

The Politics of Information:
Examining the Conflict Between WikiLeaks and the US Government

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A thesis submitted to the
Faculty of Graduate and Postdoctoral Studies
in partial fulfillment of the requirements for the
MA in Criminology

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Abstract

In 2010 WikiLeaks released a number of secret and classified documents that contained information pertaining to the United States government. Since then, WikiLeaks and the United States government have been engaged in a rhetorical battle over the circulation of information. Using membership categorization analysis (MCA) as an analytical technique this thesis answers the following research question: what form(s) of politics are made possible as the result of the social orders produced by both WikiLeaks' and the United States government's public discourse on the circulation of information? After analyzing a sample of the related discourse, it became clear that the disagreement between WikiLeaks and the United States government is much greater than different views on the distribution of, and access to, information. Rather, the major issue is that the discourses produced by representatives of both organizations constitute two similar and yet somehow opposing social orders. The social orders produced result in different forms of politics and democracy. In turn, this involves each side thinking differently about transparency, the public, the government, the law, and the media.

Acknowledgements

Without the assistance of the following people this thesis would not have been possible. First of all, thank you Professor Maritza Felices-Luna for your continued support and guidance throughout this process. I appreciate you investing the time to help me fully develop this project. Professor Wayne Hanniman also needs to be acknowledged for providing my first introduction to WikiLeaks during his political crime course. Paula Hirschmann needs to be thanked for reading an earlier draft of this thesis and providing such detailed and interesting comments. I would also like to thank my readers, Professor Christine Gervais and Professor Justin Piché, for taking the time to provide such thorough feedback and challenging me to develop aspects of this thesis even further. Finally, thank you to my family, friends, and cohort members for your on-going encouragement throughout this process.

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Chapter 1: Introduction

Since early 2010 WikiLeaks has engaged with the United States government in an ongoing battle over the circulation of information. Through their release of classified or secret documents, WikiLeaks promotes and facilitates access to information. In contrast, the US government believes that confidentiality and secrecy are important tools for effective governance and seek to control the information that is rendered public. Despite their differing stances in regards to the circulation of information, both WikiLeaks and the US government claim to be protecting democracy through their actions and beliefs. In spite of their differences, both WikiLeaks and the US government clearly see the value of information and recognize that citizens require information in order to take part in the democratic political process. They seem to share the belief that “information is the lifeblood of democracy” (Quigley, 2012, p. 79).

As argued throughout this thesis, there is a discursive connection made in the literature as well as by WikiLeaks and the US government between democracy, information and transparency. Citizens are responsible for participating in democratic governments through making informed, rational decisions. However, this is only possible if citizens are given access to information (Foerstel, 1999; Simon & Eitzen, 1990) which is dependent on transparency. Transparency as a political and social ideal has become a global issue as it has moved beyond Western, democratic societies to a worldwide-scale level (Florini, 2007; Lord, 2006). This global push for transparency is facilitated by a “growing demand for open and improved access to information” (Garvin, 2011, p. 6). In response to this call for transparency, governments around the world are establishing (or reforming) various policies

meant to increase access to information and transparency in regards to various governmental institutions and practices (Erkkilä, 2012; Otenyo & Lind, 2004).

While the US government does acknowledge the benefit that transparency and access to information can have in society, they also believe that secrecy and confidentiality are necessary for effective governance. The US government's stance is based on the necessity of creating a balance between facilitating transparency and protecting information, which is a challenge commonly noted in the associated literature (Cuillier & Pinkleton, 2011; Otenyo & Lind, 2004). As a result, the US government embodies a hierarchical understanding of access to information; the type and quantity of information that one is able to access varies depending on social or political position.

On the other hand, WikiLeaks is committed to promoting the public circulation of information through publishing secret or confidential information that whistleblowers have submitted to them. WikiLeaks takes on a direct, yet very controversial method for information distribution as they release this information on their official website.¹ Once released on the Internet, this information is publically available and easily accessible to a large segment of society.

While the nature of the documents that WikiLeaks publishes varies greatly, for the purpose of this thesis the focus will be largely restricted to information pertaining to US government documents and secrecy. WikiLeaks challenges the hierarchical access to information favoured by the US government through granting the public access to information that the government might not want their citizens or citizens of other countries to know.

¹ www.wikileaks.org

WikiLeaks is obviously not the first or the only organisation disseminating secret or confidential information. There are other normalized means of information distribution in society, as well as mechanisms already in place that challenge the state's control of information. For example, by acting as the fourth estate² the media ensures that the publication of information occurs, which in turn serves as a "crucial check on the power of the state" (Petley, 2009, p. 184). In these circumstances, the media takes on a watchdog role for both government and corporate actions (Benkler, 2011b). Given changes to both the way media functions and developments in technology (particularly the Internet), it has been suggested that the fourth estate has developed into the networked fourth estate. Though the networked fourth estate shares the same goals as its predecessor it functions in a different manner in that it incorporates alternative forms of media (Benkler, 2011a) and operates on a much more global level (McNair, 2005). These changes allow for the wider spread of information by many more players to a global audience.

In addition to transforming the way media functions, developments in communication technology and the Internet have strengthened and expanded the public discussions and debates that make up the public sphere (Crack, 2007; Lovink, 2011). The Internet is a particularly influential tool when looking at globalization and transnational movements as it allows for information to be shared and connections to be formed beyond geographical borders (Cere, 2003; Van Laer & Van Aelst, 2010). Together, these changes make it possible for information to be both accessed and distributed effectively in a global society.

² The fourth estate refers to the idea that the press has a social or political role in society. The significance of the fourth estate can be understood by situating it within the three preceding estates, known as the estates of the realm. These include the clergy, nobility, and the public. Each plays a particular role, and holds a different form of social and political power (Mackay, 2006). This will be addressed in more detail throughout the literature review, starting on page 14.

What becomes evident after analyzing the discourses pertaining to the ongoing conflict between WikiLeaks and the US government is that the battle between these two groups is based on much more than a different understanding of information. Rather, what becomes apparent is that each understanding of information produces a distinct social order. In terms of this thesis, the discussion will be focused on the implications this has for the: political system and government; civil society and the public; justice and legal system; and the relationship between the media and both WikiLeaks and the US government. The conflict between WikiLeaks and the United States government is much greater than the government being displeased by having their confidential political communications made public. Rather, the major issue is that WikiLeaks and the US government produce quite different social orders and politics.

This thesis analyses public discourses by WikiLeaks and the US government in order to unveil their respective underlying orderings of the social world. More specifically, this thesis addresses the following question: what forms of politics are made possible as the result of the social order produced by WikiLeaks and the United States government's public discourse on the circulation of information?

In order to situate this research project within the existing body of criminological literature there are three general areas of concern that will be addressed throughout this thesis. These include: the control of information as a state political crime; the political construction of deviance; and the criminalization of dissent.

Given that this thesis pertains to the circulation of information, it raises questions regarding its control and dissemination. There are two aspects of this that need to be addressed. The first pertains to the idea that state control of information has been identified

as one of the four forms of state political crimes³ when the state engages in secrecy and deception with the intention of manipulating the public in order to retain state power (Helfgott, 2008). The second involves addressing whether third party dissemination of information is a crime or not. While it can be understood as a crime against the state (Helfgott, 2008) it can also be viewed as a moral duty, an act of citizenship, or a form of dissent.

In this regard, it is important to acknowledge how the construction of deviance can become a form of social control. Since the construction of deviance is maintained by those in power, it is inherently a political action (Hall, 1974; Lauderdale, 2011). Therefore, it has been suggested that the construction of the deviance label can be used by those in power as a method to curb resistance and opposition (Lauderdale, 2011). In terms of my research, what is important to note here is that through the definition and labelling of deviance in regards to WikiLeaks, both politics and democracy are also defined and shaped based on what is viewed as being the acceptable and correct behaviour. This idea is returned to in much more detail throughout the remainder of this thesis.

Finally, in regards to the research topic and question it is important to discuss the criminalization of dissent. While certain forms of dissent are legal, and protected through the First Amendment, there is a growing trend toward the criminalization of social and political dissent both in the United States and elsewhere.⁴ The criminalization of dissent is a growing area of concern in criminology, particularly when looking at protest policing,⁵ however there are many avenues that can be explored along this vein given the broad scope of dissent.

When speaking about dissent it has been stated that “there are as many names for these acts

³ See Helfgott (2008) for a detailed explanation of political crime, state political crime, and political policing.

⁴ For instance, this is currently being seen in Canada with the proposed bill C-51 (O'Malley, 2015).

⁵ See D'Arcus (2006), Dellacioppa (2012), and Farrow (2003) for an in-depth discussion regarding this.

of dissent as there are strategies, and there are as many strategies as there are actors” (Lovell, 2009, p. 2). This research project differs from the typical criminological focus on dissent in that it addresses how WikiLeaks, and those involved in the organization, can be understood as engaging in a form of dissent through the distribution of controlled information.

In order to answer the previously stated research question, and in turn address the above areas of criminological concern, I first provide a brief literature review on transparency and the open society movement, the media and its role as the fourth estate as well as a brief history of WikiLeaks. Then I present the theoretical framework which focuses on explaining two different understandings of politics, one inspired by Weber and the other by Arendt. In terms of the methodology used, it is important to note that the thesis is premised on the idea that reality is not a pre-existing entity; rather it is continually established and created through the language (talk) used by the social actors that are found within this social reality (Coulon, 1995). Talk becomes a form of social action that allows for identities, realities, and relationships to be created and determined (Baker, 2004). Therefore, an analysis of language is actually an analysis of the social (Hester & Eglin, 1997).

Given this underlying logic, the above research question will be answered through the use of membership categorization analysis (MCA). This technique requires researchers to unveil how the categories, membership categorization devices, and category bound activities used in texts produce social order (Benwell & Stokoe, 2006; Eglin & Hester, 2003; Housley & Fitzgerald, 2002). The texts I look at are a sample of empirical material based on public documents that were produced by members of WikiLeaks and the US government. By analyzing how WikiLeaks and the US government talk about the circulation of information,

it is possible to see the social order that is produced and the form of politics each order engenders and implies.

The core of the analysis consists of describing and comparing the underlying view of information held by WikiLeaks and the United States government followed by a discussion of the social order produced through public discourse by WikiLeaks and the United States government. Finally I answer the research question by identifying the form(s) of politic(s) that these social orders produce and are shaped by in turn.

Chapter 2: WikiLeaks and the Circulation of Information

Political truth, according to Justice Brandeis (1972), can only be found through the ability to think and discuss freely (Kessler, 1984). However, true, rational political discussions and debates have become a rare occurrence in the United States to the point where “Our [American] politics are now so debased that they threaten our standing as a genuine democracy” (Dworkin, 2006, p. 130). Given that citizens need information in order to have open, critical discussions (Andr n, 1968; Cuillier & Pinkleton, 2011; Florini, 2007; Wimmer, 2006) and make informed, rational decisions (Foerstel, 1999; Simon & Eitzen, 1990) it can be said that “information is the lifeblood of democracy” (Quigley, 2012, p. 79). The circulation of information can therefore be seen as a central component of democracy and a citizen’s right (Erkkil , 2012; Rowart, 1982) recognized by both national and international courts (Hazell & Worthy, 2010).

WikiLeaks was created with the aim of circulating information in order to facilitate discussion and therefore democracy. Its activities have put it in conflict with governments who contend WikiLeaks’s activities are dangerous and even criminal. Before delving into the history of WikiLeaks and its conflict with the US government, this chapter briefly addresses transparency and the role of the media⁶ as pinnacles of the circulation of information debate.

⁶ In this thesis, media is understood to be any form of communication that spreads information in society (Miller, 2012).

2.1 Transparency

Government transparency⁷ is frequently described in connection to openness and accountability and is often understood as being the opposite of secrecy (Birchall, 2011c; Erkkilä, 2012; Otenyo & Lind, 2004). Therefore, access to information is considered to be a central component to government transparency (Houston, 2010; Piotrowski & Van Ryzin, 2007). There are four ways government transparency can be achieved: the government can proactively release information; whistleblowers can make information public; information can be obtained through open, publically accessible meetings; or specific information can be released upon demand (Cuillier & Pinkleton, 2011). Transparency has been advocated for on the basis that it makes governments more effective and accountable (Erkkilä, 2012; Holzner & Holzner, 2006). Yet, critics warn that transparency does not necessarily translate into increased state accountability given that being transparent is not necessarily the same thing as being truthful (Lord, 2006).

Transparency as a political and social ideal has moved beyond Western democratic societies to become a global issue (Florini, 2007; Lord, 2006). This global push for transparency has produced a “growing demand for open and improved access to information” (Garvin, 2011, p. 6). There have been notable reforms to government policies around the world intended to increase access to information and transparency in regards to various government institutions and practices (Erkkilä, 2012; Otenyo & Lind, 2004). Though there is no single reason that can explain the current global emphasis on transparency (Erkkilä, 2012) it is arguably facilitated by: the spread of democracy; an increase in the

⁷ As transparency is a very broad term, this discussion of transparency will focus primarily on government transparency.

existence of global media; the spread of NGOs; the proliferation of access to information legislation; and advancements in technology⁸ (Lord, 2006).

The global spread of transparency has resulted from and promoted the creation of a transparency and open society movement. The name of this movement varies given the academic background of the researchers and theorists (Birchall, 2011a), as well as their geographic location (Chapman & Hunt, 2006). While this movement is often referred to as the open government movement, I have chosen not to use this term as it is arguably a restrictive label. It implies that only citizens should have the right to access information pertaining to their particular government's decisions and actions (Lathrop & Ruma, 2010). Furthermore, by specifically referring to government, this label limits the scope of this movement and it delegitimizes other aspects of the transparency and open society movement such as: the push for increased courtroom transparency in the United States (Sifry, 2011); demands for increased transparency in terms of the safety of healthcare products (Fung & Weil, 2010; Holzer & Holzner, 2006); and increasing demands for financial transparency (Holzner & Holzner, 2006).

Within this movement, transparency is thought of as a form of a soft power: it enables the spread of information and knowledge which can then be used as a means to alter the way that people think and act (Lord, 2006). Ultimately, the impact of transparency depends on “what transparency reveals, who benefits, and how people interpret the information” (Lord, 2006, p. 4). While transparency can lead to significant and powerful social changes, in reality it is transparency in combination with other factors that make the impacts associated with transparency possible (Swartz, 2010). This means that in order to be

⁸ It has been suggested that technology has changed the way that transparency and government actions are seen as it provides easier access to both information and government officials. This argument is examined in depth throughout discussions pertaining to e-government and cyber democracy (Otenyo & Lind, 2004).

effective, true transparency requires ensuring both that the public is aware of what is going on and that they have the ability to influence decisions. Though access to information is an essential first step, without opportunities for citizen involvement, the accountability and effectiveness of a democratic government decreases as the role of citizen is reduced to a simple, passive observer (Noveck, 2010). Without public participation there is no point in pushing for increased government transparency (Andersson, 2008; Kansa, 2011; Payne & Samhat, 2004). Accountability and citizen engagement are therefore important elements of the transparency and open society movement (Birchall, 2011a; Chapman & Hunt, 2006).

As accessibility and freedom of information are directly related to transparency, it has been suggested that the global spread of transparency can be tracked by monitoring the implementation of freedom of information laws (FOI) (Hazell, Worthy & Glover, 2010; Hood, 2006; Relly & Sabharwal, 2009). The first freedom of information act was created by Sweden in 1766 (Florini, 2007; Garvin, 2011; Lee, 2001; Relly & Sabharwal, 2009), but it was not until the end of the 1980s that similar legislation was enacted on a wide scale basis. As of 2006, over seventy countries have implemented FOI legislation (Florini, 2007; Garvin, 2011; Hazell, Worthy & Glover, 2010) to the point that in democratic countries, FOI is no longer viewed as a progressive form of legislation but as the norm (Hazell & Worthy, 2010).

The widespread enactment of FOI legislation has been problematized for a number of reasons. One of the problems identified is the fact that there is no universal understanding of what constitutes effective FOI legislation (Open Society Institute, 2006). Furthermore, FOIs are presented as means through which citizens have the right to access information, yet a 2010 study in the United Kingdom found that only 0.2% of FOI requests are made by the public (Hazell, Worthy & Glover, 2010). The vast majority of requests come from

businesses, presumably seeking information about their competitors; NGOs; lawyers (Hazell, Worthy & Glover, 2010); and the media, particularly investigative journalists (Hazell, Worthy & Glover, 2010; Houston, 2010; Lee, 2001). Though this study was done in the UK, it suggests that measuring the success of FOI legislation based on the volume of requests is not an effective measurement (Hazell & Worthy, 2010). These concerns need to be taken into account when the fact that the United States government received more than two million FOI requests in 2000 alone⁹ is used as a statistic to indicate both the success of FOI legislation in the United States and the public's increasing level of concern with transparency (Holzner & Holzner, 2006).

FOIs are the most common way through which governments attempt to legislate transparency (Holzner & Holzner, 2006). It has been suggested that the increase in FOIs may be the result of governments wanting to access the perceived political and economic benefits of enacting such legislation, rather than a true commitment to transparency. This means that these laws may not actually be followed in practice (Hazell & Worthy, 2010; Hazell, Worthy & Glover, 2010; Holzner & Holzner, 2006; Open Society Institute, 2006; Relly & Sabharwal, 2009). Even if the FOI legislation was enacted with the intention of truly promoting transparency, these laws face a number of potential hindrances in their application as they are often vague and lack enforcement criteria (Hazell, Worthy & Glover, 2010). Furthermore, filing for FOI requests tends to be a complicated, time consuming, and expensive process (Lindstedt & Naurin, 2010). Delayed responses to FOI requests are also common (Hazell & Worthy, 2010; Houston, 2010). For instance, in the US it has taken up to two years for an FOI request to be processed (Denmac & Downing, 1995). If the request for

⁹ In the US any individual, whether they are a United States citizen or not (Houston, 2010), can file a request for information by sending a letter to the appropriate agency indicating the specific records being requested (Lee, 2001).

information is denied, the individual who requested the information must be told why (Foerstel, 1999) and also be informed that they can appeal the decision (Lee, 2001). Even if the process itself was streamlined, certain material would always be off limit; for example, classified or restricted documents are inaccessible through FOI (Denmac & Downing, 1995). Therefore, while the implementation of FOI laws may be a step in the right direction, these laws do not always fully embrace the values behind the transparency and open society movement.

The original push for access to information legislation in the United States began in the early 1950s¹⁰ in response to the public pressure that arose after the extension of state secrecy and censorship after the end of World War II (Foerstel, 1999). This demand was further fueled by the negative public reaction to government secrecy that was seen during both the Cold War and the Vietnam War (Cuillier & Pinkleton, 2011). The public pressure eventually resulted in the creation of the Freedom of Information Act (FOIA)¹¹ in 1966 by then President Lyndon Johnson (Foerstel, 1999; Garvin, 2011; Lee, 2001). The enactment of the FOIA was reflective of the idea that citizens have a right to information, and therefore resulted in a transfer of power as citizens no longer had to prove the necessity and usefulness of the information they requested (McDermott, P., 2010). Despite the progress made through the enactment of the FOIA, it should be noted that in his official statement President Johnson emphasized the importance of maintaining executive secrecy and protecting national security (Foerstel, 1999).

¹⁰ The original push for FOI legislation in the United States was largely spearheaded by the American Society of Newspaper Editors (ASNE) and the Freedom of Information Committee on the basis that the public has the right to information, and that the restrictive war-time national security policies should not be extended into peace-time (Foerstel, 1999).

¹¹ It is important to distinguish that FOIA refers specifically to the United States Freedom of Information Act, whereas FOI refers to the more general idea of freedom of information legislation.

There have been a number of changes made to the FOIA since its original enactment in response to critiques of the existing legislation, the political context, and the government in power.¹² Looking specifically at the FOIA during the time WikiLeaks has been active, there have been a number of significant changes made under President Bush and President Obama. During the eight years (2001-2009) of George W. Bush's presidency, he reverted access to information back to its more secretive past¹³ (Birchall, 2011c; Florini, 2007; Holzner & Holzner, 2006; Roberts, 2006). The changes¹⁴ that President Bush enacted further decreased the scope and applicability of FOIA (Roberts, 2006).

In contrast, one of the major aspects of President Barack Obama's 2007 presidential campaign was his pledge to increase government transparency (Birchall, 2011b; Birchall 2011c; Cuillier & Pinkleton, 2011; Fung & Weil, 2010; McDermott, P., 2010). On his first full day in office, January 21st, 2009, President Obama declared that he was going to work towards an "unprecedented level of openness in government" (Sifry, 2011, p. 107). Part of this involved the creation of the Holder Memorandum, which dictated that if there is any doubt as to whether information should be made public, that is enough of a reason to make it public (McDermott, P., 2010). This replaced the Ashcroft Memorandum implemented by President Bush, which stated that if there are questions about whether information should be made public, it should not be disclosed (Houston, 2010; McDermott, P., 2010). Despite

¹² Despite President Ford's objections, a reform bill was passed in 1975 that resulted in: a decreased user fee, specified response times, and a clarification/expansion of the agencies covered under FOIA (Foerstel, 1999). Upon the election of President Regan, the FOIA was reverted back to its more restrictive past, as it allowed governments to withhold information on the basis of national security concerns (Foerstel, 1999). In 1996 the FOIA was altered to fit the changing political and social context with the adoption of the Electronic-FOIA (E-FOIA), which was designed to make information more accessible (Foerstel, 1999; McDermott, P., 2010).

¹³ The restrictions on FOIA under George W. Bush have often been justified in the name of a necessary security response to the events of September 11th, 2001. However, this claim should be problematized as access to information was already being restricted prior to this day (Roberts, 2006).

¹⁴ Some of these changes include: reclassifying documents as a higher security level, regardless of the fact that they had previously been public (Florini, 2007; Roberts, 2006); increasing the number of individuals able to classify documents (Bruneau & Turk, 2004); and restricting access to information unless a sound legal reason could be provided regarding ones request to access the information (Noveck, 2010).

President Obama's pledge to increase transparency in the United States, it has been questioned whether these changes have been seen in practice (Miller, 2012).

Although governments have created various FOI acts as a means of facilitating transparency, as outlined above there are still ways governments can maintain secrecy on the basis that it poses a risk to national security (Otenyo & Lind, 2004). In order to protect national security, the US government restricts access to information through executive privilege (which protects the president and his staff from being subpoenaed in court) and through the ability of the government to classify documents due to their apparent role in protecting military and foreign policy information (Simon & Eitzen, 1990). While the above are established legal reasons for withholding information, it does not mean that these policies and designations have not been abused or misused¹⁵ (Simon & Eitzen, 1990).

In acknowledgment of the above noted constraints and limitations associated with FOI legislation it is pertinent to look at other mechanisms of information distribution in society, such as the media. As a mechanism of information distribution, the media takes on a dual role as it can either operate as an extension of state control and censorship, or it can facilitate the distribution of information by taking on the role of the fourth estate. The conceptualization of the fourth estate is particularly important to address given the current social environment that is characterized by significant advances in technology and the development of alternative media.

¹⁵ For example, although the United States is considered to be one of the most transparent countries in the world it classifies upwards of 3.5 million documents per year (Lord, 2006).

2.2 Media

The conceptualization of the media as “the fourth estate” in society has existed since the nineteenth century (Petley, 2009). Acting as the fourth estate has been described as taking on the role of a social watchdog, as this conceptualization involves the media becoming responsible for “exposing corruption and abuse of power—both governmental and corporate” (Benkler, 2011b, p. 230). Giving the media this responsibility solidifies the argument that “journalism is seen as a central component of democracy and, in particular, as a crucial check on the power of the state” (Petley, 2009, p. 184).

