

# Chapter 11

## Surveilling the Surveillants: From Relational Surveillance to WikiLeaks



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### The Assange Affair amid Biography and History

Can the historical-biographical story of Julian Assange and his “creature” WikiLeaks be interpreted in a Historical Sociology key?

In other words, drawing on the systems of thought of authors such as Charles Wright Mills and Norbert Elias, among the best known, is it possible that the biography of the Australian journalist helps to illuminate his (and our) historical time and, vice versa, that historical time helps to place his biography and his courageous journalistic campaigns more precisely?

This is what we will try to highlight in these initial few pages, using a tradition of studies that finds reference figures in the authors mentioned, as in others—here I am thinking in particular of Pierre Bourdieu, who has also become an author of today’s sociological canon.

The usefulness of this approach should be immediately clarified. It is found above all in its ability to integrate with the other contributions that make up the mosaic of this essay. In this way it centres on the two concepts of relationality—declined in terms of relational surveillance (Scalia, Section “Surveillance, Counter-Surveillance, Counter-Power. Are Assange and WikiLeaks a Counter-Power Agency?”)—and the

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Sections “The Assange Affair Amid Biography and History” and “Brilliant Historical Evidence” are by Andrea Borghini; Sects. “Surveillance, Counter-Surveillance, Counter-Power. Are Assange and WikiLeaks a Counter-Power Agency?” and “Conclusions” by Vincenzo Scalia; Sect. “On Assange’s Enlightenment Principles” by Daniela Tafani.

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story of Assange, who, in his journalistic and professional action, was to strongly refer to the values dear to the Enlightenment (Tafari, Section “On Assange’s Enlightenment Principles”).

Thanks to this multi-perspective reading, it is possible not only to reconstruct Assange’s story in the least obvious and rhetorical terms but also to restore the human, painful and even violent complexity of the journalist’s existence, a collective affair, which affects us all, because it deals with the foundations of our democracies and reflects the times in which we live.

A final remark: what we are going to do briefly here is clearly not a mere erudite or rhetorical exercise, because, as some of the narrative evidence to which we shall refer teaches us, this reconstructive method provides us with the vividness of the existence—with its disappointments, baseness and nobilities—of the historical individuals in question, as well as the time through which they passed. And it makes these biographies in some ways a “living social life” (Petrillo & Tarantino, 2015) which lends further dignity to the classic scientific essay.

## Brilliant Historical Evidence

In order to give substance to the experiment, it is necessary to identify the precedents that encourage this interpretation.

We will briefly refer to some of the felicitous sociological insights of Norbert Elias, particularly in his essay on Mozart, and, secondly, to the critique of classical biographies made by an author like Pierre Bourdieu.

*Mozart: Portrait of a Genius* (Elias, 1993) is a case study in which the German sociologist, based on his critique of the *homo clausus* of the classical sociological tradition and his theory of figurations, frames Mozart’s personal destiny as a biographical trajectory influenced and dependent on the social situation of the times. According to Elias, reconstructing Mozart’s life does not mean elaborating a simple and linear historical narrative but, rather, opting for a theoretical model based on the reconstruction of the social constraints that social actors are subjected to, of those configurations “which a person [...] has formed through his interdependence with other social figures of his time” (Elias, 1993: 14).

In the discussion on Mozart and his life, genius is not separated from man but is brought back into the social categories of the times. As has been written, “Elias reconstructs Mozart’s life as a biographical event with unique traits—his capacity for sublimation—universally human traits—the need for love, for recognition—and historical and social traits that need to be reconstructed—his being part of a bourgeois stratum that began to claim its right to autonomy and professional freedom” (Tabboni, 1993: 99).

