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Leaking by the Bucketload: The Nature of Database Leaks

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1. Introduction

In recent years there has been an explosion of database leaks. Many of these are related to the WikiLeaks organization: e.g. the Afghan and Iraq war logs, the diplomatic cables, the Guantanamo dossiers and the Stratfor emails. Yet, database leaks are not exclusively a WikiLeaks phenomenon. Examples unrelated to the WikiLeaks undertaking are, for example, the British expense account scandal, Al Jazeera’s disclosure of the Palestine papers, the Ed Balls files about plotting in the Labour Party, or the Guardian disclosure of the Assad emails. Leaks such as these were not impossible before the information age — think of the Pentagon Papers, — but they have become much simpler in the present day. In this paper we will address the question: How to understand such database leaks? Our main focus will be on the notion that these database leaks are great levelers; that they restore a degree of symmetry in relationships that have become pathologically asymmetrical. WikiLeaks is often treated as a textbook case of disintermediation, as a prime example of a process that is diminishing the information monopoly of social and political elites and empowering the uninformed public to make up their own minds. We believe this expectation of grass-roots empowerment is implausible and needs to be supplemented by a better understanding of what databases are and how they can restore balance in the relationship between governing elites and the public.

Central to the asymmetry narrative is the widespread perception that the press is in structural decline. In a diminishing market, the Forth Estate, increasingly

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1 Johann Wolfgang von Goethe, “Zauberlehrling” (Sorcerer’s Apprentice). Translation: “Now that the old witch master has gone away, his ghosts will also have to bend to my will.”
dependent on the caprice of investors and outgunned by sophisticated and well-heeled press officers and public relations departments, finds it more and more difficult to function as the check on power it is supposed to be. This growing failure of the press, in turn, has created a vacuum that skeptical netizens and internet activists with an anarchic devotion to openness have tried to fill with disclosures of large caches of sensitive information. Hence, according to the asymmetry narrative, in the arms race between powerful public institutions that try to monopolize information and citizens that try to open up those monopolies, these internet leaks are tilting the balance back to the citizens.

It is not at all clear whether this is the best way to understand the phenomenon of database leaks. The question remains what kind of transparency large and unwieldy collections of data provide. The information of large databases is rarely self-evident. Typically, these databases provide the raw data for an understanding of the character of an officeholder, the ethic of a group of officials, or the wider culture and attitude of an institution. As a rule, they are not some self-evident “truth,” but provide the raw material for the construction of more or less accurate interpretations of what the truth might be. For the interpretation of these data sets, the role of experts and intermediaries, we will argue, remains imperative. This poses the question whether these database leaks herald a new era of disintermediation, in which the public can cut out the middle men — the failing journalists and pundits who used to process and filter information — and go straight to the source, the raw data, to make up their own minds and construct their own interpretation. Or, whether experts remain essential intermediaries for the interpretation of raw information.

Even though these database leaks are bringing about seismic changes, we argue that they should not be misunderstood as the harbingers of a new age of egalitarian democracy. What Schattschneider pointed out in his 1960s classic, *The Semi-Sovereign People* is still true today: the notion that in a true democracy the public can, and should, process all the necessary information and make up its own mind about all the ways in which modern government should be regulating society, sets an implausibly high standard for democratic citizenship. “There is no escape from the problem of ignorance,” Schattschneider noted, “nobody knows enough to run the government.” In our daily lives we are dependent on experts in countless ways and government is no different. If anything, this “problem of ignorance” has only become larger. Hence, the issue for democracy, as Schattschneider argued, is not

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2 Schattschneider 1960, p. 136.
primarily how to educate ordinary citizens, but rather how to help ordinary citizens compel their agents — politicians, administrators, experts — to define their options.\textsuperscript{3} Citizens do not need to be polymaths, or jacks-of-all-trades. They should be able to rely on a process that will digest all the available information and present them with a range of plausible readings. Our survival in the modern world, Schattschneider argued, “depends on our ability to judge things by their results and our ability to establish relations of confidence and responsibility so that we can take advantage of what other people know.”\textsuperscript{4} This was not a call for expert rule, but a proposal to make use of the conflicts and cleavages between elites in order to gain a wide range of policy options.

Schattschneider’s work might suggest support for a rather anemic Schumpeterian model of democracy, in which the role of the democratic citizen is reduced to the occasional choice between competing elites. It would be unfair to equate Schattschneider’s perspective with such a one-dimensional notion of democracy, however. Indeed, his notion of democracy is closer to what the distinguished scholar of communications and free speech, C. Edwin Baker, termed the “complex democracy” model — a composite of different democracy models. Baker was keenly aware of the fact that different models of democracy imply different notions of free speech. In his book \textit{Media, Markets, and Democracy}, Baker provided four basic models of democracy: \textit{elitist}, \textit{liberal pluralist}, \textit{republican}, and \textit{complex democracy}. These all call for different types of media. In an \textit{elitist} democracy on the Schumpeter model the media check power, but they do not attempt to stimulate or facilitate meaningful political involvement by the public. Much like Schattschneider the \textit{elitist} democracy model assumes ordinary people have very little understanding of, or interest in, social and political matters. Yet, unlike Schattschneider, the \textit{elitist} model relegates the citizenry to a largely passive role.\textsuperscript{5} Their mission, at best, is to express an occasional preference for one or another political elite.

The \textit{liberal pluralist} and \textit{republican} democracy models, in contrast, are both participatory conceptions of democracy.\textsuperscript{6} The \textit{liberal pluralist} notion of democracy is premised on a view of society as a conglomerate of competing factions and interests. It demands a media which provides individuals and organized groups with information and which helps them mobilize, participate and promote their divergent

\textsuperscript{3} Schattschneider 1960, p. 139.
\textsuperscript{4} Schattschneider 1960, p. 137.
\textsuperscript{5} One of the most famous defenders of the Elitist view is Walter Lippmann; see Lippmann 1922.
\textsuperscript{6} Baker 2002, p. 135.
interests. Republican democracy counsels even more intensive participation. It favors a deliberative democracy in which media engage in thoughtful and inclusive public discourse rather than merely the provision of facts and information. Republican democracy, in the words of Baker, wants its media to be ‘civil, objective, balanced, and comprehensive – although some slippage in the first three might be allowed if necessary in order to not overly restrict participation.

The complex democracy view that Baker champions, finally, contains elements of both liberal pluralism and republican democracy. Complex democracy assumes the reality and legitimacy of bargaining among groups over irreconcilable conceptions of the good,’ but it ‘also hopes for discursive development of common conceptions of aspects of the good.’ Hence, complex Democracy requires a media system that combines the functions of fair partisan bargaining (from liberal pluralist model) with civic and inclusive discourses aimed at agreement (from republican model). Complex democrats agree with the republican view that politics should be about honest deliberation to arrive at the better argument and not simply about mere majority opinions in the polling data. However, they also recognize with liberal pluralism that ‘the state appropriately responds in part to private needs and concerns, which are part of the data for bargaining discourses.’ Complex democracy, in short, needs a media that both provides the necessary information and expresses the existing plurality of opinions and that develops this information and this existing range of views further into deliberate and well-considered opinions. From the viewpoint of complex democracy the question that should be addressed with respect to WikiLeaks is not only how large datasets should be digested into manageable information, but also how this information should inform well-considered opinions.

As a final point, we will argue that it is essential to appreciate the fact that large datasets have become transitory. A database can now migrate across the globe in a matter of minutes, if not seconds, and reside within the global network beyond the control of any national jurisdiction. A world in which leaks of large databases are possible is also a world in which data sets can no longer be contained within national borders. Hence, the way to deal with large database leaks is no longer primarily a question of national rules and regulations, but has become a question of international governance. We will argue that the best way to approach database

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7 Ibid, p. 148.
9 Ibid, p. 149.
10 Ibid, p. 147.
11 Ibid, p. 149.
leaks is through the republican framework of international governance proposed by John Braithwaite. With the emergence of WikiLeaks, information has gone off-shore. Just like the activities of multinational corporations of the globalized economy, information in the internet age transcends control through national regulation. Hence, much like multinational corporations, media organizations like WikiLeaks need to be tied into systems of international governance. Braithwaite’s republican model provides a good starting point to provide a template for organizations like WikiLeaks. We will argue that WikiLeaks’ best option is to become a new international player in a system of checks and balances, that will help compel the agents of national publics — their radio and television networks, newspapers and news agencies, — to define their options. This will also tie WikiLeaks — or any organization that will replicate its model — into forms of collaboration that will restrain and delimit its unrestricted freedom. Such a form of global governance would be an immense improvement on the dominant strategy to deal with WikiLeaks, so far. This strategy mainly involves heavy-handed bullying by the United States government of third parties on which WikiLeaks depends for its daily operation — companies like Amazon, EveryDNS, Mastercard, Visa, and PayPal, — as well as attempts to pursue anyone involved with WikiLeaks aggressively in American courts. In a time when traditional media organizations are languishing and the internet is the most likely locus for critical journalism in the future, these tactics should make everybody concerned about freedom of speech on the internet.

