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INFORMATION POLITICS, PROTESTS, AND HUMAN RIGHTS IN THE DIGITAL AGE

We live in a highly complex and evolving world that requires a fuller and deeper understanding of how modern technological tools, ideas, practices, and institutions interact and how different societies adjust themselves to the emerging realities of the digital age. This book conveys such issues with a fresh perspective and in a systematic and coherent way. While many studies have explained in depth the change in the aftermath of the unrests and uprisings throughout the world, they rarely mentioned the need for constructing new human rights norms and standards. This edited collection provides a balanced conceptual framework to demonstrate not only the power of autonomous communication networks but also their limits and the increasing setbacks they encounter in different contexts.

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MAHMOOD MONSHIPOURI
San Francisco State University

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Policy (2014), *Terrorism, Security, and Human Rights: Harnessing the Rule of Law* (2012), and editor of *Human Rights in the Middle East: Frameworks, Goals, and Strategies* (2011). His new edited volume is entitled *Inside the Islamic Republic: Social Change in the Post-Khomeini Iran* (forthcoming, 2016).

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Since the 2011 uprisings in the Middle East and North Africa, I have worked on the idea of editing a book on the emancipatory potential of the digital media as well as its limits, even as I have struggled to keep my optimism concerning the empowering tools that social media and new technologies have offered us. I have also incurred enormous intellectual debts. Let me start by acknowledging how much I have learned by putting this volume together and how much I have benefited from the contributors to this volume and their unique perspectives and experiences regarding this globe-spanning subject matter. I could not have assembled a better team of supremely competent, knowledgeable, and able teachers and scholars in the field with whom to work.

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Finally, I give a special thanks to my former student, now a PhD holder at the University of Florida and adjunct professor at the University of San Francisco as well as San Francisco State University, Jonathon Whooley, for sharing his sharp intellectual insights and offering generous assistance along the way, without which this project would not have moved along smoothly. I owe an especially deep intellectual debt to John Berger, Senior Editor at Cambridge University Press, and Ezhillmaran Sugumaran, Senior Project Manager at Cambridge University Press, whose enduring feedback and systematic communication helped me to improve this project. Most of all, I offer gratitude to several anonymous reviewers for providing eminently helpful suggestions and comments by raising relevant and substantive questions.

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FOREWORD

Reflections on protests and human rights in the digital world

It seems clear that all inventions carry within themselves the potential for positive or negative developments. The telephone can be used to call for help in an emergency, and it can be used by commercial enterprises to invade your privacy and try to get you to buy something you don't want and don't need. Television can be used to spread high culture as well as important news, and it can be used to disseminate cultural garbage as well as falsehoods. Airplanes can be used for family reunions and relaxation or turned into weapons to attack civilians and to make a political point. So it is with the digital world and computerized electronics.

There is no doubt, as the following pages make clear, that computerized social media can be a great asset to those who are politically active and seek to mobilize in order to advance human rights and democracy. Examples are abundant – from Turkey to Hong Kong and from Egypt to Ukraine. But threatened elites are not oblivious to developments, and they take steps to control and coerce in defense of their power, as this book also shows. One could use the very same examples to demonstrate elite efforts to block Internet usage and/or spy on progressive activists.

Other negative examples of contemporary digital politics can and should be mentioned. The Islamic State (ISIS or ISIL) uses slick propaganda through electronic journals on the Internet to recruit alienated and atomized individuals from around the world to fight in its campaign of total war in a woefully misguided effort to create a multinational Islamic caliphate. This bloody movement, abjuring all human rights and humanitarian limitations, has been successful in its digital reach. It has found ways to appeal to those who feel marginalized and disinherited, despite its policies of murder, rape, extortion, and so on in a litany of true atrocities. Since ISIS is supported by no government anywhere, its ability to recruit adherents is crucial to its continued existence and success,

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along with other factors such as its effective hard power and ability to raise money through capturing banks, levying "taxes" on road and water use, and obtaining ransom payments for hostages. But the Internet remains a crucial playing field for ISIS.

Unfortunately, the misuse of electronics is not limited to ISIS, al-Qaeda, and other armed nonstate actors. The US government, supposedly democratic, committed to human rights, and endorsing the rule of law, has collected massive data on its citizens and others who have no links to terrorism or other legal violations. At Guantanamo Bay, military authorities, having promised the International Committee of the Red Cross (ICRC) confidential interviews with detainees, almost certainly listened in by electronic means when prisoners described their abusive interrogations. Some prisoners were sanctioned for what they said, with the result that other prisoners refused to talk to ICRC delegates. It seems highly probable that this pattern of electronic violation of confidentiality is not limited to the United States.

There is no doubt that cyber war will be a feature of any future armed conflict between or among technologically sophisticated fighting parties. Already, various states use electronic means not only to spy on each other but also to hack into various databases and computer systems in order to steal information, perhaps for potential blackmail or worse. In the future, it is almost certain that a sophisticated belligerent will try to disrupt an enemy's banking system, and/or electrical grid, and/or water supply by electronic means. There will be damage to civilians and civilian structures, not just to combatants and their weapons. Various weapons systems, themselves highly computerized, will be attacked by electronic means. Already, if press reports can be believed, the Americans and Israelis tried to destroy Iranian energy-related systems with a computer virus. If one destroys a weapons-related system by electronic means rather than by kinetic (explosive) means, does that constitute an armed attack?

