

CONSTITUTIONALISING SOCIAL MEDIA

**Hart Studies in Information Law and Regulation: Volume 1**

## **Hart Studies in Information Law and Regulation**

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This series concerns the transformative effects of the digital technology revolution on information law and regulation. Information law embraces multiple areas of law that affect the control and reuse of information – intellectual property, data protection, privacy, freedom of information, state security, tort, contract and competition law. ‘Regulation’ is a similarly extensive concept in that it encompasses non-legal modes of control, including technological design and codes of practice. The series provides cross-cutting analysis and exploration of the complex and pressing issues that arise when massive quantities of digital information are shared globally. These include, but are not limited to, sharing, reuse and access to data; open source and public sector data; propertisation of data and digital tools; privacy and freedom of expression; and the role of the state and private entities in safeguarding the public interest in the uses of data. In the spirit of representing the diverse nature of its topics, the series embraces various methodologies: empirical, doctrinal, theoretical and socio-legal, and publishes both monographs and edited collections.

# Constitutionalising Social Media

Edited by  
Edoardo Celeste  
Amélie Heldt  
and  
Clara Iglesias Keller

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PART 1

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Social Media as a Modern  
Public Square

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# 2

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## Social Media and Protest: Contextualising the Affordances of Networked Publics

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TETYANA LOKOT

### I. Introduction

Social media platforms and practices are now tightly woven into the fabric of everyday politics. This chapter focuses on the role of social media as both a space and a tool for political and civic protest. It conceptualises social media as a constellation of networked publics<sup>1</sup> and argues that these networked publics circumscribe a number of affordances and limitations for protest actors. These affordances can enable or limit specific forms of protest organising and mobilisation, claims-making and information-sharing during the protests. They can also shape the consequences of the attention garnered by protesters' activities, and the overall risks and tensions encountered by protesters in their interactions with the state and law enforcement.

By critically examining these affordances and limitations in the context of the hybrid media system,<sup>2</sup> the chapter argues that the structure of protest opportunities is shaped in equal measure by the technologies of social media platforms; the protest actors, including individuals, institutions, and governments; and the political, spatial and social contexts in which socially mediated protests occur. This analytical complexity is illustrated by case studies of recent protests in Russia, Ukraine and Belarus, which demonstrate how protest affordances of social media can be contentious. A nuanced understanding of how social media augment or constrain protest action and of the context-dependent possibilities or limits for participation in discontent can inform our understanding of how relevant

<sup>1</sup> d boyd, 'Social Network Sites as Networked Publics: Affordances, Dynamics and Implications' in Z Papacharissi (ed), *A Networked Self: Identity, Community and Culture on Social Network Sites* (Routledge, 2011).

<sup>2</sup> A Chadwick, *The Hybrid Media System: Politics and Power*, 2nd edn (Oxford University Press, 2017).

stakeholders (states, platforms and citizens) make decisions about regulating and using networked technologies in the context of political and civic agency.

This chapter focuses on the key affordances of networked social media publics for protest, as part of a broader conversation about the relationship between Internet governance, digital media regulation and networked citizenship in the context of key constitutional rights. Importantly, it seeks to bridge the various disciplines examining these issues and to bring scholarship from media, communications and Internet studies into conversation with academic literature on constitutional rights, civil rights and digital rights and regulations. Drawing on case studies of augmented protest events to argue for a broader trend towards the convergence of digital rights and civil rights, the chapter concludes with a provocative call to also conceptualise the broader notions of citizenship and constitutionalised human rights as hybrid or augmented. Understanding how networked platforms and their publics intervene in the hybrid rights landscape and how their affordances shape power relations between states and their citizens is a key part of the debate around constitutionalising social media.

## II. Networked Protest Publics

Much of the early research on social media platforms examined their use by individuals in everyday life.<sup>3</sup> Increasingly, these technologies have also come to permeate civic activism, political change and geopolitical transformations.<sup>4,5,6</sup> Social media users no longer limit their activities to posting about breakfast options, celebrity crushes, or lockdown life. They use social media daily to join social movements, to represent their political identities, or to intervene in political debates about global events and issues, from climate change to Brexit and the US elections. Specifically, protest movements and participants have also embraced social media repertoires: Twitter hashtags and livestreamed videos now go hand-in-hand with street rallies and sit-ins. How, then, should we approach understanding the role of social media in modern protest events?

