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WikiLeaks, Surveillance, and Transparency

MARK ANDREJEVIC
Pomona College, USA

A Tale of Two Websites

In December 2010, *TIME* magazine revealed that WikiLeaks frontman Julian Assange was far and away the winner in the magazine's "people's choice" poll for "Person of the Year"—leading a pack that included Lady Gaga, Glenn Beck, Jon Stewart, Barack Obama, and, in 10th place, Facebook founder Mark Zuckerberg (Friedman, 2010). Assange received almost 20 times Zuckerberg's vote total, but the editors exercised their discretion to overrule the popular vote and select Zuckerberg as person of the year, noting with apparent glee, "We are now running our social lives through a for-profit network that, on paper at least, has made Zuckerberg a billionaire six times over" (Grossman, 2010, para. 6). The cover article highlighted a somewhat telling anecdote to illustrate Zuckerberg's influence: an impromptu visit by a high-level government official who "explained with the delighted air of a man about to secure ironclad bragging rights forever, that he just *had* to stop in and introduce himself to Zuckerberg: Robert Mueller, director of the FBI, pleased to meet you" (ibid., para. 3).

TIME's announcement appeared at the time Assange was becoming an increasingly notorious object of interest to America's intelligence agencies, who were decidedly *not* fans. Several months earlier, Mueller confirmed that the FBI was investigating WikiLeaks following its release of classified information about the wars in Afghanistan and Iraq. If Facebook represented everything that was exciting about new media as an adjunct to the triumph of corporate capitalism (and, as we subsequently learned, data-driven intelligence gathering) in the digital era, WikiLeaks represented something altogether more suspect: a challenge to established practice based on a tacit understanding between political, economic, and media elites. WikiLeaks took the much-ballyhooed promise of digital revolution a bit *too* seriously, turning the tools of the informed elites back upon them.

The viscerally negative response from many of those who had been preaching the benefits of transparency and the related flattening of media and information hierarchies was telling. For years, the new media sector had been reinforcing the message that Sun Microsystems CEO Scott McNeally famously expounded in 1999: "You have zero privacy anyway...Get over it" (Sprenger, 1999, paras. 2–3). The subversive gesture of WikiLeaks was to take this admonition seriously and turn it back upon the corporate sector and the state. It was one thing to advise citizens to get used to perpetual monitoring, as Eric Schmidt of Google did in an interview about online privacy: "If you have something that you don't want anyone to know, maybe you shouldn't be doing it in the first place" (as quoted in Popkin, 2010, para. 7).

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But it was quite another to take this dictum and turn it back upon centers of state and corporate power. WikiLeaks transposed the issue of monitoring from the commercial to the political register, replacing the implied threat of top-down consumer and citizen surveillance with the bottom-up promise of accountability and radical transparency. To paraphrase Schmidt, the WikiLeaks message was: "If you are a powerful economic or state actor and you have something you don't want anyone to know, maybe you shouldn't be doing it in the first place." Perhaps unsurprisingly, this is a warning that taps directly into the promise of the digital revolution that the commercial sector has long embraced for its own purposes.

It turned out, somewhat unsurprisingly, that economic and political elites were appalled to have their own injunction turned back upon them, despite their ongoing celebration of the allegedly empowering character of the digital media that Assange relies upon for collecting and disseminating the information WikiLeaks receives from whistleblowers and leakers. It turns out that, when media titans said things like, "Technology is shifting power away from the editors, the publishers, the establishment, the media elite. Now it's the people who are taking control" (Rupert Murdoch, as quoted in Reiss, 2006, para. 1) or "It's about the many wresting power from the few and helping one another for nothing" (Grossman, 2006, para. 3), they didn't really mean it—or at least not *that* way. They were thinking about the exciting new ways interactive technologies could be used to forward the ends of e-commerce and targeted marketing, not about the ways in which real political and economic power might be threatened. Facebook kept the monitoring gaze turned outward upon the populace—hence the FBI director's interest. As *TIME* put it, Mueller's visit to the founder of Facebook wasn't a one-off. He was there because, in some respects, Zuckerberg has a more comprehensive database than he does: "Facebook has a richer, more intimate hoard of information about its citizens than any nation has ever had" (Grossman, 2010, para. 36). By contrast, WikiLeaks arguably has the largest independent hoard of information about various governments and private corporations, and in contrast to the impromptu social call in Palo Alto, the Feds are more interested in kicking down WikiLeaks' door than knocking.