In our opinion, scrolling through the pages of Elias’ text and putting it in parallel with Assange’s biographical and journalistic story—here we refer to Stefania Maurizi’s reconstruction (2021)—some analogies can immediately be made. For instance, the following definition of Mozart seems to us to fit perfectly with

Assange's biographical trajectory: "not the least of the reasons for Mozart's tragedy was the fact that he tried, both personally and in his work, to break through the barriers of the social power structure by his own individual efforts, [...] and that he did so in a phase of social development when the traditional power structure was virtually intact" (Elias, 1993: 15). In the same way, Assange and his creation, WikiLeaks, have set themselves the objective of unmasking the "secret" power that which rhetorically sets out to safeguard our democracies but, in reality, ends up controlling them and undermining their principles. An ethical and human mission, as defined by Assange in Maurizi's report: "You only live once and so we have a duty to make good use of the time we have and to devote it to doing something meaningful and satisfying. This is something that I consider meaningful and satisfying. It's my nature: I like to create large-scale systems; I like to help vulnerable people and I like to tear bastards apart. And so, it's a job that makes me feel good" (Maurizi, 2021: 56).

Just as Mozart "was putting his life, his whole social existence, at stake" (Elias, 1993: 29) to fight traditional power, so Assange, by attacking the power of the CIA, the NSA and the US government, condemned himself to an existence first as a persecuted person and then as a prisoner awaiting extradition. Another brief remark concerning Mozart's social existence in comparison with his time could be taken as a corollary to be explored further. Elias, at one point, makes Mozart's life more intelligible by considering it "as a micro-process within the central transformation period of this macro-process", despite being aware that the Viennese musician made his existential choices too early, "at a time when the development of society made it possible, but was not yet ready to accept it institutionally" (Elias, 1993: 43). The analogy here lies in the fact that free citizens, journalists who in the past have performed similar feats to Assange's, e.g. Daniel Ellsberg or Glenn Greenwald, or simple people with a love for democracy and a belief in the necessity that this form of government must be safeguarded from the arrogance of power, like Manning and Snowden, constitute an avant-garde that tries to awaken the conscience of public opinion, opposing power and challenging institutions but who are (for now) subjected to deprivation of liberty and persecution because those same institutions do not yet seem ready for this historical turning point.

In short, the Mozart-Assange parallelism does not seem daring because, beyond the different historical and temporal contexts, there are constants—the biographical event generated by social ties established with the institutions of the time or the struggle against power—that reveal the need to interpret biography and history as two poles in close dialectic with each other.

On a similar level, Pierre Bourdieu reiterates his opposition to the genre of life stories or classical biographies in several publications.

For instance, in *Sketch for a Self-Analysis* which, paradigmatically, bears the warning *in exergo* "this is not an autobiography", he first of all emphasises, referring to himself, how "to understand [a person] is first to understand the field with which and against which one has been formed" (Bourdieu, 2008: 4). In other words, in order to reconstruct the genesis and choices of a historical individual, it is necessary to position them in the social space that generated them and the change of which

they, in turn, promote. In *The Biographical Illusion*, he emphasises that an individual's biography can be traced back to a series of passages that have to take account of the social space that changes like the life trajectory itself: "a series of successively occupied positions by the same agent (or the same group) in a space which itself is constantly evolving and which is subject to incessant transformations. [. . .] The biographical events are defined as just so many investments and moves in social space, or more precisely, in the different successive states of the distribution structure of the different types of capital which are in play in the field considered" (Bourdieu, 2017: 215).

Bourdieu lashes out against classical biographies which constitute, in a small way, a reproduction of a kind of philosophy of history and therefore invites—as he does in *Sketch for a Self-Analysis*—in reconstructing the existence of individual X, to start not from the first years of life but from the socio-historical context in which said life was formed and against which it was formed (the field).

Furthermore, a condition of conflict with respect to the field of formation can also generate, according to Bourdieu, a system of dispositions, in other words a habitus, a split, that is, a "coincidence of contraries", for example, "between high academic consecration and low social origin" (Bourdieu, 2008: 100).

Also in this case, we can highlight several stimulating analogies between Bourdieu's way of reconstructing biography and Assange's existential story.

Again drawing on Maurizi's text, we learn of a complex personality "the logical intelligence and inquisitive mind, the originality of behaviours that from the outside may seem bizarre, [. . .] the interest in intellectual work carried out with an intensity and almost an obsession, that are to the detriment of human interaction" (Maurizi, 2021: 73), as well as of an unconventional childhood, reminiscent of the notion of the field "with which and against which one is made". Born to parents who later separated, "he grew up with his mother [. . .]. Art and theatre were his mother's main interests and she brought him up moving from one town to another. This nomadic life led him to attend dozens of different schools, some of them for only 1 day. This need to travel would remain one of his characteristics, together with his being a child of the network, not geolocated: someone who looked at the world in its globality. It is no coincidence that he created the stateless journalistic organisation WikiLeaks" (Maurizi, 2021: 73).

