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Framing opposition to surveillance - Political communication strategies of privacy activists in the aftermath of the Snowden leaks

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"FRAMING OPPOSITION TO SURVEILLANCE - POLITICAL COMMUNICATION STRATEGIES OF PRIVACY ACTIVISTS IN THE AFTERMATH OF THE SNOWDEN LEAKS"

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Abstract

When in the summer of 2013 whistleblower Edward Snowden revealed the scope of the mass surveillance programs conducted by the National Security Agency and its international partners, privacy activists launched several global online and offline campaigns to protect privacy and resist surveillance. Applying methods of social movement frame and discourse analysis, the dissertation seeks to analyze the various ways activists have tried to shape the privacy discourse in a post 9/11 'Surveillance Society.' A close reading of activist materials and texts over the course of four campaigns – "Restore the Fourth," "Stop Watching Us," "The Day We Fight Back," and "Reset the Net" – reveals a set of frame packages, which are juxtaposed with the media coverage the campaigns have generated. In subsequent semi-structured interviews with 21 activists from 14 countries, participants involved in the protest events were asked to critically reflect on framing choices, media dynamics and the degree of transnational cooperation among various privacy advocacy groups. The dissertation contributes to the field of grass roots political communication research by discussing the potentials and limits of anti-surveillance frames as well as providing a cultural and oral history of organized resistance against surveillance in the post-Snowden world.

TABLE OF CONTENTS

1. INTRODUCTION

For years, privacy advocates had been speculating about a possible "Privacy Chernobyl" – a major scandal that would put the issue of surveillance on the global agenda and create a mass social movement against privacy intrusions committed by governments and corporations.[1] In the summer of 2013, this speculation became reality. Edward Snowden's leaked documents detailing the mass surveillance activities conducted by the National Security Agency and its international partners caused – to stick to the nuclear disaster analogy – a temporary meltdown of public trust by citizens around the world.[2] Effectively, the Snowden documents proved what some observers had speculated for years and what others had dismissed as dystopian science fiction, namely that a major part of the global communication data network is constantly being monitored. Among the NSA's programs exposed by Snowden were PRISM (collection of content shared by individuals on social networking sites), XKEYSCORE (retroactively assessing, linking and tracking individual names, phone numbers, and search histories) as well as BOUNDLESS INFORMANT (visualizing global metadata).[3]

The impact of the revelations was two-fold. On the one hand, thanks to Snowden, terms such as 'surveillance' and 'privacy' overnight became hot-button issues debated in legislatures, newspapers, and talk shows around the world. Initially the global citizenry was deeply disturbed about the pervasiveness of the NSA's programs.[4] Having exposed the gargantuan scope of the international surveillance apparatus, politicians sought legislative reform both on the national as

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1 Cf. Bennett, Colin J., *The Privacy Advocates: Resisting the Spread of Surveillance* (Cambridge, MA & London: The MIT Press, 2008), 200.

2 Authors' note: This paragraph was partly reproduced from a previously published article. Cf. Till Wäscher, "Framing Resistance Against Surveillance: Political communication of privacy advocacy groups in the 'Stop Watching Us' and 'The Day We Fight Back' campaigns," *Digital Journalism* 5 (3) 2017, 368.

3 This thesis is no place for discussing the technological specifics of surveillance measures. For an overview about the specifics of various surveillance programs, see for example Jon L. Mills, "The Future of Privacy in the Surveillance Age," in *After Snowden: Privacy, Secrecy, and Security in the Information Age,* ed. by Ronald Goldfarb (New York: St. Martin's Press, 2015) 191-261, 210-217.

4 According to the Pew Research Center, in the summer of 2014, 81 % of global citizens excluding the U.S. found the NSA actions "unacceptable." For U.S. citizens, see Pew Research Global Attitudes Project, "Global Opposition to U.S. Surveillance and Drones, but Limited Harm to America's Image" (accessed October 15, 2014) http://www.pewglobal.org/2014/07/14/global-opposition-to-u-s-surveillance-and-drones-but-limited-harm-to-americas-image/. According to a Washington Post Poll from November 2013, 69% of Americans were "very concerned" or "somewhat concerned" about digital surveillance. "Surveillance in America," (accessed October 15, 2014). http://www.washingtonpost.com/politics/polling/surveillance-america-washington-post-poll-november/2013/12/22/1a87c22e-6a8c-11e3-997b-9213b17dac97_page.html.

well as the supranational level. Brazil and Germany, in a joint effort, introduced a United Nations resolution on the Right of Privacy while the U.S. Congress, in the summer of 2015, after two years of deliberation enacted the USA Freedom Act, which curbed, at least for American citizens, the indefinite collection of telephone metadata. All of these policy outcomes, however, have to be seen in the light of a massive international outcry of civil society actors. The Snowden revelations revitalized an almost forgotten genre of contentious politics – privacy activism. Opposition to government surveillance had partially informed both political revolutions of the past as well as the new left "activism" of the early 1970s. But now, fuelled by the growing concern for digital rights, social movement organizations have rediscovered privacy as an issue worth demonstrating and campaigning for.

And yet to say that activists could easily tap into a growing unease among millions of citizens around the issue of surveillance would be distorting the facts. In a sense, Snowden was not the turning point for surveillance awareness privacy advocates had hoped for. After the initial period of outcry, both indifference and the 'I have nothing to hide' line of argument began to drown out privacy concerns. While the Snowden leaks were instrumental in igniting a debate about the merits of privacy, in some countries surveillance programs have been actually *expanded* since 2013.[5] The number of people sharing personal data on social networking sites has not stalled as a result. And terrorist attacks, which on a regular basis shatter the public's collective sense of security, are often followed by political rhetoric that advances the normalization of government surveillance. In the recent U.S. presidential election, surveillance was not among the top 20 issues mentioned by either candidate; the only thing Donald Trump said in this context was that he wanted to vastly increase the surveillance capabilities of the United States. In March 2017, in the face of a relatively muted response from civil society, he repealed a directive by the Obama administration which would have made it harder for internet service providers to sell personal data of their customers to third parties.

It is within these conflictive circumstances – commonly referred to as the "Privacy Paradox"[6] – privacy activists have been operating in the years since the Snowden revelations.

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5 For example in the United Kingdom or Germany. Cf. Arne Hintz and Lina Dencik, "The Politics of Surveillance Policy: UK Regulatory Dynamics after Snowden," *Internet Policy Review* 5 (3) (2016), 1-16; Markus Reuter, „Bundesrat winkt BND-Gesetz im Schnellverfahren durch," *Netzpolitik.org*, November 4, 2016 (accessed January 10, 2017). https://netzpolitik.org/2016/bundesrat-winkt-bnd-gesetz-im-schnellverfahren-durch/.

6 Claire Cain Miller, "Americans Say They Want Privacy, but Act as if They Don't," *The New York Times*, November

They have to face a public which is partially critical of unchecked and excessive government surveillance while at the same time has internalized forms of social media-fuelled self-surveillance and is not willing to change its online behaviour in any meaningful way. They operate within political systems that predominantly produce policy outputs which favour security over privacy. And their communication work takes place in a mass mediated ecosystem in which surveillance are met with inaccurate coverage by reporters and inconsistent treatment by pundits..

Given this challenging climate in which opposition to the global surveillance regime takes place, the main objective of this dissertation is to identify, analyse, and critically assess the political communication of activists during anti-surveillance campaigns in the first year of the post-Snowden world. As a contribution to the larger cultural and media history of resistance to mass surveillance, my work will be guided by the following research questions:

1. How have privacy activists framed resistance against mass surveillance in the aftermath of the Snowden revelations?

A major obstacle for privacy activists working to warn against the perils of surveillance and to expound the benefits of privacy is the hard-to-grasp nature of the issues at hand. Surveillance as a civil and human rights issue naturally does not lend itself to the same emotionally-charged language and iconography that goes hand-in-hand with other pressing issues such as ecological destruction or war. Seemingly without any immediate or long-term consequences, surveillance remains invisible and abstract for a majority of citizens and internet users.[7] Given these challenges, this research looks to explore if and how the privacy activist community strategically employed discourses, narratives, metaphors, and iconography to raise awareness and mobilize citizens. It also aims to outline the specific culturally, historically, technologically, and politically charged „collective action frames"[8] employed by activists to circumvent the invisibility of surveillance? A look at framing is instructive as it reveals how political opportunities (in this case, the Snowden leaks), in themselves not a guarantee for movement success, were taken

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12, 2014 (accessed on January 10, 2017). https://www.nytimes.com/2014/11/13/upshot/americans-say-they-want-privacy-but-act-as-if-they-dont.html.

7 Sun-ha Hong,"Subjunctive and Interpassive 'Knowing' in the Surveillance Society," *Media and Communication* 3 (2) (2015), 63–76.

8 Robert D. Benford and David A. Snow. "Framing Processes and Social Movements: An Overview and Assessment," *Annual Review of Sociology* 26 (2000), 611–639.

advantage of by a network of movement actors.[9] Ultimately, by focusing on activists' frames and discourses I aim to throw light on a question that David Lyon stressing the importance of frame analysis in Surveillance Studies, posed, namely "Why do we think about [issues of surveillance] the way we do and why do we speak up about them or remain silent?"[10]

2. How have the activists' attempts been portrayed in the media?

Existing research hints at a general unease of mainstream media outlets in covering both the Snowden case and the topic of mass surveillance in general often downplaying its harmful effects.[11] Despite the potential of new technologies for enabling "mass self-communication"[12] and "digitally enabled social change,"[13] social movements are still dependent on traditional news coverage to reach people beyond their core constituencies. Often, battles over the appropriate representations of frames ensue between activists and media.[14] Paul D'Angelo and Jim Kuypers have observed a symbiotic relationship between issue advocates and journalists when it comes to framing: "sources frame topics to make information interesting (…) and journalists cannot not frame topics because they need sources' frames to make news."[15] While frame-dominated media discourse may not directly change public opinion, examining frames allows us to see which ones are most "readily available" and thus, have a "higher probability of being used."[16] While focusing on the activist community's attempts at framing, or making sense of the NSA revelations, the dissertation will also analyze the media dynamics of the privacy movement.[17]

3. How transnational is the current anti-surveillance activist community?

As Snowden himself has made clear in his manifesto, published in the German magazine "Der

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9 Doowon Suh, "How Do Political Opportunities Matter for Social Movements? Political Opportunity, Misframing, Pseudosuccess, and Pseudofailure," *The Sociological Quarterly* 42 (3) (2001): 437–460, 442.

10 David Lyon, *Surveillance after Snowden* (Cambridge and Malden: Polity Press, 2015), 117.

11 Ibid.

12 Manuel Castells, *Communication Power* (Oxford/New York: Oxford University Press, 2009), 55.

13 Jennifer Earl and Katrina Kimport, *Digitally Enabled Social Change: Activism in the Internet Age* (Cambridge: The MIT Press, 2011).

14 Cf. Castells, *Communication Power*, 142; Todd Gitlin, *The Whole World is Watching: Mass Media in the Making & Unmaking of the New Left* (Berkeley: University of California Press, 1980).

15 Cf. Paul D'Angelo and Jim A. Kuypers, "Introduction: Doing News Frame Analysis," in *Doing News Framing Analysis: Empirical and Theoretical Perspectives*, ed. Paul D'Angelo and Jim A. Kuypers (New York and London: Routledge, 2010), 1-15.

16 William A. Gamson and Andre Modigliani, "Media Discourse and Public Opinion on Nuclear Power: A Constructionist Approach," *American Journal of Sociology* 95 (1) (1989), 10.

17 Authors' note: This paragraph was partly reproduced from my previously published article by me. Cf. Wäscher, "Framing Resistance Against Surveillance," 370.

Spiegel", mass surveillance is a global phenomenon that demands global answers.[18] Three out of four major anti-surveillance activist campaigns in the aftermath of Snowden have claimed, at least in theory, to speak for global citizens and featured a roster of activist organizations from around the world. Their involvement not only enhanced the aim and scope of the movement but created challenges as well, especially in regard to articulating effective transnational frames that resonate globally. As noted by Margaret Keck and Kathryn Sikking, efforts to provoke a global reaction depend on the "ability to call upon symbols, actions or stories that make sense of a situation for an audience that is frequently far away"[19] Thus, privacy activism is a promising case study for examining how local or national frames are lifted to the transnational level, or why such attempts fail. As with environmentalism or the anti-war movement, opposition to surveillance has the potential for creating a global movement. While the pieces are there – the advancement of information communication technologies (ICTs); regular exchanges during digital rights themed conferences; and an evolving legal (albeit non-binding) transnational framework – the question remains if this will ultimately result in a unified and stable global privacy network.

The following two underlying assumptions will guide my attempt at answering these questions. First of all, I consider communication the most important activity of any social movement organization. As James K. Herzog and Robert J. Zuercher have summarized,

> [s]ocial change advocates must develop communications strategies to engage in sociopolitical debate, build movements dedicated to enacting change, promote their political program to the public, organize action among supporters and allies during periods of public contention, and maintain advocacy organizations and their accomplishments during periods of retrenchment.[20]

What the late Charles Tilly has described as "repertoires of contention" – a set of "claim-making routines"[21] by social movement actors, has, thanks to the professionalization of political communication work and the emergence of ICTs, evolved into "repertoires of communication."

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[18] Edward Snowden, „Ein Manifest für die Wahrheit." *Der Spiegel*, November 4, 2013 (accessed January 10, 2017). http://www.spiegel.de/spiegel/print/d-119402581.html.

[19] Margaret E. Keck and Kathryn Sikkink. 1998. *Activists beyond Borders: Advocacy Networks in International Politics*. Ithaca/London: Cornell University Press, 16.

[20] James K. Hertzog and Robert J. Zuercher, „Political Communication in social transformation and revolution," in *Political Communication*, ed. Carsten Reinemann (Berlin: De Gruyter Mouton , 2014), 184.

[21] Charles Tilly, *Regimes and Repertoires* (Chicago and London: The University of Chicago Press, 2006), 35.

This set of "media practices that social movement actors (…) develop in both the latent and visible stages of mobilization has arguably overtaken any other tasks and practices of social movements."[22] Without effective media practices a movement cannot maintain the momentum and level of mobilization to conduct other forms of organizing. In other words, an activist group can stage a street protest but without sufficient (social) media outreach nobody will show up. But even for advocacy groups who work behind the scenes, raising awareness by garnering media coverage is crucial to generate political pressure. While a great deal of literature has recently focused on the activities of privacy activists, there has been no analysis with regard to the explicit function of political communication strategies of these groups.

Secondly, I consider two key terms of this dissertation, surveillance and privacy, to be not only practices, or moral or philosophical values, but also *discursively contested concepts* which are in constant flux, especially since the Snowden revelations. The last four years have been a key period in which various sectors of the public – officials, corporations, activists – engaged in a discussion over what terms such as 'privacy' and 'surveillance' actually mean. In the resulting battle over words, frames and narratives, both sides have at times reached diametrically opposing conclusions: While activists have decried the NSA's activities generally as unwarranted mass suspicionless surveillance breaching fundamental human and civil rights, the former head of US counterintelligence under President George W. Bush has described the practice merely as "non-intrusive public safety responsibilities of the US government."[23]

Given the abstract and technical nature of online surveillance, privacy activists increasingly rely on a set of symbols, metaphors, and images which are necessary to visualize otherwise invisible acts of surveillance in the public realm. Further dissemination through media outlets largely depend on the activists' success in creating an effective and vivid anti-surveillance vocabulary and imagery. The impact of the Snowden leaks has depended not only on simply reporting the details of various surveillance programs but on igniting a global debate about the merits and risks of unchecked surveillance. Snowden himself, while obviously taking a fierce anti-surveillance stance, initially justified his actions by stating he wanted to start a global conversation about the issue. My study aims to illustrate the crucial role privacy activists have

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[22] Alice Mattoni, "Repertoires of Communication in Social Movement Processes," in *Mediation and Protest Movements*, ed. Bart Cammaerts, Alice Mattoni & Patrick Mccurdy (Bristol/Chicago: Intellect, 2013), 47.

[23] Michelle Van Cleave, "What it takes: In Defense of the NSA," *World Affairs* 176 (4) (2013), 59.

played in this conversation.

This objective is timely, unique, and relates to current trends in grass roots communication research. Recent events such as the Arab Spring, Occupy Wall Street, or the 15-M Movement have led to renewed scholarly interest in social movements, based at the intersection of collective action and media and communication research.[24] While the Snowden revelations have led academics from all fields to study surveillance- and privacy-related topics, scholars who study grassroots movement are only beginning to address the importance of privacy advocacy networks in general and their communication practices in particular. For example, Colin Bennett has created a helpful typology and general overview of various privacy advocacy groups and their activities.[25] Priska Daphi et al. were among the first scholars to analyze the visual dimension of anti-surveillance protests.[26] Lucas Introna and Amy Gibbons have provided a look into privacy activists' use of online practices;[27] and Sun- Ha Hong has analyzed the contemporary public discourse on surveillance and the many challenges it poses for opponents to effectively problematize the practice.[28] However, there has been little scholarly work on how the communications practices of privacy activists in general and their framing processes in particular, interact with the mainstream media. This is in stark contrast to the rich literature dealing with political communication strategies of environmental, anti-poverty, and anti-war activists.[29]

With this dissertation I want to both fill this research gap and also create a taxonomy of anti-surveillance frames that can form the basis for subsequent research. The pervasiveness of data-driven electronic surveillance in our contemporary society will not go away in the foreseeable future. Four years into the post-Snowden era, it is clear that the ongoing discovery of

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[24] See e.g. Cammaerts et al (eds.), *Mediation and Protest Movements*; Manuel Castells, *Networks of Outrage and Hope: Social Movements in the Internet Age*. Cambridge: Polity Press, 2012); Donatella Della Porta and Alice Mattoni (ed.), *Spreading Protest: Social Movements in Times of Crisis*. Colchester: ECPR Press, 2014.

[25] Cf. Bennett, *The Privacy Advocates*.

[26] Priska Daphi, Anja Le, and Peter Ulrich."Images of Surveillance: The Contested and Embedded Visual Language of Anti-Surveillance Protests," in *Advances in the Visual Analysis of Social Movements*, ed. Nicole Doerr, Alice Mattoni and Simon Teune (Bingley: Emerald Books, 2013), 55-80.

[27] Lucas D. Introna and Amy Gibbons, "Networks and Resistance: Investigating Online Advocacy Networks as a Modality for Resisting State Surveillance," *Surveillance & Society* 6 (3) (2009), 233–258.

[28] Hong, "Subjunctive and Interpassive 'Knowing.'"

[29] Cf. Kevin Gillan, Jenny Pickerill, and Frank Webster, *Anti-War Activism: New Media and Protest in the Information Age* (Hampshire: Palgrave Macmillan, 2008); Libby Lester and Brett Hutchins (eds.), *Environmental Conflict and the Media* (New York: Peter Lang, 2013); Nicolas Sireau, *Make Poverty History: Political Communication in Action* (New York: Palgrave Macmillan, 2009).

new details about the scope of the international surveillance apparatus will continue. Indeed, consider, for example, these three news stories published from fall 2016 to spring 2017: Tech company Yahoo, working closely with the NSA proactively scanned all of their users emails in real time searching for key phrases; documents released by Wikileaks demonstrated how NSA programs were able to circumvent encryption software and infiltrate smart devices such as television sets; and police officers in New York using means of offline and online surveillance systematically monitored Black Lives Matter activists.[30] Under those circumstances, the work of privacy activists remains a both crucial and relevant object of research.

The thesis is structured as follows. In chapter 2 I clarify key terms, namely 'privacy' and surveillance', which are relevant for the study of privacy activist communication. I also summarize the state of the art of the field of Surveillance Studies. The key concept in this field is that of a 'Surveillance Society – a contemporary world, in which surveillance has become an organizing principle of everyday life. In fact, surveillance by now is far from being seen as a black-and white, top-down practice. The relationship between government agencies, corporations, and citizens is far more complex – a phenomenon that makes it significantly more challenging for activists to critically address surveillance in their communication work. In other words, surveillance is seen as a cultural practice in which a multitude of actors take part. For instance, since the emergence of social media, corporate actors have played a key role in the expansion of electronic surveillance. Not only have tech companies, willingly or not, collaborated with the NSA, but also promoted widespread self-surveillance on social networking sites. Corporate surveillance, as will be shown, played a peculiar role in the privacy protest events after Snowden – either because activists chose not to address the integral role played by tech companies played in the surveillance apparatus or because they temporarily formed alliances with the companies.

With various forms of surveillance deeply ingrained into society, the ethical value of privacy has come under attack. The frames of anti-surveillance activists are not widely shared

[30] "Yahoo email surveillance: who approved the secret scanning program?" *The Guardian*, October 6, 2016 (accessed January 10, 2017). https://www.theguardian.com/technology/2016/oct/06/yahoo-email-surveillance-government-nsa-fisa; Sam Biddle, "WikiLeaks Dump Shows CIA Could Turn Smart TVs into Listening Devices." *The Intercept*, March 7, 2016 (accessed January 10, 2017). https://theintercept.com/2017/03/07/wikileaks-dump-shows-cia-could-turn-smart-tvs-into-listening-devices/; George Joseph, "NYPD officers accessed Black Lives Matter activists' texts, documents show," *The Guardian*, April 4, 2017 (accessed May 10, 2017). https://www.theguardian.com/us-news/2017/apr/04/nypd-police-black-lives-matter-surveillance-undercover.

but compete with an increasingly advanced array of arguments, narratives, and justifications voiced by surveillance proponents. Especially after the 9/11 terrorist attacks, values such as security have gained acceptance at the expense of privacy. It is the security v. privacy conflict that marks the front line of the discursive battle between activists and the intelligence agencies. By juxtaposing security with not only privacy but other democratic values such as freedom, tolerance, and human dignity, privacy activists have sought to circumvent the privacy v. security duality.

Chapter 2 also conceptualizes anti-surveillance communication as a *mode of resistance*. To enlighten the public about the potentially grave consequences of surveillance is a prerequisite for any form of opposition. Historically, each new form of monitoring has led people also to resist. Resistance is an intrinsic part of the surveillance society and the activists' work functions as a catalyst for generating outrage against privacy breaches by the state or private firms. Again, communication work is crucial for this endeavor, which is also demonstrated in an excursion at the end of chapter 2 briefly discussing three historic instances of successful, heavily mediatized forms of resistance against surveillance-driven government oppression.

Chapter 3 lays out the theoretical and methodological framework of the dissertation. For the purposes of my research question I have triangulated discourse analysis with frame analysis and semi-structured interviews with activists. The section explains how a close reading of activist materials will reveal a set of anti-surveillance frame packages. An essential part of activist communication work consists in framing events – offering convincing narratives and interpretations of social phenomena. Collective action frames, as conceptualized by Robert Benford and David Snow,[31] are designed to explain, mobilize and motivate citizen toward a specific cause. Whether collective action frames are adapted and reported on by the media, is not a given, which makes a careful frame selection process even more important. David Lyon has stressed the importance of using appropriate frames to critique current modes of surveillance. Activists can either choose to "only note the consequences of and the efforts to restrain what is currently occurring with rampant mass surveillance" or also "state clearly what sort of world we *would* like to see."[32] While frame analysis represents a tested approach to systematically identify the creation of meaning among activists, semi-structured interviews are another staple method

[31] Cf. Benford and Snow, "Framing Processes and Social Movements."
[32] David Lyon, *Surveillance after Snowden*, 119.

for examining social movement communication. Letting key organizers describe their communication work in their own words and critically reflect on their framing choices added an additional layer of 'text' to my analysis. Chapter 3 argues that the combination of frame analysis, discourse analysis, and interviews is the most comprehensive methodological approach to identity and critically assess anti-surveillance frames.

Chapter 4 consists of discourse and frame analyses of four major anti-surveillance campaigns in the first year after the Snowden revelations. If Snowden represents a watershed moment in the history of surveillance, then looking at the case studies – "Restore the Fourth", "Stop Watching Us", "The Day We Fight Back" and "Reset the Net" – is important for understanding the privacy advocacy movement as a whole. These campaigns were important "interpretive 'moments'"[33] – key episodes of collective action framing that may have been decisive for future framing efforts.

The first campaign, "Restore the Fourth", was the initial grass roots answer to Snowden revelations. The protest event was an exclusively American affair both in its scope as well as in its framing and is thus treated and interpreted as a counterpoint to the more transnational protest events that followed. One such event was "Stop Watching Us" – a series of street protests that took place simultaneously in the United States and Germany in October of 2013. Four months after the first trove of NSA documents had been released, "Stop Watching Us," seeking to raise awareness via the traditional means of street demonstrations and framing their demands in an increasingly global way, represents the first attempt of professionally and strategically gather support for privacy causes. After 'Stop Watching Us', the network of activists switched tactics. They moved from offline to online protest events and attempted to stage internet blackouts rather than protest rallies, as was the case with "The Day We Fight Back." Finally with "Reset the Net" some activists teamed up with online companies to promote the use of encryption software, marking a turn from demanding privacy from the government to encouraging individuals to use privacy protection measures themselves. Each case study identifies the respective collective action frames and then compares it to the media coverage the protests generated.

In chapter 5, the empirical part of the dissertation closes with an extensive analysis of my interview data. Key representatives of the organizations involved in the campaigns described in

[33] Doug McAdam, Sidney Tarrow, and Charles Tilly, *Dynamics of Contention* (New York: Cambridge University Press, 2001), 48.

chapter 4, many of them closely involved in designing anti-surveillance communication strategies, reflected in the interviews about the successes, failures, and ongoing challenges on mobilizing people to defend their privacy. Subsections of the chapter provide additional information about aspects of the campaigns that a simple frame analysis could not have unearthed. These include general challenges of reaching out to citizens and the media when it comes to informing the public about the technologically and morally complex issues of surveillance and choosing the right metaphors and imagery; how transnational framing processes evolved (or did not evolve) and how national, culture-specific anti-surveillance frames compete with global interpretations; how the switch from street rallies to online campaigns affected the framing; the use of Edward Snowden as the face of the global privacy movement- and how temporarily teaming up with tech companies influenced the overall framing. Along with being an additional layer of interpretations provided first hand by the activists themselves, these statements provide a valuable oral history of resistance against surveillance in the post-Snowden world.

In the conclusion (chapter 6) I tie together and synthesize the various issues raised in the case study and interview sections and identify theoretical implications for social movement (and grass roots political communication) studies in general.

2. MAPPING THE DISCURSIVE FIELD: RESISTANCE IN A POST 9/11 SURVEILLANCE SOCIETY

2.1 The Surveillance Society

The concept of privacy and the practice of surveillance are deeply intertwined. Privacy, "the voluntary and temporary withdrawal of a person from the general society through physical or physiological means"[34] is constantly at odds with surveillance practices. Surveillance, defined by Kevin Haggerty and Richard Ericson simply as "the collection and analysis of information about populations in order to govern their activities"[35] makes that withdrawal harder. "The right to be

[34] Definition by Alan Westin, as quoted by Elia Zureik & L. Lyda Harling Stalker, "The Cross-Cultural Study of Privacy: Problems and Prospects," in *Surveillance, Privacy, and the Globalization of Personal Information*, ed. Elia Zureik et al. (Montreal: McGill-Queen's University Press, 2010), 10.

[35] Kevin D. Haggerty and Richard V. Ericson, "The New Politics of Surveillance and Visibility," in *The New Politics of Surveillance and Visibility, ed.* Kevin D. Haggerty and Richard V. Ericson (Toronto/Buffalo/London: University of

let alone,"[36] to quote the famous dictum by Louis Brandeis and Samuel Warren, is infringed upon by surveillance.

In order to understand the efforts of privacy advocates in todays' world one has to understand how surveillance has become an integral part of modern societies. Surveillance is not simply a practice conducted by government institutions and corporate actors but is deeply ingrained into bureaucracy, culture, and the economy. In fact, thanks to technological progress and fueled by the spread of databases,[37] surveillance has become one of the defining principles of the 21st century. Thus Lyon claims,

> It's not just that a surveillance device is encountered every few minutes during the day, but that the word *surveillance* describes the way that organizations now work. (...) The decisive transformation is that surveillance, (...) is now the dominant organizational mode of the modern age.[38]

Historically the rise of surveillance is closely connected to the evolution of modern bureaucracy. The rises of nation states, colonialism, modern scientific practices and economic globalization have all been tied to the rise of surveillance.[39] Without some forms of surveillance society is likely to collapse. As Frank Webster notes, "We must *know about people* if we are to arrange social life."[40] It is crucial to bring to the mind the essential part that surveillance plays in state administration processes – both domestically and on the international level. As Jason Keiber, who has looked at surveillance from an international relations angle, bluntly puts it, "[e]verything that a state does from mere administration to the most lethal acts of coercion relies on surveillance."[41] This ranges from assessing who is eligible for welfare or health insurance benefits to – in the case of the United States – monitoring and eventually killing suspected terrorists in a drone strike. The origins of this perspective lie in the Durkheimian and Weberian schools of thought, which interpret bureaucratic surveillance as an "administrative response to the technical imperatives of a structurally differentiated society."[42] The 'Iron Cage', Max Weber's

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Toronto Press, 2006), 3.

[36] Samuel D. Warren & Louis D. Brandeis, "The Right to Privacy," Harvard Law Review 4 (5) (1890), 193.

[37] Cf. Andrew White, *Digital Media and Society: Transforming Economics, Politics and Social Practices* (New York: Palgrave MacMillan, 2014), 145-148.

[38] Cf. David Lyon, "Surveillance Technologies and Social Transformation: Emerging Challenges of Socio-Technical Change," in *Frontiers in New Media Research,* ed. Francis L.F. Lee et al. (New York: Routledge, 2013), 57.

[39] Cf. Haggerty and Ericson, "The New Politics of Surveillance," 4.

[40] Frank Webster, *Theories of the Information Society*, (New York: Routledge, 2002), 204.

[41] Jason Keiber, "Surveillance Hegemony," *Surveillance & Society* 13:2 (2015), 171.

[42] Christoph Dandeker, *Surveillance, Power and Modernity: Bureaucracy and Discipline from 1700 to the Present*

metaphor for modern business organization relies on the employers' accumulation of files of his employees. By collecting data, a dynamic between capital and labor is established that resembles the one between citizens and politicians in a nation state.[43] This is echoed in the work of Anthony Giddens, who has described surveillance as "a mechanism of societal integration" which "reaches its highest point in the age of modern capitalism."[44] In other words, the creation of the state – especially the social democratic type that is prevalent in Europe with obligations such as elections, social services and welfare[45] – and the capitalist system are inextricably linked to bureaucratic surveillance.

Thus, starting in the late 1970s, scholars and privacy activists begun to use the term 'Surveillance Society' to warn against totalitarian tendencies of data gathering (especially early forms of electronic payment methods).[46] A 'Surveillance Society' describes "a basic, complex infrastructure (…) based on the idea that gathering and processing personal data is essential to organizational efficiency."[47] As of now, scaling back the data gathering practices of state administrations would be close to impossible without scaling back the state itself. Or in the words of Andrew White, "if we want to live in well-organized modern societies, then we cannot avoid sophisticated surveillance apparatuses."[48]

The implementation of the 'Surveillance Society' nowadays includes fusion centers, where various forms of personal data are stored; "mission creep", the misuse of data collection practices for other purposes than intended; the attempt to set up total systems of collection of as much data as possible; and the requirement of citizens to permanently carry identification documents with them.[49] It requires an elaborate interplay between agencies, corporations and citizens. Thus, Verdo Garrido notes, the "fundamental contribution of surveillance studies (…) is its efforts to clarify how global surveillance is not only confined to intelligence agencies' deployment of surveillance technologies, but extends also to the very cultural and economic characteristics of

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Day, (Cambridge: Polity Press, 1990), 5.

43 Cf. ibid., 10.

44 As quoted by Ibid., 33.

45 Cf. Webster, *Theories of the Information Society*, 221-222. Naomi Klein, in a critique of the close relationship between surveillance apparatuses and state administrations has stated accordingly: "Surveillance is the new democracy." As quoted by Lyon, "Surveillance Technologies," 65.

46 Cf. Lyon, "Surveillance Technologies," 59.

47 Ibid., 60.

48 White, *Digital Media and Society*, 164.

49 Cf. Lyon, "Surveillance Technologies," 60-61.

contemporary society."[50] Surveillance has become "a life-practice," as Kirstie Ball and David Murakami Wood have claimed.[51]

For some authors, controlling and disciplining – not merely governing – remain the key characteristics of surveillance practices. Thus they favor the term 'Society of Control' rather than more neutral connoted 'Surveillance Society'. Surveillance, they argue, has been spread from prisons, companies and educational and health institutions to all sectors of society, and "no longer limited by walls or schedules." inserts its repressive influence on all walks of life.[52] And yet, contrary to what some privacy advocates in their rigorous opposition want to make their constituents believe, the purpose of surveillance is not only about 'controlling' but instead includes other functions varying from "consumption, entertainment, titillation, health promotion, education, governance, accountability, child-rearing".[53]

In fact, as Kevin Haggerty has pointed out, surveillance has not only "positive"[54] effects, but for some people, being watched is "fun."[55] Indeed, the various forms, functions and effects of different surveillance practices make it increasingly difficult to pinpoint to its overarching nature. As Haggerty and Ericson have observed, surveillance is nowadays so "diverse, multi-faceted, and employed in such a panoply of projects that it is almost impossible to speak coherently about 'surveillance' more generally."[56]

Because "[o]rganisation and observation are conjoined twins, ones that have grown together with the development of the modern world",[57] the systematic expansion of surveillance practices has had profound cultural effects. Indeed, we live now in a "surveillance culture in which an increasing proportion of the world's population lives and to which, for a number or reasons, many have become inured."[58] While the Snowed leaks have certainly caused outrage among citizens, a process of *normalization* – and not, as was of the case in the past,

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[50] Miguelángel Verde Garrido, "Contesting a Biopolitics of Information and Communications: The Importance of Truth and Sousveillance after Snowden," *Surveillance & Society* 13:2 (2015), 155-156.

[51] As quoted by ibid., 156.

[52] William Bogard, "Welcome to the Society of Control: The Simulation of Surveillance Revisited," in *The New Politics of Surveillance,* ed. Haggerty and Ericson, 59.

[53] Kevin D. Haggerty, "Tear down the Walls: On Demolishing the Panopticon," in *Theorizing Surveillance: The Panopticon and Beyond*., ed. David Lyon (Devon: Willan Publishing, 2006), 28.

[54] Ibid., 28.

[55] Ibid., 35.

[56] Haggerty and Ericson, "The New Politics of Surveillance," 22.

[57] Webster, *Theories of the Information Age*, 205.

[58] David Lyon, "The Snowden Stakes: Challenges for Understanding Surveillance Today," in *Surveillance & Society* 13:2 (2015): 143.

scandalization[59] – of surveillance has been underway for decades. Normalization, as described by Lyon, suggests that surveillance is culturally ingrained into society. For example nowadays the widespread use of CCTV cameras in public spaces is widely accepted for its alleged crime deterrent effects (which have not been exhaustively examined or proven).[60] The urban theorist Mike Davis has described "urban scanscapes" consisting of the various video monitored public places to which urban populations have increasingly grown accustomed to.[61] Historically, with the fade of communism, "fear of authoritarianism" resulting from surveillance has faded as well.[62]

Actively taking part in some sort of surveillance is nowadays part of the daily media diet for many citizens. Watching pornography or tuning into daily talk shows, where guests share intimate details of their private lives,[63] not only satisfy voyeuristic needs but can have effects on the valuation of one's own privacy. Early reality TV shows such as 'An American Family' introduced audiences to a "union of domestic life and Orwellian surveillance".[64] Since the 1970s, as Meyrowitz points out, "[t]he rapid adoption of television provides evidence of how much Americans (…) became fascinated by, and perhaps addicted to, the act of closely watching others from a distance."[65] The mass media have certainly contributed to this normalization process as recipients routinely watch (or surveil) celebrities, ethnic minorities, delinquents or politicians on television. As Sykes notes, "A man can reasonably expect to be left alone in his home, safe from prying eyes. But that same man can turn on the television set (…) and find a window into the most graphic, embarrassing details of the lives of others."[66] This has two effects: one the one hand watching others 24 hours a day (in the case of reality TV in their most private settings imaginable) has become culturally accepted; one the other hand precisely because audiences can

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59 Henry A. Giroux, "Totalitarian Paranoia in the Post-Orwellian Surveillance State," in *Cultural Studies* 29:2 (2015): 111.

60 Fredrika Björklund and Ola Svenonius, *Video Surveillance and Social Control in a Comparative Perspective* (Florence: Routledge, 2012), 2.

61 As quoted by John Fiske, "Surveilling the City: Whiteness, the Black Man and Democratic Totalitarianism," in *Theory, Culture & Society* Vol. 15 (2) (1998): 67-88, 70.

62 Björklund and Svenonius, *Video Surveillance*, 2.

63 Cf. Fiske, "Surveilling the City," 77-78.

64 Paula Carabell, "Dan Graham, Reality Television and the Vicissitudes of Surveillance," in *Visual Politics of Psychoanalysis: Art and the Image in Post-Traumatic Cultures*, ed. Griselda Pollock (London/New York: I.B. Tauris, 2013), 134.

65 Joshua Meyrowitz, "We Liked to Watch: Television as Progenitor of the Surveillance Society," *Annals of the American Academy of Political and Social Science*, Vol. 625 (2009), 34.

66 Charles J. Sykes, *The End of Privacy* (New York: St. Martin's Press, 1999), 16-17.

grasp the dramatic loss of privacy of those depicted in the media (especially celebrities or those accused of high profile crimes) this "helps to keep alive the belief in privacy as a valued condition."[67]

In sum, from the perspective of surveillance scholars, the practice is neither inherently 'bad' nor 'good'. However, in the public debate, discourse participants tend to either condemn any forms of surveillance or defend privacy breaches uncritically. The former always "take for granted that there is trouble" and that it is "something to be skeptical and suspicious of."[68] Some even view any forms of monitoring as essentially inhumane in nature. For them surveillance is "a major element in the destruction of the traditionally human in an increasingly engineered, fail-safe, risk-adverse society."[69] On the other side of the spectrum are "technophiles (...) uncritically and optimistically welcoming the new surveillance amidst the challenges and risks of the twenty-first century."[70] Or as Haggerty has commented on this dichotomy, "Many people welcome the increasingly total network of video surveillance, while others make dark comments about '1984.'"[71] Given the complex role surveillance plays in everyday life, the political communication of privacy concerns poses a challenge to activists, as articulating these nuances is hard. What exactly mean people when they refer to surveillance and what are its core functions? Here even the field of surveillance studies offers no clear answer.

2.2 Competing Frameworks of Surveillance

1984

Prior to the 1970s, the dominant source for analyzing surveillance had been George Orwell's novel *1984*. Because of a lack of scholarly research into surveillance practices, the dystopian novel became the leading analytical framework to critically theorize surveillance, reflecting the growing interest in the workings of totalitarianism at the time.[72] To this day, and especially in activist circles, the "spectre of Big Brother is still one that fuels the imagination regarding mass

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[67] David Lyon, "9/11, Synopticon, and Scopophilia: Watching and Being Watched," in Haggerty and Ericson (ed.), *The New Politics of Surveillance*, ed. Haggerty and Ericson, 51.

[68] Gary T. Marx, "Varieties of Personal Information as Influence on Attitudes Towards Surveillance," in *The New Politics of Surveillance*, ed. Haggerty and Ericson, 79.

[69] Ibid., 79-80.

[70] Ibid. 80.

[71] John Gilliom, "Struggling with Surveillance: Resistance, Consciousness, and Identity," in *The New Politics of Surveillance*, ed. Haggerty & Ericson, 113.

[72] Cf. David Lyon, "The Search for Surveillance Theories," in *Theorizing Surveillance*, ed. David Lyon, 12-13.

surveillance."[73] Quotes and images derived from George Orwell's work are not only featured in virtually anti-surveillance demonstration or media depictions of privacy issues but he is indeed, according to David Lyon, the "towering figure of mid-twentieth-century studies of surveillance" effectively "supplying the concepts that have dominated at least Western understandings of the watchful state."[74]

However, it is a matter of dispute whether Orwell's book should continue to be treated as an actual representation of the surveillance society. Edward Snowden himself has voiced doubt, warning "that we should not bind ourselves to the limits of [Orwell's] imagination"[75] and pointed out that the new technically highly advanced Internet-based forms of surveillance are far more dangerous than *1984* could have imagined.[76] Other critics of the Orwellian approach stress the fact that the nature of surveillance as of today represents does not represent a *1984*-type situation, where one powerful state entity is able to surveil and control every citizen. Nor can critiques based on the book explain the expansion of actors involved in everyday surveillance. Opponents of Orwellian interpretations such as Haggerty and Ericson have criticized the 1984-totalitarian approach both as a rhetorical device and for its analytical shortcomings, arguing "[w]e cannot fall back on easy metaphors to explain these developments. This is not Big Brother. In a world already scoured of problems, who needs an omnipresent watcher?"[77] Likewise, the nature of technological changes of data gathering methods has led scholars such as Lyon to describe contemporary practices as "*post-Orwellian* big data surveillance".[78]

Others, on the other hand, continue to compare modern surveillance to *1984*, reaching the conclusion that Orwell in fact had correctly anticipated the rise of a mass surveillance society. In their view, the Snowden revelations have made *1984* even more relevant and urgent. According to Henry Giroux, Orwell's "text continues to serve as a brilliant and important metaphor for mapping the expansive trajectory of global surveillance."[79] For Andrew Chadwick, the novel remains "highly influential in defining how we conceive of modern surveillance" comparing the

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73 Lyon, "The Snowden Stakes," 140.
74 David Lyon, "Introduction: Surveillance, Privacy, and Public Opinion," in *Surveillance, Privacy, and the Globalization of Personal Information*, ed. Elia Zureik, 2.
75 As quoted by Lyon, "The Snowden Stakes, "139.
76 Cf. ibid., 141.
77 Bogard, "Welcome to the Society of Control," 61.
78 Lyon, "The Snowden Stakes," 150 (emphasis added).
79 Giroux, "Totalitarian Paranoia," 109.

two way television sets featured in the novel to the contemporary Internet.[80] And Maria Los sees structural similarities between current surveillance and Stalinist and Nazi regimes (which had informed Orwell's work), namely "monistic centralization of control, social uprooting, atomization and obliteration of the social, as well as the negation (or eradication) of such notions as liberty, truth, ethics, and the Self."[81] The only difference between reality and the novel, proponents of the *1984* framework argue, is that the capacities of governments (and businesses) *exceed* those depicted in his novel.[82] Even though the pertinence of the *1984* framework is contested, privacy activists, before and after the Snowden leaks, have looked at surveillance through the lens of "Orwellian totalitarianism" (see sections 4.1- 4.3).

Panopticism

The Orwellian/totalitarian framework which reached its peak in the mid-20th century was eventually replaced in terms of popularity by the panoptic model. Although equally criticized, it remains the dominant mode of interpreting surveillance and is unlikely to go away soon.[83] Based on Foucault's famous analysis of Jeremy Bentham's prison design which features an architecture that allows one unseen prison guard to monitor the whole prison population, the panoptic model has a focus on the 'soul training' or disciplinary nature of surveillance.[84]

While it must be credited with highlighting the power relations between those who watch and the ones being watched, the panoptic model has come under attack for various reasons. To begin with, critics allege that it ignores the many different circumstances and situations in which

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[80] Cf. Andrew Chadwick, *Internet Politics: States, Citizens, and New Communication Technologies* (New York/Oxford: Oxford University Press, 2006), 260.

[81] Maria Los, "Looking into the Future: Surveillance, Globalization, and the Totalitarian Potential," in *Theorizing Surveillance*, ed. David Lyon, 69-70.

[82] Cf. Giroux, "Totalitarian Paranoia," 109; 114.

[83] Cf. Lyon, "The Search for Surveillance Theories," 4-5.

[84] For Foucault the goal of the panoptic prison is "to induce in the inmate a state of conscious and permanent visibility that assures the automatic functioning of power. So to arrange thins that the surveillance is permanent in its effects, even if it is discontinuous in its action, that the perfection of power should tend to render its actual exercise unnecessary: that this architectural apparatus should be a machine for creating and sustaining a power relation independent of the person who exercises it; in short, that the inmates should be caught up in a power situation of which they are themselves the bearers. To achieve this, it is at once too much and too little that the prisoner should be constantly observed by an inspector: too for what matters is that he knows himself to be observed; too much, because he has no need in fact of being so. In view of this, Bentham laid down the principle that power should be visible and unverifiable. Visible: the inmate will constantly have before his eyes the tall outline of the central tower from which he is spied upon. Unverifiable: the inmate must never know whether he is being looked at any moment, but he must be sure that he may always be so." Michel Foucault, *Discipline & Punish: The Birth of the Prison* (New York: Random House 2nd Vintage Books Ed., 1995), 201.

surveillance is nowadays practiced. As Lyon notes, the original Panopticon was a prison and it is thus unclear if it can be applied to society as a whole.[85] Foucault meant to introduce the panoptic model to explain power dynamics in institutions such as schools, hospitals or factories. But in a world where surveillance operates indiscriminately and not exclusively affects, school children, patients or workers, the usefulness of the model is increasingly questioned – with "Focault continu[ing] to reign supreme in surveillance studies (…) it is perhaps time to cut off the head of the king."[86]

While surveillance continues to reinforce social inequalities, the Snowden leaks have shown that current surveillance programs with their 'collect everything' trajectory are targeting literally everybody in the social strata – from welfare recipients to the Chancellor of Germany. Foucault's focus on delinquents or marginalized groups thus seems at odds with current forms of Big Data-fueled surveillance. As Haggerty states:

> Surveillance is not directed exclusively at the poor and dispossessed, but is now omnipresent, with people from all segments of the social hierarchy coming under scrutiny according to their lifestyle habits, consumption patterns, occupations and the institutions with which they are aligned.[87]

For Haggerty, the Panopticon has become a "cliché" because it simplifies the heterogeneous nature while suppressing the many faces of surveillance in the 21st century.[88] Most notably, resistance against surveillance, and this is crucial for privacy activism, has no place within the omnipotent Panopticon framework.

An alternative to the Panopticon is the Synopticon.[89] Rather than being a repudiation, the Synpoticon approach complements the analysis of contemporary surveillance by focusing on those areas that are outside traditional disciplinary institutions. Synopticism, described as the ability of "*the many to see and contemplate the few*" was developed by Thomas Mathiesen as a response to the rise of mass media – a development that Foucault, as Mathiesen points out, had been completely ignored in 'Discipline and Punish'.[90] The emergence of television but also social

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[85] Cf. Lyon, "The Search for Surveillance Theories", 5-6.
[86] Haggerty, "Tear Down the Walls," 27.
[87] Ibid., 29.
[88] Ibid., 39.
[89] In addition to the Synopticon, there are several modifications to the Panopticon approach, seeking to address some of the main criticism, e.g. the 'omnicon', 'ban-opticon', 'global Panopticon' etc. Cf. Haggerty, "Tear down the Walls," 26.
[90] Thomas Mathiesen, "The Viewer Society: Michel Foucault's 'Panopticon' revisited," *Theoretical Criminology* Vol. 1

media to a certain extend have democratized surveillance. The Internet where everyone can watch each other is an even more synpotic medium than TV. In the synoptic media landscape, those few that are being watched, read and listened to– celebrities, politicians, and journalists – can shape and discipline the audience through filtering and agenda setting mechanisms based on certain ideologies and economic interests.[91] As will be discussed below, privacy advocates who are trying to mobilize resistance must thus themselves engage in interrupting the synoptic surveillance mechanism by entering the mainstream media and become one of the few who are watched by the many.

A solution to integrate both concepts, Panopticon and Synopticon, is provided by Lyon. As he points out, the Panopticon has still value as a concept in certain scenarios, for example when examining CCTV surveillance networks, where the people under surveillance have indeed no idea when they are being watched by unseen authorities. On the other hand the synoptic concepts should be applied in other settings that resemble a multitude of actors involved in surveillance.[92] Even though they are not explicitly referring to it, for privacy activists the panoptic model remains an important framework especially in context of NSA surveillance. Prior to the Snowden revelations the NSA programs operated in secret and were indeed invisible. Even after the publication of the Snowden leaks, it is not entirely clear who is monitored when and for what reasons. Thus, as a model to warn against the negative consequences the panoptic model is still highly relevant for the political communication work.

The Surveillant Assemblage

A partial rebuff of both *1984* and the Panopticon comes in the form of the 'Surveillant Assemblage'. Based on the work of philosophers Gilles Deleuze and Felix Guattari, Haggerty and Ericson have conceptualized an update to older conceptions of surveillance as "rapid technological developments, particularly the rise of computerized databases, require us to rethink the panoptic metaphor."[93] According to their 'rhizomatic' approach surveillance in the

(2) (1997), 219.

[91] Cf. ibid., 226.

[92] Lyon, "9/11, Synopticon, and Scopophilia," 47.

[93] Kevin D. Haggerty and Richard V. Ericson, "The Surveillant Assemblage." *British Journal of Sociology* Vol. 51 (4) (2000), 607.

21st century has become "multiple, unstable and lacks discernible boundaries".[94] It is not confined to disciplinary institutions but takes place "everywhere."[95] Indeed, whereas "Orwell focused his attention exclusively on the nation-state acting in a simple top-down fashion, (...) surveillance now involves private corporations (...) and is a highly decentralized yet globalized phenomenon."[96] Surveillance – conducted by a variety of institutions and actors – nowadays has "expansive and regenerative qualities" similar to rhizomes which "grow across a series of interconnected roots which throw up shoots in different locations."[97] The participation of millions of internet users sharing their private data is something that *1984* did not foresee and which makes the current situation "decidedly post-Orwellian."[98]

This means, among other things, that the top-down power structures as described by both Foucault and Orwell have been to a certain degree softened. Because of its rhizomatic nature – maybe best exemplified by the internet which brings together information from various sources and interconnected nodes[99] – it enables a heightened degree of "scrutiny of the powerful by both institutions and the general population."[100] Violent police officers, corrupt politicians, or drunk celebrities who are caught on-camera for behaving inappropriately have felt the effects of *sousveillance* that is also a part of the surveillant assemblage.[101] Yet totalitarian tendencies in the surveillant assemblage remain. Whether the data about one person is collected by a central state agency or an institution's administrative body as in the case of Orwell and Foucault, respectively, does not matter if all the information are bundled and transferred to third parties.

All four concepts about the place of surveillance in modern life discussed above – the totalitarian/Orwellian approach, the Panopticon, the Synopticon and the Surveillant Assemblage – are valuable frameworks to discuss the potential for resisting (and communicating resistance) against surveillance. George Orwell's novel and its rather simplistic depiction of government surveillance has proven over the years to be a potent monument against excessive state surveillance. It has thus – and this will be shown over and over in many of the case studies

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94 Ibid., 609.
95 White, *Digital Media and Society*, 151.
96 Chadwick, *Internet Politics*, 260.
97 Haggerty and Ericson, "The Surveillant Assemblage," 614.
98 Lyon, "The Snowden Stakes," 146.
99 Cf. Chadwick, *Internet Politics*, 263.
100 Haggerty and Ericson, "The Surveillant Assemblage," 618.
101 Ibid.

discussed in section 4 – provided a *cultural backdrop and metaphor* for activists to warn against the chilling heights the suppression of privacy and individual rights in a surveillance society can reach in the future – or, depending on your interpretation, has already been reached. However, solely centering your communication tactics around 'Big Brother'-analogies can also be problematic, especially when the very concepts of surveillance and privacy have significantly changed over the last decades as suggested by the competing analytical frameworks.

The panoptic model should not be completely shunned by privacy advocates either as it provides the framework about the *effects* of constant surveillance. Little research has been done about the actual consequences for internet user's online behavior, but it is possible that a certain percentage of users, knowing that they leave an ever growing trail of personal data on the web, has – consciously or subconsciously – begun to 'discipline' their data practices.[102] In their communication work, activists have tried to point out that surveillance not only affects privacy but also one's liberty and right to free expression. Privacy advocates therefore use Foucault's theory as a basis to explain to the public what actually happens when your privacy is under attack. In addition, Bentham's prison architecture, which was previously compared to various disciplinary institutions, can be, at least in part, used as a metaphor for online surveillance. True, the internet is very rhizomatic in nature and most of the users and businesses are surveilling each other. But when in the end, all information or the data doubles end up in the hands of unknown officers from the NSA or some of its top secret partner agencies (who have, according to reports, massively abused their powers for personal interests[103]) this again resembles the prison guard of the Panopticon.

Finally the surveillant assemblage demonstrates that privacy advocates must focus their efforts *not only on government surveillance* but rather on *all the various nodes* that connect contemporary rhizomatic networks of surveillance. This includes social networking companies upon whose communication infrastructure the daily activities of social movements and billions of users are based. Mobilizing resistance against other actors than the government for privacy

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[102] Cf. Alex Marthews and Catherine E. Tucker, "Government Surveillance and Internet Search Behavior." SSRN.com, (March 23, 2014), accessed February 15, 2015. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2412564.

[103] Harriert Alexander, "NSA employees spied on their lovers using eavesdropping programme," *The Daily Telegraph*, August 24, 2013, accessed February 15, 2015. http://www.telegraph.co.uk/news/worldnews/northamerica/usa/10263880/NSA-employees-spied-on-their-lovers-using-eavesdropping-programme.html.

breaches is an immensely challenging task, as will be shown in the case studies. In fact, the Surveillance Assemblage framework in itself is a critique of traditional privacy activism which

> draw[s] attention to the limitations of traditional political strategies that seek to confront the quantitative increase in surveillance. As it is multiple, unstable and lacks discernible boundaries or responsible governmental departments, the surveillant assemblage cannot be dismantled by prohibiting a particularly unpalatable technology. Nor can it be attacked by focusing criticism on a single bureaucracy or institution. In the face of multiple connections across myriad technologies and practices, struggles against particular manifestations of surveillance, as important as they might be, are akin to efforts to keep the ocean's tide back with a broom – a frantic focus on a particular unpalatable technology or practice while the general tide of surveillance washes over us all.[104]

Privacy advocates, who focus exclusively on the NSA and other intelligence agencies, are ignoring the bigger picture. One can even make the case that at least in Western democracies government surveillance is not as problematic as corporate surveillance, because the former has – at least in theory – higher motives (protecting civilians from terrorist attacks, making sure tax money is redistributed properly, making streets safer, summarized by Chadwick as "social care."[105]) The products and services of surveillance-based Internet companies have positive side effects as well (providing information through search engines, creating tools for communication, offering platforms for entrepreneurship) but are subjected to a capitalist logic of selling private data to third parties. Their deep integration into the global surveillance nexus should further sensitize private advocates to consider surveillance as an assemblage rather than a top-down government operation. Andrew White goes even further by suggesting to actively paint state surveillance in a more positive light could scrutinize corporate surveillance in the long run.[106] But what is the specific role corporate surveillance plays and what does it mean for the communication work of privacy activists? The next section will briefly discuss the rise of a corporately fueled self-surveillance culture.

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[104] Haggerty & Ericson, "The Surveillant Assemblage," 609.
[105] As qouted by White, *Digital Media and Society*, 164.
[106] Cf. ibid.,165.

2.3 Corporate Surveillance

"[T]he increasingly central role of the corporation in the practicing of surveillance"[107] – deserves special attention, as the involvement of internet companies and social networking sites – willfully or not – in mass surveillance is a testament to the cultural changes regarding privacy discussed above. The 21st century expansion of government surveillance has gone hand in hand with increased corporate means of collecting data on customers and internet users. Surveillance has become "the business model of the Internet,"[108] as technology critic Bruce Schneier put it. Indeed, in the last decade we have seen a *massive corporatization and privatization* of surveillance. Market actors have become key stakeholders in the surveillance regime.[109] As Heidi Boghosian notes, "investigators advocating a robust antiterrorism agenda have pressed communications companies to store, and in many cases, turn over unprecedented amount of information about citizens' telephone calls, Internet communications, and daily movements."[110] Interestingly there are many structural similarities between corporate and state actors when it comes to surveillance. As Lyon has observed, intelligence agencies' "activities in fact very closely resemble what many other organizations – such as marketing companies – do as well."[111]

For governments around the world, seeking to collect as much personal information as possible this is good news. For, when they request user data from private companies, they are in a strictly legal sense not collecting personal information anymore. That is, the data provided by online and telecommunication companies have long seized to be in the hands of individuals. Thus it has become virtually impossible to legally challenge recently exposed programs such as PRISM. As Calo explains,

> It is often easier for law enforcement to request your web history from Google or AT&T rather than from you. And, generally speaking the law treats many categories of information transferred to you from a third party like a corporation as less private and hence less well protected by constitutional criminal procedure.[112]

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[107] White, *Digital Media and Society*, 161.

[108] Bruce Schneier, *Data and Goliath: The Hidden Battles to Collect Your Data and Control Your World* (New York/ London: W.W. Norton & Company, 2015), 49. This is essentially a variation of Anthony Giddens remark that "Surveillance in the capital enterprise is the key to management." As quoted by Webster, *Theories of the Information Society*, 223.

[109] Cf. Heikki Heikkilä & Risto Kunelius, "Surveillance and the Structural Transformation of Privacy," *Digital Journalism*, 5:3 (2017), 264.

[110] Heidi Boghosian, "The Business of Surveillance," *Human Rights* 39 (3) (2013), 2.

[111] David Lyon, *Surveillance after Snowden* (Cambridge and Malden: Polity Press, 2015), 3.

[112] Ryan Calo, "Can Americans Resist Surveillance?" *The University of Chicago Law Review*, 83, (1) (2016), 35.

The same line of argument is now frequently employed by the staunchest supporters of government surveillance. For example, in a remarkable statement, a former Bush administration intelligence official has been blaming the mass collection of personal data on companies:

> I find the loss of privacy in today's digital world very troubling – but not because of the US government. It's the cookies that enable some Web merchant to track what I buy online and send me tailored ads to buy more. It's the manner in which the Apple cloud insists on scooping up personal calendar and contact information – and I can't opt out my cell phone to work. (...) *Where is the public outrage about all that?*[113]

With such statements like this public elites are increasingly shifting the responsibility from government to corporations, or even extremer, from corporations to their users.[114]

Today's practice of self-monitoring is deeply ingrained into the corporate surveillance culture. David Lyon has observed that the promises of freedom offered by social media tools have been perverted by intelligence agencies and their collusion with tech companies.[115] Privacy as a value has not only been eroded by constant government surveillance, but even more so through social media use. Analyzing the trend of taking selfies and posting them on social media websites, Giroux has observed that the public-privacy dichotomy has effectively been turned upside down. Thus, "it becomes much easier to put privacy rights at risk as they are viewed less as something to protect than to escape from in order to put the self on public display." Nils Zurawski has described the active role of the consumer in voluntarily providing third parties with their own personal data as 'Soft Surveillance'.[116] The fiercest critics of Google, Facebook and other companies argue that their biggest achievement has been the creation of indifference among internet users and providing personal data in exchange for free services.[117] As a consequence it has become increasingly hard to critique these "confessional social media practices"[118] because turning against online companies would mean criticizing the digital way of life of millions of

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[113] Van Cleave, "What it takes," 59-60 (emphasis added).

[114] Cf. Anouk Mols & Susanne Janssen, "Not Interesting Enough to be Followed by the NSA," *Digital Journalism*, 5 (3) (2017), 289-290.

[115] Cf. Lyon, *Surveillance after Snowden*, 4.

[116] Cf. Nils Zurawski,"Local Practice and Global Data: Loyalty Cards, Social Practices, and Consumer Surveillance," *The Sociological Quarterly*, Vol. 52 (4) (2011), 509.

[117] Cf. Amon Kaufmann and Roland Hummel (eds.), *Jahr 1 nach Snowden: Eine studentische Initiative an der HU-Berlin zur Kontroverse der globalen Überwachungsaffäre* (Berlin: Humboldt Universität zu Berlin, 2015), 36.

[118] Gene Grabiner "Commentary: Government and Market Surveillance, Emergence of Mass Political Society," *Social Justice*, Vol. 39, No. 4 (130) (2014), 120.

citizens. By now, "[c]oncerns [about corporate surveillance] are a hindrance because they conflict with the user agreements of popular services (…), which offer users convenience and social and functional benefits."[119] As a result, the privacy activist community has not outright opposed corporate entities but at times even treated them as allies in the fight against government surveillance (see sections 4.3-4.4).

There is certainly an argument to make that big tech companies can be "a powerful force for change in relation to government surveillance because they have a vested interest in ensuring that consumers trust them."[120] As global business players they have a natural incentive to protect their date from the hands of the government. Yet critics such as Ann Bartow note that this is merely a charade. The companies, she argues, want it only to "make it appear as though they are standing up for (…) privacy rights" because "they themselves compromise individual privacy quite dramatically."[121] By actually offering total privacy the business model of companies such as Facebook and Google and others would collapse. Thus they have enormous interest in shaping the discourse about users 'privacy' and setting standards that ideally protects their data (or their users' data really) from the government while they can continue to generate revenues and profits. As Bartow elaborates, "They want to try to outmaneuver or prevent any individual company from using privacy for competitive advantage. (…) This group of companies is trying to set and enforce and 'industry standard' for privacy, and one that they prefer and control."[122]

Some privacy activists are optimistic that the market logic of supply and demand will eventually lead to stronger individual privacy protections. Indeed, in theory, "large firms are well positioned to push back against government surveillance."[123] As will be shown in the case studies (section 4) the privacy community has been particularly enthusiastic about the decisions of some of the tech companies to introduce default encryption for their services. However, as Ryan Calo suggests, the public should not expect that the relationship between companies and the government will be antagonistic in the long run. Instead it is "*synergistic*." According to this model, "[f]irms use government-mandated data and governments leverage private databases and

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[119] Mols and Janssen, "Not Interesting Enough," 289.
[120] Harry Bruinius, "Why Tech Companies Are Now Uniting Against US Surveillance," in *The Impact of the Tech Giants,* ed. Jack Lasky (Farmington Hills: Greenhaven Press, 2016) 41-47, 41.
[121] As quoted by ibid., 45.
[122] As quoted by ibid., 45.
[123] Calo, "Can Americans Resist Surveillance," 41.

tools. Both firm and government activities erode societal expectations of privacy."[124] To distinguish between government and corporate surveillance by now seems absurd – at least according to the consensus in surveillance studies, as "the idea that they inhabit essentially different spheres, with different mandates, is currently unraveling."[125]

What does this mean for the communication work of privacy advocates? Zurawski has observed "communicative difficulties that exist between data-protection activists and consumers."[126] In the past, activists have often times ignored that most consumers experience corporate surveillance not as a privacy breach but rather as a functional enhancement of everyday social life.[127] This would explain why even though the Snowden leaks at great lengths detailed the collusion between the NSA and the internet companies, in the four main anti-surveillance campaigns discussed in these pages, corporate monitoring was either ignored entirely or activists were temporarily aligning themselves with tech companies. But given the enormous role of corporate actors outlined above, focusing exclusively on government surveillance may have been an ill-advised strategy, because "[i]f the government were removed from the picture, we would hardly be free from spying."[128]

2.4 Security v. Privacy after 9/11 and Snowden

Two events in recent history have let to further reevaluations of the place of surveillance in the 21st century: 9/11 and the Snowden revelations. The former, which rather than causing a short-lived 'moral panic' evolved into a full blown cultural trauma of global proportions, has expanded government surveillance dramatically appropriating discourses concerning 'Security' and 'Fear'.[129] While security has always been a factor in legitimizing surveillance, the prospect of protecting societies against possible terrorist attacks through mass surveillance has become its most efficient rationale. The Snowden leaks on the other hand were instrumental in informing

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[124] Ibid., 40. While there have been some recent examples of companies such as Apple resisting the FBI's demand to unlock the phone of a terrorist, there have been numerous cases that suggest problematic entanglements between tech companies, governments, and even academia. See for example Sam Biddle, "How Peter Thiel's Palantir Helped the NSA spy on the Whole World," *The Intercept*, February 22, 2017 (accessed March 25, 2017). https://theintercept.com/2017/02/22/how-peter-thiels-palantir-helped-the-nsa-spy-on-the-whole-world/.

[125] Lyon, *Surveillance after Snowden*, 31.

[126] Zurawski, "Local Practice and Global Data," 511.

[127] Cf. ibid., 523.

[128] Grabiner, "Commentary: Government and Market Surveillance," 123.

[129] René van Swaaningen, "Fear and the Trade-Off Between Security and Liberty," in *Controlling Security in a Culture of Fear*, ed. Mireille Hildebrandt et al. (The Hague: Boom Legal Publishers, 2009), 48-49.

the public about the scope of the current surveillance regime exposing how governments and corporate actors have utilized the rhizomatic nature of surveillance for their own benefits. In fact, the information disclosed by Snowden has illuminated a new "global political economy of surveillance."[130]

9/11 and the Rise of the Security Meta-frame

After 9/11, government surveillance has increased dramatically. To be sure, thanks to technological innovation, surveillance had been on the rise for decades.[131] But the assembly of a complex surveillance apparatus was "one of the more significant and lasting political legacies of the attacks" and marked the beginning of the "politics of anti-terrorism surveillance."[132] In this context the visual and iconographical dimension of the 9/11 attacks should not be understated. On an emotional level, largely invisible surveillance measures paled in comparison with the widely disseminated coverage of the attacks. Or, as Haggerty and Gazso put it, "the risks posed by an expanded and intensified surveillance infrastructure are not as immediate and dramatic as imploding skyscrapers."[133] In the subsequent debates over security v. privacy memories of 9/11 became "textual and visual arguments (…) about the legitimacy of various features of the United States' post-9/11 security imaginary."

The first step of the expansion of the US-led surveillance regime was the Presidential Surveillance Program issued in the aftermath of 9/11 in October 2001, authorizing surveillance of telephone calls and emails by or to Americans – all legitimized on shaky and controversial legal reasoning.[134] The Obama administration then continued the surveillance programs of the Bush era. The ongoing "bulk telephony metadata collection program" and the surveillance of online communications and social media sites[135] were justified under section 215 of the Patriot Act,[136] namely applying the Bush administrations logic "that essentially the entire nation's calling

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[130] Garrido, "Contesting a Biopolitics," 157.
[131] Cf. Pieter Wagenaar and Kees Boersma, "Soft Sister and the Rationalization of the World: The Driving Forces behind Increased Surveillance," *Administrative Theory & Praxis* 30 (2) (2008), 184-188.
[132] Kevin D. Haggerty and Amber Gazso, "Seeing beyond the Ruins: Surveillance as a Response to Terrorist Threats," *The Canadian Journal of Sociology / Cahiers canadiens de sociologie*, 30 (2) (2005), 170.
[133] Ibid.
[134] Cf. Chris Edelson. *Power Without Constraint: The Post-9/11 Presidency and National Security* (Madison: The University of Wisconsin Press, 2016), 52; 59.
[135] Cf. ibid., 108.
[136] Cf. ibid., 110.

records are 'relevant' to every [international] counterterrorism investigation."[137] Quickly, the new mantra in the intelligence community, which blamed itself for not being able to have prevented the attacks, became "'Do more, do better, do it differently, and do it now."[138] The underlying logic was that unless *all data* were collected, any form of surveillance would make no sense. That the communications of ordinary citizens had to be surveilled was just a minor nuisance of the mission to keep citizens safe. As Van Cleave matter-of-factly summarized the rationale of intelligence agencies, "Simply put, if you want to know who the terrorists are talking to, you've got to check the phone logs. Dot-connecting."[139] NSA surveillance programs, in the words of its former director Michael Hayden, were not "sins (...) but efforts by the NSA (...) to deal with these new realities [of post 9/11 terrorism]."[140]

While it is not surprising that members of the intelligence community apply such argumentation, such frames are by now regularly inserted by the politicians from both aisles. Dissent, or merely questioning the state of surveillance, has become the exception rather the rule: "Post 9/11 American audiences not only condone *but expect* that their Congressional representatives and Pentagon leaders will make sure that the state can spy."[141]

Security v. Privacy

After 9/11 privacy proponents must face a public discourse that is preconditioned by what Vida Bajc has coined the "security meta-framing", namely "a process through which other visions of ways of living are evaluated in relation to security."[142] Other values, including freedom, social justice, and privacy increasingly do not have a chance to receive the same degree of attention as security, which has become "a dominant ordering principle in social life."[143] The underlying goals

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[137] As quoted by ibid., 112. When section 215 of the Patriot Act expired at the end of May, 2015, the Freedom Act was signed into law limiting the meta-data program. However, the surveillance of Non-Americans and their American contacts remains legal under section 702 enacted by the FISA amendments act of 2008. Cf. Ibid., 116ff. For the evolution of surveillance programs after 9/11 see also David Rudenstine, *The Age of Deferrence: The Supreme Court, National Security, and the Constitutional Order* (New York: Oxford University Press, 2016), 194ff. For the surveillance programs in place before 9/11 see Wagenaar and Boersma, "Soft Sister," 194.

[138] Van Cleave, "What it takes," 59.

[139] Ibid.

[140] Michael V. Hayden, *Playing to the Edge. American Intelligence in the Age of Terror* (New York: Penguin Press, 2016), 405.

[141] Marouf Hasian Jr., Sean Lawson & Megan McFarlane, *The Rhetorical Invention of America's National Security State* (Lanham and other: Lexington Books, 2015), 2.

[142] Vida Bajc, "Sociological Reflections on Security Through Surveillance," Sociological Forum, Vol. 28 (3) (2013), 615.

[143] Ibid.

of a society which succumbs to the security meta-frame are "reducing, minimizing, or doing away with uncertainty and complexity"[144] and thus naturally invite the implementation of various surveillance measures. Moreover, from a logical, moral, and philosophical perspective, some have argued that "the idea that the right to privacy is an absolute right seems utterly implausible. Intuitively, it seems clear that there are other rights that are so much more important that they easily trump privacy rights in the event of a conflict."[145] Generally, proponents of the predominance of security, argue that people "value (…) life, bodily integrity, and financial security much more than any interests protected by the right to privacy."[146]

This sentiment is also proudly and openly displayed by surveillance advocates. They argue that the value of security is a precondition for competing values or closely connected to them. For someone as intelligence officials, government surveillance is a democratic duty of the state.[147] Under this logic, anyone who argues on behalf of privacy issues over everything else is threatening the democratic way of life. Surveillance, intelligence elites such as Van Cleave argue "enabl[es] defense at home and the advancement of freedom abroad. To say 'hands off,' as some shortsighted privacy advocates have been doing, will not preserve our liberties, it will endanger them."[148] As he points out in his memoir, for former NSA director Hayden, the practice that critics describe as mass government surveillance is merely the collection "of legitimately targetable foreign communication."[149] Post 9/11 'dataveillance,'[150] according to Hayden, is simply necessary in world where "[m]odern targets (like al-Qaeda's emails on the World Wide Web) were coexisting with innocent (…) messages on a unitary, integrated global communications network."[151] In line with the 'nothing to hide'-argument, Hayden goes on to insist that unless one is a Yemini terrorist, American citizens have nothing to fear from NSA surveillance.[152] The legitimization of anti-terrorist surveillance provided by Hayden even goes one step further by arguing that surveillance actually *enhances privacy*: Through so called memorandums of

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144 Ibid., 617.
145 Kay Mathiesen, "Why Security Trumps Privacy," in *Privacy, Security and Accountability: Ethics, Law and Policy*, ed. Adam D. Moore (London & New York: Rowman & Littlefield, 2016), 148.
146 Ibid., 151.
147 Cf. Van Cleave, "What it takes", 57.
148 Ibid., 64.
149 Hayden, *Playing to the Edge*, 405.
150 Defined by Wagenaar and Boersma as the deliberate creation of an "electronic trail that can be monitored and analyzed." Wagenaar and Boersma, "Soft Sister," 186.
151 Hayden, *Playing to the Edge*, 405.
152 Cf. ibid., 406-407.

understanding the global NSA surveillance apparatus not only "extend[s] its domestic constitutional protections to foreigners"[153] but is actually "a plus for US privacy."[154]

On the whole there are three ways in which surveillance is frequently justified, according to Haggerty and Gazso:

> First, surveillance can provide information that can be retrospectively analyzed to provide insights about terrorists and their operations. Second, surveillance can deter future terrorist attacks. Finally, surveillance will allow the authorities to intervene in real-time to thwart terrorist acts before they occur.[155]

The authors were right when in 2005 they predicted the expansion of anti-terrorist surveillance throughout the West. By now, surveillance feeds on itself in a never-ending feedback loop. It creates demand for additional surveillance in lesser surveilled places; terrorist have changed tactics demanding the creation of new forms of surveillance accordingly; innovations in corporate surveillance have increased market demand; and, crucially, political resistance has been ineffective.[156] Heikki Heikkilä and Risto Kunelius have identified 'political realism' as one of the driving forces behind the ongoing justification of surveillance. Competing frames are often suffocated in the discourse, because "[p]olitical realism downplays the debate on trade-offs between security and privacy."[157]

Even though there is a recent history of terror attacks that, for a variety of reasons, have not been prevented by surveillance, the security meta-frame prevails. "The production of a national security state," as Marouf Hasian, Jr. et al. argue, "is a *communicative* achievement."[158] The focus on security and the accompanying fear-mongering are part of "communicative practices that (…) continue to buttress and maintain an incredibly hegemonic surveillance state."[159] The pro-surveillance mantra is fueled by the rhetorical power of the term 'security' that has been "constitutively crafted (…) resulting in every broadening security agendas."[160] In fact, the authors argue that security is by now so ingrained into the discourse that even privacy

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153 Ibid., 416.
154 Ibid., 411.
155 Haggerty and Gazso, "Seeing beyond the Ruins," 180.
156 Cf. ibid., 184.
157 Heikkilä and Kunelius, "Surveillance and the Structural Transformation of Privacy," 268.
158 Hasian, Jr. et al., *The Rhetorical Invention*, 2 (emphasis in original).
159 Ibid., 182.
160 Ibid., 4.

activists have gradually come to oppose specific parts of anti-terrorist surveillance rather than to challenge the overall meta framing itself: "While some American dissenters may occasionally complain about some particular feature of the national security state, they will accept most of the communicative, forensic and architectural frameworks that are used to explain why national security interests are of transcendent importance."[161] The constant usage of the security meta-frame demonstrates how the expansion of surveillance has been discursively upheld by government and intelligence officials. But how, in turn, have the Snowden revelations affected what we know and how we think about current modes of surveillance?