In an early assessment of the WikiLeaks phenomena, Geert Lovink makes a number of interesting remarks that bear more generally on database disclosures. WikiLeaks is hard to categorize, Lovink observes. This unsettled character traces back to the dual functions Wikileaks performs: On the one hand, WikiLeaks is a gateway for datasets of third parties, while on the other it is a journalistic/editorial outfit, processing and interpreting information for a global public. “One of the main difficulties with explaining WikiLeaks,” Lovink claims: “arises from the fact that it is unclear (also to the WikiLeaks people themselves) whether it sees itself and operates as a content provider or as a simple conduit for leaked data (the impression is that it sees itself as either/or, depending on context and circumstances).” Lovink suggests that such “content vs. carrier debates” are difficult to resolve and claims that it “might be better to look for fresh approaches and develop new critical concepts for what has become a hybrid publishing practice involving actors far beyond the traditional domain of the professional media.” That is why, he points out, Assange and the

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13 Ibid.
people behind WikiLeaks do not want to be described in ordinary terms as journalists or hackers, but “claim to represent a new Gestalt on the world information stage.”

WikiLeaks is both the muckraking commentator producing incendiary material and the publishing house putting it on paper; it is both the pundit on television and the cable company carrying him to your screen.

These remarks point in the right direction, but remain quite hazy. The aim of this article is to move the analysis on a little further and to sketch a governance model suitable for such globalized leak sites as WikiLeaks. We will argue that standards for such organizations as WikiLeaks can be derived from the given that they typically involve big data collections. These big data sets are quite opaque in their significance. They cannot be equated with “the truth,” or “objective knowledge,” unthinkingly. At most, they are material that can be turned into a warranted understanding of the truth. If large data sets are largely meaningless and illegible for the average citizen without a degree of editing, interpretation and provision of context, — and the experience of WikiLeaks suggests that they are — than the neutral role of such organization as WikiLeaks, and the excuse that they are just carriers of information, rings hollow. This suggests that the role of WikiLeaks is ineluctably one of being a “content provider” and never simply one of being an information “carrier.” The norms, values and ideals it should conform to must follow from this recognition.

Our argument will fall apart into three sections. To begin with, we will outline the rise of “Big Data,” i.e. the rapid increase in the size, spread and availability of data. It is important to understand this development, because it sets the scene for the emergence of exposures such as WikiLeaks. Secondly, we will outline the different models that have been suggested to make use of the opportunities afforded by this information revolution. WikiLeaks has advocated a number of rationales for its new role as a pioneer of leak-sites, and has tried out different models for its leaking enterprise. Al Jazeera and Daniel Domscheit Berg have developed alternatives. We will argue that the eventual collaboration of WikiLeaks with a number of international Newspapers provides the best model so far. Finally, we will try to draw conclusions for the new environment that WikiLeaks has helped to create.

2. Changes in the Information Landscape

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That the revolution of information technology has brought about momentous change is a cliché repeated unthinkingly by anyone and everyone. Nevertheless, behind this facile assessment there are a number of very real social and technological phenomena. In a recent book on WikiLeaks and the so-called “age of transparency” Micah Sifry highlights some of these. According to Sifry we are moving from a situation of information scarcity to one of information abundance. This shift is brought about by three major developments. To begin with, the cost of copying and disseminating information has dropped to almost zero. This has wrought big changes in a number of social and economic spheres. Once information is digitized — whether it is a song, a news story, or a government document — it becomes easily transferable and well-nigh impossible to keep under control. This point is echoed by Heather Brooke in her recent book *The Revolution Will Be Digitized*:

Think back to the analogue age when it cost money to share information as it meant producing another copy, whether a printed book or a cassette tape. In the digital age, these physical components are gone. Now it costs money not to share data. Sharing and copying are the default dynamic of digital data and any person or organization who wants to impede this free-flow has to spend considerable amounts of money and resources.\(^{15}\)

This development is wreaking havoc on traditional business models, on the way politics is conducted, and on the going routines and procedures of government institutions. The example of the music industry is well-known. In a world in which people can make copies of music and video easily and at almost zero cost, the old business model of the music industry has become unsustainable. In a similar vein, if people can gain access to the private information of government elites, established government practices come under strain and government will have to adapt.\(^{16}\)

Secondly, the increase in connectivity has created dense networks of connections. Where the older communication tended to be one-to-many, i.e. from a newspaper, or from a radio or television station to a mass audience, the new modes of communication tend to be many-to-many. This trend has democratized the ability to spread information globally, through dense networks of millions of intimate and personal ties. This has created a great leveling effect, according to Sifry: “while leaders and celebrities remain important, their stars are dimming, as community hubs, forums, and aggregators that knit together thousands or even hundreds of

\(^{15}\) Brooke 2011, p. 11.  
\(^{16}\) Sifry 2011, p. 51-2.
thousands of people are steadily growing.” In a similar vein, Manuel Castells has come up with the concept of “mass self-communication.” Mass communication, Castells argues, now also includes the many forms of internet communication: “As people (the so-called users) have appropriated new forms of communication, they have built their own systems of mass communication, via SMS, blogs, vlogs, podcasts, wikis, and the like.”

Thirdly, and most importantly for the argument of this paper, the information and communication revolution have created an economy of plenty. Memory and disk space have expanded exponentially. Whereas in the traditional media there is an inherent scarcity of time and space — only so much can be said within the length of a television program, or printed in the columns of a newspaper — in the digital world no such scarcity exist. On the internet there are almost no limits on the amount of information that can be provided. This “explosion of capacity” has changed expectations. The practice of “hoarding or hiding information” for either pragmatic or political reasons, Sifry claims, to many people “now seem like artificial barriers to access.” The institutions that embrace this new expectation of transparency and openness tend to thrive, while the institutions that try to maintain their information monopoly are experiencing great difficulties. The embarrassment of the United States government by WikiLeaks is only the latest example of a trend towards transparency that is irreversible. Because radical transparency has become “technologically feasible, like it or not, it is now a given of our times,” Sifry contends: “Efforts to stop it will fail, just as efforts to stop file-sharing by killing Napster failed.” It is primarily this trend towards transparency that is the crucial thing, Sifry argues: “The ‘Age of Transparency’ is here: not because one transnational online network dedicated to open information and whistle-blowing named WikiLeaks exists, but because the knowledge of how to build and maintain such networks is now widespread.”

Charlie Beckett and James Ball argue, in a similar vein, that information technology is radically altering the function of the media. There is no longer any need for traditional news media to connect the public with the available information:

The Internet now networks information that was previously compartmentalized into government, business, personal and public data and retained by those people and groups. There is no longer any

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17 Sifry 2011, p. 52.
18 Castells 2009, p. 65.
19 Sifry 2011, p. 52-3.
20 Sifry 2011, p. 158.
21 Sifry 2011, p. 16.
need to wait for the news media to gather, filter and package
information. Citizens and organizations can transmit and receive it
themselves. As a result, a great deal of information now flows through channels other than the old
media networks. At one time the traditional news media were the only way to
disseminate information to the public. Today information technology has made it
possible for everybody to publish, comment and analyze material and make it
available to the whole world.

The old news media were also rooted in the physical world in ways that the
new media are not. The old news media depended on television and radio studios,
on printing plants and office space, to dispense information to the public. These were
all, necessarily, located in a certain jurisdiction and had to conform to local rules and
standards. New platforms like WikiLeaks, on the other hand, are weightless and
footloose. They exist in the global network beyond the reach of any national
jurisdiction. Hence, they can operate beyond the kinds of legal constraints that
traditional media organizations have to abide by. As Beckett and Ball argue, “in many
ways, WikiLeaks is much more a legal revolution in contemporary media than a
 technological one.” There is a certain alternative quality to the WikiLeaks
organization, they argue, since it is “independent of commercial, corporate,
government, or lobby-group control or ownership. It is a non-membership, non-profit
organization funded by donations, with no governance structure.” The question is
how such an entity can be fit into a regulatory regime.