In my research on social media and protest, I follow the concept of *networked publics*, proposed by danah boyd. As boyd argues, when publics are restructured by networked technologies, they become simultaneously the space constructed by those technologies and the imagined community that forms ‘as a result of the intersection of people, technology, and practice.’<sup>7</sup> Protest publics, which are

<sup>3</sup> L Rainie and B Wellman, *Networked: The New Social Operating System* (MIT Press, 2014).

<sup>4</sup> J Earl and K Kimport, *Digitally Enabled Social Change: Activism in the Internet Age* (MIT Press, 2011).

<sup>5</sup> Z Tufekçi, *Twitter and Tear Gas: The Power and Fragility of Networked Protest* (Yale University Press, 2017).

<sup>6</sup> N Maréchal, ‘Networked Authoritarianism and the Geopolitics of Information: Understanding Russian Internet Policy’ (2017) 5 *Media and Communication* 29.

<sup>7</sup> boyd, ‘Social Network Sites as Networked Publics’ (2011).

often conceptualised as counterpublics as they emerge in opposition to the elites or other dominant powers, are reconfigured by social media into both spaces of debate and protest communities. These communities are made up of the people, the technologies they use and what they do with those technologies to achieve their protest aims. Importantly, networked protest publics do not exist in isolation, but interact with other social and political actors, including state powers and their supporters, as well as the social media corporations who manage the technologies underpinning the platforms.

Since these protest publics are structured by networked technologies in specific ways, they give rise to distinct new affordances, or opportunities for action, that shape the dynamics of how these publics engage in protest and the tactical and strategic choices they make. boyd herself identified persistence, replicability, scalability and searchability as the core affordances of networked publics.<sup>8</sup> As noted by earlier scholarship on the Internet and activism, examples of such affordances also include the reduced need for physical co-presence to share activism-related knowledge and replicate organisation tactics and action patterns.<sup>9</sup> However, more recent literature on communicative affordances of technology has called for a more nuanced approach that attends to the specificity of online platforms, the actors using them, and the context in which they do so. For instance, Bucher and Helmond propose to make a distinction between high-level and low-level platform affordances,<sup>10</sup> The former are akin to boyd's affordances of networked publics and deal with the dynamics of platforms and social media writ large, while the latter are more medium- or platform-specific and deal with the materiality of platform features, yet remain open to interpretive possibilities for action despite their specificity.

The concept of affordances, describing human interaction with the material environment through a focus on what objects or technologies allow people to do, was originally developed in the field of ecological psychology<sup>11</sup> and later adopted by scholars working in design studies.<sup>12</sup> In my own research, I've adopted the understanding of affordances as opportunities or constraints that emerge at the nexus of 'actor intentions and technology capabilities that provide the potential for a particular action.'<sup>13</sup> Unlike features of a particular object or technology, designed with a specific action or outcome in mind, affordances are instead more latent possibilities that require an actor to perceive or imagine them with regard to a specific technology or platform. In this regard, Nagy and Neff propose the concept of imagined affordances<sup>14</sup> to account for the gap between the perceptions and

<sup>8</sup> *ibid.*

<sup>9</sup> Earl and Kimport, *Digitally Enabled Social Change* (2011).

<sup>10</sup> T Bucher and A Helmond, 'The Affordances of Social Media Platforms', *The Sage Handbook of Social Media*, 1st edn (SAGE Publishing, 2017).

<sup>11</sup> J.J. Gibson, *The Ecological Approach to Visual Perception* (Houghton Mifflin, 1979).

<sup>12</sup> D Norman, *The Design of Everyday Things* (Basic Books, 2013).

<sup>13</sup> A Majchrzak et al, 'The Contradictory Influence of Social Media Affordances on Online Communal Knowledge Sharing' (2013) 19 *Journal of Computer-Mediated Communication* 38.

<sup>14</sup> P Nagy and G Neff, 'Imagined Affordance: Reconstructing a Keyword for Communication Theory' (2015) 1 *Social Media + Society*.

expectations of users and the materiality and functionality of technologies. For example, the Facebook ‘like’ button is designed to enable users to display a positive reaction to a post, but it can also afford the possibility of ‘liking’ something to express moral support, sympathy, or sarcasm, depending on the users’ perceptions of the content of the post and the range of possibilities they have to react to it. At the same time, it can provide advertisers on Facebook with a completely different affordance of measuring user engagement.<sup>15</sup>

I argue that affordances are highly contextual,<sup>16</sup> as actors and technologies come together in particular environments or contexts that themselves shape action possibilities and their perceptions. This means that the affordances of networked protest publics are conditioned by the very specific environment of protest, its claims and its aims, its cultural and affective elements. At the same time, these affordances are also circumscribed by the political and social context in which the protest occurs, including the regime type, the level of media freedom, and the norms and regulations that apply to both protest activity and Internet or social media use in a given setting.<sup>17</sup>

