

# Aufsätze

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## Political Power and the Requirements of Accountability in the Age of WikiLeaks

### *Summary*

Through the massive leaking of classified government documents, WikiLeaks has provoked a debate on the link between transparency and political accountability. The central issues of contention in this debate are the degree to which secrecy is compatible with democratic processes and whether WikiLeaks meets its own standard of transparency. This paper examines a narrower, though related, set of questions. At the conceptual level it explores the link between transparency and accountability. Does an increase in the former necessarily imply an increase in the latter? At the empirical level, it examines whether WikiLeaks contributes to the public's ability to hold governments and organizations accountable by increasing transparency and providing necessary information. That is, do leaks shift the balance of power between publics and governments? If not, can we nevertheless regard internet-based digital leaking a symbolic act of political protest in support of a democratic ideal? The analysis is structured around five parameters, each of which relates to the ability of WikiLeaks to promote accountability via leaking. We find that although WikiLeaks increases the amount of information available to publics, it does not provide for transparency. On the one hand, the mere fact of leaking does not necessarily identify responsible government officials or force them to justify their policies. On the other, the information that is contained in the leaked documents has to be interpreted before it can be acted upon by interested citizens. The analysis leads to the conclusion that the sort of transparency promoted by WikiLeaks is neither a necessary nor sufficient condition for political accountability.

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## 1. Introduction

For more than two years, WikiLeaks has set the agenda of public discussions on how to challenge political power through efforts to promote transparency and redress informational disparities between governments and publics. The debate began with WikiLeaks' first major "scoop" – the release of the video clip "Collateral Murder" on 5.4.2010 – and gathered steam with the serial publication of thousands of US government documents – the "Afghan War Diaries" (26.06.), "Iraq War Logs" (22.10.), and finally "Cablegate" (29.11.) – later that same year. By 2011, academic discussions of WikiLeaks had evolved into a controversy between the protagonists of new modes of transparency on the one side and critics of an emerging ideology of a global information society informed by "liberated data" (Lessig 2009: 37) on the other. The central issues of contention in this debate remain the degree to which secrecy is compatible with democratic processes and whether WikiLeaks meets its own standard of transparency (Katchadourian 2010).

In this paper we examine a narrower, though related, set of questions. At the conceptual level we ask: What is the link between transparency and accountability? Does an increase in the former necessarily imply an increase in the latter? Empirically we ask whether WikiLeaks contributes to the public's ability to hold governments and organizations accountable by increasing transparency and providing necessary information. That is, do leaks shift the balance of power between publics

and governments? If not, can we nevertheless regard internet-based digital leaking a symbolic act of political protest in support of a democratic ideal?

## 2. WikiLeaks: Internal and External Assessment

The claim that leaks shift the balance of power between publics and governments to the benefit of the former is central to WikiLeaks' self-image. For example, in his account of the inner-workings of the organization, Daniel Domscheit-Berg writes:

“When I joined WikiLeaks in 2007, I found myself involved in a project devoted above all to one goal: Subjecting the power that was exercised behind closed doors to public scrutiny. The idea of using an Internet platform to create transparency where it was most resisted was as simple as it was brilliant” (2011: ix).

Similarly, on the WikiLeaks website, one reads:

“Today, with authoritarian governments in power in much of the world, increasing authoritarian tendencies in democratic governments, and increasing amounts of power vested in unaccountable corporations, the need for openness and transparency is greater than ever. WikiLeaks’ interest is the revelation of the truth. Unlike the covert activities of state intelligence agencies, as a media publisher, WikiLeaks relies upon the power of overt fact to enable and empower citizens to bring feared and corrupt governments and corporations to justice” (WikiLeaks 2012).

Assuming for a moment that the description of contemporary political developments is empirically valid,<sup>1</sup> to what degree does WikiLeaks actually threaten “power” by revealing “truth” through “transparency”? And in what respect do the revelations of which we speak reveal something we didn’t know and therefore lead to citizen “empowerment”?

In an astute essay for the London Review of Books, Slavoj Žižek cast doubt on such straightforward claims. Power, Žižek argues, is not something that is “held by the bad guys at the top” and which can be toppled by a “good” secret group attacking the “bad” secret government in a “conspiratorial mode”. Power is not a property of individuals or groups (e.g. the CIA, the Pentagon, or the Department of State) that can be targeted, but rather a relational phenomenon that permeates society (Žižek

<sup>1</sup> But see Huntington 1993.

2011). Hence, to evaluate the impact of WikiLeaks, we need to analyze its effects on social relations rather than individuals or institutions.

Broadening the analysis from a narrow focus on state institutions to relations of citizens to their government and to each other leads to some rather surprising insights. Crucially, neither the content of the leaked material nor those responsible for it constituted the ultimate casualty. “The real disturbance was at the level of appearances: we can no longer pretend we don’t know what everyone knows we know” (*ibid.*). What the publication of classified diplomatic cables and other government documents revealed was not only some unknown unpleasantries of contemporary international affairs, but more important, the fact that these are now common knowledge. “The aim of the WikiLeaks revelations was not just to embarrass those in power but to lead us to mobilise ourselves to bring about a different functioning of power that might reach beyond the limits of representative democracy”. In exposing not only state institutions but also societal actors responsible for holding them accountable, “WikiLeaks threatens the formal functioning of power” (*ibid.*).

While there has been broad discussion of the claim that WikiLeaks promotes transparency in media and politics (Krotoski 2011; Roberts 2012), the focus of this paper is on the asserted link between transparency and accountability. For some, ideally “transparency should be seen as a process of requiring persons in relations of community with others to account for their actions, understandings and commitments as regards matters directly relevant to those relations” (Cotterell 1999: 414). This process-oriented conception of transparency comprises the relevant result for social relations: being accountable and being able to hold someone accountable. A narrower conception sees transparency as a necessary but not sufficient means to accountability. From this perspective, transparency redresses informational asymmetries that hinder the ability of citizens to hold public officials accountable. In what follows, we analyze whether and how WikiLeaks contributes to transparency and how any increased transparency relates to the requirements of political accountability.

