BEYOND #~~CLICKTIVISM~~

Contentions in the Battle for Free and Open Internet

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In Memoriam… prayers and silence for the victims of typhoon Haiyan 17,500 words and tears are not enough…

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List of Acronyms

AHRC	Ateneo Human Rights Center
AIPh	Amnesty International Philippines
AI	Amnesty International
COICA	Combating Online Infringements and Counterfeits Act
CPA	Cybercrime Prevention Act
DOJ	Department of Justice
EFF	Electronic Frontier Foundation
ESA	Electronic Software Association
FFTF	Fight for the Future
ICTs	Internet Communication Technologies
IP	Intellectual Property
IP	Internet Protocol
ISS	Institute of Social Studies
NGO	Non-Government Organizations
PIFA	Philippine Internet Freedom Alliance
PIPA	Protect Intellectual Property Act
SCP	Supreme Court of the Philippines
SOPA	Stop Online Piracy Act
WSIG	World Summit on Internet Governance
WSIS	World Summit on Information Society

Abstract

This research paper reflects on activisms 2010+ through the Internet blackout in the United States (US) and black Tuesday in the Philippines. There is a growing concern that digital media environment are trivializing activism in the form of clicktivisms and slacktivisms. Protests can be a click away, not all protests however qualify as trangressive contention. Drawing from a social paradigm that seeks out robust processes and mechanisms, this research paper examines two successful online protests. It looks into the Internet blackout in the US against the controversial copyright infringement bills called SOPA-PIPA. It also examines black Tuesday in the Philippines against the Cyber Crime Prevention Act. Using a non-linear and multi-level case analysis, the study draws out evidence of dynamic pathways shaping particular features of contention. By doing so, the inquiry finds proof that Internet blackout and black Tuesday involved complex and robust processes that lead to (1) actor constitution; (2) polarization; and (3) scale shift. Further, this paper provides a sketch of the contested global to local policy landscape on Internet governance vs sovereignty and fundamental freedoms.

Relevance to Development Studies

Expressions and outburst of activisms are unfolding and locating the self-organized, seemingly uncoordinated broad based coalitions require rethinking. The Internet of 2000 is not the Internet of 2012, neither will it be the Internet of 2020. The issue of free and open Internet and Internet freedoms will continue to be contested and contentious. By locating "kludgy" contentions the study provides a non-linear, multi-layered case study of the protests against SOPA-PIPA and CPA; Further it contributes to the study of contentious politics and activisms; by factoring in the recursive relationship between constituted networks of actors and the network called the Internet

Keywords

Activisms, Internet, Online Protests, Social Movements, Cyber Crime, SOPA-PIPA, Cybercrime Prevention Act, Collective Action, Social Media, Freedom of Expression

Chapter 1 Introduction

1.1 B@ckground

Internet blackout protests successfully managed to stop the passage of a controversial copyright law Stop Online Piracy Act and Protect Intellectual Property Act (SOPA-PIPA) in the United States (US). Black Tuesday prevented the implementation of the then newly enacted Philippine Cybercrime Prevention Act (CPA). In 2012, the US Congress and the Philippine Congress separately introduced controversial Internet related legislations.

Karpf notes that "[a]mong academic observers and public intellectuals, there is a pervasive concern that the digital media environment has made clickstream activism (also called "slacktivism" or "clicktivism") too easy (2010; 9). There is growing recognition that 'the Internet has expanded and complemented today's social movement repertoire of collective action' (Van Laer & Van Aelst, 2010; 1147). The cynicism on acts of "slacktivism" or "clicktivism" is not without basis. When banking, shopping, applying for a visa and a marriage license are a click away. Acts of protest could also be just a click away. Some acts of online protests however are more contentious than others: this is what the inquiry struggles to unpack.

Technically speaking the Internet is nothing more than an interconnected network of information storage. However, "the rate at which the Internet is both diffusing through society and developing new capacities is unprecedented" (Karpf 2012; 639)(Karpf 2012; 639). Scholarly works are empirically slicing parts of it but it is said that "[s]tandard practices within the social sciences are not well suited to such a rapidly changing medium" (op. cit; 640). Big multinational telecommunication businesses such as Nokia and Blackberry are still grappling with the reasons why they failed to keep up.

It is dangerously praised for almost anything and oddly enough blamed just about everything. The Internet as a medium is redefining resistance. It is also however blamed for facilitating child pornography and other crimes. As a tool it is admired for facilitating mobilizations, but discredited and feared for invading privacy. If profit driven companies struggle to contain the Internet, can governments though state law realistically regulate it?

The protesters however are aware that they have not seen that last of it. A war through what protesters called Internet blackout and black Tuesday may have been won but; the battle for the heart and soul of the Internet remains. In the context of locating collective action and contention, no longer can we simply ask what are they shouting about? What takes a digital native (Shah, 2009) identify with an issue to properly response of a call?

The black ops against SOPA-PIPA and CPA clearly expanded the repertoire of actions but it did more than that. There should be a way unpack the online protests without falling into the trap of cheering for social media and "clicktivism." In the process this inquiry can assert that the Internet blackout and black Tuesday did not spread as a mere viral phenomena. Beyond "clicktivism" and "slacktivism," when vetted it can withstand the rigours of an inquiry that builds on a social movement paradigm that begun in *Dynamics of Contention* (see Research Methodology and following Chapter 2).

1.2 Relevance and Justification

The relevance of this research rests on the awareness that "[n]ew types of spontaneous (political) organizing, viral, non-violent confrontation and forms of 'non-directed' campaigning are emerging that merit attention as additions to an activism repertoire (Biekart and Fowler 2013; 529). Moreover there is also a continuing need to appreciate and confront the fact that "[b]y hook or by crook, activists must experiment with the internet to be effective" (Aouragh 2012; 519). As a social activist who was mobilized through text messaging in 2001 to oust a President; and social media in 2012 to oppose CPA; and as a human rights lawyer who engages on policy advocacy – it allows me to reflect on an issue that may have been averted but will continue to be debated upon.

From an academic perspective, this study aims to (1) provide a non-linear, multi-layered case study of the protests against SOPA-PIPA and CPA; (2) hopes to contribute to the study of contentious politics and activisms; by factoring in the recursive relationship between constituted networks of actors and the network called the Internet.

1.3 Objectives and Research Question

The objective of this research is to investigate and analyse the protests against SOPA-PIPA in the United States and CPA in the Philippines, dubbed by the claim makers as Internet blackout and black Tuesday protests. This will necessarily include understanding and locating the dynamic interaction amongst the processes that led to the achievement of the protests' projected outcomes. In the process, I hope to contribute to the current discussions and debates on the shapes and forms of activisms 2010+.

In doing so, I will revisit a set of core questions that inform social movement analysis and scholarship. Accordingly, "these questions certainly do not reflect entirely the richness of current debates on collective action and social movements, they have surely played a significant role in shaping discussions over the last decades" (Della Porta and Diani 2009; 5). The core questions that guide my inquiry are:

(1) What are the mechanisms and processes through which values, interests and ideas get turned into protest specifically Internet blackout and/or black Tuesday;

(2) What are the roles of identities and symbols, organizations and networks, in explaining the start and persistence of Internet blackout and/or black Tuesday;

(3) What forms do organizations take in their attempts to maximize the strength of collective challenges and their outcomes.

Mindful of the nature and complexity of the role and location of "the Internet" in the Black ops unpacking the research questions will necessarily entail explaining and exploring the ways in which "the Internet" is understood (*see Chapter 2).* As I build my case proving that the protests goes beyond "clicktivism", I expect that forms of legislated (i.e. SOPA-PIPA and CPA) state control over the Internet and the Internet as movement form will figure prominently in the emergence of the Internet blackout and black Tuesday.

1.4 Research Methodology

This research adopts a dynamic approach to examine the emergence and the success of the Internet blackout and Black Tuesday. It draws from the methodology developed in *Dynamics of Contention*, a collaborative work among Mc Adam, Tarrow, and Tilly. The book's back cover provides a glimpse to the inception of the project. Accordingly, they were critical and dissatisfied with "static standard agenda for the study of social movement" (Tilly et al. 2001; 305) (including their own). They endeavoured to shift the focus of analysis to dynamic interaction. I find the paradigm's attempt to grasp the fluidity and dynamism of contentions through processes and mechanisms challenging. The approach has to promise of helping shape the rethinking on online protests and the layered dimensions of `the Internet´ that I wish to confront.

Dynamics of Contention closely examined and compared eighteen contentious episodes – from the French Revolution, Anti-Marcos Yellow Revolution in the Philippines, to the Tiananmen crisis of 1989. They searched for and identified what they referred to as recurrent *mechanisms[1]* and *processes[2]*. **Mechanisms** "are a delimited class of events that alter relations among specified elements in identical of closely similar ways over a variety of situations" (Op cit; 24). **Processes** are "recurring combinations of such mechanisms that can be observed in a variety of episodes of contentious politics" (ibid). The three crucial processes (Op cit; 314) that recur in their exploratory analyses are: ***constitution of new political actors and identities*** within contentious episodes; ***polarization*** of political groups within such episodes; ***scale shift*** in political contention from local to translocal (even transnational) arenas and changes in the actors and the character of their interaction that this involves.

In 2008*,* they revisited the approach and its reception in the field of political and social sciences. They took note of, "[t]he proliferation of research using mechanisms has led to criticisms of conceptual vagueness, proliferation of mechanisms, and lack of methodological rigor in the production of mechanism-based analyses" (McAdam et al. 2008; 308). They recognized the need to refine the mechanism and process approach. At the same time, they inspired and challenged others to "refine the structural approaches and correlational methods that dominate the study of contentious politics" (Op cit 328). This inquiry, will not attempt to advance a methodology that will refine the approaches but in the next section (*see Scope and Limitations*) I will explain how I will manage it.

Standing on the shoulder of the giants I will interrogate the reported narratives on the Internet blackout and black Tuesday to determine if I can draw out the three crucial processes that appeared across a wide variety of contentions. By doing so, I will be able to illustrate that the black ops goes beyond "clicktivism."

The core narrative on the Internet blackout revisits a data driven study covering the period of September 2010 – January 2012 about the the evolution of the SOPA-PIPA controversy (*see Benkler, Roberts et. al. 2013*). Using the lens that seeks out processes and mechanisms, I will reread and reinterpret the social network analysis and qualitative assessment that mapped the SOPA-PIPA debate. The inquiry on black Tuesday will be culled out the following: (1) qualitative interviews; (2) document review of the petitions for certiorari filed against the Cybercrime Prevention Act of 2012; (3) news reports on black Tuesday; and (4) my reflections on black Tuesday as an observer and a social

media user who was urged if not almost coerced thrice over to change my profile photo to join the protest.

Furthermore, a portion of the analysis will also reflect the digitized hypertextual and multimodal expressions of the Internet blackout and black Tuesday. I maintain that the memes and apps produced as mobilizing tools deserve a separate visual and discourse analysis. However, hypertextual and multimodal expressions will be surfaced in an attempt to properly capture a glimpse of dynamic interactions that animated the protests.

