As thousands of contributors joined, questions over policy (including the formation of policy itself) inevitably began to arise. Without a formal ruleset, many users began to violate the community norms, calling into question the informal community model. Questions over administrative privileges (which had previously been given by Wales and Sanger to any user who edited the Wikipedia in good faith), protected articles, permanent deletions, and policy formation were all previously either undefined or vaguely defined unauthoritatively by Wales.

Although this community began to take on a structure, they were simply voluntary associations for mutual benefit. Enforcement of norms was simply performed by editing pages, and there still was no sovereign entity that claimed ultimate jurisdiction over the project. While Wales and Sanger were becoming more involved in shaping the community, they still took a

²⁵ Wales, Jimmy. *Wikipedia-l*, accessed online 10 March 2007 at <http://lists.wikimedia.org/pipermail/wikipedia-l/2001-June/000187.html>

²⁶ Sanger, Larry. *Wikipedia-l*, accessed online 10 March 2007 at <http://lists.wikimedia.org/pipermail/wikipedia-l/2001-June/000189.html>

detached stance; their comments were to be taken as strongly-worded suggestions instead of authoritative commands.

On 27 October 2001, however, Jimmy Wales released his “Statement of Principles,” which authoritatively defined a governmental system which was to rule Wikipedia. In a Hobbesian gesture, this document explicitly defined Wales as the unquestionable sovereign of the project, able to create and enforce whatever policy he desired through whatever means he was able. However, unlike most dictatorial consolidations of power, the policies that Wales decreed were considered far from oppressive; in fact, they were carefully designed to maintain an open and free project that was – for the most part – run democratically by its members. He declared that consensus model was to be the site for all policymaking, insofar as decisions reached by the community did not violate certain key principles (such as preserving a neutral point of view). Wales wrote:

As we move forward with software and social changes, I think it is imperative that I state clearly and forcefully my views on openness and the license. [...] I should point out that these are *my* principles, such that *I* am the final judge of them. This does not mean that I will not listen to you, but it does mean that at some ultimate fundamental level, this is how wikipedia will be run, period. (But have no fear, as you will see, below.)

1. Wikipedia's success to date is 100% a function of our open community. This community will continue to live and breathe and grow only so long as those of us who participate in it continue to Do The Right Thing. Doing The Right Thing takes many forms, but perhaps most central is the preservation of our shared vision for the NPOV [neutral point of view] and for a culture of thoughtful diplomatic honesty.

2. Newcomers are always to be welcomed. There must be no cabal, there must be no elites, there must be no hierarchy or structure which gets in the way of this openness to newcomers. Any security measures to be implemented to protect the community against real vandals (and there *are* real vandals, who are already starting to affect us), should be implemented on the model of "strict scrutiny".

"Strict scrutiny" means that any measures instituted for security must address a compelling community interest, and must be narrowly tailored to achieve that objective and no other.

For example: rather than trust humans to correctly identify "regulars", we must use a simple, transparent, and open algorithm, so that people are *automatically* given full privileges once they have been around the community for a very short period of time. The process should be virtually invisible for newcomers, so that they do not have to do *anything* to start contributing to the community.

3. "*You can edit this page right now*" is a core guiding check on everything that we do. We must respect this principle as sacred.

4. Any changes to the software must be gradual and reversible. We need to make sure that any changes contribute positively to the community, as ultimately determined by me, in full consultation with the community consensus.

5. The GNU FDL license, the openness and *_viral_* nature of it, are fundamental to the longterm success of the site. Anyone who wants to use our content in a closed proprietary manner must be challenged. We must adhere very strictly to both the letter and spirit of the license.

6. The mailing list will remain open, well-advertised, and will be regarded as *the* place for meta-discussions about the nature of Wikipedia. Very limited meta-discussion of the nature of the Wikipedia should be placed on the site itself. Wikipedia is an encyclopedia. The topic of Wikipedia articles should always look *outward* not inward at the Wikipedia itself.

7. Anyone with a beef should be treated with the utmost respect and dignity. They should be encouraged constantly to present their problems in a constructive way in the open forum of the mailing list. Anyone who just bitches without foundation, refusing to join the discussion, I am afraid I must simply reject and ignore. Consensus is a partnership between interested parties working positively for a common goal. I must not let the "squeaky wheel" be greased just for being a jerk.

8. Diplomacy consists of combining honesty and politeness. Both are objectively valuable moral principles. Be honest with me, but don't be mean to me. Don't misrepresent my views for your own political ends. And I'll treat you the same way.²⁷

This dictatorial power was generally used sparingly by Wales and Sanger, who limited their administrative privileges to reverting copyrighted material and attempting to gain a consensus from the community before making decisions with far-reaching implications.

However, this model was not perfect: in early November of 2001, Larry Sanger became involved

²⁷ Wales, Jimmy. "Statement of Principles." Accessed online 20 March 2007 at http://nostalgia.wikipedia.org/w/index.php?title=Jimbo_Wales/Statement_of_principles&oldid=75340.

in what was known as an edit war with a user known as The Cunctanator over certain pages. Such a conflict – in which two users disagree on the content of a page and endlessly delete each other’s remarks and replace them with their own – is inevitable in a large wiki, as different individuals disagree over the content of an article. One of the main points of dispute was whether Wikipedia should contain an entry for a certain subject.

In a message to the wikipedia-l listserv, Simon Kissane (a neutral party in the dispute) accused Sanger of abusing his administrative powers by permanently deleting articles, as opposed to the traditional method of updating them to contain a blank page and then discussing the issue with all interested parties. This was not the accepted way of resolving disputes, as Wales and Singer were the only individuals who had access to this ability. However, Sanger claimed that he was allowed to use his authority in that manner, mainly because the pages he deleted were “posted by people whose main motive is evidently to undermine my authority and therefore, as far as I’m concerned, damage the project.”²⁸ Furthermore, Singer refused to give a more detailed explanation for his deletion of the page, claiming:

[I]f I make an attempt to justify this or other sorts of decisions, the people in question will simply co-opt huge amounts of my time and will never simply say, "Larry, you win; we realize that this decision is up to you, and we'll have to respect it." Then, in order to preserve my time and sanity, I have to act like an autocrat. In a way, I am being trained to act like an autocrat. It's rather clever in a way--if you think college-level stunts are clever. Frankly, it's hurting the project, guys--so stop it, already. Just write articles--please!

I confidently predict that in the indefinite future, there will be other somewhat similar situations, in which people's pages are deleted and the injured parties will demand justice in a public forum. Then I will, of course, be accused of acting like an autocrat. In many cases, these accusations will be raised by teenagers and college students with too much time on their hands, and by intelligent people with mental problems whether moderate or serious. These people could indeed co-opt my time and that of everyone else, if we let

²⁸ Sanger, Larry. *Wikipedia-l*, accessed online 12 March 2007 at <http://lists.wikimedia.org/mailman/htdig/wikipedia-l/2001-November/000707.html>

them. The situation will only get worse with time, if we let it. But we shouldn't let this happen.

In such situations, I'm going to have to trust that you will trust that I am acting in the best interests of Wikipedia, and indeed not abusing my authority.²⁹

This explanation was unsatisfactory for many users and led to many active users threatening to abandon the project; for the most part, these individuals thought that Sanger was labeling every user who voiced dissent a teenage or mentally ill traitor to Wikipedia. In the aftermath, Sanger made a brief statement in which he made a “blanket apology” for “any unjustified contribution ... to the flame-ridden atmosphere of Wikipedia.” However, the Wikipedian community gained an important concession: Sanger would “compose a (publicly-editable, of course) page about what basic policies we will follow in deleting pages permanently.”³⁰

Despite this seemingly-open attempt at governance (the policy page was publicly-editable, after all) Sanger did not renounce his claim to dictatorial power over Wikipedia or his declaration that those attacking his authority were hurting the project. Many users began to question this method of policymaking: some wished for a stronger, more explicit government that would be codified by universal rules, while others wished for a return to the informal consensus model that gave Sanger and Wales the task of interpreting decisions, not making them.

In the end, neither decision was made; the governance of the project simply continued to be built off both broad community norms and declarations by Sanger and Wales. Like the British legal system, there was no explicit constitution or founding document, just a collection of

²⁹ Ibid.

³⁰ Sanger, Larry. *Wikipedia-I*, accessed online 14 March 2007 at <http://lists.wikimedia.org/mailman/htdig/wikipedia-I/2001-November/000727.html>

decrees and generally accepted interpretations. In November of 2002, Wales reaffirmed this principle in order to fight “anarchists,” stating:

I hereby proclaim the following:

** We will not tolerate biased content. The neutral point of view is not open to vote; it's decided. If you don't like it, go somewhere else.*

** There are certain other policies as well that basically define us as a community. We have arrived at them by broad consensus, and they should be respected. Wikipedians working in good faith should feel empowered to enforce those policies. They shouldn't have to apologize for doing so!*

[...]

** To whatever extent we are or are not, or should be, a democracy, the following is also true. We are a benevolent monarchy ruled by a "constitution" or, anyway, a developing body of common law that is open to interpretation, but not vote. This has been the case from the beginning, and we aren't going to change that.³¹*

³¹ Wales, Jimmy. *Wikipedia-l*, accessed online 14 March 2007 at <http://lists.wikimedia.org/pipermail/wikien-l/2002-November/000086.html>

Controversy, Corruption, and Capitalism

This confusing and often unstable governing apparatus faced further problems as Wikipedia began to look less like a commercial enterprise and more like a non-profit organization. The site did not generate any revenue, either from user fees or advertisements. Most active Wikipedians were aware of this fact, although Larry Sanger made this explicit when he denied a user's request for a certain feature in Wikipedia in August of 2001, stating: "I have wanted this to be done for months, but, well--our programmers are very busy with projects that actually make money."³²

Many users predicted that Bomis would attempt to make a profit (or at least cover their losses) through advertisements, although Jimmy Wales frequently told users that this would not happen until Wikipedia became a burden on Bomis. This placated the fears of many, until Larry Sanger resigned from Bomis in February of 2002 for financial reasons. He stated:

I was placed on half-time pay in January, and as of February 1, I am no longer a Bomis employee. [...] I've got to get a job that will pay the bills [...] Bomis might well start selling ads on Wikipedia sometime within the next few months, and revenue from those ads might make it possible for me to come back to my old job.³³

This announcement sparked a firestorm of controversy over Bomis's involvement in the project. While users were divided over the issue, most accepted the fact that advertisements were most likely going to be placed somewhere on Wikipedia. While Bomis did not publish financial records, the project had become quite successful: over thirty-one thousand articles³⁴ had

³² Sanger, Larry. *Wikipedia-I*, accessed online 14 March 2007 at <http://lists.wikimedia.org/mailman/htdig/wikipedia-I/2001-August/000323.html>.

³³ Sanger, Larry. *Wikipedia-I*, accessed online 14 March 2007 at <http://lists.wikimedia.org/mailman/htdig/wikipedia-I/2002-February/001444.html>.

³⁴ "Wikipedia Statistics," accessed online 22 March 2007 at <http://stats.wikimedia.org/EN/TablesArticlesTotal.htm>

been written so far, and 368 new articles³⁵ were being created every day, on average. For most, it was only a matter of time before Bomis had to commercialize the site in order to justify its existence.

This fear of commercialization led to an early revolt by members of the Spanish language section of Wikipedia. Many members became worried that Bomis, as a for-profit corporation, would not always act in the best interests of Wikipedia and its associated projects. While Bomis could not legally restrict access to Wikipedia's content (all contributions were licensed under the GNU FDL), they showed a willingness to place advertisements on the site, which many users considered unacceptable. On 22 February 2002, a large group of Spanish dissenters copied the entire text of the Spanish language section of Wikipedia to another wiki which they called *Enciclopedia Libre*. According to the project:

The commercial venture Bomis, Inc., owner of the wikipedia.com domain name, announced the possibility of hosting advertisements on wikipedia's pages. Moreover, this idea struck us as unfortunate, as it implied the existence of a commercialization of the selfless work of volunteers to profit Bomis, Inc.

Bomis, Inc. was asked for explanations, and for a promise not to include advertising in the Spanish wikipedia. They neither gave explanations nor made any sort of promise and, in addition, they maintained an arrogant attitude out of line with what we understand should be respect among people and cultures, given that it was based on a supposed superiority.

In the face of this attitude, we have preferred to abandon that project and begin another from scratch...³⁶

Jimmy Wales and Larry Sanger realized that Wikipedia could not continue as a project of Bomis. In addition to the problems with corporate ownership raised by the Spanish

³⁵ "Wikipedia Statistics," accessed online 22 March 2007 at <http://stats.wikimedia.org/EN/TablesArticlesNewPerDay.htm>

³⁶ Enciclopedia Libre contributors, accessed online 22 March 2007 at http://en.wikipedia.org/w/index.php?title=Enciclopedia_Libre&oldid=116531859

secessionists, Wikipedia and its related projects were costly for Bomis to maintain and provided no tangible commercial benefit. Bandwidth, servers, and the staff the company hired to maintain the project (from a technical standpoint) simply could not be justified from a business sense. For Wales and Sanger, the solution was not to discontinue the project, but rather to transfer administration of it to a non-profit instead of trying to make it profitable for Bomis. While they had previously discussed the idea of a non-profit foundation to own and maintain the project, Wales and Sanger began to seriously consider the need for a neutral non-profit organization to legally own and administrate Wikipedia.

Further issues with Wikipedia's expansion necessitated some meta-agency which could oversee and administer the project. By this time, Wales and Sanger had created multiple versions of Wikipedia for different languages; by 2002, there were thirteen separate Wikipedias, allowing speakers of English, Chinese, Dutch, Esperanto, Hebrew, Italian, Japanese, Portuguese, Russian, Spanish, Swedish, Arabic, and Hungarian to contribute in their own native language³⁷ and by mid-2003, that number had risen to thirty-six.³⁸ As of 1 April 2007, there exist 251 separate Wikipedias, each for a different language.³⁹

These projects had their own separate databases and, generally speaking, formed their communities and rule structures due to the language barriers present. Around the same time, Wikipedia began to branch into several different projects, such as Wiktionary, Wikiquote, and Wikibooks. These projects were intended to apply the wiki process to other non-encyclopedic compendiums of knowledge, such as a dictionary, quotation database, or library. As each of

³⁷ "Wikipedia Statistics," accessed online 22 March 2007 at http://en.wikipedia.org/wiki/Wikipedia:Multilingual_monthly_statistics_%282001%29

³⁸ "Wikipedia Statistics," accessed online 22 March 2007 at http://en.wikipedia.org/wiki/Wikipedia:Multilingual_monthly_statistics_%282003%29

³⁹ "Wikipedia Statistics," accessed online 22 March 2007 at http://en.wikipedia.org/w/index.php?title=Wikipedia:Multilingual_statistics&oldid=119803644

these projects began to split into separate languages, the number of separate wiki projects under the administration of Wales and Sanger became significantly large.

The Emergence of the Wikimedia Foundation

In April of 2003, Jimmy Wales founded the Wikimedia Foundation in response to many concerns with Bomis's de-facto ownership and management of the various wiki projects run by the corporation. The foundation was a registered 501(c)3 non-profit organization which was to legally own and maintain all language editions of Wikipedia, Wiktionary, Wikibooks, and all other wiki projects currently controlled by Bomis. These projects, along with any new wikis that the foundation established, were to be collectively called Wikimedia. At the center of the foundation was the Board of Trustees, which was initially chaired solely by Wales and two other Bomis partners. However, two additional members were to be chosen from the Wikimedia community annually, with details to be decided by the three-member Board. In order to raise funds, users involved in any Wikimedia project could have "Contributing Active Membership" by paying dues to the foundation,⁴⁰ although this system was canceled in 2003 as the foundation turned to fundraising and grants as a primary mechanism for paying for administrative and technical costs.

At this time, Wikipedia instantly gained a new governing structure. Externally, the project was now explicitly owned by the Wikimedia Foundation, giving the Board of Trustees unlimited control over its administration and operation. Like Wales and Sanger before, the Board acted as a benevolent dictatorship, with all decrees considered unbreakable. While Board decisions were open for discussion (they certainly did not wish to quash dissent), it was made clear that the Board could not be overruled by the community, even if an overwhelming consensus existed against the Board's decision.

⁴⁰ "Bylaws of the Wikimedia Foundation, Inc.," accessed online 14 March 2007 at <http://web.archive.org/web/20040122074013/www.wikimediafoundation.org/bylaws.pdf>

However, Wales and the rest of the Board assured the community that they would act with the community, not against it. The various communities of the Wikimedia projects were to be somewhat self-determined and create their own governing structure through the consensus model of decision-making. If there was no standing decision from above, Wikimedia projects would have the authority to craft policy however their respective communities desired. The dictatorial power given to the Board and Wales were seen as safety valves which would only be used in unforeseeable emergencies to maintain the goals of Wikipedia: the creation of a comprehensive, free, open, and multilingual encyclopedia. In other words, Wikipedia was not an absolute democracy, even though it relied on the consensus model of policymaking. The consensus could not, for example, decide to remove all references to France from the project, even if support for this action were universal. If this occurred, the Board would most likely decide that such a policy was contrary to the goals of Wikipedia.