However, there is a widespread belief that the media has largely become coopted and commercialized and therefore influenced and directed by capitalistic interests. As a result, the media primarily focuses on producing stories that appeal to potential readers and sponsors (Beckett & Ball, 2012; Cooke, 2007). The scope of the media is further reduced given that a small number of powerful groups or individuals in society own the vast majority of the media (Armstrong, 1981; Molotch, 1979; Ostertag, 2006; Snow, 2003). This resulting oligopoly means that issues are likely to be treated similarly throughout the media, as each individual outlet shares the same narrow agenda (Papacharissi, 2010). The combination of these factors makes it difficult for issues or groups that challenge the *status quo* to have their information distributed to the masses through the media.

The framework used by the media to present information is chosen with specific intentions as it affects how the public understands and perceives the issue at hand (Armstrong, 1981; Boykoff, 2006a; Papacharissi, 2010; Relly & Sabharwal, 2009). The influence of this framework is particularly notable when the media is covering something that is “unfamiliar, problematic, or threatening” (Hall, 1974, p. 277). This is illustrated by

media coverage of social movements as these movements, at least initially, counter the dominant discourse.

When the media covers social movements it often emphasizes any related violent or dramatic aspects¹⁶ (Boykoff, 2006a; Small, 1994). This can lead to the public believing that the movement and its actions are dangerous and therefore need to be controlled. Ultimately, this undermines the social movement in question along with any progress it may have made in terms of increased social acceptance (Boykoff, 2006a; Small, 1994). Furthermore, this type of media coverage often ignores or overshadows the root causes underlying the action or movement (Boykoff, 2006a; Klein, Byerly & McEachern, 2009; Molotch, 1979; Small, 1994; Tilly & Wood, 2009; Zirakzadeh, 2006). The resulting negative or inaccurate representation is problematic for social movements as they rely on the media, at least to a certain extent, to generate awareness, spread information, raise money, and create social support (della Porta & Diani, 2006; Molotch, 1979; Small, 1994).

Due to these challenges, rather than attempting to negotiate and fight for accurate and fair representation through the media (Armstrong, 1981; Stein, 2009), some social movements have at times resorted to what some call alternative media.¹⁷ The umbrella category of alternative media encompasses many different types and forms of media including: citizen, radical, dissent, and activist media (Coyer, Downum & Fountain, 2007). Regardless of the particular label given, all alternative media challenges the norms and methods of mainstream media either in terms of production, distribution, reception, or

¹⁶ This coincides with the profit driven focus of mainstream media that prioritizes stories that have a dramatic or personal aspect (Boykoff, 2006a; Small, 1994; Tilly & Wood, 2009).

¹⁷ The term alternative media has been problematized by some, who argue that 'alternative' is an oxymoronic term as everything can be considered to be alternative to something else (Kenix, 2011). However, it is important to differentiate between a media that supports the *status quo* (mainstream media) and a media that challenges or contributes to the transformation of the *status quo* (alternative media).

content (Beckett & Ball, 2012; Coyer, Dowmunt & Fountain, 2007; Fuchs, 2010; Kenix, 2011; Menayang, Nugroho, & Listiorini, 2002). The primary difference with mainstream media is that alternative media focuses on the presentation of information and ideas rather than solely making a profit (Langlois & Dubois, 2005; Ostertag, 2006).

Alternative media became very prevalent in the United States during the 1960s and 1970s (Atkinson, 2010; Rips, 1981). This is largely due to the role the underground press¹⁸ played in many of the social movements that are characteristic of this time¹⁹ (Atkinson, 2010; Langlois & Dubois, 2005; Rips, 1981). As alternative media provided a different framework from mainstream media, it became a communication outlet for those who were often denied a chance to express themselves elsewhere (Armstrong, 1981; Schacter, 2002). Ultimately, alternative media became the only medium through which citizens could have access to alternative views and discourse(s) that were often censored by mainstream media (Kessler, 1984; Rips, 1981).

The underground press—and alternative media in general—acted as the fourth estate during this time given that it was through alternative media that new information and ideas were able to enter the public sphere and help citizens come together and resist state power and discourse (Atkinson, 2010). The creation and proliferation of the underground press can be understood as a cultural and political response to the United States government's attempt to retain state power by restricting the production and distribution of alternative discourse (Gitlin, 1981). These trends include a noted decrease in the prevalence of alternative media during the late 1970s and 1980s, followed by an increase in the late 1990s and early 2000s

¹⁸ The underground press encompasses a wide variety of media including: magazines, newspapers, radio stations, books, and films (Atkinson, 2010).

¹⁹ Including: anti-war, feminist, and environmental social movements (Armstrong, 1981).

(Coyer, Dowmunt & Fountain, 2007). There was also an increase in the use of blogging after September 11th, 2001 (Ekdale, Namkoong, Fung & Perlmutter, 2010).

The above mentioned trends in the changing usage of alternative media have also been significantly influenced by advancements in technology, particularly the creation and development of the Internet (Coyer, Dowmunt, & Fountain, 2007; DiMaggio, Hargitai, Neuman & Robinson, 2001; Olesen, 2005). The Internet has made it much more feasible for alternative media to be widely accessible to the general public²⁰ (DiMaggio et.al, 2001; Streitmatter, 2001; Van Laer & Van Aelst, 2010). While the Internet was originally viewed as a technological advancement that was very accommodating to alternative discourse, society's adoption of the digital world has resulted in the Internet being seized by mainstream media and discourses (Juris, 2005; Van Laer & Van Aelst, 2010).

It is important to note that there are connections and overlaps between mainstream and alternative media (Olesen, 2005). This is partly due to the fact that these labels are not static. Rather, what is considered to belong to one type of media or the other varies due to place, time, and technological advancements (Kenix, 2011). Regardless, the major differentiation between mainstream and alternative media is whether it supports or challenges the *status quo*. However, this is not a dichotomous relationship and should be thought of as a continuum where mainstream media is more likely to support the *status quo* and alternative media is more likely to challenge or transform it. While mainstream media tends to maintain the *status quo* this does not mean that they are the lapdogs of governments and corporations. Governments and corporations do not necessarily share one set of cohesive interests and goals that the media can support. In reality, governments conflict with

²⁰ In the past alternative media outlets were compromised as they did not have the necessary resources to successfully compete in a capitalistic market. Inevitably, these alternative media outlets would either fade out or be bought out (Lievrouw, 2011).

corporations, just as governments conflict with other governments and corporations with other corporations. As a result, mainstream media can and does support some challenges to the *status quo*, but not to the same extent as alternative media.

The way media is created and consumed has been influenced by both changes in technology (Benkler, 2011b; McNair, 2005) and the overall political environment (McNair, 2005). As a result, in order to remain a viable social force, the fourth estate has developed a virtual self: the networked fourth estate. While both the fourth estate and the networked fourth estate share the same function and purpose, the manner in which each operates is quite different. The networked fourth estate differs from the traditional fourth estate in the sense that it relies heavily on non-traditional journalists, in addition to the professional, mainstream media characteristic of the original fourth estate (Benkler, 2011a). As a result, the networked fourth estate is able to “respon[d] to diverse motivations, functio[n] in diverse organizational forms, and provid[e] diverse coverage and insight” (Benkler, 2011b, p. 236). These developments and changes allow the networked fourth estate to function in a “global media system characterized by accelerated, expanded and relative unconstrained information flow” (McNair, 2005, p. 184). It is with these changes that the networked fourth estate can continue its watchdog role in modern society.²¹

This is where organizations like WikiLeaks, who view the state’s response to the issues arising from the transparency and open society movement inadequate and therefore turn to their own independent methods to ensure that the goals and ideals behind this

²¹ This idea has also been referred to as the ‘fifth estate’. The fifth estate takes on a similar role as the fourth estate; however it is comprised of individuals who do not subscribe to the dominant, mainstream beliefs. Typically the fifth estate is associated with alternative media, particularly bloggers (Jericho, 2013). A detailed exploration of the connection and nuances between the fourth estate, networked fourth estate, and the fifth estate is unfortunately beyond the scope of this research project. As a result, only the terms ‘fourth estate’ and ‘networked fourth estate’ will be used throughout this thesis.

movement are put into practice and can be addressed. WikiLeaks can be understood as a media organization that is operating within the existing transparency and open society movement²² and therefore working to ensure that governments are held accountable through the publication of information.

2.3 WikiLeaks

WikiLeaks was established in late 2006 as a “not-for-profit media organization” (Lynch, 2013, p. 316) to publish information that has been censored or restricted by governments or corporations (Brevini, Hintz & McCurdy, 2013). Essentially WikiLeaks operates as a platform through which whistleblowers can anonymously submit information pertaining to government or corporation abuse, secrets, and corruption (Lynch, 2013).²³ WikiLeaks then investigates all submissions and once the information has been verified it is made publically available on the official WikiLeaks website.

Using this method, WikiLeaks has published hundreds of thousands of documents, exposés, and confidential records (Mitchell, 2011; Roberts, 2012; Sifry, 2011). These publications have brought attention to issues that otherwise the public would have unaware of (Gardels, 2011). While WikiLeaks has been conceptualized as a whistle-blowing website (Beckett & Ball, 2012), those primarily involved in the organization focus more on the idea of transparency. In a 2010 interview, Assange²⁴ stated that people involved in WikiLeaks are “transparency activists who understand that [a] transparent government tends to produce

²² Other NGOs and community groups that identify as working towards similar goals include: the Sunlight Foundation, MAPlight.org (Birchall, 2011a), OpenSecrets.org (Birchall, 2011a; Noveck, 2010), Washington Watch (Noveck, 2010), OpenLeaks, EnviroLeaks, and Transparency Unit (Mitchell, 2011). Though these groups all share a similar overall goal, their specific purposes, goals, and methods are quite varied, which is consistent with the broad scope of the transparency and open society movement.

²³ The work of Lisa Lynch is referenced frequently when discussing WikiLeaks as she was one of the first people to engage in an academic discussion about WikiLeaks (Brevini, Hintz & McCurdy, 2013).

²⁴ Julian Assange is the co-founder and most public face of WikiLeaks (Beckett & Ball, 2012).

[a] just government””(Curran & Gibson, 2013, p. 304). WikiLeaks presents its ultimate purpose as facilitating democracy and informed decision making by increasing public access to information (Soley, 2011). This increased public knowledge and access to information is beneficial as it can facilitate public demands for social and political change or reform (Beckett & Ball, 2012; Roberts, 2012).

Although the purpose of WikiLeaks is clear, the manner in which they operate is not. Given the nature of WikiLeaks’ work, and the fact that it is an online organization, this is not overly surprising. Legally, WikiLeaks is considered to be a not-for-profit organization based out of Sweden (Benkler, 2011b). It operates on a \$600,000 annual budget, which is obtained from anonymous donations received from around the world (Benkler, 2011b). The lack of internal transparency in WikiLeaks has not gone unnoticed. WikiLeaks has been criticized for this, as it has not been clear about who is involved in the organization, who funds the organization, or how it operates (Birchall, 2011c). These structural ambiguities have resulted in the perception that WikiLeaks is operating according to a ““distorted sense of transparency””(McBride, 2011, p. 36).

In addition to questioning their activities and lack of transparency, critics have also problematized WikiLeaks’ goals. First, it has been asked whether the release of information can actually be enough to initiate citizen outrage and action (Beckett & Ball, 2012; Roberts, 2012). Associated with this concern are questions pertaining to the significance of the leaked information. It has been argued that much of the released information was already known, or was not overly surprising (Roberts, 2012). For example, only six percent of the leaked State Department cables were actually classified as secret at the time of their release (Roberts, 2012). Furthermore, it has been questioned whether society is even capable of

effectively functioning with the kind of openness and complete access to information that WikiLeaks is advocating for (Gardels, 2011). WikiLeaks has also been challenged on the basis that they did not consider the potential implications of publishing sensitive information on the Internet, nor the fact that by publishing the information they would be surrendering any control of the documents in question (Sifry, 2011). Finally, it has been argued that rather than encouraging government transparency, in reality the publication of these documents has increased government secrecy and damaged political relations (Brian, McDermott & Werns, 2011; Gardels, 2011; Soley, 2011).

The impact of WikiLeaks grew exponentially in 2010 after WikiLeaks released three documents that year that received a lot of attention. In fact, the public's awareness of WikiLeaks is attributed to three publications during this year: the Collateral Murder video; the Iraq War Logs; and the Afghan War Logs²⁵ (Roberts, 2012). The first of these leaks, Collateral Murder, was what brought the initial public attention to WikiLeaks (Mitchell, 2011; Roberts, 2012; Sifry, 2011). This video contained footage of a military attack by the United States Army in Baghdad, Iraq. The footage showed a United States Apache helicopter shooting at a group of individuals on the ground. While this group was alleged to be Iraqi insurgents, they were later identified as Iraqi civilians and Reuters journalists (Roberts, 2011; Sifry, 2011). The footage continues after the original attack and shows the helicopter firing at a man who arrived on the scene with his two young children to assist any survivors (Roberts, 2011).²⁶

In addition to bringing attention to WikiLeaks, the Collateral Murder video is also significant as it represents a shift in WikiLeaks methods. Unlike previous leaks, WikiLeaks

²⁵ Also known as the Afghan War Diaries.

²⁶ Reuters staff tried for two years to get access the Collateral Murder video under freedom of information legislation but had been unsuccessful (Benkler, 2011b).

took on an editorial role in the release of this video and arguably turned this video into a piece of anti-war propaganda against the United States (Keller, 2011). The Collateral Murder video was a highly edited eighteen minute version of the actual attack (Mitchell, 2011), where the speed of the video was altered by slowing down when showing that the Reuters journalist team was actually carrying video equipment and speeding up when a man who appeared to be holding a grenade launcher entered the frame (Keller, 2011; Mitchell, 2011). No contextual or background information was provided to this video;²⁷ rather it opened with a quote by George Orwell: "Political language is designed to make lies sound truthful and murder respectable, and to give an appearance of solidity to pure wind" (Beckett & Ball, 2012; Mitchell, 2011). The video ended by noting the names and some general information about the individuals who died during this attack (Beckett & Ball; 2012; Mitchell, 2011). The editing of the Collateral Murder clip is significant as it arguably changed the status of WikiLeaks from an online whistleblowing organization to an alternative media outlet that investigates and reports on various stories (Beckett & Ball, 2012).

The public interest in this video was tremendous (Mitchell, 2011; Sifry, 2011), which translated into increased public attention to WikiLeaks as a whole.²⁸ After the release of this video, the WikiLeaks website temporarily crashed due to the increase in traffic (Mitchell, 2011). The public attention and momentum that the release of this video received was compounded by two other similar high profile leaks in the same year: the Afghan War

²⁷ This was highly criticised by Robert Gates (Mitchell, 2011).

²⁸ During the first two weeks that the Collateral Murder video was posted on YouTube it received over six million views (Sifry, 2011). The week after this video was released, the search term 'WikiLeaks' showed the most growth in all Google search terms that week (Mitchell, 2011).

Logs²⁹ and the Iraq War Logs³⁰ (Brevini, Hintz & McCurdy, 2013; Roberts, 2012).

Despite the public attention that the release of Collateral Murder gained for WikiLeaks, it did not translate into the long term public interest and engagement they were looking for. Therefore, in the fall of 2010 WikiLeaks created a partnership³¹ with *New York Times*, *Der Spiegel* and *The Guardian*. The partnership gave these newspapers exclusive access to WikiLeaks database prior to the leaks being made public so that they would have time to prepare articles on the information that would coincide with WikiLeaks public release of the information (Dunn, 2013; Lynch, 2013). This partnership was a mutually beneficial relationship. It provided the newspapers involved with access to information that they would otherwise not have received and provided WikiLeaks with a network of experienced journalists and a means through which they could ensure their information reached the general public (Dunn, 2013).

A similar partnership was established with another set of journalists in April 2013, which coincided with WikiLeaks release of the Kissinger Cables.³² This partnership involved a variety of newspapers in the international media market, including: *The Nation*, *La Jornada*, *L'Espresso*, *The Hindu*, *The Age*, *Dawn*, *Pagina 12*, and *Al Masry Al Youm* (Lynch, 2013). It has been suggested that this global partnership is reflective of WikiLeaks' return to the international focus and dissemination of information that characterised its

²⁹ A collection of 90,000 documents that contain information pertaining to US military operations in Afghanistan between 2004-2010, which was released by WikiLeaks in July 2010 (Roberts, 2012).

³⁰ A collection of 400,000 documents that contain information pertaining to US military operations in Iraq between 2004-2010, which was released by WikiLeaks in October 2010. In terms of quantity, at the time this was the biggest data leak in US military history (Roberts, 2012).

³¹ Though WikiLeaks has presented this arrangement as an active partnership, others have suggested that WikiLeaks' role was only to be a source (Lynch, 2013).

³² This publication included upwards of 1.7 million assorted US diplomatic documents and communications produced between 1973-1976 (WikiLeaks, 2011).

earlier work (Brevini, Hintz & McCurdy, 2013) as opposed to the predominately Western focus the organization adopted between 2010 and 2012 (Lynch, 2013).

The partnerships that WikiLeaks formed with the traditional media³³ and the arguments pertaining to WikiLeaks being a form of media themselves are particularly important to consider given the protections afforded to the press under the First Amendment to the United States Constitution.³⁴ Legal precedent has shown that while the Supreme Court of the United States has never provided a clear definition as to what exactly constitutes the press, they have accepted a very broad understanding of the term (Schacter, 2002). The 1935 ruling in *Lovell v. City of Griffin* indicated that the term ‘press’ covers much more than the traditional newspaper, as the Supreme Court stated that the freedom of press clause should be taken to refer to “any sort of publication which affords a vehicle of information and opinion” (Schacter, 2002, p. 54). This broad understanding has been reaffirmed in a number of American court cases, including *Branzburg vs. Hayes* in 1972 and *Blum v. Schlegel* in 1993, both of which indicated that an individual does not have to be a professional journalist to receive the protection and rights guaranteed by the First Amendment (Schacter, 2002). Based on this established legal precedent it could be argued that WikiLeaks is a form of press and therefore should be granted the associated protection found under the First Amendment. However, this is complicated given the fact that legally WikiLeaks is based out of Sweden, not the United States (Benkler, 2011b).

Notwithstanding, the First Amendment is politically important as it protects individual rights from being overthrown by the majority view (Dworkin, 2006) and is

³³ The traditional media coincides with the mainstream media, and therefore refers to a broad category that can be used to refer to the “television, the press (regional, national, and local), and radio” (Hall, 1974, p. 278). In this WikiLeaks case the partnerships were all made with print media specifically (Lynch, 2013)

³⁴ Through the First Amendment the United States has constitutionally protected the freedom of speech, press, peaceful assembly, petition and religion (Cooke, 2007).

therefore considered to be an essential tool to ensure that democracy in the United States is able to function effectively (Cooke, 2007). However, the First Amendment is not an absolute right or freedom, meaning that the freedoms it protects have been restricted on many occasions, particularly during times of political instability (Cooke, 2007). Though in some cases these rights might be justifiably restricted, the parameters of legitimate restriction are not clear, which has resulted in many legal challenges (Fiss, 1996).

In sum, though the right to free speech and free press are constitutionally protected, the government is still able to control both the flow and public access to information through a number of both legitimate and illegitimate means. One way this can be done is through access to information legislation. As was demonstrated previously, the government is able to control the flow of information through enacting and altering FOI legislation. However, altering this legislation is not the only mechanism of information control the government can engage in. Other forms of information control can be loosely organized according to the following categories: reduction or removal of resources, media control, and legal repression. A brief overview of each category and its apparent impact on WikiLeaks is provided here.

Removing or limiting the resources an organization has available to it is one way to exercise control over the organization. This type of control is often seen through creating restrictions in funding, or limiting or denying access to physical space (Marx, 1979). Along this vein, it has been alleged that the US government was responsible for a number of businesses (including Amazon, Tableau Software, PayPal, and MasterCard) withdrawing their services from WikiLeaks in December 2010 (Roberts, 2012; Sifry, 2011). The alleged role of the US government in this widespread decision arose in relation to a public statement made by then Senator Joe Lieberman, the Chairman of the Senate's Homeland Security

Committee, who publicly asked business to stop supporting WikiLeaks (Roberts, 2012; Sifry, 2011). As a result of the financial blockade that came from the removal of PayPal and MasterCard, which were two of the major methods supporters could use to donate to the organization, the WikiLeaks website was temporarily shut down (WikiLeaks, 2011).

While supporters of WikiLeaks alleged that the above services were withdrawn from WikiLeaks due to political pressure, this has not been proven (Roberts, 2012). There have been other reasons put forward to explain why these companies chose to withdraw their services. For example, Amazon stated that they removed their services as WikiLeaks had violated the terms and agreements of their contract (Roberts, 2012). In addition, it has been argued that basic business judgments would have led these companies to pull their services, even without government encouragement, as by that time WikiLeaks was already a controversial organization and basic business knowledge makes it clear that “you don’t mix politics with retail” (Roberts, 2012, p. 121).

In addition to the removal of resources, it has also been argued that the law has been used as a means of repression against WikiLeaks, in terms of the charges both Chelsea Manning³⁵ and Julian Assange have faced. The arrest and military trial against Manning³⁶ is seen as a way for the US government to retaliate against WikiLeaks given that Manning was someone that they had easy access to and could charge for her role in the leaks (Roberts, 2012). These allegations are consistent with the argument that the state can engage in legal repression by using the law as a tool either to deny dissenting groups legal protection (Marx,

³⁵ Formerly known as Bradley Manning.

³⁶ Manning was a member of the United States Army who was accused of leaking the Iraq War Cables, including the Collateral Murder video, to WikiLeaks. She was arrested and faced thirty-four charges in response to these allegations (Roberts, 2012). On August 21st, 2013 Manning was found guilty of twenty charges, including six pertaining to the Espionage Act (The Associated Press, 2013). She was sentenced to thirty-five years in prison and was dishonourably discharged from the military (The Associated Press, 2013).

1979) or selectively enforce pre-existing laws (Scraton, 2007). Another instance of using the law as a mechanism of repression can be seen through the introduction of the Securing Human Intelligence and Enforcing Lawful Dissemination Act to the US Senate in 2010. While this act did not pass (Lendman, 2011), its intention was to modify the 1917 Espionage Act and criminalize the dissemination of any information pertaining to the US intelligence activities (Cuillier & Pinkleton, 2011); an act in which Manning specifically, and WikiLeaks in general, have been accused of partaking.

As discussed in the previous section, the way that information is presented in the media can become another tool to perpetuate the stigma associated with dissent (Boykoff, 2006b; Marx, 1979). This can be seen by addressing the allegation that the US government used the media to deliberately make the leaks seem much more influential and damaging than they truly were. Part of this entails selectively choosing the framework through which the information should be presented. This claim is based on contradictory statements given by representatives of the United States government about the seriousness of the leaks, as the government position on the impact of WikiLeaks changed depending on the nature of the audience in question (Sifry, 2011).

When looking at the media's role in the stigmatization of dissent, the significant focus of the mainstream media on Assange's personal legal issues also needs to be addressed. Assange is alleged to have committed two sexual assaults while in Sweden (Mitchell, 2011; Star, 2011; Steel, 2012). Though he has not officially been charged in regards to these acts, Sweden has issued an international warrant for his arrest so that he can be questioned in relation to the rape, unlawful coercion, and sexual molestation accusations (Goodman & Moynihan, 2012). By the time this warrant was issued, Assange was already

residing in England which started a complicated legal battle involving his extradition to Sweden for questioning³⁷ (Goodman & Moynihan, 2012).

Assange and his supporters are challenging this extradition order as they fear that if he is extradited to Sweden, he will then ultimately be extradited to the United States to face charges under the Espionage Act in relation to his role in WikiLeaks publications (Goodman & Moynihan, 2012). Ecuador granted Assange political asylum on the basis that any trial Assange would face in the United States would be political persecution. However, as England has refused to grant Assange free access to Ecuador, Assange has been confined to the Ecuadorian embassy in England since June 2012 (MacLellan, 2014). The possibility of Assange facing charges from the United States, and the nature of what those charges would be has been largely debated but there is no agreement at this point (Steel, 2012).

