

# ICANN Ombudsman Blog

**September 23, 2009**

## Whither civility.....?

Filed under: [cases and findings](#) — Frank Fowlie @ 11:20 am

I have been researching a complaint concerning incivility and dis-respectful online communication.

There are two documents which the community should be aware of. The ICANN Transparency and Accountability Principles, approved in January 2008 and found at: <http://www.icann.org/en/transparency/acct-trans-frameworks-principles-10jan08.pdf>, state on Page 28: “members of the ICANN community should treat each other with civility both face to face and online.”

The Statement on Respectful Online Communication may also be found at: <http://www.icann.org/ombudsman/respectful-communication-en.htm>. This document has been promulgated to the ICANN community through the Ombudsman Annual report over the past two years.

I wonder if community members would consider the following sorts of dialogue to be civil and respectful?

“...are of course a bunch of zombie-like followers and cannot see that the right path is the one engendered and controlled by the ICANN higher powers”

“You are free to engage in revisionist history now if you like, but those of ...know a different story very well.”

“Please, repeat that a few times until it sinks in:...”

“You and ..... are quite a team and we look forward to your continued mis-information campaign – and we stand prepared to debunk it every time.”

[Comments \(34\)](#)

## 34 Comments »



Honesty and truth are more important than fake civility. We should be encouraging more free speech, as long as it is true, rather than trying to censor people that you deem to be “uncivil” or “disrespectful.” Respect is earned.

ICANN has routinely ignored the public, even when they have been thoughtful and civil. A bit of civil disobedience is a good thing from time to time (of course, no violence or any other stuff like that would be acceptable).

I have no problems with any of the above (which I’ve not written). If we want people to post as “robots” without any style or flair or passion, even more would be driven away.

*Comment by [George Kirikos](#) — September 23, 2009 @ [12:29 pm](#)*



Wither confidentiality? Since anyone can Google for the phrases you quote, haven’t you just outed your complainant?

*Comment by Anonymous — September 23, 2009 @ [1:09 pm](#)*



Dear George,

Thank you for your comments. However, I must respectfully disagree with you. No one is trying to censor anyone here. One simply hopes that the level of debate in the broad spectrum stakeholder environment would be professional, civil, and ethical. Name calling, rudeness, and antagonistic dialogue do not act as a welcome opportunity to move debate forward. It also does not create a welcoming environment for participation in general.

I am certainly not suggesting fake civility. I am suggesting that members of this community must see each other with genuine respect as the starting point, and with genuine civility. No one involved in the ICANN model should have to earn respect. Their involvement, no matter for what duration, purpose, or time frame should be enough of a starting point for all to be treated with civility and respect. Not just as members of the ICANN Community, but as human beings.

I also disagree with you with your conjecture that the only way to have style, flair or passion is to be uncivil or disrespectful. The libraries of the world of full of the works of authors who have been able to lead and inspire without resorting to name calling, rudeness or creating intended hurt or contempt. The use of uncivil or disrespectful communication is only a tool for the bully. It does not promote

conversation. In fact, those are the focus of intended dis-respectful communication are likely to drop out of debate, or organizations when they are ridiculed. Those who are watching the debate are likely either not to offer opinions for fear of being roughly treated, or to simply walk away from the table. I can't imagine any circumstance where polite and respectful communication demeans a person to the point where they merit being called a robot.

There is a huge definition gap between civil disobedience, and crass behaviour. Being uncivil or disrespectful should not create licence to own or dominate debate at ICANN.

*Comment by Frank Fowlie — September 23, 2009 @ [1:56 pm](#)*



Dear Anonymous.

Thank you for your comment. No, these are random comments I have picked up while looking at some lists. There is nothing here linked with the complainant. My object to to have a sense of some things which are being posted, and use them as examples of conduct which may be improved. Finally, these link back to the ICANN Accountability Framework.

Hope that clarifies.

*Comment by Frank Fowlie — September 23, 2009 @ [2:10 pm](#)*



Frank: All too often the “powers that be” are happy to label anyone they disagree with as “uncivil” or “disrespectful” in order to attempt to censor them. It’s a tool to suppress honest speech. You don’t give the public enough credit to distinguish honest, tough, but 100% fair speech from the rantings of lunatics. I think the public is sophisticated to see that difference, to see when folks can be 100% civil while also avoiding or obfuscating truths.

For example, I asked in one of the Question Box segments why ICANN staff were researching my views on Obama. I gave them the exact time stamp, IP address, etc. They know exactly who did it.