In the next section, I consider the affordances of networked protest publics for protest organising and mobilisation; for claims-making and information-sharing during the protests; and for drawing attention to the protest action and making it more visible. These context-specific affordances – namely persistence, scalability, simultaneity, flexibility, ephemerality and visibility – go on to shape protest dynamics in different, context-dependent ways. They also shape the consequences of the attention garnered by protesters’ activities and the overall risks and tensions encountered by protesters in their interactions with the state and law enforcement powers. I illustrate the analytical complexity and contentious nature of the protest affordances of networked publics through a comparison of recent protest events in Ukraine (2013–14 Euromaidan protests), Russia (2017–21 anti-government protests), and Belarus (2020–21 protests against election manipulations).

### III. Country Contexts

Belarus, Ukraine and Russia share a common Soviet past that to some extent has impacted national governance and key decisions in the geopolitical arenas. But over the 30 years since the fall of the USSR these countries have taken increasingly divergent paths in terms of shaping their political and media systems, as well as their social contracts. In Ukraine, recent political transformations in the wake of

<sup>15</sup> Bucher and Helmond, ‘Affordances’ (2017).

<sup>16</sup> T Lokot, *Beyond the Protest Square: Digital Media and Augmented Dissent* (Rowman & Littlefield, 2021).

<sup>17</sup> On the role of institutional backgrounds in shaping protest affordances, Amy Sanders analyses their influence on Middle East/North Africa countries post-Arab Spring in ch 3 of this volume.

the Euromaidan protest have allowed civil society and diverse media outlets to blossom, while increasing pressure on the corrupt, but functionally democratic, elites.<sup>18</sup> At the same time, in Russia and Belarus, civil society, independent journalists and political activists are facing increasing state repressions and the space for free expression has narrowed dramatically,<sup>19</sup> resulting in waves of protest activity.

The 2021 Nations in Transit report by Freedom House,<sup>20</sup> which evaluates the state of democracy in the region, labelled Ukraine a 'transitional or hybrid regime', whereas Russia and Belarus were both labelled 'consolidated authoritarian regimes'. These labels point to certain tensions (in the case of Ukraine) or, indeed, acute crises (in the case of Russia and Belarus) in the relationship between elected and non-elected state institutions and non-state institutions, such as the media and civil society.

These differences are further nuanced if we consider indices and rankings that focus on media freedom and free expression online in these countries. Reporters Without Borders' 2021 World Press Freedom Index<sup>21</sup> ranked Ukraine as 97th among 180 countries for journalistic freedom, with Russia ranked as 150th and Belarus ranked as 158th (higher scores indicate lower press freedom status). While the media freedom situation in Ukraine is characterised by Reporters Without Borders as 'problematic', in Russia and Belarus it is classed as 'difficult'. With regard to Internet freedom, Freedom House's 2020 Freedom on the Net ranking<sup>22</sup> classed Ukraine as 'partly free', while Russia and Belarus were both labelled as 'not free' with regard to online rights and freedoms, including Internet access, limits on content and user rights.

Given the divergence between democratic and authoritarian tendencies, as well as the different levels of political, civic, media and digital freedoms, it is not surprising that protest organisers and participants in the three countries might perceive the affordances of social media for protest action differently. In the next section, I outline some of the key affordances identified by networked protest publics and the contextual variations in how Ukrainians, Russians and Belarusians adopted networked technologies into their protest repertoires. I then discuss the implications of how context-dependent affordances of social media for protest perceived by protest participants and state officials can shape the broader state approaches to regulating and policing the networked public sphere and the civic efforts to protect digital and constitutional rights of citizens.

<sup>18</sup> K Pishchikova and O Ogryzko, 'Civic Awakening: The Impact of Euromaidan on Ukraine's Politics and Society' (Fundación para las Relaciones Internacionales y el Diálogo Exterior, 2014).

<sup>19</sup> MM Balmaceda et al, 'Russia and Belarus' [2020] *Russian Analytical Digest (RAD)* 1.

<sup>20</sup> 'Nations in Transit 2021: The Antidemocratic Turn' (Freedom House, 2021), available at [freedomhouse.org/report/nations-transit/2021/antidemocratic-turn](https://freedomhouse.org/report/nations-transit/2021/antidemocratic-turn).

<sup>21</sup> '2021 World Press Freedom Index' (Reporters Without Borders, 2021), available at [rsf.org/en/ranking](https://rsf.org/en/ranking).

