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“Truth and consequences? Reconceptualizing the politics of exposure”

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abstract

Secrecy, especially state secrecy, has taken on increasing interest for scholars of international relations and security studies. However, even with interest in secrecy on the rise, there has been little explicit attention to exposure. The breaking of secrecy has generally been relegated to the role of a mere “switch,” whose internal workings and variations are of little consequence. This article argues that exposure is a significant process in its own right, and introduces a new conceptualization of exposure as a socially and politically constructed process, one that must be “thickly described” if we are to understand how it occurs and has effects. I differentiate the process of exposure into two distinct aspects, reserving the concept of *exposure* to refer to releases of information, while introducing the concept of *revelation* to refer to a collective recognition that something has been exposed. The first part of the paper explores existing understandings of secrecy and exposure to demonstrate why a new framework is needed, while the second part applies this framework to a case study of the exposure of the use of torture in the post-9/11 U.S. “war on terror.”

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Introduction

Secrecy, especially state secrecy, has taken on increasing interest for scholars of international relations and security studies in recent years (e.g. Aldrich & Moran, 2019; Colaresi, 2014; Rittberger & Goetz, 2018; Sagar, 2013). The study of secrecy has also been revitalized by the emergence of a critical interdisciplinary literature on secrecy and transparency (e.g. Balmer, 2012; Birchall, 2011a; Capozzola, 2010; Horn, 2011; Masco, 2010; McCarthy & Fluck, 2017; Paglen, 2010; Wellerstein, 2008). However, even with interest in secrecy on the rise, there has been little explicit attention to exposure, or the breaking of secrecy, which has generally been relegated to the role of a mere “switch,” whose internal workings and variations are of little consequence. This article argues that exposure is a process of significance in its own right, and introduces a new conceptualization of exposure as a socially and politically constructed process, one that must be “thickly described” (Geertz, 2000) if we are to understand how it occurs and has effects. In drawing out the process of exposure, I also show that both “secrecy” and “openness” are more complex than generally thought.

This paper focuses particularly on the exposure of state secrets that “cover up” norm violations. In so doing, however, it argues that we need to reconceptualize exposure as not simply an uncovering of hidden information, but a collective transformation of meaning. Understandings of exposure, in both academic work and in practical politics, are often modelled upon an implicit theory of power and knowledge, in which information is conceptualized as largely apolitical and self explanatory: what Fenster (2015; 2017) calls the “cybernetic” model of information. Further, much scholarship on secrecy and openness incorporates a particular normative and agentic understanding of the public, as an audience that can, first, absorb information without need for debate or interpretation, second, that has largely benign intentions guided by liberal democratic norms, and third, is able to effectively

take action in response to information (Dean, 2002). These assumptions help to explain why much of the existing literature views exposure an instantaneous “switch” rather than a process requiring interpretive work.

A similar framework frequently underlies advocacy for openness in politics. Normative work, in both theory and practice, is often premised upon an underlying set of assumptions about the relationship between secrecy, exposure, and consequences, which presumes that when state secrecy, especially that relating to norm violations, is disrupted by exposure, this then leads straightforwardly to accountability (here understood as the process through which a state realigns its public actions to align with its stated normative commitments). Although recent work (e.g. Carnegie & Carson, 2018; Fenster, 2017; Lester, 2015; Lord, 2016) has established that exposure does not always lead to desired consequences, such works tend to focus on structural relations of power (Carnegie & Carson, 2018) or the substantive content of what is exposed (Lord, 2016) as the key variable, rather than analyzing the process of exposure and how it unfolds as itself a key mechanism.

This paper introduces a new conceptual framework for analyzing exposure as a process, differentiating it into two distinct aspects. It reserves the concept of *exposure* to refer to instances of making information publicly available, while introducing the concept of *revelation* to refer to a collective recognition that there has been a significant change in what is publicly known. It argues that the shift from exposure to revelation results from the combination of new information and a collective process of meaning making. Revelation generally results from exposure, but not all exposures lead to revelations. In developing this reconceptualization, I build upon recent work in critical interdisciplinary secrecy studies, as well as a tradition in historical sociology that emphasizes the importance of analyzing events as socially and politically contentious *processes*, rather than simply momentary occurrences (Clemens, 2007; Sewell, 1996; Steinmetz, 2004). The first part of this paper explores

existing understandings of secrecy and exposure in order to demonstrate why a new framework is needed, while the second part demonstrates the usefulness and applicability of this framework by applying it to a case study of the exposure of the use of torture in the post-9/11 U.S. war on terror.

Models of secrecy and exposure, in theory and practice

That states will keep secrets, particularly when security is at stake, is practically a given in the study of international politics (e.g. Colaresi, 2014; Krasner, 1999; Mearsheimer, 2011; Rittberger & Goetz, 2018; Walters, 2015). It is generally presumed that states, if engaging in practices that violate international norms, will operate with secrecy and denial as “the normal state of affairs” (Cohen, 2001). Empirical research on secrecy and transparency tends to focus on questions such as when states and other collective actors do (or do not) engage in secrecy, and what conditions enable secrecy to be successfully maintained (e.g. Aftergood, 2010; Colaresi, 2014; Galison, 2004; Gibbs, 1995; Gibson, 2014; Hilgartner, 2012; Worthy, 2017).