And Maurizi goes on to say that this supports our interpretation: "You can tell a lot about a person by meeting or interacting, even from a distance, with his parents. And when I was to later talk or exchange correspondence with [them], I could see that Julian Assange had his father's logical thinking and his mother's anti-authoritarianism and independence. Concerned that her son's intelligence and character would be torn to shreds in the state school system, Christine had encouraged a libertarian and critical education. It was books and his Commodore 64 computer that fired Assange's mind, not traditional education" (Maurizi, 2021: 74).

If we look further into the cultural context in which he had grown up, we find the Cypherpunks, visionaries and libertarians who help to make him a "politically anti-war, libertarian, convinced of the individual's right to protect himself from surveillance and total state control, but not one in favour of the unregulated market"

(Maurizi, 2021: 76). From such a formulation emerged a spirit, once again, willing to challenge power, “the courage to reveal very risky documents, challenging institutions which, legally and even extra-legally, intimidated even the most prosperous media outlets with important power relationships” (Maurizi, 2021: 25).

Finally, there are additional elements that can be interpreted at the intersection of Bourdieu’s and Elias’s perspectives, which we merely mention here. For instance, the indomitable spirit that has characterised and continues to characterise Assange’s professional action is recalled by Elias when the latter says in relation to Mozart: “to understand a person, one needs to know the primordial wishes he or she longs to fulfil” (Elias, 1993: 7).

As for the revolutionary nature of Assange’s positions, we could say, together with Maurizi, that it coincides with the means used, namely, “exploiting the power of the network and encryption to obtain and ‘leak’ confidential documents of great public interest. Just as the traditional media receive information from strangers who send letters or parcels of documents to their editorial offices, Assange and his organisation received hot files sent electronically to their online platform from anonymous sources. The protection of those sharing sensitive documentation was ensured by advanced technological solutions, such as encryption, and other ingenious techniques” (Maurizi, 2021: 20).

In drawing the lines of our observations, it emerges how the interpretative key suggested by classic authors such as Elias and Bourdieu helps to illuminate our times and authorises us to develop a reconstruction, through a relational approach, of Assange’s historical trajectory. In his case, we are not dealing with a genius who lived before the age of genius, as Elias claims about Mozart—although many of the Australian journalist’s personality traits could make him resemble a genius—but with a figure whose journalistic passion and conflict with power make him a (still unfortunately) lonely hero who casts a sinister shadow over our democracies. As Maurizi suggests, “the objective of the military and intelligence complex of the United States and its allies is to destroy WikiLeaks, to do away with a journalistic organisation that, for the first time in history, has created a deep and persistent crack in that secret power, which has always been accountable to no one and uses state secrecy not to protect the security of citizens, but to ensure impunity and conceal incompetence and corruption” (Maurizi, 2021: 286).

## **Surveillance, Counter-Surveillance, Counter-Power: Are Assange and WikiLeaks a Counter-Power Agency?**

The practices enacted by Julian Assange and WikiLeaks can be defined as *counter-surveillance*, or an opposition not only to the existing power relations but also to the practices of control that are implemented both by political actors, such as the state, and by economic actors, such as contractors, private companies and the IT majors through the manipulation of Big Data (Lyon, 2019). Assange, with the help of

Edward Snowden and Chelsea Manning, enacted a counter-manipulation, as he accessed the Big Data provided by the governments and made them public so that public opinion would become aware of state crimes.

In order to discuss the nature of counter-surveillance, it is necessary to analyse the concept of *surveillance* in depth. The term surveillance refers to all those activities aimed both at preventing and repressing any formal or informal breach of the rules that keep the social fabric together. The activity of watching the way the members of a society behave allows those actors vested with formal and legitimised power to intervene to repress the risk of anomic drifts (Durkheim, 2000). Surveillance is strongly related to power relations, as the dominating social groups, or the *insiders*, make and enforce the rules against the marginal social groups, or outsiders (Becker, 1963). Surveillance can thus be defined as an activity aimed at reproducing the existing force relations and the uneven power distribution within the social spectrum.