<sup>22</sup> 'Freedom on the Net 2020' (Freedom House, 2020), available at [freedomhouse.org/report/freedom-net/2020/pandemics-digital-shadow](https://freedomhouse.org/report/freedom-net/2020/pandemics-digital-shadow).

## IV. Key Opportunities and Limitations

When considering how networked protest publics coalesce around protest movements or events as both spaces of protest and public debate and communities engaging in discontent, several distinct affordances of social media can be identified. These offer protesters a number of possibilities to augment protest dynamics, but also become potentially available to those policing and cracking down on protest, namely government institutions and law enforcement powers. This relational nature of social media affordances is especially salient in authoritarian settings, but even in democracies more concerned with upholding the rule of law and protecting basic human rights, it can significantly shape the opportunities and constraints around protest engagement. Building on existing theorising of social media affordances discussed earlier in this chapter and my own research on digitally mediated protest events in Ukraine, Russia and Belarus, I propose the following six affordances as key to networked protest publics, and evaluate how they may enable or constrain the protesters' agency in particular political contexts.

### A. Persistence

Persistence refers to the extended presence of public social media messages, posts, images and videos created by protest participants that are automatically recorded and archived, and remain available online.

For protesters, persistence affords the existence of records of protest actions and experiences, as well as a somewhat reliable repository of information that can be used to aid organising efforts. We can see evidence of this across all three countries, where protest communities online were used in conjunction with on-the-ground organising to share information about protest logistics and resources (Ukraine),<sup>23</sup> protest march routes (Belarus),<sup>24</sup> and tips about protester rights and legal assistance (Russia).<sup>25</sup> However, in Russia and Belarus persistent content on social media is also used by the state and law enforcement to conduct surveillance,<sup>26</sup> collect information about protest plans, and to identify and prosecute protest organisers. In this sense, persistence is seen as a dual-use affordance that, depending on the context, can both enable and limit protest action and organising efforts.

<sup>23</sup> Lokot, *Beyond the Protest Square* (2021).

<sup>24</sup> A Herasimenka et al, 'There's More to Belarus's "Telegram Revolution" than a Cellphone App' *The Washington Post* (11 September 2020), available at [www.washingtonpost.com/politics/2020/09/11/theres-more-belaruss-telegram-revolution-than-cellphone-app](http://www.washingtonpost.com/politics/2020/09/11/theres-more-belaruss-telegram-revolution-than-cellphone-app).

<sup>25</sup> D Shedov, N Smirnova and T Glushkova, 'Limitations on and Restrictions to the Right to the Freedom of Peaceful Assembly in the Digital Age' (OVD-Info, 2019), available at [ovdinfo.org/reports/freedom-of-assembly-in-the-digital-age-en](http://ovdinfo.org/reports/freedom-of-assembly-in-the-digital-age-en).

<sup>26</sup> T Lokot, 'Be Safe or Be Seen? How Russian Activists Negotiate Visibility and Security in Online Resistance Practices' (2018) 16 *Surveillance & Society* 332.

## B. Scalability

Due to their scale, popular social media networks can distribute protest messages far and wide, offering protesters the possibility of greater dissemination and, potentially, greater impact.

Dissemination of protest claims and grievances is key to protest mobilisation efforts, and social media afford broad reach to various audiences, though resonance can sometimes be hard to control. Though in Ukraine and Belarus networked publics were secondary to mobilisation efforts on the ground, which mostly depended on personal ties and word-of-mouth,<sup>27</sup> they afforded broad reach to protest support networks further afield, including diasporas living abroad,<sup>28</sup> who have historically played a crucial role in supporting nation-building and civil society in their home countries.

In Russia, too, social media were used to bypass state-controlled national channels and raise awareness of protest messages and, along with the establishment of local protest hubs, aided mobilisation across its vast territory. Whereas traditionally large protest rallies usually took place only in Moscow or other large cities, the recent waves of protests in 2019–20 saw sizeable street rallies in over 100 locations,<sup>29</sup> and social media were key to sharing updates about protest activity across time zones.

## C. Simultaneity

Simultaneity or the ability to exchange messages or content in real time or synchronously is a key affordance of many social media platforms, including instant messengers, live blogs and live video streaming.

