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# The Streisand effect and censorship backfire

Sue Curry Jansen  
*Muhlenberg College, USA*

Brian Martin  
*University of Wollongong, [bmartin@uow.edu.au](mailto:bmartin@uow.edu.au)*

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## **Abstract**

Barbra Streisand's attempt to restrict online views of her residence on a public website had the paradoxical effect of leading to many more views than if she had done nothing. Subsequently, attempts at censorship that end up being counterproductive have been dubbed the "Streisand effect." To better understand the dynamics of the Streisand effect, we examine five tactics used by censors to reduce outrage from their actions: (1) hiding the existence of censorship; (2) devaluing targets of censorship; (3) reinterpreting actions by lying, minimizing consequences, blaming others, and using benign framing; (4) using official channels to give an appearance of justice; and (5) intimidating opponents. Within this framework, the Streisand effect can be understood as a special outcome of censorship attempts, one in which the methods used to reduce outrage did not succeed.

## **Keywords**

streisand, effect, censorship, backfire

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## The Streisand Effect and Censorship Backfire

SUE CURRY JANSEN  
Muhlenberg College, USA

BRIAN MARTIN<sup>1</sup>  
University of Wollongong, Australia

Barbra Streisand’s attempt to restrict online views of her residence on a public website had the paradoxical effect of leading to many more views than if she had done nothing. Subsequently, attempts at censorship that end up being counterproductive have been dubbed the “Streisand effect.” To better understand the dynamics of the Streisand effect, we examine five tactics used by censors to reduce outrage from their actions: (1) hiding the existence of censorship; (2) devaluing targets of censorship; (3) reinterpreting actions by lying, minimizing consequences, blaming others, and using benign framing; (4) using official channels to give an appearance of justice; and (5) intimidating opponents. Within this framework, the Streisand effect can be understood as a special outcome of censorship attempts, one in which the methods used to reduce outrage did not succeed.

*Keywords: Streisand effect, censorship, backfire, tactics, outrage*

### Introduction: The Streisand Effect

The California Coastal Records Project is an award-winning, publicly accessible online database containing thousands of photographs of the California coastline. One of these photographs includes the Malibu mansion of celebrity Barbra Streisand. In February 2003, Streisand sued the photographer, Kenneth Adelman, and Pictopia.com, an online photo sales company, for invasion of privacy, seeking \$50 million in damages. Before the lawsuit, the photo of Streisand’s residence had been downloaded just six times, two of them by her lawyers. In response to the publicity created by the legal action, however, the photo became an immediate Internet hit, downloaded over 420,000 times within a month. In December 2003, the Los Angeles Superior Court dismissed the lawsuit.

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Sue Curry Jansen: jansen@muhlenberg.edu

Brian Martin: bmartin@uow.edu.au

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If Streisand had not called attention to the photograph, few people would have been aware of its existence, but her attempt to have it removed had the unintended effect of publicizing the photograph's existence and generating enormous interest in it. Streisand had reasonable concerns about her privacy and safety, but she was nonetheless demanding special treatment as a celebrity and seeking excessive damages.<sup>2</sup>

The Streisand case triggered awareness of analogous instances in which attempts to suppress information had the unintended consequence of stimulating greater demand for information than would have occurred if no action had been taken. Streisand was unlucky enough to have her name attached to this phenomenon by Mike Masnick (2005), founder of the blogging group *Techdirt*, who used it to describe cases of legal overreach by trademark and copyright holders. The term quickly gained traction on the Internet as users identified similar cases, and a Wikipedia page was created specifically to catalogue a growing list of examples.

In this article, we explore a series of cases that illustrate the broad range of behaviors that can elicit the Streisand effect, examine the Streisand effect as a communication phenomenon, and outline a framework for understanding the tactics used in struggles over perceived injustices—in this case, censorship. This framework demonstrates that the Streisand effect is a contingent outcome, depending on tactics used by censors and their opponents. We then apply this framework by revisiting Barbra Streisand's dilemma and examining other cases, including some in which no backfire occurred. Finally, we explore the implications for defending free speech.

