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Network Exceptionalism: Online action, discourse, and the opposition to SOPA and ACTA

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Introduction

In January 2012, Wikipedia went black. A black banner appeared, inviting readers to “Imagine a world without Free Knowledge” and warning “the US Congress is considering legislation that could fatally damage the free and open internet.”

(Wikipedia, January 18, 2012). The blackout was at the centre of a media storm, and in response thousands of individuals contacted their elected representatives. The legislation was thrown out of Congress and neither the Stop Online Piracy Act (SOPA) nor the related Protect Intellectual Property Act (PIPA) survived their Congressional votes. Later that same year, the Anti-counterfeiting Trade Agreement (ACTA), a treaty covering both intellectual property and counterfeiting, failed to be ratified by the European Commission, after a similarly high level of public participation, as well as extensive media coverage and thousands of phone calls and emails from citizens to their elected Members of the European Parliament.

This paper identifies how these actions expanded public participation in information policy issues by analyzing discourses presented within activist communications and the mass media, identifying structural as well as symbolic aspects of networked protest. Focusing on the ways this discourse circulates within and connects online

activism, conventional activism and mass media coverage in the opposition to SOPA and ACTA, it highlights the continuing role for the popular press in developing and carrying discourses, but cautions against reifying either the role of the press or the role of globally distributed online. Instead, it examines how a discourse of ‘network exceptionalism’ can be leveraged in various directions, in a dialectic negotiation between structural and symbolic. In the contemporary climate of intensive surveillance of digital communications, this notion of ‘network exceptionalism’ may need to be re-examined as a premise for framing digital rights action.

Background: Digital rights legislation and networks of activism

SOPA, and related legislation PIPA, intended to curb international infringement of US-based intellectual property rights. This genre of bills – also including a US bill called COICA: Combating Online Infringements and Counterfeits Act - seek to increase the liability of web site operators and internet service providers over the content they distribute. They proposed ‘requiring US search engines, advertising networks and other providers to withhold their services’ in relation to websites hosting suspicious content (Schmitz, 2013). However, these bills risked chilling online speech as they also apply to user-generated content. Advocacy organizations opposed these bills, as part of broader digital rights movements that reposition human and civil rights in terms of their capacity to be sustained within digital communications environments, including in terms of hardware, software and connection protocols (see Postigo, 2012).

The SOPA protest enlivened interest far outside the ‘usual suspects’ of digital advocacy circles. Thousands of people contacted elected representatives to express

their opposition to the bill. This level of public engagement was, as Yoder (2012) argues, unexpected in a context where policy influence is normally cast as proceeding from lobbying by powerful industry players including the Motion Picture Association of America (MPAA) and the Record Industry Association of America (RIAA) who heavily backed SOPA, and Google who heavily opposed it. The opening up of debate around SOPA established different ways for digital rights movements to link into expectations of broader participation in policy-making related to digital rights, especially including the possibility for more discursive citizen participation in policy making (Bridy, 2012).

Participation is also constrained or enabled by context. Levine (2011) argues that SOPA, unlike ACTA, provided scope for civic participation in policy making because information was more easily accessible. Indeed, public information on ACTA, including the aspects of the treaty related to digital communications, was very vague until leaked in 2009. By early 2012, ACTA had been ratified by 22 countries and final ratification by the European Union was pending. Yet as the ratification vote approached, mass protests opposing ACTA emerged across Europe, including significant street protests in Germany, Poland and the Netherlands (Lee, 2012) and coordinated actions led by digital rights organizations where individuals were encouraged to write or telephone their Member of the European Parliament. A petition with signatures of 2.8 million European citizens opposing the bill was delivered to the parliament. The treaty was defeated in preliminary votes on June 21, 2012 and in a final vote on July 4, 2012. The opposition to ACTA also built on a long tradition of digital rights activism in Europe, but its campaign may also have adopted and engaged with discourses produced about network exceptionalism as part of anti-

SOPA campaigns. The extent to which discourses resonate transnationally is significant in advocacy spheres that are focused on global communication rights.

Theories of mediated action: protest and policy formation

The literature on public understanding and participation in policy issues includes theories of social movement action that consider actions in response to political opportunity, theories that concentrate on the symbolic power of the media to frame or set political agendas, and theories of network power and action that focus on the social organization and structural capacity of networks. These theories have all been used to analyse civic actions in defense of normative principles including freedom of speech, and range from structural theories that concentrate on the formation of political opportunity or the role of media in setting and communicating frames that then influence policy, to dialectic and dialogic theories that examine the interplay of communicative power. These dialectical and dialogic approaches attempt to capture the networked social dynamics that also contribute to civic action, and they highlight some of the places where a discursive approach would permit better understanding of the role of symbolic power in these dynamics.

Social movements and opportunity structures

When studies of social movements consider the relationship between activist or oppositional movements and the media, they often do so by examining how the media (usually the mass media) allows for activists to communicate their messages. Social movement studies defines political ‘opportunity structures’ as the “dimensions of the political environment that provide incentives for people to undertake collective action by affecting their expectations for success or failure’ (Tarrow, 1994, p. 85). These are structural elements outside of the individual experiences of advocates and activists.

While these are often considered in terms of national and international policy opportunities, they are also shifted by the perceived opportunities of global networks of participation.