While Assange's personal legal issues are still ongoing, it is important to acknowledge that they have the potential to alter the public perception of both Assange and WikiLeaks (Christensen, 2012). By keeping the public focus of WikiLeaks on the personal legal issues of Assange, it has taken away from the discussions and analysis of WikiLeaks as an organization (Christensen, 2012). Though this is just a cursory overview of alleged state tactics of repression, it does indicate that it is not uncommon for the state to engage in repressive acts as a form of social control as they are alleged to have done throughout their interactions with WikiLeaks.

The purpose of this discussion was to provide the required contextual knowledge to understand the underlying conflict between WikiLeaks and the United States in regards to the circulation of information. With this in place, the next chapter focuses on discussing two

³⁷ Assange's offer to be questioned in England concerning these charges was rejected by Sweden (Goodman & Moynihan, 2012).

forms of politics that can be found in WikiLeaks and the US government's talk about the circulation of information.

Chapter 3: Theoretical Framework

Given that this thesis seeks to identify the forms of politics that are rendered possible through WikiLeaks and the United States government's talk on the circulation of information, this chapter sketches out two alternatives chosen in view of a preliminary analysis of the empirical material. The first alternative is heavily inspired by Max Weber, the second by Hannah Arendt. Weber discusses the foundation of the modern state whereas Arendt offers up a response or an alternative to politics as confined to issues of domination, violence and power. I begin this chapter by laying the ground of the Weberian perspective. This involves discussing a conceptualization of the state and politics according to Weber. According to these principles, it will then be discussed how those in power are able to use the law and traditional media as a means of discrediting or delegitimizing anyone who poses a challenge to those in power. Next, I present Arendt's alternative perspective which focuses on the importance of the public sphere, the impact of globalization in the creation of transnational social movements and the possibilities and limitations offered, in this regard, by the Internet.

3.1 A Weberian Perspective on Politics

Despite the fact that politics has been described as the "basis of civilization" (Balibar, 2002, p. 129), there are multiple understandings of what 'politics' actually is and what it means in practice. In Weber's discussion of the modern Western state, he argues that politics is about the "distribution, maintenance, or transfer of power" (1968, p. 2). Therefore, whether for intrinsic or instrumental purposes, individuals involved in politics are attempting to gain power (Weber, 1968). Given this underlying premise, questions about politics are

connected to discussions about the use or distribution of power in society, whether the purpose of this power is “as a means in serving other aims....or as ‘power for power’s sake,’ that is, in order to enjoy the prestigious feeling that power gives” (Weber, 1968, p. 2). Essentially, “striving for power is one of the driving forces of all politics” (Weber, 1968, p. 26) which makes power the ultimate capital those in politics are hoping to achieve.

This definition of politics implies that in order to retain power, the state must maintain control over its citizens (Weber, 1968). Historically, there have been three forms of power legitimation: traditional; charismatic; and virtue of legality.³⁸ Traditional domination refers to the idea that the state has control over its citizens as that is the way that it has always been (Weber, 1968). Charismatic legitimation occurs when the public truly likes or has confidence in the state leader and therefore chooses to follow them (Weber, 1968). Whereas virtue of legality refers to the idea that citizens choose to follow the state leader based on the belief that rules and laws are rationally created (Weber, 1968). Despite these three pure forms of legitimization, Weber (1968) argues that in reality citizens choose to obey the state if either: they fear the power of the leader and what it could mean if they disobey; or if they believe that they will later be rewarded for being obedient.

A key characteristic of the Western state is the idea that “every state is founded on force” (Weber, 1968, p. 2). Though the state does not need to be continuously involved in force, it “claims the *monopoly of the legitimate use of physical force* within a given territory” (Weber, 1968, p. 2, italics in original). The state essentially becomes “a relation of men dominating men, a relation supported by means of legitimate (i.e. considered to be legitimate) violence” (Weber, 1968, p. 2). In order for the state to retain this power and “[i]n

³⁸ While these are the three pure forms of political legitimacy, in reality they are often found in mixed forms (Dickerson & Flanagan, 2006).

order to be a useful apparatus, a machine in the American sense—undisturbed either by the vanity of notables or pretensions to independent views—the following of such a leader must obey him blindly” (Weber, 1968, p. 24). Ultimately, in order to maintain their power “the state is considered the sole source of the ‘right’ to use violence” (Weber, 1968, p. 1).

Balibar echoes Weber’s idea that the state has a monopoly of violence when he says “the state *removes* violence and the means of violence from ‘society’ by taking them *for itself* and *upon itself*” (2002, p. 138). He adds to this discussion through the idea of a state monopoly of legitimate discourse. He states that “*nothing*—at least, nothing decisive—can really be thought *outside violence*, if thinking or writing does not itself become ‘violent’, or *model itself* on a certain violence” (Balibar, 2002, p. 134). The idea of a monopoly of legitimate discourse is nicely expressed through Balibar’s discussion of Thomas Bernhard, who argued that education can be viewed as a form of legitimate state violence as the purpose of education is to ‘normalize’ the public and expose them to the beliefs and practices of their society (Balibar, 2002). This argument is significant as it demonstrates how the state is able to maintain control over or at least influence the social discourse and in doing so maintain control over society. The significance of this is compounded by the seemingly unobtrusive and normalized manner of state control through the monopolization of legitimate discourse. While this particular example used education to demonstrate how the state can claim a monopoly of legitimate discourse, the same logic demonstrated here can be applied throughout society.

As outlined by both Weber (1968) and Balibar (2002), the modern state can only exist if it maintains power and control over the ruled. Therefore, state’s attempts to control

domestic threats, such as social dissent,³⁹ is not an unusual occurrence. Rather, it is something that has always existed and by its nature will continue to exist (Boykoff, 2007).⁴⁰ Given the Weberian conceptualization of politics and the associated struggle for power, this next section addresses how the law and the media become tools that the state can use to control and discredit those who challenge their authority (focusing primarily on social movements and public dissent), which ultimately protects the state power.

Law and Media: Tools of State Power

Social movements pose a challenge to the state as they involve attempts to interfere with the distribution of power by producing an alternative discourse to that which is presented by the state. By doing so, they pose a challenge to Balibar's notion of the state's monopoly of legitimate discourse. In short, social movements are a form of collective action that allow citizens to come together and challenge the state or other powerful organizations in society in order to facilitate broad level social, cultural, or political change⁴¹ (Freeley, 2010; Grey, 2010; Ostertag, 2006; Staggenborg, 2008; Stein, 2009; Touraine, 1985). The collectivity associated with social movements allows the individuals involved to have the latent social and political power that is associated with a collective group and ultimately

³⁹ Dissent refers to “a moment of conflict in which taken-for-granted rules, topics, and norms of public deliberation are contested, opposed, or transgressed” (Boykoff, 2006b, p. 13). Whether an action is viewed as a legitimate form of dissent or not is not a random decision. Rather, the characterization of dissent is bound up with many questions of politics and power (D’Arcus, 2006).

⁴⁰ Studying state control and repression can be difficult, especially when one is addressing the more subtle forms of repression, which can be hard to detect let alone collect data on (Boykoff, 2006b). A common area focused on when studying dissent is social protests and the states response in terms of protest policing (Boykoff, 2007; Boykoff, 2006b; D’Arcus, 2006). There is a quickly growing body of academic literature that looks at the policing of protests and, in particular, protests done in the name of the anti-globalization movement. The anti-globalization protests at various G8 and G20 summits around the world were met with a more repressive, militarization style of protest policing (della Porta & Diani, 2006; Waddington, 2007).

⁴¹ The true creation, organization and power of social movements comes from the network of social movement organizations (SMO) that comprise the overall movement (van de Donk, Loader, Nixon, & Rucht, 2004). Though each SMO is likely to have unique and specific objectives or methods, they are united through the overall aims and goals of the broader social movement (Staggenborg, 2008; Tilly & Wood, 2009). SMOs are what make social movements so complex, multi-dimensional and powerful (della Porta & Diani, 2006; Tilly & Wood, 2009).

provides the potential for the movement to result in change (Brecher, Costello & Smith, 2002; Ostertag, 2006; Wapner, 2007; Zirakzadeh, 2006). Generally speaking, those involved in social movements do not have the resources or access that other groups do, such as political parties and interests groups who can be thought of as insiders in the political process due to their access to government officials and powerful members of society (della Porta & Diani, 2006; Staggenborg, 2008). This delegitimizes their discourse and therefore puts them at a disadvantage in influencing the distribution of power and effecting social change.

When looking at the state response to dissenting groups, a historical analysis shows that repressive actions towards those that participate in social movements is quite common (Freeley, 2010; Streitmatter, 2001) precisely because they are attempting to interfere with the distribution of power. Part of this repressive response has to do with the creation and use of laws. For example, the creation of the Espionage Act in 1917 can be viewed as a response to the ongoing war resistance movements at the time as the Espionage Act included a fine or prison sentence for anyone found guilty of expressing state disloyalty through resisting the draft (Freeley, 2010; Streitmatter, 2001). In addition to the Espionage Act, the Sedition Act also made opposition to the war illegal (Olmsted, 2011). The use of the law in this way is consistent with the argument that law can be used as a political instrument “for suppressing and policing activities that are labelled as socially deviant” (McLaren, Menzies, & Chunn, 2002, p. 7). Regardless of whether one believes that the legitimacy of law is based on its moral content, or based on the source behind it, both positivists and natural law supporters agree that law is a type of social ordering (Dyzenhaus, Moreau, & Ripstien, 2007). Through the creation and alteration of various laws, the state is able to express its power in terms of

what can be done, where, and by whom. It is therefore through the manipulation of these laws that the state is able to retain some control and power over forms of public dissent (D’Arcus, 2006) and legitimize the political construction of deviance (Shavell, 2002).

In addition to enacting legislation to control social dissent (Freeley, 2010), there are a number of other mechanisms that have been employed in the past. These include tactics such as: stigmatization of the dissent, which is often done through the media; removal of necessary resources (Boykoff, 2006b; Marx, 1979); restricting funding; declining any form of legal protection; denying or restricting access to physical space (Marx, 1979); selective enforcement of pre-existing laws (Scraton, 2007); and intimidation or threats (Boykoff, 2006b).

The construction of the deviant label can be used by those in power as a method to curb individual or collective resistance and opposition, as the label of deviant becomes a way to stigmatize an individual or group (Lauderdale, 1980; Lauderdale, 2011). Therefore the act of labelling something as deviant is inherently political in nature (D’Arcus, 2006; Hall, 1974; Lauderdale, 2011; Lauderdale & Inverarity, 1980; Pfohl, 1994). In order for an action to be characterized as political deviance it needs to involve a political aim or goal and needs to deviate from what the government deems to be the correct way for the public or be engaged, which includes things like: voting, representation through an elected official, and a variety of procedural norms (Hall, 1974). However, even if these conditions are met, not all actions or individuals that digress from the *status quo* will be viewed as political deviants. Rather, if one’s beliefs or actions are found to be within the “framework of acceptability” (Hall, 1974, p. 266), they will be considered a legitimate part of the political process and as such will be characterized as political minorities, rather than deviants (Hall, 1974).

Of course, what is considered to be within this framework is determined by those who already have political power (Hall, 1974). Therefore, it is important to look at the status of the individual in question and their relationship to those in power (Burton, 1979; Lauderdale, 2011; Pfuhl & Henry, 1993). Since political deviants are not viewed as political actors in the traditional sense, they are not allowed to dissent without repercussions (Hall, 1974). Rather, any dissenting action they engage in will be viewed as a form of deviance in need of social control (Hall, 1974). The distinctions made here do not stay within the political realm; rather, they often spread to the society at large through the media (Hall, 1974).

Given the discussion about the cooptation and monopoly of mainstream media that was addressed in the previous chapter (Armstrong, 1981; Molotch, 1979; Ostertag, 2006; Snow, 2003), the spread of the political minority/political deviant label through the media is important to address. If the state is able to control or at least influence the conversations and images presented through the media, they are able to frame the general social discourse. Returning to the idea that politics is about the struggle for power (Weber, 1968) framing the public discourse becomes a mechanism through which the state is able to ultimately influence the public.

Using the media and the law as two examples, both the necessity and the mechanisms supporting state power have been shown. Given that Weber's conceptualization of politics affords the state the sole right to legitimate force, the implications of political influence on society can be seen. Ultimately, it can be seen that the state is ensuring they have an edge in the struggle for power associated with a Weberian conceptualization of politics.

3.2 Arendt, Politics and the Public Sphere

In contrast to the Weberian conceptualization of politics, the work of Arendt and Habermas presents politics as being a public process and an intrinsic good (Kateb, 2001). While the Weberian perspective connects politics with force and violence, Arendt clearly separates these notions from politics and creates a clear distinction between the idea of power and violence.⁴² She indicates that power and violence have a unique relationship as “power and violence are opposites; where one rules absolutely, the other is absent” (Arendt, 1970, p. 56). She argues that “violence is nothing more than the most flagrant manifestation of power” (Arendt, 1970, p. 35) and therefore a government based exclusively on violence would be unable to function (Arendt, 1970). The underlying premise of Arendt’s conceptualization is that “power is indeed of the essence of all government, but violence is not” (1970, p. 51). According to Arendt the power that sustains government is not associated with force or violence, but rather it is the communicative power that is derived from the collective public. Therefore, by its nature, “[p]ower is never the property of an individual; it belongs to a group and remains in existence only so long as the group keeps together” (1970, p. 44). This view is expressed clearly when she says that “political institutions are manifestations and materializations of power; they petrify and decay as soon as the living power of the people ceases to uphold them” (Arendt, 1970, p. 41).

The public nature of politics is essential to Arendt’s understanding of politics as “politics is action and that action is speech in public about public affairs” (Kateb, 2001, p.

⁴² Arendt (1970) is very critical of the connotations and presumed interchangeability of many political terms, including ‘power’, ‘strength’, ‘force’, ‘authority’ and ‘violence’, as in reality each has a very different meaning and purpose. Though here the focus will be on discussing ‘power’ and ‘violence’, it is important to explain what Arendt understands the other terms to mean. Strength should be understood as an inherent property in an object or person (Arendt, 1970, p. 44). Force refers to the “energy released by physical or social movements” (Arendt, 1970, p. 45). Finally, authority comes from “recognition by those who are asked to obey; neither coercion nor persuasion is needed” (Arendt, 1970, p. 45).

132). What is being advocated for here is a type of collective, rational discussion. It is expected that when engaging in political discussions, the viewpoints and perspectives of others must be taken into consideration, regardless of whether that other person is physically partaking in the discussion at hand (Waldren, 2001). It is this political speech and exchange of ideas that allows people to make sense of the world, and is what becomes the basis of authentic political action (Kateb, 2001).

Given the public nature of politics, the pluralistic nature of society needs to be addressed. As noted by Mouffe, “pluralism implies the permanence of conflict and antagonism” (2000, p. 33). However, rather than being detrimental to politics, pluralism actually ensures the continuance of democracy (Kateb, 2001; Mouffe, 2013). The fact that there are differing opinions indicates that the discussions required by democracy are actually taking place (Mouffe, 2000). One way to make sense of this pluralism is to view politics as a form of agonism, or a “struggle between adversaries” (Mouffe, 2000, p. 103). An adversary is different from a political enemy as an adversary is a “legitimate enemy, one with whom we have some shared common ground” (2000, p. 102). Therefore, contrary to arguing with political enemies, arguing with adversaries is done with the intention of critiquing the legitimacy of the argument presented, rather than critiquing the legitimacy of our political enemy themselves (Mouffe, 2013). The public sphere then becomes a mechanism through which agonism can be supported and these conversations can be facilitated.

Politics and the Public Sphere

As conceptualized by Habermas in 1962,⁴³ the public sphere is a theoretical concept⁴⁴ that reflects the ideal manner through which citizens should engage in rational, open discussions and debates on issues of public concern (D'Arcus, 2006; Flynn, 2004; Fuchs, 2010; Gimmler, 2001; Papacharissi, 2010). The outcome of these discussions is based on the consensus of rational arguments, rather than being determined by the power dynamics associated with one's social position (Crack, 2008). As a result, the public sphere becomes a way to maintain an effective democracy as it allows citizens to control and limit state power and prioritize the development of the collective power of society, which is expressed through informed decision making (Dahlberg, 2007; Fuchs, 2010; Olesen, 2005). In order to function effectively, the public sphere requires the existence of democracy, free speech and access to information as the foundational concepts (Payne & Samhat, 2004). Therefore, it is really the communicative power associated with public debates that legitimizes democracy (Fiss, 1996; Flynn, 2004).

In order to adapt to the changes posed by globalization in the 1990s, the conceptualization of the public sphere was reworked and developed into the international public sphere⁴⁵ (Castells, 2008; Crack, 2007; Humphreys, 2011; Petray, 2011). The creation of an international public sphere allowed for discussions and deliberations to take place on a

⁴³ While others have conceptualized the idea of the public sphere prior to Habermas, namely Dewey (1927) and Arendt (1958), Habermas's conceptualization is more developed (Crack, 2008). Therefore, his understanding and explanation will be focused on throughout this chapter.

⁴⁴ The public sphere was developed as a theoretical concept, not a process that was intended to actually exist in society. Therefore, it should be viewed as an ideal standard by which practices can be measured and adapted to mirror in reality, while still taking into consideration all of the constraints and limitations found in society (Crack, 2008; Papacharissi, 2010).

⁴⁵ Depending on the discipline, this theoretical concept has been given a number of different names including: transnational, global, cosmopolitan, virtual, or extraterritorial public sphere (Crack, 2008).

global scale despite the existence of geographical national borders⁴⁶ (Guidry, Kennedy & Zald, 2000; Olesen, 2005). However, the development of the international public sphere was not intended to replace the original understanding of the public sphere (Guidry, Kennedy & Zald, 2000). Rather, it should be thought of as an expansion and development of the overall communication network, which consists of national public spheres, international institutions and the media (Olesen, 2005). This communication network functions in a circular manner, as while the public spheres comprise the international sphere, the international sphere also creates changes throughout the national public spheres (Olesen, 2005).

The idea of the international public sphere has been challenged on the basis that due to the pluralistic nature of globalization, modern society has become increasingly fragmented which would make the true rational discussion that the public sphere requires impossible (Brady, 2004; Downey & Fenton, 2003). Though it could be argued that having a pluralistic society would make it easier for new groups to enter politics and the public sphere, it has been suggested that in reality a pluralistic society makes it easier to ignore and discredit any group that does not agree with the majority (Hall, 1974). Therefore the international public sphere has been critiqued on the basis that it would be unable to incorporate the notions of equality and equal access that the public sphere was originally based on (Guidry, Kennedy & Zald, 2000). Furthermore, the idea of effective global politics and the international public sphere has been called a utopian ideal given the belief that it would not be able to exist in practice as global politics are characterized by secretive and coercive state actions (Payne & Samhat, 2004).

⁴⁶ Though the public sphere is most often referred to as a sphere within a nation state, public spheres that extend beyond one particular nation are possible as the public sphere is not necessarily restricted to a particular state (Crack, 2007).

The challenges that the international public sphere faces in terms of equality and equal access are also found in the original understanding of the public sphere. It has been well-documented that although the public sphere was conceptualized as being open to all and operating on equalitarian standards, this was not actually the case. Rather, in its original conceptualization the public sphere was inherently discriminatory as it was only open to males of a higher socioeconomic status (Crack, 2008; Fraser, 1997; Guidry, Kennedy & Zald, 2000; Marres, 2004; Papacharissi, 2010). It has been suggested that Habermas was focused on the communicative power associated with rationality and in doing so ignored the asymmetric power structure of society (Dahlberg, 2007). This is problematic as existing social, cultural, and economic factors influence both who is able to participate in the public sphere and what the impact of their participation will be (Dahlberg, 2007; Fraser, 2007). It has been suggested that because Habermas did not address the unequal power structure of society, he also failed to address the existence or potential of counter public spheres (Fraser, 1997).

Given the asymmetric power dynamics of society there is always a counter discourse in place as there are “meanings, practices, identities and social relations [that are] defined by social exclusion” (Dahlberg, 2007, p. 835). The relationship between dominant and counter discourse can be thought of as a power struggle which leads to the dominant discourse being viewed as authoritative and capable of, at least temporarily, silencing all other discourses (Dahlberg, 2007). However, given the underlying power struggle with the existing counter-discourse, any consensus that is achieved will always be dynamic and unstable (Dahlberg, 2007).

The existence of counter public spheres does not always necessarily translate into overt, active contradiction and contention with the public sphere. Rather, the counter public sphere should be thought of as being the opposition to the dominant discourse being addressed in the public sphere (Dahlberg, 2007). Therefore, the purpose of the counter public sphere is to provide a place where marginalized voices, opinions, and discourses are able to be discussed and explored prior to them being raised formally in order to explicitly challenge the dominate discourse that results from the original public sphere (Dahlberg, 2007). The existence of counter public spheres makes possible for those who are restricted from full participation in the public sphere to still have a way to discuss the needs and issues that are important to them⁴⁷ (Fraser, 2007; Loehwing & Motter, 2009). In a sense, the existence of counter public spheres is reflective of the agonism associated with democracy (Mouffe, 2000).

One way for counter public spheres to take place is through the various transnational social movements that are able to exist due to globalization. Given that globalization has allowed for social movements to easily extend beyond one specific country or location and become much more international in nature (Guidry, Kennedy & Zald, 2000), society has seen the influence of transnational social movements. Transnational social movements can be understood as the assembly of individuals and groups from different nation states who work together and push for social mobilization towards some type of collective social change (Khagram, Riker & Sikkink, 2002). The international public sphere was influential in the creation of transnational social movements as it allowed for those involved in social

⁴⁷ Although counter public spheres emerge in response to social and political exclusion, they also have the potential to become exclusionary themselves. After all, if one disagrees with the majority, they may simply choose to leave, and create their own public sphere that they open to those who have similar beliefs and ideas. This group then forms a new counter public sphere and the cycle continues (Fraser, 2007; Kessler, 1984).

movements to make connections, have discussions, share resources, plan collective action, and ultimately expand the scope of the movement in question on a global level (Dellacioppa, 2012; Goodwin & Jasper, 2007; Guidry, Kennedy & Zald, 2000; Wapner, 2007).⁴⁸

The impact of transnational social movements and organizations was first seen during the 1999 World Trade Organization (WTO) demonstrations in Seattle (Khagram, Riker & Sikkink, 2002). Since then, transnational social movements have played an increasingly important role in international politics and are able to result in changes in global practices and policies (Khagram, Riker & Sikkink, 2002). Part of this impact is due to the role that transnational social movements play in communicative power (Sikkink, 2002). Communicative power essentially refers to the way that information can be used as a method of persuasion, and it is often the outcome of public discussions and debates (Sikkink, 2002). Despite the outcome, communicative power itself is important as it brings issues and perceptions into the public view and discussion, which can ultimately have an impact on global politics (Sikkink, 2002). This is why communicative power is such an essential component to politics according to Arendt (1970).

The Internet as a Site and Tool of Activism

The proliferation of the Internet and developments in communication technology has altered the way that public communication takes place (Crack, 2007; Lovink, 2011). This impact is particularly evident when looking at alternative discourse. It is with the Internet functioning as a site of activism and resistance that those involved in social movements are able to come together and participate in the international public sphere (Olesen, 2005).

⁴⁸ The way that a movement is framed impacts its connections and mobilization as it helps to indicate what the movement's goals are, how they understand the world, helps legitimize their cause(s), and spreads the call for collective action (Khagram, Riker & Sikkink, 2002). As noted by Sidney Tarrow, "frames are not ideas, but ways of packing and presenting ideas" (Khagram, Riker & Sikkink, 2002, p. 12).

Ultimately, “the Internet [is] more than a medium; it is perceived as space, and, in particular, a place that we have in common” (Papacharissi, 2010, p. 112).