Celebrities like Streisand are, of course, hypervisible, seeking, attracting, and creating publicity. Consequently, their attempts to evade, quash, or censor information about themselves make them particularly vulnerable to the Streisand effect, as Tom Cruise, Beyoncé, and others have discovered (Wilson, 2013). Because they routinely exploit and are exploited by the press, celebrity publicists are expected to play by informal rules of the game, which may occasionally include quid pro quo agreements with reporters to keep some minor celebrity indiscretions off the record. Lawsuits and other formal attempts to censor the media are provocative violations of these reciprocal understandings and usually trigger negative publicity. Similar conventions apply to coverage of professional athletes, politicians, and other publicity dependent public figures.

Despite the unfortunate association of this effect with a Hollywood superstar, censorship backfire is not a dynamic that applies only to the rich and famous nor is it simply a trivial byproduct of our celebrity culture. A few examples illustrate the broad range and significance of its application.

The case of Phillip Bonaffini and Bridgeport Hospital demonstrates that the Streisand effect can involve ordinary citizens. Bonaffini sued the hospital on the grounds that in 1997, his wife contracted an

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<sup>2</sup> The Streisand case received global coverage. An extensive inventory of links to that coverage as well as the disputed photograph can be found on the webpage "Barbra Streisand Sues to Suppress Free Speech Protection for Widely Acclaimed Website," at <http://www.californiacoastline.org/streisand/lawsuit.html>.

infectious disease while undergoing cardiac surgery at Bridgeport and died. The hospital settled the suit. One of the conditions of the settlement was a confidentiality agreement that prohibited Bonaffini from discussing the case publicly. In 2002, however, he was quoted in a *Chicago Tribune* story about infectious diseases in hospitals, an apparent violation of the settlement agreement, and Bridgeport Hospital sued Bonaffini. This move received immediate national media coverage, making the hospital appear insensitive to the plight of the grieving spouse and his codefendant, a former patient confined to a wheelchair. In response to the negative publicity, Bridgeport Hospital quickly withdrew the suit, a decision that seemed to confirm the view "that legal action intended to relieve a public relations headache had created a public relations nightmare instead" (Herszenhorn, 2002, para. 1).

Even a child can trigger censorship backfire, as the 2012 case of nine-year-old Scottish schoolgirl Martha Payne illustrates. Payne photographed and wrote about her school lunches on her blog. Chef and food reformer Jamie Oliver tweeted his support, stimulating great interest in the blog: In two months, it received 3 million hits. In response, Argyll and Bute Council, the local government authority, banned Payne from taking photos of the lunches, claiming the pictures made the food staff fear for their jobs. After Martha blogged about the ban, the censorship story was soon picked up by national media and online sources. In a tweet, the Scottish Education Minister described the ban as "daft" (Hough & Johnson, 2012, para. 21). Due to the adverse publicity, the Council decision was soon reversed. Council leader Roddy McCuish told BBC Radio 4, "There's no place for censorship in Argyll and Bute Council and there never has been and there never will be" (para. 3).

The next example is unusual in that it involved not only a corporation—Trafigura, a multinational commodity trading company—but also the British government, a controversial legal maneuver, news media, and determined Twitter users. In 2009, Trafigura obtained a "super-injunction" to prevent the media from reporting a question that Labour parliamentarian Paul Farrelly asked during a British parliamentary session about the alleged 2006 dumping of toxic waste in the Ivory Coast that made thousands of people sick. *The Guardian* newspaper responded by publishing a statement that it had been prevented from printing a parliamentary question in violation of the 1689 Bill of Rights. The injunction prohibited the paper from identifying the parliamentarian, the nature of the question, where the question could be found, what company was involved, and even the existence of the injunction itself. Overnight, Twitter users tracked down the company, the parliamentarian, and the question; by morning, the full text of the question was published in two prominent blogs and in the magazine *Private Eye*. Trafigura withdrew its gag order by midday, and by early evening *The Guardian* published the story. Instead of an undesirable report about a three-year-old incident, both Trafigura and its law firm, Carter-Rick, became part of a much larger and more compelling story about press freedom and constitutional infringement (Leigh, 2009).

