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Secrecy, Betrayal and Crime

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Introduction

In the past several years more and more hidden transgressions and crimes have been revealed in the media. Secrets that were kept for generations are no longer secret. Secret societies such as the Freemasons hold ‘open days’ and Cabbalists attract a wide audience to their courses and workshops, something unthinkable only twenty years ago. Whistleblowers reveal clandestine agreements between managers and directors of large companies; criminals (*pentiti*) make deals with criminal justice officials and provide information about organized crime; cyclists and athletes make tearful confessions about drug use in front of an army of TV journalists.

It looks as if Pandora’s box has been opened and all kinds of sins have emerged. However, going through the historical archives, we see that from time to time sensational and sometimes heartbreaking testimonies by victims of sexual abuse, or confessions by sportsmen, managers and drug traffickers have appeared in the headlines before. These confessions shocked the public, raised many questions and then disappeared again – until the mid 1990s/beginning of the 2000s, when a new wave of revelations in various sectors of society began to dominate the media and the public debate.

The relevant question for social science research is what exactly happened to make all these persons speak up? Why them and why now? How do society’s institutions react to these revelations? More in general, what is happening in our late modern society, where secrets seem to be a thing of the past? Various theories have been proposed to answer these questions. One possible explanation for this wave of revelations can be found in increasing governmental control and successful compliance by various public and private institutions. This explanation has been challenged by criminologists who argue that stricter control can only lead to even more secrecy and more sophisticated communication between the persons involved.

Another possible explanation is that although secrecy used to be functional in times of trouble, dictatorships and wars, as a symbol of political or religious protest to gain the underground support of a significant part of the population, today the word ‘secret’ has become

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synonymous with 'illegal' or 'criminal'. Rather than being considered an offender, people prefer to be viewed as 'victims of the system', of late modernity with its impersonal, unstable relationships, mobility and risks. In such a society there is no place for secrets. This explanation has also been criticized, for example by authors like Mike Presdee, who have argued that the routine and boredom of late modern life can be a reason for individuals to lead a 'second life', where transgressions can be an answer to the emptiness of people's existence. Presdee shows that longing for different forms of pleasure is a consequence of the increasing rationalization of public life, 'that part of life that is inaccessible and untouchable to the "official world" of the scientific rationality of modernity and its politics, parties and politicians'.¹ 'Moral entrepreneurs' describe this desire for pleasure as uncivilized or even criminal.

While earlier in history the functionality of secrecy was generally recognized and the violation of a secret was seen as betrayal, today secrecy is considered as an obstacle to risk avoidance, and the disclosure of secrets is viewed in our times as an expression of good citizenship. It is encouraged and in some countries even rewarded by the authorities.

In this paper, I will ask why attitudes about secrecy have changed, why in the last decades so many secrets have been revealed, either by individuals who are complicit (*pentiti*, whistleblowers or cyclists) or by victims (of child abuse by the Catholic clergy) and outsiders (WikiLeaks activists). Who are the people behind the secrets? And how can we carry out research in closed and isolated groups who consider such information leaks a form of betrayal? What is the specific social context in which these revelations take place, and why is this happening now? I do not pretend to be able to answer all these questions. Much more (and more detailed) criminological research is needed for this. My purpose here is to place them on the agenda of future criminological research, especially by the Utrecht School of Cultural Criminology.

Secrecy in the risk society

Journalists, activists and social scientists have uncovered a wider and greater scale of crime in our days than ever before. Some reports are undoubtedly exaggerated or inaccurate, but 'the world which we *experience* as risky is *revealed* as risky on a wider and wider scale in all areas and parts of the social fabric'.²

Secrecy is at the core of these developments, including secret codes, rituals, rules, clandestine language and symbols. The German sociologist Georg Simmel argued that a secret forms a connecting link in human relationships.³ To share a secret has great advantages: it creates conditions in which people can freely talk about sensitive issues such as politics or religion, which is discouraged by certain political regimes. Under dictatorships and in times of repression being able to talk with someone about such issues without fear of being caught is a great luxury. Under the Soviets, hundreds of thousands of people were sent to the Gulag because of careless remarks or jokes expressing their direct or indirect dissatisfaction with the existing socio-political order. The same is true today in Iran and North Korea. Under dictatorial regimes, distrust is a daily experience: denouncing relatives and close friends who voice their dissatisfaction with the system is encouraged by the authorities. Revealing such secrets is considered a betrayal by the

1 M. Presdee, *Cultural Criminology and the Carnival of Crime*, 2008, p. 8.

2 J. Young, *The Exclusive Society*, 1999, p. 69.

3 G. Simmel, 'The Sociology of Secrecy and of Secret Societies', 1906 *American Journal of Sociology (AJS)* 11 (Trans. Albion W. Small, 1906), pp. 441-498.

public, but very often the betrayer himself remains anonymous, through various mechanisms of denunciation.