In a recent study of the role of Wikipedia editors in agreeing to action in opposition to SOPA, Konieczny (2014) argues that free culture actors organizing worldwide and in the United States responded to a 'nested' political opportunity structure. This included both an international political opportunity structure highlighted by international discussions about the threat that SOPA posed to Wikipedia, as well as a national political opportunity structure that included the ability of Wikipedia editors to directly contact their own political representatives. For Wikipedia editors with US nationality, SOPA was a domestic policy issue, while for international editors it was a global issue of free access to information. This identifies the transnational nature of free culture activism and highlights the importance of considering the relationship between the national and the global in analysis of transnational digital rights movements. However, Konieczny's study focuses only on the Wikipedia action, and not on the broader public mobilization that was key to the overturning of SOPA, and which depended also on the appropriation of specific discourses within media reports.

Symbolic Power: Agenda setting and framing

Clearly, media discourses play a role in mobilizing publics to participate in activism.

Social media and social movement scholars identify the opportunities for social movement actors to shape messages that are then presented in the media (Snow and Benford), but also their dependence on mainstream media to legitimate demands and capture attention (Tufecki, 2013). This legitimation has been shifting as networked

social relations alter the media ecology. Gamson and Wolfsfeld argue that social movements “need news media for three major purposes: mobilization, validation, and scope enlargement” (1993, p. 116). In the classic theory of framing, these three actions depend on mass media having greater power to control attention, with social media actors left with little control over the ‘stories’ mass media choose to cover (Snow and Benford, 2000) and thus being further subject to the ideological power of the media (Gitlin, 1990). Yet the oligopolistic control of how social movements are represented and thus how they can mobilize support, validate their message and expand their scope shifts in relation to new media. Tufekci argues that this shift is intimately linked with participatory media and the ability of social movement actors to capture attention through the use of multiple media channels. Control of messages thus no longer depends on ‘one prize broadcast that can command mass attention in the same manner as in the era of broadcast dominance’ (Tufekci, 2013 p. 856). Instead, ‘more complex paths to attention and scope enlargement in networked public sphere and the importance of peer-to-peer networks, a path that had been much less viable before the advent of digital social media and its affordances of easy copying, sharing, and distributing among interconnected peer networks” (p. 855).

Structures of Networked Relationship

This work demonstrates the structural aspects of a shift towards participatory media within social movements. It joins other work that highlights the networked nature of information sharing. Gonzales-Bailon et al (2013) identify how new media has changed the costs of mobilization and coordination for activists. Examining the diffusion of protest activities related to the Arab Spring via Twitter hashtags they identify a lowered cost for moving information transnationally This work identifies

the changing costs of transnational communication but leaves open the question about how social movement actions are globally connected. Benkler et al (2013) employ a similar approach to the SOPA case, focusing on the peer-to-peer sharing of information. Their data-driven approach maps the links between online sources, identifying connections between social media sites and news media in discussions of COICA, SOPA and ACTA between 2010 and 2013. Their study identifies the media sources that received the greatest number of in-links, which they claim allows them to identify the development and movement of controversies over time. This use of linking behavior to represent significance dedicates high value to the form of networked communication, but does not consider in detail the discourses constructed within the content shared and linked. Benkler's work is also limited to the US context, raising questions about how networked dynamics of information sharing are associated with advocacy about digital rights issues across national boundaries – and within networks themselves.

Networks as platform: civil disobedience

Networks not only permit information sharing among activists, they also support forms of civil disobedience. Anonymous, the loose collective of internet users known for employing tactics such as Distributed Denial of Service (DDOS) attacks in response to perceived threats to free speech and autonomy of the internet. DDOS attacks function by overwhelming web servers with requests. The use of these tactics has a long history in digital rights activism, often split between using these technical tactics as a means to gain media attention and undertaking 'serious hacktivism' by building tools for encrypted communication (Sauter, 2013; Bodo 2014).

The anti-SOPA ‘blackout’ was not itself a DDOS, and nor was it a particularly sophisticated technical act: it was still possible to access many of the ‘blacked out’ websites either from overseas or via proxy servers. In this sense, this action was perhaps more in line with historical hactivist actions like those of the Electric Disturbance Theatre, who claimed that “the purpose of a DDOS was to draw popular attention to an issue and to generate public debate but also to directly engage with the target in a form of direct action. The DDOS was viewed as an auxiliary political act, a way to ‘leave one’s computer protesting at home and then hit the streets to do the same” (Dominguez, 2009, p. 1810)’ (Sauter, 2013 p. 988). Anonymous, however, did not employ DDOS simply as an online parallel to physical action – instead they linked these and other technical tactics such as ‘site invasion’ where comment boards or online games would be swamped with Anonymous participants (Coleman, 2011) and a strong tradition of creation and distribution of online videos and manifestos. As Sauter notes, the symbolic impact of Anonymous comes from the legal uncertainty around DDOS, which has been exacerbated by recent arrests of Anons participating in DDOS and site invasions (Bodo, 2014). For the purposes of this argument, it is worth focusing on how Anonymous actions (and other technical activism) operate symbolically to generate a sense of possibility and (legal) threat that is linked both to the ‘peculiar powers that cyberspace creates’ (Jordan and Taylor 2004 p. 116) and to the media visibility of internet-related concerns.

As this section has outlined, structural conditions for garnering attention, sharing information, or enacting civil disobedience are changing. They are significant also because the network promises an alternative paradigm for engagement. This promise is highlighted in the discourses produced about the influence of networked protest.