Governments are, of course, the usual suspects in censorship cases. Edward Snowden's 2013 disclosures about the secret global surveillance program run by the United States and allied governments (Greenwald, 2014; Gurnow, 2014; Harding, 2014) have far too many serious long-term ramifications to begin to unpack here. However, two early official censorial responses triggered the Streisand effect in a way that created ready fodder for satirists, comedians, and political cartoonists. Snowden provided Glenn Greenwald of *The Guardian* and two other reporters with exclusive access to his story and supporting documents, which the newspaper covered serially throughout the summer. In June, the Pentagon used

computer filters to block U.S. military personnel's on-base access to all or parts of *The Guardian* website (Ackerman & Roberts, 2013). Similarly, the U.S. Senate Security Office directed Senate staffers and contractors to ignore the classified documents that Snowden had released, which were circulating freely on the Internet and excerpted in the mass media. If they inadvertently accessed the material, Senate personnel were instructed to "contact the Senate Security Office for assistance" (quoted in Hill, 2013, para. 6). Since the Snowden story dominated the news throughout the summer, these prohibitions were received by many as not only silly but also as evidence of the bureaucracy's detachment from reality. Masnick (2013) subtitled his *Techdirt* blog post about the prohibition "from the *i-prefer-not-to-be-governed-by-the-insane* dept," but even a journalist for the usually staid business magazine *Forbes* described the ban as "a terrible attempt to chase cats around trying to get them back into bags. And worst of all, puts staffers in the uncomfortable position of breaking protocol by following links on Google News" (Hill, 2013, para. 8).

A final example involves WikiLeaks. In 2010, not only did the U.S. government issue warnings to its employees prohibiting them from viewing WikiLeaks, it also pressured several Internet companies to cut off access to WikiLeaks. In response, however, Internet activists created hundreds of mirror sites hosting copies of the WikiLeaks site, thereby foiling attempts to block access and generating negative publicity for both the government and the companies that cooperated with the effort (Somaiya, 2010). Martin (2000) reported on similar online initiatives to provide access to information about the treatment of two Australian academics after university administrators tried to discourage publicity by threatening to sue for defamation.

To date, most of the discussion of the Streisand effect has occurred online. This is understandable because the Streisand case involved a website, the term "Streisand effect" was coined online, and Wikipedia has served as a repository for recording cases of the Streisand effect. In addition, the reach, penetration, and speed of the Web greatly amplify the Streisand effect, and the architecture of the Web provides metrics for precisely documenting the effect. Nonetheless, in *The Net Delusion*, Evgeny Morozov (2011) points out:

The logic behind the Streisand Effect . . . does not have much to do with the Internet. Throughout history there has hardly been a more effective way to ensure that people talk about something than to ban discussions about it. Herostratus, a young Greek man who in 356 BCE set fire to the Temple of Artemis at Ephesus, may be the world's first documented case of the Streisand Effect. Herostratus's ultimate punishment—that is, in addition to being executed—was for his act to be forgotten, on strict orders from the Ephesian authorities, who banned anyone from ever mentioning his name. And here we are, discussing the story of this narcissistic pyromaniac thousands of years later. (p. 121)

Like Morozov, Jansen (1988) also identified early awareness of this effect. She notes that in his *History* (109 AD), Tacitus commented on the paradoxical effect of Nero's censorship: "So long as the possession of these writings were attended by danger, they were eagerly sought and read: when there was no longer any difficulty in securing them, they fell into oblivion" (Tacitus quoted by Jansen, 1988, p.

42). Jansen also contends that modern advertisers and publicists “have cynically used the *Tacitean principle*, the lure of forbidden fruit, in their marketing strategies” (1988, p. 42). Film promoters, for example, have been known to seek restricted ratings for their work to generate greater audience interest.

Except for Morozov’s brief discussion, the Streisand effect has not yet received much scholarly attention.<sup>3</sup> The limited coverage it has received has been primarily in the context of addressing its implications for other topics, including ethics (Zhao, 2013), defamation (Marton, Wilk, & Rogal, 2010), marketing (Glazier, 2011), public relations (Smith, 2013), and WikiLeaks (Corneil, 2011; Eagleman, 2011). This pragmatic focus is understandable. Legal overreach has triggered a number of prominent cases of the Streisand effect; legal, public relations, reputation, and branding specialists are called upon to mediate or repair such damage, causing these fields to have strong commercial incentives to find ways to avoid the Streisand effect—to keep the metaphorical cats in the bag.

