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Discussion

The spatial bonds of WikiLeaks

Rodrigo Firmino^{a,*}, Lucas Melgaço^b, Dariusz Kloza^c^a Graduate Program in Urban Management, Pontifícia Universidade Católica do Paraná, Brazil^b Department of Criminology, Vrije Universiteit Brussel (VUB), Belgium^c Research Group on Law, Science, Technology and Society (LSTS), Vrije Universiteit Brussel (VUB), Belgium

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ABSTRACT

This article analyses control of the Internet from a spatial perspective, on the intersection of social and political geography, and law. Inspired by the story of WikiLeaks and its leader Julian Assange, who is presently confined in a room of a diplomatic mission, this article examines such control through a spatial perspective, using the example of the paradoxical coexistence of whistle-blowing, aided by modern technology, and efforts to control the circulation of information on the Internet. Modern states can and do exercise their sovereignty normally upon a rather precisely delimited portion of land, while a variety of actions performed on the Internet remain rather hard to be associated with a single location on Earth. We use here a variety of spatial concepts, but in particular territory (and jurisdiction) and place as parameters for understanding the link between sovereignty (and, more precisely, control), resistance, and the Internet. This article demonstrates the importance of these spatial concepts for the policy and practice of Internet governance.

1. Introduction

Governments of the Industrial World [...] I come from Cyberspace. [...] Cyberspace does not lie within your borders.

Barlow (1996)

Space matters. And politics is a function of space—we vote where we live and our leaders are restricted in their legitimacy and authority to the place where they were elected.

Judt (2011)

Today, more and more, places are a condition and a basis for global relations—relations which without those places would never occur.

Santos (1996b)¹

Much ink has already been spilled over Julian Assange and WikiLeaks. This “media organisation and associated library”—that solicits, edits and publishes, with the help of modern technologies, “censored or otherwise restricted official materials”² in order to attain some democratic accountability goals—and its rather controversial founder, leader and its ‘face’, Julian Assange, both continue to attract significant attention around the world. Such attention varies radically,

from fervent praise to stringent criticism, and comes equally from politicians, journalists, activists, academics and the society at large.³ The object of such attention is most often the *work* of this organisation (and that of Assange), i.e. the ‘substance’, and its consequences—for example, whether what they do is ethically sound and legally compliant or whether their work actually brings any good for society. Notwithstanding the importance of these aspects, we have, however, noticed less attention being paid thus far to the *form* in which both WikiLeaks and Assange operate, and the consequences their chosen methods have for their work and for society—for example, whether they ensure enough safety and security for those whistle-blowers who turn to them or where a ‘safe haven’ lies for their work to remain relatively unhindered. In our view, the form of work is equally as significant as the work itself. The former, put simply, enables WikiLeaks and Assange to undertake the latter, that is to say, the chosen form allows them to exist and pursue their own goals.

In this article, we focus on the *form* of WikiLeaks and Assange's work and, due to our respective backgrounds and areas of academic focus, what interests us here is its spatial dimension. More concretely, we are interested in how this spatial dimension allows for the control of their work to be exercised. The ‘spaces’ in which they operate are of complex

* Corresponding author.

E-mail addresses: rodrigo.firmino@pucpr.br (R. Firmino), lucas.melgaço@vub.be (L. Melgaço), dariusz.kloza@vub.be (D. Kloza).¹ Translation by the authors from the original Portuguese: “Hoje, cada vez mais, os lugares são condição e suporte de relações globais que, sem eles (lugares), não se realizariam.” (Santos, 1996b, 34–39).² Cf. <https://wikileaks.org/What-is-Wikileaks.html>.³ In late 2016, they fuelled newspapers' headlines due to their alleged impact on the presidential elections in the United States (US) and, again, in 2017 with the release of Laura Poitras's documentary movie ‘Risk’. Early 2018 saw Assange becoming Ecuadorian citizen.

nature and possess their own, distinct features, both enabling their work and, concurrently, restraining it. Assange and WikiLeaks operate mainly, but not entirely, in the so-called virtual world, or more simply, on the Internet. Yet the work of Assange and WikiLeaks targets mainly the physical world: they uncover concealed information deemed to be of great importance for societies on Earth, and their personnel use both offices and other infrastructure located therein. The two seemingly distinct worlds in which Assange and WikiLeaks operate are inter-related: what happens online usually produces ramifications not only for the Internet itself, but also, perhaps more importantly, for the world made of bricks and mortar. And vice versa: what happens in the physical world also impacts the functioning of its online counterpart and what occurs therein. This interrelation has become so profound that Floridi (2015, 7–13) coined the concept ‘onlife’ to better capture the blurring of the distinction between, *inter alia*, reality and virtuality, as the old separation between online and offline worlds nowadays often makes little sense.

Within these profound interrelations between the physical and virtual, one of these worlds often needs, or sometimes just wants, to control the other. In the physical world, control could normally be exercised only within the limits of a given territory or place, in the sense of both geography and law. On the other hand, the control over what happens in the virtual world, to a large extent, escapes such a topological limitation, yet—what is known and widely acknowledged nowadays, and what is going to be confirmed in this article—never in absolute terms. For this reason, control over activities on the Internet—such as those of Assange and WikiLeaks—is thus rather difficult, but not impossible, to exercise. And this is precisely the aspect that interests us: the exercise of control over the circulation of information on the Internet and, in this article, we examine this type of control from a spatial perspective that includes a reflection on territory and place.