In addition to being the site of activism, the Internet can also be thought of as a tool of activism given that it facilitates and enhances the use of more the traditional off-line methods of activism (Van Laer & Van Aelst, 2010). One way this can be addressed is through the creation of activist’s tactics and methods such as: hacktivism,⁴⁹ on-line petitions, or e-mail campaigns, as these are methods that are only able to exist because of the Internet (Van Laer & Van Aelst, 2010). The Internet offers a way to easily spread information between members and facilitate organization and actions (Cere, 2003).⁵⁰ The Internet allows for those involved in social movements to spread their messages quickly and efficiently around the world, regardless of physical proximity. This makes the Internet a particularly influential tool when looking at transnational movements as it allows for connections to form and for information to be shared beyond geographical borders (Cere, 2003; Van Laer & Van Aelst, 2010).

Though the Internet provides a means through which more alternative discourses can be accessed, it is important to look at how the asymmetrical power relations that exist off-line can also be seen on-line (Dahlberg, 2007). This has been referred to as the digital divide. The digital divide describes how there are major inequalities not only in regards to who is able to access the Internet, but also in terms of the type, quality and frequency of their access (Dahlberg, 2007; DiMaggio et. al., 2001; Van Laer & Van Aelst, 2010). In addition, the existence of the political divide needs to be addressed, which involves making a distinction

⁴⁹ Hacktivism refers to hacking as a tool of political activism (Taylor, 2005).

⁵⁰ For example, during the 1999 anti-WTO movements in Seattle, the Internet was used as a tool to update protestors about the locations and actions of police forces (Van Laer & Van Aelst, 2010).

between those who use the Internet for political purposes and those who do not (Cere, 2003; Van Laer & Van Aelst, 2010).

The political divide is important to consider given that there is a wide variety of information available on the Internet (Olesen, 2005). However, this does not mean that all of the information is being accessed, as the Internet makes it very easy to select only the information that one wants to have access to (Dahlberg, 2007). In reality, communication and debate on the Internet is rather weak and few participate (Cammaerts & Van Audenhove, 2005; Lovink, 2011). It has been noted that eighty percent of Internet traffic is directed to less than one percent of the total websites available (DiMaggio et. al., 2001). This supports the claim that those who are seeking political or alternative discourse online are likely to have been involved in these types of issues off-line, and are likely actively seeking out this type of information (Cammaerts & Van Audenhove, 2005; DiMaggio et. al., 2001; Papacharissi, 2010; Petray, 2011).

Even when looking at political users of the Internet, it has been questioned whether the Internet is actually a beneficial tool for activism (Van Laer & Van Aelst, 2010). There has been a discussion about whether technology has led to “push button activism” (Petray, 2011, p. 934), which refers to when the extent of an individual’s activism is commenting on articles and forums or emailing an article, petition, or link to their pre-existing contact list. Based on these types of concerns, it needs to be questioned whether technology has really benefited activism and public communication or if it has been hindered by the associated effortlessness that comes with technology, resulting in reduced effectiveness (Petray, 2011).

The Internet has also been criticized by some on the basis that it does not create true relationships or connections between individuals, but rather that it results in exclusively

computer-mediated connections (Van Laer & Van Aelst, 2010). While computer-mediated connections can replace traditional, in-person understandings of activism, the Internet can also act as a facilitator and help develop the in-person action (Cere, 2003). It has therefore been suggested that while the Internet may make the initial connection possible, this connection is then developed through discussions in the transnational public sphere, which ultimately can facilitate an in-person connection (Van Laer & Van Aelst, 2010). After all, the international public sphere can only be considered public if it involves true interaction (Olesen, 2005).

As outlined here, the conceptualization of politics as put forward by Arendt differs greatly from that of Weber. In contrast to Weber's focus on the struggle for power and the state's monopoly of legitimate violence, Arendt understands politics to be focused on the idea of communicative power and the importance of politics being a public process and good. From the explanation of these two types of politics, it is clear that each conceptualization produces and, in turn, is shaped by a particular social order. These two different and competing conceptualizations of politics are returned to in detail as they are integrated within the forthcoming analysis.

Now that the contextual and theoretical background has been addressed, the next chapter introduces and explains the methodological approach and choices I have made in order to answer my research question and ultimately identify the form(s) of politic(s) previously discussed that that these social orders produce and are, in turn, shaped by. The following chapter discusses membership categorization analysis as my analytical approach, addresses my sampling justification, and provides an overview of the analysis process.

Chapter 4: Methodology and Method

Traditional theories of sociology have focused on attempting to explain various social facts and phenomenon (Francis & Hester, 2004). In doing so, they have largely ignored the study of language. This is problematic given that

[a]s members of society, we use language to describe, question or explain what is going on around us, as well as to perform actions that others may then describe, question or explain. The relationship between language and social life is thus a mutually constitutive one. (Francis & Hester, 2004, p. 8)

Ethnomethodology is a sociological approach that attempts to bridge this gap by viewing language as something that is constitutive of social life and interactions rather than viewing language as one of many social variables to be addressed (Coulon, 1995; Francis & Hester, 2004). Ultimately, ethnomethodology views language as the basis of the social interactions that are often the focus of traditional social inquires (Francis & Hester, 2004).

As ethnomethodology is premised on the idea that talk constitutes social action, it follows that ethnomethodologists believe that social reality is constantly being created through language and is not something that pre-exists and is waiting to be discovered (Coulon, 1995). In this thesis, I draw on an ethnomethodological perspective to think about the battle between WikiLeaks and the US government regarding the circulation of information. Ethnomethodology is interested in the production of social order⁵¹ and therefore in this thesis I begin by mapping out the respective social orders produced through public discourse by WikiLeaks and the US government.

⁵¹ Generally speaking, social order can be understood as the arrangement of institutions in society, how they interact, and how humans interact with each other based on this (Hechter & Horne, 2003). Rather than follow a particular theoretical understanding of social order, or attempt to explore how a macro structure produces social order (Clifton, 2009), ethnomethodology argues that social order is created by members through the categorizations they use to make sense of everyday life (Bailey, 1994; Clifton, 2009).

Membership categorization analysis (MCA) has been developed as an analytical technique that allows for one to “do” ethnomethodology. In the following sections I will provide an overview of MCA as a research strategy, explain my sampling method and describe how I conducted my analysis.

4.1 Setting the Stage: An Introduction to Membership Categorization Analysis

Membership categorization analysis (MCA) views talk as a form of social action that allows for realities and relationships to be created and determined (Baker, 2004; Garot & Berard, 2011). It is therefore a sociological study of language (Hester & Eglin, 1997). MCA has been connected to conversation analysis (CA) however an essential difference is that CA focuses more on the organization, structure and logic of texts, whereas MCA focuses on describing how the seemingly common-sense workings of the world and social order are produced through language (Hester & Eglin, 1997; Stokoe, 2012).

One of the underlying premises behind MCA is that MCA can help us understand how the broader society is produced, organized and labelled (Benwell & Stokoe, 2006; Housley & Fitzgerald, 2002). As will be explained in detail shortly, rather than accepting categorizations as pre-existing social facts, MCA works to determine how sense making is achieved through the use of categories, membership categorization devices and category bound activities (Benwell & Stokoe, 2006; Eglin & Hester, 2003; Housley & Fitzgerald, 2002; Järviluoma, Moisala & Vikko, 2003).

Since MCA involves problematizing and questioning the presumably common sense nature of social interactions, it becomes a methodological tool that can be used to make sense of these interactions (Hester & Eglin, 1997). There are three major steps involved in

conducting a MCA. First, the main categories must be identified (Baker, 2004). Membership categories are essentially classifications or social types that can be used to describe the thing being studied (Hester & Eglin, 1997). These membership categories are found in the text and are what creates the basis of the storytelling which ultimately provides the sense making to the story (Eglin & Hester, 2003). Then, the activities and roles that are associated with each category must be determined and attributed accordingly based on the categories that were previously identified (Baker, 2004; Housley & Fitzgerald, 2002). Finally, by looking at each category and the related roles, the implied action of each individual within that category can be determined (Baker, 2004). These implied actions then become the category bound activities (CBAs) (Housley & Fitzgerald, 2002).

While reading a children's book, Harvey Sacks observed this in practice. When looking at the phrase "The baby cried. The mommy picked it up" (Sacks, 1986, p. 330), Sacks observed that though nowhere in this passage is it stated that the 'mommy' is the mother of the crying child the phrase is still understood in that way. This realization led Sacks to question how texts come to be understood (Sacks, 1986). He discovered that it is because of the use of categories and membership categorization devices that we are able to interpret these texts. In this case, it is because of the membership categorization device (MCD) family that we automatically connect the baby and the mommy in this way, based on our understandings of the activities associated with these roles (Benwell & Stokoe, 2006; Stokoe, 2012). The MCD is therefore what organizes the group of categories (Järviluoma, Moisala & Vikko, 2003; Stokoe, 2012).

In their work, Peter Eglin and Stephen Hester (1992) provide another demonstration of MCA when they discuss the following headline: "Engagement was broken—

temperamental young man gassed himself” (Järviluoma, Moisala & Vikko, 2003, p. 73-74). Eglin and Hester argued that from this headline it is inferred that the category of ‘young man’ is also interpreted as fiancé. Then, based on the logic of standardized relation pairs (SRP), it follows that there has to be another fiancé involved, even if this is not explicitly mentioned. They then argue that a number of characteristics are automatically associated with the SRP of fiancé-fiancé, such as happiness. The absence of this expected characteristic is then what leads us to understanding the fiancé’s suicide based solely on the provided headline (Järviluoma, Moisala & Vikko, 2003).

While no comprehensive guide has been created on how to conduct a membership categorization analysis,⁵² a number of general rules and tips have been established. To start with, there are two underlying rules of MCA as identified by Sacks (1986): the economy and consistency rule. These rules can be demonstrated in light of Sacks’ previously discussed baby/mommy example. The economy rule refers to the idea that a single category from any MCD is enough to describe a person, although further categorizations may be required depending on the situation (Hester & Eglin, 1997; Housley & Fitzgerald, 2002; Järviluoma, Moisala & Vikko, 2003; Stokoe, 2012). According to this rule, the category of ‘baby’ is an adequate reference (Sacks, 1986). The consistency rule refers to the idea that once a person has been described as belonging to a category, the next person should also be categorized in accordance with that category (Hester & Eglin, 1997; Housley & Fitzgerald, 2002; Järviluoma, Moisala & Vikko, 2003; Stokoe, 2012). In Sack’s original example, as the first person was categorized as ‘baby’ the categories of ‘mommy’ and ‘daddy’ also become relevant given the MCD of family (Sacks, 1986). With these two rules in place, a text can

⁵² With the possible exception of Lepper (2000), as noted by Stokoe (2012).

then be analyzed in order to determine what the membership categories and MCDs are (Housley & Fitzgerald, 2002).

MCA can take place one of two ways: natural categorization or situational. When it comes to natural categorization, this means that the categories are fairly standard and do not require a lot of contextual information to be able to confidently make sense of the categories (Järviluoma, Moisala & Vikko, 2003). In the case of situational categorizations, the context becomes very important and the categories cannot be reasonably assumed without taking the context into consideration, which is done through considering the text as a whole (Garot & Berard, 2011; Järviluoma, Moisala & Vikko, 2003). For example, depending on the context at hand, the same person may be correctly categorized as a mother, wife, or daughter. As each of these categories is associated with a different set of characteristics, rights, duties and responsibilities, the proper characterization is essential (Stokoe, 2012). While I was originally expecting to use natural categorization, it quickly became apparent that I would also be using situational categorization.

When discussing MCA as a research methodology it is important to note that one of the underlying assumptions of MCA is the idea that the social is constructed through language (Hester & Eglin, 1997). Therefore, MCA is necessarily limited as its focus is on *how* the debate is made, rather than providing an evaluation or analysis of the identified concepts or ideas. That being said, MCA does open the door for future studies to be conducted on the ideas identified through the analysis, albeit with a method and methodology that is more suitable to evaluating or analyzing the role and value of the concept in society, rather than its construction through language.

Research Question and Goals

Inspired by MCA as an analytical approach, this thesis analyzes public discourses produced by WikiLeaks and the United States government in order to unveil their respective orderings of the social world. More specifically, this thesis addresses the following question: what forms of politics are made possible as the result of the social orders produced by both WikiLeaks' and the United States government's public discourse on the circulation of information? In order to answer this question, I will first describe and compare the underlying view of information held by WikiLeaks and the United States government. Then, I will analyze the social order produced through public discourse by WikiLeaks and the United States government; and finally identify the form(s) of politic(s) that these social orders produce and are in turn shaped by.

4.2 Sampling Method and Justification

In order to answer my research question, I used secondary data⁵³ consisting of pre-existing interview transcripts, media appearances and official statements.⁵⁴ Through convenience sampling⁵⁵ I created two sampling frames⁵⁶ to provide order and structure to an

⁵³ As I used pre-existing, publically available data I was not required to obtain research ethics approval.

⁵⁴ Though there is an abundance of newspaper articles related to this issue, I avoided them in my sample as I wanted to refrain from conducting a media analysis and instead look directly at the conversations those primarily involved in the conflict were having.

⁵⁵ Convenience sampling simply refers to collecting the data that one has access to, or is easily accessible. While there are limitations associated with this type of sampling approach, particularly in terms of generalizability, it can be justified for an exploratory project as it provides preliminary information about the issue at hand (Berg & Lune, 2012).

⁵⁶ The sampling frame consists of a list of all of the potential data that makes up the final sample. The final sample will be selected from this sampling frame (Berg & Lune, 2012).

abundance of potential data available. One sampling frame contained documents by members of WikiLeaks and the other documents by representatives of the US government.⁵⁷

There are a number of governments that could have been used to conduct this study due to the fact that WikiLeaks is a global organization and has published information related to multiple countries (Lynch, 2013). However, due to logistical constraints and limitations of this thesis, it made more sense to select data from one government to study in contrast to WikiLeaks, as opposed to looking at WikiLeaks versus the world. I narrowed down the country selection to either the United States or Sweden given the significant involvement of both of these countries. Ultimately the United States was chosen for a number of reasons. The first was simply due to the language barrier I would face if I chose Sweden. The second reason that I chose the United States was due to the fact that WikiLeaks only gained its current popularity after the publication of the Collateral Murder video (Sifry, 2011), which demonstrates that the United States has a key role and interest in WikiLeaks.

Using both Google and YouTube as databases⁵⁸ I searched for any and all documents pertaining to conflict between WikiLeaks and the United States.⁵⁹ I was ideally looking for interviews as this would allow me to truly observe the natural production of discourse.

Ultimately, there were 27 documents on the WikiLeaks sampling frame and 16 on the United States government sampling frame. Given the limitations of my research (time and

⁵⁷ It is important to acknowledge that I only used publically available government documents, despite discussing issues relating to government secrecy. While this was a necessary choice given the practical constraints of this thesis, expanding this research in the future to include classified or secret government documents would be pertinent given both the significance to the research area, as well as the growing movement within criminology to use FOI requests a topic of research, and even a research methodology. Larsen & Walby (2012) and Piché (2012) provide a more detailed discussion of this.

⁵⁸ Given the nature of my convenience sampling approach, it is important to acknowledge that my sample was very restricted in terms of scope and therefore a number of important documents pertaining to the conflict may have been missed by relying solely on self-directed Internet searches. While the WikiLeaks website does contain a comprehensive database of publications, I did not include this in my search as I was ideally hoping to find interviews, not just the leaked information.

⁵⁹ As the vast majority of my data was gathered from the Internet, it is important to note that I either saved or printed all of the potential sources to ensure that I would have continued access to the documents in question.

resources), I was not able to include all of the documents from my sampling frame in my final sample. Using purposive sampling,⁶⁰ I was able to select my final sample according to the following criteria. While it is impossible to create two equal samples, I wanted to make sure that my sample for each side was as similar as possible.⁶¹ I started this process by reviewing each document which involved noting the date each document was produced and highlighting some of the key concepts or topics of discussion found in each.

I then created a timeline of key events pertaining to the conflict between WikiLeaks and the United States government (see Appendix B: Timeline of Key Events). After creating the timeline and reviewing the data I had access to, I ultimately decided to focus the analysis on the period between April 2010 and December 2010. As noted earlier, although WikiLeaks has existed since 2006, it was not until the release of the Collateral Murder video, Afghan War Logs, and Iraq War Logs that WikiLeaks became widely known (Roberts, 2012). Furthermore, this time period also contains Daniel Schmitt's⁶² departure from the organization⁶³ (Schmitt, 2010). By selecting my data based on the timeframe in which it was produced I was ensuring I would have access to rich data as it is logical to assume that

⁶⁰ Purposive sampling refers to specifically selecting particular data according to some sort of knowledge about the sample population. The reasons for which I selected my sample will be addressed shortly. While there are limitations associated with purposive sampling, primarily in terms of generalizability, it is an appropriate method considering the exploratory nature of my research question. Using purposive sampling allowed me to ensure that I was using rich data (Berg & Lune, 2012; Denzin & Lincoln, 2000; Neuman, 2009) which is more important when conducting an exploratory study than ensuring generalizability (Liamputtong & Ezzy, 2005).

⁶¹ It should be noted that the documents pertaining to the United States government tended to be much shorter than those pertaining to WikiLeaks.

⁶² Daniel Schmitt's true identity is Daniel Domscheit-Berg. However, given that it was his pseudonym during his time as WikiLeaks spokesperson, I have decided to refer to him as Daniel Schmitt throughout the thesis.

⁶³ Schmitt left WikiLeaks in the summer of 2010. His departure was allegedly due to a disagreement with Assange regarding how WikiLeaks should operate. After his departure from WikiLeaks, Schmitt established a new organization called OpenLeaks (Domscheit-Berg, 2011). Schmitt goes over his decisions to leave WikiLeaks throughout his exit interview with Der Spiegel (Schmitt, 2010).

documents produced around these key moments would allow me to see the conflict take place through the discourses produced.⁶⁴

My original intention in selecting the United States government sample was to select discourse produced by the executive branch⁶⁵ of the United States government within the specified timeframe in order to ensure that the data being examined was the perspective of the government in power. However, a number of challenges arose with this plan. First of all, it was hard to find instances where the executive members spoke publically about WikiLeaks. Secondly, in the instances where they did, the discussion of WikiLeaks was often extremely short, which did not provide a lot of material to work with.⁶⁶ Therefore, the final sample was selected based on the date the document was produced and the substantive nature of the material rather than the government position held by the individual in question. The final sample for the United States government included seven documents that came from a diverse group of American government representatives⁶⁷ including: Philip Crowley,⁶⁸ the Assistant Secretary of State at the Bureau of Public Affairs; Robert Gates, Secretary of Defense; Hillary Clinton, Secretary of State; Congressman Jim McDermott; Ron Paul, a former congressman; and Joe Biden, Vice President of the United States.

⁶⁴ The final sample can be seen in chronological order in Appendix C.

⁶⁵ The executive branch includes the president, vice president, the executive office of the president and the heads of the fifteen executive departments.

⁶⁶ Many executive members declined to comment due to the legal investigation into WikiLeaks, or they quickly redirected the focus to either the Afghan or Iraq war. Though both of these responses are interesting, they were not the ultimate focus of the research question. For an example of the challenges associated with my original plan of relying solely on the executive branch, see President Obama's statement here:

<http://abcnews.go.com/Politics/video/obama-wikileaks-im-concerned-11260389>

⁶⁷ The political affiliation of government officials was not considered when selecting my sample as the idea was not to address the position of the political parties, but rather address the perspective of representatives of the government. That being said, there are both Democrats and Republicans included in the final sample.

⁶⁸ Crowley gave this speech on January 11th, 2011 which is just outside the April 2010-December 2010 timeframe. As it was such a rich piece of data I made the decision to include it in the final sample. However, the copy I accessed was published in a 2012 anthology on key political speeches.

I also used purposive sampling to select the final sample for WikiLeaks and followed the same pattern of selecting data based on date and content. There is one exception to this as I also included one of the first conference presentations Assange and Schmitt gave, which was in December 2008 at the Chaos Communication Congress. The presentation was one of the first times WikiLeaks was introduced to the public. As the literature indicated that over the years WikiLeaks experienced structural and procedural changes, I deemed it relevant to include one early piece of discourse from which the existence of these changes could be seen. As Assange is by far the most visible and vocal member of WikiLeaks, the vast majority of the data comes from him. However, there is also one document from each of WikiLeaks spokespersons during this time frame: Daniel Schmitt and Kristinn Hrafnsson. Altogether, the final sample for WikiLeaks also contained seven documents. After selecting my final sample, the next step was to transcribe and code the data.

4.3 Analysis: An Overview of the Process

Once I had completed all of the necessary transcribing,⁶⁹ I was able to move forward with the coding process. In order to ensure accuracy and organization I dealt with the documents one at a time. The first step involved going through the data and identifying the categories used. Then, with colour coding, I identified any related activities, characteristics, rights, duties or obligations. While I was coding for activities, characteristics, rights, duties and obligations, by far the most common found were activities and characteristics.

There were also a few notable cases where duties and obligations were mentioned by WikiLeaks. These occurred primarily when Assange and Schmitt were talking about their

⁶⁹ While I was able to access some of the data in print form, I did have to transcribe nine documents that I found in audio form.

obligation to use all the material that was submitted to them and their duty to do the right thing regarding this information and the organization. They also noted the public's duty to get involved in public discussions as well as the fact that the public has a right to know in regards to access to information. Unique instances found in the United States government data include the public's duty to support their government and diplomats, as well as the government's obligation to stop WikiLeaks.

In addition to being marked on the actual document, this information was included on an accompanying chart as a way to keep things clear. This chart listed each category as well as any associated activities, characteristics, rights, duties and obligations found in the document in question. Once I had gone through the document in a chronological manner I reorganized the chart according to categories, rather than line number, as a way to be able to visually see any trends, patterns or exceptions associated with the categories. I then created a supplemental document for each piece of data where I noted the internal logic of the document, provided a description and brief analytical comment of the categories involved and discussed the MCDs and which categories were found within it.

In addition to the above, I also created visual concept maps to provide another layer of understanding to the social ordering produced through each document. I started by creating one concept map for each document. These concept maps contained the MCDs and major categories for each piece of data and demonstrated the connections between each. Once I had created a concept map for each piece of data I then created one concept map that outlined the overall social order for the United States and two separate maps to demonstrate

the two social orders found for WikiLeaks.⁷⁰ From these concept maps, it was easier to see the organization and flow of each social order. These concept maps will be discussed in more detail throughout the analysis.

There were times at the beginning of the coding stage where I had difficulty properly identifying the categories. However, over time the process became much easier and after completing an initial coding of a selection of data, I returned and reviewed my coding of the first few documents making changes as needed. Once the proper categories were determined, identifying the activities, characteristics, rights, duties and obligations became much easier. Similarly, after reviewing some of the original coding I decided to rename and condense some of the MCDs when it became clear that some of the MCDs overlapped and could be reduced in order to provide a more accurate portrayal of the data.⁷¹

Ultimately there were five major MCDs found in the analysis. These include: information, civil society, political system, legal system, and the media. The five MCDs can be understood as the major organizing structures of each social order. The MCD of information covered various types of information and how it is, or should be, distributed and accessed throughout society. While the MCD of civil society was largely focused on the public's role in the social order, it also covered other social actors, which will be discussed in detail throughout the analysis. The MCD of political system included the individual political figures, both past and present, and what role(s) they had in conducting political

⁷⁰ The differences found in the WikiLeaks data were significant enough to warrant two separate social orders. This exploratory research covered only a small portion of issues and points of contention that WikiLeaks actions have raised (both with the US specifically and the global society as a whole). However, WikiLeaks and the US government are both constantly changing. This is demonstrated by acknowledging the substantial changes WikiLeaks went through in the nine months included in this sample, as well as the changes each government brought to FOIA legislation as was detailed earlier. Therefore, this is something that could be reevaluated in the future.