Our intent is different: We analyze the Streisand effect in terms of its communication constituents and social dynamics. While we share Streisand’s regret that her name has been attached to the backfire effect, we also accept the fact that neither Nero nor the Ephesian authorities are likely to displace it. Although many still consider the effect to be a novel artifact of the Internet, we want to emphasize that there are many contemporary examples of the backfire effect operating offline. One of the most prominent is the McLibel case in which McDonald’s sued two British anarchist activists over their group’s leaflet “What’s Wrong with McDonald’s?” The activists, Helen Steel and Dave Morris, were not intimidated and resisted McDonald’s in court. The case became the center of an international campaign that was a public relations disaster for the company (Donson, 2000; Vidal, 1997). Since then, corporations have been much more wary of outcomes similar to what might legitimately have been labeled “the McLibel effect.”

Another widely publicized example involves Fox News Network’s 2003 lawsuit charging Al Franken—then a comedian and political commentator and now a U.S. Senator—with copyright infringement over his book titled *Lies and Liars Who Tell Them: A Fair and Balanced Look at the Right*. Fox claimed that it owned the rights to the phrase “fair and balanced.” Fox lost the lawsuit, but as a result of the publicity it generated, Franken’s book shot to the top of bestseller lists. The Streisand effect might also have been called the “Fox effect.”

Most examples of censorship that backfires, including some discussed in this article, have an ironic, triumphal, David-versus-Goliath quality about them: A powerful force mobilizes great resources to silence a weaker individual or group but misjudges the adversary (WikiLeaks activists) and the public’s response (Bonaffini and McLibel cases) and is defeated. In reality, however, Goliath usually does prevail in everyday life, both on and off the Internet. Schools and workplaces, for example, routinely ban student

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<sup>3</sup> The Streisand effect actually has a venerable prehistory, as anonymous netizens contributing to the “Streisand effect” Wikipedia page have recently noted. Sociologist Robert K. Merton (1936) described the “unanticipated consequences” of an action, distinguishing three types: those that are functional for the actor or social system; those that are dysfunctional, like the Streisand effect; and those that are irrelevant, neither functional nor dysfunctional.

and employee activities without any backfire (contra the Payne case). It is the element of surprise—or, from Goliath’s viewpoint, miscalculation—that makes these cases noteworthy and compelling.

### **Censorship and Backfire Dynamics**

In the emerging literature on the Streisand effect, the word “backfire” is frequently used as an informal way to describe the effect. We have also used it that way in some instances above. Here, however, we move from colloquial usage to a more formal discussion of backfire theory (Martin, 2007) and its application to censorship (Jansen & Martin, 2003, 2004; Postigo, 2010; Yecies, 2008).

There is precedent for this move in the academic literature on censorship: Antoon de Baets (2012) has applied the concept to the censorship of history, describing the epistemological paradoxes involved in studying censorship and the distortions and omissions in the historical record that can result from both successful censorships and sometimes even from backfires that exaggerate the agency or virtues of a suppressed group. De Baets maintains, “Censorship may not suppress alternative views but rather generate them, and, by doing so, become counterproductive. Censorship backfires” (2012, p. 232). De Baets provides compelling examples and a useful taxonomy for analyzing censorship of history, but he does not examine the communication constituents of censorship and backfire dynamics. That is our objective here.

In theory at least, all member states of the United Nations formally support free expression under Article 19 of the Universal Declaration of Human Rights, and most democracies offer at least some minimal support for press freedom. Consequently, when nations or powerful private organizations censor, they generally need to rationalize their actions to reduce outrage by resorting to the methods described below (Jansen & Martin, 2003, 2004).