The Discursive Field after Snowden

While Garrido argues there "was nothing new" about the information shared by Snowden given the well-known existence of prior surveillance programs such as ECHELON,[162] for Lyon the scope nonetheless remains "mind boggling."[163] Snowden himself claimed that the surveillance measures put in place after 9/11 have a new quality and grave consequences for individual privacy. In his 'Christmas Message' from December 2013, Snowden emphasized the alleged life-changing implications of the programs he had uncovered: "A child born today will grow up with no conception of privacy at all. They'll never know what it means to have a private moment to themselves, an unrecorded, unanalyzed thought."[164]

According to Lyon, the implications of the leaks require "some serious re-thinking of some assumptions about surveillance in the 21st century."[165] Existing surveillance terminology might not be sufficient anymore in describing the sort of surveillance that Snowden has confirmed through his whistleblowing:

> The Snowden revelations *raise questions about the very language* commonly used to discuss the monitoring and tracking of daily life and responses to these practices: surveillance and privacy. Once the distinction between targeted and mass surveillance seemed fairly clear. No more. The lines blur with traffic between the two; is the person or the profile being surveilled? Once privacy was construed primarily as a matter relating to the interests, or

[161] Ibid., 3.
[162] Garrido, "Contesting a Biopolitics," 154-155.
[163] Lyon, "The Snowden Stakes," 139.
[164] As quoted by Costas Pitas, "Snowden warns of loss of privacy in Christmas message." *Reuters*, December 25, 2013 (accessed September 19, 2015). http://www.reuters.com/article/2013/12/25/us-usa-snowden-privacy-idUSBRE9BO09020131225.
[165] Lyon, "The Snowden Stakes," 140.

rights, of a specific identifiable individual. No more.[166]

There are two different readings of the impact of the Snowden leaks, both of which are partially accurate. The first one is an optimistic interpretation of how Snowden revealed the true nature of the global surveillance regime and subsequently fostered a debate about the effects of surveillance on society and individuals' lives. He documented a structural transformation of privacy and surveillance that questioned decades-old notions of citizens and their place in the polity. As Heikkilä and Kunelius have summarized:

> The National Security Agency (NSA) programs expose´ underlined the way various sources of data and metadata in anybody's digital footprints could be merged and effectively analysed. The revelations thus made new claims about the all-pervasiveness of surveillance and data gathering, bringing the question of everybody's privacy into the center of the debate. The public debate extended beyond a wide range of system actors (state security agencies, political institutions, internet companies) to the everyday moments of life in which people act as consumers, citizens, lovers, and friends.[167]

According to the first reading, Snowden's heroic act exposed a surveillance apparatus that previously could act in the shadows and without any public scrutiny. As Lyon has jokingly observed, prior to Snowden NSA was an acronym for "No Such Agency," whereas after Snowden it changed to "Not Secret Anymore."[168]

The other, slightly pessimistic reading suggests that *despite* the revelations nothing has much changed in terms of peoples' reactions and scrutiny. What the Snowden leaks also confirmed is the surveillance state's ongoing intangibility and invisibility which in part explains the overall muted reaction from a majority of citizens. The 'nothing to hide' argument frequently brought up in debates is based on the fact that internet users do not immediately feel any negative consequences as a result of their online behavior.[169] This is all the more problematic because the 'nothing to hide' mantra is objectively, among other things, factually incorrect, regressive, ignorant of historical events, brazen, limiting, naïve and prevents any form of resistance.[170]

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[166] Ibid., 149-150 (emphasis added).
[167] Heikkilä and Kunelius, "Surveillance and the Structural Transformation of Privacy," 264.
[168] Cf. Lyon, Surveillance After Snowden, 15-16.
[169] Cf. Kaufmann and Hummel, *Jahr 1 nach Snowden*, 35.
[170] Cf. Ibid., 52-53.

Instead of being alerted, most citizens have developed an indifferent stance towards the issue, namely what Lina Dencik has coined as 'Surveillance Realism'. Surveillance in the post-Snowden world (and even before that) is such an essential part of everyday life that "despite seeing, recognizing and fearing the fallacies of the system, how it impacts our lives, limits our freedoms, and encroaches on our rights, we can no longer imagine society without ubiquitous surveillance."[171] What makes this perception so challenging for privacy advocates is that it from the outset stifles any meaningful discussion about the merits of privacy in the first place: "Surveillance Realism is a state where *we no longer question* why this should be the case. Rather, we accept it as an inevitability of our world – it's part of everyday life."[172] The contemporary culture identified by Giroux as "ideological self-righteousness fueled by a celebrity culture and elevation of self-interest"[173] has further manifested this comfortable alignment between citizens and the surveillance state. Not only do people not care about privacy but, as Giroux goes on to explain, they increasingly come to see it as an impediment for self-realization. Thus Post-Snowden, privacy has become a "liability" and "historical relic."[174]

The subsequent media coverage of the Snowden documents have further complicated the impact of his revelations. Privacy advocates who had hoped that the mere information about the NSA's activities were enough to create a unified public stance against surveillance were proven wrong. The mediated debate over the Snowden leaks was *as divisive as they were educational*. Recipients were split about Snowden along ideological lines and depending on what kind of news media they followed: As Haisan Jr. has observed,

> On the one hand, those who are frustrated with traditional, mainstream journalism support dissident or alternative presses that treat Snowden as a heroic member of a reinvigorated Fourth Estate who risked all in the case of transparency. On the other hand, readers who buy some of the national securitization arguments defend mainstream journalists and characterize Snowden as a treasonous villain, a weak and narcissistic hacker who naively disclosed some of America's most guarded national security secrets. [175]

Proponents of the surveillance state have criticized the disclosures and the surrounding

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[171] Lina Dencik, "The Advent of Surveillance Realism." The Official JOMEC Blog, January 23, 2015 (accessed September 19, 2015). http://www.jomec.co.uk/blog/the-advent-of-surveillance-realism-2/.
[172] Ibid. (emphasis added).
[173] Henry A. Giroux, *America's Addiction to Terrorism* (New York: Monthly Review, 2016), 63.
[174] Ibid., 65.
[175] Hasian, Jr. et al., *The Rhetorical Invention*, 181.

sympathetic coverage as dangerous mixture of "truths, half-truths, and untruths." The 'nothing to hide' argument was heavily amplified by mainstream media outlets, with the prevalent and dominating dichotomy between terrorism and surveillance being even featured more heavily than in pre-Snowden times.[176] In addition, as notably demonstrated in the case of British coverage of Snowden, media outlets have contributed to the phenomenon of 'Surveillance Realism'. In general, while individual journalists remain critical of surveillance (in part, because surveillance threatens their occupation), media coverage contributes to normalizing surveillance by emphasizing concerns about national security, and minimizing concerns of the importance of mass surveillance."[177]

The dissemination of pro-surveillance sentiments is fostered in part due to structural deficiencies of the news media which due to a lack of expertise and manpower continues to rely on politicians and officials as sources. As a consequence, surveillance is increasingly being portrayed as something only affecting international political elites rather than average citizens (see section 4.2) and largely mentioned in the context of terrorism, thus discursively shutting down any possibilities of resisting.[178] Accordingly, Karen Wahl-Jorgensen's et al. verdict about the media's job of reporting on the Snowden revelations is rather damning: The media, they argue, are "incapable of critiquing and calling attention to key social issues of vital importance to the public. Instead, journalists become – however resistantly or unwillingly – complicit in the ideological projects of the very institutions they are supposed to hold accountable."[179]

As was previously stated, in the ecosystem of post-911 and post-Snowden surveillance privacy is not only compromised by a vast network of public and private actors, but as a moral value in permanent conflict with a security meta-framing that has also significantly affected the mediated discourse. Given these circumstances, how is resistance – or mobilizing people to resist – even possible?

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[176] Cf. Mols and Janssen, "Not Interesting Enough," 278-280. The authors, examining the Dutch media coverage of Snowden, have identified five key media frames including 'Nothing to hide' and 'Privacy is dead.' Cf. ibid., 286.

[177] Karin Wahl-Jorgensen, Lucy K. Bennett & Jonathan Cable, "Surveillance Normalization and Critique," *Digital Journalism*, 5 (3) (2017), 387.

[178] Cf. Ibid., 393.

[179] Ibid., 400.

2.5 Resistance

As Ilkin Mehrabov points out, one of the cornerstones of surveillance studies is the analysis of resistance, because "to obtain a more realistic overview of surveillance practices it is important to map and detect these power struggles, and the ways they are conducted – thus finding cracks for more empowering resistances."[180] The Internet is simultaneously the most important means for governments and businesses to surveil citizens as well as the prime tool for organizing and communicating resistance. After the Snowden leaks, David Lyon has thus called for "fresh investigations of the potential of internet communication for questioning and resistance to forms of surveillance deemed excessive, unnecessary or illegal."[181]

After all, while monitoring apparatuses are often depicted as all-knowing and impossible to confront, history is full of examples of successfully subverting surveillance – individually and collectively, and through uprisings, technological means or legal activism (see section 2.6). In fact, surveillance and resistance are often inextricably linked: In actual prison settings where panoptic surveillance was implemented studies, inmates are not disciplined but to the contrary engage in active resistance against such tactics.[182] Regular ways for citizens to resist surveillance and which are generally encouraged by privacy activists include "to elect more representatives who care about privacy;" constitutionally "challenge surveillance practices;" or to "take technological steps to protect their privacy" – all summarized by Calo under the term 'surveillance affordances.'[183] Notably all of those affordances and their severe limitations[184] played a role in the four major activist campaigns in the aftermath of the Snowden disclosures.

Privacy activism takes place in mass mediated society and is thus first and foremost *verbal or discursive resistance*. Privacy advocates find themselves in constants battles with their main opponents – surveillance advocates. Hailing from all parts of societies – but coming mainly in the form of law and order politicians – they constantly engage in discourses in which "the legitimacy of surveillance practices is managed or repaired."[185] Alternative voices, if

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[180] Ilkin Mehrabov, "Exploring Terra Incognita: Mapping Surveillance Studies from the Perspective of Media and Communication Research," *Surveillance & Society* 13 (1) (2015), 123.
[181] Lyon, "The Snowden Stakes," 146.
[182] Cf. Lyon, "The Search for Surveillance Theories," 5-6.
[183] Calo, "Can Americans Resist Surveillance," 23-24.
[184] For the enormous difficulty of legally and technically resist surveillance see ibid., 34-38.
[185] Matthias Schulze, "Patterns of Surveillance Legitimization: The German Discourse on the NSA Scandal," *Surveillance & Society* 13 (2) (2015), 198.

communicated effectively, have at least a theoretical chance to limit the dominant discourse's playing field.

For example, what was referred to by U.S. government officials as "targeted surveillance against terrorists on German soil," an international coalition of privacy advocates has decried as "global dragnet surveillance of all non-Americans."[186] What was rhetorically reengineered into a "duty for decades," and described by German officials as necessary protection measures for U.S. soldiers stationed in Germany, activists simply called out as suspicionless collection of private data – allegedly without the consent or knowledge of Germany's head of state.[187] A term that the intelligence community, prefers, namely 'bulk collection' was ignored by activists who rather prefer the term 'mass surveillance.'[188] The NSA programs, euphemized by U.S. officials as "non-intrusive public safety responsibilities of the US government, subject to careful internal checks as well as both judicial and congressional oversight to ensure they do not go beyond those clear boundaries," are in the view of the privacy community simply "Stasi-like".[189] Whereas intelligence officials have called Edward Snowden Privacy activists "delusional"[190] or a "disaffected youth,"[191] in the activists community Snowden has been declared a hero.

The Privacy Rights Paradigm

Despite discursively countering the claims of surveillance advocates, the most common weapon in the arsenal of privacy activists is to publicly insist on privacy rights. Indeed, privacy rights can be seen as the "antidote to surveillance"[192] and a "pivotal concept that helps to throw light on what is wrong with mass surveillance."[193] Playing the 'privacy'-card has been such an established tactic that groups calling for the resistance against surveillance are commonly referred to as 'privacy advocates.' To be sure, waging a privacy rights-centric legal battle against the excesses of surveillance can be a promising strategy to scale back systematic privacy breaches – especially

[186] Ibid., 201.
[187] Ibid., 207-208.
[188] Cf. Lyon, "The Snowden Stakes," 140.
[189] Van Cleave, "What it takes," 59.
[190] Ibid., 61.
[191] Ibid., 63.
[192] Lyon, *Surveillance after Snowden*, 96.
[193] Ibid., 92.

when it comes to getting access to media coverage.[194] Applying the language of privacy rights has become the leading rhetorical framework for opposing surveillance in the public realm. Even John Gilliom, one of the fiercest critics of the privacy rights axiom (as will be shown below) acknowledges the "much apparent potential as a language with which to frame our critiques of surveillance policy,"[195] because it clearly ponders to the sense of individual autonomy which is central to modern democratic societies.

Yet, within the field of Surveillance Studies the legal claim of privacy is increasingly seen as out of touch with the realities on the ground when it comes to fighting surveillance. As Fredrika Björklund and Ola Svenonius note, while "[t]he idea of privacy used to be quite central to surveillance studies", as of "[t]oday, many scholars rather speak of 'liberties' in general than of 'privacy'".[196] One could add that it was not that central in the first place, as early 'surveillance scholars' such as Max Weber and even George Orwell were arguably never really concerned with privacy – a value that "emerged from a complex tangle of legal and cultural milieux"[197] that they did not study systematically. Increasingly, in the pervasive post 9/11 surveillance net, not so much privacy is at stake but liberty:

> The response of those who are worried about surveillance has so far been too much couched, (...) in terms of the violation of the right to privacy. Of course it's true that my privacy has been violated if someone is reading my emails without my knowledge. But my point is that my liberty is also being violated (...) by the fact that someone has the power to do so should they choose. We have to insist this in itself takes away liberty because it leaves us at the mercy of arbitrary power.[198]

The main critique, articulated by Gilliom, Haggerty, Ericson and others is that privacy claims are legalistic, fuzzy, philosophically incompatible with contemporary society, ineffective, and beside the point.[199] For example, an inner-city black teenager under constant monitoring and the threat of bodily harm from racist policemen will not primarily fear a loss of his privacy but rather be concerned about racialized power dynamics, in which surveillance at its worst are a matter of life or death.

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[194] Cf. Gilliom, "Struggling with Surveillance," 122.
[195] John Gilliom, *Overseers of the Poor: Surveillance, Resistance, and the Limits of Privacy* (Chicago/London: The University of Chicago Press, 2001), 120.
[196] Björklund and Svenonius, *Video Surveillance*, 5.
[197] Lyon, "Introduction: Surveillance, Privacy, and Public Opinion," 3.
[198] As quoted by Giroux, *America's Addiction to Terrorism*, 74.
[199] Cf. Gilliom, "Struggling with Surveillance," 123.

But even for mainstream audiences it is often not entirely clear what is meant by 'privacy,' as "[d]iscussions about privacy rights often proceed as if privacy is itself a stable phenomenon that must be protected from incursions or erosion. Such a conceptualization tends to downplay the historical variability and political contestation associated with the precise content of 'privacy.'"[200] In addition, the words 'private' and 'Privacy' mean not only information that should be 'private' in the sense of secret or confined to close circle of friends of family members. At the same time privacy can be seen as a specific standard of what kind of information is accepted to be publicly known and shared.[201] This makes 'privacy' a discursive concept per se as it is a "dynamic process that undergoes constant negotiation and reorientation as a result of the shifting boundaries between private and public realms in a changing society."[202]

Consequently, the question is whether this complex dynamic between personal information, citizens, and governments can simply be subsumed under the term 'privacy.' Rather, when privacy advocates speak about privacy protection, they must ask themselves, for "whom and under what conditions."[203] This involves identifying what their potential constituents mean by privacy and if and in what circumstances they see their privacy compromised. "[C]onceptualizing privacy, therefore, becomes mapping the typography of the discursive network."[204] When it comes to mobilizing support for more privacy, activists must not only clearly communicate what they mean by evoking privacy but specifically what should be protected because, as Solove puts it bluntly: "[P]rivacy does not have a universal value that is the same across all contexts."[205] Because privacy should not be considered a value in itself but an instrumental value for reaching other ends, activists must constantly inform the public about its merits which are, among other, love, friendship, dignity, individuality, human relationships, autonomy, freedom, and independence.[206]

Privacy must be grasped as a multi-faceted, multidimensional, and context-dependent concept. As Solove concludes, "[t]rying to solve all privacy problems with a uniform and

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[200] Haggerty and Ericson, "The New Politics of Privacy," 10.
[201] Marx, "Varieties of Personal Information," 84.
[202] Elaine J. Yuan, Miao Feng, and James A. Danowski, "'Privacy' in Semantic Networks on Chinese Social Media. The Case of Sina Weibo," *Journal of Communication* 63 (2013), 1014.
[203] Marx, "Varieties of Personal Information," 84.
[204] Yuan et al, "'Privacy' in Semantic Networks," 1015.
[205] Daniel J. Solove, "Conceptualizing Privacy," *California Law Review* 90, (4) (2002), 1093.
[206] Ibid., 1145.

overarching conception of privacy is akin to using a hammer not only to insert a nail into the wall but also to drill a hole."[207] Furthermore, because there is no shared basic principle of privacy and it is no right in an absolute sense it is even harder to position it against coexisting and rival claims of security, freedom of information or transparency.[208]

The often asserted comment that people who have nothing to hide should not worry about surveillance (which has been infamously extended and modified by Google chairman Eric Schmidt when he claimed that "If you have something that you don't want anyone to know, maybe you shouldn't be doing it in the first place"[209]) is problematic, as it diminishes democratic values such as freedom and autonomy. Yet, as Gilliom points out, of course surveillance has a far more dramatic effect on people who are engaged in activities that are seen as deviant or delinquent by others.[210] The 'nothing to hide'-argument is a powerful and recurring factor in any debate over surveillance, precisely because many people remain indifferent to surveillance because they appropriately *feel* they have nothing to hide. Others, on the other hand, dread surveillance because they fear it could detect private information or practices of any kind that would significantly hurt their way of life. A flaneur and a drug dealer walking through an urban environment will have significantly different experiences with, for example, CCTV cameras: "For the one, it is a beneficial or inconsequential gaze, for the other a system of detection, judgement, and, often punishment aimed at limiting freedom and channeling behavior."[211]

In fact, the 'privacy rights' paradigm has in such a way shaped the anti-surveillance discourse that it has "[left] us almost voiceless if we are asked to speak or think about the problem of surveillance without turning the idea of privacy."[212] According to Chadwick the continuing popularity of "privacy talk" within discourses is a result of legalism, which "assumes that we have meaningful choices in restricting unwarranted surveillance."[213] The aftermath of the Snowden leaks have shown that this is both correct and misleading. While there have been some minor victories in terms of scaling back the surveillance states through legal means, the sheer

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[207] Ibid., 1146-1147.
[208] Cf. Sykes, *The End of Privacy*, 11-12.
[209] As quoted by Marc Goodman, *Future Crimes: Inside the Digital Underground and the Battle for Our Connected World* (New York: First Anchor Books, 2016), 109.
[210] Gilliom, "Struggling with Surveillance," 125.
[211] Ibid.
[212] Gilliom, *Overseers of the Poor*, 7.
[213] Chadwick, *Internet Politics*, 264.

size of the surveillance nexus suggests that particular privacy laws are increasingly unfit to protect users against surveillance.

The reason why insisting on privacy rights may seem "outdated" is because of the changes in surveillance that approaches such as the 'surveillant assemblage' (section 2.2) are trying to explain. The right for privacy may be considered an "aging legal concept" because it "fails to come even close to accounting for the powerful combination of anger, powerlessness, domination, and fear" that many victims of surveillance actually have experienced.[214] Their "military metaphors" (e.g. invasion, or violation of privacy) may not been fitting descriptions for online surveillance, which is essentially a mutually beneficial transaction where private data are exchanged for communication services and applications.[215] On the state level, as pointed out earlier, the expansion of surveillance is not always designed to curb liberties or crush personal freedom. To bluntly criticize government surveillance with "the ready-available judgement – how awful! – may be an oversimplification."[216]

But what Gilliom calls the 'privacy paradigm' is hard to overcome as it has become a moral institution and rhetorical mainstay which brings two problems with it. First, privacy laws do not in most cases – because of changes in technology or secret political back room deals – effectively protect individuals' privacy. And secondly as a political concept and individual right it constantly loses against concerns for safety and security.[217] Privacy in today's society is paradoxically both valued and ignored by citizens and supported and suppressed by politicians. Besides some of the more recent fundamentalist opponents of (online) privacy for whom "transparency" is the new mantra of the day, there seems to be a vague consensus that privacy is something worth protecting. Yet if you look at the past decade one tends to forget the enormous amount of political opposition privacy has faced from a wide range of ideological and philosophical angles. As Sykes notes,

> [t]he irony here is that thought some social conservatives regard privacy merely as an excuse to undermine traditional values, their counterparts on the left bring precisely the opposite charge: that privacy is an instrument for preserving patriarchal abuse and oppression. The result is that privacy finds

[214] Gilliom, *Overseers of the Poor*, xi.
[215] Cf. Haggerty & Ericson, "The New Politics of Surveillance," 11-12.
[216] Webster, *Theories of the Information Society*, 209.
[217] Cf. Gilliom, *Overseers of the Poor*, 7.

itself whipsawed from both left and right.[218]

Privacy is historically speaking a relatively new concept. Family life, one's own body and homes have been considered private only for the last two centuries, and it is worth mentioning, that until the end of the 18th century the average family in Europe, for example, did not have a secluded bathrooms.[219] While ideas of privacy were certainly revolutionary during the 18th century, later privacy ironically often stood in the way of progressive reforms. Attacks on Victorian values in the 19th and 20th century were also attacks on the concept of privacy and how it was tied to private property. Indeed, for sex reformers, artists and journalists, privacy had to be partially eliminated in order to advance society. Being a privacy advocate during that time essentially meant you were an elitist snob.[220] Feminists in the 1960s continued the left-wing opposition against privacy. They sought to expose the sort of abuse and male domination and make what was going on in their private living and bedrooms public and thus political. Catherine Mackinnon, for example, declared "the right of privacy (...) a right of men 'to be let alone' to oppress women one at a time."[221] Even some libertarians, who are to this day among the most dedicated defenders of privacy, have criticized privacy protection measures by arguing that there is basic right of collecting and sharing information about people that should not be prohibited in any way in free societies.[222] And communitarians have brought forward critiques of hyper-individual privacy which claim that too much privacy actually hurts the public interest and should be a privilege managed and granted by state authorities.[223]

One has to confront the fact that 'privacy', while certainly a universal value in its own right, has – dependent on its political context – some ideological undertones that may not resonate with everyone alike. The goal of publicly calling for more privacy may not be done in order to protect, say, progressive political groups from organizing an uprising against social inequality, but rather to promote the afore-mentioned conservative "hyper-individualism"[224] that is in line with rejecting universal health care, gun control or unlimited political donations of corporations. Hyper-individual notions of privacy "risk a massive misrepresentation of the full

[218] Sykes, *The End of Privacy*, 223.
[219] Soloves, "Conceptualizing Privacy," 1132-1137.
[220] Cf. Sykes, *The End of Privacy*, 225.
[221] As quoted by ibid., 227.
[222] Cf. ibid., 229.
[223] Cf. ibid., 234-237.
[224] Gilliom, *Overseers of the Poor*, 121.

impact of surveillance,"[225] which according to Gilliom affect not necessarily only Warren's and Brandeis' famous dictum but also being able to form meaningful relationships with others.

Gilliom even goes one step further arguing that 'privacy'-centered discourses are not only excluding the actual victims of surveillance, who have other things on their minds than an abstract concept of privacy, but that is actually an impediment to effectively address concerns about the role of surveillance in today's society:

> To the extent that the institutionalized mainstream languages of surveillance and privacy appear nonsensical to citizens like this, or fail to recognize their concerns, the languages work as vehicles of exclusion. An to the extent that these languages discount and hamper what many of us would want to say about surveillance, their continued monopolization of the public discourse may serve to both suppress and distort public dialogue on these important issues.[226]

Instead activists must come up with *a new language* addressing surveillance, one that reflects on the shifting political power dynamics and fear-inducing capabilities of mass surveillance.[227] What is needed, Gilliom argues, is "to build a critique of surveillance that is based in the realities and demands of everyday life.[228]

Conditions for popular and individual resistance

Now, given today's difficult political and cultural environment outlined above, what are the potentials of resistance against the growing surveillance apparatus and defending the relatively weak position of privacy? And how can privacy advocates as the main antagonists of surveillance expansion sensitize the public through their communication work? And how should they deal with the 'privacy paradigm' that, as explained above is, paradoxically, at the same time "increasingly irrelevant and ever more crucial?"[229]

Westin, in 1991, created a typology of privacy concerned citizens. 25% of them were 'privacy fundamentalists', who rejected any attempts of surveilling public and private areas of life; 57% belonged the pragmatic majority, who adjusted their position on surveillance according to particular circumstances and the goals of surveillance programs; and 18% were "the

[225] Ibid., 122.
[226] Ibid., 124.
[227] Cf. ibid., 128-130; 150.
[228] Ibid., 6.
[229] Gilliom, "Struggling with Surveillance," 122.

unconcerned" who did not worry about surveillance at all.[230] Grenville offers a typology of resisters, which depends on the level of actual surveillance awareness. The "path to resistance" consists of four steps that predict resistance or acquiescence, namely "knowledge of surveillance, recognition of the experience of being monitored, trust (or mistrust) of the monitors, and finally, the sense of whether or not one has any control over his or her personal information."[231] The group most susceptible to calls for resistance (or individual acts of resistance) against surveillance are the so called 'informed resisters', who predominantly come from wealthier and higher educated backgrounds. Then there are 'alienated sceptics', which usually come from poorer backgrounds, who are not very aware of surveillance, yet have the distinct feeling that they have effectively lost control over their data and any attempt at resistance fails because of a lack of practical information. The last category are the 'status quo satisfied', vaguely concerned middle-class citizens who have no problem with sharing their data and third parties using it.[232] The last type of citizens seems to be on the rise, as this category seems to basically apply to every user of commercial social networking sites. Indeed, the prevalence of 'status quo satisfied' citizens, "somewhat knowledgeable and somewhat resistant"[233] seems to explain the 'privacy paradox' that is the result of most polls on surveillance. This typology reveals also that most citizens – whether for the right or wrong reasons – are either not fully aware of surveillance (which given the extensive press coverage of the Snowden leaks is unlikely); has not the impression to be under surveillance; generally trusts the government and businesses, and generally feels to be in control of their information – or has largely given up hope to regain control.

The main potentials or surveillance resistance, argues Gilliom, are not to be found on the collective but rather on an individual level. Customers deliberately giving false information to supermarket cards; drivers covering license plates to circumvent speed traps; and welfare recipients underreporting personal revenues – these are all 'weapons of the weak' that in the end promise more effective ways to deal with the consequences of surveillance than advocacy or

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[230] As quoted by Oscar Gandy, "Public Opinion Surveys and the Formation of Privacy Policy," *Journal of Social Issues* 59 (2) (2003), 294.

[231] Andrew Grenville, "Shunning Surveillance or Welcoming the Watcher? Exploring how People Traverse the Path of Resistance," in *Surveillance, Privacy, and the Globalization*, ed. Elia Zureik et. al., 73.

[232] Cf. ibid., 76-80.

[233] Ibid., 80.

activist campaigns.[234] According to Gilliom, individually subverting the surveillance regime is a far more realistic approach as citizens should eventually come to terms with the fact that surveillance will not go away in the near future. While there are some victories by advocacy groups here and then they ultimately pale in comparison to the continued expansion of surveillance abilities by the state and private businesses. Given the important place of surveillance in today's society, "[r]esistance must be understood as taking place *within* that context and not something which can prevent or undo it in any systematic way."[235] These two main forms of resistance, popular and individual, are also dramatically different framed by its subjects. Whereas public advocacy campaigns adhere to the 'privacy rights paradigm', citizens that individually outsmarted government monitoring programs did so because they affected their lives in very practical and concrete ways that went way beyond notions of privacy.[236] There is no comprehensive data outlining the scope of those individual attempts at escaping the gaze of the government but the few case studies that exist such as Gilliom's are a testament that despite a perceived widespread indifference there are potentials of resistance hidden in the everyday practices of individuals. The slowly but steady growing user base of anonymized search engines such as duckduckgo,[237] users typing in fake search cues in popular search engines to distort their search data profiles, or the use of encryption technology are other examples of individual resistance that may be more effective and immediate than a yearlong effort of changing the data laws or the time consuming process to demand to release one's personal data profile from an Internet company or a government agency (for the activists focus on encryption see section 4.4).

Global dimensions of privacy resistance

Surveillance is increasingly seen as being part of a bigger power dynamic responsible for political violence, environmental destruction, and social inequality. As Giroux puts it in his call for action: "[t]he time has come to build national and international movements capable of dismantling the political, economic and cultural architecture put in place by the new authoritarianism and its

[234] Cf. Gilliom, "Struggling with Surveillance," 111-113.
[235] Ibid., 114.
[236] Cf. ibid., 118.
[237] Cyrus Farivar, "Fueled by Snowden and Apple, private search engine DuckDuckGo rapidly grows." *ArsTechnica*, June 25, 2015 (accessed September 24, 2015). http://arstechnica.com/business/2015/06/fueled-by-snowden-and-apple-private-search-engine-duckduckgo-rapidly-growing/.

post-Orwellian surveillance industries."[238]

The conditions for defending privacy in the post-Snowden era become even more complicated when you consider the global and transnational level. It cannot be ignored that surveillance is both result and part of a globalized capitalist society and co-determines which groups and individuals have access to the global political and economic system or not.[239] Through "security and military functions, policing, and institutions such as the carceral and health and welfare systems" a "global surveillance society" has formed in the last decades.[240] Clearly, with surveillance being more and more conducted via the World Wide Web, "any inquiry into contemporary mechanisms of surveillance has to include their global dimension."[241] Much like climate activism, where the reversal of global warming can only be addressed transnationally, the ultimate goal for the global privacy activist network must be to reach some sort of global consensus about how and if, at all, personal data should be collected.

While the United States and the NSA in particular has clearly established itself as a global surveillance hegemon in the years following 9/11, there is a global regime of government surveillance at work, which includes many other international players as well. As Keiber points out, "much of the US surveillance apparatus is actually a product of cooperation and negotiation with other states and is fostered by [international] norms and institutions."[242] If surveillance was the prerequisite to the modern nation state as indirectly outlined by Weber or Giddens, then surveillance plays an important role in shaping the international system as well. Obviously, resistance to global regimes of surveillance has to happen on an international level as it is the only way to effectively challenge the U.S. led global surveillance hegemony: "While privacy concerns may seem increasingly quaint in the digital age, *global* publics will surely clamor for more accountability and transparency."[243]

But the general difficulty of finding a common ground for transnational social movements (as outlined in 5.3) can be observed in the case of anti-surveillance activism as well. After all, 'privacy' – a contested, blurry, maybe not really fitting concept as was pointed out earlier – has

[238] Giroux, "Totalitarian Paranoia," 133.
[239] Cf. Haggerty, "Tear Down the Walls," 28.
[240] Cf. Garrido, "Contesting a Biopolitics," 155.
[241] Los, "Looking into the Future," 71.
[242] Keiber, "Surveillance Hegemony," 169.
[243] Ibid., 180.

different meanings and implications in different national and cultural contexts both in political and technical terms. Not only is there in developing countries "even less commonality of democratic practice" but "technological differences mean that levels of development and of public understanding are also at variance with those of (...) the most 'advanced' countries in the global North."[244]

There is a consensus that "[s]urveillance is now a global issue" that "is not used merely to watch" but is regularly turned "into the tool of oppression and destruction."[245] In fact, surveillance in the 'Global South' – where it is often connected to political violence, torture, and other human rights violations – provides the privacy movement with powerful instances of government abuses. Indeed, a look at surveillance regimes beyond the Western world may lead to the interpretation that Orwells' dystopian fiction has already become reality as it has forestalled the "expansive trajectory of global surveillance and authoritarianism that has characterized the first decades of the new millennium."[246] In some countries of the South which are particularly plagued by high levels of social inequality such as Brazil or Mexico privacy has de facto become a commodity that the majority of citizens simply cannot afford[247] – and where wealthy citizens who live in gated communities must themselves engage in surveillance of their surroundings to guarantee their safety and thus ultimately their privacy.[248] But after all, as of yet there has been little to none comparative surveillance research conducted beyond the Western hemisphere.[249] Researching surveillance in the 'Global South' is of real importance given, among other reasons, the economic rise of China and India, increased mobility of information as a byproduct of globalization, and the role of foreign governments and corporations interfering in domestic affairs in part through surveillance means.[250]

According to study referenced by Zureik, in China, Brazil, Mexico, and Spain – states that have been built upon "traditional societal orientations"[251] – privacy does by far not play a role as big as in other western countries such as Germany or the United States. The still staggeringly low

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[244] David Lyon, "Introduction to 3.3," in *Surveillance, Privacy, the Globalization*, ed. Elias Zureik eta al., 189-193.
[245] Mehrabov, "Exploring Terra Icognita," 120.
[246] Giroux, "Totalitarian Paranoia," 109.
[247] Cf. Lyon, "Introduction to Part 3.3," 191.
[248] Cf. Zureik, "The Cross-Cultural Study of Surveillance," 350.
[249] Lyon, "Introduction to Part 3.3," 189.
[250] Cf. Lyon, "Introduction to Part 3.3.," 189-190.
[251] Zureik et al., "The Cross-Cultural Study of Surveillance," 349.

rate of internet penetration in Africa,[252] suggests that there are more pressing issues than internet surveillance such as housing, clean water, or electricity. The very idea of privacy might be ethnocentric, as "mainstream scholarly discourse on privacy tends to privilege liberal individualistic understandings (…) since the conventional concept (…) has evolved within the sociopolitical values of Western democracies."[253] This is not to say 'privacy' is absent in some of the countries of the South mentioned above, but that there are other, in part radically different notions of privacy. China is a great example. There, the English word privacy has not only an appropriate single word translation but it is the product of an ongoing negotiation process between increasing notions of western-style individualism and traditional Chinese values.[254]

But even within the Western realm there are various embedded national narratives regarding surveillance. For example video monitoring is discussed and accepted differently in European countries with a communist past.[255] In France and Spain, privacy as a basic right is arguably not as much in demand as in North America.[256] On the American continent there is apparently more potential for resistance against surveillance in the U.S. than in Mexico or Brazil.[257] In addition, notions of privacy seem to differ between specific ethnic groups in the United States, where evidence suggests that the concern for privacy is higher among whites and comparatively low among Hispanics.[258] A distinct U.S. American approach is to leave the protection of their citizens' privacy in corporate hands rather than, as it is generally the case in Europe, to rely on the government to do so.[259]

In sum, there is a general awareness among privacy and surveillance scholars that "varied national experiences dictate a nuanced approach to studying privacy as a value, an approach that must recognize the political cultures of societies concerned."[260] Privacy advocates engaged in informing the public and communicating privacy concerns must acknowledge that there exists "a host of reasons relating to national culture, class, technological development, political views,

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[252] Cf. White, *Digital Media*, 172.
[253] Yuan et al., "'Privacy' in Semantic Networks," 1011.
[254] Cf. ibid., 1022-1023.
[255] Cf. Björklund and Svenonius, *Video Surveillance*, 7-10.
[256] Cf. Zureik et al., "The Cross-Cultural Study of Privacy," 11.
[257] Cf. Grenville, "Shunning Surveillance," 71.
[258] Cf. Andrew Pavlov, "Vignette Approach to Analyzing Cross-Cultural Incomparabilities," in *Surveillance, Privacy, the Globalization*, ed. Elias Zureik et al., 38-39.
[259] Cf. Zureik et al., "The Cross-Cultural Study of Privacy," 15.
[260] Ibid., 11.

and identification with or alienation from the dominant culture"[261] when it comes to resisting surveillance. Whether a person ultimately becomes an 'informed resister', 'alienated sceptic' or remains satisfied with the status quo is in part determined by cultural and national peculiarities.[262]

2.6 A Short History of Privacy, Surveillance, and Resistance

The following section takes a condensed look at some of the historical foundations of surveillance and resistance to surveillance. For reasons of space and a lack of research into these matters on a truly global scale this section will focus on three historical phenomena/periods in the Western world, namely the American Revolution, chattel slavery and the following era of racial discrimination against Blacks, as well the in many ways remarkable resistance against early forms of surveillance and population control in West Germany and the Netherlands in the 1970s and 1980s. This is of course a random selection and I am aware of the legitimate concern that it may be highly problematic to compare occurrences of surveillance across continents and time periods while also leaving out developments in other parts of the world, namely the 'Global South'. David Murakami Wood has stressed the "*immense cultural and geographic variety of surveillance societies* both in historic and contemporary contexts,"[263] that is the result of different cultural perceptions of deviance and delinquency. However, as will be shown, my overall analysis can benefit from a closer look at these three, well-documented historical examples of surveillance and resistance. Not only have these periods arguably contributed to the production of archetypes of resistance to surveillance that are visible to this day, but it is also illuminating to look at the ways earlier victims of surveillance framed their resistance. In fact, as will be shown in the case studies section, post-Snowden privacy activists have explicitly and constantly referenced the very same historical events to foster opposition to modern day surveillance. In this way this section seeks not only to give a short, if uncomplete, overview about the history of surveillance resistance but is also designed to help readers to better understand the historically informed contemporary anti-surveillance frames described and analyzed in the subsequent chapters.

There is no clear scholarly consensus as to when the history of privacy actually starts.

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[261] Grenville, "Shunning Surveillance," 71.
[262] Cf. ibid., 80.
[263] David Murakami Wood, "'The 'Surveillance Society': Questions of History, Place and Culture." *European Journal of Criminology* 6 (2) (2009), 181 (emphasis in original).

While the term 'Privacy' is relatively new, privacy as a concept is first mentioned in the Bible, which introduced concepts of taboo and shame resulting from a lack of privacy.[264] As a political-theoretic concept it is first mentioned by Aristotle, when he made the distinction between private (*oikos*) and public (*polis*).[265] And as a legal concept it was developed by chief justice Thomas Cooley of the Michigan Supreme Court and in 1880 picked up by Supreme Court Justices Louis Brandeis and Samuel Warrens concept of "The Right to Privacy", "that gives an individual the power to control absolutely the limits of publicity about him- or herself."[266] However, how the concept of privacy developed in other parts of the world other than Europe and the United States is much less clear. Other scholars focusing on other regions of the world have pointed out that the idea of privacy is a relatively new one. For example Stott Despoja notes that even in a highly industrialized country as Australia privacy as a notion and a law did not exist until the late 1960s; only international pressure from OECD member states finally brought privacy legislation to the country in the 1980s – enhanced by fierce public resistance to the introduction of an electronic identification card.[267]

However, even though historians have often noted, that in before the 19th century, there was no bodily privacy in everyday life,[268] it is common-sense to assume that privacy is valued across cultures, species and times. As Wagner DeCew notes, the universal character of 'privacy' when it comes to the "concealment of the female genitals, seclusion at moments of birth and death, the preference for intimacy for sexual relations (...), restricted rules of entry into homes by nonresidents, and the secrecy of group ceremonies."[269] While it is true that in England, in the 500-year Pre-Tudor period, arbitrary search, seize, and arrest practices were generally accepted, it was only because they affected a very small number of citizens. However, when in the late 13th

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[264] Cf. Judith Wagner DeCew, *In Pursuit of Privacy: Law, Ethics, and the Rise of Technology* (Ithaca and London: Cornell University Press, 1997), 11.

[265] Ibid., 9.

[266] As quoted by ibid., 16. It has to be noted, however, that despite Brandeis' and Warren's influential article by the 1960s modern privacy laws – aside from the Fourth Amendment – were still in their infancy. Only after Griswold vs. Connecticut , (and Katz v. US see Devolution of Privacy 70 as well as Roe v. Wade, see also The Necessity of Privacy) which stated that the use of birth control was protected by the U.S. constitution, law professors began to admit that "[a]wkward as it may be as a tool for legal analysis, privacy is infiltrating the law and must be reckoned with." Clark C. Havighurst, "Foreword," in *Law and Contemporary Problems* 31 (2) (1966), 251.

[267] Cf. Natasha Stott Despoja, "A Brief Look at the History of Privacy," in *Australian Quarterly*, 79. (3) (2007) (Australian Institute of Policy & Science 75th year Commemorative Issue), 60.

[268] See for example Judith Flanders, *The Making of Home: The 500-Year Story of How Our Houses Became Our Homes* (New York: Thomas Dunne Books, 2014), 68.

[269] Wagner DeCew, *In Pursuit of Privacy*, 12.

century authorities began to assign guards and other persons with policing powers and the right to search suspected individuals in their homes, Englishmen began to protest.[270]

Four centuries later in the American colonies suspicionless search and seizure practices would evolve into sophisticated surveillance regimes that ultimately contributed to the triggering of the American Revolution. Ironically, as the first settlers on the continent, Puritans had escaped Europe because of religious persecution and surveillance[271] but upon arrival almost immediately established a "surveillance society"[272] themselves. Due to the relatively small size of New England communities surveilling each other to minimize criminal activities quickly transformed into an instrument to suppress outsiders and ethnic minorities.[273] Religion played a role in both fostering surveillance and the need for privacy. Puritans had to confess in public but at the same time wanted to be alone to pray. Resistance was more subtle and unorganized. For example, laws designed to prevent people from living alone were widely ignored[274]

The greatest challenge to the colonists' privacy, however, arrived in the mid-18th century. Because the British Crown was in desperate need for money to finance the French and Indian War, starting in 1755, British soldiers – backed by so unlimited and unregulated search warrants called 'writs of assistance' – began arbitrarily searching businesses and homes to collect taxes. The issue of taxation, generally considered to have caused the American Revolution, was thus connected to privacy breaches.[275] Frederick Lane has noted how closely the idea of privacy was related to the eventual establishment of the first democracy in modernity: "Concern over the privacy of personal communication was hardly the only issue that drove American colonists to rebellion (…). But privacy in general, as critical component of human freedom, was reflected in virtually every complaint levied by the colonists against King George III in their Declaration of Independence."[276] According to Thomas H. Clancy, in 1761, the suspicionless search practices were for the first time publicly questioned – personified by the Patriot lawyer James Otis, who

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[270] Cf. William J. Cuddihy, *The Fourth Amendment: Origins and Original Meaning , 602-1791* (New York: Oxford University Press, 2009), 27-30.

[271] Frederick S. Lane, *American Privacy. The 400-Year History of Our Most Contested Right* (Boston: Beacon Press, 2009), 3.

[272] David H. Flaherty, "Visions of Privacy: Past, Present, and Future," in *Visions of Privacy: Policy Choices for the Digital Age*, ed. Colin J. Bennet and Rebecca Grant (Toronto: University of Toronto Press, 1999), 19-38.

[273] David H. Flaherty, "Crime and Social Control in Provincial Massachusetts," in *The Historical Journal* 24 (1981) 339-360, 348.

[274] Flaherty, "Visions of Privacy," 21.

[275] Lane, *American Privacy*, 10.

[276] Ibid., 3.

defended Boston merchants opposing writs of assistance[277] and who also coined the catchphrase "Taxation without representation is Tyranny" that would become the battle cry of the Revolution.

Quickly, the colonists began to equate the surveillance tactics employed by the British with the total absence of political freedoms. As Andrew Taslitz points out, the "dispute over search and seizure policy was thus at the very heart of the passions and political theory motivating the Revolution."[278] Violently entering the homes of colonists to collect taxes was not merely a nuisance but resembled the very same 'Tyranny' their forefathers had escaped centuries earlier. As William Cuddihy puts it, the American public "associated the general warrant with violent British efforts to subjugate them politically."[279] After the Revolutionary War the Founding Fathers included protections against the search and seizure practices in the form of the Fourth Amendment in the Bill of Rights.[280] Although 'Privacy' was never explicitly mentioned by the Colonists nor can be found in the Constitution,[281] the Fourth Amendment was ratified in 1791 and has served as the basis for most privacy claims ever since.[282] By winning Independence and adapting the Fourth Amendment, the patriots had finally rid themselves of the 'Slavery'[283] – in the sense of the total absence of political freedoms – that the tax surveillance of the British had posed onto them.

Of course arbitrary searches and seizures – along with a new arsenal of dehumanizing surveillance techniques – were and remained part of the American experience in the era of antebellum era and beyond. In fact slavery – the involuntary servitude variety, not merely British oppression – in the American Colonies relied in principle heavily on the same measures.[284] Only

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[277] Cf. Thomas K. Clancy, *The Fourth Amendment: Its History and Interpretation* (Durham: Carolina Academic Press, 2nd ed., 2014), 47.

[278] Andrew E. Taslitz, *Reconstructing the Fourth Amendment: A History of Search and Seizure, 1789-1868* (New York and London: New York University Press, 2006), 5.

[279] Cuddihy, *The Fourth Amendment*, 569.

[280] "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized." As quoted by the Bill of Rights Institute, "Bill of Rights of the United States of America 1791," (accessed September 29, 2015). https://www.billofrightsinstitute.org/founding-documents/bill-of-rights/.

[281] Cf. Lane, American Privacy, 15.

[282] See section 4.1 for an analysis of the first organized activist response to the Snowden leaks, aptly titled "Restore the Fourth." For the ongoing importance of the Fourth Amendment in the wake of 9/11 cf. Nadine Strossen, "Post-9/11 Government Surveillance, Suppression and Secrecy," in *Privacy, Security and Accountability: Ethics, Law and Policy*, ed. Adam D. Moore, 225-227.

[283] Taslitz, *Reconstructing the Fourth Amendment*, 5.

[284] Ibid., 12.

within the last decades have scholars begun to analyze the daily ordeal of African slaves through a particular lens of Surveillance Studies. In order to control the slave population and enhance its 'productivity' and obedience, "the master class was forced to develop not just methods of terror but also a haphazard system of identification and surveillance. The result was in many ways the earliest imprint of modern everyday surveillance."[285] As Simone Brown points out, the slave ships of the Middle Passage were functional predecessors to Jeremy Bentham's famous panoptic prison designs.[286] Slaver's vessels, auction blocks and plantations were specifically designed spaces to monitor the 'chattel' and suppress rebellions. Surveillance technologies of the time included slave passes required to be carried around when leaving the plantations, overseers and slave patrols whose job it was to watch slaves in the field and capture runaways, and wanted posters and newspaper advertisements designed to identify slaves on the run.[287] According to Christan Parenti these means of control "fed into the development of modern technologies of identification and registration."[288] For example the metal tag that each slave, whose status allowed him to temporarily leave his plantation, had to wear, can be seen as the first iterance of numbered identification cards in America.

However, even within this "surveillance regime of slavery"[289] there was room for resistance, including escape, killing the masters, or stealing goods.[290] On the highly surveilled naval vessels, slaves would stop eating, killing themselves, or attempting to collectively sink the ship.[291] On the Underground Railroad, abolitionist would countersurveil the activities of slave patrols to ensure free passage for runaway slaves.[292] Just as the modes of antebellum slavery were the blueprint for current forms of surveillance, the resistance laid the groundwork for modern ways of subverting the gaze of authorities. For example, Parenti has described the slaves who frequently manipulated of their identification passes as "antebellum hacker[s]" and "information

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[285] Christian Parenti, *The Soft Cage: Surveillance in America: From Slave Passes to the War on Terror* (New York: Basic Books, 2003), 14.
[286] Cf. Simone Browne, *Dark Matters: On the Surveillance of Blackness* (Durham and London: Duke University Press, 2015), 42.
[287] Cf. Parenti, *The Soft Cage*, 15.
[288] Ibid., 31.
[289] Ibid..
[290] Cf ibid., 16.
[291] Cf. Browne, *Dark Matters*, 48.
[292] Toni Weller, "The Information State: An Historical Perspective on Surveillance," in *Routledge Handbook of Surveillance Studies*, ed. David Lyon et al. (New York: Routledge, 2012), 74.

outlaw[s] who could crack the code of the planters' security system."[293] Besides individual acts of resistance the issue of slavery and racialized surveillance led to a growing abolitionist movement – one of the first instances of a transnational advocacy network[294] – and the Civil War. But once slavery was outlawed with the passing of the 13th amendment,[295] the southern states quickly put subtler surveillance regimes in effect designed to make African Americans 'stay in their place'. The plantations of the antebellum years were eventually replaced by heavily surveilled 'white controlled spaces'.[296] In the roughly 150 years that followed the U.S. government surveillance of racialized others continued – from the secret COINTELPRO program that monitored the activities of civil rights activists including virtually all black student leaders to the recent, heavily surveilled Black Lives Matter movement.[297] Frederick Lane has noted that "[a]t its core, the history of America is the history of the right to privacy."[298] While the surveillance of colonists by the British and the surveillance of slaves and black citizens represent different historical and structural modes of controlling populations, they are ingrained into the U.S. (and the global) consciousness and aptly informed the post-Snowden protests against government surveillance.

A third often overlooked historical iteration of organized surveillance resistance were the censuses undertaken by the Dutch and West German governments in the 1970s and 1980s.[299] What makes especially the German case so interesting is that it was, as Matthew Hannah has pointed out at, "the earliest major social movement aimed directly at core features of the

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[293] Parenti, *The Soft Cage*, 20.

[294] Cf. Keck and Sikkink, *Activists beyond Borders*, 39-51.

[295] The judicial struggles for the right to privacy, end of slavery and equality were interlocked. The passing of Fourteenth amendment, which granted citizenship rights to all persons including Blacks enabled also the expansion of the Fourth Amendment from federal to state level. As Taslitz notes: "Understanding the meaning of today's Fourth Amendment therefore requires study of the evolving meanings of search and seizure during the fight to end slavery, for it was that fight that motivated and defined the draft and ratification of the Fourteenth Amendment." Taslitz, *Reconstructing the Fourth Amendment*, 12.

[296] Cf. Ruth Thompson-Miller, Joe R. Feagin, and Leslie H. Picca, *Jim Crow's Legacy: The Lasting Impact of Segregation* (Lanham: Rowman & Littlefield, 2015), 35-99. See also Taslitz, *Reconstructing the Fourth Amendment*, 106 et seq.

[297] See for example Julia Craven, "Surveillance of Black Lives Matter Movement Recalls COINTELPRO." The Huffington Post, August 19, 2015 (accessed September 29, 2015). http://www.huffingtonpost.com/entry/surveillance-black-lives-matter-cointelpro_us_55d49dc6e4b055a6dab24008.

[298] Lane, *American Privacy*, 1.

[299] The following segment will summarize and analyze the West German case. For the resistance against the national census in the Netherlands in the early 1970s see for example Bennet, *The Privacy Advocates*, 135; Simon G. Davies, "Re-Engineering the Right to Privacy: How Privacy Has Been Transformed from a Right to a Commodity," in *Technology and Privacy: The New Landscape*, ed. Phillip E. Agre and Marc Rotemberg (Boston: MIT Press, 1998), 154; William Petersen, Ethnicity Counts (New Brunswick and London: Transaction, 2012), 170 et seq.

'information age'".[300] It can thus be seen as legitimate predecessor to the protests in the wake of the Snowden leaks.

When the German federal government attempted to conduct a census in 1983, widespread opposition followed. However, the first attempt was canceled not because of popular resistance but because it was deemed unconstitutional by Germany's highest court. After going back to the drawing board the Kohl administration, with the help of an ad agency, launched another census in 1987 which again faced a wave of opposition by civil society actors but eventually went as planned. Supported and spun by Germany's left-leaning media (*taz, Der Spiegel, Frankfurter Rundschau*), government intrusion and privacy became hot-button issues. In the April of 1983, when the anti-Census discourse reached its peak, a politically heterogeneous coalition of more than 300 spontaneous citizens' initiatives consisting of 10,000 people had formed voicing dissent and planning strategies for boycott.[301] Four years later, the network of citizens' initiatives grew to 1,500[302] with large street protests held in Berlin and Hamburg with thousands of participants.[303] When the census was finally conducted, up to 2 percent of citizens outright boycotted it despite threats of financial penalties looming over them while millions turned in purposefully incomplete or erroneous forms.[304] Resistance included not only peaceful protests but also physical attacks on enumerators and terrorism: in at least three cities register offices were fire bombed.[305]

By giving their personal data to enumerators at their door steps, citizens not only feared for their individual privacy, but for their collective political rights. Parts of the populace feared that a continuation of the mass-scale demonstrations of the 1960s and 1970s against war, nuclear power, and the destruction of the environment would be compromised by giving away their data.[306] Vivid memories of being 'kettled' at demonstrations – surrounded by police officers and

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[300] Matthew G. Hannah, *Dark Territory in the Information Age: Learning from the West German Census Controversies of the 1980s* (Surrey and Burlington: Ashgate 2010), 3.

[301] Cf. Rob Burns and Wilfried van der Will, Protest and Democracy in West Germany: Extra-Parliamentary Opposition and the Democratic Agenda (Houndsmill and London: Macmillan, 1988), 182.

[302] Cf. Hannah, *Dark Territory*, 134.

[303] Cf. Ibid., 158.

[304] Cf. Ibid., 176-177. Methods of subverting the data collection for the census included 'encrypting' the form by cutting of the identification number, spilling coffee on or refusing to open the door for enumerators. Ibid., 56.

[305] Cf. Ibid., 165-166.

[306] Cf. Matthew G. Hannah, „Die umstrittene Konstruktion von Vertrauen und Misstrauen in der westdeutschen Volkszählungsboykottbewegung 1983," *Social Geography* 3 (2008), 11-21, 14. As Hannah notes, the boycott movement saw the census as another element of the "wider systematic inhumanities of Cold-War West German

only being allowed to leave after showing identification[307] – motivated many West Germans to boycott the census. In many ways the emergence of the West German system of surveillance resembled the one the United States put in place after the terrorist attacks on 9/11 (see section 2.4). The census in Germany was perceived to be in the same vein as the 'Emergency Laws', 'Orders on Radicals', and 'Employment Bans' as well as search tactics that were executed as a response to the left wing terrorist attacks of the 1970s.[308]

History-inspired collective action frames were employed as well by the anti-census activists. The Nazi-era was an especially rich backdrop to articulate anti-surveillance sentiments. By pointing out how the National Socialists had used early forms of statistical computing and population metrics to suppress dissent and ultimately foster the 'Final Solution', activists sought to discredit government collection of data in general. As an op-ed in *taz* proclaimed, "Statistics is already closely connected to the National Socialist Movement."[309] The census boycott movement also was one of the first instances were a distinct *1984* protest iconography along with the images of bar codes were used to "dramatiz[e] the elimination of privacy"[310] – a visual and discursive strategy that has become a staple of privacy activists and was also heavily applied in the post-Snowden protests against the NSA. Ethnic groups were concerned as well. As the then Chair of West Germany's Central Council of Sinti and Roma put it, framing her opposition to the census in both historical and Orwellian terms: "1984 has been in existence for Sinti and Roma since 1933."[311]

After the census was conducted a long period without notable instances of privacy activism followed in Germany. However, in part due to widespread opposition the German government has never again attempted to statistically encompass the population in the same way. Indirectly the census boycotts of the 1980s led to a resurgence of German privacy activism in the last decade. As a reaction to data retention policies and the government's ability to infiltrate private hard drives through 'federal Trojans a new coalition, "Freiheit statt Angst" ('Freedom instead of Fear') formed. It managed to mobilize their constituents for the largest anti-

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capitalist society. Hannah, *Dark Territory*, 49.

[307] Cf. Hannah, Dark Territory, 23.

[308] Cf. Hannah, „Die umstrittene Konstruktion," 14.

[309] As quoted by Hannah, *Dark Territory*, 46.

[310] Ibid., 60.

[311] Ibid., 75.

surveillance protest in 2008 consisting of 50,000-70,000 people,[312] who in turn inspired and overlapped with the subsequent German branch of the 'Stop Watching Us' campaign in the aftermath of the Snowden leaks (see section 4.2).

What these three examples – the American Independence struggle, the era of Antebellum slavery and eventual abolitionism, and the West German census boycott – show is that opposition is inherent in any surveillance regime. They also demonstrate that besides individual acts of physical resistance, changes in the law and meaningful 'privacy legislation' require public discourse and therefore *sophisticated means of political communication*. In the run-up to the American Revolutionary War slogans such as Otis' "No taxation without representation" and a subsequent publicized debate between 'Federalists' and 'Anti-Federalists' about the design of the constitution (including the Fourth Amendment) were crucial. Slavery and the surveillance of Blacks eventually led to a transnational debate over the merits of abolishing the 'peculiar institution'. And the census controversy in West Germany was fueled by a myriad of headlines and opinion pieces in newspapers and dailies only exceeded by the media fallout of the Snowden leaks. Together, they acted as historical precedents for contemporary forms of privacy advocacy and are heralded in the activist community.

3. METHODOLOGY: RESEARCHING SOCIAL MOVEMENT COMMUNICATION

The verdict is still out, whether the global network of anti-surveillance activists can be considered a true *social movement* – meaning if it is as equally important in terms of scope, endurance and institutionalization as, for example the grass roots struggles against social inequality, environmental destruction or war. On the one hand, the Snowden revelations have elevated privacy concerns to new heights. The campaigns analyzed in these pages are clearly a testament to the increasing size and sincerity with which these groups are currently tackling the issue, therefore suggesting that the Snowden leaks have in fact created a movement.

On the other hand, opposition to surveillance is in many cases articulated by coalitions of

[312] Gerrit Hornung, Ralf Bendrath and Andreas Pfitzmann, "Surveillance in Germany: Strategies and Counterstrategies," in Data Protection in a Profiled World," ed. Serge Gutwirth, Yves Poullet and Paul De Hert (Wiesbaden: Springer, 2010), 151-153.

groups, which temporarily become active on behalf of privacy issues and then move on to different causes. While the public concern for privacy has indeed a long tradition, it is no match for the rich history of established social movements. As Colin Bennett has summed it up (pre-Snowden), "there is no concerted worldwide privacy movement that has anything like the scale, resources, or public recognition of organizations in the environmental, feminist, consumer protection, and human rights fields."[313]

However, even if the campaigns presented in the case study section rather consists of loose coalitions of individual groups, for the sake of placing this study in the social movement research tradition, the collective of activists described in these pages will be conceptualized as a social movement. Thus, this study will apply a stripped down definition of social movements, namely that the network of privacy activists constitute "a collectivity of actors who want to achieve their goal or goals by influencing the decision of a target." [314]

This dissertation seeks to qualitatively examine the impact of privacy advocacy communication practices. Within social movement research the validity of textual analysis and interpretation, despite its comparatively lower rate of reliability is generally favored over quantitative survey methods.[315] The analysis will mainly be concerned with anti-surveillance discourses and frames strategically disseminated by international privacy advocacy organizations, with an additional, albeit much smaller, focus on media representations of those frames. In this chapter, a general overview will be given of the study of social movement communication and how it informs the chosen methodological framework to study communication strategies of privacy activists. The ultimate goal of the chapter is to explain why the triangulation of three qualitative methods – discourse analysis, frames analysis, and semi-structured expert interviews – are the best way of researching anti-surveillance communication.

Why focus on the activists' output of discourses, frames, and arguments rather than to exclusively look at the mass media representations, for example TV reports or newspaper

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[313] Bennett, *The Privacy Advocates,* 199. See also his discussion of whether the global privacy advocacy network could one day become a full-fledged social movement. Cf. ibid., 199-227)

[314] See Opp's discussion of various definitions of and differences between social movements and protest groups. Karl-Dieter Opp, *Theories of Political Protest and Social Movements: A Multidisciplinary Introduction, Critique, and Synthesis* (London and New York: Routledge, 2009), 40.

[315] Cf. Hank Johnston, "Verification and Proof in Frame and Discourse Analysis," in *Methods of Social Movement Research*, ed. Bert Klandermans and Suzanne Staggenborg(Minneapolis/London: University of Minnesota Press, 2002), 69.

editorials? It is fair to say that systematically scanning media archives may very well produce significant insight into the overall discourse about surveillance and privacy in the post-Snowden world. By way of contrast, if you want to take a look at the attempts of privacy advocacy groups' attempts to discursively raise awareness and generate resistance against surveillance one should focus on the primary sources provided by these groups.

While activists are certainly experts in their field and command a great deal of knowledge about, for instance, privacy laws or encryption technologies, this does not mean that every instance of 'text' they publish will be cited widely by media outlets. To the contrary, as was laid out in the previous chapter, they have to face an at times seemingly overwhelming pro-surveillance lobby as well as high levels of indifference among citizens. Exclusively focusing on media reports would simply do the activists' work of raising awareness and shaping the discourse no justice. Merely conducting a media content analysis, while certainly giving meaningful insight into the frequency and representation of privacy protest in media discourse, would be "unable to shed light on how social movements attempt to *influence* news coverage."[316] In this respect, the choice of analyzing movements' discourses and frames should be regarded as an attempt to counter the much criticized focus "on the signifying practices of the media, neglecting the ways in which movements create and distribute social and political meanings."[317]

To contribute to the study of Social Movement Organizations (SMOs) and their communication practices in particular is important for several reasons. First, the significance of SMOs in the political process is growing. As Lance Bennett and Alexandra Segerberg have pointed out, in the last decades, publics have tended to trust the work of NGOs more than the activities of governments or businesses. Indeed, while trust in political parties and corporations has dwindled away, NGOs have received enormous gains in public trust.[318] SMOs in their "democratic function" play a special role in contemporary 'counter-democracies' with its various means of political participation that go beyond casting a ballot.[319] Social movement communications are an often neglected field of study for both sociology and communication

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316 Kevin M. Carragee, "Social Movements, the News Media, and Political Change," in *Communication and Political Change*, ed. Henner Barthel & Kevin M. Carragee (St. Ingbert: Röhrig, 2004), 273 (emphasis added).

317 Ibid.

318 W. Lance Bennett & Alexandra Segerberg, The Logic of Connective Action: Digital Media and the Personalization of Contentious Politics (New York: Cambridge University Press, 2013), 115.

319 Pierre Rosanvallon, *Counter-Democracy: Politics in an Age of Distrust* (New York: Cambridge University Press, 2008), 62.

studies. This can be traced back both to the tendency to only see political parties or politicians as legitimate objects of political communication research as well as a general lack of interdisciplinary interest. As Bart Cammaerts et al. have observed, "political sciences and political sociology often have been blind to what media and communication studies have to offer and, vice versa, many media and communication scholars are so media-centric that they have failed to extend their thinking to political and social movement theory."[320]

Communication lies at the heart of each movement's activity and is in many cases inseparable from taking action. As will be shown in this chapter, arguably the most important part of any campaign conducted by activist groups are communicating demands to the public and the political system. The prerequisite for articulating those demands are framing processes, attempts to make sense of the issue and attract reactions from the public and the media. It is framing that translates communication into acting.

3.1 Frame Analysis in Social Movement Studies

As David Lyon argues, framing analysis is particularly crucial to understand the role of surveillance and privacy in the Post-Snowden world: "The issue of framing really applies to the whole question of surveillance in the twenty-first century. How do we think about these large and looming questions?"[321] By looking at the frames used by privacy activists during four key moments, and following Lyon's suggestion, I want to examine "the very language commonly used to discuss the monitoring and tracking of daily life and responses to these practices: surveillance and privacy."[322]

As important discourse participants SMOs are in the business of meaning construction. They have the power to effectively shape the representation of issues as well as critically interpret information.[323] As "producers, and distributors of cultural codes"[324] one of their key tasks is to produces frames. Framing, as defined by Benford and Snow, is "an active processual phenomenon that implies agency and contention at the level of reality construction."[325] Manuel

[320] Bart Cammaerts, Alice Mattoni & Patrick McCurdy, "Introduction," in *Mediation and Protest Movements*, 3.
[321] Lyon, *Surveillance after Snowden*, 114.
[322] Ibid., 121.
[323] Cammaerts et al., "Introduction", 4.
[324] Manuel Castells, *The Power of Identity* (West Sussex: Wiley-Blackwell, 2nd ed., 2010), 427.
[325] Benford and Snow, "Framing Processes and Social Movements," 614.

Castells on the other hand, also focusing on the communication repertoires of non-state actors, offers a lingo-neurological definition describing frames as "neural networks of association that can be assessed from the language through metaphorical connections." Reality construction through framing mainly involves interpretation of current and past political, social, and cultural developments and trends with the specific goal of mobilizing activists and citizens. For this purpose Benford and Snow have coined the term *collective action frames* – "action-oriented sets of beliefs and meaning that inspire and legitimate the activities and campaigns of a social movement organization."[326] Or, in the words of R. Kelly Garrett the main goal of such frames is "to justify activist's claims and motivate actions using culturally shared beliefs and understandings."[327]

Framing provides the overarching context for social movements to conduct their communication practices. In 'organizationally enabled campaigns', the most common current form of organizing protests as described by Bennett and Segerberg,[328] successful communication strategies depend on frames which are precise in their given contexts yet at the same broad enough for individuals to appropriate. Easily adoptable frames can save organizational resources and lead to increasing levels of public engagement.[329] On the contrary, contradictory or overly convoluted frames can have negative effects in terms of their mobilizing potential.

There are specific subtypes of collective action frames with regard to their particular functions and mobilizing effects. Benford and Snow have identified three core framing tasks of SMOs: "diagnostic framing", the process of identifying the problem and the actors to blame; "prognostic framing", the process of articulating the solution to the problem;[330] and "motivational framing", the process of articulating the reasons for people to become active and participate in their campaigns. All three tasks are designed to ultimately create a consensus among an initially heterogeneous group of potential constituents and mobilize as many of them

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[326] Ibid.

[327] R. Kelly Garrett, "Protest in an Information Society: a review of literature on social movements and new ICTs," *Communication & Society*, 9:02 (2007), 202-224., 204

[328] Bennet and Segerberg, *Connective Action*, 13.

[329] Cf. ibid., 126.

[330] Mayer Zald has summed up these steps in his definition: "[F]rames help interpret problems to define problems for action and suggest action pathways to remedy the problem." Mayer N. Zald, "Culture, Ideology, and Strategic Framing," in *Comparative Perspectives on Social Movements: Political Opportunities, Mobilizing Structures, and Cultural Framings*, ed. Doug McAdam, John McCarthy, Mayer N. Zald (Cambridge: Cambridge University Press, 1996), 263.

as possible.[331]

Prior to Benford & Snow, Göran Therborn, without using the term frame, described these processes in general as 'ideological mobilization': the "setting of a common agenda for a mass people – that is to say, summing up the dominant aspect or aspects of the crisis, identifying the crucial target, the essence of evil, and defining what is possible and how it should be achieved."[332] In the same vein McAdam, Tarrow, and Tilly have stressed the importance of identifying "new threats and opportunities by one or more parties to an emerging conflict and the reimagining opportunities by one of the legitimate purposes attached to established social sites and/or identities."[333] Although Benford and Snow, Therborn, and McAdam et al. do not reference Kenneth Burke, their work on social movement frames can be seen as built on *A Grammar of Motives*. Burke claimed that all "statements about motives" are concerned with "Act, Scene, Agent, Agency, Purpose":

> In a rounded statement about motives, you must have some word that names the act, (names what took place, in thought or deed), and another that names the scene (the background of the act, a situation in which it occurred); also, you must indicate what person or kind of person (agent) performed the act, what means or instruments he used (agency), and the purpose.[334]

In a social movement context this means that in process that Burke has called "identification," activists describe the current state of the world, define problems, and offers solutions.[335] While Burke's work is seldom applied to social movement communication he was among the first to examine "how interpretive frames exploit the resources of terminology to direct the attention and form the attitudes that motivate action."[336]

Timing is of importance here, as the first protests serve as key "interpretative 'moments'"[337] that will set a precedent for the framing of all the future campaigns. As Margaret Keck and Kathryn Sikking point out, "[s]truggles over meaning and the creation of new frames of

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[331] Cf. Benford & Snow, "Framing Processes", 615-617.
[332] Göran Therborn, *The Ideology of Power and the Power of Ideology* (London: Versoa and NLB, 1980), 116.
[333] McAdam et al., *Dynamics of Contention*, 48.
[334] Kenneth Burke, *A Grammar of Motives* (New York: Prentice-Hall, 1945), xv.
[335] Cf. Jose Martinez, *Rhetoric of Social Movements: A Burkein Analysis* (Dissertation Submitted to the Faculty of the Department of Speech Communication. The University of Arizona, 1984), 22; 51.
[336] David Blakesley. "Kenneth Burke's Pragmatism – Old and New," in *Kenneth Burke and the 21st Century*, ed. Bernhard L. Brock (Albany: State University of New York Press, 1999), 71.
[337] McAdam et al., *Dynamics of Contention*, 48.

meaning occur early in a protest cycle,"[338] setting the stage for future discourses and protest events. In the case anti-surveillance activists this meant that in the formative period of summer/fall 2013 – the immediate aftermath of the Snowden leaks – privacy activists had to

a) *Identify the key problems that result from a lack of privacy as well as inform the public about the main perpetrators of excessive surveillance*. Activists had to explain to the public or their own member base the detriments privacy violations can have on them individually (e.g. embarrassment, financial harm, or, more generally, a loss of privacy) as well as collectively, e.g. authoritarian control over society, limitations on public discourse, or sorting processes that result in discrimination of whole parts of the population (diagnostic framing).

b) *Articulate demands to effectively reverse or stop mass surveillance practices and restore privacy*. For example, privacy advocates have promoted privacy-enhancing technical means to guard their constituents' individual privacy such as email encryption or anonymous web browsing tools. Others tend to focus on the bigger picture and favor grand scale political solutions such as new privacy legislation that will protect society as a whole from the abuses of state and corporate surveillance (prognostic framing).

c) *Convince their constituents and the public that they have to oppose surveillance and take action*. Essentially this third step involved warning against future disadvantages if the problem of surveillance will not be tackled soon. This poses a special challenge to privacy advocacy organizations because the consequences of surveillance – at least in western democracies – have not yet fully revealed itself and usually lie in the future. Just as climate change activists, privacy advocates must warn the public about potentially devastating consequences for future generations if citizens do not start engaging right away. Therborn has classified these framing efforts as "mobilization by anticipatory fear" which take place in protest campaigns, in which "the future has predominantly taken the form on an imminent threat flowing from current tendencies, which has called for pre-emptive action in the present"[339] (motivational framing).

For example, big data practices may lead to the widespread creation individual personalized data profiles. Nobody knows exactly what will happen with these records in the upcoming decades, who is going to owe them, and if they are going to be used for politically coercive means in the future. Here, anti-surveillance activism shares with other movements the

[338] Keck and Sikkink, *Activists beyond Borders*, 17.
[339] Therborn, *The Ideology of Power*, 123.

so dilemma Anthony Giddens has described in the context of global warming:

> [S]ince the dangers posed by global warming aren't tangible, immediate, or visible in the course of day-to-day life, however awesome they appear, many will sit on their idle hands and do nothing of a concrete nature about them. Yet waiting until they become visible and acute before being stirred to serious action will, by definition, be too late.[340]

Designing Frames

The careful development of frames is crucial for SMOs, as the degree of flexibility, or rigidity and therefore the "interpretive scope"[341] largely determines how they resonate in the public realm. One recent example of a flexible yet topically determined "master frame"[342] was the Occupy Movement's focus on the global division of society into billionaires and the rest of "the 99 percent". Without high degrees of hierarchical organization this frame and its accompanying slogan managed to act as an umbrella for the concerns of people from around the world to rally against diverse topics such as banking regulation, students' debt, or the homeless population. A movement's slogan is in many ways the prerequisite and effective signifier for a comprehensive frame and thus instrumental for any mobilizing effort.[343]

Credibility is the key when it comes to frames that will resonate with the larger public. Simply put, to be working, frames have to be grounded in reality of the constituents. Unless SMO's will provide specific examples, which are closely connected to living environments and cultural reality of their constituents, framing processes will fail. As Benford and Snow put it:

> The issue here is not whether diagnostic and prognostic claims are actually factual or valid, but whether their empirical referents lend themselves to being read as 'real' indicators of the diagnostic claims. Can the claims be empirically verified? Is there something out there that can be pointed to as evidence of the claim embedded in the framing? Hypothetically, the more culturally believable the claimed evidence, and the greater the number of slices of such evidence, the more credible the framing and its broader appeal.[344]

For privacy activists this means they have to face the challenge of mobilizing citizens, who, in

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[340] As quoted by Libby Lester & Brett Hutchins, "Introduction: Tree-Sitting in the Network Society," in *Environmental Conflict and the Media*, ed. Libby Lester & Brett Hutchins (New York: Peter Lang , 2013), 14.

[341] Benford & Snow, "Framing Processes", 618.

[342] The definite 'master frame' in the history of social movements is probably the 'social justice'-frame of the U.S. civil rights movement which is applied to this day. Cf. Zald, "Culture, Ideology, and Strategic Framing," 269.

[343] Therborn, *The Ideology of Power*, 118.

[344] Benford & Snow, "Framing Processes," 619.

large parts, do not feel immediately threatened by current data practices of governments and companies. Surveillance, in a moral context, for most citizens, does not appear to be fitting in a clear "right or wrong"-frame as it is arguably not "culturally central" to the survival of the planet and human life.[345] As mentioned above with regard to motivational framing, because current examples of negative consequences of surveillance tend to be rare, some "culturally believable" claims are made about surveillance abuses from the past. Therborn has called this "mobilization by revival"[346] while Mayer Zald has pointed out the "cultural contradictions and historical events in providing opportunities for framing."[347] According to Charles Tilly, "political entrepreneurs draw together credible stories from available cultural materials, (...) create we-they boundaries (...) and maneuver to suppress competing models."[348] These stories also influence the choice of communication and protest means as well. Stories – just like diagnostic framing processes – also sketch out characteristics of supporters and enemies with clear poignancy thus significantly contributing to the "collective identity necessary for contention."[349]

Drawing on the work of Lynn Owens and Francesca Polletta, Marc Steinberg and Patricia Ewick have highlighted the defining features of movement storytelling.[350] 'Origin stories – closely related to motivational framing but rather concerned with the motivation of the activist organization itself – deal with the main reasons or incidents that have led to the formation of the group. These narratives usually include notions of moral imperatives that have forced the particular organization to take action. Simultaneously such types of stories describe the movement's history as well point at the reasons for engaging in the future. However, this focus has the imminent danger of alienate especially younger generations who do not share the same values and historical experiences as the movements' veterans: "[I]t is possible that these stories, while providing for members' continued cohesion, dampen such recruitment."[351] In the U.S. the origin stories for the privacy movement are informed by Colonial history and the Civil Rights era;

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345 Cf. Myra Gurney, "Wither the 'Moral Imperative'? The Focus and Framing of Political Rhetoric in the Climate change Debate in Australia," in *Environmental Conflict*, 190-191.
346 Therborn, *The Ideology of Power*, 121.
347 Zald, "Culture, Ideology, and Strategic Framing," 261.
348 As quoted by Marc W. Steinberg and Patricia Ewick, "The Work Stories Do: Charles Tilly's legacy on the provision of reasons, storytelling, and trust in contentious performances," in *Advancements in Visual Analysis*, ed. Nicole Doerr, Alice Mattoni, Simon Teune (Bingley: Emerald Books, 2013), 150.
349 Ibid, 151.
350 Cf. ibid., 150-157.
351 Ibid., 168-169.

in Europe by totalitarianism of the 1930's and 1940's; in Latin America by military coups of the 1960's; and in the MENA region by the recent Arab Spring uprisings (see section 5.4).