The simultaneity afforded by social media is a central feature of many recent protest events across the region. In all three countries, protest live streams (textual and visual) were a central feature of the action, as they provide an uninterrupted stream of updates from the protest locations and allow for transparency in terms of protester numbers. Real-time protest visuals and messages also create a sense of co-presence, aiding mobilisation efforts and contributing to what Gerbaudo

<sup>27</sup> O Onuch, 'Social Networks and Social Media in Ukrainian "Euromaidan" Protests' *The Washington Post* (2 January 2014), available at [www.washingtonpost.com/blogs/monkey-cage/wp/2014/01/02/social-networks-and-social-media-in-ukrainian-euromaidan-protests-2/](http://www.washingtonpost.com/blogs/monkey-cage/wp/2014/01/02/social-networks-and-social-media-in-ukrainian-euromaidan-protests-2/); Herasimenka et al, 'Belarus's "Telegram Revolution"' (2020).

<sup>28</sup> S Krasynska, 'Digital Civil Society: Euromaidan, the Ukrainian Diaspora, and Social Media' in DR Marples and FV Mills (eds), *Ukraine's Euromaidan: analyses of a civil revolution* (Columbia University Press, 2015).

<sup>29</sup> 'Сколько Людей Вышло На Акции 26 Марта и Чем Все Закончилось: Карта ОВД-Инфо и «Медузы» [How Many People Came out for March 26 Rallies and How It All Ended: A Map by OVD-Info and Meduza]' *OVD-Info* (7 June 2017), available at [ovdinfo.org/articles/2017/06/07/skolko-lyudey-vyshlo-na-akcii-26-marta-i-chem-vse-zakonchilos-karta-ovd-info-i](http://ovdinfo.org/articles/2017/06/07/skolko-lyudey-vyshlo-na-akcii-26-marta-i-chem-vse-zakonchilos-karta-ovd-info-i).



(after Durkheim) refers to as the ‘collective effervescence’ of protest enthusiasm.<sup>30</sup> In Ukraine, protest live streams and live blogs by citizen journalists were central to event coverage and consolidating the core of the protest movement,<sup>31</sup> while in Belarus and Russia they also afforded access to multiple sources of reporting and news updates,<sup>32</sup> and allowed protesters to react to police presence and change their tactics and movements in real time.<sup>33</sup> However, in all three countries, synchronous broadcasting of events as they unfolded inevitably resulted in false alarms and reporting errors,<sup>34</sup> and created a fertile ground for spreading misinformation. In Belarus and, to a lesser extent, Russia, the state authorities attempted to limit real-time connections and transmission by disrupting or shutting down mobile Internet networks or selectively blocking social media applications.

#### D. Flexibility

The always-on nature of social media and their diverse range of vernaculars allow users to participate in protest through a variety of ways and offer some adaptability with regards to the forms, modes and intensity of participation. Though social media demand constant connection, they nonetheless can afford multiple ways of engaging with the protest action, from on-the-ground reporting to curating resources, managing protest logistics, providing medical assistance, or translating protest updates. In Ukraine, the flexible temporalities of digital media connections afforded a variety of creative participatory scenarios for Euromaidan protesters,<sup>35</sup> including part-time participation and long-distance protest engagement.

More recently, in Russia this flexibility further extended the repertoires of protest participation in a repressive environment, allowing citizens to engage through using protest hashtags or creating satirical TikTok videos, or, if they feared retribution, through anonymous donations to fund legal support for those detained or arrested.<sup>36</sup> In Belarus, where the authorities brutally cracked down on the post-election street protests, citizens also availed of the flexible social media repertoires, changing their profile images to the colours of the Belarusian flag

<sup>30</sup> P Gerbaudo, ‘Rousing the Facebook Crowd: Digital Enthusiasm and Emotional Contagion in the 2011 Protests in Egypt and Spain’ (2016) 10 *International Journal of Communication* 254; É Durkheim and J Ward Swain, *The Elementary Forms of the Religious Life* (Dover Publications, Inc, 2008).

<sup>31</sup> Lokot (n 16).

<sup>32</sup> Shedov, Smirnova and Glushkova, ‘Freedom of Peaceful Assembly in the Digital Age’ (2019).

<sup>33</sup> M Edwards, ‘How One Telegram Channel Became Central to Belarus’ Protests’ *Global Voices* (18 August 2020), available at [globalvoices.org/2020/08/18/how-one-telegram-channel-became-central-to-belarus-protests](http://globalvoices.org/2020/08/18/how-one-telegram-channel-became-central-to-belarus-protests).

<sup>34</sup> C Sevilla, ‘The Ukrainian Medic Who Tweeted She Was Dying Is Actually Alive’ *BuzzFeed* (21 February 2014), available at [www.buzzfeednews.com/article/catesevilla/the-ukrainian-medic-that-tweeted-she-was-dying-is-actually-a](http://www.buzzfeednews.com/article/catesevilla/the-ukrainian-medic-that-tweeted-she-was-dying-is-actually-a).