⁷¹ For example, the original coding referred to both a political body (referring to specific individuals) and a political system (referring to the way that the government functions and is ordered). Ultimately, I decided to combine these two MCDs into one labeled as political system.

business. It also addressed how the different components of the political system interacted and worked together. This includes the workings and partnerships found in politics on both a national and international level. As an MCD, the legal system referred to how the different parts of the legal system are connected and work together. It also covered particular legal principles and documents that are found within the legal system. Finally, the MCD of media covered the various forms of media and mechanisms of information distribution, in terms of both their roles and values. After examining the discourse and determining what MCDs were produced it was possible to detect and map out the overall logic and structure of each social order.

Through the use of ethnomethodology and MCA—and the associated premise that language and talk is a form of social action that allows for social realities and relationships to be created and determined (Baker, 2004; Garot & Berard, 2011)—it is possible to answer my research question and determine what forms of politics are made possible as the result of the social order produced by WikiLeaks and the United States government. These contrasting, and often competing, characterizations that were found throughout each social order are discussed in detail throughout the remainder of this thesis.

Chapter 5: Analysis

WikiLeaks has engaged with the US government in a battle over the circulation of information. Both parties recognise the citizen's need for information in order to take part in the democratic political process. Both parties equally claim to be protecting democracy through their position regarding the circulation of information. On one hand, the US government believes it is necessary to maintain the secrecy of some information and censor other information, while on the other WikiLeaks sees this as a problem and attempts to solve it by committing itself to facilitating free and uncensored circulation of information. Through public discourses on the issue, both WikiLeaks and the US government produce different orderings of the social world. In this chapter I analyse how discourses by representatives of both organisations constitute two similar and yet somehow opposing social orders. While the key categories used to structure the social orders are similar, the characteristics, activities, rights and responsibilities attributed to each are quite different.

The analysis unveils: a passive as opposed to active citizenry; a belief that governments have an international accountability as opposed to a national accountability; a global versus a local community of interest; a distrusting as opposed to a trusting relation to government; a focus on legal justice as opposed to social justice; and the media as an ally or enemy of the government as opposed to "keeping power in check". The only commonality across the social orders is in the role of the legal system as the means to determine or settle disputes. Over time, as WikiLeaks progressed, their social order changed enough to warrant the creation of an additional social order. Ultimately, the three social orders produced correspond to two opposing forms of politics.

This chapter starts with a discussion of how information is conceptualized within each of the social orders. This is followed by a presentation of the conceptual maps produced for each social order before discussing each relevant device and category in detail. The chapter concludes with a discussion of the form of politics produced by WikiLeaks and by the US government.

5.1 Information

What becomes quickly apparent in the US government discourse is the idea that secrecy and transparency are not incompatible concepts; rather, they are both presented as playing an important role in democratic societies. This starts with a clear expression of the premise that secrecy is an important part of government communication and global affairs. The idea of government secrecy is a long standing political practice as former president John Adams⁷² indicated when he questioned ““How can a government go on, publishing all their negotiations, I know not. To me, it appears as dangerous and pernicious as it is novel””(Gates, 2010, ln. 6). The US government justifies its stance regarding the necessity of secrecy by pointing to the fact that confidential communications are required by most professions. It is not a practice afforded solely to the government (Clinton, 2010; Crowley, 2012). These comments imply that the US government views secrecy as a requirement for the successful function of society as a whole, rather than it being a tool that is used solely by the government.

Furthermore, the US government challenges the notion that transparency simply means the release of all information:

⁷² John Adams was the 2nd president of the United States.

Transparency does not mean that there are no secrets. Whether you are a government or a business, there is proprietary information that is vital to your day-to-day function....As a government, we are no different. In the conduct of our diplomacy, we have confidential interactions around the world every day. These conversations with government officials, civil society activists, business people and journalists, help us make sense of the world and inform our policy making. These confidential exchanges are rooted in our values and serve our national interests. (Crowley, 2012, lns. 50-58)

In short, the US government expresses the idea that secrecy enables the effective functioning of society. Given this discussion, Crowley is able to claim that despite using secrecy the United States is the “most transparent society in the world” (2012, ln. 40) without being inherently inconsistent.

The necessity of and struggles with finding a balance between secrecy and transparency in politics has been well documented (Cuillier & Pinkleton, 2011; Otenyo & Lind, 2004). The US government echoes these concerns:

WikiLeaks reminds us of the on-going challenge of how to protect vital information, whether personal or classified, while also promoting the free flow of information that can empower people to form global communities and change the world for the better. We believe it is possible and necessary to do both. (Crowley, 2012, lns. 87-88)

However, the flow of information is controlled by the government as they determine what type of information is valid for the public to know and what is not. The distribution of information is determined on a hierarchical basis where legitimate access to information varies according to one’s role within society. Those who are directly involved in government are one of the groups given special access to classified information.

In accordance with their views on secrecy and transparency, the US government contends that by rendering secret information public WikiLeaks is actually harming society rather than empowering it. Despite some US government representatives stating that no harm was caused by the leaks (Biden, 2010a; Gates, 2010; Paul, 2011), others indicated that the

leaked information represents a threat and caused significant harm (Biden, 2010b; Clinton, 2010; Crowley, 2012).⁷³ The harms associated with the release of information were described as impacting the public along with global security.

One of the common harms discussed pertained to the idea that the leaks posed a security risk: “there is nothing laudable about endangering innocent people and there is nothing brave about sabotaging the peaceful relations between nations on which our common security depends” (Clinton, 2010, ln. 25). This was echoed by Crowley when stating that “[t]he release of this information has placed hundreds of people at risk....The mere fact that classified documents now reside in unclassified and less secure databases means that this information can be intercepted by a foreign security service” (Crowley, 2012, lns. 70-74). This statement reiterates the necessity of a hierarchical distribution of information, as only certain groups are deemed to have legitimate access to such information.

It was also alleged that the inappropriate release of information, based on a miscalculation of the balance between transparency and secrecy, will actually be counterproductive. It is suggested that as a result of this leaked information

[g]overnments will be more cautious in sharing sensitive information. Why is this important? It was the sharing of information last year that enabled the US, working with other governments, to intercept a plot to blow up cargo aircraft over Chicago. If less information is shared in the future, our policies and our actions could be less effective. (Crowley, 2012, lns. 66-69)

⁷³ Both Gates and Biden have been inconsistent on their characterization of the harm, or lack thereof, which resulted from WikiLeaks release of information. In October 2010, Gates indicated that the leaks would cause significant harms (Levine, 2010). However, in November 2010 he said that the leaks were simply embarrassing and awkward, which contradicted his earlier statement (Gates, 2010). On December 16th 2010, Biden indicated that the leaks were embarrassing, but would not be very damaging (Biden, 2010a). He then countered this statement three days later on December 19th 2010 when he characterized the leaks as causing harm and putting lives in jeopardy (Biden, 2010b).

Here, it is implied that governments are the only ones capable of making the decision as to whether information needs to be shared or not and with whom, which is consistent with the US government's stance on the hierarchal distribution of information.

In contrast to the US government's perspective which posits that secrecy and transparency can exist in concert and do not have to be mutually exclusive concepts, WikiLeaks advocates for a completely transparent society that is only achievable through access to information. This position can be summarized by Hrafnsson's statement that "people have the right to know what their governments are up to" (2010, ln. 6). Therefore, information can be understood as having intrinsic value as it is a social good on its own. Aside from the intrinsic value WikiLeaks ascribes to information, it is also associated with a number of instrumental values which are premised on the idea that information leads to transparency. This transparency then challenges the current information hierarchy in place and ultimately is capable of facilitating social or political change.

WikiLeaks attempts to challenge the current hierarchal access to information by publicizing information that is only accessible to those in powerful positions (Assange, 2010c).

We would like to see all organizations that are key to their authority....opened up as much as possible. Not entirely, but as much as possible, in order to level out that asymmetric playing field....I think this disclosure of information, which is often third-hand, will allow people to understand more clearly these sort of broad activities of the U.S. State Department. (Assange, 2010c, lns. 104-108)

As the latter part of this quote demonstrates, Assange believes that the publication of information allows the public to understand government actions. The implicit belief is that once the public is aware, they will push for political reforms to take place (Assange, 2010a, ln. 34). Access to information is what allows the public to maintain some sort of oversight or

control over the government and powerful figures in society. Therefore, the benefit is not simply the information itself, but most importantly what is able to arise from this access to information.

Given these beliefs, WikiLeaks representatives challenge the notion put forward by the US government that WikiLeaks publications caused harm. First of all, Hrafnsson argued that the specific information in question could not have caused any harm as the majority of leaks did not involve any top secret information and that “almost half of them are unclassified. So there is very little there that could cause imminent threat to national security” (Hrafnsson, 2010, lns.14-15). Assange draws on the fact that despite original government allegations that WikiLeaks publication resulted in injuries and deaths, the Pentagon has stated that no one was directly harmed through this release of information (Assange, 2010d). Assange went as far as to say that “[b]elieve me, if they could find, or even easily manufacture a shred of evidence [to indicate otherwise] they would be doing that immediately” (Assange, 2010d, ln. 55).

Throughout the examined discourse, WikiLeaks representatives discuss the idea that government sanctioned censorship is being used as a political tool for information control. The use of censorship in this manner is something that governments around the world are accused of doing, not solely the US government.

Censorship firewalls, like the great firewall of China, and ones that are now sweeping throughout Europe under the basis that they combat child porn, but once established can be used for anything, um provide proactive censorship....Uh so in the last week we have released the Thai censorship list, uh about 1,500 sites in the past year that have been censored. The Thai censorship list, the electronic censorship list um mechanism came in originally to defeat child pornography. In the past year, 1,203 webpages that have been censored by the government, all of them state the reason was *lèse majesté*, which is criticism of the king. There have been none in the past year that were censored under the basis of child pornography, even though that is why the censorship system was introduced. The same—Denmark has a system,

Sweden even has a system, Switzerland has a system, UK has a system, Australia is about to introduce a system. The core mechanisms for censorship are sweeping across the world right now. (WikiLeaks, 2008, Ins. 214-224)

Aside from the fact that censorship is denounced for being used as a political tool for the control of information, this quote is pertinent to discuss given the specific governments noted. Sweden was the first country to implement a freedom of information law in 1766 and has always been known as a country that promoted free speech (Banisar, 2006; Florini, 2007; Garvin, 2011; Lee, 2001; Relly & Sabharwal, 2009). Denmark was the third country to implement similar legislation and Australia was the eighth (Banisar, 2006).

The fact that these countries are now alleged to be engaging in proactive censorship reflects an apparent shift in the control of information which contrasts claims that the society as a whole is becoming more open and transparent (Birchall, 2011a; Birchall, 2011c; Roberts, 2006). However, Assange indicated that the public is starting to respond to this type of censorship.

What we have seen over the last two or so weeks [is] the gradual organization of the silent majority to resist a new type of tyranny, a new type of privatized censorship, a new type of um digital McCarthyism that is being pushed from Washington. (Assange, 2010d, In. 42)

The fact that the public is rallying to stop this government sanctioned censorship could be understood in light of the argument that once the public is aware of what is going on, they can respond to it how they see fit.

There are a number of discrepancies found within WikiLeaks discourse pertaining to the activities, characteristics, duties and rights of information. First of all, although WikiLeaks rejects the US governments premise that secrecy and transparency can co-exist, they do acknowledge the benefits that can be associated with secrecy. However, it becomes evident that when speaking about the benefits of secrecy, WikiLeaks is more so referring to

the idea of anonymity. The difference being that anonymity involves using secrecy as a means of protection, rather than using secrecy as a means of concealment. For instance, Daniel Schmitt is actually the alias that Daniel Domscheit-Berg used throughout his time as WikiLeaks spokesperson. Schmitt did not go public with his true identity until his exit interview with Der Spiegel (Schmitt, 2010, lns 85-86).

WikiLeaks establishes circumstances where secrecy can be both necessary and justified as a means for ensuring anonymity. Hrafnsson and Assange discuss, albeit vaguely, the redaction process that documents submitted to WikiLeaks undergo prior to publication. It is repeatedly stated that the purpose of redaction is to remove any identifying information that may be on the documents (Hrafnsson 2010; Assange, 2010a; Assange, 2010c). When asked whether secrecy can be necessary or an asset, Assange replies “Yes, of course. We keep secret the identity of our sources as an example and take great pains to do it. So secrecy is important for many things, but shouldn’t be used to cover up abuses” (Assange, 2010c, lns. 21-23).⁷⁴ This example is reflective of the layers of legitimacy and value judgements regarding WikiLeaks’ beliefs about information and secrecy. Therefore, it is clear that while WikiLeaks is opposed to secrecy, they do acknowledge the need for anonymity as a mechanism of protection.

Although WikiLeaks is very adamant about the value of secrecy in protecting their sources, during an interview with Atika Shubert from CNN, Assange twice demands that Shubert reveal her sources that indicated there were internal disputes within WikiLeaks that have led to people leaving the organization (Assange, 2010b, lns. 1-7). Assange appears then to be applying a double standard where certain people are entitled to secrecy and others are

⁷⁴ The fact that WikiLeaks relies on secrecy for source protection is also mentioned in WikiLeaks (2008), Assange (2010d) and Hrafnsson (2010).

not. This demonstrates that whether secrecy is being used as a means of protection versus a mechanism of concealment is a subjective decision.

The second discrepancy with WikiLeaks discussion on information pertains to the fact that WikiLeaks stated on several occasions that they will publish all information that is submitted to them, provided it meets their specified requirements of being “classified, censored, or otherwise restricted material of political, diplomatic or ethical significance....[but] not rumor, opinion, or other kinds of first hand reporting or material that is already publically available” (WikiLeaks, 2008, lns. 14-15; Assange, 2010a, 2010, ln. 48-51; Schmitt, 2010, ln. 55). However, when discussing his reasons for leaving WikiLeaks Schmitt indicated that despite their promise to publish all source material, WikiLeaks was focusing on particular leaks. He alleged that certain leaks were being prioritized and all resources being directed towards them (Schmitt, 2010 lns. 55-60). This would then imply that not all information is considered equally as important or significant, which contradicts WikiLeaks’ earlier stance. This is an indicator of WikiLeaks fundamental change from being simply a platform for information distribution, to an organization that takes on a more active role by selecting information to focus on that is consistent with their interests and purpose.

At this point it is clear that there are a number of differences between the US government and WikiLeaks in regards to information production, distribution and access. In sum, the US government believes that secrecy is required for an effective society. However, they also present the idea that one does not have to choose between secrecy and transparency; rather they argue for creating a balance between these two concepts. In contrast, WikiLeaks is very adamant about the necessity of free-flowing information. Any form of interference on this, with the exception of protecting anonymity, is viewed as a form

censorship for political and social control. The analysis of how information is conceptualized by both WikiLeaks and the US government allows us to have a better understanding of how both sides frame or label WikiLeaks and their actions.

5.2 Rhetorical Battles: Framing WikiLeaks Actions

WikiLeaks' publication of information is conceptualized as either (enabling) whistleblowing or (enabling) terrorism. The label given to WikiLeaks actions is significant as it either legitimizes the organization as a social actor, or it presents WikiLeaks as an illegitimate organisation and a social threat that needs to be controlled for the overall benefit of society (Hall, 1974).

Interestingly enough, the conceptualization of WikiLeaks as a whistleblowing organization is something that is actually brought up by US government representatives. A division is found in the discourse here, as some focus on creating a distinction between WikiLeaks and whistleblowing, while others frame this conceptualization in a positive light, thereby legitimizing WikiLeaks as a social actor.

The release of [the Pentagon Papers] was considered illegal by many.... But the truth gained from the Pentagon Papers revealed that lies were told about the Gulf of Tonkin attack which perpetuated a sad and tragic episode in our history. Just as with the Vietnam War, the Iraq War was based on lies. We were never threatened by weapons of mass destruction or Al Qaeda in Iraq, though the attack on Iraq was based on this false information. (Paul, 2011, lns. 13-16)

As shown here, Paul is highlighting the positive outcome that can result from whistleblowing and the public release of information, as he indicated that both the publications by WikiLeaks and the release of the Pentagon Papers have revealed government lies and shown the truth.

McDermott shares a similar perspective when he says the following after being asked whether he believed that WikiLeaks committed a crime:

I don't know the facts, the legal facts, but I know that the information that's coming out is very important. I read an editorial in the Los Angeles's Times about the fact that had we had WikiLeaks in 2001 we may well not have had 9/11 occur. (McDermott, 2010, lns. 3-4)

Although he does not explicitly use the term 'whistleblowing' in his comments, similar to Paul he implies that the leaks have resulted in the public release of important information. He further expresses this point when he continues to discuss how

I only read this editorial a day or so ago in Los Angeles. And I, and that made me think, you know there is probably some stuff I should go look at because some of the people in Minneapolis were aware of Moussaoui before this ever happened. They arrested him on a uh violation and yet nobody would pay attention to the fact that he was going to a flight school down in Florida. And I just think somebody wasn't connecting the dots. And, and the more evidence you have, the more you realize that what happened, it's, it's a real question of whether it could have been prevented. (McDermott, 2010, lns. 18-20)

Through this statement, McDermott is reiterating his belief that information is power and had those with access to the information been using it properly, they should have been able to put everything together and use the information to stop the attack on September 11th, 2001. Or, alternatively, had this information been made public, it is possible someone else would have been able to make the connections that the government missed. Additionally, now that this information is out, the public can use it to put pressure on the government to hold them accountable for their failure to take action.

With the exception of the comments made by Paul and McDermott, the remainder of the US government discourse formulates the connection between WikiLeaks and whistleblowing in a negative manner. This is either done through explicit statements that

separate WikiLeaks from whistleblowing, or more implicitly by challenging comparisons between WikiLeaks and the Pentagon Papers.

There have been some examples in history in which official conduct has been made public in the name of exposing wrongdoings or misdeeds. This is not one of those cases. In contrast, what is being put on display in this cache of documents is the fact that American diplomats are doing the work that we expect them to do. (Clinton, 2010, lns. 25-28)

Crowley further argues: “WikiLeaks is about the unauthorized disclosure of classified information. It is not an exercise in Internet freedom” (2012, lns. 36-37). Given that WikiLeaks never explicitly claimed to be whistleblowers, it is interesting that the US government discourse puts such a focus on making this distinction. While it is not directly supported by the data, given the legal protection that is theoretically afforded to whistleblowers in the United States (such as the Whistleblower Protection Act of 1989), it could be argued that the US government is purposely making a distinction between WikiLeaks and whistleblowing as a means to separate them from the existing legal protection and rights that could theoretically be afforded to them if they were conceptualized as a whistleblowing organization.

While WikiLeaks has been presented as a whistleblowing organization by representatives of the US government and in the scientific literature (Beckett & Ball, 2012) in the examined data WikiLeaks does not identify with that label. Rather, WikiLeaks describes itself as an organization that *facilitates* the process of whistleblowing by providing an anonymous platform where sources can submit information to WikiLeaks for the purpose of publication (Schmitt, 2010; WikiLeaks, 2008). Furthermore, when discussing the Afghan War Logs and Collateral Murder video, WikiLeaks does not refer to itself as the whistleblower behind the leak. Rather, Assange discusses the allegation that Manning is the

“whistle-blower behind some of these revelations” (Assange, 2010d, ln. 98). Schmitt also uses the terms ‘source’ and ‘whistleblower’ interchangeably during their presentation at the Chaos Communication Conference (WikiLeaks, 2008). This indicates that the true whistleblowers are those that submit information to WikiLeaks, not WikiLeaks itself. In contrast, WikiLeaks views itself as a form of media⁷⁵ engaging in information distribution.

Given their understanding of the necessity of information control, rather than engaging in whistleblowing, the majority of the US government sees WikiLeaks release of information as a form of criminal or terrorist action. The connection made between WikiLeaks and terrorism is a relevant observation to note given that the public is more likely to accept punitive and restrictive law or actions in exchange for the perceived protection from terrorism. While this trade-off was not explicitly found in the data it is still worthy of noting given the potential implications associated with it.

While Biden is the only one that directly accuses WikiLeaks of engaging in terrorism—as he does when he says that WikiLeaks is closer to being a form of high-tech terrorism than being the Pentagon Papers (Biden, 2010b, ln. 21)—this is not the only time terrorism is brought up in the discourse. A more frequent approach is to discuss how secrecy and confidentiality allow the US government to combat terrorism (Clinton, 2010; Crowley, 2012) thereby implying that, through their publications of confidential government information, WikiLeaks is facilitating or enabling terrorism.

The relationship between WikiLeaks and terrorism only comes up once in the WikiLeaks data, but the discussion that takes place here is important. When Assange is asked to comment on the fact that both Mitch McConnell⁷⁶ and Biden publically referred to

⁷⁵ This way of framing WikiLeaks will be discussed in detail throughout section 5.7

⁷⁶ A New York senator who spoke very critically about WikiLeaks.

Assange as a terrorist, Assange replies by defining terrorism as “a group that uses violence or the threat of violence, for political ends” (Assange, 2010d, ln. 50). He then concludes that according to this definition, the actions of the US government (such as threatening Assange and calling for his assassination) have all been aimed at the political goal of eliminating WikiLeaks. Therefore, he suggests that in reality it is the US government that is engaging in terrorism, not WikiLeaks (Assange, 2010d).⁷⁷

There are political consequences associated with how WikiLeaks is framed or labelled.⁷⁸ In this case the labels given to WikiLeaks, either associating WikiLeaks with (enabling) whistleblowers or (enabling) terrorism, lead to questions regarding WikiLeaks status: is it a legitimate social movement or an illegitimate, deviant, even illegal organization? Given the significance associated with these labels, the discrepancies in labelling are important to address in terms of analyzing how WikiLeaks is viewed and what its role becomes in each social order. Ultimately, what can be seen is that the way that information is conceptualized impacts the way that WikiLeaks is framed or labelled. Moreover, the way in which information is conceptualized produces competing social orders. The remainder of this analysis will focus on the conceptualization of some of the key devices in both WikiLeaks and the US government social order. These devices include: the political system, civil society, justice and the legal system, and the media. The characteristics, rights, duties and obligations associated with each device will be addressed. Ultimately, it will be shown that one’s understanding of information influences all of these categories.

⁷⁷ Assange’s logical reasoning here is arguably very strange. Although he does not acknowledge it, his definition of terrorism also implies that all violence is also political.

⁷⁸ See Lauderdale (1980) and Lauderdale (2011) a detailed discussion pertaining to the impact of labelling political deviance.

5.3 Concept Maps: A Visual Representation of Social Order

The following three concept maps outline the relationships between each MCD and the individual categories. Doing so allows for the overall structure of each social order to be clearly depicted. These maps also demonstrate the use of natural and situational categorization. The categorization can be considered natural because the categories are common, but situational in the sense that what they entail for each social order can be quite different. The significance and impact of each device will be addressed in detail throughout the remainder of this analysis. However, the maps provide a general understanding of the conceptualization of each social order. As indicated on the legend below, the maps distinguish between what is considered to be activities, characteristics, rights, or duties and obligations. In addition, the concept maps also clarify if the notion in question is something that *is* done, or something that *ought to be* done.