Other key condition for effective framing are "centrality," "experiential commensurability," and "narrative fidelity." Whereas credibility is based on empirical aspects of the framing claims these three dimensions should be in line with the *feelings* and daily experiences of the potential constituents.[352] Framing in general, as pointed out by Castells is based on elementary human emotions such as hatred, fear, and elation.[353] The communication of privacy activists to a certain degree relies on the framing of fear as well. Examples include painting a horrifying picture about the nature of the current (or future) surveillance state. Utilizing fear and overstating possible dangerous outcomes is a fixed part of any activist groups' repertoire.[354]

Collective Action Frames in the Media

How do frames get disseminated and reach larger audiences? In the end, all framing attempts by social movements are happening within a mass media surrounding.[355] After all, even when media organizations not always receptive or downright ignorant with regard to protest events,[356] they are usually designed to gather media attention.[357] As a result most protest events are organized by "event-mediated social movements,"[358] which constantly seek media attention. William Gamson and Gadi Wolfsfeld have identified three purposes of mass media coverage for social movement

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[352] Benford & Snow, "Framing Processes", 621-622.

[353] Castells, *Communication Power*, 156. Castells also uses the issue of immigration framing as an example for how to mobilize fear and shows what a long way emotions can go in creating an overarching xenophobic ideology. Cf. Manuel Castells, *End of Millennium* (Chichester: Wiley: Blackwell, 2nd ed., 2010), 384.

[354] Cultural framing does have its pitfalls. An example of where it resulted in a flawed communication strategy that left many citizens untouched can be found in climate change activism literature: one of the dominant iconographical elements of environmental activists has been to point to the polar ice caps and raise attention towards the catastrophic fate of polar bears living there. While based on facts and providing powerful visual pieces of evidence, focusing on polar caps, however, made it "appear as a distant problem that may affect only people and animals far away." Sarah Schweizer & Jessica Thompson, "Landscape-Based Discourse and Public Engagement: Communicating Climate Change in U.S. National Parks," in Anabela Carvalho and Tarla Rai Peterson, *Climate Change Politics: Communication and Engagement* (Amherst: Cambria Press, 2012), 85.

[355] Cf. Zald, "Culture, Ideology, and Strategic Framing," 261.

[356] For example, the global protest against the war in Iraq in February, 2003 with more than 130 million participants "probably the largest international demonstration in history" was largely ignored by the U.S. mainstream media. Cf. Sidney G. Tarrow, *The New Transnational Activism* (New York: Cambridge University Press, 2005), 15.

[357] Donnatella della Porta, "Bridging Research on Democracy, Social Movements and Communication," in *Mediation and Protest*, 27.

[358] Castells, *Communication Power*, 331.

organizations: mobilization, validation, and scope enlargement.[359]

In the context of privacy advocacy activism this means that news reports on their activities have the potential to not only alert their base but also parts of the population, which have not been aware of privacy abuses. Large scale demonstrations, if covered by the media, convey and make visible that there is a part of the population which is concerned about the issue and thus makes discourses seem more urgent. Media coverage can also significantly boost the privacy networks base of supporters if the framing and the portrayal of a campaign remains sympathetic to the cause. Yet, on average, the general chances for social movement actors to get media attention remain bleak.[360]

Movements and media constantly engage in a "battle of images and frames."[361] These frames are either picked up by media outlets and are being reinforced or they are distorted and opposed by counter frames coming from within the media.[362] A common form of distortion is the conventional, predictable, and stereotypical way in which most outlets usually cover collective action. Rather than to report on the actual demands and the issue at hand, news media "are usually limited to a few archetypes such as the rioter, the picket, or the performer", which to a great deal influences "the reception of social movements within a broader audience."[363] Todd Gitlin has shown in his seminal study of the communication strategies of the Students for A Democratic Society that the media tend to focus on more outlandish personalities within the movement which makes it harder for matter-of-fact and issue-centric persons to raise their profile both within the movement and in the media realm.[364] This dynamics has unwanted consequences as a spiral of "ever-more extravagant and dramatic actions – regardless of their

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[359] As quoted by Julie Uldam & Tina Askanius, "Calling for confrontational action in online social media: video activism as auto-communication," in *Mediation and Protest Movements*," 173-174.

[360] Dieter Rucht has summed up the findings: "For the most part (…) groups or movements engaging in protest have no or only little mass media resonance as long as they do not meet certain requirements, especially one or several 'news values'. (…) Out of the total number of protests in a major city, probably one-third is mentioned in local newspapers, and an even lower proportion, probably around five per cent only, makes its way into the national newspapers. Coverage on radio and television is even lower than that." Dieter Rucht, "Protest Movements and their Media Usages," in *Mediation and Protest Movements*, 256-257.

[361] Castells, *Communication Power*, 302.

[362] Not only media and journalists participate in the (re)framing of an issue but a multitude of "moral entrepreneurs" (politicians, ministers, authors and so on) are involved in the "definition of ideology, of symbols, of iconic events." Zald, "Culture, Ideology, and Strategic Framing," 269.

[363] Nicole Doerr, Alice Mattoni, Simon Teune, "Towards a visual analysis of social movements, conflict, and political mobilization" in *Advances in the visual analysis of Social Movements* (Bingley: Emerald Books (2013), xiv.

[364] Cf. Gitlin, *The Whole World is Watching.*

contribution to the challenger's goals"[365] is set in motion. Ridiculing individual privacy activists was also part of the coverage of some of the grass roots campaigns against surveillance (see sections 4.2 and 4.3).

Other times, for example, the urgent, cheerful and overly optimistic tone of a protest rally – as several of the anti-surveillance case studies will show as well – is through media coverage transformed into a counter frame of failure, futility and indifference. Here, the "rhetoric of change" designed to frame and identify political opportunities (e.g. the importance of the Snowden leaks) clashes with the "rhetoric of reaction" of the mainstream mass media, which tend to focus on allegedly jeopardizing effects of a campaign. While the organizers frame their campaigns along the line of urgency, agency and possibility, some media outlets will downplay their efforts.[366]

On the other hand SMOs can reframe dominant media discourses. Ideally, according to this "reframing effect"[367] a mediatized protest campaign lets new challengers enter the discourses. Demonstrations, for example, offer the opportunity for dissidents to provide alternative interpretations of a given issue and mobilize more people with diverging opinions to do the same.[368] ICTs have drastically improved the chances of social movement frames to be disseminated to an unprecedented number of people, as "framing processes are dependent on the flow of carefully crafted movement information, (...) across networks over which these frames can be propagated."[369] Rather than to rely on the media, SMOs have gained the ability to 'reprogram' the dominant communication networks. As a direct reaction to the at times distorting nature of media coverage, through means of online communication, activists have "take[n] the construction of the message into their own hands."[370] In other words, "commercial and public mass media no longer have a monopoly over the visual representation of protest."[371] Within social networks, the editorial control over their messages has never been greater which

[365] William Gamson, *The Strategy of Social Protest* (Belmont: Wadsworth, 2nd ed. 1990), 166.
[366] This dialectic is also a result of the fact, that "[m]ovement activists systematically overestimate the degree of political opportunity and if they did not, they would not be doing their job wisely." Cf. William A. Gamson and David S. Meyer, "Framing Political Opportunity" in McAdam et al, *Comparative Perspectives*, 275-291, 283-286.
[367] Cf. Gamson, *The Strategy of Social Protest*, 167.
[368] Ibid.
[369] Garret, "Protest in an Information Society," 214.
[370] Castells, *Communication Power*, 333.
[371] Doerr et al., "Towards a visual analysis", xv.

has also significantly increased the legitimacy of these agents of "self-mass communication."[372] In fact, as recent online-only campaigns such as the grassroots protests against the controversial copyright legislation SOPA and PIPA and the successful fight for net neutrality in the U.S. have shown, you can mobilize millions of citizens with little or no traditional media coverage. Social media networks and other online communities have thus significantly enhanced the activists' ability to remain control over the framing of their protests.

As will be shown in the context of offline campaigns (which still rely on the mainstream media coverage) and online protest events (which to a far lesser degree do so) this simultaneously solves and creates new problems regarding collective action frames. However, traditional media coverage remains crucial, simply for the fact that Internet users have equal access to serious news sources as well as conspiracy theory-laden offerings without any empirical base.[373] Despite the positive effects of ICTs, in the struggle against surveillance abuses the media remain "the primary symbolic and information battlegrounds"[374] for debate.

Transnational Framing

Historical events such as the Reformation, the Abolitionist Movement, and Anarchism are all examples of successfully orchestrated transnational activist campaigns. Recently transnational movements have increased in numbers and scope.[375] Through "coordinated performances staged in different countries around the world"[376] activists try to lift national concerns to a transnational level. There, social movement actors may even have greater chances of achieving overall change, as the opportunity structures in terms of finding allies and bringing together fragmented publics improve, as Jeffrey Ayers has suggested [377] Even seemingly unrelated recent events in the Middle East, Europe, the United States, Turkey, and Brazil became transnationally linked through "practices and discourses, ideas and actions that travelled from one moment in history to another and from one country to another, through mechanisms of diffusion that combined many sources of inspiration and many sites of adaptation."[378] Surveillance activists have tried to evoke a

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[372] Garrett, "Protest in an Information Society," 215.
[373] Ibid.
[374] Lester & Hutchins, "Introduction", 14.
[375] Cf. Tarrow, *The New Transnational Activism*, 3-6.
[376] Castells, *Communication Power*, 331.
[377] Cf. summary by Garrett, "Protest in an Information Society," 213.
[378] Donatella della Porta and Alice Mattoni, "Patterns of Diffusion and the Transnational Dimension of Protest in

similar transnational protest moment in the aftermath of the Snowden revelations. Modelled after the global occupy movement, which starting in New York (and, in turn, was inspired heavily by the Arab Spring) spread over to countries around the world, the privacy movement has created symbols, slogans and tactics which can be applied in various national contexts.

But social movement framing faces additional challenges if the issue at hand is not confined to national borders but instead global in nature. Transnational framing or "the ability to call upon symbols, actions or stories that make sense of a situation for an audience that is frequently far away,"[379] is a key task of any transnational movement actor. Global mass surveillance conducted by governments around the world through a global communications network, the Internet, is a textbook example of a problem of truly global proportions. Granted, enabled through ICTs geographically segregated activist groups can communicate and organize much more effectively than before. Yet this also creates problems as these international and sometimes ideologically heterogeneous rosters of activists have to find a common ground. As Sidney Tarrow notices in regard to transnational protest campaigns, "[a]cting collectively requires activists to marshal resources, become aware of and seize opportunities, frame their demands in ways that enable them to join with others, and identify common targets."[380]

Transnational activist campaigns have to face two hurdles. First, ideologies, history, and culture may vary drastically across national borders. And secondly, activism and advocacy in particular is often aimed at changing or creating legislation through national governments, which despite the growing institutionalization of international politics are still the major source of power. Agreeing on global policy changes and pushing for them on the international level is often times close to impossible.

While privacy has been defined as an international human right since 1948, in the case of internationally coordinated anti surveillance campaigns, this means to consider possibly 206 potential different privacy cultures. The protection against privacy intrusions certainly has a universal character; yet in some societies privacy as a concept might from western countries in significant ways.[381] In this context activists face the dilemma of having to create new global

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the Movements of the Crisis: An Introduction," in *Spreading Protest: Social Movements in Times of Crisis*, ed. Donatella della Porta and Alice Mattoni (Colchester: ECPR Press, 2014), 1-2.

[379] Keck & Sikkink, *Transnational Advocacy Networks*, 16.

[380] Tarrow, *The New Transnational Activism*, 6.

[381] See for example Mizutani et al. discussion of the differences between the Japanese and Western concepts of

frames that address the international dimension at hand, while simultaneously keeping in mind the local particularities of the members of its network.[382]

On the other hand, framing processes are instrumental in establishing transnational networks in the first place, as the articulation of a common theme not only transforms the international discourse but contributes to the growth of the base of constituents. Thus transnational framing processes also "become catalysts for the growth of networks."[383] In addition, shifting a protest campaign to the transnational level might prove beneficial to some local concerns. Joining a worldwide campaign offers the opportunity for smaller national groups to become recognized as a part of the larger 'Global Justice' movement. By joining a transnational coalition, "[v]oices that are suppressed in their own societies may find that networks can project and amplify their concerns into an international arena, which in turn can echo back into their own countries."[384] Thus the benefits of cohesive transnational framing "can dignify, generalize and energize activists whose claims are predominantly local, linking them symbolically to people they have never met and to causes within the power structures of their own countries.[385]

However, ultimately, scholars such as Tarrow remain skeptical and stress the limitations of transnational framing efforts, as they so far have not been translated into global identities, truly global movements, and even frequent transnational encounters.[386] Likewise Castells, despite his optimistic description of a global 'Network Society,' has admitted that social movements in general still "tend to be fragmented, localistic, single-issue oriented, and ephemeral, either retrenched in their inner worlds, or flaring up for just an instant."[387] Despite the emergence of global media conglomerates and other international networks, national differences "are not

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privacy. Cf. Masahiko Mizutani, James Dorsey and James H. Moore, "The Internet and Japanese conception of Privacy," Ethics and Information Technology 6 (2004): 121.

[382] For example, using methods and iconographical elements of collective action that has proven to work, say, in Germany, to fight surveillance in South East Asia might simply not work. In general, the whole concept of a transnational protest culture is challenged by the frequent polls, which show that there is no real evidence that citizens have even developed continental identities. The much noticed 'teamster and turtles' coalition between union members and radical so-called 'anti-globalization activists' of the 1999 Seattle WTO protests was not transnational in their composition but rather represented North American backgrounds. Nobody knows if the same coalition had emerged when the protests consisted of a truly international network of dissidents. Cf. Tarrow, *The New Transnational Activism*, 61; 71-72; 165-166.

[383] Keck & Sikkink, *Transnational Advocacy Networks*, 22.

[384] Keck & Sikkink, *Transnational Advocacy Networks*, x.

[385] Tarrow, *The New Transnational Activism*, 60.

[386] Cf. ibid., 135-136.

[387] Manuel Castells, *The Rise of the Network Society I* (West Sussex: Blackwell, 2nd ed., 2010), 3.

going to fade away in a process of indifferentiation, marching anew toward universal modernization."[388] In fact, as Keck and Sikkink assert, in most cases advocacy networks around transnational conflicts will not form, and in the rare cases the do form, they will not successfully tackle the problem.[389] Donatella della Porta and Alice Mattoni are not entirely sure, too, and pose the legitimate question, why the targets of transnational protests in the wake of the financial crisis of 2008 were mainly national institutions: Did the world witness "just a convergence of reaction to a global economic crisis" or indeed a "common struggle that unified people in a variety of countries around the world?"[390] Finally, Tarrow has observed that when transnational activism is working, it is *despite* the fact that activists and citizens have not developed a global identity. Rather it is motivated by and the result of national concerns and "people who are simply following their domestically formed claims into international society"[391]

Using the example of the global justice movement, Tarrow points out the various obstacles that still stand in the way of creating a protest culture that deserves to be called 'transnational'. The first one contains the actual background of individual activists, whose "transformation into rootless cosmopolitans", even if aspired, can never be completed due to national backgrounds.[392] This has consequences for the actual evolution of movement networks. Early protests against the International Monetary Fund were contrary to popular belief not 'global' or even transnational and as of now the term 'Global Justice' rather describes an idea that might bring various national factions together but it has not led to a powerful institutionalized player in the realm of international politics. Even within the European Union with its high degree of intra-national institutionalization, most protests usually still take place at the national or even local level. In total, "global thinking among elites and mass publics [is] less widely diffused than many have claimed."[393] Speaking in global terms is easy; to transform the idealistic rhetoric of a 'transnational movement' into action remains difficult, when most actors still have

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[388] Ibid., 20.

[389] Keck and Sikkink, *Transnational Advocacy Networks*, x. In fact, the authors make a distinction between transnational advocacy groups and transnational movements, because the former appears to be far more successful in achieving social change. Pressuring and lobbying behind the scenes to them is the only viable alternative, precisely because of the problem "of transforming diffuse agreement (…) into willingness to take action." (204)

[390] della Porta and Mattoni, "Patterns of Diffusion," 3.

[391] Tarrow, *The New Transnational Activism*, 28.

[392] Ibid., 139.

[393] Ibid., 60.

to deal with the confinements of their national political system.

The few attempts of truly transnationally coordinated campaigns often fail because of apparent contradictions between activists from different part of the worlds. What in fact has been happening in recent years is that activists have globally framed domestic claims or launching local protests against international actors.[394] Usually, at the most, the outcomes are transnational coalitions that form around current events and afterwards disintegrate or only exist as 'paper coalitions'. Just because an issue "trigger[s] remarkably similar opposition in a number of countries" does not mean that it is a transnational movement."[395]Many of these pitfalls, as shall be seen, are also noticeable in transnational privacy campaigns, which took place simultaneously in different countries (see sections 4.2- 4.4).

Visualization of Protest Frames

Visual features contribute immensely to the framing of a campaign – both discursively and practically. Mediated through news outlets or social networks, protest signs, puppetry, or televised arrests are "define the terms of political possibility and create terrain for political acts."[396] The importance of visual communication has grown in the last decades due to the emergence of ICTs and online social networking sites. This has led to a whole new "communication culture" – a normative set of rules how organizers disseminate protest media and apply them in strategic ways.[397] For scholars such as della Porta and Mattoni the very essence of social movement communication is the "diffusion of protest imageries".[398] The effectiveness of a particular protest symbol depends on the context of the nature of the event and its platform as well as the accompanying discourse. Activists have to adjust their imagery whether these platforms are "concerts, human rights reports, magazine photojournalism, graffiti, legal cases,

[394] Ibid., 68-76, 94ff. The example that Tarrow provides stems from the anti-genetic modification of seeds movement. Here activists from Europe campaigned for a total ban of such seeds, whereas activists from developing countries, many coming from a background of poverty, were far less skeptical and generally more open towards the potentials benefits of genetic modification.

[395] Ibid., 60.

[396] Meg McLagan and Yates McGee "Introduction," in *Sensible Politics: The Visual Culture of Nongovernmental Activism*, ed. Meg McLagan, and Yates McGee (New York: Zone Books, 2012), 9.

[397] Anastasia Kavada, "Internet Culture and Protest Movements: The Cultural Links Between Strategy, Organizing and Online Communication" in *Mediation and Protest Movements*, 82.

[398] della Porta and Mattoni, "Patterns of Diffusion," 2.

documentary films, online videos, or a thousand other such domains."[399]

Making something previously ignored or unknown visible was at the heart of every major uprising since the 1960s. Thus the success of a campaign stands and falls with the implementation of its visual strategy. As Doerr et al. point out, "[a]ctivists articulate visual messages, their activities are represented in photos and video sequences, and they are ultimately rendered visible, or invisible, as the result of a planned, explicit, and strategic effort, or accidentally, in an unintended or undesired manner."[400] In fact, acting and visually communicating have been inseparably linked in everyday social movement practice. Once an image has entered the public realm it becomes part of the social and political reality.[401] For example, the incident that set the U.S. civil rights movement in motion was not an isolated individual act of civil disobedience but a carefully and strategically planned campaign with a focus on its visual components. When in December 1955, civil rights activist Rosa Parks refused to give up her bus seat for a white person (Parks was far from being the first black person to do so) she and her fellow activists had mainly the strategic appropriation of the media depiction of her arrest in mind. Accordingly the widely disseminated photographs of her arrest and her subsequent mug shot were then utilized to mobilize citizens around the country. The depiction of Parks and her treatment at the hands of the authorities became a visual symbol of what was wrong in terms of race relations in the U.S. – and a blueprint for all visual protest campaigns that followed[402]

Similarly privacy activists are constantly searching for new means of visualizing surveillance With regard to visual privacy activism Daphi et al. note that images play a key role "mak[ing] the invisible (e.g. surveillance) visible and thus have considerable political power."[403] The authors demonstrate this in the context of the German privacy movement, where their analysis of protest media, flyers and signs have identified a liberal and left/radical current, which, among other things, compares government officials to prominent Nazis.[404]

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399 Ibid., 10.
400 Doerr et al. "Toward a visual analysis", xi.
401 Cf. Daphi et al, "Images of Surveillance," 57
402 Cf. McAdam et al., *Dynamics of Contention*, 39-40; McLagan and McKee describe the Rosa Parks incident as an example of "weaving together the semiotic and the ethnographic, the political and the poetic, in a total campaign," "Introduction," 15.
403 Daphi et al, "Images of Surveillance", 57.
404 Cf. ibid, 67-75.

With regard to the importance of social networking sites hinted at earlier, web 2.0 applications, and smartphones, where sharing an image has become a matter of seconds, protest images have gained further importance. Accordingly della Porta reasons that in the long run this will change the very nature of social movement communication itself: "If the Web 2.0 with its opportunities and limits, does indeed facilitate the spread of information transmitted via images even more than words we can expect different styles of communication – especially (…) among those movement activists that use new technologies more."[405]

There is another important dimension of visual communication, namely in the context of transnational campaigns: Just like pictures can be send around the world in real time the meaning of visual symbols can transcend national borders as well. As Thomas Olesen has observed in the context of the now iconic video of the dying Iranian protestor Neda, images are part of "process of dramatic cross-border diffusion in which local/national events attain universalized meanings for audiences in a global public sphere."[406] Olesen calls this process "meaning adaptation" which describes "how local/national events change meaning as they are disembedded." The privacy movement as of yet lacks such shocking imagery as dying protestors, sites of ecological destruction, or war casualties[407] which in part explains the heavy reliance of historical and fictional references mentioned above. Still to research surveillance resistance iconography is much needed as it gives insight into the "formation of injustice-symbols in the global sphere" and its "dramatic and emotional character"[408]

Online videos have become arguably the most powerful instruments of visual communication in the last years. Especially the video network YouTube has become an invaluable asset for organizers: "Easy to upload, free of gatekeepers censoring one's content, and having the potential of reaching a huge community of viewers, YouTube is an appealing site for activist social movements to exploit."[409] In the wake of the growing popularity streaming platforms a new form of protest media has emerged. The 'mobilization video' is

> characterized by explicit calls for action, urging viewers to engage by

[405] Cf. Donatella della Porta, "What We Can Do with Visual Analysis in Social Movement Studies: Some (Self) Reflections," in *Advancements in Visual Analysis*, 138-139.
[406] Thomas Olesen, "Dramatic Diffusion and Meaning Adaptation: The Case of Neda," in *Spreading Protest*, 71.
[407] Gillen et al., *Anti-War Activism*, 49.
[408] Thomas Olesen, "Dramatic Diffusion," 72.
[409] Catherine Collins, "Clear Cuts on Clearcutting: YouTube, Activist Video and Narrative Strategies," in *Environmental Conflict*, 63.

> joining protest actions in the streets or to take action online by redistributing the call for offline action personal networks. The genre of mobilization videos follows a certain set of dramaturgic rules that bring together discursive resources and historical events to set up a number of given spaces of action for the viewer.[410]

In three of the major anti-surveillance campaigns discussed in section 4, mobilization video played crucial roles and were thus included in the analysis.

Yet, disseminating protest-related visual means of communication is far from being a one-way street, in which PR-savvy media staffers of social movement organizations develop professionally crafted symbols which are then uncritically embraced and shared by their constituents. The top-down approaches by Marxist critics of the "culture industry" can simply not be applied when it comes to analyzing the reception of activists" visual communication strategies.[411] Just like recent cultural studies school of thoughts have repeatedly demonstrated that recipients have significant agency and do not uncritically consume the output of mass media outlets, protest participants and members of the public critically reflect, question or individually appropriate images. In the age of social media, users effectively make protest media their own by remixing it – putting in different cultural contexts and sharing it with their peers. This often times means that the original producers of the images to a certain degree lose control over their visual communication strategy. Activist groups have increasingly acknowledged this and now frequently ask recipients to use their templates to create their own memes, which essentially function as "inclusive discourses."[412] Anti-surveillance activism with its member base being partially rooted in the internet and tech-savvy online community, as will be shown in the upcoming chapters, is a good example of the free flowing exchange of visual protest media between organizers and individual participants.

Effects and limitations of framing

How effective are activists then in reaching their goal of framing an issue in such ways that their member base and parts of the public decide to act? And even when a certain level of collective, or connective, action is reached, for example in form of an offline- or online

[410] Uldam and Askanius, "Calling for confrontational action," 162.
[411] McLagan and McKee, "Introduction," 13.
[412] Bennet and Segerberg, *Connective Action,* 38.

demonstration, what are the actual ramifications? These questions touches upon the material critiques of discourse analysis as critics will point out that not discourses or frames will affect power relations but ultimately business interests and economic realities. In the case of social movements the answer is not clear cut. As Earl and Kimport summarize the current take on movement outcomes,

> research on social movements has struggled to pin down the exact impact of social movements in general or specific mobilizations in particular on social change. It is not that researchers cannot document that social movements were organizing and acting, and that social change temporarily followed, but rather it is hard to show with real social scientific veracity that social movements and not other things that were also occurring lead to social changes of interest.[413]

The international privacy movement provides a valid example for this ambiguity. The aforementioned passing into law of the U.S. Freedom Act was widely celebrated by activists and advocates as a major victory for the movement. Yet it is not clear if 'pressure from below' was the main reason for its passage or other factors such as, say, a Libertarian turn inside the Republican Party. One can only guess how much influence members of advocacy networks or protestors on the streets had on the power dynamics in the U.S. congress. The effects of online protest campaigns, on the other hand have to a certain degree by now become very well measurable. The blueprint for a successful campaign was the anti-SOPA protests which mainly took place in the online realm. In the case of the anti-SOPA campaign millions of page views, tweets, and reposts effectively transformed into a certain number of calls and emails to members of congress, who under direct pressure from their constituents changed their voting behavior. Many activist organizations have actually ceased in recruiting people to stage offline demonstrations, precisely because there is no measurable effect on achieving social change. As a consequence many social movement organizations have effectively turned into advocacy groups, which tend to focus on lobbying effects behind the scenes rather than to mobilize people for demonstrations. Yet while, focusing on back room deals with representatives and regulators may be more efficient in yielding concrete, short-term results, in the long run activists and advocates have to refocus their efforts on the public as well. As without pressure from below – mobilization through effective and powerful frames – these groups might eventually lose their mandate to speak on the behalf

[413] Earl and Kimport, *Digitally Enabled Social Change*, 40.

of their constituents.

3.2 Discourse Analysis in Social Movement Research

Closely related to overarching frames are discourses and narratives – essentially what George Marcus, in the context of social movements, has called the "activist imagery."[414] Especially on social networking sites activists share images, which are "discursively infused with meaning."[415] As a matter of fact, Castell's concept of 'Communication Power' is built around discourses and the new technological surrounding in which they take place: "In the network society, discourses are generated, diffused, fought over, internalized, and ultimately embodied in human action, in the socialized communication realm constructed around local-global networks of multi-modal, digital communication, including the media and the internet."[416]

What is the relationship between discourses and frames? In the relevant literature there is often times no coherent distinction between 'frames', 'discourses' and even 'ideologies'. As Hank Johnston has observed, "[c]ultural discourses often include frames, and some discourses can be characterized as the broadest kinds of frames. Ideologies often do the same things frames do – and are sometimes *called* frames."[417] While there is no consensus, for this study 'frames' are considered concrete themes applied and officially sanctioned by movement organizers with the intent to mobilize, as included in the definition by Benford and Snow at the beginning of this chapter. Discourses, for the purpose of this study, are understood as surrounding and preceding elements in the generation of collective action frames.[418]

Discourses, "sets of statements which constitute an object",[419] are essential for achieving any kind of social change. The presumption here is a basic relationship between politics and language that can be traced back to Aristotle. The Aristotelian *zoon politikon* has the ability to speak and thus engage in deliberation which in turn is transformed into political action.[420] In his

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414 As quoted by McLagan and McKee, "Introduction," 9.
415 Thomas Olesen, "Dramatic Diffusion," 77.
416 Castells, *Communication Power*, 53.
417 Hank Johnston, "Comparative Frame Analysis," in *Frames of Protest: Social Movements and the Framing Perspective*, ed. Hank Johnston and John A. Noakes (Lanham: Rowman & Littlefield, 2005), 238.
418 Cf. Benford & Snow, "Framing Processes," 614.
419 Ian Parker, *Discourse Dynamics: Critical Analysis for Social and Individual Psychology* (London and New York: Routledge, 1992), 1.
420 Cf. Isabella Fairclough and Norman Fairclough, *Political Discourse Analysis: A Method for Advanced Students* (London and New York: Routledge, 2012), 19-20.

classic study, Foucault famously described how social descriptions were instrumental in creating categories of mental health and illness. For Foucault, these scientific categories were the result of discourses.[421] Social movement discourses have the same potentials. For example thanks to the communication efforts of anti-whaling activists whales are nowadays being referred to as 'intelligent individuals' rather than, as was the case before, 'monsters' or 'natural resources.'[422]

SMOs significantly contribute to discourses that are "an inherent and irreducible element or facet of all social phenomena and all social change."[423] Thus, the assumption here is that scaling back the global surveillant assemblage (or expanding it) "takes place through dialectical interconnections between existing structures and the strategies of social agents."[424] Or in other words, the communication practices of privacy advocates contribute to the constructions of notions of privacy as well as anti-surveillance sentiments. With the exception of some critics among politicians and journalists, without their political communication efforts there would be hardly any ideas about the value of privacy present in the public arena.

For Norman Fairclough, political discourses "adres[s] the question of what to do in response to problematic events and circumstances."[425] While the issue of 'effectiveness' of discourses will be discussed at greater lengths below, it can be forestalled that the greatest impact of social movement discourse is to make arguments and interpretations visible that were not in the public consciousness before – 'statements' or 'texts', which once they are 'out there', have become part of reality.[426] In the literature there is an "increasing consensus"[427] that major social shifts should be examined through, among other methods, discourse analysis.

Beyond such rather general characteristics, discourse analysis is a fitting tool to examine communication practices of social movements. In the case of activists, changing society effectively means changing the nature of the discourse. As Deva Woodly notes,

> for political challengers who set out to transform policy, shifting the mainstream public discourse is the best – and in most cases the only – way

[421] "What is constitutive is the action that divides madness, and not the science elaborated once this division is made and calm restored" Michel Foucault, Madness and Civilization (New York: Routledge Classics, 2005) xi-xii.
[422] Thomas B. Lawrence as cited and quoted by Nelson Phillips and Cynthia Hardy, *Discourse Analysis: Investigating Processes of Social Construction* (Thousand Oaks et al.: Sage, 2002), 64.
[423] Norman Fairclough, "Introduction," in *Discourse and Contemporary Social Change*, ed. Norman Fairclough, Giuseppina Cortese & Patrizia Ardizzone (Bern et al.: Peter Lang, 2007), 9-25, 11.
[424] N. Fairclough, "Introduction, "12.
[425] I. Fairclough and N. Fairclough, *Political Discourse Analysis*, 95.
[426] Cf. Parker, *Discourse Dynamics*, 4-5.
[427] Fairclough, "Introduction," 11.

> to achieve lasting change. (…) [A] movement that effectively alters the terms of discourse can overcome considerable opposition and structural disadvantages to achieve sustained, meaningful change.[428]

Movement discourse, Woodly further explains, has the power to indirectly influence politics by "rewriting the common understandings present in the discursive field upon which political possibilities are considered."[429] It is relevant to look at movement discourses it is "discourse through which people can make claims, articulate senses of justice, and express their identities."[430]

To be sure, eventually, dominant discourses can lead to the passing of laws but until then both discourses and actual political decisions will exist side by side. Woodly gives two convincing accounts of this paradox, namely the marriage equality movement which was picking up steam and convincing many Americans (ultimately resulting in the nationwide legalization of same-sex marriage) *despite* many states initially passing laws banning it, and the living wage movement which *despite* achieving many legislative victories, failed to discursively mobilize many supporters and gaining a noticeable presence in the public arena.[431] The power of movement discourse, thus, lies in creating "political acceptance", meaning that it "takes on national importance so that it is routinely covered by the media, attended to by the public, and addressed by elected officials."[432] Thus especially social movement discourse – just as collective action framing – is concerned with a possible state of affairs that lies in the future. They "do not only describe what social reality is but also what it should be."[433] In this regard, as Steinberg argues, it is a common mistake to focus the analysis of change in the cultural or political landscape instead of "the discourse processes themselves as bearers of meaning."[434]

In the context of social activism, discourses are effectively "battles over meanings and definitions of reality, which play out within and among social movements, and among their

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[428] Deva R. Woodly, *The Politics of Common Sense: How Social Movements Use Public Discourse to Change Politics and Win Acceptance* (Oxford & New York: Oxford University Press, 2015), 1.
[429] Deva Woodly, The Politics of Common Sense, 1.
[430] Marc W. Steinberg, "Toward a More Dialogical Analysis of Social Movement Culture," in *Social Movements: Identity, Culture, and the State,* ed. Belinda Robnett, Nancy Whittier & David S. Meyer (Oxford: Oxford University Press, 2002), 208.
[431] Cf. Woodly, *The Politics of Common Sense*, 2-4.
[432] Ibid., 5.
[433] I. Fairclough and N. Fairclough, *Political Discourse Analysis*, 103.
[434] Steinberg, "Toward a More Dialogical Analysis," 210.

friends and foes, often in the public sphere."[435] Communication work in social movements mainly happens through the creation of discursive 'texts' in particular speaking out publicly. Public speech acts may be still the most effective weapon in the arsenal of any activist, as they "create (…) common political understandings of what is at stake in a political issue as well as what the polity can do to answer those stakes."[436] The first two instances of post-Snowden protests against the NSA were street demonstrations where activists gave public speeches and thus had the ability to extensively frame anti-surveillance sentiments. In the subsequent exclusively online campaigns public speech was largely missing, making it arguably harder for activists to influence the surveillance discourse (see sections 4.3-4.4).

To effectively identify the units to sample, one has to map the 'discursive field', "the mutually recognized sets of genres through which people communicate intelligibly about a social situation or issue."[437] As in the field of privacy movement discourse, the interrelating genres include generally politics, law, and culture, respectively – which level of privacy citizens can expect from the state; what are the philosophical and legal frameworks upon which notions of privacy rests; and how privacy rights are culturally and historically affected and constructed.

In addition, discourses take places in particular moral contexts, "relevant circumstances (…) determined by the arguer's concerns or values."[438] Anti-surveillance movement discourse is frequently debated within two main competing circumstances –in which privacy movement discourse takes place – an allegedly insecure post 9/11 world full of terrorism threats v. an alleged mass surveillance society threatening the personal liberties of citizens (see section 2.4). They simultaneously are the foundation for "circumstantial premises" – "ways of representing the world" that act as "premises into reasoning about what we should do"[439] and which guide the proposed solutions: An intelligence official in charge of protecting the populace contributes to

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[435] Lasse Lindekilde, "Discourse and Frame Analysis: In-Depth Analysis of Qualitative Data in Social Media Research," in *Methodological Practices in Social Movement Research,* ed. Donatella della Porta (Oxford: Oxford University Press, 2014), 196.

[436] Woodly, *The Politics of Common Sense*, 8.

[437] Steinberg, "Towards a more Dialogical Analysis," 211. Parker has identified 14 main methodological steps for conducting a Discourse Analysis, which include defining and describing objects, subjects, texts, and the general surrounding in which a discourse takes place, as well as comparing texts and discourses to see how they emerged and have changed over time. In six supplementary steps a Discourse Analysis should also attempt to identify institutions that are attacked or reinforced, which actors profit (usually dominant organizations) or lose in a given discourse. Cf. Parker, *Discourse Dynamics*, 16-20.

[438] I. Fairclough and N. Fairclough, *Political Discourse Analysis*, 47.

[439] Ibid., 86-87.

the discourse under different circumstances and duties and calls for different measures than a privacy advocate. Or in the words of Fairclough: "agents may disagree on the right action partly because they define the context of action in radically different ways (…) in relation to different and often incompatible values or concerns."[440]

The basic structure of discourses is one of subjects and objects. Subjects construct representation of reality with the use of "coherent system[s] of meaning"[441], namely rhetorical devices such as metaphors or imagery.[442] Subjects of a discourse are defined by van Dijk as "political *actors* – individuals (…), political institutions and organizations, engaged in political *processes* and *events*."[443] The subjects in the case of my analysis are thus privacy advocacy organizations, whose role in the political system and for the privacy discourse in general have been discussed above.

Objects are central as they are representations of political issues that are essentially brought to life by including them in the discourse in the first place; Ian Parker goes even so far as to assert that "[m]any of the objects that discourses refers to do not exist in a realm outside discourse."[444] One example would be the idea that an Orwellian 'Big Brother' –type totalitarian surveillance state has been established with the goal to strip off citizens' privacy. The object – a mass surveillance society is then communicated through a 'system of meaning' – the 'Big Brother'-trope.

Anti-Surveillance Metaphors

Describing NSA surveillance as *1984*-like is not so much a metaphor but rather a metonymy, defined by George Lakoff and Mark Johnson by its "referential function, that is, it allows us to use one entity to stand for another."[445] Rhetorical devices, especially metaphors deserve special scrutiny in any given discourse. For some scholars, representations including metaphors are the main focus of any Discourse Analysis, as they "provide premises in arguments for actions."[446]

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[440] Ibid., 93.
[441] Parker, *Discourse Dynamics*, 10.
[442] Cf. ibid., 8-10.
[443] As quoted by I. Fairclough and N. Fairclough, *Political Discourse Analysis*, 17.
[444] Parker, *Discourse Dynamics*, 8.
[445] George Lakoff and Mark Johnson, *Metaphors We Live By* (Chicago/London: University of Chicago Press, 1980), 37.
[446] I. Fairclough and N. Fairclough, *Political Discourse Analysis*, 21. In fact, "metaphor-led discourse analysis" has

Metaphors (and metonymies) are thus especially adequate to construct representations of reality: Like discourses,

> Metaphors have entailments through which they highlight and make coherent certain aspects of our experience. A given metaphor may be the only way to highlight and coherently organize exactly those aspects of our experience. Metaphors may create realities for us, especially social realities. A metaphor may thus be a guide for future action. Such actions will, of course, fit the metaphor. This will, in turn, reinforce the power of the metaphor to make experience coherent. In this sense metaphors can be self-fulfilling prophecies.[447]

The potential of metaphors to 'create realities' lies, according to an Aristotelian definition, in introducing "a strong and vivid expression that can create powerful images and change minds by comparing one thing with another."[448] For the analyst the choice of metaphors also reveals details about the intentions and value system of the discourse participant.[449] Like arguments metaphors and other rhetorical tools are also highly dialectical as they "are always available from other discourses, and the space this gives a speaker to find a voice from another discourse, and even within a discourse they oppose is limitless."[450] For example, comparing data to oil, proponents and opponents of corporate surveillance have appropriated industrial and environmental discourses to call for either exploitation ('mining') or protection of data.[451] Because surveillance is intangible in nature it particularly attracts the use of wide variety of metaphors. [452]

Transnational Discourses

While Discourse Analysis is usually applied to the analysis of 'Western' discourses it is nonetheless also appropriate for discourses that take place in the 'Global South'.[453] In fact, 'macro'-social movement Discourse Analysis usually "concentrates on the global meaning of texts

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emerged by now as a sub-genre. Cf. Lynne Cameron, "Metaphor in Spoken Discourse," in *The Routledge Handbook of Discourse Analysis,* ed. James Paul Gee and Michael Handford (London and New York: Routledge, 2012).

447 Lakoff and Johnson, *Metaphors We Live By*, 156.

448 Cameron, "Metaphor in Spoken Discourse," 347.

449 Ibid..

450 Parker, *Discourse Dynamics*, 12.

451 Cf. Sarah M. Watson, "Data is the new '__'" (accessed December 18, 2015). http://dismagazine.com/discussion/73298/sara-m-watson-metaphors-of-big-data/.

452 See also Deji Olukotun. "Mapping Metaphors to Fight Surveillance." PEN America, April 11, 2014 (accessed December 18,2015). https://pen.org/mapping-metaphors-to-fight-surveillance/.

453 Cf. Parker, *Discourse Dynamics*, 21.

and on their interpretation."[454] This includes examining movements' coalitions and mobilizing strategies by "utiliz[ing] textual analysis to show relationships between what is talked about and written about in movements and broad cultural templates."[455] Transnational discourses feature peculiar characteristics because "people involved in cross-cultural communication clearly construct discourse to suit the communicative needs of an international audience" and "adapting their native identities to a common plan."[456] How this "interaction between linguistic and cultural factors"[457] works (or is absent) within transnational anti-surveillance campaigns is shown in the case studies in sections 4.2 - 4.4. It has to be noted that – very similar to transnational frames – taking a discourse to a global level complicates matters. In general, while in the wake of globalization specialized international/transnational discourses have evolved and responded to global problems, "local constraints and specific cultural aspects still represent a relevant conditioning factor (…) strictly depending on the different cultural linguistic and legal environments in which it takes place."[458]

Selecting Texts and Materials

Sampling the relevant 'texts' is – besides the process of analyzing – the most important and delicate task of a Discourse Analysis. Without texts there is no discourse.[459] Texts defined as "verbal records of language"[460] or, more specifically, "delimited tissues of meaning reproduced in any form that can be given an interpretative gloss,"[461] must be part of the discourse at hand and produced by subjects (usually speakers, authors, or organizations) that have a legitimate mandate to speak for the particular issue at hand. In a social movement context, usually "manifestos, records of debates at meetings, actions of political demonstrators, newspaper articles, slogans, speeches, posters, satirical prints, statutes of association, pamphlets,"[462] are

[454] Johnston, "Verification and Proof," 68.
[455] Ibid., 71.
[456] Maurizio Gotti, "Globalisation and Discursive Changes in Specialised Contexts," in *Discourse and Contemporary Social Change*, ed. Norman Fairclough, Giuseppina Cortese and Patrizia Ardizzone (Bern et al.: Peter Lang, 2007), 146-147.
[457] Ibid., 143.
[458] Ibid., 165.
[459] Cf. Parker, *Discourse Dynamics*, 6.
[460] Mark Hedley and Sara A. Clark, "The Microlevel Discourse of Social Movement Framing: Debating Antiwar Protests on a University Listserv," *Sociological Focus* 40 (1) (2007), 29.
[461] Parker, *Discourse Dynamics*, 7.
[462] Sewell, as quoted by Johnston, "Verification and Proof," 67.

considered as relevant texts. In fact, discourse analysis is the leading method to examine texts in social movement studies, namely to understand how they "are composed and draw on existing discourses in order to communicate particular meanings."[463]

Internal and organizational documents are among the most promising sources as they often are the direct result of deliberate internal discourse.[464] The task here is to identify key texts that are "important" for a number or reasons: popular reach, written in particular moments in time, or related to events of interest. Other criteria include the position or the standing of the author in the discourse as well as practical matters such as availability and the ability to effectively sample a text body. The more people or constituents are reached with a text the better and more objective a discourse analysis arguably becomes, as wide distribution usually "increase[s] confidence in generalizability"[465] of the interpretative results. A pro privacy demonstration attended by 10 people has most likely no effect on wider audiences nor produces a sufficient number of accompanying texts. However, this does not mean that such an event, or the texts produced for it are irrelevant. In the end the author has to be able to rationally defend his choice[466]. As Phillips and Hardy explain,

> the challenge is not to find texts but deciding *which* texts to choose (and to justify that choice to reviewers). The difficulty for discourse analysts, then, is how to identify a manageable, relatively limited corpus of texts that is helpful in exploring the construction of the object of analysis.[467]

No Discourse Analysis can include the complete field of relevant actors as a whole. By default, "some actors and subject positions will remain invisible."[468] Those voices that are being included in the analysis are usually given privilege over those left out. Here, the influence of the analyst becomes most apparent.[469]

Protest events as discursive sites

One way to gain generalizability is to analyze texts from all participants of a specific event (as demonstrated in the case studies chapter). This is efficient for two reasons. First, events itself "in

[463] Lindekilde, "Discourse and Frame Analysis," 198.
[464] Cf. Phillips and Hardy, Discourse Analysis, 71; Johnston, Verification and Proof, 67.
[465] Johnston,
[466] Cf. Johnston, Verification and Proof, 68; Phillips and Hardy, Discourse Analysis, 73-75.
[467] Phillips and Hardy, *Discourse Analysis*, 72.
[468] Ibid., 83.
[469] Cf. Ibid., 84.

their semiotic aspect are texts, including spoken as well as written texts, electronic texts, and 'multimodal' texts which combine language, image, music, body language etc."[470] Hank Johnston's reading of Steinberg's research on movements in the 19th century suggests links between protest events and discourses because "what was written (…) influenced protest action, which in turn influenced what was talked about again."[471] Secondly, events are research sites, which "make the subject of inquiry easily visible." Just like texts and speakers, such event-based case studies "that focu[s] empirically and analytically (…) on a single instance or variant of some empirical phenomenon"[472] – have to be carefully selected.

Other important criteria include criticalness, deviancy, and uniqueness of the given case.[473] In the case of privacy activists, whose daily work increasingly takes place behind the scenes, the rare instances of protest events make their work visible in the public arena. Case studies, in social movement research, generally "focus on and seek to illuminate (…) a set of movement processes,"[474] in the context of a "social event or happening."[475] In the end, the protest events, which I have selected as case studies will provide the opportunity to acquire "a holistic – that is richly or thickly contextualized and embedded – understanding"[476] of the anti-surveillance discourse.

Potentials and limitations of social movement discourse analysis

Ironically, when it comes to analyzing the data and reaching a conclusion, each discourse analyst becomes herself or himself active in shaping the discourse of the given topic. Especially in contrast to quantitative research, notions of validity and reliability must be – if not completely abandoned – at least seen in a different light given the very foundation of which Discourse Analysis is built upon. While the narrative extracted from the analysis must be convincing, understandable and legitimate, validity "is not relevant when epistemological and ontological

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[470] I. Fairclough and N. Fairclough, *Political Discourse Analysis*, 82.
[471] Johnston, "Verification and Proof," 70.
[472] David A. Snow and Danny Trom, "The Case Study and the Study of Social Movements," in *Methods of Social Movement Research*, 147.
[473] Cf. ibid., 157.
[474] Ibid., 149.
[475] Ibid..
[476] Ibid., 150. Even though my analysis is built around protest events it is not methodologically designed as a Protest Event Analysis (PEA), which is largely quantitatively and content analysis-driven. Cf. Swen Hutter, "Protest Event Analysis and Its Offspring," in *Methodological Practices*, 335-368.

assumptions maintain that there is no 'real' world other than one constructed through discourse" and reliability "is nonsensical when one is interested in generating and exploring multiple – and different – readings of a situation."[477]

Whether discourse analysis can be applied to identify strategic potentials for the success of social movement actors is another question. Isabella Fairclough, in her 'Political Discourse Analysis' approach is convinced that the method is able to identify efficient modes of political action and strategy – and thus may be particularly able to use in a social movement context. Similarly, Lase Lindekilde stresses that Discourse Analysis can at its best explain, "why certain arguments are chosen over others in a particular context."[478] Because speech contains argumentation it is necessarily strategic and rational. Any argument, "understood as a social and rational activity of attempting to justify or refute a certain claim, and aiming to persuade an interlocutor (…) of the acceptability (…) of a claim"[479] is designed to influence other people's beliefs and actions.[480]

The three dimensions of arguments – logical, dialectical, and rhetorical[481] – further stress the strategical nature of every argument brought forward in a discourse. Privacy advocates' main argument has been backed in a 'logical', i.e. sufficient, acceptable and relevant way: The Snowden leaks, documents coming directly from the NSA, are undisputed facts which have greatly increased the rational persuasiveness of their claims. Privacy movement discourse is also highly dialectical as it critically refers to the arguments of surveillance proponents. For example, by explicitly rebuffing or debunking security/fear frames designed by pro-surveillance politicians, pundits, and other officials their "[a]rgumentation involves dialogue because it always arises in response to some difference of opinion, some expressed or anticipated doubt or criticism."[482] Finally anti-surveillance discourse attempts to be rhetorical – that is positively rhetorical in the sense of being effective and persuasive rather than deceiving. The latter kind of negatively connoted rhetoric or spin is commonly attributed to politicians or parties rather than to social movements. Privacy activists, for example by evoking the possibility of a totalitarian

[477] Phillips and Hardy, *Discourse Analysis*, 79-80.
[478] Lindekilde, "Discourse and Frame Analysis," 199.
[479] I. Fairclough and N. Fairclough, *Political Discourse Analysis*, 36.
[480] Ibid., 45, cf. also 37.
[481] Cf. ibid., 52-57.
[482] Ibid., 53.

future without any privacy, nevertheless certainly try to "tap into widely shared feelings, desires, instincts or sensitivities."[483]

Yet the most effective approach to design an argument is to combine dialectical and rhetorical devices. This pragmatic pairing of reasonable yet effective claims was coined by van Eemeren and Houtlosser as "*strategic maneuvering*."[484] An example would be privacy movement discourse that incorporates both reasonable legal claims such as international privacy rights and more emotionally-charged cultural references such as 'Big Brother' that mutually reinforce each other. 'Inter-discursivity', however, the "mixing [of] existing discourses in new ways" most famously embodied by the civil rights movement which effectively combined Christian and human rights discourses,[485] remains as one of the promising sources when it comes to drafting key arguments aimed at social change.

However, Isabella Fairclough is careful not to equate strategies with discourses, as in the end strategies have only a discursive dimension, in the sense that arguments voiced within a given discourse are usually voiced strategically.[486] In sum, activist must ask themselves "if the action that is being advocated really leads to achieving the [preferred] goal?"[487] Even when the outcome of a debate is closer to the positions of elites, activists have nonetheless contributed a "reasonable disagreement resolution"[488] which might be the basis for further discourses.

Other authors argue that the research goal of a Discourse Analysis in a Social Movement context – especially when compared to Frame Analysis – is not so much to answer 'why'- but rather 'how'-questions. While discourse analysis may be able to shine light on reasons of a movement's failure or success (parameters which are hard to assess in the first place), it is rather "characterized by an intensive focus on movement-related texts to identify patterns, linkages, and structures of ideas."[489] Thus, in the case of privacy advocates it is not necessarily the task of the discourse analyst to explain the failure or success, of mobilizing constituents to resist surveillance but instead to ask *how* such groups express opposition to surveillance or the

[483] Ibid., 56.
[484] As quoted by ibid., 57.
[485] Lindekilde, "Discourse and Frame Analysis," 205.
[486] Cf. I.Fairclough and N. Fairclough, *Political Discourse Analysis*, 24-25.
[487] Ibid., 61.
[488] Ibid., 63.
[489] Johnston, "Verification and Proof," 69.

protection of privacy rights by using "broader cultural symbols."[490]

3.3 Interviews in Social Movement Research

Combining discourse and frame analysis with semi-structured interviews is a proven choice to methodologically enhance any study of Social Movement organizations or actors engaged in contentious politics. The underlying premise is here that a "[m]ultitude of methods acknowledges that all methodologies are limited."[491] Especially when looking at particular protest events, social movement research should apply a variety of qualitative methods including interviews in order to grasp the scope of the movement's activities as a whole.[492]

Adding interviews to the methodological toolbox has two main benefits for a social movement researcher. First and foremost, interviews are an important source for additional information and understanding about a movement or protest event. In general, della Porta stresses, "interviews constitute a fundamental tool for generating empirical knowledge through asking people to talk about certain themes."[493] Combining discourse and frame analysis with interviews shields the researcher against common critiques that the former methods lack empirical rigor. From a neo-positivist perspective, the recorded statements of activists constitute actual facts about protest events or campaigns.[494] Thus, interviews do give the researcher an additional layer of empirical information about a campaign or movement actor.

As Kathleen Blee and Verta Taylor point out, "[interviews] provide greater breadth and depth of information, the opportunity to discover the respondent's experience and interpretation of reality, and access to people's ideas, thoughts, and memories."[495] This was true for my own research as well, as I elaborate in section 5: By interviewing key people of the privacy movement I received crucial insights into many dimensions of their activities that were previously unknown to me and helped in making sense of the movement as a whole. This included accounts of the organization of particular protest events as well as their prelude and aftermath, internal discussions about framing tactics and mobilization strategies, and personal reflections on the

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[490] Ibid., 70.
[491] Snow and Trom, "The Case Study," 150-151.
[492] Cf. ibid.
[493] Donatella della Porta, "In-Depth Interviews," in *Methodological Practices*, 228.
[494] Ibid., 238
[495] Kathleen M. Blee and Verta Taylor, "Semi-Structured Interviewing in Social Movement Research," in *Methods of Social Movement Research*, 92-93.

successes and failures of particular campaigns. Further they illuminated periods of 'abeyance' – periods of time "when there is little visible movement activity."[496] To ask organizers about specific framing activities proved particularly fruitful. In this regard, as Staggenborg points out, interviews are often needed to understand strategic choices, and to explain movement mobilization and outcomes."[497] By interviewing privacy activists, I learned more about why certain frames were applied and what the motivations and deliberations behind those frames were.

This is particularly true for campaigns that have not necessarily produced a large body of official texts or featured a roster of organizations that are rather obscure or small.[498] Without talking directly to representatives of privacy advocacy groups in, say, for example, East Africa or Eastern Europe, I would have not been able to adequately assess the scope and aims of their daily work as well as their degree of participation within transnational protest networks. Thus interviewing members of these kinds of organizations that "are difficult to locate, generate few documents, or have unclear or changing memberships"[499] were indispensable for my research. Collecting information from activists through interviews is especially important in the context of online protest events. As opposed to offline protests, and this will be shown in the case study chapter, the former tend to produce less activist media and official documents and thus make both the overall context as well as specific framing choices less obvious. By selecting the right activists, or 'key informants', the researcher can "obtain descriptive information that might be too difficult and time-consuming to uncover through more structured data-gathering techniques."[500]

In sum, besides being an additional source of information, interviews "are of fundamental importance for the study of motives, beliefs, and attitudes, as well as the identities and emotions of activists."[501] While interviews can give insights into media tactics and practices, the information expressed by activists in my case went beyond simply examining their communication strategies. In fact, in many cases representatives of privacy advocacy groups

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[496] Suzanne Staggenborg, *Social Movements* (Oxford & New York: Oxford University Press, 2nd ed., 2016), 55.
[497] Ibid.
[498] Cf. Della Porta, "In-Depth Interviews," 228.
[499] Blee and Taylor, "Semi-Structured Interviewing," 94.
[500] Ibid., 105.
[501] Della Porta, "In-Depth Interviews," 229.

shared emotions and feelings about the state of the movement as a whole, voiced frustrations about the pitfalls of activism or even made off-the record comments, that although I cannot quote them, provided an intimate look into personal dimensions of organized grassroots contention. By conducting interviews with activists I could tap into a different set of data – "individual and collective visions, imaginings, hopes, expectations, critique of the present, and projection of the future on which the possibility of collective action rest"[502] – which was not revealed in official pamphlets and press releases. The interview format offers activists to essentially engage in what Clifford Geertz has coined as 'thick description' and hence gives them "a chance to openly express their opinions on the issue at hand."[503]

Equally important, interviews can counter the individualized interpretations of *both the researcher and the movement leaders*. Interviews present activists with the opportunity to describe protest events and campaigns "in their own words rather than in the words of the researcher".[504] While official texts should speak for themselves, the multitude of involved actors and the surrounding media coverage have the inherent potential to distort what actually happened and what the stated goal and tactics were. By letting the activists recount certain events or periods of time, my analysis in many cases became less subjective. In some instances, activists that I interviewed challenged and corrected my own interpretations and a priori assumptions.

But interestingly, interviews do not only "minimiz[e] the voice of the researcher"[505] but also put the published statements of opinion leaders within a movement into perspective. In general, one must be skeptical of the officially sanctioned statements from movement leaders and not equate them with the organizational discourse as a whole.[506] As Blee and Taylor note,

> The propaganda and internal documents of social movement organizations (…) are often produced by official leaders and those who are articulate, educated, and confident about the historic importance of their movement activities. (…) Interviewing is one means of counteracting the biased availability of documentary material about social movements whose activities and understandings would otherwise be lost or filtered

[502] Blee and Taylor as quoted by della Porta, "In-Depth Interviews," 231.
[503] Stephen M. Croucher and Daniel Cronn-Mills, *Understanding Communication Research Methods: A Theoretical and Practical Approach* (New York and Oxford: Routledge, 2015), 159.
[504] Blee and Taylor, "Semi-Structured Interviews," 93.
[505] Ibid., 96.
[506] Johnston, "Verification and Proof," 68.

through the voices of others.[507]

By interviewing privacy activists, I learned that officially sanctioned narratives and frames were not only the product of intense deliberations and debates within highly heterogeneous networks but that organizers were sometimes highly skeptical about framing choices. At other times, when official narratives were repeated by interviewees I was at least able to challenge and scrutinize them by asking follow-up questions. For example, one element of some of the protest events that I was particularly interested in was the actual degree of transnational cooperation and solidarity.

Following della Porta's advice of confronting interview partners with written statements and asking them to comment and reflect on their own individual role,[508] I quoted a list of international NGOs that supposedly took part in that campaign and asked interviewees about the level of interaction with those groups – which, as laid out in section 5.3, at times yielded surprising results. Other suggested techniques such as offering own interpretations, asking hypothetical questions, or 'playing devil's advocate' were applied as well.[509]

While interviewees do offer a unique perspective their answers should not be taken at face-value. As proponents of methodological triangulation stress in the context of social movement research, interviews should only be *one* means of gathering data about a particular movement. Used on its own, interviews can generate distorted, inaccurate, or situational data, especially when interviewees retroactively exaggerate or diminish certain aspects of their work.[510]

In order to gather a valid set of statements from social movement actors, two dimensions have to be taken into account: the role of the interviewer, the sample of interviewees. In my case I approached the activists and conducted the interviews as an outsider. Stephen Croucher and Daniel Cronn-Mills advice researchers to consider their "position in relation to what [they] are studying"[511] and how this affects the questions that are asked and what kind of answers one receives. Not being intimately involved into the everyday life and work of privacy advocacy had the benefit of challenging beliefs and practices as only a non-participant could have.[512] As a 'non-participant' I was able to directly inquire about the successes or failures of some specific actions

[507] Blee and Taylor, "Semi-Structured Interviews, 93-94.
[508] Della Porta, "In-Depth Interviews," 239-240.
[509] Ibid., 241ff.
[510] Blee and Taylor, "Semi-Structured Interviewing," 111.
[511] Croucher and Cronn-Mills, *Understanding Communication Research Methods*, 164.
[512] Cf. Blee and Taylor, "Semi-Structured Interviewing," 97.

or campaigns. I learned in the course of several interviews that asking about specific campaigns and assigning importance to them validated their life choices. However, at the same time, critically questioning some of the decisions and aspects of a campaign may have angered some interviewees. While my outsider perspective enabled me to ask question that go beyond the legalistic and technological framework of the privacy community, there may have been limits of my understanding both of how invested my interview partners were in their work and how limited their resources are to effectively tackle issues such as online privacy or surveillance. In the end I tried to walk the fine line between being generally informed about the privacy advocacy community while at the same time being distanced enough to be able to independently study the subjects as Croucher and Cron-Mills have suggested. The former is necessary to better interpret the received statements and putting them in context. The more a researcher is involved in the social movement campaigns himself the harder it becomes to interpret statements from a distance. Ultimately it is a balancing act between avoiding of being too close and too subjective.[513]

It is equally important to aptly sample the activists that are interviewed and ask them 'right' questions. In order to prepare for the latter, della Porta recommends to combine an "inductive approach with a deductively driven hypothesis." Thus I applied the general knowledge about political communication of social movement organizations as outlined in this chapter. On the other hand possible respondents for semi-structured interviews were "chosen in a deliberate, but rarely random, sampling process" guided by the principle of "completeness."[514] As della Porta suggests, the social movement researcher should begin by making assumptions about the organizational or professional role of an interviewee. For example, because I predominantly talked to communications staffers of privacy activists groups I made the plausible assumption that they were able to reflect on the role of political communication and how it is has become crucial for both mobilizing constituents.

Overall, instead of quantitative or qualitative questionnaires the goal here was to assemble a comparatively small number of respondents[515] and – guided by the research questions – extract enough information to be able to give a close as possible depiction of the movement as a whole.

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513 Croucher and Cronn-Mills, *Understanding Communication Research Methods*, 163.
514 Blee and Taylor, "Semi-Structured Interviewing," 100.
515 Cf. ibid., 110.

To achieve a sense of 'completeness' (if that is possible given the heterogeneous nature of almost any movement or advocacy network) I tried to interview as many 'informers'[516] as possible. As opposed to mere participants of a protest event or campaign, access to informers enabled me to listen to experts in their field who were active in key organizing roles not just merely bystanders at a rally. As Miller notes, "[t]he goal of the sampling is to secure a spread of individuals that represent all of the types or groups that are significant for the phenomenon or topic under construction."[517] Kevin Gillan and Jenny Pickerell, have stressed the importance of accurate and transparent sampling in the context of social movement research context. In what they describe as "the conundrum of who can represent a process that was necessarily collective," they pose the question of

> How would we select from a movement which numbers conservatively in the tens of thousands? And in particular, how would we justify this not only intellectually but also in terms honouring a movement that prided itself on its collectivity. Clearly here we are touching on a fundamental of social research, in which concerns about representativity need to be addressed for the project to be considered valid and reliable. [518]

In my case I interviewed a small, highly involved selection of representatives of key privacy organizations involved in the campaigns that I had previously examined closer as case studies. While this sample was far from being able to speak for all activists their statements nevertheless mirror certain sentiments prevailing in the international privacy advocacy community. To convince the reader that this is plausible my interview section make great use of quoting as many collected statements as possible, so in the end it is up to the reader to make a judgment.[519]

Lastly and most importantly, once the data has been collected, one has to decide how to analyze the statements. It is at this step that the methodological triangulation comes specifically into effect. Because, in the realm of case study-based social movement research, not only are semi-structured interviews being applied separately (just as only discourse analysis or frame analysis) not sufficient to fully explain which communication practices were applied at a protest event. But instead of merely supplement the other methods, in-depth interviews offer the

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[516] Cf. Della Porta, "In-Depth Interviews," 240.
[517] As quoted by ibid., 241.
[518] Kevin Gillan & Jenny Pickerill. *Research Ethics and Social Movements: Scholarship, Activism, and Knowledge Production* (Oxford and New York: Routledge, 2015), 77.
[519] Cf. Della Porta, "In-Depth Interviews," 258.

researcher to integrate discourse and frame analysis into the stage of coding and critically question some of the previously identified discursive positions or frames. Della Porta essentially makes the point that the process of reading, interpreting, and connecting of observations, when analyzing interviews, essentially reflects the method of discourse analysis.[520] Similarly, Blee and Taylor note that in the coding process, a focus can be on identifying "underlying themes, central ideas, core meanings, and the structures of narration"[521] – which closely resembles the process of discourse or frame analysis. Johnston, too, acknowledges that interview statements should be analyzed as discourse, even if it is monologic instead of interactive.[522] And Phillips and Hardy argue, that, even if the statements of interviewees do not actually reflect actual discourse (because the interview is guided by the interests of the researcher), at least "they can provide a legitimate source of data, especially if complemented with other texts."[523] In the end, interviews complement discourse and frame analysis because they are a great way for "overcoming the limited information contained in written sources."[524] Or as Mark Headley and Sara Clark argue, ultimately the place of interviews in the micro level discourse of social movement, along with discourse and frame analysis conciliate the weaknesses of each individual method, as "the presence in the text of individual voices (…) strikes a balance between tendencies to reify social movements as things unaffected by human agency, on one hand, and to reduce social movements to actions of individuals on the other."[525]

3.4 Research Design and Methodology

The following qualitative analysis of anti-surveillance collective action frames of four key anti-surveillance protest events is based on three datasets. In a first step, frame packages – sets of main organizing ideas, which inform the articulation of its particular core frames, and their exemplars[526] were identified by conducting an inductive frame and discourse analysis of key

[520] Cf. ibid., 251-252.
[521] Blee and Taylor, "Semi-Structured Interviewing," 111.
[522] See Headley and Clark's interpretation of Johnston's method. Cf. Hedley and Clark, "The Microlevel Discourse of Social Movement Framing", 32.
[523] Phillips and Hardy, *Discourse Analysis*, 72.
[524] Della Porta, "In-Depth Interviews," 258.
[525] Headley and Clark, "The Microlevel Discourse," 45.
[526] Cf. Gamson and Modigliani, "Media Discourse and Public Opinion," 3ff.; Baldwin van Gorp, 2010. "Strategies to Take Subjectivity out of Framing Analysis," in *Doing News Framing Analysis: Empirical and Theoretical Perspectives*, 91.

texts and materials surrounding each event. The materials that formed the basis for the analysis included, among other things, texts published on the campaigns' websites, online petitions, campaign logos, official press releases, web banners, and transcripts of speeches and mobilization videos. Because the campaigns were different in scope and structure, each case study section will specify which materials were considered.

In general my frame categories are "based on a plausible assumption that [the officially published materials] are representative of the master frames." Inductively identifying frames always involves subjective interpretation on the part of the researcher.[527] Yet the analysis is focused on official materials and speeches published and voiced by "frame sponsors" – advocates "who use frames for strategic purposes."[528] Ultimately, as Gamson and Andre Modigliani point out, each framing analysis should attempt "to present enough rich textual material so that readers can form their own independent judgements on the validity of [the] argument."[529] To demonstrate the "systematic exposition of frame content,"[530] I also created a frame matrix for each case study.[531]

In a second step, each case study will examine how the frames were reproduced in newspapers and online media. For this purpose I searched the LexisNexis Academic news database for all items mentioning the particular protest campaign in the days leading up to the protest, the day of the protest, and its immediate aftermath. The framing devices that were reproduced in the news article — either by directly quoting or paraphrasing the activists' texts and materials or adopting their overall interpretive package or corresponding exemplars — were counted. I thus follow Baldwin Van Gorp's suggestion that "a statement or element originating from an external source and the prominence the journalist gives to it in a news story … have to be included in the analysis."[532] For example, *The Nation* in its reporting on the "Stop Watching Us"-campaign compared the public outcry over NSA surveillance to the reactions to the Church

[527] Cf. Gamson and Modigliani, "Media Discourse and Public Opinion," 96; Susanna Hornig Priest. *Doing Media Research: An Introduction* (Thousand Oaks: Sage, 2nd ed., 2010), 85; Johnston, "Verification and Proof," 63.
[528] Van Gorp, "Strategies to take Subjectivity out," 94; Johnston, "Verfication and Proof," 73.
[529] Gamson, and Modigliani, "Media Discourse and Public Opinion," 12.
[530] Johnston, "Verfication and Proof," 73; Cf. Van Gorp, "Strategies to Take Subjectivity out," 93.
[531] Authors' note: This paragraph was partly reproduced from a previously published article. Cf. Wäscher, "Framing Resistance Against Surveillance, 371-372.
[532] Van Gorp, "Strategies to Take Subjectivity out," 103.

Committee of the 1970s which investigated surveillance of civil rights activists.[533] It therefore adopted the "History of Surveillance" package identified in the frame analysis. (detailed in section 4.1). *The Toronto Star* evoked transnational solidarity by quoting a member of the American Civil Liberties Union who noted that "Americans upset about domestic surveillance, and foreign allies … are coming to a head simultaneously."[534] Accordingly, the news item was counted as having adopted a "Global Dimension" frame (see sections 4.2- 4.4). The percentages of news items referencing each frame package were summarized and will guide the discussion of how collective action frames in the context of anti-surveillance activism were reproduced, adopted, multiplied ignored, or distorted.[535]

Finally, to deepen the analysis in a third step, interviews were conducted with 21 privacy activists from 14 countries. As criteria for selecting the interviewees they had to work for organizations, which were part of one or more of the campaigns analyzed and/or had to be directly or indirectly involved in the communication work of their organizations. Their answers were transcribed and anonymized. Because in some countries only one legitimate privacy activist group exists, and some of them are essentially one person operations, to preserve anonymity, all references to countries of origin/residence, gender, and age were removed. They were thus identified by an alphabetical code, ranging from 'Interviewee A' to 'Interviewee U.' Using a semi-structured questionnaire, interviews were conducted in the period between the winter of 2015 and fall of 2016 using audio and video calls over Skype, Google Hangouts, and Jitsi.

4. CASE STUDIES

4.1 "Restore the Fourth" / "1984 Day"

On July 4th, 2013 the first activist response to the Snowden leaks took place in the United States. Mainly coordinated through message boards on the social news website Reddit, in more than 80

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533 Cf. Zoe Carpenter, "Privacy Advocates Turn up the Heat on the "Business-as-Usual Brigade," *The Nation's Blogs*, October 25, 2013 (via LexisNexis).

534 Mitch Potter, "Public's NSA fury to descend on Washington; Europe's anger over spying echoed in protest planned for National Mall Saturday. " *The Toronto Star*, October 26,2013 (via LexisNexis).

535 Author's note: The methodology is also based on my previously published article. Cf. Wäscher, "Framing Against Surveillance," 372.

American cities (as well in Munich, Germany)[536] people took to the streets to protest NSA surveillance. The date for the protest event was not selected randomly; by holding rallies on the federal holiday of Independence Day, the organizers deliberately linked the contemporary struggle for privacy to Colonial history. The name of the movement, "Restore the Fourth," was based on the activists' belief that the Snowden leaks had violated the Fourth Amendment of the U.S. Constitution, which guarantees protection against unwarranted search and seizure practices (see section 2.6), and that it was time to strengthen and reapply the amendment to modern communication practices. More specifically, the three core demands were to reform section 215 of the controversial Patriot Act; the creation of an oversight committee to keep checks on surveillance programs; and initiate accountability measures for public service figures involved in domestic spying activities.[537]

In the words of the organizers, the goal was to articulate "opposition to the unconstitutional surveillance methods employed by the US government, especially via the NSA and its recently-revealed PRISM program."[538] The organizers had high expectations and hoped to set off a new wave of privacy activism across the United States and the world. Two activists from the digital rights group Fight for the Future, Tiffiniy Cheng and Evan Greer, in an opinion piece for the *Huffington Post*, called "Restore the Fourth" "a turning point for opposing mass government surveillance. [The protests] are the beginning of a large outcry that will continue until we hear real answers and real accountability."[539] A follow-up protest event launched by the

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[536] Cf. Heather Kelly, "Protests against the NSA spring up across U.S." *CNN.com*, July 5, 2013 (accessed January 6, 2016) http://edition.cnn.com/2013/07/04/tech/web/restore-nsa-protests/. It is unclear exactly how many cities participated in the first "Restore the Fourth" Protest. A subsequently released call for donations mentioned only 50 cities. See "Restore the Fourth: Secure your Privacy." (accessed January 6, 2016) https://www.indiegogo.com/projects/restore-the-fourth-secure-your-privacy#/.

[537] The exact wording in the 'Restore the Fourth': press release: "1.Enact reform this Congress to Section 215 of the USA PATRIOT Act, the state secrets privilege, and the FISA Amendments Act to make clear that blanket surveillance of the Internet activity and phone records of any person residing in the U.S. is prohibited by law and that violations can be reviewed in adversarial proceedings before a public court; 2.Create a special committee to investigate, report, and reveal to the public the extent of this domestic spying. This committee should create specific recommendations for legal and regulatory reform to end unconstitutional surveillance; 3.Hold accountable those public officials who are found to be responsible for this unconstitutional surveillance." "National Organization of Restore the Fourth AMA," Reddit.com, July, 2, 2013 (accessed January 6, 2016) https://www.reddit.com/r/IAmA/comments/1hijib/we_are_the_national_organization_of_restore_the/ (from here on out referred to as RT4 AMA.)

[538] RT4 AMA

[539] Tiffiniy Cheng and Evan Greer. "Dear NSA: We're Throwing You a 4th of July Party, and It's Gonna Be Big." *The Huffington Post*, July 4th, 2013 (accessed January 6, 2016). http://www.huffingtonpost.com/tiffiniy-cheng/restore-the-fourth-amendment_b_3544740.html.

same activist network (notably smaller in terms of scope, turn-out, and the amount of press coverage it generated) took place exactly one month after 'Restore the Fourth'. Because this time the set date was August 4th, 2013 (8/4 in American English notation, hinting at *1984*) and making Orwellian notions of surveillance its central theme, it was aptly titled "1984 Day."

The following section summarizes and analyzes the anti-surveillance narratives and frames employed by the loose coalition of the "Restore the Fourth" (RT4) network and its accompanying media coverage. The main sources for the analysis include the social news site Reddit's 'AMA' ("Ask me Anything") thread which was set up by the national RT4 committee to inform the public, answer questions, and act as a communication hub; official press releases and media distributed by the organizers, transcripts of speeches of activists participating in four of the largest rallies, namely in Washington, D.C. ("Restore the Fourth"), New York City ("Restore the Fourth" and "1984 Day") as well as San Francisco ("1984 Day"); protest art distributed online and displayed at protest events; and media reports on the events resulting mainly from a LexisNexis database search. A close reading of these materials will reveal a set of particular anti-surveillance frames packages and devices as well as give insights into the general communication strategy of the organizers.