<sup>35</sup> Lokot (n 16).

<sup>36</sup> D Kartsev, ‘Russia’s New Resistance “Meduza” Analyzes the Rise of a New Wave of Protest Movements’ *Meduza* (7 August 2019), available at [meduza.io/en/feature/2019/08/07/russia-s-new-resistance](http://meduza.io/en/feature/2019/08/07/russia-s-new-resistance).

(white and red), crowdfunding financial support for protesters who were issued with fines or lost their jobs as a result of their political activity, or organising flash mob-like scattered protests in urban neighbourhoods<sup>37</sup> when mass rallies became increasingly dangerous.

## E. Ephemerality

A number of social media platforms now allow for ephemeral connections, enabling disappearing or encrypted messaging, thereby helping to preserve user anonymity and privacy, and minimising the risk of state surveillance. Private messaging platforms and tools for sharing content with a finite shelf-life are becoming increasingly popular and are entering protest repertoires. Especially in authoritarian regimes, secure, encrypted messaging is seen as central to protest coordination and logistics.

In Ukraine, where Euromaidan protesters did not perceive much risk in their online exchanges, ephemeral connections afforded by social media were used to build networked communities of volunteers, but digital security was never a central concern. In contrast, protesters in Russia and Belarus relied on the private messaging apps such as Telegram,<sup>38</sup> which, while not fully encrypted, offers disappearing chats and encryption options, while providing for some degree of privacy. Activists also developed and promoted virtual private network (VPN) tools<sup>39</sup> to circumvent government filtering and restore access to banned content or websites.

## F. Visibility

Visibility is often singled out as a root affordance of social media,<sup>40</sup> as digital platforms offer the potential to make protest activity and protest claims visible to the public. To an extent, social media may also provide the tools to manage how this visibility is maintained.

Socially mediated visibility exemplifies the complex relationship between the role of networked technologies in protest events, protesters' strategic decisions about how they manage the content and presence on social media platforms, and the resulting consequences stemming from their visible activity on these platforms.

<sup>37</sup> G Asmlov, 'The Path to the Square: The Role of Digital Technologies in Belarus' Protests' *openDemocracy* (1 September 2020), available at [www.opendemocracy.net/en/odr/path-to-square-digital-technology-belarus-protest](http://www.opendemocracy.net/en/odr/path-to-square-digital-technology-belarus-protest).

<sup>38</sup> Edwards, 'One Telegram Channel' (2020); Herasimenka et al (n 24).

<sup>39</sup> TgVPN, 'VPN в Telegram [VPN in Telegram]' (TgVPN, 31 May 2017), available at [medium.com/@TgVPN/vpn-%D1%81%D0%B5%D1%80%D0%B2%D0%B8%D1%81-%D0%B2-telegram-b63f1d02a6b0](https://medium.com/@TgVPN/vpn-%D1%81%D0%B5%D1%80%D0%B2%D0%B8%D1%81-%D0%B2-telegram-b63f1d02a6b0).

<sup>40</sup> KE Pearce, J Vitak and K Barta, 'Socially Mediated Visibility: Friendship and Dissent in Authoritarian Azerbaijan' (2018) 12 *International Journal of Communication* 1310.

In the context of protest, such visibility also tends to be strategic, as making choices about what and how is visible online helps protesters achieve certain goals, such as greater attention and awareness of the protest. However, total control of visibility is impossible<sup>41</sup> as it also tends to expose individuals and groups engaging in dissent to risks,<sup>42</sup> such as state surveillance and physical or cyberattacks.

In Ukraine, protesters used visibility strategically to ensure the spectacular protest events reached a wide audience as well as to mitigate the risks of riot police attacks. In the process, pervasive visibility also contributed to a multimodal experience of protest witnessing,<sup>43</sup> combining participation and bearing witness to the events and enabling the preservation of multiple protest histories. In Russia, making protest rallies visible online served as both a mobilising tactic to drive up protester numbers and as a way to capture evidence of police brutality during detentions and physical attacks.<sup>44</sup> Protest organisers were keenly aware that by making themselves too visible, they risked state sanctions, so much of the organising was done behind the scenes. The same was true in Belarus: though there were some very visible protest leaders at national level, whose faces were all over social media, much of the organising on the ground went on in off-the-radar Telegram groups,<sup>45</sup> administered by anonymous users.