Sifry, clearly, approaches this question not only as an analyst, but also as an
advocate of the global “transparency movement.” On the whole, he welcomes the
ascent of WikiLeaks as another step in the direction of full transparency and
participation. If the prefix “wiki” in WikiLeaks has become fairly misleading — there is
no longer an effort to make use of the untapped wisdom of crowds in the way
WikiLeaks now operates — it was part of the initial vision of Wikileaks, as we shall
see, and it is clearly also part of the future towards which Sifry believes WikiLeaks is
pointing. The movement towards transparency, he hopes, will lead to a form of
collaborative government in which “the boundaries between government and citizens
become less rigid and more porous, and elected leaders and other officials shift from
being the holders of all power and information and become community conveners,
moderators, enablers, and educators.” When government elites share their

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22 Beckett and Ball 2012, p. 33.
23 Beckett and Ball 2012, p. 24.
24 Beckett and Ball 2012, p. 27.
information they can open up the “cognitive surplus” of the passive public and reap the benefits of “crowdsourcing” to solve collective problems.25

2.1 The Trouble with Transparency

There is much in Sifry’s analysis of the changing information landscape that is noteworthy. Yet, his substantive suggestions on where those changes should lead raise a number of questions. Implicit in Sifry’s vision of radical transparency, to begin with, is the notion that information speaks for itself, that it is fully transparent. It is mainly the government institutions that are opaque. They hide troves of information that would have a self-explanatory and self-evident meaning for citizens. Once the citizens have access to this information, he believes, they can make their own informed judgments and contribute to the solving of collective problems. Yet, what if the hidden information is not self-explanatory? What if the problem of opacity is not just a problem restricted to government elites, but a problem that also extends to the information they are trying to monopolize? James Gleick seems to be a more astute observer of the information explosion in this respect. The ready availability of information that Sifry describes so vividly, Gleick argues, does not lead to greater enlightenment, but to information overload and confusion. Overabundance just leads to a confused pile of data: some of it relevant but most of it inconsequential. Hence, Gleick argues: “The need for filters intrudes on any thought experiment about the wonders of abundant information.”26

The recent experiences with database leaks seem to bear out Gleick’s assessment. Large databases of raw information are so complex and unwieldy that they remain largely inaccessible to citizens, unless they are processed, interpreted and explained by intermediaries and experts. This leads to a second problem. Once, the problem of information overload is acknowledged, Gleick notes, and the “harassed consumer of information turns to filters to separate the metal from the dross”, the choice of filters immediately “raises issues of trust and taste.”27 Complex data sets do not only fail to declare their own meaning and significance to the public, they also fail to provide a clear and univocal meaning that everybody will accept.

25 The term “cognitive surplus” was adopted from Clay Shirky. According to Shirky “cognitive surplus” is the result of two transitions: (1) “the buildup of well over a trillion hours of free time each year on the part of the world’s educated population” and (2) “the invention and spread of public media that enable ordinary citizens, previously locked out, to pool that free time in pursuit of activities they like or care about” (Shirky 2010, p. 27). See also: Sifry 2011, p. 64 and 189.
26 Gleick 2011, p. 410.
Sifry suggests that once there is transparency, all persons of good will, will converge on a shared analysis of the problems and on the best solutions to solve them. This seems an unlikely outcome. The abundance of data and information that is now freely available to the public will undoubtedly lead to fundamental changes in the relationship between office holders and citizens. Yet, it will not lead to an end of politics as such. Even under conditions of full transparency, people will still arrive at different analyses of what the data mean, they will still define the problems differently and they will still contest each other’s solutions.

Moreover, there is a second problem with Sifry’s reliance on crowdsourcing to deal with the new abundance of data. This is a problem that has plagued WikiLeaks right from the start. A whistleblowing site like WikiLeaks will attract leaks that contain a great deal of sensitive information. People may get into serious trouble if things they report in private correspondence are disclosed. Names of informants or agents may get out. Sensitive information that could endanger national security might fall into the wrong hands. A great deal of the work involved in publishing leaked data sets is focused on filtering out exactly such information. Information that is legitimately kept secret, that would put people’s lives at risk, or that would get them into trouble. Weeding out such secret information does not lend itself to crowdsourcing. You cannot make a large data set available to internet users to decide what part of that data set should not be made public. Hence, in practice WikiLeaks quickly departed from this crowdsourcing model.\textsuperscript{28}

All in all, the vision of crowdsourcing described by Sifry does not seem to offer a serviceable solution for information overflow. The way information typically manifests itself in the computer age is through large sets of structured data. Certainly the revelations of WikiLeaks come in this form. The nature of this type of information has not raised many questions. Yet, there is nothing straightforward about consulting a large collection of documents or a spreadsheet with information on a WikiLeaks site. People cannot read through these enormous datasets from start to finish. They can undertake targeted searches of the material, they can navigate it from a certain angle, but they cannot take it all in and decide on the point of it all. Indeed, depending on the “search history,” the particular set of pages consulted in the database, readers will have a fairly unique impression of the information on offer. Consulting a database is something quite different from the one-track, linear experience of reading a text or watching a video. Indeed, cultural theorist Lev Manovich has termed the database the quintessential “genre” of the 21\textsuperscript{st} century. The

\textsuperscript{28} Beckett and Ball 2012, p. 15-6.
database, he claims, lacks a narrative structure. There is no beginning or end, and no sequential turn of events: “As a cultural form, database represents the world as a list of items and it refuses to order this list.”29 The database in other words is a plastic entity. It consists of data structures that can be ordered in different ways. Different algorithms will produce different performances, and different linkages will lead to different narratives. Not everyone is proficient at this game, and different types of expertise can help draw out different types of readings.

2.2 The Database Leaks

The revelations by WikiLeaks reached the public predominantly through stories in the regular press. These stories offered a highly digested rendition of the information on offer in the WikiLeaks data sets. To understand the peculiar problems posed by database leaks, however, it is important to gauge what these leaks contained exactly. Below we will describe the iconic leak of the Pentagon Papers — often used as an historic reference point in the debates about WikiLeaks — and some of the major database leaks of the last few years. The list will give an impression of the type of information contained in database leaks and illustrate what kinds of problems attend information in such a format:

- **Pentagon Papers:** The Pentagon Papers leaked to the New York Times by Daniel Ellsberg in 1971 were an early and hybrid example of a leaked database. It was basically a secret study commissioned by secretary of defense Robert McNamara into the wars in South-East Asia. The study was compiled by a sizable group of academics and military analysts, and was more than simply an archive of documents. The Pentagon Papers provide a 3000 page linear, coherent account of the way the conflicts in South-East Asia had been dealt with, to supplement a 4000 page compilation of official documents. In other words, it was an archive accompanied by expert analysis explaining its significance.

- **The Iraq and Afghanistan War logs:** These data sets, which were leaked by army intelligence analyst private Bradley Manning and released by WikiLeaks in 2010, are very different from the Pentagon Papers. Even though some newspapers were given advance access to the material, WikiLeaks made these data-sets available on the internet after only a rough-and-ready filtering of sensitive information. The two data sets do not provide a linear narrative,

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29 Manovich 2000, p. 181.
but are massive data dumps. The databases contain first-hand logs of events on the ground full of military jargon, rough categorizations and arcane abbreviations — reports about HIMARS (high mobility artillery rocket systems), HAFs (helicopter attack forces), EKIA (enemies killed in action), MAMs (military aged males) and UIMs (unidentified males). The Afghanistan war logs consist of 91,000 reports written by soldiers and intelligence officers describing military actions, intelligence information, and meetings with political figures. The Iraq war logs contain 391,832 soldier Significant Action (SIGACT) reports from Iraq. Steve Coll aptly noted in his blog at The New Yorker that the Iraq war logs did not cover the war of the generals and the politicians, but a war that had remained largely hidden from the American public: “a war of nihilism, death squads, and elemental sectarian violence.” It was a view of the war “weighted toward the frontline experience of the officers and soldiers sent to bring the sectarian violence under some semblance of control.”

It is not at all apparent how to think about these colossal spreadsheets containing the bare information of thousands of frontline experiences. The only thing that is obvious is that a great deal of research and analysis is required to fit these experiences in understandable patterns.