Normatively oriented work, meanwhile, tends to assume that secrecy is antidemocratic and works to prevent accountability- or the ability of publics to hold states to task when they violate their stated values (Thomas, 2019; Thompson, 1999). It thus tends to focus on the question of under what limited circumstances secrecy might be justified (e.g. Bellaby, 2019; Sagar, 2013). Secrecy has “acquired a bad reputation,” and come to be linked with “political crime or corruption” (Horn, 2011: 103). It is associated with the state’s ability to inflate threats (Masco, 2010), engage in corruption, commit atrocities (Setty, 2017), and is viewed as “incompatible with democratic decision-making in obvious ways” (Aftergood, 2010: 839). Transparency and openness, meanwhile, are valorized, with this valuation sometimes traced through a long line of enlightenment philosophical thinking, from Kant,

Rousseau, and Bentham (Jones, 2014: 54; McCarthy & Fluck, 2017: 417-418; Worthy, 2017: 7), through to the contemporary work of Habermas (1989 (1962)) and his followers. Even in the realm of security, where the need for state secrecy is most likely to be seen as legitimate, it is frequently viewed with a degree of suspicion, while transparency and openness are seen as “a virtue, the secular version of a born-again cleanliness that few can fail to praise” (Birchall, 2011a: 8).

Thus, while work on secrecy in mainstream IR and security studies tends to focus on states’ motivations for secrecy, and the circumstances under which secrecy is, or should be, maintained, there is little attention to exposure as a significant process in itself. In the following section, I show that advocacy for openness in practice tends to rely upon a similarly limited framework, wherein exposure acts as a straightforward switch to openness, with exposure of state secrets expected to lead straightforwardly to accountability. I do this through an examination of advocacy for transparency and exposure in fields ranging from journalism and activism, to institutionalized practices of states and the international community.

Expectations of transparency were broadly institutionalized as tools for state accountability in the latter half of the 20th century. In the U.S., dramatic exposures of state corruption and wrongdoing led to the institutionalization of expectations for government transparency (Olmstead, 1996), with the 1966 “Freedom of Information Act” providing a (limited) right of the public and journalists to request access to government records, while the “Sunshine Act,” introduced in 1972 and signed into law in 1976, mandated open access to official records. The U.S. would become a worldwide frontrunner in legislating transparency (Schudson, 2015), with expectations of transparency becoming embedded into political practice more widely via popular movements, journalism, advocacy, and institutional laws and practices. This has been characterized as a “current global resonance of tropes of

transparency as a universally desirable quality of organizations and institutions” (Jones, 2014: 56), resulting in a situation in which, “with the backing of a ‘movement’, transparency assumed the position of an unassailable ‘good’” (Birchall, 2011b: 60).

A similar valorization of exposure underlies a strain of political practice whose lineage can be traced from the muckraking journalists of the early twentieth century to contemporary projects such as Wikileaks, whose enactors conceptualized their potential impact based upon a belief that “first. . .one could reach transparency, and second, that transparency, by the mere fact of existing, will be the best guarantee for a democratic power and a free society” (Estop, 2014: 40). Recent works by journalists of the national security state evince a similar approach: Glenn Greenwald, writing about whistleblower Edward Snowden, declares: “Secrecy is the linchpin of abuse of power. . . its enabling force. Transparency is the only real antidote” (2014: 12), while Scott Horton, in *Lords of Secrecy*, casts secrecy as “highly corrosive to any democracy,” (2015: 17), and Priest and Arkin (2011) bemoan the rise of a new “*Top Secret America*,” whose existence enables illegal and unaccountable actions. Daniel Ellsberg, best known for his role in leaking the “Pentagon Papers” during the Vietnam War, recalls in his memoir, *Secrets*, that:

"As I observed the effect of this leak, it was if clouds had suddenly opened. I realized something crucial: that the president's ability to escalate, his entire strategy throughout the war, had depended on secrecy and lying and thus on his ability to deter unauthorized disclosures--truth telling--by officials” (Ellsberg, 2002: 204).

In each of these examples, there is an underlying assumption that exposure of state secrets will lead directly to openness and accountability.

Although this paper focuses on developments in the U.S., these have inspired a spate of similar transparency initiatives elsewhere, through an international “transparency

movement” and organizations such as Transparency International and the Sunlight Foundation (Birchall, 2011a: 11). Presumptions of the necessity, and effectiveness, of transparency and exposure underlie many of our contemporary systems of global governance, including international agreements seen as maintaining international peace and order and international rights, such as treaties protecting human rights and regulating the use of nuclear and other “weapons of mass destruction” (Sikkink, 2011; Walker, 2007). Here secrecy is generally viewed as a key barrier to democratic decision making and accountability, while openness, in the form of transparency and exposure, is conceptualized as the framework that allows publics to hold states to their proclaimed values, whether domestically or in the international community (Fenster, 2017).

