

## **Project Abstract**

### **WikiLeaks and 21st-Century Democracy: An Ethical Analysis**

Graham Hubbs

Assistant Professor, Department of Philosophy

WikiLeaks, the self-described “media organization” that since 2007 has publicly revealed well over a million classified documents, poses a variety of challenges to present-day democratic states. While the most straightforward of these challenges are political and legal, WikiLeaks also raises a host of issues for the ethical approaches that underlie and guide contemporary democracies. These issues can be framed using the language of rights and justice: does WikiLeaks have an ethical right to do what it does, and is it ethically just for states to attempt to stop WikiLeaks? The goal of this project is to answer these questions by gaining a clear understanding of the ethical legitimacy, if there is any, of WikiLeaks and its activities. This goal will be achieved through a comparative ethical analysis, and the immediate result of this analysis will be a journal article. The need here is pressing: legislatures and courts across the world are already dealing with the legal analogues to the questions above. To the extent that good laws are guided by good ethics, it is the hope that this analysis will provide ethical insight into the legal rights that organizations like WikiLeaks should and should not be granted by future law.

## Project Narrative

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#### Context and Background

In the final weeks of 2010, the self-described “media outlet” WikiLeaks began the release of tens of thousands of confidential diplomatic cables. Democracies across the world condemned the release: in a characteristic response, U. S. Secretary of State Hilary Clinton described it as “an attack on the international community.”<sup>1</sup> Despite this bellicose language, it is unclear what laws, if any, WikiLeaks’s activities have violated. WikiLeaks’s founder Julian Assange was arrested shortly after the beginning of the cable release, but the charges he faces concern allegations of sex crimes—his involvement with WikiLeaks was not the basis of his arrest.<sup>2</sup> So, while WikiLeaks presents a clear political challenge to present-day democracies, it is not clear how, if at all, its activities are illegal.

This state of uncertainty provides the context for the present project. I propose to conduct an ethical analysis of the WikiLeaks case to determine if and how the relevant activities are violations of the ethical principles that underlie contemporary democracies. It is my hope that the project will contribute to the legislation that is eventually developed in response to WikiLeaks. Laws will have to be written to clarify the limits to freedom of speech and press in the digital age, the very limits that WikiLeaks challenges. In the belief that good laws are guided by good ethics, I intend for this analysis to provide ethical insight into the legal rights that organizations like WikiLeaks should and should not be granted in the future.

#### Contribution to Field and to Professional Development

The main civic contribution I intend for this project to make is to offer those who will need it clear ethical guidance in sorting out the legal challenges posed by WikiLeaks. If I am successful in this, then it will also constitute a contribution to the field of philosophical ethics, for this would demonstrate the potential relevance of the discipline of philosophy to contemporary issues. Philosophers are not renowned for the relevance of their work, so it would be good for the field to show that, at least occasionally, a philosopher’s voice can make a worthwhile civic contribution.

Within philosophy, this project will develop and test the predominant Western ethical theories by using examples that could not have been conceived when the theories were initially formed. The foundations of these theories were laid in the Enlightenment by thinkers like Locke, Rousseau, Kant, and, a bit later, by Mill. It goes without saying that these individuals could not have imagined the Internet. This is equally true, however, of the great political philosophers of the twentieth century—John Rawls was in no better position to imagine WikiLeaks when he wrote *A Theory of Justice* (1971) than Rousseau was when he wrote *The Social Contract* two centuries earlier. Philosophical theories need to be refined to meet the demands the present presses upon them. WikiLeaks presents such a demand, and I intend for this project to contribute to meeting it.

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1 Mary Beth Sheridan, “Hillary Clinton: WikiLeaks release an ‘attack on the international community,’” *Washington Post*, November 29, 2010.

2 Anthony Faiola, “WikiLeaks founder Julian Assange arrested,” *Washington Post*, December 7, 2010.

This project will also mark a development in my scholarship, which centers on the ethics of honesty. My dissertation focused on the ethics of self-honesty by investigating what, if anything, is ethically wrong with self-deception. This project will raise related issues, but instead of focusing on a lack of honesty with oneself, it will address the over-abundance of political honesty revealed by the leaked classified documents.

## **Objectives and Methods**

The project will have three phases: data collection, philosophical analysis, and synthesis. The data to be collected concern WikiLeaks's activities, government reactions to these activities, and media coverage of both WikiLeaks and the governmental responses. The goal is to determine what governments and media outlets take to be the central ethical issues raised by WikiLeaks. This research will be conducted on-line. I am requesting funds to pay a research assistant to help me conduct this phase of the project.

The method of philosophical analysis will be comparative. It is not the place of a philosopher to proclaim dogmatically that a particular action is or is not ethical; rather, it is the philosopher's job to determine the ethics of an action relative to a set of background ethical assumptions. Contemporary democratic states are grounded on fundamental assumptions about rights, freedoms, justice, and the rule of law, and the law itself is grounded on assumptions about the relative importance of motive, intent, and outcome in determining the legality of an action. Different ethical approaches place greater importance on some of these assumptions than others: for example, the consequentialist views that descend from Mill place a greater importance on outcomes rather than motives, while deontological views that descend from Kant invert this order of importance. The goal of comparative ethics is not to argue that one of these approaches is superior to the others; rather, it is to compare the responses that the various approaches have to an ethically important phenomenon, *e.g.*, the activities of WikiLeaks. This phase of the project will result in a thorough analysis of the various ways in which WikiLeaks's activities can be understood as ethically correct or incorrect.

The final phase of this project is to synthesize the results of the analysis. Part of this synthesis will involve correlating government and media reactions to WikiLeaks with applicable ethical approaches. Another part of this synthesis will be an ordering of these ethical approaches; it will establish on which approaches WikiLeaks's activities should be ethically permitted within a well-functioning democratic state and on which its activities should be restricted or denied. The result will be a clear understanding of the democratic values that speak in favor of legislation that permits the sort of activities in which WikiLeaks has engaged and of the values that speak against permitting such freedom.

## **Expected Outcomes**

The immediate outcome of this project will be a journal article. I intend to present a draft of the article to Harvard University's Berkman Center for Internet and Society in the fall of 2011; I am requesting travel funds for this presentation. The article will be submitted to *Philosophy and Public Affairs*, the leading English-speaking journal in legally- and civically-engaged philosophy. I also expect for this project to open up new areas of investigation for the ethics of honesty, particularly with regards to issues involving the Internet. I anticipate seeking funding for this further research by applying for an NEH grant.