



## WikiLeaks: The Napster of Secrets?

AXEL BRUNS

Queensland University of Technology, Australia

WikiLeaks has become a global phenomenon, and its founder and spokesman Julian Assange an international celebrity (or terrorist, depending on one's perspective). But perhaps this focus on Assange and his website is as misplaced as the attacks against Napster and its founders were a decade ago: WikiLeaks itself only marks a new phase in a continuing shift in the balance of power between states and citizens, much as Napster helped to undermine the control of major music labels over the music industry. If the history of music filesharing is any guide, no level of punitive action against WikiLeaks and its supporters is going to re-contain the information WikiLeaks has set loose.

### Introduction: "What's a Napster?"

One of the more interesting side stories in the recent movie *The Social Network* dealt with the role that Napster co-founder Sean Parker played in helping turn Facebook from an interesting start-up into the global behemoth it has now become. Parker's prominence in the final act of the movie, helped by the star power infused by former teen idol Justin Timberlake, may have been an exaggeration of the historical facts, but the overall story of helpful advice from one flamboyant entrepreneur to another remains believable. And yet, *The Social Network's* audience might be forgiven for asking, "What's a Napster?" as they left the cinema: While (like Google before it) Facebook has continued on its seemingly unstoppable trajectory, amassing a userbase that numbers more people than most countries in the world, Napster crashed and burned, and Parker retreated again to the relative obscurity of the behind-the-scenes angel investor.

At the same time, what Napster (and Parker) started is certainly still with us—filesharing and downloading of music, movies, and other audiovisual materials through legal and illegal means, from iTunes through Spotify to The Pirate Bay, is now so commonplace a practice that any sensible person (which notably excludes the hard-heads in charge of the RIAA and the MPAA, and the U.S. lawmakers they sponsor) has long given up on prosecuting users. The genie is out of the bottle, and no amount of hush-hush copyright term extensions, draconian three-strikes laws, or unintentionally comical antipiracy advertising is likely to coax it back inside. Most musicians, and those in the music industry whose core business remains promoting new music, rather than exploiting existing content archives and executing mergers and acquisitions, have made their arrangements with this fact, and are beginning to find new approaches to their business.

The Napster case—and its treatment in the media—has clear parallels with the current furor over WikiLeaks. The reduction of public discussion to WikiLeaks the website, to charismatic founder Julian Assange, and to the controversies in his private life, not only provides a predictably sad and sadly predictable indictment of our mainstream media's obsessions with reducing complex narratives to simplistic personality stories and foregrounding gossip over substance; in doing so, the debate also misses altogether the longer-term dynamic of the WikiLeaks affair. What is necessary instead is a broader, longer-term view of these developments, as well as some informed speculation about where they may lead us.

### **From Whistleblowing to WikiLeaks**

Let us begin this exercise by taking a much wider perspective, then. Whistleblowing, and whistleblowers, existed well before WikiLeaks, just as music files were shared, slowly and with great difficulty, before Napster came on the scene—indeed, audio files circulated even before the invention of the MP3 audio compression format that made long-form music so much more easily transmissible online. For their chosen domains, what Napster and WikiLeaks have done is simply to provide a much more straightforward and reliable platform for the exchange of information: Before Napster, music enthusiasts may have shared music files, cut into acceptably-sized pieces, through Usenet newsgroups or ftp servers, which required both specific access privileges and great patience in retrieving the right material in a usable format. Similarly, before *WikiLeaks*, leaking sensitive materials meant that whistleblowers had to take great personal risks in contacting potentially interested journalists with their material, and had to hope that those stories would, indeed, eventually see the light of day.