ICANN has been very “polite and civil” about denying that they are even aware of things, even though it’s right on the mailing lists, for example at:

<http://gns0.icann.org/mailling-lists/archives/ga-200709/msg02413.html>

When Paul Twomey was questioned in D.C., he was certainly “treated roughly” by the politicians. That’s sometimes the only way to get answers, to the truth, when all other methods fail. Certainly everyone is entitled to the same free speech that politicians can engage in.

It says a lot about ICANN itself that folks sometimes *\*have\** to use harsh (but honest and truthful) language in order to be heard. If ICANN was actually accountable, and listened when folks speak more softly, the language wouldn’t have to be as harsh. Indeed, some of the same people that speak harshly of

ICANN speak softly when speaking to other parties, because other parties actually do listen and respond, unlike ICANN.

*Comment by [George Kirikos](#) — September 23, 2009 @ [2:15 pm](#)*



i do not find these comments to be un-civil.

perhaps a bit blunt.

there is no ad-hominem attack  
there is no name calling  
no curse words  
no Godwin arguments

true it is not all hearts and flowers and luvey dovey.  
it was blunt and direct

name withheld for fear of retribution

*Comment by [Femme desJour](#) — September 23, 2009 @ [2:44 pm](#)*



Again, I respectfully disagree with you. The scenario exemplified here is not “powers that be” attaching labels to behaviours. These were quotes between members of the same community, seemingly unable to debate without becoming less than civil. Actually, I fundamentally believe that a demonstration of thoughtful, civil, and professional discourse will create a greater opportunity to gain credibility and put forward positions in debate that bullying language will. Again, please be clear, we are talk about sample conversations between participants here, not between ICANN (however you may define that) and participants. I am absolutely certain that my inbox would be flooded with complaints should the staff, board, or appointees use this sort of language in communicating with the stakeholder community.

*Comment by [Frank Fowlie](#) — September 23, 2009 @ [2:48 pm](#)*



Frank

I find your examples of “incivility” to be way off-target. The quotation from Carlos Afonso is a description of how he thinks people in ALAC characterize NCUC: as “a bunch of zombie-like followers and cannot see that the right path is the one engendered and controlled by the ICANN higher powers.” This is a statement full of humor and irony and reflects his frustration with unfair misperceptions perpetuated by certain people. Did you investigate why Carlos feels that way?

(And since Carlos is a strong and honest man, I am sure he doesn’t mind at all that I identify the source

of the statement)

The quotation about “revisionist history” is not even in the ballpark of being uncivil, it is a statement expressing a disagreement about facts. The quote about “misinformation campaigns” is, likewise, an expression of a political disagreement between parties. There is no question about the fact that certain people are organizing campaigns designed to discredit others. Do you care about whether these statements are true?

If you want to fulfill the role of mediator and of conflict resolution, you have to be a lot more sophisticated about what causes these disputes. You must not become focused on people’s use of language. In particular, parties in NCUC have been seriously mistreated by ICANN staff, and a few people in ALAC — or at least they feel they have been mistreated. Don’t scold people about their choice of words, look into the FACTS about the political and process issues, and maybe the choice of words will become more comprehensible.

Note also how one-sided your selection of quotes is – is it just a coincidence that all of your examples are drawn from people who are not in the good graces of ICANN staff, and that equally strong statements from the other side are ignored?

Frank, ICANN is a political arena. People are having political debates about political, ideological, and economic differences as well as personal differences. Civil, respectful discourse is of course always preferable, but the kind of one-sided treatment that you are perpetuating is one of the reasons why civil discourse has broken down. When people feel as if they are treated unjustly and disrespectfully, they tend to respond in kind. If you want to play a role as mediator and be constructive, try to stand above those disputes and be more impartial and objective.

Milton Mueller

*Comment by Milton Mueller — September 23, 2009 @ [6:32 pm](#)*



Gosh Frank, your comments have taken a public decision about the appropriateness of these comments already.

“... seemingly unable to debate without becoming less than civil...”

Have you received a response yet from the accused (i.e. both sides of the story)?

Have you considered that your comments here can be seen to be biased in favor of the complainant and may contribute to “create” community opinion in one direction?

I note you claim these are “random comments” and “There is nothing here linked with the complainant.” However that has not been my experience.

cc: NCUC

*Comment by [Robin Gross](#) — September 23, 2009 @ [7:17 pm](#)*

10. 

Dear Milton,

Thank you for your comments. While ICANN may be an arena where there is small “p” political discourse, it is also an arena where there is far too much un-civil discourse. My Office is very concerned with respectful communication. In fact, my annual report has for the last three years published the Statement on Respectful Online Communication, and has a webpage on the same topic. This is not an admonishment of the process of putting forward points of view, it is a call to thought for ICANN participants to assert positive, cordial and respectful communication. No one volunteers in the ICANN space to be held out for contempt of others. This is especially an issue when language and culture overlay the correspondence.