There are two different kinds of surveillance one can perceive: the first is *formal*, that is, all those activities of control that are carried out by the state through its apparatuses by relying on legal entitlements (Weber, 1971): police, magistrates and the army are the agencies entitled to wield formal social control, to deploy a surveillance one can define as *vertical*, due to being wielded from the top, i.e. state power, to the bottom, i.e. society. Vertical surveillance requires a high degree of obedience, both to the rules and their enforcers. Whereas it is possible for the members of society to change those who make the rules, so as to eventually indirectly change the rules, it is not possible to dodge the respect of formal rules, the violation of which entails sanctions, from fining to imprisonment. Other authors depict a wider spectrum of formal surveillance, by using the concept of *social control* (Cohen, 1985). This concept also encompasses those agencies whose aims are ostensibly those of support and care, as in the case of a welfare state. Also here we find relations of subjugation and domination, as individuals are required to adhere to the dominating system of values and aims.

Another form of surveillance is the *informal* one, that is, surveillance wielded by the group of peers, neighbours, family, religious groups and work colleagues or the social capital that individuals are embedded in (Coleman, 1988). This is a *horizontal* kind of surveillance that usually requires a cognitive adherence of individuals to the rules underpinning inter-individual interaction, although also in this case it is possible to formally abide by the rules while enacting a secret deviance. Michel Foucault (1976) defines both horizontal and vertical surveillance as *disciplinary powers*, as they draw on social relations to produce a web of domination that is deployed across society. The aim of disciplinary power is that of producing docile bodies that comply with the discipline required by industrial society. On the trail of Foucault's reflections, Deleuze (1999) defines contemporary society as a *society of control*, mostly relying on a web of mutual surveillance to make sure that individuals comply with rules and expectations that are moulded and conveyed through the media. In Deleuze's view, society has assimilated control to the point of letting technology catalyse surveillance and report what happens to the agencies in charge of social control.

Deleuze's view leaves little room for resistance to surveillance, making it impossible to understand what Assange and his WikiLeaks network have done. To this end, it is important to explore in depth the work of David Lyon (2007, 2009, 2016, 2019) who develops the concept of *relational surveillance*. It is a brand new kind of surveillance we are dealing with: it is not vertical, as the state performs it through the subcontract mechanism, with private actors performing the duty of surveillance on its behalf. It is not even a horizontal kind of surveillance as it does not rely on social capital. Relational surveillance draws on the fluidity and anonymity provided by the web, which enables the garnering of as much personal data as possible concerning the private identity and the most hidden aspect of both collective and individual identities and merging them into Big Data. The next step is that of Mega Data, or the totality of Big Data which is used for both public and private purposes. Government subcontractors, in addition to feeding the governments they work for with the information needed, also sell the Mega Data they own to the major economic groups, so that they can use the material for their commercial purposes. At the end of the day, relational surveillance turns out to be a pillar of surveillance capitalism as depicted by some authors (Zuboff, 2019). It is two-tier surveillance that individuals are subjected to: the first is *political* surveillance, i.e. the control on the web of their political opinions, lifestyles and cultural orientation. This kind of surveillance is mostly discriminatory, as it is usually aimed at a specific target such as radical political activists, minorities or groups considered "at risk", such as the Muslims after 9/11 ([www.aclu.org](http://www.aclu.org)). The Patriot Act, enforced under the Bush administration after the terrorist attacks that shook the world, allows both the police and intelligence to put under surveillance both the web and the telephones of individuals who are suspected of belonging to those social groups thought to be siding with terrorists. Despite the protests of human rights organisations, the American government has carried on with this policy, resulting in the unjust surveillance and arrest of hundreds of people just for being Muslims, including the detention in such inhuman places as Guantanamo. The other surveillance is the *economic* one. Economic majors use the data they buy from subcontractors to draft their database of potential customers who are classified according to class, ethnicity, sex education and the record of their surfing in the web. We are evidently dealing with an overt violation of individual privacy, as well as a classification and labelling of individuals without their consent. It is, however, a contradictory process, as Big Data are provided by the web surfers themselves: when they buy an airway ticket or visit the internet page of their favourite singer. Likewise, when they give their data to government agencies, for instance, by booking their anti-COVID vaccination, they willingly provide a great deal of sensitive data about themselves. Their date of birth, credit card number and place of residence are submitted spontaneously. On the other hand, web surfers ignore the use made of their data beyond the use they deem necessary. There is no awareness of who collects Big Data, if and how they are processed and, finally, how they are commercialised. As a result, there is a pervasive control underlying an apparent freedom of surfing the web, not only in the domain of consumption and lifestyles but also in the political context.