Figure 1: Concept Map Legend

	Meaning
Red	Activity
Purple	Characteristic
Green	Right
Blue	Duty / Obligation
-----	What ought to be
-----	What is

Figure 2: United States Government Social Order

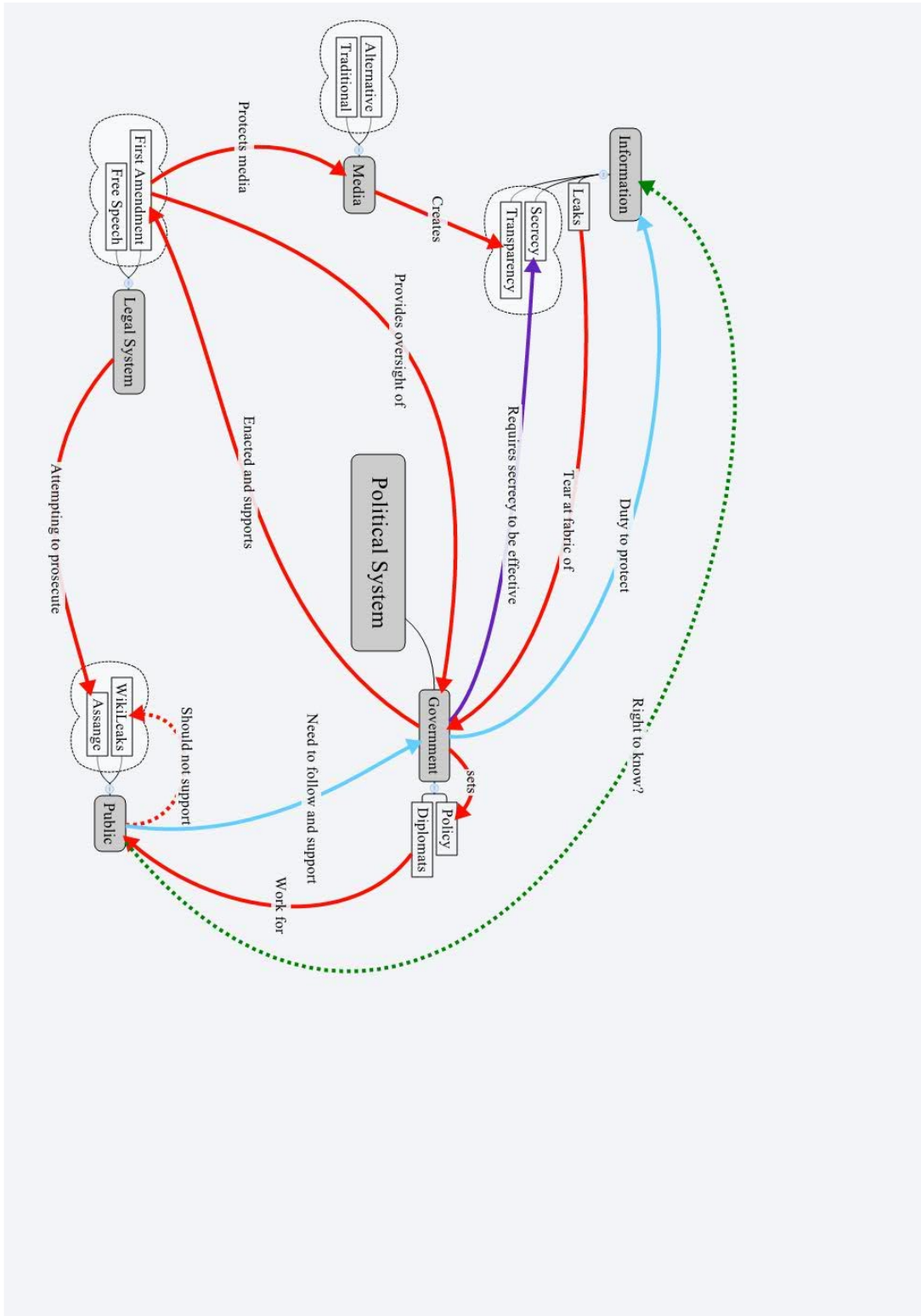


Figure 3: WikiLeaks First Social Order

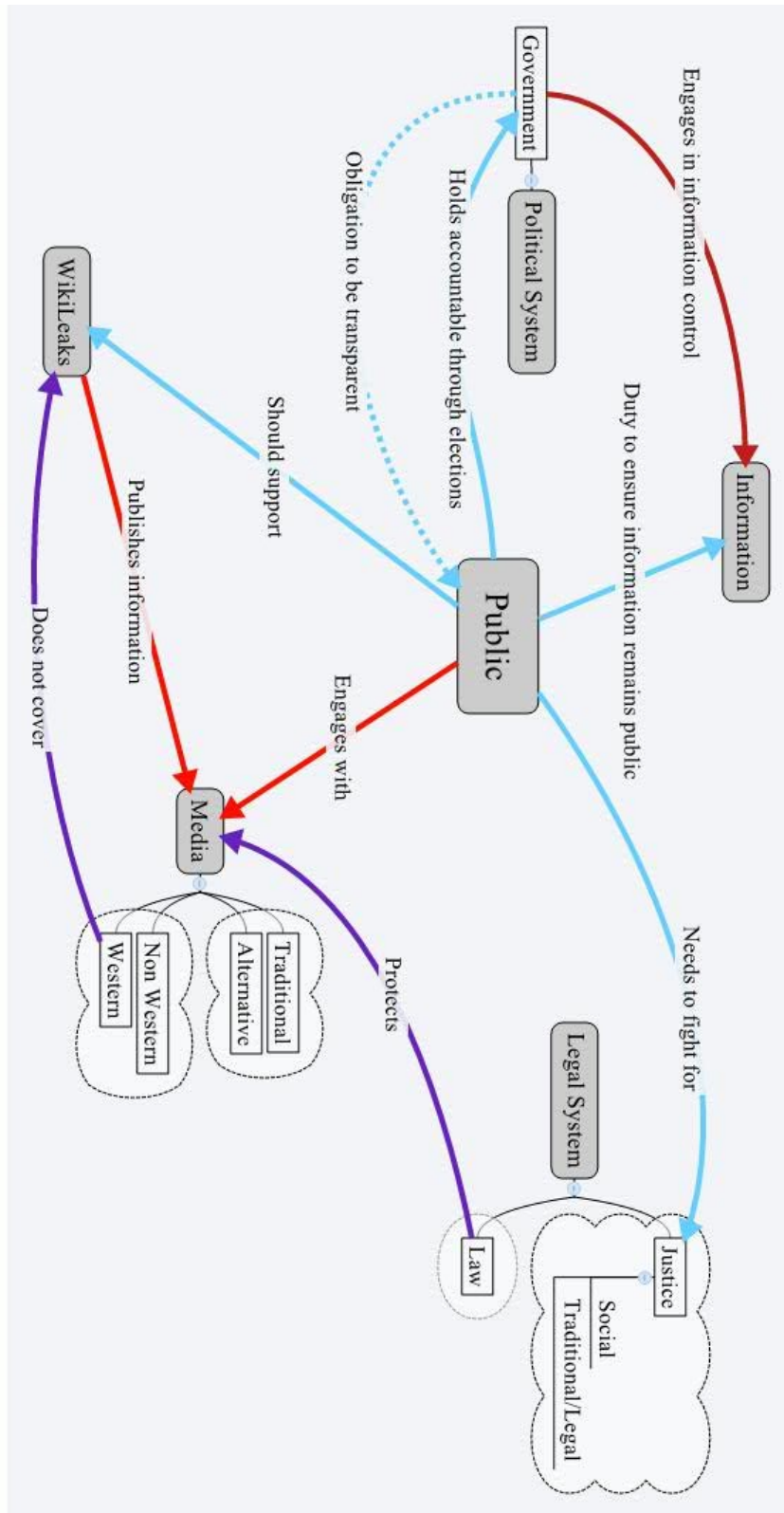
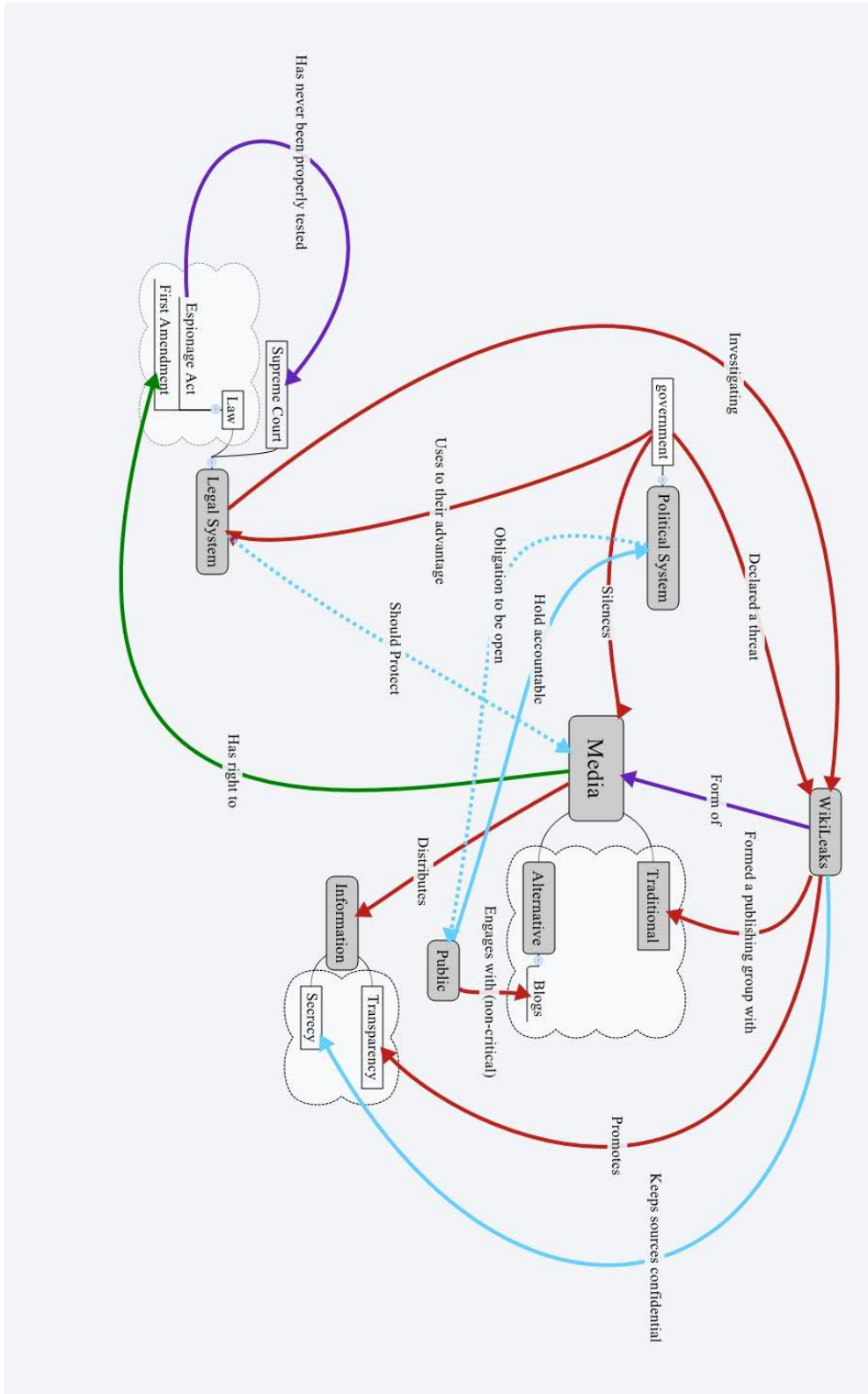


Figure 4: WikiLeaks Second Social Order



5.4 Political System

As indicated on the above concepts maps, the role of the political system in general and government specifically, varies greatly between the two social orders. Within the examined data, the US government prioritizes the role of the government, indicating that it is at the centre of the social order. Furthermore, they present the primary role associated with the political system as the government's need to act in the best interest of its people, whether through protecting classified information, maintaining national security, or setting appropriate policies.

Throughout the examined data, the US government clearly produces the image that the government is acting on behalf of the American people, both on an international and national level.

Every single day US government representatives—from the entire government, not just from the State Department—engage with hundreds, if not thousands of government representatives and uh members of civil society from around the world. Uh, they carry out uh the goals and the interests and the values of the US. (Clinton, 2010, lns. 60-61)

In return, the public is expected to acknowledge that the government is operating on their behalf and therefore support government decisions (Crowley, 2012). While these comments present a working relationship between the public and the government, this relationship is clearly not equal, as the government has the upper hand in the relationship. Weber acknowledged the unequal power dynamics seen here when he discussed how regardless of which form of legitimacy is in place, the public is likely to follow the state out of fear for the consequences of disobeying (Weber, 1968). Returning to the virtue of legality (Weber, 1968) and the idea that information is power (Erkkilä, 2012; Lord, 2006; Quigley, 2012; Rowart,

1982) it follows that as the government has access to information the public is expected to follow their lead as the government is in a position to know best.

The political system and government were not a prevalent topic found in WikiLeaks discourse. When it was discussed, the focus was on the idea that the government has an obligation to be open and transparent. As WikiLeaks believes that the public should have access to information, they are challenging the power dynamics found within this relationship. By providing access to information, WikiLeaks is altering the power distribution with the ultimate goal of challenging and changing the political landscape. This was expressed through statements indicating that political figures should expect things that they say to be made public (Hrafnsson, 2010) and that world leaders should be speaking the same way in public as they do in private (Assange, 2010d).

While it is not well represented on the concept maps, another contrast between the US government and WikiLeaks' production of the political system pertains to the level and focus of accountability each operates according to. The examined discourse indicates that the US government representatives produce a world that is very much nationally focused. Part of this entails the US government belief that they are accountable only to their citizens: “[w]hen I stand up each day and answer questions about U.S. policy and actions, in a small way, I am part of this process where government is accountable to its people. And, trust me, the system works” (Crowley, 2012, Ins. 46-47). Whereas WikiLeaks believes that citizens of all countries should hold all governments responsible

[e]very citizen of any society needs to take action in the society, or needs to become part of those who do something. It does not help to reproduce somebody else saying that this is not good, and then think that I have done something about it because I have reproduced this opinion. (WikiLeaks, 2008, Ins. 263-265)

In direct contrast to the US government, both of WikiLeaks social orders share a very global focus and express the idea of an international community and the importance of international accountability.

After examining the US government discourse, it becomes evident that the US government is primarily focused on national interests. While there are many discussions about the international community and other governments, the focus of these discussions is on how international relations affect national interests. This is noted by Gates when he said that “We are still essentially, as it has been said before, the indispensable nation. So other nations will continue to deal with us, they will continue to work with us. We will continue to share sensitive information with one another” (2010, lns 12-13). This statement clearly refers to the idea of a hierarchical order within these global partnerships and presents the idea that the US is at the top and therefore holds a more powerful global position. The image presented is one where other countries are expected to be accountable to the United States. Clinton echoed this perspective when she stated that “President Obama and I remain committed to productive cooperation with our partners as we seek to build a better, more prosperous world for all” (2010, ln. 50). This statement implies that the US government is the leader in this partnership.

It is therefore important to consider the influence that the US may have in convincing other countries to follow their lead in various global issues.⁷⁹ While this is not directly supported by the data, it could be argued that the US government could use their position to influence the global perception of WikiLeaks. This could have a significant impact given the multiple references Clinton gives in regards to the idea that the leaks will inhibit discussion

⁷⁹ Clinton does challenge this argument in her statement when she talks about Iran. She argues that the international community did not pass sanctions against Iran because the US asked them to, but rather because they agreed with the US perspective that the sanctions should be issued (Clinton, 2010, lns. 82-84).

about “global challenges” (Clinton, 2010, ln.77). Ultimately, she argues that the leaks have “undermine[d] our efforts to work with other countries to solve shared problems” (Clinton, 2010, ln. 4).

In contrast, precisely because it is an international organization, WikiLeaks has a global focus. From the internal structure of WikiLeaks—legally WikiLeaks is located in Sweden, Assange is Australian and Schmitt is German (Lynch, 2013)—WikiLeaks clearly has a cosmopolitan nature and global focus. This global focus is also seen in WikiLeaks’ work given the vast array of documents they deal with.

We are actually dealing with information that reflects on a very important facet of lives all over the world and that has an influence on the quality, the freedom, and all other aspects of lives of people on this planet, living beings that we all need to have feelings for, and compassion for, and care for. This is very important in the mission that we try to bring across. (WikiLeaks, 2008, lns. 150-155)

The global nature of WikiLeaks was also seen during their presentation at the Chaos Communication Congress when they highlighted a number of recent leaks including those regarding: Julius Baer, a bank in Switzerland; the British National Party (BNP) in the United Kingdom; the Bundesnachrichtendienst (BND) in Germany; and extrajudicial killings in Kenya. Discussing such an array of past leaks helped WikiLeaks demonstrate what they actually do and also acknowledged the fact that the Western media only covers a very select number of leaks which is not representative of the scope of WikiLeaks’ work (WikiLeaks, 2008, ln. 62-64).

There is one shift in WikiLeaks second social order that needs to be noted in regards to this discussion. As indicated above, WikiLeaks was conceptualized as a global organization and as a result its publications covered issues and incidents from around the world. This global focus shifted with the publication of the Collateral Murder video and

Afghan War Logs documents and is something that Schmitt addressed during his exit interview.

Recently, however, we have only focused on the major topics and applied practically all of our resources to them. Take the video of the air strike in Baghdad in 2007, ‘Collateral Murder’, was an extreme feat of strength for us. [However,] during the same period of time we also could have published dozens of other documents. (Schmitt, 2010, Ins. 56-59)

He argued that this resulted in a reduction the scope of WikiLeaks as “in the past we processed and published smaller submissions that were only of local importance in the same way that we did more comprehensive documents that are of national, or even international importance” (Schmitt, 2010, In. 13). Schmitt concludes by saying that “[t]his one-dimensional confrontation with the USA is not what we set out to do. For us it is always about uncovering corruption and abuse of power wherever it happens - - on the smaller and larger scale - - around the world” (Schmitt, 2010, Ins. 71-73).

Schmitt’s comments imply that in contrast to WikiLeaks original global focus, after the publication of the Collateral Murder video, WikiLeaks started to focus largely on publishing documents pertaining to the US government. Through his comments, it became clear that the benefits associated with these publications came at an expense as they resulted in a lack of attention being paid to other information WikiLeaks had. While this is not as noticeable as other discrepancies between WikiLeaks’ two social orders, it is important to note as it is reflective of a shift in focus. However, despite the shift in terms of WikiLeaks’s focus, it did not change the global nature of WikiLeaks in the sense that regardless of this shift WikiLeaks is still advocating for global accountability.

The lack of discussion pertaining to the government, particularly in terms of their activities, characteristics, rights, duties and obligations, found throughout the WikiLeaks

discourse indicates that it is not central in either of the social orders produced by WikiLeaks. When the government was discussed by representatives of WikiLeaks, it was emphasized that the government has a duty and obligation to be transparent and open to the public. On the other hand, the US government clearly places the government at the centre of the social order. Throughout their examined discourse, they emphasized that the primary activity the government engages in is working on behalf of the best interest of the public. Based on the different understandings of information and who is at the centre of the social order, the different conceptualization of the government's activities, characteristics and obligations can be seen.

5.5 Civil Society: An Active vs. Passive Public

WikiLeaks originally expected the public to take an active role in analyzing and distributing the information released through WikiLeaks, as is clearly demonstrated indicated by the following statement:

We released uh Sarah Palin, the US Republican Vice-Presidential candidate's e-mails. Now people have said well this is her personal e-mail, she's a political figure uh and these emails may be of some political relevance, but they are her personal emails. Who is to judge the relevance, the political relevance? If, if it's us who is the judge of political relevance, then are-are we uh robust enough to judge this for all of society? Because in the Sarah Palin case uh there were key aspects about these e-mails, that she had been using Yahoo instead of her government server to hide information from the Freedom of Information Act. This is something that can only be established by careful scrutiny, and this is something that is for the public to do and the political groups in the public, not us. (WikiLeaks, 2008, lns. 84-89)

The active role that WikiLeaks expected the public to take was multifaceted as it involved the public engaging with the material, determining its significance, conducting their own analysis of the information, and then taking any additional action they deemed necessary.

As outlined by Schmitt and Assange, WikiLeaks expected the public to take on a role similar to the role citizens are expected to take on in the public sphere. After all, it is in the public sphere that the public is able to come together and have rational, open discussion and debates on various issues of public concern (D'Arcus, 2006; Flynn, 2004; Fuchs, 2010; Gimmler, 2001; Papacharissi, 2010). It is through the involvement of the citizen in these conversations that democracy is able to be maintained and simultaneously that state power is able to be controlled and limited (Dahlberg, 2007; Fuchs, 2010; Olesen, 2005). The public's involvement here is critical as transparency is only effective and beneficial if citizens are engaged and actively involved (Andersson, 2008; Kansa, 2011; Payne & Samhat, 2004).

In addition to engaging with specific information, WikiLeaks also envisioned the public actively supporting the organization. Early on, this was demonstrated throughout WikiLeaks conflict with the Swiss bank Julius Baer. The conflict between the two parties arose after WikiLeaks released information that indicated Julius Baer was partaking in money laundering. Ultimately, Julius Baer sued WikiLeaks over this publication. In response, a group of twenty-two people came together to create WikiLeaks' legal team in order to successfully defend WikiLeaks role in the release of this information (WikiLeaks, 2008).

However, it was quickly discovered that this type of public response and engagement would not be the norm. Upon this realization, WikiLeaks changed its conceptualization of the public's role and responsibility.

When we first started, we thought we would have the analytical work done by bloggers and people who wrote Wikipedia articles and so on. And we thought that was a natural, given that we had lots of quality, important content... But actually it turns out that that is not at all true. The bulk of the heavy lifting—heavy analytical lifting—that is done with our materials is done by us, and is done by professional journalists we work with. (Assange, 2010c, lns.126-130)

Upon realizing that the public would not fulfill their anticipated role, WikiLeaks formed the previously mentioned publishing group with *The Guardian*, *New York Times* and *Der Spiegel*⁸⁰ in order to facilitate the distribution of information.

These newspapers and professional journalists were able to engage with the material in a way that ensured that the information reached the general public (Assange, 2010a). The formation of this original publishing group is indicative of a shift in the activities associated with the public. Rather than taking on a primary role, the role of the public became “an amplifier of what we [WikiLeaks] are doing and also a supply of sources for us” (Assange, 2010c, lns.133-134). It was at this point that the public took on a much more supportive, secondary role as their primary responsibilities now pertained to either funding the organization or submitting information to WikiLeaks (Assange, 2010). This supportive role had the public facilitating the work of WikiLeaks, rather than doing the work themselves.

After this shift, in instances where the public was encouraged to take an active role, their role was to be fulfilled with an already established group. For example, Assange called on the public to help resist the on-going narrowing of the First Amendment when he stated that “all members of the press, and all the American people, who believe in freedom and the good founding principles of the revolutionary fathers have got to pull together and resist this attack on the First Amendment” (Assange, 2010d, ln. 23). As this statement reflects, the public is being asked to provide support to an already existing group, the press, rather than take the primary lead. Furthermore, the specific manner and frame through which their support is expected is also outlined. It is no longer left up to the citizen to decide what role they would like to play.

⁸⁰ This refers to the creation of the first publishing group. There have since been other publishing groups formed to respond to particular issues and demands.

Returning to the idea that information is power (Lord, 2006), an argument can be made that WikiLeaks is attempting to correct the current asymmetric distribution of power found in society through their publications. Despite Assange's attempt to create a more equal playing field through the release of information (2010c), the public was still not involved in the extent to which they were expected to be. Rather, Assange came to find that "the general public becomes involved once there is a story, an issue of the day, and then they can come forward and help mine the material. But they are not incentivized to do that until they see what the story is" (Assange, 2010a, lns. 32-33). Therefore, contrary to the critique made against the public sphere, that it is ineffective as it does not account for the asymmetric power structure in society (Dahlberg, 2007; Fraser, 2007), WikiLeaks attributes the lack of public participation to apathy more than the allegation that access to information is a structural barrier.

That being said, while WikiLeaks did remove the structural barrier of access to information through their publications, it needs to be acknowledged that other structural barriers are still likely to exist in society. These include additional power dynamics and the availability and access to resources. Despite the existence of these potential structural barriers, in the discourses examined WikiLeaks continued to identify apathy as the reason for the public's lack of participation.

Contrary to the active role WikiLeaks expected the public to take, the US government produces a social order where the public was always expected to take on a much more passive role: the public is simply expected to support the actions and opinions of the government. Given the earlier discussion about the US government having access to information that the general public does not, it follows that the public should be expected to

follow the governments lead. This is evidenced by Crowley's statement regarding the obligation that "American people should heed our travel warnings" (Crowley, 2012, ln. 10). Clinton (2010) echoes the idea that the public should automatically support their government as she notes that American people should be proud of their diplomats and the work they do on an international level. Both of these statements express the perspective that despite the fact that they are unlikely to truly know what is occurring given the hierarchical access to information, the public is expected to trust that the government is acting in their best interest and obey.