Whereas Facebook is a tool for gathering information about the populace for marketing purposes, WikiLeaks is one for gathering information about the activities of corporations and the state for political purposes. If the goal of Facebook—a private, for-profit company—is to develop a "killer application" for 21st-century e-commerce, that of WikiLeaks is to serve as global whistleblower. In the 1960s, Kurt Vonnegut (1998) fantasized about the possibility that telekinesis might be used to thwart the actions of tyrants, dictators, and anyone else who threatened war and mayhem. Assange transposes this fantasy into the information age with the promise of accountability-at-a-distance enabled by the Internet: the prospect that dictators, warmongers, corporate wrongdoers and power brokers more generally will no longer enjoy the cover sometimes afforded by the tacit understanding that governs the relationship between politicians, industrialists, and the mainstream media. It is in this sense that Slavoj Žižek, following the formulation of Sroj Giri, claimed that WikiLeaks confronts established powers "by challenging the normal channels of challenging power and revealing the truth" (Žižek, 2011, para. 8). The gesture is subversive, not least because of the time and effort that political and economic elites have devoted to securing and co-opting existing channels of critique. What angers so many in the realms of mainstream media and politics is precisely that WikiLeaks does not adhere to the established forms of challenging the establishment. The fact that alarmed denunciations of WikiLeaks come from across the political and social

spectrum indicates the magnitude of the perceived threat posed by WikiLeaks to the existing arrangements that set the limits of "proper" critique.

In this context, it might be worth rehearsing the reasons why Zuckerberg was a more palatable choice than Assange for *TIME*'s Person of the Year. First, Facebook continues and extends the logic of the commercial development of the Internet envisioned by the corporate media sector. It reinvents the promise of interactivity in the name of profit, deflecting the "democratizing" promise away from politics and into the realm of the marketplace. Facebook was just original enough to envision the next step in the information economy, wherein personal information is exchanged for access to social networks. Second, Facebook develops the logic of mass customization and personalization to its surveillance-enabled logical endpoint: the automated but personalized organization of the infosphere. Third, it adheres to what might be described as the post-political ethos of the technosphere: the promise embedded in what Vincent Mosco terms the rhetoric of the "digital sublime" (2004, p. 1) to render politics obsolete. As Mosco puts it, "cyberspace is a central force in the growth of three of the central myths of our time, each linked in the vision of an end point: the end of history, the end of geography, and the end of politics" (ibid., p. 93). Mosco describes this myth as one that promises to level political hierarchies by replacing them with a version of direct, digital democracy, but recent developments suggest a slightly different version: one in which markets displace the political decision-making process. According to this version of post-political utopia, if markets are good at allocating resources, they are also, more generally, good at making decisions, and this ability can be applied to any type of decision-making process, thanks to the development of "prediction markets"—futures markets in anything from the effectiveness of economic policies to where terrorists might strike next (see, for example, Abramowicz, 2008). Decision markets promise to aggregate the available "intelligence" without the need for public deliberation or collective action. They are, in a sense, the commodified extension of the private ballot in the era of perpetual opinion polling and targeted political marketing.

In contrast to WikiLeaks, entities like Google and Facebook have an economic stake in avoiding over-identification with political agendas or political activism. Facebook, perhaps unsurprisingly, downplayed the celebratory claims made on behalf of its revolutionary power during the political upheavals of the so-called "Arab Spring." As *The New York Times* put it,

With Facebook playing a starring role in the revolts that toppled governments in Tunisia and Egypt, you might think the company's top executives would use this historic moment to highlight its role as the platform for democratic change. Instead, they really do not want to talk about it. (Preston, 2011, para. 1)

From a political perspective, this reticence was disturbing, as was the company's notorious decision to shut down the popular protest site of Egyptian activist Wael Ghonim for violating the company's policy against the use of pseudonyms. From a marketing perspective—clearly the prevailing one for Facebook—both decisions made perfect sense: "Facebook does not want to be seen as picking sides for fear that some countries would impose restrictions on its use" (ibid., para. 2).