Milton, I understand the complexities of these issues, however at the end of the day, dis-respectful online correspondence has no place in the development of ICANN in the present day. If positions and interest can only be expressed with the denigration of the other parties involved in the topic at hand, then I see an issue which needs to be addressed. The writer of uncivil and dis-respectful correspondence adds nothing to the overall outcome of debates. Issues of merit quickly lose appeal for correspondents when the debate becomes less than civil, or when bullying tactics are sensed by those who are involved. This simply has to stop. It is not simply a matter of “politics” when like minded volunteers or stakeholders push away from the table feeling abused, or hurt. This is an issue of systemic failure to appreciate the points of view of others, and fails ICANN in its overall mission.

Should any of those persons who you have identified in your comments feel that ICANN has treated them in an unfair manner, my Office remains open to them as an avenue of recourse. I would encourage them to access the Office through the complaints portal, and to allow my Office to conduct an independent review of the circumstances.

The quotes I have published are culled through an examination of recent postings, and have nothing whatsoever to do with an in-group out-group partisan view. Again, my Office remains available to any person in the ICANN community who believes that they have been treated in an unfair manner by the ICANN staff, Board, or supporting structure. I would encourage any person who feels treated in an unfair manner to approach my Office to lodge a complaint.

Best regards,

Dr. Frank Fowlie

*Comment by Frank Fowlie — September 23, 2009 @ [7:54 pm](#)*

11. 

Dear Robin,

Thank you very much for your comments. As Chair of the NCUC, your role in tempering debate, and allowing for the views of all parties to be raised in a consensus building process is vital, and critical. ICANN applauds your activity as such. My comments here are not biased in favour, nor in opposition to

any party. My comments on the Blog are intended to point out that there are over-riding documents which should guide commentary and debate in the ICANN process. The examples I have culled simply demonstrate the there may well be un-civil discourse taking place, and that there may also be remedies to raise that discourse to an appropriate level within the functioning of the work units affected.

The Office of the Ombudsman has made no determinations with respect to the complaint which was the genesis to this analysis. However, as the independent office which looks after matters of fairness surrounding ICANN, I see no infringement in encouraging the many volunteers in the many sectors to be aware of the ICANN's stated desire to have debates conducted in a respectful manner.

Best regards,

Dr. Frank Fowlie

*Comment by Frank Fowlie — September 23, 2009 @ [8:04 pm](#)*

12. 

Frank,

From reading this, I wonder whether the phrases you have used can be matched to any mail any of us have received. For example if I were to compare these phrases to email in my mailbox, would I find the email they were derived from? How may other people might be able to do the same thing?

If so, that would mean that I would be able to identify the nature of the complaint and the person or persons against whom the complaint was made.

If I am able to do that, is this a breach of the Ombudsman's code of secrecy and the vows to protect the privacy of the accused? And if it is a breach of secrecy and of the privacy of the accused, how can you now rule on this? And how can we trust your office in such an event?

I have on occasion heard that news of a complaint leaked from this office into the rest of the staff (I believe it even happened to a complaint I once made, as I was told about it with amusement by various members of the staff – though I never made an issue of it and don't intend to now). On this occasion, I can see how that might happen.

As I have recently learned, we can all be charged with ethical lapse and upon hearing the charges need to look inside ourselves to determine whether they might be true. In this case, I ask you to search within yourself to determine if you have, by using your Blog in this way, perhaps been guilty of such an ethical lapse yourself.

a.

*Comment by avri doria — September 23, 2009 @ [8:08 pm](#)*

13. 

Dear Avri,

Thank you for your comment. No, these are random comments I have picked up while looking at some lists within the GNSO space. There is nothing here linked with the complainant. My object to to have a sense of some thing things which are being posted, and use them as examples of conduct which may be improved. Finally, these link back to the ICANN Accountability Framework.

This Office has not in any way indentified the complainant in an issue before my Office, nor the party complained against. I have simply, as I have explained to Milton, put forward a recurring theme concerning respectful online communication. I have cited some random examples of conversation which may be considered by perons apart from the authors, to be uncivil or disrespectful. This Office takes very seriously the confidentiality provisions set out in Bykaw V, and if you or any other person believes that confidentialk information has been put into the public space by any person, I would encourage you to contact my office through the complaints portal.

The quotes I have published are culled through an examination of recent postings, and have nothing whatsoever to do with an in-group out-group partisan view, nor th eevaluation of any complaint before my Office. My Office remains available to any person in the ICANN community who believes that they have been treated in an unfair manner by the ICANN staff, Board, or supporting structure. I would encourage any person who feels treated in an unfair manner to approach my Office to lodge a complaint.