In their turn, both platforms did much to utilize the affordances of Internet technologies to simplify these processes considerably. Napster's major contribution was to disconnect the directory of available content from its place of storage. Users of the Napster application connected to the central directory to announce the content available for download from their own machines, and to access the aggregate index of all files currently being shared by someone in the network. Thus, while Napster was still held as culpable for enabling the unauthorized dissemination of copyrighted audiovisual content, it was no longer involved in handling these materials directly. Legal or not, Napster simply became, for a while, the great crowd-sourced index of everybody's music collection, facilitating full access to everything it contained. In the process, it became ever more possible for both senders and receivers of music files on the network to gain safety in numbers and hide in the crowd: Identifying the individual person who shared that specific Justin Timberlake track became much more difficult, and suing that one person while thousands of others were doing exactly the same became, if nothing else, patently unjust.

WikiLeaks similarly transformed the process of whistleblowing, of leaking information, from a largely one-on-one affair which took place behind closed doors, outside of public view, to something that takes place in public, yet anonymously, involving unknown parties and relying on WikiLeaks the platform and WikiLeaks the organization as facilitator. By its own rhetoric, WikiLeaks provides a (supposedly) anonymous and secure platform to enable anyone with sensitive information which may be of relevance and interest of the wider public to come forward and share those materials, and acts as a means of making this information available to the general public and interested journalists and media organizations.

To the extent that such claims are correct, then, WikiLeaks provides information exchange facilitation services for sensitive information which are similar to those which Napster provided for music.

At the same time, WikiLeaks never quite managed to live up to its own high ambitions. Of course, there are clear differences between the sharing of music files between fans and the sharing of sometimes complex and specialist information, the meaning and import of which is not always immediately accessible to the general public. To ensure maximum impact for the material leaked through the WikiLeaks site, the WikiLeaks organization was essentially forced to partner with major media organizations around the world. Additionally, WikiLeaks administrators chose to pursue a comparatively conventional public relations strategy of planning a slow but steady release of juicy tidbits from its major archives—most centrally, the U.S. diplomatic cables which have been gradually made available since February 2010—not least also in order to keep WikiLeaks itself in the news. While such interference with the overall share-anonymously-and-release-publicly process on which WikiLeaks was built might make sense from the point of view of media strategy, it also appears to counteract the overall ethos of the site (it replaces one information gatekeeper with another), it highlights the role and influence of WikiLeaks' administrators, and it positions the WikiLeaks platform itself as a central point of potential failure.

Notably, Napster suffered considerably, too, at least from the third of these shortcomings. While Napster and its staff rarely interfered with the sharing of music files itself (much to the chagrin of copyright holders), its technological structure, too, was such that taking out Napster itself became the most effective means of undermining the filesharing activities conducted through the site. While music files themselves remained on the hard drives of participating users, and were shared across the network directly from there, the Napster directory existed only on its central server, and was queried there by its users; without access to the directory, therefore, sharing would be impossible. As a result, to gain control of Napster itself in order to shut down these central directory services soon became the core objective of music industry lawsuits. These lawsuits finally led to Napster's shut-down in 2001, and to its subsequent acquisition by music industry interests (who have spent the past decade attempting to revive the brand, without any measurable success).

To date, WikiLeaks has managed to avoid a comparable fate by developing an organizational and technological structure that does not present a single point of failure anywhere in the system. The WikiLeaks site is distributed across multiple servers in several countries (some of them, if the organization's rhetoric is to be believed, in undisclosed and highly protected locations), with additional mirror sites run by various volunteers and other supporters. Even the WikiLeaks organization, centred as it may be around the controversial figure of Julian Assange, appears to be able to get by relatively unaffected by Assange's house arrest and extradition proceedings.

In this respect, WikiLeaks has learned its lessons from Napster and other disruptive platforms and technologies. What followed Napster, after all, was not a terminal decline of online filesharing activities, as copyright industry executives might have wished, but rather, the flowering of a wide range of platforms and technologies for disseminating music, movies, software, and any other content which could be made available in digital formats. Some of these remained relatively close to the *Napster* model, providing more or less central content directory services while simply remaining further underground and

out of sight of copyright holders likely to sue them; some, on the other hand, developed more advanced technological solutions—such as BitTorrent—which made it possible to decentralize the content directories, along with the content itself. As a result, for better or for worse, today's advanced torrent-based filesharing activities are now almost impossible to trace effectively, and even harder to shut down. Occasional legal proceedings, such as the lawsuit against the Swedish site Pirate Bay and its operators, do nothing to undermine or discourage filesharing as such, and only serve to highlight the impotence of copyright industries.