The point of juxtaposing these two high-profile media figures and organizations is to highlight their relationship to the popularization of the empowering promise of digital media. One relies on the development of a monitoring-based business model, the other on a non-commercial watchdog model. One is celebrated as an expression of the *Zeitgeist* of informed capitalism, the other roundly critiqued by pundits and politicians alike for abusing the power of digital media. *Washington Post* op-ed columnist Marc Thiessen illustrated the more indignant and excitable end of the response with his assertion that Assange should be tried for a crime that carries the death penalty: "WikiLeaks is not a news organization; it is a criminal enterprise. . . . These actions are likely a violation of the Espionage Act, and they arguably constitute material support for terrorism" (Thiessen, 2010, para. 1). Former U.S. Speaker of the House and perennial Presidential aspirant Newt Gingrich also invoked the "t" word: "Julian Assange is engaged in warfare. Information terrorism which leads to people getting killed is terrorism and Julian Assange is engaged in terrorism. He should be treated as an enemy combatant" (Fowler, 2011, para. 26). This sentiment was echoed on the other end of the political spectrum (such as it is), by U.S. Vice President Joe Biden, who called Assange a "high-tech terrorist" (MacAskill, 2010, para. 1).

Disavowed Knowledge

One of the apparent paradoxes of the denunciation of WikiLeaks is that it tends to veer back and forth between claims of vicious terrorism and the claim that the leaks didn't tell us anything we did not already know. Perhaps the most famous version of this was U.S. Secretary of Defense Robert Gates's dismissal of what he called "overwrought" claims about the damage caused by the leaks of U.S. diplomatic cables: "Is this embarrassing? Yes. Is it awkward? Yes. Consequences for U.S. foreign policy? I think fairly modest" (Bumiller, 2010, para. 7). Commentators on the right are both outraged by the alleged violation and dismissive of the consequences. As former *New York Times* columnist Leslie Gelb put it, "the result doesn't tell us anything important we didn't already know" (2010, para. 3). This claim was repeatedly invoked, oddly, as the most damning of critiques against Assange. Thomas Ricks, a former *Wall Street Journal* reporter and a member of the Center for a New American Security, put it thusly:

If the leaks brought great revelations, I might think differently, but so far I don't think I have been surprised by a single thing I've read. Civilian contractors shooting up people, Arab-Kurd tensions, abuse of prisoners . . . Tell me one thing we didn't know last week that we know now about the Iraq war. (2010, para. 1)

There is an aspect in this response of what Jacques Lacan describes as the politics of the knave—an attitude he associates with the "right-wing intellectual":

Everyone knows that a certain way of presenting himself, which constitutes part of the ideology of the right-wing intellectual, is precisely to play the role of what he is in fact, namely, a "knave." In other words, he doesn't retreat from the consequences of what is called realism; that is, when required, he admits he's a crook (or worse). (quoted in Žižek, 1997, p. 55)

The post-9/11 era was perhaps the heyday for hard-headed conservative knavery of the Dick Cheney variety: the “realism” of the recognition that the time has come to work, “the dark side, if you will” (Marlowe, 2011, para. 3). The power of this approach lies in its resistance to the charge of hypocrisy, which, in brutal and knowing fashion, it concedes in advance. However, it does continue to rely on the very ignorance it disavows as a condition for the assertion of its own savviness.