Second, in all these examples and many others that could be cited, as this fine book makes clear, digital politics is not so much the new controlling feature of political struggles as it is a new dimension to old and pervasive features. The Internet and computerized connections provide something new that was not there about twenty-five years ago. But rather than something completely sui generis and all controlling, digital space provides a new extension of controversies we have already faced.

There was already a search for information by governments hyperconcerned about security and stability versus a claimed right to privacy

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by citizens fearing an overreaching public authority. There was already hijacking of airplanes by those trying to find a way to publicize their cause, even before al-Qaeda-central and its various franchises took airplane suicide bombings to a new level. There was already humint (human intelligence) or human spying before electronic eavesdropping. There was already governmental disruption of peaceful protests before electronic tracking and blocking. There were already court cases about governmental searches and seizures before the issue arose of electronic searches and storing of presumably private information.

This book does a good job of reminding readers that digital developments, whether positive or negative, have to be placed in political context. NATO takes satellite photos and collects other evidence by electronic means, showing Russian military involvement in Eastern Ukraine. Yet as long as the Putin regime is in search of respect from NATO powers and determined to build a non-Western *cordon sanitaire* in its near abroad, it will continue with its deceptions and intervention. The existence of NATO evidence, collected in sophisticated ways, is only one factor in the political big picture.

Likewise, one can observe and protest against China's censoring of Internet sites via the Great Firewall. But as long as Chinese elites are preoccupied with that country's past instability, and as long as they view human rights norms as something imported from the West and dangerous to future stability, it is unlikely that China will soon prioritize individual freedom of thought, speech, and assembly. The 1948 Universal Declaration of Human Rights may speak about an individual right to seek and receive information across borders, but those words are likely to have little impact on a Chinese ruling elite consumed by fears of loss of control (especially after Gorbachev tried to expand civil freedoms in the old Soviet Union but wound up presiding over the implosion of that country).

Various persons and groups in Syria use their cell phone cameras to send pictures to the rest of the world about that humanitarian disaster. But as long as the United States is war weary after long involvements in Afghanistan and Iraq, and as long as European military powers are less interested in action there as compared with Libya in 2011, and as long as Russia and Iran (and Hezbollah) continue to back the Assad regime, those computerized photos, while important, are not likely to push outside powers into decisive intervention to end the atrocities. The broader context must indeed be understood for a proper understanding of digital developments.

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Third, it seems clear enough that persons will differ in their approach to the proper regulation of digital politics. Disagreement seems the pervasive human condition. It has been noted in the following pages that certain UN circles have pushed for the idea of a human right to Internet access. Others have expressed opposition, however, because such a right would be dependent on an antecedent right – not mentioned in international documents – to adequate electrical energy. And at the moment, this antecedent right would itself be dependent on more burning of fossil fuels, which is not easily compatible with an asserted right to a safe and healthy environment. Even the discourse about human rights and Internet access leads to varying views. While the more affluent among us debate the Internet and rights, most of the world's population continues to scratch out a subsistence living without adequate food, shelter, and health care.

One might also note that in 2014 the European Court of Justice, part of the European Union, declared a right to be forgotten as a dimension of an individual's right to privacy. In the Costeja case, the Court affirmed that a Spanish citizen was within his legal rights to demand that Google remove his name from the Internet in conjunction with a property foreclosure case. Since the financial matter had been resolved, the Court held that Internet information should not be posted ad infinitum, which otherwise constituted a negative stigma for individuals. Other courts in other jurisdictions, however, had reached different conclusions about a right to personal privacy versus the public's right to know various facts.

All sorts of digitized electronic developments led down the road of inherent and inescapable debate about proper public policy, whether the subject was drone strikes, cyber war, automated or automatic weapons, laser weapons, and so on. Needless to say, the views of ICRC lawyers were not often the same as Pentagon lawyers as to the proper international law on these matters. If we take the issue of international drone strikes, as for now we do not even have full access to still-classified information about the process. It will be some time before we are in a position to evaluate the use of weaponized unmanned aerial aircrafts (UAVs). Perhaps when numerous powers possess this capability to kill from half a planet away via UAVs, reciprocity will propel us to agreement on regulation. In the meantime, we continue to debate.

As a final observation, one might be excused for thinking that we might be headed for an Orwellian world in which "Big Brother" is always watching and listening and perhaps photographing on the basis of digital developments. Yet the various court cases here and there, such as *Costeja*,

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the fact of democracy demonstrations in places like Hong Kong, the outcome of elections in Turkey, the evolution of politics in Tunisia, and other factors serve to remind us of broad and continuing concern for individual human rights. There are courageous people, organizations, and social movements across various nations determined not to let science lead us into that Orwellian world. What is clear is that, as before, the protection of human rights will occur to the extent that people of good will are prepared to struggle for that rights-based outcome. Some elites pushed back against a US policy of torture after 9/11 (e.g., John McCain, Diane Feinstein). They were joined by various organizations (e.g., the American Civil Liberties Union), journalists (e.g., Jane Mayer of the *New Yorker*), and others. Without doubt, various persons will contest to the misuse of digital developments. Human rights principles will be of great use in that struggle. The outcome is not certain. But that has always been the case with the struggle for human rights.

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