Even though "Restore the Fourth" was set-up on short-notice, as a prime example of an attempt at "digitally enabled social change", it managed to garner considerable momentum thanks to the large Reddit-community. On the AMA page user 'douglasmacarthur,' Social Media Coordinator and Interim Press Coordinator of RT4, explained the evolution from talking on message boards to setting up a physical nationwide protest network:

> Being grassroots and volunteer and online and working to a short deadline – less than a month between the 4th and when this was first being put together by then-anonymous college-aged strangers – puts up a lot of obstacles but we're willing to deal with whatever we have to in order to get this done and our ability to self-organize has increased considerably, and that's a big part of why we've gotten so much large scale promotion together in these critical last few days.[540]

Restore the Fourth officials in the Reddit threat also sought to clarify the movements' goals. As Reddit user Mike13815, Marketing Coordinator and lead organizer of RT4's Buffalo, New York branch elaborated, "Restore the Fourth" tried to open certain discursive spaces while closing

[540] RT4 AMA

others. By bringing large numbers of people to the streets, the organizers wanted to the steer a perceived anti-privacy discourse in a different direction: "Our purpose isn't to protest. Instead, our rallies/protests are to gain support and visibility for our goals. Making the Fourth Amendment a 'Hot Button Issue' come election time is well within the realm of possibility. The hope is to make any opposition to the idea of privacy 'Political Suicide.'"[541] In the words of douglasmacarthur what "Restore the Fourth" set out to create was "not just protests but a long-term infrastructure to take part in legal action, political lobbying, and the like."[542] The street demonstrations were merely a first step "to promote the issue itself."[543]

The organizers identified a lack of awareness as the key problem fellow privacy activists had been facing in the past. With "Restore the Fourth", the organizers tried to get the issue of privacy beyond the filter bubble of Reddit and other social networking sites. While the mainstream media were covering the NSA leaks they did not get the whole picture, according to douglasmacarthur:

> Hanging out on Reddit and political blogs may give you the impression everyone is talking about this. But they aren't, a certain demographic is and we need to mobilize these people to spreading it to the American people as a whole. We want [cable networks] CNN and FOX and MSNBC to stop covering the less important aspects of this and start covering the scandal, the illegality.[544]

In fact, the largest rally was held in Washington, D.C. precisely "to be more visible than some of the other protests, and [to have] the ability to engage lawmakers more effectively"[545] as the official Outreach Coordinator scarletsaint explained. Yet, the organizers were careful not to equate large street turnouts with effects on the surveillance discourse. The goal was not merely to generate headlines (though this was still feasible) but also to influence discourse on the micro level as douglasmacarthur pointed:

> [T]his isn't the kind of thing where we focus just on getting the biggest crowds possible. You can get a million people to a single location for a protest and accomplish nothing (and it's happened). The point is to spread the word, and you don't need a traditional 'protest' to do that. You don't need to travel anywhere or use an event that is listed on the site. If

[541] RT4 AMA
[542] RT4 AMA
[543] RT4 AMA
[544] RT4 AMA
[545] RT4 AMA

> there's nothing nearby, consider just downloading some of our literature and printing it off and letting some people at your local 4th of July festivities know about this thread to our privacy and to the constitution.[546]

Ultimately the RT4 protests on July 4th were designed to act as launching pad for institutionalized, permanent opposition to government surveillance. While having been inspired by preceding grassroots protests such as Occupy Wall Street and the Tea Party, organizers wanted to avoid pitfalls and mistakes these movements had made. In order to create a permanent public presence against government spying, MacArthur explained,

> Several things need to happen. For one, you need a broad and hopefully diverse base of support. For two, you need a concrete set of demands to define 'change.' For three, you need to set up not just a protest and other promotional work, but an actual organization that will keep you in the news long-term and provide the resources for people to take direct action (i.e. legally) repeatedly and persistently. OWS [Occupy Wall Street] and the Tea Party each brought a lot of attention to themselves at first but changed little by failing do to those three things. Groups that have had more influence – like the ACLU [American Civil Liberties Union] and the NRA [National Rifle Association] – have succeeded at those three things. We have the first two and are preparing for the third. *We're not going to be just another protest. We're going to make this into a much bigger deal*.[547]

Collective action frames in "Restore the Fourth" and "1984 Day"

Both campaigns featured four distinct frame packages, "American Patriotism," "Non-Partisanship," "Constitutionalism" and "Orwellian Totalitarianism" (see table I).

"Restore the Fourth"/"1984 Day"			
Frame Package	***Core Frame***	***Core Position***	***Exemplars***
American Patriotism	NSA surveillance programs violate core American values such as freedom, liberty and independence and are an affront to the founding of the United States	Americans who love their home country should oppose government surveillance because it is un-American.	Call for "for a new American revolution declaring our independence from the surveillance state" (Restore the Fourth March NYC)
Non-Partisanship	The opposition against government surveillance transcends opposing ideologies and party lines.	Regardless of political affiliations, conservatives, liberals, and progressives should join forces because surveillance affects everyone.	"[We] don't] care how you feel about Democrats or gays or public sector union leaders so long as you don't read their email without their permission." (Reddit)
Constitutionalism	The only way to effectively scale back the NSA's surveillance regime is to strictly adhere to the constitution and the 4th amendment in particular, which had been violated in the past.	Each intelligence agency should be restricted by a literal reading of the 4th amendment: "The right of the people to be secure in their persons, houses, papers, and effects,[a] against	- "Restore the Fourth!" -"Bill of Rights-luya"-chant at the Restore the Fourth March New York"

[546] RT4 AMA

[547] RT4 AMA (emphasis added).

		unreasonable searches and seizures, shall not be violated."	
Orwellian Totalitarianism	NSA surveillance is a form of indiscriminate mass surveillance resembling the dystopian fiction of 'Nineteen Eighty-For'.	NSA and its international partners engage in totalitarian, "suspicionless mass surveillance" that will either lead to totalitarian society or has already surpassed level of surveillance depicted in 'Nineteen Eighty-For'.	"George Orwell's novel 1984 is a chilling vision of what might lie ahead if we don't take action." (Occupywallstreet.com)

TABLE I: Frame matrix detailing dominant anti-surveillance frames in the "Restore the Fourth" and "1984 Day" campaigns.

American Patriotism

The dominant interpretive package for the "Restore the Fourth"-framing was to portray opposing government surveillance as a patriotic duty. By scheduling the protest event to take place on a national holiday celebrating the United States' independence from colonial rule, the organizers tried to utilize Americans' attachment to their homeland to create a powerful anti-government surveillance narrative. As Jonathan Trueblood, coordinator for the Iowa City and Cedar Rapids RT4 march elaborated:

> Obviously the Fourth of July is a day we remember our independence as a country, and it's kind of a reminder of the constitution, (…) [s]o we try to make it a mix about these sad things going on and the trampling of our rights, but we still do have these rights and it's not too late, we can still make a change and take action to restore them to what they once were.[548]

Indirectly national coordinator douglasmacarthur suggested that "Restore the Fourth" was a continuation of the American Independence movement, because "[t]he people who wrote the Fourth Amendment were essentially a protest group."

The official RT4 logo (see image I), featured an American eagle covered behind a lock underlined by the caption 'Secure Your Privacy' and the official hashtag #restorethefourth. Colored in red, blue, and white as well as being framed by 50 stars the logo is purposefully designed to resemble key features of the American flag. Other user generated media distributed online include similar images quoting the Fourth Amendment in full (see image II) or articulating core demands (see image III) with the Star Spangled Banner prominently displayed in the front or back. One user/activist even created an image of the American flag and replaced

[548] "'Restore the Fourth' rally in Cedar Rapids Thursday to protest government surveillance." *The Gazette*, July 1, 2013 (accessed January 6, 2016). http://www.thegazette.com/2013/07/01/restore-the-fourth-rally-in-cedar-rapids-thursday-to-protest-government-surveillance.

the stars representing the states with the logos of various U.S. intelligence agencies and surveillance programs (see image IV).

IMAGE I: Restore the Fourth Logo

Within the online community of Reddit the decision to stage the first major protest answer to the NSA surveillance program during a holiday became a source of contention for some users. But as the communication staffers explained, they wanted have an anti-surveillance discourse coincide with the celebration of the history of the United States. As douglasmacarthur elaborated:

> One criticism we've gotten about the date is that we'd be 'competing' with the celebrations. But we aren't' competing with them. We are integrated with them. *The 4th of July is already about what we're protesting*. What better time to fight for your rights or inform others of the need to than when you're already celebrating the ones you have? (...) Our National Coordinator sells fireworks for a living... that's how damn connected to the 4th of July this is.[549]

[549] RT4 AMA (emphasis added).

IMAGE II: User generated protest flyer for "Restore the Fourth"

Independence Day – at least in the eyes of the organizers – was seen as a discursive opportunity to address government surveillance. People were encouraged to transform their traditional backyard barbecues into meetings to discuss privacy and surveillance matters: "What do you do while you BBQ and drink beer? You talk to your friends! What better thing to talk to them about than the future of the nation they're currently celebrating? Set it up so you can BBQ and drink beer with them while you discuss the constitution and hand out literature."[550] Local organizer tried to launch protest events and marches in close proximity to historical landmarks. For instance, as Reddit user FiletOfBaby from Philadelphia proclaimed: "[W]e'll be loud and proud *standing amongst the graves of patriots and revolutionary era soldiers* in Washington Square

[550] RT4 AMA.

Park. The symbolism in this city is just too palpable."[551] In a symbolic gesture, the RT4 chapter in NYC marched to Federal Hall, where the Bill of Rights, including the Fourth Amendment, was signed. The New York march also saw the birth of the protest caption "The answer to *1984* is 1776", an inter-discursive slogan that combined historical and literary framings and would be featured prominently in subsequent campaigns.

IMAGE III: "Restore the Fourth" protest art

Asked whether peaceful, non-violent protest would be effective to target government surveillance, Marketing Coordinator Mike13815 replied on Reddit that "*[w]e owe it to the foundation of America*, and democracy itself, to first attempt resolution through official channels and methods."[552] In part, by linking anti-surveillance sentiments to feelings of patriotism, the organizers wanted to create an inclusive platform and separate themselves from protest groups in the past that were highly critical of the United States itself.[553] To a Reddit user concerned about

[551] RT4 AMA (emphasis added).
[552] RT4 AMA (emphasis added).
[553] Maybe personified best was this stance by a Vietnam veteran who attended the follow-up event '1984 Day' in New York City. He explained his participation in the protest by saying "I'm a former United States marine. I was a rifle

participating in "Restore the Fourth" and being labeled unpatriotic, douglasmacarthur recommended to "[e]xplain to them that any genuinely anti American elements (…) associated with protest movements aren't present in this one, and *that people petitioning their government and the constitution are the two most patriotic things there are*."[554] Part of the strategy to mobilize people was to remind them of successful movements in the past including the American Revolution and, to a lesser extent, the Civil Rights movement. To Reddit users who expressed cynicism towards the idea of reforming the surveillance regime of the United States through activism, Raleigh organizer oracle989 replied:

> It's easy to feel like you can't change anything, but that's the argument for inaction that many movements before have faced. *Civil Rights protestors in the 50s and 60s surely faced that sentiment, as did the revolutionaries in the 1770s*. It's what those who run these surveillance programs want you to say. It's the reaction they hope you have. Don't give them the satisfaction![555]

IMAGE IV: "Restore the Fourth" protest art (2)

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instructor in Vietnam in 1961. I'm disabled, I have bilateral hearing loss. I love the country, I love the people, but the government is criminal." And another protestor at the same event added: "If this doesn't apply anymore (shows protest sign quoting 4th amendment) then this is not the United States of America anymore." "1984 Day: Why People Are Protesting The NSA." (accessed January 6, 2016). https://www.youtube.com/watch?v=FUbZw9sNX8Q.

554 RT4 AMA (emphasis added).

555 RT4 AMA (emphasis added).

Protestors and activists marching on the streets adapted the patriotism angle suggested by the organizers.[556] For Tim Carr of the Media Reform NGO 'Free Press' opposing surveillance was a patriotic duty. Whistleblowers like Edward Snowden were not traitors but patriots. Speaking to the protest crowd in New York City he shouted "I'm wearing red, white, and blue today because I believe that protest against government abuse of power is the ultimate form of patriotism."[557] Former whistleblower Thomas Drake, who in 2005 had exposed secret NSA spying programs, framed in his appearance (the only 'Restore the Fourth'- speech that was broadcast nationwide by NBC) the current state of surveillance also in patriotic terms. He called "for a *new American revolution declaring our independence from the surveillance state*" urging listeners to "reflect on how the United States has become the very kind of secret, undemocratic, authoritarian and imperialist nation against *who we fought the first American Revolution*." With current systems of government spying, Drake concluded, "*our flag now flies upside down*," while "the blanket of national security is suffocating the liberty of the people."[558] In the minds of many "Restore the Fourth" participants, including Sue Udr, Executive Director of Defending Dissent Foundation, their privacy activism was just "doing what our founding fathers wanted us to do."[559]

Congressman Alan Grayson, representing Central Florida in the House of Representatives, suggested in statement that was read out loud at the "Restore the Fourth" event in Washington, D.C. that the Constitution and the Fourth Amendment, even though written more than 200 years ago, should be applied to modern day technologies: "The founding fathers had no spaceships, they had no computers, they had no helicopters. We have all of these things that have been created through 200 years and more of progress. Has that changed anything fundamental in the way that we should be governed?"[560]

When RT4-director Andrea O'Neill made her closing remarks at the D.C. rally with the audience chanting 'U-S-A!' in the background she let the protest crowds know "that today is not

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[556] Of course, patriotism is a way to frame any kind of protest, particularly in the U.S., and the post-Snowden privacy movement was far from being the first to do so. Cf. Simon Hall, *American Patriotism, American Protest: Social Movements since the Sixties*. Philadelphia and Oxford: University of Pennsylvania Press, 2011.

[557] "Restore the Fourth March NYC" (accessed January 6, 2016). https://www.youtube.com/watch?v=rRDigVuWqUE.

[558] "Thomas Drake (NSA whistleblower) speaks at DC 'Restore The Fourth' rally, 7/4/2013," (accessed January 6, 2016). https://www.youtube.com/watch?v=P7_xLvhUSq8&feature=youtu.be (emphases added).

[559] "Sue Udry (Defending Dissent, MCCRC) speaks at DC 'Restore The Fourth' rally, 7/4/2013," (accessed January 6, 2016). https://www.youtube.com/watch?v=yXtAe4C1apA.

[560] "Statement by Rep. Alan Grayson (D-FL) to DC 'Restore The Fourth' rally, 7/4/2013," (accessed January 6, 2016) https://www.youtube.com/watch?v=Y5Ec4UlcBRg.

only about the fireworks and the concerts but it is also the day that we celebrate our declaration of freedom from tyranny. Let's continue to hold the ideas up that our forefathers fought so hard to bring us."[561] Even Medea Benjamin, Co-Founder of left-wing anti-war NGO Code Pink described herself as "one of the patriots out here today"[562] when she addressed the crowd in D.C. and talked about the fate of whistleblowers such as Edward Snowden and Chelsea Manning praising them as being "the very essence of what it means to be an American citizen."[563] And Mudusar Raza, representing the Council on American-Islamic Relations (CAIR) quoted founding father Benjamin Franklin and pleaded for applying the Fourth Amendment to online and phone communication.[564] His colleague from CAIR, Government Affairs Manager Robert McCaw, gave the audience a dense summary of the history of the United States and the Fourth Amendment. It is noteworthy that an organization representing the group that has been arguably been affected the most by government surveillance after 9/11 joined the activists in their expression of patriotism and support for the Constitution:

> The 4th of July honors that triumphant day in 1776, when the Continental Congress adopted the Declaration of Independence. Let's celebrate that. Asserting the right of America's 13 colonies – that they were free and independent from the tyranny of British rule. Our nation's Founding Fathers rejected the absolute despotism and the long train of abuses and usurpations of American colonial citizen rights and rules of law. Sounds kind of familiar, right now, doesn't it?[565]

Interestingly in a direct response, the NSA reacted to the protests by co-opting the patriotism frame. In a press release the agency stated that

> [t]he Fourth of July reminds us as Americans of the freedoms and rights all citizens of our country are guaranteed by our Constitution. Among those is freedom of speech, often exercised in protests of various kinds. NSA does not object to any lawful, peaceful protest. NSA and its employees work diligently and lawfully every day, around the clock, to protect the nation and its people.[566]

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[561] "Andrea O'Neill (Restore the Fourth DC) closes out DC 'Restore The Fourth' rally, 7/4/2013," (accessed January 6, 2016). https://www.youtube.com/watch?v=q36qlZh-oRw&feature=youtu.be.

[562] "Medea Benjamin (Code Pink) speaks at DC 'Restore The Fourth' rally, 7/4/2013," (accessed January 6, 2016).https://www.youtube.com/watch?v=CxrvjKj5pAE&feature=youtu.be.

[563] Ibid.

[564] Cf. "Mudusar Raza (CAIR-MD) speaks at DC 'Restore The Fourth' rally, 7/4/2013," (accessed January 6, 2016). https://www.youtube.com/watch?v=UVqs-6GNokc&feature=youtu.be.

[565] "Robert McCaw (CAIR) speaks at DC 'Restore The Fourth' rally, 7/4/2013," (accessed January 6, 2016). https://www.youtube.com/watch?v=IsKk1TeESOc&feature=youtu.be.

[566] National Security Agency. 2013. "Statement on planned Fourth of July demonstrations," July 3, 2013 (accessed

Non-Partisanship

Another key aspect of "Restore the Fourth" was to frame privacy as an issue that transcends ideology and party lines. Somewhat interrelated with the "Patriotism" frame but a frame package in its own right, non-partisanship was one of the cornerstones of the movement. As RT4 board member douglasmacarthur explained to the tech blog Mashable.com: "There are some people on the left saying we're an offshoot of the Tea Party and there are people on the right saying we're an offshoot of Occupy, [but] I say, 'no we're not, we're an offshoot of both of them and an offshoot of neither of them."[567] Craig Aaron from FreePress described the "Restore the Fourth"-rally in Washington D.C. as "*a nonpartisan effort uniting strange bedfellows from across the political spectrum*. Because this is not about right and left (…) this is about right and wrong."[568] RT4-assistant director Scott Somerville urged the same crowd to "[r]emember the common bonds that bring us here" and "to set aside our respective differences (…) [f]or government surveillance, intimidation, and subversions is never good for a free republic."[569] Alex Dempsey from RT4 San Francisco described the movement in his speech on "1984 Day" as "just regular people (…) crisscrossing the isle so many times we look like an old heel sock, (…) *libertarians, conservatives, tree huggers (…) united by (…) [the] believe in liberty*."[570] And CAIR-representative Robert McCaw shared the following anecdote to stress the non-partisan nature of opposing government surveillance:

> I was told by a fellow colleague from another civil rights organization 'there might be a good chance that the Feds [the FBI] are intercepting my phone calls and emails. But I'm absolutely sure that your organization and that the Muslim community is under surveillance.' I had one simple response in reply: *'We are all under surveillance!'*[571]

According to the "Restore the Fourth" organizers, movements from the recent past had failed

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January 6, 2016). https://www.nsa.gov/news-features/press-room/statements/3jul13-4th.shtml.

[567] As quoted by Alex Fitzpatrick. "Thousands to Join 'Restore the Fourth' Anti-NSA Rallies." Mashable.com, July 2, 2013 (accessed January 6, 2016). http://mashable.com/2013/07/02/restore-the-fourth/#1jPTq5BC8kqa.

[568] "Craig Aaron (Free Press) speaks at DC 'Restore The Fourth' rally, 7/4/2013" (accessed January 6, 2016). https://www.youtube.com/watch?v=fyGUcqjnBko (emphasis added).

[569] "Scott Somerville (Restore the Fourth) speaks at DC 'Restore The Fourth' rally, 7/4/2013" (accessed January 6, 2016) https://www.youtube.com/watch?v=UpeEaomoSVQ&feature=youtu.be.

[570] "Rally for Privacy Awareness '1984' on 8/4 Restore the Fourth SF - Part 2" (accessed January 6, 2016). https://www.youtube.com/watch?v=ZtJjocp05Qo (emphasis added).

[571] "Robert McCaw (CAIR) speaks at DC 'Restore The Fourth' rally, 7/4/2013" (emphasis added).

because they were politically one-sided. Occupy Wall Street, douglasmacarthur explained in the Reddit AMA was "based on an economic doctrine most Americans – for better or worse – disagreed with" and thus "heavily comprised of lefties."[572] In contrast, RT4 presented itself as a sane, politically centrist alternative to previous protests.

In order to avoid the pitfalls of a politically divided national discourse, the goals of the movement had to be scaled down and ultimately to a certain extend became depoliticized. How surveillance has been affecting communities of color, dissidents, or foreigners was not a dominant issue.[573] "Restore the Fourth" essentially became a single-issue movement, trying to act as an umbrella for groups and actors from all political walks of life. "[B]ecause we are so focused on keeping [the protest] (…) single-issue and what we're defending (the 4th amendment) is widely popular," douglasmacarthur explained, "we believe we will be able to keep it diverse."[574] Or in other words, the organizers did not "*care how you feel about Democrats or gays or public sector union leaders so long as you don't read their email without their permission*."[575] As the movement described itself, "We aren't anti-war or pro war. We aren't anti-tax or pro-tax. We don't care who can or can't marry who. We want the US government to stop spying on its citizens without a warrant or probable cause. That's it."[576] Confronted by Reddit users of avoiding to talk about the political dimensions of surveillance, douglasmacarthur replied by stressing that "what we're avoiding is partisanship, and political issues *other than the one we're fighting for*."[577] Remarkably, this strategy worked. "Restore the Fourth" as well as later "Stop Watching Us" (see sections 4.1 and 4.2) managed it indeed to bring together Occupy and Tea Party members, whose positions on the role of government differed fundamentally. As one protestor in San Francisco

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572 RT4 AMA.

573 For a scathing critique of the apolitical approach of the 'Restore the Fourth' master frame see this comment by a Reddit user, whose account and user name is deleted by now: "Why is there such a big push to 'restore' things and 'take the country back'? Restore it to what? Give it back to whom? Your movement pretty much fits the dictionary definition of regressive/reactionary political thought, and sounds almost identical to what mainstream conservative pundits and groups like the Tea Party have been saying for years. How is this different? How is it better? Activists and other 'undesirables' have been dealing with such surveillance for a long time: people active in the Civil Rights movement were spied on in the 50s (as were communists), hippies and counter-culture folks in the 60s, anti-nuclear activists in the 70s, environmentalists in the 80s, etc. Do you forget that conservatives were gleefully pushing for surveillance of Muslims after 9/11? They helped create this monster. A phrase like 'Restore the 4th' completely fails to address these issues. It even *fails to acknowledge* that people have been dealing with this problem for *over half a century now.*" RT4 AMA (emphasis in original).

574 RT4 AMA.

575 RT4 AMA (emphasis added).

576 RT4 AMA.

577 RT4 AMA (emphasis in original).

put it, "If you know me, you already know my stances on abortion, marriage, immigration, and more; but these are all beside the point for [the] protest."[578]

In at least one instance the inclusiveness of the 'Non-partisan' frame led to friction between liberals/centrists and Tea Party sympathizers. One such incident happened at a "Restore the Fourth"-rally close to the NSA's newly built Data Center in Bluffdale, Utah. When the first speaker of the event mentioned that the protestors acted upon God's calling, cursed the electricity of the Data Center, and predicted that "God is going to bust it apart,"[579] many liberal secular activists left the event. The remaining crowd, apparently consisting of fundamental Christian activists, then bowed down and prayed for privacy.

With framing opposition to NSA surveillance in patriotic and bi-partisan terms, "Restore the Fourth" managed to mobilize a politically heterogeneous network of actors ranging from conservative to liberal, and from left wing groups to war veterans. On the downside, the focus on U.S. history and the U.S. constitution naturally excluded privacy advocates from other parts of the world to join. "Restore the Fourth" certainly *inspired* activists in other countries (notably on the same day in Munich, Germany, supported by individual members of the Pirate Party, privacy advocates with Edward Snowden masks had gathered in front of the U.S. consulate); but there was neither willingness on the side of organizers to include international perspectives nor transnational frames[580] – this would notably change in the following campaigns. Overall, watching the protests and listening to "Restore the Fourth"-activists, one could get the idea that NSA surveillance primarily affected U.S. citizens when the opposite was the case. [581]

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[578] "Ten Most Popular Restore the Fourth Protest Links." *Irregular Times*, July 4, 2013 (accessed January 6, 2016). http://irregulartimes.com/2013/07/04/ten-most-popular-restore-the-fourth-protest-links/.

[579] Kristen Moulton, "Protesters march on NSA's Utah Data Center. The Salt Lake Tribune," July 4, 2013. (accessed January 6, 2016). http://archive.sltrib.com/story.php?ref=/sltrib/news/56543985-78/nsa-data-utah-center.html.csp.

[580] On the other hand "Restore the Fourth" seemed to be somewhat inspired by international protests movements. In her opening remarks at the Washington, D.C. rally, "Restore the Fourth"-member Louise Brooks noted that "[o]ur friends in Libya, Tunisia, and Turkey, Brazil, and most recently Egypt are making real changes in their government and that is something that Americans can do. We must jump off the couch, turn off the news, get into the streets, and demand our rights as citizens of the United States." "Andrea O'Neill (Restore The Fourth DC) speaks at DC 'Restore The Fourth' rally, 7/4/2013" (accessed January 6, 2016). https://www.youtube.com/watch?v=h7AXCqkAQ60&feature=youtu.be.

[581] Exceptions included the "Restore the Fourth" rally in Philadelphia which featured a speech by a Syrian refugee urging the American public to "[p]lease save our Constitution and save our rights, so I can become an American citizen, just like you;" and the '1984 Day' event in San Francisco where an activist from New Zealand showed solidarity by linking the event to an anti-surveillance demonstration in Auckland. Cf. Curtis Skinner, "Philadelphia Marchers Protest Surveillance. Popular Resistance," July 5th, 2013 (accessed January 6, 2016).

As an opinion piece on the leftist blog site *Dissident Voice* summarized, the Snowden affair had evolved into an international crisis, involving, among other things, spying on millions on non-American citizens and several countries engulfed in a diplomatic crisis over refusing or granting asylum for Snowden. Just as the events in the lead up to the American Revolution were transnational (a 'foreign' power, Great Britain, spying on American colonists), now the U.S. acted as imperialist, international surveillance behemoth.[582] But these were notable exceptions. The communications team of "Restore the Fourth" defended their focus on the U.S. Constitution by saying it would inspire people in other countries:

> The work we do is all online so in so far as citizens of other countries see it and learn from it and use it to pressure their own government to exercise its diplomacy, we think that's great. We focus on the 4th Amendment though which is part of a contract between the US government and its citizens. Foreign citizens are protected not by the 4th but by the protections granted to them by their own government and by the diplomatic weight their governments exercise to protect them from international ones, so in a political sense that is the means foreign citizens need to use.[583]

Constitutionalism

The fixture on the Fourth Amendment and the Constitution was another core frame applied in the communication of the event. To the patriotic and nonpartisan frames a third, *strictly legalistic layer* was added by the organizers. Focusing on one constitutional principle (see, for example, the protest art distributed online, image V) had not only the effect of evoking patriotic feelings or reaching across the political spectrum but also to streamline and clarify the communication of the core demand. Or as Marketing Coordinator Mike13815 put it: "[T]he message is clear, concise, and easily understood/replicated. We are tackling this *by using the*

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https://popularresistance.org/philadelphia-marchers-protest-nsa-surveillance/; "Rally for Privacy Awareness '1984' on 8/4 Restore the Fourth SF - Part 1" (accessed January 6, 2016) . https://www.youtube.com/watch?v=OgQEGDS4oyE.

[582] "Restore the Fourth, The Beginning is Near," *Dissident Voice*, July 5, 2013 (indexed by LexisNexis).

[583] Still, while the activists did not condone the (legal) surveillance of foreigners, what had particularly troubled them was that the Snowden revelations had shown that U.S. citizens were just as likely to be targeted by the NSA. Kate Crawford from the Massachussets chapter of the ACLU, started her appearance at the "1984 Bricnic" in Boston with the following joke: "NSA walks into a bar. Orders a beer. Bartender says 'foreign or domestic?' NSA says 'What's the difference?'" "bricnicpart1" (accessed January 6, 2016). https://www.youtube.com/watch?v=L2HJMSwIlcE.

actual text of the Fourth Amendment as our position."[584]

Indeed, the whole campaign was rooted in legalism in the narrowest sense: As the name "Restore the Fourth" suggested, the existing legal frameworks, namely the Bill of Rights had already settled privacy as one of the cornerstones of individual rights and only needed to be 'restored," namely applied as conceptualized by the founding fathers (see for example protest art quoting the Fourth Amendment or claiming the Constitution was "deleted" by the NSA, see images V and VI). In addition recently passed legislation – which had violated the Constitution in the opinion of the activists – had to be scaled back. The most concrete and practical demand brought forward by RT4 activists was to urge their representatives to repeal the Patriot Act. For example at the "Restore the Fourth"-rally in Buffalo postcards were distributed among attendees to be signed and send to their congressmen and -women:

> Dear Senator X/Y, In light of recent events regarding the National Security Agency and the covert surveillance of American people; I would like you to be aware of the opinion of those whom you are elected to represent. As my elected representative I would like you to voice my convictions in front of Congress regarding the Patriot Act. The time has come to repeal the Patriot Act since it is no longer being utilized to protect the American people, but rather to hurt their civil liberties. The NSA's massive metadata collection justified by the Patriot Act is a clear violation of our Fourth Amendment rights Please inform me as to your practical response towards addressing the issue. Thank you.[585]

But while the "Constitutionalism" frame certainly sent a clear message to the public, it created a new set of problems. While the surveillance programs exposed by Snowden had been certainly secret and thus arguably lacking accountability and legitimacy, the answer to the question if they were illegal or unconstitutional was far from settled in the public discourse.[586] When asked

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[584] RT4 AMA (emphasis added).

[585] "Restore the Fourth Postcard" (accessed January 6, 2016). https://docs.google.com/document/d/192jBy8qRkGsawbga2x78ci6BDBlqrKKI6nDWutvbiXs/edit.

[586] This is not the place to discuss the legality of the NSA surveillance programs. But as of December 2013, the question was far from settled. By then two U.S. District Judges reached fundamentally different conclusion about the constitutionality of NSA surveillance as exposed by Snowden. Cf. Andrew Cohen, "Is the NSA's Spying Constitutional? It Depends Which Judge You Ask," *The Atlantic*, December 27, 2013 (accessed January 6, 2016) https://www.theatlantic.com/national/archive/2013/12/is-the-nsas-spying-constitutional-it-depends-which-judge-you-ask/282672/. To make things more complicated, one law professor described the programs as being both "legal" and "unconstitutional." Laurs K. Donohue, "NSA surveillance may be legal — but it's unconstitutional," *The Washington Post*, June 21, 2013 (accessed January 6, 2016). https://www.washingtonpost.com/opinions/nsa-surveillance-may-be-legal--but-its-unconstitutional/2013/06/21/b9ddec20-d44d-11e2-a73e-826d299ff459_story.html?utm_term=.7bad5dbf12e1.

about why the NSA programs had been approved by the (secret) courts in the first place, Interim Press Coordinator douglasmacarthur had to reply with lengthy treatises on constitutionality, legality, legitimacy, and secrecy of laws.[587] Also the focus on the Fourth Amendment – intentionally or not – appealed to citizens concerned with the status quo of another, highly controversial amendment, namely the Second Amendment, granting the rights to bear arms. In sum, synthesizing this web of legal issues into a single slogan ("Restore the Fourth") was an effective political communication strategy; however at the same time it was a simplistic answer to an increasingly complicated nature of the security state after 9/11.

IMAGE V: "Restore the Fourth" protest art quoting the Constitution.

However, activists showing up at events around the country embraced the "Constitutionalism" frame package. Activist/protest performer 'Reverend Billy' (from the Stop Shopping Choir) dramatically asked the demonstrators at the 'Restore the Fourth'-rally in New York City to

> Go back to the constitution. Put those words in your body. All of those amendments. Say it again and again and again. We want to sing for you right now the First Amendment [Freedom of Speech] because the First Amendment and the Fourth Amendment come together to make a DNA

[587] "The court system doesn't (and couldn't) pre-approve every particular thing the government does.(…) The PRISM scandal hasn't been fully accounted for by the justice system because it was secret. What court approval it did have was from secret courts, which is a whole issue in and of itself. (…) Additionally, while the rule of law and the balance of powers requires such discretion about how the constitution is applied to ultimately be up to the courts, that doesn't make every court decision right. The Supreme Court has made decisions endorsing the constitutionality of slavery. The constitution is the constitution and in so far as the courts continue to give legal sanction to unconstitutional programs we need to use the various legal and political means available to improve the court system." RT4 AMA.

of freedom that is unstoppable![588]

IMAGE VI: "Restore the Fourth" protest art (3)

The reverent later closed one of his anti-surveillance sermons with the phrase "Bill of Rights-luya!"[589] Former congressman Dennis Kucinich addressed the protesters in Washington, D.C. as "Friends of the Constitution" and noted that he always carried a miniature version of it in his pocket because it was "under threat from our own government."[590] Congressman Alan Grayson underlined the "continuing vitality of the US constitution today" as well as "the beauty of the 4th amendment."[591] RT4 leader Andrea O'Neill warned that the "degradation of our Fourth Amendment rights can ultimately lead to the degradation of our other civil liberties."[592] Mudusar Raza from the Council of American-Islamic Relations compared to what he felt was an erosion of basic rights in the US to the Third Reich. Adapting and modifying Martin Niemöllers famous poem, Raza summarized the three core frames into one:

> When they came for my Second Amendment rights I didn't say anything because I wasn't a gun owner (…) When they came for Third Amendment rights, I didn't mind troops in my house because I supported the war, and damn it I was a patriot. When they took away peoples' Fifth Amendment rights I didn't say anything because those people they were kind of shady and I was involved in anything I'd be okay and damn it I was a patriot. When they came for my first amendment I didn't say anything, well,

[588] "Restore the Fourth March NYC" (accessed January 6, 2016). https://www.youtube.com/watch?v=rRDigVuWqUE.
[589] "Restore the Fourth March NYC"
[590] "Statement by Rep. Dennis Kucinich (D-OH) to DC 'Restore The Fourth' rally, 7/4/2013" (accessed January 6, 2016). https://www.youtube.com/watch?v=nUDqIeZAKYU&feature=youtu.be.
[591] "Statement by Rep. Alan Grayson (D-FL) to DC 'Restore The Fourth' rally, 7/4/2013." (accessed January 6, 2016). https://www.youtube.com/watch?v=Y5Ec4UlcBRg.
[592] "Andrea O'Neill (Restore The Fourth DC) speaks at DC 'Restore The Fourth' rally, 7/4/2013"

> because, again, I supported the war and damn it I was a patriot. *When they came for my Fourth Amendment* and took away my home without due process I couldn't say anything because I had lost my first. That's what happened in Nazi Germany. Are we going to let this happen here? (…) Restore the Fourth![593]

Sanho Tree, Fellow at the Institute for Policy Studies, argued that the Declaration of Independence stipulated the consent of the governed and thus secret programs such as PRISM were illegal[594] And documentary filmmaker Cullen Hoback argued "that you can be damn sure that [were the Founding Fathers alive] they would want the Fourth Amendment to be applied online"[595] while another speaker, Mark Mason, called for a "Bill of Rights 2.0."[596]

Within the circles of organizers trust in the purifying power of the Constitution was sufficient – both in their political messaging and as the concrete solution for scaling back the surveillance regime. Focusing on other factors, such as corporate surveillance applying increasingly sophisticated means to track people's daily activities and thoughts, was beside the point. Asked by a Reddit user whether laws would be enough to protect peoples' privacy, douglasmacarthur's reply is remarkable for its technophile enthusiasm and ignorance about the embeddedness of tech companies into to the surveillance regime:

> Yes. While new technology is a big part of this, I think it's overstated. (…)The world has – proportionate to population, and in terms of the long-term trend – gotten less violent over time and rights have been respected more, even as our means to be violent and to oppress each other have gotten greater. Cultural philosophy and the rules and standards we set out for ourselves and each other in how we relate to each other are the variable, and have great power to make sure technology is harnessed for good instead of evil.[597]

Another issue that the organizers, at least initially, wanted to not talk about was Edward Snowden (this would change significantly in the campaigns following "Restore the Fourth"). Focusing on the plight and politics of Snowden would distort the message, some organizers feared. For RT4 Raleigh, NC coordinator oracle989 "the issue [was] bigger than Snowden, (…)

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[593] Mudusar Raza (CAIR-MD) speaks at DC "Restore The Fourth" rally, 7/4/2013." The Niemöller quote went on to become a staple in subsequent anti-surveillance protests.

[594] Cf. "Sanho Tree (IPS) speaks at DC 'Restore The Fourth' rally, 7/4/2013" (accessed January 6, 2016). https://www.youtube.com/watch?v=3_jqG73lsA0&feature=youtu.be.

[595] "Rally for Privacy Awareness '1984' on 8/4 Restore the Fourth SF - Part 5" (accessed January 6, 2016). https://www.youtube.com/watch?v=l_ZJ5UPdAF8.

[596] "Rally for Privacy Awareness '1984' on 8/4 Restore the Fourth SF - Part 2."

[597] RT4 AMA.

bigger than any one person, (...), bigger than any one group. We can't control the media, but what we can do is control our group's message, and we've been very consistent in that thus far. Whenever Snowden comes up, we just pivot back to the 4th and our rights." [598] It is noteworthy that in this earliest case of Post-Snowden activism Snowden himself as the source of information about the secret surveillance programs was seen as an obstacle rather than an asset in getting the message out. Harvey Anderson, senior vice president, business and legal affairs at Mozilla, the free-software community that supported the campaign, also believed that the attention Snowden was receiving was a "big distraction to avoid focusing on the invasions that have actually been occurring."[599]

Orwellian Totalitarianism

While for the first 'Restore the Fourth' event in July 2013 (constitutional) history had been the main frame package for communicating resistance to government surveillance, one month later it was literary fiction. On "1984 Day," activists once again gathered in several U.S. cities to publicly make clear that "*1984* is a warning, not an instruction manual"[600] as Andrea O'Neill of Restore the Fourth D.C. told the press. The organizers were optimistic that the previous protest had raised a significant amount of awareness and the world was ready for a second wave of protest that would further turn the tide in favor of the privacy community. Optimistically the official press release described "momentum that even critics say may be unstoppable."[601] However, the turnout on August 4th was significantly lower than on July 4th both in terms of individual activists and participating cities; while "Restore the Fourth" was widely covered by the media, coverage of "1984 Day" was not (see table II).

The main event took place in San Francisco, where participants gathered in a public park and shared quotes of *1984* as well as gave speeches; New York City, where about 400 protesters

[598] RT4 AMA.

[599] As quoted by Grant Gross, "Civil rights groups plan July 4 protest against NSA surveillance." *PC World*, July 2, 2013 (accessed January 6, 2016). http://www.pcworld.idg.com.au/article/466471/civil_rights_groups_plan_july_4_protest_against_nsa_surveillance/.

[600] As quoted by Dan Roberts, "Activists stage second national day of protest against NSA's domestic spying," *The Guardian*, August 4, 2013 (accessed January 6, 2016). https://www.theguardian.com/world/2013/aug/04/national-day-protest-nsa-spying.

[601] "Restore the Fourth to Hold Day of Action against NSA Spying on August 4th for '1984 Day'" (accessed January 6, 2016). http://www.restorethe4th.com/press/.

met in front of the headquarters of telecommunication company AT&T, which has been an integral part of the U.S. surveillance infrastructure; and Boston where activists organized a picnic in proximity to the Boston Regional Intelligence Center (BRIC), thus naming it 'bricnic'.

While participants at 'Restore the Fourth' rallies across the U.S. had already embraced the "Orwellian Totalitarianism" frame package,[602] this time warning against a totalitarian, unchecked surveillance state as depicted in *1984* was the core frame in their articulation of protest. In a second press release, RT4 organizers pointed out that without a continuation of protest, an unfettered, government sanctioned spying apparatus would eventually lead to the erosion of civil liberties and democracy:

> George Orwell's novel *1984* is a *chilling vision of what might lie ahead if we don't take action*. While the technology used in the novel is different, the basic principles are the same. And while we may not live in a society like Orwell described this year, or next, that is only because of the vigilance we have shown in preventing it, and now that vigilance is needed as much as ever.[603]

It was a bleak vision of things to come and to prevent its realization, RT4 had "to warn Americans what might happen if they let themselves believe national security requires disregarding privacy, individual rights, and the rule of law."[604] While demonstrators in New York City carried a large sign with the caption "1984 Rising,"[605] for some protesters Orwell's novel was already a reality. That "*1984* is really here," RT4 Utah head Lorina Potter argued at a protest in Salt Lake City, "should scare each of you to the bones".[606] A Vietnam veteran at the New York '1984 Day' lashed out at the state of his country, painting a grim picture of current state of affairs, and indirectly criticizing the legalistic approach of "Restore the Fourth":

> They [the government] are going to say that they are not spying but they are going to keep spying even when they tell you they are not going to spy because *we live in a fascist country*. *This is fascism fast forward*. *You have*

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[602] For example, the protest crowd at "Restore the Fourth NYC" enthusiastically joined performance activist Reverend Billy in his chanting of "Big Brother is watching but little sister is listening!" "Restore the Fourth March NYC" (It is unclear, what he is referring to by "little sister").

[603] "It's 1984 Day: On August 4th, The Fight for the Fourth Continues" (accessed January 6, 2016). http://occupywallstreet.net/story/its-1984-day-august-4th-fight-fourth-continues (emphasis added).

[604] Ibid.

[605] Cf. "1984 Day: Why People Are Protesting The NSA" (accessed January 6, 2016). https://www.youtube.com/watch?v=FUbZw9sNX8Q.

[606] Dennis Romboy, "Utahns rally against government spying on '1984 Day'," *Deseret Morning News*, August 4, 2013 (accessed January 6, 2016). http://www.deseretnews.com/article/865584090/Utahns-rally-against-government-spying-on-1984-Day.html.

> *no rights*. Your Bill of Rights and your Constitution is not worth the paper it is written on. I mean let's stop kidding ourselves.[607]

A citizen by the name of Sheela Goldmacher, who quoted the famous party slogans of *1984* ("War is Peace. Freedom is Slavery. Ignorance is strength") reminisced about being intrigued reading the book as a high school student. But now in her eighties she "never dreamt I was alive to see *the country become Orwell's nightmare*."[608] Whistleblower and former AT&T employee Mark Klein, who had exposed the collaboration between the government and the telecommunications company shared with the audience in great detail how he, in a secret room, had discovered a "Big Brother Machine," designed to copy the entire online data stream. He later added he believed he lived in a "police state" waging – echoing *1984*'s concept of perpetual warfare – "imperial war"[609] everywhere. And whistleblower Daniel Ellsberg, famous for his leaks of the 'Pentagon Papers' and who was headlining the event in San Francisco, warned his audience that with ongoing surveillance and persecution of whistleblowers the United States were "*on the way to the death of humanity*."[610] While the day was not there yet, Ellsberg voiced concern that after another earth shattering moment like 9/11 people could be – based on electronic databases collection metadata – be put in detention camps as Japanese-Americans had experienced during World War II.[611]

While 'Big Brother'-analogies have traditionally been a part of privacy activism and were featured in following campaigns as well, '1984 Day' was the first instance, where privacy advocates almost exclusively relied on this frame. It offered a rare glimpse into how individual citizens made sense of Orwell's dystopian fiction and culturally appropriated the novel in relation to personal experiences of being under surveillance. By adapting the general dark tone of the book and its interpretation of global capitalism and imperialism, organizers and activists formulated arguments against the contemporary surveillance regime that ranged from matter-of-fact to bordering on conspiracy theories.[612] The enduring popularity of *1984* as the go-to

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[607] "1984 Day: Why People Are Protesting The NSA" (emphasis added).
[608] "Rally for Privacy Awareness '1984' on 8/4 Restore the Fourth SF - Part 1" (emphasis added).
[609] "Rally for Privacy Awareness '1984' on 8/4 Restore the Fourth SF - Part 4" (accessed January 6, 2016). https://www.youtube.com/watch?v=c4QMfa07Nro.
[610] "Rally for Privacy Awareness '1984' on 8/4 Restore the Fourth SF - Part 6" (accessed January 6, 2016). https://www.youtube.com/watch?v=0_r697CXeeU (emphasis added).
[611] Cf. "Rally for Privacy Awareness '1984' on 8/4 Restore the Fourth SF - Part 6."
[612] Indeed, a group that was particularly attracted to join privacy activist organizations before and post-Snowden were conspiracy theorists, threatening to delegitimize the overall cause, as one of the activists, interviewed for this study, noted (interviewee Q): "Internally (…), this is something that we guard against ourselves because most

literary analysis of surveillance is a testament to Orwell's skill at unearthing social control in totalitarian societies; yet as 'Big Brother'-analogies have increasingly come under scrutiny by privacy scholars and activists themselves, questions remain if the 'Big Brother' frame is able to sensitize larger parts of the population for the abuses of government spying (see discussion in section 5.6).

Discussion

Period	**Restore the Fourth** *7/3-7/6/2013*	**1984 Day** *8/3-8/6/2013*
Newspaper articles	11 (19,64 %)	3 (42,85%)
Web Blog articles	43 (76,78%)	4 (57,14%)
Magazine articles	0 (%)	0 (%)
Web Magazine articles (Web publications)	2 (3,57%)	0 (%)
Total (n)	**56 (100%)**	**7 (100%)**

TABLE II: Overview of LexisNexis search results for the "Restore the Fourth" and "1984 Day" campaigns.

In sum, "Restore the Fourth" and "1984 Day" were important first milestones in post-Snowden privacy activism. By using four interpretive packages, "Patriotism," "Non-Partisanship," "Constitutionalism," and "Orwellian Totalitarianism" organizers and participants established framing categories that partially inspired later campaigns. To examine how the frames were reproduced in newspapers and online media, I searched the LexisNexis Academic news database for all items mentioning the terms "Restore the Fourth" and "1984 Day" in the days leading up to the protest, the day of the protest, and its immediate aftermath (the two days after the protest). An "All News" search for the term "Restore the Fourth" narrowed down to the source categories Newspapers, Magazines, Web magazines, and Blogs for the period July 3-6, 2013; and an "All

of the people who were talking about this stuff before Snowden, many of them were people who believed in other conspiracy theories as well. *It is just that this is a conspiracy theory that was conclusively proved correct*. So it gives conspiracy theorists hope. It makes them very excited. And so it is an organizing question within grass roots surveillance reform groups of how to deal with people who believe in other conspiracies like that the September 11th attacks were orchestrated by people in the U.S. government for example. We are careful to deal only with this particular conspiracy and to not get distracted by other issues that are important but are not our issues."

News" search for the term "1984 Day" using the same search parameters for August 3–6, 2013 yielded a combined total of 63 news items.1 See Table II for more details and a comparison of media coverage of both events.

Figure I shows the extent to which collective action frames were adopted in the media coverage of 'Restore the Fourth'/'1984 Day.' Clearly, the "Constitutionalism"-frame package was most widely adapted by media outlets reporting on the campaigns. The "Restore the Fourth"-core frame proved to be an easy digestible slogan that unsurprisingly was widely replicated by journalists. In the United States, with its vivid culture of constitutional reverence, inserting *Verfassungspatriotismus*[613] into the political communication strategy around the constitution, made it possible for organizers to link historical struggles for independence with contemporary privacy activism. The "Constitutionalism"-package was also closely tied to the "Non-Partisanship"-package (which was largely ignored by media reports), as 'Restore the Fourth' was able to unite an ideologically highly heterogeneous range of people under the banner of the Fourth Amendment. But "Restore the Fourth" not only wanted to mobilize constitutionalists but utilize the love for the home country as well. The "American Patriotism"-frame package was referred to by more than a third of all outlets covering the campaign. It is a decades, if not centuries-old tactic to frame one's political goals as being in the interest of the country. The "Patriotism" and "Constitutionalism" frame packages were more viable than literary fiction as the comparatively low adoption rate for the "Orwellian Totalitarianism" frame shows.

The bleak vision painted by the activists neither resonated with citizens nor media outlets. The extremely pessimistic and dystopian assessment of the surveillance state is not grounded in the everyday life of people. Also, the critique of capitalism and imperialism which lies at the heart of *1984* does not necessarily show what effects surveillance has on individuals and is subverted further by a lack of will to talk about corporate surveillance.

In hindsight it is also noteworthy which interpretive packages and framing devices were *not* used in these first instances of activism. Transnational frames, portraying surveillance as a global problem, were naturally absent in a campaign focused on patriotism and the U.S. constitution.

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[613] Namely, the variety of the "American creed" or "covenanted patriotism" that inspired Jürgen Habermas to introduce the concept in the 1980s as a particular European or German form of patriotism. Cf. Jan-Werner Müller, Constitutional Patriotism (Princeton: Princeton University Press, 2007), 6-7.

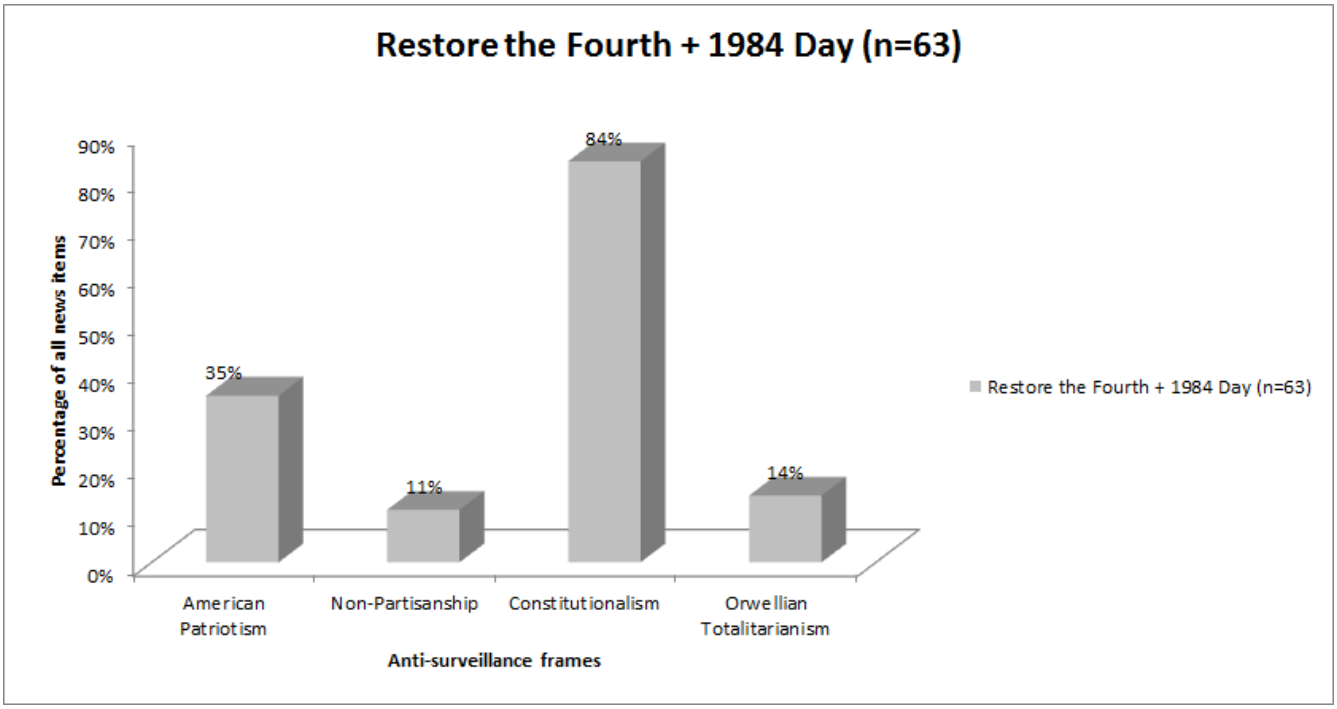

FIGURE I: Ratio of frame adoption of news outlets covering the "Restore The Fourth" and "1984 Day" protest events (combined). The columns represent the percentages of news items that referred to, covered, or adopted the respective anti-surveillance frames in their reporting of "Restore the Fourth" and "1984 Day."

With rare exceptions[614] speakers at the events did not mention the history of government agencies monitoring Civil Rights groups in the 1960's and 1970s, which would play an important role in the framing of the next protest event, "Stop Watching Us." Presumably this was in order to not alienate conservative citizens and risk losing the campaigns' nonpartisan character. While individual activists lauded the sacrifices of whistleblowers such as Edward Snowden, Daniel Ellsberg, and Thomas Drake, and the latter two also participated as speakers, to focus on Edward Snowden as an inspiration for resisting surveillance was partially discouraged by the organizers. Notably, with one exception,[615] the role of online companies in the global surveillance regime was generally ignored both by official communication channels as wells as by individual activists. In his closing remarks at the "Restore the Fourth" march in NYC, RT4 chair Ben Doernberg urged

[614] See the speech of Julian Sanchez from the Cato Institute at the 'Restore the Fourth'-rally in Washington D.C. "Julian Sanchez (CATO Institute) speaks at DC 'Restore The Fourth' rally, 7/4/2013" (accessed January 6, 2016). https://www.youtube.com/watch?v=4rt3iYTCoSE&feature=youtu.be.

[615] Documentary filmmaker Cullen Hoback warned the '1984'-rally in San Francisco that "spy systems that are enabled largely by tech companies are basically posing the greatest civil liberties crisis of our time." "Rally for Privacy Awareness '1984' on 8/4 Restore the Fourth SF - Part 5."

the crowd to send an email to the official Gmail-address and join their Facebook group, adding "we know it's ironic, but it is a good way to keep in touch."[616]

4.2 "Stop Watching Us"[617]

On October 26, 2013 between 2,000 and 5,000 people gathered at the National Mall in Washington, D.C. to once again demonstrate against excessive governance surveillance. The 'Stop Watching Us'-Campaign, hailed by the organizers as "largest rally yet against NSA surveillance," took place roughly four months after "Restore the Fourth." The official goals of the campaign were essentially the same, namely to "[e]nact reform this Congress to Section 215 of the USA PATRIOT Act, (…)[c]reate a special committee to investigate, report, and reveal to the public the extent of this domestic spying," and "[h]old accountable those public officials who are found to be responsible for this unconstitutional surveillance."[618] Flanked by a massive grass roots lobbying offensive of 118 citizens contacting 50 representatives in Congress in person, the overarching objective of the demonstration was to articulate to public officials "[t]his is what [surveillance] means to me, this is how it impacts my life,"[619] as a spokesperson for the advocacy group Public Knowledge put it.

Based on a close reading of a preceding mobilization video, the subsequent main protest event in Washington, D.C., and accompanying press materials I again identified four different anti-surveillance frame packages. The first interpretive package "History of Surveillance" reflected the organizers' choice to evoke history. It differed from the "Patriotism" package used in "Restore the Fourth" by not only referencing Colonial History but by particularly focusing on the more recent Civil Rights history. These references were essentially what Gamson & Modigliani have described as "exemplars (i.e. historical examples from which lessons are drawn)."[620] The second package, "Orwellian Totalitarianism" had already been used in "Restore the Fourth" (see preceding chapter). By repeatedly referencing *1984*, activists once again tried to insert "narrative fidelity"[621] into their anti-surveillance claims. The third package is titled "Global Dimension." In

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[616] "Restore the Fourth March NYC."
[617] Author's note: This section is an expanded, modified, and partly reproduced version of a previously published article by me. Cf. Wäscher, "Framing Against Surveillance."
[618] "Stop Watching Us" homepage (accessed February 22, 2016). http://stopwatching.us.
[619] Cf. *Washington Internet Daily* Vol 14 (208), October 28, 2013 (via LexisNexis Academic).
[620] Gamson and Modigliani, "Media Discourse and Public Opinion," 15.
[621] Benford and Snow, "Framing Processes and Social Movements," 622.

stark contrast to “Restore the Fourth” the organizers framed the mainly U.S.-based events as part of a larger transnational movement and connected NSA surveillance to human rights abuses in the Global South. Here the activists applied transnational frames, as discussed in section 3.1. The final package, “Celebrity Activism,” consisted of framing resistance against surveillance as heroic acts of individual activists, which should be seen as role-models for collectively voicing dissent. The decision of the organizers to heavily feature the personality of Edward Snowden – largely ignored by the RT4-protests – can be interpreted as motivational frames as their quasi-celebrity status was used to inspire and mobilize resistance against surveillance. For an overview of the four frame packages see table III.

The basis for the 'Stop Watching Us'-campaign was a video of the same name that was posted on YouTube as a prelude and information hub for the rally on October 26, 2013. Produced by the Electronic Frontier Foundation (EFF), arguably the United States biggest and influential digital rights advocacy group, and directed by filmmaker Brian Knappenberger it is essentially a three-minute talking heads mini-documentary interrupted by animated graphics and scans of the documents leaked by Snowden. Underscored by dramatic music, celebrities such as, among others Oliver Stone, John Cusack, and Maggie Gyllenhaal, as well as activists and scholars address the viewer to take action against “mass suspicionless surveillance.”[622] The first part of the film is mainly concerned with informing the audience about the range of the Snowden leaks and how “every American is at risk of getting caught up in the NSA dragnet,”[623] as Stone puts it at one point in the video.

Being part of a campaign that seeks to mobilize as much citizens as possible, the statements voiced in the video reflect a sense of urgency. Stressing their importance, Rep. John Conyers calls the Snowden files “a wakeup call”, while whistleblower Kirk Wiebe remarks, that “we truly as a nation are at a crossroads”.[624] Yet the video portrays government surveillance as a constant in recent U.S. history and explicitly characterizes current NSA tactics as a continuation of illegal practices conducted by former FBI director J. Edgar Hoover and former President Richard Nixon.

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[622] EFF.org, “Stop Watching Us: The Video”(accessed February 22, 2016). https://www.youtube.com/watch?v=aGmiw_rrNxk.

[623] Ibid.

[624] Ibid.

‚Stop Watching Us‘			
Frame Package	***Core Frame***	***Core Position***	***Exemplars***
History of Surveillance in the U.S.	NSA surveillance as exposed by Snowden must be placed in a long tradition of government spying on citizens that started in Colonial Times.	Historically, surveillance has ultimately targeted dissenters and minorities. Thus, there is no doubt current NSA surveillance programs will stifle political activism, dissent and free speech in the future.	- Activist drawing connections between Palmer Raids, McCarthyism, Watergate, COINTELPRO, and PRISM (C-SPAN 2013)
Orwellian Totalitarianism	NSA surveillance is a form of indiscriminate mass surveillance resembling the dystopian fiction of ‘Nineteen Eighty-For’.	NSA and its international partners engage in totalitarian, “suspicionless mass surveillance” that will either lead to totalitarian society or has already surpassed level of surveillance depicted in ‘Nineteen Eighty-For’.	- ‘Unplug Big Brother’-protest sign (AFP, 2013)
Global Dimension	Due to the nature of the Internet, Surveillance is a global practice that is not only affecting US citizens but people all over the world that can only be tackled on a global scale.	Authoritarian regimes in the ‘Global South’ demonstrate how surveillance can lead to serious human rights violations. If global surveillance isn’t resisted in the U.S. and around the world it will lead to autocracy worldwide.	- “It's not just Americans being caught in this dragnet. We need to stand up for the rest of the world too," (AFP, 2013)
Celebrity Activists	We know about the scope of formerly secret contemporary surveillance programs because of whistleblowers and activists.	The heroic sacrifices of whistleblowers and the courage of activists exposing the surveillance state should be celebrated and inspire citizens to resist surveillance.	- “Thank you Edward Snowden”-protest signs (C-SPAN 2013)

TABLE III: Frame matrix detailing dominant anti-surveillance frames in the "Stop Watching Us" campaign.

As Cusack points out, surveillance “was wrong then and is wrong now.”[625] And Stone adds that “history tells us we need to watch the watchers,”[626] drawing connections between historical instances of surveillance such as Watergate, COINTELPRO, [627] and PRISM.

While the video has received roughly 1.2 million clicks on YouTube (as of May 2015), the actual protest rally in Washington, D.C. consisted of several thousand protestors.[628] By its own account, the event was organized jointly by a network consisting of more than 100 international advocacy and civil rights organizations, movements and political interest groups.[629] This network was both non-partisan and international in its composition as it contained groups ranging from the conservative-libertarian FreedomWorks to the far-left International Socialist

[625] Ibid.

[626] Ibid.

[627] For an overview about the FBI’s spying programs aimed at activists and African-American dissidents see Charles Gallagher and Cameron Lippard, “COINTELPRO Counter Intelligence Program),” in *Race and Racism in the United States: An Encyclopedia of the American Mosaic, Volume 1: A-E*, ed. Charles Gallagher and Cameron D. Lippard (Santa Barbara: Greenwood, 2014), 277.

[628] While 'Stop Watching Us'-organizers counted 4,500 participants, the British newspaper Daily Mail reported a headcount of 2,000 people attending the protest. Cf. Ryan Gorman, “Protesters swarm Capitol Hill on 12th anniversary of data collection laws authorizing NSA spying,” *Mail Online*, October 27, 2013 (via LexisNexis).

[629] See http:/.stopwatching.us for a list of participating organizations (as of May 2015, contrary to press reports, only little over 60 organizations are listed there).

Organization and from the Icelandic Modern Media Initiative to Brazil's Centro de Cultura Luiz Freire.

IMAGE VII: "Stop Watching Us" poster with "(eye)conographical" logo.

Orwellian Totalitarianism

The main symbol of the event, which was also featured in the video, was an aptly designed eye with a hand sign, signaling to stop, instead of a pupil (see image VII). This '(eye)conography' is noteworthy for two reasons: First, as an obvious representation of surveillance and the demand to put an end to it. And secondly, it is an apparent nod to George Orwell's *1984*, in which the penetrating eyes of leader/symbol 'Big Brother' plays an important role.[630] Individual protestors picked up the Orwellian theme by carrying posters of laptop screens with the inscription "Unplug Big Brother".[631] Organizers handed out signs with the sentence "Stop Watching ___" to be completed by participants to highlight their individual concerns regarding surveillance, which

[630] See for example the following passage: "On coins, on stamps, on the covers of books, on banners, on posters, and on the wrappings of a cigarette packet--everywhere. Always the eyes watching you (...). Asleep or awake, working or eating, indoors or out of doors, in the bath or in bed--no escape." George Orwell, *Nineteen Eighty-Four* (accessed February 22, 2016). http://www.orwell.ru/library/novels/1984/english/en_p_1.

[631] "Anti-NSA protest calls for end to US spying," Agence France Presse, October 26, 2013 (via LexisNexis).

reflects a recent trend in connective/collective action, namely the "organizationally enabled (hybrid)" of protests with its "emphasis on loosely tied coalitions and personalized framing of issues."[632] The rally in Washington, D.C. was started off by inviting an 11-year old participant to the stage who read out a quote from Orwell's essay "Politics and the English Language."[633] Activist Josh Levy demanded that citizens "must be able to speak and assemble without Big Brother watching everything we do."[634]

History of Surveillance

In addition to these iconographic elements, the history of controversial surveillance measures in the United States contributed to the overall framing as well. The timing of the protest event coincided with the 12-year anniversary of the passing of the Patriot Act which has been the base for what privacy activists for years had criticized as excessive mass surveillance.[635] A petition drafted by the organizers, which called for "[e]nact[ing] reform (…) to Section 215 of the USA PATRIOT Act, the state secrets privilege, and the FISA Amendments Act"[636] was signed online by 575,000 citizens and handed over to Republican Congressman Justin Amash. But speakers at the rally went back even further, detailing the illegal surveillance measures of the government from colonial times all the way through the Civil Rights era.[637] A quote by Senator Frank Church, who in the 1970s had led the famous committee named after him into the FBI's surveillance of Civil Rights activists, was displayed by the organizers on the official website.[638] Detailing historical incidents of spying on political dissidents and activists in order to stress the potentially devastating effects of surveillance in the future was a common theme of many speakers entering the main stage.

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[632] Bennett and Segerberg, *The Logic of Connective Action*, 11-12.

[633] "Politics itself is a mass of lies, evasions, folly, hatred and schizophrenia" "Rally Against NSA Surveillance", *C-SPAN,* October 26, 2013(accessed February 22, 2016). http://www.c-span.org/video/?315880-1/rally-nsa-surveillance.

[634] FreePress, "100,000 Demand End to NSA Spying at StopWatching.Us," *Savetheinternet.org*, June 13 (accessed February 22, 2016). https://www.savetheinternet.com/press-release/104364/100000-demand-end-nsa-spying-stopwatchingus.

[635] In fact, the repeal of section 215 of the Patriot Act has been the key political groal for privacy advocates in the United States, as of May 2015.

[636] "Stop Watching Us" homepage.

[637] C-SPAN, "Rally Against NSA Surveillance."

[638] "[The National Security Agency's] capability at any time could be turned around on the American people, and no American would have any privacy left, such is the capability to monitor everything: telephone conversations, telegrams, it doesn't matter. There would be no place to hide." Cf. "Stop Watching Us" homepage.

For example, in his rap performance, Shahid Buttar, Executive Director of the Bill of Rights Defense Committee, referenced events such as the Palmer Raids of the early 1920s, abuses during the era of McCarthyism and alleged government involvement in the surveillance-related assassinations and attacks on Civil Rights- and environmental activists:

> Back in the day during World War I/ It was the FBI v. Free Speech holding the gun/ Hard fought constitutional rights on the run/ the Palmer raids the first but not the last one/ Fast forward 40 years to the real Red Scare/ McCarthy did a number but the FBI they were there/ like the NSA thought they were everywhere/ and knew what you wore to bed/ they prosecuted people for the thoughts in our heads/ they tried to drive MLK [Martin Luther King] to suicide/ no one even knows why brother Malcom died/ Fred Hampton killed in his own house inside/ they even bombed activist Judy Bari's car and lied/[639]

The host of the event, Kymone Freeman of the National Black LUV Festival, reminded the protest crowd that through monitoring his daily activities, former FBI director J. Edgar Hoover had tried to blackmail Civil Rights leader Martin Luther King into not accepting the Nobel Peace Prize and committing suicide: "*This* was surveillance!"[640] Freeman, in accord with his audience, went on to pay homage to whistleblower Edward Snowden by adding him to a long line of deceased dissidents, activists and artists such as Emma Goldman, Martin Luther King, Abbie Hoffman, John Lennon, Fannie Lou Hamer, Huey P. Newton, Aaron Swartz, Marcus Garvey, Howard Zinn, Pat Tillman, Tupac Shakur, many of whom were victims of government surveillance themselves. But in 2013, Freeman concluded, surveillance was not merely targeting dissidents or radical African-American activists: Now, he claimed, "we are literally in the same boat. (…) *We are all black*. (…) Whether you like it or not. (…) (…) *Because if there is one thing of equality in America it's surveillance!* It is for everyone!"[641]

The former Republican Governor of New Mexico, Gary Johnson, and the former democratic U.S. Representative from Ohio, Dennis Kucinich, both evoked colonial history in their strong objection to state surveillance. Johnson compared the ability of the British to search the houses of the colonists without a warrant to the practices authorized by the Patriot Act.[642]

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[639] C-SPAN, "Rally Against NSA Surveillance."
[640] Ibid.
[641] Cf. ibid.
[642] "Let us not forget that one of the chief complaints against the British government which led us to the Revolutionary War was the fact that the British used general warrant in search for (…) everything and anything. It

The 'Stop Watching Us'-homepage also featured the famous quote by Founding Father Benjamin Franklin saying that "[t]hose who would give up essential Liberty, to purchase a little temporary Safety, deserve neither Liberty nor Safety."[643]

Gary Johnson went on to reference the Holocaust as a reason to repeal the Patriot Act: "The greatest fear that I have is that nothing will change. There is a general apathy for what is happening because 'it is not about me'" said Johnson and went on to cite the same quote of Pastor Niemöller that the representative from the Council of American-Islamic Relations had previously included in his speech at a "Restore the Fourth" rally.[644] Another NSA Whistleblower, Russ Tice, even more directly compared the ongoing surveillance to methods applied in the Third Reich and was spotted carrying as sign mocking the U.S. intelligence agency as "NSSA."[645] The slogan first seen at RT4-protests reappeared at the "Stop Watching Us" event: "The answer to 1984 is 1776."[646]

Celebrity Activism

Besides applying the "History of Surveillance" frame, the Stop Watching Us campaign heavily relied on the "Celebrity Activism" – frame package. In addition to the testimonials by Hollywood actors and other celebrities mentioned above, the event was also a celebration of whistleblowers in general and Edward Snowden in particular. Whistleblowers such as Daniel Ellsberg (who had made an appearance at "1984 Day" and was once again connecting the whistleblowing on the military during the war in Vietnam to the present), Kirk Wiebe, Mark Klein, and Thomas Drake were featured in the video, while Drake made an appearance at the rally and addressed protestors. However, the undisputed "big star of the day" as *The Guardian* called him,[647] was naturally Edward Snowden. By the fall of 2013, Snowden, who had given the event his "stamp of

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sounds a lot to me like the patriot act." Cf. ibd.

643 Cf. "Stop Watching Us" homepage.

644 Cf. C-SPAN, "Rally Against NSA Surveillance."

645 Cf. "Thousands of activists march on Washington to rally against NSA spying." *ActivistPost.com*, October 27. (accessed February 22, 2016). http://www.activistpost.com/2013/10/thousands-of-activists-march-on.html.

646 Cf. "#StopWatchingUs rally against mass surveillance: Live Updates," *RT.com*, October 26-28, 2013 (accessed February 22, 2016). http://rt.com/usa/nsa-rally-mass-surveillance-786/.

647 Jim Newell, "Thousands gather in Washington for anti-NSA 'Stop Watching Us' rally," *The Guardian*, October 26, 2013 (accessed February 22, 2016). https://www.theguardian.com/world/2013/oct/26/nsa-rally-stop-watching-washington-snowden.

approval,"[648] had become the most important symbol of the privacy movement as a whole. This was obvious during the rally when many demonstrators carried signs depicting Snowden's face and the writing "Thank you, Edward Snowden".[649] While, due to his exile in Russia, not being able to attend the rally, Snowden as the de facto face of the campaign was in close contact with the organizers. In a highly emotionally charged moment, Jesselyn Radack, National Security and Human Rights Director of the Government Accountability Project and a former whistleblower herself as well as defense attorney for other whistleblowers, read out a statement by Snowden. In his address, Snowden (whose father had joined the protestors in D.C.) essentially gave an interpretation of his own leaks and the campaign, which he described as "an American moment in which ordinary people from high school to high office stand up to a dangerous trend in government."[650] As will be shown in the dissection of the media coverage of the event, having a prominent spokesperson such as Snowden, with his celebrity-like whistleblower status, was essential for the political communication strategy of the event.

Global Dimension

A final component of the 'Stop Watching Us'-framing was to present the struggle against surveillance as global problem that is not confined to the United States – the "Global Dimension"-frame package. Although the primary goal of the campaign, the repeal of various controversial U.S. surveillance laws, was clearly confined to national borders, the participating advocacy organizations painted the picture of a – at least in theory – transnational movement which had to face a problem of global proportions. For example, Dennis Kucinich tried to evoke international solidarity by translating the "Stop Watching Us"-slogan into German, Spanish, French and Portuguese and addressing the like-minded protestors in other countries. "It's not just Americans being caught in this dragnet. We need to stand up for the rest of the world too," Craig Aaron, CEO of the Media Reform NGO Free Press told the crowd in a statement that was widely disseminated by international news outlets.[651] Along with excerpts from the UN Declaration of Human Rights, the official 'Stop Watching Us' website featured a quote from the

[648] As reported by journalist Erin McPike in her coverage for CNN. Cf. Segment "Anti-NSA Rally Targets Washington" *CNN Newsroom*, October 26, 2013, 4:00 PM EST (via LexisNexis Academic Research).
[649] C-SPAN, "Rally Against NSA Surveillance."
[650] Ibid.
[651] Agence France Presse, "Anti-NSA protest calls for end to US spying."

Chinese artists and activist Ai WeiWei, who had been under constant surveillance by the Chinese authorities for years, expressing his disbelief that "American citizens allow[ed] this [form of mass surveillance] to continue."[652] The international context also provided the opportunity for the activists to confront the public with the chilling effects that surveillance has traditionally played in authoritarian states. For instance, Tunisian-American human rights activist Waffa Ben Hassine shared with the audience in Washington, D.C. her experience with government surveillance in her country's capital Tunis: "[W]hen you have [physical and digital forms of surveillance] mixed together – oh, I'm gonna tell you, you're going to live in fear. And you won't be expressing yourself. (…) If we don't stop this right now we're going to live in fear."[653] And Naomi Wolf, Co-Founder of the American Freedom Campaign, also enthusiastically stressed the universal character of anti-surveillance protests, linking human rights struggles in dictatorships to campaigns such as "Stop Watching Us" in democracies. "Today", she proclaimed, "we are all Americans, we are all Egyptians!"[654]

Discussion

As in the analysis of "Restore the Fourth" and "1984 Day," to examine how the frames were reproduced in newspapers and online media, I searched the LexisNexis Academic news database for all items mentioning the terms "Stop Watching Us" in the day leading up to the protest, the day of the protest and its immediate aftermath (the two days after the protest). An 'All News' search for the term "Stop Watching Us" narrowed down to the source categories Newspapers, Magazines, Web Magazines, and Blogs for the period from 10/25/2013 to 10/28/2013 yielded a total of 50 news items (see table IV).

The event attracted media coverage from around the world as well as by some U.S. newspapers and television news shows.[655] The organizing network's strategy to kick off the campaign with a celebrity-fueled online video resulted in a mixed reception. Only one national

[652] Cf. "Stop Watching Us" homepage

[653] C-SPAN, "Rally Against NSA Surveillance."

[654] Ibid.

[655] Newspapers and news agencies from Australia, Thailand, Ireland, New Zealand, Iran, Pakistan, Namibia, Lebanon, Canada and China covered the campaign. In the U.S. the campaign was covered by the national TV networks *MSNBC*, *CNN*, and *NBC* (as well as three local *NBC* and *CBS* affiliates), the newspapers *Washington Post*, *The Christian Science Monitor* and *The Daily Advertiser*, as well as by the *Gannett News Service* and the online publication *Washington Internet Daily*.

network, MSNBC, aired segments of the video, while only five other outlets reported on the video at all.[656] While, to a certain degree, the video helped to raise attention for the issue, it made the campaigns susceptible to the pitfalls of celebrity-activism.[657]

Period	**Stop Watching Us** *10/25-10/28/2013*
Newspaper articles	20 (40%)
Web Blog articles	29 (58%)
Magazine articles	1 (2%)
Web Magazine articles	0 (0%)
News report	38 (76%)
Opinion piece	12 (24%)
Total (n)	**50 (100%)**

TABLE IV: Overview of LexisNexis search results for the "Stop Watching Us" campaign.