Advocates of human rights and other protective norms also frequently assume that states, at least liberal democratic states, have an interest in reputation management that will drive them to conceal their worst actions (Clark, 2001; Dezalay & Garth, 2006; Iriye, Goedde & Hitchcock, 2012; Keck & Sikkink, 1998). And it is presumed, or at least hoped, that the rise of international laws, and concrete forms of sanction such as prosecutions in the International Criminal Court, will act as a deterrent to states (Sikkink, 2011). Given the common presumption that states have incentives to lie about actions that violate international agreements, it follows that current practices, from inspections of weapons sites to the reports on human rights violations compiled by groups such as Amnesty International, mandate transparency, and support organized practices of exposure, in order to sustain an international order based upon shared norms and values (McCarthy & Fluck, 2017). In both domestic and international spheres, expectations of transparency, and threats of exposure, have thus been framed and institutionalized as a means of accountability.

A key difficulty, however, is that these dominant approaches to thinking about secrecy and openness tend to be premised upon a valorization of transparency that assumes it

just *works*. A largely unspoken theory of knowledge and politics provides the logic undergirding this relationship: that state secrecy, once exposed, will lead to accountability. This entails underdeveloped theories of both *information*, and *the public*, with both lacking a sufficiently developed theory of the relation between power and knowledge. It assumes that information is neutral, lacking a “politics” beyond being enclosed, or not, and will become immediately available for action once released. Underlying such a model of action is a theory of change that presumes a particular model of agency for the public, that has an interest and ability to effectively act upon information, once it is available. I propose that a more developed theory of exposure may be able to diagnose what happens when exposure occurs, and under what conditions it may or may not achieve its goals. The next section argues that we can marshal insights from the new interdisciplinary literature of secrecy to address some of the shortcomings in traditional theories of secrecy and exposure.

This new literature argues that secrecy should be understood not simply as the withholding or blocking of information, but as a complex set of social relations. Contributions to this literature have often focused on understanding secrecy and visibility as complex, multilayered phenomena (Horn, 2013; Van Veeren, 2018) and conceptualizing secrecy as a practice, enumerating the tensions and difficulties through which states of “secrecy” and “openness” are maintained (Masco, 2010; Paglen, 2010; Van Veeren, 2014). Drawing upon multiple disciplines, including science studies, anthropology, and geography, authors in this approach argue that we should analyze secrecy and transparency not as a binary set of opposites, but as intimately related or even co-constituted (e.g. Birchall, 2011a; Birchall, 2011b; Bratich, 2007; Horn, 2011).

Drawing upon work in science and technology studies that argues knowledge, evidence, and facts are always both social and material accomplishments (e.g. Latour, 1987; Poovey, 1998), authors have critiqued a so-called “cybernetic” or “information model”

within mainstream approaches to secrecy, wherein exposure is equated simply with bringing information to persons or publics who lack it, with the underlying assumption that the information exposed was not already publicly known, and that exposure itself will lead to consequences/ change/ action (Fenster, 2015: 152). A key component of this approach is the critique of knowledge as “information” whose meaning is self-evident, requiring no political or social interpretation, imagining that truth simply exists “out there” (Dean, 2002: 8). While transparency is widely conceptualized as neutral, technical, or apolitical (Birchall, 2014), this ostensible apoliticality obscures the role of political action and interpretation in making information “knowable” and available for action, while a related critique targets a “vision of radical transparency” in which the release of information automatically leads to political change (Roberts, 2012: 121). Research has often focused on thick descriptions of how secrecy operates as a set of relations or practices, with secrecy conceptualized not as simply the blacking out of information, but as set of practices and social relations that make knowledge accessible, shareable, or inarticulable in certain circumstances but not others (e.g. Aradau, 2017; De Goede & Wesseling, 2017; Gusterson, 1996; Kearns, 2016; Masco, 2002; Paglen, 2010; Van Veeren, 2014; Walters, 2015). Literature in this vein often focuses on analyzing *how* secrecy occurs, and what it looks like in practice, rather than practical questions of whether the state can keep information from the public, or normative questions about whether it ought to do so.

However, even in this new secrecy literature, little attention has been paid to disruption and change—including processes such as exposure and revelation, through which the “secret” and the “public” are transformed. I thus build upon this literature by developing a new conceptual framework for the analysis of exposure as a process. In the following section, I apply this framework to an analysis of the process through which the use of torture by the U.S. in the war on terror came to be known. In so doing, I demonstrate the usefulness

of a framework in which exposure is conceptualized not as a single moment of information release, but as a process that occurs over time. This case study also highlights the key role of interpretation: the (often contentious) process of making sense of information, and of relating it to existing public discourse. The answers to questions such as: “what counts as an exposure?”, “when does exposure begin?”, and “when has an exposure occurred?” are neither obvious but rather contentious and contingent.¹ I break down the process of exposure into two component parts: releases of information, or, colloquially, moments of exposure; and revelation, or a collective recognition that something new has come to be publicly known. This is not to suggest that exposure necessarily occurs as a linear process, moving in an orderly fashion from one step to the next. Nor am I proposing to have discovered a universal model of how exposure works: this would be contrary to my central claim that exposure is a variable process. Rather, I introduce a set of conceptual tools that may be assembled in multiple ways in order to analyze any particular case, and which may serve as the basis for future work that aims to analyze or compare broader patterns of exposure across time and space.