To clarify these goals, Florence Nibart-Devouard, a Wikipedian elected to the board in 2004, responded to claims that the Board had “hierarchical top-down control” by stating:

The board is not here to decide how the projects should be run, except for basic respect of a couple of rules (respect of NPOV rules, respect of copyrights, respect of other people and openness). Except when these rules are broken AND the local community does not succeed to fix the issue, I do not think the board should be implicated in any project management. The board is not here either to do everything instead of you.

The goals of the projects are

- * gather knowledge
- * then make it available to use and reuse
- * to the highest number of people on the Earth

The role of the board is essentially to *help* this to happen.

We should primarily focus on finding money, and insure that at any time, we have enough money so that the information is readable, is editable and may be distributed to

suit that goal : highest number of people (which implies, many languages and availability of information for those without net access).⁴¹

⁴¹ Nibart-Devouard, Florence. *Wikipedia-l*, accessed online 22 March 2007 at <http://lists.wikimedia.org/mailman/htdig/foundation-l/2004-June/013864.html>.

The Wikipedian Legal System

Authority, Bureaucracy, and Consensus

The previous section made constant reference to the Wikipedian government and legal system, which can be awkward terms even (or especially) for those familiar with the project. On the surface, it seems that a discussion of law and government in relation to Wikipedia could be summarized in one word: non-existent. One may respond to the previous section by simply classifying it as an administrative apparatus, which rarely encroaches on the "creative anarchy"⁴² that (fails to) govern the (lack of) order which constitutes the project. Popular depictions⁴³ of the project describe a lawless order only driven by the project's tendency to display the average opinions of the intellectual herd. One is tempted to represent Wikipedia as a free-for-all in which a myriad of contributors simply espouse their own viewpoints, miraculously creating a normalized harmony out of a lawless cacophony.

This presentation of Wikipedia is incorrect, as it ignores the heavily-specialized set of rules which keep the project's hundreds of thousands of contributors in check. Officially, as of the time of this writing, there exist forty-two "official policies"⁴⁴ (mainly governing behavior and content) and 356 "suggested guidelines"⁴⁵ (mainly governing style and formatting) which all users are expected to follow if they desire to contribute to the encyclopedia.

⁴² Cortese, Amy. "New Economy." *The New York Times*, 23 March 2003.

⁴³ Meyers, Peter. "Fact-Driven? Collegial? This Site Wants You." *The New York Times*, 20 Sept 2007.

⁴⁴ Wikipedia Contributors. "Wikipedia:List of Policies." *Wikipedia: The Free Encyclopedia*, 1 Apr 2007. Accessed online 5 Apr 2007 at http://en.wikipedia.org/w/index.php?title=Wikipedia:List_of_policies&oldid=119488356

⁴⁵ Wikipedia Contributors. "Category:Wikipedia Guidelines." *Wikipedia: The Free Encyclopedia*, 13 Mar 2007. Accessed online 5 Apr 2007 at http://en.wikipedia.org/w/index.php?title=Category:Wikipedia_guidelines&oldid=114794130.

The very fact that these rules are “official” implies that there is some entity which deems them so. This dichotomy of official and unofficial rules can be seen as an attempt to establish a government which has somewhat sovereign authority over its territory (the Wikipedia articles) and political subjects (contributors to the project). Furthermore, these official rules also imply enforcement of them, in some form or fashion. While punishment is an awkward term to use when describing virtual spaces, force can be interpreted as any action that restricts a user’s interactions with the system. For example, blocking a disruptive user from the project temporarily or permanently can be seen as the virtual equivalent of jailing or executing a lawbreaker. However, most enforcements of Wikipedian law are simply performed by editing an article and removing or changing the text or image which violates official policy.

Whatever entity creates and regulates this enforcement is what is meant as “the Wikipedian government” and will be the main subject of this section. Modern political theory generally classifies government into three categories: the creators of the law (legislative), the enforcers of the law (executive), and the interpreters of the law (judicial). While most contemporary political systems have separated these roles into distinct bodies which check and balance each other’s powers, the Wikipedian system generally gives legislative, executive, and judicial powers to the same groups of individuals, meaning that one’s classification in this system is largely based around whatever role one decides to exercise at a given time.

Furthermore, all users are invited to actively participate in all three roles of government; one can edit an article if a violation of the rules is discovered, voice one’s opinion regarding the desirability of a certain policy, or make a judgment regarding the application of a certain policy. Unlike most modern republics, policymaking or adjudication of the law is generally not

authoritatively decided by elected or appointed representatives. Instead, most deliberations regarding the content or application of law are open to all.

If any user has an issue with a certain policy, user, or article, they can make a complaint and begin the dispute process. Wikipedia's article-based structure makes this process seamless, as there exists not only an editable page for every user and policy, but a discussion section which is automatically linked to each of these pages. Except for special pages (like statistics pages, which are automatically generated), the discussion page for a certain article is universally editable. This is where the majority of discussion takes place, whether it is in regards to individual encyclopedia articles, user behavior, or official policies.

After this discussion has stabilized and reached a clear consensus, the results can be deemed official by any interested individual. If the discussion was over a proposed or existing policy, the decision would become official and incorporated into the body of Wikipedian law. If it was a judicial matter, law in question would be clarified and the parties involved in the dispute would (ideally) follow whatever interpretation the consensus reached. While the consensus should be unanimous, this is not always achievable; when there is no policy that avoids an objection, consensus is given to the decision that had the least amount of dissent voiced against it, relative to the amount of support it received.

An example of this consensus policymaking can be seen in a March 2007 discussion of Wikipedia's username policy. One of the restrictions prohibited religious names, which was criticized for being vague and possibly unnecessarily limiting on freedom of expression. Several users decided that the policy should be rewritten and one of them posted a proposed rewording on the discussion page for the policy. After some discussion, another user posted a slightly different version, which was adopted as official policy after consensus was reached.

Proposed rewording, Third draft

[edit]

Because people seem to like this, I'm proposing some minor changes for clarity. [Flyguy649^{talk}](#) [contribs](#) 17:18, 20 March 2007 (UTC)

Username which consist primarily of the name of a religious figure (such as "God", "Jehovah", "Buddha", or "Allah") are prohibited. In addition, usernames that invoke the name of a religious figure or religion are prohibited should they be distasteful, provoke or promote intolerance, are blatantly disrespectful of the religion, or promote the ideology that one religion is superior to others (e.g. "ChristOnly", etc.). Usernames that are clearly expressions of faith are discouraged, however considered allowed unless disruptive. Should a username not be clear as to the motive, it may be reviewed.

Comments on 3rd draft

[edit]

Isent that just minor gramatical changes? The content is still the same as far as I can tell. If it is different, could you highluight the changes? -- [Chrislk02 \(Chris Kreider\)](#) 17:20, 20 March 2007 (UTC)

Yeah, sorry, I meant grammatical clarity. The second sentence may need rewording. [Flyguy649^{talk}](#) [contribs](#) 17:24, 20 March 2007 (UTC)

Also "prohibited" appeared twice in the second sentence. [Flyguy649^{talk}](#) [contribs](#) 17:24, 20 March 2007 (UTC)

As long as the point is the same, i dont think minor grammatical changes are that big of an issue(I.E., dont need another draft), but that is just my opinion). -- [Chrislk02 \(Chris Kreider\)](#) 17:27, 20 March 2007 (UTC)

Aye, I think we've agreed on the spirit, a few minor tweaks don't need much discussion. It reads better though. Thank's flyguy!

[Cascadia](#) [TALK|HISTORY](#) 17:28, 20 March 2007 (UTC)

Looks good. I put them side by side to figure out what the changes were. This reads well. I think draft 3 should be the one that goes forward.--[Kukini](#) [hablame aqui](#) 17:28, 20 March 2007 (UTC)

I'm not crazy about all the commas in the second sentence, but as long as it says what we mean... [Flyguy649^{talk}](#) [contribs](#) 17:32, 20 March 2007 (UTC)

Well, ladies and gentlemen, I think we've done a good job at nailing down some problem areas. I agree the third should go forth. HighInBC stated he would wait awhile to see if we got anyone coming in screaming, but I think that has *A snowballs chance in hell* of happening.

[Cascadia](#) [TALK|HISTORY](#) 17:37, 20 March 2007 (UTC)

Just to get all semantic, doesn't the first sentence mean that JesusChrist12344 is ok, because it isn't *solely* the name of the religious figure? jUst trying to get this right. [Flyguy649^{talk}](#) [contribs](#) 17:42, 20 March 2007 (UTC)

Perhaps replace *solely* with *primarily*, or we can count on common sense to realize that it's content is solely the name of a religious figure. [HighInBC](#) [\(Need help? Ask me\)](#) 17:51, 20 March 2007 (UTC)

I agree with that. Otherwise someone will accuse us of ignoring our policy again. [Flyguy649^{talk}](#) [contribs](#) 17:55, 20 March 2007 (UTC)

Ooooh...GOOD point! Change to "primarily" please. --[Kukini](#) [hablame aqui](#) 17:56, 20 March 2007 (UTC)

I didn't think about that. Good catch! [Cascadia](#) [TALK|HISTORY](#) 18:03, 20 March 2007 (UTC)

I made the change. [HighInBC](#) [\(Need help? Ask me\)](#) 18:05, 20 March 2007 (UTC)

I think we all like this, but should we leave this discussion going for another couple of hours to see if anyone else spots something? Or WP:SNOW ? [Flyguy649^{talk}](#) [contribs](#) 18:07, 20 March 2007 (UTC)

WP:SNOW, it shalt be invoked, I think. [Cascadia](#) [TALK|HISTORY](#) 18:18, 20 March 2007 (UTC)

I say we go for it, if consensus changes we can just change it back. [HighInBC](#) [\(Need help? Ask me\)](#) 18:20, 20 March 2007 (UTC)

SNOW be it. [Kukini](#) [hablame aqui](#) 18:21, 20 March 2007 (UTC)

It is done. [HighInBC](#) [\(Need help? Ask me\)](#) 18:21, 20 March 2007 (UTC)

Figure 1.2.1: Consensus policymaking on Wikipedia's username policy discussion page. ⁴⁶

⁴⁶ Wikipedia Contributors. "Wikipedia Talk: Username Policy." *Wikipedia: The Free Encyclopedia*, 25 Mar 2007. Accessed online 2 Apr 2007 at http://en.wikipedia.org/w/index.php?title=Wikipedia_talk:Username_policy&oldid=117815863.

While consensus can be considered the supreme law of the land (excluding board decisions), what consensus is and mechanisms for achieving it are issues that are often in dispute. For example, the discussion in the previous page made reference to WP:SNOW, which is shorthand for an unofficial essay that suggested a full consensus need not be taken if there is a snowball's chance in hell of someone objecting to the proposal. Normally, a discussion regarding official policy would be left open for a period of time to see if there are any detractors, but the individuals involved in this discussion only spent one hour judging consensus before the proposed policy became law. While it was not later contested, this unofficial tendency has been abused, as will be shown in a later section. In Wikipedia, the mechanism by which such conflicts are resolved is at the heart of Wikipedian law.

This section will tell two stories to illustrate this legal culture fundamental to the operation of the Wikipedian government. The first, a dispute over depictions of the Islamic prophet Muhammad, involves the law at a local level, where most Wikipedians interact with both each other and the legal system. The second, a dispute between several high-ranking Wikipedian officials, involves the law at a formal level, a legal space many Wikipedians are restricted from accessing. While these stories may seem to dichotomize the Wikipedian legal culture into a high and low system, the reader should be reminded that governance occurs across these levels, and an issue will often span multiple sections of the law.

With Enough Opinions, All Decisions Are Shallow: The Case of Muhammad

Wikipedia, as an encyclopedia, contains an article about the Islamic prophet Muhammad. Like most articles in the project, it followed a certain style which was nearly-universally agreed upon for articles regarding historical figures: there was a link at the beginning of the article to a list of other articles which included his name, his name was the title of the article, his name was bolded and was the first word of the first sentence, his birth and death dates were given in the initial sentence, and a picture of him was placed to the right of the introductory paragraphs. While most of these policies were accepted without dispute, the last one created a significant controversy, as visual depictions of Muhammad's likeness are forbidden in Islam.

It is important to note that these guidelines (which, as previously stated, number over 300) are not decisions that are made on an individual basis in specific relation to each article. Rather, regulations regarding style and content are universally-applicable project-wide decisions that are reached in a completely separate part of Wikipedia through what is known as consensus. This process has been previously described, but it can be summarized here as a form of decision-making which aims at producing a policy that is universally agreed upon. Individuals involved in such a decision-making process change a proposed policy based on objections that arise, attempting to find the policy that has the fewest number of dissenters in relation to the number of supporters.

The next page contains a screenshot of the Muhammad article in question. Users who do not wish to see a visual depiction of Muhammad are advised to skip the next page. No other content is on the next page, except for a reference screenshot of the article on Jesus of Nazareth.

For other persons named Muhammad, see *Muhammad (name)*. For other uses, see *Muhammad (disambiguation)*.

Muhammad (Arabic: مُحَمَّدٌ *muḥammad*; also *Mohammed*, *Mohamet*, and other variants^{[2][3]}) (570-632 AD)^{[4][5]} was an Arab religious, political and military leader who founded *Islam* and the *Muslim* community (Arabic: أُمَّة *Ummah*). He united the tribes of the *Arabian Peninsula* into a federation of allied tribes with its capital at *Medina*.

According to Islamic traditions, Muhammad began receiving revelations from *God* (Arabic: الله *Allah*) from the age of 40, delivered through the angel *Gabriel* over the last 23 years of his life. The content of these revelations, known as the *Qur'an*,^[6] was memorized and recorded by his followers and compiled into a single Book shortly after his death. The Qur'an, along with the details of *Muhammad's life as recounted by his biographers* and his *contemporaries*, forms the basis of Islamic *theology*. Within *Islam*, he is considered the last and most important *prophet* of God.^[7] Muslims do not regard him as the founder of a new religion but as the restorer of the original *monotheistic* faith of *Adam*, *Abraham* and other *prophets*,^{[8][9][10][11][12]} whose messages, according to some, had become misinterpreted or *corrupted* over time.^[13]

After Muhammad, a rapid creation of an empire under the *Umayyads* established a new polity from the *Atlantic* to the *Indus River*. Within a few decades of his death, *his successors* united all of Arabia in an *Islamic empire* which conquered the *Sassanid* and *Byzantine* empires. With historically unprecedented swiftness, they conquered present-day *Iran*, *Iraq*, *Egypt*, *Palestine*, *Syria*, *Armenia*, and most of Byzantine-held *North Africa*. The *Caliphate* soon pressed on to the *Iberian Peninsula* in the west, and much of *Central Asia* and *Sindh* (present day *Pakistan*) in the east. By 750, Islam was as fully established as the other two Abrahamic belief systems,



Le Prophète Mahomet by Al-Bīrūnī. This 15th century Arab image depicts Muhammad^[1] preaching in Mecca.

Part of a series on the
**Islamic prophet
Muhammad**

Life

- Family tree
- In Mecca
- In Medina
- Conquest to Mecca

Wikipedia article on Muhammad as of 22 February 2007⁴⁷

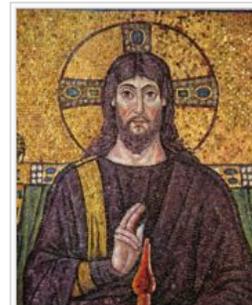
*This article is about Jesus of Nazareth. For other uses, see *Jesus (disambiguation)*.*

Jesus (8–2 BC/BCE to 29–36 AD/CE),^[1] also known as **Jesus of Nazareth**, is the central figure of *Christianity*. He is commonly referred to as **Jesus Christ**, where "Christ" is a title derived from the Greek *christós*, meaning the "Anointed One", which corresponds to the Hebrew-derived "Messiah". The name "Jesus" is an *Anglicization* of the Greek *Iesous*, itself believed to be a transliteration of the Hebrew יהושע *Yehoshua* or Hebrew-Aramaic ישוע *Yeshua*, meaning "YHWH is salvation."

The main widely-accepted sources of information regarding Jesus' life and teachings are the *four canonical Gospels* of the *New Testament*: *Matthew*, *Mark*, *Luke*, and *John*. Most scholars in the fields of *history* and *biblical studies* agree that Jesus was a *Galilean Jew*, was regarded as a teacher and *healer*, was *baptized* by *John the Baptist*, and was *crucified* in *Jerusalem* on orders of the *Roman Governor Pontius Pilate* under the accusation of *sedition* against the *Roman Empire*.^{[2][3]} A small number of scholars and authors question the *historical existence* of Jesus, with some arguing for a completely *mythological Jesus*.^[4]

Christian views of Jesus (see also *Christology*) center on the belief that Jesus is the *Messiah* whose coming was *promised in the Old Testament* and that he was *resurrected* after his crucifixion. Christians predominantly believe that Jesus is *God incarnate*, who came to provide *salvation* and reconciliation with God. *Nontrinitarian* Christians profess various other interpretations regarding his divinity (see *below*). Other *Christian beliefs* include Jesus' *Virgin Birth*, performance of *miracles*, fulfillment of *biblical prophecy*, *ascension* into *Heaven*, and future *Second Coming*.

