Electronic Civil Disobedience: Inventing the Future of Online Agitprop Theater

RICARDO DOMINGUEZ

RICARDO DOMINGUEZ is an associate professor at the University of California, San Diego, in the visual arts department; a Hellman Fellow; and a principal investigator at the California Institute for Telecommunications and Information Technology (CALIT2). His recent project on nanotechnology, *Nanosférica*, which he created with *particle group*, will be presented in the online journal *E-misférica* in fall 2009.

We see that a certain revolutionary type is not possible, but at the same time we comprehend that another revolutionary type becomes possible, not through a certain form of class struggle, but rather through a molecular revolution, which not only sets in motion social classes and individuals, but also a machinic and semiotic revolution.

—Félix Guattari (qtd. in Raunig)

We follow the speed of dreams.
—Subcomandante Insurgente Marcos, *The Speed of Dreams* (2007)

CRITICAL ART ENSEMBLE STAGED THE THEORY OF ELECTRONIC CIVIL DISOBEDIENCE (ECD) AS A GAMBLE AGAINST A FORM OF THE ALL-too-present future of "dead capital," otherwise known as late capital. In our 1994 book *The Electronic Disturbance*, Critical Art Ensemble argued that dead capital was being constituted as an electronic commodity form in constant flow (11). Capital had been, was, and would continue to be reensembling itself, as the contemporary elite moved from centralized urban areas to decentralized and deterritorialized cyberspace (13). For Critical Art Ensemble, it was clear that cyberspace, as it was called then, was the next stage of struggle. The activist reply to this change was to teleport the system of trespass and blockage that was historically anchored to civil disobedience to this new phase of economic flows in the age of networks: "As in civil disobedience, primary tactics in electronic civil disobedience are trespass and blockage. Exits, entrances, conduits, and other key spaces must be occupied by the contestational force in order to bring pressure on legitimized institutions engaged in unethical or criminal actions" (Critical Art Ensemble, *Electronic Civil Disobedience* 18). As we imagined it in the early 1990s, electronic disturbance was the core gesture that could initiate a new "performative matrix" (*Electronic Disturbance* 57).

However, the conditions for this perfomative matrix came not from digital networks but from Chiapas, the southernmost state of Mexico and the site of the Zapatista uprising on 1 January 1994. The

uprising contested the implementation of the North American Free Trade Agreement (NAFTA), a signature economic structure of neoliberal globalization. It also happened to be the moment when Web-browser technology was first launched and war analysts such as David Ronfeldt et al. announced, "Cyberwar is Coming!" (15).[1] These events cascaded into one another, and an otherwise invisible rebellion by indigenous groups became the first postmodern revolution, connecting international electronic-support networks with the struggle on the ground. The RAND Corporation—the premier research-and-development think tank serving the United States armed forces—defined the emergence of the Zapatistas, digital Zapatismo, and the alterglobalization movement as a "new approach to social conflict" and as an important type of "social netwar." Social netwar was a new social formation that did not fit the paradigms "cyberwar" and "cyberterrorism" but instead created a transversal activism that drew "on the power of 'networks' and strengthened 'global civil society' in order to counter balance state and market actors" (Ronfeldt et al. 15).

The Zapatistas not only ripped into the electronic fabric of First World networks; more important, they created new types of political subjects and new conditions for agency on a global scale. The online agitprop performance group the Electronic Disturbance Theater (EDT) created a mass-demonstration machine (*FloodNet*) that enabled "virtual sit-ins" that could connect mass actions on the streets to alter-globalization communities online.[2] On 22 December 1997 forty-five indigenous people in Chiapas, in the small community of Acteal, were killed by a paramilitary group; it was this massacre that pushed ECD as a theory to hit the ground as a practice. EDT was created, and on 10 April 1998 *FloodNet Tactical Version 1.0* was launched—a three-hour ECD action against Mexican President Zedillo's Web site. The action used a Java applet reload function, the first test of *FloodNet*,

to send an automated reload request every seven seconds to Zedillo's page. Reports from participants and our observations confirmed that the more than ten thousand participants in this first *FloodNet* action intermittently blocked access to the Zedillo site on that day. The next electronic action was taken against the Clinton White House Web site on 10 May 1998. A similar *FloodNet* device was deployed, but this time reload requests were sent every three seconds. But because five mirror sites, most of which did not have counters on them, were used, we do not have an accurate account of the participants' numbers. And because reports about blockage of the White House Web site are lacking and the White House page presumably exists on a much larger server than the Zedillo page, it seems that the Clinton Web site was not effectively blocked on 10 May.