In our time, we are confronted with what Jock Young calls a permanent stream of moral panics.⁴ Late modernity has brought an increase in impersonal relations and the honesty and loyalty of others is based on self-interest and instrumentality. 'The single individual is not expected to be consistently honest and loyal; it is enough to be so intermittently, according to need'.⁵

We are continuously alerted to risks and dangers in our immediate environment. In the liquid modern world,⁶ all that is solid and secure melts in the air; there is no longer constancy and grip, nothing is certain, stable or taken for granted. In such a world, having a secret can be attractive as well as dangerous. It can be attractive because it creates a niche where like-minded individuals can meet to share ideas and values not encouraged or appreciated by the wider world. In this context, the traditional function of secrecy, the sense of belonging and sharing a collective goal, is important.

Secrecy can also be dangerous, because in such a world it can lead to misunderstandings about the activities and aims of the individuals involved and to negative stereotyping and speculation. Where there is a lack of knowledge, prejudice and myths prevail and this can lead to policies based on stigmatization and misconceptions, which can add to existing problems. As a result, different categories of 'risky individuals' are constructed, some groups become isolated and there is a shift from law-enforcement control to other governmental institutions. Risk society, globalization, a 'culture of control' and other fashionable terms are embedded in the language of politicians, managers and social scientists. They are easily used, but perhaps not enough thought has been given to their meaning and consequences. History teaches us that 'risk groups' have always existed and will continue to do so because people will always need secrets and exclusivity. But why are these secrets vanishing in the 21st century? Are we entering an era of societies without secrets?

Methods of research on secrecy

Criminological research by definition deals with illegal, shielded activities. In his work on the Sicilian Mafia, Anton Blok emphasized the symbolic nature of secrecy for identity forming and internal cohesion.⁷ In other criminological studies secrecy and trust are perceived as economic strategies.⁸ Zaitch argues that secrecy is important for cocaine entrepreneurs in order to 'minimize risks, avoid detection, and neutralize competition'.⁹ Secrecy is an important aspect of criminal activities and criminal culture.

There are several ways in criminology to study criminal behavior, varying from analyzing police and court files and testimonies of convicted perpetrators or collaborators with the authorities,¹⁰ to interviews with prison inmates,¹¹ or participant observation inside criminal groups, or

4 J. Young, *The Vertigo of Late Modernity*, 2007.

5 G. Turnaturi, 2007, *Betrays. The Unpredictability of Human Relations*, 2007, pp. 112-113.

6 Z. Bauman, *Liquid Modernity*, 2000.

7 A. Blok, *Honour and violence*, 2000, p. 87.

8 F. Thoumi, *Political economy & illegal drugs in Colombia*, 1995; D. Gambetta, *The Sicilian mafia. The business of private protection*, 1996.

9 D. Zaitch, 'The Ambiguity of Violence, Secrecy, and Trust Among Colombian an Drug Entrepreneurs', 2005 *The Journal of Drug Issues* 35, no. 1, pp. 201-228.

10 L. Paoli, *Mafia brotherhoods: Organized Crime, Italian Style*, 2003.

11 F. Bovenkerk, *La Bella Bettien*, 1995.

among their friends, families and business partners.¹² The method of participant observation tries not only to describe specific (criminal) acts, but also to illuminate the social world of the actors involved, their networks, their daily experiences, feelings, expressions and dilemmas.

It can take months or even years before trust between the researcher and informants is established and even longer before the researcher is allowed into the sensitive, intimate and secret details of their social world. The discovery of secrets, a process which takes a great deal of effort, time and energy on the part of the researcher, can have an enormous impact on the research as a whole. Sharing secrets with informants during fieldwork carries the risk of '*going native*', meaning that the researcher can no longer maintain his or her distance and independence. In such a situation, there is a role conflict and the researcher becomes vulnerable. In extreme cases he/she is seen as someone who 'knows too much' and it can be physically dangerous to continue contacts with the informants. However, there is no better method for revealing secrets and mysteries than ethnographic research, including participant observations, analysis based on 'thick description', and an understanding of the subjective experiences of the informants. Their reasons, choices, expectations, fears and emotions are just as important for understanding their actions as media representations and the public discourse resulting from revelations by perpetrators or victims.

Various aspects of secrecy

From the 1990s onwards, an increasing amount of empirical research has been published on secrecy and betrayal. I will focus here on a limited selection of these studies, following the logic and development not only based on the gathered data, but also on theoretical approaches and reconsidered concepts which emerge as a result.

Organized crime: from secrecy to openness

Organized crime serves as a prime example when it comes to secrecy. The 'mysterious' Italian Mafia has always focused on keeping secret the structure, agreements and strategies of their organization. In Cosa Nostra, generations-long traditions with their emphasis on *omerta*, absolute silence, the 'status contract' as an act of fraternization, and the feeling of belonging and mutual support are essential.¹³ Therefore, when in the mid-1990s policies were developed in Italy to reward and promote 'collaborators of justice', who were willing to cooperate with the public prosecutor and the police (the so-called *pentiti*), nobody really thought that the scheme would be successful. However, in 1996, at the peak of the '*pentiti* movement', more than 1200 *pentiti* were registered with the Italian Ministry of the Interior.¹⁴ In 1997, however, the number of *pentiti* drastically decreased, when the Central Commission introduced stricter criteria for new collaborators, possibly because too many of them had emerged in the years before.¹⁵

In the case of the Italian *pentiti* it is clear that in the mid-1990s the revelation of Mafia secrets functioned as a means for individual *mafiosi* to survive under pressure from Italian law enforcement. Providing information can sometimes be instrumental for criminals. Moreover, the

12 D. Siegel, 2005, *Russische bizniz*, 2005.

13 L. Paoli, 'The Decline of the Italian Mafia', in D. Siegel & H. Nelen (eds.), *Organized Crime: Culture, Markets and Policies*, p. 17.