In *Islam*, Jesus (Arabic: عيسى, commonly transliterated as *Isa*) is considered one of *God's* most beloved and important *prophets*, a bringer of divine scripture, worker of miracles, and also the *Messiah*. Muslims,



In the 6th century mosaic in Ravenna Jesus is portrayed as a Greco-Roman priest and king—the *Pantokrator* enthroned, donning regal Tyrian purple, gesturing a *sign of the cross*, with a *sun cross halo* behind his head. Though depictions of Jesus are culturally important, *no undisputed record* exists of his actual appearance.

Wikipedia article on Jesus as of 15 April 2007⁴⁸

⁴⁷ Wikipedia Contributors. "Muhammad." *Wikipedia: The Free Encyclopedia*, 22 February 2007. Accessed online 15 Apr 2007 at <http://en.wikipedia.org/w/index.php?title=Muslim&oldid=110124071>.

⁴⁸ Wikipedia Contributors. "Jesus." *Wikipedia: The Free Encyclopedia*, 15 Apr 2007. Accessed online 15 Apr 2007 at <http://en.wikipedia.org/w/index.php?title=Jesus&oldid=123043978>.

In Wikipedia, stylistic guidelines that have reached a consensus are found on the Manual of Style (WP:MoS). In part, it states some the conventions that were followed on the Muhammad article:

Unless an article is very short, it should start with a lead section consisting of one or more introductory paragraphs. The lead is shown above the table of contents (for pages with more than three headings). [...] The subject of the article should be mentioned in **bold text** ('''subject''') at a natural place, preferably in the first sentence.[...] If the article can be illustrated with pictures, find an appropriate place to position these images.⁴⁹

If a user did not think that one of these guidelines was desirable in a certain article, that article's discussion section would not be a proper place to make that claim. These concepts are universal in their jurisdiction (Wikipedia articles) and, unless they state otherwise, are applied without regard to the specific nature of the article. Therefore, it can be said that these policies, as a whole, are constitutive of what is traditionally considered to be law, at least by H.L.A. Hart.

As the individuals who wanted the depictions of Muhammad to be removed from the Wikipedia articles discovered, this system is functions according to a rigid process.

Some users attempted to fix this problem directly, by editing the article and removing the offending image or replacing it with a calligraphic representation (which is frequently used in Islamic culture to depict Muhammad). However, their edits were systematically reverted back to include the artistic drawing of the prophet, much to the confusion of many. One anonymous user stated on the article's discussion page, "so after I removed the image I see that change has been reverted!!! What's going on here..."⁵⁰

⁴⁹ Wikipedia Contributors. "Wikipedia: Guide to Layout." *Wikipedia: The Free Encyclopedia*, 1 Nov 2006. Accessed online 15 Apr 2007 at http://en.wikipedia.org/w/index.php?title=Wikipedia:Guide_to_layout&oldid=84989164.

⁵⁰ Wikipedia Contributors. "Talk: Muhammad/Archive 10." *Wikipedia: The Free Encyclopedia*, 24 Dec 2006, Accessed online 12 Apr 2007 at http://en.wikipedia.org/w/index.php?title=Talk:Muhammad/Archive_10&oldid=96257378.

This confusion is most likely because the second paragraph of Wikipedia's official introduction (the page to which new users are directed) states:

How can I help? Don't be afraid to edit — *anyone* can edit almost any page, and we encourage you to be bold! Find something that can be improved, whether content, grammar or formatting, and make it better.

You can't break Wikipedia. Anything can be fixed or improved later. So go ahead, edit an article and help make Wikipedia the best information source on the Internet!⁵¹

According to this introductory paragraph, all the justification that is needed for an edit is to that it improves the project. Despite the fact that there exist formal rules and regulations (including the all-important concept of neutral point of view), users are not told of any rules other than simple stylistic formatting (such as “**bold** the names of an article's subject when they are first mentioned in the article”⁵²) until they have made their way to the seventh page of Wikipedia's new user tutorial. New users who do not reach this section may think that the project, in line with its constant evocation of freedom and an open editorial process, has no rules other than these stylistic conventions. Because these users are told that their changes must improve Wikipedia, it is no wonder that these users were confused. On the Muhammad discussion page, one anonymous user simply claimed that the image “offends the muslims. Its not the right to put some pictures which can offend 1.5 billion population all over the world.”⁵³

However, as the discussion evolved and grew, more refined arguments were made against the image. These were largely based on making Wikipedia better, from some standpoint on

⁵¹ Wikipedia Contributors. “Wikipedia: Introduction.” *Wikipedia: The Free Encyclopedia*, 15 Apr 2007. Accessed online 15 Apr 2007 at <http://en.wikipedia.org/w/index.php?title=Wikipedia:Introduction&oldid=123090236>.

⁵² Wikipedia Contributors. “Wikipedia: Tutorial (Formatting).” *Wikipedia: The Free Encyclopedia*, 13 Apr 2007. Accessed online 1 May 2007 at http://en.wikipedia.org/w/index.php?title=Wikipedia:Tutorial_%28Formatting%29&oldid=122566169.

⁵³ Wikipedia Contributors. “Talk: Muhammad/Archive 12.” *Wikipedia The Free Encyclopedia*, 5 Feb 2007. Accessed online 1 May 2007 at http://en.wikipedia.org/w/index.php?title=Talk:Muhammad/Archive_12&oldid=105718198

another. Some claimed project would be excluding the entire Muslim world if the images were not changed to respect Islamic beliefs. IbrahimFaisal stated:

ALL Sunni Muslim (90% of total Muslims) do not like Muhammad picture of any kind and many Shia too (if not all). There are alternative, for example pictures not showing Muhammad but only events and calligraphy pictures then why to offend other people? By including Muhammad picture we discourage Muslims to contribute in Muhammad article as well as in wikipedia[...]⁵⁴

Another user, BostonMA, attempted to argue for the same result without appealing to Wikipedia's popularity by stating, "I believe that scornful snubbing the sensitivities of others, whether or not such sensitivities have a religious backing, is not part of Wikipedia's mission."⁵⁵

Despite this, a strong coalition emerged against the change; for the most part, users opposed to the change stated that official policy and practice deemed there should be an image on the page. While there was no explicit policy stating that the picture had to be a portrait, these users stated that Wikipedia was not censored and it would be a violation of Wikipedia's neutral point of view policy to treat Muhammad differently than all other historical figures, who were all represented by portraits. Their arguments can generally be summarized by Chowbok, who stated:

...adding an image to the top of the Mohammad article wouldn't be done simply to antagonize Muslims; it would just be in keeping with standard Wikipedia practice. On the other hand, were we to *not* include an image on the Muhammad page, the *only* reason we would be doing it would be to capitulate to a vocal minority. We don't let people remove appropriately-included profanity or nudity from articles, why should we let people remove an unquestionably appropriate image?⁵⁶

⁵⁴ Wikipedia Contributors. "Talk: Muhammad/Mediation Archive 2." *Wikipedia: The Free Encyclopedia*, 13 Nov 2006. Accessed online 1 May 2007 at http://en.wikipedia.org/w/index.php?title=Talk:Muhammad/Mediation_Archive_2&oldid=87543029

⁵⁵ Ibid.

⁵⁶ Ibid.

In response, users in favor of changing the image claimed that the image was a violation of Wikipedia's profanity guideline, which stated that:

Words and images that would be considered offensive, profane, or obscene by typical Wikipedia readers should be used if and only if their omission would cause the article to be less informative, relevant, or accurate, and no equally suitable alternatives are available. Including information about offensive material is part of Wikipedia's encyclopedic mission; being offensive is not.⁵⁷

According to these users, the image was not an accurate depiction of the prophet and lent no new information to the reader. One user stated that it was merely an abstraction, as the artist had no way of knowing what Muhammad looked like. Others claimed that the image was factually inaccurate because it contained a woman in the audience, who would not have been allowed to hear Muhammad speak.

One user asked those in favor of changing the image to a non-depiction: "suppose archaeologists unearthed tomorrow an indisputably accurate picture of Muhammad (say, from a 630 copy of the *Mecca Gazette*). Would you be in favor of adding that image to the top of the article, even though it still violates Islamic laws?"⁵⁸ ALM Scientist, one of the main proponents for the removal of the original image, responded, "Yes I will support it even if I do not like it,"⁵⁹ signaling that the debate focused on one key issue: did the image itself make the article more informative or accurate?

While this battleground had been decided, it did not make the discussion any easier to resolve. To add to the confusion, editors began to frequently remove and replace the image in question, even though a consensus had not been reached on the discussion page. This process is

⁵⁷ Wikipedia Contributors. "Wikipedia: Profanity." *Wikipedia: The Free Encyclopedia*, 9 Apr 2007. Accessed online 1 May 2007 at <http://en.wikipedia.org/w/index.php?title=Wikipedia:Profanity&oldid=121548443>

⁵⁸ Wikipedia Contributors. "Talk:Muhammad/Mediation Archive 7." *Wikipedia: The Free Encyclopedia*, 27 Feb 2007. Accessed online 1 May 2007 at http://en.wikipedia.org/w/index.php?title=Talk:Muhammad/Mediation_Archive_7&oldid=111322078

⁵⁹ Ibid.

known as an edit war, and is generally frowned upon in Wikipedia and regulated by the Three Revert Rule. The policy, called 3RR for short, stated that an editor cannot change or revert edits made by another editor more than three times in a 24 hour period on a single article. If they violate this rule, they risk having their account or IP address banned by an administrator. For the most part, individual users in the Muhammad discussion adhered to this rule, but this did not prevent a large number of users from making frequent edits to the article without individually violating 3RR. At times, the article would be edited every two or three hours, with a large portion of these changes reversing the edits of another user.

By September 2006, the Muhammad article was a textbook case of an edit war: between 29 August and 4 September 2006, over 100 edits had been made to the article. On 3 September alone, the article was edited over 35 times⁶⁰, with a large portion of those edits being reverts (that is, the deletion or re-posting of deleted edits). In response to this, an administrator named FayssalF locked the page to any editing, an extreme solution which is frequently used by administrators to mandate a "cool down"⁶¹ between factions who have gotten out of control. These users, who have been determined to be trustworthy and responsible by the community at large, also have the power to ban or place individuals on temporary probation for violating certain rules.

Administrative users function similarly to a combined judge and police officer dispensing what is known as summary justice in some legal systems. Whenever an admin performs an official action (in the form of a page protection or a user ban/probation), the administrator only

⁶⁰ "Muhammad – History." *Wikipedia: The Free Encyclopedia*. 1 May 2007. Accessed online 1 May 2007 at <http://en.wikipedia.org/w/index.php?title=Muhammad&offset=20060904202049&limit=100&action=history>

⁶¹ Wikipedia Contributors. "Wikipedia: Protection Policy." *Wikipedia: The Free Encyclopedia*, 15 Apr 2007. Accessed online 1 May 2007 at http://en.wikipedia.org/w/index.php?title=Wikipedia:Protection_policy&oldid=123086438

has to give a justification for this action. As all administrators are prohibited from reversing another's decision, a ruling by one admin has the force of law, even if it is not based in any official rule.⁶² Like judges in some modern legal systems, administrators cannot be forced to recuse themselves from disputes and do not face re-election after their initial election by the community. This principle is well-established in modern jurisprudence, as it lets the adjudicators of the law make controversial – but necessary – decisions without worrying about their political implications.

FayssalF's decision to lock the Muhammad page, however, was not one of those contentious decisions. While the users remained divided on the issue of the image, they all agreed that they disagreed and could not resolve this issue among themselves. Excluding extreme actions taken by a few users (who had been punished), it was not clear if showing or removing the image would violate Wikipedian law. While cooler heads did prevail initially on the discussion page, FayssalF's removal of the protection on 16 September 2006 resulted in fifty-three edits being made that day, followed by seventy-nine edits the day after. In the week following 16 September, over six-hundred and fifty edits were made to the Muhammad article, an average of one every fifteen minutes.⁶³ While the page was routinely protected and unprotected over the month of September and into October, it became clear that there was no easy way to solve the issue. Fortunately, there exists a formal system in Wikipedia for the resolution of disputes regarding the application of policy: mediation and arbitration.

⁶² This is because law, as it is defined in this work through Hart, is not simply the collection of punishable rules that users can be punished for violating. It is rather an entire apparatus which governs the project, which involves creating, enforcing, and interpreting the law. A misapplication of the law by an administrator may not be a legal action per se, but the system treats it as if it is one if it is not reviewed.

⁶³ "Muhammad – History." *Wikipedia: The Free Encyclopedia*. 1 May 2007. Accessed online 1 May 2007 at <http://en.wikipedia.org/w/index.php?title=Muslims&dir=prev&offset=2006091600000&limit=650&action=history>

While Wikipedian policy encourages users to resolve disputes between themselves, the system acknowledges that this process (called Resolution) cannot always lead to a successful solution in all cases. Wikipedian policies are often vaguely defined and their interpretations are often ultimately based on consensus approval, which may change at any time. Because of this, Jimmy Wales and the Wikimedia board decreed the creation of two committees, responsible for administering what is known as mediation and arbitration. Any user was to be able to request involvement in these processes, however, the committees were given the autonomy to accept or reject cases.

In keeping with the doctrine of judicial independence, members of both committees are not elected by the community at large and were initially appointed by Jimmy Wales. The Mediation Committee chooses its own membership; any user can apply to join, but the user is rejected if two or more members on the committee (which is currently ten members in size) object. In addition, members of the Mediation Committee serve indefinite terms and cannot be forced to retire or recuse themselves by the community. The Mediation Committee is, however, still subject to the Arbitration Committee, the Wikimedia Board, and Jimmy Wales.

While the Arbitration Committee – which will be discussed in more detail in the next section – functions as a true high court and has jurisdiction over all of Wikipedia, the Mediation Committee is less formalized and traditionally functions as a prerequisite for arbitration. Furthermore, the Mediation Committee does not act as a unified whole (except when choosing new members); instead, each member of the committee can choose to accept or deny a request for mediation. While the committee most likely discusses assignments when deciding which member is to mediate, no member is assigned a dispute by the committee as a whole.

As previously stated, any user can request mediation, although those involved in the dispute should agree on two issues: 1) that attempts at finding a discussion-based solution have proved futile and 2) that they would participate in the mediation process. On 17 October 2006, one of the involved members in the dispute, BostonMA, posted a message to the Muhammad discussion page, asking if others would be interested in this process:

User:Patstuart requested that we hold off on mediation until someone other than myself has expressed themselves in favor of removing the image over which there is a conflict. Since that time, Zora has spoken. IrishPunkTom had also, previously expressed his opinion, and this morning Ibrahimfaisal has removed the image. I have requested of him to express himself on this talk page. Since Ibrahimfaisal's removal, there has been another restoration. I feel that Patstuart assumes good faith toward the removers, but I am less convinced that other editors assume good faith. I think having a mediator intervene may be a way to restore trust and fruitful communication. I ask all the editors involved to express themselves regarding whether they would be amenable to having a mediator assist in this discussion.⁶⁴

Other users agreed, leading BostonMA to file the following request for mediation:

Request made by: BostonMA talk 23:18, 17 October 2006 (UTC)

Where is the issue taking place?

Muhammad, discussion on talk:Muhammad

Who's involved?

BostonMA talk, User:DocEss, User:Truthpedia, User:Patstuart and others

What's going on?

Unable to arrive at consensus regarding whether the guideline WP:Profanity applies to the image Maomé.jpg with respect to Muhammad article. Editors have questions regarding whether others are discussing in good faith.

What would you like to change about that?

Clarify the issues and either build trust between editors, or establish clarity surrounding the issue of whether debate is being conducted in good faith

Would you prefer we work discreetly? If so, how can we reach you?

You may reach me on my talk page BostonMA talk 23:18, 17 October 2006 (UTC)⁶⁵

⁶⁴ Wikipedia Contributors. "Talk: Muhammad/Archive 10." *Wikipedia: The Free Encyclopedia*, 24 December 2006. Accessed online 1 May 2007 at http://en.wikipedia.org/w/index.php?title=Talk:Muhammad/Archive_10&oldid=96257378

⁶⁵ Wikipedia Contributors. "Wikipedia:Mediation Cabal/Cases/2006-10-17 appropriateness of Maomé.jpg in Muhammad." *Wikipedia: The Free Encyclopedia*, 6 Mar 2007. Accessed online 1 May 2007 at

In early November 2006, BostonMA's request was accepted by Aguerriero, who first asked the parties involved to declare collectively decide the issues they wished resolved and the various positions that different sides took. Aguerriero attempted to sum up the debate, asking users involved if they agreed that the two sides of the issue were:

Encyclopedic depictions of Muhammad should be included in the article, and held to defined standards of notability and relevancy. Standards will be defined in this mediation.