1.5 Scope and Limitations

The case studies endeavoured to draw out (1) *actor constitution*; (2) *polarization*; and (3) scale shift. By doing so, I offer evidence that the Internet blackout and black Tuesday cannot be dismissed as mere "clicktivisms" and "slacktivisms." It hopes to help dispel the politics as usual narrative that simplifies the Internet blackout as: "Google and Facebook[3] have come to town" (Benkler et al, 2012:39).

My research is conscious about the exploratory status attached to the processes. I did not equate these processes to definitive general models of contention. They were however considered as "dynamic pathways shaping particular features of contention" (Tilly, 2001; 340).

This inquiry stepped into a multi-layered, non-linear maze. Navigating around it was kludge but it had to be. The three robust processes served as handles to ensure that the exploration was still anchored around social movements rethinking. The case studies moved from one dynamic interaction to another. Unfortunately, my inquiry could not afford to be preoccupied in depth examination of the specific processes and mechanisms. At best, the approach helped expose circumstantial clues and markers that helped build our argument against classifying black ops as "clicktivisms" and "slacktivisms."

1.6 Organisation of the Research Paper

This paper is divided into six chapters and is organised as follows: Chapter 1 sketched the contours of the inquiry and the challenge goes with it. The methodology and scope described the conceptual handles that will be used for the case studies.

In Chapter 2, covers the theoretical framework. The inquiry on the protests will be grounded first locating the arena of contestation and identifying unit of contention. After which, I will provide the contours of the multi-layered architecture of 'the Internet'. Following my critique and apprehensions on the existing literature, I will explain the analytical framework that is intertwined with approach adopted in my methodology. Chapter 3, gives an overview of the Internet policy context (or

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[3] Founded in 2004, Facebook's mission is to give people the power to share and make the world more open and connected. People use Facebook to stay connected with friends and family, to discover what's going on in the world, and to share and express what matters to them. (2013) Accessed 9 November 2013 http://newsroom.fb.com/Key-Facts

the lack of it) and the divisive debates, tensions and contestations on Internet governance. This chapter further provides an insight on how fundamental freedoms particularly the right to freedom of expression online and offline are strongly cherished rights in the US and the Philippines.

Chapter 4 covers the Internet blackout against SOPA-PIPA. I will highlight illustrations and dynamic interactions to demonstrate that the three crucial processes recur in the Internet blackout protest. This chapter uncovers the multi-layered and self-organizing online and offline communities that managed to reframe the debate. Chapter 5 examines black Tuesday protest against the CPA. I search for the three robust processes and see if that connects and explains the key features of the protest and its perceived success. Lastly, the interactions of the processes delineated out of Internet Blackout and Black Tuesday with other mechanisms. Finally, chapter 6, reiterates the Internet blackout and black Tuesday are the beginning of more contentions and contestations about the Internet. Indeed, "clicktivism" and "slacktivism" were necessary aspects of the repertoire of contention. This process however likewise built an political role for the unorganized but clearly connected Internet users. There may or may never be another black ops of such magnitude in the US and Philippines but with an issue that will refuse to go away; the Internet users will learn to build more innovative collective actions to make sure the they do not break the heart and soul the Internet.

Chapter 2 Theoretical Background

The key calls to action for Internet blackout and black Tuesday were simple. It is not surprising that the Internet blackout was likened to "other online campaigns as mere "clicktivism", requiring no more commitment than the twitch of a gamer's finger" ('SOPA Strike' 2013). This chapter begins to dispel that impression. To achieve this, this chapter will be devoted to laying out the tools and concepts that will be engaged in examining the online protests.

The most prominent action for the black ops may have been a click away. The protests were clearly a shout out such as, #NoToCyberCrimeLaw and #STOPSOPA. In terms of impact, the calls were heard and the legislators backed off. The protests have all the elements of what Mc Adam, Tilly and Tarrow call *transgressive contention*. In *Dynamics of Contention,* it is defined as "that which consists of episodic, public, collective interaction among makers of claims and their objects when: (a) at least one government is a claimant, an object of claims, or a party to the claims, (b) the claims would, if realized, affect the interest of at least one of the claimants, (c) at least some parties to the conflict are newly self-identified political actors, and/or (d) at least some parties employ innovative collective action" (Tilly et al. 2001; 78)   If it were to be laid out for the two cases, the table will be filled out as follows:

Internet blackout (US)	Attribute/Element	black Tuesday (Ph)
U.S. Congress	At least one government is a party to the claims or an object of claims	Philippine government (executive, legislative and judiciary)
Offline rights are online rights, Free and open internet	the claims would, if realized, affect the interest of at least one of the claimants	Freedom of expression online
Broad coalition of Internet users as right holders and claim makers	Some parties to the conflict are newly identified political actors	Broad coalition of Internet users as right holders and claim makers
Internet Blackout	Innovative Collective Action	Black Tuesday

Table 1: General outline of Internet blackout and black Tuesday and the elements transgressive contention

The two protests satisfy all the elements of transgressive contention. The basis *Dynamics'* indicators may be subject to debate, but such argumentation may be reserved somewhere else. The use of black against censorship has a history to it. The online repertoire of action has also evolved along with the medium. Internet blackouts in the US by netizens along with big tech companies like Wikipedia or in the Philippines Facebook black outs with full mainstream media support are unprecedented.

This is where the inquiry steps in. By grounding the contention around such framing, it necessarily implies that I take the "liberal democracies" of the nation states wherein the protests are bound as a given. That being the case, the contention is further contained within the "public sphere." The use of the "public sphere" is helpful in contextualizing the political role of online media (Papacharissi, 2009; 244).

For this inquiry, public sphere historically roots itself from Habermas' conception of it. Wherein, he points out the role of newspapers and other forms of print media in cultivating discussion and encouraging debates within the bourgeois "public spheres" (Habermas 1962, Langman 2005). Public spheres are essentially "those realms of organization and interaction located between the newly privatized family and the larger political economy" (Langman 2005; 49).

I also note that different conceptions of public spheres have been proposed and reconstructed. Example of which are the reflections and discussions of the interface of culture and politics in the contemporary movements (Alvarez et al. 1998). The challenge of reconstructing "public spheres" – to make room for public spaces and subaltern counterpublics (Op cit:19) stepped up the rethinking required with the emergence of the virtual public sphere (*see for example Langman 2005*) and networked public sphere (*see for example Benkler, 1998, 2007*). Papacharissi, warns however that "as individuals become more comfortable with online media, newer appropriations of the Internet suggest interesting trends that pulls us farther away from the public sphere ideal" (2009; 236). This is also why in locating the online protests, "public spheres" will be in quotation marks. In recognition of the trends that the democratizing potential of the Internet has little to do with the Habermasian public sphere (see for example *Papacharissi*).

To centralize the landscaping of this inquiry I will locate the controversy within "[t]he "public sphere" (that) implies open struggle between political parties for the votes of those who are governed" (Koopmans and Statham 2010; 15). This is where the symbolism and function of parliamentary representation plays out. This is mainly informed by the strong opposition against SOPA-PIPA and CPA. The short hand message was clear, not that law. I am situating it as such in respect of the manner by which protests of the two geopolitically distinct black ops were framed.

Within the confines of the imagined liberal "public sphere" are opportunity structures. The state in this case, US and/or the Philippines, can invite action by facilitating access, but it can also provoke action by producing unwanted policies (Meyer 2004; 131). The protest actions made it clear that SOPA-PIPA and CPA are unwanted policies (*see Chapter 3*). Law making is a space within a republic where state – society interactions are symbolically guaranteed. The legislators as duly elected representatives are in office for their constituency. The legislative mill however is arena of contestation in itself. Bitter bipartisan rivalry for instance can lead to a government shutdown.

In 2012, the US Congress enacted 283 public laws. If Hollywood lobbyists had their way, it should have been 284, including SOPA-PIPA. The Internet blackout creatively managed to put a wedge in it. The 15th Philippine Congress, reports that enacted 219 laws. The implementation of one of the 219 laws however is on hold. Primarily because the sovereign Filipino people, by means of contentious politics in the form of black Tuesday protest asked its Supreme Court to issue an TRO. To recap, the constituent features of the contention are the following:

Arena of contestation: US Congress/Philippine Congress

Form of contention: Internet Blackout/Black Tuesday

As a general rule, law making is entrusted to the duly elected and honourable representatives. SOPA-PIPA was designed to smoothly glide through enactment without being noticed (*see forthcoming Chapter 3*). The first draft bill for a law against Cyber crimes was proposed a ten years ago. It has gone from Congress to another without having been enacted until the 15th Congress where it was finally signed into law, albeit with much controversy. Then without the legislators and politicians knowing what hit them – the controversy spilled out of Congressional lobbies. The broad and ideologically thin unifying calls were: NO TO SOPA-PIPA in the US and NO to Cyber Martial law in the Philippines.

In Manila, Tilly opines that "at least a modicum of citizenship seems to have developed facilitation of social movements claim making" (Tilly and Wood 2009; 138). Furthermore, social movement inquiries drawing on political process tradition has establish links that connects unwelcome changes in policy, for instance alerts citizens of the need to act on their own behalf (Opp 2000). Eisenger's (1973) much cited and influential study on urban riots, and other studies of the time also focused exclusively on disruptive protest (Button 1978), suggesting that opening produced protest (Meyer 2004). This inquiry will not problematize the personal reasons why and how Internet users rallied behind the cause. Suffice it to say that it triggered tech companies, netizens and diverse groups to register opposition.

2.2 Current Trajectories on Approaches to "the Internet" and Social Movements

"There is no doubt that the internet is an important medium since it offers ways to disseminate counter-hegemonic content and at times even allows new forms of political mobilization" (Aouragh 2012) 519. It has been established that the Internet facilitates communication between network organizations. Networks and organizations use value its informational and mobilizing roles (Diana: 2000, Garrett: 2006, Hara & Huang: 2011).

When a diverse group of NGOs, public interest groups, tech companies and netizens mobilized to call on their legislators against SOPA-PIPA and CPA, another dimension of the Internet was at stake. Yes, it facilitated the mobilization of black ops. More importantly, the Internet became an object and target through further state regulation. There it became clear that "[t]he prices, policies, and practices or networking are the target of interest groups, public policy makers, and policy activists… the stakes of these policy issues have risen" (Mueller, 2010;12).

Not to articulate my two cents on Internet governance. Moving forward, the Internet as a target of interest groups should properly situated. The contested control of the Internet is represented by SOPA-PIPA and CPA. Again, I go back to my markers:

Arena of contestation: US Congress/Philippine Congress

Form of contention: Internet Blackout/Black Tuesday

Bone of Contention = Internet (?)

At the advent of the Internet, diverse actors were drawn to its promise. Behind the interconnected systems of machines and computers are users who were exploring the medium and contributing to its growth. Internet policy experts have long predicted that access will be contested. The outburst of activisms which necessarily required "clicktivism" to #STOP SOPA and say #NOTOCYBER MARTIALLAW are unprecedented. Biekart and Fowler warn that analyses should be wary of giving technological advances too much credit (2013). They recognize however that the Internet which for purposes of this inquiry will be defined as the suite of technologies collectively referred to as 'the Internet' continues to develop (Karpf 2012; 640); "have certainly opened up innovative avenues for people to challenge existing configurations of power" (Biekart and Fowler 2013; 529).

