

## DEMOCRACY UNPLUGGED: SOCIAL MEDIA, REGIME CHANGE, AND GOVERNMENTAL RESPONSE IN THE ARAB SPRING

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*It is a triumph of science and energy over time and space, uniting more closely the bonds of peace and commercial prosperity, introducing an era in the world's history pregnant with results beyond the conception of a finite mind.*

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### INTRODUCTION

The “it” of the foregoing quote was the transatlantic telegraph, being described by the mayor of New York City in 1858. Yet the same words could equally be applied to the significance of social media platforms and their transformative impact on the world. From its humble beginnings in 2004 as a way for Harvard students to stay connected with one another, Facebook’s inexorable spread has resulted in the most-visited website in the world and nearly 1 billion users worldwide. Twitter, which processed roughly 5,000 “tweets” per day in 2007, now handles over 340 million tweets each day. The rise of social media represents a paradigm shift in how people communicate and share information, and it is only natural that social media play an ever-increasing role in stimulating political debate and galvanizing support for or opposition to governmental policies and the figures identified with them.

Nowhere has this impact been more evident than in what has become known as the “Arab Spring,” a term applied to the social unrest and political upheaval that spilled across the Middle East in early 2011, beginning with Tunisia and continuing across Egypt and into Yemen, leaving authoritarian governments toppled in its wake. Rather than provide a recitation of events that have already been well-documented in the media, this article will first examine the debate over the role played by social media in bringing about the Arab Spring. A number of commenters have argued that this role has been grossly overstated—that, in essence, dictators are overthrown by people, not by social media platforms. But there is compelling empirical

evidence to suggest that, if anything, social media's importance may have been understated. Next, this article will attempt to place social media's contribution to the Arab Spring in perspective, by analyzing how emerging technologies are impacting not only political and social protest in other nations, but also affecting diplomatic efforts and governmental response as well. Even in a democratic nation like Great Britain, an event like the London riots illustrates the powerful temptation for governmental response to incorporate censorship and even cutting off access to the Internet. Finally, this article will examine the use of technology in government response, and how the "unplugging of democracy" as a state media strategy can result in the very same communications platforms that galvanize political protest movements being used to stifle such expression—often with the aid of Western technology companies.

In the digital age, the power of social media to, nearly instantaneously, spread word of atrocities, inflame public opinion, and to embolden people to take action can no longer be underestimated, and neither can what that means for traditional diplomatic efforts. The acceleration of media has steadily meant changes to diplomatic channels. President Kennedy, for example, had plenty of time to formulate a response to the Soviet Union's Berlin Wall crackdown. Yet by the latter stages of the Vietnam War, President Johnson was frustrated by the increasing technological capabilities of television news as it offered an alternate version of wartime events. And the diplomatic prominence of cable news was perhaps never more important than during the Gulf War, when Saddam Hussein let CNN stay in place as a diplomatic channel to Washington. However, despite this media acceleration, the Obama administration (that itself owed a measure of its campaign success to its mastery of social media) was little more than a sideline player, diplomatically speaking, during the Arab Spring. As Philip Seib has pointed out, "Policy makers cannot be mere spectators. Stunned surprise is an inadequate response to transformative events, and yet that is what we saw from the United States and other major powers as events in the Arab world unfolded."<sup>1</sup>

Both the use of social media platforms by citizens to organize protests and the governmental response of attempting to control, limit, or completely shut down such technologies will continue to pose important questions for international law scholars for years to come, even as democracies ponder limits on Internet access. For example, in an age in which social media can influence outcomes in mere days, how can nations effectively and meaningfully conduct diplomacy? How do the laws of war affect civilians' use of social media to guide military air strikes, as in Libya? Even though revolutions were toppling governments long before Facebook and Twitter, and even though social media-coordinated political expression has not

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1. PHILIP SEIB, *REAL-TIME DIPLOMACY: POLITICS AND POWER IN THE SOCIAL MEDIA ERA* 2 (2012).

always led to regime change (witness the 2009 Iranian election protests), the Arab Spring has provided perhaps the clearest example of how the power of social media platforms can be harnessed as a tool for political organization and expression.

#### I. THE ARAB SPRING IN PERSPECTIVE

Few people could have predicted the role that a humble produce vendor, Mohamed Bouazizi, would play in unleashing a wave of protests seeking democracy across the Arab world. After being assessed an arbitrary fine, slapped by corrupt policemen, and humiliated in public, the young Tunisian stepped in front of a Tunisian government building on December 17, 2010, and set himself on fire. Video of the horrific event went viral in Tunisia, which enjoys one of the highest rates of Internet access in north Africa. Within a month, there were over 196,000 mentions on Twitter about the Tunisian revolution, and after increasing protests, the government of President Zine El Abidine Ben Ali was toppled.

Civil war broke out in Libya. Protestors took to the streets in Yemen, Syria (where a civil war would also soon begin), Bahrain, Morocco, and elsewhere. In Egypt in 2010, Khaled Said was beaten and murdered by Egyptian police after he posted a video showing police corruption online. Photos of Said and his swollen, bruised face went viral on the Internet, contradicting police reports and an official autopsy report that had concluded that Said had choked to death on a bag of drugs. Wael Ghonim, and Egyptian Google executive and Internet activist, started a Facebook page entitled “We Are All Khaled Said.” It grew to over 800,000 members, as Egyptians increasingly used social networking platforms to produce and consume political content, organize protests, stay connected, and spread word to others about abuses of the Mubarak regime.

While the success of the so-called “Facebook revolutions” or “Twitter revolutions” during the Arab Spring garnered worldwide attention—technology and, particularly social media, played significant roles in mobilizing and organizing political and social protests worldwide. On January 17, 2001, after Filipino President Joseph Estrada was acquitted of corruption charges, within minutes after the decision was announced, people took to their mobile phones to forward text messages. The messages called for people to converge on Epifanio de los Santos Avenue, a major crossroads in Manila. Over 1 million people eventually arrived, stopping traffic in downtown Manila. Nearly 7 million text messages were sent protesting the verdict. Legislators quickly reversed course and allowed key evidence that had been set aside to be introduced. By January 20, President Estrada was out, and he himself blamed “the text messaging generation” for his downfall.

All over the world, the power of social networking as a tool for effecting political change has been played out on stages that may not be as prominent

as Tahrir Square during the Arab Spring, but which nonetheless command our attention. In India, the government has demanded that social media sites like Facebook censor user content to remove objectionable content before it goes online. Sites like Facebook and Google/Orkut are already being monitored by special units in cities like Mumbai for content deemed disparaging or obscene. In South Korea, prosecutors indicted a Socialist Party member for re-tweeting pro-North Korean messages from a North Korean government Twitter account. In China, which has waged its own war with social networking sites over its censorship demands, the government was upset with the fact that the U.S. Embassy posted air pollution reading in Beijing on Twitter. The readings, which rebuke the official and wildly optimistic assessments of the Chinese government, have been picked up and spread by Chinese bloggers as an indication of the government's lack of transparency and willingness to lie to its own people. In October 2011, the office of U.S. Senator Richard Lugar released a report outlining a strategy to advance U.S. goals in Latin America by expanding social media use and by supporting software engineering training programs, IT literacy programs, and supporting local technology developers in creating language translation programs (only about 12% of Internet content is in Spanish or Portuguese). In addition, the U.S. State Department is already using social media to reach out and to explain U.S. foreign policy, through tools like *Iniciacion Emprende*, a Facebook page for online youth in Latin America who are interested in starting their own businesses.