I cannot imagine any lapse in ethics by causing members of the ICANN community to focus, if only briefly, on the positive nature of respectful online communication.

Again, the relevant information on respectful communication may be found at:

<http://www.icann.org/ombudsman/respectful-communication-en.htm>

Hope that clarifies.

[fowlie@icann.org](mailto:fowlie@icann.org)

Frank Fowlie

http://

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*Comment by Frank Fowlie — September 23, 2009 @ [8:20 pm](#)*

14. 

Frank, how can you state: “This Office has not in any way indentified the complainant in an issue before my Office, nor the party complained against,” when I have been contacted by members of other constituencies to ask me: “aren’t those your words in that email you sent to the list that are now posted to the ombudsman’s blog as the subject of a complaint?” You already outed all of us, Frank. No putting that horse back in the barn. Thanks. I am already being called upon to explain these comments on your blog before I ever had a chance to response to the official complaint. I didn’t realize this would be a public inquisition – your complaint said it would be confidential. This doesn’t feel professional or trustworthy.

How can you state: “There is nothing here linked with the complainant” when these statements on your blog are the very the statements contained in the Complaint against me?

How can you ask us to trust you are neutral and unbiased and that we will receive a fair hearing when you haven't even heard our side of the story yet and you state on your blog our comments are "uncivil"?

I hope you've heard of a thing called The First Amendment to the US Constitution which protects American citizens who engage in political discourse and criticism. In particular it protects me from public officials who want to claim "defamation of character" when they are criticized for the performance of their official duties.

See NY Times v. Sullivan, 376 U.S. 254 (1964) at: <http://caselaw.lp.findlaw.com/scripts/getcase.pl?navby=case&court=us&vol=376&invol=254>

*Comment by [Robin Gross](#) — September 23, 2009 @ [9:04 pm](#)*

15. 

Who are these ICANN staff that wield such godlike powers? Those of us who watch these contretemps from the sidelines are quite curious, as the descriptions I have been hearing of ICANN staff over the last few months do not match the reality I have experienced!

While I have noted uncivil comments from supposedly "civil society" on various lists lately, it's probably not kosher to provide exact quotes from ppl as examples, better to just identify certain lists as having some disrespectful posts.

Regards,

McTim

"Why can't we all just get along" Rodney King

*Comment by [McTim](#) — September 24, 2009 @ [2:54 am](#)*

16. 

Frank: Robin has raised a very important point. If someone has a complaint about your office, to whom do they bring that complaint? Who watches the watchers?

I think the reason why your office is rightly viewed as not being neutral is that you've routinely taken positions that are unexplainable and poorly reasoned. For instance, anyone can read recent Ombudsman File 09-29:

<http://www.icann.org/ombudsman/documents/report-call-for-volunteers-irt-sep09.pdf>

and see that it was handled in an unacceptable manner. Your response was very late to the initial complaint. The entire work and process of the IRT was illegitimate, in that its work involved policy matters that must go through the GNSO. It was entirely inappropriate for a single constituency to takeover the issue and decide who could participate and who could not. Your recommendation should have been that the entire report be disregarded. I'm sure others in the community who were excluded

would take the same position. One need only read the letter in the Appendix (starting from page 17) to see that the complainant rightly concluded that further use of your office would be a waste of time.

*Comment by [George Kirikos](#) — September 24, 2009 @ [4:09 am](#)*

17. 

Dear Robin,

I can neither confirm nor deny the existence of a complaint, nor the content of that complaint. Your decision to engage in debate on this blog is entirely your own. I know of no one that has demanded your participation.

Secondly, you may wish to understand that the persons involved in these examples of what may be considered uncivil communication are not public officials. They are not elected in a civic elections, and they are not appointed government officials. These are individuals who are volunteers in a not for profit organization. These are not official duties, they are volunteer tasks in a private body. Yes I have heard of the Constitution and its amendments.

Best regards,

Dr. Frank Fowlie

*Comment by [Frank Fowlie](#) — September 24, 2009 @ [8:33 am](#)*

18. 

Dear George,

If someone were to wish to complain about the Ombudsman, there are several vehicles to do so. First, a person affected by my report could come to me to correct any factual errors. If that couldn't serve to resolve the matter, my Office stands ready to meet third party reviews. This would likely mean an internal review by the Adjunct Ombudsman. People may also approach the Board Governance Committee and ask for a reconsideration committee to be struck. Should a party believe that Ombudsman has acted outside of the authority created in Bylaw, they may also ask ICANN to institute an Independent Review Panel.

