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Volume 6

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Daniele Santoro • Manohar Kumar

Speaking Truth to Power – A Theory of Whistleblowing

 Springer

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Preface

This is a coauthored book whose origin dates back to 2012, when both authors worked at Luiss University. Wikileaks had already published back in 2010 the “Afghan War Diary” and the “Iraq War Logs,” but Chelsea Manning was still unknown as the source of the leaks, Julian Assange not yet caged in the Ecuadorian Embassy in London, and Edward Snowden still an employee of a contractor working for the US National Security Agency. We had already been following the development of the Wikileaks releases when the Snowden affair exploded in June 2013. The role of secrecy in democracy caught our attention at that point both as scholars and as citizens. We have changed several places and affiliations since then, but we have kept working together on the project of a joint book on these topics. The book reflects our initial motivation. We were not so much concerned with the biographies of whistleblowers, but with the political significance of the NSA disclosures. For us, the Snowden affair represented the closing of a circle that had started in the aftermath of 9/11, when a new securitization paradigm had imposed itself in domestic and international politics, and secret programs had become predominant in the security agenda. We believe that the political significance of whistleblowers is to have exposed to the public for the first time after 9/11 the consequences people had to pay in the name of security. This book argues that whistleblowing is a form of civil dissent by agents who remind us, against the opinion of the majority, that the ultimate aim of a constitutional democracy is to protect the rights of the governed.

Braga, Portugal
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We also thank the Indian Institute of Technology (IIT), Delhi, and the Aix-Marseille School of Economics, where Manohar held appointments as a postdoctoral researcher during the past 3 years. He wishes in particular to mention Arudra Burra, Bijoy Boruah, Sanil V, and Ravinder Kaur of IIT Delhi, and Ferial Kandil of Aix-Marseille for their support. Since March 2018 Manohar has joined the Center for IT and Society (IIIT Delhi) – Department of Social Sciences and Humanities.

Selected topics of this book have been presented at conferences in Alghero, Prague, Louvain, Stirling, London, Manchester, Braga, and Lisbon.

We are particularly grateful to the audiences of the following seminars and workshops for their comments on earlier drafts of Chaps. 3, 4, and 5: the Tata Institute of Social Sciences, December 2012; the Manipal Centre for Philosophy and Humanities, September 2014; the panel on Whistleblowing, Conscience and Conscientious Objection in Contemporary Public Life, sponsored by the President of Ireland's Ethics Initiative in Dublin, November 2014; the "Mercoledì Filosofici del Maino," University of Pavia, February 2015; the workshop "Civil Disobedience Beyond the State II," Berlin, May 2015; the Séminaire Vivès and the Mardis Intimes of the Chaire Hoover, Louvain, April and June 2015; the Tuesday Seminar,

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Some of the topics of this book have been explored in other common writings. Chapter 5 is an expanded version of “A Justification of Whistleblowing,” published in *Philosophy & Social Criticism*, (43/7) in June 2017. Here we analyze far more in detail the conditions of permissibility for whistleblowing formulated in that paper and clarify how it fits within a conception of the public interest. Chapter 3 draws partially on a yet unpublished paper on liberty, state secrecy, and what we call the right of assessment, whose seminal work set us on the path to whistleblowing. The historical reconstruction in the first part of Chap. 2, the discussion of the justification and limits of secrecy in Chap. 3 (especially sects. 3.3–3.6), and of informational asymmetry in Chap. 5 are materials partially borrowed from Manohar’s dissertation ‘For Whom the Whistle Blow? Secrecy, Civil Disobedience, and Democratic Accountability’ and extensively revised for this book. The dissertation is available in the Luiss eprints repository.

The conclusion contains a brief discussion of the right to protection for whistleblowers, a topic that we have explored more in detail in another joint paper entitled ‘A Right to Protection of Whistleblowers’, which recently appeared in the collected volume *Claiming Citizenship. Rights in Europe. Emerging Challenges and Political Agents* (pp. 186–203) edited by Daniele Archibugi and Ali Emre Benli for Routledge.

One last thought to our significant others, for the lovely support and patience during the many periods when we took time off from our family duties to gather on the manuscript. Daniele dedicates this book to Marta. May her also grow brave to speak out over the fence. Manohar dedicates it to his parents for their immense faith in him and for completing half a century of togetherness.

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