Consider extreme cases in which powerful individuals or groups take violent actions that an “impartial spectator”<sup>4</sup> (Sen, 2009, p. 124) would consider unjust, such as brutal police beatings, massacres of peaceful protesters, torture, and genocide. Although overwhelming force may be on their side, perpetrators and their allies still commonly take steps to reduce public outrage by using one or more of these five tactics (Martin, 2007):

- Covering up the action
- Devaluing the target
- Reinterpreting events by lying, minimizing consequences, blaming others, and using favorable framing

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<sup>4</sup> Sen’s concept of the impartial spectator builds on a similar idea developed by Adam Smith and is not to be confused with either modern scientific or journalistic concepts of objectivity. Sen’s concept has many assumptions built into it including that the stranger is reasonable, has no vested interest in the outcome of the situation, and is not under threats of intimidation. It is similar to a Weberian ideal type against which the actual testimony of spectators can be assessed.



- Using official channels to give an appearance of justice
- Intimidating or rewarding people involved

Even the most ruthless and powerful groups use these methods to justify their atrocities. For example, the Nazis used all five methods in their so-called euthanasia program to kill people with disabilities: The program was assiduously hidden from the general public; people with disabilities were stigmatized as a societal burden; those who had suspicions about what was happening, such as parents of victims, were met with lies about the cause of deaths; formal complaint procedures led nowhere; and protesting parents were threatened with losing their other children or worse (Martin, 2013).

These methods do not necessarily operate in any predictable sequence. They can occur before or after an action. For example, although it occurred a century ago, the Turkish government continues to devalue anyone who seeks to raise awareness of the 1915 Armenian genocide (Bloxham, 2005; Robertson, 2014).

Covering up the action is itself a form of censorship—censorship of censorship—much like the “super-injunction” imposed on the media by Trafigura. If the cover-up is successful, then other methods may not be necessary. If people, especially dissidents, suspect censorship, other methods may need to be deployed. When these methods fail to suppress outrage, demand for the censored information usually escalates, resulting in wide dissemination of the sensitive information, or backfire.

The backfire or outrage-management model is rooted in traditions of social justice research and activism. In the study of nonviolent action, the phenomenon of counterproductive attack has been called moral jiu-jitsu (Gregg, 1934/1966), political jiu-jitsu (Sharp, 1973), or the paradox of repression (Smithey & Kurtz, 1999). The backfire model expands this concept in two main ways. First, it looks at methods of reducing or increasing outrage as well as the outcome of backfire itself; in other words, it looks at the process or dynamics of backfire and the results of that process. Second, it can be applied to a wide range of topics well outside the template of nonviolence versus violence.

In most cases, only powerful perpetrators have the resources and authority to use all five methods. An individual perpetrator, such as a child molester, is likely to rely primarily on cover-up and intimidation of the victim. An institution, like a church containing child molesters, can more readily use official channels, intimidation, and rewards to reduce outrage.

Each of the five methods for reducing outrage can be countered with corresponding methods for increasing outrage:

- Exposing the action
- Validating the target
- Interpreting the events as unjust

- Avoiding or discrediting official channels and mobilizing public support
- Resisting intimidation and rewards

Applied to censorship, these techniques are straightforward, although not usually easy to implement. The backfire model recommends exposing the existence of the censorship; showing the value of and demonstrating support for the target or targets of the censorship; explaining what has happened—countering lies, minimizing, and blaming—and framing the action pejoratively as censorship to generate popular concern rather than relying on appeal procedures, government agencies, or courts; and doing all this while being subjected to intimidation and/or tempted by rewards, bribes, awards, promotions, and the like.

The role of media is usually crucial, although sometimes word-of-mouth may be enough to arouse counter-responses to censorship at the organizational level or in very small communities. Most old and new media organizations, including those operating under oppressive regimes, have vested interests in and value orientations supportive of media autonomy (Englund, 2011). In some media traditions, including the U.S., attempts by powerful people or organizations to censor the less powerful play into the press and public's love of "underdog" stories—that is, stories that, in Finley Peter Dunne's immortal words, "comfort the afflicted and afflict the comfortable." Digital media activists not only inherit some of these old media values, they amplify them. The slogan "Information wants to be free" expresses the libertarian anticensorship bias of Internet activists and hackers.