These discourses configure the space of possibility for activist actions to have an impact, and they thread through this previous work. Examining these discourses as they are produced in relation to activist activities that have policy outcomes, such as SOPA and ACTA, makes it possible not only to identify how the symbolic power of mass media shifts in relation to participatory media structures, but also how the discourses produced in relation to distributed and networked activists move around media and policy ecologies, creating spaces for engagement with policy ideas.

Symbolic power and participation in policy making

The significance of networked social environments for policy comes in part from the idea that networked relationships can create spaces for greater participation in policy making activities. Levine and Bridy observe how these dynamics influence the negotiation of SOPA and ACTA in terms of the procedural democratic space created for the participation of multiple publics. From this Habermasian point of view, the legislative space created for participation in SOPA, where information about the legislation was available online, was open enough to invite participation: “in sharp contrast to deliberations over ACTA, congressional deliberations over SOPA/PIPA were marked by a much more open flow of information between policymakers and the public. This was due in large part to the free availability of the primary documents and an interest in their contents that propagated virally across the Internet” (Bridy 2013 p. 158). Levine sees the openness of the deliberative space as related to accessibility of information by citizen publics (2012) whereas Bridy stresses the importance of information flows from citizens to policy-makers, claiming particular significance for the SOPA protests that encouraged citizens to contact their elected

representatives. This is in line with what Gangadharan (2013a) positions as a deliberative model for participation in policymaking: “a deliberative alternative, which focuses on the collective formation of ideas, concerns, or proposals of individuals and communities affected by communication regulation” (p. 1). Activism facilitated over the internet and in relation to communications policy has a dual character: it employs features of participatory and networked information sharing and uses these to develop discourses that support the internet as a site for free expression. Bridy characterizes this as a “multi-vocal chorus of input from the Internet—both on behalf of the Internet and by means of the Internet” (p. 163).

The capacity for networked coordination as well as the availability of information over the network thus create space for deliberative policy making. However, as significant as the network structures that facilitate this mode of communicative action may be, they are also in dialectic with the media, whose symbolic power to frame and represent remains important. Even in Bridy’s defense of the dialogic mode of policy making, evidence for civic action was comprised of media reports. In a space of discursive policy-making, where language “reproduces hierarchies of political competence between experts and nonexperts” (Mochnecki, 2013 p. 529) the media can establish and reposition these hierarchies, by presenting particular interpretations of shared discourses. The participatory space for participation in policy discourse is thus constructed by and through the creation of activist networks, but also re-presented in media narratives about this activism. The rest of this paper examines the development and movement of discourses of ‘network exceptionalism’ between digital rights activists, online information sources, and press reports of the SOPA and ACTA opposition. This discourse tries to capture the normative claims made about

the capacity of the internet to promote free expression, as well as the significance of the internet in amplifying networked social action. Tracking the discourse alongside the operation of the networked action (as mapped by Benkler et al in the case of SOPA, and as described by activists in the case of ACTA) provides a way of understanding how the dialectic relationships between advocates, the press, and policy makers unfold.

Beyond Structure: Discursive Approaches

This approach focuses on what Streeter, following Foucault, identifies as ‘discursive practices . . . intertwined habits of talk and action, patterns which are rendered significant in their consequences, as in their effects’ (2013, p. 489). In particular, I build upon the discursive tradition of analysis of civic participation in policy debates that focuses on language and the symbolic in policy-making: “that is, at terms, phrases, statements and arguments – not just as tools, nor as things that can be defined more or less precisely, but as significant moments in an ongoing flow of human action” (Streeter 2013, p. 490). From this perspective, struggles over meaning reveal the negotiation of the symbolic power that underpins policy making, which can be made visible in the negotiations around the use of certain discourses (Dunbar-Hester, 2013), their movement into different interpretive communities (Streeter, 1996), and the ways that discourses are translated differently by different publics engaged in policy processes (Gangadharan, 2013b). This paper contributes to this discussion of discursive tensions in policy making by examining how the discourse of network exceptionalism operates as it moves among networked actors via online information sharing, the mass media, and representatives of activist organizations.

The analysis covers of news articles indexed by Lexis-Nexis, published in the United States between December 20, 2011 and February 20, 2012 for SOPA-related material, and published in English in European newspapers between January 1, 2012 and March 1, 2012 and focuses on how specific discourses are developed within individual articles but also how they circulate between different news outlets including newspapers of record such as the New York Times or the Guardian and other news sources. This analysis is joined to analysis of the circulation of discourses among the networked public sphere and activist communities in both cases – employing the results of Benkler et al’s analysis of the networked debates around SOPA, and original interviews with members of the digital rights organizations campaigning against SOPA and ACTA. The instances of discourse illustrate the ways that discursive participation in policy-making unfolds in contemporary mediated culture (see Dunbar-Hester, 2013; Streeter, 1996).

The discourse of networked exceptionalism developed within expert commentary and then expanded, in part through the development of the ‘internet blackout’ meme, which embedded contradictory claims about the internet’s fragility and indispensibility. These claims developed not only through media narratives and the circulation of particular memes, but also through the undertaking of symbolic “technical activist” actions such as blackouts and DDOS. These are forms of discursive acts that have been described as ‘argument-by-technology’ (Kelty, 2006) and can be considered as part of broader discursive flows. Of course, civic participation in constructing such discourses is only a small part of the way that policy making unfolds. In both SOPA and ACTA mobilizations, discourses reveal and conceal the significant and ongoing efforts of a number of actors including

technology companies like Google, mandate-based advocacy organizations like Public Knowledge and Access Now, in addition to online media, technology news websites, online platforms and other online actors. Opposition to SOPA and ACTA included a number of traditional tools for policy change including lobbying and petition, and also included some traditional social activist tools for mobilization and visibility, such as street protest, besides the networked propagation of information through online media and online activist tactics like DDOS. These latter actions also contribute to the development of discourse, in part by propagating it, but also through action that is then subsequently the object of discourse.