In contrast, to build the main protest event around the personality, expert knowledge and, ultimately, plight, of whistleblower Edward Snowden was a reasonable decision, as the statement by Snowden was widely quoted and fulfilled the need by mainstream media outlets of being able to present a face and symbol of the highly bipartisan, multifaceted, and heterogeneous protest network. That Snowden had decided not to remain anonymous proved to be highly beneficial for the campaign. By the time of "Stop Watching Us" in October 2013, Snowden had "become the public face of raging international debate over surveillance."[658] In addition, Snowden, due to his spectacular escape from the U.S. ultimately settling for asylum in Russia, had become a

[656] One of those five, the leading publication covering the U.S. advertising industry, *Advertising Age*, lauded the video for including respected scientists, scholars and whistleblowers, but criticized it for letting celebrities comment on the NSA scandal: "[F]or some reason Stop Watching Us decided to celebrify this video by mixing in some famous talking heads. So brace yourself for stern soundbites from Phil Donahue, Maggie Gyllenhaal, John Cusack, Wil Wheaton and, perhaps most weirdly and inappropriately, professional conspiracy theorist and history-fictionalizer Oliver Stone." Simon Dumenco, "Can Oliver Stone (?!) Convince Americans to Protest Against the NSA?" Ad Age, October 24, 2013 (accessed February 22, 2016). http://adage.com/article/the-media-guy/oliver-stone-convince-protest-nsa/244939/.

[657] As Tsaliki et al. point out, celebrities attached to activism campaigns can raise public awareness for the issues at hand. At the same time, those who closely follow celebrities tend to be the least politically engaged. Cf. Liza Tsaliki, Christos Frangonikolopouls and Asteris Huliaras, "Introduction: The Challenge of Transnational Celebrity Activism: Background, Aim and Scope of the Book," in *Transnational Celebrity Activism in Global Politics: Changing the World?*, ed. Liza Tsaliki, Christos Frangonikolopouls and Asteris Huliaras (Bristol/Chicago: Intellect, 2011), 7-25.

[658] "The Surveillance State and its Discontents," *Foreign Policy*, No. 203 (2013), 65.

transnational activist himself and was a globally recognized representative of the privacy activist community.[659]

However, it has to be noted, that not all coverage was positive and supportive of "Stop Watching Us." For example, the *Washington Post* described the demonstrators as a mix of "gray-haired activists and policy wonks (…) dominated by postgrad vibe – beards, glasses, shaggy hair – of techies on their day off from the cubicle farm."[660] One particular piece, written by Olivia Nuzzi for the blog site NSFW Corp., was frequently mentioned by the activists that I interviewed (see section 5.2) as having distorted the impact and goals of the event. Instead of an energized, optimistic protest crowd this subjective account described the gathering as "a scene that looks like a community search for a missing child."[661] In the tradition of what Todd Gitlin has described as the media's "selective amplification"[662] of weirder individual elements a protests, in her report, the journalist seemed to focus on odd, unconventional, or even drunk individual protestors, such as an activist whose protest sign is knocked out of his hands by the wind and "hits him in the face." The piece goes on to make fun of one of the core demands of the rally ("I come across an older man wearing a cape and holding a sign above his head, 'PROTECT THE 4th AMENDMENT!' This is a man who wants to protect the 4th Amendment, I think to myself. My suspicions are confirmed when he explains that 'we need to protect the Fourth Amendment!'"[663]) and closes with the observation of protesters step[ping] on the flyers of Edward Snowden's face, many of which now litter the ground."[664]

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[659] As Scheuerman has observed, "Even if earlier civil disobedients hinted at our increasingly global condition, Snowden takes it as a given, as his appeals to international law attests. Revealingly, Snowden's actions not only have had worldwide political ramifications, but he is also more attuned than his historical predecessors to prominent global political and legal innovations, some of which offer a launching pad for checking unjust state action." William E. Scheuerman, "Taking Snowden Seriously: Civil Disobedience for an Age of Total Surveillance," in *The Snowden Reader*, ed. David P. Fidler & Sumit Ganguly (Bloomington and Indianapolis: Indiana University Press, 2015), 83.

[660] Amy Argetsinger, "Registering on the grid: The tech-savvy coalesce to send the NSA a message," *Washingtonpost.com*, October 26, 2013 (via LexisNexis Academic).

[661] Olivia Nuzzi, "We're all on the same team." *NSFW Corp*, October 31, 2013 (accessed February 22, 2016) https://www.nsfwcorp.com/dispatch/watching-stop-watching-us/.

[662] Gitlin, *The Whole World Is Watching,* 186.

[663] Nuzzi, "We're all on the same team."

[664] Ibid.

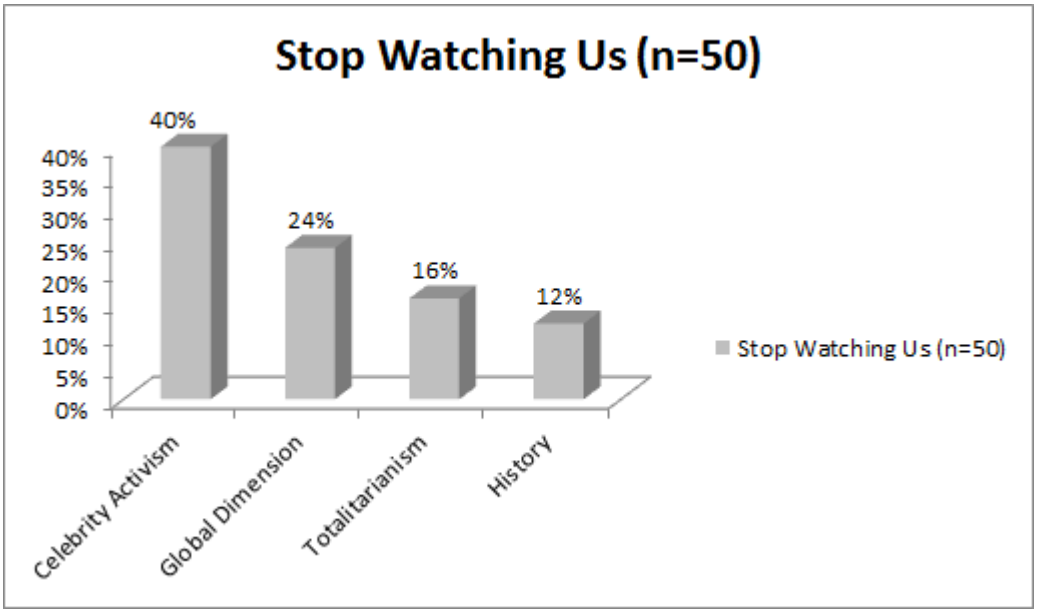

FIGURE II: Ratio of frame adoption of news outlets covering the "Stop Watching Us" protest events. The columns represent the percentages of the total of 50 news items that referred to, covered, or adopted the respective anti-surveillance frames in their reporting of "Stop Watching Us."

Also, the focus on Snowden overshadowed the framing attempts of lesser known speakers. Relatively absent from the media coverage were other core frames, especially the "History of Surveillance"-package. As journalist Rania Khalek observed, news outlets largely ignored the historical frames designed to portray surveillance as a practice that mainly targets racial minorities.[665] The LexisNexis analysis confirms this: Only six news items (12 percent of all the 50 outlets which covered the rally) applied the 'History of Surveillance'-package in their reporting. For a campaign that heavily relied on Orwellian iconography and 'Big Brother' metaphors, the 'Orwellian Totalitarianism'-package, with an adoption rate of only 16 percent, was not widely used either – a trend noticeable in "Restore the Fourth" as well. (See figure II)

Instead, external factors beyond the grasp of the organizers influenced the media coverage. Shortly before the campaign, media outlets widely reported on the Obama administration's phone-tapping of international leaders such as Angela Merkel. While this fueled the public outrage among people already critical of the NSA activities (for example, some demonstrators carried giant cell phones to reference the incident), many outlets in their

[665] Cf. Rania Khalek. "Activists of Color Lead Charge against Surveillance, NSA." Truthout.com, October 30, 2013 (accessed April 10, 2015). http://www.truth-out.org/news/item/19695-activists-of-color-atforefront-of-anti-nsa-movement.

reporting of the protest event focused on the diplomatic affair. In these cases, the "Stop Watching Us"-protest was only a side note mentioned in passing of a diplomatic scandal. The issue of surveillance was portrayed as a spy game among politicians rather than a civil or human rights issue.[666]

"Stop Watching Us" Germany

Notably, while "Stop Watching Us" featured an international roster of participating NGOs, the only country that saw simultaneous street protests under the same banner was Germany. On July 27, 2013, organizers in Germany already had set up anti-surveillance demonstrations in at least 20 cities also labeled "Stop Watching Us." But inspired by announcements of the large rally in Washington, D.C., German privacy activists decided to stage a follow-up on the same day as their U.S. counterparts, October 26, 2013. Organized by individual local chapters, the German offshoot featured protest events in six cities (Cologne, Munich, Hannover, Heidelberg, Lübeck, and Michelstadt).[667] While the first wave of "Stop Watching Us"-protests in July brought between 10,000 and 15,000 people to the streets, the second wave was notably smaller each mobilizing only hundreds or less, with the Cologne rally being the largest one.[668]

An in-depth look at the framing of the "Stop Watching Us" Cologne event is crucial as it offers a rare glimpse at the transnational dimension of anti-surveillance activism in the post-Snowden world. A close reading of the organizers and activists speeches at the rally shows how activists from Germany were inspired by, adapted, and modified the "Stop Watching Us" slogan,

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[666] As Bruce Schneier has pointed out, espionage is fundamentally different from surveillance. Cf. *Data and Goliath*, 183.

[667] Cf. Kai Biermann, „Demos gegen Überwachung am Samstag," *Zeit Online*, October 25, 2013. (accessed February 22, 2016). http://www.zeit.de/digital/datenschutz/2013-10/demo-stop-watching-us.

[668] Media coverage about the German version of 'Stop Watching Us' was sparse. One of the few accounts, an op-ed by the left-leaning *die tageszeitung* mocked the sparse turn-out for 'Stop Watching Us' in both Washington and German cities: "Privacy issues cannot mobilize people in the United States. Unsurprisingly, only a few thousand people showed up in front of the Congress to protest against mass online surveillance by the NSA. Given this level of ignorance people in 'old Europe' shake their heads in disbelief. Over here highly mobilized masses join the the 'Stop Watching Us' rallies. Apparently the biggest one was seen on Saturday in Hannover. According to the police 50 people showed up." Original version: "Datenschutz lockt in den USA niemand hinterm Ofen hervor. Deshalb mag es auch nicht überraschen, dass am Samstag in Washington zu einer Großdemonstration unter dem Motto Stop watching us gerade mal ein paar tausend Menschen vor das Kongressgebäude kamen, um gegen die massenhafte Internetüberwachung durch die NSA zu protestieren. Über so viel Ignoranz kann man im alten Europa nur den Kopf schütteln. Hier strömen die hochsensibilisierten Massen zu Stop watching us -Demos. Die größte wurde am Samstag offenbar in Hannover beobachtet. Die Teilnehmerzahl laut Polizei: 50. *taz, die tageszeitung*, October 28, 2013, p. 1 (via LexisNexis Academic).

thus offering a fascinating perspective about the potentials but also limits of transnational protest cultures. Moreover a look at the German protests demonstrates how even a global issue such as global online surveillance is predominantly framed in national, at times even hyperlocal terms (for the conflict between local and transnational frames see section 5.3 which also includes accounts of interviewees about the collaboration, or rather lack thereof, between German and U.S. activists).

From the outset, the key demands of the German 'Stop Watching Us' network, as summarized by activist Florian Wächter at a rally of the Cologne chapter were international in scope and did not significantly differ from those at U.S. anti-surveillance rallies.[669] In contrast to U.S. demonstrators, whose core demands were directed at U.S. policy makers, the scope of the German activists was by default more international and directed at international institutions. For example, in his speech, Andrej Hunko, Member of Parliament and European Policy speaker for the Leftist Party, similarly evoked international law as a proper instrument to tackle mass surveillance arguing that

> We need to return to applying international law. That is why I have sponsored a bill in the Council of Europe to include whistleblower protection in the European convention of human rights. This way future Edward Snowdens or Bradley Mannings exposing criminal activities will be protected under the European convention on human rights while being members of the military or intelligence agencies.[670]

The focus on whistleblowers in general, and Edward Snowden in general, was one of the frame packages that the German branch of "Stop Watching Us" had in common with its American counterpart. For example, Hunko, echoing one of the key slogans from the U.S. event, started his speech by "sending greetings to and expressing solidarity with Edward Snowden, the whistleblower whom we own knowing so much about the extent of current surveillance. From Cologne, I'm sending cordial greetings to Edward Snowden!"[671] A member of the Pirate Party,

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[669] The German 'Stop Watching Us' coalition's demands were "to inform the public about all intelligence programs and to reveal all secret treaties and laws concerning surveillance and collaboration between international intelligence agencies. We call for an end to all national and international mass surveillance. No to PRISM, TEMPORA and other programs. No data retention in Germany, Europe, and worldwide. Protection of all whistleblowers. Asylum for Edward Snowden!" "Florian Wächter - StopWatchingUs-Bündnis." (accessed February 22, 2016). https://www.youtube.com/watch?v=0N-dO-3k_co (translated from German).

[670] „Andrey Hunko - Bundestagsfraktion die LINKE" (accessed February 22, 2016). https://www.youtube.com/watch?v=K5HUI2HRqGg (translated from German).

[671] Ibid.

Daniel Schwerdt, at the inaugural "Stop Watching Us" rally in Cologne had reminded the protest crowd of the level of sacrifice and conviction Snowden had shown:

> We owe (...) Snowden for knowing about the greatest surveillance scandal in history. He gave up his life, his family, his freedom, and his homeland and risked his life to share his insights. For that he deserves the upmost respect. Edward Snowden is a hero; he deserves political asylum [in Germany]. Instead he was chased around the globe. (...) Thanks to Snowden we now know for sure [about the state of mass surveillance] – something for which we were previously denounced as wearers of tin foil hats. (...) Thanks to Edward Snowden, we don't have to warn against *1984* anymore, because totalitarian surveillance is already here.[672]

And yet, similarities in terms of framing between the U.S. and German protests ended here. Other than a general, not very specified commitment to international human rights conventions and a strong adaption of the "Celebrity Activism" frame none of the frame packages created for the U.S. "Stop Watching Us" protest were present in Germany and vice versa. To an extent this is not surprising: One cannot expect a German activist to evoke U.S. colonial or Civil Rights history to mobilize the German public. But as will be shown below a clear absence of common transnational frames resulted in a protest event that ignored the global dimension of the NSA leaks in favor of individualized, hyperlocal anti-surveillance narratives. It was thus a textbook example of what Tarrow has described as bringing the local to the global and the other way around – instead of creating a truly transnational communication strategy (see section 5.3). To be sure this to a certain extent is a recurring feature of every transnational activism campaign. In the case of "Stop Watching Us Germany," however, few, if any attempts at linking national or local frames to transnational anti-surveillance discourses were made.

The majority of speakers called for new national data protection laws or policy initiatives such as making it easier for opposition parties in the German Bundestag to set up parliamentary committees to investigate surveillance abuses, impose moratoriums on existing surveillance laws, or making it easier for members of parliament to call on the Supreme Court. Activist Eva Stöwe[673] reminded the audience of Article 1 of the German Constitution, protecting human dignity, while

[672] „Rede von Daniel Schwerd auf der #StopWatchingUs Demo in Köln, 27.7.2013 (accessed February 22, 2016). https://www.youtube.com/watch?v=ERzf6goa1AI (translated from German).

[673] „Eva Stöwe - StopWatchingUs-Bündnis" (accessed February 22, 2016). https://www.youtube.com/watch?v=LygjDEzKVHo (translated from German).

Frank Samirae of the German Pirate Party[674] called for applying articles 4, and 41 of the constitution of the state of North Rhine-Westphalia, guaranteeing protection of personal data and written communication. Here the "Constitutionalism" frame applied during the "Restore the Fourth" protests were evoked but on national or regional level, respectively – notably absent were global legal initiatives.

Others activists chose local examples of surveillance that seemingly had nothing to do with the practices exposed by Edward Snowden. Monika Heim, a committee woman representing Germany's Industrial Union of Metalworkers compared NSA programs such as TEMPORA or PRISM to workplace surveillance: "We may have guessed that the state does not want us to use the internet freely. But what some of you may not know is that surveillance at the workplace has a very long history. As a committee woman I have long fought against our bosses looking over our shoulders and controlling each step of the way."[675] Likewise, an unnamed speaker complained about unannounced ticket inspections in regional mass transit, arguing that this was another face of the current mode of "surveillance" which had to be opposed. "Instead of looking at what goes on in Washington, Brussels, or Berlin," he explained "I want you to take a look at our home, our city of Cologne. Surveillance begins at our door steps. For example on your way to work (...) For two years now you have to expect to get into so called core area controls (...) where all commuters must show valid tickets."[676] The activist went on to mention other peculiarities of the modern surveillance regime including the enforcements of open warrants, tax collections, and anti-smoking laws in bars, concluding "*There is no escape.*"[677]

In sum, with the exception of a strong focus on the personality of Edward Snowden, there were no coordinated exchanges or strategies between the events in Washington, D.C. and Germany. As a result, instead of a global response the two events mainly framed opposition in national terms evoking national and cultural exemplars (in the German case even hyperlocal ones). Granted, to a certain extent this is a feature of every transnational protest event.

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[674] "Frank Samirae - StopWatchingUs-Bündnis" (accessed February 22, 2016). https://www.youtube.com/watch?v=7D_kHpmiLqA (translated from German).

[675] „Monika Heim - IG Metall" (accessed February 22, 2016). https://www.youtube.com/watch?v=TMJYthu_LOE (translated from German).

[676] "#SWU" (accessed February 22, 2016). https://www.youtube.com/watch?v=WqgOeHZfBUo (translated from German).

[677] "#SWU" (translated from German)

Especially in offline campaigns where organizers from different countries do not physically meet on the ground this is obvious. However, it is remarkable that two events staged under the same banner bear so little similarities in discursively opposing a problem that is by definition global in scale. In comparison, how would internet protest against surveillance fare which from the outset made it possible for internet users from all over the world to join? The international privacy community had exactly that in mind and for its next big campaign decided to fight back globally.

4.3 "The Day We Fight Back"[678]

While "Stop Watching Us" was mainly an offline demonstration supported by online means of organizing, "The Day We Fight Back", which took place four months later in the spring of 2014, was planned as a pure online protest event. The goal was to "engage that politically aware, slightly more technical community in getting involved in the legislative battle," as Rainey Reitman, the Electronic Frontier Foundation's activism director, put it.[679] The prototype for this kind of digitally enabled change had been the anti-SOPA and PIPA protests of January, 2012, which had helped to shut down controversial copyright legislation to be enacted by the U.S. Congress. Back then, over 115,000 websites had joined a coalition led by digital rights group Fight for the Future (FFTF) and participated in a partial 'blackout' of the Internet. This, in the end, had led to a total of ten million potential voters contacting their representatives to voice their concern regarding the proposed bill. Thus the "Day We Fight Back" coalition sought to emulate the success of the anti-copyright campaign by encouraging websites and internet users to participate in the "collective flexing of internet muscle."[680]

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[678] Author's note: This section is an expanded, modified and partly reproduced version of my own article. Cf. Wäscher, "Framing Against Surveillance."

[679] Adi Robertson, "The Day We Fight Back: Can an Internet Protest Stop the NSA?" *The Verge*, February 10, 2014 (accessed February 22, 2016). http://www.theverge.com/2014/2/10/5398638/the-day-we-fight-back-asks-the-internet-to-fight-surveillance.

[680] Jenna Wortham, "Public Outcry Over Antipiracy Bills Began as Grass-Roots Grumbling," *The New York Times*, January 19, 2012 (accessed March 16, 2016). http://www.nytimes.com/2012/01/20/technology/public-outcry-over-antipiracy-bills-began-as-grass-roots-grumbling.html?pagewanted=1&ref=technology.

‚The Day We Fight Back'			
Frame Package	***Core Frame***	***Core Position***	***Exemplars***
History of Surveillance in the U.S.	NSA surveillance as exposed by Snowden must be placed in a long tradition of government spying on citizens that started in Colonial Times.	Historically, surveillance has ultimately targeted dissenters and minorities. Thus, there is no doubt current NSA surveillance programs will stifle political activism, dissent and free speech in the future.	- Banner with quote by Benjamin Franklin on Reddit-Homepage
Global Dimension	Due to the nature of the Internet, Surveillance is a global practice that is not only affecting US citizens but people all over the world that can only be tackled on a global scale.	Authoritarian regimes in the 'Global South' demonstrate how surveillance can lead to serious human rights violations. If global surveillance isn't resisted in the U.S. and around the world it will lead to autocracy worldwide.	- Activists drawing connections between NSA surveillance and the Green Movement in Iran (Alimardani 2014)
Celebrity Activists	We know about the scope of formerly secret contemporary surveillance programs because of whistleblowers and activists.	The heroic sacrifices of whistleblowers and the courage of activists exposing the surveillance state should be celebrated and inspire citizens to resist surveillance.	- Mini-documentary of Swartz as mobilizing video (Luminant Media 2014)

TABLE V: Frame matrix detailing dominant anti-surveillance frames in the "The Day We Fight Back" campaign.

It is important to note, however, that this time the goal was not primarily to block legislation endangering privacy but instead to push for the passing of the U.S.A. Freedom Act, a bill introduced by Senator Patrick Leahy (as opposed to The FISA Improvement Act, which would have retroactively legalized the collection of phone meta data). Similarly, internet users from other countries were urged to push their political elites to enact reform of privacy laws as well – or, in the case of many third world countries, to introduce any meaningful privacy laws at all. In the run up to the event, as a template, parts of the privacy community had collectively drafted an international set of '13 Principles', which "clarify how international human rights law applies in the current digital environment, particularly in light of the increase in and changes to Communications Surveillance technologies and techniques."[681]

Notably 'The Day We Fight Back' applied three out of the four frame packages that had informed "Stop Watching Us," namely "Orwellian Totalitarianism," "Global Dimension," and "Celebrity Activism." With the exception of participating website Reddit, which prominently displayed a picture and quote of Founding Father Benjamin Franklin on their homepage, the "History of Surveillance" package was absent. (For the frame matrix of "The Day We Fight Back" see table V, a slightly modified version of table III, in which new frame exemplars have been added).

[681] Necessary and Proportionate, "International Principles on the Application of Human Rights to Communications Surveillance," (accessed March 16, 2016). https://en.necessaryandproportionate.org/text.

While “Stop Watching Us” had already featured an international roster of participating privacy advocacy groups, the “Fight Back”-network was noticeably more transnational in its scope and direction. The nodes in the network included, among others, Argentine's Asociación por los Derechos Civiles and Vía Libre Foundation, Australia's Citizens Not Suspects, Colombia's “Internet sin Chuzadas”-campaign, France's La Quadrature Du Net, and Uganda's Unwanted Witness. All of these groups, on the basis of the 13 international principles, joined the event to mobilize resistance against forms of surveillance in their home countries.[682]

“The Day We Fight Back” -events scheduled around the world included crypto parties and hackathons in Bogota, Belgrade, and Graz; speaking events in San José, Sao Paolo, Galway, Ireland, Trivandrum, India, Karlsruhe, Germany, and Johannesburg; and demonstrations in Ontario, Copenhagen, San Juan, Stockholm, as well as in eight American cities.[683] The organizers explicitly declared that “The Day We Fight Back” was a campaign “of both Americans and the citizens of the whole world.”[684] Only if the “global tribe of technologists” would come together they could “defeat mass surveillance”[685] worldwide.

The cornerstone of the campaign was to popularize the twitter hashtags #StoptheNSA and #TheDayWeFightBack as well as to convince popular web properties to insert the “Day We Fight Back”-banner into their social media websites.[686] By clicking on the banners internet users were then redirected to the organizers homepage where they could get instructions on how to contact their representatives. While the organizers used the same 'Eyecon'-logo as the “Stop Watching Us” event (see image VIII as well as section 4.2), internet users were encouraged to create their own online media. A press release published by one of the participating advocacy groups, Access Now, stressed the decentralized approach of the campaign: “This moment is whatever we, the broad community of people who care about the Internet, make of it. Post a comment with a link to every NSA-related story. Make and share a meme. Build a website. Organize an event.”[687]

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[682] Cf. “The Day the World Fought Back,” *Legal Monitor Worldwide*, February 11, 2014 (via LexisNexis).
[683] Cf. “The Day We Fight Back, A List of Events Happening on The Day We Fight Back” (accessed March 16, 2016). https://thedaywefightback.org/events/. See also “The Day The World Fought Back.”
[684] “The Day We Fight Back, On Anniversary of Aaron Swartz's Tragic Passing, Leading Internet Groups and Online Platforms Announce Day of Activism Against NSA Surveillance” (accessed March 16, 2016). https://www.thoughtworks.com/news/on-anniversary-of-aaron-swartzs-tragic-passing-leading-internet-groups-and-online-platforms-announce-day-of-activism-against-nsa-surveillance.
[685] “The Day We Fight Back, On Anniversary of Aaron Swartz's Tragic Passing.”
[686] Participating web sites included, among others, Reddit, tumblr, imgur, and duckduckgo.
[687] Katherine Maher, “The Day the World Fought Back” (accessed March 16, 2016).

IMAGE VIII: Official "The Day We Fight Back" "(Eye)conography."

For example, internet users could use the "Eyecon"-logo to make their social media profile pictures unrecognizable. Graffiti artists in Bogota, Colombia painted a mural adopting the 'Eyeconography' and calling for "no mas espionaje masivo."[688] And hundreds of protestors in Manila, Philippines staged a demonstration against the domestic Cybercrime Prevention Act of 2012.[689] The Iranian activist group ASL 19 provided the best example of the "Global Dimension" package. The organization translated the 'Eyecon'-logo and catchphrase into Farsi and connected NSA surveillance to the Green Movement in Iran:

> [W]hen the world takes a stand for privacy rights in the wake of Edward Snowden's NSA leaks, we should not forget the practices that have always existed, and continue to prosecute and imprison Iranians. While we stand up against countries like the United States, Canada, and the UK for their violations of our privacy rights, ASL19 urges the world not to forget the circumstances in a country that does not require revelations to reveal the unjust state of privacy and human rights.[690]

Yet, while the free flowing of ideas and activities under the "The Day We Fight Back" banner

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https://www.accessnow.org/blog/2014/02/11/the-day-the-world-fought-back.

[688] As seen on the official #StoptheNSA-twitter page (accessed March 16, 2016). https://twitter.com/ChonAlatorre/status/479288946074329088.

[689] Cf. Maher, "The Day the World Fought Back".

[690] Mahsa Alimardani, "Iran on the Day to End Mass Surveillance," *Global Voices Advox*. February 11 (accessed March 16, 2016). http://advocacy.globalvoicesonline.org/2014/02/11/iran-on-the-day-to-end-mass-surveillance/.

stressed the nonhierarchical character of the protest day, the organizers still tried to insert a leading narrative into the event. While Edward Snowden had been the face and voice of the Stop Watching Us-campaign, this time it was recently deceased activist Aaron Swartz.[691] As one of the architects of the immensely successful anti-SOPA and -PIPA campaigns and because of his recent suicide (which many believe was related to immense pressure resulting from an FBI investigation concerning his activism), Swartz posthumously became one of the symbols for the fight for a free and open internet. As the official press release stated, "If Aaron were alive he'd be on the front lines, fighting back against these practices that undermine our ability to engage with each other as genuinely free human beings."[692] A mobilization video posted the day before the event featured excerpts from the documentary about Swartz "The Internet's Own Boy", directed by Brian Knappenberger, who had also directed the "Stop Watching Us"-mini documentary. In order to demonstrate the potential effectiveness of internet campaigns, the promotional video showed Swartz in a lecture in which he reminisced on the successful anti-SOPA efforts as well as voicing concerns about government surveillance. However the latter issue is only mentioned in passing: "It is shocking to think that the accountability is so lax that they don't have basic statistics about how big the spying program is. The answer is 'We are spying on so many people, we can't possibly even count them' – then that's an awful lot of people. (…) That's pretty, I mean that's scary that what it is."[693] Centering the "Day We Fight Back" on Swartz was clearly not only meant to simply honor his achievements but to directly link it to the greatest success of the digital rights movements up to this day. Yet, while anti-copyright protests and concerns for online surveillance are somewhat connected (as both are parts of the digital rights sphere of activism) there are no direct links between net neutrality and warrantless spying on regular citizens. Additionally, posthumously using Swartz as the face for an anti-surveillance campaign was far from an obvious choice. While he strongly opposed internet surveillance in general, he did not live to see the day of the Snowden revelations.

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691 "On Anniversary of Aaron Swartz's Tragic Passing, Leading Internet Groups and Online Platforms Announce Day of Activism Against NSA Surveillance," (accessed March 16, 2016). https://thedaywefightback.org/press/.

692 "The Day We Fight Back, On Anniversary of Aaron Swartz's Tragic Passing."

693 Luminant Media, "The Day We Fight Back" (accessed March 2016, 16). https://www.youtube.com/watch?v=RJ194S7KjRg.

Discussion

To examine how the frame packages were reproduced in newspapers and online media, I searched the LexisNexis Academic news database for all items mentioning the terms 'The Day We Fight Back' in the day leading up to the protest, the day of the protest and its immediate aftermath (the two days after the protest). An 'All News' search for the term 'The Day We Fight Back' narrowed down to the source categories Newspapers, Magazines, Web Magazines, and Blogs for the period from 10/02/2014 to 10/13/2014 yielded a total of 62 news items. (See table VI).

As was the case with the media coverage of "Stop Watching Us," the "Celebrity Activism"-package focusing on the plight of one activist, Swartz, was the most frequently adopted by the media outlets, followed by the "Global Dimension" package with adoption rates of 33 and 23 percent, respectively. Less than ten percent of the indexed news articles adopted the "Orwellian Totalitarianism" package (See figure III).

Period	**The Day We Fight Back** *2/10-2/13/2014*
Newspaper articles	6 (9,68%)
Web Blog articles	49 (79,03%)
Magazine articles	1 (1,61)
Web Magazine articles	6 (9,68%)
Type of Article	
News report	44 (70,96%)
Opinion piece	18 (29,03%)
Total (n)	**62 (100%)**

TABLE VI: Overview of LexisNexis search results for the "The Day We Fight Back" campaign.

Notably, "The Day We Fight Back" generated an overall media coverage that was far more unfavorable than preceding campaigns. To place the protest in the same tradition as the anti-SOPA fight proved to be especially problematic. Before the campaign even started there was a high amount of pressure on the organizers to repeat the success of its spiritual predecessor, which as many commentators pointed out in the prelude to the event, would be close to impossible. When the results were in – the numbers of placed calls and emails to politicians, of participating websites, and likes, shares and hashtags on Facebook, Twitter and other social networking sites – the subsequent media coverage in the U.S. was partially dismissive. While the

coverage had been sparse in the days leading to February 11, now some outlets constructed a narrative of indifference, futility and failure. While the numbers were clearly not even close in comparison to the anti-SOPA campaign, they were nevertheless respectable and demonstrated that parts of the internet community were indeed highly concerned about government surveillance.[694] Yet for some publications, the "Day We Fight Back" was clearly a "flop."[695] *The New York Times*, in its "The Caucus"-Blog initially declared that the campaign "succeeded in capturing a large amount of attention online"[696] on February 11, but then later that day mocked the event as "The Day the Internet Didn't Fight Back." *TheVerge.com* noted in their assessment of the campaign that while "SOPA had millions of opponents," the "NSA had [only] thousands."[697] And *Mashable*, another of the main tech reporting websites (specifically targeting the tech- and internet savvy crowd "The Day We Fight Back" wanted to reach), declared that "nothing about [the campaign] felt like an uprising," and "no one knew it existed."[698] Instead of a collective, global response to the NSA controversial practices, "[i]t was just another day on the Internet."[699]

In a blog post for *The Huffington Post*, one of the key organizers of "The Day We Fight Back," David Segal of the digital rights advocacy group Demand Progress, addressed the, in his opinion, distorted and unfair press coverage. While he acknowledged that public opposition against surveillance was "moving more slowly than all of us would like,"[700] the media were in part to blame. Even though the campaign in terms of raising awareness and alerting policy makers

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[694] According to organizers Senators and Representatives received a total of 555,000 emails and 89,000 calls while 245,000 people from around the world signed the 13 principles petition. Cf. "The Day We Fought Back: By the Numbers" (accessed March 16, 2016). https://thedaywefightback.org/the-results/. See also Damon Poeter, "The Day We Fight Back Generates Nearly 100k Calls to Congress," *PCMag.com*, February 13, 2014 (accessed March 16, 2016). http://www.pcmag.com/article2/0,2817,2453387,00.asp.

[695] Lance Ulanoff, "We Were Supposed to Fight Back Yesterday? Didn't get the Memo," *Mashable.com*, February 12, 2014. (accessed March 16, 2016). http://mashable.com/2014/02/12/the-day-we-fight-back-fail/#:eyJzIjoidCIsImkiOiJfbjdlOHJ1ejF2aXgydHprb2cwNmNfIno.

[696] Michael Roston, "Antisurveillance Campaign Adds Itself to Washington's Datebook," *The New York Times Blogs (The Caucus)*, February 11, 2014 (accessed March 16, 2016). http://thecaucus.blogs.nytimes.com/2014/02/11/stop-the-nsa-social-mediacampaign/.

[697] Adi Robertson, "Not many of us actually fought on the Day We Fight Back," *The Verge*, February 13, 2014 (accessed March 16, 2016). http://www.theverge.com/2014/2/13/5408034/not-many-of-us-actually-fought-on-the-day-we-fight-back.

[698] Lance Ulanoff, "We Were Supposed to Fight Back Yesterday?"

[699] Ibid.

[700] David Segal, "What the Mainstream Media Doesn't Understand About the Road to a Society without Mass Surveillance," *Huffington Post*, February 25, 2014 (accessed March 16, 2016). http://www.huffingtonpost.com/david-segal/what-the-mainstream-media_1_b_4855823.html.

turned out to be "as substantial as our most optimistic projections"[701] it was unfavorably compared to the anti-SOPA protests.[702] The latter was the result of years of hardship and organizing while in comparison "The Day We Fight Back" was more of an ad-hoc protest day and thus even more impressive given the relative short amount of time in which it was put together. Directly referencing the *New York Times* piece, Segal claimed that the mainstream media "just doesn't get how activism works."[703] While the dynamics between media and activists have been strained in general in the past, Segal's blog post is further evidence for a complicated relationship between digital rights advocates and mainstream media outlets when it comes to privacy and surveillance issues.

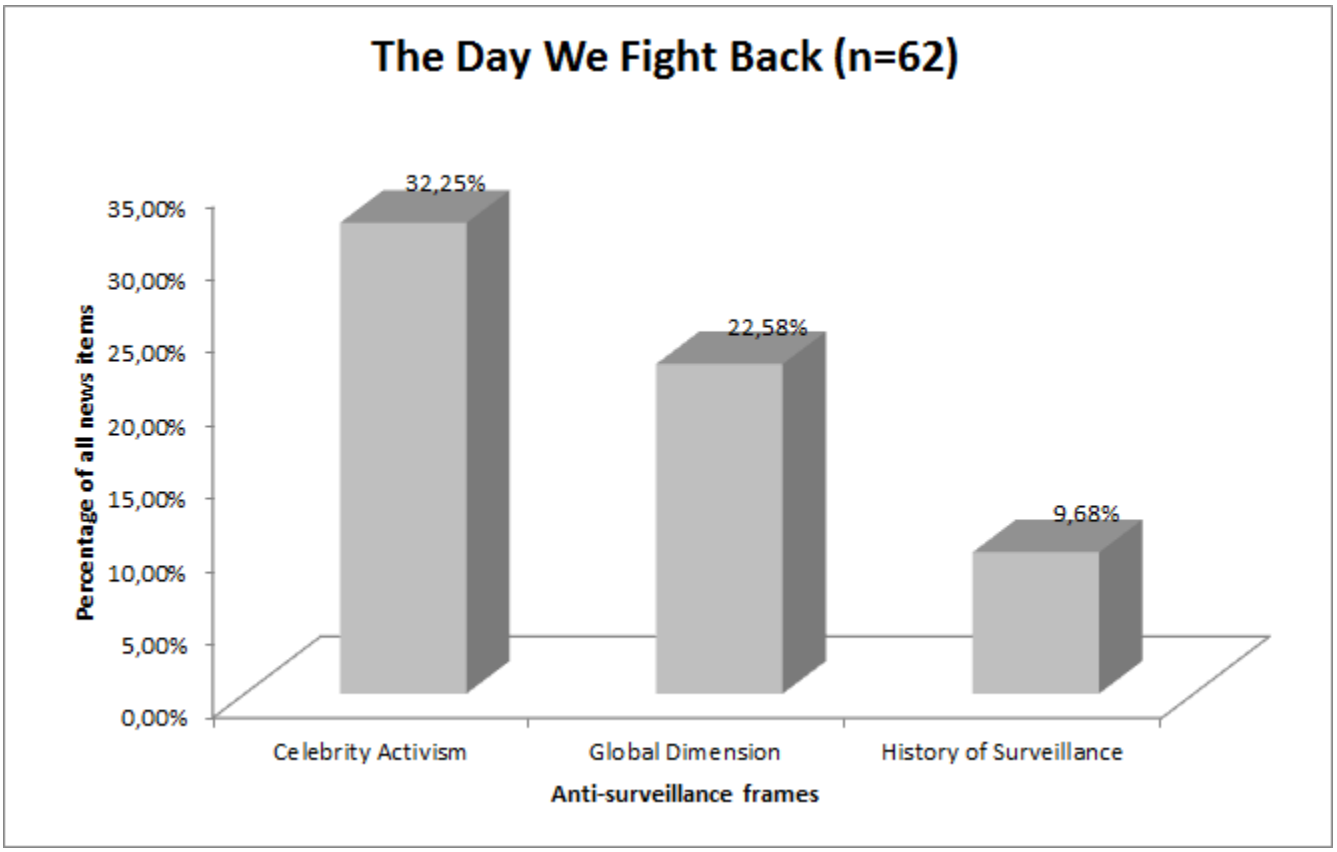

FIGURE III: Ratio of frame adoption of news outlets covering the "The Day We Fight Back" protest events. The columns represent the percentages of the total of 62 news items that referred to, covered, or adopted the respective anti-surveillance frames in their reporting of "The Day We Fight Back."

[701] Segal, "What the Mainstream Media Doesn't Understand."
[702] For the stark contrast between self-perception of the campaign by the organizers and the assessment of the media see also David Segal, "The Day We Fought Back," *TheHill.com*, February 21, 2014(accessed March 16, 2016). http://thehill.com/blogs/congress-blog/civil-rights/198859-the-day-we-fought-back.
[703] Segal, "What the Mainstream Media Doesn't Understand."

The participation in the campaign of an industry lobbying group named 'Reform Government Surveillance' created problems as well. The group consisted of several big online companies, including Facebook and Google, which had joined forces to "to address the practices and laws regulating government surveillance of individuals." [704] Google CEO Larry Page said on the coalition's site that the security of users' electronic data "is undermined by the apparent wholesale collection of data, in secret and without independent oversight, by many governments around the world. It's time for reform and we urge the U.S. government to lead the way."[705] Initially the organizers had been optimistic that "the stance taken by the technology firms provided a public boost to 'The Day We Fight Back,'"[706] But the Snowden leaks, particularly in regard to the NSA's PRISM program, had highlighted the dubious role of online companies in the global surveillance regime, making them a problematic partner to begin with. This is not to imply that privacy activists, who have participated in campaigns such as "The Day We Fight Back," are a homogenous group uncritical of the business practices of big internet companies. Yet the temporary "Day We Fight Back"-alliance between activists and corporations has arguably upheld what Seda Gürses et al. have criticized as the "ultimately artificial separation of industry surveillance from government surveillance."[707]

Thus when 'Reform Government Surveillance' publicly declared their decision to be part of "The Day We Fight Back," this had severe consequences for the media coverage of the event. The majority of reports focused not on the campaign itself but instead on the consequences of government surveillance for the business of online companies. Technocratic and legalistic language, such as the coalitions' call to "codify sensible limitations on [the government's) ability to compel service providers to disclose user data"[708] pushed the main interpretative frame packages aside. Instead many of the news items focused on the online companies instead of the activist groups and included statements from Silicon Valley executives Marc Zuckerberg or Eric Schmidt, who both in the past have publicly questioned the very concept of online privacy

[704] "Reform Government Surveillance 2014" (accessed March 16, 2016). https://www.reformgovernmentsurveillance.com/.
[705] As quoted by Stephen Braun, "Technology firms urge changes to US spying," *The Associated Press*, February 11, 2014 (via LexisNexis Academic).
[706] Ibid.
[707] Seda Gürses, Arun Kundnai and Joris Van Hoboken, "Crypto and Empire: the Contradictions of Counter-surveillance Advocacy," *Media, Culture & Society* 38 (4) (2016) 576–590, 586.
[708] "Reform Government Surveillance 2014."

itself.[709] While the organizers were initially "thrilled"[710] by the participation of those companies because they could easily reach millions of internet users, Google and many other companies decided not to display the 'Eyecon'-banner on their network of websites or participate in the blackout. Instead Google merely wrote a blog post and sent an alert to its public policy email list; Yaho published a *tumblr* post, and Microsoft, without mentioning the campaign by name, posted a rather unspecific call for reforming surveillance programs. Thus, some blog sites, such as *Dailydot* sensed "a feeling of creeping disappointment from certain activist corners."[711] What the organizers may have underestimated was that "[t]he fight against the NSA has very different implications than does the battle these firms successfully waged against SOPA in 2012. Therefore, it's no surprise their tactics and level of commitment are also vastly different."[712]

In sum, with mixed results, the international privacy community had switched tactics. Applying some of the same frame packages as "Stop Watching Us", "The Day We Fight Back", tried to capitalize on the outrage the Snowden leaks was still generating, this time directly addressed internet users online. Because the campaign failed to generate the levels of mobilization of the anti-SOPA protests of 2012, it was unfavorably compared against the latter. The U.S. Freedom Act, one of the main goals of the campaign, would eventually be passed one year later, but it is impossible to measure the impact "The Day We Fight Back" on that legislative outcome. Overall file sharing and net neutrality were more important to internet users – at least this was the narrative parts of the technology reporters were pushing – ultimately ignoring the organizers' frame packages identified in this chapter. With "Restore the Fourth" and "Stop Watching Us" activists had tried to using street protest to raise awareness and push for legal reform and with "The Day We Fight Back" the privacy community had attempted to do the same online. But meanwhile, the global surveillance complex continued to collect data on citizens around the world. What would happen if you could bring people to make it harder to be surveilled? What if you could change their online behavior or improve their internet safety in meaningful ways? Then you would not need offline protests whose impact was hard to measure

[709] See for example Goodman, "Future Crimes," 89.
[710] Sledge, Matt. 2014. "Google Backs Major Effort to Rein in NSA," *The Huffington Post*, February 11, 2014 (accessed March 16, 2016). http://www.huffingtonpost.com/2014/02/11/google-nsa-freedom-act_n_4767621.html.
[711] Aaron Sankin, "The Day We Fight Back: A lost battle, a new war," *The DailyDot*, February 13, 2014 (accessed March 16, 2016). https://www.dailydot.com/layer8/day-we-fight-back-companies-google/.
[712] Ibid.

or online campaigns that were mocked in the media. A year after Snowden had appeared on the scene an antidote against mass surveillance appeared on the horizon and it could make arguments over turn out rates of protest campaigns obsolete: encryption.

4.4 "Reset the Net"

With 'Reset the Net' privacy activism in the post-Snowden world went full-circle. Exactly one year after the whistleblower had leaked classified NSA documents to the press, the privacy community wanted to commemorate the one-year anniversary and once more take a stand against surveillance. Spearheaded by the Digital Rights group Fight for the Future, on June 5, 2014, "Reset the Net" raised awareness for encryption as a way to make it harder for governments to spy on internet users. While "Restore the Fourth" and "Stop Watching Us" were (digitally enabled) offline protests, and the online campaign "The Day We Fight Back" was partially flanked by street demonstrations, "Reset the Net" was confined to the promotion of a set of privacy tools online. In doing so, privacy advocacy groups once again teamed up with online companies, forming an initial coalition of more than 20 organizations.[713] Together they urged the public to – as outlined in the official press release – "install privacy and encryption tools and secure [your] personal digital footprint against intrusive surveillance."[714] Companies were encouraged to enhance the privacy features of their own applications and services, while individual users, through the gateway of the "Reset the Net" homepage, could conveniently access and adapt end-to-end encryption tools.

On the whole, "Reset the Net" applied five anti-surveillance frame packages. The first one, "Encryption", was to call on the public to take their privacy in their own hands. Secondly, a specific "Freedom"-package was constructed to give the somewhat abstract and technical nature of encryption political meaning.

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[713] Along with Fight For the Future participants included "reddit, CREDO Mobile, Imgur, Greenpeace, Libertarian Party, FireDogLake, Thunderclap, DuckDuckGo, Disconnect.Me, Demand Progress, Access, Free Press, Restore the Fourth, AIDS Policy Project, PolitiHacks, OpenMedia, Free Software Foundation, Bill of Rights Defense Committee, Code Pink, Popular Resistance, Participatory Politics Foundation, BoingBoing, Public Knowledge, Amicus, New America Foundation's Open Technology Institute, Progressive Change Campaign Committee, Student Net Alliance, and the Center for Democracy and Technology." Fight for the Future, "Press Release: Companies & Organizations Announce Plan to 'Reset the Net,'" May 5, 2014 (accessed April 15, 2016). http://resetthenet.tumblr.com/post/84832597325/press-release-companies-organizations-announce.

[714] Ibid.

‚Reset the Net‘			
Frame Package	***Core Frame***	***Core Position***	***Exemplars***
Encryption	The use of encryption software by individual users is the only feasible way to resist the NSA's mass surveillance	If encryption becomes a widespread industry standard mass surveillance becomes too costly for intelligence agencies, who instead will then focus on targeted surveillance of individuals or groups.	"[U]se crypto to hit the NSA the hardest." (Reset the Net press release)
Freedom	Mass online surveillance threatens the freedom of all citizens. Thus the only way to preserve the freedom the Internet is offering, is to install encryption software.	Only by browsing the world wide web privately internet users can live out their true personalities according to their political beliefs, which in turn creates social progress. The only immediate means to safeguard their identities and internet freedom is the use of encryption.	Surveillance "violates our right to be ourselves, and undermines freedom of speech and democracy." The safer the web, "the better [and] freer [the] world." (FFTF press release)
Intersectoral Cooperation	Protection from the NSA's spying programs can only be achieved in an alliance between civil society actors and big tech companies	Encryption must become an industry-wide standard. If the big online companies agree to make encryption a default in their products, the days of mass government surveillance will be numbered.	"People and companies all over the world will come together" (Edward Snowden)
Celebrity Activists	We know about the scope of formerly secret contemporary surveillance programs because of whistleblowers and activists.	The heroic sacrifices of whistleblowers and the courage of activists exposing the surveillance state should be celebrated and inspire citizens to resist surveillance.	"We know that encryption works - the proof is in the fact that the U.S. government still doesn't know what documents Edward Snowden took." (FFTF press release
Global Dimension	Due to the nature of the Internet, Surveillance is a global practice that is not only affecting US citizens but people all over the world that can only be tackled on a global scale.	Authoritarian regimes in the 'Global South' demonstrate how surveillance can lead to serious human rights violations. If global surveillance isn't resisted in the U.S. and around the world it will lead to autocracy worldwide.	Snowden: campaign marks "the beginning of a moment where we the people begin to protect our universal human rights with the laws of nature rather than the laws of nations."

Table VII: Frame matrix detailing dominant anti-surveillance frames in the "Reset the Net" campaign.

A third frame package indicated that effective resistance against government surveillance could only be achieved through a coalition between internet users, activists, and tech companies ("Intersectoral Cooperation"). Finally, the remaining two packages were remnants of prior campaigns such as "Stop Watching Us" and "The Day We Fight Back." The "Celebrity Activism"-framing was used again to get attention from the mainstream media, and to a somewhat lesser extent, the campaign portrayed surveillance as a global problem ("Global Dimension"; see table VII).

As was applied to the preceding campaigns I have conducted a close reading of official campaign materials published by the organizers (mainly from FFTF but also documents released by EFF), including the official website, a mobilization video, and press releases. As was done in the preceding case studies, to include media reactions to "Reset the Net," the chapter will be concluded with an overview of how newspapers and blogs as indexed by LexisNexis have

adopted or ignored the frames created by the activists.

Encryption

The basis of the first frame package "Encryption" was to imply that the only way to really be safe from government surveillance was to get familiar with privacy-enhancing tools. Whistleblower Edward Snowden strongly supported this general idea and acted as a spokesperson for the campaign. According to Snowden proposing "technical solutions" was the right way to "shutting down the collection of our online communications." Because the U.S. Congress was either not willing to reign in on surveillance or there was no democratic consensus for the abolition of the NSA programs, Snowden was "excited" to be part of the campaign because it "mark[ed] the moment when we turn political expression into practical action." By June 5th, with the launch of "Reset The Net" gone were the days where you had to "ask for your privacy." Now it was time to "[t]ake it back." [715]

Although activists strongly deny this (see interview section 5.8), and it may not have been their intent, this frame subtly implied that political grassroots protests – protest marches, letters to representatives, online blackouts – were not enough in achieving freedom from online surveillance. The idea appealed to common sense. Through "oppos[ing] mass surveillance by adopting encryption technology"[716] activists and users could bypass the long and uncertain political process by making it impossible or at least significantly harder for government agencies to get access to their data.[717] With "Reset the Net" the activists, it seemed, had discovered a new way "to win against surveillance." While the campaign website acknowledged that "there are tons of ways to fight back against NSA surveillance," this time notably absent were calls to take it to the streets. Instead in a more concrete call to action FFTF suggested the following actions:

> Are you a musician or performer? Shout out privacy tools from the stage.
> Do you have a website, blog, or tumblr? Run our splash screen.

[715] Reset the Net, "Edward Snowden's statement in support of Reset the Net," June 4, 2014 (accessed April 15, 2016) http://resetthenet.tumblr.com/post/87793640365/edward-snowdens-statement-in-support-of-reset-the-net.

[716] Fight for the Future, "Press Release."

[717] I will not discuss the practical effectiveness of encryption technology in greater detail. However, it has to be noted that there is controversy regarding the consequences of using privacy enhancing tools especially in authoritarian regimes. While encryption certainly can be an indispensable tool for communicating safely, there is evidence that users who use encryption may *quickly become targets* of surveillance because they seem to be hiding something. Cf. Michael Kassner, "Does using encryption make you a bigger target for the NSA?" *TechRepublic*, July 1, 2013 (accessed April 15, 2016). http://www.techrepublic.com/blog/it-security/does-using-encryption-make-you-a-bigger-target-for-the-nsa/.

> Everybody's got friends on Facebook & Twitter. Join the [crowdspeaking plattform] Thunderclap. Are you a student? Learn how to organize at your school, and get your school to add NSA-resistant privacy to its services. Do you work in a political organization or NGO? Distribute the privacy pack to your members.[718]

Technologist Bruce Schneier supported the focus on encryption and summarized the campaign's basic approach: "The NSA and others do mass surveillance because it's easier than targeting. Initiatives like Reset the Net force governments into targeted surveillance. That's how we win."[719] Further, the campaign encouraged social media users to share and commit themselves to the following pledge: "Mass surveillance is illegitimate. I'm taking steps to take my freedoms back and I expect governments and corporations to follow in my footsteps and take steps to stop all mass government surveillance." By promoting encryption the campaign would help to "turn off," "shut down," or make surveillance "too expensive to continue," as suggested in a series of suggested tweets compiled by the organizers.[720]

The campaign was also designed to get corporate players on board and convince them to "improv[e] their own security for users or promoting privacy tools to their members." Organizers claimed to have set up "Reset The Net" having drawn lessons from the leaked NSA documents. Based on an understanding how programs like PRISM functioned, the way how to resist such government intrusions had become clear. "Now that we know how mass surveillance works," the press release stated, "we know how to stop it"[721] – again subtly implying that a full year of grassroots organizing and protesting was *not* the way to stop mass surveillance.

Struggles for legal remedies were not completely off the table but apparently halted for the time being. In its diagnostic framing the "Reset the Net" mobilization video noted that governments were surveilling and thereby effectively imprisoning internet users. "We have to stop them," the narrator says. "But how?" the voice continues, when "[t]hey seem so vast and

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[718] "Reset the Net" homepage (accessed April 15, 2016). https://www.resetthenet.org/.

[719] Ibid.

[720] "#ResetTheNet Sharing Resources" (accessed April 15, 2016) http://resetthenet.tumblr.com/post/87209442640/resetthenet-sharing-resources. In fact, buried under a list of suggested privacy tools featured on the Reset the Net homepage there are "[i]mportant notes" warning that these tools are insufficient if you *actually feel that you are under surveillance*: "if you believe you may be the specific target of surveillance, these [Pidgin and Adium] aren't the tools for you. (…) [Other programs] like all software, cannot fully protect against a targeted attack on your person or electronics." "Reset the Net" homepage.

[721] Fight for the Future, "Press Release."

powerful?"[722] As the CEO of a CREDO Mobile stated, a company, which participated in 'Reset the Net', "until we win real reform, we will encourage users to adopt encryption tools to protect their personal communications from government abuse."[723] The Electronic Frontier Foundation agreed, implying that the political process was simply taking too long to instigate change, as their press release concluded: "Don't wait for your privacy and freedom. Start taking it back."[724] Instead of collectively pushing for anti-surveillance legislation, "Reset the Net" wanted to "take back control of (…) personal and private data one website, one device, one Internet user at a time,"[725] Likewise Erik Martin, General Manager of the social news site Reddit suggested to "use crypto to hit the NSA the hardest."[726] In the eyes of the organizers this was a viably strategy. Encrypting your online communication was necessary now because "legal and architectural changes happen very slowly,"[727] as Joe Hall of the Center for Democracy and Technology added. Let alone, the most interesting statement quoted in the official "Reset the Net" press release came from Steve Anderson, Executive Director of OpenMedia.org:

> At the end of the day, we're going to have to create accountability for governments that are spying on their citizens. *And it's sad that people feel they need to route around what their government is doing* – this shows just how far governments have grown out of touch with their citizens. It's so important that *people speak out* in any way they can about surveillance, and *using encryption technologies is one way to do that*.[728]

For once, while Anderson stresses that ultimately governments need to be held accountable, in his quote he also paints a grim picture of the current political landscape in which it has become impossible to scale back the surveillance state through collective action and legislative means. It is particularly noteworthy that in this context of political stagnation the only remaining way to "speak out" is using encryption. The act of covering your tracks online becomes a political speech act, not only because the government cannot track you anymore but the increasing adaption of privacy software would essentially send out the message of '*Look what my country has become*!'

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[722] Fight for the Future, "Reset the Net: June 5th, 2014" (accessed April 15, 2016). https://www.youtube.com/watch?v=qKk8MHFLNNE.
[723] Fight for the Future, "Press Release."
[724] Electronic Frontier Foundation. "Join Us on June 5th to Reset the Net" (accessed April 15, 2016). https://www.eff.org/es/deeplinks/2014/05/join-us-june-5th-reset-net.
[725] Fight for the Future, "Press Release."
[726] Fight for the Future, "Reset the Net: Let's get started," April 10, 2014 (accessed April 15, 2016). http://resetthenet.tumblr.com/post/82336183609/lets-get-started.
[727] Fight for the Future, "Press Release."
[728] Fight for the Future, "Press Release," (Emphases added).

The notion that traditional contentious politics simply do not work anymore in the context of surveillance is an interesting subframe that is worth examining at greater detail. In their analysis of one year of surveillance activism after Snowden, the organizers found that that "politicians ha[d] done nothing to rein in mass spying."[729] Again, by promoting technological solutions, the organizers' political communication work seemed dismissive of political approaches, which were characterized as long-term, ineffective, and non-practical as opposed to immediate, effective, and hands-on. In an email text, drafted by the FFTF communications team and distributed among constituents, the focus on encryption was lauded as "[f]inally (…) something you can do about [mass surveillance] that will make a difference right now."[730] The outlook on the political system and its potential in fostering change are realistic, if not close to cynical. As the email draft explains: "Despite the massive public outcry, a whole year after the revelations Congress *has done nothing*. The NSA is still tapping our phones and computers, while politicians endlessly debate our rights away. We have no choice to take matters into our own hands."[731]

Freedom

But the framing went one step further. In a different frame package designed to explain and make sense of the political dimension of encryption, the organizers over and over stressed the concept of freedom. The first line of the voice-over of the mobilization video is "The Internet is Freedom." Accordingly, if the internet is under surveillance then there is no freedom. Consequently, installing encryption software was promoted as a "powerful step to turn off government spying and turn on freedom." With this strategy the internet would remain "safe, open, and free," whereas continuing to communicating online without those safety measures would eventually turn the Internet into a "prison."[732] In a suggested tweet the organizers claimed to "[s]top the oppression"[733] by joining the campaign. A quote by Tim Berners-Lee, one of the inventors of the World Wide Web which participants were supposed to share on Facebook, explained that "[u]nwarranted government surveillance is an intrusion on basic human rights

[729] "Reset the Net Infographic" (accessed April 15, 2016). https://cms.fightforthefuture.org/reset-net-infographic/.
[730] "Reset the Net" homepage.
[731] Ibid. (emphasis added).
[732] Fight for the Future, "Reset the Net: June 5th, 2014."
[733] "#ResetTheNet Sharing Resources."

that threatens the very foundations of a democratic society."[734] And in a widely distributed email draft FFTF declared that surveillance "violates our right to be ourselves, and undermines freedom of speech and democracy." The safer the web, "the better [and] freer [the] world."[735]

The most elaborate explanation, however, of why encryption as a form of resistance was important and why it guaranteed 'freedom' was included in a section on the "Reset the Net"-web site titled "Why should I care about privacy, when I have nothing to hide?"[736] It has to be noted that the post was not specifically written for the campaign but had been created earlier, in April 2014, as a list of bullet points directed at individuals to voice in a private debate over the merits of privacy. However, the organizers inserted the article into the homepage, presumably to strengthen the political implications of their 'encryption is freedom' message. In a nutshell FFTF argued that without privacy there is no freedom and hence no way to achieve social change:

> None of the freedom and progress we've won over the past century would have been possible without the freedom to change things (starting with our own lives first) that privacy gives us. Imagine a world where you were constantly being judged by everyone around you, suffering immediately, or years down the road, for anything you did or said that was unusual, unpopular, or against the rules. In that kind of world, social and economic progress grinds to a halt, because everyone's afraid to rock the boat![737]

By using encryption, people living in a surveillance society as outlined by the Snowden revelations, could continue to live out their personalities and thus enable social progress:

> Gay rights. Interracial marriage. Medical marijuana. None of these would exist now if people were unable to break the rules in the privacy of their own home, building momentum and legitimacy until they could show the world what change looked like, that it wasn't so scary, and that it could make the world a better place. We owe massive amounts of social and economic progress to privacy. Think about it. Don't take it for granted.[738]

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[734] Ibid.

[735] Ibid.

[736] Fight For the Future, "Why should I care about privacy, when I have nothing to hide?" (accessed April 15, 2016). http://resetthenet.tumblr.com/post/84339091350/why-should-i-care-about-privacy-when-i-have.

[737] Ibid.

[738] Ibid. Clearly, this is the most detailed, concrete and politicized argument in the mainly technological-practical campaign materials. Yet it raises important questions: While the paragraph argues that privacy is needed as a first step before "show[ing] the world what change looked like" it could be interpreted as downplaying the role of collective action played in establishing these rights. What is not mentioned is that activists in these fields publicized their demands – facing oppression and political violence – instead of remaining in their private comfort zones. Civil and women's rights activists and others achieved their goals because they mad privately experienced oppression public.

The post then goes on to give one specific historical example – prohibition – to demonstrate how individual resistance eventually led to its abolition: "You probably wouldn't even be able to drink alcohol in the US, if people couldn't privately defy prohibition. Remember that, the next time you crack open a cold beer on a hot day."[739] The bootleggers and flappers of the roaring twenties were essentially 'encrypting' their alcohol consumption and 'hacking' prohibitions, the text suggests.[740]

Finally, the 'freedom'-frame is reflected in a more concrete description of the NSA's surveillance powers and its potential abuses: "Right now, the NSA's access gives it the power to secretly undermine the work of journalists and elected leaders around the globe, intimidating sources and tipping elections. This capability to subvert democratic systems is a time bomb."[741] While the overall post is a much-needed explanation of why encryption is worth pursuing from a democratic point of view, it also contradicts the core message, namely that encryption will push the NSA to switch from mass to targeted surveillance. Journalists and Politician, in the context of the quote cited above, are potential victims of targeted surveillance, against which mass-marketed encryption tools hardly offer protection.

Intersectoral Cooperation

According to the third major interpretive package of the campaign, "Intersectoral Cooperation", in order to fully establish widespread protection from surveillance, activists had to work hand in hand with internet companies. "[P]eople and companies all over the world will come together,"[742] Edward Snowden had made his hopes public in the days leading up to "Reset the Net." According to the jointly announced plan,[743] major tech firms had to be pushed by users to insert encryption into their services. The result would be a powerful coalition of activists and companies positioned to resist government surveillance and ensure an encrypted, open, and free Internet. A key part of "Reset the Net" as depicted in an infographic was that "web companies push privacy upgrades to protect users' rights"(see image IX). What the campaign essentially promoted was an

739 Ibid.

740 Notwithstanding its self-serving premise, the example certainly makes sense, because the officials' inability to enforce prohibition played a part in its downfall. What is not mentioned, however, is the role of mass social movements, especially women in repealing prohibition.

741 Fight For the Future, "Why should I care about privacy?"

742 Reset the Net, "Edward Snowden's Statement."

743 Fight for the Future, "Press Release."

consumerist response to surveillance. Internet users could "push companies to do the right thing and voting with [their] own feet, by evangelizing the best secure tools."[744] To be clear, the tools initially promoted by "Reset the Net" were not produced by the big internet companies but rather open source alternatives. That is why one of the main objectives for FFTF was to advise the public on its uses:

> Most of us haven't tried using privacy tools yet. We use the Internet and feel icky knowing the government is watching and recording our every move. But the reality is that it's easier than you think to take a few simple steps and protect your privacy and the privacy of your loved ones. The more of us that use basic encryption tools, the safer we all are.[745]

Additionally, users should ask the big tech firms to care more about securing their users' privacy. The thinking was that "[i]f we can get the Internet's most popular websites and apps to step up security, the NSA is in serious trouble." "Reset the Net" also launched a "Twitter Brigade" to convince the companies that encryption was not only beneficial for the users but also in their own interest: Because "[w]ho knows? To limit the damage the NSA has done to their reputations, [tech companies] might listen."[746] For example, one suggested tweet asked "Hey @Google, require Android apps in the Play Store to add SSL w/ cert pinning, to protect privacy #ResetTheNet."[747]

IMAGE IX: "Reset the Net" Infographic

Just as was the case with "The Day We Fight Back" eventually Google joined the campaign as the

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744 Fight for the Future, "Let's get started."
745 "#ResetTheNet Sharing Resources."
746 Reset the Net, "Twitter Brigade" (accessed April 15, 2016). http://resetthenet.tumblr.com/post/84338081775/twitter-brigade.
747 Ibid.

biggest and most prominent player in the campaign. In a post on their corporate blog, announcing their support for "Reset the Net" Google promised to provide users of their popular email service Gmail with stronger encryption features and released a code for its web browser Chrome allowing encryption (under the working title "end-to-end"). In hindsight, however, this project must be considered an empty promise designed to co-opt the "Reset the Net" campaign and create the illusion of significantly improving their users' privacy.[748]

Celebrity Activism

The fourth frame package, "Celebrity Activism," played an important, albeit subordinated role in the framing of the campaign. The protest event was scheduled to honor the one-year anniversary of the Snowden leaks and was heavily endorsed by Snowden himself, which led one publication even dubbing it "Edward Snowden Day."[749] His backstory and his statement contributed to the legitimacy of the event. Several media outlets used the occasion of "Reset the Net" and the anniversary of the Snowden leaks to recap what had been exposed in June 2013 and how the debate over surveillance had evolved since then, thus managing to bringing surveillance and privacy issues back into the public discourse and news cycle.[750] If there had been any uncertainty whether Snowden was merely a neutral provider of information or an activist himself, "Reset the Net" proved that he was the latter. Co-signing his second major activist campaign after "Stop

[748] Because Gmail's business model is to algorithmically scan all incoming and outcoming emails for keywords and market their content to third parties, Google has no rational business interest in promoting real end-to-end encryption that would block itself from identifying the content of the emails. Thus, not surprisingly, the company never followed through on their promise. In their initial blog post from June 2014, they announced to make encryption extensions optional. In a follow-up blog post from December 2014, the company announced that after an initial round of bug fixing "End to End" was still in a very early alpha stage of development. Finally, in February of 2017 Google quietly abandoned the "end-to-end" altogether, announcing it was no longer a "Google Project". Cf. "Transparency Report: Protecting emails as they travel across the web," *Google Blog*, June 3, 2014 (accessed April 15, 2016) https://googleblog.blogspot.de/2014/06/transparency-report-protecting-emails.html; "An Update to End-To-End," *Google Security Blog*, December 16, 2014 (accessed April 15, 2016). https://security.googleblog.com/2014/12/an-update-to-end-to-end.html; Lucian Armasu, "Google Abandons 'End-To-End' Email Encryption Project, Invites Community To Take It Over," *Tom's Hardware*, February 27, 2017 (accessed April 15, 2016). http://www.tomshardware.com/news/google-abandons-end-to-end-email-encryption,33745.html.

[749] Lambert Strether, "June Fifth: 'Edward Snowden Day' Except Not. Yet," *Naked Capitalism*, June 7, 2014 (accessed April 15, 2016). http://www.nakedcapitalism.com/2014/06/june-fifth-edward-snowden-day-except-yet.html.

[750] See for example Levi Sumagaysay, "NSA spying and the Edward Snowden leaks, a year later." *Silicon Beat*, June 6, 2014 (accessed April 15, 2016) http://www.siliconbeat.com/2014/06/05/nsa-spying-and-the-edward-snowden-leaks-a-year-later/; Aaron Sankin, "The media genius of Edward Snowden," *The Daily Dot*, June 5, 2014. (accessed April 15, 2016). http://www.dailydot.com/layer8/edward-snowden-glenn-greenwald-nsa-media-strategy/.

Watching Us," he urged the public "to join *us* on June 5th."[751] To set the stage and depicting the surveillance apparatus as having gone awry, Snowden was quoted in the official EFF press release with his characterization of NSA chief Keith Alexander and his "obsessive" mission to collect as many personal data as possible.[752] A statement of the Libertarian Party in which it urged to shut down the NSA, grant Snowden a presidential pardon, and award him the American Medal of Freedom was included in Fight for the Future's press release.[753] Snowden's successful attempt of fleeing Hong Kong and distributing his leaks to reporters was one of the best examples of the crucial role encryption in resisting the surveillance state. As FFTF claimed, "We know that encryption works – the proof is in the fact that the U.S. government still doesn't know what documents Edward Snowden took."[754]

Global Dimension

Finally, the organizers portrayed encryption as a global remedy for a global problem. Far from being confined to U.S. borders, "[t]he NSA [was] exploiting weak links in Internet security to spy on the entire world, twisting the Internet we love into something it was never meant to be: a panopticon."[755] The roster of participating organizations was mostly US-based but included well-established transnational NGOs and institutions such as Greenpeace, Access Now, the AIDS Policy Project, The Pirate Party, and Amnesty International although it is unclear to which degree these groups were included in the planning and conceptualization of the event. For example, Greenpeace and Amnesty International, did nothing more than lend their name to the campaign. They did not release individual press materials so the connection between their areas of expertise – environmental and human rights activism – remained unexplained to the public. Encryption obviously is an important protection measure for activists around the world, and Greenpeace and Amnesty International at other times have been outspoken advocates against online surveillance because it endangers environmental and human rights activists in the face of government repression. But those links were not elaborated presumably because the campaign's goal was to tackle mass surveillance rather than targeted surveillance of individual activists. The

751 Reset the Net, "Edward Snowden's Statement."
752 Electronic Frontier Foundation," Join Us on June 5th to Reset the Net."
753 Fight for the Future, "Press Release."
754 "#ResetTheNet Sharing Resources."
755 "Reset the Net" homepage

software companies involved in "Reset the Net" were also mostly based in the U.S. but their products or implementations of encryption options would have effects for internet users around the world.

As the EFF in their press release in support of "Reset the Net" made clear, "[s]urveillance affects everyone, in the United States and internationally"[756] and therefor encryption was by definition a transnational issue. Likewise FFTF's vision was one of "people all over the world (...) work[ing] together to use encryption everywhere and make it too hard for any government to conduct mass surveillance."[757] While there had been limits to the communication between international privacy advocacy groups during "Stop Watching Us" and "The Day We Fight Back," encryption was presented as a universal anti-surveillance language that would ultimately solve all problems of transnational framing attempts.

For instance, the Canada-based Iranian activist group ASL19, who had also participated in 'The Day We Fight Back', joined the campaign to put a spotlight on how encryption software helped Iranian Internet users circumvent censorship and political oppression.[758] With all the focus on technical solutions, the organizers stressed the fact that privacy was a human right and asked followers to share a post displaying the logo of the United Nations and a quoting Article 12 from the Universal Declaration of Human Rights."[759] Edward Snowden, apparently disillusioned with de facto implementation of human rights standards, saw encryption as the cure against surveillance transcending national borders and laws. In his statement he embraced the technical solutions promoted by "Reset the Net" for their ability to "put an end to the mass surveillance programs of any government." In what was perhaps the most radical techno determinist framing of the campaign, Snowden declared that widespread adaption of encryption software would mark "the beginning of a moment where we the people begin to protect our universal human rights *with the laws of nature rather than the laws of nations*."[760]

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[756] Electronic Frontier Foundation, "Join Us on June 5th to Reset the Net."
[757] Fight for the Future, "Press Release."
[758] ASL19, "Reset the Net," June 5, 2014 (accessed April 10, 2016). https://asl19.org/en/blog/2014-06-05-reset-the-net.html.
[759] "#ResetTheNet Sharing Resources."
[760] Reset the Net, "Edward Snowden's Statement."

Discussion

To examine how the frames were reproduced in newspapers and online media, I searched the LexisNexis Academic news database for all items mentioning the term "Reset the Net" in the days leading up to the protest, the day of the protest, and its immediate aftermath (the two days after the protest). An "All News" search for the term "Reset the Net" narrowed down to the source categories Newspapers, Magazines, Web magazines, Blogs, and Newswire for the period June 4-7, 2014, yielded a combined total of 26 news items. See Table VIII for more details on the media coverage of the event.

Period	**Reset the Net** *6/4-6/7/2014*
Newspaper articles	3 (12 %)
Web Blog articles	18 (69 %)
Magazine articles	0 (0%)
Web Magazine articles (Web publications)	3 (12%)
News Wire	2 (8%)
Type of Article	
News report	14 (54%)
Opinion piece	12 (46%)
Total (n)	**26 (100%)**

Table VIII: Overview of LexisNexis search results for the "Reset the Net" campaign.

In their reporting on "Reset the Net," newspapers and blogs widely adopted the first three aforementioned frame packages ("Encryption," "Celebrity Activism," "Intersectoral Cooperation") while ignoring the remaining ("Global Dimension," "Freedom") (see figure IV). As had been the case with "Stop Watching Us" the "Celebrity Activism"-frame package was most widely adapted by the media outlets covering "Reset the Net." Snowden, by now a full-fledged member of the privacy activist community decided to support the campaign with personal statements supporting the other main frame package, which was also covered widely, namely "Encryption." The organizers were successful in introducing encryption software to a great number of internet users and media recipients. Encryption, which can be either highly sophisticated or easy to use depending on the level of protection consumers are seeking, was presented as a simple remedy

for the highly complex and pervasive nature of online surveillance. Though it is impossible to measure how many internet users switched to encrypting their online communication because of "Reset the Net'," the campaigns biggest achievement was to raise awareness that such technical solutions exist. Despite various attempts to explain the motivation behind the use of encryption software ("Freedom"), the campaign nevertheless focused on technical solutions at the cost of politically or legally challenging the surveillance regime.

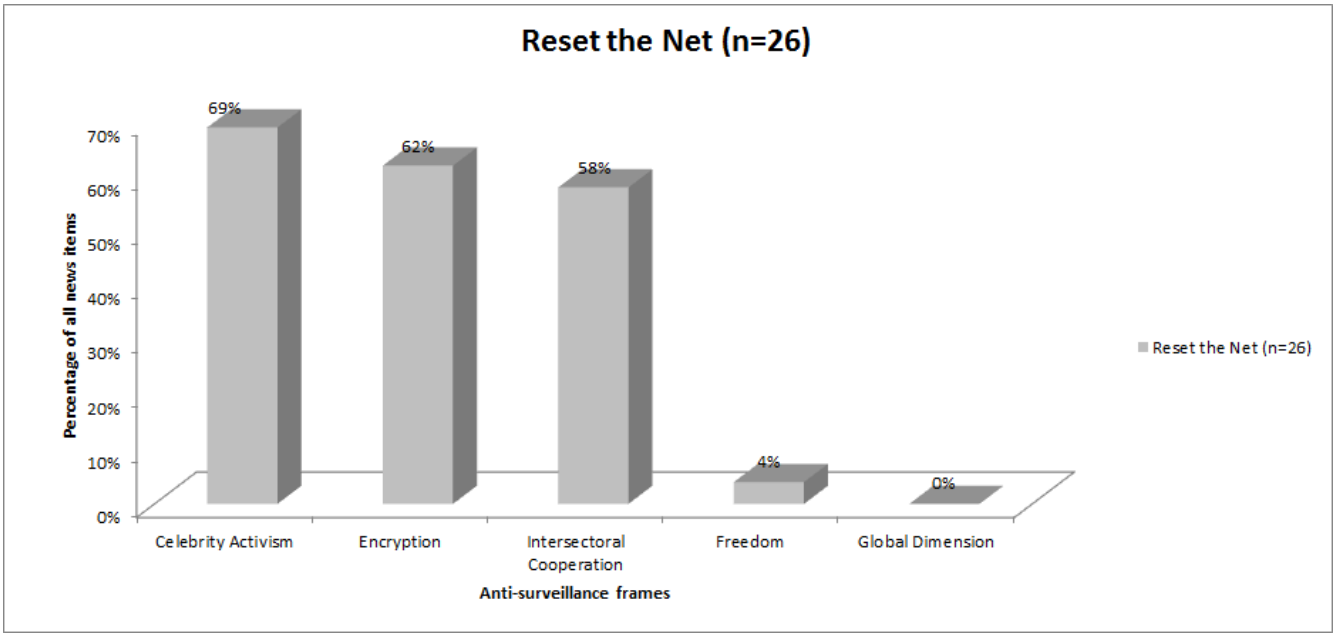

Figure IV: Ratio of frame adoption of news outlets covering the "Reset the Net" campaign. The columns represent the percentages of news items that referred to, covered, or adopted the respective anti-surveillance frames in their reporting of "Reset the Net."