Diplomatic Cables: Unlike the Afghanistan and Iraq war logs, WikiLeaks initially did not post the diplomatic cables on the internet integrally. Rather, a number of international newspapers was given privileged access to the dataset and helped to filter and redact the material. Only a limited number of cables from this cornucopia of diplomatic documents was initially made public by WikiLeaks. Greg Mitchell claims that the earlier dumps of incompletely redacted documents of the Iraq and Afghanistan war logs threatened to cause security threats and turned out to be “hard for the press and the public to follow.” As a consequence Assange moved towards a more carefully managed publication process and a more intimate form of collaboration with the mainstream press. The dataset includes 250,000 diplomatic documents. Many of these are categorized as “secret” or “confidential/noforn.” None of the material originates from the upper echelons of the American government. The documents were written by American diplomats from around the world and disclose an assessment of world affairs that is very different from the official statements of the US Department of State. It would be wrong simply to equate them with the “real” thinking of the State Department’s political

30 Coll 2010.
leadership. Rather, it is information and analysis with which political leaders make up their minds.

- **Palestine Papers:** In January 2011, Al Jazeera released nearly 1,700 files, which contained thousands of pages of diplomatic correspondence detailing the inner workings of the Israeli-Palestinian negotiations. The documents provide a behind-the-scenes look on the negotiations, involving high-level American, Israeli, and Palestinian Authority officials. The memos, emails, maps, minutes from private meetings, accounts of high level exchanges, strategy papers and power point presentations date from 1999 to 2010 and reveal embarrassing details about Palestinian Authority’s willingness to make concessions and compromises and its lack of power in the negotiations vis-à-vis Israel, the United States and the European Union.\(^3^2\)

- **UK Parliamentary Expenses:** In 2009 a whistleblower in the parliamentary offices copied 2 million documents, a terabyte of data, on a mobile hard drive and leaked the uncensored expenses record of British MP’s to the Daily Telegraph. The Telegraph took many weeks to sort out the documents in a hybrid exercise of journalism and forensic accounting and managed to expose many cases of abuse and fraud.

- **Guantanamo Files:** The Guantanamo files were part of the same batch of files that Bradley Manning turned over to Wikileaks. The Guantanamo files contain more than 700 documents that assess most of the inmates in Guantanamo Bay. The files were compiled between 2002 and 2009. They make assessments about the prisoners, their role in al-Qaida, their threat level, but also guidelines for interrogation and decisions on what course of action should be followed. They are not the definitive judgments of the Guantanamo inmates, but provide the raw material on which those judgments are, or will be, based.

- **Stratfor Files:** The Stratfor files involve a batch of more than 5 million emails from the Texas based security firm Stratfor. Only a small number of the Stratfor emails have been published so far. The emails date from mid-2004 to late 2011 and reveal the work of the private security firm for government

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\(^{31}\) Mitchell 2011, location 86.

\(^{32}\) Ziyat Clot, a Palestinian-French lawyer who acted as an advisor for the Negotiation Support Unit (NSU) of the PLO from January-November, 2008, has admitted to being one of the leaks. (See: [http://www.guardian.co.uk/commentisfree/2011/may/14/blew-the-whistle-about-palestine?CMP=twt_g](http://www.guardian.co.uk/commentisfree/2011/may/14/blew-the-whistle-about-palestine?CMP=twt_g) (Consulted on March 30th, 2012)) Clot was specifically in charge of the Palestinian refugee file and after his resignation, shared his information regarding this subject with Al Jazeera. (See:
agencies and large corporations. For the Stratfor files WikiLeaks worked with a consortium of 25 partners in the mainstream media. The emails reveal wide-ranging intelligence activities.

- **Assad Emails:** The Assad emails were intercepted by Syrian activists and leaked to the *Guardian* newspaper. The leak contained more than 3000 private emails from Assad and his wife with people in their inner circle. Only a limited number of the emails has been published by the *Guardian*. The emails reveal a great deal about the private lives of the Assads. Again a lot of contextualization was necessary to make sense of the emails. The *Guardian* had to put the information in context and explain who the people were they corresponded with. The emails were never made available online, and for all intents and purposes remain a *Guardian* scoop.

The first database leak in history, the Pentagon Papers, basically involved an archive accompanied by its own expert analysis to explain what it meant. However, even in the case of the Pentagon Papers, the collection of official documents could probably have supported alternative readings of the material. All the other databases listed above are collections of raw data that need a great deal of interpretation, critical analysis, reorganization and contextualization to become meaningful. As Leigh and Harding of the *Guardian* note with respect to the material leaked by WikiLeaks: “The material that resided in the leaked documents, no matter how voluminous, was not ‘the truth’. It was often just a signpost pointing to some of the truth, requiring careful interpretation.”

Indeed, the story of the way the WikiLeaks databases were digested and turned into stories by the *Guardian*, a paper with advance access to the Afghanistan and Iraq War logs and the Diplomatic Cables, provides a vivid picture of the kind of expertise needed to take on such supersized data sets. The Afghan record was a spreadsheet that was difficult to extract information from and for the first few days seemed “almost impossible to read.” There were hundreds of military abbreviations and jargon terms and the *Guardian* had to construct a glossary to explain this arcane terminology. Technical experts had to turn the file into a searchable database that could be searched with dates, or names, or phrases. Data visualisers were used to turn the reports of thousands of individual incidents into a visual display that could represent the developments on the ground. (This effort originated the interactive


33 Leigh & Harding 2011, p. 108.
34 Leigh & Harding 2011, p. 103.
maps that can still be accessed at the Guardian website.\textsuperscript{35} At the Guardian there was also a heavy dependence on the expertise of journalists: “The reporters, especially the foreign correspondents, brought much to the table: contextualization, specialist knowledge and a degree of entrepreneurship in divining what to look for.”\textsuperscript{36} According to Leigh and Harding, the “WikiLeaks project was producing new types of data,” data that “needed to be mined with new types of journalism.”\textsuperscript{37} Some commentators likened the WikiLeaks databases to archives. In an incisive contribution Timothy Garton Ash remarked that the Diplomatic cables exposed by WikiLeaks were an historians dream. As anyone who has ever done archival research knows, Garton Ash remarked: “there is a special quality of understanding that comes from exposure to a large body of sources, be it a novelists letters, a ministry’s papers or diplomatic traffic — even though much of the material is routine. With prolonged immersion, you get a deep sense of priorities, character, thought patterns.”\textsuperscript{38} Steve Coll made a similar observation with respect to the Iraq War logs. In his blog at \textit{The New Yorker} he noted that the size of the database made a qualitative difference:

The sheer size of the latest WikiLeaks release of intelligence materials — three hundred and ninety-one thousand eight hundred and thirty-two documents concerning the Iraq war — makes a search for precision about what the archive “reveals” or “shows” a little futile. The conventions of news publishing and embargo deadlines require such an exercise of course […]. But it’s a little like asking what the National Archives reveal about the history of the United States — it depends on what you’re interested in, or what you feel may have been neglected or underemphasized in previous renderings.\textsuperscript{39}

Such large data sets or archives are the natural habitat of social scientists and historians, of course, experts that employ their discipline to understand and interpret such collections of primary sources. These methods are a form of esoteric knowledge and know-how that require many years of formal training to master and that rarely render a single-best understanding of the data that all practitioners will agree on.

\textsuperscript{35} The visualization of the Afghan war logs can be found on the Guardian website: \url{http://www.guardian.co.uk/world/datablog/interactive/2010/jul/26/ied-afghanistan-war-logs} (accessed April 4th, 2012). A similar visualization was made on the basis of the Iraq war logs: \url{http://www.guardian.co.uk/world/interactive/2010/aug/13/iraq-war-logs} (accessed April 4th, 2012).
\textsuperscript{36} Leigh & Harding 2011, p. 182.
\textsuperscript{37} Leigh & Harding 2011, p. 106.
\textsuperscript{38} Garton Ash 2010.
WikiLeaks seems uncomfortable with the idea that much of the information contained in its data sets is rich in meaning and does not come with a manual on how it should be interpreted. Just providing an interpretation of the leaked information would draw WikiLeaks into the political arena of contentious debate, of course, and undermine its nature of being a neutral not-for-profit media platform. The WikiLeaks approach, according to Lovink, is only a halfway house in journalistic practice:

Traditional investigative journalism used to consist of three phases: unearthing the facts, crosschecking these and backgrounding them into an understandable discourse. WikiLeaks does the first, claims to do the second, but omits the third completely. This is symptomatic of a particular brand of open access ideology, where content production itself is externalized to unknown entities ‘out there’. The dilemma for WikiLeaks is that its ideology of transparency makes it difficult to fully acknowledge its role as a mediator and interpreter of leaked information, while its practice of simply disclosing raw leaked information in an undigested and inaccessible form, fails to realize its ambition of speaking truth to power.