Exposing American Torture

By the end of the twentieth century, the principle of respect for human rights was almost universally acknowledged, with the prohibition of torture, in particular, having attained a settled, almost sacred, status, as the most fundamental of these rights (Ignatieff, 2003; Shue, 2006; Sutton & Norgaard, 2013). This is not to say that no states engaged in torture, only that it was presumed that any states daring to break the norm would keep it secret, and that it would be rare to find open acknowledgement of the practice (Gordon, 2014; Luban, 2014). The U.S. was here no exception, with America's 1999 report to the UN

¹ Thanks to an anonymous reviewer for highlighting the significance of these questions.

Committee Against Torture proclaiming that, "torture is prohibited by law throughout the United States. It is categorically denounced as a matter of policy and as a tool of state authority" (as quoted in Sikkink 2001:196-7). As we now know, however, only two years after this proclamation to the U.N., the U.S. made ongoing, planned, and formally authorized use of torture in the war on terror (Bassiouni, 2006; Danner, 2004; Greenberg, 2006; Hajjar, 2013; McCoy, 2006; Raphael et al., 2016). This section explores the process of how information about this use of torture entered the public sphere, and how the "revelation" that the U.S. was engaging in torture emerged.

It is commonly presumed that the use of torture in the war on terror was first exposed by the Abu Ghraib scandal, precipitated by the airing, in April 2004, of photos depicting abuse and torture of prisoners by American soldiers at the Iraqi prison. However, it is not the case that the use of torture by the U.S. in the war on terror was, prior to this scandal, entirely unknown. And I am not referring here simply to rumors, whispers, or reports circulated to limited readerships, but to material published in mainstream national newspapers. American torture, both before (Harbury, 2005; McCoy, 2006; Otterman, 2007; Rejali, 2009), but especially after, 9/11, is better understood as a *public secret* (Taussig, 1999), rather than something strictly unknown. In the interest of using a conservatively circumscribed understanding of when information has become "public," this case study relies primarily on material published in the two most prominent national newspapers in the U.S.: *The New York Times* and the *Washington Post*.

Information suggesting U.S. use of torture in the war on terror was made public repeatedly, through a wide variety of modes, including hints, leaks, investigative journalism, whistleblowing, allegations and accusations, well prior to the release of the Abu Ghraib photos. I trace here some of the key instances through which information about the use of torture was made publicly available between September 2001 and April 2004, and show that

these did not lead in a direct or linear fashion to a revelation. On the contrary, these multiple instances of “exposure” generally failed to coalesce into a shared understanding that torture was occurring, or indeed that anything of significance had been “revealed” at all. Instead, what resulted, at least for much of 2002 and 2003, was a fractured and contradictory public discourse in which acknowledgements of specific torture techniques coexisted with denials that torture was being used.

Soon after the September 11th attacks, hints of unorthodox interrogation methods began to appear. In one of the earliest such instances, Vice President Dick Cheney, appearing on NBC’s “Meet the Press” on September 16, 2001, suggested the U.S. might need to turn to the “dark side” to fight terrorism.² Throughout the remainder of 2001, debates over how terrorist suspects should be treated, and potential interrogation methods, such as sleep deprivation and “stress positions,” were freely discussed in the press. Public acknowledgements of practices previously classed as torture—including sleep deprivation, caging, secret disappearances and renditions to countries known to use torture, withholding of pain medications, and waterboarding—appeared throughout 2002 and 2003. And yet, even as they continued to accumulate, these “exposures” failed to coalesce into a collective recognition that the U.S. was engaging in torture.

The path to revelation, or the collective acknowledgement that secrets have been exposed, is thus not simply a linear additive process. This can be further illustrated through the emergence of two paired modes of talking about prisoner treatment: the emergence of evidence regarding the use of specific interrogation techniques that would, in other circumstances, have been labeled torture, paired with denials that these practices actually constituted torture. This pattern took off following the April 2002 capture of Abu Zubaydah,

² Meet the Press (NBC television broadcast Sept. 16, 2001) *transcript*: <http://georgewbush-whitehouse.archives.gov/vicepresident/newsspeeches/speeches/vp20010916.html>

named as bin Laden's "lieutenant" by the U.S. government. Although his capture was heralded by official assertions that torture would not be used, these assertions often appeared directly alongside explicit discussions of the (supposedly non-torture) tactics that would be used, including sleep deprivation and "psychological" techniques. For example, on April 4, 2002, the *New York Times* reported on Secretary of Defense Donald Rumsfeld's statements at a press conference that

"although Mr. Zubaydah's interrogators would eventually draw 'every single thing out of him' that might head off terrorist acts, the questioners would not resort to torture. 'He will be properly interrogated by proper people who know how to do these things,' Mr. Rumsfeld said, dismissing reports that Mr. Zubaydah might be sent to a third country that employed torture methods" (Johnston, 2002).