I do not intend to debate the merits of an investigation report on a blog.

Best regards,

Dr. Frank Fowlie

*Comment by [Frank Fowlie](#) — September 24, 2009 @ [8:40 am](#)*

19. 

Dear Frank,

From Avri in an earlier post

>> For example if I were to compare these phrases to email in my mailbox, would I find the email they were derived from?

>> How may other people might be able to do the same thing?

From Frank in his reply to the earlier post

> No, these are random comments I have picked up while looking at some lists within the GNSO space.

Well they may be from random GNSO space as that is a rather broad category (though i am sure you could have found much juicier examples of alleged incivility from the public archives of GNSO space where conversation is sometimes quite frank and robust).

But within this category there is one recent conversation, which I was party to, from which all these examples derive.

And since you said at the top:

> I have been researching a complaint concerning incivility and dis-respectful online communication.

I can only assume that the complain concerns the people in that conversation.

In a confidential private matter, this must be more then I should be able to figure out from a public blog.

All I can say is that it is good thing there is no ombudsman for ombudsman or else someone might file an ombudsman complaint against the ombudsman for possible privacy violation. And that would just be too confusing.

BTW, can you explain to me where in law or in the Bylaws, civility or even respect is mandated and made enforceable? I fully agree that it is the best of all possible ways for fully rational human being to behave. But I thought it was something that was 'nice to have' and a norm we should strive for in our quest of the best of all possible worlds, and not something that was to be enforced as rule or law.

Best Regards

a.

*Comment by [avri doria](#) – September 24, 2009 @ [11:35 am](#)*

20.



Dear Avri,

Please see my previous posted reply to George K on complaints about the Ombudsman.

Please also see page 28 at: <http://www.icann.org/en/transparency/acct-trans-frameworks-principles-10jan08.pdf> to read the ICANN Expected Standards of Behaviour. Item 3 of the Standards states: "Treat

all members of the ICANN community equally, irrespective of nationality, gender, racial or ethnic origin, religion or beliefs, disability, age, or sexual orientation; members of the ICANN community should treat each other with civility both face to face and online.”

ICANN’s Bylaw V states: “The principal function of the Ombudsman shall be to provide an independent internal evaluation of complaints by members of the ICANN community who believe that the ICANN staff, Board or an ICANN constituent body has treated them unfairly.” Thus, if a member of the ICANN community feels that they have been treated unfairly by a violation of the Standards of Behaviour, my Office is a resource to which they may turn.

I trust this responds to both of your issues.

Best regards,

Dr. Frank Fowlie

*Comment by Frank Fowlie — September 24, 2009 @ [11:53 am](#)*

21. 

Frank:

Your blog’s highly selective quotes remove the “civilizing” parts of the statements and then ask if the statements are “civil”.

For example, you invite public comment on whether this comment is “civil”:  
“You are free to engage in revisionist history now if you like, but those of ... know a different story very well.”

However, what I actually said was:  
“You are free to engage in revisionist history now if you like, but those of us who have tried to engage you in substantive discussions along the way know a different story very well.”

You removed the “civilizing” part of my statement and then asked for input on whether the statement is “civilized”?

You don’t see how selectively removing the context, justification, basis for the concern expressed in the statement you bias reception against it?

Is this what you call a “neutral” adjudication process?

*Comment by [Robin Gross](#) — September 24, 2009 @ [3:00 pm](#)*

22. 

Dear Robin,

Thank you for your comments. The Office of the Ombudsman is neutral. That is to say that it has no stake in the outcome of a review. In fact, part of the role of an Ombudsman, when conducting the fact finding process is to gather enough information in order to make determinations. When an Ombudsman makes determinations, and subsequent recommendations, they do with a a detached view and without any self interest in the results. Please have a look at my previous investigation reports which are found at: <http://www.icann.org/ombudsman/reports.html>. You may also wish to look at other Ombudsman reports to gain an understanding of the role of determining facts, and making recommendations. I suggest you may find such reports at: <http://www.ombudsman.on.ca/en/publications-resources/sort-reports.aspx>

In this case, the Office of the Ombudsman has no vested interest in the outcome of an investigation, and there is no breach of neutrality.

Finally, please be advised that these postings deal not with “civilized” behaviour, but “civil” behaviour. There is a difference.

Thank you,

Dr. Frank Fowlie

*Comment by Frank Fowlie — September 24, 2009 @ [6:01 pm](#)*

23.



Just stumbled across this effort to highlight the constant level of rudeness in ICANN communications.