In summary, backfire usually depends on media exposure; the value orientations of both old and new media generally predispose journalists, bloggers, and technology activists to oppose censorship, making them important potential allies in anticensorship struggles. Robert Jensen's *Writing Dissent* (2005) offers practical strategies for gaining access to mainstream media coverage. While there are no formal barriers to Internet access except requisite technical skills, finding an audience is another matter; however, supporters can create websites and use well-crafted, persuasive messages and documentation to contact potentially sympathetic bloggers and Twitter users who have large followings. It is important that such initiatives are carefully planned and developed as they, too, can backfire. Securing the assistance of respected, media-savvy, third-party advocates is especially effective: Charlotte Ryan and William Gamson (2011) provide a useful model for academics interested in becoming advocates for under-resourced groups. Sometimes lawyers will take on such cases pro bono.

### **Backfire Tactics in Action**

Barbra Streisand is not a government; her word is not law. That is obvious, but it is important to remember when analyzing her attempt to block public access to the photo of her mansion. In principle, Streisand could have used any of the five methods for reducing outrage: cover-up, devaluation, reinterpretation, official channels, and intimidation. If her legal action had passed unnoticed by the wider public, constituting a sort of de facto cover-up, she would have had a chance of success; however, the publicity about her legal action served as a powerful countertactic of exposure. Streisand did not attempt to devalue the photographer or his photograph. Her legal action in effect framed the issue as privacy, but there was no organized campaign to promote this framing. Those opposed to Streisand's action

interpreted it as censorship. In the interpretative struggles over the photo, an important argument in photographer Kenneth Adelman's defense was that he had not singled out Streisand; instead, his photographs were part of a public service documenting coastal erosion. These facts also served to validate the photo by showing it belonged in a category very different from photos by paparazzi.

Streisand used an official channel, the courts, to mount her case; this was different than using the courts to dampen outrage over censorship. Finally, the claimed damages of \$50 million could be seen as a form of intimidation. This might have been effective in inducing acquiescence if the matter had not been made public. However, publicity about the exorbitant monetary demand—far greater than most people would judge appropriate for the alleged transgression—only increased outrage over Streisand's actions.

In summary, Streisand had limited capacity to reduce outrage over her attempt to block access to the photo. As a rich, famous, private individual, she could launch intimidating legal action but could do little to stem the reaction following publicity about her legal action.

To fully appreciate the capacity of powerful groups to reduce outrage over censorship, it is necessary to examine cases that did not backfire—cases in which there was no Streisand effect. The flaw in looking only at instances of the Streisand effect is that there is no control group; the cases examined are potentially atypical. The same sort of problem occurs when studying what makes an individual or a company successful: If only successful cases are examined, and their characteristics are assumed to be the cause of success, the possibility that chance and circumstance were crucial is missed (Rosenzweig, 2007; Taleb, 2001).

With this stricture in mind, we turn to some examples of censorship that did not cause outrage or attract greater attention to the censored information, at least not initially. In doing this, there is, of course, a fundamental limitation: The most successful efforts at censorship are little known, or not known at all, because "One of the first words to be censored by the censors is the word 'censorship'" (Scammell, 1988, p. 8). We are therefore limited to cases in which censorship has failed to at least a limited extent. To address this conundrum, we use the concept of "layered censorship": information about an event that is differentially available as if it were originating at the center of an onion. Near the core, a few individuals—perhaps just one—have the most comprehensive information. In the next outer layer of the onion, more individuals have information, but it is less detailed. Further layers continue this pattern, with ever more individuals having less information; in the outer layers, most people know nothing.

An exemplar of the information onion analogy is a story that is never reported in the mass media, but only in a few alternative media outlets. Within certain circles the story is known, but most people know nothing about it. In this and other examples, censorship is not absolute, but is effective enough to limit awareness and understanding of the issue, reducing the potential for popular concern. All of our examples involve layered censorship. If the censorship were completely effective, it would remain undetected. Sometimes, however, with the passage of time, information that was once highly sensitive loses its volatility and becomes public: Those currently in power may release it or records may be deposited in archives and later discovered or reinterpreted by historians.

The Cold War is a case in point. Both superpowers have released archival documents that were once closely guarded secrets. The Soviet archives offer a paradoxical take on censorship: At the same time that its propaganda arm was mythologizing Lenin as a secular godhead, its censorship bureaucracy, Glavit, was censoring the works included in the Soviet edition of Lenin's "complete" writings because his ideas did not conform to then-current ideology. That censorship was, in turn, censored, and the cover-up succeeded. Party insiders had nothing to gain and everything to lose by disclosing it. With the demise of the Soviet Union in 1991, however, opening the secret archives contributed to the legitimacy of the new order under Boris Yeltsin and pounded a metaphoric nail in the communist coffin. The move demythologized Lenin and revealed that some of the worst excesses of the Stalinist era had their roots in Leninism (Pipes, 1996; Volkogonov, 1994). The change of regimes had already consumed the potential for any immediate backfire.