14 E. Savona, 'Italian Experience with Combating Organized Crime and Collaborating of Justice', Presentation at the CIROC seminar *Italian mafia, afpersing en deals met justitie*, 21 February 2007, on: <<http://ciroc.nl/archief.php>>.

15 A. La Spina, 'Recent Anti-Mafia Strategies: The Italian Experience', in D. Siegel & H. Nelen (eds.), *Organized Crime: Culture, Markets and Policies*, 2008, p. 202.

relatively large numbers of *pentiti*¹⁶ who shared information with the authorities justified and encouraged others to speak up. The logic is simple: ‘the secrets are already out there, so I am not the first to betray the organization’. The example of the *pentiti* movement in Italy demonstrates that traditions of secrecy and *omerta* were massively broken when alternative benefits for *mafiosi* were proposed by the state in exchange for information.

In his study on Colombian cocaine traffickers, Damian Zaitch showed that secrecy was more prevalent when there were conflicts of interests among insiders and outsiders, but especially among insiders. These secrets were also kept not so much for the sake of loyalty to the organization, but due to fear. ‘Since the *traqueto*’s loyalty to other groups or individuals (relatives, friends, other immigrants, or, even researchers) often supersedes responsibility to their employers and employees, they tend to disclose secrets as soon as they do not feel threatened or they are offered a better deal: more money, sentence reduction, social recognition, a shared identity, ideological or ethical standards, and uninterested friendships’.¹⁷

Illegal prostitution: from openness to secrecy

While *mafiosi* and *traquetos* are now sometimes willing to reveal their secrets in exchange for better living conditions and other privileges, the opposite process is taking place in the world of prostitution. Sex workers who work openly and more or less transparently are responding to new legislation by disappearing into illegal circuits and by creating new webs of secrecy.

The Dutch Government intends to introduce a pass system for legal prostitutes in 2011. Prostitution became a legal profession in the Netherlands in 2000, when the Brothel Law was introduced and sex workers were legally classified as self-employed entrepreneurs. According to the Minister of Security and Justice, the registration of sex workers is necessary to better control the sector and to avoid forced prostitution, violence and exploitation. The paradox of his proposal is that this pass system is going to be introduced in the legal sector to sex workers who are already registered with Dutch municipalities, the health services (GGD) and other governmental institutions. In addition, clients will be required to ask a woman to show her pass when he approaches her for sexual services.

Most registered sex workers describe their work as temporary and they prefer to work far from where they live, in order to avoid being identified by family, friends or acquaintances. They do not want to be registered as prostitutes for the rest of their lives, because this may stand in the way of finding regular employment later on. Students who work in the sex industry to pay for their education and other expenses are especially unwilling to be permanently associated with sex work.¹⁸ Their present occupation is supposed to be a secret. The same is true for Eastern European women who come to work in the Netherlands for a short period of time in order to support their families back home. In many of these countries sex work is severely frowned upon and in many cases relatives and friends have no idea what sort of work these women perform while abroad.¹⁹ In other words, the secret character of this particular profession is essential for most participants.

The consequence of the new registration rules is that many women, especially Dutch, will leave the legal sector to disappear into illegal brothels, or to work from home or in clandestine

16 Savona, *supra* note 14.

17 Zaitch, *supra* note 9, p. 14.

18 From interviews conducted in Groningen, Amsterdam and Almere, 2010.

19 D. Siegel, ‘Recent Trends in Women Trafficking and Voluntary Prostitution: Russian-speaking Sex-Workers in the Netherlands’, 2005 *Transnational Crime* 4, no. 1, pp. 4-23; D. Siegel, ‘Human trafficking and legalized prostitution in the Netherlands’, 2009 *Temida* 12, no.1, pp. 5-16.

settings. This increases their risk of becoming victims of exploitation by organized crime networks. The policy therefore has the opposite effect of that intended: instead of more control, the government loses all control, as it loses sight of where and in what conditions these women perform their services. In the case of prostitution, the idea of total transparency can lead to total secrecy.

Pedophile clergy: confess and forgive!