Depictions of Muhammad are not informative (and by extension, not encyclopedic) because the physical appearance of Muhammad is unknown, and the depictions are offensive to many Muslims. As such, the depictions should not appear in the article.⁶⁶

However, it turned out that the words and phrasing of the issues at hand were just as disputed as the original issue of the image. Throughout this process, various users claimed that others were attempting to bias Aguerriero through misinterpretations and false dichotomies. The users re-discovered what U.S. Supreme Court Justice Potter Stewart already knew about obscenity: even though they knew what the issue was when they saw it, they had significant difficulty translating the issue into standard legal terms.

Over the next two months, the users debated this issue. While this inevitably involved a discussion over whether or not the image should be included, the main goal was to refactor the discussion into two clear statements of advocacy that all users could support. While Aguerriero intended to begin the mediation process once these statements were drafted and agreed upon, this never occurred. By January, it became clear that Aguerriero had abandoned the role of mediator,

http://en.wikipedia.org/w/index.php?title=Wikipedia:Mediation_Cabal/Cases/2006-10-17_appropriateness_of_Maom%C3%A9.jpg_in_Muhammad&oldid=113048187

⁶⁶ Wikipedia Contributors. "Talk: Muhammad/Mediation Archive 3." *Wikipedia: The Free Encyclopedia*, 13 Nov 2006. Accessed online 1 May 2007 at http://en.wikipedia.org/w/index.php?title=Talk:Muhammad/Mediation_Archive_3&oldid=87543511.

and BostonMA made the first proposal that received zero objections: “to not participate in this discussion until an active mediator can be found.”⁶⁷

By the time a new mediator was assigned, significant developments had occurred in the debate. It became clear that a depiction of Muhammad, no matter how abstract or unauthentic, was still contributing to the article. The guideline on Profanity only stated that an offensive edit should be removed if and only if it fails to contribute to the article at all. Many users were forced to concede that the image, like that of Jesus Christ, provided a historical and artistic context through which readers could understand the figure as he exists for the world today. In addition, a new faction emerged, proposing a compromise. Instead of forcing a choice between a calligraphic representation and a portrait, an image of Muhammad with his face veiled was suggested, which was within most interpretations of Islamic law. While most calligraphists were in favor of the veiled image, most users who supported the original image were not.

After this failed compromise, the petitioners changed their strategy and made an argument that was not based Wikipedia’s profanity guideline. Citing Wikipedia’s official policy on giving undue weight, the users claimed that the majority of the world was either Muslim or respected Islamic beliefs, and Muhammad was predominantly portrayed either with a veil or in calligraphy. A post by Itaqallah summarizes this argument and uses adequate argumentation and references to Wikipedian policy which are necessary to successfully argue in this system:

WP:NPOV#Undue weight must be adhered to in all aspects of an article, and this includes the way we deal with and distribute our images. presenting multiple depictions of Muhammad implies that such is traditionally common, and this is simply deceptive. physical depictions of Muhammad are a minority tradition, and thus the amount of space

⁶⁷ Wikipedia Contributors. “Talk:Muhammad/Mediation Archive 5.” *Wikipedia:The Free Encyclopedia*, 19 Jan 2007. Accessed online 1 May 2007 at http://en.wikipedia.org/w/index.php?title=Talk:Muhammad/Mediation_Archive_5&oldid=101777782

we dedicate for it must reflect that. more than one depiction unfairly skews this balance, so i would endorse the compromise of one depiction in the article.⁶⁸

In fact, those in favor of veiled or calligraphic images began using the same rhetorical devices – namely, absolute adherence to official policy – as those against changing the images had initially used. When a user responded to the undue weight claim with an argument that was not grounded in official policy, ALM Scientist stated:

But WP:NPOV#Undue weight is a policy and do you wish to go against policy to please yourself? [...] If going against policies is allowed to please yourself and then I wish to have no picture at all. However, I wish to go with the policies around [...] WP:NPOV#Undue weight [...] says **Note that undue weight can be given in several ways, including, but not limited to, depth of detail, quantity of text, prominence of placement, and juxtaposition of statements.**⁶⁹

However, some users contended that even though calligraphy might be notable, Muhammad should be treated like every other historical figure, which (through convention, not law) had a notable portrait as the lead image. ALM Scientist, frustrated with this argument, took it to its logical extreme and temporarily replaced the lead image with the controversial Jyllands-Posten cartoon depictions of Muhammad, claiming 1) that Wikipedia was not censored, the argument that the unveiled coalition had been using to justify the original image since November, and 2) that the cartoons were the most notable depictions of Muhammad available in both Western and Islamic culture, partially due to their infamy.

Despite the fact that ALM Scientist was technically correct, this argument was rejected by those involved, on both sides. Users such as Liberal Classic claimed that the image “creates

⁶⁸ Wikipedia Contributors. “Talk:Muhammad/Mediation Archive 7.” *Wikipedia: The Free Encyclopedia*, 27 Feb 2007. Accessed online 1 May 2007 at http://en.wikipedia.org/w/index.php?title=Talk:Muhammad/Mediation_Archive_7&oldid=111322078

⁶⁹ Wikipedia Contributors. “Talk: Muhammad/Mediation Archive 8.” *Wikipedia: The Free Encyclopedia*, 1 Apr 2007. Accessed online 1 May 2007 at http://en.wikipedia.org/w/index.php?title=Talk:Muhammad/Mediation_Archive_8&oldid=119537680

an atmosphere of greater conflict and stress,” although ALM Scientist responded with the same argument against censorship that had been used against the anti-depiction coalition. In all, no user could come up with a reason against the cartoon’s inclusion that did not also apply to the original depiction. However, it was nearly-universally determined that the cartoon should be removed, even though official policy stated that it should be the one used. This reason was not based in official policy, but rather in an appeal to Wikipedia’s mission – a reason that was rejected when made by the anti-depiction coalition against the inclusion of the original image.

By February 2007, there were as many as five different proposals regarding the images in the article. While most of the users were split between those who wished to show unveiled images and those who did not, this poll, held in late February 2007, shows the complexity of the decision as well as the diversity and extent of the community involved in this process:

Poll on every little issue⁷⁰

Please sign if any of these things applies to your understanding of this issue. Please put your name under *all* of the options you think would be acceptable. You can sign all or none of these, I'm hoping this will give us a more-fine grained understanding of the issue. If you wish, indicate your (FIRST CHOICE) as I have done... [futurebird](#) 22:03, 20 February 2007 (UTC)

Strong no images

no human depiction images in the article at all, even at the bottom, even with a veil. Only links to images. (Just sign, no comments please.)

- [Itsmejudith](#) 22:36, 20 February 2007 (UTC) (FIRST CHOICE)
- [Aslamt](#) 22:43, 20 February 2007 (UTC) (FIRST CHOICE)
- [Merzbow](#) 23:14, 20 February 2007 (UTC)
- [Bless sins](#) 00:18, 21 February 2007 (UTC)
- [ITAQALLAH](#) 01:07, 21 February 2007 (UTC)
- [60.52.46.24](#) 05:36, 21 February 2007 (UTC)
 - This "user" has been tagged with {{newvoter}} template, and I suspect an act of puppetry. Please disregard this vote-stacking. --[Hojimachong](#)^{talk}

⁷⁰ Ibid.

- [ALM](#) 09:07, 21 February 2007 (UTC)
- [VirtualEye\[1\]](#) 14:11, 21 February 2007 (UTC)
- [Almaqdisi](#) ^{talk to me} 07:08, 22 February 2007 (UTC) (FIRST CHOICE)
- [Omar 180](#) 07:48, 22 February 2007 (UTC)
- [ÑëṭMõñğëṛ](#) ^{Talk} 12:10, 24 February 2007 (UTC)
- [Nil Einne](#) 13:47, 24 February 2007 (UTC)
- — [Indon](#) (reply) — 15:39, 27 (UTC))

Only one image, not at the top

Calligraphy at the top and at the bottom one image with a veil. (Just sign, no comments please.)

- [Itsmejudith](#) 22:36, 20 February 2007 (UTC)
- [Aslamt](#) 22:44, 20 February 2007 (UTC)
- [Merzbow](#) 23:14, 20 February 2007 (UTC)
- [Zora](#) 23:41, 20 February 2007 (UTC)
- [Bless sins](#) 00:18, 21 February 2007 (UTC)
- [ITAQALLAH](#) 01:07, 21 February 2007 (UTC)
- [Hoverfish Talk](#) 08:25, 21 February 2007 (UTC)
- [ALM](#) 09:07, 21 February 2007 (UTC)
- [VirtualEye\[2\]](#) 14:11, 21 February 2007 (UTC)
- [Shenme](#) 08:11, 23 February 2007 (UTC) (first choice)
- [ÑëṭMõñğëṛ](#) ^{Talk} 12:11, 24 February 2007 (UTC)
- [Nil Einne](#) 13:47, 24 February 2007 (UTC)
- [BYT](#) 22:07, 25 February 2007 (UTC)
- [Fut.Perf.](#) ☼ 14:02, 26 February 2007 (UTC)
- [DavidYork71](#) 01:35, 27 February 2007 (UTC)
- — [Indon](#) (reply) — 15:40, 27 February 2007 (UTC)

Multiple veiled images, not at the top

Calligraphy at the top multiple veiled images. (Just sign, no comments please.)

- [Itsmejudith](#) 22:36, 20 February 2007 (UTC)
- [Aslamt](#) 22:44, 20 February 2007 (UTC)
- [Merzbow](#) 23:14, 20 February 2007 (UTC)
- [Zora](#) 23:41, 20 February 2007 (UTC)
- [Bless sins](#) 00:19, 21 February 2007 (UTC)
- [ITAQALLAH](#) 01:07, 21 February 2007 (UTC)
- [Hoverfish Talk](#) 08:25, 21 February 2007 (UTC)
- [ALM](#) 09:09, 21 February 2007 (UTC)
- [ÑëṭMõñğëṛ](#) ^{Talk} 12:11, 24 February 2007 (UTC)
- [Nil Einne](#) 13:47, 24 February 2007 (UTC)
- [Fut.Perf.](#) ☼ 14:02, 26 February 2007 (UTC)
- [DavidYork71](#) 01:36, 27 February 2007 (UTC)
- — [Indon](#) (reply) — 15:41, 27 February 2007 (UTC)

Multiple images, some unveiled images, not at the top

Calligraphy at the top, multiple other images, with and without veils, but not at the top.
(Just sign, no comments please.)

- [futurebird](#) 21:44, 20 February 2007 (UTC) (FIRST CHOICE)
- [Sefringle](#) 22:16, 20 February 2007 (UTC)
- [Aslamt](#) 22:46, 20 February 2007 (UTC) (LAST CHOICE)
- [HighInBC](#) ^(Need help? Ask me) 23:15, 20 February 2007 (UTC)
- Acceptable, so long as "not at the top" refers only to the lead. [Proabivouac](#) 00:13, 21 February 2007 (UTC)
- per [Proabivouac](#). · [Andonic](#) ^{Talk} 00:39, 21 February 2007 (UTC) (FIRST CHOICE)
- [Ttiotsw](#) 05:51, 21 February 2007 (UTC) (FIRST CHOICE)
- Nonprof. Frinkus 05:19, 22 February 2007 (UTC)
- [Nil Einne](#) 13:43, 24 February 2007 (UTC) (FIRST CHOICE)
- [Fut.Perf.](#) ☼ 14:02, 26 February 2007 (UTC) (FIRST CHOICE)
- [DavidYork71](#) 01:37, 27 February 2007 (UTC)

Veiled image at the top, multiple other images, some unveiled

(Just sign, no comments please.)

- [futurebird](#) 21:44, 20 February 2007 (UTC)
- [Sefringle](#) 22:00, 20 February 2007 (UTC)
- [Alecmonroy](#) 22:40, 20 February 2007 (UTC) (BEST image at top, which could be veiled)
- [Hojimachong](#) ^{talk} _{con} 22:46, 20 February 2007 (UTC)
- [HighInBC](#) ^(Need help? Ask me) 23:16, 20 February 2007 (UTC)
- per [Alecmonroy](#). [Proabivouac](#) 00:10, 21 February 2007 (UTC)
- · [Andonic](#) ^{Talk} 00:38, 21 February 2007 (UTC)

~~* [Liberal Classic](#) 01:17, 21 February 2007 (UTC)~~

- [Tom Harrison](#) ^{Talk} 05:14, 21 February 2007 (UTC) (BEST image at top, which I think would be a veiled image)
- [Ttiotsw](#) 05:51, 21 February 2007 (UTC) (SECOND CHOICE)
- [Tewfik](#) ^{Talk} 17:34, 22 February 2007 (UTC) (best image)
- [DavidYork71](#) 01:38, 27 February 2007 (UTC)
- This is a second best solution to end this conflict but only if the veiled image is not accompanied by a calligraphy. It must either stand alone or alongside an unveiled image. [Str1977](#) ^(smile back) 15:08, 7 March 2007 (UTC)

human depiction with no veil at the top AND multiple other images

Who feels we should have an image right at the top *that is a human depiction of some-kind with no veil*

- [Sefringle](#) 22:14, 20 February 2007 (UTC)(first choice)
- [Chowbok](#) [☺] 22:34, 20 February 2007 (UTC)

- [Alecmonroy](#) 22:40, 20 February 2007 (UTC) (BEST image at top, which could be unveiled)
- [Kittybrewster](#) 10:22, 27 February 2007 (UTC)
- per [Alecmonroy](#)[Proabivouac](#) 22:45, 20 February 2007 (UTC)
- [Hojimachong](#)^{talk}_{con} 22:46, 20 February 2007 (UTC) (FIRST CHOICE)
- [HighInBC](#) ^(Need help? Ask me) 23:16, 20 February 2007 (UTC)
- [Frotz661](#) 23:35, 20 February 2007 (UTC)
- [TharkunColl](#) 00:06, 21 February 2007 (UTC)

* [Liberal Classic](#) 01:17, 21 February 2007 (UTC)

- [Tom Harrison](#) ^{Talk} 05:16, 21 February 2007 (UTC) (BEST image at top, which might conceivably be one that is not veiled)
- [Ttiotsw](#) 05:51, 21 February 2007 (UTC) (THIRD CHOICE)
- [Briangotts](#) (Talk) (Contrib) 16:01, 21 February 2007 (UTC)
- Nonprof. Frinkus 05:18, 22 February 2007 (UTC)
- [Tewfik](#) ^{Talk} 17:34, 22 February 2007 (UTC) (best image)
- [Matt57](#) 21:35, 25 February 2007 (UTC) (first choice)
- [Weregerbil](#) 13:38, 26 February 2007 (UTC) (first choice)
- [DavidYork71](#) 01:38, 27 February 2007 (UTC)
- [Arrow740](#) 18:37, 27 February 2007 (UTC)
- [Corporaljohnny](#) 17:53, 28 February 2007 (UTC)
- [Arkon](#) 20:18, 28 February 2007 (UTC)
- [JGHowes](#) 2 March 2007
- [FOo](#) 11:24, 3 March 2007 (UTC) (Do whatever makes the best encyclopedia article. In this case, we have a wealth of historically significant images, and it would be wrong to leave them out.)
- [ProtectWomen](#) 20:36, 6 March 2007 (UTC)
- [Karl Meier](#) 20:50, 6 March 2007 (UTC)
- [ThuranX](#) 01:20, 7 March 2007 (UTC)
- [Benne](#) [bɛnə^(talk)] 13:20, 7 March 2007 (UTC): no special treatment should be tolerated here.
- This is the norm on WP we should implement it here too. I am also fine if this is accompanied by a calligraphy. [Str1977](#) ^(smile back) 15:06, 7 March 2007 (UTC)
- No doubt. Wikipedia biogrpahies always start with an image when one is available. [Beit Or](#) 20:39, 7 March 2007 (UTC)
- As it is customary with any biography. Where it is missing, it should be added. --[tickle me](#) 13:01, 8 March 2007 (UTC)
- [Oreo Priest](#) 02:53, 17 March 2007 (UTC)--
- [Canar](#) 07:58, 18 March 2007 (UTC)

Eventually, the users were able to form somewhat of a consensus, partially through exhaustion. In mid-March, a poll was held regarding the following compromise: There would be two images – veiled and calligraphic – to the right of the lead paragraph. Directly below the

introduction would be the controversial image present in the original text. Even though what was to be the final poll was open for a week, only sixteen users voted in the final poll: ten for, three against, and three abstaining.⁷¹ Some members who had been heavily active in the debate, like ALM Scientist (who retired from Wikipedia due to the debate) and BostonMA, did not participate. However, percentage-wise, this was the least objected decision on record and, according to Wikipedian policies regarding consensus, became the official version.