Similarly, recent attempts to shut down individual WikiLeaks servers have done nothing to keep the site itself from being readily accessible, and other attempts to undermine its operations (Amazon's eviction of WikiLeaks mirrors from its Web Services hosting service, or PayPal's refusal to handle donations to WikiLeaks) have amounted to mere irritations, while also resulting in considerable public backlash against these companies. Similarly, actions against Assange and other WikiLeaks representatives, or against those revealed to have shared sensitive information through the platform, appear unlikely to fundamentally stifle the operations of the site: Much as lawsuits for exorbitant damages against individual filesharers have, if anything, only added a political dimension to existing personal and practical motivations for music filesharing, so should it be expected that those politicians who now cry "treason" over the U.S. cables and other leaked information are only managing to harden the resolve of those who believe that more so-called state secrets must be revealed to safeguard democracy. Whistleblowing has always been an activity driven by higher ideals (however misunderstood these may have been in specific cases), and it is often undertaken at great personal risk anyway—no amount of threatened punishment has ever managed to curb it entirely. Indeed, we may be justified to state the following maxim: The more extreme the political class's reaction to WikiLeaks, the more necessary its existence in that country.

### **Whistleblowing Beyond WikiLeaks**

But for its considerable successes, both in facilitating the leaking of sensitive information and in capturing public attention for its cause, WikiLeaks is no Bittorrent, no particularly advanced sociotechnical system for the secure sharing of leaked information: At its core, it indeed remains—in spite of the trendy but misleading "wiki" in its name—a remarkably Web 1.0 operation. WikiLeaks draws on volunteers for much of what it does, but not by embracing crowdsourcing or produsage processes to any significant extent; as far as any outsider can tell, it remains organized around a central hierarchy of staff led by Julian Assange himself. Indeed, recent controversies between Assange and some of WikiLeaks' core staff and supporters, which appear to have led to the exodus of several key personnel, are only likely to have heightened the central role of Assange in the organization. WikiLeaks certainly isn't Wikipedia, where founder Jimmy Wales is still revered for his role in the organization and reserves certain powers over the site, but has very little influence over what happens on a day-to-day basis across the massive knowledge repository that is continually created and revised by a vast and diverse Wikipedia userbase around the world.

Similarly, while the WikiLeaks platform has been mirrored and thus multiplied in various places, it remains a relatively conventional website. It has not followed the BitTorrent route of decentralizing its

operations to such an extent that its contents now exist in a tormented form (or are otherwise distributed in a highly diffused format). Following this route would safeguard both WikiLeaks' contributors (by making their actions much more untraceable than they may presently be) and its own operations (by removing the final major point of failure in the WikiLeaks model: the website and its mirrors as content repositories), but may also work against what appears to have become a more and more important *raison d'être* for the site: its ability to influence global public debate. Indeed, it is this question which appears to be most central to deciding WikiLeaks' future trajectory: Does it aim simply to provide a safe and secure platform for the anonymous leaking of sensitive materials, as per its original mission, or does it seek to become a major media player affecting global politics, represented (in the main) by Julian Assange?

WikiLeaks' recent activities appear to point more strongly in the second direction. The site's much-publicized "preferential leaking" relationships with major international news organizations, from *The Guardian* to *Der Spiegel*, was clearly designed to maximize the impact its leaks could have on global political news, and contributed considerably to the controversies (and in some readings, personality cult) around Assange himself. At the risk of providing simplistic psychoanalysis from a distance, WikiLeaks' (or perhaps, more specifically, Assange's) just as public fallings-out with these partners, ostensibly over the handling of the leaked materials, also appear to reveal a certain personal disappointment over the degree to which these activities had truly managed to capture and hold public attention around the world. The original underlying aim of providing greater transparency on public and private misdeeds in the world appeared to fall behind the desire simply to remain visible at all costs, through ever more extraordinary (and risky) releases of information. If confirmed, recent allegations that Assange knowingly released material without taking due precautions to protect the anonymity of informants and innocent third parties named in these documents paint a very disturbing picture of the attitude now developing at the heart of the WikiLeaks operation.