Later that same month, *The New York Times* would report that Zubaydah was being subjected to "nonviolent forms of coercion. . .including sleep deprivation and a variety of psychological techniques that are meant to inspire fear" (Shenon, 2002). Simultaneously, however, sometimes reported in these same articles, the Bush administration was asserting that Abu Zubaydah would not be subjected to torture, with an emphasis on the professionalism and effectiveness of interrogators (Johnston, 2002; Shenon, 2002; Shenon & Risen, 2002).

As time passed, this approach—of admitting the use of specific interrogation techniques, while denying that these methods constituted torture—persisted. On June 16, 2002, the *New York Times* published what seems to be their first piece explicitly questioning whether the U.S. was using torture (Schmitt, 2002). Titled, "There are ways to make them talk," it noted that American officials had announced that they had broken up a plot for a so-called "dirty bomb" based upon information they had obtained from Abu Zubaydah, using this event to open up the question of how officials were obtaining intelligence from prisoners,

and linking this a public debate on the permissibility of torture that had emerged since the 9/11 attacks.

“Since September 11, there has been some public discussion in this country of whether torture would be justified if it produced information that could save American lives. . . Military officials say torture is not an option. But, they said, under the Geneva Conventions, anything short of torture is permissible. . . ‘We don’t beat people with rubber hoses,’ said a senior military official familiar with interrogation techniques, ‘that’s not how we do business’” (Schmitt, 2002).

This official’s claims that: “we don’t beat people with rubber hoses,” here frames torture as something that only unsophisticated, uncivilized people do, and poses a contrast to the sorts of techniques whose use had been admitted at this point, such as sleep deprivation, withholding of food, and psychological manipulation. The suggestion is that these techniques are scientific, effective, and precisely applied, and therefore not torture, which should be reserved for unregulated, brutal, or sadistic practices. This distinction between clean, professional, “interrogation,” and brutal “torture” has a clear resonance with an orientalist notion of the U.S. as a “civilized” actor whose actions are, almost by definition, benign, while resigning “torture” as something that only occurs in “othered” contexts (Mokhtari, 2009; Said, 1978).

The public debate following the March 2003 capture of Khalid Sheikh Mohammed, named in the *9/11 Commission Report* (National Commission on Terrorist Attacks, 2004: 145) as the “principal architect of the 9/11 attacks,” echoed that following the capture of Abu Zubaydah the year previous, with similar patterns of paired acknowledgement and denial. A report in the *New York Times*, while titled, “Questioning to Be Legal, Humane and Aggressive, The White House Says,” acknowledged that:

"In seeking information from Qaeda members, the United States has deprived suspects of sleep and light, kept them in awkward physical positions for hours and used psychological intimidation or deception to confuse and disorient them, official said" (Lichtblau, 2003).

This article further includes official acknowledgements that US interrogators have withheld pain medication from injured prisoners, and rendered suspects to countries known to use torture (Lichtblau, 2003).

In perhaps the most dramatic example of a clear "exposure" that yet failed to result in a revelation (or public acknowledgment that significant exposures had occurred), a front-page story in the *Washington Post*, published on December 26, 2002, included explicit quotes from American officials acknowledging that prisoners were being subjected to practices equivalent to torture. An "official who has supervised the capture and transfer of accused terrorists," declared, "If you don't violate someone's human rights some of the time, you probably aren't doing your job" (Priest & Gellman, 2002). Another "official who has been directly involved in rendering captives into foreign hands," told reporters that, "We don't kick the [expletive] out of them. We send them to other countries so they can kick the [expletive] out of them" (Priest & Gellman, 2002). And Cofer Black, then head of the CIA Counterterrorist Center, told a reporter that "There was a before 9/11, and there was an after 9/11. . . After 9/11 the gloves come off" (Priest & Gellman, 2002). Yet, although this piece contained some of the most explicit acknowledgements of the use of torture to date, it had relatively little impact. Instead the allegations came to be treated as mere hints, and were eventually absorbed into the general ongoing narrative of U.S. practices as perhaps "harsh interrogation," but certainly not "torture."

Despite these repeated releases of information, it was not until the broadcast of the Abu Ghraib photos that there was a revelation, or collective recognition, that torture was being used. How and why did torture become publicly “known” only in April 2004? The usual conceptualization of exposure as a “switch” from secrecy to openness is unable to explain why, among multiple instances of exposure (or release of information), only the Abu Ghraib photos provoked a “revelation.” The usual answer here is that this instance was unique insofar as it offered photographic, and not merely textual, evidence, and that images are more powerful and disruptive than mere words, and photographic evidence is less deniable than textual reporting (Del Rosso, 2015). Although this is surely part of the answer, the Abu Ghraib photos were not the first photos depicting torture of war on terror prisoners: for example, on May 30 2003, a British soldier “was arrested. . . after he left a roll of film at a photo store that appeared to show an Iraqi prisoner being tortured” (Alvarez, 2003). So it cannot be the mere existence of photographs that turns an exposure into a revelation.