We structure our analysis around five basic parameters each of which relates to the ability of WikiLeaks to promote accountability by means of leaking:

- a) *Objective*: Is WikiLeaks directed at optimizing processes of providing information, or does it aim to create new structures of power and control via communication?
- b) *Context*: Does WikiLeaks provide data that require further interpretation and “translation”, or information that empowers individuals independently to judge better the behavior of their governments and related institutions?

- c) *Reach*: Are there limits or restrictions on WikiLeaks' concept of transparency and are these reflected in the organization's behavior?
- d) *Reaction and Relevance*: Does WikiLeaks produce the desired increase in accountability?
- e) *Discourse*: What role has WikiLeaks played in promoting open public debate on the transformation of the public sphere and the political system?

The parameters have been condensed from a review of the literature on the connection between WikiLeaks, power and transparency. We regard them as heuristic frameworks, each of which focusses analysis on certain features of WikiLeaks and its relationship to state institutions and society. Because WikiLeaks postulates a strong connection between political power, transparency and processes of communication, we employ a multidisciplinary analysis for each parameter, working with concepts and logics taken from theories in communications science and political science. The analysis is not paradigmatic: we have availed ourselves of models and theories from both rationalist and constructivist traditions. Drawing upon strands of Critical Discourse Analysis (Wodak/Meyer 2009), the approach attempts to create a dialogue among concepts and theories that often are applied in isolation and views “analysis”, “theory”, and “application” as recursively linked corners of a discursive “triangle”.

We find that although WikiLeaks increases the amount of information available to publics, it does not provide for transparency in either of the conceptions discussed above. On the one hand, the mere fact of leaking has not forced government officials to justify their policies, nor has it produced effective citizen mobilization. On the other, the content of the leaked documents alone is insufficient for redressing information asymmetries. Information has to be interpreted by other social actors before it can lead to concerted action on the part of interested publics. Convinced that the sort of transparency WikiLeaks is promoting is neither a necessary nor sufficient condition for political accountability, we conclude with some thoughts on the role of openness in democratic societies.

### 3. Transparency and Accountability: A Political and Communication Science Perspective

Before we can begin with an analysis of WikiLeaks' potential to promote or enhance governmental accountability by means of leaking, we need a definition or conception of political accountability and some sense of how it is achieved. Most scholars regard accountability as a relationship between or among individuals or corporate actors in which one recognizes the duty to inform the others, to explain and justify

his or her actions, to be answerable for the consequences of these actions, and to accept any rewards or punishments the others may impose as a result thereof (Manin/Przeworski/Stokes 1999; Schmitter 2007). The specific form of accountability that is of interest here is political accountability, that is, the mechanisms of control over persons or institutions exercising public authority. And although mechanisms of accountability are found in most if not all political systems (even absolute monarchies were held to be accountable to God) a central question of democratic theory is how the citizenry can tame *and* exploit the coercive power of those institutions that exercise a monopoly over the legitimate use of force over a given population and within a given territory, that is, the modern state (Schmitter 2007: 4-5).

Whereas many models of deliberative democracy assume actors are guided by an inherent sense of accountability (Habermas 1992) in most democracies accountability ultimately is guaranteed by elections. From this perspective, state officials and institutions are accountable if voters are able to discern whether these have acted in the public's interest and can sanction them appropriately. Those who have acted in the best interests of the citizens are rewarded with reelection whereas those who have not are "thrown out of office". Accountability then is present when two conditions are met: First, voters only return to office those incumbents who have acted in their interests; and second, incumbents are in fact acting in the best interests of citizens because of the possibility of electoral sanction (Manin/Przeworski/Stokes 1999: 40).

In practice, electoral accountability is frustrated by a number of factors both at the level of the individual citizens and the state institutions they seek to control. Rational choice models of electoral accountability assume that citizens are aware of their preferences and that preferences remain relatively stable over time. Hence, citizens' judgments of government performance reflect the distance between their preferences and actual policy choices. But for many issue areas, citizens do not have pre-determined preferences, either because they do not regard the issue area as important to their lives, because the issue is complex, or because they do not have sufficient information to develop an informed opinion.

It has often been noted that the public is particularly uninformed in questions relating to foreign policy, the area in which WikiLeaks has been most active. For most citizens, the links between the state's foreign policy choices and their own wellbeing are not as apparent as they are in domestic policy spheres (Newman/Just/Crigler 1992). On most foreign policy issues, most of the public is disengaged most of the time. Consequently elites tend to enjoy greater freedom of action in foreign policy than in domestic affairs (Powlick/Katz 1998).

At the level of the state, two issues frustrate efforts to assign responsibility and hence hold officials and institutions accountable for their actions. The first relates to the range of choice that was available to policymakers. When the situation confronting policymakers is particularly acute or demanding, there may be very little room for choice. For example, the fact that most of the major industrial democracies initially responded to the recent financial crisis with large-scale fiscal expansion, suggests that there was very little room for choice in the winter of 2008-2009. International relations scholars routinely claim that the environment within which foreign policy is made is one of compulsion rather than choice (Waltz 1979; Mearsheimer 2001). Where there is little room for choice, attempts to assign responsibility are frustrated.

But even when decision makers enjoy a wider range of choice, it may be difficult for observers to assign responsibility for the policy and its consequences. Already in Federalist 70, Alexander Hamilton argued that accountability is obscured by a plural executive:

“But one of the weightiest objections to a plurality in the Executive [...] is, that it tends to conceal faults and destroy responsibility. Responsibility is of two kinds to censure and to punishment. The first is the more important of the two, especially in an elective office [...]. But the multiplication of the Executive adds to the difficulty of detection in either case. It often becomes impossible, amidst mutual accusations, to determine on whom the blame or the punishment of a pernicious measure, or series of pernicious measures, ought really to fall. It is shifted from one to another with so much dexterity, and under such plausible appearances, that the public opinion is left in suspense about the real author. The circumstances which may have led to any national miscarriage or misfortune are sometimes so complicated that, where there are a number of actors who may have had different degrees and kinds of agency, though we may clearly see upon the whole that there has been mismanagement, yet it may be impracticable to pronounce to whose account the evil which may have been incurred is truly chargeable” (Hamilton/Madison/Jay 1961: 427-28).