I love the appalling irony that a number of posts are focussed not on the comments themselves but on figuring out the original source so that the person who posted them – the Ombudsman in this case – can be hassled and barracked themselves. Not for saying the offending words, you understand, but for having the audacity to repeat them. If people can’t look in the mirror on that one...

But it is telling that almost all the comments are aggressively critical – and that they nearly all stem from people in the community who are renowned for being aggressively critical, often to the point of rudeness.

I think what you have unwittingly revealed, Frank, is the reason for these constant outbursts of rudeness and aggression – because they are very effective at cowing people. Let’s call it what it is: bullying.

It’s nothing to do with freedom of speech; it’s nothing to do with irony or humour; it’s nothing to do with truth-seeking; it’s passive-aggressive bullying and some of the biggest proponents of it within the ICANN community are demonstrating their skills right here for everyone to see.

Kieren

*Comment by [Kieren McCarthy](#) — September 24, 2009 @ [6:11 pm](#)*

24.



From Frank

> I trust this responds to both of your issues.

I am afraid it really doesn't.

I have read both documents but see neither the authority you claim to discipline acts you consider uncivil among volunteers, nor the connection between being treated equally and fairly and engaging in direct and blunt speech.

But since you are the authority and I am merely someone who asks questions and comments, I am afraid that I must accept the frustration that comes from unsatisfactory answers.

Having lived many years in Sweden, the originating home of the ombudsman ideal, I had a different idea of how such a person acted – I never saw them in the role of strict disciplinarian but rather as mediators and people who helped settle things peacefully, quietly and in private. I guess the US model of a corporate Ombudsman is different.

For now, we must agree to disagree.

a.

*Comment by [avri doria](#) – September 24, 2009 @ [8:07 pm](#)*

25. 

Thank you Kieren.

*Comment by Frank Fowlie – September 24, 2009 @ [8:26 pm](#)*

26. 

Thank you for your comments Avri. Let's be clear here. I don't have the power to discipline anyone. I have the power to make enquiries, to evaluate facts, and to make recommendations. I am not sure where the idea came from that I discipline anyone. At the end of the day, the most I can do is to make recommendations to the Board of Directors on what redress I see as being appropriate. The Board may take my recommendations to heart and use the recommended actions, or it may decide that it finds other ways to redress an unfairness. I disagree entirely with your perspective that the Ombudsman is a disciplinarian. I don't have that power, nor do I want that power. If a guilty conscience drives an individual feel that oversight and review is the same thing as discipline, then they have that wrong. Let's also be clear here that there is a gap between direct and blunt speech, and uncivil, disrespectful and bullying communication. I have been the proponent of respectful online communication within ICANN for years now.

Should you find my answers unsatisfactory, may I suggest that you contact the Office of the General Counsel for further analysis.

Best regards,

Dr. Frank Fowlie.

*Comment by Frank Fowlie — September 24, 2009 @ [8:38 pm](#)*

27. 

Frank,

Boundaries and borders on what is considered “un-civil” communication are incredibly dependent on a huge number of factors, including social background, nationality, native language and current situation. The general rules applied in most meetings prohibit ad hominem attacks, particularly personal descriptions not related to the issue at hand. Calling someone a “blind zombie follower” of a demagogue is not an add hominem attack, it is a colorful phrase meant to impart either humour or bite to an accusation of lack of thought in supporting someone else’s position.

As others have commented here, the actual content of ICANN’s engagement (or, too often lack of it) with a large portion of the internet community it is supposed to serve yet instead seeks to control, should be the focus of your work, not this meaningless pursuit of “civil debate”.

*Comment by Dr Andrew A. Adams — September 24, 2009 @ [9:41 pm](#)*

28. 

Dr. Adams,

I agree that there are social, linguistic, cultural, religious, and literary factors which impact the writing, and the reading of written correspondence which help to form a view of what is civil, and what is not. There are also relationship issues. We would expect a different level of civility when old friends sit together reminiscing versus in business relationships. Context is important. However, at the end of the some behaviours are flagrant enough to determine that the level of expected behaviour in an organization has been violated without the need to attach layers of filters. The filters explain the “why” view, the “what” view is whether or not, on the face of it, something is uncivil.

Thanks for your comment, it was helpful in moving the conversation forward.

Those who wish to have an in – depth discussion of the definition of civility, I would recommend Dr. P. Forni’s book, “Choosing Civility”. <http://krieger.jhu.edu/civility/choosingcivility.html>

Dr. Frank Fowlie

*Comment by Frank Fowlie — September 25, 2009 @ [7:15 am](#)*

29. 