However, it is the relational quality of this new surveillance that provides new potentialities to fight and counterbalance the control and subjugation attempts that surveillance capitalism conveys. Both on a micro and on a macro level, it is possible to enact and develop a plurality of strategies of *counter-surveillance*, or those practices that both individuals and groups implement to protect their liberties by *controlling the controller*. On a *micro* level, counter-surveillance is a widespread practice that all of us are involved in on a daily basis. To check a Facebook page or a university site in order to gather information about someone we know is an act of counter-surveillance, as it enables us to know many things we need about a person: residence, the place where they are at a certain time, lifestyle, political ideas, sexual orientation and so on. All this information is provided spontaneously by the users, who often neglect the issue of privacy and security. In any case, they make it possible for anyone with a basic knowledge of IT to easily acquire an amount of information about as many people as possible. On a *macro* level, it is necessary to possess more sophisticated skills, such as the use of more advanced search engines (like Tor) or the know-how to hack and crack the websites of governmental agencies and corporations. Another requirement is that of a network, both among hackers and crackers and those who work within the surveillance network who can leak classified news. The case of Julian Assange and WikiLeaks matches all these requirements. Firstly, because of the use of Tor, which allows for developing an underground connection between the sources and the members of WikiLeaks. Secondly, Assange and his group possess those skills that enable them to hack the IT systems containing the information to be made public. Finally, the cases of Chelsea Manning and Edward Snowden demonstrate the importance of a network of infiltrates inside the surveillance apparatus, as Manning was a soldier and Edward Snowden worked for Booz Allen Hamilton, one of the subcontractors spying the public on behalf of the American government. It was thanks to this articulated organisation that WikiLeaks was able to get hold of the news about state crimes and circulate them among the public. In other words, Assange and his partners exploited the potentialities of relational surveillance at its best.

As watchful and disrespectful of civil liberties as surveillance can be, its contradictions allow those who are surveyed the possibility of resisting and counteracting such surveillance, both by creating an alternative network to that of the dominating political and economic power and by using the information acquired through this network to reveal the abuses committed by the dominating rulers to the public, thus enforcing a real democracy. Some authors (De Lagasnerie, 2020) have argued that the activism of WikiLeaks proves that the only possibility of resisting power, nowadays, lies in the deployment of a strategy based on underground resistance. As surveillance is very invasive, activists have to carry out their sabotaging of power by keeping and developing secret identities and activities. We believe this is not the case of WikiLeaks for two reasons: firstly, because Assange and all his partners have always made public what they were doing and why. In the second case, because their activity consists precisely of revealing to the public what the power conceals, thus reaffirming the value of public discourse against the *arcana imperii*, or the idea that the security of a state relies on the performing of secret activities by those vested with

power. Norberto Bobbio (1987: 81) argued that the security of power relies on the insecurity of citizens.

Assange and WikiLeaks have endorsed Bobbio's theorisation by overthrowing it: the more power is insecure, the more citizens feel secure. Tony Blair's lies about the Gulf War, Guantanamo, Abu Ghraib and the bombing of Iraq and Afghanistan, as well as the news about financial and environmental crimes leaked by WikiLeaks, reveal the real aspects of power and, at the same time, show its weak spots, by empowering the public with the resource of information. Moreover, WikiLeaks and Assange suggest making a fluid, democratic, open use of the web, unlike some other attempts, such as the Rousseau platform adopted by the Italian populist five Star Movement (Stockman & Scalia, 2020), for using the web to produce a plebiscitarian form of politics. The American government considers Assange, Manning and Snowden as criminals because they revealed state secrets in violation of the web. While we appreciate that Julian and his partners might not have respected the law completely, they did not behave any differently from those governments that had been spying on private individuals and sold information to private operators without obtaining consent. Finally, the real crimes, as many human rights organisations and civil society groups have pointed out, are those committed in Guantanamo, in Abu Ghraib and in the rendition protests. Such crimes need someone to push the boundaries of legality to reinforce civil liberties and democracy. Julian Assange and WikiLeaks are the ones who have done this.

