



Citizen Snowden

Whistleblowing as a citizenship struggle against government secrecy

Maximilian Hierhammer

WAGENINGEN UNIVERSITY

Studentnumber: 910916338020

CPT

YSS83812

Supervisor: Dr. Michiel Köhne

Content

Introduction.....	2
Background.....	2
Research Questions.....	3
Theories.....	4
Methodology.....	5
Chapters.....	6
Theoretical framework.....	7
Whistleblowing.....	7
General concept of whistleblowing.....	7
Characterization of whistleblowers.....	8
The process of whistleblowing.....	9
Government Secrecy.....	12
Legitimization Process.....	13
Citizenship.....	16
Whistleblowing as an act of citizenship in legitimization processes.....	19
Case Study: Edward Snowden and the NSA-leaks.....	20
Actors.....	20
Background.....	20
Timeline.....	21
Argumentations of the actors.....	27
The strategies of legitimization on the government side.....	28
The strategies of legitimization on Snowden's side.....	30
Snowden's whistleblowing as an act of citizenship struggle.....	33
Conclusion.....	35
Acknowledgements.....	38
Bibliography.....	39

Introduction

Background

The aim of this paper is to outline the conflict between citizenship and government secrecy by analysing the topic of whistleblowing. In order to better understand this conflict, I will show the legitimization processes that are employed by both sides in order to get their specific claims accepted by the public. The analysis will be based on a case study of Edward Snowden, the whistleblower that leaked secret documents on government surveillance programs in the USA and the rest of the world.

Whistleblowing is the act of leaking secret information out of an organization to external players. Legitimization processes in this paper deal with the attempt of actors to gain acceptance for the claims they make. Citizenship will not be analysed in terms of membership, but used as a dynamic concept of a process, it is not about the rights and obligations, but what makes a citizen a citizen, how does one act?

In order to make this struggle more accessible, the analysis will be based on a specific case of this struggle between citizenship and government secrecy, which is the NSA-leaks of Edward Snowden. This case was chosen as it is one of the most recent manifestations of a citizen who decides that the public needs to have access to certain information, while the government tries to withhold it. The case shows the different arguments for government secrecy on the one hand and for the right to information on the other.

This thesis will deal with citizenship in democracies or more specific in the United States. The word democracy comes from the Greek word *demokratía* (*dêmos* = people; *krátos* = power or rule) and means rule of the people. There are many forms of democracy but the Oxford Dictionaries defines it as “A system of government by the whole population or all the eligible members of a state, typically through elected representatives” (Oxford Dictionaries, 2016). This means that everybody within a certain territory or belonging to it in some way may participate in order to make decisions for example by the means of voting. In order to make a decision for a vote or any other political activity, the citizen has to have all the relevant information in order to make that decision, as her or his reasoning is otherwise flawed. Furthermore, by definition, the government is merely “representing” the people, therefore speaking on behalf of the decision of the majority. On the other hand, the democratic governments of the Western world have many secrets, be it different secret services, undercover police, secret meetings with secret content, secret documents, secret deals in secret negotiations. As we are focussing on the USA in this paper, the example to support this argument will be from there: In the US, there are 10,000 secrets produced each day, which adds up to more than 3 ½ million secrets a year, while the actual number might be a lot higher. (Thompson, *Democratic Secrecy*, 1999) It goes so far that until about 20 years ago, the “rules and criteria for classifying and declassifying secret information were themselves secret”. (Thompson, *Democratic Secrecy*, 1999) A study in 1999 showed that there were two million officials in government that may classify data as well as 1 million in private industry (Thompson, *Democratic Secrecy*, 1999).

Ever since the tragic events that came to be known as 9/11, the attack on the World Trade Center Towers in New York, the public debate has focused on two seemingly opposing concepts of the United States, which are deeply woven into our understanding of modern democracies: the concepts of liberty

and security. Based on the perceived threat of terrorism, governments of Western democracies introduced and implemented many regulations, laws and practices, that limit the (often constitutional right to) freedom of its citizens, or even of people over whom those governments don't have any legal rights. Ever since Edward Snowden's NSA-leaks, the scale of the abuse of these basic rights of citizens has become evident. His publications made it visible for the first time how much espionage there was actually going on and how extensive the rights to privacy were abused. This act, the (controlled) publication of information on the surveillance programs of American secret service and their international partners, like the British GCHQ and the German BND, caused Edward Snowden to be internationally banned and forced him to seek asylum in Russia (BBC, 2014). This example is the basis for my analysis, which will deal with the relation between citizenship and government secrecy and the role whistleblowing plays in this struggle. In practice, citizens try to gain access to information as a part of their citizenship rights, in order to make informed decisions. Governments or other actors withhold information or make information secret as the knowledge of this information might harm national security or strategic planning or unofficially to cover up wrongdoings or defend its power claims. Whistleblowing is a means of distributing information that was supposed to stay secret, which is why it might play a role in the struggle for information rights of the citizens.

This research adds to the scientific discourse by integrating a new way to look at whistleblowing. Instead of looking at whistleblowing in detail and analysing the whistleblower itself, this research tries to put whistleblowing into a broader context of citizenship struggle, which has not been done before. If whistleblowing is not put in a broader context, its political and societal meaning of such an act is not taken into account, which might lead to an insufficient interpretation of such an act.

Research Questions

In order to visualize the opposite claims on information and find the arguments that actors employ in order to justify the right to know or the right to secrecy, the main research question is:

How does whistleblowing as an expression of citizenship relate to government secrecy of the United States government?

In order to be able to analyse this struggle, a very basic but important question is:

Who are the actors in the struggle on government secrecy?

It seems paradox that the people who are chosen to be representatives of the people are keeping so many secrets from the ones they represent, especially because this might make a rational choice during elections impossible. Therefore, this paper will examine the way in which the US government legitimizes this secrecy. In order to investigate this issue, the second subquestion is:

How does the US government legitimize its secrecy?

Snowden's image in the US is widely disputed, as some see him as a traitor, while others view his actions as patriotic. (Sullivan, 2013) In order to be able to understand, how he argues for his act and how he works towards legitimizing his claims, the following subquestion is:

How does Edward Snowden legitimize his claims for the right to inform the public?

The legitimization process of government secrecy, especially in the case that it is contested by, for example, a whistleblower, takes place in the media. Therefore, in order to analyse and understand the struggle, the following subquestion is:

How is government secrecy and the Snowden case discussed in the media?

Theories

The research question, as well as the subquestions and the case will be analysed with a theoretical framework. The framework will consist of the conceptualization of “whistleblowing”, “process of legitimization”, “government secrecy” and “citizenship”. Whistleblowing will be put into the context of the citizenship struggle for information. Government secrecy describes how the government tries to stop certain information to become public. The theories on legitimization processes will describe how both sides, the government and the whistleblower, try to get their claims accepted.

In order to do so, whistleblowing and whistleblowers will be theorized by the work of Petra Burai called “People behind Stories – Portrayal of Whistleblowers by Hungarian Online Media and Its Impact on the Anti-corruption Policy Process”, and “Context, Process, and Interaction: Missing Elements in Common Conceptions of Whistleblowing” by Ralph S. Brower and Kaifeng Yang. Some additions may also come from “Freedom of Speech denied, Dignity Assaulted” by Joyce Rothschild. These texts focus on different aspects of whistleblowing, like the process of whistleblowing, demographic information on whistleblowing, how organizations deal with whistleblowing and what the legal background is for whistleblowing. This represents the current state of whistleblowing research. The way whistleblowing will be treated in this paper is not in this descriptive way about details, but I will try to find the societal meaning of whistleblowing as being a part of citizenship struggle and how it can contribute to such.

“Democratic Secrecy” Dennis F. Thompson theorizes on the way governments produce secrets and why, but also puts it into the context of the daily politics that the governments have to deal with. His article is very useful in order to understand the arguments for and against government secrecy and especially for placing them into context. Furthermore, the process of secrecy production becomes more evident. The theories that are explained in this article also help to connect government secrecy to the processes legitimization and whistleblowing as well as citizenship. The most important findings for this paper are the theories on what kind of hypocrisies arise with government secrecy, as based on this, Edward Snowden’s case of whistleblowing can be understood better in its motivations.

The process of legitimization will be conceptualized with the article “Legitimization as a social process” by Cathryn Johnson, Timothy J. Dowd, and Cecilia L. Ridgeway. This article draws on many other researches on legitimacy and the process of legitimization, from the areas of social psychology and research on organizations. This will be helpful in analysing the way that the US government is legitimizing their secrecy, but also how whistleblowers produce legitimacy for their own actions as well as the contestation of the legitimacy of the counterpart. The concept will be developed around the *process* of legitimization by taking the different definitions of legitimacy that are applicable to this case and how they actually constitute a process.

The section on citizenship will consist of different, mostly anthropological, articles, but the main article is from Engin F. Isin and is called “Citizenship in flux: The figure of the activist citizen”. The article was

chosen as it views citizenship as something dynamic and a process. It does not define citizenship in terms of membership. Also, the focus on acts of citizenship is a useful tool in analysing whistleblowing in the context of citizenship.

Methodology

The presented thesis is a literature study. The theoretical framework is drawn from different scientific articles, mainly from the field of anthropology. For the case study, information was gathered from newspapers, websites, movies and books that dealt with the case Snowden. There were few scientific articles available on this topic. Newspaper articles and the like were chosen as sources as I wanted to analyse the legitimization processes, therefore the argumentation and presentation of the actors, which makes newspapers and televised news one of the primary sources to collect material for analysis. The media is divided into mainly two camps, either in support of or against Snowden. I tended to use The Guardian as one of the main sources, even though it is a newspaper in support of Snowden, but The Guardian was one of the outlets Snowden gave his original documents to. For this reason they had exclusive information. Nevertheless, in general the newspaper were chosen according to which side was being analysed or presented. So for government argumentation, the media outlets that presented its position were chosen and the other way around. The information was presented in a chronological storyline. The presented information was analysed with the help of the theories presented in the theoretical framework and extended by insights from different interviews and news articles, in order to research if whistleblowing is indeed part of a citizenship struggle against government secrecy. This will also be done by looking at the legitimization processes on both sides. The topic of whistleblowing as a means of citizenship struggle against government secrecy was chosen due to my personal interest in politics and more specifically, the general workings of democratic societies. The case Snowden was especially interesting as it demasked the supposedly free society we are living in in Western societies. It confronts us with the question, how free we actually are. Also, it shows how an exclusive elite is increasingly developing away from the realities of the people they govern. The fact that one man made a decision and thereby called a whole system into question impressed me. Furthermore, I am interested in communication technologies and the internet, which is why this case caught my attention.

In order to analyse the dynamics at work in that case, studying the public discourse provides interesting insights. More far-reaching insights could have been made by surveying the American public on their opinions regarding the case, but that would have gone beyond the scope of this research. Regarding this, one should notice that even though I mentioned three actors (Snowden and supporters, the government and intelligence community, the public), there is no separate part about the public, as first of all, it was not possible to integrate a survey into this research and second, the public is mostly split up along the lines of the two strings of argumentation, by name either on the government and intelligence community side or on the Snowden side. Therefore, the public will be represented by the media, which is also divided into the same two lines of argumentation.

In terms of objectivity, it is clear that I am concerned with privacy and information rights myself, which led to a certain perspective on the facts. I pointed out in the text, where I am stating my own opinion, so that the reader is not misled. Also, it is worth considering that I am not an American nor have I ever lived there. I am a German citizen, which is why my perspective on security and terrorist threats as well as surveillance is significantly different and probably more critical due to the historical context

of my country. Due to that, my insight in the American context and believes are limited, nevertheless have I followed the American discourse especially on those topics since many years, which has provided me with a certain degree of context.

Chapters

The first chapter will be the theoretical framework, which consists of four parts: whistleblowing/whistleblowers, process of legitimization, government secrecy and citizenship. This will form the analytical basis for the chapter that follows.

In the second chapter, the case of Edward Snowden will be first presented chronologically. Then, the case material will be used to analyse the processes and strategies of legitimization on the side of Edward Snowden and the government, as well as researching how whistleblowing contributes to citizenship struggle.

The third chapter will be the conclusion, where the research questions will be answered and the paper summarized, while also giving some additional thoughts on the topic.