2.3 Analytical Framework: From Social Movement Theory to Paradigm

Tarrow cautions against a conception of political opportunity as an "invariant model that inevitably produces social movements. Rather it should be treated as a set of clues that can help provide hints as to when contentious politics are likely to emerge" (Tarrow and Tollefson 1994;20). Aware of the complex and multidimensional nature of the medium, the tool and form of protest, the diversity of the actors this inquiry dares to engage the messiness and "kludgyness" of when the Internet was used by the Internet users to save The Internet.

As explained in the methodology, the inquiry drawing from the approach pioneered in the *Dynamics of Contention*. The research identifies *dynamic interactions* within the black ops. From there on, it proceeds to surface recurrent *mechanisms* and *processes*, if any within the online protests in the form of Internet blackout and black Tuesday. "To be more exact, analysts of contentious politics have long described dynamic processes and changes in social relations. But they have done so largely in asides and descriptive narratives rather than in their major explanatory schemes. Explicit identification of relational mechanisms and processes promotes a more dynamic analysis of contention" (Tilly et al. 2001; 307).

The protests against SOPA-PIPA and CPA are delineated as comparable events. I will avoid static narrative that chronologically explains all salient features of the protests. The drive is to focus on identifying and illustrating crucial mechanisms and their combination into transforming processes. I will also use the following working definitions and descriptions: "**Actor Constitution:** Constitution of new political actors and identities within contentious episodes; **Polarization:** Polarization of political groups within such episodes; **Scale Shift:** Scale shift in political contention from local to translocal (even transnational) arenas and changes in the actors and the character of their interaction that this involves" (Tilly et al. 2001; 314).

Furthermore, a portion of the analysis attempts to be more conscious of the digitized interdiscursive, hypertextual and multimodal expressions of protests during Internet blackout and black Tuesday. The inter-textuality and inter-discursivity will be more apparent as I explore and analyse the dynamic interactions between the processes. I maintain that the memes produced deserves a separate visual and discourse analysis. I will however make necessary references to it to highlight critical interactions among the processes. Further, I wish to dissect the key findings in a comparative and relational manner. By doing so, I have offered enough evidence to reveal that black ops are transgressive contentions and not just another viral phenomenon.

Chapter 3 Battle on all Fronts

This chapter provides an overview of the conflicting interests on Internet governance that inform the legal framework of SOPA-PIPA and CPA. It proceeds from the observation that Internet the very nature of the Internet—its "generativity," or innovative character—is at risk There are ways to stop it (*see Mueller 2010, Zittrain 2009*) but because it is contested and complex the divide fuels a battle royal for the heart and soul of the Internet. This chapter further illustrates that it is battle on all fronts and in many forms. The black ops in US and the Philippines through SOPA-PIPA and CPA are just a taste of it.

3.1 The Embattled Network and Its Beginnings

Three decades ago, an interconnected network of information storage was simply a bright idea. No one, not even the people who birthed the "first Internet" referred to as ARPANET, knew if it will work or not. At its very inception, "the Internet was built to be open to any sort of device: any computer or other information processor could be part of the new network so long as it was properly interfaced, an exercise requiring minimal technical effort" (Zittrain 2009) 1977.

To make it work techies and architects behind its fruition embedded open standards, interoperability, including the end to end nature in the network's architectural principle. This free and open attribute of the Internet is called *generativity*. And it worked, in fact it "managed to grow and to scale" (Post 2010; 102).[4] The growth was at such a prodigious rate that it propelled rapid cycles of innovations (*see Post, 2010; Slevin 2000; Zittrain 2009*).

These rapid cycles of innovations were further facilitated by structural changes. Mueller explains that "combined with the liberalization of the telecommunications sector, the Internet protocols decentralized and distributed participation in and authority over networking and ensured that the decision-making units over network operations are no longer closely aligned with political units" (Mueller 2010; 129).

The interconnected network of information storage it has become "the new iconic infrastructure of our age".[5]   Perhaps reflective of its generative capacity, the Internet manages to make room for everyone. The Internet is free and open, any computer or any mobile phones could be part of the network. It is so free and open innovations can be introduced by the users, programmers, consumers and big business. It is also perhaps too free and too open that "[i]t has also given rise to regulatory, and entrepreneurial backlashes" (Zittrain 2006; 1975).

The underside of a free and open Internet, is the fact that the same open networks that foster innovation and freedom is the same vehicle for abuse and organized crime. Another dimension to it is where libertarian ethos that stimulates creativity and inventiveness is in conflict with intellectual

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[4] Post points out that technically, the TCP/IP network became "the Internet" as he puts it, "It didn't grow so fast or become so big because it was 'the Internet'; it became 'the Internet' because it grew so fast and became so big".

[5] Clinton, H. (2011) 'Remarks on Internet Freedom' (21 January). Accessed 9 November 2013
<http://www.state.gov/secretary/rm/2010/01/135519.htm>

property (IP) regimes. Property rights which is central to intellectual property are subject to creative sidesteps if not altogether ignored within the capacity of the "Internet to facilitate open networking and information sharing" (Mueller 2010; 129). The call for #STOP SOPA and the Internet blackout is a good illustration of the IP vs IP conflict. The battle also reported as Hollywood vs. Silicon Valley is an example of two opposing takes on the issue. SOPA-PIPA as drafted then are riddled with questionable copyright infringement provisions.

Up until the late 1990s, most states tended either to ignore online activities or to regulate them very lightly. There was a time when cyberspace governments barely paid attention to cyberspace. The dichotomy then was cyberspace is very different from "real space" (Deibert and Rohozinski 2010). At this point however, governments are becoming more aware and alarmed of the power and reach of the Internet when used or abused. It is now considered a domain equal in importance to land, air, sea, and space and is the medium through which commerce, education, hobbies, politics, and war all take place (Diebert 2011; xiv).

The telecommunications aspect of the The Internet has grown without being controlled by state based restrictions (Mueller, 2010). The remarkable and transformative technology that is the Internet however, does not exist in vacuum. In part, no one would have foreseen that neo-liberal technological affordances will be appropriated by the Interne users creatively. Nation states in the name of Internet governance are demanding greater control. Networks for and against "internet governance" are battling it out in such intergovernmental forums such the United Nation's World Summit on Internet Governance (WSIG) which started as a forum called the World Summit on Information Society (WSIS).

As norms and frameworks on internet governance are debated upon, governments are busy introducing their own policing. Governments are finding ways and means to understand its users who are its citizens and the ways in which the use and the technology can be further regulated. SOPA-PIPA and CPA are two of the legislative attempts for legislated State regulation. Globally, there are other forms of intervention in the pipeline all in the interest of "Internet governance" and security.

Of First Amendment Rights and Fundamental Freedoms

The US and the Philippines are still categorized free countries in terms of Internet Freedom status. The US got a free status despite surveillance and privacy issues in the US involving the National Security Agency (NSA). The Philippines despite the threat of CPA still maintained the free status. Freedom House notes that there compared to other countries, political dissent and access are still open compared to other countries such as China and Saudi Arabia.
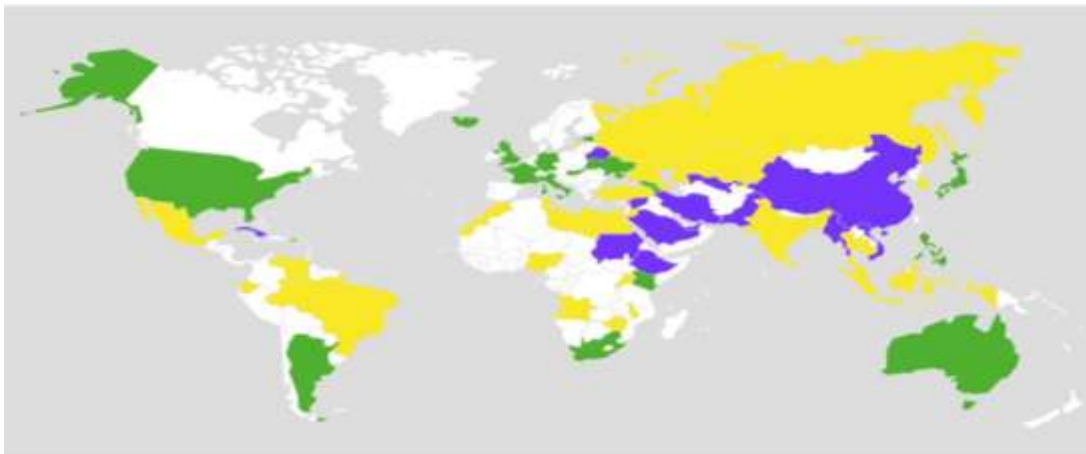
Legend: Green: *Free* Yellow: *Partly Free* Blue: Not Free White: Not Assessed

Map 1: 2013 Freedom House Freedom on the Net[6]

This inquiry is drawn to the protests in the US and the Philippines primarily because it brings together two dissimilar but highly comparable episodes of contentious politics. Further, Internet blackout and black Tuesday both protested against the legislated attempts to further regulate the Internet. The Internet penetration rate in the United States is 81.0% in 2013. In the Philippines, the Internet penetration rate is 36 % of the same year. The disparity in terms of rate is a reflection of the digital divide in this networked society. The report shows that tools and applications that are helpful in organizing and mobilization are open. Political and social content applications are not blog.

INTERNET FREEDOM STATUS	2012 FREE	2013 FREE
Obstacles to Access (0-25)	4	4
Limits on Content (0-35)	1	1
Violations of User Rights (0-40)	7	12
Total (0-100)	12	17

POPULATION: 313.9 million
INTERNET PENETRATION 2012: 81 percent
SOCIAL MEDIA/ICT APPS BLOCKED: No
POLITICAL/SOCIAL CONTENT BLOCKED: No
BLOGGERS/ICT USERS ARRESTED: No
PRESS FREEDOM 2013 STATUS: Free

* 0=most free, 100=least free

Table 2: United States Internet Freedom Status[7]

INTERNET FREEDOM STATUS	2012 FREE	2013 FREE
Obstacles to Access (0-25)	10	10
Limits on Content (0-35)	5	5
Violations of User Rights (0-40)	8	10
Total (0-100)	23	25

POPULATION: 96 million
INTERNET PENETRATION 2012: 36 percent
SOCIAL MEDIA/ICT APPS BLOCKED: No
POLITICAL/SOCIAL CONTENT BLOCKED: No
BLOGGERS/ICT USERS ARRESTED: No
PRESS FREEDOM 2013 STATUS: Free

* 0=most free, 100=least free

Table 3: Philippnes Internet Freedom Status[8]

Geopolitically speaking, the ties that bind the US and the Philippines run deep. In paper, it goes as far back as 1898. Through the Treaty of Paris between Spain and the United States of America, where the former sold or ceded rather, the Philippines for US Dollars 20,000,000. The official ver-

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[6]'2013 Freedom on the Net' (2013) Accessed 11 November 2013 http://freedomhouse.org/report-types/freedom-net/

[7] 'US Internet Freedom Status' (2013) Accessed 11 November 2013 http://freedomhouse.org/report/freedom-net/2013/united-states

[8] 'Philippines Internet Freedom Status' (2013) Accessed 11 November 2013 http://freedomhouse.org/report/freedom-net/2013/philippines

sion of the story is that the Philippines gained its independence in 1945. Arguable for many but in terms however of Philippine democratic and political life it signalled a new beginning.