The idea that encryption was the only meaningful and effective way to resist and eventually end mass surveillance was widely reproduced and expanded in reports and opinion pieces.[761] *The Christian Science Monitor* declared that thanks to "Reset the Net" individuals finally had the "power (…) to guard [themselves] against government surveillance". Quoting a tweet from Twitter

[761] However, anecdotal evidence shows that general audiences may have been alienated by the crypto-driven focus of the campaign. Instead of making privacy and surveillance issues more tangible the rhetoric may have produced the opposite. See for example this statement by Paul Jacob, president of the Liberty Initiative: "I don't know on which version the current Internet is said to be. Internet 4.0. Web 3.1. HTML something-or-other? You may notice: I'm not a tech guy. (…) [F]olks at the Electronic Frontier Foundation (…) have proclaimed today, June 5, 'Reset the Net' Day. (…) Well, according to the EFF activists, and according to Snowden himself, there are many things you can do Encryption is one of them. My advice. Don't ask me about it. Consult experts. Let's think more carefully about life under the eyes of our overlords." Paul Jacob, "Washington: Reset the Net?" *Common Sense*, June 5, 2014 (via Lexis Nexis).

user the piece implied that at last it "[l]ooks like *we can actually do something instead of complaining* about mass surveillance."[762] And the blog site *The Daily Dot*, on the occasion of "Reset the Net," profiled a publisher of encryption software (Virtru) claiming that only such products would "lea[d] to a *real* privacy renaissance."[763] Prior campaigns such as "Restore the Fourth" or "Stop Watching Us" were just people 'complaining', while "Reset the Net" would actually achieve something, the article implied. The individual encrypting his or her communication was more powerful than people coming together to challenge government surveillance through collective action.

Other articles also combined their embrace of encryption with a critique of traditional activism. An opinion piece on the blog network *Gigaom* applauded the technological approach and compared it unfavorably to preceding campaigns, in particular "The Day We Fight Back." Echoing Snowden's proclivity of technological solutions, the author identified a new found "realization that ordinary people can and should push back in a meaningful way."[764] "The Day We Fight Back" had been merely a case of 'clicktivism' as voiced in a lengthy quote by the web consultant Mark Stockley:

> Highly organised government surveillance will not be challenged by the most dilute form of modern technical homeopathy, changing our Twitter avatars [...] I argued at the time that our only viable defense, the only way *to really Fight Back*, would be by adopting or contributing to projects that improve our use of encryption. Fancy let's-all-join-hands graphics aside, Reset The Net is exactly that. It's everything that I wanted The Day We Fight Back to Be. In a word, *useful*.[765]

While such articles reproduced and promoted the basic "Encryption" frame package, it also, with broad brush strokes, criticized prior campaigns. Simply raising awareness was not considered to be useful anymore. Instead, the campaign and surrounding media coverage suggested that taking privacy matters in your own hand was "more meaningful than a million temporary avatar

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[762] Jacob Axelrad, "Reset the Net: What is it and what does it mean?" *Christian Science Monitor*, June 5, 2014 (accessed April 15, 2016). http://www.csmonitor.com/Technology/Tech/2014/0605/Reset-the-Net-What-is-it-and-what-does-it-mean-video (emphasis added).

[763] Patrick Howell O'Neill, "Meet Virtru, an easy email encryption tool with roots in the NSA," *The Daily Dot*, June 5, 2014 (accessed April 15, 2016). http://www.dailydot.com/debug/virtru-email-encryption-android-app/ (emphasis added).

[764] David Meyer, "A year into the Snowden leaks, here's something useful we can all do," *Gigaom*, June 5, 2014 (accessed April 15, 2016). https://gigaom.com/2014/06/05/a-year-into-the-snowden-leaks-heres-something-useful-we-can-all-do/.

[765] As quoted by ibid. (emphases added).

changes."[766] Others, wary not to alienate traditionally minded activists, came up with neologisms to marry individual technical protection from surveillance with traditional contentious politics. EFF activist Jillian York for example called for a new "mass encryption movement" and compared "personal encryption to the safer sex movement."[767]

However, while the encryption frame was widely adapted in the news coverage, the decision to team up with online companies was met with mixed results, in some cases even downright ridicule. On the one hand the cooperation with Internet firms, especially Google, generated interest in the campaign itself. Google joining "Reset the Net" dominated the press reports and headlines. A typical example was "Reset the Net: Google joins anti-surveillance campaign" as an article in The Week UK was titled. The first two paragraphs were dedicated to the role Google played in the campaign, including quoting extensively from the companies' own explanation of how encryption works. One cannot help but notice the irony of a company, known for automatically scanning all of their users email for advertisement purposes, talk about the merits of secure email exchange:

> When you mail a letter to your friend, you hope she'll be the only person who reads it ... That's why we send important messages in sealed envelopes, rather than on postcards. Email works in a similar way. Emails that are encrypted as they're routed from sender to receiver are like sealed envelopes, and less vulnerable to snooping – whether by bad actors or through government surveillance – than postcards.[768]

As was the case in the press coverage for "The Day We Fight Back," Google, not so much the activists themselves, (or, in this case, there *was no distinction between the two anymore*) received media attention. Barely mentioning the campaign itself, press reports celebrated Google for "making moves to let users know how seriously it takes email-security"[769] and their Gmail version "which will give users a remarkable level of privacy"[770] (but never saw the light of day; see

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[766] Ibid.

[767] As quoted by Patrick Howell O'Neill, "It just got a lot harder for the NSA to spy on your Web activity," *The Daily Dot*, June 5, 2014 (accessed April 15, 2016). http://www.dailydot.com/debug/reset-the-net-tumblr-wordpress-wikipedia-ssl-encryption/.

[768] "Reset the Net: Google joins anti-surveillance campaign," *The Week UK*, June 6, 2014(accessed April 15, 2016). http://www.theweek.co.uk/google/58852/reset-the-net-google-joins-anti-surveillance-campaign.

[769] Jacob Axelrad, "What Google's 'End-to-End' encryption means for you; With its new End-to-End encryption service, Google wants to make e-mail safe from prying eyes," *The Christian Science Monitor*, June 4, 2014 (accessed April 15, 2016). http://www.csmonitor.com/Technology/Responsible-Tech/2014/0604/What-Google-s-End-to-End-encryption-means-for-you.

[770] Douglas A. McIntyre, "Google Encrypted Gmail; The Official Announcement," *24/7 Wall Street*, June 4, 2014

footnote 748). That as one blog post mentioned in passing, "the big tech firms (...) [had] collaborated with the National Security Agency"[771] in the first place, was not seen as red flag.

Google's decision to relatively late throw their support behind the campaign and making vague commitments can be interpreted as a brilliant move to co-opt the movement. One year after the Snowden revelations and the subsequent press coverage, which had been particular devastating for tech companies, "Reset the Net" offered an opportunity to show users that Google and other companies (once again represented by their umbrella lobbying group Reform Government Surveillance) supposedly cared about their users' privacy. As one news report stated,

> Silicon Valley has come a long way *boosting privacy and cybersecurity* since reports in June 2013 disclosed that the National Security Agency was collecting data from Internet companies. Tech companies including Google, Twitter and Yahoo commemorated a year of news reports detailing secret government surveillance Thursday by supporting campaigns that both pressure government privacy reform and raise consumer awareness about cybersecurity.[772]

FFTF organizer Evan Greer further elaborated on the encryption focus of the campaign by saying that the NSA has "the ability to conduct surveillance on the scale they do today because we send so much of our data over the Web unencrypted."[773] While that is certainly the case, one might add, that part of the problem is that some of the companies, especially Google collect the data in the first place – a fact that had been completely omitted from the campaign and its communication strategy. This dubious stance created contradictions best exemplified by an article on the blog site *Common Dreams*. In the spirit of "Reset the Net," the article stated that the editors had taken significant measures to better respect the privacy of its readers. This included not only removing third-party trackers from Facebook and Twitter but also a tool provided by "Reset the Net's" most valuable ally: Google Analytics. The editors removed it because it "tracks your every move after you leave our properties" and was "too intrusive."[774]

(accessed April 15, 2016). http://247wallst.com/apps-software/2014/06/04/google-encrypted-gmail-the-official-announcement/.

[771] Lewis Parker, "'Reset the Net' campaign will help you take back your privacy from the NSA," *The Daily Dot*, June 5, 2014. http://www.dailydot.com/layer8/reset-the-net-snowden-nsa-privacy-encryption/.

[772] Tom Risen, "Cybersecurity Boosted After Snowden NSA Revelations," *USNews.com*, June 5, 2014 (accessed April 15, 2016). http://www.usnews.com/news/articles/2014/06/05/cybersecurity-boosted-after-snowden-nsa-revelations.

[773] Betsy Isaacson, "Reddit, Google And Others Join Anti-NSA Campaign," *The Huffington Post*, June 4, 2014 (accessed April 15, 2016). http://www.huffingtonpost.com/2014/06/04/encrypted-internet_n_5434032.html.

[774] Jon Queally, "Washington: 'We Are Resetting the Net to Shut Off Mass Surveillance,'" *Common Dreams*, June 5,

One outlet was highly dismissive of the whole idea of getting Google on board for any pro-privacy campaign. The op-ed is a scathing critique of "Reset the Net's" basic outline, and while certainly not representative for all of the coverage, sums up a major contradiction in the overall framing:

> See, despite all its highfalutin' rhetoric, Reset the Net is deeply flawed. The reason: the campaign is not against online surveillance, just government surveillance. It has nothing to say or critique about the massive for-profit dragnet operations run by telecoms and Silicon Valley megacorps that target every woman, man and child in the United States and beyond. Reset the Net doesn't mention private sector surveillance at all, *acting instead as if it simply does not exist*. You won't find a word about corporate surveillance on Reset the Net's website. Nor is it mentioned in an animated cartoon pasted on the group's homepage that explains what the organization is trying to achieve. To Reset the Net, government is the ultimate big brother enemy -- an enemy that can only be stopped with the help private Internet companies like Google. And how can these companies -- which themselves stay in business by spying on us on line -- help to defeat surveillance? By offering encryption apps -- even if the encryption is only between our computers and smartphones and their football field-sized server farms. To Reset the Net, Silicon Valley is our friend. Every other tech industry -- including telecoms -- are to be mistrusted. (...) *A movement against online surveillance that relies on Internet megacorps makes absolutely no sense*. (...) Take Google, Reset the Net's biggest and most powerful backer. *Google runs the largest private surveillance operation in the history of mankind*. (...) *Reset the Net is silent on all of this*. It criticizes the NSA and other government spook agencies, but doesn't have anything to say about our hyper-connected culture and the creepy for-profit surveillance business model that underpins it. Reset the Net doesn't seem to mind that we're constantly spied on -- it just doesn't want the government to exploit and piggyback on the commercial surveillance capabilities built into our computers and handsets. Put another way: Reset the Net is outraged by our government's capability to wantonly vacuum up our personal info, and yet it unconditionally trusts powerful Surveillance Valley megacorps when they do the same thing on an even greater scale as a normal part of doing business.[775]

But also in the surveillance studies literature these campaigns fostering the crypto-driven anti-surveillance discourse have drawn criticism. "Reset the Net" presented a more hands-on

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2014 (accessed April 15, 2016). http://www.commondreams.org/news/2014/06/05/we-are-resetting-net-shut-mass-surveillance (emphasis added).

[775] Yasha Levine, "Reset the Net wants to end NSA snooping, is fine with Google snooping," *PandoDaily* June 7, 2014 (accessed April 15, 2016). https://pando.com/2014/06/06/reset-the-net-wants-to-end-nsa-snooping-is-fine-with-google-snooping/ (emphases added.).

approach to tackling government surveillance and marked the end of gradual shift from more traditional collective action modeled after both civil rights protests and newer forms of digitally enabled activism to an individualistic, if not to say neoliberal, market-oriented approach. The push for encryption shifts the responsibility from guaranteeing privacy from the state to the individual.

Gürses et al. have pointed out that campaigns like "Reset the Net" have a misguided focus on combating mass surveillance whereas targeted surveillance – which as the organizers acknowledged in their own press materials cannot necessarily be stopped by mass-marketed encryption software – becomes acceptable.[776] This marks a dramatic shift from prior campaigns, for example "Stop Watching Us," where historical examples of targeted surveillance of Civil Rights activists were woven into the core framing. A second point Gürses et al. make is that the encryption movement is deeply embedded into the political and technological mainstream without questioning and ideological underpinnings of the current surveillance regime. In fact, "Reset the Net" made the deliberate decision to barely talk about why certain groups were more endangered than others by surveillance. Rather it presented encryption as a way to 'end' mass surveillance, therefore making political arguments obsolete. As the prominent role of Google in the campaign and the subsequent media coverage shows, "Reset the Net" was indeed actively seeking the input of one of the biggest players in the current surveillance apparatus. Omitting corporate data collection undermined their more politicized arguments (especially in regard to the "Freedom" frame). An inherent contradiction between partnering with corporate surveillance businesses while simultaneously pushing for privacy overshadowed the political communication strategy.

In fact, as Gürses et al. also point out, the solutions against mass surveillance now come from some of the very same companies that had been an integral part of the NSA surveillance apparatus. The crypto-driven anti-surveillance discourse also tends to ignore the role surveillance plays for geostrategic and military endeavors of the U.S. in the Middle East and Global South.[777] To be fair, "Reset the Net" tried to offer a global perspective on surveillance, presenting encryption as both a way to circumvent censorship in, say, Iran as well as Internet users in the U.S, eventually transcending national borders and providing Internet safety and

[776] Gürses et al., "Crypto and Empire," 580 et seq.
[777] Ibid.

freedom for citizens around the world. The key actors involved in "Reset the Net" had participated, in one way or the other, in all preceding campaigns in the first year of the post-Snowden world (particularly groups like FFTF, RT4, and EFF). All of these groups had vast experience with organizing more politicized grass roots protests on the ground and thus the technological-driven online-only "Reset the Net" can be seen as a valuable supplement to more traditional forms of protests. A more pessimistic reading, however, suggests that "Reset the Net" was in part motivated by frustrations of both the unresponsive political system and the limited potentials of more traditional anti-surveillance protests.

Frame Package	Framing Task	Frame Type	Campaigns (Frame Adoption Rate)
"History of Surveillance"	Diagnostic	Cultural	"Stop Watching Us" (12%),
"Orwellian Totalitarianism"	Diagnostic	Cultural	"Restore the Fourth/1984 Day" (14%), "Stop Watching Us" (16%), "The Day We Fight Back" (8%)
"Constitutionalism"	Prognostic	Legal	"Restore the Fourth/1984 Day" (84%)
"Global Dimension"	Prognostic	Transnational	"Stop Watching Us" (24%), "The Day We Fight Back" (22%), "Reset the Net" (0%)
"Encryption"	Prognostic	Technophile	"Reset the Net" (62%)
"Intersectoral Cooperation"	Prognostic	Technophile	"Reset the Net" (58%)
"Patriotism"	Motivational	Political	"Restore the Fourth/1984 Day" (35%)
"Non-Partisanship"	Motivational	Political	"Restore the Fourth/1984 Day" (11%)
"Freedom"	Motivational	Political	"Reset the Net" (4%)
"Celebrity Activism"	Motivational	Political	"Stop Watching Us" (40%), "The Day We Fight Back" (32%), "Reset the Net" (69%)

TABLE IX: Overview about all frame packages applied in "Restore the Fourth/1984", "Stop Watching Us", "The Day We Fight Back" and "Reset the Net" campaigns.

Over the course of one year and four protest campaigns a network of international privacy activist applied a total of 10 frame packages to mobilize resistance against NSA surveillance (see table IX; for an extended discussion see chapter 6). The type of frames ranged from cultural/historical ("History of Surveillance," "Orwellian Totalitarianism"), political ("Patriotism," "Non-Partisanship," "Freedom," "Celebrity Activism"), and legal ("Constitutionalism") to transnational ("Global Dimension") and technophile ("Encryption," "Intersectoral Cooperation").

How and why did some of the key activists involved in the campaigns come up with those frames and what did they think of their framing choices in hindsight? In my interviews I specifically addressed the frame packages outlined in this chapter and inquired about their assessment of the overall communication strategy in the first year after the Snowden leaks. Their

answers touched upon, among other things, the role of Edward Snowden, national vs. transnational frames, the involvement of internet companies and the dynamics between media outlets and activist organizations.

5. ACTIVISTS' REFLECTIONS ON THE CAMPAINGS

As outlined in chapter 2, the daily communication work of privacy advocates takes place in a climate of indifference and the growing normalization of surveillance as a cultural practice. In my interviews I specifically asked the activists to give accounts of their attempts to counter the pro-surveillance discourse propagated by government officials, tackle the 'Privacy Paradox', and address the general trend of 'surveillance realism'. It turns out the activists were very well aware that they are fighting an up-hill battle with their reactions ranging from optimism to a sense of helplessness and defeat. They are constantly reflecting and figuring out new ways to engage the public and inform it about the perils of mass surveillance. Before I got into the details of their communication strategies – the role of Snowden, online vs. offline protests, local vs. transnational narratives – I was curious to hear their thoughts on the general state of privacy activism and the potentials of effectively reaching out to the public. Interviewee B's statement summed it up best: "There is still a lot of work to be done in terms of communicating the day-to-day impacts of surveillance on regular citizens."

5.1 Communicating Against Surveillance

As is the case with all recent social movement organizations (see chapter 3) communication work was arguably the most important activity the privacy advocacy community was engaged in. If they fail to get media attention they eventually fail as an organization. In the words of interviewee O:

> We see media work and public communications as *absolutely essential* to achieving [our] goals. Without media (…) there is no leverage, there is no way of exerting pressure on decision makers unless you have the media on your side. That is our observation. Not even mentioning people. I mean there is no way you will mobilize anybody without having the issue high on the media public agenda. Whatever you want,

> talking to the politicians directly or putting pressure through mobilizing people like people sending emails or people who will go and protest – in all those scenarios you need media as your stepping stone to get further. (...) We can use the Internet; we can use our own communication tunnels like our website or our social media. But *without communication there will be no way of reaching out to the people to whom we want to offer some solutions*. So in both these areas media are essential all the much more in the first one where we want to have an impact on institutions and decision makers.

Combating Indifference

Indifference for privacy matters was one of the main problems activists acknowledged during the interviews. However, as interviewee A pointed out, this was something activists from various fields had to face and was just part of the job. Surprisingly A did not believe that privacy was an issue that was particularly hard to raise awareness for than other topics. When I asked A about the notion of a 'privacy paradox' and confronting him with a poll by the Pew Research Center detailing how large parts of citizens in the U.S. were concerned about surveillance but not willing to change their online behavior, he dismissed polls in general, arguing that "people seem to be inconsistent and (...) what factors influence them (...) seem to change all the time. Indifference, interviewee A concluded, was something that "every organization is dealing with – not just surveillance and privacy." The Snowden leaks had certainly raised awareness and had made the job easier for activists (see chapter 1). Now a small but significant part of the public was beginning to show interest in the issues of surveillance and privacy. The main challenge now was to organize individual dissenters into forming a community. The notion that a majority of people did not care was misleading according to interviewee E:

> One thing that we do see happening is a lot of people come to us and say 'I think it is very important', they read a lot about it, it is really at the top of their minds and they all feel as if they are the only ones [whereas] they all feel as if the rest of society is saying 'I've got nothing to hide.' The Snowden leaked have helped a lot – not at the moment itself and not within the first few months but gradually since then and with all the hacks and leaks and everything people are seeing it like 'Oh wow, if this can be done, then other people can do so as well.' And it has changed in the opposite direction that people are now saying to me 'Yeah, the government is checking everything we are doing, right?' So it is really strange between 'I have nothing to hide' and 'Everyone is checking everything I do.' (...) Since last year, we hired a community builder and [who] is organizing all

> those people who are all saying 'I'm the only one who thinks this is important' and to show them it is not true. There are a lot of people very much interested.

On the downside the immense scope of the Snowden revelations not only evoked awareness and concern but also a feeling of helplessness – one of the core elements of the 'Privacy Paradox':

> And the other part is to try to give people concrete perspectives on what they can do themselves because we were comparing our discussion a bit to the discussion that you have in the environmental area. People tend to think the problem is so huge; there are so many large players, 'I cannot change my behavior in a way that will meaningfully affect this problem so I won't do anything because I'm just frozen.' *And we want to make sure that people who do think this is important don't freeze*. We want to them to stay in action. (...) There are all these steps you can take, all these little steps that keep you involved and make sure that you don't give up hope.

Thus, one of the core tasks was to motivate, encourage, and spread optimism to citizens who were in principle aware of the scope of the surveillance regime. Yet the problem persisted of transforming awareness into action and understanding what was really going on. In a climate in which most citizens and online users did not directly experience the consequences of surveillance the tactics was two-fold. Some organizations, as interviewee B criticized, exclusively focused on an "alarmist-type approach – like 'the world is ending tomorrow, you need to save your data, everything is going to spying on you,'" while more nuanced approaches included "more effective tactics such as looking at the practical implications it has on people and what it means for them day-to-day." But as it turned out, according to various interviewees, the privacy community as whole had not found a tried and tested approach that seemed promising and effective. For example, interviewee C explained:

> We try to all be involved in our communication strategy and how to approach our public and how to get to the citizens with a clear message.(...) One of the things we are discussing is how we can approach citizens that have no clue about these issues and how to make them not only care but take action. *That is an issue that we don't have an answer yet*. We try to make public events where we discuss in panels with experts and we are trying to invite anyone who wants to participate and ask questions. That's one way of approaching that issue. Trying to make spaces so people can come and they can express their concerns and we can try to explain in a clear way how these issues affect them.

Yet, despite a general level of interest and awareness, ignorance was still the main hurdle all

privacy activists had to face. Interviewee J acknowledged the problem but could not offer an effective solution:

> I recognize that the main obstacle (...) is not convincing policy makers, not even convince the market and those who create consumer products – it's to convince the general public [about the consequences of surveillance]. I think there needs to be [a conversation] that starts with how [people] behave, which platform they use of social media so there really becomes a gap in the market for the equivalent that is privacy (...). It is peoples' lack of concern so maybe the problem to solve really is *how we frame it*.. Maybe we are entering *an already framed debate* where we are arguing for something that we should put beyond the spectrum of those who carry great power.

As outlined in section 2.4, interviewees were not only concerned about indifference among citizens but also about defenders of the surveillance state. In their communication work activists regularly encountered "people constantly selling counter-messages", as interviewee G put it. This included not only officials but large parts of the citizenry. The privacy activist community would need to go a long way to make people understand what was at stake. Interviewee N's statement is both a testament to a failure of having effectively communicated the perils of surveillance and the need to constantly educate the public: "*The whole system works against us* and getting to understand that has always been a challenge because they say [surveillance] has gotten nothing to do with me.' *They don't get it*." By 'they' interviewee N meant the majority of citizens, who may or may not be aware of the negative consequences, but, for the sake of convenience, chose not to care about privacy aspects:

> [T]he biggest obstacle is] ignorance. [People] are *absolutely ignorant* about these issues. I always go back (...) Maslow's hierarchy of needs. People get the advertising from the major corporations that say 'get the latest digital [gadget] – here is the convenience. And that is all they are told. And people go, "I don't want to be the only one without a fit bit. Oh, a fit bit can tell me if I slept' – my god look in the mirror and you'll see the bags under your eyes.

The only remedy was "informing the public with a balanced and complete understanding." But indifference embodied in the infamous 'I have nothing to hide'-argument not only posed a concrete challenge for the communication strategy but questioned the very legitimacy of privacy advocates. If citizens felt they had nothing to hide, then privacy activism seemed to make no sense. Individual activists warning against negative consequences looked like conspiracy

theorists. As interviewee M explained, "You cannot see how your privacy is invaded online except you are being blocked or harassed. So most people they say 'I have nothing to hide.' They don't care and people who are saying that they do care and they have something to hide *look like paranoids,* (...) hackers and *weird kind of people with weird stuff on their computers*." Some organizations such as the one interviewee E was working for had created and published specific talking points to be used in private conversations. Also communication staffers wanted to change the debate from focusing on the victims of overwhelming mass surveillance to examples of successful individual resistance to the surveillance regime:

> On our website we have given answers you can give to somebody when the other person at a party says 'I have nothing to hide.' (...) But also we are now thinking of maybe doing something else and that is listing all the different examples of what you would like to protect. All these articles or little anecdotes of people who have had a lack of privacy in some sense and that it affected their lives – it could be really big or really small. By making this collection of things that you'd like to protect then we would *change the framing from something negative in to something positive*. It is not something that you want to keep out but something that you want to protect – for example your family, your children.

Individual, positive, uplifting – instead of collective, grim and helpless – those were the approaches several activists described as having the best chances of mobilizing citizens. On the other spectrum, however, some activists had actually given up on the idea of being able to mobilize people because they themselves had realized that there were no tangible negative consequences of mass surveillance – unless you belonged to specific group. In fact, one of the activists, interviewee K from Latin America, – based on his work experience – seemed to confirm that indeed *regular people should not be concerned about surveillance.* At least in the context of K's home country surveillance was indeed only affecting a relatively small number of public officials and journalists:

> We have informally talked with some police members and they say 'It's ok – we only use it against bad people and criminals. We don't use it for surveillance. Why are you talking about it? Are you going to protest? There is nothing wrong here.' (...) *It doesn't seem that the state has a policy of surveilling people. It is not kind of a political obscure directive on surveilling people.* (...) You don't have the sense that is happening for all the citizens for population control or management of the people. Which is, in my opinion, different from the United States and Europe and the United Kingdom. (...) It is more about [controlling political] opposition

than a policy for all the population.

Yet, in the assessment about the situation in Europe, interviewee O, agreed with this analysis. The 'Privacy Paradox' (see section 1) was like any other pressing social issue of the day, in that people were ignorant about the possible consequences that lied in the future. Thus, nothing about the unwillingness of a majority of people to care about a loss privacy was paradoxical. Especially in a social media ecosystem dominated by handful of powerful corporations this was a reality every privacy advocate had succumb to:

> I don't think we have a solution that will be able to mobilize people so they change their behavior. There is no paradox. It is simply related to the fact that consequences of losing freedom or loosing privacy or losing control over data differ in time and are less likely to happen. *It is not certain that you will be personally affected in a negative way* because you shared your data or because you allow for surveillance in the name of security. So because of that people are less inclined to act upon that threat here and now when such action would mean that they lose some benefits here and now – like they wouldn't be able to use Google anymore, use Facebook anymore, they would have to encrypt emails which is always a nuisance, they would have to use less intuitive or less comfortable interfaces. [So most of the times internet users don't understand] (...) the impact that this might have on them in the future. It is very tricky. Not many people will be so forward looking and so mature in analyzing their position to do so. And this is exactly the same thing that happens with smoking, alcohol, speeding, whatever reckless behavior people engage in you have the same what you call paradox but I think it is in the human psychology, it is not paradoxical at all. It is actually how we function.

Limits of anti-surveillance communication

According to this realistic, if not cynical evaluation of the limited potentials of reaching people, privacy activism, was essentially a niche product which naturally excluded and alienated large parts of the population. Sometimes O and fellow activists were simply preaching to the choir:

> [Our] perception at [our organization] is that we appeal to people who are very [aware of surveillance and] not to everybody. We don't fool ourselves that we can convince John Smith or (...) the average user of internet services to change their behavior, because it is unlikely. We appeal to people who already have the feeling that their freedom is in danger or they perceive that politics became problematic and already see this subtle negative impact of surveillance on their freedom. (...) And with these kinds of people we can probably build a conversation by saying 'Ok you have deep understanding of this potential negative impact. Let's now talk

about how you can handle your privacy or data better.

Interviewee T talking about activism in Germany, shared the same assessment:

> It is hard talking about intelligence agencies – people won't listen because they don't feel as being in the crosshairs of such institutions. They don't feel as if they are affected [by surveillance]. (...) *To educate and reach people – many of them Facebook users – about surveillance is close to impossible. Only people that are activists themselves understand this because for them it is tangible.*

Starting information campaigns, utilizing clear examples, was one of the ways activists at least tried to contain widespread ignorance about the consequences of a loss of privacy. Another related approach was to foster and sponsor events to open up discursive spaces. Information was seen as the key to perhaps incline citizens taking an interest in privacy issues. Interviewee C:

> It is difficult to make people realize that these issues affect them even though they don't perceive it on their day by day basis. But we tried to make reports in which we try to talk in the clearest way that is possible – [for example] infographic material (...) published on social media. We are working with that strategy to try to send a clear message to people so they can be informed and have knowledge how these issues affect them. That's our strategy now – publishing reports with each of our investigations that are available on our website. So basically that the one side and public events campaigns are on the other. (...) So we try to in our events at least when it is possible to bring a lot of people from different sectors together so we can try to open the debate.

Even though the Snowden leaks had provided the activists with an influx of new and damning information about the enormous size of the global surveillance apparatus, gathering everyday examples about the effects of surveillance on regular people was difficult and time consuming, as interviewee O explained,

> The repertoire of [relatable anti-surveillance narratives] is not rich (...) at all. We try to collect it, we monitor media. That is a big part of what we do every day. So we monitor press and we try to retrieve these kinds of case studies from the press, we try to get them from other NGOs working on other issues like migrant issues (...). The problem with surveillance is [that] it can affect every human life, right? Wherever you can go – [whether it is] banking, finance, migration, public security, education, wherever you go you can find some stories or find some problems. So it is both good and challenging in the sense that this is extremely broad and therefore quite difficult to monitor. (...) It is a big struggle (...) to get the case studies that will trigger peoples' imagination and will change their

> perception of privacy and surveillance (…) as opposed to these direct benefits coming from, for example internet services.

Based on a sparse supply on everyday examples, general ignorance, and talking to a 'lost' generation of self-surveilling social media users that some activists, such as interviewees R and S, had basically given up on convincing the public of the importance of privacy. Instead they had refocused their efforts on lobbying policy makers. Even though they kept working on "creat[ing] storytelling which can be accepted by a wider audience, not only by the geek community" they

> had [made] a transition in the last two years from an activist organization to some kind of expert organization. (…) [Now] we prefer to speak through our analysis, through data that we are analyzing, collecting, and in some form visualizing and we really like to speak through legal language. *And that made much bigger results than communicating as an activist organization*.

Likewise, interviewee G suggested, sometimes the most effective way to fight for privacy was by not involving the public at all – especially when facing a tough pro-surveillance stance from policymakers. In G's opinion, public communication campaigns against controversial legislation were counterproductive in comparison with well-timed behind-the-scenes lobbying efforts. Exclusively public campaigns were susceptible to failure because pro-surveillance politicians would go at great lengths to uphold their stance:

> [T]he most effective lobbying strategy is to lobby politicians directly *before something has become a public issue*. Once a public commitment [is made] they often almost *get emboldened by a campaign against it*. Once they have made a public commitment to something they will try to talk about how they are looking strong and resisting, (…) and they will going to push forward with their strategy and it can be terrible. (…) When [politicians] get the chance to talk about security [they] will be quite enthusiastic about the idea of it becoming controversial *so that they can make a big deal of taking national security so seriously they are willing to crush people's privacy.*

Under those circumstances some activists were pessimistic about the potentials and impacts of public anti-surveillance protests. For example, interviewee D, who had participated in both "Restore the Fourth" and "Stop Watching Us" was "very torn about the importance of [those campaigns] in terms of effectiveness." For a variety of reasons, D felt that the privacy community had not been successful in mobilizing a critical mass of people. The campaigns felt somehow

anti-climactic. His

> ultimate conclusion, unfortunately, was that it was just like a fairly small sliver of society that cared significantly about these issues. (…) I think it was kind of a *disempowering experience* in a way for a lot of people because you always hope…if you are somebody who says 'They've been spying on us the whole time' and everyone says you're crazy or you're paranoid, you hope that when this gets revealed everyone will rise up and there will be a huge ground swell.

But the 'Privacy Chernobyl' had generated a far more muted response as expected. Just like after nuclear catastrophes, after an initial period of outrage things had gone back to normal fast. Surveillance – just like nuclear power – was eventually accepted as a necessary evil (or nuisance, rather) to ensure convenience. In D's opinion, the effects on actual policy outcomes had been minuscule at best:

> I don't mean to be overly negative about it (…) [b]ut I'm not sure that anyone in the NSA or the government was particularly concerned or has second thoughts about anything as a result of what we did. I haven't seen any evidence really that they were [concerned]. As far as I know the "Stop Watching Us" protest – I don't know if it has ever been mentioned by a Congress person. (pause) I'm just not sure.

As a consequence, interviewee D had left the privacy activism circuit because he felt burned out. D had developed a realistic, almost cynical view on the potential of activists to scale back the surveillance apparatus:

> At this point I just think that surveillance is a symptom of much bigger problems and as long as capitalism is around and the government is around *they are just going to collect every piece of information about everybody that they possibly can* and it is all going to get misused and sent all over the world and I just don't think that civil society is going to be able to change that until there is either a really drastic personal impact on people. (…) I don't think it is possible for people to fight it on an individual level. I don't think there is a way to use the internet or live in modern society without leaving a data trail. And I don't see much evidence that surveillance is in the top 30 issues in the United States, maybe the top 50. Right now I don't see any clear path to changing that.

If anything, the campaigns launched by the activists had contributed to a general, diffuse, unmeasurable climate of anti-surveillance sentiments among young online users which may or may not have made politicians more sensible for privacy claims:

> I would say it's hard to know how the specific things that we did tied into it. It think there was a very clear sense that young people and the internet were upset and I'm not sure how much of that is attributable [to mediatized protests] Maybe people didn't write articles specifically about what we did but (...) there was a general kind of sense of the terrain (...) and maybe that wouldn't have been as clear without the [protests] on the ground.

Interviewee H, who was also involved in all of the major protest events of that period, shared this realistic outlook, being particularly disappointed about the lack of a long-term impact and strategy. H pointed out that "we did drive the news cycle and, I think, a cultural conversation. But," comparing activism to surfing, "if the metric of success is change of the underlying policy we did not get on the board and we flipped around and got hit in the head" Even worse, no lasting protest infrastructure had been formed as a result of the campaigns:

> And you would hope (...) that the networks would be at least connected and poised to take action when the next leak happens. I found in my limited experience that I'm very disappointed by the extent to which that does not happen. People seem for whatever reason either to need a flashpoint to which to respond or very focused attention and cultivation. I would almost describe it as a civil society failure more than a challenge confronting activism because it seems deeper than merely activism.

Particularly troubling for interviewee H was the lack of cooperation that went beyond coming together at 'flashpoint' events. Apparently none of the campaigns launched after the Snowden revelations had translated into an enduring U.S., let alone transnational activist coalition:

> Networks are ultimately like a combination of relationships and space. Building relationships through shared space and cultivating it. The relationships I think are still there. All the people who were represented in those organizations they still all exist. They are all still active. How often do they come together? I don't know if they have come together since the 'Stop Watching Us'-rally. (...) [F]inding ways for the casual participants to stay connected, to stick – that is the essential struggle and challenge. Because people will come out and then they just disappear. [Some coalitions and groups] just came and it went. *It is gone*.

On the whole, fighting for privacy and against government surveillance was a cumbersome activity which rarely yielded immediate tangible results – even in purely advocacy circles not directly involved in protests. Understandably some of the interviewees revealed signs of frustration and anger towards both the privacy community and the political system. Take for

example this account of interviewee N, who for decades had been active in the struggle against privacy breaches by the government and private businesses in North America. Meeting with stakeholders, doing consultations, and publishing reports was "frustrating. (…) How long can you maintain your (…) enthusiasm for something, when you feel so completely defeated, ignored." The process of convincing officials of the merits of privacy often felt futile. N gave an example:

> There is a significant national issue. There will either be a (…) commission which is a series of meetings and they call witnesses and prepare a report and it will take several of years and millions of dollars and the report will sit on a shelf. Senate committees, parliament committees, very much the same thing: a law will be created, the senators will have a committee, and parliament will have a committee. Evidence will be given (…) and then the committee wraps up, does its report, submits it to parliament – nothing changes because in our political system they don't have to do anything. [You keep] beat[ing] your head against a brick wall – how long can you do that and keep getting a bumpy head? And just keep doing it. There comes a point where you say 'Why bother? No one is listening. Nothing is happening.'

Asked about the legacy of recent anti-surveillance protests, interviewee T from Germany spoke in an equally defeated tone:

> Data protection, one's immediate sphere of privacy – these are things that are still tangible for people [and worth protecting] but I don't think [there will be any large scale protests] against intelligence agencies in the future. When I look at the very recent surveillance laws – nobody staged street protest because of that. A couple of hundred people gathered in front of the Parliament. But other than that nothing will happen. We had our big chance in 2013, maybe the following year. It did not work out. I thought it was a very interesting experiment. I learned a lot. (…) But it did not turn out the way [activists] had thought it would.

5.2 Media Relations

Three out of the four main anti-surveillance campaigns which took place in the first year after the Snowden leaks were basically designed to 'raise awareness' through media coverage. Along with mobilizing their base and recruiting new members, the goal of each "Restore the Fourth," "Stop Watching Us," and "The Day We Fight Back" was to inform the public about the dangers of unchecked surveillance and stage online and offline protest events with the intent that media outlets would cover them and multiply their message to a wider audience. Even "Reset the Net,"

with its far more practical approach of informing users about encryption tools, relied on a network of websites and blogs, traditional media outlets, and tech journalists to popularize its core message.

As will be shown in this section, the relationship between privacy activists and the media is complicated. One the one hand, especially because of the large amount of attention the Snowden leaks generated, journalists and media institutions have been receptive for privacy matters – arguably as never before. Almost every activist that was interviewed for this study has acknowledged this.[778] For instance, Interviewee I, an activist significantly involved in all four campaigns, has called the Snowden leaks "an indicating moment when suddenly all the journalists and reporters and people we've been trying to get to pay attention to this for years were suddenly all paying attention to it and talking about it and critiquing it." In a world, where surveillance innovations and accompanying privacy breaches surface on a daily basis, privacy activists and advocacy groups have become the go-to sources for journalists seeking analysis and technical know-how. However, on the other hand, the highly technical and complex nature of the current international surveillance regime has, in the eyes of many interviewees, created problems in terms of accurate media representations of their work and their campaigns. When asked about their general assessment of their experiences of working with the media, reactions differed widely. Some were generally satisfied; others were slightly annoyed by the journalists' lack of theoretical and technological understanding; and others accused the media of willfully distorting their image and goals.

Relationships with journalists

In general, journalists heavily rely on the expertise of privacy activists and their knowledge about digital rights and technology. As interviewee E, claimed, "[Journalists] are very much receptive to our work.(...) Every time there is something (going on) with the Internet, they will call us." Yet to reach this status of perceived expertise his/her organization had to carefully pick their battles and tightly control their political communication. This included not responding to every press inquiry:

[778] With the exception of one privacy activism group in Scandinavia, all interviewees stressed the importance of working with the media. Interviewee J of said organization, although saying that ""i]f we are asked to help then we are obviously there" voiced a deep mistrust of "bigger media which is owned by special interest groups which run a particular narrative even if they do so very subtly - it is more sophisticated."

> In the beginning it was [hard to get the media's attention]. [But] very soon people understood what we were actually talking about… we were not fearmongering or making up stories but what we did – we focused really narrowly on the issues we work on. There are a lot of issues that people will tend to call us for and we would just say 'I'm sorry, we can't respond to that because we only want to say things about stuff we really do know and talking about.

Especially after the Snowden leaks, but also due to the emergence of various new 'Big Data' phenomena, some organizations felt in fact overwhelmed by the increasing number of media requests. The solution was to ignore requests which are not part of their core expertise or delegate them to external sources. This way their main asset – being the leading voice in all privacy and digital rights related matters – was not compromised:

> [J]ournalists knew that they could trust us and that we weren't going to comment on every little thing that is happening. This is still our problem (…) because there are so many things happening that are on the fringes of our focus and it is really hard not to comment on them because we all think it is very interesting and very important.

Concerned about an accurate portrayal of themselves and the issues they talk about, many organizations now carefully choose between media requests. Activists usually make use of a network of journalists they can trust, often having vetted them for years. Ideal candidates are able to grasp the technological nature of online surveillance as well as have a basic understanding about the role of SMOs and NGOs in the political system – a rare combination. As interviewee A, a U.S. activist, put it: "I would say that in general we find the journalists who are willing to portray and listen to civil society groups and really get their opinions and we know who they are and who are doing their homework and who actually are interested in the facts." In addition, reporting on government surveillance requires a commitment to investigative and adversarial journalism that can be in conflict with the more 'balanced' form of journalism prevalent in many mainstream outlets in the U.S. and Europe. Good reporting on privacy issues requires time and money, an increasingly scarce resource especially in print journalism. For interviewee A, the ideal reporters to work with

> are not interested in providing balanced reporting for the sake of balance. Rather they are seeking people who are actually are willing to listen and learn from people from outside the normal halls of power. So I would say, yes, [good reporting on our issues] depends on the outlet

and how much time they are given.

In contrast, "if the reporter is just new to the issue then they'll go with whatever people are saying and these people tend to be the most powerful people who will be promoting their own interests." An activist from Europe, interviewee M, confirmed this. Preferred journalists had to be internet-savvy, trustful, informed about surveillance matters, and ideally had a long-term relationship with the organization: "We have some journalists who are used to work with us. We know they know our subjects. They know how the Internet works. (...). But it is still a very small part of [all] journalists."

Ideally privacy activists and selected journalists would form long-term relationships. Especially with regard to new privacy legislation, a process that takes months or even years, journalists appreciate the expertise and long-term analysis of privacy advocacy groups. For example, the organization of interviewee E, had made a habit of strategically informing its network of journalists and building mutually-beneficial relationships:

> [W]e were making these appointments with journalists and trying to tell them 'so for the next coming months '[this is going to happen]', because we were always within this legislation processes, we could tell them what would be happening in a few months from now or in a few weeks from now, 'this is going to be a big subject.' And because of that actually happening, today I got an email from a journalist from one of the biggest newspapers telling me 'Hey, (...) could we sit down again and talk about what projects are going to [happen] because they know that this is how we work and that we do know what... that they can trust us.

Yet the relationship between privacy activists and journalists was not a one-way street. Interviewee K, representing a Latin American privacy advocacy group, portrayed the relationship to the media in general as a symbiotic, mutually beneficial one, stressing the point that the facts reported by journalists formed the basis for their everyday work: "We sometimes have news of the surveillance state because of the media coverage on [surveillance issues]. We learn from them too. They usually spare (...) some space on their webpages and newspaper writing an article about these things." Another activist, interviewee N, was thrilled about the increasing media attention their privacy advocacy work was receiving. Part of the reason for the growing interest was that some journalists had realized that they were working at the frontline of the surveillance state. Journalists knew very well that they were the first to feel the impact of unchecked government

spying on their right to freedom of expression:

> Increasingly the media is interested and that is tremendous. It is essential but it is tremendous. They have called on us many times for a variety of privacy related issues that lapse in civil liberties. (…) I can be the mouthpiece [for privacy causes] and the media increasingly appreciates that. They are starting to getting it though *because it is starting to affecting them personally and professionally.* (…) Media members are realizing, not only are their colleagues in other countries being silenced and murdered, but they are [also] being silenced. The ones who are left [after rounds of cuts and firings in the media industry] (…) are starting to get scared (…) and pay more attention.

Media critiques

Still, especially in long-term campaigns, whether it was raising awareness for privacy in general or specific campaigns to promote encryption, maintaining media attention was hard. "The most difficult thing is [when] we hit the wall of the political will of the media," interviewee M explained. In the past they had temporarily "changed the direction of the media" with a campaign, working closely with a handful of selected journalists. But once the issue reached a critical mass of attention, more and more new journalists took interests who were new to the topic and did not "understand anything and [hadn't] followed (…) the campaign and we [had] to start again from zero after three months of (…) campaign[ing]."

As a result, reporting on the issues at hand – surveillance and privacy – only scratched the surface instead of being translated into general critiques of the surveillance society. Thus Interviewee K scolded the media for only talking about surveillance in the narrowest sense. In K's Latin American country, which was ripe with political scandals involving corruption, unlawful monitoring of political opponents, and overstepping of intelligence and law enforcement agencies, reporters should more frequently get the bigger picture:

> The [coverage of the] scandals does not [criticize] the state of surveillance. The problem is the scandal. But when you see the coverage of what happened and what kind of technologies they have and what the procedures were of that – they don't dig too deep on what is happening. They report, for example, [on] the existence of another [police] surveillance system. They don't link that with [other] recent scandals so it is kind of a *broken stor[y] of surveillance*. Like a journalist announces that she has been followed and nobody says 'It has something to do with the systems these organizations were announcing and we should ask for more control' No, they only say like 'This happened. It was bad.' Then they move

on.

In an assessment of the cooperation with media outlets interviewee O, an Eastern European privacy activist, noted that journalists would approach them if they needed input rather than the other way around. O's organization still lacked the ability to influence the news cycle themselves. Outside of larger protest events, their input would usually be confined to provide sound bites for newspaper articles or television news:

> I think it is still very niche and we are still treated as experts who are invited to comment on these issues *when they are raised by somebody else*. You can imagine that there is a debate started by a prime minister or somebody in Brussels regarding privacy or surveillance and we will be asked to comment. *But it is very difficult for us to set the framework, to set the agenda for the debate by ourselves*. So in that respect we still have a lot of work in front of us to leave that expert niche and become more of a trendsetter or organization that shapes the debate.

The irony here was that being consulted as experts and treated as such by the media organizations was not helpful to popularize privacy issues in the public. Surveillance was being treated as a topic that was debated between politicians and experts. As a consequence many press reports on privacy issues ultimately *obscured* the important overarching issue at hand: "The debate is (...) still seen as an expert issue, as an issue that only geeks can fully grasp or tech experts; as [something] more luxurious than other rights." Despite frequent attempts by O and other activists, what was eventually lost in the mediated discourse was highlighting the general benefits of privacy. Very much in line with the Surveillance Studies critique of the 'Privacy Paradigm,' O tried to refocus the media attention on questions of power and surveillance:

> We really struggle with pushing the debate beyond privacy as a niche because *for us it is not privacy, it is surveillance*. The use of data as a tool of power, it is *the use of data to control people*. These are the stakes we want to discuss in the public debate not privacy. Still for the media, privacy is the only probable thing they can comprehend and as they said they will be more inclined to present it as something that needs to be compromised at the times of the war against terror or in the context of the internet services (...). So the debate is running but *we are not really yet able to shape it the way we would like it to be.*

Political journalism v. tech journalism

The individual background and expertise of a journalist reporting on surveillance activism was

crucial. In some cases the same publication would cover a campaign in different ways depending from which section their journalists are stemming. The aforementioned coverage by *The New York Times* of "The Day We Fight Back" was such an example: while the 'Tech' section praised the campaign, a journalist from the 'Politics' section was highly critical. The reasons were different backgrounds, trainings and expertise of each group of reporters. As interviewee A elaborated:

> A tech journalist or someone based in an international bureau like in London will do a great article on the encryption debate or net neutrality but then their consumer journalist from a completely different department talking about privacy will say some really silly things and mischaracterize the debate entirely because they are just not informed or interested. They will say 'Oh I don't care about privacy, I just care whether my iPhone works or not.'

Interviewee E, an activist from Europe, echoed this concern about varying degrees of understanding between columnists and technology journalists:

> I would say that [negative coverage about privacy concerns] was more [prevalent] in the [opinion pages] – [arguments like] 'I have nothing to hide' etc. These kinds of arguments were really strong in the broader public opinion and so this also found a way into op-ed pages but the journalists themselves that are working on the economy pages or the more informative journalists they would know how to read our information. They would ask the difficult questions and seeing that we could respond to them – they would know how to carry that.

However, tech journalism plagued a different problem when it came to reporting on privacy activism. Hence interviewee I offered a distinguished critique of tech journalism. While reporters from the technology pages of newspapers, websites, and magazines were able to accurately portray the technical side of privacy matters, they lacked understanding when it came to fully grasping the political, and most importantly, the organizational-sociological dimension of protest. When, for example, mentioning supposedly 'low' protest turnouts either on the streets or online, tech reporters were not able to appreciate the enormous amount of preparation and commitment that is the prerequisite for any activist campaign:

> [Surveillance] is something that tech reporters in the U.S. are consistently covering. Compared to some other issues reporters that cover surveillance are becoming more sophisticated and they tend to understand the technology better than many other reporters (...). *One of the issues that tech reporters tend to not understand (...) is activism*. One of the problems we run into is that tech reporters get the issue but they don't really

> understand how activist movements work. And so they tend to report on these things and in the end they don't see the huge amount of work that go into building a campaign that is big enough and has enough momentum that companies the size of Google, Facebook, and Reddit want to add their name to it. And that always takes a huge amount of people power, it is grassroots, it is organizations, it is hustling, and that is a piece that the tech media tends to not understand because they haven't done a lot of covering a grassroots social movement. They cover startups and companies and tech products. That is one area where the tech press kind of failed to understand what is really happening here. They just don't totally grasp the way that activism happens in the interplay between grassroots activism and these tech companies that sometimes join our campaigns.

In turn, journalists without a significant background in technology and Internet issues presented a different challenge. Increasingly some organizations, like the one interviewee M was working for, had to deal with journalists that seemed to have no clue when it came to the technical side of online surveillance. Worse, some journalists approached them with preconceived images of surveillance, hacking, and cryptography that had nothing to do with reality:

> Generally speaking the biggest issue we have with journalists is that they don't understand how the Internet works. They don't understand how encryption works. *They have no basic whatsoever idea of what we do or what we are going to do*. When they ask 'yeah but it is encrypted so is it safe or can you hack it' – you still have very basic beliefs of [TV show] *Mr. Robot*-type of hackers (...). It is not even like *Mr. Robot*, it is like 'yeah, you are good with computers you type some stuff and then you hack into someone's computer' – that is not how it works."[779]

Reporting of anti-surveillance campaigns

Whether media outlets were ultimately receptive to their work was often not in the hands of activists. For example, the release of reports about the current state of surveillance in a country or region – for many more advocacy-based organizations a key activity – had to be carefully timed with the political climate and current events in mind or otherwise its impact would not get noticed. As interviewee C put it: "We launched (...) reports (...) and [the media] were pretty

[779] In the case of some European countries, many journalists who showed a genuine interest and combined this with good technological knowledge were foreign news organizations. But here activists had to be careful not to become pawns in a geopolitical game, as interviewee M explained: "The other issue is foreign media (...). For example we have a hard time with Russia Today, as the Russian soft power is very strong in [my country], trying to show how [our] government is bad (...) and Russia is great. We try not to answer too much, we try to be very careful (...) because sometimes it can be used against the [our] government and we become the kind of a Trojan horse."

receptive and tried to communicate that. But mainly because of the political situation in [my country]. They sort of publish what they want depending on the political context and feel of the moment – the political thermometer."

When it came to launching campaigns what was crucial for privacy activists was both the quantity of factual media reporting the event generates as well as the interpretation and analysis in opinion pieces. It were often the latter that mattered more, because opinion leaders have the ability to retroactively spin the impact and feel of a protest campaign. For example, interviewee D, one of the organizers of the "Stop Watching Us" event in Washington D.C. not only "definitely wanted there to be more press coverage" and "thought it would warrant more coverage that it got." But he

> remember[ed] two journalists in particular – I didn't like the story they wrote [referring to the blog piece penned by Olivia Nuzzi discussed in section 4.2]. [It] focused on one small group of fringy people that showed up and was pretty dismissive. But I don't know that she was necessarily… I guess she didn't say anything that was factually incorrect. I just didn't like her interpretation of things. (…) I didn't think it was particularly charitable but it wasn't exactly wrong.

Notwithstanding the lack of either technological or political understanding at least the anti-surveillance campaigns generated *some* coverage. Even negative comments or contrarian accounts from columnists were not only minor, albeit expected nuisances but they ultimately validated a protest event. For example, interviewee J thought that negative coverage of "The Day We Fight Back" was simply reflecting "the state of journalism today." As the activist elaborated, brushing off criticism from the media,

> Anytime something big happens there is going to be a bunch of articles about how the big thing happened and some journalist needs to make it their point to write their article about how the thing wasn't really that big because xyz. It is just clickbait, it is just kind of noise. And in my perspective *when you start getting articles like that written about your campaign that tells you have succeeded* if there are already naysayers that are going to paint any victory as a failure. (…). To me it is usually a good sign when you start getting these kinds of trolling articles that are critiquing your campaign. It means that everyone is talking about your campaign and that someone wants to add one of those trolling articles to the mix. That doesn't bother me. I usually see it as a good sign.

Collective action frames deliberately chosen in the run-up to an anti-surveillance campaigns

rarely made it into the news either because they were too complicated for sound-bite-heavy news coverage, as interviewee H had observed. “Stop Watching Us” was a prime example for a simplified media portrayal of the culturally and historically complex issue of surveillance. As one of the organizers of the campaign, H, noted, the event “drove an international news cycle” and “got a lot of eyes on the issues,” driving “a cultural conversation”, and ultimately “responded to the right angles.” Yet the media “did not at all pick up on the history” [for the historical framing devices see sections 4.1 and 4.2]. At the time of the interview, the so-called 'Apple v. FBI' case dominated the headlines. Interviewee H saw in the coverage of the privacy activism surrounding the controversy the same “failure” at work that caused some of the distorting media coverage of “Stop Watching Us”:

> Here you see the same failure – *media institutions are not at all getting the frame here*. I mean the first news cycle here was terror, terror, terror. [That giving in to the FBI's demands] would undermine human rights around the world – that is barely talked about. I mean, we all talk about it when we have microphones but you don't see that reflected in the coverage. So I think to the same extent that the media failed in that area to fully depict the implication of the issues they are covering, I think, unfortunately, that failure is continuing.

A more radical critique of the media's reaction, or non-reaction, that is, to “Stop Watching Us” was provided by interviewee L, an activist significantly involved in the campaign: “And you have noticed that only C-Span was the network that carried that information and that speaks volumes. [The other networks broadcasted soundbites] but [as soon as] Donald Trump starts talking they don’t show soundbites they broadcast his speech uninterrupted unedited and with no commercial breaks.” Instead of focusing on the historical frames, depicting surveillance as first and foremost targeting minorities, he accused the media of 'whitewashing' the event:

> They didn't put my face on anything. Did you see my face in the mainstream media? (…) I haven’t seen my face on there. Because they don’t want to promote anything that brings people together. If they put my face on there, then more black people, more brown people would have been interested in what was going on, more white people would have been honing in what I was saying. (…) Their job is to minimize and to find divisiveness for all costs. And that is why the mainstream media did what they did.

Interviewee L also criticized the ritualized coverage of showing images of protest performances.

Rather than extensively look into the wider political implications of surveillance and adopting historical frame exemplars of "Stop Watching Us,"

> [The media mainstream] tries to clown you. Some just dismiss you. (…) They showed the puppets. They showed the theatrics. But they won't show an angry black man (…) talking about Martin Luther King and how he was surveilled. That should be enough for everybody. You know, MLK has been surveilled should be enough for everybody. There is no possible justification for having MLK under surveillance (…) Are you serious?

Interviewee Q, representing an organization that was involved in all four campaigns, provided a more nuanced explanation about a perceived uneasiness of journalists when it comes to reporting on surveillance issues and privacy activism. In the view of Q, it was the way in which the dramatic scope of the surveillance was revealed that discomforted veteran journalists and may have caused an inferiority complex. Not them, many of them indirectly aligned with party politics and existing power structures, had exposed the NSA secret spying programs but whistleblowers. As interviewee Q argued, the Snowden leaks were not only an attack against classified surveillance systems but indirectly a blow against the journalistic class of Washington, D.C. and around the world. The Watergate Scandal, whose exposure remains in the cultural memory as the 'finest hour' of investigative journalism, falsely suggested that journalists were in control of holding the powerful accountable – a notion that was shattered by the Snowden leaks and may explain why privacy activists and journalists are not always closely aligned:

> I think with surveillance the challenge is that to have that stuff *resonate requires overturning an established narrative*. And this is the narrative: that there was a lot of abuse, a lot of surveillance abuse under [FBI Director] J. Edgar Hoover, that there was a lot of it under [President] Nixon. Then there were the Watergate scandals and it was fixed. And [the media] said 'Yay us!' (…) because they are very proud of what the *Washington Post* did in the Watergate scandal, 'Yay us, we fixed things, we really had an effect'. There were an awful lot of senior journalists who got into journalism because they were inspired by what happened with Watergate. Then you have the problem that the people who have been articulating that a lot of this stuff continued, have been radical people who are not usually listened to in D.C., radical Black activists, radical environmental activists, radical Native American activists, people like that. And then you have the post-9/11 problem that the stuff (…) expanded greatly after that point. And talking about that inevitably involves pointing blame at people who are still powerful in D.C. Because the expansion may have been proposed by the Bush administration but most

> senior Democrats colluded with the expansion of surveillance and where very anxious to be seen as patriotic, were very anxious to not criminalize politics. (…) When it comes to reporters in D.C. it is a difficult story to cover that surveillance has revived and expanded and that is a bipartisan thing. (…) That is a hard narrative for mainstream journalists, because it sounds conspiratorial. It sounds as if there is an anti-democratic cabal who runs things and that the politicians who mainstream journalists spend so much of their time covering are not always most important people to be covered. It sounds wacky. And that makes it hard."[780]

In transition countries with an authoritarian past the interplay between privacy activists and journalists was similarly complex. For example in the Maghreb, the nature of press coverage about surveillance matters and online privacy depended on the type of medium. While blogs and websites were receptive, private and government controlled media were either not interested or not to be trusted. As interviewee F noted: "The gap between activists, bloggers, and journalists and mainstream media still exists. It won't change soon. You can find different points of view, different kinds of media content. The regular ones are back to propaganda but the online world is very different from the press and the journalists." It is notable in this context that many privacy activists, including interviewee F, are both experienced frequent bloggers and privacy activists.

Yet the greatest asset for privacy activists, as is was the case in the F's home country, is that surveillance disproportionally affected journalists. F remembered a campaign where [t]he media supported [us] because we integrated them in our press release and recommendations. We said surveillance will be practiced first on journalists and media. That was smart and we had the support of the journalists union." In addition the democratization after the Arab Spring opened media channels previously blocked by state censorship. While the state-controlled media still was not receptive "the private ones, (…) the internet media, (…) and also blogs etc. are in the opposition and [are against censorship and surveillance]."

In other contexts, however, the journalists themselves seemed to have accepted the fact that they were constantly monitored, making it harder to interest them in the work of

[780] On September 17, 2016 a remarkable opinion piece was published by the Washington Post, that seemed confirm the analysis of interviewee Q. In it the editorial board of the newspaper argued that the Obama administration should not pardon Edward Snowden because he had created "'tremendous damage.'" The very same media organization which became famous for its Watergate reporting and reported extensively on NSA surveillance based on the documents provided Snowden now argued he should be imprisoned. "No pardon for Edward Snowden," *The Washington Post*, September 17, 2016 (accessed January 23, 2017). https://www.washingtonpost.com/opinions/edward-snowden-doesnt-deserve-a-pardon/2016/09/17/ec04d448-7c2e-11e6-ac8e-cf8e0dd91dc7_story.html?utm_term=.de84f64ab06d.

privacy activists. In the Latin American country interviewee K was active some

> journalists have (...) internalized the fact that they and their communications have been surveilled. They count on their communications to be intercepted. For example they have this kind of cruel game. [When they are on the phone] they say like '1,2,3, testing... [is this the] police, are you hearing me?' They know and they start not caring about that [anymore].

Other journalist were simply careless and not technology savvy enough to understand the current state of surveillance. Teaching them about the importance of communication safety for their job has indirectly become a way to enthuse them for reporting on privacy matters:

> One of the obstacles is digital literacy. They use cellphones and they use computers but they don't care (...) We engage in several digital security workshops and we start explaining for example how do [their laptops] work, how do cellphones work. And they are often very surprised to see that for example all the metadata that is collected with your cellphone.

However, interestingly the same notion of having given up on the issue of surveillance was true for Western journalists as well according to European activist M. As he had found out sooner than later, some journalists had internalized the same anti-privacy sentiments reflected in the general audience that M's organization was trying to change:

> Even journalists (...) say 'Oh I have nothing to hide, I have done nothing wrong, why should I be worried about surveillance.' Journalists are people. They are not someone else. Sometimes, for some of them, something clicks in their head and they understand. But for most of them they don't understand anything. They are at the very beginning of their understanding and they just want to do (...) another [article] on which tool you have to use against surveillance when most of our discussion is not anymore on tools but on behaviors.

Finally, after the initial outrage period in the wake of the Snowden revelations had ended, some organizations had modified their media strategy. For example, interviewee P, head of the international arm of a major privacy advocacy organization, downplayed the importance of press coverage because in his opinion, the Snowden effect was already wearing down. Talking to people directly on Facebook and Twitter now seemed as a more effective strategy:

> We are more focused on social media users because one of the things that we have to recognize is that *the Edward Snowden moment (...) is closing*. (...) We don't think the issues have been resolved at all. We really don't. But there is only so long that we can carry on talking about Edward

> Snowden. It's coming up to almost four years away. I hope that there will be another Snowden, you know. But we need to move our messaging on. Snowden received a lot of coverage in some publications but the amount of media coverage is only going to decline.

5.3 Transnational Cooperation

Even though they were conceptualized and steered by the U.S. based organizations, "Stop Watching Us," "The Day We Fight Back," and "Reset the Net" – at least on paper – had featured an international roster of international participants who to varying degrees contributed to the strategy and framings. When I conducted interviews with activists from around the world, I was particularly interested in how this transnational aspect of their daily work looked like – including, practical details about the organizing process, intra-movement communication, and transnational framing. The overarching question was if indeed a transnational movement against surveillance had formed in the wake of the Snowden revelations – or if the varying degrees of transnational cooperation and solidarity were only glimpses of temporary alliances between national actors that came and went.

A general answer to this question is ambiguous. As will be shown in this section, transnational framing is difficult for activists groups mainly concerned with fighting surveillance on a national level. However, as was hinted at in the case studies section, a great deal of activists actively sought out privacy activists from the 'Global South' to share their experiences with surveillance apparatuses in authoritarian contexts. In turn, groups from Latin America, the Maghreb region, or East Africa saw great benefits in joining U.S.-led, international privacy campaigns. Yet overall, when inquiring about concrete details about the degree of transnational cooperation, activists failed to give any compelling evidence that a highly organized, consistent transnational privacy movement really existed or was in the making.

Cosmopolitanism and transnational solidarity

From the outset, the international privacy activist scene had all the prerequisites for evolving into a transnational movement. For example, many of the interviewees saw themselves as global citizens and were heavily inspired by international protest waves that had rocked the world following the global political and financial crises in the late 2000s. Some of the more prominent and bigger digital rights groups frequently portray themselves as transnational institutions,

transcending borders by setting up international offices and branches as well as supporting local privacy initiatives around the world. Interviewee A stressed his "very global perspective" and work experience in "international areas" before joining the struggle against government surveillance. As A described his organization, "we were really founded out of the Arab spring and even before that the Green revolution in Iran [because we were] interested in how people were using social media and Facebook to push for social change [whether it] be journalists, (…) members of the LGTB community, (…) marginalized groups, [or] ethnic minorities." Even though consisting of a relatively small team, A's organization's scope was truly global in every aspect of their daily work, ranging from specific advocacy work for particular countries to international grassroots campaigns. Given its interconnectedness and international scope, digital rights activism was by definition transnational, A implied:

> We are working with people from all over the world all the time and we get that information and that feeds into our advocacy work and policy works. (…) [W]e have an operations team that coordinates our work across our international offices which is really challenging [especially] keeping staff in places [all over the world] when we're a small organization (…) – it's not easy for us. [A]nd then we look for ways to campaign – usually with partners from around the world. (…) [A]s a lot of human rights groups we're trying to leverage what we have with other people and we really try to make it a two way channel. We build a coalition like the 'Stop Watching Us'-coalition and we try to make our voice bigger that way. But then one thing that we really try to do is to get the input of people in countries of concern.

One of the more enthusiastic accounts of a transnational privacy network was given by interviewee G, an activist from Australia. Responsible for "international liaison work," G spoke of being

> part of a network of NGOs against data retention (…) and other sorts of privacy invasive policies. (…) And in that role we are particularly quite often involved in international privacy based campaigns and we are part of a very active network. (…) So something like 'The Day We Fight Back,' that was a campaign that was pretty much [U.S.]-led but we weren't just adding our name to it – we also tried to promote it nationally and encouraged people to join.

This transnational perspective was partially influenced by the biographies and way of life of the activists I spoke to. They characterized themselves as cosmopolitans caring about the privacy

rights of all people not just from their home country or place or residence. The consensus among activists seemed to be that an attack on the privacy of a citizen from, for example Egypt, was ultimately an attack on the privacy of all citizens around the world. Due to interconnected nature of the Internet, ignoring privacy breaches far away would eventually haunt people from other regions. Interviewee Q, an activist with dual British/American citizenship explained:

> Many privacy activists who are active in the United States have some sort of immigrant background or their parents were immigrants. It is a fairly international bunch of people and so *it is natural for them to extend their concerns that way*. When it comes to the way that the intelligence programs are structured part of the issue is that if you don't protect foreigners' rights and you are not successfully protecting Americans' rights either – that is because of how the internet is structured and how the traffic flows across it. (...) That means that even if you are an privacy organization that really only cares about the rights of Americans the logic of the programs that have been set up means that you can't protect the rights of Americans successfully without incidentally protecting the rights of foreigners. That I think is *why people have no choice but to care*."[781]

Under those circumstances, as Interviewee A unmistakably stated, the current surveillance regime had to be tackled globally: "The idea is that these issues are so fundamental and it's impacting so many places – especially the repressive governments but even places like the U.S. [Activists from different countries] are learning from each other and [reacting to] this short-sighted response to new technology and evolving technology."

However, at the end of the day, even transnationally focused privacy groups relied on local initiatives. In the second part of his answer, interviewee A explained this dynamic. Instead of "hav[ing] a global stance that everyone agrees with, [countries around the world] need to have [a] conversation and push back against [surveillance] laws locally." To come up with a 'Western' strategy and apply it globally was ill advised, A suggested:

> It very much involves conversations on the ground. I would say most of the policy is formulated out of the U.S. That's where the frontlines of that

[781] In addition, Interviewee Q offered a technological explanation, namely that surveillance algorithms and programs simply did not discriminate between domestic and foreign internet users: "The unreliable nature of how you identify somebody as a U.S. person on the internet. U.S. persons regularly communicate with people who are outside the United States anyway so when you are dealing with surveillance under section 702 which is the next surveillance fight that is coming up next year, then that deals with surveillance where the target of surveillance is somebody who is not a U.S. person. But most of the data that is collected by it, by these programs which are PRISM and Upstream, involve the contacts of that target and the contacts of the contact of that target and can implicate the rights of tens of thousands, hundreds of thousands of Americans for each individual target."

> conversation are happening [but] we don't have that U.S. conversation at [our organization]. We don't have U.S. driven conversations become global campaigns *because the context is so specific*.

An example for this approach was an ongoing campaign against state-sponsored censorship of social media users in a West African country. Interviewee A's organization greatly relied on local activist groups laying the groundwork while they in turn benefitted from the international pressure resulting from the involvement of a Western privacy activist organization:

> [W]e work with a couple of organizations [there] that are very smart. They understand the legislative process and they have people who can successfully use that process and can support bills. We work with them saying 'What would be helpful, what would make an impact' because we don't have anyone based in [in that country] and the idea is there that they drive the tactics on the ground and we provide our global membership, our email campaigning membership, our thought leadership, and we provide that to them and work together to make an impact locally. (…) It's actually an ideal situation where you have not just a couple of groups, there is momentum already, and we figure out what our added value can be to make a bigger impact and help.

Especially if such endeavors were well publicized such a strategy usually succeeded:

> One of the things that we found out is that these campaigns in other countries they respond to coverage in Europe or the U.S. Even if the campaign is very local and about local things if they see an article come out in Forbes or New York Times or some major publication of record then it can impact decision makers in that country. Because they don't want to be on the radar for the wrong reasons.

Several other activists stressed that their concern for privacy was global and not only confined to citizens of their home country. To oppose domestic surveillance, interviewee J agreed, but ignore privacy breaches against other countries was hypocritical. Transnational solidarity, J said, was "incredibly important" – even if it came at the cost of losing domestic policy battles. J's organization

> had consistently been an advocate within the U.S. privacy community pushing back against movements in the U.S. to push for legislation that primarily protects the rights of U.S. citizens at the expense of the rest of the world. [We] vehemently opposed the USA Freedom Act the first time that it came up because we felt that it [among other things] is primarily interested in ending the phone records collection program that affected U.S. citizens and had no problem with continuing to spy on people as long

> as they are outside the U.S. borders. Personally I find that untenable. *I think it is racist*. So we did not participate in campaigns supporting legislation that I felt like was drawing a *false differentiation between people in the United States and outside of the United States*.

Likewise Interviewee O, an activist from Eastern Europe, stressed the universal character of surveillance which at least theoretically brought together privacy activists from countries around the world. Going on step further, O came close to denying any specific national context at all:

> I don't think there is *any difference between our context and any other national context*, right? I think it is exactly the same. I wouldn't see the context [in my country] as different from Germany or any other country in terms of why privacy matters; it is the same kind of society. (...) I don't see why privacy would be more relevant here than in [your country] or vice versa. It is just essential feature in data driven society, right? (...) We live in the same internet, we live in the same politics. In that way I don't see [my country] as different in any sense.

Altogether activists supported international campaigns – not necessarily because there were perceived as being effective but rather for the simple reason they demonstrated transnational solidarity to the outside world. Their symbolic power seemed to transcend their ability to generate tangible legal results. Interviewees R and S, both working for an Eastern European privacy advocacy group, proclaimed:

> We support many activist campaigns which are going on internationally. We see these campaigns as a very important part of a 'raising awareness' strategy. We also see these campaigns as a good tool to bring other civil society organizations into the game and engage with them (...) But mainly it is raising awareness and, what is also important, bringing to people in [our country] and the region *the idea that we are all across the globe sharing the same problems*. So that *we are not alone here in this* and that we, on a global level, have to engage.

Western organizers actively requested activists from outside Europe and North America to share their experiences of surveillance in their respective home countries. For example interviewee B from the Maghreb region remembered to be "requested to speak specifically about the global south" at an U.S.-based event. The reason was "to (...) let folks know that (...) *this is a global issue and that people have suffered similar situations or similar circumstances all over the world*."

Interviewee J, an activist from a Scandinavian digital rights group, who, even though not

being involved in the design of specific campaigns, nevertheless felt to be a part of transnational network of likeminded privacy activists:

> [We are geographically quite isolated and (...) we have limited financial resources [so] we are less involved in participating in all sorts of conferences and so on so that leaves us a little bit isolated. (...) But I think generally it is a collaborative process. (...) [T]here are different groups that people follow where people are talking online helping each other out when it comes to data protection. (...). *Those kind of collaborative and engaging discourses are frequent if something happens in one country where people want to get the opinion of others because they have the window of opportunity to present something*. I generally feel like it is very supportive to one another and there are a lot of people who are doing it for the right reasons. I haven't come across anyone who is not doing it for the right reasons.

North-South dynamics

In many cases European and U.S. privacy activist groups supported their counterparts in the so called "Global South" – both financially and logistically. Groups, for example those in Latin America, that interviewee K was a part of, greatly benefited from the regular input provided by those bigger organizations. Being experts in on the Western legal and public discourse, their activities were closely observed by activists from outside Europe and North America. Arguments and frames applied to the U.S. context, for example, would serve as the basis for tackling privacy-related problems in the particular context of Latin American countries:

> We work very closely with [international and Western advocacy groups]. They are big supporters. It (...) is a lot of funding. (...) There are many organizations and we have kind of a network and we discuss our issues with each other and of course with organizations in the United States and Europe. We actively ask them for what is happening there, 'what do you think of xyz?' We know the debate is very advanced in the United States and the United Kingdom and we ask them 'what arguments do you use? What is happening there? What do you think about this? How do you think they are going to react?' We talk to them and we have to. And they ask us [in turn] (...) to join their campaign. (...) We learn a lot from them.

While some organizations downplayed the importance of international campaigns and only joined when they saw privacy benefits for their respective countries, for activists from the 'Global South' they presented immense opportunity. While a U.S.-based protest event certainly did nothing directly for the privacy of internet users they did have symbolic power, as interviewee F

pointed out with regard to their effects on the MENA region: "Everything is maybe ten times bigger than what is happening in our country. So I see this with big eyes. I'm inspired by this to start local campaigns [and] I know that [I] want to be that successful."[782]

For activists from the "Global South", their standing and recognition in their home countries to a great deal depended on transnational campaigns. Without them there was no way to pressure their authoritarian governments. Indeed Interviewee U, an activist from an East African country with a long history of government oppression, pointed out that domestic activism in his country was largely ignored by his government and that instead transnational campaigns were the *only* means of raising awareness for surveillance:

> We join [international campaigns] whenever we can. First of all [you] have to understand from our national context (...) that campaigns will have an impact on issues here in [my country]. What happens is that, we draft some statements and we also contribute to the [campaign's] publications. [Usually, as result] a public letter is written about [my country] on the international level, we bring it down here and petition parliament and the agency that has got something to do with changing the status quo. So we petition and demand that they should really respond to the claims and [international] reports. (...) All the local campaigns we have participated in, all the letters that we have written here they don't happen to evoke responses. (...) But [my country's] government [is more likely to be] held accountable on the international level. I feel, international [campaigns and publications] have made a big contribution on *how to make our government really listen*. We are seen as small in the context of the government but when our campaigns go beyond [our country], when they happen to talk about [the country] on the international level you start to feel that the government is starting to grapple with responding to claims or reports that have been released.