Theoretical framework

In order to analyse my case and to eventually answer my research question, different theoretical concepts will be employed to do so. These concepts are “whistleblowing”, “legitimization process”, “government secrecy” and “citizenship”. All of those will be linked in order to provide a basis for analysis for the case of Edward Snowden in relation to my research question. This thesis describes and analyse the clashes between government secrecy and citizenship and whistleblowing as an expression of the struggle for citizenship against government secrecy. The theory on government secrecy will be used to analyse the reasoning and process of keeping governmental information secret, while the concept of citizenship and especially acts of citizenship is concerned with claiming rights as a citizen and in this case rights to information in contestation of this government secrecy. This is the field of tension. The concept of legitimization processes will be used to analyse the argumentations and self-presentations of the two sides in order to understand how they are sold to the public. To understand Snowden’s case better in the sense of whistleblowing itself, the concept whistleblowing was introduced. All these together will form the combined lenses to analyse the case study at hand.

Whistleblowing

The conceptualization of whistleblowing will be based both on Petra Burai’s “People behind Stories” and “Context, Process, and Interaction: Missing Elements in Common Conceptions of Whistleblowing” by Ralph S. Brower and Kaifeng Yang from the book “Frontiers of Public Administration”. Theoretical literature on whistleblowing is very rare, there are not many studies that analyse the process of whistleblowing and especially none that would see it as a tool of citizenship, but research mainly focusses on the personalities of whistleblowers and descriptions of their different options during the process. “People behind Stories” is focussing more on the description of the whistleblowing process, which is important for this research, because the whistleblowing process can be linked directly to process of legitimization of government secrecy as these processes are influencing each other. “Context, Process, and Interaction: Missing Elements in Common Conceptions of Whistleblowing” is an ethnographic review of different studies, that tries to put whistleblowing into context but also provides a broader view on it, as it also analyses the whistleblower itself and different other aspects.

The theories that will be used here are a representation of the current state of research on whistleblowing. Additionally, I will point out what is missing in order to understand whistleblowing as a tool of citizenship.

General concept of whistleblowing

There are many different definitions for whistleblowing. For this paper, the definition of whistleblowing will be a combination of Miceli and Near’s definition and Glazer and Glazer’s. Miceli and Near define whistleblowing as “the disclosure by organization members (former and current) of illegal, immoral, or illegitimate practices under the control of their employers, to persons or organizations that may be able to effect action”. It is worth stressing that the act, on which the whistle is blown, might be legal but seen as illegitimate by the whistleblower because the act is seen as being

“beyond the realm of the organization’s authority” (Brunai). The definition by Glazer and Glazer is included because Miceli and Near exclude the process of whistleblowing itself, like realizing that there is something going wrong and trying to solve it within the organization, while Glazer and Glazer include that a whistleblower should try first to “rectify the situation within the framework provided by the organization” (Ralph S. Brower, 2004) The act is deliberate, as the “whistleblower is seeking protection from retribution and/or seeks to redeem his or her professional identity”. (Brunai) Furthermore, the malpractice must be under the control of the organization that the whistle is blew one (Brunai). So my definition of whistleblowing is “the disclosure by one or more former or current organization members on illegal, immoral, or illegitimate practices after failing to solve the issue within the organizational framework to an organization or person outside of the organization in order to create awareness for the practice”.

Characterization of whistleblowers

Research on whistleblowers has shown that there is no definition possible about the inner-organizational intelligence of the whistleblower or character-traits like if a whistleblower acts selfless or in self-interest. What Brower and Yang found is that they are usually high performers within the organization, with an high professional moral or code of ethics. (Ralph S. Brower, 2004) Also, studies on whistleblowers show that they are most of the times no rebels, but it seems like whistleblowers are mostly patriotic and conventional. This seems like a strange insight, as patriotism is quite an abstract concept and is more something that you claim to be instead of some absolute state. That’s why the claim to be a patriot would much more belong into the field of legitimization, most likely to create trust so that the information the whistleblower makes public is heard. Brunai also shows different attempts to define the demographic characteristics of whistleblowers: mostly, whistleblowers are white males, in a traditional family with wife and children. Usually, they are highly educated. Whistleblowers mostly have powerful positions within their organization, as they have worked for their organization for three years or more on average. This position also enables them to initially speak out. Nevertheless, these characteristics are also the way they are because there are significantly less women or non-white people in powerful positions, and with powerful positions comes the information that is maybe worth leaking.

There are also findings about the motives of whistleblowers. Research showed that there are three categories of motives for whistleblowing. It is important to notice that in practice, these categories are interwoven. The categories are:

1. Conscience cleaning: preference to speak out about the wrongdoings than having to live with the knowledge, as this is contrary to the ethics and/or beliefs of the whistleblower
2. Welfarist motives: the assumption that the disclosure will lead to more improvement than damage
3. Desire to punish: the wish to sanction the superior and/or the colleagues for acting illegally or immorally

In addition to the above mentioned motives, it is important to say that research was not able to show which preconditions that are known to cause whistleblowing are actually initiating the act of whistleblowing. (Brunai)

The process of whistleblowing

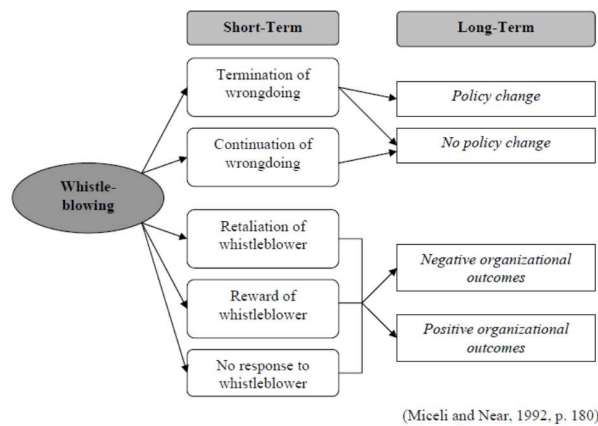
The existing literature on the process of whistleblowing suggests that the actual organizational position towards whistleblowing is very much defining how the process of whistleblowing is developing and if it even will take place. The assumption of the employee is that blowing the whistle will have negative consequences for one's career and that they will suffer from victimization within the organization. This is only different if the organization explicitly shows that they want wrongdoings to be reported and that they are willing to secure the reporter. Organizations that are not supportive about reporting wrongdoings are usually indicated by the choice to require proof of the illegal/illegitimate/immoral practice and therefore making it difficult. (Brunai)

So, if an employee is witnessing illegitimate, illegal or immoral practices, there are basically four options according to Brunai: (Brunai)

1. Remain silent
2. Speaking out within the organization
3. Sharing the information with organizations or persons outside of the organization
4. Anonymous leakage of the information

There are different variables that are thought about before blowing the whistle. First, it is very dependent on the nature of the witnessed malpractice. The scale and profoundness are very influential. Furthermore, the relationship towards the organization is of great impact. The organizational structures that the whistleblower is reacting to are usually dominated by hierarchy. Superiors tend to avoid change, as this might interfere with the business. One possibility of change is blowing the whistle, which is therefore throttled as much as possible. On the other hand, in hierarchical organizational structures, the consequences to such an act are clear, which makes it easier to calculate the risks and therefore even promote whistleblowing. In this line of argumentation, the act is more dependent on the ethical climate. So, eventually it comes down to the power structures of the organization and the expected reprisal. The safest option is obviously to remain silent, while speaking out within or outside the organization can lead to isolation as the whistleblower may be treated as a traitor. This leads to the consequence, that most whistleblowers remain alone after their disclosure, so that they have to fight their battle alone. But silence also has its costs, as the workplace might get paralyzed due to the consequences of the malpractice or has negative consequences for the rest of society due to a lack of transparency and accountability which in turn can lead to mistrust in public and private institutions. Brower and Young argue that whistleblowing might actually be the outcome of failed attempts to speak out internally, in their words a failure in the strategies of voice and end run, which leads them to speak out externally, also in order to seek revenge.

The most common consequence for whistleblowing is punishment and by name, being fired. A survey from 1999 investigating the fate of 230 whistleblowers in the USA and UK showed that 84% were fired after their disclosures. (Brunai) Even if some laws and inner-organizational regulations have changed, this indicator remains valid. The different possibilities after blowing the whistle and its consequences are nicely described in the figure below.



(Brunai)

Brower and Yang (Ralph S. Brower, 2004) show the possibilities after witnessing malpractice. They analyse the different reactions towards that issue in more detail. First of all, they show that there are two basic ways that the individual can choose: either to engage in order to change the situation or to detach. Furthermore, they also have the distinction between engaging within or outside of the organization.

Figure 1: A Two-Dimensional Taxonomy of Organizational Dissent

	Engagement	Detachment
Internal to the Organization	Voice Desistance Procedural Entrepreneurship	Footdragging Withdrawal "Lumping It"
External to the Organization	Leaks Engaging External Stakeholders Whistleblowing	Exit

(Ralph S. Brower, 2004)

The category of Engagement/ Internal to the Organization corresponds to the above mentioned "speaking out within the organization". The different strategies here are: (Ralph S. Brower, 2004)

- Voice: complaining towards individuals such as supervisors
- Desistance: refusal to comply with the orders of the boss due to moral concerns
- Procedural entrepreneurship: attempt to change the rules or practices without going through the bureaucratic requirements

The category of Detachment/External to the Organization is a more detailed version of the above mentioned "remain silent". The possibilities here are: (Ralph S. Brower, 2004)

- Footdragging: limiting the physical effort put into work and therefore decreasing quality and/or quantity of the output
- Withdrawal: detaching psychologically but also withholding relevant information or following orders in the knowledge that they are inefficient
- Lumping it: going along while waiting for a possibility to dissent

The category which is not involved in Brunai's analysis is Detachment / External to the organization. The strategy is exit, meaning to resign from the organization without taking action.

The final category is Engagement / External to the organization. This is corresponding with the “Sharing the information with organizations or persons outside of the organization” mentioned above. The difference is that Brower and Yang present multiple subcategories: (Ralph S. Brower, 2004)

- Leaks: anonymous leakage of information to an external person or organization that occurs one time in order to change the policy or practice
- Engaging external stakeholders: releasing information multiple times to an external actor with a shared interest in policy changes, who in turn protects the identity of the source
- Whistleblowing

An inconsistency from my point of view is that speaking out within the organization is described as “naïve” behaviour or “unthoughtful” behaviour, while, if the attempt to speak out within the organization is missing, the authorities will criticize the whistleblower for not having tried.

There are parts missing in the literature that are important when talking about whistleblowing. Therefore I want to add this here.

First and most important, the existing research on whistleblowing is too narrow. It looks at what kind of person would conduct whistleblowing and how technically a process like that would look like. It fails to describe whistleblowing in context. An act of whistleblowing can provide the basis for discussions of political issues that weren't accessible for the public before. This in turn is the foundation for many new movements and initiatives as well as changes in behaviour for citizens. Leaking classified information gives citizens the right to know, which is limited on the other hand by the power of the government and its' way of handling the information. Existing literature fails to describe that, its main focus is whistleblowing in a corporate context. What is pointed out are mostly characteristics and conditions but misses out on the societal meaning of what whistleblowing is. Without putting whistleblowing in a broader context, the possible political dimension of the act is missing. Pointing out the characteristics, like the fact that whistleblowers often claim to be patriotic is more about the legitimization of their claims than about whistleblowing itself. With whistleblowing in the state context, a person breaks the law in order to put more power in the hands of the public so they can fight for their rights. This is the case with the NSA-leaks, but is applicable to many other issues of government secrecy or wrongdoing.

In order to understand whistleblowing, it is important to realize that whistleblowing is an expression of power inequality, as the actor blowing the whistle is forced into illegality or other forms of repression like public blaming, bullying or getting fired. In whistleblowing, there are three major groups of actors:

- 1) the whistleblower and her/his supporters, like lawyers, publishers, or journalists
- 2) the organisation the whistle is blown on and its supporters, like the government, lawyers, journalists, and other kinds of authorities
- 3) the public the information is exposed to

Whistleblowing is seen in different ways, depending on which side you are on. In general it can be said that the organization the whistle is blown on sees whistleblowing as treason, as giving secret information from this organization to the public shows that the loyalty of the whistleblower is not

towards the organization but to her/his own agenda or the greater good, by name to inform the public. The public's opinion of whistleblowing is usually dualistic. Depending on the type of information that was given away, parts of the public also might view the whistleblower as a traitor to her/his country or the organization and therefore be discredited. The other part of the public puts the value of the information over the criminal act and therefore justifies it and often views the whistleblower as a hero for their struggle to check authorities.

In this thesis, it will be analysed how whistleblowing can play a role in reclaiming the authority to inform and be informed from superiors in the hierarchy. The moral obligation often leading to the act can be interpreted as the emotional gateway to the right to information defined rationally in the citizenship rights.

Government Secrecy (Thompson, Democratic Secrecy, 1999)

The next concept that will be introduced in this theoretical framework is the concept of "government secrecy". This concept is of great importance, as it rounds off what began with "whistleblowing", which can be seen to a certain degree as a reaction to government secrecy, of course under the precondition that the whistle is blown on a government organization. The conceptualization will be based on "Democratic Secrecy" by Dennis F. Thompson.

