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Essay

Myth Meets Reality:  
Civil Disobedience  
in the Age of the Internet

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# Myth Meets Reality: Civil Disobedience in the Age of the Internet

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## INTRODUCTION

Controlling the information available to citizens is vital to the preservation of political power, and it is one of the essential means by which authoritarian regimes sustain political monopoly. However, with the advent of the Internet, the world of communications has undergone a revolution, creating new possibilities that challenge government control over channels of information, and, by extension, public opinion. Many have asserted that the Internet is uniquely immune to government control.<sup>1</sup> As such, it has been widely posited that Internet technology will precipitate the demise of the authoritarian state. The recent revolutions that set the Arab world aflame, known as the Arab Spring, seem to support this assertion. The Arab Spring has engendered a widespread sense of inevitability that Internet technology, such as social media, will

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1. For a crisp overview of the evolution of this literature, specifically as it relates to China, see YING JIANG, CYBER-NATIONALISM IN CHINA: CHALLENGING WESTERN MEDIA PORTRAYALS OF INTERNET CENSORSHIP IN CHINA 5–8 (2012).

empower opposition movements worldwide. Indeed, the Internet is now broadly hailed as an unstoppable democratizing force for the world.<sup>2</sup>

Yet for anyone who cares to look, China defies this simplistic paradigm.<sup>3</sup> China has been stunningly successful in neutralizing the political power of its Internet. The protests calling for universal suffrage that erupted on the streets of Hong Kong this autumn tell us something important about the political potency of the Internet with respect to China. The failure of the “Umbrella Revolution” to spark wider protests in the rest of China — or even among the greater Hong Kong population<sup>4</sup> — belies the simplistic notion that China is a political tinderbox waiting to be ignited by the correct dose of Internet liberalization and online activism. If the protests in Hong Kong could not galvanize wider dissent even within this unique pocket of China afforded all the legal and technological advantages available, how then can different results ever be expected in the rest of China? Prior to the Hong Kong protests, the international community had yet to witness a Chinese society boasting an advanced use of Internet technology and social media engaging in large-scale public protest. As such, the protests provided a unique opportunity to test the popular meme that the viral nature of social media, once properly activated, is a juggernaut force for political transformation. The Hong Kong protests were a test of this supposition — one that failed.

### I. CHINA AND THE ART OF JELL-O NAILING

In an age of instant communication, the compartmentalization of the world is rapidly dissolving, making it increasingly difficult for political elites to isolate their people from social change. The nature of the Internet erodes physical and political borders as information bits travel along fiber-optic cables or over satellite bandwidths to reach millions around the world. It is tempting to conclude that the transformative force of the Internet — particularly the ability of users to communicate and coordinate through social media — will collapse the towering barricades of political and cultural isolation. President Bill Clinton once confidently remarked that the Internet defies centralized control, comparing the attempt to

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2. *Id.* at 7.

3. *Id.*

4. At the height of the protests, the protesters numbered in the tens of thousands, a large number, yet one that must be considered in light of Hong Kong’s total population of over seven million. See Ilaria Maria Sala & Tania Branigan, *Last of Hong Kong Protesters Arrested amid Police Clearance*, GUARDIAN, Dec. 11, 2014, <http://www.theguardian.com/world/2014/dec/11/hong-kong-protesters-brace-arrests-police-clearance>.

constrain online discourse to trying to “nail Jello to the wall.”<sup>5</sup> It would seem, however, that China has mastered the art of JELL-O nailing.

China employs a broad range of technological strategies to maintain a tight leash on its citizens’ access to the Internet. Yet the principal weapon in Beijing’s arsenal is law. It did not take long for China to erect a legal framework to control its Internet. The country’s first Internet laws were enacted as early as 1994, and additional regulations soon followed.<sup>6</sup> Article 15 of the Directive, the Measures for the Administration of Internet Information Services, lists illegal online content. This includes, but is not limited to, information which is at variance with basic constitutional principles, endangers national security, divulges state secrets, subverts the government, undermines national unification, is detrimental to the honor and interests of the state, undermines the state’s policies on religion, or preaches evil cults or feudalistic and superstitious beliefs.<sup>7</sup> The true genius of this statute is that it is fantastically vague. The precise ambit of permissible speech is left unclear so as to encourage self-censorship and maximize the range within which people voluntarily restrain their behavior online.<sup>8</sup> This deliberate vagueness produces a chronic sense of insecurity as users remain perpetually uncertain as to where the line of permissibility is drawn.<sup>9</sup> The guessing game that this requires is arguably the most effective strategy among the various means of Internet control that China deploys.<sup>10</sup> Indeed, China uses law in concert with technical methods of censorship to masterfully blunt the political power of its Internet.