SOPA: Development of Discourse

Before the coordinated efforts connected with the ‘blackout’ in January 2012, organized opposition to SOPA received little press coverage in mainstream media outlets. As Benkler et al’s (2013) work illustrates, news and information about the significance of SOPA moved across blogs, message boards and websites linked with digital advocacy organizations long before it gained any purchase in news sites with broader readerships. Building upon the research on linking, it is possible to examine how discourses emerge and are leveraged in the broader processes of policy debate.

Fragile Internet: the discourse of victimization

Benkler et al’s team identify a concern with the “health” of the internet arising in late 2011. This discourse positions the internet as fragile in various ways, references to ‘breaking the internet’ appear in several blogs that Benkler’s team identified as sites that became key nodes in the discussion. The initial report by Lemley, Levine and Post positions the internet as a victim of violent enforcement, subject to “an unprecedented, legally sanctioned assault” (Levine et al, p. 1) and the power of the

courts directed to internet infrastructure in “sledgehammer fashion”. The internet itself is conceived here as a fragile entity susceptible not only to threat but also illness in relation to the regulatory experience: SOPA and PIPA introduce “infirmities” that are “built upon” particularly by SOPA. The internet’s integrity is under threat: “The Internet’s Domain Name System (DNS) is a foundational block upon which the Internet has been built and upon which its continued functioning critically depends; it is among a handful of protocols upon which almost every *other* protocol, and countless Internet applications, rely to operate smoothly.” The kinds of illnesses and threats introduced to the internet undermine these foundations. The ‘fragile’ or ‘ill’ internet cannot thus fulfill its potential as a foundation for commerce and communication. Notions of fragility and indispensability thread through the activist efforts at resisting SOPA, and through reports on these actions.

Blackout: vulnerability and indispensability

Dissemination of the idea of an ‘internet blackout’ developed this ambivalent discourse of vulnerability and indispensability. On Wikipedia, founder Jimmy Wales floated the notion of English Wikipedia going ‘on strike’ as the Italian version had done in response to a law curtailing editorial independence. After a ‘straw poll’, a community consultation undertaken by the Wikimedia foundation and a vote, the Wikipedia blackout was agreed to occur on January 18 to accord with other protest actions. The Wikipedia blackout attracted a lot of attention: the Wikimedia foundation reports that there were over 162 million visits to the blacked-out site, and in between the Wikipedia community’s decision to join the blackout on January 16 and its beginning on January 18, every single one of the indexed news article included mention of Wikipedia’s participation. The support of Wikipedia was thus significant in underlining the threat of SOPA to the fragile internet. This was mirrored in the shift

that Oz (2012) reports in the arguments legitimating participation in the blackout. The discussion among Wikipedians began with descriptions of individual opposition to SOPA but then shifted after some members argued that such political action contravened the Wikipedia project's neutral point of view. As a response, "instead of arguing that opposing SOPA was good or beneficial, they argued that it was essential. We can trace a new line of arguments, according to which SOPA puts at jeopardy the very existence of Wikipedia, and therefore the community has no option but to disregard its own policies and norms in order to save the project" (Oz, 2012 para. 4). As Oz (2012) reports, the discussion among Wikipedia participants about whether to participate in the blackout had to account for the legitimacy of a neutral encyclopedia participating in a political project. The legitimacy could only be secured by presenting SOPA as a key threat to the project. Wikipedia thus becomes the exemplar of the fragile internet, in need of both protection and defense. As well, the internet 'blackout' developed as a meme that carried and developed the discourse of networked exceptionalism. This illustrates how the discourse operated both structurally and symbolically.

The Blackout meme

Wiggins and Bowers define memes as "remixed, iterated messages which are rapidly spread by members of participatory digital culture for the purpose of continuing a conversation" (2014, p. 1). In the development of discourses around SOPA activism, the notion of an 'internet blackout' took on the qualities of a meme, permitting, I argue, not only the conversation about the legislation to continue, but also its particularly resonant discourse. The idea of an internet 'blackout' originated in discussions between advocates who had drafted open letters opposing the legislation: the Electronic Frontier Foundation, Amnesty International, and dozens of others.

Once the notion of a ‘strike’ by the creators of internet content took hold, it could be adopted, iterated and shared. Discussing a ‘blackout’ could act as shorthand for inspiring contact with an elected representative, or elude to concern about the future of the internet. The ‘blackout’ meme provided a means for people visiting popular websites including Wikipedia and Google to be directed to online petitions or to information on how to contact their elected representatives. The propagation of the ‘blackout’ as a meme was bolstered by opportunities for individuals to feel part of the protest. Considering the blackout as a meme highlights how networked dynamics can carry an idea – even the nub of a discourse – in ways that allow it to develop. Thus, hundreds of thousands of individuals participated in propagating a notion of a fragile yet essential internet, through posting one of the estimated 2.5 million tweets tagged with #SOPA, changing a Facebook status to an anti-SOPA ‘censored’ message, blacking out an individual blog (Wordpress reported that 25,000 individual blogs were dark on January 18), or using tools like the Flickr button that made it possible to symbolically ‘censors’ any image in the repository. This symbolic propagation of the ‘blackout’ meme provided the hinge of a new narrative for protest that was also reflected in media coverage of anti-SOPA activities.