Yes in a way a new beginning but not necessarily a fresh start. The seeds of liberal democracy have been in place. Aside from the love for Hollywood and Disney land, laws and case law (jurisprudence) then and until now are still informed by the core democratic values imparted to the Philippines by the US. A strong and very relevant example is the premium of constitutionally enshrined right to freedom of expression and by extension fundamental freedoms. To illustrate, I will focus on a portion of the case against CPA before the Supreme Court:

"In Kind Hearts for Charitable Humanitarian Development, Inc. v. Geitneret al., [Kind Heart] 2009 U.S. Dist. LEXIS 80475 (N.D. Ohio 2009), the parameters of "seizure" under the Fourth Amendment, which is the same provision where the Philippine Constitution based Article III, Section 2, was expounded . In this case, the plaintiff challenged a provisional determination by the Office of Foreign Assets Control [OFAC] of the United States Treasury Department that plaintiff was a Specially Designated Global Terrorist [SDGT]. It also challenged the block placed by OFAC on plaintiff's assets pending a full investigation" (The State of Ohio v Kind Hearts 2009).

The case filed in 2012 is questioning the validity of CPA, to argue a legal point the petition in part invokes a 2009 decision in Ohio. The bases for doing so are: (1) the wording of the Fourth Amendment is exactly the same as Article III(2) of the 1987 Philippine Constitution (2) laws from other jurisdiction have "**persuasive mandatory authority**" particularly in two instances (a) Philippine jurisprudence has no direct prior authority and ruling on the controversy and (b) Philippine statute or jurisprudence under interpretation is based on either the Spanish or US law.

These democratic values are negotiated, challenged, constituted, and lived differently in the U.S. and the Philippines. Constitutional law or popular constitutionalism is one of the areas where the limits fundamental freedoms are negotiated. Accordingly, the people, not Congress or courts played a big role in claim making to defend free speech (Lee, 2012). In the Philippines, #NOTO CYBERMARTIAL LAW strongly referred to the years when the country was under martial rule. It is one of the reasons why freedom of expression and freedom of the press are highly cherished fundamental freedoms. In the case of the generative Internet, the status quo of less interference and state regulation was on the line through SOPA-PIPA and CPA. The negotiations through lobbying were supposed to be contained with a very specific space – the Congress. The Black ops protests very strongly opposed this.

3.2 In flux and In Aid of "Kludgy" Legislation

State laws are belief systems by themselves. They also operate within a sovereign state. The concept of jurisdiction however, limits the territorial application of the law. Mueller observes that "there is a strong and persistent tension between state sovereignty and the Internet. The former is territorially bounded while it seeks to govern a non-territorial space for social interaction created by

networked computers. This tension puts pressure on the existing nation-centred institutional arrangements in communication and information policy" (Mueller 2010; 1).

This is the kind of tension that has far reaching implications on the current state of the free and open Internet. It is the kind of tension that questions the architecture of the generative Internet. It is the kind of tension that exhibited itself in legislative form through the SOPA-PIPA and CPA. The policy landscape on US "copyright law have long been set by a lopsided political economy: incumbents in the copyright-dependent industries come to the legislature asking, "Please, sir, may I have some more" (Benkler et al. 2013; 10).

The Protect Intellectual Property Act was introduced in the Senate since late 2010. PIPA is the another iteration of the U.S. copyright industries' drive to enlist various intermediaries and service providers of networked facilities to enforce their property rights through law and public policy (Benkler 2011, 159). The Stop Online Piracy Act is the House counterpart that builds upon PIPA. Cyber law experts explain that SOPA, "enlarges them, and makes them worse. Under SOPA, IP rights holders can proceed vigilante-style against allegedly offending sites, without any court hearing or any judicial intervention or oversight whatsoever" (Lemley, Levine, and Post, 2011: 36).

Lemley, Levine, and Post explain that the constitutional problems SOPA and PIPA bring are just the tip of the iceberg. Their expert critique on the law published in *Stanford Law Review* further exposed the weaknesses of the enforcement philosophy of SOPA-PIPA. Accordingly "the remedial power of state courts towards the core technical infrastructure of the net threatens the fundamental principle of Internet connectivity which is the very heart of the Internet" (Lemley, Levine, and Post, 2011:34). Furthermore, the intervention the IP industry seeks by law "could have potentially disastrous consequences for the stability and security of the Internet's addressing system, for the principle of interconnectivity that has helped drive the Internet's extraordinary growth, and for free expression (Lemley, Levine, and Post, 2011:34).

The only law that directly punishes specific acts of cybercrime in the Philippines is the E-Commerce Law Act of 2000. As net penetration increased gate keeping and agenda setting in Philippine mainstream media and social media dynamics has dramatically changed. Roby Alampay[9] of Interaksyon5, a Manila based multi-media news platform that covers online and broadcast content explains that Facebook has been observed to be one of the main landing sites of Internet users. Their data which I have been privileged to see but not allowed to divulge reveal that their most circulated and read stories are pushed through Facebook. For the last three years, netizens have been exposed to news the dangers and scandals the Internet bring from cyber bullying and cyber sex. These issues surfaced the need for a degree of decorum and control for online behaviour and content.

In many respects the law was a long time coming. The first Anti-Cybercrime bill was filed on the 13th in 2000.[10] The controversial CPA that triggered black Tuesday was passed on the 15th Congress. The two most controversial provisions of the law are Section 4(4) and Section 19. There are other questionable provisions but I will focus on two. These provisions became an informational tool that helped popularize the opposition against CPA (*see Chapter 5, polarization*).

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[9] Personal Interview with Roby Alampay on 30 2013 at TV5 Broadcast Media Center, Mandaluyong City, Philippines (hereinafter, Alampay interview).
[10] Anti-Cyber Crime Act of 2001 (2001) Accessed 11 November 2013
http://unpan1.un.org/intradoc/groups/public/documents/un-dpadm/unpan042282.pdf.

Section 4(4) was referred to as cyber libel, online libel and/or cyber defamation around the memes and strike tools that tools that circulated. At the height of the controversy, it became known that Section 4(4) is a rider pushed by Senator Vicente Sotto III. A rider is a provision in a draft bill that is inserted at the end stage of the legislative process. Robles reported that "[w]hat makes the libel rider interesting is that it is SUCH a clumsy cut-and-paste job, without any attempt to take into account the nature of the Internet. No congressional public hearing was ever held on libel in the Internet" (Robles 2012).

Section 19, refers to the take down clause. This provision authorizes the Department of Justice (DOJ) to issue an order to restrict or block access to such computer data that is found to be in violation of the CPA. In his legal blog, Sta. Maria, explains that "[i]n fact, Section 19... in effect, a GAG law potentially capable of shaping people's mind and way of thinking. Under the threat of government intrusion, users will be forced to toe the government's line if only to make use of or access (or to again make use of or access) their computers" (Sta. Maria. 2012). Global Internet governance discourse may have gotten to a point where issues are appreciated holistically (Mueller 2010). SOPA-PIPA and CPA however, speak of proposals that are misinformed to say the least. The protests, that required many a varied degrees of clicktivisms among others succeeded in averting SOPA-PIPA and CPA. "Despite the victory in stopping SOPA, the free and open Internet is by no means secure" (Lee. 2012).

Concluding Remarks

Kludgy in 1996 was defined in Webster's dictionary as "a machine or system ... made up of, or improvised from, mismatched parts" (Abrahamson 1999; 88). It has since evolved to "an awkward computer program that is created quickly to solve a problem" (Webster. 2013) This chapter, endeavoured to sketch the landscape of global to local Internet policy context. SOPA-PIPA and CPA are awkard, legislative attempts to address cyber crime and/or copyright infringement. For computer programs kludgy solutions are quick fixes that work. For territorially bound sovereign trying to regulate non-territoriality bounded networks, the improvised proposal was certainly not an acceptable quick fix. It had to take diverse group of citizens, voters as Internet user to get the message across. With this I proceed in exploring innovative collective action that Internet blackout and black Tuesday opposed from the tradition sketched in *Dynamics of Contention*.

Chapter 4 @Congress, Don't Break the Internet

This chapter seeks to understand the Internet blackout protest against SOPA-PIPA in terms of the processes that constituted the actors and the pathways to black Tuesday. All these aim to determine if processes deemed critical in transgressive contentious action such as: *actor constitution*, *polarization*, *scale shift* can be detected as the contentious episode unfolded. By exploring the layers and dimensions through the processes, this section further strengthens our argument against clicktivism and slacktivism.

For this section of the paper, I primarily refer to the study of Benkler, Roberts, Faris, Solow-Neiderman & Etling of the The Berkman Center for Internet & Society for Harvard. The research conducted forms part of the 2013 The Berkman Center for Internet & Society Research Publication Series. Using digital resources on the controversy it mapped out the progression that led to the Internet Blackout. The social network analysis inquiry used a home grown open source media analysis platform called Media Cloud. By revisiting the mapping of the SOPA-PIPA debate, I deduct evidence of processes and mechanisms that sustained the debate until the desired outcome.

By revisiting and dissecting the Internet blackout in this section I weave in answers to the research questions: the mechanisms and processes through which values, interests and ideas get turned into protest specifically Internet blackout; (2) the roles of identities and symbols, emotions, organizations and net-works, in explaining the start and persistence of Internet blackout; (3) the forms do organizations take in their attempts to maximize the strength of collective challenges and their outcomes. I will illustrate that the interplay between the processes and mechanisms formed the alignments that led to the mobilization and success of the Internet blackout against SOPA-PIPA.

The opposition against SOPA-PIPA, did not happen overnight. As established in the previous chapter, tension and trouble between the highly proprietary Intellectual Property (IP) regimes versus free and open Internet Protocols (IP), has been brewing for a long time. The IP Industry and the bipartisan authors and co-sponsors of the bills did not expect strong opposition against the bill. An opposition that moved from Washington Hill to online debates that ultimately culminated to the success of the Internet blackout.

Internet time(line) #STOPSOPA

The table below highlights the key events within the 17 month period. It dates back from the introduction of the first legislative bill, followed by the controversially contested versions. The first four key events were controlled by Congress. The last four, beginning November 2011 were initiated by a loose network that grew over time until it gained momentum for the Internet blackout:

September 2010	Introduction of Combating Online Infringements and Counterfeits Act (COICA)
November 2010	COICA passes the Senate Judiciary Committee; Senator Ron Wyden places a hold on the bill
May 2011	Introduction of Preventing Real Online Threats to Economic Creativity and Theft of Intellectual Property Act (PIPA); Senator Wyden again places a hold on the bill
September 2011	Introduction of Stop Online Piracy Act (SOPA)
November 2011	American Censorship Day
November 2011	Tumbler Disruption
December 2011	Reddit boycott of Go Daddy
January 2012	Online protests and blackouts

Table 4: Timeline SOPA-PIPA controversy

Process 1: Actor Constitution

In a podcast for Radio Bekrman, Melissa Galvez, reports that "[t]he debate over SOPA was pretty conventional supporters and opponents were big companies with lots of cash and lobbyists, movie and recording industry were for SOPA, tech companies were against, tech was losing" (Galvez 2012). Apparently, tech was losing badly. Nicco Melle, an Internet strategist and adjunct professor of the Kennedy School of Government on the same podcast forum recalls that "the last 3 months of 2011 Google spent almost 1.5 million a month on lobbying in just three months per month , they spent close to 10 million on lobbying in 2011 double than what they spent in 2010 and it was not having any impact" (ibid.)