Modern democracies are characterized by a plethora of executive agencies, a fact that gives rise to organizational and bureaucratic dynamics, which often serve to skew executive decisions as well as their implementation (Allison 1971). When policy recommendations to the chief executive reflect prior compromises reached among the various bureaucratic agencies competing with each other for budgets and influence, it is not obvious where responsibility for any given decision ultimately rests. And even if the chief executive is able to compensate for the biased informa-

tion provided by the interagency process, she usually is forced to rely on these same agencies for the execution of policy.

The above discussion, though not elaborate, suggests that effective democratic accountability faces at least two types of challenge: informational and organizational. Informational asymmetries favor state agents and agencies; publics often do not have enough information to form fixed preferences or judge the degree to which policies reflect these. Given the range of issues addressed by governments, the public is simply limited in its ability to know what their agents are doing and why. Moreover, because voter preferences are unlikely to be uniform, policy makers have an opportunity and perhaps even incentive to manipulate information in order to thwart the emergence of collective opposition and hence effective electoral sanction. At the organizational level, the ability of publics to identify the true locus of responsibility is complicated by the fact that multiple agents are making and executing policy.

#### **4. Engaging Citizens: Information, Consultation, Participation**

In modern democracies the role of mass media is to help guarantee the level of information required by citizens for understanding the organization and processes of policy making thus empowering them to develop their own political opinions, that in turn can be expressed by the act of voting. Because public knowledge and understanding of government activities is always limited, media is essential for redressing information asymmetries between citizens and public agents and ensuring the possibility for political agency. Indeed, “[p]olitical transparency is virtually impossible without some form of mass media coverage” (Balkin 1998: 1).

The advent of the internet, social media and the emergence of what Meikle and Young (2012) term “media convergence” – together with the related promise of a new open, networked and democratic exchange of information that can empower citizens to better understand the process of political decision making and, thus, more effectively participate in it – has led to a renewed interest in the role of the media in promoting accountability (Bohman 2004; Shirky 2011).

Many ask whether the new forms of participatory media are rendering the classical media obsolete. For example, Benkler (2006) argues that in the “industrial information economy”, processes and mechanisms of “peer production”, and diminishing transaction costs for the participation in producing and processing information, can serve as means of leveling hierarchies, reducing information asymmetries, and empowering people to greater autonomy, freedom, and critical thinking. Yet, traditional media players have not exited the scene.

In an effort to conceptualize the interplay between participatory media and classic media on a practical level, Bowman and Willis (2005) developed the media ecosystem model. In this model, journalists and media are seen to be an important interface or intermediary between a networked group of readers and content distributors, such as print publishers and television. Here, suggestions and background information are transmitted from readers through the social web to the journalist, who processes the various inputs and forwards them through various channels to the wider public. From this new information that is redistributed, commentated, and modified within the networked readership, further new suggestions and background information are developed and assimilated by the journalist. In such a model, organizations like WikiLeaks can play a role as information providers, while journalists and media primarily have the status of experts, who filter and verify information and retransmit it to an audience who trusts them.

In this regard, transparency is just one, though major part of a complex model of information processing that has been widely transformed by participatory media and involves the users as citizens in interpreting and making use of the respective information. In spite of these changes and new opportunities of networked communication, a basic proposition still holds true: If transparency is to promote enhanced accountability, then the information it generates needs to diminish the obstacles to effective democratic control. At a minimum, transparency needs to support three steps of collective political empowerment identified by the OECD (2001) by:

- a) informing citizens about their interests and how the actions of state agents and agencies affect them (*information*);
- b) helping them to identify the locus of responsibility given that they are trying to control the actions of multiple agents and react to them (*consultation*);
- c) evoking a collective response (*participation*).

The rationale of this three step model is clear: Information is a basic requirement for improving the quality of policy-making by allowing citizens to better understand the relevant organizational and procedural framework (transparency), by integrating public response via procedures of consultation (interactivity) and by, eventually, engaging citizens in policy-making on a partnership basis that is rooted in mutual trust and mutual control (accountability).

Figure 1: The three steps to political accountability



## 5. WikiLeaks and its Contribution to Political Accountability

Julian Assange would seem to be inspired by a similar model. In his 2006 *Manifesto* he argues:

“Firstly we must understand what aspect of government or neocorporatist behavior we wish to change or remove. Secondly we must develop a way of thinking about this behavior that is strong enough to carry us through the mire of politically distorted language, and into a position of clarity. Finally must use [sic] these insights to inspire within us and others a course of ennobling, and effective action” (Assange 2006 a: 1).

But despite the claims of Assange and his followers, we maintain that WikiLeaks is not holding anyone accountable for anything. Nor is WikiLeaks contributing to increased democratic accountability by means of empowerment. Indeed, with its current focus on leaking massive numbers of official documents, it is little more than a data platform and thus fails at all three tasks. To understand why, we turn to the five dimensions of the project discussed in the introduction.

### a) Objective

If we take Assange at his word, then the objective of WikiLeaks is not merely to provide information but to “discover technological changes that embolden us with ways to act in which our forebears could not” (Assange 2006 b: 1). Specifically, WikiLeaks is an attempt to harness the technologies of digital communication in pursuit of a new balance of power between governing elites and the governed.