As protest visibility affords certain outcomes, it also comes with costs, since the state has also become aware of this affordance and has used it to limit protest action. In Ukraine, these attempts were not particularly sophisticated, with threatening mass text messages<sup>46</sup> geotargeted to citizens in the vicinity of the main protest site. In Belarus, police specifically targeted journalists and activists filming videos and taking photos of the protest rallies<sup>47</sup> to curtail visual evidence of the crackdown, alongside intermittent Internet shutdowns to prevent transmission of the events live. More recently in Russia, law enforcement deployed more sophisticated technologies such as facial recognition<sup>48</sup> on photos and videos captured during the rallies to identify and prosecute protest participants. At the same time, other social media users were detained or fined for simply sharing protest-related content online.

<sup>41</sup> E Edenborg, *Politics of Visibility and Belonging: From Russia's 'Homosexual Propaganda' Laws to the Ukraine War* (Routledge, 2017).

<sup>42</sup> J Uldam, 'Social Media Visibility: Challenges to Activism' (2018) 40 *Media, Culture & Society* 41.

<sup>43</sup> Lokot (n 16).

<sup>44</sup> Lokot, 'Be Safe or Be Seen?' (2018).

<sup>45</sup> Herasimenka et al (n 24).

<sup>46</sup> EuroMaydan, "Шановний Абоненте, Ви Зареєстровані Як Учасник Масових Заворушень" ["Dear Subscriber, You Have Been Registered as a Participant of Mass Protest"] (*Facebook*, 20 January 2014), available at [www.facebook.com/EuroMaydan/posts/553098384786503](http://www.facebook.com/EuroMaydan/posts/553098384786503).

<sup>47</sup> 'Belarus: Unprecedented Crackdown' (Human Rights Watch, 2021), available at [www.hrw.org/news/2021/01/13/belarus-unprecedented-crackdown](http://www.hrw.org/news/2021/01/13/belarus-unprecedented-crackdown).

<sup>48</sup> M Krutov, M Chernova and R Coalson, 'Russia Unveils A New Tactic To Deter Dissent: CCTV And A "Knock On The Door," Days Later' *Radio Free Europe/Radio Liberty* (28 April 2021), available at [www.rferl.org/a/russia-dissent-cctv-detentions-days-later-strategy/31227889.html](http://www.rferl.org/a/russia-dissent-cctv-detentions-days-later-strategy/31227889.html).

The fact that the visibility afforded to protesters by social media is also available to anti-protest actors seeking to derail or control the discontent is illustrative of the multiple potentialities of networked publics and of how they are shaped by the political, social and spatial context of each protest event. In addition, social media platforms as private actors also shape such visibility through their use of algorithmic sorting of posts, the application of internal content reporting and moderation policies, and through either rejecting or abiding by state-mandated content removal requests. The key affordances and supporting examples outlined above also point to the hybrid nature of modern protest, where the offline and online elements of protest activity merge and must be construed as part of the same augmented reality of discontent. This hybridity has implications for how states, platforms and civil society groups should conceptualise the role of social media regulation and the standards on which it rests, both in the context of protest events and more broadly.

## V. Augmented Protest, Digital Citizenship and Constitutional Rights

This chapter demonstrates that, while networked communication technologies themselves may be imbued with certain values by their creators, they can be used both for and against democratic or liberal aims, depending on existing structures of power, regime types and the levels of digital media literacy among citizens or adoption of certain technological innovations by governments. Though the key affordances of social media for protest, such as persistence, scalability, simultaneity, flexibility, ephemerality and visibility, can be identified and assessed with regard to how they empower or limit protest actors, the environments shaping these affordances are constantly changing. Ongoing conflicts, political strife or social cleavages in stable or transitional democracies and authoritarian states may see spaces for dissent and online freedoms come under further threat. Under these conditions, the principles of regulating content and expression on social media gain renewed importance, and therefore their alignment with fundamental constitutional rights demands even greater scrutiny.

In Ukraine, which has been embroiled in an ongoing war with Russia since 2014, concerns about threats posed by cyberwarfare and disinformation have resulted in tighter regulation of the Internet and the blocking of popular Russian social media platforms, with continued attempts to introduce further controls on digital platforms and online expression. Yet there remains a cautious sense of optimism about the constructive potential of digital technologies, as evidenced by state-led efforts to develop e-governance initiatives and ongoing advocacy efforts by digital rights groups to ensure Ukrainian Internet regulation adheres to best practices and international norms.