## II. THE HONG KONG PROTESTS: A “PERFECT STORM” THAT NEVER CAME

We should be very cautious to not exaggerate the potential power of the Internet and social media, particularly with respect to China. The protests in Hong Kong were significant in that they presented an opportunity to test the power of social media in a distinctly Chinese context. Indeed, the Hong Kong protests were an ideal case study in that the protests

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5. CLINTON’S FOREIGN POLICY: A DOCUMENTARY RECORD 198 (Philip Auerswald, Christian Duttweiler, & John Garofano eds., 2003).

6. ZIXUE TAI, THE INTERNET IN CHINA: CYBERSPACE AND CIVIL SOCIETY 133 (2013).

7. Hu Lian Wang Xing Xi Fu Wu Guan Li Ban Fa [Measures for the Administration of Internet Information Services] (promulgated by the Ministry of Info. Indus., State Council, Sept. 25, 2000, effective Sept. 25, 2000), art. 15 (China), *translated in Measures for the Administration of Internet Information Services (Chinese Text and CECC Partial Translation)*, CONG.-EXEC. COMM’N ON CHINA, <http://www.cecc.gov/resources/legal-provisions/measures-for-the-administration-of-internet-information-services-cecc> (last visited Jan. 9, 2015).

8. RESTLESS CHINA 89–90 (Perry Link, Richard Madsen, & Paul Pickowicz eds., 2013).

9. ONLINE SOCIETY IN CHINA: CREATING, CELEBRATING, AND INSTRUMENTALISING THE ONLINE CARNIVAL 55 (David Kurt Herold & Peter Marolt eds., 2011).

10. *Id.*

possessed all the constituents of a perfect storm. Unlike the rest of China, there is no regulation constraining Hong Kong's Internet beyond a limited number of laws that criminalize the distribution of pirated materials, child pornography, and obscene images.<sup>11</sup> Freedom of expression in all its forms — speech, print, cyberspace — is socially well-entrenched and finds unambiguous protection under the Hong Kong Bill of Rights.<sup>12</sup> In addition to the lack of legal restraints, Hong Kong possesses an assembly of conditions that, at least on paper, renders it highly predisposed to the energizing effects of social media. To this point, a comparison with the Arab Spring is extremely informative. While the conditions of the Arab Spring gave rise to sweeping political change, Hong Kong's "Umbrella Revolution" fizzled despite the massive advantages these protesters had over their Arab Spring counterparts.<sup>13</sup> Indeed, these advantages were many.

First and foremost, the Hong Kong protesters enjoyed a substantial technological advantage over their Arab Spring counterparts. In 2013, Internet penetration in Hong Kong was an impressive 74.2%.<sup>14</sup> This greatly exceeded the level of Internet penetration in the Arab Spring countries when protests were at their height. In 2010, Internet penetration in Tunisia, Egypt, and Libya stood at 36.8%, 31.4%, and 14%, respectively, while in Iran, access to the Internet was just 11.1% during the massive 2009 eruption of civil disobedience.<sup>15</sup> In addition, smartphone penetration in the Asia Pacific region has experienced exponential growth in recent years, with smartphone ownership in Hong Kong being amongst the highest in the world at 87%.<sup>16</sup>

Moreover, with the Hong Kong protests being largely youth driven, its main players were intimately familiar and comfortable with the use of social media, and exploited those tools at their disposal to their full advantage. This should come as little surprise considering that Hong Kong ranks as the seventh most tech-savvy city in the world.<sup>17</sup> Additionally, innovations in social media have surged in recent years and with them the

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11. See Copyright Ordinance, (2007) Cap. 528, 9, § 22 (H.K.); Control of Obscene and Indecent Articles Ordinance, (2003) Cap. 390, 4, § 8 (H.K.).

12. Hong Kong Bill of Rights Ordinance, (1997) Cap. 383, 7, § 8(16) (H.K.).

13. See *Hong Kong Protest Leader Defiant as He Turns Himself in to Police*, GLOBE & MAIL, Jan. 16, 2015, <http://www.theglobeandmail.com/news/world/hong-kong-protest-leader-defiant-as-he-turns-himself-in-to-police/article22484979/>.

14. *Internet Users (Per 100 People)*, WORLD BANK, <http://data.worldbank.org/indicator/IT.NET.USER.P2> (last visited Jan. 9, 2015).

15. *Id.*

16. *The Asian Mobile Consumer Decoded*, NIELSEN (Jan. 14, 2014), <http://www.nielsen.com/ph/en/insights/news/2014/asian-mobile-consumers.html> (tied with Singapore).