The testimony above is glimpse of how the tech companies and interest groups tried to be heard by conventional means. SOPA-PIPA, described as a Hollywood backed bill had more resources for lobbying. As the bills moved within the legislative mill, online and offline discussions from various communities started picking up.

Melle believes that "[t]his wasn't just a moment where a large aggrieved interest group kinda said stop." In his analysis, "this was also the moment where a large community reached a level of consciousness about its own capacity to shift the way things work" (ibid). This is also the essence of *actor constitution* as a process. This is when an "existing group reorients a new conception to its collective purpose" (Tilly et al. 2001; 316). The existing group did not only reorient its purpose, it expanded the arena of contestation. It had the effect of calling for online and on the ground back up to lobby against the SOPA-PIPA.

Internet blackout is just one of the repertoires of action employed against SOPA-PIPA. Prior to the inception of the innovative action, "consumer boycotts and pressure facilitated by online communities played a key role in shaping business support and opposition" (Benkler et al. 2013; 45). The two most visible instances are the Reddit[11] boycott against Go Daddy[12] and the pressure gamers

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[11] 'About Reddit' (2013) Accessed 10 November 2013 <http://www.reddit.com/>
[12] 'About us' (2013) Accessed 10 November 2013 https://www.godaddy.com/newscenter/about-godaddy.aspx?ci=9079

put on game companies to oppose SOPA-PIPA" (ibid). Reddit is a social media application which describes itself as a type of online community where users vote on content. The popularity of published stories, and its subsequent prominent are determined by vote cast by redditors. As provided in their website, "the hottest stories rise to the top, while cooler stories sink"(Reddit. 2013). GoDaddy, has more than 12 million clients globally and claims to be as old as the Internet itself ('About Us: Our Team'2013, 'About Us: Our Team'2013). GoDaddy which is openly supportive of SOPA-PIPA received threats from Reddit users about pulling out their domains from the web host. (Kain. 2011). The action gathered, 22,000 Boycotters with pledges to move over 82,000 domain names. Even Wikipedia through its owner Jimmy Wales announced through his twitter account that they will join the boycott (Wales. 2011) The backlash ultimately forced GoDaddy.com to withdraw its support for SOPA (Laird. 2011).

Another form of online generated consumer boycott is "the pressure gamers put on game companies to oppose SOPA-PIPA"(Benkler et al. 2013; 45). The techies working for member companies of the Entertainment Software Association (ESA) through a post were encouraged by a fellow game developer to talk to their "higher ups about contacting the ESA to have them withdraw SOPA support" (Fouts. 2012). This call, was further bolstered when Firefall developer Red 5 Studios called upon the videogame industry to boycott the ESA-run Electronic Entertainment Expo conference to register protest. Firefall is a multiplayer, team based computer game, it is owned and developed by Red 5 Studios. Reluctantly and as if belatedly, ESA dropped its support for the bills (Schreier. 2012)

The cases above illustrate how the appropriation as a *mechanism* unfolded and worked to bolster the legitimacy of Internet users as parties of interest against SOPA-PIPA and as collective actors. These consumer boycotts helped lay the predicate for the SOPA-PIPA strike in the form of an Internet blackout. As they gained more strength; the diverse coalition mainly united by its opposition against SOPA-PIPA gradually started appropriating public political standing.

Certified: We the People

Another set of clues that manifested in the mobilization against SOPA-PIPA is *certification*. It is defined as "a validation of actors, their performances, and their claims by external parties, especially authorities" (Tilly et al., 2001; 316). The newly emerging constituency of Internet users against SOPA-PIPA, got a boost in terms of recognition and validation through the online platform We the People.[13] This official White House website encourages petitions to the Federal Government to take action on a range of issues. If a petition gets meets the signature threshold[14] a White House staff reviews it and forwards the petition to the appropriate policy expert/s and issue an official response.

The official White House response diplomatically distanced itself to the legislative initiatives. The official response was against SOPA-PIPA in the sense that, it unequivocally stated that creating "new cybersecurity risks or disrupting the underlying architecture of the Internet" (Espinel, et al. 2011) should be avoided. But, it called on all parties "to all sides to work together to pass sound legislation this year that provides prosecutors and rights holders new legal tools to combat online piracy originating beyond U.S. borders" (ibid.).

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[13] 'VETO the SOPA bill and any other future bills that threaten to diminish the free flow of information' (2011) Accessed 9 November 2013< https://petitions.whitehouse.gov/petition/veto-sopa-bill-and-any-other-future-bills-threaten-diminish-free-flow-information/g3W1BscR>
[14] In 2011 the threshold was 50,000; it has since been updated to 100,000 signatures.

Process 2: Polarization

The legislative proposals were presented as a bipartisan priority bill. The initiative was politically communicated as the necessary bill in protecting intellectual property. The US Chamber of Commerce and Hollywood justified the need for SOPA-PIPA because piracy costs the US economy $58 billion in total output every year. As discussions against the repercussions of SOPA-PIPA spread experts contributed in unpacking such claim. Julian Sanchez deconstructed and debunked the figures in his blog posted in 2 January 2012 (Sanchez. 2012). It was amplified and simplified on sites such as Reddit and techdirt such that the casual query that turned the tables back to the senators:

> "The whole thing is based on the bogus assumption that money not spent on movies (which, again, have been making a ton of money lately) somehow disappears from the economy. But that's simply not true. So, really, why is it that anyone in the press, or in elected office, is allowed to quote that bogus $58 billion number without it being challenged?" (Masnick. 2012).

SOPA-PIPA mapping analysis show that, few actors linked to Sanchez' article, what received more attention was the popularized version of the analysis. This in turn referred back to the more technical article (Benkler et al. 2013). Another contribution to the brewing conversations is the argument put forward by 87 Internet Engineers. They warned that …[T]he legislation "will risk fragmenting the Internet's global domain name system (DNS), ***create an environment of tremendous fear and uncertainty for technological innovation***, and seriously harm the credibility of the United States in its role as a steward of key Internet infrastructure" (**'an Open Letter from Internet Engineers to the Senate Judiciary Committee'**2010).

The political and social alliance between the Republican and Democrat support SOPA-PIPA started losing its traction. A key indicator that the process of polarization fuelled the build up is the decomposition of the bipartisan support. Internal partisan divisions began to emerge. The diverse organizers and participants of the Internet blackout are convinced that the 18 January protest directly contributed to the demise of SOPA-PIPA in Congress.

Propublica[15] is an independent and non-profit newsroom. As members of fully digitized and networked press corps they were able to identify SOPA-PIPA supporters and opponents. Combined with an software, aptly called SOPA Opera.[16] The site identified SOPA-PIPA supporters and opponents. The site provided the basic information, from party affiliation, district represented and their stand based on the legislator's public statements. This claim is further supported by the mapping of the SOPA-PIPA debate and the Propublica online tally.

The influential lobby work of Hollywood and American Chamber of Commerce for the bills can no longer contain the debate within their preferred arena. Through the online and offline action adopted to register the protest against SOPA-PIPA, the legislators had to acknowledge albeit reluctantly what their constituents had to say. "I think we didn't help ourselves down in Southern Cali-

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[15] About Propublica (2012) Accessed 08 November 2013 http://www.propublica.org/about/.
[16] Nguyen (20120) "SOPA Opera Where Do Your Members of Congress Stand on SOPA and PIPA?" http://projects.propublica.org/sopa/.

fornia by trying to jam something in Congress; we screwed that up," Ari Emanuel, co-chief executive of the William Morris Endeavor talent agency, reveals to a New York Times reporter (Chozick 2012)

The SOPA Opera site, is also a rich hyper-textual information platform and mobilizing tool. For digital natives, who are being asked to share their two cents and five tweets SOPA Opera's interface would have been more inviting. SOPA Opera, monitored the members of Congress and their stand on SOPA-PIPA. This portal was not just a platform to monitor real time *polarization*. It was a slice of the real time *scale shift* as the opposition against SOPA-PIPA gained momentum. As the scale tilted against the grounded reason on enacting SOPA-PIPA at its current form, another dimension of *actor constitution* became more visible to the then undecided legislators. By that I mean, the emergence of their constituents who are identifying with the issue. At the busiest week of Internet blackout protest, below is another dimension to the innovative collective action:

Figure 1: Screencapture/Image of the Website SOPA Opera

Process 3: Scale Shift

I now move to *scale shift*, a process that simultaneously played a facilitating role along with the first two processes discussed above. A process that can make or unmake the desired outcomes of protests is that moment when "coordinated contentious actions leading to broader contention involving a wider range of actors and bridging their claims and identities" (Tilly et al. 2001; 331). The data analysis shows that the SOPA-PIPA mobilization that led to Internet blackout has three distinct stages (Benkler et al. 2013). The table below shows the three stages and the expansion collective actors as the rate of diffusion against SOPA-PIPA increased:

Stage	First	Second	Third
Period	September 2010 – October 2011	November 2011 to December 2011	January 2012
Actors	tech media and independent organizations private organizations (Electronic Frontier Foundation, Fight for the Future, Demand Progress) mainstream media targeted campaigns individuals bloggers	tech media and independent organizations private organizations (Electronic Frontier Foundation, Fight for the Future, Demand Progress) mainstream media targeted campaigns individuals bloggers online communities i.e. Reddit Wikipedia Google Mozilla	tech media and independent organizations private organizations (Electronic Frontier Foundation, Fight for the Future, Demand Progress) mainstream media targeted campaigns individuals bloggers online communities i.e. Reddit Wikipedia Google Mozilla millions of individuals

Table 6: Progression of the collective actors and claim makers who took a stand against SOPA-PIPA

When the arena of contestation expanded outside Washington Hill, the debate and vibrant discussions went online. The first stage unfolded within a 14 month build up. The key players "in-

cluded tech media and independent organizations, joined by general media, private organizations, targeted campaigns, individuals, and bloggers" (Benkler et al. 2013).

The second stage, engaged more diverse online communities from tech companies and social media communities like Reddit. In 15 November 2011, Internet and technology companies Mozilla Google, Facebook, Twitter, LinkedIn, Zynga, AOL and Yahoo! sent a joint letter to the Committee of Justice of both Houses ('Joint Letter to the House and Senate Committee of Justice'2011).[17] The same letter that was also made available online, expressed their concern on the key provisions of SOPA-PIPA. The consumer boycott against GoDaddy peaked almost at the same time in December (*see also Process 1: Actor Categorization*). The second stage of mixed mobilization and contentious actions was delicately laying the predicate for the SOPA-PIPA strike in the form of an Internet Blackout. "The third stage was marked by the engagement of millions of individuals in the week of January 18" (Benkler et al. 2013:39). The SOPA-PIPA visualization maps (ibid) are forceful illustrations of *diffusion* as a building block of *scale shift* is the contrast between the media ecology on the week the first bill was introduced in the US Congress and the week of the Internet blackout.