For Assange, political elites are engaged in a conspiracy defined by secret communication. Secret communication occurs within a network that forms a structure of power:

“Where details are known as to the inner workings of authoritarian regimes, we see conspiratorial interactions among the political elite not merely for preferment or favor within the regime but as the primary planning methodol-

ogy behind maintaining or strengthening authoritarian power. [...] First take some nails (“conspirators”) and hammer them into a board at random. Then take twine (“communication”) and loop it from nail to nail without breaking. Call the twine connecting two nails a *link*. Unbroken twine means it is possible to travel from any nail to any other nail via twine and intermediary nails. [...] Information flows from conspirator to conspirator. Not every conspirator trusts or knows every other conspirator even though all are connected. Some are on the fringe of the conspiracy, others are central and communicate with many conspirators and others still may know only two conspirators but be a bridge between important sections or groupings of the conspiracy” (Assange 2006 b: 2).

Understanding the structure of a conspiracy of secret communication then becomes essential to devising a strategy for destroying it in pursuit of a new structure of political control and accountability:

“If all *links* between conspirators are cut then there is no conspiracy. This is usually hard to do, so we ask our first question: What is the minimum number of *links* that must be cut to separate the conspiracy into two groups of equal number? (divide and conquer). The answer depends on the structure of the conspiracy. Sometimes there are no alternative paths for conspiratorial information to flow between conspirators, othertimes there are many. [...] We can marginalise a conspiracy’s ability to act by decreasing *total conspiratorial power* until it is no longer able to understand, and hence respond effectively to, its environment” (Assange 2006 a: 2-4).

Recalling Žižek’s insight that the aim of WikiLeaks is not just to “embarrass those in power but to lead us to mobilise ourselves to bring about a different functioning of power” suggests, however, that Assange’s exclusive focus on the structure of what he regards to be governmental conspiracies of secrecy is misplaced. If the objective is to promote more effective control of governments by otherwise disempowered publics, then it is the effects of WikiLeaks on the interest in and ability of citizens to overcome collective action problems that is at issue.

Proponents of the proposition that WikiLeaks promotes increased government accountability appear to believe that transparency in the form of massive leaks of documents in and of itself can lead to public mobilization. The proposition evokes the oft-quoted dictum of Justice Louis Brandeis: “Publicity is justly commended as a remedy for social and industrial diseases. Sunlight is said to be the best of disinfectants” (Brandeis 1914: 92). From this perspective, WikiLeaks is seen as a spot-

light cutting through the shrouds of state secrecy so that citizens have access to the information they need to form opinions and hold state agents and agencies accountable. But is the analogy apt?

As Lessig (2009) pointed out, Brandeis's proposals for increased transparency (or "publicity" to use his words) were directed at the private sector and emerged from an analysis of the excessive profits generated by banks in the early years of the 20<sup>th</sup> century. Full disclosure of banking practices and profits was seen by Brandeis as a means of increasing the information available to consumers who could then better judge the quality and value of bankers' services. Transparency thus was intended to improving market efficiency by expanding the range and quality of consumer choice.

But under what conditions can we treat government policies as commodities or services traded on a market? And when does it make sense to conceptualize citizens as consumers? One way of answering these questions would be to ask when accountability can be achieved by the effects of independent individual choices and when, by contrast, collective action based on strategic interdependence is demanded. If political accountability itself is the "good" that is to be produced by the collective action of citizens, i.e. is the product of collective rather than individual action, then the analogy is misplaced. Transparency of the sort provided by WikiLeaks will not lead to the "mobilization of individual choice, market forces and participatory democracy" (Fung/Graham/Weil 2007). Rather "market failure" is the most likely response (Olson 1965). If the objective of WikiLeaks is to foster collective action, then it needs to provide information not only on the policies of governments but also on the preferences and behaviors of publics (Coase 1960; Hardin 1982).

Likewise, from the perspective of communication science, there is little evidence to support the proposition that leaking alone is a means of fostering collective action. As Balkin (1998) points out, one of the best strategies of hiding something is sometimes to leave it out in the open. The most relevant information will hardly be found if packaged in a flood of data. This would seem to be the lesson of the "Cablegate" leaks in 2010. A group of traditional media outlets with their journalists was needed to filter the hundreds of thousands of data in favor of directing public attention to the most interesting information and relevant relations (e.g. the wealth of the Ben Ali family in Tunisia in contrast to the bad economic situation of the country and its citizens).

Assuming individual decision making as a prerequisite for collective action, decision theory provides little support for the claim that WikiLeaks provides for political accountability. Even if a number of individuals came to the conclusion that government behavior required some negative sanction, WikiLeaks does not help

them to solve basic coordination problems. As a data platform, WikiLeaks is not a *social* institution. And the internet is not a global commons (Roberts 2012: 5-9).

The structural problem is not only the information asymmetry between the government and publics (or agents and their principals) but also that principals 1) are unaware of the preferences of other principals; 2) may have a variety of incompatible preferences; and 3) have no automatic incentive to act on behalf of the collective. Massive leaks of confidential, intra-governmental communication to the public do not alleviate these impediments to collective action. Even if we assume that individuals are aware of their preferences in some number of the myriad foreign policy issues covered in the leaked documents, the sheer volume of data they contain may pose a disincentive to individuals otherwise interested in evaluating government performance. If the costs of being informed (not just accessing information!) are significant relative to the likely benefits flowing from a change in policy, citizens are likely to remain “rationally ignorant” (Downs 1957). And if citizens are only boundedly rational (Simon 1957; Jones 1999) then we cannot expect them to invest heavily in searching for information on issues that are not of immediate interest.

If the *objective* of WikiLeaks is to use technology to provide the information the public needs in order to exercise its democratic rights, massive leaking falls short. It not only fails to provide for accountability but to some extent is insufficient even for transparency. Institutionalized and professional procedures are required to decode data sets into information and thereby support individual and collective action.

## b) Context

Mobilization works when citizens have the information they can use in a way they can use it (Lessig 2009). But as the foregoing discussion suggests, Assange and his followers may have overly simplified the strategic situation confronting efforts to promote public mobilization.