17. ERICSSON, NETWORKED SOCIETY CITY INDEX 2013, at 17 (2012), available at <http://www.ericsson.com/res/docs/2013/ns-city-index-report-2013.pdf>.

ability for rapid communication and group coordination. Demonstrators in Hong Kong mastered the use of Twitter and Facebook along with newer technologies such as WhatsApp and WeChat. A recent and crucial addition to social network technology, FireChat, requires neither cell reception nor the Internet for communications between users. Instead, it relies on the principle of mesh networking, enabling cellphones, where they are packed densely together, to communicate via Wi-Fi signals and Bluetooth, with each mobile phone acting as an additional node increasing the cellular network.<sup>18</sup> During the height of the protests, the FireChat app was downloaded close to a half million times in a single week in Hong Kong.<sup>19</sup>

Finally, Hong Kong enjoys some distinct geographic advantages. Hong Kong is a very small city with a population of over 7 million. Yet the journey on the city's metro system from end to end takes merely an hour, underscoring how densely populated the city is. The lack of any real logistical impediments to transporting and mobilizing demonstrators suggests that virtually all those who yearned to participate in the demonstrations did so.

### III. THE JELL-O IS FIRMLY NAILED TO THE WALL: REASSESSING THE POLITICAL POWER OF THE INTERNET IN A CHINESE CONTEXT

The failure of the protests in Hong Kong to galvanize greater civil disobedience forces us to re-evaluate the much-lauded political power of the Internet — particularly with respect to China. If Hong Kong's "Umbrella Revolution" could not sustain its momentum given all the legal and technological advantages at its disposal, how then can different results be expected in greater China? Compared with the rest of China, Hong Kong had all the constituents of a perfect storm. The current level of Internet penetration in Hong Kong (74.2%) is far higher than that of China (46.9%).<sup>20</sup> Even smartphone penetration in Hong Kong (87%) significantly exceeds the rest of China (71%).<sup>21</sup> In the case of Hong Kong, there were clear grievances around which the population could rally, grievances made well known to the public through the unrestricted censure of its media. Hong Kong is a Chinese city that labors under no legal or technological constraints on its Internet, has a tradition of political

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18. Archie Bland, *FireChat – The Messaging App That's Powering the Hong Kong Protests*, GUARDIAN, Sept. 29, 2014, <http://www.theguardian.com/world/2014/sep/29/firechat-messaging-app-powering-hong-kong-protests>.

19. Patrick Boehler, 'Off-the-Grid' Messaging Application FireChat Continues to Ride Occupy Boost, SOUTH CHINA MORNING POST, Oct. 7, 2014, <http://www.scmp.com/news/hong-kong/article/1611322/grid-messaging-application-firechat-continues-ride-occupy-boost>.

20. See *Internet Users (Per 100 People)*, *supra* note 14.

21. See *The Asian Mobile Consumer Decoded*, *supra* note 16.

engagement, and benefits from a highly educated and politically informed population.

Yet, given all of this, the protests failed to take hold — the clouds of the perfect storm scattered swiftly. The mood of the city quickly became one of fatigue, with many eager to simply see a return to normalcy. The Hong Kong protests tell us something unmistakable about the potential of social media to achieve political change in a Chinese context. In the wake of the Arab Spring, the political potency of social media has, it seems, been greatly exaggerated. The Chinese story is very different than the one that unfolded in the heart of the Islamic world five years ago. Hong Kong's "Umbrella Revolution" testifies to the fact that even savvy use of the Internet by a sophisticated citizenry does not assure the escalation of political unrest.<sup>22</sup> The purely technical characteristic of the medium cannot be divorced from the historical and socio-economic factors that drive the use of such technologies in specific ways and contexts. The broad array of conditions that fueled the Arab Spring were clearly not present in the case of Hong Kong, and this suggests they are equally, if not more profoundly, absent in the rest of China.

#### CONCLUSION

All of this conveys a very clear message. The failure of the Hong Kong protests demonstrate that Internet technology is not a technological blueprint for social change that can simply be grafted onto a society irrespective of that culture's socio-economic, political, and historical characteristics. It does not hold equally across dissimilar regions and cultures. Indeed, the failure of Hong Kong's "Umbrella Revolution" speaks authoritatively to the potential of social media to bring about civil unrest within China. The mere existence of social media and other Internet technology cannot in themselves guarantee political activism; the impetus for political reform must arise from an energized population eager to agitate forcefully for change. Clearly, this does not appear to be the case with respect to China. The events in Hong Kong suggest that Chinese society is not quite the sleeping dragon of dissent waiting to be awoken many believe it to be.

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22. JIANG, *supra* note 1, at 3–4.