In Belarus, the embattled *de facto* government of President Lukashenka and the mostly exiled opposition leaders remain in a prolonged standoff, and repressions against protesters continue apace, along with tighter policing of independent media and online spaces. Belarusian activists, some of them now living abroad, continue to organise in more private online spaces and to contest the state's monopoly on political expression. In response, the state is adopting new legislation that prohibits independent journalists from live reporting on protest events and shutting down independent digital media websites.

In Russia, the Kremlin continues to consolidate control over the digital realm, introducing new draconian laws curtailing free expression online and the right to public assembly. These laws include provisions that outlaw online calls for unsanctioned protest rallies and require social media platforms to take such content down or face sanctions, from fines to outright blocking. More recently, the state has also made moves to take over the remaining privately owned digital communications infrastructure in the country as part of a comprehensive 'Internet sovereignty' strategy aimed at protecting the Russian segment of the Internet from 'external foes' in line with the updated national security doctrine. This has further delegitimised the action possibilities afforded to activists and protesters by digital media, making the tension between the visibility of their discontent and the ephemerality of their networks increasingly evident.

The context-dependent interpretation of protest affordances by networked publics and their adversaries across these cases is also having an impact on the digital public sphere as a whole. The tensions between how states seek to police expression and civic action in hybrid online-offline spaces and how citizens seek to practice their rights to free speech and discontent in the same environments extend the debate about social media regulation beyond the protest context. The interlinked digital and physical realities of protest come to inform the broader reality of citizenship and constitutionalised human rights, which we can also conceptualise as hybrid or augmented.

Both the state and the citizens in countries around the world are coming to understand the spheres of citizens' digital rights and their right to protest and participate in politics as closely connected. This is reflected in the states' efforts to regulate and control both civic freedoms and digital infrastructure, addressing these within the same legislative acts, and in the citizens' converging perceptions of free expression, security, privacy and individual agency in the context of routine digital media use. Globally, there is a growing chorus of voices arguing that Internet access should be construed as a human right, while at the same time fundamental constitutional rights, civil liberties and the right to dissent continue to be seen as key to democratic development. Such convergence demands that social media platforms – as public spheres inhabited by networked protest publics – be understood in this context as potentially enabling or limiting the fundamental rights of citizens, and that they must therefore reckon with how and by whom such immense power and responsibility should be wielded.

In this regard, this chapter contributes to the broader conversation about Internet governance and digital citizenship. Such citizenship is defined by Isin and Ruppert<sup>49</sup> as the ability of individuals to productively participate in society online and to ‘make rights claims about how their digital lives are configured, regulated and organised’. Networked citizenship highlights the intricate power relations between states, citizens and the networked platforms mediating such relations.<sup>50</sup> It also raises key questions about how these relations and these platforms should be governed to maximise citizen agency and the fulfilment of fundamental rights. A number of these questions are addressed throughout this volume.

The central role of the affordances of networked publics for performing dissent also makes them a key element of the performance of networked citizenship and, I argue, imbues them with the potential to shape the power relations between states and their citizens. Social media platforms provide the technological infrastructure for today’s networked publics and play an outsized role in structuring people’s experiences of political activism, civic engagement, and networked citizenship. However, the jury is still out on how seriously the powerful technology actors take this incredibly important and responsible task.

## VI. Conclusion

Focusing on the key affordances of networked publics on social media for protest, this chapter contributes to the growing scholarship examining the intersections of political participation, Internet governance, constitutional and digital rights. It captures a key moment in the emergence of theoretical and conceptual ideas about digital citizenship alongside practical considerations of how to reckon with the impact of datafication and digitalisation on citizens’ lives.

While the chapter provides a conceptual contribution, it should also be seen as a call for informed, reasoned and inclusive debate about the approaches to constitutionalising social media, and the rights of networked publics at stake. Such a debate should draw on a diverse body of scholarship, including theoretical and empirical contributions from the legal and regulatory domain, human rights scholarship, and scholarship from communications and Internet studies, but also on practitioner input from civil society stakeholders and digital rights advocates. An interdisciplinary and cross-sectoral approach would be best positioned to synthesise ideas from research, policy-making and practice about how to address the challenges of constructing regime-agnostic and resilient governance frameworks for the networked public sphere in accordance with fundamental human rights principles.

<sup>49</sup> EF Isin and E Ruppert, *Being Digital Citizens* (Rowman & Littlefield, 2015).

<sup>50</sup> K Wahl-Jorgensen, L Bennett and G Taylor, ‘The Normalization of Surveillance and the Invisibility of Digital Citizenship: Media Debates After the Snowden Revelations’ (2017) 11 *International Journal of Communication* 740.