These two critiques—that Assange is an information terrorist on the one hand, and that we didn’t learn anything new from his leaked information on the other—should not be dismissed as radical inconsistency born of antipathy. Nor do they represent a particularly puzzling paradox. Rather, they should be understood as belonging together: Assange is an information “terrorist” precisely because he didn’t tell us anything we did not already know. That is to say, he forced us to confront our disavowed knowledge (that U.S. soldiers are killing civilians; that, after toppling a regime in Iraq that tortures prisoners, the United States has created a regime that tortures; that the United States is engaged in covert warfare in Yemen; and so on). As Slavoj Žižek put it, “The function of WikiLeaks . . . is to push us to this point where you cannot pretend not to know” (as quoted in Goodman, 2011, para. 156). Arguably, one of the defining ideological roles of journalism “proper” is to preserve the disavowed character of this knowledge—to allow us, in a sense, to overlook what we know, to fail to speak of it. Among journalists, this knowledge is well established: It is comprised of the stories that do not make it into the printed and broadcast news, but which are shared, perhaps, over the bar, and gleaned in off-the-record sessions, the very confidentiality of which builds the bond between journalist and source. This is very similar knowledge to that revealed in many of the “cable-gate” leaks of diplomatic cables: the candid behind-the-scenes (“off-the-record”) assessments not suitable for public release. WikiLeaks doesn’t just reveal this disavowed knowledge, but it also highlights the fact of disavowal and the forms of complicity in the political and journalistic worlds that abet it.

The exposure of disavowed or unarticulated knowledge is a recurring theme in the coverage of “cable-gate”—the release of thousands of classified diplomatic communiqués. In an account borne out by other reports from Tunisia, Assange describes the galvanizing effect the cables had in Tunisia during the dawn of the Arab Spring:

The cables about Tunisia were then spread around online . . . and so presented a number of different facets . . . that everyone could see, and no one could deny, that the Ben Ali regime was fundamentally corrupt. It’s not that the people there didn’t know it before, but it became undeniable to everyone. (as quoted in Goodman, 2011, para. 178)

The revelations made it harder for all involved to pretend not to know. Journalist Elizabeth Dickinson described the cables as a catalyst for the revolution, thanks to the revelations of details about the corruption of Tunisia’s ruling family: “Of course, Tunisians didn’t need anyone to tell them this. But the details noted in the cables—for example, the fact that the first lady may have made massive profits off a private school—stirred things up” (Dickinson, 2011, para. 3). This is not to say that all of the WikiLeaks revelations were common knowledge, but rather, to point out the way in which the leaks threatened established alliances between elites and the media institutions that supposedly hold them accountable. It

is the very threat to these unspoken rules that helps to explain the alarmed response on both sides: political and economic elites on the one hand, and journalists on the other.

One of the most damning charges against WikiLeaks is that, in dumping large amounts of information, it did not take proper care to ensure that allies and intelligence assets were not harmed by the revelations. This is surely a legitimate concern, and WikiLeaks has, in the past, taken measures to redact documents before releasing them, although these redactions have been inconsistent. However, a study by the Associated Press concluded that there were no documented cases of fatalities resulting from the WikiLeaks leaks:

[T]he State Department has steadfastly refused to describe any situation in which they've felt a source's life was in danger. They say a handful of people had to be relocated away from danger but won't provide any details on those few cases. (Klapper, 2011, para. 16)

The Failure of Accountability

The place for WikiLeaks was, in a sense, carved out in advance by the dramatic failure of conventional channels for challenging power or holding it accountable. It is a fact that deserves more attention than it gets that, in the United States, the two political newspapers of record (*The New York Times* and *The Washington Post*) issued extended public apologies for failures in their coverage during the lead-up to the invasion of Iraq. In no uncertain terms, these influential newspapers conceded that they did not provide adequate information to the populace about one of the most important decisions facing the nation—a decision that would claim the lives of tens of thousands of people and redefine international relations on a global scale. The *Times* noted that, on reviewing its coverage of the lead-up to the war, “we have found a number of instances of coverage that was not as rigorous as it should have been” (The Editors, 2001, para. 3)—a failure that it identified as structural:

Editors at several levels who should have been challenging reporters and pressing for more skepticism were perhaps too intent on rushing scoops into the paper. Accounts of Iraqi defectors were not always weighed against their strong desire to have Saddam Hussein ousted. (ibid., para. 5)

Additionally, the *Times* admitted that, “Articles based on dire claims about Iraq tended to get prominent display, while follow-up articles that called the original ones into question were sometimes buried. In some cases, there was no follow-up at all” (ibid.).