It has long been recognized that the institution of elections alone is insufficient to ensure political accountability. Rather, intermediate institutions such as the media and political parties are required to help voters form opinions and rank preferences. This is especially true in the fields of foreign and defense policy in the United States, the principal focus of WikiLeaks to date. The public’s interest in foreign affairs has been shown to depend on media coverage of elite debates. “Elite discussions in these fora are the ones that have the potential to create or alter public attitudes on foreign policy issues” (Powlick/Katz 1988: 39). Whether a foreign policy issue becomes public thus depends on choices made by major news media.

At first glance, it might appear that Assange is aware of the importance of professional news organizations for activating public interest for foreign policy questions. After all, he sought the assistance of first class mainstream print media – The New York Times, The Guardian, Der Spiegel, El País and Le Monde – in advance of publishing the leaked documents. But given the volume of material involved and the short lead-time accorded to his media “partners” one wonders whether the goal was to better inform the public of the documents’ content, or rather of the fact of their publication, in which case the collaboration is better regarded as part of a marketing strategy. Whatever the motive, mainstream media has subsequently treated the data contained in the leaked documents as one source among many.<sup>2</sup> Hence we would expect the effects of WikiLeaks on public opinion to be indirect as the data contained in the published documents is sifted and filtered through frames and lenses set by professional journalists and other elite opinion makers. And in the field of foreign policy reporting, certain frames have been demonstrated to lead to less rather than more public interest (Iyengar 1991; Newman/Just/Crigler 1992; Iyengar/Simon 1994).

The attempts of WikiLeaks to leak data in pursuit of better informing an ignorant public also need to be evaluated in light of the organizational contexts of WikiLeaks itself. Since the “high season” of leaking in 2010, the platform has undergone a deep transformation process that has pushed Julian Assange as founder and head of WikiLeaks into the international spotlight and decreased attention directed at the organization itself. In terms of “personalization” as a news factor (O’Neill/Harcup 2009) this might have been a relevant strategy to position WikiLeaks in the field of media attention, but it hasn’t helped in positioning it as a major part of a transformed process of public information and decision making in a networked society (Becket/Ball 2012). The rumors, speculations, and legal proceedings focused on Assange have drawn attention away from the organization WikiLeaks. Moreover, his apparent hunger for individual attention has overshadowed subsequent efforts to leak data that might help to better inform the public on relevant matters of international affairs.

The very fact that the institutional practices of WikiLeaks itself are not transparent means that the material it publishes as well as its motives for doing so are likely to be subjected to scrutiny. Indeed, this was the result of the publication of “Collateral Murder”. Instead of leading to widespread outrage and demand for reform of the US military’s rules of engagement in Iraq, “many people turned on WikiLeaks itself,

2 Writing about the collaboration, the former New York Times Editor-in-Chief claimed: “We regarded Assange throughout as a source, not as a partner or collaborator, but he was a man who clearly had his own agenda” (Keller 2011).

charging that it had manipulated the video to bolster its allegations of military misconduct" (Roberts 2012: 11).

In his often cited portrait of Julian Assange, Katchadourian (2010) implies that the organization's evolution is explained by a basic contradiction between its aspiration and actions. The first leak, he reports, was facilitated by WikiLeaks participating in a hacker's attack on the TOR network. The data were not provided by whistleblowers but retrieved from a hacker's attack. Assessing the legitimacy of WikiLeaks' activities and their contribution toward fostering political accountability would appear to require that we first develop a clear understanding of the institutional and ethical differences between the practices of leaking and those of hacking.

Regarding the *context* of WikiLeaks' actions we observe a range of missing social and institutional links between the provision of raw data and the generation of information and knowledge that can serve as the basis for mobilizing concerted citizen action. The leaks are best regarded as raw data that needed to be turned into information by traditional media institutions and professional journalists. But the most prominent news factor in the evolving media coverage of WikiLeaks has been the "personalization" of the leading figure Julian Assange himself. As news coverage increasingly has focused on his personal motives and interests, the organizational context and interests of an institution ostensibly established to promote a new level of transparency have been obscured. Moreover, from the very beginning, the methods employed by WikiLeaks were themselves less than transparent. Data originally "sold" to the public as the organization's first big "leak" was not the result of whistleblowing but in fact the product of hacking.

### c) Reach

WikiLeaks "represents an approach to transparency quite different from that involved in freedom of information (FOI) law and corporate governance codes, in which formal obligations to disclose information have to be balanced against considerations such as security, privacy and commercial confidentiality" (Hood 2011: 635). Of course leaking or whistle-blowing are not new. And the ethical questions regarding the potential harm inflicted on institutions and individuals by the unauthorized dissemination of information have been discussed extensively. But whereas mainstream journalism – even of the investigative type – functions according to a professional ethos that limits the spheres of private activity legitimately considered to be of public interest, the sheer volume of material published on WikiLeaks makes clear that no such weighing of competing private and public interests could have

taken place. Indeed, Domscheit-Berg admits that prior to the publication of the Afghan war logs, WikiLeaks was “completely swamped by the task of technically processing the documents” (Domscheit-Berg 2011: 181). Meanwhile the mainstream media has moved into the field of digital whistle blowing. For example, the Wall Street Journal has set up a website, SafeHouse, which allows whistle blowers to release digitalized documents and information. But the Journal warns potential leakers that although it will do everything it can to protect the identity of the leaker, it reserves the right to disclose information about the leak and the leaker if required by legal authorities (Becket/Ball 2012).

The effects of WikiLeaks’ approach to data sharing (massive leaking) are likely to vary across polities. Where political parties are well established and journalists governed by a professional ethos, the negative consequences of breaching the legitimate bounds of institutional or personal privacy are likely to manageable. In the two party system of the United States, political parties would be expected to highlight and frame information in ways that appeal to the median voter. Even in well-established democracies the influence of permanently established associations and lobby-groups enjoy unique capacities to exploit data in support of narrow interests. However, in weak or transitional democracies, where political parties and media institutions are weak as well, the risk that elites will seize on data in order to mobilize the masses toward narrow ends is even greater.<sup>3</sup>

If the goal of WikiLeaks is to promote accountability, then transparency *per se* is not a virtue. Rather, to be effective, leaks should be targeted in a way that helps opposition parties, journalists and other opinion-makers to identify the locus of responsibility for policy decisions that transgress laws or other widely held norms. At present, this is not the case. In choosing the route of indiscriminate and massive leaking, WikiLeaks has over-reached.