3. New Models for the Information Age

WikiLeaks seems to fit right into the grand narrative of the information age. In an interconnected world, as Clay Shirky has argued, the media are moving inexorably from a traditional model of “filter, then publish,” to a new model of “publish, then filter.” Since there are no costs and limitations to the provision of information on the Internet, there is no need for a caste of journalistic professionals to cut the available information down to size. There are no longer any limits to the amount of content and information that can be posted on the net. Nor are there any insurmountable thresholds for people to enter into the journalism game. Consequently, whether some piece of information or analysis is worthwhile is not so much decided by a group of professionals beforehand, but increasingly by the community of Internet users afterwards — hence: “publish, then filter”.

WikiLeaks has certainly been keen to embrace this vision of openness and crowdsourcing. Indeed, one of the guiding principles of WikiLeaks is the right of everyone to freedom of opinion and expression (art. 19 UDHR), a right that “includes freedom to hold opinions without interference and to seek, receive and impart

39 Coll 2010.
40 Lovink 2010.
information and ideas through any media and regardless of frontiers.” This claim is usually made against the backdrop of the failure of what Assange often disparagingly calls the Mainstream Media, or MSM. According to WikiLeaks, the MSM has become “less independent and far less willing to ask hard questions of government, corporations and other institutions.” Government secrecy, and the MSM’s reluctance and unwillingness to challenge that secrecy, in short, have made an organization like WikiLeaks necessary and indispensable.

Out of grand narratives, however, little lies are spun. It is not at all clear whether this ideal of openness, transparency and democracy conforms to WikiLeaks’ real modus operandi. In many ways WikiLeaks remains a closed and opaque organization. Beckett and Ball even note that in many respects “the WikiLeaks Network exploit is a mirror image of the closed systems that it seeks to disrupt.” Nor does WikiLeaks provide clear standards and guidelines that can be held up to scrutiny. WikiLeaks’ working methods do not follow a fixed protocol. They have not been published in a code of conduct. Rather, they are an unstable and evolving practice of ad hoc adjustments to the maelstrom of events that attended the rise of WikiLeaks. In its short life WikiLeaks has adopted several rationales to explain the way it wants to challenge the secrecy of public institutions and serve the values of democracy and freedom of speech. WikiLeaks’ mission statement has shifted from a hacker ideal of full transparency in its early stages, to a notion of scientific journalism and, finally, to a collaborative joint-venture model with the mainstream press and NGOs. These three broad models for publishing the data leaks — (1) the model of full transparency, (2) the model of scientific journalism, and (3) the symbiotic collaboration with the mainstream press — will be elaborated on below.

3.1. The Full Transparency Model

The ideal of full transparency was the stated goal of WikiLeaks mainly in the early years of WikiLeaks, when the practicalities of leaking large data sets had not yet pushed themselves to the forefront. The full transparency phase of WikiLeaks has distinct anarchistic elements. It is based on a suspicious and skeptical view of states and other power structures. Assange expressed the gist of this approach in a number of blogs in 2006. (These blogs, together with a great deal of other WikiLeaks material have since been published on a rival leak site that predates WikiLeaks:

44 Beckett and Ball 2012, p. 141.
In these essays he described the rule by government elites as authoritarian conspiracies against the collective will of individuals. By exposing the secret information of these conspiracies WikiLeaks sought to reduce the ability of political elites to function. The actions of WikiLeaks would make them more secretive and make it more difficult for conspiracies to operate effectively: “When we look at a conspiracy as an organic whole, we can see a system of interacting organs, a body with arteries and veins who[sic] blood may be thickened and slowed till it falls, unable to sufficiently comprehend and control the forces in its environment.”

According to this view, authoritarian regimes are trying to hide their plans and the consequences of their actions. It is the task of the media to challenge this secrecy and to reveal to the public what is hidden from them so that they can better evaluate their politicians. WikiLeaks was founded because the mainstream media did not perform this task adequately. WikiLeaks promised radical transparency as its ideal, and announced that “increased scrutiny” — of governments, corporations, and institutions like the Church of Scientology — would be a powerful force for good, reducing corruption and oppression. "Principled leaking has changed the course of history for the better;" WikiLeaks claimed on its website: “it can alter the course of history in the present; it can lead us to a better future.”

The model of full transparency sought to make all information public and open to “increased scrutiny”. This meant that huge databases would be released on the Internet and everyone would have full access to them. As could be anticipated, without the background knowledge and the technical expertise to navigate these large data sets, very few people were willing and able to search through the massive amounts of data and to put them into context. Consequently the public did not miraculously arrive at sensible conclusions or decide to hold the government accountable for its actions. WikiLeaks was leaving it up to the average citizen to mine the data and find the information needed in order to understand and change policy failures. Unsurprisingly, this was not done on any significant scale. There was a clear need for experts to translate these data into a language that people could comprehend. The early philosophy of WikiLeaks was tied to the anarchistic tenets of Hacker culture. These proved to be fairly unrealistic.

3.2 Scientific Journalism

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The second model was highlighted by Assange in an interview with the New Yorker’s Raffi Khatchadourian. In this interview Assange talked about what he called “scientific journalism” as a new way of doing journalistic work. In Assange’s view, journalism should be done the same way scientific research is done: “If you publish a paper on DNA, you are required, by all the good biological journals, to submit the data that has informed your research—the idea being that people will replicate it, check it, verify it. So this is something that needs to be done for journalism as well.”

The WikiLeaks website considers the publication of the original source material alongside the news stories as one of its most important activities. The procedure is described as follows: “When information comes in, our journalists analyse the material, verify it and write a news piece about it describing its significance to society. We then publish both the news story and the original material in order to enable readers to analyze the story in the context of the original source material themselves.” The news is not being censored, apart from removing or significantly delaying some “identifying details” in order “to protect life and limb of innocent people.”

In a piece written for the Australian, Assange explains the notion of scientific journalism further: “WikiLeaks coined a new type of journalism: scientific journalism. We work with other media outlets to bring people the news, but also to prove it is true. Scientific journalism allows you to read a news story, then to click online to see the original document it is based on. That way you can judge for yourself: Is the story true? Did the journalist report it accurately?”

A good example of the “scientific journalism” approach was the “Collateral Murder” video. This video was taken from an Apache helicopter on a mission in a Bagdad suburb. It showed the killing of a number of people, including children and two Reuters news staff. WikiLeaks made the original footage of this video available to the public, but also prepared an edited version which provided context and critical commentary. It launched this video in a number of carefully staged press conferences. Noam Cohen and Brian Stelter of the New York Times commented: “With the Iraq attack video, the clearinghouse for sensitive documents is edging closer toward a form of investigative journalism and to advocacy.”

In the end, the approach of scientific journalism also proved to be problematic. The disclosure of the “Collateral Murder” video was not an unmitigated success. The title as well as the message of the edited, “interpreted,” footage was probably too heavy-handed. The fact that the original footage of the video had also

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46 Cohen & Stelter 2010.
been provided on the website of WikiLeaks so people could check the original source did not seem to matter. Moreover, the release of the Afghanistan and Iraq War logs was also criticized for not being handled with enough care. These problems led Assange to develop yet another model for WikiLeaks.

3.3 Collaboration with the Mainstream Press

With the publication of the diplomatic cables, the biggest leak so far, WikiLeaks sought active cooperation from the mainstream media. With the Afghanistan and Iraq War logs, WikiLeaks had given a number of newspapers early access to the data sets, but then proceeded to publish them in full on the website. Now, it only published a relatively small number of files. Through close cooperation with a number of international newspapers it could make more conscientious choices in the material and develop standards for the redaction and selection of documents. This approach is evident in the way WikiLeaks now describes itself on its website. It claims that WikiLeaks combines “high-end security technologies with journalism and ethical principles.” WikiLeaks is a “not-for-profit media organization” that works together “cooperatively with other media organizations around the globe.” The people at WikiLeaks “believe the world’s media should work together as much as possible to bring stories to a broad international readership.” The assumptions of scientific journalism are still there. By publishing original source material alongside news stories everybody can check the source data: “readers and historians alike can see evidence of the truth.” Yet, there is no longer the assumption that the evidence will somehow speak for itself. One of the stated reasons for making the original source material public is that it might give rise to further interpretations: “Other journalists may well see an angle or detail in the document that we were not aware of in the first instance. By making the documents freely available, we hope to expand analysis and comment by all the media.”