I’d like to draw the attention of the participants in this online discussion to my comments at the Wellington Public Forum (March 2006) found at: <http://www.icann.org/presentations/ombudsman->

[wellington-30mar06.pdf](#)

The comments state, in part:

In past forums I have spoken about the importance of independence for the Ombudsman; frameworks for the delivery of Ombuds services; barriers in online communication for complaint resolution; and the role of the Ombudsman in an organization. Today I would like to speak to you briefly about some undercurrents that I noticed as being important in both the creation of disputes, and in their resolution. These undercurrents are civility and a barrier to successful and meaningful conflict resolution, which for want of a better name, I describe as a culture of criticism.

I would like to discuss those issues, and then provide some context from my work as the Ombudsman to show how these can factors can be detrimental to the resolution of disputes.

Civility, or rather the absence of civility, is a compounding factor in the escalation of disputes. Incivility is a barrier to the ability of the other party in a dispute to develop an understanding of your position. It is contrary to the mutual gains theory of dispute resolution on an academic level, and is simply counterproductive to the idea of being able to resolve disputes by Athenian debate.

A leading academic at John Hopkins University has written on this subject:

“...life is a relational experience. We do not live in a vacuum. We live among others, we depend on others, and we seek comfort and life-meaning in others. Our very individual identities, sanity, and health are shaped by others’ presence in our lives. The quality of our lives depends, to a large extent, on the quality of our relationships. ...If we agree that life is relational, if we agree that by bettering our relationships we better the quality of our lives, then it makes sense to acquire relational competence. ... The rules of civility and good manners give us a basic, time-proven, and effective code of relational competence. ...Manners and civility are not trivial matters... Having good manners means handling others with care. ...Civility is linked to the latin word civitas, which meant ‘city’ and ‘community.’ Thus, civility implies a larger social concern. When we are civil we are members in good standing of a community, we are good neighbors and good citizens. Whether we look at the core of manners or at that of civility we discern not only pleasant form but ethical substance as well. ...The quality of our own lives improves together with the quality of the lives we improve. Self-interest and altruism find a way to converge in the practice of civility...

We are not born civil. Civility is a code of behavior acquired by learning it from others and by constant practicing. For the sake of our communities and ourselves, let us teach, let us learn, and let us practice.”

In January of this year, St. Mary’s University announced that it was undertaking a major research study to look at the effects of rudeness and incivility in the workplace. The study — for the first time in the academic world, the researchers say — will examine how people react to incivility from fellow workers, and whether people return bad manners with more rudeness of their own. The researchers believe people on the receiving end of rude behaviour may up the ante by escalating the incivility, in the belief that the rudeness they felt was deliberate and personal.

I find it interesting that the topic of civility has become the focus of researchers at two disparate universities.

I don’t believe that there is a universal definition of the culture of criticism. From my experiences, I

would say that it could be defined as a preponderance of issues raised in a negative, harmful, or critical manner, but in that declaration of a negative sentiment, there is no alternative, or option, proposed for a mutually satisfactory resolution of the issue.

The culture of criticism is the culture that continually says, "Look, what you did was wrong.", and then offers no way of making the wrong a right. The culture of criticism usually demonstrates the sense of angered bias towards another party or position.

In my work as your Ombudsman, I have seen cases where the lack of civility or the culture of criticism has been the nascent problem of the complaint. I have had complaints made to me where the core issue is simply that emails sent have never been responded to. The simple civil act of responding to another's communication would have alleviated the need for the involvement of my Office in a complaint.

I have had to deal with other issues where the root of the problem was that one party felt that they had been treated in a disrespectful or disparaging manner by another, and this was an unfairness.

*Comment by Frank Fowlie — September 25, 2009 @ [7:38 am](#)*



Incivility: The Root Cause Is Lack of Empathy

Outbursts in Congress, cursing on the tennis courts, and grabbing the mic from a young award winner; everyone is lamenting our loss of civility as more and more public figures continue to behave badly.

To quote my grandmother, "I think someone has forgotten their manners."

It would be easy to go off on a rant about the disrespectful Congressman, the angry athlete or the scene-stealing rapper, but these people are not acting in a cultural vacuum.

Is it any wonder that the gentleman from South Carolina felt free to shout at the President of the United States when talk-show hosts win ratings with smear campaigns and candidates routinely engage in character bashing?

We might express shock over a female athlete screaming the "F" word at an official, but we've long tolerated shouting and cursing in sports. There have been numerous male tennis players who routinely berated officials. Their bad tempers became almost a joke, and their angry outbursts were often considered part of their strategy.

And if you think swearing is limited to the athletes, try attending a college football game. You'll be treated to thousand of drunks, shouting curses at the refs, the opponents and sometimes even their own coach and team, if they don't like the way the game is going.

As for the rapper, is it any surprise that someone from an industry that routinely disrespects women with nasty lyrics and dog-chain-collar costumes thinks nothing of stealing a young woman's moment in the limelight? It's kind of hard to imagine why a man would behave gallantly when so many of his peers are being rewarded for being rude and obnoxious.

Maybe I am turning into my grandmother, but this rudeness hurts my heart.

The simple solution is to criticize the individuals and to treat them as exceptions that should be shunned.

But this is a teachable moment for all of us. Rudeness isn't the real problem. **The root of the problem is loss of empathy, and we've been given a golden opportunity to remind the world what it looks like.**

Instead of focusing on how awful the offenders actions were, we ought to be asking people to think about what it feels like to be on the other end of uncivil behavior.

How would you feel if you were a line judge, trying to do your job in the game you loved, and a player practically accosted you, cursing at you on national television?

What would it be like to be a young woman winning one of the biggest awards of your life and have someone grab the microphone right out of your hand?

And yes, even the President deserves a little empathy. Criticizing policy is fair game, but how would like to be doing the hardest job in the world and have one of your colleagues treat you with less respect than he does the guard who walked you in?

**So what's the solution? It's simple. Take a calming breath, think before you speak, and be nice.**

The recent rash of rudeness is merely a symptom of a larger problem; we've forgotten that other people are human beings, too. They may get in our way in traffic, sing songs we don't like, make questionable calls on the line, or feel differently about health care than we do, but they're human beings, and they're just as deserving of respect as we are.

When we lose our empathy, we've lost our humanity, and if we lose that, we've pretty much lost everything.

So mind your manners, people. If you wouldn't want your grandma to hear it, then don't say it.

Lisa Earle McLeod is an author, syndicated columnist and inspirational thought-leader. A popular keynote speaker, Lisa is principal of McLeod More, Inc., a training and consulting firm specializing in sales, leadership and conflict management. Her newest book is *The Triangle of Truth: The Surprisingly Simple Secret to Resolving Conflicts Large and Small* (Jan 2010 from Penguin Putnam).[www.LisaEarleMcLeod.com](http://www.LisaEarleMcLeod.com)

Read more at: [http://www.huffingtonpost.com/lisa-earle-mcleod/incivility-the-root-cause\\_b\\_297091.html](http://www.huffingtonpost.com/lisa-earle-mcleod/incivility-the-root-cause_b_297091.html)

*Comment by Frank Fowlie — September 25, 2009 @ 8:22 am*

31.



I've found some useful resources on workplace bullying that might be useful – including how to create a policy that deals with bullying effectively. I have been pushing for a community code of conduct to go

alongside the Board code of conduct and the staff code of conduct – maybe these resources could be useful in doing something along those lines.

Anyway, first a PDF guide to workplace bullying – some of this is eerily familiar in the ICANN context: <http://bit.ly/41ZxJJ> [pdf].

And then an online guide to dealing with bullying and devising a policy fix for it: <http://bit.ly/13fmbh>

Kieren

*Comment by [Kieren McCarthy](#) – September 25, 2009 @ [10:39 am](#)*

32. 

Dear Dr. Fowlie,

I really must express my concern that a member of the staff pathologized members of the community by accusing them of passive-aggressive personality disorder. While I would think calling someone a bully would be ok, since it is a direct description of behavior one thinks they perceive, to call that behavior passive-aggressive is to judge the individual accused of the behavior and involves pathologizing that behavior. Since passive-aggressive is a DSM IV defined pathology that can really only appropriately be pronounced by a licensed professional, I worry that not only you did not correct the staff member who made the comment, but you actually thanked him for it. Is it civil to call volunteers names and label them with pathologies?

I understand the gratitude you might feel for members of the staff who might ring the wagons around and defend their fellow against those who respond to your questions in this blog, but I really do believe that that the same standards of civility you seek to apply against volunteers should apply toward staff, even if they are on your side. I must admit, that I found staff member's remarks, especially the name calling, insulting and personally hurtful especially since they came from a someone I thought well of. And I found you thanking him for them, hurtful as well.

Rgds,  
a.

*Comment by [avri doria](#) – September 25, 2009 @ [11:30 am](#)*

33. 

Dear Avri,

Please note that I try to make it my habit to thank all contributors to this discussion, no matter what their views.

Thank you for raising this.

*Comment by [Frank Fowlie](#) – September 25, 2009 @ [12:04 pm](#)*



That's not correct, Frank, since 2 of my comments have been censored from this blog already. I suspect this comment might get deleted too. Why were the other 2 censored?

Comment by [George Kirikos](#) — September 25, 2009 @ [6:39 pm](#)

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