

Folk Lawyering in Weblog Territory

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http://hiperactivo.com/presentaciones/folk_lawyering_2005.odp
http://hiperactivo.com/presentaciones/folk_lawyering_2005.ppt
http://hiperactivo.com/presentaciones/folk_lawyering_2005.pdf

Folk Lawyering

- “Ignorance of the law is no excuse”
- Laypersons have a mental model of the law
- FL: interactions between social norm and real law
- People agree on what they think law is
- More formal: norm is implied, Folk Lawyering is explicit bargaining
- Just another conflict resolution avenue?
- Caveat: can it be counter to law, even abusive?

Barrapunto.com

- Community weblog
- Slashdot-alike
- News: sent by readers, posted by editors
- Comments: sent and posted by readers
- Community-managed: readers moderate
- Journalism/Conversation duality

Conflicts arise

- “Please delete this false piece of news”
- “Please delete this false comment someone else made”
- “Please delete this *true* comment someone else made”
- “Please delete these harassing comments”
- “Please delete this comment *I myself made*”
- “Please delete my account *completely*”

“We don't do such things”

- We are a record of a conversation
- People trust us to be neutral, and...
- We thrive on people's trust, so...
- We never delete anything
- “We delete stuff when the judge says so”
- *Injurias al rey, apología del terrorismo*
- We do delete stuff! (actually, it is just run-length compression)

How barrapunto defuses conflicts

- (Proviso 1: Spain is not the litigious US)
- (Proviso 2: We are very low profile)
- We realise that we have the *status quo* on our side: we have ultimate control over the site
- We explain why law and norm are on our side
- Both norm and code give users ways to exercise some actions on their own
- Users are empowered to some extent
- We agree to disagree

"Please delete this piece of news!"

- Our standard is journalistic
- We do post corrections -- all the time
- We treat complainants exactly as any other informer: we check their input
- We follow the principle of "fair"

"Please delete this comment someone else made!"

- "This is a conversation, you can add to it"
- "Your voice is as valid as any other voice"
- "Consider this your right of reply..."
- "... even when this might not be directly applicable".
- This method tested on lawyers!

"Please delete these harassing comments!"

- We do take this very seriously
- We police our forums for abusive users
- Once a comment has been made, nothing will really take it back, so...
- We help and accompany harassed users, “shepherding” the threads...
- But we still don't delete comments

"Please delete this comment that I made!"

- "No haberle dao" ("Shouldnae hit enter")
- "We are only recording what happened, and the conversation took place"
- "Taking out your comment would damage consistence"
- The Kindness Rule of Exceptions

"Please delete my account completely!"

- "Sorry, Dave, we can't do that!"
- "but..."
- "...you can change all your account info yourself!"
- "... and then change the password!"
- Only thing that remains is the nick or account name.
- Compliant with LORTAD and LOPD?
(privacy and data protection laws) We hope so!

So far, so good

- Most complaints end in some kind of agreement
- We have not been sued (yet)
- Bending like a reed sometimes, yet...
- Standing like an oak most times
- We have evolved these rules organically, so...
- They might keep changing over time.

Thank You

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Thank you all for listening