## On Assange's Enlightenment Principles

A defining characteristic of democratic political systems is publicity. Publicity is understood here as the opposite of secrecy and concerns every activity of those in power. Popular sovereignty requires, if not the direct exercise of power by the people, at least that this exercise be open to public scrutiny and control (Bobbio, 1987: 81).

Thus, the term "publicity" can be understood in this first sense as transparency of democratic political and government action, as opposed to the opacity and secrecy of despotic regimes. In addition, it can be also taken to mean freedom of the press (or, more broadly, freedom of expression) as opposed to prior restraint and subsequent sanctioning of authors. Historically, from the very beginning of the French Revolution, both meanings were condensed into the motto "publicity is the safeguard of the people". At the end of 1789, this motto quickly became very popular and could be found in newspapers as a quotation in *exergo*. It was also visible on those who distributed them, namely, on the bronze medal worn by the *colporteurs* (authorised paper sellers), surrounding the image of a wide-open eye—symbol of democratic vigilance—from which rays of light emanated (Plenel, 2020).

Julian Assange explicitly embraces the Enlightenment defences of freedom of expression and the press (quoting John Milton's *Areopagitica*, Thomas Paine and John Wilkes) and cites the French Revolution as an example of the "fight against

oppressive regimes” which “begins, and will end, always, with the fight for information and communication”, i.e. as one of the “revolutions of the people sharing ideas and information using the technology available to them and expressing themselves in the public space”. Consequently, any debate on the activity of WikiLeaks should also address the question of the validity of the underlying Enlightenment principles on which, as Assange emphasises, many modern states are founded (Assange, 2011).

This paragraph traces the Enlightenment sources of three of Assange’s theses: the connection between the duty to improve knowledge and the right to communicate, publicity as a test to reveal injustice and the understanding of freedom of the press—by virtue of its automatically subversive nature, in despotic regimes—with an antitotalitarian device.

In Enlightenment thought, the thesis of the collective nature of rational activity is a recurring argument in defence of freedom of expression and the press. From Tindal (1698: 293 ff.) to Gaetano Filangieri (1785: 149 ff.), Immanuel Kant (1786: 144) and Maximilien Robespierre (1791: 161 ff.), the thesis is constantly reiterated that the right to communicate is based on the very right to think, confront and correct one another, thus contributing to the public good of society: rational activity is a public process, the very essence of which is constitutively dialogic (Tafari, 2021). The same thesis is formulated by Assange regarding the “right to communicate knowledge”, which he claims is the right to know and the right to speak “taken together” (Assange, 2011):

We as human beings shepherd and create our intellectual history as a civilization. And it is that intellectual history on the shelf that we can pull off the shelf to do stuff, and to avoid doing the dumb things again [ . . . ]. There are several different processes that are creating that record, and other processes where people are trying to destroy bits of that record, and others that are trying to prevent people from putting things into that record in the first place. We all live off that intellectual record. So what we want to do is get as much into the record, prevent as much as possible being deleted from the record, and then make the record as searchable as possible. (Assange, 2014: 124)

It is worth noting, with regard to the last lines of the quote above, that for Assange—as already for Kant—what is right in theory must also apply in practice (Kant, 1793) and hence “if we recognise that somebody possesses a right, we must also recognise our own responsibility to protect that right” and to act accordingly (Assange, 2011).

Assange’s campaign to achieve “transparency for the powerful” (“what I opposed, and continue to oppose, is the use of secrecy by institutions to protect themselves against the truth of the evil they have done”)—always accompanied by the fight to protect “privacy for the weak”<sup>1</sup> (Assange, 2011)—has its immediate precedents in the cypherpunk ethic (Anderson, 2021) but also echoes analogous

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<sup>1</sup> We cannot dwell here on the anarchic root of the nexus between Assange’s claim of “privacy for the weak” and his reliance on the laws of physics (through cryptography) rather than on the laws of men (through, e.g. democratic controls). On the question of the role of public policies and the state in decentralisation processes, see Morozov (2022).