FloodNet software created a new mode of online communication, which amplifies the gaps in data (by asking what is missing in the databases' power) and overwhelms a site with requests for information. *FloodNet* makes visible what is invisible or without presence in government and corporate servers through the Dadaist force of the response "404_file not found." Brett Stalbaum, a cofounder of EDT, frames the "404_file not found" gesture within the arc of conceptual network-art (net.art) history:

> FloodNet is an example of conceptual net.art that empowers people through activist/artistic expression. By the selection of phrases for use in building the "bad" urls, for example using "human_rights" to form the url "http://www.gb.mx/human_rights," the FloodNet is able to upload messages to server error logs by intentionally asking for a non-existent url. This causes the server to return messages like "human_rights not found on this server."

The "404_file not found" gesture is an informatic cavity that repeatedly uploads into the infrastructure of power all the people who are missing, disappeared, and killed by the direct or indirect consent of that power and makes

them all visible to that infrastructure as an overflow of "not found" configurations. This aberrant function of browser-based technology allowed the weightless dreams of cyberspace to reinforce the unbearable weight of all that was absent from the infrastructure of governance and from the neoliberal drive that was solidifying a relation between the global market and information in Mexico under NAFTA at the time of the Zapatista uprising.

Electronic Civil Disobedience and the Law

In what ways does ECD fit the legal definition of civil disobedience? In 1998, online-activist actions were often framed as potentially illegal, as a form of "cybercrime" known as DoS (Denial of Service) or DDoS (Distributed Denial of Service):

> A denial-of-service attack (DoS attack) or distributed denial-of-service attack (DDoS attack) is an attempt to make a computer resource unavailable to its intended users. Although the means to, motives for, and targets of a DoS attack may vary, it generally consists of the concerted, malevolent efforts of a person or persons to prevent an Internet site or service from functioning efficiently or at all, temporarily or indefinitely.   (Chau)

EDT was consistently clear, however, that its actions were meant to raise legal, not technical, questions. ECD is not about code qua code between machines but about a new form of social contestation that appeals to existing laws that define the legal status of civil disobedience nationally and internationally.

In his essay "Civil Disobedience and the Social Contract, " John Rawls defines civil disobedience as "a public, nonviolent, and conscientious act contrary to law usually done with the intent to bring about a change in the policies or law of the government" (356). For EDT it has been important that local, national, and international courts judge its acts—or those of any group that follows the performance

paradigm that we have established—as transparent civil acts of disobedience and not as "cybercrimes." Rawls expands on the public dimension of civil disobedience:

> Civil disobedience is a political act in the sense that it is an act justified by moral principles which define a conception of civil society and the public good. . . . Civil disobedience is a public act which the dissenter believes to be justified by the conception of justice and for this reason it may be understood as addressing the sense of justice of the majority in order to urge reconsideration of the measures protested and to warn that in the sincere opinion of the dissenters, the conditions of social cooperation are not being honored.   (358)

The legal scholar William Karam points out that EDT's online activism shares two important features with civil disobedience: deliberate unlawfulness and accepting responsibility. He writes that EDT members "have commonly used their real names and openly accepted responsibility for their actions. . . . Thoreau's ideas are equally applicable to hacktivism in the information age." Similarly, Dr. Dorothy E. Denning of Georgetown University stated in her testimony before the Committee on Armed Services's Special Oversight Panel on Terrorism in the United States House of Representatives on 23 May 2000, "EDT and the Electrohippies view their operations as acts of civil disobedience, analogous to street protests and physical sit-ins, not as acts of violence or terrorism. This is an important distinction. Most activists, whether participating in the Million Moms' March or a Web sit-in, are not terrorists." These acts of digital transparency are important for civil society and the courts to understand. In our view, ECD is and should be treated as a digital practice intimately tied to the long tradition of civil disobedience—nothing more and nothing less.