The collaboration with the mainstream press made the WikiLeaks exposures much more effective. In the initial phases of WikiLeaks the public did not seem to take much interest in the leaks. As Beckett and Ball note: “WikiLeaks only got through to the modern, connected public when it shifted from simply publishing information to publishing information plus context plus explanation and on a platform with a predisposed audience.” Clearly, Beckett and Ball observe, “the global

The audience still enjoys the efficiencies of more traditional editorial production.\textsuperscript{48} The traditional news media only applied the full resources of their organizations when they were guaranteed a certain degree of exclusivity. Yet, for all their success these collaborations have not proven to be very durable. The traditional media still seem wary about the intrusion of WikiLeaks into their industry. To make the most of his treasure-trove of data, moreover, Assange decided to play different news organizations off against each other. This made him an erratic and unreliable partner in the eyes of many of his collaborators. Most of the initial partners have since cut their ties with Assange and the WikiLeaks organization. For the recent disclosure of the Stratfor e-mails WikiLeaks had to search for a whole new set of partners.

3.4. The OpenLeaks Model

Former \textit{WikiLeaks} operative Daniel Domscheit-Berg proposed yet another model to deal with the possibilities of the information age. Disillusioned about his collaboration with Julian Assange, Domscheit-Berg announced his own alternative to WikiLeaks. Domscheit-Berg’s ideas about the way a whistle-blower platform should operate diverged from the direction Assange was taking WikiLeaks. Assange primarily wanted to release “one leak after another, as aggressively as possible, and generate a maximum of conflict,” Domscheit Berg argued: “He seemed to have no interest in content or further technological development.”\textsuperscript{49}

This attitude, according to Domscheit-Berg, created an image of WikiLeaks as a global political player, which attracted more attention to the organization itself, than to the news and facts that were published. Moreover, there were simply too many documents coming in for the volunteers to handle and choices had to be made about which leaks should be published and which should be hidden on servers spread across the globe. Everyone at WikiLeaks soon realized that partners were necessary. However, according to Domscheit-Berg, Assange wanted to decide all by himself which media outlets WikiLeaks would cooperate with. He then used this power to influence the way journalists were reporting the leaked material and threatened to terminate the cooperation when journalists did not follow suit. According to Domscheit-Berg, this often amounted to an indirect attempt to force journalists to write positive things about WikiLeaks.

The WikiLeaks experience suggested to Domscheit-Berg that a whistle-blower platform like WikiLeaks should avoid doing too many things at the same time.

\textsuperscript{48} Beckett and Ball 2012, p. 154.
– uploading documents, erasing the metadata, verifying the submissions, providing context in additional texts. Rather it should concentrate on its main strengths. For Domscheit-Berg this meant simply to offer a technical infrastructure for whistle-blowers. This, Domscheit-Berg believed, would reduce the likelihood of one individual gaining too much power within the organization. Not only would this approach solve the problem of centralization, it would also “prevent OpenLeaks from beginning to exert political influence of its own.” “The information and the decision about what to do with it” Domscheit-Berg maintained: “should be in the hands of those who have experience in these areas.” The publication of documents leaked to OpenLeaks would not only be carried by the media, but also by NGOs, trade unions, and other organizations devoted to the ideal of transparency. Since these kinds of organizations had experience with secret documents and had developed expertise on “how to deal with them,” they “could evaluate them professionally and decide what should be published in what form – either as a report or a complete collection of documents.”

For OpenLeaks the source of the leaks is the only person who can legitimately decide which partner should be asked to publish the leaks: “At OpenLeaks, if sources think that something is best suited to the local press, they have the right to see that this happens. If they believe Amnesty International is the best recipient, OL will honor their decision.” Hence, unlike WikiLeaks, OpenLeaks is not a publishing platform but an organization that concentrates solely on the first half of the whistle-blowing process. Every partner of OL will obtain a secure mailbox where documents can be deposited and accessed by the organization that has been appointed as the one responsible for publication.

The source decides how long a recipient has exclusive access to the documents. Some organizations may be prevented from publishing the leaked documents because of internal or external pressure. In order to guarantee that the publication is not suppressed, OL will try to create a large network of partners. In this pool of partners, Domscheit-Berg believes, at least one will always be found who is willing to publish the documents:

We hope a broad base will have a protective effect on the entire OpenLeaks community. A large network of partners – media outlets, NGOs, trade unions, journalism schools, and other independent organizations – would be a strong bulwark against attacks on the

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49 Domscheit-Berg 2011, p. 269.
50 Domscheit-Berg 2011, p. 271.
51 Ibid.
principle of digital mailboxes. The right to receive information and
documents from anonymous sources should apply just as much to the
digital world as to the traditional email.

So far, there is little indication that OpenLeaks has managed to realize these
objectives. The OpenLeaks website has been operational since early 2011, but there
is little evidence of any Leaking activity.

The problem with OpenLeaks is not only lack of interest, however.
OpenLeaks has mainly been conceived as an operation that avoids the shortcomings
that plagued WikiLeaks. As a result it has ditched some of the strengths of the
WikiLeaks model. Handing over the power to decide which organization will be
allowed to publish the leaked information to the whistleblowers themselves may
preclude the type of erratic behavior Assange engaged in, but it creates a whole new
set of problems. As Beckett and Ball note, it threatens to turn the leak site into an
NGO advocacy agency. If a leak-site simply submits to the partisan objectives of
whistleblowers and NGOs, its revelations would be associated with a particular
cause, and “the more general credibility it enjoys as a disruptive platform would be
replaced with a much more functional, propagandist position.”\footnote{Beckett and Ball 2012, p. 121.} For all its faults,
WikiLeaks remains an open, general-purpose leak site, without any prior
commitments other than transparency and openness.

\section*{4. Networked Journalism and Republican Governance}

In her book on WikiLeaks Heather Brooke commented: “Leaks have happened
before. They are not new. But the industrial scale of leaking made possible through
the digitization of information and the ability to communicate instantly across the
globe — that is new.”\footnote{Brooke 2011, p. 226.} WikiLeaks and OpenLeaks have been struggling with the
implications of this new ability ever since they discovered its explosive possibilities.
As we have seen in the previous section their efforts to create new formats for
disclosing leaks remain unstable and unsettled. In this concluding section we will
discuss the promise offered by these leak-sites, as well as the problems that have
attended their rise. At the end of this section we will forward some proposals for a
more stable and viable template to undertake the kinds of activities that WikiLeaks
has pioneered.

\footnotesize
\underline{Domscheit-Berg 2011, p. 272.}
\underline{53 Beckett and Ball 2012, p. 121.}
\underline{54 Brooke 2011, p. 226.}
This solution draws heavily on John Braithwaite’s notion of republican governance. Much like a multinational corporation, WikiLeaks has moved beyond the reach of any national regulation, and much like a multinational corporation, it has discovered that the freedom this affords is a mixed blessing. In order to ensure its own continuity and to exploit the possibilities that come with being a stateless organization, WikiLeaks, or any organization that will mimic its model, would benefit from a degree of self-regulation and from the acceptance of forms of international governance that will allow for basic checks and balances. Only when it submits to principles, and to external checks of some kind, will an organization like WikiLeaks be able to remain durable, reliable and credible in the eyes of ordinary citizens around the world. WikiLeaks has lost much of its shine and may already be a spent force, but the model it pioneered is not likely to disappear and will remain part of the new landscape of journalism that is emerging. In this new landscape the traditional media organizations are in retreat, although they will probably remain important players. Emerging new forms of journalism will increasingly supplement the old news institutions, not only the leak sites that have been the topic of this paper, but also new forms of public journalism, foundation journalism and internet journalism. We believe that this new mix of players in the field of journalism, the contours of which are slowly emerging, demands a new model for the Fourth Estate. These new actors need to be included in any effective governance model for renegade leak sites such as WikiLeaks.