While some users have attempted to revive the debate, many users (even those who personally disagree with the compromise) point to this consensus; one user, in response to a request to reopen the debate, stated, “Nobody here wants to go through that again without very good reason.”⁷² Furthermore, Fred Bauder, a member of the Arbitration Committee and a well-respected individual in the community, gave his opinion on the matter on 13 April 2007, claiming:

While there is no strict policy regarding not showing images of Muhammed, common sense will tell you that as no actual images exist and since it is common knowledge that such image are extremely offensive to a large number of people, it is better to not include them.⁷³

Because this “input from [an] ArbCom member” (the title that Bauder gave to his posting) goes against the compromise as it would disallow all visual non-veiled depictions, it could be a catalyst for re-opening the debate. However, despite the level of influence arbitrators hold, their comments cannot be cited as authoritative in the context of Wikipedian law. If a new debate emerges, it is nearly impossible to predict what the outcome of it will be; however, one

⁷¹ Wikipedia Contributors. “Talk: Muhammad/images/archive.” *Wikipedia: The Free Encyclopedia*, 26 Mar 2007. Accessed online 1 May 2007 at http://en.wikipedia.org/w/index.php?title=Talk:Muhammad/images/archive&oldid=118101610#New_Version

⁷² Wikipedia Contributors. “Talk:Muhammad.” *Wikipedia: The Free Encyclopedia*, 18 Apr 2007. Accessed online 1 May 2007 at <http://en.wikipedia.org/w/index.php?title=Talk:Muhammad&oldid=123801219>

⁷³ Ibid.

can be certain that will be decided according to the established rules, guidelines, and apparatuses which are Wikipedian law.

The next page contains an image of the compromise found for the Muhammad article. As it contains a visual depiction of the prophet's likeness, readers who find this material offensive may skip the next page. No other content is present on the next page.

For other persons named Muhammad, see [Muhammad \(name\)](#). For other uses, see [Muhammad \(disambiguation\)](#).

Muhammad (Arabic: محمد *Muḥammad*, also *Mohammed*, *Muhammed*, *Mahomet*, and other variants)^{[2][3]} is regarded by [Muslims](#) as the last messenger and prophet of God (Arabic: الله *Allāh*).^[4] He is considered to be the historical founder of the religion of [Islam](#).

Sources on Muhammad's life concur that he was born ca. 570 CE in the city of [Mecca](#) in [Arabia](#).^[6] He was orphaned at a young age and was brought up by his uncle, later worked mostly as a merchant, and was married by age 26. At some point, discontented with life in Mecca, he retreated to a cave in the surrounding mountains for meditation and reflection. According to Islamic tradition, it was here at age 40, in the month of [Ramadan](#), where he received his first revelation from God. Three years after this event, Muhammad started preaching these revelations publicly, proclaiming that "God is One", that complete "surrender" to Him (lit. *islām*)^[6] is man's religion (*dīn*),^[7] and that he was a prophet and messenger of God, in the same vein as [Adam](#), [Noah](#), [Abraham](#), [Moses](#), [David](#), [Jesus](#), and other prophets.^{[8][9][10]}

Muhammad gained few followers early on, and was largely met with hostility from the tribes of Mecca; he was treated harshly and so were his followers. To escape persecution, Muhammad and his followers migrated to [Yathrib \(Medina\)](#)^[11] in the year 622. This historic event, the [Hijra](#), marks the beginning of the [Islamic calendar](#). In Medina, Muhammad managed to unite the conflicting tribes, and after eight years of fighting with the Meccan tribes, his followers, who by then had grown to ten thousand, conquered Mecca. In 632 AD, on returning to Medina from his '[Farewell pilgrimage](#)', Muhammad fell ill and died. By the time of his death, most of [Arabia](#) had converted to Islam.

The revelations (or *Ayats*, lit. *Signs of God*), which Muhammad had continued receiving till his death, form the verses of the [Qur'an](#),^[12] regarded by Muslims as the "word of God", around which the religion is based. Besides the Qur'an, Muhammad's life (*sira*) and traditions (*hadith*) are also upheld by Muslims, who consider him to be the "Perfect Man", whose example (*sunnah*) is to be followed in all aspects of life.

Table of contents

Etymology



15th century illustration in a copy of a manuscript by [Al-Bīrūnī](#), depicting Muhammad preaching the Qur'an in Mecca.^[13]

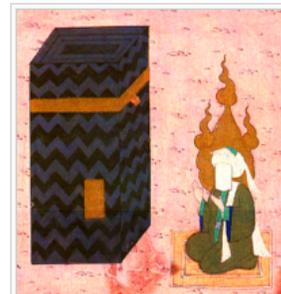
The name [Muhammad](#) etymologically means "the praised one" in Arabic.^[14] Within Islam, Muhammad is known as [Nabi](#) (Prophet) and [Rasul](#) (Messenger). Although the Qur'an sometimes declines to make a distinction among prophets, in verse 33:40 it singles out Muhammad as the "[Seal of the Prophets](#)" (33:40 ﴿ ﴾).^[15] The Qur'an also refers to Muhammad as "Ahmad" (61:6 ﴿ ﴾) (Arabic: أحمد), Arabic for "more praiseworthy".

Overview

Born to '[Abdu'llah ibn 'Abdu'l-Muttalib](#), Muhammad initially adopted



"Muhammad" in a new genre of Islamic calligraphy started in the 17th century by [Hafiz Osman](#).^[1]



A 16th-century Ottoman illustration depicting Muhammad at the [Kaaba](#). Muhammad's face is veiled, a practice followed in the [Islamic art](#) since the 16th century.^[1]

Part of a series on the
Islamic prophet Muhammad

Life

- Family tree
- In Mecca
- In Medina

The compromise reached regarding the Muhammad article, as of 15 April 2007⁷⁴

⁷⁴ Wikipedia Contributors. "Muhammad." *Wikipedia: The Free Encyclopedia*, 15 Apr 2007. Accessed online 1 May 2007 at <http://en.wikipedia.org/w/index.php?title=Mohammad&oldid=122980767>

With Enough Sovereigns, All Liberties Are Shallow: The Case of Daniel Brandt

As shown in the last section, controversies erupt frequently in Wikipedia, often polarizing individuals into coalitions who are involved in massive edit wars. While this cacophony of voices may be unstable and indecisive at times, Wikipedia prizes this process, insofar as the participants stay civil, follow established norms, and do not break essential policies. If these fundamental processes are violated, then a certain class of administrators is supposed to intervene and keep the community from erupting into chaos. These individuals, who number around one-thousand and are elected from the community at large, are entrusted with the authority to keep Wikipedia safe from hot heads and violent vandals. However, as the case of the article on Daniel Brandt shows, these guardians of the law can come into conflict with each other, often causing great harm to the community.

Daniel Brandt, a political activist who runs the critical websites *Google Watch* and *Wikipedia Watch*, was (and still remains) a controversial figure in the Wikipedian community. Brandt has frequently attacked the project for its lack of accountability, especially in relation to biographical articles of living persons. He also initially reported the Essay scandal – where a nineteen year old community college dropout posed as a tenured theology professor in order to gain a high level of trust and responsibility in the Wikipedian community – to *The New Yorker*.⁷⁵ His article has been frequently discussed in the project, and many users thought that it was non-encyclopedic and failed to meet Wikipedia’s criteria for inclusion. Furthermore, Brandt had sent an open letter to Jimmy Wales, claiming that that the Wikipedia article on himself was a

⁷⁵ King, Ian. “A Wiki web they’ve woven.” *24 Hours*, 2 Mar 2007. Accessed online 18 April 2007 at <http://vancouver.24hrs.ca/Columnists/KingsCorner/2007/03/02/3684947-sun.html>.

“privacy violation”⁷⁶ and formally requested that it be permanently deleted so that “no other admins can undo the deletion.”⁷⁷

While the Wikipedian community acknowledges that it is “not a paper encyclopedia”⁷⁸ and is thus not theoretically limited in scope, the project has certain guidelines to inclusion that aim to keep the project from being “an indiscriminate collection of information.”⁷⁹ For example, individuals who are not notable should not have their own article; according to Wikipedia’s notability criteria for people:

A person is notable if he or she has been the subject of secondary sources that are reliable, intellectually independent, and independent of the subject. The depth of coverage of the subject by the source must be considered. If the depth of coverage is not substantial, then multiple independent sources should be cited to establish notability. Trivial, or incidental coverage of a subject by secondary sources is not sufficient to establish notability. Once notability is established, primary sources may be used to add content. Ultimately, and most importantly, all content must be verifiable.⁸⁰

If consensus decides that an article does not meet Wikipedia’s threshold for inclusion (which is separately established and defined for “Academics, Books, 'Cool' ideas, Fiction, Music, Neologisms, Numbers, Organizations and Companies, People, Pornographic actors, and Web content”⁸¹), it is flagged as such and can be deleted by any administrator. It is of importance to

⁷⁶ Brandt, Daniel. “Wikipedia Watch.” *Wikipedia Watch*, 16 Oct 2005. Accessed online 1 May 2007 at <http://www.wikipedia-watch.org/>

⁷⁷ Ibid.

⁷⁸ Wikipedia Contributors. “Wikipedia: What Wikipedia is not.” *Wikipedia: The Free Encyclopedia*, 18 Apr 2007. Accessed online 1 May 2007 at http://en.wikipedia.org/w/index.php?title=Wikipedia:What_Wikipedia_is_not&oldid=123821279

⁷⁹ Ibid.

⁸⁰ Wikipedia Contributors. “Wikipedia: Notability (people).” *Wikipedia: The Free Encyclopedia*, 15 Apr 2007. Accessed online 1 May 2007 at http://en.wikipedia.org/w/index.php?title=Wikipedia:Notability_%28people%29&oldid=122972914

⁸¹ Wikipedia Contributors. “Wikipedia: Notability.” *Wikipedia: The Free Encyclopedia*, 18 Apr 2007. Accessed online 1 May 2007 at <http://en.wikipedia.org/w/index.php?title=Wikipedia:Notability&oldid=123745370>

note that deletion of articles is one of the few areas where administrators must gain approval before they act, except in certain circumstances (such as articles comprised of patent nonsense).

The discussion of Daniel Brandt's worthiness for inclusion in Wikipedia had been previously discussed at the Articles for Deletion (AFD) section of Wikipedia, where all proposed deletions must begin. It should be noted that this is one of the most active sections of the Wikipedian legal system, as over 100 articles are nominated for deletion at AFD every day.⁸² Once an article is nominated, it gains its own section of AFD where users can discuss notability and come to a consensus; if the subject is not deemed to be notable, the article is deleted by an administrator. Before 23 February 2007, the article for Daniel Brandt had been nominated for deletion eleven times, and each nomination failed to gain a consensus in favor of deleting the article.⁸³

However, on this day, an administrator named Yanksox unilaterally decided that the article on Daniel Brandt article should no longer exist in Wikipedia. At 12:53, in defiance of Wikipedia's official policies on deleted articles, Yanksox deleted the article without first proposing the deletion on AFD. While administrators are allowed to delete articles without first consulting the community in some instances (such as blank pages, articles with patent nonsense, or articles about subjects who are obviously non-notable and have not previously been discussed on AFD), the article on Brandt was not subject to those exceptions.

Whenever a user makes any edit to Wikipedia, they are given a chance to summarize their change. In the case of administrative actions, this is used to justify one's decision. In the summary of his initial deletion, Yanksox simply stated, "privacy concerns, more trouble than it is

⁸² See pages linked from http://en.wikipedia.org/wiki/Wikipedia:Archived_delete_debates.

⁸³ Wikipedia Contributors. "Talk: Daniel Brandt." *Wikipedia: The Free Encyclopedia*, 18 Apr 2007. Accessed online 1 May 2007 at http://en.wikipedia.org/w/index.php?title=Talk:Daniel_Brandt&oldid=123910088

actually worth. Are you people even human?”⁸⁴ Two minutes later, Yanksox deleted the entire discussion page for the article on Brandt, stating, “privacy concerns, more trouble than it is actually worth. Do you people use common sense at times? We are not obliged to do this nor are we proveyers of knowledge.”⁸⁵

Through these actions, Yanksox was indirectly invoking Wikipedia’s seemingly-contradictory policy of Ignore All Rules (IAR), which he would later directly use to justify his actions. This policy is the shortest in the entire corpus of Wikipedian law, containing no caveats, explanations, or clarifications other than a statement declaring the policy is official (which exists on every official policy page). It simply states: “If the rules prevent you from improving or maintaining Wikipedia, **ignore them.**”⁸⁶ If taken at face value, a user can justify literally any action (including the violation of Board decisions, consensus, and NPOV) through this policy, if violating those rules are necessary to improve or maintain Wikipedia. In this instance, Yanksox thought that the Brandt article should be deleted for the good of Wikipedia, regardless of any existing policy regarding deletions.

Even though this doctrine seems like a significant departure from modern legal thought, it has its basis in the political philosophy of John Locke, whose writings on liberty heavily influenced the British and American legal system. According to Locke, individuals in an anarchy would be able to violate the property and personal rights of others with little to no recourse for the victim outside of vigilantism. Because of this, governments were created to

⁸⁴ Wikipedia Contributors. "Wikipedia:Requests for arbitration/Daniel Brandt deletion wheel war/Evidence." *Wikipedia: The Free Encyclopedia*, 7 Mar 2007. Accessed online 1 May 2007 at http://en.wikipedia.org/w/index.php?title=Wikipedia:Requests_for_arbitration/Daniel_Brandt_deletion_wheel_war/Evidence&oldid=113313657

⁸⁵ Ibid.

⁸⁶ Wikipedia Contributors. "Wikipedia: Ignore All Rules." *Wikipedia: The Free Encyclopedia*, 6 Apr 2007. Accessed online 1 May 2007 at http://en.wikipedia.org/w/index.php?title=Wikipedia:Ignore_all_rules&oldid=120641885

establish order and secure essential rights and liberties. Thus, for Locke, citizens have a right to rebel or perform acts of civil disobedience against their government if it no longer fulfills the function for which it was founded: the protection of rights.

This clause functions similarly in Wikipedia. Above all, the project is an attempt to create a high-caliber multilingual encyclopedia which can be freely accessed by every person on the planet. The Wikipedians, under the direction (or coercion, depending on one's viewpoint) of Wales and Sanger, created the Wikipedian government and legal system after it became evident that an informal norms-based regime would not adequately allow the project to achieve its fundamental goal (as was shown in the section regarding the history of Wikipedia). Therefore, the government's fundamental purpose is not NPOV, consensus, civility, or any other essential rule held sacred by Wikipedia or the Board; these are simply mechanisms by which the government can facilitate the creation of a world-class encyclopedia. In a perfect Lockean gesture, if the government and its legal system violate this principle, citizens have a natural right (and possibly even a duty) to revolt against it.

However, like Locke's right of revolution, ignoring all rules is not something to be taken lightly or applied without regard. This is especially true because the meaning of *improving* is inherently subjective; as will be shown, many users disagreed that Yanksox's out-of-process deletion was *necessary* to improve Wikipedia, even though they agreed that deletion of the article would improve Wikipedia. Furthermore, a large number of users believed that the article should not be deleted in the first place, bringing the doctrine of Ignore All Rules into conflict with consensus.

At 13:45, nearly an hour after his deletion of the Brandt article, an administrator named Doc glasgow posted on Yanksox's user page, giving him a barnstar (a symbolic award that some

users give each other) “for your boldness and humanity.”⁸⁷ Administrators often name barnstars after famous Wikipedians; the barnstar Doc glasgow gave Yanksox was named after Ed Poor, a long-time Wikipedian and former high-ranking administrator who was pressured into resigning after his infamous deletion of the entire Articles for Deletion section (then called Votes for Deletion), which was based on the Ignore All Rules doctrine. While Ed Poor’s actions were officially reviewed and criticized by the Arbitration Committee, he is still highly revered by some Wikipedians, especially those who hold the Ignore All Rules doctrine sacred and feel that official policy and process is bothersome or counterintuitive to Wikipedia as a whole.

While the Articles for Deletion section is an important mechanism for the deletion of articles, another section of Wikipedia exists to review articles that have already been deleted. The aptly named Deletion Review (DRV) gives users a forum for appealing any administrative deletion; although because it is a consensus-based process, it is often futile to appeal a recently-deleted article that was decided unworthy of inclusion through a discussion on AFD. However, whenever an administrator unilaterally deletes an article without regard for consensus (a process known as a speedy delete), the Deletion Review gives ordinary users the ability to challenge administrative rulings.