The issue of the legality of ECD has been tested in several contexts. In 2005 a legal case in Frankfurt, Germany, developed over an

ECD action against Lufthansa, against the immigrant-deportation business it was doing with the German state. About forty thousand people have been deported from Germany every year from the mid-1990s to today. Lufthansa, Europe's second-biggest airline, was readily allowing German state authorities to use its global flight network to help carry out their deportation policies. A number of deaths resulted from deportation; the two most well-known were those of Kola Bankole, in 1994, and Aamir Ageeb, in 1999, who both died on-board Lufthansa airplanes. EDT was invited by two important activist groups in Germany, No One Is Illegal and Libertad!, to speak in German cities in June 2001 about the history of ECD and EDT's use of mass nonviolent direct action online. We spread the word about the virtual sit-in on Lufthansa during the yearly shareholder meeting on 20 June 2001 and spoke to small and large groups of activists, journalists, artists, hacktivists, as well as all the major newspapers and radio and television networks. The "Deportation Class Action," as it was called, followed all the protocols of transparency that had been established for ECD. All the activists, artists, and "artivists" announced the dates, times, and reasons for the actions online, as well as the actions in the streets and inside the shareholder meeting—nothing was hidden.[3] Some thirteen thousand people joined the online protest that day, and the Lufthansa Web site went offline. As a result, Lufthansa ended its deportation business with the German government ("Stop").

On 14 June 2005 the activist Andreas-Thomas Vogel went on trial in a lower court in Frankfurt. Vogel had registered the domain name "libertad.de," a site where the call for the Lufthansa action had been published in 2001. Vogel was prosecuted in a high-security courtroom normally used for terrorist trials:

> [T]he first-instance court of Frankfurt found initiator Andreas-Thomas Vogel guilty and sentenced him to a fine of 90 days' pay. The

court found the demonstration to be a use of force against Lufthansa as a web site operator as well as against other Internet users; specifically, the airline had suffered economic losses from the campaign, while other Internet users had been prevented from using Lufthansa's web site. The online demonstration was found to be a threat of an appreciable harm as defined by German Penal Code Section 240; Vogel was therefore found to be inciting people to commit coercion. ("Higher Regional Court")

The lower court was reading ECD in relation to market drives and "cybercrime" and not as a form of civil disobedience protected by German citizens' constitutional rights. A year later, however, newspapers reported that the First Penal Senate of the Higher Regional Court of Frankfurt had overruled the initial verdict: "The Higher Court found that the online demonstration did not constitute a show of force but was intended to influence public opinion. This new interpretation left no space for charges of coercion, and the accused was found not guilty" ("Higher Regional Court").

This decision by the Higher Regional Court of Frankfurt was an important development in the theory and practice of ECD. It responded to the disappearance of constitutional rights that accompanied the erasure of the (ruleless) law by global markets and the war on terror. This connection was foregrounded by the German activists; for them, ECD action was not about the law and technology but about the law and the inhuman condition of the migrants who were being killed by the hyperviolence of the lawless law of deportation: As the Libertad! spokesperson Hans-Peter Kartenberg puts it, "Although it is virtual in nature, the Internet is still a real public space. Wherever dirty deals go down, protests also have to be possible" ("Higher Regional Court"). For Libertad! activists, as for EDT, ECD uses technology as an amplification gesture for those who do not have access to the biopolitical rules of globalization or state laws, on behalf of citizens and immigrants,

since no one has been exempt from "the state of exception" since 9/11 (Agamben).

Postmedia Swarms after 9/11

9/11 has been constructed as an ontological event that redefined the nature of all forms of political realism for both war and security, an event zone where history bifurcated into a bad end and a terrible restart. On that day the neoconservative "end of history" narrative became the future-present Operation Infinite War, all under the signs of speed and the media simultaneity that radiated from the attack on the World Trade Center towers. How did activists, artists, and agitprop performers respond to this cultural shift? I would argue that these new postmedia formations had anticipated the shift long before 9/11.[4] Thus, we have been able to continue developing the language of civil disobedience that combines "social netwar" and "tactical frivolity" (Critchley 124), erasing the first and amplifying the second as a "meta-political disturbance" (129). EDT's networks understood that the ontological core of the post-9/11 politics of fear could not completely seal away critical resistance, counterpublics, and the speed of dreams that had already emerged before 9/11.