The Roman Catholic clergy's sex abuse scandals have been the focus of media attention for several decades almost all over the world. In Belgium, the Bishop of Bruges, Roger Vangheluwe, confessed publicly in April 2010 that he had sexually abused a boy for many years while serving as a bishop. By September 2010 more than 300 other sexual abuse cases by Belgian clergy were revealed. In the neighboring Netherlands in the same year an independent inquiry was set up to investigate more than 200 allegations of sexual abuse, first focusing on the Don Rua monastery boarding school, where priests had been abusing boys in the 1960s and 1970s, and later in other institutions around the country.²⁰

Reports from Ireland, the United States, Italy, Germany, Austria, Malta and Spain continue to appear in the world media. The accusations are always the same: with regard to this issue, a culture of concealment prevailed in the Catholic Church. The reputation of the Church was invariably placed above the victims' welfare. Thus, in Ireland, children were made to sign vows of silence over complaints against a pedophile priest, Brendan Smyth, in 1975 in the presence of the now head of the Irish Catholic Church, Sean Brady.²¹ In addition to vows of silence, the leaders of the Catholic Church moved the suspects of sexual abuse from one post to another, and from location to location, as in the case of the American priests Paul Shanley and John Geoghan.²²

Remarkable in the neutralization attempts by the Church is that it emphasizes forgiveness as an important Christian value. Victims are called upon to forgive their perpetrators and those who covered up their crimes. The efforts to hide the problem, to cover up numerous pedophile scandals by transferring priests to different places and the consistent denial of accountability were quite successful, even when the stories reached the international media. To some church leaders, 'forgiveness' means burying the abuse and avoiding all responsibility and accountability for it.²³ Forgiveness must be accompanied by healing. 'By shifting the focus of concern from the real victims to the Church as victim, the institution reveals itself as still in denial. In doing so the system again fails to act responsibly and continues the pattern of abuse and corporate negligence. This is manifested by certain reactive strategies: accusing victims of greed, accusing the secular press of anti-Catholic bias, appealing to the number of false accusations made against priests, and subjecting victim-plaintiffs to endless legal entanglements through a series of maneuvers aimed at avoiding accountability'.²⁴ The sincerity of the victims' confessions after so many years is doubted.²⁵ These counter-arguments again demonstrate that the Church tries to manipulate its

20 BBC, 'Catholic Church sex abuse scandals around the world', News Europe, 14 September 2010, on: <<http://www.bbc.co.uk/news/10407559>>; 'Child sex abuse in Dutch Catholic Church revealed', *NRC Handelsblad*, 26 February 2010.

21 Commission of Investigation into Catholic Archdiocese of Dublin, *Report*, 2009.

22 BBC, *supra* note 20.

23 T. Doyle, 'Roman Catholic Clericalism, Religious Duress, and Clergy Sexual Abuse', 2003 *Pastoral Psychology* 51, no. 3, pp. 189-231.

24 *Ibid.*

25 The critical articles by Thomas Doyle, a canon lawyer who worked at the Vatican Embassy in the 1980s, transformed him from a loyal member of the clergy into a whistleblower (J. Berry, *Lead Us Not into Temptation. Catholic Priests and the Sexual Abuse of Children*, 1992). He later received the Cavallo award for moral heroism.

image as a victim (of the *real* victims) and not as a perpetrator, because of the enormous risk of losing its supporters, its position and reputation in general.

There are numerous documents which show that in earlier periods in the history of the Roman Catholic Church the sexual abuse of children was considered a terrible crime, and guilty priests were excommunicated, removed from the clerical state and denied all financial assistance.²⁶ But what, precisely, were the factors leading to the revelation of sexual abuse by Catholic priests in the mid 1990s-2000s after generations of silence?

The reasons could be very simple: the abused children have grown up and as adults they have finally found the courage to challenge the powerful institution of the Catholic Church and its 'spiritual' perpetrators. This process perhaps went along with the fact that the parents of the victims have now passed away and those victims are no longer ashamed to come forward with their stories. The abuse took place in the general context of the sexual revolution of the 1960s, and therefore 'blaming the new order' was in one way or another justified by the conservative parishes.

Another factor in the revelations is due to the fact that in mainstream criminology there is a tendency to present sensational statistical data without a proper explanation of their meaning. In this context the problem of the abuse of children in general became a hot issue in criminological research and evidence was needed. Because most cases occur within the home, the sexual abuse of children was, on the one hand, a 'dark number', but, on the other, it was a reason to widen the range of perpetrators to outside the domestic sphere in order to justify the statistics. In this context the cases of victims of sexual abuse by Catholic priests were useful for the 'number producers'.

The sexual abuse revealed in Catholic Church scandals are not new, but the revelations are part of the general process of increased transparency as demanded by institutions and individuals in late modern society. In this case, however, the confessions of victims became (at last) crucial for the media and public opinion. In the following case we will see that those who came forward with confessions of illegal activities were themselves offenders and not victims.

Sports, drugs and the rush for gold

In its *White Paper on Sport*,²⁷ the European Commission described doping as a problem which 'seriously affects the image of sport and poses a serious threat to individual health'. The use of prohibited performance-enhancing substances has become widespread in many sports, both professional and amateur. Since the 1998 Tour de France, doping has become a hot issue, especially in cycling. In January 2000, the Dutch cyclist Peter Winnen admitted on TV that he had used banned substances such as testosterone, amphetamines and corticosteroids during his career between 1980 and 1991.²⁸ In 2007, a wave of confessions by German top sportsmen took place, who admitted to the use of doping. A remarkable argument in their announcement was that they were put under enormous pressure from functionaries demanding top performances.²⁹ 'The confessing athletes emphasized again and again that they succumbed to compulsion. The competitors take drugs, so I have to do it as well, in order not to be taken off'.³⁰ The Danish cyclist Bjarne Riis also made a dramatic admission in *Der Spiegel*. He confessed that in 1996,

26 Doyle, *supra* note 23, p. 3.

27 European Commission, *White Paper on Sport*, COM(2007) 391 final.

28 *Reporter*, January 2000.