Slightly one hour after Yanksox deleted the Brandt article and talk page, a user named CoolCat listed the deletion at the Deletion Review section, beginning the formal appeals process. CoolCat claimed that the article, “was speedy deleted ... I do not believe any of that is a speedy deletion criteria.”⁸⁸ It is of importance to note that CoolCat’s objection to Yanksox’s action did

⁸⁷ Wikipedia Contributors. "User talk: Yanksox." *Wikipedia: The Free Encyclopedia*, 22 Feb 2007. Accessed online 1 May 2007 at http://en.wikipedia.org/w/index.php?title=User_talk%3AYanksox&diff=110323117&oldid=110062330

⁸⁸ Wikipedia Contributors. "Wikipedia: Deletion review/Log/2007 February 23." *Wikipedia: The Free Encyclopedia*, 23 Feb 2007. Accessed online 1 May 2007 at

not discuss whether or not the Brandt article should exist in Wikipedia; rather, CoolCat simply raised a point of order, stating that the way in which the deletion was made was improper. In response, Doc glasgow replied to the DRV, stating that:

this is long overdue. We are a serious encyclopedia and we need to rise above the silliness of this tiff. He doesn't want an article, and he isn't (very) notable. He can be mentioned on the various pages about the activities he is involved in, that's a much better solution. [...] Would deleting this this set a precedent, and lead to other demands?? Yes, and we'd be a better encyclopedia for it. Delete all less-notability bios if the subject is unhappy and the article no loss, and lets *go back to creating great articles in all the meaningful areas where we are full of shit.*⁸⁹

For the most part, other users agreed. Nearly two hours later, the tally was 14-4 in favor of deletion; many users accepted the fact that the article was improperly deleted, but thought that other concerns superseded process. Robth, an administrator, stated:

You're right, that isn't a speedy deletion criteria. Similarly, this wasn't an encyclopedia article; it was a weapon in some people's private war with a vilified external force. When the formal rationality expressed on policy pages loses touch with the substantive rationality behind building this encyclopedia, we shouldn't be afraid to just *do the right thing.*⁹⁰

However, a small minority of users felt that *the right thing* was not a sufficient justification for ignoring process; as user William Pietri stated, "If this is so clearly a correct decision, Yanksox and the commenters above shouldn't have trouble getting an AFD consensus for it."⁹¹ Like any proper Deletion Review, the users involved began to debate the issue in an attempt to form a consensus. However, at 15:47, an administrator named Bumm13 undeleted the most recent

http://en.wikipedia.org/w/index.php?title=Wikipedia:Deletion_review/Log/2007_February_23&diff=110326246&oldid=110326123

⁸⁹ Ibid.

⁹⁰ Wikipedia Contributors. "Wikipedia: Deletion review/Log/2007 February 23." *Wikipedia: The Free Encyclopedia*, 23 Feb 2007. Accessed online 1 May 2007 at http://en.wikipedia.org/w/index.php?title=Wikipedia:Deletion_review/Log/2007_February_23&oldid=110346622

⁹¹ Ibid.

version of the Brandt article, claiming “This deletion was not discussed and is current under review at DRV” as the justification.⁹²

One minute later, an administrator named Deskana deleted the page again, simply stating, “drv currently in process, do not recreate this page in the mean time.”⁹³ Deskana also sent a message to Bumm13, stating that his deletion was improper for two reasons: first, according to the GFDL (the copyleft license under which Wikipedia’s content is released), either all or none of the revisions must be made public; and second, “typically something being on DRV isn't a reason to undelete it.”⁹⁴ Deskana was referring to a longstanding principle in Wikipedian law that discouraged unilateral controversial actions, especially in relation to official process or policy. For Deskana, even if the deletion was improper, it should stay until the Deletion Review reached a consensus. Like CoolCat’s initial objection to Yanksox’s deletion, Deskana’s response to Bumm13 was procedural and took no normative stance as to the worthiness of the Brandt article.

In response, Bumm13 undeleted the talk page for the Brandt article and sent a message to Deskana at 16:01, stating, “You're correct [...] I'm not going to make any more changes to the article as I suspect this is going to flare up into yet another unproductive Wikipedia shitstorm.”⁹⁵ By 16:24, the count was 17-6, and a fierce discussion regarding the end and purpose of Wikipedia had formed at the Deletion Review. Because the debate involved the content of the article, an administrator named Freakofnurture undeleted all past revisions of the Brandt article

⁹² Wikipedia Contributors. "Wikipedia:Requests for arbitration/Daniel Brandt deletion wheel war/Evidence." *Wikipedia: The Free Encyclopedia*, 7 Mar 2007. Accessed online 1 May 2007 at http://en.wikipedia.org/w/index.php?title=Wikipedia:Requests_for_arbitration/Daniel_Brandt_deletion_wheel_war/Evidence&oldid=113313657#Timeline

⁹³ Ibid.

⁹⁴ Ibid.

⁹⁵ Wikipedia Contributors. "User talk: Deskana." *Wikipedia: The Free Encyclopedia*, 23 Feb 2007. Accessed online 1 May 2007 at http://en.wikipedia.org/w/index.php?title=User_talk:Deskana&diff=prev&oldid=110350053

and placed a notice on the article that it had recently been deleted and was under discussion at DRV.

Freakofnurture, summarizing the undeletion, also claimed that “everything here is referenced. there are no defamatory statements, nor unsourced ones,”⁹⁶ implying that Yanksox’s deletion of the article was improper and should only be restored if the DRV reached a consensus affirming it. Two minutes later, Yanksox re-deleted the article, stating, “How do you make so many Wikipedians go apeshit? By arguing agaisnt their squewed logic that is based upon sophmoric revenge. This site has gone to the pits, let's clean it up.”⁹⁷

Twenty-one seconds after this re-deletion, an administrator named Gaillimh closed the DRV discussion, citing the unofficial essay WP:SNOW, which states that “If an issue doesn't have a snowball's chance in hell of getting an unexpected outcome from a certain process, then there is no need to run it through that process.” Knowing that SNOW is not part of Wikipedian law in any sense, Gaillimh also stated that Wikipedia’s policy on Biographies of Living Persons (WP:BLP) necessitated closing the discussion. However, Gaillimh failed to quote from or cite which section of the 2,500 word policy justified ignoring consensus. Thirteen minutes later, at 16:39, an administrator named Mark reopened the DRV, claiming that it was an “*active debate that is by no means uncontested and is in fact not snowballing the way of 'endorse'*”

Around this time, the debate was opened on another forum, the Incidents section of the Administrators Noticeboard (ANI). This section is intended to be for “reporting and discussing incidents that require the intervention of administrators;” while any user can contribute, the

⁹⁶ Wikipedia Contributors. " Wikipedia:Requests for arbitration/Daniel Brandt deletion wheel war/Evidence." *Wikipedia: The Free Encyclopedia*, 7 Mar 2007. Accessed online 1 May 2007 at http://en.wikipedia.org/w/index.php?title=Wikipedia:Requests_for_arbitration/Daniel_Brandt_deletion_wheel_war/Evidence&oldid=113313657

⁹⁷ Ibid.

section is primarily used by administrators and not ordinary users. At 16:21, an administrator named Chairboy posted on ANI, informing other administrators of the Deletion Review. Doc glasgow, at 16:29, replied to Chairboy's message, stating that "[i]t's been snowed and endorsed. Nothing more to see." However, this claim was widely disputed on ANI, and a separate discussion emerged as to the fate of the Brandt article.

In response to the confusing and out-of-process actions being taken at the Deletion Review, a user named Chacor nominated the Brandt article at the Articles for Deletion page, formally requesting that the article be deleted through an official mechanism. Chacor agreed that the article should be deleted, but thought "[t]he current DRV is turning into a farce the way it's going, so let's settle this 'correctly', then."⁹⁸ However, Chacor's AFD entry was largely ignored by the administrators involved in the dispute, who were discussing the article privately.

Six minutes after Yanksox deleted the article after Freakofnurture undeleted it, Freakofnurture sent a message to Yanksox, asking for "any sentence, any word in that entire article that violates BLP."⁹⁹ In response, Yanksox invoked the Ignore All Rules doctrine, stating, "this isn't about the rules. The rules don't exist, the rules were made to endorse kids who giggle and torment people when they can. This is the most absurd thing I've ever seen..."¹⁰⁰

At 16:41, Chacor notified the participants at the DRV that the discussion should move to the AFD created, as the DRV was based on an obviously improper edit. Seconds after, Gaillimh closed the DRV debate again, giving no justification. In response, Bumm13 reopened the DRV

⁹⁸ Wikipedia Contributors. "Wikipedia: Articles for deletion/Daniel Brandt (12th nomination)." *Wikipedia: The Free Encyclopedia*, 23 Feb 2007. Accessed online 1 May 2007 at http://en.wikipedia.org/w/index.php?title=Wikipedia%3AArticles_for_deletion%2FDaniel_Brandt_%2812th_nomination%29&diff=110358500&oldid=110355603

⁹⁹Wikipedia Contributors. "User talk:Yanksox." *Wikipedia: The Free Encyclopedia*, 23 Feb 2007. Accessed online 1 May 2007 at http://en.wikipedia.org/w/index.php?title=User_talk:Yanksox&diff=prev&oldid=110356811

¹⁰⁰ Wikipedia Contributors. "User talk:Yanksox." *Wikipedia: The Free Encyclopedia*, 23 Feb 2007. Accessed online 1 May 2007 at http://en.wikipedia.org/w/index.php?title=User_talk:Yanksox&diff=prev&oldid=110357260

at 16:50, claiming that Gaillimh's action was “*unilateral*.”¹⁰¹ Seven minutes later, at 16:57, administrator Steel359 closed the DRV again, claiming that the discussion should be moved to the AFD Chacor created.

By 17:09, the AFD had become active, with eight users for and one user against deleting the article. It is of note that when the forum switched from DRV to AFD, the discussion at hand changed; users were not deciding on upholding or reversing Yanksox's specific deletion but rather the article in general. Despite the fact that there was a clear consensus for deleting the article (which would have simply meant that Yanksox's improper deletion would stand), an administrator named Geni undeleted the Brandt article, with the justification, “out of policy and process deletion. The guy's long history of campaigning makes him notable.”¹⁰²

Back at ANI, GRBerry, an administrator who held the self-appointed title of “primary closer at deletion review,”¹⁰³ had previously urged other administrators to let the DRV discussion “run, and we'll see where we are after a few days.”¹⁰⁴ GRBerry's plea, which was posted at 16:54, was based on official Deletion Review policy, which states that a “nominated page should remain on deletion review for at least five days. After five days, an administrator will determine

¹⁰¹ Wikipedia Contributors. “Wikipedia: Deletion Review/Log/2007 February 23.” *Wikipedia: The Free Encyclopedia*, 23 Feb 2007. Accessed online 1 May 2007 at http://en.wikipedia.org/w/index.php?title=Wikipedia:Deletion_review/Log/2007_February_23&diff=110360615&oldid=110360386

¹⁰² “Logs.” *Wikipedia: The Free Encyclopedia*, 23 Feb 2007. Accessed online 1 May 2007 at <http://en.wikipedia.org/w/index.php?title=Special%3ALog&type=&user=Geni&page=Daniel+Brandt&offset=2&limit=1>

¹⁰³ Wikipedia Contributors. “User:GRBerry.” *Wikipedia: The Free Encyclopedia*, 23 Mar 2007. Accessed online 1 May 2007 at <http://en.wikipedia.org/w/index.php?title=User:GRBerry&oldid=117278159>

¹⁰⁴ Wikipedia Contributors. “Wikipedia: Deletion Review/Daniel Brandt.” *Wikipedia: The Free Encyclopedia*, 3 Mar 2007. Accessed online 1 May 2007 at http://en.wikipedia.org/w/index.php?title=Wikipedia:Deletion_review/Daniel_Brandt&oldid=112272334

if a consensus exists.”¹⁰⁵ Doc glasgow, upon reading GRBerry’s statement, decided to re-enter the debate.

At 17:14, he reversed Geni’s action, re-deleting the Brandt article in its entirety. One minute later, at 17:15, he closed the AFD discussion, claiming that there was “no consensus to relist”¹⁰⁶ the article in Wikipedia and that the discussion should occur at DRV, not AFD. Doc glasgow also posted GRBerry’s statement on the top of the DRV, claiming that it should be followed because it was a “Regular DRV closer's comment.”¹⁰⁷ However, Gini disagreed and reversed Doc glasgow’s deletion one minute later, stating, “no that would still be out of process deletion AFD is thata away”¹⁰⁸ Geni also sent a message to Doc glasgow, telling him, “Unless you are acting for the foundation do not delete this article again.”¹⁰⁹

At 17:19, an administrator named Mailer Diablo deleted Geni’s un-deletion, replaced the entire article with a statement that it was being reviewed at DRV, and protected it against non-administrative edits. In response, Geni undeleted the article again one minute later, claiming that “the arogence of asking people to vote on an article they cannot see is incredible.” Geni also sent a message to Mailer Diablo, telling him that he, like Doc glasgow, should not delete the

¹⁰⁵ Wikipedia Contributors. "Wikipedia:Deletion Review." *Wikipedia: The Free Encyclopedia*, 18 Apr 2007. Accessed online 1 May 2007 at http://en.wikipedia.org/w/index.php?title=Wikipedia:Deletion_review&oldid=123828177

¹⁰⁶ Wikipedia Contributors. "Wikipedia: Articles for deletion/Daniel Brandt (12th nomination)." *Wikipedia: The Free Encyclopedia*, 23 Feb 2007. Accessed online 1 May 2007 at http://en.wikipedia.org/w/index.php?title=Wikipedia:Articles_for_deletion/Daniel_Brandt_%2812th_nomination%29&diff=110366724&oldid=110366699

¹⁰⁷ Wikipedia Contributors. "Wikipedia: Deletion Review/Daniel Brandt." *Wikipedia: The Free Encyclopedia*, 23 Feb 2007. Accessed online 1 May 2007 at http://en.wikipedia.org/w/index.php?title=Wikipedia:Deletion_review/Daniel_Brandt&oldid=110373490

¹⁰⁸ “Logs.” *Wikipedia: The Free Encyclopedia*, 23 Feb 2007. Accessed online 1 May 2007 at <http://en.wikipedia.org/w/index.php?title=Special%3ALog&type=&user=Geni&page=Daniel+Brandt&offset=1&limit=1>

¹⁰⁹ Wikipedia Contributors. "Wikipedia:Requests for arbitration/Daniel Brandt deletion wheel war/Evidence." *Wikipedia: The Free Encyclopedia*, 7 Mar 2007. Accessed online 1 May 2007 at http://en.wikipedia.org/w/index.php?title=Wikipedia:Requests_for_arbitration/Daniel_Brandt_deletion_wheel_war/Evidence&oldid=113313657

article unless he was “acting for the foundation.”¹¹⁰ However, Geni did not reverse or contest Doc glasgow’s closing of the Articles for Deletion debate, meaning that the discussion had shifted back to Deletion Review.

At 17:25, six minutes after Geni’s undeletion, another administrator named CesarB deleted the article and its previous history, claiming that “[t]he careless restore restored revisions with personal information which should not be restored (check the deletion log). Please restore only the revisions which were not already deleted before.” CesarB also posted a message¹¹¹ to the Administrator’s Noticeboard, stating that there was personal information in one of the edits (made on 4 February) which had selectively deleted. By undeleting all revisions, CesarB claimed that Geni and Freakofnurture had unknowingly undeleted this edit, meaning that any user could access this personal information through browsing the article’s history.

However, Freakofnurture discovered that these edits had been subjected to a high-level administrative process known as oversight. When a particular edit is oversighted, it is deleted (i.e. hidden to normal users), but is not restored whenever an administrator chooses to restore all previous versions, as Geni and Freakofnurture had. Because of this, Freakofnurture felt that restoring the article was justified, especially because the deletion of the article was under reviewed at DRV.

At 17:45, Freakofnurture restored the article and added a link at the top to the ongoing DRV debate, claiming that the restore was necessary so that “sheep voters [ordinary users

¹¹⁰ Ibid.

¹¹¹ Wikipedia Contributors. “Wikipedia: Administrators’ noticeboard/Incidents.” *Wikipedia: The Free Encyclopedia*, 23 Feb 2007. Accessed online 1 May 2007 at http://en.wikipedia.org/w/index.php?title=Wikipedia:Administrators%27_noticeboard/Incidents&diff=prev&oldid=110370728

participating in the Deletion Review] can actually read the article.”¹¹² Miraculously, no more administrative actions were performed on the Brandt article, its AFD, or its DRV for the rest of the night. In all, Freakofnurture’s edit left the Brandt article in the following state: it existed in Wikipedia, protected against non-administrative edits; it did not contain any text other than a notice that the article had been recently deleted and was under discussion at DRV; and its history could be viewed by any user who desired to see the content of the article before it was deleted. With this, Freakofnurture unquestionably defined the DRV (not the AFD or the ANI) as the site for discussion regarding the article and its deletion.

Furthermore, per GRBerry’s uncontested comment, the Deletion Review was to continue for at least a few days before it would be closed. While many users joined the debate at DRV to discuss whether or not the deletion should be upheld, several users and administrators began to propose that Yanksox should be banned or desysoped (stripped of administrative privileges). Some were even drafting proposals to (or defenses for) the Arbitration Committee, the only entity other than Jimmy Wales who had the express power to revoke administrative rights.

As previously stated, the Arbitration Committee functions as Wikipedia’s highest court. As such, the committee has – and only has – jurisdiction over all disputes which occur solely within Wikipedia. The committee has excluded itself from off-Wiki matters, such as cases of harassment that occurred in another forum, virtual or physical. Furthermore, the committee, as “a body reporting to the Wikimedia Foundation Board ... has no jurisdiction over the members

¹¹² Wikipedia Contributors. " Wikipedia:Requests for arbitration/Daniel Brandt deletion wheel war/Evidence." *Wikipedia: The Free Encyclopedia*, 7 Mar 2007. Accessed online 1 May 2007 at http://en.wikipedia.org/w/index.php?title=Wikipedia:Requests_for_arbitration/Daniel_Brandt_deletion_wheel_war/Evidence&oldid=113313657

of the Board.”¹¹³ With these exceptions, the committee can hear virtually any case and issue any judgment, which is generally binding upon those involved. While most cases heard by the committee involve crimes that cannot be punished by an administrator, the committee also hears cases where Wikipedian law is vague, contradictory, or indeterminate. In the Brandt incident, the both of these criteria were met, meaning that a hearing by the Arbitration Committee was likely.

