

Assessing the core ethics of wikileaks politics essay



**ASSIGN
BUSTER**

Over the past few months, secrecy has become a significant topic in discourse about issues of national security. Democracy in the United States is preserved by protections under the First Amendment, namely the right to free speech and freedom of the press. Yet, new mediums of technology that have surfaced within the past decade complicate these rights. Back in 1971 the Nixon administration when it learned of leaked documents by Dr. Daniel Ellsberg, one of their own, to the United States Congress and the press. “The Pentagon Papers” would aggravate political opposition to the administration’s actions in the Vietnam War. And many historians believe that it was the Ellsberg “leak” that catalyzed Watergate, a the administration first performed what would be coined “black bag” operations when breaking into Ellsberg’s psychiatrist’s office.

More recently in 2010, it was the “leaks” that came from U. S. Army PFC Bradley Manning that brought controversy. Manning released video, and allegedly diplomatic cables, through an even more accessible medium-the World Wide Web. Julian Assange’s WikiLeaks has peeled the wool off of the proverbial eyes of the public in recent months. For the first time since Watergate and Vietnam, there is an invigorated American ethos in dissent to foreign policy.

WikiLeaks first released footage via Private Manning in Spring 2010. The video depicted American Soldiers in Iraq ruthlessly gunning down an innocent Reuters reporter on a mere suspicion that he could be an enemy combatant. Unfortunately he was not, but the soldiers are shown laughing about their wrongful victim’s demise. By late summer 2010, thousands of

classified diplomatic cables were released to the public also via WikiLeaks, allegedly coming from Manning.

An Ethical Question: Fallout from these revelations begs the question of transparency in government. But, there are consequences to transparent foreign relations; subject matter is often too sensitive to be consumed by the general public. Still, fundamental rights in this country are threatened by censorship-see First Amendment of the Constitution. Are “whistleblowers” exercising their rights as citizens to do the right thing? Positions of power come with great responsibility, and many times an express social contract of confidentiality. If the social contract is violated, perhaps this is a morally reprehensible action.

On the other side of the ethical spectrum there is the Kantian notion of this question. If one were to remain silent and dishonest by his or her omission, this would be unacceptable as a universal maxim; the action then fails and should be considered morally reprehensible. Kantian ethics focus on the process of an ethical decision, they consider the “will” by which the action unfolds. In this context, any contractual obligation of secrecy is null by an overriding responsibility of the individual. For this case, should a person “act” to reveal vital secrets for the act itself, he or she has the luxury of ignoring potential consequences that could be created by the fallout.

Arguments against the “whistleblower” and mediums such as WikiLeaks are almost all characterized by this notion of consequence. These arguments represent Utilitarian ethical principles. In the era of globalization, it is Utilitarian principles that should guide questions of secrecy under the

umbrella of national security. Mill's principles in the national security context present the conclusion that some WikiLeaks is unethical. Complete transparency has the capacity to lead to more pain than is due. Hypothetical scenarios from the reveal of protected information unfold with drastic and detrimental consequence. Foreign operations become compromised while diplomacy loses legitimacy. Society is presented with a great clash of ethical principles between the Kantian "will" and Mill's Utilitarian consequences. Disaggregating the arguments of each is the task of this essay.

Massimo Calabresi in his article for Time, "The War on Secrecy," alludes to the now forgotten consequences created by WikiLeaks. Calabresi writes of WikiLeaks: "It contained 11,000 documents marked secret; the release of any one of them, by the U. S. government's definition, would cause 'serious damage to national security.'" [1] U. S. officials were put on their heels by the release of the diplomatic cables by Assange. Many fail to consider the consequences abroad. According to Calabresi, it was not until WikiLeaks released the U. S. cables that North Korea learned that its protection from China might be on the brink of dissolution. [2] More dangerous was the revelation that Arab neighbors of Iran were privately negotiating with the United States to strike Tehran's nuclear program. [3] While perhaps this is good news to the United States, an irrational President Ahmadinejad could feel provoked and strike back at allies in the Arab world.