While the age of insecurity began to stumble around with all the fury of a new manifest destiny, as early as 1999 the neoconservative dream of a new Pearl Harbor was set to play and record by Project for the New American Century (PNAC), a think tank based in Washington, DC, that lasted from early 1997 to 2006. PNAC's pre-9/11 agenda can be traced back to the policy paper "Rebuilding America's Defenses," posted in 2000, which defined PNAC's core goal as encouraging the United States to "fight and decisively win multiple, simultaneous major theater wars." It asks for a nightmare-before-Christmas gift: "Further, the process of transformation, even if it brings revolutionary change, is likely to be a long one, absent some catastrophic and catalyzing

event—like a new Pearl Harbor" (Donnelly). The neoconservatives also hoped to deploy an expansion of internal controls of the masses in the United States: "free speech zones" that were holding pens far away from the power brokers, uncontrolled surveillance of United States citizens, the indiscriminate gathering of anyone who seemed other (soon to be profiled as "enemy combatants"), and the making of anyone who was not with the "Osama bin Bush" regime invisible to the dominant media.

Activists, artists, artivists, hacktivists, and international civil society soon discovered what the new normal would mean to the alter-globalization movement during the World Economic Forum (WEF) meeting on 31 January 2002—only four months after 9/11—which usually met in Davos, Switzerland, and instead met in New York City to demonstrate that "virtual capitalism" was not shutting down but only revving up for the next good war. EDT chose to march across the arcs of the realities without fear—everyone would continue to share lateral tactics on the streets and online. We were all in a fractal agreement: the alter-globalization movements would not be stopped. It was important to the "movement of movements," as it was called in those days, that the new normal not define the nature and breadth of nonviolent contestation and protest. While the media created the vortex of fear around the protest as an arm of global terrorism, a large number of activists were arrested between 15 and 20 January without cause in their homes and activist information centers. The tension within the activist communities was certainly high, yet this did not stop EDT or a multitude of other groups from joining together in the streets and online. An important element of ECD for EDT is that one can leave one's computer protesting at home and then hit the streets to do the same—so that individual databodies and real bodies can unite in action. Through the EDT's online actions, over 160,000 demonstrators brought down the WEF Web site

in less than six hours. This e-action brought ECD theory to life, disturbing the flows of virtual capital; EDT's gesture was intended not just to stop the Internet access of the most powerful individuals representing the richest nations on our planet but to show once more that the WEF's transnational economic vision for the last fifty years was faulty at all levels.

EDT's disturbance of the semantic prison house of cyberwar, cyberterrorism, and cybercrime before 9/11 allowed a visceral and political poetics to open social spaces for mass and intimate protest that can now be polyspatial—from the Zapatista uprising to protests on the streets of Seattle to coordinated global ECD actions. EDT's disturbance of rhizomatic power flows can be understood if we recognize that the flows of virtual capital are still uni-directional: "steal from the bottom and keep it all on top; take from the South and keep it in the North, IMF growing and Argentina dying, Chiapas asking for Democracy and NAFTA deleting Democracy" (Dominguez). That is, the power of virtual capital and its real war technologies is not a "rhizome, but . . . naked neo-imperialism. Rhizomatic power in turn does flow from groups like the Zapatistas who have developed distributed abilities that are not uni-directional." At its core, the goal of EDT's acts of ECD is to block the trajectories of virtual capitalism's race toward weightlessness and the social consequences of a totalized immaterial ethics.

NOTES

1. *Mosaic* for the X Window System on Unix computers was released on 22 April 1993 ("*Mosaic*").

2. The Electronic Disturbance Theater is made up of Carmin Karasic (artist, interface designer, and graphic designer for *FloodNet*), Brett Stalbaum (Java programmer, artist, and author of the *FloodNet* applet), Stefan Wray (theorist, writer, and agitator), and me (organizer, agitator, artist, and theorist).

3. *Artivist* has been defined as "a portmanteau word combining 'art' and 'activist.' Artivism developed in recent years while the alter-globalization and antiwar protests emerged and proliferated. A typical short-term goal of artivists is to reclaim public space, especially by subvertising or destroying ads in urban areas or city transportation systems. Nevertheless artivists engage in different media like the internet not only for actions which could be described as hacktivism" ("Artivist").

4. The independent forms of communicative agency that have emerged over the past years in free radios, mediactivism, telestreet, subvertising, and so on express and prefigure what Félix Guattari called a "post-media civilization." Their independence challenges the powers that be. To understand its meaning, one needs to go back to the Guattarian notion of "collective assembling" and to reflect on the difference between the concept of technical automatism and that of technical arranging (Videcoq and Prince).

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