Like most judicial branches, the Arbitration Committee maintains a high level of autonomy to prevent its decisions from being politicized by the community. However, unlike the informal Mediation Committee which chooses its own members, the Arbitration Committee is more formalized, made up of fifteen members who are *de facto* elected by the community and serve for three-year terms. While Wales, upon forming the committee, stated that he would decide its membership, he has informally delegated this authority to the community as a whole. Whenever a spot is open on the Arbitration Committee, Wales has generally held an election in which users voice their approval for any number of nominated candidates. In the 2006 election, for example, Wales gave the open spots to the nominees who had received the highest approval rates, percentage-wise.

However, Wales also maintains that he has total authority over every aspect of the committee; he can appoint and demote members at will, and even stated:

The Arbitration Committee [...] can impose a solution that I'll consider to be binding, with of course the exception that I reserve the right of executive clemency and indeed even to dissolve the whole thing if it turns out to be a disaster. But I regard that as

¹¹³ Wikipedia Contributors. "Wikipedia: Arbitration policy." *Wikipedia: The Free Encyclopedia*, 11 Apr 2007. Accessed online 1 May 2007 at http://en.wikipedia.org/w/index.php?title=Wikipedia:Arbitration_policy&oldid=122021987

unlikely, and I plan to do it about as often as the Queen of England dissolves Parliament against their wishes, *i.e.*, basically never, but it is one last safety valve for our values.¹¹⁴

For example, at 22:33 on the day of the Brandt wheel war, Jimmy Wales (after “consulting with the existing arbitration committee and others”) appointed two new administrators (Mackensen and Essjay) to the committee without holding a vote or public discussion.¹¹⁵

In regards to the Brandt incident, the Arbitration Committee would typically be the entity that was to review the actions of all involved and press judgment; however, instead of waiting for the committee to act on the issue, Jimmy Wales decided to directly intervene in the matter. At 22:48, he revoked the administrative privileges of Yanksox, Geni, and Freakofnurture indefinitely. Wales did not take a stance on the guilt of any administrator or the Brandt issue itself, instead decreeing that the Arbitration Committee would adjudicate the matter and decide proper punishments. On the Incidents section of the Administrators Noticeboard, Wales stated:

I am referring this case directly to the ArbCom to look at possible remedies for all parties involved up to and including desysopping, blocking, etc. I have absolutely no opinion on the actual content question (Should we have an article about him? I don't care) but this log is a disgrace.

Different people played different roles. I do not have time to sort it all out **today**, so I am referring most of it to the ArbCom. I have instantly desysopped Yanksox, though, because he's basically begging for it. I have temporarily desysopped Geni and Freakofnurture pending the ArbCom thinking it through.

Here's the action count:

Yanksox - out of process deletion coupled with an insult, 2 deletions
Geni - 3 restores
Freakofnurture - 2 restores
Bumm13 - 1 restore
Deskana - 1 delete

¹¹⁴ Wales, Jimmy. “Mediation, arbitration.” *WikiEN-l*, 16 Jan 2004. Accessed online 1 May 2007 at <http://mail.wikimedia.org/pipermail/wikien-l/2004-January/009636.html>

¹¹⁵ Wales, Jimmy. “Arbcom appointments.” *WikiEN-l*, 23 Feb 2007. Accessed online 1 May 2007 at <http://lists.wikimedia.org/pipermail/wikien-l/2007-February/063809.html>

Doc Glasgow - 1 restore
Mailer Diablo - 1 restore
CesarB - 1 delete

I know how these things go. Some of the people involved were trying to calm things down. Others were merely trying to cause more disruption and fighting by engaging in inflammatory actions designed to outrage the other side. It is hard to sort it all out. This is why wheel warring is so bad.¹¹⁶

During the hearing, users involved had the chance to defend themselves and explain their actions before the committee. In addition, evidence could also be presented by anyone, even those who were not active in the dispute. Due to the nature of the wiki system, the hearing was not a strict linear process where users would be systematically interviewed and defended; instead, statements and evidence were posted in a manner similar to the creation of a Wikipedia article, with bits and pieces slowly appearing over time. After all users had a chance to give their account of the incident, the committee began working on a judgment, which would take them nearly two weeks.

During this time, the debate at the Deletion Review was well underway, with users fiercely arguing whether or not Yanksox's deletion should be upheld or reversed. In line with GRBerry's declaration of Deletion Review policy, this discussion was to run for five days, and would then be ended and interpreted by an administrator. Although GRBerry had initially taken on this responsibility, another administrator named Thebainer posted a detailed interpretation of the DRV discussion after the five-day period was over. It should be noted that Thebainer's decision to personally end and interpret the DRV (a process known as closing) was most likely either self-appointed or decided by a process outside of the Wikipedian public sphere. This can be assumed due to the fact that no decisions regarding Thebainer's status as a closer were

¹¹⁶ Wikipedia Contributors. "Wikipedia: Administrators' noticeboard/Incidents." *Wikipedia: The Free Encyclopedia*, 23 Feb 2007. Accessed online 1 May 2007 at http://en.wikipedia.org/w/index.php?title=Wikipedia:Administrators%27_noticeboard/Incidentshttp://en.wikipedia.org/w/index.php?title=Wikipedia:Administrators%27_noticeboard/Incidents&diff=prev&oldid=110443617

declared or even discussed on the Brandt DRV, the discussion page for the DRV policy, Thebainer's user page, or the Administrator's Noticeboard.

In his closing, Thebainer decided to undelete the article (which had already been temporarily undeleted by Freakofnurture to give users the ability to judge the page) and nominate it for deletion at the Articles for Deletion section. According to Thebainer, "There is no apparent consensus in this debate," although a large majority of users felt that the article should be deleted in some form or fashion. The debate was, for the most part, dichotomized between those who felt that the article should stay deleted and those who felt that it should be undeleted and nominated for deletion at AFD. In all, according to Thebainer, five positions emerged in the debate:

1. endorse this particular deletion;
2. leave the article deleted, while not endorsing the manner and mode of this deletion;
3. leave the article deleted because the content should be deleted;
4. undelete the article because the deletion was "out of process";
5. undelete the article because the content should be kept.¹¹⁷

While the users involved were generally split equally between the first three (which resulted in deletion) and the last two (which resulted in undeletion), a plurality of the users involved supported the fourth position, which is what Thebainer ultimately decided. This is because the number of users supporting the fifth position was relatively small, while those who supported deletion were split among the first three justifications. Although Thebainer did not explicitly state that he chose the fourth position due to its plurality support, he did not give any

¹¹⁷ Wikipedia Contributors. "Wikipedia: Deletion Review/Daniel Brandt." *Wikipedia: The Free Encyclopedia*, 3 Mar 2007. Accessed online 1 May 2007 at http://en.wikipedia.org/w/index.php?title=Wikipedia:Deletion_review/Daniel_Brandt&oldid=112272334

justification for choosing that option¹¹⁸ other than a numbers-based calculation. Surprisingly, when the article was listed at AFD, a consensus failed to form in favor of deletion.

Nearly a week after Thebainer closed the DRV, the Arbitration Committee released its decision. The ruling took no stance as to whether or not the Brandt article should be included; that had been decided at the DRV and later at the AFD. However, the committee did sort out the administrative actions taken and made several judgments regarding process, authority, and guilt.

First, the committee found all of Yanksox's deletions inappropriate. While he did not contest the fact that his deletion violated official deletion policies, Yanksox claimed that his actions were justified under the Ignore All Rules doctrine. In his statement to the Arbitration Committee, Yanksox claimed that he "had good intentions [...] I felt it was important to keep the quality of this encyclopedia without bringing in down to a sophomoric fight over keeping it [the Brandt article]." However, the committee disagreed; despite the fact that Ignore All Rules is not qualified, it was determined that "Yanksox did not engage in a sufficient amount of on-wiki consensus-building or discussion, either before or after the fact, to justify Yanksox' actions under our doctrine of ignore all rules."¹¹⁹ The committee further added:

Those who ignore all rules should proceed slowly and deliberately; act only when informed by any existing discussion, history, or logs; and should be prepared to explain the reasoning for their actions. If ensuing discussion shows an absence of community support, practitioners of Ignore All Rules should have the grace to revert their own actions.¹²⁰

According to this decision, the one rule that does not supersede IAR is an unwritten addendum – possibly derived from Wikipedia's civility or consensus policies – that one must

¹¹⁸ Ibid.

¹¹⁹ Wikipedia Contributors. "Wikipedia:Requests for arbitration/Daniel Brandt deletion wheel war." *Wikipedia: The Free Encyclopedia*, 8 Mar 2007. Accessed online 1 May 2007 at http://en.wikipedia.org/w/index.php?title=Wikipedia:Requests_for_arbitration/Daniel_Brandt_deletion_wheel_war&oldid=113669999

¹²⁰ Ibid.

explain and discuss why one is ignoring all rules whenever one does so. As punishment, Wales's revocation of administrative privileges was upheld indefinitely, with the committee deciding that he could reapply for administrator status or make an appeal to the committee if he so chose. The committee explicitly took into account the fact that Yanksox was a model administrator before this incident when deciding this sentence.

The committee also found that Bumm13's undeletion of the article was improper. According to the committee, the "deletion review was running 14-4 in support of endorsing deletion"¹²¹ when Bumm13 decided to undelete the article. However, the committee stated that Bumm13's undeletion was improper because it was made "without applying a 'temporary undeletion' template or otherwise linking to the deletion review,"¹²² not because it went against consensus. It was determined that an administrator can "reverse an obviously out-of-process deletion, [although] discussion is the more appropriate response when there is disagreement."¹²³ As punishment, Bumm13 was "strongly cautioned regarding involvement in repeated deletion/undeletion of pages."¹²⁴ Because Bumm13's undeletion was improper, Deskana's deletion of the page after Bumm13 restored it was deemed proper, especially because Deskana discussed the issue with Bumm13.

The committee also found that Freakofnurture's undeletion of the page after Deskana's deletion was also defensible, as undeletion of articles which are under Deletion Review may be "necessary so that participants in the review can see the article's contents." More importantly, Freakofnurture (unlike Bumm13) placed a notice on the Brandt article that it was under Deletion

¹²¹ Ibid.

¹²² Ibid.

¹²³ Ibid.

¹²⁴ Ibid.

Review and linked to the DRV, which was in line with the committee's interpretation of the undeletion policy.

Gaillimh's closure of the DRV, which was justified through the Snowball clause, was found to be inappropriate. The committee reinforced the fact that the "'Snowball clause' is not policy [...] early closure of discussions on WP:SNOW grounds denies some Wikipedians the opportunity to comment and can lead to escalation due to the lack of a discussion venue."¹²⁵

While it was stated that there may be some instances where early closure would be beneficial, it was decided that SNOW most certainly should not be invoked when an "active discussion was underway."¹²⁶ Gaillimh, who was not an administrator, was banned from editing for ten days. Mark and Bumm13 were not found fault for reopening the DRV after Gaillimh closed it twice, as their actions were considered a reversal of an improper administrative action.

Steel359 was not found at fault for closing the DRV in an attempt to move the discussion to AFD, most likely because the closure was made in good faith and explained. However, the committee did not directly or indirectly comment on the properness of Steel359's actions. Douglasgow was also not found at fault for closing the AFD and reopening the DRV, as the committee decided that "[t]he proper venue for such discussion [of out-of-process deletions] is Wikipedia:Deletion review."

Geni was found at fault for the first two undeletions of the article, because "despite being aware of the discussions on the deletion review page, [Geni] undeleted the article twice rather than participate in discussion."¹²⁷ However, Geni's third undeletion of the article, which Geni justified and explained using the argument that ordinary users could not see the article and

¹²⁵ Ibid.

¹²⁶ Ibid.

¹²⁷ Ibid.

therefore discuss its worthiness at the DRV, was considered proper. As punishment, Wales's suspension of Geni's administrative privileges was made indefinite; like Yanksox, Geni could re-apply or appeal to the committee. It should be noted that Geni had previously abused administrative privileges, and the committee explicitly took this into account for sentencing purposes.

Doc glasgow was found at fault for deleting the article after Geni's first undeletion. The reason given by the committee was that he was "aware that the deletion of the article was controversial" and deleted it anyway. Despite the fact that the committee agreed with the deletion in principle, stating in another section that an article under DRV "should remain deleted until the five-day comment period has elapsed," Doc glasgow was found at fault for reversing Geni's improper edit. Like Bumm13, Doc glasgow was strongly warned as punishment.

Mailer diablo, who deleted the article after Geni improperly undeleted it a second time, was also found at fault. According to the committee, the reason was that Mailer diablo deleted the article "[d]espite being aware that the article was being repeatedly deleted and undeleted."¹²⁸ The committee conceded that Geni's edit was out-of-process, that "Mailer diablo was participating in discussion at WP:DRV and discussion there supported deletion,"¹²⁹ and that "Mailer diablo re-created the article with a notice directing users to the deletion review page."¹³⁰ However, even in light of these facts, Mailer diablo's deletion was still found to be improper. Mailer diablo received the same punishment as Bumm13 and Doc glasgow: a strong warning.

CesarB's deletion, which was made because CesarB thought Geni's third undeletion inadvertently exposed personal information, was not found to be improper, even though no

¹²⁸ Ibid.

¹²⁹ Ibid.

¹³⁰ Ibid.

personal information was actually exposed. While the committee did not explicitly or implicitly discuss CesarB's deletion, it can be assumed that the deletion was seen to be one made in good faith.

However, Freakofnurture was found at fault for undeleting the article after it was determined that Geni's third undeletion did not expose personal information. Even though that Freakofnurture's undeletion was additionally made with the same justification as Geni's third undeletion (which was determined to be proper), had been accompanied with a notice of the article's recent undeletion and a link to the DRV (which the exclusion of was the only reason Bumm13's undeletion was found to be improper), and directly led to the end of the administrative wheel war, the committee decided that Freakofnurture's undeletion was "made in the awareness that the article was being repeatedly undeleted and redeleted."

When Freakofnurture asked for more clarification as to why the undeletion was considered improper, a member of the Arbitration committee said, "I would think that the appropriate action [...] would have been to encourage CesarB to correct the error by undeleting the article." However, CesarB had, in his official statement to the committee, said that he had given Freakofnurture permission to undelete the article over a chat room. This objection was never addressed by the committee, either officially or by individual member. As punishment, the committee believed that "a brief suspension of Freakofnurture's administrator privileges would be appropriate. Since this has already occurred, Freakofnurture's administrator privileges have been restored."¹³¹

¹³¹ Ibid.

Conclusion

Those who are familiar with or involved in the Wikipedian community may criticize this work for its framing of what has been called Wikipedian law and the Wikipedian government. As a whole, the community generally stands in opposition to being categorized as a political, legal, or bureaucratic system; in fact, the official policy What Wikipedia Is Not (WWIN) states that “Wikipedia is not a democracy” and “Wikipedia is not a bureaucracy.” Furthermore, users are told that:

Wikipedia is not a moot court, and although rules can make things easier, they are not the purpose of the community. [...] Follow the spirit, not the letter, of any rules, policies and guidelines if you feel they conflict. Disagreements should be resolved through consensus-based discussion, rather than through tightly sticking to rules and procedures.¹³²

Another semi-official statement on polling states this further:

Wikipedia is not a democracy; policy and guidelines are not ratified through a vote. Although some editors have historically argued that policies and guidelines should be adopted by vote or majority opinion, Wikipedia policy clearly contradicts this opinion. Under the relevant policy, new policies and guidelines may be created by (1) codifying existing practice; (2) through community consensus, or (3) as a result of a declaration from Jimmy Wales, the Board, or the Developers in appropriate cases. Novice users sometimes think they should make a "motion" on some issue and "call for votes", but Wikipedia doesn't work like that.¹³³

However, as is shown in actual instances of conflict resolution, these ideals are routinely violated. In the Muhammad debate, not only was polling used extensively to determine (the lack of) consensus, but official policy was often framed in terms of the letter of the law, not the spirit. As has been shown, those in favor of removing the depictions were not successful when they

¹³² Wikipedia Contributors. "Wikipedia: What Wikipedia is not." *Wikipedia: The Free Encyclopedia*, 20 Apr 2007. Accessed online 1 May 2007 at http://en.wikipedia.org/w/index.php?title=Wikipedia:What_Wikipedia_is_not&oldid=124284826

¹³³ Wikipedia Contributors. "Wikipedia: Polling is not a substitute for discussion." *Wikipedia: The Free Encyclopedia*, 19 Apr 2007. Accessed online 1 May 2007 at http://en.wikipedia.org/w/index.php?title=Wikipedia:Polling_is_not_a_substitute_for_discussion&oldid=124071009

argued using abstract ideals (such as respect, community, sensitivity, and the good of Wikipedia as a whole). However, these users did make progress when they began to argue using explicit references to official policy.