Back in 1971, when the Pentagon Papers were still in litigation Supreme Court Justice Potter Stewart warned against the potential effects of continued transparency in U. S. foreign policy. Stewart astutely forecasted that when information loses its classified status, "the system becomes one to be

<https://assignbuster.com/assessing-the-core-ethics-of-wikileaks-politics-essay/>

disregarded by the cynical or the careless, and to be manipulated by those intent on self-protection or self-promotion.[4]Most importantly, as pointed out by Calabresi, is that the more government secrets become compromised the more difficult is for a government to maintain its credibility. The paradox is that either secret becomes more important and sanctions are too minimal, or secrets become superfluous and pointless to keep.[5]The consequences framed by Calabresi and Justice Stewart led to the determination that Asange and WikiLeaks are unethical by the Utilitarian definition.

For many, the revelations by WikiLeaks seem harmless. But an article by Peter Ludlow in, *The Nation*, describes the potential for “cablegate” to happen again. According to Ludlow roughly 1.4 gigabytes, which is nineteen times the Afghan war log, have thus far been released to the press.[6]Ludlow points out that it is difficult to disable WikiLeaks, as they did not need to create a whole new network.[7]It is the ethic of the hacker that information is not to be hoarded, but shared. Indeed Ludlow concludes that the ethic of hackers such as Asange is actually adverse to the general welfare. Ludlow highlights: “Asange holds that truth, creativity, etc. are corrupted by institutional hierarchies...and that much of illegitimate power is perpetuated by the hoarding of information.”[8]Government thus has lost its ability to protect citizens according to Asange. One can infer that hacker ethics are more suited for an anarchical system. And Asange is not the only one, hackers like him sum in the thousands motivated by a shared ethic.[9]While governments struggle to establish precedent to deal with these issues, they are vulnerable to even greater exploitation by these individuals.

Taegyu Son is a professor of journalism at the University of North Carolina at Chapel Hill. In his piece, "Leaks: How Do Codes of Ethics Address Them" he writes that journalistic codes of ethics wrestle with this issue. Son's research suggests that only six of the thirty-one codes that discuss journalistic sources indirectly or vaguely deal with the question of leaks.[10] Son thus draws the assertion: "These codes do not use the term leaks, but they warn news employees not to be used by anonymous sources with animus purposes." [11] Manning and Assange's behaviors do not resemble journalists. The information they released to the public was given without context or description. One infers then that their decision to expose the United States was to achieve some individual or political end. These "leakers" took cheapshots essentially; the practice is frowned upon under journalistic codes of ethics. Since Manning and Assange cannot be considered journalists, protection of the press by the First Amendment does not apply. As far as the protection of speech, the Supreme Court has wrestled with this definition through various periods of history. One should note however, Assange is not a United States citizen and thus is not protected by Constitutional provisions.

Kantian ethics would argue in favor of Assange and Manning's decision to use the Internet as a means to inform the public of things they perceived to be intrinsically immoral to the general public. As press and government have begun to analyze the power of WikiLeaks, they often point to history for comparison. In 1971, Daniel Ellsberg caused havoc in the Nixon Administration for his release of the "Pentagon Papers" a 7,000 page, 43-volume study of U. S. decision-making in Vietnam from 1945 to 1968.

Ellsberg writes in his article for Social Research, "Secrecy and National

Whistleblowing”, that his decision to leak the documents was a matter of desperation.[12]He writes about his going of the Nixon reservation: “ Although it involved breaking the promises I had made to various government agencies and the Rand Corporation, it was the only way to inform Congress and the public of information that was being wrongfully held from them.”[13]Ellsberg, like Asange and Manning, appeals to Kantian ethics to justify his actions. Ellsberg considers his act to be one of moral bravery. He writes on page 790:

“ I had ultimately demonstrated my willingness, my determined resolve, to rely on my own judgment and conscience when it came to revealing or concealing information rather than the judgment or orders of superiors or social authorities.”[14]

Ellsberg tone and verbage asserts his autonomy in making the decision to reveal information. It is this same autonomy that motivates Asange and other hackers. They feel it is their social responsibility to inform the public. Notice when Ellsberg is explaining his rationale for deciding to go public, he does not address consequences. Rather he only alludes to a feeling of “ ought” or “ duty.” These terms are commonly associated with Kantian thought.