This coverage used the notion of the blackout to develop the idea that this mobilization was significant because of its organization and its aim: journalists quoted the COO of Reddit commenting that the participation in the action was ‘testament to how the internet works’ (USA Today, January 2012). The pattern of contributions to and developments of ‘blackouts’ or even social media tags was understood as illustrating something intrinsically important in the internet’s structure and function – something indeed that might warrant attention to the buzz of blogging and blacking

out. For example, the LA Times reported that “internet companies have broadened the debate, recasting it from one about piracy and digital copyright protection to one about Internet Freedom” (Chang and Hsu, 2012). The broadening of the debate is evoked through references to terror and anxiety about the possibility that the internet might not work as expected – and in a strong illustration of the dialectic between symbolic and structural power underlying the formation of discourse in this space, illustrated with contributions from social media sites:

The prospect of a day without the websites set off a frenzy in the hours leading up to the strike, which was slated to begin Tuesday night, with parents urging their children to do their homework early and tech-savvy users posting instructions for how to access cached Wikipedia pages during the blackout. "If Wikipedia is going down, I'm going down with it," wrote Twitter user Mariellesmind, who was among thousands that filled the microblogging site with panicked, profanity-filled tweets. "Terrified about the Wikipedia outage," tweeted Los Angeles resident Chandra Moore. "I was told to use an encyclopedia if I have a question, but I won't even be able to Wiki what one is." The Internet's biggest power players, including Google, Facebook and YouTube, were planning to stay up and running, but the shutdown of the other sites and the ensuing anxiety underscored the breadth and influence of the world's Internet companies, as well as Americans' dependence on them (Chang and Hsu).

The frenzy and anxiety about the possibility of limitations to the internet are contrasted with the power of the internet players, and hence, the legitimation of their calls for freedom – which, given that a vote on SOPA had already been postponed, and support withdrawn by the White House, were more important as general statements of purpose rather than specific policy statements.

Anonymous: too threatening to legitimate

Elsewhere however the discourses connected to the blackout are less straightforward especially in relation to Anonymous, and its role in constructing the discourse of networked exceptionalism. Anonymous contributed to SOPA protests but was neither

enrolled in the official ‘blackout’ protests nor directly linked with their coverage in the media. However, Anonymous did undertake a DDoS action, purportedly in response to SOPA as well as to the pre-emptive arrest of Kim Dotcom and the shutdown of video-sharing site MegaUpload. Targets included Universal Music, the FBI, the US Copyright Office, and the Recording Industry Association of America. In this action the unruliness of Anonymous is in evidence: the actions are not clearly aligned with political goals – instead mixing perceived threats to free speech with threats of limited access to online video. The mass media could not keep Anonymous within the discursive space defined by the blackout: the Philadelphia Inquirer reported, “for cyberhacker group Anonymous Wednesday [January 18] will be a day of rest” (Timpane, 2012). To retain legitimacy, the discourse of network exceptionalism within the SOPA protests had to focus on the potential to protect the fragile internet. Too much attention to Anonymous might draw attention elsewhere, to the threatening and unknowable aspect of network exceptionalism. Perhaps because the production and circulation of this galvanizing discourse occurred in parallel with lobbying of legislators by corporations including Google, certain aspects of its power are minimized. While a similar discourse animated the end of the campaign to oppose ACTA (in particular through references to internet freedom) it retained, as I explore below, a greater ambivalence especially in relation to the figure of Anonymous.

ACTA activism: the opportunity to use SOPA activist frames

Just after the SOPA strike, digital rights organizations across Europe including La Quadrature du Net in France, Bits of Freedom in the Netherlands, and a European branch of Access Now were organizing a final phase of their opposition to ACTA in concert with other groups (such as trade unions). As one advocate involved with

Access Now remembers, “We had been trying for months . . . And the thing is that we couldn’t get citizens engaged because it was an esoteric kind of agreement and it was being negotiated completely in secret so we had no real access to documents, we were working with leaks. The media wasn’t touching it, it was not a hot topic, there was no hook” (RM, 2013). But the response to SOPA changed public sentiment: “We had started a petition in August, and from August to January 22, we had gathered something like 11,000 signatures. But in two days, it was on Twitter, it just exploded. It was right after SOPA PIPA and people found out about ACTA and they just started going crazy. Within two days we had like 380,000 signatures on our petition” (RM, 2013).

The ACTA campaigners were already employing networked modes of coordination, and as the campaign intensified, they also used discourses of networked exceptionalism to highlight both the work they were doing and its connection to the activism happening in the US. This discourse had to leverage the same kinds of direct policy action as the anti-SOPA action. A post on Reddit by MEP Marietje Shaake illustrates how aspects of the discourse employed in SOPA, including the blackout meme, reappear in relation to ACTA:

The internet blackouts by thousands of websites last week in protest of the Stop Online Piracy Act (SOPA) and the Protect Intellectual Property Act (PIPA) have raised lively discussions. Not only in the US but also in the EU the question is how to balance or reform copyright laws whilst preserving an open internet.

The success of the protests against SOPA and PIPA has also given the internet community quite a confidence boost. (. . .)