The Abu Ghraib photos did not simply provide depictions of torture. They also fundamentally disrupted the ways in which torture had been conceptualized in the post-9/11 public debate. They presented stark visual evidence that contradicted official attempts to depict the treatment of prisoners, including those targeted for “harsh interrogation,” as highly regulated, professionally carried out, and performed with measured, cool, effectiveness. These pictures thus belied the “myth of the instrumental use of torture” (Richter-Montpetit, 2014: 45), providing instead highly sensationalized images of American soldiers who seemed to take pleasure in imposing sexualized humiliations upon their prisoners.

That the “revelation,” or collective acknowledgement, of the use of torture in the war on terror occurred only after the release of the Abu Ghraib photos, and not in response to any of the previous “exposures” must be understood by placing these exposures within the context of an ongoing debate about the ethical and legal permissibility of torture that

permeated American public discourse since 9/11. Despite claims that human rights, and particularly the prohibition on torture, had taken on a sacred, almost unspeakable, status by the end of the twentieth century (e.g. Ignatieff, 2003), debates about torture, including advocacy for its use, were pervasive in the aftermath of 9/11. A public debate on the ethical and legal permissibility of torture began to take shape in the U.S. just weeks after 9/11 (Brooks & Manza, 2013; Del Rosso, 2015; Gordon, 2014; Greenberg, 2006; Hajjar, 2013; Levinson, 2004; Porpova et al., 2013; Zegart, 2012). Furthermore, advocacy for the use of torture, or at least its consideration, was not the sole province of partisan outlets such as Fox News or right-wing talk radio. On the contrary, many of the most prominent figures raising the question styled themselves as liberals and were published in the mainstream media (e.g. Alter, 2001). Popular magazines such as *Newsweek*, *The Atlantic*, and *The Economist* published cover stories arguing for and against, and a number of prominent philosophers and lawyers came out publicly in favor of its permissibility (Greenberg, 2006; Gross, 2004; Levinson, 2004; McCoy, 2006: 178).

From September 2001 through March 2004, the public discourse on the use of interrogational torture in the war on terror followed two largely parallel strands. Alongside the periodic exposures and fractured acknowledgements and denials shaping the debate over the nature of the actual treatment of prisoners, there was what I call an “abstract” ethical debate around the question of whether the U.S. *ought* to torture terrorist suspects. This debate frequently centered around the so-called “ticking time bomb” narrative, in which the question is posed if a prisoner should be tortured in order to learn the location of a “ticking bomb.” In the context of this scenario, it is generally assumed that torture is safe, professional, and effective: in other words, that the only question is about whether or not it might sometimes be permissible to use torture, and not whether torture is an effective avenue to gaining information.

In its initial form, which emerged shortly after September 11, 2001, this debate was largely hypothetical, seemingly taking place under the presumption that torture was *not already* being used. This was sometimes explicitly stated, as in a November 10, 2001 *New York Times* piece, which declared that “We trust the Bush administration is not seriously considering torture,” labeling this “an idea that seems more interesting to radio talk shows and columnists than to government officials” (New York Times, 2001). This debate over the permissibility of torture was also hypothetical in a second sense, insofar as the debate was largely framed in terms of an imagined *hypothetical* scenario, the “ticking time bomb” narrative. The details vary in the retelling, but the plot, the characters, and the conclusion generally remain the same. As conservative columnist Charles Krauthammer put it:

“A terrorist has planted a nuclear bomb in New York City. It will go off in one hour. A million people will die. You capture the terrorist. He knows where it is. He’s not talking. Question: If you have the slightest belief that hanging this man by his thumbs will get you the information to save a million people, are you permitted to do it?” (New York Times, 2005).

Rather than grappling with the possibility that the U.S. was already torturing prisoners, commentators posed this as a moral and legal concern that the country needed to face with regard to potential *future* action.

Throughout this “hypothetical” public debate, the question of whether torture might ever be acceptable often turns toward attempts to draw a line between acceptable and unacceptable forms of torture and coercion. This is sometimes made explicit, as in Jonathan Alter’s piece titled “Time to Think About Torture”, published in the November 5, 2001 issue of *Newsweek*, which dramatically opens:

“In this autumn of anger, even a liberal can find his thoughts turning to... torture. OK, not cattle prods or rubber hoses, at least not here in the United States, but something

to jump-start the stalled investigation of the greatest crime in American history”

(Alter, 2001).

This opening encompasses the core arguments of the piece: first, that Americans must begin to consider using torture, and second, that it is possible to make a distinction between what Alter will come to label “torture”, that is, brute physical harm, which he ultimately deems unacceptable, and “coercion,” which he argues may be necessary (Alter, 2001).