For many years, U.S. authorities denied rumors about the existence of Operations Northwoods and Mongoose, actually a series of plots designed to sabotage the Castro regime, most infamously a 1960–1961 CIA scheme involving the mafia in a plot to assassinate Fidel Castro. Since a large number of people were involved in various actions associated with these intrigues, there were rumors, but the rumors and investigative reporters who pursued them were devalued and dismissed as part of the radical lunatic fringe. It was implied that no sensible person would believe that their government could be involved in such bizarre activities. But in 1975, a Senate investigation headed by Senator Frank Church (1975) confirmed the existence of the mafia-related plot. In this case, all five methods were successfully invoked and succeeded for 15 years in keeping the operation secret or at least, in the language of the time, "plausibly deniable." By the time these activities were publicly disclosed in the immediate wake of the Watergate affair, the public had already had its fill of outrage and was ready for reform and reconciliation. The effect of the Church report was cathartic, vindicating the investigative reporters who had pursued the Cuba story, clearing the air, and creating strong momentum for reorganizing U.S. intelligence agencies.

A current example of censorship of censorship is what used to be called the Echelon spying system, led by the U.S. National Security Administration in association with its counterparts in the UK, Canada, Australia, and New Zealand, in which electronic information gathered from communication satellites and elsewhere was collected, analyzed, and shared. The program was so secret that even its name was classified. In the 1970s and 1980s, activist investigators in Britain unearthed information about Echelon. Later, Nicky Hager, an investigator in New Zealand, gathered more detailed information and published an exposé titled *Secret Power* (Hager, 1996), but this reached only a small audience of people concerned about government spying. Shortly after this, Steve Wright wrote a report to the European Parliament that mentioned Echelon and generated media attention and public debate (Wright, 2005). People who study government surveillance have long been aware of Echelon and related programs, but most of the wider public was unaware until Edward Snowden's 2013 revelations.

Intimidation is a common tactic in censorship systems run by repressive governments. It is also present in antiterrorism legislation. According to Section 215 of the 2001 Patriot Act, the FBI can require librarians to produce patrons' circulation records during terrorist investigations and impose gag orders on librarians who complied with these requests. The American Library Association (ALA) protested against

this provision of the act, and some changes were made in the 2006 revision of the Patriot Act, which seemed to mollify the ALA. It is not clear whether any such requests were ever made by the FBI or if any librarians were forced to comply. Given massive government surveillance of Internet communications and commercial transactions, library circulation records would likely be a low-yield information target for investigators, whereas placating the ALA could be favorably reframed as an act of justice by a responsive Congress.

Intimidation is also involved in many legal cases: As a condition of obtaining a settlement, parties have to agree not to reveal the terms of the settlement and sometimes not to say anything about the case itself. In the *McLibel* case, McDonald's offered a settlement to Steel and Morris; however, they refused because of the confidentiality requirements demanded by McDonald's. There are no doubt cases where both the litigant and the defendant would prefer to keep the information involved in a case from becoming public; however, in many cases, the injured party would like to be vindicated by having the facts known. In a sense, the censor legally purchases censorship in cases that impose gag orders. There are even cases where employees of an organization involved in a settlement are subject to gag orders even though they reap no direct personal benefit from the settlement.

In some of the above cases where censorship did not backfire, only one tactic was used: Covering up the action, namely censoring the censorship, was enough—at least for a period of time (the Soviet case, the Echelon case). In others, all five tactics were needed as information slowly leaked from the core of the onion to surrounding layers (the U.S. Cold War case). Intimidation and reframing, along with some minor reforms, worked in the ALA case. In the Cold War cases, the passage of time and changes in power structures successfully bypassed what might have been highly volatile backfires if the information had become public at the time it was suppressed.