If you are concerned about ACTA, contact MEPs (from your country of political party), especially targeting the ones who are in the committees who will vote on ACTA in the coming months. You can find their email addresses

on the [EP website](#). Perhaps it won't have to come to a blackout! (Schaake, 2012)

Shaake's message, written in consultation with a staffer active in digital rights activism (and one of my interviewees) highlights the blackout as evidence that the 'internet community' is effective in creating policy change, but also mentions 'massive protests'. It also highlights the exceptional quality of the "blackout", positioning this action as something to avoid. This positioning of the discourse opens out an ambivalence about both networked political protest and the exceptionalism of the internet that characterizes the discussion of networked anti-ACTA protests in the European English-language press as well. This ambivalence goes beyond the concern about the 'health' of the network and the potential robustness of its netizens' response to threat, instead raising questions about the legitimacy of networked activism as compared to street protest.

Positioning ACTA with SOPA: the threatening internet

In the weeks between the 'blackout' actions in the United States and a European 'day of action' in February 2012, the European press used references to SOPA as a way of positioning the significance of ACTA. In this period a majority of articles included comparisons to SOPA as a way of signifying the importance of the internet for collective action. These included the International Herald Tribune's statement "European activists who participated in American internet protests last month learned that there was political power to be harnessed on the web" (Feb 6, 2012). The Prague Post referred to the planned day of action as the "latest flashpoint" (Feb 7, 2012) and the Agence France Press newswire reported, "for young people who lack much chance of climbing the social ladder, the Internet is one of the last public arenas where they feel free" (Feb 9, 2012).

Alongside this presentation of the internet as a symbolic space of freedom, the press also presented the internet in general and internet activism in particular as a vaguely threatening space. Even after popular press articles ceased referring to SOPA and the blackout actions to contextualize ACTA, they continued to refer to internet activism as a special case of collective action: “The real and virtual campaigns, mustered on online social networks, kicked off ahead of the January 26 signature in Tokyo of ACTA by Poland and 21 other European governments.” (Relaxnews, 2012).

Journalists made frequent references to Anonymous, sometimes as a means of discrediting the online movement. Coverage of public protests referred to participants wearing Guy Fawkes masks, associated with Anonymous. The powerful and unknowable internet was also evoked through references to the Pirate party, which claimed responsibility for organizing street protests. These references highlighted the unexpected appearance of this party in European politics, partly marginal and partly newly legitimate. Opponents to ACTA were also frequently described as both young and ‘digitally savvy’ or technically literate.

According to background interviews, this positioning of the opponents as primarily concerned with digital rights (and primarily young) fed in to arguments on behalf of ACTA supporters that the anti-ACTA campaign was based on misinformation fed to naïve street protesters. Indeed, few of the popular press articles on ACTA referred to online action or coordination, even though my background interviews revealed that these were significant in the ACTA campaign. Instead, references to Anonymous and disruptive cyber-activism, which appeared more frequently than in coverage of the SOPA protests, introduced the notion of an exceptional type of collective action

endemic to the internet. Narratives of this type appeared early on, before protests and legislative wrangling reiterated more conventional adversarial frames, and supported a variety of positions. For example, an editorial in the Guardian read, “strategies that work are ones that are collaborative and seek to persuade. Bombing down websites may produce a temporary result . . . but such antics feed into government’s desire for an arms race” (Brooke 2012). This extract illustrates how the exceptional quality of networked protest (at least structurally) is positioned as having questionable legitimacy.

In contrast to the questions of legitimacy that emerged in relation to participation in networked action related to SOPA emerged much more strongly in the narratives of the European press than it did in the United States, where there was no significant street protest to speak of. Physical protest, or the “media logic of numbers” (Della Porta and Giani, 1998) provided a conventional frame through which to understand both the activism and the activists that was less destabilizing than networked activism. Coverage of the day of action, for example, symbolized the importance of the protest by describing and photographing the large numbers of protesters and, and through mention of the exceptionally cold weather on the days of the protests. Indeed, background interviews supported the notion that within ACTA actions, the visibility of people on the street and the direct contact between citizens and their elected representatives had much more traction and influence among the media and campaigners than references to action online. However, in reports on the July 4 vote, references to citizen action and decentralized coordination reappear. The Prague Post calls the vote ‘democracy’s victory’ and notes that ‘the internet is increasingly a format for the defense and regulation of human rights and civil liberties’ (Greene,

2012). The Guardian's correspondent proclaimed 'ACTA was a victim of the social internet' noting that the participation of Anonymous as well as the online organizing of a 'social crowd' was able to force the European parliament to act accountably (Arthur, 2012).

More than in the SOPA protest, Anonymous was a significant cultural force associated with ACTA opposition: besides distributing videos, Anonymous claimed responsibility for hacking U.S. government websites in February 2012) as part of the anti-ACTA protests. The anti-ACTA statement posted on the sites purportedly read:

"If ACTA is signed by all participating negotiating countries, you can rest assured that Antisec (an Anonymous hacking association) will bring a fucking mega-uber-awesome war that rain torrential hellfire down on all enemies of free speech, privacy and internet freedom. We will systematically knock all evil corporations and governments off of our internet" (cited in Chederar, 2012)

The typical Anonymous meme-laden language in this posting provides a mysterious and somewhat threatening message that, when republished in the **XXX newspaper** manages to evoke both the significance of the protests but also their peculiar constituencies. The threat above, the newspaper reader thinks cannot be real, but perhaps it is – that would be an indication of the power of the internet.