Aside from this obligation, the US government discourse portrays a very narrow scope of activities and obligations associated with the public. In cases where these are discussed, they are done so in connection with pre-established boundaries and guidelines through which the public is expected to act.

In America, we welcome genuine debates about pressing questions of public policy. We have elections about them. That is one of the greatest strengths of our democracy. It is part of who we are and it is a priority for this administration. But stealing confidential documents and then releasing them without regard for consequences does not serve the public good, and it is not the way to engage in a healthy debate. (Clinton, 2010, lns. 44-48)

Through this statement, Clinton demonstrates that while the public is encouraged to participate in political debates and elections, their participation is only legitimate if it is done in accordance with specific guidelines and standards.

There are a few exceptions found in the US government data that challenge the idea that the public is expected to merely play a supportive role in the social order. These ideas

are expressed by McDermott and Paul.⁸¹ Both of these men conceptualize the public's role in a much more active way, which appears to be more in line with WikiLeaks than the remainder of the US government. Rather than indicating that the public should trust the government, McDermott (2010) suggests that the public needs to engage in a discussion about the issues WikiLeaks identified. Paul furthers this by rhetorically questioning "was it not once considered patriotic to stand up to our government when it's wrong?" (2011, ln. 28). Both of these comments deviate from the US government perspective as they advocate for the public taking an active stand and questioning the information they receive from the government.

In sum, the public is a dynamic MCD as the role of the public in each social order depends on the document or time frame being looked at. Despite the differences found within each social order, both WikiLeaks and the US government seem to acknowledge that the public plays an important role in terms of accountability, whether that be holding WikiLeaks accountable by choosing to fund the organization or submit information to them (Assange, 2010a, lns. 71-76), or by holding the American government accountable by participating in democratic elections (Clinton, 2010, lns. 44-48). Despite indications from both parties that the public should take on an active role, both social orders ultimately end with the public engaging in a very passive form of citizenship. Through the discussion of the characteristics, activities and obligations associated with the public, the overall logic of each social order is starting to emerge. In the first social order produced by WikiLeaks, the public

⁸¹ McDermott and Paul often take a different perspective than the remainder of the US government representatives. As such, it is relevant to note that McDermott is a congressman and Paul is a former congressman. Therefore, while they both play an important and legitimate role in the political system, they are not members of the executive branch and arguably do not represent the official US government stance. Alternatively, it could also mean that they are not bound to publically support the official US government policy or stance on WikiLeaks.

is very clearly at the centre. However, this is no longer the case in the second social order WikiLeaks produces. This distinction is important as the category at the centre of the social order logically impacts the organization and connections of the remaining components of each social order.

5.6 Justice and Legal System

Given that justice revolves around the “basic structure of society, or more exactly, the way in which the major social institutions distribute fundamental rights and duties” (Rawls, 2009, p. 6), addressing both WikiLeaks and the US government’s understanding of justice is relevant to mapping out their respective social orders. Throughout the discourse, the US government is consistent in its portrayal of justice as a legal notion that operates through the justice system. In contrast, WikiLeaks starts by conceptualizing justice in a way that is more in line with a social justice⁸² framework, though they later shift towards a more legal understanding of justice.

In line with the US government’s conceptualization of legal justice, they present law as being a mechanism of social control and conflict resolution. This is demonstrated by the US government turning to the legal system as a means of countering the challenges associated with WikiLeaks’ publications. Using the law in this way is problematic given the well-established body of literature that argues that there are inherent inequalities built into both laws themselves, as well as traditional legal processes (Galanter, 1974). These ideas support the argument that the law can then be used as a tool for social and political control by those in power (McLaren, Menzies, & Chunn, 2002; Shavell, 2002).

⁸² While social justice is a very broad term, it can generally be understood to refer to the distribution of goods and resources in society in accordance with some sort of an ‘egalitarian’ manner. See Rawls (2009) for a more detailed discussion.

In the examined data, this is predominantly seen throughout the discussion of media laws and past legal challenges that the media has faced throughout the US government discourse.⁸³ Though the US government's representatives do not go into detail about the legal investigation into WikiLeaks, as it was underway at the time, the investigation was mentioned multiple times by Biden (2010b), Clinton (2010) and Crowley (2012). This legal investigation not only examines WikiLeaks' role in the publications, but also that of the *Washington Post* and *New York Times* (Paul, 2011).⁸⁴ However, it can be questioned that “[i]f Assange can be convicted of a crime for publishing information, that he did not steal, what does this say about the future of the First Amendment and the independence of the Internet?” (Paul, 2011, ln. 15).⁸⁵

The use of the law in this way is particularly problematic given the legal precedent that was set with the Pentagon Papers. In an effort to manage the fallout of the Pentagon Papers, the US government attempted to prosecute the *New York Times* for their role in the publication (Paul, 2011, ln. 11). However, the *New York Times* was ultimately found not guilty by the Supreme Court (Paul, 2011). Given the resulting legal precedent, it is curious that the US government is trying a similar tactic again. The fact that despite this precedent

⁸³ The use of the law as a political tool for control can arguably also be seen when looking at the personal legal charges Assange is facing in Sweden regarding two alleged sexual assaults. It has been suggested elsewhere that these charges were laid as an attempt to discredit Assange and ultimately facilitate his extradition to the United States to face espionage charges (Goodman & Moynihan, 2012). However, this particular legal investigation is only briefly discussed in the data. When Schubert asks Assange about the allegations, and if they are a personal attack against him, he refuses to answer and ultimately walks out of the interview (Assange, 2010b). However, when Schmitt is asked a similar question during his interview with *Der Spiegel*, he states that “the investigation into Julian in Sweden is, in my opinion, a personal attack against him” (Schmitt, 2010, ln. 34). While addressing this argument in detail would have been an interesting avenue to explore, it was unfortunately beyond the scope of this research question.

⁸⁴ Assange argues that using the Espionage Act against publishers in this way is unconstitutional, but he concedes that it will take years before the issue reaches the Supreme Court (Assange, 2010d).

⁸⁵ It has been alleged that the US government offered Manning a plea deal in exchange for her testimony that WikiLeaks engaged in espionage and conspiracy to get information from her. However, Manning did not agree to provide such testimony and Assange denies engaging in any form of conspiracy with Manning (Assange, 2010d, lns 104).

the US government is still investigating the involvement of media in WikiLeaks' publications only further demonstrates the importance the US government places on information control, and how they understand the law as being a mechanism of control.

In contrast to the US government's understanding of justice as legal justice, WikiLeaks' first social order conceptualizes justice as being social justice. However, they never clearly outline what their understanding of social justice is. Even when Assange is specifically asked to define justice, he replies that: "we don't need to go to abstract philosophy.... It's the common definition of human justice" (Assange, 2010a, lns. 85-88). Considering the plurality of definitions or forms of justice, Assange's response is rather problematic. However, as he adds the word 'human' to his definition it can be inferred that he is referring to some form of social justice.

This understanding of justice is consistent with WikiLeaks' goal of "achieve[ing] political reforms through the release of suppressed information" (Assange, 2010a, ln. 34). In line with the idea that information is a form of power (Erkkilä, 2012; Lord, 2006; Quigley, 2012; Rowart, 1982), Assange makes a connection between transparency, the publication of information, and justice. Assange states that: "justice delayed is justice denied. Uh, publication delayed, where it affects justice, is also justice denied" (Assange, 2010a, lns. 82-83). This idea is echoed throughout the discourse as Assange notes that "it is not our goal to achieve a more transparent society; it's our goal to achieve a more just society. And most of the times, transparency and openness tends to lead in that direction" (Assange, 2010c, lns. 123-124). Therefore, it is not that the publication of information is justice in itself per se, but that the publication of information facilitates WikiLeaks' ultimate goal of justice.

In the first WikiLeaks social order, even when discussing the legal system Assange and Schmitt focus on the human nature that facilitates justice, rather than the laws themselves. For example, Schmitt and Assange discussed the legal case between WikiLeaks and the Swiss bank Julius Baer that arose after WikiLeaks published documents suggesting that the bank was involved in money laundering. Although WikiLeaks' 22 person legal team was successful in fighting this case in court, Assange's comments emphasized the fact that the outcome was a result of the cooperation and unity of people working on behalf of WikiLeaks, not the law itself. This is reflective of Assange's belief that "justice doesn't just happen, justice is forced by people coming together and uh exercising strength, unity, and intelligence" (WikiLeaks, 2008, ln. 80). Furthermore, this statement functions as a critique of justice as a product of legal system, as it took a group of 22 people to get justice, rather than rely on the legal system to produce justice.

The idea of justice being the result of a collective demand and action on the part of the public started to disappear throughout later documents produced by WikiLeaks. Rather, Assange in particular started to emphasize the role of the courts in determining legal justice

It is very important to remember that the law is not what... powerful people would want others to believe it is. The law is not what a general says it is. The law, rather, is what the Supreme Court in [the] land in the end says it is. (Assange, 2010c, lns. 53-57)

He reinforces the validity of legal justice and the courts by saying that "thousands of war crimes and civilian deaths...need to be investigated. Uh you know, it is up to a court to decide in the end" (Assange, 2010a, lns. 98-99). The impact of WikiLeaks' shift to relying on the legal system to produce justice, rather than the public, is evidenced through the following statement:

Does the US obey the rule of law? Because Europeans are starting to wonder whether it is still obeying the rule of law. And it needs to be very careful. Um, is it going to descend into an anarchy where we don't have due process. (Assange, 2010d, lns. 77-80)

Here, by alluding to the idea that the US is descending into anarchy, Assange clearly indicates his belief that law provides structure and order to society.

The above noted shift from social to legal justice is important to consider for a number of reasons. First of all, the shift is significant as it is reflective of a changing understanding of what the activities and characteristics associated with the law are. The second aspect of this shift that needs to be considered is the timing. This shift occurred after the publication of the Collateral Murder video, an event which clearly established WikiLeaks as a form of media. Therefore, what is ultimately seen is a shift from the understanding that the law can be a useful tool in certain circumstances, to a conceptualization of the law as a form of protection against the state control of information;⁸⁶ the latter of which happens to coincide with the changing conceptualization of WikiLeaks to a form of media.

5.7 Media

The manner in which the media is conceptualized varies between WikiLeaks and the US government. WikiLeaks associates the media with information distribution and production, and attributes a watchdog aspect to the media when it is conceptualized as the fourth estate. In line with this understanding, it follows that WikiLeaks considers itself to be a form of media, although the extent to which it does so depends on the time frame in question. In contrast, given their interest in information control, the US government requires

⁸⁶ Additionally, Assange notes that the US government questioning of his journalistic status is a government tactic, and that it is “quite interesting that this is something that is being raised. It is actually a quite deliberate attempt to split off our organizations from the First Amendment protections that are afforded to all publishers” (Assange, 2010d, lns. 7-8).

media to support the government. Therefore, when the media supports the government it will be presented as an ally but when it challenges the government it is conceptualized as an enemy.

Despite this split conceptualization of media found in the US government social order, throughout the data the US government clearly acknowledges the important role that the media plays in the global society. This is predominately seen throughout Crowley's comments as he notes that "a free and vibrant press plays an important role around the world in the development of civil society and accountable governments" (2012, ln. 14). Here, Crowley is expressing the necessity of media in democratic societies⁸⁷ (Benkler, 2011; Petley, 2009). In terms of the government's relationship with media, Crowley provides the following generalization: "[a]s a general rule, the freer the press, the more transparent and more democratic the government is likely to be" (Crowley, 2012, ln. 15). From this statement it follows that non-democratic governments use the media as an extension of overt state control.⁸⁸ This discussion reflects the idea that non-democratic forms of government do not allow the media to function according to its true role, which is a vehicle for information and communication.

In contrast to this negative association between repressive states and media, Crowley presents a positive working relationship between the US government and the media. He states that: "no one is a greater advocate for a vibrant independent and responsible press, committed to the promotion of freedom of expression and development of a true global civil

⁸⁷ As noted by Petley "Journalism is seen as a central component of democracy, and in particular, as a crucial check on the power of the state" (2009, p. 184). Therefore, the First Amendment can be considered an essential tool in ensuring that the freedom of the press is protected, and that democracy is able to function effectively (Cooke, 2007).

⁸⁸ Crowley highlights a number of cases in Cote d'Ivoire, Belarus and Rwanda where the improper use of the media by the state facilitated election fraud, human rights violations and religious tension (2012, lns. 16-24).

society, than the United States” (Crowley, 2012, ln. 25). He therefore conceptualizes the media as a tool, stating that “today we use a variety of media to communicate to governments and people around the world—formal briefings that are covered by traditional media, as well as social media, to bypass governments and communicate directly with people” (2012, ln. 8). The image produced through Crowley’s speech is a social order where the media and the US government are working together, as the government is able to use the media as vehicle for communication.

Notwithstanding, other US government representatives contest this image of a cooperative state and media relationship. Paul challenges the idea that the US government fully accepts and supports an independent press when he states that “any information that challenges the official propaganda for the war in the Middle East is unwelcome by the administration and supporters of these unnecessary wars” (2011, ln. 17). McDermott also echoes concerns that the US government is not as open as Crowley presented them as being through the statement that “when the government wants to hide stuff then the people are cut off from the information” (2010, ln. 10).

There is also a divide within with US government discourse in terms of what the relationship is between the media and the fourth estate, and what it should be. The discourse produced by Paul and McDermott implies that the media does not currently act as the fourth estate in society, but that it should.

Is there not a huge difference between releasing secret information to help the enemy in the time of declared war—which is treason—and the releasing of information to expose our government lies that promote secret wars, death, and corruption? (Paul, 2011, ln. 27)

Therefore, while in theory the US government appears to recognize the value and necessity of the fourth estate in society, in practice they do not support the media taking on this role if

it contradicts their official policy. This is consistent with their earlier statements about the necessity of controlling information.

Given the necessity of maintaining control over the distribution of information, Crowley is quick to distinguish WikiLeaks' work from belonging to the fourth estate when he states that

Some have suggested that the ongoing investigation [into WikiLeaks] marks a retreat from our commitment to freedom of expression, freedom of the press and Internet freedom. Nonsense. These are universal principles and our commitment is unwavering. These freedoms have always coexisted with the rule of law and the applications of laws is no way intended to deny access to readily available information or silence legitimate and necessary political discourse. (2012, lns. 82-85)

Making this distinction is essential given Crowley's (2012) earlier comments about a controlled press being associated with repressive governments. By separating WikiLeaks from the media, and thereby framing WikiLeaks' work in a negative light, Crowley is able to legitimize the legal investigation into WikiLeaks without being inconsistent.

In sum, it can be argued that when the information distributed by the media is consistent with the US government perspective and policies it is welcomed as a communication tool, given that it is an easy way for information and communication to reach the masses. However, when the media challenges the government and does not fulfill its expected role of government support and communication, then the government simply discredits the media by characterizing it as something else. Therefore, if WikiLeaks' self-characterization as media can be challenged and they can be conceptualized as something else—whether it be terrorism, political deviancy, unlawful disclosure and so on—then the US government is able to legitimately attempt to stop it without being inconsistent in their views about the necessity of the media for democracy and the fourth estate.

In contrast, WikiLeaks clearly establishes themselves as a media organization with the purpose of “enabling free speech and trying to save the fourth estate” (WikiLeaks, 2008, ln. 27).

The fourth estate as a mechanism to control nation states uh is also crumbling...fifty years ago there were approximately fifty multinational media companies. Now, there are approximately three...when you have a global media player you have a centralization point that can be censored extremely easily, um and that is ignoring the sort of economic censorship and uh unity of political opinion that occurs in a global media giant...remarkable and disturbing statistic that there are now forty investigative journalist left in the entire US working for newspapers. (WikiLeaks, 2008, lns. 226-233)

Their goal of protecting the fourth estate becomes additionally important given their critique regarding the monopolization of the mainstream media, both in the US and on an international level. The conceptualization of their organization as “an entity that is publishing information” (WikiLeaks, 2008, ln. 9) is maintained throughout the entirety of the data, despite the changes WikiLeaks went through in terms of organization and key members. When Hrafnsson joined WikiLeaks as the new spokesperson and was asked about the decision to publish the leaked information, he states that: “we are a media organization and that was pretty much a journalistic decision” (2010, ln. 2).

Although WikiLeaks has consistently associated themselves in connection with the media, the publication of the Collateral Murder video and Afghan War Logs in July 2010 can be identified as the point where WikiLeaks’ status as a journalistic organization is made clear. It was during this publication that WikiLeaks took on a direct editorial role in the release of the leaks. The Collateral Murder video was released as an edited video with commentary, an opening quote by George Orwell and a dedication to all victims of war, thereby ensuring that the message of this video would be framed in a particular way (Lynch, 2013; sunshinepress, 2010). Furthermore, in the credits Assange is listed as the producer and

Hrafnsson as the story developer (sunshinepress, 2010). From this point on, WikiLeaks is clearly established as a media organization, rather than the earlier conceptualization which presented WikiLeaks as an organization that facilitated the media and provided a platform for sources. Given that WikiLeaks understands the media's role in the social order to be the distribution of information, and their critique of state controlled media, it follows that WikiLeaks would want to take on a more active role in the production and presentation of information through the media.

While WikiLeaks supports the distribution of information through the media, they understand the proper role of the media in society to be the fourth estate and, therefore, the purpose of information distribution is to provide a check and balance on the state. In contrast, given the US government's prioritization of the control of information it follows that they expect the media to support the government. Therefore, depending on the context in question, the US government either views the media as supporting or harming the government. Ultimately, the different understandings of the value and role of the media in society for both WikiLeaks and the US government can be understood given the different conceptualizations of information as produced by each social order.

5.8 Politics and Social Order

At this point, it is clear that there are a number of fundamental differences between the social ordering of WikiLeaks and the social ordering of the US government. Ultimately, these differences produce different social orders, which in turn result in different forms of politics. As is addressed in detail shortly, the US government produces a social order more in

line with Weberian understanding of politics. In contrast, WikiLeaks produces a social order more consistent with an Arendtian understanding of politics.⁸⁹

First of all, both the US government and WikiLeaks acknowledge the role that information, and transparency specifically, play in society. However, they conceptualize this in very different ways. The difference comes in that the US government is looking for a form of controlled, regulated transparency that ensures the balance between security and access to information (Cuillier & Pinkleton, 2011; Otenyo & Lind, 2004). This is consistent with the idea presented throughout the literature that transparency can be regulated through FOI legislation (Hazell, Worthy & Glover, 2010; Hood, 2006; Rely & Sabharwal, 2009). In contrast, WikiLeaks is presenting an argument for the free flow of information without any form of regulation or control. Simply based on the difference between US government and WikiLeaks regarding their stance on information control is enough to start the discussion of two different political systems, one based on state control and the other on communicative power.

A key theme that has been discussed throughout this analysis is the idea that the US government produces a social order that emphasizes power and control. This statement alone starts to demonstrate the connection between the US government social order and Weberian politics as Weber associated politics with the “distribution, maintenance, or transfer of

⁸⁹ Despite that fact that I have put forth an argument that the US government social order is reflective of a Weberian style of politics and both WikiLeaks social orders are reflective of Arendtian politics, it is important to note that there can be inconsistencies within each social order. At times, such as with WikiLeaks, these discrepancies will be significant enough to warrant a separate social order. However, even in this case the differences were only significant enough to alter the structure of the social order, not the underlying political logic of it. For the most part, though, either these nuances are reflective of slightly different circumstances or of the difference between how things ought to be in each social order and how they actually are. For example, when addressing the differences in WikiLeaks social order, it is important to acknowledge that WikiLeaks is an organization and therefore is expected to change and evolve over time as they adapt to the changes occurring both internally and externally. As for the government, given that is comprised of so many different components and people, it is logical that the social order produced will not be completely unified. Furthermore, differences should be expected here given the differences within the US government sample in regards to political position and affiliations.

power” (Weber, 1968, p. 2). In the conflict between WikiLeaks and the US government, power and control are produced through the control of information, or at least attempts to control information. Given that information is power (Erkkilä, 2012; Lord, 2006; Quigley, 2012; Rowart, 1982), in order to retain political power the US government needs to maintain control over the distribution of information.

The primary mechanisms of information control that the US government engaged with throughout their conflict with WikiLeaks—namely the manipulation of law and the media—can also be understood within the framework of Weberian politics, specifically when looking at Weber’s concept of legitimate violence and Balibar’s notion of legitimate discourse.

In terms of Balibar’s (2002) discussion of legitimate discourse, he argues that one way the state is able to exert their power and dominance over society is by controlling the public discourse. In the analyzed documents this was primarily seen when discussing the media’s role in the US government social order. As indicated by Crowley (2012), ‘legitimate’ media is very much expected to act in accordance with the government. Any media that does not support the government is denied true media status, which in turn removes any form of legal or constitutional protection. This ultimately ensures that the US government’s approved discourse is prioritized and protected through information control. By ensuring they maintain control over legitimate discourse in this manner the US government is able to promote the continuation of state power and political dominance characteristic of the underlying politics of their social order.

In addition to maintaining control over legitimate discourse, the US government uses the law as a mechanism to further ensure the continuation of state power and control. This

coincides with Weber's (1968) argument that political rule is either justified by legitimacy, tradition or charisma. In this case, the US government social order is structured around the idea of legitimacy, or rule of law.

As the law can be understood as a political instrument “for suppressing and policing activities that are labelled as socially deviant” (McLaren, Menzies, & Chunn, 2002, p. 7), it follows that the law can be conceptualized as a legitimate form of state force. Since the state controls the creation and manipulation of law, this allows for the state to be “considered the sole source of the ‘right’ to use violence” (Weber, 1968, p. 1). As outlined throughout this chapter, there are a number of cases where the law was used in this manner, whether through the use—or denial—of media laws, or the legal investigation into WikiLeaks. Regardless of the particular scenario at hand, from this discussion it is clear that the law functions as an extension of legitimate violence and is therefore a mechanism of retaining state power.

In order to retain control, the state must ensure that they have the upper hand in the power dynamic between state and citizen (Weber, 1968). This means that the state is essentially “a relation of men dominating men, a relation supported by means of legitimate (i.e. considered to be legitimate) violence” (Weber, 1968, p. 2). From this premise, it follows that the US government social order produces a passive citizenry. While there are some opportunities within the US social order for the public to be engaged with politics, these opportunities are minimal and place the citizen in a supportive role where they are still under government control and influence. When citizens take on a more active role, they either become characterized as legitimate or illegitimate political actors through the manipulation of the law and the monopoly of legitimate discourse (Hall, 1974). In the case of WikiLeaks, as the organization threatens the power and information control required by the state to

ensure dominance, it is through these mechanisms that WikiLeaks is deemed an illegitimate social actor, which in turn protects the state.

Arendt's conceptualization of politics also acknowledges the idea that information is power. However, rather than suggesting that the control of power is the crux of politics, Arendt argues that politics is actually about the public, communicative power that sustains the government and society as a whole (Arendt, 1970). As Arendt provides an alternative view of politics, her conceptualizations allows for the existence and proliferation of social movements and counter public spheres, which ultimately set the stage for political and social change. Therefore, given that WikiLeaks' purpose is to provide the public with access to information and encourage discussions and actions to be taken based on this information, it follows that WikiLeaks produces an Arendtian conceptualization of politics.

As a key premise of Arendt's conceptualization of politics is the importance of communicative power, a social order reflective of this understanding of politics should prioritize the public and the free flow of information. This is seen in WikiLeaks first social order. Once the public failed to meet WikiLeaks' expectations, the media replaced the public as the centre of the social order. Having the media at the centre of the social order is still consistent with an Arendtian conceptualization of politics given that the media functions vehicle for information distribution. However, in this case, the media also moves beyond simply providing information and takes on the role of the fourth estate. As a type of watchdog organization, WikiLeaks becomes part of the fourth estate as they share the purpose of providing some form of check and balance on the state.