The Washington Post made similar admissions in a lengthy piece reflecting on its coverage of claims that Iraq harbored weapons of mass destruction. As one correspondent interviewed for the *Post* apologia put it, “Administration assertions were on the front page. Things that challenged the administration were on A18 on Sunday or A24 on Monday. There was an attitude among editors: Look, we're going to war, why do we even worry about all this contrary stuff?” (Kurtz, 2004, para. 6). It is hard

to view these “corrections” as anything less than an admission of the failure of the “accountability” function of the media at a crucial juncture in recent history. The established system for challenging power has conceded its own dysfunction. Somewhat disturbingly, the *Washington Post* further conceded the inefficacy of journalism altogether. Its executive editor concluded the paper’s exercise in self-scrutiny with the observation that those who opposed the war “have the mistaken impression that somehow if the media’s coverage had been different, there wouldn’t have been a war” (ibid., p. 4, para. 16). It’s hard not to read this as an abdication of the role of journalism and perhaps the ideal of the role of an informed populace in a democratic society. It absolves the *Post* of any responsibility for getting the story right—why bother if it doesn’t matter either way? Why bother to practice journalism at all, for that matter, aside from selling ad space? The idiocy of the remark reflects the hard choice faced by the editor: If he were to concede even partial or indirect responsibility for a war based on inaccurate information and false premises, the paper would have more blood on its hands than anyone has ever accused WikiLeaks of having.

The picture is similarly bleak when it comes to legal protections in the United States and many other countries for “whistleblowers” who report government waste, fraud, or abuse. In the United States, Federal whistleblower cases go to what one press account has described as a “kangaroo court” which, since 1994, has only taken the side of whistleblowers in 3 out of 210 cases (Gladstone, 2011, para. 2). Attempts to strengthen protections for whistleblowers via the Whistleblower Protection Act were repeatedly thwarted by Senate Republicans, who demanded more time to consider the bill, despite the fact that it started making its way through Congress in 2006. In an era of neoliberalization, such reforms pose the threat of accountability to large government contractors with deep pockets for lobbyists and campaign donations. Perhaps unsurprisingly, Republicans mobilized the specter of WikiLeaks to justify their opposition to the enhanced protection for whistleblowers—attempting to tar whistleblowing of any kind with the brush of so-called “information terrorism” handed to them by WikiLeaks’ foes. As *The Washington Post* put it, “Republicans also have decided to link the whistleblower bill to the controversy over the classified information revealed by WikiLeaks,” with the spokesman for one legislator citing, “new areas of concern that have been raised by the WikiLeaks disclosures” (Davidson, 2010, para. 8). This opposition eventually gave way to some enhanced protections for whistleblowers passed in 2012, but even these revisions would not have protected an intelligence contractor like Edward Snowden (Kimball, 2014).

Transparency vs. Surveillance

Critics of the advent of a “surveillance society” and the so-called “end of privacy” run the danger of aligning themselves with the mistrust of transparency evinced by many government agencies and subcontractors and the legislators who advocate on their behalf. Both state institutions and the private sector want to keep their privacy, even if they’re not overly concerned about that of citizens and consumers. It is partially for this reason that Christian Fuchs has made a compelling case for not describing what WikiLeaks does as a form of surveillance. Properly construed, any meaningful critical concept of surveillance, he argues, must be, “linked to information gathering for the purposes of domination, violence, and coercion” (2011, p. 3). That is to say, surveillance should be understood as referring to forms of monitoring deeply embedded in structural conditions of asymmetrical power relations that underwrite domination and exploitation. This is a narrow definition of surveillance that would rule out

many of the forms of monitoring that are commonly called surveillance. It is a definition that helps to explain the attempts to coin alternative formulations, such as “counter-surveillance,” “sousveillance” (Mann, Nolan, & Wellman, 2002), or “subveillance” (Wood, 2009), which refer to forms of “watching back”—efforts to hold power accountable. We might more accurately describe such strategies in terms of “accountability monitoring” or “transparency initiatives.”