Looking back at how WikiLeaks fueled public debate on transparency, we can observe a development that started with some innovative and insightful ideas on supporting information transparency and thereby consultation and participation of the public, and then progressed, finally, to an ideology of “total transparency”. This over-reaching has, again, promoted a controversial public debate on the limits of the transparency model. There is a range of respectable reasons for questioning the concept of total transparency: Society needs arcane retreats to ensure its own functioning as well as that of the individual human being. As Žižek (2011) put it: saying unpleasant things in public changes everything. The need for secrets (even lies) and

3 This is the lesson of much recent scholarship on ethnic and nationalist inspired violence during periods of democratic transition (see Mansfield/Snyder 1995; Diamond 1995; Snyder 2000).

patterns of public ignorance challenge the ideology of total transparency. The economy needs realms of the arcane as without them there would be no competition and no innovation (formally based on patent rights for example). And even politics can claim that a temporally-delimited arcane realm is needed to prepare political decision making before a heated public debate can silence minority interests in the process of political bargaining. In fact, there is no widespread consensus on the amount and kind of data governments and other organizations should make available to the public as witnessed by ongoing debates on open government data (Sifry 2011: 105-131; Perthes 2011; Sagar 2011). Nonetheless, the WikiLeaks approach does not provide a compelling model. As Tim Berners-Lee, the founder of the World Wide Web, has argued: properly conceived, open government data “is not personally identifiable information about individuals. It does not have privacy issues associated with it. And it does not include military or state secrets”<sup>4</sup>.

In terms of *reach* WikiLeaks has *over-reached* by turning the respectable idea of more transparency in favor of political accountability into an ideology or even a totalitarian dogma. As Han (2012 a) suggests, excessive transparency does not necessarily lead to more and better information, decision making or even to more freedom but may indeed trigger a deteriorating development in the opposite direction: “Totally transparent is just nothingness” (Han 2012 b; translation by the authors).

#### d) Reaction and Relevance

The backlash from Wikileaks’ strategic overreach has not been limited to traditional media outlets and public opinion. Governments – the intended target of WikiLeaks in the first place – have adopted policies both to limit the ability of WikiLeaks to continue to operate and to reduce the negative consequences of any future leaks.

The first response of the US Government was to target WikiLeaks. Within hours of the publication of the first embassy cables, the WikiLeaks site came under a distributed denial of service (DDoS) attack (Arthur 2011). Although it is impossible to know whether the attack was executed by hackers or governmental agencies, and if the latter, whether in the United States or one of the countries named in the documents, the scale of the attacks suggests it was coordinated and involved numerous individuals and computers. The DDoS attack was followed by calls from US Senator Joseph Liebermann for “any other company or organization that is hosting WikiLeaks to immediately terminate its relationship with them. WikiLeaks’ illegal, out-

4 [http://www.huffingtonpost.com/alexander-howard/tim-bernerslee-on-wikilea\\_b\\_798671.html](http://www.huffingtonpost.com/alexander-howard/tim-bernerslee-on-wikilea_b_798671.html) (Accessed 10.5.2013).

rageous, and reckless acts have compromised our national security and put lives at risk around the world. No responsible company – whether American or foreign – should assist WikiLeaks in its efforts to disseminate these stolen materials” (*ibid.*). The response to Lieberman’s call was swift and wide ranging. Amazon quickly removed WikiLeaks’ content from its cloud computing platform. Amazon’s response was followed by veryDNS, the company that provided domain name service to WikiLeaks. VeryDNS ceased to direct the domain name “wikileaks.org” to the site and users who typed “www.wikileaks.org” into their URL bar, or users who clicked on online links to the main WikiLeaks site got a blank screen. VeryDNS issued a notice claiming that they cut off WikiLeaks because the site was subject to massive DDoS attacks that adversely affected its other clients (Benkler 2011).

In addition to targeting WikiLeaks’ internet platforms, online payment systems that were being used to collect and deliver donations to WikiLeaks came under pressure to cut their ties to Assange’s organization. On 4.12.2010 PayPal became the first to suspended service to WikiLeaks. According to a company Vice President:

“What happened is that on November 27th [the day before WikiLeaks began releasing cables] the State Department, the US government basically, wrote a letter saying that the WikiLeaks activities were deemed illegal in the United States. And so our policy group had to take a decision to suspend the account. [...] It was straightforward from our point of view” (Arthur 2011 as cited in Benkler 2011: 14).

Other major payment systems, including MasterCard, quickly followed PayPal’s lead.

The second target of government action was internal security. According to US Army Private Bradley Manning, the alleged source of the documents leaked in 2010, the security at his post in Iraq was a “perfect example of how not to do [information security] [...]. Weak servers, weak logging, weak physical security, weak counter-intelligence, inattentive signal analysis – a perfect storm” (Poulson/Zetter 2010 as cited in Roberts 2012: 121). Manning gained access to the documents via the US Department of Defense’s Secret Internet Protocol Routing Network (SIPR-Net), a computer network also used by the Department of State to transmit classified information (up to the level of “secret”). SIPRNet was developed in response to the finding of the 9/11 commission, that information within the US government was over-classified and too compartmentalized (National Commission 2004: 416-419).

As a consequence of the unprecedented security breach, the ability to write to removable media has been disabled in the majority of terminals connected to SIPR-Net. For those remaining machines where writing is allowed, security software re-

ports in real time every write operation as well as every attempt at unauthorized downloading. The Defense Department has begun to issue a Public Key Infrastructure (PKI) that is intended provide very reliable identification of the person accessing the network and requesting data. Meanwhile the intelligence community has increased its efforts to monitor the activities of those accessing classified information and systems (Aftergood 2011).

