

Wikileaks case study

Education



Case Facts: •WikiLeaks is an international, online, self-proclaimed not-for-profit organisation that publishes submissions of undisclosed and secret information, news leaks, and highly classified media from anonymous sources and whistleblowers. •The head of the online organisation, which was founded in 2006, is Australian born, Julian Assange. •Its purpose is to provide whistleblowers with a domain to publish their case to the public and preserve their identity (Lennon 2010). •Exposes various government and privately owned organisations. First major act of exposure was the publication of Republican vice-presidential candidate Sarah Palin's emails by WikiLeaks (DeFraia 2012). •Another act of exposure released on its website showed a US military helicopter firing at a group of enemy suspects, which were in fact Iraqi civilians including children (DeFraia 2012). •Since the release of this video, WikiLeaks has publicly aired millions of confidential publications (WikiLeaks 2012). •WikiLeaks publishes war logs from Iraq: 400, 000 confidential US documents on the Iraq war from 2004 to 2009 (DeFraia 2012). Interpol put Julian Assange on most-wanted list. Suspected of rape. As a result, Paypal cuts off WikiLeaks from using its services, thus ceasing donations (DeFraia 2012). DECISION MAKER: A decision maker by definition is someone who administers a business (Farlex 2012). In the case of WikiLeaks, according to the definition, this would be Julian Assange as he is the head of the WikiLeaks organisation. Ultimately it is Assange's decision to release classified information to the general public through his website.

ETHICAL ISSUES AND ASSUMPTIONS:

The assumption that can be made in this case is that Julian Assange was always aiming to smear the reputation of certain organisations and expose

classified information. His WikiLeaks website provided him with the medium to do this as it allowed people wanting to expose classified information to do so as an anonymous source. The controversy surrounding the WikiLeaks case, and discussion by the general public, centres on whether it is ethical to release private and confidential information to society. This is the main issue that the organisations that are being exposed are arguing as it is damaging to their reputation.

Another issue is that from the perspective of the organisations that are hiding this confidential information. Should they be ethically bound to release all information that may affect the general public to society? In reality, WikiLeaks is acting unethically by invading people's privacy in order to expose them, and is it really to the benefit of society? However, they argue that what they do is public disclosure whistleblowing, and they argue that the public has a right to know what its government is doing (Cox 2010).

ETHICAL DILEMMA: The ethical dilemma in this case is found to be: To release classified information to the general public

OR Not to release classified information to the general public These two dilemmas have undesirable outcomes for the decision maker and all parties concerned. Releasing the information to the general public will cause continued criticism of WikiLeaks plus create a backlash for the organisations involved. To not release classified information to the general public could see organisations continue to get away with unethical acts. UTILITARIANISM: There are numerous parties who are directly and indirectly affected by both considered actions. These groups are: •Julian Assange •General public Informants releasing information to WikiLeaks (Whistleblowers) •Targeted

organisations •Employees of targeted companies/organisations •WikiLeaks employees From a utilitarian framework point of view all of the above mentioned stakeholders need to be analysed on how the ethical dilemma will affect each of them. There will be positive and negative consequences for each of the parties, be it in the long term or short term. To release classified information to the general public •Julian Assange oReceive ongoing criticism and scrutiny from affected parties - short/long term oContinued support from whistleblowers - long term General public oWill continue to be informed about unethical practices by certain companies and organisations - long term oIncreased scepticism of large organisations and governments - long term •Whistleblowers oContinued support of WikiLeaks as a medium for publication of classified information - long term oEasy and anonymous alternative to traditional whistleblowing - short term •Targeted organisations oLoss of reputation because of the revelation of unethical practices - short/long term oMistrust from the public in the organisation because of unethical practices - short/long term oLoss of productivity - short/long term Employees of targeted organisations oAffected through downturn of productivity, which may result in them being made redundant/sacked - short/long term •WikiLeaks employees oRetain employment - long term Not to release classified information to the general public •Julian Assange oNo information to release - long term oCease in funding - long term oTermination of WikiLeaks as an organisation •General public oWon't be made aware of unethical practices - long term •Whistleblowers oLose the medium to anonymously expose organisations partaking in unethical acts - long term •Targeted organisations Confidential information remains classified - long term oMaintain positive productivity - long term oReputation

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remains intact – long term •Employees of targeted organisations oWill maintain employment – long term •WikiLeaks employees oWill lose their jobs – long term Recommendation: When applying the utilitarianism framework to the ethical dilemma, the greatest good for the greatest number applies. In this case, the greatest good for the greatest number would be for WikiLeaks to release the classified information to the general public as they are the greatest number.

This decision would negatively affect the organisations that are being exposed as well as their employees. Even though employees at these firms may subsequently lose their jobs because of the exposure of confidential information, the general public will be the greater benefactor as they will be made aware of the immoral actions of these organisations and thus be more cautious when it comes to interacting with them. Therefore I recommend the release of information to the general public. KANTIANISM: From a Kantian view point, the decision maker is obligated to act in the best interests of the general public as they are the main stakeholders.