### **Conclusions**

Barbra Streisand's attempt to remove access to a photo of her mansion was counterproductive for her immediate goal and had the unanticipated side effect of creating awareness of the general phenomenon of counterproductive censorship through the label "the Streisand effect." Other examples of the backfire effect were identified, with a compendium of cases provided. We can draw several lessons from this exercise.

First, in practical terms, conceptualizing the Streisand effect offers moral support and guidance to opponents of censorship, both in showing that censorship efforts can be challenged and that the way to do it is by publicizing them to wider audiences. This does, however, beg the question of whether the Streisand effect serves the public interest at large. Clearly it does not when publicists and promoters cynically create pseudoevents designed to trigger backfire as a means of increasing audience demand for a film or book.

Second, although the concept of the Streisand effect serves to sensitize interested parties to the phenomenon, it has a serious limitation: It looks only at instances when censorship efforts failed, giving most attention to those in which they failed in a spectacular fashion. Missing from the equation are

instances when censorship efforts were completely or substantially successful. To better understand these sorts of cases and put the Streisand effect in context, we have looked at a model of outrage management. Powerful actors can reduce public outrage stemming from their actions through five methods: cover-up, devaluation of the target, reinterpretation of the events, official channels that give an appearance of justice, and intimidation and rewards. In many cases, these methods are sufficient to limit public concern about censorship. Only when these methods fail in a major way does the censorship backfire, creating an instance of the Streisand effect.

Third, our analysis of outrage management highlights the fact that censorship is a process rather than a singular action or an outcome. In many cases, something is hidden, at least to certain audiences, but remains potentially vulnerable to wider exposure, indicating that deliberate processes are involved in maintaining secrecy or limiting visibility. In other words, censorship seldom can be achieved with finality, but instead commonly requires active maintenance, using the methods for inhibiting outrage.

Fourth, becoming aware of the processes of outrage management also stimulates awareness of tactics for challenging censorship by exposing its existence, validating the censored information, explaining the importance of free expression, not relying on official channels for solutions but instead mobilizing wider awareness and support, and resisting intimidation and rewards. Much commentary on free speech focuses on legal protections, especially in the United States, where discussions of free speech treat the First Amendment as the centerpiece of attention. Legal protection is, however, only one facet of free speech struggles, as becomes obvious when looking at the situation in countries like Australia with no explicit constitutional or other formal legal protection of free speech. Furthermore, First Amendment considerations and much free speech commentary focus on censorship by governments, whereas corporations and other groups are frequently implicated in censorship (Jansen, 1988, 2010).

Fifth, media coverage is crucial to triggering backfire. The value orientations of media practitioners and Internet activists make them potential allies in struggles against censorship, but they need to be approached strategically, ideally by respected third-party individuals or groups.

Finally, the Streisand effect is valuable in heightening awareness of the possibility that attempted censorship can be counterproductive and that this can happen to any group, or indeed any individual, as in the case of Streisand herself. For greater awareness of how to challenge censorship, it is valuable to examine the ongoing processes of restricting public knowledge and concern, not only about the specific information or actions that are hidden but also about censorship itself.

### **What Does the Future Hold?**

It is impossible to predict, with any accuracy, the future of this volatile phenomenon. Too many variables are involved; however, free expression optimists can hope that greater awareness of the hazards of the Streisand effect may inhibit would-be Goliaths and empower future Davids. Conversely, pessimists will worry that this knowledge may lead the powerful to further refine methods of silencing their adversaries. Perhaps the most likely outcome lies somewhere between these extremes. As lawyers, crisis management advisors, and brand managers advise their clients of the hazards of Streisand-effect

backfires, the powerful may exercise more restraint in selecting their targets, avoiding those that are likely to trigger media attention and public sympathy. If history is any guide, however, when the powerful and their advisors do act to suppress information, they will try to develop more effective ways of concealing and maintaining their censorships.

But from a social justice perspective, this is still a net gain for David. As human rights and communication activist Cees Hamelink (2011) has pointed out, the "march through human history is slow progression. It has the character of the famous *Echternach* procession in which the participants take two steps forward and one step backward. Eventually though, the procession reaches its destination" (p. 31). In this case, the destination is a more just social distribution of rights to free expression.

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