Enlightenment battles. From Tindal (1698: 309, 319) to Wilkes (1762: 1), Kant and French revolutionaries, the demand for transparency was always garnered from the thesis that secrecy is suspect, since rulers who fear the light invariably have something to hide (Tafani, 2021).

As is well-known, the requirement of publicity is for Kant constitutive of the concept of law itself (“all actions affecting the rights of other human beings are wrong if their maxim is not compatible with their being made public”), and justice can only be thought of as *publicly knowable*, as opposed to the “deceitfulness of a politics that flees the light” (Kant, 1795: 381, 386). The negative version of Kant’s test of publicity—which allows the unjust character of a maxim to be recognised through the general opposition it would arouse if it were known—is revived by Assange<sup>2</sup> (Nida-Rümelin, 2010):

why do powerful organizations engage in secrecy? Well, usually it’s because if the plans that they have are made public, the public would oppose them. (Assange, 2014: 134)

Plans which assist authoritarian rule, once discovered, induce further resistance. Hence such schemes are concealed by successful authoritarian powers until resistance is futile or outweighed by the efficiencies of naked power. (Assange, 2006)

Conversely, transparency of the actions of the powerful and freedom of communication are capable, according to Assange, of preventing injustice and totalitarianism:

It would mean the inability of neo-totalitarian states to arise in practice because of the free movement of information, the ability for people to speak to each other privately and conspire against such tendencies. (Assange et al., 2012: 158)

Assange shares the Enlightenment view that the right to freedom of communication is a *sui generis* right, guarding all others and protecting them from the abuses of the established power. It is a right that citizens hold within but also against the state and therefore at the same time, a fragile and very powerful right, frowned upon by governments because of its intrinsic connection with the right of resistance and its potentially subversive nature.

The subversive nature of the power represented by freedom of the press was underlined, among others by Junius (Wade, 1890: 102), Camille Desmoulins (1793 : 45), Jean-Louis De Lolme (1771 : 232 ff.) and Kant (1784 : 41) in a country ruled by a despotic government, the mere existence of freedom of the press would almost infallibly provoke a change in the form of government. This countervailing power was constantly assimilated to a judicial power, i.e. to the court of the people or of public opinion, capable of overseeing the correspondence between the general, sovereign will and the actions of the constituted powers.

This close conceptual link between freedom of the press, surveillance of constituted power and popular sovereignty entails, for those who wish to deny the first two,

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<sup>2</sup>Kant also stated the following affirmative principle of public right (which is not adopted by Assange): “All maxims which *require* publicity if they are not to fail in their purpose, can be reconciled both with right and with politics” (1795: 386).

the burden of proving that they are not also denying the third and, therefore, democracy itself.

## Conclusions

At the end of this long and multifaceted path, there are a few aspects of this discussion that need to be clarified. Assange's figure stands out as a sort of metaphor of modernity, in individual, sociopolitical and philosophical terms. Firstly, Assange echoes the Kantian caveat: "be bold enough to know", which is the individual initiative and risk that characterises modern people. His passion for freedom and his quest for the truth make him push the boundaries of embedded information, as well as of a society that, since 1989, has been imprisoned in the "end of history" thrall. His radical, but at the same time straightforward, choice sheds new light on the possibility of a different society, as he reveals the hidden side of power and the possibility of overturning the trend. Assange challenges the patterns of social control, insofar as he operates in the network of surveillance while filling the structural holes within it to initiate and develop a practice of radical liberation. Ancient Romans wondered who guarded the guards. Assange tell us we can be the guards both of ourselves and our surveillants, thus reducing, or even invalidating, any authoritarian temptations they may have. If power is a positive resource, the building of a relational web differing from the existing one is the necessary condition for a change of power purposes. Finally, Assange is modern insofar as he shows that all the emancipatory purposes of the Enlightenment-inspired political philosophy are far from being old fashioned. Publicity, transparency, individual and collective initiative for creating a shared truth, out of which we can build a freer, fairer and more equal society, start from our courage to know and to act. Let us hope the British Supreme Court will learn this lesson and free Julian.

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