29 J. Bordat, 'The Doping Confessions of Germany's Cyclists', *Ohmy news*, 29 May 2007.

30 *Ibid.*

when he won the Tour de France for Team Telekom, he had been taking the blood-boosting hormone EPO.³¹

Since the mid-1980s an ongoing stream of evidence has come from the former Soviet Union and other former socialist countries about the use of drugs by top sportsmen, which was controlled and encouraged by the state. In Soviet high-performance sport, doping was largely used to promote the ideology of the mandatory victory of Soviet sportsmen over capitalist states, as a manifestation of the success of the Soviet system in all aspects of life. In 1986, Yuri Vlasov, the then head of the USSR Weightlifting Federation and himself a former world champion, accused Soviet athletes of using anabolic steroids in 1968-1970, while also pointing the finger at their coaches for allowing this to happen. Vlasov specifically accused one of the senior coaches and a high-ranking official of the USSR Sports Committee, who distributed the steroids to members of the Soviet team.³²

In other socialist countries young and promising sportsmen were encouraged to take steroids by their coaches, as was the case in East Germany. In 1989, the ski champion and sports doctor Hans-Georg Aschenbach revealed that GDR athletes were drugged from childhood (from the age of seven or eight years old). Two years later, four German swimming coaches issued a statement confessing to the widespread use of anabolic steroids among GDR swimmers in the 1970s and 1980s.³³

The involvement of coaches, managers, state officials and sportsmen in illegal practices to ensure high scores of the members of national sport teams in international sporting events is not limited to dictatorial regimes. Yesalis and Bahrke mention a 'doping pandemic of huge proportions in elite sport'.³⁴ In the 1990s, a Canadian Commission reported on a 'conspiracy of silence' and a 'pact of ignorance' about drug use in top sports.³⁵ An investigation in 2000 again stressed that in their desire to win, government officials, coaches and trainers have often looked the other way or have been actively involved in supplying performance-enhancing substances.³⁶

The general consensus of the responses from sports entrepreneurs, physicians and sport federations to the stream of confessions and accusations is that the problem of doping is a matter which lies in the past. However, as long as sport exists and there is a human desire to win, to achieve, and to be the best, and as long as strength, speed and size are promoted as the basic features of the sports that are enjoyed by millions of people, the use of drugs will remain a 'demand-driven problem', especially in top-level competitive sport.³⁷

In amateur sports there are also plenty of cases of the use of and the trade in illegal substances. In 1998, Koert and Van Kleij conducted research on the (illegal) trade in doping substances in fitness centers in the Netherlands.³⁸ This supply of illegal substances became a popular subject and led to a significant number of publications in the medical and ethical literature.

31 'Tour de France Victor Riis Admits to Doping', *Der Spiegel*, 25 May 2007.

32 Y. Vlasov, 'Ya pravdu rasskazhu tebe takuyu...' (I will tell you such a truth...), *Sovetskiy sport*, 31 October 1991

33 See also A. Mader & W. Hollmann, 'Sportmedizin in der DDR', 1983 *Sportwissenschaft*, no. 2, pp. 152-162.

34 C. Yesalis & M. Bahrke, 'History of Doping in Sport', in M. Bahrke & C. Yesalis (eds.), *Performance-enhancing Substances in Sport and Exercise*, 2002, p. 15.

35 C. Dubin, *Commission of inquiry into the use of drugs and banned practices intended to increase athletic performance*, Canadian Government Publishing Centre, 1990.

36 CASA, National Commission on Sports and Substance Abuse, *Winning at Any Cost: Doping in Olympic Sport. Report*, National Center on Addiction and Substance Abuse, 2000.

37 See also Yesalis & Bahrke, supra note 34.

38 A.W.A Koert & R. van Kleij, *Handel in doping. Een verkennend onderzoek naar de handel in dopinggeduide middelen in Nederland*, 1998.

WikiLeaks – a world without secrets?

The basic idea of the founders of the WikiLeaks website is that there should be no more secrets: no secret acts, no secret agreements, no secret promises. Everything should be open and transparent. Public and private organizations, as well as individuals, are no longer supposed to have anything to hide.

But who is behind WikiLeaks, who decides that absolute transparency is the highest value of late modernity? The site claims to have been founded by a group of concerned journalists, political dissidents and hackers,³⁹ whose aim is to make confidential government documents available to the wider public. However, the idea that WikiLeaks is just a group of informers is not quite correct. In the process of revealing information a selection has to be made, as well as a decision about what is sufficiently important to put out and what is not. In this way, a new group of powerful individuals emerges, who are not only in a position to manage our information systems and to determine the political and social agenda, but also to play the role of censor, reminiscent of Big Brother.