The citizens in the WikiLeaks' social order also take on much more of an active role than seen in the US government social order. The role of the public in WikiLeaks' social

order is similar to Habermas's (1991) conceptualization of the public sphere as both view the public's role as engaging in state oversight and ensuring the existence of democracy. In order to function effectively, the public sphere requires free speech and access to information as the foundational concepts (Payne & Samhat, 2004). These are both key concepts in WikiLeaks social order. It is only with access to information, which WikiLeaks provides, that the public is able to become truly informed and therefore able to make the rational decisions that democracy requires. After all, according to an Arendtian understanding of politics, democracy is civil society acting in the public sphere (Arendt, 1970).

As previously discussed, there are two versions put forward of WikiLeaks' social order. The primary difference pertains to what is found at the centre of each. In the original social order, the public is found at the centre. Later, this central role shifts to the media. Despite this change, both social orders remain consistent with an Arendtian conceptualization of politics as they both encompass the idea that politics is about public communicative power. The major difference is in terms of who has the primary role in the facilitation of information distribution: the public or the media.

As has been noted, the conflict between WikiLeaks and the US government is much greater than the government being displeased by having their confidential political communications made public. Rather, the major issue is that both sides have different and competing social orders that produce different conceptualizations of politics. While the US government reflects a Weberian style of politics that is focused on the control and maintenance of state power, WikiLeaks seems to ascribe to an Arendtian form of politics that prioritizes public, communicative power.

The significance of these different social orders can be understood by returning to the fact that WikiLeaks has been characterized as both a media organization and as a terrorist organization. Despite having the same facts at hand—an organization has released a number of confidential documents to the public—the response varies depending on the social order the situation is viewed from. For a social order that values information control, state power, and a passive public, characteristics found in a Weberian understanding of politics, it follows that the release of such documents is viewed as a threat to state power and needs to be controlled. In this case, characterizing such an action as terrorism is a logical response to ensure the continuation of political power. On the other hand, when such an action is viewed from the perspective of a social order that prioritizes the free flow of information, public power and public discussion, traits which are characteristic of an Arendtian style of politics, it follows that the release of such information would be viewed as legitimate and beneficial.

In sum, the conflict between WikiLeaks and the US government is based on fundamentally different understandings of politics and beliefs about how the world ought to work. These competing social orders each have a very different structure and logic which produce contrasting understandings of politics. Though the same concepts or categories are found within both social orders, they are often expected to fulfill different roles or take on different characteristics which can help to explain the discrepancies and disagreements in the actions that both sides take. Acknowledging this allows us to make sense of the conflict between WikiLeaks and the US government, and understand what is at the basis of their respective actions. Ultimately, it allows us to see how the social orders generate actions, possibilities and expectations that go beyond the circulation of information. As has been

demonstrated, the production of a particular form of politics creates expectations and the possibility of actions in connection with all aspects of social life.

Chapter 6: Concluding Remarks

It is clear that WikiLeaks and the US government operate according to different conceptualizations of politics. From this it follows that they each have a different understanding of democracy and how it should work in practice. This is consistent with the literature that indicates that ‘democracy’ has become a conflated term that is used to refer to many variations of politics and political practices (Dickerson & Flanagan, 2006). It is this conflation that allows both WikiLeaks and the US government to state that their actions and beliefs promote democracy without being inherently inconsistent. In conclusion, this chapter reiterates the major differences between each social order how the variations between the devices result in different politics. From here, the discussion continues to elaborate on how these different understandings of politics contribute to competing ideas on the flow of information in society. Once this is completed, both WikiLeaks and the US government’s actions can be better understood, as will the conflict between the two groups.

While the same categories and devices are found in both WikiLeaks and the US government’s social orders, they are often expected to fulfill different roles or take on different activities and characteristics. The variations here can help explain the discrepancies and disagreements in the actions that both sides take. The major distinctions the analysis unveiled include: a passive as opposed to active citizenry; a belief that governments have an international accountability as opposed to a national accountability; a global versus a local community of interest; a focus on social justice as opposed to legal justice; and the media as a watchdog, as opposed to an ally or an enemy of the government. By providing a brief summary of each of these devices, the bigger picture of each social order can be easily addressed.

As has been discussed throughout this thesis, WikiLeaks clearly advocates for the free flow of information and considers the public to have a right to information. They expect the public to be actively engaged with their publications, whether it is through analyzing, discussing, or distributing it. This corresponds to the literature on transparency which argues that there is no point in pushing for increased transparency unless citizens are engaged with the material (Andersson, 2008; Kansa, 2011; Payne & Samhat, 2004). While the nature and level of the public's involvement does vary depending on which social order is being looked at, active citizen involvement is still a consistent element found in WikiLeaks.

Conversely, the US government social order presents the public as having a much more passive role in which they are expected to support and follow the government. The role of the public in the US government social order is limited to primarily voting in elections and participating in organized debates. While the roles and responsibilities associated with the public differ in between these social orders, there is a commonality between them as each expects the public to play an important role in terms of accountability. However, the government requires less initiative from the public in this regard whereas WikiLeaks social order demands initiative from the public.

The United States government discourse presents the idea that the US government has the duty of acting on behalf of American citizens. In line with this, the US government takes on a more national focus and sense of accountability. While they frequently talk about international relations, the focus is always on how this impacts the US as a nation. This coincides with the US government belief that they are accountable only to their citizens. In direct contrast, WikiLeaks is much more globally focused. This global focus is demonstrated in both the make-up of the organization and the international concern and accountability they

ascribe to the global community. In addition, unlike the US government, WikiLeaks believes that citizens from every country should hold all governments accountable.

From the global focus and sense of global citizenship WikiLeaks embodies, in addition to the key role the public plays in their social order, it follows that WikiLeaks' first social order presents an understanding of justice that is based on social justice. When the centre of WikiLeaks' second social order shifts to the media from the public, WikiLeaks understanding of justice also changes to become more consistent with traditional legal justice, arguably in recognition of the rights and legal protection afforded to the media. In line with the government being at the centre of the US social order, it follows that they would accept a more traditional, legal understanding of law and justice.

Given that WikiLeaks is promoting the flow of information, they clearly associate the media with the production and distribution of information. However, for the media to be effective in society it needs to operate in a similar manner as the fourth estate so that it is truly able to hold the government accountable. In contrast, since the free flow of information poses a risk to the US government, their conceptualization of media varies depending on the circumstances at hand. In order to retain power, the government expects the media to act within the confines the government has established, just as the public is required to do so. When the media acts beyond these boundaries, it is discredited by the government.

After addressing the similarities and differences between the key devices found in each social order, including: government, public, law or justice, and the media, what ultimately appeared were two competing political systems. The first one is very much influenced by Max Weber and the second by Hannah Arendt and Jürgen Habermas. As each

of these political systems encompasses different ideals and mechanisms, the discrepancies between WikiLeaks and the US government's social orders can be better understood.

Upon mapping out the US government social order, it can be concluded that they produce a form of politics that is very reflective of Weber. This is particularly evident when looking at Weber's (1968) discussion of the modern nation state and the prevalence of the monopoly of (legitimate) force. According to Weber the state essentially becomes "a relation of men dominating men, a relation supported by means of legitimate (i.e. considered to be legitimate) violence" (Weber, 1968, p. 2). Weber's understanding of politics therefore is about the collection and expression of power. Contrary to the active role WikiLeaks expected the public to take, the US government produces a social order where the public was always expected to take on a much more passive role: the public is simply expected to support the actions and opinions of the government.

Weber (1968) argues that the state receives its legitimacy from the citizens either on the basis of tradition, charisma, or legality. In the case of the US government, legitimacy comes from legality as the citizens choose to follow the government on the basis that the rules and laws are rationally created. It is this perceived form of legitimacy that requires the government to act, or at least appear to act, in accordance with the law. Furthermore, this can also explain the importance and characteristics given to the law in the social order the US government produces.

Given that politics is about power, the modern state can only exist if it maintains power over the ruled (Balibar, 2002; Weber, 1968). Therefore state control over domestic threats, such as social dissent, is a normal occurrence. This social dissent can include that which challenges the state's monopoly of legitimate discourse as well as its legitimate use of

violence. As a result, the law and traditional media become mechanisms of political control, as they are a means through which the government can discredit and delegitimize those who challenge the government and *status quo* (D'Arcus, 2006; McLaren, Menzies, & Chunn, 2002). The fact that the US government turned to law as a mechanism of social control to stop WikiLeaks should not be surprising given that their perceived legitimacy is associated with legality. Furthermore, through the characterization of WikiLeaks as (enabling) terrorism and the threat of espionage charges being laid on WikiLeaks and WikiLeaks supporters, the implications that may arise from disobeying the state are demonstrated. This illustrates Weber's (1968) discussion about the necessity of obedience to the state.

As noted in the literature, FOI legislation is being enacted on a widespread scale on the basis that transparency can be regulated through FOI legislation (Hazell, Worthy & Glover, 2010; Hood, 2006; Rely & Sabharwal, 2009). Problematically, this FOI legislation has largely been enacted for the perceived political and social benefits, not to truly facilitate and support the transparency and open society movement (Hazell, Worthy & Glover, 2010; Holzner & Holzner, 2006). However governments, including the US are able to use FOI legislation as means to control the distribution of information and therefore control the distribution of power in society. By having a mechanism in place to facilitate the distribution of information, FOI legislation also allows for the US government to justify the fact that there is no need for organizations like WikiLeaks in society. Returning to the idea of legitimate discourse (Balibar, 2002) having an FOI in place also allows the state to direct the way access to information is talked about, and expose the public to what the state is intending to be the normalized way of information distribution.

In addition to enacting legislation to control social dissent (Freeley, 2010) there are a number of other tools the state can choose to engage in. This includes stigmatization of the dissent, which is often done through the media (Boykoff, 2006b; Marx, 1979). In order for an action to be characterized as political deviance it needs to deviate from what the government has deemed to be the correct way for the public to be engaged (Hall, 1974). In her statement Clinton alluded to this as she indicated that the government wants the public to be involved in politics, but through government sanctioned debates and elections. Once this deviant label has been ascribed, it becomes a way for those in power to curb resistance as the deviant label becomes a way to stigmatize an individual or group (Lauderdale, 1980; Lauderdale, 2011). By using the media as a tool, the government is again expressing Balibar's idea of the monopoly of legitimate discourse. By controlling, or at the very least influencing, the mainstream media, the state is able to maintain control over the available social discourse and in turn society.

For all of the above reasons, as the US government follows a Weberian understanding of politics, the control of information is crucial for them. After all, information is power (Lord, 2006) and as politics is understood to be power, it is essential that the state retains control and power in order to function effectively.

WikiLeaks discourse produces a different way of thinking about and doing politics that is reflective of Arendt (1970) in that it prioritizes communicative power. Arendt's (1970) conceptualization of politics is that it is something that takes place and occurs in the community through public communication, not through the government. Put simply, Arendt expresses the idea that "politics is action and that action is speech in public about public affairs" (Kateb, 2001, p. 132). The ideas that Arendt presents are similar to Habermas's

conceptualization of the public sphere, as it is a place where citizens can come together and have discussions and debates on various issues of public concern (D'Arcus, 2006; Flynn, 2004; Fuchs, 2010; Gimmler, 2001; Papacharissi, 2010). Therefore, participating in the public sphere becomes a way of doing politics, which is something WikiLeaks draws on throughout their discussions pertaining to the necessity of citizen involvement and engagement.

This citizen engagement is essential for transparency to be effective (Birchall, 2011a; Chapman & Hunt, 2006). If citizens are not provided opportunities to get involved then the effectiveness of democracy is weakened as the citizen becomes simply an observer in the political process (Noveck, 2010). As an online organization, WikiLeaks arguably provided an initial connection for the public to get involved. Then, this initial connection would be able to be developed through the (transnational) public sphere (Van Laer & Van Aeslt, 2010).

However, this is problematic as there are a number of social, cultural, and economic factors in place that determine who is able to participate in politics through the public sphere, as well as what the impact of their participation can be (Dalhberg, 2007; Fraser, 2007). Through the existence of counter public spheres, those who are unable to find a place to participate in the public sphere have a chance to play an active role in politics. The counter public sphere becomes the opposition to the dominant discourse (Dahlberg, 2007). This is where social movements play a significant role as they produce alternative discourse to that which is presented by the state as part of their attempt to alter the current distribution of power (Freeley, 2010; Grey, 2010; Ostertag, 2006; Staggenborg, 2008; Stein, 2009; Touraine, 1985).

Through their decision to publish confidential and secret information, WikiLeaks became one of the social actors involved in trying to ensure the success of the transparency and open society movement. Therefore, it could be argued that depending on the circumstances at hand, WikiLeaks is contributing to both the creation and maintenance of a public sphere, and at the same time a counter public sphere. In doing so, WikiLeaks challenged the idea that the government should have the power to decide what the public has access to. Therefore, the true issue at stake pertains to whether the government should have the power to grant access to information, or whether the public has the right to access information that in turn gives them power and control.

When looking at the role information plays in each social order, WikiLeaks advocates for a form of complete transparency that is in line with the transparency and open society movement. As previously indicated, there is a clear connection between transparency and democracy as democracy requires information, and transparency ensures that the information is available (Noveck, 2010). In contrast, the US government maintains the perspective found in the literature which discusses the need to create a balance between national security (protected through confidentiality) and access to information, which is something that is well noted in the literature (Cuillier & Pinkleton, 2011; Otenyo & Lind, 2004).

As there are some connection and similarities between WikiLeaks and the US government views on transparency and access to information, on the surface it would appear as though the conflict is based on a matter of degree; or how much information should be made available to the public. However, what this thesis has ultimately shown is that the true conflict between WikiLeaks and the US government is a debate on the essence of

democracy, what it entails and how it should be practiced. The answer to these questions can be determined by identifying who is at the centre of each social order and what their rights, duties and responsibilities are perceived to be.

While there are other aspects of WikiLeaks that could (and arguably should) be addressed to provide a deeper and more detailed understanding, what this thesis has shown is that the overall conflict between WikiLeaks and the US government is far greater than a disagreement over the control and purpose of information in society. Rather, the disagreement between the two parties is based on the fact that they each produce a different understanding of the social order, and therefore ultimately a different conceptualization of politics, of democracy, and of transparency.

While Weber, Arendt and Habermas are not typically drawn on in criminological research, using these theorists to create my analytical framework adds a new layer to the criminological discussion on these issues. According to Weber's conceptualization of politics, society is characterized by an unequal distribution of power. This is also seen in aspects of critical criminology,⁹⁰ as well criminological discussions pertaining to labelling and the construction of deviance. These concepts are further linked by the resulting argument that given the unequal power distribution, those with power are then able to use this imbalance to maintain the *status quo* through coercive measures (McLaughlin & Newburn, 2010; Scraton, 2007). Therefore, these ideas are linked by the existence of control and domination.

With this in mind, associated with Weber's understanding of politics are very specific ways that transparency, democracy, and citizenship are expected to occur. First of

⁹⁰ While critical criminology can be considered an umbrella label for many different perspectives, all critical criminology theories acknowledge that society is characterized by unequal distributions of power, whether it is relation to social class, race, or gender (DeKeseredy, 2011).

all, in order to maintain the power that Weber argued is essential in politics the state needs to retain control over information. Therefore, while the US government does acknowledge the benefits that transparency and access to information has in society, they advocate for a form of government controlled and regulated transparency, in contrast to the idea of total transparency. Along these lines, while the public is expected to participate in politics, their participation is regulated and expected to be done according to established, controlled avenues, such as voting in regularly scheduled elections. Essentially, transparency, democracy and citizenship operate in ways that support and maintain the existing power dynamic in society.

It is with this understanding in place that it is pertinent to look at Arendt and Habermas, as they create the possibility for the existence of politics without domination and control. This understanding of politics produces a different form of citizenry and democracy, one that challenges the criminalization of dissent, facilitates the existence of social movements, and ultimately challenges the current power imbalance in society. While this is only a start, introducing this conceptualization of politics to criminology creates an avenue for further discussions about the possibility of politics existing and operating without the commonly associated violence and power discrepancies. In turn, this creates opportunities for further exploration of the many ideas and issues raised throughout this thesis. With this in place, a more complete understanding of these important political and social issues can be reached.

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Appendix A: Key Players

Assange, Julian: Co-founder of WikiLeaks. Has a background in hacking, programming and journalism. He is an Australian citizen; however he was granted political asylum by Ecuador in the summer of 2012 and has resided in the Ecuadorian embassy in England ever since.

Biden, Joe: Vice-president of the United States since November 2009. Formerly a Senator (R) from Delaware.

Clinton, Hillary: Secretary of State from January 2009-February 2013. Formerly a Senator (R) from New York.

Crowley, Philip J.: Assistant Secretary of State for Public Affairs from May 2009-March 2011. During a presentation at MIT on new media and foreign policy in March 2011, Crowley stated that ““what is happening to Manning is ridiculous, counterproductive and stupid, and I don’t know why the DoD [Department of Defense] is doing it. Nevertheless, Manning is in the right place”” (BBC, 2011, para. 10). Crowley resigned from his position two days later due to the controversy his remarks caused.

Gates, Robert: United States Secretary of Defense (R) from December 2006-July 2011.

Hrafsson, Kristinn: Well-known Icelandic investigative journalist who has acted as WikiLeaks’ spokesperson since July 2010.

Manning, Chelsea: Former United States Army soldier who is alleged to be the whistleblower behind many of WikiLeaks 2010 publications. She was arrested in May 2010 in regards to these allegations and formally charged with 22 offenses in March 2011. In June 2013 she was convicted of 17 of these charges and amended versions of four others. However, she was acquitted of aiding the enemy. Manning has applied for a presidential pardon or to have her sentence commuted to time served. In her pardon application she said the following:

When I chose to disclose classified information, I did so out of a love to my country and a sense to duty to others...If you deny my request for a pardon, I will serve my time knowing that sometimes you have to pay a heavy price to live in a free society. I will gladly pay that price if it means we could have a country that is truly conceived in liberty and dedicated to the proposition that all men and women are created equal. (RT, 2013)

This is reflective of that statement she gave prior to her sentencing when she stated that she leaked the information to WikiLeaks out of a ““concern for my country and the world that we live in”” (Piklington, 2013, para. 2). She is currently serving a 35 year sentence in Fort Leavenworth.

McDermott, Jim: Member of the U.S. House of Representatives (D) from Washington since 1989.

Paul, Ron: Member of the U.S. House of Representatives (R) from Texas from January 1997-January 2013.

Schmitt, Daniel (aka Domscheit-Berg, Daniel): Was very active in the German hacking community. He became involved with WikiLeaks early on and held the role of spokesperson until September 2010 when he left the organization. After leaving WikiLeaks he founded OpenLeaks, which he intended to be a more structured and more transparent version of WikiLeaks (Domschiet-Berg, 2011).

Appendix B: Timeline of Key Events

This timeline has two major purposes. The first is to show some of the key events⁹¹ pertaining to the conflict between WikiLeaks and the US government. With this timeline as a visual aid, the events that played a role in this original conflict can be seen in chronological order. Secondly, this timeline contains a selection of the major—and most controversial—leaks WikiLeaks has published.⁹² The type of information WikiLeaks released (in terms of the nature of the content and the geographic area) can be used as one way to demonstrate changes to the organization, which is something that has been addressed throughout this thesis.

⁹¹ This timeline was compiled after consulting the following sources: CBC (2014); Domscheit-Berg (2011); EuroNews (2012) and WikiLeaks (2011). This timeline is only intended to be used as an aid; it is in no way a comprehensive list of all major events and publications.

⁹² A complete breakdown of WikiLeaks publications can be found on their official website, www.wikileaks.org

Timeline of Key Events

2006	<p>October: WikiLeaks registered as a domain name</p> <p>December: First publication - A document signed by Sheikh Amed, Khan Hamza, and Hassan Dahir Aweys which outlined a decision to assassinate Syrian officials</p>
2007	<p>January: WikiLeaks stated they had 1.2 million documents to be published</p> <p>November: Publication of the Guantanamo Bay handbooks</p>
2008	<p>February: WikiLeaks exposes Julius Baer's involvement in money laundering</p> <p>March: Release of secret scientology documents</p> <p>May: Publication of the first American fraternity handbook</p> <p>September: Publication of e-mails from Sarah Palin's private account</p> <p>November: Publication of the British National Party (BNP) membership list</p> <p>November: Publication of reports on extrajudicial killings in Kenya</p> <p>December: Assange and Schmitt give first official WikiLeaks presentation at the Chaos Communication Congress</p> <p>Winner of the Economist Index on Censorship Freedom of Expression award</p>
2009	<p>January: Publication of telephone recordings pertaining to 2008 Peru oil scandal</p> <p>February: WikiLeaks accidentally publishes e-mail addresses of their donors</p> <p>March: Publication of database of US Senator Norm Coleman supporters</p> <p>June: WikiLeaks received Amnesty International Media award</p> <p>July: Release of report pertaining to nuclear accident in Iran</p> <p>November: Publication of archived pager messages recording in United States on September 11th, 2001</p> <p>November: Climategate - Release of controversial e-mails between climate scientists</p>
2010	<p>April: Publication of Collateral Murder video</p> <p>May: Chelsea Manning arrested</p> <p>June: Publication of Afghan War Logs</p> <p>August: Alleged sexual assault occurs in Sweden</p> <p>August: Sweden issues a warrant for Assange's arrest</p> <p>September: Internal dispute results in some of the founding members of WikiLeaks leaving the organization, including Schmitt</p> <p>October: Publication of Iraq War Logs</p> <p>November: Publication of US diplomatic cables</p> <p>December: Interpol issued an international arrest warrant for Assange</p> <p>December: Assange turned himself into London Police</p> <p>December: Assange released on bail</p>
2011	<p>April: Publication of files pertaining to Guantanamo Bay</p> <p>November: Assanged appealed extradition to Sweden at the High Court of England</p> <p>December: Supreme Court of England announces they will hear Assange's case in February 2012</p>
2012	<p>February: Assange appeals extradition at the Supreme Court in England</p> <p>July: Publication of Syrian Files which contained more than two million e-mails from Syrian political figures and companies</p> <p>Summer: Ecuador grants Assange political asylum</p> <p>October: Publication of the Detainee Policies which outline the rules and procedures for detainees in US military custody</p>
2013	<p>April: Release of Kissinger Cables</p> <p>August: Manning sentenced to 35 years in prison</p> <p>September: Publication of the Spyfiles #3 which contained documents from 92 global intelligence agencies</p> <p>November: Release of draft text for the Trans-Pacific Partnership Intellectual Property Rights Chapter</p>
2014	<p>January: Release of draft text for Trans-Pacific Partnership Environment Chapter</p> <p>April: Release of second draft of EU Human Rights Guidelines on Freedom of Opinion and Expression Online and Offline</p> <p>May: Publication of draft text of Trade in Services Agreement (TISA) Financial Services Annex</p> <p>September: Publication of Spyfiles #4</p> <p>December: Started releasing the first documents of the ongoing CIA Series leak</p>

Appendix C: Final Sample in Chronological Order

WikiLeaks:

1. December 2009: WikiLeaks vs. the World (Assange and Schmitt)
2. July 2010: Interview with *The Economist* (Assange)
3. September 2010: Exit Interview (Schmitt)
4. October 2010: Interview with *CNN* (Assange)
5. November 2010: Interview with *TIME* (Assange)
6. November 2010: Interview with *CNN* (Hrafnsson)
7. December 2010: Interview with *The Young Turks* (Assange)

US Government:

1. November 2010: Statement of the Secretary of State (Clinton)
2. November 2010: WikiLeaks “Embarrassing, awkward” (Gates)
3. December 2010: Let the Eyes of Vigilance Never Be Closed (Paul)
4. December 2010: Interview with *The Real News* (McDermott)
5. December 2010: Interview with Mitchell (Biden)
6. December 2010: Interview with the *Daily Caller* (Biden)
7. January 2011: Public Statement (Crowley)