Discursively, the vague threat and power of the network, as symbolized by Anonymous carried through other forms of protest against ACTA. The symbolism of Anonymous (and by extension a particular strand of digital rights protest) was adopted in physical protest as well: many Polish MEPs indicated their opposition to the bill by appearing in the European Parliament holding paper Guy Fawkes masks.

Yet as effective as this symbolism of internet threat might have been, it also had unfortunate consequences for activists: one of my interviewees remembers an MEP confronted with thousands of emails in his inbox referring to these messages as ‘cyber-terrorism’. Discourses of network exceptionalism can therefore also discredit technological action.

Discussion

Networks operate functionally to disseminate ideas and link together people participating in social action (for example, by embedding aspects of discourse in memes, which then propagate ideas swiftly), but also symbolically, inflecting discourses towards a focus on the exceptional – and essential – qualities of the internet. The analysis of discourses related to the internet identifies how, even amidst successful public mobilizations that manage to capture the significance of internet architecture for free speech, there remains a certain ambivalence in the discourses of network exceptionalism. On the one hand its fragility requires protection, but on the other it seems able to create the vaguely threatening culture of Anonymous.

The ambivalence of the discourse may create risks for advocates seeking to define and protect rights in the digital era: the combination of fragility and threat makes it feel that the internet, as a communications platform, is too subject to threat from law or state power, while simultaneously containing unknowable threats. This discourse serves then to reinforce aims at protecting and controlling the fragile and threatening internet. This may provide one way of understanding the seemingly muted public response to Edward Snowden’s revelations of systemic surveillance of internet

communications. The discourses that present the internet as both fragile and threatening positions any defense of it as either inherently weak, or failing that, slightly suspect. It is indeed this discourse that advocates for communication rights should keep in mind: overstating the exceptional nature of networked communication may have as its consequence a weakening of legitimate claims for freedom of expression on the internet. As well, it is important to identify how quickly these dominant discourses also absorb opposition movements by positioning them within long-established frames focused on numbers of protesters and expected protest actions. That there was such a large participation of individuals in legitimate discursive policy-making actions (as opposed to less legitimate ones like Anonymous DDoS and other actions) is indeed a testament to the significance of these policy issues, which allowed different inflections of the dominant discourses to develop and spread.

Conclusion

There are structural as well as symbolic aspects to the way that networks operate in the opposition to SOPA and ACTA. Structurally, networks permit a novel dynamic of information sharing and conversation (see Benkler, 2013), including the embedding of aspects of discourse into a meme. Symbolically, the notion of a network as an exceptional mode of organizing AND as an exceptional platform for communication can become embedded in a discourse: like the one circulating in the SOPA protests that stressed both the fragility and the indispensability of the internet, and re-emerged in relation to ACTA along with an element of un-knowable threat. In the US and in Europe, this discourse contributed in different ways to participation in policy making. In the US, the combination of fragility and indispensability legitimated action by

individuals as well as collectives – Wikipedia in particular employed discourses of necessity in its decision to participate in a blackout of its site, and in turn contributed legitimacy to broad public opposition to SOPA. In Europe, by contrast, discourses in the press constructed legitimacy in relation to other forms of civic action like street protest, and included a darker, more threatening nuance in relation to networked exceptionalism.

Undoubtedly, discourses of network exceptionalism are powerful: they link in to the capacity of the internet to enact forms of civil disobedience and ‘argument-by-technology.’ They reflect also the significant structural transformations that change the modes in which discourses travel. Yet this paper has revealed how these discourses can be linked to other kinds of expectations about how to advocate for digital rights. The variable ways that Anonymous was identified in relation to the SOPA and ACTA actions, for example, illustrate the extent to which the internet’s exceptional qualities are also threatening. This threat might need to be minimized or avoided in order to align with the interests of more powerful actors (technology companies lobbying against SOPA, for example) or it may be leveraged to undermine the legitimacy of digital rights activism, as is evident in the elision of networked protest and ‘cyberterrorism’.

Digital rights advocacy and its scholarship have until now invested in notions of the internet as an exceptional platform for communication and coordination, and specifically in the notion of this exceptional quality coming under threat. But as this paper reveals, there are risks to investing in this discourse. It can of course be aligned with interests of powerful entities, but it can also weaken arguments for broad defense

of speech rights if the internet becomes understood as too fragile, or equally too ungovernable to defend. Without a new discourse, the public interest in protecting freedom to communicate over the network might be lost.

Reference List

ACTA killed: MEPs destroy treaty in final vote. (n.d.). Retrieved December 30, 2014, from <http://rt.com/news/acta-eu-parliament-vote-400/>

González-Bailón, S., Borge-Holthoefer, J., & Moreno, Y. (2013). Broadcasters and Hidden Influentials in Online Protest Diffusion. *American Behavioral Scientist*, 57(7), 943–965. doi:10.1177/0002764213479371

Oz, A. (2012). Legitimacy and efficacy: The blackout of Wikipedia. *First Monday*, 17(12). Retrieved from <http://firstmonday.org/ojs/index.php/fm/article/view/4043>

Sauter, M. (2013). “LOIC Will Tear Us Apart”: The Impact of Tool Design and Media Portrayals in the Success of Activist DDOS Attacks. *American Behavioral Scientist*, 57(7), 983–1007. doi:10.1177/0002764213479370

Schmitz, S. (2013). The US SOPA and PIPA – a European perspective. *International Review of Law, Computers & Technology*, 27(1-2), 213–229. doi:10.1080/13600869.2013.764141

Wiggins, B. E., & Bowers, G. B. (2014). Memes as genre: A structural analysis of the memescape. *New Media & Society*. doi:10.1177/1461444814535194

Dominguez, R. (2009). Electronic civil disobedience: Inventing the future of online agitprop theater. *Proceedings of the Modern Language Association of America: Theories and Methodologies*, 124(5), 1806-1812.