Ongoing developments in Russia have also illustrated the vital role played by social media in fomenting dissent. In December 2011, tens of thousands of Russians protested in cities like Moscow, organizing anti-Putin rallies using social networking sites. YouTube was flooded with videos alleging vote rigging by the countries' ruling United Russia Party. Russia has over 1 million Twitter users, a five-fold increase from the previous year. 40% of Russian adults are online, using sites like *Vkontakte* (Russia's "Facebook").

Governmental response that uses technology or directly addresses the use of technology by protestors is a key factor in the success or failure of movements agitating for political or social change, as the experience of the Arab Spring amply demonstrates. However, social media is a double-edged sword. During the August 2011 London riots, social networking platforms received much of the blame for providing rioters with a vehicle to help organize and cause massive, violent looting. Rioting Londoners used social media not only to plan rendezvous locations, but also to warn others of areas where the police had gathered in force. At one point, the Metropolitan Police announced that they would bring charges against people who tried to initiate looting or violence through social media postings. Indeed, in the aftermath of the riots, individuals who had used social media to coordinate looting or to incite violence were criminally charged. Even Prime Minister

David Cameron raised the stakes during the unrest, when he publicly contemplated shutting down access to the Internet.

Yet, even as social media became associated with the violence and lawlessness of the London riots, it was simultaneously a positive force. Social media aided the police in finding, apprehending, and prosecuting thousands of suspected rioters and looters in the wake of the unrest. In addition, social media helped facilitate a massive cleanup effort and helped a divided community to heal. Facebook pages and websites were created to help coordinate and centralize information about cleanup locations. In addition, @Riotcleanup, a popular Twitter feed with over 60,000 followers, was created and regularly updated to let people know where to meet to help clean up the city, donate supplies, and so forth.

Social networking platforms are all about facilitating communication and the sharing of information. These new methods of communication allow widely-dispersed individuals to connect and work together in a coordinated fashion, while also broadcasting their views and activities at home and abroad. The Arab Spring experience was but one demonstration among many on the international landscape. It is a virtual certainty that it will not be the last.

## II. WAS THE REVOLUTION REALLY TWEETED?

As the Arab Spring coalesced, media outlets worldwide clamored to credit the use of social networking platforms for the regime-changing successes. One account quoted on a tweeting Cairo activist who proclaimed “[w]e use Facebook to schedule the protests, Twitter to co-ordinate and YouTube to tell the world.”<sup>2</sup> At times, the effusiveness of the protestors themselves veered into the extreme; in February 2011, Jamal Ibrahim of Egypt even named his newborn daughter “Facebook” because of the significant role of the social networking site in his country’s revolution.<sup>3</sup> Other observers similarly applauded the importance of social media. Amjad Baiazy of Amnesty International said that during Syria’s crackdown on dissidents, for example, there were “thousands of [pieces of] evidence thanks to social media, not only to show the world, but also Syrians, of the crimes.”<sup>4</sup> Social media, Baiazy said, had “turned every citizen into a

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2. Priscilla Thomas, *Can Social Media Topple a Government?*, MAARS (Mar. 4, 2011 5:59 PM), <http://rowlands.maars.net/article/can-social-media-topple-a-government.html>.

3. Catharine Smith, *Egyptian Father Names Daughter ‘Facebook’*, HUFFINGTON POST (Feb. 21, 2011, 7:35 PM), [http://www.huffingtonpost.com/2011/02/21/baby-named-facebook-egypt\\_n\\_825934.html](http://www.huffingtonpost.com/2011/02/21/baby-named-facebook-egypt_n_825934.html).

4. Online Activists Laud Social Media With Changing the World, DAILY STAR (Dec. 9, 2011 5:58 PM), <http://www.dailystar.com.lb/Technology/International/2011/Dec-09/156442-online-activists-laud-social-media-with-changing-the-world.ashx#axzz286XiRtmW>.

journalist. Every citizen can use Twitter to broadcast.”<sup>5</sup> *The Atlantic Wire* quoted Mohammed Janjoom of CNN on the vital role played by social media, with Janjoom pointing out:

In the case of Egypt it really played a critical factor in getting out the word on how to organize . . . . There was one group in Egypt that was one of the key groups in getting people out on the street . . . . Last week in a matter of days they went from 20,000 fans to 80,000 fans . . . . We can see that these sites were used in order to get the word out about how to bypass checkpoints, how to get across bridges, how to get to places where people wanted to demonstrate. So it was a critical tool in getting people out into the streets.<sup>6</sup>

Other observers pointed to the organizational value as well as the empowering, citizen journalism aspect of social media:

Regardless of one’s personal opinion of YouTube, Twitter and Facebook, these social media platforms, along with sheer creativity, determination and innovation, became the technological weapons of this revolution. Their use confounded the Mubarak team at every turn as tech savvy people around the globe created the means with which to continue to get their messages out . . . . While many who were there in the Square argued Twitter and Facebook were not great organising tools for those physically there, they provided a tipping point of outrage that spread like wildfire throughout the region . . . . Yes, everyone knew to go to Tahrir Square . . . these social media tools were used to send out information quickly so evidence of regime atrocities were seen from places the media’s cameras were not able to show the violence.<sup>7</sup>

Moreover, as Denis Campbell went on to observe, the use of social networking platforms lent an air of honesty and transparency to coverage of the revolution, highlighting the use of candid, unguarded moments from Tahrir Square “of children protesting and spontaneous groups singing, virally across the globe countering biased coverage that painted the revolution as not meaningful or only representative of a small group of protestors.”<sup>8</sup>

Yet almost as quickly as the coverage and credit—misplaced or not—being given to social media occurred, a backlash began against those media accounts that had, as one author described it, “glazed over what the real role of social media was, instead mischaracterizing social media and the Internet

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5. *Id.*

6. John Hudson, The ‘Twitter Revolution’ Debate: The Egyptian Test Case, *ATLANTIC WIRE* (Jan. 31, 2011), <http://www.theatlanticwire.com/global/2011/01/the-twitter-revolution-debate-the-egyptian-test-case/21296/>.