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[17] 'Joint Letter to the Senate and House Committee on Justice' (2011) Accessed 9 November 2013 http://www.protectinnovation.com/downloads/letter.pdf.
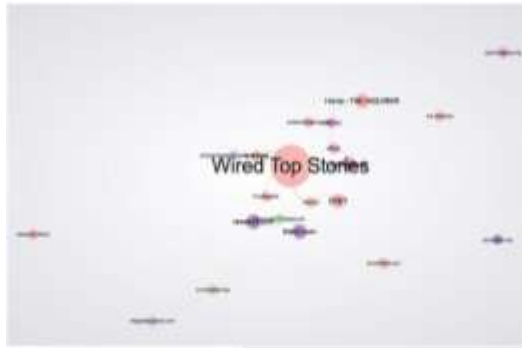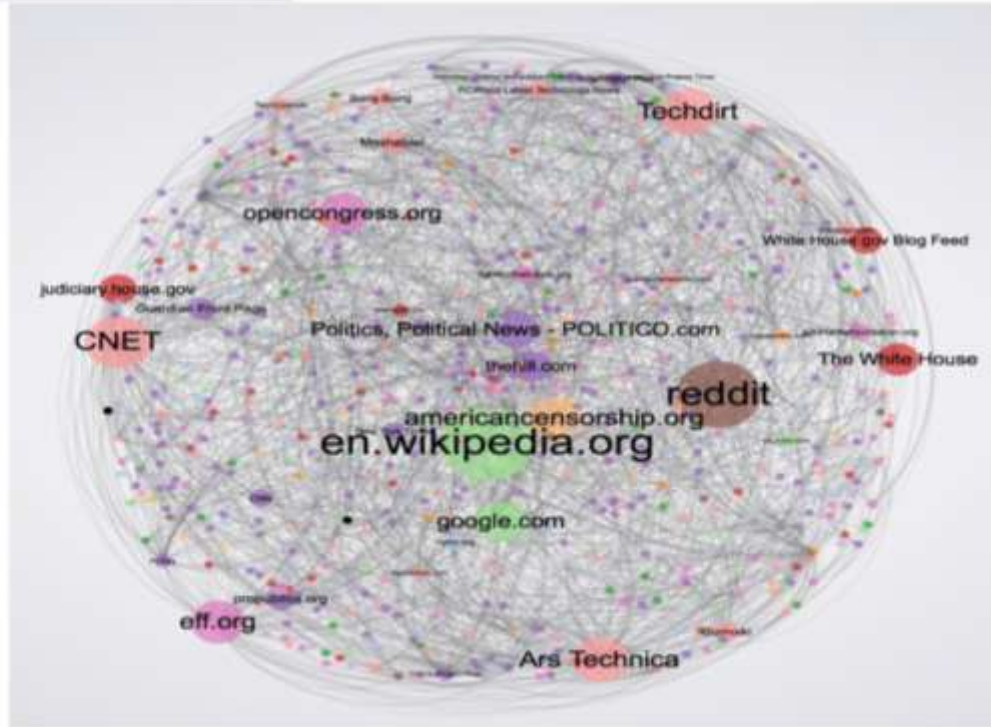
Figure 2: 20-27 September 2010

Figure 3: 16 - 23 January 2012

Controversy Mapping Using Media Cloud (Benkler et al. 2013)

The Internet blackout was also accompanied by a street protest in New York City. New York Daily News reports that approximately 21,000 tech meet up showed up outside New York City offices of New York Senators, Chuck Schumer and Kirsten Gillibrand, who co-sponsored the Senate bill (Savulich. 2012). That same day, a demonstration against SOPA-PIPA was likewise mobilized in San Francisco, California. San Francisco examiner reports that, a few of the speakers include, Ron Conway, a top angel investor in Silicon Valley for the last 20 years; Brewster Kahle, the founder of the Internet Archive; and Gideon Lett, a vice-president for Technet.org (**'Protest Against SOPA, PIPA Legislation Under Way at SF Civic Center'**2012). "Not only do major episodes of contention spread conflict from one site to another; as the scale of contention shifts the range of actors expand its meaning to participants, opponents and third parties changes"(Tilly et al. 2001; 332).

As the scale of contention shifted and the range of actors expanded its meaning to participants, opponents and third parties changed. Scale shift refers to the change in the number and level of coordinated contentious actions leading to broader contention involving a wider range of actors and bridging their claims and identities. It was observed that a diverse network of actors, for-profit and

nonprofit, media and non-media, individuals and collectives, left, right, and politically agnostic, collectively and effectively stopped SOPA/PIPA. Online and offline actions engaged to register protest include:

115,000 websites participating in the Internet Blackout
4 out of 10 of the top ten US Websites blacked out logos and entire pages
400,000 calls to Congress
10,000,000 signatures
Over 3,000,000 emails sent

Table 7: Internet blackout stats and figures[18]

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[18] Crum, C (2012) 'SOPA Blackout Day By The Numbers [Infographic]' Accessed 9 November 2013
http://www.webpronews.com/sopa-blackout-day-by-the-numbers-infographic-2012-01.

Chapter 5 Black Tuesday Philippines

This section dissects the black Tuesday protest against the CPA. I will draw out evidence from the diffusion of the news about the enactment law to the fruition of the black Tuesday protest and its immediate outcome. The case study seeks to support the argument that the interplay of the following processes (1) *actor constitution* (2) *polarization* and (3) *scale shift* played out prominently in the rise and success of black Tuesday.

I will trace the events within and around black Tuesday protest through interviews; document review including the consolidated petitions for review filed before the Supreme Court of the Philippines (SCP) against CPA. Attention will be given to the 17 day period that mobilized a diverse, self-organizing, broad loose "non-coalition" of collective actors.

Before the discussion moves on, a quick distinction will be made in terms of locating the realms within the public sphere by which the protests in the US and the Philippines differently operated. The Internet blackout was a protest against a proposed legislation, SOPA-PIPA; thus the target of claim making was more directed to the legislative branch of the government. Black Tuesday on the other hand was a protest against a newly enacted law. Short term claim making was directed to the Judiciary. It was primarily so for purposes of preventing the implementation of the CPA. The legislative and executive however were not spared from the ire of the netizens.

How to Prevent the Implementation of a Law in 17 Days

The country was just coming out of a successfully concluded impeachment and conviction of the SCP Chief Justice. Live news coverage and robust online social media interaction kept citizens interested in current affairs up to date. Civil Society Organizations (CSOs) and NGOs monitored if a Chief Magistrate can in fact be convicted on the grounds of corruption. The news cycle on the democratic *telenovela* called impeachment was just dying down when Atty. Mel Sta. Maria's legal blog (Sta. Maria. 2012) on the perils CPA went viral.[19]

The loosely coordinated mobilization period was a race against time. Philippine law requires the publication of newly enacted legislation. Section 31[20] of CPA provides the law takes effect 15 days after publication in the Official Gazette and two newspapers of general circulation. The publication requirement is by legal fiction a notice to the "whole wide world" about yet another governing law. Such notice binds the subjects of the nation-state to the new law. As such, the reckoning point was 3 October 2012. The Internet blackout against SOPA-PIPA had a seventeen month build up, black Tuesday had seventeen days.

The window period created a momentum and terrain by which the black Tuesday protest against CPA was framed and mobilized. First, it was the day before CPA takes effect. Second, the SCP, the

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[19] Sta. Maria, M (2012) 'The Cybercrime Law and how it affects your freedom of expression' Accessed 9 November 2012 http://www.interaksyon.com/infotech/analysis-the-cybercrime-law-and-how-it-affects-your-freedom-of-expression.

[20] 'RA 10175' (2012) Accessed 10 November 2013 http://www.gov.ph/2012/09/12/republic-act-no-10175/

state institution with the power to issue a restraining order to hold the law in abeyance meets en banc every Tuesday. Under the 1987 Constitution of the Philippines, Section 4 of Article 3 the SCP has to power to decide cases involving the constitutionality of among others, a law and its implementation. The timeline below shows key events a week before and after the seventeen day period:

12 September 2012	President of the Philippines, President Benign Aquino III, finally signs into law Republic Act No. 10175, otherwise known as the "Cybercrime Prevention Act of 2012"
17 September 2012	www.Interaksyon.com posts a Legal Analysis: The Cybercrime Law and How it Affects your Freedom of Expression Post goes viral
18 September 2012	Date of publication in a newspaper of general circulation
24 September 2012	First case against the constitutionality Cybercrime Prevention Act of 2012. Virago v. NBI and PNP Petition for Certiorari, Prohibition (Rule 65, Rules of Court), Injunction and Preliminary Injunction with Prayer for the Issuance of Temporary Restraining Order
1 October 2012	Defacement of the National Telecommunications Commission Website by Private
2 October 2012	***Black Tuesday Protest***
3 October 2012	Cybercrime Prevention Act officially takes effect.
9 October 2012	Philippine Supreme Court issues a Temporary Restraining Order
5 February 2013	Philippine Supreme Court extends the TRO issued on October 9, 2012, until further orders from the Court

Table 8: Timeline online and offline protest against the Philippine Cybercrime Prevention Act

#NOTOCYBERMARTIAL LAW

The call for a black Tuesday protest was organic. The core message and main strategy were clear. It revolved around a black out call for anti-cybercrime law. Black Tuesday mainly opposed the

controversial online libel provision and take down clause of the CPA. It rallied the netizens to express dissent against curtailment of fundamental right to freedom of expression.

The online and offline repertoire of action include: (1) Users of social media networking sites like Facebook and Twitter changed their profile pictures to black; (2) blackout websites; (3) Distribution of Strike tools as meme to circulate the issue; (4) Street protest before the Philippine Supreme Court (5) filing of test cases. Anonymous Philippines, a hacktivist group complemented black Tuesday protest action by attacking several government websites.[21] Monday morning, Anonymous Philippines defaced the websites of the Philippine Senate, Congress and the Official Gazette. By late Monday night, four more government websites were hacked. These are National Telecommunications Commission, City of San Fernando Tourism, Philippine Nuclear Research Institute, and One-Stop-Information-Shop of Technologies of the Department of Science and Technology. On Wednesday the same group managed to knock down the website of the Office of the President (Tan. 2012).

Scale Shift

Transnational Diffusion Internet blackout and Black Tuesday

"There has always been scale shift in the dynamics of collective action" (Tarrow 2005:332). My assumption before data gathering was that I can easily establish that the two geographically distinct protests involve a degree of transnational diffusion between them. The black ops were nine months apart, Internet blackout in January and black Tuesday in October. It turns out that the connection and coordination was limited to expressions of solidarity.

These were demonstrated through (1) statements of solidarity (2) online petitions of support hosted/initiated outside the Philippines. According to Ritzlee Santos, chairperson of Amnesty International Philippines (AIPh), they provided information for further circulation to the AI Secretariat.[22] Ayen Karunungan, the spokeperson of Philippine Internet Freedom Alliance (PIFA) had links with EFF.