An alternative route would see WikiLeaks focus simply on becoming the most secure and reliable clearinghouse for leaked information that technological and organizational structures can provide, without focusing inherently on the need to publicize the information shared through the site. This model would operate in the hope that, by now, journalists and interested citizens are already aware enough of the site to look out for new materials being released through it, without needing mainstream media prompting. It would return to releasing all leaked material directly (after precautions to protect the innocent have been taken), rather than employing staged partial release strategies, and would cease playing favorites with selected news organizations. Such a WikiLeaks platform would be likely to embrace further non-Web technologies—for example, BitTorrent or similar decentralized networks—for the dissemination of its content, and would use its multiply mirrored websites mainly to provide pointers to new releases and information on how to get involved. Where direct media outreach activities would be deemed to be desirable, they could be pursued by a dedicated team of volunteers separate from the central operation.

WikiLeaks may yet restructure to embrace this alternative course of action, healing some of the rifts which now threaten its long-term survival in the process. To do so would also reduce the focus on Julian Assange, which currently serves to undermine the organization's ability to operate more effectively. Whether Assange himself, who appears now to have become ever more synonymous with WikiLeaks itself, would consent to such a reorientation, however, remains to be seen. Perhaps more likely, by contrast, is

the emergence of a range of more or less comparable alternative operators inspired by WikiLeaks' early promise and continuing rhetoric. Such a development would once again mirror the trajectory of filesharing after the initial Napster disruption: As music industry legal actions decapitated that particular hydra, many more filesharing platforms, services, and technologies sprang up in its stead, leading both to the development of BitTorrent technologies (which, notably, are today used just as much for the legitimate distribution of open source software and other sizeable digital packages as for the continuing unauthorized sharing of music, movies, and commercial software), and even to the eventual emergence of legal music download and streaming services, from iTunes to Spotify.

For whistleblowing, there remains a long road ahead until such a diverse ecosystem of platforms for the secure sharing of sensitive content in the public interest will emerge, and there is little guarantee that WikiLeaks will form part of it—Napster, certainly, exists as no more than a music industry-controlled zombie site in the current music filesharing ecology. In particular, it may seem unlikely today that “legal” whistleblowing sites, sanctioned by government, are ever going to form a part of that ecosystem. However, at the same time, whistleblowing itself was once a widely condemned practice, while the legal codes of many nations today provide exceptions for whistleblowers whose leaks result in the uncovering of genuine political or commercial scandals, from Watergate to systematic tax evasion. In this context, it is especially interesting to note that the Parliament of Iceland, the Alþing, recently approved the Icelandic Modern Media Initiative (IMMI), which requires “the government to introduce a new legislative regime to protect and strengthen modern freedom of expression, and the free flow of information in Iceland and around the world.” The initiative responds directly to the global controversy around WikiLeaks, with WikiLeaks representatives reported to have been directly involved in developing the IMMI legislation. By passing it, Iceland is deliberately attempting to position itself as a safe haven for whistleblowers.

Whether WikiLeaks itself is likely to be able to benefit from such support for its ideals remains to be seen; the decision on this is likely to be made not in the Alþing, but in Julian Assange's inner circle. Whistleblowing itself, however, is as certain to continue as it is certain that there will continue to be misdeeds to blow the whistle on, whatever the risk and whatever the possible repercussions. In the long term, WikiLeaks' greatest contribution to the process will not be the platform itself, but the further possibilities and potential which will emerge from using advanced online tools for the secure sharing of sensitive information.