7. DENIS G. CAMPBELL, *EGYPT UNSHACKLED: USING SOCIAL MEDIA TO @#:* THE SYSTEM 223-24 (2011).

8. *Id.* at 224.

as a new phenomenon that showed Egyptian youth just how wonderful democracy was.”<sup>9</sup> A host of pundits sprang up to argue that social media was merely a means and not the end, and that Western journalists were engaging in considerable wishful thinking, exaggerating the influence of emerging media because of a sense of “techno-utopianism.” Pointing out the failure of Iran’s 2009 election protests amidst the media hype about the power of social media, for example, Evgeny Morozov wrote that “Iran’s Twitter Revolution revealed the intense Western longing for a world where information technology is the liberator rather than the oppressor.”<sup>10</sup> Writing in the *Washington Post*, Anne Applebaum expressed her skepticism based on the continued Egyptian protests even after President Mubarak decided to cut off all Internet access:

Note that the Egyptian government’s decision to shut down the country’s Internet access over the weekend—something it can do because Internet access is still so limited—had almost no impact on the demonstrators. For all the guff being spoken about Twitter and social media, the uprising in Cairo appears to be a very old-fashioned, almost 19<sup>th</sup> century revolution. People see other people going out on the streets and decide to join them.<sup>11</sup>

Such critics were quick to point out that while social networking platforms may have dramatically altered the traditional relationship between popular will and political authority, ultimately there is no substitute for word of mouth and boots on the ground activism. Sites like Facebook or Twitter may be useful tools for rapid coordination, but don’t look to them for the narrative or resolve needed to sustain a movement. As Andrew Woods commented in one op-ed piece, “flash mobs do not a political organization make.”<sup>12</sup>

Soon, almost as if to compensate for the pendulum swing of media commentary that had been hailing “the Twitter Revolution” in the Mideast and arguably magnifying social media’s role in the political upheaval, the pendulum swung back. Articles begin appearing with such titles as “Successful Revolution Takes More Than Social Media,” “Did Twitter, Facebook Really Build a Revolution?,” and “The Twitter Revolution Debate is Dead.”<sup>13</sup> And new attention was focused on earlier cynics, like

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9. ADEEL A. SHAH & SHEHERYAR T. SARDAR, *SANDSTORM: A LEADERLESS REVOLUTION IN THE DIGITAL AGE* 60 (2011).

10. EVGENY MOROZOV, *THE NET DELUSION: THE DARK SIDE OF INTERNET FREEDOM* (2011).

11. Hudson, *supra* note 6.

12. Andrew Woods, *These Revolutions Are Not All Twitter*, N.Y. TIMES (Feb. 1, 2011), [http://www.nytimes.com/2011/02/02/opinion/02iht-edwoods02.html?\\_r=1](http://www.nytimes.com/2011/02/02/opinion/02iht-edwoods02.html?_r=1).

13. James J. Carafano, *Successful Revolution Takes More Than Social Media*, WASH. EXAM’R (Feb. 21, 2011), <http://washingtonexaminer.com/article/39163#UHcw5ELC5UR>; Jina Moore, *Did Twitter and Facebook Really Build a Global Revolution?*, CHRISTIAN SCI. MONITOR (June 30, 2011), <http://www.csmonitor.com/>

Golnaz Esfandiari's refutation of the role that social media had played in the 2009 unrest in Iran. Writing in *Foreign Policy*, Esfandiari said "It is time to get Twitter's role in the events in Iran right. Simply put: There was no Twitter Revolution inside Iran." Instead, Esfandiari pointed out, it was Western journalists and bloggers who were scrolling through English-language tweets with the hashtag "#iranelection," rather than communicating with people on the ground in Iran, who were spreading word of the unrest. Nevertheless, despite the confusion over the sources of the news itself, Esfandiari acknowledged that social media played a pivotal role in publicizing the Iranian protests, albeit a role that had to be viewed in the context of the efforts at regime change that predated social media. Esfandiari noted:

Twitter played an important role in getting word about the events in Iran out to the wider world. Together with YouTube, it helped focus the world's attention on the Iranian people's fight for democracy and human rights. New media over the last year created and sustained unprecedented international moral solidarity with the Iranian struggle—a struggle that was being bravely waged many years before Twitter was ever conceived.<sup>14</sup>

Perhaps the most vocal member of the "Internet freedom does not equate with securing real freedom" school of thought is Malcolm Gladwell. Rejecting the idea that the "new tools of social media have reinvented social activism," Gladwell pointed to the success of the early sit-ins during the U.S. civil rights movement to illustrate that meaningful social change could be accomplished with word of mouth instead of technology.<sup>15</sup> As Gladwell put it, "These events in the early sixties became a civil-rights war that engulfed the South for the rest of the decade—and it happened without e-mail, texting, Facebook, or Twitter."<sup>16</sup> Gladwell continued to sound this theme in the aftermath of the toppling of the Mubarak regime, writing "What evidence is there that social revolutions in the pre-Internet era suffered from a lack of cutting-edge communications and organizational

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World/Global-Issues/2011/0630/Social-media-Did-Twitter-and-Facebook-really-build-a-global-revolution; James Fellows & Ellen Chou, The Twitter Revolution Debate is Dead, *ATLANTIC* (Feb. 14, 2011, 1:00 AM ET), <http://www.theatlantic.com/technology/archive/2011/02/the-twitter-revolution-debate-is-dead/71185/>; Golnaz Esfandiari, The Twitter Devolution, *FOREIGN POLICY* (June 7, 2010), [http://www.foreignpolicy.com/articles/2010/06/07/the\\_twitter\\_revolution\\_that\\_wasnt](http://www.foreignpolicy.com/articles/2010/06/07/the_twitter_revolution_that_wasnt).

14. *Id.*

15. Malcolm Gladwell, Small Change: Why the Revolution Will Not Be Tweeted, *NEW YORKER* (Oct. 4, 2010), [http://www.newyorker.com/reporting/2010/10/04/101004fa\\_fact\\_gladwell](http://www.newyorker.com/reporting/2010/10/04/101004fa_fact_gladwell).

16. *Id.*



tools? In other words, did social media solve a problem that actually needed solving?<sup>17</sup>

Certainly, political and social protests have gone on long before social media, and dictators were being toppled long before the first glimmers of Facebook or Twitter. And without a doubt, Western journalists in a rush to anoint social networking as the new “it” tool to effect social change may have been guilty, if not of overstating social media’s role in the Arab Spring, then of failing to properly place it in the context of other organizational and broadcast tools. Viewing it more pragmatically, one commentator has noted that Egyptians “knew the value of social media was that it was a good tool to organize masses but it was not a miracle object that would create a revolution on its own. With that understanding, they used both the Internet and clandestine meetings to shape the revolution.”<sup>18</sup>

However, cyber-pessimists like Gladwell and others, in their rush to assure and convince their respective audiences that “the revolution will not be tweeted,” have failed to take several significant factors into account. The first is that a failure to appreciate the significance of the role played by social media in organizing protests, broadcasting word of the dissenting voices, and promoting government transparency during the Arab Spring is at once dismissive as well of the social networking power that can be (and has been) harnessed by repressive regimes themselves for their own purposes—surveillance of the opposition, spreading disinformation, and even networking propaganda of their own. The second factor that cyber-pessimists have ignored harkens back to Marshall McLuhan’s prophetic words that “the medium is the message.” The medium carrying the message, whether it be Facebook, Twitter, YouTube, or any one of a number of social networking platforms, cannot help but define and shape the message itself. The utility of a site like Facebook is in providing a tool for enhancing the ability to engage in public speech, to undertake collective action, and to facilitate instantaneous access to information, communication, and organization. Social media didn’t bring about the protests in Tahrir Square; these were fueled by years of corruption, poverty, unemployment, and the abuses of an authoritarian regime. Yet just because social mobilization occurs via Facebook or Twitter as opposed to face to face communication doesn’t lessen its impact or make the ties it creates any weaker. Images of friends and neighbors being beaten by riot police are powerful, and clearly can draw people to the streets. The appeals for solidarity, the calls to action, are no less powerful because they are viewed in a hastily-recorded YouTube clip as opposed to being witnessed in person. The very immediacy of social

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17. Malcolm Gladwell & Clay Shirky, *From Innovation to Revolution: Do Social Media Make Protests Possible?*, FOREIGN AFFAIRS (Mar.–Apr. 2011), <http://www.foreignaffairs.com/articles/67325/malcolm-gladwell-and-clay-shirky/from-innovation-to-revolution>.