According to the prison doctor and psychiatrist Theodore Dalrymple, WikiLeaks is achieving the opposite of what it is supposed to achieve. 'Far from making for a more open world, it could make for a much more closed one. Secrecy, or rather the possibility of secrecy, is not the enemy but the precondition of frankness. WikiLeaks will sow distrust and fear, indeed paranoia; people will be increasingly unwilling to express themselves openly in case what they say is taken down by their interlocutor and used in evidence against them, not necessarily by the interlocutor himself'.⁴⁰ In a sense, WikiLeaks is taking upon itself the role of a censor, in a totalitarian sense, because people will become afraid of writing what they really think and believe. 'The ability to be secret is essential to the ability to be honest'.⁴¹ 'WikiLeaks is setting itself up as a moral authority over the whole world',⁴² and 'even if some evils are exposed by it, or some necessary truths aired, the end does not justify the means'.⁴³

Another criticism of WikiLeaks' activities is that their presupposition that the public wants to know everything is taken for granted. But not everyone wants to know everything, especially when it comes to facts that could destroy our trust. Comparable to the previously discussed 'conspiracy of silence' we do not want people to ruin our ideals, our fairy tales, or our heroes. The question as to whether the world will improve with vast amounts of information on everything and everybody remains problematic. It appears that the Internet has created new ways for betrayal, challenging us to reconsider our concepts of 'trust', 'loyalty' and 'responsibility'. With the revelations by WikiLeaks a situation is created where people start to trust the Internet almost absolutely.

Trust and secrecy

For trust to be relevant there must also be the possibility of 'exit, betrayal, defection'.⁴⁴ Trust works, but it can also be an illusion. When trust is taken for granted, there is room for manipulation and cheating. The idea of trust and the general reference to trust as a value or as a basis for

39 The question of how the hackers get information is not discussed here, although the illegal aspect of their activities is worth studying in criminological research.

40 T. Dalrymple, 'What's Really Wrong with Wikileaks', *City Journal*, 2 December 2010, <<http://www.city-journal.org/2010/eon1202td.html>>.

41 VPRO, 'De wereld na WikiLeaks' (The world after WikiLeaks), *Tegenlicht*, 24 January 2011.

42 Ibid.

43 Dalrymple, *supra* note 40.

44 D. Gambetta, 'Can We Trust Trust?', in D. Gambetta (ed.), *Trust. Making and Breaking Cooperative Relations*, 1988, p. 219.

relationships and even the whole industry's activities, is however very relative. It is impossible to have full knowledge of the actions, behaviour and plans and thoughts of others. If there was absolute trust there would be no possibility to take risks and new initiatives, because total 'blind' trust restricts a person's freedom, 'the role of trust in governing our decisions would be proportionally smaller, for the more limited people's freedom, the more restricted the field of actions in which we are required to guess *ex ante* the probability of their performing them'.⁴⁵

Trust is based not only on knowledge, but one '(...) cannot in fact ever be in possession of sufficient information to *know* that they will not act in entirely unforeseen ways'.⁴⁶ It is no coincidence that the Latin word for 'trust' is *fides* ('faith' in English). Actually, trust is a form of faith, i.e. the belief that the other person will not betray us. In situations of 'blind' trust, the moment of the first real suspicion only comes after a long period of leniency and hesitation. To start distrusting a person or an organization is a difficult decision, because it goes against the convenience of 'doing nothing'. Control amounts to an effort, while distrust equals a process of destruction. It is easier to close one's eyes and tolerate 'minor' damage than it is to become involved in 'negative action'. Condoning certain practices (the ostrich approach) can be a rational decision to protect relationships and to protect trust.

On the other hand, distrust can also be an instrument for manipulation. In his analysis of trust in the context of the Italian Mafia, Gambetta writes: 'The mafioso himself has an interest in *regulated injections of distrust* into the market to increase the demand for the product he sells – that is, protection'.⁴⁷ Distrust between partners can become the beginning of new relationships and new trust. Actually, this was the basis for WikiLeaks to start its activities: the idea comes out of the conflict between rapid technological developments, on the one hand, and governments' claims of more and more control and information about individuals. The popularity of Julian Assange, one of the founders of WikiLeaks, is not unconnected to the dissatisfaction and anger of a public forced to provide every bit of information about themselves to anonymous agencies. What WikiLeaks proposes is a new way of trust, a new ethics. According to the media sociologist Derrek de Kerkhove, total transparency will lead to the transformation from a culture of privacy to a culture of non-privacy of the individual and the emergence of 'group privacy', based on a stronger orientation towards the community, belonging, and reputation.⁴⁸

In our present 'risk society', where individuals expect their governments to protect them from all conceivable dangers, the price to be paid is total information and absolute transparency. In such a case secrecy works against a government wanting to protect the people. This argument appears to be rather simplistic because secrecy itself functions as a protection mechanism for individuals as well as groups, as demonstrated by the above-mentioned examples. Total transparency can lead to a distortion of reality.