WikiLeaks has effectively demonstrated the dramatic imbalance between the increasing ability of state and commercial entities to monitor the populace and the ability to hold these entities accountable—to “watch back,” as it were. We are not, in short, witnessing an escalating spiral of surveillance, but rather, the dramatic increase in unaccountable and opaque surveillance practices developed by powerful entities both public and private. This is not a dynamic in which citizen “surveillance” is pitted against state surveillance, but one in which increasingly covert information collection practices need to be subjected to public scrutiny.

The conflation of surveillance with transparency and accountability results in the accusation that only those with “something to hide” need be concerned about surveillance. By contrast, the more narrow construction of surveillance provides good reason for concern, insofar as it invokes issues of power, domination, and control. Just as it would be odd to describe, say, journalistic accounts of political activities as a form of surveillance, it would be difficult to make the case that WikiLeaks fits this narrower definition of surveillance, not least because of its subordinate relation to political and economic entities—a relation that has been highlighted by the apparent successes of the systematic economic and political assault on the organization. As of this writing, the organization’s symbolic figurehead—Assange—is still facing extradition to Sweden and ongoing attempts by the U. S. government to determine whether he can be charged with crimes that might allow him to be extradited to the United States. The economic lifeblood of the organization has been further threatened by the refusal of commercial organizations to process donations to it.

Indeed, the economic status of WikiLeaks is not incidental to the critiques that have been leveled at it. It is not a for-profit corporation subject to the commercial imperatives that help underwrite the “proper” way of challenging power and the alliance that these imperatives establish between economic and political elites. Nevertheless, WikiLeaks has, in certain respects, been the most successful noncommercial information outlet in recent memory—a success that has necessarily relied upon the ability to leverage the publicity provided by mainstream media outlets. The WikiLeaks promotional campaign relied heavily on the media persona of Assange, with his ability to provoke both outrage and fascination. By playing such a high-profile role in the release of information, Assange helped to make himself a ready target. Indeed, the close identification of WikiLeaks with Assange means that his own situation and his reaction to it has directly affected the organization’s operations. Given the fact that top law enforcement figures in the most powerful nation on earth have targeted Assange, the level of his apparent “paranoia” is understandable.

Whether or not WikiLeaks survives as a clearinghouse for whistleblowers, it is worth distinguishing between what might be described as the WikiLeaks model and Assange’s personality and situation. It seems likely that some version or versions of WikiLeaks will continue to carry on the type of

work that Assange was involved in, especially given the current political climate in which the so-called “war on terror” has been used to justify an increase in unaccountable state power and thus the potential for abuse—and the motivation for whistleblowers to seek anonymous outlets. For the moment, at least, it is hard to imagine going back to a pre-WikiLeaks world, and there are those who have raised the question of whether we would want to. In an article in *Harper’s* magazine subtitled “A World Without Secrets,” the ethicist Peter Singer suggested that total transparency, or what he calls, with a nod to Jeremy Bentham, the “inspection principle” might be “the perfection of democracy, the device that allows us to know what our governments are really doing, that keeps tabs on corporate abuses, and that protects our individual freedoms just as it subjects our personal lives to public scrutiny” (Singer, 2011, p. 31). This formulation is, however, an overly simplistic one: There is no such beast as WikiLeaks in a world without secrecy. If WikiLeaks is supposed to contribute to the universalization of the “inspection principle,” it could not do so in a world of ubiquitous state and corporate surveillance. The attempt to equate what WikiLeaks does with top-down surveillance results in this confusion. Transparency is not the result of the perfection of surveillance; rather, it relies upon gaps in the surveillance system. This is the crucial conclusion for those who would attempt to equate whistleblowing with surveillance: Total surveillance threatens a culture of institutional transparency. The end of secrecy is not a recipe for the perfection of democracy.

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