In the “ticking time bomb” scenario, it is generally assumed that it is possible to enact torture in a way that is clean, scientific, and effective. Alan Dershowitz, one of the most prominent public advocates of torture in the aftermath of 9/11, was fond of recommending a “sterilized needle underneath someone’s fingernails to cause excruciating pain, but not after-effects” (National Public Radio, 2006). In his book, *Why Terrorism Works*, and in a number of op-eds published in papers across the country in 2001 and 2002, Dershowitz argued that torture was necessary, and perhaps inevitable, in the fight against terrorism, and that the U.S. ought therefore to institute a system of “torture warrants” in order to bring the process under legal control (Dershowitz, 2002). In each of these examples, the “ticking time bomb” acts to make the permissibility of torture seem like a reasonable option, and shifts the question from *is torture ever permissible*, to *what types of coercion are permissible*, and *under what circumstances?*

There is a significant parallel in how torture is conceptualized in these *hypothetical* debates, and in the rhetoric of acknowledgement of specific practices, paired with denial of “torture” that characterized the news coverage of interrogation practices from late 2001 through early 2004. These both tended to oppose precise, “civilized” techniques with barbaric, excessive ones—think back to Jonathan Alter’s invocation of “cattle prods” and “rubber hoses” as unacceptable, and, indeed, un-American. At the same time, however, we can observe a striking difference between the official discourse and the hypothetical debate.

Where state officials asserted that precisely because the techniques used were “nonviolent” they are not actually torture, the popular debate makes no such distinction, instead distinguishing between brutal, unacceptable, forms of torture and potentially acceptable “torture lite” (Wolfendale, 2009). Up until the release of the Abu Ghraib photos, these two discourses on torture existed alongside one another, but largely did not intersect: the abstract debate focused upon what we *should* do, while the concrete debate focused on what *was* actually happening.

The Abu Ghraib photos did not simply provide visual evidence that corroborated the accounts of former prisoners or human rights observers. They also disrupted the imagined abstract vision of interrogational torture as safe, professional, and effective. The images made it undeniable that what was happening was not the rational, “civilized” and measured forms of “enhanced interrogation” upon which the existing debate on the permissibility of torture was predicated, but instead comprised uncontrolled, even sadistic, practices that aroused widespread revulsion.³ *New York Times* columnist Tom Friedman exemplifies this response, writing, “I know that tough interrogations are vital in a war against a merciless enemy, but outright torture, or this sexual-humiliation-for-entertainment, is abhorrent” (Friedman, 2004). President Bush expressed “deep disgust” at the images (Shanker, 2004), the *New York Times* wrote that the photos defy “basic standards of human decency” (New York Times, 2004a) and op-eds highlighted the affective aspects of the images, citing “grinning American soldiers torturing Iraqi prisoners” and “gleefully brutalizing prisoners in exactly the manner most horrific to Muslims” (New York Times, 2004b). In the (UK) *Daily Telegraph*, British politician Boris Johnson “referred to female American soldiers photographed at Abu Ghraib as 'smirking jezebels from the Appalachians' and went on to ask

³ This finding echoes Del Rosso’s observations about the character of the debate in the Congressional hearings over the use of torture after Abu Ghraib (Del Rosso, 2015).

'How could the American army have been so crass, so arrogant, so brutal as to behave in this way?'" (quoted in Cowell, 2004). All of this was the polar opposite of the kind of detached, professional, effective "harsh interrogations" promised by officials (think of Rumsfeld's promise that detainees would be "properly interrogated by proper people who know how to do these things" (Johnston, 2002), or the "senior military official" who asserted that "We don't beat people with rubber hoses" (Schmitt, 2002)), as well as presumed in the abstract ethical debate.

It was therefore not simply the introduction of photographs, but the way that these disrupted existing understandings of a kind of professionalized "torture lite", that turned the Abu Ghraib photos from an exposure into a revelation. The photos disrupted the ability to continue treating torture as a public secret, rather than an open object of public concern. A key point here is that simply amassing *more* information, was not sufficient to produce a revelation about the use of torture. Just as conceptualized in the new secrecy literature, the "secret" status of torture after 9/11 is better understood as a set of constraints on how it could be known and spoken of, rather than a complete absence of public discourse on the subject. Consequently, the process of exposure is better understood as not simply the removal of secrecy, but a change in how something can be known, spoken of, and understood.

The preceding section has thus demonstrated that the question of when and how new information produces a "revelation" cannot be simply be understood as the result of properties of information itself, but instead must be seen as the outcome of an interpretive process. But just as I have questioned the conceptualization of exposure as an automatic "switch" from secrecy to openness, I suggest that we also need to question the assumption of a direct link from openness to any particular outcome, such as accountability. The revelation, or collective recognition, that the U.S. had engaged in torture, was not the end, but rather the

start of a new cycle of interpretive contention over the meaning and significance of what had been revealed.