18. SHAH & SARDAR, *supra* note 9, at 60.

media and the technological infrastructure it provided for gathering and organizing support, together with the transparency it offered by providing a global audience with news is as much a part of the message as the content itself.

The final factor overlooked by cyber-pessimists in the backlash seeking to diminish the importance of social media's role during the Arab Spring is the growing body of empirical evidence that has emerged to document social media's critical importance in enabling the historic region-wide uprising in early 2011. For example, a study by Ekaterina Stepanova of the Institute of World Economy and International Relations analyzed the penetration rate of modern information communication technologies and digital social media tools and networks throughout the Middle East in late 2010 and early 2011.<sup>19</sup> While that report chided media haste to emphasize the mobilization role of a site like Twitter, for example, as composed to the greater impact of satellite television, cell phones, and YouTube, it nevertheless concluded:

No region, state, or form of government can remain immune to the impact of new information and communication technologies on social and political movements. While the political contexts of mass unrest in large parts of the Middle East have important country and macro-regional specifics, the impact of net-based technologies and social tools goes beyond that region and will continue to affect developing and developed countries alike.<sup>20</sup>

The PONARS report highlights the conditions that made it possible for social media to play such an important role in Egypt, relying upon February 2010 figures from the Egyptian Ministry of Communications and Information Technology that revealed that the country had over 17 million users—a 3,691 percent increase from the 450,000 users it had in December 2000.<sup>21</sup> According to the Ministry, Egypt also had 4 million Facebook users at the time, and over 160,000 bloggers (roughly a third of which were focused on politics).<sup>22</sup> Nevertheless, this PONARS report points out the seeming contradiction between its conclusions and the fact that “states with some of the lowest levels of Internet exposure (like Yemen and Libya) both experienced mass protests.”<sup>23</sup>

Ultimately, the PONARS study cautions against U.S. policy making an automatic connection between social media networks and a Western-style

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19. Ekaterina Stepanova, *The Role of Information Communication Technologies in the “Arab Spring:” Implications Beyond the Region*, PONARS EURASIA (May 2011), [http://www.gwu.edu/~ieresgwu/assets/docs/ponars/pepm\\_159.pdf](http://www.gwu.edu/~ieresgwu/assets/docs/ponars/pepm_159.pdf).

20. *Id.* at 3.

21. *Id.* at 2.

22. *Id.*

23. *Id.* at 3.

democracy agenda while ignoring socioeconomic realities and social justice facets to the Arab Spring. As Stepanova aptly characterizes it, the events of the Arab Spring defied skeptics like Malcom Gladwell and Evgeny Morozov by proving social media's value as an accelerator of social transformation, but while "net-based information and communication tools may serve as powerful accelerating factors of social protest, . . . they do not in and of themselves reflect or dictate the substantive natures (sociopolitical, value-based, and ideological) and contextual forms of such protests."<sup>24</sup>

Another empirical look at the Arab Spring was conducted by the Dubai School of Government's Governance and Innovation Program in its second *Arab Social Media Report*.<sup>25</sup> The report highlights and analyzes usage trends of online social networking across the Arab region based on data collected during the first quarter of 2011, looking at (among other factors) Twitter and Facebook usage. In particular, it notes that Facebook usage between January and April 2011, jumped by 30 percent (compared with 18 percent growth for the same time period in 2010). In particular, Egypt's growth was 29 percent, up from just 12 percent for the first quarter of 2010.<sup>26</sup> The report also details the swelling numbers for terms on Twitter associated with the Arab Spring, noting that the hash tag "Egypt" garnered 1.4 million references during the first quarter of 2011, while "Jan25" had 1.2 million mentions.<sup>27</sup> While the mentions associated with the Arab Spring in Tunisia peaked right around the January 14, 2011, when protests commenced there, such mentions in Egypt did not peak until President Mubarak stepped down on February 11, 2011.<sup>28</sup> Another interesting fact from the study is that, for the Egyptians and Tunisians who were surveyed, government attempts to block sites like Facebook apparently backfired, with more than half of those surveyed (56% in Egypt, 59% in Tunisia) reporting the attempts had a positive effect by motivating them to be more creative in communicating and organizing.<sup>29</sup> The study also mapped calls for protests on Facebook with the actual demonstrations on given dates and found demonstrable correlations. While the study stopped short of calling social networking "the defining or only factor in people organizing themselves on these dates," it does conclude that, "as the initial platform for those calls, it cannot be denied that they were a factor in mobilizing movements."<sup>30</sup>

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24. *Id.* at 6.

25. See DUBAI SCH. OF GOV'T, CIVIL MOVEMENTS: THE IMPACT OF FACEBOOK AND TWITTER, 1 ARAB SOC. MEDIA REP. 1, 1-29 (2011), available at [http://www.dsg.ae/en/Publication/Pdf\\_En/DSG\\_Arab\\_Social\\_Media\\_Report\\_No\\_2.pdf](http://www.dsg.ae/en/Publication/Pdf_En/DSG_Arab_Social_Media_Report_No_2.pdf) (hereinafter DUBAI SCH. OF GOV'T).

26. *Id.* at 5.

27. *Id.* at 21.

28. *Id.* at 22.

29. *Id.* at 7.

30. *Id.* at 5.

Yet another telling result from the Arab Social Media Report concerns the significance of social media as a source of news and information. A staggering 94.29% of Tunisians surveyed reported getting their news and information on events during the civil unrest in early 2011 from social media resources like Facebook, Twitter, blogs, etc., while 88.10% of Egyptians acknowledged doing so.<sup>31</sup> This dwarfs the figure for state-sponsored media (television, radio, newspapers), which 35.71% of Egyptians and 40% of Tunisians admitted consulting.<sup>32</sup>

Overall, while the Arab Social Media Report cautions that “[i]t is still early to make a final assessment about the role of social media in the Arab civil movements or the role they will be playing in changing the ways in which governments interact with societies in the region,” it nevertheless provides compelling empirical evidence suggesting that, as the report itself puts it, “the growth of social media in the region and the shift in usage trends have played a critical role in mobilization, empowerment, shaping opinions, and influencing change.”<sup>33</sup>

A final example of the empirical analysis that refutes the media backlash against the recognition of social media’s vital role during the Arab Spring is the study performed by a group of University of Washington researchers as part of 2011’s Project on Information Technology and Political Islam.<sup>34</sup> This study, which focused primarily on Tunisia and Egypt, involved the creation and study of a database consisting of more than 3 million tweets, gigabytes of blogs, and countless hours of YouTube videos. In discussing social media’s importance in putting “a human face on political oppression,” the study found that in Egypt, the number of tweets mentioning “revolution” from Egypt and during the week before President Mubarak’s resignation skyrocketed from 2,300 a day to 230,000 a day.<sup>35</sup> Because Twitter users can send updates from any mobile phone, Professor Howard and his colleagues devoted particular attention to that data, since the number of people with cellphones in Egypt and Tunisia greatly outnumber those with standard internet access. As a result, Howard says, “Twitter offers us the clearest evidence of where individuals engaging in democratic conversations were located during the revolutions.”<sup>36</sup>

Among the observations made in the University of Washington study is not just the sheer numbers indicating that political discussion on blogs and social networking platforms often preceded mass protests, but also the

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31. DUBAI SCH. OF GOV’T, *supra* note 25, at 8.