The call to action of going dark through Facebook was not a direct import from US. It was home-grown and organic. Mainstream media helped amplify and simplify the perils of CPA. The mobilization that emerged was mainly self-organizing. Atty. Mel Sta. Maria, the legal analyst and broadcaster behind the blog post on the perils of CPA that went viral knows for sure that everything after that went so fast. He posted two more legal analyses on CPA for the next two weeks but he cannot pin point when and how the call for black ops started. Ayen Karunungan of Philippine Internet Freedom Alliance (PIFA) is convinced that black Tuesday was organic.[23]

Local Scale Shift and Diffusion

The core of *scale shift,* which involves the movement of claims or forms of contention is the process referred to as *diffusion*" (Tarrow 2005:121). The emergence of black Tuesday was facilitated

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[21] This controversial repertoire of action is not condoned CSOs and NGOs involved in black Tuesday.

[22] Personal Interview with Ritzlee Nolasco Santos III on 26 August 2013 at Amnesty International Philippines, Quezon City Philippines(hereinafter, Santos interview).

[23] Personal Interview with Ayen Karunungan on 26 August 2013 at Shang ri-la Plaza, Mandaluyong City, Philippines (hereinafter, Karunungan interview).

by the Internet, specifically social media and online resources of mainstream media as vehicles of *scale shift* and *diffusion*. The Internet as movement form particularly through social media and the movement to for to save the Internet seems to have naturally unfolded.

The Philippines as of 31 December 2012 has 29,890,900 Facebook users.[24] This is the primary reason why, black ops mainly called for activism by way of changing profile photos. Blacking out websites was also part of the repertoire of action but just secondary. With Facebook as the organizing base and the medium of protest, there was also no avoiding the issue. Friends and family through Facebook had a say on the matter. Be it by persuasion, interest or natural inclination, claim making against CPA has gone viral. In the mean time, all tweets and updates now lead to the next arena of contestation as provided by the Philippine political structure – the High Court.

Another indicator of scaling up and diffusion can be gleamed on the weekend before black Tuesday through the micro blogging website Twitter. The call, #NoToCybercrimeLaw, trended for two straight days worldwide('Protests Against Cybercrime Prevention Act'2012). Twitter defines trends as, "the topics for which we see noteworthy spikes in Twitter conversations" ('2012 Year on Twitter'2012).

This challenged our inquiry to ask our interviews to reflect on the organic and viral outburst that led to black Tuesday. Santos of AIPh, on reflecting on the organic diffusion of the issue sees that powers of memes and with the creativity of the Filipino as they created their own or tweaked on others memes. For Santos, these forms of collective action are opportunities for reclaim and expanding activisms.

Galla was not surprised with the mobilization and success of black Tuesday. At a certain degree, Galla and the net based group, Democracy.net.ph was counting on the civil society organizations and netizens to make it happen. Democracy.net.ph is one of the few groups interested in Law and ICTs saw the enactment of the law coming. Cecille Soria of the same organization, notes the dangers of the provisions on cyber-libel and take down clause[25] As a collective however, instead of raising the alarm they started thinking of a draft bill to counter CPA. Karunungan reaffirms what they consistently tell NGO's and CSO on the online activism and the use of social media. "No amount of online action can make up for the lack of on the ground action" [26]

Actor Constitution

In *Dynamics of Contention*, the authors identified four key mechanisms that are deemed pathways to *actor constitution*. These are: social appropriation, innovative action, category formation and certification (Tilly et. al., 2001; 317). The table enumerates key robust dynamic interactions to show that the mechanisms formed part of the mobilization and success of black Tuesday protest:

Process	Mechanism	Dynamic Interaction

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[24] 'Internet Usage in Asia' (2012) Accessed 10 November 2013
http://www.internetworldstats.com/stats3.htm.

[25] Personal Interview with Cecille Soria on 24 August 2013 at Amnesty International Philippines, Quezon City Philippines(hereinafter, Soria interview).

[26] Karunungan interview.

Actor Constitution	Social appropriation	(1) Filipino Internet users, regardless of political affiliation or despite the lack of it easily identified with the issue. The call to action (see also innovative action) was also simple and doable.
	Innovative Action	Black Tuesday Protest Forms of Expression: (1) Filipinos changed their profile picture on Facebook and Twitter to Black. (2) Creative memes against CPA circulated. (3) Street Protest in from on the Supreme Court
	Category Formation	(1) Internet Users as claimants and rights holders. (2) Key provisions of CPA were framed as unconstitutional and inimical to cherished fundamental freedoms (i.e. privacy and freedom of expression).
	Certification	(1) The petitioners of the 15 cases filed before the Philippine Supreme Court established *locus standi* (standing in court) by identifying their cases not only as tax payer suits but as internet users and rights holders. (2) Gate keeping and agenda setting informed by netizen reactions and opinions.

Table 9: Black Tuesday Actor Constitution through Contentious and Dynamic Interaction.

I will delve into the interplay of the mechanisms mentioned above further by examining the dynamic interactions within the short term tactical alliance against CPA. Black Tuesday protest had clear short term goals (1) register protest against CPA and (2) get a TRO while questioning the validity of the law. The TRO effectively put the force and effect of CPA on hold. As I write this paper, CPA remains in limbo. The oral argument, a hearing *en banc* where all the parties of interest argue for or against the constitutionality of the case was concluded in 29 January 2013.

One of the provisions which elicited strong objections is the provision that became known in the course of the protest as e-libel or cyber-libel. The wording of the provision is such that seemingly random acts of clicking "like" or sharing a post of a friend on a social networking site may be criminally construed as libel. Making the person, an author by extension and legally liable of cyber-libel. The controversial provision however, proved to be useful in fuelling the polarization in the Senate (*see discussion polarization, forthcoming*). The same provision proved to helpful framing and mobilizing tool (*see discussion on scale shift*).

Test Case as a Black Tuesday Repertoire of Action

Filing a petition for certiorari and prohibition is a legal action that human rights NGOs and citizens in the form of taxpayer suits, resort to as a form of public interest litigation and advocacy for

purposes of realizing or protecting rights. The coordinated but separate filing of cases against CPA is another example organization itself. Although a loose tactical alliance, it shows how the established NGOs of different persuasions like AHRC, FLAG (Free Legal Assistance), and National Union of Journalists in the Philippines (NUJP) maximise their strength and presence.

To underscore the perceived importance of test case litigation in claim making, there are eight high profile cases of "transcendental importance" pending in the Supreme Court. Three of which are public interest litigation cases questioning the validity of: Mining Act of 1995, Responsible Parenthood and Reproductive Health Act of 2012 and CPA. Of these high profile cases, the case on CPA caused the most uproar.

Atty. Melencio Sta. Maria[27] of the AHRC, narrates how representatives of the petitioners that filed separate cases on black Tuesday briefly called for a brief case conference and strategizing. The consensus however was to prepare and file different petitions. The strategy is an effective and creative way of establishing the diversity of the parties in interest. At the same time, the tactic also signifies a degree of unity through the coordinated filing. Although the petitions were prepared separately, seven groups agreed to simultaneously file the petition on black Tuesday.

The coordination between the parties is a process of *actor constitution* at work. Legal standing was established by asserting that their online and offline interests and identities are one and the same. Without giving up on their established institutional politics and advocacies, or be on their individual capacities as taxpayers, the petitioners jointly constituted themselves as Internet users and rights holders. An example of such claim making and appropriation when translated to legalese is provided below:

> "They are filing this suit as taxpayers, **internet users**, journalist, broadcaster, professors of law and, most importantly, as CITIZENS of the Republic of the Philippines" (Melencio S. Sta. Maria, Sedfrey M. Candelaria, (all of Ateneo Human Rights Center) Vs. Ochoa ,Lima (all of the Executive Department of Government 2012).[28]

Another specific articulation is where the petitioner as taxpayers likewise appropriate and represente their "virtual presence" to wit:

> "Teodoro A. Casiño, suing in his capacity as a: 1) internet subscriber of PLDT MyDSL, 2) website user/owner(myteddycasino.com), blogger(teddycasino.wordpress.com) and social media account(facebook.com/followteddycasino,@teddycasino) holder whose constitutional rights to privacy, freedom of expres-sion, speech, and due process, among other rights, are vio-lated with the enactment and implementation of RA No.10175, and whose address is at Unit 39 Ecoville Town-homes, bgy. Sta.

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[27] Personal Interview with Mel Sta. Maria on 26 & 27 August 2013 at Ateneo Law School, Makati, Philippines(hereinafter, Sta. Maria interview).

[28] Melencio S. Sta. Maria, Sedfrey M. Candelaria, Amparita Sta. Maria, et al., (all of Ateneo Human Rights Center) Vs. Honorable Paquito Ochoa in his capacity as Executive Secretary, Honorable Leila De Lima in her capacity as Secretary of Justice et al., (all of the Executive Department of Government (2012) G.R. No. 203440.

Cruz, Makati City." (Philippine Internet Freedom Alliance, Et Al. Vs. The Executive Secretary, Et Al., 2012).[29] G.R. No. 203518

Although mainly symbolic, the fact that the prayer for a temporary restraining order (TRO) was granted a week after black Tuesday is a degree of recognition in itself. This assertion is expected to be fully addressed by way of case law upon issuance of the Court's decision on CPA. *Certification* at work can be delineated out of such dynamic between the claim makers and an authority, which is the Supreme Court. A new actor category – internet users is emerging not just politically but also legally. *Certification* as a mechanism was ensured through the "the validation of actors, their performances, and their claims by external parties, especially the authorities" (Tilly et al. 2001; 316). SCP served as the certifying authority in this case in point, when it took cognizance of the case and issued a TRO.

The simultaneous filing of cases assailing the validity of CPA was accompanied by street protests. The street protests that gathered their distinct supporters and members were separately coordinated by Bagong Alyansang Makabayan (BAYAN), NUJP, and Philippine Internet Freedom Alliance (PIFA). The street protests in terms of symbolism bore the same messages and strike tools that were circulating online. The call to action was clear, the images that came along with also revolved around the same theme.

Polarization

The official announcement that the congressional vote on SOPA-PIPA has been shelved came two days after the Internet Blackout. Signs of *polarization* started becoming two weeks prior to Internet blackout. The co-authors of the bill started backtracking. Others followed suit by withdrawing their support. It was then followed by an official announcement from Congress about the bills being shelved indefinitely. Reports also gave credit to the monitoring platform hosted in Propublica. Real time vote tally accompanied by online publication of the statements of support or non-support helped increase visibility and accountability.

CPA having been legislated missed such a spectacle. Polarization within amongst the Senators became more visibly, in terms of avoiding the backlash. The provision on online libel was inserted the bicameral conference committee. It is a within the legislative mill, when the lower and upper house through a committee reconcile the Senate and House versions. The Chairperson of the Senate Justice Committee admitted his shortcoming when he voted for the passage of CPA. The legislator admitted that, "It was a mistake… "Revealing further that he will just admit our shortcomings, personally, because I can't speak for other senators" (Tan. 2012).