In addition to adopting administrative and technical measures, the US government has explored possible legal responses to the leaks. The most public of these has been the prosecution of Bradley Manning. But given the history of First Amendment interpretation, most legal theorists see little room for legal action against WikiLeaks itself (Benkler 2011).

Although it is too early to know whether government efforts to prevent another leak of the size and sensitivity of those in 2010, what stands out is the fact that the US Government has not drawn the conclusion that WikiLeaks has produced an increased demand for public accountability. Instead it mobilized its significant powers to influence private sector actors to cut their ties to WikiLeaks and focused on increasing its capacity to protect state secrets and punish unlawful disclosure.

One of the more controversial, perhaps even paradoxical, outcomes of WikiLeaks' efforts is reflected in the contrast between individual whistleblowing and organizational leaking. Whereas WikiLeaks has been ineffective in generating government accountability by means of massive leaking and has itself avoided public and legal accountability, the individual whistleblower, David Manning, *is* being held accountable, and faces a lifelong sentence. In an online chat with former hacker Adrian Lamo that is documented by Wired Magazine, Manning writes: "I want people to see the truth [...] regardless of who they are [...] because without information, you cannot make informed decisions as a public".<sup>5</sup>

From the standpoint of relevance, WikiLeaks has ignored basic mechanisms of social relations such as reciprocity and reflexivity. Whenever an irritation is produced by unknown actions, social systems tend to react to it in multiple and often unpredictable ways (Jervis 1997). Assange's idea of "conspiracy" has interacted with modern society in ways we can call "co-evolution" (Hamacher 2012). The more leaks have been released, the better and the more restrictive political entities have reacted to them. Leaking for the sake of leaking is therefore not an effective strategy for improving political accountability. Desperate from an ideological point of view, the strategy is ultimately counterproductive, as feedback loops cause political organizations to impose better data protection and produce less written documentation

5 Cf. <http://www.wired.com/threatlevel/2010/06/wikileaks-chat> (Accessed 10.5.2013).

in the highly complex system of policy making (Ischinger 2011). Leaking, therefore, may cause a variety of reactions but these need not be relevant to the intended goal and in fact can lead to less transparency.

### e) Discourse

Without a doubt, WikiLeaks has provoked a wide-ranging and sustained debate, but the focus has been less on how to redress power asymmetries between publics and governments in favor of increased political accountability and more on the propriety of state secrets.

The course of the public debate is in part a function of the way in which WikiLeaks chose to publicize the data that had been leaked to it. In the summer of 2010, over forty percent of Americans thought that the leaks served the public interest. But over time the massive and indiscriminate nature of the leaks led to widespread suspicion among the public that WikiLeaks' principal motive was not a desire to uncover specific abuses of public authority. Consequently, by December 2010, only twenty-nine percent of Americans believed that WikiLeaks' releases served the public interest. Almost eighty percent expressed disapproval of the publication of diplomatic and military documents. In a poll conducted for CBS News three fourths of respondents agreed with the statement that "there are some things the public does not have a right to know if it might affect national security" (quoted in Roberts 2012: 19).

These changes in the public's opinion of WikiLeaks presumably result from some failures and misunderstandings regarding the basic mechanisms of information processing and public debate that have evolved with the technological and social innovations related to digitalization and networked communication. WikiLeaks seems to have assumed that leaking is sufficient for producing an informed public and has underestimated the need to seek allies in the process of turning information into knowledge and collective action.

While the organization's name suggests a close relation to other Wiki organizations (e.g. Wikimedia, Wikipedia), there is no such connection. Instead, the Wikimedia Foundation has emphasized the fact that there is no relation between their organization and WikiLeaks, and its CEO, Jimmy Wales, repeatedly criticized the fact that WikiLeaks might put lives at risk by leaking secret information that reveals the names of involved persons.<sup>6</sup>

6 "I wish they wouldn't use the name, they are not a Wiki", he said at a business conference in Kuala Lumpur, according to AFP ([http://articles.nydailynews.com/2010-09-28/news/27076688\\_1\\_wikileaks-jimmy-wales-military-documents](http://articles.nydailynews.com/2010-09-28/news/27076688_1_wikileaks-jimmy-wales-military-documents); Accessed 10.5.2013).

Even a cursory analysis shows that the formal prerequisites for a wiki-like collaboration are lacking. For example, there is no evidence that WikiLeaks is a similar collaboration platform to Wikipedia. A wiki is a website that allows anyone to create and edit pages. This is not true for WikiLeaks. The documents on the website are mostly written by Julian Assange (if there have been other authors there is no transparent information about it). There is no opportunity for random people to edit or comment on WikiLeaks documents. Thus, WikiLeaks is not a wiki (Beutler 2010). The organization has not taken advantage of one of the basic technology-based innovations in collaboration via communication provided by the internet: the involvement of users as contributors in pursuit of crowdsourcing and broadening the platform's legitimization.

WikiLeaks has also failed to establish durable alliances with NGOs or the media in order to build a solid network of actors and protagonists committed to using technology to support the free flow of information and public awareness of relevant facts in national and international politics. Rather, beginning in 2010, the platform increasingly limited its activities to targeting the US government, not only by leaking problematic and embarrassing information, but also by stereotyping it as an enemy of freedom of information. In doing so, WikiLeaks itself contributed to a shift in public perception. It is no longer universally seen to be a “good” organization taking action against “bad”, i.e. non democratic governments, but increasingly regarded as an ambiguous actor in an undefined battle for political, economic or military secrets.