From the ethical dilemma, which is either to release classified information to the general public or not to release classified information to the general public, two maxims are developed. In this case they are: To always be honest with the general public Or To never be honest with the general public Applying the Categorical Imperative: To always be honest with the general public The above maxim passes the universalisable test, as every organisation must always be honest with the general public, as then organisations will always be trusted and maintain a high standard of integrity.

The maxim, to always be honest with the general public, also passes the Respect for Persons test, as the decision maker is being honest to the public and fulfilling his duty by respecting them as people. This maxim also passes the autonomy of rational beings assessment as it is not restricting their right to freedom of information. This action passes all the Categorical Imperative criteria, thus the maxim is ethical. To never be honest with the general public Again, using the universalisable test, the second maxim does not pass.

If every organisation is dishonest then this will lead to distrust of organisations concerned by the general public. As for the respect for persons test, this maxim also fails. As honesty is a sign of respect, then being dishonest to the general public is not respecting them as human beings. The last Categorical Imperative, autonomy of rational beings, also fails because the intent of the decision maker is to supply honest information to the general public, which in this case he would not do. Overall, this maxim fails in all three Categorical Imperative criteria, thus the action is unethical.

Recommendation:

From a Kantianism point of view, a maxim must pass all three Categorical Imperative tests in order for it to be declared ethical. In this case, the second maxim failed to pass all three tests and therefore cannot be judged ethical. However, the first maxim, to be honest with the general public, passed all three criteria and therefore can be determined as an ethical course of action for the decision maker. With regard to the case, the recommendation would be for WikiLeaks and Julian Assange to release classified information to the

general public. RIGHTS ANALYSIS: The below rights are concerned with this ethical dilemma:

Julian Assange •The negative right to freedom of speech, which obligates others not to take this right away from him. •The negative right to autonomy, which obligates other people to abstain from taking this right away from him. Informants releasing information to WikiLeaks (Whistleblowers) •The negative right to freedom of speech, which obligates others not to take this right away. •The negative right to autonomy, which obligates other people to abstain from denying this right. Targeted organisations •The negative right to confidentiality, which obligates others to refrain from denying them this right. The negative right to make decisions from a business perspective, which obligates others to resist from taking this away from them. •The negative right to autonomy, which obligates other people to abstain from denying this right. General public •The positive right to freedom of information, which obligates others not to deny them of this right. Clash: Under the rights framework, there is a clash between Julian Assange's right to freedom of speech and the targeted organisation's right to confidentiality. Recommendation: Due to the clash, it must be determined which right overrides the other.

The targeted organisation's right to confidentiality is deemed to be more important in the scheme of the situation in relation to Assange's right to freedom of speech by releasing the information. As the information that the organisations are keeping confidential is often very sensitive, Assange must respect this right of these organisations. Therefore, it is recommended that the decision maker (Assange) not release the information under the rights

framework. CONFUCIAN ETHICS: Using this ethical framework, the ethical dilemma must be analysed against the relevant Confucian virtues. Ren:

This virtue relates to humaneness with the goal of benefiting a workplace, community, sub-group or any relevant stakeholders. In relation to the case, Julian Assange can be seen to be acting humanely by informing the community of the wrongdoings of the organisations concerned. Yi: This virtue relates to righteousness or justice and involves doing what is ethically just in a certain situation, particularly from a business sense. In relation to the case, Assange is acting as a moral character by considering what is best for the general public and in turn acting justly and rightly by releasing the classified information to the public.

Xin: This virtue relates to integrity and faithfulness. In relation to the case, Assange is acting with integrity by exposing wrongdoings to the general public and thus acting in adherence to moral and ethical principles. He is also displaying faithfulness to WikiLeaks followers as he continues to release information even though he is under scrutiny from various areas of society.

Recommendation: In examining the case study against the relevant Confucian virtues it can be recommended that it would be appropriate for Julian Assange to release the information to the general public.

In following the golden rule, do not do to others what you would not like done to yourself, I would not like important information kept from me. Therefore Assange is acting in accordance with this framework by releasing the information. FINAL RECOMMENDATION: In summary, after analysing the ethical dilemma against the four ethical frameworks, it can be concluded that the morally just course of action for the decision maker, Julian Assange,

would be to release classified information to the general public. All four frameworks produced the same outcome through their different processes.

From the organisations' viewpoint, they would like to keep the publications as classified as possible, however it is impossible for them to prevent parties who are aware of the information informing WikiLeaks of the wrongdoings. The act of supplying information to WikiLeaks is becoming increasingly popular because of the anonymous factor and is becoming a more favoured way of whistleblowing as there are no repercussions. A mitigation strategy for this case is not exactly clear cut. It's hard for WikiLeaks to find an effective strategy that is as impactful and informative to the public.

The strategy I have decided on is that Assange can inform the relevant authorities in a private manner if any organisations have demonstrated illegal activities, and only report on specific activities that are illegal. This will mean that the organisations that do have confidential information to protect will remain confidential. This strategy will also mean that the whistleblower will remain anonymous. This is a strategy similar to WikiLeaks, however it will mean that only the illegal actions are exposed and reported to the necessary authorities for them to announce to the general public.

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