Basic to the concept of government secrecy is the following dilemma. The dilemma is about accountability within democracy, as "democracy requires publicity, but some democratic policies require secrecy", while this is not inherent to democratic policies but to certain policies independent of the political framework. The statement identifies two contradicting aspects of democratic governments. The first one would be that policies and processes by the government have to be publically accessible to enable the citizens to give their consent and checking the ones in power. The second is that for some policies and processes, the publicity would influence the possibility or the effectiveness of the policies and processes.

According to Thompson, another important aspect of government secrecy is the timespan for which it is being kept secret, as this has a big influence on the democratic accountability. This means that if a decision or process is kept secret for too long, the accountability is lost as the ones that decided are not in charge anymore.

In order to not fall short in terms of accountability, it is important to notice that first-order secrecy, meaning that a process or policy is being kept secret, needs second-order publicity, so that the decision why the process or policy in question was kept secret is publicly accessible.

When talking about secrecy, there are many different forms. Secrecy is more of a scale than a dualistic approach. The secrets we are defining in the following part are on the scale between being fully accessible by the public and being completely ceiled. Thompson uses the term "tacit silences" for those partial secrets. There are three different forms.

The first one is called "excuses and nonenforcement". It is referring to the discrepancy between conduct rules, thus the rules that tell citizens how to behave, and decision rules, meaning the way in which authorities interpret the conduct rules. To the citizens, only the conduct rules are known. This

is called acoustic separation. Due to this acoustic separation, citizens can have an impression of rules that is unrealistic, as the authorities interpret it in very different ways.

The next form of tacit silence is called “compelled silence”. This concept describes the practice by which authorities define a certain practice or behaviour as illegal, but require the practice to be kept secret. This means that the practice only becomes effectively illegal, if it is revealed. An example for that are former US president Bill Clinton’s “don’t ask – don’t tell” regulations about homosexuality in the army, where being homosexual is a basis for dismissal, but only if it is certain that the person is homosexual. This means, that homosexuals are accepted in the army, as long as they don’t let anybody know that they are.

The third form is “political hypocrisy”. What it describes is the difference between what officials tell to citizens on what they do and how they do it compared to what and how they actually do it. A special form of this is “institutional hypocrisy”. This is especially important in order to analyse the NSA and other organizations that Edward Snowden blew the whistle on. It is defined as the “disparity between the publicly avowed purposes of an institution and its actual performance or function”. Thompson himself noticed its special meaning for national security when he says that “in some – especially those involving almost any agency that can claim to be protecting national security – the institutional hypocrisy is often deeply deceptive”.

This is how institutional legitimacy is produced according to Thompson: by reducing the discrepancy between an institutions official purpose and the actual practices. This is also what Edward Snowden exposed with his leaks, as the NSA and other security agencies have the official purpose of securing the lives of the Americans, while having absolutely no democratic approval or official objective to conduct mass surveillance on its’ own citizens.

What is missing in this analysis is twofold. It is the link between government secrecy and legitimacy. For the public, to accept government secrecy, it is essential to trust the politicians to not abuse that power. If secrecy is a principle of its own and develops an own dynamic, like in the case of the secret services in the US, it becomes highly unlikely, that relevant secrets will be revealed to the public in time and that wrongdoings are admitted. Also, the clash with citizenship is not named and if talked about, too superficial. Government secrecy can form a threat to the functioning of a democratic society, if the citizens don’t have the relevant information to defend their rights or make rational choices.

Legitimization Process (Cathryn Johnson, 2006)

This section will be based on the article “Legitimacy as a Social Process” by Cathryn Johnson, Timothy J. Dowd and Cecilia L. Ridgeway. This article is dealing with legitimization from an sociological point of view, drawing from research on social psychology and organizations. This article was chosen as the basis for this section, because it summarizes many other researches on the topic and gives a profound insight into the process of legitimization, which will be used to analyse the process of legitimization of government secrecy and its’ contestation, as well as the legitimacy produced by whistleblowers, or in this case Edward Snowden. Legitimacy in the context of this paper is mostly interchangeable with acceptance. Snowden claims that he should be allowed to leak the documents in order to give the public what they need to defend their rights, while claiming that the government practices aren’t

legitimate or aren't allowed. In order to make the public and the government accept his claim (=view his claim as legitimate), he has to legitimize himself as a person and his actions, which is why many interviews are more about his person than what he is actually trying to do. The same is true in the opposite direction for the government. The government tries to undermine Snowden's attempt to legitimate his person and actions with various accusations, while they try to legitimize their own doing (the surveillance practices and the accusations against Snowden) in a struggle for public support. Legitimacy is interwoven with citizenship, as the struggle for a right is only possible with public acceptance and support of the claim.

Legitimacy as a concept is used in many different fields and contexts, which is why there are many different definitions out there. The definition of legitimacy that fits the most with the objective of this paper and that is stressing the aspects that are important when talking about government secrecy and whistleblowing comes from Suchman. He describes legitimacy as a "generalized perception or assumption that the actions of an entity are desirable, proper or appropriate within some socially constructed system of norms, values, beliefs and definitions." This definition is helpful, especially because it stresses that the entity is perceived as desirable, proper or appropriate, which is important when talking about whistleblowing, as this perception seems not to be present for the whistleblower. This is what makes this definition important when talking about the process of legitimizing whistleblowing as a struggle for citizenship, but also when looking at the process of legitimization of government secrecy. The article describes different types and definitions of legitimacy, but I find it more useful to view them as elements in the process of legitimization, because all of them together can show the aspects of the process. Seen individually as definitions, it is a description of what is or might be happening, while if seen as a process, the definitions become a tool for analysing ongoing processes and strategies. Legitimization is not something measurable in itself, so in order to analyse it, looking at the processes of legitimization develop over time gives deeper insights about how the actors struggle to get their claims accepted.

Suchman continues his definition with the following: "“when one says that a certain pattern of behaviour possesses legitimacy, one asserts that some group of observers, as a whole, accepts or supports what those observers perceive to be the behavioural pattern, as a whole – despite reservations that any single observer might have about any single behaviour, and despite reservations that any or all observers might have, were they to observe more.”"

This addition is especially important when talking about the legitimacy of government secrecy, which might be derived from the assumption that if nobody complains, the pattern of action is legitimized. This can be seen as the status quo before the Snowden revelations, as this can be seen as the part of the process, when the NSA and other organizations acted based on the premise that what they did was legitimate as nobody was opposing it.

When talking about the production of legitimacy for government secrecy and with relation to the case of Edward Snowden for government secret services, there are a few more thoughts on legitimacy that might be helpful to understand it.

Ridgeway & Berger are bringing up the theory that actors have "referential beliefs about a social category or types of people". Those referential beliefs can be stimulated through an actor, which leads the initial actor to have expectations. If the other actor actually becomes influential for example, and this corresponds with the expectations, the rest of the actors will show signs of acceptance, which

legitimizes the influence of the actor. This might be the way the US government and their secret services establish legitimacy, as people expect the government (even though not necessarily positive) to have enormous technological resources, to do surveillance, to act hard on “terrorists”, that if it comes to the public attention, it is accepted and therefore legitimized through the expectations of the citizens. In combination with the above described absence of complaints, this is how the US government and its secret services engage in the process of legitimization, as playing the card of saying that their actions are exactly what people expect of them (like fighting terrorists) can legitimize actions and its very own existence, as well as counter arguments and questions raised about it.

Richard Scott also brings up some points that are very important in order to understand the process of legitimization of government secrecy, or at least it is possible to fit it within that context. He states that “organizations need more than material and technical resources to remain viable, they also need ongoing cultural endorsement”. This means in this case, that it is not only important for secret services to have for example a huge budget and the highest technological standard, but also have to stimulate cultural support for their actions, which happens with references to necessary security measures and terrorist threats. This context of cultural endorsement is created by creating the necessary fear of terrorists and chaos, that legitimize the existence of extensive budgets for secret services and their surveillance and other programs. This is a necessary step in the process of legitimization on the government side, as this is what the argument of referential beliefs for example builds on later by stressing that they are expected to act on those perceived threats.

Furthermore, he states that there is a form of legitimacy called “regulative legitimacy”. This type is defined by actors that have sovereignty over the organization in question and can therefore define the legal limitations and processes within that organization with certain “requirements and sanctions”. Therefore, by legally allowing or not challenging the practices of secret services like the NSA and providing the budget, the US government, which is a legitimate actor for its citizens as it is chosen by the latter, provides legitimacy for the actions of these secret services. One could also say that this leads to acceptance by the public. It is part of the process of legitimization as it is a step after the ones described above: all the programs are already in place and working, the cultural framework is created et cetera, but now the last doubting citizens are convinced, because if the secret services don’t do it themselves, at least the parliament will check those programs and if they don’t stop them, the actions are perceived as legitimized by the public.

Another form of legitimacy that he defines is important for the contestation of the form of legitimacy named above. This form of legitimacy is called “normative legitimacy” and is employed by actors who define “what is morally desirable”. By referencing to the dangers of limiting the constitutional right for privacy and to the consequences of this path, actors claim a normative legitimacy that challenges the regulative legitimacy. This can be seen as the point of origin for the process of legitimization on the side of Edward Snowden, as from this legitimization, the normative statement that it ought to be a more just system that has to be checked better by elected institutions, his journey as a whistleblower started and it is also the main starting point in his argumentation of why he did it.

The legitimacy of a social object does not necessarily stay this way. It might be challenged by new practices. One possibility for that is that the internal hierarchy of an organization gets challenged by an authority outside of that organization, for example if an actor thinks that bad work is done and therefore stops supporting the organization with resources. Most of the times, the delegitimation

begins with a change in the cultural framework that supports the social object. This is where the influence of for example whistleblowing might become evident.

So the process of legitimization used in this paper consists of the following. Cultural endorsement is created first to implement certain programs. No opposition towards those programs leads to a perceived legitimacy, further supported by the regulative legitimacy. This legitimacy can be opposed by normative legitimacy and a change of the cultural framework that supports the original structure of organization. Referential beliefs play an important role in both sides of the process, as they reinforce certain aspects and expectations.

Citizenship

In the following, the concept of citizenship will be explained. This section is drawn from many different articles on citizenship from different subsections of anthropology. The guiding article will be “Citizenship in flux: The figure of the activist citizen” by Engin F. Isin. The general aim is to display the anthropological view on citizenship by describing the processes of claiming citizenship and citizen rights.

In political theory, citizenship is viewed as a set of practices with a special focus on participating in policies. The ancient Greeks saw the political participation of citizens as a means for creating a sense of community, which is a basis for political life. Aristotle called this concept ‘concord’. Therefore, they didn’t mediate the participation through voting, but through speech and deliberation. Citizenship is not a status, citizenship is practice. (Lazar, 2015)

First, in order to talk about citizenship, it must be defined. In this thesis, Isin’s definition of citizenship will be used, which is the following:

“Citizenship is a dynamic [...] institution of domination *and* empowerment that governs *who* citizens (insiders), subjects (strangers, outsiders) and abjects (aliens) are and *how* these actors are to govern themselves and each other in a given body politic”. (Isin, 2009)

It is very important to stress that citizenship in Isin’s definition is not about membership, but a relationship that governs the conduct across the limits of one social group. Also, this definition is interesting to use for the clash between government secrecy and citizenship, as it views citizenship as an institution with both the possibility for domination and empowerment, and that it is dynamic and therefore formable due to acts. Isin stresses becoming a citizen is either assimilation to the code of conduct of the insiders or contesting these and thereby adjusting them.

Typically, citizenship rights are split up in three dimensions based on Marshall: civil, political and social rights. Civil rights define the range of actions for the individual in civil society. Political rights define how a citizen may participate in politics. Here, the membership aspect is important, as only people who hold the status of a citizen may shape the laws. Social rights are welfare rights. (Graham Murdock, 1989) These categories are not what will be used in this thesis. When talking about rights, Isin bases her theorization on rights on Nietzsche, who sees rights as relations. If a site is inaccessible to a certain group of people, it is their obligation to claim this citizenship right on the basis of justice against dominant citizen of that site. (Isin, 2009) The right to information, which is the right that whistleblowing is concerned with, is part of the civil rights, which include the “freedom of speech,

freedom to associate and assemble, access to education and health, and in some cases, the right to vote". (Tanya Basok, 2006)

There are many different struggles for citizenship rights, be it schools that provide more accountability towards the parents, promoting community development by the means of social action funds, movements based on the development of rights and other citizen engagement. In the struggle for more accountability and transparency of governments, citizen advocacy groups and NGOs are important actors. Whistleblowing can be seen of one of those struggles. When looking at how states make citizens and how citizens make themselves as political subjects, anthropologists found that citizenship is highly influenced and defined by claims-making by individuals or households. (Lazar, 2015)

As this thesis is about the struggle for citizen rights, Isin's view on how to analyse claims to citizenship or citizen rights is very interesting. Isin analyses in the categories of sites, scales and acts. Rights have different categories like social or ecological and are defined as the "substance of citizenship". Claims to citizenship that make an argument of justice are what makes rights (and obligations) the substance of citizenship. Sites are the areas of struggle, where or around which an issue is located. This can be a court but also one's body or the media. Scale is the scope for which the struggle around the site is applicable or valid. Examples of scale might be that the claim is regional or international. Acts can be voting or volunteering, but also resisting and organizing, but will be defined more thoroughly in the next paragraph. Isin stresses that sites and scales are dynamic, which form by the means of contestation.