Revealing secrets and promoting disclosure – betrayers and whistleblowers

Revealing secrets is often viewed as betrayal. 'When the We is attacked from the outside, it is reinforced and the sense of sharing is enhanced, but if the We is attacked by one of its component

45 D. Gambetta, 'Mafia: The Price of Distrust', in D. Gambetta (ed.), *Trust. Making and Breaking Cooperative Relations*, 2000, p. 219, on: <http://www.sociology.ox.ac.uk/papers/trustbook.html>

46 A. Pagden, 'The Destruction of Trust and its Economic Consequences in the Case of Eighteenth Century Naples', in D. Gambetta (ed.), *Trust. Making and Breaking Cooperative Relations*, 2000, p. 129, on: <http://www.sociology.ox.ac.uk/papers/trustbook.html>.

47 Gambetta, supra note 45, p. 173.

48 VPRO, supra note 41.

subjects, it displays its full fragility and shatters into a thousand pieces'.⁴⁹ According to Simmel,⁵⁰ being faithful means maintaining a relationship, therefore betrayal is a message of estrangement, of stepping away from an existing relationship. Goffman⁵¹ argued that betrayal happens when a group member publicly reveals aspects of the group's 'backstage' life. There must be a good reason to take such a drastic step. People who reveal illegal activities from inside their organization are invariably faced with disbelief, anger and opposition. They are viewed as traitors who give away the innermost secrets of a relationship to the outside world. When Ad Bos came forward with his account of cartel arrangements within the construction industry in the Netherlands, when Willy Voet and Jef D'Hont gave details of doping in cycling, they were formally sued by the parties involved.

In 1999, Ad Bos, a former technical director of the Dutch construction company Koop Tjuchem, tried to inform the public prosecutor's office about ongoing illegal activities. He was only taken seriously by politicians and justice officials after he appeared in the media with evidence. A Parliamentary Committee of Inquiry, set up in the wake of these disclosures, concluded that hundreds of construction companies were involved in illegal price fixing and bid rigging.⁵² The huge profits made by all parties involved in these arrangements were reason enough for thousands of people to remain silent.

One of the factors that made secrecy efficient in this and other cases is the functionality of 'not knowing'. People do not always want to examine certain facts and details. In the construction industry the employees did not want to know about illegal activities; in the Catholic Church the leaders did not want to know about the sexual abuse; journalists and fans of sports champions did not want to know about the sins of their heroes. Some of the comments on the recent WikiLeaks reports were as follows: 'I don't have to know that Roosevelt had a mistress, because it did not make him less of a politician'.⁵³ When someone's hero or idol is exposed as a charlatan and a swindler, this knowledge usually leads to utter disappointment and distrust. For the fans of Michael Jackson his music has nothing to do with his alleged pedophile activities and the fans of O.J. Simpson prefer to separate the murder of his wife and her boyfriend from his achievements in American football. Outsiders do not want to be confronted with a choice and judgment; they have an interest in secrets remaining secret so as not to ruin their own dreams and/or hero worship. Knowledge in this context becomes 'guilty' knowledge. To avoid guilty knowledge it is better not to know too much or to know nothing at all. Also lawyers and notaries are often confronted with a dilemma between the legitimate protection of their client and the obstruction of justice by closing their eyes and ignoring harmful information about their clients. They are not interested in knowing too much because this knowledge could have an impact on the quality of their work and even damage their reputations as professionals.⁵⁴

Another aspect of the usefulness of silence has to do with a fear of the consequences of revealing illegal activities. 'Conspiracies of silence' are a well-known phenomenon in criminology. Examples of this can be found in the literature on the medical world, where doctors often close ranks to ensure 'collective protection' from outside criticism and inspection. In 2002, the Dutch health inspection service mentioned a 'conspiracy of silence' in the context of an investi-

49 Turnaturi, *supra* note 5, p. 9.

50 Simmel, *supra* note 3.

51 I. Goffman, *The Presentation of Self in Everyday Life*, 1973, p. 112.

52 H. van de Bunt, 'Walls of secrecy and silence. The Madoff case and cartels in the construction industry', 2010 *Criminology and Public Policy* 9, no. 3, pp. 435-453.

53 VPRO, *supra* note 41.

54 Van de Bunt, *supra* note 52.

gation into a number of dentists who had made serious medical mistakes while intoxicated. The suspects' colleagues refused to collaborate with the inspection service, an example of 'shared personal vulnerability'.⁵⁵ The identification with each other, given the uncertain future of their medical practices, led to mutual empathy and continuous support.⁵⁶ The knowledge that they might one day make the same medical mistakes as their colleagues constituted a solid basis for mutual responsibility and mutual cover-ups.