The Abu Ghraib photos led to the public revelation that torture had been used. This opened up a debate centered over the relation of the Abu Ghraib abuses to U.S. practices of interrogation more generally. Were the abuses at Abu Ghraib an isolated incident, or were they indicative of a more widespread pattern? Should the use of techniques such as sleep deprivation, waterboarding, and “stress positions” also be condemned as torture, or could these be classified as merely “enhanced interrogation”? And should such practices be condemned, or viewed as acceptable, whether or not they were classed as torture?

Following the Abu Ghraib scandal, the Bush administration took a two-fold tack, rhetorically differentiating the incidents at Abu Ghraib from “legitimate” uses of “harsh interrogation,” while defending the use of specific tactics such as waterboarding. This entailed a new strategy, of not only defending the practices in response to exposures, but also actively releasing further information about the program. In June 2004, just months after the airing of the photos, the Bush administration declassified the first set of “torture memos” written by his legal advisers. In September 2006, President Bush acknowledged the existence of CIA “black sites” where prisoners were secretly held, and his authorization of waterboarding and other “alternative” interrogation tactics, which he characterized as “tough”, “safe” “lawful”, and “necessary” on national television (Hajjar, 2011). In the aftermath of Abu Ghraib we see the state making strategic use of exposures in order to generate public support for its (illiberal) activities. Rather than an idealized process in which exposure and revelation enabled the public to hold states to account for their stated values- here, a commitment to prevent torture- what we see in this case is instead that exposure and revelation resulted in further interpretive conflict over whether practices of “enhanced interrogation” were justified. While liberal opponents of torture might have wished to see the

scandal result in an unambiguous repudiation of torture, the realignment that followed instead took the form of yet another interpretive battle, this one over the very definition of torture.

Conclusion

This article has argued for a reconceptualization of exposure as a process, in which contention over meaning making is central. It has argued that this process can be analyzed by breaking it down into steps, including, crucially, a distinction between *exposures*, or releases of information, and *revelation*, or a collective recognition that something new has become publicly known. However, this process is contingent- there is no set outcome or direction of travel, and not all exposures will lead to revelations. I have further argued that contestation is central to the process of exposure, and that we need to pay attention to not just contestation over when and whether information may be released, but, more crucially, contestation over what information means.

I have illustrated the usefulness of this framework by applying it to an analysis of the exposure and revelation of the use of torture by the U.S. in the post-9/11 war on terror. In the case of the exposure of the use of torture in the U.S. war on terror, the move from “exposure” to “revelation” entailed not just that information about the use of specific practices was made public, but that these practices came to be publicly, collectively, categorized as torture. The key question here was not whether specific practices should objectively be classified as “torture,” for example by reference to international law,⁴ but from shifts in collective understanding. In the case of torture in the war on terror, revelation required a new collective understanding that the U.S. *had indeed* made use of torture—in other words, not just that certain techniques had been used, but that these should properly be classified as torture. This framework entails two key claims that differentiate it from most

⁴ Recognizing here that some would argue that law is itself a site of contested, rather than objective, meaning (Gunnflo, 2016; Hurd, 2017; Jones, 2016; Kelly, 2012; Stampnitzky, 2016)

models of exposure of norm violations: first, that a process of exposure is not simply about releasing information that was unknown, and second, that exposure/revelation is less about *releasing* information, and more about a process of making it *comprehensible*, which always entails an interpretive process of relating information to existing discourse. In this case, the very question of what kinds of practices *count* as torture was a key axis of interpretive contention, and it was not until information came to light that disrupted existing discourses about torture that a revelation could occur.

This paper has thus highlighted that exposure is an important phenomenon in its own right, and provided a set of tools for describing how exposure unfolds in practice. It has not put forth a universal model of exposure, but rather, suggested that the variability of this process is itself crucial to understanding it. This reconceptualization of exposure as a process opens up several new potential directions for further research. First, while this paper has focused upon the importance of paying attention to the production of revelation, or the collective acknowledgement that something new has come to be publicly known, as a contingent process, future work might productively apply a similar approach to the outcomes or responses to revelation. While, as discussed above, it is commonly assumed that exposures lead directly to accountability, or realigning actions so as to be compatible with stated normative commitments, differing processes of exposure and revelation may lead to different responses, or realignments, may also take other forms, such as attempting to reinterpret (the revealed) actions and norms so as to seem compatible, or even rejecting the seemingly violated norms altogether. Second, the approach introduced here may be applied more generally to analyzing how things come to be collectively known. Reconceptualizing exposure as a political and interpretive process, rather than a switch, has potential applicability to the explanation of phenomena ranging from how and when “whisper networks” circulating information about sexual harassers turn into public accusations, to how

a politician who seems to delight in openly breaking norms might suddenly find himself under official investigation (Loofborouw, 2019). Finally, the framework introduced here may also enable future work that identifies patterns in how exposures unfold across various contexts. Just as it has been suggested that state secrecy is subject to historical shifts, and that the ability of states to maintain secrecy may be declining (Aldrich & Moran, 2019), it is possible that exposures may work differently in different contexts, and that the contexts in which exposure “works” may shift over time. This framework for analyzing exposures could thus open up a field of analysis of secrecy and exposure as themselves historically contingent phenomena.

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