The focus of this paper, as the case study is about Edward Snowden and the NSA-leaks, is on acts of citizenships. Isin defines that as follows:

" We can define acts of citizenship as those acts that transform forms (orientations, strategies, technologies) and modes (citizens, strangers, outsiders, aliens) of being political by bringing into being new actors as activist citizens (that is, claimants of rights) through creating or transforming sites and stretching scales. " (Isin, 2009)

In order to talk about acts of citizenship, one has to first talk about acts itself. Therefore, Isin quotes Ware's six conditions for something to be called an act, which I will paraphrase in the following:

1. acts indicate a doing
2. acts are conducted by people
3. acts follow an initial decision to do so
4. an act is not limited to a specific defined space
5. acts are defined by results, must be finished to be seen as an act
6. continuation is part of the act, besides its start and end moments

Isin defines four "considerations" for acts of citizenship. The focus on acts when thinking about citizenship points to the fact that what makes one a citizen is to disrupt the status quo and challenging the existing order, it is claiming justice.

The first consideration is that acts are only acts of citizenship if the act let's subjects act as citizens. This means that the one conducting the act doesn't need to (and is even unlikely to) be a citizen but has to claim (citizen) rights. Second, struggle creates new struggle. If a right is claimed by an act, this act will lead to new contestations. Third, acts of citizenship are not limited by territory because acts go

beyond one scale of struggle. Fourth, according to Isin, the focus on acts means that what one is looking for is not what people say but what people actually do. Nevertheless, in my opinion saying something is a form of acting, especially when seen in the light of our information society.

As an addition to that, it is important for analysing an act to look at where and how sites and scales are overlapping or connected. Acts should give starts to other acts. A fundamental part of that is that it doesn't only claim something specific but claims "the right to claim a right". It is furthermore important to notice that acts of citizenship are not and maybe cannot be defined by the accepted consensus of citizenship. Voting is not an act of citizenship, an act of citizenship makes a difference by challenging something that makes up citizenship.

In order to understand acts of citizenship, Isin defines three principles for analysis: The first principle for understanding acts of citizenship is to analyse them by their outcomes and their reasons. The distinction between activist citizen and active citizen is made: an active citizen engages in the framework of existing rules while the activist citizen tries to add or challenge the rules.

The second principle states that acts result in actors that become "*answerable to justice*", which tries to say that they contribute to more than their own struggle on a just cause.

The third principle for the theorisation of acts of citizenship is that the act must not necessarily confine with the law or be enacted based on a law.

These tools for analysis, the way to look at an act of citizenship and to see citizenship as a process of claiming rights, is how the case will be analysed. Snowden's leak can be seen as a claim to the right to speak out against authorities, even if that means doing something illegal to accomplish that. It is also a claim to the right for information for the public. But in further detail, this will be brought forward during the case study.

As the NSA leaks are centred around informing the public, I will present a short overview on the relation between citizenship and information.

There are three major relations between citizenship and information: (Graham Murdock, 1989)

1. people must have access to information so they know what their rights are and can use them in their advantage
2. the information must be as diverse and broad as possible in order to be able to make political decisions and must have access to means of communication in order to be able to voice criticism
3. must find themselves in the representations that communication companies or institutions offer and given the opportunity to participate in those

Access to communication and information is a fundamental part in being able to exercise citizenship nowadays. Murdock points to the fact that government pressure on media has increased. This has led to a decrease in investigative and independent journalism. The government is trying to promote what they are doing and hinder negative information to get to the public. He puts it like that:

"Clearly, if governments are in the business of positively promoting their own perceptions and interpretations of policy developments while increasingly engaged in a war of attrition with

independent media and research, the accessibility of a range of information sources becomes socially and politically vital for citizens.” (Graham Murdock, 1989)

Whistleblowing as an act of citizenship in legitimization processes

This thesis is concerned with whistleblowing as an expression of citizenship against government secrecy. In order to make this visible, I will look into the legitimization processes of both sides, that means I will look into the processes of how the actors try to get their claims accepted. Whistleblowing arises from a power inequality, as it is basically a feature of the hierarchical organizational structure, or better, a failing or shortcoming of such. The power inequality is existent in form of unequal access to information but also in the form of fear of retaliation for criticism that goes up the command chain. Due to this, some actors might feel the need to overcome this inequality by spreading certain information outside of an organization, as then the public will (depending on the case) protect the whistleblower and punish the ones responsible for the wrongdoings that the whistle was blown on. Whistleblowing is a radical act that will be analysed in terms of its contribution to citizenship struggles. The framework presented here is unique, as it puts whistleblowing in a broader societal context as a tool of citizenship struggle, which adds the possibility to understand political and societal implications of the act of whistleblowing. By connecting the theories, and also including the side of government secrecy, a holistic framework is created that forms an actual tool for analysis for the case presented in the next chapter and therefore helps to understand it. Classical whistleblowing literature would only allow for analysis within the organizational context, which is unrelated to a social and political issue like mass surveillance. Also analysing the person of the whistleblower only adds to the understanding in the context of legitimization processes, where it can actually play a role in the process of whistleblowing due to the fact that the whistleblower must have certain characteristics to be accepted by the public.

My perspective on whistleblowing in the analysis is focused on the process of how to reclaim the authority over information for the benefit of the public against the interests of the ones in power. This is mirrored by the state or state agencies that try to control the access to information for various reasons. The struggle for the acceptance of a claim by both actors on the side of the whistleblower or the side of the government manifests itself in the legitimization processes they employ to support their claims or positions. The most relevant actors in this process are the public, the state and the whistleblower. These are the actors in the legitimization processes. The processes of legitimization affect citizenship, as by changing or influencing the acceptance for certain ways of governing, citizens will push actively for changes to adjust the governing to their view on what they perceive as legitimate. This is where whistleblowing influences citizenship, as the information released by a whistleblower can change the acceptance of certain laws and practices or start a public debate on an issue and by doing so, activate citizens to fight for policy changes.

In order to analyse that, the Snowden Case will be presented and the theories shown here will help to understand how the clash between government secrecy and citizenship takes place, as well as how the legitimization processes of Snowden and the government are structured as a part of citizenship struggle.

Case Study: Edward Snowden and the NSA-leaks

“When the decisions that rule us are taken in secret, we lose the power to control and govern ourselves”

-

Edward Snowden

The following chapter will be the case study on Edward Snowden. This case was chosen because it is a recent case of whistleblowing with lots of echo in the media, which is why it can be used to describe the clash between citizen rights and government secrecy, but especially which role whistleblowing plays in it. I will start by giving background information on Snowden as well as the actors that play a role in the case, then I will move on to describe the case chronologically. Sources for the case study will be different news outlets and websites, who reported on the NSA leaks, but also the movie “Citizenfour”, which presents the process of the Snowden leaks very intimately from the beginning as Snowden personally chose the filmmaker to document his case and the book “The Snowden Files – The Inside Story of the World’s Most Wanted Man” by Luke Harding (Harding, 2014). The case will be analysed by the theoretical framework described in the chapter before.

Actors

The Snowden Case has three categories of actors, that are divided into two camps. The three categories are: Snowden/supporters, NSA and the intelligence community and government officials, and the public. These categories are divided into the camp of either Snowden supporters on the one hand or those in line with the government argumentation on the other hand. Counting to the camp of Snowden’s supporters are WikiLeaks, The Guardian and especially Glenn Greenwald, The New York Times to a certain degree, Der Spiegel, Laura Poitras, who made the movie “Citizenfour”, internet organizations like the EFF and supporters worldwide. The government side has the NSA and the majority of the intelligence community, Obama and his administration, media outlets like Fox News and tendentially more conservative news, foreign allied intelligence organizations like the GCHQ and parts of especially the American public.

Background

Edward Joseph Snowden was born in North Carolina on June 21, 1983. (Ray, 2016) He was the son of a former Coast Guard officer and his mother, who works as chief deputy clerk for administration and information technology at the federal court in Baltimore. Snowden is a high school drop-out. He studied computer science at Anne Arundel Community College in Arnold, Maryland. (Biography.com Editors, 2016) Snowden never received a college degree. (Ray, 2016) In between May and September 2004, he was in the special-forces training of the Army Reserves, which he did not complete. Snowden found a job as security guard at the University of Maryland’s Centre for Advanced Study of Language. The university has connections to the NSA and by 2006, he had worked himself up into an information-technology job at the Central Intelligence Agency. (Biography.com Editors, 2016) He received top

secret clearance and was sent to work in Geneva in 2007. He worked as a network security technician, for which he had a diplomatic cover. (Ray, 2016) After being suspected of an attempt to break into classified files, he left to work for private companies in 2009. His first company was Dell, which sent him to Japan, where he worked as a subcontractor in an NSA office. Afterwards, he was sent to Hawaii, where he switched quickly to Booz Allen, a tech consulting firm with ties to the NSA. This employment lasted three months. (Biography.com Editors, 2016) He later stated with the South China Morning Post, that he had taken the job with the intention to find out more about secret NSA activities. (Ray, 2016)

Timeline

In **December 2012**, Snowden started making contact with Laura Poitras via encrypted emails under the pseudonym Citizen Four. The first contact made reads as follows:

“Laura, at this stage I can offer nothing more than my word. I am a senior government employee in an intelligence community. I hope that you understand that contacting you is extremely high risk, and you are willing to agree to the following precautions before I share more. This will not be a waste of your time. The following sounds complex but should only take minutes to complete for someone technical. I would like to confirm out of e-mail that the keys of exchange are not intercepted and replaced by your surveillance. Please confirm that no one has ever had a copy of your private key and that it uses a strong passphrase. The sooner your adversaries is capable of three trillion guesses per second. If the device you store the private key and enter your passphrase on has been hacked it is prevailed to decrypt our communications. Understand that your both steps are not bullet proof and are intended only to give us room to breathe. In the end, if you publish the source material, I will likely be immediately implicated. This must not deter you from releasing the information I will provide. Thank you and be careful. Citizen Four.” (Poitras, 2014)

The fact that she was on the secret government watch list in 2006 herself was the reason why Snowden chose her. In another anonymous email, he said that

“ You asked why I picked you. I didn’t. You did.

The surveillance you’ve experienced means you’ve been “selected” – a term which will mean more to you as you learn about how the modern SIGINT system works.

For now, know that every border you cross, every purchase you make, every call you dial, every cell phone tower you pass, friend you keep, article you write, site you visit, subject line you type, and packet you route is in the hands of a system whose reach is unlimited but whose safeguards are not. Your victimization by the NSA system means that you are well aware of the threat that unrestricted secret police pose for democracies. This is a story few but you can tell. “ (Poitras, 2014)

During his employment at Booz Allen Hamilton, Snowden started gathering classified information. While he was working in Oahu, Hawaii, he started to realize which scale the programs of the NSA had in terms of spying on American citizens by the means of intercepting phone calls and analysing internet use. This led him to start copying top-secret documents, which included information about domestic surveillance conducted by the NSA with programs like PRISM, which was used to spy on millions of Americans. About his motivations, he stated: ““I'm willing to sacrifice [my former life] because I can't in good conscience allow the U.S. government to destroy privacy, internet freedom and basic liberties for people around the world with this massive surveillance machine they're secretly building”. (Biography.com Editors, 2016)

After collecting enough documents, he told his employers that he was diagnosed with epilepsy and therefore needed to leave work for medical treatment, Snowden flew to Hong Kong on **May 20, 2013**, leaving behind his girlfriend Lindsay Mills, who had no idea of his plans. There he met up with Laura Poitras. (Biography.com Editors, 2016) He also met up with Glenn Greenwald, a British journalist working for The Guardian, who Laura Poitras brought in on Snowden's request.