It is extremely difficult to break the walls of silence and to come forward with information knowing that such an action will seriously damage one's reputation, collegiality, friendships and, above all, the trust of others. This is what makes the phenomenon of whistleblowers so remarkable. Their evidence reveals not only the scale of the illegal activities but also the strong ties and the solidarity between the parties directly or indirectly involved. The cartel arrangements in the construction industry in the Netherlands shocked the nation. The Parliamentary Committee of Inquiry was astonished to find out about an 'underground system' of agreements that had existed for such a long time: 'Where was the government all these years? What were the inspectors and controllers, such as accountants, doing?'⁵⁷ The illegal activities of the construction firms did not take place in isolation, but in the real world, in the context of social networks where the offenders were treated as respected members of society. Like the priests abusing children and the cyclists taking illegal substances, the managers and directors of the construction firms conducted their activities in a legitimate environment.⁵⁸ Their partners-in-crime were other businessmen, i.e. their 'competitors', who were complicit in the illegal arrangements.

The Dutch whistleblower Ad Bos was ridiculed in the media and he never found work in the construction sector again. In other countries, the situation is different. The United States is the leader in the protection of whistleblowers. The Whistleblower Protection Act of 1989 ensures that federal employees who turn whistleblowers receive a portion of the amount obtained in settlements or paid out in compensation in all cases where they provide vital information. The purpose of this financial reward is twofold: to provide for informants who may never find work again and to encourage potential whistleblowers to step forward with information about abuse within their own organization. The question as to whether whistleblowers should be seen as heroes or betrayers and the differences in attitude and legislation in different countries are both topics which deserve further study.

Whistleblowers may have their own interests, but they also have a lot to lose. They will need to overcome their fears, accept the consequences of their actions and be ready to face opposition, threats and exclusion. Their decisions are influenced by all sorts of situational factors, as well as by emotions, daily experiences and personal contacts. In this context, the findings of organizational ethnographic research could be of use.⁵⁹

Now that secrecy has become synonymous with 'illegal', we are all being admonished to reveal the secrets of others wherever we find them, with policies ranging from 'anonymous crime reporting'⁶⁰ to the demand for lawyers, physicians and notaries to waive their right of non-disclosure, which was specifically designed to guarantee clients an opportunity to discuss confidential information. These professionals are now being made to share confidential informa-

55 M. Rosenthal, 'Promise and Reality: Professional Self-Regulation and "Problem Colleagues"', in P. Lens & G. van der Wal (eds.), *Problem Doctors. A Conspiracy of Silence*, 1997, p. 14.

56 Ibid.

57 Parlementaire Enquête Commissie Bouwnijverheid, *De Bouw uit de Schaduw; Eindrapport enquête bouwnijverheid*, 2003.

58 Van de Bunt, *supra* note 52, p. 5.

59 S. Ybema et al., *Organizational Ethnography. Studying the Complexities of Everyday Life*, 2009.

60 Such as the Dutch 'Meld Misdaad Anoniem' (Report Crime Anonymously) platform.

tion with government agencies, for example in the framework of the ‘war on terrorism’ or the ‘fight against serious crime’.

Why now? – Conclusions

In their study on drug trafficking, Adler and Adler⁶¹ explained that unless the participants shared their knowledge of their activities with others, there was no way they could get the respect and admiration they desired. In their now classical work, the authors analyzed what they called the ‘irony of secrecy’ in the drug world. They found that drug dealers are torn between two conflicting forces that prompt them to both keep and reveal their secrets; they are torn between purpose and impulse, between rational strategies and hedonistic lifestyles. The same irony of secrecy can be found among Colombian *traquetos* veering between rationality and irrationality⁶² and Russian professional criminals who sometimes allow guests to take a look at the stolen paintings by Rembrandt or Caravaggio decorating their bedroom walls because they are unable to resist the urge to brag, to challenge, ‘to play with fire’. ‘Secrecy involves a tension which, at the moment of revelation, finds its release. This constitutes the climax in the development of the secret; in it the whole charm of secrecy concentrates and rises to its highest pitch — just as the moment of the disappearance of an object brings out the feeling of its value in the most intense degree’.⁶³

Secrets have always been considered mysterious or supernatural. In more recent times they were associated with a form of protest, an expression of rebellion and a free mind. In our times, given the growing demand for transparency, ‘secret’ is now synonymous with ‘illegal’. As a result, individuals are willing to reveal secrets so as not to be viewed as offenders but rather as ‘victims of the system’. The reaction to their revelations is ambivalent: on the one hand, the offenders/victims are rewarded by the authorities, which encourage them to collaborate, while, on the other hand, whistleblowers are distrusted and publicly criticized. Their revelations are often purely instrumental: to get benefits, to improve one's reputation, to become famous, etc.

It is not an absolute given that the state is interested in knowing every secret or that the development towards ‘a society without secrets’ is even possible. Life without secrets is boring, and boredom can lead to unexpected actions, including crimes. Secrets provide an extra dimension to our life, a space for free thought and action outside of government control or censorship. Regardless of the technology designed to make our society more transparent, life without secrets will always be impossible and new ways to guard secrets will be found, because many of us need secrets to belong and to feel special.

61 P.A. Adler & P. Adler, ‘The irony of secrecy in the drug world’, 1980 *Urban Life* 8, no. 4, pp. 447-465.

62 Zaitch, *supra* note 9, p. 16.

63 Simmel, *supra* note 3, p. 17.