An autonomous individual like Ellsberg takes it upon himself to correct wrongs that he perceives in society with a sense of arrogance. Ellsberg writes that secrecy is a tool to conceal policy errors from the courts and American voters.[15]The public has distortions about world affairs. To Ellsberg, things like violation of domestic and international law, deception,

and bad judgment deserve to be included in discourse. Ellsberg concedes that his act was adverse to his colleagues, “ Breaking the pledge of secrecy in a way that is not tacitly tolerated or authorized by group leaders or practices generally is the surest and fastest way both to lose credential and be expelled from the group.”[16]Once again, Ellsberg refers to himself with a “ him against the world” mentality or an arrogance of autonomy. This danger is only multiplied with new mediums of access in the world today like those employed by WikiLeaks. Like Ellsberg, PFC. Manning acted in a way that was contrary to the interests of the United States Army.

While much of the debate about the issue of leaks is polarized between Utilitarian and Kantian perspectives, social contract also deserves some consideration. Both sides of the argument can apply Social Contract Theory. In his article, “ The Ethics of Espionage” Tony Pffaf a political-military analyst presents a natural equality of humans. Social Contract theory assumes a universal assumption of rationality and thus, “ whatever holds good for me in virtue of my free rationality holds good for you in virtue of yours.”[17]Thus one ought to treat others as he treats himself. This assertion would justify WikiLeaks trust of the general public. And it is a central pillar of the Categorical Imperative.

Yet, Pffaf draws from both Locke and Kant to draw consent as a “ central moral criterion on evaluating our behavior toward others.”[18]This is where social contract can be used against the practice of leaks. Asange, Manning, and Ellsberg all ignore this idea of consent. These individuals took it upon themselves to use their status and power to release information that was vested in them without the consent of others. Where as a courteous reporter

<https://assignbuster.com/assessing-the-core-ethics-of-wikileaks-politics-essay/>

will confirm a quote from an interview with his or her subject, the WikiLeaks present information without context or approval.

More damning under the social contract theory is the fact that individuals such as Manning and Ellsberg use their clearance to break secrets and their contracts of confidentiality. If the principle of rationality is applied in this case, these men are disrespecting that rationality by lying to their superiors whom vested trust with good faith. If Kantian principles hold water in this circumstance, WikiLeaks has failed to comply with the universal maxim principle of the Categorical Imperatives and thus justification under Kantian principle is yielded.

Conclusively, the Kantian myth has been proven inapplicable. Thus, the Utilitarian principle is left standing as the appropriate guiding principle when dealing with this issue. As law professor George Pike puts it: " But sometimes it is legitimately in the public interest to keep information confidential. The Internet makes that balance much more difficult to maintain at a much higher risk." [19] Thus, when it comes to issues of national security the actions of WikiLeaks must be addressed considering the consequences that could be created should this medium continue to operate unregulated. It is not within the aggregate national interest to have sensitive diplomatic affairs free flowing in cyber space. Globalization presents enough challenges without having rogue-disenfranchised individuals trying to diminish the legitimacy of government, at least in the West.

Perhaps this paper deserves in addendum. In recent weeks, much unrest has occurred in the Middle East propelled by the success of social networking

and other technology, as well as a newly emerging cosmopolitan generation upset with economic distribution and human rights. This is a demonstration to the power of collective opposition. Private citizens stood up to dethrone autocracy. While technology is a powerful tool, in a thriving democracy using it for political sabotage seems like treason.