On **June 3**, Poitras, Glenn Greenwald and Snowden are preparing the first story to be published based on Snowden's leaks. Greenwald wants to find out background information by asking Snowden questions. He asks Snowden about his motivations for the leaks, to which he answers: "For me, it all comes down to state power against the people's ability to oppose the power". He goes on that he couldn't further get paid for amplifying this state power, as, if there would be a change of policies, no one could oppose it due to lacking of technological understanding of the programs. One other reason he names is that Obama further advanced strategies that he promised to stop or limit. In 2007, Obama promised that there would be "no more ignoring uncomfortable rules" and that the president is subject to those rules. (Poitras, 2014)

The first press release was on **June 5**, when The Guardian made secret documents public that showed the Foreign Intelligence Surveillance Court pressuring Verizon to give them daily access to metadata on their American customer base like dialled numbers and duration of calls. (Ray, 2016) (Biography.com Editors, 2016) Verizon was not allowed to tell the public about this or any request for customer records. (Lyon, 2014)

On **June 6**, The Washington Times and The Guardian published their first big piece on a NSA surveillance program, namely PRISM. It is a data-mining program which was used by the NSA and the Federal Bureau of Investigation (FBI) to get direct access to the servers of Google, Facebook, Microsoft and Apple, as well as other relevant companies. (Ray, 2016) (Biography.com Editors, 2016) The Government Communications Headquarters (GCHQ - the British equivalent to the NSA) used a similar program called Tempora, which went even further. In both cases the encryption and privacy controls were bypassed with the help of the companies. Those secret services secretly tapped the undersea cables and other networks. These abilities were called "Upstream". (Lyon, 2014) This means that those organizations managed to get real time information on millions of American citizens but also on people of other nationalities worldwide. (Biography.com Editors, 2016) The database that allowed for the extraction is called "XKeyscore". The stakeholders in this are government agencies, private corporations and the normal users. At this point, it might be worth noticing that information gathering in the US is a gigantic business worth more than 70 billion USD per year, involving different universities and internet companies as well as outside contractors like Booz Allen Hamilton, for whom Snowden worked. Also important to know is that the gathering of metadata – the data about data, like the subject of an email, duration of calls, etc – was declared legal in the aftermath of 9/11 under the name "Section 215 Bulk telephony metadata program". (Lyon, 2014) What this actually means for the workings of investigations is described by Lyon:

" Big Data reverses prior policing or intelligence activities that would conventionally have targeted suspects or persons of interest and then sought data about them. Now bulk data are obtained and data are aggregated from different sources *before* determining the full range of their actual and potential uses and mobilizing algorithms and analytics not only to understand a past sequence of events but also to predict and intervene *before* behaviors, events, and processes are set in train." (Lyon, 2014)

June 9, Snowden took responsibility for the leaks, as he believed what he did was the right thing to do. The Guardian and The Washington post didn't reveal their source before. (Ray, 2016)

On **June 14**, the US government reacted to the publications by pressing federal charges against Snowden with the accusations of "theft of government property" and two points from the Espionage Act: "unauthorized communication of national defence information" and "wilful communication of classified intelligence with an unauthorized person". These laws were only used three times since 1917, but since Obama became president, it was used 7 times by June 2013. (Biography.com Editors, 2016) The Department of Justice (DOJ) with Attorney General Eric Holder tried to convince Hong Kong to turn over Snowden, which the government of Hong Kong refused. (Ray, 2016)

The same day, Snowden revealed that the NSA has been hacking targets in Hong Kong and China since 2009. These targets were businesses, public officials and Chinese Universities. (Lam, 2013)

On **June 17**, the Guardian published a story based on the leaks that confirmed spy activities during the G20 summit in London 2009. GCHQ had set up fake internet cafés in order to observe the email traffic of delegates and gain login information. Furthermore, GCHQ has penetrated the BlackBerry security systems, so that they could eavesdrop on phone calls and text messages. 45 analysts gathered live information on contacts between delegates and also between delegates and their government. Special targets were the delegates of Turkey and South Africa. During the G20 summit of finance ministers in September 2009, the same happened. This time, the information about phone calls was projected on a 15m2 wall at GCHQ's operation centre live in time. The information was used to provide the British negotiators with insights and was granted or even demanded by the top level of prime minister Gordon Brown's government in order to have an advantage during the negotiations. The goal was clearly political and not directed at fighting serious crime or terrorism. (Ewen MacAskill N. D., The Guardian, 2013) This can also be seen from GCHQ's documents:

UK TOP SECRET STRAP1



What are our recent successes?

BlackBerry at G20

Delivered messages to analysts during the G20 in near real-time.
Provided timely information to UK ministers.
Enabled discovery of 20 new e-mail selectors.



mobile

TOP SECRET STRAP 1

Real Life Stats from GPRS work

- [Redacted]
- [Redacted]
- Diplomatic targets from all nations have an MO of using smartphones.
- Exploited this use at the G20 meetings last year.

[Redacted]

TOP SECRET STRAP 1

GCHQ



TOP SECRET STRAP1



Economic crisis *[edited for classification]*

Sigint continues to provide **occasional high-value, sensitive and timely reports**.

More strategically, a key focus for the Prime Minister is the **G20 heads of state meeting** in London on 2 April. He is determined to use the meeting to make progress on two objectives:

- to coordinate the global economic recovery to avoid the recession becoming a depression
- to agree the way forward on strengthening global economic governance and achieving reform of international financial institutions.

The GCHQ intent is to ensure that intelligence relevant to HMG's desired outcomes for its presidency of the G20 reaches customers at the right time and in a form which allows them to make full use of it.

5 of 7



TOP SECRET STRAP1

(GCHQ, 2013)

Meanwhile, the NSA managed to intercept an encrypted satellite phone call by former Russian president Medvedev from London to Moscow from their RAF Menwith Hill base in England. This was only hours after Obama met Medvedev to talk about how to handle the financial crisis and about the progress of nuclear disarmament. (Ewen MacAskill N. D., 2013)

Snowden stayed in hiding for another month, before he asked for asylum in Ecuador. (Biography.com Editors, 2016) Snowden received help from WikiLeaks, but on his way to Ecuador his passport was annulled, which is why he was stuck in the international transit zone of the Sheremetyevo airport in Moscow for about a month. (Ray, 2016) (Biography.com Editors, 2016) While the USA tried to transfer Snowden so they could prosecute him, Russia denied those requests. Snowden was seen in many different ways, but mostly there were people seeing him as a traitor that should be prosecuted on the one side and his supporters on the other, who managed to put a petition online to pardon Snowden, which had already 100.000 signatures in late June.

After applying for asylum in more than 20 countries, the following month, Venezuela, Nicaragua and Bolivia offered Snowden asylum, but he chose to stay in Russia, where was granted temporary asylum, if he would stop "bringing harm to our American partners", as Russian president Putin puts it. (Ray, 2016) (Biography.com Editors, 2016)

In **October 2013**, the New York Times wrote that Snowden had passed on all the NSA files to the journalists he met up with in Hong Kong. He didn't keep a copy for himself as he says that it "wouldn't serve the public interest" to take the files with him to Russia.

Snowden requested clemency at the US government, which was rejected in November. (Biography.com Editors, 2016) In **August**, Obama created an independent panel with above mentioned US Attorney General Eric Holder to analyse the legality of American surveillance programs. (Ray, 2016) (Biography.com Editors, 2016)

In **December**, the results were published, which advised to stop the mass collection of telephone records. Furthermore, the report recommended better oversight over a variety of programs, such as eavesdropping on allied foreign leaders. Obama partly followed up on those results, but the practices of the NSA continued to be the content of many battles between intelligence organizations and supporters of privacy. (Ray, 2016)

In **March 2014**, the US military stated that Snowden's leaks may have caused damage to security that costs billions to repair. (Biography.com Editors, 2016) Snowden states that he is aware of the fact that some documents he stole have the potential of causing harm to people or methods, which is why he is not displaying them. Also, this is the reason why he publishes his documents via journalists so that his own bias is reduced. (Poitras, 2014)

The Washington Post and The Guardian won the Pulitzer Prize for public service due to their reports of the NSA leaks in **April 2014**, which was understood by Snowden as support for his actions. (Ray, 2016)

During an Interview with NBC News in **May 2014**, Snowden stated that he used to work as an undercover spy for the CIA and the NSA, which was denied by the NSA. He also defines himself as a patriot. His analysis of the results of his leaks is that he opened a debate about surveillance and has helped to fight for the rights of the citizens, so that they won't be violated in that way in the future. (Biography.com Editors, 2016)

In **August 2014**, Snowden received a three-year residence permit, which could be extended. He is also allowed to leave Russia for up to three months. After five years, he is allowed to apply for Russian citizenship. (Ray, 2016)

The story of those leaks have deeply divided the public opinion of the US and also had certain more measurable impacts. An impression on how divided the American public is on the topic of Edward Snowden is presented by a Reuters poll. This poll, even if the meaningfulness might be limited due to only 645 people asked, shows that 23% of the surveyed said that Snowden was a traitor, while 31% viewed him as a patriot. 46% chose for the answer "don't know". Furthermore, 35% thought that Snowden should not face charges, opposed by 25% who wanted him to be prosecuted without any clemency. 40% of the surveyed said they did not know. In terms of the surveillance programs itself, 45% thought that the surveillance is acceptable under some conditions, while 37% said that a program like that is completely unacceptable. 6% stated that they have no objections. (Sullivan, 2013) The reactions around the globe were just as divided. In Hong Kong, there have been rallies to support Snowden, catalysed also by his revelations on the NSA spying attacks on China and Hong Kong. Right after the revelations, the UK has officially warned airlines to not let Snowden fly into the UK, which

allowed a first glimpse on the struggle for asylum that Snowden faced later on, when most of the 27 states that he asked for refugee declined his request. (Whoishostingthis?, No Date)

Snowden's leaks had also various effects on intergovernmental relationships between the USA and other countries as well as within those countries. When Snowden made public that the NSA was spying on the Brazilian president Dilma Rousseff, she cancelled a state visit to Washington. The scandal also paved the way for Brazil's "internet constitution", which defines the rights and duties of business, politics and consumers so that the internet will stay "open and decentralized" (Whoishostingthis?, No Date)

In the UK, the leaks have led to a unique situation in history: The country's secret services like MI5, MI6 and GCHQ had to answer questions about security and intelligence practices before parliament, with a special focus on checks and balances for agencies, wiretapping and the impact of Snowden's leak. Nevertheless, the hearing was criticised for being inadequate and not appropriately addressing the damage to public trust in those agencies and especially not following up on those questions with enough emphasis. A spokesperson of the Open Rights Group comments this as follows: "By concentrating on generalities the ISC [The Intelligence and Security Committee of Parliament] failed to bite, which is extremely worrying as their main argument is that oversight makes us safe." (Walker, 2013)

In terms of business, the leaks have also had an effect. After the fact became public that the NSA was spying on Chancellor Angela Merkel, the German government terminated the contract with Verizon, which was working with federal agencies in Germany. Snowden's documents showed that these telecommunication companies were used by the US government to access data worldwide. Verizon stressed that they followed the data protection laws of Germany. (Whoishostingthis?, No Date)

Also in the aftermath of spying on the Brazilian president Rousseff, Brazil dropped their negotiation with Boeing, which should supply the Brazilian army with 36 jets until 2020 with a volume of 4.5 billion USD. Although many reasons were given for ending the contract, a source in the Brazilian government stated that "The NSA problem ruined it for the Americans", which seems likely due to the quick decision to stop the negotiations after such a long time. (Whoishostingthis?, No Date)

There were more indirect consequences of the leaks. India ended their collaboration with Google, which meant to improve voter registration. In China, the American telecommunication company Cisco faced a 10% decline of their router sales. Furthermore, the government of China views the iPhone as undermining national security efforts as it tracks the location of its users. The planned purchase of Vodafone by AT&T was threatened to be blocked by European regulators as a consequence of the leaks. (Whoishostingthis?, No Date)

The upcoming industry of cloud storage has lost the trust of many users due to the revelations about the PRISM program. US cloud providers lost 10% of their customer base after the leaks and the loss over the next 3 years is projected to account for 35 billion USD. A survey by the Cloud Industry Forum researched 250 UK senior IT staffers and business executives over a four-year period, looking partly for the connection to the leaks and found that 1/3 of the surveyed have adjusted their security measures for data due to the leaks and 17% changed where the data is stored. 59% didn't feel comfortable or felt very uncomfortable with storing corporate data in a cloud. (Wolpe, 2014) The Guardian even states that as a reaction to the Snowden revelations, 86% of American internet users changed their behaviour

online in order to secure their privacy. (Doctorow, The Guardian, 2014) These developments gave rise to a boom for companies concerned with encryption and data security, for example a number of email providers.

The last part about Snowden's impact will be about the consequences for the US Department of Defense, as most critics point to the dangers for security when talking about the NSA-leaks.

In 2014, the Department of Defense (DoD) report on Snowden was published under the title "DoD Information Review Task Force-2: Initial Assessment, Impacts Resulting from the Compromise of Classified Material by a former NSA Contractor". The report does not give much information, as there were only 12 of 39 pages declassified, and the information in those pages was heavily adjusted. In terms of damage, the report states that the leaks caused a "staggering" and "grave" damage but doesn't support that with any numbers or details. A little more precise is House Intelligence Committee Chairman Mike Rogers, who said that the leaks endangered the four major branches of military. He furthermore said that Snowden took 1.7 million documents. Snowden says that there is no way to know how many documents are taken. Also, nobody can prove that Snowden passed the documents on to a foreign power, which makes all those claims speculations. (Whoishostingthis?, No Date)

The above mentioned effects of Snowden's leaks show, that the public is very divided about how to see Snowden. It shows also, that there is indeed a damage to the US, but that it is a political and economic one, while it remains unproven if it caused any damage in terms of security. Nevertheless, it also becomes evident that many actors, like governments and companies, but also individuals, reassessed and adjusted their behaviour due to the leaks. This shows that the information was used and in some cases changed the view and/or behaviour of actors, which supports the claim that whistleblowing indeed contributes to citizenship struggle.

Argumentations of the actors

The basic argumentation of the government is that Snowden should have made use of the official channels for whistleblowers and not given the information to the media, as the laws that for example Obama signed would have protected him (which is highly doubtful as he was not a government employee but a contractor, which are not mentioned in the law as well as the cases of Thomas Drake and John Crane raised concerns which will be described below) (Greenberg, 2014) For what he did, the reactions reach from demanding death penalty to the often used phrase that he should "have his day in court". (Greenberg, 2014) (Knowlton, 2014) (Kasperowicz, 2016) The reasoning for that is mostly that he aided the enemies of the US and put military at risk as well as that he supposedly weakened the security of US citizens and the US in general. (Leopold, 2014) While trying to undermine the legitimacy of Snowden and his claims, the US government and the intelligence community (of course with some exceptions, mainly from libertarians) legitimize their actions by saying, that government surveillance is necessary to fight terrorism and serious crimes. (Walpin, 2013)

The basic argumentation of Edward Snowden is that he had to act like he acted because this was the only way to ensure that a public debate about government surveillance could be started. Snowden witnessed the case of Thomas Drake, a former NSA employee who chose to blow the whistle through the official canals with four or his colleagues, which led to having their houses stormed by FBI agents and him being prosecuted as a spy for his voicing of criticism. Also, he saw the case of former Assistant

General Inspector John Crane, whose job it was to create official channels for whistleblowing. Crane realized that the whistleblower system was abused by the government after the case Drake and voiced criticism, which cost him his job. (Mark Hertsgaard, 2016) Snowden states that he is not against secret services or even against surveillance, he is against transforming the internet from a tool of free information and exchange to a tool of surveillance and he is against the, in his eyes, useless and secret mass surveillance of American citizens but also foreign citizens, which is against the law and the constitution. (Poitras, 2014) (Doctorow, The Guardian, 2014) In terms of punishment, supporters wish for a clemency or limited punishment so that Snowden can return to the US. (Greenberg, 2014)

Over time, it is remarkable to see how the basic argumentation has not changed, although the processes are going on. The argumentation stayed the same as for example more recent statements about Edward Snowden by presidential candidate Hillary Clinton and his reactions show. (Topaz, 2014) (Brait, 2015)

The strategies of legitimization on the government side

The government has a two-fold strategy in terms of legitimization. First, there are attempts to guide the public debate away from the leaks towards the person Edward Snowden and trying to delegitimize his actions by delegitimizing him as a person. The other part is legitimizing their own behaviour.

In terms of legitimizing the mass surveillance itself, the NSA didn't face any opposition. The public did not voice opposition, as it was not aware of the practices and the few that were and voiced that opposition were seen as conspiracy theorists or mad. The public representatives that should have overviewed the NSA, and also the courts that should limit surveillance to the absolute necessary, have done nothing to distort this view. Congress had a hearing about surveillance practices by the NSA and James Clapper, the US Director of National Intelligence, lied to congress that the NSA does not conduct surveillance on American citizens and no mass surveillance, which was not challenged by the congress men of the US Senate Select Committee on Intelligence, although many of them must have known that he lied. The same is true about the Foreign Intelligence Service Act Court, who according to Snowden, would approve any request on surveillance as it is a secret court with only NSA lawyers presenting their argumentation. (Doctorow, The Guardian, 2014) This is what Richard Scott calls "regulative legitimacy", as the legitimacy for the actions of the NSA in terms of public acceptance is provided in that case by the regulators that should limit the power of the NSA, but does not oppose to their programs, which is seen by the public as a sign that everything is going as it is supposed to be. (Cathryn Johnson, 2006) Increasing the NSA budget constantly since 9/11 has given further legitimization. (Ewen MacAskill J. W., 2013) According to Suchman, this acceptance or missing opposition leads to an organization to be viewed as legitimate. (Cathryn Johnson, 2006)

The acts of mass surveillance are furthermore legitimized by the creation of a cultural framework that supports these kinds of actions. By creating an atmosphere of fear of terrorism and foreign powers, of criminal organizations and insecurities, public acceptance for tools like mass surveillance is created, or, how Richard Scott called it, "cultural endorsement". (Cathryn Johnson, 2006) These are the ways by which the US government in general and the NSA in particular aim to produce legitimacy.

As mentioned above, there is not only the process of legitimization at work with regard to the Snowden case. The other part, the way to react to Snowden's actions, is another one, it basically is a process of

delegitimization that tries to undermine Snowden and his actions in order to take away the legitimacy of his claims and denunciate him as a person in a way that the public won't hear the content. This works mainly via the media outlets themselves but also through statements by government or intelligence officials. This is done for example by downplaying his role in the NSA. Obama for example said that he was "not going to be scrambling jets to get a 29-year-old hacker". (Boyer, 2013) Others talked about him as a low-level system administrator. (Williams, 2014) Terms like that decrease his credibility when talking about the NSA practices, as this makes him look ridiculous or at least not of any influence.

Also, there are debates being started about if he is a patriot or not. Obama himself said: "No, I don't think Mr. Snowden is a patriot". (Constine, 2013) US Secretary of State John Kerry was even more outspoken: "Patriots don't go to Russia. They don't seek asylum in Cuba. They don't seek asylum in Venezuela. They fight their cause here[...]Edward Snowden is a coward. He is a traitor. And he has betrayed his country. And if he wants to come home tomorrow to face the music, he can do so". (Catherine E. Shoichet, 2014) With side discussions like that, it is easy to distract from the actual content of the discussion and to delegitimize the claims of Snowden as his person is called into question. It is also an issue of "referential beliefs", as the American public would think of a patriot to do whatever is best for the country, while if he is found to be not a patriot (which is a very abstract term anyway), he might do it out of self-interest or maybe even to help enemy powers. (Cathryn Johnson, 2006) This is also an example of how the public opinion is split along those lines, as 23% viewed him as a traitor while 31% view him as a patriot, as the Reuters poll quoted above shows. (Sullivan, 2013)

Furthermore, the American people are used to create a cultural legitimization for calling the actions of Snowden wrong, when Obama says: "My preference — and I think the American people's preference — would have been for a lawful, orderly examination of these laws". (Constine, 2013) By using phrases like that, the impression is created that Americans in general think that Snowden had to go the official way for whistleblowing. Obama repeatedly points to his reviews that he ordered already in May and to the Whistleblower Protection Act. (Wolf, 2013) By doing so, legitimacy is produced on the side of the state as acting before the whistleblowing shows that the state already had it under control or works like it is supposed to. Furthermore, it delegitimizes Snowden's claims as the process was already on the way, which makes it less likely that he did what he did to serve his country, but possibly for other interests.

Another manner, where referential beliefs and regulative legitimacy are used to discredit Snowden, is his persecution. As shown above in the case study with statements by John Kerry and Barack Obama, which are only two in a long list, the state pushes for the persecution of Snowden. By charging him under the Espionage Act and constantly repeating that has to face the American justice system, the image is created that he is in fact a criminal or a spy, which is further strengthened when taking into account that trusted institutions of a democracy, the courts, actually can build a case against him. Here is where the referential beliefs play a role. Furthermore, the circumstance that the courts can build a case against him is an example of regulative legitimacy.

The strategies of legitimization on Snowden's side

As a motivation for Snowden's whistleblowing, the "political hypocrisy" that is described in the theoretical framework on government secrecy becomes important. (Thompson, *Democratic Secrecy*, 1999) Snowden states that one of the moments when it became clear to him that he had to act, was hearing Obama say that as a president, he would put an end to ignoring uncomfortable rules, as the president is subject to them and later on seeing Obama advancing those exact practices he said, he would limit or even stop. (Poitras, 2014) Another case of political hypocrisy is described in a different interview:

"I would say sort of the breaking point is seeing the Director of National Intelligence, James Clapper, directly lie under oath to Congress. There's no saving an intelligence community that believes it can lie to the public and the legislators who need to be able to trust it and regulate its actions." (NDR, 2014)

One can also notice a claim of legality here, a claim that the government also used against Snowden, in the sense that he accuses Clapper of being a criminal and therefore viewed his actions as his obligation as a citizen in order to reveal this crime.

These moments convinced Snowden that he had to act. The "institutional hypocrisy" that arises from that, the fact that the NSA conducts mass surveillance while officially only gathering intel on foreign targets, has further stressed that point. (Thompson, *Democratic Secrecy*, 1999)

Snowden claims that he doesn't want the leaks to be about his person. He says that he wants to keep the debate about the acts that he has blown the whistle on. An indication for that is described above, as he passed the documents on to journalists, so that the facts would be presented in the most neutral way possible. That is obviously only possible to a certain degree as the choice of information is already subjective. On the other hand, he stepped into the spotlight after the first publications of *The Guardian*, although the journalists kept their source secret. The reason for revealing himself to the public is mainly to give him credibility as a source. The reason for him to go public as a whistleblower might also have been due to safety concerns.

Snowden also aims to create cultural endorsement for a different system or against the existing intelligence system. He tries to shift the supporting cultural framework by releasing information like the above mentioned interception of phone calls and internet traffic of delegates to the G20 summit in London. (Ewen MacAskill N. D., *The Guardian*, 2013) By doing so, the cultural endorsement strategies of the government, which play on the fear of the people of terrorism and organized crime, are attacked as it shows that not terrorist and criminal organizations are necessarily targeted, but elected government officials.

By telling about his position as a system administrator within the NSA and explain the way he gathered the information, he also employed referential beliefs in order to make the information he made public more credible, as the position gave him access to all areas of the internal networks. (Cathryn Johnson, 2006) This is also a reaction to above described attempts by the US government to downplay his role in the NSA. When he describes himself as a top-level system administrator, who had access to more or less everything within the data analytics of the NSA, he shows the public that he knows what he is talking about. (Williams, 2014) Snowden stresses his technological expertise, as the public will accept his claims more due to the fact that he is an expert in his field and is therefore qualified to talk about this topic. A good example is his exclusive interview with NBC, where he states

as a response to the attempts by the government to downplay his role in the intelligence community: “But I am a technical specialist. I am a technical expert. I don't work with people. I don't recruit agents. What I do is I put systems to work for the United States. And I've done that at all levels from — from the bottom on the ground all the way to the top”. (Williams, 2014)

He further seeks acceptance in presenting himself as humble as possible and making himself an ordinary American citizen fighting the unlawful-acting government. He does so for example in one of the first interviews after The Guardian and the Washington Post released the first information based on his leaks in an interview with the South China Morning Post when he was still in Hong Kong. He said to Lana Lam that he is “neither traitor nor hero.” And further: “I'm an American”. (Peralta, 2013) By doing so, he aims to increase the acceptance of the American public as he is “one of them” and therefore, the public will grant him legitimacy. Also, it shows the interaction between his act of whistleblowing and citizenship struggle, as he wants to be seen as a normal American fighting the injustices of the government. By calling himself a patriot, he supports the claim that he did what he did in order to serve his country. (Catherine E. Shoichet, 2014) This plays a crucial role in creating cultural endorsement for his actions. (Cathryn Johnson, 2006)

Snowden presents himself as calm and thoughtful in his answers, visibly solicitous to remain neutral and objective, as examples of interviews presented above show, like his interview for NBC or NDR. He takes his time to answer a question. (Williams, 2014) (NDR, 2014) By doing so, he further tries to take himself out of the equation and give his information a scientific credibility, which contributes to the legitimization of him as a person.

Nevertheless, Snowden's starting point in his process of legitimization and the contestation of the regulative legitimacy of the government is his attempt to produce “normative legitimacy”. (Cathryn Johnson, 2006) He does so by raising concerns about the breach of constitutional rights conducted by the government and the NSA, the limitation of privacy, the dangers to the future of the internet when the basic security structures that supposed to provide safety are manipulated, by pointing out the dangers to the US economy and by showing why the original congressional oversight model could work. He further stresses that encryption (and therefore much safer internet communication) is not a danger to national security but makes it more efficient, as mass surveillance fails due to too much information and end-to-end encrypted communication is not impossible to intercept, it only requires much more resources which creates a need for targeted surveillance, which is the type of surveillance that was intended by the law and which works as a means of preventing dangers. (Doctorow, The Guardian, 2014) By doing so, he points out how dangerous the NSA programs are to the American Way of Life and how morally desirable it would be to limit the powers of the NSA. This challenges the silent agreement of the US government with the NSA programs. This again is backed up by his technological expertise, that he knows to present. Furthermore, it shows the citizenship struggle that is inherent to this act of whistleblowing as the points he raises are all about how citizens are supposed to be governed, a core issue of citizenship struggle. Even the points concerning purely the internet can be seen as signs of citizenship struggle, as the internet can be seen as a virtual territory and him as a citizen engaging in the debate how this territory should be governed.

Interesting in that aspect is for example that his first public appearance (which was obviously not him physically being present but via a screen and Google Hangouts) to be in front of a crowd of “geeks” at the SXSW Interactive Festival, which is seen as a breeding ground for creative

technologies. I also want to stress that the article about it is written by Cory Doctorow, an author of technological fiction novels and a hero of the young nerd crowd. Also, the “inventor” of the web, Tim Berners-Lee, was the first to ask him a question on stage, which further contributes to his credibility. Snowden presented himself on a video screen with a writing of the First Amendment in the background. By doing so and addressing this specific crowd with sentences like that the NSA and other intelligence organizations have treated the internet as “an adversarial global freefire scenario, and we need to protect people against it. The NSA has advanced policies that erode Fourth Amendment protections through the proactive seizure of communications. This demands a policy response, but we need a technical response from makers. The NSA is setting fire to the future of the internet and you guys are the firefighters” and saying that these web developers should further develop applications to “enforce our rights and protect standards, even though Congress hasn’t gotten to the point of doing that”, he clearly stresses that the constitution is on his side and that the technological community should claim privacy themselves, without waiting for the government to act. (Doctorow, The Guardian, 2014) This also qualifies his acts as acts of citizenship, as motivating people to work for their own way of governing their privacy and simply claiming the rights that they wish to have is clearly part of engaging as a citizen in the issue of how they want to be governed. This is further visualized by a poll conducted by The Guardian that shows that 86% of American internet users adjusted security measures online in favour of privacy. (Doctorow, The Guardian, 2014) The same is true for British IT staffers. (Wolpe, 2014)

References to the constitution in the US is not only a legal reference, the constitution has also a high emotional and cultural value. Nevertheless, the choice of the crowd and his statements further play on the referential beliefs of him as a technological expert and also creates a cultural endorsement in order to protect privacy and condemn the actions of the NSA. Both are important aspects of the process of legitimization of his claims. The crowd of “geeks” plays a role as those people are seen to be experts of the internet and its workings themselves, which is why the fact that such a crowd listens to him and honours him further plays on the referential beliefs that he knows the matter he is discussing. Also, it legitimizes the struggle in that sense, that the fact that he is given time to present this topic to such a crowd means that they see it as an important issue, which again provides cultural endorsement for the struggle.

It is furthermore very important to take a look at what kind of information Snowden released. He states that he made sure that he wouldn’t release information that could endanger agents or other human operators, but only technological information. In order to support that, we take a look at his past. Before his leaks, Snowden was an active member on a website called Ars Technica. Later on, his identity on this side was revealed. His alias was “The TrueHOOHA”. In a chat log from 2009, he engaged very explicitly against an article by the New York Times on leaked information of government officials about former US president George W. Bush’s approval of covert action to sabotage Iran’s nuclear facilities. He accused the New York Times of accepting that they might start a war with this coverage and that classified data by anonymous sources has no right to be reported in a newspaper. With regard to that, it is also worth mentioning that Snowden is not against government secrecy in general, he respects what is mentioned in the theoretical framework as the dilemma of democratic secrecy: “democracy requires publicity, but some democratic policies require secrecy”, as many policies and strategies of democratic governments, especially with regard to foreign powers, can’t work when they are made public. (Cathryn Johnson, 2006) Nevertheless, it seems contradicting with what he has done later in his life, but he explains himself: “Most of the secrets the CIA has are about people, not machines and

systems, so I didn't feel comfortable with disclosures that I thought could endanger anyone". (Harding, 2014) He only released information on technological operations, he didn't release information concerning human operations. This contributes to his credibility and acceptance, as it shows that he wants to have a public discussions on the technological side of mass surveillance and he claims to try to ensure that he does not endanger national security and human operators of any kind, which also counters the above quoted DOD report on the danger he brought over human operators and national security.

Snowden's whistleblowing as an act of citizenship struggle

Isin defines citizenship as an institution of domination and empowerment. (Isin, 2009) Providing the public with information on a practice that influences their lives without their knowledge, like Snowden did when he (illegally) gave information to the media and thereby to the public on how their communications are tapped by the government, can be viewed as an act of empowerment of the citizens against the domination of the government in terms of restricting the access to information. This also has the potential to influence the way how citizens govern themselves, as they take action to secure their privacy or demand the secret services to stop those practices.

Isin defines rights as the "substance of citizenship". (Isin, 2009) The right Edward Snowden fought for with his act of whistleblowing is the right for information, which is part of the civil rights. As Lazar writes, anthropologist see the claiming of rights as highly influential for citizenship. (Lazar, 2015) Snowden did not ask for permission, he just claimed the right to know about those programs for the public. Isin adds that claims to citizenship make an argument of justice. (Isin, 2009) Snowden clearly does that, as for example the following quote shows: "I took an oath to support and defend constitution and I saw it was being violated on a mass scale. The interpretation of constitution had been changed in secret from 'no unreasonable search and seizure' to 'any seizure is fine, just don't search it.' That's something the public had the right to know." (Doctorow, The Guardian, 2014) By doing so, he contributes to the struggle, as first of all, he provides citizens with information that they need to know in order to voice their opinion but also to base their political decisions on. Furthermore, by claiming this right, he empowers people to act as he has already done it which lowers the threshold for others to enter the struggle.

Isin analyses the struggle for citizenship rights in terms of sites, scales and acts. (Isin, 2009) The site for Snowden's struggle is mainly the media, as he chose The Guardian to be his platform among other media outlets, but also parliaments and courts. (Faiola, 2014) (The BRICS Post, 2013) (Feldman, 2015) The scale, and therefore the applicability for Snowden's struggle is far reaching. The main area of struggle is the US, as the whistle was blown on the NSA, but it is applicable to nearly every other context on this planet, or at least every region where there is internet, as the NSA and their international counterparts just tapped into the undersea cables. (Khazan, 2013)

Snowden's leaks can be seen as an act according to Isin, as it was a conscious decision by a person, which is not limited by a defined space as pointed out above. (Isin, 2009) Also, he finished his act when he passed the information on to The Guardian and the act is continuing, as it caused many other groups to engage in the struggle against government surveillance or gave existing citizen's rights groups a better handle, which for example manifested itself in a Day Of Action by a broad collective of groups

on the 11th of February 2014 as a day to fight back on government mass surveillance. (The Day We Fight Back, 2014) Also, his continuing public engagement in interviews shows a continuation of the struggle.

Also, Isin's four considerations for acts of citizenship are applicable, as he clearly makes a claim to citizen's rights, as described above. (Isin, 2009) Also, as for example The Day We Fight Back shows, his struggle created new struggle, which is a contribution to the struggle for the right for information on the citizen side. His act is not limited by territory, which is her third consideration, which means that his leaks potentially empowered citizens also outside the US. He satisfied the last consideration as he "did" something, he actively leaked the data to the press. Also, Snowden claims "the right to claim a right", as he not only claims that citizens may not be observed on a mass scale without official guidelines, but also that he may speak out against government wrongdoings as a whistleblower.

Isin also describes three principles for the analysis of acts of citizenship. (Isin, 2009) First, acts of citizenship must be analysed by their outcomes and reasons. The specific outcomes, Snowden has caused with his leaks were presented as the last point of the timeline. His motivation was explained above, which is that he was concerned that the NSA acted in breach of constitutional rights. Snowden becomes by Isin's definition an activist citizen, as he did not act within the legal framework of citizenship but challenged the existing rules. (Isin, 2009) Second, the actors must become "answerable to justice". There are many ways to interpret this, but as he mainly wanted to start a public debate, he was not only fighting for his own cause. Also, he became answerable himself by letting the public judge on his cause with many interviews that different news outlets held with him, although he did not return to the US to present his case in court. By doing so, he is also answerable to the public and provides them with a better basis to form an opinion. Nevertheless, the responsible actors for the mass surveillance also became answerable to justice, as the leaks dragged them out of the background and gave the public the chance to demand answers from them. The answerability to the justice of the people for the responsible actors due to Snowden's leak can also be seen as a contribution to citizenship struggle. The third principle states that the act of citizenship must not confine with the law. Snowden did not confine with the law, as he was charged with three different felonies. (Greenwald, 2013) In general, it can be said that whistleblowing like Snowden used it, is indeed a tool of citizenship struggle according to Isin.

Snowden contributed to citizenship struggle in multiple ways. By providing the public with classified information on surveillance programs, he gave internet and privacy rights activists a basis for their argumentation and struggle, which can have different effects on the long run. He also made the discussion itself possible as due to the secrecy it could never be talked about in public, which is why he enabled a public opinion forming process and thereby invited people to politically engage. Also the fact that he was available for different interviews and conferences made the complicated technological details more accessible for people without prior knowledge, as he could be asked about any detail in those interviews or conferences.

Conclusion

In the last chapter, the Snowden case was presented and analysed in detail. The chronological presentation of the case gave an impression how this story developed, while the analysis provided the placement in the context of citizenship struggle, as well as showing how the government and Snowden claimed legitimacy for their actions. It is time to take a look at the research questions again. The actors of this case were identified as Snowden and supporters, government and intelligence community and the public, while the public is mainly represented by the media and divided into either the argumentation of the government/intelligence community or Snowden/supporters. The government legitimizes its actions by creating cultural endorsement, an atmosphere of fear of terrorist attacks and other criminal forces in order to get the citizens to accept programs like the mass surveillance programs by the NSA. Also they use the tools of referential beliefs and regulative legitimacy, which is that the public expects the government to act like that in order to provide national security and the missing opposition of elected representatives and institutions proof to the public that the programs are just and right. On the other hand, the government tries to delegitimize Snowden's claims by attacking him as a person and making him a criminal and a traitor, or even somebody who acted without reason as the government already took care of the problems. Snowden on the other hand mostly bases his argumentation on normative legitimacy, as he is arguing that this is not how the people of the US should be treated or governed. He also calls the rightfulness of those programs into question. Furthermore, he plays on referential beliefs in order to be seen as a technological expert and therefore knows the matter that he is talking about.

But is whistleblowing a contribution to the struggle for citizenship rights? It can be argued that purely the act of providing information on the government, in Snowden's case on mass surveillance, to the media and therefore providing it to the public is in itself already a contribution to citizenship struggle, as the whistleblower took over the role of the government of informing people and giving them the right to disagree, which didn't exist before as the citizens weren't aware. This leads to an awareness by the public and a debate which in turn leads to opinion forming and in some cases eventually taking action. Pro and contra arguments about what he did, himself as a person and government surveillance in particular dominated the public discourse of the American and also international media for months. To actively engage in political debates and therefore also to argue and having to defend one's positions is the essence of participative politics and therefore citizenship. He was the person that actually brought this topic to the attention of the public and gave them information to base an opinion on. By raising awareness, he indirectly even managed that people would start taking care of their privacy and their internet security, therefore claiming the right to privacy despite whatever the government was up to, which contributes to citizenship again in that way, that the citizens actively change the way they are governed. Snowden wanted to promote a public discussion on how to deal with those issues. Nevertheless, he wanted this discussion to lead somewhere. In an interview he said: "the greatest fear that I have regarding the outcome for America of these disclosures is that nothing will change." (Barbara Starr, 2013) Nevertheless, he does not want to decide, what will change, he wants a constructive debate to take place as, he states: "I'm just another guy who sits there day to day in the office, watching what's happening, and goes, 'This is something that's not our place to decide.' The public needs to decide whether these programs or policies are right or wrong." (Barbara Starr, 2013) The fact that Snowden acted in a way that harms his personal life, his career and even his ability to live

in his home country makes it an act of civil courage that aimed at the greater good for his fellow citizens. One could also say that Snowden did not behave as an individual but as a citizen, as one of the governed. He opposed this behaviour not only for him but also for the rest of the US and the world.

The American relationship between liberty and security is a very special one, as the country has constantly be involved in wars for the last century and because of the cultural context that creates fear for terrorist attacks or the undermining of society by criminal forces, which is opposed to the rhetoric of freedom and liberty that is often based on the founding fathers of the nation and has a high emotional value. Nevertheless, in a country like the US, which promotes their name worldwide as a free democracy, it is important to realize the psychological effect that the knowledge about being observed by the government can have. It can become a scissor in the head of the people, not daring to voice criticism or alternative ideas in fear of retaliation and eventually even not daring to think. The dialogue of alternative ideas and criticism of the ruling elite and system are what keeps a democracy lively and adjust it to the dynamics of change over time. The democratic values become hollow when the public has no information to base their political decisions on and don't have the opportunity to discuss alternative ideas in groups of people. The missing criticism that can be caused by the knowledge of being observed also strengthens the feeling of the public of not being represented by the government, which deepens a crisis that western democracies face anyways. Not being able to adjust a democratic system to the changing needs of its citizens as the needs cannot be voiced and not being able to adjust it to the changing requirements due to the continuation of time can paralyze such a system. In an information society like the one in the US, access to and distribution of information becomes a fundamental political issue for a working modern society.

Also, due to the increased specialisation, the need for actors to see the bigger picture and, if necessary, raise alarm to the public by explaining the issue in terms that one can understand without prior knowledge will play an important role in the future.

It is also important to notice that Snowden's act might have been an act of citizenship in a preventive form as well. As the history of my home country Germany shows, mass surveillance of citizens can have devastating effects and lead to horrible crimes if the power over the surveillance falls in the hands of people who want to abuse it. A change of rulers or ideology in the US, which would mean to have the power over those institutions, could have unimaginable effects on the US and the rest of the world in combination with such a vast machine of surveillance and control. Snowden's revelations might have sparked a public debate about surveillance and state power before the true dangers of such a system were even revealed.

It is important to notice that what is said about the Snowden case is not necessarily valid for other cases of whistleblowing. As whistleblowing is merely a tool to release restricted information, it can be used in many different manners. Basing the analysis on Snowden's case is not enough to make whistleblowing in general a strategy of citizenship struggle. The information he released and the way he did it places him in this context though. More research in other cases would be needed to show the relation of other acts of whistleblowing to citizenship struggle. What is also evident is that the current state of research on whistleblowing misses many links to understand whistleblowing and put it in context of citizenship. More studies on different cases and also on the theories behind whistleblowing would be necessary to fully understand its dynamics. In general, whistleblowing as a tool to overcome power inequality in terms of access to information could potentially contribute to many fundamental

struggles of citizenship and it is essential for a well-working democratic society that people actually find the courage, to act, if necessary, even in ignorance of the laws, to point out injustices and wrongdoings of the government and government agencies in order to limit secret state power and help the citizens to understand the workings of their government.

Acknowledgements

Special Thanks to Gerd, Joel, Laura, Tania and Rita for their support and patience during the working process of this thesis. Without you, this would have not been possible. Thank you.

Bibliography

Cover:

<https://www.wired.com/2014/08/edward-snowden/> Retrieved last: 29.06.2016

Barbara Starr, H. Y. (2013, June 23). *CNN*. From: <http://edition.cnn.com/2013/06/10/politics/edward-snowden-profile/index.html> Retrieved last: 29.06.2016

BBC. (2014, 01 17). *BBC News*. From: <http://www.bbc.com/news/world-us-canada-23123964> Retrieved last: 29.06.2016

Biography.com Editors. (2016, May 30). *biography.com*. From: <http://www.biography.com/people/edward-snowden-21262897> Retrieved last: 29.06.2016

Boyer, D. (2013, June 27). *The Washington Times*. From: <http://www.washingtontimes.com/news/2013/jun/27/obama-snowden-im-not-going-be-scrumbling-jets-get-/> Retrieved last: 12.07.2016

Brait, E. (2015, September 3). *The Guardian*. From: <https://www.theguardian.com/us-news/2015/sep/03/edward-snowden-hillary-clinton-email-server> Retrieved last: 29.06.2016

Brunai, P. (n.d.). 'People behind Stories' – Portrayal of Whistleblowers by Hungarian Online Media and Its Impact on the Anti-corruption Policy Process.

Catherine E. Shoichet, D. F. (2014, May 29). *CNN*. From: <http://edition.cnn.com/2014/05/28/us/edward-snowden-interview/> Retrieved last: 29.06.2016

Cathryn Johnson, T. J. (2006, April 4). Legitimacy as a social process. *Annual Reviews Sociology*, pp. 53-78.

Constine, J. (2013, August 9). *TechCrunch*. From: <https://techcrunch.com/2013/08/09/obama-says-no-i-dont-think-mr-snowden-is-a-patriot/> Retrieved last: 29.06.2016

Doctorow, C. (2014, May 11). *The Guardian*. From: <https://www.theguardian.com/technology/2014/mar/11/edward-snowden-sxsw-nsa-internet> Retrieved last: 29.06.2016

Ewen MacAskill, J. W. (2013, August 29). *The Guardian*. From: <https://www.theguardian.com/world/2013/aug/29/us-intelligence-spending-double-9-11-secret-budget> Retrieved last: 29.06.2016

Ewen MacAskill, N. D. (2013, June 17). From: <http://www.theguardian.com/world/2013/jun/16/nsa-dmitry-medvedev-g20-summit> Retrieved last: 29.06.2016

- Ewen MacAskill, N. D. (2013, June 17). *The Guardian*. From: <http://www.theguardian.com/uk/2013/jun/16/gchq-intercepted-communications-g20-summits> Retrieved last: 29.06.2016
- Faiola, A. (2014, April 3). *The Washington Post*. From: https://www.washingtonpost.com/world/germany-opens-hearings-on-us-spying/2014/04/03/cf58f2d0-b42b-4e59-a403-75f968d6edb0_story.html Retrieved last: 29.06.2016
- Feldman, N. (2015, May 7). *Bloomberg*. From: <https://www.bloomberg.com/view/articles/2015-05-07/court-backs-snowden-strikes-secret-laws> Retrieved last: 29.06.2016
- GCHQ. (2013, June 16). *The Guardian*. From: <http://www.theguardian.com/uk/interactive/2013/jun/16/gchq-surveillance-the-documents> Retrieved last: 29.06.2016
- Graham Murdock, P. G. (1989). Information Poverty and Political Inequality: Citizenship in the Age of Privatized Communications. *Journal of Communication Vol 39 No 3*.
- Greenberg, J. (2014, January 7). *Politfact*. From: <http://www.politifact.com/punditfact/statements/2014/jan/07/glenn-greenwald/greenwald-nsa-leaker-snowden-has-no-whistleblower-/> Retrieved last: 29.06.2016
- Greenwald, G. (2013, June 22). *The Guardian*. From: <http://www.theguardian.com/commentisfree/2013/jun/22/snowden-espionage-charges> Retrieved last: 29.06.2016
- Harding, L. (2014). *The Snowden Files - The Inside Story of the World's Most Wanted Man*. Vintage Books.
- Isin, E. F. (2009). Citizenship in flux: The figure of the activist citizen. *Subjectivity Issue 29*, pp. 367-388.
- Kasperowicz, P. (2016, November 2). *Washington Examiner*. From: <http://www.washingtonexaminer.com/lawmaker-traitor-snowden-deserves-death-penalty/article/2583023> Retrieved last: 29.06.2016
- Khazan, O. (2013, July 16). *The Atlantic*. From: <http://www.theatlantic.com/international/archive/2013/07/the-creepy-long-standing-practice-of-undersea-cable-tapping/277855/> Retrieved last: 29.06.2016
- Knowlton, B. (2014, January 5). *The New York Times*. From: <http://www.nytimes.com/2014/01/06/us/politics/senators-differ-sharply-on-penalty-for-snowden.html> Retrieved last: 29.06.2016
- Lam, L. (2013, June 14). *The South China Morning Post*. From: <http://www.scmp.com/news/hong-kong/article/1259508/edward-snowden-us-government-has-been-hacking-hong-kong-and-china> Retrieved last: 29.06.2016

- Lazar, S. (2015, August 24). Citizenship Quality: A New Agenda For Development? *Journal of Civil Society Vol. 8 No. 4*, pp. 333-350.
- Leopold, J. (2014, May 22). *The Guardian*. From: <https://www.theguardian.com/world/2014/may/22/pentagon-report-snowden-leaks-national-security> Retrieved last: 29.06.2016
- Lyon, D. (2014, July-December). Surveillance, Snowden, and Big Data: Capacities, consequences, critique. *Big Data & Society*, pp. 1-13.
- Mark Hertsgaard, F. K. (2016, May 22). *Spiegel Online*. From: <http://www.spiegel.de/politik/ausland/whistleblower-john-crane-offenbart-nsa-methoden-a-1093415.html> Retrieved last: 29.06.2016
- NDR. (2014, January 26). *NDR*. From: http://www.ndr.de/nachrichten/netzwelt/snowden277_page-2.html Retrieved last: 29.06.2016
- Oxford Dictionaries. (2016, 05 24). *Oxford Dictionaries*. From: <http://www.oxforddictionaries.com/definition/english/democracy> Retrieved last: 29.06.2016
- Peralta, E. (2013, June 12). *npr*. From: <http://www.npr.org/sections/thetwo-way/2013/06/12/190977487/nsa-leaker-im-neither-traitor-nor-hero-im-an-american> Retrieved last: 29.06.2016
- Poitras, L. (Director). (2014). *Citizenfour* [Motion Picture].
- Ralph S. Brower, K. Y. (2004). Context, Process, and Interaction: Missing Elements in Common Conceptions of Whistleblowing. In M. Z. Marc Holzer, *Frontiers of Public Administration* (pp. 353-361). Beijing: The United Nations Public Administration Network.
- Ray, M. (2016, May 30). *Encyclopædia Britannica Online*. From: <http://www.britannica.com/biography/Edward-Snowden> Retrieved last: 29.06.2016
- Sullivan, A. (2013, June 12). *Reuters*. From: <http://www.reuters.com/article/us-usa-security-poll-idUSBRE95B1AF20130612> Retrieved last: 29.06.2016
- Tanya Basok, S. I. (2006, August 16). Citizenship, Human Rights, and Social Justice. *Citizenship Studies Vol. 10 No. 3*, pp. 267-273.
- The BRICS Post. (2013, September 4). *The BRICS Post*. From: <http://thebricspost.com/brazilian-senate-to-probe-nsa-spying-reports/> Retrieved last: 29.06.2016
- The Day We Fight Back. (2014, February 11). *The Day We Fight Back*. From: <https://thedaywefightback.org/> Retrieved last: 29.06.2016
- Thompson, D. F. (1999). Democratic Secrecy. *Political Science Quarterly Vol. 114 No.2*, pp. 181-193.
- Topaz, J. (2014, July 4). *Politico*. From: <http://www.politico.com/story/2014/07/hillary-clinton-edward-snowden-108579> Retrieved last: 29.06.2016

- Walker, P. (2013, November 7). *The Guardian*. From: <http://www.theguardian.com/world/2013/nov/07/questioning-spy-chiefs-wouldnt-scared-puppy> Retrieved last: 29.06.2016
- Walpin, G. (2013, August 16). *National Review*. From: <http://www.nationalreview.com/article/355959/we-need-nsa-surveillance-gerald-walpin> Retrieved last: 29.06.2016
- Whoishostingthis? (n.d.). *Whoishostingthis?* From: <http://www.whoishostingthis.com/blog/2015/05/20/snowdens-global-impact/> Retrieved last: 29.06.2016
- Williams, B. (2014, May 27). *NBC News*. From: <http://www.nbcnews.com/feature/edward-snowden-interview/exclusive-edward-snowden-tells-brian-williams-i-was-trained-spy-n115746> Retrieved last: 29.06.2016
- Wolf, Z. B. (2013, August 13). *CNN politics*. From: <http://edition.cnn.com/2013/08/12/politics/obama-snowden-whistleblower/> Retrieved last: 29.06.2016
- Wolpe, T. (2014, September 8). *ZDnet*. From: <http://www.zdnet.com/article/the-snowden-effect-how-its-still-denting-business-confidence-in-cloud-security/> Retrieved last: 29.06.2016