Bodó, B. (2014). Hacktivism 1-2-3: how privacy enhancing technologies change the face of anonymous hacktivism. *Internet Policy Review*, 3(4). DOI: 10.14763/2014.4.340

Bridy, A. (2012). Copyright policymaking as procedural democratic process: A discourse-theoretic perspective on acta, sopa, and pipa. *Cardozo Arts & Ent. LJ*, 30, 153.

Lemley, M., Levine, D. S., & Post, D. G. (2011). Don't break the Internet. *Stanford Law Review Online*, 64, 34.

Postigo, H. (2012) *The Digital Rights Movement: The Role of Technology in Subverting Digital Copyright*. Cambridge, MA: MIT Press.

Yoder, C. (2012), A Post-SOPA (Stop Online Piracy Act) Shift in International Intellectual Property Norm Creation. *The Journal of World Intellectual Property*, 15: 379–388.

Lee, D. (2012) Acta protests: Thousands take to streets across Europe. BBC News, 11 February 2012. Available at: <http://www.bbc.co.uk/news/technology-16999497>

Jordan, T., & Taylor, P. (2004). *Hactivism and cyberwar: Rebels with a cause*. New York, NY: Routledge.

Konieczny, P (2014) The day Wikipedia stood still: Wikipedia's editors' participation in the 2012 anti-SOPA protests as a case study of online organization empowering international and national political opportunity structures. *Current Sociology* 62(7), pp.994-1016

Coleman, G. (2011). Anonymous: From lulz to collective action. *Media Commons*. Retrieved from <http://mediacommons.futureofthebook.org/tne/pieces/anonymous-lulz-collective-action>

Gangadharan, S. P. (2013b) Translation in the media ownership debate: The work of civil society groups and the Federal Communications Commission, 2002-2007. *Communication, Culture & Critique* 6(4), pp. 550-567.

Gangadharan, S. P. (2013a) Toward a Deliberative Standard: Rethinking participation in policymaking. *Communication, Culture & Critique* 6(1), pp.1-19

Dunbar-Hester, C. (2013). What's Local? Localism as a discursive boundary object in low-power radio policymaking. *Communication, Culture & Critique* 6(4), pp. 502-524.

Streeter, T. (1996) *Selling the Air: A critique of the policy of commercial broadcasting in the United States*. Chicago: University of Chicago Press.

Streeter, T. (2013). Policy, Politics and Discourse. *Communication, Culture & Critique* 6(4) pp. 488-501.

Mochacki, A. (2013) Calling All Copyfighters: Experts as Superheroes, comic books as intervention and boundary making in Canadian copyright policy. *Communication, Culture & Critique* 6(4) pp. 525-549.

Brooke, H. (2012). Comment: We should all be hactivists: In the state-orchestrated grab for cyber-territory our freedom to share data must be enshrined in law. *The Guardian*. April 21, 46.

Benkler, Y., Roberts, H., Faris, R., Solow-Niederman, A. and Etling, B. (2013). Social mobilization and the networked public sphere: Mapping the SOPA-PIPA Debate" Berkman Center Research Publication No. 2013-16. Retrieved from: <http://ssrn.com/abstract=2295953>.

Chang, A. and T. Hsu (2012). Popular sites to go dark in protest; In the first such strike, Internet staples take aim at anti-piracy bills now before Congress. Los Angeles Times, January 18, B1.

Cheredar, T. (2012). Anonymous says ACTA must be killed with fire, hacks U.S. government websites. Venturebeat. Retrieved from: <http://venturebeat.com/2012/02/17/anonymous-acta-gov-websites-hack/#mc7xbSHzF8TIMV41.99> Accessed 4 October 2013.

Della Porta, D and Diani, M. (1999). *Social Movements: An Introduction*. Oxford: Blackwell

Kelty, Christopher. (2005). Geeks, Social Imaginaries, and Recursive Publics. *Cultural Anthropology* 20 (2): 185–214.

Schaake, Maritje (2012). ACTA: Note from Marietje Schaake, Member of the European Parliament Reddit.com, 25 January. Retrieved from: http://www.reddit.com/r/politics/comments/ow1v5/acta_note_from_marietje_

Snow D.A., Benford R.D. (1992). Master frames and cycles of protest. *Frontiers in Social Movement Theory* ed. A.D. Morris and A.M. Mueller, pp. 133-55.

Tarrow, Sidney (2012). *Strangers at the Gates: Movements and States in Contentious Politics*. Cambridge: Cambridge University Press.

Tufekci, Z. (2013). Not This One”: Social Movements, the Attention Economy, and Microcelebrity Networked Activism. *American Behavioral Scientist* 57(7), 848 – 870.

Timpane, J. (2012). Anti-piracy measures bring Black Wednesday.; Occupy theWeb: Sites going dark to protest bills. *The Philadelphia Inquirer*, January 18, A01.

Wortham, J and S Segupta (2012). Bills to Stop Web Piracy Are Inviting A Long Fight. *The New York Times*, January 16, Section B; Column 0.

Yu, R. and J. Swartz (2012). Internet community cheers power of protest; Hundreds of websites showed their support. USA TODAY, January 19, 1B.