4.1. WikiLeaks As a Stateless Organization

What is so startling about the “industrial leaking” by WikiLeaks is that it no longer needs a big industrial plant or a radio station in the physical world to spread information all over the globe. Even though WikiLeaks publishes unprecedented quantities of leaked information, there is no need for the organization to be rooted in any one jurisdiction. Effectively, this has made WikiLeaks immune to legal prosecution. When Icelandic state television was served an injunction by Kaupthing Bank in 2009 to remain silent about the unusual lending practices of that bank in the period leading up to the credit crisis, WikiLeaks simply published the internal document on which the story was based — a 210-page loan book — online. (This action made WikiLeaks very popular among Icelandic citizens and led to the Icelandic Modern Media Initiative, a wide-ranging legislative proposal to make Iceland an international transparency haven.) And when the Guardian newspaper wanted to reveal the conclusions of the secret Minton Report about waste dumping
by the Trafigura oil company in West Africa it was threatened with libel action and served a super-injunction. With British media outlets no longer being able to report on Trafigura, WikiLeaks proceeded to publish the Minton report in full. Powerful organizations and institutions can exert real power over media organizations that remain rooted in a national jurisdiction, but for all intents and purposes WikiLeaks has proven to be legally unassailable. This has made it possible for WikiLeaks to circumvent practices that are overprotective and excessively custodial and reveal information that many citizens believe is in the public interest.

Several organizations have tried to sue WikiLeaks. Julius Baer Bank, Trafigura and the Church of Scientology all pursued WikiLeaks in court. They all found it impossible to locate a legal entity they could start proceedings against, however. In effect, WikiLeaks is a stateless organization. There is no single entity that owns the whole WikiLeaks enterprise. The domain name, WikiLeaks.org, is not registered in the name Julian Assange, but in the name his biological father — John Shipton. Assange refuses to respond to litigation against WikiLeaks, because he is not the legal owner of WikiLeaks. Consequently, Julius Baer bank tried to sue Dynadot, the company that registered the domain name for WikiLeaks, instead. This seemed to be a promising course of action, at first. In February 2008, a California court ordered Dynadot to disassociate the site’s domain name with the WikiLeaks files on the servers. Effectively this made it impossible to use of the domain name to access the site. Yet, this order did not stop publication of the contested files. It created a fierce backlash. When the WikiLeaks site was blocked a great many mirror sites were immediately set up to publish the banned material. As a result, the judge decided to lift the injunction. Eventually the bank dropped the case March 2008.

Julius Baer Bank, finally, tried to sue Dan Mathews, an early collaborator of Julian Assange and the administrator of a Facebook group that supported WikiLeaks. On the Facebook page Mathews had been registered as an “officer” of WikiLeaks. Even though this involved little more than being an “officer” of a Facebook page, he was summoned to appear in court. After the case against Dynadot crumbled, Julius Baer Bank also dropped the case against Mathews. All legal attempts to stop WikiLeaks led to nothing. Ultimately, WikiLeaks did not prove to be a suable entity. The only way to get at WikiLeaks was through actions against third party agents or providers in order to stifle its operation. Julius Baer Bank was only able to stop WikiLeaks for a brief period through this course of action, however. Not long after it had to give up. The United States government is also opting for this method. Because there is no world-wide institution to provide accountability, Brooke notes:
“The American solution has been to expand its influence and jurisdiction globally.”\textsuperscript{55} The United States has tried to get at WikiLeaks through the companies that facilitated its operations. It has been more successful in pursuing this strategy than Julius Baer Bank. Yet, even though this effort has made life quite difficult for WikiLeaks, it has failed to shut down the site.

The U.S. is also trying to build a case against Julian Assange personally through Private Bradley Manning, the leaker of many of the WikiLeaks disclosures. When Manning leaked the information to WikiLeaks, he may have had contact with Julian Assange. If private Manning was groomed by Assange and WikiLeaks, then that would turn WikiLeaks into an espionage organization that could be sued for actively soliciting Manning to spy and leak. It seems unlikely that this course of action will ever be pursued, but it still hangs over Julian Assange’s head as a threat.

4.2. “What Julian Wants”

Even though the status of WikiLeaks as a stateless media organization has allowed it to disclose many of the leaks that have propelled it to world fame, there clearly are also downsides to the wide-ranging freedoms its statelessness affords. A truism of political and legal theory — and one of the most venerable insights of classical republicanism — is the old saw that power corrupts. The abiding truth of this maxim has been on display in the slow demise of Assange and the WikiLeaks organization. As Beckett and Ball note, there has been a total lack of accountability in the WikiLeaks organization:

\begin{itemize}
\item WikiLeaks publishes no financial accounts or annual reports. It does not answer questions about income, employees or structure. It does not have any accountability mechanism or governance structure. It does not show its internal workings or give a right of reply. It does not engage in a debate about its strategy either.\textsuperscript{56}
\end{itemize}

The result of this total lack of structure and oversight has been the increasingly erratic and unreliable behavior of the WikiLeaks organization. Without any governance structure to speak of, Julian Assange has assumed absolute control over WikiLeaks. As Beckett and Ball suggest, the guiding principle of WikiLeaks now basically boils down to the maxim: “What Julian wants.”\textsuperscript{57}

\textsuperscript{55} Brooke 2011, p. 217.  
\textsuperscript{56} Beckett and Ball 2012, p. 82.  
\textsuperscript{57} Beckett and Ball 2012, p. 90.
This autocratic model has not done WikiLeaks any favors. As Heather Brooke suggests in her book on WikiLeaks: "power when concentrated is dangerous no matter who holds it or for whatever good intention."\(^5^8\) The dictatorial style of Julian Assange has led many of the WikiLeaks staff to walk out. The absence of internal critique has made WikiLeaks an organization that is prone to excesses and mistakes. The close identification of WikiLeaks with Assange, moreover, might have been a boon when Assange first reached global celebrity status. Yet, when Assange was dragged into court for sex crimes and his erratic leadership of WikiLeaks received critical media coverage, his character flaws started to reflect back on the WikiLeaks organization. If you accuse governments and institutions all over the world of secrecy, corruption and lack of transparency, then you need to make sure your own organization is principled, transparent and of impeccable character. Instead, WikiLeaks has largely squandered its reputation and has become known for fickleness and unreliability.

4.3. What Has Worked?

If you look at the things that did manage to restrain WikiLeaks and guard it against its more reckless impulses, then it is mostly its collaborative projects with other media organizations. When WikiLeaks sought cooperation with mainstream media organizations such as the New York Times, Der Spiegel, the Guardian etc., this brought in many checks on the way WikiLeaks operated — documents were anonymized, sensitive information was filtered, etc. In turn, WikiLeaks was also a check on the way mainstream media organizations operated and functioned. It is important to remember that WikiLeaks was conceived in part as a response to the failures of the regular media. With the news media in rapid decline and journalists increasingly dependent on official sources for their information, many news organizations failed to check and scrutinize their governments effectively in the post 9/11 period.\(^5^9\) The mutual dependence of WikiLeaks and the mainstream newspapers gave these organizations leverage over each other. The regular press made sure WikiLeaks observed basic standards of good journalism, while WikiLeaks jockeyed

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\(^5^8\) Brooke 2011, p. 237-38.

the newspapers out of their complacency and into a more critical stance vis-à-vis powerful government institutions.

Another check on WikiLeaks was the older, rival leak site Cryptome.org. Cryptome.org was a thorn in the side of WikiLeaks right from the start. It criticized the rival leak site for setting unnecessarily high targets for contributions and for lack of transparency. It was critical of WikiLeaks close cooperation with corporate media organizations. It published many internal WikiLeaks documents and became the favorite website for disgruntled WikiLeaks staff to leak to. Even though WikiLeaks is undoubtedly still the foremost leak site today, rivalry and competition with its peers on the internet does supply a degree of control and restraint.