32. *Id.*

33. *Id.* at 24.

34. Philip N. Howard et al., *Opening Closed Regimes: What Was the Role of Social Media During the Arab Spring?* 1-30 (Project on Info. Tech. & Political Islam, Working Paper No. 2011.1, 2011), available at [http://dl.dropbox.com/u/12947477/publications/2011\\_Howard-Duffy-Freelon-Hussain-Mari-Mazaid\\_pITPI.pdf](http://dl.dropbox.com/u/12947477/publications/2011_Howard-Duffy-Freelon-Hussain-Mari-Mazaid_pITPI.pdf).

35. *Id.* at 4.

36. *Id.*

“who” and “how” behind the social media efforts. Howard and his fellow researchers found that a key demographic group—young, urban, relatively well-educated individuals (many of whom were women)—played a critical role in steering the political conversation, and often in inventive ways.<sup>37</sup> In Tunisia, for example, dissidents streamed video of President Zine El Abidine Ben Ali’s wife using a government jet to make expensive shopping trips to Europe to highlight the regime’s excesses.<sup>38</sup> In addition, as with the Dubai School of Government’s Arab Social Media Report, the University of Washington study demonstrated that a spike in online conversations about revolutionary subjects usually preceded major events, with Twitter traffic peaking with street protests.

Another interesting aspect of this study is not just the increasing social media activity and content produced by political actors in Egypt as they reacted to events on the street, but the close affinity with Western media. From mapping the digital space in Egypt twice (once in November 2010 and a second time in May 2011), the University of Washington found that, for Egyptians, Facebook and other social networking platforms are not simply used for entertainment, but instead, are where Egyptians go to engage in politics. Major political actors frequently linked to social networking platforms like Facebook or to Western media (like CNN) and, in fact, were more likely to link to these resources than to each other.<sup>39</sup> Over 20% of the 928 links going out of Egyptian party websites were to social media platforms like Facebook and YouTube and to major Western news websites.<sup>40</sup> Interestingly, none of the outgoing links from the Egyptian websites went to Al-Jazeera in November 2010, and when the web crawl was performed again in May 2011, there were only 6 outgoing links to Al-Jazeera.<sup>41</sup>

The University of Washington study relied on this body of empirical evidence to reach several conclusions. One was that, “by using digital technologies, democracy advocates created a freedom meme that took on a life of its own and spread ideas about liberty and revolution to a surprisingly large number of people.”<sup>42</sup> Another was that conversations about democracy and revolution on blogs and social networking platforms usually immediately preceded mass protests.<sup>43</sup> Finally, the report concluded that social media helped spread democratic ideas transnationally, as democracy proponents used social media to connect with others outside their borders. The result, according to Howard and his fellow researchers, was that “social media brought a cascade of messages about freedom and democracy across

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37. *Id.* at 2.

38. *Id.*

39. Howard, *supra* note 34, at 19-20.

40. *Id.*

41. *Id.* at 20.

42. *Id.* at 3.

43. *Id.*

North Africa and the Middle East, and helped raise expectations for success of political uprising.”<sup>44</sup> In other words, far from being merely an exaggeration by “cyber-utopian” Western media overly eager to anoint social media as a digital political savior, social networking platforms played a genuine, vital and, more importantly, quantifiable role in the Arab Spring. As Howard and his colleagues sagely point out:

Democratization movements had existed long before technologies such as mobile phones and the Internet came to these countries. But technologies have helped people interested in democracy build extensive networks, create social capital, and organize political action. Technology may not have created the desire for political freedom, but it is a tool democracy advocates have used to their advantage.<sup>45</sup>

### III. GOVERNMENTAL RESPONSE

As vital as appreciating the uses of social networking platforms by protesters themselves may be, no understanding of the significance of social media during the Arab Spring can be complete without appreciating the nature of the governmental response. In particular, the use of technology by repressive regimes—technology all too often developed and/or sold by Western nations—in attempting to stifle and combat dissent has been largely overlooked. Whether or not another Arab Spring might succeed could very well depend on how leaders in the West respond to attempts to “unplug democracy.” Legislative efforts such as the Global Online Freedom Act could impact the extent to which the very same technology credited with fomenting dissent can be used by an authoritarian regime to crush opposing voices.

Looking at Egypt and Tunisia in particular, the conditions were certainly ripe for technology to serve as both a tool for marshaling and organizing protests and a means of exerting government control. Both countries have comparatively young populations comfortable with technology. In Tunisia, the median age is 30 years old, and approximately 23% of the country’s population of 10 million is under the age of 14.<sup>46</sup> For every 100 people in Tunisia, there are 93 mobile phone subscribers.<sup>47</sup> Twenty-five percent of the Tunisian population has used the Internet, and approximately 66% of the online population in Tunisia is 34 or younger.<sup>48</sup> In Egypt, the median age is 24, and out of the nation’s 83 million residents, a third is under the age of 34.<sup>49</sup> Out of 100 Egyptians, 67 have mobile phone subscriptions.<sup>50</sup> Ten

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44. Howard, *supra* note 34, at 3-4.

45. *Id.* at 5.

46. *Id.*

47. *Id.*

48. *Id.* at 6.

49. *Id.* at 5.

percent of the Egyptian population has used the Internet, and 70% of the online population in Egypt is under the age of 34.<sup>51</sup> And in both nations, there was a long history of government censorship of the media, giving people greater incentive to look to the Internet for sources of credible news and information.

Prior to the Arab Spring itself, government crackdowns on Internet use, and particularly the use of social media, were not unknown. For example, in Tunisia in August 2007, video of the president's plane arriving at and departing from prime shopping spots in Europe—with the president's wife as the only passenger—was published on YouTube and other sites. The Tunisian government responded by blocking YouTube and another video site, Daily Motion, for an extended period of time.<sup>52</sup> In 2008, the government blocked Facebook for a month.<sup>53</sup> During both periods, it was widely speculated that the Tunisian administration of Ben Ali was concerned about the power of social media to nurture communication ties among its citizens.

With the spark that ignited national protests in Tunisia—the self-immolation of Mohamed Bouazizi on December 17, 2010—came more crackdowns. Although the state-sponsored media had not covered either Bouazizi's act, the protests it engendered, or his eventual death in a hospital on January 14, 2011, the uploaded YouTube videos of the tragedy spread rapidly, initially among networks of family and friends. Critics of the Ben Ali regime, like 29 year-old fashion designer Shamseddine Abidi, posted videos and updates on Facebook that were picked up by news outlets like Al Jazeera. At the same time, there were online campaigns calling for particular groups (like lawyers and unions) to form committees to support the protests that had begun in the city of Sidi Bouzid. While the Tunisian government responded by trying to ban Facebook, Twitter, YouTube, and Daily Motion, organization using these social networking platforms had already spread thanks to the near-universal access to cell phones. In addition, outside Tunisia, hacker organizations like Anonymous targeted Tunisian government efforts with “Operation Tunisia” denial-of-service attacks and with software solutions that activists used to evade government firewalls.<sup>54</sup>

The study by Professor Nolan and his colleagues show that Twitter traffic with hashtags associated with Tunisian protesters (such as #sidibouzid) ebbed and flowed along with government efforts to curb the effects of social media. Many of the tweets themselves gave glimpses into personal stories of suffering under the Ben Ali regime, while others

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50. Howard, *supra* note 34, at 6.

51. *Id.* at 6.

52. *Id.* at 7-8.

53. *Id.*

54. *Id.* at 8.

provided links to YouTube videos, news stories, or Facebook groups critical of the regime. Before Ben Ali fled Tunisia on January 14, 2011, the volume of Twitter traffic would periodically decline while mobile networks were under attack, but it would always surge again when service returned to normal.<sup>55</sup> Similarly, the number of tweets coming from inside Tunisia increased over the same period, just as the number of tweets with no location information declined, an indication that as the winds of political change were blowing, more and more Tunisians were willing to publicly declare that they were tweeting from inside their own country.<sup>56</sup>

As social media has become a key forum for the debate of political movements as well as an organizational tool for would-be reformers, governmental response has taken various forms, ranging from suppressing the use of such platforms, using them as an avenue for surveillance, or by blocking them altogether. In a study of thirty-seven countries conducted by Washington, D.C. based Freedom House, researchers identified a variety of different practices employed by governments, including increased website blocking and filtering; content manipulation; attacks upon and imprisonment of bloggers; punishment of ordinary users; and coercion of website owners to remove content.<sup>57</sup> This study identified twelve nations, including Egypt and Tunisia, where social media sites have been at least temporarily shut down.<sup>58</sup> Of the forms of governmental response to dissent being disseminated via social media, internet blocking is the most widely used. The aim of this response (essentially a form of censorship) is to prevent specific content from reaching a final user, using software or hardware that reviews communications and content and decides whether to block the information on the basis of some predetermined, pre-programmed criteria.

Another widely used form of governmental response is coercion, or censorship by pressure. Here, governmental actors contact either the authors of particular information or the operators of an Internet site and apply pressure for the removal of particular content. This can take the form of threats of legal action, withdrawal of government contracts or licenses, or even outright bans of specific companies from operation within the country. One example of this is Google and China. In 2010, under immense pressure from the Chinese government to censor its content, Google China began redirecting all search queries from mainland-based Google.cn to Google.com.hk, based in Hong Kong. In this manner, Google could bypass Chinese regulatory authorities, allowing users access to uncensored search results as opposed to those that had been “simplified” by government filters.

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55. *Id.* at 9, 11.

56. Howard, *supra* note 34, at 10.

57. Ian Brown & Douwe Korff, *Social Media and Human Rights*, in HUMAN RIGHTS AND A CHANGING MEDIA LANDSCAPE 175, 177 (2011).

58. *Id.*



As a unique entity acknowledged by international treaty, Hong Kong was not subject to Chinese laws requiring the restriction of the free flow of information. Governmental coercion can also take the form of encouraging users of social networking platforms like Facebook to complain directly to the site owners about user content. Content manipulation is another tactic in which government agents (portraying themselves as ordinary citizens) post pro-government messages or content on social media sites.

The most direct forms of governmental response, however, are more aggressive. At the low end of this spectrum is the deliberate slowing down of connection speeds, particularly in newspaper offices, internet cafés, private residents, and hotels. At the other end of the spectrum is the complete shutdown of national networks. This tactic was employed by the Mubarak regime in Egypt. It was also used in Syria, where the Internet is almost exclusively controlled by state-owned Syrian Telecom Establishment. In June 2011, nearly all Internet networks in Syria were shut down, with the exception of a handful controlled by the Bashar Al-Assad regime.<sup>59</sup>

In the middle of the spectrum of governmental response is Internet surveillance, legal action by the state (including arrest and formal prosecution), imprisonment and even torture. Internet surveillance often includes monitoring what information people are accessing, their online communications such as emails or tweets, and even using geo-location features on sites like Facebook to track the location of a given user. Organizing protests and mobilizing dissenting voices becomes increasingly difficult when the organizers are living in fear of spies, arrest, or physical attack.

The Egyptian governmental response to social media activism during the Arab Spring is an example of escalating response, as the Mubarak regime first moved to attack and limit first the content and then the social networking platforms themselves before ultimately moving against the communications infrastructure itself. All the while, the Egyptian government simultaneously was employing social media platforms for its own purposes. As one scholar has noted, this strategy had the effect of throwing out the baby with the bathwater, because the full quarantine and shutdown of media infrastructures helped turn the tide of public opinion against the Mubarak regime. This quarantine strategy, notes Alexandra Dunn, “required a disproportionate attack on apolitical actors and was ultimately ineffective at fully impeding the communications networks of those that were the most politically engaged.”<sup>60</sup>

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59. James Cowie, Syrian Internet Shutdown, RENESYS BLOG (June 3, 2011), <http://www.renesys.com/blog/2011/06/syrian-internet-shutdown.shtml>.

60. Alexandra Dunn, Unplugging a Nation: State Media Strategy During Egypt’s January 25 Uprising, 35 FLETCHER F. OF WORLD AFF. 15, 16 (2011), available at

Beginning in October 2010, the Egyptian government's response to the growing unrest with the ruling party was to focus its attack on content. This began with the shuttering of fourteen predominantly religious satellite television stations, the firing of four prominent critics of the Mubarak regime from their posts at newspapers and television talk shows, and the requirement that all live talk shows be broadcast from the headquarters of Egyptian State television.<sup>61</sup> On the day of the parliamentary elections themselves, the regime blocked websites that hosted the newspapers of major opposition groups, such as the Muslim Brotherhood.<sup>62</sup> However, this blockage was both focused in nature and limited in time (the government lifted the blockage immediately after the elections). Clearly, at this point, the regime was seeking to keep specific information from reaching the population at a specific time.

However, by January 2011, in the face of mounting unrest, the regime's efforts shifted to blocking entire platforms such as Facebook (which boasted 3.5 million users in Egypt) and Twitter (which had 12,000 users in Egypt). Another site, Bambuser, had 15,000 registered users in Egypt (most of which signed up just before the November election). A video-sharing site, Bambuser enabled live broadcasts from protests, and allowed people all around the country to follow protests and ensuing government crackdowns in real time.<sup>63</sup> With the escalating signs of social media's importance in coordinating protests (the phenomenal popularity of the "We are all Khaled Said" Facebook page, the use of Twitter to coordinate marches), the Egyptian government shut down Facebook, Twitter, and other social networking sites in their entirety on January 25, 2011.

As previously noted, the ubiquity of cell phones in Egypt made such technology an important organizing tool for activists. Along with the disruption of service of Facebook and Twitter, the government also targeted specific activists by cutting off their mobile phone lines, such as the Frontline SMS hotline for the group Front to Defend Egyptian Protestors (FDEP). However, activists responded by simply purchasing new SIM cards for their phones, or, in the case of FDEP, replacing the phone numbers multiple times. Ultimately, however, the Mubarak regime realized that more extreme measures would be needed in order to slow the flow of information that was helping to fuel and coordinate the protests. On January 27, 2011, the government shut down text messaging and almost all Internet service (with the exception of one small internet service provider, Noor ISP, which was not shut down until January 30, 2011.<sup>64</sup> Internet service would not be

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[http://fletcher.tufts.edu/~media/Fletcher/Microsites/Fletcher%20Forum/PDFs/2011summer/Dunn\\_FA.ashx](http://fletcher.tufts.edu/~media/Fletcher/Microsites/Fletcher%20Forum/PDFs/2011summer/Dunn_FA.ashx).

61. *Id.* at 17.

62. *Id.*

63. *Id.* at 18.

64. *Id.* at 19.

restored until February 2, and text messaging services remained frozen until February 6, 2011. This amounted to the most drastic attack ever taken by a government against national-level media technologies.<sup>65</sup>

The Internet and SMS shutdown, however, backfired. First, the consequences of the media blackout could still be circumvented. The blocking of Twitter prompted activist to use circumvention software to access it, and when the Internet was shut down entirely, people used landlines to call friends outside the country and have them tweet for them. Satellite television stations showed tweets on air, and even provided telephone numbers for access to Google's newly-developed Speak2Tweet system. But most importantly, shutting down the Internet and text-messaging had an immediate impact beyond politics, particularly among business people and the wealthiest, most highly-educated segments of Egyptian society. As Dunn described it:

For the vast majority of Egyptians without Internet access or satellite television services, the SMS shutdown was their first experience with government-imposed limitations on their ability to communicate openly. For nonpolitical individuals, the shutdown of SMS services likely came as a surprise, and it increased people's engagement in the uprising, if only due to curiosity about the unavailable services.<sup>66</sup>

The Mubarak regime inadvertently brought people together by "unplugging" the Internet. By this unplugging, Egypt inflicted potentially catastrophic collateral damage on itself: it "unplugged" its own economy, lost credibility with the international community, and showed international corporations, who were doing business in Egypt, such as Vodaphone, that like Egyptian citizens they, too, were subject to the whims and the will of the regime. Ultimately, even this extreme demonstration of the lengths to which the Mubarak regime was willing to go in order to quell dissent was not enough to keep the regime in power.

Along with orchestrated attacks on international journalists, the extreme measures taken by Egypt to attack media infrastructure and media freedoms also had the byproduct of increasing diplomatic pressures, particularly by the United States. With the United States' long-standing interest in cherished media freedoms, it came as no surprise that the media blackout would bring political fallout from Egypt's single largest source of foreign aid. Then-Assistant Secretary of State P.J. Crowley tweeted "we are concerned that communication services, including the Internet, social media, and even this #tweet, are being blocked in #Egypt."<sup>67</sup>

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65. *Id.*

66. Dunn, *supra* note 60, at 19.

67. Matthew Weaver, et al., Protests in Egypt—As They Happened, *GUARDIAN* (Jan. 28, 2011), <http://www.guardian.co.uk/news/blog/2011/jan/28/egypt-protests-live-updates>.

Yet one cannot ignore the fact that even as Western diplomats and media outlets condemned the extreme and often brutal efforts to curb expression and dissent during the Arab Spring, Western technology has been complicit in such crackdowns. Innovations from Western countries have enabled oppressive regimes in the Middle East to conduct surveillance and intercept the email, text messages, and cell phone calls of political dissidents. Even as protesters in the Middle East were using social media to organize and communicate, the very regimes they were battling were often equipped with highly-sophisticated technology, purchased from or produced by Western companies that they used to thwart such efforts. In a thought-provoking series of articles entitled “Wired for Repression,” *Bloomberg News* journalists shed light on these dealings. For example, an Iranian engineer who had become involved in the opposition movement in the wake of the 2009 elections was arrested, beaten, and jailed for 52 days.<sup>68</sup> During that time, he was repeatedly interrogated, with security agents confronting him with transcripts of text messages, geo-location records that showed where he had been at specific times, and even a diagram showing all of the people he had called, and the contacts that they in turn had called.<sup>69</sup> The cruel irony was that this engineer, who had worked for telecommunications giant Ericsson in Tehran until 2010, had worked on some of the very technology that was now being used against him.<sup>70</sup>

In addition to Ericsson technology being sold to Iran, Creativity Software of the United Kingdom sold systems to both Iran and Yemen designed to aid in customer location. The systems, which can record a person’s location every 15 seconds, generate reports of a person’s movements, and alert the user when two targets come in close proximity to each other, were intended for law enforcement use.<sup>71</sup> Dublin-based Adaptive Mobile Security Ltd. also sold software intended for law enforcement purposes to Iran, technology, which would be used to monitor the text messaging of suspected dissidents. The system would analyze all messages in English, Persian, or Arabic for key words or phrases; store the messages; and flag ones that had been selected by a filter for review.<sup>72</sup> Even more troubling than the capability for these features to be misused to quash dissenters is the fact that Iranian law enforcement officials requested other

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68. Ben Elgin, Vernon Silver & Adam Katz, Iranian Police Seizing Dissidents Get Aid of Western Companies, BLOOMBERG NEWS (Oct. 30, 2011), <http://www.bloomberg.com/news/2011-10-31/iranian-police-seizing-dissidents-get-aid-of-western-companies.html> [hereinafter Iranian Police Seizing Dissidents Get Aid of Western Companies].