Finally, Julian Assange has destroyed the close connection between WikiLeaks and the media that helped to promote a series of “scoops” – from the release of the “Collateral Murder” video to the “Afghan War Diaries” and “Iraq War Logs” (all in 2010). Assange seems at some point to have turned into a digital road warrior, restricting the activities of WikiLeaks to a digital road ahead; one that is not, however, open to all citizens. But as research on the “source cycle” between digital agenda setting via weblogs, twitter and Facebook and the agenda of traditional media has shown (Messner/DiStaso 2008), it does not make much sense to refrain from including the respective other in one’s own agenda setting activities. By ignoring the fact that a data platform needs the traditional media to spread information widely to less well connected groups of citizens and by even starting to fight some of the media that had before been “partners in crime” Julian Assange forfeited the chance to establish WikiLeaks as a durable component of the “source cycle”.

WikiLeaks has focused on leaking data, an approach that – at least from a formal standpoint – reveals some parallels to open data strategies in networked politics, such as those promoted by the Obama administration since 2009. Both approaches provide data in an attempt to empower the recipients, who can use it for their own

good. But there is a major difference: open data from governmental organizations is provided in the context of institutionalized agreements over political processes and the rule of law (see above). This is not true for WikiLeaks.

The organization has not even tried to establish sustainable links between the act of leaking and the further processing of information. It has also failed to recognize how crowd sourcing might become an element of transformational communication strategies that support political accountability. It has neglected its original affiliations with mass media and has managed to spoil several relations with experts in education, academia and even the political system, as doubts about the integrity of the organization and its founder, Julian Assange, have arisen and caused former supporters to turn into critics.

In terms of *discourse*, WikiLeaks could have played a different role in establishing a relationship to other parts and actors in the overall agenda setting process in society. Over the long run, it could have produced a major change in a digitally networked media ecosystem. Instead, WikiLeaks, in particular Julian Assange, has tried to monopolized authority over interpreting the leaked data, to control information about the data and the organization WikiLeaks itself, and has neglected to apply the mechanisms of the new media ecosystem, which are based on collaboration and “co-opetition”, to the very work of his organization.

## **6. Transparency and Accountability: Some Lessons Learned and Some Requirements**

WikiLeaks gave rise to great and far reaching hopes and expectations for changing the somewhat numbed conversation between the representatives of political power and citizens in an increasingly abstract public sphere. And, indeed, some of the first leaks appeared to empower the public to challenge perceived failures in political, economic and societal accountability. WikiLeaks seemed to incarnate the promises of the networked digital age and its transformational influence on power, policy and accountability: “WikiLeaks is just one piece of a much larger continuum of changes in how the people and the powerful relate to each other in this new time – changes that are fundamentally healthy for the growth and strength of an open society. Secrecy and the hoarding of information are ending; openness and the sharing of information are coming” (Sifry 2011: 17).

There might be such a continuum. But more will be needed than a call for total transparency and a religious-like belief in unconventional organizations (Karayllis 2010). Challenging “the formal functioning of power”, as Žižek (2011) puts it, alone cannot transform *and advance* the relationship between policy makers and their

stakeholders. Instead, building a solid platform for dialogue and interaction that is open to different groups of actors which are involved in the agenda setting process of the public sphere and endorsing it through clear and transparent processes would appear to offer a much more promising way forward.

Returning to our three-step-model of collective political empowerment (OECD 2001) and combining it with the above mentioned communications science model that sees an evolution of data to information and information to knowledge, we can generate a matrix that helps to identify and distinguish among a variety of social practices relevant to a discussion of how WikiLeaks might contribute to more accountability.

Figure 2: Practices of political communication

		Political Process		
		information	consultation	participation
Communication Process	data	leaking	open data	crowd sourcing
	information	mass media	lobbyism	open government
	knowledge	elite discourse	expertise	liquid democracy

The forgoing analysis suggests that five of the nine social practices identified here facilitate wide-scale public education and participation in political communication: 1) the traditional information supply by the *mass media*; 2) *open data* initiatives that provide a means for citizens to consult with one another; 3) integrating citizens into data gathering via *crowd sourcing*; 4) turning this into an institutionalized approach of *open government*; 5) establishing a system of *liquid democracy* in which the basic negotiation processes are all based on permanent interactions between people, organizations and governments (Vogelmann 2012; Hernani 2011).

To date, WikiLeaks has been involved in only one of the strategically relevant practices. By cooperating with media institutions WikiLeaks has managed to at least enter the second field (mass media). Moreover, while one might argue that the organization has boosted public discourse on open data and led to increased lobbying in favor of fewer restrictions on government information, neither of these effects has led to increased political accountability. Why is that so? Because leaking itself neither provides for the contextual information necessary for an informed public nor facilitates new forms of political participation. With regard to the above depicted geography of the digitalized public sphere, WikiLeaks has not reached beyond the information column – a modest result for an organization that once regarded itself as the harbinger of revolutionary political communication and change.

It would seem that political power – as well as the possibility for challenging it – requires an institutionalized rational foundation that is not exposed to constant or sudden change. The case of the former German defense minister, Karl-Theodor zu Guttenberg, is illustrative. The original charge that zu Guttenberg's doctoral dissertation was plagued by wide-scale plagiarism arose in the context of an academic book review. Thereafter, mainstream media drew attention to the charge. Evidence documenting the plagiarism was collected and disseminated via the internet platform GuttenPlag. Ultimately, however, zu Guttenberg was held accountable for his breach of academic (and legal) standards by means of a regulated proceeding (*ge-regeltes Verfahren*) within the University of Bayreuth (Preuß/Schultz 2011: 107).

By contrast, because it leads to uncertainty and a lack of reliability, the ideology of total transparency will not improve and expand dialogue in support of political accountability. Rather, it is likely to lead people to refrain from participating in the public sphere altogether, setting off another feedback loop such as the one caused by the "Cablegate" leaks.

Finally, an organization that is accountable only to itself is hardly in the position to effect changes in the level of political accountability in democratic societies. These require extending the standards and rules to all relevant levels of decision making. A moral authority of a population  $n=1$  cannot have a legitimate impact on society. WikiLeaks might be "an extraordinarily clever hack of the world's legal system" (Economist 2010), but one that will suffer from shortcomings in the standards of the very parameter it claimed to support: political accountability.

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