Other Senators who also voted for the passage of the Senate version of the CPA followed suit. I see two main reasons why netizens spared the House of Representatives the scrutiny and claim making: (1) the much criticized online libel provision was inserted at the bicameral conference committee level by a Senator (2) as netizen's claim making and name calling peaked online and offline, the united front of the Senators as a body cracked.

Ayen Karunungan, of PIFA posits that the provision of online libel concretized how CPA can be a threat to freedom of expression. These cracks and revelations in Senate helped uncommitted social media users understand the validity of the claims against CPA. This development gravitated the uninterested internet users towards responding to the call to action for Black Tuesday.

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[29] Philippine Internet Freedom Alliance, Et Al. Vs. The Executive Secretary, Et Al., (2012) G.R. No. 203518.

The only legislator, who voted against the Senate version of the CPA, distanced himself from being blamed. To cement this further, he filed a petition before the Supreme Court a week before Black Tuesday. His team focused on several provisions of CPA 2012 warning against the repercussions of a law that unwittingly criminalized expression of public opinion when posted using information communication technology (Torres. 2012).

As self-organizing groups continue to pledge their participation on the protest, the Executive started making more nuanced pronouncement on CPA. Political messages started to keep their offices from taking the blame on what has become of the enacted version of the law. The Office of the President (OP), admitted to the flaws of the controversial law. The Department of Justice (DOJ) through the Secretary of Justice (SOJ) also tempered their position by openly urging the public to join a forum that will tackle the questionable provisions of the CPA (De Lima. 2012).

In the absence of Silicon Valley, online and offline activism against CPA had to be a little more creative. The legal explanation of Atty. Sta. Maria explaining the perils of cyber libel for instance was popularized through memes. The visualization of the dangers of cyber libel piqued the Internet user's cognition. Thereby, allowing many who by default relish the freedom of unfettered online freedom to latch on the issue and the call for black ops. By identifying with the issue, a broad based coalition from CSOs to netizens of all persuasions embraced a category formation (*see actor constitution*). Our interviewees share the opinion that the provision on cyber libel, facilitated the *scale shift* that drove the opposition against CPA. Legislators felts that the pressure was on when CPA refused to die after the 24 hour news cycle. Photos of the Senators up for re-election who voted for CPA also made the rounds on social networking sites. The interaction between mainstream and social media upped the ante-towards *scale shift* and *polarization* even more. There was not stopping the organic and self-organizing expressions of protest online and offline against CPA. As such, by 2 October 2012 black Tuesday protest was in full swing. Within the seventeen day period, the Filipino netizens effectively managed to register that they want to have say on CPA.

Figure 4: Remember this People CPA Meme[30]

I highlight the meme above for the following reasons (1) user generated (2) the meme circulated without being pushed by established NGOs/CSOs and (3) user generated messaging/framing. At the height of the debates over what was known to be referred to as cyber libel, the guarantees that came along with free speech became uncertain. Such that, the act of retweeting and sharing a meme such as the one understudy was more than just informational. To the far less radicalized and even apolitical Internet user, it too was an act of defiance. Beyond ranting, they were registering protests while encouraging friends to do the same. Unfortunately I cannot provide a quantitative account of how far along the meme circulated. Reports confirming that the blacked-out status updates have already gone viral set in a day before black Tuesday. Netizens posted on Facebook a status update containing a black horizontal bar followed by a text that read: "[status update blocked.] (By RA. 10175). An illustration of which is indicated below:

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[30] 'No to Cyber Crime Law' (2012) Accessed 08 November 2013 <http://isagrimorie.tumblr.com/post/32743198725/lemonlimevanilla-no-to-cybercrime-law>

Figure 5: Memes and strike tools circulated freely. "[status update blocked.] (By RA. 10175)[31]

      The circulation of the meme, in the form of retweeting, liking or sharing it bordered on what could have been stretched as dangerously libellous. As an expression of dissent against cyber libel, retweeting and sharing confronts the symbolism behind states attempt to stricter Internet control was defiance in itself. But as the opposition picked up so did the expressions of protest against CPA.

    Category formation, a key mechanism to actor constitution pertains to formation of identities. Accordingly, "category formation occurs by means of the different sub-mechanisms, through invention, borrowing, and encounters (Tilly 2001:143). Meme jumped out of its Internet culture exis-

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[31] Tuason, J (2012) Accessed 09 November 2013 http://www.interaksyon.com/infotech/facebook-status-updates-profile-photos-go-black-vs-cybercrime-law

tence. Although memes are deliberately used as marketing tools, the emergence of anti-CPA messaging and framing was another indicator of the diversity of the actors and claim makers who identified with the issue.

These acts continued to compliment and strengthen the interconnected dynamics of the following processes and its mechanisms, actors scale shift, polarization and actor constitution. The recursive relationship amongst the processes blended in such a way that it constituted each other until the protest gained momentum.

Concluding Remarks

The claim making and the claim makers of Internet blackout and Black Tuesday were constituted differently *(see actor constitution, chapter 4 & 5)*. Despite the differences, the seventeen month progression towards Internet blackout and the seventeen day race against time for black Tuesday indicate a rapid shift to a broader identity that produced significant realignments. Game changing realignments that led to the *polarization* of seemingly solid bipartisan support of the bills/law in question. The interactions between *scale shift* and *actor constitution* created a loop that animated the growth of each other. As such, as the debate over SOPA-PIPA spilled out of the halls of Congress diffusion of information stepped up. As the twitter and Facebook users along with gamers and bloggers digest information the ranks of those who identified with the issue swelled. And the actors as claim makers and voters found themselves appropriating the Internet as movement form and an organizing tool in ways that has never been imagined before.

Chapter 6 Conclusions

Slacktivism, Clicktivism

The sixth chapter revisit the research questions to confront and dissect the key findings in a comparative and relational manner. Finally, I reflect on these findings and patterns in terms of the challenges and opportunities they raise on activisms, protests and contestations. Mc Adam, Tarrow, and Tilly embarked on a journey by revisiting episodes from the French revolution, American civil rights to the Philippine yellow revolution among others, they knew that their "work provides a starting place but no more than that" (2001:347).

Drawing out from the causal mechanisms and processes they identified across a wide range of contentious politics, I located and examined the Internet blackout and black Tuesday protests to find the presence of the three robust processes within them. In chapters 4 and 5, by revisiting the black ops, I managed to draw out evidence supporting the active presence of following: (1) *actor constitution* (2) *polarization* and (3) *scale shift.* I have also started to compare the processes in light of the dynamic interactions that animate them. The sum of all these processes and mechanisms played a significant part in changing the arena of contestation where state laws attempting to govern the future of the free and open Internet are to be negotiated.

Clicktivisms & @ctivisms+

By embarking on the inquiry using a non-linear approach I have managed to peel the layers of the black ops against SOPA-PIPA and CPA. The study surfaced dynamic interactions that animated the build up and success of the protests. The call to change profile pictures on Facebook and/or blacking out websites to oppose the enactment/implementation of a law was a crucial component of the contention. These call to clicks however are just one of the many innovative collective actions for the protest. Yes, blacking out was a click away this inquiry argues there are enough clues to support the claim that black ops goes beyond "clicktivism."

Actor constitution was animated by established human rights and political organizations to newly constituted CSOs. Robust online communities from Reddit and ESA helped gain momentum through the boycotts. The list goes on. The battle for the heart and soul of the Internet is just beginning to unfold. Internet users and claim makers in the US and the Philippines have not seen the last of the contestations and tensions. There will be for stronger bids for legislated and regulatory state intervention on the Internet. Going dark with millions identifying on the cause and the emerging political identity are good steps to the right directions. The Internet as movement form resonates best as I analysed scale shift. Going viral is the frenzied version of what is still referred to as *diffusion.* The phrase spread like wildfire is no longer accurate enough to capture the rate of diffusion. Two blogs from mainstream media practitioners were posted the same day. Atty. Mel Sta. Maria's legal opinion on CPA went viral. The circulation of the issue, unleashed the organically coordinated black Tuesday.

Lastly, the adventure of matching a paradigm that was used to examine the likes of French Revolution next to a 'recent' contestation and contention turned out to be revealing. Kludgy in terms of methodology, but is offering a way of seeing that is still worth considering. Beyond proving

that the protests are so much diverse and robust that mere clicktivisms, there is room for more analysis and further examination.

Internet blackout vs. SOPA-PIPA

In the case study against the US Congress' initiative for SOPA-PIPA, the imminent enactment o a law and the frustration of tech lobby companies to be heard in Congress forced them to be creative. Why not use the Internet to save the Internet. The exercise of stepping out of the Washington Hill set into motion a self-organizing and self-coordinating innovative action. By drawing out the mechanism that led to the so-called process of actor constitution, I illuminated the roles of identities, symbols, organization and networks in explaining the start and persistent of Internet blackout.

The legislative mill as an arena of contestation is used to lobbyist, power brokers, and experts. But when Google and Facebook came to town, Internet users opposing the enactment of bills on Internet? The voters in their capacity as Internet users through Internet blackout have spoken.

In examining *scale shift* that required tracing the progression of a broad loose coalition as an organization gaining ground and taking off. By analysing the progression of the scale shift the case study illustrated how the Internet as movement form and the collective actors as networks within a network took its own form and life.

Black Tuesday vs. CPA

The call to action sounded easy. It was practically two clicks away – change your Facebook profile picture to black. It was a shout out albeit visual than aural to the legislators for the Internet users as voters and claim makers should be heard. Black Tuesday was further accompanied by many a varied innovative collective action. Through the case study I was able the cull out mechanisms that feed in to the robust processes i.e. (1) actor constitution (2) polarization and (3) scale shift.

I have established that changing the profile picture was not solo repertoire by tracing and illustrating the key dynamic interaction that led to robust processes. The technical aspect of the CPA are not as controversial as SOPA-PIPA, the protest properly frame its opposition. The interest at stake and in question was the fundamental right to freedom of expression. Preventing the implementation of the CPA was necessary intervention for social movement organizations involved in black Tuesday. The validity of the law was questioned. If the case is declared unconstitutional, then CPA will never be implemented. In the mean time, the court has issued a temporary restraining order.

The filing of the petition for certiorari and prohibition is where various established NGOs and newly formed ones entered the picture. Loose cross partisan coordination and information come into play. Certification a mechanisms that lead to actor constitution was evidently gained when the Supreme Court issues a TRO.

As reported, practically every Filipino Facebook user changed their profile status a day before Black Tuesday. Perhaps all, except me. Such that by Tuesday I have been gently "cyber bullied" by 3 friends through private messages to change my profile picture. The three who sought me out were of diverse interests: a digital native whose posts mainly consist food and places; a rooted cosmopolitan who spent three hours on face book that day to check to remind his Filipino face book friends to join black Tuesday; and a gay rights activist with over 3,000 face book who uses face book to amplify his cause. In part out of conviction and mainly in solidarity I did.

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ANNEX A

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Atty. Cecille Sorio	Development.net.ph
Nolasco Ritzlee Santos III	Amnesty International Philippines
Pierre Galla	Development.net.ph
Ayen Karunungan	Philippine Internet Freedom Alliance