Finally, what stopped WikiLeaks in its tracks was the case against Julian Assange for alleged sex crimes in Sweden. Just like Coca Cola, Levi’s or Apple, WikiLeaks has become a global brand. Multinational corporations go to great lengths to make sure that people keep warm feelings about their particular brands, of course, and remain loyal customers. Very often this care for their reputation will offer opportunities for forms of self-regulation, codes of conduct and self-imposed standards. Multinational corporations are largely impervious to national regulation, but they do worry about their reputation and want to make sure their “brand” does not become toxic. There are very good reasons for WikiLeaks to heed this concern. It may not have to worry about legal action or national regulation, but it is highly dependent on people having trust in the WikiLeaks brand. A good reputation is not only what gives its disclosures credibility with ordinary citizens across the world, it is also what makes it the leak site of choice for would-be whistleblowers. Hence, in a way, WikiLeaks is even more vulnerable to reputation damage than a multinational corporation. It not only needs its reputation to remain credible to a world-wide audience, but also to produce its product — leaks. Some of the recent actions of WikiLeaks have thoughtlessly hazarded this important asset. If WikiLeaks had guarded its reputation more carefully and had sought the moral high ground by being more transparent and accountable, it would probably not have seen its reputation crumble so quickly.

4.4. Republican Governance

The rise of WikiLeaks took place against the backdrop of seismic changes in communication technology and the mass media. The newspaper industry had

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60 See: [http://cryptome.org/](http://cryptome.org/)
already been in a slow rate of relative decline for a number of decades, but in the last few years it has suddenly experienced a dramatic downturn. The digital age finally seems to have caught up with the news behemoths of the industrial past. The business model on which the newspaper industry was based is now clearly broken. As Clay Shirky notes: “the core problem publishing solves — the incredible difficulty, complexity, and expense of making something available to the public — has stopped being a problem.”\(^6\) The old newspaper industry is collapsing and it is increasingly difficult to imagine how it can remain economically viable in a digital world. Nor is it clear what will fill the void left by the demise of the news industry. A number of alternative formats are emerging — citizens’ journalism, advocacy journalism, NGO journalism, foundation journalism, public journalism. It remains to be seen which, if any of these new models, will replace traditional newspaper journalism.\(^6\)

We believe these changes offer opportunities to devise a governance model for leak sites such as WikiLeaks. There are many new players providing and digesting news and participating in public debate. Following Braithwaite we can engage these new types of organizations to make sure they hold each other to account. In his model of republican governance Braithwaite does not argue for a traditional tripartite separation of powers, of course, but for a dispersed, many-party separation of powers that allows for a multiplicity of stakeholders to address abuses of power:

[T]he richer and more plural the separations of powers in a polity, the less we have to rely on narrow, formal, strongly punitive regulation targeted on the beneficiaries of abuse of power. The more we can rely on a regulatory dialogue wherein an appeal is made to the sense of social responsibility of all actors with a capacity to prevent the wrongdoing, the more persuasion can replace punishment.\(^6\)

Moreover, Braithwaite believes the model of separation of powers should not remain restricted to government, but should also be extended to the corporate world. He claims his arguments “are as relevant to abuse of power by the police as they are to a private media organization.”\(^6\)

If there is anything that kept WikiLeaks in check it was corrections by its different collaborators. The networked age affords many opportunities for counterbalancing information monopolies with the use of its wide spectrum of journalistic practices. The interdependencies and rivalries that exist between existing

\(^{62}\) McChesney and Nichols (2010), McChesney and Pickard (2011).
and emerging types of journalism can provide for the checks and balances republican governance calls for. Database leaks, we have argued above, call for a degree of expertise that invites specialist participation. This means that leak sites are likely to look for third parties in the new media landscape to offer assistance in interpreting and unpacking the sets of raw data that come into their possession. This interdependence gives these third parties leverage to keep leak sites responsible, while the information monopoly of the leak sites, in turn, gives them leverage over media organizations to make sure whistles are blown and stories get published.

This is not to reject the new, disintermediated world of crowdsourcing and social media. Republican governance calls for as many players as possible. These can certainly also include citizen journalists. Indeed, an active and involved citizenry is traditionally part of the republican view of government. The republican concern for process, for the dynamic of checks and balances, is not at odds with, but supplemented by, meaningful and active democratic participation. Experts and specialists are important to interpret and explain database leaks, of course, but republican governance is not a return to the top-down organization of the flow of information in which all news is filtered through a media organization before getting to an apathetic audience.\textsuperscript{65} Expert analysis has its place, but so does democratic deliberation and public involvement. At any rate, as Bowman and Willis point out, many of the new forms of journalism are already bottom-up phenomena, “in which there is little or no editorial oversight or formal journalistic workflow dictating the decisions of a staff.” Rather, the new journalism, they argue, “is the result of many simultaneous, distributed conversations that either blossom or quickly atrophy in the Web’s social network.”\textsuperscript{66} Bowman and Willis identify dialogue and conversation as defining characteristics of citizen’s journalism. This will be as much a part of the new media landscape, as the established media organizations that have the expertise to deal with large database leaks.

Baker’s quartet of democratic models, discussed at the beginning of this article, and its concomitant notions of press freedom also included a republican model. For Baker it was the model focused on thoughtful public debate and on a public sphere in which civility and the better argument took precedence over partisan mobilization and democratic bargaining.\textsuperscript{67} Braithwaite’s republican governance clearly diverges from this pure and high-minded form of republicanism. His republican governance comes closer to Baker’s complex democracy model.

\textsuperscript{64} Braithwaite (1997), p. 342.
\textsuperscript{65} Bowman and Willis (2003), p. 9.
\textsuperscript{66} Ibid.
Braithwaite combines the republican ideal of checks and balances — mainly through the mobilization of stakeholders — with the democratic ideal of meaningful participation and involvement by the public. The new forms of journalism offer many opportunities for such a form of republican governance. Public journalism, for example, encourages civic participation in public affairs. In the words of Bowman and Willis, it is model based on citizens “playing an active role in the process of collecting, reporting, analyzing, and disseminating news and information.”

Foundation journalism, i.e. not-for-profit, public-interest journalism financed through charitable foundations, is another alternative that is in the ascendance. It is a form of public-spirited journalism established, in many cases, to compensate for the growing lack of investigative reporting in today’s commercial journalism. This is supplemented by many new forms of advocacy journalism, i.e. journalism in the service of some declared political or social purpose. All these new forms of journalism populate the habitat in which WikiLeaks strives to gain an audience for its leaked data. We believe these new forms of journalism afford opportunities, but also provide checks and impose standards. They constitute the new home in which organizations like WikiLeaks must be domesticated.

5. Conclusion

In this article we provided a number of distinct, but interlocking, arguments to support the claim that organizations such as WikiLeaks are best regulated within a republican governance model, to foster a degree of responsibility and exact respect for basic journalistic standards. In these final remarks we would like to retrace our steps and explain how we arrived at this conclusion from the simple empirical observation that we have now entered a world in which large caches of information can be made available around the world to everyone with access to a computer. First, we rejected the disintermediation narrative, i.e. the notion that this new availability of information is not a problem at all and that it heralds a new era of grass roots empowerment in which gatekeepers and information monopolies simply become a thing of the past. The oversized data sets of official information which are available through sites like WikiLeaks are simply too complex and opaque to have a clear meaning to people. For these large datasets to be relevant to the public, they have to be digested and interpreted. Someone will have to provide the context and explain the significance of

68 Bowman and Willis 2003, p. 9.
these data sets. Hence, the role of experts and specialists remains unavoidable, even though eventually it is up to the public to make up its mind.

Subsequently, we looked at a number of models put forward to conceptualize what leak sites like WikiLeaks are doing. We argued that the model that worked best, so far, was the one in which WikiLeaks sought cooperation with established news organizations to publish its database of diplomatic cables. The forms of cooperation that were established to inform the public about these cables benefited both parties. It imposed limits on the WikiLeaks organization and made sure it abided by good journalistic practices, and it jockeyed mainstream media organizations out of their complacency and allowed them to publish material that might otherwise have been blocked by national governments.

Finally, we argued that it would be both in the interest of the public and of WikiLeaks — or any other leak site that follows in its tracks, — to stabilize this working arrangement, this modus operandi, in a more self-conscious form of republican governance. A stateless organization like WikiLeaks may be beyond the reach of national regulation, but it remains highly dependent on the credit it has with its publics all over the world and with any potential whistleblowers that want to expose a wrong or an injustice. People can lose faith in the evenhandedness of a leak site and whistleblowers can take their stories elsewhere. A leak site that wants to remain credible and relevant needs to be principled and transparent. We believe that the traditional news media, as well as the new emerging forms of journalism, can provide an environment in which leak sites such as WikiLeaks, dependent on the expertise and the platforms these potential journalistic partners provide, are scrutinized, challenged and checked more effectively.

References:


