

❖ Can WikiLeaks Save Journalism and Democracy?

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Abstract

If WikiLeaks survives there can be little doubt that it will be a useful tool for investigative journalists. While the cost-per-word of investigative journalism is high, WikiLeaks reduces the time journalists must spend uncovering information and also removes the threat of litigation from the publisher, consequently reducing the cost of journalism. The founder of WikiLeaks, Australian Julian Assange, has explained that he started the website for journalists who were "sick of being censored themselves ... and having primary source material they couldn't publish for legal reasons or space reasons." In the *Financial Times*, Tim Bradshaw has argued that WikiLeaks is following an Internet tradition "dating back to the 1998 allegations about President Clinton's liaison with Monica Lewinsky first published on the Drudge Report." WikiLeaks' emphasis on fact-checking, verification and protection of its sources has a long journalistic lineage. This paper undertakes an examination of how WikiLeaks' rise to prominence has come as the industry's capacity to invest in investigative journalism has been impaired by falling circulation and difficulties in making money from the web. WikiLeaks has the potential, in the face of eroding readership and the arguable decline of public discourse, to empower journalism, and I argue that journalism's contribution to democracy and citizenship may collapse without such sites.

Introduction

This paper examines the impact of the self-styled 'transparent-democracy' website WikiLeaks, on journalism and democracy. Since the website first went 'live' in December 2006, WikiLeaks has grown both in its public profile and the quantity of documents it has made public. WikiLeaks claims to have received "over 1.2 million documents from dissident communities and anonymous sources" in its first year alone (WikiLeaks, Online Archive).

Although whistleblowers and dissenters have a history which long precedes the Internet, it is the unique technological era we live in that has allowed proponents of transparent-democracy to expose government secrets without compromising their own security. From its very early days, WikiLeaks posted a number of until-that-time secret documents on its website (including Standard Operating Procedures for Camp Delta, the British National Party's membership list, the contents of Sarah Palin's Yahoo email account, amongst others). But it was not until the April 2010 release of the so-called "Collateral Murder" video which depicted an American Apache helicopter attack in 2007 that killed two Reuters journalists in a Baghdad street, that WikiLeaks came to worldwide prominence and began to be reported in the mainstream media.

Since its launch, debate has raged in the mainstream media about not only the ethical implications of WikiLeaks's actions, but the ethical implications for journalism – to report or not – given the journalist's job is to be the public's eyes and ears about important events (Jacquette 2007). Journalists, their editors and publishers frequently walk a fine line between a public's need to know and the ethical framework within which journalism must operate. In the United States, for example, where notions of free speech are enshrined in a Bill of Rights, the media debate often focuses on constitutional intent and definitions of journalism. In the 1938 US Supreme Court ruling *Lovell v City of Griffin* – a case that centered around the rights of a person to distribute religious material freely without the requirement to seek permission from the government – Chief Justice Charles Hughes referenced Founding Father and pamphleteer Thomas Paine when he defined the press as, "every sort of publication which affords a vehicle of information and opinion" (US Supreme Court 1938)¹.

The question taxing many commentators is whether what WikiLeaks does by posting classified and secret documents on its website, is journalism. In numerous print articles in the mainstream press, WikiLeaks founder Julian Assange has been referred to as a journalist or as Chief Editor of WikiLeaks (see, for example, ABC Big Ideas 8 June 8, 2010; The Spectator November 2, 2010; CNN October 22, 2010; Sydney Morning Herald October 8, 2010; News Limited Newspapers August 22, 2010).

Whether Julian Assange is a journalist and whether what WikiLeaks does is journalism, is an important distinction to make up front. If what WikiLeaks does *is* journalism, then we need to accept and understand that journalism has a new face in the twenty-first century. If what it does is not journalism, then we need to analyse its place in society and where it fits between government and professional journalism.

Writing on his blog on *The Spectator* website, Alex Massie said of Assange:

I'm not sure I understand the WikiLeaks controversy. If one of the many definitions of news is, (and always has been), that it is *something that someone, somewhere does not want you to know* then, yes, Julian Assange is a journalist. Perhaps *newsman* would be a better, more strictly accurate way of putting it (Massie 2010).

Lucy Daghli, executive director of the Reporters Committee for Freedom of the Press, does not see Assange, or WikiLeaks, in the same terms as Massie. Daghli writes:

It is not journalism. It's data dissemination, and that worries me. Journalists will go through a period of consultation before publishing sensitive material. WikiLeaks says it does the same thing. But traditional publishers can be held accountable. Aside from Julian Assange, no one knows who these people are (Harrell 2010).

Although Daghli's comments are presented amidst a broader discussion on shield laws, the problem with her argument is that she seems to be saying that journalists should have confidential source protection, but transparent-democracy websites like WikiLeaks should not have confidential source protection *because* they have confidential sources. Daghli, like many journalists working in the mainstream press, maintains an extremely narrow definition of journalism that more closely resembles a time long past.

If what WikiLeaks does is not journalism it is at least a journalistic website. It is involved in the dissemination and publication of information that is newsworthy. Of that, there can surely be little argument. That WikiLeaks and the documents it publishes garner so much attention in the mainstream press should settle that score. The question of whether Julian Assange is a journalist, and whether what WikiLeaks does is journalism, may only be settled if the US government were ever successful in charging Assange with an espionage-related crime and having him extradited to the US to face court. Until that time, it remains a worthwhile debate for the community to engage in.

This paper is concerned with the response of the mainstream media to WikiLeaks's publication of 'secret' US military documents, with a focus on journalism ethics – or truth-telling – in the Internet age and WikiLeaks's historical place in democracy. The over-arching question of this paper is: rather than shunning it, should journalism embrace WikiLeaks or assist in its demise?

To publish or not to publish

If a journalist discovers information believed to be in the public interest to disclose, should he or she publish that information, even if the government says lives will be put at risk by doing so? It's a dilemma journalists have faced throughout the ages, but was a central debate at the time WikiLeaks published on its website 92,000 documents relating to the US involvement in Afghanistan between January 1994 and December 2009. Prior to publishing the documents, WikiLeaks gave three traditional print media outlets – *The New York Times* (USA), *The Guardian* (UK) and *Der Spiegel* (Germany) – access to the documents on condition they not publish any stories until WikiLeaks published them on its own website on July 25, 2010. All three news outlets complied and were given access. Although each took a different approach to their reporting of the documents, all three published extensively based on their early access to the documents.

On the day WikiLeaks published the documents, *The New York Times* issued a media release explaining in detail its decision to publish a number of articles based on its viewing of the documents (The New York Times 2010). On the same day, *Der Spiegel* also published on the magazine's website explaining its decision to publish articles. Interestingly, *Der Spiegel* saw its role as one of 'vetting' and 'authenticating' the 92,000 documents (Der Spiegel 2010). On August 9, 2010, *The Guardian* published a lengthy piece by Chris Elliott, the newspaper's Readers' Editor, in which he justified their decision to publish off the back of access to the documents. He even went as far as to suggest that readers of *The Guardian* had not complained about the coverage and any anger that was directed towards the three publications "came from other newspapers" who had not been given early access to the documents (The Guardian 2010).

The New York Times, in particular, was adamant that its coverage of the documents was of significant public interest and, in this case, not publishing the secret information was not an option. As the newspaper argued in its media release of July 25, 2010, "The documents illuminate the extraordinary difficulty of what the United States and its allies have undertaken in a way that other accounts have not" (The New York Times 2010). It went on to suggest that most of the documents were classified at a relatively low level – secret.

Media commentators have devoted miles of column inches to a comparison between Daniel Ellsberg and the *Pentagon Papers* – published by *The New York Times* in 1971 – and Julian Assange and the *Afghan War Logs* (and later, the *Iraq War Logs*). Although such a comparison was inevitable, there is perhaps little similarity between the two men. However, certainly comparisons can be made between the *Pentagon Papers* of 1971 and the *Afghan War Logs* and *Iraq War Logs* of 2010.

R.W. Apple, a former editor of *The New York Times*, explained more than two decades after their publication that the *Pentagon Papers*,

demonstrated, among other things, that the Johnson Administration had systematically lied, not only to the public but also to Congress, about a subject of transcendent national interest and significance (The New York Times 1996).

The *Pentagon Papers* revealed the US government's knowledge that the war was unlikely to be won and that continuing the war would lead to more casualties than had ever been admitted publicly. In short, the government had lied to the public and to the Congress.

The *Iraq War Logs*, in particular – 392,000 documents published by WikiLeaks in October 2010 – are arguably less shattering than the *Pentagon Papers*, however a close analysis of the Iraq documents sheds light on a number of important aspects of the war, all of which were unknown to the American people and citizens of coalition partners in the war. A summary of the analysis conducted by *The New York Times*, published on October 22, 2010, reveals:

The war in Iraq spawned a reliance on private contractors which later spread to Afghanistan, resulting in more contractors than soldiers.

The documents suggest the so-called surge in 2007 worked mostly because Iraqis were exhausted by years of bloody war and were ready to cooperate with the US military.

The deaths of Iraqi civilians at the hands of Iraqis and the US military were greater than the figures made public by the Bush administration.

The documents reveal a level and frequency of abuse by American troops and its allies that was far greater than was suggested after the Abu Ghraib scandal broke in the media. The documents also suggest Americans chose to avert their eyes rather than intervene.

Iran intervened aggressively, offering weapons, training and sanctuary to Shiite combatants (The New York Times 2010).

Although this brief summary of 392,000 documents cannot be compared to the *Pentagon Papers* with regards to legal, political and social impact of their publication, they do highlight the propensity for governments to lie, or at least withhold information of public interest during times of war. The documents also reveal that since the *Pentagon Papers* were first published in 1971, little has changed with respect to the importance of the conduit role played by the press in concisely disseminating and contextually explaining the leaked documents to the public.

In the public interest, for the public good

Swiss theoretical philosopher Dale Jacquette (2007) presents a "fundamental justificatory principle and moral mandate for professional journalism" that articulates what it is journalists do and what it is they should, as professionals, aspire to do. His principle states:

Journalists are morally committed to maximally relevant truth-telling in the public interest and for the public good (2007: 19).

If we accept Jacquette's principle as being reflective of the broader intent of journalism, then it is useful to apply his principle to the coverage of the WikiLeaks documents (at least, to those media outlets who wrote directly about the Afghan and Iraq war logs, rather than those who published commentary or criticism of *The New York Times*, *The Guardian* and *Der Spiegel*).

The dilemma for journalists is deciding whether revealing or concealing information is more in alignment with the moral obligation to "provide maximally relevant truth-telling in the public interest and for the public good" (Jacquette 2007: 19). That is, can a journalist argue that his or her reporting is maximally relevant truth-telling, in the public interest, for the public good? If the answer is yes on all three counts, then journalism is morally obliged to report and publish.

When it comes to WikiLeaks' Afghan and Iraq war logs, we can apply Jacquette's principle in order to determine journalistic ethics on the matter. It's safe to assume WikiLeaks would have published the documents on its website even if it had been threatened with legal action from the US government and regardless of whether *The New York Times*, *The Guardian* and *Der Spiegel* had declined WikiLeaks' offer of advance viewing of the documents and subsequently – perhaps because of pressure from the Pentagon and/or the US Department of Defence – declined to publish coverage of the documents themselves. Given *The New York Times'* history of publishing 'sensitive' documents, it is safe to assume it is one of the reasons WikiLeaks approached them in the first place.

There can be no doubt that documents – secret or otherwise – relating to the wars in Iraq and Afghanistan are relevant more broadly to the concerns of the public, regardless of which side of the issue they come down on. We can say, therefore, that reporting on the WikiLeaks documents can be regarded as satisfying the first part of Jacquette's principle. It constitutes maximally relevant truth-telling.

The difficulty in this scenario is determining whether reporting on classified documents, some of which the Pentagon argues have the potential to put lives at risk, is truly in the public interest and for the public good. Was the person or persons who leaked the documents to WikiLeaks truly acting in the public interest and for the public good? Or, would *The New York Times*, *The Guardian* and *Der Spiegel* have better served this element of the principle of journalistic ethics if they had refrained from reporting on classified documents, at least until they could be certain there were no lives placed at risk and no outstanding national security issues?

There is much room for debate about the matter, demonstrated by the overwhelming public opinion expressed on each of the publications' websites and by the quantity of commentary to be found more widely in the press. Needless to say, there is division between public opinion on the right to know and criticism of the risks associated with publishing classified information that enemies of America and its allies might use against them. Typical reactions on both sides of the issue included the following two, posted on October 22, 2010 on the websites of *The New York Times* and *The Guardian* in response to publication of the Iraq War Logs.

War is a bloody and terrible thing paid for by the tax payers, apparently for our own good. I, for one, am glad to get some insight into what exactly happens on our behalf (posted on The Guardian's website).

Shame on *The New York Times* for publishing classified military documents that were leaked to WikiLeaks. *The New York Times* has gone too far. I am officially removing NYT from my Internet browsing. I am appalled (posted on The New York Times Website).

It remains an open question whether the publication of secret military documents, with sensitive information such as informants' names redacted, could hinder the war effort, jeopardise national security and place soldiers' lives at risk. The largely emotional responses from both sides of the argument represent a reasonable reaction, but in the end, *The New York Times*, *The Guardian* and *Der Spiegel* were right to publish their articles, including redacted versions of the leaked documents. By reporting on the documents, and providing analysis and context, the journalists from each of the publications better served the journalistic mandate of acting in the public interest and for the public good. Not only does the public have a right to know that many of the details regarding the wars in Iraq and Afghanistan were falsely conveyed by their government, or willfully withheld, but by announcing deficiencies in strategy, the reporters create the potential for mistakes to be rectified or, at least, to facilitate public debate based on a more honest assessment of the situation.

In a democracy, governments can only be held accountable for their actions and decisions if the public is afforded the free and open opportunity to hold them accountable. This must include failures alongside successes. The public good dictates that not only was it morally permissible for *The New York Times*, *The Guardian* and *Der Spiegel* to report on the WikiLeaks documents, it was morally obligatory for them to do so.

WikiLeaks, journalism and democracy

University of Sydney professor of politics, John Keane (2009), suggests the fight for press freedom first occurred in the northern and western regions of Europe before it spread to the American colonies. Keane notes the irony that:

liberty of the press, a cherished cornerstone of modern power-sharing governments and politics, was invented and championed by deeply religious men, for whom the word 'democracy' was strange and certainly repugnant (2009: 238).

It is not a stretch to suggest that the struggle for freedom of the press began with the invention of the printing press. In fact, it could be argued that the struggle has, in one guise or another, never abated.

Two hundred years after the invention of the printing press, John Milton wrote *Areopagitica*, a passionate defence of freedom of speech. He wrote:

Though all the winds of doctrine were let loose to play on the earth, so Truth be in the field, we do injuriously, by licensing and prohibiting to misdoubt her strength. Let her and Falsehood grapple, who ever knew Truth put to the worse, in a free and open encounter? (Milton 1915; 1952: 409).

Two hundred years after Milton, John Stuart Mill wrote *On Liberty*, a book whose central theme is the importance of encouraging free thinking in order to enable the improvement of humankind. Mill's argument was emphatic and remains as powerful today as it was in his day: a time, he suggests in *On Liberty*, in which freedom of the press had barely made progress since the time of the Tudors. Mill wrote:

If all mankind minus one, were of one opinion, and only one person were of the contrary opinion, mankind would be no more justified in silencing that one person, than he, if he had the power, would be justified in silencing mankind. Were an opinion a possession of no value except to the owner; if to be obstructed in the enjoyment of it were simple a private injury, it would make some difference whether the injury was inflicted only on a few persons or on many. But the peculiar evil of silencing the expression of an opinion is, that it is robbing the human race; posterity as well as the existing generation; those who dissent from the opinion, still more than those who hold it (Mill 1859; 1969: 23).

Mill's argument is a powerful one and yet, here at the start of the 21st century, the protection of, and struggle for, free speech remains as relevant today as it did in the 1400s of Gutenberg, the 1600s of Milton and the 1800s of Mill.

Since the publication of the Iraq and Afghanistan war logs by WikiLeaks, some commentators have suggested that democracy is under threat if WikiLeaks continues to publish secret documents. Writing in *National Review Online* following publication of the first documents relating to Afghanistan, Gabriel Schoenfeld, author of the book *National Secrets*, suggested WikiLeaks's oxygen would be extinguished if the government did a better job of protecting its secrets (Schoenfeld 2010).

Following publication of the second wave of documents, relating to Iraq, a Fox News contributor, Christian Witton – a former US State Department official during the Bush administration – accused WikiLeaks and Julian Assange of committing "an act of political warfare" against the US. Witton called for the indictment of Assange for espionage (Huffington Post 2010). However, a

far greater threat to democracy would surely be the shutting down of a journalistic website, and the stifling of the press's ability to report on material published by that website. In December 2010, for example, *The Guardian* online edition began asking its readers what it should look for among the leaked US Embassy cables. It then searched the documents and filed reports via a blog on its website.

American sociologist Herbert Gans argues we can no longer deny the transition from old print and electronic news media to a new digital media (2010: 213). New technology will affect the news media, and its contribution to democracy, in ways we can barely envision today. The future of news involves new players, some of who have already begun to exert an influence, such as bloggers and their commentators.

Keane (2006) takes up this theme in his essay "Democracy, A Short History", suggesting a new era of "complex democracy", as he refers to it, has been emerging since the mid-19th century. In this era of complex democracy, a more global – and therefore more complex – means of monitoring and controlling power has arisen. Keane includes, in a vast list of examples, blogs and other forms of online monitoring of the press. New communication methods, such as the Internet, are playing a significant role in monitoring the activities of governments across the globe.

Gans argues that these new voices help to enlarge the public sphere and contribute to the wider democratic conversation. Gans' argument can be taken even further. If democracy is to survive and prosper, journalism must survive and prosper. The question is one of what journalism will look like in the future.

Conclusion

Unless WikiLeaks is prevented from doing what it does, (and even if it is, it is likely that another like-minded website will appear in its place), the debate about whether WikiLeaks is on the side of the angels or a significant threat to national security will continue for a long time to come. In fact, WikiLeaks founder Julian Assange has made it very clear that this is just the beginning for WikiLeaks, suggesting he has a "mountain of unpublished documents at its disposal" ("Is WikiLeaks a Blessing or Curse for Democracy" 2010). If WikiLeaks is to remain in business and continue to publish governments' secrets, journalists will continue to report those secret documents.

Leaving aside the debate about whether revealing government secrets is healthy for democracy, there is considerable evidence, as University of Illinois Gutgsell Endowed Professor Robert McChesney puts it, that "American journalism is collapsing" (McChesney 2009). This 'crisis' in journalism is not a solely American problem. Rupert Murdoch has indicated his determination to place the online content of his print newspapers behind paywalls (see for example, "Murdoch to Erect Paywalls at Australian Papers" 2010). Recently, News Corporation launched its iPad-only newspaper, called *The Daily* ("Rupert Murdoch Unveils iPad Newspaper The Daily" 2011). If the future of news delivery and consumption is via the 'app', as Murdoch suggests, transparent-democracy websites such as WikiLeaks are likely to play an integral role in the delivery and dissemination of news into the future.

In an opinion piece published in *The Australian* on December 7, 2010, Julian Assange wrote:

WikiLeaks coined a new type of journalism: scientific journalism. We work with other media outlets to bring people the news, but also to prove it is true. Scientific journalism allows you to read a news story, then to click online to see the original document it is based on. That way you can judge for yourself: is the story true? Did the journalist report it accurately? (Assange 2010).

Assange's argument is simply that a strong media is an essential element of a robust democracy and any attempt to prevent WikiLeaks from continuing to operate or threats to prosecute those who publish the documents – which includes not only WikiLeaks, but media outlets across the world – poses a serious threat to democracy and is therefore a threat to a free press.

Footnotes

1 For a more detailed discussion of the case, see, for example, Eastland, T. (2000). *Freedom of Expression in the Supreme Court*. New York: Rowman and Littlefield Publishers and Wickwar, S. (1974). *The Struggle for the Freedom of the Press, 1819 – 1832*. New York: Johnson Reprint Corp.

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