Thus, transnational campaigns were prioritized because

> When representatives look at the number of opposition coming from all over the world (...) really any sensible government – will take it from there and say 'Ok what can we do.' We feel that our international engagement has to continue because you cannot be on the frontline alone [because then] the government [will not listen] to you. We believe that one day one

[782] Unfortunately not only activists did carefully follow their U.S. counterparts. Tunisian politicians were also keen to emulate the surveillance practices of American intelligence agencies as well: "Our government and politicians in Tunisia or Morocco, in the Middle East, they are very inspired by the U.S. What happens in the U.S. they try to apply locally. When you have surveillance in the U.S. you will see the Tunisian government trying to implement the same kind of surveillance. [After] the Snowden scandal happened (...) a few months [later they] established [a] NSA-like agency. They keep following (...) U.S. practices and then build their own model."

> time our government will be taken on in a big forum like the UNCT (United Nations Country Team) to talk about privacy and the use of surveillance. We are also certain all this kind of work will one day lead the government to respond and we're going to see serious changes.

Limits of transnational cooperation

However, despite all the praise for transnational campaigns and the self-descriptions as cosmopolitanism, over the course of the interviews a different picture emerged – that of a transnational movement that was rather *imagined* than existing in a tangible and sustainable sense. Despite enormous advancements in communications technology it appeared that little strategizing or planning was done neither in the run up to big protest events nor on a regular basis. The reasons for this lack of constant transnational exchange included limited capacities, internal disagreements, and an overwhelming focus on national campaigns. Interviewee A summed it up best:

> I do think [there] is a loosely organized movement of some sort. [But] (...) there is nothing that is super coordinated and even if you try to coordinate something on a global level *it is near impossible*. Or it just gets mired in so many politics and drama, things like that. That makes campaigns very difficult to run because they are competing goals from different regions and different countries.

If anything, encounters between privacy groups from different countries were temporary and short-lived:

> As a result, from my experience, generally there is a trend of linking up with organizations when you need them for a specific campaign and they need you so it is kind of a win-win-type of relationship and you are working for the same goals [but] then you might not necessarily coordinate that same effort on another topic.

Conferences, as was repeatedly noted by a majority of interviewees, were the main vehicles for getting together and at least rudimentarily discuss common strategies and goals. But, it seemed, little actually resulted from these conference encounters – even though a significant amount of paid staffers' jobs included reaching out internationally, as interviewee H, member of a major North American based group, explained:

> I think the international arena reflects many of the same dynamics we were (...) talking about in the domestic realm, in the sense that actual organizing beyond information sharing is difficult and takes a lot of

> resources and focus. [Members of our international team] are around the world on the ground, in airports all the time meeting people. I think the challenge there is similar. They have limited time on the ground in each place. I don't want to say it is thin because it is not, there are very thick connections among the people who are most engaged. [But] I think there is not enough. Because part of the challenge here is (...) that people are encountering each other through telecommunications as opposed to having an opportunity to build relationships.

While the network was in place and strong individual and inter-organizational relationships existed true potential were never fully realized. Frequent encounters on the conference circuit rarely translated into sustainable transnational coalitions between different organizations and individual activists, interviewees R and S pointed out:

> [T]his network is really functioning on the one side, it is very well connected. On the other side there are a lot of [conferences]. Every day there is some kind of conference related to Internet whatever – too many conferences going on. And sometimes you have the feeling that you are just... a lot of people from that scene are just like living on the conferences. So I don't think that (...) networking is a problem. I think it is more of a problem not to be over-networked and to have your own time and deal with your own problems and do proper research.

Most of the interviewees talked about isolated incidents of regional cooperation rather than global strategizing or communication efforts. For example interviewee C, an activist from a Latin American digital rights group, explained that the main part of his international outreach was to neighboring countries as well as a handful of projects with international NGOs. Other than that, transnational cooperation was sparse and random:

> We basically talk mostly in conferences, when we have time to get together. Because it's very difficult to get everyone together in the same room and talk face to face – I mean it's hard. It depends on the campaign. Sometimes we just participate in social media with hashtags and sometimes we sign a petition and put our name as support for a request an organization has on the international level in their country.

In the same way, interviewee P, a representative of a European privacy advocacy organization, gave examples of random team-ups. When I asked about a fixed, permanent transnational network P unambiguously stated "there isn't [one]." Such a network only existed on a national level where P's organization was attending meetings with other civil society groups concerned about surveillance. But this was not the case on a transnational level even though P was well

aware of the international scene and had temporarily worked with many privacy organizations from other countries and regions before:

> We don't have a mirroring international network that regularly meets under a particular banner. (...) We do nevertheless follow closely what organizations (...) around the world (...) do and where possible we sign on to their campaigns (...) – so I think there is a healthy relationship between NGOs all over the world, even if there is not a coordinated campaign internationally about surveillance.

Other activists wanted to engage in transnational discussion about privacy legislature but were de facto barred from doing so because of their country's political geography. For example interviewees R and S, based in a Non-EU Eastern European country, were naturally excluded from taking part in any deliberation about EU privacy laws – even though the outcomes would eventually affect their country as well:

> [W]e are not an EU member state so we can't really be engaged on a Brussels level [but that would be the] most important thing for us regarding data protection (...). We depend definitely on EU regulation (...) but we don't have representatives in Europe, in [the EU Parliament] or the Commission. So we can't argue with decision makers here in order to make differences in Brussels. This is our handicap in these kinds of campaigns.

While many activists may have deeply cared about the importance of protecting privacy rights of all citizens around the world, national legal barriers made it close to impossible to design international strategies and tackle with surveillance as global problem. There was simply not enough manpower and legal expertise to face the international surveillance regime. While interviewee Q acknowledged "efforts to be a transnational movement," the difficulty was

> that the legal and policy context for surveillance differs very greatly between countries. (...) It is difficult for individual activists to get their heads around multiple systems. There were very few people who clearly understand [for example] how surveillance oversight works in the United Kingdom and how it works in the United States. (...) And that is just a capacity problem. These are secretive systems. It requires a lot studies to figure them out. For that reason I think there are *limits to how international an organization can be unless it that organization has enormous capacities*. (...) That being said it is important to work internationally because these surveillance systems themselves work internationally.

Under those circumstances, Interviewee N from North America agreed that the input and activities for international campaigns usually was minimal and merely amounted to sharing information among one's constituents: “Sometimes it is just 'Here is the campaign. Sign up to show your support.' Or ‘Here is a tool,’ or ‘Send in your letter – great!’- in which case we send out notice to our members and say, 'This campaign, if you want to participate – here is where you can sign up if your organization wants to sign up as a supporter. Go for it.'”

For many activists, who did participate in international campaigns, their involvement was merely symbolical. According to interviewee O, representing an Eastern European privacy group, such campaigns had no real purpose other than *simulating* transnational solidarity that was otherwise nonexistent. When I asked O about the involvement in “The Day We Fight Back” because I had noticed they were listed as participants on the campaign's website I got this remarkable response:

> *We don't do this. I wouldn't be doing this. It is our not our mission. It is not in our tactics*. Yes, we joined the 'The Day We Fight Back' and they were *using us* because we had legal actions pending and they could be an inspiration for others. Frankly speaking, I think there are many goals that can be fulfilled by this kind of campaigns. But externally *it is nothing more than communication*. Internally it can be sharing know how. It can be inspiring others. It can be feeling stronger by saying that you are not the only one doing something. So [the organizers of 'The Day We Fight Back'] were probably trying to use that campaign to inspire some transfer of knowledge of good practices and that is why they used our example as the organization which did some legal action around the Snowden leaks. But that's it. There are differences between the internal goals and the external goals and I think externally it didn't really matter if it was us or somebody else on the press release.

Granted, O continued, there was some form of exchange between different national groups such as “shar[ing] experiences,” “meet[ings] at conferences,” and “discussions about (...) legal cases” but

> [w]e don't coordinate in the strict sense because *there is no joint management or operation or plan in the coalition*. (...) People get involved in these kinds of campaigns that require nothing more than saying 'Yes, I'm part of it and I say something about it.' So it is not really coordinated action. It is mostly following a leader. There is a leader that says 'I want to do XYZ and this is how I will do it and I will need your signatures. What do you think?' And what you can gain is you can communicate in your country that you are part of it and you can use our press release or our cues

> or *you can use just the fact that we do something as an excuse to communicate with your media.* This is how it works. There is a leader that organizes the whole thing *but locally people join if they see, pragmatically speaking, their own business*.

O's statement is so notable because it paints transnational campaigns, designed to demonstrate solidarity and unity as undemocratic, U.S.-centric operations that is based on a 'take it or leave it'-mentality. It seems to suggest that such campaigns are essentially pseudo-events with no effects other than to exaggerate the degree of transnational contention.

The problem at the center of transnational activism remained: Although surveillance was a global phenomenon it took different shapes and forms in different countries. While a 'common cause' certainly existed, this often ignored specific national country-specific conditions – a fact that of all things activists working in transnational context were all too aware of. There was, as interviewee B noticed, an enormous potential for transnational cooperation yet implicit obstacles that would make the creation of a true transnational movement extremely difficult. The transnational aspect of global surveillance was both a promise and an impediment:

> The one thing that we need to work on more is that we should understand that the issues that are important to EUNA (Europe and North America) are not important to MENA [the Middle East and North Africa]. I think there is a very rich and resourceful diversity to be found and all of the issues that are touched by surveillance or censorship. If anything that diversity can help make a so called global movement stronger and I think we should recognize that. It is unfortunate because sometimes even within the same organization there is a heavy focus towards one issue that may not be important for other countries. And I just want activists to realize that and to be more aware of it.

There was a personal dimension to this conundrum as well. Establishing and maintaining relationships with a network of international activists proved to be difficult. Oftentimes transnational cooperation was the result of personal fondness between two individuals rather than necessarily rooted in the need to work together:

> I would say on a personal level, people (…) have relationships with trust and those relationships (…) work [differently in] most (…) organizations as well as the movement as a whole (…). So you could say like person X in this organization really has a long-term historical relationship with person Y in another organization. And as a result those two organizations are working together a lot. And the same also applies the other way around: If people don't trust one another and they lead two different organizations,

those two organizations will never work together.

In most cases, encounters between privacy groups from different continents rarely go beyond a general interest in the other one's activities or request for funding, as activist F from the Maghreb noted. Even though the activists described the relationship between their organization and their Western counterparts as a "partnership" F remained skeptical about successfully working together for a common cause. While F was aware of and had privately endorsed campaigns like "Stop Watching Us" and "The Day We Fight Back" it seemed too far away from the reality on the ground:

> I don't know if we can compare between what is happening in [the MENA region] and how we campaign [here] and how it is done in the U.S. – I would say we cannot. Because in the U.S. [citizens] have direct access to Congress. [Here] we don't have this. Maybe the efficiency of these campaigns is about the proximity of activists [to their] political leaders and policy makers. Their voices are heard faster than ours.

Given this complicated dynamic, some of the participants and organizers of U.S. based campaigns, remembered vivid discussions whether to include international perspectives at all. Opponents feared that opening up the campaign to voices from other countries would take away the focus on U.S. privacy legislation. Especially behind the scenes of "Stop Watching Us" there seemed to be a split among activists whether the campaign should be national or transnational in focus. In the end, organizers decided to include an international perspective (see section 4.2) – yet apparently not without a heated debate. Interviewee D remembered that whether to include voices from other countries

> was kind of a point of contention I think because it was such a big coalition. A 110 organizations had signed on to something very specific and I don't think there was any international stuff in the joint statement of principles or whatever.(...) I remember there being disagreement about how to balance the U.S. focus and nature of it versus international stuff. (...) I just know that there was tension about how much to focus on the U.S. specifically because there was definitely a (...) very like American Constitution focus. It is not necessarily the direction I would have taken if I had started it from scratch but that is how it got started, the framing of the group (...). There was at least a perception within our group that *most people don't really care about spying on people in [the MENA region] unfortunately*. And so it was like 'well, we don't think there is any chance' (...) And there were people like 'of course we're going to spy on other countries.' It was kind of like 'Do we want to take on, trying to tell people

> that spying in general is bad because that seems like a definite lost cause. Or maybe we can at least get them to stop spying on us' – which is obviously a very problematic approach to take – I'm not defending that.

Maybe because of the reservations voiced by some of the organizers, as interviewee D argued, the influence of international participants on the campaign was minuscule: Honestly, the international "groups of the 110 groups in the coalition a 100 or 90 of them probably weren't involved beyond signing the letter. I never talked to anybody. I never heard anything or saw anything on the email thing from anyone in Iceland or Brazil. (...) *My impression was they just signed the letter and that was it*." Ultimately the national, U.S.-centric focused dominated over any international or global frames.

In Europe, the same dynamic was at work: While the EDRI (European Digital Rights Initiative, an umbrella organization for many of the continent's most influential national digital rights groups) had a strong presence, cooperation happened through "sudden coalitions happening on an issue." But first and foremost, as interviewee E declared unambiguously, the scope of each organization's work was national. E's statement must be read as a damning judgement on the perceived ineffectiveness of transnational privacy activism as opposed to domestic efforts:

> Our focus is, we want to protect the privacy and freedom of communication *of [our country's] internet users* when they are communicating online. This is our focus. So when it is (...) Internet freedom in India, for example, (...) really interesting but *we are not working on that at all*. It's just like we see the headlines, we read some documents and then we go on. Because our focus is on civil rights *for [our country's] internet users*. This means (...) we [only] work (...) on the European level, when it has *an influence on the civil rights of [our country's] internet users*. This is why although we would love to talk to, for example, I don't know, Russian organizations or maybe in Thailand... We do meet these people for example at conferences or at these places *but for our work there is no relevancy to work together*. (...) Also if you are doing a campaign like that – who do you want to reach? [Which] person[s], or institution[s], or organization[s] should change their behavior? Or should change the laws, should change their policies, should change their algorithms? I think *for a lot of (...) global campaigns the actual effect might not be as big as doing it on the national level* because politicians are much more susceptible for national news or national media, what do the polls say etc. The effect is harder on that level.

Almost the exact sentiment was voiced by interviewee O from Eastern Europe: "No, [we do not have a global scope]. It would be *ridiculous to imagine that we started global campaigns*, because it is not our mission. Our mission is to act in [our country] and to deal with issues that affect [our country's] society. (…) We cooperate with others *but our mission is not to change U.S. politics because we cannot*. It would be arrogant to think that way. So our mission is not to change global politics. It is to change local politics but because a way to do quite often is through the global ones we try to feed into the international movement but that is all.

When activists were pressed for their involvement in transnational campaigns they oftentimes defended their relative lack of input by repeating the very same 'my country first' – mantra. International surveillance issues were only of importance if they were related to developments in the domestic realm: "Do we work together?" interviewee N asked rhetorically,

> No, not really. If there are international days of recognition of access or privacy, sure, to increase awareness for the educational component of it. (…) [W]e talk about the international legislation events – *but only things that will directly or indirectly affect [citizens of my country]*. (…) So we do what we can. [But] there is only so many hours in the day though.

In line with this reasoning N had only supported a campaign such as "The Day We Fight Back" not because of a general concern for the privacy of citizens around the world, but because the timing of the campaign coincided with a domestic legal controversy over surveillance.

During supposedly transnational protest campaigns, communication between activists in different countries was close to non-existent. An example would be the "Stop Watching Us"-campaign that took place simultaneously in the U.S. and Germany (for the radically different framing devices applied in both countries see section 4.2). German and American activists did nothing jointly or in common beyond sharing the "Stop Watching Us" label. Consider this account by a German privacy activist, interviewee T, about the lack of cooperation between activists from both countries:

> *There was hardly any communication*. Afterwards, in December 2013, we met some of our American counterparts, who had somehow heard that there had been 'Stop Watching Us' demonstrations in Germany. [But at the time of the event] there were some tweets [sent out by American activists] mentioning a German movement – I guess they wanted to promote that. *But there was never any form of collaboration*. I think they were happy that we had done stuff under the 'Stop Watching Us'-banner here in Germany and contributed to promoting the name. We, in turn,

> when we heard that they are organizing a street protest in Washington, D.C., wanted to help them promoting their campaign because we thought that the topic of surveillance in the United States gets even less attention than in Germany. So we organized our own protest march referring to the U.S. counterpart. (…) But there was no consultation or talks. Instead we simply decided to stage demonstrations in Germany [without asking for permission]. Because they had announced their event weeks before, we just tried to have it taking place on the same day. Months later I got to know some of the American activists at a conference but we did not talk about planning a joint event or campaign in the future. It was rather like 'Great that you guys are doing the same stuff.' But other than that *there was nothing*."

An additional challenge in addressing surveillance as a global problem was a perceived sense of indifference among the national publics. It was not only that most advocacy organizations were understaffed to look at surveillance from a transnational angle; it seemed that politicians and their constituents as well as the participants at protest events did not care about the situations in other countries. Interviewee Q summarized the immense difficulties for communicating transnational solidarity in a national context, in this case, of the United States:

> I can talk about how the international framing works or has worked in the years since that. The difficulty in U.S. particular terms is that the conventional wisdom in D.C. is that if you are not American you do not have privacy rights that the U.S. government is bound to respect. That is just the conventional wisdom. When it comes to getting data protections through Congress it is all easier to talk about the privacy rights of American citizens in particular. *And you don't talk about the privacy rights of non-U.S. Citizens*.

Given the limitations of international campaigns pointed out above some activists, such as interviewees R and S, had begun to actively questioning the increasing number of temporary international coalitions:

> I see (…)a kind of inflation of these advocacy campaigns going on around the world. For example the number of invitations that we are receiving per month it is really huge – to join some kind of advocacy campaign or protest or to do something. I don't have a feeling that this inflation of those kinds of campaigns is bringing something [meaningful to the table].

5.4 Historical and Cultural Frames

As was detailed above with the exception of truly international digital rights focused NGOs, the

privacy advocacy groups operate first and foremost in in their respective national contexts. Thus they have to communicate to the public differently than when addressing a 'global public sphere'. 'Privacy' has different meanings in different languages and cultural contexts. Surveillance as a cultural and political practice has historical and cultural connotations that vary from country to country. When I talked to activists from around the globe I quickly learned that national and even highly localized narratives exist that are used as framing devices against surveillance. One way to interpret these country or region specific narratives in the context of transnational privacy campaigns is to read them as complementing the more general transnational frames: connecting local concerns about surveillance to a greater common struggle for privacy that goes beyond borders. However, based on my interview data a conflicting picture emerges: National anti-surveillance narratives are sometimes at odds with transnational frames, preventing the development of truly transnational communication strategies and deliberations (for the active refusal of some of the interviewed activists to care at all about the international dimension of privacy and surveillance see the previous section).

National 'Origin stories'

For one thing, the contexts in which surveillance and privacy are publicly discussed were rooted in the respective history of a particular country.[783] For example, in Latin America with its long history of military coups supported by wide-ranging surveillance practices, intelligence agencies are seen by parts of the population as enemies of the people. There, the daily work of privacy advocates is informed by human rights violations conducted by the police and the military in the past. For instance, while advocacy groups from Western countries focus on the privacy of individual users or customers, organized resistance against surveillance in the home country of

[783] Only two activists, one from Australia (interviewee G) and one from Scandinavia (J), were not aware of any specific national context that informed their work. "I don't think we have a national or particular cultural push for privacy [in Australia]," interviewee G said. "We are not particularly a [privacy-focused society]. I don't think there is a strong cultural push for privacy but we do tend to respect the privacy of (...) public figures somewhat more than some other nations. We do have a relatively strong privacy legislation but it really only applies to large institutions. But we have relatively limited legal right to privacy other than that." Many activists, such as interviewee J admired a supposed, historically charged pro-privacy attitude among the German population against which their own national culture could not compete: "I wouldn't say [there is a historically or culturally informed anti-surveillance sentiment in my country), no. You are from Germany? In Germany people are very aware of their privacy. [It is more rich and has] more depth to it and I wouldn't say it's the same [here]. So for example in Berlin – aren't there parts of Germany where people resisted against being photographed for Google Maps and Google Earth? I don't think that kind of level of awareness exists in [my country] I think."

interviewee C is explicitly political and thus deeply intertwined with other human rights discourses:

> *[W]e had several military coups 30 years ago (…) that really marked our history towards how intelligence and how the law enforcement agencies and how security in itself and the defense of the nation in itself is treated*. (…) Basically, our intelligence apparatus since its creation has been used mainly for political intelligence. They target political relevant actors for example from the opposition of the official political party that's in power or for example journalists that are leaning towards some political party or some political ideology as well as for example members of unions (…).We try to give sort of a background how they have operated in the past and how the mentality worked. (…) So we try to address this when we talk about privacy and surveillance *because we think the context in which the intelligence apparatus (…) worked in the past is relevant in the future* to try to give the citizens the knowledge of how they thought or what was the thinking process on the intelligence activities, right? (…) If they want to for example snoop on internet connections nationwide we can bring that past into [the spotlight by saying] '*Ok look the people that are working there [are] led by national institutions that were thinking in this way in the past so be careful this can take another course instantly*.' That's why we try to bring the history part into our discourse.

Ironically, the troubled past of Latin America has not only sensitized the public, but at the same time devaluated the right to privacy.[784] Interviewee K, in contrast, pointed out how decades of civil war, urban violence, and kidnappings had led to a society that is generally supportive of security measures, including widespread surveillance, at the cost of individual freedoms – even more so than in Europe or North America. In these countries, the mobility and interactions with others depended on measures that to a certain extend jeopardized privacy: "It is common for us to check in official and private buildings with our national identity number and we are accustomed now to have surveillance everywhere and to have our fingerprints there and to have all kinds of security measures that may not give us security but it makes us feel safer." Giving a brief historic run down, interviewee K made clear how hard it was to generally advocate for 'privacy' in a cultural climate dominated by memories of war and military rule:

> [W]e have a very interesting context. We have [had] guerilla leftist groups [for decades]. That allowed military interventions on certain parts of

[784] For the expansion of surveillance in Latin America following years of authoritarian rule see Nelson Arteaga Botello. "Surveillance and Urban Violence in Latin America: Mega-cities, social division, security and surveillance," in *Routledge Handbook of Surveillance Studies*, 259-266.

> communications. Above all (...) it created a climate for surveillance and for (...) when they say 'security is the most important thing we need to protect' *That is not completely unjustified*. We have had several (...) bombings and terrorism attacks. This is our context. [We also] had this huge, as they call it, the 'War on Drugs' and (...) drug cartels that were shaking the establishment and shaking the constitution of states. [W]e still have this context of war and the military discourse over how human rights must be protected and how they should be applied in real life. So they say 'you have of course your right to privacy but there is the war context'.

Operating as a privacy advocate in such a surrounding made activism at the same time more easy and hard. On the one hand government and military abuses of surveillance laws have made people more sensitive for their privacy. On the other hand, the pro-security sentiments are really strong:

> It is of course harder for us to advocate for privacy because you have to overcome the legal barrier, the political barrier and then you have to overcome the cultural barrier too. [Take for example the debate about the use of CCTV cameras in public spaces]: The major part of the comments section in the newspapers were [saying] 'We need these cameras. Those cameras are important for us.' *So we have to very careful when we talk about privacy* because (...) most of the time [we] don't have the public opinion on our side.

In sum, in the Latin American case the security meta-frame has – even more so than in the West – completely won over any privacy concerns. In fact, security for many people threatened by urban violence is a prerequisite for any form of privacy. In contrast, the violent history of Europe – although vividly remembered – seems to be for the most part removed from the anti-surveillance discourse. Granted, the Nazi occupation during World War II, for example, is used often to point out the devastating effects that sophisticated surveillance apparatuses had on ethnic minorities. For example, the opposition towards government surveillance in the Netherlands is partly informed by the destruction of Dutch Jews with the help of fine-tuned registration and monitoring techniques. The anecdote of resistance fighters setting fire to a registration office in Amsterdam to save Jews is nowadays taught in schools and treated as a warning against totalitarian surveillance. In France, resistance against surveillance is frequently discussed within the context of French collaboration with Nazi Germany, when thousands of citizens surveilled and denounced their Jewish neighbors. In the eyes of many French men, as an

activist from the Benelux region elaborated, World War II was when modern, albeit still analogue, surveillance started – in particular when ID cards where introduced to move between the free and still occupied parts of France. However, some activists pointed out the limits of national cultural-historical narratives when it comes to mobilizing people against current forms of surveillance. European activists refrain to actively evoke the history of the Nazi reign because

> [u]sing those kind of historical arguments tend to bias a lot of the debate (...) – actually we do understand it is much more complicated and it is difficult to advocate against surveillance and for privacy when you are just saying that it was [only a Nazi practice]...If you are saying [you quickly reach] the Godwin point and that is not very interesting. [referring to Goodwin's law which asserts that if an online discussion (regardless of topic or scope) goes on long enough, sooner or later someone will compare someone or something to Hitler].

American activists evaded these pitfalls of politically charged history by appealing to citizens from both the right and the left political spectrum. Offering different historical framing devices – colonial history for libertarians and conservatives and the history of Civil Rights to Liberals and Progressives – has been a promising strategy to reach across the political isle when promoting privacy issues (see section 4.2). The focus on the U.S. constitution which was embedded in the "Patriotism" frame was able to transcend political divides as interviewee Q explained:

> Obviously in the United States the Constitution is by default culturally treated as a sacred object. It is not that everyone knows everything that is in it or that everyone knows every part of the Bill of Rights but they know that they are supposed to be treated with reverence – whatever it says. (...) *Having that constitutional talisman strengthens the hand of surveillance activists in the United States*. Certainly it is very helpful to have that cultural practice here relative to the situation in the United Kingdom where [activists have] a more difficult time convincing people that privacy of correspondence is an important value that (...) people are bound to honor. *We have had success in referring to and familiarizing people with the colonial practice of general warrants* and therefore with the ideal if you are going to conduct surveillance it must be particularized. (...) And using the example of the Founders is important in that discussion. (...) Being able to refer to that makes it more likely that we are able to reach out across party lines. The reason for this is that on the right it is traditional to regard the Constitution as sacred and there are many right-leaning people who are willing to treat it in that way. (...) If it was not in the Constitution then it would be much harder for them to care.

But interviewee Q made a point to equally focus the political communication strategy on those

citizens

> who are black politicians, who were active in the Civil Rights movement. They have an understanding of the history of surveillance as it was conducted [in the Civil Rights era] and the ways in which it continued to have a disproportionate impact on the lives of Black people and Muslim people in the United States. And that is a history that is important to them and so we find for example *that in our public communications on social media it can be very successful to make the point that Martin Luther King was a subject of surveillance*. When Muhammed Ali died it was important for us to make the point that Muhammed Ali was a subject of surveillance because these are figures who are broadly respected within American society but who tend to resonate more with the left wing. That provides a way for us to challenge mass surveillance practices that are conducted by the government whether the government is Republican or Democratic.

Therefore to address a general public, it was crucial according to interviewee Q "to identify a whole spectrum of people with a whole spectrum of interests who have come under the eye of the surveillance state" – whether it be gun rights activists or Muslims.

In fact, tying contemporary actions against government surveillance to protests in the Civil Rights era was a natural thing to do. In fact, not referencing it to the activism from the 1960s and 1970s would have made the privacy movement look to be out of touch with the way protests have been designed ever since, as interviewee B pointed out in regard to "Stop Watching Us":

> Protesting in the United States never leads to anything unless you reference it to the Civil Rights movement in the 1960s. It was kind of a necessity that you have to use that language because you can protest all you want, nobody will look at you. *You have to link it to something that actually changed something in the United States*. Whether it is White communities, Black communities, any type of community – if you are protesting that means you support social change through that channel and I think it was definitely the appropriate tactic to use. And you see this in different issues as (…) they will reference something about the 1960s. It is just natural.

Still, the fact that Civil Rights activists had been under government surveillance and current activists still had a particular relevance. Belonging to an ethnic minority, interviewee L's entire motivation in participating in anti-surveillance protest events was to establish historical links between what happened in the 1960s and the 1970s and what was exposed by Edward Snowden in 2013:

> [T]he reason why I was [joining 'Stop Watching Us'] was I wanted to make sure that White America or White people around the world, 'the West' as they say, were put on notice that *all of this is not new to Black people*. We've been suffering this type of treatment since we got here. It was illegal to congregate more than two or three people at a time without a White person present. It was illegal to congregate outside of church. Since the dawn of coming across the shores of America it was always the church, the choir, and the FBI. That has always been *a constant that Black people have been under surveillance like this since day one* and there is this program called COINTELPRO that is still in effect. (...) And we had so many people killed because surveillance is not simple surveillance. It is a strategy of intelligence so that they can better plan their actions. People have been assassinated because of this surveillance. Fred Hampton comes to mind, Mark Clark comes to mind, the Black Panther party comes to mind. (...) *So I just want to make sure that we understand how the system operates*.

The most frequently referenced historical figure in the U.S. anti-surveillance discourse has become Dr. Martin Luther King. After the Snowden leaks, Dr. King was rediscovered by privacy activists as the most prominent victim of government surveillance. If Nobel Peace prize laureate was under surveillance because of his human rights activism, then this was proof that surveillance could target anyone, not just criminals or terrorists. Interviewee L explained the Americanness of MLK but also the ongoing attraction in the United States to frame any form of surveillance as attacks on historically revered, almost saint-like figures such as the clergyman from Atlanta:

> Martin Luther King was probably the greatest American in history. (...) There is no founding father, there is no President, there is no other historical figure in American history that is more patriotic, more American than Martin Luther King. (...) Why is that? Because he was simply trying to get America to deliver what is on paper. (...) He spoke eloquently. He wore a suit and tie. He prayed before he went to bed. He was educated. He came from a middle class [family]. (...) DOCTOR Martin Luther King. How did the police treat him? How did the FBI treat him? (...) Martin Luther King was one of the most dangerous men in America to paraphrase [longtime FBI director] J. Edgar Hoover. (...) He and President Johnson (...) *unleashed surveillance relentlessly on MLK 24/7 for thirteen years. He was under constant surveillance of course except for the day he was assassinated.* (...) And the FBI also had tapes of his extramarital affairs and tried to blackmail him with that information [to commit suicide]. See how surveillance works? They are gaining data to use to further their agenda.[785]

[785] When, in a follow-up question, I asked whether the strong focus on the Civil Rights history and surveillance of

Clearly, in the United States, colonial and constitutional history has informed campaigns such as "Restore the Fourth" or "Stop Watching Us" (see sections 4.1 and 4.2). However, at the same time J pointed out that a thin line exists between national and transnational discourses. There is an eminent danger that the former can come at the expense of the latter:

> Most of [the people involved in 'Restore the Fourth] are not opposed to recognize human rights of people outside the United States. They just have a specific frame of looking at things through the U.S. Constitution. That is a valid argument to make as well. There [are] people [who] are fighting for international human rights (…) while also (…) pointing out the specific harm in government spying on their own populations. (…) It is salient to make that sort of more libertarian, patriotic Fourth Amendment constitutionally based critique as long as you are not doing so at the expense of recognizing human rights of people outside of the U.S. as well. I think you need to do both.

The pitfalls of historical frames

Sometimes, however, decades-old history also worked as an impediment to reaching potential constituents. For one activist from Eastern Europe, interviewee O, the rich history of Soviet-style surveillance during the communist reign did not inform her communication strategy at all. The past did not seem to have any impact on the perception of privacy and surveillance in the country O was operating:

> Yes, logically speaking, [surveillance during Communist rule] should have some relevance or it should have some impact, I agree with this intuition (…). *But (…) we (…) don't see any meaningful differences between the attitude of people [in our country] and people from other countries.* If there is any it would be for the worse. [Here] people would be less inclined to seek privacy protection or consider this important than, say, German people. That is my personal perspective because I do work with activists

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ethnic minorities would alienate the general population, interviewee L had this to say: "F--- the general population. The general population likes Trump. The general population liked Bush. The general population thinks that Saddam Hussein had something to do with 9/11. Dr. Cornell West calls it the 'Niggerization of America'. That's what we're dealing with. The Niggerization of America. Welcome to our world. You are starting to see – when you had the Occupy Wall Street protest – that was brutalized just like Black Lives Matters was brutalized. They weren't killed – there was a line, but they were beaten they were arrested there were pepper-sprayed. I've seen cops pepper-spray white girls right in their face. But, so, yes, if you talk about being popular in terms of being pop band popular, yeah – If I was running for office and it was dependent upon the popular vote like most of the candidates depend on the popular vote then, yeah, your concerns would be absolutely correct but I'm not. I'm not a politician and I'm just here to represent the truth. The truth is what it is. And he truth has always been described in a negative connotation – its ugly, its brutal, its painful, it hurts and all that. So I represent the truth (…) But yes, *we are all black when it comes to surveillance* because as you have seen it has been applied equally. It's a time where you are treated as niggers."

> from other countries and I see differences in discourse but it is just my personal perspective not any kind of research that we have done. I don't think we can claim meaningful differences between countries [by] taking into account our past.

Other activists from Eastern Europe, interviewees R and S also refrained from applying historical framing devices, arguing "that we don't have such nice examples from the past (as in the U.S.) that we can use related to [surveillance]. Or maybe we haven't found what could be interesting to communicate to the general public." However, they eventually did suggest, that the Communist Era in Eastern Europe would be worth exploring:

> There was some kind of culture of surveillance (…) There is this one really common saying, 'For the five of us sitting in this room, one must be working for the secret service' (…) In [our region] in general, because of all of those events in our recent past (…) people always have this paranoia of that most of the people are working for someone. Most of the time it is really common that people are labeling other people as spies or working for some other government. (…) So everybody really think that they are subjects of surveillance. In most of post-communist countries during dictatorships everybody was surveilled in some matter as the Stasi in Germany and stuff like that. So practically here also everybody thinks that they are somehow subject to surveillance because they are so important (laughing).

Accordingly – and in stark contrast to activists in the U.S. that regularly base their claims on a critical reading on U.S. surveillance history – interviewee O found that evoking history beyond recent years ago was ultimately *counterproductive*. To use historical framing devices would ultimately alienate their core constituents, who had never experienced authoritarian forms of oppression and surveillance:

> No, [evoking the years of communism is not a valid strategy for us], especially not with people we want to mobilize because people to whom we talk and we try to communicate with are mostly people in their 20s or 30s which means that they were born [after the lifting of the Iron Curtain] – even myself: I was born in [the 1980s] which means that I don't remember (…) the old times. I have only heard how it was from my parents. Most of the people that we communicate with today, they already have the feeling that they live in free societies. Right now if we talk about Snowden, ACTA or these debates there were mostly affected, our target groups for these campaigns were younger people who don't see the relevance with (…) what was before.

In the Maghreb region, contemporary anti-surveillance discourse is framed within the context of the time before and during the Arab Spring, where, as interviewee F remembered, surveillance "was legal, it was mass surveillance, there was huge censorship, the worst one in the world." Interestingly, transition countries in the region are examples, which that recent history only goes so far in informing people on the perils of government spying. Because now activists have to face a public that seemingly accepts surveillance in its new institutionalized and democratically legitimized form:

> There is a big difference [between] what was practiced before the revolution and what the authorities are during right now. The main difference is regarding censorship and the kind of surveillance they are doing. Before the revolution it was legal (…). By now they only practice surveillance based on legal demands from the judges. Regarding terrorism, counterterrorism – we as civil society played a huge role in this. (…) This new-born agency was established in late 2012 [and] until now they don't have a legal framework for what they are doing in terms of targeted surveillance. (…) So maybe as we won the battle of net freedom and freedom of expression in general this success resulted in less activism regarding surveillance. (…) [W]e worked a lot on strengthening and safeguarding our freedom of expression online and offline and the result was that as soon as we won nobody is really interested in following up.

In East Africa, as interviewee U reminded me, there was no need to evoke a distant history to effectively frame resistance against surveillance and warn the public about the dire consequences of privacy infringements. The present situation was alarming enough. In U's home country Nazi, FBI and Junta-style surveillance was an everyday reality:

> As far as East Africa [is concerned], we happen to be facing present regimes of repression (…). The (…) actions of governments will infringe on people's right to privacy under the guise of protecting national security. (…) [I know about] the campaigns that are carried out in the United States. (…) When you come to Africa it is completely different. Whatever is being done [here] is being done with impunity. [T]he violations of rights to privacy are being carried out in impunity because (…) they are disregarding processes that [should be in place] in [a formally] democratic government. (…) [W]e don't have laws that protect citizens' rights to privacy. (…) Of course we've come from far what (…) the East African region is concerned. Because (…) we had a quite a number of civil wars. Since the independence of 1962 we haven't had a democratically elected government. We have seen governments coming into power through the use of guns and the current regime, has been in power for the last 30 years and there are no signs of leaving power. The current leadership is really

> clinging on power. They are so much interested in really keeping themselves in power whatever they are doing they are doing in the name of regime survival. This tells you how dangerous this has become for us here (...). [*T]he last two years we have demanded [a strong privacy law] but the government is not moving to put that law in place. We also fear that that the more the government keeps itself in power [through the means of surveillance] the more casualties will come up.* Our government in partnership with China is targeting mobile phone users. (...) They have also infected hotels near the capital where numerous opposition leaders, human rights defenders, and activists have held meetings and the small towns near the capital or their WiFi has been infected. So that really tells you how dangerous it is coming down here.

5.5 Offline v. Online Campaigns

Of the four case studies analyzed in chapter 4, two, "Restore the Fourth" and "Stop Watching Us," while certainly digitally enabled, were traditional forms of collective action. The events were centered on physical exchanges between activists and build around protest marches. The other two were online protests, designed to building pressure and raising awareness among internet users. More specifically , as was the case with "The Day We Fight Back," users were asked to post online banners and place calls to representatives, or, as proposed by "Reset the Net," to promote the installation of encryption software.

Over the course of the campaigns each mode of activism affected potentials for collective action framing. A newspaper article featuring a photograph of a protest crowd of 1,000 activists chanting and holding signs may be more effective in raising awareness and representing dissent than temporary blackouts of a handful of participating websites. On the other hand, street protests can be seen as ineffective and overrated as well: many of the interviewed activists voiced doubts if their street protests had any measurable effects at all.

When interviewing activists I was interested in their opinions on the effectiveness of offline and online protest campaigns and the implications that choosing one or the other had for the strategic political communication surrounding the events. The sum of their reactions to my question, as will be shown, revealed somewhat of a paradox: While, in principle, the activists agreed that collective action taking place in physical 'meet space' was important and desirable, after "Restore the Fourth" and "Stop Watching Us" they, for a variety of reasons, have more or less

ceased trying to bring people to streets for privacy matters.[786] Subsequent online campaigns, on the other hand, which from a chronological perspective seemed to have substituted street protests, were not seen as being able to fully replace offline collective action either. An overall picture emerged where some activists have lost faith in both offline and online forms of organizing and have instead refocused their efforts on doing advocacy work behind the scenes. Others wait for another opening of a political opportunity window to rekindle any form of organized dissent. However, a majority of activists seemed to keep believing in a balanced interplay between offline and online campaigning in order to effectively address surveillance and privacy in the public realm.

Taking it to the Streets

In principle activists agreed that, as a first step, anti-surveillance street protests were necessary both for raising awareness and presenting a unified stance by bringing together a variety of groups. For example, interviewee B had positive memories of the "Stop Watching Us"-rally, stressing that

> [W]hat I loved most about that campaign is that it brought so many people together and they noticed that there was lot of synergy between different organizations all working towards the same goal. (...) So that was the most impressive thing for me but then also I remember it was just droves of people (...) that were just marching together. I haven't felt something similar to that since I was a college student and it wasn't even close. I mean, the number of people that I saw in the 'Stop Watching Us' protest was really impressive. And I thought the impact of it was – it might not have any concrete and measurable impact – but I felt like *it really gave a voice to all of these people that are usually protesting online*. To see their physical presence on the streets, raising awareness with other people who may not know anything about surveillance, within D.C. but also within Capitol Hill and the White House. It was good to let those people know that we're aware of these issues.

Other activists agreed that physical protests were an indispensable element in the evolution of privacy activism in the post Snowden. Interviewee I in hindsight was enthusiastic about the effects of "Stop Watching Us," as it established the privacy movement as a 'real' movement – a force to be reckoned with on the international activism scene: "I think those moments are really

[786] A notable exception was the Apple vs. FBI case in early 2016, which is not part of my analysis.

valuable and important in that they solidify a movement. It was clearly a moment in history. There needed to be (...) a real physical protest in Washington D.C. for people to think 'this isn't just some nodes on the Internet – this is a *real grassroots social movement like the ones we've seen before*.'" Even campaigns that primarily take place online have to be supplemented with meaningful, highly visible street actions to unfold successfully, interviewee I argued:

> [We have] repeatedly employed a combination of creative street tactics with online tactics.(...) I think there will always have to be an interplay between online organizing and work on the ground – whether that protest in the streets or more militant actions or just community-based trainings and meetings and people coming together. There are certain things you can accomplish online and there are certain things that you can accomplish in person. (...) I think that digital organizers make a mistake when they are completely giving up on having people on the ground doing ground work. We don't need to recreate and do the same old protests that we have done since 1961 but you can do a lot by *having people on the ground and then using the internet to amplify what they are doing*.

Based on his experiences with street protests such as "Stop Watching Us" and "Restore the Fourth" but also online only protest events such as "The Day We Fight Back," interviewee H insisted that the latter missed the crucial element of ongoing personal contact between individual activists – an aspect that was also missing in transnational relationships between privacy activists (see section 5.3). What kept the network alive were not necessarily protest events themselves but a steady element of organizational meetings between events – a dimension that was particularly lacking in online protest campaigns:

> [I]n meet-space conversions you have two things I would describe as interpersonal and inter-relational that are very important for social movements. The first is trust which is very hard to establish online with people who you don't interact with at a layer of depth. And the second (...) is this sense of solidarity. Mutual accountability. That is very hard to establish online. I would say that it is one of the challenges (...) the difficulty (...) of establishing solidarity amongst people who related to each other [online] as opposed to the human beings they were in a physical space with potentially sharing legal risks, with organizing logistics, with that sense of shared collaboration. (...) [T]he 'Restore the Fourth' rally (...) or 'Stop Watching Us' were two big flashpoints and in between there were steady drumbeats both of behind the scenes backend organizing and connecting and planning and also smaller visual stunt actions that didn't require 500 or 1000 people. Those sorts of in between points both the smaller actions and the planning opportunities are

> incredibly important because that is what enables everything from rapid responses to diversity in coalitions to just having the networks to pull in, whether it is media sources or policy makers or allies.

But effectively mobilizing thousands of people to take to the streets required time and resources. The reason, for example why especially "Stop Watching Us" was able to mobilize a decent amount of protestors was that representatives of those coalitions had begun to attend regular meetings months *before* the Snowden leaks were published:

> [W]hen the rallies was happening, the networks on the ground before (...) – we had been hosting potluck gatherings (...) for six months before the Snowden leaks. And the effort in that organizing phase was very much to connect the different pockets of what you might describe as anti-establishment organizing. (...) Building those relationships, when the Snowden leaks happened we were able to tap them.

On the other hand, Interviewee H felt that the turnout for the various "Restore the Fourth" rallies was not as significant as for the "Stop Watching Us" because the activists had not planned the event in 'meet space' before. "Restore the Fourth" in contrast, was not "built on established preexisting networks [but instead] people who knew the issues, usually plugging in from behind a Reddit browser."

In theory, activists were very well aware that authorities were afraid of large numbers of people on the streets marching for digital rights including privacy issues. For example, Interviewees R and S, activists from Eastern Europe acknowledged how the 2014 Hungarian Internet tax protests had instilled fear in the region's leaders of a possible outbreak of mass unrests. When R and S had exposed that the government of their home country had been working quietly on a similar law and released a statement on their website, the law was discreetly canceled. The reason was that "they were afraid of the Hungary scenario. (...) [W]e found out after[wards] that they have some form of paranoia related to these things. Changes related to Internet freedom can bring people onto the streets."

Some of the activists whose work was limited to lobby political representatives for privacy matters wished there was more pressure from the street to back purely legislative approaches of protecting privacy rights. An Australian activist, interviewee G, reminiscing about a campaign against domestic data retention, stressed that ideally advocacy work behind the scenes should go hand in hand with traditional means of collective action: "I think for a variety of reasons we

chose different tactics against [recent] data retention legislation. (…) We certainly did have some effect but I think we probably didn't have as much an effect as we wanted and maybe it would have been better to have at least some sort more of public protest." However, due to a lack of resources, interviewee G's organization had no intention of making "purely physical campaigns (…) a core aspect [of our] campaigning strategy."

Yet, for most activist organizations, while they were convinced that street protest were necessary, organizing something in the vein of "Stop Watching Us" required organization skills and money – resources that were notoriously scarce. As interviewee A noted:

> [Street protests] are still on the table. It's a question of resources. It's a different skill set. The skill set definitely exists and is very valid. (…) The conservative viewpoint [street actions such as Occupy Wall Street or Black Lives Matter] didn't do anything, they didn't have any objectives (…) but people are on the front lines right now, they are actually getting out and doing something and [they] are good at. As for us, we don't have this skill set for our organization.

Interestingly street actions often came at the expense of more traditional advocacy work. Not only was there not a single staffer in interviewee A's organization that knew how to rally people to take to the streets, organizing such an event would have drained resources for their general line of work:

> The question we ask is 'What can we do to make the biggest impact? ' (…) [W]e know from the 'Stop Watching Us' rally that this is a huge effort (…) Could we do that or could we run five campaigns successfully in the EU and in Asia or this other place? (…) When we look at an opportunity we look at a portfolio of tools available to us that vary from trying people to tweet to actually going to meeting with politicians in Brussels or Capitol Hill and talking to them and persuading them directly. So we're making these choices and for us right now in terms of efficiency *street protest rallies are the least efficient*.

Indeed, while rich in symbolic power, street protests in the eyes of many activists, including interviewee E, were simply not productive in a cost-benefit analysis:

> [W]e are hyper-focused on efficiency and we only do things if we really think they would make a difference in the process that we are working on. Doing a protest for [the sake of] doing a protest is something we would never do. If we saw that maybe a law proposal would be in a phase where we could change that direction by organizing a street protest then we would maybe consider doing it.

Consequently by late 2015, two and a half years after the initial Snowden revelations, the option of launching street protests against surveillance was all but off the table. The consensus was that privacy as single-issue would never mobilize a significant number of citizens. For example, interviewee P from Europe was not convinced that offline protests would be desirable or able to draw large crowds. Even though "there is considerable public concern over privacy issues [and] (…) a high level of response to campaigns (…) around the state of surveillance" P did not believe in the chance to mobilize people because "it is questionable whether there is sufficient and genuine public alarm in sufficient numbers to have people taking it to the streets. (…) I know in the US there have been some larger protests, I don't know about the scale."

Both organizing and participating in offline campaigns against surveillance seemed to be increasingly irrational, as interviewee H, noted. The contrast to his fellow activist (interviewee H), praising the importance of building physical relationships with other groups, is striking:

> *[Street protests are] not a priority for anyone*. (…) The scale of mobilization is driven by the outreach that precedes it. And outreach is a pain in the ass. It takes a lot of time. It doesn't seem lucrative in any meaningful sense. If you just do it for its own sake and you don't have a particular vision in mind it seems abstract and useless. *Why am I going to waste my time running around the city meeting with other groups that aren't mine to talk to them about their issues and try to create a space for them to hear about ours and try to build some space for shared collaboration?* It is very unglamorous work. (…) Another challenge at a similarly macro level are socioeconomic forces (…) Organizing is recreation effectively. Where do you find that time when you are working three jobs trying to feed your kids?

Some activists, such as interviewee J from Scandinavia, found it to be illusionary to think they could mobilize to take people to the streets over the issue of privacy. However, if the privacy community would somehow be able to integrate privacy into a larger socio-political context (as activists partly had done in the case of "Stop Watching Us"), then it was more likely to happen. But given the adoption rate of self-surveillance through the widespread use of social media application this was improbable, interviewee J thought:

> [Street protests are] not something that we are focusing on. *I think surveillance [as a topic] is not really [suited for that]*. (…) [W]hat is really needed is civil engagement. (…) There are certainly people who are seriously concerned about it. But whether that becomes (…) a popular

> issue, I'm not so sure of. But it would need to show its damaging impact on [our] citizens or something for people to emphasize with in order to make it real as it were. And I think (...) there is a very blasé attitude [towards] privacy in [my country]. (...) I would say the great majority of the population is on Facebook. The great majority uses all of these platforms that are not safe for private communications. So I think *it would always be at this point in time a bit of a strange thing to have a protest against mass surveillance*.

In Eastern Europe, activists, such as interviewee O, did not even think about privacy-related street actions for one minute: "No, not at all. (...) *We don't believe that there is any chance of mobilizing people in that form.* If there is any possibility we can probably talk about some online mobilization but I don't believe in the possibility of street protests. (...) I don't really see that possibility." Other Eastern European activists, such as interviewees R and S felt the same way. If widespread corruption and economic hardship could not bring people to the streets why would privacy matters be able to achieve that?

> [W]e don't really believe that there is enough to build anything on the streets (in our country] in any area because of the social and economic factors and political factors and so on. We have people living really hard here related to the economic situation and *these conditions don't even produce enough reactions to do something on the streets*. I think the level of problems that we have here are much deeper *and I don't think that the issue of internet freedom will be one that will bring people to the streets*.

That is why their organization had abandoned any attempt at organizing collective action and gradually shifted to a legal approach: "[W]e decided that it is not our mission. We have a watchdog role, (...) when we see a problem, we start criminal proceedings, or we start strategic litigation or start any kind of legal procedure which can put this matter into the public space."

In regions other than Europe and North America not even the Snowden leaks made people go to the streets and local privacy activists did not try to spark protests. For example in Latin America, a region in which the internet communication of whole populations had been monitored by the NSA "[t]here [had not] been any protests because of the Snowden revelations," Interviewee K noted. "And when they revealed here what some part of the government was doing here with opposition leaders, journalists, and judges, there was some reaction (...) but never physical protests in the streets demanding this or that." For several reasons, privacy as an issue – especially when compared to the economy, jobs, or education – just seemed not to have that

appeal:

> I guess [for privacy-related street protests] to happen you have to connect that to some broader issue, for example the fact that mass surveillance and state surveillance is against the idea of our constitutional state and the state of the rule of law. You have to have very concrete cases, which we have and still there have not been any protests. As far as I know we haven't thought about street protest or that stuff. You know people also feel exposed doing that. That is not to say that we don't have protests here. We have (...) but [f]or the purpose of demanding more privacy it is not happening.

Soon it became clear, why some privacy activists refrained from participating launching street protests. When done right, such events represented a great chance to show the outside world a unified stance against government surveillance. But the costs of a failed attempt to mobilize people had dramatic consequences for the political communication of privacy concerns. Just like protests had the potential to strengthen a movement they were also capable of showing the true lack of interest, as interviewee E elaborated: "[W]e haven't been sure if we should try [street protests] because if there are only twelve people coming it is really hard to afterwards say 'Yeah but a lot of people think it is important.' (...) The risk of losing [is too big]. If we announced a big street protest, and nobody would come we would risk a lot." Interviewee H agreed that street protests "can very easily be counterproductive to the extent that you host a rally and three people show up. It can set you back." "Street marches", H admitted, "are flawed because if you don't turn people out or if you don't turn out sufficiently diverse numbers or if you can't tie in media narratives they really can be counterproductive." An activist from Germany, interviewee T, had experienced precisely such an experience. He had set up a demonstration in front of the former German NSA headquarters, which was now run by its German counterpart Bundesnachrichtendienst (BND). Germany's biggest TV news show, *Tagesschau*, had sent reporters to cover the event. When only a couple of hundred protestors showed up, however, the coverage was "not very positive because they spun it like 'it is noteworthy that people took it to the streets but they are only a couple hundreds.' We lost some of our credibility with the media that day. Contacts with them declined rapidly afterwards and they never tried to contact me again."

Interviewee H went on to share an interesting historical view on the privacy movement and their limited affinity for street protests. Not only was there no recent rich history and protest

network post-Snowden activist could draw from. But for some people concerned with privacy showing up at a public event being filmed by media outlets and police officers was the exact opposite of what they were trying to achieve: "[T]he digital rights community (...) [consists of] people who are very concerned about their privacy [and are] sometimes be less inclined to be around other people, particular work with them. So there is a bit of an existential challenge of the digital rights community as it relates to protesting power in meet-space." Remarkably, one activist from an European country effectively declared that street protests were *too 'political'* for his/her organization to be a part of. Staging offline protest events would have clashed with the centrist (or apolitical) agenda of interviewee M's organization:

> We are a very small team. (...) Street protests are (...) not really part of [our] agenda. (...) *[M]ost protests are leftist-type of action*. We saw that when we protested against the state of emergency or the [national] surveillance law. (...) [We don't want] want to be identified [as being] too right-wing or too left-wing. (...) Everyone deserves privacy, everyone deserves freedom. And at some point getting too leftist is closing doors in the more right-wing realms – entrepreneurs, small companies, or bigger companies. If you are affiliated with trade unions sometimes it changes the way people see us (...) as an NGO.

An interesting perspective on the lack of surveillance-related street protests was offered by a interviewee F talking about the situation in the Maghreb. In pre-Arab spring times, dissent had been clamped down using sophisticated surveillance technologies and the subsequent democratization had been the direct result of street protests. However, since the process of democratization was in full effect, street protests as an instrument of social change – including against surveillance – were mostly abandoned. The fight for privacy rights now takes place in the government and civil society institutions:

> I'll tell you why [there is no potential for street protests]. [W]e have by now multi-stakeholder committees which are in charge of all those policy issues regarding surveillance, privacy, [and Internet] freedom (...). It will contain any kind of protests because we have this open model for our governments. I don't think we will have protest regarding surveillance or any kind of ICT freedoms [here].[787]

[787] In other African countries people did not take to the streets either but for different reason. In the context of authoritarian countries in East Africa anti-surveillance street protests were out of the question. The level of surveillance by the police authorities and general laws prohibiting almost any form of gatherings in public places made it impossible. As interviewee U elaborated: "If you want to have such fora in Uganda you have to get government permission from the police [which] is especially (...) fond of using surveillance tactics. (...) It's hard

Raising awareness online

What essentially remained, then, as means to raise awareness and reach out to the public were online campaigns. One activist, interviewee Q, suggested that dismissive media coverage of demonstrations and a lack of concerned citizens taking to the streets de facto demanded to focus on online campaigns. This, however, in turn endangered the cohesiveness of the privacy community because it alienated more traditional activists with an expertise in offline contention:

> We have not in fact done very much street protest work (...). And that is conscious strategy because we are aware of how the U.S. media tends to react to protests. Often the coverage is limited. Often the coverage is hostile. The main thing that they focus on is the size of the crowd and whether it is bigger or smaller than the size of previous crowds. In the place where we are three years out from the surveillance revelations' beginning *it is unlikely in our judgement that we will be able to reproduce something that was similar or bigger than Stop Watching Us which in turn would mean that media coverage would be more likely to be negative*. So what we have focused on has been more legislative and policy advocacy, more work at the local level to pass surveillance oversight ordinance, and more work on the litigation side and supporting online campaigns – making sure what is articulated around surveillance embodies the concerns of a wide spectrum of people, politically diverse, ethnically and religiously diverse. (...) In that sense 'The Day We Fight Back' faded in well with this change of direction but of course that doesn't mean that having only online campaigns or only campaigns that are focused around encryption or tech issues would be a valid way to do this. If we were to do this then we would lose of our coalition and a lot of the resonance of the issue because you are back to only the people who cared deeply about tech.

Some of the activists who were involved in "The Day We Fight Back" or "Reset the Net" were enthusiastic about the potential of such online only campaigns. Interviewee I described them as "a grassroots social movement but it is not like the ones you have seen before. It is something new and we're coming to kick your ass." Activists insisted that organizing such events was as complex and demanding as setting up a street march. In terms of framing online protest events may be not as specific, diverse and detailed as speeches and signs at offline rallies but they were able to reach potentially millions of people with simple, inclusive frames. The notion that online campaigns were ineffective and simplified was strongly rejected by activists involved, like interviewee I:

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to engage people in action in East Africa (...) in particular. It's not really likely to happen soon."

> The other critique I hear of these online campaigns is like 'oh it is just clicktivism' or 'it is just the easy way to do activism'. I can tell you that there is nothing easy about getting tens of thousands of websites to do something or getting these campaigns out. It takes a tremendous amount of work the same way – having organized both protests on the ground with thousands of people and large protests online for millions of people – they both took a huge amount of work. It is just a different kind of work and both can have a huge impact, it is only a different type of impact. I don't think one is better than the other. They are just different tactics that are important for people to keep themselves open to. There is a degree to which we need lots of different currents of messaging. When it comes to online campaigns the goal is usually to come out with the broadest message possible to make the biggest umbrella that as many people as possible can get underneath.

In addition, protests conducted online had greater chances of uniting privacy groups from around the world. Even when those campaigns had no real effect on policy and were "merely symbolic," they at least demonstrated transnational solidarity. Thus interviewee J praised "efforts that have maybe a 150 different groups around the globe. (…) I think it's important when it's a global matter. (…) If it is global in intent, then that it is only strengthening (…) civil society operators from across the globe." Yet as he pointed out, online activism had many of the same pitfalls as offline actions, namely if they failed to mobilize a number of participants the media and authorities deemed worthy. Regarding the collection of online signatures or emails to politicians, which were at the heart of many such campaigns, J noted that

> the only instances where I think any kind of efforts like that doesn't produce the desired result is when its ill prepared. (…) If you do that pretty haphazardly and you don't advertise it well but somehow people notice it but somehow it doesn't pick up pace and it doesn't get traction so maybe there a few signatures and then it is left and then people kind of read into that then [a pro-surveillance politician] could say 'look at that petition there is hardly anyone that is signing it – my position is strong.'

Some privacy activists struggled with the notion that online campaigns could ultimately replace traditional organization on the ground.[788] Especially after two offline campaigns, "Restore the Fourth" and "Stop Watching Us," the shift towards internet protests felt different in terms of

[788] One activist, interviewee N, reflecting on his/her past involvement in privacy-related online campaigns, noted the absurdity of having dissent against the surveillance regime take place within the highly monitored realm of social media. The reasons relatively few internet users participated in such campaigns was that "people have started to realize that if you say something or a comment is tributed to you online [they have to face] the court of public opinion, the court of social media. People are afraid to speak out."

tangibility and sense of community, as activist B noted: "I have (...) supported [The Day We Fight Back] online in my own capacity. But I could tell you that *it was not the same feeling, you know*? You don't get the same rush of energy you get when you are out on the street." When the primary mode of contention after "Stop Watching Us" shifted from marches in the streets to posting web banners, activists, such as interviewee H were disappointed:

> There is a discourse with (...) about the extent to which social media facilitate revolutions. There are very effective tools for sharing information but no social media platform is going to drive a million people into the streets. And the projection of more than merely influence, the projection of power that groups in meet space can project - there is no digital equivalent. The closes thing to it I think we have ever seen was the SOPA/PIPA blackout *and I think 'The Day We Fight Back' was aspired to that but didn't reach that*.

Sure, "[o]nline campaigns are great for spreading information (...) particularly important when traditional media are not sufficiently engaged," interviewee H concluded, reflecting on the Arab Spring. "But (...) it doesn't itself force attention in the same way that meet space resistance can."

Interviewee E, an activist from Europe, made a distinction between good and bad online campaigns against surveillance. Positive examples included campaigns where participants had to actually engage on a discursive level with the issue at hand while negative ones required users merely to passively agree to a motion formulated by the advocacy organization in charge: "A few years ago [you would ask] people to send an email to representatives for example. And now because it has been done so many times it loses it effects so you have to find new ways. People are getting cynical about 'clicktivisim.'" However, citing an online consultation promoted by their organizations, where citizens had to voice their opposition to surveillance measures in their own words, had been highly effective. Thus interviewee E believed "that these online campaigns which are completely different from 'Like' or 'Don't Like' and just click a button (...) can be very meaningful." Interviewee P, going a step further, dismissed the notion of fundamental differences between both modes of contention:

> I personally don't make a great distinction between online and offline protest. I think activism has grown, evolved, matured into being fluidly both offline and online and over the last two years rather than us thinking about online and offline campaigns. The best campaigns have very much been organized through online and offline action. I find it somewhat arbitrary to separate the two and both can be very impactful.

For interviewee O online campaigns against surveillance were merely symbolic. In O's view it was illusionary to think that they had any impact regarding the improvement of privacy laws. The only reason to participate in such events was to raise awareness about the existence of one's organization, interviewee O implied:

> 'The Day We Fight Back' [was] about communication, raising awareness about the issue by mobilizing people to click 'I like it' 'I share it' – nothing more than that. It is not engaging people in saying 'No, I object' or signing petition that can have some legal impact. (...) Sometimes we do this kind of symbolic actions but I don't see them as having direct impact on politics. I guess I'm trying to say that I cannot think of online campaigns that would translate into direct impact on how the political agenda is shaped or on the law itself. I much more believe in direct lobbying or legal actions (...). *When we think of internet campaigns we think of them as a tool of communication – nothing more than that*. Doing something online, having people clicking on that simply helps you to go to the media, get across the media and raise awareness of other people. *Nothing more than that*.

Activist O then went on to downplay their own role in the "The Day We Fight Back" accordingly: "I think on 'The Day We Fight Back' we simply communicated [what we do] to the NGOs community. We probably worked with media. We send something to the media. (...). At least I don't remember that we did something more."

Some activists, such as interviewees R and S from Eastern Europe had a realistic, if not cynical view on the potentials of online campaigns – one of the reasons why they had decided to abandon traditional activism and focus on behind the scenes work: "Let us start from this perspective," R and S explained,

> We live in a very dysfunctional political system. So we are living in a country where you have one political party which is in power and then you have the president of that party who is the prime minister who practically controls the government, the parliament, and most of the judiciary. We don't have the rule of law. And we don't have institutions which are able to battle all these kinds of things. And we don't have political parties which are dealing with the real issues. *We don't have functional democracy. In this stage of non-functional democracy it is really hard to believe that we can change something by putting a lot of signatures on some paper or some online platform and influence the policy-makers.*

Whether online or offline – if there remained a meaningful distinction between the two –

activists struggled with the lack of "political will to do anything about [surveillance] right now" as interviewee D put it. The privacy community, it seemed, had not yet found a recipe against indifference and ignorance. Neither online or offline campaigns for privacy resonated with a large parts of the citizenry. Ultimately, in the words of activist D, "no matter how clever a thing you do, there is just not enough people that are interested enough to amplify it very effectively."

5.6 Anti-surveillance Iconography and *1984* Metaphors

In line with a visual turn in the communication practices of social movement organizations and surveillance (see section 3.1) activists were constantly searching for new sets of symbols to visualize the dangers of surveillance. Because privacy remained an abstract, intangible concept, I also inquired in my interviews about their assessments of the iconographical side of anti-surveillance protests. At street protests such as "Restore the Fourth" and "Stop Watching Us" the display of protest art – along with the speeches and chants of participants – had been the most important communicative marker of the overall framing. Similarly, online protest events such as "The Day We Fight Back" or "Reset the Net" have relied even more so on visual aspects to get their point across – for example through web site blackouts, social media banners, or memes.

Overall, the activists that were interviewed were very aware of the importance of visual cues in their communication work yet struggled with existing iconographical representations of pro-privacy sentiments. Even though literature and popular culture offered a rich repertoire of references, it seemed that activists were still trying to find new ways to make surveillance more tangible during campaigns.[789] While it was impossible to measure the success rate of visual media in regard to mobilizing constituents, the privacy community has collectively thought about improving and reinventing their iconography since the Snowden have been published.

If they have the resources, some activist groups have hired 'visual advocates' and designers

[789] Only two of the activists, interviewee O, claimed not to work with images at all, rather focusing on narratives than imagery: "We don't have special iconography. (…) Graphics is not a major thing we would use in our communication. We probably use similar patterns. I cannot think of any particular iconography. We try to use case studies (…) that show how surveillance translates into lives of people. Because there is discrimination, exclusion, affect dignity, freedom to move whatever. It is mostly in our case by building narratives and stories based on facts (…) that happened to people and not only to terrorists but so called normal people." Interviewee M admitted that he had never at lengths thought about the anti-surveillance imagery that was taken for granted: "We try [to come up with something new]. (…) [Basically] privacy iconography is [concerned] with keys, shields, locks - generally speaking secrets. When people see that they know what we are speaking about but I'm not sure if it is the best. I really have no idea. We should make a market study of that."

with whom communication staffers are in close contact. The biggest challenge lies in creating relevant and lasting images that are able to attract global interest in the issues of surveillance and privacy. Especially in the social media ecosystem this can be a daunting task as interviewee A explained:

> I think language [and visuals are] super important. (...) We are often just brainstorming online by email [with the visual advocate] about what we think might work. *It's something we are constantly reevaluating*. There is no golden ticket. People's online (...) attention spans are really short. So you can have a hit and it's really popular and then if you run it the next day nobody cares. We are constantly trying to figure out how to describe things better, innovate and we watch what our partner organizations are doing what works for them. *Especially in an international context it is really hard because it is weird – the things that seem to take off in Europe (...) are completely different from what works in the U.S.* They are not popular at all in Europe but they work in the U.S. (...). A lot of times peoples seem to just care about different things. We just never assume that a tweet for the U.S will work in Europe. And then it usually doesn't anyways.

In the same way, Interviewee H stressed the importance of protest art for the anti-privacy community. For example H praised "Stop Watching Us" for bringing thousands of people together not only to present to the public a unified anti-surveillance crowd but also because of the opportunity to display protest art work: "[O]ne of the other things (...) that was really exciting about the 'Stop Watching Us'-campaign was the use of visuals. It was a very visually impactful demonstration and that was not necessarily true for the other ones." In fact, anti-surveillance protests, as interviewee H readily admitted, posed greater challenges when it came to visually mobilize people. These campaigns, by relying almost exclusively on online artwork and images would, in the worst case scenario, only simulate a campaign instead of bringing people together:

> Compelling visuals that are media worthy [are difficult] and I think social media campaigns that have worked around crowd sourced visuals – 'tweet yourself holding a sign says XYZ' (...) are attempts to circumvent that challenge, that tension. But they only go so far, particularly because it *reduces social movements to visuals*, to [merely visual] demonstrations of dissent as opposed to the thing itself.

In general, activists felt that citizens were very receptive for popular culture infused anti-surveillance frames given the abundance of movies and books depicting dystopian futures in which surveillance apparatus are out of control – "utopian projections and predictions of

algorithmic futures determining our lives," as interviewee H described them.[790] While overall "the culture has not responded in a way that we would have liked in terms of having a sustained discourse (…) there is some really compelling (stuff) in film and TV depictions," which "have been very influential in helping cultivate a discourse."

Orwellian Images

Naturally, *1984*-type iconography and metaphors came to mind when activists discussed anti-surveillance imagery.[791] There was disagreement among the interviewees as to whether *1984* was the apt framing device to describe and analyze current NSA surveillance. For interviewee L, "*1984* by George Orwell was spot-on. We're in the midst of the book, we're in the midst of the book. That was the blueprint and they are following it to a tee."[792] Based on his experience as an organizer and being under constant police surveillance L believed he was living in a totalitarian surveillance regime as depicted in the book.[793]

For others the reality of mass surveillance was much more complex than images and metaphors could illustrate. Still for the sake of simplifying the message and reduce complexity,

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[790] Interestingly one of the most discussed anti-surveillance frames in popular culture that was frequently discussed by privacy activists was an interview the British comedian John Oliver did with Edward Snowden where he in particular discussed the fact that intelligence agencies had collected thousands of images of the private parts of internet and smart phone users. As interviewee J put it: "I thought when John Oliver did that, first of all he connects with people because people like him. And then he did the thing with the dick picks and people can relate to it to a degree; at least a certain part of the public could understand 'Uhh this could have happened to me'. And I think it just made [surveillance] a bit more real."

[791] In non-western contexts, '1984' did not work as well. For example in Tunisia, the equivalent to 'Big Brother' was ammar404, the now infamous internet censorship authority in pre-Arab Spring times, named after the 404 Not Found error message displayed when a internet user follows a broken or dead link. After the end of the authoritarian rule of the Ben Ali regime (and the creation of a new NSA-like agency) the hashtag was changed to a2t.

[792] The only problem L had was with the term 'Big Brother': "It [is not] my brother. It should be big step brother."

[793] Authorities monitored even relatively minor instances of protest, as L illustrated with the following anecdote: "We organized an [anti-NSA protest event on July 4th, 2013]. All right, that was the plan. Now that afternoon when I arrived at [my office] to launch the [event] I was immediately greeted by two detectives, four undercovers, six squad cars and about two or more three cyclists. It was about 9 or 10 cops at my [office] when I arrived. When I got out my car they came to me and I'm like 'Oh shit' and [the detective] said: "Are you [name of interviewee L]" "Yes" "I'm detective so and so. We're here to escort you on your [protest event]." I laughed "Who the f--- invited you?" They said "We're here to make sure that you guys [go] through the streets safely." Now, I've been doing festivals in the city for ten years prior to the event. I know how much it costs to pay for police. To shut down a street and sit on their ass in their car off duty making time and a half for a minimum of four hours. I know what that costs. Thousands of dollars and that's for two cops and I had ten. And I didn't ask for them. And I didn't request them. And I didn't provide any information to them. All I did was post invitations online. And they showed up. *That's surveillance. They showed up here to let me know that we're watching you dude.* And thought I was going to be intimidated. And all they did was make me go harder. Because I'm like now I got your attention."

interviewees R and S accepted the current reliance on a set of Orwellian images – even if they personally could not stand them anymore:

> [When our] research [is] published by [magazines] they are [usually using] (…) photos to illustrate the story and most the time in the photo you have a guy who [is wearing a] hoodie. That is one photo. And another photo is an eye; sometimes you have these matrix-like numbers. And these are the three main pictures that are there probably when you google something on images (…). But I think reality is not like this. There are lots of different levels. So on the level of representation of reality you should not have these guys with the hoodies because probably they are not wearing hoodies, they are wearing some kind of business suites and like sitting in really fancy offices and so on. On the other side I really cannot stand this 'eye'-thing anymore. In some way I like (…) Orwell books and all of these things. I think it gives some kind of new relations to the thing. It is maybe overused for the moment. I don't think it is so bad. (…) I think it is normal. People need to find a common visual or story element, even if I'm sick of it.

For a lack of better alternatives activists settled with *1984*-metaphors and images because "it is natural to link [resistance to surveillance] to certain literary works," interviewee B explained,

> It is natural because the people who are working in this field have read those books when they were younger. So it's a thing they can rely on and use to communicate different aspects of the negative implications of this. I cannot really criticize it. I can understand it. I still think there are more communications angles or iconography to use.

Yet other activists, refrained from engaging *1984*-iconographical references or visual imagery at all because they were afraid to distort their core message. The same reasons that make literary and visual framing attractive for some activists – their ability to generate individual interpretations and inspire discourse – have lead others to not use them. For instance, interviewee C was very careful not to alienate potential sympathizers with analogies and images they were not familiar with. Although Orwell's work is widely known, interviewee C noted, *1984*-inspired analogies were far from truly understood and would only work for

> a specific set of people that have read the books and know how the analogy works. I don't think it's a strategy that we use or will be using because we try to approach people in a most clear way we can. (…) It depends on what we publish and who we are targeting. For example, if we target everybody, [all] citizens [then] we try to be clear in our message and not use analog[ies] they won't understand. Because then the message won't be effective.

Although interviewee C did not "have a problem with [1984 analogies]" the activist thought it was overused and people were tired of hearing of it. Calling the NSA 'Big Brother' was "almost played out." Rather than communicating a clear stance against surveillance these framing devices provided more questions than answers:

> I think we can come up with new strategies to communicate that resonate better with citizens who haven't read the books or they have no context in which the analogy works – I mean, who is Big Brother apart from the [reality] TV show for example? How do I link it with how it affects the issue with my personal life? So I think we as activists can come up with better ideas and in [of] how we can approach citizens and each individual actor.

Interviewee G noted that *1984* was not only confusing for people who were not familiar with the book but actually misleading as it was describing surveillance in totalitarian societies modeled after Nazi Germany and the Soviet Union. What these grim metaphors seemed to imply was that surveillance was an indispensable part of authoritarian regimes, but what Western privacy activists had to realize was that surveillance also went hand in hand with regimes, generally considered to be free. Thus,

> the *1984* metaphor it is not really too appropriate for western democracies. (…) We are quite pleased with the basic metaphor behind our campaign because surveillance might be necessary sometimes doesn't mean it should be applied to everybody. It would really help to have better metaphors and stories to make the privacy message accessible to the general public. Some of those issues though are very complicated. (…) [T]his sort of prevailing 1984 image goes a little bit too far but most people don't take it seriously and we need ideas and metaphors that show the danger without implying that the privacy invasion is always associated with restrictive authoritarian state.

Interestingly interviewee G was the only activist who voiced concern about the use of literary and popular culture references in general, thinking that fictitious portrayals of mass surveillance would ultimately lead to undermining the real issue at stake: "There have been quite a few films and things that have talked about it, where the image of the covert authoritarian state will hunt down dissidents is actually strong. There have been a lot of mainstream action films. It just seems to be that this theme is not taken too seriously as a metaphor." Others expressed doubt, whether *1984* metaphors were able to reach younger audiences. As interviewee N stated:

> These are good metaphors. The older generation still has some memory of World War II, East Germany, West Germany, Russia. [But] they are dying off or their memories are gone. History has not been taught in the intervening years to the degree where the younger generations even are aware of their history or that world history. So (…) '1984' - I don't know if it means a lot to a lot of people – which is unfortunate.

Searching for a new Anti-Surveillance Imagery

Some activists, such as interviewee E were disappointed with the lack of more fitting imagery other than the existing, *1984*-heavy iconography. Often times, when publishing online texts and images went hand in hand, and a lack resources and ideas prevented messages from being disseminated widely:

> This is very frustrating. We are working too much in text only. (…)The images that we use are not good enough. This is one of the things I would like to change (…). Also try to use more video and everything but because it is so more complex and takes so much more time that we have (…). But if something happens now we want to write a blog post within an hour and you don't have time to ask somebody to make a nice image. [That is) the problem indeed. Our issues are so not tangible – the only pictures we know are of cameras.

Similarly, interviewee J found *1984* analogies not drastically enough to really demonstrate the potential abuses of surveillance in real life. Rather "it would be quite interesting to see someone frame it through having everything you do being exposed. Whether that is through very interesting infomercials or a particular campaign or whatever but I'm sure there is way to frame it in a way that connects more with people."