69. *Id.*

70. *Id.*

71. *Id.*

72. *Id.*

specific features, one of which was the ability to change the content of messages.<sup>73</sup>

U.S. companies, of course, have long been banned from nearly all trade with Iran. Moreover, in July 2010, President Obama signed new U.S. sanctions into law, barring federal agencies from doing business with companies that export to Iran “any technology specifically used to disrupt, monitor or restrict the speech of Iranians.”<sup>74</sup> Despite this, U.S. technology still winds up in the hands of authoritarian regimes. For example, Blue Coat Systems, and NetApp Inc., both from Sunnyvale, California, purportedly developed and sold filtering technology to Tunisia that the Ben Ali regime used to censor websites critical of the government.<sup>75</sup> Tunisia also used Smartfilter, a product from Santa Clara, California-based McAfee Inc., for its internet surveillance and web-blocking efforts.<sup>76</sup> Prior to the fall of the Ben Ali government, Tunisian bloggers and other activists lived in an Orwellian existence in which a “Big Brother” type of message —“Ammar 404”—would appear instead of the blocked websites they were trying to access, just as words, random symbols, or threatening messages like “you can run but you can’t hide” would appear instead of the emails they were trying to exchange with friends.<sup>77</sup> One opponent of the Ben Ali regime, Asma Hedi Nairi, described how the “Ammar 404” intrusions forced her to shut down multiple email accounts prior to the Arab Spring, and how the government interference would sometimes even harm reputations by inserting pornographic images in work emails and by routing embarrassing photos onto Facebook.<sup>78</sup> Nairi says that “Ammar 404 was seeing everything. Ammar 404 is more dangerous than any police man in the street. It was a war of information.”<sup>79</sup>

The digital surveillance industry is worth an estimated \$3 billion to \$5 billion a year.<sup>80</sup> Just as activists during the Arab Spring and throughout the Middle East have used emerging technologies and social networking platforms to organize protests, mobilize support, and communicate with others, repressive regimes have used technology to intrude into and disrupt these digital connections. Marietje Schaake, a member of the European Parliament who follows the abuses of communications technology, points

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73. *Id.*

74. *Iranian Police Seizing Dissidents Get Aid of Western Companies*, *supra* note 68.

75. Vernon Silver, Post-Revolt Tunisia Can Alter E-Mail with ‘Big Brother’ Software, BLOOMBERG NEWS (Dec. 12, 2011), <http://www.bloomberg.com/news/print/2011-12-12/tunisia-after-revolt-can-alter-e-mails-with-big-brother-software.html>.

76. *Id.*

77. *Id.*

78. *Id.*

79. *Id.*

80. Ben Elgin & Vernon Silver, Torture in Bahrain Becomes Routine With Help From Nokia Siemens, BLOOMBERG NEWS (Aug. 22, 2011), <http://www.bloomberg.com/news/2011-08-22/torture-in-bahrain-becomes-routine-with-help-from-nokia-siemens-networking.html>.

out that “[w]e have to acknowledge that certain software products now are actually as effective as weapons.”<sup>81</sup> Regimes like the Bashar Al-Assad government in Syria have made widespread use of these digital weapons. Using Western technology from companies like Nokia Siemens and others, the Syrian regime monitors emails and online traffic. A storage and archival system copies the emails, scanning across a network and stores them in a searchable database where the authorities can perform searches at a later date.

Efforts have been made to stop the sale of such surveillance technologies to repressive regimes. Last year, U.S. Representative Christopher Smith of New Jersey, introduced the Global Online Freedom Act, which would create a legally-enforceable obligation on the part of any U.S. business that “creates, provides, or offers to the public for commercial purposes an internet search engine, internet communications services, or internet content hosting services” to ensure that the foreign countries in which it operates or provides service are not violating the basic human rights of their citizens to freely express themselves.<sup>82</sup> The Act’s stated purpose is threefold: (1) to prevent American businesses from cooperating with repressive governments in transforming the Internet into a tool of censorship and surveillance; (2) to fulfill the responsibility of the U.S. government to promote freedom of expression on the Internet; and (3) to restore public confidence in the integrity of U.S. businesses.<sup>83</sup> As justification for its goals, the Act notes that U.S.-based technology companies have enabled or even assisted oppressive practices of governments by supplying them with necessary technology and/or training.<sup>84</sup> It also decries the cooperation by U.S. businesses with repressive governments by providing these regimes with information about their users. The bill also proposes an in-depth study of the feasibility of devolving expert controls concerning items being exported to an Internet-restricting country “for the purpose, in whole or in part, of facilitating substantial restrictions on internet freedom.”<sup>85</sup> Should the study indicate that such controls are viable, the Act could potentially be revised to include them, something that could significantly impact U.S. diplomatic relations with a country subjected to such controls. Finally, the bill would also establish an “Office of Global Internet Freedom,” as a suborganization within the State Department.<sup>86</sup>

While the Global Online Freedom Act is to be applauded as a market-based approach to what is, fundamentally, a human rights problem, it raises as many questions as it answers. How will U.S. companies, already dealing

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81. *Id.*

82. Global Online Freedom Act of 2011, H.R. 1389, 112th Cong. § 201 (2011).

83. *Id.* § 2.

84. *Id.*

85. *Id.* § 301.

86. *Id.* § 204.

with a patchwork quilt of data privacy issues at home and abroad, react to being pressed into service as a sort of global police force, providing intelligence on the practices of the “Internet restricting” countries where they operate? Moreover, if violating nations wind up subject to trade controls, will that prompt retaliation against the United States through trade restriction of their own? Finally, the Act is silent on the question of solving the very practical issue of circumventing the letter and spirit of the Act through the use of “middle man” companies. Certain foreign regimes that are already subject to scrutiny, like Iran, have a long history of acquiring technology through such roundabout means.

#### CONCLUSION

Have iPads and iPhones become the protest signs and placards of the 21<sup>st</sup> century? A glance at political upheaval worldwide during the digital age—from anti-Putin demonstrators in Moscow holding their tablets and smartphones over their heads during protests to the demonstrations in Tahrir Square at the height of the Arab Spring—illustrates that, contrary to Malcolm Gladwell’s denials, the revolution will indeed be tweeted. In the modern age, no social or political protest is complete without the requisite electronic accessories: a fast-trending hashtag (#) on Twitter that concisely describes the movement itself and provides updates on escalating developments; a critical mass of Twitter users adding momentum with their masses of followers and re-tweeters; and a Facebook page with thousands of “friends” sharing and posting. While the critics who were quick to counter the social media narrative that enthralled many Western journalists correctly pointed out that revolutions were occurring long before the advent of Facebook and Twitter, the fact remains that social media platforms and technology in general enabled protests to spread more quickly and organization to occur more efficiently. Facebook, Twitter, and the Internet may not have ignited the upheavals of the Arab Spring, but they certainly served as an accelerant. These new technologies may not have made history happen—the simmering resentments formed by decades of tyranny did that—but they did make history happen faster. The empirical studies of the role of technology during the Arab Spring bear this out.

At the same time, the flipside of technology cannot be ignored, as the governmental response of “unplugging democracy” makes use of the very same innovations to monitor and stifle expression. Governments like the Mubarak regime simultaneously feared the impact that electronic content could have on their entrenched positions and used technology to further their repressive aims, ultimately (and unsuccessfully) playing the ultimate trump card of cutting off internet access altogether. Moreover, such a state media strategy provides a cautionary tale, even to countries as justifiably proud of their commitment to free speech as the United Kingdom and the United States. During the London riots of 2011, Prime Minister David

Cameron contemplated cutting off access to the Internet. And in San Francisco in August 2011, city mass transit administrators worried about planned protests at a number of subway stations elected to shut down network access, ostensibly to ensure safety. Although measures like the Global Online Freedom Act represent an important recognition of the role that U.S. businesses can inadvertently play in supporting the cyber surveillance efforts of repressive regimes, threats to free expression can originate from the highest levels of government. For the Mubarak regime at least, the last-ditch governmental efforts to quell unrest by “unplugging” the Internet failed miserably.