To look at control of the Internet is nothing new per se and this matter has already been discussed extensively. The initial vision of open, free (unrestricted), collaborative, sovereign and self-governing Internet held, in essence, a romantic idea that the Internet was a revolutionary force, escaping any borders. This early view further held that the Internet was something separate or distinct, which cannot and should not become the object of any national and international regulation (Hildebrandt, 2017, 21), hence—the Internet could not and should not be controlled. This view was first envisaged most famously in Barlow (1996) and thoroughly examined in the pioneering works of Mitchell (1995), Negroponte (1995), Graham and Marvin (1996), Johnson and Post (1996), and Naughton (2000), among others. Subsequent experience and commentary challenged this view, leading to a conclusion that the Internet is actually governable and controllable, mainly by states, independently or in concert with other states. It was then observed that geography matters, as these states do exercise their sovereign powers over the Internet by controlling its portion that, in one or another way, falls into their authority. Contrasted with the early belief in the Internet ‘freedom’, this controllability was not necessarily viewed as a negative feature as it might allow for the establishment of public order (e.g. in a Hobbesian sense), for the protection of some values and principles shared within a polity or for the respect of cultural differences between polities. This aspect was thoroughly examined by Thierer and Crews (2003), Goldsmith and Wu (2006), Cohen (2007) and Mueller (2010a), among others. In parallel, some commentators took a more general look and, for instance, analysed the shape of Internet governance, such as in the works of Lessig (1999), Kapor (2006), Bygrave and Bing (2009), and Bygrave (2015), as well as its particular aspects, for example jurisdiction, as in Ryngaert and Zoetekouw (2014) and Svantesson (2017). Some commentators concluded that too much control of the Internet poses multiple threats to fundamental values and principles shared amongst democratic societies, e.g. Deibert et al. (2008, 2011); Deibert, Palfrey, Rohozinski, and Zittrain (2010), Deibert (2013) and Roberts (2018). Others, like Zittrain (2008), even claimed

the need for the restitution of some of these romantic ideas about the Internet. These debates continue; recently, for what concerns control of the Internet, Musiani, Cogburn, DeNardis, and Levinson (2016) reiterated that ‘infrastructure matters’: while the physical and logical infrastructure has traditionally been an object of governance by means of “institutions, laws and private ordering [and] public policy”, nowadays, the Internet is also governed (and thus, controlled) by its infrastructure. Beyond this academic and professional commentary sketched above, the setup of the multi-stakeholder platforms, such as the Internet Governance Forum (IGF), only highlights the topicality, timeliness and importance of such debates. What we observe from these debates, for our purposes, is the wide acknowledgement of the possibility to control of the Internet and a continuous reflection on the new developments in this field.

In parallel, in social and political geography, for decades now, a profound inquiry into the spatial dimension of Information and Communication Technologies (ICTs) has been the object of analysis in studies by Graham (2010), Kitchin and Dodge (2011), Kellerman (2002) and many others.⁴ This inquiry has recognised, *inter alia*, a topological aspect of the circulation of information and that the Internet would not represent “the end of geography” (Graham, 1998). However, according to Jones et al. (2017, 4), there is an epistemological gap on the understanding of the linkages between territory and control of the Internet. This “deficit is problematic because it misses the opportunity to explore important avenues for the production of space in the digital era, as well as the effects of digital technologies on territorial politics.” Consistent with the foregoing, in our view, WikiLeaks and Assange constitute an opportunity to unveil how new and emerging technologies, such as the Internet, can cast new levels or spatial layers in contemporary territories or, as Jones et al. (2017, 5) put it, “non-linear territorial logics”.

The idea for this article was born out of a reflection that Assange has not ceased to lead and run WikiLeaks since the moment he has confined himself, first in Ellingham Hall, England and subsequently at the premises of the Ecuadorian Embassy in London. In that sense, WikiLeaks is run, to a large extent, from a place. Such a place is located on a territory of a diplomatic mission, in turn located on a territory of a different sovereign state. This portion of space—where places can overlap with territories—has become a target for those who wish to control his activities and those of WikiLeaks. In turn, the resistance to such control and resilience thereto to a large extent derives from the same portion of land. As WikiLeaks operates mainly on the Internet, the control exercised over the place of Assange’s confinement—and resistance and resilience—has ramifications for the Internet.

Control of the Internet is exercised with the use of the standard ‘tools’, well-known to the Internet governance studies, such as regulatory techniques (for example, criminal liability) and technological solutions (for example, merely limiting the access to the Internet). And geography matters for those who use these tools (for example, law has its territorial limits). What we observed, however, is the fact that the use of these tools concentrates in a very particular, definite and limited piece of land on Earth—in a place. The concept of place, which has been well-studied in social and political geography, possesses certain characteristic features that might shed new light on control of the Internet. For example, a place is where people and things do congregate, where they concretely exist—it is a point to which an action might be targeted and from which a reaction might originate. These characteristics caught our attention while we were following the news about Assange’s confinement, which eventually inspired this article. In our view, to look at control of the Internet from the perspective of a place does not challenge the existing key argument that geography (and infrastructure) matter but rather reinforces it by bringing new understandings of the

⁴ *Geopolitics* dedicated a special issue to a discussion about WikiLeaks and critical geopolitics; cf. Springer et al. (2012).

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