The most distinguished and radical critique of using Orwellian imagery and analogies was voiced by interviewee P. P's organization actively avoided using *1984* inspired visuals because it was counterproductive:

> I think we need to get a lot better than this as a sector. (…) We don't talk about George Orwell and I think that is a good thing. Because I think the Orwell concept even though we privately say to each other 'Wow he was really on it, he really considered this', we don't say that publicly. *It's not a message that will resonate. It makes us look paranoid. It's a message that people reject*. If you read the book or if you have seen the film of it the *1984* that Orwell predicted is an extremely *tangibly, bleak place*. And that *isn't what modern surveillance has created*. What modern surveillance has done is something altogether *more insidious* than the *1984*-model of surveillance. It really is quite invisible and extremely subtle. And it does

> enable people to get on with their daily lives in a way they couldn't in *1984*. So in all kinds of ways it's very different to *1984*. The metaphor is rejected for some understandable reasons because modern day surveillance doesn't feel like *1984* surveillance.

In fact, P's organization was in the process of creating a new anti-surveillance symbol that would resonate with audiences around the world and improve on the many shortcomings of the existing 'dark' and 'paranoid' privacy iconography:

> We are currently devising a new iconography. (…) What we don't have now in our space is a counterpoint to the anonymous mask, (…) the Guy Fawkes mask. The anonymous mask represents the individual versus the states. There isn't a similar image which is the state vs. the individual – what that looks like, who that is – a representation, an icon, a picture, a face. We don't have that. (…) It's not a dark or evil – I don't think that states are necessarily evil and those kinds of tropes that you see in iconography about an all seeing spec. I don't think that is how they see things. (…) I think *the public rejects metaphors that imply that states have some evil intention*. That kind of messaging only for works for certain segments of the population who are already distrustful of governments, even western governments. We fundamentally trust western governments. Yes [citizens] might see that there are problems. Yes, they may see elements of corruption. Yes they may see elements of states overreach. But *they don't fundamentally see states, or western states, as being corrupt or evil*. The kind of messaging that our organization uses don't resonate with that because we would inadvertently represent the state as *something far more evil than the public accepts than they are*.

5.7 The Snowden Effect

Clearly, the release of classified NSA documents by former contractor Edward Snowden in the summer of 2013 marked a turning point for privacy activists and impacted their communication strategies. As was shown in the case studies section, the emergence of Snowden as a whistleblower/activist on the anti-surveillance scene had three concrete effects on the political communication work of privacy advocates. First, by exposing secret government spying programs, Snowden confirmed the excesses of government (and corporate) surveillance, activists had been concerned with and warned against for years. Thus, in theory, the Snowden leaks made the public more receptive towards the issue of privacy and the activist work surrounding it. There is no doubt that Snowden has reinvigorated the privacy activist community in terms of relevance, funding, and purpose. For many organizations the Snowden leaks functioned as a rallying cry to

organize people on the ground. The leaks were a catalyst for months and years of preceding grass roots works behind the scenes. Now, as the political opportunity window was open they had to act. Looking back at June, 2013 interviewee I reminisced about the immediate reactions of his/her organization to the published NSA documents:

> I certainly remember the first Snowden revelations from before we knew it was Edward Snowden. At [my organization] we kind of were always keeping an eye on the news and what is happening and we talked about stuff that we wanted. It became clear from those initial stories (…) that there was something major in the process of happening but I don't think anyone realized just how huge it was going to be or exactly what was about to happen. But right away we sort of jumped on it and we were running campaigns and emails, starting right away (…). What's interesting is for a while for people this was like the first moment that they had thought about mass government surveillance. But we already had been actively working on these issues for years (…) and just being in this space.

Secondly, Snowden himself framed the struggle against government surveillance along the lines of his personal beliefs and gave the fight for privacy a human face – which, as was shown in the case studies chapter, was readily used by organizers. Quickly Snowden, despite (or because) being exiled from the Western world, became a larger-than-life celebrity that has frequently appeared in television shows, was the subject of books, and even an Oliver Stone-directed Hollywood movie. Clearly, his initially voiced resolution of merely providing the public with information, were soon abandoned. Snowden became in many ways aligned with the privacy activist community.

Thirdly, the Snowden leaks were not only a chance for activists to finally rally a highly sensitized public but also a test – if the immense scope of the revelations about the gigantic global surveillance apparatus provided by Snowden was not enough to raise awareness for privacy and push for legislative change – what else was left there? After all, in 2005, there had been similar revelations, albeit smaller in scope, exposing the collaboration between telecommunications companies and the U.S. government that were largely ignored, as interviewee A remembered. Back then

> it felt like a much smaller community. I think [government surveillance] came up every once in a while. I think [revelations about surveillance under the Bush administration] blew up and then kind of went away. And I think it was a kind of lonely idealized conversation that made a lot of sense and constitutional lawyers (…) really fought hard for but it didn't

> feel like it had really entered the public's imagination. The Snowden revelations – and there is no question, you can even see there are [experts on privacy] who are now media celebrities, (...) now on CNN once a week. So you got these new voices who are elevated to take part in this conversation. People are being pulled on. It is part of the conversation (...) [and] on the whole *it has been really great for the privacy advocates that they are taken seriously*.

The Snowden leaks as a political opportunity

Years of organizing now seemed to finally pay off. The Snowden leaks not only put a spotlight on global surveillance but also on the network of privacy activists fighting against it:

> [T]he networks that ultimately enabled 'Restore the Fourth' and the 'Stop Watching Us'-rally preceded the Snowden leaks. (...) The Snowden leaks were in June and ['Stop Watching Us'] was in October and in the immediate wake of the Snowden leaks there was ['Restore the Fourth'] – this happens with every large news cycle, where the observers or communities who have not been very engaged in the issues come to the issues. And [as a result of] organizing sometimes (...) new channels get carved. (...) Building on those relationships, when the Snowden leaks happened – we were able to tap them.

When the whistleblower responsible for the leaks revealed his identity to the public, it motivated digital rights activists even more in making privacy their top priority. The video of Snowden sitting in a hotel room in Hong Kong, filmed by documentary filmmaker Laura Poitras, and published on the website of *The Guardian* can be considered as one of the greatest moments in anti-surveillance political communication:

> [O]nce the video came out of Snowden himself talking about why he did what he did and what it really meant, I remember we watched the videos as a group or watched them one after another and then came together and talked about it and it was just super obvious to us that this is going to be a *watershed moment in history*. We needed to go all in and just make this our main issue (...). We're a small team so it is very difficult for us to work on three different things at once so we definitely made a conscious decision in the wake of Snowden like *'this is the moment for surveillance.'*

Activists, such as interviewee L, made clear that without Snowden – and what many observers felt was his personal sacrifice – there would have never been any large protests against government surveillance:

> Make no mistake about it – it was because of Edward Snowden that this had happened. (...) It was a hot topic. It happened at the right time. (...) I

> think this is one of the things that mystify our government because they had given Edward Snowden this ridiculous amount of money to be in Hawaii with a beautiful girlfriend on the beach and he threw all of this away to tell the truth. They still are trying to figure out why he did this. (...) So hats off again to Edward Snowden for the fact we wouldn't have this conversation.

The timing for the publication of the leaks was impeccable because they seemed to confirm a general sense of unease about the state of politics that went beyond the issues of privacy or surveillance. Interviewee J from Scandinavia explained the immense impact of the Snowden documents by placing them in a general context of 'crisis' Western societies have been facing since the late of 2000s:

> The exposures by the journalists who got the documents from Edward Snowden have certainly shifted public opinion in [my country] and certainly globally. I would think that it does fit with the general demand which emerged (...) following the economic collapse of transparency and to some degree in business. (...) I think the window of opportunity was already open before the Snowden exposures and I think that happened during the economic collapse when people felt they had been defrauded and there was a sort of strong connection between business and politics and it created this vacuum (...). I don't think that would have happened if there hadn't been a great sort of lack of trust in parliament and in any sort of apparatus that has great power.

Interviewee O also stressed the importance of the Snowden leaks. Not only did the leaks fuel public discourse about privacy but they also initiated legislative processes:

> [I]t was very meaningful because the topic (...) changed positions (...) from almost non-existing on the political and media agenda to something with very high priority. At least in terms of media coverage and the ability to discuss it with politicians (...) was extremely helpful because finally surveillance was in every public debate. (...) It was very meaningful in terms of politics and legal safeguards we were fighting for.

What was equally important was that the revelations had not only raised awareness but also freed the surveillance discourse from a realm of conspiracy theories. Snowden had retroactively validated years of privacy advocacy work which was always on the verge of not being taken seriously:

> We kind of would sound paranoid when we talk[ed] about these kinds of things, states spying on us – they would call us paranoid before Snowden. But over the last three years this has been a *real opportunity for us to talk*

> *about surveillance and not in a paranoid way but in such a way that our narratives been able to move on to talking about holding states accountable*. Prior to Snowden they didn't have to be accountable. It was us making claims about state intrusion into privacy without much to go on, not getting a lot of public traction as opposed to post-Snowden when what we were doing is getting governments to be more accountable because we know now what they are doing. They can't simply have a nerve to neither confirm nor deny approach. (…) *It has changed the narrative*.

Similarly interviewees R and S stressed the heightened degree of legitimacy their work had gained because of Snowden: "On another level I think all of those suspicions that we had in our community in terms of researching surveillance or privacy issue became reality. We finally have facts and it is not just the facts that can be used in public communication but what is more important is that these facts are now also used for legal cases."

Thus, the Snowden leaks helped privacy activists especially in regard to their political communication and getting their message spread in the media. Prior to Snowden, privacy and surveillance were treated in the media primarily as technology issues whereas the scope of the NSA revelations made these political issues. All of the sudden privacy – and the organizations which were advocating for it – were featured in talk shows and on the political opinion pages of newspapers. Journalists were eager to learn about the technological and political side of surveillance (for the degrees of their eventual expertise see section 5.2) and became far more receptive towards the work of privacy activists, as interviewee E explained:

> [You would have these generational conflicts within media outlets – between the older journalists [who] would not really know how to use technology and have not much affection with it and the younger ones who [had not been] really taken seriously. The Snowden leaks helped the editors understand that 'ok we need people who understand this because apparently it is very important'.

Interviewees R and S agreed that Snowden had dramatically improved their access to the media. All of the sudden, the expertise of privacy advocates became indispensable to journalists and politicians to understand surveillance related matters:

> One really interesting example was in 2012: our commissioner for data protection published a report about how the different government organizations are accessing meta-data related to the mobile internet service providers. And basically (…) no one was able to (…) understand the impact of that. Now, after the Snowden revelations, on one side the

> general public and the other side also (...) experts in the field are really helping (...) to better understand the complex mechanisms and situations that are behind all of these stories. [Snowden has been] really important.

Because of their global scope, the Snowden revelations also fostered the need for transnational cooperation, as interviewee C noted. For C the leaks were a "key event in the history of privacy advocates" and demonstrated the need to reach out to international partners:

> I think it made us have stronger relations with international organizations to work together in campaigns and to look at the subject on a more global scale. That was a *positive, mind-opening event for all of us to try to work more globally* and have an impact on a global scale. Regarding [our home country] – on a national level I'd say it didn't have as much impact as I liked (...) but it did shine some light on how as a nation you have to protect yourself against other nations.

Interviewee K, an activist also from Latin America, seconded the notion that the main benefit of the Snowden leaks were that they created global attention for the privacy community. Whereas the news cycle in K's home country continued to be dominated by domestic political scandals, the leaks nevertheless connected the organization to a network of international privacy advocacy groups: "Snowden of course was important because in one way it put us in the position that we can participate in the international community with the same problems that Snowden has shined light on. So we can say we have surveillance too. (...) [Now] we can talk [to] the international community."

Again, the situation was dramatically different in the context of the "Global South". For example, in East Africa, the Snowden revelations had no other impact than connecting local initiatives to the global network of privacy advocacy groups. Domestically, however, the issue was deliberately ignored. In the country of Interviewee U, surveillance – as exposed by Edward Snowden for the Western world – had been in place for decades. Thus, given this repressive environment, U's organization could not benefit from the Snowden leaks in any meaningful way:

> We are facing a government that is not [responsive], the officials in the government don't seem to understand to... first of all, and there are no clear conversations on the issues in regard to the results of the [Snowden] reports. (...) There are many people who have tried to go to parliament and get the attention of parliament but even members of parliament who are sitting on the committee for national security are not ready to listen to us. They are saying, "You guys, you are trying to bend our national security" and we are saying 'why don't you talk about international protests, why

> don't you talk about the resolution of the United Nations?' (...) So the entire public service really gets quiet when you talk about these reports.

While all interviewees stressed the importance of Snowden for their communication work, activist P offered the sole counterintuitive assessment. Paradoxically, now that the truth about the reach of the surveillance regime had been exposed and the initial wave of outrage had died away, it had also reduced the odds of ever mobilizing large parts of the global populace against mass surveillance, P suggested. Thus the leaks were not only a gift but also a curse:

> I think in some ways the revelations had an unintended consequences. They backfired in a sense. In that what Edward Snowden told us in 2013 was in effect 'you all have been spied on in the last 12 years, your data has been scooped up without your permission, they have been watching you.' Now, on the one hand that has alarmed a lot of people in the public. But actually I think that consciously or indeed unconsciously the revelations backfired because *what was really communicated was well 'we have been spied on for the last 12 years, well, I haven't noticed, it doesn't have an impact on me* (...) the police haven't come knocking on my door, it hasn't had any impact on my day-to-day life but actually the revelations have actually reinforced what the intelligence agencies and police say, 'We're not interested in you, we're not interested in innocent people whatsoever.'

Eventually, my questions about the effect of the Snowden leaks for communicating resistance against surveillance led to a damning evaluation by P of the shortcomings of the general post-Snowden communication strategy. This included relying on a 'privacy for the sake of privacy'-approach that did not seem to resonate with citizens:

> *[W]e haven't done enough of our job as a sector of being able to illustrate the harm of surveillance to go beyond the inherent harm that we see*, the inherent intrinsic of surveillance is 'what right do they have to watch us?' So that ends up becoming somewhat an abstract and even philosophical argument about our relationships with the state. As in we argue [government institutions have] no right to interfere with [our data]; it doesn't matter if they are not doing anything with it (...) that doesn't make it ok.' Now that becomes a subtle point in public campaigning because the governments' narratives resolve around terrorism, serious crime etc. And when you have very real tangible reasons why you need state surveillance how should someone [support] abstract philosophical objections to the states oversight?" (...) [Instead] lots of people in the public may want one thing – 'I don't care about the police they can have all my information if it helps them to identify criminality.' *I can understand that viewpoint. I really do can* - [even if] it takes us back into an almost medieval base of our relationship with the state where we are the subjects.

5.8 The Role of Online Companies

How do see privacy activists the role that online companies play in the surveillant assemblage and how does it influence their campaigning and political communication? As was shown in sections 4.1 and 4.2, the first two major protest events "Restore the Fourth" and "Stop Watching Us" focused on government spying and largely ignored the involvement of corporate actors – although the massive amount of personal data collected by Google, Facebook, and others will eventually land in the hands of the government as PRISM leaks had detailed. The latter half of the first post-Snowden years, however, in the form of "The Day We Fight Back" and "Reset the Net" did to varying degrees address the data gathering practices of online companies, yet somewhat different than one might have imagined. Instead of outright opposing corporate surveillance, privacy activist networks sought to include them in their campaigns and formed temporary coalitions. Although this section includes many comments from activists justifying this rather well-disposed approach, teaming up with some of the worst offenders in the Surveillance Society was astonishing to say the least.

As was shown in the sections 4.3 and 4.2, aligning up with corporate players like Google helped the campaigns generate a critical mass to be relatively widely covered in the media, but, as I have argued, the companies have ultimately benefitted more from this partnership than the privacy advocacy community. In my interviews I specifically asked privacy advocates about their thoughts on the impact the inclusion of corporate players in the anti-surveillance campaigns. Based on their answers two lines of arguments emerged: the first one stressed the necessity to uphold a constant dialogue with the companies rather than to alienate them. This would ensure good and professional relations and the possibility to create change by making use of that relationship. On the other hand however, individual activists revealed to be deeply disturbed about the ties between some activist organizations and corporate actors and feared that it would ultimately undermine their core message.[794]

In fact, most activists, such as Interviewee O, were very well aware about the controversial part tech companies played in the global surveillance apparatus:

[794] It has to be noted, while this study is concerned with major anti-surveillance campaigns in the first year after the Snowden revelations, subsequently the privacy activist community has at times directly taken on online companies in some of their campaigns. The most prominent example is the activists' opposition to Facebook's plans to expand its "Free Basics" service in developing countries.

> [T]heir role (...) is essential. If [surveillance] wasn't conducted by private actors it wouldn't be available to (...) law enforcement and secret services. (...) The current model of mass surveillance would not be possible without these companies providing the raw data. [C]ertainly one fits into another. *It cannot be ignored*. Whatever the companies try to offer, they were still missing the very basic point, namely that they are collecting mass amounts of data and they are collecting more than what is necessary for providing service. If they stopped collecting these amounts of data it would be much easier to do the reform to curb mass surveillance and it would limit the capacity of intelligence agencies. It would be as simple as that. (...) [I]t is certainly not sufficient and companies seem to be missing the very core problem that they create themselves.

Interviewee A, recalling several smaller campaigns against terms and conditions on platforms such as Facebook and Twitter also readily summarized the troubling aspects of working with online companies. There was no doubt that A was aware of the "huge, (...) big impact" private companies have when it came to the internet safety of millions of users. The frequent defense argument of representatives of those companies – that activists should rather focus on government surveillance because what ultimately matters is what governments do with personal data – A would not let stand:

> [W]e really encourage not [only] those companies but the telecommunication companies that actually provide the internet backbone. We go after them. We see it as all interrelated and we do campaign on them. The thing is, and this is the first thing that a company will say, is '[We] don't have the ability to put someone in jail. [W]e don't have the power of the state so [we] can't lock you up if they disagree with you. The state can do that so you need to go after [them]', but [government and corporate surveillance] are all related.

Cooperation instead of conflict

The concise understanding about the interplay between companies and intelligence agencies however, did not translate into actions or campaigns directed at those tech firms. More often than not "going after companies," as A put it, did not actually involve any public opposition. Instead, A explained,

> we really try to work hard *with them* and get to know their staff. (...) *[W]e want to give them the benefit of the doubt*. We want to know why they are making decisions; *we want to help them formulate policies*. Often times they just don't have the time to think it through. Other times they don't realize how it impacts people especially vulnerable people; it is not

> something that they are aware of. Other times it is just about making money and they just tell us they are not going to do anything. But we really try (...) to get those people to come and talk to us (...). If we just go after them it can work but chances are it will work and then they don't want to talk to us again. We negotiate all the time.

The overall open-minded and cautious (but hardly confrontational) stance in working and talking with online companies was also echoed by interviewee P: "We could look at that very cynically and say this is about greenwashing (...) or (...) that they have some kind of hidden agenda to raise their bottom line – and that may well be true. But it may not necessarily be true and *I would hate for us to simply say 'the corporations are the enemy.'"* Instead, P propagated market solutions that would align the interests of companies and activists:

> What Snowden has partly achieved is that he's made privacy a sellable product. Privacy tools have become more sellable since Snowden. The fact that companies see that as an opportunity is a good thing. When they see that there is a market for privacy and they provide privacy that is a good thing. Of course we as an NGO structurally don't care about supporting any corporate interest – it's not our job to help people sell their products. But at the same time we are not going to criticize a company for potentially doing the right thing and making money from doing the right thing. We want responsible corporations. We want responsible corporations to sell good products to do good things that enhance our lives. *So I can't give a simple answer that we need to keep a distance from corporations*, particularly when there are some that are trying to do the right thing.

Interviewee G also noted a structural problem in publicly opposing companies such as Google. After all digital rights groups generally share a lot of policy preferences with them including regarding copyright legislation and net neutrality. Running a campaign against tech firms could endanger the alliances that were established in other digital rights fields:

> We are trying to build relationships with Google and Facebook and Twitter and so forth. We (...) make it very clear: we'll criticize them on some occasions. We'll definitely be strongly critical of them but we also have common ground on some other issues and we keep talking. And generally they are quite supportive of our work. It's a complicated question. One is to realize that for Internet organization, think tanks or activist organizations (...) privacy is only one of the issues we deal with. On some of the other issues Google is very strongly supportive. In that sense we talk to them. We are on friendly terms on some other issues very much. On other issues we're not.

Ultimately, interviewee G was aware of the problems a relationship with tech companies could create for privacy campaigns but hoped that the market would eventually bring them on the right track:

> I think (...) Google is a very complicated company (...) because they want to basically take personal information and turn it into data that they can sell. In that sense they have some incentive against privacy. Or another issue though they realize that if their customers don't believe that Google is defending their privacy their customers may leave.

As G concluded, the tech companies "in some ways they are great, in some ways they are terrible [but] you'll find that most times it is better to engage the company than be outright hostile."

Interviewee O agreed that simply ignoring them was the wrong way to deal with corporate surveillance. Rather activists and companies had to find common ground and use it as the basis for fighting government surveillance – at least temporarily. While activists may not be able to change the business models of tech companies, at least by talking to them, they would learn to better understand their inner workings:

> [W]e do see very big value in talking to companies and just understanding better (...) why they operate the way they operate and having some convergence in our agenda. What we try to do here is of course to convince these guys both American and [domestic] companies to fight for similar stakes or solutions if they agree with us. The situation where we fight independently but we fight for this same thing, so we move in the same direction – this is a very good situation in my opinion because only moving like that we can probably have a meaningful impact on the market and on politics.

Even some of the more grass roots oriented privacy activists to a certain extent appreciated the sway tech companies had over the government. "I think that it is often helpful to have them in the room," interviewee Q noted, "because we know that tech companies have influence over members of congress and the administration. They can provide a unique perspective on the feasibility of solutions and (...) I'm not opposed to them being involved in the process."

However, more radical privacy activists understood their role as acting as a corrective to a debate dominated by corporate actors, government agencies, and moderate privacy advocacy groups. Because if radical groups were excluded from such conversations, ultimately pro-surveillance arguments would prevail:

> One reason that more radical perspectives can be useful is that radicals *react against the idea that if the government and the intelligence community and the tech community got together with a few token privacy activists, then they would be able to come up with something that would be ok*. We are very skeptical that what would come out of a process like that would be ok. We suspect that *it would be something that would be much more likely to facilitate mass surveillance [than to reduce it*.] We often find ourselves in these discussions, playing a somewhat skeptical and somewhat radical role trying to push for solutions.

Other activists, such as interviewee B, also was critical of close relationships between activists and tech firms. The privacy community had initially focused on governments and the NSA because they provided easier, clear-cut targets but then "we started to look at the companies that facilitate this surveillance and their role in handing over data or letting the government access certain data. Actually (...) we don't look at the government as much as the companies anymore." Interviewee I agreed. Having tech companies join their campaigns was not endorsing them, the activist pointed out. In the context of "The Day We Fight Back" and "Reset the Net" it was not meant to validate them but rather to urge them to commit to a more privacy friendly code of conduct:

> 'Reset the Net' and the other campaigns (...) have been informed by the reality that people understand surveillance and understand their digital safety and security as being not just related to the government but also related to these corporations and that any successful movement against mass surveillance will involve pushing on the government to policy but also holding these corporations to account and pushing them to do more to protect the customers' privacy and make it as difficult as possible for the US government or any other government to access their customers sensible personal information.

Questioning the corporate-activist nexus

Others were slightly more critical. Interviewee A, in his long response gradually shifted to a more critical stance about the corporate-activist relationship. A portrayed the institutional and financial support of tech firms as natural and necessary, yet at the same time was worried of the effects of sponsoring campaigns and possible 'revolving door' effects. When I mentioned that many digital rights and privacy-themed conferences were sponsored by big tech companies, A replied:

> There is no doubt about it that they sponsor many of the conversations in

> that space. [I]f they are not supporting it nobody else is so who else is going to make these (...) these conversations happening? They are listening. They understand that civil society has a voice (...). It's also a little bit of soft power that they know they can influence advocates by treating them well. (...). For example, we have taken money from [Facebook and Google] but as terms of taking that money we said 'We (...) have to be able to campaign against you. (...) If we go after you, you can't strip our funding away.' Every place handles it differently. [Other organizations] take a lot of money from these companies but you won't hear about it. (...) There is no question that it influences. *It's a really sad but real thing that if someone is paying for you it's going to influence the way you think even if they never ask you to do anything.* Even if all they do is treat you to coffee. I think part human nature that's how discussions are swayed. And if you find out you like each other and you actually get along you might work for Google, you might work for Facebook.

Interviewee C, from Latin America echoed this ambivalence stance. It was necessary to talk to them but receiving money from them created problems:

> We do talk with them. We do try to be in their debates with them. I think it's necessary because we can't (...) be completely oblivious to their participation because of their importance. We can't leave them out of the debate. (...) The cooperation depends on how the organization works. I know several organizations in the region that do take money (...) from these companies. And they have percentages that kind of restrict how much money they can take so they don't have a bias towards these issues and how they approach privacy concerns if they take money from Google. But I do think it's a concern when you are fully funded by companies. They do lead towards a bias that you can't avoid eventually.

But interviewee B dismissed such concerns about problematic ties between activist organization and companies as there were based on a mutually beneficial relationship. The companies could boost their corporate social responsibility while the privacy NGO would receive an important round of funding:[795]

> So many different advocacy groups do receive funding from (...) Google or Facebook but it is usually (...) directed towards specific projects that cannot be used for other things. The relationship is always a very interesting one because whereas Facebook wants to say 'We champion X subject,' they don't want to be caught to go on to be under fire for something else. They would fund an organization for working on free

[795] Of course, corporate funding of NGOs is not restricted to the digital rights realm. For an overview about the ties between NGO's and corporations see for example Dorothea Baur. 2011. NGOs as Legitimate Partners of Corporations: A Political Conceptualization, Heidelberg et al: Springer, 127-141.

> speech in Bangladesh because they want to say that we champion free speech everywhere. But they don't necessarily want to support organizations that go against them in terms of net neutrality for example. They are more issue-based and if the company and the organization work together and work well on that issue I don't see a problem with it. In fact, it just makes the organizations work stronger.

For some activists collaborating with tech companies had become a necessity. When asked interviewees R and S, two privacy advocates from Eastern Europe, why their organization received funding from a tech companies to partially pay for conferences in 2011 and 2012 they said they had practically no choice:

> [I]f you are making a big event then you have different choices. Are you going to fundraise from the commercial sector, or are you going to fundraise from the government, or are you going to fundraise from some foundation, or are you going to ask people to buy tickets? And in [our country] and the places we worked we didn't have these kinds of possibilities. Most of the places that we did events, people are like really poor and people cannot pay the tickets, 100 euros something like this, so (…) our choice was to try to somehow fundraise in a lot of different ways and to try to balance with that.

When their organization's focus changed to from organizing campaigns to offering consulting work to private actors they became even more dependent on private funding – and had to set their own terms and ethical rules doing so:

> [W]hen we started working as a think tank and not as an activist organization (…), we [were in a] different kind of relationship with start-ups, creative industry, and IT companies. [Now] we provide some of our services for them in the field of legal and technical support as one fundraising channel which leads to sustainability. (…) If you are a company and you want some of our services you have to accept that we provide you services which are in compliance human rights standards. We'll provide you advice in your best interest but still we want advise you not to break any human rights standards.

If activists remained critical and adherent to their own standards, interviewees R and S were suggesting, then corporate funding was ultimately irrelevant: "One of the best events that I went to related to surveillance was something organized by [an American digital rights group]. My ticket was basically paid by Google. But it doesn't mean that that event was not really good but it

was also really critical towards Google. It is complex."[796]

However, this is not to say that all major privacy advocacy organizations depend on the funding of private actors and tech companies. But precisely because most groups focus on government surveillance they cannot accept public funds. Figuring out from which companies to accept sponsoring while trying not to hurt ones credibility is a balancing act as interviewee E explained: "In our financial policy we don't want subsidies from the government and there are a few companies from who we wouldn't accept donations. This is because even if we still think we can work perfectly like we would do otherwise, (...) our trustworthiness is one of the most important things that we have got."

Ideally, even though intelligence agencies usually conduct their activities in secret, the data and privacy policy legislation process in democracies is to a certain extent transparent. In contrast, activists can sometimes only react retroactively when, for example, big tech firms roll out new products that are potentially damaging in terms of users privacy or change terms and conditions. Thus redirecting their efforts against online companies would require a substantial overhaul of their strategy, as interviewee E hinted:

> Due to the Snowden leaks we are now much more focused on government breaches of privacy. It has to do with proposals that have been known on a national level that we can fight. (...) This is why the last two years we have been focused on the government. But we (...) want to switch back to have a more balanced [take] also vis-a-vis companies.

Focusing on government rather than on corporate surveillance then was the result of convenience and necessity. It was far easier to criticize the government for privacy breaches because the political system at least theoretically allowed convincing political representatives about problematic effects of particular surveillance programs. In contrast, most companies lacked such accountability. The only way to express dissent was by 'voting with your feet' and even that was increasingly hard due to the de facto monopolies these companies had established in their respective domains: "The reason I think the companies haven't been the same target," activist H noted,

[796] When we talked about the issue of corporate funding of privacy advocacy and digital rights research I casually mentioned, as an example, Germany's leading Internet research institution, the Alexander von Humboldt Institute for Internet and Society in Berlin, which had received a significant round of funding from Google. The response from interviewees R and S, half-jokingly: "We would like to get that five million-grant, but unfortunately they did not offer it to us." We all laughed.

> they have no pretention of being democratic. (...) [T]heoretically, we can vote with our dollars but (...) in this context there is no way to vote as a consumer for these companies other than being a user of a different service. But there is nowhere to go (...). I think the biggest issue though with all that is that the government provides a cleaner target because we do have members of congress who can theoretically reign in the agencies. We have no equivalent with the companies. *They just present harder targets.*

H pointed out, however, that his organization did not receive funding from the companies themselves but from some of their individual employees many of whom in principle agreed with the goals of the digital rights community, including privacy. In theory, they would be more receptive for online protest campaigns, which in part explains campaigns such as "The Day We Fight Back" and "Reset the Net":

> I think you'll find a sense among the individuals, more than the institutions because these are typically pretty well resourced professionalized individuals. They are not the sorts to turn out at a rally. But they are the sorts to be engaged in social media campaigns. And I think those campaign opportunities have attracted some of those kinds of figures which is why 'The Day We Fight Back' you see companies starting to jump in because a) it is a lighter lift b) there is dissent at the employee and board level, and that was one way it could find expression with that upending their own theories of changes in business models.

Others, however, outright rejected the notion of even talking with companies as strategically unwise. They felt it systematically undermined their anti-surveillance narratives. Interviewee D, a grassroots activists involved in the street protests of "Restore the Fourth" and "Stop Watching Us" (which did not address the issue either but did not try to integrate online companies in their protest network either) was highly critical and argued that the privacy community had made "a huge mistake." Ever since Google had been instrumental in the anti-SOPA online protest and temporarily blacked out their homepage, privacy activists had tried to once again get the company on board (Google eventually joined "The Day We Fight Back2 and "Reset the Net" as well). "But", interviewee D rhetorically asked, "what happens when Google and Facebook are trying to fight environmental laws and they put something on their homepage and it gets seven million phone calls [to Congress]? *I think it is short-sighted to see the tech companies as the heroes and defenders of liberty*. I think it is very [cynical]." In D's opinion, working with companies whose business model was to collect as many personal information as possible was

naive because ultimately the government would profit: "Clearly, (…) any information the companies get their hands on end[s] up going to the government. The companies are based in the United States. If they have information, the government will get it. *You can't trust companies. They are not ethical or moral actors*. [They] are taking advantage of their reach."

At the same time, however, it was difficult – financial and personal entanglements aside – to effectively address the privacy breaches of online companies. Instead of trying to change the companies' terms and conditions or calling on people to stop using their services, privacy advocates had to lobby the government to regulate them, an approach that was not apparent in any of the four major privacy campaigns in the post-Snowden world:

> There is no way to boycott [tech companies] successfully I think. A common criticism was 'well, you're so upset about the government, what about Google?' And I think there are important differences but, yeah, somebody needs to be going after the companies and, honestly, the people with the knowledge about what is going on and the understanding of it are the people working at these organizations. *It's very unfortunate that they don't have the time and capacity and ability to also tackle that. It's just weird that they are not also going after that.*

Interviewee L, a radical privacy activist, spoke of a "non-profit industrial complex" that had begun to infiltrate activism in general and the anti-surveillance struggle in particular: "What needs to be understood is that (…) history is best explained by following the money. If you look at (…) who is sponsoring these organizations then you are aware of what the limitations are and what the parties are." Interestingly, L went on saying that corporate sponsoring of anti-surveillance protest campaigns was in itself a form of surveillance. By giving money to privacy organizations, donors not only tried to subtly influence outcomes but to monitor the process:

> [W]hat I'm telling you is that they have bars and barriers and parameters that are established by their funders. Who they fund would determine who they are. I can tell you by their action who they are beholding to. And they have a line that they are not going to cross that has been created – and that is part of the surveillance. Because the grant process is a form of monitoring. The reporting process is a form of monitoring. The tax process is a form of monitoring. It goes on and on and on. They have to have this type of data and information to maintain this system.

In sum, a majority of activists, like interviewee E, saw the financial stakes that online companies have in the privacy community as a problematic, yet unavoidable reality: "This is true for every

sector you organize a conference in – if you want private sponsoring what companies would sponsor that? These are the companies that are working in that field [like Facebook, Google, and Palantir]. A beer brewery sponsoring a privacy conference – that is not going to happen."

In contrast in the MENA region, with its history of decades of authoritarian rules and a certain distrust in the current government, companies such as Facebook and Google were seen as allies that have shone light on the spying activities of their governments. Local activists were aware that social media companies collected data on them, but at least they were transparent in their dealings with the government, as interviewee F explained:

> I personally don't trust Facebook. I don't have a Facebook account. But you don't have the choice when you [live in] a country [that] practices (…) censorship, surveillance etc. [Because] you have the opportunity (…) to talk with such big companies as they have a kind of transparent process. You don't have the choice. Either you stay with your government and [deal with] opaque practices or to deal with this kind of companies [and] at least after six months you will [get] a transparency report. You will know how much your government asked (…) to have personal data accounted. It is very difficult. I'm not saying that we believe them. *But between two devils…I [would choose] Google* (…) because Google in the Maghreb is kind of an investor in our digital agenda. [And] with Facebook I'm very close (…) and I was present in two or three meetings regarding this kind of partnership. We don't really have the choice to go in another way.

Activist U from East Africa echoed this notion. In U's country, which had been a dictatorship for decades, he rather trusted the transparency reports published by Google and Facebook than statements issued by his government. The latter seemed to be more receptive to those companies than to his (rather small) organization. Because of a lack of transparency, the information publicized by tech companies about government requests for personal data on their users were effectively the only source of reliable information:

> [W]e (…) try to see what is first of all published in transparency reports for example coming from Google, Facebook which of course, I think, our government is reacting to. [For example] in 2013 our government attempted to demand (…) access [to a particular] account. [Beyond transparency reports] we don't understand anything that is going on behind the backdoor [of the government].

While online companies at least published some information about government breaches on their users privacy, their business activities and their dealings with the big African

telecommunications companies seemed to be happening in a black box: "[W]hat they do and what they agree with the telecom companies and the government is unknown. (…) [T]he government [doesn't] even respond. They [keep] quiet completely. (…) We have tried to engage them; we are waiting for them to get back. It's a big challenge."

When I finally inquired why activists had not done more to address the role of tech companies in the first four major campaigns, some activist explained that it was simply not the intended goal. From a communications standpoint focusing on government and corporate surveillance would have distorted the core framing, as activist I noted:

> The reality is if you want to win a campaign you often have to do one thing at the time. And (…) 'Reset the Net' (…) had a very specific goal which was to get as many companies as possible to take one step that will make it harder for the government to spy on their customers. (…) That doesn't mean that we celebrating them or that we are not going to fight them when they f--- up.

Asked about the backlash that, for example, teaming up with Google for the "Reset the Net" campaign caused in the media (see section 4.4), one of the key organizers, interviewee I, defended their approach and strongly rebutted critics:

> It is awesome when someone wants to build a campaign to criticize these corporations for their role – which we have and will continue to do – but I think the idea that every single campaign needs to be everything all the time is a failing of activism. Usually campaigns pick one specific goal and fight from there to achieve that goal. We had a specific goal for 'Reset the Net' and we executed it and it was hugely successful. There are critiques to be made and I've made them myself that discussions of surveillance need to include a critique of how Silicon Valley corporations have colluded and how their business model prey into it and we do that all the time. There is also nothing on the 'Reset the Net' website about like climate change either even though that is a very important issue and something to talk about because if you want to reach people and you want to have an impact you pick one thing and you focus on it and you go for the throat.[797]

A final aspect of the highly complex relationship between privacy activists and tech firms was the use of social media services. One activist from Scandinavia, interviewee J, suggested that the

[797] The notion that a campaign for online privacy can only be one thing, again from a political communication standpoint, makes sense. Yet as recurring inquiries from individuals – as interviewee I admitted were frequent in the aftermath of the campaign – along with the surrounding critical media coverage suggests, ignoring corporate surveillance is not the same as ignoring completely unrelated phenomena such as global warming. Contradictions about the ultimate goal of the campaign emerged precisely because surveillance by governments is by now so heavily intertwined with the business of online companies.

work his organization was doing was based on tools provided by the very companies that were part of the NSA surveillance nexus – a fact that made him admittedly uncomfortable and forced him to confront his own position in a communication infrastructure that was dominated by Google and Facebook:

> [M]aybe the key aspect of it is we are all using those platforms. I use Google and I'm talking to you on Skype. I have got Facebook open. *So in a way I'm a complete hypocrite*. If [there were existing] privacy aware platforms (…) that had the [same] level of popularity […] then I would use those. But I'm a hypocrite for using those. (…) But the level of hypocrisy can vary and that we should try to bring down a notch. But I'm aware of my hypocrisy. It doesn't rest easy with me. Maybe that's part of it. *Because we are using these platforms every single day and maybe that makes us turn a blind eye to them*.[798]

Interviewee T, a privacy advocate from Germany, struggled with the use of the social media applications for the organizing aspect of their campaigns as well. T was aware of the potentially damaging PR effects of conducting a privacy campaign in the ecosystem of Facebook. In the end, however, the protest network could not forego using these services without losing visibility and the means of effectively organizing the campaign:

> Many of us said, 'Facebook is a No-Go. There is no way that we are going to use it.' We had really, really long debates about the issue. Eventually we we settled on 'Okay, let us use Facebook as a way to promote our campaign, to raise awareness for the issue.' (…) But it was long and hard debate for us. Up to this day it has been tricky, because, on the one hand, unfortunately, you can reach people that are otherwise out of reach. [But on the other hand I am] signaling to people '[corporate surveillance] is not that bad. I am using the service as well!' *Somebody has to make the first step and abandon those services. (…) That would be important (…) and I support that.* Next year, I am going to [do the same].

5.9 The Future of Privacy Activism

The period in which I conducted my interviews (2015-2016) was a crucial one for the global privacy community: The Snowden leaks were at the same time still relatively fresh and becoming

[798] Author's note: When I sent out interview requests to individual activists, I offered to conduct the interview over the open-source and end-to-end-encrypted video chat service jitsi, believing privacy activists would shun more mainstream services such as Skype (which, as the Snowden documents had revealed, was regularly being monitored by the NSA's PRISM program). Yet, with the exception of one all interviewees preferred Skype or Google Hangouts.

increasingly less relevant each day. One the one hand, supported by new patches of leaked documents they continued to drive the conversation around privacy and surveillance. The issue remained a hot-button issue and was arguably as popular as never before in academic circles and at conferences. On the other hand, in the process of 'surveillance normalization' it was becoming notably more and more absent in the news cycle and political discourse. As outlined in the introduction in the U.S. Presidential race of 2016 the topic was ignored and in Europe, without much opposition from civil society actors, governments quietly passed a new series of surveillance laws that were in many respects more expansive and far reaching than before the Snowden revelations.

When I talked to activists I was finally interested in the following questions: What was the legacy of the Snowden leaks for them as privacy activists? What lessons did they learn in terms of communicating and framing resistance to surveillance? And – to go back to the hopes of a 'Privacy Chernobyl_ laid out in the introduction – were the Snowden leaks the earth shattering mobilizing agent the activists had hoped for after all? The answers ranged from slightly optimistic to downright pessimistic. Some activists believed the political opportunity window remained open and it demanded continuing commitment and work to keep on mobilizing people for privacy issues. Others believed the window was already in the process of being closed and only a new series of leaks about the nature of the surveillance regime would keep it open. And some even believed the window was now forever closed and had moved on to focusing on other domains of the digital rights struggle or even completely abandoned activism.

There were reasons to be optimistic. For example, interviewee A was convinced that the topic would not go away soon and their work was as relevant as ever. Yet what the Snowden documents – and their subsequent reading, interpretations and framings by journalists, activists, and some politicians – had failed to do was to make consequences for individual citizens tangible. Thus A hoped for proof that would expose how everyday gadgets used by millions of citizens were infiltrated by surveillance technology:

> Just when you settled down and you're like 'I'm sick of hearing [all these stories about surveillance]' [something new comes up] that is pretty horrible. They are still looking at the Snowden documents and finding revelations there. In terms of government surveillance it is possible for people to get tired about it but (referring to a news report about the hacking of baby phones) now it comes into your house and you know that

> some stranger could be watching your baby sleeping and that means that the conversation is not going to go away. It's one thing to have the government which is troubling enough but to have it coming into your home and your family is very different. (…) People get that being watched all the time is not a good thing. (…) But I think my feeling [is] that the privacy conversation will never really take off *until it is starting getting into people's personal lives*. (…) I'm not saying it's good for privacy advocates as a community I just think it's a good way to force people to deal with these decisions and think about what these technologies mean(…) I think that that those gaps are being closed now and that the conversation isn't going away.

For many activists, such as interviewee B, after an initial phase of heightened alertness right after the Snowden leaks were published in the summer of 2013, it was now business as usual. In terms of their communication work, activists had to readjust their tactics from capitalizing on the public outcry in 2013 to the general mood of 2016, which some described as 'surveillance fatigue.'[799] In a nutshell this meant shifting their priorities from organizing public protests to more quietly working behind the scenes:

> The immediate reactions were all about sharp organization, different communities coming together and act against this or let's raise about it awareness right now and I think if there were more revelations of that sort, something similar might happen again but as of now just folks are working with the realities that they see in front of them and that requires a different type organizational strategy than what you saw [for example] at 'Stop Watching Us.'

In the post-Arab Spring world, surveillance had lost some of its relevance as a political topic. The current situation in the MENA region is a prime example of how crucial and at the same time ephemeral 'surveillance' as a discursive entity is. Before the Arab revolutions, it was arguably the most important issue for the citizens because excessive surveillance measures prevented citizens from gathering and discussing the 'bigger picture' of politics. But only a few years after establishing a democratic system surveillance has been relegated as a topic of discussion similar to Western countries, as interviewee B explained:

> I wouldn't say that people don't care anymore. I just think that the focus is different because before the only issue that unlock[ed] other issues [was] surveillance. Because you can't talk about the economy, jobs, development

[799] Nick Kolakowski. "The NSA and Surveillance Fatigue," *Dice.com*, October 15, 2013 (accessed January 11, 2017). http://insights.dice.com/2013/10/15/the-nsa-and-surveillance-fatigue/.

> etc. because you are being surveilled. So [de facto]} the primordial issue becomes surveillance. Whereas now surveillance just became a topic amongst many that you can discuss openly. So there is very big difference. It is not the gatekeeper topic any more. [After the revolution] it just became one of many.

Another MENA region activist, interviewee F, even declared the end of anti-surveillance activism now that democratic institutions had been set in place. She offered an even bleaker outlook on the future of privacy advocacy in the region:

> [The] problem is that we won the battle of freedom of expression online and offline. It was one of the revolutionary requests: jobs, respect, and freedom. We won the battle of freedom. That is why no one (...) really interested [in surveillance anymore.] You will find only [interest] from time to time when (...) a journalist is threatened or is persecuted by the government or whatever, [there will be a short-lived] campaign online. No one will [take to] the streets. (..) We have no more real activism like the one you can see in the U.S. or in Europe. You have to keep in mind that [here] Internet equals Facebook. The activism is to write a Facebook status and to share it and you can by chance be heard. (...) I will tell you we are about 20 people in the ICT and human rights community and when we think about activism we never think about going to the streets no more.

The activists, who were still organizing and working in the field of privacy advocacy, vowed to continue their work and were convinced of the benefits for the public. Interviewee A was convinced: [Privacy activism] is important. (...) Keeping us focused on what matters and how it impacts our lives and the lives of others around us is very important and I'm really grateful to be part of that conversation." For the future, activists hoped they could broaden their scope sensitizing more people for privacy issues. Even in a post-Snowden world they were aware that privacy and surveillance were still niche issues. The key was, and here almost every interviewee agreed, to make the issue of surveillance more tangible for individual citizens:

> [O]ur main goal [is to better explain how] these issues impact people. We are still dealing with that and still trying to get these issues better known in society. Because nowadays the group that understand the real impact is really narrow. So we are trying to tackle that by doing workshops, by doing events to open the debate with more actors involving them in the discussion. (...) What I like to see is better campaigns globally and regionally. I'd love to see that. We are working towards that objective but it's going to take a while to have concrete effects. But I do think the future holds something positive. People are starting to getting involved more in these debates and I think that is really positive.

Activists R and S agreed that the leaks and the subsequent framing by activists had not clearly demonstrated how surveillance affected the individual. They were hoping this would change in the close future:

> I think that in the next couple of years there will be some change, which will be the result of some kind of risk we already have but we didn't see it coming so soon. Some kind of cloud burst or something like that because what still is the main problem of surveillance and maybe we should talk more about that...We don't have pure evidence how surveillance is changing the lives of the regular citizens. Everybody is asking us to provide them some proof how surveillance changes everything related to some person's life. Everything is very abstract still. But the amount of data which is gathered and the sensitivity of this data are definitely telling us that soon there will be some kind of burst that regular, ordinary citizens will feel damage on their skin. And I think that moment is soon, very soon (...). [T]he mindset of the regular people will start to change very fast and then I can see the political changes in the area. There will be political parties – not just parties but other political parties with the agenda against big corporations, big global surveillance. Maybe on the far right people will start bringing communities around the idea that the Internet is an extremely bad thing because they are surveilling everything and so on. But we've read all of that in SciFi novels already.

Yet activists had no false hopes that the cause they were fighting for would ever be particularly popular among large parts of the population. Still they strongly believed it was a cause worth to continue fighting for, as interviewee K stressed:

> I think that, in my personal opinion, [resisting against] any case [of] state or centralized control over people's life through invasions of privacy, through interception of communications, [or] through population management [is important]. I think that is a fight you have to [fight], right? Maybe economic opportunities and professional opportunities [will not have] everybody doing that (...) but in terms of (...) what is right to do it is the right fight. I don't think someone should say that 'because we don't have privacy, we don't fight for it'.

But while legislative battles in the future might be won, on a cultural level however, interviewee K, implied, it was close to impossible. Thus the following comment can be interpreted as describing the limits of cultural framing in actually convincing the public of the merits of privacy:

> We tried obviously a cultural framework but it is very difficult. The first

> step would be to have rules and laws that protect human rights and that they are in accordance with the human rights. Culturally, we don't know what is going to happen. We don't have the recipe to [change] our security-concerned culture - maybe it is going to take a lot of time. At least publicly put out the opinion and the ideas that we don't need this mass surveillance and that we need some more controls of the intelligence [apparatus]. It is difficult to say that you are a pessimist or positive about what is going to happen. In any case we should do it and I'm willing to keep on doing it.

From a communications standpoint the activists lauded themselves for making the issue of surveillance – especially in its technological complexity – more comprehensible to the public. Yet they remained highly self-critical and introspective. This assessment was best exemplified by interviewee E. Reflecting on the biggest successes and failures of the post-Snowden era, E stated:

> For me being a communications director [at my organization] I think what I really like to change that we are not good enough yet is being much more concrete and like to use language and the images of the internet user. A few years ago our issues were the issues of a few niche groups like the tech-savvy, young start-up developers or young lawyers. It were very small groups of people who thought it was interesting and now you can really see that it started to touch large groups of society. People who don't by definition have a huge understanding of the technology, of how things work or the legal framework (...). So what we should do is [adapt] to their world and their problems, to their perspective. (...) I think that we could change our perspective (...) by bringing those people into these issues. That would be the most important thing to do in the future.

Clearly, individual activists and advocacy organizations were able to raise their own profile by communicating and informing the public about the scope of the leaks. The Snowden leaks had created a new set of experts that had made themselves indispensable for the ongoing technology-heavy digital rights discourse: "Scientists would think that we should do more papers. Old school activists think we should do more protests. People in the start-up world think that we should develop much more alternatives to services that already exist," E summarized the current standing of the privacy activist community,

> But one thing they all said is that they think we really have expertise in our field. That we do know what we are talking about and I think for me this is really important because it shows that we can reach out to all these different groups and have relevancy for all of them. So I thought this was a really big success (...) You can see that important policy makers are [now] paying attention to what we are doing. Every day you are working and you

> don't know exactly what it does to the outside world because we are very much in our bubble. But [now] (..) at least they know that we are to be taken seriously.

Even though the immediate political opportunity window following the Snowden leaks may have been closed by 2016, surveillance as a cultural practice was so widespread by now that the work of privacy advocates would remain relevant in the years to come. Their primary objective of their everyday work would be to keep on raising awareness and upholding a discursive counterweight to the dominant pro-surveillance stance: "[C]op cams, (...)self-driving cars, and (...) fit bits – all of these things slowly are creeping into the public's conscience and [people] are starting to get more and more concerned. The more aware they are the more vocal they can become (...) the more they can and will (...) push for change."

Quitting, for most activists, was not an option. The fight had only started, as interviewee O explained, arguing for the ongoing importance of privacy activism:

> I can only hope that we will maintain motivation and we still have financial resources to carry out that fight because it is very far from winning. But we have to carry on nevertheless. There must be somebody *who keeps reminding people why these values that they don't want to think of on a day-to-day basis are relevant, are important before it is too late*. [In my country and globally] the situation becomes much more difficult, much more complicated. ISIS [and] the war on terror entering the new phase (...) means that we are very far from ending mass surveillance domestically not even mentioning international surveillance. I'm sure they will do everything to increase capacity in terms of international surveillance (...). So the situation will only be *more complicated, more tense, more challenging* in terms of human rights. *So activism is essential*. I'm pleased to [be involved in] awareness raising at least to make sure that there is any debate happening beyond the mainstream arguments. It is more important than ever but it is also more challenging than ever.

The only activist that indirectly challenged the notion of the importance of activists raising awareness was interviewee P. When looking back at the effect of the Snowden leaks he noted that governments, too, had learned from the revelations. Their main lesson was that they had been wrong in *secretly* establishing surveillance programs. As a consequence governments were beginning to simultaneously introducing *transparency and stricter surveillance regimes*. But even though the scope of surveillance programs was now potentially known to the public a major outcry from the public was missing:

> So interestingly we would have hoped that in response to Snowden development the government would have said 'We're holding our hands up. We have gone too far. There is public disappointment about this level of surveillance; we're going to institute new legislation which is all about safeguarding against this.' Instead what they have done – *they have played an evil trick* – what they have done is actually using their secret surveillance being exposed as an opportunity to say 'yeah we've been doing this since forever now that you aware of it, let's do this properly. And this is what we want to do now. And, hey, look, you can't accuse us of being secretive. We're putting this out, we're being transparent – what you wanted. We're giving you transparency now.' (...) On the one hand saying 'there is nothing new here' but at the same time they are wanting to expand their powers with this. (...) They are trying to give us a post-Snowden reassurance that what was happening won't happen again – we're being more transparent and there are more safeguards. But what's actually happening? They have given themselves more power than they had before.

6. CONCLUSION

The first year of the post-Snowden world saw several protest events, during which activists made sense of the revelations about the NSA programs, presented solutions to reclaim their privacy, and mobilized citizens to oppose the global surveillance regime. Without these publicized campaigns the surveillance discourse would doubtlessly have been much more one-sided. By staging street demonstrations, sharing imagery online, and blacking out websites, the activists opened up discursive spaces that had been dominated by politicians, journalists and intelligence officials.

At the same time, organizing, advocating, and communicating on behalf of privacy concerns remains incredibly challenging. While all social movements must grapple with indifference and futility of the general population, arguably privacy activists are involved in one of the most difficult, complex, and demanding struggles for a social cause there is at the moment. Whereas, for example, environmentalists can at least point out the first geological manifestations of impending doom caused by global warming, or peace activists can count on the daily media coverage of the carnage unleashed in war zones, privacy activists have a crucial disadvantage: In their communication work against surveillance, they must address a

phenomenon that undeniably exists but which for a vast majority of people does not *feel* threatening or consequential.

This study set out to be the first systematic look at anti-surveillance frames articulated by privacy activists. Notwithstanding a political and cultural environment that has devalued privacy, activists have developed sophisticated collective action frames against surveillance to make privacy concerns more tangible. Based on my reasoning of the evidence presented in the previous chapters I have identified overall ten different frame packages applied over the course of four anti-surveillance campaigns. According to the typology of core framing tasks of social movements introduced by Benford and Snow (see section 3.1) the two main "diagnostic" instruments in the anti-surveillance context have been cultural.

The "History of Surveillance" package framed government surveillance as a constant feature that has traditionally targeted political dissidents and minorities, attempted to stifle progressive social change, and supported political oppression. The activists tried to warn the public against surveillance in the present by reminding it of the grave consequences surveillance has had in the past. On the other hand, the second major "diagnostic" and cultural frame package was mainly concerned with the possible role surveillance apparatuses will play in the future. Within the "Orwellian Totalitarianism" frame package activists warned of a *1984*-like dystopia that as a result of an expanding and unchecked surveillance would emerge soon, or was already at our doorsteps.

Both the historical as well as the Orwellian frame are naturally suited to form the basis on which to warn against the perils of losing one's privacy. U.S. but also European history provides a rich backdrop to depict the enormous costs societies pay when individual privacy is harmed. Likewise its ongoing popularity and sales number are proof that *1984* remains the prime piece of literary fiction to critically engage with the phenomenon of surveillance – whether its depiction is in line with contemporary forms of monitoring people or not. It is, however, noteworthy, that the two main forms of diagnostic anti-surveillance framing are mainly concerned with the past and the future and *not directly with the present*. The abundance of historical and fiction-based frames suggests a lack of contemporary frame examplars that could make the political communication work of privacy advocates even more poignant and immediate.

The "prognostic" articulations of solutions against surveillance (in the Benford and Snow

model) were articulated within legal, transnational, and technophile frame packages. According to the “Constitutionalism” package, the most effective way to improve the privacy of citizens is to call for respecting existing privacy laws (most notably, in the U.S. case, the Fourth Amendment) or creating new privacy safeguards. As was discussed in section 2.5 this 'Privacy Paradigm' is the most popular framing device to raise awareness against surveillance. Granted, if every country would adhere to a strict set of privacy laws the problem would disappear. But not only may the legalistic 'privacy for the sake of privacy' argument be dissuasive for audiences but the Snowden leaks have shown that even preexisting checks and balances are circumvented in order to expanse surveillance. Even more problematic is insisting on privacy laws in the context of transnational campaigns. While there have been attempts at transnational deliberation and articulation of universal privacy rights, ultimately national legislative efforts prevail. While slogans such as “Restore the Fourth” are easy digestible solutions for scaling back government spying they ultimately adhere to the much criticized privacy rights mantra, which obscures causes and effects of 21st century surveillance.

The second prognostic frame package, “Global Dimension”, was based on the coherent notion that in order to change the increasingly global and decentralized surveillance society people around the world must come together and collectively voice their opposition. At times the international privacy community indeed tried to present, albeit orchestrated from the U.S., a unified front against government surveillance. The importance, especially for privacy groups from the so-called 'Global South”, to take part in such campaigns should not be understated. For them presenting their case in the transnational arena is an indispensable tool to evoke reactions from authoritarian governments who are generally not responsive to domestic civil society claims. In turn, inviting activists from non-western countries to talk about privacy breaches in their national contexts were used as warning signs against unchecked surveillance in Europe and the U.S.

Overall, however, the degree of transnational framing and cooperation was underwhelming given how the Snowden leaks have affected the world as whole. Notably, the first response from civil society actors, “Restore the Fourth” was not transnational but instead, somewhat surprising, a hyperpatriotic celebration of the United States. But even with regard to the following transnational campaigns, backed by evidence presented in the interview chapter,

the actual degree of transnational deliberation and collectively articulating anti-surveillance frames was *minuscule* (perhaps best demonstrated by the lack of any communication between German and American "Stop Watching Us"-activists; however, more in-depth studies on the relationships and movements between organization and countries, perhaps in the form of social network analysis or other ethnographic approaches, is necessary). This is particularly remarkable in an age of ICTs that would in theory make the planning of truly transnational protest events easier. Of all things, one would have expected digital rights-centric campaigns to utilize stronger, ICT-fueled "communication power." In the end, and in line with Tarrow's assessment of the limits of transnational activism, local– or even hyperlocal – anti-surveillance claims were brought to the international level and vice versa but no unified and lasting global anti-surveillance claim was made. While the scope of this study is limited it does raise serious questions about social movements and their ability (or inability) to strategically employ their repertoires of communication in a transnational context.

The last two prognostic frame packages which occurred in the campaigns were noticeably technophile. The "Encryption" package, relatively lately introduced into the protest cycle, presented technological solutions to once and for all deal with the problem of government surveillance. As my analysis of the "Reset the Net" event has shown, encryption was presented as a cure to unresponsive governments and ineffectual forms of protest, as well as transcending national borders. Thus, it evoked, although organizers strongly deny this, a partial depoliticization of anti-surveillance activism. The notion that the use of widespread encryption would make it too expensive for a government to conduct mass surveillance is a plausible claim (even though the frame ignores recent reports that have detailed how governments will ultimately circumvent encryption technology and people who use encryption are more likely to come under intense government scrutiny). But the "Encryption" frame package is also a partial rebuttal of the frames discussed above: when encryption is presented as the most promising strategy to counter surveillance, there is no need to come together on a transnational level, fight for privacy rights or critically engage with the political and cultural – other than the technological – surveillance infrastructure. Certainly, using encryption can be seen as an explicit political act. But it can also be seen as a resigning from the public into the private.

Emphasizing market driven solutions for surveillance was epitomized by the second

technophile frame package, “Intersectoral Cooperation.” Only in concert with the private sector, mass government surveillance could ultimately be defeated, the frame suggested. As pointed out in my analysis of “The Day We Fight Back” and “Reset the Net,” the prominent role big tech companies have played in campaigns against privacy was a highly controversial one. By forming temporary alliances with Google, Facebook and Co., privacy activists gave them a platform to show the world that they are allegedly concerned about their users' privacy – rather than to actively challenging their business practices and informing the public about the essential part they play in the NSA's regime. It is true that such companies have an intrinsic interest in keeping the data they have collected on millions of people away from the government. But that all four major anti-surveillance campaigns in the aftermath of the Snowden leaks have largely remained silent about the central place of corporate actors in the surveillance apparatus is remarkable.

There is no evidence that any individual privacy advocacy group has been in any form compromised or influenced by receiving funding from or collaborating with tech firms. But, based on evidence presented in the case studies and interviews section, the overall communication strategy of the privacy community was affected by a process that the social movement literature generally refers to as 'co-optation,' or 'appropriation:'[800] Reacting to Snowden's concrete evidence of collusion between the NSA and internet companies, tech firms sought out to redefine privacy as 'absence from government surveillance' (rather than ‘absence from government *and* corporate surveillance,’ for a discussion of whether such a distinction still exists see sections 4.4 and 5.8); gain legitimacy by adopting an asserted concern for privacy; and offering privacy activists publicity and a stake in transforming their conduct of business – albeit all without overhauling their surveillance-based business model in any meaningful way. Not choosing to problematize corporate surveillance at all suggests ignorance or willful rejection of the key topics discussed in surveillance studies, notably the existence of public-private partnership that forms the core of the modern-day surveillant assemblage.

On the other hand, aggressively attacking those companies or even calling for a boycott of their services (which, like encryption, would make it harder for the NSA to collect users' data) is not exactly a viable option either. As champions of privacy it would make sense for activists to

[800] For an overview on various concepts and dynamics of co-optation see Jon Burchell and Joanne Cook, “CSR, Co-optation and Resistance: The Emergence of New Agonistic Relations Between Business and Civil Society,” *Journal of Business Ethics*, 115 (4), Special Issue on Organizing CSR (2013), 741-754.

clearly distance themselves from Google, Facebook and others. But since the lives of their constituents heavily rely on social network communication (and *the activists themselves use applications and products by these companies to organize their protests*) this creates a paradox. According to Gamson's typology of social movement's targets, the targets of influence (online companies) and targets of mobilization (internet users, citizens) become one. This results in a contradiction for privacy activists, which is on the edge of being unsolvable. Calling out Facebook would include calling out Facebook Users. Or as Gamson has put it: "[W]hat really stands in the way of success for the ambitious challengers is not diffuse objectives but targets of change who are unwilling to cooperate in their own demise."[801]

Finally, while the heavy focus on technological solution can be interpreted as signs of depoliticizing the anti-surveillance struggle, the motivational frames applied in the four campaigns were, at least partially, politically motivated. A recurring motif applied to mobilize supporters was that surveillance not merely threatens your privacy but will eventually lead to a loss of freedom. In the "Freedom" frame package a concept of Panopticism was evoked which painted NSA surveillance as a subtle disciplining force which would ultimately prevent people from living out their real personas both offline and online. It is a conscious effort to counter the Privacy Paradigm so prevalent in a lot of privacy activism and based on the understanding that defending privacy for the sake of privacy is not sufficient to withstand pro-surveillance arguments in the discourse. In fact, explaining the political and social consequences of a loss of privacy was a core task for activists involved in all four campaigns, who literally created bullet points for voicing anti-surveillance arguments in every day debates.

The concept of 'freedom', especially in the context of US-centered campaigns discussed here, was tied to two other frame packages, namely "Non-Partisanship" and "Patriotism." In part because the historical frame examplars such as the Revolutionary War and the Civil Rights era each usually attract supporters of the right or left spectrum, the organizers went a great lengths to portray opposition to surveillance as a non-partisan and patriotic duty. Both frame packages managed to mobilize radical leftist, progressive, liberal, centrist, conservative, Muslims, and Christians to come together to take a unified stance against surveillance – a rare sight and undeniable achievement in these politically extremely divided times.

[801] Gamson, *The Strategy of Social Protest*, 49.

Yet the greatest motivational frame exemplar was centered on the whistleblower who had exposed the scope of the NSA's surveillance activities, Edward Snowden. With the exception of "Restore the Fourth," the "Celebrity Activism" package was the dominant motivational frame in all campaigns. Evolving from a mere purveyor of information, Snowden quickly became an activist himself, by actively joining "Stop Watching Us" and "Reset the Net." Thus, he not only became the Che Guevara-like iconographical marker of any surveillance protest, but also heavily involved in framing resistance against surveillance himself. Without Snowden not only would not there be any proven facts about excessive state and corporate surveillance but, it is safe to say, the communication strategy would have never gained traction as it did with him heavily involved. In many ways Snowden, due to his well-publicized accounts of his political motivations, his escape from the United States, and his technological expertise, ultimately embodied many of the key anti-surveillance frames, namely the patriotic, the global, and the technophile frames.

Overall, based on this taxonomy of anti-surveillance frames, over the course of four campaigns one can see an evolution of framing choices and interrelated protest tactics. The first such dynamic is from offline to online forms of protest. What started off as grass roots, albeit digitally enabled, street rallies evolved into online protest days. Nowadays activists rely on a mixed arsenal of both offline and online means of protest, but in the case of privacy activism the latter ("The Day We Fight Back," "Reset the Net") drew conclusions about the former ("Restore the Fourth," "Stop Watching Us"). As of 2017, street protests against mass surveillance are completely off the table. As my interview data suggests, most privacy advocacy organizations consider offline demonstrations as too costly and politically risky, given the comparatively low amount of people willing to take to the streets for privacy matters. But the switch from offline to online actions influenced the framing opportunities as well. Because of their grass roots nature, "Restore the Fourth" and "Stop Watching Us," mainly through their speakers and attendees, utilized more nuanced and rich framing examplars rooted in history, literature and political theory. Their online counterparts, "The Day We Fight Back" and "Reset the Net," on the other hand, evoked more centralized and streamlined framings that were rather instructional than complex and emotional.

The second noticeable direction was a shifting focus from opposing all forms of

(government) surveillance to ultimately excluding targeted surveillance from criticism. Granted, even early iterations such as “Restore the Fourth” and “Stop Watching Us” demanded to stop “mass suspicionless surveillance” after Snowden had informed the world about the indiscriminating nature of the NSA's various programs. But the campaigns’ dominant frames were in fact mostly concerned with the government's targeting on minorities, dissenters, and pro-democracy activists in the 'Global South'. In contrast, “Reset the Net's” declared goal was to push governments to retreat to only using targeted surveillance, while largely ignoring the consequences for those most vulnerable to surveillance. This discursive turn has attracted scholarly critique arguing that this ultimately obscures the racial, class-based, and imperial underpinnings of the activities of intelligence agencies, even though it ignores the explicit political frames applied in the campaigns prior to “Reset the Net.”

Lastly a third dynamic was visible when comparing the four campaigns. Tied to the shift from mass to targeted surveillance was also a shift from political to technical solutions. “Restore the Fourth” and “Stop Watching Us” were embodiments of months of meetings between various groups and individuals to discuss the implications of the Snowden revelations and come up with explicit (legal) demands. In contrast, “Reset the Net” was a centrally administered campaign that offered solutions for people to hide their political beliefs and retreat to an encrypted safe zone.

Included in the analysis of each case study was an assessment how the collective action frames resonated in the media. In general, despite the limited overall effects of social movement frames on public opinion,[802] the activists were nonetheless successful in providing the public with argumentative tools against surveillance. There is no definite answer as to whether mediated reports of the campaigns may encourage citizens to engage in collective action against mass surveillance in the future. Yet, by featuring activist voices and reporting on their action, media coverage of activism certainly is “making a difference.”[803] However, the extent to which particular frame packages were adopted by journalists and media outlets varied greatly. As previously mentioned the “Celebrity Activism” package centered on the personality of Edward Snowden was widely echoed by articles reporting on the campaigns. Without Snowden’s active involvement and the organizers decision to use Snowden's persona and story to inspire citizens,

[802] Cf. Gamson and Modigliani, “Media Discourse and Public Opinion,” 2.

[803] William A. Gamson, “Promoting Political Engagement,” in *Mediated Politics: Communication in the Future of Democracy*, ed. W. Lance Bennett and Robert M. Entman (Cambridge: Cambridge University Press, 2001), 59.

the campaigns would have never gained significant coverage. The same can be said about the "Intersectoral Cooperation" and "Encryption" frame packages. The involvement of big tech companies guaranteed a great level of exposures to the campaigns – despite posing questions about the commitment to also problematize corporate surveillance. Finally, the "Patriotism" and "Constitutionalism"-frames prevalent in the US-only "Restore the Fourth" were also widely adopted by media outlets and thus managed to portray surveillance as an urgent matter that affected every American and was at the very heart of the United States legal and its historical foundation.

However, the remaining frame packages were largely ignored by newspapers and blog sites. References to the 'origin stories' of surveillance taking place in Colonial America and the Civil Rights era were not reproduced widely, presumably because "media producers are … generally inhospitable to key aspects of the collective action frame, such as the structural analysis implicit in many injustice claims,"[804] as previous social movement communication research suggests. Cultural and literary frames did not fare better: the relatively low adoption rate of *1984*-type framing devices suggests, new and more poignant cultural narratives may be needed. And the "Global Dimension" package also did not find its way into news and opinion articles. While both campaigns managed to evoke participation from activists from around the world, it was national discourses over privacy legislation—particularly in the United States—that dominated media coverage. The focus on national surveillance laws made it difficult for the "Global Dimension" frames to be widely reproduced by media outlets.[805]

Then, and this touches on my third research objective, how transnational is the current struggle against mass surveillance? Although certainly only a snapshot of the period from 2013 to 2014 and, due to language barriers and geographical proximity, focused on U.S. and European-led campaigns (more in-depth research about privacy activism in the 'Global South', both on the national and transnational level is needed), my study has shown that there is no permanent transnational privacy movement yet. Instead of a real, permanent, and highly organized transnational movement there have been only *imagined, temporary, and uncoordinated*

[804] John A. Noakes and Hank Johnston. 2005. "Frames of Protest: A Road Map to a Perspective." In Frames of Protest: Social Movements and the Framing Perspective, edited by John A. Noakes and Hank Johnston, (Oxford: Rowman & Littlefield Publishers), 1–33.

[805] However, I hope this pioneering study invites more systematic attempts, perhaps in the form of content analysis, at illuminating the highly complex media dynamics between activists, intelligence officials, and journalists.

transnational alliances. While the Snowden leaks attracted temporary and short lived transnational coalitions and the campaigns described here functioned as important 'flashpoints,' national debates over privacy and surveillance persist. However, to frame resistance against surveillance in transnational terms has an important symbolical function as it links together the many different cultural understandings of privacy that exist in each region or country. Even though transnational solidarity articulated in the campaigns was more of a communication device than reality, the relatively easy and cheap way to join a campaign (even if it only involved signing a petition or sending out an email) made it possible for activists to be part of an imagined global front against the international intelligence apparatus.

Given these points, how effective has been the overall communication strategy of privacy activists? Although this study was mainly confined to portraying and analyzing how activists interpreted the Snowden leaks, some, albeit generalized, conclusions about the overall success of the anti-surveillance campaigns can be made. Gamson has claimed that a social movement is successful if it produces two outcomes. The first one is the "acceptance of a challenging group by its antagonists as a valid spokesman for a legitimate set of interests."[806] Here the privacy community clearly succeeded. In the aftermath of the Snowden revelations, privacy activists as challengers of the global surveillance regime used the political opportunity window to champion privacy and other related human rights. In times of proven mass surveillance, activist organizations have emerged as an important voice for increasingly legitimate privacy claims. Thus they were accepted, to varying degrees, as valid spokespersons in the discourse, even from spheres that are not primarily concerned with privacy. Politicians, intelligence officials and corporate executives may disagree with some of their demands, but – thanks to a communication strategy appealing to the common sense of a politically heterogeneous group of constituents – hardly anyone would openly dismiss the important role digital rights groups have played in the surveillance and privacy discourse.

Gamson's second criteria, however, namely "whether the group's beneficiary gains new advantages during the challenge and its aftermath"[807] is much harder to assess. As was pointed out in the introduction, the privacy activist community has celebrated some wins but also

[806] Gamson, *The Strategy of Social Protest*, 28.
[807] Ibid.

suffered losses in the legislative realm since the Snowden leaks.[808] NSA surveillance especially on foreign citizens around the world proceeds without any meaningful checks. Millions of internet users continue to share personal information in exchange for convenient social media services. Studies and polls suggest that encryption technology is still neither well understood nor widely used.[809] The new advantages citizens have gained as the result of the campaigns analyzed in these pages are discursive and informative rather than concrete and legal.

But whether people will act on the basis of the anti-surveillance frames and their representations in the media and start resisting surveillance more forcefully remains in question. Based on my frame analysis and backed by comments from the interviewees, activists still have not found a way to frame surveillance and privacy as issues *affecting citizens personally*. As some of the activists have conceited themselves, they are still searching for effective rebuttals of the dominant security meta-framing prevalent in the surveillance discourse. They have not been able to repair, as one activist described it in section 5.2, "the broken story of surveillance" – an anti-surveillance narrative that is unable to articulate comprehensively, what surveillance really means for the individual, for the public, and for the political system.

The inability to show the personal consequences of mass surveillance may not be a communication failure but an axiomatic feature of the surveillance society. Notably some of the activists argued themselves that in democratic countries, unless you are planning a terrorist attack, the government, while still collecting data on you, will probably leave you alone. True, mass surveillance targets everyone but the consequences remain different among, say, a white college student, a black lives matter organizer, and a Muslim living in a European capital.

As of 2017, the international privacy movement has arrived at a crucial stage. The initial outrage the Snowden leaks created has noticeably cooled off. Part of the success activists had in raising awareness against surveillance were existing grass roots networks that in the span of a

[808] One of the self-declared goals that "Stop Watching Us" and "The Day We Fight Back" achieved was the passing of the USA Freedom Act. While it replaced the old system of surveillance with a significantly less intrusive collection of domestic phone data, in 2016 the NSA still created more than 151 million phone records of Americans. Cf. The Director of National Intelligence (DNI), "Statistical Transparency Report Regarding Use of National Security Authorities For Calendar Year 2016" (accessed May 31, 2017). https://icontherecord.tumblr.com/transparency/odni_transparencyreport_cy2016.

[809] Cf. Amir Nasr, "Poll Finds Encryption Isn't Widely Used," *Morning Consult*, February 22, 2016 (accessed May 31, 2017). https://morningconsult.com/2016/02/22/poll-finds-encryption-isnt-widely-used/; Lorenzo Franceschi-Bicchierai, "People Can't Tell What Apps Use Encryption, And Don't Really Care, Study Finds," *Motherboard*, June 27, 2016 (accessed May 31, 2017). https://motherboard.vice.com/en_us/article/people-cant-tell-what-apps-use-encryption-and-dont-really-care-study-finds.

year managed to launch a series of protest events that provided alternative voices for the surveillance discourse. While many of the involved organizations have retreated into different approaches than protest campaigns or focused their energies on other digital rights issues, surveillance as a social justice and human rights issue will stay relevant. If there is ever another series of revelations (especially ones that further demonstrate the consequences surveillance has on individuals) a similar network of privacy activists must be in place. During one of the interviews, looking back on the post-Snowden years, interviewee I further explained his analogy between surfing and activism:

> "You might conceptualize social change (…) in a polity in terms of waves. And there are often events that are outside of our control – the Snowden leaks would be an example of that. (…) If you are on the board and a wave hits you can ride it into shore. (…) If you are not on the board yet and the wave is hitting you (…) you tumble around a lot, you come up for air, you are in the exact same place you were before. The wave is gone. Hopefully you are still holding on to the board.

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LIST OF TABLES, IMAGES AND FIGURES

Tables

Images

Figures