In the Brandt wheel war, the same strict literal adherence to official policy was taken by the various administrators involved in the controversy. With the exception of Yanksox and Gaillimh, these trusted members of the Wikipedian community reversed each others decisions based on what they thought was official policy. While some involved (most notably Geni) were not actually justified in their reversals, most administrators could (and did, in their official statements to the committee) point to a certain clause of an official policy which justified their actions.

However, in a Kafkaesque gesture, the committee only selectively chose to take official policy into account, finding that a large number of administrators involved in the fiasco made improper decisions for reasons that were not based in (or even explicitly derived from) existing policy. While most were given some reason as to why their actions were improper, only the judgments of Bumm13, Geni, and Gaillimh were fully based in existing official policy. Yanksox's initial deletion was deemed to be improper because it did not follow an unwritten caveat in the Ignore All Rules doctrine: that ignoring all rules must be accompanied with a discussion. Freakofnurture, Mailer diablo, and Doc glasgow were each found at fault for their reversals of various administrative deletions and undeletions, even though the committee conceded that their actions followed not only official policy, but consensus as well. Despite this, the committee determined that they were guilty because they simply should have known better.

Readers who find this seemingly-contradictory account disturbing should take into account the initial distinction between common and civil law expressed in the preface of this

work. These contradictory decisions are not simply arbitrary; rather, they exist because of a conflict between two competing interpretations of jurisprudence. Civil law, also called continental law, is founded on specific statutes that have been determined by a legislature and are simply applied by a judge to a specific case; common law, in contrast, is based on broad decrees that are interpreted by a judge, usually through applying previous court decisions and legal traditions. Civil law systems are often codified into detailed and specific statutes, while common law systems are often based on both a judge's personal interpretation of justice and previous court cases. While few legal systems are wholly civil or common, most are strongly based in one of these traditions. In legal systems that are considered mixed, the distinction is clear: common law is typically used in one area (such as property law) and civil law in another (such as criminal law).

Wikipedian law, in contrast, incorporates both civil and common law traditions, yet has no clear boundary between what is to be defined by statutes and narrowly interpreted and what is to be determined by community standards and traditions. The early Wikipedian system, as shown in the history section, was strongly based on common law: instead of specific statutes which narrowly regulated content, broad terms like “Neutral Point of View”, “compelling community interest”, and “Do The Right Thing” were used to guide the decisions of individuals when developing and interpreting policy.

However, this proved to be inadequate as the encyclopedia began to grow. Specific interpretations of these broad ideals were created, as different users could disagree on what exactly “neutral” entailed, for example. This process, known as codification, is characteristic of a civil legal system, which replaces the flexibility of individual interpreters of the law with a certainty and determinacy that is defined and guaranteed by some authority. By time the

Muhammad debate erupted, Wikipedian law seemed to have eschewed the common law tradition in lieu of a more civil one, which aimed at defining these abstract ideals into policies which were to be universally and neutrally applied. For example, the anti-depiction coalition only succeeded when they used a specific, narrowly-defined statute in the NPOV policy – undue weight.

However, Wikipedian law still maintains some aspects of common law, mainly seen through the case of the Brandt fiasco. In that case, the Arbitration Committee relied on the logic that all policies have their root in abstract ideal of improving Wikipedia, and those who followed codified law in a manner contrary to the good of the community could still be punished. The Ignore All Rules doctrine in particular illustrates this principle of common law rather well, especially because the committee ruled that a user can be punished if, through invoking it, the community as a whole is harmed. Therefore, based on this incident, one can assume that in Wikipedian law, statutes are only legitimate if they work for the good of the community, with this indeterminate notion based on existing community traditions and the personal legal philosophy of judges.

What makes this aspect of Wikipedian law unsettling is that it does not fit cleanly into either the civil or common law tradition. If Wikipedia were a civil law system, statutes would be defined by the consensus and universally followed in all cases. The Ignore All Rules doctrine would either not exist or be narrowly defined with specific and universal criteria for determining when all rules should be ignored. The Muhammad debate would, for the most part, occur as it did, but the decision made by the Arbitration Committee would have included detailed references to existing policy, only finding at fault users who explicitly violated existing codified statutes.

If Wikipedia were a common law system, only broad goals (such as Wales's early statement of principles) would be official policy. Neutral Point of View would still exist,

although it would not include specific statutes which defined what was and was not NPOV in every instance. The Ignore All Rules doctrine would exist as it currently does, a loosely-defined statute which places the spirit of the law above the letter. The ruling by the Arbitration Committee would be similar, although the decision reached in relation to the actions of Yanksox, Gaillimh, and Geni would be based in a violation of an abstract principle or previous interpretation reached instead of the narrowly defined policies governing the deletion and undeletion of articles.

However, neither of these two situations occurred. While one could claim that the difference between the civil law witnessed in Muhammad and common law witnessed in the Brandt case was due to a shift in venue – making Wikipedia a mixed system – such a conclusion ignores the arbitrary application of common and civil traditions. For Gaillimh, Geni, and two of Yanksox’s deletions, the committee relied on civil law, citing official policy as reason to find these users at fault for their actions. For Freakofnurture, Mailer diablo, Doc Glasgow, and one of Yanksox’s deletions, the committee relied on common law, using an abstract and informal interpretation of Wikipedian principles and traditions which directly contradicted codified policies.

Furthermore, in the Muhammad dispute, ALM Scientist’s decision to use the controversial Jyllands-Posten cartoons when told that the most notable depiction of historical figures was to be displayed also illustrates this arbitrary application of civil and common law. This edit was considered to be improper, even though it followed official policy to its logical extreme. The decision to ignore this application of codified law was based in an abstract notion of the good of the project; in other words, users stated that even though policy dictated that the Jyllands-Posten image should be the lead image, it was obviously against the project’s mission.

What makes this application of common law contradictory is that it had previously been considered an inappropriate argument whenever ALM Scientist voiced opposition to the visual depictions by using similar claims.

The issue with these competing frameworks of jurisprudence is not that Wikipedian law is partially based on both systems. Many modern legal systems (such as that of the United States) use both civil and common traditions, although the division between these schools is clear and is often based on a categorical distinction (such as contract law following common traditions and criminal law following civil ones). Wikipedia, however, has no governing ontological distinction for the application of common or civil systems. In other words, there is no bright line or clear and universal mechanism for deciding if the codified law is to be followed or discarded in lieu of tradition or another abstract ideal.

Although civil traditions are more often used at the lower levels of Wikipedia due to their strict and decisive form, common traditions can always emerge, violating the codified law because of a higher duty, purpose, mission, or obligation. Furthermore, while common traditions are more often used at the higher levels of Wikipedia due to their flexibility, civil traditions can always be used to justify a legal decision. In fact, as the Brandt case illustrates, the Arbitration Committee can use a civil framework for half of the users involved and a common framework for the other half.

Reasons for this contradictory system are numerous. Both Wikipedia and the current incarnation of the Wikipedian legal system are relatively young – six and three years old respectively as of this writing – and legal and governmental systems are rarely perfect when they are first created. Furthermore, the physical structure of Wikipedia, the wiki software that enables collaboration with thousands of other users, could also contribute to this multiplicity. The fact

that users are often from different nations which have different legal frameworks may also contribute to this contradictory system.

However, one of the most telling signs of this fusion of civil and common law can be seen through Wikipedia's description of its own legal system. As stated in the beginning of this conclusion, the community does not enjoy being categorized as a government or a legal system. The Arbitration Committee states that it is "not a court of law"¹³⁴ and "Wikilawyering"¹³⁵ is often frowned upon. Instead of law, which is seen as sterile and elitist, the community defines itself around consensus, cooperation, and discussion. However, as this work has shown, Wikipedia does have a legal system, albeit one that is vague, indeterminate, and often contradictory. The fact that discussion in or around such a framework is stifled may contribute to this lack of a unified framework. This is especially true when one takes into account the multiple reasons for the split between civil and common law in the first place. If users cannot even admit that the project has a legal system in the first place, then clearly defining a method or framework for determining which legal traditions are valid within certain venues seems unlikely.

¹³⁴ Wikipedia Contributors. "Wikipedia: Arbitration policy/Past decisions." *Wikipedia: The Free Encyclopedia*, 18 Apr 2007. Accessed online 1 May 2007 at http://en.wikipedia.org/w/index.php?title=Wikipedia:Arbitration_policy/Past_decisions&oldid=123941013

¹³⁵ Wikipedia Contributors. "Wikipedia:WikiLawyering." *Wikipedia: The Free Encyclopedia*, 25 Apr 2007. Accessed online 1 May 2007 at <http://en.wikipedia.org/w/index.php?title=Wikipedia:WikiLawyering&oldid=125883308>

Appendixes:

List of Acronyms and Abbreviated Terms

AFD – Articles For Deletion

ANI – Administrators Noticeboard, Incidents section

ARBCOM – Arbitration Committee

DRV – Deletion ReView

GNU FDL – GNU is Not Unix Free Documentation License

IAR – Ignore All Rules

NPOV – Neutral Point of View

SNOW – Snowball Clause

WP: - Wikipedia; used to denote an article that deals with internal policy

WWIN – What Wikipedia Is Not

List of Policies:

This list is taken from Wikipedia's list of official policies¹³⁶, which is itself an official policy. It is not an exhaustive list, as each section links to a longer and more detailed clarification. Furthermore, due to the dynamic nature of Wikipedia law, policies can change over time. This list was accurate as of 1 May 2007. Readers who desire an updated list can visit http://en.wikipedia.org/wiki/Wikipedia:List_of_policies.

Behavioral

[Bots](#)

Programs that update pages automatically in a useful and harmless way may be welcome, if their owners want approval first and go to great lengths to stop them from running amok or being a drain on resources.

[Civility](#)

Being rude, insensitive or petty makes people upset and stops Wikipedia from working well. Try to discourage others from being uncivil, and be careful to avoid offending people unintentionally. Mediation is available if needed.

[Editing policy](#)

Improve pages wherever you can, and don't worry about leaving them imperfect. Avoid making large deletions without discussing on the talk page first.

[Ignore all rules](#)

Every policy, guideline or any other rule may be ignored if it hinders improving Wikipedia.

[No legal threats](#)

Use dispute resolution rather than legal threats, for everyone's sake. We respond quickly to complaints of defamation or copyright infringement. If you do take legal action, please refrain from editing until it is resolved.

[No personal attacks](#)

Do not make [personal attacks](#) anywhere in Wikipedia. Comment on content, not on the contributor. Personal attacks damage the community and deter users. Nobody likes abuse.

¹³⁶ Wikipedia Contributors. "Wikipedia: List of policies." *Wikipedia: The Free Encyclopedia*, 1 May 2007. Accessed online 1 May 2007 at http://en.wikipedia.org/w/index.php?title=Wikipedia:List_of_policies&oldid=127335593

[Ownership of articles](#)

You agreed to allow others to modify your work. So let them.

[Sock puppetry](#)

Do not use multiple accounts to create the illusion of greater support for an issue, to mislead others, or to circumvent a block; nor ask your friends to create accounts to support you or anyone.

[Three-revert rule](#)

Do not [revert](#) any single page *in whole or in part* more than three times in 24 hours. (Otherwise an administrator **may** [block your account](#)).

[Username](#)

Choose a [neutral username](#) that you'll be happy with. You can usually change your name if you need to by asking, but you can't delete it.

[Vandalism](#)

Vandalism is any addition, deletion, or change to content made in a deliberate attempt to compromise the integrity of the encyclopedia. It is, and needs to be, removed from the encyclopedia.

[What Wikipedia is not](#)

Wikipedia would not exist without the [online community](#) that has come together to build it. However, Wikipedia is first and foremost an online [encyclopedia](#). Please avoid the temptation to use Wikipedia for other purposes.

[Wheel War](#)

Do not repeat an administrative action when you know that another administrator opposes it. (Applies to sysops only)

Content and Style

[Biographies of living persons](#)

Articles about living persons, which require a degree of sensitivity, must adhere strictly to Wikipedia's content policies. Be very firm about high-quality references, particularly about details of personal lives. Unsourced or poorly sourced negative material about living persons should be removed immediately from both the article and the talk page.

[Naming conventions](#)

Generally, article naming should give priority to what the majority of English speakers worldwide would most easily recognize, with a reasonable minimum of ambiguity, while at the same time making linking to those articles easy and second nature.

[Neutral point of view](#)

Articles, including reader-facing templates, categories and portals, should be written from a Neutral Point of View.

[Neutral point of view FAQ](#)

This gives an objection-rebuttal style explanation of NPOV, and was split off from the main page (listed above this).

[No original research](#)

Articles may not contain any unpublished theories, data, statements, concepts, arguments, or ideas; or any new interpretation, analysis, or synthesis of published data, statements, concepts, arguments, or ideas that, in the words of Wikipedia's co-founder Jimbo Wales, would amount to a "novel narrative or historical interpretation."

[Verifiability](#)

We cannot check the accuracy of claims, but we can check whether the claims have been published by a reputable publication. Articles should therefore [cite sources](#) whenever possible. Any unsourced material may be challenged and removed.

[What Wikipedia is not](#)

Every day thousands of Wikipedia articles are edited, and every day millions of people search and read Wikipedia articles. Wikipedia is first and foremost an online [encyclopedia](#). Please avoid the temptation to use Wikipedia for other purposes.

[Wikipedia is not a dictionary](#)

An article should **begin** with a [good definition](#) or a clear description of the topic. Articles that are just dictionary entries belong at [Wiktionary](#).

Deletion

[Category deletion policy](#)

Deleting categories follows roughly the same process as articles, except that it's on a different page. Categories that don't conform to naming conventions can be "speedily renamed".

[Criteria for speedy deletion](#)

Articles, images, categories etc. may be "speedily deleted" if they clearly fall within certain categories, which generally boil down to pages lacking content, or disruptive pages. Anything potentially controversial should go through the [deletion process](#) instead.

[Deletion policy](#)

Deleting articles requires an administrator and generally follows a consensus-forming process. Most potentially controversial articles require a three-step process and a waiting period of a week.

[Office actions](#)

The Wikimedia Foundation office reserves the right to speedily delete an article temporarily in cases of exceptional controversy.

[Oversight](#)

Page revisions can be deleted for legal reasons.

[Proposed deletion](#)

As a shortcut around AfD for uncontroversial deletions, an article can be proposed for deletion, though once only. If no one contests the proposal within five days, the article may be deleted by an administrator.

[Undeletion policy](#)

Deleted articles can be undeleted by any administrator. If this is controversial (or if a non-admin wishes something undeleted) this is discussed at [Deletion review](#). Images deleted after June 2006 can also be undeleted.

Enforcing policies

[Appealing a block](#)

Rules for having a block lifted.

[Arbitration Committee](#)

The Arbitration Committee exists to impose binding solutions to Wikipedia disputes. It is a last resort to be turned to when all else has failed.

[Arbitration policy](#)

Rules for how Arbitrators decide cases.

[Banning policy](#)

Extremely disruptive users may be banned from Wikipedia. Please respect these bans, don't bait banned users and don't help them out. Bans can be appealed to Jimbo Wales or the Arbitration Committee, depending on the nature of the ban.

[Blocking policy](#)

Disruptive users can be blocked from editing for short or long amounts of time.

[Consensus](#)

Most editing decisions are made by a continually evolving rough consensus among editors.

[No open proxies](#)

All public proxy servers which could be used by anyone to hide their true IP address are not allowed to edit Wikipedia, and will be permanently blocked from editing upon discovery. (There are no restrictions on *reading* Wikipedia from public proxy servers).

[Protection policy](#)

Pages can be protected against vandals or during fierce content disputes. Protected pages can, but in general shouldn't, be edited by administrators. Also, pages undergoing frequent vandalism can be semi-protected to block edits by very new or unregistered users.

[Resolving disputes](#)

The first step to resolving any dispute is to *talk* to those who disagree with you. If that fails, there are more structured forms of discussion available.

[Usurpation](#)

Under some circumstances, unused usernames might be renamed to a new name in order to permit another user to register the unused username.

Legal and copyright

[Copyrights](#)

Material which infringes other copyrights must not be added. The legalities of copyright and "fair use" are quite complex.

[Copyright violations](#)

Wikipedia has no tolerance for copyright violations in our encyclopedia, and we actively strive to find and remove any that we find.

[Non-free content criteria](#)

The cases in which you can declare an image "fair use" are quite narrow. You must specify the exact use of the image, and only use the image in that one context.

[Image use policy](#)

Generally avoid uploading nonfree images; fully describe images' sources and copyright details on their description pages, and try and make images as useful and reusable as possible.

[Libel](#)

It is Wikipedia policy to delete libellous revisions from the page history. If you believe you have been defamed, please [contact us](#).

[Reusing Wikipedia content](#)

Wikipedia material may be freely used under the [GFDL](#), which means you must credit authors, relicense the material under GFDL and allow free access to it.

[Text of the GNU Free Documentation License](#)

This is the license under which all contributions to Wikipedia are released. Any re-use of the work must also be released under GFDL.